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**IN THE MATTER OF** an application submitted by Allstar Homecare Agency, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an R5B District to an R6A District property bounded a line 320 feet southerly of Avenue P, West 10th Street, a line 100 feet northerly of Kings Highway, and a line midway between West 11th Street and West 10th Street, Borough of Brooklyn, Community District 11, as shown on a diagram (for illustrative purposes only) dated February 1, 2023 and subject to the conditions of CEQR Declaration E-710.

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This application for a zoning map amendment was filed by Allstar Homecare Agency, Inc. on June 20, 2022, to change an R5B zoning district to an R6A zoning district. This application, in conjunction with the related zoning text amendment (N 220286 ZRK), would facilitate the construction of a new six-story residential building containing 27 dwelling units, seven of which would be permanently income-restricted, located at 1656 West 10<sup>th</sup> street in the Bensonhurst neighborhood of Brooklyn, Community District 11.

### **RELATED ACTIONS**

In addition to the zoning map amendment (C 220285 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 220286 ZRK**            Zoning text amendment to Appendix F of the Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing (MIH) area.

### **BACKGROUND**

The applicant requests a zoning map amendment to change an R5B zoning district to an R6A zoning district and a zoning text amendment to create an MIH area coterminous with the project area. The project area is comprised of the development site (Block 6621, Lot 28), which is owned by the applicant, as well as two other lots that are not under the applicant's control (Block 6621, Lots 22 and a portion of 42).

The project area is located along the west-facing frontage of West 10<sup>th</sup> Street, on a block bounded by Avenue P to the north, Kings Highway and Quentin Road to the south, and West 11<sup>th</sup> Street to the west. West 10<sup>th</sup> Street serves as a primary north-south connection linking Avenue P to Kings Highway and Quentin Road. The project area encompasses the northeastern corner of Block 6621 at West 10<sup>th</sup> Street, a 60-foot-wide residential street, with a total area of 24,959 square feet. The project area has approximately 254 feet of frontage on West 10<sup>th</sup> Street. The development site (Lot 28) is a 7,000-square-foot lot occupied by a two-story adult day care facility. Lot 22 consists of a six-story multi-family residential building. Lot 42 contains a six-story mixed-use building with commercial ground floor retail and residential use above.

The project area is located in the Bensonhurst neighborhood of Brooklyn. Land uses within the surrounding area consist primarily of one-, two-, and multi-family residential buildings with a mix of community facilities and commercial uses. Commercial uses include restaurants and repair shops, while community facilities include day cares and public schools, such as Success Academy Bensonhurst and PS/IS 686 Brooklyn School of Inquiry. To the northeast, east, south and west, are primarily multi-family walk-up, single- and two-family homes, and elevator buildings ranging from two to four stories in height. Several commercial buildings and mixed-use residential and commercial buildings are concentrated on Kings Highway to the south.

The project area is well-served by public transit, located within the Transit Zone and within one quarter mile of the N line subway stop at Kings Highway, [direction] of the project area. The B82, B4, and B6 bus lines are within the project area on Kings Highway, Stillwell Avenue, and Bay Parkway, respectively, and provide service to Coney Island (running from Canarsie to Coney Island).

The surrounding area is located within R4-1, R5B, and R7A/C2-3 zoning districts, which were mapped as part of the 2005 Bensonhurst Rezoning (C 050296 ZMK). R4-1 is a low density, contextual residential zoning district that permits single- and two-family detached and semi-detached housing with a maximum height of 35 feet and a maximum floor area ratio (FAR) of 0.75. R5B is a low-density, contextual zoning district that allows detached, semi-detached, and

attached housing with a maximum permitted FAR of 1.35 and maximum building height of 33 feet. Within R5B zoning districts, off-street parking is required for 66 percent of the total units. R7A is a medium-density, contextual district that produces “Quality Housing” buildings on wide streets with a maximum floor area ratio (FAR) of 4.0 and a maximum height of 75 feet.

The applicant proposes to develop a new six-story mixed-use building with 27 dwelling units, seven of which would be permanently income restricted pursuant to MIH Option 1, as well as 8,109 square feet of community facility space located on the ground floor and cellar levels, which would be occupied by a new social adult daycare center. The proposed development would have a built FAR of 3.1 totaling 21,588 square feet of floor area, and would be designed with a base height of 60 feet with no setback. Ten accessory off-street parking spaces would be provided in a cellar and sub-cellar.

To facilitate the proposed development, the applicant requests a zoning map amendment to change an R5B zoning district to an R6A zoning district along the western frontage of West 10<sup>th</sup> Street, starting at a distance 100 feet north of Kings Highway and 320 feet south of Avenue P. R6A is a medium density contextual residential zoning district where Quality Housing regulations are required. When mapped jointly with Inclusionary Housing areas, R6A zoning districts allow a maximum FAR of 3.6 for residential uses. Base heights are permitted to be between 40 and 65 feet, after which buildings must set back either 10 feet on a wide street or 15 feet on a narrow street. The maximum height of buildings is 85 feet (eight stories) with a Qualifying Ground Floor. Parking is generally required for 50 percent of the dwelling units and optional for income-restricted units in the Transit Zone.

In addition to the proposed zoning map amendment, the applicant requests a zoning text amendment to Appendix F to designate the project area as an MIH area with Options 1 and 2. Option 1 requires that at least 25 percent of the residential floor area be provided as housing affordable to residents with household incomes averaging 60 percent of the Area Median Income (AMI), including a 10 percent band at 40 percent of the AMI. Option 2 requires that at least 30

percent of the residential floor area be provided as housing affordable to residents with household incomes averaging 80 percent of the AMI.

## **ENVIRONMENTAL REVIEW**

This application (C 220285 ZMK), in conjunction with the related application for zoning text amendment (N 220286 ZRK), were 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 23DCP014K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on February 10, 2023. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise impacts (E-710). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

## **UNIFORM LAND USE REVIEW**

This application (C 220285 ZMK) was certified as complete by the Department of City Planning on February 13, 2023 and duly referred to Brooklyn Community Board 11 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 220286 ZRK), which was referred for information in accordance with the procedures for non-ULURP matters.

## **Community Board Public Hearing**

Brooklyn Community Board 11 held a public hearing on this application (C 220285 ZMK) and the related actions for a zoning text amendment (N 220286 ZRK) on April 3, 2023 and, by a vote of 23 in favor, none in opposition, and none abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 220285 ZMK) and the related action for a zoning text amendment (N 220286 ZRK) on April 24, 2023, and on May 5, 2023 issued a recommendation to approve the application.

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

On April 26, 2023 (Calendar No. 3), the City Planning Commission scheduled a public hearing on this application (C 220285 ZMK) and the related zoning text amendment (N 220286 ZRK). The hearing was duly held on May 10, 2023 (Calendar No. 14). One speaker testified in favor of the application and one in opposition.

The applicant's attorney spoke in favor of the application, providing an overview of the proposal, project area, and surrounding context. The attorney explained that the application was strongly supported by both the community board and the borough president under the rationale that this proposal will add affordable housing to an area with access to mass transit while bringing the adjacent buildings into compliance under the new proposed zoning.

One member of the local community, a resident of West 11<sup>th</sup> Street, spoke in opposition to the application. She stated that her and other local residents have signed a petition to stop the application, noting that residents of West 10<sup>th</sup> and 11<sup>th</sup> streets were opposed because of concerns around increased density, traffic noise, and light and air pollution. She also raised concerns about the construction of the proposed development and the possibility that it could physically damage properties on neighboring West 11<sup>th</sup> Streets.

There were no other speakers and the hearing on this application was closed.

## CONSIDERATION

The Commission believes that this amendment to the zoning map (C 210332 ZMK), in conjunction with the related application for a zoning text amendment (N 210333 ZRK), is appropriate.

Together, these actions will facilitate the development of a new 25,158-square-foot, six-story mixed-use building with 21,588 square feet of residential floor area, including 27 permanently affordable apartments and 8,109 gross square feet of community facility space and 10 below-grade parking spaces at 1656 West 10<sup>th</sup> Street. The Commission believes that this proposal will facilitate new mixed-income housing in a walkable, transit-accessible area, while complementing the character of West 10<sup>th</sup> Street, and bringing adjacent pre-existing residential uses into compliance with zoning.

The Commission believes the proposed R6A zoning district is appropriate given the surrounding context and land use conditions. The project area is a suitable location to accommodate much-needed housing, situated near a subway station within a quarter mile and along several major bus routes, which provide access to major regional job centers such as Downtown Brooklyn and Lower Manhattan.

The Commission also recognizes that the uses within the project area are predominantly residential. The proposed zoning's bulk better matches the current residential character of the project area and will bring two existing six-story buildings into greater compliance with zoning. Further, the R6A zoning district will allow the existing older adult day care center within the development site to be rebuilt with additional space compared to its existing conditions. The R6A zoning district will help accommodate growth of more housing within this neighborhood.

The Commission believes that the zoning text amendment (N 220286 ZRK) to Appendix F to create a new MIH area coterminous with the project area is appropriate. The MIH area will ensure that a portion of future residential development be designated as permanently income restricted. The MIH text amendment is also aligned with citywide objectives outlined in *Housing*

*New York and Where We Live*, New York City’s HUD-mandated report that outlines goals and strategies to affirmatively further fair housing.

**RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on February 10, 2023 with respect to this application (CEQR No. 23DCP014K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

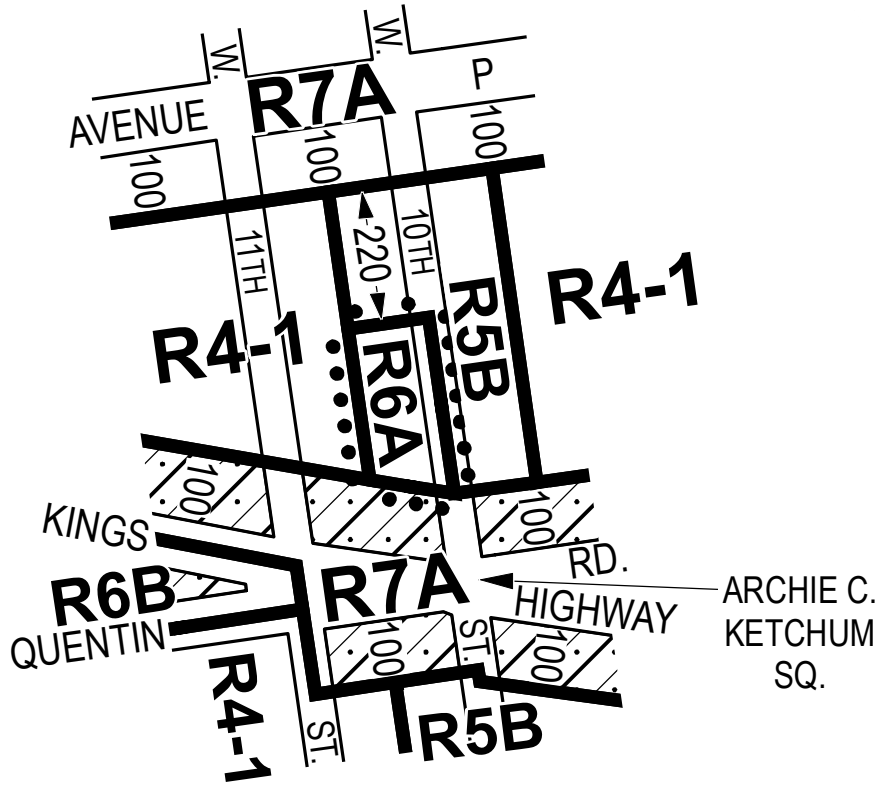
**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City Of New York, effective as of December 15, 1961, and subsequently amended, is further amended by changing the Zoning Map, Section No. 22d:

1. Changing from an R5B District to an R6A District property bounded a line 320 feet southerly of Avenue P, West 10th Street, a line 100 feet northerly of Kings Highway, and a line midway between West 11th Street and West 10th Street.

as shown on a diagram (for illustrative purposes only) dated February 1, 2023, and subject to the conditions of CEQR Declaration E-710.

The above resolution (C 220285 ZMK), duly adopted by the City Planning Commission on June 7, 2023 (Calendar No. 11), 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, LEILA BOZORG, ALFRED C. CERULLO, III,**  
**ANTHONY CROWELL, JOSEPH I. DOUEK, DAVID GOLD, Esq.,**  
**RASMIA KIRMANI-FRYE, ORLANDO MARIN,**  
**JUAN CAMILO OSORIO RAJ RAMPERSHAD,** *Commissioners*

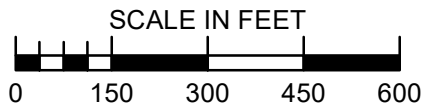


CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP




**22d**  
 BOROUGH OF  
**BROOKLYN**

New York, Certification Date:  
 February 13, 2023

*S. Lenard*  
 S. Lenard, Director  
 Technical Review Division



**NOTE:**

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is proposed to be rezoned by changing from a R5B District to an R6A District.
-  Indicates a C2-3 District





# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 1656 West 10th Street Rezoning	
<b>Applicant:</b> Allstar Homecare Agency Inc.	<b>Applicant's Primary Contact:</b> Jessica Kooris
<b>Application #</b> 220285ZMK	<b>Borough:</b>
<b>CEQR Number:</b> 23DCP014K	<b>Validated Community Districts:</b> K11

**Docket Description:**  
IN THE MATTER OF an application submitted by Allstar Homecare Agency, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an R5B District to an R6A District property bounded a line 320 feet southerly of Avenue P, West 10th Street, a line 100 feet northerly of Kings Highway, and a line midway between West 11th Street and West 10th Street, Borough of Brooklyn Community District 11, as shown on a diagram (for illustrative purposes only) dated February 13, 2023 and subject to the conditions of CEQR Declaration E-710.

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

<b>RECOMMENDATION: Favorable</b>			
<b># In Favor:</b> 23	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 38
<b>Date of Vote:</b> 4/3/2023 4:00 AM		<b>Vote Location:</b> Zoom Teleconference	

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

<b>Date of Public Hearing:</b> 3/10/2023 12:00 AM	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Il Centro, 8711 18 Avenue, Brooklyn, NY 11214

<b>CONSIDERATION:</b> Community Board 11 unanimously recommended approval of the application and calls upon the applicant to explore the feasibility of adding additional parking and additional sustainability options, and that garbage is contained within the building.		
Recommendation submitted by	BK CB11	Date: 4/7/2023 2:24 PM



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> 1656 West 10th Street Rezoning	
<b>Applicant:</b> Allstar Homecare Agency Inc.	<b>Applicant's Administrator:</b> Jessica Kooris
<b>Application #</b> 220285ZMK	<b>Borough:</b> Brooklyn
<b>CEQR Number:</b> 23DCP014K	<b>Validated Community Districts:</b> K11

**Docket Description:**  
 IN THE MATTER OF an application submitted by Allstar Homecare Agency, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an R5B District to an R6A District property bounded a line 320 feet southerly of Avenue P, West 10th Street, a line 100 feet northerly of Kings Highway, and a line midway between West 11th Street and West 10th Street, Borough of Brooklyn Community District 11, as shown on a diagram (for illustrative purposes only) dated February 13, 2023 and subject to the conditions of CEQR Declaration E-710.

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

**RECOMMENDATION:** Favorable

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

**CONSIDERATION:**

Recommendation submitted by	BK BP	Date: 5/8/2023 9:10 PM
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**Brooklyn Borough President Antonio Reynoso**  
Brooklyn Borough Hall  
209 Joralemon Street, Brooklyn, NY 11201

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

**Uniform Land Use Review Procedure (ULURP) Application**  
1656 WEST 10TH STREET REZONING – C220285ZMK; N220286ZRK

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

1. Changing from an R5B District to an R6A District property bounded a line 320 feet southerly of Avenue P, West 10th Street, a line 100 feet northerly of Kings Highway, and a line midway between West 11th Street and West 10th Street, Borough of Brooklyn Community District 11, as shown on a diagram (for illustrative purposes only) dated February 13, 2023 and subject to the conditions of CEQR Declaration E-710.

The proposed actions would facilitate the redevelopment of the proposed development site with a new mixed-use building with 6 stories, a cellar, and a sub-cellar. The building would contain 27 residential units; a social adult day care center, a residential lobby, and a vehicular elevator connecting to a subsurface accessory parking garage for residents; the cellar would contain part of the adult day care center, part of the garage, and building service and utility rooms; and the sub-cellar would contain part of the adult day care center, part of the garage, a bicycle storage room, and building service areas. There would be 945 sf of rooftop recreational space for building residents, and a 2,100 sf rear yard garden would be part of the adult day care center. The building would have 35,901 gsf of floor area (22,253 residential gsf, 8,109 community facility gsf, and a 5,539 gsf garage), of which 25,135 sf would count as zoning floor area (21,588 zsf of residential floor area and 3,547 zsf of community facility floor area). The FAR would be 3.59 (3.08 residential FAR and 0,51 community facility FAR). The building would be 65 feet tall, with no setbacks. The development would comply with Inclusionary Housing Program, and approximately 6 of the 27 units would be affordable. The curb cut would be at the northern end of the lot.

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

**RECOMMENDATION FOR:** 1656 WEST 10TH STREET REZONING – C220285ZMK; N220286ZRK

The applicant proposes to map an R6A zoning district over the project area. This zoning district is a contextual zoning district that requires buildings to be built to the street line and a setback is required from the street line above 65 feet. The R6A zoning district will be mapped adjacent to the R7A/C2-3 zoning district located at the corner of Kings Highway and West 10<sup>th</sup> Street. The proposed R6A zoning district reflects a carefully considered zoning district that will gradually increase density from the interior lots to the corner lots along West 10<sup>th</sup> Street.

The proposed development site is located two blocks away from the N Train entrance, which provides local and express subway service for the community. The development site is also served by the B82 and express SBS-B82 along Kings Highway.

Borough President Reynoso held a public hearing on this application on April 24, 2023. No members of the public testified on this item, 14 members of the public submitted written testimony, and an additional 52 members of the public signed a petition opposing the proposed application. All testimony was in opposition to approving the project. Concerns were focused primarily on quality-of-life issues.

**Community Board Position**

Community Board 11 voted to approve this application on April 7, 2023. Community Board 11 supports the application, but requests that the applicant explore adding additional parking, sustainability measures, and containerized garbage located within the proposed development.

**Approval Rationale**

Borough President Reynoso believes the applicant’s proposed rezoning would result in an appropriate development project. The site is appropriate for added density with its close proximity to mass transit. The proposed development would add needed affordable housing and replace the existing community facility use at the site with a new senior day care center, and would bring the existing buildings on the two adjacent lots into compliance with zoning bulk regulations.

**Recommendation**

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



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

May 5, 2023

\_\_\_\_\_  
DATE