



IN THE MATTER OF an application submitted by 271 Sea Breeze Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d, by establishing within an existing R6 District a C2-4 District bounded by West Brighton Avenue, West 2nd Street, Sea Breeze Avenue and West 5th Street, Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only) dated September 23, 2019, and subject to the conditions of CEQR Declaration E-535.

The applicant, Sea Breeze Development, LLC, filed this application for a zoning map amendment on January 15, 2019 to map a C2-4 commercial overlay on an existing R6 zoning district. The proposed action would facilitate commercial use and allow for the applicant to apply for a Board of Standard Appeals (BSA) special permit for a Physical Culture or Health Establishment (PCE) in an existing 20-story building at 271 Sea Breeze Avenue located in the West Brighton neighborhood of Brooklyn, Community District 13.

BACKGROUND

The applicant is requesting a zoning map amendment to establish a C2-4 commercial overlay on an existing R6 district. The proposed project area consists of the entirety of Block 7280 (Lots 89, 92, 95, 110 and 188), located north of Asser Levy Park between West 2nd and West 5th streets, and Sea Breeze and West Brighton avenues. All are wide streets except for West 2nd Street, which is a narrow street. West Brighton Avenue is 120 feet, Sea Breeze Avenue and West 5th Street are 80 feet, and West 2nd Street is 50 feet wide.

The project area includes one zoning lot consisting of two tax lots under separate ownership (Block 7280, Lots 89 and 110). Lot 110 is an approximately 27,700 square foot L-shaped corner lot with a 20-story, 128,219-square-foot mixed-use residential and community facility building currently under construction. Lot 89 is an approximately 10,680-square-foot through lot, improved with a one-story, 7,285 square foot house of worship. The zoning lot has a built floor area ratio (FAR) of 0.68.

The remainder of the project area (Block 7280, Lots 92, 95, and 188) is improved with mix of uses. Lot 92 is improved with another house of worship that is two-stories tall. Lot 95 is used as a non-conforming open accessory parking lot for Trump Village, a residential development to the north of the project area. Lot 188 is improved with a six-story mixed-use residential building with a non-conforming retail medical supply store on a portion of the ground floor. The existing uses on these lots are expected to remain unaffected by the proposed action.

The project area is mapped with an R6 zoning district, a medium-density residential zoning district that allows for development to use either height factor or Quality Housing bulk regulations. The FAR for residential uses in R6 districts can range from 0.78 to 2.43 depending on open space provisions, or 2.2 to 3.0 FAR for Quality Housing buildings depending on street

width. Community facilities in R6 districts are allowed up to 4.8 FAR. The R6 district is generally mapped between West 19th Street to the west, Shore Parkway to the north, Sheepshead Bay Road to the east and Riegelmann Boardwalk to the south. Commercial uses are not allowed in R6 districts.

The area surrounding the project area is characterized by a high concentration of medium-density, multi-family residential buildings and some mixed-use buildings with commercial ground floors, ranging from four- to 24-stories tall. Community facility uses include houses of worship, schools, medical facilities and a library. West Brighton Avenue is developed with residential buildings that contain community facilities and institutional uses. The five-story P.S. 100 Magnet School Media Art and four-story Jim Thorpe P.S. 370 are located directly north from the project area along West Brighton Avenue. Sea Breeze Avenue is developed with medium-density, multi-family residential buildings. Parks and open spaces include Century Playground, Asser Levy Park, Riegelmann Boardwalk and the beach, and New York Aquarium. Century Playground is located to the north of the project area along West Brighton Avenue, Asser Levy Park is located to the south in between Sea Breeze and Surf avenues, Riegelmann Boardwalk and the beach are south of Surf Avenue, and New York Aquarium is south-west of Asser Levy Park on the southern side of Surf Avenue.

The project area is well-served by public transportation with the Ocean Parkway Q subway station located two blocks west and the West 8th Street – New York Aquarium F and Q subway station approximately one-half mile west. Bus service includes the B1, B36 and B68. All three bus stops are located within one to three blocks of the project area, providing service to areas mostly within south Brooklyn such as, Coney Island, Sheepshead Bay, Kingsborough Community College, Bay Ridge and Windsor Terrace. The project area is located within FEMA's Preliminary (2015) 1% Chance Flood Zone.

The project area is positioned between two major commercial centers, Brighton Beach and Coney Island. Commercial overlays are mapped along Brighton Beach Avenue with mixed-use residential and commercial buildings, including neighborhood retail and services, offices, and eating and drinking establishments. Coney Island is comprised of local retail and services, eating and drinking establishments and amusement and entertainment uses.

The applicant is proposing to establish a C2-4 commercial overlay across the entire tax block (Block 7280, Lots 89, 92, 95, 110 and 188) to facilitate a commercial use on Lot 110. C2-4 commercial overlays allow local retail uses and commercial development up to 2.0 FAR when mapped within R6 districts. These commercial overlays allow Use Groups 5-9 and 14, which include a wide variety of local neighborhood retail and service uses. When combined with R6 districts, C2-4 overlays require non-residential ground floor uses, which can be commercial or community facility uses. For general commercial uses, one off-street parking space is required for every 1,000 square feet.

The development proposed by the applicant would include approximately 25,000 square feet of commercial uses on the first two stories of the existing building on Lot 110. Uses on the floor at grade level would consist of neighborhood retail and the floor located one story above grade would be a PCE. The applicant intendeds to apply for a BSA special permit pursuant to Section 73-36 of the Zoning Resolution to facilitate the use. The proposed rezoning of the existing as-of-right building on Lot 110 would not facilitate new construction; it would only permit new commercial uses and the PCE. Due to the proposed building's location in the flood zone, the floor at grade level would be considered the cellar. As such, commercial uses would be allowed on the first floor, which, in this case, would be located one story above grade level in the C2-4 district. Portions of the building would be either wet or dry flood proofed. The applicant is required to provide 25 off-street accessory parking spaces for commercial and 80 spaces for residential for a total of 105 spaces. The applicant proposes to provide more off-street accessory parking spaces than required, 130 of which would be included in an attended garage accessible on Sea Breeze Avenue.

ENVIRONMENTAL REVIEW

This application (C 190172 ZMK), 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 19DCP193K.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on September 23, 2019.

UNIFORM LAND USE REVIEW

This application (C 190172 ZMK) was certified as complete by the Department of City Planning on September 23, 2019 and duly referred to Brooklyn Community Board 13 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 202(b).

Community Board Public Hearing

Brooklyn Community Board 13 held a public hearing on this application (C 190172 ZMK) on October 23, 2019 and on November 20, 2019, by a vote of 26 in favor, none opposed, and one abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

The application (C 190172 ZMK) was considered by the Brooklyn Borough President, who held a public hearing on November 13, 2019 and issued a recommendation to approve the application with the following conditions:

“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.”

City Planning Commission Public Hearing

On December 18, 2019 (Calendar No. 6), the City Planning Commission scheduled January 8, 2020 for a public hearing on this application (C 190172 ZMK). The hearing was duly held on January 8, 2019 (Calendar No. 32). There was one speaker in favor of the application and one in opposition.

The applicant’s representative described the project area, development site and actions requested, and explained the proposal to rezone for commercial use. He stated that the residential and community facility portions of the building are currently under construction and are as-of-right.

A resident from Coney Island, Brooklyn spoke against the proposal expressing concerns about traffic and resiliency.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 190172 ZMK) was reviewed by the City Coastal Commission 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 February 3, 2016, 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 17-146.

This action was determined to be consistent with the policies of the WRP.

CONSIDERATION

The City Planning Commission believes that this application (C 190172 ZMK) for a zoning map amendment is appropriate.

The requested actions will facilitate the development of approximately 25,000 square feet of commercial uses on the first two floors of the existing building on Lot 110. The additional uses will provide local retail options adjacent to public parks and open spaces that attract pedestrians and visitors from nearby Coney Island, Asser Levy Park and Riegelmann Boardwalk.

The Commission notes that the two houses of worship within the project area have been in the neighborhood since the 1960s and are not expected to change. The proposed action will bring the medical supply store located on Lot 188 and the open accessory parking lot on Lot 95 into conformance.

The project area is located between two major commercial centers, Brighton Beach and Coney Island. The proposed actions will allow ground floor retail to activate this blockfront and provide for active foot traffic between the two major commercial centers. The lack of active ground floor uses such as commercial and retail spaces, coupled with surface parking lots, disconnects and isolates the project area from these commercial centers, which discourages a vibrant, pedestrian streetscape. In addition, the new commercial development generated by this proposal is expected to be in context with the mixed-use residential and commercial buildings along the Brighton Beach Avenue, a commercial corridor.

The Commission acknowledges the Brooklyn Borough President's recommendation to set aside a portion of the non-residential space for arts/cultural entities and non-profit organizations at below-market lease terms, and notes that the terms of private lease or sale agreements are outside of the scope of this application.

The Commission also acknowledges the Brooklyn Borough President's recommendation to engage car-sharing companies to lease multiple spaces within the garage, but notes that this recommendation is also outside the scope of this application.

Regarding the Borough President's recommendation to explore the creation of rain gardens, such programing in the mapped street is outside the scope of the proposed actions, however the Commission supports the efforts of the private applicant to coordinate their proposal with DEP, DOT, and DPR to promote storm water management within the public right-of-way.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on September 23, 2019 with respect to this application (CEQR No. 19DCP193K) that the City Planning Commission finds that the action described herein will have no significant adverse impact on the environment, and be it further

RESOLVED, by the City Planning Commission pursuant to Sections 197-c 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. 28d, by establishing within an existing R6 district a C2-4 district bounded by West Brighton Avenue,

West 2nd Street, Sea Breeze Avenue and West 5th Street, Borough of Brooklyn, Community District 13, as shown on diagram (for illustrative purposes only) date September 23, 2019.

The above resolution (C 190172 ZMK), duly adopted by the City Planning Commission on February 5, 2020 (Calendar No. 12), 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.

MARISA LAGO, *Chair*

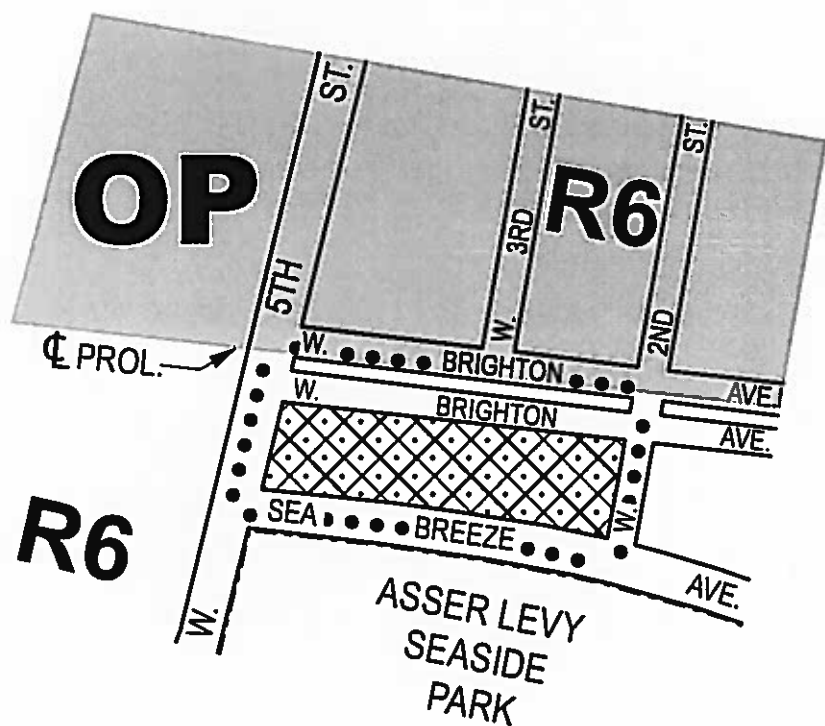
KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,

MICHELLE R. DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY,

HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,

LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*



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

28d

**BOROUGH OF
BROOKLYN**



New York, Certification Date:
September 23, 2019

S. Lenard, Director
Technical Review Division



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by establishing a C2-4 District within an existing R6 District.
- Indicates a C2-4 District
- Indicates a Special Ocean Parkway District (OP).

Community/Borough Board Recommendation
Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190172 ZMK**

CEQR Number: 19DCP193K

Project Name: **271 Sea Breeze Avenue**

Borough(s): Brooklyn

Community District Number(s): 13

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

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
 - **EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (8-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - **MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by 271 Sea Breeze Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d, by establishing within an existing R6 District a C2-4 District bounded by West Brighton Avenue, West 2nd Street, Sea Breeze Avenue and West 5th Street, Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only) dated September 23, 2019.

Applicant(s): 271 Sea Breeze Development LLC 271 Sea Breeze Avenue Brooklyn, NY 11224		Applicant's Representative: Eric Palatnik, Esq. Eric Palatnik, P.C. 32 Broadway, Suite 114 New York, NY 10004	
Recommendation submitted by: Brooklyn Community Board 13			
Date of public hearing: Oct. 23, 2019		Location: Education Hall NY Aquarium 602 Surf Ave	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: Nov. 20, 2019		Location: Education Hall NY Aquarium 602 Surf Ave.	
RECOMMENDATION			
<input checked="" type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>			
Voting			
# In Favor: 26		# Against: 0	
# Abstaining: 0		# Recuse: 1	
Total members appointed to the board:			
Name of CB/BB officer completing this form Joann Weiss		Title Chairperson	
		Date 11/21/2019	



Email/ Fax Transmittal

TO: Brooklyn Community District 13 (CD 13) Distribution	FROM: Borough President Eric Adams
DATE: January 2, 2020	CONTACT: Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: iguzenfeld@brooklynbp.nyc.gov
ULURP Recommendation: 271 SEA BREEZE AVENUE REZONING – 190172 ZMK	NO. Pages, Including Cover: 7

Attached is the recommendation report for ULURP application 190172 ZMK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

Distribution

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Eric Palatnik	Applicant's Representative, Eric Palatnik PC	(212) 425-4343	eric@ericpalatnikpc.com
Richard Bearak	Director, Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

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

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.