II. The Proposed Enlargement Will Fit The Character of the Neighborhood

Proposed Height Fits Context of Surrounding Buildings

The Land Use Study describes how the proposed enlargement's height will fit within the context and character of the surrounding area:

> [W]e undertook a comparison of building heights in the 800 feet surrounding the Site. Of these 11 buildings, 3 are currently 50 feet or greater in height; one being 70 feet tall (taller than the proposed 65 feet). When site elevations are also considered, the proposed building height appears even more within the context of what already exists in the neighborhood: the proposed height (above sea level) would be 68 feet, while the tallest buildings in the surrounding area presently are 76, 56, and 54 feet above sea level. (Land Use Study at 4).

In terms of visual impact, the height of the proposed enlargement will not alter the street-level character of the surrounding area. Because the proposed enlargement is set back from the street, "it will not be visible from the north sidewalk of Emmons Avenue, and would barely be visible from the center of the street." (Id. at 3). It is only from the waterfront promenade along the Sheepshead Bay inlet that the top of the proposed enlargement would be visible. (Id.). Yet even from the promenade, the third floor doors and terrace will not be visible. (Id.; see also, Id. at attachment 20, "Emmons Avenue Street Section (Proposed Condition)").

This is consistent with enclosed City Environmental Quality Review analysis and Environmental Assessment Statement ("EAS") prepared by Hiram A. Rothkrug of EPDSCO environmental consulting, part 10, entitled "Urban Design and Visual Resources" which provides, in relevant part:

> The [proposed enlargement] would not result in any impacts to the visual resources in the vicinity of the site as compared to the [existing conditions]. Views to the Sheepshead Bay Inlet and the Lundy Brothers Restaurant would still be available from the streets around the project site. In addition, the project would not change urban design features so that the context of a natural or built visual resource is altered. (EAS at 11).

Proposed Use Fits Character of Surrounding Neighborhood

The cellar retail space is unique among area buildings along Emmons Avenue. Of all the buildings within 800 feet of the Premises with frontage on Emmons Avenue, none possess similar cellar retail space: they either have a cellar that is accessory to the ground floor use or no cellar at all. (Land Use Study at 2). The Premises' cellar space was designed so as to bolster the character of the Sheepshead Bay district. (Id. at 3).

The proposed enlargement will enable the applicant to continue utilizing the cellar level retail space, while attracting office workers to the Sheepshead Bay waterfront as well, thereby continuing to add to the commercial strength of the SSBD. Moreover, the proposed office space is permitted as-of-right at the Premises. Comparable office uses are located near the Premises, such as those located at 2211 Emmons Avenue, Sunrise Senior Living, which has medical offices on the first floor and is located on the same tax block as the Premises.

Lastly, the enlargement is modeled after a rooftop greenhouse, which is allowed pursuant to a City Planning Commission certification under ZR § 75-01. The spirit of the provision was considered in designing the enlargement and the aesthetic guidelines of the section have been incorporated into the design by including a setback of more than 6 feet from the edge of the building, a height that does not exceed 25 feet, and construction with more than 70% transparent materials. The instant application by analogy to what is envisioned by ZR § 75-01 is within the scope of permissible aesthetic and bulk standards of the section.

III. Requested Parking Reduction

Pursuant to the terms of the previous grant, the Premises currently has **182** accessory parking spaces, as set forth in Certificate of Occupancy 3P0008990, which is enclosed. This is the required amount of parking spaces for the existing conditions under ZR § 36-21:

- The existing 14,754.53 square feet of Use Group 6 space at the cellar level requires 49 parking spaces.
- The existing 19,201.15 square feet of Use Group 6 and 10 space on the first floor level requires 64 spaces.
- The existing 20,647.33 square feet of Use Group 6 and 10 space on the second floor requires 69 spaces.

The proposed addition of 10,000 square feet of Use Group 6, parking requirement category B1, office space would require an additional 33 accessory off street parking spaces pursuant to ZR § 36-21, for a total of 215 spaces. However, the applicant requests a reduction in the amount of required accessory off street parking spaces to 198 due to the historic under-utilization of the existing 182 spaces. As set forth in the EAS, under part 16, entitled "Transportation":

> Based on the results of the parking accumulation analysis, the future total parking demand to be generated by both the existing and future office building would require a total of **140 parking spaces for the entire future office space**, which would peak from 10AM-11Am for the entire building...
>
> It is concluded that available on-site parking supply **of 198 parking spaces would be more than sufficient to accommodate the future total parking demand** of 140 parking spaces during the 10-11AM peak hour to be generated by the project. (EAS at 13) (emphasis added).

The study's estimate trip generation rates, temporal distribution, and modal split are set forth in Tables 1 and 2, and Exhibits 1 and 2, attached to EAS part 16. In light of the EAS findings, the 33 additional parking spaces required is clearly excessive. Accordingly, the applicant seeks to create only **16** new spaces, for a total of **198** spaces, which would be "more than sufficient" to accommodate the future total parking demand of 140 parking spaces needed during peak hours.

Moreover, the requested reduction in parking would typically be permitted by ZR § 73-44, which authorizes the Board to grant a special permit to reduce the number of required parking spaces to 1 per 600 square feet. In this instance, a special permit would allow the creation of 17 spaces (10,000 / 600 = 16.667), rather than the 33 required by ZR § 36-21. Considering that the instant request approximates the requirements of that provision, and that the applicant has likewise provided herein an Affidavit of Good Faith that the additional parking will continue to be used for uses within parking requirement category B1, it is respectfully requested that the previous grant be modified so as to require the creation of **16** additional spaces, for a total of **198** spaces.

VIOLATION HISTORY

As shown on the attached DOB printout, there are eleven open DOB violations. All of them are for the elevator. A copy of each is provided under a separate attachment "Violation History."

CONCLUSION

The value of the step down cellar level retail space was an essential component of the original variance and was then determined to be an essential economic component. The events related to Hurricane Sandy eliminated value from this space and causing an economic hardship. The instant request is made to enable the owner to overcome that hardship.

The use, bulk and design of the enlargement all fit within the character of the area, and the request is the minimal necessary to afford relief as envisioned under the terms of the previous grant.

In light of the above, we propose that the requested amendment does not alter the Board's findings made for the original variance and respectfully request that the Board grant the instant modification.

Respectfully submitted,

Eric Palatnik

NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

BSA CALENDAR NO. 552-91-BZ VOL 2 BLOCK 8779 LOT 53

SUBJECT SITE ADDRESS 2027 EMMONS AVENUE

APPLICANT 2027 LLC - ALEX LEVIN (REPRESENTATIVE)

ZONING DISTRICT C2-2/R5

SPECIAL/HISTORIC DISTRICT SB-D

COMMUNITY BOARD CB-15

PRIOR BSA # 552-91-BZ VOL 2

	* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	COMPLIANT: "Y" IF NOT: "N" and INDICATE AMT OVER/UNDER
LOT AREA	45,737.5		-	-	45,737.5	45,737.5	Y
LOT WIDTH	260'-9"		-	-	260'-9"	260'-9"	Y
USE GROUP (S)	94-062*	-		6,10	6,10	6,10	Y
FA RESIDENTIAL	N/A	-		-	-	-	-
FA COMMUNITY FACILITY	N/A	-		-	-	-	-
FA COMMERCIAL/INDUST.	94-092	45,737.50		45,637.73	45,637.73	55,637.73	N
FLOOR AREA TOTAL	94-092	45,737.50		45,637.73	45,637.73	55,637.73	N
FAR RESIDENTIAL	N/A	-		-	-	-	-
FAR COMMUNITY FACILITY	N/A	-		-	-	-	-
FAR COMMERCIAL/INDUST.	94-092	1.0		.998	.998	1.216	N
FAR TOTAL	94-092	1.0		.998	.998	1.216	N
OPEN SPACE	94-095		16,287	16,287	16,287	16,287	Y
OPEN SPACE RATIO	94-095		40	40	40	40	Y
LOT COVERAGE (%)		100%		100%	100%	100%	Y
NO. DWELLING UNITS	-	-		-	-	-	N/A
WALL HEIGHT	94-10	50'-0"		40'-0"	40'-0"	40'-0"	Y
TOTAL HEIGHT	94-10	50'-0"		40'-0"	40'-0"	55'-0"	N
NUMBER OF STORIES				2	2	3	Y
FRONT YARD	33-283		0'-0"	0'-0"	0'-0"	0'-0"	Y
SIDE YARD	33-283		0 OR 8'-0"	0'-0"	0'-0"	0'-0"	Y
SIDE YARD	33-283		0 OR 8'-0"	0'-0"	0'-0"	0'-0"	Y
REAR YARD	33-283		20'-0"	0'-0"	0'-0"	0'-0"	N*
SETBACK (S)	94-10		0'-0"	0'-0"	0'-0"	15'-0"	Y
SKY EXP. PLANE (SLOPE)	-	-		-	-	-	N/A
NO. PARKING SPACES	36-21	-	215	182	182	182	N
LOADING BERTH (S)	36-32	-	3	3	3	3	Y
OTHER:							

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included.

NOTES: * DENOTATES U.G. 10 (DEPT. STORE USE) AND REAR YARD

REQUIREMENTS HAVE BEEN WAIVED WITH PREVIOUS FILING - 552-91-BZ VOL 2 AND CONSEQUENTLY MAKE THE CURRENT CONDITIONS COMPLIANT.

Zoning Floor Areas & Parking Requirements

Existing / Proposed	Floor	Use	U.G.	Floor Area (Gross)	Floor Area (Net)	FAR	PRC	Parking Requirement	Required Parking	Parking Waiver
Existing	Cellar	Retail & Commercial Restaurants	6	14754.53 sq ft	0 sq ft	0	PRC B	1 Per 300 S.F.	49.182	
Existing	Garage below 23'-0"	Parking Garage	-	19303.29 sq ft	0 sq ft	0	N/A	N/A	0	
Existing	1st Floor	Retail	6,10	19201.15 sq ft	19201.15 sq ft	0.42	PRC B	1 Per 300 S.F.	64.004	
Existing	Garage above 23'-0"	Accessory Group Parking	-	5789.25 sq ft	5789.25 sq ft	0.127	N/A	N/A	0	
Existing	2nd Floor	Retail	6,10	20647.33 sq ft	20647.33 sq ft	0.451	PRC B	1 Per 300 S.F.	68.824	
Proposed	3rd Floor	Commercial Offices	6	10000 sq ft	10000 sq ft	0.219	PRC B	1 Per 300 S.F.	33.333	50%
Total	Existing	Building	-	79695.55 sq ft	45637.73 sq ft	0.998	Total	Existing	182.01	182.01
Total	Proposed	Development	-	10000 sq ft	10000 sq ft	0.219	Total	Requlred New	33.333	16.667
Total	Zoning	Area	-	89695.55 sq ft	55637.73 sq ft	1.216	Total	Overall	215.343	198.677

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2027 Emmons Ave.
Brooklyn, NY, 11235

Proposed 3rd Floor Offices Variance

DATE: 04/2011

DRAWN BY: SBD | VERIFIED BY: RJP

SCALE: 1:220

PROJECT NO.: 17-2012

SHEET TITLE: BSA Zoning Analysis Form & C of O

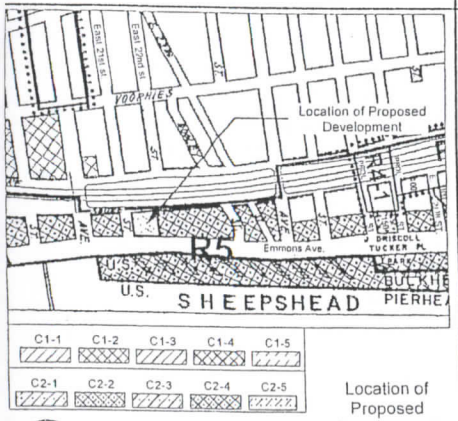
SHEET NO.: A001.00

1 OF 10

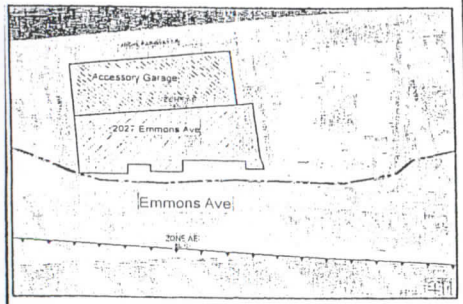
CAD FILE:

Site Data

Address: 2807 East 21st Street
Alternate Addresses: 2027, 2031, 2035, 2039, 2039, 2043, 2047, 2051, 2055, 2059, 2063 Emmons Avenue
Block: 8779
Lot: 53
MAP NO.: 29a
Zone: R5
Overlay: C2-2
Special District Sheepshead Bay Special District Subdistrict D
ABFE (Preliminary) Flood Zone: AE EL 11 NAVD, Partially in AE 12 NAVD (Coastal Flood Zone)
Lot Type: Corner
Construction Class: ID (Sprinklered)
Lot Area: 45,737.5 Sq. ft.
Previous N.B. No.: 282/89
Use Group: 6, 10 (As per BSA CAL. NO. 552-91-BZ)
Existing C of O #: 301504441F



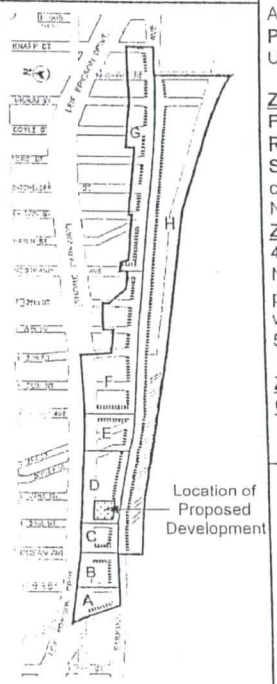
1 Zoning Map 29b
NTS



2 Latest B.F.E Map
NTS

Scope of work

1. Proposed 3rd story - Commercial Offices (U.G. 6) of 10,000 sq. ft. of additional area
2. Relocate existing HVAC Units to areas beyond proposed development
3. Reinforce existing structural roof joists and columns.
4. Modifications to existing Elevator & Stair bulkheads at permeter wall.
5. Flood proofing plans submitted under separate application
6. HVAC, sprinkler and plumbing plans submitted under separate application.
7. For zoning approval purposes only. BSA Variance.



3 Sp. District Map
NTS

Zoning Computations

ZR 94-092 Bulk Requirements
Lot Area: 45,737.5 sq. ft.
Max. Allowable F.A.R. Commercial = 1.0
Allowable Floor Area (Commercial Use): 1.0 FAR x 45,737.5 sq. ft. = 45,737.5 S.F.
Allowable Floor Area (Community Facility Use): 1.25 FAR x 45,737.5 = 57,171.875 S.F.

ZR 94 -062 Use regulations Use Group SB
Special District Zone D
Existing Uses
Use Group 6 Retail Stores and Eating & Drinking Establishments
Use Group 9 Eating & Drinking Establishment Catering
Use Group 10 Retail Clothing Store
Accessory Parking Garagg - UG R-1
Proposed New Uses
Use group 6 Commercial Offices

ZR 33-25 Total Yards regulation
Front Yard None required
Rear Yard None required for Corner Lot
Side Yard None Required within 100'-0" of corner, if provided - 8'-0" required
No existing side yard - O.K.
ZR 33-283 Rear Yard Equivalent
40'-0" for through lot (See Plot Plan)
Note Portion of 2nd Fl. Commercial Building projects into required rear yard equivalent and was approved as per BSA CAL. NO. 552-91-BZ

ZR 36-21 Parking Requirement - SEE CHART BELOW

ZR 94-095 - Open Space Ratio
Min. O.S.R. = 40.0
Building Coverage : 21,661.16 S.F.
Garage Coverage (For Area over 23'-0") = 5,789.25 S.F.
Total Building Coverage - 27, 450.41 S.F.
Open sapce : 45737.5 S.F. - 27,450.41 S.F. = 16,287.09 S.F.
Open Space Ratio:
18,287.09 / 45,637.73 x 100 = 40.07 S.F.
Proposed Development does not exceed O.S.R. - O.K.

ZR 64-131 - Measurement of height
All measurements of height above curb leve, base plane, base flood elevation, grade or other similar ground related related datum shall be from the **flood resistant construction elevation.**

Where different #flood resistant construction elevations apply to different portions of a #building#, the highest of such #flood-resistant construction elevations# may apply to the entire #building#.
Building is located at EL 11 NAVD.

ZR 94-10 Height and Setback Regulations
Maximum Height 4 stories or 50'-0"
Existing Height = 40'-0"
Grade Elevation = EL 5.18 BK
Flood Plane Elev - 11 Navd / 9.54 BK Datum
Freeboarding Height = 10.54 NGVD
Allowable Building Height from B.P. = 55.36' above grade
Proposed Height = 60'-0" > 55.36' - Proposed height is non complying

Special Sheepshead Bay District Regulations

ZR 94-071 Sidewalk extension area
Existing 5'-0" Side walk extension to remain unchanged

Request for Variance approval

1. Increase FAR to 1.2 for zoning lot is greater than the allowable 1.0 F.A.R. as per ZR 94-092
2. Building height to project 60'0" above base plane which is greater than the allowable 55'-4" above base plane (considering FEMA Regulations) building height as per ZR 94-10.
3. Additional floor area to require an additional 33 spaces of automobile parking as per ZR 36-21. Applicant to petition a reduction or waiver of parking due to underutilization of current accessory parking garage.
4. Extend Expiration date of variance beyond July 18. 2020

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2027 Emmons Ave.
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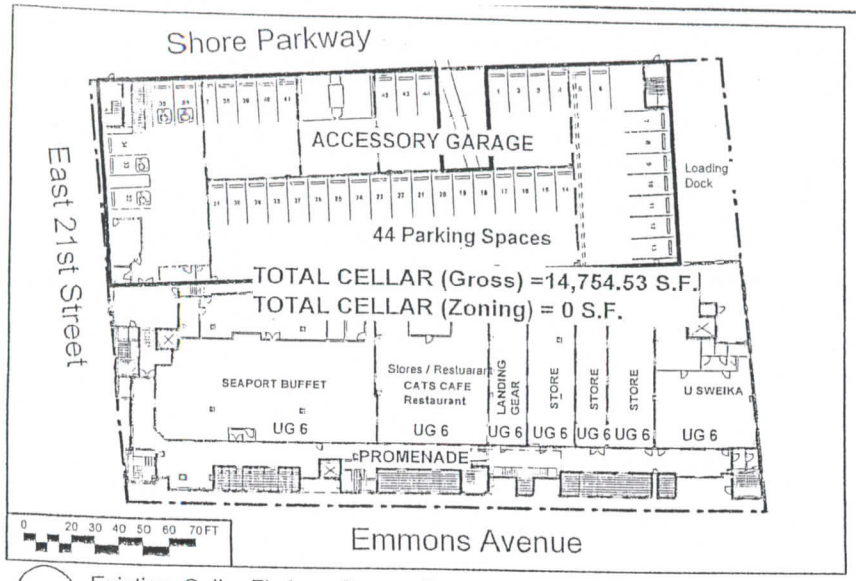
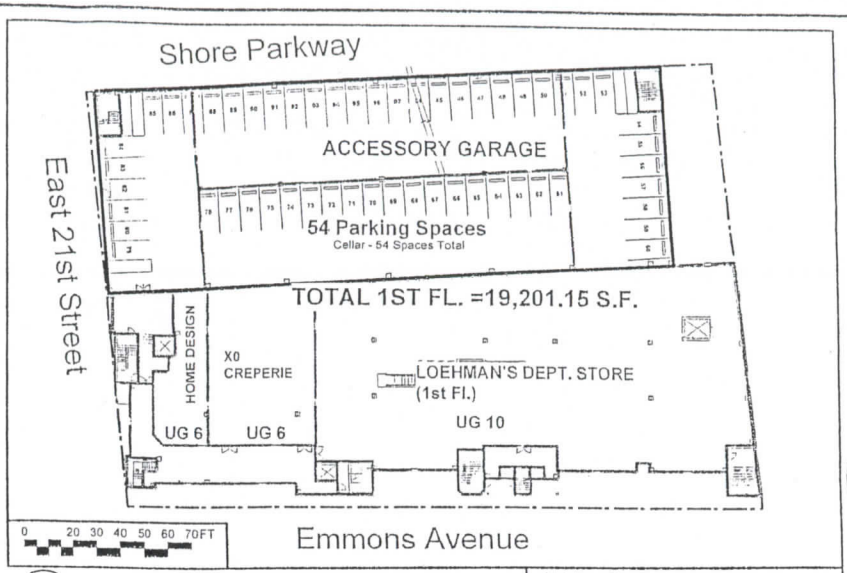
Proposed 3rd Floor Offices Variance

DATE: 04/2011
DRAWN BY: SBD | VERIFIED BY: RJP
SCALE: Varies, As per Dwg Labels
PROJECT NO.: 17-2012
SHEET TITLE: General Notes
SHEET NO.: A002.00
2 OF 10
CAD FILE:

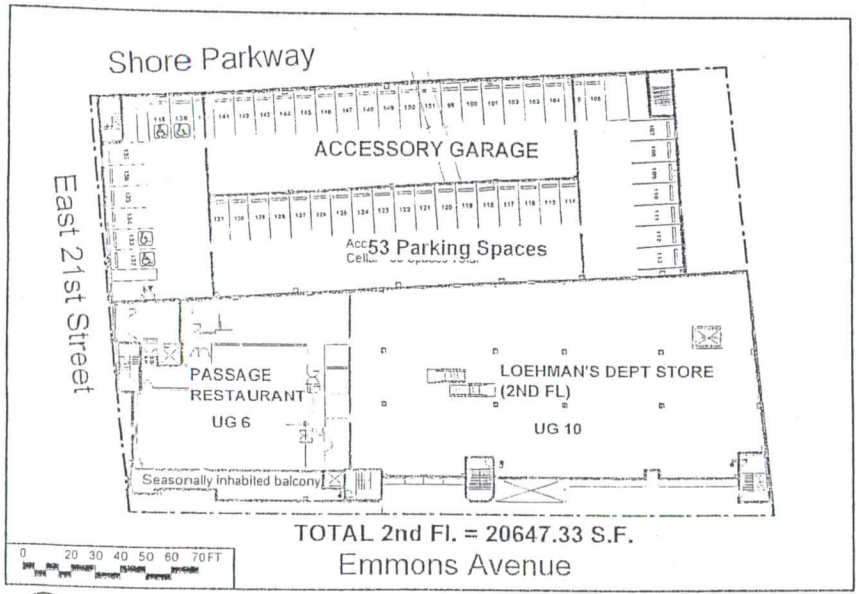


1 Existing Cellar Fl. Area Summations
1:600

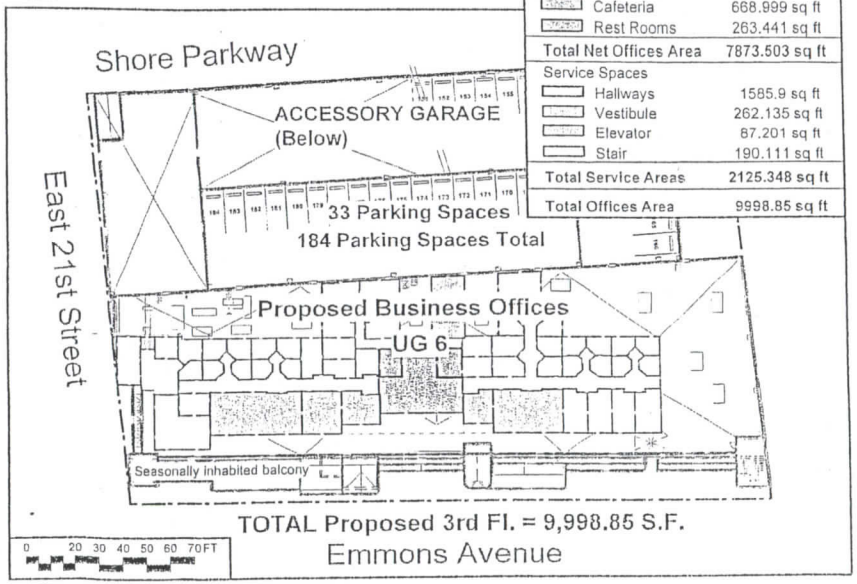


2 1st Fl. Area Summations
1:600

Net Area Spaces	
General Offices	4757.983 sq ft
Meeting Rooms	2183.08 sq ft
Cafeteria	668.999 sq ft
Rest Rooms	263.441 sq ft
Total Net Offices Area	7873.503 sq ft
Service Spaces	
Hallways	1585.9 sq ft
Vestibule	262.135 sq ft
Elevator	87.201 sq ft
Stair	190.111 sq ft
Total Service Areas	2125.348 sq ft
Total Offices Area	9998.85 sq ft



3 2nd Fl. Area Summations
1:600



4 Proposed 3rd Fl. Area Summations
1:600

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2027 Emmons Ave.
Brooklyn, NY, 11235

Proposed 3rd Floor
Offices Variance

DATE: 04/2011

DRAWN BY: SBD | VERIFIED BY: RJP

SCALE: 1:220

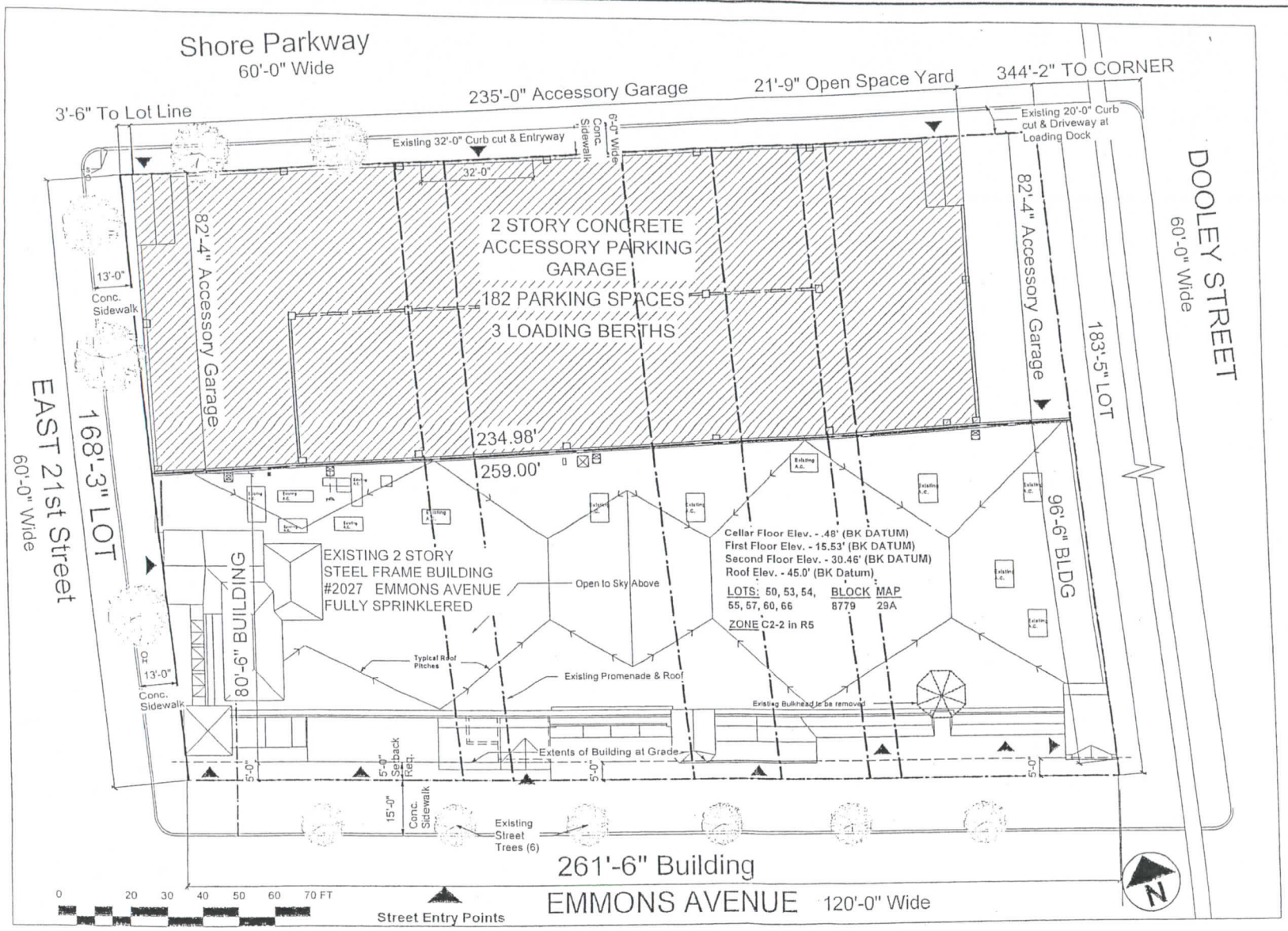
PROJECT NO.: 17-2012

SHEET TITLE: Existing/Proposed Floor Area Summation Diagrams

SHEET NO.: A003.00

3 OF 10

CAD FILE:



1 Existing Site Plan
1:350

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Proposed 3rd Floor Offices Variance

DATE: 04/2011

DRAWN BY: SBD | VERIFIED BY: RJP

SCALE: 1:220

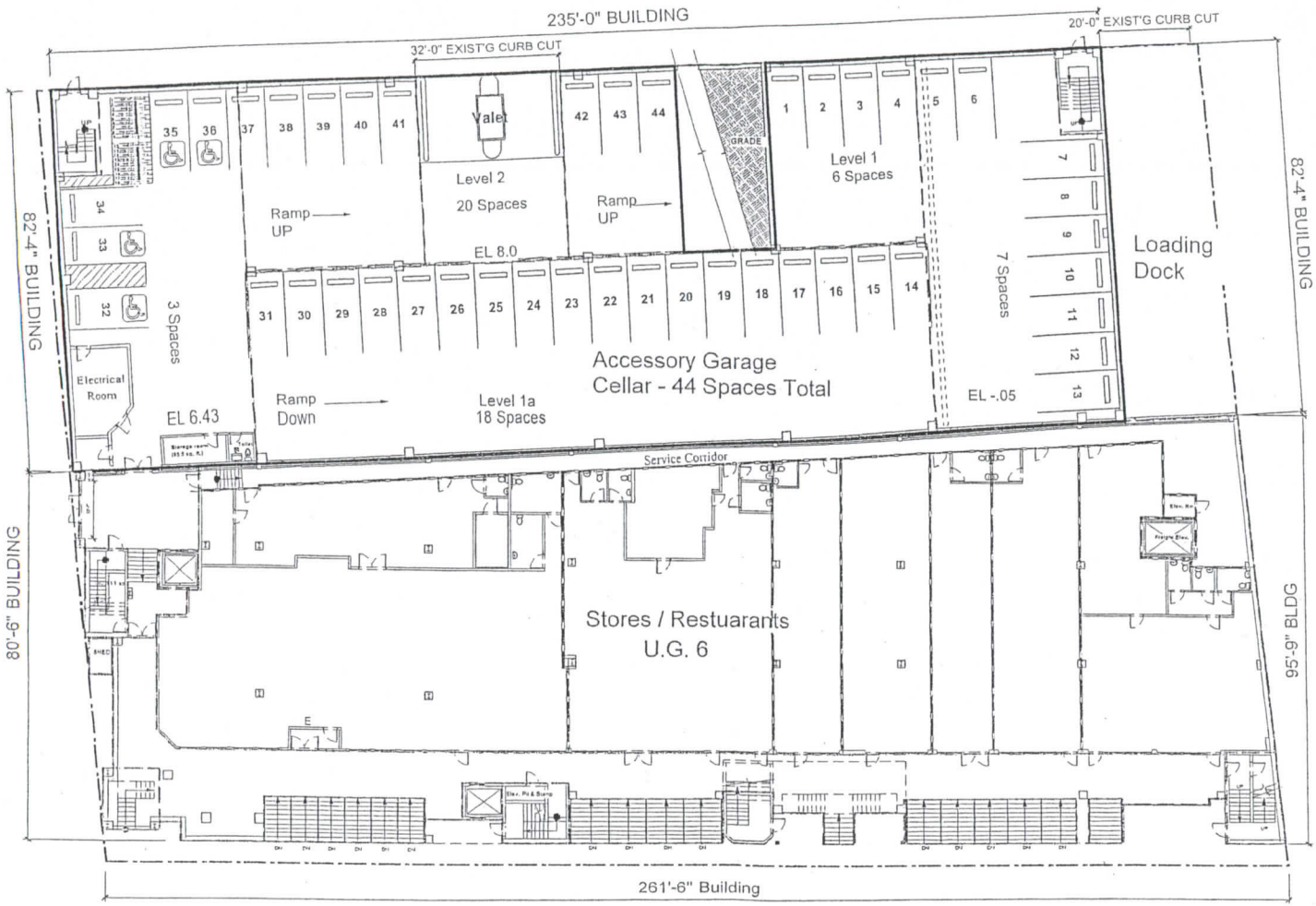
PROJECT NO.: 17-2012

SHEET TITLE: Existing Site Plan

SHEET NO.: A004.00
4 OF 10

CAD FILE:

Shore Parkway



EAST 21st Street
60'-0" Wide

EMMONS AVENUE 120'-0" Wide

1 Existing Cellar Plan
1:300

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2027 Emmons Ave.
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Proposed 3rd Floor Offices Variance

DATE: 04/2011

DRAWN BY: SBD | VERIFIED BY: RJP

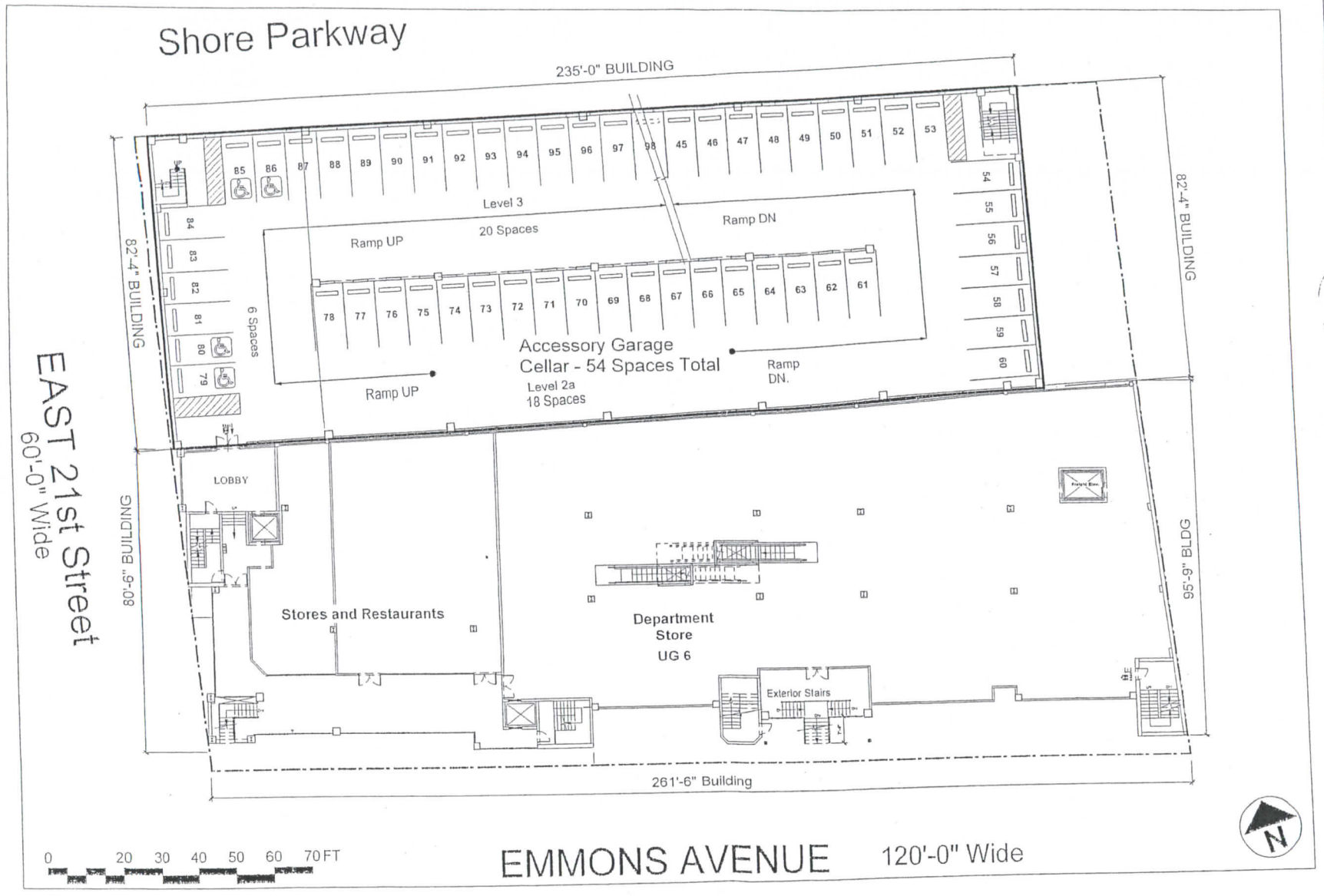
SCALE: 1:300

PROJECT NO.: 17-2012

SHEET TITLE: Existing Cellar Plan

SHEET NO: A005.00
5 OF 10

CAD FILE:



1 Existing 1st Floor Plan
1:300

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REGISTERED ARCHITECT ROBERT JAMES PALERMO No. 013124 STATE OF NEW YORK

Robert James Palermo
NY State License
013124

2027 Emmons Ave.
Brooklyn, NY, 11235

Proposed 3rd Floor
Offices Variance

DATE: 04/2011

DRAWN BY: SBD | VERIFIED BY: RJP

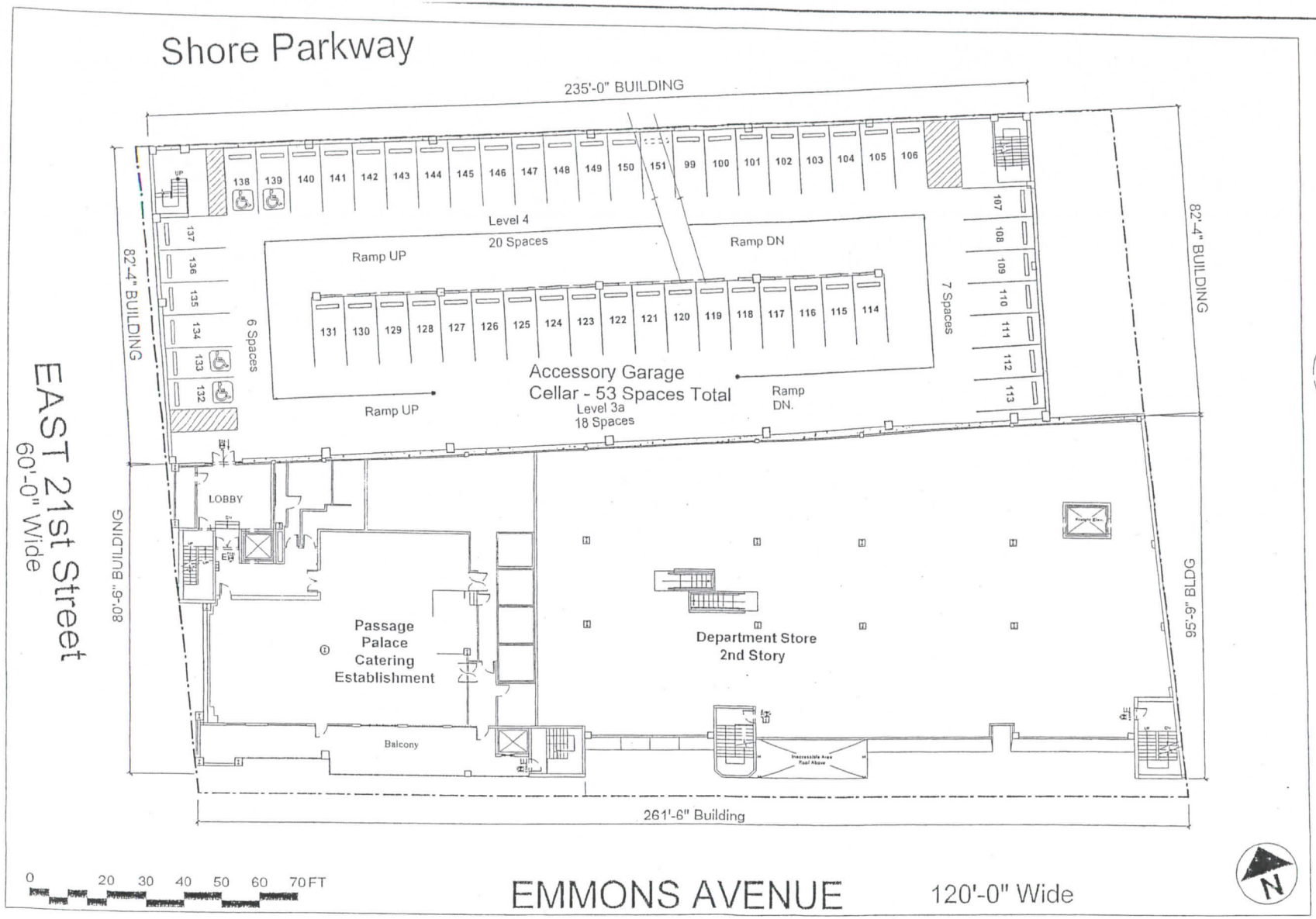
SCALE: 1:300

PROJECT NO.: 17-2012

SHEET TITLE: Existing 1st Fl. Plan

SHEET NO.: A006.00
6 OF 10

CAD FILE:



1 Existing 2nd Floor Plan
1:300

CORPORATE DESIGN of AMERICA ARCHITECTS
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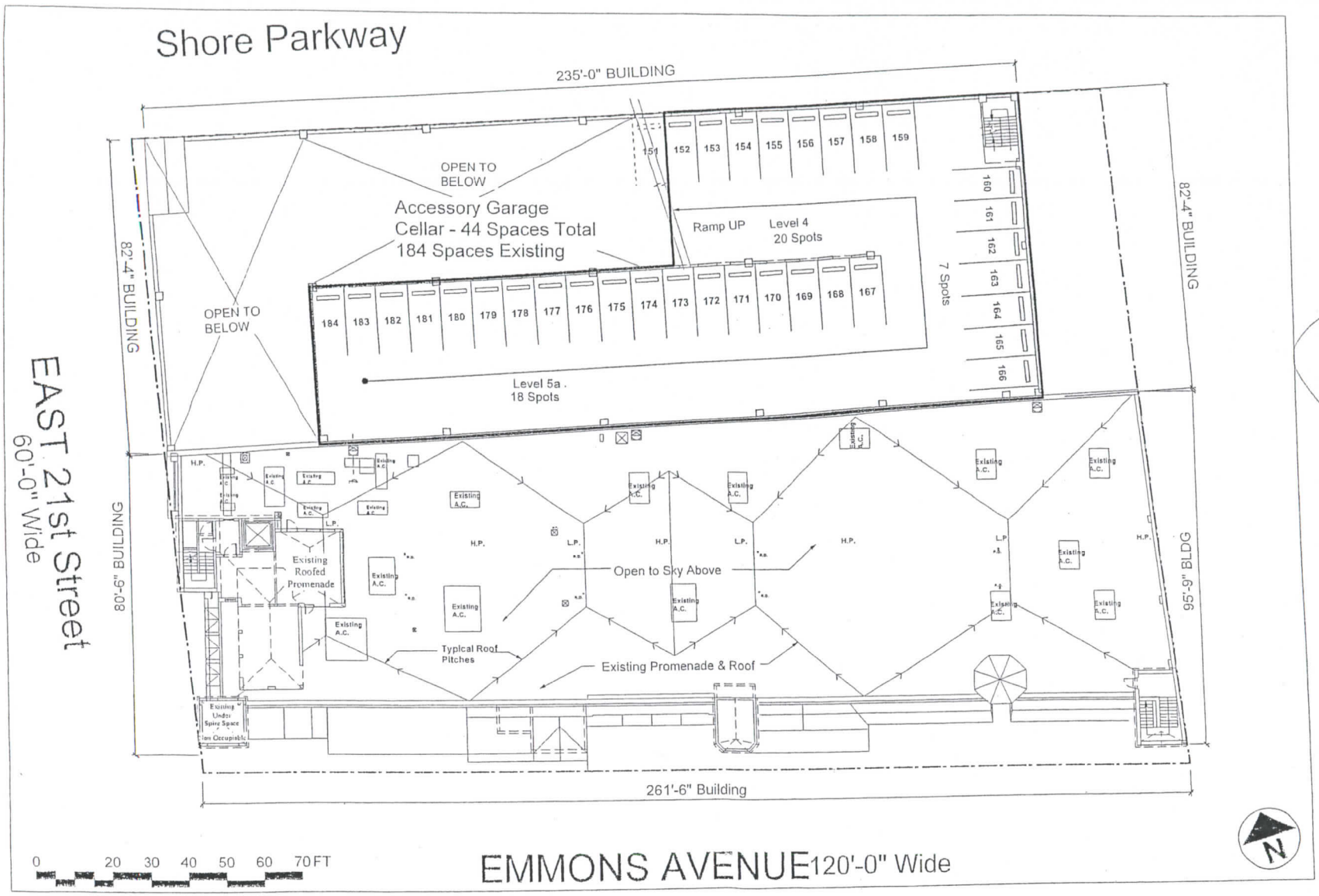
Proposed 3rd Floor Offices Variance

DATE:	04/2011
DRAWN BY:	SBD
VERIFIED BY:	RJP
SCALE:	1:300
PROJECT NO.:	17-2012
SHEET TITLE:	Existing 2nd Floor Plan
SHEET NO.:	A007.00
	7 OF 10
CAD FILE:	



1 Existing Roof Plan
1:300

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SCALE: 1:300

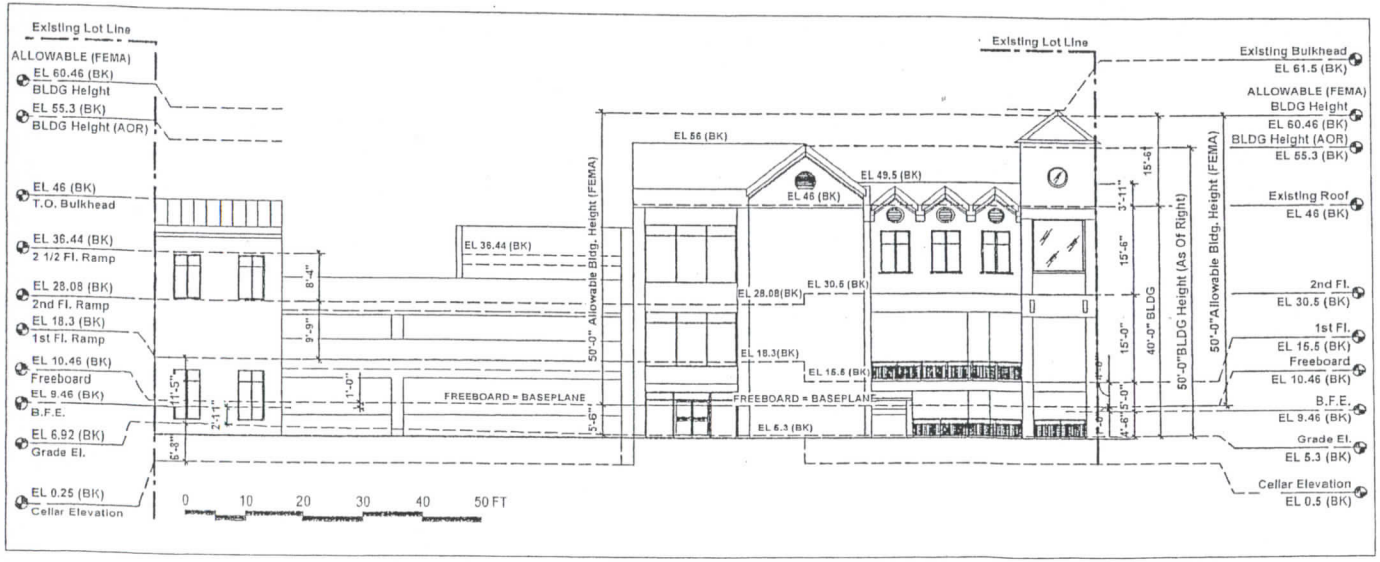
PROJECT NO.: 17-2012

SHEET TITLE: Existing Roof Plan

SHEET NO.: A008.00
8 OF 10

CAD FILE:

1 Existing Emmons Avenue (South) Elevation
1:250



2 Existing East 12th St. (West) Elevation
1:250

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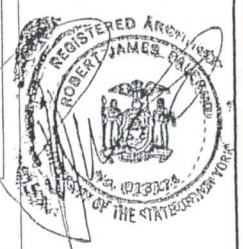

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Brooklyn, NY, 11235

Proposed 3rd Floor Offices Variance

DATE: 04/2011

DRAWN BY: SBD | VERIFIED BY: RJP

SCALE: Varies, As per Dwg Labels

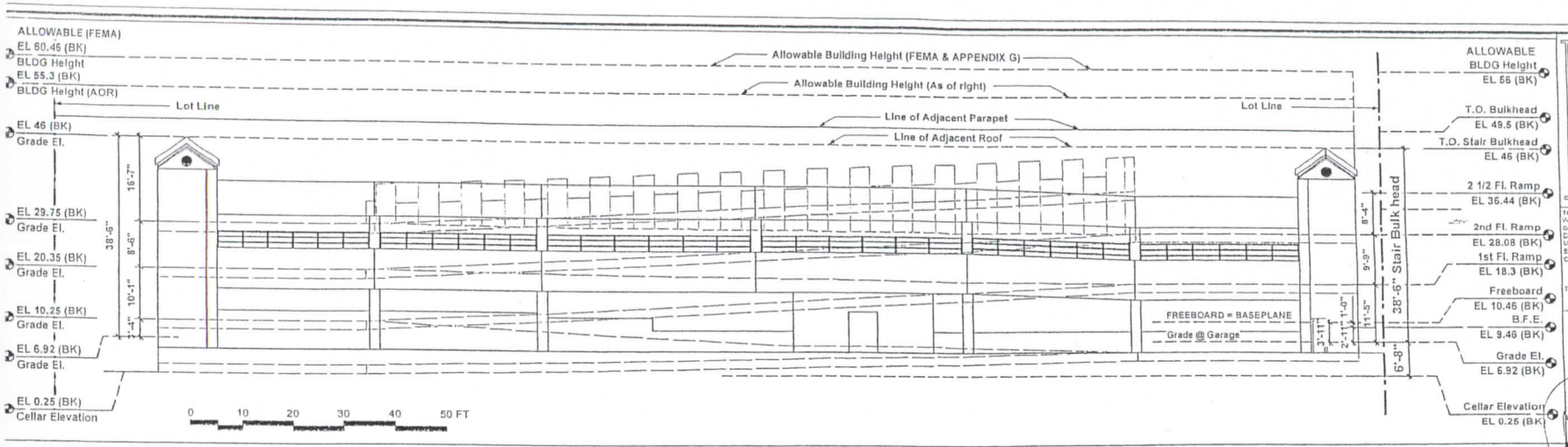
PROJECT NO.: 17-2012

SHEET TITLE: Existing Elevations

SHEET NO.: A009.00

9 OF 10

CAD FILE:



1 Existing Shore Parkway Garage (North) Elevation
1:250

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Proposed 3rd Floor Offices Variance

DATE: 04/2011

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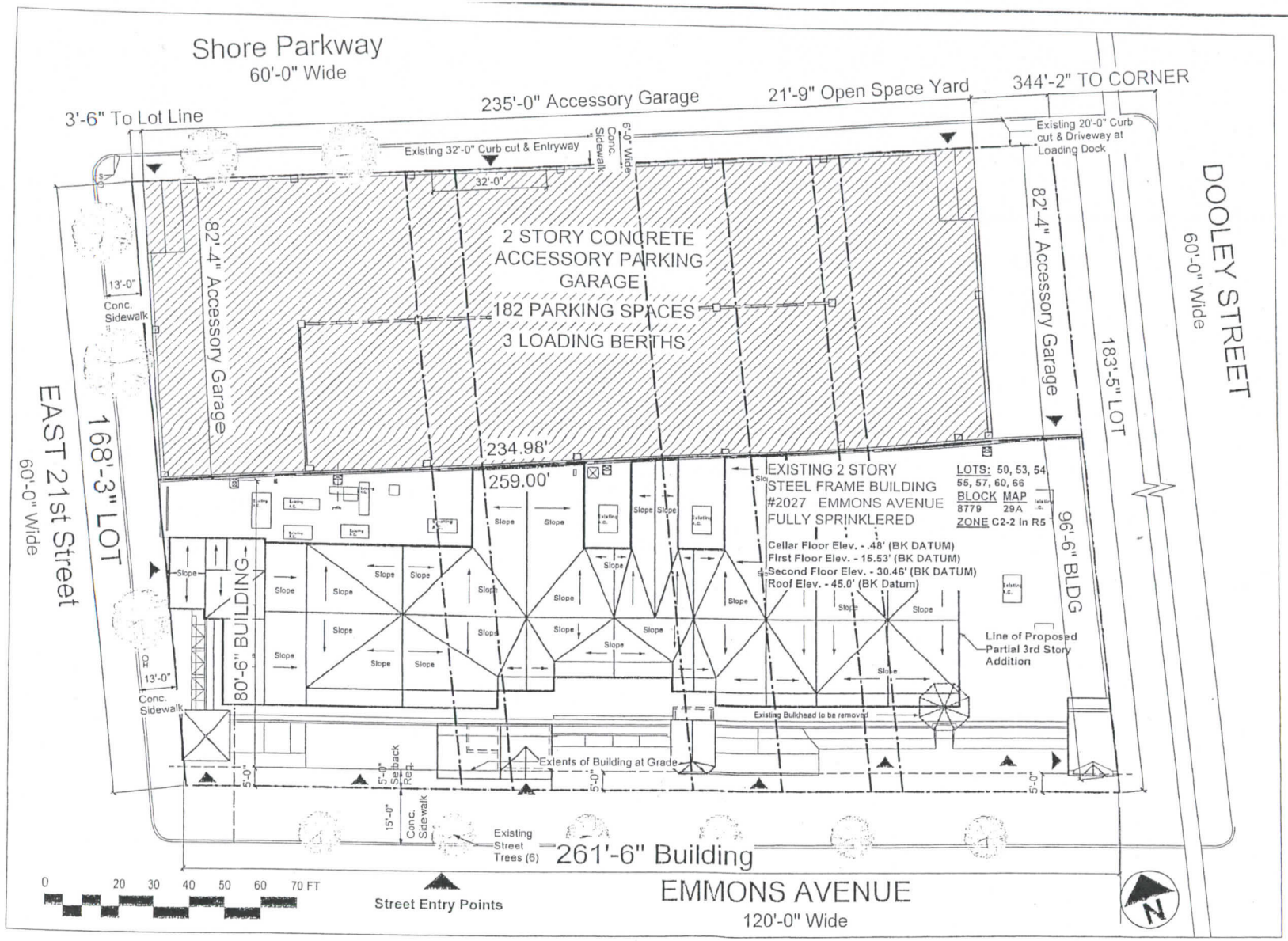
SCALE: Varies, As per Dwg Labels

PROJECT NO.: 17-2012

SHEET TITLE: Existing Garage Elevations

SHEET NO: A010.00
10 OF 10

CAD FILE:



1 Proposed Site Plan
1:350

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Proposed 3rd Floor Offices Variance

DATE: 04/2011

DRAWN BY: SBD | VERIFIED BY: RJP

SCALE: 1:220

PROJECT NO.: 17-2012

SHEET TITLE: Proposed Site Plan

SHEET NO.: A001.00

1 OF 9

CAD FILE: