Project Description (LR-Item 3)

Project ID: 2021K0383

7120 New Utrecht Avenue Rezoning

July 2022

I. Introduction

The Applicant, 7120 New Utrecht LLC, is seeking a zoning map amendment and zoning text amendment (the "Proposed Actions") to facilitate the development of a 9-story mixed-use building on Block 6180 Lots 31 and 33 (the "Development Site") in the Bensonhurst section of Brooklyn Community District 11.

Specifically, the Proposed Actions are as follows:

1. Zoning Map Amendment to rezone Block 6180 Lots 29, 31 and 33 from R5 to C4-4L (the "Project Area") and to eliminate the existing C2-2 district currently mapped 100 feet deep from New Utrecht Avenue along the eastern most portion of Block 6180. The lots currently covered by the C2-2 overlay district include Lots 29, 31 (p/o), 33 (p/o), 27 (p/o) and 44 (p/o).

2. Zoning Text Amendment to amend Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) 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 MIH Area would be coterminous with the proposed C4-4L district.

The Proposed Actions would facilitate the development of a 9-story approximately 85,034 sf (4.59 FAR) mixed use (residential-commercial) building to be constructed on the Development Site. The building would rise approximately 25 feet before setting back 15 feet along New Utrecht Avenue, and then rise to a total building height of 95 feet. Under the proposed design, all dwelling units would be set back strategically from the property line, ensuring quality units that are sufficiently distanced from the elevated rail running along New Utrecht Avenue. The building would contain 11,651 sf of commercial retail uses on the ground floor and 100 new dwelling units on the floors above. 30% of the affordable units would be permanently affordable pursuant to MIH Option 2, which mandates that at least 30% of the residential floor area is affordable to incomes averaging 80% of Area Median Income (AMI).

II. Background

The site has been zoned R5 since 1961 and the C2-2 overlay was mapped in June 1963 under CP-17909.

The immediate area within 1,000 feet of the Proposed Project Area has remained as zoned since 1961. However, portions of the surrounding area slightly beyond 1,000 feet have been rezoned within the past 15 years.

In July 2007, the City Council adopted the Dyker Heights/Fort Hamilton Rezoning (C 070387 ZMK), which rezoned approximately 160 blocks in the Dyker Heights and Fort Hamilton sections of Community District 10. The rezoning's eastern boundary was located along 14th Avenue, approximately two blocks west of the Development Site. The rezoning was initiated in order to help preserve the existing low scale nature of the Dyker Heights and Fort Hamilton neighborhoods by rezoning primarily R3-1, R4 and R5 districts to lower density and contextual zoning districts including R3X, R3A, R4-1, R4B and R5B districts. New moderate density residential development would be directed to existing commercial corridors with ground floor retail uses and mid-block portions would maintain the existing detached, semi-detached and small rowhouse character typical of the neighborhood.

In February 2013, the City Council adopted the Maple Lane Views Rezoning (C 090154 ZMK) located approximately 0.6 miles northeast of the Proposed Project Area. This Rezoning rezoned the Project Area bounded by 60th Street to the north, 16th Avenue to the east, 61st Street to the south and 15th Avenue to the west from M1-1 to R6A to facilitate the construction of a mixed-use development with residential buildings containing a total of 112 dwelling units and 7,600 sf of community facility use. The buildings today consist of a series of six-story townhouse style residential buildings with frontages along the southern side of 60th Street, the western side of 16th Avenue and the northern side of 61st Street respectively.

In January 2021, the City Council adopted the 1501-1555 60th Street Rezoning (C 200086 ZMK), which rezoned an area located approximately 0.7 miles north of the Development Site along 60th Street between 15th and 16th Avenues from M1-1 to R7A/C2-4. This Rezoning Area is located immediately north of the Maple Lane Views Rezoning Area cited above. The rezoning was meant to facilitate the development of three mixed use buildings containing a total of 102 dwelling units and 32,219 sf of ground floor commercial space. The three buildings would be 7 stories, 7 stories and 8 stories respectively. MIH Options 1 and 2 were mapped over the Project Area.

In June 2011, NYC Board of Standards and Appeals ("BSA") under Calendar No. 1069-27-BZII granted an extension of term and extension of time to obtain a Certificate of Occupancy for the continued operation of an automatic automobile laundry located at 6702 New Utrecht Avenue (Block 5565 Lot 1) approximately three blocks north of the Development Site.

In December 2014, BSA under Calendar No. 921-57-BZII granted an extension of term for a variance which permitted the operation of an Automobile Repair Facility which expired in May 2013 at 6602 New Utrecht Avenue (Block 5762 Lot 36) approximately five blocks north of the Development Site.

There are no other land use applications approved within the past 10 years located within 1,000 feet of the Development Site.

III. Description of the Surrounding Area

The surrounding area consists of a mix of residential, commercial and community facility uses. The residential housing stock ranges from two-story 1-2 family detached homes found along narrow side streets, 2-3 story attached rowhouses along side streets and 2-3 story mixed-use buildings found along the avenues. Commercial uses tend to be found in either low-lying detached buildings or on the ground floor of residential buildings primarily along New Utrecht Avenue and 18th Avenue, located two blocks to the east. Notable commercial uses within the immediate surrounding area include a laundromat located immediately across New Utrecht Avenue, a *Key Food* Supermarket located one block north on the corner of 70th Street and New Utrecht Avenue, a car wash, as well as smaller delis, restaurants and convenient stores. There is also a 4-story approximately 75-foot utility building occupied by *Verizon* located immediately across the street from the Development Site on the eastern side of 16th Avenue between 71st and 72nd Streets.

Notable community facility uses in the surrounding area include P.S. 112 Lefferts Park located one block to the west (Block 6180 Lot 1), Our Lady of Guadalupe Roman Catholic Church located one block to the southwest (Block 6191 Lot 1), Edward B. Shallow Junior High School 227 located approximately five blocks to the north (Block 5551 Lot 18), and New Utrecht High School located approximately six blocks to the south (Block 6271 Lot 1). Lt. Joseph Petrosino Playground is located across the street from the Development Site along New Utrecht Avenue between 71st Street and 70th Street.

The Development Site is located in a large R5 district. R5 districts are low-density general residence districts, in which all housing types are permitted including garden apartments, row houses and attached homes. Residential buildings may be built up to a maximum Floor Area Ratio ("FAR") of 1.25 with a maximum street wall height of 30 feet and a maximum building height of 40 feet. Community facility buildings can be built up to a maximum of 2.0 FAR. Above a height of 30 feet, a minimum setback of 15 feet is required from the street wall of a residential building. Minimum lot width and lot area depend upon the housing configuration. Detached structures require a 40-foot lot width and at least 3,800 square feet of lot area and other housing types require lots at least 18 feet wide and a minimum of 1,700 square feet. Off-street parking is required for 85 percent of dwelling units, but requirements are lower for affordable units and further modified within the Transit Zone.

A large R4 District is mapped approximately two blocks south of the Development Site. R4 districts permit all housing types, including multi-family homes at a maximum FAR of 0.75, with an attic allowance of 20%. Community facility uses are permitted at a maximum FAR of 2.0. Front yards of 10 feet and rear yards of 30 feet are required. Detached homes require side yards of at least 5 feet each with a total combined side yard width of 13 feet. Semi-detached homes require one side yard of 8 feet. The maximum building height is 35 feet and one parking space is required per dwelling unit.

Portions of New Utrecht Avenue in this area as well as along 18th Avenue are mapped with C2-2 and C1-2 overlay districts, mapped either 100 or 150 feet deep from the avenue. Both C1-2 and

C2-2 overlay districts permit local neighborhood retail uses at an FAR of 1.0 when mapped in R4 or R5 districts and 2.0 FAR when mapped in R6 districts or higher. There are only minor differences between C1-2 and C2-2 districts, with a slightly wider range of uses permitted in C2 districts, such as funeral homes and local repair services.

The area is well served by public transit. The New York City Transit ("NYCT") D train 71st Street Station has an entrance in front of the Proposed Project Area on the corner of New Utrecht Avenue and 71st Street with service from Brooklyn to Manhattan and the Bronx. The B8 bus runs along 18th Avenue, two blocks to the east with service between Dyker Heights and East Flatbush and the B4 bus runs along Bay Ridge Parkway, three blocks to the south with service between Bay Ridge and Sheepshead Bay.

4. Description of the Proposed Project Area

The Proposed Project Area consists of Block 6180 Lots 33, 31, 29, 27 (p/o) and 44 (p/o). Lots 29, 27 and 44 are all non-applicant owned. Lot 29 is zoned R5/C2-2 while all other lots in the Proposed Project Area are zoned R5/C2-2, R5.

Lot 29 (7104 New Utrecht Avenue) is an irregular-shaped corner lot located on the southwest corner of New Utrecht Avenue and 71st Street. It has 44.54' feet of frontage along New Utrecht Avenue and 79.55' feet of frontage along 71st Street for a total lot area of 3,538 sf. It is currently improved with a 2-story approximately 6,716 sf (1.9 FAR) mixed-use building containing a hair and nail salon and deli convenience store on the ground floor and four residential dwelling units on the second floor. An entrance to the NYCT 71st Street D train Station is located in front of this lot.

Lot 27 (1548 71st Street) is a 4,000 sf interior lot with frontage along 71st Street. It is improved with an approximately 2,920 sf multi-family residence (0.73 FAR).

Lot 44 (1553 72nd Street) is a 4,000 sf interior lot with frontage along 72nd Street. It is improved with an approximately 2,403 sf detached single family home (0.6 FAR).

5. Description of the Proposed Development Site

The proposed Development Site consists of Block 6180 Lots 31 and 33. It has a total lot area of 18,518 sf.

Lot 33 is a 14,160 sf irregular-shaped corner lot located on the northwest corner of New Utrecht Avenue and 72nd Street. It has 133.61' feet of frontage along New Utrecht Avenue and 137.52' feet of frontage along 72nd Street. It is currently improved with a 1-story approximately 8,960 sf vacant commercial building formerly occupied by Capital One Bank. The building has been vacant now for several years.

Lot 31 is a 4,358 sf irregular-shaped interior lot with 44.54' feet of frontage along New Utrecht Avenue. It is currently used as an accessory parking lot for the commercial building on Lot 33.

6. Description of the Proposed Development

The Proposed Actions would facilitate the development of a 9-story 85,034 sf (4.59 FAR) mixed-use building to be constructed on the Development Site. The building would contain 11,651 sf of retail uses on the ground floor and 73,383 sf of residential uses on floors 2-9. The building would contain a total of 115,101 gsf. The retail component would extend along almost the entire New Utrecht Avenue frontage minus an egress stair for the residential tenants along the northernmost portion of the lot. The 72nd Street frontage would be divided between retail space along the approximately first 50 feet from the corner followed by the residential lobby, 1,375 sf of amenity space and a 13'-3" wide ramp leading to the parking garage in the cellar.

The second floor would contain residential amenity spaces and a laundry room as well as a double height commercial space along the portion of the building closest to New Utrecht Avenue, thereby ensuring that no dwelling units are situated immediately adjacent to the elevated rail line along New Utrecht Avenue. Ten (10) dwelling units would comprise the remaining floor area on the second floor. The second floor would cantilever over part of the parking ramp along the westernmost portion of the 72nd street frontage of the lot.

Floors 3-9 would consist entirely of residential uses. Floors 3-5 would contain 14 dwelling units each and floors 6-9 would contain 12 dwelling units each for a total of 100 dwelling units in the building. Dwelling unit sizes would consist of twenty studio apartments, forty six 1-BR, thirty one 2-BR and three 3-BR apartments. 30 of those units (30%) would be permanently affordable pursuant to MIH Option 2, which mandates that 30% of residential floor area must be for affordable housing units for residents with incomes averaging 80% AMI. The affordable units would consist of a mix of all unit sizes.

The building footprint would be set back 5 feet from the property line along New Utrecht Avenue, providing the requisite sidewalk widening as prescribed by the proposed C4-4L regulations. There would also be an 8-foot side yard between the building footprint and the property line of neighboring Lot 44 along the site's westernmost side lot line on 72nd Street. The building itself would be constructed of a concrete superstructure with a metal panel façade and accented by a light stone cladding system.

The building's street wall would rise 25 feet (two stories) beginning 5 feet deep from the property line and then setback an additional 15 feet along New Utrecht Avenue before rising to a total building height of 95 feet. The retail ground floor would rise 15 feet while all remaining floors would have 10 foot floor to ceiling heights. Additionally, at the back of the building, beginning at the 6th floor (55 feet), the building would set back an additional 22 feet. Therefore, combined with the 8-foot side yard, there would be total of 30 feet between the building's massing and the homes in the neighboring R5 district to the west. 35 accessory parking spaces would be provided in the cellar as well as 52 bicycle parking spaces interspersed between the

first floor and cellar. The parking garage would be accessible via an existing 13'-3" curb cut along 72nd Street.

7. Actions Needed to Facilitate the Development

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

The proposed zoning map amendment is comprised of two separate actions:

1. Rezoning of Block 6180 Lots 29, 31 and 33 from R5 to C4-4L.

The proposed district boundary would extend 140 feet deep from the corner of New Utrecht Avenue along 72nd Street, 80 feet from the corner of New Utrecht Avenue along 71st Street and the horizontal boundary would be mid-block between 71st and 72nd Streets.

2. Elimination of a C2-2 overlay district currently mapped 100 feet deep from New Utrecht Avenue over Block 6180 Lots 29, 31 (p/o), 33 (p/o), 27 (p/o) and 44 (p/o)

The proposed zoning text amendment would amend Appendix F of the Zoning Resolution by establishing the Project Area as a Mandatory Inclusionary Housing Area (MIH) and would be mapped as Options 1 and 2, pursuant to ZR §23-154(d). 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 one of the options described below:

- Option 1: 25% of residential floor area must be for affordable housing units for residents with incomes averaging 60% AMI, with a minimum of 10% of housing to be affordable at 40% AMI.
- Option 2: 30% of residential floor area must be for affordable housing units for residents with incomes averaging 80% AMI.

The proposed C4-4L district would permit residential, community facility and commercial uses within the Project Area at an appropriate level of density.

C4-4L districts are commercial districts with an R7A residential equivalent that are typically mapped along streets with elevated rail lines running above them (most notably along the southern side of Broadway between Marcus Garvey Blvd and Howard Avenue in Bushwick). They allow for buildings up to 4.0 FAR for either residential, commercial or community facility uses and up to 4.6 FAR for residential buildings with MIH. They typically yield nine to ten-story buildings. Maximum lot coverage is 65% for interior and through lots and 100% on corner lots. When fronting a street with an elevated rail line, a setback of at least 15 feet is required at a height not lower than 25 feet or two stories, whichever is lower, and not higher than 65 feet or six stories whichever is lower. Maximum building heights can rise to 105 feet or 10 stories, whichever is less, for buildings with a qualifying ground floor and 100 feet for buildings without a qualifying ground

floor. MIH buildings along an elevated rail line can further increase their height to 115 feet, 11 stories with a qualifying ground floor and 110 feet with no qualifying ground floor. Parking is required for 50% of all dwelling units and parking requirements are reduced for affordable units outside the Transit Zone. No parking is required for affordable units within the Transit Zone. No parking is required for almost all commercial and community facility uses.

The proposed C4-4L district is appropriate at this location. As mentioned, C4-4L districts are typically mapped along streets with elevated rail lines, considering the setback and height provisions for C4-4L districts are specifically designed to tailor to the unique conditions posed by buildings that front elevated rail lines. Given this site fronts New Utrecht Avenue, which has the elevated line of the D train running above it, C4-4L is an appropriate district here. The C4-4L regulations would produce a building design that best suits the needs of any building occupying this site. Specifically, C4-4L districts permit a minimum base height as low as 25 feet, thereby allowing a setback at that point, whereas other districts of comparable density permit a base height at a minimum 40 feet (i.e. R6A and R7A districts), which would create a less desirable living condition for residents whose units would be immediately adjacent to the elevated rail line up to 40 feet (approximately 3-4 stories). C4-4L districts also require a mandatory 5-foot sidewalk widening along the street frontage that contains an elevated rail line helping create a more pleasant pedestrian experience along such streets. Therefore, the C4-4L district is best suited here to produce a building that caters to and respects the surrounding context.

The proposed C4-4L district boundaries would also be appropriately mapped here. The proposed boundary captures all lots fronting New Utrecht Avenue, which is an 80-foot wide commercial corridor with a rail station on the subject block. The proposed district boundaries would allow for consistent development across the entire block front. At the same time, the proposed district boundaries would preserve the R5 zoning on lots fronting 71st and 72nd Streets, which are lower-scale, narrow residential side streets where C4-4L zoning would not be appropriate. The elimination of the C2-2 overlay over the portion of the Proposed Project Area located beyond the proposed C4-4L district boundary also is appropriate as that portion of the C2-2 overlay is mapped over zoning lots containing residential uses only. Thus, the elimination of the C2-2 overlay over those residential lots would match the zoning map to the existing built context.

Furthermore, the existing local infrastructure within the immediate surrounding area can fully support an increase in density at this site. Most notably, as mentioned, an entrance to the 71st Street Station on the D train is located immediately in front of Lot 29 on New Utrecht Avenue just south of 71st Street. Therefore, an upzoning of this site would further the City's goal of increasing density in areas near public transit. Additionally, the site is right near amenities that support residential uses. As mentioned above, Lt. Joseph Petrosino Playground is located immediately across the street, and *Key Food* supermarket is located one block to the north. There are also several schools nearby including P.S. 112 Lefferts Park Elementary School located one block to the west at 7101

15th Avenue, New Utrecht High School located approximately six blocks to the south at 1618 79th Street and Edward B. Shallow Junior High School 227 located approximately five blocks to the north at 6500 16th Avenue. These nearby uses are typically needed to support an influx of residential density.

In addition to residential uses, the C4-4L district also permits commercial uses which are appropriate along New Utrecht Avenue, a street which benefits from having an active, well-pedestrianized streetscape. Therefore, the elimination of the C2-2 overlay district would be offset by the mapping of this C4-4L district and further contribute to this active retail corridor.

Lastly, the Proposed Actions would create permanently affordable housing in the neighborhood, a demonstrated local and city-wide need.

8. Conclusion

The Proposed Actions are appropriate in this location given C4-4L districts' unique proclivity to produce buildings that interact harmoniously with the adjacent elevated rail line. It would also produce a building that reflects the existing mixed-use nature of the surrounding area, and thus would not alter the existing character of the neighborhood. The proposed rezoning is also located in an area that can accommodate an increase in density given its proximity to public transit, open space, desirable commercial uses and schools. Lastly, the proposed text amendment would create much needed affordable housing further advancing the City's affordable housing goals.