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**IN THE MATTER OF** an application submitted by 7120 New Utrecht LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

1. eliminating from within an existing R5 District a C2-2 District bounded by 71<sup>st</sup> Street, New Utrecht Avenue, 72<sup>nd</sup> Street and a line 100 feet northwesterly of New Utrecht Avenue; and
2. changing from an R5 District to a C4-4L District property bounded by 71<sup>st</sup> Street, New Utrecht Avenue, 72<sup>nd</sup> Street, a line perpendicular to the northeasterly street line of 72<sup>nd</sup> Street distant 140 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 72<sup>nd</sup> Street and the northwesterly street line of New Utrecht Avenue, a line midway between 71<sup>st</sup> Street and 72<sup>nd</sup> Street, and a line perpendicular to the southwesterly street line of 71<sup>st</sup> Street distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 71<sup>st</sup> Street and the northwesterly street line of New Utrecht Avenue;

Borough of Brooklyn, Community District 11, as shown on a diagram (for illustrative purposes only) dated January 30, 2023, and subject to the conditions of (CEQR) Declaration E-704.

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This application for a zoning map amendment was filed by 7120 New Utrecht LLC on July 6, 2022, to change an R5/C2-2 zoning district to a C4-4L zoning district. This application, in conjunction with the related application for a zoning text amendment, would facilitate the development of a nine-story, 85,034-square-foot mixed-use building containing 100 dwelling units, approximately 30 of which would be permanently income-restricted, as well as 11,651 square feet of commercial floor area at 7120 New Utrecht Avenue in Bensonhurst neighborhood of Brooklyn, Community District 11.

### **RELATED ACTION**

In addition to the zoning map amendment (C 230001 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**N 230002 ZRK**      Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

## **BACKGROUND**

The applicant seeks a zoning map amendment to change an R5/C2-2 zoning district to a C4-4L zoning district on three lots and remove a C2-2 commercial overlay from portions of two lots. The applicant also seeks a zoning text amendment to establish an MIH area coterminous with the project area. The proposed actions would facilitate the development of a nine-story, 85,034-square-foot mixed-use building containing residential and commercial uses.

The project area is comprised of all or portions of five lots (Block 6180, Lots (p/o) 27, 29, 31, 33 and (p/o) Lot 44). The project area is comprised of the development site (Lots 31 and 33), as well as three lots (Lots (p/o) 27, 29 and (p/o) 44) that are not owned or controlled by the applicant and are not expected to result in development from the proposed actions. The project area is located on the eastern portion of Block 6180, bounded by 60-foot-wide 71<sup>st</sup> Street to the north, 60-foot-wide 72<sup>nd</sup> Street to the south, and 80-foot-wide New Utrecht Avenue, a major north-south arterial thoroughfare to the east.

The proposed development site consists of Block 6180, Lots 31 and 33. Lot 31 is a 4,358-square-foot irregularly shaped interior lot with 44.54 feet of frontage along New Utrecht Avenue, currently unimproved and previously used as an accessory parking lot for the commercial building on Lot 33. Lot 33 consists of a 14,160-square-foot irregularly shaped corner lot located on the northwest corner of New Utrecht Avenue and 72<sup>nd</sup> Street. Lot 33 has 133.61 feet of frontage along New Utrecht Avenue and 137.52 feet of frontage along 72<sup>nd</sup> Street. It is currently improved with a one-story approximately 8,960-square-foot vacant commercial building formerly occupied by a bank.

Outside of the development site but within the project area, Lot 29 is an irregularly shaped corner lot located on the southwest corner of New Utrecht Avenue and 71<sup>st</sup> Street and has a total lot area of 3,538 square feet. It is currently improved with a two-story 6,716-square-foot mixed-use building with a floor area ratio (FAR) of 1.9 and contains a hair and nail salon and deli convenience store on the ground floor and four residential dwelling units on the second floor. An entrance to the 71<sup>st</sup> Street Station, which provides services to the D train, is located directly adjacent to Lot 29. Lot 27 is a 4,000-square-foot interior lot that contains a 2,920 square foot

multi-family residence (0.73 FAR). Lot 44 is a 4,000-square-foot interior lot with a 2,403-square-foot detached single-family home (0.6 FAR).

The surrounding area consists of residential, commercial, community facility, and light manufacturing uses. Building typologies vary in density, use, and scale, reflecting the underlying mixed-use character of the surrounding area and New Utrecht Avenue as a large arterial thoroughfare. Building typologies range from two- to three-story mixed-use buildings with ground floor commercial, one and two-family homes, multi-family residential buildings, industrial/commercial buildings, including a 75-foot-tall utility building occupied by Verizon, a communication technology and utility company located on 16<sup>th</sup> Avenue southeast of the project area. The surrounding area contains several large community facilities, including schools, houses of worship, and open spaces, including Lt. Joseph Petrosino Playground, located approximately 335 feet northeast of the project area.

The project area is well-served by public transit. The 71st Street D subway station is directly in front of the project area, which provides service between Coney Island through Downtown Brooklyn and Manhattan to the Bronx, with an entrance at the corner of New Utrecht Avenue and 71<sup>st</sup> Street. The B8 bus runs along 18<sup>th</sup> Avenue, two blocks to the east, which provides service between Dyker Heights and East Flatbush, and the B4 bus runs along Bay Ridge Parkway, three blocks to the south, with service between Bay Ridge and Sheepshead Bay. The project area located is within the Transit Zone.

The project area is mapped with an R5 zoning district and a C2-2 commercial overlay that runs at a depth of 100 feet from New Utrecht Avenue. R5 zoning districts are non-contextual residential zoning districts with a maximum FAR of 1.25. R5 zoning districts typically produce three-and four-story attached houses and small apartment buildings and have a height limit of 40 feet. Parking is required to be provided for 85 percent of dwelling units. C2-2 commercial overlays allow ground floor retail in residential districts. When mapped in R1 through R5 zoning districts, the maximum commercial FAR is 1.0. C2-2 commercial overlays require one parking space per 300 square feet of commercial floor area.

The applicant proposes to develop a nine-story, 85,034-square-foot (4.59 FAR) mixed-use building containing 73,383 square feet (3.96 FAR) of residential floor area and 11,651 square feet (0.63 FAR) of commercial uses. The building would have frontages along New Utrecht Avenue and 72<sup>nd</sup> Street. The frontage along New Utrecht Avenue would set back an additional five feet from the lot line, widening the sidewalk to 18 feet adjacent to the elevated D subway line. The development would then rise to a base height of 25 feet and then set back 15 feet starting on the third floor facing New Utrecht Avenue. The development would rise an additional 70 feet, for a total building height of 95 feet. An eight-foot side-yard would set the building back along the western lot line of the development facing the R5 district, and the development would then rise 55 feet and set back 22 feet for a total setback of 30 feet. The proposed development would have ground floor commercial uses with a 25-foot (two-stories) along New Utrecht Avenue, which would establish a commercial base directly facing the subway. No dwelling units are proposed to be located immediately adjacent to the elevated rail line.

The development would include 100 dwelling units, 30 of which would be permanently income-restricted pursuant to MIH Option 2. The cellar would contain 35 required accessory off-street parking spaces accessible via eight-foot-wide curb-cut accessed from 72<sup>nd</sup> Street. The development would provide 52 bicycle parking space on the ground floor, accessible from the residential lobby on 72<sup>nd</sup> Street. Access to the residential space would be provided by the main residential lobby on 72<sup>nd</sup> Street. Commercial uses would also be accessible from New Utrecht Avenue and 72<sup>nd</sup> Street.

In order to facilitate the proposed development, the applicant requests a zoning map amendment to rezone the R5/C2-2 zoning district to a C4-4L zoning district and a zoning text amendment to designate a new MIH area. C4-4L zoning districts are contextual commercial zoning district that permit residential, community facility, and commercial uses typically proximate to elevated transit. It has at a residential equivalent of an R7A zoning district, which allows a maximum residential FAR of 4.6 (with Inclusionary Housing) and generally facilitates seven- to nine-story buildings. A maximum FAR of 4.0 is permitted for commercial and community facility uses. For lots fronting elevated train lines, a C4-4L zoning district requires a five-foot sidewalk widening and requires a 15-foot setback that is not lower than 25 feet or two stories and not higher than 65

feet or six stories. The maximum building height permitted is 115 feet, or eleven stories with a qualifying ground floor. Parking is required for 50 percent of the non-income-restricted units within the Transit Zone and parking is not required for general retail and service uses and community facilities.

The applicant also proposes a zoning text amendment to Appendix F of the Zoning Resolution to designate an MIH area coterminous with the project area. The proposed text amendment would map MIH Options 1 and 2. Option 1 requires that 25 percent of residential floor area be set aside for permanently income-restricted housing units for household with incomes averaging 60 percent of the Area Median Income (AMI), with 10 percent of the residential floor area set aside for households with incomes averaging 40 percent of the AMI. Option 2 requires that 30 percent of residential floor area be set aside for permanently affordable housing units for residents with incomes averaging 80 percent of the AMI. The applicant intends to use Option 2, which would result in 30 permanently income-restricted apartments.

The application (C 230001 ZMK) required a Racial Equity Report on Housing Opportunity (RER), pursuant to Local Law 78 of 2021, due to the increase in permitted residential floor, which was submitted prior to certification. The Bensonhurst West neighborhood tabulation area, in which the project area is located, is identified as having a Highest Displacement Risk. Approximately 99.5 percent of the housing units in the Bensonhurst West National Tabulation Area (NTA) are not income restricted. Approximately 58.4 percent of Public Use Microdata Area (PUMA) 4017's residents are rent-burdened, and 32.9 percent are severely rent burdened.

The project area is located within the Bensonhurst and Bath Beach 2017 PUMA. The population of the PUMA is 43.5 percent Asian non-Hispanic, 1.2 percent Black non-Hispanic, 15.8 percent Hispanic, and 36.3 percent White non-Hispanic. The remaining 3.2 percent identified as non-Hispanic or another race or combination of races. The area median income of the PUMA in its entirety is \$55,649, slightly lower than Brooklyn and New York City as a whole. PUMA 4017 saw a 1.6 percent increase in housing units between 2010 and 2020 compared to a 9.3 percent increase in population. This area saw significantly less housing production than the rest of Brooklyn and New York City, yet it increased in population by a greater percentage than both.

More than half of the households in the area were considered rent-burdened at 58.4 percent, with a total of 32.9 percent of households severely rent-burdened.

### **ENVIRONMENTAL REVIEW**

This application (C 230001 ZMK), in conjunction with the application for the related action (N 230002 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 23DCP002K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on January 30, 2023.

### **UNIFORM LAND USE REVIEW**

This application (C 230001 ZMK) was certified as complete by the Department of City Planning on January 30, 2023, and was duly referred to Brooklyn Community Board 11 and the Brooklyn Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the related action (N 230002 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Brooklyn Community Board 11 held a public hearing on this application (C 230001 ZMK) on March 28, 2023. On April 3, 2023, by a vote of 22 in favor, one opposed, and none abstaining, adopted a resolution recommending disapproval of the application.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 230001 ZMK) and the related action (N 230002 ZRK) on March 20, 2023, and, on May 8, 2023, issued a recommendation of approval of the application.

### **City Planning Commission Public Hearing**

On April 26, 2023 (Calendar No. 5), the Commission scheduled May 10, 2023, for a public hearing on this application (C 230001 ZMK) and the related application for a zoning text amendment (N 230002 ZRK). This hearing was duly held on May 10, 2023 (Calendar No. 16). One speaker testified in favor and one in opposition.

The speaker testifying in favor of the application included the applicant's representative, who presented an overview of the application, describing the surrounding neighborhood and zoning and the character of New Utrecht Avenue. The applicant representative stated that the proposed development is a nine-story mixed-use development with ground floor commercial that aims to maintain retail continuity of New Utrecht Avenue. The applicant representative noted the proximity of the project area to the elevated D subway line and 71<sup>st</sup> Street D station adjacent to the project area. The applicant representative noted the 30 new income restricted units proposed and noted that 107 new income restricted units were built since 2014, all of which in one income bracket, 50 to 80 percent AMI. The applicant representative noted that the proposed development would contain 36 below-grade parking spaces, greater than required number of spaces, in response to community comments on parking availability. The applicant representative acknowledged that the community has expressed concerns and in response has increased parking spaces a request by the community, added lighting fixtures for under the elevated train and many street trees. The applicant also acknowledged concerns regarding height of the building and noted that the height ensures quality dwelling units that are buffered from the elevated train line.

Three speakers testified in opposition, including two members of the public and one member that represents a group of neighborhood constituents. Testimony noted concerns regarding the proposed development potential environmental issues relating to shadow and infrastructure impacts. The speakers noted concerns regarding the height of the development and potential impacts on the character of the neighborhood. Speakers also noted the potential to add additional demand outside of infrastructure capacity. Other speakers noted existing density of housing in the neighborhood and concern regarding the height of the proposed development.

There were no other speakers, and the hearing was closed.

A number of written testimonies were submitted electronically. Comments written in opposition largely noted concerns regarding neighborhood character; infrastructure capacity, including school seats; electricity and sewer capacity; and concerns regarding availability of parking and congestion. Comments written in support of the application noted a need for income-restricted units in the neighborhood and general benefit to the neighborhood.

### **CONSIDERATION**

The City Planning Commission believes that this application for a zoning map amendment (C 230001 ZMK), in conjunction with the related application for a zoning text amendment (N 230002 ZRK), is appropriate.

The proposed zoning map amendment will rezone the existing R5/C2-2 zoning district to a C4-4L zoning district in order to facilitate the development of an 85,034-square-foot nine-story mixed-use building containing 73,383 square feet of residential uses, 100 dwelling units, 30 of which would be permanently affordable, 36 below-grade parking spots, as well as an 11,651-square-foot ground floor commercial use.

The Commission notes that the proposed actions present an opportunity for increased density on underutilized land located on a wide corridor in an area with a distinct need for market rate and permanently affordable housing. The Commission notes the proximity to two large thoroughfares, 80-foot-wide New Utrecht Avenue and 16<sup>th</sup> Street, both of which intersect directly south of the project area. The Commission believes that the intersection of two major corridors support increased density. This, along with the open space located diagonally across New Utrecht Avenue, a nearly one-acre Lieutenant Joseph Petrosino playground that provides open space nearby, further illustrating the benefits of more housing density at this location.

Moreover, the project area is directly adjacent to the 71<sup>st</sup> Street Station of the D subway line, making it a prime location for sustainable, transit-oriented development. The Commission believes access to the D subway line steps from the project area provides critical access for commuters to access job centers.

The Commission recognizes that the proposed C4-4L zoning district is specifically tailored for mixed-use corridors proximate to elevated subway lines and is intended to ensure that adequate light and air reach the sidewalk below the elevated rail line by establishing an appropriate distance between a building's upper floors and the subway. This is done by allowing commercial uses at lower floors, adjacent to the elevated subway, then requiring a setback, allowing the residential units to a buffer from the train platform and tracks. The zoning district also requires a five-foot street wall setback, facilitating the widening of the sidewalk. The Commission notes that other equivalent districts would not create such an ideal proposed development, as the C4-4L district allows for specific bulk regulations that ensure quality housing units that are not adjacent to the subway line, as well as the appropriateness of the commercial base, that continues the commercial nature of New Utrecht Avenue. The Commission acknowledges that the district is not only suitable for the location adjacent to the subway line, but that the required 25-foot setback to the neighboring residential district, of which the applicant has proposed a 30-foot setback, also provides ample light and air to neighboring buildings. The Commission also notes that a denser built form along major corridors, such as New Utrecht Avenue, and lower midblock densities reflects development patterns throughout the borough and city.

The Commission believes the proposed zoning text amendment (N 230002 ZRK) is appropriate.

Pursuant to MIH Option 2, the proposed development is required to provide 30 percent of the residential floor as permanently income-restricted housing. This will result in 30 permanently income restricted apartments. These apartments will be available to households earning, on average, 80 percent of the AMI, providing much-needed income-restricted housing in a neighborhood that has seen few income-restricted units. From 2014 to 2021, only 107 new income-restricted units (units at less than 80 percent AMI) have been produced in Community District 11, the creation of which is sorely needed affordable housing in Bensonhurst and greater

community district. The development is in line with the city’s policy to develop income-restricted housing near transit, and the goals outlined in *Housing New York* and *Where We Live*, New York City’s housing reports that outline goals and strategies to affirmatively further the development of fair housing.

The Commission notes that the zoning requires an HPD approved not-for profit administering agent and a regulatory agreement that will govern the provision of the affordable dwelling units, of which the applicant has outlined an HPD approved not-for profit administering agent that will work closely with the Community Board to ensure the units are marketed widely to the community.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on January 30, 2023, with respect to this application (CEQR No. 23DCP002K.), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby further amended by changing the Zoning Map, Section No. 22d:

1. eliminating from within an existing R5 District a C2-2 District bounded by 71<sup>st</sup> Street, New Utrecht Avenue, 72<sup>nd</sup> Street and a line 100 feet northwesterly of New Utrecht Avenue; and
2. changing from an R5 District to a C4-4L District property bounded by 71<sup>st</sup> Street, New Utrecht Avenue, 72<sup>nd</sup> Street, a line perpendicular to the northeasterly street line of 72<sup>nd</sup> Street distant 140 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 72<sup>nd</sup> Street and the northwesterly street line of New Utrecht Avenue, a line midway between 71<sup>st</sup> Street and 72<sup>nd</sup> Street, and a line perpendicular to the southwesterly street line of 71<sup>st</sup> Street distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 71<sup>st</sup> Street and the northwesterly street line of New Utrecht Avenue;

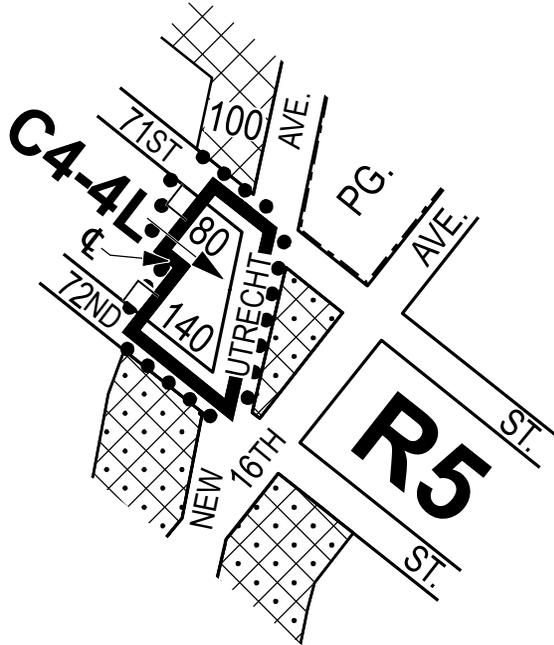
Borough of Brooklyn, Community District 11, as shown on a diagram (for illustrative purposes only) dated January 30, 2023, and subject to the conditions of CEQR Declaration E-704.

The above resolution (C 230001 ZMQ;), duly adopted by the City Planning Commission on June 7, 2023 (Calendar No. 9) is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**DAN GARODNICK, *Chair***

**KENNETH J. KNUCKES, Esq., *Vice Chairman***

**GAIL BENJAMIN, LEILA BOZORG, JUAN CAMILO OSORIO, ALFRED C. CERULLO, III, ANTHONY W. CROWELL, JOSEPH I. DOUEK, DAVID GOLD, Esq., LEAH GOODRIDGE, RASMIA KIRMANI-FRYE, ORLANDO MARÍN, RAJ RAMPERSHAD, *Commissioners***

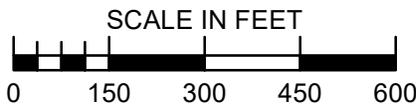


CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**22d**  
 BOROUGH OF  
**BROOKLYN**



New York, Certification Date:  
 January 30, 2023

S. Lenard, Director  
 Technical Review Division



**NOTE:**

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by eliminating a C2-2 District from an R5 District, and changing an R5 District to a C4-4L District.

Indicates a C1-2 District

Indicates a C2-2 District



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 7120 New Utrecht Ave Rezoning	
<b>Applicant:</b> Eli Gewirtz	<b>Applicant's Primary Contact:</b> Eli Gewirtz
<b>Application #</b> 230001ZMK	<b>Borough:</b>
<b>CEQR Number:</b> 23DCP002K	<b>Validated Community Districts:</b> K11

**Docket Description:**  
 IN THE MATTER OF an application submitted by 7120 New Utrecht LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

- eliminating from within an existing R5 District a C2-2 District bounded by 71st Street, New Utrecht Avenue, 72nd Street and a line 100 feet northwesterly of New Utrecht Avenue; and
- changing from an R5 District to a C4-4L District property bounded by 71st Street, New Utrecht Avenue, 72nd Street, a line perpendicular to the northeasterly street line of 72nd Street distant 140 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 72nd Street and the northwesterly street line of New Utrecht Avenue, a line midway between 71st Street and 72nd Street, and a line perpendicular to the southwesterly street line of 71st Street distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 71st Street and the northwesterly street line of New Utrecht Avenue; Borough of Brooklyn, Community District 11, as shown on a diagram (for illustrative purposes only) dated January 30, 2023, and subject to the conditions of CEQR Declaration E-704.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 22	<b># Against:</b> 1	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 38
<b>Date of Vote:</b> 4/3/2023 4:00 AM		<b>Vote Location:</b> Zoom Teleconference	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

<b>CONSIDERATION:</b> Community Board 11 opposed the rezoning from R5/C2-2 to C4-4L, the proposed bulk, height, density, infrastructure concerns, traffic, garbage, school capacity will negatively impact and alter the character of the surrounding area.		
Recommendation submitted by	BK CB11	Date: 4/7/2023 3:37 PM



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> 7120 New Utrecht Ave Rezoning	
<b>Applicant:</b> Eli Gewirtz	<b>Applicant's Administrator:</b> Eli Gewirtz
<b>Application #</b> 230001ZMK	<b>Borough:</b> Brooklyn
<b>CEQR Number:</b> 23DCP002K	<b>Validated Community Districts:</b> K11

**Docket Description:**

IN THE MATTER OF an application submitted by 7120 New Utrecht LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

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*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:**

Recommendation submitted by	BK BP	Date: 5/8/2023 9:11 PM
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**Brooklyn Borough President Antonio Reynoso**  
Brooklyn Borough Hall  
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
[calendaroffice@planning.nyc.gov](mailto:calendaroffice@planning.nyc.gov)

**Uniform Land Use Review Procedure (ULURP) Application**

7120 NEW UTRECHT AVE REZONING– C 230001 ZMK; N 230002 ZRK

Applications by 7120 New Utrecht LLC pursuant to sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

1. Eliminating from within an existing R5 District a C2-2 District bounded by 71st Street, New Utrecht Avenue, 72nd Street and a line 100 feet northwesterly of New Utrecht Avenue; and
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The requested actions would facilitate the development of a new 115,101 GSF (85,034 zoning square feet (ZSF) and 4.59 FAR), 9-story, 95-foot-tall mixed-use commercial and residential building on the project site. The proposed development would include 16,708 gross square feet of accessory parking at the cellar level, 11,828 gross square feet (11,651 ZSF and 0.63 FAR) of commercial uses (UG 6 local retail) on the ground floor, and 85,565 gross square feet (73,383 ZSF and 3.96 FAR) of residential uses from the second to the ninth floor. The building would contain approximately 100 dwelling units, 30 of which would be designated as affordable housing units permanently set aside at or below 80% AMI pursuant to MIH Option 2. The Proposed Development would include 35 enclosed residential accessory parking spaces, a mechanical and storage space, and a bicycle parking area at cellar level containing 52 spaces.

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

**RECOMMENDATION FOR: 7120 NEW UTRECHT REZONING - C 230001 ZMK; N 230002 ZRK**

The project site is well served by public transit, a chain grocery store, and several public and private schools that currently serve the community.

The applicant proposes to map a C4-4L zoning district in the project area. The C4-4L zoning district, with a residential equivalent of the R7A, is typically mapped along streets that are adjacent to elevated rail lines. The zoning district allows for an additional 15' setback to help with noise attenuation for the elevated rail line. This applicant site is located directly adjacent to an entrance to the D subway train, which operates express and local service, depending on the time of day. The proposed C4-4L also requires a 5' sidewalk widening along the street frontage along the elevated rail line.

Borough President Reynoso held a public hearing on this application on March 20, 2023. Four members of the public testified on this item, and an additional nine members of the public submitted written testimony. All testimony was in opposition to approving the project, citing concerns about how this project would change the neighborhood character.

**Community Board Position**

Community Board 11 voted to disapprove this application on April 3, 2023.

**Approval Rationale**

Borough President Reynoso believes the applicant's proposed zoning district and resulting development is appropriate. Being adjacent to an existing elevated rail, the proposed development at this location will have the least impact on neighborhood character, while simultaneously helping to address the housing shortage and create opportunities for privately financed income-restricted housing. The project development site is the epitome of transit-oriented development, and one would be hard-pressed to imagine a more ideal location for growth in this community district.

Community Board 11 highlights their concerns around "bulk, height, density, infrastructure concerns, traffic, garbage, and school capacity." The Borough President understands that no one development can undertake all infrastructure needs for an entire community district. These issues are complex and will require the City to responsibly allocate its limited resources to support housing growth in transit-rich areas.

**Recommendation**

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this application.



May 5, 2023

\_\_\_\_\_  
BROOKLYN BOROUGH PRESIDENT

\_\_\_\_\_  
DATE