

Guidelines Attachment # 11, Applicant's Discussion of Findings

If the City Planning Commission, the Chair of the Commission or the Director of the Department of City Planning must make findings in order to grant a special permit, authorization, certification or other action, the applicant must submit an analysis which states specifically how the proposed development will satisfy each of the findings. If the analysis fits on the bottom of the ZS/ZA/ZC Form (Discussion of findings), it may be placed there instead of as submitted as a separate attachment. Where a separate attachment is submitted it should be titled "Attachment # 11, Discussion of Findings".

Use the Discussion of Findings section to describe specifically how the proposed or existing development meets the requirements of the Zoning Resolution as stated in the specific section(s) pursuant to which the action is being requested. Do not simply restate the ZR findings. Rather, provide an explanation of how the proposal meets or complies with each of the findings. For certifications, the statement must describe and affirm the existence of the conditions of the certification. The ZR section relating to each specific statement should be clearly identified. If reports or other supporting documentation are needed to substantiate the findings, include this material with the attachment.

When responding to each Finding, draw upon and summarize information discussed/disclosed in the "LR Item 3. Description of Proposal" document or include relevant information from the EAS/EIS to support your conclusion as to why the proposed project meets the required finding(s).

The proper way to format the Discussion of Findings is to first directly quote the applicable Zoning Resolution text preamble for the action being requested and then proceed to directly quote the first finding (*it is recommend to directly copy and paste the applicable text from the Zoning Resolution*). Thereafter, insert the response to the first finding. If the action has multiple findings, proceed to directly quote the next finding and insert your response to each finding in turn, until every finding has been responded to. When a finding is inapplicable to the request being made under the action simply insert "N/A" or "Not Applicable" as the response to the inapplicable finding. (*see attached sample Discussion of Findings for a 74-711 application for an illustration of the format described above*)

NOTE: Some Special Permits, Authorization and Certifications include threshold "conditions", which are required to be met before the application can be made for the requested action. The conditions are not technically findings. Accordingly, where conditions are required please submit a separate document titled "Discussion of Conditions" (*see attached example Discussion of Conditions for a 74-711 application Findings for an illustration of the format described above*).

NOTE: Please use ***** to indicate that there are sections that appear after the preamble, or before and/or after the applicable findings that have been omitted from the Discussion of Findings (Please see the attached sample formatting for a special permit pursuant to 74-681 for clarification).

NOTE: Where an application involves multiple actions, each with their own set of findings, each Discussion of Findings shall be submitted as a separate attachment.

SAMPLE

**Special Permit Pursuant to ZR Section 74-711
Applicant's Discussion of Conditions**

74-711

Landmark preservation in all districts

In all districts, for #zoning lots# containing a landmark designated by the Landmarks Preservation Commission, or for #zoning lots# with existing #buildings# located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the #use# and #bulk# regulations, except #floor area ratio# regulations, provided that:

(a) The following conditions are met:

- (1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings#, and that such #use# or #bulk# modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;***

Discuss how/why condition is met. Cite the date of and relevant language from the report issued by LPC (attach copies) that states a continuing maintenance program has been established that will result in preservation of the building and that the restorative work under the continuing maintenance program contributes to a preservation purposes.

- (2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the Landmarks Preservation Commission stating that such #bulk# modifications relate harmoniously to the subject landmark #building# or #buildings# in the Historic District, as applicable; and***

Discuss how/why condition is met. Cite the date of the C of A, or permit or report from LPC and the language describing the how the bulk modification(s) relate harmoniously to the subject landmark building. If no bulk modification is requested state N/A.

- (3) the maximum number of #dwelling units# shall be as set forth in Section 15-111 (Number of permitted dwelling units).***

Discuss how this condition is met. If Dwelling Units are proposed describe how they meet the maximum number permitted as set forth in 15-111. Where no dwelling units are proposed respond "N/A" or "Not Applicable".



DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Special Permit Pursuant to ZR Section 74-711

Attachment # 11

Applicant's Discussion of Findings

74-711

Landmark preservation in all districts

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(b) In order to grant a special permit, the City Planning Commission shall find that:

- (1) such #bulk# modifications shall have minimal adverse effects on the structures or #open space# in the vicinity in terms of scale, location and access to light and air; and***

Insert response to finding here....

- (2) such #use# modifications shall have minimal adverse effects on the conforming #uses# within the #building# and in the surrounding area.***

Insert response to finding here....

The City Planning Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the #development# of said #zoning lot#.

**Special Permit Pursuant to ZR Section 74-681
Attachment #11
Applicant's Discussion of Findings**

74-681

Development within or over a railroad or transit right-of-way or yard

- (a) ***In all districts, when a #development# or #enlargement#, including large-scale developments pursuant to Section 74-74, 78-00 et seq. or 79-00 et seq. is located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, the City Planning Commission may permit:***

- (2) ***any portion of the right-of-way or yard where railroad or transit #use# has been permanently discontinued or terminated to be included in the #lot area# for such #development# or #enlargement#;***

- (b) ***As a condition for granting a special permit, the Commission shall find that:***

- (1) ***the #streets# providing access to all #uses# pursuant to paragraph (a) above are adequate to handle traffic resulting therefrom;***

Insert response to finding....

- (2) ***the distribution of #floor area# and the number of #dwelling units# or #rooming units# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#, including any portion of the #development# or #enlargement# located beyond the boundaries of such railroad or transit right-of-way or yard;***

Insert response to finding....

- (3) ***all #uses#, #developments# or #enlargements# located on the #zoning lot# or below a platform do not adversely affect one another;***

Insert response to finding....

- (4) ***if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# does not preclude future use of, or improvements to, the right-of-way for such transportation #use#.***

Insert response to finding....

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require where the #development# or #enlargement# includes

an active railroad or transit #use#, that the structural design of such #development# or #enlargement# make due allowance for changes within the layout of tracks or other structures within such #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the City Planning Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use that portion of the #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been permanently discontinued or terminated.