5502 Flatlands Avenue

April 2025

1. Introduction

This application is made on behalf of 5502 Flat LLC, the owner of the above-referenced property ("the Applicant") for a zoning map amendment and zoning text amendment in the Bergen Beach area of Brooklyn Community District 18. The proposal would affect the above-referenced property (Block 7781, Lot 15; the "Development Site") and adjacent properties that are not Applicant-controlled property (Block 7781, Lots 12, 19 and portions of Lot 1) which is not under control of the Applicant (the "Project Area").

The proposed zoning map amendment would rezone the Project Area from a R3-2 zoning district to R6A/C2-4 zoning district. In addition, a zoning text amendment to Appendix F of the Zoning Resolution ("ZR") would be required to make the Project Area applicable as a Mandatory Inclusionary Housing ("MIH") area, which would be mapped as Options 1 and 2 (hereafter, the "Proposed Actions").

The Proposed Actions would facilitate a proposal by the applicant to construct new 7-story mixed-use building to contain 49,762 square feet of zoning floor area (3.9 FAR) including 7,970 square feet of commercial service space (Use Group VI) and 36 dwelling units, with 16 off-street parking space for the residential use (the "Proposed Development"). As noted above, the Proposed Development would be subject to MIH, preliminarily under Options 1 or 2– which requires 25 or 30% of residential floor area applicable to the program for incomes averaging 60% or 80% AMI. That would result in 11 affordable dwelling units where 36 dwelling units are proposed, pursuant to Option 1 of MIH.

2. Background

The Development Site was zoned R3-2 at the inception of the 1961 Zoning Resolution. At that time, the area immediately to the north along Flatlands Avenue was zoned C8-1 and a small M3-1 zoning district was located on the block immediately to the east. The remaining area was zoned R4 and R5.

In the last several decades, shortly after the inception of the 1961 Zoning Resolution, the surrounding area's C8-1 district was amended in April of 1962 to C2-2, R3-2, and R5 Districts to recognize existing uses and ensure more adequate protection for the adjoining residential areas (A-

188, A-182, 17193, 16850CP). The next year, in June of 1963, a C4-2 district was mapped at Ralph Avenue and Flatlands Avenue, to the east of the Project Area, to enable the construction of a department store (A-343, 17837 CP). The area's zoning remained until March of 1972, when the underlying R3-2 at Avenue J and 59th Street, one block east of the Project Area, was amended to R5 (A-1044, 21801CP). Subsequently in April of 1973, the adjacent M3-1 district between Flatlands and Avenue J at 57th Street, also one block east of the Project Area, was amended to R3-2 (A-1109, 22281CP). Finally, in April of 1994, a portion of the R5 district to the east near Paerdegat Basin, four blocks east of the Project Area, was amended to M1-1 to enable infrastructure improvements to improve water retention by the Department of Environmental Protection (A-1675, 940130 ZMK).

No other relevant land use actions have occurred in recent history within 600 feet of the Project Area.

3. Description of the Surrounding Area

The surrounding area is mixed in use with residential, community facility and commercial uses present and is generally defined as an area with Avenue I in the north, Avenue J in the south, East 53rd Street in the west and East 58th Street in the east. Flatlands Avenue is a wide arterial that connects areas in the southeast portion of Brooklyn. The roadway is 100 feet in width and runs diagonally against a more regular street grid, with wide avenues intersecting the roadway, traveling east-west. Such avenues include Avenue J and Avenue I, which are 'wide' under the Zoning Resolution with 80 feet in width. North-south side streets intersect with Flatlands, Avenue I and Avenue J, which are primarily 'narrow' with 60 feet in width. These include East 53rd through East 58th Streets for the immediate area. Further east, outside the 600-foot radius, is Paerdegat Basin which is a waterway that leads to Jamaica Bay. The Coastal Zone Boundary is located immediately to the east of the Project Area, to the east of East 56th Street. Currently, the Project Area is located outside any FEMA floodplain, with some areas in the Shaded X zone (0.2% change) further east of East 57th Street. However, the future floodplain in the 2050s projects the entire Project Area to be within the Shaded X zone and by 2080 the area is projected to be inside the 1% annual chance flood plain (Zone AE).

Uses in the larger surrounding area contain a high concentration of residences, ranging between one- and two-family homes and 6-story apartment buildings. Commercial uses predominantly consist of retail spaces, lining Flatlands Avenue to the northeast of the Project Area and a shopping center at East 59th Street (Flatlands Shopping Center). There are also some automotive service uses in the area, with a Shell gas station at Flatlands, Avenue I and East 58th Street and some smaller autobody and service establishments to the south of Flatlands and within the Project Area, as further outlined below. Lot 1, to the south of the Development Site, contains an area utilized as car storage/parking for adjacent automotive uses. The Flatlands Shopping Center referenced above also contains a large surface parking lot.

Building Types

Building types in the surrounding area are also mixed. Flatlands Avenue contains a mix of single- and two-story commercial buildings, as well as two- and three-story residences. Side streets are predominantly residential with attached and semi-detached residences ranging in height between a single and three-stories. A series of 6-stories apartment buildings is present to the north of Flatlands Avenue and extending four blocks west to Utica Avenue. These buildings date from 1966. A three-story school is also present at Avenue I and East 55th Street (P.S. 251 Paerdegat), which is adjacent to a Department of Parks and Recreation (DPR) playground (Fox Playground).

Community Institutions

Notable community facility uses consist of a public school mentioned above (P.S. 251 Paerdegat). There is also a small house of worship located at 5601 Flatlands Avenue (Faith Deliverance Pentecostal Church of God, which is located adjacent some administrative space for the Department of Education. Smaller ambulatory medical use and other services are located on Flatbush Avenue to the southwest of the Project Area, such as a medical practice at 5402 Flatbush Avenue. The offices for Community Board 18 are located further east towards the waterfront at 1097 Bergen Avenue.

Transit

In terms of transit access, the surrounding area is well-served with bus transit, with the B82/SBS traveling directly in front of the site along Flatlands Avenue, which provides direct access to subways, such as the B/Q trains in approximately 15 minutes. In addition, several other bus lines are located a half-mile radius (B6, B47, B103) that include local lines, express buses directly into Manhattan and some express SBS bus lines (BM1, BM2, B46-SBS, B82-SBS).

- The B6 makes stops along Avenue H at East 56th Street and provides service between Bath Beach and East New York. A stop is located approximately two blocks north of the Project Area.
- The B47 makes stops along Ralph Avenue, at Avenue K and Flatlands, and provides service between Kings Plaza and Bedford-Stuyvesant. This is approximately six blocks southeast of the Project Area.
- The B103 makes stops along Avenue H, near East 56th Street, and provides service between Canarsie and Downtown Brooklyn. This is approximately two blocks north of the Project Area.

- The BM1 provides express service between Mill Basin and Midtown Manhattan and makes stops at Avenue K and East 58th Street. This is approximately two blocks northeast of the Project Area.
- The BM2 provides service between Canarsie/Spring Creek and Downtown Manhattan/Midtown and makes stops at Avenue H and East 56th Street. This is approximately two blocks north of the Project Area.
- The B46-SBS provides express service between Kings Plaza and Williamsburg with stops along Utica Avenue at Flatlands Avenue. This is approximately four blocks west of the Project Area.
- The B82-SBS provides service between Coney Island and Spring Creek Towers and makes stops along Flatlands Avenue at Utica and Ralph Avenues. This is approximately four blocks west and five blocks east of the Project Area, respectively.

The closest subway access is located 1.6 miles to the west at Brooklyn College, where 2/5 trains make stops. In addition, an L-train station is located approximately 2 miles to the northeast at Rockaway Parkway. Although the Project Area is technically located outside the Greater Transit Zone, it is still well-served by surface transit which provides subway access, as well as direct service to Manhattan's central business districts or other areas of Brooklyn.

Zoning Districts

The Development Site is zoned R3-2 and R4 and R5 districts are located in close proximity. Flatlands Avenue contains R3-2/C2-2 districts to the northeast of the Project Area.

The R3-2 zoning districts are general residence districts that permit a variety of single- and two-family houses, as well as small multi-family buildings. The maximum FAR for R3-2 districts is 0.75 for standard sites. The maximum building height is 35 feet. Generally, a front yard of 15 feet is required, as well as a rear yard of 30 feet. Side yards of 5-8 feet are required, depending on the building type. Beyond the Greater Transit Zone, parking is required for 50% of dwelling units and is waived with a requirement at 1 space and below. When mapped in R3-2, the C2-2 district permits two-story and ground-floor commercial uses at a FAR of 1.6. C2-2 districts permit a wide range of neighborhood commercial uses including retail and services, as well as small-scale entertainment and production uses. Parking requirements vary by use. No yards are generally required white the first floor is occupied by commercial use.

The R4 district, which is located immediately to the west of the Project Area, is a general residence district that permits residential buildings at a maximum FAR of 1.0. Front yards of 10 feet and rear yards of 30 feet are required, with side yards between 5-8 feet, depending on the building configuration The maximum building height is 35 feet. In the Greater Transit Zone, parking is required for 50% of dwelling units, with the requirement waived below 5 spaces.

The R5 district, which is located immediately to the southwest of the Project Area and areas further east, is a low-density general residence district that permits residential buildings up to 1.5 FAR and community facility buildings up to 2.0 FAR. The maximum height of buildings within R5 districts is 45 feet. R5 districts require side yards of 5-8 feet depending on building configuration, a 10-foot front yard and a 30-foot rear yard. In the Greater Transit Zone, parking is required for 50% of dwelling units, with the requirement waived below 5 spaces.

4. Description of the Proposed Project Area

The Project Area consists of the Development Site (Block 7781, Lot 15), which is described in greater detail below, as well as Block 7781, Lots 12, 19 and portions of Lot 1 As noted above, the Project Area is located in the Bergen Beach area of Brooklyn, Community District 18, and is zoned R3-2. The Project Area contains approximately 231 feet of frontage along Flatlands Avenue, approximately 130 feet along East 55th and approximately 130 feet along East 56th Streets and encompasses approximately 29,000 square feet in lot area.

- Block 7781, Lot 1 (5513 Avenue J) is a 15,000 square-foot lot utilized as an automotive service use with a single-story building containing 2,400 square feet (approximately 0.16 FAR). The building was constructed in 1960 and predates the 1961 Zoning Resolution. Only a portion of this property would be affected by the Proposed Actions – or the northern 125 feet of the parcel (approximately 2,500 square feet).

- Block 7781, Lot 12 (1145 East 55th Street) is a 5,000 square-foot lot utilized as an ambulatory medical use (Use Group 4) containing two floors in 7,006 square feet (1.40 FAR). The building was constructed in 1994.

- Block 7781, Lot 19 (1102 East 56th Street) is a 2,500 square-foot lot utilized as an automotive service use containing in 1,800 square feet (0.72 FAR). The building was constructed in 1960 and predates the 1961 Zoning Resolution.

5. Description of Proposed Development Site

The Proposed Development Site (the "Development Site") consists of Block 7781, Lot 15 or 5502 Flatlands Avenue. The parcel was formerly known as Lots 14, 15 & 18 and was recently merged into Lot 15. The parcel contains approximately 12,771 square feet of lot area and is triangular in shape. The parcel contains 231 square feet of frontage along Flatlands Avenue (100 feet wide) and approximately 135 feet along East 56th Street (80 feet wide). The southern lot line contains a length of approximately 179 feet. The parcel is currently vacant. As noted above, the parcel is zoned R3-2.

6. Description of Proposed Development

The Proposed Actions would facilitate a new 7-story mixed-use building to contain 49,637 zoning square feet of zoning floor area (3.9 FAR) including 7,970 square feet of commercial service space (Local Retail – Use Group VI) and 36 dwelling units, with 16 parking spaces (the "Proposed Development"). Those dwelling units would consist of a preliminary mix of studio, 1- and 2-bedroom units, based on the smaller footprint of the lot. The commercial use would be concentrated along Flatlands Avenue and East 56th Street. The building would rise to 60 feet before setting back along Flatlands and East 56th and rising to a maximum of 70 feet. The massing is concentrated Flatlands Avenue, with the core of the building located along the wider portion of the lot, with the commercial area extending in a single-story along the remainder of the Flatlands Avenue frontage, where the lot narrows.

The building's parking would be made accessible via a new curb cut along East 56th Street. Residential lobbies would also located along East 56th Street. In addition, new street trees would be required and provided along Flatlands Avenue and East 56th Street. The retail spaces would be oriented along Flatlands Avenue with a majority of the frontage containing active commercial use spaces. The building would provide 16 parking spaces where 16 spaces are required for the proposed 36 residential units. The proposed commercial use would waive out of parking requirements, as the off-street requirement for commercial use is waived below 40 spaces.

As noted above, the Proposed Development would be subject to MIH. Compliance with the program would require at least 25-30% of the proposed residential floor area as affordable, depending on the MIH option. That would result in 11 affordable dwelling units where 36 dwelling units are proposed under Option 1 of the program.

While the Development Site is not currently in any FEMA floodplains, the area is anticipated to be in the 0.2% chance flood area by 2050 (Shaded X). As such, the building will be wet floodproofed at the cellar and first floor. In addition, should the area one day be located in the 1% chance area (projected by 2080), flood gates would be installed, and the ground-floor could be retrofitted to raise the elevation of the storefront space.

7. Actions Necessary to Facilitate the Project

A zoning map amendment and zoning text amendment are required to facilitate the Proposed Development (the "Proposed Actions"). The proposed zoning map amendment would create a new R6A/C2-4 district to be mapped on Flatlands Avenue and extend down the subject block, measured from a point terminating 125 feet north of Avenue J.

This would encompass the Development Site as well as portions of the block in proximity to Flatlands Avenue (Block 7781, Lots 12, 19 and portions of Lot 1). The zoning text amendment

would create a new Mandatory Inclusionary Housing (MIH) area coterminous with the area to be rezoned. The Proposed Actions would facilitate a contextual medium level of density along two wide roadways (Flatlands Avenue and East 56th Street) and would result in new dwelling units for various income levels.

Zoning Map Amendment

The proposed R6A/C2-4 district is a contextual district that permits residential, commercial and community facility uses (Use Groups I through X) under mandatory Quality Housing regulations. Under MIH, residential uses are permitted at 3.9 FAR (with a base of 3.0 FAR) and community facility uses are permitted at 3.0 FAR. Commercial uses are permitted up to 2.0 and generally result in ground-floor retail or office uses, with the remaining floors as residential use. Under MIH, a maximum street wall height of 65 feet is permitted before a setback of 10 or 15 feet is required, and the maximum building height is 95 feet. The residential requirement is 50% and the qualifying affordable units reduced to 25%, with the overall requirement waived below 10 spaces. A max lot coverage of 65% is permitted for interior lots and corner lots permit 100% lot coverage. For non-residential uses in the C2-4 commercial district, parking requirements vary by use. One space per 1,000 square feet is generally required and the total requirement is waived where less than 40 spaces are required.

The Proposed Actions would increase the amount of permitted density in the Project Area and would facilitate the Proposed Development, which includes a new mid-rise development with supporting neighborhood retail and 36 new dwelling units (11 affordable). This development would include new supporting ground-floor commercial space to improve this segment of Flatbush Avenue with new supporting neighborhood services and increased foot traffic and supporting pre-existing non-commercial uses the line the avenue further north and east.

The proposed medium-density R6A/C2-4 contextual mixed-use district is appropriate wide avenues and in proximity to transit. This is consistent with the location of the Project Area, which is situated on along Flatlands Avenue, which is a major mixed-use arterial for southeastern Brooklyn and historical development in the area includes a series of 6-story apartment buildings, as referenced above. In addition, the Project Area is located along East 56th Street, which is another wide roadway (80 feet). The boundary is drawn 125 feet to the north of Avenue J, given the presence of lower-rise residences to the south of the Project Area and located further from Flatlands Avenue. In addition to the above, the Project Area is located in proximity to transit with the B82/SBS traveling directly in front of the Project Area along Flatlands Avenue and, several other bus lines are located in close proximity (B6, B47, B103) that include local lines, express buses directly into Manhattan (BM1, BM2, B46-SBS, B82-SBS).

As referenced above proposed rezoning district boundary line is drawn to 125 feet from Avenue J. This dimension provides a transition between increased density that can be supported along

Flatlands Avenue and the area further south, which exhibits a lower-rise residential character more consistent with the underlying R3-2 district. Therefore, the proposed zoning map amendment and its dimensions will provide an appropriate transition between Flatlands Avenue and lows that front East 55th Street (narrow) and other lower rise blocks to the south.

Zoning Text Amendment

The Proposed Actions would also include a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a new MIH area coterminous with the Project Area under Options 1 and 2. Option 1 requires that at least 25% of the proposed new residential units be made affordable for households averaging an income of 60% of AMI, with 10% of those units being made affordable for households averaging 40% of AMI. Option 2 requires that at least 30% of the proposed new residential units be made affordable to households averaging 80% of AMI. Preliminarily, the Proposed Development would provide 11 of the proposed 36 dwelling as income-restricted dwelling units under Option 1 of the program.

The creation of an MIH area in this location is appropriate, as it would result in new income-restricted dwelling units, a recognized need for all areas of the city. According to the latest *NYC Housing Tracker Report* (2023) prepared by the New York City Housing Conference, New York City Council District 46 only created 48 income-restricted dwelling units between 2014-2022, compared to a Citywide average of 1,368 units. In addition, only three MIH areas have been created in Council District 46 (2134 Coyle Avenue, 3033 Avenue V and 2892 Nostrand Avenue)

As such, this new MIH area and the 36 proposed units are a demonstrated need for this community, of which 49.85% of households are cost-burdened, where households spend more than 30% of income on housing. As such, the proposed text amendment to create a new MIH area would be appropriate in this location.

8. Conclusion

The Proposed Actions are necessary to facilitate a new mixed-use building to contain much-needed ground-floor commercial use for the surrounding community that would serve to further activate this segment of Flatlands Avenue, which is currently vacant. The Proposed Actions would create a medium-density contextual zoning district that is appropriately located, with the proposed R6A/C2-4 district along a wide avenue and in close proximity to transit. The new mid-rise district would be consistent in scale with pre-existing 6-story residences located in close proximity and would be mapped at a length that allows an appropriate transition area between the avenue and lower-rise character to the south of Avenue J. In addition, the Proposed Actions would result in new housing capacity with required affordable dwelling units, a recognized need for all areas of the city.