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2959 AVENUE Y REZONING

JULY 2021

1. Introduction

This application is made on behalf of Shore Park Jewish Center, the owner of the above-referenced property ("the Applicant") for a zoning map amendment and zoning text amendment in the Sheepshead Bay-Gerritsen Beach area of Brooklyn Community District #15. The proposal would affect the above-referenced property (Block 7423, Lots 36 & 38; the "Development Site") and a part of the adjacent property (Block 7423, Lot 11) which is not under control of the Applicant (the "Project Area").

The proposed zoning map amendment would rezone the Project Area from R5 to R7D. In addition, a zoning text amendment to Appendix F of the Zoning Resolution ("ZR") would be required to make the Project Area applicable as a Mandatory Inclusionary Housing ("MIH") area, which would be mapped as either Option 1 or 2 (hereafter, the "Proposed Actions").

The Proposed Actions would facilitate a proposal by the applicant to construct a seven-story mixed-use building rising to approximately 85 feet, and containing 80,384 square feet (5.53 FAR; the "Proposed Development"). The new building would contain approximately 28,001 zoning square feet of community facility space. The building would also contain approximately 33,144 zoning square feet of residential space (38 dwelling units). It is proposed to comply with MIH under either Option 1 or 2. Under Option 1, 10 of the proposed 38 dwelling units, or 25%, would be made affordable to households with incomes at 60% of Area Median Income ("AMI"), with 4 of the 38 units, or 10%, being made affordable to households with incomes at 40% of AMI. Under Option 2, 11 of the proposed 38 dwelling units, or 30%, would be made affordable to households with incomes at 80% of AMI.

2. Background

The Development Site is controlled by the Shore Park Jewish Center, which is improved with a synagogue that is occasionally used throughout the year for religious services. The building is also primarily utilized as a private school for elementary and intermediate level-aged children. There is a need in the community for affordable education and the Applicant seeks to redevelop their building with a new school space with dwelling units above to subsidize student tuition at the proposed school.

The subject block and immediate area have been zoned R5 since the inception of the Zoning Resolution in 1961. In 1962, C1-2 and C2-2 commercial overlays were added to the block to the west (Block 7422) along Nostrand Avenue and portions of Avenue X and Y. Since that time period, no major rezonings have occurred within 1,000 feet of the Project Area. Beyond that area, the Homecrest Rezoning (C 060129 ZMK) was adopted by the City Council in 2006, which affected 70 blocks in Community District 15 to the north and west of the Project Area. The Homecrest Rezoning affected an area generally bound by Coney Island Avenue on the west, Kings Highway on the north, Ocean Avenue on the east and Avenue S on the south. The rezoning created contextual medium-density R6A and R7A districts along Ocean Avenue to the south of Avenue S and the north of Voorhies Avenue. These new districts were intended to recognize pre-existing apartment buildings and encourage new development along wide streets in close proximity to transit.

Most recently, a variance was granted by the Board of Standards and Appeals (BSA) in October of 2017 (317-14-BZ) for the development of an ambulatory diagnostic treatment facility at 3780-3858 Nostrand Avenue (Block 7445, Lot 1). The variance permitted the reduction in the number of required off-street parking spaces for the underlying R4/C2-2 district.

In addition, a special permit was granted by the BSA in October 2013 (229-13-BZ) to allow a physical culture establishment (Blink Fitness) within an existing commercial building at 3779-3861 (Block 7446, Lot 1) in an R3-2/C2-2 zoning district.

There are no other relevant approved land use actions in the last ten years within 600 feet of the Project Area.

3. Description of the Surrounding Area

The surrounding area is mixed in use with residential, commercial and community facility uses present. In addition, some mixed-use buildings (ground floor retail and residences above) are present in the surrounding area as well as a single automotive service use on Nostrand Avenue. Avenue Y is a heavily trafficked east-west avenue (approximately 80 feet wide) with a mix of the above uses present, while the north-south streets radiating from Avenue Y are narrow (approximately 60 feet in width) and predominantly residential in use with some community facility uses present, including the Development Site itself. One block to the west of the Development Site is Nostrand Avenue, which is the area's north-south arterial (approximately 100 feet in width) and contains a high concentration of commercial uses. In addition, Batchelder Street is one block east of the Development Site and is also a wide north-south street.

Building Types

Building types in the surrounding area are also mixed. Nostrand Avenue near the Development Site is predominantly developed with single-story commercial retail buildings and a single

automotive service station (Block 7422, Lot 53). Residential uses range in density and height, with a high concentration of medium-density apartment buildings present on the blocks to the north and south of the Project Area that were constructed in the 1950s and predate the mapping of the R5 district under the 1961 Zoning Resolution. These buildings were not constructed in accordance with the current R5 regulations; their bulk is not reflective of R5 and R3-2 zoning, but is instead reflective of a higher density neighborhood. Lower-rise smaller apartment buildings are present immediately to the east of the Development Site and to the west of Nostrand Avenue that were constructed pursuant to the underlying R5 district. Immediately to the north of the Development Site (and part of the Project Area) is the Nostrand Gardens Co-Operative, which rises to six-stories. Blocks 7447 and 7449 to the south across Avenue Y between Haring Street and Coyle Street are developed with a series of similar apartment buildings rising between six- and eight-stories. On the blocks to the north, extending from Avenue X to Avenue V between Nostrand Avenue and Bragg Street, is the NYCHA Sheepshead Bay Houses, which contain four tax blocks of six-to-seven story apartment buildings. These buildings are configured as tower-in-the-park style complexes. The block to the east of the Development Site is developed with a series of three-story apartment buildings constructed in the 1970s and this trend continues to the west of Nostrand Avenue on narrow north-south residential side streets.

Community Institutions

Notable community facility uses consist of a public school (P.S 811 Connie Lekas School) present immediately to the south of the Development Site (Block 7447, Lot 1) and I.S. 14 on the block to the east (Block 7424, Lot 1). Sheepshead Bay High School is on the adjacent block to the east of I.S. 14 and occupies an entire tax block (Block 7425). These buildings typically rise to three stories. As noted above, the Development Site consists of the Shore Park Jewish Center and contains a religious school and house of worship. In terms of parkland, P.S. 811 and Sheepshead Bay High School contain Schoolyard to Playgrounds spaces and Sheepshead Playground is located on Nostrand Avenue to the south at Avenue Z.

Zoning Districts

The Development Site and surrounding area to the north are zoned R5. To the south of Avenue Y is an R3-2 district that encompasses the area to the south, above, Shore Parkway. On the west side of Nostrand Avenue is a large R4 district. C1-2 and C2-2 commercial overlays are present on Nostrand Avenue, as well as portions of Avenue X, Avenue U and Avenue Z near Nostrand Avenue.

The underlying R5 district is a low-density general residence district that permits residential buildings up to 1.25 FAR and community facility buildings up to 2.0 FAR. The maximum height of buildings within R5 districts is 40 feet, with a maximum street wall height of 30 feet, as well

as a 15-foot setback above the street wall. R5 districts require side yards of at least eight feet, a 10-foot front yard and a 30-foot rear yard. Parking is required for 85% of dwelling units.

The R4 district is a general residence district that primarily permits contextual two- to three-story residential buildings at a maximum FAR of 0.75, with an attic allowance of 20%. Front yards of 10 feet and rear yards of 30 feet are required, with side yards of at least eight feet. The maximum building height is 35 feet and one parking space is required per dwelling unit.

The R3-2 zoning districts are general residence districts that permit a variety of single- and two-family houses, as well as small multi-family buildings. The maximum FAR for R3-2 districts is 0.5 and can be increased by 20% with an attic allowance; the maximum building height is 35 feet. One off-street parking space is required per dwelling unit.

When mapped in the above districts, the C1-2 and C2-2 districts permit single-story and ground-floor commercial uses at a FAR of 1.0. The C1-2 district permits limited local retail uses (Use Groups 5 & 6) while the C2-2 district permits a larger range of neighborhood commercial uses (Use Groups 5-9 & 14). Parking requirements vary by use.

Transit

In terms of transit access, the closest New York City Transit ("NYCT") train station is approximately a mile to the west at Avenue Z and East 16th Street where the B and Q lines make stops at the Sheepshead Bay station. However, one block to the west Nostrand Avenue offers express NYCT bus service, including the B44-SBS line which provides express service between Sheepshead Bay and Williamsburg. In addition, the B36 line makes stops nearby and provides service between Sheepshead Bay and Coney Island, and the BM3 interborough express bus provides service from Sheepshead Bay to Midtown Manhattan with stops along Avenue X directly to the north of the Project Area.

4. Description of the Proposed Project Area

The Project Area consists of two tax lots and portions of a third (Block 7423, Lots 36, 38 and p/o 11). As noted above, the Project Area is located in the Sheepshead Bay-Gerritsen Beach area of Brooklyn, Community District 15, and is zoned R5. The affected parcels contain approximately 200 feet along Avenue Y and approximately 125 feet along both Haring and Brown Streets.

Block 7423, Lot 11 is developed with a six-story apartment building (Nostrand Gardens Co-Operative) on a 114,780 square foot irregular-shaped lot. The building contains 242,160 square feet (2.11 FAR) and rises to approximately 61 feet. The building is legally noncompliant as it was constructed prior to the 1961 Zoning Resolution in 1953. Only a portion of this lot would be affected by the Proposed Actions, with the bottom 125 feet of the block to be amended from an R5 district to an R7D district. The affected portion of Lot 11 is used as an open area with benches and a playground.

Block 7423, Lots 36 and 38 consist of the Development Site and are discussed in greater detail below.

5. Description of Proposed Development Sites

The Proposed Development Site (the "Development Site") consists of Block 7423, Lots 36 and 38. Lot 36 is a narrow and irregular shaped tax lot. Lot 38 is a triangular corner lot that consists of a corner lot with 200 feet of frontage along Avenue Y and approximately 98 feet of depth along Brown Street. Combined, the Development Site contains approximately 14,386 square feet of lot area and is triangular in shape with 27 feet along Haring Street, 200 feet along Avenue Y and approximately 116 feet along Brown Street. The Site currently has a total of four curb cuts, all of which are used as crosswalks. One curb cut is located on Haring Street, one is located on Brown Street, and two are located on Avenue Y. No additional curb cuts are proposed, as parking would be waived under the current proposal. As noted above, Avenue Y is classified as a 'wide' street (80 feet in width) while Haring and Brown Streets are classified as 'narrow' streets with less than 75 feet in width.

Currently, Lot 38 is improved with a two-story community facility use with 7,030 square feet (0.48 FAR). The building on Lot 38 was constructed in approximately 1962. It currently contains the Shore Park Jewish Center that includes a religious school (Use Group 3) and house of worship (Use Group 4) that serves the local Jewish community. Approximately 170 students attend the school for kindergarten through 8th grade, with approximately 65 students attending the high school. For the duration of construction, some of the lower grades will be moved to the high school building; the rest will be relocated to nearby houses of worship and other schools. We are in contact with other institutions that have expressed their willingness to assist in this matter.

Currently, Lot 36 is used by the School as an outdoor yard. To our knowledge, Lot 36 was never mapped.

6. Description of Proposed Development

The Proposed Actions would facilitate the redevelopment of the Development Site with a new seven-story mixed-use building rising to approximately 85 feet, and containing approximately 80,384 square feet (5.53 FAR). The new building would include approximately 28,001 zoning square feet of community facility space to include a religious school (Use Group 3) and house of worship (Use Group 4), as well as approximately 33,144 zoning square feet of residential space (38 dwelling units). The Proposed Development Site would be mapped as either MIH Option 1 or Option 2. Under MIH Option 1, the Proposed Development would include 10 dwelling units, or 25% of the proposed new residential floor area, for households averaging 60% of AMI, with 4 dwelling units, or 10% of the proposed new residential floor area, allocated for households

averaging 40% AMI. Under MIH Option 2, the Proposed Development would include 11 dwelling units, or 30% of the proposed new residential floor area, for households averaging 80% of AMI. The Proposed Development would provide no accessory parking spaces and would waive out of accessory requirements for the proposed uses.

The proposed school will occupy the cellar and first three floors of the building and have a capacity of approximately 450 students. The cellar will include a gymnasium, which will replace the current outdoor play yard. The Proposed Development Site is not within the flood zone, and therefore no special flood protection measures are required. The house of worship (a synagogue) will be located on the first and second floors on the southeastern corner of the building. The residential units would be primarily located on floors four through eight and range in size between 585 and 1,162 square feet.

The building would rise to a maximum height of approximately 85 feet along Avenue Y with a three-story base (approximately 35 feet) that would contain the above-referenced community facility uses. Above the three-story base, the building would be set back from Avenue Y with the remaining four-stories containing the 38 proposed residential units, before rising to a maximum height of approximately 85 feet.

The additional space provided with the Proposed Development will enable the School to accommodate its waitlist as well as provide subsidized tuition to allow more students, who would otherwise not be able to afford the private school tuition, to attend the school. The proposed community facility portion of the building will present a modern educational facility to accommodate the existing student body and allow for the continued steady growth each year until the School fills to capacity.

7. Actions Necessary to Facilitate the Project

A zoning map amendment and zoning text amendment are required to facilitate the Proposed Development (the "Proposed Actions"). The proposed zoning map amendment would create a new R7D district to be mapped on the southern end of the subject block at a depth of 125 feet from Avenue Y. This would encompass the Development Site as well as portions of the Nostrand Gardens Co-Operative located on Lot 11. The zoning text amendment would create a new Mandatory Inclusionary Housing (MIH) area. The Proposed Actions would facilitate a contextual medium-level of density along a wide avenue (Avenue Y) in close proximity to transit and would result in new dwelling units for various income levels. The Proposed Development would provide a new and enlarged facility for the Shore Park Jewish Center, a longstanding community institution that provides a religious school and house of worship for the local community.

Zoning Map Amendment

The proposed R7D district permits residential and community facility uses (Use Groups 1-4). Under MIH, residential and community facility uses are permitted at 5.6 FAR (with a base of 4.2 FAR). Under MIH, a maximum street wall height of 95 feet is permitted before a setback of 10 or 15 feet is required, and the maximum building height is 115 feet (or 11 stories). Parking requirements vary by use, with the Proposed Development waiving out of accessory parking requirements under Use Groups 2, 3 and 4.

The Proposed Actions would increase the amount of permitted density in the Project Area and would facilitate the Proposed Development, which includes a new religious school and house of worship for the Shore Park Jewish Center, as well as 38 new dwelling units above the proposed community facility use. The proposed medium-density R7D contextual district is intended for wide avenues in close proximity to transit. This is consistent with the location of the Project Area, which is situated on the southern end of a block with frontage along a wide and heavily trafficked street (Avenue Y), in close proximity to an express bus line (SBS B44) along the nearby mixed-use arterial of Nostrand Avenue. The Project Area is also in close proximity to the BM3 express bus route on Avenue X and Batchelder Street, as well as the B36 bus line on Nostrand Avenue and Avenue Z.

The proposed rezoning district boundary line is drawn to 125 feet so as to include all of lots 38 and 36, which are on a diagonal. The surrounding buildings exceed the underlying bulk regulations of the R5 district in which they are located, and, as such, do not accurately reflect R5 and R3-2 zoning. Instead, these buildings reflect a higher density neighborhood. Given this situation, the proposed new district would be consistent with the pre-existing density of the surrounding area, which is developed with a number of apartment buildings rising between six- and seven-stories, and would be consistent with R6A and R7A districts mapped to the west along Ocean Avenue. The proposed zoning will also provide a nice transition between the larger interior lots and Avenue Y, which is a more heavily trafficked street that can accommodate a higher density. As is common throughout the City, the proposed zoning will provide a nice bookend to the block, and the stepped-down design will provide a natural transition between the zoning districts. Lastly, the Proposed Actions would result in new housing capacity along with required affordable dwelling units under MIH, a demonstrated need for all areas of the city.

Zoning Text Amendment

The Proposed Actions would also include a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a new MIH area onto the Project Area. Two general MIH options exist. Option 1 requires that at least 25% of the proposed new residential units be made affordable for households averaging an income of 60% of AMI, with 10% of those units being made affordable for households averaging 40% of AMI. Option 2 requires that at least 30% of the proposed new

residential units be made affordable to households averaging 80% of AMI. At this time, it is proposed to comply with MIH under either Option 1 or Option 2.

8. Conclusion

The Proposed Actions are necessary to facilitate a new mixed-use building to contain much-needed new community facility space for a longstanding religious educational institution that serves the local community. The Proposed Actions would create a medium-density contextual zoning district that is appropriately located, with the proposed R7D district along a wide avenue and in close proximity to transit. The new district would be consistent with the pre-existing medium-density character of the surrounding area, as well as similar districts mapped to the west along Ocean Avenue. In addition, the Proposed Actions would result in new housing capacity with required affordable dwelling units, a recognized need for all areas of the city.