396-400 Avenue X Rezoning
Tax Block 7198, Lots 1, 4 and 6, Borough of Brooklyn
PROJECT ID: 2023K0165

Introduction

This is an application filed by PG Realty Investments LLC (the "Applicant"), owner of 396 and 400 Avenue X, Tax Block 7198, Lots 1 and 4, Borough of Brooklyn (the "Development Site"), seeking:

1. An amendment to Zoning Map 28c, changing the existing R4 Residence District underlying the Development Site and Lot 6 located to the east and adjacent to the Development Site, to an R7A/C2-4 District (the Development Site and Lot 6 are the "Project Area");
2. An amendment to the text of Appendix F of the Zoning Resolution of the City of New York ("ZR") to create a Mandatory Inclusionary Housing Area on the Project Area;

The requested actions will facilitate the construction of a proposed approximately 46,000 square foot, seven-story mixed-use building, with approximately 5,000 square feet of Use Group 6 retail/medical office floor area and approximately 41,000 square feet of residential floor area ("the Proposed Building"). The Proposed Building will accommodate 45 dwelling units, of which approximately 12 dwelling units will be constructed pursuant to the Mandatory Inclusionary Housing Program. The Proposed Building will contain 45 parking spaces.

Background

- May 14, 1964 – Establishing within an existing R4 Residence District, a C1-2 Commercial District bounded by West Street, a line 150 south of Avenue X, West 3rd Street, Stryker Street, a line midway between Southgate Court and Avenue X, West 1st Street and a line 150 feet north of Avenue X, under Application No. CP-18353.
- January 20, 1977 – Establishment of the Special Ocean Parkway District, under Application Nos. CP-23284 and CP-23285.

Description of the Surrounding Area

The Project Area and surrounding area are located within the Gravesend neighborhood of Brooklyn and within Brooklyn Community District 15.

The surrounding area is predominately two- and three-story semi-detached residences, with commercial one- and two-story commercial buildings along the northside of Avenue X, with six-story and basement residential buildings fronting on Avenue X to the west, north and northeast of the Project Area, and primarily one- and two-family residences throughout the remainder of the surrounding area. Public School 216 (Arturo Toscanini) a one- and five-story school is located within

the surrounding area, west of the Project Area on the south side of Avenue X between East 1st Street and West Street.

The surrounding area is predominately mapped as an R4 zoning district within the Special Ocean Parkway District, with C1-2 commercial overlays mainly along the northside of Avenue X. R4 districts are low density non-contextual residential districts that allow residential uses (Use Groups 1 and 2) and community facilities (Use Groups 3 and 4) at a maximum floor area ratio (FAR) of 0.75, and 2.0, respectively. Residential uses are permitted with a maximum lot coverage of 45 percent of the lot area. The maximum permissible building height in an R4 district is 35 feet for residential uses. Residential buildings must provide a minimum front yard of 10 feet and may have a perimeter wall up to 25 feet tall. Above a height of 25 feet, sky exposure plane regulates the maximum height of a building. Accessory parking is required at a rate of one space per dwelling unit.

C1-2 commercial overlay districts are mapped across the surrounding area's R4 district on both sides of Avenue X to a depth of 100 feet. C1-2 overlay districts are local retail and service districts that allow commercial uses (Use Groups 5 and 6) at an FAR of 1.0 when mapped across an R4 district. Commercial uses must be located below residential uses and are limited to the first floor of mixed use buildings. No front yard is required for mixed-use buildings in C1-2 commercial overlay districts (including R4/C1-2 districts); however, above a building height of 25 feet, a commercial development would require an initial setback of 20 feet on a narrow street and 15 feet on a wide street. Accessory parking is required for retail uses at a rate of one space per 300 square feet.

The surrounding area is located within the Special Ocean Parkway District, established on January 20, 1977, under Application Nos. CP-23284 and CP-23285, encompasses a band of blocks east and west of the parkway between Prospect Park and Brighton Beach. The Special Ocean Parkway District was designed to (a) promote and strengthen the scenic landmark designation of Ocean Parkway by requiring landscaping along Ocean Parkway; (b) maintain the existing scale and character of the community by limiting the bulk of permitted community facilities; (c) protect the environmental quality of and improve circulation within the District by requiring enclosed parking for all uses along Ocean Parkway and by requiring off-street loading for certain community facilities throughout the District; and (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

The Project Area and the surrounding area is well served by public transportation, with the F line Avenue X subway station located six blocks west of the Site at Shell Road and the N line 86th Street subway stations located approximately a half a mile northwest of the Project Area; and numerous New York City bus lines, including the 1 line which runs east and west along Avenue X, and the 4 line, which runs along Avenue Z, Shell Road and 86th Street.

Description of the Project Area

The Project Area consists of the approximately 10,000 square foot Development Site located on Lots 1 and 4 on Tax Block 7198, and Lot 6, an approximately 9,999 square foot corner lot.

The Project Area is currently improved with the following, on:

- Lot 1 (approximately 6,000 square foot lot), a two-story, approximately 5,042 square foot building containing approximately 3,142 square feet of community facility floor area (physical therapist office and home health care facility) and 1,900 square feet of single-family residential floor area, constructed in 1931.
- Lot 4 (approximately 4,000 square foot lot), a one-story, approximately 4,400 square foot community facility medical center, constructed in 1931.
- Lot 6 an approximately 41,097 square foot, six-story with basement apartment building constructed in 1957.

The Project Area encompasses the entire blockfront between East 2nd and 3rd Streets within 100 feet of the southside of Avenue X.

Avenue X is an 80 foot wide, two-way east-west bound street; East 2nd Street is a 60 foot wide, one-way north-south bound street; and East 3rd Street is a 60 foot wide, one-way south-north bound street.

Description of the Proposed Development

The applicant proposes to construct a new approximately 46,000 square foot (FAR of 4.6), seven-story mixed-use building, with approximately 5,000 square feet (FAR of 0.5) of Use Group 6 retail/medical office use and approximately 41,000 square feet (FAR of 4.1) of residential floor area. The Proposed Building will accommodate 45 dwelling units, of which approximately 12 dwelling units will be constructed pursuant to the Mandatory Inclusionary Housing Program.

The Proposed Building will contain 45 attended parking spaces in a subgrade level, with 42 spaces on triple stackers and three ADA accessible spaces at grade with a driveway and a 19'6" curb cut located off of East 2nd Street.

The Proposed Building will occupy the entirety of Lots 1 and 6, with various setbacks, including a ten foot setback on Avenue X at the seventh floor and a 15 foot setback on East 2nd Street on the second floor, terraces on the residential floors and plantings and benches along East 2nd Street. The Proposed Building, on the roof, will contain a small mezzanine for two apartments on the sixth floor, a common terrace and solar panels.

The Proposed Building will be 75 feet high (90 foot high bulkhead), but within 25 feet of the adjacent R4 Residence District, the height of the Proposed Building will be 55 feet.

Action Necessary to Facilitate the Project

The Project Area is located within a R4 Residence District, outside of either a designated Inclusionary Housing Area or Mandatory Inclusionary Housing Area, with a maximum residential floor area ratio of 0.75 and a maximum commercial floor area ratio of 1.0. In order to construct the Proposed Building with approximately 46,000 square feet of residential, community facility and retail floor area, and 12 affordable units on the Development Site, an amendment to Zoning Map 28c, changing the R4 Residence District to a R7A/C2-4 District is required.

Zoning Map Amendment

Since December 15, 1961, the zoning district underlying the Project Area has been a R4 Residence District. Such existing district has failed to spur any new developments. The Proposed Actions are needed to encourage the redevelopment of the Development Site into a mixed-use, mid-rise, multi-family development with affordable dwelling units and ground-floor retail, consistent with the surrounding area.

The proposed R7A Residence District is a medium-density contextual residential district. When paired with the proposed C2-4 commercial overlay district, Use Group 1 and 2 residences, Use Group 3 and 4 community facilities and Use Group 5 through 9 and Use Group 14 commercial uses are permitted as-of-right.

The maximum floor area ratio ("FAR") for residences within the proposed R7A, within a Mandatory Inclusionary Housing area at a maximum FAR is 4.6 with a maximum lot coverage for interior and through lots of 65 percent and for corner lots, 100 percent. The maximum FAR for community facility uses is 4.0 with a maximum lot coverage for interior and through lots of 65 percent and for corner lots, 80 percent. The maximum FAR for commercial uses within the proposed C2-4 commercial overlay is 2.0.

In R7A/C2-4 districts within a Mandatory Inclusionary Housing area, a building containing residences must comply with the Quality Housing height and setback regulations. Accordingly, the minimum base heights in R7A districts must be between 40 and 75 feet, with a maximum building height (excluding bulkhead and other permitted obstructions) of 95 feet, but no more than nine stories. Above the base height, a 10 foot setback on a wide street and a 15 foot setback on a narrow street must be provided.

In the proposed R7A/C2-4 district, accessory off-street parking would be required at a rate of one space per 1,000 square feet for commercial floor area, 50 percent of the number of market-rate dwelling units, and 15 percent of income-restricted housing units constructed pursuant to the Mandatory Inclusionary Housing. The Proposed Development will contain 45 accessory off-street parking spaces, which exceed the amount of required parking. However, the Applicant believes that

the 45 off-street spaces are needed due to the high automobile ownership rates in the surrounding area.

The proposed Use Group 2 residential use is appropriate under the Proposed Actions, as this area is already zoned as an R4 Residence District, which permits Use Group 1 and Use Group 2 residences. The height limits of the proposed R7A are appropriate and consistent to the heights of many buildings in the surrounding area, including the, six-story with basement building located on Lot 6 within the Project Area and six-story with basement buildings located on Avenue X across form the Project Area, to the west of East 2nd Street and to the east of East 3rd Street.

As the entire Project Area is located adjacent to Avenue X a two-way 80 foot wide street, and portions of the Project Area located on either East 2nd or East 3rd Streets, both one-way 60 foot wide streets, such streets will be able to accommodate the proposed increase in density.

Furthermore, the Project Area is well served by public transportation, with the F line Avenue X subway station located six blocks west of the Site at Shell Road and the N line 86th Street subway stations located approximately a half a mile northwest of the Project Area; and numerous New York City bus lines, including the 1 line which runs east and west along Avenue X, and the 4 line, which runs along Avenue Z, Shell Road and 86th Street.

Zoning Text Amendment

The Proposed Action includes an amendment to Appendix F of the Zoning Resolution to map the Project Area as a Mandatory Inclusionary Housing area. Pursuant to the proposed Mandatory Inclusionary Housing Area text amendment, the Proposed Development will be required to include approximately 12 permanently affordable dwelling units. The Proposed Actions will support the City's "Housing our Neighbors" and "Where We Live" plans to create and preserve affordable housing in New York City by providing permanently affordable dwelling units.

Conclusion

The Proposed Actions are appropriate and consistent with development in the surrounding area, will not create any significant impacts on the surrounding area, will spur development in the Project Area, which since the 1930's has been stagnant, and will support the City's priority of creating affordable housing.