Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Land Use Application

Project ID number
2022K0343

Package Submission Date
4/20/2023

Section 1. Project Summary

Project Name:	817 Avenue H Rezoning

Contact Person for this Application:		
Name	Phone	Email
David Rosenberg	**2128410795**	**drosenberg@phillipsnizer.com**

Applicant(s)		
Organization	First Name	Last Name
Agudist Council of Greater New York Inc.	**Shai**	**Markowitz**

Site Data	
Street Address: **817 Avenue H**	City Council District(s): **40**
Community District(s): **314**	Zoning Sectional Map Number(s): **22c**
Existing Zoning District(s): **R5, C1-3**	Special District(s): **OP**

LIST ALL ACTIONS BY THEIR ACTION CODE

For applications seeking more than one type of action, each action must be listed separately.

Action code*	If Follow-up action, indicate previous approval Action code	Is applicant solely a public agency?	Application number	Data to differentiate multiple actions of same type
ZM		**No**	**230323ZMK**	
ZR		**No**	**230324ZRK**	**ZR: MIH only**

**See instructions for list of all action types and their appropriate codes.*

Does this project require a legal instrument to be recorded against the subject property? **No**

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE: THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.

Certain projects are subject to requirements to submit a Racial Equity Report on Housing and Opportunity under Local Law 78 of 2021. Does this apply to this project? **Yes**

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Section 2. Applicants

APPLICANTS						
Organization	**First Name**	**Last Name**	**Address**	**City**	**State**	**Zip Code**
Agudist Council of Greater New York Inc.	Shai	Markowitz				

APPLICANT REPRESENTATIVE(S)						
First Name	**Last Name**	**Organization**	**Address**	**City**	**State**	**Zip Code**
Amber	Kartalayan					
Yaakov	Weiss					
David	Rosenberg	Phillips Nizer LLP	485 Lexington Avenue	New York	NY	10014
Christian	Hylton	Phillips Nizer LLP				
Sam	Feigenbaum					
Kevin	Williams					

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Section 3. Environmental Review

Discuss with CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) lead agency before completing.

1. Who is the LEAD AGENCY *(responsible for the CEQR)*? **NYC Departments of Environmental Protection & City Planning**
2. CEQR NUMBER
3. Indicate CEQR Process type: **Unlisted**

Type II Category: Date of Determination:

Section 4. Project Area and Development Site Data & Geography

PROPOSED PROJECT AREA

*The **proposed Project Area** is the entirety of all land parcels that are affected by all actions being sought.*

Do **ALL** actions being sought apply to:

the whole City?	**No**
the entirety of one or more Borough(s)?	**No**
Borough(s):	
the entirety of one or more Community District(s)?	**No**
Community District(s)	
Land or land underwater that is not associated with a tax block or lot?	**No**

Description of the geographic boundaries (especially for non-tax lots or irregular sites) by cross streets, bounding streets, dimensions, etc.

Section 4. (continued)

Existing zoning districts/special district: **R5/C1-3 (OP)**

Select all that apply to any portion of the **proposed Project Area:**

Located within the State Designated Coastal Zone Management (CZM) Area **No**

Located within a Historic District **No**

Historic District Name:

DEVELOPMENT SITE

*The **Development Site** is the specific parcel(s) that the applicant is seeking to develop. The Project Area and Development Site can be the same parcels of land or different, depending on the actions being sought. For instance, a special district may be mapped over a portion of a neighborhood (project area), but only certain parcels within it may be proposed for immediate development by the applicant (development site).*

Does the application result in the development of 500,000+ zoning square feet of floor area? **No**

If yes, development size:

Is the **Development Site** a *(New York City or Other)* Landmark or within a Historic District? **No**

Indicate Landmark or Historic District Name:

Section 4. (continued)

Fill in the table below for all tax lots that are within the **proposed Project Area.**

User Input Borough	User Input Tax Block	User Input Tax Lot	Development Site?	Partial Lot?	Validated Borough	Validated Block	Validated Lot	BBL Validated	BBL Validated Date
Brooklyn	**06496**	**0039**	**Yes**	**No**	**Brooklyn**	**06496**	**0039**	**Yes**	**2/11/2022**
Brooklyn	**06496**	**0036**	**No**	**No**	**Brooklyn**	**06496**	**0036**	**Yes**	**5/12/2022**
Brooklyn	**06496**	**0051**	**No**	**Yes**	**Brooklyn**	**06496**	**0051**	**Yes**	**5/12/2022**
Brooklyn	**06496**	**0050**	**No**	**No**	**Brooklyn**	**06496**	**0050**	**Yes**	**5/12/2022**
Brooklyn	**06496**	**0037**	**No**	**No**	**Brooklyn**	**06496**	**0037**	**Yes**	**5/12/2022**
Brooklyn	**06496**	**0035**	**No**	**Yes**	**Brooklyn**	**06496**	**0035**	**Yes**	**5/12/2022**
Brooklyn	**06496**	**0045**	**No**	**No**	**Brooklyn**	**06496**	**0045**	**Yes**	**5/12/2022**
Brooklyn	**06496**	**0049**	**No**	**No**	**Brooklyn**	**06496**	**0049**	**Yes**	**5/12/2022**
Brooklyn	**06496**	**0047**	**No**	**No**	**Brooklyn**	**06496**	**0047**	**Yes**	**5/12/2022**

** Leave column blank if all actions apply to all sites. See Instructions for list of action codes.*

Section 4. (continued)

The below addresses are associated with tax lots on previous table.

Address Number	Street or Place Name	Concatenated Address (Validated)	Validated Community District	Validated City Council District	Validated Zoning Map Number	Address Validated	Validated Date
817	**AVENUE H**	**817 AVENUE H**	**K14**	**40**	**22C**	**Yes**	**2/11/2022**
811	**AVENUE H**	**811 AVENUE H**	**K14**	**40**	**22C**	**Yes**	**2/11/2022**
784	**EAST 9 STREET**	**784 EAST 9 STREET**	**K14**	**40**	**22C**	**Yes**	**5/12/2022**
807	**EAST 8 STREET**	**807 EAST 8 STREET**	**K14**	**40**	**22C**	**Yes**	**5/12/2022**
782	**EAST 9 STREET**	**782 EAST 9 STREET**	**K14**	**40**	**22C**	**Yes**	**5/12/2022**
805	**EAST 8 STREET**	**805 EAST 8 STREET**	**K14**	**40**	**22C**	**Yes**	**5/12/2022**
780	**EAST 9 STREET**	**780 EAST 9 STREET**	**K14**	**40**	**22C**	**Yes**	**5/12/2022**
807	**AVENUE H**	**807 AVENUE H**	**K14**	**40**	**22C**	**Yes**	**5/12/2022**
811	**EAST 8 STREET**	**811 EAST 8 STREET**	**K14**	**40**	**22C**	**Yes**	**5/12/2022**
801	**AVENUE H**	**801 AVENUE H**	**K14**	**40**	**22C**	**Yes**	**5/12/2022**

Section 5. Related Actions

1. List all **prior** site-specific actions by the **City, State or Federal Government** within the project area and describe in more detail in the attached Project Description.

Reference/ Application Number*	Description	Disposition or Status**	Calendar Number*	Date*

**If applicable*

2. List all **future** site-specific actions by the City, State, or Federal Government within the project area, and describe in more detail in the attached Project Description:

Reference/ Application Number*	Description	Status	Calendar Number*	Date*

**If applicable*

Section 6. HOUSING PLANS; URBAN RENEWAL AREAS; URBAN DEVELOPMENT ACTION AREAS PROGRAM (UDAAP)

APPLIES TO: HA; HC; HD; HG; HN; HO; HP; HU

1. Select all that apply:
DESIGNATION: **No** PROJECT: **No** DISPOSITION: **No** *If disposition is sought, fill in Section 7.*

2. Fill in the table below for all the subject sites

Borough	Block	Lot	UR Site Number	Owner	Existing Number of Buildings	Existing Stories in each Building	Existing Uses	Existing Zoning	Community/Institutional facilities			Dwelling units	
									Number Occupied	Number Vacant	Number of Workers	Number Occupied	Number Vacant

3. Fill in the table below for all the subject sites (proposed conditions)

Borough	Block	Lot	UR Site Number	Address	Owner	PROPOSED	
						Uses	Is site to be disposed? (yes/no)

Section 7. DISPOSITION RELATED TO URBAN DEVELOPMENT ACTION AREAS PROGRAM (UDAAP) OR URBAN RENEWAL

APPLIES TO: HA, HD

1. Type of disposition:

HA (Urban Development Action Area – UDAAP)

HD (Disposition of Urban Renewal Site)

2. Manner of disposition:

If Direct Disposition, indicate:

From: *(Indicate city agency)*

To:

Indicate Sponsor/ Developer/ Purchaser/ Lessee or Local Public Development Corporation)

If recipient has not been selected or disposition is not limited to a particular recipient, indicate "To be determined by agency"

3. Restrictions and conditions:

Section 8.
OFFICE SPACE LEASE, PUBLIC FACILITY SITE SELECTION OR ACQUISITION
APPLIES TO: PC, PQ, PS, PX

1. Action(s) requested:

   OFFICE SPACE LEASE _____

   ACQUISITION _____

   SITE SELECTION _____

2. Type of facility: _____

3. The Proposed facility is a(n):

   EXISTING FACILITY PROPOSED TO REMAIN _____

   How long has existing facility been at this location? _____

   EXISTING FACILITY TO REMAIN AND EXPAND/ENLARGE _____

   How long has existing facility been at this location? _____

   EXISTING FACILITY REPLACEMENT IN NEW LOCATION _____

   Where is the current facility located? _____

   NEW FACILITY _____

4. Is project listed in Citywide Statement of Needs? _____

   Indicate Fiscal Year(s) _____

   Indicate Page Number(s) _____

5. Did the Borough President propose an alternate site pursuant to charter section 204(f) or (g)? _____

   Identify Alternate Site _____

6. Capital budget line: _____

   For Fiscal Years: _____

Section 8. (continued)

Fill in the table below to describe proposed site(s).

PROPOSED SITE CHARACTERISTICS AND CONDITIONS

Borough	Block	Lot	Ownership	Uses on Site	Is the site Improved, Unimproved or Partly Improved?	Number of Dwelling Units*	Community Facility, Commercial or Industrial Uses		Describe any displacement or relocation*	If vacant for less than two years, describe previous uses*	Building(s) or site total square footage	Square footage to be acquired*	Number of floors in building*	Location on site/ in building
							Number of firms*	Number of employees*						

**If applicable*

Section 9. DISPOSITION

Applies to: PP

1. Type of disposition: _____

   From which City Agency? _____

   To Whom? _____

   Sponsor/ Developer/ Purchaser/ Lessee or Local Public Development Corporation.

   If recipient has not been selected or disposition is not limited to a particular recipient, indicate: "To be determined by agency"

2. Restrictions and conditions:

Section 10. CHANGE IN CITY MAP

Applies to: MM, MY, ME

1. *Please select all requested map changes that apply:*

Establish/Delineate New:		**Eliminate/Remove Existing:**		**Change Existing:**	
STREET		STREET		STREET (Width)	
PARK		PARK		STREET (Alignment)	
PUBLIC PLACE		PUBLIC PLACE		STREET (Grade)	
GRADE		GRADE		EASEMENT	
EASEMENT		EASEMENT			

2. Is there a related Acquisition of Property?

3. Is there a related Disposition of Property? **No**

4. Is the only proposed City Map Change the elimination of a mapped but unimproved street?

If yes, is the mapped but unimproved street being eliminated from the property of an owner-occupied, one- or two- family residence? **No**

Section 11.
ZONING SPECIAL PERMITS, AUTHORIZATIONS AND CERTIFICATIONS

Applies to: ZS, ZA, ZC, CM, LD, RS, RA, RC

Use the following action codes to indicate action types in this section:

ZS new or modified zoning special permit

ZA new or modified zoning authorization

ZC new or modified zoning certification

CM renewal of a zoning special permit or authorization

LD Action pursuant to or modification of a legal document

South Richmond District

RS new or modified zoning special permit

RA new or modified zoning authorization

RC new or modified zoning certification

.

1. Is the Applicant *(Select all that apply)*

Owner of subject property	**No**
Lessee of subject property	**No**
Other (explain in attached project description)	**No**
In a contract to lease or buy the subject property	**No**

2. Are there other owners or long-term lessees of the subject property? **No**

Section 11. (continued)

5. In the table below, list all Special Permit, Authorization or Certification actions being sought *(including renewals, modifications, or legal document actions listed above)* and applicable information for each. Be sure to indicate previously approved application number for any follow-up actions. Leave blank if not applicable.

ALL ZONING CERTIFICATIONS, AUTHORIZATIONS, SPECIAL PERMITS AND RENEWALS BEING SOUGHT

Action Code	Previously Approved Application Number(s)*	Zoning Resolution Section Action Is Pursuant To	Name of Zoning Resolution Section	Zoning Sections To Be Modified*	Number of Zoning Lots Affected**	Square Footage of Zoning Lot(s) Affected	Square Footage of the Proposed Development	Square Footage Associated with Transfer of Development Rights or Floor Area Bonus*	Proposed Number of Dwelling Units	Is the action to authorize or permit an open use?	Is the action to authorize commercial or community facility use?

* *If applicable*

***For subdivision-related actions, please indicate the resulting number of lots **after** subdivision*

6. In the chart below, list all follow-up actions (**Modification/Renewal/Legal Document actions**) being sought and applicable information for each. Be sure to indicate previously approved application number to be renewed in chart below. Leave blank if not applicable.

FOLLOW-UP ACTIONS

Action Code	Previously Approved Application Number(s)	Date of Previous Approval	Lapse Date of Previous Approval*	Is this a modification subject to Section 197-c of the City Charter? (y/n)	Is action a modification to or an action pursuant to a legal instrument*	Type of legal Instrument*	CRFN number*	Recordation Date*

**If applicable*

Section 12. Applies to: ZR

ZONING TEXT AMENDMENT

Indicate below the affected Zoning Resolution Sections by title and number:

Zoning Section Name	Zoning Section Number
INCLUSIONARY HOUSING DESIGNATED AREAS AND MANDATORY INCLUSIONARY HOUSING AREAS	**Appendix F**

Section 13. Applies to: ZM

ZONING MAP AMENDMENT

1. What is the total area of all zoning lots in the area to the be rezoned? **20,000 to 39,999 square feet**

2. Please indicate all existing and proposed zoning districts in the table below:

Zoning Section Map(s) to be modified	EXISTING Zoning Districts	PROPOSED Zoning Districts
22c	**R5/C1-3 (OP)**	**R5 (OP), R7A/C2-4 (OP)**

-END OF FORM-

817 AVENUE H REZONING
817 AVENUE H, BROOKLYN, APRIL 20, 2023

1. INTRODUCTION

Agudist Council of Greater New York, (the "Applicant") seeks land use actions that would affect 817 Avenue H, 807 Avenue H, 801 Avenue H, 784 East 9th Street, 782 East 9th Street, 780 East 9th Street, 811 East 8th Street, 807 East 8th Street, and 805 East 8th Street (Block 6496, Lots 39, 45, 47, 37, 36, 49, 50 p/o 35, p/o 51) (the "Project Area"), in the Kensington/Midwood neighborhoods of Brooklyn within Community District 14. The Applicant proposes the following actions (the "Proposed Actions"):

1. A zoning map amendment to rezone the Project Area from an R5/C1-3 (OP) zoning district to R7A/C2-4 and R5 zoning districts within the Special Ocean Parkway District;
2. To amend ZR Appendix F: to establish the Project Area as a Mandatory Inclusionary Housing ("MIH") Designated Area pursuant to Options 1 and 2.

The Proposed Actions will facilitate the development of a nine-story, mixed use building with a floor area of approximately 55,169 sq. ft. (4.60 FAR), containing approximately 15,758 sq. ft. of community facility space and 42 dwelling units (the "Proposed Development") to be constructed at 817 Avenue H, Block 6496, Lot 39 (the "Development Site"). The Applicant would utilize MIH Option 1 for the Development Site to provide 11 units of permanently affordable housing.

2. BACKGROUND

The area surrounding and including the Project Area was mostly zoned as an R7-1 district at the adoption of the 1961 zoning maps, with R5 and R3-2 zoning districts mapped in the surrounding areas. Within this R7-1 zoning district, the Project Area was the only portion also mapped with a C1-3 commercial overlay along Avenue H, to a depth of 150 feet.

In 1977, the Project Area and surrounding area was rezoned as part of the adoption of the Special Ocean Parkway District ("SOPD"). While much of the surrounding area remained zoned as R7-1, the Project Area and another area on block 6495 to the west were rezoned from R7-1 to R5. As noted in a later City Planning Commission Report (N 910349 ZRK[1]), the SOPD "was created in response to the community concern that the proliferation of community facilities posed a threat to the housing stock, residential character and appearance of the Ocean Parkway community." While the City Planning Commission Report does not specifically discuss the basis for the rezoning of the Project Area (which was part of the larger mapping of the SOPD), the Project Area appears to have been rezoned to R5 zoning districts in an attempt to preserve the low-rise character of the surrounding blocks.

[1] This application for a zoning text amendment to modify certain requirements of the SOPD was brought by Agudath Israel of America, Inc., and affiliate of the applicant.

In 1993, under ULURP No. C 930183 ZMK, the areas immediately adjacent to the Project Area were rezoned from R7-1 zoning districts to R7A contextual zoning districts. As stated in the City Planning Commission's report, the goal was to ensure that new construction would be limited to new construction "more in character with the existing multi-family development within this area."

3. DESCRIPTION OF THE SURROUNDING AREA

The Project Area is located in the Kensington/Midwood neighborhoods of Brooklyn within Community District 14.

Zoning

The area within a 600-foot radius of the Project Area (the "Surrounding Area") is zoned with R2X, R5, R6A, R7A, and C8-2 zoning districts. A C1-3 commercial overlay is mapped over the Project Area, and a C2-4 commercial overlay is mapped along Coney Island Avenue, within the R6A zoning district.

R2X zoning districts are non-contextual districts that only permit single-family detached houses on lots with a minimum width of 30 feet. The higher floor area ratio (0.85 FAR) and permitted rear yard encroachment in R2X districts produce buildings with greater bulk than other single-family residence districts, and may be increased up to 1.02 by an attic allowance for the inclusion of space beneath a pitched roof. The perimeter wall may rise to 21 feet before sloping or being set back to a maximum building height of 35 feet. R2X zoning districts require one off-street parking space for each dwelling unit.

R5 zoning districts are residential districts which typically produce three- and four-story attached houses and small apartment buildings. Within an R5 zoning district, the maximum FAR is 1.25, the maximum street wall height is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall. R5 zoning districts require a minimum front yard of 10 feet and a minimum rear yard of 30 feet. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses require one eight-foot-wide side yard. Apartment buildings require two side yards, each at least eight feet wide. Off-street parking is required for 85% of the dwelling units.

R7A zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, seven- to nine-story apartment buildings. The floor area ratio (FAR) in R7A districts is 4.0, or 4.6 with Mandatory Inclusionary Housing. Above a base height of 40 to 65 feet, or 75 feet (85' with MIH) if providing a qualifying ground floor, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 80 feet, or 85 feet if providing a qualifying ground floor (up to 95' with MIH). In order to preserve the traditional streetscape, the street wall of a new building can be no closer to the street line, than any adjacent street wall, but need not be farther than 10 feet. Buildings must have interior amenities for the residents pursuant

to the Quality Housing Program. Off-street parking is required for 50% of dwelling units.

C1-3 zoning districts are commercial overlay districts historically mapped within residence districts along streets that serve local retail needs. Typical retail uses are limited to those in Use Group 6. 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.

Special Districts

The Special Ocean Parkway District was designed to promote and strengthen the scenic landmark designation of Ocean Parkway, maintain the existing scale and character of the community by limiting the bulk of permitted community facilities, and to promote the most desirable use of land in the area. The SOPD contains specific requirements for landscaping along Ocean Parkway, and generally limits the bulk of permitted community facility uses within low and medium density zoning districts.

Land Uses and Prevailing Built Form

The land uses within the Surrounding Area consist primarily of a residential uses. The area also contains community facility uses, as well as a commercial corridor along Coney Island Avenue.

Avenue H is an 80’ wide street categorized by five to seven story residential buildings to the south and east, and by single family homes to the west. In the area immediately surrounding the Project Area, these buildings are generally overbuilt under current R7A zoning,

East 8th Street is predominantly characterized by single and two-family homes, as well as a low-rise multifamily building and surface parking.

East 9th Street is predominantly characterized by single-family homes on the west side, and low-rise residential buildings on the east side. 701 East 9th Street, built in 2017, is improved with an 8-story, approximately 3.45 FAR residential building.

Coney Island Avenue, located two blocks to the east of the Project Area is a commercial corridor characterized by low-rise commercial and light-industrial uses.

Public Facilities

Approximately half a mile to the northeast of the Project Area at 1100 Newkirk Avenue, is P.S. 217, Colonel David Marcus School, an elementary school with a capacity of approximately 1,186 seats. This school has publicly-accessible active recreation facilities.

Mass Transit

The Project Area is located within the Transit Zone and is well served by multiple forms of public transit. Approximately one third of a mile east of the Project Area is the Avenue H Station served by the Q subway line. The 18th Avenue and Avenue I stations, served by the F subway line, are located approximately one half-mile to the west of the Project Area. The Surrounding Area is also accessible by bus service, with the B68 bus running north/south along Coney Island Avenue, and connecting with many east/west bus lines.

4. DESCRIPTION OF THE PROJECT AREA

The Project Area is in the Kensington/Midwood neighborhoods of Brooklyn Community District 14 and includes 817, 807, 801 Avenue H, and 784. 782, 780 East 9th Street and 811, 807, 805 East 8th Street (Block 6496, Lots 35, 36, 37, 39, 45, 47, 49, 50, 51) . The Project Area is bounded by Avenue H to the south, East 8th Street to the west, East 9th Street to the east, and a line 150 feet north of, and running parallel to, Avenue H to the north. The Project Area is zoned R5/C1-3 (OP) within 150 feet of Avenue H, a low-density residential district allowing for one to four story residential buildings with ground floor retail. The buildings within the Project Area generally predate modern zoning.

817 Avenue H (Block 6496, Lot 39, the "Development Site") is a corner lot with 120 feet of frontage on Avenue H and 100 feet of frontage along East 9th Street, with approximately 12,000 sq. ft. of lot area. The lot is improved with a single-story, approximately 9,762 sq. ft. House of Worship and retail building (0.81 FAR), built around 1950.

807 Avenue H (Block 6496, Lot 45) is an interior lot with 40 feet of frontage on Avenue H and approximately 4,000 sq. ft. of lot area. The lot is improved with a two- story, single-family dwelling, approximately 2,044 sq. (0.51 FAR), built around 1925.

801 Avenue H (Block 6496, Lot 47) is a corner lot with 40 feet of frontage on Avenue H and 100 feet of frontage on East 8th Street, with approximately 4,000 sq. ft. of lot area. The lot is improved with a two–story, single-family dwelling, approximately 1,518sq. ft.(0.38 FAR), built around 1925.

784 East 9th Street (Block 6496, Lot 37) is an interior lot with 22.75 feet of frontage on East 9th Street, with approximately 2,275 ft. of lot area. The lot is improved with a two story, converted two family dwelling, approximately 1,718 sq. ft. (0.76 FAR), built around 1925.

782 East 9th Street (Block 6496, Lot 36) is an interior lot with 19.33 feet of frontage on East 9th Street, with approximately 1,933 ft. of lot area. The lot is improved with a two story, converted two family dwelling, approximately 1,718 sq. ft. (0.89 FAR), built around 1925.

780 East 9th Street (Block 6496, Lot 35) is an interior lot with 19.33 feet of frontage on East 9th Street, with approximately 1,933 ft. of lot area. Approximately 792 sq. ft. is zoned R5/C1-3 with the remainder being zoned R5. The lot is improved with a two, converted two family

dwelling, approximately 1,718 sq. ft. (0.89 FAR), built around 1925.

811 East 8th Street (Block 6496, Lot 49) is an interior lot with 23.33 feet of frontage on East 8th Street, and approximately 2,333 ft. of lot area. The lot is improved with a two story, single family dwelling, approximately 1,730 sq. ft. (0.74 FAR), built around 1925.

807 East 8th Street (Block 6496, Lot 50) is an interior lot with 23.33 feet of frontage on East 8th Street, and approximately 2,333 ft. of lot area. The lot is improved with a two story, single family dwelling, approximately 1,730 sq. ft. (0.74 FAR), built around 1925.

805 East 8th Street (Block 6496, Lot 51) is an interior lot with 23.33 feet of frontage on East 8th Street, and approximately 2,333 ft. of lot area. Approximately 634 sq. ft. is zoned R5/C1-3 with the remainder being zoned R5. The lot is improved with a two story, single family dwelling, approximately 1,730 sq. ft. (0.74 FAR), built around 1925.

5. DESCRIPTION OF THE DEVELOPMENT SITE

The Development Site is improved with an existing, approximately 9,762 SF (0.81 FAR) house of worship, with small areas dedicated to local retail (including a laundromat). When the house of worship is not actively conducting services, the space is used by the Brookdale Senior Citizen Center through a lease arrangement with the Applicant. The Development Site is an corner lot with approximately 12,000 sq. ft. of lot area and a curb cut on East 9th Street.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed rezoning will facilitate the development of a nine-story residential and community facility building (UG 2, 4) with approximately 55,169 sq. ft. of floor area (4.6 FAR) of which approximately 39,411 sq. ft. would be residential and approximately 15,758 sq. ft. would be community facility. The Proposed Development will be built with a 5' setback from the street line, which will allow the Proposed Development to maintain a landscaping buffer consistent with existing developments along Avenue H. The Proposed development will have two 8' side yards, a 10' setback along Avenue H, a 15' setback along East 9th Street, and additional setbacks from the side yards at the third and 5th floors before rising to a total height of 95'.

The ground floor will contain an approximately 5,500 sq. ft. house of worship, accessory office space, and the residential and community facility lobbies. The second floor will contain 4,500 sq. Ft. activity room, classrooms, a kitchen and other accessory community facility spaces. The remaining floors will contain 42 dwelling units, of which 11 will be affordable pursuant to MIH Option 1. The cellar will contain 20 attendant parking spaces accessory to the residential units, as well as mechanical and storage space.

7. ACTIONS NECESSARY TO FACILITATE THE PROPOSAL

The actions necessary to facilitate the Proposed Development are:

1. A zoning map amendment to rezone the Project Area from an R5/C1-3 zoning district to an R7A/C2-4 and R5 zoning districts within the Special Ocean Parkway District; and
2. A zoning text amendment to amend ZR Appendix F: to establish the Project Area as a Mandatory Inclusionary Housing ("MIH") Designated pursuant to Options 1 and 2.

R7A zoning districts are medium-density contextual residential zoning districts, typically mapped along wide streets, where the Quality Housing bulk regulations are mandatory. R7A zoning districts s are frequently mapped along Kings Highway and Ocean Avenue to the west and south of the Proposed Rezoning Area (including the area immediately across Avenue H and East 9th Street). The maximum residential FAR in an R7A zoning district is 4.6 with mandatory inclusionary housing. R7A zoning districts also allow up to 4.0 FAR for community facility use. Above a maximum base height of 75 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 95 feet with a qualifying ground floor and mandatory inclusionary housing. Off-street parking is required for 50% of all dwelling units (30% on lots less than 10,000 sq. ft. in lot area), with an exemption from parking for income-restricted units within the Transit Zone and can be waived if fifteen or fewer spaces are required.

C2-4 zoning districts are generally mapped within residence districts along streets that serve walkable 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-use buildings, commercial uses in Use Group 6, 7, 8, 9 or 14 cannot extend above the first floor. One parking space is required for every 1,000 sq. ft. of commercial space.

The Project Area is located on a transit-rich, wide corridor, in an area with a distinct need for new market rate and permanently affordable housing options. It is therefore particularly well suited to accept the proposed increase in density proposed by this application.

The zoning text amendment to Appendix F will create a new MIH area coterminous with the Project Area, permanently requiring affordable housing at least between 25 and 30 percent of the residential floor area, supporting the creation of much needed affordable housing in Kensington and greater Community Board 14. The MIH text amendment is also aligned with citywide objectives outlined in *Housing New York* and *Where We Live*, New York City's housing reports that outline goals and strategies to affirmatively further the development of fair housing.

The 150' depth of the existing commercial overlay is inappropriate as these overlays were designed to accommodate the auto-centric commercial uses typical of the late 1950s and early 1960s, and therefore typically mapped at a depth of 150' from the street. The 150' depth allowed commercial lots to accommodate surface parking for retail customers without sacrificing ground floor space. This depth is inappropriate here for two main reasons: First, the existing 100' deep lots along Avenue H are not sufficiently deep to accommodate surface parking without sacrificing ground

floor space to accommodate the parking. Second, the existing commercial overlay encompasses single and two-family homes along East 8th and 9th streets, where future commercial uses would be largely inappropriate.

The existing C1-3 commercial overlay is inappropriate, as the limitation to retail uses in Use Group 6 is generally inconsistent with modern retail and inappropriate for new development. C2-4 commercial overlays have lower parking requirements, making them better suited for walkable retail corridors, such as the Proposed Project Area. C2-4 commercial overlays are consistently mapped with middle-density residential districts for this reason, and because they encourage continuous retail frontages and a more pleasant pedestrian experience. Furthermore, the additional uses permitted by the C2-4 commercial overlay will provide flexibility for the types of commercial services that can occupy the commercial spaces, which is important in relatively isolated commercial districts, such as the Project Area, .

8. CONCLUSION

As discussed above, Agudist Council of Greater New York, Inc. proposes a zoning map amendment to rezone the Project Area from R5/C1-3 (OP) zoning districts to R5 and R7A/C2-4 (OP) zoning districts within the Special Ocean Parkway District. The proposed zoning map amendment will facilitate the construction of a new nine-story community facility and residential building at the Development Site with approximately 15,798 sq. ft. of community facility space and 42 dwelling units. The applicant also seeks a zoning text amendment to amend ZR Appendix F, Inclusionary Housing Designated Areas for Brooklyn Community District 14, to establish the Project Area as an MIH Designated Area pursuant to Options 1 and 2. The proposed zoning text amendment will ensure that any future residential development at the Project Area will address the need for housing to serve a broad range of the City's diverse incomes.

817 Avenue H, Brooklyn

Area Map

Block: 6496, Lots: 35 (p/o), 36, 37, 39, 45, 47, 49, 50 & 51 (p/o)

Project Information

- 600' Radius
- Development Site
- Area Proposed to be Rezoned

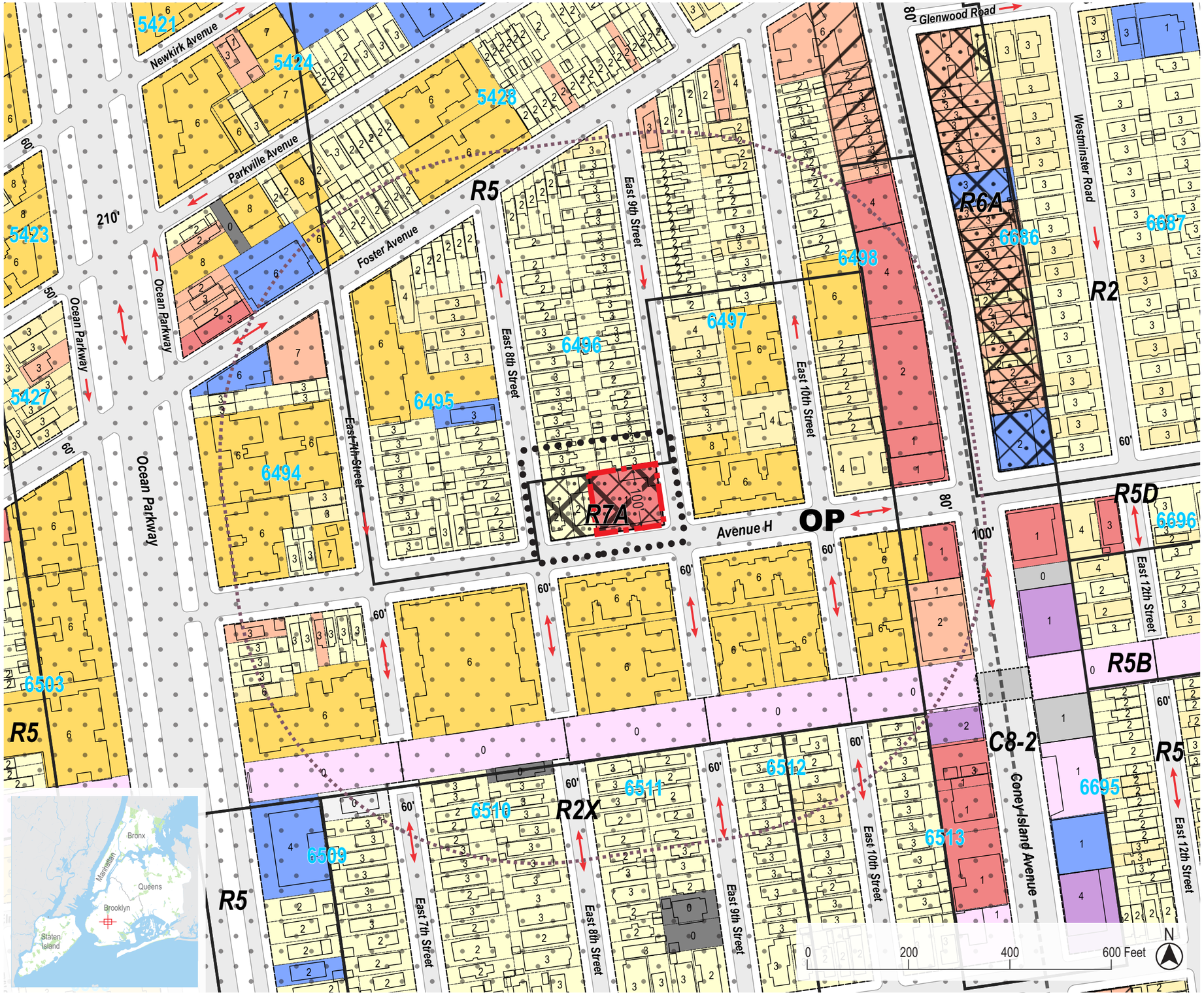
Existing Commercial Overlays & Zoning Districts

C1-1	C2-1	Zoning Districts
C1-2	C2-2	Special Districts
C1-3	C2-3	
C1-4	C2-4	
C1-5	C2-5	

- Elevated Rail Structure / Roadway Overpass
- 5037 Block Numbers
- Property Lines
- 5 Number of Floors

Land Uses

- One & Two Family Residential Buildings
- Multi-Family Residential Buildings (Walk-up)
- Multi-Family Residential Buildings (Elevator)
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- No Data/Other



April 2022

Urban Cartographics

Land Use, Conformance and Compliance Table

Existing Conditions								Proposed Conditions				
Block	Lot	Zoning District	Existing Land Use	Conformance	Permitted FAR	Built FAR	FAR Compliance	Zoning District	Proposed Land Use	Conformance	Permitted FAR***	Compliance
Applicant's Property												
Development Site:												
6496	39	R5/C1-3	Commercial	Yes	1.0	0.81	Yes	R7A/C2-4	Mixed Use (Residential/Commercial)	Yes	4.6 (res.)/2.0 (comm.)	Yes
Other Properties												
6496	35 (p/o)	R5/C1-3	Residential	Yes	1.25	0.89	Yes	R5	Residential	Yes	1.25	Yes
6496	36	R5/C1-3	Residential	Yes	1.25	0.89	Yes	R5	Residential	Yes	1.25	Yes
6496	37	R5/C1-3	Residential	Yes	1.25	0.76	Yes	R5	Residential	Yes	1.25	Yes
6496	45	R5/C1-3	Residential	Yes	1.25	0.51	Yes	R7A/C2-4	Residential	Yes	4.6	Yes
6496	47	R5/C1-3	Residential	Yes	1.25	0.38	Yes	R7A/C2-4	Residential	Yes	4.6	Yes
6496	49	R5/C1-3	Residential	Yes	1.25	0.74	Yes	R5	Residential	Yes	1.25	Yes
6496	50	R5/C1-3	Residential	Yes	1.25	0.74	Yes	R5	Residential	Yes	1.25	Yes
6496	51 (p/o)	R5/C1-3	Residential	Yes	1.25	0.74	Yes	R5	Residential	Yes	1.25	Yes
Total # of Lots*	**9**		**% of Conformance****	**100%**		**% Compliant**	**100%**		**% of Conformance****	**100%**	**% Compliant**	**100%**

* All Properties including development sites
** Calculate vacant lots as in conformance and compliance
*** When providing affordable housing pursuant to the Inclusionary Housing Program set forth in Section 23-90

817 Avenue H
Community District 14, Brooklyn

9/22/22
Zoning Map 22c

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

Brooklyn Community District 14

* * *

Map 6 – [date of adoption]



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area # — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 14, Brooklyn

* * *



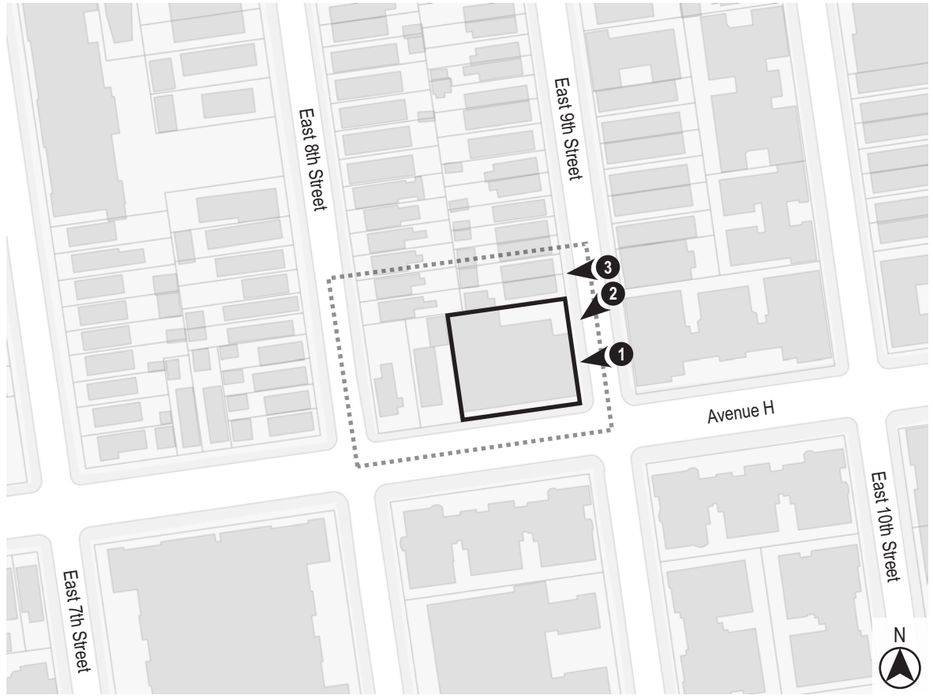
1. View of the Development Site facing west from East 9th Street.



2. View of the Development Site facing southwest from East 9th Street.



3. View of the Project Area facing west from East 9th Street.





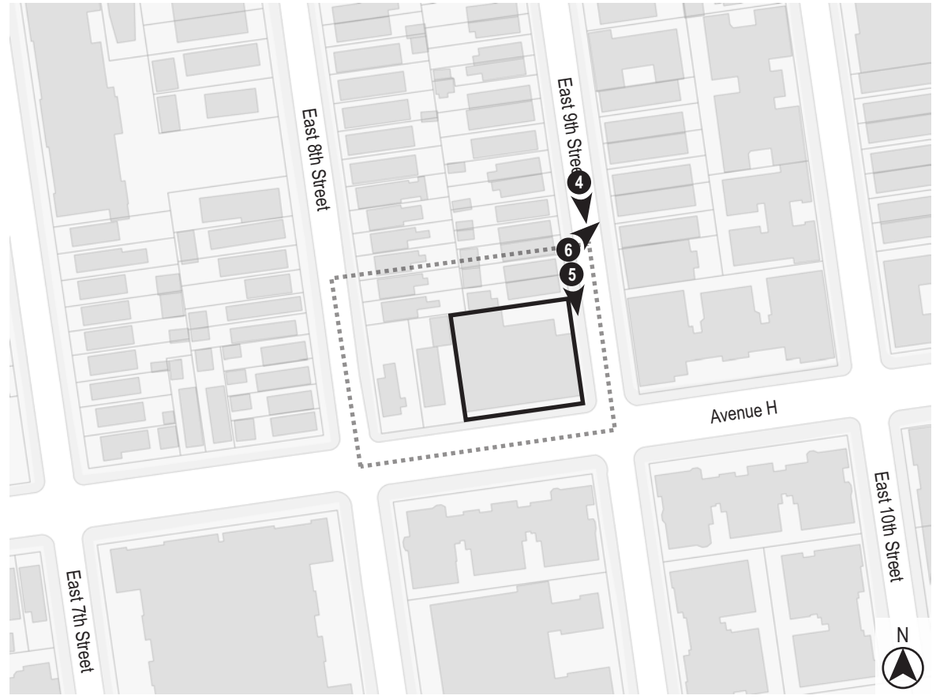
4. View of East 9th Street facing south (Project Area at right).



5. View of the sidewalk along the west side of East 9th Street facing south (Project Area at right).



6. View of the east side of East 9th Street facing northeast from the Project Area.





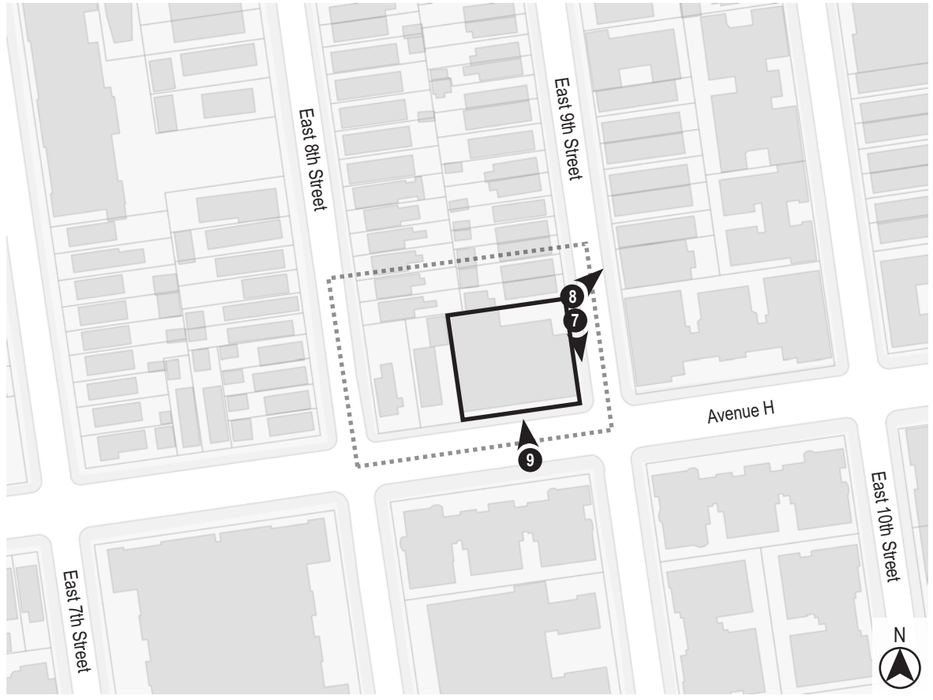
7. View of the sidewalk along the west side of East 9th Street facing south (Development Site at right).



8. View of the east side of East 9th Street facing northeast from the Development Site.



9. View of the Development Site facing north from Avenue H.





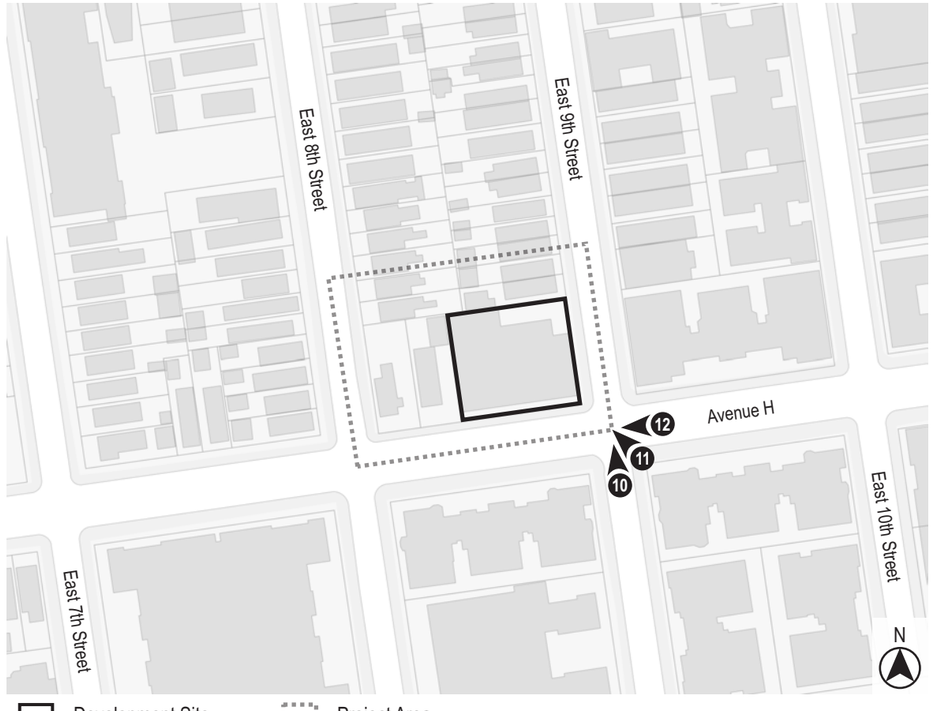
10. View of East 9th Street facing north from Avenue H (Development Site at left).



12. View of Avenue H facing west from East 9th Street (Development Site at right).



11. View of the Development Site facing northwest from the intersection of Avenue H and East 9th Street.





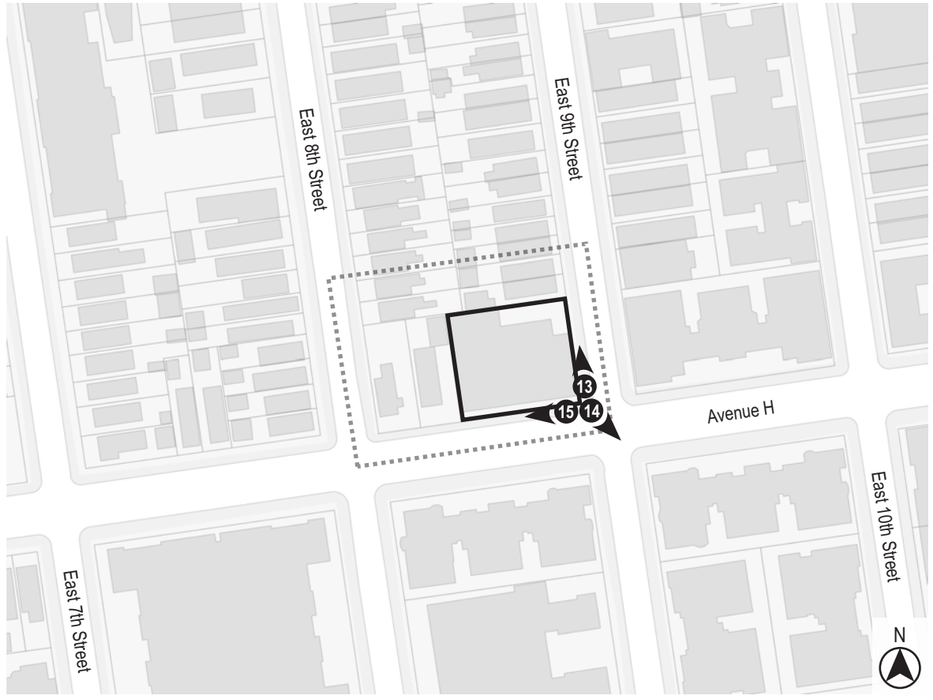
13. View of the sidewalk along the west side of East 9th Street facing north from Avenue H (Development Site at left).



15. View of the sidewalk along the north side of Avenue H facing west from East 9th Street (Development Site at right).



14. View of the intersection of Avenue H and East 9th Street facing southeast from the Development Site.





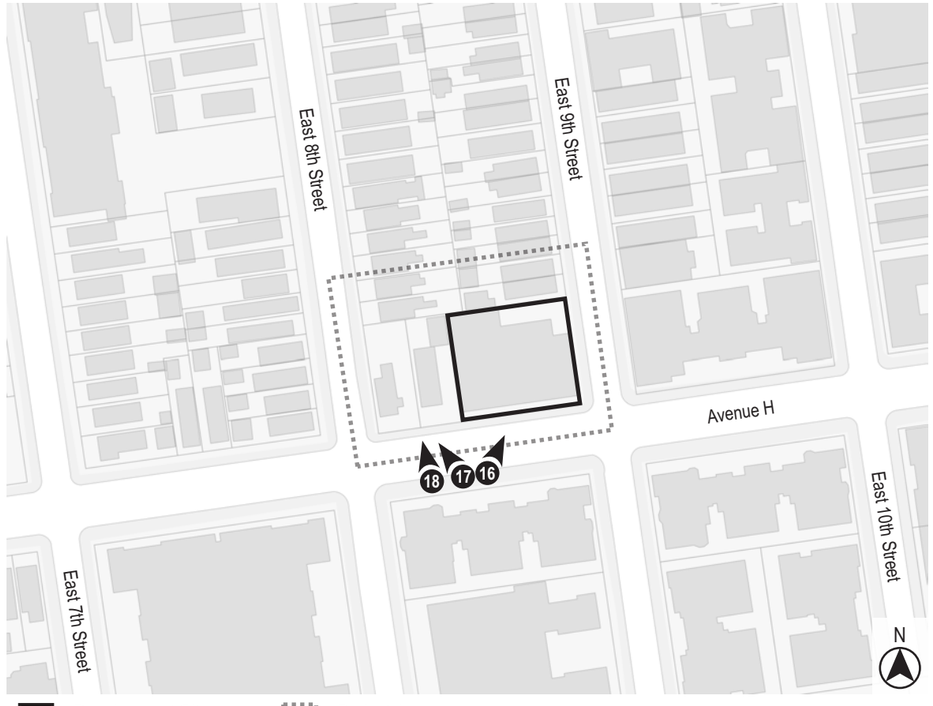
16. View of the Development Site facing northeast from Avenue H.



17. View of the Project Area facing northwest from Avenue H.



18. View of the Project Area facing north from Avenue H.





19. View of the sidewalk along the north side of Avenue H facing east (Development Site at left).



20. View of the sidewalk along the north side of Avenue H facing west (Project Area at right).



21. View of the south side of Avenue H facing southwest from the Development Site.





22. View of Avenue H facing east from East 8th Street (Project Area at left).



23. View of the Project Area facing northeast from the intersection of Avenue H and East 8th Street.



24. View of East 8th Street facing north from Avenue H (Project Area at right).



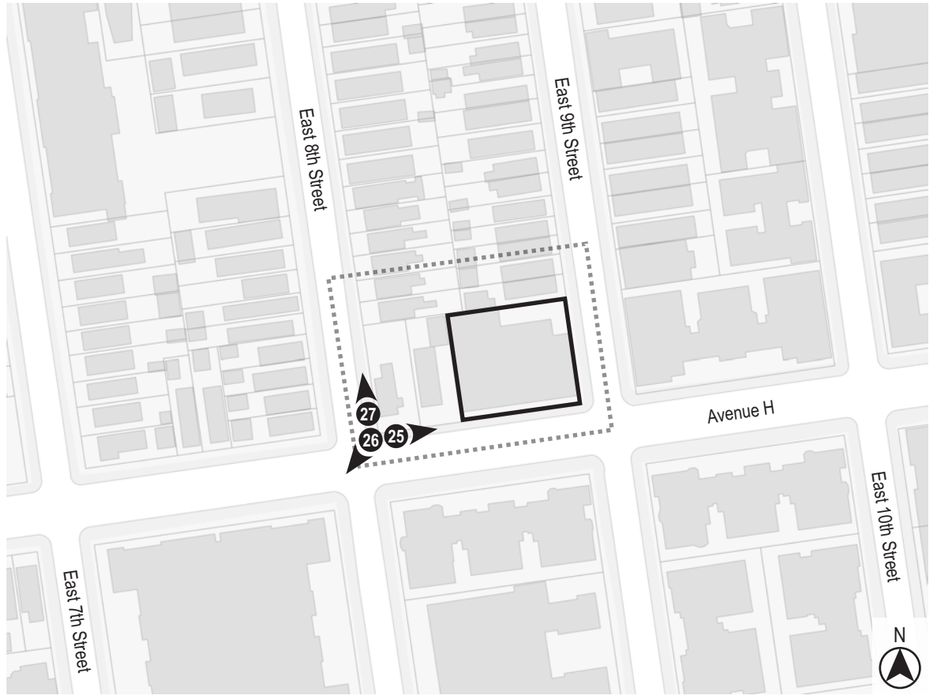
25. View of the sidewalk along the north side of Avenue H facing east from East 8th Street (Project Area at left).



27. View of the sidewalk along the east side of East 8th Street facing north from Avenue H (Project Area at right).



26. View of the intersection of Avenue H and East 8th Street facing southwest from the Project Area.





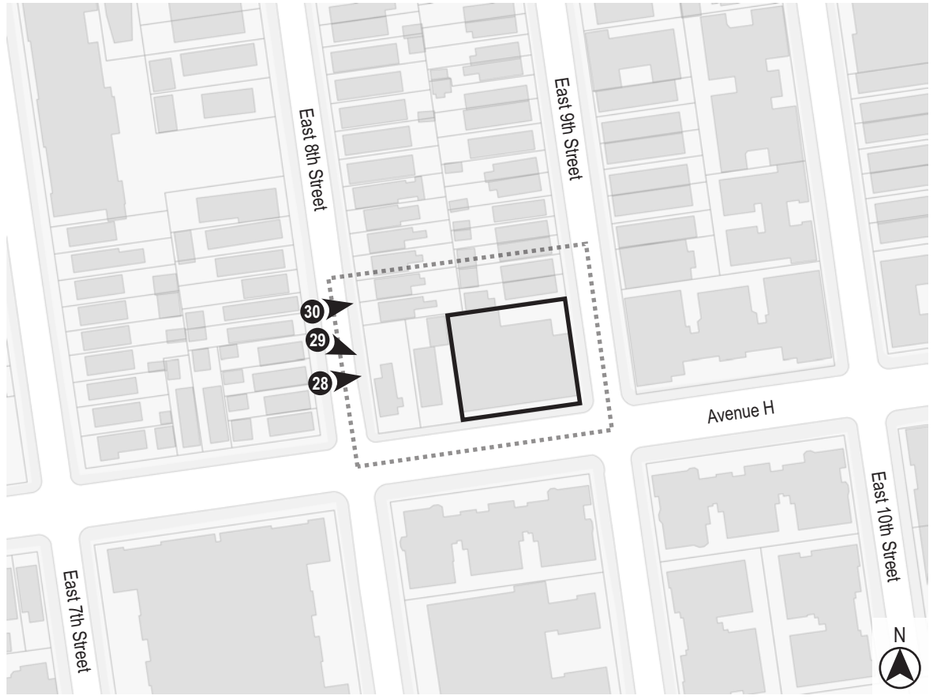
28. View of the Project Area facing east from East 8th Street.



29. View of the Project Area facing southeast from East 8th Street.



30. View of the Project Area facing east from East 8th Street.

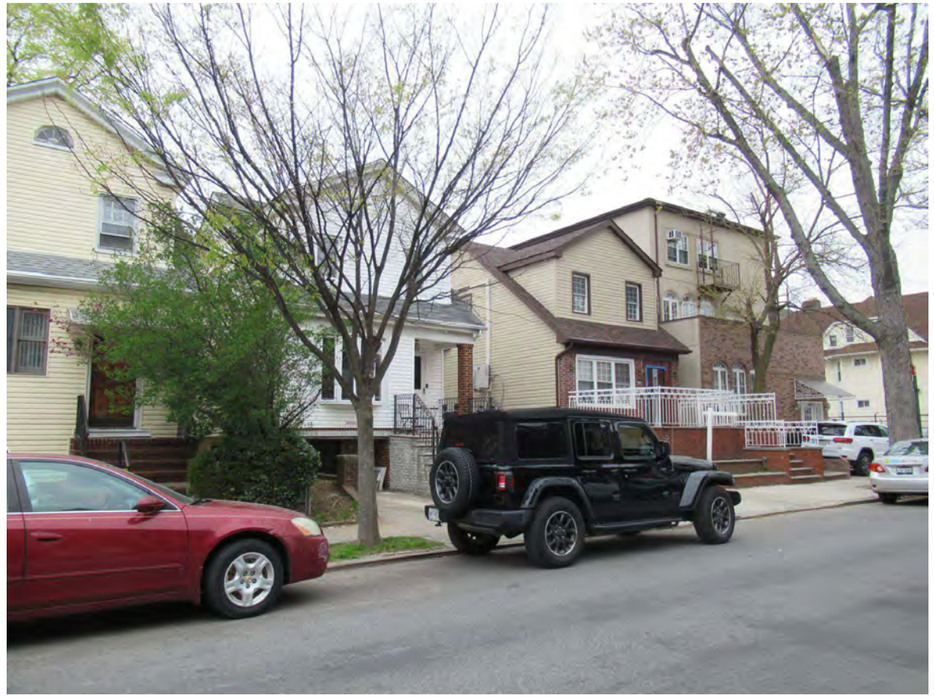




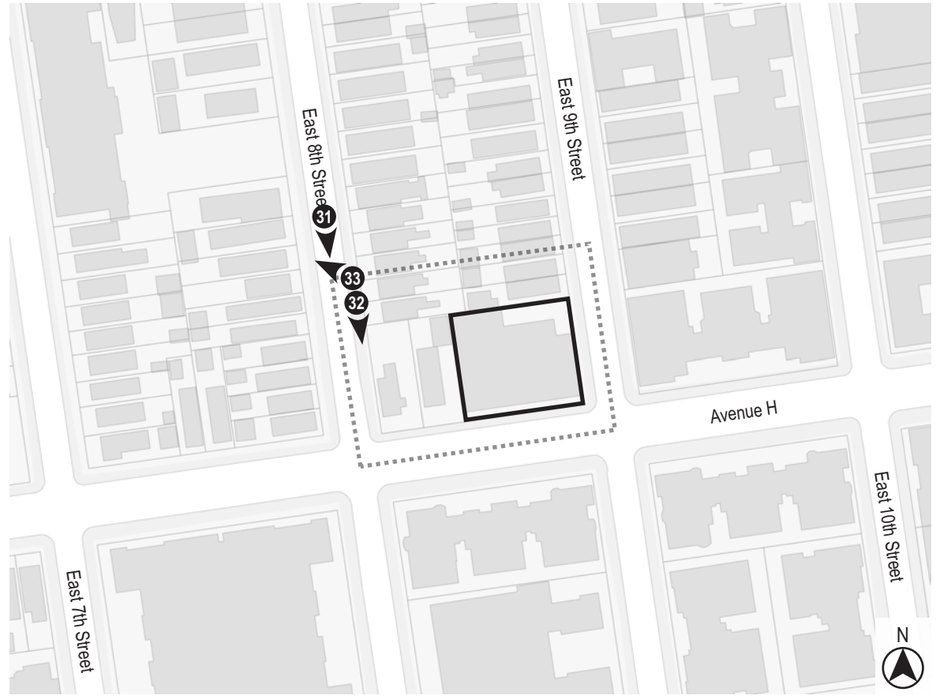
31. View of East 8th Street facing south (Project Area at left).



32. View of the sidewalk along the east side of East 8th Street facing south (Project Area at left).



33. View of the west side of East 8th Street facing northwest from the Project Area.



817 Avenue H, Brooklyn

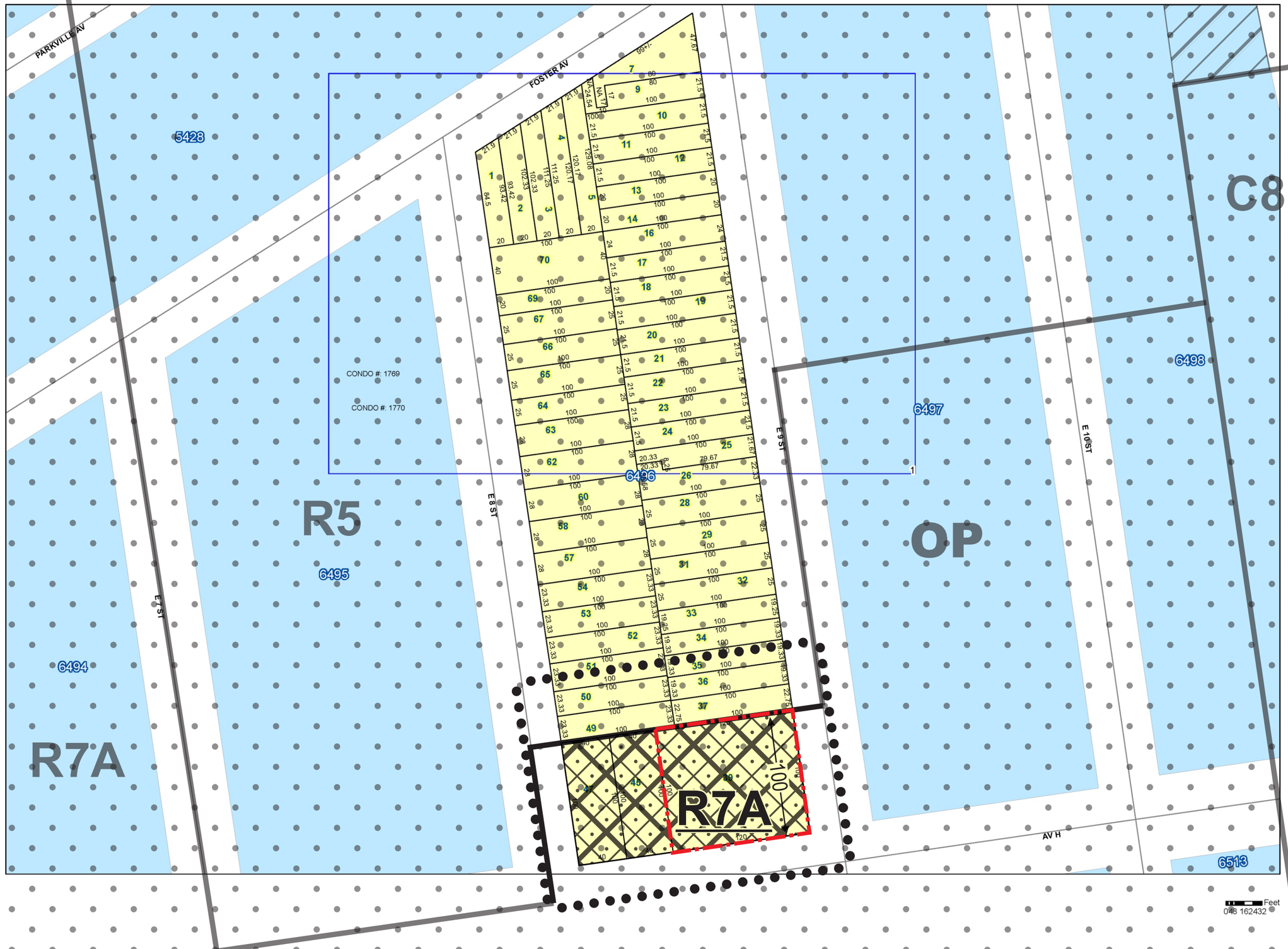
FINANCE NEW • YORK
MARTHA E. STARK
COMMISSIONER

N
W E
S

NYC Digital Tax Map

Effective Date : 12-07-2008 08:50:09
End Date : Current

Brooklyn Block: 6496

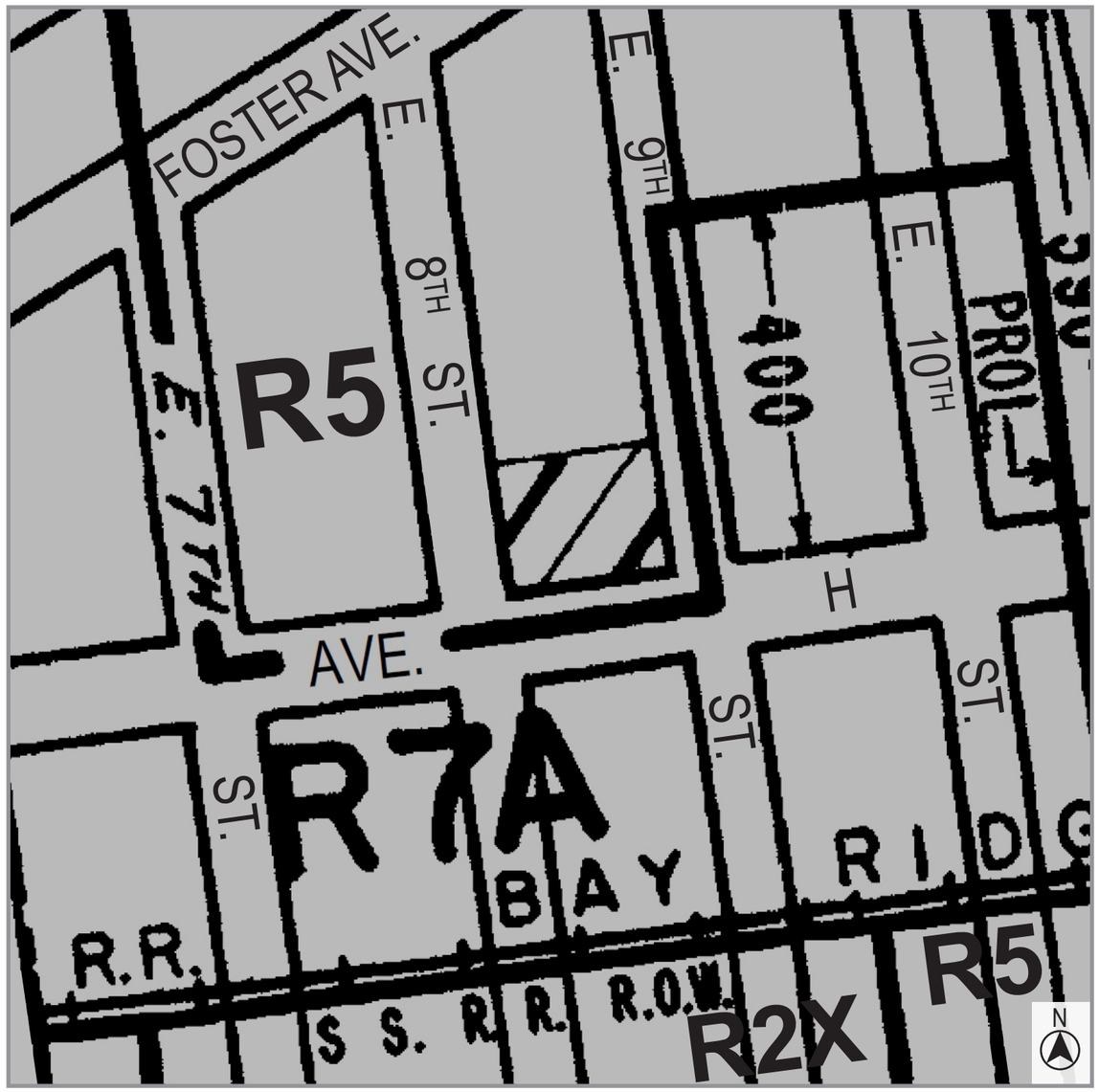


Legend

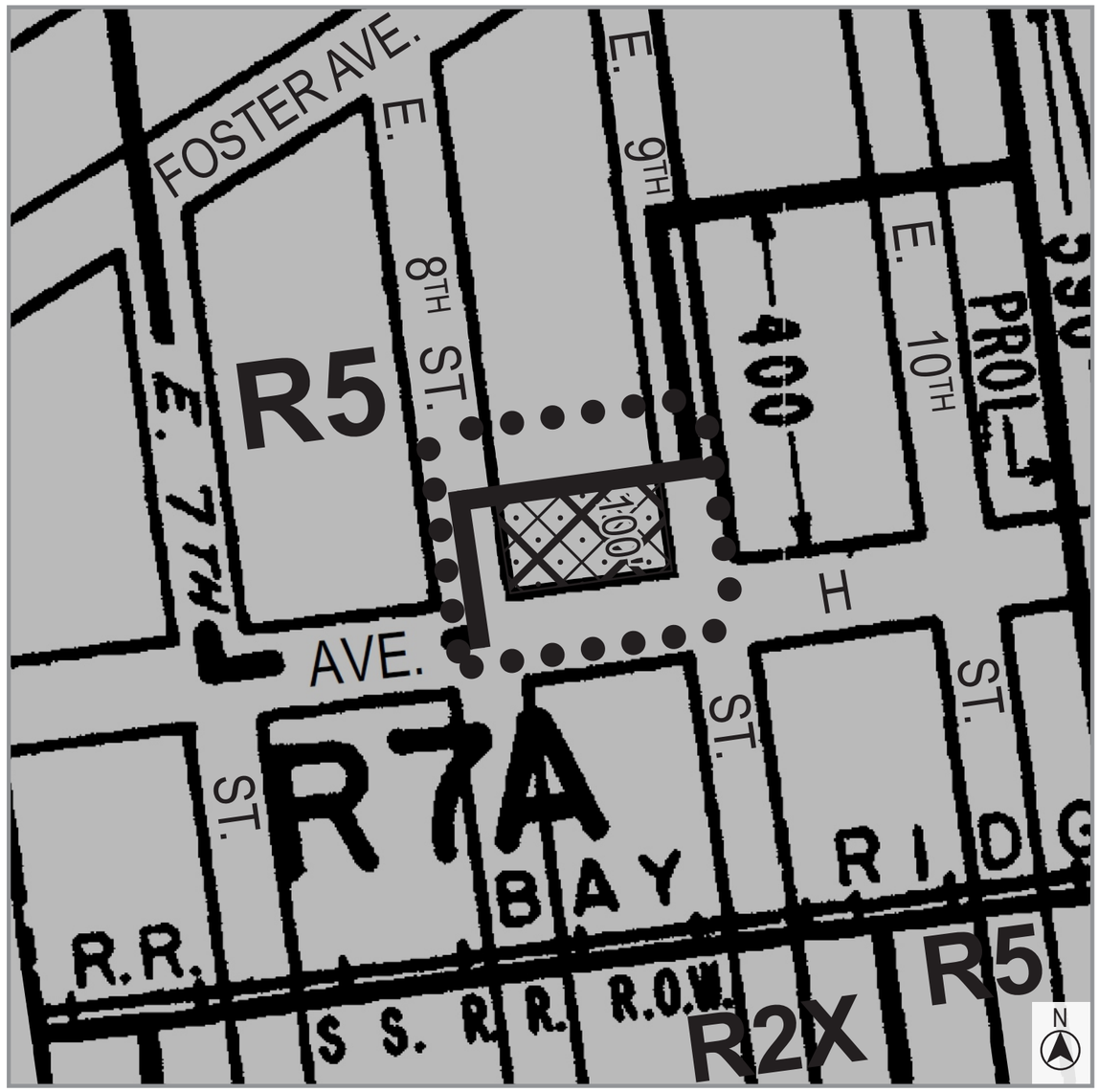
- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon
- Development Site
- Area Proposed to be Rezoned
- Existing Zoning District Line
- Proposed Zoning District Line
- Existing Special Purpose District
- R5 — Existing Zoning District
- Existing C1-3 Overlay
- R7A — Proposed Zoning District
- Proposed C2-4 Overlay

Feet
0 40 80 160 240 320

Zoning Change Map



Current Zoning Map (22c)



Proposed Zoning Map (22c) - Area being rezoned is outlined with dotted lines

Rezoning from R5/C1-3 to R7A/C2-4
Rezoning from R5/C1-3 to R5

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

817 Avenue H, Brooklyn

Zoning Comparison Table

	Existing/Proposed Zoning					
	Existing Zoning (R5/C1-3)		Proposed Zoning (R5)		Proposed Zoning (R7A/C2-4) (Under MIH Zoning)	
	ZR Section #	R5/C1-3	ZR Section #	R5	ZR Section #	R7A/C2-4 (MIH)
USE GROUPS	22-10 / 32-10	1, 2, 3, 4, 6	22-10	1, 2, 3, 4	22-10 / 32-10	1-4, 6-9, 14
Residential	23-142	1.25	23-142	1.25	23-154**	4.6
Affordable Independent Residences for Seniors	23-144	1.95	23-144	1.95	23-155	5.0
Community Facility	24-11 / 33-121	2.0	24-11	2.0	24-11 / 33-121	4.0
Commercial	33-121	1.0	n/a	n/a	33-121	2.0
Commercial and Community Facility	33-121	2.0	n/a	n/a	33-121	4.0
Manufacturing	n/a	n/a	n/a	n/a	n/a	n/a
YARDS						
Minimum Front Yard	23-45	10' / 18 feet'*, None (Commercial)	23-45	10' / 18 feet'*	n/a	n/a
Minimum Side Yard	23-461 / 35-25	13' (Total), 5' (Min.) (detached), 8' (semi-detached), 8' or None (Commercial)	23-461	13' (Total), 5' (Min.) (detached), 8' (semi-detached)	23-462 / 33-25	None or 8'
Minimum Rear Yard	23-47 / 33-26	30', 20' (Commercial)	23-47	30'	23-47 / 33-26	30', 20' (Commercial)
HEIGHT AND SETBACKS						
Minimum Base Height	n/a	n/a	n/a	n/a	23-662	40'
Maximum Base Height	23-631(d) / 33-431	30', 30' or 2 stories (Commercial)	23-631(d)	30'	23-664** / 33-431	75' (w/ QGF), 60' or 4 stories (Commercial)
Maximum Building Height	23-631(d)	40'	23-631(d)	40'	23-664**	95'/9-Stories (w/ QGF)
Maximum Height of Front Wall	23-631(d) / 33-431	30', 30' or 2 stories (Commercial)	23-631(d)	30'	23-664** / 33-431	75' (w/ QGF), 60' or 4 stories (Commercial)
Sky Exposure Plane	33-431	1:1 (Commercial)	n/a	n/a	33-431	2.7:1 (narrow), 5.6:1 (wide)
Setbacks from Narrow Streets	23-631(d) / 33-431	15', 20' (Commercial)	23-631(d)	15'	23-662 / 33-431	15', 20' (Commercial)
Setbacks from Wide Streets	23-631(d) / 33-431	15', 15' (Commercial)	23-631(d)	15'	23-662 / 33-431	10' , 15' (Commercial)
OPEN SPACE						
Minimum Open Space Ratio/Maximum Lot Coverage	23-142	45%	23-142	45%	n/a	n/a
LOT COVERAGE						
Interior/Through Lot	23-142	55%	23-142	55%	23-153	65%
Corner Lot	23-142	55%	23-142	55%	23-153	100%
DENSITY						
Maximum Number of Dwelling Units	23-22	760 sf/DU	23-22	760 sf/DU	23-22	680 sf/DU
Affordable Independent Residences for Seniors	23-23	300 sf/DU	23-23	300 sf/DU	23-23	325 sf/DU
PARKING						
Residential	25-23	85%	25-23	85%	25-23	50%
Commercial	36-21	By Use	n/a	n/a	36-21	By Use
Income-Restricted Housing Units	12-10/25-251	42.5%	12-10/25-251	42.5%	12-10/25-251	15%
Affordable Independent Residences for Seniors	12-10/25-252	10%	12-10/25-252	10%	12-10/25-252	10%
Government Assisted Dwelling Units	12-10/25-253	70%	12-10/25-253	70%	12-10/25-253	25%
LOADING						
Commercial	36-62	By Use	n/a	n/a	36-62	By Use
Bicycle Parking (Residential)	25-80	1 per 2 dwelling units (UG-2)	36-711	1 per 2 dwelling units (UG-2)	36-711	1 per 2 dwelling units (UG-2)
Bicycle Parking (Affordable Independent Residences for Seniors)	25-80	1 per 10,000 sf	36-711	1 per 10,000 sf	36-711	1 per 10,000 sf
Bicycle Parking (Commercial)	36-711	By Use	n/a	n/a	36-711	By Use

*If the depth of a front yard exceeds 10 feet, the depth of the front yard shall be at least 18 feet.

**When providing affordable housing pursuant to the Inclusionary Housing Program as set forth in ZR Section 23-90