19 Maspeth Avenue Rezoning
19 Maspeth Avenue
Block 2893, Lots 1 and 59
Borough of Brooklyn
October 8, 2024

I. Introduction

This is an application by Capscar III LLC (the "Applicant"), the owner of the property located at 19 Maspeth Avenue (Block 2893, Lots 1 and 59), Borough of Brooklyn (the "Development Site"). The Applicant proposes to rezone the Development Site and the block immediately to the west (Block 2892, Lots 1, 37, 38, 39 and 40) (together with the Development Site, the "Project Area") to an R7D residence district and a C2-4 commercial district overlay, for the purpose of developing the Development Site with a new six-story residential and commercial building (the "Proposed Development"). The Applicant proposes to map a Mandatory Inclusionary Housing ("MIH") area over the Project Area, requiring compliance with Option 1 or Option 2 of the MIH program.

The land use actions required to facilitate the Proposed Development are as follows:

1. Zoning map amendment to:

    a. Rezone (i) the portion of Block 2892 bounded by Humboldt Street, Maspeth Avenue, Woodpoint Road and Conselyea Street; and (ii) the portion of Block 2893 bounded by Woodpoint Road, Maspeth Avenue and Conselyea Street, from a C8-2 zoning district to an R7D zoning district and a C2-4 commercial overlay;

2. Zoning text amendment to add a new Mandatory Inclusionary Housing area in Appendix F of the Zoning Resolution.

II. Background

The C8-2 zoning district mapped over the Project Area is a legacy zoning district mapped since 1961, which has been reduced in size over the years, as the neighborhood character tends more toward residential and commercial uses and away from auto-related uses. In 1961, the C8-2 district mapped over the Project Area was also mapped over portions of blocks to the west (Blocks 2760 and 2765) and the southeast (Blocks 2907 and 2916) and the entirety of two small blocks to the south (Blocks 2897 and 2766).

Within a radius of 600 feet of the Development Site (the "Surrounding Area"), there have been three rezonings since 2009 and one BSA approval.[1]

In 2009, the Surrounding Area was comprehensively rezoned via the Greenpoint-Williamsburg Contextual Rezoning (ULURP C 090334 ZMK).[2] In connection with such rezoning, the C8-2 district in which the Project Area was located was reduced in size. The blockfronts on either side of Metropolitan Avenue west of Humboldt Street (Blocks 2760 and 2765) were rezoned to an R7A district with a C2-4 commercial district overlay.

In November 2021, the boundaries of the subject C8-2 district were further reduced when an area one block south of the Development Site (Block 2916, Lot 14) was rezoned from C8-2 and R6B zoning districts to an R7A zoning district with a C2-4 commercial district overlay (ULURP C 200314 ZMK). In its report, the City Planning Commission stated that the existing C8-2 district "is no longer reflective of the land use trends in the area. The proposed R7A/C2-4 district will accommodate the growing demand for housing near transit, city parks, and community facilities and will improve pedestrian conditions near a prominent intersection in the area." Thus the CPC determined that elimination of an existing C8-2 zoning district was appropriate due to growing residential trends in the area, and that a R7A zoning district was an appropriate scale for the neighborhood.

Also in November 2021, a large City-owned parcel, the former Greenpoint Hospital Campus, which is one block east of the Development Site, was rezoned from an R6 zoning district to an R7-2 District, a portion of which was rezoned with a C2-4 commercial district overlay (ULURP C 210480 ZMK).[3] The development permitted by the various land use actions (Cooper Park Commons) will include residential (553 units of affordable housing), commercial and community facility uses within two new buildings – one 18 stories and the other 14 stories – and two renovated and enlarged existing buildings. The CPC stated in its report that the rezoning supported the redevelopment of the former Greenpoint Hospital site, which was underutilized for decades, and would help activate an entire city block near NYCHA's Cooper Park Houses.

The Development Site has been used for automobile related uses since the 1960s, and for on-grade open parking since at least 2009. Since 2015, the Applicant has used the Development Site

[1] The BSA approval was for a common law vested right in an R6B district to continue construction of a five-story residential building that had been commenced under a prior R6 district, under BSA Cal No. 346-12-A.
[2] The purpose of this rezoning was to protect the existing character of residential areas east of the 2005 rezoning area.
[3] Related actions included a large-scale general development special permit (ULURP C 210481 ZSK), a zoning text amendment to establish an MIH Area (N 210482 ZRK), an urban development action area designation, an urban development action area project approval and disposition of City-owned property (ULURP C 210483 HAK), and a disposition approval to change the use restriction from a health care facility to a general community facility use (ULURP C 210484 PPK).

for parking. The parking is for New York Heating, a heating contractor's establishment operated by the Applicant at 354 Humboldt Street (Block 2766, Lot 1), two blocks to the south.

III. Surrounding Area

The Project Area is located in East Williamsburg, in Brooklyn Community District 1. The Project Area comprises two entire blocks: a portion of Tax Block 2893 (the Development Site) and a portion of Tax Block 2892, bounded on the north by Conselyea Street (a 60-foot-wide street), on the south by Maspeth Avenue (a 70-foot-wide street), and the west by Humboldt Street (a 60-foot-wide street).[4] Generally, the Surrounding Area is characterized a mix of low- and medium-sized residential and mixed-use buildings, in addition to some commercial, institutional and auto-oriented uses. Metropolitan Avenue, an 80-foot-wide street and a major corridor in East Williamburg, is one block to the south of the Project Area.[5]

A. Land Uses and Built Form

Land uses in the Surrounding Area include public parks, residential, commercial, and community facility uses. The bulk context is characterized largely by 2- to 4-story residential and mixed use buildings, with an increasing number of 7-story residential and mixed use buildings.

Immediately north of the Development Site, Block 2893 is characterized largely by two- to four-story multi-family walkups on small lots, with a couple of 7-story mixed use buildings on larger parcels. The 7-story condominium building at 234 Skillman Avenue, constructed in 2004, contains 67 residential units and about 54,000 square feet of floor area. The 7-story building at 65 Maspeth Avenue, also constructed in 2004, contains 23 apartments and approximately 28,000 square feet of floor area. Blocks 2892 and 2755, the other two blocks in the Surrounding Area immediately north of Conselyea Street, are dominated by facilities owned by St. Francis of Paola Roman Catholic Church, including the church at 211 Conselyea Street, a four-story chapel and rectory at 206 Skillman Avenue, a one-story recreation center at 410 Humboldt Street, and a one-story school at 195 Conselyea Street. The remainder of Block 2755 and the blocks north or Skillman Avenue – Blocks 2750, 2883 and 2884 – are characterized mainly by 3-story multifamily walkups, with occasional 2- 4- and 5-story primarily residential buildings.

Immediately south of the Development Site, Block 2907 is also characterized largely by two- to four-story multifamily walkups on small lots. The 7-story mixed use building at 36 Maspeth Avenue, constructed in 2008, contains 53 residential condominiums and approximately 40,000 square feet of floor area. The 7-story mixed use building at 94 Maspeth Avenue (on the corner

[4] Each block, though a full "block" per the ZR 12-10 definition by being fully bounded by streets, is only a portion of its respective Tax Block.
[5] Metropolitan Avenue drops to 66 feet in width east of Bushwick Avenue.

of Olive Street), constructed in 2007, contains 87 residential condominiums and approximately 61,000 square feet of floor area. Also, there is a five-story multi-family elevator building at 58 Maspeth Avenue constructed in 2007 with 16 apartments and approximately 16,000 square feet of floor area. Along the western edge of the block (within the C8-2 district), there is a one-story auto repair shop. One block east of the Project Area, outside of the Surrounding Area, is Cooper Park, a 6.4 acre City park with basketball courts, tennis courts, a skate park, playgrounds and a dog run.

There are two small triangular City parks within the Surrounding Area: Memorial Gore, comprising the entirety of Block 2897, and Orient Grove, comprising the western tip of Block 2912.

B. Zoning

The Project Area and a portion of Block 2907 to the south are located in a C8-2 zoning district. Immediately north and east of the Development Site are R6A districts, partially mapped with a C2-4 overlay, and an R6B district. There are R7A districts, with a C2-4 district overlay and within an MIH area, along both sides of Metropolitan Avenue, extending several blocks west from Humboldt Street. In addition, there is an R7-2 district within an MIH area about one block east of the Development Site; a C2-4 district overlay is mapped along Maspeth Avenue.

In C8-2 commercial districts, residential uses are not permitted. C8-2 districts permit certain community facility uses in Use Groups III and IV, and commercial uses in Use Groups VI through IX, including auto-related uses. C8-2 districts allow a commercial FAR of 2.0 and a community facility FAR of 4.8. Buildings are subject to a maximum front wall height of 60 feet, above which buildings are subject to a sky exposure plane of 2.7 vertical to 1.0 horizontal on narrow streets and 5.6 vertical to 1.0 horizontal on wide streets. Parking requirements depend on the use; for small retail and ambulatory care facilities, one space per 400 square feet of floor area is required.

In R6B, R6A, and R7A districts, residential and community facility uses are permitted as-of-right.

R6B districts allow a residential and community facility FAR of 2.0 and a FAR for Affordable Independent Residences for Seniors ("AIRS") of 2.2. Residential and community facility buildings are subject to a maximum base height of 40 feet and a maximum building height of 50 feet.

R6A districts allow a residential and community facility FAR of 3.0 and an AIRS FAR of 3.6. Residential and community facility buildings are subject to a maximum base height of 60 feet and a maximum building height of 70 feet.

R7A districts, within MIH areas, allow a residential FAR of 4.6, a community facility FAR of 4.0, and an AIRS FAR of 5.1. Residential and community facility buildings may rise to a maximum base

height of 75 feet and a maximum building height of 90 feet or, with a qualifying ground floor, 95 feet and 9 stories.

R7-2 districts, within an MIH area and within 100 feet of a wide street, allow a residential FAR of 4.6, a community facility FAR of 6.5, and an AIRS FAR of 5.01. Buildings in R7-2 districts within an MIH area may rise to a maximum base height of 75 feet and a maximum building height of 135 feet. [6]

In C2-4 commercial overlay districts retail and personal service establishment uses are permitted as-of-right. C2-4 districts allow a commercial FAR of 2.0.

C. Special Zoning Areas

In connection with the rezonings in 2021, new MIH areas were mapped in the Surrounding Area. An MIH Area was mapped over the area bounded by Maspeth Avenue, Kingsland Avenue, Jackson Street, and Debevoise Avenue, which was rezoned to R7-2. An MIH Area was also mapped over the area bounded by Metropolitan Avenue, Bushwick Avenue, the centerline between Metropolitan Avenue and Devoe Street, and a line 215 feet east of the intersection of Metropolitan and Bushwick Avenues, which was rezoned to R7A. Both MIH Areas were mapped for Option 1 and the Deep Affordability Option.

D. Public Transit

The Development Site and Surrounding Area is within a Transit Zone. The Graham Avenue L train station is one block east of the Project Area, linking Manhattan (14th Street/8th Avenue) to outer Brooklyn (Canarsie-Rockaway Parkway). From the L train, nearby transfers can be made to the G train one stop west at Lorimer Street; the 4, 5, 6, N, Q, R and W five stops west at Union Square, Manhattan; and the M train six stops east at the Myrtle-Wyckoff Avenue station. There are several bus lines within a short distance of the Project Area. The B24 bus, which connects Greenpoint, Williamsburg and Long Island City, operates on Metropolitan and Kingsland Avenues. The B43 bus, which connects Greenpoint to Flatbush Avenue and Lincoln Road, operates on Graham Avenue. The Q54 and the Q59 buses, which connects Williamsburg to Queens, operate on Grand Street, also near the Project Area.

[6] If the City of Yes for Housing Opportunity text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, R6B districts would allow up to 2.4 FAR for affordable and senior housing and a maximum height of 65 feet; R6A districts would allow up to 3.9 FAR for affordable and senior housing and a maximum height of 95 feet; R7A districts mapped as MIH areas would allow up to 5.01 FAR for affordable and senior housing and a maximum height of 115 feet; and R7-2 districts mapped as MIH areas would allow up to 5.01 FAR for affordable and senior housing and a maximum height of 115 feet.

IV. Description of Proposed Project Area

The Project Area includes the Development Site, along with the block to the west (a portion of Block 2892), which collectively is bounded by Maspeth Avenue to the southeast (a 70-foot-wide street), Conselyea Street to the north (a 60-foot-wide street), Humboldt Street to the west (a 60-foot-wide street), and the intersection of Maspeth Avenue and Conselyea Street to the east.

The portion of Block 2892 within the Project Area is characterized by its overall small size and the small, irregular shapes of the individual tax lots. There is a small 1,729 square foot triangular religious shrine and park (Lot 37) called Vito Abate Grotto, owned and maintained by St. Francis Paolo Roman Catholic Church. There are two narrow through lots (Lot 38, which is 2,858 square feet, and Lot 39, which is 2,123 square feet) improved with two three-story walk up apartment buildings fronting on Maspeth Avenue, containing a total of 8 units, and two one-story garages fronting on Conselyea Street. There is also a 1,116 square foot interior lot (Lot 40) improved with three-story single family dwelling fronting on Maspeth Avenue. Completing the block, on an irregularly-shaped 3,905 square foot block-long property fronting on Humboldt Street (Lot 1), a new two-story ambulatory and diagnostic health care facility was constructed in 2018.

V. Description of Proposed Development Site

The Development Site comprises a 2,966-square-foot triangular block bounded by Conselyea Street to the north, Maspeth Avenue to the southeast, and Woodpoint Road to the west. The Development Site, which is open and unimproved, is used by the Applicant for parking in connection with the Applicant's contractor's establishment, located two blocks to the south at 354 Humboldt Street.

VI. Description of Proposed Development

The Applicant proposes to develop the triangular, 2,966-square-foot Development Site with a 6-story, 65-foot high, approximately 16,607 square foot building, equivalent to a 5.6 FAR. The Proposed Development will have approximately 2,342 square feet of commercial floor area on the ground floor and, on the upper 5 floors, 15 dwelling units, of which approximately 4 will be permanently affordable in compliance with Option 1 of the MIH program.

The Proposed Development will have an approximately 2,900 square foot triangular footprint with almost 100% lot coverage, given the small size of the Development Site and its triangular shape with frontage on three streets. To allow functional floorplates on the upper floors, the Proposed Development will extend to a height of 65 feet, without setbacks, and below the maximum permitted base height of 95 feet. The residential lobby will be on Conselyea Street, and the commercial space will have entrances on Woodpoint Road and Maspeth Avenue. There will be no accessory off street parking within the Proposed Development, as the required parking

(3 spaces for the non-MIH units) is under the threshold for waiver of 15 spaces. The Proposed Development will contain eight bicycle parking spaces in the cellar, the minimum required for 15 dwelling units.

Any development at the Development Site will almost certainly maximize residential FAR while not exceeding six stories in height. Although an 11-story building is permitted in an R7D district, the lack of setbacks and rear yards on the small triangular site will result in a squat, 6-story building that fully maximizes the permitted FAR of 5.6. The Development Site, which encompasses an entire block, is just 2,966 square feet and obtusely triangular. Because the zoning lot is bounded by streets, no yards or open space are required. The Proposed Development was designed without setbacks because it would not be practical to build floorplates any smaller than those proposed – the stairwells and/or elevator core of the building take up a significant portion of the floorplate and a further reduction in the floorplate would result in unusable dwelling units.

The Proposed Development will match buildings developed in nearby R6A and R7A districts in the number of stories and in their scale overall. The Proposed Development, as experienced from the street, will be modest and fully compatible with other recently-constructed buildings in the neighborhood, which is characterized largely by 2- to 4-story residential and mixed use buildings, with an increasing number of 7-story residential and mixed-use buildings.

The rezoning would facilitate creation of housing, including affordable dwelling units, on land that, under the current C8-2 zoning, would remain underutilized and unlikely to be redeveloped in the foreseeable future. Any residential zoning district less permissive than an R7D is unlikely to result in the production of any affordable housing units. In an R7A/C2-4 zoning district, the maximum floor area on the Development Site would be 13,643 square feet, of which residential floor area is likely to be less than 12,500 square feet, which is the minimum amount at which the MIH requirement for affordable dwelling unit applies.

VII. Actions Necessary to Facilitate Proposed Development

1. Zoning Map Amendment: Change from C8-2 to R7D/C2-4

The Applicant proposes a zoning map amendment to rezone from a C8-2 zoning district to an R7D zoning district with a C2-4 commercial district overlay the portion of Block 2892 bounded by Humbolt Street, Maspeth Avenue, Woodpoint Road and Conselyea Street, and the portion of Block 2893 bounded by Woodpoint Road, Maspeth Avenue and Conselyea Street.

Description of Proposed R7D and C2-4 Districts

In R7D zoning districts, residential uses are permitted an FAR of 4.2 (or 5.6 when paired with an MIH area). Community facility uses are permitted at an FAR of 4.2.

In an R7D district, for MIH and/or AIRS developments, the maximum base height is 95 feet, the maximum building height is 110 feet for buildings with non-qualifying ground floors and 115 feet for buildings with qualifying ground floors, and the maximum number of floors is 11.[7] Setbacks of 10 feet on a wide street or 15 feet on a narrow street are required above the maximum base height of 60 feet.

In an R7D district, accessory parking is required for 50% of the dwelling units. For zoning lots with a lot area of 10,000 square feet or less, the parking requirement is reduced to 30% of dwelling units. For sites in a Transit Zone, no accessory parking is required for income-restricted units, which would include affordable housing units in MIH developments.

In C2-4 commercial overlay districts retail and personal service establishment uses are permitted as-of-right. C2-4 districts allow a commercial FAR of 2.0.

Land Use Justification – Existing Context and Uses, Neighboring Developments, and Public Transit

The proposed R7D district is appropriate for the Project Area, given the existing residential uses in the Project Area, the existing built context, and the proximity to R7A districts nearby. The proposed R7D district is further supported by the Project Area's proximity to public transit, including the Graham Avenue station of the L subway train, which is located one block west.

The existing C8-2 zoning district mapped on the Project Area since 1961 is obsolete; the Development Site has been primarily vacant (except for open parking) and unimproved for decades. Over the past sixty years, the neighborhood has evolved toward more residential uses, evidenced by the non-conforming residential uses on most other properties within the Project Area. Of the five other lots within the Project Area, three contain residential uses (Lots 38, 39 and 40), one is used for open space (Vito Abate Grotto), and one has been newly developed with a two-story office building, but is currently vacant (Lot 1). Lots 38 and 38 contain two three-story

[7] If the City of Yes for Housing Opportunity text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, in an R7D district the maximum permitted residential FAR would be 4.66, and the maximum permitted residential FAR for affordable or senior housing (including MIH developments) would be 5.6. The maximum permitted height for affordable or senior housing (including MIH developments) would be 125 feet. And finally, no parking would be required for the residential dwelling units.

walk up apartment buildings, containing a total of 8 units, and Lot 40 contains a three-story single family dwelling.

The rezoning would facilitate a development at the Development Site that fits in seamlessly with the surrounding context, which is characterized largely by 2- to 4- story residential and mixed use buildings, with an increasing number of 7-story residential and mixed-use buildings. Although development on the other block within the Project Area (Block 2893) is unlikely, any development that would occur would be of similar or lesser scale than the Proposed Development. Such development, if and when it occurs, would fit in seamlessly with development occurring in the R6A and R7A districts nearby. R7A districts are mapped nearby along Bushwick Avenue and Metropolitan Avenue, providing an existing context for the proposed R7D district.

The Project Area is well-connected to public transit and thus an ideal location for transit-oriented development. The Graham Avenue L train station is one block east of the Project Area, linking Manhattan (14th Street/8th Avenue) to outer Brooklyn (Canarsie-Rockaway Parkway), with connection to the G, 4, 5, 6, N, Q, R and M at Lorimer Street, Union Square, and Myrtle-Wyckoff stations. There are also several bus lines within a short distance of the Project Area.

A C2-4 commercial overlay is appropriate for the Project Area because it will facilitate ground-floor retail in an ideal location: the intersection of five different streets (Metropolitan Avenue, Maspeth Avenue, Bushwick Avenue, Conselyea Street, and Humboldt Street). The C2-4 district mapping will also continue the C2-4 commercial overlay that runs along Metropolitan Avenue, thus facilitating a consistent retail corridor along Metropolitan Avenue, east of Humboldt Street, and up along Maspeth Avenue, culminating in ground floor retail at the Development Site.

2. Zoning Text Amendment: MIH Area

The Applicant proposes to amend Appendix F of the Zoning Resolution to create a Mandatory Inclusionary Housing Program Area across the Project Area, in which Options 1 and 2 are applicable. Option 1 requires that, for new residential developments, an amount of affordable floor area equivalent to at least 25% of the residential floor area within the development be provided, with the weighted average of all income bands not exceeding 60% AMI. No more than three income bands may be provided, with no income band exceeding 130% of the income index, and at least 10% of the residential floor area shall be affordable to an income band at 40% of the income index. Option 2 requires that, for new residential developments, an amount of affordable floor area equivalent to at least 30% of the residential floor area within the development be provided, with the weighted average of all income bands not exceeding 80% AMI. Not more than three income bands may be provided, with no income band exceeding 130% of the income index.

VIII. Conclusion

The Applicant seeks two actions to facilitate the Proposed Development, a 6-story, approximately 16,607 square foot mixed use building containing 15 dwelling units, of which approximately 4 will be permanently affordable, and approximately 2,342 square feet of ground floor commercial floor area. The C8-2 district designation is obsolete, as evidenced by the historical trend toward residential uses in the Surrounding Area, in addition to the predominant residential character of the other properties in the Project Area. The scale and massing of the Proposed Development, necessitated by the small size of the block constituting the Development Site, is consistent with the scale and massing of other recent developments nearby.