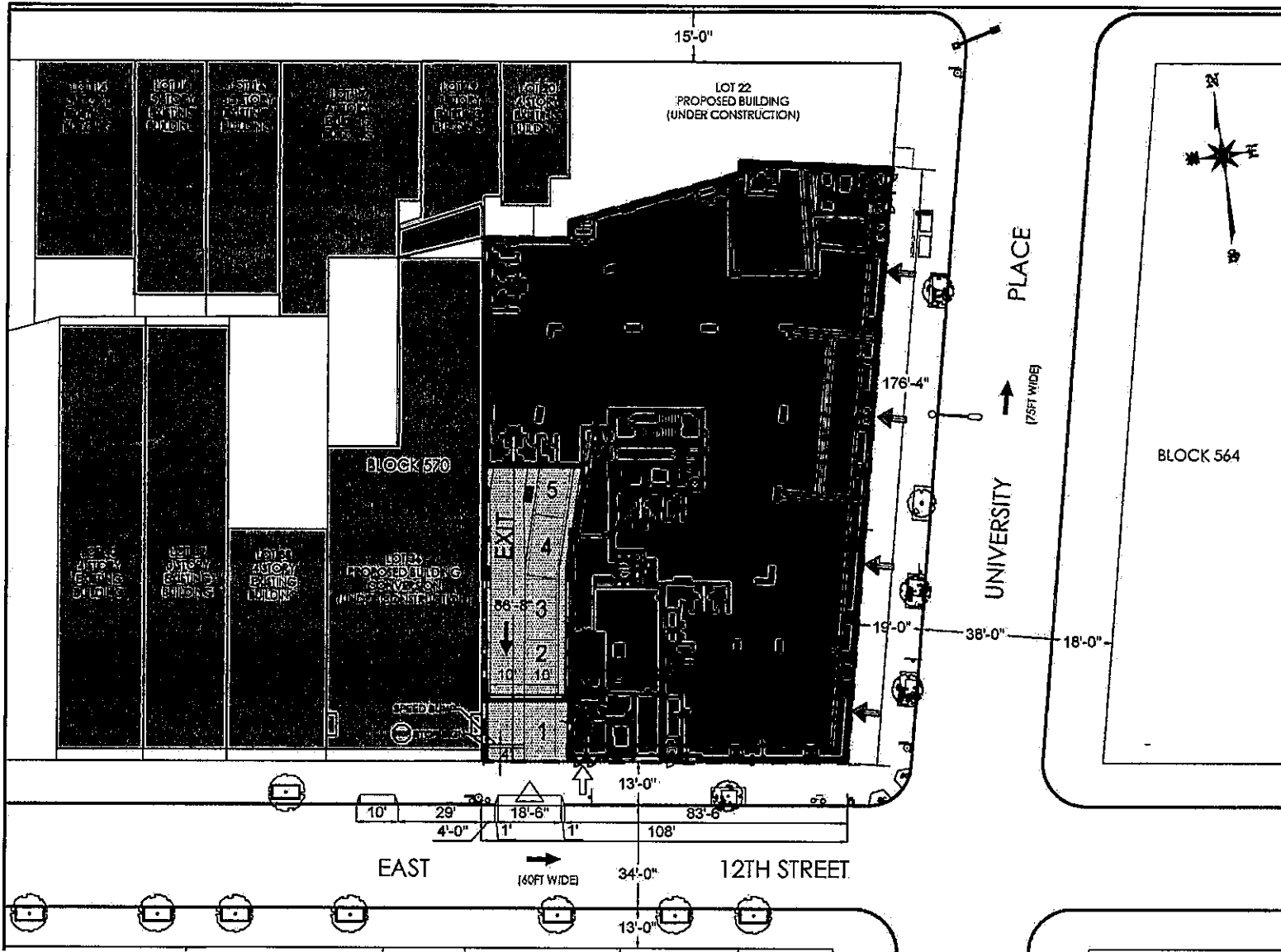


**21 East 12<sup>th</sup> Street**  
**Testimony of Robert E. Flahive**  
**City Council Subcommittee on Zoning and Consents**  
**March 12, 2018**

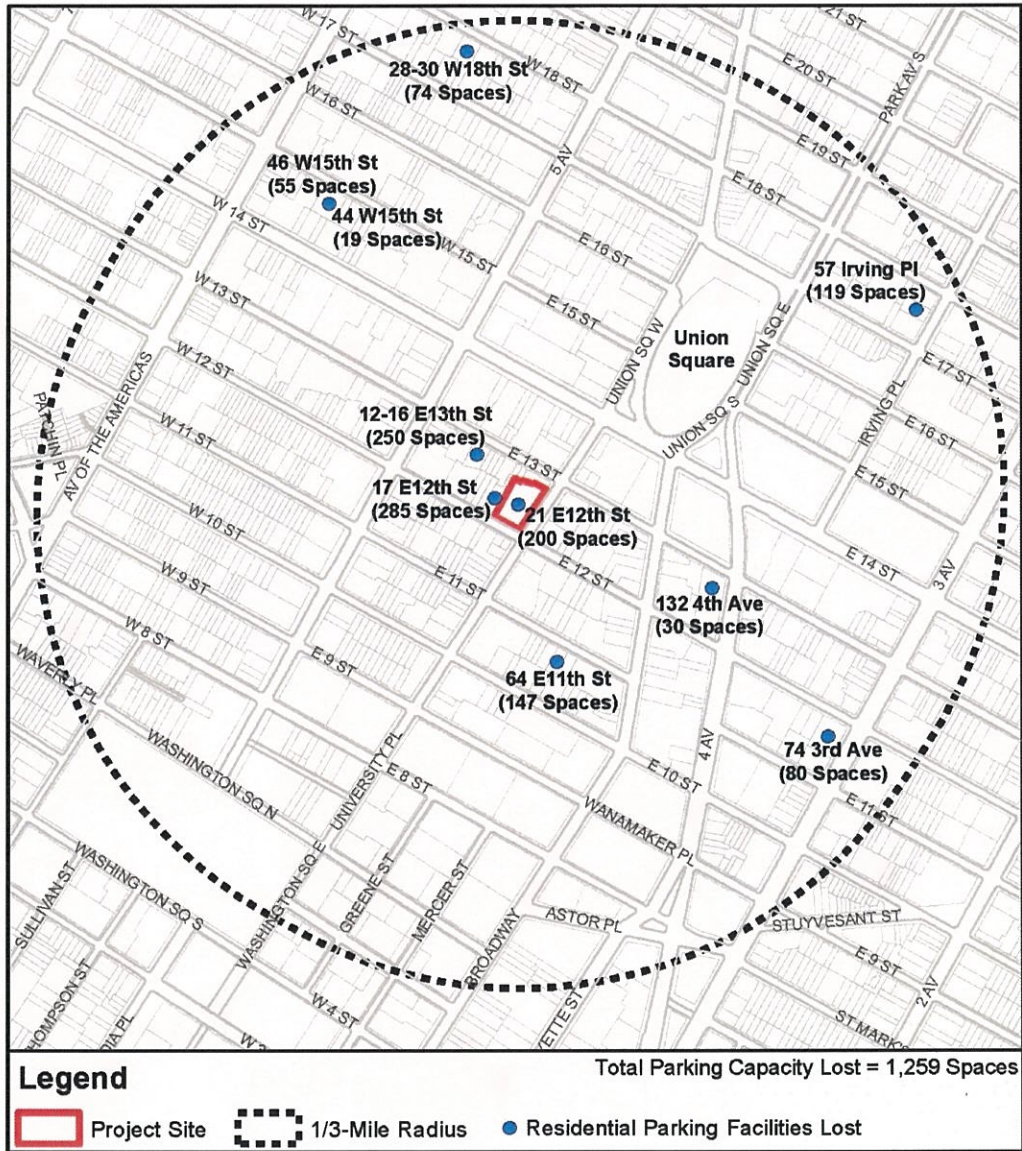
- Good morning, Chairman Moya and Committee Members. My name is Robert Flahive from the firm of Kramer Levin. We represent 21E12 LLC, the applicant for a special permit for a 187-space public parking garage at the corner of East 12<sup>th</sup> Street and University Place. As noted by the previous speaker, a 200-car public parking garage with curb cuts on both East 12<sup>th</sup> Street and University Place had operated at this site from 1921 until it was recently demolished. The Proposed Garage will be slightly smaller and will have a single entry/exit on East 12<sup>th</sup> Street with retail shops along University Place. However, the current zoning regulations governing parking in the Manhattan Core do not provide a mechanism to approve a replacement garage and therefore we are seeking approval of a special pursuant to ZR Section 13-451 that permit additional parking for residential growth
- In creating the special permit for “Additional Parking for Residential Growth” in 2013, the City Planning Commission and the City Council established specific standards for assessing neighborhood “parking need.” It is basically a two-part test that measures residential parking demand for the area and parking supply.
- In terms of residential parking demand, our Application documents that a total of 769 new residential units were developed in the study area since 2006. At the 20% target level, these 769 dwelling units generate a demand for 154 new residential parking spaces. However, only three of the 41 new or converted buildings actually provided parking (with a total of only 21 parking spaces). Therefore, there is a significant parking “deficit” on the demand side.
- In terms of parking supply, our Application documents that 1,259 spaces in 10 parking facilities within the study area have been eliminated since 2006. As shown on this map, this loss of parking is concentrated in the immediate area around our site. In fact, three garages with a total capacity of 735 spaces were demolished or converted to residential use **just on our block alone**. (This includes the 200-space garage that had previously operated at the site.)

- This combination of increased residential demand and a reduction in parking supply translates to an existing “parking ratio” for the study area of minus (-) 92%, which is significantly below the plus (+) 20% target specified in the zoning regulations. In laymen’s terms, the current “parking deficit” for the neighborhood totals 843 spaces; this “parking deficit” includes 113 spaces attributable to the new residential developments that have not provided any parking plus the 730 “residential parking spaces” that have been demolished. The 187-space Proposed Garage will only address a small fraction (22%) of this “parking deficit”.
- ZR Sections 13-45 and 13-451 provide the City Planning Commission and the City Council with authority to grant special permits for additional parking spaces for residential growth in the Manhattan Core subject to specific findings. We believe that the materials submitted with this Application provide sufficient documentation to make each of the required findings and approve a special permit for the Proposed Garage with 187 spaces.











# Garages Near 21 East 12th Street







**Legend**

- Project Site
- 600-Foot Radius
- 571** Tax Blocks
- 12 Building Footprints & Number of Floors

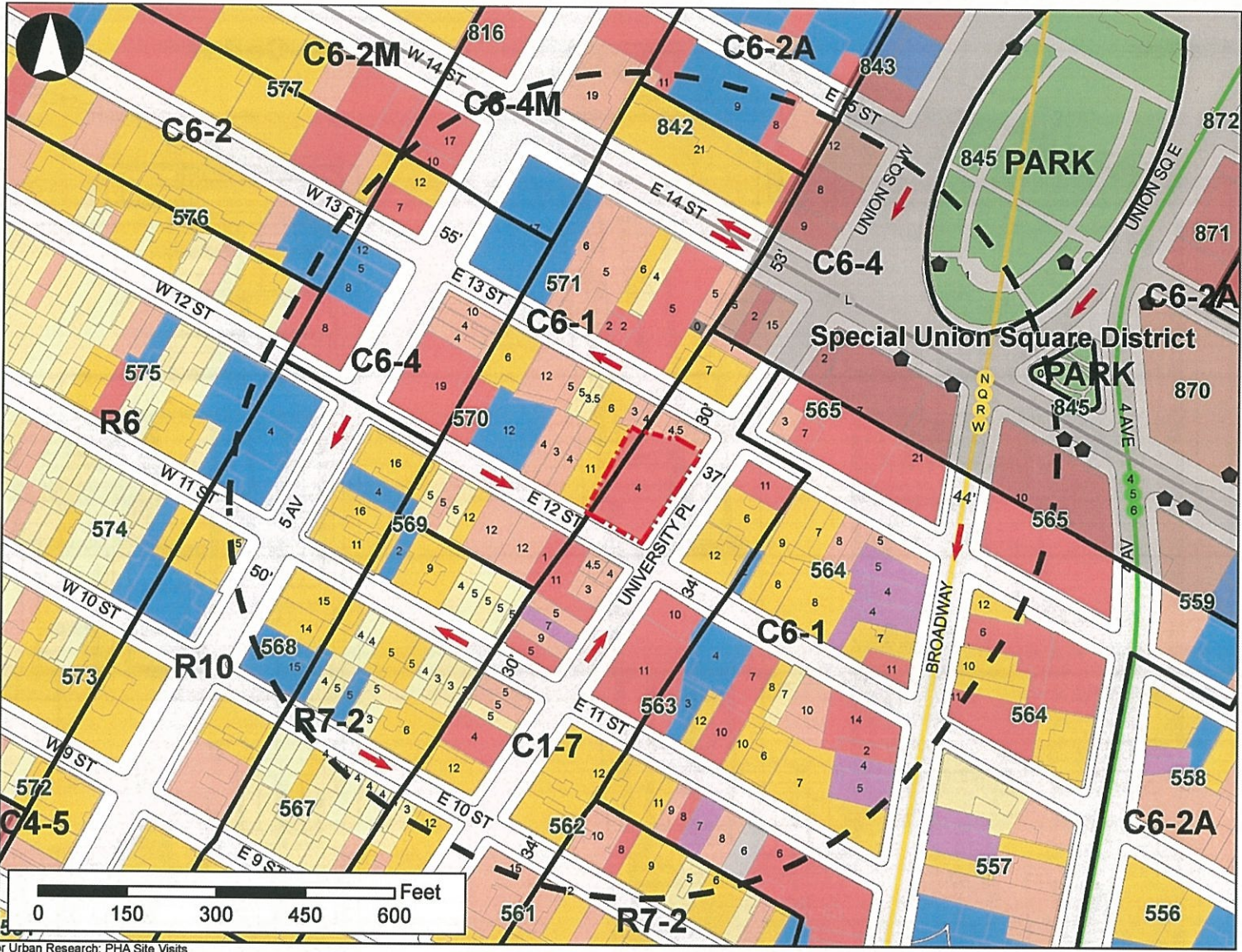
**Land Use**

- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

**R6** Zoning Districts

**US** Special Districts

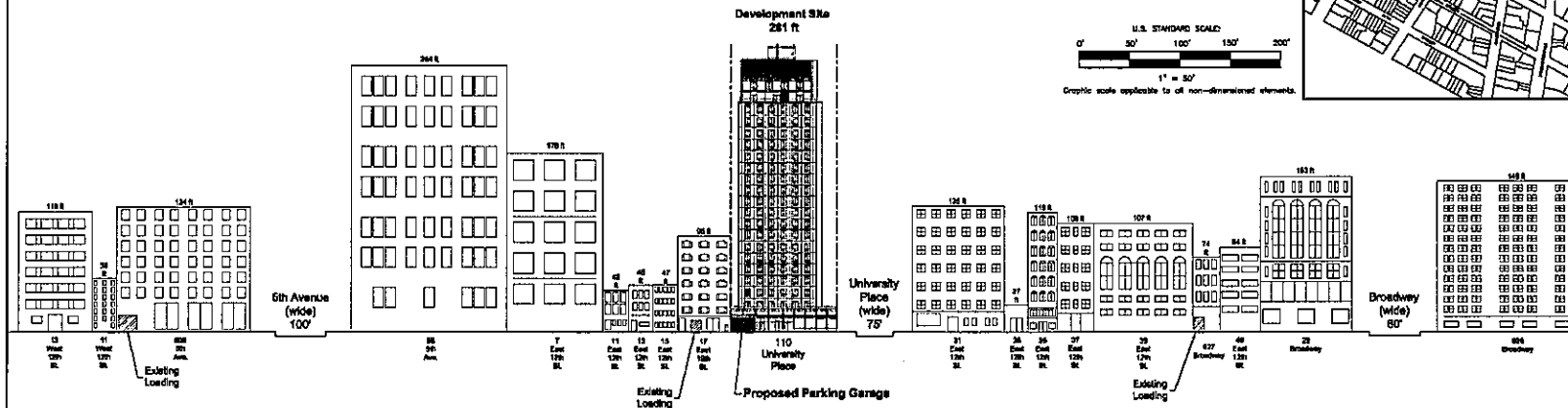
- Subway Entrances
- 60' Street Widths
- Street Directions



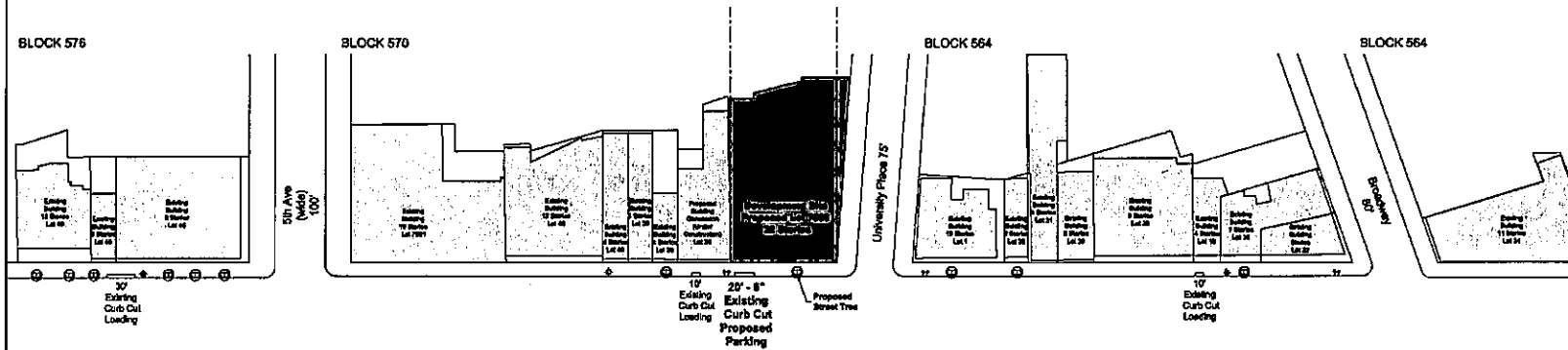
Sources: 2016 NYC DCP PLUTO Data; DoITT; CUNY Center for Urban Research; PHA Site Visits



**Neighborhood Character Diagram/Streetscape Elevation**  
for parking special permits

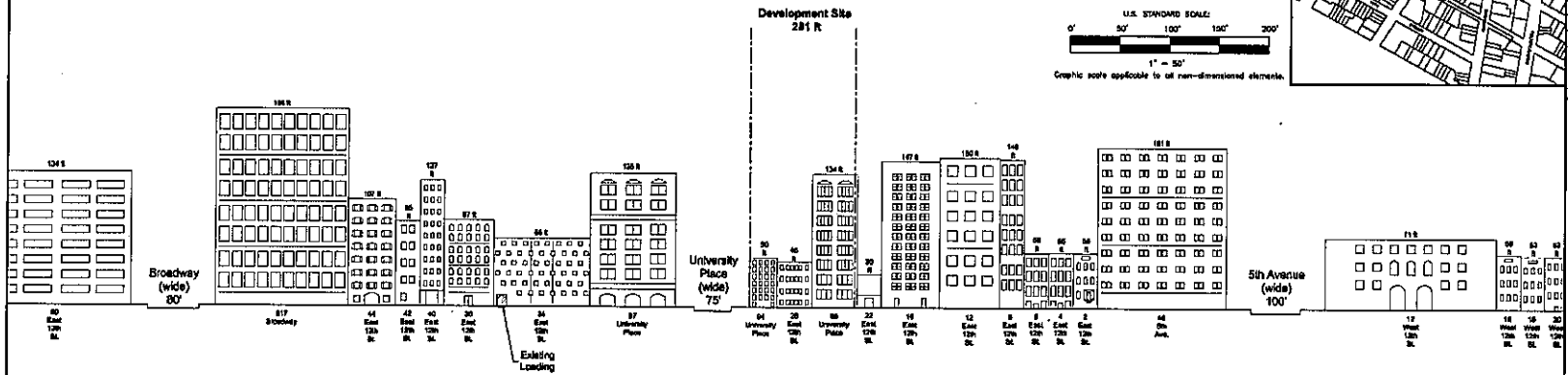
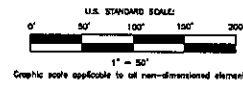
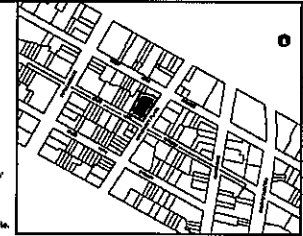


**STREETSCAPE ELEVATION:  
NORTH VIEW ALONG EAST 12TH STREET**

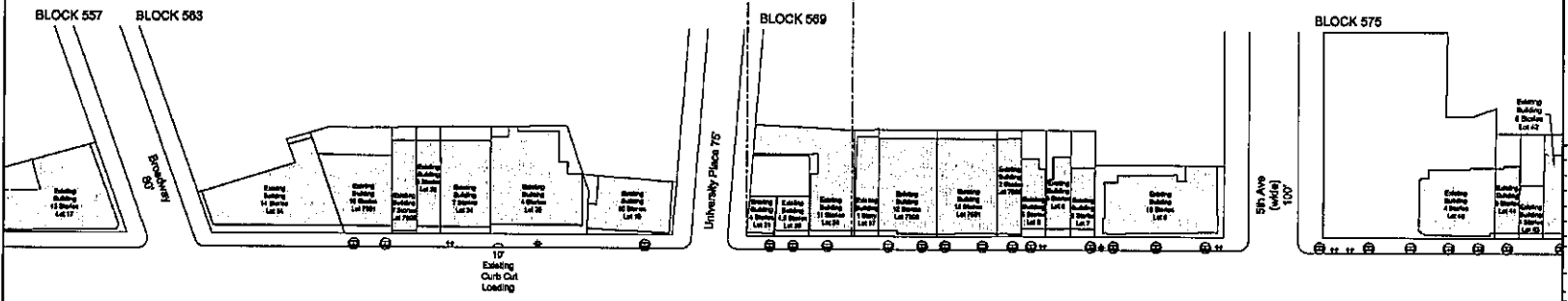


**PLAN VIEW:  
NORTH VIEW ALONG EAST 12TH STREET**

**Neighborhood Character Diagram/Streetscape Elevation**  
for parking special permits



**STREETSCAPE ELEVATION:  
SOUTH VIEW ALONG EAST 12TH STREET**



**PLAN VIEW:  
SOUTH VIEW ALONG EAST 12TH STREET**

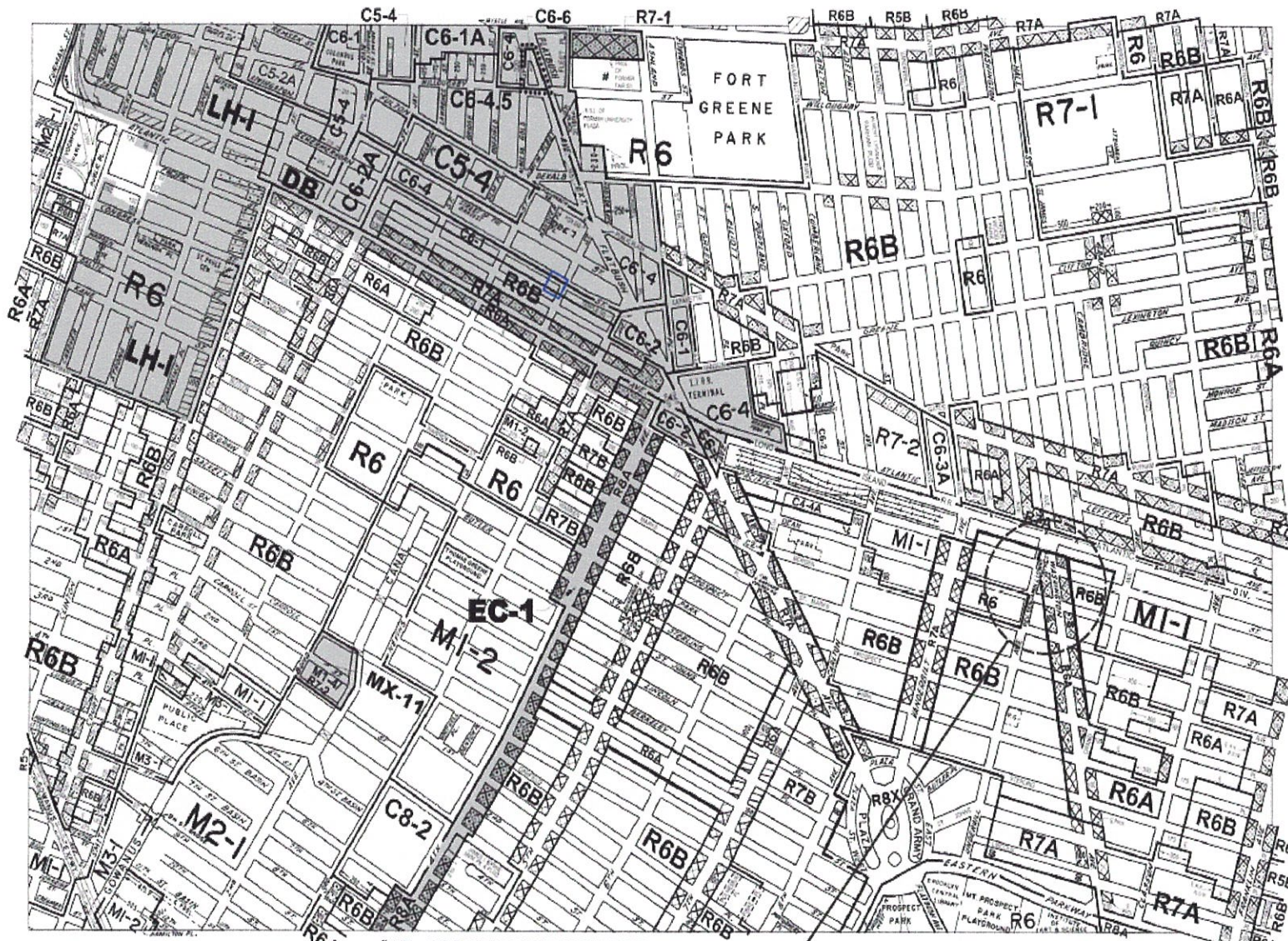
35 UNDERHILL AVENUE REZONING  
BROOKLYN, NEW YORK

ULURP No. N 180095 ZMK



CITY COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES  
PUBLIC HEARING  
MARCH 12, 2018





# ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**  
 The letter(s) and/or letter(s) in italics that follow R, C or M district designator indicates lot, block and other controls as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT (The letter(s) within the shaded area designate the special purpose district as described in the text of the Zoning Resolution)
- AREA(S) SEZONED

**Effective Date(s) of Rezoning:**  
 11-16-2016 C-160330 ZMK

**Special Requirements:**  
 For a list of lots subject to DGP environmental requirements, see APPENDIX G.  
 For a list of lots subject to "D" restrictive designations, see APPENDIX G.  
 For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX I.

**MAP KEY**

12b	12d	13b
16a	<b>16c</b>	17a
16b	16d	17b

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ZONING MAP 16c



# NOTE: STREETS FOR THE DOWNTOWN BROOKLYN STREET MAP CHANGES (C 03051AMMK - C 030516MMK) ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES

# NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution

Proposed Project Area

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website [www.nyc.gov/planning](http://www.nyc.gov/planning) or contact the Zoning Information Desk at (212) 720-3281





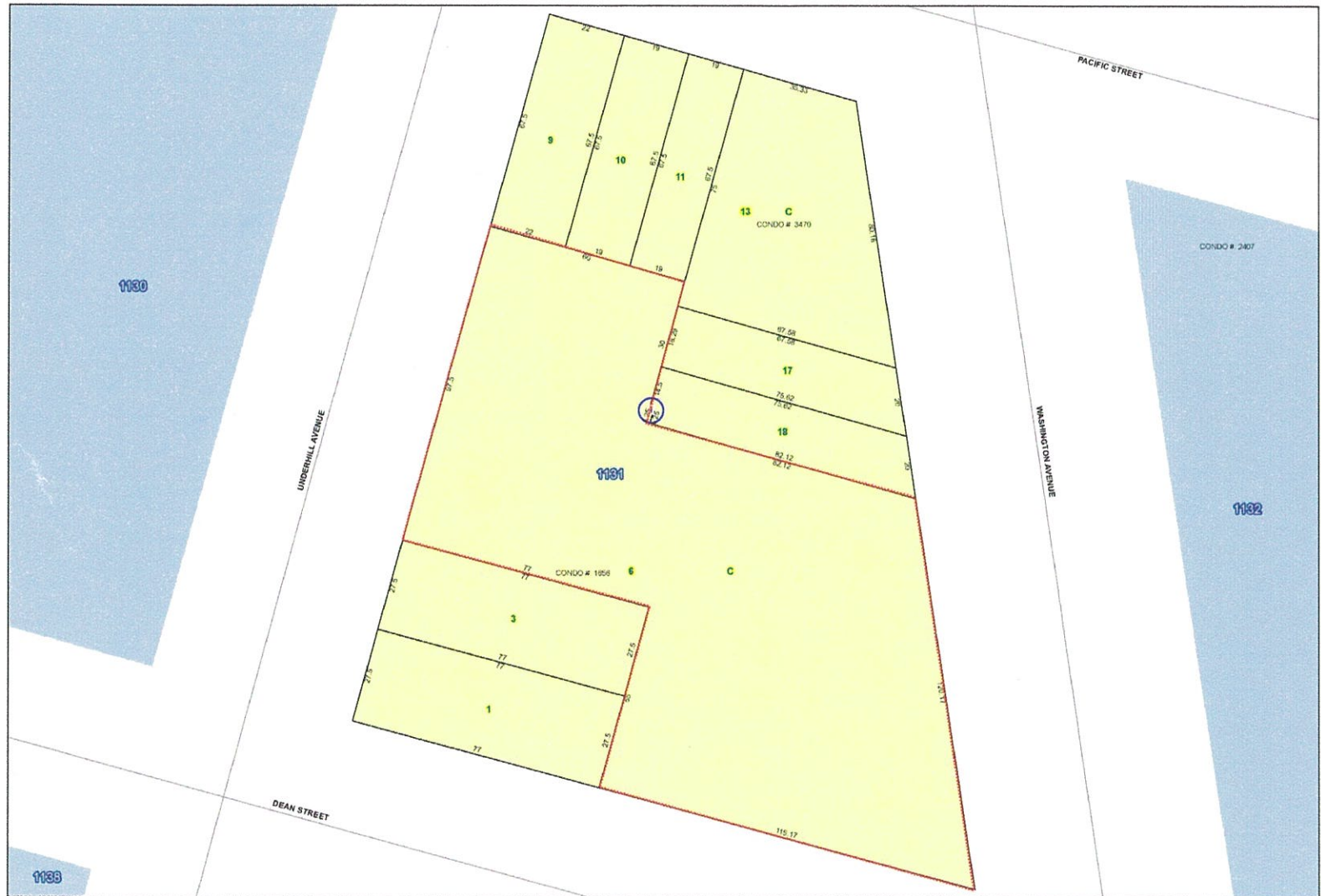


**NYC Digital Tax Map**

Effective Date : 06-18-2014 10:52:41  
End Date : Current  
Brooklyn Block: 1131

**Legend**

- Streets
- Miscellaneous Text
- ↓ Possession Hooks
- - - Boundary Lines
- ↓ Lot Face Possession Hooks
- Regular
- Underwater
- Yellow Tax Lot Polygon
- Blue Condo Number
- Blue Tax Block Polygon
- Red Dotted Proposed Development Site





**Area Map**  
 35 Underhill Avenue, Brooklyn  
 Block 1131, p/o Lots 1, 3, 1001-1040, 9

**Project Information**

- 600' Radius
- Project Site
- Project Area
- Zoning Districts
- Special Districts

**Existing Commercial Overlays**


Subway Entries

5037 Block Numbers

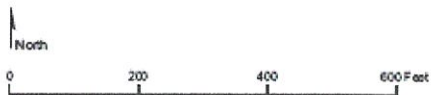
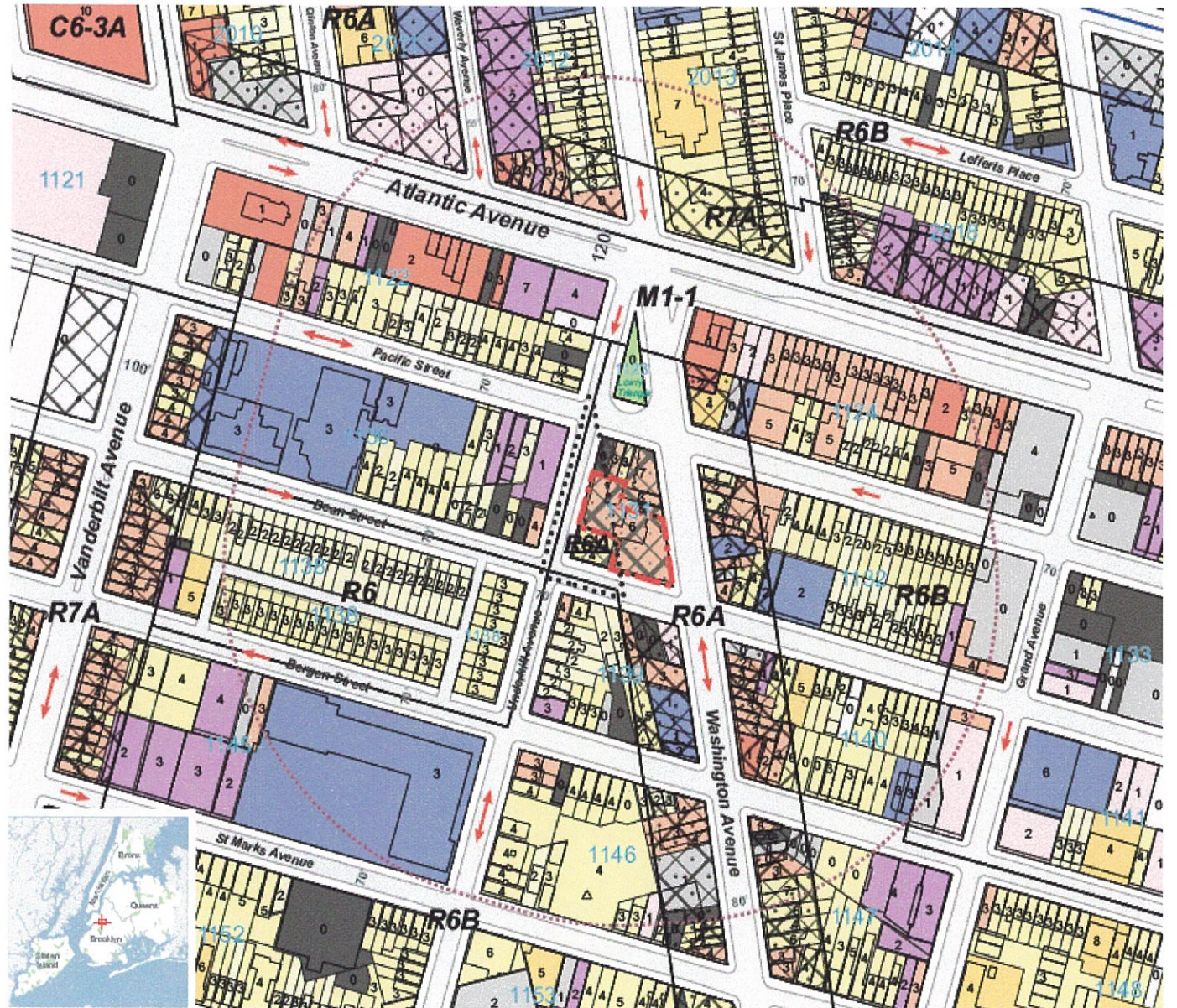
Elevated Rail Structure

Property Lines

5 Number of Floors

**Land Uses**

- One & Two Family Residential Buildings
- Multi-Family Residential Buildings (Walk-up)
- Multi-Family Residential Buildings (Elevator)
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- No Data/Other



Prepared by Urban Cartographics April 2017





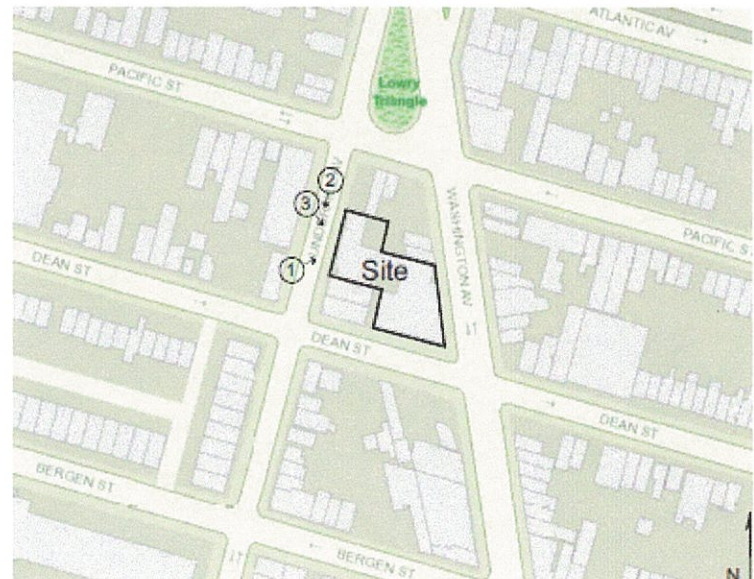
1. View of the Site facing northeast from Underhill Avenue.



2. View of Underhill Avenue facing south from Pacific Street (Site at left).



3. View of the Site facing southeast from Underhill Avenue.







4. View of the side of Underhill Avenue facing east between Pacific Street and Dean Street.



5. View of Dean Street facing east from Underhill Avenue.



6. View of the intersection of Underhill Avenue and Dean Street facing northeast.







10. View of the side of Dean Street facing northwest between Underhill Avenue and Washington Avenue.



11. View of the Site facing north from Dean Street.



12. View of Washington Avenue facing northwest from Dean Street (Site at left).







16. View of the Site facing west from Washington Avenue.



17. View of the Site facing southwest from Washington Avenue.



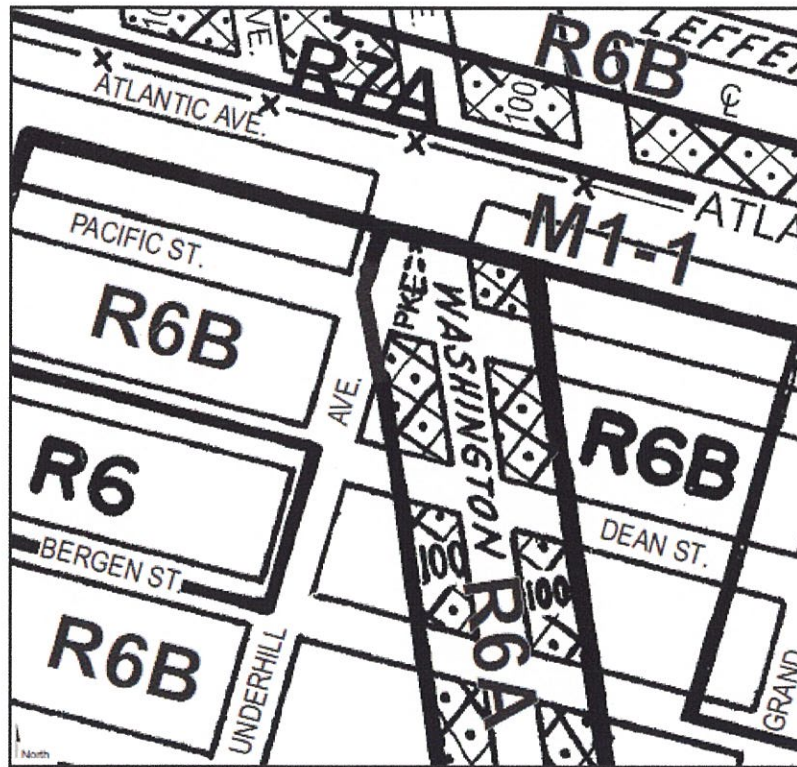
18. View of Washington Avenue facing southeast (Site at right).



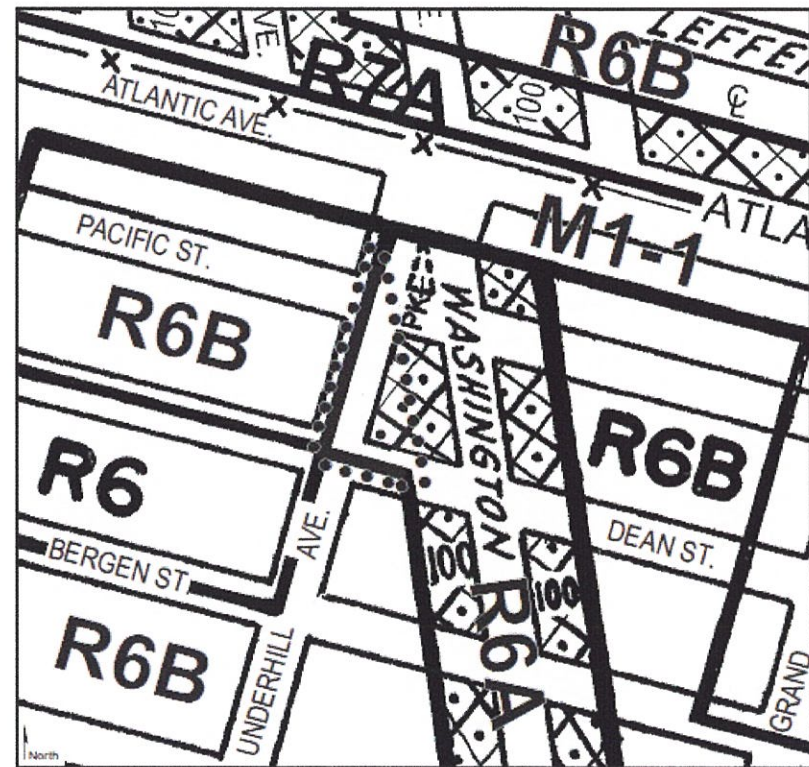


# ZONING MAP AMENDMENT

Change existing R6B to R6A/C2-4 on a small portion of Block 1131 between Washington Avenue, Dean Street and Underhill Avenue.



Current Zoning Map (16c)



Proposed Zoning Map (16c) - Area being rezoned is outlined with dotted lines  
Rezoning from R6B to R6A/C2-4



NYC Digital Tax Map

Effective Date : 06-15-2014 10:52:41

End Date : Current

Brooklyn Block: 1131



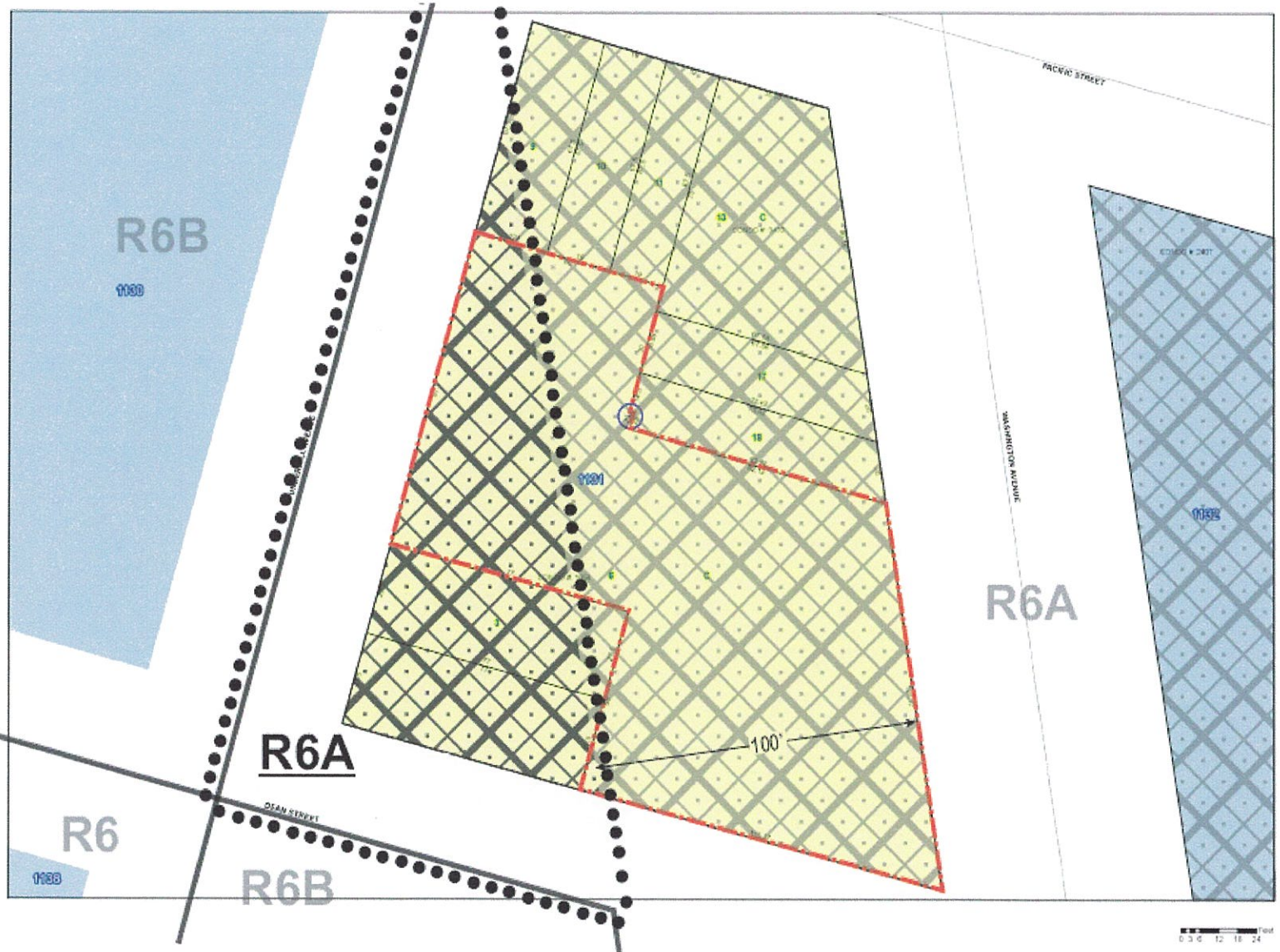
Legend

- Streets
- Miscellaneous Plot Possession Hooks
- Boundary Lines
- Lot Foot Possession Hooks
- Regular

- Underwater Tax Lot Polygon
- Condo Number
- Tax Block Polygon

- Zoning District Line
- Special District Line
- Project Site
- Area Proposed to be Rezoned

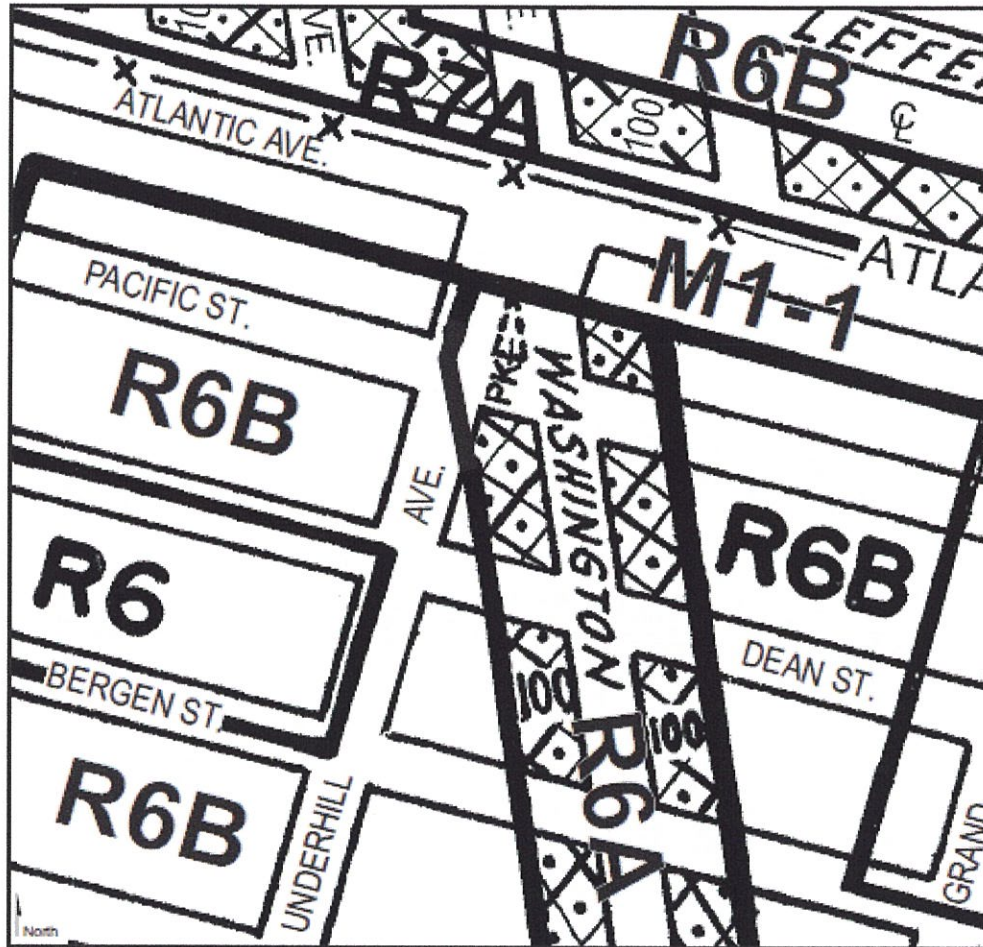
- R6B Existing Zoning District
- Existing C2-4 Overlay
- R6A Proposed Zoning District
- Proposed C2-4 Overlay





## CURRENT ZONING

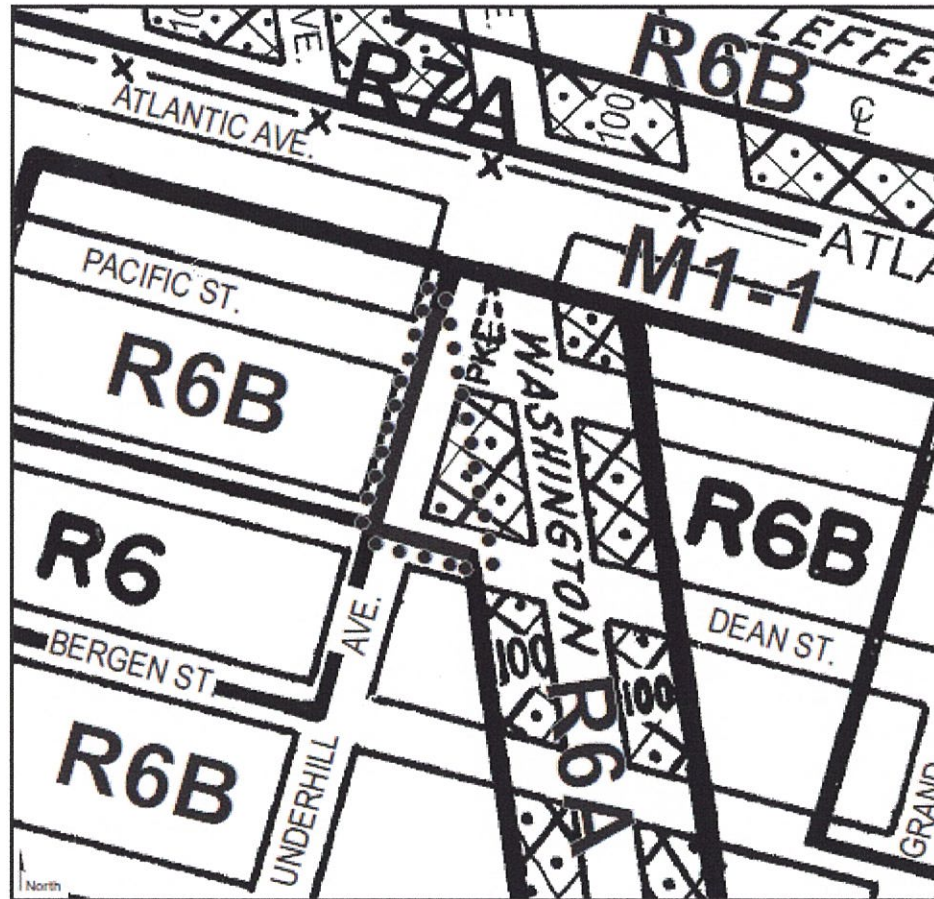
- R6B district mapped in the 1994 Prospect Heights Rezoning (max FAR 2.0)
- R6A/C2-4 within 100 ft. of Washington Ave. mapped (max FAR 3.0)



Current Zoning Map (16c)

## PROPOSED ZONING

- Extend the R6A/C2-4 to cover the entire block



Proposed Zoning Map (16c) - Area being rezoned is outlined with dotted lines  
Rezoning from R6B to R6A/C2-4



## EXISTING FLOOR AREA CALCULATIONS

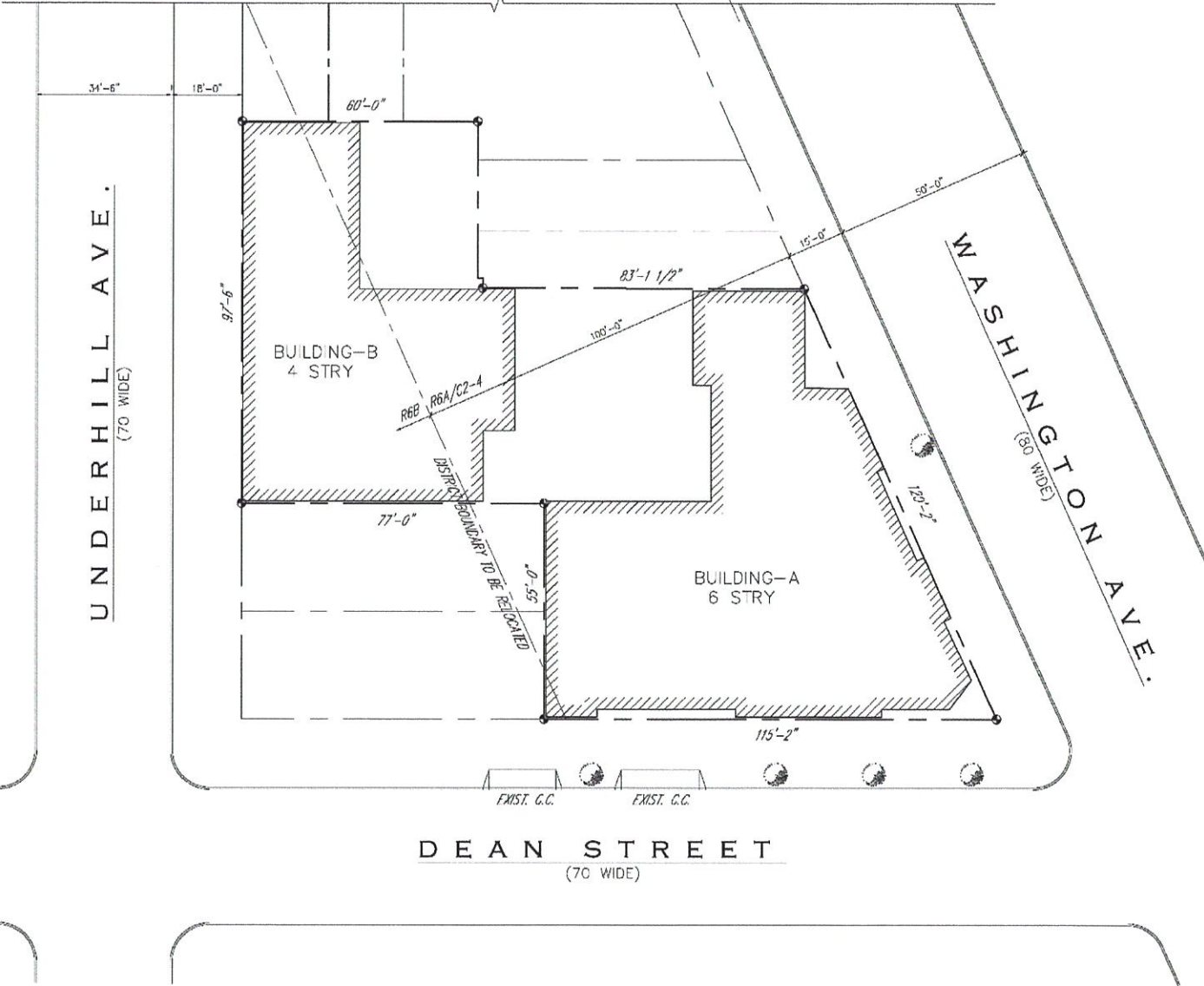
Zoning District	Maximum FAR	Zoning Lot Area (total 16,794 sq. ft.)	Totals:
R6A/C2-4	3.0	13,159 sq. ft.	39,477 sq. ft.
R6B	2.0	3,635 sq. ft.	7,270 sq. ft.
Total permitted floor area			46,747.8 sq. ft.
Approved zoning floor area of the building			46,283.0 sq. ft. (5,106 sq. ft. first floor permitted parking garage is not included in the zoning floor area)
Balance of available floor area			464.8 sq. ft. (46,747.8 - 46,283.0)

## PROPOSED FLOOR AREA CALCULATIONS

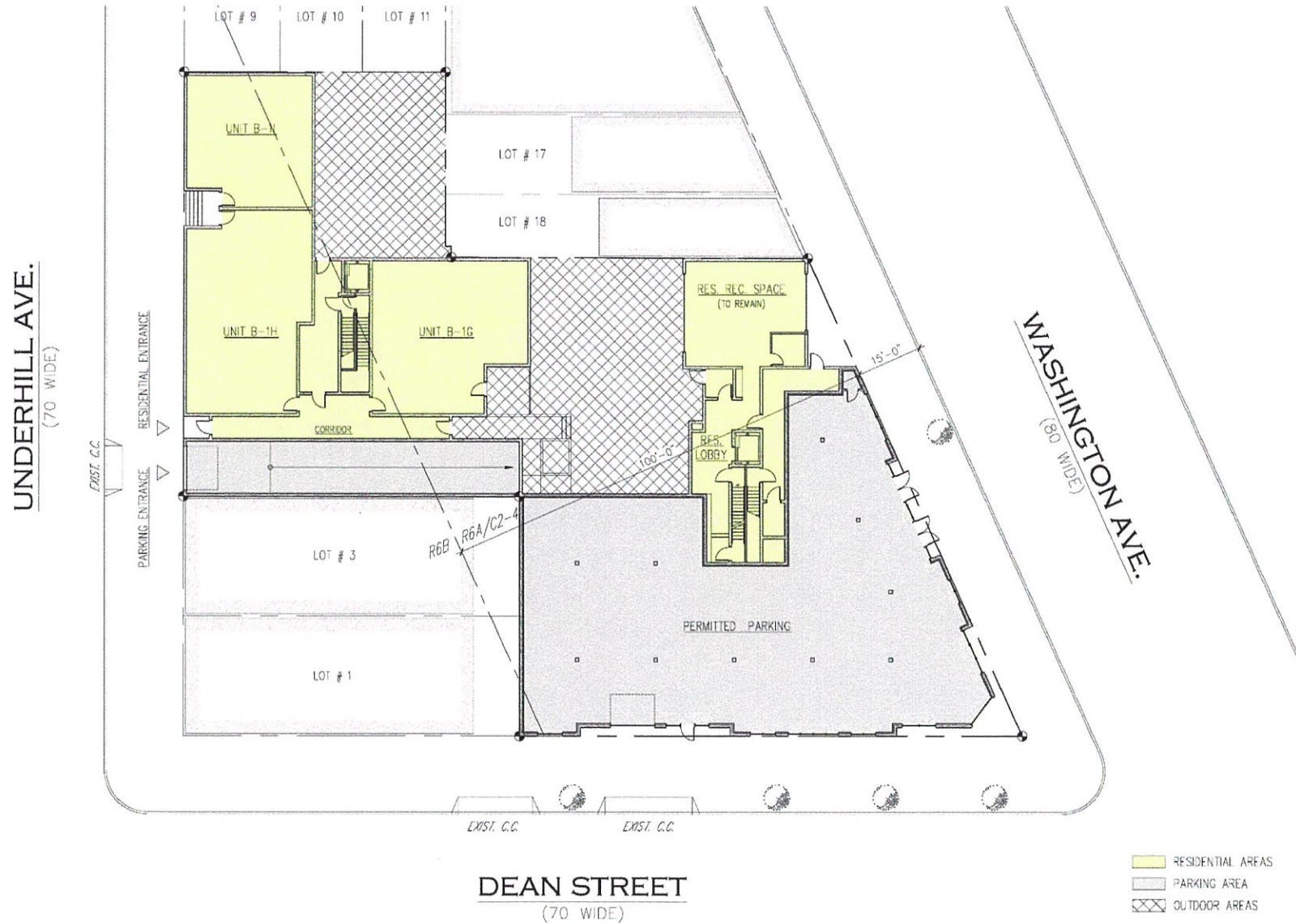
Zoning District	Maximum FAR	Zoning Lot Area (total 16,794 sq. ft.)	Totals:
R6A/C2-4	3.0	16,794 sq. ft.	50,382 sq. ft.
Total permitted floor area			50,382 sq. ft.
Additional floor area based on change from R6B to R6A			3,635 sq. ft.
Available floor area available for the conversion			464.8 sq. ft.
Total floor area available for the conversion			4,099.8 sq. ft. (50,382 max in R6A - 46,283.0 existing built floor area)



# EXISTING SITE PLAN



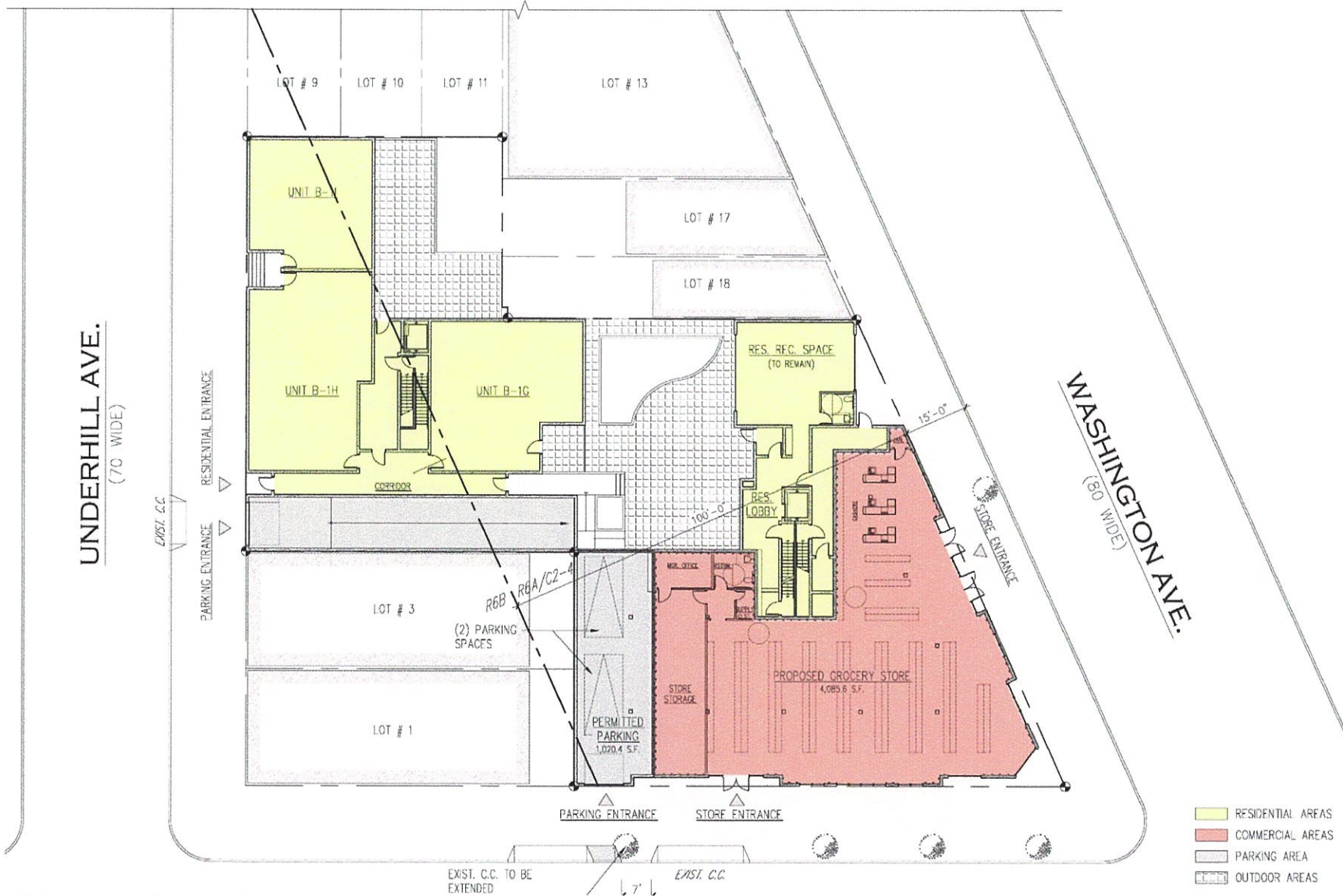
# EXISTING GROUND FLOOR PLAN



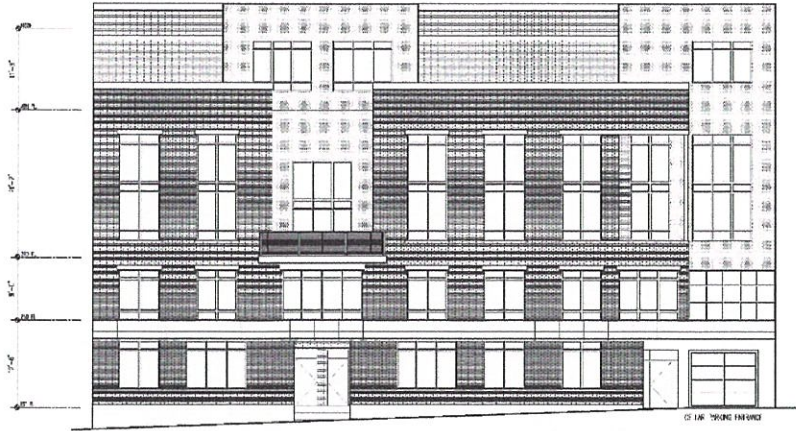
- RESIDENTIAL AREAS
- PARKING AREA
- OUTDOOR AREAS



# PROPOSED GROUND FLOOR PLAN

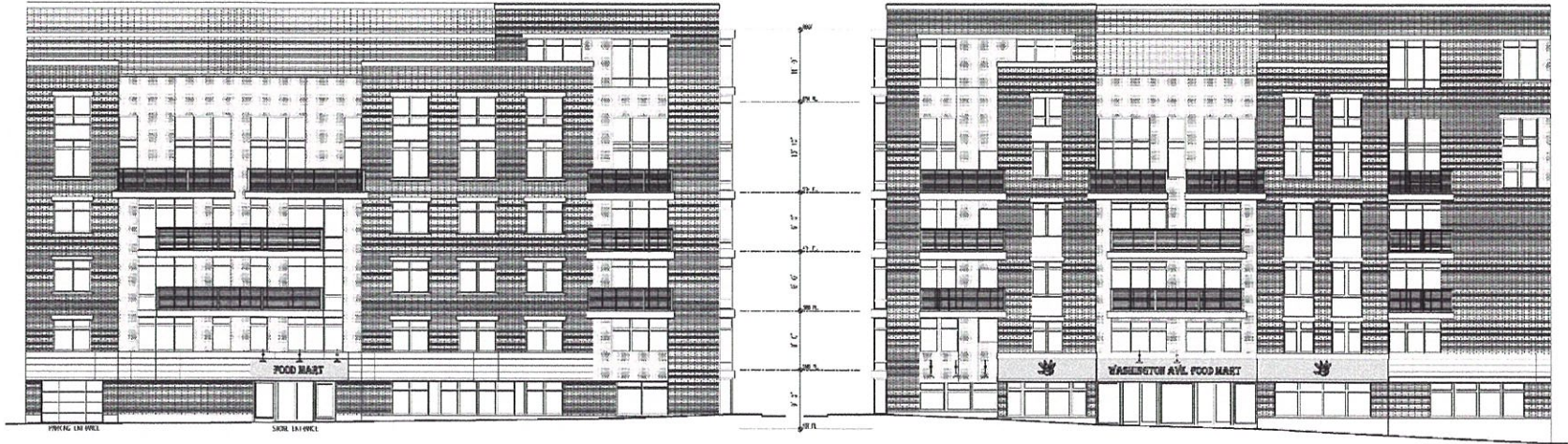


# ELEVATIONS



UNDERHILL AVE. ELEVATION (BLDG B)

SCALE: 1/8" = 1'-0"



DEAN ST. ELEVATION (BLDG A)

SCALE: 1/8" = 1'-0"

WASHINGTON AVE. ELEVATION (BLDG A)

SCALE: 1/8" = 1'-0"



# ILLUSTRATIVE RENDERING





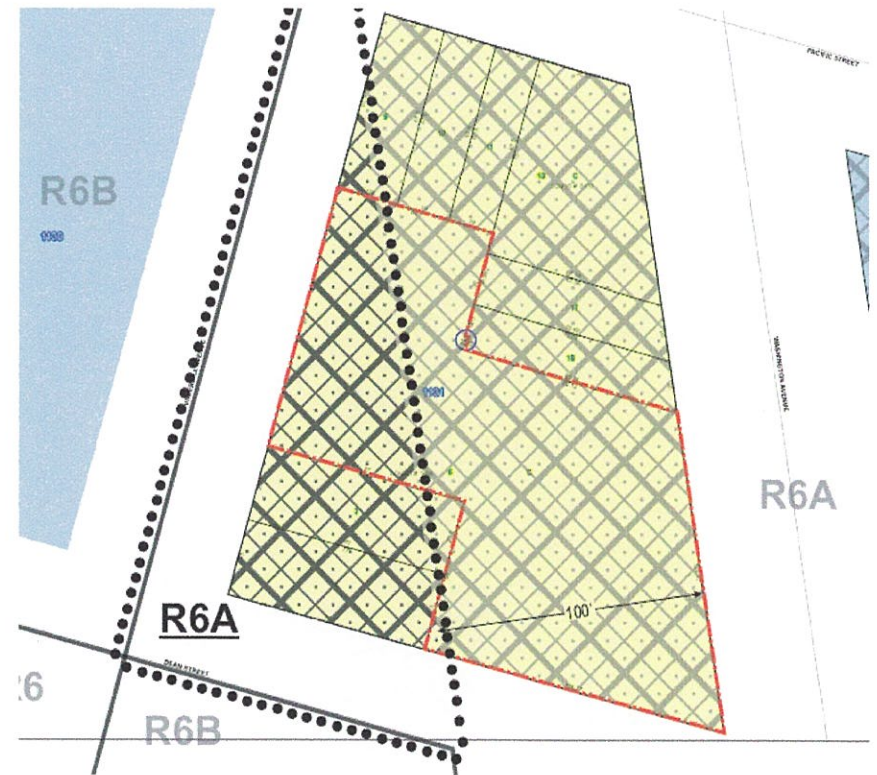
# ILLUSTRATIVE RENDERING





## 35 UNDERHILL AVENUE (BLOCK 1131 LOTS 1001-1040)

- 16,794 sq. ft. lot split between the R6A/C2-4 and R6B zoning districts mapped on the block
- 3,635 sq. ft. portion is within the R6B zoning district
- 13,159 sq. ft. portion is located with the R6A/C2-4 zoning district
- R6B portion is located more than 25 ft. from the district boundary
- not subject to the application of the R6A bulk regulations to entire zoning lot



## 35 UNDERHILL AVENUE (BLOCK 1131 LOTS 1001-1040)

- 4- & 6-story condo building
- 39 units
- 46,283 sq. ft. of res. floor area
- 3.0 FAR
- 20 res. parking spaces in cellar
- 15 permitted parking spaces on ground floor - historically unused





# 35 UNDERHILL AVENUE CERTIFICATE OF OCCUPANCY



## Certificate of Occupancy

Page 1 of 2

CO Number: 301468784F

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. This document or a copy shall be available for inspection at the building at all reasonable times.

<b>A. Borough:</b> Brooklyn	<b>Block Number:</b> 01131	<b>Certificate Type:</b> Final
<b>Address:</b> 35 UNDERHILL AVENUE	<b>Lot Number(s):</b> 6	<b>Effective Date:</b> 02/14/2008
<b>Building Identification Number (BIN):</b> 3850870	<b>Building Type:</b> New	
<i>For zoning lot metes &amp; bounds, please see BISWeb.</i>		
<b>B. Construction classification:</b> 1-C	<b>Number of stories:</b> 6	
<b>Building Occupancy Group classification:</b> J2:	<b>Height in feet:</b> 70	
<b>Multiple Dwelling Law Classification:</b> HAEA	<b>Number of dwelling units:</b> 39	
<b>C. Fire Protection Equipment:</b> Sprinkler system		
<b>D. Type and number of open spaces:</b> None associated with this filing.		
<b>E. This Certificate is issued with the following legal limitations:</b> None		
<b>Borough Comments:</b> None		

\_\_\_\_\_  
 Borough Commissioner

\_\_\_\_\_  
 Commissioner

B Form 54 (Revised 03/05)

DOCUMENT CONTINUES ON NEXT PAGE



## Certificate of Occupancy

Page 2 of 2

CO Number: 301468784F

Permissible Use and Occupancy							
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code habitable rooms	Building Code occupancy group	Zoning dwelling or rooming units	Zoning use group	Description of use
CEL		OG		J-2		02	PARKING GARAGE FOR 20 CAR TWO (2) RECREATION ROOMS. ACC TO UPPER UNIT COMPACTOR ROOM, METER ROOMS STORAGE ROOMS . . . . .
MZ3	40			J-2		2	STORAGE AND ACCESSORY USE TO APARTMENTS BELOW . . . . .
MZ5	40			J-2		2	STORAGE & ACC. USE TO APTS. BELOW . . . . .
001	40	8	8	J-2	3	2	THREE (3) CLASS 'A' APARTMENTS . . . . .
001	60			J-2		2	ACC. RECREATION ROOM . . . . .
001	60			B-2		6	15 OFF STREET PARKING SPACES . . . . .
002	40	25	25	J-2	8	2	EIGHT (8) CLASS 'A' APARTMENTS . . . . .
003	40	25	25	J-2	9	2	NINE (9) CLASS 'A' APARTMENTS . . . . .
004	40	25	25	J-2	8	2	EIGHT (8) CLASS 'A' APARTMENTS . . . . .
005	40	15	15	J-2	7	2	SEVEN CLASS 'A' APARTMENTS . . . . .
006	40	12	12	J-2	4	2	FOUR CLASS 'A' APARTMENTS NOTE THIRTY NINE (39) CLASS 'A' APTS. . . . . NOTE THIS IS DECLARED AS ONE (1) ZONING LOT HAVING TAX LOT 8 AND TAX LOT 11 RECORDED UNDER CRFN# 2007000240332
END OF SECTION							

\_\_\_\_\_  
 Borough Commissioner

\_\_\_\_\_  
 Commissioner

B Form 54 (Revised 03/05)

END OF DOCUMENT

301468784/000 2/15/2008 12:34:35 PM

43 UNDERHILL AVENUE  
(BLOCK 1131 LOT 1)

- four-story building
- 10 apartments
- non-conforming ground floor commercial use
- 3.35 FAR
- overbuilt in R6B
- overbuilt in R6A





## 41 UNDERHILL AVENUE (LOT 3)

- four-story building
- 10 apartments
- 3.42 FAR
- overbuilt in R6B
- overbuilt in R6A



## 884 PACIFIC STREET (BLOCK 1131 LOT 9)

- accessory outdoor dining area for adjacent ground floor restaurant
- split lot with majority in R6A/C2-4 district





## RATIONALE

- facilitates conversion of 4,086 sq. ft. portion of the existing ground floor to commercial use to replace unused permitted parking
- in line with the existing land use patterns along Washington Avenue
- benefits the community by facilitating the conversion to an active ground floor commercial use contemplated as a local grocery store
- enlivens the streetscape along Washington Avenue and Dean Street
- creates commercial continuity along the mixed-use Washington Avenue corridor
- brings existing non-conforming commercial use at 43 Underhill Avenue (Block 1131 Lot 1) into conformance

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/12/18

(PLEASE PRINT)

Name: ROBERT FLAHERTY

Address: KRAMER LEVIN 1177 AVENUE OF AMERICAS

I represent: ZIE 12 LLC (Applicant)

Address: c/o WM MACKLOWE ORGANIZATION

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3-12-18

(PLEASE PRINT)

Name: GORDON HAMM

Address: 770 LEXINGTON AVE

I represent: GARAGE MANAGEMENT - APPLICANT TEAM

Address: 770 LEXINGTON AVE

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3-12-18

(PLEASE PRINT)

Name: MATHEW BRUCCOLERI

Address: 220-E 23 ST

I represent: UNION LOCAL 272

Address: 220-E 23 ST



**THE COUNCIL  
THE CITY OF NEW YORK**

LU 37

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3-12-18

(PLEASE PRINT)

Name: RICHARD LOBEL

Address: SHELDON LOBEL PC

I represent: 35 UNDERHILL

Address: 35 UNDERHILL, BROOKLYN

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LU No 36 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/12/18

(PLEASE PRINT)

Name: David Soto

Address: 25 West 18<sup>th</sup> Street

I represent: SEIU, 32BJ

Address: 25 West 18<sup>th</sup> Street

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LU No. 36 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/2/18

(PLEASE PRINT)

Name: Raymond Perez

Address: 25 West 18<sup>th</sup> Street

I represent: 32BJ SEIU

Address: 23 West 18<sup>th</sup> Street

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 36 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/12/18

(PLEASE PRINT)

Name: William M Marklaw

Address: 126 E. 56<sup>th</sup> ST

I represent: 21 E-12<sup>th</sup> ST

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms