2586 Nostrand Avenue Rezoning
September 30, 2020

1. Introduction

2586 Nostrand LLC (the "Applicant") proposes:

1. a zoning map amendment to rezone Block 7647, Lots 46, 47, 48, 49, 50, 51, 54, 60, 66, 73, 75,and 80 (the "Proposed Rezoning Area"), in the East Midwood neighborhood within Brooklyn Community District 14, from an R4/C2-2 zoning district to an R7A/C2-4 zoning district.

2. a text amendment to Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 14, Brooklyn to establish an MIH Area coterminous with the proposed Rezoning Area. The Applicant proposes mapping both Option 1 and Option 2 within the proposed Rezoning Area to provide maximum flexibility for future development of the non-Applicant controlled sites.

The proposed actions would facilitate the development of 2586, 2604, 2636, 2640-2644 Nostrand Avenue (Block 7647, Lots 54, 60, 66, 73, and 75) (the "Development Site") with four new eight-story mixed residential and commercial buildings with approximately 242 total dwelling units, including approximately 58 permanently affordable units.

2. Background

The proposed Rezoning Area is located in the western part of the Midwood neighborhood, on Nostrand Avenue just south of Avenue L. The Proposed Development Site's underlying R4 zoning has remained unchanged since 1961; however, the Proposed Development Site was rezoned in 1962 to add a C2-2 commercial overlay along both sides of Nostrand Avenue from Avenue L to Avenue M.

<u>Area Rezonings</u>

The area south of the proposed Rezoning Area was included in the 2006 Homecrest Rezoning (effective February 15, 2006, C 060129 ZMK), which mapped the current R7A zoning district along Kings Highway to replace the previous R6 zoning district. The Homecrest Rezoning affected approximately 70 blocks of predominantly residential property bounded by Coney Island Avenue to the west, Avenue P and Kings Highway to the north, Ocean Avenue to the east, and Avenue S to the south. This rezoning also included blocks along Ocean Avenue between Avenue S and Voorhies Avenue, and along the south side of Kings Highway between Ocean Avenue and Nostrand Avenue.

The Homecrest Rezoning generally mapped medium-density contextual zoning districts along apartment building corridors and other wide streets with good transit access, while mapping lower-density zoning districts in areas characterized by low-rise one- and two-family homes. Through contextual zoning, the Homecrest Rezoning limited maximum building heights for future development.

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

Area Board of Standards and Appeals Cases

The Proposed Rezoning Area is immediately adjacent to the R2 zoning district within Brooklyn Community Board 14 in which a Board of Standards and Appeals Special Permit for the enlargement of detached-single family homes is available pursuant to ZR § 73-622. The surrounding area is expectedly characterized by single-family homes, many of which have been enlarged pursuant to the special permit.

3. Description of the Surrounding Area

The proposed Rezoning Area is located in the eastern portion of the Midwood neighborhood, within Brooklyn Community District 14. Existing land uses within 600 feet of the proposed Rezoning Area (the "Surrounding Area") primarily consist of one- and two-family residences, and include public and private schools, houses of worship, multi-family residences, mixed commercial and residential buildings, and local retail uses located along Nostrand Avenue, Avenue L, and Avenue M. The nearby schools and religious buildings range from one to four stories in height, and the one- and two-family residential uses are found in two story detached, semi-detached, and attached buildings.

Across from the Proposed Rezoning Area, Nostrand Avenue is characterized by one- and two-story commercial buildings, accessory surface parking, a six-story multifamily residential building, and a house of worship.

There are several major thoroughfares within the Surrounding Area. Avenue L bounds the proposed Rezoning Area to the north. It is an 80 foot wide wide-street that runs east-west through Brooklyn. Nostrand Avenue bounds the proposed Rezoning Area to the east. It is a wide street (80 feet) that runs almost nine miles through Brooklyn from Williamsburg to Sheepshead Bay. North of the proposed Rezoning Area, the 2 and 5 NYCT subway lines run under Nostrand Avenue.

There is one park in the Surrounding Area. Andries Playground was built in 1947, but after 1963 it became jointly operated by the Board of Education as an auxiliary play area for JHS 240. It was named the Hudde Playground in 1963 and then renamed in 1998. It is improved with basketball equipment. Approximately one mile southeast of the proposed Rezoning Area is Marine Park. Marine Park is a 798-acre park that contains extensive active and passive recreation areas as well as a wide range of natural areas. The area was protected for use as a park in 1917, named in 1937, and expanded throughout the 1930s. In 1974, 1024 acres of the park were transferred to the National Park Service, to be included in the Gateway National Recreation Area.

There are several schools in and around the Surrounding Area. Yad Yisroel is a private elementary school located to the north of the proposed Rezoning Area that serves approximately 24 students. Yeshiva Torah Vodaath Preschool is a private preschool located to the north of the proposed Rezoning Area that serves approximately 36 students. Andries Huddle is a public middle school located north of the proposed Rezoning Area that serves approximately 791 students. Yeshiva Derech Hatorah is a private elementary school located to the south of the proposed Rezoning Area that serves approximately 250 students. This Yeshiva is housed within the Kingsway Jewish Center, which is listed on the National Register of Historic Places. The Kingsway Jewish Center also contains the Butterfly Daycare Center, a synagogue, and a preschool.

There are several medical facilities around the Surrounding Area. New York Community Hospital, originally known as Madison Park Hospital, is southwest of the proposed Rezoning Area along Kings Highway. It is an approximately 113,000 sq. ft. hospital that has existed since 1929. Mount Sinai Brooklyn, originally known as Kings Highway Hospital, is southeast of the proposed Rezoning Area along Kings Highway. It is an approximately 151,720 sq. ft. hospital that has existed since 1947.

The existing zoning districts in the Surrounding Area include:

R4

R4 zoning districts allow all housing types with a minimum lot width of 40 feet for detached residences and 18 feet for all others. Maximum lot coverage is 45% and the

maximum FAR is 0.75 (plus 0.15 attic allowance). The perimeter wall maximum is 25 feet and the building height maximum is 35 feet. A front yard of at least ten feet is required and if the front yard exceeds ten feet then a front yard depth of 18 feet is required. For detached homes, two side yards are required with a minimum width of five feet each and a minimum total width of 13 feet. For Semi-detached one- and two-family homes, one eight-foot side yard is required. For all other dwellings, two eight foot side yards are required for buildings, or abutting buildings on the same zoning lot with aggregate width of street walls not more than 80 feet, for buildings or abutting buildings where the aggregate width of the street walls exceeds 80 feet, a two side yards equal to at least 10% of the aggregate width of the street wall shall be provided. One parking space is required for each dwelling unit. In addition, for sites within predominantly built-up areas within R4 zoning districts, may optionally use the infill zoning provisions at a maximum FAR of 1.35, provided at least 45% of the lot area is open space.

C2-2

C2-2 zoning districts are commercial overlay districts mapped within residential zoning districts along streets that serve local retail needs, and are typically mapped at a depth of 150' to accommodate surface parking. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 zoning districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R1 through R5 zoning districts, the maximum commercial FAR is 1.0; when mapped in R6 through R10 zoning districts, the maximum commercial FAR is 2.0.

R2

R2 zoning districts permit only single-family detached residences with a floor area ratio (FAR) of 0.5 and certain community facility uses with an FAR of 1.0. Residential buildings must provide an open space ratio of 150.0, while community facilities have a maximum lot coverage of 60 percent for corner lots and 55 percent for interior or through lots. Maximum height and setback is governed by a sky exposure plane starting 25 feet above the front yard line. Accessory residential off-street parking is required for each dwelling unit.

R6

R6 zoning districts allow all housing types at a maximum FAR of up to 2.43 (Height Factor) or 3.0 (Quality Housing) and a maximum FAR of up to 4.8 for buildings containing community facility uses. R6 zoning districts are height factor districts where residential and community facility uses are permitted with no fixed height limits and building envelopes are regulated by a sky exposure plane and open space ratio after a maximum base height of 60 feet. Residential development under the optional Quality Housing Program has a maximum building height of 55-feet on narrow streets, or 70 feet on wide streets. 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, the off-street parking requirement is waived if fewer than five spaces are required.

C1-2

C1-2 zoning districts are commercial overlay districts mapped within residential zoning districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R1 through R5 zoning districts, the maximum commercial FAR is 1.0; when mapped in R6 through R10 zoning districts, the maximum commercial FAR is 2.0.

Public Transportation

The proposed Rezoning Area has access to a wide range of public transit options. The B44, BM4, and B44-SBS bus routes run north and south along Nostrand Avenue and the B9 bus route runs east and west along Avenue L. To the south, along Kings Highway, the B7, B82, and B82-SBS buses run. The B44 and B44 SBS buses run from Williamsburg to Sheepshead Bay, primarily along Nostrand Avenue. The BM4 express bus runs from Gerritsen Beach Brooklyn to Midtown Manhattan and passes through the proposed Rezoning Area along Nostrand Avenue. The B82 and B82 SBS buses run generally along Kings Highway from Coney Island to Starrett City. The B7 bus runs along Kings Highway from Midwood to Bushwick. The B7 bus runs from Bay Ridge to Marine Park. These bus routes offer extensive service options throughout Brooklyn and even serve the central business districts of Manhattan. Furthermore, the proposed Rezoning Area is within one mile of the B, Q, 2, and 5 subway lines.

4. Description of the Proposed Rezoning Area

The proposed Rezoning Area is located along Nostrand Avenue on Block 7647, between Avenue M and Avenue L in the Midwood neighborhood within Brooklyn Community District 14 and is currently zoned R4. The proposed Rezoning Area is bounded by Avenue L to the north, a line 100' north of Avenue M to the south, and extending from the center line of Nostrand Avenue to the midline of Block 7647.

<u>The Development Site</u>

2586 Nostrand Avenue, Block 7647, Lot 54 is an approximately 12,600 sq. ft. unimproved lot used for dead vehicle storage serving the nearby Plaza Auto Mall. This lot has approximately 120 feet of frontage on Nostrand Avenue, two curb cuts, and is approximately 105 feet deep.

2604 Nostrand Avenue, Block 7647, Lot 60 is an approximately 12,600 sq. ft. lot improved with a one-story 0.87 FAR commercial building built in 1931. The building is Applicant-occupied and contains accounting and other professional offices. This lot has approximately 120 feet of frontage on Nostrand Avenue, one curb cut, and is approximately 105 feet deep.

Block 7647, Lot 66 is an approximately 16,800 sq. ft. unimproved lot used for dead vehicle storage serving the nearby Plaza Auto Mall. This lot has approximately 160 feet of frontage on Nostrand Avenue, three curb cuts, and is approximately 105 feet deep.

2636 Nostrand Avenue, Block 7647, Lot 73 is an approximately 4,200 sq. ft. lot improved with a one-story 0.75 FAR commercial building built in 1960. This lot has approximately 40 feet of frontage on Nostrand Avenue, one curb cut, and is approximately 105 feet deep.

2640-2644 Nostrand Avenue, Block 7647, Lot 75 is an approximately 10,500 sq. ft. lot improved with two one-story (approximately 0.95 FAR) commercial buildings built in 1951. This lot has approximately 100 feet of frontage on Nostrand Avenue and is approximately 105 feet deep.

<u>Non-Development Sites</u>

2914 Avenue L, Block 7647, Lot 46 is an approximately 1,880 sq. ft. lot improved with a two-story 1.14 FAR commercial building built in 1931. This lot has approximately 23.5 feet of frontage on Avenue L and is approximately 80 feet deep.

2918 Avenue L, Block 7647, Lot 47 is an approximately 1,480 sq. ft. lot improved with a two-story 1.45 FAR commercial building built in 1931. This lot has approximately 18.5 feet of frontage on Avenue L and is approximately 80 feet deep.

2920 Avenue L, Block 7647, Lot 48 is an approximately 1,480 sq. ft. lot improved with a two-story 1.45 FAR mixed residential and commercial building built in 1931. This lot has approximately 18.5 feet of frontage on Avenue L and is approximately 80 feet deep.

2922 Avenue L, Block 7647, Lot 49 is an approximately 1,480 sq. ft. lot improved with a two-story 1.45 FAR commercial building built in 1931. This lot has approximately 18.5 feet of frontage on Avenue L and is approximately 80 feet deep.

2926 Avenue L, Block 7647, Lot 50 is an approximately 2,080 sq. ft. lot improved with a two-

story 1.45 FAR mixed residential and commercial building built in 1931 with one dwelling unit. This corner lot has approximately 26 feet of frontage on Avenue L and approximately 80 feet of frontage on Nostrand Avenue.

2580 Nostrand Avenue, Block 7647, Lot 51 is an approximately 6,300 sq. ft. lot improved with a one-story 0.52 FAR commercial dry cleaner built in 1958. This lot has approximately 60 feet of frontage on Nostrand Avenue, one curb cut, and is approximately 105 feet deep.

2652 Nostrand Avenue, Block 7647, Lot 80 is an approximately 2,800 sq. ft. lot improved with a two-story 0.47 FAR single-family home built in 1925. This lot has approximately 26.67 feet of frontage on Nostrand Avenue, one curb cut, and is approximately 105 feet deep.

5. Description of Proposed Development Site

The proposed Development Site is located at 2586, 2604, 2636, 2640, and 2644 Nostrand Avenue and consists of six tax lots (Block 7647, Lots 54, 60, 66, 73, and 75) of approximately 56,700 sq. ft. Lots 54 and 66 are unimproved and lots 60, 73, and 75 are improved with 0.87, 0.75, and 0.95, FAR buildings respectively. The Development Site is improved with 24,140 sq. ft. of buildings in the aggregate. The Development Site has approximately 540 feet of frontage along Nostrand Avenue, seven curb cuts, and is approximately 105 feet deep. Nostrand Avenue is an 80-foot-wide, wide street. The Development Site is improved with several commercial buildings and unimproved lots used for non-conforming dead vehicle storage and surface parking.

6. Description of the Proposed Development

The proposed Development Site would reapportion the existing tax lots into four zoning and tax lots to facilitate the development of four new eight-story mixed-use buildings, contemplated as a single zoning lot. The tax lots would have alternating frontages of 110’ and 160’ along Nostrand Avenue. The Proposed Development would contain approximately 213,714 SF of residential floor area (3.76 FAR) and approximately 46,918 SF (0.82) of commercial floor area, contemplated as Use Group 6 retail, for a total of 4.58 FAR. The total lot coverage for the residential portion would be approximately 60%, with higher coverage for the commercial ground floors. The Proposed Development would have a single parking facility below grade, with curb cuts located at the far ends to minimize pedestrian-vehicle interaction along Nostrand Avenue.

The proposed development would have a maximum building height of 85’-0” with a base height of 65’-0” feet and a 7’-0” setback at the seventh floor. The proposed development would have a 40’-7” rear yard at the residential floors, no side yards, and would rise at the street line for lot coverage approximating 60%.

The Proposed Development would have two curb cuts along Nostrand Avenue. The Proposed Development would provide 121 bicycle parking spaces (121 required) and 138 vehicular parking spaces (121 required), The Proposed Development would contain approximately 242 total dwelling units, of which 58 would be permanently affordable pursuant to MIH Option 1, under which the weighted average of all income bands for affordable housing units may not exceed 60 percent AMI.

7. Actions Necessary to Facilitate the Project

Two actions are necessary to facilitate the Proposed Development:

1. a zoning map amendment to rezone Block 7647, Lots 46, 47, 48, 49, 50, 51, 54, 60, 66, 73, 75, and 80 from an R4/C2-2 zoning district to an R7A/C2-4 zoning district.

2. a text amendment to Zoning Resolution Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 14, Brooklyn to establish an MIH Area coterminous with the proposed Rezoning Area. The Applicant proposes mapping both Option 1 and Option 2 within the proposed Rezoning Area to provide maximum flexibility for future development of the non-Applicant controlled sites.

Rationale for the Zoning Map Amendment from R4/C2-2 to R7A/C2-4

The Proposed Rezoning Area has been zoned R4 since 1961, with a C2-2 commercial overlay added in 1962 to reflect the historically commercial character of the proposed Rezoning Area.

R4 zoning districts are low-density zoning districts that primarily yield single-family homes and row-house developments. This type of development—particularly the development of detached single-family homes—is wholly inconsistent with the City's approach to zoning transit-rich, wide streets with commercial character, and is specifically incongruent with Nostrand Avenue's zoning north of Kings Highway. Nostrand Avenue, north of the Proposed Rezoning Area is generally zoned R6 and C4-4A—both of which provide for the type of medium density, transit-oriented development that would be facilitated by the Proposed Actions.

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 and their commercial equivalents are frequently mapped along Kings Highway and Ocean Avenue to the west and south of the proposed Rezoning Area. 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 small lots), with an exemption from parking for income-restricted units within the Transit Zone and can be waived if fifteen or fewer spaces are required.

The proposed Rezoning Area is characterized by blighted nonconforming uses with active adverse impacts on the surrounding area, particularly the low-density single-family housing to the north and west. The existing R4 zoning does not provide enough density for conforming residential uses to facilitate the redevelopment of the proposed Rezoning Area into conforming uses. The proposed R7A zoning district would facilitate the development of medium-density, contextual housing consistent with the character of the surrounding area, and in context with existing development to the east and north. The proposed Rezoning Area respects the existing single-family development along Avenue M, but also reflects that single-family housing is not appropriate along a wide, transit-rich street like Nostrand Avenue. The proposed Rezoning Area therefore encompasses a standalone single-family house on Nostrand Avenue, allowing it to be redeveloped in context with other development on Nostrand Avenue. The proposed R7A zoning district would further promote the development of additional housing options—including multifamily and permanently affordable housing options—in an area of Brooklyn well-suited to accommodate increased density.

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.

The existing C2-2 commercial overlay is further 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 commercial overlay is inappropriate for two main reasons: First, the existing 100'-105' deep lots are not sufficiently deep to accommodate surface parking without sacrificing ground floor space to accommodate the parking. Second, the quality of the Proposed Rezoning Area's retail corridor currently suffers from the disruption caused by existing driveways at the dry-cleaner and the vehicular storage lots. Retaining an antiquated zoning district that is inconsistent with the predominant retail development in the area would not benefit the area, and would hinder the activation of the retail corridor along Nostrand Avenue. C2-4 commercial overlays have been consistently mapped as overlay districts together with rezoning to middle-density residential districts because they are better suited for walkable retail corridors, such as the Proposed Rezoning Area, as they encourage continuous retail frontages and a more pleasant pedestrian experience.

Mapping the proposed districts would further the City's goals by promoting development on

substantially underutilized property proximate to existing moderate-density residential communities and public transit. The Surrounding Area is undergoing a substantial rise in housing prices, strongly correlated with an inadequate supply of housing that has been unable to match demand. The Proposed Rezoning Area is an underutilized area primarily developed with low-rise buildings and parking and would benefit from the development of mixed-use residential buildings to help meet this demand for additional housing.

The proposed actions would provide new opportunities for affordable and market-rate housing development in an area with increasingly unaffordable, aging housing stock. According to the 2006-2016 American Community Survey statistics, total housing units *decreased* by 9.8 percent in the local Census Tract encompassing the proposed Rezoning Area, Brooklyn 748, over that time span while median rents rose by 24.4 percent. The proposed development would add approximately 318 new housing units, of which approximately 78 would be permanently affordable, to help meet demand in an area where approximately 90 percent of housing units were built before 1970.

The proposed actions would thus promote the development of new medium-density housing with active ground floor commercial uses that would continue to serve the neighborhood, provide jobs, and expand Nostrand Avenue's active streetscape. The proposed rezoning would provide for the productive use of severely underutilized property, reinforce existing land use patterns, and provide for moderate growth along a wide street in a transit-accessible area.

Rationale for the Mandatory Inclusionary Housing Area Text Amendment

The proposed text amendment of ZR Appendix F is necessary to establish an MIH Area, which 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 proposed Rezoning Area to provide maximum flexibility for non-Applicant controlled sites. The Applicant will seek additional input from Brooklyn Community Board 14 and Council Member Farah Louis regarding the level of affordability for the Proposed Development. The proposed affordable housing set asides would ensure that development within the proposed Rezoning Area would address the critical need for new affordable housing in Brooklyn Community District 15. The proposed MIH Area would address the City's Housing New York: A Five-Borough, Ten-Year Plan goals by increasing affordable housing to help ensure the community remains economically diverse in the face of increasing pressure for market-rate development. Furthermore, new affordable housing is a critical need in Brooklyn Community District 14, where nearly half of the households are rent burdened. According to the U.S. Census Bureau, American Community Survey 2012-16 Five Year Estimates for Public Use Microdata Area (PUMA) 4015 (which approximates Brooklyn Community District 14), 50.1 percent of households spend 35 percent or more of their income on rent.

8. Conclusion

The Applicant proposes a zoning map amendment to map R7A/C2-4 zoning districts in the proposed Rezoning Area currently zoned as R4/C2-2 and a zoning text amendment to establish the proposed Rezoning Area as an MIH Area. The proposed actions would facilitate mixed-use development in the Midwood neighborhood within Brooklyn Community District 14. The proposed development would create approximately 242 new dwelling units, with approximately 58 permanently affordable units, and activate a dormant retail corridor. The proposed rezoning would provide increased opportunities for housing development on underutilized sites, including mandatory affordable housing and non-residential use. The MIH program ensures that new development within the proposed Rezoning 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 surrounding residential communities.