BELMONT-OSBORN REZONING

Project ID: 2020K0390

Project Description

May 20, 2022

INTRODUCTION

Osborn Belmont Properties LLC (the “Applicant”) seeks approval of a Zoning Map Amendment and Zoning Text Amendment with respect to the real properties situated on two blocks: Block 3523, Lots 26-28, 30, 32, 33, 37, 101-106, 111, 112 and 127; and Block 3524, Lots 1-8, 19- 21, 23, 25 and 26 (the "Project Area").

Currently, the portion of the Project Area extending from Belmont Avenue to the mid-block line of each of the two blocks is located in an R6 district with a C1-3 commercial overlay. The portion of the premises extending north beyond the mid-block line, towards Pitkin Avenue, is located in a C4-3 district (R6 equivalent). The current zoning districts have been in effect since December 15, 1961. Upon approval, the Zoning Map Amendment will replace a portion of an existing R6/C1-3 zoning district and a portion of an existing C4-3 district with an R7D district along Belmont Avenue within 100’-0” of the street line and an R7A district beyond 100’-0” of Belmont Avenue. The entire Project Area will also be mapped with a C2-4 commercial overlay.

The Zoning Map Amendment will facilitate the development of two predominantly residential buildings with retail and community facility uses on the ground floor and cellar (the “Proposed Project”). The first building (“Building 1”) will be located on Block 3523, Lots 26, 27, 28, 30, 32, 33 and 127 (the “West Parcel”), adjoining the corner west side of the intersection of Belmont Avenue and Osborn Street. It will contain a total of 136 dwelling units and will be constructed at nine stories (approximately 90’-4”). Between 34 and 41 dwelling units will be designated as affordable units under Mandatory Inclusionary Housing (“MIH”). Approximately 7,873 SF will be allocated to commercial and community facility uses.

The second proposed building (“Building 2”) will be located along the mid-block portion of Block 3524 including Lots 1, 2, 3, 4, 5, 6, 7, 25 and 26 (the “East Parcel”). Lots 1, 2, 25 and 26 will create a through-lot portion with frontages on Osborn Street and Watkins Street, with the remaining lots fronting on the east side of Osborn Street. Building 2 will contain a total of 116 dwelling units and will be constructed at nine stories (approximately 95’-0”). Between 29 and 35 dwelling units will be designated as affordable units and approximately 17,469 SF will be allocated to commercial and community facility uses.

The West Parcel and the East Parcel are, collectively, the “Development Site.” The remaining tax lots (Block 3523, Lots 37, 101, 102, 103, 104, 105, p/o 106, p/o 111 and 112 and Block 3524, Lots 8, 19, 20 21, and 23; the “Non-Applicant Owned Sites”) are not part of the Proposed Project but are part of the Project Area and would be rezoned.

The Zoning Text Amendment would map a Mandatory Inclusionary Housing (“MIH”) Area over the Project Area, requiring Option 1 (25% of all apartments be affordable) or Option 2 (30% of all apartments be affordable). However, as discussed below, there is not a large disparity between market rents and MIH rents.

BACKGROUND

Except for the Brownsville II Urban Renewal Plan referred to below, there have been no actions approved by the City Planning Commission ("CPC") within 600 feet of the Project Area (the "Surrounding Area"). Beyond the Surrounding Area, there have been four rezonings: the 515 Blake Avenue Rezoning adopted on December 10, 2019 (C 190410 ZMK); the Marcus Garvey Large Scale General Development adopted on December 20, 2018 (C 180489 ZMK); the Bristol Street Rezoning adopted on March 12, 2008 (C 080186 ZMK); and the East New York Community Plan adopted on April 20, 2016 (C 160035 ZMK).

The Brownsville II Urban Renewal Plan was adopted in 1984 and amended in 1995. It is currently in effect and includes the Project Area within its boundaries, although no portion of the Project Area is designated for acquisition. Other Urban Renewal Plans within the Surrounding Area include the East New York II Urban Renewal Plan, adopted in 1989, and the expired Marcus Garvey and Brownsville I Urban Renewal Plans.

The only Board of Standards of Appeals ("BSA") approval within the Surrounding Area was for a physical culture establishment special permit at 441 Rockaway Avenue (December 9, 2014, 132-14-BZ).

The existing R6 district allows a maximum residential FAR of 2.43 and a maximum community facility FAR of 4.8 (subject to restrictions that limit community facility floor area in mixed-use buildings). The maximum building height is defined by a sky exposure plane beginning at a height of 60'-0" above the street line and sloping upwards away from the street at a ratio of 2.7 to 1 on narrow streets and 5.6 to 1 on wide streets. Along narrow streets, a 20'-0" setback is required. Along wide streets, a 15'-0" setback is required. These setbacks must be located at or below a height of 60'-0". The maximum residential FAR may be increased to 3.0 for buildings within 100'-0" of a wide street that utilize the optional Quality Housing ("QH") bulk rules, in which case the maximum building height is 70'-0".

A portion of the Rezoning Area within Block 3524 is located within a C4-3 district. C4-3 Districts are mapped in regional commercial centers that are located outside of central business districts. Use Groups 5, 6, 8, 9, 10 and 12 are permitted at a commercial FAR of 3.4 and residential use is permitted at 2.43 FAR (R6 equivalent).

A C1-3 commercial overlay is mapped in the southern portion of the Rezoning Area and extends along the Belmont Avenue frontage and into the midblock along Thatford Avenue, Osborn Street and Watkins Street. The C1-3 overlay permits uses local service and retail uses at a2.0 FAR. A C2-3 overlay is mapped east of the rezoning area along Pitkin Avenue, also permitting local service and retail uses at 2.0 FAR.

DESCRIPTION OF THE SURROUNDING AREA

The Surrounding Area is located in the Brownsville neighborhood of Brooklyn, within the Brownsville II Urban Renewal Area and within Community District 16 and Council District 41. The Surrounding Area is bounded by Chester Street to the west, Glenmore Avenue to the north, Christopher Avenue to the east, and Blake Avenue to the south. It is predominantly zoned R6, with C1-3 and C2-3 commercial overlays mapped along Belmont Avenue, Sutter Avenue, Pitkin Avenue and Mother Gaston Boulevard.

A C4-3 (regional commercial center) district is mapped to the north and west of the Project Area along Pitkin Avenue and Rockaway Avenue. Commercial and residential uses are permitted at 3.4 and 2.43 FAR, respectively.

Pitkin Avenue is located to the north of the Project Area. The predominant ground floor use located along Pitkin Avenue is commercial retail. Above the ground floors, the buildings have between one and four additional stories for primarily residential use.

To the north of the Project Area, beyond Pitkin Avenue, is Howard Houses, a housing complex administered by the New York City Housing Authority ("NYCHA") and comprised of 10 buildings constructed to heights of seven and 13 stories (roughly 70'-0" and 125'-0", respectively). Three of these buildings are within the Surrounding Area.

To the south of the Project Area, along Belmont Avenue, are a variety of single-story structures predominantly occupied by retail stores. The Langston Hughes Apartments are located beyond Belmont Avenue to the south, including three 22-story residential buildings administered by NYCHA. Langston Hughes Apartments also includes a community center.

Osborn Street is interrupted in its north to south prolongation by the superblock occupied by Langston Hughes Apartments. It continues after Sutter Avenue, but it is interrupted once more by the Brownsville Houses superblock. Brownville Houses, another NYCHA complex, is located to the south of Langston Hughes. This housing complex is comprised of 27 six-story buildings. Of these twenty-seven buildings, twelve are located in the Surrounding Area. P.S. 284, the Lew Wallace School, is located at the intersection of Osborn Street and Sutter Avenue adjacent to Brownsville Houses. It offers Pre-K to 8th grade courses.

To the west of the Project Area is Thatford Avenue which runs from north to south and is lined with three-story houses to the east and apartment buildings to the west. Further to the west, Bristol Street is a local commercial street with few residential uses. Beyond Bristol Street, Chester Street is a small-scale residential street where three-story houses face P.S. 396, which serves 314 students in K through 12th grade.

To the east of the Project Area, Watkins Street runs from north to south and is largely residential in character. Three-story houses, with parking spaces in the front yards, face the Project Area.

Further east, Mother Gaston Boulevard runs north to south and is lined with predominantly commercial buildings as well as mixed-use three-story structures with commercial ground floors. Beyond Mother Gaston Boulevard, between Pitkin Avenue and Belmont Avenue, Christopher Street is lined with one- to three-story commercial and community facility buildings, as well as five-story residential buildings. These buildings face the Seth Low Towers, another NYCHA development that includes four towers between 17 and 18 stories. Each tower contains 536 dwelling units as well as a community center.

The Project Area is served by the B14 MTA Bus Line and the L train subway station located at Sutter Avenue (0.5 miles from the Project Area). The Rockaway Avenue subway station served by the #3 Line is also within walking distance (0.7 miles) of the Project Area, as is the Long Island Railroad (LIRR), East New York Station (0.7 miles). The Surrounding Area is in the Transit Zone.

DESCRIPTION OF THE PROJECT AREA

The Project Area is centered around the intersection of Belmont Avenue and Osborn Street and extends along Belmont Avenue and northwards from Belmont Avenue along Osborn Street to the midblock line of Block 3523, and from Osborn Street to Watkins Street up to the portion of Block 3524 demarcated by a line running 100'-0" south of Pitkin Avenue. The Project Area is bound by Watkins Street, Belmont Avenue, Pitkin Avenue, and Thatford Avenue. All are narrow streets except for Pitkin Avenue, which is 80'-0" wide. In the Project Area, the R6 district and commercial overlays along Belmont Avenue extend from the street line of Belmont Avenue to the mid-block line of each block.

On Block 3523, Lots 26, 27, 28, 30, 32, 33, 37, 101, 102, 103, 104, 105, 106, 111, 112, and 127 will be rezoned. On Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 8, 19, 20, 21, 23, 25, and 26 will be rezoned. The Applicant is the fee owner of the West Parcel and the East Parcel. Lot 36 on Block 3524 will also be part of the Development Site, though not part of the Project Area. The Project Area is occupied by a mix of residential, community facility, commercial, and manufacturing uses. The portion of the Project Area fronting on Belmont Avenue includes two supermarkets (C-Town and People's Choice), two small retail buildings, and a large Dollar Tree store. Along Osborn Street, the Project Area contains several one- and two-story commercial buildings and a row of attached three-story, three dwelling unit houses facing a large open parking lot across Osborn Street that is utilized by People's Choice Supermarket for customer parking. Two small structures adjoin the parking lot: a fish market associated with the supermarket; and a refrigerator used for cold-storage by the supermarket. On the frontage facing Watkins Street, behind the parking lot, two houses of worship and a live poultry market face the street.

There are currently twenty-four dwelling units within the Project Area, with a row of eight parking spaces located in the front yards of the three-story houses. There are approximately twenty parking spaces within the open parking lot used by the supermarket and there are an additional eight spaces located at the live poultry market. No parking spaces are allotted to either of the two houses of worship.

There are two large parks in the Surrounding Area: Dr. Green Playground to the southeast and Carter G Woodson Children's Park to the east. There is also a small community garden on the southeast end of Block 3521 called the Student Farm Project. Other semi-public open space areas (small play areas) are integrated into the larger NYCHA campuses discussed above.

DESCRIPTION OF THE DEVELOPMENT SITE

The Development Site is comprised of two separate zoning lots on two blocks (the West and East Parcels). There are no dwelling units on the Development Site.

A. West Parcel

The West Parcel is located on Block 3523 and is comprised of Tax Lots 26, 27, 28, 30, 32, 33, and 127, with a total lot area of 22,492 SF. It is zoned R6/C1-3 and occupied by several one and two-story commercial buildings. Two major commercial tenants occupy this zoning lot: the People's Choice Supermarket, owned and operated by the Applicant, and Dollar Tree, a variety store, owned and operated by the Applicant. The supermarket occupies Lots 32, 28, 127, and 27 and Dollar Tree occupies a recently constructed 10,000-square foot, one-story building on Lot 33. Lots 32 and 30 are improved with two local retail establishments. The storefront on Lot 30 is

occupied by a community non-profit organization (Elite Learners, Inc.) and the storefront on Lot 32 is occupied by a branding and media company (212 & Co). The existing buildings blanket the entirety of the West Parcel and, with the exception of the Dollar Tree, were constructed in the 1930's. The West Parcel is improved with approximately 26,864 SF of commercial floor area (approximately 1.19 FAR). There are no curb cuts along the Belmont Avenue frontage. There is a single extra-wide curb cut adjoining 134 Osborn Street on Tax Lots 27, 28, and 127 that is used for deliveries to the supermarket.

B. East Parcel

The East Parcel is located on Block 3523 and is comprised of Tax Lots 1, 2, 3, 4, 5, 6, 7, 25, 26 and 36, with a total lot area of 23,125 SF. Lot 36 is located outside of the Project Area. Lots 1, 2, 3, 4, 25, 26 and 36 are located in a R6/C1-3 district. Lots 5 through 7 are located in a C4-3 District.

Lot 1 is unimproved. Lots 2 and 3 are occupied by a metal shed storage building. Lot 4 is occupied by a small fish market and includes the entry to the open parking lot located on portions of Lot 4 and the entirety of Lots 5, 6 and 7. Lot 26 is currently used for open container storage. Lot 36 is occupied by a small warehouse. The East Parcel is improved with approximately 6,191 SF of commercial floor area at an approximate FAR of 0.27. There are four curb cuts along Osborn Street. The first curb cut serves the structure on Lot 36, the second provides vehicular access to Lot 1, the third provides access to the storage structure on Lots 2 ad 3, and the fourth curb cut provides access to the open parking lot on Lots 4 through 7.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Project is a mixed-use development of two predominantly residential buildings with commercial and community facility ground floors. Both buildings will be constructed in compliance with Quality Housing bulk requirements.

A. Building 1

Building 1 will be located on the West Parcel (Block 3523, Lots 26, 27, 28, 30, 32, 33, 127). It will have 174'-11" of frontage along Osborn Street and 150'-0" of frontage along Belmont Avenue. The residential lobby will be located on the Osborn Street. It will be nine stories in height, or 90'-4", with 15-foot setbacks above the 7th story and contain approximately 136 dwelling units.

Building 1 will have a total floor area of 118,451 SF, of which 110,578 SF will be residential and 7,873 SF will be commercial/community facility. Under MIH Option 1 (the preferred option), 75% of the dwelling units in Building 1 will be market-rate (102 units) and 25%will be affordable (34 units). Under MIH Option 2, 70% of the dwelling units in Building 1 will be market-rate (95 units) and 30% will be affordable (41 units). Between 48 and 51 required parking spaces will be provided at the cellar level for the market rate units, depending on the MIH Option pursued at the time of filing with the Department of Buildings (DOB).

B. Building 2

Building 2 will be located on the East Parcel (Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 25, 26, and 36).[1] Building 2 will have 200'-0" of frontage along Osborn Street and 50'-0" of frontage along Watkins Street. The residential lobby will be located on the Osborn Street. Building 2 will be nine stories, or 95'-0", with 15-foot setbacks above the 7th story; it will contain approximately 116 dwelling units. Dormers will be provided at the 7th and 8th story. Most of the building will front upon Osborn Street and a one-story, 15'-0" segment with non-residential uses will extend to and front on Watkins Street.

Building 2 has total floor area of 106,208 SF, of which 88,738 SF will be residential and 17,470 SF will be commercial/community facility. Under MIH Option 1, 75% of the dwelling units in Building 1 will be market rate (87 units) and 25% will be affordable (29 units). Under MIH Option 2, 70% of the dwelling units in Building 2 will be market-rate (81 units) and 30% will be affordable (35 units). Between 41 and 44 required parking spaces will be provided at the cellar level for the market rate units, depending on the MIH Option pursued at the time of filing.

ACTIONS NECESSARY TO FACILITATE THE PROJECT

The following actions are necessary to facilitate the project:

1) A Zoning Map Amendment to map R7D and R7A Districts with C2-4 overlays within the Project Area.
2) A Zoning Text Amendment to map a Mandatory Inclusionary Housing (MIH) Area over the Project Area.

The first action would map an R7D district over the portion of the Project Area located within 100'-0" of Belmont Avenue, between Osborn Street and Thatford Avenue on Block 3523. It would also map an R7A district extending beyond a line 100'-0" from and parallel to Belmont Avenue. On Block 3523, the R7A district would extend up to the boundary between the existing R6/C1-3 and C4-3 districts at the midblock line. On Block 3524, the R7A district would extend up to a line 100'-0" from and parallel to Pitkin Avenue. A C2-4 Overlay would be mapped over the entirety of the Proposed Project Area.

The R7D District allows for a maximum residential FAR of 5.6 and a maximum community facility FAR of 4.2. The maximum building height is 110', and the maximum and minimum base heights are 85'-0" and 65'-0", respectively. The maximum height for MIH buildings that include Qualifying Ground Floors is 115'-0" or 11 stories.

The R7A District allows for a maximum residential FAR of 4.6 and a maximum community facility FAR of 4.0. The maximum building height is 80'-0", and the maximum and minimum base heights are 65'-0" and 40'-0", respectively. The maximum height for MIH buildings that include Qualifying Ground Floors is 95'-0" or nine stories.

[1] In accordance with the applicable regulations in Article VII Chapter 7 of the Zoning Resolution (the 25-foot rule), Lot 36 will be treated as if it were part of the newly mapped R7A district. .

Belmont Avenue and Osborn Street are narrow streets and, therefore, 15'-0" setbacks are required at or below the maximum base height along these streets. There are no wide streets within the Project Area.

The C2-4 overlay will allow commercial uses within the Project Area at a maximum commercial FAR of 2.0.

The rezoning will increase the residential FAR from 2.43 to 5.6 within the R7D district. The current R6 District allows up to 36,455 SF of residential floor area. The proposed R7D district would allow up 84,011 SF of residential floor area. The rezoning will also increase the permitted FAR from 2.43 to 4.6 within the R7A portion of the Project Area. The existing R6 District allows up to 18,201 SF of residential floor area; the proposed R7A district would allow up 34,454 SF of residential floor area on this portion of the block. On Block 3524, the current R6 district allows up to 56,194 SF of residential floor area. The proposed R7A district will allow up 106,375 SF of residential floor area.

These proposed actions are consistent with the prior actions cited, including the rezoning of 515 Blake Avenue which mapped an R7D district along Blake Avenue and Sutter Avenue.

Conclusion

The proposed rezoning will achieve a number of land use objectives. In terms of use, a commercial connection would be established along the long frontages of the blocks between Belmont Avenue and Pitkin Avenue, both of which are active commercial streets. This connection will create increased demand for retail occupancies, provide jobs, and improve the long-term economic prospects in the neighborhood. The rezoning will also facilitate the revitalization of the neighborhood by attracting larger commercial/retail tenants which, in turn, will attract smaller retail establishments to the vacant storefronts along Pitkin and Belmont Avenues.

In particular, the commercial corridor along Pitkin Avenue, which was once a vibrant retail destination, has been hard-hit by retail vacancies. Whereas a healthy retail corridor has vacancy rates between 5% and 10%, Pitkin Avenue's vacancies currently hover at around 13%.[2] A lack of anchor tenants has been cited as problematic by City agencies, and the size and scale of the proposed retail floors in both buildings are intended to address this underlying issue. Larger spaces that can be rented to larger tenants will also serve to encourage destination-shopping in Brownsville.

In addition, a mix of market rate and affordable housing will be provided. Because Brownsville's unregulated market rents are not markedly higher than those regulated by affordable housing programs, development pressure on the existing housing stock will be reduced without demolishing any existing dwelling units or displacing any residents within the Project Area.

In terms of bulk, the proposed increase in density is supported by excellent mass transit access. In terms of urban design, the proposed new buildings (at nine stories) would mediate between the taller NYCHA towers to the north and south and lower-rise portions of the neighborhood.

[2] **DCP Issues Storefront Vacancy Report**. https://www1.nyc.gov/site/planning/about/press-releases/pr-20190808.page

As set forth above, the Proposed Project is located within an Urban Renewal Area. These areas were created to alleviate blighted conditions. The Proposed Project is consistent with the goals of the Urban Renewal program because it will facilitate both economic and residential growth and will do so without the expenditure of public funds and displacement of local businesses and residents.

The second action will map a MIH Area (Options 1 and 2) over the Project Area. The MIH program requires that a percentage of the new residential floor area developed in the Project Area be permanently affordable units. The proposed options are an affordable housing set-aside of either 25% of the residential floor area at an average of 60% of the Area Median Income (AMI) (Option 1) or 30% of the residential floor area at an average of 80% AMI (Option 2). This action will guarantee that as the demand for housing in Brownsville increases, a substantial amount of the newly developed units will remain permanently affordable.