Project Description (LR Item 3)
Project ID: 2021K0246

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1656 West 10th Street

August 2021

1. Introduction

Allstar Homecare Agency, Inc. (the "Applicant") seeks a zoning map amendment and zoning text amendment (the "Proposed Actions") that affect the three properties (Block 6621, Lots 22, 28 & 42 p/o); the "Rezoning Area") in the Bensonhurst area of Brooklyn Community District #11.

The proposed project encompasses Block 6621, Lot 28 (the "Development Site") and occupies the midblock of West 10th Street between Kings Highway and Avenue P. The proposal seeks a zoning map amendment from R5B district to R6A, which would facilitate the development of a mixed-use building on the Development Site that would consists of a 6-story (and cellars) mixed-use building containing 25,158 square feet or 3.6 FAR with 27 dwelling units ("the Proposed Development"). The ground floor plus two subcellars would contain approximately 8,109 square feet of community facility space and 12 accessory off-street parking spaces would be provided.

The Development Site is under the Applicant's control. The remaining sites within the Rezoning Area are under separate ownership and are not proposed for redevelopment.

The Proposed Actions would also include a zoning text amendment to Appendix F of the Zoning Resolution ("ZR") to make the Rezoning Area part of a Mandatory Inclusionary Housing (MIH) area and would be mapped as Options 1 or 2, pursuant to §123-154(d). Pursuant to MIH, the Proposed Development would comply with the program through Option 2 or 30% of the proposed residential floor area (6 dwelling units) for incomes averaging 80% AMI and below.

2. Background

The Rezoning Area was zoned R6 in the 1961 Zoning Resolution, as part of a larger triangular R6 district that extended north from Kings Highway to 62nd Street. The area of the subject block fronting Kings Highway was zoned C1-3, reflecting mixed-use buildings lining that roadway as well as Quentin Road, which meets Kings Highway at this location.

A small C8-2 district was also mapped to the west at West 12th Street and Kings Highway, which was amended in 1965 (A-548 & A549) to R5/C2-4. The larger R6 district, which encompassed the Rezoning Area, existed until 2005 when it was amended by the Bensonhurst Rezoning.

The Bensonhurst Rezoning of (C 050296 ZMK) amended the rezoning area from R6 to R5B. The Bensonhurst Rezoning aimed to encourage higher density residential development along certain arterial thoroughfares, such as Avenue P, Quentin Road and Kings Highway where R7A districts were created. Between these corridors, mid-density contextual zoning districts were created from previous R6 districts, such as R4-1, R4A and R5B districts. Arterial and commercial thoroughfares were rezoned to R6B, R6A and R7A districts with commercial overlays such as C2-2 and C2-3 districts, reflecting proximity to transit and mixed-use character. The overall intention of the rezoning was to prevent out-of-scale development on combined lots on mid-block areas, as well as recognize pre-existing medium-density buildings along corridors.

In June 2005, the Board of Standards and Appeals ("BSA") granted an extension of time to complete construction for a 5-story building with commercial, community facility and 12 residential units under the prior zoning R6/C1-3 (166-05-BZY) at 1669-1671 West 10th Street (Block 6622, Lot 43), located directly across from the Development Site on the east side of West 10th Street, contrary to the underlying R5 use regulations.

In October 2005, the BSA granted an extension of term (167-05-BZY) to complete construction of a 7-story building containing commercial community facility and 20 residential units with 10 parking spaces under the prior zoning R6/C1-3 at 103 Quentin Road (Block 6622 Lot 45), located one block south, and contrary to the underlying R5 use regulations.

There are no other relevant approved land use actions in the last ten years within 1,000 feet of the proposed Project Area.

3. Description of the Surrounding Area

As noted above, the surrounding area had been zoned R6 since the inception of the 1961 Zoning Resolution, with the R5B district added in 2005 as part of the Bensonhurst Rezoning (C 050296 ZMK). The block to the south contains C2-3 commercial overlays. The interior blocks north along West 10th Street towards Avenue P are predominantly residential with one and two-family homes. The blocks south of the Proposed Development toward Quentin Road are taller with multi-family residential buildings that rise between 6- and 7-stories.

West 10th Street is narrow, predominantly residential side street from Kings Highway. West 10th is mapped with 60 feet in width ('narrow' in the ZR). Quentin Road and Kings Highway intersect at the southern edge of the block and are east-west arterial thoroughfare that includes commercial, residential uses within 600 feet of the Development Site. Kings Highway is mapped at 80 feet in width ('wide' in the ZR). Quentin Road is also 'wide' with 80 feet in mapped width.

In addition to residential uses along side streets, community facility uses are also present. Notable community facility uses in the area include the Congregation B'nai Isaac, Avenue O Jewish Center (Block 6597 Lot 6) which is located north of the Development Site at the corner of Avenue O and West 9th Street and the Highlawn Branch of the Brooklyn Public Library (Block 6618 Lot 34) which is located east of the Development site at the corner of West 13th Street and Kings Highway. Additionally, Success Academy Bensonhurst and Intermediate School 96 at 99 Avenue P (Block 6595 Lot 33) which is located north of the Development Site at the corner of West 11th and Avenue P. In terms of open space, to the north of the Development Site at the corner of West 12th Street and Avenue P is Seth Low Playground located one block to the north.

As mentioned, the Rezoning Area is in R5B zoning district. The current zoning district was created as a result of the Bensonhurst Rezoning of 2005, which mapped R7A districts along wide avenues (such as Kings Highway) and R5B districts along side streets.

The surrounding blocks are characterized by larger mixed-use and residential apartment buildings along Kings Highway and Avenue P to the north, which are zoned R7A/C2-3 and R7A, respectively. This district permits medium-density buildings intended for wider avenues, often between seven- and eight-stories. The mid-block areas between these avenues are predominantly lower-density residential, with semi-detached and attached residential buildings between two- and three-stories, pursuant to the underlying R5B district. However, as noted below, the Rezoning Area contains a higher density of residential use with mid-rise apartment buildings present.
In addition to R5B and R7A districts with commercial overlays, the surrounding area contains R4-1 districts located along mid-blocks for side streets, as well as a small R6B/C2-3 district at the intersection of Kings Highway and Quentin Road.

The R4-1 district primarily permits contextual one and two-family detached and semi-detached houses at a maximum FAR of 0.75, with an attic allowance of 20%. Front yards of 10 feet and rear yards 30 feet are required, with side yards of at least four feet. The maximum building height is 35 feet and one parking space is required per dwelling unit.

The R5B contextual zoning district is a residential district that primarily consists of three-story row houses. It also permits detached and semi-detached buildings. The R5B district allows a maximum FAR of 1.35 for residential use; the maximum allowable lot coverage is 55 percent. The maximum height is 33 feet and parking is required for approximately 66% of dwelling units.

R6B is a contextual residential zoning district that predominantly produces four- and five-story buildings. Many of these are brownstone buildings are set back from the street and have small front yards. The R6B zoning district allows for a maximum FAR of 2.0 and requires application of the Quality Housing regulations. The maximum height is 50 feet. Off Street parking is required for half of all DUs.

The R7A zoning is also a contextual district where quality housing regulations are mandatory. R7A districts allow for buildings up to 4.0 FAR and generally yield six to seven story buildings. Maximum lot coverage is 65% for interior and through lots and 80% on corner lots. Above a base height of 40 to 65 feet, the building must set back to a depth of 10 feet on a wide street, before rising to a maximum of 80 feet. Parking is required for 50% of all dwelling units. Off-street parking permitted only within, or to the side or rear of a building, never between the street wall and the street line.

The Rezoning Area is served by both subway and bus service. The Development Site is located two blocks away from the New York City Transit (NYCT) Subway Station at Kings Highway and West 8th Street with N Train service to Manhattan and points south. In terms of NYCT bus service, the B82 and express SBS-B82 travel along Kings Highway, connecting Bensonhurst, Flatlands and Spring Creek.

4. Description of the Proposed Project Area

The Proposed Project Area consists of the Development Site (Block 6621, Lot 28), which is under the Applicant's control and is discussed in greater detail below. In addition to the Development Site, two properties that are not under the Applicant's control (Block 6621 Lots 22 and 42 p/o) would be affected, which are the adjoining lots north and south of the Development Site.

Lot 42 (1684 West 10th Street) is a corner lot that extends approximately 180 feet from Kings Highway and is improved with a six-story apartment building constructed around 1928. The building contains approximately 75,000 square feet of space or 4.0 FAR. The Proposed Actions would affect the segment of this property beyond 100 feet of Kings Highway or approximately 80 feet of length.

Lot 22 (1650 West 10th Street) is also improved with a six-story apartment building constructed in 1938. The building contains approximately 54,000 square feet of space or 4.15 FAR.

As noted above, the Project Area is zoned R5B, which permits a maximum of 1.35 FAR. However, since the buildings in the Rezoning Area were constructed prior to the 1961 ZR, the buildings are legally noncompliant in bulk and floor area.

5. Description of Proposed Development Site

The Development Site is a single rectangular lot (Block 6621, Lot 28) that contains 7,000 square feet of lot area with 70 feet of frontage along West 10th Street. As noted above, West 10th Street is 60 feet in width, a 'narrow' street.

The lot is currently improved with a two-story 12,300 square foot community facility building constructed in 1953 or approximately 1.76 FAR. The building was constructed as a church in 1927, became a synagogue in 1963, was used as a yeshiva beginning in 2006, and has been an adult day care center known as Better Living Community Center since 2013.

6. Description of Proposed Development

The Proposed Actions would facilitate a new 6-story mixed-use building. Under the proposed R6A district, a proposed development would be facilitated with approximately 25,158 square feet of floor area, including approximately 27 dwelling units, 6 would be affordable to incomes averaging 80% AMI and below, pursuant to MIH under Option 2, for a maximum FAR of 3.6 FAR. The ground floor and subcellars would contain approximately 8,109 square feet of community facility space and 12 accessory off-street parking spaces would be provided. The building would rise to a height of 60 feet with no setback. The ground floor would contain part of a social adult day care center, the residential lobby, and a vehicular elevator connecting to a subsurface accessory parking garage for residents; the cellar would contain part of the adult day care center, part of the garage, and building service and utility rooms; and the sub-cellar would contain part of the adult day care center, part of the garage, a bicycle storage room, and building service areas. There would be 945 sf of rooftop recreational space for building residents, and a 2,100 square foot rear yard garden would be part of the adult day care center

7. Actions Necessary to Facilitate the Project

The Proposed Actions consist of a zoning map amendment, that is primarily intended to facilitate the Proposed Development. The proposed zoning map amendment would create a new R6A zoning district mapped along the west side of West 10th Street, extending from the existing R7A/C2-3 district to a point 320 feet from Avenue P to the north. The eastern and western boundaries of the new district would travel along the block centerline and the street centerline of West 10th Street, respectively. The southern boundary would meet the existing boundary of the R7A district to the south, mapped 100 feet north of Kings Highway.

The Proposed Actions would also include a zoning text amendment to Appendix F of the Zoning Resolution ("ZR") to make the Rezoning Area applicable as a Mandatory Inclusionary Housing Area (MIH) area and would be mapped as Options 1 and 2, which would require either 25% of the proposed new residential floor area to be made affordable to incomes averaging 60% AMI or 30% of the proposed new residential floor area to be made affordable to incomes averaging 80% AMI (hereafter, the "Proposed Actions"). At this time, the Proposed Development would comply with Option 2 of the program with 6 dwelling units (30% of 27 dwelling units) affordable for incomes averaging 80% AMI.

The proposed zoning map amendment intends to facilitate the mixed-use development described above but would serve to facilitate the highest and best use of the Rezoning Area, as well as bring the subject properties into greater conformance with zoning, which were developed prior to the 1961 Zoning Resolution and contain mid-rise apartment buildings. The Proposed Actions would map new contextual R6A district with a maximum residential FAR of 3.6 under MIH. The district is often mapped along mid-block portions of residential neighborhoods and serves as a transition district for mid-block locations adjacent wide avenues, such as Kings Highway. Along this segment of Kings Highway, an R7A district is mapped, reflecting the mid-rise character of that roadway. This district was mapped as a result of the Bensonhurst Rezoning of 2005, which also mapped side streets in this area from R6 to R5B and R4-1, to reflect a lower-rise residential character and prevent out of context new development. However, this segment of West 10th Street contains six-story apartment buildings constructed prior to the 1961 Zoning Resolution and were rendered noncompliant under the R5B zoning district. As such, the R6A district is proposed for the Rezoning Area to recognize this pre-existing density, as well as facilitated a new mid-rise apartment building on the Development Site. The proposed R6A district is appropriate for this area, as the nearby corners of West 10th Street are mapped with R7A and R7A/C2-3 districts, making an R6A district appropriate for this mid-block location. As noted above, the R6A district serves as a mid-block and transition district between R7A districts.

The zoning map amendment of the R6A will serve to allow 27 new dwelling units, 6 of which would be affordable and community facility space. The community facility space would house the Better Living Community Center and provide a social adult day care center offering critical senior services to the Brooklyn Community District #11 that has a 65 and over population of 15.6%. In terms of scale, what is proposed would be consistent with recent and historical developments within the surrounding area. While the proposed R6A district would permit residential buildings at 3.6 FAR and a maximum height of up to 80-85 feet, the proposed R6A zoning district is mid-block contextual equivalent to R7A district mapped to the south at Kings Highway. The proposed 7-story building would complement the adjacent six-story apartment buildings to the north and south of the Premises and would not result in a significant change of the existing built context of the surrounding area.

It should also be noted that this area is well served by transit with express bus service located on the corner of Kings Highway and West 10th Street, as well as an NYCT subway station only two blocks away at Kings Highway and West 8th Street. As such, it is believed the Rezoning Area is appropriate for a medium-density residential district and would not alter the overall character of the surrounding area, while making productive use of parcel developed with an older community facility use.

As such, the Proposed Actions would facilitate the change of use and development of a new residential building, we believe that it reflects the existing built density of this immediate area and would continue to be consistent with the intentions of the Bensonhurst Rezoning, which recognized the pre-existing density of apartment buildings in the surrounding area.

8. Conclusion

The Proposed Actions would create a new contextual residential zoning district that would provide a transition between the adjacent R7A district and be consistent with recent and historical developments withing the surrounding area. Based on the existing presence and historic uses of surrounding higher density residential uses, the underlying R5B district constrains new development along this corridor. As such, a R6A district is proposed, which is an appropriate location for additional residential and community facility uses, based on the access to transit and history of adjacent mid-rise developments. The resulting Proposed Development would provide new residential use including new income-restricted dwelling units and community facility uses and as such, the Proposed Actions would be appropriate for this area and would facilitate the full and productive use of this segment of West 10th Street, while also recognizing pre-existing pre-war apartment buildings.