2959 AVENUE Y REZONING

April 2025

1. Introduction

This application is made on behalf of Yeshivat Or HaTorah, the owner of the above-referenced property ("the Applicant") for a zoning map amendment and zoning text amendment in the Sheepshead Bay-Gerritsen Beach area of Brooklyn Community District 15. The proposal would affect the above-referenced property (Block 7423, Lots 36 & 38; the "Development Site") and a part of the adjacent property (Block 7423, Lot 11) which is not under control of the Applicant (the "Project Area").

The proposed zoning map amendment would rezone the Project Area from R5 to R7D. In addition, a zoning text amendment to Appendix F of the Zoning Resolution ("ZR") would be required to make the Project Area applicable as a Mandatory Inclusionary Housing ("MIH") area, which would be mapped as Options 1 and 2 (hereafter, the "Proposed Actions").

The Proposed Actions would facilitate a proposal by the applicant to construct a seven-story mixed-use building rising to approximately 78 feet and containing roughly 79,945 zoning square feet (5.55 FAR; the "Proposed Development") which would comprise approximately 43,075 zoning square feet ("zsf") of residential use and approximately 35,302 zsf of community facility use. The proposed 43,075 zoning square feet of residential space would comprise 38 dwelling units. It is proposed to comply with MIH under Option 2. Under Option 2, 11 of the proposed 38 dwelling units, or 30%, would be made affordable to households with incomes at 80% of Area Median Income ("AMI"). 38 off-street parking spaces would be provided in the cellar, made accessible from Brown Street.

2. Background

The subject block and immediate area have been zoned R5 since the inception of the Zoning Resolution in 1961. In 1962, C1-2 and C2-2 commercial overlays were added to the block to the west (Block 7422) along Nostrand Avenue and portions of Avenue X and Y. Since that time period, no major rezonings have occurred within 1,000 feet of the Project Area. Beyond that area, the Homecrest Rezoning (C 060129 ZMK) was adopted by the City Council in 2006, which affected 70 blocks in Community District 15 to the north and west of the Project Area. The Homecrest Rezoning affected an area generally bound by Coney Island Avenue on the west, Kings Highway on the north, Ocean Avenue on the east and Avenue S on the south. The

rezoning created contextual medium-density R6A and R7A districts along Ocean Avenue to the south of Avenue S and the north of Voorhies Avenue. These new districts were intended to recognize pre-existing apartment buildings and encourage new development along wide streets in close proximity to transit.

A variance was granted by the Board of Standards and Appeals (BSA) in October of 2017 (317-14-BZ) for the development of an ambulatory diagnostic treatment facility at 3780-3858 Nostrand Avenue (Block 7445, Lot 1). The variance permitted the reduction in the number of required off-street parking spaces for the underlying R4/C2-2 district.

In addition, a special permit was granted by the BSA in October 2013 (229-13-BZ) to allow a physical culture establishment (Blink Fitness) within an existing commercial building at 3779-3861 (Block 7446, Lot 1) in an R3-2/C2-2 zoning district.

In December 2024, the City adopted the City of Yes for Housing Opportunity (CHO) text amendments (N 240290 ZRY), which aim to increase housing production by offering floor area incentives and removing regulatory barriers. As part of these changes, new Greater Transit Zones were established to support higher-density development near transit. However, the Project Site lies outside these zones due to limited transit access. Additionally, certain mid-rise zoning districts were modified to allow increased height and floor area when affordable housing is provided under the Universal Affordable Program (UAP) or Mandatory Inclusionary Housing (MIH). The proposed R7D district, however, was not affected by these amendments.

There are no other relevant approved land use actions in the last ten years within 600 feet of the Project Area.

3. Description of the Surrounding Area

The surrounding area is mixed in use with residential, commercial and community facility uses present. In addition, some mixed-use buildings (ground floor retail and residences above) are present in the surrounding area as well as a single automotive service use on Nostrand Avenue. The building types associated with these uses range from single-story retail and automotive uses, to six and eight-story apartment buildings, as described further below.

Avenue Y is a heavily trafficked east-west avenue (approximately 80 feet wide) with a mix of the above uses present, while the north-south streets radiating from Avenue Y are narrow (approximately 60 feet in width) and predominantly residential in use with some community facility uses present, including the Development Site itself. One block to the west of the Development Site is Nostrand Avenue, which is the area's north-south arterial (approximately 100 feet in width) and contains a high concentration of commercial uses. In addition, Batchelder Street is one block east of the Development Site and is also a wide north-south street.

Building Types

Building types in the surrounding area are also mixed. Nostrand Avenue near the Development Site is predominantly developed with single-story commercial retail buildings and a single automotive service station (Block 7422, Lot 53). Residential uses range in density and height, with a high concentration of medium-density apartment buildings present on the blocks to the north and south of the Project Area that were constructed in the 1950s and predate the underlying R5 district which was mapped under the 1961 Zoning Resolution. These buildings were not constructed in accordance with the current R5 regulations, and their bulk is not reflective of R5 and R3-2 zoning - but is instead reflective of a higher density neighborhood. Lower-rise smaller apartment buildings are present immediately to the east of the Development Site and to the west of Nostrand Avenue that were constructed pursuant to the underlying R5 district. Immediately to the north of the Development Site (and part of the Project Area) is the Nostrand Gardens Co-Operative, which rises to six-stories. Blocks 7447 and 7449 to the south across Avenue Y between Haring Street and Coyle Street are developed with a series of similar apartment buildings rising between six- and eight-stories. On the blocks to the north, extending from Avenue X to Avenue V between Nostrand Avenue and Bragg Street, is the NYCHA Sheepshead Bay Houses, which contain four tax blocks of six-to-seven story apartment buildings. These buildings are configured as tower-in-the-park style complexes. The block to the east of the Development Site is developed with a series of three-story apartment buildings constructed in the 1970s and this trend continues to the west of Nostrand Avenue on narrow north-south residential side streets.

Community Institutions

Notable community facility uses consist of a public school (P.S 811 Connie Lekas School) present immediately to the south of the Development Site (Block 7447, Lot 1) and I.S. 14 on the block to the east (Block 7424, Lot 1). Sheepshead Bay High School is on the adjacent block to the east of I.S. 14 and occupies an entire tax block (Block 7425). These buildings typically rise to three stories. As noted above, the Development Site contains a religious school and house of worship. In terms of parkland, P.S. 811 and Sheepshead Bay High School contain Schoolyard to Playgrounds spaces and Sheepshead Playground is located on Nostrand Avenue to the south at Avenue Z.

Zoning Districts

The Development Site and surrounding area to the north are zoned R5. To the south of Avenue Y is an R3-2 district that encompasses the area above Shore Parkway. On the west side of Nostrand Avenue is a large R4 district. C1-2 and C2-2 commercial overlays are present on Nostrand Avenue, as well as portions of Avenue X, Avenue U and Avenue Z near Nostrand Avenue. The Development Site is located beyond the Greater Transit Zone.

R5 district is a low-density general residence district that permits residential buildings up to 1.5 FAR. Community facility uses are also permitted up to 2.0 FAR. A maximum height of 45 feet is permitted. Parking is required for 50% of dwelling units.

R4 districts allow all types of residences including multifamily residential development at a maximum FAR of 1.0. Predominantly Built-Up Area regulations permit infill developments in R4 districts at 1.35 FAR. A max height of 35 feet is permitted. Parking is required for 50% of residences.

The R3-2 zoning districts are general residence districts that permit a variety of single- and two-family houses, as well as small multi-family buildings. The maximum FAR for R3-2 districts is 0.75; the maximum building height is 35 feet. One off-street parking space is required for 50% of residences.

When mapped in the above districts, the C1-2 and C2-2 districts permit single-story and ground-floor commercial uses at a FAR of 1.0 and where Qualifying Residential Site criteria is present, total FAR can be increased[1]. The C1-2 district permits limited local retail uses (Use Groups VI) while the C2-2 district permits a larger range of neighborhood commercial uses (Use Groups VI – X). Parking requirements vary by use.

Transit

In terms of transit access, the closest New York City Transit ("NYCT") train station is approximately a mile to the west at Avenue Z and East 16th Street where the B and Q lines make stops at the Sheepshead Bay station. However, one block to the west Nostrand Avenue offers express NYCT bus service, including the B44-SBS line which provides express service between Sheepshead Bay and Williamsburg. In addition, the B36 line makes stops nearby and provides service between Sheepshead Bay and Coney Island, and the BM3 interborough express bus provides service from Sheepshead Bay to Midtown Manhattan with stops along Avenue X directly to the north of the Project Area. Accordingly, the Development Site is locates outside the Greater Transit Zone.

4. Description of the Proposed Project Area

The Project Area consists of two tax lots and portions of a third (Block 7423, Lots 36, 38 and p/o 11). As noted above, the Project Area is located in the Sheepshead Bay-Gerritsen Beach area of Brooklyn, Community District 15, and is zoned R5. The affected parcels contain approximately 200 feet along Avenue Y and approximately 125 feet along both Haring and Brown Streets.

[1] On Qualifying Residential Sites in R3-2 districts with a commercial overlay, 1.6 FAR is permitted; Qualifying Residential Sites in R4 districts with a commercial overlay permits 2.0 FAR; and Qualifying Residential Sites in R5 districts with a commercial overlay permits 2.5 FAR.

Block 7423, Lot 11 is developed with a six-story apartment building (Nostrand Gardens Co-Operative) on a 114,780 square foot irregular-shaped lot. The building contains 242,160 square feet (2.11 FAR) and rises to approximately 61 feet. The building is legally noncompliant as it was constructed prior to the 1961 Zoning Resolution in 1953. Only a portion of this lot would be affected by the Proposed Actions, with the bottom 125 feet of the block to be amended from an R5 district to an R7D district. The affected portion of Lot 11 is used as an open area with benches and a playground.

Block 7423, Lots 36 and 38 consist of the Development Site and are discussed in greater detail below.

5. Description of Proposed Development Site

The Proposed Development Site (the "Development Site") consists of Block 7423, Lots 36 and 38. Lot 36 is a narrow and irregular shaped tax lot. Lot 38 is a triangular corner lot with 200 feet of frontage along Avenue Y and approximately 98 feet of depth along Brown Street. Combined, the Development Site contains approximately 14,386 square feet of lot area and is triangular in shape, with 27 feet along Haring Street, 200 feet along Avenue Y and approximately 116 feet along Brown Street. The Site currently has a total of four curb cuts, all of which are used as crosswalks. One curb cut is located on Haring Street, one is located on Brown Street, and two are located on Avenue Y. No additional curb cuts are proposed, as parking would be waived under the current proposal. As noted above, Avenue Y is classified as a 'wide' street (80 feet in width) while Haring and Brown Streets are classified as 'narrow' streets with less than 75 feet in width.

Currently, Lot 38 is improved with a two-story community facility use with 7,030 square feet (0.73 FAR). The building on Lot 38 was constructed in approximately 1962. It currently contains a religious school (Use Group 3) and house of worship (Use Group 4) that serves the local Jewish community. Approximately 170 students attend the school for kindergarten through 8th grade, with approximately 65 students attending the high school. For the duration of construction, some of the lower grades will be moved to the high school building; the rest will be relocated to nearby houses of worship and other schools. We are in contact with other institutions that have expressed their willingness to assist in this matter. Currently, Lot 36 is used by the school as an outdoor yard.

The Development Site is controlled by Yeshivat Or HaTorah and is improved with a synagogue that is occasionally used throughout the year for religious services. The building is also primarily utilized as a private school for elementary and intermediate level-aged children.

6. Description of Proposed Development

There is a need in the community for affordable education and the Applicant seeks to redevelop their building with a new school space with dwelling units above to subsidize student tuition at the proposed school and the Proposed Actions would facilitate this goal. The Proposed Actions would facilitate the redevelopment of the Development Site with a new seven-story mixed-use building rising to approximately 78 feet (89 with bulkhead) and containing approximately 79,945 square feet (5.55 FAR).

The new building would include approximately 35,302 zoning square feet of community facility space to include a religious school (Use Group 3) and house of worship (Use Group 4), as well as approximately 43,075 zoning square feet of residential space (38 dwelling units). The Proposed Development would comply under MIH Option 2. Proposed Development would include 11 dwelling units, or 30% of the proposed new residential floor area, for households averaging 80% of AMI. The Proposed Development would provide 38 off-street parking spaces in the cellar, accessible via a single 12-foot curb cut. The curb cut would be located along Brown Street, on the northeastern end of the zoning lot, and would be oriented away from the school, which would be located on the opposite side of the zoning lot (southwestern portion).

The proposed school will occupy the cellar and first three floors of the building and have a capacity of approximately 450 students. The Proposed Development Site is located within Flood Zone X; since it is not an Occupancy Group I and contains no underground tanks, no flood protection measures are required, per Appendix G of the 2014 New York City Building Code. The house of worship (a synagogue) will be located on the first and second floors on the southeastern corner of the building. The residential units would be primarily located on floors four through seven, with one unit each at the second and third floors. The apartments will range in size between 703 and 1,248 square feet.

The building would rise to a maximum height of approximately 78 feet along Avenue Y, with a three-story base (approximately 36 feet) that would contain the above-referenced community facility uses. Above the three-story base, the building would be set back from Avenue Y, with the remaining four-stories containing the 38 proposed residential units (with 11 affordable), before rising to a maximum height of approximately 78 feet.

The additional space provided with the Proposed Development will enable the school to accommodate its waitlist, as well as provide subsidized tuition to allow more students, who would otherwise not be able to afford the private school tuition, to attend the school. The proposed community facility portion of the building will present a modern educational facility to accommodate the existing student body and allow for the continued steady growth each year until the school fills to capacity.

7. Actions Necessary to Facilitate the Project

A zoning map amendment and zoning text amendment are required to facilitate the Proposed Development (the "Proposed Actions"). The proposed zoning map amendment would create a new R7D district to be mapped on the southern end of the subject block at a depth of 125 feet from Avenue Y. This would encompass the Development Site as well as portions of the Nostrand Gardens Co-Operative located on Lot 11. The zoning text amendment would create a new Mandatory Inclusionary Housing (MIH) area. The Proposed Actions would facilitate a contextual medium level of density along a wide avenue (Avenue Y) in close proximity to transit and would result in new dwelling units for various income levels. The Proposed Development would provide a new and enlarged facility for the Yeshivat Or HaTorah school and Shore Park Jewish Center synagogue, which together serve as longstanding community institutions for the local community.

Zoning Map Amendment

The proposed R7D district is a contextual district that permits residential, and community facility uses (Use Groups I through IV) under mandatory Quality Housing regulations. Under MIH, residential and community facility uses are permitted at 5.6 FAR (with a base of 4.2 FAR). Under MIH, a maximum street wall height of 95 feet is permitted before a setback of 10 or 15 feet is required, and the maximum building height is 125 feet. Parking requirements vary by use, with the Proposed Development waiving out of accessory parking requirements under Use Groups II, III and IV. The residential requirement is 50% and the income-restricted units are reduced to 12% and overall, the requirement is waived where 15 and fewer spaces are required. However, 38 off-street parking spaces will be provided the cellar. This is based on a higher reliance on private automotives for the immediate area and lack of immediate proximity to rail transit. A max lot coverage of 65% is permitted for interior lots and corner lots permit 100% lot coverage.

The Proposed Actions would increase the amount of permitted density in the Project Area and would facilitate the Proposed Development, which includes a new religious school and house of worship, as well as 38 new dwelling units (11 affordable) above the proposed community facility use. The proposed medium-density R7D contextual district is intended for wide avenues in close proximity to transit. This is consistent with the location of the Project Area, which is situated on the southern end of a block with frontage along a wide and heavily trafficked street (Avenue Y), in close proximity to an express bus line (SBS B44) along the nearby mixed-use arterial of Nostrand Avenue. The Project Area is also in close proximity to the BM3 express bus route on Avenue X and Batchelder Street, as well as the B36 bus line on Nostrand Avenue and Avenue Z.

The proposed rezoning district boundary line is drawn to 125 feet so as to include all of lots 38 and 36, which are on a diagonal. The surrounding buildings exceed the underlying bulk regulations of the R5 district in which they are located, and, as such, do not accurately reflect R5

and R3-2 zoning. Instead, these buildings reflect a higher density neighborhood. Given this situation, the proposed new district would be consistent with the pre-existing density of the surrounding area, which is developed with a number of apartment buildings rising between six- and seven-stories and would be consistent with R6A and R7A districts mapped to the west along Ocean Avenue. The proposed zoning will also provide an appropriate transition between the larger interior lots and Avenue Y, which is a more heavily trafficked street that can accommodate a higher density. As is common throughout the City, the proposed zoning will provide an appropriate bookend to the block, and the stepped-down design will provide a transition density between the zoning districts.

Zoning Text Amendment

The Proposed Actions would also include a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a new MIH area coterminous with the Project Area under Options 1 and 2. Option 1 requires that at least 25% of the proposed new residential units be made affordable for households averaging an income of 60% of AMI, with 10% of those units being made affordable for households averaging 40% of AMI. Option 2 requires that at least 30% of the proposed new residential units be made affordable to households averaging 80% of AMI. At this time, the Applicant proposes comply with MIH under Option 2 with 11 income-restricted dwelling units or 30% of the residential floor area in the Proposed Development for incomes at 80% AMI. The creation of an MIH area in this location is appropriate, as it would result in new income-restricted dwelling units, a recognized need for all areas of the city. According to the latest *NYC Housing Tracker Report* (2024) prepared by the New York City Housing Conference, New York City Council District 48 only created 300 income-restricted dwelling units between 2014-2023, compared to a Citywide average of 1,836 units over that same period. As such, these 11 units are a demonstrated need for this community, of which 52.5% of households are cost-burdened, where households spend more than 30% of income on housing. As such, the proposed text amendment to create a new MIH area would be appropriate in this location.

8. Conclusion

The Proposed Actions are necessary to facilitate a new mixed-use building to contain much-needed new community facility space for a longstanding religious educational institution that serves the local community. The Proposed Actions would create a medium-density contextual zoning district that is appropriately located, with the proposed R7D district along a wide avenue and in close proximity to transit. The new district would be consistent with the pre-existing medium-density character of the surrounding area, as well as similar districts mapped to the west along Ocean Avenue. In addition, the Proposed Actions would result in new housing capacity with required affordable dwelling units, a recognized need for all areas of the city.