Ninth Street Proposed Development
Statement of Findings
In Support of ZR 74-533 Special Permit
C 210350 ZSK
December 20, 2021

74-533

Reduction of parking spaces to facilitate affordable housing

> *In all districts in the* **Transit Zone***, the City Planning Commission may permit a waiver of, or a reduction in, the number of required* **accessory** *off-street parking spaces for* **dwelling units** *in a* **development** *or* **enlargement** *that includes at least 20 percent of all* **dwelling units** *as* **income-restricted housing units** *as defined in Section 12-10 (DEFINITIONS), provided the Commission finds that such waiver or reduction:*

The Applicant requests that the Commission permit the proposed waiver of accessory off-street parking spaces required for the Proposed Development, as described in the accompanying Project Description. The responses to the following findings in Section 74-533, below, demonstrate that the proposed reduction of required parking would facilitate affordable housing.

The threshold for the proposed Special Permit requires that the Proposed Development be located within the Transit Zone and include at least 20% of its dwelling units as income-restricted housing units. The Proposed Development is located in the Transit Zone and over 20% of its proposed units will be income-restricted. The Zoning Resolution defines an income-restricted housing unit as a dwelling unit with a legally binding restriction limiting rents to be affordable to households with incomes at or below 80 percent of the income index ("AMI") for a period of not less than 30 years.

The Proposed Development would exceed the Special Permit's minimum affordability requirement by complying with the proposed Mandatory Inclusionary Housing ("MIH") Option 1 program requirements. This Special Permit Application is accompanied by a text amendment to Appendix F of the Zoning Resolution to designate the Rezoning Area as a Mandatory Inclusionary Housing Area. Compliance with MIH requires that a minimum percentage of an MIH Development's residential floor area be dedicated to dwelling units occupied by household that meet certain minimum levels of affordability. To meet the MIH requirement, the Development Site would be developed with at least 25% of its residential floor area as income-restricted housing units, with no term limit. The Applicant anticipates that 28% or 13 of 48 units would be permanently affordable at or below 60 percent of the AMI with 10 percent at or below 40 percent AMI.

(a) facilitate such **development** *or* **enlargement***. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;*

By virtue of its location on Ninth Street, the provision of on-site, off-street parking spaces in the Proposed Development are unnecessary. Ninth Street is a two-way, east-west corridor, running roughly from the Brooklyn-Queens Expressway (BQE) to Prospect Park West. Designated as a truck route, Ninth Street spans the Gowanus Canal connecting Carroll Gardens with Park Slope. Because of its important role in the street grid, it is also well connected with mass transit and the borough's bicycle network. At the Proposed Development, the width of the street is only 60', including one travel lane in each direction with parking and a bike lane along either side. Ninth Street is also a bus route, serviced by the B61, which connects Windsor Terrace and Park Slope with Downtown Brooklyn. The Proposed Development is also located within a block and a half of the D, N, R, W, F and G lines at Fourth Avenue and the F and G lines at Smith Street. In short, there are many nearby and adjacent transit options available, making travel by private automobile unnecessary.

Establishing a curb-cut for a below grade parking garage at the location of the Proposed Development is also ill advised and impractical. As noted, the Proposed Development is located on a narrow portion of Ninth Street already programmed with important transit uses. Vehicles using a curb cut would create a direct conflict with pedestrians on the sidewalk and bicyclists in the bike lane. Vehicles completing a turning action into the garage would likely back-up traffic, lengthening bus transit-times and delaying the delivery of goods by truck.

Furthermore, on-site parking would take away from the Proposed Development's commercial frontage, which space is intended to enliven the street and finance the building. The Development Site has 82.5 feet of frontage on 9th Street. After providing space for a residential lobby and required egress in the Proposed Development, there is approximately 60 feet of frontage available for active ground floor uses. To comply with the parking requirement, the ramp for a below grade garage would reduce that frontage by between 28 and 38 percent, depending on one lane or two, and reduce the size of the ground floor retail space by roughly half. Construction alternatives to maintain some of the accessary cellar retail space, might include a second cellar level of parking, but would add significant cost to construction. An at-grade option would eliminate the proposed ground floor retail space completely. The 16,000 gross sq. ft. of proposed ground floor and accessory cellar retail space is important for the building's overall financing. Without the waiver, the additional cost of construction and loss of retail space would make underwriting the Proposed Development a challenge.

The additional cost of providing below-grade off-street parking on-site diminishes the likelihood that the Proposed Development would be constructed. The Proposed Development is not located within the 100-year floodplain. However, the New York City Panel on Climate Change (NPCC) estimates that sea levels will rise up to a high estimate of 11 inches in the next ten years, to as high as 31 inches by the 2050s. Based on those worst-case assumptions, the Proposed

Development would be located within the 100-year future floodplain by 2050. (*See* EAS, Figures C-8 and C-9). The additional flood hazard risk makes the construction of below grade parking more costly for the project to absorb. The provision of below grade parking can cost between $30,000 and $100,000 depending on dewatering requirements, excavation depth, and soil structure. Assuming a conservative $50,000 per space, the proposed waiver of 20 spaces would require an additional $1MM in capital costs, which is costly for the project to absorb. The additional capital cost would require higher rental rates and lower the Proposed Development's overall affordability.

(b) will not cause traffic congestion;

The EAS accompanying this application conducted a trip generation screening assessment (the "Screening"), including a detailed travel demand forecast, to estimate the number of peak hour vehicle trips by mode expected to be generated by the proposed actions and associated development. According to the Screening, the number of vehicle trips per hour on weekday evenings and Saturdays midday would exceed 50, the CEQR threshold for a more detailed analysis. Therefore, the EAS analyzed the likely vehicle trips that would occur during those times, to and from the project frontage. The study shows that those trips do not exceed 50-trips at any one of the nearby intersections. Since the number of trips projected did not exceed those basic thresholds, additional, more detailed analysis of traffic and parking are not required by CEQR. While vehicle trip impacts are *de minimis*, pedestrian traffic would increase to the west of the Site, but not to unacceptable levels of service.

Demand for parking spaces associated with the Proposed Development and waiver of required residential parking can be handled adequately at existing public parking facilities nearby. Immediately across 9th Street from the Proposed Development (146 Ninth Street), the Park Slope Rental Corp operates an 18-space self-service parking lot. Two other attended parking facilities are located on nearby blocks: 500 Fourth Avenue (at 12th Street) has a 53-space attended parking garage; and, 267 Sixth Avenue (at 4th Avenue) has a 42-space attended parking garage.

The waiver of parking for the Proposed Development will not increase traffic congestion due to increases in on-street parking because the Proposed Development is located within a public transit rich environment, which offers a convenient and less expensive alternative to private automobile ownership. Both the B37 and B103 buses travel on Third Avenue with bus stops at Eighth Street and Third Avenue. The B61 travels along 9th Street past the Proposed Development with stops at Second and Third avenues. The F and G lines can be accessed at the Smith Street subway station, located one and a half blocks east of the Rezoning Area, on Ninth Street near the Gowanus Canal. The F and G lines run above ground west of the Smith Street stop, on a trestle along the north side of 10th street, moving underground on the other side of 4th Avenue. At the intersection of 9th Street and 4th Avenue, a block and a half west of the Proposed Development, there is also an underground subway station for the R subway lines and an elevated station for the F and G lines.

Waiver of required parking would eliminate the need for a new curb cut on Ninth Street and the attendant disruption to commercial traffic and public transportation flow. Ninth Street is a two-way, major east-west arterial and one of the three canal corridors allowing east west access through brownstone Brooklyn, but it is only 60 feet wide between 2nd and 3rd Avenues. Despite its diminutive width, it is a truck route, a bike route, and the MTA B61 bus service traverses it with stops at Second and Third Avenues. A curb cut for below grade off-street parking would cause undue disruption of this important commercial traffic and public transit corridor when vehicles would turn into the garage. Furthermore, that turning action would also conflict with and disrupt pedestrian traffic on the north side of 9th Street in front of the Proposed Development.

Furthermore, the presumption that waiving parking might increase traffic congestion is no longer supported by scholarly research – the opposite presumption, that requiring parking induces demand and increases traffic congestion, is just as well supported. While private automobiles may be ideal for certain trips, generally, on-site parking makes private vehicles a more likely modal choice even when it is not required. One study showing that on-site parking encourages driving even in places where other forms of transportation would suffice looks closely at the Proposed Development's surrounding area.[1]

(c) will not have undue adverse effects on residents, businesses or **community facilities** *in the surrounding area, as applicable, including the availability of parking spaces for such* **uses**.

As detailed above, the Proposed Development will not likely to generate parking demand for existing on-street parking spaces. Therefore, the availability of on-street parking spaces for residents, businesses and community facilities in the surrounding area will not be adversely affected. As detailed above, nearby public parking facilities at 146 Ninth Street, 500 Fourth Avenue and, 267 Sixth Avenue, which together provide 113 public parking spaces, will continue to provide options for residents of the Proposed Development that are interested in parking a private vehicle.

Furthermore, the proposed reduction of required parking will reduce the adverse environmental impacts of automobile transportation on residents, businesses and community facilities in the surrounding area. The health impact of our City's over reliance on automobile transportation is well documented. Auto exhaust contributes to atmospheric pollutants, including carbon monoxide, hydrocarbons, and nitrogen oxides. The resultant smog causes respiratory distress, particularly in children, elderly people, and those suffering from respiratory disease. By providing less private off-street parking, the residents and workers at businesses or community

[1] This study compared commute habits in New York City neighborhoods and found that though variables like transit time, income, and car-ownership suggested Park Slope, Brooklyn, should have more car commuters than Jackson Heights, Queens, residents in the latter area were actually 45 percent more likely to drive to work into Manhattan and 28 percent more likely to drive to work overall. The key difference was the amount of available parking in Jackson Heights. "Death by a thousand curb-cuts: Evidence on the effect of minimum parking requirements on the choice to drive", Rachel Weinberger, Transport Policy, 2012, vol. 20, issue C, 93-102 (Persistent link: https://EconPapers.repec.org/RePEc:eee:trapol:v:20:y:2012:i:c:p:93-102).

facilities in the surrounding area will benefit from a cleaner environment, less threat of crash related injury, less congestion and quicker busses.