3133 Emmons Avenue, Brooklyn

May, 2015

Introduction

This application is made on behalf of STGG Realty, LLC, the owner of the above-referenced site (the "Site"). The purpose of the application is to allow for the enlargement of the two-story building on the Site, which is occupied by Prime Home Health Services. To that end, the application requests two actions: A zoning text amendment, modifying Sections 94-064, 94-092, and 94-114, and creating Section 94-096, of the Zoning Resolution; and, a zoning special permit, pursuant to the newly created Section 94-096. (All of the referenced sections concern the Special Sheepshead Bay District ("SSBD").) Because the proposed floor area of the enlargement would exceed the permitted FAR for commercial uses (per ZR §33-121, as modified by ZR §94-092), exceed the permitted height limit for commercial use (per ZR §33-431(a)), and provides fewer parking spaces than required (per ZR §36-21), a zoning text amendment is proposed that would create a special permit to allow for increased floor area, to modify permitted height for commercial use, and allow for a reduction in the number of required parking spaces, on lots of 10,000 square feet or more in Area G of the SSBD.

The purpose of the application is to allow for the enlargement of the building on the Site, which is occupied by Prime Home Health Services. The existing two-story building stands at 25'-0" in height, with 100% lot coverage, and contains 12,297 square feet of floor area. It is proposed to enlarge the building with a full second floor and third floor, thereby increasing its height to 34'-8", and increasing its floor area to 23,348 square feet (2.0 FAR). The building also contains a 44 car parking garage, which will be reduced by 12 parking spaces, as a result of the zoning special permit parking waiver. After the reduction, there will be a total of 32 off-street parking spaces.

Prior and Current Unrelated Actions

There are no prior or current actions specific to the Site.

On October 4, 1973, the City Planning Commission established the Special Sheepshead Bay District (ZR Art. IX Ch. 4) to promote and strengthen the unique character of the waterfront area as a prime location for water-related commercial and recreational development. It also sought to encourage housing development in suitable areas, the provision of open space and other amenities as part of that development, and improvements in vehicular and pedestrian circulation throughout the district.

The SSBD encompasses an approximately 20-block area, which extends along Emmons Avenue and the adjacent side streets from Sheepshead Bay Road to the west to Knapp Street to the east. The underlying zoning, R5 with C2-2 commercial overlays, permits low-density residential development and a range of retail, service, community facility and office uses.

More recently, on February 15, 2006, the City Planning Commission approved the Sheepshead Bay/Plumb Beach rezoning (CPC Cal. Nos. C060132ZMK, N060133ZRK), which affected the low-density residential streets to the north of Emmons Avenue. On those streets, most residences are one-and two-family detached and semi-detached homes. The area was, at that time, experiencing a surge of as-of-right residential development characterized by new townhouses on the side streets north of Emmons Avenue. These new developments were replacing the bungalows that formerly dominated the area's side streets. The rezoning introduced lower intensity contextual zoning districts such as R4-1 and R4B to prevent out-of-scale, and out-of-context developments. The rezoning did not affect Emmons Avenue.

Description of the Surrounding Area and Project Area

The Project Area—"Area G" of the SSBD—is located in the Sheepshead Bay neighborhood in the Borough of the Brooklyn within Community District 15. It is the area on the north side of Emmons Avenue, at varying depths roughly coextensive with the depth of the lots fronting on the north side of Emmons Avenue, between Nostrand Avenue (to the west) and Knapp Street (to the East). This includes all of the lots fronting on the north side of Emmons Avenue on Blocks 8796, 8797, 8800, 8801, 8804, 8805, 8807 and 8808.

Surrounding Area

The neighborhood of Sheepshead Bay is located in southern Brooklyn to the north of inlet that is its namesake. The area, which is situated between Shore Parkway and Sheepshead Bay, is defined by the sharp contrast between Emmons Avenue (the neighborhood's principal thoroughfare and retail street), and the side streets to the north.

Emmons Avenue is characterized by its waterfront promenade on the south side of the street in the west end of Sheepshead Bay. The promenade, and the active restaurant and shopping uses on the north side of the street on this portion of Emmons Avenue, are vibrant, with heavy pedestrian activity (from approximately Sheepshead Bay Road, east to East 26th Street). Further east, where the waterfront is located one block south of Emmons Avenue, active commercial uses are less common and pedestrian traffic is significantly reduced. This area is dominated by residential development, and characterized by three-and four-story apartment buildings, and interspersed non-residential uses.

The buildings and land uses along Emmons Avenue are varied in size and type, and include five- and six-story apartment buildings, three- and four-story townhouses, small office buildings, two- and three-story detached homes, single-story commercial and garage buildings, and one-story bungalow style homes. On the neighborhood's side streets to the north of Emmons Avenue, the

building types are similarly varied, but are almost entirely residential. These residential buildings include small apartment buildings, three- and four-story townhouses, two- and three-story detached homes, and one-story bungalow style homes. The building types and land uses along Emmons Avenue types (which are generally taller, with higher lot coverage, and lesser yards; and include mixed-use and multi-family uses) are most intense than those found on the neighborhoods side streets (which are generally smaller single- and multi-family homes).

The street network of Sheepshead Bay is defined by its two major east–west thoroughfares: Emmons Avenue, the retail street that is the spine of the Sheepshead Bay neighborhood, and Shore Parkway (also known as the Belt Parkway) which is the neighborhood's northern boundary. The area is well-served by mass transit, with three bus routes running along Emmons Avenue in front of the Site: the B4, which connects the Site to the B and Q subway trains at Sheepshead Bay, as well as several neighborhoods to the west; the B44, which connects the Site to the 2 and 5 subway trains at Flatbush Avenue/Brooklyn College, as well as several neighborhoods to the north; and the BM3 express bus, which connects the Site to the Midtown and Lower Manhattan central business districts.

Sheepshead Bay is zoned for medium scale residential development, with commercial use along Emmons Avenue. Specifically, the Site is located in an R5 district that is mapped to the south, east and north. The area to the west and north of the Site is a R4-1 district. A C2-2 commercial overlay district is mapped along Emmons Avenue at varying depths throughout the SSBD.

The R5 district permits a variety of building types which includes attached, semi-detached, and detached houses. The FAR of the district is 1.25, and ordinarily the maximum building height is 40 feet. However, in Area G of the SSBD, ZR §94-10 modifies the maximum height of buildings in the R5 district to 35 feet. Therefore, buildings are generally 2-3 stories in height. With attached houses, no side yard is required, and therefore lots as narrow as 20 feet can be practically developed with rowhouses.

The R4-1 district, that was introduced when the neighborhood was rezoned in 2006, also permits a variety of building types which includes semi-detached and detached houses, only at a smaller scale. The FAR of the district is 0.75, and the maximum building height is 35 feet (consistent with the maximum height limit of ZR §94-10). Generally, this yields a similar, if smaller, building type of 2-3 stories in height. However, the district's contextual bulk regulations prevent out-of-scale development that might be possible in the neighboring R5 district.

A C2-2 commercial overlay is mapped along the north side of Emmons Avenue throughout Sheepshead Bay. This district permits a variety of commercial uses (Use Group 1–9). The FAR of such commercial use is governed by the underlying controls of ZR §33-121, and modified by ZR §94-092, with a maximum of 1.0.

Proposed Project Area

The Project Area—"Area G" of the SSBD—is the area on the north side of Emmons Avenue, at varying depths roughly coextensive with the depth of the lots fronting on the north side of Emmons Avenue, between Nostrand Avenue (to the west) and Knapp Street (to the East). This includes all of the lots fronting on the north side of Emmons Avenue on Blocks 8796, 8797, 880, 8801, 8804, 8805, 8807 and 8808. The area includes a wide variety of land uses and building types which includes five- and six-story apartment buildings, three- and four-story townhouses, small office buildings, two- and three-story detached homes, single-story commercial and garage buildings, and one-story bungalow style homes.

Though the R5/C2-2 zoning of the Project Area allows for up to 1.25 FAR of residential use, 1.0 FAR of commercial use, and building heights of up to 35 feet (per ZR§94-10), its built form varies considerably. For example, the above referenced apartment buildings (located on the north side of Emmons Avenue between Bragg Street and Knapp Street) are overbuilt with FAR's of between 3.22 and 4.79 , and heights between 60–62 feet. At the same time, smaller bungalow-style homes (such as the one at 3103 Emmons Avenue) are woefully underbuilt with FAR's below 0.7, and building heights of approximately 12–15 feet.

Adjacent to the west of the Site, at 3119 Emmons Avenue (Block 8804, Lot 82), is a two-story mixed use building with residential use above a retail store (currently a convenience store called "Bay Side Mini Mart"). This building measures 25 feet in height, with nearly full lot coverage. (We note that the PLUTO database lists the building's FAR as 0.94. We believe this is in error, given the building's two stories of nearly complete lot coverage.) Adjacent to the east, northeast, and northwest of the Site, at 3149 Emmons Avenue (Block 8804, Lot 7507), 2844 Coyle Street (Block 8804, Lot 7501), 2838 Coyle Street (Block 8804 Lot 7502), and 2841 Ford Street (Block 8804, Lot 7503), respectively, are a series of three-story semi detached townhouses. All of the same appear to be of nearly identical construction and design. These buildings look to be constructed to the maximum extent permitted in the R5 district, within Area G of the SSBD: 1.25 FAR and 40 feet in height.

Description of the Site

The Site is located on the north side of Emmons Avenue between Coyle Street and Ford Street in the Sheepshead Bay neighborhood of Brooklyn. It is irregularly shaped and contains 140 feet of frontage along Emmons Avenue, and varies in depth from 93 to 116 feet[1]. The rear lot line of the Site extends 95 feet, roughly parallel to Emmons Avenue. The lot contains approximately 11,674 square feet of lot area, and is wholly located in an R5/C2-2 district within the SSBD.

The Site is improved upon with a two-story building that contains approximately 12,297 square feet of floor area. The building occupies the entire lot on which it sits (having no yards), with a base height of 15'-0" and a maximum height of 25'-0" (the building's second floor is set back

[1] The referenced lot dimensions, which conflict with those shown on the City's tax map, are taken from a survey of the Site which is believed to be more accurate.

from the street). The building also has a certificate of occupancy for 44 accessory parking spaces that are located below grade, and accessible from an entrance located at the east end of the Site's Emmons Avenue frontage.

The building on the Site is fully occupied by Prime Home Health Services (which company provides home health aides and medical therapy). Their offices are classified as a Use Group 6 medical office. Although the area in which the Site is located has a growing need for the type of health care services Prime provides, their building (currently noncompliant with the district's 1.0 FAR limitation on commercial use) cannot be expanded under the current zoning.

Description of Proposed Enlargement

It is proposed to enlarge the building on the Site by extending its existing second floor, and adding a new third floor above. In essence, the form of the building would be elevated by 10 feet with the base height increasing from 15'-0" to 25'-0", and the building height increasing from 25'-0" to 34-8" feet[2]. The proposed enlargement would increase the floor area of the building by 11,051 square feet from 12,297 (9,850 square feet on the first floor and 2,447 square feet on the second floor) to 23,348 square feet; a .95 FAR increase from 1.05 to 2.0 FAR. The enlargement is expected to nearly double the capacity of the business, allowing the company to hire an additional 150 workers, for a total of 350 employees, approximately 111 of which would work on-site daily compared to 100 on-site daily employees currently.

The added floor area would consist of new office and circulation space, allowing the owner to increase its ability to provide home care aides. The new space would serve to allow the facility to provide additional workspace to coordinate new workers and would accommodate occasional training sessions. As a result, the owner estimates that it would hire 150 more home care aides, increasing its workforce from the current 200 employees to 350 total employees. These new employees would not work on-site, and would travel directly to its patient's homes. There would be a nominal increase in the number of workers who would spend at least part of their workdays at the Site. The number of daily on-site workers is expected to increase by 11 (from 100 to 111). Furthermore, there would be no increase in the average number of daily visitors who are not employees.

The Site is located within Flood Zone AE, with a Base Flood Elevation ("BFE") of 11 above the NAVD, or 3' 8" above the grade of the site. According to the Department of Buildings (DOB), Appendix G, Table 5-1, the Flood Resistant Construction Elevation ("FRCE") is 4'8", which becomes the base plane as per zoning, the point above grade upon which a building can be measured from its base to its peak of the proposed height of 34'8".

The owner will undertake dry flood proofing measures on the lower level to ensure compliance with the zoning text and building code resiliency standards. Since the first floor is currently above the BFE, only the cellar level requires compliance with Appendix G. The owner will

[2] Per ZR §64-131 the measurement of height is based off the new base plane or FIRM flood elevation of 4'-8" above curb level under the condition that the cellar be dry-flood proofed and conforming to ASCE 24.

locate all mechanicals and electrical equipment on the first floor and higher, which is above the FRCE.

Other measures to dry flood proof the Site on the cellar level include a proposed aluminum panel FRCE compliant gate at the garage level that will resist water from entering through the garage door. In the event of a storm, flood resistant aluminum panels will be placed in front of the two exit doors at the cellar level below the BFE.

Parking

The proposed project will provide 32 off-street parking spaces in the existing cellar-level parking garage. The Premises currently has a Certificate of Occupancy which permits 44 off-street parking spaces, as previously approved by the Department of Buildings. Without the proposed zoning special permit authorized by ZR § 94-096, the proposed project would require 78 spaces pursuant to ZR § 36-21. However, the zoning special permit will allow the City Planning Commission to waive required spaces, thereby reducing required parking from 78 to 32 spaces.

Actions Necessary to Facilitate the Project

To facilitate the proposed enlargement, this application seeks two actions:

(1)A zoning text amendment, modifying Sections 94-064, 94-092, and 94-114, and creating Section 94-096, of the Zoning Resolution; and

(2) A zoning special permit, pursuant to the newly created Section 94-096.

The Zoning Text Amendment

It is proposed to amend the text of the Zoning Resolution to modify Sections 94-064, 94-092, and 94-114, and create Section 94-096. (All of the referenced sections concern the Special Sheepshead Bay District ("SSBD").) The newly created ZR §94-096 will make available a Special Permit to lots of at least 10,000 square feet, in Area G of the SSBD (such as the Site), the ability to be enlarged with commercial uses of up to 2.0 FAR, for such use to be located above two stories or 30 feet in height, and for the parking requirements associated with such enlargements to be reduced or waived. (The findings of the newly created Special Permit are discussed below.)

The remaining modifications to Sections 94-064, 94-092, and 94-114 are proposed only to achieve consistency within the text of the Resolution: ZR §94-064 is modified to reflect the ability to waive parking requirement by the new ZR §94-06 Special Permit; 94-092 is modified to reflect the availability of the new ZR §94-096 Special Permit to overcome the maximum floor area ratio in the SSBD; and ZR§94-114 is modified to reflect the ability to waive parking

requirement by the new ZR §94-06 Special Permit (rather than by application to the Board of Standards and Appeals).

The Zoning Special Permit

The above referenced Zoning Text Amendment will create a new Zoning Special Permit at ZR § 94-096. The purpose of the Special Permit is to allow lots of at least 10,000 square feet in Area G of the SSBD (such as the Site) to:(1) be enlarged with commercial uses of up to 2.0 FAR; (2) modify the bulk provisions of ZR § 33-431 such that commercial use in a commercial overlay district may rise to 35 feet in height and three stories; and (3) waive or reduce the parking requirements associated with such use.

1) Increase the permitted FAR in the underlying zoning district

The special permit would allow for an FAR of 2.00, whereas under the current zoning, the maximum permitted FAR is 1.00. The additional FAR is needed to allow for the addition of a third floor to the existing two-story building, which will allow for additional offices and conference rooms. The additional FAR will nearly double the capacity of the building, allowing Prime to increase from 200 to 350 employees. Most of these new employees will be working off-site as home health aides and offering medical therapy. The conference rooms will be used as a place for training, to hold conferences and offer presentations to doctors, pharmaceutical companies, and other home health care companies.

We propose a text amendment that would allow the proposed enlargement to the building at the Site to obtain the increased commercial FAR of 2.0. Under proposed ZR § 94-096(a), the applicant must show that the proposed enlargement is: (1) designed so as not to impair the character of the surrounding area or its future development; and (2) that the proposed enlargement will not cause undue congestion on local streets or impair pedestrian circulation.

2) Allow for a three-story building in the zoning district.

The special permit would allow the existing two-story building with a base height of 15'-0" and a maximum height of 25'-0" (the building's second floor is set back from the street) to be enlarged and stand three-stories tall, at a proposed height of 34'8". The special permit is necessary, because only two stories are allowed under current zoning. The additional story is necessary to accommodate the increased floor area, which allows for the enlargement of the building so Prime Home Health Services can offer new offices and conferences room within the building The increase in height to the proposed 34' 8" is consistent with the scale and context of both residential and mixed use residential/community facility buildings which are permitted to a maximum height of 35' and are the existing predominant character of the area.

We propose a text amendment that would allow the building to stand three-stories tall. The special permit would modify the bulk provisions of ZR § 33-431 such that commercial use in a commercial overlay district may rise to 35 feet in height and three stories, whereby the applicant must show that the distribution of bulk of the enlargement permits adequate light and air to the surrounding streets and properties, and does not impair the view of the Bay.

3) Waiver of the parking requirement

The proposed enlargement to the building and increased floor area will trigger a parking non-compliance. Pursuant to the zoning text 78 parking spaces would be required. The building also has a certificate of occupancy for 44 accessory parking spaces, which are currently underutilized. Without the proposed zoning special permit authorized by this section, the proposed project would require 78 spaces pursuant to ZR § 36-21. However, the proposed zoning special permit will allow the City Planning Commission to waive 46 required spaces, thereby reducing required parking from 78 to 32 spaces. The proposed 32 off-street parking spaces are more than sufficient to meet the future parking needs of the proposed project.

We propose a text amendment that would allow the owner to obtain the waiver of additional parking requirements. Pursuant to ZR § 94-096(b), the applicant must show that the number of off-street accessory parking spaces that are provided on site, which is sufficient to meet the parking needs of the enlarged building.

Conclusion

In conclusion, this application will allow for the enlargement of the existing building on the Site, thereby facilitating the growth of its occupant, Prime Home Health Services. It will do so by providing a reasonable means for enlargement to overcome the underlying floor area and parking requirements of the district, while providing for review by the City Planning Commission before such enlargements can be undertaken. More broadly, the proposed actions will lead to economic development related to construction in the short term, and related to increased employment opportunities in the long term. Accordingly, it is believed that the proposed actions serve to promote the public health and safety, and to benefit the City generally, and that as such, approval of the application is warranted.

PROPOSED SPECIAL PERMIT TO MODIFY LOCATION OF USES AND PARKING IN THE SPECIAL SHEEPSHEAD BAY DISTRICT

May 29, 2015

Matter underlined is new, to be added;
Matter within # # is defined in Section 12-10;
Matter in ~~strikeout~~ is old, to be deleted;
* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE IX – Special Purpose Districts

Chapter 4 – Special Sheepshead Bay District

* * *

94-064
Supplementary use regulations

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District, except that Section 73-36 (Physical Culture or Health Establishments) shall be applicable.

* * *

94-09
Special Bulk Regulations

* * *

94-092
Maximum floor area ratio

The permitted basic #floor area ratio# for #residential# or #community facility use# is 1.25 and for #commercial use# is 1.00. The permitted basic #floor area ratio# may be increased on any #zoning lot# by the amount set forth in Section 94-08 (Special Floor Area Bonus Provisions), or through transfer provisions pursuant to Section 94-094 (Authorization provisions for transfer of development rights to receiving lots) or by special permit pursuant to Section 94-096 (Special permit for floor area, location within buildings, building height and related parking modifications within Area G).

* * *

94-096

Special permit for floor area, location within buildings, building height and related parking modifications within Area G

For #enlargements# to #buildings# in Area G, on #zoning lots# with a #lot area# of at least 10,000 square feet and existing on (effective date of amendment), the City Planning Commission may:

(a) modify the provisions of Section 94-092 (Maximum floor area ratio) to increase the permitted #floor area ratio# for #commercial use# to 2.0 provided that such #enlargement#:

(1) is designed so as not to impair the character of the surrounding area or its future development; and

(2) will not cause undue congestion on local #streets# or impair pedestrian circulation;

(b) modify the height provisions of paragraph (a) of Section 33-431 (In C1 or C2 Districts with bulk governed by surrounding Residence District) relating to the requirements in Section 32-42 for location of #uses# within #buildings#, to allow a #commercial building# or portion thereof to exceed 30 feet in height and two #stories#, provided that such #building# shall not exceed a maximum height of 35 feet and three #stories#, whichever is less; and provided that the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and

(c) waive or reduce the number of #accessory# off-street parking spaces required by Section 36-21 (General Provisions) for such #use#, provided that the applicant has demonstrated that the number of #accessory# off-street parking spaces supplied is sufficient to meet the parking needs of such #use#.

The City Planning Commission may prescribe appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

94-11

Special Parking Provisions

* * *

94-114

Exceptions to application of waiver provisions and applicability of special permits related to parking

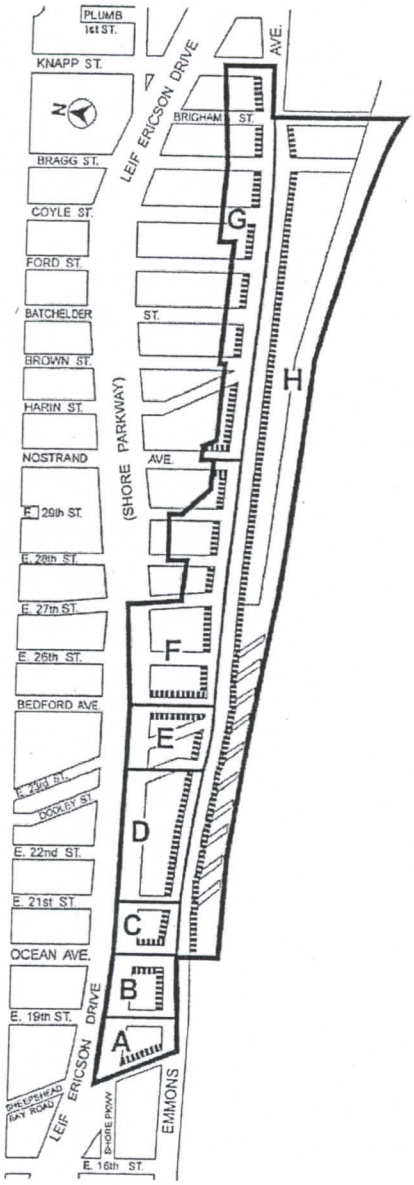
In areas A, B, C, D, E and F, the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number) do not apply.

The provisions relating to modifications of #parking# requirements of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals) in Sections 73-10 through 73-52, shall not apply in the Special District.

-End Text-

(4/30/08)

Appendix A
Special Sheepshead Bay District Map (94A)



Special Sheepshead Bay District
Area Boundary

MANDATORY PROVISIONS

Front Setback

Special Plaza Provisions– Areas A, C, and E

Special Permit Pursuant to ZR Section 94-096
Attachment # 11
Applicant's Discussion of Findings

94-096

Special permit for floor area, location within buildings, building height and related parking modifications within Area G

For #enlargements# to #buildings# in Area G, on #zoning lots# with a #lot area# of at least 10,000 square feet and existing on (effective date of amendment), the City Planning Commission may:

(a) modify the provisions of Section 94-092 (Maximum floor area ratio) to increase the permitted #floor area ratio# for #commercial use# to 2.0 provided that such #enlargement#:

(1) is designed so as not to impair the character of the surrounding area or its future development; and

It is proposed to enlarge the building on the Site by extending its existing partial second floor into a full second floor (to the streetline), and adding a new partial third floor above that. In essence, the form of the building would be elevated by 10 feet with the base height increasing from 15'-0" to 25'-0", and the building height increasing from 25'-0" to 34'-8". It is believed this design will serve to bolster the character of the area and improve the built form of Emmons Avenue by creating a consistent and symmetrical streetwall that encloses the street and promotes increased pedestrian activity. The bulk and scale of the enlarged building will be consistent with that of other buildings fronting on Emmons Avenue in Area G of the Special Sheepshead Bay District, which include several attached buildings, and larger apartment houses of up to six stories in height. The proposed building is similarly consistent with the character of buildings that share its blockfront; which include the 25-foot tall two-story mixed use building at 3119 Emmons Avenue (Block 8804, Lot 82) to the west (which includes residential use above a retail store); and the series of 40-foot tall three-story semi detached townhouses at 3149 Emmons Avenue (Block 8804, Lot 7507), 2844 Coyle Street (Block 8804, Lot 7501), 2838 Coyle Street (Block 8804 Lot 7502), and 2841 Ford Street (Block 8804, Lot 7503) to the east and northeast.

The design, and scale, of the proposed enlargement are harmonious with the existing character of the district and will not serve to impair the character of the surrounding area, or its future development.

(2) will not cause undue congestion on local #streets# or impair pedestrian circulation;

The Premises currently has 44 off-street parking spaces. The Applicant proposes to provide 32 parking spaces. The garage is managed by the owner of the Site, not the tenant PHHS. There are only 20 utilized parking spaces used in the garage at the Site, 15 parking spaces rented to individuals who live in the surrounding area and five (5) parking spaces used by PHHS management. The 20 utilized parking spaces are 24 less than the permitted 44 parking spaces and 12 less than the proposed 32 parking spaces.

The existing operations of the building's sole tenant (Prime Home Health Services or PHHS) indicate that they currently employ approximately 200 employees, 100 of which travel to the Site daily. The 100 daily employees who work on-site, 87% or 87 employees travel to and from the Site using public transportation. There is a bus stop (B4, B44, and BM3) directly in front of the Site. There are five (5) management-level employees who rent parking spaces in the garage and eight (8) employees who drive to work that park on the street. This is likely because Prime's employees principally work as home health aids, only working from the Site occasionally.

When trips do occur, the location of the Site within the surrounding street network (i.e. on Emmons Avenue) practically ensures that local streets are not burdened with congestion. The Site is located on Emmons Avenue—the main thoroughfare of Sheepshead Bay. The Avenue intersects a number of the principal north–south Avenues (Nostrand, Ocean) to the west, and terminates with an entrance to the Belt Parkway at its east end (beyond Knapp Street). Therefore, there is no logical reason for trips to/from the Site to utilize the neighborhoods local street to access the Site.

In light of the existing modal split of trips to and from the Site, the proposed enlargement does not threaten to cause undue congestion on local streets. First, nearly everyone who visits the Site arrives on foot, or by public transportation. Therefore, even if the number of anticipated trips to/from the Site is increased, congestion will not result. Second, because the Site has ample unused parking spaces, no congestion related to vehicles searching for parking is anticipated.

The proposed enlargement will not affect the ground level of the building, or the streetscape of the Site. The added floor area would consist of new office and circulation space, allowing the owner to increase its ability to provide home care aides. The new space would serve to allow the facility to provide additional workspace to coordinate new workers and would accommodate occasional training sessions. As a result, the owner estimates that it would hire 150 more home care aides, increasing its workforce from the current 200 employees to 350 total employees. These new employees would not work on-site, and would travel directly to its patient's homes. There would be a nominal increase in the number of workers who would spend at least part of their workdays at the Site. The number of daily on-site workers is expected to increase by 11 (from 100 to 111). Furthermore, there would be no increase in the average number of daily visitors who are not employees.

The proposed operations of Prime Home Health Services will result in total employment of approximately 350 employees, 111 of which travel to the Site daily. The 111 daily employees who will work on-site, 87% or 96 employees will travel to and from the Site using public transportation. There will be fifteen (15) employees who travel to work by car, five (5) who will park at the garage at the Site, and ten (10) who will park on the street.

Therefore, because the increased size of the building is not expected to result in an increase in vehicular trips to/from the Site, it is not expected to impact the frequency with which vehicles cross the sidewalk to enter the Site's garage. In addition, the new design of the garage and its revised operation and layout would allow for cars to enter and exit with more efficiency, reducing vehicular and pedestrian conflicts and lessening potential to impair pedestrian circulation.

(b) modify the height provisions of paragraph (a) of Section 33-431 (In C1 or C2 Districts with bulk governed by surrounding Residence District) relating to the location of #uses# within #buildings# requirements of Section 32-42, to allow a #commercial building# or portion thereof to exceed in height 30 feet and two #stories#, provided that such #building# shall not exceed a maximum height of 35 feet and three #stories#; and provided the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and

The proposed enlargement at the Site will result in a three-story, 34'8" tall building. The addition of the third story is not allowed as of right since it exceeds the maximum two-stories allowed, and will require a special permit. The addition of a third floor and the proposed distribution of bulk will not impair access to light and air for the surrounding streets or properties. It does not impair access to light and air to the surrounding streets given that the Site is removed from Ford Street and Coyle Street, and Emmons Avenue is 100 feet wide. Nor will it impair access to light and air to the surrounding properties. Neither of the adjacent buildings that are attached to the building on the Site, 3149 Emmons Avenue and 2841 Ford Street, have lot line windows facing the Site. In addition, the increase in height to the proposed height of 34'8" is consistent with the scale and context of both residential and mixed use residential/community facility buildings, which are permitted to a maximum height of 35' and are the predominant character of the area.

Finally, the proposed enlargement does not impair views of the Bay, from either the surrounding streets, or the surrounding properties.To reiterate, neither of the buildings that are adjacent and attached to the building on the Site (3149 Emmons Avenue and 2841 Ford Street) have lot line windows facing the Site. Therefore, views of the bay from these buildings are not affected. And, because these buildings are comparable in height to the proposed enlargement, the enlargement will not impact existing views of the bay from buildings further north of Emmons Avenue. Finally, there are no views of the bay cross-wise from the east or west that will be impaired by the proposed enlargement.