Project Description: (LR Item 3)
Project ID No.: 2023K0359

Nixon Court Rezoning II

May 2024

1. Introduction

SLG Assets, Inc. (the "Applicant") seeks a zoning map amendment and text amendment near the intersection of Shore Parkway and Ocean Parkway in the Gravesend area of Brooklyn Community District 13.

1. Zoning Map Amendment

The proposed zoning map amendment seeks the following:

- Zoning map amendment from R5 to R7A/C2-4 on Block 7237, Lots 61, 63, 64, and 65 (the "Development Site");
- Zoning map amendment from R5 to R7A on Block 7238, Lot 115.

2. Zoning Text Amendment

The proposed zoning text amendment seeks to amend Appendix F of the Zoning Resolution of the City of New York ("ZR") to establish the Rezoning Area as a Mandatory Inclusionary Housing Area ("MIH").

The proposed zoning map amendment would rezone Block 7237, Lots 61, 63, 64, 65; and Block 7238, Lot 115 (the "Rezoning Area") from R5 to R7A and R7A/C2-4. In addition, a zoning text amendment would be sought that would make the Rezoning Area applicable as a Mandatory Inclusionary Housing ("MIH") area (the "Proposed Actions") under Options 1 and 2. The Rezoning Area is also in the Special Ocean Parkway District ("SOPD"), which would remain.

2. Background

The Rezoning Area is in an R5 district that has been in mapped since the inception of the 1961 Zoning Resolution ("ZR"). Since that time period, the underlying R5 zoning has not been modified.

According to City Planning Commission (CPC) reports, the early 1970s coincided with the increased growth of community facilities along Ocean Parkway, as well as side streets from the parkway. In response to the community concerns that the proliferation of community facilities posed a threat to the housing stock and residential character and appearance of the Ocean Parkway community, the CPC and the Board of Estimate adopted the Special Ocean Parkway District ("SOPD") in 1977. The SOPD is a six-mile-long corridor up to one-half mile wide covering over 350 blocks. Portions of five community districts are within its boundaries: Community Districts 7, 12, 13, 14 and 15. The SOPD is bounded on the north by Fort Hamilton Parkway, on the east by Coney Island Avenue, on the west by McDonald Avenue and on the south by Brighton Beach Avenue.

No other notable land use actions have been approved within 1,000 feet of the Rezoning Area within the past 15 years.

3. Description of the Surrounding Area

The Rezoning Area is bound by Murdock Court to the north (60 feet in width), Shore Parkway to the south (an access road to Leif Ericson Drive, 250 feet in width), Ocean Parkway to the east (approximately 210 feet in width) and West Street to the west (60 feet). Nixon Court connects West Street with Ocean Parkway and is also 60 feet in width.

Shore Parkway/Leif Ericson Drive (also known as Belt Park) is a major limited access freeway for South Brooklyn and connects the area with Queens, Long Island and the Brooklyn-Queens Expressway. Ocean Parkway is a major arterial for Brooklyn and travels north-south, with an access lane and pedestrian greenway separating the roadways. Avenue Z (80 feet) is located one block to the north of the Rezoning Area and is a neighborhood thoroughfare that travels east-west. Based on this confluence of heavily trafficked roadways, the area is vibrant in nature. All streets mentioned above are 'wide' streets in the Zoning Resolution, except for Nixon Court, Murdock Court and West Street.

In terms of uses and the built environment, the immediate surrounding area is a mix of residential apartment buildings and community facility uses. The residential uses predominantly consist of apartment buildings with the area between Shell Road (to the west) and Ocean Parkway (to the east) south of Avenue Z developed with a series of apartment buildings rising to 6-stories and beyond. To the east (across Ocean Parkway) is the Coney Island Hospital complex, which includes multiple buildings rising to 14-stories along with surface parking. Shore Parkway/Leif Ericson Drive defines the area to the south and runs elevated in this area, with the elevated roadway serving as a separation between the Gravesend area and the Brighton Beach/Coney Island area to the south.

Further to the north beyond Avenue Z, the area is still predominantly residential, but the built form decreases in density, with clusters of smaller apartment buildings and one- and two-family homes.

The surrounding area also contains some community facility/institutional uses. Immediately to the east of the Project Area is Coney Island Hospital (2661 Ocean Parkway), which is a 14-story medical use, as mentioned above. The facility contains over 455,000 square feet of lot area and over a million square feet of ambulatory medical use. Two blocks east, at 2609 East 7th Street Avenue, is P.S. 209 (Margaret Mead) in a three-story building. To the north of P.S. 209 is a religious school and community center (Yeshivat Lev Torah Pre-School & Avenue Z Jewish Center) at East 7th Street and Avenue Z. Another religious school is located nearby at 2546 East 7th Street (Young Israel of Sheepshead Bay). Further south of the Belt Parkway/Shore Parkway along Ocean Parkway is Lincoln High School (2800 Ocean Parkway), which encompasses a campus on a lot with over 380,000 square feet of lot area and approximately 305,00 square feet of space, in three-stories.

In terms of open spaces, two playgrounds are in close vicinity. To the northwest is West Playground (Block 7215, Lot 20) near West Street and Avenue Z, which is Department of Parks and Recreation (DPR) managed and contains approximately 100,000 square feet of area. To the southeast along Shore Parkway near Brighton 6th Street is Grady Playground (Block 7261, Lot 150), also DPR managed, which contains approximately 133,000 square feet of area. To the west of the Project Area, at Avenue Z and Shell Road, is a large community-oriented recreational facility at 2781 Shell Road (Matchpoint) with over 100,000 square feet of space in a single-story building.

The Rezoning Area is located in an R5 district that extends west from Ocean Parkway to Shell Road. To the north of Avenue Z is a large R4 district and to the northwest is a C1-2 commercial overlay at Avenue Z between West 2nd and 3rd Streets. Further to the south (beyond Leif Ericson Drive/Shore Parkway is an R6 district. The immediate surrounding area is also located in the SOPD.

As noted above, the purpose of the SOPD is to strengthen the existing character of the community and to enhance the scenic landmark designation of Ocean Parkway. In the SOPD, all new community facility developments or enlargements are limited to the residential bulk regulations of the underlying districts. All developments with frontage on Ocean Parkway are required to provide a 30-foot unobstructed front yard, subject to limitations on paving and landscaping. Accessory off-street parking for all new developments having frontage on Ocean Parkway must be completely enclosed and all new developments along Ocean Parkway are required to provide street trees.

The R4 district permits lower density housing at a maximum FAR of 0.75, with an attic allowance of 20%. Front yards of 10 feet and rear yards 30 feet are required, with side yards of at least 8 feet.

The maximum building height is 35 feet and one parking space is required per dwelling unit. The R4-1 district primarily permits contextual one and two-family detached and semi-detached houses at a maximum FAR of 0.75, with an attic allowance of 20%. Front yards of 10 feet and rear yards 30 feet are required, with side yards of at least four feet. The maximum building height is 35 feet and one parking space is required per dwelling unit.

The R5 district is a low-density general residence district that permits residential buildings up to 1.25 FAR and community facility buildings up to 2.0 FAR. The maximum height of buildings within R5 districts is 40 feet, with a maximum street wall height of 30 feet, as well as a 15-foot setback above the street wall. R5 districts require side yards of at least 8 feet and a 10-foot front yard. Parking is required for 85% of dwelling units.

The R6 zoning district is a general medium-density residential zoning district that permits buildings pursuant to both quality housing and height factor regulations. The height factor regulations for R6 districts encourage small apartment buildings on small zoning lots, and tall, narrow buildings that are set back from the street on larger lots. Quality housing regulations encourage buildings with higher lot coverage set at or near the street line, and height limitations ensure that these buildings are often more compatible with older buildings in the neighborhood. As an incentive for developers to choose the Quality Housing option, a higher floor area ratio (3.0 FAR), and therefore, more apartments, is permitted for buildings on or within 100 feet of a wide street than would be permitted under height factor regulations. For height factor regulations, the district allows a maximum FAR from 0.78 to 2.43 and the required open space ratio (OSR) ranges from 27.5 to 37.5 percent. For height factor buildings, 70% of dwelling units require parking, while for Quality Housing buildings, 50% of dwelling units require parking.

C1-2 districts are commercial overlays mapped within residential districts. These overlays are mapped within lower- and medium-density districts and generally permit neighborhood retail and office uses. In lower-density districts, such as R4, 1.0 FAR is permitted. In medium-density districts, such as R6, 2.0 FAR is permitted. The district is typically mapped a depth of 100 feet but can extend to up to 200 feet in depth (such as Avenue Z between West 2nd and 3rd Streets). Parking requirements vary by use, with most general retail and office uses requiring one space per 300 square feet and the requirement waived where 15 spaces and under are required.

In addition to the zoning designations above, Ocean Parkway is a Landmarks Preservation Commission (LPC) designated scenic landmark (LP-0871). However, the adjacent area, such as the Rezoning Area, is not itself landmarked. The surrounding area is also located in the Coastal Zone Boundary and is in a FRESH area that qualifies projects for tax incentives to develop a FRESH food store.

The surrounding area is well served by public transit. The New York City Transit (NYCT) B1, B4 and B36 bus lines have stops directly in front of the Rezoning Area along Ocean Parkway. The B1 provides service between Kingsborough Community College and Bay Ridge, while the B4 provides service between Bay Ridge and Sheepshead Bay. The B36 provides service between Sheepshead Bay and Coney Island. The NYCT F Subway line, which is an elevated right-of-way running over Shell Avenue to the west, has a stop at Neptune Avenue, approximately a half-mile away from the Rezoning Area. Accordingly, the immediate surrounding area is outside the Transit Zone.

4. **Description of the Proposed Rezoning Area**

The Proposed Rezoning Area consists of Block 7237, Lots 61, 63, 64, 65 and Block 7238, Lot 115 (defined here as the "Rezoning Area") in the Gravesend neighborhood of Brooklyn Community District #13. The Rezoning Area is zoned R5 and is in the SOPD. The Rezoning Area encompasses approximately 40,624 square feet in lot area.

Block 7237, Lots 61, 63, 64, 65 comprise the Applicant-owned Development Site, which is discussed in greater detail below. The remaining affected parcel is Block 7238, Lot 115 (2650 Ocean Parkway). This lot is a 37,100-sf part corner lot, part through lot located directly across the street from the Applicant's development site along Ocean Parkway between Murdock Court to the north and Nixon Court to the south and is not owned or controlled by the Applicant. This lot is improved with a 12-story residential apartment building containing approximately 186,630 gross square feet of space (5.03 FAR) and was constructed in the early 1960s. As per below, the building is currently noncompliant in bulk. The building was constructed as a stand-alone co-op and contains 190 dwelling units. The northwestern end of the parcel contains a single curb cut (approximately 15 feet) along Murdock Court. According to the most recent Certificate of Occupancy (CO) for the building, the cellar level contains 40 off-street parking spaces. In addition, medical office space (Use Group 4) is located in the cellar and first floors, with the cellar level space accessible from the street.

As noted above, the R5 district permits residential buildings up to 1.25 FAR and community facility buildings up to 2.0 FAR. However, in the SOPD the maximum bulk is limited to the residential district at 1.25 FAR for community facility uses. The maximum height of buildings within R5 districts is 40 feet, with a maximum street wall height of 30 feet. Parking is required for 85% of dwelling units. For buildings fronting Ocean Parkway, SOPD regulations require a mandatory 30-foot front yard, and all accessory parking must be enclosed.

5. **Description of the Proposed Development Site**

Block 7237, Lots 61, 63, 64, and 65 comprise the Development Site, consisting of approximately 3,524 square feet of lot area. The Site is currently vacant and together the parcel is triangular in shape with approximately 133 feet of frontage along Nixon Court and approximately 144 feet along Shore Parkway. The parcels currently contain no curb cuts.

6. **Description of Proposed Development**

The Proposed Development would consist of a new 7-story (and cellar) building on the Development Site with 14,995 zoning square feet (4.25 FAR). The Proposed Development would include approximately 14,186 zoning square feet (4.02 FAR) of residential space and approximately 808 square feet (approximately 0.22 FAR) of local retail space on the ground floor. In addition, the ground floor would provide 7 attended parking spaces which would be made accessible through a single curb cut located in the rear of the building.

The proposed new building would contain a total of 16 dwelling units, including 4 affordable units at or below 60 percent of the Area Median Income ("AMI") under MIH Option 1. Additionally, the building would have a maximum height of approximately 74 feet (7 stories), with an additional 10-foot rooftop bulkhead. The western side of the Proposed Development would rise to 6-stories within 25 feet of the adjacent R5 boundary, to comply with transition regulations between the districts.

A recreation/private open space area would be featured on the rooftop. The first floor would contain local retail uses in two separate spaces, as well as a small mechanical/utility room. At this time the commercial tenant is not finalized but is intended to house a use that would serve residents of the Proposed Development and surrounding community, such as a convenience store, pharmacy, deli or eating and drinking establishment. As the Development Site contains a small area of frontage along Ocean Parkway, a 30-foot minimum front yard will be provided to comply with the SOPD.

Per ZR Section 23-241, parking requirements are reduced due to the lot area of the Development Site being under 10,000 square feet. Per 25-261, no off-street parking is required where 15 spaces and under are required - and with 5 spaces required under MIH Option 1, no off-street parking would be required. However, 7 off-street attended spaces would be voluntarily provided with a single reservoir space, made accessible by a new 10-foot curb cut along Nixon Court. This parking entrance is located at the side yard to enter an open parking area under a portion of the second floor. The parking area is a permitted obstruction in the side yard area with the yard still open to the sky.

Additionally, flood resiliency measures would be incorporated as the site is located within a FEMA flood hazard area and trigger additional resiliency measures under Appendix G of the New York City Building Code (Flood Resistant Construction). These measures include a Design Flood Elevation above the flood hazard area Base Flood Elevation, with all mechanical systems located above the Design Flood Elevation, as well as dry floodproofing commercial spaces with removable barriers, and cellar spaces dedicated only to non-critical uses (i.e., storage and bicycle parking).

7. **Action Necessary to Facilitate the Project**

The Proposed Actions consist of a zoning map amendment and zoning text amendment. The proposed zoning map amendment would rezone Block 7237, Lots 61, 63, 64, 65; and Block 7238, Lot 115 (the "Rezoning Area") from R5 to R7A and R7A/C2-4. Specifically, the Development Site (Block 7237, Lots 61, 63, 64, 65) would be rezoned to R7A/C2-4, while the remaining property (Block 7238, Lot 115) would be rezoned from R5 to R7A. The proposed new districts would be mapped at a depth of 460 street east of West Street.

In addition, a zoning text amendment would be sought that would make the Rezoning Area applicable as a Mandatory Inclusionary Housing ("MIH") area under Options 1 and 2, which requires that at least 25% of the proposed new residential floor must be made affordable to incomes averaging 60% AMI and below (Option 1) – or at least 30% of the residential floor area averaging 80% AMI and below (Option 2). At this time, the Proposed Development would comply under Option 1, as outlined further below. The Rezoning Area is also in the Special Ocean Parkway District ("SOPD") and this designation would remain.

The R7A zoning district under MIH is a contextual district where quality housing regulations are mandatory. R7A districts allow for buildings up to 4.6 FAR and generally yield 7 to 9- story buildings. Maximum lot coverage is 65% for interior and through lots and 100% on corner lots. Above a base height of 40 to 75 feet, the building must set back to a depth of 10 feet on a wide street, before rising to a maximum of 90 feet or 95 feet with a Qualifying Ground Floor (QGF). Parking is required for 50% of all dwelling units and is reduced for MIH units and the residential requirement is waived where 15 or fewer spaces are required. The C2-4 district in R7A districts permits a maximum commercial FAR of 2.0 and permits a wide range of neighborhood commercial uses (Use Groups 5-9 & 14)[1]. Where residents are provided, commercial uses may not rise above the first floor. The district is intended for dense areas in proximity to transit, with a

[1] *If the City of Yes for Housing Opportunity text amendment is adopted as currently proposed by the Department of City Planning, R7A districts would allow for up to 5.0 FAR and a maximum height of 115 feet. Parking would no longer be required but the applicant plans to voluntarily provide parking.*

reduced parking requirement. Parking requirements vary by use with the commercial accessory requirement waived where 40 and under spaces are required. In the SOPD, 30-foot front yards are required along Ocean Parkway.

The proposed zoning map amendment from R5 to R7A and R7A/C2-4 is necessary to facilitate a productive use on the Development Site. Currently, the R5 district permits a maximum of 1.25 FAR and in the SOPD. The proposed R7A district would result in an appropriate increase in permitted density for this location, as it is located along a wide avenue (Ocean Parkway, 210' in width) in immediate proximity to Shore Parkway. The proposed R7A district would permit an appropriate amount of density in this area, as the area to the west of the Rezoning Area contains a high concentration of apartment buildings that rise to 6-stories and beyond. In addition, Coney Island Hospital is present immediately to the east and rises to 14-stories. Further, the northern end of the Rezoning Area (Block 7238, Lot 115) is improved with a 12-story residential apartment building (5.03 FAR) and the proposed zoning map amendment would serve to reduce the degree of noncompliance. As the proposed R7A district would permit a maximum density of 4.6 FAR and 9-stories, it is believed the proposed district would be more consistent with the surrounding area compared to the underlying R5 district.

Last, the proposed C2-4 commercial overlay would also be appropriate for this area, as it is intended for dense areas in proximity to transit, with a reduced parking requirement. The Rezoning Area is located adjacent NYCT B1, B4 and B36 bus lines, which stop directly in front of the Rezoning Area along Ocean Parkway. When combined with the hospital present across Ocean Parkway, pedestrian traffic is present that does not require the presence of off-street parking for a neighborhood-oriented commercial use. Moreover, as noted above, there is a demonstrated lack of supporting neighborhood retail in the surrounding area and a high concentration of residential apartment buildings, facilitating a walkable environment which supports a C2-4 commercial overlay.

The proposed text amendment would amend Appendix F of the ZR by establishing the Rezoning Area as an MIH area. The area would be mapped under Options 1 and 2 and would comply at this time under Option 1. Under Option 1, 25% of new residential floor area must be made available to incomes averaging 60% AMI and below. The Proposed Development would comply with MIH by providing 5 of the proposed 21 dwelling units (approximately 25%) as affordable for incomes between 40% and 80% AMI, to average 60% AMI. The zoning text amendment to MIH would result in much needed affordable dwelling units, a demonstrated need for all areas of the city.

8. **Conclusion**

The Proposed Actions would facilitate a new medium-density apartment building on a vacant and unutilized parcel of land that has languished under the current R5 zoning district. The Rezoning

Area is situated along Ocean Parkway, a heavily trafficked thoroughfare and in close proximity to a limited access freeway, and is appropriate for additional permitted density, consistent with the built context of the surrounding area. The proposed R7A and R7A/C2-4 district would also reduce the degree of noncompliance in the Rezoning Area, with a 12-story apartment present that exceeds the bulk of the underlying R5 district.

Furthermore, the Proposed Actions include a zoning text amendment to make the Rezoning Area applicable to MIH, which would result in permanently affordable dwelling units. As such, the Proposed Actions are appropriate for this area and would result in a productive use and would not negatively impact the character of the surrounding area, nor be inconsistent with the intent of the Special Ocean Parkway District.