



CITY PLANNING COMMISSION

March 20, 2024 / Calendar No. 16

C 230323 ZMK

IN THE MATTER OF an application submitted by Agudist Council of Greater New York Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c:

1. eliminating from within an existing R5 District a C1-3 District bounded by a line 150 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street;
2. changing from an R5 District to an R7A District property bounded by a line 100 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street; and
3. establishing within the proposed R7A District a C2-4 District bounded by a line 100 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street

as shown on a diagram (for illustrative purposes only) dated November 1, 2023, and subject to the conditions of CEQR Declaration E-734.

This application for a zoning map amendment (C 230323 ZMK) was filed by the Agudist Council of Greater New York on April 24, 2023 to change an R5/C1-3 (OP) zoning district to an R7A/C2-4 (OP) district and remove a C1-3 commercial overlay from a portion of the existing R5 district. This application, in conjunction with the related zoning text amendment action (N 230324 ZRK), would facilitate the development of a nine-story residential and community facility building with approximately 55,000 square feet of floor area (4.6 FAR) including approximately 39,000 square feet of residential floor area and approximately 16,000 square feet of community facility space. The development will contain 42 dwelling units, of which 11 will be income-restricted, in the Midwood neighborhood of Brooklyn, Community District 14.

RELATED ACTIONS

In addition to the zoning map amendment (C 230323 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:

N 230324 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

The applicant, the Agudist Council of Greater New York, seeks a zoning map amendment to change an R5/C1-3 (OP) zoning district to R5 and R7A/C2-4 (OP) zoning districts and a zoning text amendment to establish an MIH area between East 8th and East 9th streets on a block front facing Avenue H. The proposed actions would facilitate the development of a nine-story residential and community facility building with approximately 55,000 square feet of floor area (4.6 FAR) in the Midwood neighborhood of Brooklyn, Community District 14.

The project area is located at the intersection of Avenue H and East 9th Street. Avenue H is an 80-foot-wide street, that links two major arterial roads and is lined by a mix of low- to mid-rise buildings with residential, commercial, and community facility uses. The proposed project area consists of the applicant-owned development site (Block 6496, Lot 39) as well as Block 6496, Lots 36, 37, 45, 47, 49, 50, and p/o Lots 35 and 51. The project area is entirely within an R5 zoning district with a C1-3 commercial overlay located within the Special Ocean Parkway District (SOPD). The project area is bounded by Avenue H to the south, East 8th Street to the west, East 9th Street to the east, and a line 150 feet north of and parallel to Avenue H to the north. Each of the eight non-applicant-owned lots within the project area consist of two-story homes built around 1925. Lots 47 and 45, which front Avenue H, each contain single-family dwellings. The remaining four lots to the north (Lots 36, 37, 49 and 50) contain two-family dwellings.

The development site (Block 6496, Lot 39) is approximately 12,000 square feet in size and is located on a corner lot. It is currently improved with a one-story 9,762 square foot (0.81 FAR) building with a house of worship, laundromat, document services office, and other local retail uses. When the house of worship is not actively conducting services, the space is used by the Brookdale Senior Citizen Center through a lease arrangement with the applicant. The property

has an approximately 12-foot-long curb cut on East 9th Street, which will continue to be used in the proposed development.

Land uses in the immediate area are primarily residential. There are one- and two-family homes to the north and west along East 8th Street, and multifamily buildings to the east along East 9th Street and to the south along Avenue H. Ocean Parkway (210 feet) lies two blocks to the west. 80-foot wide Avenue H is a wide street and 60-foot-wide East 8th and East 9th streets are considered narrow streets.

The zoning districts in the surrounding area reflect the area's residential character. Low-density R5 districts are mapped to the north, while contextual R7A districts are mapped to the south, east, and west between Coney Island Avenue and Ocean Parkway along Avenue H. C8-2 districts, heavy commercial districts which prohibit residential development, are located two blocks to the east along Coney Island Avenue.

The existing R5 districts typically produce three-and four-story attached houses and small apartment houses with a maximum 1.25 FAR. It allows a maximum street wall height of 30 feet and a maximum building height of 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building, although any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight-foot-wide side yard. Apartment houses need two side yards, each at least eight feet wide. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet. Off-street parking is required for 85 percent of the dwelling units in the building, but requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone.

In the R5 districts, there are often commercial overlays along major streets. The existing C1-3 overlay allows for up to 1.0 FAR of commercial development when mapped in R1-R5 districts.

One parking space per 400 square feet of general retail or medical facility floor area is required in a C1-3 overlay district.

C8-2 districts are mapped on some blocks east of the project area. C8-2 districts are considered heavy commercial districts and allow for commercial uses in Use Groups 5-14 and 16 up to 2.0 FAR. C8 districts typically results in development of warehouses, gas stations, and repair shops, and other automotive and heavy commercial uses. Residential uses are not permitted. Buildings in C8-2 districts can have a maximum 60-foot (four-story) street wall before a mandatory setback. The remaining floor area can rise along a sky exposure plane.

The project area is located within the Transit Zone and FRESH Zone and is served by multiple subway and bus lines. The Q train at Avenue H is approximately one-third of a mile east of the project area, while the F train at both 18th Avenue and Avenue H are one half-mile west of the project area. The surrounding area is also accessible by bus, primarily via the B68, which runs along Coney Island Avenue from Prospect Park South to Coney Island and connects with many east-west bus lines.

The surrounding area includes several religious and cultural institutions. There are many community facilities and houses of worship along Ocean Parkway and Coney Island Avenue. The closest public school (P.S. K134) and public library are located a half mile to the north of the project area on 18th Avenue. The Newkirk Community Garden serves area residents less than half a mile to the north along East 8th Street.

Historically the project area was previously zoned for denser residential development. Much of the area had been zoned R7-1 from the adoption of the 1961 zoning resolution until the establishment of the Special Ocean Parkway District (SOPD) in 1977 (N 910349 ZRK). The Special Ocean Parkway District (SOPD) was established in 1977 to address community concerns about the growth of community facilities in the area. Even as much of the surrounding

area remained R7-1, the establishment of the SOPD and subsequent downzoning resulted in the project area being rezoned from R7-1 to R5. A 1993 rezoning (C 930183 ZMK) modified some of the areas adjacent to the project area from R7-1 to R7A contextual districts to ensure that new development was more in character with the existing multi-family development within this area. Sixteen years later, the the area east of the project area was rezoned under the Flatbush Rezoning (C 090336 ZMK) which aimed to better match existing built character and prevent the redevelopment of one- and two-family detached homes with apartment buildings. The Flatbush Rezoning established contextual zoning districts subject to the Inclusionary Housing Program on the eastern side of Coney Island Avenue and lower density zoning districts over much of the one- and two-family homes.

The applicant's proposed rezoning would facilitate the development of a nine-story residential and community facility building with approximately 55,000 square feet of total floor area (4.6 FAR). The development could include approximately 39,000 square feet of residential floor area and approximately 15,750 square feet of community facility space. The proposed building would have setbacks on the fourth and seventh floors before rising to a maximum height of 90 feet. On the ground level, the building would sit five feet back from the street line, expanding the width of the sidewalk.

The ground floor would contain an approximately 5,500-square-foot house of worship, accessory office space, and lobbies for residences and a senior center. The second floor would contain an approximately 4,500-square-foot activity room, classrooms, a kitchen, and other accessory community facility spaces. A community facility entrance would be located on Avenue H, with residential and parking entrances at the rear of the building along East 9th Street. Meanwhile, the residential portion of the building would contain 42 dwelling units, of which 11 would be permanently income-restricted pursuant to MIH Option 1. The cellar would contain 20 attended parking spaces accessory to the residential units as well as mechanical and storage space.

To facilitate the proposed development, the applicant requests a zoning map amendment to rezone the project area from an R5/C1-3 zoning district to an R5 and R7A/C2-4 (OP) within the Special Ocean Parkway District. Under the proposal, the existing C1-3 overlay would be removed from four non-applicant-owned lots containing residential uses on the interior lots along both East 8th and 9th streets. The lots along the Avenue H frontage would be rezoned to R7A along with a C2-4 commercial overlay. The applicant also seeks a zoning text amendment to designate a new MIH area coterminous with the project area.

R7A zoning districts are medium-density contextual residential zoning districts, typically mapped along wide streets, where the Quality Housing bulk regulations are mandatory. The maximum residential FAR in an R7A zoning district is 4.6 within an MIH area. R7A zoning districts also allow up to 4.0 FAR for community facility uses. Above a maximum base height of 75 feet, 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 95 feet with a qualifying ground floor. Off-street parking is required for 50 percent of all dwelling units, with an exemption from parking for income-restricted units within the Transit Zone. Parking can be waived if fifteen or fewer spaces are required.

Meanwhile, the proposed C2-4 commercial overlay allows a range of commercial uses that serve local retail and service needs, such as grocery stores and hair salons. When mapped with R7A districts, C2-4 overlays allow commercial uses up to a maximum of 2.0 FAR and require one parking space for every 1,000 square feet of commercial space.

The applicant also proposes a zoning text amendment to map MIH 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 permanently affordable to households earning incomes with an average not exceeding 60 percent of area median income (AMI). Option 2 requires that at least 30 percent

of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 80 percent of the AMI. The applicant plans to pursue MIH Option 1 which would result in 11 income restricted housing units for those with incomes averaging 60 percent of AMI.

ENVIRONMENTAL REVIEW

This application (C 230323 ZMK), in conjunction with the related application for a zoning text amendment (N 230324 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 23DCP094K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on October 30, 2023. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-734). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

On March 15, 2024, a Revised EAS was issued that incorporated a Technical Memorandum that examines whether the analysis conclusions of the Environmental Assessment Statement dated October 27, 2023 would be altered by the proposed City of Yes for Housing Opportunity (CHO) (CEQR No. 24DCP033Y) citywide text amendment. The Technical Memorandum concluded that the potential changes facilitated by City of Yes for Housing Opportunity would not change the conclusions presented in the EAS. The Revised Negative Declaration issued March 18, 2024, supersedes the Negative Declaration issued on October 30, 2023.

UNIFORM LAND USE REVIEW

This application (C 230323 ZMK) was certified as complete by the Department of City

Planning on November 1, 2023 and duly referred to Brooklyn Community Board 14 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 230324 ZRK), which was referred for information in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 14 held a public hearing on this application (C 230232 ZMK) and the related action for a zoning text amendment (N 230324 ZRK) on December 5, 2023, and on December 18, 2023, by a vote of 35 in favor, none opposed, and three abstaining, adopted a resolution recommending approval of the application with the following conditions:

“1) Setback:

Configure the building so that the setbacks presented at CB14’s December 5, 2023 public hearing held at 810 East 16th street [sic] are included in the final design. Setbacks should be optimized to decrease the visual imposition on neighboring residential units.

2) Community Use:

The proposal includes community use on the first two floors and CB14’s approval is conditioned upon the developer’s commitment to maintaining continuity of the senior center and the synagogue.

3) Laundromat:

Community members made note of the importance of the laundromat withing the confines of the amended zoning map and CB14’s approval is conditioned upon the developer’s efforts to maintain this needed community amenity.”

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 230232 ZMK) and the related action for a zoning text amendment (N 230324 ZRK) on January 16 ,2024, and

on January 29, 2024, issued a recommendation to approve the application with the following conditions:

- 1) “During construction, the applicant ensures the continuity of the synagogue and services for older adults in spaces near the development site.
- 2) When complete, the project will include space for the synagogue, older adult services, and laundromat.”

City Planning Commission Public Hearing

On February 7, 2024 (Calendar No. 9), the City Planning Commission scheduled February 21, 2024 for a public hearing on this application (C 230323 ZMK) and the related zoning text amendment (N 230324 ZRK). The hearing was duly held on February 21, 2024 (Calendar No. 22). One speaker testified in favor of the application and two speakers testified in opposition.

The applicant’s attorney spoke in favor of the application, providing an overview of the proposal, development site, and surrounding context. He noted the site’s transition from an R7-1 zoning district in 1961 to an R5 zoning district in 1977, a change that restricted the community facility development potential on the site. He also spoke to the public’s concerns around continued operation of the laundromat and synagogue, indicating the importance of both to the project and community. The applicant has indicated it plans to meet these conditions.

Two individuals spoke in opposition of the application. Those opposed were concerned about the lack of sufficient units for larger families and expressed TK that smaller units that would attract people from outside the. They also expressed apprehension about whether and to what extent the existing senior center and synagogue would remain operational during construction either on site or nearby. Concerns were also expressed by community members around the inclusion in the rezoning of two non-applicant-owned lots fronting Avenue H in the proposal, as well as the building’s nine-story height.

Both opponents and proponents of the proposal indicated their support for an expanded senior center and synagogue.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 230323 ZMK), in conjunction with the related application for a zoning text amendment (N 230324 ZRK), is appropriate. Together, these actions will facilitate the development of a nine-story mixed-use development of approximately 55,000 square feet, including approximately 39,000 of residential space containing 42 dwelling units, 11 of which would be permanently income-restricted, as well as 15,750 square feet of community facility space at 817 Avenue H in the Midwood neighborhood of Brooklyn, Community District 14.

The Commission believes that the proposed zoning districts are appropriate. The project area is a suitable location to accommodate much-needed housing, situated near major transit lines providing access to regional job centers in Downtown Brooklyn and lower Manhattan within 25 to 35 minutes via subway. The proposed R7A district would support mixed use development near Coney Island Avenue and Ocean Parkway, two major Brooklyn corridors, and matching the existing character of surrounding R7A districts.

The proposed R7A zoning district would allow similar residential uses and bulk as the R7A districts mapped to the south, east, and west. Located between two major arterials and along a wide street, the bulk and height will be an appropriate fit. Avenue H is 80-feet wide and the permitted bulk and height of the proposed R7A district is appropriate along a corridor of this width. While the Commission notes that the R7A district will allow for slightly taller buildings than the six- and seven-story buildings that characterize the surrounding area, setbacks in R7A districts are required above a base height of 75 feet, ensuring that any proposed development will remain consistent with existing built forms in the area. As such, the Commission believes that an R7A district along Avenue H is completely compatible and appropriate.

The C2-4 commercial overlay will continue to allow commercial and community facility uses,

consistent with the existing character and uses allowed nearby. A C2-4 overlay will allow a greater range of commercial uses and a lower parking requirement than the existing C1-3 overlay, making it the more appropriate choice for this area. Maintaining a commercial overlay will allow mixed-use residential and commercial buildings, which will better contribute to a safer, more active pedestrian frontage along Avenue H. Reduction of the depth of the commercial overlay from 150 feet to 100 feet from Avenue H is appropriate, directing commercial activity to the wide street and away from the narrower East 8th and 9th streets.

The Commission further believes that the proposed zoning text amendment for MIH (N 230324 ZRK) is appropriate. The project area will be mapped with MIH Options 1 and 2. The proposed development is proposing to develop under MIH Option 1. Pursuant to MIH Option 1, a development is required to provide 25 percent of the residential floor as permanently income-restricted housing at 60 percent AMI housing, which will produce 11 permanently income-restricted apartments. The development is in line with the City's policy to develop income-restricted housing near transit, and the goals advanced in *Housing New York* and *Where We Live*, two City housing reports that outline objectives and strategies to affirmatively further the development of fair housing. Mapping the project site with MIH Options 1 and 2 will ensure that households in need of income-restricted housing will have options in this neighborhood.

Though beyond the scope of this application, the Commission notes that both the Borough President and Community Board have called for a preservation of the existing senior center, synagogue, and laundromat, and further notes that the applicant intends to explore options to accommodate this condition.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on October 30, 2023, and Revised EAS dated

March 15, 2024, for which a Revised Negative Declaration was issued on March 18, 2024 with respect to this application (CEQR No. 23DCP094K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

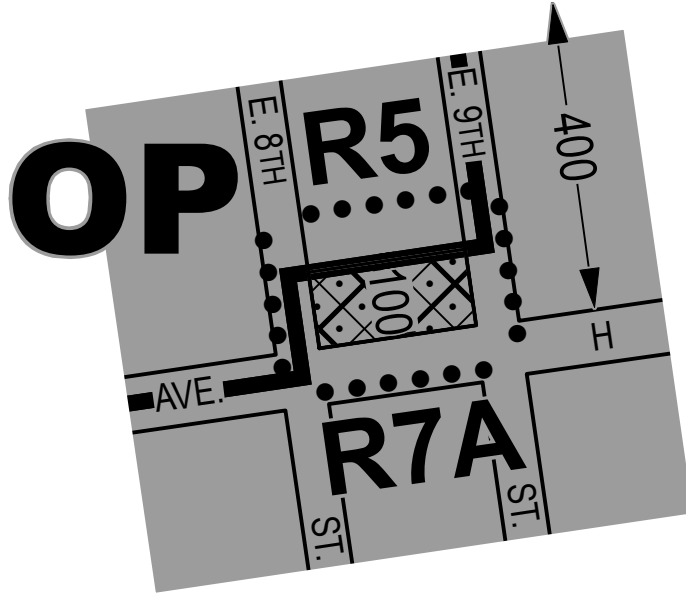
RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City Of New York, effective as of December 15, 1961, and subsequently amended, is further amended by changing the Zoning Map, Section No. 22c:

1. eliminating from within an existing R5 District a C1-3 District bounded by a line 150 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street;
2. changing from an R5 District to an R7A District property bounded by a line 100 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street; and
3. establishing within the proposed R7A District a C2-4 District bounded by a line 100 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street

Borough of Brooklyn, Community District 14 as shown on a diagram (for illustrative purposes only) dated November 1, 2023, and subject to the conditions of CEQR Declaration E-717.

The above resolution (C 230323 ZMK), duly adopted by the City Planning Commission on March 20, 2024 (Calendar No. 16), 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 MARÍN,
JUAN CAMILO OSORIO, RAJ RAMPERSHAD, Commissioners



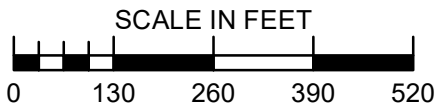
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

22c
 BOROUGH OF
BROOKLYN

S. Lenard
 S. Lenard, Director
 Technical Review Division



New York, Certification Date:
 November 1, 2023



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is rezoned by eliminating a C1-3 District from within an existing R5 District, changing an existing R5 District to an R7A District, and by establishing a C2-4 District within the proposed R7A District.
- Indicates a C2-4 District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 817 Avenue H Rezoning	
Applicant: Agudist Council of Greater New York Inc.	Applicant's Primary Contact: David Rosenberg
Application # 230323ZMK	Borough:
CEQR Number: 23DCP094K	Validated Community Districts: K14

Docket Description:

IN THE MATTER OF an application submitted by Agudist Council of Greater New York Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c: 1. eliminating from within an existing R5 District a C1-3 District bounded by a line 150 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street; 2. changing from an R5 District to an R7A District property bounded by a line 100 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street; and 3. establishing within the proposed R7A District a C2-4 District bounded by a line 100 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street as shown on a diagram (for illustrative purposes only) dated November 1, 2023, and subject to the conditions of CEQR Declaration E-734.

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 35	# Against: 0	# Abstaining: 3	Total members appointed to the board: 39
Date of Vote: 12/18/2023 12:00 AM		Vote Location: 1625 Ocean Avenue	

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

Date of Public Hearing: 12/5/2023 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	CB14 DO 810 East 16 St

CONSIDERATION: Conditions per attached: set backs, continuity of synagogue and senior center and efforts to ensure continuation of laundromat.

Recommendation submitted by	BK CB14	Date: 1/2/2024 1:27 PM
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BROOKLYN COMMUNITY BOARD 14
FLATBUSH-MIDWOOD COMMUNITY DISTRICT
810 East 16th Street
Brooklyn, New York 11230

January 2, 2024

ERIC L. ADAMS
Mayor

ANTONIO REYNOSO
Borough President

JO ANN BROWN
Chair

SHAWN CAMPBELL
District Manager

EXECUTIVE COMMITTEE

KARL-HENRY CESAR
First Vice-Chair

STEVEN D. COHEN
Second Vice-Chair

JOSEPH DWECK
Third Vice-Chair

HINDY BENDEL
Secretary

SHAHID KHAN
Member-at-Large

FLORENCIA CHANG-AGEDA
Member-at-Large

ALVIN M. BERK
Chairman Emeritus

Dan Garodnick
Director, Department of City Planning
Chair, City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

Dear Mr. Garodnick:

On December 18, 2023 the members of Brooklyn Community Board 14 voted on a proposed 817 Avenue H Rezoning; ULURP No. C230323ZMK and N180497ZRK: Zoning Map Amendment. The map would amend from a R5/C1-3 (OP) Zoning District to a R7A/C2-4 (OP) and a Zoning Text Amendment to map a new MIH area to facilitate a new nine-story, 69,275 square-foot mixed-use development, including 41,348 square feet of residential space (approximately 42 dwelling units) and 22,149 square feet of community facility space, sought by Agudist Council of Greater New York.

Members present voted overwhelmingly to approve the applications with three important conditions:

1. Setback:

Configure the building so that the setbacks presented at CB14's December 5, 2023 public hearing held at 810 East 16th street are included in the final design. Setbacks should be optimized to decrease the visual imposition on neighboring residential units.

2. Community Use:

The proposal includes community use on the first two floors and CB14's approval is conditioned upon the developer's commitment to maintaining continuity of the senior center and the synagogue.

3. Laundromat:

Community members made note of the importance of the laundromat within the confines of the amended zoning map and CB14's approval is conditioned upon the developer's efforts to maintain this needed community amenity.

The board recognizes the need for affordable housing in Community District 14 and acknowledges that the proposal distributes affordability to the two- and three-bedroom apartments included in the proposed design and defines affordability to 40, 60 and 80% of AMI, which would not be required should the lot be developed as of right within the allowances of the current zoning map. The developer's proposal included landscaping and while expanding landscaping to publicly accessible green space did not meet the criteria to become a condition of approval, it became a matter of interest and discussion among board members. Publicly accessible "third spaces", such as benches or a small plaza would enrich the community and should perhaps be considered in future developments. District 14 ranks at the bottom of 59 districts with respect to access to public green space.

Thank you for your consideration.

Sincerely,



Jo Ann Brown

Chair

cc: Hon. Antonio Reynoso, Brooklyn Borough President
Hon. Farah Louis, NYC Councilmember, 45th CD
David Rosenberg, Rosenberg & Estis, PC



BOROUGH PRESIDENT RECOMMENDATION

Project Name: 817 Avenue H Rezoning	
Applicant: Agudist Council of Greater New York Inc.	Applicant's Administrator: David Rosenberg
Application # 230323ZMK	Borough: Brooklyn
CEQR Number: 23DCP094K	Validated Community Districts: K14

Docket Description:
 IN THE MATTER OF an application submitted by Agudist Council of Greater New York Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c: 1. eliminating from within an existing R5 District a C1-3 District bounded by a line 150 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street; 2. changing from an R5 District to an R7A District property bounded by a line 100 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street; and 3. establishing within the proposed R7A District a C2-4 District bounded by a line 100 feet northerly of Avenue H, East 9th Street, Avenue H, and East 8th Street as shown on a diagram (for illustrative purposes only) dated November 1, 2023, and subject to the conditions of CEQR Declaration E-734.

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

RECOMMENDATION: Conditional Favorable

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

CONSIDERATION: Please see attached memo for full comment.

Recommendation submitted by	BK BP	Date: 1/30/2024 1:42 PM
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Brooklyn Borough President Antonio Reynoso

Brooklyn Borough Hall
209 Joralemon Street, Brooklyn, NY 11231

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

Uniform Land Use Review Procedure (ULURP) Application

817 AVENUE H, BROOKLYN, NY 11230 – C230323ZMK, N230324ZRK

IN THE MATTER OF a private application submitted by Agudist Council of Greater New York requesting a zoning map amendment from R5/C1-3 (OP) to R7A/C2-4 (OP) and zoning text amendment to map a new Mandatory Inclusionary Housing (MIH) area to facilitate a new nine-story, 69,275 sf mixed-use development, including 41,348 sf of residential space (approximately 42 units) and 22,149 sf of community facility space at 817 Avenue H in the Midwood neighborhood of Community District 14.

BROOKLYN COMMUNITY DISTRICT 14

RECOMMENDATION

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: 817 AVENUE H, BROOKLYN, NY 11230 – C230323ZMK, N230324ZRK

The surrounding area contains a mix of detached single-family homes, along with higher density multifamily buildings, including six-story buildings across the street from the development site from East 7th Street to Coney Island Avenue. There has been little to no new housing construction in the area over the last decade, and no MIH Areas have been mapped.

The development site is accessible to public transit, with the Avenue H station on the Q line 0.4 miles to the east and the 18th Avenue station on the F line 0.6 miles to the west. The B68 bus route runs along Coney Island Avenue, providing connections to other bus lines. The development site is also one block north of the proposed Interborough Express (IBX) alignment. The Department of Transportation (DOT) has identified Coney Island Avenue and Avenue H as a priority intersection in their Borough Pedestrian Safety Action Plans 2023 update to Vision Zero. Further east, DOT has identified another stretch of Avenue H (between Nostrand Avenue and Paerdegat Avenue S) as a priority corridor, and Flatbush and Avenue H as a priority intersection.

The Project Area is located along Avenue H within an R5 district, a lower-density residential district original to the 1961 Zoning Resolution. The project area is part of a two-block lower-density enclave among the rest of Avenue H, which consists of eight- to nine-story residential buildings corresponding to the R7A medium-density residential district mapped along the corridor.

The Project Area contains nine lots, anchored by the applicant's 12,000 sf lot which houses the Agudath Israel of Midwood Synagogue and three smaller commercial storefronts, including a

laundromat. The synagogue is also used as a community facility space by the Brookdale Senior Citizen Center through a lease agreement. The other eight lots are two-story detached homes not owned by the applicant.

The applicant proposes a zoning map amendment from R5/C1-3 to R7A/C2-4 and R5 and a zoning text amendment to map a new MIH Area. These actions would facilitate a nine-story mixed-use building with residential and community space. The ground floor is proposed to contain a house of worship, accessory office space, and the residential and community facility lobbies. The second floor is proposed to contain activity rooms, classrooms, a kitchen, and other community facility spaces. The proposed development includes 42 residential units, with 11 designated as affordable under MIH Option 1. This comprises four units for "very low income" (31-50% of the Area Median Income (AMI)) and seven units for "low income" (51-80% AMI) households. Additionally, the development is proposed to include 20 attended parking spaces in the cellar floor (four more than required per zoning).

Borough President Reynoso held a public hearing on this application on January 16, 2024. Fifteen members of the public testified in opposition, citing concerns around (1) hard-to-find street parking, increased traffic, and existing reckless driving and speeding; (2) lack of notice and transparency from the applicant to members of the neighborhood and synagogue; (3) building of this size being out of character for the area, and (4) the safety of their children. An additional 14 members of the public submitted written testimony.

Community Board Position

Community Board 14 voted to approve this application on December 18, 2023, with the conditions that the proposed development includes the setbacks as they were presented to the Community Board, ensures continuation of senior center and synagogue services, and retains the laundromat as a community resource.

Approval Rationale

Borough President Reynoso believes the applicant's proposed development is appropriate. The proposed rezoning from R5/C1-3 to R7A/C2-4 and R5 is suitable for the surrounding context, proximity to subway and bus lines, and location along an 80' wide street.

The proposed development is in alignment with the Housing Growth & Parking Demand Management Framework of the Comprehensive Plan for Brooklyn, as well as specific recommendations related to developing in a neighborhood with little recent housing growth (Rec. 2.1.1), building higher density housing near the proposed IBX line (Rec. 2.2.2), and maximizing residential FAR near transit (Rec. 2.2.4). However, by offering more parking spaces than necessary and not seeking a parking waiver, the proposed development deviates from Recommendation 2.2.4.

The proposed project's Racial Equity Report reveals that the Flatbush neighborhood has the "highest" risk of displacement, whereas Midwood exhibits a "higher" displacement risk, as indicated by the Displacement Risk Index (DRI). From 2010 to 2020, these neighborhoods saw a dramatic 17 percent decrease in the Black non-Hispanic population, significantly more than the percent decrease in all of Brooklyn and NYC. Given these recent changes and the heightened risk of displacement, the Borough President would like to reference Recommendation 2.1.2 of the Comprehensive Plan and requests that the developer consult with the Department of Housing Preservation and Development to assess the feasibility of providing more and deeper affordability than required by Mandatory Inclusionary Housing (MIH).

Further, the Borough President believes that community-facing uses such as senior centers connect residents to their neighborhoods, provide essential services, and help increase the overall physical

and mental health of communities. As such, the Borough President echoes Community Board 14's request that the applicant continue providing these services during construction and within the completed development.

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. During construction, the applicant ensures the continuity of the synagogue and services for older adults in spaces near the development site.
2. When complete, the project will include space for the synagogue, older adult services, and laundromat.

Be it Further Resolved

That DOT assess traffic patterns and driver behavior, including speeding and reckless driving, in addition to the metrics outlined in Vizion Zero, to determine if safety improvements such as curb bulb-outs, stop signs, traffic signals, speed bumps, or raised crosswalks are appropriate interventions along Avenue H between Ocean Parkway and Rugby Road.



January 29, 2024

BROOKLYN BOROUGH PRESIDENT

DATE