

September 18, 2017
STATEMENT OF FINDINGS**45 Vernon Blvd**
Queens, NY 11101
Block 26, Lots 4 & 8RECEIVED
DD. STANDARDS AND APPEALS
2017 SEP 18 P 6:48

CAL. NO.

The following statement is submitted in support of the captioned Application, demonstrating how each of the findings required under Section 72-21 of the Zoning Resolution is met. Please note that all of the remedial work described below has been completed by the Applicant, as evidenced by a Certificate of Completion issued by the New York State Department of Environmental Conservation.

The requested variances are for use, bulk and loading. The use variance is to permit residential use on a former industrial site located in an M1-4 zoning district on the Long Island City waterfront (the "Subject Property"). The bulk variances include FAR, maximum building height, maximum floorplate size, and open space along a residential district boundary. A variance to waive the requirement for a single loading berth is also requested. These variances are summarized below.

(i) *FAR*

The underlying FAR in the M1-4 district is 2.0 for commercial and manufacturing use and 6.5 for community facility use. This application seeks a variance to permit a total FAR of 5.518, including a residential FAR of 5.285 and a commercial (retail) FAR of 0.232. As set forth in the Economic Analysis Report (Exhibit 6) submitted with this Application, the proposed FAR yields a return of \$352,000. This is the minimum necessary to constitute a reasonable economic return.

(ii) *Building Height*

The Waterfront Zoning regulations (Article VI, Chapter 2 of the Zoning Resolution) establish a maximum base height of 60 feet and a maximum building height of 110 feet for commercial and manufacturing uses (ZR 62-341(c)(1)) and 225 feet for community facility uses (ZR 62-341(c)(2)). Because the underlying zoning district is M1-4, there are no regulations governing residential building height. The Applicant is requesting a variance to permit a maximum residential building height of 291.67 feet.

(iii) *Floorplate*

The Waterfront Zoning limits the size of a story above the maximum permitted base height to 7,000 sq. ft. (ZR 62-341(c)(4)). The proposed Anable Building has typical floor plates of 7,408 sq. ft. above the base. The requested variance will allow a more efficient residential floor while avoiding the need for additional height to accommodate the required amount of floor area. Without the waiver, the proposed building would need to be two to three stories taller in order to achieve an economic return.

(iv) *Loading Berth*

One loading berth is required for commercial floor area between 8,001 sq. ft. and 25,000 sq. ft. (ZR 44-52). The Proposed Project includes a total of 9,010 sq. ft. of retail use, requiring a loading dock. A waiver of this requirement is sought because providing a loading berth would reduce the amount of retail floor area to below 8,000 sq. ft., adversely affecting the income generated by the proposed development and the retail character of the adjoining street.

(v) *Open Space Along Residential District Boundary*

The M1-4 district requires that 15 feet of open space be provided along the side lot line of a zoning lot when such side lot line is also the rear lot line of a zoning lot in a residential zoning district (ZR 43-303). Such lot line condition exists at the intersection of 46th Avenue and Vernon Boulevard, where the Subject Property adjoins an outparcel located within an R6A/C1-2 district in the Long Island City Special District. Currently, there is a three-story, 40 foot tall building at this location on the Subject Property. The Proposed Project would reduce this building to one story at 20 feet in height, which is a 50% reduction in the degree of non-compliance.

Required Findings

A. There are unique physical conditions or exceptional topographical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located.

The Subject Property presents unique physical and topographic conditions which, in the aggregate, result in practical difficulties and unnecessary hardship in complying strictly with the requirements of the Zoning Resolution. The unique physical conditions of the Subject Property include the proximity to the Anable Basin, the historic use as an industrial, paint manufacturing and storage facility, and the gross, long-standing environmental contamination resulting from such uses.

Anable Basin is a 500 foot-long man-made inlet of the East River that was excavated around 1868 to serve the numerous oil refineries, factories and warehouses in Long Island City. Adjacency to Anable Basin is common to only a few sites, including the Subject Property. Prior to remediation, the Site was separated from the Basin by a deteriorated timber bulkhead, which allowed contaminated groundwater to flow into the Basin. The Applicant, under a tidal wetlands permit from State DEC, replaced the deteriorated bulkhead with a new sheet pile structure that prevents or reduce the flow of contaminants into the Basin.

The former industrial uses in the area around the Site date back to the 1800's. While the existing paint factory was reportedly constructed between 1923 and 1947, the Subject Property had been used for heavy industrial purposes since 1898. As best as can be determined, these early uses included chalk products, sheet metal works, and metal painting. As a result of the prior industrial activities, primarily paint manufacturing, the Subject Property was burdened with unique types and quantities of contaminate substances located in a variety of environmental media.

As discussed above, the Subject Property has a long history of industrial uses dating back to the 19th Century, resulting in the need to remediate hazardous materials in the soil, groundwater and air and remove numerous tanks and containment vessels under the New York State Brownfield Cleanup Program (BCP) and the U.S. Resource Conservation and Recovery Act (RCRA). The actual premium costs of this remediation total \$14.36 million.

DEC admitted the Site into the Brownfield Cleanup Program (BCP) on September 4, 2008 and entered into a Brownfield Cleanup Agreement with a prior owner at that time. However, no work was undertaken pursuant to the Agreement. Shortly thereafter, on January 14, 2009, the New York State Department of Health (DOH) declared the Site to be a "significant threat to public health." There are no other BCP sites along the waterfront within the Surrounding Area that received a similar declaration.

Remediation under the BCP was carried out in two phases. First, extensive "interim remedial measures (IRMs)" were implemented to contain the contaminants. These measures, which included removal of the underground storage tanks (some as big as a bus), were not "interim" because they were not permanent, but rather because they preceded the approval of a remedial action work plan (RAWP) to remove the contaminants. The interim remedial measures, as discussed in Section 3.1 of the FER), included the following:

- 2009 IRM (LNAPL Recovery from Site Monitoring Wells) – Approximately 434 gallons of total fluid and 224 gallons of LNAPL, primarily attributed to mineral spirits, were recovered and disposed off-site;
- 2011 Supplemental IRM (LNAPL Recovery from Site Monitoring Wells) – Approximately 2,239-gallons of LNAPL, primarily attributed to mineral spirits, were recovered and disposed off-site;
- 2013 IRM (Removal of UST Contents) – Approximately 1,865 gallons of mineral spirits and 5,748 gallons of water containing diesel/ fuel oil were removed using a vacuum truck and transported offsite for proper disposal; and
- 2015 IRM (Removal of USTs and Contents) – UST removal activities included the removal of four (4) USTs (two 20,000 gallon tanks and two 10,000 gallon tanks) located in the courtyard and two (2) USTs (550 gallon capacity each) located in the driveway. A total of 75,404 gallons of non-hazardous oily water was pumped from the USTs prior to removal. This consisted of a mixture of mineral spirits (60 gallons), diesel fuel (680 gallons) and water (74,664 gallons). In addition, the following was also removed as part of this IRM: 151 cubic yards (CY) of clean concrete from UST vaults or overlay; 70.9

tons of soil surrounding the USTs; Eighty-one 55-gallon drums of non-hazardous tank bottom, solid material; and six 55-gallon drums of hazardous, solid material from the 550-gallon USTs. The respective tank closure report is provided as Appendix D in the FER.

Following approval of the RAWP, a set of post-interim remedial measures were carried out, including the following key elements:

- excavation of 4,800 CYs of soil and off-site disposal of approximately 6,100 tons of grossly contaminated soil that exceeded Site-specific SCOs;
- closure of remaining USTs by removal (5 in total ranging in size from 2,000 to 2,500 gallons) or abandonment (6 in total ranging in size from 9,000 to 21,000 gallons);
- import and backfill of excavated areas with 5,300 tons of fill and recycled concrete aggregate;
- dewatering, treatment and off-site disposal of 26, 640 gallons of groundwater to facilitate excavation;
- ISCO treatment of VOCs in groundwater with a combined total of 2,240 pounds of chemical oxidant at a total of 20 locations;
- installation of five automatic LNAPL recovery pumps at property boundary areas where the LNAPL plume extends off-Site, and underneath the brick Warehouse building on-Site;
- installation of a Site-wide composite cover system; and
- installation of 9 new monitoring wells as required during a meeting between DEC and Roux Associates, Inc. on October 7, 2016 at DEC's office located in Long Island City, New York.

The combined costs of the interim and RAWP remedial measures were approximately \$10.8 million.

In addition to the BCP, the former paint factory (including its warehouse and garage) was designated a large quantity generator of hazardous waste under RCRA and a Closure Plan was implemented between March 25, 2015 and August 11, 2015. This work focused on the decontamination of the hazardous waste storage areas within the building, including the second, third, and fourth floors, which contained approximately 65 above-ground storage tanks and other containment vessels and associated pumps and piping, and former garage, which was used to store hazardous waste prior to off-site shipment and disposal. All storage tanks and vessels within the hazardous waste storage areas were decontaminated and removed from Site, and floor, wall and ceiling surfaces were decontaminated. The premium costs of the RCRA Closure were \$1.85 million.

The primary source of soil and groundwater contamination at the Site was a light non-aqueous phase liquid (LNAPL) plume that resulted from leaks and spills from an extensive array of underground and aboveground storage tanks and associated piping and conduits. LNAPL is a petroleum hydrocarbon-based groundwater contaminant that is not soluble in water. LNAPL

source areas on the Subject Premises contained unusually large amounts of benzene, ethylbenzene, isopropyl benzene and xylenes, all derived from mineral spirits used in the manufacturing of paint.¹

Unusually large quantities of contaminants were present at the Site. In the aggregate, the Brownfield Cleanup Program work removed an estimated 10,000 gallons of LNAPL, pursuant to the IRMs and RAWP, as well as a variety of other substances, including:

- 1,865-gallons of mineral spirits;
- 5,748-gallons of diesel;
- 116,360 gallons of non-hazardous oily wastewater;
- 4,455 gallons of non-hazardous tank contents;
- 330 gallons of hazardous tank contents; and
- 3,300 gallons of UST-based non-hazardous decontamination wastewater.

Within the paint factory itself, pursuant to the RCRA, the following types and quantities of waste material were removed:

- six 55-gallon drums (330 gallons) of hazardous PCB gel;
- three 275-gallon totes (750 gallons) of hazardous flammable paint liquids;
- twenty-nine 55-gallon drums (11,600 lbs.) of hazardous flammable paint gel;
- three one-cubic yard boxes (5,500 lbs.) of hazardous flammable paint solids;
- 6.95 tons of hazardous solid waste containing lead;
- 7.01 tons of hazardous solid waste containing mercury;
- 18.29 tons of hazardous lead paint gel;
- seven 275-gallon totes (19,500 lbs.) of non-hazardous white liquid;
- six 275-gallon totes (15,000 lbs.) of non-hazardous brown liquid;
- nine one-cubic yard boxes (25,000 lbs.) of non-hazardous titanium dioxide;
- nine one-cubic yard boxes (11,700 lbs.) of non-hazardous paint gel (solid);
- fifty-seven 55-gallon drums (19,950 lbs.) of non-hazardous paint gel;
- 24.93 tons of non-hazardous paint solids/resins; and
- 160 cubic yards of scrap metal from 60 ASTs/vessels and their piping and equipment.

Contaminated media within the factory included tanks, piping, containment vessels, interior finishes, and superstructure. Outside of the factory, LNAPL and other contaminants were found in the soil, groundwater and soil vapor. Each media required its own method of extraction, cleaning, storage and disposal.

¹ According to an EPA Technical Note (EPA 2015/0553), "Once released from spills or leaking underground petroleum storage systems, LNAPL petroleum hydrocarbons in the subsurface may provide an ongoing source for the dissolution of substances into groundwater resulting in a spreading dissolved phase plume. Both LNAPL and the dissolved phase petroleum hydrocarbon plume can then pose risks from vapor intrusion; risks associated with groundwater extraction and use; the seepage of groundwater into, for instance, adjacent basements; or ecological risks from the discharge of contamination into surface waters. The accumulation of vapors from LNAPL can cause an explosion risk."

Lastly, DEC has jurisdiction over the bulkhead through its Tidal Wetland permit. The original application to DEC for the bulkhead work set out four alternatives: (i) no action; (ii) riprap revetment; (iii) replacement in-kind; and (iv) a new sheet-pile bulkhead constructed seaward of the existing bulkhead. (See Exhibit 22.1.) In its review of the alternatives, the Applicant's consultant concluded that alternatives (i), (ii) and (iii) were not viable because of the risk of contaminants material entering the Basin and, with respect to alternative (iii), the risk of streambed disturbance.

Therefore, alternative (iv) was proposed and approved by DEC. This alternative installed new steel sheet-piles seaward of the existing timber bulkhead. See Exhibit 22.2. The cost of this work was approximately \$1.69 million.

The total premium remediation costs, based on actual expenditures, were as follows:

Brownfield Cleanup Program	\$ 10.83 million
RCRA	\$ 1.85 million
<u>Bulkhead replacement</u>	<u>\$ 1.69 million</u>
Total:	\$ 14.37 million

B. Because of such physical conditions there is no reasonable possibility that a development, enlargement, extension, alteration or change in use on the zoning lot in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot.

As a result of the unique physical conditions as described above, and as further set forth in the Economic Analysis Report, these conditions have resulted in premium remediation costs, defined as costs that are over and above typical cleanup costs, which preclude any reasonable return for a conforming use or development consistent with the terms of the Zoning Resolution. Therefore, as shown in the Financial Analysis, only a mixed-use development, predominantly residential in nature, with bulk waivers can yield a reasonable return sufficient to overcome the unique physical conditions inherent to the zoning lot.

C. The variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.

The Proposed Development will not alter the essential character of the neighborhood or district, substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare.

For much of the 20th Century, the largest industrial property on the Basin was a Pepsi-Cola bottling plant, which was demolished in 1999. A plastics manufacturer, Plaxall, currently owns an 8.4 acre site located on three blocks fronting on Anable Basin, portions of which are

adjacent to the Subject Property.² The Plaxall site is in the pre-certification process with DCP for a large-scale development special permit and a rezoning to permit residential use.

The neighborhood, and much of Long Island City, is rapidly evolving from manufacturing to residential and commercial uses, and the Proposed Project is consistent with this evolution. In addition, by cleaning up a badly contaminated site and creating publicly accessible open space on the waterfront, the project will improve the neighborhood character and encourage the use and development of adjacent property, thereby benefitting the public welfare.

The effect of each of the project components under the (C) finding -- the converted paint factory, the new building (the Anable Building) and the public open space -- are discussed below.

Paragon Paint Factory

At four stories (54 feet), the existing Paragon Building will be converted to residential use, thereby retaining a manufacturing vocabulary and remaining part of the historical Vernon Boulevard context. The ground floor will contain retail use and will enhance the pedestrian experience and public engagement along the sidewalk. In addition, retaining the Paragon Building minimizes the perception of bulk relative to the neighboring buildings and the adjacent contextual residential district. In lieu of the Paragon Building, a new building could be constructed on an as-of-right basis up to a height of 110 feet.

Anable Building

The proposed 26-story Anable Building is located behind and over the Paragon Paint building. It is set back a minimum of 37.5 feet from Vernon Blvd. and 125 feet from 46th Avenue. These setbacks exceed the minimum 10-foot setback (Vernon Blvd.) and 15-foot setback (46th Avenue) required by zoning. Were they to be assembled, nearby lots in M1-4 districts could achieve similar building heights on an as-of-right basis.

The Anable Building has been designed to minimize the perception of the building from the adjoining streets and locate height closer to the water, following the pattern established by other waterfront developments in the area. For pedestrians walking north along Vernon Blvd., the full height of the building will not be readily perceptible except from the upland connection/visual corridor. At this interface, the pedestrian experience will be of the 26-story building with a backdrop of the Anable Basin waterfront and the tall Hunters Point buildings beyond. The proposed Anable Building is substantially lower in height than many of the area's relatively recent waterfront developments, including Queens West (residential towers ranging from 200 to 400 feet in height) and Silvercup West (526 foot office tower and two residential towers of 586 feet and 506 feet in height). The six acre River East (East River) site, located along 44th Avenue between Vernon Boulevard and the East River in the M1 district, was rezoned in 1991 to R9 and R7A permit the construction of two 28-story residential towers. Other currently active development sites include the large Plaxall property located to the north and east of the Site, the Con Ed waterfront site located at 43-26 Vernon Boulevard, and two City-owned sites located on the opposite side of Anable Basin. See Exhibit 26, Neighborhood Character Study.

² Block 25, Lot 15; Block 26, Lots 17 and 21; Block 27, Lots 5 and 17.

The Anable Building will continue the strong pattern of taller residential buildings along the Queens waterfront while at the same time establishing a street wall height reflecting the lower scale of the inland neighborhood.

Public Open Space

The Development Site has less than 100 feet of shoreline. Under the Waterfront Zoning, this requires that a Shore Public Walkway and Waterfront Yard be provided, but not a Visual Corridor or Upland Connection. These additional areas are nevertheless included in the Proposed Project because they will make a significant contribution to community and neighborhood character by providing additional publicly accessible open space on the waterfront and preserving views of the East River and Manhattan.

D. The practical difficulties and unnecessary hardship claimed as a ground for the variance have not been created by the owner or by a predecessor in title; however, where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.

The soil, air, groundwater and building contamination that underlie the premium remediation costs result from prior paint manufacturing and other industrial operations that predate modern environmental regulations. These uses were permitted under the 1916 and 1961 Zoning Resolutions and there is no record of violations or court decisions indicative of illegal operations. The Board has, on many occasions, recognized severe contamination related to prior legal uses as a unique physical condition. The Board has also recognized that physical conditions (like proximity to the Anable Basin) may be aggregated to establish a unique physical condition.

The Applicant has no affiliation with the former Paragon Paint factory, its owners or its operations. A prior owner voluntarily entered into the Brownfield Cleanup Program but did no actual work; the Applicant analyzed the site conditions and designed and completed the remediation in compliance with both the BRC and RCRA.

Where the Board makes the other findings, the purchase of the Site subject to the restrictions sought to be varied cannot be deemed to be a self-created hardship.

E. Within the intent and purposes of the Zoning Resolution, the variance, if granted, is the minimum variance necessary to afford relief.

In preparing the Economic Analysis Report, manufacturing, community facility and commercial alternatives to the Proposed Project, as described below, were considered to determine whether any of these alternatives would reduce or eliminate the practical difficulties or unnecessary hardship stemming from the premium cleanup costs. However, none of these alternatives were capable of generating a reasonable return.

Development of an as-of-right manufacturing use, assuming a rental income of \$20-\$30 per sq. ft., was considered, but would not be financially viable, and would result in a capitalized

value well below the premium costs. In addition, site constraints and loading requirements would increase construction costs and impair the operation of a manufacturing use. See Exhibit 3, Statement of Facts.

Development of an as-of-right community facility was also considered, but financial feasibility was determined to be unlikely. The only community facility uses allowed as of right are “museums ancillary to existing motion picture, radio, or television studios,” houses of worship, and ambulatory diagnostic health care facilities. Under ZR §42-12, museums must be ancillary to an existing motion picture production studio or radio or television studio located within 500 feet of the museum. There are no studios meeting this description and therefore a museum is not a permitted use.

Houses of worship of 250,000 sq. ft. are too large to be feasible. Leaving aside the St. John the Divine complex in Morningside Heights, which includes 13 buildings, the next largest house of worship in the City is the Brooklyn Tabernacle, with 130,000 square feet of floor area, and the next largest is Congregation Emanu-El in Manhattan, with 125,863 square feet of floor area. A 250,000 sq. ft. facility at the Project Site would be roughly twice as large and would not be considered feasible.

While there may be some demand for diagnostic and ambulatory care facilities, there is no precedent for a 250,000 sq. ft. facility at a waterfront location. The next largest facilities in Long Island City, apart from a five building medical center, are the Hyperbaric Wound Center, Mount Sinai Multispecialty Clinic, Floating Hospital Clinic, and Queens Health Center, all of which are in the 55,000 sq. ft. range. And, even if there was a user for all of this space, rents can be estimated to be \$30-\$50 per sq. ft. and the total value would be unlikely to overcome the construction, operations, and premium remediation costs.

Finally, the Economic Analysis Report demonstrates that construction of an as-of-right commercial alternative, a Use Group 5 hotel (the Hotel Option), would not be financially feasible. See “Revised Conforming Drawings”, Exhibit 14. The Hotel Option includes approximately 73,268 sq. ft. (1.90 FAR) of hotel floor area (Use Group 5) and 3,913 sq. ft. (0.10 FAR) of ground floor retail (Use Group 6), for a total of 77,268 sq. ft. (2.0 FAR). It assumes that the hotel would be of the “select service” variety, with limited amenities and moderate-to-high finishes and 132 keys at an average net area per key of approximately 364 sq. ft. Select service hotels with this average key size and amenity level are comparable to existing hotels within the surrounding area. See Financial Feasibility Study, Section 4.30. This Hotel Option would not overcome the premium remediation costs.

The Applicant also studied a larger hotel assuming bulk waivers to approximate the size of the Proposed Project (i.e., a hotel with 26-stories and 183,617 sq. ft.). This hotel would be nearly twice the size of the next largest hotel in LIC and would not be viable at the Subject Property, which is not proximate to a major transit hub. Even if it is assumed, for the sake of argument, that there was a market, the hotel would have to charge premium rates and maintain high occupancy to be financially feasible. Finally, the Applicant believes that this hotel would require accessory parking for at least 20 to 30 percent of the keys to be marketable. This would

require construction of an above-grade parking garage of approximately 30,000 sq. ft., which would significantly increase project costs.

In addition to studying the alternatives set forth above, the Applicant has made concrete efforts to minimize project costs, consistent with the minimum variance finding. These cost-saving measures, discussed below, include selection of a less costly BCP remediation program, design features, retention of the Paragon Paint building, and a reduction in the size of the annex.

Selection of Remediation Program

The RAWP identified two alternative remediation tracks for the Site. Track 1 remediation would have permitted unrestricted use but would have increased clean-up costs by a factor of 3x or more. Under Track 1, the following cleanup measures would have been required: complete excavation and soil remove down to rock, well below the ground water levels; deep sheet-piling/stabilization and associated de-watering; increased quantities of waste disposal; and increased quantities of clean fill. Because of the increased costs of these measures, Track 1 was not selected by the Applicant.

The selected alternative, Track 4, lowered the remediation costs while permitting multiple dwellings. Nevertheless, the Track 4 Remedial Decision Document mandated, excavation to a depth of two feet below groundwater water in certain areas (within the limits of the LNAPL plume as identified on Figure 4 of the RAWP) and off-site disposal of the contaminated soil; closure/ abandonment of underground storage tanks the size of buses with a total capacity exceeding 100,000 gallons and associated piping and pumps; monitoring for airborne VOCs and particulates; screening of excavated soil by visual, odor, and photoionization detection methods during site work; in-situ chemical oxidation injections for treatment of VOCs in ground water; installation of automatic product recovery pumps; backfill of excavated areas; and installation of a site cover system.

Design Features

The Proposed Project incorporates two key design features that were chosen to reduce project costs: retention and reuse of the Paragon Paint factory building; and a reduction in size of the annex building.

The Paragon Paint factory building would have required remediation under RCRA regardless of whether it remained or was demolished. However, demolition of the building would have required more costly remediation because the soil underneath the concrete slab on grade would have had to be investigated, sampled and excavated for off-site disposal. With the building to remain, the soil remained in place, protected by an environmental easement, with only limited excavation and remediation around the perimeter.

A previous design for the southernmost building called for an eight story, mixed use building containing 40,861 sq. ft. of floor area. This building has now been reduced to a single story for retail use. This reduction has eliminated the need for an elevator core, lessened the amount of foundation work and excavation, and reduced the vertical infrastructure needed for MEP systems, resulting in significant cost savings.

After factoring in the cost saving measures discussed above, the Applicant submits that the following variances are the minimum necessary to afford relief.

The first and key variance is to permit residential use in an M1-4 zoning district. As noted above, none of the as-of-right uses are economically feasible, including a hotel that utilizes bulk waivers.

The combination of bulk waivers that are being requested are the minimum necessary to afford relief. By including a single new building exceeding the maximum height and floor plate limits, the Proposed Project provides a reasonable economic return with the lowest amount of floor area possible. Without a height waiver, the development could be configured as two separate buildings, one facing Vernon Blvd. and one facing 46th Avenue. Development configured in this manner would not only forego the income generated by higher floors, but would also require a second vertical core (two stairs, elevators, and refuse room/chute) and separate amenity and support spaces. These redundant elements would add costs while resulting in less efficient floor plates. As a result, more residential floor area would be required to defray these additional costs.

Conclusion

The above statement demonstrates how each of the findings required under Section 72-21 of the Zoning Resolution has been met.