



March 6, 2024 / Calendar No. 11

C 230381 ZMK

IN THE MATTER OF an application submitted by PG Realty Investments LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c:

1. changing from an R4 District to an R7A District property bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street; and
2. establishing within the proposed R7A District a C2-4 District bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street;

Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated December 11, 2023, and subject to the conditions of CEQR Declaration E-743.

This application for a zoning map amendment was filed by PG Realty Investments LLC on June 21, 2023. This application, together with zoning text amendment (N 230382 ZRK), would facilitate the development of a 46,000-square-foot mixed-use building with 45 dwelling units, approximately 12 of which would be designated permanently income-restricted, as well as approximately 5,000 square feet of ground floor commercial space. The development would be located at 396-400 Avenue X in the Gravesend neighborhood of Brooklyn, Community District 15.

RELATED ACTION

In addition to the zoning map amendment (C 230381 ZMK), the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 230382 ZRK	Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2.
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BACKGROUND

The applicant seeks a zoning map amendment to change a R4 (OP) zoning district to a R7A/C2-4 (OP) zoning district across three tax lots located at 396-400 Avenue X (Block 7198, Lots 1, 4, and 6) in the Gravesend neighborhood of Brooklyn, Community District 15. The applicant also seeks a zoning text amendment to establish a MIH area coterminous with the project area. Together, these actions would facilitate the development of a seven-story, 46,000-square-foot commercial- and residential- mixed-use building.

The 65,260-square-foot, three-lot project area, located on the northern portion of Block 7198, is bounded by 80-foot-wide Avenue X to the north, 80-foot-wide Avenue Y to the south, 60-foot-wide East 2nd Street to the west, and 60-foot-wide East 3rd Street to the east.

The approximately 10,000-square foot, two-lot development site has approximately 100 feet of frontage on Avenue X and a standard depth of 100 feet. The development site contains a physical therapist office, a home health care facility, and a single-family residential unit on Lot 1 and a medical center on Lot 4. The applicant owns Lot 1 and Lot 4 (the development site), but they do not own the third lot (Lot 6) in the project area.

Mixed uses predominate in the surrounding area, with buildings that vary in density, use, and scale. Building typologies include single- and two-family homes, mixed-use two- to three-story residential buildings with ground floor commercial uses, and five- to seven-story multifamily buildings. One- to two-story commercial buildings, including laundromats, salons, restaurants, and other local retail stores, are found west of the project area along the north side of Avenue X, a principal east-west corridor. The street is home to a variety of retail stores, multifamily apartment buildings, and mixed-use residential and commercial buildings. Several large community facility uses, including public schools and yeshivas, as well as open spaces like West Playground and the Ocean Parkway malls contribute to the character of the surrounding area.

The project area is within the Special Ocean Parkway District (OP) which was established in 1977 (CP-23284) to preserve the character of one- and two-family homes along Ocean Parkway

and to limit the proliferation and bulk of community facilities within the area. Consequently, the OP limits new community facility developments and enlargements to the residential bulk regulations of the underlying zoning district and requires all new developments fronting on Ocean Parkway to have 30-foot unobstructed and landscaped front yards.

The project area and surrounding area is mapped with an R4 zoning district, and C1-2 commercial overlays are found on Avenue X to the north and west of the project area.

R4 zoning districts are low-density non-contextual residential districts that allow residential and community facility uses. Residential buildings are permitted at an FAR of 0.75 with a maximum of 45 percent lot coverage. One off-street parking space is required for each dwelling unit.

C1-2 commercial overlay districts are local retail and service districts that allow commercial uses 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. C1-2 commercial overlays generate significant parking requirements, including one parking space per 300 square feet of general retail or medical facility floor area.

The project area is well-served by public transit. The F train at Avenue X is six blocks west of the site at Shell Road and the N train at 86th Street is approximately a half mile northwest of the project area. The B1 bus, which runs from Bay Ridge to Manhattan Beach, and the B4 bus, which runs from Bay Ridge to Sheepshead Bay, serve the immediate area.

The applicant proposes a new 46,000-square-foot (4.6 FAR), seven-story mixed-use building with approximately 5,000 square feet of ground floor commercial space. The development would include 45 apartments, approximately 12 of which would be designated as permanently income-restricted under MIH. Though only 24 parking spaces are required for the development, the applicant proposes 45 parking spaces located in the sub-grade levels of the building. The development would have a driveway and a 19'6" curb cut on East 2nd Street, with benches and plantings proposed along the East 2nd Street frontage. The proposed development would occupy the entirety of Lots 1 and 4 with various setbacks, including a ten-foot setback on Avenue X at

the seventh floor, a 15-foot setback on East 2nd Street on the second floor, and several terraces on the residential floors. A small mezzanine for the two sixth-floor apartments, as well as a common terrace and solar panels, would be sited on the roof. The proposed development would be 85 feet high at its tallest but drop to 55 feet within 25 feet of the adjacent R4 district as per zoning requirements.

To facilitate the proposed development, the applicant proposes a zoning map amendment to rezone the R4 (OP) zoning district to a R7A/C2-4 (OP) zoning district and a zoning text amendment to designate a new MIH area (N 230382 ZRK). An overview of R7A and C2-4 zoning districts, as well as a description of MIH areas and options, provides context for the applicant's proposed actions:

R7A zoning districts are medium-density contextual districts that produce seven- to nine-story residential and community facility buildings. They allow a maximum residential FAR of 4.6 within an MIH area, and a maximum community facility FAR of 4.0. When mapped within an MIH area, R7A zoning districts have a maximum building base height of 75 feet, above which the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street, before rising to a maximum height of 95 feet. Parking is required for 50 percent of dwelling units.

C2-4 commercial overlays are paired with residential zoning districts and are generally mapped along streets that serve local retail needs. C2-4 overlays allow a range of local-serving commercial retail and service uses, such as grocery stores, restaurants, general stores, barber shops, laundromats, and similar retail and services businesses. When mapped within R7A zoning districts, C2-4 overlays cap commercial uses at a FAR of 2.0, and commercial uses are limited to the first floor in mixed-use buildings.

In addition to the proposed zoning map amendment, the applicant also proposes a zoning text amendment (N 230382 ZRK) to modify Appendix F to designate an MIH area mapped with Options 1 and 2 coterminous with the project area. Option 1 requires that at least 25 percent of

the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI, with no units targeted to households with incomes exceeding 130 percent of the AMI. Option 2 requires that at least 30 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 80 percent of the AMI. The applicant intends to comply with Option 1.

ENVIRONMENTAL REVIEW

This application (C 230381 ZMK), in conjunction with the application for the related action (N 230382 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 23DCP136K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on December 11, 2023. The Negative Declaration includes an (E) designation (E-743) related to hazardous materials and air quality to avoid the potential for significant adverse impacts. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

WATERFRONT REVITALIZATION PROGRAM

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013, and by the New York State Department of State on March 15, 2018, pursuant to the New York State Waterfront Revitalization and Coastal

Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 22-127.

UNIFORM LAND USE REVIEW

This application (C 230381 ZMK) was certified as complete by the Department of City Planning on December 11, 2023 and was duly referred to Brooklyn Community Board 15 and the Brooklyn Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the application for a zoning text amendment (N 230382 ZRK), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

On December 19, 2023, Brooklyn Community Board 15 held a public hearing on this application (C 230382 ZMK) along with the related application for a zoning text amendment (N 230382 ZRK), and, on that date, by a vote of 35 in favor, zero opposed, and zero abstaining, adopted a resolution recommending approval of the application on the following condition:

“The approval was based on the condition that the property, could accommodate triple stackers in the cellar, providing 45 parking spots, which they assured the Board would not have a water table issue.”

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 230381 ZMK) along with the related application (N 230382 ZRK) on January 16, 2024, and, on January 19, 2024 issued a recommendation to approve the application with the following condition:

1. That the applicant provide no more than the number of parking spaces as required per the Zoning Resolution.

City Planning Commission Public Hearing

On January 24, 2024 (Calendar No. 3), the City Planning Commission scheduled February 7, 2024 for a public hearing on this application (C 230381 ZMK) in conjunction with the related application (N 230382 ZRK). The hearing was duly held on February 7, 2024 (Calendar No. 33). Two speakers, both from the project team, testified in favor of the application and none spoke in opposition.

The applicant's representative described the surrounding neighborhood and zoning and the character of Avenue X in an overview of the application. The representative stated that the building height and bulk is consistent with existing six- and seven-story buildings in the surrounding area, and noted the proposed development's height, unit mix, and parking availability responds to the community board preferences. He also commented on the appropriateness of housing development in this area due to the width of Avenue X and available public transit options. The applicant representative and the applicant's architect also discussed the resiliency and sustainability measures that would be taken in construction of the proposed development, including floodproofing and solar panels.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The City Planning Commission believes this application for a zoning map amendment (C 230381 ZMK) and the related application for a zoning text amendment (N 230382 ZRK) are appropriate. The rezoning will facilitate the development of a seven-story, 46,000-square-foot mixed-use building containing 45 dwelling units, approximately 12 of which would be designated permanently income-restricted under Option 1 of the Mandatory Inclusionary Housing (MIH) Program, as well as approximately 5,000 square feet of ground floor commercial floor area.

The Commission believes the proposed density, height, and mix of uses permitted by the proposed R7A/C2-4 (OP) district are appropriate at this location. The project area's low-density R4 (OP) district does not reflect existing conditions along Avenue X, a street that is characterized by higher density, non-complying mixed-use residential and commercial buildings. In contrast, a R7A/C2-4 (OP) district permits higher density, mixed-use residential, and commercial development.

Buildings facilitated by the proposed R7A district will present a moderate increase in height, bulk, and density that complements existing six- and seven-story buildings in the surrounding area. The wide surrounding streets -80-foot-wide avenues X, Y, and W - provide another rationale for increased height, bulk, and density. Finally, the project site's location near two bus lines and two train lines, makes it an appropriate place for additional residential development.

Given the area's mixed-use character, a C2-4 commercial overlay district is appropriate at this location. The portion of Avenue X directly north and two blocks west of the project area is mapped with a C1-2 commercial overlays. The presence of the commercial overlays and existing local retail along Avenue X suggest that commercial development permitted by the C2-4 overlay is appropriate.

The project area, with strong transit accessibility to job centers and robust mixed-use and commercial activity, is ideal for the development of permanently income-restricted units that will be facilitated by the zoning text amendment. The Commission therefore believes that the applicant's proposed zoning text amendment for MIH (N 230382 ZRK) is appropriate.

Although the applicant intends to comply with MIH Option 1, the applicant has requested to map both MIH Options 1 and 2 to maintain flexibility in their affordable-housing options. Pursuant to MIH Option 1, the proposed development is required to provide 25 percent of residential floor as permanently income-restricted housing. This will result in approximately 10,250 square feet of income-restricted floor area, or approximately 12 permanently income-restricted apartments. These apartments will be available to households earning, on average, 60 percent of the AMI,

which will provide much-needed income-restricted housing in a neighborhood that has seen few new income-restricted units: From 2014 to 2022, only 138 new income-restricted units (units at less than 120% AMI) have been produced in Community District 15. Consequently, the proposed development aligns with the City’s policy to develop income-restricted housing near transit, as well as the goals of *Housing New York* and *Where We Live*, two City housing reports that advance strategies to affirmatively further the development of fair housing.

Finally, regarding the Borough President’s recommendation that the applicant provide no more than the number of parking spaces as required per the Zoning Resolution, the Commission shares the perspective that the applicant should only provide the minimum parking required.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on December 11, 2023 with respect to this application (CEQR No. 23DCP136K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 28c:

1. changing from an R4 District to an R7A District property bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street; and
2. establishing within the proposed R7A District a C2-4 District bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street;

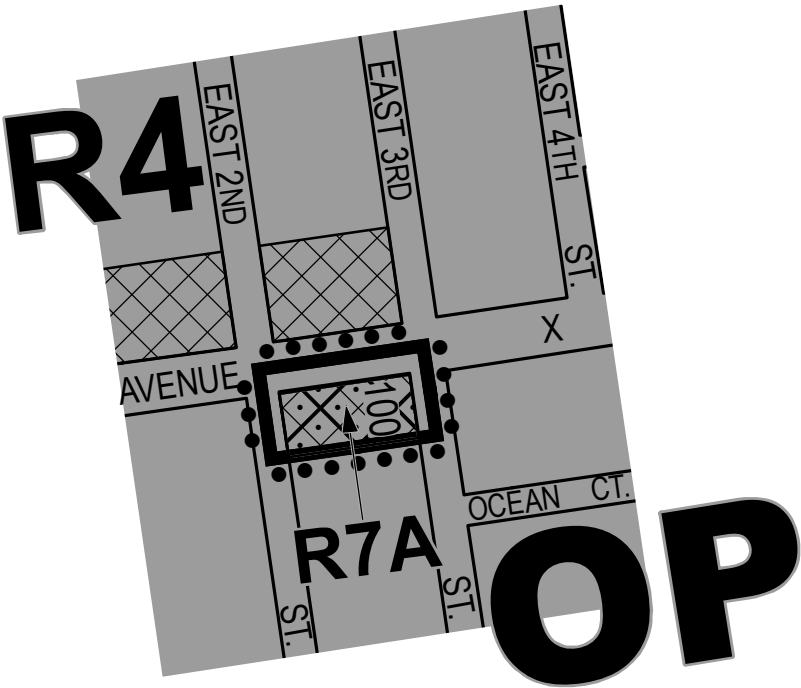
Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated December 11, 2023, and subject to the conditions of CEQR Declaration E-743.

The above resolution (C 230381 ZMK), duly adopted by the City Planning Commission on March 6, 2024 (Calendar No. 11), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., *Chair*

KENNETH J. KNUCKES, Esq., *Vice Chairman*

GAIL BENJAMIN, JUAN CAMILO OSORIO, ALFRED C. CERULLO, III, ANTHONY W. CROWELL, Esq., JOSEPH I. DOUEK, DAVID GOLD, Esq., LEAH GOODRIDGE, Esq., RASMIA KIRMANI-FRYE, ORLANDO MARÍN, RAJ RAMPERSHAD,
Commissioners



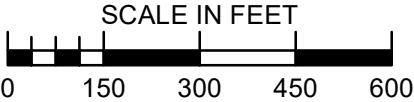
CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP








New York, Certification Date:
December 11, 2023

28c
BOROUGH OF
BROOKLYN

S. Lenard, Director
Technical Review Division



NOTE:

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is rezoned by changing an existing R4 District to an R7A District and by establishing a C2-4 District within the proposed R7A District.
-  Indicates a C1-2 District
-  Indicates a C2-4 District
-  Indicates a Special Ocean Parkway District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 396-400 Avenue X Rezoning			
Applicant:	PG REALTY INVESTMENTS LLC	Applicant's Primary Contact:	Neil Weisbard
Application #	230381ZMK	Borough:	
CEQR Number:	23DCP136K	Validated Community Districts:	K15

Docket Description:

IN THE MATTER OF an application submitted by PG Realty Investments LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c: 1. changing from an R4 District to an R7A District property bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street; and 2. establishing within the proposed R7A District a C2-4 District bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street; as shown on a diagram (for illustrative purposes only) dated December 11, 2023, and subject to the conditions of CEQR Declaration E-743.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

# In Favor: 35	# Against: 0	# Abstaining: 0	Total members appointed to the board: 35
Date of Vote: 12/19/2023 12:00 AM		Vote Location: 2001 Oriental Boulevard, Brooklyn NY 11235	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 12/19/2023 7:00 PM

Was a quorum present? Yes

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:

2001 Oriental Boulevard, Room U112 Brooklyn NY 11235

CONSIDERATION: The approval was based on the condition that the property, could accommodate triple stackers in the cellar, providing 45 parking spots, which they assured the Board would not have a water table issue.

Recommendation submitted by	BK CB15	Date: 12/20/2023 12:27 PM
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BOROUGH PRESIDENT RECOMMENDATION

Project Name: 396-400 Avenue X Rezoning	
Applicant: PG REALTY INVESTMENTS LLC	Applicant's Administrator: Neil Weisbard
Application # 230381ZMK	Borough: Brooklyn
CEQR Number: 23DCP136K	Validated Community Districts: K15

Docket Description:

IN THE MATTER OF an application submitted by PG Realty Investments LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c: 1. changing from an R4 District to an R7A District property bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street; and 2. establishing within the proposed R7A District a C2-4 District bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street; as shown on a diagram (for illustrative purposes only) dated December 11, 2023, and subject to the conditions of CEQR Declaration E-743.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION: See attached memo for full comments.

Recommendation submitted by	BK BP	Date: 1/19/2024 12:21 PM
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Brooklyn Borough President Antonio Reynoso

Brooklyn Borough Hall
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
calendaroffice@planning.nyc.gov

Uniform Land Use Review Procedure (ULURP) Application

396-400 AVENUE X REZONING – C230381ZMK, N230382ZRK

IN THE MATTER OF a private application submitted by PG Realty Investments LLC pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment from R4/OP to R7A/C2-4/OP and a zoning text amendment to Appendix F for Mandatory Inclusionary Housing to facilitate a new development including approximately 41,000 sf of residential space (45 dwelling units) and 5,000 sf of commercial space at 396-400 Avenue X in Gravesend, Community District 15, Brooklyn.

BROOKLYN COMMUNITY DISTRICT 15

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: 396-400 AVENUE X REZONING – C230381ZMK, N230382ZRK

The rezoning area is located in an R4 district that is mapped throughout a large portion of Community District 15 (CD 15) in southern Brooklyn. This general residence district allows for low-rise attached houses, small multifamily apartment houses, and detached and semi-detached one- and two-family residences. The surrounding area includes seven-story residential buildings fronting Avenue X to the west, north, and northeast of the Project Area. The Project Area is also within the Special Ocean Parkway District, which was mapped in 1977. The Project Area is served by public transit, including the Avenue X station on the F line six blocks to the west, the 86th Street station on the N line approximately a half mile to the northwest, and the B1 and B4 bus lines which run along Avenue X and Avenue Z, respectively.

The applicant's property is located within the Coastal Zone Boundary. The Coastal Zone Boundary defines areas for which the City's 10 policy categories to guide the use and development of waterfront areas apply via the Waterfront Revitalization Program (WRP). The site is also in the 100-year floodplain and is considered a "high-risk flood zone," referred to in the Zoning Resolution as an area not subject to high velocity wave action but still at a high risk for flooding.

Borough President Reynoso held a public hearing on this application on January 16, 2024. No members of the public testified on this item.

Community Board Position

Community Board 15 voted to approve this application on December 20, 2023, with the condition that the building include 45 parking spaces.

Approval Rationale

Borough President Reynoso believes the applicant's proposed height and bulk along Avenue X is appropriate given the surrounding context and street width of 80 feet. The site is not currently mapped with a commercial overlay. Mapping a C2-4 commercial overlay on the rezoning area will allow for commercial and retail uses to continue along this portion of Avenue X, as the commercial overlays along Avenue X are mapped across the street and two blocks west of the rezoning area.

Aspects of this proposed project are in alignment with Borough President's Comprehensive Plan for Brooklyn, most notably Rec. 2.1.1(b), which supports proposed increases in density where housing production is lagging. Between 2014 and 2022, CD 15 constructed very few housing units—1,485 units total, 138 of which were income-restricted. While the Borough President believes the proposed project's 12 Mandatory Inclusionary Housing (MIH) units will be critical for Brooklyn families, given the need for affordable housing in southern Brooklyn, he requests that the applicant consult with the NYC Department of Housing Preservation and Development (HPD) to discuss the feasibility of a 100% affordable project.

Much of CD 15 experiences stormwater flooding from extreme rainfall events, and the Borough President appreciates the project's resilient and sustainable features. The Borough President recommends that the applicant pursue additional nature-based strategies to mitigate flooding, such as bioswales and raingardens (Rec. 3.4.6(b)). After construction, the Borough President encourages the applicant to create an evacuation plan and assist building residents in signing up for NotifyNYC (Recs. 3.4.2 and 3.4.4).

The proposed project is in line with the Comprehensive Plan's Health & Wellness Economy framework, which identifies this area of CD 15 as having a significant number of residents who work in healthcare support occupations. The proposed project could provide further opportunities for high-quality housing for our healthcare workers. This framework also recommends reduced barriers to care. The proposed project intends that the existing medical uses return to the site, which would replace the aging facility with a new building to provide medical services to the community (Rec 1.2.1 recommends all Brooklynites live within a half-mile of a quality healthcare facility).

Further, the NYC Department of Transportation (DOT) has identified Avenue X between Boynton Place and E. 15th Street as a pedestrian safety priority corridor in their 2023 update to the 2019 Vision Zero Borough Pedestrian Action Plans. As proposed, the project includes 45 attended parking spaces. The Borough President believes that, in addition to increasing pedestrian safety, removing private vehicles from the road will have positive health and environmental impacts across the Borough. To that end, he requests that the applicant limit the proposed parking to the number of spaces required by zoning (approximately 17 spaces).

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following condition:

1. That the applicant provide no more than the number of parking spaces as required per the Zoning Resolution.



BROOKLYN BOROUGH PRESIDENT

January 19, 2024

DATE