



IN THE MATTER OF an application submitted by 1233-57 ST. LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c by changing from an R5 District to an R6A District property bounded by a line midway between 56th Street and 57th Street, a line 150 feet northwesterly of 13th Avenue, 57th Street, and a line 440 feet northwesterly of 13th Avenue, Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated February 27, 2023, and subject to the conditions of CEQR Declaration E-709.

This application was filed by 1233-57 ST. LLC on November 14, 2022. This application, in conjunction with the related application for a zoning text amendment (N 230118 ZRK), would facilitate the development of a new eight-story, approximately 79,000-square-foot residential building with 60 dwelling units, 18 of which would be permanently income-restricted, located at 1233 57th Street (Block 5690, Lots 54, 58 and 62) in the Borough Park neighborhood of Brooklyn, Community District 12.

RELATED ACTIONS

In addition to the application for a zoning map amendment (C 230117 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 230118 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

The applicant seeks a zoning map amendment to change an R5 zoning district to an R6A zoning district, and a zoning text amendment to designate an MIH area coterminous with the project area. The project area is comprised of the development site (Lots 54, 58 and 62), as well as three lots (Lots 51, 53, and p/o Lot 7503) that are not owned by the applicant and are not expected to result in development from the proposed actions. The project area contains a total of approximately 34,000 square feet of lot area with approximately 300 feet of frontage on 57th Street, which, at 60 feet wide, is classified as narrow per zoning.

The project area is located in the Borough Park neighborhood and is surrounded by a mix of residential, commercial, and community facility uses. Residential uses consist of medium-density, one-, two- and multi-family residential buildings ranging from two- to four-stories in height. Commercial uses are primarily small businesses serving local retail needs and are located along three wide streets that serve as commercial corridors: 13th Avenue and New Utrecht Avenue immediately to the east, and Fort Hamilton Parkway three blocks to the west. Community facilities within the surrounding area include houses of worship, medical offices, and early childhood education facilities.

The project area is located within the Transit Zone with multiple public transit options, including MTA subway and bus service located nearby. The project area is two blocks southwest of the 55th Street station, which provides service to the D train. Additionally, the B16 bus stops at 13th Avenue and 56th Street, providing service between Bay Ridge and Prospect Lefferts Gardens. The project area is also located three blocks north of a light industrial area, zoned M1-1, along 60th and 61st streets and the below-grade N-train subway line and Bay Ridge Line freight rail tracks.

According to the Equitable Development Data Explorer, which includes data from the U.S. Census Bureau and various City Agencies, the population in PUMA 4014 (approximately Community District 12) increased by eight percent from 2010 to 2020, while the percentage of housing units increased by 3 percent. There are no mapped MIH areas within a quarter-mile radius of the project area, and since 2014, just 95 income-restricted units have been constructed in Community District 12.

The project area has been located in an R5 zoning district since the adoption of the 1961 Zoning Resolution. In 1983, optional zoning regulations were adopted (N 820451 ZRK) in Borough Park to facilitate larger one-, two- and three-family residences in R5 and R6 zoning districts within the area bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street and Fort Hamilton Parkway. These regulations are set forth in ZR Section 23-16(d).

R5 zoning districts are lower density residential zoning districts that allow a maximum floor area ratio (FAR) of 1.25 and typically produce three- and four-story attached houses and small

apartment houses. The maximum street wall height is 30 feet, and the maximum total building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building; in addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Front and side yards vary by building typology. Off-street parking is required for 85 percent of the dwelling units in the building, but requirements are lower for income-restricted housing units and are further modified within the Transit Zone.

Immediately to the east is an R6/C1-3 zone that has also been in place since 1961. 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. C2 overlays permit a slightly wider range of uses, such as funeral homes and repair services. When commercial overlays are mapped in R6 through R10 districts, the maximum commercial FAR is 2.0.

The development site is currently vacant and was formerly improved with one- and two- family homes built in 1905, which were demolished in 2021. The portion of the project area that is non-applicant-owned and not projected for development includes two three-story multi-family residential buildings constructed in 1994 and containing three units each, and a portion of one eight-story mixed-use residential and commercial building constructed in 2007 and containing 12 residential units and ground floor commercial office space that is the current headquarters of a local shipping logistics company.

The proposed development is a new eight-story plus cellar and subcellar residential building with a total floor area of 79,330 square feet (3.6 FAR) and a total of 60 dwelling units, 18 of which would be permanently income-restricted pursuant to MIH Option 2. The proposed dwelling units would be duplex and three-bedroom units intended to accommodate larger families, including seven three/four-bedroom duplex units, nine two/three-bedroom duplex units and 44 three-bedroom units. A total of 94 parking spaces are proposed, 27 of which are required, and 67 that would be voluntarily provided, with 64 spaces in the subcellar and 30 spaces in the cellar. In compliance with Zoning Resolution transition rules that limit the height of developments in R6A districts to a maximum height of 45 feet within 25 feet of the adjacent R5 district, the development includes an eight-foot side yard, 30-foot rear yard, and would increase in height

from 43 feet (four stories) on the westernmost portion of the zoning lot to 83 feet (eight stories) on the eastern most portion of the zoning lot.

To facilitate the proposed development, the applicant requests a zoning map amendment to change an R5 zoning district to an R6A zoning district, and a zoning text amendment to designate a new MIH area coterminous with the project area.

R6A districts are medium-density contextual residential districts that typically produce high lot coverage, six- or seven-story apartment buildings set at or near the street line. R6A allows base heights between 40 and 60 feet (65 feet with a qualifying ground floor), after which a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, before rising to a maximum height of 80 feet (85 feet with qualifying ground floor) when mapped in Inclusionary Housing areas. Off-street parking is required for 50 percent of market-rate residential units and optional for income restricted housing units within the Transit Zone.

The applicant also proposes a zoning text amendment to map MIH with Options 1 and 2 within the project area. Option 1 requires that a minimum of 25 percent of the residential floor area be designated as affordable to households earning incomes with an average not exceeding 60 percent of area median income (AMI). Option 2 requires that a minimum of 30 percent of the residential floor area be designated as affordable to households earning incomes with an average not exceeding 80 percent AMI. The applicant proposes to select MIH Option 2, resulting in 18 income restricted housing units for those with incomes averaging 80 percent of AMI.

ENVIRONMENTAL REVIEW

This application (C 230117 ZMK), in conjunction with the application for the related zoning text amendment (N 230118 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 23DCP041K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on February 27, 2023. The Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-709). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 230117 ZMK) was certified as complete by the Department of City Planning on February 27, 2023 and duly referred to Brooklyn Community Board 12 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 230118 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

Following certification and referral, the applicant responded to initial neighborhood opposition by providing revised illustrative plans for community board and borough president review. The revised illustrative plans maintain the actions requested and the total FAR of the proposed development as certified, while reducing the proposed height to 55 feet (five stories), decreasing parking to 52 spaces, increasing unit sizes to include more four- and five-bedroom units, and reducing unit count to 46, 12 of which would be income-restricted for those with incomes averaging 60 percent of AMI under MIH Option 1. The community board and borough president recommendations are in response to these revised illustrative plans.

Community Board Public Hearing

On April 20, 2023, Brooklyn Community Board 12 held a public hearing on this application (C 230117 ZMK) along with the related application for a zoning text amendment (N 230118 ZRK), and on that date, by a vote of 36 in favor, one opposed, with none abstaining, adopted a resolution recommending disapproval of the application.

Borough President Recommendation

On May 15, 2023, the Brooklyn Borough president held a public hearing on this application (C 230117 ZMK) along with the related application for a zoning text amendment (N 230118 ZRK),

and issued a recommendation on May 31, 2023 to approve the application with the following conditions.

- “1. The applicant enters into a binding agreement with the community that provides assurance that the revised proposal will be built at five stories in building height, and 46 units at the revised bedroom mix.
2. Identify an experienced MIH Administrator to ensure the affordable housing units are marketed equitably.
3. The applicant meet with the New York City Department of Housing Preservation and Development to discuss the feasibility of developing a 100% affordable housing project at this project site.”

The recommendation also encouraged the Department of City Planning to work with Community Board 12 to develop a neighborhood plan that identifies critical areas for housing growth and protecting critical industrial and commercial businesses that operate in the community.

City Planning Commission Public Hearing

On June 7, 2023 (Calendar No. 4), the City Planning Commission scheduled June 28, 2023 for a public hearing on this application (C 230117 ZMK) and the related action. The hearing was duly held on June 28, 2023 (Calendar No. 33). Four speakers testified in favor of the application, and none in opposition.

Speakers testifying in favor of the application included four members of the project team. The applicant’s representative summarized the proposed project and noted the revisions that took place following certification, prior to Community Board and Borough President review. They described the proposed height, number and size of units, and affordability, and highlighted that the revised proposal maintains the same FAR as the certified proposal, while decreasing height, increasing unit size, and reducing parking. They pointed out the R6 district located adjacent to the project area at the eastern corner of the block and stated that the large (greater than 20,000 square feet) site provides a rare opportunity in Community Board 12 for transit-oriented development with income-restricted units.

The project architect described the surrounding area and the proposed height and setbacks, unit sizes, private terraces, and subcellar parking of the revised proposal.

The applicant representative further stated that the existing R5 zoning allows a maximum FAR of 2.0 for community facility uses, which would facilitate a five-story, 44,000 square foot medical office building, concluding that the proposed R6A zoning and the proposed development would be appropriate for the area.

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

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 230117 ZMK), in conjunction with the related application for the zoning text amendment (N 230118 ZRK), is appropriate.

Together, these actions will facilitate the development of a new eight-story residential building with 60 dwelling units, 18 of which would be permanently income-restricted, or, under the revised proposal, a new five-story residential building with 46 dwelling units, 12 of which would be income restricted. The Commission supports the height, massing, and higher unit count reflected in the certified proposal, and the reduced number of parking spaces included in the revised plans, and notes that both the certified and revised proposals take full advantage of the FAR that would be made available through the proposed R6A zoning district, and that both would be appropriate.

The Commission notes that this project represents an opportunity for increased density in an area with a distinct need for market rate and permanently income-restricted housing, where population growth in the last decade has significantly outpaced housing production. Moreover, the project area is located two blocks from the 55th Street station of the D subway line, making it an appropriate location for sustainable, transit-oriented development.

The Commission believes that the proposed R6A zoning district is appropriate. R6A is a contextual zoning district that will serve as a transition zone between the R5 and R6 districts on either side of the project area. The R6A regulations require setbacks and height limits in areas adjacent to the R5 district. The Commission therefore believes that the proposed R6A district

will allow for growth in a way that is in context with the neighborhood and that reflects the site's location near a subway station, at the convergence of two wide mixed-use commercial corridors (13th & New Utrecht Avenues) and between R5 and R6 zoning districts.

The project area is currently located in an R5 zoning district where the inclusion of income-restricted housing is not required. The amendment to Appendix F will create a new MIH area coterminous with the project area, permanently requiring affordable housing at 25-30 percent of the residential floor area. The zoning text amendment will support the creation of much needed income-restricted housing in Borough Park and Community Board 12 where just 95 income-restricted units have been constructed since 2014. The MIH text amendment is also aligned with citywide objectives outlined in *Housing New York* and *Where We Live*, New York City's housing reports that outline goals and strategies to affirmatively further the development of housing.

The Commission asserts that the proposed text amendment, coupled with the proposed zoning map amendment, will increase housing capacity in a transit accessible neighborhood with a strong demand to accommodate growth, while providing affordable housing opportunities.

Regarding the borough president's recommendations, the Commission notes that the recommendations for a community benefits agreement and 100 percent affordable housing are beyond the scope of the requested actions.

RESOLUTION

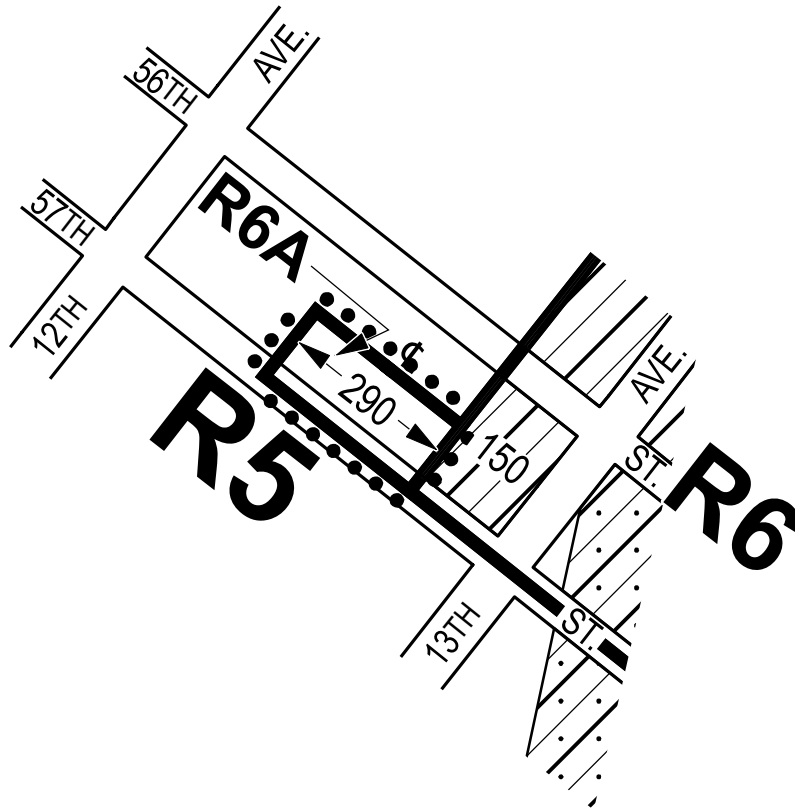
RESOLVED, that having considered the Environmental Assessment Statement, for which Negative Declaration was issued on February 27, 2023 with respect to this application (CEQR No. 23DCP041K), the City Planning Commission finds that the actions described herein will have no significant impact on the environment; 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. 22c by changing from an R5 District to an R6A District property bounded by a line midway between 56th Street and 57th Street, a line 150 feet northwesterly of 13th Avenue, 57th Street, and a line 440

feet northwesterly of 13th Avenue, Borough of Brooklyn, Community District 12 as shown on a diagram (for illustrative purposes only) dated February 27, 2023, and subject to the conditions of CEQR Declaration E-709.

The above resolution (C 230117 ZMK), duly adopted by the City Planning Commission on July 26, 2023 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
GAIL BENJAMIN, ALFRED C. CERULLO, III, ANTHONY CROWELL, Esq.,
JOSEPH I. DOUEK, DAVID GOLD, Esq., LEAH GOODRIDGE, 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

22c

BOROUGH OF
BROOKLYN



New York, Certification Date:
 February 27, 2023

S. Lenard, Director
 Technical Review Division

SCALE IN FEET



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by changing an R5 District to an R6A District.

Indicates a C1-3 District

Indicates a C2-3 District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 1233 57th Street Rezoning	
Applicant: 1233-57 ST. LLC	Applicant's Primary Contact: Amanda Iannotti
Application # 230117ZMK	Borough:
CEQR Number: 23DCP041K	Validated Community Districts: K12

Docket Description:
IN THE MATTER OF an application submitted by 1233-57 ST. LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c by changing from an R5 District to an R6A District property bounded by a line midway between 56th Street and 57th Street, a line 150 feet northwesterly of 13th Avenue, 57th Street, and a line 440 feet northwesterly of 13th Avenue, Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated February 27, 2023, and subject to the conditions of CEQR Declaration E-709.

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

RECOMMENDATION: Unfavorable			
# In Favor: 1	# Against: 36	# Abstaining: 0	Total members appointed to the board: 37
Date of Vote: 4/25/2023 4:00 AM		Vote Location: 5901 13th Avenue	

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

Date of Public Hearing: 4/20/2023 11:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	5901 13th Avenue - Zoom:

CONSIDERATION:		
Recommendation submitted by	BK CB12	Date: 5/2/2023 1:09 AM



Brooklyn Borough President Antonio Reynoso
Brooklyn Borough Hall
209 Joralemon Street, Brooklyn, NY 11201

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

Uniform Land Use Review Procedure (ULURP) Application
1233 57TH STREET REZONING – C 230117 ZMK; N 230118 ZRK

IN THE MATTER OF an application submitted by 1233-57 ST. LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c by changing from an R5 District to an R6A District property bounded by a line midway between 56th Street and 57th Street, a line 150 feet northwesterly of 13th Avenue, 57th Street, and a line 440 feet northwesterly of 13th Avenue, Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated February 27, 2023, and subject to the conditions of CEQR Declaration E-709.

In addition, the Applicant proposes a zoning text amendment to Zoning Resolution (“ZR”) Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Brooklyn Community District 12 to establish the Proposed Project Area as a Mandatory Inclusionary Housing (“MIH”) Designated Area. The Applicant proposes mapping both Option 1 and Option 2

The proposed actions would facilitate a new eight-story plus cellar and subcellar residential building with a total floor area of approximately 79,330 square feet and a total of 60 dwelling units. The proposed dwelling units are duplex and three-bedroom units to accommodate larger families, including seven three/four-bedroom duplex units, nine two/three-bedroom duplex units and 44 three-bedroom units. A total of 94 parking spaces are proposed in the subcellar (64 spaces) and cellar (30 spaces) levels. The Proposed Development will increase in height from 43'-0" and four stories on the western most portion of the zoning lot to 83'-0" and eight stories on the eastern most portion of the zoning lot.

BROOKLYN COMMUNITY DISTRICT 12

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: 1233 57TH STREET REZONING – C 230117 ZMK; N 230118 ZRK

The applicant proposes to replace the existing R5 zoning district with an R6A zoning district over the project area. The applicant's property has been mapped R5 since 1961. An R5 zoning district allows for multi-family housing construction, with a maximum building height of 40 feet, and an allowable FAR of 1.25.

The rezoning area is the mid-block of 57th Street between 12 and 13th avenues. The rezoning area abuts an R6/C2-3 zoning district to the east. The R6 zoning district is medium-density non-contextual and has no height limit but can be built under Quality Housing regulations. The proposed R6A is a contextual, medium-density residential zoning district that has a height limit of 95 feet. While the R6/C2-3 allows for a mix of commercial, community facility, and residential uses, the R6 would only allow for residential and community facility uses.

Borough President Reynoso held a public hearing on this application on May 15, 2023. The applicant provided an illustrative rendering of a five-story proposal (utilizing the same amount of floor area as the original proposal) after concerns about height and density were raised at Community Board 12 ULURP public hearing. The applicant did not file an A-application that modified the illustrative proposal nor the proposed zoning district. Ten members of the public testified in opposition to the proposal. Neighboring residents were concerned about the proposed density on the mid-block of 57th Street within the rezoning area. Public testimony also highlighted that the proposed development was not contextual to the neighborhood. Additionally, the Office of the Brooklyn Borough President received 44 emails in opposition to the proposal.

Community Board Review

Community Board 12 held a public hearing on this application on April 20, 2023. Community Board 12 voted to disapprove this application on April 25, 2023.

Approval Rationale

Borough President Reynoso believes the applicant's proposed development is appropriate as modified.

The Borough President supports transit-oriented development. This means supporting housing growth and density near our public transit network. This will reduce the overall environmental impacts of these developments on the local community in several ways: (1) reducing the number of cars on the road, (2) improving air quality, (3) reducing commute times and costs, and (4) encouraging an active lifestyle that reduces chronic health conditions. Supporting housing growth near our public transit system is a critical component of addressing our affordable housing crisis.

Only 38% of residents living in Borough Park, Kensington, and Ocean Parkway live within ¼ mile of a subway station or select bus service stop. Overall, 49% of Brooklyn residents live within ¼ of a mile of transit access. The rezoning area is well-served by public transit, including its location 700 feet from the D subway stop entrance at 55th Street station. The community is also served by the D and N subway lines at 62nd Street and the New Utrecht Avenue station. The project site is also served by the B16 NYCT bus route.

Community Board 12 has an average household size of 3.47. This is significantly higher than Brooklyn (2.66) and New York City (2.55). The Borough President supports fair housing and wants affordable housing to be accessible to all communities.

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 with the following conditions:

1. The applicant enters into a binding agreement with the community that provides assurance that the revised proposal will be built at five stories in building height, and 46 units at the revised bedroom mix.
2. Identify an experienced MIH Administrator to ensure the affordable housing units are marketed equitably.
3. The applicant meet with the New York City Department of Housing Preservation and Development to discuss the feasibility of developing a 100% affordable housing project at this project site.

Be it further resolved, the Borough President encourages the Department of City Planning to work with Community Board 12 to develop a neighborhood plan that identifies critical areas for housing growth and protecting critical industrial and commercial businesses that operate in the community.



May 31, 2023

BROOKLYN BOROUGH PRESIDENT

DATE