



Culver EI Rezoning - **Approved!**

Overview

Update October 27, 2010:

On October 27, 2010 the City Council adopted the Culver EI Rezoning with [modifications to the zoning map](#). [View the adopted zoning map](#) and [adopted text amendment](#). The zoning map and text changes are now in effect.

At the request of local elected officials, the Department of Housing Preservation and Development (HPD) and the Department of City Planning (DCP) are requesting approval of several actions to facilitate the Culver EI Proposal. The Proposal would map lower-, mid-density and contextual zoning districts on all or portions of seven blocks to recognize the existing mix of uses in the area and facilitate the development of 68 units of affordable housing and 48 accessory parking spaces for neighborhood community facilities on two parcels of city-owned land in the Greenwood Heights section of Brooklyn's Community District 12.



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The Proposal area is generally bounded by 36th Street on the north, 14th Avenue to the east, 40th Street to the south, and 12th Avenue to the west. The Proposal area includes two parcels of city-owned land which are part of the former right-of-way of the Culver Elevated Shuttle and which are proposed to be disposed of to facilitate the development of affordable housing and community facility parking as part of this project.

The proposed actions include: a zoning map amendment, a zoning text amendment to establish a Special Mixed Use District, an Urban Development Action Area and Project Designation, a disposition of two parcels of city-owned land, and special permits for development within or over a railroad or transit right-of-way.

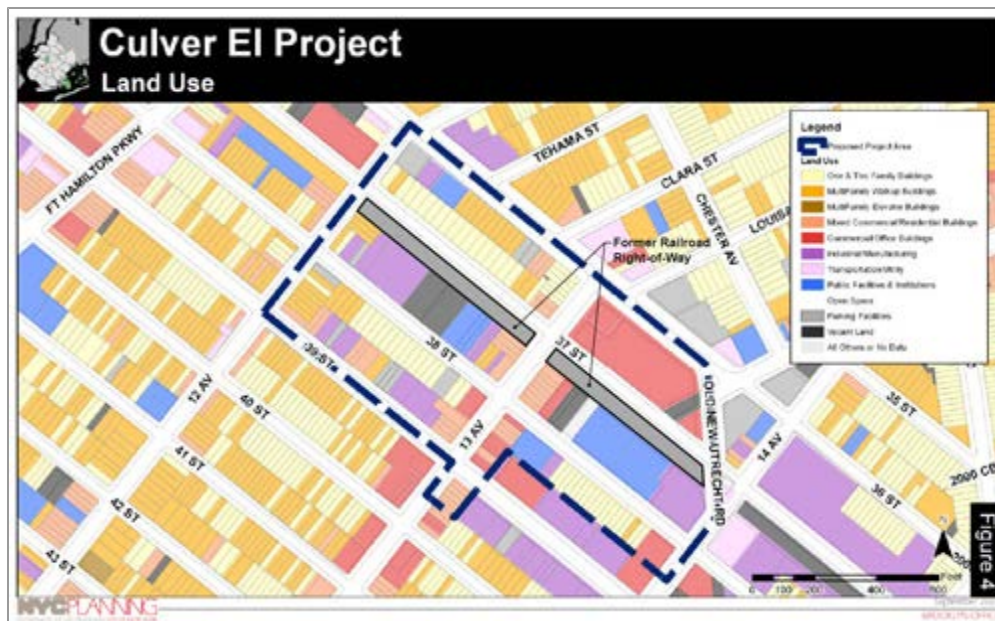
Concurrent with the review of these applications, the HPD-selected developer of the city-owned parcels proposes to file an application for a variance at the New York City Board of Standards and Appeals to seek relief from section 23-861 (General Provisions, Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and section 23-47 (Minimum Required Rear Yards) of the New York City Zoning Resolution.

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Existing Context & Zoning

Neighborhood Character

The rezoning area's surrounding neighborhood mostly consists of two- to three-story residential buildings with commercial uses on the ground floors and one-story commercial buildings along the main corridors of Fort Hamilton Parkway and 13th Avenue, and one- and two-family homes on side streets. The historic Greenwood Cemetery is located nearby, just west of Fort Hamilton Parkway. The Church Avenue Station on the F subway line provides access to this neighborhood. The area is also served by the B35 and B16 bus lines; the B35 line provides east-west access from 1st Avenue in Brooklyn to the intersection of New Lots Avenue and Hageman Avenue. The B16 line provides north-south access from the Q and B train station at Ocean Avenue and Empire Boulevard, through Borough Park to Bay Ridge.



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Within the rezoning area, residential uses are predominant and typically consist of one- and two-family detached or semi-detached homes of two and three stories, as well as groupings of rowhouses. Community facilities of four-to five stories dot the neighborhood and typically contain private religious schools and houses of worship.

Centered on the blocks between 37th and 38th Streets are commercial, light industrial and warehouse uses in high lot-coverage buildings, typically built to one- or two-stories. The number and variety of manufacturing uses in the area has decreased over the last decade and today only an assortment of companies that repair automobiles, manufacture religious goods and warehouse merchandise continue to exist. A large, one-story department store is also located within the rezoning area along 37th Street between 13th Avenue and Old New Utrecht Road.

13th Avenue is developed with three-story mixed use-buildings with ground-floor retail and residential or office uses above along both sides of the avenue. This pattern of development extends to the south where 13th Avenue becomes a main commercial corridor within the Borough Park neighborhood.

The Proposal area includes two 50-foot wide parcels of City-owned land located on the south side of 37th Street, between 12th Avenue and 13th Avenue, and between 13th Avenue and Old New Utrecht Road. These parcels are part of the right-of-way of the former BMT Culver Elevated Shuttle transit line and the ground-level South Brooklyn Railroad which ran south of 37th Street between Fort Hamilton Parkway and McDonald Avenue. Service on the elevated transit line was terminated in 1975 and on the ground-level railroad in the early 1980's. The elevated structure was demolished in 1985 and the New York City Transit Authority surrendered the right-of-way, a seven block, 50-foot wide strip of land to New York City. Since that time, portions of the right-of-way have been disposed of to community groups and private businesses for affordable housing, parking and for manufacturing and commercial uses. The two vacant parcels within the Proposal area are the last two remaining undeveloped portions of that former railroad right-of-way.



Semi-Attached Homes on the south side of 36th Street between 12th and 13th Avenues.



Semi-Attached Homes on the south side of 38th Street between 12th and 13th Avenues.



Former right-of-way of the Culver Elevated Shuttle and the Southern Brooklyn Railroad.



Thirteenth Avenue mixed use corridor.



Commercial Use at 13th Avenue 38th Street.



Manufacturing and commercial use on 38th Street, between 13th and 14th Avenues.



Retail and manufacturing uses on 39th Street, between 12th and 13th Avenues.



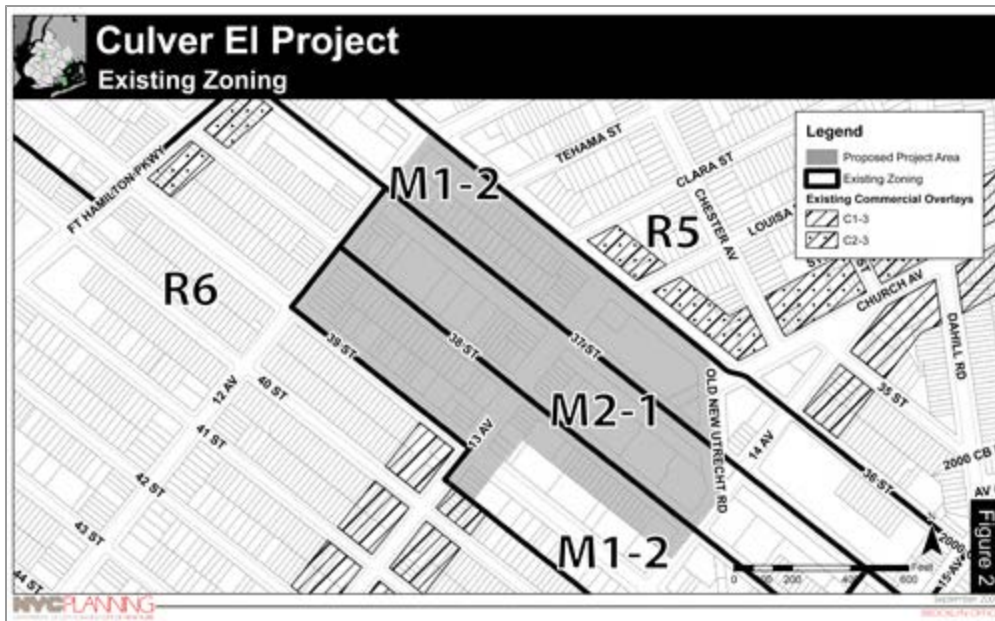
Mixed Uses on 38th Street between 12th and 13th Avenues.



Community Facility use on 38th Street between 13th and 14th Avenues.

Existing Zoning

Zoning districts within the rezoning area, which have been in place since the current Zoning Resolution was adopted in 1961, no longer accurately reflect the existing land uses in the area.



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M1-2

M1-2 districts are mapped over 71% (5 full or partial blocks), in two sections, of the 7 block rezoning area. M1-2 districts are low-intensity manufacturing districts. Today, this area is built with a variety of light industrial, commercial, and residential uses.

M1-2 districts permit only commercial, manufacturing, and certain community facility uses. M1-2 districts have a maximum *floor area ratio (FAR)* of 2.0 for commercial and manufacturing uses, and 4.8 for community facility uses. There is no maximum building height and building envelopes are controlled by the *sky exposure plane*. Off-street parking is required in the M1-2 district. The amount of required parking varies according to the size, use, and location of a development. New residential uses are not allowed.

M2-1

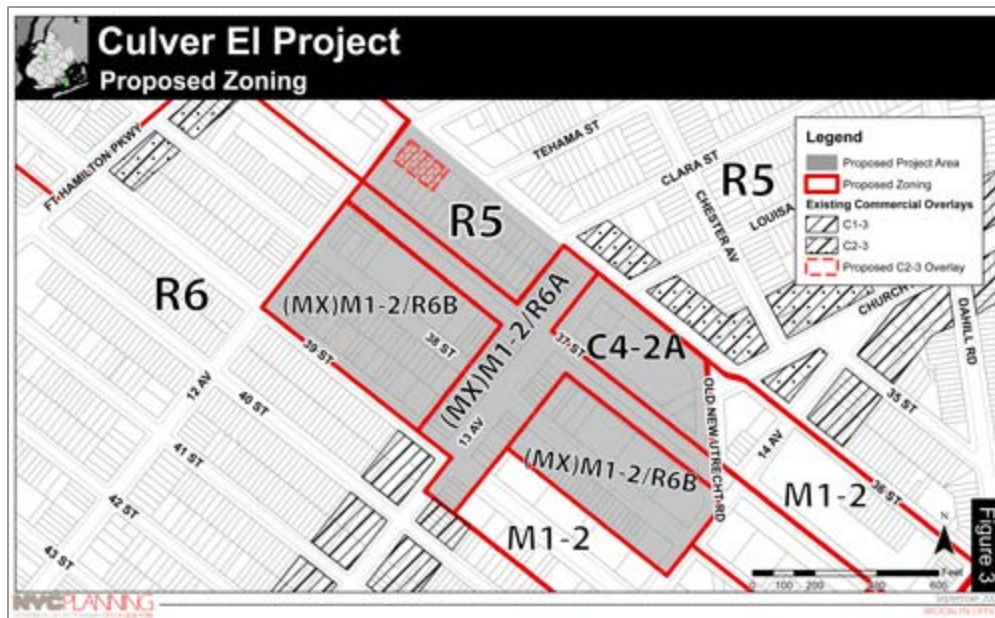
M2-1 districts are mapped over 29% (2 full blocks), between 37th Street and 38th Street, within the 7 block Proposal area. M2-1 districts are medium-intensity manufacturing districts. Today, this area is built with one-story commercial structures, warehouses, and community facilities permitted through application to the Board of Standards and Appeals for special permits.

M2-1 districts permit only manufacturing, and certain commercial uses. M2-1 districts have a maximum floor area ratio (FAR) of 2.0 for commercial and manufacturing uses. There is no maximum building height and building envelopes are controlled by the sky exposure plane. Off-street parking is required in the M2-1 district. The amount of required parking varies according to the size, use, and location of a development. New residential uses are not allowed.

Culver El Rezoning - **Approved!**

Proposed Actions

The proposed zoning districts, in conjunction with the proposed zoning text amendment, would more accurately reflect the existing mix of uses in the area. The proposed actions would bring non-conforming residential uses into conformance while continuing to allow commercial and light industrial uses to expand or locate in the rezoning area and protecting the scale and character of the neighborhood by instituting height limits. It would also provide opportunities for appropriately-scaled home expansions and new development on underdeveloped and vacant sites.



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[Land Use and Zoning Modifications Adopted by the City Council 10/27/2010](#)

R5

A R5 district is proposed for one block that is predominantly developed with detached and semi-detached one- and two-family homes but that is currently zoned M1-2, a designation which does not allow new residential uses. The rezoning would provide opportunities for appropriately-scaled home expansions and new development on underdeveloped and vacant sites. The proposed district is located between 36th Street on the north, 100 feet west of 13th Avenue on the east, 37th Street on the south, and 12th Avenue on the west.

The R5 district is a general residence district that allows all housing types with a maximum floor area ratio (FAR) of 1.25 for residential use and 2.0 for community facility uses. For detached buildings in R5 districts there is a minimum lot width of forty feet, and a minimum lot size of 3,800 square feet. For all other housing types, the minimum lot width is eighteen feet and the minimum lot size is 1,700 square feet. Ten foot front yards are required. Detached buildings are required to have two side yards that total thirteen feet in width, with each at least five feet wide. All other building types are required to have at least one side yard that is at least eight feet wide. Maximum building height is forty feet, with a maximum street wall height of 30 feet. Off-street parking is required for 85% of the dwelling units. In addition, developments utilizing the infill zoning provisions have a maximum FAR of 1.65 at a height limit of 33 feet.



Proposed R5 district located on the north side of 37th Street between 12th and 13th Avenues.

M1-2/R6B

The proposed zoning would map an M1-2/R6B district on portions of four blocks which are predominantly developed with three-story row houses, semi-detached homes, and one- and two-story commercial and light industrial establishments. These areas are currently zoned M1-2 and M2-1 which do not allow new residential uses. These areas are located:

- 50 feet to the south of 37th Street, to 100 feet west of 13th Avenue on the east, 39th Street on the south, and 12th Avenue on the west.
- 50 feet to the south of 37th Street, to 14th Avenue on the east, 100 feet north of 39th Street on the south, and 100 feet to the east of 13th Avenue on the west.

M1-2 districts permit commercial, manufacturing, and certain community facility uses to a maximum floor area ratio (FAR) of 2.0 for commercial and manufacturing uses, and 4.8 for community facility uses. There is no maximum building height and building envelopes are controlled by the [sky exposure plane](#). Off-street parking is required in the M1-2 district. The amount of required parking varies according to the size, use, and location of a development.

R6B is a [contextual district](#) that allows all housing types. Buildings can be built to a maximum FAR of 2.0 and must provide a base height of between 30 and 40 feet before setting back to a maximum height of 50 feet. The maximum lot coverage is 80 percent on corner lots and 60 percent on interior lots. The street wall must line up with that of an adjacent building and parking is required for 50 percent of dwelling units, but waived if five or fewer spaces are required.

Also proposed is a zoning text amendment to create a Special Mixed Use District that would allow for the development and preservation of mixed use buildings by pairing M1-2 zoning districts with R6B and R6A zoning districts. The proposed text amendment would alter use regulations and regulate the placement of uses within buildings that contain residential and commercial or light manufacturing uses. Buildings with only residential use or buildings with only commercial or manufacturing use would also be allowed. (See discussion below of [Proposed Zoning Text Amendment](#).)



Proposed M1-2/R6B district on the south side of 38th Street between 13th and 14th Avenues.

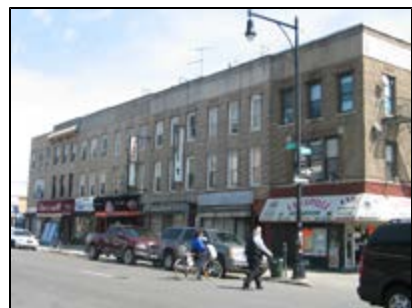


Proposed M1-2/R6B district on the north side of 39th Street between 12th and 13th Avenues.

M1-2/R6A

R6A districts are proposed for portions of 6 blocks currently zoned M1-2 and M2-1, and that are developed with medium-density, mixed-use buildings, three stories in height, and the remaining vacant, City-owned Culver El parcels. The proposed M1-2/R6A areas include:

- On the west side of 13th Avenue, to a depth of 100 feet, between 36th Street and 38th Street, including one parcel located south of 37th Street, between 12th Avenue and 13th Avenues, that would be mapped with M1-2/R6A to a depth of 50 feet.
- On the east side of 13th Avenue, to a depth of 90 feet, between 37th Street and 100 feet north of 39th Street, including one parcel located south of 37th Street, between 13th Avenue and 14th Avenues, that would be mapped with M1-2/R6A to a depth of 50 feet.



Proposed M1-2/R6A district on the east side of 13th Avenue between 37th and 38th Streets.

M1-2 districts permit commercial, manufacturing, and certain community facility uses to a maximum floor area ratio (FAR) of 2.0 for commercial and manufacturing uses, and 4.8 for community facility uses. There is no maximum building height and building envelopes are controlled by the sky exposure plane. Off-street parking is required in the M1-2 district. The amount of required parking varies according to the size, use, and location of a development.

R6A is a contextual district that allows all housing types. Buildings can be built to a maximum FAR of 3.0. The proposed R6A district has a maximum building height of 70 feet, with a base height of 40 to 60 feet. The street

wall must line up with that of an adjacent building and parking is required for 50 percent of dwelling units, but waived if five or fewer spaces are required.

Also proposed is a zoning text amendment to create a Special Mixed Use District that would allow for the development and preservation of mixed use buildings by pairing M1-2 zoning districts with R6B and R6A zoning districts. The proposed text amendment would alter use regulations and regulate the placement of uses within buildings that contain residential and commercial or light manufacturing uses. Buildings with only residential use or buildings with only commercial or manufacturing use would also be allowed. (See discussion below of [Proposed Zoning Text Amendment](#).)

C4-2A

A C4-2A district is proposed for one block that is currently developed with a two-story commercial building, a department store, and other commercial uses. This area is currently zoned M1-2, and is located to the south of 36th Street on the north, 14th Avenue on the east, 37th Street on the south, and 13th Avenue on the west.



Proposed C4-2A district on the north side of 37th Street, between 13th Avenue and Old New Utrecht Road.

The C4-2A district is a contextual district that allows regional and local commercial uses, all housing types and community facilities at a maximum FAR of 3.0 for all uses. The proposed C4-2A district has a maximum building height of 70 feet, with a base height of 40 to 60 feet. The street wall must line up with that of an adjacent building. Parking is required for 50% of any dwelling units and required commercial and community facility parking varies based on use. Parking is waived when fewer than 25 spaces are required for all uses on a zoning lot.

Residential development within C4-2A districts is governed by the R6A residential zoning district regulations.

C2-3 Overlay

A C2-3 commercial overlay is proposed to be mapped at the southeast corner of 12th Avenue and 36th Street. The overlay would be 80' deep to the south of 36th Street and 150' long, parallel to 36th Street. The overlay is intended to add commercial uses to a corner that has traditionally contained commercial and auto-related uses.

The proposed C2-3 commercial overlay has 1.0 FAR (within a R5 district) and provides for a slightly broader range of commercial retail and service uses than C1 districts (UG 1-9). In addition, the proposed C2-3 districts would have the same parking requirements for most commercial uses as the proposed M1-2 and C4-2A districts, requiring one parking space for every 300 square feet of commercial space.

Proposed Text Amendment

Special Mixed Use District

The Culver EI Proposal would add a [Special Mixed Use District](#) to the Zoning Resolution to specific areas within the proposed Proposal area (M1-2/R6A and M1-2/R6B districts), allowing a mix of uses that is reflective of the current conditions within the neighborhood. Certain manufacturing uses that would be harmful to the environmental quality of the neighborhood or dangerous to residents are not allowed. The text amendment would bring into conformance existing residential uses under either the R6A or R6B regulations, allowing homeowners to modestly expand their homes. Similarly, existing and new commercial or manufacturing buildings would continue to be allowed pursuant to the M1-2 zoning district regulations. New mixed residential and commercial/manufacturing buildings would also be allowed with rules limiting certain manufacturing uses and the location of those uses within mixed-use buildings.

Proposed Affordable Housing Actions

The Department of Housing Preservation and Development (HPD) is also requesting an Urban Development Action Area Project and Disposition of the last two city-owned parcels of the Culver Elevated right-of-way. HPD proposes to subdivide the two parcels, located south of 37th Street between 12th Avenue and Old New Utrecht Road, into fourteen separate zoning lots. A private developer would be selected by HPD to develop the zoning lots with seventeen 4-unit, 4-story apartment buildings that would contain 68 units of affordable housing. Additionally, three parking lots would be developed to house a total of 48 parking spaces for existing neighborhood community facilities.

As a former railroad and transit right-of-way, special permits are required for development on this land pursuant to Section 74-681 (section text). The special permits require the applicant to meet findings relating to the scale, bulk, and use of all new structures to ensure they are appropriate and similar in character to the surrounding neighborhood, and that local streets are able to handle the additional traffic expected due to the proposed development.

 [View the adopted text amendment.](#)

Culver EI Rezoning - **Approved!** Public Review

The Culver EI Proposal began formal public review on May 10, 2010 with the Department of City Planning's Certification of the [Uniform Land Use Review \(ULURP\)](#) applications (C 100345 ZMK and N 100346 ZRK, C 100347 HAK, C 100348 ZSK – C 100361 ZSK).

<i>Milestones</i>	<i>Target Dates</i>
Department of City Planning Certification	May 10, 2010
Community Board 12 Approval	June 22, 2010
Brooklyn Borough President Approval (with conditions)	July 26, 2010
City Planning Commission Public Hearing	July 28, 2010
City Planning Commission Approval (Read the CPC Reports).	August 25, 2010
City Council Approval (with modifications*)	October 27, 2010



Land Use and Zoning Modifications Adopted by the City Council 10/27/2010

[View a larger image.](#)


*City Council Modifications

On October 27, 2010, the City Council adopted the zoning map changes with two modifications located on the east side of the project area. The City Council changed a C4-2A district to a C8-2 district. The modified area includes one block generally bounded by 36th Street, Old New Utrecht Road, 37th Street, and 13th Avenue.

The City Council also changed a portion of a (MX)M1-2/R6B district to a M1-2 district. The area for this change includes portions of two blocks generally located 50 feet south of 37th Street, Old New Utrecht Road, 150 feet to the west of 14th Avenue and south to the midblock between 38th Street and 39th Street.

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.