CITY PLANNING COMMISSION

April 9, 2025 / Calendar No. 8 C 240294 ZMK

IN THE MATTER OF an application submitted by Neptune Avenue Commercial, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d:

1. changing from an M1-2 District to an M1-5/R7-3 District property bounded by the U.S. Pierhead and Bulkhead Line, the N.Y.C Pierhead Line, West 22nd Street, Neptune Avenue, and West 23rd Street; and

2. establishing a Special Mixed Use District (MX-26) bounded by the U.S. Pierhead and Bulkhead Line, the N.Y.C Pierhead Line, West 22nd Street, Neptune Avenue, and West 23rd Street;

Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only) dated December 02, 2024, and subject to the conditions of CEQR Declaration E-816.

This application for a zoning map amendment was filed by Neptune Avenue Commercial, LLC on March 13, 2024 to change an M1-2 zoning district to an M1-5/R7-3 (MX-26) zoning district. This application, in conjunction with the related zoning text amendment action (N 240295 ZRK), would facilitate the development of a new 18-story, approximately 161,500 square-foot mixed-use building containing approximately 141,400 square feet of residential space with 145 dwelling units, approximately 37 of which would be permanently income-restricted per the Mandatory Inclusionary Housing (MIH) program, as well as approximately 20,100 square feet of ground floor commercial space, located at 2201-2227 Neptune Avenue in the Coney Island neighborhood of Brooklyn, Community District 13.

RELATED ACTION

In addition to the zoning map amendment (C 240294 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 240295 ZRK

Zoning text amendment to designate the project area as a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2 and to establish a Special Mixed Use District (MX-26) in the project area.

BACKGROUND

The applicant seeks a zoning map amendment to change an M1-2 zoning district to an M1-5/R7-3 (MX-26) zoning district and a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the project area and to create a Special Mixed Use District (MX-26). Together, these actions would facilitate the development of a new 18-story, approximately 161,500 square-foot mixed-use building containing approximately 141,400 square feet of residential space with 145 dwelling units, approximately 37 of which would be permanently income-restricted per the Mandatory Inclusionary Housing (MIH) program, as well as approximately 20,100 square feet of ground floor commercial space, located at 2201-2227 Neptune Avenue in the Coney Island neighborhood of Brooklyn, Community District 13.

After this application was certified, the City Council adopted with modifications the City of Yes for Housing Opportunity zoning text amendment (N 240290 ZRY) on December 5, 2024.

The project area comprises three tax lots on a waterfront block, including Block 6990, Lots 1, 10, and 20, and is bounded by Coney Island Creek to the north, West 23rd Street and West 22nd Street to the east and west, respectively, and Neptune Avenue to the south. West 23rd and West 22nd Streets are both 60 feet wide, and Neptune Avenue is a wide street at 120 feet in width.

The development site is comprised of two applicant-owned lots (Lots 1 and 10), which have been joined as a single zoning lot for zoning purposes, and one non-applicant owned lot (Lot 20). The development site is approximately 40,740 square feet and has approximately 160 feet of frontage on West 22nd Street, approximately 238 feet of frontage on Neptune Avenue, and 210 feet of frontage on West 23rd Street. Lot 1 is approximately 15,100 square feet and is improved with a seven-story transient hotel constructed in 2019, currently operating as a women's shelter and

contains approximately 81,400 square feet of floor area and 25 parking spaces, accessed via a curb cut on West 22nd Street. A second curb cut is located on Neptune Avenue and is used for loading. Lot 10 is approximately 25,630 square feet in size and is improved with a one-story commercial building constructed in 1910 that currently contains a bakery.

Lot 20, the non-applicant owned site, is an approximately 36,930 square feet waterfront lot adjacent to Coney Island Creek and is improved with a one-story, 25,000 square-foot warehouse containing an office supply business.

The surrounding area consists of a mix of residential, industrial/manufacturing, utilities, and institutional uses. East of the project area is a concentration of automotive repair shops and related commercial uses on Neptune Avenue, a major vehicular corridor generally characterized by one- to two-story residential and auto-oriented commercial uses. The areas south of Neptune Avenue are characterized by residential uses, with concentrations of one- and two-family homes developed under the NYC Partnership New Home program, along with four-story pre-war row-house apartment buildings found along Mermaid Avenue, the main commercial corridor in the neighborhood and several tower-in-the-park residential campuses with buildings up to 24 stories in height.

The surrounding area contains several community facility uses and open spaces. To the west of the project area lies the Coney Island Pumping Station, which currently contains the West 23rd Street Community Garden, which was relocated to the site after Hurricane Sandy. To the west of the garden is Intermediate School 239 Mark Twain Middle School. Further west is the 26-acre Kaiser Park, home to several sports fields, a playground, and creek-front access.

The project area is located in the Outer Transit Zone and is well served by public transit. The B74 bus line runs along Mermaid Avenue, with the nearest stop less than one quarter mile from the project area, connecting Coney Island and Sea Gate. The B74 bus also connects to the D/F and N/Q subway lines at the New York City Transit (NYCT) Coney Island Stillwell Avenue Station, located approximately half a mile from the project area. Additionally, the X28 and X38 buses provide express service along West 20th Street, two blocks from the site. Neptune Avenue,

a wide street with four lanes of traffic and parking lanes, also features unprotected bike lanes in both directions.

The project area is located in a flood zone. Based on the current Preliminary Flood Insurance Rate Map (PFIRM), the project area is predominantly classified as Zone AE, which has a one percent annual flood risk and a Base Flood Elevation (BFE) of 12 feet. A portion of Lot 20 is classified as Zone VE, a coastal flood zone with one percent annual flood risk, as well as velocity hazards (wave action) and a BFE of 13 feet. All new construction within these designations are subject to the flood-resilient construction standards set forth in Appendix G of the NYC Building Code.

The surrounding area contains a mix of residential, commercial, and industrial zoning districts. The project area is currently zoned M1-2, which is a district also mapped to the southeast and east of the project area (north of Neptune Avenue). R5 and R6 districts are located to the west and south of the project area, and C3 and C8-1 commercial are located to the east.

M1-2 districts are low-density industrial districts that permit industrial and commercial uses up to a Floor Area Ratio (FAR) of 2.0 and certain community facility uses up to an FAR of 4.80. Buildings in M1-2 districts have a maximum height of 60 feet or 4 stories along the street wall, after which building heights are governed by a sky exposure plane that allows height to increase, with no maximum limit, based on distance from the street. M1-2 districts have high parking requirements, generally requiring 1 space per 300 square feet of general retail use and 1 space per 1,000 to 2,000 square feet of industrial use.

R5 is a low-density non-contextual district in which residential buildings are limited to a maximum FAR of 1.50, or 2.00 for Qualifying Residential Sites, and Community Facility FAR of 2.00. Quality Housing buildings in R5 districts can have a maximum base height of 35 feet and a maximum building height of 45 feet, but for Qualifying Residential Sites the maximum base height is 45 feet and the maximum building height is 55 feet. In the Outer Transit Zone, parking is required for 35 percent of standard dwelling units, but parking may be waived if 10 or fewer spaces are required.

R6 districts are medium-density residence districts where the maximum permitted FAR for residential buildings is 3.0 FAR within 100 feet of a wide street and 2.20 FAR beyond 100 feet of a wide street. For buildings with Qualifying Affordable Housing, the maximum FAR is 3.9. Community Facility buildings have a maximum FAR of 4.80. Buildings in R6 districts have a maximum height of 85 feet, or 95 feet on wide streets. In the Outer Transit Zone, off-street parking is required for 25 percent of the standard dwelling units and no parking is required for qualifying affordable or senior housing. Parking requirements can be waived if a required parking is 15 spaces or less.

C3 districts permit waterfront recreational activities, primarily boating and fishing, in areas along the shorelines that are adjacent to residential districts. In C3 districts, commercial development is limited to an FAR of 0.50 and community facilities are limited to an FAR of 1.0. The maximum height of a front wall is 30 feet or two stories, whichever is less, and the maximum height is governed by a sky exposure plane. Parking is generally required at one space for every 150 square feet of commercial floor area.

C8-1 districts are heavy commercial districts in which residential development is not permitted and allow an FAR of up to 1.0for commercial uses and community facility uses up to an FAR of 2.4. The maximum height of a front wall is 30 feet or two stories, whichever is less, and the maximum height is governed by a sky exposure plane. C8 zoning typically results in development of automotive and heavy commercial uses that require large amount of land or ground floor space, such as warehouses, gas stations, and repair shops.

The project area was rezoned from R5 to M1-2 in 1967 (CP-19837) to bring the site into conformance and enlarge a knitting mill on the block, which no longer exists. In 1981, a portion of the surrounding area south of the project area, generally bounded by Neptune Avenue, West 21st Street, and West 23rd Street, was rezoned from M1-2 to R5 to permit residential use (C 801004 ZMK).

Relevant zoning actions outside of the surrounding area include the Sea Park North Rezoning (C 170240 ZMK), located four blocks west of the project area and approved in 2018, which mapped R7A/C2-4 districts along Neptune Avenue and Mermaid Avenue and R6 and R6A districts on the mid-block between 28th and 29th Streets to retain and create income-restricted housing, as well as activate Neptune and Mermaid avenues.

The Coney Island Comprehensive Rezoning Plan, approved in 2009 (C 090272 ZMK), rezoned 17 blocks of the amusement district located southeast of the project area to bring year-round economic activation and new housing and income-restricted housing to the area. As part of the Special Coney Island District (SCID) that was established through the rezoning, four subdistricts with unique goals to support the plan were designated. The Coney Island North and Mermaid Avenue Subdistricts, closest to the project area, were developed to facilitate mixed residential and neighborhood retail uses under contextual zoning regulations that provide a transition to the lower-scale surrounding residential neighborhood.

The applicant proposes the development of an 18-story mixed-use building totaling approximately 161,500 square feet of floor area, including 141,400 square feet of residential floor area with 145 residential units, 37 of which would be permanently income-restricted under MIH Option 1. The development would include 20,100 square feet of ground-floor commercial space along the Neptune Avenue and West 23rd Street frontages, with an entrance on Neptune Avenue, and would have setbacks along both Neptune Avenue and West 23rd Street and rise to a height of 175 feet above Design Flood Elevation (DFE), which is 14 feet at this site. There would be 62 parking spaces in the cellar level accessible via West 23rd Street and bicycle parking at the ground floor. The proposed building and the adjacent shelter building would result in a total FAR of 5.96 on the zoning lot.

Because the project area is a waterfront block, a Chairperson Certification is required to certify that no Waterfront Public Access Area (WPAA) or Visual Corridors are required because the development site is not a waterfront lot. However, if future residential or commercial development were to occur on Lot 20, the non-applicant-owned site, WPAA would be required.

To facilitate the proposed development, the applicant proposes a zoning map amendment to rezone the M1-2 district to an M1-5/R7-3(MX-26) district and a zoning text amendment (N 240295 ZRK) to designate a new MIH area and create a Special Mixed Use District (MX-26).

The M1-5/R7-3 (MX-26) district allows residential and non-residential uses (commercial, community facility, and light manufacturing). Specified light manufacturing and commercial uses may be developed up to 5.0 FAR. The maximum front wall for permitted manufacturing and commercial uses is 85 feet or six stories, whichever is less, and the maximum height is governed by a sky exposure plane.

Residential buildings in MX districts with an R7-3 residential district designation in MIH areas have a base FAR of 6.0 and a community facility FAR of 6.50. On waterfront blocks, the maximum base height in an R7-3 district is 95 feet, with a transition height of 185 feet and a maximum height of 375 feet. Any portions of the building that exceeds the transition height are deemed towers and are subject to additional rules. In the Outer Transit Zone, parking is required for 15 percent of standard residential units in a new development and no parking is required for qualifying affordable housing or senior housing and parking may be waived where 25 or fewer parking spaces are required.

In addition to the proposed zoning map amendment, the applicant also proposes a zoning text amendment (N 240295 ZRK) to modify Appendix F to designate an MIH area mapped with Option 1 and Option 2 coterminous with the project area and to create a Special Mixed Use District (MX-26). MIH Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI, with no units targeted to households with incomes exceeding 130 percent of the AMI. Option 2 requires that at least 30 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 80

percent of the AMI. The applicant intends to utilize Option 1, providing 37 income-restricted apartments.

ENVIRONMENTAL REVIEW

This application (C 240294 ZMK), in conjunction with the application for the related action (N 240295 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 24DCP108K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on November 15, 2024. The Negative Declaration includes an (E) designation (E-816) related to hazardous materials and air quality. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

WATERFRONT REVITALIZATION PROGRAM

This application (C 240294 ZMK) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013, and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 22-128.

This action was determined to be consistent with the policies of the WRP.

UNIFORM LAND USE REVIEW

This application (C 240294 ZMK) was certified as complete by the Department of City Planning on December 2, 2024 and was duly referred to Brooklyn Community Board 13 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-

02(b), along with the application for a zoning text amendment (N 240295 ZRK), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

On December 18, 2024, Brooklyn Community Board 13 held a public hearing on this application (C 240294 ZMK) along with the related application for a zoning text amendment (N 240295 ZRK), and, on January 22, 2025, by a vote of 29 in favor, 15 opposed, and 2 abstaining, recommended approval of the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 240294 ZMK) along with the related application for a zoning text amendment (N 240295 ZRK) on February 5, 2025, and on February 26, 2025, issued a recommendation to approve the application with the following condition:

> "1. The applicant commit to a temporary relocation space for the existing manufacturing use and have the business return after construction completion."

City Planning Commission Public Hearing

On February 19, 2025 (Calendar No. 2) the City Planning Commission scheduled March 5, 2025 for a public hearing on this application (C 240294 ZMK) in conjunction with the related application (C 240295 ZRK). The hearing was duly held on March 5, 2025 (Calendar No. 19). Three speakers, including two of the applicant's representative, spoke in favor of the application. There were no speakers in opposition to the project.

An applicant representative spoke in support of the project and described the project's details and that the applicant had begun working with community partners to help improve the nearby West 23rd Street Community Garden. They noted that the development would be located along Neptune Avenue, a wide street, and that the height and bulk of the proposed building is similar to that of similar residential towers in Coney Island. They further noted that the bakery currently located on the site was a valued community institution and that the proposed MX district would

provide an opportunity to develop much-needed housing on the site while allowing the bakery to continue to operate or expand after construction was completed. The representative shared additional details about the massing of the building, noting that it was designed to minimize the scale adjacent to smaller buildings in the area and reduce the impact of shadows.

In response to Commissioner questions, the applicant's representatives provided information regarding resiliency issues, noting that the building was designed for resilience with stormwater retention strategies, parking and industrial uses designed to be flooded to protect residents, and infrastructure designed to protect residents who may be able to shelter in place. They also noted that it was their intention for the bakery to return to the site, but retention on site during construction would be difficult. They confirmed that while the proposed building would appear to cover up some windows of the adjacent shelter building, the units of that building are to be reorganized internally to ensure compliant access to light and air.

Additionally, the founder and CEO of a local nonprofit organization spoke in favor the project and noted that the applicant team's partnership with their organization and others would help revitalize the neighborhood and Coney Island waterfront. They further noted that they shared goals of beautifying the neighborhood, focusing on underutilized properties as well as the improvement of the adjacent community garden.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 240294 ZMK) for a zoning map amendment, in conjunction with the related application for a zoning text amendment (N 240295 ZRK), is appropriate.

The proposed zoning changes will facilitate the development of an 18-story mixed-use building totaling 161,517 square feet of floor area including 141,417 residential square feet above 20,100 square feet of commercial space at the ground floor. The building would include 145 residential units, approximately 37 of which would be income-restricted per MIH Option 1. The proposed

development would replace a vacant site along an important wide street in Kings Highway, which will be further activated by the proposed ground floor retail. The building would be developed pursuant to all resiliency standards per Appendix G of the Building Code.

The Commission believes that the height, density, bulk, and mix of uses permitted by the proposed M1-5/R7-3 (MX-26) district are appropriate at this location. The proposed MX district will allow a mixed-use development that has the opportunity to revitalize an underdeveloped site on Neptune Avenue, a well-used auto-oriented corridor with a diversity of uses.

The proposed building's location on Neptune Avenue, a wide street, and proximate to Coney Island Creek make it an ideal location for the additional height and bulk permitted by the proposed district. Further, additional residential density at this location would allow residents to benefit from the site's access to public transit including the D/F and N/Q subway lines, and proximity to open space and community institutions such as Kaiser Park, the West 23rd Street Community Garden, and Mark Twain Middle School.

The Commission believes the height and bulk of buildings permitted by the proposed M1-5/R7-3 district is appropriate at this location. Several buildings of 15 or more stories are found just south of the project area, with additional taller buildings found further south of Mermaid Avenue and east of Stillwell Avenue. The commission believes that the presence of such large structures in the neighborhood indicate that the additional height and bulk permitted by the proposed district is appropriate at this location.

The existing M1-2 district permits limited development on this site. Residential developments are not permitted in the M1-2 district, and commercial and industrial uses are limited to 2.0 FAR and have high parking requirements. Pairing an M1-5 district with an R7-3 residential zoning district at this location will allow a flexible and vibrant mix of uses to thrive, while reducing the required parking for commercial and industrial uses.

The Commission notes that the flexibility of uses permitted by the proposed MX district will encourage much-needed housing while allowing industrial and commercial development to serve

this area of Coney Island. The neighborhood is characterized by a mix of residential, commercial, retail, and industrial uses, and the uses allowed by the proposed MX district will match existing patterns in the neighborhood while promoting additional retail and pedestrian activity. The Commission notes that the proposed rezoning is aligned with past rezoning efforts to bring more housing and services to Coney Island.

The Commission notes that, regarding flooding and resiliency concerns at this location, all new construction in flood zones must be developed pursuant to the stormwater management requirements and performance standards set by the Department of Environmental Protection (DEP) in the NYC Stormwater Manual, as well as Appendix G of the Building Code, and that the applicant plans to incorporate additional resiliency measures.

The Commission also believes that the applicant's proposed zoning text amendment (N 240295 ZRK) to Appendix F to create a new MIH area and map the M1-5/R7-3 (MX-26) district is appropriate. The MIH area will ensure that a portion of future development be designated as permanently income-restricted, utilizing either MIH Option 1 or MIH Option 2. Mapping the project site with these options will ensure that households in need of affordable housing will have options in a neighborhood with strong transit access as well as nearby open spaces and community institutions. The text amendment is in line with the City's affordable housing goals outlined in *Housing Our Neighbors: A Blueprint for Housing and Homelessness* (2022) and *Where We Live* (2020), NYC's Fair Housing policy report which seeks to support increased housing options across all neighborhoods, particularly in areas which have produced little new housing, including new income-restricted housing. Pursuant to MIH Option 1, the proposed development is required to provide 25 percent of residential floor area as permanently income-restricted housing available to households earning, on average, 60 percent of the AMI, with 10% of units to be affordable to households earning an average of 40% AMI.

The Commission also believes the creation of the MX-26 (M1-5/R7-3) district is appropriate. The Special Mixed Use District was established in 1997 to encourage investment in, and enhance the vitality of, existing neighborhoods with mixed residential and industrial uses in close proximity and create expanded opportunities for new mixed use communities. The Commission

believes that the creation and mapping of this Mixed Use District at this location will serve these purposes as this area of Coney Island is characterized by a healthy mix of uses and development pursuant to the district will create further opportunities for additional mixed use development.

Regarding the Borough President's request that the applicant provide a temporary relocation space for the existing bakery and have the business return after construction, the Commission notes that, while this is outside of its scope, it commends the applicant's efforts to work with the bakery operators to find an agreement that would allow their return.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on December 2, 2024 with respect to this application (CEQR No. 24DCP108K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 28d, by

1. changing from an M1-2 District to an M1-5/R7-3 District property bounded by the U.S. Pierhead and Bulkhead Line, the N.Y.C Pierhead Line, West 22nd Street, Neptune Avenue, and West 23rd Street; and

2. establishing a Special Mixed Use District (MX-26) bounded by the U.S. Pierhead and Bulkhead Line, the N.Y.C Pierhead Line, West 22nd Street, Neptune Avenue, and West 23rd Street;

Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only) dated December 02, 2024, and subject to the conditions of CEQR Declaration E-816.

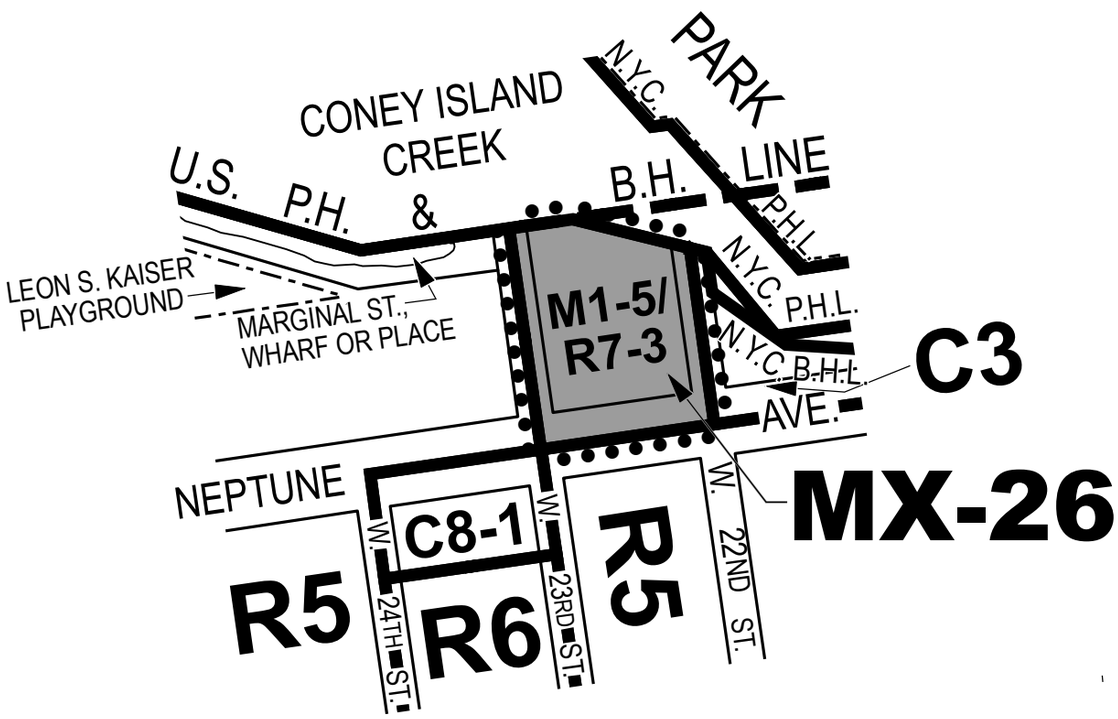
The above resolution (C 240294 ZMK), duly adopted by the City Planning Commission on April 9, 2025 (Calendar No. 8), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., *Chair*

KENNETH J. KNUCKLES, Esq., *Vice Chairman*

GAIL BENJAMIN, ALFRED C. CERULLO III, ESQ., ANTHONY W. CROWELL, Esq., JOSEPH I. DOUEK, DAVID GOLD, Esq., LEAH GOODRIDGE, Esq., RASMIA KIRMANI-FRYE, RAJU MANN, ORLANDO MARÍN, RAJ RAMPERSHAD, *Commissioners*

JUAN CAMILO OSORIO, *Commissioner, VOTING NO*



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
28d
BOROUGH OF
BROOKLYN

New York, Certification Date:
December 02, 2024

S. Lenard, Director
Technical Review Division

SCALE IN FEET
0 150 300 450 600

NOTE:

Indicates Zoning District Boundary

● ● ● ● ● The area enclosed by the dotted line is proposed to be rezoned by changing an M1-2 District to an M1-5/R7-3 District and by establishing a Special Mixed Use District (MX-26).

MX-26 Indicates a Special Mixed Use District (**MX-26**)

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 2201-2227 Neptune Avenue Rezoning			
Applicant:	David Escava	**Applicant's Primary Contact**:	Caroline Harris
Application #	240296ZCK	**Borough**:	
CEQR Number:	24DCP108K	**Validated Community Districts**:	K13

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 29	**# Against:** 15	**# Abstaining:** 2	**Total members appointed to the board:** 46
Date of Vote: 1/22/2025 12:00 AM		**Vote Location**: South Brooklyn Health - 2601 Ocean Parkway, 2nd floor auditorum	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 12/18/2024 7:00 PM	
Was a quorum present? Yes	*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*
Public Hearing Location:	South Brooklyn Health - 2601 Ocean Parkway - 2nd floor auditorium

CONSIDERATION:

Recommendation submitted by	BK CB13	Date: 1/28/2025 12:13 PM

BOROUGH PRESIDENT RECOMMENDATION

NYC PLANNING

Project Name: 2201-2227 Neptune Avenue Rezoning	
Applicant: David Escava	**Applicant's Administrator**: Caroline Harris
Application # 240294ZMK	**Borough**: Brooklyn
CEQR Number: 24DCP108K	**Validated Community Districts**: K13

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION: Please see memo for full comment

Recommendation submitted by	BK BP	Date: 2/26/2025 4:17 PM

Brooklyn Borough President Antonio Reynoso
Brooklyn Borough Hall
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
calendaroffice@planning.nyc.gov

Uniform Land Use Review Procedure (ULURP) Application

2201-2227 NEPTUNE AVENUE REZONING – C240294ZMK N240295ZRK N240296ZCK

IN THE MATTER OF a zoning map amendment (M1-2 to MX - M1-5/R7-3), zoning text amendment (Appendix F and Article 12, Chapter 3), and Chairperson's Certification, to facilitate a new 18-story, approximately 161,500 square feet (149 DUs, 36 affordable) mixed-use development, including approximately 20,100 square feet of commercial floor area, is being sought by private applicant Neptune Avenue LLC at 2201-2227 Neptune Avenue in Coney Island, Community District 13, Brooklyn.

BROOKLYN COMMUNITY DISTRICT 13

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: 2201-2227 NEPTUNE AVENUE REZONING – C240294ZMK N240295ZRK N240296ZCK

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following condition:

1. The applicant commit to a temporary relocation space for the existing manufacturing use and have the business return after construction completion.

February 26, 2025

BROOKLYN BOROUGH PRESIDENT

DATE

Project Description

The Project Area comprises three lots within one block in Coney Island. The Project Area is mapped with an M1-2 zoning district, which permits light manufacturing uses such as woodworking and wholesale services. Office, retail, and most industrial uses are permitted, as well as some community facility uses by special permit. This district has a maximum floor area ratio (FAR) of 2.0 and has parking requirements of one space per 300 square feet. The Project Area currently contains a homeless shelter on one of the tax lots, a one-story manufacturing building that is improved with a bakery and provides 13 manufacturing jobs, a one-story warehouse that is not owned by the applicant. The bakery is proposed to be demolished in order to facilitate new construction. The homeless shelter and non-applicant-controlled warehouse are expected to remain in place.

The Surrounding Area is characterized by a mix of uses, including commercial and automotive use buildings, self-storage, attached and semi-detached one- and two-family homes, a community garden, parking lots, and a middle school. To the south and west of the Project Area are 15- to 16-story residential buildings that were constructed as part of the Coney Island Urban Renewal Plan. The Project Area is served by the B74, X28, and X38 bus lines, and the Stillwell Avenue stop on the D/F/N/Q lines approximately a half mile from the Project Area.

The applicant is proposing to map the Project Area with an M1-5/R7-3 zoning district, and is requesting a zoning text amendment to Appendix F for a Mandatory Inclusionary Housing (MIH) Area. The applicant is also requesting a Chairperson's Certification for Waterfront Public Access and Visual Corridors pursuant to Section 62-811(a) of the Zoning Resolution. The resulting project would be an 18-story mixed-use residential building with approximately 145 units, 37 of which would be affordable pursuant to MIH Option 1, ground-floor commercial use, and 62 parking spaces. The applicant is proposing to re-tenant the existing bakery within the new mixed-use industrial residential building. The proposed project will comply with required resiliency measures as it is in a Waterfront Block and Coastal Zone.

Community Board Position

Community Board 13 voted to approve the recommendation on January 22, 2025.

Borough President ULURP Hearing and Public Comment

The Borough President held a hearing on this item on February 5, 2025. No members of the public provided testimony at the hearing and the Borough President's Office received one written testimony on the item.

Approval Rationale

While the Borough President has ongoing concerns about the efficacy of MX districts, he believes the proposed actions are appropriate. The Development Site's proximity to a mix of uses, location along a wide street, and a 13-minute walk from four subway lines indicate an appropriate location for increased residential density.

The project is aligned with the Comprehensive Plan for Brooklyn in its proposal to add increased housing density and retain manufacturing jobs. But MX districts have proven time and time again to not produce manufacturing/industrial space and its associated jobs, and the Borough President hesitates to encourage more of these districts to be mapped across Brooklyn. This project is unique in its intent to identify a relocation space for the existing manufacturing use and intent to develop manufacturing use as part of the proposed project to ensure the business and jobs return to the site after construction. As a condition of his approval, the Borough President requires that the applicant commit to a temporary relocation plan for the bakery and a plan to reintegrate the business into the newly developed building at a rent that the business is still able to afford.

The Borough President is concerned about significant development in flood-prone areas and requests that the applicant complete an evacuation plan for its residential and commercial/manufacturing tenants.

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