Project Description (LR Item 3)

Project ID: 2018K0300

*****DRAFT*****

2840 Knapp Street

November 2019

1. Introduction

The instant application seeks a Zoning Map Amendment and Zoning Text Amendment ("the Proposed Actions") by Sheepshead Nursing and Rehabilitation Center, LLC, the owner of the above-referenced property ("the Applicant). The proposed zoning map amendment seeks to rezone Block 8808, Lot 45 (the "Project Area"/ the "Development Site") from R5 to R6 in the Sheepshead Bay/Plumb Beach section of Brooklyn Community District #15. The proposed zoning text amendment seeks to amend Appendix F (Inclusionary Housing Designated Areas) of the Zoning Resolution of the City of New York ("ZR") to establish the Project Area as a Mandatory Inclusionary Housing ("MIH") area.

The Proposed Action would facilitate the interior renovations resulting in increased zoning floor area of the existing six-story and cellar Use Group 3 nursing home facility entitled Sheepshead Nursing and Rehabilitation Center located in the Project Area. The building would increase from 80,875 zoning square feet (2.74 FAR) to 85,971 zoning square feet (2.91 FAR) (the "Proposed Development") on Block 8808 Lot 45 (the "Development Site"). The renovations would primarily consist of changes to the ground floor and cellar and would enable the construction of a Use Group 4A dialysis center in the cellar and relocation of mechanical systems from the cellar to the roof of the building. Once relocated, the cellar would contain a new twenty (20) space attended parking area. The single curb cut located along Brigham Street would remain. The overall building envelope would not be modified as a result of the Proposed Action, nor would any additional gross floor area be added. If approved, the zoning map amendment would resolve the building's existing non-compliant bulk.

The Proposed Actions would also include a Zoning Text Amendment to Appendix F of the Zoning Resolution ("ZR") to make the Project Area a MIH area and would be mapped as Options 1 or 2, pursuant to §23-154(d). However, the Proposed Development would not utilize the MIH program as it does not include any residential floor area.

2. Background

The Development Site has been zoned R5 since the inception of the 1961 Zoning Resolution. The existing nursing and rehabilitation center present on the Development Site was initially developed in the late 1960s as a nursing home (CO ##295597 enclosed with this submission was issued for the original New Building application #NB821/68). Over time, the mission of the facility has evolved to provide physical, occupation and speech therapies for geriatric patients. These services are provided at a much lower cost than would otherwise be provided at hospitals.

The area immediately to the west of the Project Area was rezoned in January 2006 under the Sheepshead Bay Rezoning (C 060132 ZMK). The rezoning area was generally bounded by East 27th Street to the west, Emmons Avenue to the south, Shore Parkway to the north and mid-block east of Ford Street to the east. The Sheepshead Bay Rezoning aimed to protect the predominately low-rise area from out-of-character development. The prior-existing R5 zoning district, which

permits all housing types, was rezoned to R4B and R4-1, districts characterized by one and two-family rowhouses and one and two-family detached and semi-detached homes.

The rezoning also reduced the depths of the existing C2-2 commercial overlays along Emmons Avenue from 150 feet to 75 and 100 feet to reflect existing commercial development and prevent intrusion of commercial uses on residential side streets. Lastly, the Sheepshead Bay Rezoning included a text amendment to Appendix A of the Special Sheepshead Bay District ("SSBD"), which removed portions of eight blocks from the SSBD to assure that new development would be governed by the regulations of the underlying residential districts, with their lower FARs and height limits, rather than those of the SSBD.

In May 2013, The Board of Standards and Appeals ("BSA") granted a special permit (235-12-BZ) to allow a one-story building at 2771 Knapp Street (Block 8839, Lots 33 & 38) to be used as four (4) eating and drinking establishments contrary to the use regulations in a C3 district.

There are no other relevant approved land use actions within the last ten years within 1,000 feet of the proposed Project Area.

3. Description of the Surrounding Area

The surrounding area is mixed in use and contains community facility uses, residences and commercial uses, as well as some mixed-use buildings containing ground floor commercial space and residences above. The residential districts in the surrounding area are primarily low-density districts characterized by one and two-family semi-detached and detached rowhouses and homes. A C2-2 commercial overlay extends along both the northern and southern sides of Emmons Avenue from approximately 200 feet west of Sheepshead Bay Road to the west to Plumb 1st Street Road to the east, which contains a vibrant mix of commercial retail, eating and drinking establishments and waterfront-related uses.

The building typology in the surrounding area is mixed with predominately multi-family walk-up buildings and one and two-family buildings, with some multi-family elevator buildings interspersed throughout the area. Notable community facility buildings in the area besides the Sheepshead Nursing and Rehabilitation Center include Brooklyn Amity School, a K-12 private school located at 3867 Shore Parkway (Block 8806, Lot 17), which is located one block north of the Development Site. Additionally, Palm Beach Home for Adults, an adult assisted living facility is located at 2900 Bragg Street (Block 8815, Lot 112).

The Development Site is currently in an R5 District. R5 districts are low-density general residence districts, in which all housing types are permitted including garden apartments, row houses and attached homes. Buildings may be built up to a maximum Floor Area Ratio ("FAR") of 1.25 with a maximum street wall height of 30 feet and a maximum building height of 40 feet. Above a height of 30 feet, a minimum setback of 15 feet is required from the street wall of the building. Minimum lot width and lot area depend upon the housing configuration. Detached structures require a 40-foot lot width and at least 3,800 square feet of lot area and other housing types require lots at least 18 feet wide and a minimum of 1,700 square feet. Off-street parking is required for 85 percent of dwelling units.

The Special Sheepshead Bay District (SSBD) is zoned directly to the south of the Development Site. The SSBD, which was established in 1973, encompasses an approximate 20-block area extending along Emmons Avenue and the adjacent side streets from Sheepshead Bay Road to the west and Knapp Street to the east. The SSBD seeks to encourage development that will strengthen and protect the unique character of the waterfront community by restricting commercial uses in certain areas to waterfront and tourist-related activities and by regulating density and height limits. Its goal is also to encourage housing with appropriate amenities in areas suitable for residential development. The SSBD contains eight subareas (Areas A through H) with regulations governing development and permitted uses for each area.

An R4-1 District is zoned immediately to the west of the subject R5 district, beginning mid-block between Coyle and Ford Streets. R4-1 districts permit contextual one and two-family detached and semi-detached houses 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 4 feet. The maximum building height is 35 feet and one parking space is required per dwelling unit.

A large area to the immediate northwest of the Development Site is zoned R3-2. R3-2 districts are general residence districts that allow a variety of housing types, including low-rise attached houses, small multi-family apartment houses and detached and semi-detached one and two-family residences. They permit a maximum FAR of 0.5 and may be increased up to an attic allowance of up to 20% for the inclusion of space beneath a pitched roof. The perimeter wall may rise to 21 feet before sloping or setting back to a maximum building height of 35 feet. The maximum lot coverage is 35% and front yards must be at least 15 feet deep. One off-street parking space is required for each dwelling unit.

To the southeast of the Belt Parkway is the Plumb Beach area, which contains C3, C8-1 and M1-1 districts. C3 districts are mixed-use districts intended to permit waterfront and recreational uses, such as marinas, in proximity to waterfront areas. They permit R3-2 equivalent residential buildings as well as Use Group 14 commercial uses at a maximum FAR of 1.0. The C8-1 is a general commercial district that permits a wide range of commercial uses not generally suitable within residential districts (Use Groups 4-14 & 16). The C8-1 district permits a commercial FAR of 1.0. Parking requirements vary by use for C3 and C8-1 districts. The M1-1 district permits light manufacturing, industrial and commercial uses. The M1-1 zoning district allows a maximum FAR of 1.0 for light manufacturing and industrial uses (Use Groups 4-14, 16-17) and allows an FAR of 2.4 for limited community facility uses (Use Group 4). The maximum building height is based on the sky-exposure plane, which begins 30 feet above the street line.

C2-2 commercial overlays are mapped along both sides of Emmons Avenue, serving as the major commercial thoroughfare for the neighborhood. C2 districts allow for a wide variety of commercial uses (Use Groups 5-9 and 14). Within lower density residential zoning districts (R1 through R5) the maximum commercial FAR is 1.0, whereas when mapped in higher density residential districts (R6 through R10) the maximum commercial FAR is 2.0. Parking requirements vary by use.

The area is well served by public transit. The New York City Transit (NYCT) B and Q lines stop at the Sheepshead Bay station located at Avenue Z and East 19th Street, approximately one mile west of the Development Site. The B line provides service from Brighton Beach in Brooklyn to Bedford Park in the Bronx while passing through Manhattan's Lower East Side and Upper West Side along the way. The Q train provides service from Coney Island in Brooklyn to Manhattan's Upper East Side. More conveniently, the B44 and B4 bus lines have stops right outside the Development Site on Knapp Street. The B44 is a Select Bus Service line, which provides service from Sheepshead Bay to Williamsburg. The B4 runs through southern Brooklyn providing service from Bay Ridge to Sheepshead Bay. Additionally, the BM4 stops at the intersection of nearby Bragg Street and Emmons Avenue with express service to Manhattan.

4. Description of the Proposed Project Area/ Development Site

The Proposed Project Area consists of Block 8808, Lot 45 in the Sheepshead Bay section of Brooklyn Community District #15. The Project Area is situated on a 29,519 square foot irregularly-shaped part corner and part through lot, with frontage along three streets: approximately 205 feet along Brigham Street; approximately 231 feet along Shore Parkway; and approximately 90 feet along Knapp Street. Brigham Street is classified as a "narrow" street with 60 feet in width, while Knapp Street and Shore Parkway are classified as "wide" streets, with widths in excess of 75 feet. The Project Area is located 250 feet north of Emmons Avenue, which serves as a commercial corridor for the Sheepshead Bay area.

The Project Area is located within the coastal zone boundary of the NYC Waterfront Revitalization Plan. It is also included in the *Resilient Neighborhoods Sheepshead Bay* study published in 2017, which identifies strategies to address resiliency-related issues. However, the Project Area is not located in the flood zone.

The property was developed in 1969 as a nursing home and was subsequently renovated in 1997 and 2007. The property is currently developed with a six story and cellar Use Group 3 nursing home with 92,305 gross square feet and 80,875 zoning square feet of floor area (2.74 FAR) where 2.0 FAR is permitted in R5 districts for community facility uses. The non-zoning floor area in the existing building consists primarily of parking in the cellar. The building rises to a maximum building height of approximately 61 feet, with an initial setback at approximately 11'-7". The facility currently contains 200 beds and 18 accessory parking spaces, which consist of surface parking located along the southern end of the property. A single curb cut exists on the lot along Brigham Street that provides access to a loading dock and the parking area. Under the current R5 district regulations, the floor area, side yard, height and number of parking spaces on the property are non-compliant. However, DOB approved plans under Job #302239334 in December 2006, (enclosed with this submission) to permit a new accessory parking garage at the cellar level as well as a new open terrace over accessory parking garage even though these same non-compliances existed then as they do now. The stamp on the plans from the DOB plan examiner indicate that they were examined for zoning, egress and fire prevention. Additionally, CO #295597 (enclosed with this submission) was issued with the original New Building application #NB821/68 further verifying DOB's approval of the existing non-compliant conditions.

5. Description of Proposed Development

The Proposed Actions would facilitate the interior renovations of the existing nursing home facility that would result in additional zoning floor area from 80,875 square feet of floor area (2.74 FAR) to 85,971 square feet (2.91 FAR). This 5,096 square foot increase would primarily consist of changes to the ground floor and cellar of the facility, as well as facilitate much needed mechanical renovations. 4,940 square feet of a Use Group 4A dialysis center would be added to the cellar and 156 square feet would be added to the first floor to facilitate the construction of a new Stair C to be located just east of the dialysis center in the cellar. Mechanical systems which are currently located in the cellar will be relocated to the roof as a floodproofing measure. The overall building envelope would not be modified as a result of the Proposed Action. In connection with the Proposed Action, a new 20-space attended parking area would be provided in the cellar, which would have more room for cars if the mechanical systems were moved elsewhere. The single curb cut located along Brigham Street would remain.

The building height will remain at its current approximate 61-foot height. The existing 200 beds in the facility and existing 7 bicycle parking spaces will remain as well. However, the number of on-site parking spaces provided in the cellar will increase from 18 spaces to 20 spaces.

6. Actions Necessary to Facilitate the Project

The Proposed Actions consist of a Zoning Map Amendment to primarily facilitate the Proposed Development and a Zoning Text Amendment.

The Zoning Map Amendment would create a new R6 district on Block 8808 Lot 45, the Development Site.

The proposed new R6 district would facilitate a higher but appropriate density that would resolve the non-complying building bulk.

R6 districts are general residential districts that are widely mapped in built-up, medium density areas in Brooklyn. The R6 zoning district allows residential buildings under Quality Housing and Height Factor regulations. Under Height Factor regulations, a maximum FAR from 0.78 to 2.43 is permitted, along with a required open space ratio (OSR) from 27.5 to 37.5 percent. Under Quality Housing regulations, a maximum FAR of 3.0 is permitted in this zoning district with 3.6 FAR permitted under MIH. Under Quality Housing regulations, contextual street wall and maximum heights are regulated, while under Height Factor regulations, the sky exposure plane controls the maximum height after a maximum street wall height of six-stories or 60 feet. For Height Factor buildings, 70% of dwelling units require parking, while for Quality Housing buildings 50% of dwelling units require parking with income-restricted dwelling units reduced in the Transit Zone. The R6/C2-2 district permits ground floor commercial use at 2.0 FAR for Use Groups 5-9 & 14.

Most community facility buildings (including long-term care facilities and ambulatory diagnostic treatment facilities) in R6 districts are permitted up to 4.8 FAR with the maximum height governed by the sky exposure plane after a maximum street wall height of six-stories (or 60 feet), similar to residential Height Factor regulations. For nursing homes, one accessory parking space is required for every 20 beds.

If approved, the zoning map amendment will increase the maximum permitted FAR for Use Group 3 long term care facilities and Use Group 4A community facilities from 2.0 to 4.8. Thus, the maximum community facility floor area permitted on the 29,519 square foot Development Site would increase from 59,038 square feet (29,519 x 2.0) to 141,691 square feet (29,519 x 4.8). Therefore, the existing 80,875 square foot building is overbuilt and non-compliant as per floor area. The Proposed Actions though would resolve this non-compliance.

The Proposed Actions would also resolve the current non-compliant side yards. In R5 districts two side yards are required, each equal to not less than 10% of the aggregate width of street walls, which for this building equals approximately 52.5 feet. The building as built has no side yards, thereby non-compliant as is. However, because no side yards are required in R6 districts, the non-compliance would be resolved.

The Proposed Actions would also resolve the non-compliant building height. In R5 districts, the front wall or any other portion of a building shall not penetrate the sky exposure plane at a height of 35 feet with a ratio of 1:1. In R6 districts, the maximum height of a building's front wall may not exceed 60 feet or six stories, whichever is less. Above the maximum front wall, the building may not penetrate a sky exposure plane with a ratio of 5.6:1 along wide streets. The building as built complies with a 5.6 to 1 ratio but not a 1 to 1 ratio. Therefore, the Proposed Action would resolve the non-compliance as to the building height.

The Proposed Actions would also resolve the non-compliant number of parking spaces. In R5 districts, 1 parking space is required per 10 beds. This results in 20 required spaces. Only 18 spaces are currently provided. In R6 districts, 1 space per 20 beds are required, which results in 10 required spaces. However, parking requirements are waived in R6 districts if less than 25 spaces are required. Therefore, the Proposed Action would resolve the non-compliance as per parking.

The proposed R6 district would also be appropriate in the Proposed Project Area independent of the existing building. The Project Area is located frontage along Knapp Street (100 feet in width, a wide street), as well as Brigham Street (60 feet in width, a narrow street) and Shore Parkway (irregular in width). As noted above, Shore Parkway and Knapp Street are heavily trafficked thoroughfares and it is believed the proposed rezoning is appropriate for this location.

Furthermore, the Project Area contains significant frontage, with with approximately 230 feet along Shore Parkway, approximately 90 feet along Knapp Street and approximately 205 feet along Brigham Street, it is believed the area is appropriate for an R6 district and is able to accommodate additional density, with close proximity to transit and highways.

Additionally, any developments that would potentially be constructed in the proposed R6 district would fit harmoniously with the existing 7-story building on the subject block, which has an FAR

of 3.22. This building's FAR is consistent with FARs of buildings typically found in R6 districts, which can have a maximum of 2.43 FAR for height factor buildings, a maximum of 3.0 FAR for Quality Housing buildings and a maximum of 3.6 FAR with MIH. The proposed R6 district along the corner lot portion of the subject block would also naturally flow into the lower density R5 portion of the subject block. As such, the proposed R6 district would be appropriate for the Project Area.

The proposed zoning text amendment seeks to amend Appendix F of the Zoning Resolution by establishing the Project Area as an MIH area to be mapped as Options 1 or 2, pursuant to §23-154(d). However, since the Proposed Development does not include any new residential floor area, the development is exempt from MIH requirements per §23-154 (d) (4).

7. Conclusion

The Proposed Action if approved, would create a new R6 district at the Project Area. The Proposed Actions would resolve all existing non-compliances associated with the existing building while facilitating modern interior renovations in the subject building. This modest interior renovation would not result in any new development that would deviate from the existing character of the area, which contains pre-existing residential, mixed-use and community facility buildings between five and seven-stories.

The Proposed Development would improve the services provided by the existing nursing home and provide necessary flood-proofing measures. In conclusion, the proposed new R6 district would be appropriate in this area.