17-21 Wharton Place Rezoning
Community District 5, Brooklyn
January 2026

1. INTRODUCTION

CCM Capital Group Corp. (the "Applicant"), proposes a series of land use actions (the "Proposed Actions"), including a rezoning from an existing R5 zoning district to an R6A zoning district within the Cypress Hills neighborhood within Brooklyn Community District 5. The proposed Project Area consists of Block 4105, Lots 72, 75, 77, 81, 82, 178, 179, 180, 181, and p/o 182 (the "Project Area"). The following actions are proposed:

1. a zoning map amendment from an R5 zoning district to an R6A zoning district; and

2. a zoning text amendment to Zoning Resolution Appendix F: Mandatory Inclusionary Housing Areas ("MIH") and former Inclusionary Designated Housing Areas for Brooklyn Community District 5 to establish an MIH Area coterminous with the Project Area with MIH Options 1 and 2; and

The Proposed Actions will facilitate the development of a new 7-story plus cellar, mixed-use residential and community facility building with approximately 56,197 sq. ft. of floor area (3.69 FAR) (the "Proposed Development") at 17-21 Wharton Place. The Proposed Development will include approximately 73 dwelling units, including approximately 21 permanently affordable dwelling units pursuant to MIH Option 1. The building will include approximately 54,856 sq. ft. (3.6 FAR) of residential uses and approximately 1,341 sq. ft. (0.09 FAR) of ground floor community facility space. Parking will not be provided, as the Development Site is located within the Outer Transit Zone and parking is waived.

2. BACKGROUND

The existing R5 zoning district has remained unchanged since it was mapped in 1961. There are no additional recent land use actions within the Project Area.

On April 28, 1998, an area to the east of the Project Area was rezoned as part of the Cypress Hills Rezoning (C 980131 ZMK). The rezoning sought to rezone a portion of the residential mid-blocks of a row of eight blocks from M1-1 to R4/C2-4, R4, and R5 in Cypress Hills. This proposal rezoned eight blocks bounded by Jamaica Avenue to the north, Logan Street to the west, Etna Street on the south and Nichols Avenue on the east. The application sought to limit new industrial and commercial uses to Jamaica Avenue by rezoning M districts to R4 and R5 zoning districts. However, the final rezoning permitted portions of the M1-1 zoning district along Jamaica Avenue on Blocks 4106 and 4108 to remain.

In 2017, Western Beef Retail, Inc. filed an application under N 170379 ZCK for a FRESH Certification in connection with the development of their building at 814 Jamaica Avenue (Block

4105, Lot 36). The supermarket is located north across the street from the Development Site.

3. DESCRIPTION OF THE SURROUNDING AREA

Land Uses

The Project Area is located within the Cypress Hills neighborhood of Brooklyn Community District 5. Existing land uses within the surrounding area primarily consist of residential uses to the west, east, and south, and commercial, manufacturing, and community facilities to the north. The residential buildings are a mix of one-& two-family homes to multi-family walk-ups. Manufacturing and commercial uses include: restaurant supply stores, gas stations (intersection of Jamaica Avenue and Euclid Avenue), heating and plumbing, auto service stations, and a supermarket. P.S. 7- The Abraham Lincoln Elementary School is located to the northeast of the Project Area (Block 4106, Lot 39). Numerous cemeteries are located to the north of Jamaica Avenue, including the 5,249,780 sq. ft. (120.5-acre) Cypress Hills Cemetery and the 1,500,000 sq. ft. (34-acre) Salem Fields Cemetery. The buildings within the Surrounding Area generally range in height from one- to four-stories.

Zoning

The existing zoning districts within the Surrounding Area include R3-2, R4, R5, and M1-1 zoning districts.

R3-2

Within the Surrounding Area, an R3-2 zoning district is mapped north of Project Area along Jamaica Avenue and the Cypress Hills Cemetery. R3-2 districts permit all housing types with a maximum lot coverage of 35% and the maximum FAR is 0.75 for standard zoning lots and 1.0 for Qualifying Residential Sites ("QRS"). The maximum community facility FAR is 1.0. The maximum building height is 35 feet. For single- and two-family detached and semi-detached buildings, the perimeter wall may rise to 21 feet before sloping or being set back to the maximum building height of 35 feet. A front yard of at least 15 feet is required and a 30-foot rear yard is required. Side yards of a minimum of five feet are required for detached and semi-detached buildings, while all other residences do not require a side yard. 35% of parking is required for standard dwelling units within the Outer Transit Zone with a maximum waiver of 5 spaces. No parking is required for QRS.

R4-1

Within the Surrounding Area, an R4 zoning district is mapped to the west of the Project Area. R4-1 districts are low-density residential zoning districts that permit detached and semi-detached one- and two-family houses. The maximum FAR for standard zoning lots is 1.0, and a maximum FAR of 1.5 for QRS. R4-1 districts have a maximum building height limit of 35 feet for standard lots and 45 feet for QRS. A minimum front yard of 10 feet is required. Side yards of a minimum of five feet are required for detached and semi-detached buildings, while all other residences do not require a side yard. Within the Outer Transit Zone, parking is required for 50% of the standard dwelling units. Parking is not required for QRS.

R5

The Project Area is located within an R5 zoning district. R5 zoning districts typically produce three-and four-story attached houses and small apartment houses and provide a transition between lower- and higher-density neighborhoods. The maximum FAR for standard zoning lots is 1.5, and a maximum FAR of 2.00 for QRS. R5 districts have a maximum base height limit of 35 feet, and a maximum building height limit of 45 feet (or 45 and 55, respectively for QRS). Setbacks are required above the base height. A minimum front yard of 10 feet is required. Side yards of a minimum of five feet are required for detached and semi-detached buildings, while all other residences do not require a side yard. Off-street parking is required for 35% of the standard dwelling units within the Outer Transit Zone with a maximum waiver of 10 spaces.

M1-1

An M1-1 zoning district is located to the north of the Project Area along Jamaica Avenue. M1-1 zoning districts permit light industrial uses, such as woodworking shops, repair shops, wholesale service, storage facilities, limited community facility uses (houses of worship, hospitals (with limitations) and ambulatory diagnostic facilities are permitted as-of-right), and commercial uses. Residential use is not permitted in M1-1 districts. The maximum FAR for permitted manufacturing and commercial uses within the M1-1 district is 1.0 and 2.4 for permitted community facility uses. The maximum height of a front wall can be 30 feet or two stories, whichever is less. There are no front yard or side yard requirements in an M1-1 zoning district. A 20-foot rear yard is required for interior lots. Building heights are governed by the sky exposure plane. In an M1-1 zoning district, the sky exposure plane begins at 30 feet or two stories. Off-street parking is required for manufacturing and commercial uses, and for most uses is calculated based on the amount of floor area. In M1-1 districts, the off-street parking requirement may be waived if fewer than fifteen spaces are required.

Public Transportation

The Surrounding Area is located within a transit zone and is well served by public transit. The Cypress Hills J train stop is located approximately 0.1 miles from the Project Area. The elevated J-train tracks are located along Crescent Street and turn east on Jamaica Avenue. Both the B13 (Spring Creek – Wyckoff Hospital) and Q56 (Broadway Jct. – Jamaica) bus stops are within a half a block from the Project Area.

Wharton Place is a 50-ft[1]. wide dead-end local roadway that runs east-west along the northern edge of the Project Area. Wharton Place allows one moving lane of traffic in each direction and terminates at Crescent Street. Wharton Place provides access to residential properties along the south side of the roadway and access to commercial properties along the north side. Crescent Street is a 60-foot-wide two-way minor arterial roadway that runs north and south. Crescent Street includes one moving lane of traffic in each direction, and curbside parking along the west side of the roadway. It connects principal arterial Jamaica Avenue to the north with principal arterials Atlantic Avenue and Linden Boulevard to the south. Cox Place is a narrow, dead-end local roadway that runs east-west along the south of the Project Area.

[1] The City Map notes various widths of Wharton Place, but the survey notes that it is 50 ft. wide.

Other Zoning District
The Project Area is located within the Outer Transit Zone and a FRESH Area that permits zoning incentives.

4. DESCRIPTION OF THE PROJECT AREA AND DEVELOPMENT SITE

The proposed Project Area consists of Block 4105, Lots 72, 75, 77, 81, 82, 178, 179, 180, 181, and p/o 182 within the Cypress Hills neighborhood of Brooklyn Community District 5. The Development Site consists of Block 4105, Lots 72, 75, and 77. The Project Area is bounded by Wharton Place to the west and Crescent Street to the east and contains approximately 25,229 sq. ft. of aggregate lot area.

Applicant Controlled Development Site

Block 4105, Lot 72 (17 Wharton Place) is an approximately 7,714 sq. ft. lot improved with a 2-story, approximately 3,201 sq. ft. (0.42 FAR) 3-family residential building. *See* DOB Job No.: 321380251. The lot is also developed with a detached garage.

Block 4105, Lot 75 (21 Wharton Place) is an approximately 5,000 sq. ft. lot improved with a 2-story, approximately 1,746 sq. ft. (0.35 FAR) two-family residential building. The lot is also improved with a detached garage. *See* DOB Job No.: 321436228.

Block 4105, Lot 77 (11 Wharton Place) is an approximately 2,500 sq. ft. vacant lot.

Non-Applicant Controlled Sites[2]

Block 4105, Lot 178 (9 Wharton Place) is an approximately 1,842 sq. ft. lot improved with a 2-story, approximately 1,955 sq. ft. (1.06 FAR) two-family residential building constructed in 2007

Block 4105, Lot 179 (7 Wharton Place) is an approximately 1,158 sq. ft. lot improved with a 2-story, approximately 1,955 sq. ft. (1.7 FAR) two-family residential building constructed in 2007.

Block 4105, Lot 180 (44 Crescent Street) is an approximately 840 sq. ft. lot improved with a 2-story, approximately 1,837 sq. ft. (2.2 FAR) two-family residential building constructed in 2007.

Block 4105, Lot 181 (48 Crescent Street) is an approximately 1,160 sq. ft. lot improved with a 3-story, approximately 2,070 sq. ft. (1.8 FAR) two-family residential building constructed in 2007.

Block 4105, Lot 81 (50 Crescent Street) is an approximately 2,133 sq. ft. lot improved with a 2-story, approximately 1,948 sq. ft. (0.9 FAR) two-family residential building constructed in 1901

Block 4105, Lot 82 (52 Crescent Street) is an approximately 1,948 sq. ft. lot improved with a 2-story, approximately 1,948 sq. ft. (1.0 FAR) two-family residential building constructed in 1901.

[2] All information on non-applicant controlled lots are obtained from ZoLa.

Block 4105, Lot 182 (54 Crescent Street) is an approximately 1,933 sq. ft. lot improved with a 2-story, approximately 1,980 sq. ft. (1.0 FAR) two-family residential building constructed in 1901. Approximately 934 sq. ft. of the lot is located within the Project Area.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Development Site (Block 4105, Lots 72, 75, and 77) is located within an R5 zoning district within the Cypress Hills neighborhood of Brooklyn Community District 5. The Proposed Development will consist of a cellar plus 7-story (75ft. tall) mixed-use building with a total floor area of approximately 56,197 sq. ft. (3.69 FAR). The building will consist of approximately 73 dwelling units, of which approximately 21 units will be permanently affordable pursuant to MIH. The building will include approximately 1,341 sq. ft. of ground floor community facility space. The ground floor would also include bicycle parking and a gym for residents. Residential units will be located on the second through seventh floors. The seventh floor will set back. No parking is proposed, as the required parking of 13 spaces is waived. The Proposed Development will include a 76 ft. diameter fire apparatus turnaround on Wharton Place, a dead-end roadway. The proposed turnaround is currently under review by the FDNY.

6. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The actions necessary to facilitate the proposed project are: (1) a zoning map amendment from an R5 zoning district to an R6A zoning district; and (2) a zoning text amendment to Zoning Resolution Appendix F: Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Brooklyn Community District 5 to establish an MIH Area coterminous with the Project Area with MIH Options 1 and 2.

a. Rationale for the Zoning Map Amendment from R5 zoning district to an R6A zoning district at the Project Area

This application seeks to rezone the Project Area from an R5 zoning district to an R6A zoning district. R6A zoning districts are contextual residential zoning districts which mandate compliance with Quality Housing regulations and permit apartment buildings with a maximum height of 95 feet (nine stories) and a maximum permitted FAR of 3.9 with qualifying affordable housing. Off-street parking is required for 25% of the building's dwelling units, but can we waived if the required number of spaces is under 15 spaces. These regulations produce high lot coverage, six- to nine-story apartment buildings set at or near the street line. R6A districts are designed to be compatible with older buildings found in medium-density neighborhoods.

The Project Area is ideally suited to support growth for the Cypress Hills neighborhood. The Project Area is located in a residential district and near public transit (0.1 miles from the subway and ½ block from bus stops). Wharton Place and Crescent Street are primarily improved with residential buildings. There are numerous public transportation options for bus and subway

service. The Project Area is mapped within an R5 zoning district which limits new developments. The existing R5 district has a low maximum FAR, does not incentivize new multi-family residential development, and does not require permanently affordable dwelling units. The proposed rezoning would provide new opportunities for affordable and market-rate housing development in an area experiencing population growth by providing approximately 73 dwelling units of which at least 25% of the units would be permanently affordable.

The existing R5 zoning district's low FAR limits, high parking requirements, and limited heights prevent redevelopment or enlargement in the transit and amenity rich neighborhood. The R6A zoning district will facilitate the development that reflects the medium density context of the surrounding neighborhood. Increased density is appropriate within the Project Area given the location at the intersection of Wharton Place (50-ft. wide street) and Crescent Street (60-ft. wide street) and its proximity to transit. The proposed R6A district would bring all the existing buildings into compliance (at least 30% of the non-applicant controlled buildings within the Project Area are existing non-complying buildings). The zoning map change will increase the permitted density and height within the Project Area and will facilitate housing, including permanently affordable housing in an area well served by transit.

b. Rationale for the ZR Appendix F Text Amendment to map an MIH Designated Area at the Project Area

The Cypress Hills neighborhood of Brooklyn has experienced consistent growth over the past decade. Within the last 10 years, demand for housing in both this community and throughout the City has steadily increased. The proposed text amendment of ZR Appendix F is necessary to establish an MIH Area, which would require 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 future development of non-Applicant controlled sites.

The proposed rezoning would provide new opportunities for affordable and market-rate housing development in an area experiencing population growth. According to the 2019-2023 ACS Profile, the total population grew by 10.3 % within the Community District 5.[3] In addition, within the BK05 East New York-Cypress Hills Neighborhood Tabulation where the Project Area is located, the number of housing units increased by 11% between 2006-2023 reflecting the strong demand for housing in this area.[4] According to the Furman Center's State of New York City's Housing

[3] https://popfactfinder.planning.nyc.gov/explorer/cdtas/BK05?acsTopics=%2Chou-unitsInStructure%2Chou-yearStructureBuilt%2Chou-grossRent%2Chou-grossRentAsAPercentageOfHouseholdIncomeGrapi%2Cdemo-sexAndAge%2Cdemo-mutuallyExclusiveRaceHispanicOrigin%2Cdemo-hispanicSubgroup%2Cdemo-asianSubgroup&censusTopics=populationSexAgeDensity&compareTo=BK0501&showCharts=true&showReliability=false&source=acs-change

[4] https://popfactfinder.planning.nyc.gov/explorer/ntas/BK0501?acsTopics=%2Chou-unitsInStructure%2Chou-yearStructureBuilt%2Chou-grossRent%2Chou-grossRentAsAPercentageOfHouseholdIncomeGrapi&compareTo=BK0501&source=acs-change

and Neighborhoods in 2022, the median monthly rent in Community District 5 rose from $1,310 in 2006 to $1,410 in 2023. This represents a 7.6% increase over the same period.[5] The report also notes that 31% of renter households were severely rent burdened (spent more than 50% of household income on rent). The proposed MIH Area would address the City's Housing New York: A Five-Borough, Ten-Year Plan goals by requiring the addition of affordable units in future developments within the Project Area.

7. CONCLUSION

As discussed above, the Applicant proposes a series of land use actions to facilitate the development of a new mixed residential and community facility building within Brooklyn Community District 5. The proposed development will create approximately 73 new dwelling units, of which approximately 18 units would be permanently affordable pursuant to MIH. The proposed rezoning would provide increased opportunities for housing development on an underutilized lot, including MIH 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 levels. These actions would be consistent with the City's goals of strengthening neighborhoods, expanding housing, including affordable housing and employment in transit accessible areas while respecting the character of the surrounding residential communities.

[5] *See* Neighborhood Indicators for East New York/Starrett City BK05 https://furmancenter.org/neighborhoods/view/east-new-york-starrett-city#renters-and-rental-conditions