



Brighton Beach Rezoning - Withdrawn

Overview

Update June 11, 2009:

On June 11th, 2009 the Department of City Planning withdrew its applications for the Brighton Beach rezoning (C 090284 ZMK and N 090285 ZRK).

At the request of Community Board 13, local civic groups and elected officials, the Department of City Planning proposes lower density and contextual zoning map changes and zoning text amendments for approximately 54 blocks located within the Brighton Beach neighborhood of Brooklyn. Under the current R6 zoning, development of tall apartment buildings without height limitation is permitted and has resulted in redevelopment of existing detached and semi-detached, one- and two-family homes with new construction ranging from 6-story apartment buildings to 13-story residential towers. The current rezoning proposal seeks to curb out-of-character development on residential side streets that are predominantly developed with lower-density homes while allowing for modest growth along wide avenues and commercial corridors and providing incentives for the creation of affordable housing.



The proposed lower density and *contextual zoning districts* – R4A, R5, R5D, R7A and C4-4A -- would protect the character of the neighborhood while providing modest growth opportunities and incentives for affordable housing along Ocean Parkway, Brighton Beach Avenue, Coney Island Avenue and Neptune Avenue.

Typical Neighborhood Character



Single family home in the bungalow area on 5th Street between Ocean View Avenue and Neptune Avenue



Semi-detached home on Brighton 13th Street between Brighton Beach ave and Ocean View



Two-Family Homes on Oceanview Avenue and Brighton 4th Street



Brighton Beach Avenue Commercial Corridor



Multi-family apartment buildings on Brighton 12th Street between Ocean View and Brighton Beach Avenue

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Existing Context and Zoning

Neighborhood Character

Brighton Beach is located in southwestern Brooklyn between the neighborhoods of Manhattan Beach and Coney Island and north of the Atlantic Ocean and the Reiglemann boardwalk in Community District 13. The proposed rezoning area contains approximately 54 blocks generally bounded by Ocean Parkway to the west, Shore Parkway to the north, Brighton Beach Avenue to the south and Corbin Place and Cass Place to the east.

The neighborhood of Brighton Beach was originally developed in the late 19th and early 20th centuries as a seaside resort and, following the establishment of full service to Manhattan on the Brighton Subway Line in 1920, it has evolved into a well-established residential neighborhood. The residential character of the area today is a mix of large apartment buildings located primarily along wide streets and commercial corridors ranging from four- to 12-stories; two- to four-story multi-family walk-ups and Single Room Occupancy dwellings (SROs); and lower-density residential areas developed with one-to three-family attached, semi-detached, and detached homes grouped on the narrow side streets between Brighton Beach Avenue and Neptune Avenue, and between Neptune Avenue and Shore Parkway.



Land Use Map - [View a larger image.](#)

Notable is a distinctive grouping of small, bungalow-style cottages located in the area generally bounded by Coney Island Avenue, Brighton 1st Street, Ocean View Avenue, and Neptune Avenue ("bungalow area"). This area was sub-divided and developed in the 1920s by Brighton-by-the-Sea Corp. on the former site of the Brighton Beach racetrack. These unusually small lots, typically measuring 40 x 40 feet, are arranged along narrow pedestrian lanes on the interiors of the blocks as well as on mapped streets.

Recent development in Brighton Beach, both new construction and expansion of existing buildings, has included residential, commercial, and mixed-use development. In the bungalow area, assembly of several characteristically small lots into development sites has resulted in construction that is both out of scale with the existing built context, and has the effect of isolating properties located along pedestrian lanes on the interiors of the blocks. The proposed rezoning would establish regulations to ensure that future development reflects the character of the area, while allowing for modest growth along wide avenues and commercial corridors and providing incentives for the creation of affordable housing.



Out of character development on Brighton 6th Street between Brighton Beach Avenue and Ocean View Avenue

The neighborhood includes a thriving commercial corridor along Brighton Beach Avenue located beneath the elevated B and Q subway line (with stops at Coney Island Avenue and Ocean Parkway), and also has retail stores along the Neptune and Coney Island Avenue corridors. In addition to subway access, the area is served by several bus lines connecting Brighton Beach to other neighborhoods in Brooklyn, as well as providing access to Manhattan, and the Shore Parkway provides auto access to local and regional highways.

Existing Zoning

The rezoning study area is currently zoned R6, with portions of two blocks covered by C8-1 districts in the northeastern corner of the neighborhood along Neptune Avenue. C1-3 and C1-2 commercial overlays are mapped on portions of Neptune Avenue, Coney Island Avenue, and the entirety of Brighton Beach Avenue. Additionally, much of the study area falls within the [Special Ocean Parkway District](#) and a [Quality Housing Study Area](#) covers much of the area west of the Brighton subway right-of-way and north of Brighton Beach Avenue.

[View the zoning comparison chart.](#)

R6

R6 is a [height factor](#) zoning district that currently covers all or part of



Existing Zoning Map - [View a larger image.](#)

each of the 54 blocks in the rezoning area. Residential and community facility uses (Use Groups 1-4) are permitted in R6 zoning districts, with no height limits and a maximum floor area ratio (FAR) of up to 2.43 for residential uses and 4.8 for buildings containing community facility uses. Off-street parking is required for 70% of the dwelling units. Developers may utilize the optional Quality Housing Program which permits up to 2.2 FAR with a maximum building height of 55 feet on narrow streets and up to 3.0 FAR with a height limit of 70 feet on wide streets. Under Quality Housing regulations off-street parking is required is for 50% of the dwelling units. In R6 districts, if fewer than five spaces are required off-street parking is waived. The current R6 zoning allows and has resulted in construction of 10-13 story tower buildings that are out of character with the predominant two- to four-story character of interior blocks within the Brighton Beach neighborhood.

C8-1

Portions of two blocks, or roughly 5% of the study area, are located in C8-1 zoning districts. The C8-1 districts are located at the north-eastern boundary of the study area along Neptune Avenue. C8-1 districts permit heavy commercial uses such as automotive sales and repair and gas stations. The maximum FAR allowed in C8-1 districts is 1.0, and building height is governed by the sky-exposure plane. One off-street parking space is required for every 200 square feet of general commercial use, with developments requiring fewer than 15 spaces eligible for a waiver of parking requirements.

C1-2 and C1-3 Commercial Overlays

There are commercial overlays permitting local retail uses mapped along Brighton Beach Avenue and portions of Coney Island Avenue and Neptune Avenue, covering portions of 28 blocks, or 51% of blocks in the study area. The C1 overlays allow small-scale retail and service shops needed in residential neighborhoods. The maximum FAR for commercial uses in the C1 overlay districts is 2.0. One off-street parking space is required for every 400 square feet of general commercial use in C1-3 districts, and for every 300 square feet in C1-2 districts. For developments in C1-3 districts that would require 25 or fewer parking spaces, off-street parking is waived, while C1-3 district regulations allow up to 15 spaces to be waived.

Special Ocean Parkway District

The purpose of the Special Ocean Parkway District (OP) is to promote and strengthen the scenic landmark designation of the corridor, maintain the character of the area, protect environmental quality, and promote the most desirable uses of land. The OP extends the full length of Ocean Parkway in Brooklyn, and includes the Brighton Beach study area north of Brighton Beach Avenue and west of Coney Island Avenue. Regulations applying to the OP include mandated 30-foot deep front yards along Ocean Parkway, and require planting and landscaping in these areas.

Additionally, limitations are placed on bulk for the construction and expansion of community facility buildings. In the Brighton Beach study area, for properties within the Special Ocean Parkway District, community facilities are limited to the residential bulk regulations of the underlying R6 district. However, the City Planning Commission may allow use of community facility bulk regulations by Certification that the development or expansion is not incompatible with surrounding development, and does not exceed the maximum community facility bulk allowed in the underlying zoning district.

Quality Housing Study Area

Quality Housing Study Areas were established along with the introduction of Quality Housing regulations in the city in 1987, and aim to preserve the scale and character of lower-density areas by limiting the use of the Quality Housing Program in several locations throughout the city. In Brighton Beach the Quality Housing Study Area is bounded by Brighton Beach Avenue to the south, Ocean Parkway to the west, Shore Parkway to the

north, and the Brighton Beach subway line to the east.

Within the Quality Housing Study Area, Quality Housing regulations may not be used on lots occupied by a 1,2 or 3 family detached or semi-detached home on a block where 70% or more of the block-fronts on both sides of the street are developed with such buildings. Development on these lots is limited to the R6 Height Factor regulations.

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Proposed Zoning

The proposed action would map [lower density](#) and [contextual zoning](#) districts at densities reflective of the existing neighborhood character with height limits that would prevent future out-of-scale development. Zoning text changes are also proposed to accomplish the goals of the rezoning. [View the zoning comparison chart.](#)

This rezoning proposal seeks to:

- Prevent future out-of-scale development;
- Establish finely-tailored regulations for the bungalow area;
- Reinforce neighborhood commercial corridors;
- Provide opportunities for housing development and incentives for creation and preservation of affordable housing.



Proposed Zoning Map - [View a larger image.](#)



Proposed Subdistrict Map - [View a larger image.](#)

The existing R6 zoning district would be replaced by R4A, R5, and R5D districts in the lower-density residential portions of the neighborhood, while R7A is proposed for more densely-built residential areas, wide streets, and commercial corridors. A C4-4A (R7A equivalent) commercial district is proposed for the Brighton Beach Avenue corridor between Ocean Parkway and Coney Island Avenue, and C2-4 commercial overlays are proposed for much of Coney Island Avenue, Brighton Beach Avenue east of Coney Island Avenue, and Neptune Avenue. In conjunction with this rezoning, the related zoning text amendment would make the [Inclusionary Housing](#) regulations applicable in the proposed for the C4-4A district and R7A districts to promote the creation of affordable housing. The proposal also includes zoning map and zoning text changes to the Special Ocean Parkway District (OP). A zoning map change extending the southern boundary of the OP is proposed to include both sides of Brighton Beach Avenue between Ocean Parkway and Coney Island Avenue. The text changes create two new sub-districts ([Subdistricts B and C](#)) that would apply finely-tailored urban design regulations to foster appropriately-scaled future development within the bungalow area; promote a lively retail streetscape along Brighton Beach Avenue and allow modification of standard bulk regulations due to proximity of the elevated train platform; and define special height and setback regulations along Ocean Parkway reflective of its unique character.

Proposed Zoning Map Changes

R4A

R4A is proposed for the bungalow area, encompassing all or part of nine blocks between Brighton Beach Avenue, Neptune Avenue, Brighton 1st Street, and Coney Island Avenue. R4A districts allow one and two-family detached homes with a maximum FAR of 0.9, including an attic allowance,

a maximum perimeter wall height of 21 feet and a maximum building height of 35 feet. A front yard with a minimum depth of 10 feet and at least as deep as an adjacent front yard is required, as well as two side yards totaling at least 10 feet with a minimum individual width of 2 feet. One off-street parking space per dwelling unit is required. The proposed R4A district is reflective of the existing built character of the bungalows.



Typical bungalow in the proposed R4A district on Brighton 3rd Street between Ocean View Avenue and Neptune Avenue.

A new sub-district within the Special Ocean Parkway District is also proposed for the bungalow area. To incentivize the establishment of a regular pattern of development in the bungalow area that minimizes isolation of existing homes located along the interior pedestrian lanes, the proposed sub-district would allow R5D regulations to apply to lots with a minimum depth of 70 feet and that front on a street.

R5

R5 is proposed for all or parts of five blocks in the rezoning area, fronting on Brighton 11th Street and Corbin Place. All housing types are permitted in R5 districts, with a maximum FAR of 1.25 (or 1.65 under R5 *Infill Zoning* provisions for predominantly built-up areas), a maximum street wall height of 30 feet and a maximum building height of 40 feet. A front yard with a minimum depth of either 10 or 18 feet is required. Detached residences require two side yards totaling 13 feet (5 foot minimum). All other residences require one side yard of at least eight feet. Parking spaces are required for 85 percent of dwelling units, and may be located in front of the building.



Typical R5 character on Brighton 11th Street between Ocean View Avenue and Cass Place.

R5D

R5D is proposed for all or part of 27 blocks in the rezoning area, covering the low-rise residential portions of the rezoning area. These areas are located on the narrow streets between Ocean Parkway, Brighton Beach Avenue, Neptune Avenue, and Coney Island Avenue; the rezoning area north of Neptune Avenue between Ocean Parkway and Coney Island Avenue; between Coney Island Avenue and Brighton 11th Street; and in parts of the area east of Brighton 11th Street. R5D districts permit all housing types. Maximum FAR for R5D development is 2.0 and there is a maximum permitted height of 40 feet, about four stories. A front yard is required with a minimum depth of five feet and must be as deep as an adjacent front yard, and side yards totaling a minimum of eight feet are required for detached homes (one side yard of a minimum of four feet is required for semi-detached development). Off-street parking spaces are required for 66 percent of dwelling units in a development and parking may not be waived. if more than one space is required.



Typical character in the proposed R5D district on Brighton 7th Street between Neptune Avenue and Banner Avenue

R7A

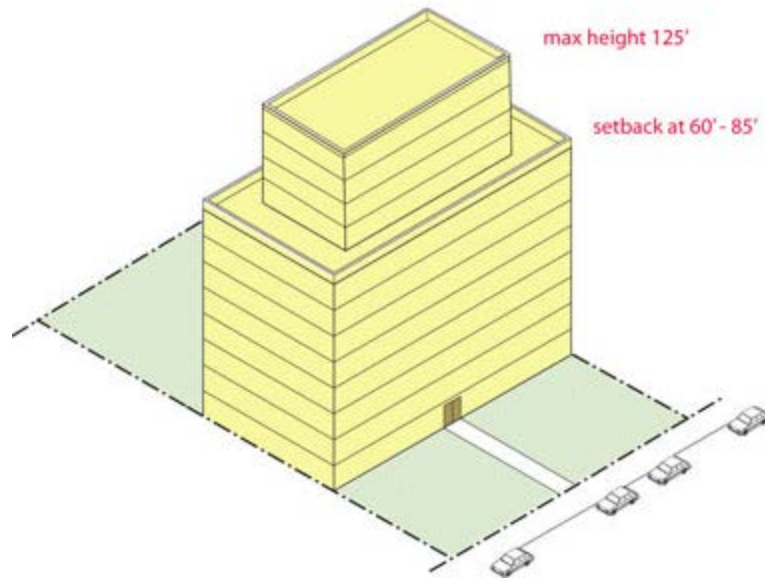
R7A is proposed for all or part of 23 blocks in the study area. Block frontages on Ocean Parkway, Neptune Avenue, Coney Island Avenue, and Brighton Beach Avenue east of Coney Island Avenue, are proposed for R7A to promote predictable development along the neighborhood's primary commercial corridors. Additionally, several blocks in the densely-built area east of Brighton 11th Street are proposed to be rezoned to R7A. R7A is a *contextual* district that allows residential and community facility buildings, with a maximum building height of 80 feet and a maximum base height of 65 feet. New residences would be required to provide one off-street parking space for 50 percent of the dwelling units.



Typical character in the proposed R7A district on Brighton 12th Street between Corbin Place Ocean

Also proposed is a zoning text amendment to permit an Inclusionary Housing bonus in R7A districts on the wide streets and commercial

corridors that would create incentives for the development and preservation of affordable housing. In the proposed R7A, there would be a maximum base FAR of 3.45 that could be increased up to 4.6 with the provision of affordable housing. The R7A contextual height limits would apply to new developments along Brighton Beach Avenue, Coney Island Avenue, and Neptune Avenue and densely-built areas east of Brighton 11th Street, while special height and setback regulations are proposed for R7A developments on Ocean Parkway. ([See Proposed Zoning Text Amendments](#)).

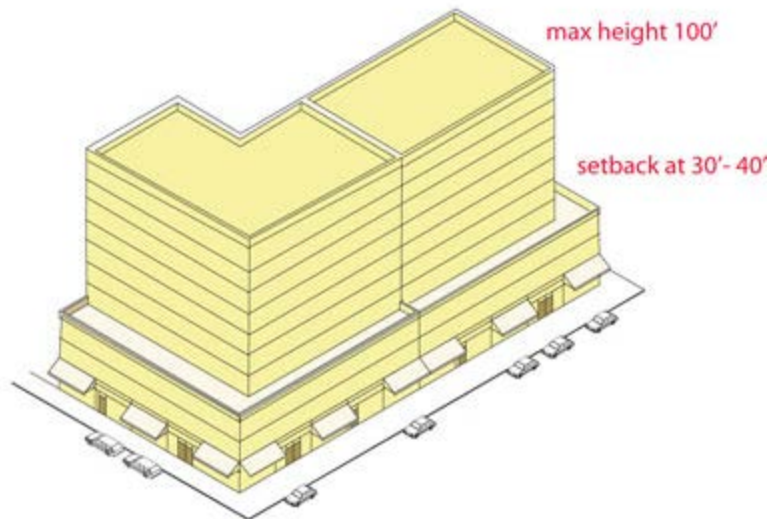


Special height and setback rules for R7A on Ocean Parkway

C4-4A

C4-4A is proposed for Brighton Beach Avenue between Ocean Parkway and Coney Island Avenue. C4-4A districts are regional contextual commercial districts that allow for a wider range of uses than the existing C1-2 overlay, and provide more flexibility in mixed-use building design because commercial use may be located above the ground floor in a mixed-use building. C4-4A districts allow residential, commercial and community facility development. Commercial and community facility development are limited to a maximum FAR of 4.0, while residential development not using the Inclusionary Housing bonus are limited to an FAR of 3.45. Residential developments are required to provide off-street parking spaces for 50 percent of the dwelling units. Most general commercial uses are not required to provide off-street parking spaces in C4-4A districts.

An extension of the Special Ocean Parkway District is also proposed to be mapped for the entirety of the proposed C4-4A district. The zoning text amendment will create a subdistrict of the SOPD with special controls relating to parking requirements, height and setback regulations, retail use, and ground-floor transparency. Also proposed is an Inclusionary Housing bonus in the C4-4A district that would create incentives for the development and preservation of affordable housing. For residential and mixed-use developments in the proposed C4-4A, a maximum base FAR of 3.45 that could be increased up to 4.6 with the provision of affordable housing. Recognizing the elevated train platform, buildings could rise to a maximum height of 100 feet, on a base of 30-40 feet in height.



Special height and setback rules for C4-4A on Brighton Beach Avenue

C2-4 Commercial Overlays

C2-4 Commercial overlays are proposed to be mapped along the neighborhood's other commercial corridors of Neptune Avenue, Coney Island Avenue and Brighton Beach Avenue east of Coney Island Avenue where C1-3 and C1-2 overlays exist today. In addition, new C2-4 commercial overlays are proposed for Neptune Avenue and Coney Island Avenue to allow for local retail uses where commercial uses exist today. For general commercial uses, one off-street parking space is required for every 1000 square feet of such use.


The proposed C2-4 commercial overlay districts have the same 2.0 maximum FAR for commercial use as the existing commercial overlays, but provide for a slightly broader range of commercial retail and service uses than the existing C1 districts.

The 150 foot depth of the existing commercial overlays along much of Brighton Beach Avenue, Coney Island Avenue and Neptune Avenue would be reduced to a depth of 100 feet to protect against the location of commercial uses in the midblocks.



Neptune Avenue retail corridor at Brighton 3rd Street

Proposed Text Amendments

 View the [proposed text amendment](#). In order to achieve the goals of the rezoning, several text amendments are proposed to the Zoning Resolution:

Inclusionary Housing Program

The Brighton Beach rezoning proposal applies the [Inclusionary Housing](#) program to the proposed R7A and C4-4A districts within the study area. The Inclusionary Housing program establishes incentives for the creation and preservation of affordable housing in conjunction with new development.

For residential development without an affordable housing component, the maximum FAR within the areas proposed to be rezoned to R7A or C4-4A would be limited to a base FAR of 3.45. Under the Inclusionary Housing program, a development providing affordable housing is eligible for a floor area bonus within the underlying contextual height and bulk regulations. Developments could qualify for a maximum FAR of 4.6 by providing 20 percent of the residential floor area in the



Proposed Inclusionary Housing Area - [View a larger image.](#)

development as permanently affordable housing for low- and moderate-income households. Affordable units can be provided either on-site or off-site. Off-site affordable units must be located within Community District 13 or within a half-mile of the bonused development if in a different community district. Other city, state and federal housing finance programs may be used to provide further assistance in creating affordable units. The combination of a zoning bonus with housing programs would establish a powerful incentive for the development and preservation of affordable housing in the Brighton Beach neighborhood.

Proposed Sub-districts within the Special Ocean Parkway District

Two new special sub-districts are proposed within the Ocean Parkway Special District. Proposed subdistrict B encompasses the bungalow area, while proposed subdistrict C extends along the Brighton Beach Avenue commercial corridor between Ocean Parkway and Coney Island Avenue.

Subdistrict B- Bungalow Area

The proposed subdistrict B includes special regulations that reflect the bungalow area.

- **Special Regulations for Streets:** In subdistrict B only public ways indicated on the proposed [Subdistrict B Street Map](#) would qualify as streets for the purposes of zoning.
- **Optional Provisions for R5D Development:** In subdistrict B, development would be allowed pursuant to R5D regulations, provided that the zoning lot has a minimum depth of 70 feet, and is located on a street as indicated in the Subdistrict B Street Map

Subdistrict C – Brighton Beach Avenue Commercial Corridor


The proposed subdistrict C seeks to protect the commercial character, enhance the streetscape on Brighton Beach Avenue and allow new development that recognizes the elevated train platform.

- **Height and Setback Provisions:** New developments and enlargements would be limited to a maximum height of 100 feet above curb level and would be required to set back a minimum of 10 feet from the street line at a minimum height of 30 feet and a maximum height of 40 feet.
- **Ground-Floor Use:** To promote retail continuity, new developments with frontage on Brighton Beach Avenue would be required to provide retail uses on the ground floor for a depth of at least 30 feet from the street line of Brighton Beach Avenue. Lobbies and entrances to off-street parking facilities would be allowed to occupy a maximum of 25% of the building width, or a maximum linear width of 20 feet, whichever is less. Off-street parking facilities may be located on the ground floor, provided that they are a minimum distance of 30 feet from the street line of Brighton Beach Avenue.
- **Off-Street Parking and Loading:** Developments on lots larger than 10,000 square feet would be required to provide off-street parking spaces for 50 percent of the dwelling units, and lots 10,000 square feet or smaller must provide parking spaces for 30 percent of the dwelling units. This constitutes an increase over typical C4-4A requirements that require off-street parking spaces for 30 percent of the dwelling units on lots between 10,000 and 15,000 square feet.
- **Location of Access to the Street:** Curb cuts would be prohibited on Brighton Beach Avenue.

If a zoning lot does not have access to a side street, a curb cut may be allowed via certification by the Chair of the City Planning Commission provided that the curb cut does not exceed 20 feet in width, and is the only possible location for access to the parking or loading facility.

- **Glazing/Transparency Requirements:** On the ground floor facing Brighton Beach Avenue, windows or other transparent treatment would be required for 70% of the surface area below a height of 10 feet.

Special Height and Setback Regulations for Ocean Parkway

New developments in the proposed R7A district on Ocean Parkway between Shore Parkway and Brighton Beach Avenue would be limited to a maximum height of 125 feet, with a minimum base height of 60 and a maximum base height of 85 feet.  [View map of height and setback area.](#)

Brighton Beach Rezoning - Withdrawn


Public Review

On January 20th, the Department of City Planning certified the [Uniform Land Use Review \(ULURP\)](#) application (C 090284 ZMK) for the Brighton Beach rezoning and referred the related non-ULURP text amendment (N 090285 ZRK) to begin the formal public review process

Milestone	Date
Department of City Planning Certification	January 20th, 2009
Community Board 13 Public Hearing	February 25th, 2009
Community Board 13 Disapproval	March 30th, 2009
Borough President Public Hearing	March 23rd, 2009
Borough President Conditional Approval	April 29th, 2009
City Planning Commission Public Hearing	May 6th, 2009
Application Withdrawn	June 11th, 2009

For more information about this proposal please contact the Brooklyn Office of the Department of City Planning at (718) 780-8280.

Related Notes

-  Items accompanied by this symbol require the [free Adobe Acrobat Reader](#).
- Brief explanations of terms in *green italics* can be viewed by [visiting glossary page](#). Words and phrases followed by an asterisk (*) are defined terms in the Zoning Resolution, primarily in Section 12-10. Consult the Zoning Resolution for the official and legally binding definitions of these words and phrases.