2390 McDonald Avenue

March 2021

1. Introduction

MTM Realty LLC (the "Applicant") seeks a zoning map amendment and zoning text amendment (the "Proposed Actions") that would affect four properties (Block 7146, Lots 50, 47, 48 and 49; the "Project Area") in the Gravesend area of Brooklyn Community District #15. The proposed zoning map amendment would amend the Project Area from C8-1 to C4-4L. In addition, a zoning text amendment would be required 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 Area ("MIH")

The Proposed Actions would facilitate the development of a 91,503 square foot (4.6 FAR), 10-story and cellar mixed use building ("the Proposed Development") on Block 7146, Lot 50 (the "Development Site"). The total building would consist of 73,021 square feet of residential floor area, 18,481 square feet of commercial floor area. This would include 78 dwelling units, 23 of which would be permanently affordable under Option 2 of MIH (30 percent). The ground floor would contain neighborhood commercial retail space in 17,582 square feet. 120 accessory off-street parking spaces would be provided.

2. Background

The area to the north of the Project Area was rezoned in 2005 as part of the Bensonhurst Rezoning (C 050296 ZMK), which aimed to encourage higher density residential development along certain arterial thoroughfares, such as Avenue P, Quentin Road and Kings Highway where R7A districts were mapped. Between these corridors, mid-density contextual zoning districts were created from previous R6 districts, such as R4-1, R4A and R5B districts. Arterial and commercial thoroughfares were rezoned to R6B, R6A and R7A districts with commercial overlays such as C2-2 and C2-3 districts, reflecting proximity to transit.

Most recently, adjacent to the Bensonhurst Rezoning and north of the Project area is the 273 Avenue U Rezoning (C 180164 ZMK), which was recently adopted in September of 2019. This rezoning amended an R5B/C2-3 zoning district to facilitate a mixed-use development of nine dwelling units with ground floor commercial floor area.

In February 2009, the Board of Standards and Appeals ("BSA") extended the term/waiver of a previously granted variance (1228-79-BZ) for the operation of a Use Group 6 retail use at 2436 McDonald Avenue (Block 7149, Lot 21), located a block to the south, contrary to the underlying R5 use regulations.

Subsequently in October 2014, the BSA granted a special permit (202-14-BZ) two blocks to the east, to permit an enlargement and conversion of an existing two-family home to a single family home at 2268 West 1st Street (Block 7151, Lot 13), contrary to the bulk regulations of the underlying R4 district.

Most recently in January of 2019, the BSA also granted a variance (2018-7-BZ) to permit the enlargement of an existing single-family home at 291 Avenue W. The permit granted permission of the residence, contrary to the floor area, open space, lot coverage, side yards and rear yard regulations of the underlying R4 zoning district.

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

3. Description of the Surrounding Area

McDonald Avenue is a mixed-use arterial for the surrounding area, which is otherwise predominantly residential to the east and west. The surrounding area contains a range of uses and mix of building types. McDonald Avenue is a mixed-use north-south arterial thoroughfare that includes commercial, residential, automotive and light manufacturing/industrial uses within 600 feet of the Development Site. The interior blocks moving east and west from McDonald Avenue are predominantly residential with one and two-family houses, along with some multi-family residential buildings. These side streets are typically mapped between 50 and 60 feet in width ('narrow' in the ZR), while arterial avenues (Avenue U and W) are mapped at 80 feet in width ('wide' in the ZR).

In addition to residential uses along side streets, several community facility uses also present. Notable community facility uses in the area include the Pyeong Ahn Presbyterian Church (Block 1750 Lot 75) which is located south east of the Development Site on McDonald Avenue between Village Road South and Avenue W. In addition, to the northwest is the First Korean Church of Brooklyn (14 Gravesend Neck Road), as well as a P.S. 95 (345 Van Sicklen Street).

To the west of the Development Site fronting on Village Road South is Gravesend Cemetery, a designated landmark (Block 7146 Lot 1) by the Landmarks Preservation Commission (LPC). Directly to the north of the cemetery, is the Lady Moody House (27 Gravesend Neck Road), also designated by LPC as a landmark, In terms of open spaces, a baseball field (Our Lady of Grace) is located two blocks to the east at Gravesend Neck Road and Village Road East.

As noted above, McDonald Avenue (100 feet wide) is a mixed-use arterial and the roadway is traversed by an elevated train line, the New York City Transit (NYCT) "F Train" which runs north to south along the roadway.

The area to the northeast, above Gravesend Neck Road, is in the Special Ocean Parkway District Subdistrict ("SOPD Subdistrict") This subdistrict was intended to facilitate the enlargement of detached and semi-detached one and two-family homes with an overall maximum FAR of 1.5. The subdistrict affected areas zoned R3-1, R4 and R5 for the area generally bounded by the Long Island Railroad tracks to the north, McDonald Avenue to the west, Coney Island Avenue to the east and Avenue V and Gravesend Neck Road to the south. The area is characterized by detached and semi-detached houses with one and two units. The SOPD Subdistrict permits the enlargement of detached and semi-detached housing and prohibits attached housing in R4 and R5 zones. As noted above, the maximum FAR in the subdistrict limited developments to 1.5 FAR. Less restrictive regulations in the Subdistrict permit the expansion and/or development of larger one and two-family detached and semi-detached homes. The regulations in the subdistrict also include elements of existing lower density contextual zones.

The Development Site is currently in a small C8-1 zone that extends along McDonald Avenue between Gravesend Neck Road and Avenue W. Immediately to the north and south of this district

along McDonald Avenue are small M1-1 districts. To the west beyond McDonald Avenue is a large R5 district and to the east is a large R4 district.

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, but automotive service facilities require one space per 600 square feet.

The M1-1 district, which is located to the north and south along McDonald Avenue, typically include light industrial uses and permit offices, hotels and most retail uses at a maximum FAR of 1.0. No front yards and side yards are required unless the side yard is along a district boundary. Rear yards of 20 feet are usually required, except within 100 feet of a corner. Parking is required based on the use and size of the establishment. Loading berths could be required as well depending on size and type of use.

The R5 zoning district, which is located to the west of McDonald Avenue, are residential districts that allow a variety of housing that typically consist of three- and four-story attached houses and small apartment houses. The R5 zoning district allow a maximum FAR of 1.25 with maximum street wall height of a new building is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building; in addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight-foot-wide side yard. Apartment houses need two side yards, each at least eight feet wide. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to prevent cars parked on-site from protruding onto the sidewalk. Off-street parking is required for 85 percent of the dwelling units in the building and income-restricted dwelling units are waived within the Transit Zone.

The R4 district, which is located to the east of McDonald Avenue, allow all residential developments at a maximum FAR of 0.75. This FAR plus an attic allowance of up to 20 percent for inclusion of space under a pitched roof usually produces buildings with three stories. Front yards of 10 feet and rear yards of 30 feet are required, with side yards of at least five feet. The maximum building height is 35 feet and one parking space is required per dwelling unit.

C1-2, C1-3 and C1-4 commercial overlays are mapped along east-west avenues to the north and south, such as Avenue U and Avenue X. These streets are the main commercial thoroughfares in the surrounding area. C1 districts allow for a wide variety of commercial uses (Use Groups 5-6). 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 for each commercial overlay.

As noted above, an NYCT train line runs above McDonald Avenue with an F train stop on the subject block of the Development Site. The F train provides service to Coney Island and Jamaica, Queens via Manhattan. Additionally, the B3 NYCT bus runs along Avenue U, providing service between Bergen Beach and Bensonhurst. Accordingly, the Project Area is located in the Transit Zone.

4. Description of the Proposed Project Area

The Proposed Project Area consists of the Development Site (Block 7146, Lot 50), which is under the Applicant's control and is discussed in greater detail below. In addition to the Development Site, three properties that are not under the Applicant's control (Block 7146 Lots 47, 48 and 49)

would be affected, which constitute the southern corner of Block 7146 at the intersection of Village Road South and McDonald Avenue. As noted above, the Project Area is zoned C8-1.

Block 7146, Lot 47 (2372 McDonald avenue) is a regularly shaped mid-block lot with 18 feet of frontage on McDonald Avenue. The property is developed with a two-story commercial office building with 1,620 square feet of floor area (1.13 FAR) where 1.0 FAR is permitted for commercial uses in the underlying C8-1 zoning district. This building was constructed in approximately 1931.

Block 7146, Lot 48 (2374 McDonald Avenue) is a regularly shaped mid-block lot with 18 feet of frontage on McDonald Avenue. The property is developed with a two-story mixed use with one residential unit and one commercial unit with approximately 1,620 square feet (1.13 FAR) where no residential is permitted in the underlying C8-1 zoning district. This building was constructed in approximately 1931.

Block 7146, lot 49 (2376 McDonald Avenue) is a flag-shaped mid-block lot with 24 feet of frontage on McDonald Avenue and 132.92 feet of depth. The property is developed with a two-story autobody garage with approximately 7,975 square feet (0.91 FAR) where 1.0 FAR is permitted for commercial uses in the underlying C8-1 zoning district. The building was constructed in approximately 1931.

5. Description of Proposed Development Site

The Development Site is a single rectangular lot (Block 7146, Lot 50) that contains 19,901 square feet of lot area with frontage along two streets: approximately 210 feet along the north side of Village Road South and approximately 96 feet of frontage along the west side of McDonald Avenue. As noted above, McDonald Avenue is a 'wide' street with 100 feet in width, while Village Road south is 50 feet in width, a 'narrow' street.

The lot is currently improved with a single-story commercial building containing 15,612 square feet of space or approximately 0.78 FAR.

6. Description of Proposed Development

The Proposed Actions would facilitate the redevelopment of the Development Site with a ten-story mixed-use building to contain approximately 91,505 square feet or 4.60 FAR (the "Proposed Development"). This would include approximately 73,021 square feet of residential floor area and 78 dwelling units, with approximately 18,481 square feet of ground-floor commercial retail. 23 of the proposed 78 dwelling units would be affordable (30 percent) for incomes averaging 80 percent AMI, under MIH Option 2. The ground floor would provide approximately 17,582 square feet of commercial space. The proposed ground-floor use would be required to be non-residential and at this time is preliminary proposed as a mix of local retail, daycare and office space.

The Proposed Development will have different building heights on different street frontages. Along McDonald Avenue, the building will have a base height of 35 feet and rise to a total height of 105 feet after a 15-foot setback. The rear of the building would rise to 55 feet under transition regulations between the R5 and C4-4L district before setting back approximately 56 feet to rise to 105 feet. Along Village Road South, the building will rise to a base height of 55 feet, then set back 15 feet before rising to 105 feet.

120 off-street parking spaces would be provided via 16-foot curb cut along Village Road South. The parking spaces would be attended and accessible via car elevator to the cellar level, where the spaces would be provided via stackers.

7. Actions Necessary to Facilitate the Project

The Proposed Actions consist of a zoning map amendment and zoning text amendment, that are primarily intended to facilitate the Proposed Development. The Zoning Map Amendment would create a new C4-4L district on four (4) properties (Block 7146, Lots 47, 47, 49 and 50) that are currently zoned C8-1.

The proposed zoning text amendment pursuant to *Appendix F* of the Zoning Resolution would make the Project Area applicable as a Mandatory Inclusionary Housing Area (MIH) and would be mapped as Options 1 or 2, pursuant to §123-154(d). All residential developments, enlargements, and conversions within this MIHA that meet the criteria set forth in the MIH program must comply with the requirements of one of the options described below:

- Option 1: 25 percent of residential floor area must be for affordable housing units for residents with incomes averaging 60 percent AMI, with a minimum of 10 percent of housing to be affordable at 40 percent AMI.
- Option 2: 30 percent of residential floor area must be for affordable housing units for residents with incomes averaging 80 percent AMI.

At this time, the Applicant proposes to utilize Option 2 and provide 23 income-restricted dwelling units or approximately 30 percent of the proposed residential floor area permanently affordable to incomes averaging 80 percent AMI.

The proposed zoning map amendment would rezone the Project Area from C8-1 to C4-4L. The proposed new C4-4L district would facilitate a higher but appropriate density and permit residential use in a predominantly residential area. The proposed C4-4L district would facilitate much needed dwelling units, a portion of which would be affordable, a recognized local and citywide need. It also permits commercial retail and community facility uses and would facilitate new space to provide new supporting neighborhood retail services.

The C4-4L zoning district, which has an R7A residential district equivalent, allows for buildings up to 4.0 FAR (4.6 FAR with MIH) and generally yields seven to eight-story buildings. Maximum lot coverage is 65 percent for interior and through lots and 100 percent on corner lots. Above a base height of 40 to 75 feet, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street, before rising to a maximum of 95 feet or 9-stories (with MIH). However, because McDonald Avenue is a street with an elevated rail line, a setback of at least 15 feet is required at a height of at least 25 feet or two stories, whichever is lower, and at most 65 feet or six stories whichever is lower. Additionally, the maximum building height can be increased to 105 feet or 10 stories, whichever is less, for buildings with a qualifying ground floor. Parking is required for 50 percent of all dwelling units and parking requirements are waived for income-restricted dwelling units at 80 percent AMI and below in the Transit Zone.

The zoning map amendment of the C8-1 portion of the lot to C4-4L will serve to increase the permitted commercial bulk from 1.0 to 4.0 FAR, which would continue to permit commercial uses and change the permitted commercial uses. Accordingly, the C8-1 district permits Use Groups 4-14 and 16 at a maximum FAR of 1.0, while the the proposed C4-4L district permits Use Groups 1-6, 8-10 and 14.

The proposed C4-4L district would result in the highest and best use for this area, which is emerging as a regional mixed-use corridor. The Project Area is located along a heavily trafficked and vibrant arterial roadway, McDonald Avenue, which is currently underdeveloped with a mix of older commercial retail, office, automotive and industrial/manufacturing uses, generally rising between one- and two-stories. However, the roadway is wide (100 feet) and can support additional density, based on access to transit. Moreover, with the presence of the overhead rail right-of-way, the C4-4L would be compatible for this location, where C4-4L districts are intended for mid-rise development along elevated railways. Lastly, while permitting additional commercial uses, the Proposed Actions would result in much needed new housing capacity, with the Proposed Development providing 78 new dwelling units, at least 23 of which would be income-restricted under MIH.

8. Conclusion

The Proposed Actions would create a new compatible mixed-use zoning district along a vibrant roadway with an overhead railway right-of-way. Based on the presence of one- and two-story buildings, the underlying C8-1 district constraints new development along this corridor. As such, a C4-4L district under MIH is proposed, which is an appropriate location for additional density, based on the wide status of the roadway, as well as the close proximity to transit. The resulting Proposed Development would provide new neighborhood retail services, as well as 78 new dwelling units above, 30 percent of which would be affordable, a demonstrated need in Community District 15. As such, the Proposed Actions would be appropriate for this area and would result in the highest and best use for this segment of McDonald Avenue.