DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, *Director*
Department of City Planning

February 10, 2017

Hilary Semel, *Director*
Mayor's Office of Environmental Coordination
253 Broadway, 7th Floor
New York, NY 10007

**NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW**

Re: **Sea Park North Rezoning**
CEQR No. 17DCP098K
ULURP No. 170240ZMK, 170241ZRK
Brooklyn, Community District 13
SEQRA Classification: Unlisted

The above-referenced application involves discretionary actions subject to City Planning Commission approval. These actions are subject to review under the City Environmental Quality Review (CEQR), Executive Order No. 91, and the State Environmental Quality Review Act (SEQRA), 6 NYCRR 617.

Pursuant to Sections 5.03 and 5.05 of the Rules of Procedure for City Environmental Quality Review (CEQR) as adopted June 26, 1991, the Department of City Planning, acting on behalf of the City Planning Commission, is assuming lead agency status for this application and is initiating the CEQR review.

The Applicant, the Arker Companies, is seeking a zoning map amendment affecting Block 7011, Lots 1, 11, 43-47, 49, 51-54, 96, 97, and part of 95 ("the Affected Area") in the Coney Island neighborhood of Brooklyn, Community District 13. The Affected Area is bounded by West 28th Street to the east, Neptune Avenue to the north, Mermaid Avenue to the south, and West 29th Street to the west. The zoning map amendment would replace existing R5 and R5/C1-2 zoning districts to a variety of R5, R6, R6A, and R7A/C2-4 zoning districts. The rezoning proposal would eliminate the existing C1-2 commercial overlay mapped on Block 7011, Lots 95 (part of), 96, and 97 while retaining the underlying R5 zoning on these parcels. In addition to the zoning map amendment, the Applicant seeks a zoning text amendment (collectively the "Proposed Actions") to Appendix F 'Inclusionary Housing Designated Areas' to establish a Mandatory Inclusionary Housing (MIH) Area mostly coterminous with the Affected Area, excluding Lots 95-97. The

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Proposed Actions would facilitate a proposal by the Applicant to construct two residential buildings totaling 160,770 gross square feet (gsf) at 2828 West 28th Street (Lot 11, the "Project Site") containing up to 153 affordable dwelling units and up to 68 spaces of at-grade parking.

In addition to the proposed actions, the Applicant intends to seek discretionary financing to facilitate the development of affordable housing on the Project Site. This application will therefore undergo a coordinated review with the NYC Department of Housing Preservation and Development (HPD) and the New York City Housing Development Corporation (HDC) acting as involved agencies under CEQR.

The Affected Area currently contains a variety of land uses, with a total of 132,358 gsf of residential uses (116 affordable units and 35 market rate units), 17,796 gsf of commercial uses, and 12,587 gsf of community facility uses. Lot 11, the Project Site, is a corner lot and through lot currently improved with a 15-story, 102,000 gsf residential building, expected to remain in the future with the proposed actions.

The Project Site is located within a R5 zoning district with a C1-2 commercial overlay mapped at a 150-foot-depth along the Neptune Avenue and Mermaid Avenue frontages. R5 districts allow for a maximum FAR of 1.25 for residential uses (Use Groups 1 and 2) and 2.0 for community facility uses (Use Groups 3 and 4). The C1-2 commercial overlay allows for a maximum FAR of 1.0 for commercial uses (Use Groups 5 and 6) and primarily serve local retail needs.

In connection with the proposal, the applicant seeks to subdivide Lot 11 into two zoning lots (11A to the south and 11B to the north). The Applicant proposes rezoning the Project Site's existing and remaining building to R6 (Lot 11A), and the new facilitated development to R6A and R7A/C2-4 (Lot 11B, site of the proposed building's 1 and 2). These medium-density districts allow residential (Use Groups 1 and 2) and community facility uses (Use Groups 3 and 4).

R6 districts permit a maximum residential FAR of 2.43 and maximum building height is governed by either the sky exposure plane , or optional quality housing provisions. MIH regulated R6A and R7A districts permit a maximum residential FAR of 3.6 and 4.6, respectively. The maximum base height before setback in R6A districts is 65 feet with a maximum building height of 80 feet, or 85 feet with a qualifying ground floor (at least 13 feet in height). The maximum base height in an R7A district is 75 feet and the maximum building height is 90 feet or 95 feet with a qualifying ground floor. Parking is required for 50 percent of market rate units and 25 percent of affordable units in both R6 and R6A districts and is required for 50 percent of market-rate dwelling units and 15 percent of affordable unit in R7A districts.

The proposed C2-4 commercial overlay is typically mapped to serve local retail needs (Use Groups 5-9) and permits a maximum FAR of 2.0, requiring 1 parking space per 1,000 square feet of floor area. Parking may be waived if the total number of spaces required for all uses is below 40.

The Proposed Actions would facilitate a proposal by the Applicant to construct two entirely residential buildings totaling 160,770 gsf that would provide 153 units of affordable housing and up to 68 spaces of at-grade parking. The proposed buildings would rise to 80 feet in height and would include affordable dwelling units in accordance with Option 1 of the Mandatory Inclusionary Housing (MIH) program. Under Option 1, 25% of residential floor area must be set

aside for affordable housing units for residents with incomes averaging 60% AMI, with 10% affordable at or below 40% AMI. However, the Applicant has stated its intention that the development would contain 100% affordable units, above and beyond the requirements of MIH Option 1.

For the purposes of providing a conservative analysis, the Project Site development analyzed in the Environmental Assessment Statement (EAS) differs from the Applicant's proposed project. The EAS analyzes 192 affordable dwelling units at 60% AMI and below. Additionally, five other sites within the Affected Area are projected to be developed in the future with the proposed actions. The combined development of existing and projected development of all six sites in the future with the proposed actions would generate 362,082 gsf of residential uses (431 dwelling units, of which 226 would be affordable and 205 would be market rate), 15,794 gsf of commercial uses, and 13,187 gsf of community facility uses. Lots 95 (part of), 96, and 97, which would have the C1-2 commercial overlay removed while retaining the underlying R5 zoning, are not expected to be developed as the existing buildings on these sites are currently near maximum allowable bulk for R5 districts.

Absent the proposed actions, it is assumed that the six Projected Development sites would remain in their existing condition with 109,083 gsf of residential uses, 10,562 gsf of commercial uses, and 12,687 gsf of community facility uses. No new as-of-right development is expected to occur on these sites as the sites are generally built close to or in excess of the permitted commercial and residential FAR under the existing zoning.

The difference between the future with the proposed actions and the future absent the proposed actions would yield an increment of 303 dwelling units, 6,412 gsf of commercial uses, 500 gsf of community facility uses, and 30 accessory parking spaces.

The analysis year for the proposed actions is 2020.

An Environmental Assessment Statement is attached. Please contact Christopher Lee of the Department of City Planning at (212) 720-3429 if you have any questions regarding the application.

Sincerely,

Olga Abinader, Deputy Director
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