1455 Coney Island Avenue

May 2022

1. Introduction

This application is made on behalf of Prospect Park Land LLC ("the Applicant"), the owner of the above-referenced property located at Block 6722, Lot 73 (the "Development Site") for a zoning map and zoning text amendment (the "Proposed Actions"). The Proposed Actions would affect Block 6722, Lots 67, 69, 70, 71, 73, as well as portions of Lots 1 and 65 (the "Project Area") in the Midwood section of Brooklyn, Community District 14.

The proposal seeks a zoning map amendment, from a R5/C2-3 district to C4-5D, which would facilitate the development of a new 157,399-square foot (sf) long-term care facility (5.56 FAR) to include 280 beds and 28 accessory off-street parking spaces (the "Proposed Development).

The Development Site is under the Applicant's control. The remaining properties within the Project Area are under separate ownership and are not expected to be materially affected by the Proposed Actions.

The Proposed Actions would also include a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the Project Area, mapped as Option 1 or 2, pursuant to §123-154(d). However, since the Proposed Development does not include residential use, no new affordable units would be provided at this time.

2. Background

The Development Site previously served as a long-term care facility with 215 beds, the Brooklyn Center for Rehabilitation and Nursing, that closed in 2020. Those beds were subsequently relocated, and the local community has expressed interest in maintaining the property with a similar use, as demand exists for long-term care beds in the Midwood and nearby Borough Park communities. However, the existing facility is currently vacant, as the building was obsolescent, over capacity and in need of repairs. As such, the facility was vacated, and residents were moved in 2020 to a nearby facility at 170 Buffalo Avenue (former St. Mary's Hospital). It is now proposed

to redevelop the property with a new operator in an updated and modern facility with increased capacity.

The Project Area has been zoned R5/C2-3 since the inception of the 1961 Zoning Resolution and has remained since that time period. In 1977, the area immediately across Coney Island Avenue to the west of the Project Area was amended with the creation of the Special Ocean Parkway District (SOPD). In 1991, a predominantly low-rise residential area to the northwest of the Project Area inside the SOPD was amended to R2X from R3-2 under the "R2X Rezoning" (C 910255 ZMK). In 1992 and 1993, the SOPD and surrounding area were amended (930182 ZRK), along with zoning map amendments to expand opportunities for new housing development, and to reduce the depth of the C1-3 and C2-3 commercial overlays to prevent commercial development on residential lots in areas of the SOPD. The amendments coincided with the creation of a subdistrict of the SOPD ("SOPD Subdistrict"), which primarily affected interior blocks between Coney Island Avenue and McDonald Avenue. This subdistrict was intended to facilitate the enlargement of detached and semi-detached one and two-family homes with an overall maximum FAR of 1.5 in the subdistrict Subsequently, the area immediately to the east of the Project Area, as well as larger areas to the south and further east were amended as part of the Midwood Rezoning in 2006 (C 060130 ZMK), which affected 80 blocks of Brooklyn, Community District 14,

Finally, the Board of Standards and Appeals (BSA) approved a special permit (per §73-44) in 2015 (327-13-BZ) to reduce the required number of accessory off-street parking spaces for an ambulatory medical use located at 1538 Coney Island Avenue, to the immediate southwest of the Project Area.

3. Description of the Surrounding Area

The Project Area is situated near the intersection of Avenue K and Coney Island Avenue. Coney Island Avenue is a principal north-south mixed-use thoroughfare for central and southern Brooklyn and is mapped with 100 feet in width ('wide'). Avenue K is a neighborhood avenue that travels east-west and is mapped with 100 feet in width ('wide'). C1-3 and C2-3 overlays are mapped along Coney Island Avenue and Avenue K and accordingly contain a mix of uses, including commercial buildings and mixed-use buildings with ground-floor commercial use and residences above. An older C8-2 district runs along Coney Island Avenue to the south of the Project Area and has resulted in a mix of retail, community facility and older warehouse and automotive-related uses.

It should be noted the surrounding area contains a high concentration of community facility uses. Notable community facility uses in the surrounding area include public schools, such as PS 99, located on Avenue K at East 10th Street, and Edward Murrow High School at Avenue L and East 15th Street. In addition, a number of Yeshivas are located in the surrounding area, with Yeshiva Ohr, Yeshiva Sharei Torah, and Yeshiva Rabbi Chaim Berlin located to the south along Coney Island Avenue. A number of synagogues are also located in this area, such as Congregation G'vul

Yaabetz, Agudas Achim of Midwood, Bais Hora of Flatbush, Yeshuos Chaim Chentzkovitch and Yeshiva Ohr Yitzchok.

In terms of built form, Avenue K is predominantly developed with older walk-up apartment buildings that rise to four stories. The built form of Coney Island Avenue ranges from three-story buildings to 10-story buildings, with a mixed-use building under construction to contain 10 stories (187 feet) at 1538 Coney Island Avenue, as described above.

Zoning

The Project Area is located in an R5/C2-3 district with the R5 district extending west of Coney Island Avenue and into the Special Ocean Parkway District (SOPD) and further east beyond Coney Island Avenue. Immediately to the north of the Project Area, the R5/C2-3 district continues. Directly east of the Project Area is an R7A district, mapped as a result of the Midwood Rezoning. To the northwest of the Project Area is a small R2X district, while immediately to the south of the Project Area along Coney Island Avenue is a C8-2 district.

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 percent of standard dwelling units and 42.5% of income-restricted units outside of a Transit Zone. The R5/C2-3 district enables commercial uses at 1.0 FAR.

In the SOPD, all new developments fronting on Ocean Parkway are required to have a 30-foot-deep landscaped front yards and the maximum FAR of community facility uses are restricted to the respective maximum residential use. This is intended to preserve the existing residential character of this area. In addition, the Special OP Subdistrict is present beyond 100 feet in depth from Coney Island Avenue to the west. The Subdistrict permits single and two-family detached and semi-detached residences and community facility uses listed in Use Groups 3 and 4. The bulk of all buildings in the SOPD Subdistrict is limited to 1.5 FAR to help maintain and preserve the low-density residential character of the neighborhood.

The R2X district, located to the northwest of the Project Area, allows large single-family detached houses at a maximum FAR of 0.85 FAR and may be increased up to 1.02 by an attic allowance for the inclusion of space beneath a pitched roof. The R7A zoning district, located immediately to the east of the Project Area along Avenue K, is a mid-rise contextual district that allows for buildings up to 4.0 FAR and generally yield seven- to eight-story buildings. The C8-2 district, located to the south of the Project Area along Coney Island Avenue, is a general commercial district that permits a wide range of uses at a maximum FAR of 2.0 for commercial and 4.8 FAR for community facility uses.

The surrounding area is served by rail transit with the New York City Transit (NYCT) Q trains, which make stops between East 15th and 16th Streets - and provide service between Coney Island, Downtown Brooklyn and Manhattan. The closest station to the Project Area is located a half-mile to the southeast near Avenue M.

In addition to rail transit, NYCT bus service runs along Coney Island Avenue and Avenue M. The B68 runs along Coney Island Avenue and provides service between Windsor Terrace and Coney Island. The B9 bus runs along Avenue M and provides service between Bay Ridge and Kings Plaza.

4. Description of the Proposed Project Area

The Project Area consists of the east side of Coney Island Avenue from Avenue K to a point 300 feet to the north of Avenue L. This includes Block 6722; Lots 1 (p/o), 65 (p/o), 67, 69, 70, 71 & 73.

Block 6722, Lot 1 (1102 Avenue K) is a 20,000 square-foot lot improved with a 58,184 square foot residential building with some ground floor commercial space and 66 dwelling units (2.9 FAR). Only the R5 portion of the parcel is included in the Project Area, with the remaining area zoned R7A. The building was constructed in 1924.

Block 6722, Lot 65 (1501 Coney Island Avenue) is a 5,325 square foot lot improved with a 7,502 square-foot two-story mixed-use building (1.40 FAR) containing ground floor retail use and 2 DUs above. The building was constructed in 1927. Only a portion of the parcel is included in the Project Area (the area zoned R5/C2-3), while the remaining area zoned C8-2 would be unaffected.

Block 6722, Lot 67 (1497 Coney Island Avenue) is a 3,550 square-foot lot improved with a 5,767 square foot two-story mixed-use building (1.62 FAR) with ground-floor retail use and approximately three dwelling units above. The building was constructed in approximately 1927.

Block 6722, Lot 69 (1495 Coney Island Avenue) is a 1,775 square-foot lot improved with a 2,340 square foot two-story community facility use (1.31 FAR) which currently contains a house of worship (Congregation Beth Medrash) constructed in approximately 1927.

Block 6722, Lot 70 (1493 Coney Island Avenue) is a 1,775 square-foot lot improved with a 2,340 square foot two-story mixed-use building (1.31 FAR) which currently contains ground-floor retail and a residential unit above. The building was constructed in approximately 1927.

Block 6722, Lot 71 (1491 Coney Island Avenue) is a 1,775 square-foot lot improved with a 2,340 square foot two-story mixed-use building (1.31 FAR). The building was constructed in approximately 1927.

Block 6722, Lot 73 (1455 Coney Island Avenue) is the Development Site and is discussed in greater detail below.

5. Description of Proposed Development Site

The Proposed Development Site (the "Development Site") consists of Block 6722, Lot 73. The Development Site contains a vacant two-story building with 23,800 square feet of lot area with approximately 37,097 square feet of space (1.55 FAR). The building was vacated in 2020 and contains a single curb cut at the northwestern corner of the parcel.

6. Description of Proposed Development

The Proposed Actions would facilitate a new 9-story long-term care facility with total 157,399 square feet of zoning floor area (5.56 FAR). The building would rise to a maximum height of 95 feet and contain a total of 280 beds. In total, 28 accessory off-street parking spaces would be provided between the first floor and cellar levels, which would be made accessible by a relocated and enlarged 23'-6" curb cut. It should be noted the proposed use does not require off-street parking and the proposed 28 spaces would be provided voluntarily for staff and visitors.

The building would rise to a height of 95 feet with no setback. The rear yard area would comprise 34 feet. The first floor would contain lobby areas and accessory space, such as administrative office space, a small café, and a shul for residents. The lobby area would include a transparent wall with the café visible from the street, to enliven the streetscape from a pedestrian perspective. Street trees and planting would also be installed to improve the pedestrian experience.

The southern end of the site would contain a garage entrance with handicap and other parking spaces, as well as a ramp to the cellar level where the remaining parking would be located. In total, 28 parking spaces would be provided with 11 spaces (five handicap) at the surface level and the remaining spaces located at the cellar level. The remaining areas of the cellar level would contain utility spaces, a conference room and rehabilitation center for physical therapy and occupational therapy. A sub-cellar level would contain more accessory spaces (meal preparation areas) as well as storage and laundry areas. Floors 2 through 9 would contain the beds and would include between 30-40 beds per floor. Each floor would contain accessory dining spaces and multi-purpose rooms to service residents. The rooftop area contains a recreation area for residents for the southern portion, while the northern area would contain solar panels.

7. Actions Necessary to Facilitate the Project

The Proposed Actions, which would affect seven properties with frontage along the eastern side of Coney Island Avenue between Avenue K and Avenue L, include a zoning map amendment from R5/C2-3 to C4-5D and a zoning text amendment to establish a new MIH area. This includes Block 6722 Lots 1 (p/o), 65 (p/o), 67, 69, 70, 71 & 73 (the "Project Area") with the district measured 300 feet from Avenue L.

Zoning Map Amendment

The proposed C4-5D district would alter the permitted uses of Use Groups 1-9 & 14 allowed under current R5/C2-4 district to 1-6, 8-10 & 12. It would also increase the maximum permitted commercial FAR from 2.0 to 4.2 and residential FAR to 5.6 (under MIH). Furthermore, the maximum permitted FAR for community facility uses would be increased to 4.2 FAR and 5.6 FAR for long-term care uses. It should be noted the C4-5D district permits multiple floors of commercial uses, compared to the underlying R5/C2-4 district, which only permits ground-floor commercial use when residences are present above.

The district has a residential equivalent of R7D for bulk regulations and has a minimum base height of 60 feet, with a maximum street wall of 85 feet or 95 under MIH. After the maximum street wall height, the building must set back 10 feet along a wide street before rising to a maximum height of 100 feet (105 feet with a Qualifying Ground Floor) or 110 feet (115 feet with a Qualifying Ground Floor) in 11-stories in MIH areas. It should be noted that special regulations apply for long-term care uses, where the same bulk regulations apply to the use as residential developments under MIH, as described above. This differs from other community facility uses, which utilize the bulk regulations of a residential use without MIH.

Transition rules apply to the Development Site between the C4-5D and R5 district to the rear of the building, permitting a maximum height of 55 feet within 25 feet of the adjacent R5 district. It should be noted that C4-5D districts have mandatory non-residential ground floors, except for Type I residential lobby spaces. However, since the proposed use is not residential, this requirement does not apply.

Parking requirements vary by use with commercial uses typically requiring one space per 1,000 square feet of floor area. For residential units, 50 percent is required, and income-restricted dwelling units are waived. Long-term care uses do not require parking. Despite this lack of a parking requirement, 28 off-street spaces are voluntarily provided for building employees and visitors, as noted above.

The proposed new C4-5D district is appropriate for this location, as it would recognize the area as a regional commercial and mixed-use area in terms of uses. In terms of density, the proposed R7D bulk equivalent would be consistent with the existing R7A district present along Avenue K

immediately to the northwest of the Project Area, which was mapped as a result of the Midwood Rezoning. However, the R7A district only permits residential and community facility uses and the C4-5D and R7D equivalent would permit similar mid-rise densities with the flexibility to permit multiple floors of commercial use. This is appropriate for this area, as Coney Island Avenue is an arterial mixed-use thoroughfare. The character of the Coney Island Avenue in Midwood is emerging from a lower-density mixed-use corridor, into a more vibrant and denser mixed-use regional corridor. For example, a new mixed-use development is under construction across the street from the Project Area at 1538 Coney Island Avenue, which is anticipated to rise to 10-stories and 187 feet. It should be noted this would be taller than the Proposed Development by over 60 feet. As such, the C4-5D district is more appropriate than R7A or a standalone R7D as it would continue to encourage this regional commercial corridor.

Based on the above, the proposed C4-5D district is appropriate for this location, as Coney Island Avenue is a wide mixed-use arterial thoroughfare and near transit. Therefore, the Project Area and overall immediate surrounding area are ideal for additional mixed-use density, contrary to the underlying R5/C2-3 district, which permits lower-density mixed-use buildings with only ground-floor uses, and dates from the 1961 Zoning Resolution. Moreover, the proposal would enable the remainder of the Project Area for potential redevelopment with mixed-use developments including offices, medical-related uses, and other appropriate services for the surrounding residential communities in multiple floors - beyond the ground-floor level - as well as potential residential redevelopment under MIH, as further outlined below.

Finally, the proposed zoning map amendment would facilitate the productive use of the Development Site with a new state-of-the-art long-term care facility with accessory supporting spaces, such as a rehabilitation center, café, dining areas and a shul for residents. Local community organizations have expressed their desire to maintain a long-term care facility on the Development Site, as a facility is needed within walking distance of the Midwood and Borough Park communities. Similarly, the New York State Department of Health seeks to locate replacement facilities for lost long-term care beds in close geographic proximity to existing ones (locating long-term care facility in close proximity to family members is beneficial to the health of residents). As such, the Proposed Actions would address the loss of 215 long-term care beds in this area resulting from the closure of previous facility on the Development Site, while providing increased capacity at 280 beds, a demonstrated need for the local community.

Zoning Text Amendment

The proposed zoning text amendment pursuant to Appendix F of the Zoning Resolution would make the Project Area applicable as a Mandatory Inclusionary Housing (MIH) area and would be mapped as Options 1 and 2, pursuant to §123-154(d). All residential developments, enlargements, and conversions within this MIHA that meet the criteria set forth in the MIH program must comply with the requirements of one of the options described below:

- Option 1: 25 percent of residential floor area must be for affordable housing units for residents with incomes averaging 60 percent AMI, with a minimum of 10 percent of housing to be affordable at 40 percent AMI.
- Option 2: 30 percent of residential floor area must be for affordable housing units for residents with incomes averaging 80 percent AMI.

Since the Applicant proposes a community facility use as a long-term care facility, no new affordable residential units would be provided. However, should the Development Site be redeveloped as a residential use in the future, MIH would apply. The remaining lots in the Project Area would also be subject to MIH, should any new residential redevelopment occur on those parcels.

8. Conclusion

The Proposed Actions would create a new C-45D district and make the Project Area applicable as an MIH area. The proposed C4-5D district would permit an increased density and range of service uses that would complement the permitted density of the R7A district along nearby Avenue K and further south at Avenue M along Coney Island Avenue. In addition to this location along a wide heavily trafficked mixed-use corridor, the Project Area is near transit. Last, the Proposed Actions would result in a new modern long-term care facility with 280 new beds, a demonstrated need for the local community. As such, it is believed the Proposed Actions and resulting increased permitted density are appropriate for this area.