2233 Flatbush Avenue Rezoning
Brooklyn Community District 18
December 2025

Project Description

1. Introduction

AYRES 2233 LLC (the "Applicant"), the owner of Block 8487, Lot 7 (the "Development Site"), requests approval of the following actions in the Flatlands neighborhood of Brooklyn Community District 18:

1. A zoning map amendment to change existing R3-2 and R3-2/C2-2 zoning districts to R6A and R7A/C2-4 zoning districts in an area generally bounded by Flatbush Avenue to the south, East 48th Street to the east, Avenue O to the north, and Schenectady Avenue to the west (the "Rezoning Area"); and

2. A zoning text amendment modifying Zoning Resolution ("ZR") Appendix F: Mandatory Inclusionary Housing ("MIH") Areas and former Inclusionary Housing Designated Areas for Community District 18, Brooklyn to establish the Rezoning Area as an MIH Area.

The proposed actions would facilitate the redevelopment of the Development Site with a new eight-story mixed-use building with approximately 90 dwelling units, including approximately 23 permanently affordable units pursuant to MIH Option 1, 14,317 square feet of commercial (retail) space, and 39 parking spaces.

2. Background

The Rezoning Area was designated as an R3-2/C2-2 zoning district with the enactment of the Zoning Resolution in 1961. Since 1961 there have not been any City-sponsored or private zoning applications in the surrounding area.

3. Description of the Surrounding Area

The Rezoning Area is located in the Flatlands neighborhood of Brooklyn Community District 18. Land uses and built context within the surrounding area are generally characterized by low-rise residential and commercial uses. Residential buildings are generally located along the side streets and comprised of one- and two-family buildings ranging from one to two stories in height. Most residential buildings in the surrounding area were constructed between the 1920s and 1950s and new housing production in the area is limited.

Commercial uses are generally located along Flatbush Avenue, a local retail corridor that runs north to south. Flatbush Avenue is considered a wide street at approximately 100 feet.[1] Commercial buildings range from single-story detached buildings to attached two-story buildings. Open space resources in the surrounding area include Trust Triangle, a 0.18 acre landscaped plaza located across Schenectady Avenue from the Development Site as well as Power Playground, a 2.29 acre park with basketball and handball courts, playgrounds, and spray showers that is located approximately 0.1 miles to the northeast.

Although the Rezoning Area is located beyond the Greater Transit Zone, mass transit options are accessible within the surrounding area. Several bus lines operate within the surrounding area, including the B41 (Kings Plaza – Downtown Brooklyn), Q35 (Rockaway Park – Midwood/Brooklyn College), B2 (Kings Highway Station – Kings Plaza), B9 (Bay Ridge – Kings Plaza), and B100 (Mill Basin – Midwood). The B41 and Q35 provide access to the Flatbush Avenue – Brooklyn College (2, 5) subway station, which is located approximately 1.5 miles to the north of the Rezoning Area.

[1] ZR § 12-10 defines a wide street as any street 75 feet or more in width.

Land uses and built context within the surrounding area are generally consistent with underlying zoning. R3-2, R5, and C8-1 are the only zoning districts mapped in the surrounding area. C2-2 commercial overlays are mapped along Flatbush Avenue to the west and north of the Rezoning Area. There is only one MIH Area or Inclusionary Housing Designated Area within the surrounding area or within Community District 18. The surrounding area is located within the New York City coastal zone boundary and is subject to the Waterfront Revitalization Program.

R3-2 zoning is mapped on the blocks immediately surrounding the Development Site and is generally mapped to the west of East 49th Street. R3-2 is a low-density contextual residential zoning district that allows all housing types and certain community facility uses. Commercial and industrial/manufacturing uses are not permitted. R3-2 districts allow a maximum residential FAR of 1.0 with qualifying affordable housing and a maximum community facility FAR of 1.0. Building height and setback are governed by a sky exposure plane, which begins 25 feet above the street line. Beyond the Greater Transit Zone, off-street accessory parking is required at a rate of 50 percent for standard housing and 50 percent for qualifying affordable housing.

An R5 zoning district is mapped to the east of the Development Site, generally to the east of Utica Avenue. R5 is a medium-density residential district that allows all housing types and certain community facility uses. No commercial or industrial/manufacturing uses are permitted. R5 districts have a maximum FAR of 1.5 for residential uses and up to 2.0 FAR on qualifying residential sites. The maximum permitted building height is 55 feet for eligible sites above a base height of 45 feet. Beyond the Greater Transit Zone, off-street parking is required for 50 percent of standard dwelling units and 25 percent of qualifying affordable housing.

To the south and east of the Development Site is a C8-1 zoning district that runs along Flatbush Avenue and is generally bounded by East 49th Street, Avenue N, Utica Avenue, and Hendrickson Place. C8-1 districts allow a variety of uses from Use Groups III-X that often require large amounts of land. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes. Residential uses are not permitted. The maximum permitted FAR is 1.0. Building height and setback are governed by a sky exposure plane, which begins 30 feet above the street line and has a slope of 1 to 1 on narrow and wide streets. Accessory parking rates vary by use.

C2-2 commercial overlays are mapped along Flatbush Avenue to the south and west of the Rezoning Area. C2-2 districts are commercial overlay districts mapped within residence districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors. When commercial overlays are mapped with R3-2 residential districts, the maximum commercial FAR is 1.6.

4. Description of the Rezoning Area

The Rezoning Area is an irregularly shaped, approximately 54,481 square foot area comprised of 11 tax lots on Block 8487 including Lots 1, 7, 16, 17, 19, 20, 21, 22, 23, 24, and 26. The Rezoning Area is generally bounded by Flatbush Avenue to the south, East 48th Street to the east, Avenue O to the north, and Schenectady Avenue to the west. The Rezoning Area has approximately 342 feet of frontage on Flatbush Avenue, 395 feet of frontage on East 48th Street to the east, 200 feet of frontage on Avenue O, and 116 feet of frontage on Schenectady Avenue. The Development Site (Block 8487, Lot 7) is described below. The non-applicant controlled properties within the Rezoning Area are as follows (all areas are approximate):

- Block 8487, Lot 1 is a 7,515 square foot triangular lot improved with a one-story, 1,700 square foot commercial building occupied by a rental car company.
- Block 8487, Lot 16 is a 2,667 square foot interior lot improved with a two-story, 1,344 square foot mixed-use building with office space and two dwelling units.
- Block 8487, Lot 17 is a 2,667 square foot interior lot improved with a two-and-a-half story, 1,280 square foot two-family building.
- Block 8487, Lot 19 is a 2,667 square foot interior lot improved with a two-and-a-half story, 1,280 square foot two-family building.
- Block 8487, Lot 20 is a 2,000 square foot corner lot improved with a two-story, 1,408 square foot single-family home.
- Block 8487, Lot 21 is a 2,333 square foot interior lot improved with a two-and-a-half story, 1,344 square foot single-family home.

- Block 8487, Lot 22 is a 2,008 square foot interior lot improved with a two-and-a-half story, 1,344 square foot single-family home.
- Block 8487, Lot 23 is a 2,300 square foot interior lot improved with a two-and-a-half story, 1,344 square foot single-family home.
- Block 8487, Lot 24 is a 3,350 square foot corner lot improved with a two-story, 1,734 square foot single-family home.
- Block 8487, Lot 26 is a 5,165 square foot interior lot improved with a two-story, 1,346 square foot single-family home.

5. Description of the Proposed Development Site

The Development Site consists of Block 8487, Lot 7. It is an approximately 21,809 square foot interior lot that is improved with a one-story, approximately 10,000 square foot detached commercial building that is currently occupied by a furniture showroom use. A northern portion of the Development Site is paved for off-street accessory parking and is accessed by an approximately 24 foot wide curb cut along Flatbush Avenue.

6. Description of the Proposed Development

The proposed actions would facilitate the development of a new eight-story, mixed-use building at the Development Site with approximately 97,036 square feet of floor area (5.01 FAR). The proposed development would have approximately 82,719 square feet of residential floor area with approximately 90 dwelling units. Pursuant to the MIH program (Option 1), approximately 23 units would be permanently affordable. The proposed development would have approximately 14,317 square feet of ground floor retail. Tenants for the non-residential portions of the buildings have not been determined. The proposed development would rise without setback to a height of 85 feet (eight-stories). Open space for building residents would be provided in the rear yard equivalent and on building rooftops. An accessory off-street parking garage with 39 required spaces for building residents would be located on the cellar floor and accessible from a new approximately 12 foot curb cut located on Flatbush Avenue.

7. Actions Necessary to Facilitate the Project

The actions necessary to facilitate the proposed development are: (1) a zoning map amendment to change existing R3-2 and R3-2/C2-2 zoning districts to R6A and R7A/C2-4 zoning districts within the Rezoning Area; and (2) a zoning text amendment to ZR Appendix F to establish the Rezoning Area as an MIH Area.

<u>Zoning Map Amendment</u>
The proposed zoning map amendment would map an R7A/C2-4 district between Avenue O and East 48th Street within 100 feet of Flatbush and Schenectady Avenues. The remainder of Block 8487 would be mapped with an R6A district.

R6A is a medium-density contextual residential zoning district that generally allows all housing types at a maximum residential FAR of 3.9 with qualifying affordable housing and a maximum FAR of up to 3.0 for buildings containing certain community facility uses. It does not permit commercial or industrial/manufacturing. For zoning lots containing qualifying affordable housing, R6A zoning districts allow a 95 foot building height above a base height of 65 feet. Beyond the Greater Transit Zone, off-street accessory parking is required at a rate of 50 percent for standard housing and 25 percent for qualifying affordable housing.

R7A is also a medium-density contextual residential district that generally allows all housing types at a maximum residential FAR of 5.01 with qualifying affordable housing and a maximum FAR of up to 4.0 for buildings containing certain community facility uses. It does not permit commercial or industrial/manufacturing. For zoning lots containing qualifying affordable housing, R7A zoning districts allow a 115-foot building height above a base height of 85 feet. Beyond the Greater Transit Zone, off-street accessory parking is required at a rate of 50 percent for standard housing and 12 percent for qualifying affordable housing.

The proposed C2-4 commercial overlay district allows local retail and service uses with a maximum commercial FAR of 2.0 when mapped with an R7A zoning district. The proposed C2-4 overlay generally requires one accessory off-street parking space per 1,000 square feet of floor

area for retail or service uses. A waiver is available for up to 40 required commercial accessory off-street parking spaces.

The proposed zoning map amendment would allow for the production of new multi-family housing in Brooklyn Community District 18 on an underutilized site. While the Rezoning Area's existing R3-2 zoning designation permits multi-family housing, it has a low maximum residential FAR of 0.75 that severely limits the potential for new housing development. The proposed rezoning would facilitate new mixed-use development, with the provision of permanently affordable housing and ground-floor retail use along Flatbush Avenue.

The proposed R6A and R7A/C2-4 zoning districts allow for a moderate increase in density compared to existing R3-2 zoning. Although the broader neighborhood largely consists of low-scale housing, an increase in density within the Rezoning Area is appropriate given its location on a wide corridor in a part of the neighborhood that is served by several bus routes providing access to neighborhoods and transit hubs throughout Brooklyn.

The proposed zoning map amendment would locate the higher density R7A/C2-4 zoning district and commercial use along Flatbush Avenue, a wide street. The R6A district proposed for the northern and eastern portions of the block creates a step-down in scale and density that is responsive to the surrounding built context, which is primarily comprised of two-story residential buildings. The proposed zoning map amendment would continue to allow ground-floor retail along Flatbush Avenue.

Zoning Text Amendment

The proposed zoning text amendment would establish an MIH Area contiguous with the Rezoning Area. Within MIH Areas, all housing developments, enlargements, and conversions that meet the criteria set forth in the MIH program must comply with the requirements of MIH Option 1, Option 2, or Option 3 described below.

- Option 1: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.
- Option 2: 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.
- Option 3: 20 percent of the total residential floor area must be for housing units for residents with incomes averaging 40 percent of AMI and no direct subsidies could be used for these units except where needed to support more affordable housing.

In addition to options above, the City Council may elect to map Option 4 (except in Manhattan Community Districts 1-8), which requires that 30 percent of the total residential floor area must be for housing units for residents with incomes averaging 115 percent of AMI, with no units above 135 percent AMI; and no direct subsidies.

The Applicant proposes to map the Rezoning Area with MIH Option 1. As such, 25 percent of residential floor area, approximately 23 units, would be designated as permanently affordable pursuant to MIH.

The proposed zoning text amendment to designate the Rezoning Area as an MIH Area is consistent with the policy goals of the City's Housing New York: A Five-Borough, Ten-Year Plan and Where We Live NYC 2025. There are only limited provisions near the Rezoning Area to promote the development of income-restricted housing. The proposed residential development would provide much-needed income-restricted residential units in an area in with a growing population and corresponding increase in demand for housing. According to the Department of City Planning's 2006 report New York City Population Projections by Age/Sex & Borough, the population of Brooklyn is anticipated to increase by an estimated 10.3 percent in the 30-year projection period. The population will increase from 2.46 million in 2000 to 2.71 million in

2040.[2] As population in Brooklyn is expected to experience substantial and steady growth, additional housing is necessary to ensure adequate supply.

Moreover, according to the U.S. Census Bureau, 41.7 percent of households in Brooklyn Community District 18 are rent burdened, spending 35 percent or more of their income on rent.[3] The proposed actions would facilitate the creation of approximately 90 dwelling units including approximately 23 permanently income restricted units pursuant to MIH Option 1 on an underutilized property in an area of Brooklyn with high demand.

8. Conclusion

The proposed zoning map amendment and zoning text amendment are consistent with existing land uses and built context within the area surrounding the Rezoning Area, and further the objectives of the City's Housing New York: A Five-Borough, Ten-Year Plan, Where We Live NYC 2025 and Housing New York 2.0.[4] The existing R3-2 zoning designation within the Rezoning Area precludes the development of any substantive amount of new multi-family housing. The proposed rezoning reflects sound planning principles by replacing an R3-2 district with R6A and R7A/C2-4 districts to permit residential use at increased density in an appropriate, underutilized area located on a wide street with access to mass transit. The proposed actions would facilitate the development of a new mixed-use building with approximately 90 dwelling units, of which approximately 23 units would be permanently income-restricted pursuant to MIH Option 1, as well as new ground-floor retail uses.

[2] New York City Population Projections by Age/Sex & Borough, 2000–2040, NYC Department of City Planning, December 2006.
[3] Based on American Community Survey 2014-2018 5-Year Estimates for PUMA 4009, which is an approximation of Brooklyn Community District 18, approximately 41.7 percent of Brooklyn Community District 18 households are rent burdened. Source: https://communityprofiles.planning.nyc.gov/brooklyn/18
[4] The housing plans set a goal for the preservation and/or creation of 300,000 income-restricted housing units by 2026.