Project Description (LR Item 3)

737 4th Avenue

January 2020

1. Introduction

Application by 737 Fourth Avenue, LLC for Zoning Map Amendments and Zoning Text Amendments ("the Proposed Actions") in the South Slope section of Brooklyn Community District #7. The Proposed Actions consist of:

1. Zoning map amendment to rezone Block 652, Lots 1 and 7 (the "Project Area") from M1-1D to R8A/C2-4;
2. Zoning map amendment to map the Project Area as part of the Special Enhanced Commercial District (EC-1) that is coterminous with the existing R8A/C2-4 district mapped north of the Project Area along 4th Avenue;
3. Zoning text amendment to amend Appendix F (Inclusionary Housing Designated Areas) of the Zoning Resolution of the City of New York ("ZR") to establish the Project Area as a Mandatory Inclusionary Housing ("MIH") area;
4. Zoning text amendment to amend ZR Section 132-11 by including the Project Area within the Special Enhanced Commercial District (EC-1).

The Proposed Actions would facilitate the development of a new 108,119 square foot (7.2 FAR) mixed-use (residential-commercial) building (the "Proposed Development") on Block 652, Lot 1 (the "Development Site"). The Proposed Development would consist of 99,534 square feet of residential use and 8,585 square feet of ground floor commercial use. It would contain a total of 142 dwelling units, 107 of which would be market rate and 35 of which would be affordable pursuant to Option 1 MIH. The building would rise to a height of 144'-7" high for a total of 14 stories. 52 parking spaces will be provided in the cellar, which would be accessible via one 12' curb cut along 25th Street.

2. Background

On November 29, 2011, the NYC Council adopted the Special 4th Avenue Enhanced Commercial District (C 110386 ZMK and N 110387 ZRK). The Special Enhanced Commercial District (SECD) runs for 56 blockfronts along 4th Avenue from Atlantic Avenue to the north and 24th Street to the south in Brooklyn Community Districts 2, 6 and 7. The Special District was created to ensure the continued development of 4th Avenue as a lively, mixed-use neighborhood by establishing regulations to promote a vibrant mix of commercial and community facility uses on the ground floor of new developments and enlargements such as limitations on residential and parking uses. The Special District also established certain streetscape and sidewalk continuity guidelines to enhance the pedestrian environment such as transparency requirements and limitations on curb cuts.

Prior to the creation of the EC-1 SECD, in November 2005, the City rezoned the area immediately north of the Project Area, under the South Park Slope contextual rezoning (C 060054 ZMK and N 060053 ZRK). The Zoning Map and Zoning Text Amendments rezoned 50 blocks in the South Park Slope area in Community District #7 generally bounded by 15th Street to the north, 4th Avenue to the west, Prospect Park West to the east and 24th Street and Greenwood Cemetery to the south. Existing R5 and R6 districts were rezoned to R5B and R6B districts on midblock areas between 3rd Avenue and Prospect Park West. 4th Avenue, beginning south of 15th Street up to 24th Street was rezoned from R6 to R8A with a C2-4 commercial overlay. The rezoning intended to protect the pre-dominantly low-rise character of the neighborhood, reinforce several avenue corridors for mixed use buildings and provide opportunities for apartment house construction with incentives for affordable housing along 4th Avenue.

In April 2005, the NYC Board of Standards and Appeals ("BSA") granted a variance under BSA Cal No. 361-02-BZ to permit a residential use in an existing industrial building in an M1-1D district at 214 25th Street (Block 655, Lot 13) located just east of the Development Site.

In December 2017, the BSA granted a variance under BSA Cal No. 22-15-BZ to permit a residential building in an M1-1D zoning district located at 219 26th Street (Block 655, Lot 55), also east of the Development Site.

There are no other relevant approved land use actions within the last ten years within 1,000 feet of the proposed Project Area.

3. Description of the Surrounding Area

The surrounding area is categorized by a mix of building types and uses. The area is characterized by Greenwood Cemetery to the east and the Southwest Brooklyn Industrial Business Zone, located west of 3rd Avenue. The residential districts in the immediate surrounding area are medium density R6A and R6B contextual districts, that are mapped mid-block and along parts of 3rd, 5th and 6th Avenues respectively. The highest residential district in the immediate surrounding area is the R8A district mapped immediately north of the Project Area, which runs along 4th Avenue from Atlantic Avenue to 24th Street. A large C2-4 commercial overlay runs along both 4th Avenue and portions of 5th Avenue, which provide local neighborhood retail to the surrounding area. As mentioned, the retail corridor along 4th Avenue immediately north of the Development Site is located in the EC-1 Special Enhanced Commercial District, which was created to ensure that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street.

Building heights in the surrounding area typically range from one story commercial and manufacturing buildings to twelve story mixed use buildings along 4th Avenue. Much of the residential building typology within the immediate surrounding area along the mid-block areas consist of 1-2 family buildings and multi-family walk-up buildings. Along 4th Avenue, residential buildings range anywhere from 3 stories to 11 stories tall, most of which containing ground floor retail spaces. Immediately adjacent to the Project Area, there is a six-story mixed use building spanning the whole block between 23rd and 24th Streets located at 725 4th Avenue (Block 649, Lot

1). A ten-story Brooklyn Way hotel is located at 764 4th Avenue, southwest of the Development Site (Block 654, Lot 34).

Notable community facility uses in the immediate surrounding area include the Our Lady of Czestochowa-St Casimir Parish Catholic Church, which occupies 3 tax lots immediately to the west of the Development Site at 183 25th Street (Block 651, Lots 25, 47 and 51). The Parish consists of multiple buildings including a Church and a pre-school. Other notable community facility uses include St. Rocco's Church located at 213 27th Street (Block 661, Lot 14), two blocks southeast of the Development Site and P.S. 172 Beacon School of Excellence located at 825 4th Avenue (Block 669 Lot 1), four blocks south of the Development Site.

As mentioned, the Development Site is currently located in an M1-1D district, which is bounded by 4th Avenue to the west, 24th Street to the north, 5th Avenue to the east and mid-Block 665 between 28th and 29th Streets to the south. The district contains primarily low-rise 1-story manufacturing/commercial uses as well as low-rise 2-3 story walk-up multi-family buildings.

M1-1 districts typically include light industrial uses and permit offices, hotels and most retail uses at a maximum FAR of 1.0. No front yards and side yards are required unless the side yard is along a district boundary. Rear yards of 20 feet are usually required, except within 100 feet of a corner. Parking is required based on the use and size of the establishment. Loading berths could be required as well depending on size and type of use. M1-1D districts generally follow the same regulations as M1-1 districts except that M1-1D districts permit residential uses by authorization of the City Planning Commission.

A large M1-2D district is located directly west of the Development Site spanning approximately 21 blocks between 3rd and 4th Avenues, the Prospect Expressway and the midblock between 37th and 38th Streets. M1-2D districts allow residential uses by authorization but otherwise permit similar use groups to M1-1 districts with a greater permitted bulk with an FAR of 2.0 for commercial and light industrial uses and 4.8 for certain community facility uses (Use Group 4). Off-street parking and loading berth requirements also vary in M1-2 districts according to the type and size of the use on the property. Residential uses are permitted at an FAR of 1.65 pursuant to ZR 43-61.

R6A districts are mapped in areas along 5th Avenue and 3rd Avenue. R6A districts are contextual districts with a permitted maximum residential FAR of 3.0 (3.6 with MIH). Quality Housing regulations are mandatory in these districts. Above a maximum base height of 60 feet, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 70 feet or 75 feet (80 or 85 feet with MIH) if it provides a qualifying ground floor. Off-street parking is required for 50% of a building's dwelling units and is waived if five or fewer spaces are required.

Large mid-block areas within the surrounding areas are zoned R6B. R6B districts are traditional rowhouse districts that preserve the scale and harmonious streetscape of neighborhoods. A maximum 2.0 FAR is permitted for residential uses with an additional 2.2 FAR with MIH. Quality Housing regulations are mandatory in these districts. Above a maximum base height of 40 feet (45 with QGF), the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 50 feet or 55 feet with a qualifying ground floor. Off-

street parking is required for 50% of a building's dwelling units and is waived if five or fewer spaces are required

A large R8A district is mapped immediately north of the Development Site, which runs north-south along 4th Avenue. R8A districts are higher density contextual residential districts where Quality Housing regulations are mandatory. They permit a maximum FAR of 6.02 under basic regulations and a maximum FAR of 7.2 with MIH. Maximum lot coverage is 70% for interior and through and 100% on corner lots. Building heights may reach 125 feet with a qualifying ground floor and 145 feet with a qualifying ground floor under MIH. Parking is generally required for 40% of dwelling units but is reduced for affordable units and if located in the Transit Zone.

A C2-4 commercial overlay is mapped within the R8A district along 4th Avenue and within the R6A district along 5th Avenue from 17th Street to 24th Street. The C2-4 district allows for a wide variety of commercial uses (Use Group 5–9 and 14) with an FAR of up to 2.0 (when mapped in R6-R10 districts). Parking requirements vary depending on size and use.

The surrounding area is well-served by public transit. The New York City Transit (NYCT) R Train has a stop immediately adjacent to the Development Site at 25th Street and 4th Avenue. The B63 bus runs along 5th Avenue, one block to the east with service between Bay Ridge and Cobble Hill. The B37 bus runs along 3rd Avenue, one block to the west, with service between Bay Ridge and Boerum Hill. There are also multiple express bus lines that run along 3rd Avenue that provide service to Downtown and Midtown Manhattan.

4. Description of the Proposed Project Area

The Proposed Project Area consists of the Development Site and one (1) additional property at Block 652, Lot 7.

Block 652, Lot 7 (731 4th Avenue) is a 5,017 square foot corner lot located on the southeastern corner of 4th Avenue and 24th Street. It has 100 feet of frontage along 24th Street and 150.17 feet of frontage along 4th Avenue. It is located entirely in an M1-1D district. The property is developed with a 1-story commercial building divided among three commercial tenants, containing a total of approximately 4,317 gross square feet of floor area or 0.86 FAR where 1.0 FAR is permitted for commercial uses. The commercial uses include an eating and drinking establishment, a vacant restaurant and cellular phone provider store. The building was constructed in approximately 1960.

5. Description of Proposed Development Site

The Development Site consists of Block 652, Lot 1.

Block 652, Lot 1 (737 4th Avenue) is a 15,017 square foot corner lot located on the northeastern corner of 4th Avenue and 25th Street in the South Slope section of Brooklyn Community District #7. It has 100 feet of frontage along 25th Street and 150.17 feet of frontage along 4th Avenue. 4th Avenue is classified as a 'wide' street with approximately 120 feet in width and 25th Street is classified as a 'narrow' street with approximately 60 feet in width. It is located entirely in an M1-1D district.

The property is developed with a one-story, approximately 4,774 square foot eating and drinking establishment with an accessory on-site parking lot or 0.32 FAR where 1.0 FAR is permitted for commercial uses. There are currently three curb cuts on the site, one on 25th Street and two on 4th Avenue. The building was constructed in approximately 2001.

6. Description of Proposed Development

The Proposed Actions will facilitate the development of a new 108,119 square foot (7.2 FAR) mixed use (residential-commercial) building on the Development Site. The Proposed Development will consist of 99,534 square feet of residential floor area and 8,585 square feet of commercial floor area on the ground floor. The building will contain a total of 142 dwelling units, 107 of which will be market-rate and 35 of which (25%) would be permanently affordable to incomes averaging 60% of Area Median Income (MIH Option 1). Of the 142 dwelling units, 36 would be studios, 66 would be one-bedrooms and 40 would be two-bedrooms.

The building would rise to a maximum base height of 105 feet along 4th Avenue and then after a 10-foot setback would rise to a maximum building height of 144'-7". The building would be 14 stories tall. Permitted dormers are proposed above the maximum base height. 52 accessory off-street parking spaces would be provided in the cellar (where approximately 43 are required) and 78 accessory bicycle parking spaces would be provided on the first floor. An indoor green roof would be provided on the second floor, a recreation area is proposed for the 5th floor and an outer court is proposed on the 6th floor. Outdoor tenant recreation space will be provided on the roof as well. One 12-foot curb-cut would provide access to the site along 25th Street.

7. Actions Necessary to Facilitate the Project

The Proposed Actions consists of two Zoning Map Amendments and two Zoning Text Amendments to primarily facilitate the Proposed Development:

1. Zoning map amendment to rezone Block 652, Lots 1 and 7 (the "Project Area") from M1-1D to R8A/C2-4;
2. Zoning map amendment to map the Project Area as part of the Special Enhanced Commercial District (EC-1) that is coterminous with the existing R8A/C2-4 district mapped north of the Project Area along 4th Avenue;
3. Zoning text amendment to amend Appendix F (Inclusionary Housing Designated Areas) of the Zoning Resolution of the City of New York ("ZR") to establish the Project Area as a Mandatory Inclusionary Housing ("MIH") area;
4. Zoning text amendment to amend ZR Section 132-11 by including the Project Area within the Special Fourth Avenue Enhanced Commercial District (EC-1).

At this time, the Applicant proposes to pursue Option 1 of the MIH regulations and create 35 affordable housing units or designate approximately 25% of the proposed residential floor area as permanently affordable to incomes averaging 60% of AMI.

The proposed new R8A/C2-4 district would facilitate a higher but appropriate density and would allow for residential uses to be built as-of-right. Currently, in the underlying M1-2D district, residential uses are permitted at an FAR of 1.65 by CPC authorization.

As mentioned above, R8A districts are higher density contextual residential districts where Quality Housing regulations are mandatory. They permit a maximum residential FAR of 6.02 under basic regulations and a maximum FAR of 7.2 with MIH. Community facility uses are permitted at a maximum FAR of 6.5. Maximum lot coverage is 70% for interior and through lots and 100% on corner lots. The maximum building height is 120 feet and 125 feet with a qualifying ground floor and 140 feet and 145 feet with a qualifying ground floor under MIH. Parking is generally required for 40% of dwelling units but no parking is required for affordable units on properties located within the transit zone.

C2-4 districts allows for a wide variety of commercial uses (Use Group 5–9 and 14) with an FAR of up to 2.0 (when mapped in R6-R10 districts). One parking space is required for every 1,000 square feet of general retail floor area, however, parking requirements are waived if the number of parking spaces required is less than 40.

The proposed R8A/C2-4 district would be a logical extension of the existing zoning along 4th Avenue and therefore would be consistent with the underlying zoning in the area. Since the 2005 zoning map amendment, which established the R8A/C2-4 district along 4th Avenue, the area has experienced revitalization and growth through the creation of more housing opportunities for all income levels as well as economic opportunities for local businesses along 4th Avenue. The Special Enhanced Commercial District, which was created in 2011, has successfully produced an inviting and lively pedestrian experience that has benefited the community at large. The Proposed Actions should continue this trend of providing similar benefits to the community that will fit in with surrounding neighboring context.

Although the South Park Slope Rezoning (C 060054 ZMK) did not extend the R8A/C2-4 district to include the Project Area, the proposed density is appropriate as it is a logical extension of the 2005 action. The Proposed Actions would continue perpetuating the goals set forth in the 2005

Rezoning by providing new mixed-use housing with the provision for affordable units and reinforcing the avenue as a corridor for mixed retail/residential buildings.

As noted, in the above-referenced CPC Report, 4th Avenue is an appropriate corridor to add such density, considering it is a 120-foot wide corridor that is well-served by public transit. The existing M1-1D significantly limits the growth potential of the site, which is underutilized and not serving the community's needs. The potential loss of the Dunkin Donuts, which is the existing use on the Development Site, is significantly outweighed by the advantages anticipated to be derived from the Proposed Development.

Lastly, the extension of the Special Enhanced Commercial District (EC-1) is consistent with the City's goals for this corridor as it would ensure a lively pedestrian context that better serves the residential population of in the area.

8. Conclusion

The Proposed Actions will facilitate the development of a new mixed-use building that will greatly benefit the community while maximizing the potential of an under-utilized property on a site that can accommodate the increased density. The Proposed Development will continue promoting the goals that the City set forth when it created the R8A/C2-4 north of the Project Area as well as when it created the Special Enhanced Commercial District (EC-1). Finally, the Proposed Development will create permanently affordable housing, a demonstrated local and city-wide need.