



## CITY PLANNING COMMISSION

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February 4, 2009/Calendar No. 11

C 090197 ZMK

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**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. 16d and 22c:

1. changing from an R5 District to an R5B District property bounded by the northeasterly centerline prolongation of Kermit Place, a line 80 feet southwesterly of Coney Island Avenue, Caton Avenue, and East 8th Street;
2. changing from an R6 District to an R5B District property bounded by Caton Place, East 8th Street, Kermit Place, a line 100 feet southwesterly of East 8<sup>th</sup> Street, a line 125 feet southeasterly of Kermit Place, East 7th Street, Kermit Place, the northerly prolongation of a line midway between Ocean Parkway and East 7th Street, a line midway between Caton Place and Kermit Place, and a line 100 feet southwesterly of East 8th Street;
3. changing from an R7A District to an R5B District property bounded by a line 75 feet northwesterly of Kermit Place, the northerly prolongation of a line midway between Ocean Parkway and East 7th Street, Kermit Place, and Ocean Parkway;
4. changing from an R6 District to an R6A District property bounded by Kermit Place, East 7th Street, a line 125 feet southeasterly of Kermit Place, a line 100 feet southwesterly of East 8th Street, Kermit Place, East 8th Street, Caton Avenue, and the northerly prolongation of a line midway between Ocean Parkway and East 7th Street; and
5. establishing within a proposed R6A District a C2-4 District bounded by East 8<sup>th</sup> Street, Caton Avenue, East 7th Street, and a line 125 feet southeasterly of Kermit Place;

within the Special Ocean Parkway District in the borough of Brooklyn, Community District 7, as shown on a diagram (for illustrative purposes only) dated November 17, 2008.

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The application for an amendment of the Zoning Map was filed by the Department of City Planning on November 12, 2008, to rezone all or portions of 5 blocks in an area generally bounded by Ocean Parkway Service Road to the north, Ocean Parkway to the west, Coney Island Avenue to the east, and Caton Avenue to the south from R5, R6 and R7A to R5B, from R6 to R6A, and from R6 to R6A / C2-4.

## **BACKGROUND**

The Department of City Planning proposes a zoning map amendment for an approximately five-block area in the East Windsor Terrace neighborhood of Brooklyn, within Community District 7. The rezoning area is generally bounded by Coney Island Avenue to the east, Caton Place to the north, Ocean Parkway to the west and Caton Avenue to the south.

The proposed rezoning was undertaken at the request of local community groups, Community Board 7 and the local Councilmember in response to out-of-character development. The proposed rezoning would preserve the existing neighborhood built character by limiting new development to heights and densities consistent with the existing built context.

### **Neighborhood Character**

East Windsor Terrace is a neighborhood of predominantly two story limestone and brownstone row houses, as well as mid-rise apartment buildings. The area contains local narrow streets and is surrounded by the wider thoroughfares of Ocean Parkway, Caton Avenue and Coney Island Avenue. In the 19<sup>th</sup> Century, the land was acquired for use as farmland and then sold to a developer who created building lots, around which the village of Windsor Terrace was built and incorporated in 1851. The Parade Grounds and tennis facilities of Prospect Park are located immediately to the east of the proposed rezoning area across Coney Island Avenue. Some of the only remaining horse stables in Brooklyn, which give this area a unique identity, are located just north of the rezoning area. The construction of the Prospect Expressway took place in the 1950's, and the neighborhood was rezoned in 1980s to limit high-rise buildings along Ocean Parkway.

The zoning in the surrounding area is composed of an R5 district to the south, an R7A district along the Ocean Parkway to the west and north, and a C8-2 district along Coney Island Avenue

to the east. The surrounding land uses consist of a mix of residential, commercial and public facility uses. There are several pre-World War II multifamily residential buildings along the Ocean Parkway and a low rise residential area south of Caton Avenue. There is also a warehouse building and two churches close to the north of rezoning area. The Brooklyn College Academy and two gas stations are located along Coney Island Avenue to the east of rezoning area.

### **Existing Zoning**

The rezoning area is comprised of the five blocks that are currently zoned R5, R6 and R7A. This area is within the Special Ocean Parkway District, a special purpose district that runs along Ocean Parkway from Fort Hamilton Parkway at the north to Brighton Beach Avenue to the south. The rezoning area is bounded by a C8-2 zoning district along Coney Island Avenue to the east, an R5 district south of Caton Avenue, an R7A and R7B district to the north along Caton Place, and an R7A district along Ocean Parkway to the west. Most of the existing zoning designations within the rezoning area have been in place since the New York City Zoning Resolution was adopted in 1961.

### **R5**

R5 is currently mapped on two partial blocks within the rezoning area. R5 is a residential zoning district which permits all housing types with a 40-foot height limit and a maximum Floor Area Ratio (FAR) of 1.25. R5 regulations allow an FAR of 1.65 on blocks that are predominantly built up to encourage infill construction, but any building utilizing infill zoning cannot exceed a height of 33 feet and must provide an 18 foot front yard. Community facilities are permitted a maximum FAR of 2.0 with no height limit. Off-street parking is required for a minimum of 85 percent of the dwelling units in standard R5 districts and a minimum of 66 percent of the dwelling units in R5 Infill. 36% of the lots in the rezoning area are currently zoned R5.

## **R6**

R6 is a height factor residential zoning district that permits a maximum FAR of 2.43 for residential buildings and 4.8 for community facilities. There are no fixed height limits in an R6 district and building envelopes are regulated by the sky exposure plane. The optional R6 Quality Housing program permits an FAR of 2.2 on narrow streets and 3.0 on wide streets, and limits building heights to 55 feet on narrow streets and 70 feet on wide streets. Off-street parking is required for a minimum of seventy percent of the dwelling units. Parking for a minimum of fifty percent of the dwelling units is required when the Quality Housing program is utilized. Fifty-five percent of the lots in the rezoning area are currently zoned R6.

## **R7A**

R7A is currently mapped along Ocean Parkway adjacent to the proposed rezoning area. A small number of existing small homes within the proposed rezoning area are currently within this R7A district. R7A is a contextual residential zoning district with a maximum FAR of 4.0 and a maximum building height of 80 feet after setting back from the maximum street wall height of 65 feet. Off-street parking is required for fifty percent of the units, and seven percent of the lots in the rezoning area are currently zoned R7A.

## **The Special Ocean Parkway District**

The entire rezoning area falls within the Special Ocean Parkway District (SOPD). The Special Ocean Parkway District extends the full length of Ocean Parkway in Brooklyn from Fort Hamilton Parkway at the north to Brighton Beach Avenue to the south. Regulations applying to the SOPD include mandated 30-foot deep front yards along Ocean Parkway, and required planting and landscaping in these areas. In addition, limitations are placed on community facility bulk for new construction and expanded community facilities.

## **Proposed Zoning**

The proposed East Windsor Terrace Rezoning would map contextual zoning districts at densities appropriate to the existing land uses and built character of the area. The proposal would replace the existing R6 and R5 zoning districts and a small portion of the R7A district with contextual R5B and R6A zoning districts that have height limits and require new construction to line up with existing buildings. In response to community requests for additional commercial opportunities for the area, a C2-4 commercial overlay would be added on a portion of the area proposed to be rezoned to R6A fronting on Caton Avenue.

### **R5B**

Four partial blocks of the rezoning area fronting on East 8th Street and Kermit Place would be rezoned from R5 and R6 to R5B. A small portion of area within the existing R7A district along the Ocean Parkway has been included in this rezoning because it consists of 2 story homes and is consistent with the character of homes in the rest of the rezoning area along Kermit Place. The portions of the blocks to which the R5B would apply consist predominantly of existing two-story row houses, and constitute the majority of the rezoning area.

R5B districts typically produce three-story row houses and allow an FAR of 1.35 for residential uses and 2.0 for community facility uses, with a maximum street wall height of 30 feet and a maximum building height of 33 feet. A minimum five foot front yard is required and must be as deep as one adjacent front yard but no deeper than the other. Parking is waived for one- and two-family homes and curb cuts are prohibited on all zoning lots less than 40 feet wide. When parking is required, on-site spaces must be provided for two-thirds of the dwelling units.

### **R6A**

The proposed rezoning would map an R6A zoning district along portions of one block frontage on East 7<sup>th</sup> Street and along the frontage on Caton Avenue and East 8<sup>th</sup> Street between Kermit

Place and Caton Avenue. This would include two existing 60-foot tall residential buildings fronting onto East 7<sup>th</sup> Street and East 8<sup>th</sup> Street, and a vacant lot fronting on Caton Avenue. The R6A mapping would allow development at a scale that would bridge the gap between the existing two- and three story row houses and the larger six story buildings on Caton Avenue and East 8<sup>th</sup> Street.

R6A is a contextual district with height limits and street wall lineup provisions to promote street wall consistency that would be in context with existing buildings. R6A permits residential and community facility uses to an FAR of 3.0. The R6A permits a 70 foot maximum building height after a setback from the street wall height of 40 to 60 feet. The R6A district regulations would be consistent with development that is currently permitted on these blocks under R6 Quality Housing regulations. Off-street parking would be required for 50% of new residential units.

#### **C2-4 Overlay**

The proposed rezoning would also add a C2-4 commercial overlay district to the proposed R6A district on the block fronting onto Caton Avenue between East 7<sup>th</sup> and East 8<sup>th</sup> streets to permit stores that would serve the local retail needs of the surrounding residential neighborhood.

Commercial uses in C2-4 districts within R6A districts have a maximum FAR of 2.0.

Residential, mixed commercial/residential and community facility uses in C2 commercial overlay districts are regulated by the underlying residential districts. Commercial uses in mixed use buildings cannot be located above the first floor. C2-4 overlays generally require one off-street parking space per 1,000 square feet of floor area, for developments with more than 40,000 square feet of commercial floor area. The depth of overlay will be 125 feet, matching the depth of the block onto which this would be mapped.

## **ENVIRONMENTAL REVIEW**

This application (C 090197 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 09DCP026K. The lead agency is the City Planning Commission. After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued November 17, 2008.

## **UNIFORM LAND USE REVIEW**

This application (C 090197 ZMK) was certified as complete by the Department of City Planning on November 17, 2008, and was duly referred to Community Board 7 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 7 held a public hearing on this application on December 10, 2008 and on December 17, 2008 by a vote of 40 in favor with 0 against and 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation on December 30, 2008 approving the application.

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

On January 7, 2009 (Calendar No. 15), the City Planning Commission scheduled January 21, 2009, for a public hearing on this application (C 090197 ZMK). The hearing was duly held on

January 21, 2009 (Calendar No. 23). There were 4 speakers in favor of the application and none in opposition.

A representative of the Assembly member from the 44th District expressed support for the height limits imposed by the proposed zoning which the representative believed would increase the quality of life of the area residents.

The owner of a nearby horse stable expressed hope that the rezoning would help the existing horse traffic movement, and prevent accidents from occurring.

A representative of the City Councilmember from the 39th I District conveyed the council member's support for the proposed rezoning.

The last speaker was a representative of the 'Stable Brooklyn' community group, who expressed hope that the rezoning would prevent out of scale developments.

## **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map is appropriate.

This Commission is believes that the rezoning for the East Windsor Terrace neighborhood, which the Department undertook at the request of the local community and council member would preserve the area's character and scale by establishing contextual districts with height limits and street wall lineup provisions.

The existing R5 and R6 districts in the rezoning area currently permit buildings that are not consistent with the existing low- and mid-rise character of the neighborhood. R5 districts allow large front yards with parking pads, while R6 districts allow tall apartment buildings set back from the street. The proposed R5B and R6A contextual districts would permit development that would match the existing built context of the area; blocks proposed to be rezoned to R5B predominantly contain two-story row houses with narrow front yards while the block front proposed to be rezoned to R6A is along Caton Avenue, a wide street, lined with other large



apartment buildings. In addition, the proposed commercial overlay along Caton Avenue would allow opportunities for local retail uses along this street..

## **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, which 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 Map, Section No. 16d and 22c:

1. changing from an R5 District to a R5B District property bounded by the northeasterly centerline prolongation of Kermit Place, a line 80 feet southwesterly of Coney Island Avenue, Caton Avenue, and East 8th Street;
2. changing from an R6 District to an R5B District property bounded by Caton Place, East 8th Street, Kermit Place, a line 100 feet southwesterly of East 8<sup>th</sup> Street, a line 125 feet southeasterly of Kermit Place, East 7th Street, Kermit Place, the northerly prolongation of a line midway between Ocean Parkway and East 7th Street, a line midway between Caton Place and Kermit Place, and a line 100 feet southwesterly of East 8th Street;
3. changing from an R7A District to an R5B District property bounded by a line 75 feet northwesterly of Kermit Place, the northerly prolongation of a line midway between Ocean Parkway and East 7th Street, Kermit Place, and Ocean Parkway;
4. changing from an R6 District to an R6A District property bounded by Kermit Place, East 7th Street, a line 125 feet southeasterly of Kermit Place, a line 100 feet southwesterly

of East 8th Street, Kermit Place, East 8th Street, Caton Avenue, and the northerly prolongation of a line midway between Ocean Parkway and East 7th Street; and

5. establishing within a proposed R6A District a C2-4 District bounded by East 8<sup>th</sup> Street, Caton Avenue, East 7th Street, and a line 125 feet southeasterly of Kermit Place;

within the Special Ocean Parkway District, as shown on a diagram (for illustrative purposes only) dated November 17, 2008. The above resolution (C 090197 ZMK), duly adopted by the City Planning Commission on February 4, 2009 (Calendar No. 11), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,**  
**ANGELA R. CAVALUZZI, A.I.A., ALFRED C. CERULLO, III, BETTY Y. CHEN,**  
**MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,**  
**SHIRLEY A. MCRAE, JOHN MEROLO, Commissioners**