1220 Avenue P Rezoning
1220 Avenue P Brooklyn

1) Introduction

Omni Enterprises, LLC (the "Applicant"), seeks a zoning map amendment to rezone portions of two blocks along Avenue P in the Midwood neighborhood within Brooklyn Community District 15 from an R5B to an R7A zoning district. The proposed rezoning extends the district boundary of an existing R7A zoning district east to include Block 6774, Lots 6, 7, and 9 and Block 6775 Lots 1, 5, 9, 12, 13, 74, and 75 (the "Project Area"). In addition, the Applicant seeks a zoning text amendment to Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 15, Brooklyn to establish the Project Area as a Mandatory Inclusionary Housing ("MIH") Area.

The proposed actions would facilitate the construction an enlargement to the Levit Medical Center Midwood (the "Medical Center"). The Medical Center is an existing five-story, 19,536 sq. ft. Use Group 4 community facility located at 1220 Avenue P (Block 6775, Lot 9). The proposed development is a new four-story, approximately 11,240 sq. ft. enlargement to the Medical Center. The enlargement would be located immediately south of the Medical Center on adjacent tax lots 12, 13, and 75 on Block 6775 (together with Lot 9, the "Development Site"). The proposed development results in an enlarged Medical Center building with 31,696 sq. ft. of floor area and a floor area ratio ("FAR") of 3.17.

2) Background

The Medical Center provides a wide range of general and specialized treatment services, in areas including: cardiology; family practice; general surgery; gynecology; internal medicine; occupational therapy; orthopedic; physical therapy; and wound care. In addition, doctors at the Medical Center provide diagnosis and treatment for patients with neurological disorders, including neuro-ophthalmology conditions, memory disorders, and epilepsy. The Medical Center's doctors also provide multiple sclerosis care. This is a resubmission of an application (N 170391 ZR and I 170390 ZMK) withdrawn in 2017 for which the proposed actions are the same. The previous application was withdrawn during public review by the Applicant. There are superficial changes to the new application that slightly reduced the size of the proposed development.

The Department of City Planning ("DCP") has previously initiated rezonings affecting the Project Area and the surrounding area, including the Homecrest Rezoning effective February 15, 2006 (060129ZMK) and the Midwood Rezoning effective April 5, 2006 (060130 ZMK).

The Project Area was included in the 2006 Homecrest Rezoning, which mapped the current R5B zoning district to replace the previous R6 zoning district. The Homecrest Rezoning affected approximately 70 blocks of predominantly residential property generally bounded by Coney Island Avenue to the west, Kings Highway to the north, Ocean Avenue to the east and Avenue S to the south. It was intended to preserve the existing neighborhood scale and character with lower density and contextual zoning districts. In addition, the Homecrest Rezoning mapped R7A and C4-4A (R7A equivalent) districts on portions of 62 blocks along Ocean Avenue, Kings Highway, and Coney Island Avenue to reflect the existing apartment building character of those streets and maintain opportunities for new apartment house construction appropriate for these wide streets with good transit access. In addition, these contextual districts eliminated the floor area bonus available to community facilities (from 4.8 to 4.0 FAR) and imposed limitations on building heights that did not exist in the previous R6 zoning district.

The southern boundary of the Midwood Rezoning area is immediately to the north of the Project Area running along the centerline of Avenue P. The Midwood Rezoning rezoned approximately 80 predominantly residential blocks generally bounded by Avenue H to the north, Ocean Avenue to the east, Avenue P and Kings Highway to the south and Coney Island Avenue to the west. Its purpose was to preserve the existing neighborhood scale and character with lower density and contextual zoning districts. In addition, the Midwood Rezoning mapped R7A and C4-4A (R7A equivalent) districts to permit new, higher density residential development on selected wide streets including Avenue J, Avenue K, the Avenue M commercial corridor, Ocean Avenue, Coney Island Avenue, and Kings Highway.

3) Description of the Surrounding Area

The Project Area is located in the Midwood neighborhood within Brooklyn Community District 15. The existing land uses in the area immediately surrounding the Project Area are a mix of single- and multi-family residential buildings, community facilities, and commercial uses. The commercial uses near the Project Area include local retail businesses on Coney Island Avenue and Quentin Road, a gas station at the intersection of Coney Island Avenue and Avenue P, and several destination retail businesses to the east on East 14th Street. Several professional office buildings and Engine 276 of the Fire Department of the City of New York are also located to the east of the Project Area. The prevailing built form of the area is a mix of low to mid-rise non-residential buildings and two- to six-story residential apartment buildings. In addition, there are detached single- and two-family residences located on East 12th Street, East 13th Street, and Avenue P. The majority of the southern portion of Block 6775 and the eastern half of Block 6774 consist of detached and semi-detached one- and two-family residential buildings. The western portion of Block 6774, which is not included in the proposed Project Area, consists primarily of attached and semi-detached commercial buildings, several of which have residential uses above the ground floor.

The surrounding area to the east of East 12th Street is within the Transit Zone pursuant to ZR Appendix I as shown on Map 14. Public transportations options in the surrounding area include the MTA B/Q subway line accessible from the Kings Highway station and the B68, B82, B7, and B100 bus lines. The Project Area is located within a FRESH Program area that provides discretionary tax incentives. Avenue P, at 100-ft. wide, is a wide street pursuant to ZR § 12-10. Avenue P is a two-way street running east/west between Nostrand Avenue and Bay Parkway with two travel lanes and two parking lanes in each direction.

The existing zoning districts in the surrounding area of the Project Area are R5B, R7A, R7A/C2-3, C4-4A, C8-2, R5, and R4-1 as well as the Special Ocean Parkway District, which permit a range of residential, commercial, and mixed development as follows:

R5B

The Project Area is within an R5B zoning district generally mapped 100 feet north of Avenue P to the north, approximately 100 feet east of Coney Island Avenue to the west, approximately 100-ft. north of Quentin Road and north of Kings Highway to the south, and East 18th Street to the east. R5B is a contextual zoning district that permits a maximum residential FAR of 1.35 and community facility FAR of 2.0. The maximum street wall height is 30 feet, above which a building must slope or set back to a maximum height of 33 feet. The front yard must be at least five feet deep and it must be at least as deep as one adjacent front yard and no deeper than the other, but it need not exceed a depth of 20 feet. Attached row houses do not require side yards but there must be at least eight feet between the end buildings in a row and buildings on adjacent zoning lots. Curb cuts are prohibited on zoning lot frontages less than 40 feet. Where off-street parking is required, on-site spaces must be provided for two-thirds of the dwelling units although parking can be waived when only one space is required. Front yard parking is prohibited.

R7A and R7A/C2-3

There is an R7A zoning district mapped immediately to the west of the Project Area generally along the east side of Coney Island Avenue, portions of which are mapped with a C2-3 commercial overlay. R7A is a contextual zoning district that allows for new medium-density residential development and community facilities. R7A zoning districts allow for residential development up to 4.0 FAR, 4.6 FAR in areas designated as part of the Inclusionary Housing program, and community facility uses up to 4.0 FAR. The building form requires a street wall of 40 to 65 feet (or 75 feet with a qualifying ground floor) and a setback above the maximum base height. The maximum building height is 80 feet (or 85 feet with qualifying ground floor). The maximum building height with Mandatory Inclusionary Housing is 95 feet." New residences are required to provide one off-street parking space for 50 percent of the dwelling units, with an exemption for

affordable housing. C2-3 is a commercial overlay district mapped within residential districts to allow local retail and service uses. In R7A zoning districts, the maximum commercial FAR is 2.0.

C4-4A

There is a C4-4A zoning district mapped to the south of the Project Area generally along both sides of Kings Highway between Coney Island Avenue and East 18th Street and a portion of the east side of Quentin Road between Coney Island Avenue and East 13th Street. C4-4A is a medium-density contextual commercial district that allows residential, commercial, community facility and mixed buildings with a maximum FAR of 4.0 for all uses, a maximum street wall height of 65 feet, and a maximum building height of 80 feet (R7A equivalent for height and bulk). The Quality Housing Program is mandatory and parking is required for half of the units.

C8-2

There is a C8-2 zoning district mapped to the west of the Project Area at two locations on the western side of Coney Island Avenue between Avenue N and Quentin Road, and extending west along Quentin Road midway between East 8th Street and East 9th Street. C8-2 zoning districts allow commercial buildings of up to 2.0 FAR and community facility buildings of up to 4.8 FAR with no height limit. C8-2 zoning districts allows a variety of retail and service uses including small appliance repair and upholstery shops as well as automotive service facilities, lumberyards, and other heavy commercial uses. Residential uses are not permitted in C8-2 zoning districts.

R5

To the west of the Project Area there is an R5 zoning district mapped generally between Avenue K and Avenue H to the north, Coney Island Avenue to the east, Quentin Road and Kings Highway to the south, and Ocean Parkway to the west. R5 zoning districts allow a residential FAR of 1.25 and community facility FAR of 2.0. The maximum street wall height of a new building is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building. In addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses must have one eight-foot wide side yard. Apartment houses need two side yards, each at least eight feet wide. Front yards must be 10 feet deep. Off-street parking is required for 85 percent of the dwelling units in the building.

R4-1

There is an R4-1 zoning district located to the north of the Project Area, which is generally mapped between the midway block of Coney Island Avenue to the west, East 12th Street to East 15th Street to the east, 100 feet from Avenue N to the north and 100 feet from Avenue P to the south. R4-1 is a low-density residential zoning district that allows detached and semi-detached one- and two-family houses, with a maximum FAR of 0.75 or an attic allowance maximum FAR of 0.90 and requires two side yards if the houses are detached and one if the houses are semi-detached. R4-1 districts require one parking space for each unit and have a perimeter wall height limit of 25 feet and an overall building height of 35 feet. Community facilities in R4-1 districts have a maximum FAR of 2.0.

Ocean Parkway Special District

The Special Ocean Parkway District is west of the Project Area, encompassing a band of blocks east and west of Ocean Parkway between Prospect Park and Brighton Beach. It was designated in 1977 to preserve Ocean Parkway, which is designated a scenic landmark, and "to promote the most desirable use of land in this area and thus conserve the value of land". All new developments fronting on Ocean Parkway are required to have a 30-foot-deep landscaped front yard unobstructed by porches, canopies, or stairs. Only driveways or walkways may be paved. Accessory off-street parking must be completely enclosed and

any new community facility development or enlargement is limited to the residential bulk regulations of the underlying zoning district, except by City Planning Commission certification.

The above zoning districts are mapped to provide lower density protections in homeowner dominated areas on the side streets, while accommodating higher-density development on the major north/south streets such as Coney Island Avenue and Ocean Avenue, and on a number of cross-streets including Kings Highway, and portions of Avenue M, Elm Avenue, Chestnut Avenue, and Locust Avenue.

4) Description of the Proposed Project Area

The proposed Project Area is located in the Midwood neighborhood in Brooklyn's Community District 15. The Project Area is near the southern borders of Community Districts 12 and 14, both of which have district boundaries running along Avenue P. The Project Area consists of 10 tax lots, six lots fronting Avenue P, two lots fronting East 12th Street, and two lots fronting East 13th Street. The Project Area is generally bounded by Avenue P to the north, East 13th Street to the east, and Coney Island Avenue 100 feet midway block to the west and approximately 140 feet south of Avenue P. The Project Area consists of Block 6775, Lots 1, 5, 9, 12, 13, 74, and 75; and Block 6774, Lots 6, 7, and 9. The Project Area is approximately 38,000 sq. ft.

The proposed Project Area is located within an R5B zoning district, adjacent to the district boundary of an existing R7A zoning district immediately to the west. The R5B zoning district is generally mapped 100 feet north of Avenue P to the north, approximately 100 feet east of Coney Island Avenue to the west, approximately 100-ft. north of Quentin Road and north of Kings Highway to the south, and East 18th Street to the east. The R7A zoning district to the west of the Project Area is generally mapped along the eastern portion of Coney Island Avenue, portions of which are mapped with a C2-3 commercial overlay.

The proposed Project Area is primarily developed with community facility and residential uses. The properties within the Project Area are developed as follows:

Block 6774, Lot 6 is an approximately 3,000 sq. ft. lot fronting Avenue P. It is improved with a 2.75-story Use Group 2 residential building with three dwelling units.

Block 6774, Lot 7 is an approximately 3,000 sq. ft. lot fronting Avenue P. It is improved with a 2.75-story Use Group 2 residential building with two dwelling units.

Block 6774, Lot 9 is an approximately 4,000 sq. ft. lot fronting Avenue P. It is improved with a 2.75-story residential building with, according to the Certificate of Occupancy, three Use Group 2 dwelling units and a home occupation medical office on the ground floor.

Block 6775, Lot 1 is an approximately 8,000 sq. ft. lot fronting Avenue P. It is improved with a two-story community facility building owned by the Jewish Center of Kings Highway and occupied by Yeshivat Shaare Torah, a Use Group 3 private religious high school and Use Group 4 house of worship.

Block 6775, Lot 5 is an approximately 8,000 sq. ft. lot fronting Avenue P. It is improved with a two-story building owned and occupied by the Jewish Center of Kings Highway, a Use Group 4 house of worship.

Block 6775, Lot 9 (part of the Development Site) is an approximately 4,000 sq. ft. lot fronting Avenue P. It is improved with a five-story Use Group 4 medical office building, Medical Center, which is controlled by the Applicant. It was constructed in 2000 on an as-of-right basis under the R6 zoning district mapped at that time

Block 6775, Lot 12 (part of the Development Site) is an approximately 2,000 sq. ft. lot fronting East 13th Street. It is unimproved and used as surface parking lot.

Block 6775, Lot 13 (part of the Development Site) is an approximately 2,000 sq. ft. lot fronting East 13th Street. It is improved with a two-story building with one Use Group 2 dwelling unit and an accessory home occupation.

Block 6775, Lot 74 is an approximately 2,000 sq. ft. lot fronting East 12th Street. It is improved with a two-story residential building with two dwelling units.

Block 6775, Lot 75 (part of the Development Site) is an approximately 2,000 sq. ft. lot fronting East 12th Street. It is improved with a two-story building that was previously used as a religious community facility, but is currently vacant.

5) Description of the Proposed Development Site

The proposed Development Site consists of four contiguous tax lots, Block 6775, Lots 9, 12, 13, and 75, that would be developed as a single zoning lot with an area of 10,000 sq. ft. The Development Site has 40-ft. of frontage on Avenue P (Lot 9), 140-ft. of frontage on East 13th Street (Lots 9, 12, and 13), and 20-ft. of frontage on East 12th Street (Lot 75). The proposed four-story enlargement would be constructed on Lot 12, which is presently unimproved, and on Lot 13, which contains a two-story building that would be demolished. Lot 75 contains a vacant two-story building that would be demolished to provide six permitted accessory attended parking spaces for the proposed development.

6) Description of the Proposed Development

The proposed development is a four-story Use Group 4 enlargement to the Medical Center with approximately 11,240 sq. ft. of additional floor area. The proposed enlargement is situated at the rear of the existing Medical Center building on adjacent tax lots to the south fronting East 13th Street (Block 6775, Lots 12 and 13). Six accessory attended parking spaces would be provided on to the west of the enlargement on East 12th Street (Block 6775, Lot 75). The proposed four-story enlargement has full lot coverage on the first floor as a permitted obstruction and a 32'-0" rear yard above the first floor. Because the proposed enlargement is adjacent to an R5B district, the height of the enlargement will be limited to 55 feet. In order for the enlargement to have floors that line up with the existing building, the proposed enlargement will have a height of 47'-10". The proposed 11,240 sq. ft. of floor area combined with the existing 19,536 sq. ft. on Lot 9 results in 31,696 sq. ft. of Use Group 4 community facility floor area and an FAR of 3.17.

7) Action(s) Necessary to Facilitate the Project

The actions necessary to facilitate the proposal are: 1) a zoning map amendment to map an R7A zoning district in the Project Area currently zoned as R5B; and 2) a zoning text amendment to ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 15, Brooklyn to establish the Project Area as an MIH Area.

<u>Zoning Map Amendment - R7A from R5B</u>

While community facility uses are permitted conforming uses in R5B zoning districts, the maximum FAR for community facilities is 2.0. The maximum FAR for community facilities is 4.0 in the proposed R7A zoning district. The proposed zoning map amendment action would facilitate the development of the Site with a community facility use with an FAR of 3.17, below the maximum permitted FAR of 4.0 for a community facility use. Absent the proposed zoning map amendment action, the Applicant would be unable to construct the proposed development under the existing bulk regulations for a community facility in an R5B zoning district. The proposed development is appropriate because it is located an area primarily consisting of community facility uses, including the existing Medical Center and Jewish Center of Kings Highway buildings that comprise the Avenue P blockfront of Block 6775. Further, the Project Area runs along a wide street with transit access, which is appropriate for a medium density zoning district like the one proposed here.

In 2006, this area was rezoned from an R6 zoning district to the current R5B zoning district as part of the Homecrest rezoning. This rezoning was designed to preserve development options near the Kings Highway subway station, like the Project Area. Further, this rezoning attempted to preserve development potential along wide streets with transit access, like Avenue P. As such, the proposed

actions would align with the goals of the Homecrest rezoning, while meeting the City's need for increased development.

Mandatory Inclusionary Housing Area Text Amendment

While the proposed development does not contain any new residential use, the proposed text amendment would require that new residential development within the Project Area be developed in accordance with the MIH program. Under the City's MIH program, certain new residential developments are required to provide a percentage of the residential floor area for affordable units. MIH Option 1 requires at least 25 percent of the residential floor area at an average of 60 percent of the area median income ("AMI"). At least 10 percent of the residential floor area within such MIH development must be affordable at 40 percent AMI. MIH Option 2 requires at least 30 percent of the residential floor area at an average of 80 percent AMI. In addition, the City Council and the City Planning Commission may apply the Deep Affordability Option or the Workforce Option over the Project Area.

Compliance/Conformance with the Proposed Zoning Districts

The proposed project fully complies and conforms with the proposed zoning district. On the Development Site, the proposed building complies with the bulk regulations of the proposed R7A zoning district. Similarly, the proposed community facility use conforms with the use provisions of the proposed R7A zoning district. There are no additional actions needed pursuant to any other City, State, or Federal agency.

8) Conclusion

The Applicant proposes a zoning map amendment and text amendment to facilitate the development of an enlarged community facility building in the Midwood neighborhood of Brooklyn within Community District 15. The proposed zoning map amendment to establish an R7A zoning district would treat a portion of the Avenue P corridor similar to other cross-street corridors in this neighborhood. It would permit increased community facility bulk, which is not otherwise permitted within the current R5B zoning district. The proposed text amendment to ZR Appendix F establishes the Project Area as an MIH Area. The proposed rezoning addresses the City's need for modern medical facilities by facilitating this development. The proposed development promotes wellness in the community by providing convenient, local access to a range of modern healthcare treatment options. The expanded building allows the Medical Facility to serve an increased demand for healthcare and medical services in community at an established facility. The proposed text amendment to Appendix F ensures that opportunities for housing development include mandatory affordable housing.