North 7th Street Rezoning
January 2025

1. Introduction

Victor Efremenkov, Nick Sklavounakis, Tibetan LLC, and Colleen Vitale, (the "Applicants") propose a series of land use actions to rezone existing R6B and R6B/C2-4 zoning districts to an R6A/C2-4 zoning district within the Williamsburg neighborhood within Brooklyn, Community District 1. The proposed Project Area consists of Block 2327, Lots 5, 11, 12, 13, 14, 15, 16, 17, and p/o 19 (the "Project Area"). The following actions are proposed:

1. A zoning map amendment to change the existing R6B and R6B/C2-4 zoning districts to an R6A/C2-4 zoning district; and
2. a text amendment of Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 1, Brooklyn, to establish a Mandatory Inclusionary Housing ("MIH") Area with Options 1 and 2 to provide maximum flexibility.

The proposed actions would facilitate the development of 146 North 7th Street (Block 2327, Lots 13, 14, 15, and 16) (the "Development Site"). The proposed development is a new six-story plus cellar building containing approximately 26,874 square feet of zoning floor area with a Floor Area Ratio ("FAR") of 3.54 (the "Proposed Development"). The Proposed Development will be a mixed-use residential and commercial building with ground floor commercial use and approximately 28 dwelling units, including seven dwelling units designated as permanently affordable in accordance with MIH Option 1.

2. Background

Area Rezonings

The Project Area was included within the 2005 Greenpoint-Williamsburg Rezoning (N 050110A ZRK, C 050111A ZMK, March 14, 2005), which changed the Special Northside Mixed Use District R6(M1-2) to a R6B zoning district. This rezoning also mapped an MX-8 (M1-2/R6A) immediately south of the Project Area. The Greenpoint-Williamsburg Rezoning included approximately 183 blocks along the East River waterfront and adjoining upland neighborhoods within Brooklyn Community District 1. The objectives of the Greenpoint-Williamsburg Rezoning were to create a connected and continuous public waterfront, facilitate housing opportunities, local commercial development, and the creation of affordable housing.

The Project Area was also included in the 2009 131-137 Berry St. Rezoning (C 090096 ZMK, October 21, 2009), which mapped an C2-4 overlay within the existing R6B zoning district on the southeastern corner of North 7th Street and Berry Street in order to facilitate the construction of a commercial and community facility building, noting that "Development trends in the area are replacing industrial uses with residential and local retail developments."

The Project Area is also in close proximity to the 2011 Teddy's Bar and Grill Rezoning (C 080491 ZMK, June 22, 2011), which mapped an C2-4 commercial overlay within an existing R6B district along the western side of Berry Street between North 7th Street and North 9th Street, northeast of the Project Area. This action was requested to improve retail continuity along Berry Street, to facilitate the restoration of a sidewalk café at 96 Berry Street, and to legalize several existing, non-conforming commercial uses.

Area Board of Standards and Appeals Cases

147-07-BZY and 147-07-BZYII

On December 11, 2007 the Board of Standards and Appeals ("BSA") granted an extension of time pursuant to ZR Section 11-332 to complete construction for a development commenced under the prior R6(M1-2) zoning district regulations for 144 North 8th Street, Brooklyn (Block 2319, Lot 11), east of the Project Area across North 7th Street, to permit the construction of a twelve story mixed residential and commercial building. On November 17, 2009, the BSA extended the time

to complete construction of the aforementioned building.

3. Description of the Surrounding Area

The Project Area is located in the Williamsburg neighborhood, within Brooklyn Community District 1. Existing land uses within the 600' of the Project Area (the "Surrounding Area") primarily consist of a mix of residential and commercial uses, community facility uses, and manufacturing uses. The buildings in the Surrounding Area range from one to twelve stories in height. The majority of Block 2327 is improved with two- to four-story mixed residential and commercial buildings, with several multi-family residential buildings. Within the Census tracks in the Surrounding Area, approximately 44.3% of these lots are used for multifamily residences, approximately 27.9% for mixed residential and commercial buildings, and approximately 7.9% for commercial buildings.

There are robust public transportation options near the Project Area. The B62, Q59, B24, and B32 buses all serve the Surrounding Area. The B62 bus runs from Long Island City to Downtown Brooklyn. The Q59 bus runs from Williamsburg to Elmhurst. The B24 bus runs from Williamsburg to Sunnyside to Greenpoint. The B32 bus runs from Williamsburg to Long Island City. There are two Citi Bike stations within 100 feet of the Project Area, including one on subject Block 2327. There is a bike lane running along Berry Street and another lane, one block south along Driggs Avenue. In addition, the Bedford Avenue subway station with L line service is located less than 150 feet away from the Project Area on Bedford Avenue to the southeast of the Project Area. The Metropolitan Avenue and Nassau Avenue subway stations with G line service are each about half a mile away from the Project Area. The North Williamsburg landing for the NYC Ferry is located within 0.5 miles to the west of the Development Site. Less than a mile to the south of the Project Area is the Marcy Avenue subway stop is served by the M, J, and Z trains. In addition, the Project Area is located within the Transit Zone pursuant to ZR Appendix G, where reduced parking requirements apply to developments with income-restricted housing units.

There are several parks and schools near the Project Area. Bushwick Inlet Park is a 35.53-acre park approximately 0.2 miles northwest of the Project Area. This park has passive and active recreation facilities, including waterfront access, and hosts regular community events. East River State Park, adjacent to Bushwick Inlet Park, is a seven-acre park that contains additional passive and active recreation facilities such as a soccer field and playground facilities. McCarren Park, is a 36.49-acre park approximately 0.3 miles northeast of the Project Area and contains extensive passive and active recreation facilities including a pool, skating rink, skate park, a running track, and baseball fields. The Unity Preparatory Charter School's high school branch is located at 584 Driggs Avenue, approximately two blocks southeast of the Project Area. Further east of the Project Area, on Block 2330 (bounded by North 6th, North 7th, Roebling and Havemeyer Streets), is the Harry Van Arsdale Educational Campus which houses the Brooklyn Preparatory High School and the Williamsburg High School for Architecture and Design. P.S. 17 Henry D. Woodworth elementary school is located south of the Project Area at 208 North 5th Street and the Williamsburg Northside preschool and elementary school is located east of the Project Area at 299 North 7th Street, by the Brooklyn Queens Expressway

The existing zoning districts in the Surrounding Area include:

<u>MX-8 (M1-2/R6A)</u>
An MX-8 (M1-2/R6A) zoning district is located to the southwest of the Project Area. The MX-8 zoning district allows residential and non-residential uses (commercial, community facility, and light manufacturing). Specified light manufacturing and commercial uses, up to 2.0 FAR, are permitted as-of-right in MX-8(M1-2/R6A districts).

Residential buildings in MX districts with an R6A residential district designation in Inclusionary Housing Designated Areas have a base FAR of 3.0 (which can be increased to 3.9 FAR where an affordable housing component is provided), a minimum base height of 40 feet, a maximum base height of 65 feet, and a maximum building height of 75 feet (up to 95 feet in accordance with Qualifying Affordable Housing regulations). Parking is not required, as the district is located within an Inner Transit Zone (Brooklyn Community District 1). The Quality Housing program is mandatory for residential developments. R6A districts have a maximum community facility FAR of 3.0. Specified light manufacturing and commercial uses are permitted as of right under M1-2 district regulations, with up to 2.0 FAR of light industrial or commercial use.

R6B
The Project Area is located within an R6B zoning district which extends to the north and west of the Project Area. R6B zoning districts permit residential uses with a maximum FAR of 2.0 or 2.4 with Qualifying Affordable Housing, a minimum base height of 30 feet, a maximum base height of 45 feet, and a maximum building height of 65 feet. R6B zoning districts permit community facility uses at 2.0 FAR. R6B zoning districts typically enable four- to five-story apartment buildings and four-story attached buildings. Parking is not required, as the district is located within an Inner Transit Zone. The Quality Housing program is mandatory for residential developments.

C2-4
A C2-4 commercial overlay zoning districts is mapped within residence districts along streets that serve local retail needs. C2-4 generally permit use groups I, II, III, IV, VI, VII, and VIII. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R6 through R10 zoning districts, the maximum commercial FAR is 2.0. One parking space is required for every 1,000 square feet of floor area. Parking requirements depend on the specific use.

C1-4
C1-4 commercial overlay zoning districts are mapped within residence districts along streets that serve local retail needs. C1-4 generally permit use groups I, II, III, IV, VI, VII, and VIII. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R6 through R10 zoning districts, the maximum commercial FAR is 2.0. Parking requirements depend on the specific use.

MX-8 (M1-2/R6B)
A mixed-use MX-8 (M1-2/R6B) zoning district is located to the southwest of the Project Area. The MX-8 zoning district permits a mix of light industrial and commercial uses up to 2.0 FAR, community facility uses up to 2.0 FAR, and residential uses up to 2.4 FAR with Qualifying Affordable Housing. Developments are permitted to a maximum height of 65 feet (Qualifying Ground Floor) and a maximum base height of 40 feet The R6B zoning district permits residential uses with a maximum FAR of 2.4, a maximum base height of 45 feet, and a maximum building height of 50 feet. Parking is not required for the residential units, as the district is located within the Inner Transit Zone.

4. Description of the Proposed Project Area

The Project Area is located on North 7th Street between Bedford Avenue and Berry Street in the Williamsburg neighborhood within Brooklyn Community District 1. The Project Area is comprised of approximately 32,000 square feet of lot area, including Tax Lots 5, 11, 12, 13, 14, 15, 16, 17, and p/o 19 on Block 2327. North 7th Street and Berry Street are 60 feet wide, which are considered narrow streets.

The Project Area is located within an R6B zoning district with a C2-4 commercial overlay extending 100 feet from Berry Street.

Development Site

142 North 7th Street, Block 2327, Lot 13 is an approximately 1,900 square feet lot improved with a two-story, 1.13 FAR residential building built around 1899 currently occupied by two dwelling units. This lot has approximately 19 feet of frontage on North 7th Street and is approximately 100 feet deep. This lot is owned by one of the applicants, Victor Efremenkov.

144 North 7th Street, Block 2327, Lot 14 is an approximately 1,900 square feet lot improved with a three-story, 1.5 FAR mixed residential and commercial building built around 1930 currently occupied by three dwelling units and a group floor local retail use. The commercial use does not conform to applicable use regulations. This lot has approximately 19 feet of frontage on North 7th Street and is approximately 100 feet deep. This lot is owned by one of the applicants, Nick Sklavonakis.

146 North 7th Street, Block 2327, Lot 15 is an approximately 1,900 square feet lot improved with a three-story, 1.5 FAR mixed residential and commercial building built around 1930 currently

occupied by three dwelling units and a group floor local retail use. The commercial use does not conform to applicable use regulations. This lot has approximately 19 feet of frontage on North 7th Street and is approximately 100 feet deep. This lot is owned by one of the applicants, Victor Efremenkov.

148 North 7th Street, Block 2327, Lot 16 is an approximately 1,900 square feet lot improved with a one-story, 1.6 FAR commercial building built around 1920 currently occupied by a desert shop. This lot has approximately 19 feet of frontage on North 7th Street and is approximately 100 feet deep. This lot is owned by one of the applicants, Colleen Vitale.

Non-Development Sites

131 Berry Street, Block 2327, Lot 5 is an approximately 8,500 square feet lot improved with a one-story, 0.52 FAR commercial building built around 1950 currently occupied by an eating and drinking establishment. This corner lot has approximately 85 feet of frontage on North 7th Street and approximately 100 feet of frontage on Berry Street.

138 North 7th Street, Block 2327, Lot 11 is an approximately 2,000 square feet lot improved with a three-story, 1.14 FAR residential building built around 1899 currently occupied by three dwelling units. This lot has approximately 20 feet of frontage on North 7th Street and is approximately 100 feet deep.

140 North 7th Street, Block 2327, Lot 12 is an approximately 1,900 square feet lot improved with a two-story, 1.13 FAR residential building built around 1899 currently occupied by two dwelling units. This lot has approximately 19 feet of frontage on North 7th Street and is approximately 100 feet deep.

150 North 7th Street, Block 2327, Lot 17 is an approximately 2,500 square feet lot improved with a one-story, 0.98 FAR non-conforming commercial building built around 1920. This lot has approximately 25 feet of frontage on North 7th Street and is approximately 100 feet deep.

154 North 7th Street, Block 2327, Lot 19 is an approximately 9,500 square feet lot improved with a four-story, non-comply and non-conforming 3.63 FAR mixed residential and commercial building built around 2010 currently occupied by 18 dwelling units. This lot has approximately 95 feet of frontage on North 7th Street and is approximately 100 feet deep. Approximately 7,5000 of the lot is located within the Project Area. According to publicly available information Lots 19 and 32 were once considered one zoning lot in 2008, and Lot 32 now serves as a parking easement for Lot 19. Lot 19 is currently overbuilt in its allowable FAR and is non-complying. The proposed rezoning would bring the existing building closer to compliance.

5. Description of Proposed Development Site

The proposed Development Site is located at 142-148 North 7th Street and consists of four tax lots (Block 2327, Lot 13, 14, 15, 16) of approximately 7,600 total square feet. The Development Site has approximately 76 ft. of frontage along North 7th Street and is 100 ft. deep. North 7th Street is a 60-foot-wide street. The Development Site is currently occupied with residential and mixed residential and commercial buildings from one to three stories in height. 142 North 7th Street has a month- to-month tenant, 144 North 7th Street is owner occupied with a commercial tenant and 146-148 North 7th Street was tenanted with leases ending this summer. There is no parking on the Development Site and there are no curb cuts.

6. Description of the Proposed Development

The Proposed Development is a new six-story plus cellar mixed- residential and commercial building with approximately 23,554 square feet (3.1 FAR) of residential floor area and 3,320 square feet (0.44 FAR) of commercial floor area. The Proposed Development will have a total floor area of approximately 26,874 square feet (3.54 FAR). The Proposed Development has a height of 74’-7 1/4’’ with a base height of 64’-1 3/4’’. A minimum setback of 15 feet is provided between the minimum and maximum base height with the exception of dormers provided pursuant to Sections 23-413 and 23-423 which are allowed to penetrate a required setback area. The Proposed Development will contain 28 dwelling units. The Applicants propose to develop a Quality Housing mixed-use building with Option 1 of MIH which will result in seven permanently affordable units, (25 percent). The weighted average of all income bands for affordable housing

units shall not exceed 60 percent AMI. The Proposed Development will provide approximately 14 bicycle parking spaces. While parking is not required, the Applicant intends to provide 3 voluntary accessory parking spaces within the Proposed Development The applicant intends to provide a 3-car parking garage on the ground floor of the building. An 11'-0" curb cut will be provided. The sixth floor would provide a common area for the tenants. The proposed building will comply with the applicable Quality Housing standards.

7. Actions Necessary to Facilitate the Project

The following actions are necessary to facilitate the proposed project:

1. A zoning map amendment to change the existing R6B and R6B/C2-4 zoning districts to an R6A/C2-4 zoning district; and

2. a text amendment of Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 1, Brooklyn, to establish an MIH Area with Options 1 and 2 to provide maximum flexibility.

Proposed Zoning Map Amendment
The Proposed Project Area has been zoned at an R6B zoning district since 2005. The proposed R6A/C2-4 zoning district is appropriate as it will permit greater density and additional uses that will be more consistent with the character of the neighborhood. The majority of the buildings in the Proposed Project Area, including Lots 16, 17, 19, contain non-conforming commercial uses. The proposed C2-4 overlay will bring all these lots into conformance. The proposed R6A/C2-4 zoning district will be compatible with the adjacent M1-2/R6A zoning district mapped immediately southwest of the Project Area, as well as the C2-4 zoning commercial overlay mapped over the R6B zoning district along Berry Street. The proposed R6A/C2-4 zoning district would also bring existing buildings within the Project Area closer to compliance.

The proposed rezoning is consistent with the City's goals to affirmatively further fair housing by development of 28 new dwelling units, including seven income-restricted units. The Proposed Development will further the goals of the City's Housing Our Neighbors: A Blueprint for Housing and Homelessness, which include: (1) accelerating and increasing capacity for new housing supply citywide, (2) increasing access to transit and amendments for low-income New Yorkers, and (3) meeting the housing needs for seniors and people with disabilities. The existing R6B district does not allow for substantial development, nor does it require the development of affordable housing pursuant to MIH.

The Project Area is located near public transit. As discussed above, the L train stop is located just east of the Proposed Project Area. In addition, there are numerous public transportation options for bus service near the Project Area. Mapping the proposed districts would further the City's goals by promoting development on underutilized property proximate to an existing moderate-density residential community and public transit. The proposed rezoning would provide new opportunities for affordable and market rate residential development. The Surrounding Area is undergoing a substantial increase in housing prices, strongly correlated with an inadequate supply of housing that is unable to match demand. According to the 2020 Decennial Census ACS Profile, the total population in Williamsburg grew by 40.8% in the past ten years. While the population has grown, there has been a decrease in housing stock. According to the 2020 Census, there was a 5.1% vacancy rate of apartments within Community District 1.[1] The proposed development would add 28 new housing units to help meet demand. The Proposed Project Area is an underutilized area primarily developed with low-rise buildings and would benefit from the development of mixed-use residential buildings to help meet this demand for additional housing.

A C2-4 district is appropriate because such commercial districts are generally mapped within residence districts along streets that serve local retail needs. The proposed C2-4 would best reflect the uses already in existence. The proposed commercial overlay would extend the existing C2-4 overlay along Berry Street along the Project Area to the existing C1-4 commercial overlay along

[1] *See* ACS BK01 Williamsburg-Greenpoint Housing Occupancy Data: https://popfactfinder.planning.nyc.gov/explorer/cdtas/BK01?acsTopics=demo-sexAndAge%2Cdemo-mutuallyExclusiveRaceHispanicOrigin%2Cdemo-hispanicSubgroup%2Cdemo-asianSubgroup&censusTopics=housingOccupancy&compareTo=0&showCharts=true&showReliability=false&source=decennial-change

Bedford Avenue. As the Commission previously found in the 2009 131-137 Berry Street Rezoning and the 2005 Greenpoint Williamsburg Rezoning, the commercial overlays facilitate redevelopments of commercial uses on historically commercial sites adjacent to zoning districts that permit commercial uses.

The proposed rezoning would thus promote the development of new medium-density housing with active ground floor commercial uses that would continue to serve the neighborhood, provide jobs, and maintain an active streetscape along North 7th Street. The proposed rezoning would provide for the productive use of underutilized, non-conforming property, currently zoned as a residential district. The rezoning would make the existing buildings conforming, reinforce existing land use patterns, and provide for moderate growth.

Mandatory Inclusionary Housing Area Text Amendment
The proposed text amendment of ZR Appendix F is necessary to establish an MIH Area, which would require new developments to set aside 25-30 percent of the residential floor area for affordable housing. MIH Option 1 requires an affordable housing set aside of 25 percent of the residential floor area at an average of 60 percent of AMI with 10 percent at 40 percent AMI. MIH Option 2 requires an affordable housing set aside of 30 percent of the residential floor area at an average of 80 percent AMI. The Applicants propose mapping both MIH Option 1 and Option 2 within the Project Area to provide maximum flexibility for non-Applicants controlled sites. The proposed affordable housing set asides would ensure that development within the Project Area would address the critical need for new affordable housing in Brooklyn Community District 1. The proposed MIH Area would address the City's Housing New York: A Five-Borough, Ten-Year Plan goals by increasing affordable housing to help ensure the community remains economically diverse in the face of increasing pressure for market-rate development.

8. Conclusion

The Applicants propose a zoning map amendment to map an R6A/C2-4 zoning district over the Project Area currently zoned as an R6B zoning district with a C2-4 commercial overlay zoning district mapped 100 feet from Berry Street and a zoning text amendment to establish the Project Area as an MIH Area. The proposed actions would facilitate mixed-use development in the Williamsburg neighborhood within Brooklyn Community District 1. The proposed development would create approximately 28 new dwelling units, with approximately seven permanently affordable units and ground floor commercial space. The proposed rezoning would provide increased opportunities for housing development on underutilized sites, including mandatory affordable housing and non-residential use. The MIH program ensures that new development within the Project Area would address the need for housing that serves households with income not exceeding 60% AMI levels. These actions would be consistent with the City's goals of strengthening neighborhoods, expanding housing, including affordable housing, and employment in transit accessible areas while respecting the character of surrounding communities.