LR3: Project Description

2201-2227 Neptune Avenue, Brooklyn, NY

September 15, 2023

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"), 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 Lots 1 and 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, 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 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 district in order to legalize and extend a then-existing knitting mill on the block.[2] Within a 600-foot radius of the Development Site (the "Surrounding Area"), there are (i) R5 and R6 districts mapped to the west and south of the Development Site, (ii) C3 and C8-1 districts located east, southeast and southwest of the Project Area, and across the Coney Island Creek, and (iii) an M1-2 district southeast of 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.[3]

3. Description of the Surrounding Area

A) General Description

In the Surrounding Area, there are a variety of residential, commercial and light industrial uses. 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 west of the Project Area that were constructed 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

[2] CP-19837, adopted August 2, 1967. The knitting mill does not exist any longer.
[3] C 801004 ZMK, adopted April 15, 1981.

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

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.

The Project Area is in a flood zone. It is not an Inclusionary Housing Designated Area, but the FRESH program is applicable.

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) and connects with the closest subway station for the D/F and N/Q lines at the Coney Island Stillwell Avenue station (only approximately ½ mile from the Development Site). The B28 and B38 buses run north along West 20th Street (a three-minute walk from the Development Site).

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. The Development Site is on the northeast corner of West 23rd Street and Neptune Avenue.

The Project Area is improved with three existing buildings. The Applicant owns the two buildings on Lots 1 and 10. Lot 1 is improved with a transient hotel which is currently operated as a women's shelter. Lot 10 is improved with a 1-story commercial building that will be demolished to allow for the Proposed Building, 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. Therefore, a waterfront public access area ("WPAA") will not be provided in connection with the Proposed Building. However, a WPAA could be developed in the future if Lot 20 is redeveloped with commercial and/or residential uses. No upland connection/visual corridor or public access area is required in the Project Area because West 22nd and West 23rd Streets extend to Coney Island Creek. Accordingly, the Applicant is requesting a certification pursuant to Section 62-811(a) of the Zoning Resolution confirming that no public access and/or visual corridors are required.

5. Description of Proposed Development

The Proposed Building is a 18-story mixed residential and commercial building with 145 dwelling units and a maximum building height of 175 feet above the design flood elevation. This height is consistent with the height of the existing 15 and 16-story residential buildings south of the Development Site. 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 over the Development Site and a portion of the Project Area, 37 dwelling units in the Proposed Building will comply with MIH affordability Options 1 and 2. The Proposed Building is not within a transit zone; therefore, a total of 62 parking spaces will be provided for both market rate and affordable units, subject to any modification of parking requirements under the City of Yes proposal. Bicycle parking will be provided on the ground floor of the Proposed Building. The proposed uses will have minimal effect on the traffic in the Surrounding Area.

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 ground floor uses, and locating critical equipment above the design flood elevation.

6. Actions Necessary to Facilitate the Project

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 new and existing uses that are appropriate to the Project Area and the Surrounding Area, including but not limited to 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

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.

Together, the proposed actions allow a wide range of uses in the Project Area, including residential uses (Use Groups 1 and 2), community facility uses (Use Groups 3 and 4), commercial uses (Use Groups 5 to 15), semi-industrial uses (Use Group 16) and certain light industrial uses (Use Group 17). 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, including the women's shelter and warehouse, will be able to be maintained as conforming uses. 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 that promote public health and safety. 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. At a scale that is consistent with other residential buildings in the neighborhood, the height and density of the Proposed Building is appropriate for developments adjacent to parks and near waterfronts, without overwhelming the one- and two-family houses south of Neptune Avenue. Furthermore, the 145 dwelling units will provide needed rental opportunities proximate to public transit and bike lanes in an area where home ownership predominates.

7. 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 result in 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 reflect good land use planning to enable the Applicant to provide vital affordable housing and job-creating businesses in the Coney Island neighborhood of Brooklyn. This Application is therefore worthy of the City Planning Commission's consideration and approval.