Project Description (LR Item 3)
Project ID: 2018K0415

1776 48th Street

April 2020

1. Introduction

Yitzchok Stern (the "Applicant") seeks a zoning map amendment and zoning text amendment (the "Proposed Actions") to facilitate a new mixed-use development in the Borough Park section of Brooklyn Community District 12.

1. Zoning Map Amendment.

The proposed zoning map amendment seeks the following:

a. Zoning map amendment from R5 to R6B on Block 5449, Lots 34 (p/o); 35; 36; 37; 41; 42; and 44 – mapped at a depth of 100 feet from 18th Avenue between 48th and 49th Streets ("Project Area");
b. Zoning map amendment to map a C2-4 commercial overlay over Block 5449, Lots 37, 41 and 42 (p/o) – mapped at a depth of 35 feet from 18th Avenue between 48th and 49th Streets, which would fall within a portion of the Project Area.

2. Zoning Text Amendment

The proposed zoning text amendment seeks to amend Appendix F of the Zoning Resolution of the City of New York ("ZR") to establish the Project Area as a Mandatory Inclusionary Housing Area ("MIH").

The Proposed Actions would facilitate development of a new three (3) story and cellar, mixed-use commercial and residential building (the "Proposed Development") with five residential units. The Proposed Development would have a total floor area of 4,928 zoning square feet (1.36 FAR) or 6,845 of gross square feet (gsf), of which approximately 2,065 square feet would consist of local retail space (Use Group 6). The building would have a total height of 30 feet along 48th Street without a setback. No accessory parking spaces would be provided.

2. Background

The Project Area and the Development Site was the subject of a prior ULURP action which proposed to rezone the Development Site and surrounding area from R5 to R5/C1-3.

On April 26, 2010, the City Planning Commission ("CPC") voted to approve the previous rezoning under C 070520 ZMK. Per the approval, the CPC amended Zoning Map, Section No. 22c to establish within an existing R5 District a C1-3 District bounded by 48th Street, 18th Avenue, 49th Street and a line 100 feet northwesterly of 18th Avenue, Borough of Brooklyn, Community District 12.On May 17, 2010, the City Council voted to deny the zoning map amendment.

In March of 2019, the Board of Standards and Appeals ("BSA"), under BSA Cal # 2016-4153-BZ approved a variance for the construction of a Use Group 3 school (Project Witness) at 4701 19th Avenue (Block 5457, Lot 166) located approximately 4 blocks northeast of the Development Site. In January 2012 under BSA Ca; #5-12-BZ approved a variance for the addition of a third floor to an existing two-family residential building, contrary to front and side yard requirements, at 812 Dahill Road (Block 5445, Lot 39) located approximately 4 blocks northeast of the Development Site.

There have been no other land use actions approved within the last 10 years within 600 feet of the Project Area.

3. Description of Surrounding Area

The Project Area is situated along 18th Avenue, which serves as a mixed-use local corridor with 80 feet in width (a 'wide' street). The street grid in this area is irregular with the numbered streets that radiate from 18th Avenue (i.e. 48th Street and 49th Street) containing 60 feet in width and primarily residential in character. 16th Avenue to the west also serves as a commercial corridor and McDonald Avenue is present to the northeast, which serves as an arterial corridor (100 feet wide) with the New York City Transit (NYCT) F-train elevated over the roadway. The Project Area is outside the Transit Zone.

The Project Area is located in a large R5 district that extends to the west at 16th Avenue, to the northeast near McDonald Avenue and to the south near the Belt Parkway. Directly across the street to the north, south and east of the Project Area along 18th Avenue are multiple C1-3 commercial overlays. Two (2) blocks northwest of the Project Area along 16th Avenue is a local commercial corridor along 16th Avenue with C1-3 and C2-3 commercial overlays. Present along this corridor

are boutiques, eating and drinking establishments, food stores, delis, hardware stores and other local retail uses. An R6A district is mapped several blocks northeast of the Development Site along 18th Avenue with C1-4 commercial overlays present. In addition, the area to the east along McDonald Avenue is zoned M1-1. Four blocks to the south of the Project Area along 18th Avenue is a general service C8-2 district. To the west along 16th Avenue is another commercial corridor with a series of C1-3 and C2-3 commercial overlays present.

The underlying R5 zoning districts allow Use Groups 1-4 and a residential floor area ratio (FAR) of 1.25 with a maximum FAR of 1.65 for predominantly built up areas. R5 districts allow buildings with a maximum street wall height of 30 feet, with a 15-foot setback required following the street wall, and a maximum total height of 40 feet. A maximum lot coverage of 55% governs developments as well as a front yard of 10 feet (or 18 feet if greater than 10 feet). Two side yards with a total combined width of 13 feet with any one being a minimum of 5 feet are required. Parking is required for 85% of dwelling units. When commercial overlays are present in the R5 district, Use Group 6 (neighborhood retail) are permitted for C1-3 districts, while the C2 district permits expanded local retail uses (Use Groups 5-9 & 14). Commercial overlays in R5 districts permit a maximum commercial FAR of 1.0, with ground floor retail permitted.

The R6A/C1-4 districts allow residential, community facility and commercial uses (Use Groups 1-6). R6A districts allow residential/community facility uses at 3.0 FAR and permit a base height of 60 feet and a maximum height of 70 feet. For residential uses, at accessory parking is required for 50% of dwelling units. For mixed use buildings, commercial uses in R6A districts with a commercial overlay present permit a maximum of 2.0 FAR but only permit commercial uses on the ground floor where residential units are provided above.

The M1-1 zoning district allows a maximum FAR of 1.0 for light manufacturing and industrial uses (Use Groups 4-14, 16-17) and allows an FAR of 2.4 for community facility uses. The maximum building height is based on the sky-exposure plane, which begins 30 feet above the street line.

The C8-2 is a general commercial district that permits a wide range of commercial uses not generally suitable within residential districts (Use Groups 4-14 & 16). The C8-2 district permits a commercial FAR of 2.0. Parking requirements vary by use.

In terms of the built form of the surrounding area, 18th Avenue is predominantly lined with mixed-use buildings containing ground floor commercial, as noted above, typically rising between two- and three-stories. In addition, some older four-story apartment buildings are present, which were constructed in prior to the 1961 ZR. To the east and west of 18th Avenue are single- and two-family detached homes. To the south near 53rd Street is a Long Island Railroad (LIRR) right-of-way that travels below grade and is centered around the C8-2 district noted above.

It should be noted that a high concentration of houses of worship are present to the south along 18th Avenue, which primarily serve the local Orthodox Jewish community. Notable examples include Congregation Beth Halevy Koson (1777 49th Street), Khal Imrei Avraham (5002 18th Avenue), Congregation Lomdei Torah Belz (1779 51st Street), Yagdil Torah-Chasidei Gur (5104 18th Avenue), Congregation Meohr Yisrael (1771 52nd Street) and Congregation Beth Aaron (4901 18th Avenue). In terms of schools, P.S. 192 is located immediately to the north of the Project Area on 18th Avenue between 47th and 48th Streets.

There are no notable public open spaces in the surrounding area.

The Project Area and surrounding area are well served by multiple modes of public transportation. The Development Site is located three (3) blocks from a NYCT Subway Station at the intersection of Webster Avenue and McDonald Avenue where F train service is provided. The area surrounding the Development Site is also well served by NYCT bus lines. The B8 bus line runs along 18th Avenue and provides service between Bay Ridge and Brownsville. Additionally, the B11 bus runs on 49th and 50th Streets next to the Development Site and provides service between Flatbush and the Brooklyn Army Terminal.

4. Description of the Proposed Project Area

The Proposed Project Area consists of Block 5449, Lots 34 (p/o); 35; 36; 37; 41; 42; and 44.

Lot 34 (p/o) (1760 48th Street) is a rectangular interior lot with approximately 2,705 square feet of lot area with 27 feet of frontage along 48th Street. The property is developed with a two-story residential building with 2,800 square feet of floor area (1.04 FAR) where 1.25 is permitted as-of-right by the underlying R5 zoning district. The building was built in 1920 and contains two dwelling units.

Block 5449, Lot 35 (1762 48th Street) is a rectangular interior lot with approximately 2,654 square feet of lot area with 26.5 feet of frontage along 48th Street. The property is developed with a two-story residential building with 2,800 square feet of floor area (1.06 FAR) where 1.25 is permitted as-of-right by the underlying R5 zoning district. The building was built in 1920 and contains two dwelling units.

Block 5449, Lot 36 (1766 48th Street) is a rectangular interior lot with approximately 3,055 square feet of lot area with 30.5 feet of frontage along 48th Street. The property is developed with a two-story residential building with 2,800 square feet of floor area (0.92 FAR) where 1.25 is permitted as-of-right by the underlying R5 zoning district. The building was built in 1920 and contains two dwelling units.

Block 5449, Lot 37 or the Development Site (1776 48th Street) is a rectangular corner lot with approximately 3,506 square feet of lot area with 100 feet of frontage along 18th Avenue and 35 feet of frontage along 48th Street. The property is developed with a two-story residential building with 3,528 square feet of floor area (1.01 FAR) where 1.25 is permitted as-of-right by the underlying R5 zoning district. The building was built in 1920 and contains two dwelling units.

Block 5449, Lot 41 (1777 49th Street) is a rectangular corner lot with approximately 3,005 square feet of lot area with 100 feet of frontage along 18th Avenue and 30 feet of frontage along 49th Street. The property is developed with a three-story community facility/residential building occupied by Congregation Beth Halevy Koson with 5,575 square feet of floor area (1.86 FAR) where 2.00 is permitted as-of-right for a community facility use by the underlying R5 zoning district. The top two floors of the building contain dwelling units, with a total of two present. The building was constructed in 1989.

Block 5449, Lot 42 (1771 49th Street) is a rectangular interior lot with approximately 3,506 square feet of lot area with 35 feet of frontage along 49th Street. The property is currently vacant.

Block 5449, Lot 44 (1769 49th Street) is a rectangular interior lot with approximately 3,506 square feet of lot area with 35 feet of frontage along 49th Street. The property is developed with a two-story residential building with 3,250 square feet of floor area (0.93 FAR) where 1.25 is permitted as-of-right by the underlying R5 zoning district. The building was built in 1920 and contains two dwelling units.

5. Description of the Proposed Development Site

Block 5449, Lot 37 or the Development Site (1776 48th Street) is a rectangular corner lot with approximately 3,506 square feet of lot area with 100 feet of frontage along 18th Avenue and 35 feet of frontage along 48th Street. The property is developed with a two-story residential building with 3,528 square feet of floor area (1.01 FAR) where 1.25 is permitted as-of-right by the underlying R5 zoning district. The building was constructed in 1920. The building was built in 1920 and contains two dwelling units.

6. Description of the Proposed Development

The Proposed Actions would facilitate development of a new three (3) story and cellar, mixed-use commercial and residential building (the "Proposed Development") with five dwelling units. The Proposed Development would have a total floor area of 4,928 zoning square feet (1.36 FAR) or 6,993 of gross square feet (gsf), of which approximately 2,065 square feet (0.57 FAR) would

consist of local retail space (Use Group 6). The building would have a total height of 30 feet along 48th Street.

No accessory off-street parking spaces would be provided, as 3 residential spaces would be required where a requirement of 5 or less spaces is waived per ZR 25-251 and only 2 spaces are required for the proposed commercial use (general retail - PRC-B) per ZR 36-341.

7. Actions Necessary to Facilitate the Project

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

- Zoning map amendment from R5 to R6B of Block 5449, Lots 34 (p/o); 35; 36; 37; 41; 42; and 44 – mapped at a depth of 100 feet from 18th Avenue between 48th and 49th Streets;
- Zoning map amendment to map a C2-4 commercial overlay over Block 5449, Lots 37, 41 and 42 (p/o) – mapped at a depth of 35 feet from 18th Avenue between 48th and 49th Streets.
- Zoning Text amendment seeks to amend Appendix F of the Zoning Resolution of the City of New York ("ZR") to establish the Project Area as a Mandatory Inclusionary Housing Area.

R6B districts typically result in buildings rising to five-stories. Quality housing regulations are mandatory and under MIH the district permits a maximum FAR of 2.2 (a base of 2.0 FAR). R6B districts permit a max base height of 30-40 feet or 45 feet with a qualifying ground floor. The maximum permitted height is 50 feet or 55 feet with a qualifying ground floor. Parking is required for 50% of dwelling units and the requirement for income-restricted dwelling units is reduced, as the Project Area is outside the Transit Zone. C2-4 districts permit an expanded range of neighborhood retail uses (Use Groups 1-6, 9 and 14) at a maximum FAR of 2.0. However, commercial retail is only permitted on the ground floor where residential units are provided above.

The proposed R6B/C2-4 district is appropriate for this area, as it results in the lowest permitted level of medium-density contextual development under Quality Housing regulations, with the Project Area located along 18th Avenue, a wide neighborhood commercial corridor. The proposed C2-4 commercial overlay would result in active ground-floor street frontages along 18th Avenue, consistent with pre-existing commercial uses present along this segment of 18th Avenue, which contains pre-existing C1-3 commercial overlays to the north and south. This would also serve to improve and reinforce the vibrant pedestrian environment of this corridor.

The proposed C2-4 district is intended for areas in close proximity to transit, with a reduced parking requirement of one space per 1,000 square feet of commercial area and the requirement

waived where below 40 spaces is required. This is consistent with the surrounding area where NYCT subway access is 3 blocks away and numerous NYCT bus lines in close proximity.

The proposed depth of 35 feet for the commercial overlay is appropriate for this area, as it would prevent commercial uses from encroaching further onto predominantly residential side streets (48th and 49th Streets), given the narrow depth of lots present in the Project Area, and would serve to primarily permit commercial uses fronting 18th Avenue. This would be consistent with the pre-existing context of the surrounding area where commercial uses primarily front 18th Avenue and do not front residential side streets.

The proposed R6B density is consistent with the bulk of the surrounding area. Just north of the Development Site at 4715 18th Avenue (Block 5445, Lot 1) is a five (5) story school which has a height of 80.67 according to the City's Department of Finance records. Additionally, the property located next to the Development Site along 18th Avenue at Block 5449 Lot 41 (1777 49th Street) has an existing FAR of 1.86 (where 2.0 is permitted as of right for community facility uses in an R5 district) and a total height exceeding 35 feet. Further, across 48th Street from the Development Site are two (2) mixed-use buildings: Block 5450, Lot 6 (1806 48th Street) and Block 5450, Lot 1 (1805 49th Street). Lot 6 has a height of 52.5 feet and a FAR of 3.67. Lot 5 has a height of 43.54 feet and a FAR of 3.6. Therefore, these buildings are consistent in permitted bulk with the proposed R6B/C2-4 building and the proposed zoning district would be consistent with the bulk context of the surrounding area.

Lastly, the Proposed Actions would result in a contextual zoning district where Quality Housing regulations are mandatory, which would serve to improve the urban design of this intersection. The text amendment to make the Project Area applicable to MIH could also potentially result in new income-restricted dwelling units, a recognized need in all areas of the city. As such, the Proposed Actions would serve to improve the conditions of the Project Area and would be consistent with and reinforce the existing built character of the area, while potentially creating new income-restricted dwelling units.

8. Conclusion

The Proposed Actions would result in a mixed-use medium-density contextual district that would be consistent with the existing built context of the surrounding area. The proposed increase in density would be consistent with the built-form of the surrounding area, where pre-existing buildings are constructed to five-stories, also consistent with the permitted bulk of the R6B district.

The location of the Project Area along a wide neighborhood commercial corridor is appropriate for a R6B/C2-4 district, which is intended for commercial corridors in close proximity to transit, consistent with the Project Area and the nearby location of subway and bus transit. The proposed

35-foot depth of the commercial overlay is also appropriate for this corridor and would serve to prevent commercial uses from encroaching onto predominantly residential side streets, given the presence of narrow lots in this area.

The proposed contextual district would also require new construction under Quality Housing regulations, which would improve the urban design of this segment of 18th Avenue. Lastly, the Proposed Actions could result in new income-restricted dwelling units, a demonstrated need for this community. As such, the Proposed Actions are appropriate for this area and would result in a new contextual mixed-use building along a heavy trafficked segment of 18th Avenue that would serve to reinforce the vibrant pedestrian nature of this corridor.