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January 5, 2022 / Calendar No. 11

C 210239 ZMK

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**IN THE MATTER OF** an application submitted by Coyle Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-2 District bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street;
2. changing from an R4 District to an R6A District property bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street; and
3. establishing within the proposed R6A District a C2-4 District bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street;

Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration E-620.

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This application for a zoning map amendment was filed by Coyle Properties LLC on December 31, 2020, to change an R4/C1-2 zoning district to an R6A/C2-4 zoning district. This application, in conjunction with the related action, would facilitate a five-story, 129,000-square-foot mixed-use development containing 120 dwelling units, approximately 36 of which would be designated as permanently affordable, as well as approximately 32,000 square feet of commercial floor area at 2134 Coyle Street in the Sheepshead Bay neighborhood of Community District 15, Brooklyn.

## **RELATED ACTIONS**

In addition to the zoning map amendment (C 210239 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

**N 210240 ZRK**        Zoning text amendment to designate an MIH area coterminous with the project area.

## **BACKGROUND**

The applicant seeks a zoning map amendment to change an R4/C1-2 zoning district to an R6A/C2-4 zoning district across two tax lots located at 2134-2156 Coyle Street (Block 7367, Lots 11 and 29) in the Sheepshead Bay neighborhood of Brooklyn, Community District 15. The applicant also seeks a zoning text amendment to establish an MIH area coterminous with the project area. The proposed actions would facilitate the development of a new five-story, 129,000-square-foot mixed-use building containing commercial and residential uses.

The project area is comprised of two lots on the eastern portion of Block 7367, bounded by 80-foot-wide Avenue U to the north, 90-foot-wide Avenue V to the south, 60-foot-wide Ford Street to the west, and 80-foot-wide Coyle Street to the east, totaling approximately 50,000 square feet of lot area. The project area is comprised of the development site (Block 7367, Lot 11), as well as the adjacent lot to the south (Block 7367, Lot 29).

The development site (Block 7367, Lot 11) is a 36,000-square-foot lot with approximately 360 feet of frontage on Coyle Street and a depth of 100 feet. The lot is improved with three one-story buildings: a building supply wholesaler with two warehouses totaling 15,600 square feet and a 10,680-square-foot retail store. The three buildings have a combined total floor area ratio (FAR) of 0.72, and an open storage and surface parking area of approximately 8,000 square feet is located between the two building supply warehouses. There are three curb cuts on the lot, all on Coyle Street: one providing access to the parking/loading area and one providing access to garages in each of the two warehouses.

2156 Coyle Street (Block 7367, Lot 29) is an approximately 14,000-square-foot lot with approximately 140 feet of frontage on Coyle Street and a depth of approximately 100 feet. The lot is improved with a one-story 7,920-square-foot (0.57 FAR) commercial building containing a bank, a laundromat and dry cleaner, a tailor, and an appliance repair facility. There are no curb cuts or off-street parking.

The project area is mapped with an R4/C1-2 zoning district. R4 zoning districts are low-density non-contextual residential districts that allow residential and community facility uses.

Residential buildings are permitted at an FAR of 0.75 with a maximum of 45 percent lot coverage. One off-street parking space is required for each dwelling unit. C1-2 commercial overlays allow a range of local retail and service uses at a maximum FAR of 1.0 when mapped within R4 districts. Off-street parking is required at a rate of one space per 300 square feet.

The surrounding area is characterized by a mix of low- and medium-density commercial and residential uses, with building heights ranging between one and six stories. One-story retail strip buildings are located along the Avenue U and Avenue V retail corridors, two- to three-story rowhouses are located on side-streets to the north and west, and six-story “tower in the park” residential apartment buildings are located to the east and south, including the New York City Housing Authority (NYCHA) Nostrand Houses, which contain 16 six-story multifamily elevator buildings across 23.8 acres. Across Coyle Street to the east, the block is developed with one- and two-story commercial uses, including a liquor store, beer distributor, and flooring supply business, as well as a vacant retail strip and a vacant supermarket. Further east is a mixture of multi-family residences, one-family residences, a daycare, and a pharmacy. Other than commercial uses along Avenue U, the areas to the north and west of the project area are comprised primarily of residential uses with a mix of single- and multi-family residences. Additionally, Coyle Street and Avenue U are both 80 feet wide. Avenue U serves as a local neighborhood retail corridor, with many of the lots fronting the street zoned with a C1-2 or C2-2 commercial overlay. The 530-acre Marine Park and the Salt Marsh Nature Center and Trail are located approximately five blocks to the east.

The area is mapped predominately with R4, R4/C1-2, R4/C2-2, and R5 zoning districts. Side streets with two- to three-story attached and semi-detached rowhouses are mapped with R4 districts, and the C1-2 and C2-2 commercial overlays are mapped along Avenue U, portions of Avenue V, and along north-south corridors including Nostrand Avenue and Coyle Street. Like C1-2 commercial overlays, when mapped with R4 districts, C2-2 overlays have a commercial FAR of 1.0. C1-2 commercial overlays require one parking space per 150 square feet of commercial floor area. C2-2 commercial overlays require one parking space per 300 square feet

of commercial floor area. R5 zoning districts are mapped across the six-story residential buildings across blocks to the south and east. R5 districts are low-density residential zoning districts that have a maximum FAR of 1.25 with a height limit of 40 feet and require off-street parking spaces for 85 percent of standard apartments in a building and 42.5 percent of income-restricted apartments.

The project area is served by five bus lines that have stops within four blocks of the project site, including the B44 Select Bus Service (SBS) and B44 local running north-south along Nostrand Avenue from Williamsburg to Sheepshead Bay; the B36, which runs from Sheepshead Bay to Coney Island; the B31, which runs north-south to the Kings Highway subway station providing service to the B and Q train lines; and the BM 4 Express Bus to Manhattan, which runs north-south along Gerritsen Avenue, three blocks to the east, and the B3, which runs east-west along Avenue U subway station providing service to the Q train located at East 16<sup>th</sup> Street, approximately one mile west of the proposed project area.

The applicant proposes to develop a 129,000-square-foot, five-story mixed use building with approximately 32,000 square feet of residential uses, including approximately 25,000 square feet of permanently affordable housing, and 97,000 square feet of retail uses on the ground floor. The applicant proposes to retain the approximately 10,680-square-foot existing Dollar Tree store on the ground floor and integrate it into the new building. The building would rise to a height of 55 feet from the street line with no setbacks at the front. A rear yard of 30 feet would be located above the ground floor commercial spaces and would include recreation space accessible to tenants. The development would include 120 apartments, approximately 36 of which would be designated as permanently affordable. Though 132 parking spaces are required for the development, the applicant proposes to include 167 parking spaces located on two 25,300-square-foot sub-grade levels. Of the total 132 parking spaces, 47 would be accessory to the retail use and 120 spaces would be accessory to the proposed dwelling units. One curb cut is proposed at the southern edge of the development site, providing access to the sub-grade parking levels.

In order to facilitate the proposed development, the applicant proposes a zoning map amendment to rezone the R4/C1-2 zoning district to an R6A/C2-4 zoning district and a zoning text amendment to designate a new MIH area coterminous with the project area.

R6A zoning districts are medium-density residential districts that produce six- to eight-story residential buildings that have a permit a maximum residential FAR of 3.6 and a maximum community facility FAR of 3.0. Residential buildings must comply with Quality Housing bulk regulations and have a maximum base height of 65 feet or six stories and a maximum building height of 85 feet or eight stories. Parking is required for 50 percent of market-rate residential units and 25 percent of income-restricted units outside of the Transit Zone.

C2-4 commercial overlays are paired with residential zoning districts and are generally mapped along streets that serve local retail needs. C2-4 overlays allow a range of local-serving commercial retail and service uses, such as grocery stores, restaurants, general stores, barber shops, laundromats and other similar retail and services businesses. When mapped within R6A zoning districts, C2-4 overlays allow commercial uses to a maximum of 2.0 FAR. Commercial uses are limited to the first floor in mixed-use buildings.

The applicant proposes a zoning text amendment (N 210240 ZRK) to modify Appendix F to designate an MIH area mapped with Options 1 and 2 coterminous with the project area. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI, with no units targeted to households with incomes exceeding 130 percent of the 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 intends to utilize Option 2 in the proposed development.

## **ENVIRONMENTAL REVIEW**

This application (C 210239 ZMK), in conjunction with the application for the related action (N 210240 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 21DCP123K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on August 30, 2021.

## **WATERFRONT REVITALIZATION PROGRAM**

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013, and by the New York State Department of State on March 15, 2018, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 20-133.

This action was determined to be consistent with the policies of the WRP.

## **UNIFORM LAND USE REVIEW**

This application (C 210239 ZMK) was certified as complete by the Department of City Planning on August 30, 2021 and was duly referred to Brooklyn Community Board 15 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 action (N 210240 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

## **Community Board Public Hearing**

Brooklyn Community Board 15 held a public hearing on this application (C 210239 ZMK) on October 26, 2021, and on October 26, 2021, by a vote of 28 in favor, six opposed, and none abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 210239 ZMK) and the related action (N 210240 ZRK) on November 1, 2021, and on November 22, 2021, issued a recommendation of approval of the application with the following conditions:

- “1. That prior to considering the application, the City Council obtain commitments, in writing, from the applicant, Coyle Properties LLC, clarifying how it would:
  - a. Memorialize provision of the represented 55-foot-tall, five-story building with not less than one space per residential unit and the represented non-residential accessory off-street parking spaces
  - b. Engage with car-sharing companies, in consultation with Community Board 15 (CB 15) and local officials, to lease multiple spaces within the garage
  - c. Achieve an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one-, two-, or three-bedroom units, but for studios targeted to households at 40 percent AMI, through preferably what was represented to Brooklyn Community Board 15 (CB 15)
  - d. Utilize one or more local non-profit(s) to assist the designated affordable housing administering agent in promoting lottery outreach and readiness
  - e. Provide permanently affordable housing according to Mandatory Inclusionary Housing (MIH) Option 2
  - f. Set aside ground floor commercial space for local arts/cultural entities and/or non-profit organizations
  - g. Incorporate resiliency and sustainability measures, such as blue roofs, passive house design, solar façades, and micro-grid battery storage
  - h. Coordinate with the New York City Department of Environmental Protection (DEP), the New York City Department of Parks and Recreation (NYC Parks), and the New York City Department of Transportation (DOT) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan (BPP) in consultation with CB 15 and local elected officials
  - i. Retain Brooklyn-based contractors and subcontractors, especially those designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City’s Administrative Code, and minority- and women-owned business enterprises (MWBEs) to meet or exceed standards per Local Law 1 (no less than 20 percent participation), and coordinate oversight of such participation by an appropriate monitoring agency

Be it further resolved:

1. That the CPC and/or the City Council call for modification of the MIH section of the New York City Zoning Resolution (ZR) to be adopted with a requirement that permits households with rent- burdened status (allow for exceptions to the 30 percent of income threshold for households paying the same or higher rent than what the housing lottery offers) to qualify for MIH affordable housing units.”

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

On November 17, 2021 (Calendar No. 3), the City Planning Commission scheduled December 1, 2021 for a public hearing on this application (C 210239 ZMK), in conjunction with the related application (N 210240 ZRK). The hearing was duly held on December 1, 2021 (Calendar No. 28). One speaker testified in favor of the application and none in opposition.

The applicant representative was the speaker in favor of the application. The applicant representative presented an overview of the application, describing the surrounding neighborhood and zoning. The applicant representative stated that the proposed development is a building of 55 feet in height and 167 vehicular parking spaces in response to community board preferences. He stated that the building would be in context with the surrounding area and outlined the number of affordable units that would be provided at different AMI levels and sizes according to MIH requirements. The applicant representative discussed the applicant’s intention to abide by the Borough President’s conditions of approval and hire Minority- and Women-owned businesses for construction.

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

### **CONSIDERATION**

The City Planning Commission believes that this application for a zoning map amendment (C 210239 ZMK), in conjunction with the related application for a zoning text amendment (N 210240 ZRK), is appropriate.

The proposed zoning map amendment will rezone the existing R4/C1-2 district mapped along the west side of Coyle Street to a R6A/C2-4 district. The rezoning will facilitate a five-story, 129,000-square-foot mixed-use development containing 120 dwelling units, approximately 36 of



which would be designated permanently affordable under MIH Option 2, and approximately 32,000 square feet of commercial floor area on the ground floor.

The Commission believes that the proposed density, height, and mix of uses permitted by the proposed R6A/C2-4 district is appropriate at this location. Buildings facilitated by the proposed R6A district will present only a moderate increase in height and density in comparison to the existing development pattern in the area. The proposed five-story building is in context with the surrounding area, with several nearby buildings rising to greater heights. The site is located along Coyle Street, an 80-foot-wide street, and is proximate to Avenue V, another 80-foot-wide street. The proposed residential use with ground floor commercial uses are appropriate, as the surrounding area is largely residential with ground-floor commercial uses concentrated along Coyle Street, as well as Avenue U and Avenue V.

The current R4/C1-2 zoning district allows limited new residential development with an FAR of 0.75 (or 0.90 with an attic allowance). The C1-2 overlay permits a more limited variety of commercial development than the proposed C2-4 commercial overlay. The Commission believes that the R6A/C2-4 district is more appropriate at this location, as it will encourage medium-density residential development with active uses at the ground floor at this location on a wide street with transit accessibility, proximity to additional commercial development, and access to open space. The proposed actions will facilitate the addition of approximately 120 new apartments, including approximately 36 new permanently income-restricted apartments for households earning, on average, 80 percent of AMI.

The Commission finds the location to be well-suited for additional density, as it is served by five bus lines that connect to several subway lines. This block of Coyle Street has Commercial overlays on both sides of the street and is near additional commercial development to the north and east of the project area, indicating the appropriateness of the additional flexibility of commercial development permitted by the C2-4 overlay.

The proposed zoning text amendment (N 210240 ZRK) is appropriate.

Pursuant to MIH Option 2, the proposed development is required to provide 30 percent of the residential floor as permanently affordable housing. This will result in approximately 38,700 square feet of income-restricted floor area, or approximately 36 permanently affordable apartments. These apartments will be available to households earning, on average, 80 percent of the AMI, providing much-needed affordable housing in a neighborhood that has seen little new affordable housing and is more than two miles from the nearest inclusionary housing or MIH mapped area. The development is in line with the City's policy to develop affordable housing near transit, and the goals outlined in *Housing New York*.

The project site, with strong transit accessibility to job centers and access to open space, is ideal for the development of permanently affordable units to be facilitated by the zoning text amendment. Mapping the project site with MIH Options 1 and 2 will ensure that households in need of affordable housing options will have options in a neighborhood rich in resources.

Regarding the conditions of the Borough President, including memorialization of the applicant's commitment to construct a 55-foot-tall building with at least one parking space per unit, engage with car-sharing companies to lease spaces in the garage, and utilize MIH Option 2, the Commission notes that these matters are beyond the scope of the requested actions, but recognizes that the applicant has presented plans that address the conditions regarding height, parking, and the utilization of MIH Option 2, and intends to work with the Borough President's office to satisfy all other conditions.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on August 30, 2021 with respect to this application (CEQR No. 21DCP123K), 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 Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-2 District bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street;
2. changing from an R4 District to an R6A District property bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street; and
3. establishing within the proposed R6A District a C2-4 District bounded by a line 100 feet southerly of Avenue U, Coyle Street, a line 100 feet northerly of Avenue V, and a line midway between Ford Street and Coyle Street;

Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration E-620.

The above resolution (C 210239 ZMK), duly adopted by the City Planning Commission on January 5, 2022 (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.

**ANITA LAREMONT**, *Chair*

**KENNETH J. KNUCKES**, *Esq.*, *Vice Chairman*

**DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, JOSEPH I. DOUEK, RICHARD W. EADDY, LEAH GOODRIDGE, ANNA HAYES LEVIN, ORLANDO MARÍN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*

