2892 Nostrand Avenue Rezoning
December 14, 2020

1. Introduction

The applicant, Mikerose Realty, Inc., proposes a zoning map amendment to rezone 2872 through 2922 Nostrand Avenue Block 7690, Lots 240, 65, 66, 67, 68, 69, 70, 71, 72, 73, 1001-1048 and 82 (the "Project Area"), in the Madison neighborhood within Brooklyn Community District 15, from an R3-2 zoning district to R7A/C2-4 (Lots 73, 72, 71, 70, and a portion of 240); R6B/C2-4 (Lots 65, 66, 67, 68, 69, and a portion of 240); and R7A (Lots 1001-1048 and 82) zoning districts. In addition, the Applicant proposes a text amendment to Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 15, Brooklyn to establish an MIH Area coterminous with the Project Area. The Applicant proposes mapping both Option 1 and Option 2 within the Project Area to provide maximum flexibility for future development of the non-applicant controlled sites.

The proposed actions would facilitate the development of 2892 Nostrand Avenue (Block 7690, Lot 73) (the "Development Site") with a new nine-story mixed residential, commercial, and community facility building with 55 proposed dwelling units, including approximately 14 permanently affordable units.

2. Background

The Project Area is located within the northeastern portion of the Madison neighborhood, on Nostrand Avenue just south of Kings Highway. The existing R3-2 zoning district has remained unchanged since it was mapped in 1961.

Area Rezonings

The area north of the Project Area was included in the 2006 Homecrest Rezoning (effective February 15, 2006, C 060129 ZMK), which mapped the current R7A zoning district along Kings Highway to replace the previous R6 zoning district. The Homecrest Rezoning affected approximately 70 blocks of predominantly residential property bounded by Coney Island Avenue to the west, Avenue P and Kings Highway to the north, Ocean Avenue to the east, and Avenue S to the south. This rezoning also included blocks along Ocean Avenue between Avenue S and Voorhies Avenue, and along the south side of Kings Highway between Ocean Avenue and Nostrand Avenue. The Homecrest Rezoning generally mapped lower density zoning districts in order to preserve the low-rise character of blocks with low-rise homes. Higher density contextual zoning districts were mapped along apartment building corridors and other wide streets with good transit access where new apartment building construction would be appropriate. In addition, these contextual districts eliminated the floor area bonus available to community facilities (from 4.8 to 4.0 Floor Area Ratio ("FAR")) and imposed limitations on building heights that did not exist in the previous R6 zoning district.

The Midwood Rezoning (effective April 5, 2006, C 060130 ZMK) area is north of the Project Area running along Kings Highway. The Midwood Rezoning rezoned approximately 80 predominantly residential blocks generally bounded by Avenue H to the north, Ocean Avenue to the east, Avenue P and Kings Highway to the south, and Coney Island Avenue to the west. The Midwood Rezoning mapped R7A and C4-4A (R7A equivalent) zoning districts to permit new, higher density residential development on selected wide streets including Avenue J, Avenue K, the Avenue M commercial corridor, Ocean Avenue, Coney Island Avenue, and Kings Highway.

Area Board of Standards and Appeals Cases

There have been four Board of Standards and Appeals ("BSA") cases in the immediate area of the Project Area. The variance for the Development Site was originally granted in 1951 and extended three times to 1986 to permit a nonconforming use. The three variances issued to other properties have all been to increase bulk and have been granted in the last 12 years, which suggests that the current zoning district is out of sync with modern land use pressures in the area.

313-51-BZ

On October 23, 1951 the Board of Standards and Appeals granted a variance for the Development Site to permit the use of woodworking machinery and equipment so as to use the Development Site as a cabinet making shop, accessory to the lumber storage on the premises. The Board of Standards and Appeals extended this variance on July 18, 1961, October 5, 1971, and May 11, 1982. The variance expired on July 18, 1986.

25-06-BZ

On October 16, 2007 the Board of Standards and Appeals granted a variance for 2908 Nostrand Avenue, Brooklyn (Block 7690, Lot 79 and 80 (now Lots 1001-1048)), in the Project Area, to permit the construction of a multi-family residential building, contrary to floor area, lot coverage, wall height, total height, density, and front and side yards. These waivers were granted, in part, in order to facilitate a reasonable return, because of the significant environmental remediation required at the site. These waivers permitted a building with, "a maximum of four stories including any basement, a maximum of 15 dwelling units, a total height and streetwall height of 36'-0", a floor area of 20,856 square feet (2.37 FAR), a front yard depth of 10'-0", a rear yard depth of 30'-0", a lot coverage of 64 percent, and a minimum of 15 parking spaces."

6-13-BZ

On March 4, 2014 the Board of Standards and Appeals granted a variance for 2899 Nostrand Avenue, Brooklyn (Block 7691, Lot 13), east of the Project Area across Nostrand Avenue, to permit the construction of a synagogue and school (Yeshiva Ohr Yisrael), contrary to floor area, lot coverage, side yard, rear yard, sky exposure plane, and parking regulations. These variances permitted a building built to a maximum of four stories, 20,420 square feet floor area (3.75 FAR), a wall height of 52 feet, and a rear setback of 15 feet at the third and fourth stories.

254-13-BZ

On March 31, 2015 the Board of Standards and Appeals granted a variance for 2881 Nostrand Avenue, Brooklyn (Block 7691, Lot 19), east of the Project Area across Nostrand Avenue, to permit the construction of a multi-family residential building, contrary to floor area, maximum number of dwelling units, front yards, lot coverage, and height. These variances were granted in order to facilitate a reasonable return, in part, because of the significant environmental remediation that needed to be done on the site. These waivers permitted a building with specifications as follows: four stories with a height of 40 feet, 21,827 square feet of floor area (1.71 FAR), 19 apartments, no front yard, side yards of 20 feet and 15 feet, a 30-foot rear yard, 56 percent lot coverage, and 19 parking spaces.

3. Description of the Surrounding Area

The Project Area is located in the northeastern portion of the Madison neighborhood, within Brooklyn Community District 15. Existing land uses within 600 feet of the Project Area (the "Surrounding Area") primarily consist of one- and two-family residences, with private schools and religious institutions, multi-family residences, mixed commercial and residential buildings, and local retail uses located along Nostrand Avenue and Kings Highway. The schools and religious buildings range from one to two stories in height, and the one- and two-family residential uses are found in two-story detached, semi-detached, and attached buildings. There are four to nine story multi-family residential buildings along Nostrand Avenue and Kings Highway. A majority of Block 7690, fronting Nostrand Avenue, is improved with two-story buildings with either residential or mixed commercial and residential uses. There are two multi-family residential buildings, four and six stories high, immediately south of the Development Site. The west side of subject Block 7690, west of the Project Area, is primarily developed with two-story one- and two-family residential buildings. Block 7691, east of the Project Area across Nostrand Avenue, is developed with two-story one- and two-family residential buildings, commercial buildings, a public facility built subject to a BSA variance (6-13-BZ), a manufacturing building, and a four-story multifamily residential building with 19 dwelling units built subject to a BSA variance (254-13-BZ).

There are several major thoroughfares within the Surrounding Area. Kings Highway, a wide street (140 feet) with six lanes of traffic and two parking lanes, is located north of the Project Area. It runs from Bay Parkway in Bensonhurst to Rockaway Parkway in Brownsville. Nostrand Avenue bounds the Project Area to the east. It is a wide street (100 feet) that runs almost nine miles through Brooklyn from Williamsburg to Sheepshead Bay.

There are two parks in the Surrounding Area. PFC Norton Playground, named after a local resident who died during the Vietnam War and built by the Works Progress Administration, is a 0.557-acre playground adjacent to the Project Area to the north. The park was refurbished in 2007 and is improved with play equipment and a bathroom. Aimee Triangle is east of Nostrand Avenue across from the Project Area. It is a 0.115-acre park named in 1954 after a local resident who died while in the U.S. Air Force. It was refurbished in 1998 and 2001 and is improved with several benches. Approximately half a mile southeast of the Project Area is Marine Park. Marine Park is a 798-acre park – Brooklyn's largest – that contains extensive active and passive recreation areas as well as a wide range of natural areas. In 1974 1024 acres of the park were transferred to the National Park Service, to be included in the Gateway National Recreation Area.

There are many schools in and around the Surrounding Area. Yeshiva Derech Hatorah is a private elementary school located to the north of the Project Area on subject Block 7690 that serves approximately 250 students. This Yeshiva is housed within the Kingsway Jewish Center, which is listed on the National Register of Historic Places. The Kingsway Jewish Center also contains a synagogue and the Butterfly Daycare Center, a preschool. Yeshiva Ohr Yisrael, private high school and college, is located to the southeast of the Project Area. Yeshiva Ahavas Torah is a private elementary school located to the southeast of the Project Area. CSD 22 Pre-K Center is located to the north of the Project Area. P.S. 222 Katherine R. Snyder elementary school is located to the east of the Project Area, P.S. 197 Kings Highway Academy elementary school and I.S. 381 junior high are public schools collocated to the west of the Project Area along Kings Highway, and James Madison High School is a public school located to the southwest of the Project Area. Each of these public schools has active recreation spaces.

There are several medical facilities around the Surrounding Area. New York Community Hospital, originally known as Madison Park Hospital, is west-northwest of the Project Area along Kings Highway. It is an approximately 113,000 square feet hospital that has existed since 1929. Mount Sinai Brooklyn, originally known as Kings Highway Hospital, is north-northeast of the Project Area along Kings Highway. It is an approximately 151,720 square feet hospital that has existed since 1947.

The existing zoning districts in the Surrounding Area include:

R3-2

R3-2 zoning districts allow all housing types with a minimum lot width of 40 feet for detached residences and 18 feet for all others. Maximum lot coverage is 35 percent and the maximum FAR is 0.5 (plus 0.1 attic allowance). The perimeter wall maximum is 21 feet and the building height maximum is 35 feet. A front yard of at least fifteen feet is required. For detached homes, two side yards are required with a minimum width of five feet each and a minimum total width of 13 feet. For semi-detached one- and two-family homes, one eight-foot side yard is required. For all other dwellings, two eight-foot side yards are required for buildings, or abutting buildings on the same zoning lot with aggregate width of street walls not more than 80 feet. For buildings or abutting buildings where the aggregate width of the street walls exceeds 80 feet, two side yards equal to at least 10 percent of the aggregate width of the street wall shall be provided. One parking space is required for each dwelling unit. Community facilities are permitted at an FAR of 1.0.

R4

R4 zoning districts allow all housing types with a minimum lot width of 40 feet for detached residences and 18 feet for all others. Maximum lot coverage is 45 percent and the maximum FAR is 0.75 (plus 0.2 attic allowance). The perimeter wall maximum is 25 feet, and the building height maximum is 35 feet. A front yard of at least ten feet is required, and if the front yard exceeds ten feet then a front yard depth of 18 feet is required. For detached homes, two side yards are required with a minimum width of five feet each and a

minimum total width of 13 feet. For semi-detached one- and two-family homes, one eight-foot side yard is required. For all other dwellings, two eight-foot side yards are required for buildings, or abutting buildings on the same zoning lot with aggregate width of street walls not more than 80 feet, or for buildings or abutting buildings where the aggregate width of the street walls exceeds 80 feet, two side yards equal to at least 10 percent of the aggregate width of the street wall shall be provided. One parking space is required for each dwelling unit. In addition, for sites within predominantly built-up areas within R4 zoning districts, buildings may optionally use the infill zoning provisions at a maximum FAR of 1.35, provided at least 45 percent of the lot area is open space.

R7A

R7A zoning districts are medium density contextual residential zoning districts where the Quality Housing bulk regulations are mandatory. An R7A zoning district is mapped along Kings Highway. Several blocks outside of the Surrounding Area, an R7A zoning district is also mapped along Ocean Avenue. The maximum residential FAR in an R7A zoning district is 4.0, or 4.6 with inclusionary housing. R7A zoning districts also allow up to 4.0 FAR of community facility use. Above a maximum base height of 65 feet, 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 80 feet, or 90 feet with inclusionary housing. Off-street parking is required for 50 percent of all dwelling units, with an exemption from parking for income-restricted units within the Transit Zone, or can be waived if fifteen or fewer spaces are required.

C2-2

C2-2 zoning districts are commercial overlay districts mapped within residential zoning districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 zoning 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 zoning districts, the maximum commercial FAR is 1.0; when mapped in R6 through R10 zoning districts, the maximum commercial FAR is 2.0.

Public Transportation

The Project Area is well served by a wide range of bus routes that enable access to southern and northern Brooklyn as well as Manhattan. The NYCT B44, B44 SBS, BM4, B7, B82, and B82 SBS bus lines run through the Surrounding Area. The B44 and B44 SBS buses runs from Williamsburg to Sheepshead Bay, primarily along Nostrand Avenue. The BM4 express bus runs from Gerritsen Beach, Brooklyn to Midtown Manhattan and passes through the Project Area along Nostrand Avenue. The B7 bus runs along Kings Highway from Midwood to Bushwick. The B82 and B82 SBS buses run generally along Kings Highway from Coney Island to Starrett City. Approximately half a mile to the west of the Project Area is a bike lane that runs along Bedford Avenue. In addition, the Kings Highway subway station with B and Q line service is located between East 15th and East 16th Streets on Kings Highway approximately three-quarters of a mile west of the Project Area. Finally, in April 2019 the Metropolitan Transit Authority started studying expanding transit access along Utica Avenue, approximately a mile to the east of the Project Area, including the possibility of extending the Eastern Parkway IRT NYCT line south along Utica Avenue.

4. Description of the Project Area

The Project Area is located along Nostrand Avenue on Block 7690, between Kings Highway and Avenue P in the Madison neighborhood within Brooklyn Community District 15. It is currently zoned R3-2. The Project Area is bounded by the PFC Thomas Norton Memorial Playground to the north; a line 110 feet west of Nostrand Avenue, running parallel to it; a line 300 feet north of Avenue P, running parallel to it; and Nostrand Avenue to the west.

The Development Site

2892 Nostrand Avenue, Block 7690, Lot 73 is an approximately 11,000 square foot lot improved

with a one-story, 13 feet high 0.46 FAR non-conforming commercial building, built in 1931, currently occupied by a plumbing supply business. There is one curb cut on this lot. This lot has approximately 100 feet of frontage on Nostrand Avenue and is approximately 110 feet deep. One person currently works in this building.

Non-Development Sites

2872 Nostrand Avenue, Block 7690, Lot 65 is an approximately 2,100 square foot lot improved with a two-story, 22 feet high 1.21 FAR legally non-conforming mixed residential (UG 2) and commercial building (UG 6) built in 1931 with two dwelling units. This lot has approximately 20 feet of frontage on Nostrand Avenue and is approximately 105 feet deep. The Applicant estimates that no employees work in this building.

2874 Nostrand Avenue, Block 7690, Lot 66 is an approximately 2,100 square foot lot improved with a two-story, approximately 22 feet high 1.21 FAR legally non-conforming mixed residential and commercial building built in 1931 with two dwelling units. This lot has approximately 20 feet of frontage on Nostrand Avenue and is approximately 105 feet deep. It is currently occupied by an accounting firm. The Applicant estimates that two employees work in this building.

2876 Nostrand Avenue, Block 7690, Lot 67 is an approximately 2,100 square foot lot improved with a two-story, 23 feet high, 1.45 FAR legally non-conforming mixed residential and commercial building built in 1931 with two dwelling units. This lot has approximately 20 feet of frontage on Nostrand Avenue and is approximately 105 feet deep. In 2015, a job application was filed at the Department of Buildings (Job No. 321085044) to convert this building to a community facility use and increase the FAR to 1.68, but it was disapproved.

2880 Nostrand Avenue, Block 7690, Lot 68 is an approximately 2,100 square foot lot improved with a two-story, approximately 20 feet high 1.43 FAR legally non-conforming mixed residential and commercial building built in 1931. This lot, also owned by the Applicant, has approximately 20 feet of frontage on Nostrand Avenue and is approximately 105 feet deep. It is currently occupied by a liquor store and one dwelling unit controlled by the Applicant. The Applicant estimates that two employees work in this building.

2882 Nostrand Avenue, Block 7690, Lot 69 is an approximately 2,100 square foot lot improved with a two-story, 20 feet high 1.43 FAR legally non-conforming mixed residential and commercial building built in 1931 with one dwelling unit. This lot has approximately 20 feet of frontage on Nostrand Avenue and is approximately 105 feet deep. It is currently occupied by a Jewish organization serving people with special needs.

2884 Nostrand Avenue, Block 7690, Lot 70 is an approximately 2,100 square foot lot improved with a two-story, 25 feet high 1.83 FAR legally non-complying public facility (UG 3) built in 1931. This lot has approximately 20 feet of frontage on Nostrand Avenue and is approximately 105 feet deep. It is currently occupied by a Jewish special education school for children.

2886 Nostrand Avenue, Block 7690, Lot 71 is an approximately 2,100 square foot lot improved with a two-story, approximately 20 feet high 1.22 FAR legally non-conforming commercial building built in 1931. This lot has approximately 20 feet of frontage on Nostrand Avenue and is approximately 105 feet deep. It is currently occupied by an upholstery shop. The Applicant estimates that two employees work in this building.

2890 Nostrand Avenue, Block 7690, Lot 72 is an approximately 1,910 square foot lot improved with a two-story, 20 feet tall 1.33 FAR legally non-conforming mixed residential and commercial building built in 1931. This lot has approximately 20 feet of frontage on Nostrand Avenue and is approximately 87 feet deep.

Nostrand Avenue, Block 7690, Lot 240 is an approximately 370 square foot vacant lot with no street frontage. It is bounded by Block 7690, Lots 65-73, 39-43, and 104. The property was auctioned off by the City of New York in 1977 and transferred to Wadsworth Richmond Corp. Since then, it appears that in 2008 the City of New York put a tax lien on the property.

2910 Nostrand Avenue, Block 7690, Lot 1001-1048 is an approximately 8,800 square foot lot improved with a four-story residential building (UG 2) with 15 dwelling units. There are two curb

cuts on this lot. This lot has approximately 80 feet of frontage on Nostrand Avenue and is approximately 110 feet deep. This building was built in 2010 pursuant to variance adopted by the Board of Standards and Appeals Resolution (25-06-BZ, October 9, 2007) that permitted a building with, "a maximum of four stories including any basement, a maximum of 15 dwelling units, a total height and streetwall height of 36'-0", a floor area of 20,856 square feet (2.37 FAR), a front yard depth of 10'-0", a rear yard depth of 30'-0", a lot coverage of 64 percent, and a minimum of 15 parking spaces."

2922 Nostrand Avenue, Block 7690, Lot 82 is an approximately 17,600 square foot lot improved with a six-story, 60 feet high 2.84 FAR legally non-complying residential building built in 1960 with 69 dwelling units. This lot has approximately 160 feet of frontage on Nostrand Avenue, is approximately 110 feet deep, and has one curb cut.

5. Description of the Proposed Development Site

The proposed Development Site is located at 2892 Nostrand Avenue and consists of one tax lot (Block 7690, Lot 73) of approximately 11,000 square feet. The Development Site has approximately 100-feet of frontage along Nostrand Avenue and is 110-feet deep. There is one curb cut on this lot. Nostrand Avenue is a wide street measuring 100 feet across. The Development Site is improved with a one-story, 13 feet high 0.46 FAR, 5,016 square feet commercial building, built in 1931, currently occupied by a plumbing supply business. This lot has approximately 100 feet of frontage on Nostrand Avenue and is approximately 110 feet deep.

6. Description of the Proposed Development

The proposed building is a new nine-story residential, commercial, and community facility building with approximately 43,387 square feet (3.93 FAR) of residential floor area on floors two through nine, 3,770 square feet (0.34 FAR) of Use Group ("UG") 6 commercial floor area on the first floor, and 3,584 square feet (0.32 FAR) of UG 4 community facility floor area (the "Proposed Development") on the second floor. The Proposed Development would have a total FAR of 4.6 (50,741 zoning square feet). The Proposed Development would have a height of 93 feet with a base height of 73 feet and a 10-foot setback at the seventh floor. The Proposed Development would have a 30-foot rear yard, no side yards, and would have a lot coverage of 59 percent. The Proposed Development would have one curb cut and would contain approximately 55 dwelling units. The Applicant currently contemplates developing the mixed-use, Quality Housing building with Option 1 of MIH resulting in approximately 14 permanently affordable units (25 percent). The weighted average of all income bands for affordable housing units would not exceed 60 percent AMI. The Proposed Development would contain 24 vehicular and 22 bicycle parking spaces. The Proposed Development would provide a 4,076 square foot open yard at the rear of the Development Site as open recreation space.

7. Actions Necessary to Facilitate the Project

The two actions necessary to facilitate the Proposed Development are: a zoning map amendment changing an R3-2 zoning district to R7A/C2-4 (Lots 73, 72, 71, 70, and a portion of 240), R6B/C2-4 (Lots 65, 66, 67, 68, 69, and a portion of 240), and R7A (Lots 1001-1048 and 82) zoning districts within the Project Area; and a text amendment to establish an MIH Area with MIH Option 1 and Option 2 within the Project Area.

<u>Rationale for the Zoning Map Amendment from R3-2 to R7A/C2-4, R6B/C2-4, and R7A</u>

The Project Area has been zoned R3-2 since 1961. R3-2 zoning districts allow all housing types with a minimum lot width of 40 feet for detached residences and 18 feet for all others. Maximum lot coverage is 35 percent and the maximum FAR is 0.5 (plus a 0.1 attic allowance). The current zoning also allows for Use Group 3 and 4 community facility uses, with a maximum FAR of 1.0.

The Project Area is overwhelmingly typified by non-conforming uses and non-complying bulk. The Project Area does not contain complying/conforming buildings that could be developed as-of-right under the existing zoning. Of the 12 lots in the Project area, eight contain non-conforming commercial uses, two lots are non-complying concerning residential or community facility FAR, one lot required a variance to have a viable development, and one lot with no frontage is vacant. Every tax lot in the Project Area, other than the Development Site, that is improved with a building,

substantially exceeds the maximum FAR allowed under the current zoning. The average FAR for those 10 sites is approximately 1.6, which is more than three times higher than the base residential FAR in R3-2 zoning districts, for buildings without sloped roofs such as those in the Project Area. The proposed changes in the residential districts (R7A/C2-4 for Lots 73, 72, 71, 70, and a portion of 240; R6B/C2-4 for Lots 65, 66, 67, 68, 69, and a portion of 240; and R7A for Lots 1001-1048 and 82) would bring all of the buildings into compliance and conformance while allowing for a tailored step up in density. Specifically, density would be lower at the north end of the Project Area, adjacent to the playground, and higher at the southern end closest to the Kenneth E. Aimee Triangle, where Madison Place, Avenue P, and Nostrand Avenue converge, thereby reinforcing existing land use patterns while permitting needed growth.

C2-4

A majority of lots in the Project Area (Lots 65-69 and 71-73), as enumerated above, contain non-conforming commercial uses. The proposed C2-4 overlay will bring all of these lots into conformance. A C2-4 zoning district overlay is appropriate here because such overlays are generally mapped within residence districts along streets that serve local retail needs but allow a greater range of uses than those uses permitted within a C1 overlay. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors, as well as other businesses and services such as plumbing and upholstery stores. In mixed buildings, commercial uses in Use Group 6, 7, 8, 9, or 14 cannot extend above the first floor. Alternatively, a commercial building could have an FAR of 2.0, when mapped as an R6B/C2-4 or R7A/C2-4. The proposed C2-4 commercial overlay would therefore best reflect and legalize the uses already in existence.

When examining the nature of the Nostrand Avenue corridor, over 70 percent of lots on Nostrand Avenue are zoned with a commercial overlay, of which C2-4 districts are a plurality. Notably, the proposed rezoning closely mirrors the character of Nostrand Avenue in that 65 percent of the Project Area would be zoned with a commercial overlay. Moreover, in the Surrounding Area the proposed C2-4 commercial overlay would extend the commercial overlay that exists north of the Project Area along Nostrand Avenue south to an area already characterized by commercial uses.

This commercial overlay zoning district is more appropriate than the above-mentioned C2-2 and C1-2 commercial overlays mapped north of the Project Area. These districts have been mapped in the area since 1961 and do not properly address modern parking needs and environmental concerns. Further, a C2-4 zoning district overlay would allow a greater range of uses than those uses permitted within a C1 overlay, which is appropriate for an area with varied uses such as this. For instance, Lot 71 is currently occupied by a UG 8 upholstery store, which is not permitted in a C1 zoning district. Recent rezonings, such as the 2009 Flatbush Rezoning (C 090336 ZMK, effective August 3, 2009), the 2013 Crown Heights West Rezoning (C 070447 ZMK, effective September 30, 2013), the 2007 Bedford-Stuyvesant South Rezoning, and the 2012 Bedford-Stuyvesant North Rezoning (C 120294 ZMK, effective October 17, 2012), all mapped C2-4 commercial districts along Nostrand Avenue, pointing to C2-4 zoning districts' appropriate range of uses and reduced parking requirements. These rezonings were further structured so as to not map these districts on residential side streets.

The proposed C2-4 commercial overlay would enable increased commercial flexibility by permitting a wider range of uses, as such, would strengthen the commercial corridor by enabling the highest and best commercial uses instead of the limited grandfathered in uses that are currently available in the Project Area. Overall, the extension of a commercial overlay along this corridor would further strengthen not only the commercial sections of the Project Area, in terms of having an active streetscape and healthy retail, but would have a network effect that would strengthen the aforementioned adjoining commercial areas of Nostrand Avenue, while legalizing longstanding non-conforming uses.

R6B

R6B zoning districts are contextual districts where the Quality Housing bulk regulations are mandatory. R6B zoning districts typically consist of four- to five-story apartment buildings and four-story attached buildings with a maximum permitted FAR of 2.0, or 2.2 with inclusionary housing. The base height must be between 30 and 40 feet, a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, and the maximum permitted height is 50 feet. This district is appropriate for the northern portion of the Project Area (Lots 65, 66, 67,

68, 69, and a portion of 240) because it will bring the existing buildings into compliance with respect to built FAR, while protecting the adjacent playground from additional shadows if redevelopment were to occur. Given the difference between the bulk of the existing buildings and the bulk permitted under R6B, this proposed zoning district would limit redevelopment potential in this section of the Project Area (Lots 65, 66, 67, 68, 69, and a portion of 240) Overall, this district is well-tailored to balance the competing needs for zoning compliance, parkland protection, and protection from residential displacement.

R7A

R7A zoning districts are contextual residential zoning districts, typically mapped on wide streets or near open space, which mandate compliance with Quality Housing regulations. The maximum residential FAR in an R7A zoning district is 4.0, or 4.6 with inclusionary housing. R7A zoning districts also allow up to 4.0 FAR for community facility use. Above a maximum base height of 65 feet, 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 80 feet, or 90 feet with inclusionary housing. Off-street parking is required for 50 percent of all dwelling units, with an exemption from parking for income-restricted units within the Transit Zone. Parking requirements can be waived if 15 or fewer spaces are required.

This zoning district is appropriate at the southern portion of the Project Area (Lots 73, 72, 71, 70, 1001-1048, 82, and a portion of 240). Not only would it bring lots 1001-1048 and 82 into compliance with regard to FAR, but this district would also be appropriately mapped along a wide street. To the east of the Project Area, Nostrand Avenue, Madison Place, and Avenue P converge to form a triangle, in which Aimee Triangle Park is located. This triangle effectively creates an open space to the east of the Project Area that is up to 300 feet wide from building front to building front – a distance approximately three times as wide as Nostrand Avenue. R7A zoning districts are appropriately mapped along wide streets and large open areas such as these.

Mapping the proposed R7A zoning district would further the City's goals by promoting development on underutilized property proximate to an existing moderate-density residential community (along Kings Highway), extensive public transit links, and plentiful active and passive recreation areas. The Project Area is an underutilized area primarily developed with low-rise buildings and would benefit from the development of mixed-use residential buildings to help meet demand for additional housing.

District Boundaries

An R7A/C2-4 zoning district would be the most appropriate zoning district for southern portion of the Project Area, given its street geometry, extensive transit links, proximity to existing moderate-density housing, commercial use along the street, access to public infrastructure and parkland, and need for residential development. However the bifurcation of the Project Area into R7A and R6B zoning districts is appropriate, primarily out of a desire to protect PFC Norton Playground from any deleterious effects of increased shadows from potential redevelopment, by mapping density lower at the north end of the Project Area and higher at the southern end.

Further, the rezoning would not extend the commercial overlay so far as to have the potential to alter purely residential sites within the Project Area (Lots 1001-1048 and 82), thereby reflecting longstanding uses within the Project Area. In addition, the lots within the proposed R7A/C2-4 zoning district are primarily non-residential; if redevelopment were to occur, it would not have the potential to displace existing residents, while enabling much-needed growth, as discussed above. Finally, the lots south of the proposed R7A zoning district are significantly different in character (two-story row houses) from those in the Project Area and are not as severely non-complying. Consequentially, ending the R7A zoning district 300 feet north of Avenue P would maintain the existing character of the area.

Overall, the proposed rezoning would promote the development of new medium-density housing with active ground floor commercial uses that would serve the neighborhood, provide jobs, and maintain Nostrand Avenue's active streetscape.

Rationale for the Mandatory Inclusionary Housing Area Text Amendment

The proposed text amendment of ZR Appendix F is necessary to establish an MIH Area, which requires new developments to set aside 25-30 percent of the residential floor area for affordable housing. MIH Option 1 requires an affordable housing set aside of 25 percent of the residential floor area at an average of 60 percent of AMI with 10 percent at 40 percent AMI. MIH Option 2 requires an affordable housing set aside of 30 percent of the residential floor area at an average of 80 percent AMI. The Applicant proposes mapping both MIH Option 1 and Option 2 within the Project Area to provide maximum flexibility for non-Applicant controlled sites. New affordable housing is a particularly critical need in Brooklyn Community District 15, where nearly half of the households are rent burdened. According to the U.S. Census Bureau, American Community Survey 2012-16 Five Year Estimates for PUMA 4016, 47.1 percent of households spend 35 percent or more of their income on rent.

The proposed rezoning would provide new opportunities for affordable and market-rate housing development in an area with increasingly unaffordable, stagnant, and aging housing stock. The Proposed Development would add15 new permanently affordable housing units to a neighborhood where the cost of housing has been rising rapidly and almost 50 percent of households pay more than 35 percent of their income in rent.

8. Conclusion

The Applicant proposes a zoning map amendment to change an R3-2 zoning district to R7A/C2-4 (Lots 73, 72, 71, 70, and a portion of 240), R6B/C2-4 (Lots 65, 66, 67, 68, 69, and a portion of 240), and R7A (Lots 1001-1048 and 82) zoning districts and a zoning text amendment to establish the Project Area as an MIH Area. The proposed actions would facilitate mixed-use development in the Madison neighborhood within Brooklyn Community District 15. The Proposed Development would create approximately 55 new dwelling units, with approximately 14 permanently affordable units, new commercial space, and community facility space. The proposed rezoning would provide increased opportunities for housing development on underutilized sites, including mandatory affordable housing and non-residential use. The MIH program ensures that new development within the Project Area would address the need for housing that serves low-income residents. These actions would be consistent with the City's goals of strengthening neighborhoods, expanding employment and housing, including affordable housing, in transit accessible areas while respecting the character of surrounding residential communities. Finally, the rezoning would enable complete conformance and compliance with zoning within the Project Area.