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**IN THE MATTER OF** an application submitted by Osborn Belmont Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d:

1. eliminating from within an existing R6 District a C1-3 District bounded by a line midway between Pitkin Avenue and Belmont Avenue, Watkins Street, a line 100 feet northerly of Belmont Avenue, Osborne Street, Belmont Avenue, and Thatford Avenue;
2. changing from an R6 District to an R7A District property bounded by a line midway between Pitkin Avenue and Belmont Avenue, Watkins Street, a line 100 feet northerly of Belmont Avenue, Osborne Street, Belmont Avenue, and Thatford Avenue;
3. changing from a C4-3 District to an R7A District property bounded by a line 100 feet southerly of Pitkin Avenue, Watkins Street, a line midway between Pitkin Avenue and Belmont Avenue, and Osborne Street; and
4. establishing within the proposed R7A District a C2-4 District bounded by a line midway between Pitkin Avenue and Belmont Avenue, Osborne Street, a line 100 feet southerly of Pitkin Avenue, Watkins Street, a line 100 feet northerly of Belmont Avenue, Osborne Street, Belmont Avenue, and Thatford Avenue;

Borough of Brooklyn, Community District 16, as shown on a diagram (for illustrative purposes only) dated April 24, 2023, and subject to the conditions of CEQR Declaration E-715.

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This application for a zoning map amendment (C 220438 ZMK) was filed by Osborn Belmont Properties LLC on December 8, 2022. This application, in conjunction with the related actions, would facilitate the development of two, new seven-story developments, totaling approximately 210,000 square feet, with approximately 200 dwelling units and 34,000 square feet of retail space.

#### **RELATED ACTIONS**

In addition to the zoning map amendment (C 220438 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**BACKGROUND**

Osborn Belmont Properties LLC proposes two land use actions to facilitate the development of two, new seven-story developments, totaling approximately 210,000 square feet, with approximately 200 dwelling units 34,000 square feet of retail space.

The project area comprises the development site and non-applicant-owned lots on two blocks centered around the intersection of Belmont Avenue and Osborn Street. One of the blocks, Block 3523, is located to the west of Osborn Street, and the other, Block 3524, is located to the east. The project area is bounded by Watkins Street, Belmont Avenue, Pitkin Avenue and Thatford Avenue. Three of the streets, Watkins Street, and Belmont and Thatford avenues are narrow streets (60 feet wide) per zoning. Pitkin Avenue is a wide street (80 feet wide).

On Block 3523, the project area consists of the western portion of the development site. The applicant-owned lots 26, 27, 28, 30, 32, 33, and 127, as well as non-applicant-owned lots (37, p/o 106, 105, 104, 103, 102, 101, p/o 111 and 112).

Lots 26, 27, 127, 28, and 32 are applicant-owned interior lots improved with a group of interconnected one- and two-story buildings that are occupied by a supermarket (1.48 FAR) called the People’s Choice Market. Lot 30 is a 3,300-square-foot corner lot improved with a one-story (1.0 FAR) commercial building with two commercial spaces, one is vacant and one occupied by a print lab. Lot 33 is an interior lot with an area of 10,000 square feet. It is improved with a one-story commercial building that occupies the entire lot (1.0 FAR) and is occupied by a recently constructed discount variety store.

Lot 37 is a non-applicant-owned corner lot at the intersection of Belmont and Thatford avenues. It has a lot area of 5,000 square feet and is improved with a one-story commercial building occupied by a C-Town grocery store (approximately 1.0 FAR). Lots 106, 105, 104, 103, 102, 101, 111 and 112 are interior lots. Each lot has an area of 1,875 square feet and is improved with a three-story multifamily residential building built in 2007. Each building is approximately 1.5 FAR and contains three dwelling units.

On Block 3524, the project area consists of the eastern portion of the development site, comprised of several interior lots (1, 2, 3, 4, 5, 6, 7, 25, 26, and 36) owned by the applicant, as well as a few non-applicant-owned lots (8, 19, 20, 21, and 23). Lot 1 is unimproved with an area of 2,500 square feet that is used for parking. Lots 2 and 3 are 2,500-square-foot lots improved with pre-fabricated, one-story metal sheds with a 0.8 and 0.87 floor area ratio (FAR), respectively, used for storage. Lot 4 has a lot area of 2,500 square feet and is improved with a two-story warehouse building (0.56 FAR) that is currently vacant. Lots 5, 6, and 7 are 2,500-square-foot lots with parking spaces that are accessory to the adjacent fish market on Lot 4. Lot 25 is an unimproved, 2,500-square-foot lot with shipping containers stacked on concrete pads. Lot 26 is an unimproved, 2,500-square-foot lot used for parking and storage in connection with Lot 1. Lot 36 is part of the development site but not the project areas, it has a lot area of 750 square feet and is improved with a one-story warehouse building (1.0 FAR).

Lot 8 is a 2,500-square-foot parking lot owned and used by the Antioch Church, located at 130 Watkins Street. Lot 19 has an area of 2,650 square feet and improved with a three-story house of worship (3.0 FAR) built in 1930. Lot 20 is a 2,500-square-foot lot improved with a one-story vacant building (1.0 FAR). Lot 21 is a 5,000-square-foot lot improved with a one-story commercial building that is set back from the street to permit at grade parking for approximately eight vehicles. This building contains 1,940 square feet of floor area (0.39 FAR) and is currently occupied by a live poultry shop. Lot 23 is a 4,850-square-foot interior lot improved with a two-story community facility building occupied by the Charity Baptist Church of Christ (1.61 FAR).

The land use in the surrounding area is predominantly commercial and residential, characterized by two-story one- and two- family homes, one- and two- story commercial buildings, three- and four-story mixed use buildings with ground floor retail, and multi-family residential buildings, including three- to four story walk-up apartments and, seven- to 24-story New York City Housing Authority (NYCHA) buildings, located to the north, east, and south of the project area and representing one of the largest concentrations of NYCHA properties in Brooklyn. In addition, a fire station is located one block northeast of the project area, the Brownsville Branch of the Brooklyn Public Library is one block to the north, and the U.S. Post Office is located two

blocks southwest. The Crossroads Juvenile Detention Center is located two blocks northwest of the project area and medical clinics are located on Rockaway Avenue, Mother Gaston Boulevard, and Pitkin Avenue. Directly north of the project area is Pitkin Avenue, which runs east to west, and has historically served as a major walkable commercial corridor for the surrounding area. Since 1993, the Pitkin Avenue Business Improvement District has nurtured this commercial corridor, providing sanitation, marketing, and beautification along Pitkin Avenue directly to the north of the project area. To the east of the project area is the East New York Industrial Business Zone (IBZ).

The project area is in a Transit Zone, served by the B14 bus line connecting Crown Heights, Brownsville, and East New York, and the L train subway station located at Sutter Avenue, half a mile to the east. The Rockaway Avenue 3 train subway station is located roughly two thirds of a mile south the project area and the Long Island Railroad (LIRR) East New York Station is roughly two thirds of a mile to the northwest.

Open space resources include two parks located within the surrounding area: Carter G Woodson Children's Park which is approximately .9 acres is located three blocks to the east of the project areas; and Dr. Green Playground which is approximately 1.8 acres is located two blocks to the south of the project areas.

The portion of the project area within 200 feet of Belmont Avenue is in an R6 zoning district with a C1-3 commercial overlay. The portion of the project area that is beyond 200 feet from Belmont Avenue falls within the C4-3 zoning district that extends to the north and west of the project area along portions of Pitkin Avenue and Rockaway Avenue. The area to the east and south of project area is in an R6 zoning district with C1-3 and C2-3 overlays. The R6 district is a medium-density residential district where buildings may comply with either Height Factor or Quality Housing regulations. Under height factor regulations, the maximum FAR for residential in R6 districts ranges from 0.78 to 2.43 with height controlled by the sky exposure plane which begins at a height of 60 feet above the street line. Off-street parking is required for 70 percent of a building's dwelling units or can be waived if five or fewer spaces are required, but requirements are lower for Income Restricted Housing Units and are further modified within the Transit Zone. Under Quality Housing regulations, R6 districts produce buildings set at or near

the street line. For buildings on or within 100 feet of a wide street, the maximum FAR is 3.0 and the maximum base height before setback is 65 feet with a maximum building height of 70 feet (75 feet with a Qualifying Ground Floor). On a narrow street, the maximum FAR is 2.2, the maximum base height before setback is 45 feet with a maximum building height of 55 feet. Off-street parking is required for 50 percent of a building's dwelling units or can be waived if five or fewer spaces are required, but requirements are lower for Income Restricted Housing Units and are further modified within the Transit Zone.

The C1-3 and C2-3 zoning districts are commercial overlays that serve local retail needs and permit uses such as grocery stores, restaurants, and beauty parlors. The C2 commercial overlay permits a slightly wider range of uses, such as funeral homes and repair services. When mapped in R6 through R10 districts, the maximum commercial FAR is 2.0.

The C4-3 zoning district is a commercial district that is intended for "regional commercial centers" and permit residential use in accordance with the R6 regulations. The C4-3 zoning district permits commercial buildings up to an FAR of 3.4, residential buildings up to a maximum FAR of 2.43, and community facilities up to a maximum FAR of 4.8 with height governed by the sky exposure plane.

No land use actions have been approved in the surrounding area, except for the Brownsville II Urban Renewal Plan, adopted in 1984 and expiring in 2024. The applicant, Osborn Belmont Properties LLC, proposes to develop two new buildings containing a total of approximately 210,000 square feet, with approximately 200 dwelling units, and including approximately 34,000 square feet of retail space.

Building 1, located on Block 3523, Lots 26, 27, 28, 30, 32, 33, and 127, would be a seven story, 75-foot tall, mixed-use building with a total floor area of 103,424 square feet (4.6 FAR), with 16,983 square feet (0.76 FAR) of retail use and 100 dwelling units (3.84 FAR). The residential lobby would be located on Osborn Street. The remaining ground floor frontages will be occupied by commercial retail tenants and shop entrances.

Building 2, located Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 25, 26, and 36 would be a seven story, 75-foot tall, mixed-use building would have a total floor area of 106,195 square feet (4.59 FAR),

with 17,218 square feet (0.74 FAR) of retail use and 100 dwelling units (3.85 FAR) is proposed residential use.

The primary frontage of the building would be on Osborn Street, with a smaller seven-story, residential segment on Watkins Street. The residential lobby is located on Osborn Street.

To facilitate the proposed development, the applicant requests a zoning map amendment to change part of an existing C4-3 district and an R6/C1-3 district to an R7A/C2-4 district and a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

The proposed zoning map amendment would extend along Belmont Avenue and northwards along Osborn Street to the centerline of Block 3523, and from Osborn Street to Watkins Street on a portion of Block 3524 100 feet north of Belmont Avenue and 100 feet south of Pitkin Avenue.

The applicant also requests a zoning text amendment to Appendix F of the Zoning Resolution to create a new MIH area coterminous with rezoning area. The new MIH area would allow both Options 1 and 2. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least ten percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI, with no unit targeted to households with incomes exceeding 130 percent of the AMI. Option 2 requires that 30 percent of residential floor area be devoted to housing units affordable to residents with household incomes at an average of 80 percent of the AMI. No more than three income bands can be used to average out to the 80 percent, and no income band can exceed 130 percent of the AMI.

## **ENVIRONMENTAL REVIEW**

This application (C 220438 ZMK), in conjunction with the application for the related action (N 220439 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 designated CEQR number is 22DCP009K. The lead is the City Planning Commission.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on April 24, 2023. The Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts to hazardous materials, air quality, and noise (E-715). The requirements for the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

### **UNIFORM LAND USE REVIEW**

This application (C 220438 ZMK) was certified as complete by the Department of City Planning on April 24, 2023 and was duly referred to Brooklyn Community Board 16 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 220439 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

#### **Community Board Public Hearing**

Brooklyn Community Board 16 held a public hearing on this application (C 220438 ZMK) on June 27, 2023, and on that date, by a vote of 18 in favor, 9 opposed, and 1 abstaining, adopted a resolution recommending approval of the application.

#### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 220438 ZMK) on July 11, 2023, and on July 31, 2023 issued a recommendation to approve the application.

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

On July 26, 2023 (Calendar No. 2), the City Planning Commission scheduled August 9, 2023, for a public hearing on this application (C 220438 ZMK) and the application for the related action (N 220439 ZRK). The hearing was duly held on August 9, 2023. Three speakers testified in favor of the application and one in opposition.

Speakers testifying in favor of the application included three members of the project team. A representative of the applicant team described the project's community engagement, which

included outreach to local economic development groups and business improvement districts. Another representative of the applicant team then described the requested land use actions and the proposed development including 220 dwelling units, which represents an addition of 20 dwelling units since the project certified. He then stated that the team met with the Department of Housing Preservation and Development (HPD) to make the project one hundred percent income restricted, affordable at an average level of 60 percent of area median income. He later noted that this would be contingent on receiving subsidies from the city and state for the project. He then provided rationale for the proposed actions citing a need to update the underlying 1961 zoning, the project's location near mass transit and commercial corridors, the Community Board 16 Community District Statement of Needs which called for more permanent affordable housing and more investment in commercial corridors, and the appropriateness of the height of the proposed developments given the seven story hotels adjacent to the proposed development sites. The project architect then described the land use and building heights in surrounding area and the plans to provide large commercial floorplates on the ground floor of the developments.

One member of the public testified expressing concern that the project lacks a holistic approach to development in the area and advocated for the inclusion of community-oriented initiatives and local hiring.

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

## **CONSIDERATION**

The Commission believes that the proposed zoning map amendment (C 220438 ZMK), in conjunction with the related zoning text amendment (N 220439 ZRK), is appropriate.

### **Zoning Map Amendment (C 220438 ZMK)**

The Commission believes that the zoning map amendment is appropriate. The requested action would rezone part of a C4-3 district and an R6/C1-3 district to an R7A/C2-4 district coterminous with the project area.

The proposed R7A district will provide a permitted FAR of 4.6 for MIH developments and a permitted building height of 95 feet, but no more than nine stories, with a Qualifying Ground



Floor. The addition of a C2-4 commercial overlay will permit a commercial FAR of up to 2.0. The area is well suited for the additional height and density of an R7A/C2-4 district. The area centered around Pitkin and Rockaway avenues has been a major regional commercial center since the turn of the 20<sup>th</sup> Century and remains an important business district to this day. The proposal is aligned with reinvigorating this shopping district, and will further support the growth of housing, mixed-use development, and active ground floor commercial corridors. The area is also served by multiple modes of public transportation including the No. 3 elevated train at the Rockaway Avenue station, the L train at the Sutter Avenue station, as well as the B14 bus. There is public open space nearby at Carter G Woodson Children's Park and Dr. Green Playground. The permitted building height of nine stories will not be out of character with the surrounding built form which includes a mix of mid and high-rise towers. Located a block south of the project area are NYCHA's Langston Hughes houses which consist of three 22 story towers. There are also two seven story buildings to the north of the project area on Block 3523. The R7A/C2-4 district is being mapped on some portions of mid-blocks along a 60-foot wide "narrow street" the Commission notes that this area has been a historically bustling regional commercial hub, and that this density will add housing and residents to the area while helping activate and reinvigorate the streetscape. The blocks between Rockaway Avenue and Christopher Avenue are also relatively short, roughly 400 feet in length, helping to relieve height and bulk proposed for some of these midblock sections.

The addition of a C2-4 commercial overlay is appropriate at this location to facilitate active ground floor uses and create economic activity along the Belmont Avenue and Osborn Street help connect commercial development along Belmont Avenue to the substantial commercial corridor on Pitkin Avenue. The Commission notes that the area has been predominately located in a C4-3 zoning district since 1961, denoting the historic importance of Pitkin Avenue and the surrounding neighborhood as a significant regional commercial district. By establishing a R7A/C2-4, the applicant will continue to allow and support the creation of mixed-use developments that further bolster active ground floor uses and neighborhood-serving commercial businesses.

The Commission reiterates its concerns about affordability and urges the applicant pursue financing with HPD through the Extremely Low- and Low-Income Affordability Program

(ELLA) to maximize affordable housing within the proposed developments. Median Household Incomes in Brownsville are some of the lowest in New York City at \$34,490, and there is lack of new, quality affordable housing in the area that this project could help remedy. The Commission also acknowledges that there is a significant queue for HPD funding. While the proposed zoning districts may be appropriate, the Commission urges the applicant to solidify long term funding plans with HPD and to seek support from the local Councilmember, local affordable housing organizations, and HPD to determine a more appropriate mix of affordable housing that more closely aligns with the median household incomes in Brownsville. Regarding energy efficiency, the Commission urges the applicant to go beyond the minimum sustainability measures required for new buildings and explore city programs such the NYC Accelerator Program.

The Commission believes that the zoning text amendment is appropriate. Establishment of an MIH area through the proposed zoning text amendment is consistent with City objectives promoting production of affordable housing. With the proposed MIH Options 1 and 2, new developments within the project area would be required to permanently dedicate between 25 percent and 30 percent of new residential floor area to affordable housing with average affordability at 60 percent of AMI or 80 percent of AMI for Options 1 and 2, respectively. This would bring much needed permanent affordable housing to the community and to the city.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which the Negative Declaration was issued on April 24, 2023, with respect to this application (CEQR No. 22DCP009K), 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 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. 17d:

1. eliminating from within an existing R6 District a C1-3 District bounded by a line midway between Pitkin Avenue and Belmont Avenue, Watkins Street, a line 100 feet northerly of Belmont Avenue, Osborne Street, Belmont Avenue, and Thatford Avenue;
2. changing from an R6 District to an R7A District property bounded by a line midway between Pitkin Avenue and Belmont Avenue, Watkins Street, a line 100 feet northerly of Belmont Avenue, Osborne Street, Belmont Avenue, and Thatford Avenue;
3. changing from a C4-3 District to an R7A District property bounded by a line 100 feet southerly of Pitkin Avenue, Watkins Street, a line midway between Pitkin Avenue and Belmont Avenue, and Osborne Street; and
4. establishing within the proposed R7A District a C2-4 District bounded by a line midway between Pitkin Avenue and Belmont Avenue, Osborne Street, a line 100 feet southerly of Pitkin Avenue, Watkins Street, a line 100 feet northerly of Belmont Avenue, Osborne Street, Belmont Avenue, and Thatford Avenue;

Borough of Brooklyn, Community District 16, as shown on a diagram (for illustrative purposes only) dated April 24, 2023, and subject to the conditions of CEQR declaration E-715.

The above resolution (C 220438 ZMK), duly adopted by the City Planning Commission on September 11, 2023 (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***  
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**RASMIA KIRMANI-FRYE, ORLANDO MARÍN, RAJ RAMPERSHAD, *Commissioners***