LR3: Project Description

2201-2227 Neptune Avenue, Brooklyn, NY

October 22, 2024

Project ID #2023K0118

Applicant: Neptune Avenue Commercial, LLC

Location: 2201-2227 Neptune Avenue, Brooklyn, NY
Block 6990, Lots 1 and 10
Brooklyn, NY
Zoning Map 28d

1. **Introduction**

Neptune Avenue Commercial, LLC (the "Applicant") is proposing a rezoning (the "Rezoning") of the waterfront block (Block 6990) bounded by Neptune Avenue, West 23rd Street, West 22nd Street and Coney Island Creek in the Coney Island neighborhood of Community District 13 in Brooklyn. The Rezoning of the block, which is comprised of Block 6990, Tax Lots 1, 10 and 20 (the "Project Area") from an M1-2 district to an M1-5/R7-3 (MX) district is proposed to enable the construction of a new mixed residential and commercial building (the "Proposed Building"). Tax Lots 1 and 10 comprise a single zoning lot (the "Development Site"),[1] which has an existing women's shelter to remain on Lot 1. The Proposed Building will be located on Lot 10, a 210' by 142.87' parcel at the corner of Neptune Avenue and West 23rd Street. It is expected to have 161,517 square feet (zoning floor area) with a total of 145 units, including 37 units of affordable housing pursuant to Mandatory Inclusionary Housing ("MIH") Option 1, and ground floor commercial use. Lot 20 is a warehouse and is not owned by the Applicant; no change in its use, enlargement or redevelopment is contemplated. The proposed zoning map change requested herein is necessary to achieve this goal and will include the Development Site, along with Lot 20. Additionally, as a condition of the rezoning, a zoning text amendment will add (i) a new Special Mixed Use District ("MX"), and (ii) a MIH area (Options 1 and 2), both coincident with the Project Area. The Proposed Building and the actions sought in this Application are, collectively, defined as the "Project."

This Application includes the following actions:

[1] See the Zoning Lot Description and Ownership Statement, dated July 11, 2018 and recorded at CRFN 2018000230940.

- ZM – a Zoning Map Change to rezone the Project Area from an M1-2 district to an M1-5/R7-3 (MX) district;
- ZR – a Zoning Text Amendment to:
  - (i) Article 12, Chapter 3, to add the new MX district; and
  - (ii) Appendix F to add an MIH area (Options 1 and 2) over the Project Area (Block 6990); and
- ZC – Chairperson's Certification for Waterfront Public Access and Visual Corridors pursuant to Section 62-811(a) of the Zoning Resolution.

2. Background

In 1961, the Project Area was zoned with an R5 district. The Project Area was rezoned to an M1-2 manufacturing district in 1967 in order to legalize and extend a then-existing knitting mill on the block.[2] There have been no subsequent land use actions affecting the Project Area[3] since 1967.

3. Description of the Surrounding Area

A) General Description

The Project Area is in Brooklyn, in Community District 13, in the neighborhood known as Coney Island. Within a 600-foot radius (the "Surrounding Area") of the Project Area are parts of Gravesend and Coney Island. A portion of the Coney Island Creek bisects the Surrounding Area and runs adjacent to the Project Area.

In 1981, a portion of the of the Surrounding Area south of the Project Area, generally bounded by Neptune Avenue, West 21st Street and West 23rd Street, was rezoned for residential use extending the existing R5 district.[4] To the west of the Project Area are the site of the historic Coney Island Pumping Station, the grounds of which are currently used as a community garden, and IS 239 Mark Twain middle school. To the east of the Project Area, on the north side of Neptune Avenue, are dilapidated one-story commercial and automotive buildings. In the northern portion of the Surrounding Area, on the north side of Coney Island Creek, is a large home improvement store and a self-storage facility. South of Neptune Avenue, attached and semi-detached, one- and two-family houses developed and owned under the NYC Partnership New Home Program are the prevailing housing type, along with four-story pre-war apartment buildings outside of the Surrounding Area on Mermaid Avenue. Taller residential buildings of 15-16 stories are located south and

[2] CP-19837, adopted August 2, 1967. The knitting mill no longer exists in the Project Area.
[3] The City Planning Commission granted a special permit on April 23, 1985 (C 841083 ZSK) for a community health center which no longer exists on the Development Site.
[4] C 801004 ZMK, adopted April 15, 1981.

west of the Project Area that were constructed using "tower in the park" housing typology under the Coney Island I Urban Renewal Plan, including a 15-story building constructed in 1969 and a 16-story building constructed in 1974 in the Surrounding Area. South of Mermaid Avenue outside of the Surrounding Area, there are residential buildings up to 24 stories in height. Between West 21st Street and West 23rd Street, there are one- and two-story industrial buildings and garages south of Neptune Avenue. There are also multiple parking lots in the Surrounding Area.

Other than the existing women's shelter on the Development Site, there has been no new development in the Surrounding Area since the early 1990s.

B) Current Zoning

In the Surrounding Area, there are (i) R5 and R6 General Residence Districts mapped to the west and south of the Development Site, (ii) C3 (Waterfront Recreation) and C8-1 (General Service) Districts located east, southeast and southwest of the Project Area, and across the Coney Island Creek, and (iii) an M1-2 Light Manufacturing District southeast of the Project Area. These districts allow are a variety of residential, commercial and light industrial uses.

The Project Area is in an M1-2 district, which permits 4.8 FAR for community facility use and 2.0 FAR for commercial and manufacturing uses. Residential uses are not permitted. In this district, the height and setback regulations restrict the front wall height to the lesser of 60 feet or 4 stories, above which the building must be setback beyond a sky exposure plane sloping away from the street line at a ratio of 2.7:1 on a narrow street and 5.6:1 on a wide street. In an M1-2 district, for most manufacturing or semi-industrial uses, 1 parking space is required per 1,000 square feet of floor area or 1 space per 3 employees (whichever requires the larger number of spaces). Most commercial uses require parking at a rate of 1 space per 300 square feet of floor area. The Project Area is not located in an Inclusionary Housing Designated Area; the FRESH program is applicable.

The Project Area is in a flood zone necessitating certain flood resiliency measures as specified in Appendix G of the NYC Building Code to mitigate the effects of storm surge. According to the current Preliminary Flood Insurance Rate Map ("PFIRM"),[5] the majority of the landward portion of the Project Area is located in Zone AE, with a 1% annual chance of flood and a BFE of 12 feet. However, a small portion of the Project Area – on outparcel Lot 20 along Coney Island Creek – is within Zone VE, which is a coastal flood zone with a 1% annual chance of flood, velocity hazard (wave action), and a BFE of 13 feet.

[5] Preliminary Flood Insurance Rate Map 3604970353G, issued preliminarily on December 5, 2013.

C) Transportation

The Project Area is not in a Transit Zone. The B74 bus line runs east/west along Mermaid Avenue (a four-minute walk from the Development Site), providing service between Coney Island and Sea Gate, and connects with the closest subway station for the D/F and N/Q IND Sixth Avenue lines at the Coney Island Stillwell Avenue station (only approximately ½ mile from the Development Site), which run to Manhattan. The X28 and X38 buses run north along West 20th Street (a three-minute walk from the Development Site), providing express service between Sea Gate, Bensonhurst, and Manhattan.

D) Traffic

At a width of 120 feet, Neptune Avenue is a wide street with 4 lanes of traffic (two in each direction) and two parking lanes. Commuter bike lanes (one in each direction) are located adjacent to the parking lanes. The Development Site is accessible from West 23rd Street or Neptune Avenue. West 23rd Street terminates at Coney Island Creek.

4. Description of the Proposed Project Area

The Project Area is located on the north side of Neptune Avenue between West 22nd Street and West 23rd Street and It includes Lots 1, 10 and 20 in Block 6690. Lots 1 and 10 are owned by the same parent company and are improved with two existing buildings, as discussed below. Lot 20, a waterfront lot, is owned by Neptune Equities Group LLC and is improved with a 1-story warehouse that will remain.

5. Description of Proposed Development Site

The Development Site (Lots 1 and 10) extends along the full frontage of Neptune Avenue between West 23rd Street and West 22nd Street. It comprises a single zoning lot pursuant to the Zoning Lot Description and Ownership Statement dated July 11, 2018 and has a total lot area of 40,741 square feet, including 15,113 square feet on Lot 1 and 25,628 square feet on Lot 10.

Lot 1 is improved with a zoning compliant, 7-story transient hotel constructed in 2019 and operated as a women's shelter. It has 81,403 square feet (2.0 FAR) of floor area and 25 parking spaces. Lot 10 is improved with a 1-story (plus mezzanine) commercial building

that was constructed in 1910 and is now partially vacant. It will be demolished to allow for the Proposed Building with ground floor retail, as discussed below.

6. Description of Proposed Development

The Proposed Building is an 18-story mixed residential and commercial building with 145 dwelling units and a maximum building height of 175 feet above the design flood elevation. The Proposed Building will incorporate ground floor retail, food stores, and/or eating establishments along Neptune Avenue and West 23rd Street to enliven the street with pedestrian uses that contrast the automotive uses in the Project Area.

The Proposed Building will have 3.96 FAR (161,517 z.s.f.), including 20,100 z.s.f. of retail use, and 145 dwelling units. The Development Site will have a total FAR of 5.96 FAR (242,920 z.s.f.), including the existing women's shelter on Lot 1. As a result of the mapping of a MIH designated area (Options 1 and 2) over the Development Site and a portion of the Project Area, 37 dwelling units in the Proposed Building will comply with MIH Option 1. The Proposed Building is not within a transit zone; therefore, a total of 62 parking spaces are required and will be provided for both market rate and affordable units, subject to any modification of parking requirements under the City of Yes for Housing Opportunity ("CHO") proposal. Bicycle parking will be provided on the ground floor of the Proposed Building.

To ensure the resiliency of the Proposed Development, the Proposed Building is provided with an area of refuge (as discussed below) and flood-resistant construction up to two feet above the base flood elevation of 12 feet, which allows for a design flood elevation of 14 feet ("Design Flood Elevation").[6] The Applicant proposes to implement rigorous resiliency and energy efficiency measures, including but not limited to incorporating dry and wet flood-proofing measures, providing a backup generator, electrification and/or renewable energy upgrades, elevating certain uses, and locating critical equipment above the Design Flood Elevation. Specifically, the cellar of the Proposed Building is limited to parking only and all residences are located on or above the second story. The second story of the Proposed Building is provided with an area of refuge for residents in the event of an emergency, including a major storm or flood event. The area of refuge is provided with backup power, a refrigerator, food, water and supplies. All critical infrastructure in the Proposed Building is located above the Design Flood Elevation, including generators, domestic hot water, and compressors for heating and cooling.

[6] All heights reported herein refer to the Design Flood Elevation.

7. Actions Necessary to Facilitate the Project[7]

To realize the program for the Proposed Development, this Application seeks:

I. A zoning map change to Zoning Map 28d, rezoning the Project Area from M1-2 to an M1-5/R7-3 (MX) district, to allow a mix of residential, commercial and light manufacturing uses that are appropriate in the Project Area and Surrounding Area. Specifically, the MX district will allow residential use at 6.0 FAR on the Development Site, which is compatible with the residential uses on the south side of Neptune Avenue, and the park and public school west of 23rd Street, while maintaining the right to have commercial and light manufacturing uses at 5.0 FAR in the Project Area and on the Development Site, which is compatible with the existing commercial and manufacturing uses in the Project Area. R7-3 districts are historically mapped in waterfront areas and have special height and setback requirements. M1-5 districts are compatible with residential districts and provide medium density commercial and light manufacturing uses without the high parking requirements of the existing M1-2 district. Together, the MX rezoning promotes the opportunity for mixed residential, commercial and light manufacturing uses in close proximity to each other in order to foster the development of affordable housing and job-creating businesses.

II. A text amendment of:

   a. Sections ZR 123-63 and 123-90 the Zoning Resolution to create a Special Mixed Use District, which promotes the opportunity for mixed residential and light manufacturing uses in close proximity to each other; and

   b. Appendix F of the Zoning Resolution to classify the Project Area on Block 6990 as an MIH Area in which all developments, enlargements and conversions that provide residential floor area will have to comply with the MIH program requirements pursuant to the options described below:

      - Option 1: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI. As part of the 25 percent set-aside, 10 percent of residential floor area shall be provided for households at 40 percent AMI; or
      - Option 2: 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent AMI, with no unit targeted at a level exceeding 130 percent of AMI; and

[7] If the City of Yes for Housing Opportunity text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, M1-5/R7-3 districts would allow the same 6.0 FAR and a maximum height of 375 feet for eligible waterfront sites under proposed ZR §62-343. Parking would no longer be required, but the Applicant would voluntarily provide accessory parking.

III. A Chairperson's Certification that no Waterfront Public Access and Visual Corridors are required on the Development Site pursuant to Section 62-811(a) of the Zoning Resolution which is permitted because the Development Site is not coincident with Coney Island Creek and is bounded by West 22nd and West 23rd Streets, which extend to the shoreline.

Together, the proposed actions allow a wide range of uses in the Project Area, including residential uses, community facility uses, commercial uses, semi-industrial uses and certain light industrial uses. The Proposed Building will provide a mix of residential and commercial uses that are beneficial to the neighborhood, including approximately 37 affordable units, at a height and density that are appropriate for developments along wide streets in the vicinity of 15-16 story residential buildings in the former Coney Island I Urban Renewal Plan. The existing uses in the Project Area, are conforming and will remain so under the Rezoning. These proposed actions are consistent with the City's goals of promoting affordable housing in close proximity to job-creating commercial and industrial uses.

The proposed actions reflect sound planning principals. The increase in floor area allowed by the Rezoning is appropriate at the Project Area. The Development Site is at the corner of a wide street and a narrow street, opposite a park, and can carry the increased bulk without overwhelming the one- and two-family houses south of Neptune Avenue. The Project Area is also bounded by the Coney Island Creek at the end of the block, providing another open expanse to accommodate more density and height. The resulting scale of the Proposed Building is consistent with other residential buildings in the neighborhood.

Furthermore, the Rezoning is consistent with important city-wide planning goals. The 145 dwelling units will, serve the City's urgent need for more housing, most recently articulated in CHO. Increasing the density in the Project Area, which is proximate to public transit and bike lanes, promotes the City's Carbon Neutrality goals. As the only new development in the Surrounding Area, the Proposed Building will act as a catalyst for the investment and development along Neptune Avenue, complementing the city's initiatives for economic opportunity expressed in the City of Yes: Economic Opportunity. Thus, the proposed Rezoning supports sound planning principals that serve current planning goals for the city.

8. Conclusion

The proposed actions requested herein, including the zoning map change to an M1-5/R7-3 (MX-26) district, the text changes of Article 12, Chapter 3 and Appendix F to list the MX-26 district and MIH Area, and the certification, will facilitate the development of a 161,517

z.s.f. (3.96 FAR), 18-story building with a total of 145 dwelling units, including 37 affordable units, along with commercial uses on the ground floor. The proposed actions allow building heights consistent with existing 15 and 16-story residential buildings south of the Development Site and enable the Applicant to provide vital affordable housing and job-creating businesses in the Coney Island neighborhood of Brooklyn.