

**1620 CORTELYOU ROAD REZONING
BROOKLYN, NEW YORK
AUGUST 29, 2018**

1. INTRODUCTION

1600/20 Realty Corp. (the “Applicant”) proposes a zoning map amendment to rezone Block 5159, Lots p/o 1, 8, p/o 9, p/o 10, p/o 13 and p/o 61 (the “Proposed Project Area”) in the Ditmas Park neighborhood of Brooklyn Community District 14, from an R6A/C2-4 zoning district to an R7D/C2-4 zoning district. In addition, the Applicant proposes a zoning text amendment to Zoning Resolution (“ZR”) Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing (“MIH”) Areas for Brooklyn Community District 14, to establish an MIH Area coterminous with the Proposed Project Area. The applicant proposes mapping Options 1 and 2 to provide maximum flexibility for non-applicant controlled sites. The proposed actions would facilitate the development of a new nine-story mixed-use building with 85 dwelling units and ground floor commercial use (the “Proposed Development”) at 1620 Cortelyou Road, Block 5159, Lot 1 (the “Proposed Development Site”). The Applicant is contemplating MIH Option 1 for the Proposed Development resulting in approximately 21 permanently affordable units at an average of 60 percent of the Area Median Income (“AMI”) with 10 percent at 40 percent AMI.

2. BACKGROUND

The Proposed Project Area is within the boundaries of the 2009 Flatbush Rezoning (C 090336 ZMK and N 090335 ZRK, effective July 29, 2009). The Department of City Planning initiated the area-wide rezoning of 180 blocks within the Flatbush neighborhood at the request of Community Board 14. The Flatbush Rezoning primarily served to protect the built character of low to moderate density areas within the neighborhood. In addition, it mapped Inclusionary Housing Designated Areas within R7A zoning districts along certain corridors to incentivize the development of affordable housing. The Proposed Project Area is located within the rezoning area and was rezoned from R6/C2-3 to R6A/C2-4. The depth of the commercial overlay was reduced from 150 to 100 feet.

3. DESCRIPTION OF THE SURROUNDING AREA

The Surrounding Area is characterized primarily by residential use. However, Cortelyou Road serves as a commercial corridor providing local services with one-story commercial buildings and three- to four-story buildings with ground floor retail with residences above. The prevailing built form in the R7A zoning district directly to the south of the Proposed Project Area is four- to eight-story apartment buildings. Further south, Dorchester Road is characterized with three-story rowhouses and four-story multi-family walk-ups. The remainder of the surrounding area consists of single and two-family detached residences and mapped with lower density contextual districts.

Zoning

The area within a 600 foot radius of the Proposed Project Area (the “Surrounding Area”) is zoned R6A/C2-4, R7A, R3X, R1-2 and R4A.

R6A/C2-4

The Proposed Project Area and the majority of the Proposed Development Site are located within an R6A/C2-4 zoning district mapped to a depth of 100 feet along the south side of Cortelyou Road between Coney Island Avenue and East 17th Street (and portions of the north side of Cortelyou Road). R6A districts are medium-density contextual districts that permit residential and community facility uses. R6A districts allow a maximum FAR of 3.0 for residential and community facility uses (up to 3.6 for residential uses with Inclusionary Housing in designated areas). Bulk regulations for R6A districts require a base height between 40 feet and 65 feet and have a maximum total height limit of 75 feet for Quality Housing buildings with qualifying ground floors (up to 85 feet with Inclusionary Housing in designated areas). R6A districts require off-street parking for 50 percent of the dwelling units in a building. There is an exemption for

parking for income-restricted units within the Transit Zone.

There are existing C2-4 commercial overlays mapped on the south side of Cortelyou Road from Coney Island Avenue to East 17th Street and on portions of the north side of Cortelyou Road from midway between Rugby Road and Marlborough Road to East 17th Street. C2-4 commercial overlays allow local retail uses and commercial development up to 2.0 FAR when combined with R6A and R7D districts. These overlays allow Use Groups 5-9 and 14, which include a wide variety of local neighborhood retail and service uses. For general commercial uses, one off-street parking space is required for every 1,000 square feet. Up to 40 spaces may be waived in C2-4 districts.

R7A

There is an R7A zoning district mapped immediately to the south of the Proposed Project Area, including a portion of the Proposed Development Site. R7A is a contextual district that allows for new medium-density residential development and community facilities. R7A districts allow for residential development up to 4.6 FAR in Inclusionary Housing Designated Areas and MIH Areas with a maximum base FAR of 3.45, and community facility uses up to 4.0 FAR. The building form requires a street wall of 40 to 75 feet, a setback above the maximum base height, and a maximum building height of up to 95 feet for Inclusionary Housing buildings with a qualifying ground floor. New residences are required to provide off-street parking for 50 percent of the dwelling units, with an exemption for income-restricted units within the Transit Zone.

R3X

The area north of Cortelyou Road is mapped with an R3X district. R3X is a residential zoning district that permits only one- and two-family detached homes, on larger lots that must be at least 35 feet wide and have an area of at least 3,325 square feet. The maximum FAR of 0.5 may be increased by 0.1 with the attic allowance. The maximum building height is 35 feet with a perimeter wall height limit of 21 feet. Front yards of new homes must be at least 10 feet deep and must be at least as deep as an adjacent front yard, up to a depth of 20 feet. The parking requirement for R3X is one space per dwelling unit.

R1-2

R1-2 is a residential zoning district that permits only detached, one-family residences with a maximum FAR of 0.5. The minimum lot width is 60 feet, with a minimum lot area of 5,700 square feet. There is no fixed maximum building height and building envelopes are governed by the sky exposure plane. A 20-foot front yard is required, as are two side yards, each at least 8 feet, totaling a minimum of 20 feet. One parking space is required per dwelling unit.

R4A

Portions of the area south of Cortelyou Road near Dorchester Road are within an R4A zoning district. R4A is a residential zoning district that permits only one- and two-family detached homes, on lots at least 30 feet wide and with an area of 2,850 square feet. R4A zoning districts allow a maximum FAR of 0.75 that may be increased by 0.15 with the attic allowance. Front yards of new homes must be at least 10 feet deep and must be at least as deep as an adjacent front yard, up to a depth of 20 feet. Maximum building height is 35 feet with a perimeter wall height limit of 21 feet. The infill zoning provisions are not applicable in R4A districts. The parking requirement for R4A is one space per unit.

Land Uses

The land uses within the Surrounding Area consist primarily of residential and commercial uses. Multi-family residential buildings ranging from 3- to 7-stories are located south and east of the Proposed Project Area, within the R7A zoning district, while multi-family residential buildings ranging from 3- to 4- stories are located north and west of the Proposed Project Area, within the R3X and R4A zoning districts. Along Cortelyou Road, within the R6A/C2-4 zoning district, are primarily mixed-use commercial and residential buildings ranging from 3- to 4- stories and 1-story commercial buildings.

In addition to residential and commercial uses, there are community facilities located in the Surrounding Area including educational facilities, a library and houses of worship. P.S. 139, a public elementary school, and the Cortelyou Library branch of the Brooklyn Public Library are both located on Cortelyou Road to the west of the Proposed Development Site between Argyle Road and Rugby Road. The Cortelyou Early Childhood Center Annex is located on Marlborough Road between Cortelyou and Dorchester roads. The Flatbush-Tompkins Congregational Church is located on Dorchester Road between East 18th and East 19th streets. Congregation Prospect Park Temple Isaac (Ohel Yitzhack) is located to the southwest of the Proposed Project Area on the corner of Marlborough and Dorchester roads. The Dorchester Senior Center shares the space with the synagogue.

The only park in the surrounding area is the 0.12-acre Lt. Federico Narvaez Tot Lot located at the corner of Cortelyou and Argyle Roads

Mass Transit

The Proposed Project Area is extremely well served by public transportation. The Cortelyou Road-Dorchester station serving the B and Q subway lines is located less than one block west. In addition, the BM1, BM2, BM3, BM4 and B103 bus line runs along Cortelyou Road.

Historic District

The Ditmas Park Historic District is located one block south of the Proposed Project Area. The Ditmas Park Historic District was designated a historic district in 1981 to preserve and encourage the restoration of the quaint suburban residential character of the neighborhood.

Other Zoning Designations

The Proposed Project Area is located within an area where FRESH discretionary tax initiatives are available.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA

The Proposed Project Area is located on the northern portion of Block 5159 and consists of portions of contiguous tax lots within 100-ft. of Cortelyou Road, including Lots p/o 1, 8, p/o 9, p/o 10, p/o 13 and p/o 61. The Proposed Project Area is bounded to the north by Cortelyou Road, an 80-foot wide street, to the west by East 16th Street and to the east by East 17th Street, both 60-foot narrow streets. The Proposed Project Area is located within an R6A/C2-4 zoning district that allows residential, commercial and community facility uses. The maximum FAR is 3.0, the maximum base height is 65 feet and the maximum height is 75 feet for Quality Housing buildings with qualifying ground floors.

The properties within the Proposed Project Area are improved as follows:

Block 5159, Lot 1 is an approximately 14,815 sq. ft. corner and interior lot fronting Cortelyou Road and East 16th Street. It is improved with an approximately 12,844 sq. ft. (0.87 FAR) one-story commercial building occupied by a supermarket, laundromat, nail salon, restaurant and dry-cleaners. A small portion of the southeastern corner of Lot 1 beyond 100-ft. of Cortelyou Road is not within the Proposed Project Area.

Block 5159, Lot 8 is an approximately 2,281 sq. ft. interior lot fronting Cortelyou Road. It is improved with an approximately 3,418 sq. ft. (1.5 FAR) three-story mixed-use residential and commercial building with four dwelling units and ground floor retail (deli). A small portion of the southeastern corner of Lot 8 beyond 100-ft. of Cortelyou Road is not within the Proposed Project Area.

Block 5159, Lot 9 is an approximately 2,459 sq. ft. interior lot fronting Cortelyou Road. It is improved with an approximately 3,418 sq. ft. (1.39 FAR) three-story mixed-use residential and commercial building with two dwelling units and ground floor retail (meat store). The southernmost portion of Lot 9 beyond 100-ft. of Cortelyou Road is not within the Proposed Project Area.

Block 5159, Lot 10 is an approximately 2,635 sq. ft. corner lot fronting Cortelyou Road

and East 17th Street. It is improved with an approximately 3,814 sq. ft. (1.3 FAR) three-story mixed-use residential and commercial building with two dwelling units and two ground floor retail units fronting on Cortelyou Road (deli) and East 17th Street (salon). There is a curb cut on East 17th Street providing access to a one-story accessory garage and driveway on the southern portion of the lot. The southernmost portion of Lot 10 beyond 100-ft. of Cortelyou Road is not within the Proposed Project Area.

Block 5159, Lot 13 is an approximately 20,000 sq. ft. interior lot fronting East 17th Street. It is improved with an approximately 72,534 sq. ft. (3.63 FAR) seven-story multi-family elevator building with 81 dwelling units. Only a small portion of the northwestern corner of Lot 13 is within the Proposed Project Area.

Block 5159, Lot 61 is an approximately 12,800 sq. ft. interior lot fronting East 16th Street. It is improved with an approximately 48,702 sq. ft. (3.8 FAR) six-story multi-family elevator building with 51 dwelling units. There is a curb cut on East 16th Street providing access to the building's accessory parking garage on the northern portion of the lot. Only a small portion of the northwestern corner of Lot 61 is within the Proposed Project Area.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Proposed Development Site is located at 1620 Cortelyou Road, located at the southeastern corner of Cortelyou Road and East 16th Street. The Proposed Development Site consists of Block 5159, Lot 1. The Proposed Development Site has approximately 150 feet of frontage on Cortelyou Road, approximately 90 feet of frontage on East 16th Street and a total lot area of approximately 14,815 sq. ft. It is improved with a one-story building occupied by a supermarket, Cortelyou Market by Key Food, and other local commercial uses including a laundromat, nail salon, restaurant and dry-cleaners. The existing building has a maximum height of approximately 16 feet and has an FAR of approximately 0.87.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development is a new nine-story mixed-use building with 85 dwelling units and ground floor commercial use. The proposed building would contain 82,962 sq. ft. of floor area with an FAR of 5.6, including 73,402 sq. ft. of residential floor area on the second through eighth floors and 9,560 sq. ft. of commercial floor area on the ground floor to be used for a 6,473 sq. ft. supermarket and 3,087 sq. ft. of retail use. The proposed cellar level would contain 44 accessory parking spaces accessible via a ramp on East 16th Street. The proposed building would have a height of 102 feet, comparable to the maximum height of 95 feet permitted in the R7A district mapped immediately to the south, and on a portion, of the Proposed Development Site.

The Proposed Development will be located within an MIH Area, upon approval of the proposed zoning text map amendment of ZR Appendix F. The applicant proposes mapping Options 1 and 2 to provide maximum flexibility for non-applicant controlled sites. The Applicant is contemplating MIH Option 1 for the Proposed Development resulting in approximately 21 permanently affordable units at an average of 60 percent of the Area Median Income ("AMI") with 10 percent at 40 percent AMI.

7. ACTIONS NECESSARY TO FACILITATE THE PROPOSAL

The actions necessary to facilitate the Proposed Development are (1) a zoning map amendment to rezone the Proposed Project Area from an R6A/C2-4 zoning district to an R7D/C2-4 zoning district and (2) a zoning text amendment to ZR Appendix F to establish an MIH Area (Options 1 and 2) coterminous with the Proposed Project Area. The proposed zoning map amendment would promote the development of new mixed-use medium density development, including mandatory affordable housing, immediately adjacent to transit. The proposed new R7D/C2-4 zoning district would allow for residential development compatible with the existing primarily residential land use patterns in the area.

R7D districts are medium-density contextual districts that permit residential and community facility uses and are generally mapped along important neighborhood corridors. R7D districts allow a maximum FAR of 4.2 for community facility uses and 5.6 for residential uses with the provision of Inclusionary Housing. Bulk regulations for R7D districts require a base height between 60 feet and 95 feet and a maximum height of 115 feet for buildings with Inclusionary Housing. R7D districts require off-street parking for 50 percent of the dwelling units in a building, but income-restricted units within the Transit Zone do not require parking. The proposed development within the R7D district would produce a 102-ft. tall building on a wide commercial street, which would be only 7 feet taller than the maximum permitted height in the adjacent R7A district immediately to the south.

C2-4 commercial overlays allow local retail uses and commercial development up to 2.0 FAR when combined with R7D districts. These overlays allow Use Groups 5-9 and 14, which include a wide variety of local neighborhood retail and service uses. When combined with R7D districts, C2-4 overlays require non-residential ground floor uses, which can be commercial or community facility uses. For general commercial uses, one off-street parking space is required for every 1,000 square feet. Up to 40 spaces may be waived in C2-4 districts.

The 2009 Flatbush Rezoning rezoned the area's two commercial areas, at Flatbush and Church Avenues and at Flatbush and Nostrand Avenues, with C4-4A districts to strengthen commercial activity, provide opportunities for commercial and mixed-use growth and to establish height limits in scale with neighboring buildings. R7A was mapped in other portions of the area, though largely over existing apartment houses that were non-complying with respect to FAR in the previously mapped R6 districts. Such an R7A district is mapped over the southernmost portion of the Proposed Development Site and further to the east. The remainder of the Proposed Development Site along Cortelyou Road was mapped with an R6A district with C2-4 overlay. The R6A mapped along the Cortelyou Road portion of the rezoning did not reflect an increase in permitted FAR as the previous R6 zoning permitted the same development at an FAR of 3.0 under the then-optional Quality Housing program.

In spite of an increasingly strong housing market in this area, no new development has followed since the Flatbush Rezoning. The only recent development along Cortelyou Road was a five-story residential and community facility building on a previously vacant site at the corner of Cortelyou Road and Stratford Road, which received its Certificate of Occupancy prior to the adoption of the Flatbush Rezoning. The strengthening of the retail market along Cortelyou Road has contributed to this lack of development. Cortelyou Road has evolved into a desirable new corridor for retailers and restaurateurs and attracted new thriving businesses. The improvement in retail over the past few years disincentivizes the replacement of low-rise "taxpayer" buildings with relatively modestly sized apartment houses with ground floor retail. In addition, it creates pressure on supermarkets. Supermarkets have long been low-margin businesses, but have recently come under greater competitive pressure with the rise of online grocery and meal preparation companies. In the past few years, a number of supermarkets have closed across the City. Rent increases, residential developments and the A&P bankruptcy have contributed to supermarket closures. A majority of the closures occurred in Brooklyn, leaving some neighborhoods without an affordable option for groceries - or any option in some areas.

The Cortelyou Road commercial strip is thus facing change from a variety of simultaneous trends. General retail conditions have improved here, placing greater pressure on neighborhood-anchoring stores such as supermarkets. At the same time, rising commercial rents have raised the threshold point where new development is viable. Brooklyn in general and Ditmas Park in particular, have been under increasing housing pressure due to a strong residential housing market. Together, the proposed actions will provide opportunities for development within the Proposed Project Area and at the Proposed Development Site which would address these issues. The inclusion of all lots located in the Proposed Project Area within the proposal is necessary to create a rational land use plan regarding the future development along Cortelyou Road. Contrary to the lack of development in the adjacent R7A zoning district following the Flatbush Rezoning, the higher FAR permitted in the proposed R7D district would render new development feasible within the Proposed Project Area. The Proposed Development would replace a one-story commercial building with an equivalent amount of new commercial space and new residential units to meet the growing demand for housing in the neighborhood, while the proposed MIH Area ensures the provision of affordable housing in the community.

The City Planning Commission recognized that the provision of affordable housing was an essential component of the Flatbush Rezoning and represented an important benefit to the current residents of Community District 14. The R7A district to the south of the proposed Project Area, which was mapped as an Inclusionary Housing Designated Area, provides few opportunities for new housing development under the Inclusionary Housing program. The Proposed Project Area would provide opportunities for new housing development with an affordable housing set aside in a highly transit accessible area that can support additional density and is not currently subject to Inclusionary Housing zoning incentives or requirements. The proposed actions would provide new opportunities for affordable housing development in a community experiencing burdens on rent. Approximately half of the households in Brooklyn Community District 14 are rent burdened. According to the U.S. Census Bureau, American Community Survey 2011-15 Five Year Estimates for Public Use Microdata Area (PUMA) 4015 (which approximates Brooklyn Community District 14), 50.4 percent of households spend 35 percent or more of their income on rent. The percentage of rent burdened households in Community District 14 is higher than the estimated 46.1 percent in Brooklyn and 44.8 percent Citywide.

8. CONCLUSION

As discussed above, the Applicant proposes zoning map and text amendments. The proposed zoning map amendment to establish an R7D/C2-4 zoning district would to facilitate the development of an 85-unit mixed-use residential and commercial building at the Proposed Development Site located in the Ditmas Park neighborhood of Brooklyn Community District 14. The proposed text amendment to ZR Appendix F would establish the Proposed Project Area as an MIH Area resulting in approximately 21 units of permanently affordable housing within the Proposed Development. The proposed actions directly address the City's Housing New York: A Five-Borough, Ten-Year Plan objectives by facilitating this development. The proposed actions would encourage the creation of new housing, including affordable housing, along a transit and retail corridor.