

1417 Avenue U Rezoning
Brooklyn Community District 15
June 2025

Project Description

1. Introduction

1417 Avenue U Holding LLC (the “Applicant”) requests approval of the following actions in the Hillcrest neighborhood of Brooklyn Community District 15:

1. a zoning map amendment to change an existing R5/C1-3 zoning district to R5 and R7A/C2-4 zoning districts in the Outer Transit Zone in an area generally bounded by East 14th Street to the west, Avenue U to the south, East 15th Street to the east, and a line varying from 100 to 145 feet from Avenue U to the south, including Block 7319, Lots p/o 36, 37, 46, 47, 48, 51, 52, and p/o 53 (the “Rezoning Area”);
2. a zoning text amendment to ZR Appendix F: Mandatory Inclusionary Housing Areas (“MIH”) and former Inclusionary Housing Designated Areas for Community District 15, Brooklyn to establish the Rezoning Area as an MIH Area; and
3. a modification of a legal document, a restrictive declaration, recorded against Block 7319, Lot 37 (the “Development Site”) in connection with a prior zoning map amendment (C 790444 ZMK).

The proposed actions would facilitate the redevelopment of the Development Site with a new seven-story, mixed-use building with approximately 83,166 square feet of floor area and a floor area ratio (“FAR”) of 5.01. The proposed development would contain approximately 76 dwelling units, of which approximately 19 units would be permanently affordable pursuant to MIH, and approximately 11,374 square feet of commercial (local retail) floor area.

2. Background

The Rezoning Area was designated as an R5 zoning district with the enactment of the Zoning Resolution in 1961. A private application in 1979 (C 790444 ZMK, effective December 20, 1979) established a C1-3 commercial overlay within the Rezoning Area. The C1-3 district was mapped between East 14th Street and East 15th Street to a depth of 150 feet from Avenue U and was intended to facilitate the redevelopment of the site with a drive-through bank and accessory parking lot. A restrictive declaration was recorded against the Development Site requiring development of the drive-through in accordance with a specific site plan and traffic signage plan.

To the west of the Rezoning Area, the City-sponsored Special Ocean Parkway District Rezoning (C 930183 ZMK, effective August 3, 1993) changed portions of the Avenue U corridor west of Coney Island Avenue from R4 and R5 with C1-3 and C2-3 commercial overlays to R6A with C1-4 and C2-4 commercial overlays. The zoning map amendments were intended to expand opportunities for new housing development and to reduce the depth of the C1-3 and C2-3 commercial overlays to prevent commercial development on residential lots in areas of the Special Ocean Parkway District.

More recently, the Homecrest Rezoning (C 060129 ZMK, effective February 15, 2006) was a City-sponsored rezoning of an approximately 70 block area located to the east of the Rezoning Area along Ocean Avenue. The rezoning changed portions of the neighborhood from R6, C4-2 and C8-2 to R4-1, R5B, R7A, and C4-4A zoning districts. The zoning map amendments were intended to preserve the existing neighborhood scale and character with lower density and contextual zoning districts. The proposal preserved residential development options on selected wide streets with existing apartments buildings such as Ocean Avenue and Kings Highway as well as side streets near the Kings Highway subway station.

There have also been private applications near the Rezoning Area. The 2118 Avenue U Rezoning (C 230351 ZMK, effective July 18, 2024) changed an R4/C1-3 zoning district to R6A/C2-4 and R4 zoning districts to facilitate the development of a five-story, approximately 20,450-square-foot mixed-use development with ten dwelling units and ground-floor commercial

use. In 2007, the Sahara Restaurant Rezoning (C 050317 ZMK, effective September 25, 2007) changed existing R5, R5/C1-3 and R5/C2-3 districts to R6A/C2-3 and R6A/C1-3 zoning districts on portions of two blocks on the east side of Coney Island Avenue to the west of the Rezoning Area. The zoning map amendments were intended to facilitate the expansion of a two-story restaurant and catering hall.

3. Description of the Surrounding Area

The Rezoning Area is located in the Homecrest neighborhood of Brooklyn Community District 15. Land uses and built context within 600 feet of the Rezoning Area are generally a mix of one- and two-family residential and multi-family buildings ranging in height from two to four stories. Most buildings in the surrounding area were constructed in the 1920s and there are few new ground-up developments despite the strong need for new housing and income-restricted housing.¹

Commercial uses are generally located along Avenue U, a local retail corridor that runs east to west. Avenue U is considered a wide street at approximately 80 feet.² Commercial buildings range from single-story detached buildings to attached three-story buildings.

Mass transit options are accessible within the Surrounding Area. The Rezoning Area is located one block west of the Avenue U (Q) subway station and there are several bus lines that operate within the surrounding area, including the B3 (Bensonhurst – Bergen Beach), B49 (Manhattan Beach – Bedford-Stuyvesant), and B68 (Coney Island – Windsor Terrace), as well as the BM3 (Sheepshead Bay – Downtown/Midtown) express bus to Manhattan.

Land uses and built context within the surrounding area are generally consistent with underlying zoning. R5 is the only zoning district mapped in the surrounding area. R5 is a widely mapped, non-contextual district that often serves as a transition district between medium and lower density areas. R5 districts are intended for neighborhoods with an assortment of housing types and allow single- or two-family homes along with multi-family buildings. The district allows residential and community facility uses. The maximum residential FAR in R5 zoning districts for standard zoning lots is 1.5 and the maximum FAR for certain qualifying residential sites is 2.0.³ The maximum community facility FAR is 2.0. The maximum base height is 35 feet, and the maximum building height is 45 feet. Setbacks are required above the maximum base height. For qualifying residential sites, the base height is increased to 45 feet, and the maximum building height is increased to 55 feet. In the Outer Transit Zone, accessory off-street residential parking spaces are required for 35 percent of standard dwelling units, with a waiver if 10 or fewer spaces are required, and parking is not required for qualifying affordable housing units.

C1-3 commercial overlays are mapped along Avenue U within the R5 zoning district. C1-3 districts are commercial overlay districts mapped within residence districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors. When mapped with an R5 zoning district, C1-3 permits a maximum commercial FAR of 2.0, but commercial uses are limited to the first or second floors. Parking requirements vary by use. A parking waiver is available if the requirement is for 25 or fewer accessory spaces.

Open space resources in a around the Surrounding Area include Mellett Playground to the south and Kelly Park Playground to the north. Mellett Playground is a 1.06-acre neighborhood park

¹ Based on American Community Survey 2014-2018 5-Year Estimates for PUMA 4016, which is an approximation of Brooklyn Community District 15, approximately 48.4 percent of Brooklyn Community District 15 households are rent burdened. Source: <https://communityprofiles.planning.nyc.gov/brooklyn/15>

² ZR § 12-10 defines a wide street as any street 75 feet or more in width.

³ Per ZR § 12-10, a “qualifying residential site” is a zoning lot, or portion thereof in a in a C1, C2 or C4 District mapped within, or with a residential equivalent of, an R1 through R5 District that meets the following criteria: (i) the Commercial District in which the zoning lot is located, or a combination of Commercial Districts, extends continuously over an entire street frontage on the block and on at least one adjacent block, whether on the same or opposite side of the street, a Commercial District is mapped along the same street frontage; and (2) along the long dimension of the Commercial District in which the zoning lot is located, or a combination of Commercial Districts, not more than 50 percent of the length of the zoning lots located entirely within such Commercial District consists of zoning lots that were developed exclusively with single- or two-family residences, and such residences were also in existence as single- or two-family residences on December 5, 2024.

located on Avenue V between East 13th and East 14th streets. Kelly Park Playground is a 4.9-acre neighborhood park located on Avenue S between East 14th and East 17th streets.

The surrounding area is located within the Outer Transit Zone, where lower accessory residential parking requirements apply, and parking is not required for qualifying affordable housing. The area west of East 14th Street is located within a FRESH zone where discretionary tax incentives are available if a FRESH supermarket is constructed. There are no MIH Areas or Former Inclusionary Housing Designated Areas within the surrounding area.

4. Description of the Rezoning Area

The Rezoning Area is an approximately 24,500 square foot area comprised of all or portions of eight tax lots on Block 7319 including Lots p/o 36, 37, 46, 47, 48, 51, 52, and p/o 53. The Rezoning Area is generally bounded by East 14th Street to the west, Avenue U to the south, East 15th Street to the east, and a line 150 feet from Avenue U to the south. The Rezoning Area has approximately 200 feet of frontage on Avenue U, 100 feet of frontage on East 14th Street, and 145 feet of frontage on East 15th Street. The non-Applicant controlled properties within the Rezoning Area are described below.

Block 7319, Lot 36 is an approximately 2,000 square foot interior lot improved with a two-story, 2,904 square foot institutional use. Only a portion of Lot 36 is within the Rezoning Area.

Block 7319, Lot 46 is an approximately 2,000 square foot interior lot improved with a two-story, 2,080 square foot mixed-use building with commercial (retail) on the ground floor and one residential dwelling unit above.

Block 7319, Lot 47 is an approximately 2,000 square foot interior lot improved with a two-story, 2,080 square foot mixed-use building with commercial (retail) on the ground floor and one residential dwelling unit above.

Block 7319, Lot 48 is an approximately 4,000 square foot corner lot improved with a two-story, 6,400 square foot mixed-use building with commercial (retail) on the ground floor and two residential dwelling units above.

Block 7319, Lot 51 is an approximately 2,300 square foot interior lot improved with a two-story, 1,503 square foot single-family residential building.

Block 7319, Lot 52 is an approximately 2,025 square foot interior lot improved with a two-story, 1,503 square foot residential building with two dwelling units.

Block 7319, Lot 53 is an approximately 2,125 square foot interior lot improved with a two-story, 1,503 square foot residential building with two dwelling units. Only a portion of Lot 53 is within the Rezoning Area.

5. Description of the Proposed Development Site

The Development Site consists of Block 7319, Lot 37. It is an approximately 16,600 square foot corner and interior lot that is unimproved and cleared for development. It was previously improved with a single-story, approximately 9,346 square foot detached commercial building, which has been demolished. A portion of the Development Site was paved for unenclosed off-street accessory parking accessed by curb cuts on Avenue U and East 15th Street.

6. Description of the Proposed Development

The proposed actions would facilitate the development of a new seven-story, mixed-use building at the Development Site with approximately 83,166 square feet of floor area (5.01 FAR). The proposed development would have approximately 71,792 square feet of residential floor area with approximately 76 dwelling units. Pursuant to the MIH program, between 19 and 23 units would be permanently affordable pursuant to either MIH Option 1 or 2, respectively. The proposed development would have approximately 11,374 square feet of commercial (local retail) floor area on the ground floor. The proposed development would rise to a height of 75 feet (seven-stories). Open space for building residents would be provided on building rooftops.

Accessory off-street parking with 18 spaces would be provided in a cellar garage accessible from East 15th Street.

7. Actions Necessary to Facilitate the Project

The actions necessary to facilitate the proposed development are: (1) a zoning map amendment to change an existing R5/C1-3 zoning district to R5 (by reducing the depth of the existing commercial overlay) and R7A/C2-4 zoning districts within the Rezoning Area; and (2) a zoning text amendment to ZR Appendix F to establish the Rezoning Area as an MIH Area.

Zoning Map Amendment to R5 and R7A/C2-4 Zoning Districts

As noted above, the Rezoning Area is generally bounded by East 14th Street to the west, Avenue U to the south, East 15th Street to the east, and a line 145 feet from Avenue U to the south. The Rezoning Area has approximately 200 feet of frontage on Avenue U, 100 feet of frontage on East 14th Street, and 145 feet of frontage on East 15th Street.

R7A is a medium-density contextual residential district that typically produces high lot coverage, seven- to nine-story apartment buildings that blend with existing buildings in many established neighborhoods. R7A districts generally allow residential and community facility uses. No industrial/manufacturing uses are permitted within R7A districts. R7A districts permit a maximum residential FAR of 5.01, a maximum base height before setback of 85 feet, and a maximum permitted building height of 115 feet. Within the Outer Transit Zone, accessory parking is required for 15 percent of the standard residential units and not required for qualifying affordable units. Up to 15 accessory residential spaces may be waived.

When mapped with the proposed R7A zoning district, the proposed C2-4 commercial overlay allows local retail and service uses. The C2-4 overlay would be mapped to a depth of 145 feet on the eastern half of the blockfront and to a depth of 100 feet on the western half of the blockfront. Reducing the depth of the overlay on the eastern half of the blockfront from 150 feet to 145 feet and to 100 feet on western half of the blockfront discourages encroachment of commercial use into the midblock and is consistent with the existing residential context. Accessory parking requirements vary by use but are generally one space per 1,000 square feet of commercial use. Up to 40 accessory commercial spaces may be waived.

Zoning Text Amendment to ZR Appendix F

The proposed zoning text amendment would establish an MIH Area contiguous with the Rezoning Area. Within MIH Areas, all housing developments, enlargements, and conversions that meet the criteria set forth in the MIH program must comply with the requirements of MIH Option 1, Option 2, or Option 3 described below.

- Option 1: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.
- Option 2: 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.
- Option 3: 20 percent of the total residential floor area must be for housing units for residents with incomes averaging 40 percent of AMI and no direct subsidies could be used for these units except where needed to support more affordable housing.

In addition to options above, the City Council may elect to map Option 4 (except in Manhattan Community Districts 1-8), which requires that 30 percent of the total residential floor area must be for housing units for residents with incomes averaging 115 percent of AMI, with no units above 135 percent AMI; and no direct subsidies.

The Applicant proposes to map the Rezoning Area with both MIH Options 1 and 2. As such, a minimum of 25 percent of residential floor area (approximately 19 units) would be provided at an average of 60 percent of AMI with no unit at a level exceeding 130 percent of AMI. The MIH requirement ensures that a percentage of residential floor area in any future development within the MIH Area is permanently affordable.

Termination of Restrictive Declaration

As noted above, as part of the 1979 rezoning (C 790444 ZMK), a restrictive declaration was recorded against the Development Site in order to require development of a drive-through bank in accordance with a specific site plan and traffic signage plan. The proposed termination of the restrictive declaration would administratively remove this requirement and facilitate redevelopment of the site.

Land Use Rationale

The proposed zoning map amendment would allow for the production of new multi-family housing in Brooklyn Community District 15 on an underutilized site. While the Rezoning Area's existing R5 zoning designation permits multi-family housing, it has a low maximum residential FAR of 1.25 that severely limits the potential for new housing development. The proposed rezoning would facilitate new residential development, with the provision of permanently income-restricted housing, and ground floor commercial (local retail) or community facility use along Avenue U.

The proposed actions are appropriate because the Rezoning Area is located on a wide street with access to mass transit. The Rezoning Area is located on Avenue U, an 80-foot wide street. The Rezoning Area is well served by mass transit, including the Avenue U (Q) subway station as well as several local and express buses that provide direct service to Manhattan (BM3, B3, B49, B68).

The proposed R7A/C2-4 zoning district is consistent with the R7A and R7A/C1-3 zoning districts along Ocean Avenue four blocks to the east that were established as part of the Homecrest Rezoning (C 060129 ZMK, effective February 15, 2006) as well as the R6A, R6A/C1-4, and R6A/C2-3 zoning districts mapped along Avenue U and Coney Island Avenue four blocks to the west that was established as part of the Special Ocean Parkway District Rezoning (C 930183 ZMK, effective August 3, 1993) and the Sahara Restaurant Rezoning (C 050317 ZMK, effective September 25, 2007). These prior rezonings were intended to preserve the existing neighborhood scale and character while preserving and expanding opportunities for residential development on selected wide streets with existing apartments such as Avenue U.

The proposed zoning text amendment to designate the Rezoning Area as an MIH Area is consistent with the policy goals of the City's *Housing New York: A Five-Borough, Ten-Year Plan* and *Housing New York 2.0*, which set a goal for the preservation and/or creation of 300,000 income-restricted housing units by 2026. . There are only limited provisions near the Rezoning Area to promote the development of income-restricted housing. The proposed residential development would provide much-needed income-restricted residential units in an area in with a growing population and corresponding increase in demand for housing. According to the Department of City Planning's 2006 report *New York City Population Projections by Age/Sex & Borough*, the population of Brooklyn is anticipated to increase by an estimated 10.3 percent in the 30-year projection period. The population will increase from 2.46 million in 2000 to 2.71 million in 2040.⁴ As population in Brooklyn is expected to experience substantial and steady growth, additional housing is necessary to ensure adequate supply.

Moreover, according to the U.S. Census Bureau, 48.4 percent of households in Brooklyn Community District 15 are rent burdened, spending 35 percent or more of their income on rent.⁵ The proposed actions would facilitate the creation of approximately 78 dwelling units including between 20 and 23 permanently income restricted units per MIH Option 1 or 2, respectively, on an underutilized property in an area of Brooklyn with high demand for housing.

8. Conclusion

The proposed zoning map amendment and zoning text amendment are consistent with existing land uses and built context within the area surrounding the Rezoning Area, and further the objectives of the City's *Housing New York: A Five-Borough, Ten-Year Plan* and *Housing New*

⁴ *New York City Population Projections by Age/Sex & Borough, 2000–2040*, NYC Department of City Planning, December 2006.

⁵ Based on American Community Survey 2014-2018 5-Year Estimates for PUMA 4016, which is an approximation of Brooklyn Community District 15, approximately 48.4 percent of Brooklyn Community District 15 households are rent burdened. Source: <https://communityprofiles.planning.nyc.gov/brooklyn/15>

York 2.0. The existing R5 zoning designation within the Rezoning Area precludes the development of any substantive amount of new multi-family housing. The proposed rezoning reflects sound planning principles by replacing an R5/C1-3 district with R5 and R7A/C2-4 zoning districts to permit residential use at increased density in an appropriate, underutilized area located on a wide street with access to mass transit. The proposed actions would facilitate the development of a new mixed-use building with approximately 76 dwelling units, of which approximately 19 units would be permanently affordable pursuant to MIH, as well as new commercial (local retail) use.