**464 OVINGTON AVENUE REZONING**
**BROOKLYN COMMUNITY DISTRICT 10**
**AUGUST 2024**

## 1. INTRODUCTION

Geffen Management LLC (the "Applicant") requests the following actions (the "Proposed Actions"):

1. a zoning map amendment to change an existing R3X (BR) zoning district to an R6A (BR[1]) zoning district on a portion of Brooklyn Block 5892, Lots 35, 38, and p/o 41, 49, 50, 51 and 52 within Brooklyn Community District 10 (the "Project Area"); and

2. a zoning text amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Brooklyn Community District 10 to designate a Mandatory Inclusionary Housing ("MIH") Area with MIH Options 1 and 2 conterminous with the Project Area.

The Proposed Actions will facilitate the development of a new eight-story plus cellar residential building with approximately 33,336 square feet of floor area (3.6 FAR) (the "Proposed Development") at 464 Ovington Avenue, Block 5892, Lot 38 (the "Proposed Development Site"). The Proposed Development will include approximately 40 proposed dwelling units, including approximately 10 permanently affordable dwelling units pursuant to MIH Option 1.

## 2. BACKGROUND

The Project Area was initially mapped with an R5 zoning district in 1961.

On September 25, 1978, the City Planning Commission approved an amendment of the Zoning Resolution to establish the Bay Ridge Special District (C 780285 ZRK) and rezoned the Project Area to an R6 (BR) zoning district (C780284 ZMK). The rezoning established the Special Bay Ridge District, pursuant to ZR Section 114-00, and made various zoning map changes to more closely conform the existing conditions to the context of the surrounding area.

In 2005, the Bay Ridge Rezoning (C 050134 (A) ZMK) rezoned the Project Area from an R6 district to an R3X (BR) zoning district to match the prevailing housing type. The rezoning encompassed approximately 249 blocks in the Special Bay Ridge District and made various zoning map changes to address issues of inappropriate development in the Bay Ridge neighborhood. This rezoning created new non-compliances in the Project Area related to use (multifamily) and bulk.

## 3. DESCRIPTION OF SURROUNDING AREA

The Project Area is located in the Bay Ridge neighborhood of Brooklyn Community District 10. The Project Area is also located within the Special Bay Ridge District. The rear portions of Lots 49, 50, 51 and 52, located partially within the Project Area, are also located within the Bay Ridge 5th Avenue Business Improvement District.

The area within 600 feet of the Project Area (the "Surrounding Area") is comprised of the Bay Ridge neighborhood.

Zoning
The existing zoning districts in the surrounding area include:

R3X
The Project Area is located within an R3X zoning district, which extends directly north of the Project Area to the midblock of Block 5873. R3X zoning districts are contextual districts

[1] 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, the maximum permitted FAR for an R6A zoning district would be 3.9 FAR for MIH building with a maximum building height of 95 feet.

mapped extensively in lower-density neighborhoods and permit only one- and two-family detached homes on lots that must be at least 35 feet wide. The maximum permitted FAR of 0.5 may be increased by an attic allowance of up to 20% for the inclusion of space beneath a pitched roof. The perimeter wall may rise to 21 feet before sloping or being set back to a maximum building height of 35 feet. The amount of required open space on a lot is governed by yard requirements. Two side yards that total at least 10 feet are required and there must be a minimum distance of eight feet between houses on adjacent lots. The front yard of a new home must be at least 10 feet deep and must be at least as deep as an adjacent front yard but need not exceed a depth of 20 feet. An in-house garage is permitted within the building provided the driveway is at least 18 feet deep. One off-street parking space is required for each dwelling unit.

R5B
R5B zoning districts are located throughout the Surrounding Area, generally mapped within the midblock lots. R5B districts allow for a variety of housing, typically three-story attached row houses. The FAR of 1.35 typically produces a building with a maximum street wall height of 30 feet, above which the building slopes or is set back to a maximum height of 33 feet. The front yard must be at least five feet deep, and it must be at least as deep as one adjacent front yard and no deeper than the other, but it need not exceed a depth of 20 feet. Attached rowhouses do not require side yards but there must be at least eight feet between the end buildings in a row and buildings on adjacent zoning lots.

R6B
To the east of the Project Area is an R6B zoning district mapped along the 5th Avenue corridor. The R6B zoning district permits residential uses with a maximum FAR of 2.0, a minimum streetwall height of 30 feet, a maximum streetwall height of 40 feet, and a maximum building height of 50 feet. R6B districts require off-street parking for 50 percent of the dwelling units in a building, with an exemption from parking for income-restricted units within the Transit Zone. The Quality Housing program is mandatory for residential developments.

R7B
To the west of the Project Area is an R7B zoning district mapped along the 4th Avenue corridor. The R6B zoning district permits residential uses with a maximum FAR of 3.0, a minimum streetwall height of 40 feet, a maximum streetwall height of 65 feet, and a maximum building height of 75 feet. R6B districts require off-street parking for 50 percent of the dwelling units in a building, with an exemption from parking for income-restricted units within the Transit Zone. The Quality Housing program is mandatory for residential developments.

C1-3 and C2-3 Overlays
The C1-3 overlays are mapped along 5th Avenue, within the R6B zoning district, and the C2-3 overlays are mapped along 4th Avenue, within the R7B zoning district. C1-3 and C2-3 zoning districts are commercial overlays mapped within residential districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, drug stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. 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 R1 through R5 districts, the maximum FAR is 1.0; when mapped in R6 through R10 districts, the maximum commercial FAR is 2.0.

Special Districts
The Project Area is located within the Special Bay Ridge District. The Special Bay Ridge District (BR), effective since 1978 and modified in 2005, was established pursuant to ZR Section 114-00 with the specific purpose to (1) preserve, protect and maintain the existing scale and character of the residential and commercial community, (2) to encourage design of residential, commercial and community facility development which is in character with the neighborhood and surrounding community, and (3) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby to protect the City's tax revenues.

Land Uses
The existing land uses within the surrounding area consist of one-, two- and multi-family residences, mixed-use commercial and residential buildings, and community facilities, including

houses of worship and schools. To the east and west, mixed-use residential and commercial buildings generally front along the avenues.

The subject block, Block 5892 includes a mix of one-, two- and multi-family residences, mixed-use commercial and residential buildings and community facility uses. There are generally two-story, one- and two- family residential buildings located on the southern side of the block, within the R5B zoning district. The 5th Avenue frontage is improved with one- to three-story mixed-use residential and commercial buildings (a grocery store, a liquor store, a home goods store, a clothing store, jewelers and a bank). There are two dental offices located on the subject block, on Lots 16 and 86. The subject block also includes several multi-family buildings ranging from three- to six-stories and the Lutheran Elementary School along Ovington Avenue.

Located generally to the north, south, east and west of the Project Area, within the R3X and R5B zoning districts, are mostly two- and three-story, one-, two- and multi-family residential walk-up buildings. To the east of the Project Area, on Block 5874 is a six-story multifamily building. To the west of the Project Area, on Block 5872 is a two-story medical building. There are also several mixed-use residential and commercial buildings along Bay Ridge Avenue, 72nd Street and 73rd Street.

Located generally to the east and west of the Project Area, running north and south along 5th Avenue and 4th Avenue, within R6B and R7B zoning districts respectively, are three- to six-story mixed-use residential and commercial, commercial and community facility uses. These commercial corridors provide a variety of local commercial retail stores and services. 5th Avenue (an 80-foot-wide street) and 4th Avenue (a 100-foot-wide street), include grocery stores, restaurants, bodegas, jewelers, clothing stores and boutiques, beauty salons, cleaners, professional offices, medical offices, pharmacies, a cinema, a commercial driving school.

There are several community facility uses located in the surrounding area, including the Lutheran Elementary School (located within the Project Area on Lots 24 and 29), the P.S./I.S. 30 Mary White Ovington Middle School buildings (both located just north and west of the Project Area on Blocks 5873 and 5891), the Bay Ridge Community Service Center (north of the Project Area on Block 5873), the Bethlehem Lutheran Church (north of the Project Area on Block 5873) and the Our Lady of Angels Church Parish (south of the Project Area on Block 5918 – the block includes a house of worship, a technical school and social services). East of the Project Area, along 5th Avenue includes the Arab American Association of New York, the Islamic Society of Bay Ridge, the Arab Muslim Amer Federation, the An-Noor adult social center,

Just outside of the surrounding area, to the north, is Leif Ericson Park (0.2 miles from the Project Area) which extends through several blocks and is bounded generally by 66th and 67th streets, and by 2nd Avenue to the west and Fort Hamilton Parkway to the east. The park measures approximately 16.8 acres and includes a variety of passive and active spaces, including sports courts and fields, fitness equipment, playgrounds, dog-friendly areas and spray showers. The Owl's Head Park and Shore Road Park are located west of the Project Area along Bay Ridge's waterfront.

Transportation and Accessibility

The surrounding area and areas just outside of this radius include several major thoroughfares. The Belt Parkway and I-278 arterial highways run north, south and east providing access to Manhattan, northern Brooklyn, Staten Island, Queens, Long Island and connections to the Gowanus Expressway, Prospect Expressway and Shore Parkway. 4th and 5th avenues run north/south and provide access to Sunset Park.

The surrounding area is well-served by mass transit. The Bay Ridge Av subway station, serving the R line is located one block north of the subject block at the corner of Bay Ridge Avenue and 4th Avenue. The 77th St subway station, serving the R line is located four blocks south of the subject block at the corner of 77th Street and 4th Avenue. The B63 bus lines run north/south along 5th Avenue, and provides service from Bay Ridge to Brooklyn Bridge Park). The B9 bus line runs north/south along 4th Avenue, and provides service from Shore Road to Kings Plaza). The B4 bus line runs east/west along Bay Ridge Parkway, and provides service from Narrows Avenue to Sheepshead Bay). The B64 bus line runs east/west along Bay Ridge Avenue, and provides service from Shore Road to Coney Island Stillwell Avenue). The NYC Ferry's Sunset Park/Brooklyn

Terminal ferry stop is located within the Brooklyn Army Terminal building and about 1 mile north of the Project Area. This ferry stop provides access to the Rockaways and Manhattan, with connections to Brooklyn and Astoria, Queens. The NYC Ferry's Bay Ridge ferry stop is located approximately 1 mile west of the Project Area. This ferry provides access to western Brooklyn, Wall Street and Corlears Hook.

## 4. DESCRIPTION OF THE PROJECT AREA

The Project Area consists of Block 5892, Lots 35, 38, and p/o 41, 49, 50, 51 and 52. The Project Area is located on the northern midblock portion of Block 5892 and fronts along Ovington Avenue (a 60-foot narrow street). The Project Area is improved as follows:

464 Ovington Avenue (Block 5892, Lot 38, the "Development Site") is controlled by the Applicant and is a 9,260-square foot interior lot with approximately 54 feet of frontage along Ovington Avenue. The lot is located within an R3X zoning district. The lot is improved with an approximately 3,006-gross-square-foot two-family, two-story residence that was built on or around 1899.

460 Ovington Avenue (Block 5892, Lot 35) is a 9,000-square foot interior lot with approximately 54 feet of frontage along Ovington Avenue. The lot is located within an R3X zoning district. The lot is improved with an approximately 32,130-gross-square-foot, five-story, 45-unit multifamily building that was built on or around 1950.

474 Ovington Avenue (Block 5892, Lot 41) is a 9,146-square foot lot with approximately 53 feet of frontage along Ovington Avenue. The lot is located within R3X and R6B/C1-3 zoning districts. The lot is improved with an approximately 16,270-gross-square-foot, three-story, 12-unit multifamily building that was built on or around 2000.

7112 5th Avenue (Block 5892, Lot 49) is a 1,923-square foot lot improved with a three-story mixed-use building with ground floor commercial use and residential units above. The lot is located within an R6B/C1-3 zoning district. The proposed rezoning would have an immaterial effect on this lot due to the split zoning provisions pursuant to ZR Section 77-00.

7114 5th Avenue (Block 5892, Lot 50) is a 2,018-square foot lot improved with a three-story mixed-use building with ground floor commercial use and residential units above. The lot is located within an R6B/C1-3 zoning district. The proposed rezoning would have an immaterial effect on this lot due to the split zoning provisions pursuant to ZR Section 77-00.

7116 5th Avenue (Block 5892, Lot 51) is a 2,113-square foot lot improved with a three-story mixed-use building with ground floor commercial use and residential units above. The lot is located within an R6B/C1-3 zoning district. The proposed rezoning would have an immaterial effect on this lot due to the split zoning provisions pursuant to ZR Section 77-00.

7118 5th Avenue (Block 5892, Lot 52) is a 2,262-square foot lot improved with a three-story mixed-use building with ground floor commercial use and residential units above. The lot is located within an R6B/C1-3 zoning district. The proposed rezoning would have an immaterial effect on this lot due to the split zoning provisions pursuant to ZR Section 77-00.

## 5. DESCRIPTION OF THE DEVELOPMENT SITE

The Development Site consists of 464 Ovington Avenue (Block 5892, Lot 38, the "Development Site") and is controlled by the Applicant. The site is a 9,260-square foot interior lot with approximately 54 feet of frontage along Ovington Avenue (a 60-foot narrow street). The lot is located within an R3X zoning district. The lot is improved with an approximately 3,006-gross-square-foot two-family, two-story residence that was built on or around 1899.

## 6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development at the Development Site is a new eight-story plus cellar residential building. The Proposed Development will have a total floor area of approximately 33,336 square feet (3.6 FAR). The cellar level will include 18 parking spaces, accessed by an approximately 8-foot-wide curb cut. The first through eighth floors will contain approximately 33,336 square feet (3.6 FAR) of residential floor area consisting of 40 dwelling units, including approximately 10 (25%) income-restricted dwelling units pursuant to MIH Option 1. The Proposed Development will have a base height of 60'-0", setback 15' from the street wall and rise to a total height of 85'-0".

## 7. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The actions necessary to facilitate the project are:

1. Zoning Map Amendment to change an existing R3X (BR) zoning district to an R6A (BR) zoning district on Block 5892, Lots 35, 38, and p/o 41, 49, 50, 51 and 52;

3. Zoning Text Amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Brooklyn Community District 10 to designate a MIH Area with MIH Options 1 and 2 conterminous with the proposed R6A boundary.

Zoning Map Amendment to an R6A Zoning District

The Project Area is well suited for additional residential development due to its proximity to transit and its location within an existing residential community supported by nearby commercial and institutional uses. The Development Site has remained underutilized for several years. The existing R3X zoning district does not allow for the development of higher density residential development on the Development Site, nor does it require the development of affordable housing units pursuant to MIH.

The southern block face of Ovington Avenue between 4th and 5th Avenues was originally zoned R5 in 1961. It was rezoned to R6 when the Special Bay Ridge District (SBRD) was created and mapped in 1978. This original version of the SBRD imposed lower FARs and height limits on much of the Bay Ridge neighborhood. This subject block was placed within a large area-wide mapping of Area A within which the maximum FAR permitted in an R6 district was modified to 1.65 and the maximum permitted height was set at 32 feet. In 2005, the SBRD was substantially modified by the Bay Ridge Rezoning, including the mapping of a variety of lower-density zoning districts that were not available in 1978 when the SBRD was created. The subject block was zoned R3X at this time. The existing R3X zoning district does not appropriately represent the built context of the Project Area. The R7B district extends 200 feet from 5th Avenue into the block. In 2005, only 26.5 percent of this frontage was occupied by detached, pitched roofed homes. Today, only 13.3 percent of the frontage is occupied by such buildings. Most of the subject block face is occupied by institutional uses and modest-sized apartment houses.

The proposed R6A zoning district is appropriate within the Project Area and will bridge the gap between the existing bulk in the surrounding area. R6A zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory, and which permit a maximum FAR of 3.0 or 3.6 with inclusionary housing. These regulations produce high lot coverage, six- to eight-story apartment buildings set at or near the street line. Above a maximum base height of 60 feet (65 feet with qualifying ground floor) or 65 feet with inclusionary housing, a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, before rising to a maximum height of 70 feet (75 feet with qualifying ground floor) or 80 feet (85 feet with qualifying ground floor) with inclusionary housing.[2] Off-street parking is required for 50% of all dwelling units, with lower requirements for income-restricted housing units (IRHU). Parking can be waived if five or fewer spaces are required. The proposed R6A zoning district is consistent with the scale and bulk of existing buildings located within the immediate area, including a six-story apartment multi-family building to the west of the Project Area and a three-story multi-family building to the east of the Project Area.

[2] As noted above, if the City of Yes Housing Opportunity Text Amendment is adopted in its current form, the maximum FAR would be 3.9 FAR for MIH building with a maximum building height of 95 feet.

The Project Area can support greater density as it is well served by transit with the R train stop located one block to the north at Fourth Avenue and Bay Ridge Avenue. The B64 bus runs along Bay Ridge Avenue one block to the north and the runs along Fifth Avenue. Its street width and character are different from the avenue ends of the block.

The proposed zoning map amendment would promote the development of medium-density, contextual housing, including affordable housing, at the Development Site, an underutilized site, which is consistent with the scale and character of the surrounding area and would further the City's housing goals. It would build on the existing and planned middle-density residential community and would be supported by and support the adjacent public transit links, commercial and institutional uses. The Project Area is an underutilized area that would benefit from the development of a mixed-use commercial, community facility and residential building to help meet demand for additional housing.

The proposed rezoning would provide for the productive use of underutilized property and provide for moderate growth in a transit-accessible area.

Zoning Text Amendment to ZR Appendix F

The proposed zoning text amendment will provide the Bay Ridge neighborhood with new income-restricted dwelling units, which will support the City's effort to increase the overall supply of affordable housing.

The shortage of affordable housing and housing in general has been highlighted by the current administration as an urgent issue that needs addressing. For decades, New York City has added new housing at significantly lower rates compared with other cities. The scarcity of available housing has resulted in generally higher costs for housing than would be the case if housing were more generally available.[3] Recently, there has been more consensus on the need to add additional housing. A 2022 Real Estate Board of New York (REBNY) report estimated that New York City would need 560,000 additional housing units by 2030.[4] In December of 2022, Mayor Adams unveiled a three-pronged *Get Stuff Built* strategy to tackle the affordable housing crisis and called for "rapidly accelerating the pace of housing production, with a 'moonshot' goal of meeting the need for 500,000 new homes over the next decade." The *Get Stuff Built* strategy includes: (1) "Build Faster" with 100+ reforms to accelerate new construction approvals, (2) "Build Everywhere" with a vision for 6,000 new homes in the Bronx and ambitiously adding housing in all five boroughs, and (3) "Build Together" which aims on leveraging the State and Federal policy agenda with a focus on creating affordable housing.[5]

Former Mayor de Blasio's *Housing New York 2.0*, an extension of the City's comprehensive housing development policy (*Housing New York: A Five-Borough, Ten-Year Plan*) included a primary goal of building or preserving 200,000 units of high-quality affordable housing by 2022 and 300,000 homes by 2026. *Housing New York 2.0* was developed in conjunction with the New York City Department of Housing and Preservation (HPD) to create housing opportunities for New Yorkers with a range of incomes, while fostering vibrant and diverse neighborhoods. Framed by the policy goals and objectives in *Housing New York*, the City Council adopted an amendment to the ZR to establish the Mandatory Inclusionary Housing program, which requires areas rezoned for residential growth to include a minimum of 20 to 30 percent of dwelling units be affordable in new developments.

The proposed zoning text amendment to ZR Appendix F will support the policies and goals of *Get Stuff Built* and historic goals set forth in *Housing New York 2.0* by creating income-restricted dwelling units within the Proposed Development and permitting the applicant to develop the Development Site in accordance with the MIH program, and will ensure that any future residential development within the proposed R6A zoning district will address the need for housing to serve a broad range of the City's diverse incomes. The applicant proposes mapping MIH Options 1 and 2

[3] *Housing's Unequal Contest: Why the Rich Won't be Denied*, in City Limits, November 1983
[4] https://www.crainsnewyork.com/real-estate/new-york-needs-560k-additional-housing-units-2030-rebny-report-says?utm_source=real-estate-tuesday&utm_medium=email&utm_campaign=20220111&utm_content=article2-headline
[5] https://www.nyc.gov/office-of-the-mayor/news/893-22/mayor-adams-get-stuff-built-bold-three-pronged-strategy-tackle-affordable-housing#/0

within the Project Area to provide maximum flexibility for non-applicant-controlled sites. Option 1 requires 25% of residential floor area to be set aside for income-restricted dwelling units for residents with incomes averaging 60% AMI, with a minimum of 10% of housing to be affordable at 40% AMI. Option 2 requires 30% of residential floor area to be set aside for income-restricted dwelling units for residents with incomes averaging 80% AMI. The Proposed Development currently contemplates providing approximately 31 income-restricted dwelling units pursuant to Option 1 of the MIH program. The applicant will seek additional input from Brooklyn Community Board 10 and the local City Council Member regarding the level of affordability for the Proposed Development.

## 8. CONCLUSION

The Applicant proposes a zoning map amendment to rezone the Project Area from existing R3X to an R6A zoning district. The proposed zoning map amendment will facilitate the development of a new eight-story, plus cellar residential building with 40 dwelling units at the Development Site. The applicant also proposes a zoning text amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Brooklyn Community District 10, to designate the Project Area as an MIH Area. The proposed zoning text amendment will facilitate the development of approximately 10 income-restricted housing units within the Proposed Development pursuant to the City's MIH program, thereby ensuring that it addresses the need for housing to serve a broad range of the City's diverse needs and incomes.