BELMONT OSBORN REZONING

ULURP Nos. 220438ZMK & 220439ZRK

Project Description

December 8, 2022

1. Introduction

Osborn Belmont Properties, LLC (the "Applicant") seeks a Zoning Map Amendment and a Zoning Text Amendment to develop portions of two blocks (Blocks 3523 and 3524) in Community District 16, Brooklyn. The blocks are separated by Osborn Street, a narrow street that runs between the NYCHA Howard Houses on the north (Block 3489) and the NYCHA Langston Hughes Houses (Block 3526) on the south. This application would facilitate the development of two seven story (plus penthouse) residential buildings with ground floor retail or community facility use.

The proposed new building on the west side of Osborn Street (the "West Building") would occupy Block 3523, Lots 26, 27, 28, 30, 32, 33 and 127 and contain a total of 104 dwelling units, including 26 to 31 permanently affordable units under Mandatory Inclusionary Housing ("MIH"). The new building on the east side of Osborn Street (the "East Building") would occupy Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 25, 26 and 36 and contain a total of 96 dwelling units, including 24 to 29 MIH units. Together, the West and East Buildings would provide a total of 200 new dwelling units,[1] including 50 to 60 MIH units.

Each block is currently split into an R6/C1-3 district south of the midblock line and a C4-3 district north of midblock line. This application would change the southern half of Block 3523 (the site of the West Building) and the middle portion of Block 3524 (the site of the East Building) to R7A with a C2-4 commercial overlay.

2. Background

Except for the Brownsville II Urban Renewal Plan, adopted in 1984 and expiring in 2024, no zoning actions have been approved by the City Planning Commission ("CPC") within 600 feet of the Development Site (the "Surrounding Area"). Zoning actions proximate to the Surrounding Area include the 515 Blake Avenue Rezoning adopted on December 10, 2019 (C 190410 ZMK); the Marcus Garvey Large Scale General Development adopted on December 20, 2018 (C 180489 ZMK); the Bristol Street R7A Rezoning adopted on March 12, 2008 (C 080186 ZMK); the East New York Community Plan adopted on April 20, 2016 (C 160035 ZMK); and the Glenmore Manor Rezoning adopted on March 19, 2021 (C 210253 HAK). Urban Renewal areas within the

[1] Glenmore Manor is a recent HPD project with an 11-story, 232 unit affordable building at the corner of Mother Gaston Boulevard, Glenmore Avenue, and Christopher Avenue.

Surrounding Area include East New York II, adopted in 1989, Marcus Garvey, and Brownsville, now expired.

The Brownsville II Urban Renewal Plan ("URP") was adopted in 1984, amended in 2021, and expires in 2024. While the Project Area is located within this Urban Renewal Area, no portion of the Project Area is designated for acquisition. Therefore, the Proposed Project does not require an amendment to the URP.

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

3. Description of the Surrounding Area

Boundaries

The Surrounding Area is bounded by Chester Street on the west, Glenmore Avenue on the north, Christopher Avenue on the east, and Sutter Avenue and Blake Avenue on the south. The Surrounding Area includes the intersection of the east-west corridors of Sutter and Pitkin Avenues with the north-south corridors of Rockaway Avenue and Mother Gaston Blvd. The Area is predominantly R6 with C1-3 and C2-3 commercial overlays along Belmont Avenue, Pitkin Avenue, Sutter Avenue and Mother Gaston Boulevard.

Buildings and Improvements

The Surrounding Area includes a variety of building types and densities, including two-story residential buildings, one- and two- story commercial buildings, two-story houses of worship, three- and four-story residential buildings with ground floor retail, multi-family residential buildings, small medical facilities, three- and four- story schools, seven- to 24-story NYCHA buildings, vacant lots, a few small playgrounds and the Carter G. Woodson Children's Park. There are two seven-story hotels located on Block 3523 (west of Osborn Street): the Surface Inn Brooklyn at 120 Osborn Street and Thatford Hotel at 99 Thatford Avenue. These buildings are 93' and 94' in height, respectively.

NYCHA Cluster

The Surrounding Area is located within one of the largest concentrations of NYCHA properties in Brooklyn (approximately 88.5 acres). Bounded by East New York Avenue on the north, Livonia Avenue on the south, Rockaway Avenue on the west, and Van Sinderen Avenue on the east, this "NYCHA Cluster" includes eight housing developments: Howard (15.3 acres, 10 buildings, 815 units), Glenmore Plaza (4.3 acres, 4 buildings, 440 units), Low Houses (6.1 acres, 4 buildings, 535 units), Hughes Apartments (5.5 acres, 3 buildings, 513 units), Brownsville (21.4 acres, 27 buildings, 1,338 units), Van Dyke (22.2 acres, 22 buildings, 1,603 units), Tilden (10.7 acres, 8 buildings, 998 units), and Woodson (3.2 acres, 22 buildings,1,603 units). Beyond the

Surrounding Area, there are two more NYCHA developments are located east of Van Sinderen Avenue: the Long Island Baptist Houses (4 buildings, 232 units); and Unity Plaza (8 buildings, 630 units).

Houses of Worship

There are eight houses of worship within the Surrounding Area, including the Antioch Church, Charity Baptist Church, Bethel Deliverance Gospel Center, His Majesty International Fellowship, Apostolic Gospel Church, Mt. Hebron Church, Outreach Restoration Church, and Grace Gospel Light Tabernacle. Three more houses of worship -- Centro Evangelico y Misionero, Morning Glory Pentecostal Church and Gideon Outreach Ministries -- are located east of the Surrounding Area.

Community Facilities

PS 298 and IS 363 share a building one block north of the Project Area. PS 327 and P 396K are located two blocks west of the Project Area. Other schools are located southwest and southeast of the Project Area. There are four day care centers within the Surrounding Area: Rise and Shine, Brightside, and Group Family to the south and the YMCA to the north. The Seamen's Society for Children and Families is two blocks west of the Project Area and the Greg Jackson Community Center is two blocks southwest of the Project Area. Brownsville Student Farms is a community garden located at the corner of Rockaway Avenue and Sutter Avenue, one block southwest of the Development Site. In 2013 it was a Neighborhood Grant winner by the Citizens Committee for New York City and is now used for agricultural instruction for the adjacent PS 323 located south of Sutter Avenue between Bristol and Chester Streets. The garden is gated and contains raised planting beds. Other semi-public open space areas, including playgrounds, are integrated into the NYCHA campuses discussed above. There are two parks located within the Surrounding Area: Carter G Woodson Children's Park; and Dr. Green Playground. The Children's Park occupies the eastern half of Block 3743, along Christopher Avenue between Belmont and Sutter Avenues two blocks east of the Development Site. It is almost one acre and has playgrounds and spray showers. The Dr. Green Playground is located at the corner of Sutter Avenue and Mother Gaston Boulevard, one block southeast of the Development Site, and has 1.79 acres with basketball courts, handball courts, playground equipment, spray showers and restrooms. The portion of Osborn Street between Belmont Avenue and the Langston Hughes Apartments is improved as a "green street" with vehicular blockers like large stones and poles; the dead ends are filled with planters and the street is painted with a mural.

FDNY Engine 231/Ladder 120/Battalion 44 is located one block northeast, the Brownsville Branch of the Brooklyn Public Library is located one block north, and the U.S. Post Office is located two blocks southwest of the Project Area. The Crossroads Juvenile Detention Center is located two blocks northwest of the Project Area and medical clinics are located on Rockaway Avenue, Mother Gaston Blvd., and Pitkin Avenue.

Landmarks and Special Districts

There are no individual landmarks or landmark districts in the Surrounding Area, nor are there any special purpose zoning districts.

IBZ and BID

The East New York Industrial Business Zone ("IBZ") is located one block east of the Surrounding Area. It is 100 acres in size and home to 100+ industrial and manufacturing businesses employing more than 3,000 people. The 2016 East New York IBZ Plan, released by EDC and former Council Member Espinal includes strategies to activate underutilized sites, preserve and grow industrial space, improve infrastructure, increase business services and local job opportunities, and attract new industrial businesses.

The East Brooklyn Business Improvement District ("BID") is geographically coterminous with the East New York IBZ and is focused on providing core maintenance and supportive services, enhancing the local business environment, and bolstering local economic activity. The Pitkin Avenue BID, located partly within the Surrounding Area, provides programming and services aimed at making Pitkin Avenue a better place to live, work and shop.

Streets

There are no major thoroughfares or arterial highways within the Surrounding Area. Beyond the Surrounding Area, Atlantic Avenue is a through truck route and East New York Avenue is a local truck route. Rockaway Avenue is a 70-foot wide narrow street that runs from Broadway on the north to Rockaway Parkway on the south and is flanked on either side by commercial uses located primarily between Pitkin and Sutter Avenues. Beyond Sutter Avenue, it widens to a 90-foot wide street. Mother Gaston Blvd. is an 85-foot wide street that runs from East New York Avenue to Linden Blvd. and is also flanked by commercial uses between Pitkin and Sutter Avenues. Beyond Sutter Avenue, Mother Gaston Blvd. widens to a 100-foot street that serves as the main vehicular corridor within the NYCHA Cluster.

Osborn Street and Thatford Avenue connect the Howard site and the Hughes Apartments, dead ending at each. Osborn Street's 1.5 block run is lined with three-story attached, multifamily townhouses, a seven-story hotel, one- and two-story commercial buildings, one-story warehouses, and four vacant lots. Thatford Avenue's 1.5 block run it is lined with three-story attached multifamily townhouses, a new seven-story apartment building, one- and two-story commercial buildings, a five-story apartment building, a few one and three-story commercial buildings with upper floor residential, vacant lots and a one-story church. Watkins Street is a small north-south street that extends one block farther than Thatford and Osborn Streets; it is lined with a four-story school, a fire house, three story mixed-use multifamily buildings, an open parking lot, one-story commercial and two and three-story residential buildings, a one-story church, a one-story live poultry shop, and two vacant lots filled with dead automobiles and shipping containers.

Pitkin Avenue is an 80-foot wide street that runs from Conduit Blvd. to Eastern Parkway. It is flanked on either side with commercial uses between Mother Gaston Blvd and East New York Avenues. The Pitkin Avenue Business Improvement District ("BID") extends from Mother Gaston Blvd. to East New York Avenue. Beyond Mother Gaston Blvd., the uses are more industrial along the L train and within the IBZ; farther west, the A train is elevated above Pitkin Avenue for several stops. Sutter Avenue is an 80-foot wide street that runs from Conduit Blvd. to E. 98th Street, terminating under the elevated #3 train. Sutter Avenue is flanked on either side by residential uses. Belmont Avenue is a 60-foot wide street that extends eight blocks from Junius Street Rockaway Avenue. The blocks between Pitkin and Sutter Avenues are predominantly commercial and feel similar to the Atlantic Avenue and Fulton Street corridors within Crown Heights to the west. Belmont Avenue is lined with one-story commercial retail buildings and a few two- and three-story commercial or mixed-use buildings.

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

Zoning

The Surrounding Area is zoned R6 and C4-3, with C1-3 and C2-3 commercial overlays. A C4-4 district straddles Pitkin Avenue from Watkins Street to East New York Avenue and Rockaway Avenue from Glenmore Avenue to Sutter Avenue, in the shape of a cross. The rest of the Surrounding Area is in the R6 district. The C1-3 commercial overlays are located along Belmont Avenue and Mother Gaston Blvd. to a depth of 150 feet and 100 feet respectively, and the C1-3 overlays are 200 feet deep. The C2-3 commercial overlays are located on both sides of Pitkin Avenue and the northern side of Sutter Avenue along the Langston Hughes Apartments. There are no special zoning districts and no Inclusionary Housing ("IH") designated areas. FRESH food incentives and sidewalk cafes are permitted in the Surrounding Area.

R6 districts permit residential use at up to 2.43 FAR for Height Factor ("HF") developments or up to 3.0 FAR for Quality Housing ("QH") developments.[2] For HF developments, the maximum front wall is 60 feet or six stories, whichever is less, after which a setback and a Sky Exposure Plane ("SEP") of 2.7:1 (for narrow streets) or 5.6:1 (for wide streets) are required. The maximum building height is determined by the SEP and the required open space and is relative to the total floor area proposed. For QH developments, the minimum base height is 40 feet, the maximum base height is 65 feet, the maximum building height is 70 feet[3] and the required open space is

[2] For Affordable Independent Residences for Seniors ("AIRS") up to 3.9 FAR is permitted.
[3] For QH developments in R6 districts on narrow streets or beyond 100 feet of a wide street, these heights are reduced to 30, 45, and 55 feet, respectively. For QH developments providing inclusionary housing or AIRS, the maximum base height may be increased to 65 feet and the maximum building height may be increased to 80 feet (or eight stories) and up to 85 feet if a Qualifying Ground Floor ("QGF") is provided but in no event taller than eight stories.

determined by the lot coverage regulations (100% for corner lots and 60% for interior or through lots).

For community facility developments, lot coverage is limited to 70% on corner lots and 65% on interior or through lots. The maximum front wall height is 60 feet or six stories, whichever is less, after which a setback and a SEP of 2.7:1 or 5.6:1 are required. There are additional FAR restrictions for developments with both residential and community facility uses when the building is over 2.5 FAR.

In R6 districts, the required residential parking ratio is generally 70% and can be reduced to 50% for QH developments. There is no required parking for qualifying Income Restricted Housing Units ("IRHUs"), houses of worship or schools. For ambulatory care facilities, the required parking is one space per 800 zsf, for clubs and community centers it is one space per 20 persons rated capacity, and for non-profit institutions with sleeping accommodations it is one space per 20 beds.

C4-3 districts are considered "regional commercial centers" and permit residential use in accordance with the R6 regulations (for either HF or QH developments, see above). For commercial and community facility developments, the maximum FAR is 3.4 and 4.8, respectively. There are no lot coverage requirements for either use. The maximum front wall is 60 feet or four stories, whichever is less, after which a required setback and SEP of 2.7:1 or 5.6:1 are required. The maximum building height is governed by the SEP. Parking is required as follows: residential use – same as R6; ambulatory care facilities - one space per 400 zsf; clubs and community centers - one space per 20 persons rated capacity; non-profit institutions with sleeping accommodations - one space per 20 beds; houses of worship and schools – no parking required. Food stores and certain other retail uses require one space per 300 zsf while smaller retail stores and offices require one space per 400 zsf.

When commercial overlays are located in a residential district, the commercial use and bulk must follow the bulk regulations of the underlying residential district. C1-3 and C2-3 overlays permit up to 2.0 FAR for commercial use. C1-3 allows UG 6 retail and C2-3 allows UG 6, 7, 8, 9, and 14. Food stores and other retail require one space per 300 zsf and smaller retail and office spaces require one space per 400 zsf. Parking for community facilities uses are similar to those in the R6 district, above.

4. Description of the Project Area

The Project Area is comprised of the Development Site and the Non-Applicant Owned Sites centered around the intersection of Belmont Avenue and Osborn Street, extending along Belmont Avenue and northwards along Osborn Street to the midblock line of Block 3523, and from Osborn Street to Watkins Street up to the portion of Block 3524 demarcated by a line running 100'-0" south of Pitkin Avenue. The Project Area is bound by Watkins Street, Belmont Avenue, Pitkin Avenue and Thatford Avenue, narrow streets except for Pitkin Avenue (80'-0" wide). In the Project Area, the R6 district and commercial overlays along Belmont Avenue extend from the

street line to the mid-block line of each block. These blocks are shorter than most, with only 400 feet between main streets and avenues.

There are 14 Non-Applicant Owned Sites within the Project Area: Block 3523, Lots 37, 101, 102, 103, 104, 105, 106, 111 and 112; and Block 3524, Lots 8, 19, 20, 21, and 23. These Non-Applicant Owned Sites contain a diversity of commercial uses and residential units and are not part of the Proposed Project.

Block 3523

29 Belmont Avenue (Lot 37) is a corner lot at the intersection of Belmont Avenue and Thatford Avenue in the R6/C1-3 district. It has a lot area of 5,000 square feet and is improved with a one-story commercial building that houses a C-Town grocery store (approximately 1.0 FAR).

105, 107, 109, 111, 113, and 115 Thatford Avenue (Lots 106, 105, 104, 103, 102, and 101, respectively) are interior lots in the R6/C1-3 district, except for Lot 106, which is divided into R6/C1-3 and C4-3 districts. Lots 103 and 104, and Lots 105 and 106, are under common ownership. Each lot has an area of 1,875 SF and is improved with a three-story multifamily residential building built in 2007. Each building is approximately 1.5 FAR and contains three dwelling units. All of these buildings have rear yards and set back in the front to provide for off-street parking.

128 and 130 Osborn Street (Lots 111 and 112) are interior lots under separate ownership. Lot 112 is located entirely in the R6/C1-3 district and Lot 111 is divided into R6/C1-3 and C4-3 districts, with 12.5 feet in the former and 6.5 feet in the latter. Each lot is 1,875 square feet and is improved with a three-story multifamily residential building built in 2007. Each building is approximately 1.5 FAR and contains three dwelling units. The buildings set back in the rear to provide required rear yards and in the front for off-street parking.

Block 3524

117 Osborn Street (Lot 8) is an interior lot located in the C4-3 district. It has a lot area of 2,500 SF and is owned by the Antioch Church, located at 130 Watkins Street (Lot 19). The lot is currently used for parking (0 FAR).

130 Watkins Street (Lot 19) is an interior lot with an area of 2,650 square feet. It is located in the C4-3 district and improved with a three-story house of worship (3.0 FAR). The house of worship was built in 1930.

134 Watkins Street (Lot 20) is an interior lot with 2,500 square feet of area. It is located in the C4-3 district and improved with a one-story commercial building that occupies the entire lot (1.0 FAR). The building appears to be vacant and there is no information on the certificate of occupancy or signs on the building to indicate its use.

136 Watkins Street (Lot 21) is a 5,000 square foot interior lot in the C4-3 district. It is improved with a one-story commercial building that is set back from the street to permit at grade parking for approximately eight vehicles. This building contains 1,940 zsf (0.39 FAR) and is currently occupied by a live poultry shop.

142 Watkins Street (Lot 23) is a 4,850 square foot interior lot located in the R6/C1-3 district and improved with a two-story commercial building occupied by the Charity Baptist Church of Christ (1.61 FAR).

5. Development Site

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

West Parcel

The West Parcel is located on Block 3523 and is comprised of Tax Lots 26, 27, 28, 30, 32, 33, and 127, with a total lot area of 22,492 square feet. All of the lots are owned by the Applicant except for Lot 30. The West Parcel is zoned R6/C1-3 and is occupied by several one and two-story commercial buildings.

39 Belmont Avenue (Lot 33) is an interior lot with an area of 10,000 square feet. It is improved with a one-story commercial building that occupies the entire lot (1.0 FAR) and is occupied by a recently constructed Dollar Tree, a discount variety store.

43 Belmont Avenue (Lot 32) is a 1,700 square foot interior lot that is improved with a one-story commercial building housing the Peoples Choice Market, a neighborhood supermarket known for a wide selection of meat and ethnic foods. The market occupies the entire lot (1.0 FAR) and connects to buildings located on Lots 26, 27, 127, and 28.

45-47 Belmont Avenue (Lot 30) is a 3,300 square foot corner lot improved with a one-story (1.0 FAR) commercial building occupied by Elite Learners Inc. and a print lab.

132, 134, 136, and 150 Osborn Street (Lots 26, 27, 127, and 28, respectively) are interior lots improved with individual buildings that have been modified to act as a single building for the People's Choice Market. Lots 26, 27, and 127 are improved with 2-story buildings and occupy almost all of the lot area, save for some light wells (1.89, 1.82, and 1.92 FAR, respectively). Historic aerials suggest that the rear portions of these buildings were enlarged after 2006. Lot 28 is occupied by a one-story commercial structure (1.0 FAR). The lots are reported to have FARs of 1.0 to 1.92, with curb cuts located on Lots 26 and 28.

East Parcel

The East Parcel is located on Block 3524 and is comprised of Tax Lots 1, 2, 3, 4, 5, 6, 7, 25, 26 and 36, with a total lot area of 23,125 square feet. Lot 36 is located outside of the Project Area. Lots 1, 2, 3, 4, 25, 26 and 36 are zoned R6/C1-3 and are owned by Fedele Properties, LLC. Lots 5, 6, and 7 are located in a C4-3 District and owned by 127-129 Osborn St, LLC.

123, 125, and 127 Osborn Street (Lots 7, 6, and 5, respectively) are 2,500 square foot, vacant interior lots in the C4-3 district (0 FAR). The lots provide 20 parking spaces that are accessory to the adjacent fish market on Lot 4.

129 Osborn Street (Lot 4) is an interior lot in the R6/C1-3 district. It has a lot area of 2,500 square feet and is improved with a two-story warehouse building (0.56 FAR) and is occupied by Belmont Fish and Seafood LLC.

133 and 135 Osborn Street (Lots 3 and 2) are both 2,500 square foot interior lots in the R6/C1-3 district. Both lots are improved with pre-fabricated, one-story metal sheds of 0.8 and 0.87 FAR, respectively. The shed on Lot 3 is set back from the property line to provide one off-street parking space. It appears that the sheds are used for storage. There is only one curb cut (approximately 4 feet in width) in front of the Lot 2 shed.

137 Osborn Street (Lot 1) is an unimproved interior lot in the R6/C1-3 district. It has a lot area of 2,500 square feet and is used for at-grade parking with one curb cut (0 FAR).

139 Osborn Street (Lot 36) is a small interior lot (30’ x 25’) located in the R6/C1-3 district. It has a lot area of 750 square feet and is improved with a one-story warehouse building (1.0 FAR) with a curb cut. The lot is located just outside the Project Area.

152 Watkins Street (Lot 26) is an interior lot located in the R6/C1-3 district. It has a lot area of 2,500 square feet and is unimproved (0 FAR). It currently contains a dumpster, a few parked cars, and a large curb cut. Lot 26 is connected to Lot 1.

148 Watkins Street (Lot 25) is an unimproved, 2,500 square foot interior lot located in the R6/C1-3 district (0 FAR). It currently has five large shipping containers stacked on concrete pads. There are no curb cuts.

6. Proposed Development

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

Building 1

Building 1 is located on the West Parcel (Block 3523, Lots 26, 27, 28, 30, 32, 33, and 127). It has 174'-11" of frontage along Osborn Street and 150'-0" of frontage along Belmont Avenue. The residential lobby is located on Osborn Street and the parking entrance is on Belmont Avenue. The remaining ground floor frontages will be occupied by commercial retail tenants and shop entrances. (It is anticipated that Dollar Tree, the current tenant of Lot 33, will return.) The building is seven stories at 75'-5" tall and will contain approximately 104 dwelling units.

Building 1 will have a total floor area of 103,424 square feet (4.6 FAR), of which 86,440 square feet (3.84 FAR) will be residential and 16,983 square feet (0.76 FAR) will be retail. To comply with MIH Option 1, 75% of the dwelling units in Building 1 will be non-MIH (78 units) and 25% will be MIH (26 units). Between 37 to 39 required parking spaces will be provided below-grade for the market rate units, depending on the MIH Option that is selected, and up to 17 required parking spaces for commercial use.[4]

Building 2

Building 2 is located on the East Parcel (Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 25, 26, and 36),[5] with 200'-0" of frontage along Osborn Street and 50'-0" of frontage along Watkins Street. The residential lobby is located on Osborn Street and the parking entrance is on Watkins Street. The remaining ground floor frontages are designed for retail tenants and shop entrances. It is anticipated that a large grocer retailer (i.e. Key Food, approximately 7,500 sf, or larger) will take interest in the space. Building 2 will have seven stories at 75'-0" tall and will contain approximately 96 dwelling units. Most of the building will front on Osborn Street, with a smaller seven-story, residential segment on Watkins Street.

Building 2 has total floor area of 106,195 zsf (4.59 FAR), of which 88,976 zsf (3.85 FAR) are residential and 17,218 zsf (0.74 FAR) are retail use. Under MIH Option 1, 75% of the dwelling units in Building 1 will be market rate (72 units) and 25% will be under MIH (24 units).[6] Between 34 and 36 required parking spaces will be provided below-grade for the market rate units, depending on the MIH Option that is selected, and up to 17 required parking spaces for commercial use.

7. Actions Necessary to Facilitate the Project

The following actions are necessary to facilitate the Proposed Project:

1) A Zoning Map Amendment to rezone part of an existing C4-3 district and an R6/C1-3 district to an R7A/C2-4 district; and

[4] Under MIH Option 2, 70% of the dwelling units in Building 1 will be market-rate (73 units) and 30% will be affordable (31 units).
[5] In accordance with the applicable regulations in Article VII Chapter 7 of the Zoning Resolution (the 25-foot rule), Lot 36 will be treated as if it were part of the newly mapped R7A district. .
[6] Under MIH Option 2, 70% of the dwelling units in Building 2 will be market-rate (67 units) and 30% will be affordable (29 units).

2) A Zoning Text Amendment to map a MIH Area, requiring that all development within the mapped area comply with the MIH income requirements.

Rezoning and Zoning Districts

Today the R6 District and C4-3 District (R6 equivalent) permit up to 2.43 FAR for residential by HF or QH. There is no absolute height limit with HF, though a sky exposure plane applies after 60 feet, and under QH the maximum base height is 45 feet and maximum building height is 55 feet. Most buildings in the Project Area today containing residential use are 3-stories, 4-stories, and 7-stories. Today for an AIRS development, up to 3.9 FAR is permitted and up to 8 stories is permitted when within 100 feet of a wide street.

The R7A District permits QH developments at up to 4.0 FAR, with a minimum base height of 40 feet, maximum base height of 65 feet, and maximum building height of 80 feet. For developments with a Qualifying Ground Floor ("QGF"), the base height can be increased to 75 feet and the maximum building height can be increased to 85 feet. Under MIH, the residential FAR is increased to 4.6 FAR, the maximum base height is increased to 75 feet, and the maximum building height is increased to 90 feet (95 feet with a QGF), but in no event more than nine stories.

The R7A District and residential density is appropriate for the Project Area because it will be consistent with a proximate R7A rezoning from 2008, be in context of existing buildings within the Project Area, and will generate much needed new and mandatory affordable housing for the community and City.

The Project Area is located just outside of the existing C4-3 District that mapped over the intersection of Rockaway and Pitkin Avenues; the C4-3 district looks like an elongated cross on its side, with the Project Area in the lower right corner. In 2008 in the northwest corner of the cross, CPC approved the Bristol Street rezoning from a R6 District with a C2-3 Commercial overlay to an R7A District, beyond 100 feet of Pitkin Avenue. Therefore, this R7A district was a mid-block rezoning between the existing C4-3 District and the expansive R6 District to the north. As a result, two seven-story residential buildings were built with approximately 168 units. The proposed rezoning would be catty-corner to the 2008 Bristol Street Rezoning and would also produce two seven-story residential buildings with approximately 200 units.

Today, the Project Area is either entirely covered by a C1-3 Commercial overlay or in a the C4-3 Commercial district. The existing C1-3 Commercial overlay allows UG 6 retail use and the proposed C2-3 Commercial overlay allows UG 6, 7, 8, 9, and 14. The C2-4 Commercial overlay permits a variety of commercial uses at up to 2.0 FAR. The C2-4 Commercial overlay also reduces the required commercial parking by 60%. Therefore, the C2-4 Commercial overlay proposal retains the geographic extents where commercial uses are proposed, broadens the ranges of commercial uses that are permissible for goods and services, and reduces the amount of required parking. The reduction in parking is not only warranted by the good access to mass transit, but the reduction of parking will not unduly strain the financing for new development, especially one with an affordable housing component.

Text Amendment

The proposed text amendment would map a MIH Area over the Project Area. The MIH program requires that a percentage of new residential units in the MIH Area be devoted to permanently affordable units. For example, MIH Option 1 requires an affordable housing component of 25% at an average of 60% of the Area Median Income (AMI) and Option 2 requires an affordable housing component of 30% at an average of 80% AMI. The Proposed Project is anticipating to pursue MIH Option 1 (25%). The Applicant will also try to pursue the successor of the 421a program, or similar, for additional subsidies for the non-MIH units. Currently, the Citywide MIH (the basis for MIH) is $72,930 and the average AMI for Brownsville is $38,285.[7]

Land Use Rationale

Zoning

The underlying zoning of the Project Area has not changed since the adoption of the current Zoning Resolution in 1961 and does not adequately respond to the needs of this community, including but not limited to employment, economic investment, and housing that is affordable to different income levels. The plethora of challenges facing the Community, as discussed in detail in the Community Board 16 Statement of Community District Needs for FY 2023, can be addressed at least in part by revisiting the over 60-year old zoning.

Location

The Project Area is uniquely located at the crossroads of four major corridors: Pitkin and Sutter Avenues running east-west and Rockaway Avenue and Mother Gaston Blvd. running north-south. These are significant commercial and vehicular corridors that tie together the Pitkin BID, the East New York BID, and the East New York IBZ.

Mass Transit

The Project Area is served by the B14 MTA Bus Line, the L train subway station located at Sutter Avenue (0.5 miles), the Rockaway Avenue #3 subway station (0.7 miles), and the Long Island Rail Road (LIRR) East New York Station (0.7 miles). The Project Area is also located within the Transit Zone, defined in Section 12-10 of the Zoning Resolution as “An area where special lower accessory parking requirements apply for various types of affordable housing including income-restricted housing units. These are generally areas of the city beyond the Manhattan Core within one-half mile of a subway station where auto ownership rates are among the lowest in the city.” The Project Area is 0.5 miles from the L-train and 0.7 miles from the #3 train and the Long Island Rail Road. In the 2019 Commercial District Needs Assessment

[7] NYC – Brooklyn Community District 16: Economics - https://censusreporter.org/profiles/79500US3604007-nyc-brooklyn-community-district-16-brownsville-ocean-hill-puma-ny/

published by NYC SBS in partnership with the Pitkin Avenue BID, for Brownsville the car ownership rates for New York City were 45%, for Brooklyn were 44%, and for Brownsville was 22%.

Housing

As set forth in the Community Board 16 Statement of Community District Needs for FY 2023, "For residents not residing in public housing, the need for permanent affordable housing, not homeless shelters, continues to be a high priority for our community to meet the increasing needs of our senior citizens, families, and single adults with income that ranges from fixed and/or minimum wage and above, but is not sufficient to afford other housing opportunities." Additional reports cite a vacancy rate of only 3%. The Community Board has a general need of additional housing stock, as well as affordable housing options.[8] The Proposed Project will create two medium density residential buildings that will provide both affordable housing under the MIH Program and other units that will be available to higher income levels within the community.

Economic Investment

The CB 16 Statement of Needs notes that "Since the early 1970s, Ocean Hill-Brownsville has experienced extreme disinvestment along its commercial corridors of Pitkin Avenue, Mother Gaston Boulevard Saratoga Avenue, Fulton Street, Rockaway Avenue, and Belmont Avenue." In particular, the commercial corridor along Pitkin Avenue, which was once a vibrant retail destination, has been hard-hit by retail vacancies. Whereas a healthy retail corridor has vacancy rates between 5% and 10%, Pitkin Avenue's vacancies currently hover at around 13%.[9] The small sizes of the lots and lack of anchor tenants has been cited as problematic by City agencies; the size and scale of the retail floors in both of the proposed buildings are intended to attract tenants needing larger spaces. This will not adversely affect Pitkin Avenue. Rather, it will allow for a diversity of retail uses that will help to reverse disinvestment.

In addition, the Proposed Project will supplement the publicly funded programs that are addressed in the CB 16 Statement of Needs. Private investment in the Proposed Project will attract additional private investment into the community without the expenditure of public funds or the displacement of local businesses and residents.

Building Height

The Proposed Buildings are seven stories and 75 feet tall. The proposed buildings will be shorter than the two seven-story hotels located on Block 3523, which are also seven stories tall but are 91 and 94 feet in height.

[8] See footnote 7.
[9] DCP Issues Storefront Vacancy Report. https://www1.nyc.gov/site/planning/about/press-releases/pr-20190808.page

The proposed rezoning will create a contextual district appropriate for this location. A more traditional massing with taller buildings on the avenues and lower buildings in the midblock is difficult to justify on a 400’ deep block sandwiched between two NYCHA developments.

8. Conclusion

The Applicant has worked and owned commercial property in this community for decades. This Application is intended to create jobs, attract economic investment, and provide housing that is affordable to a range of income groups within the community, without any displacement of residents or inappropriate massing. The Applicant appreciates the work of the Department of City Planning and has made several changes in the proposed project to reflect its input. We respectfully request that the City Planning Commission approve this Application.