749 Van Sinderen Rezoning
Brooklyn Community District 5

1. INTRODUCTION

ENY Community Residences LLC (the "Applicant") proposes the following actions:

1) a zoning map amendment to change the existing M1-1 zoning district to the C4-4L zoning district for property located on the eastern side of Van Sinderen Avenue, between New Lots Avenue and Linden Boulevard, in Brooklyn Community District 5 (Block 3865, Lots 6, 7, 9, 21, p/o 44, p/o 45, p/o 46, p/o 47, p/o 49, p/o 136, p/o 137, p/o 138, p/o 139, p/o 140, p/o 141, p/o 142, p/o 150, and p/o 151, collectively the "Rezoning Area"); and

2) a zoning text amendment of the Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Brooklyn Community District 5 to establish the Rezoning Area as an MIH Area.

The proposed actions would facilitate the development of a new mixed-use commercial and residential building at 749 Van Sinderen Avenue (Block 3865, Lot 9)(the "Development Site"). The new building would contain approximately 103,493 square feet of floor area (4.6 FAR), including approximately 13,000 square feet of floor area of commercial space, and a total of approximately 90,493 square feet of residential floor area (the "Proposed Development"). The Proposed Development would contain a total of approximately 119 affordable dwelling units.

2. BACKGROUND

There are no recent actions affecting the proposed Rezoning Area, which has been zoned M1-1 since the adoption of the ZR effective December 15, 1961. The Rezoning Area is located west and south of the 2015 Van Sinderen Plaza Rezoning and Redevelopment (C 160002 ZMX), which rezoned approximately 37,549 square feet of land area from the M1-1 zoning district to the R7A/C2-3 districts as part of HPD's disposition of property to New Van Sinderen Lots LLC. The Rezoning Area is also located to the north of the Flatlands Family Residence Center Rezoning (C 870518 ZMX), which rezoned approximately 108,811 square feet of land area from the M1-1 zoning district to the R6/C2-4 zoning district.

3. DESCRIPTION OF THE SURROUNDING AREA

Zoning Districts

The primary zoning district mapped within a 600-foot radius of the Rezoning Area (the "Surrounding Area") is the R6 zoning district. The R7A zoning District is mapped to the north of the Rezoning Area, and in the western portion of the Surrounding Area the R7A and R7D zoning districts are mapped. The portion of the Surrounding Area that is located along the elevated L-

Train subway tracks is located in the M1-1 zoning district. The C2-4 commercial overlay is mapped along Van Sinderen Avenue and the C2-3 commercial overlay is mapped along New Lots Avenue.

R6

R6 zoning districts allow all housing types at a maximum FAR of 2.43 and a maximum FAR of 4.8 for buildings containing certain community facility uses. No commercial or industrial/ manufacturing uses are permitted in R6 districts. R6 is a height factor district where residential and community facility uses are permitted with no fixed height limits. Building envelopes are regulated by open space ratio and a sky exposure plane that begins at a height of 60 feet above the street line and then slopes inward over the zoning lot. Off-street parking is generally required for 70 percent of a building's dwelling units, but requirements are lower for income-restricted housing units. Residential development under the optional Quality Housing Program has a maximum FAR of 2.2 on narrow streets with a 55-foot building height limit and a maximum of 3.0 FAR on wide streets with a height limit of 70 feet. Off-street parking is required for 70 percent of the dwelling units. This requirement is lowered to 50 percent of the units if the lot area is less than 10,000 square feet or if Quality Housing provisions are used. In R6 zoning districts, if fewer than five spaces are required, the off-street parking requirement is waived. Accessory parking is required for 25 percent of income-restricted housing units.

R7A

R7A is a contextual district that allows for new medium-density residential development and community facilities. R7A districts allow for residential development with an FAR of 4.0, and up to 4.6 FAR in Inclusionary Housing Designated Areas and MIH Areas. Community facility uses have a maximum FAR of 4.0. The building form requires a street wall of 40 to 75 feet, a setback above the maximum base height, and a maximum building height of up to 95 feet for Inclusionary Housing buildings with a qualifying ground floor. New residences are required to provide off-street parking for 50 percent of the dwelling units, with an exemption for income-restricted units within the Transit Zone.

R7D

R7D is a contextual district that allows for new medium-density residential development and community facilities. R7D zoning districts allow for residential development with an FAR of 4.2, and up to 5.6 FAR in Inclusionary Housing Designated Areas and MIH Areas. Community facility uses have a maximum FAR of 4.2. The building form requires a street wall of 60 to 85 feet, a setback above the maximum base height, and a maximum building height of up to 105 feet for Inclusionary Housing buildings with a qualifying ground floor. New residences are required to provide off-street parking for 50 percent of the dwelling units, with an exemption for income-restricted units within the Transit Zone.

M1-1

M1 zoning districts are designated for areas with light industries and often serve as buffers between more intensive M2 or M3 districts and adjacent residential or commercial districts. M1 is a light manufacturing district that allows manufacturing (Use Group 17), general service (Use Group 16), commercial (Use Groups 5-15), and community facility (Use Groups 3 and 4) uses. No residential uses are permitted. In M1-1 districts, manufacturing uses have a maximum permitted 1.0 FAR. M1-1 districts require one accessory parking space for every 300 square feet of floor area. Within the initial setback distance of 20 feet on a narrow street and 15 feet on a wide street, the maximum height permitted in M1-1 districts is 30 feet or two stories, whichever is less. Building height above 60 feet is governed by a sky exposure plane, which has a slope of 2.7 to 1 on narrow streets and 5.6 to 1 on wide streets.

C2 Commercial Overlays

When mapped in R6 and R7 zoning districts, the C2 commercial overlay allows a maximum commercial FAR of 2.0. They permit local retail and service establishments (Use Group 6) that serve the immediate neighborhood as well as Use Groups 7, 8, 9, and 14. Moreover, they are located in a wider range of locations than C1 commercial overlays where retail continuity may be less important.

Land Uses

The built environment in the Surrounding Area generally consists of attached two-story, one- to two- family homes many of which were developed through HPD's Nehemiah Homeownership Program. In addition, multi-family walk-up buildings are located along Van Sinderen, Snediker and Williams Avenues and Hinsdale Street between Linden Boulevard and Dewitt Avenue. Some commercial uses are found along New Lots Avenue to the north and east of the Rezoning Area and a five-story hotel is located just south and east of the Rezoning Area along Linden Boulevard.

Van Sinderen Plaza, which was also developed by HPD, is located directly to the north of the Rezoning Area, which is a seven-story mixed residential and commercial building within a mapped R7A district. Additional mixed residential and commercial buildings in the Surrounding Area include an 11-story mixed residential and commercial building located in the western portion of the Surrounding Area that fronts on Hegeman Avenue, Sackman Street, New Lots Avenue, and Powell Street.

Along Van Sinderen Avenue between Newport Street and Linden Boulevard are one-story manufacturing buildings, including existing auto body repair shops in existing M1-1 district. Other notable uses in the Surrounding Area include the Flatlands Family Residence Center, which includes approximately 300 beds and serves up to 100 homeless families.

IBZs are predominately zoned for manufacturing use and properties within an IBZ are provided tax credits for continuing manufacturing and industrial uses. While the East New York Industrial Business Zone ("IBZ") is located to the northwest of the Rezoning Area across New Lots Avenue, and the Flatlands/Fairfield IBZ is located to the southwest of the Rezoning Area across Linden Boulevard, the Rezoning Area is not located within an IBZ.

Amenities

The Surrounding Area is accessible by public transportation and is located within a Transit Zone. The Rezoning Area is bounded by the elevated L-Train subway tracks across Van Sinderen Avenue. The New Lots subway station is located approximately ½ block north of the Rezoning Area. The B15 bus also runs along New Lots Avenue. New Lots Avenue and Linden Boulevard serve as the main thoroughfares through the Surrounding Area.

The Brownsville Playground is located just west of the Surrounding, which is a 3.02 acre park that includes basketball courts, handball courts, media labs, a recreation center, fitness equipment, an indoor pool, and playgrounds.

4. DESCRIPTION OF THE PROPOSED REZONING AREA

The Rezoning Area is located on the eastern side of Van Sinderen Avenue between New Lots Avenue and Linden Boulevard. It is bounded by a line 430 feet northerly of the intersection of Linden Avenue and Van Sinderen Avenue, a line midway between Van Sinderen Avenue and Snediker Avenue, and a line 90 feet northerly of the intersection of Linden Avenue and Van Sinderen Avenue (Block 3865, Lots 6, 7, 9, 21, p/o 44, p/o 45, p/o 46, p/o 47, p/o 49, p/o 136, p/o 137, p/o 138, p/o 139, p/o 140, p/o 141, p/o 142, p/o 150, and p/o 151). The Rezoning Area has approximately 340 feet of frontage on Van Sinderen Avenue.

In addition to the Development Site, the Rezoning Area includes Lots 7 and 21 in Block 3865, which are 3,600 square foot interior lots that contain one-story industrial and manufacturing buildings. Block 3865, Lot 6 is a 900 square foot interior lot that is presently vacant. There is a continuous curb cut along the portion of the Rezoning Area that fronts on Van Sinderen Avenue. The remainder of the Rezoning Area includes an approximately five foot portion of the rear of lots fronting on Snediker Avenue (i.e. p/o 44, p/o 45, p/o 46, p/o 47, p/o 49, p/o 136, p/o 137, p/o 138, p/o 139, p/o 140, p/o 141, p/o 142, p/o 150, and p/o 151). These lots within the Rezoning Area that front on Snediker Avenue are improved with one-family, two-family, and multi-family dwellings, each of which contain front yards and curb cuts.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Development Site is located at 749 Van Sinderen Avenue (Block 3865, Lot 9). It has 250 feet of frontage on Van Sinderen Avenue, a depth of 90 feet, and a total lot area of 22,500 square feet. Van Sinderen Avenue adjacent to the Development Site has a width of 25 feet and is a narrow street, as defined in the ZR. The Development Site is presently improved with three auto body repair shops that contain a total of approximately 20,200 square feet of gross floor area.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development is an affordable, mixed-use building that would contain approximately 103,493 square feet of floor area (4.6 FAR). It would include approximately 13,000 square feet of ground floor and mezzanine commercial space, and approximately 90,493 square feet of residential floor area generating approximately 119 dwelling units. The Proposed Development

would have a maximum base building height of 73 feet, 4 inches before a setback and a maximum building height of 94 feet, 4 inches.

The Proposed Development would contain a total of approximately 119 affordable dwelling units. Of the 119 affordable dwelling units, approximately 24 are two-bedroom units and approximately six are three-bedroom units such that 25% of the units are larger family sized units.

The ground floor of the building would include commercial space and floor to ceiling heights of approximately 17 feet, 8 inches in order to accommodate a retail mezzanine. It would also include a landscaped rear yard for the building's tenants, the residential lobby, a bike room, and package room. Floors two through nine would include residential units per floor. The second floor would also include a multipurpose room and fitness room for the building's tenants.

In order to improve circulation to the New Lots Subway Station, the Proposed Development includes a five foot setback from the Development Sites property line along Van Sinderen Avenue in accordance with the C4-4L requirements. No accessory off-street parking is required and none would be provided.

7. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The following actions are necessary to facilitate the Proposed Development:

1) a zoning map amendment to change the existing M1-1 zoning district to the C4-4L zoning district in the Rezoning Area; and

2) a zoning text amendment of ZR Appendix F: Inclusionary Housing Designated Areas and MIH Areas for Community District 5, Brooklyn to establish the Rezoning Area as an MIH Area.

Zoning Map Amendment

The proposed zoning map amendment to Zoning Section Map 17d would map the Rezoning Area within a C4-4L zoning district. The zoning district boundary would extend from Lot 21 a total of 340 feet south along Van Sinderen Avenue and would be located midway between Van Sinderen Avenue and Snediker Avenue. The Rezoning Area would not include the lots fronting on Linden Boulevard as this avenue is a wide street, which context and orientation differentiates from the Rezoning Area. As a result, the Rezoning Area extends from an offset of 90 feet from Linden Boulevard and includes the properties which front on Van Sinderen Avenue abutting the elevated subway rail line, 340 feet north of Linden Boulevard.

The Rezoning Area is currently located within the M1-1 zoning district, which does not permit residential use, and permits a maximum FAR of 1.0 and a maximum building height of 30 feet or two stories. C4 Districts are mapped in regional centers located outside of central business districts. The C4-4L zoning district was developed for areas that are adjacent to elevated subway tracks, such as the Rezoning Area. The C4-4L zoning district mandates a five-foot setback along the property line in order to setback any potential buildings from these elevated tracks to allow for

light and air on the street level. In the proposed C4-4L zoning district, residential uses are permitted as-of-right. The residential equivalent is the R7A zoning district, which is a medium density contextual residence district designed to produce Quality Housing buildings that are roughly six to eight stories in height. In C4-4L zoning districts, the maximum residential floor area ratio within Mandatory Inclusionary Housing areas is 4.6. The C4-4L zoning district permits a maximum commercial and community facility FAR of 4.0. For Quality Housing buildings on MIH zoning lots, a maximum base height of 75 feet before setback and a maximum building height of 95 feet is permitted. No off-street parking spaces are required for income-restricted housing units located within a Transit Zone.

The proposed C4-4L zoning district is appropriate since the Rezoning Area is located adjacent to the elevated subway lines and approximately ½ block from the New Lots Avenue Subway Station. As a result, the Rezoning Area is an appropriate location for additional bulk and density since it will result in the creation of approximately 120 affordable dwelling units, including approximately 24 two-bedroom, six three-bedroom dwelling units, in close proximity to public transportation. Since the C4-4L has an R7A equivalent, it can be considered an extension of the R7A/C2-4 district mapped to the north of the Rezoning Area.

The rezoning is also necessary to transform these underutilized industrial buildings into an improved transit-oriented, well-lit, affordable housing building that reinforces the existing land use patterns in the Surrounding Area. Specifically, the rezoning will extend an R7A equivalent zoning district, which was mapped by the Van Sinderen Plaza Rezoning and Redevelopment, to the Rezoning Area.[1] Moreover, it will result in the replacement of an industrial zoning district that is not compatible with the surrounding residential development.

The Proposed Development, and mapping of the C4-4L zoning district, will also result in an improved streetscape. Since the C4-4L zoning district requires a five-foot setback from the property line for sidewalk widening, the rezoning will result in improved pedestrian circulation to the subway located to the north of the Rezoning Area.

Zoning Text Amendment

The Applicant is requesting a zoning text amendment to Appendix F to designate the Project Area as an MIH Area. According to the U.S. Census Bureau, approximately 48.7 percent of area households in Brooklyn Community District 5 are rent burdened and there is a strong need for affordable housing that reaches a broad range of incomes.[2]

The MIH program requires that permanently income-restricted housing be provided within certain new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH Areas. The proposed zoning text amendment would establish an MIH Area contiguous with the Rezoning Area.

[1] At the time of the Van Sinderen Plaza Rezoning and Redevelopment application the C4-4L zoning district was not yet created; however, the C4-4L zoning district is also an R7A equivalent zoning district.

[2] Based on American Community Survey 2012-2016 5-Year Estimates for PUMA 4007, which is an approximation of Brooklyn Community District 5 available at: https://communityprofiles.planning.nyc.gov/brooklyn/5.

Within the MIH Area, all housing developments, enlargements, and conversions that meet the criteria set forth in the MIH program must comply with the requirements of MIH Option 1 or Option 2. While the Applicant is proposing to map both Option 1 and Option 2, the Applicant intends that all 120 dwelling units will be affordable dwelling units in accordance with the MIH program requirements.

8. CONCLUSION

The proposed zoning map amendment and zoning text amendment are consistent with existing land uses and built context within the area surrounding the Surrounding Area, and further the objectives of the City's Housing New York: A Five-Borough, Ten-Year Plan. The proposed rezoning reflects sound planning principles by replacing an existing industrial zoning district with a medium density C4-4L zoning district to permit increased density and approximately 120 affordable dwelling units in close proximity to public transportation. Moreover, the Proposed Development would introduce new activities and users to property that has historically underutilized, which would enliven the area and result in a more vibrant streetscape.