



## CITY PLANNING COMMISSION

February 22, 2006/ Calendar No. 22

C 060130 ZMK

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 22c, 22d, 23a, 23b:

1. eliminating from an existing R6 District a C2-3 District bounded by:
  - a. East 12<sup>th</sup> Street, Locust Avenue, East 13<sup>th</sup> Street and a line 100 feet southerly of Locust Avenue;
  - b. East 18<sup>th</sup> Street, a line 150 feet northerly of Avenue M, a line midway between Ocean Avenue and East 21<sup>st</sup> Street, and a line 100 feet northerly of Avenue M; and
  - c. East 14<sup>th</sup> Street, a line 100 feet southerly of Elm Avenue, East 16<sup>th</sup> Street, a line 100 feet southerly of Avenue M, a line midway between Ocean Avenue and East 21<sup>st</sup> Street, a line 150 feet southerly of Avenue M, East 17<sup>th</sup> Street, Cedar Street, East 16<sup>th</sup> Street, and a line 150 feet southerly of Elm Avenue;
2. changing from an R6 District to an R2 District property bounded by:
  - a. a line midway between Bedford Avenue and East 26<sup>th</sup> Street, a line 100 feet northerly of Avenue O, East 26<sup>th</sup> Street, Avenue O; and
  - b. a line 100 feet northwesterly of Kings Highway, East 27<sup>th</sup> Street, and a line 100 feet northerly of Avenue O and its easterly prolongation;
3. changing from an R6 District to an R4-1 District property bounded by:
  - a. a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Elm Avenue, East 14<sup>th</sup> Street, a line 100 feet southerly of Elm Avenue, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, and a line 100 feet northerly of Avenue N;
  - b. Cedar Street, a line midway between East 16<sup>th</sup> Street and East 17<sup>th</sup> Street, a line 100 feet northerly of Avenue N, East 17<sup>th</sup> Street, Avenue N, East 18<sup>th</sup> Street, a line 100 feet southerly of Avenue N, Ocean Avenue, Avenue O, a line midway between East 16<sup>th</sup> Street and East 17<sup>th</sup> Street, Avenue N, and East 16<sup>th</sup> Street;

- c. a line 300 feet southerly of Avenue M, a line midway between East 18<sup>th</sup> Street and East 19<sup>th</sup> Street, a line 200 feet southerly of Avenue M, Bay Avenue, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, a line 100 feet northerly of Avenue N, and a line midway between East 17<sup>th</sup> Street and East 18<sup>th</sup> Street;
  - d. East 13<sup>th</sup> Street, a line 100 feet southerly of Avenue N, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 300 feet northerly of Avenue O, East 15<sup>th</sup> Street,, a line 100 feet northerly of Avenue P, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Avenue O, East 12<sup>th</sup> Street, and a line 425 feet southerly of Avenue N;
  - e. East 16<sup>th</sup> Street, a line 100 feet southerly of Avenue O, a line midway between East 18<sup>th</sup> Street and East 19<sup>th</sup> Street, and Avenue P; and
  - f. a line 200 feet southerly of Avenue O, East 23<sup>rd</sup> Street, Avenue O East 24<sup>th</sup> Street, a line 100 feet northwesterly of Kings Highway, East 23<sup>rd</sup> Street, a line 100 feet northerly of Kings Highway, a line 100 feet northerly of Avenue P, and a line midway between East 21<sup>st</sup> Street and Ocean Avenue;
4. changing from a C4-3 District to an R5 District property bounded by:
- a. a line 150 feet northerly of Avenue J, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 100 feet northerly of Avenue J, and Coney Island Avenue; and
  - b. a line 100 feet southerly of Avenue J, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 150 feet southerly of Avenue J, and Coney Island Avenue;
5. changing from an R6 District to an R5B District property bounded by:
- a. East 12<sup>th</sup> Street, Locust Avenue, East 13<sup>th</sup> Street, and a line 100 feet southerly of Locust Avenue;
  - b. Avenue L, East 17<sup>th</sup> Street, a line 100 feet northerly of Avenue L, East 18<sup>th</sup> Street, a line 300 feet southerly of Avenue L, East 17<sup>th</sup> Street, Chestnut Avenue, and the centerline of the New York City Transit Authority Rail Road Right-of-Way and its southerly prolongation;
  - c. Avenue L, a line midway between Ocean Avenue and East 21<sup>st</sup> Street, Avenue M, Ocean Avenue, a line 150 feet northerly of Avenue M, and a line midway between East 19<sup>th</sup> Street and Ocean Avenue;

- d. a line 100 feet southerly of Elm Avenue, East 16<sup>th</sup> Street, Avenue N, a line midway between East 16<sup>th</sup> Street and East 17<sup>th</sup> Street, Avenue O, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, a line 100 feet southerly of Avenue O, East 16<sup>th</sup> Street, Avenue P, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 100 feet northerly of Avenue P, East 15<sup>th</sup> Street, a line 300 feet northerly of Avenue O, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 100 feet southerly of Avenue N, East 13<sup>th</sup> Street, a line 425 feet southerly of Avenue N, East 12<sup>th</sup> Street, Avenue O, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 100 feet northerly of Avenue N, and a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street; and
  - e. Cedar Street, East 17<sup>th</sup> Street, a line 300 feet southerly of Avenue M, a line midway between East 17<sup>th</sup> Street and East 18<sup>th</sup> Street, a line 100 feet northerly of Avenue N, and a line midway between East 16<sup>th</sup> Street and East 17<sup>th</sup> Street;
6. changing from an R6 District to an R7A District property bounded by:
- a. a line 100 feet northerly of Avenue K, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 100 feet southerly of Avenue K, and a line midway between Coney Island Avenue and East 12<sup>th</sup> Street;
  - b. Avenue H, a line midway between Ocean Avenue and East 21<sup>st</sup> Street and its northerly prolongation, Avenue L, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, a line 150 feet northerly of Avenue M, Ocean Avenue, Avenue M, a line midway between Ocean Avenue and East 21<sup>st</sup> Street, a line 100 feet northerly of Avenue P, a line 100 feet northerly of Kings Highway, East 23<sup>rd</sup> Street, a line 100 feet northwesterly of Kings Highway, East 24<sup>th</sup> Street, Avenue O, East 26<sup>th</sup> Street, a line 100 feet northerly of Avenue O and its easterly prolongation, East 27<sup>th</sup> Street, a line 100 feet northwesterly of Kings Highway, East 29<sup>th</sup> Street, Kings Highway, Avenue P, a line midway between East 18<sup>th</sup> Street and East 19<sup>th</sup> Street, a line 100 feet southerly of Avenue O, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, Avenue O, Ocean Avenue, a line 100 feet southerly of Avenue N, East 18<sup>th</sup> Street, Avenue N, East 17<sup>th</sup> Street, a line 100 feet northerly of Avenue N, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, Bay Avenue, a line 200 feet southerly of Avenue M, a line midway between East 18<sup>th</sup> Street and East 19<sup>th</sup> Street, a line 300 feet southerly of Avenue M, East 17<sup>th</sup> Street, Cedar Street, East 16<sup>th</sup> Street, a line 100 feet southerly of Elm Avenue, East 14<sup>th</sup> Street, Elm Avenue, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Locust Avenue, East 12<sup>th</sup> Street, a line 100 feet southerly of Locust Avenue, East 13<sup>th</sup> Street, Avenue M, East 14<sup>th</sup> Street, Locust Avenue, the southerly prolongation of the centerline of the New

York City Transit Authority Rail Road Right-of-Way, Chestnut Avenue, East 17<sup>th</sup> Street, a line 300 feet southerly of Avenue L, East 18<sup>th</sup> Street, a line 100 feet northerly of Avenue L, and a line midway between East 19<sup>th</sup> Street and Ocean Avenue;

- c. Elm Avenue, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Avenue N, and Coney Island Avenue; and
  - d. a line 100 feet southerly of Avenue O, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 400 feet northerly of Avenue P, and Coney Island Avenue;
7. changing from a C8-2 District to an R7A District property bounded by:
- a. a line 100 feet northerly of Locust Avenue, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Elm Avenue, and Coney Island Avenue;
  - b. Avenue N, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 100 feet southerly of Avenue O, and Coney Island Avenue; and
  - c. a line 400 feet northerly of Avenue P, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Avenue P, and Coney Island Avenue;
8. changing from a C4-3 District to a C4-4A District property bounded by a line 100 feet northerly of Avenue J, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 100 feet southerly of Avenue J, and Coney Island Avenue; and
9. establishing within a proposed R7A District a C2-3 District bounded by:
- a. a line 100 feet northerly of Locust Avenue, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Elm Avenue, and Coney Island Avenue;
  - b. Avenue N, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 100 feet southerly of Avenue O, and Coney Island Avenue; and
  - c. a line 400 feet northerly of Avenue P, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Avenue P, and Coney Island Avenue;

Borough of Brooklyn, Community District 14, as shown on a diagram (for illustrative purposes only) dated October 17, 2005, and subject to the conditions of CEQR Declaration E-159.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on October 11, 2005 to rezone all or portions of eighty blocks in the neighborhood of Midwood, in southern Brooklyn, Community District 14, to preserve the existing neighborhood scale and character, and to encourage higher density development at appropriate locations.

## **BACKGROUND**

The Department of City Planning proposes a zoning map amendment for all or portions of approximately 80 blocks in the Midwood neighborhood of Brooklyn's Community District 14 to lower-density or contextual zones. The area proposed for rezoning is a predominantly residential area generally bounded by Avenue H on the north, Nostrand Avenue on the east, Avenue P and Kings Highway on the south and Coney Island Avenue on the west. The rezoning area is predominantly zoned R6. Portions of blocks are also zoned C4-3; C8-2, and C2-3.

Together the proposed zoning changes would preserve the character of both the low-density small homes and the high density apartment buildings found throughout this portion of Midwood, and ensure that future residential development within these areas would be in keeping with its surrounding context.

Midwood was developed in its present built form primarily between the two World Wars, and after the construction of the Brooklyn-Manhattan-Transit subway line in 1908 and the extension of the Interborough Rapid Transit line in 1920. Large multiple-dwellings were built along or near the major avenues, Ocean Avenue, Avenue K, and Kings Highway, while the areas between Ocean and Coney Island avenues to the west, and Ocean and Bedford avenues to the east, were

developed mostly with small homes. Avenue M, the site of Midwood's early film studio development, and Avenue J, became the area's main commercial strips. Coney Island Avenue became the focus of auto-related commercial development.

While the area was mainly built up by World War II, small scale construction continued into the 1980s, mostly groups of three- or four- family semi-detached houses with ground floor garages. However, recent construction has been out-of-scale and character with neighborhood buildings. These projects take advantage of the increased floor area allowed in R6 zoned areas by including community facility uses as a part of the project (increasing allowable FAR from 2.43 to 3.8 or 4.8).

The rezoning proposal was developed in response to concerns by community residents and elected officials beginning in the winter of 2004. This study formally began in the spring of 2005, and proceeded during the year with consultations and meetings with elected officials, the Community Board and civic groups.

The proposed rezoning would preserve the existing neighborhood scale and character with lower density and contextual zoning districts. The proposal preserves residential development options on selected wide streets with existing apartment buildings - Ocean Avenue and Kings Highway - and side streets near the Kings Highway subway station.

## **Existing Zoning**

The Midwood rezoning area is currently comprised of three different zoning districts which have remained unchanged since the 1961 Zoning Resolution went into effect.

### **R6**

South of Avenue H most of the proposed rezoning area is zoned R6. Along block-faces of Ocean Avenue and Kings Highway to Avenue P and 100 feet north of Kings Highway, the zoning is R6, a residential district that has no height limit and is governed by height factor regulations with a maximum FAR of 2.43 for residential buildings. The R6 regulations allow community facility buildings, such as hospitals, schools, churches, and medical offices and mixed residential and community facility buildings, up to an FAR of 4.8. Many of the buildings constructed recently in the neighborhood include both residential and community facility uses.

### **C4-3**

A C4-3 commercial district is mapped to a depth of 150 feet along Avenue J between Coney Island Avenue and East 16th Street. The C4-3 district allows commercial buildings of up to 3.4 FAR, residential buildings of up to 2.43. Community facility and mixed buildings can have an FAR of up to 4.8 with no height limit. The district allows local and regional retail and other commercial uses.

### **C8-2**

C8-2 commercial districts are mapped at three locations on Coney Island Avenue between Locust Avenue and Avenue P in the rezoning area. The C8-2 district allows commercial buildings of up to 2.0 FAR and community facility buildings of up to 4.8 FAR with no height

limit. The C8-2 zoning allows a variety of retail and service uses including small appliance repair and upholstery shops as well as automotive service facilities, lumber yards and other heavy commercial uses. Residential uses are not permitted.

### **Commercial Overlays**

C2 commercial overlays are mapped on a number of the east-west streets, including Chestnut, Elm, and Locust avenues and on Avenue M between Coney Island and Ocean avenues. C2 districts allow broad range of service uses including small appliance repair and upholstery shops. Commercial buildings within C2 commercial district overlays have a maximum allowable floor area ratio of 2.0 if the overlay is mapped in zoning districts R6 and above.

### **Rezoning**

The Midwood rezoning proposes to reinforce established built contexts and prevent out-of-character development by rezoning to contextual districts that do not allow buildings with community facilities to be larger than others in the district; limit the height of new developments in the predominantly low-rise blocks to 35 feet; along Avenue K, Ocean Avenue, and Kings Highway, where multi-story apartment houses predominate, require new construction to maintain the existing street wall character; and along Avenue J, Coney Island Avenue, and the Avenue M commercial corridor, allow construction of new apartment buildings, limited to a height of 80 feet.

### **R2**

An R2 district is proposed for approximately four lots, with single family homes, on Avenue O now zoned R6. R2 – a low-density residential district -- allows only detached one-family houses



with a maximum FAR of 0.5 and a minimum lot width of 40 feet. Two side yards are required. One off-street parking space is required for each unit. Community facilities in R2 districts have a maximum FAR of 0.5.

#### **R4-1**

An R4-1 district is proposed for portions of 26 blocks (now zoned R6) where either semi-detached or detached housing is the predominant type (such as East 13th between Elm Avenue and Avenue O). R4-1 – a low-density residential district -- allows only detached and semi-detached one- and two-family houses with a maximum FAR of 0.9, a maximum perimeter wall height of 21 feet and a maximum building height of 35 feet. Two side yards are required if the houses are detached and one if the houses are semi-detached. One off-street parking space is required for each unit. Community facilities in R4-1 districts have a maximum FAR of 2.0.

#### **R5**

Parts of 10 blocks in the existing C4-3 district would be rezoned to R5. R5 allows detached, semi-detached and attached houses with an FAR of 1.25 (2.0 for community facilities), a maximum street wall height of 30 feet and a maximum building height of 40 feet. One parking space is required for each unit or 85% of the units if grouped. The area to be rezoned contains a mix of detached, semi-detached, and attached residential buildings.

#### **R5B**

All or parts of 16 blocks in the existing R6 district would be rezoned to R5B. R5B allows detached, semi-detached and attached houses with an FAR of 1.35 (2.0 for community facilities),

a maximum street wall height of 30 feet and a maximum building height of 33 feet. One parking space is required for each unit or 66% of the units if grouped. Parking in front of buildings is not permitted. The area to be rezoned contains a mix of two- and three-story single- and two-family homes; mostly of which are row houses.

### **R7A**

All or parts of 55 blocks are proposed to be rezoned from R6 to R7A, including the Avenue M commercial corridor, much of Ocean Avenue, as well as sections of Kings Highway, Coney Island Avenue, Avenue J and Avenue K. In addition, three areas on Coney Island Avenue would be rezoned from C8-2 to R7A. These are wide streets with a predominant character of multi-story apartment buildings built to the street line. R7A is a medium-density contextual residential district with a maximum FAR of 4.0 for all buildings, a maximum street wall height of 60 feet before setback and a maximum building height of 80 feet. Parking is required for half the units. The Quality Housing program is mandatory.

### **C4-4A**

Proposed for Avenue J between Coney Island Avenue and East 16th Street on parts of 10 blocks, a C4-4A district would replace the C4-3 district, imposing an 80-foot height limit for all new construction. C4-4A is a medium-density contextual commercial district which allows residential, commercial and community facility buildings with a maximum FAR of 4.0, a maximum street wall height of 60 feet and a maximum building height of 80 feet.

## **Commercial Overlay Changes**

The current C2-3 commercial overlay along the Avenue M commercial corridor would be reduced in depth from 150 feet to 100 feet. New C2-3 commercial overlays are proposed for portions of five blocks along Coney Island Avenue, between Avenue P and Locust Avenue, where the underlying zoning would be changed from C8-2 to R7-A and where there are existing commercial uses.

C2-3 is a commercial overlay district mapped within residential districts, which allows retail uses. In C2-3 overlays in lower density residential districts (R5 and below), the maximum commercial FAR is 1.0. In R6 and higher districts, the maximum commercial FAR is 2.0.

## **ENVIRONMENTAL REVIEW**

This application (C 060130 ZMK) 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 06DCP030K. The lead agency is the City Planning Commission. After a study of the environmental impact of the subject application (C 060130 ZMK), a negative declaration was issued on October 17, 2005, which included (E) designations for hazardous materials, air quality and noise.

To avoid the potential for hazardous materials impacts, the proposed zoning map amendment includes (E) designations for hazardous materials on the following properties:

- Block 6703, Lot 55**
- Block 6749, Lots 54, 56, 73, 76, 78, 86, 91**
- Block 6758, Lot 51**
- Block 6766, Lots 7, 12, 20, 21**
- Block 7656, Lots 55, 58**
- Block 7674, Lot 1**

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the Department of Environmental protection (DEP) before the issuance of a building permit by the Department of Buildings (DOB) (pursuant to Section 11-15 of the Zoning Resolution – Environmental Requirement). The (E) designation also includes a mandatory construction-related health and safety plan which must also be approved by DEP.

To avoid the potential for air quality impacts associated with boiler emissions, the proposed zoning map amendment includes (E) designations on the following properties:

**Block 6712, Lots 81, 82, 83 and 84**  
**Block 6730, Lots 7, 9 and 10**  
**Block 6738, Lots 15, 17, 74, 75, 76, 77, 78 and 79**  
**Block 6739, Lots 15, 16, 26 and 28**  
**Block 6740, Lots 55, 56, 57 and 58**  
**Block 6749, Lots 73, 76, 78, 86 and 91**  
**Block 6765, Lots 20, 21, 25 and 27**  
**Block 7656, Lots 55 and 58**

Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

To avoid the potential for air quality impacts that would have the potential to result in significant adverse industrial source air quality impacts, the proposed zoning map amendment includes (E) designations on the following property:

**Block 6758, Lot 51**

Any new residential and/or commercial development must have inoperable windows and may not include air inlets in the north facade of the building.

To avoid the potential for significant adverse impacts related to noise, the proposed action includes (E) designations on the following properties:

**Block 6731, Lot 56**  
**Block 6749, Lots 54, 56, 73, 76, 78, 86 and 91**  
**Block 6758, Lot 1**

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

## **UNIFORM LAND USE REVIEW**

This application (C 060130 ZMK) was certified as complete by the Department of City Planning on October 17, 2005 and was duly referred to Community Board 14 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

## **Community Board Public Hearing**

Community Board 14 held a public hearing on the application (C 060130 ZMK) on December 7, 2005, and on December 12, 2005, by a vote of 25 to 0 with three abstentions, adopted a resolution recommending approval of the zoning map application, with the following condition:

Community Board 14 recommends that the zoning map amendment be adopted in its entirety on the condition that the City Planning Commission consider the concerns stated at the Board's public hearing to the Department of City Planning's representatives on December 7, 2005, insofar as these concerns do not jeopardize the integrity of the proposed changes.

## **Borough President Recommendation**

The application (C 060130 ZMK) was considered by the Borough President, who issued on January 5, 2006 recommendation approving the proposed zoning map application subject to the following condition:

- 1) ... the City Planning Commission and City Council modify the zoning map amendments as follows:
  - a) For the east side of Ocean Avenue between 100 feet south of Avenue N and Avenue O, the proposed R4-1 district be zoned R6A.
  - b) For the north side of Avenue P between the mid-block east of East 18<sup>th</sup> Street and the mid-block west of East 16<sup>th</sup> Street, the proposed R4-1 be zoned R6A.
  - c) For East 21<sup>st</sup> Street between 200 feet south of Avenue O and 100 feet north of Kings Highway, the proposed R4-1 be zoned R5B.
  - d) For Coney Island Avenue between 150 feet south of Avenue N and Avenue P, the proposed R7A/C2-3 district to remain as a C8-2 zoning district.
  - e) For the south side of Elm Avenue between East 12<sup>th</sup> and East 13<sup>th</sup> Street, the proposed R4-1 district to remain as a R6 zoning district.
  - f) For Avenue N between East 14<sup>th</sup> Street and East 15<sup>th</sup> Street, the proposed R5B district be zoned R6A.

Be it further resolved that the Borough President calls on:

- 1) The Department of City Planning to initiate and expedite zoning text and map amendments that:
  - a) For R6A, R7A and C4-4A districts in Community District 14, amend the residential parking requirements from one space for every two dwelling units to one space for each dwelling unit in any development containing multi-family housing and eliminate the option to otherwise waive parking;
  - b) Investigate a rezoning to an R5A district for the remaining areas proposed to be rezoned as R4-1 districts;
  - c) Make applicable the affordable housing floor area incentives for the R7A and C4-4A districts mapped in Community District 14 with additional text amendments encouraging development of affordable housing for senior citizens;
  - d) Plan for the rezoning of Coney Island Avenue in consultation with Community Boards 7, 12, 13,14 and 15 and the Brooklyn Borough Board;
  - e) For the remainder of CB 14, rezone to promote preservation of detached and semi-detached housing and provide opportunities for smart growth
- 2) The City to analyze and implement means to provide landscaping along Kings Highway (east of Ocean Avenue) and Ocean Avenue for all residential developments.

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

On December 19, 2005 (Calendar No. 25), the City Planning Commission scheduled January 11, 2006, for a public hearing on the application (C 060130 ZMK). The hearing was duly held on January 11, 2006 (Calendar No. 27). There were twelve speakers in favor of the application and eleven speakers in opposition.

Speakers in favor of the proposal included a representative of the Council Member from the 48<sup>th</sup> District, the Chairman of Community Board 14, community residents, a representative of the Good Neighbors Association of Midwood, a representative of the Council of Jewish Organizations of Flatbush, and representatives of other area businesses and institutions. The speakers testified that the proposal would preserve the low-rise character of the area and that they have been advocating zoning changes to curtail out-of-context construction in this area for

several years. They further stated that they were not opposed to new development but wanted new buildings to be in context with the built character of the neighborhood. A rabbi representing a Yeshiva on Elm Avenue and 13th Street spoke in favor of the proposal, but asked that their property across Elm Avenue, opposite the school, be excluded from the rezoning to facilitate the expansion of their institution. A representative of a commercial establishment on Ocean Avenue near Avenue M spoke in favor of the zoning change, but asked that the existing C2-3 overlay covering their property be restored.

Speakers in opposition to the proposal included local developers, an attorney representing property owners on East 21<sup>st</sup> Street, community residents and property owners.

These speakers noted that the need for housing in the area was high and that the proposed zoning changes would restrict new apartment buildings in areas they believe are appropriate for apartment house construction, such as Ocean Avenue between Avenues N and O.

Two owners of property on Ocean Avenue between Avenues N and O testified that they and their neighbors believed that the rezoning would limit the ability to redevelop their property and thus decrease the resale value.

The owner of property on Avenue N between 14<sup>th</sup> and 15<sup>th</sup> Streets, testified that he planned to sell his property to a yeshiva and wants his property excluded from the zoning change.

Two owners of properties near Avenue J and East 13<sup>th</sup> Street testified that the rezoning of the side streets north and south of Avenue J, from C4-3 to R5, would impede their ability to redevelop their properties with larger buildings.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map (C 060130 ZMK), as modified herein is appropriate.

The Midwood rezoning is a balanced rezoning proposal that would protect predominantly low-rise blocks with lower-density zoning districts, providing opportunities for apartment house construction on selected wide streets with existing high density apartment buildings and good access to mass transit with contextual, medium-density zoning districts.

The existing R6, C4-3, and C8-2 districts would be replaced by R2, R4-1, R5, R5B, R6A, R7A and C4-4A districts which would protect the existing character of the neighborhood by mandating housing types, densities and heights that are consistent with the area's built character. The proposed R2, R4-1 and R5B districts would more closely match the existing built character of the small homes typically found on the side streets.

The R7A and C4-4A districts along Avenue J, Avenue K, the Avenue M commercial corridor, Ocean Avenue, Coney Island Avenue, and Kings Highway, would better reflect the existing apartment building character of those streets and maintain opportunities for new apartment house



construction appropriate for these wide streets with good transit access. In addition, the proposed contextual districts would eliminate the floor area bonus available to community facilities and include limitations on building heights where none currently exist.

The Commission recognizes the concerns raised during the public review and the recommendations of the Borough President, regarding the proposed R4-1 district on the westerly side of Ocean Avenue between Avenues N and O; the proposed R4-1 district along Elm Avenue between East 13th and East 14<sup>th</sup> streets; the reduction of the commercial overlay along Ocean Avenue and Avenue M; and the reduction of the commercial overlay along Avenue J, between Coney Island Avenue and East 12<sup>th</sup> Street. The City Planning Commission concurs with these recommendations and is consequently modifying this application:

Along the westerly side of Ocean Avenue between Avenues N and O the Commission is changing the proposed R4-1 district to R6A. The Commission believes that the modification would facilitate development in scale and character with the existing buildings on this wide street.

Along the southerly side of Elm Avenue, between Coney Island Avenue and East 13th Street, to depth of 100 feet the Commission is retaining the existing R6 district to facilitate the expansion of a community facility.

Along the westerly side of Ocean Avenue, 100 feet north of Avenue M, the Commission is retaining the existing C2-3 overlay to reflect an existing two-story commercial building.

On the easterly side of Coney Island Avenue north and south of Avenue J, the Commission is modifying the proposal by adding a C2-3 overlay to these properties, which are currently zoned C4-3. These properties are developed with commercial uses and the certified proposal would have removed commercial zoning from them.

The Commission believes that the proposed R7A/C2-3 district for Coney Island Avenue is appropriate.

The Commission notes that this major corridor is a wide street with bus lines and near subways, and is therefore appropriate for new multi-family or community facility buildings. The proposed R7A/C2-3 along Coney Island Avenue north of Avenue P would also create new housing opportunities where new housing is currently not permitted by the existing C8-2 zoning. These block frontages contain a mixture of commercial buildings, community facilities, residential buildings and mixed-use residential buildings with ground-floor retail. The Commission believes that new development under the proposed zoning would strengthen and enhance Coney Island Avenue.

The Commission notes that the predominant character of East 21<sup>st</sup> Street between avenues O and P is low density residential. The proposed R4-1 district would preserve the low density detached and semi-detached homes that comprise most of this area, while allowing for modest expansion of the existing buildings. The proposed R4-1 district on the northerly side of Avenue P between East 16th and East 18th streets would preserve the low density detached one- and two-family

homes that comprise most of this area, it allows for modest expansion of the existing buildings, and is therefore appropriate for these blocks.

The Commission notes that southerly side of Avenue N between East 14th and East 15th streets is a low density residential block and the proposed R5B district would preserve the low-density, detached one- and two- family character of this area. The Commission believes that the existing R6 district or an R6A district, as proposed by Borough President, would foster out-of-character development in this area.

With respect to the recommendation of the Borough President for a 100 percent parking requirement, the Commission notes that this would require an amendment to the zoning resolution that is outside the purview of this Zoning Map amendment.

Regarding the testimony at the Commission's public hearing concerning density limitations in the proposed R4-1 districts, the Commission notes that almost 75% of the homes within the proposed R4-1 districts are built to FARs at or below the permitted maximum .9 FAR. The Commission believes that this will allow for expansion of existing homes, while preserving the built character of this area.

## **RESOLUTION**

**RESOLVED**, that 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 as subsequently amended, is further amended by changing the Zoning for an amendment of the Zoning Map, Section Nos. 22c, 22d, 23a, 23b:

1. eliminating from an existing R6 District a C2-3 District bounded by:
  - a. East 12<sup>th</sup> Street, Locust Avenue, East 13<sup>th</sup> Street and a line 100 feet southerly of Locust Avenue;
  - b. East 18<sup>th</sup> Street, a line 150 feet northerly of Avenue M, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, and a line 100 feet northerly of Avenue M;
  - c. Ocean Avenue, a line 150 feet northerly of Avenue M, a line midway between Ocean Avenue and East 21<sup>st</sup> Street, a line 100 feet northerly of Avenue M; and
  - d. East 14<sup>th</sup> Street, a line 100 feet southerly of Elm Avenue, East 16<sup>th</sup> Street, a line 100 feet southerly of Avenue M, a line midway between Ocean Avenue and East 21<sup>st</sup> Street, a line 150 feet southerly of Avenue M, East 17<sup>th</sup> Street, Cedar Street, East 16<sup>th</sup> Street, and a line 150 feet southerly of Elm Avenue;
2. changing from an R6 District to an R2 District property bounded by:
  - a. a line midway between Bedford Avenue and East 26<sup>th</sup> Street, a line 100 feet northerly of Avenue O, East 26<sup>th</sup> Street, Avenue O; and
  - b. a line 100 feet northwesterly of Kings Highway, East 27<sup>th</sup> Street, and a line 100 feet northerly of Avenue O and its easterly prolongation;
3. changing from an R6 District to an R4-1 District property bounded by:
  - a. a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 100 feet southerly of Elm Avenue, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, and a line 100 feet northerly of Avenue N;
  - b. Cedar Street, a line midway between East 16<sup>th</sup> Street and East 17<sup>th</sup> Street, a line 100 feet northerly of Avenue N, East 17<sup>th</sup> Street, Avenue N, East 18<sup>th</sup> Street, a line 100 feet southerly of Avenue N, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, Avenue O, a line midway between East 16<sup>th</sup> Street and East 17<sup>th</sup> Street, Avenue N, and East 16<sup>th</sup> Street;

- c. a line 300 feet southerly of Avenue M, a line midway between East 18<sup>th</sup> Street and East 19<sup>th</sup> Street, a line 200 feet southerly of Avenue M, Bay Avenue, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, a line 100 feet northerly of Avenue N, and a line midway between East 17<sup>th</sup> Street and East 18<sup>th</sup> Street;
  - d. East 13<sup>th</sup> Street, a line 100 feet southerly of Avenue N, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 300 feet northerly of Avenue O, East 15<sup>th</sup> Street, a line 100 feet northerly of Avenue P, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Avenue O, East 12<sup>th</sup> Street, and a line 425 feet southerly of Avenue N;
  - e. East 16<sup>th</sup> Street, a line 100 feet southerly of Avenue O, a line midway between East 18<sup>th</sup> Street and East 19<sup>th</sup> Street, and Avenue P; and
  - f. a line 200 feet southerly of Avenue O, East 23<sup>rd</sup> Street, Avenue O, East 24<sup>th</sup> Street, a line 100 feet northwesterly of Kings Highway, East 23<sup>rd</sup> Street, a line 100 feet northerly of Kings Highway, a line 100 feet northerly of Avenue P, and a line midway between East 21<sup>st</sup> Street and Ocean Avenue;
4. changing from a C4-3 District to an R5 District property bounded by:
- a. a line 150 feet northerly of Avenue J, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 100 feet northerly of Avenue J, and Coney Island Avenue; and
  - b. a line 100 feet southerly of Avenue J, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 150 feet southerly of Avenue J, and Coney Island Avenue;
5. changing from an R6 District to an R5B District property bounded by:
- a. East 12<sup>th</sup> Street, Locust Avenue, East 13<sup>th</sup> Street, and a line 100 feet southerly of Locust Avenue;
  - b. Avenue L, East 17<sup>th</sup> Street, a line 100 feet northerly of Avenue L, East 18<sup>th</sup> Street, a line 300 feet southerly of Avenue L, East 17<sup>th</sup> Street, Chestnut Avenue, and the centerline of the New York City Transit Authority Rail Road Right-of-Way and its southerly prolongation;
  - c. Avenue L, a line midway between Ocean Avenue and East 21<sup>st</sup> Street, Avenue M, Ocean Avenue, a line 150 feet northerly of Avenue M, and a line midway between East 19<sup>th</sup> Street and Ocean Avenue;
  - d. a line 100 feet southerly of Elm Avenue, East 16<sup>th</sup> Street, Avenue N, a line midway between East 16<sup>th</sup> Street and East 17<sup>th</sup> Street, Avenue O, a

line midway between East 19<sup>th</sup> Street and Ocean Avenue, a line 100 feet southerly of Avenue O, East 16<sup>th</sup> Street, Avenue P, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 100 feet northerly of Avenue P, East 15<sup>th</sup> Street, a line 300 feet northerly of Avenue O, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 100 feet southerly of Avenue N, East 13<sup>th</sup> Street, a line 425 feet southerly of Avenue N, East 12<sup>th</sup> Street, Avenue O, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 100 feet northerly of Avenue N, and a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street; and

- e. Cedar Street, East 17<sup>th</sup> Street, a line 300 feet southerly of Avenue M, a line midway between East 17<sup>th</sup> Street and East 18<sup>th</sup> Street, a line 100 feet northerly of Avenue N, and a line midway between East 16<sup>th</sup> Street and East 17<sup>th</sup> Street;
6. changing from an R6 district to an R6A district property bounded by Avenue N, Ocean Avenue, Avenue O, and a line midway between East 19<sup>th</sup> Street and Ocean Avenue;
  7. changing from an R6 District to an R7A District property bounded by:
    - a. a line 100 feet northerly of Avenue K, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 100 feet southerly of Avenue K, and a line midway between Coney Island Avenue and East 12<sup>th</sup> Street;
    - b. Avenue H, a line midway between Ocean Avenue and East 21<sup>st</sup> Street and its northerly prolongation, Avenue L, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, a line 150 feet northerly of Avenue M, Ocean Avenue, Avenue M, a line midway between Ocean Avenue and East 21<sup>st</sup> Street, a line 100 feet northerly of Avenue P, a line 100 feet northerly of Kings Highway, East 23<sup>rd</sup> Street, a line 100 feet northwesterly of Kings Highway, East 24<sup>th</sup> Street, Avenue O, East 26<sup>th</sup> Street, a line 100 feet northerly of Avenue O and its easterly prolongation, East 27<sup>th</sup> Street, a line 100 feet northwesterly of Kings Highway, East 29<sup>th</sup> Street, Kings Highway, Avenue P, a line midway between East 18<sup>th</sup> Street and East 19<sup>th</sup> Street, a line 100 feet southerly of Avenue O, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, Avenue O, Ocean Avenue, Avenue N, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, a line 100 feet southerly of Avenue N, East 18<sup>th</sup> Street, Avenue N, East 17<sup>th</sup> Street, a line 100 feet northerly of Avenue N, a line midway between East 19<sup>th</sup> Street and Ocean Avenue, Bay Avenue, a line 200 feet southerly of Avenue M, a line midway between East 18<sup>th</sup> Street and East 19<sup>th</sup> Street, a line 300 feet southerly of Avenue M, East 17<sup>th</sup> Street, Cedar Street, East 16<sup>th</sup> Street, a line 100 feet southerly of Elm Avenue, East 13<sup>th</sup> Street, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Locust

Avenue, East 12<sup>th</sup> Street, a line 100 feet southerly of Locust Avenue, East 13<sup>th</sup> Street, Avenue M, East 14<sup>th</sup> Street, Locust Avenue, the southerly prolongation of the centerline of the New York City Transit Authority Rail Road Right-of-Way, Chestnut Avenue, East 17<sup>th</sup> Street, a line 300 feet southerly of Avenue L, East 18<sup>th</sup> Street, a line 100 feet northerly of Avenue L, and a line midway between East 19<sup>th</sup> Street and Ocean Avenue;

- c. Elm Avenue, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Avenue N, and Coney Island Avenue; and
  - d. a line 100 feet southerly of Avenue O, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 400 feet northerly of Avenue P, and Coney Island Avenue;
8. changing from a C8-2 District to an R7A District property bounded by:
- a. a line 100 feet northerly of Locust Avenue, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Elm Avenue, and Coney Island Avenue;
  - b. Avenue N, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 100 feet southerly of Avenue O, and Coney Island Avenue; and
  - c. a line 400 feet northerly of Avenue P, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Avenue P, and Coney Island Avenue;
9. changing from a C4-3 District to a C4-4A District property bounded by a line 100 feet northerly of Avenue J, a line midway between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street, a line 100 feet southerly of Avenue J, and Coney Island Avenue;
10. establishing within a proposed R5 District a C1-3 District bounded by a line 100 feet southerly of Avenue J, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 150 feet southerly of Avenue J, and Coney Island Avenue;
11. establishing within a proposed R5 District a C2-3 District bounded by a line 150 feet northerly of Avenue J, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 100 feet northerly of Avenue J, and Coney Island Avenue; and
12. establishing within a proposed R7A District a C2-3 District bounded by:
- a. a line 100 feet northerly of Locust Avenue, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Elm Avenue, and Coney Island Avenue;

- b. Avenue N, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, a line 100 feet southerly of Avenue O, and Coney Island Avenue; and
- c. a line 400 feet northerly of Avenue P, a line midway between Coney Island Avenue and East 12<sup>th</sup> Street, Avenue P, and Coney Island Avenue;

Borough of Brooklyn, Community District 14, as shown on a diagram (for illustrative purposes only) dated October 17, 2005, modified by the City Planning Commission on February 22, 2006, and subject to the conditions of CEQR Declaration E-159.

The above resolution (C 060130 ZMK), duly adopted by the City Planning Commission on February 22, 2006 (Calendar No. 22), 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.

**AMANDA M. BURDEN, AICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice-Chairman**  
**ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, III, RICHARD W. EADDY, LISA A. GOMEZ, JOHN**  
**MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**