Project Description (LR Item 3)

Project ID: P2019K0213

103 Lee Avenue, Brooklyn

March 2021

1. Introduction

This application seeks a zoning map amendment and zoning text amendment (the "Proposed Actions") by Sbeny Holdings, LLC. (the "Applicant"). The proposed zoning map amendment seeks to rezone all of portions of seven (7) properties classified on the New York City ("the City") tax maps as Block 2200, Lots 6 and 4 (p/o) and Block 2199, Lots 22, 33 (p/o), 39 (p/o), 43 (p/o) and 44 (p/o) (the "Project Area") from R6 and R6/C1-3 to R7X/C2-4. Block 2200, Lot 6 and the portion of Lot 4, Block 2199, Lot 43 and Lot 44 in the proposed Project Area are currently zoned R6, while the Lots 33 (p/o) and 39 (p/o) on Block 2199 are zoned R6/C1-3. The Project Area is located in the Williamsburg section of Brooklyn Community District #1. The proposed zoning text amendment seeks to amend Appendix F of the Zoning Resolution of the City of New York ("ZR") to establish the Project Area as a Mandatory Inclusionary Housing Area ("MIH").

The Proposed Actions would facilitate the development of a new 52,925 square foot (5.95 FAR) 8-story commercial building (the "Proposed Development") on Block 2200, Lot 6 (the "Development Site"). The building would consist of 45,139 square feet of residential floor area and 7,786 square feet of commercial floor area. The building would rise to a total height of approximately 84 feet

The proposed text amendment would map the Project Area as MIH pursuant to Option 2. Option 2 requires that at least 30% of residential floor area must be affordable for residents with incomes averaging 80% AMI and below. Under Option 2, there will be a minimum of 13,541 square feet of permanent income-restricted dwelling units.

2. Background

In July 2009, the City Council adopted the Greenpoint/Williamsburg Contextual Rezoning (C 090334 ZMK). The rezoning affected an approximately 175 block area in the Greenpoint and North Williamsburg neighborhoods within Brooklyn Community District #1. The rezoning aimed to preserve neighborhood character and scale by limiting the height of new development, create opportunities and incentives for affordable housing and support local retail corridors while

protecting the residential character of nearby side streets. The southern boundary of the Rezoning Area is at Scholes Street, which is located approximately 6 blocks northeast of the Development Site.

In July 2012, the City Council adopted the Zoning Map amendment for (C 100041 ZMK). The rezoning affected approximately 3 blocks in the South Williamsburg neighborhoods within Brooklyn Community District #1. The rezoning demolished a low-rise storage and distribution facility and constructed two, eight-story buildings. The rezoning reinforces the existing development in the subject area, which is characterized by residential buildings between four- to seven-stories

The Board of Standards and Appeals ("BSA") in December 2015 under BSA Cal # 316-14-BZ approved a variance for an enlargement of an existing Yeshiva building at 115 Heyward Street (Block 2225, Lot 42) located approximately 5 blocks southeast of the Development Site.

The BSA in May 2006 under BSA Cal #72-05-BZ approved a variance for the erection of a synagogue and Yeshiva, with accessory residences at 245 Hooper Street (Block 2201, Lot 51) located approximately 2 blocks northeast of the Development Site.

There have been no other land use actions approved within the last 10 years, within 600 feet of the Development Site.

3. Description of the Surrounding Area

The Project Area is located along Lee Avenue in the Williamsburg area of Brooklyn Community District #1. Lee Avenue is a commercial arterial for this area and is 70 feet in width along this segment. The surrounding area is characterized by a mix of building types and uses. However, the surrounding area primarily contains medium density multi-family residential buildings typically found in the underlying R6 district and the R7-1 district mapped directly south of the underlying R6 district. In terms of built-form, the buildings in the immediate surrounding area are typically 4-6 stories in height. However, taller buildings are found in the surrounding area as well including most notably the NYCHA Williams Plaza Housing complex, which contains buildings ranging from 13-18 stories, located one block northeast of the Development Site. The Development Site would be consistent with the NYCHA Williams Plaza Housing complex, which contains buildings ranging from 13-18 stories. The Brooklyn Queens Expressway (I-278) runs immediately west of the Development Site.

The area is also characterized by its high volume of community facility uses, mostly synagogues and yeshivas utilized by the Orthodox Jewish population of the South Williamsburg area. The large R6 district is mapped over and immediately surrounding the Development Site, with a C1-3 Commercial Overlay along Lee Avenue. Lee Avenue serves as a local neighborhood retail

destination for the community containing mostly 4-5 residential buildings with ground floor retail. The retail stores include restaurants, pharmacies, shoe stores and clothing stores.

The surrounding area contains several community facility buildings. Some of the more notable community facility uses, located within the immediately surrounding area, include Brooklyn School District 14 which also contains in the same building the Juan Morel Campus Intermediate School 71 located at 215 Heyward Street; Congregation Yetev Lev Satman – Avreichim Zupnic located at 193 Keap Street; Tzanz Klausenburg located at 131-139 Lee Avenue; and the Transfiguration Roman Catholic Church located at 263 Marcy Avenue.

The Project Area is currently located in an R6 and R6/C1-3 districts and is located in the Transit Zone.

R6 districts are general residential districts that are widely mapped in built-up, medium density areas in Brooklyn. The R6 zoning district allows residential buildings under Quality Housing and Height Factor regulations. Under Height Factor regulations, a maximum FAR from 0.78 to 2.43 is permitted, along with a required open space ratio (OSR) from 27.5 to 37.5 percent. Under Quality Housing regulations, a maximum FAR of 3.0 is permitted with 4.8 FAR permitted with the inclusion of community facility use. Under Quality Housing regulations, contextual street wall and maximum heights are regulated, while under Height Factor regulations, the sky exposure plane controls the maximum height after a maximum street wall height of six-stories or 60 feet. For Height Factor buildings, 70% of dwelling units require parking, while for Quality Housing buildings 50% of dwelling units require parking with income-restricted dwelling units reduced in the Transit Zone.

There is a large R7-1 district mapped immediately south of the underlying R6 district. R7-1 residential districts are height factor districts that allow buildings with an FAR that ranges from 0.87 to 3.44 and with open space ratio that ranges from 15.5 to 25.5 percent. Building height is governed by a sky exposure plane which begins at a height of 60 feet above the street line. Parking is required for 50% of all dwelling units and affordable unit parking requirements are reduced inside the Transit Zone.

An M1-2 district is mapped just south of the R7-1 district. M1-2 districts allow for a variety of light manufacturing uses such as repair shops, wholesale service and storage facilities, as well as heavier industrial uses subject to stringent performance standards (Use Groups 4-14, 16-17). The bulk parameters of the district allow for buildings up to 2.0 FAR, built to the front and side lot lines, with a 20-foot rear yard. Certain community facility uses (Use Group 4) are permitted up to 4.8 FAR. Building heights are regulated by a 1:1 sky exposure plane beginning at 30 feet (or two stories) above the street line. Off-street parking and loading facilities vary in M1-2 districts according to the type and size of the use on the property.

C1-3 districts are commercial overlay districts that are mapped over residential districts in order to provide local retail options for residential neighborhoods. C1-3 districts permit Use Groups 5

and 6 at a maximum FAR of 1.0 when mapped in lower density residential districts (R1 through R5) and a maximum FAR of 2.0 when mapped in higher density residential districts (R6 through R10).

The surrounding area is well served by public transit. The New York City Transit J, M, Z lines have a stop at Marcy Avenue and Broadway approximately three blocks north of the Development Site. The B44 SBS bus line runs southeast along Lee Avenue and provides service between Williamsburg and Sheepshead Bay. Based on this access to transit, the surrounding area is in the Transit Zone.

4. Description of the Proposed Project Area

The Proposed Project Area consists of the Block 2200, Lot 6 (the Development Site, explained in greater detail below) and six (6) additional properties. These consist of Block 2200, Lot 4 (p/o) and Block 2199, Lots 22, 33 (p/o), 39 (p/o), 43 (p/o) & 44 (p/o).

Block 2200 Lot 4 (111 Lee Avenue) is a 4,400 square foot rectangular interior lot with 44 feet of frontage along Lee Avenue. It is developed with a 6-story 22,968 square foot (5.22 FAR) mixed-use residential building with commercial uses on the ground floor. The building was built in 1915 and has no existing curb cuts. Therefore, the building is legally non-compliant. Only 11 feet of this lot is proposed to be included in the Project Area.

Block 2199, Lot 22 (100 Lee Avenue) is an irregular shaped 8,200 square foot corner lot located on the southeastern corner of Lee Avenue and Williamsburg Street East. The lot contains approximately 84 feet of frontage along Lee Avenue and approximately 217 feet of frontage along Williamsburg Street East and has no existing curb cuts. The lot contains a one-story approximately 9,775 square foot commercial building with multiple retail stores along the ground floor. Those retail stores include *Pastel*, *What-A-Bargain*, *Chocolate Wise* and *Grill on Lee* Kosher restaurant. The building was built in 1964. The entire lot is included in the Proposed Project Area.

Block 2199, Lot 33 (110 Lee Avenue) is a 3,300 square foot interior lot with 33 feet of frontage along Lee Avenue. It is developed with a 4-story multi-family residential building consisting of approximately 9,900 square feet of floor area (3.0 FAR). The building was built in 1920 so it is legally compliant and has no existing curb cuts. Approximately 15 feet of the lot would be included in the Proposed Project Area.

Block 2199, Lot 39 (145 Hooper Street) is a 7,250 square foot interior lot with 72.5 feet of frontage on Hooper Street. It is developed with 6-story multi-family residential apartments consisting of approximately 30,576 square feet of floor area (4.22 FAR) and has no existing curb cuts. The building was built in 1928 so it is legally compliant. Approximately 5 feet of the lot would be included in the Proposed Project Area.

Block 2199, Lot 43 (139 Hooper Street) is an 1,800 square foot interior lot with 18 feet of frontage on Hooper Street. It is developed with a 3-story 2 family building consisting of 3,240 square feet of floor area (1.80 FAR) and has no existing curb cuts. The building was built in 1899 and approximately 5 feet of the lot would be included in the Proposed Project Area.

Block 2199, Lot 44 (137 Hooper Street) is an 1,805 square foot interior lot with 18.5 feet of frontage on Hooper Street. It is developed with a 3-story community facility containing Yeshiva Michas Eluzar, consisting of 2,499 square feet of floor area (1.38 FAR) and has no existing curb cuts. The building was built in 1905 and approximately 5 feet of the lot would be included in the Proposed Project Area.

5. Description of the Proposed Development Site

The Proposed Development Site consists of Block 2200, Lot 6 (103 Lee Avenue). The Development Site is an 8,900 square foot corner lot located on the northeast corner of Lee Avenue and Keap Street in Williamsburg Community District #1. The lot has 89 feet of frontage along Lee Avenue and 100 feet of frontage along Keap Street, both of which are narrow streets at 70 feet wide. The lot is currently vacant and has an approximately 18' curb cut from the prior use on the Lee Avenue frontage, adjacent to 111 Lee Avenue. The prior use, which has been demolished, had a cellar. A building permit has been issued under DOB Job # 321286791 to construct a 5-story as-of-right residential and community facility building on the lot containing 29 market rate dwelling units. Foundation and excavation work have already commenced for this as-of-right building.

6. Description of the Proposed Development

The Proposed Actions would facilitate the development of a new 8-story mixed-use (residential-commercial) building on the Development Site containing a total of 52,925.26 square feet of floor area (5.95 FAR). The ground floor would contain 7,786 square feet of commercial retail floor area, Use Group 6, while floors 2-8 would contain 45,139.24 square feet of residential floor area comprising a total of 52 dwelling units. 16 of those dwelling units (30%) would be permanently affordable to incomes averaging 80% AMI and below, pursuant to MIH Option 2. The building would rise to a total building height of 84'-2" without setting back. 15 parking spaces are proposed for the cellar, which will be accessible via a 12-foot curb cut located along Lee Avenue.

7. Actions Necessary to Facilitate the Project

The Proposed Actions consist of a Zoning Map Amendment and a Zoning Text Amendment, that are primarily intended to facilitate the Proposed Development.

The Zoning Map Amendment would create a new R7X/C2-4 district to encompass the Project Area, which is the area on the subject blocks mapped to the center lot line, for a comprehensive amendment. The C2-4 overlay would be mapped at a depth of 100 feet on Block 2200 and for the entirety of the affected area of Block 2199. These dimensions were employed to reflect the pre-existing mixed-use character of the Project Area and to provide a commercial overlay along the entire frontage of Lee Avenue on both subject blocks.

R7X/C2-4 districts typically produce 10- to 14-story residential buildings with ground-floor commercial space. R7X districts are contextual districts where Quality Housing regulations are mandatory. They typically produce buildings that are taller and bulkier than buildings found in R7A and R7B districts. They allow buildings up to 5.0 FAR and 6.0 with MIH. Base heights of building range from 60-85 feet and 60-105 feet for under MIH. Buildings can rise to a total building height of 120 feet (125 with qualifying ground floor) and 140 feet (145 feet with qualifying ground floor) for buildings with MIH. Parking is generally required for 50% of dwelling units while less parking is required for affordable units located in the transit zone.

C2-4 districts permit Use Groups 5-9 & 14 at a maximum FAR of 2.0 when mapped within R7X districts and is intended for areas in close proximity to transit. For most commercial uses, one accessory off-street parking space is required for every 1,000 square feet of commercial floor area, with some variation for certain uses. Where 40 spaces and below are required, the overall requirement is waived.

The proposed R7X/C2-4 district is appropriate at for this location, as it is intended for mixed use areas in proximity to transit. The Project Area is located along Lee Avenue, which although it is technically classified as a ‘narrow’ street (70 feet in width) is the ‘main street’ for this area of Williamsburg, which contains a high concentration of ground-floor commercial retail uses that support the surrounding residential community. Currently, a portion of the Project Area (the Development Site) does not contain any commercial overlay, with the remaining commercial overlay zoned as C1-3. The proposed R7X/C2-4 district would encompass this area and result in mixed-use development being permitted along the entirety of this segment of Lee Avenue. This would reinforce the mixed-use character of Lee Avenue and would resolve the noncomplying status Lot 11, improving conformance and compliance with zoning in this area.

It should be noted this community is experiencing increasing growth in recent decades and the increasing amount of new residential development in the surrounding area reflects this trend. The rapid growth in this area requires an expanded range of commercial uses, as well as increased housing capacity in appropriate locations.

Currently, the C1-3 zoning district permits a limited range of local retail uses, (Use Group 6) and requires one off-street parking space per 400 square feet of commercial floor area. This requirement is higher for an area well served by transit, with several NYCT subway lines and buses located in close proximity. As such, a C2-4 commercial overlay is proposed for this area, which permits an expanded range of commercial uses (Use Groups 5-9 and 14) at a lower parking

requirement (one space per 1,000 sf of commercial area) that is waived in most cases, reflecting immediate access to transit. Moreover, given the vibrant 'main street' character of Lee Avenue, the proposed modification to a C2-4 commercial overlay is appropriate for this area and would permit regional commercial uses for a vibrant corridor serving a rapidly growing community, with those expanded commercial uses permissible along both sides of Lee Avenue near the Brooklyn-Queens Expressway.

In terms of permitted bulk, the R7X/C2-4 district would be appropriate for this area. The Project Area is immediately adjacent the Brooklyn-Queens Expressway (160 feet wide), with the service road for the aforementioned limited-access freeway lining a portion of the Project Area. Moreover, the proposed district would permit an increased amount of bulk consistent with the existing development in the surrounding area. Examples include the NYCHA Williams Plaza Housing complex, which contains medium density buildings ranging from 13-18 stories, located one block northeast of the Project Area. In addition, the proposed R7X/C2-4 would require contextual building heights compared to the existing R6 district, which has no maximum height under the permitted Height Factor regulations. As such, the proposed new district would serve to improve the urban form of this intersection under contextual building regulations, in addition to being appropriately located near transit.

The Proposed Actions would include a zoning text amendment to Appendix F of the Zoning Resolution to make the Project Area applicable to MIH. This would result in new permanent income-restricted dwelling units for the local community, a demonstrated need. The proposed zoning text amendment would make the Project Area an MIH area and would be mapped as Option 2, pursuant to §123-154(d). Under Option 2, all residential developments, enlargements, and conversions within this MIH, that meet the criteria set forth in the MIH program, must comply with the requirements of Option 2. Option 2 requires that 30% of residential floor area must be for affordable housing units for residents with incomes averaging 80% AMI. As such, 16 of the proposed 52 dwelling units (approximately 30%) would be provided as permanently affordable to incomes averaging 80% AMI and below.

In summary, the proposed R7X/C2-4 zoning district would permit contextual mixed-use development along this segment of Lee Avenue, consistent with existing densities and would allow an increased range of commercial uses with a lower parking requirement, reflecting proximity to transit and the vibrant commercial and mixed-use character of the roadway. The Proposed Actions would also facilitate much needed increasxed housing capacity in an appropriate location, including the permanent income-restricted dwelling units, a demonstrated need in Williamsburg providing at least 16 affordable dwelling units (80% AMI), a demonstrated citywide need.

8. Conclusion

The Proposed Actions would result in a new R7X/C2-4 district and make the Project Area applicable to MIH. Accordingly, the Proposed Actions would appropriately located. along a main street corridor (Lee Avenue) in close proximity to a limited-access freeway, that can support additional density. Furthermore, the Proposed Actions would improve the Project Area's conformance and compliance with zoning, while facilitating an expanded range of commercial uses at a reduced parking requirement, while also increasing housing capacity and requiring new affordable dwelling units. Moreover, the Proposed Actions would result in a new mixed-use contextual district when compared to the underlying R6 district, which permits residential buildings with no maximum height limits, thus improving the urban design of this intersection and reinforcing the vibrant mixed-use character of Lee Avenue.