PLUMB 2ND STREET REZONING
2761 PLUMB 2ND STREET
SEPTEMBER 11, 2022

1. INTRODUCTION

Zaliv, LLC (the "Applicant") proposes a zoning map amendment to rezone Brooklyn Block 8841, Lots 500, p/o 490 and p/o 450 and Block 8844, Lots 340, p/o 345, and p/o 342 (the "Project Area") from a C3 zoning district to an R3-2/C2-3 zoning district in the Sheepshead Bay neighborhood of Brooklyn Community District 15. The proposed rezoning would facilitate the as-of-right operation of a long-standing Use Group ("UG") 6 eating and drinking establishment at 2761 Plumb Second Street, Block 8841, Lot 500 and Block 8844, Lot 340 (the "Development Site").

2. BACKGROUND

The Proposed Development Site is currently used for a retail uses and eating and drinking establishments with accessory parking. The applicant has controlled the Proposed Development Site since 2006. The current C3 zoning district has existed since 1961.

The area west of the Project Area was included in the 2006 Sheepshead Bay Rezoning (effective January 11, 2006, C 060132 ZMK, N 060133 ZRK), which mapped the current R4-1 and R4B zoning districts to replace the previous R5 zoning district and eliminated a C2-2 district. The Sheepshead Bay Rezoning modified portions of eight blocks and amended the Special Sheepshead Bay District in the south Brooklyn neighborhood of Sheepshead Bay/Plumb Beach in Community District 15. The area of the Sheepshead Bay Rezoning is generally bounded by East 27th Street on the west, Emmons Avenue on the south, Shore Parkway on the north and the midblock east of Ford Street on the east. It was intended to preserve the existing neighborhood scale and character with lower density and contextual zoning districts.

<u>BSA Case</u>
The Proposed Development Site has been under the jurisdiction of the New York City Board of Standards and Appeals (the "BSA") since May 27, 1980 when, under BSA Cal. No. 1233-79-BZ, the BSA granted a variance pursuant to Zoning Resolution of the City of New York ("ZR") § 72-21 to permit the construction of a two-story enlargement of an existing non-conforming wholesale and retail fish-packing establishment. Additionally, on December 1, 1987, under BSA Cal. No. 733-86-BZ, the BSA granted a special permit pursuant to ZR § 73-242 to permit a one-story enlargement and partial conversion of that portion of the building into an eating and drinking establishment for a term of five years. On April 26, 1994, the term was extended to 1997. On March 26, 2002, under BSA Cal. No. 214-00-BZ, the BSA permitted the establishment of the special permit for a term of five years. On November 16, 2010 the BSA extended the term for five years and granted an amendment to the plan for a proposed as-of-right enlargement that was never built. The BSA permitted the reestablishment of the ZR § 73-242 special permit for an eating and drinking establishment under BSA Cal. No. 214-00-BZ on April 10, 2018, for which an extension of term was granted to permit the operation of the TGI Fridays on the Proposed Development Site. The term of this extension was set to expire on November 16, 2020. Due to Executive Order 110 §§ 5 and 7, the expiration was tolled to the end of the emergency.

3. DESCRIPTION OF THE SURROUNDING AREA

The Project Area is located in the Sheepshead Bay neighborhood in Brooklyn within Brooklyn Community District 15. It is also located within the City's Coastal Zone Boundary and the Jamaica Bay Watershed. Additionally, the Project Area is located in a FEMA designated floodplain, Zone A, with a Base Flood Elevation of 10'-0" (NAVD 88) and a Design Flood Elevation of 11'-0" (NAVD 88). Any new development within this area is subject to flood resistant building construction requirements.

<u>Zoning</u>

The area within a 600-foot radius of the Project Area (the "Surrounding Area") is zoned R4, C3, C8-1, R3-2/C2-2, and R5.

R3-2 zoning districts are general residence districts that permit all building types, including multifamily apartments. Minimum lot width and lot area depend upon the housing configuration: detached structures require a 40-foot lot width and 3,800 square feet of lot area; other housing types require lots that have at least 18 feet of lot width and 1,700 square feet of area. The maximum floor area ratio ("FAR") is 0.6, including a 0.1 attic allowance, and the maximum building height is 35 feet, with a maximum perimeter wall height of 21 feet. Community facilities are permitted an FAR of 1.0. One parking space is required for each dwelling unit.

R5 zoning districts are residential districts which typically produce three- and four-story attached houses and small apartment buildings. Within an R5 zoning district, the maximum permitted FAR is 1.25, the maximum permitted street wall height is 30 feet and the maximum permitted building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall. R5 zoning districts require a minimum front yard of 10 feet and a minimum rear yard of 30 feet. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses require one eight-foot-wide side yard. Apartment buildings require two side yards, each at least eight feet wide. Off-street parking is required for 85% of the dwelling units.

C2-2 overlays are commercial overlay districts mapped within residential districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 zoning districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R1 through R5 zoning districts, the maximum commercial FAR is 1.0; when mapped in R6 through R10 zoning districts, the maximum commercial FAR is 2.0.

C8-1 zoning districts are commercial districts which bridge commercial and manufacturing uses and provide for automotive and other heavy commercial services. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes. Housing is not permitted and performance standards are imposed for certain semi-industrial uses. Within a C8-1 zoning district, the maximum FAR is 1.0.

R4 zoning districts allow all housing types with a minimum lot width of 40 feet for detached residences and 18 feet for all others. Maximum lot coverage is 45% and the maximum FAR is 0.75 (plus a 0.2 or 20% attic allowance). The perimeter wall maximum height is 25 feet and the building height maximum is 35 feet. A front yard of at least ten feet is required and if the front yard exceeds ten feet then a front yard depth of 18 feet is required. For detached homes, two side yards are required with a minimum width of five feet each and a minimum total width of 13 feet. For all other building types, one eight-foot side yard is required. The parking requirement for R4 zoning districts is 100% (one space per unit). In addition, R4 zoning districts permit use of the infill zoning provisions at a maximum FAR of 1.35 at a height limit of 35 feet.

C3 zoning districts permit waterfront recreational activities, primarily boating and fishing, in areas along the waterfront that are usually adjacent to residential areas and permit residential uses at an R3-2 equivalent. C3 zoning districts permit a commercial FAR of 0.5 and require one parking space per 150 sq. ft.

Land Uses and Prevailing Built Form

The land uses within the Surrounding Area consist of a variety of uses, including residential, commercial and public facility uses, as well as vacant land.

The Surrounding Area is located in the Sheepshead Bay neighborhood of Brooklyn and is primarily comprised of one- and two-story commercial buildings with one to four story one- and two-family residences east of the Project Area across Shell Bank Creek in the Gerritsen Beach neighborhood. Local commercial uses can also be found in the vicinity of the Project Area in single story buildings along Harkness Avenue.

The area to the south of the Project Area consists of two marinas to the southeast and a movie theater and accessory parking lot to the southwest. The area to the west of the Project Area consists of parking lots, one-story commercial buildings, a school, and one- and two-family detached and semi-detached residences. Shell Bank Creek is located immediately adjacent to north and east of the Project Area.

Mass Transit
The Project Area is located two blocks east of the Knapp Street/Shore Parkway bus stop serving the B4, B44 and B44-SBS lines. The Surrounding Area is also accessible by the BM3 line, stopping at the Shore Parkway/Bragg Street, located four blocks west of the Project Area.

4. DESCRIPTION OF THE PROJECT AREA

The Project Area includes Brooklyn Block 8841, Lots 500, p/o 450, p/o 490 and Block 8844, Lots 340, p/o 342, p/o 345. The Project Area is bounded by Shell Bank Creek (north and east), Harkness Avenue (south), and Plumb 2nd and 3rd Streets (west).

- Block 8841, Lot 450 is an approximately 178,325 sq. ft. lot that is submerged underwater. A small portion of the lot would be included in the Project Area.

- Block 8841, Lot 490 is an approximately 16,000 sq. ft. lot partially used for Harkness Avenue. A small portion of the lot would be included in the Project Area.

- Block 8841, Lot 500, an approximately 38,250 sq. ft. lot, is improved with a two-story, 0.42 FAR commercial building that is controlled by the applicant. The lot also contains 79 accessory attended parking spaces.

- Block 8844, Lot 340 is an approximately 4,550 sq. ft. vacant lot controlled by the applicant that is used for accessory parking. The site is used for approximately 17 spaces.

- Block 8844, Lot 342 is an approximately 8,150 sq. ft. lot that is submerged underwater. A small portion of the lot would be included in the Project Area and is controlled by the applicant.

- Block 8844, Lot 345 is an approximately 26,300 sq. ft. lot that is partially submerged underwater and partially in the bed of Plumb 3rd Street, Shore Parkway, and Shell Bank Avenue (mapped but unbuilt). A small portion of the lot would be included in the Project Area.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Development Site is 2761 Plumb Second Street, Block 8841, Lot 500 and Block 8844, Lot 340. The Development Site is owned by the Applicant. The Site is an irregularly-shaped lot with frontage on Harkness Avenue, Plumb 2nd Street, and Shell Bank Creek. The existing buildings on the Development Site on Lot 8841, Lot 500 contain approximately 15,614 square feet of floor area. There are two eating and drinking establishments located at the Proposed Development Site: (1) Cold Stone Creamery (2-stories) – 3,937 square feet; and (2) TGI Fridays (1-story) – 10,432 square feet. Jordan's Seafood (1-story) – 1,244 square feet establishment was previously located at the Development Site but has since closed. There are currently 96 available accessory parking spaces on the Development Site: 79 spaces located on Block 8841, Lot 500 and 17 spaces located on the adjacent parking lot, Block 8844, Lot 340. Several parking spaces are located outside of the site's boundary, which was approved under BSA Cal. No. 734-86-A in 1987, directly to the east of the Development Site. The site is buffered from adjacent uses. The site has a perimeter fence along Shell Bank Creek.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed rezoning would render the existing eating and drinking establishments conforming, as-of-right uses, freeing the Applicant of the need to renew a BSA special permit for the TGI Fridays every five years, and would reduce the accessory parking requirement. No new development, enlargement, or change of use is proposed. The only change would be to the operation of the accessory parking lots, which are now valet parking, but which would be converted to self-park.

7. ACTION NECESSARY TO FACILITATE THE PROJECT

The action necessary to facilitate the proposal is a zoning map amendment to rezone the Project Area from a C3 zoning district to an R3-2/C2-3 zoning district. R3-2 zoning districts are the residential equivalents of C3 zoning districts.

Rationale for the R3-2/C2-3 zoning district at the Project Area

The application seeks to rezone the Project Area from a C3 zoning district to an R3-2/C2-3 zoning district. R3-2 zoning districts are residential districts which permit all residential building types. An R3-2 zoning district is the residential zoning district equivalent of a C3 zoning district. C2-3 commercial overlays support local retail and service needs. The maximum commercial FAR in a C2-3 district within an underlying R3-2 district is 1.0. Off-street parking requirements vary, but typically one parking space is required for each 400 square feet of retail floor area.

The proposed rezoning to an R3-2/C2-3 zoning district will enable the existing TGI Fridays to operate at the Development Site without a special permit from the BSA. The proposed use would remain a conforming use. Any new development on the site would require a Waterfront Certification. The proposed R3-2/C2-3 zoning district is appropriate in terms of use and permitted uses as the Development Site would remain commercial and would be consistent with the uses already on site. The Surrounding Area is commercial in nature and would not be materially impacted by the proposed zoning change. The C2 overlay mapping would be an extension of an existing C2 overlay mapped within an R3-2 zoning district located diagonally across the street from the Development Site on the south side of Harkness Avenue to its west.

8. CONCLUSION

As discussed above, Zaliv, LLC proposes a zoning map amendment to rezone the Project Area from a C3 zoning district to an R3-2/C2-3 zoning district. The proposed action will facilitate the as-of-right operation of a long-standing eating and drinking establishment within the Project Area in the Sheepshead Bay neighborhood of Brooklyn Community District 15.