



May 15, 2024 / Calendar No. 4

C 230351 ZMK

IN THE MATTER OF an application submitted by 2118 Avenue U LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-3 District bounded by Avenue U, East 22nd Street, a line 150 feet southerly of Avenue U, and East 21st Street;
2. changing from an R4 District to an R6A District property bounded by Avenue U, East 22nd Street, a line 100 feet southerly of Avenue U, and East 21st Street; and
3. establishing within the proposed R6A District a C2-4 District bounded by Avenue U, East 22nd Street, a line 100 feet southerly of Avenue U, and East 21st Street;

Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated February 5, 2024, and subject to the conditions of CEQR Declaration E-746.

This application for a zoning map amendment was filed by 2118 Avenue U LLC on May 19, 2023, to change an R4/C1-3 zoning district to R6A/C2-4 and R4 zoning districts. This application, in conjunction with the related action for a zoning text amendment, would facilitate the development of a five-story, approximately 20,450-square-foot mixed-use development containing 15,650 square feet of residential space with 10 dwelling units, approximately three of which would be income restricted, as well as approximately 4,800 square feet of ground-floor commercial space at 2118 Avenue U (Block 7354, Lot 8) in the Madison neighborhood of Brooklyn, Community District 15.

RELATED ACTION

In addition to the zoning map amendment (C 230351 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 230352 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area

BACKGROUND

The applicant seeks a zoning map amendment to change an R4/C1-3 zoning district to an R6A/C2-4 zoning district and to remove a C1-3 commercial overlay from an R4 zoning district, as well as a zoning text amendment to designate an MIH area coterminous with the proposed R6A/C2-4 zoning district. The proposed actions would facilitate the development of a new five-story, 20,450-square-foot mixed-use building, consisting of 16,650 square feet of residential floor area and 4,800 square feet of ground-floor retail space in the Madison neighborhood of Brooklyn, Community District 15. The proposed building would have a floor area ratio (FAR) of 3.41 and would include 10 dwelling units, three of which would be permanently income restricted.

The project area consists of multiple lots on the northern portion of Block 7354, bounded by 80-foot-wide Avenue U to the north, 60-foot wide East 21st Street to the west, and 60-foot wide East 22nd Street to the east. The applicant-controlled development site, Lot 8, is located on the southeast corner of East 22nd Street and Avenue U. Lots 1, 11, 71, 72, p/o 13, and p/o 70 make up the rest of the project area.

Lot 8 (2118 Avenue U) fronts along Avenue U and along East 22nd Street for a total lot area of approximately 6,000 square feet and is currently improved with a single-story commercial building of approximately 5,500 square feet (0.92 FAR) built in 1975 and currently contains a vacant storefront and vacant office space.

Lot 1 (2177 East 21 Street) fronts on Avenue U and along East 21st Street and contains a non-complying four-story walk-up, mixed-use building with approximately 46,000 square feet (3.29 FAR) built in 1926.

Lots 11, 71, 72, part of 13, and part of 70 (2130 East 22 Street, 2191 East 21 Street, 2189 East 21 Street, 2134 East 22 Street, and 2193 East 21 Street, respectively) are interior lots along East 21st and East 22nd Streets with 2,000 to 3,000 square feet of lot area and improved with two-story residences built in 1920.

The surrounding area is characterized by a mix of low- and medium-density residential and commercial uses. Avenue U is a neighborhood commercial arterial with a wide array of commercial uses. Ground-floor commercial uses across from the project area to the north of Avenue U include a deli, a diner, a bakery, a discount store, a law office, a beauty salon, a bank, and a cafe. Commercial uses within the project area include a nail salon, a jewelry store, a dessert shop, a tobacco shop, a meat market, and a clothing store. Along Avenue U, commercial uses are located within mixed-use buildings ranging from two- to five-stories, with taller buildings concentrated near Ocean Avenue. Ocean Avenue, a 100-foot wide north-south arterial, has a concentration of taller pre-war and 21st century apartment buildings. Other north-south streets in the area are generally 60 feet wide and contain two-story semi-detached and detached one- and two-family homes.

The surrounding area is mapped predominantly with R4, R4-1, R4/C1-3, R5, R5/C1-3, R6A, and R7A zoning districts. R4 and R5 districts are mapped along Avenue U and most north-south streets; R4 is mapped to the east of Ocean Avenue and R5 is mapped to the west of Ocean Avenue. Ocean Avenue is mapped with a mixture of R4-1, R6A, and R7A districts. R7A is mapped along all four corners of the intersection of Ocean Avenue and Avenue U and along the western frontage of Ocean Avenue, R6A is mapped along the eastern frontage of Ocean Avenue between Avenue U and Avenue T, and R4-1 is mapped along the eastern frontage of Ocean Avenue between Avenue U and Avenue V. The C1-3 commercial overlay is mapped along Avenue U.

R4 zoning districts are low-density non-contextual residential districts that allow residential and community facility uses. Residential buildings are permitted at an FAR of 0.75 with a maximum street wall height of 25 feet and a maximum building height of 35 feet. One off-street parking space is required per dwelling unit.

R4-1 zoning districts are also low-density residential districts with a maximum residential FAR of 0.75 and do not permit multifamily or attached buildings. The maximum street wall height is 25 feet and maximum building height is 35 feet. One off-street parking space is required per dwelling unit.

R5 zoning districts are low-density residential districts that permit a maximum residential FAR of 1.25, a maximum street wall height of 30 feet, and a maximum building height of 40 feet. One off-street parking space is required per dwelling unit.

R6A zoning districts are medium-density contextual residential districts that permit a maximum residential FAR of 3.0 and a maximum community facility FAR of 3.0. The maximum base height is 60 feet (65 feet with a qualifying ground floor) and the maximum building height is 70 feet (75 feet with a qualifying ground floor). Quality Housing regulations are mandatory in this district. Parking is required for 50 percent of market rate units and 15 percent of income-restricted units.

R7A zoning districts are medium-density contextual residential districts that permit a maximum residential FAR of 4.0 and a maximum community facility FAR of 4.0. The maximum base height is 65 feet (75 feet with a qualifying ground floor), and the maximum building height is 80 feet (85 feet with a qualifying ground floor). Quality Housing regulations are mandatory in this district. Parking is required for 50 percent of market rate units and 15 percent of income-restricted units.

When mapped within an R4 or R5 zoning district, a C1-3 commercial overlay permits a commercial FAR of 1.0 and allows a variety of retail, eating, and service establishments. Most commercial uses require one off-street parking space per 400 square feet of building area, with the requirement waived if less than 25 spaces are required.

The area is well-served by public transit. The project area is located five blocks (0.3 miles) to the east of the Avenue U Q train station at the intersection of Avenue U and East 16th Street, which provides service from the Upper East Side of Manhattan to Coney Island. The B3 bus provides service between Bensonhurst and Bergen Beach along Avenue U, and the B49 bus runs between Bedford-Stuyvesant and Manhattan Beach along Ocean Avenue, stopping 1 block (0.05 miles) from the project area. The BM3 also runs along Ocean Avenue and provides express bus service to Lower and Midtown Manhattan on weekdays and Saturdays.

Notable institutions in the area include Congregation Pri Eitz Chaim, located southwest of the site on Ocean Avenue between Avenue U and Avenue V, and St. Edmund Roman Catholic

Church and Elementary and Preparatory High School, located northwest of the site along Avenue T between East 19th Street and Ocean Avenue. PS 206 is situated one block southeast of the site on Gravesend Neck Road between East 22nd and East 23rd Streets.

Nearby open spaces include Galapo Playground, a 0.56-acre public park located 900 feet southeast of the project area. It is bounded by Gravesend Neck Road to the north, Avenue V to the south, East 24th street to the west, and Bedford Avenue to the east. Marine Park, a 530-acre park with nature trails and sports fields, is located 0.8 miles to the east of the project area.

In 2006, both frontages of Ocean Avenue, located one block west of the project area, were rezoned with the Homecrest Rezoning (C 060129 ZMK). Ocean Avenue from Voorhies Avenue at the south to Kings Highway at the north was rezoned from a largely R6 zoning district to a mix of R7A, R6A, and R4-1 zoning districts. The rezoning aimed to protect residential character in certain areas of the avenue and promote more contextual apartment development in appropriate locations. The intersection of Avenue U and Ocean Avenue was rezoned to R7A on all corners.

The proposed development is a new five-story mixed use building with 20,450 square feet of floor area (approximately 3.41 FAR), including 4,800 square feet of ground-floor commercial space and 10 residential units, of which at least three would be income-restricted pursuant to MIH. The building would have a base height of 45 feet rising to four stories along Avenue U and East 22nd Street and a 16-foot setback above the fourth floor with a maximum building height of 55 feet. Accessory parking is not required, as parking is waived where zoning requires 15 parking spaces or less on a lot. However, the applicant proposes 10 spaces of accessory parking in an underground garage that would be accessed via an existing 12-foot curb cut along East 22nd Street, with the northern edge of the driveway approximately 88 feet from Avenue U and East 22nd Street intersection. The first floor would contain a residential lobby, commercial area, and ramp down to the cellar parking garage. The second through fifth floors would contain a mix of six two-bedroom and four three-bedroom apartments.

In order to facilitate the proposed development, the applicant proposes a zoning map amendment to rezone the existing R4/C1-3 zoning district to an R6A/C2-4 zoning district within 100 feet of Avenue U. Between 100 and 150 feet south of Avenue U, the applicant proposes removing the

C1-3 commercial overlay and retaining the R4 zoning district. The applicant also seeks a zoning text amendment to designate a new MIH area coterminous with the proposed R6A/C2-4 zoning district.

When mapped with MIH, R6A zoning districts have a maximum residential FAR of 3.6, a maximum base height of 65 feet, and a maximum building height of 85 feet. While parking is required for 50 percent of market rate units and 15 percent of income-restricted units, developments may waive out of parking requirements when 15 or fewer spaces are required.

C2-4 commercial overlays allow for a variety of retail, eating, and service establishments. When mapped over an R6A district, a commercial FAR of 2.0 is permitted. Accessory parking for most commercial uses requires one space for every 1,000 square feet of commercial floor area and is waived where 40 or fewer spaces are required.

The applicant seeks a zoning text amendment (N 230352 ZRK) to Appendix F of the Zoning Resolution to make the project area applicable as a Mandatory Inclusionary Housing Area (MIH) area. Both Options 1 and 2 would be mapped which would require either 25% of the proposed new residential floor area to be made affordable to incomes averaging 60% AMI (Option 1) or 30% of the proposed new residential floor area to be made affordable to incomes averaging 80% AMI (Option 2). The applicant intends to comply with Option 1 of the program in the proposed development.

ENVIRONMENTAL REVIEW

This application (C 230351 ZMK), in conjunction with the application for the related action (N 230352 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 24DCP013K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on February 2, 2024. The Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials

and air quality (E-746). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (C 230351 ZMK), and its related action (N 230352 ZRK), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on March 15, 2018, pursuant to the New York State Waterfront Revitalization and Coastal Resource Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 20-190.

The action was determined to be consistent with the policies of the New York City Water Revitalization Program.

UNIFORM LAND USE REVIEW

This application (C 230351 ZMK) was certified as complete by the Department of City Planning on February 5, 2024 and duly referred to Brooklyn Community Board 15 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 application for a zoning text amendment (N 230352 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 15 held a public hearing on this application (C 230351 ZMK) and the related action (N 230352 ZRK) on February 27, 2024, and on that date, by a vote of 33 in favor, two opposed, and with none abstaining, the board adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 230351 ZMK), in conjunction with the related action (N 230352 ZRK), was considered by the Brooklyn Borough President, who held a public hearing on March 26, 2024, and on April 1, 2024, issued a recommendation to approve the application with the following conditions:

- “1) The residential floor area (FAR) and unit count in the proposed development is increased to take full advantage of the allowable FAR.
- 2) The applicant consider fully waiving the proposed parking, but at maximum, should not include more than six spaces.”

City Planning Commission Public Hearing

On April 3, 2024 (Calendar No. 1), the City Planning Commission scheduled April 17, 2024, for a public hearing on this application (C 230351 ZMK) and the related application for a zoning text amendment (N 230352 ZRK). The hearing was duly held on April 17, 2024 (Calendar No. 13). Two speakers testified in favor of the application, and none in opposition.

Speakers testifying in favor of the application included two members of the project team. The applicant’s representative presented an overview of the application, describing the surrounding neighborhood and zoning, as well as the goals of the project. He stated that this project is in context with the surrounding non-complying four- to five- story apartment buildings along Avenue U. He also highlighted that the project would provide much needed housing to an area that has seen little housing production, with a particular lack of affordable housing. The architect then presented details of the proposed development, noting resiliency features such as the proposed green roof and wet floodproofing in the cellar.

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

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 230351 ZMK), in conjunction with the related application for a zoning text amendment (N 230352 ZRK), is appropriate. These actions will facilitate the development of a five-story, 20,450-square-foot mixed-use building containing 10 dwelling units, three of which would be designated permanently income-restricted under Option 1 of the MIH Program, as well as approximately 4,800 square feet of ground-floor commercial floor area.

The Commission believes that the proposed density and height permitted by the proposed R6A/C2-4 district is appropriate at this location. Avenue U is an 80-foot wide, vibrant mixed-use neighborhood corridor which connects multiple subway lines to the west with the 530-acre Marine Park to the east. The proposed project area is 0.3 miles east of the Avenue U Q train subway station, while the B3 and B49 buses stop within a block of the project area to provide local service.

The Avenue U corridor consists of one-story commercial buildings, two- to three-story mixed-use walk-up buildings, and larger six- to seven-story apartment buildings, most with ground-floor commercial and community facility uses. Aside from portions of Ocean Avenue, much of the zoning districts along Avenue U and surrounding side streets have remained unchanged since 1961.

The current R4/C1-3 zoning district does not match the existing built environment and only allows limited new residential development with a maximum residential FAR of 0.75. The Commission believes that the proposed R6A/C2-4 zoning district is appropriate at this location. One existing four-story non-complying building adjacent to the development site will be brought closer to compliance with the proposed R6A district and the proposed district will facilitate a development of similar bulk and slightly increased height to the existing adjacent structure and other non-complying buildings along Avenue U.

The C2-4 commercial overlay will allow active uses on the ground floor. The presence of many commercial spaces within the existing C1-3 commercial overlay along Avenue U indicates that continued commercial development permitted by the C2-4 commercial overlay is appropriate. The Commission further believes that decreasing the depth of the commercial overlay at this location is appropriate given the residential character of buildings fronting on East 21st Street and East 22nd Street.

The Commission also believes that the applicant's proposed zoning text amendment for MIH (N 230352 ZRK) is appropriate. Although the applicant intends to comply with MIH Option 1, the applicant has requested to map both MIH Options 1 and 2 to maintain flexibility in their income-

restricted housing options. Pursuant to MIH Option 1, the proposed development plans to reserve 25 percent of the floor area for permanently income-restricted housing. This would result in approximately 3,900 square feet of income-restricted floor area, or approximately three permanently income-restricted units. These apartments would be available to households earning, on average, 60 percent of the AMI, providing much-needed income-restricted housing in a neighborhood that has seen little new income-restricted housing. From 2014 to 2022, only 14 new income-restricted units have been constructed for AMI levels below 120 percent in Brooklyn Community District 15. The proposed development is in line with the City's policy to develop income-restricted housing near transit, and the goals outlined in *Housing Our Neighbors: A Blueprint for Housing and Homelessness* (2022).

Regarding the conditions of the Borough President, including increasing the development's FAR to match the maximum allowed FAR under the proposed R6A district and either fully waiving parking or providing no more than six parking spaces, the Commission notes that these matters are beyond the scope of the requested actions. However, the Commission notes that any development using the maximum FAR allowed under the proposed zoning districts would be appropriate.

As for parking, the applicant is planning to provide 10 parking spaces where none are required since the small development size means they waive out of parking requirements. The applicant claims that this one-to-one ratio of parking spaces to dwelling units is necessary because of the local desire for additional parking. The Commission recognizes this rationale but generally supports reducing parking in developments located in walkable, transit-accessible areas.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on February 2, 2024, with respect to this application (CEQR No. 24DCP013K), 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 further amended by changing the Zoning Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-3 District bounded by Avenue U, East 22nd Street, a line 150 feet southerly of Avenue U, and East 21st Street;
2. changing from an R4 District to an R6A District property bounded by Avenue U, East 22nd Street, a line 100 feet southerly of Avenue U, and East 21st Street; and
3. establishing within the proposed R6A District a C2-4 District bounded by Avenue U, East 22nd Street, a line 100 feet southerly of Avenue U, and East 21st Street;

Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated February 5, 2024, and subject to the conditions of CEQR Declaration E-746.

The above resolution (C 230351 ZMK), duly adopted by the City Planning Commission on May 15, 2024 (Calendar No. 4) 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.

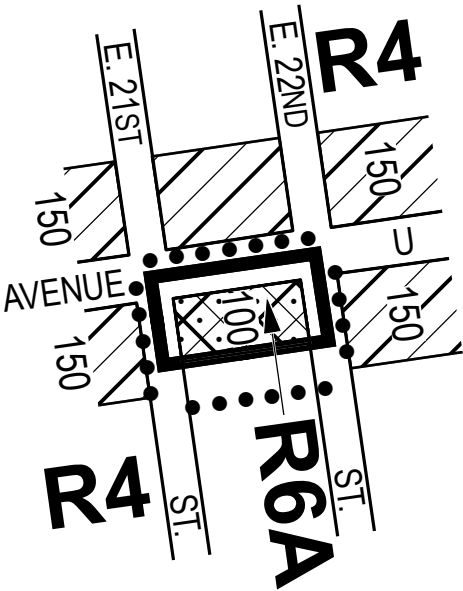
DANIEL R. GARODNICK, Esq., Chair

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

GAIL BENJAMIN, ALFRED C. CERULLO, III, ANTHONY CROWELL, Esq.,

LEAH GOODRIDGE, Esq., RASMIA KIRMANI-FRYE, ORLANDO MARÍN,

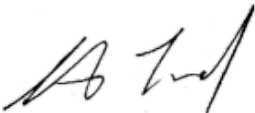
RAJ RAMPERSHAD, *Commissioners*

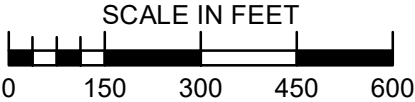


CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
29a
BOROUGH OF
BROOKLYN



New York, Certification Date:
February 05, 2024


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 C1-3 District from within an existing R4 District, by changing an R4 District to an R6A District, and by establishing a C2-4 District within the proposed R6A District.
-  Indicates a C1-3 District
-  Indicates a C2-4 District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 2118 Avenue U			
Applicant: 2118 Avenue U LLC		Applicant's Primary Contact: Eric Palatnik	
Application # 230351ZMK		Borough:	
CEQR Number: 24DCP013K		Validated Community Districts: K15	

Docket Description:

IN THE MATTER OF an application submitted by 2118 Avenue U LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-3 District bounded by Avenue U, East 22nd Street, a line 150 feet southerly of Avenue U, and East 21st Street;
2. changing from an R4 District to an R6A District property bounded by Avenue U, East 22nd Street, a line 100 feet southerly of Avenue U, and East 21st Street; and
3. establishing within the proposed R6A District a C2-4 District bounded by Avenue U, East 22nd Street, a line 100 feet southerly of Avenue U, and East 21st Street;

as shown on a diagram (for illustrative purposes only) dated February 5, 2024, and subject to the conditions of CEQR Declaration E-746.

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

RECOMMENDATION: Favorable			
# In Favor: 33	# Against: 2	# Abstaining: 0	Total members appointed to the board: 35
Date of Vote: 2/27/2024 12:00 AM		Vote Location: 2001 Oriental Boulevard, Room U112 Brooklyn, NY 11235	

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

Date of Public Hearing: 2/27/2024 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	2001 Oriental Boulevard, Room U112

CONSIDERATION: The Community Board felt that this proposal is a modest one, abutting a building of similar size.

Recommendation submitted by	BK CB15	Date: 3/5/2024 9:10 AM
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BOROUGH PRESIDENT RECOMMENDATION

Project Name: 2118 Avenue U	
Applicant: 2118 Avenue U LLC	Applicant's Administrator: Eric Palatnik
Application # 230351ZMK	Borough: Brooklyn
CEQR Number: 24DCP013K	Validated Community Districts: K15

Docket Description:

IN THE MATTER OF an application submitted by 2118 Avenue U LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-3 District bounded by Avenue U, East 22nd Street, a line 150 feet southerly of Avenue U, and East 21st Street;
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3. establishing within the proposed R6A District a C2-4 District bounded by Avenue U, East 22nd Street, a line 100 feet southerly of Avenue U, and East 21st Street;

as shown on a diagram (for illustrative purposes only) dated February 5, 2024, and subject to the conditions of CEQR Declaration E-746.

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

RECOMMENDATION: Conditional Favorable

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

CONSIDERATION: Please see attached memo for full comment

Recommendation submitted by	BK BP	Date: 4/1/2024 5:29 PM
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Brooklyn Borough President Antonio Reynoso

Brooklyn Borough Hall
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
calendaroffice@planning.nyc.gov

Uniform Land Use Review Procedure (ULURP) Application

2118 AVENUE U – C230351ZMK, N230352ZRK

IN THE MATTER OF a private application by 2118 Avenue U LLC for a zoning map amendment, and zoning text amendment to facilitate the development of a new four-story mixed-use building of approximately 20,450 square feet being sought at 2118 Avenue U in Sheepshead Bay, Community District 15, Brooklyn

BROOKLYN COMMUNITY DISTRICT 15

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: 2118 AVENUE U – C230351ZMK, N230352ZRK

The Project Area is along Avenue U, a mixed-use corridor within an R4 residential district in Sheepshead Bay in southern Brooklyn. This residential district allows for low-rise attached houses, small multifamily apartment houses, and detached and semi-detached one-and two-family residences. Avenue U is also mapped with a C1-3 commercial overlay, which allows for local retail uses but is governed by the bulk regulations of the R4 residential district. Much of this portion of Avenue U is overbuilt, with two- to four-story mixed-use buildings with high lot coverage far exceeding the 0.75 floor area ratio (FAR) allowed in R4 districts. The surrounding area also includes a higher density corridor along Ocean Avenue, which was mapped as R7A and R4-1 contextual districts in the 2006 Homecrest Rezoning.

The Project Area comprises seven lots. Two of these lots, including the proposed Development Site, are corner lots along Avenue U that include ground floor commercial uses. The applicant is proposing to rezone these lots to from R4/C1-3 to R6/C2-4. This change would legalize the existing building at the corner of Avenue U and E 21st Street and facilitate the development of a new four-story mixed-use development at the Development Site on the corner of Avenue U and E 22nd Street. The Development Site is currently a vacant one-story commercial storefront.

The other five lots in the Project Area are interior lots with two-story residential buildings fronting E 21st Street and E 22nd Street. The applicant is proposing to remove the existing C1-3 overlay to better reflect their residential character.

The proposed actions would facilitate the development of a four-story plus penthouse mixed-use development with 4,800 square feet of commercial floor area on the ground floor and 15,650 square feet of residential floor area. The proposed development would include 10 dwelling units, three of which would be affordable under Mandatory Inclusionary Housing (MIH) Option 1. The proposed development would have a FAR of 3.41, less than the 3.6 FAR permitted under the proposed R6 district.

The proposed development would include 10 accessory parking spaces in the cellar level, resulting in a 1:1 ratio of parking spaces to dwelling units. The Project Area is served by public transit, including the Q train at the Avenue U station six blocks to the west and the B3 bus route, which runs east-west along Avenue U. Despite the proximity to transit, the Project Area is located one block outside of the Transit Zone. The proposed parking is being voluntarily provided by the applicant; as the required parking is fewer than 15 spaces, the applicant has the option to waive out of parking requirements altogether.

Borough President Reynoso held a public hearing on this application on March 26, 2024. No members of the public testified or submitted written testimony.

Community Board Position

Community Board 15 voted to approve this application on February 27, 2024. While no conditions were included in the recommendation, the applicant has stated that they worked with the Community Board to come to an agreement on the size of the proposed development prior to the formal beginning of public review.

Approval Rationale

Borough President Reynoso believes the proposed actions are appropriate. The proposed R6 district better reflects the land uses and bulk already present along Avenue U and will provide sorely needed housing in a part of the borough where few units have been built. As such, this project is in alignment with the Housing Growth and Parking Demand Management framework of the Comprehensive Plan for Brooklyn, particularly Rec. 2.1.1(b), which supports proposed increases in density in areas where housing production has been lagging.

Borough President Reynoso believes the proposed development should be adjusted to fully take advantage of the proposed allowable FAR, include more residential units, and reduce the number of accessory parking spaces. During the public review process, the applicant stated that they had originally proposed a six-story building with 18 total units, five of which would be affordable under MIH. Borough President Reynoso requests that the applicant revert to this proposal. A six-story project would advance the Comprehensive Plan objective to support transit-oriented development, namely Rec. 2.2.4, which encourages developers to use all allowable FAR and seek parking waivers to maximize housing unit production near transit.

During the review session at the City Planning Commission (CPC), Chair Garodnick cited this application as an exemplar of two proposals in the forthcoming City of Yes for Housing Opportunity zoning text amendment. First, he cited this project as a case where a developer may choose to provide parking even when not required. Borough President Reynoso finds such a development scenario concerning; mixed-use, multi-family housing within a half-mile of transit should not have a 1:1 ratio of parking spaces to residential units. If such an outcome is possible under the banner of “transit-oriented” proposals, additional proposals such as maximum parking allowances and other transportation demand management strategies may be appropriate.

Second, the Chair cited this application as an example of the “town center zoning” proposal, wherein all lots within commercial overlays will be able to build up to five stories of residential floor area as-of-right. As discussed above, this is broadly aligned with the Borough President’s Housing Growth and Parking Demand Management framework in the Comprehensive Plan for Brooklyn. The Project Area for this application is on the cusp of the “transit node” and “residential core” areas illustrated in the framework, which call for higher residential density, concentration of accessible neighborhood facilities, and parking demand management strategies such as metered commercial parking and residential parking permits.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the conditions that:

- 1) The residential floor area (FAR) and unit count in the proposed development is increased to take full advantage of the allowable FAR.
- 2) The applicant consider fully waiving the proposed parking, but at maximum, should not include more than six spaces.



BROOKLYN BOROUGH PRESIDENT

April 1, 2024

DATE