

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

120 Broadway, 31st Floor, New York, NY 10271

CalendarOffice@planning.nyc.gov



INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION

271 SEA BREEZE AVENUE – 190172 ZMK

An application submitted by 271 Sea Breeze Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment establishing a C2-4 commercial overlay within an existing R6 district on the entirety of a block bounded by Sea Breeze and West Brighton avenues and West Second and West Fifth streets, in Brooklyn Community District 13 (CD 13). Such action would facilitate two stories of commercial use, totaling approximately 25,020 square feet (sq. ft.) in a 20-story, 115-unit as-of-right mixed-use development.

BROOKLYN COMMUNITY DISTRICT NO. 13

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

A handwritten signature in blue ink, appearing to read "Eric Adams", written over a horizontal line.

BROOKLYN BOROUGH PRESIDENT

January 2, 2020

DATE

RECOMMENDATION FOR: 271 SEA BREEZE AVENUE REZONING – 190172 ZMK

271 Sea Breeze Development, LLC submitted an application pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment establishing a C2-4 commercial overlay within an existing R6 district on the entirety of a block bounded by Sea Breeze and West Brighton avenues and West Second and West Fifth streets, in Brooklyn Community District 13 (CD 13). Such action would facilitate two stories of commercial use, totaling approximately 25,020 square feet (sq. ft.) in a 20-story, 115-unit as-of-right mixed-use development.

On November 13, 2019 Brooklyn Borough President Eric Adams held a public hearing on this zoning map amendment. There was one speaker on the item, in opposition, a local resident who expressed concerns about increased traffic to the site and pedestrian safety. The speaker further questioned the rationale for providing new retail at this location, given that there are several commercial corridors within walking distance of the site. The speaker proposed constructing a bicycle plaza on the east end of Asser Levy Park, and locating the parking garage entrance on West Brighton Avenue.

In response to Borough President Adams' inquiry as to why the applicant believes that the represented commercial uses would best serve the surrounding community, the representative stated that there is demand for local goods and services in the community. The representative also noted that the proposed health club would also provide a potential benefit to area residents.

In response to Borough President Adams' inquiry as to what elements are being incorporated in the building design to improve lighting along the façade, the representative stated that the development would have accent and architectural lighting on all frontages.

Prior to the hearing, Borough President Adams received a letter from a local resident, with suggestions for additional improvements to the project, including changing existing curbside regulation at the north curb of Sea Breeze Avenue and the south curb of West Brighton Avenue from "No Parking Anytime" to standard street cleaning regulations to provide additional on-street parking opportunities; reducing of intended parking spaces from 130 to the 118 required by zoning; setting aside several of the parking spaces for car-share vehicles; expanding and relocating bicycle parking within the building while providing additional spaces along the sidewalks of both commercial frontages; installing green infrastructure in the public right-of-way to facilitate stormwater retention, and incorporating a green roof treatment with photovoltaic systems into the building's design.

Subsequent to the hearing, Borough President Adams received additional testimony from the local resident, clarifying her opposition to the proposed development.

Consideration

Brooklyn Community Board 13 (CB 13) approved this application on November 20, 2019.

The proposed land use action would affect the entire block, between West Second and West Fifth streets, and between Sea Breeze and West Brighton avenues. The block is currently zoned R6, a medium-density, non-contextual height-factor district. In addition to residences, permitted uses include Use Group (UG) 3 which consists of such uses as libraries, long-term care facilities and schools, as well as UG 4 comprised by ambulatory and diagnostic treatment, health care facilities, houses of worship, and non-profit or voluntary hospitals, among other use.

The applicant's property, 271 Sea Breeze Avenue, is an approximately 27,700 sq. ft., L-shaped through-lot that extends 150 feet along Sea Breeze Avenue, with an interior and corner lot section extending along West Brighton Avenue to West Second Street. The development of 271 Sea Breeze Avenue is inclusive of

being merged with the adjacent property containing 301 Sea Breeze Avenue, a local house of worship. The resulting 38,385 sq. ft. zoning lot produced the nearly complete 20-story building with 115 residential condominium units. According to the latest Schedule A filed with the New York City

Department of Buildings (DOB), the lower four floors building have been constructed to accommodate community facility ambulatory medical and school space, as well as required parking. If the proposed rezoning is approved, the building's Schedule A might be amended to enable the Certificate of Occupancy (C of O) for ground-floor commercial use in lieu of the filed community facility use.

Development on this block includes Temple Beth Abraham, a 7,285 sq. ft. synagogue located at 301 Sea Breeze Avenue, on a 10,679 sq. ft. lot with frontage on Sea Breeze Avenue, with its remaining floor area rights being utilized as part of the 271 Sea Breeze Avenue development. At 321 Sea Breeze Avenue is Sea Breeze Synagogue, similarly improved with a Jewish house of worship, the 14,112 sq. ft. on a 11,392 sq. ft. lot also fronting on Sea Breeze Avenue. Along West Fifth Street between Sea Breeze and West Brighton avenues is a 21,825 sq. ft. lot that is currently used as surface parking for the Trump Village apartments across West Brighton Avenue. The environmental assessment statement (EAS) for 271 Sea Breeze Avenue examined this parking lot as a potential development site. Finally, at 205 Sea Breeze Avenue is a six-story apartment building with frontage on West Second Street.

With adoption of the proposed rezoning, 271 Sea Breeze Avenue was represented to contain approximately 25,020 sq. ft. of commercial use on the two lower floors, and 12,165 sq. ft. of community facility space. The ground floor would contain approximately 9,000 sq. ft., intended primarily for retail occupancy, while the second-floor commercial space would be occupied entirely by a 16,000 sq. ft. physical culture establishment (PCE). It should be noted that the project's community facility square footage includes floor area from the synagogue. Therefore, the envisioned amendment to the Schedule A would result in fewer than 5,000 sq. ft. of new community facility space.

Because the building is located in a flood zone, the commercial ground floor would be classified as cellar space, and would not count toward its total floor area. As a result, typical C2 district limitations on commercial use above the ground floor would not apply to 271 Sea Breeze Avenue, where the second-story commercial use would be considered the first floor.

The surrounding context is primarily residential with multifamily elevator buildings of up to seven stories, high-rise co-operative apartment complexes, such as the 23-story Trump Village Estates and the Shorecrest Towers Apartments. Nearby community facilities include houses of worship and schools. The area has plentiful open space resources. The development's Sea Breeze Avenue frontage overlooks the recently renovated Asser Levy Park, while the Riegelmann Boardwalk is accessible via entrances from Surf Avenue. The proposed development is situated three blocks east of the Special Coney Island District (SCID), approved in 2009 to facilitate the redevelopment of a 20-block zone into an entertainment district with more than 2,000 new housing units. The property is also situated west of the Brighton Beach retail corridor, zoned C1-2, which extends from Ocean Parkway to Brighton 15th Street.

The area is accessible via buses and subways. The B36 bus travels along West Fifth Street, stopping mid-block between Sea Breeze and West Brighton avenues. The B68 bus travels along West Brighton Avenue.

Borough President Adams supports the inclusion of ground-floor retail space in the proposed development, and believes that such commercial use is an important opportunity to enliven the streetscape on Sea Breeze and West Brighton avenues. By providing a more active streetscape, commercial ground-floor space has the potential to not only activate the street but also generate more pedestrian foot traffic as well as an overall brighter and safer atmosphere. This is further enhanced when lighting from stores supplements the city's street lights. The proposed development's location in proximity to the Second Avenue/Broadway Express Q train Ocean Parkway station entrance, located two short

blocks east of the site, and the nearby Sixth Avenue Local F train at West Eighth Street, with an entrance on West Sixth Street, provides an opportunity to activate pedestrian pathways to these stations.

In addition, the anticipated storefront illumination and intended installation of lighting along the development's extensive West Brighton Avenue façade, would further enhance pedestrian safety along a corridor where overhead train tracks create an adverse pedestrian experience.

Borough President Adams is generally supportive of the proposed zoning map amendment. While commercial overlays are typically mapped to a depth of 100 feet, rather than entire blocks, he believes that 271 Sea Breeze Avenue's location on a through-lot, and the potential benefit of achieving commercial use in any future development on the block, merits the approval of such zoning overlay request. He also believes that the proposal could be improved by setting aside a portion of the non-residential space for arts and cultural and/or non-profit organizations, staging car-share operations within the development's parking garage, and advancing sustainable and resilient stormwater management practices through the installation of rain gardens along the Sea Breeze and West Brighton avenues' sidewalks.

Set Aside Portion of Commercial Space for Local Arts/Cultural and Non-Profit Organizations

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space in the borough. These organizations play an important role in the neighborhoods they serve but often struggle to secure the necessary space to expand and sustain their programs. Many cultural entities have contacted the Office of the Brooklyn Borough President with these concerns. It has been Borough President Adams' policy to review discretionary land use actions for opportunities to promote cultural and non-profit uses.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining the challenges for artists in the borough, along with accompanying recommendations. The report highlighted the benefits of arts and dance, which include maintaining physical fitness, promoting creative self-expression, and significant contributions to the vibrant culture of Brooklyn. Among the difficulties faced by the Brooklyn arts community is an absence of diversity — according to 2000 United States Census data, fewer than half the individuals working in dance are people of color. Additionally, public funding for the arts in New York City has shrunk dramatically in recent years, by 37 percent from the New York State Council of the Arts (NYSCA), 15 percent from the National Endowment for the Arts (NEA), and 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data show that cultural programs generate a variety of positive effects, which include combating the borough's high rate of obesity. As of 2016, 61 percent of adults are overweight or obese, according to the New York State Department of Health (NYSDOH). Research by the Citizens' Committee for Children of New York has found that such activities also help children succeed in school. Moreover, demand for cultural programs continues to grow across Brooklyn. A 2015 report by the Center for an Urban Future found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Borough President Adams believes that the inclusion of arts and cultural entities and non-profit organizations at 271 Sea Breeze Avenue would provide benefits and enrichment to the community. The development's location is particularly advantageous given the area's considerable residential density, the number of youth and elderly in the vicinity, and its convenience to public transportation.

If the proposed rezoning is approved, 271 Sea Breeze Avenue would provide approximately 21,051 sq. ft. of commercial floor area, with approximately 9,015 sq. ft. reserved for a health club, and 12,756 sq. ft. of community facility floor area envisioned for medical offices. Borough President Adams believes that a portion of such non-residential space could be marketed to local arts or cultural groups, and/or locally-

based community organizations. However, he is aware that such uses cannot afford to compete with the rent that retail uses would likely pay to lease at this location.

Therefore, prior to considering this application, the City Council should obtain commitments, in writing, from the developer, 271 Sea Breeze Development, LLC, clarifying how it would memorialize setting aside a portion of the non-residential space for non-profit and/or arts and cultural organizations at below-market lease terms, as warranted.

Furthermore, to the extent that the City Council seeks to provide below-market rents to accommodate such non-profit and/or arts and cultural organizations, 271 Sea Breeze Development, LLC should actively solicit such entities, based on reasonable lease terms, as determined in consultation with CB 13 and local elected officials.

Staging Car-Share Operations within the Parking Garage

Borough President Adams supports the establishment of Transit Zones in the New York City Zoning Resolution (ZR) for the purpose of enabling construction of affordable housing developments without a requirement to provide car-parking accommodations. However, he acknowledges that access to automobiles would enhance mobility for the lives of the area residents. The costs associated with individual car ownership can be very challenging for households of limited financial means, particularly in instances in which such vehicles are not used on a daily basis for commuting to places of employment. However, there can be moments throughout the year when affordable access to automobiles would be considered a quality-of-life enhancement based on the type of mobility that an automobile can provide. While the proposed development site is located in a Transit Zone, access to motor vehicles could be a valuable benefit for current and future residents.

To some extent, a rental car can enhance mobility for certain trips, though it is not as flexible as having direct access to a car for a set amount of time and can be expensive for longer trips. Car rental requires, at minimum, a full day reservation as well as time and effort to access such facilities. In addition, research suggests that car-share availability reduces automobile use for individuals who already own cars, creating environmental benefits and reducing congestion.

According to ZR Section 36-46(a)(1), car-sharing entity parking is permitted to occupy up to five parking spaces though not more than 20 percent of all parking spaces, in group parking facilities. As proposed, 271 Sea Breeze Avenue would contain 130 attended parking spaces, beyond the 118 required by zoning. The parking garage entrance would be located on Sea Breeze Avenue. An off-street parking facility of that size provides an opportunity for rentals from car-share operators (based on reasonable pricing) to facilitate utilization of its parking spaces.

The applicant is aware that parking is a persistent challenge for local residents, and has proposed to exceed the number of parking spaces required by the ZR. As such, Borough President Adams believes that a portion of the building's parking garage could be set aside for a limited number of car-sharing vehicles. The staging of these vehicles within the garage should be pursued through dialogue with car-sharing companies.

Therefore, prior to consideration by the City Council and 271 Sea Breeze Development, LLC should engage car-sharing companies to lease multiple spaces within the garage, in consultation with CB 13, the New York City Department of Transportation (DOT), and local elected officials.

Advancing Sustainable Stormwater Management Policies

It is Borough President Adams' flood resiliency policy to encourage developers to introduce best practices to manage stormwater runoff such as incorporating permeable pavers and/or establishing rain gardens that advance the New York City Department of Environmental Protection (DEP)'s green infrastructure

strategy. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces are potential resources that could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Existing trees can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. Where existing street trees would remain, there would be opportunity for street tree pit enhancements to realize enhanced stormwater retention benefits while including more plantings, which would increase infiltration at this location and also make the site more pleasant for its users. Rain gardens (including street tree pit enhancements) would help divert stormwater from the City's water pollution control plants.

While 271 Sea Breeze Avenue is generally fully constructed, the pending Builders Pavement Plan provides an opportunity to incorporate additional resiliency and sustainability measures that would allow for the installation of DEP rain gardens along the site's Sea Breeze Avenue and West Brighton Avenue frontages. Street trees results in the provision of shade on days of excessive heat, as well as other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden and/or street tree pit enhancements would require a maintenance commitment and attention from the landlord. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption. However, the implementation of rain gardens could help advance DEP green water/stormwater strategies, enhancing the operation of the Coney Island Wastewater Treatment Plant during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

Borough President Adams believes that 271 Sea Breeze Development, LLC should consult with DEP, DOT, and the New York City Department of Parks and Recreation (NYC Parks) for consideration regarding the inclusion of a rain garden with integration of street trees and street tree pit enhancements as part of a Builders Pavement Plan. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 13 and local elected officials prior to agreeing to take action.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from the applicant, 271 Sea Breeze Development, LLC clarifying how it would memorialize integrating a one or more rain gardens within the public right-of-way. The City Council should further seek demonstration of 271 Sea Breeze Development, LLC's commitment to coordinate with DEP, DOT, and NYC Parks regarding the installation of DEP rain gardens as part of a Builders Pavement Plan for appropriate locations in consultation with CB 13 and local elected officials.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. That prior to considering the application, the City Council obtain commitments in writing from the applicant, 271 Sea Breeze Development, LLC, that clarify how it would:
 - a. Set aside a portion of the non-residential space for arts/cultural entities and non-profit organizations at below-market lease terms, as warranted
 - b. Engage car-sharing companies to lease multiple spaces within the garage, in consultation with Brooklyn Community Board 13 (CB 13), the New York City Department of Transportation (DOT), and local elected officials

- c. Explore the feasibility of incorporating one or more New York City Department of Environmental Protection (DEP) rain gardens within the development's public right-of way.