Park Avenue, Brooklyn Rezoning
Borough of Brooklyn
December 22, 2023

I. Introduction

This is an application by Park Avenue Rezoning Partners LLC (the "Applicant"), a consortium of owners of parcels on five (5) blocks adjacent to Park Avenue, between Warsoff Place and Sandford Street to the east and Bedford Avenue to the west, in Bedford Stuyvesant, Community District 3, Brooklyn. The Project Area includes portions of Tax Blocks 1715, 1716, and 1717, which are north of Park Avenue; and Tax Blocks 1735 and 1736, which are south of Park Avenue.

The Applicant respectfully requests (i) a zoning map amendment to rezone portions of the Project Area (described in more detail below) from M1-2 to a Special Mixed Use District (M1-4/R6-1 and M1-4/R7D) and from M1-1 to a Special Mixed Use District (M1-4/R6-1 and M1-4/R7D); and (ii) a zoning text amendment to (a) create a new zoning district classification for an R6-1 Residence District; (b) create the Special Mixed Use District in Section 123-90 of the Zoning Resolution; and (c) designate the Project Area as a Mandatory Inclusionary Housing area in Appendix F of the Zoning Resolution (the "Proposed Actions").

The Proposed Actions will facilitate new community facility developments and new residential and retail developments, with approximately 560 dwelling units and 239,625 square feet of educational facilities. As defined below, the Project Area contains twelve (12) development sites, which are controlled by the various members, or affiliates of the various members, comprising the Applicant (the "Development Sites").

Park Avenue Brooklyn Project Area

Tax Block	Tax Lots
1715	3, 103, p/o 54[1]
1716	1-3, 59-61, 66, 70
1717	1, 2, 60
1736	1, 10, 11, 13, 14, 18, 61-63, 68
1735	1, 3-5, 11-14, p/o 58, 59-62

Park Avenue Brooklyn Development Sites

Development Site #	Tax Block	Tax Lots	Address	Ownership Status
A	1715	3	517 Park Avenue	Owned by Spencer Park Developers LLC, an affiliate of the Applicant

[1] Only 229 square feet of Tax Lot 54 (a 2.29 foot by 100 foot area) is included in the Rezoning Area.

B	1715	103	48 Spencer Street	Owned by Spencer Park Developers LLC, an affiliate of the Applicant
C	1716	3	49 Spencer Street	Owned by Beth Chana School, an affiliate of the Applicant
D	1716	61	533 Park Avenue	Owned by 525 Park LLC, an affiliate of the Applicant
E	1717	60	547 Park Avenue	Owned by 547 Park Ave. LLC, an affiliate of the Applicant
F	1736	1	528 Park Avenue	Owned by Ropo LLC, an affiliate of the Applicant
G	1736	10, 11, 13, 18, 61-63	76-96 Sandford Street and 79-89 Walworth Street	Owned by Bais Rochel Bedford, Inc. (10, 11, 18, 61-63) and Bais Ruchel D'Satmar (13), affiliates of United Talmudic Academy and affiliates of the Applicant
H	1735	13, 14	86-88 Walworth Street	Yeshiva Bnos Ahavas Israel Inc., an affiliate of the Applicant
I	1735	5, 11, 12	520 Park Avenue	520 Park Avenue LLC, an affiliate of the Applicant
J	1735	3	514 Park Avenue	Hatzolah of Williamsburg, an affiliate of the Applicant

Approval of the Proposed Actions will achieve two primary land use planning objectives: (1) the legalization of existing educational uses, and the development of new, sorely needed, educational facilities; and (2) the development of new housing, including affordable housing, in a growing residential community where legacy manufacturing zoning districts are no longer representative of existing land uses and are no longer supported by a consensus of local community development objectives.

The Proposed Actions will facilitate development of three educational institutions and legalization of one existing educational institution (the "Schools"), as follows. The Schools are described in more detail in the Proposed Development section.

1. Development Site C: Development of a new five story 45,000 square foot Use Group 3 school for the Beth Chana School, a private high school for girls.

2. Development Site H: Development of a new five story 27,000 square foot Use Group 3 school for Yeshiva Bnos Ahavas Israel, a K-12 private school;

3. Development Site G: Development of a new five story 130,125 square foot Use Group 3 school for Central United Talmudic Academy, a K-12 private school to significantly expand Central United's current school facility at 84 Sandford Street (Block 1736, Lot 14), which was permitted by BSA special permit (discussed further below); and

4. Development Site B: Legalization of the existing non-conforming Use Group 3 school, Yeshiva Letzrim Satmar, within the existing three-story, 37,500 square foot building.

Finally, it is anticipated that the rezoning will facilitate development of six (6) residential buildings, all of which will have ground floor retail, as follows (the "Residential Buildings"):

1. Development Site A: Enlargement of the existing two-story building at Development Site A into an eight-story mixed retail and residential building with 66,899 square feet of floor area, comprised of 23,861 square feet of Use Group 6 retail floor area (two stories) and 43,038 square feet of residential floor area.

2. Development Site D: Development of a new nine-story 65,345 square foot mixed use retail and residential building, comprised of 9,596 square feet of retail and 55,749 square feet of residential use.

3. Development Site E: Development of a new nine-story 58,790 square foot mixed use retail and residential building, comprised of 7,956 gross square feet of retail use and 50,834 square feet of residential use.

4. Development Site F: Development of a new seven-story 92,120 square foot mixed use retail and residential building, comprised of 9,657square feet of retail use and 82,463 square feet of residential use.

5. Development Site I: Development of a new seven-story 76,610 square foot mixed use retail and residential building, comprised of 9,878 square feet of retail and 66,732 square feet of residential use.

6. Development Site J: Development of a new eleven-story 33,805 square feet mixed use retail and residential building, comprised of 2,481 square feet of retail and 31,324 square feet of residential use.

The Schools and the Residential Buildings are referred to herein as the "Proposed Developments."

II. Background

The Project Area (as defined herein) is split between an M1-1 district that is mapped south of Park Avenue and an M1-2 district north of Park Avenue. The M1-1 district and M1-2 district date back to the adoption of the 1961 Zoning Resolution. The M1-1 district extends to Myrtle Avenue on the south (or a boundary 100 feet north of Myrtle Avenue) and Nostrand Avenue on the east, and the M1-2 district extends to Wallabout Street and Flushing Avenue on the north and Nostrand Avenue on the east.

Since 1961, the M1-1 and M1-2 district boundaries have shrunk by several blocks, reflecting the increasing residential character of the area. In 1961, the M1-1 occupied the entirety of the blocks bounded by Park Avenue on the north, Nostrand Avenue on the east, Myrtle Avenue on the south, and Bedford Avenue on the west. It also extended west of Bedford Avenue, occupying the entirety of the blocks bounded by Park Avenue on the north, Steuben Street on the west, Myrtle Avenue on the south, and Bedford Avenue on the east, except for a 100 foot deep strip along Myrtle, which was zoned R6 with a commercial overlay.

In 1961, the M1-2 occupied the entirety of the blocks bounded by Park Avenue on the south, Nostrand Avenue on the east, Wallabout Street on the north and Cumberland Street on the west, in addition to one block east of Nostrand bounded by Wallabout to the north and Marcy Avenue to the east, a sizable northern extension occupying several blocks and portions of blocks extending as far north as Keap Street, and a portion of a block on the west extending to North Oxford Street.

In 2001, the City Planning Commission mapped a Special Mixed Use District (MX-4) and M1-2/R6A zoning designations over approximately 5 blocks to the west of the Project Area in the City-sponsored Flushing-Bedford Rezoning, per CPC Report No. C 000109 ZMK. The rezoning included half of Block 1715; a portion of the other half of Block 1715 is within the Project Area. The CPC report for the rezoning recognized the "significant decline in industrial uses" in the area beginning in the 1930s, resulting in an increase in auto related uses, junk yards and vacant land," and the southward movement of the traditional Williamsburg neighborhood boundaries.

In 2012, the Bedford-Stuyvesant North Rezoning under CPC Report No. C 120294 ZMK rezoned a large swath of northern Bedford-Stuyvesant, including Myrtle Avenue west of Bedford Avenue and east of Nostrand Avenue. The 2012 Bedford-Stuyvesant North Rezoning did not rezone any of the Manufacturing districts in South Williamsburg / North Bedford-Stuyvesant. One of the stated goals of the Bedford-Stuyvesant North Rezoning was to activate Myrtle Avenue with residential and commercial development.

In 2017, a portion of the M1-1 and M1-2 districts adjacent to Myrtle Avenue were rezoned to R7D/C2-4 and R6A/C2-4, respectively, in a private rezoning, per CPC Report No. C 170025 ZMK.

In 2008, the New York City Board of Standards and Appeals ("BSA") granted a ZR 73-19 special permit to allow a Use Group 3 yeshiva at 84 Sandford Street, within an M1-1 zoning district, for Central United Talmudic Academy, pursuant to BSA Cal. No. 97-08-BZ. The special permit allowed legalization of an existing six-story yeshiva with 40,742 square feet of floor area, at a 4.07 FAR. Central United Talmudic Academy currently operates out of this six-story building. This six-story building is adjacent to Development Site G, also owned by Central United Talmudic Academy.

The CPC Report for the Flushing-Bedford Rezoning noted the large number of applications received by the New York City Board of Standards and Appeals for zoning variances to permit new residential development in the rezoning area and surrounding blocks. The following residential buildings have been permitted in the M1-1 or M1-2 by BSA variance pursuant to ZR Section 72-21: the six-story building at 460 Flushing (per BSA Cal. No. 54-99-BZ); the three-story building at 114 Walworth Street (per BSA Cal. No. 9-04-BZ), the four-story building at 118 Sandford Street (per BSA Cal. No. 187-11-BZ).

Consistent with the changes in the neighborhood, an M1-2/R6A district within a Special Mixed-Use District immediately abuts the Project Area to the west, extending for a full block in either direction to the north and south. An R6 residence district, which extends east from Nostrand Avenue, dates back to 1961.

III. Surrounding Area

The Project Area is located at the intersection of two neighborhoods, South Williamsburg and Bedford Stuyvesant, in Brooklyn Community District 3, on five blocks straddling Park Avenue, a 70-foot-wide street, between Warsoff Place and Sandford Street (both 50 feet wide) to the east and Bedford Avenue (an 80 foot wide street) to the west. Within 600 feet of the Project Area (the "Surrounding Area"), land uses in the Surrounding Area vary considerably.

A. Public Transit

The Project Area and the Surrounding Area are within a Transit Zone, an area where lower accessory parking requirements apply for affordable housing. The Flushing Avenue and Myrtle-Willoughby Avenue stations of the G subway line of the Metropolitan Transportation Authority are each located about half a mile from the Project Area, at the corner of Flushing and Marcy Avenue, and the corner of Marcy Avenue and Myrtle Avenue, respectively. There are a number of MTA bus routes serving the Project Area as well. The B44 and B44 SBS express buses run south on Nostrand Avenue and north on Bedford Avenue, both streets which flank the Project Area. The B44 runs between the Williamsburg Bridge Plaza bus terminal and Sheepshead Bay, with service to Crown Heights, Flatbush, and Midwood. The B57, running along Flushing Avenue, just one block north of the Project Area, connects Maspeth to Red Hook, with connections to the MTA subway lines in Downtown Brooklyn. The B54, running along Myrtle Avenue for the entirety of its route, connects Downtown Brooklyn to Ridgewood, Queens.

B. Land Uses and Built Form

Land uses in the Surrounding Area include residential uses to the east and west of the Project Area, and some industrial and manufacturing uses to the north of the Surrounding Area. South of the Project Area is a variety of land uses, including residential, commercial, vacant land, some community facility, and industrial uses.

West of the Surrounding Area, within the MX-4 district mapped in the 2001 Flushing-Bedford Rezoning, is dominated by residential apartment buildings ranging from 5 to 7 stories, many of which were constructed after the 2001 rezoning, and two- to three-story walkups. East of the Project Area is a five-story warehouse building at 544 Park Avenue containing numerous small businesses and studios. Directly to the east of that building is Marcy Houses, a NYCHA public housing development comprised of 28 six-story buildings within two superblocks. In 2022, plans were filed for a new six-story residential building at 7 Skillman Street containing 75 units and 74,992 square feet of floor area, under DOB Now No. B00724881-I1.

North of Park Avenue more industrial uses are found, towards the Brooklyn Queens Expressway and the Brooklyn Navy Yard, along Walworth Street and Warsoff Place, including warehousing/distribution and auto-oriented uses. Neighborhood retail uses are located primarily along Myrtle Avenue and Park Avenue. A City of New York Sanitation Garage is slated to be developed and operated at 60 Nostrand Avenue, directly north and east of the Project Area; the site is currently under construction. There is also a FDNY firehouse located at 850 Bedford Avenue. There are a number of vacant lots within the Surrounding Area.

The predominant institutional uses in the Surrounding Area are schools and houses of worship. These uses include Hatzolah, a volunteer ambulance service that operates out of 518 Park Avenue, within the Project Area (but not a Development Site). Yeshivas in the Surrounding Area include Yeshiva of Kasho (101 Spencer Street), and Congregation and Yeshiva Tzror Hachaim (104 Walworth Street). Existing synagogues include Bais Yaakov Nechamia D'Satmar (690 Myrtle Avenue), Congregation Mikvah Tahara of Yetev Lev (34 Walworth Street). These yeshivas and synagogues in the Surrounding Area are *in addition to* the existing yeshivas within the Project Area: the United Talmudic Academy (at 84 Sandford Street), Yeshiva Letzrim Satmar (at 48 Spencer Street), and the existing synagogues in the Project Area: Toras Moshe Institute (at 79-87 Spencer Street) and Yeshivas Ahavas Israel (at 88 Walworth Street). Non-school and house of worship uses include Yeled V'Yalda, a childhood development center, located at 722 Myrtle Avenue.

The only open space in the Surrounding Area is Marcy Playground, a 3.2 acre public park on Myrtle Avenue between Nostrand Avenue and March Avenue, located south of the NYCHA Marcy Houses. Marcy Playground includes a playground, handball courts, and volleyball courts. Just outside of the Surrounding Area, to the north, is the 1.1 acre Sarah J.S. Tompkins Garnet Playground, with a playground, basketball courts, and handball courts. A few blocks west of the Project Area is Myrtle Village Green, a 1.4 acre community garden and Taaffe Playground, a 1.82 acre public park with a playground, basketball court and handball court. Near the Brooklyn Navy Yard is the Naval Cemetery Landscape, a 1.7 acre publicly accessible landscape open to the public as part of the Brooklyn Greenway Initiative, designed as a native plant meadow and pollinator habitat, with regular public art installations. Approximately five blocks to the southwest is the Star-Spangled Playground, a 1.69 acre public park with a playground, basketball court, and football field.

C. Zoning

The Project Area, and much of the Surrounding Area, is mapped with M1-1 and M1-2 zoning districts. The M1-1 zoning district is mapped south of Myrtle Avenue, and the M1-2 zoning district is mapped north of Myrtle Avenue. The M1-1 zoning district is mapped over almost the entirety of the southern blocks in the Project Area. The M1-2 zoning district extends over almost the entirety of the northern blocks in the Project Area, as well as a portion of a block north of Flushing Avenue. It also is mapped for almost four full blocks south of Myrtle Avenue. An M1-2 zoning district mapped as part of the MX-4 (Flushing/Bedford) extends over almost 3 full blocks, and 3 halves of blocks, west of and directly adjacent to the Project Area.

M1-1 zoning districts allow a commercial or manufacturing FAR of 1.0 and a community facility FAR of 2.4. Developments in M1-1 districts with a front wall within 20 feet of a narrow street or 15 feet of a wide street may have a front wall not exceeding 30 feet or 2 stories, whichever is less, beyond which a building must comply with a sky exposure plane of 1:1.

M1-2 zoning districts allow a commercial or manufacturing FAR of 2.0 and a community facility FAR of 4.8. Developments in M1-2 districts with a front wall within 20 feet of a narrow street or 15 feet of a wide street may have a front wall not exceeding 60 feet or 4 stories, whichever is less, beyond which a building must comply with a sky exposure plane of 5.6:1 (on a wide street) or 2.7:1 (on a narrow street).

An R6 district is mapped directly east of the Project Area, over the NYCHA-owned and -managed Marcy Houses. R6 districts allow height factor developments resulting in “tower in the park” style buildings like those of Marcy Houses. The maximum permitted residential FAR is 2.43 and the maximum permitted community facility FAR is 4.8.

R7D/C2-4 and R6A/C2-4 districts are mapped south of the Project Area, adjacent to Myrtle Avenue, paired with an MIH area. An R7D district, when paired with an MIH area, allows residential uses at a 5.6 FAR, and community facility uses as a 4.2 FAR. C2-4 commercial overlays allow a wide range of commercial uses at a 2.0 FAR.

D. Special Zoning Areas

The Surrounding Area directly west of the Project Area is mapped as a Special Mixed Use District (MX-4) (M1-4/R6A). FRESH zoning incentives are available in the Surrounding Area, as they are in much of Central Brooklyn. There are no landmarks or historic districts in the Surrounding Area.

IV. Description of Project Area

The Project Area occupies portions of five blocks: Blocks 1715, 1716 and 1717 north of Park Avenue, which are zoned M1-2, and Blocks 1735 and 1736 south of Park Avenue, which are zoned M1-1. For a depth of 100 feet north and south of Park Avenue, the Project Area will be rezoned to M1-4/R7D (MX). The remainder of the Project Area on the midblocks will be rezoned to M1-4/R6-1 (MX).

North of Park Avenue

The portion of the Project Area on Block 1715, which is bounded on the east by Spencer Street and extends 250 feet north of Park Avenue, contains:

- 517 Park Avenue (Lot 3), a 12,270 sf lot improved with a 22,085 sf 1.98 FAR two-story health care center with pharmacy and retail uses;
- 48 Spencer Street (Lot 103), a 12,500 sf lot improved with a 7,500 sf 3.0 FAR nonconforming school within a three-story noncomplying warehouse building, occupied by Yeshiva Letzrim Satmar; and
- a 229 sf portion of 38 Spencer Street (p/o Lot 54), which is improved with a 2,500 sf 0.24 FAR one-story kitchen wholesale establishment.

The portion of the Project Area on Block 1716, which extends 250 feet north along Spencer Street on the west and 100 feet north along Walworth Street, contains:

- 49 Spencer Street (Lot 3), a 12,500 sf vacant lot owned by Beth Chana School;
- 51 Spencer Street (Lot 2), a 2,483 sf lot improved with a 2,489 sf 1.0 FAR one-story warehouse;
- 53 Spencer Street (Lot 1), a 2,508 sf lot improved with a 3,375 sf 1.35 FAR three-story non-conforming residential building with four dwelling units;
- 55 Spencer Street (Lot 70), a 1,100 sf lot improved with a 2,772 sf 2.52 FAR four-story non-conforming residential building with three dwelling units;
- 523 Park Avenue (Lot 66), a 1,900 sf lot improved with a 4,175 sf 2.2 FAR three-story non-conforming residential building with two dwelling units;
- 533 Park Avenue (Lot 61), a 11,657 sf lot improved with a 11,657 sf 1.0 FAR one-story retail building containing a plumbing and heating supplies establishment;
- 535 Park Avenue (Lot 60), a 2,444 sf vacant lot used for open storage; and
- 537 Park Avenue (Lot 59), a 2,444 sf vacant lot.

The portion of the Project Area on Block 1717, which extends 100 feet north of Park Avenue and is bounded by Walworth Street on the west and Warsoff Place on the east, contains:

- 63 Walworth Street (Lot 1), a 2,500 sf lot improved with a 1,783 sf 0.71 FAR one-story auto repair shop and sign hanger's establishment;
- Lot 2, for which no address is associated, a 13,613 sf unimproved lot used for open parking; and
- 547 Park Avenue (Lot 60), a 10,775 sf unimproved lot used for open parking.

South of Park Avenue

The portion of the Project Area on Block 1735, which extends 225 feet south and is bounded by Spencer Street on the west and Walworth Street on the east, contains:

- 512 Park Avenue (Lot 1), a 2,056 sf lot improved with a 5,000 sf 2.43 FAR three-story residential building with three dwelling units;
- 514 Park Avenue (Lot 3) , a 6,612 unimproved lot used for open parking;
- 518 Park Avenue (Lot 4), a 2,056 sf lot improved with a 7,051 sf 3.4 FAR Hatzolah volunteer firehouse;
- 75 Spencer Street (Lot 62), a 2,056 lot improved with a 0.3 FAR one-story rental car building;
- 77 Spencer Street (Lot 61), a 2,500 sf vacant lot.
- 81-83 Spencer Street (p/o Lot 58 and Lots 59 and 60), a 7,500 foot lot improved with a 10,000 sf 1.0 FAR house of worship, Yavoshna Toras Moshe;[2]
- 520 Park Avenue (Lot 5), a 10,725 sf lot improved with a 10,725 sf 1.0 FAR one-story retail building containing a shore store, bakery, post office, children's clothing store, and sewing supply store;
- 82-84 Walworth Street (Lots 11 and 12), a 5,000 sf lot improved with a 5,000 sf 1.0 FAR one-story HVAC supply building;
- 86 Walworth Street (Lot 13), a 2,500 sf lot improved with a 1,400 sf 0.5 FAR two-story non-conforming residential building with two dwelling units, owned by Yeshiva Ahavas Israel; and
- 88 Walworth Street (Lot 14), a 5,000 sf lot improved with a 5,000 sf 1.0 FAR one-story house of worship, Yeshivas Ahavas Israel.

The portion of the Project Area on Block 1736, which extends 325 feet south and is bounded by Walworth Street on the west and Sandford Street on the east, contains:

- 528 Park Avenue (Lot 1), a 16,450 sf open lot operating as a tire shop;
- 84 Sandford Street (Lot 14), a 10,000 sf lot improved with a 40,500 4.05 FAR six-story building constructed pursuant to variance granted under Board of Standards and Appeals Cal. No. 97-08-BZ containing a school, Central United Talmudic Academy;
- 96 Sandford Street (Lot 18), a 10,750 sf lot improved with a 22,250 sf 2.06 FAR three-story non-conforming yeshiva;
- 79-89 Walworth Street (Lots 61, 62 and 63), a 15,000 sf lot containing multiple one-story non-conforming yeshiva buildings totaling 15,000 sf (1.0 FAR total);
- 76 Sandford Street (Lot 10), a 2,500 sf lot improved with a 2,500 sf 1.0 FAR one-story industrial building;
- 78 and 82 Sandford Street, two vacant lots totaling 7,500 sf in area;[3] and
- 73 Walworth Street (Lot 68), a 5,000 sf lot improved with a 5,000 sf 1.0 FAR one-story house of worship.

V. Description of Proposed Developments

The primary objectives of the proposed rezoning are: (1) to legalize existing educational uses and to develop new educational facilities; and (2) to develop new housing, including affordable housing. The need in this community for more school facilities and more housing is urgent and continuing. The proposed developments on the Development Sites reflect a well-considered plan where Park Avenue will be defined

[2] The 10,000 square foot Yavoshna Toras Moshe building also extends onto Lots 56 and 57 (85 and 87 Spencer Street), but those Lots, along with a portion of Lot 58, are not within the Rezoning Area or the Project Area.
[3] Lots 10, 11, 13, 14, 18, 61, 62 and 63 are all used by Central United Talmudic Academy.

by new mid-rise residential buildings with retail and community facility uses on the ground floor, and the side streets will be developed primarily with new school facilities.

Development Sites A, D, E, F, I, and J all front on Park Avenue and will be developed with primarily residential buildings with ground floor commercial uses, ranging in height from six to eleven stories. Development Sites C, G, and H will be developed with new five-story school facilities.

A. Development Site A (517 Park Avenue; Block 1715, Lot 3). Proposed Development A will consist of the enlargement of the existing two-story building into an eight-story mixed retail and residential building. The existing two-story building contains a 22,085 sf 1.98 FAR two-story health care center with pharmacy and retail uses. The Proposed Development will contain 66,899 square feet of floor area, comprised of 23,861 square feet of Use Group 6 retail and medical office floor area (two stories) and 43,038 square feet of residential floor area. The Proposed Development will rise to a height of 88 feet on Park Avenue, without setback, and a height of 68 feet on Spencer Street, in compliance with the permitted 95 foot maximum building height in an R7D zoning district. Proposed Development A will contain approximately 56 dwelling units, of which approximately 14 would be affordable, and 21 parking spaces. A 40-foot rear yard will be provided beyond 60 feet of Park Avenue and Spencer Street.

B. Development Site B (48 Spencer Street; Block 1715, Lot 103): Legalization of the existing Use Group 3 school, Yeshiva Letzrim Satmar, within the existing three-story, 37,500 square foot building. The bulk of the Proposed Development will remain the same as its existing condition: a three-story, approximately 40-foot-tall building without street wall setbacks or a rear yard, and with no accessory off-street parking, and containing approximately 34,700 square feet of Use Group 3 school floor area.[4] The school will have an approximate maximum enrollment of 315 students.[5] The 100 foot by 125 foot rooftop will serve as outdoor recreation space for students.

C. Development Site C (49 Spencer Street; Block 1716, Lot 3): Development of a new five story 45,000 square foot Use Group 3 school for the Beth Chana School, a private high school for girls. The new school will have an approximate maximum enrollment of 497 students. Proposed Development C will rise to a height of 60 feet without setbacks in order to provide a consistent and uninterrupted rooftop recreation space for students extending 75 feet deep by 125 feet wide. A twenty-foot rear yard will be provided at the second story level along the rear lot line, which rear yard will also serve as a rooftop terrace recreation space for students. Proposed Development C will not provide any accessory off-street parking, as none is required for Use Group 3 school uses. Along Spencer Street, Proposed Development C will be set back from the street line by 5 feet at grade, in order to widen the sidewalk and enhance the pedestrian experience.

D. Development Site D (533 Park Avenue; Block 1716, Lots 59-61): Development of a new nine-story 65,345 square foot mixed use retail and residential building, comprised of 9,596 square feet of retail and 55,749 gross square feet of residential use. Proposed Development D will rise to a height of 95 feet and 9 stories, with a 15 foot setback along Park Avenue at 75 feet (7 stories), in compliance with the permitted 95 foot maximum building height in

[4] Accessory off-street parking is not required for Use Group 3 schools, per ZR 25-31.
[5] Assumes 110 gross square feet per student (excluding cellar), based on estimates of the Applicant.

an R7D district. A thirty foot rear yard will be provided at the second story level along the rear lot lines. Proposed Development D will contain approximately 66 dwelling units (of which approximately 17 would be affordable) and approximately 25 parking spaces. Along Park Avenue, Proposed Development D will be set back from the street line by 2.5 to 3.83 feet at grade, in order to widen the sidewalk and enhance the pedestrian experience.

E. Development Site E (547 Park Avenue; Block 1717, Lot 60): Development of a new nine-story 58,790 square foot mixed use retail and residential building, comprised of 7,956 square feet of retail use and 50,834 gross square feet of residential use. Proposed Development E will rise to a height of 95 feet and 9 stories, with a 15 foot setbacks along Park Avenue and Warsoff Place at 6 stories (65 feet). A 40 foot rear yard will be provided at the rear lot lines, beyond 60 feet of Park Avenue and Warsoff Place. Proposed Development E will contain 61 dwelling units, of which approximately 16 will be affordable, and approximately 23 parking spaces. Along Park Avenue, Proposed Development E will be set back from the street line by 2.5 feet, in order to widen the sidewalk and enhance the pedestrian experience.

F. Development Site F (528 Park Avenue; Block 1736, Lot 1): Development of a new seven-story 92,120 square foot mixed use retail and residential building, comprised of 9,657 square feet of retail use and 82,463 square feet of residential use. Proposed Development F will rise to a height of 75 feet (7 stories) without setback along Park Avenue. Setbacks of 15 feet will be provided at 65 feet in height (the sixth story) along Walworth Street and Warsoff Place. A one-story courtyard will be provided at the rear lot line, 65 feet from both Walworth Street and Warsoff Place. Proposed Development F will contain approximately 93 dwelling units, of which approximately 24 would be affordable. 35 accessory off-street parking spaces would be provided. Along Park Avenue, Proposed Development F will be set back from the street line by 2.5 feet to 5.5 feet, in order to widen the sidewalk and enhance the pedestrian experience.

G. Development Site G (76-96 Sandford Street and 79-89 Walworth Street; Block 1736, Lots 10, 11, 13, 18, 61-63): Development of a new five story 130,125 square foot Use Group 3 school for Central United Talmudic Academy, a K-12 private school, to significantly expand Central United's current six-story school facility at 84 Sandford Street (Block 1736, Lot 14), which was permitted by BSA special permit (discussed in more detail in the Background section). Proposed Development G will rise to a height of 60 feet (5 stories) without setback along both Sandford Street and Walworth Street. A one-story portion of the building, 12 feet in height, will run down the center of the Proposed Development at the mid-block and serve as the required rear yard equivalent. The new school will have an approximate maximum enrollment of 1,425 students. Proposed Development G will not provide any accessory off-street parking, as none is required for Use Group 3 school uses. Along both Sandford Street and Walworth Street, Proposed Development G will be set back from the street line by 5 feet, in order to widen the sidewalk and enhance the pedestrian experience.

H. Development Site H (86-88 Walworth Street; Block 1735, Lots 13 and 14): Development of a new five-story 27,000 square foot Use Group 3 school for Yeshiva Bnos Ahavas Israel, a K-12 private school. Proposed Development H will rise to a height of 75 feet (5 stories) without setback along Walworth Street. A 20-foot rear yard above the first story will be provided at the rear lot line. The new school will have an approximate maximum

enrollment of 298 students. Proposed Development H will not provide any accessory off-street parking, as none is required for Use Group 3 school uses. Proposed Development H will be set back from Walworth Street by 5 feet in order to widen the sidewalk and enhance the pedestrian experience.

I. Development Site I (520 Park Avenue; Block 1735, Lots 5, 11 and 12): Development of a new seven-story 76,610 square foot mixed use retail and residential building, comprised of 11,975 square feet of retail and 64,635 square feet of residential use. Proposed Development I will rise to a height of 75 feet above street level without setback on Park Avenue, and 55 feet without setback on Walworth Street. The street walls on both Park Avenue and Walworth Street will be articulated with at-grade setbacks of approximately five feet in depth. Proposed Development I will contain 77 dwelling units, of which approximately 20 will be affordable pursuant to the MIH program. 29 accessory off-street parking spaces will be provided. Along Park Avenue, the entire building will be set back from the street line by approximately 2.5 feet at grade in order to widen the sidewalk and enhance the pedestrian experience.

J. Development Site J (514 Park Avenue; Block 1735, Lot 3): Development of a new eleven-story 33,805 square feet mixed use retail and residential building, comprised of 3,659 square feet of retail and 30,146 square feet of residential use. Proposed Development J will rise to a height of 95 feet along Park Avenue, above which the building will set back by 17.5 feet and then rise to a maximum height of 115 feet. Above 95 feet, a dormer will extend to the full building height along Park Avenue. Beyond 60 feet of Park Avenue, a thirty-foot rear yard will be provided. The building will be set back from Park Avenue by 2.5 feet at grade in order to widen the sidewalk and enhance the pedestrian experience. Proposed Development J will contain 38 dwelling units, of which approximately 10 will be affordable pursuant to the MIH program. No accessory off-street parking will be provided, as the required number (14) is less than the 15-space threshold for waiver.

VI. Actions Necessary to Facilitate Proposed Development (the Proposed Actions)

1. Zoning Map Amendment

The Applicant proposes to extend the existing Special Mixed Use District (MX-4) (Flushing/Bedford) over the Project Area. The Project Area extends for a depth of 250 feet from Park Avenue on the eastern side of Block 1715 and the western side of Block 1716, for a depth of 225 feet from Park Avenue on Block 1735, for a depth of 100 feet from Park Avenue on the eastern side of Block 1716, for a depth of 100 feet from Park Avenue on Block 1717, and for a depth of 325 feet from Park Avenue on Block 1736. A Special Mixed Use District (MX-4) will be extended over the entirety of the Project Area.

a. Change from M1-1 and M1-2 to M1-4/R6-1 (MX)

The Applicant requests a zoning map amendment to rezone the portion of the Project Area beyond 100 feet of Park Avenue from M1-2 (north of Park Avenue) and M1-1 (south of Park Avenue) to a Special Mixed Use District (MX) permitting M1-4/R6-1 districts. Specifically, to be rezoned from M1-2 to the Special Mixed Use District (M1-4/R6-1) is (a) property bounded by a line 250 feet north of Park Avenue, the midblock between Spencer Street and Walworth Street, Park Avenue, the midblock between Bedford Avenue and Spencer Street, and a line 100 feet north of Park Avenue; and (b) property bounded by Warsoff

Place, a line 225 feet south of Park Avenue, Walworth Street, a line 125 feet south of Park Avenue, Spencer Street, and a line 100 feet south of Park Avenue. This area includes a portion of Lot 3 and Lot 103 in Block 1715; Lots 1, 2 and 3 in Block 1716, and to be rezoned from M1-1 to the Special Mixed Use District are a portion of Lot 10, Lots 11, 13, 14, a portion of 18, a portion of 68, and Lots 61, 62, and 63 in Block 1736; and Lots 11, 12, 13, 14, a portion of 3, a portion of Lot 58, Lots 59, 60, 61 and 62 in Block 1735.

b. Change from M1-1 and M1-2 to M1-4/R7D (MX)

The Applicant requests a zoning map amendment to rezone the portion of the Project Area within 100 feet of Park Avenue from M1-2 (north of Park Avenue) and M1-1 (south of Park Avenue) to a Special Mixed Use District (MX) permitting M1-4/R7D districts. Specifically, to be rezoned from M1-2 to the Special Mixed Use District (M1-4/R7D) is property bounded by the midblock between Bedford Avenue and Spencer Street, a line 100 feet north of Park Avenue, Warsoff Place, a line 100 feet south of Park Avenue, and Spencer Street. This area includes a portion of Lot 3 in Block 1715; Lots 59, 60, 61, 66, and 70 in Block 1716, and Lots 1, a portion of Lot 2, and 60 in Block 1717; and to be rezoned from M1-1 to the Special Mixed Use District are Lot 1, a portion of Lot 11, and a portion of Lot 68 in Block 1736; and Lots 1, a portion of Lot 3, Lot 4, and Lot 5 in Block 1735.

Description of Special Mixed Use District (MX) permitting M1-4/R6-1 and M1-4/R7D

The Special Mixed Use District (MX) permitting M1-4/R6-1 districts, when paired with an MIH area, permit residential uses at a 3.6 FAR. The maximum lot coverage for interior lots within an R6-1 district is 65%. The maximum floor area ratio for community facility uses is 4.8.

Per the Special Mixed Use District bulk regulations, residential developments in Special Mixed Use Districts shall comply with the Quality Housing bulk regulations set forth in ZR 123-662. The height of a building within 10 feet of a wide street or 15 feet of a narrow street may not exceed a maximum base height of 60 feet. After a setback of either 10 feet (on a wide street) or 15 feet (on a narrow street), a building may not exceed a maximum height of 110 feet.

Special Mixed Use District (MX) permitting M1-4/R7D districts, when paired with an MIH area, permit residential uses at a 5.6 FAR. The maximum lot coverage for interior lots within an R7D district is 65%. The maximum floor area for community facility uses is 4.2.

Developments in R7D districts must comply with Quality Housing regulations. Residential developments shall comply with the Quality Housing bulk regulations in ZR 23-662, and MIH developments shall comply with the regulations in ZR 23-664. Per ZR 23-664, the front wall of MIH developments must rise to a minimum base height of 60 feet but may not exceed a maximum base height of 95 feet. Above the base height, the building must set back by either 10 feet (on a wide street) or 15 feet (on a narrow street) and then may rise to a maximum height of 110 feet (or 115 feet with a Qualifying Ground Floor) and no more than 11 stories.

The maximum floor area ratio for commercial and manufacturing uses in the Special Mixed Use District, within an M1-4 district, is 2.0. The bulk regulations for commercial and manufacturing uses are governed by the Quality Housing bulk regulations set forth above, pursuant to ZR 123-662(b) and 23-662.

Accessory off-street parking is not required for Use Group 3 schools in either R7D or R6-1 zoning districts, per ZR 25-31. Accessory off-street parking is required at a rate of 50% for Quality Housing developments in R6 and R7D zoning districts, per ZR 25-23. For income restricted housing units (those affordable to households at 80% AMI or less, or "qualifying households," dwelling units provided in compliance with the MIH program), as defined in ZR 23-90, located within a new development in the Transit Zone, no accessory off-street parking spaces are required, per ZR 25-251.

Land Use Justification – Schools, Park Avenue as Connective Street, and Existing Context

The Project Area is an appropriate location for a Special Mixed Use District allowing R7D density along Park Avenue and R6-1 density along the midblocks for a number of reasons. There is a strong need for additional schools in the neighborhood, and the current Manufacturing Districts do not permit Use Group 3 schools, whereas the Special Mixed Use District will permit them. The densities that will be allowed by the R7D and the R6-1 are supported by the existing and pending built context, including existing open space on the eastern edge of the Project Area. And finally, the neighborhood is a centrally located area of Brooklyn with solid transit access and an increasing population, which makes additional density appropriate and necessary.

Schools

Schools in the Project Area and surrounding community are at a critical juncture. They are experiencing more demand than they can accommodate within their existing facilities. The schools that comprise the Applicant have experienced growth over the last few years and have extensive waiting lists. However, these schools are greatly hampered in their ability to open new facilities near the communities that need them. M1-1 and M1-2 zoning districts, which are mapped over the Project Area and extensively throughout the surrounding neighborhood, prohibit Use Group 3 schools as-of-right. The process to obtain a special permit or a variance from the Board of Standards and Appeals to permit a Use Group 3 school is lengthy and not only uncertain, but often unavailable, as not all properties can meet the required findings (criteria) for a variance or special permit. This Application would allow development and/or legalization of four schools within the Project Area with a total student population of up to 2,535.

Mapping an R6-1 residential district as part of a Special Mixed Use District will allow schools to operate within the Project Area as permitted uses, and address some of the unmet demand for their services. The R6-1 zoning district allows a higher residential FAR than a regular R6 district does – a 3.6 residential FAR when paired with an MIH area, instead of a 2.42 residential FAR. (Development sites within 100 feet of a wide street in R6 districts mapped with an MIH area are already permitted a 3.6 FAR). Mapping of an R6-1 zoning district will allow a 4.8 FAR for community facility uses, while also allowing increased housing production at a 3.6 FAR along side streets.

Park Avenue

Park Avenue specifically is an appropriate location for R7D residential densities. Park Avenue and Myrtle Avenue serve as the major corridors for the portion of the South Williamsburg neighborhood south of Flushing. The blocks north and south of Park Avenue within the Project Area are notably longer than the other blocks in the surrounding area – 740 feet instead of the typical 500 to 600 feet. Thus, Park and Myrtle Avenues serve as critical connective nodes in the southernmost portion of the South Williamsburg neighborhood. As such, Park Avenue is an ideal location for increased density. The increased density is

also offset by the abundant open areas directly east of the Project Area around NYCHA's Marcy Houses as part of its "tower in the park" style design.

Further, Park Avenue and Myrtle Avenue are the only streets in South Williamsburg south of Flushing Avenue with significant amounts of retail. North of Flushing Avenue, Lee Avenue contains much of the local retail, but the retail on Lee Avenue is not easily accessed by those living South of Flushing Avenue, which is a busy street that also serves as a northern terminus for the north-south running streets south of it; it effectively cuts off many of the side streets from the northern half of the neighborhood. Spencer Street, Walworth Street, and Warsoff Place (named Sandford Street south of Park Avenue) are all cut off from the rest of South Williamsburg due to their termination at Flushing Avenue. For this reason, it makes land use sense to bolster Park Avenue's retail capacity and to encourage additional residential density along Park Avenue.

Existing Context

The Surrounding Area already generally reflects the density that is requested for Park Avenue. Spencer Street, Bedford Avenue and Skillman Street already have developments with densities similar to that which would be permitted on Park Avenue under an R7D. 31 Spencer Street, just a few feet north of the Project Area, was recently developed with a 16-story, 95,987 square foot medical office and professional office building on a 20,000 square foot zoning lot (equivalent to a 4.79 FAR). 18 Spencer Street, approximately 200 feet north of the Project Area, was also recently developed with a new 12-story, 136 foot tall medical office and professional office building with 33,564 square feet on a 7,500 square foot lot (equivalent to a 4.79 FAR). Directly adjacent to the Project Area is 544 Park Avenue, a pre-1961 5-story loft building with 291,000 square feet of floor area on a 51,450 sf lot (equivalent to a 5.65 FAR).

Residential developments on Bedford and Skillman have also been constructed with similarly high densities. 744 Bedford Avenue (Block 1886, Base Lot 7507), one block to the west of the Project Area, a new retail and residential development, contains 80,993 square feet of floor area (at a 3.85 FAR). 773-789 Bedford Avenue, directly adjacent to Development Site B, is a residential development with approximately 84,236 sf of floor area on a 24,776 sf lot (equivalent to a 3.39 FAR). 150-154 Skillman Street, approximately 1000 feet to the southwest of the Project Area, is a residential and daycare development with approximately 26,611 sf on a 5,806 sf lot (equivalent to a 4.5 FAR). 902-908 Bedford Avenue is a development with 48,360 square feet of floor area on a 10,000 square foot lot (equivalent to a 4.8 FAR), in a neighboring R7A district. Further from the Surrounding Area, just east of the Marcy Houses and approximately 1,200 feet from the Project Area, the Cascade Development on Stockton Street, Marcy Avenue and Myrtle Avenue, split between R6A and R7D/C2-4 zoning districts, has been developed on Myrtle Avenue with densities similar to what is proposed for Park Avenue.

Mapping an R7D district along Park Avenue is consistent with the already established land use plan for the area. Myrtle Avenue was already recognized as an appropriate location for R7D residential densities in the 2017 Myrtle Rezoning under CPC Report No. C 170025 ZMK. R7D districts, when paired with MIH (as it was in 2017), allow developments of up to 115 feet or 11 stories. The 2017 Myrtle Rezoning recognized that Myrtle Avenue, just 5 feet wider than Park Avenue, was an appropriate location to bolster retail and provide significant amounts of affordable housing. Park Avenue is quite similar to Myrtle Avenue in that it also provides a significant amount of local retail. In order to adequately serve the residential population of South Williamsburg, the retail on Park Avenue should be strengthened, and it should be acknowledged as one of the neighborhood's major corridors through provision of additional density.

Legalization of Non-Conforming Residential Use

The R7D designation will also legalize non-conforming residential uses within the Project Area. Within the M1-2 district, on Block 1716, is a 3-story residential apartment building (at 53 Spencer Street, Lot 1), a 3-story residential apartment building (at 55 Spencer Street, Lot 70), and a 3-story mixed commercial and residential building (at 523 Park Avenue, Lot 66). All appear to have been developed prior to 1961, when the current Zoning Resolution took effect. These lots are adjacent to, but not included within, Owner Development Site D (Block 1716, Lots 59-61).

2. Zoning Text Amendment

a. R6-1 zoning district

The Applicant proposes to modify Section 11-122 and Section 23-154 to create the new R6-1 zoning district. The R6-1 zoning district will allow the same residential and community facility uses that an R6 district allows. It will also allow the same bulk as an R6 district, with the sole exception of the floor area bulk regulations for MIH developments. For floor area regulations, an R6-1 district will allow, for any MIH development, a 3.6 residential FAR.[6] For non-MIH Quality Housing developments and community facility uses, the permitted floor areas are identical to an R6 district: the maximum permitted residential FAR is 2.2, unless the development is within 100 feet of a wide street, in which case the maximum permitted residential FAR is 3.0. For community facility uses, the R6-1 district will allow a 4.8 FAR. The R6-1 district will also allow a lot coverage of 65% for MIH developments.

b. Special Mixed Use District

The Applicant proposes to modify Section 123-90 of the Zoning Resolution to modify the Special Mixed Use District MX-4 (Flushing/Bedford) to include M1-4/R6-1 and M1-4/R7D zoning designations. Specifically, ZR 123-63 will be modified to include R6-1 and R7D districts as designated Residence Districts within Special Mixed Use District MX-4.

c. MIH Area (Appendix F)

The Mayor's policy is to require the mapping of an MIH area whenever a zoning change substantially increases the residential capacity of a zoning lot. Therefore, the Applicant proposes an amendment to Appendix F of the Zoning Resolution to designate the Project Area as an MIH area by amending Appendix F of the Zoning Resolution.

The Applicant proposes to map MIH Options 1 and 2 over the Project Area. Option 1 requires that, for new residential developments, an amount of affordable floor area equivalent to at least 25% of the residential floor area within the development be provided, with the weighted average of all income bands not exceeding 60% AMI. No more than three income bands may be provided, with no income band exceeding 130% of the income index, and at least 10% of the residential floor area shall be affordable to an income band at 40% of the income index. Option 2 requires that, for new residential developments, an amount of affordable floor area equivalent to at least 30% of the residential floor area within the

[6] A 3.6 residential FAR is only permitted for MIH and IH developments in R6 districts when located within 100 feet of a wide street. Otherwise, for MIH and IH developments in R6 districts, the maximum permitted residential FAR is 2.42.

development be provided, with the weighted average of all income bands not exceeding 80% AMI. Not more than three income bands may be provided, with no income band exceeding 130% of the income index.

VII. Conclusion

The Applicant respectfully requests approval of two actions to facilitate the Proposed Development: (i) a zoning map amendment to map a the Special Mixed Use District (MX-4) (M1-4/R6-1) and (M1-4/R7D) over the Project Area; and (ii) a zoning text amendment to modify provisions in the Zoning Resolution to establish the R6-1 zoning district, to modify Special Mixed Use District MX-4 (Flushing/Bedford) to include M1-4/R6-1 and M1-4/R7D zoning districts, and to designate the Project Area as a Mandatory Inclusionary Housing Area. The requested land use actions will facilitate development of three much needed schools, as well as affordable housing, for the surrounding community.