Ninth Street Rezoning
Project Description
April 18, 2022

a. Introduction

This is an application by the Angelina Gatto Trust (the "Applicant") for the following land use actions ("Proposed Actions") necessary to facilitate the proposed development of a nine-story mixed-use building (the "Proposed Development"), located on 9th Street between 2nd and 3rd Avenues in the Gowanus neighborhood of Brooklyn in Community District 6:

1. A zoning map amendment (Map 16c) to an existing M2-1 zoning district to establish a Special Mixed-Use ("MX") District (MX-25) pairing M1-4 and R7A zoning districts in a mid-block location, 175 feet east of 2nd Avenue and 100 feet west of 3rd Avenue, between 9th Street and the center line of the block between 8th and 9th Streets, including Lots 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 52, 53, 54, and 55 and portions of Lots 39 and 56 on Block 1002 (collectively, the "Rezoning Area").

2. Zoning text amendments to:

    a. Article XII, Chapter 3 (Special Mixed Use District), §123-90 (SPECIAL MIXED USE DISTRICTS SPECIFIED) of the Zoning Resolution of the City of New York (the "Zoning Resolution or "ZR") to reference a new Special Mixed Use District 25; and

    b. Appendix F (INCLUSIONARY HOUSING DESIGNATED AREAS AND MANDATORY INCLUSIONARY HOUSING AREAS) of the Zoning Resolution to designate the Rezoning Area as a Mandatory Inclusionary Housing ("MIH") Area – Option 1.

3. A special permit pursuant to ZR Section 74-533 to waive the ZR Section 25-23 required residential accessory off-street parking spaces to facilitate affordable housing.

The Proposed Development would occur on a 10,742 square foot zoning lot composed of four contiguous tax lots. The Proposed Development would occupy Lots 48, 49, and 50, an 8,242 square foot parcel located on 9th Street between 2nd and 3rd Avenues within the Rezoning Area. The Proposed Development would utilize 3,300 square feet of commercial development rights transferred from Lot 16, the 2,500 square foot parcel located directly north of the Proposed Development, on 8th Street (the "Development Rights Parcel"). Together, the Proposed Development and the Development Rights Parcel constitute a single, combined zoning lot (the "Development Site").

The Proposed Development is located within the Rezoning Area, but the Development Rights Parcel is not. The Development Site and Rezoning Area are currently designated as an M2-1 manufacturing district which does not permit residential use. The Development Rights Parcel and its 1,700 square foot, two-unit, legally non-conforming, residential building constructed in 1899 would not be rezoned.

Within the Rezoning Area, 12 of the 16 lots are improved by buildings with legal non-conforming residential uses; only one of those lots contains an industrial use (Lot 43); another is improved by both a small commercial building and a two-family residence (Lot 52); and the Proposed Development would occur on three vacant lots that are used for parking and outdoor storage.

The Proposed Development would consist of a single 9-story mixed-use building located on the Development Site. Approximately 8,000 square feet of the Proposed Development would be devoted to commercial uses and 33,213 square feet to residential uses. In total, the Proposed Development would be 41,213 square feet and would generate 48 dwelling units.

The Proposed Actions would facilitate the Applicant's Proposed Development and bring the residential uses that exist in the Rezoning Area into conformance. Further, the proposed mixed-use zoning would be consistent with the broader proposed rezoning of Gowanus that was enacted by the Planning Commission on November 23, 2021 (the "Gowanus Rezoning").

b. Background

In 1961, the Gowanus neighborhood of Brooklyn was generally mapped with three zoning districts between Prospect Park and the Gowanus Canal: first, a manufacturing (M2-1) zoning district was established west of 3rd Avenue, extending from the Prospect Expressway to the areas surrounding the canal; second, a manufacturing (M1-2) zoning district was established between 3rd and 4th Avenues, extending from 39th Street up to Baltic Street; and third, a residential (R6) district was established between 4th Avenue and Prospect Park.

In 1973, at the request of the Gowanus Canal Redevelopment Committee, the City proposed to amend the zoning map, changing certain M1 and M2 zoning districts to R6 (CP-22447). Recognizing that over 4,000 people lived within 1,500 non-conforming dwelling units located in the M1-2 manufacturing district between Third and Fourth Avenues, north side of Sixth Street to Prospect Avenue, the City Planning Commission replaced the light manufacturing district and extended the Park Slope residential district westerly to Third Avenue. In 2003, that same area was included in the City's 110 block Park Slope rezoning (C030194(A)ZMK), which replaced the existing R6 residential districts with contextual R6A and R6B designations to encourage growth while preserving the scale and character of the side streets. While the Rezoning Area has been predominantly residential since well before 1961, it was not included in the 1973 rezoning or subsequent action in 2003.

In 2006, the City established the Southwest Brooklyn Industrial Business Zone ("SWB IBZ"), which extends from west of the Rezoning Area to the manufacturing districts in Sunset

Park, Red Hook and Gowanus. An IBZ is a non-zoning designation that identifies the City's commitment to public policies that offer targeted support services including relocation assistance for industrial firms and attend to area-wide improvements. The SWB IBZ is one of the most active of the City's 16 such designated areas. The Rezoning Area is adjacent to, but not within the SWB IBZ. The Proposed Actions and Proposed Development are consistent with the goals of Department of City Planning's May 2021 Gowanus IBZ Vision Study (the "IBZ Vision Study"). The principal goals of the IBZ Vision Study were to 1. Create a vision for the IBZ in anticipation of significant growth resulting from the Gowanus Rezoning, 2. Establish a framework to guide private applications, and 3. Identify subareas with existing conditions and articulate planning approaches that can adapt to future market and neighborhood conditions. It identified a series of mid-block residential clusters along 3rd Avenue and in the areas surrounding the SWB IBZ, where housing was build long before the adoption of the 1961 Zoning Resolution. It generally recommended that those clusters be brought into conformity. With regard to the Rezoning Area, the IBZ Visions Study specifically stated that "at 3rd Avenue and 9th Street, it may be appropriate to consider modest increases in density to reinforce these mixed-use corridors."

The Department of City Planning, in collaboration with elected officials, community members, residents and businesses, recently completed an 82-block Gowanus Rezoning. Although the Rezoning Area does not fall within the geographic boundaries of Gowanus considered for rezoning by the City, the Proposed Actions are consistent with the overall objectives of the Gowanus Rezoning and the June 2018 study entitled Gowanus: A Framework for a Sustainable, Inclusive, Mixed-use Neighborhood, which identified goals and strategies around community priorities including sustainability and resiliency, community and cultural resources, housing, economic development, and transportation. As set forth there, "[t]he vision laid out in this framework aims to foster a thriving, inclusive and more resilient Gowanus where existing and future residents and workers are able to participate in civic, cultural and economic activities and where a wholly unique resource – the Gowanus Canal – can thrive and play an active role in that equitable and sustainable growth." The Gowanus Rezoning created a substantial area of mixed-use zoning, primarily by combining manufacturing and residential zoning districts, within several blocks at the top of the Gowanus Canal, around Thomas Greene Playground, and along key corridors, such as 3rd Avenue and Union Street. Union Street, another east-west corridor that crosses the canal, is proposed to be rezoned to M1-4/R7A. The rezoning of these areas would be paired with the implementation of MIH to generate new mixed-income housing, including market-rate and permanently affordable units.

c. Description of the Surrounding Area

The Rezoning Area is located in the Gowanus neighborhood of Brooklyn, in Community District 6, bordering the SWB IBZ, on a block designated on the Tax Map of the City of New York as Block 1002. Block 1002 is bounded by 8th Street to the North, 9th Street to the South, 3rd Avenue to the East, and 2nd Avenue to the West.

Zoning:

The Rezoning Area is located within an M2-1 manufacturing district, which encompasses the surrounding area to the North, South, and West. Specifically, the M2-1 zoning district extends west of the Rezoning Area across 2nd Avenue to the Gowanus Canal, and east to 3rd Avenue. The M2-1 district extends south to the Prospect Expressway and extends north well beyond the immediate surrounding area, to the newly mapped mixed use districts of the Special Gowanus District four blocks north. M2-1 districts permit an FAR of 2.0 for industrial and commercial uses. Buildings within an M2-1 district may rise to a maximum base height of 60 feet before setback, after which a 2.7:1 or 5.6:1 sky exposure plane applies (depending on narrow or wide street location); parking requirements are use dependent, ranging from 1 per 200 square feet to 1 per 2,000 square feet.

Two blocks south of the Rezoning Area on the west side of 3rd Avenue a new commercial district is mapped between 11th and 13th Streets. On October 21, 2021, the Commission adopted a resolution to rezone a portion of the M2-1 district to C4-4A (MIH) (C 210119 ZMK, N 210120 ZRK). When paired with Inclusionary Housing areas, C4-4A zoning districts allow residential uses (R7A equivalent) up to a maximum of 4.6 FAR and commercial and community facility uses up to a maximum of 4.0 FAR. Base heights are permitted to be between 40 and 85 feet, after which buildings must setback either 10 feet on a wide street or 15 feet on a narrow street. The maximum height of buildings is 95 feet (9 stories) with a Qualifying Ground Floor.

To the East of the Rezoning Area, on the other side of 3rd Avenue (between 7th and 11th Streets) R6A and R6B residential zoning districts are mapped. R6A and R6B zoning districts are contextual districts that permit an FAR of 3.0 and 2.0, respectively. Buildings within R6A districts may not exceed a maximum base height of 60 feet before rising to a maximum building height of 70 feet. In R6B districts, the maximum base height is 40 feet and the maximum building height is 50 feet. On the east side of 3rd Avenue, within the R6A district, a C2-4 commercial overlay is mapped, which permits an FAR of 2.0 for retail uses like grocery stores, restaurants, funeral homes and repair services. This area is not an MIH or Inclusionary Housing Designated Area.

Land Use:

Generally, the neighborhood surrounding the Rezoning Area consists of a mix of multi-family walk-up residential buildings with commercial ground floor uses, single- and two-family row houses, and single story and two-story commercial and light industrial structures.

Multi-family walk up residential buildings are the predominant building type in the Rezoning Area. Behind the Rezoning Area there are a mix of lower scale multi-family, mostly two-family residential buildings. Lower-rise residential also predominates the blocks between 3rd and 4th Avenue, on 8th, 9th and 10th Street (with the exception of the NYCT elevated train structure). From 7th Street to 16th Street, 3rd Avenue is a residential corridor with small clusters of non-conforming residential clusters on either side. Within this portion of the Surrounding Area, the blocks are comprised of multi-family walk-up apartment buildings with ground floor retail uses serving local needs, including restaurants, bars and delis. A rental car company is located on the northeast corner of 9th Street and 3rd Avenue. 2nd Avenue is predominantly industrial, with low rise warehouses except near the train structure on the east side of the Avenue.

In the surrounding area to the North, South, and West of the Rezoning Area, within the SWB IBZ, there are commercial/office and manufacturing uses, primarily warehouses, open lots for vehicle storage and maintenance vehicles, and different types of construction and fabrication businesses. A handful of residential uses are also located along the south side of 9th and 10th Streets between 2nd and 3rd Avenues, in the IBZ.

Transportation:

The streets surrounding the Rezoning Area vary in width, with 9th Street standing out as a major east-west corridor. 9th street is a 60 ft. wide, two-way street. 7th, 8th, and 10th Streets are each one way and 60 ft. in width. Note that 7th and 8th streets terminate on the other side of 2nd Avenue. 2nd and 3rd Avenues are two-way streets and 80 ft. in width. The Prospect Expressway and I-278 are south of the surrounding area.

The Rezoning Area and its surroundings are well served by public transit. Both the B37 and B103 buses travel on Third Avenue near the Rezoning Area with bus stops at Eighth Street and Third Avenue. The B61 travels along 9th Street past the Rezoning Area 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 Rezoning Area, there is an underground subway station for the R subway line and an elevated station for the F and G lines.

The Development Site and surrounding area are within the Transit Zone, a zoning designation for dense neighborhoods, proximate to public transit, within which no off- street parking spaces would be required for income-restricted housing units in new developments.

4. Description of the Proposed Rezoning Area

The Rezoning Area is located in the Gowanus neighborhood of Brooklyn within Community Board 6. It is predominantly comprised of non-conforming and underbuilt lots, relative to the permitted uses and 2.0 FAR limitations applicable within M2-1 zoning districts. The Rezoning Area begins 175 feet from Second Avenue, just east of the SWB IBZ boundary, between 9th Street and the centerline between 8th and 9th Street, extending to a distance 100 feet west of Third Avenue. The Rezoning Area consists of Block 1002, Lots 55, 54, 53, 52, 50, 49, 48, 47, 46, 45, 43, 42, 41, 40 and portions of Lots 56 and 39, described below (based on PLUTO data).

p/o Lot 39 (175 9th Street) has a lot area of 2,417 sq. ft., 24.17 ft. of frontage and is improved with a 2-story, 2,375 sq. ft. multi-family residence (4 dwelling units), constructed in 1931.

Lot 40 (173 9th Street) has a lot area of 2,500 sq. ft., 25 ft. of frontage and is improved with a 2-story, 1,650 sq. ft. multi-family residence (3 dwelling units), estimated constructed in 1899.

Lot 41 (171 9th Street) has a lot area of 2,500 sq. ft., 25 ft. of frontage and is improved with a 3-story, 1,980 sq. ft. multi-family residence (3 dwelling units), est. constructed in 1899.

Lot 42 (169 9th Street) has a lot area of 2,500 sq. ft., 25 ft. of frontage and is improved with a 5,544 sq. ft, 4-story walk-up apartment building (5 dwelling units), constructed in 1931.

Lot 43 (167 9th Street) has a lot area of 5,000 sq. ft., has 50 ft. of frontage and is improved with a 5,000 sq. ft, 1-story industrial space, constructed in 1999.

Lot 45 (163 9th Street) has a lot area of 2,500 sq. ft., 25 ft. of frontage and is improved with a 2-story, single family residence, est. constructed in 1899.

Lot 46 (161 9th Street) has a lot area of 2,500 sq. ft., 25 ft. of frontage and is improved with a 3,375 sq. ft, 3-story, walk-up apartment building (4 dwelling units), constructed in 1931.

Lot 47 (159 9th Street) has a lot area of 1,750 sq. ft., 17.5 ft. of frontage and is improved with a 2,856 sq. ft, 3-story, walk-up apartment building (3 dwelling units), est. constructed in 1899.

Lot 48 (157 9th Street) has a lot area of 1,642 sq. ft., 16.42 ft. of frontage and is used together with Applicant's Lots 49 and 50 for outdoor storage and parking.*

Lot 49 (155 9th Street) has a lot area of 1,608 sq. ft., 16.08 ft. of frontage and is used together with Applicant's Lots 48 and 50 for outdoor storage and parking.*

Lot 50 (153 9th Street) has a lot area of 5,000 sq. ft., 50 ft of frontage and is used together with Applicant's Lots 48 and 49 for outdoor storage and parking.*

Lot 52 (149 9th Street) has a lot area of 2,500 sq. ft., 25 ft. of frontage and is improved with two buildings totaling 2,100 sq. ft., including a single-story commercial building and a two-family residence, constructed in 1910.

Lot 53 (147 9th Street) has a lot area of 2,500 sq. ft., 25 ft. of frontage and is improved with a 5,500 sq. ft, 4 story, walk-up apartment building (8 dwelling units), constructed in 1931.

Lot 54 (145 9th Street) has a lot area of 2,500 sq. ft., 25 ft. of frontage and is improved with a 4,850 sq. ft, 3 story, multi-family residence (5 dwelling units), constructed in 1866.

Lot 55 (143 9th Street) has a lot area of 2,500 sq. ft., 25 ft. of frontage and is improved with a 2,820 sq. ft, 3 story, multi-family residence (5 dwelling units), constructed in 1931.

p/o Lot 56 (141 9th Street) has a lot area of 2,500 sq. ft., 25 ft. of frontage and is improved with a 2,500 sq. ft, 2 story, single family residence, constructed in 1931.

*Applicant owned lots.

5. Description of the Development Site.

The Development Site is a 10,742 sq. ft. zoning lot that includes the Proposed Development and the Development Rights Parcel. The Proposed Development would be located on Lots 48, 49 and 50 on Block 1002, which total 8,242 square feet of lot area. In addition, the Applicant owns Lot 16, the 2,500 square foot Development Rights Parcel located behind the Proposed Development, outside of the Rezoning Area. The Applicant has completed a zoning lot merger to combine the two parcels and create a combined zoning lot with 82.5 feet of frontage on 9th Street and 25 feet of frontage on 8th Street. The 25-foot portion of the combined zoning lot fronting 8th Street constitutes one end of a 200-foot deep through lot; the remainder, fronting 9th Street, is 100 feet deep.

The Proposed Development is located within the proposed Rezoning Area and includes:

Lot 48 (157 9th Street) has a lot area of 1,642 sq. ft., with 16.42 ft. of lot frontage. The lot was improved with a three-story residential building, dating to at least 1886 and demolished in 1977. The lot is currently vacant but is being used for outdoor parking.

Lot 49 (155 9th Street) has a lot area of 1,608 sq. ft., with 16.08 ft. of lot frontage. The lot was improved with a three-story residential building, dating to at least 1886 and demolished in 1977. The lot is currently vacant but is being used for outdoor parking.

Lot 50 (153 9th Street) has a lot area of 5000 sq. ft., with 50 ft. of lot frontage. The lot was improved with two three-story buildings, one residential and the other commercial, both dating to at least 1886 and demolished in 1970. The lot is currently vacant but is being used for outdoor parking and contains a curb cut of approximately 15 ft. in width.

The Development Rights Parcel, Lot 16 (124 8th Street) has a lot area of 2,500 sq. ft., with 25 ft. of lot frontage and a depth of 100 ft. The lot is improved by a 2-story, 2-family residence with a rear yard, constructed in 1899. The building has an estimated floor area of 1,700 sq. ft. The Development Rights Parcel is located within an M2-1 zoning district, which allows a 2.0 FAR or 5,000 square feet of floor area for commercial and manufacturing uses. The remaining, unused 3,300 square feet of commercial or manufacturing development rights may be used within the Proposed Development.

6. Description of the Proposed Development.

The Proposed Actions would facilitate the Proposed Development, a nine-story mixed-use building with ground level commercial space with accessory commercial below-grade space. The 2nd through 9th floors would be occupied by residences. The Proposed Development would not provide off-street parking.

The Proposed Development would contain 41,213 sq. ft of floor area, with an FAR of 3.99 for the Development Site. The Proposed Development is composed of an 8,000 sq. ft. cellar for accessory commercial use, an 8,000 sq. ft. commercial ground floor and small residential lobby, and 33,213 sq. ft. of residential floor area. The residential space would provide 48 units. The Applicant has selected MIH Option 1 for the Proposed Development which would result in 13 permanently affordable units at or below 60 percent of the Area Median Income ("AMI") with 10 percent at or below 40 percent AMI. The Proposed Development contemplates providing 9,769 sq. ft. or 28% of the residential floor area as affordable housing floor area.

The Proposed Development would be 82'6" wide and would cover the entirety of Lots 48, 49, and 50 at the ground and cellar levels. The upper levels would extend approximately 60' in depth, creating a 40' rear yard on the roof of the ground level. The Proposed Development would rise to 95 feet in height with a setback at 75 feet.

7. Actions Necessary to Facilitate the Proposed Development

To facilitate the Proposed Development the Applicant seeks a zoning map amendment changing the existing M2-1 zoning district to M1-4/R7A (MX-25) and zoning text amendments establishing a new Special Mixed Use District and MIH Area (Option 1), coterminous with the Rezoning Area, and a special permit pursuant to ZR Section 74-533 to waive required residential accessory off-street parking spaces within the Proposed Development.

a. Proposed Zoning Map Amendment

The Rezoning Area is mapped with an M2-1 zoning district that does not permit residential development or even enlargement of the Rezoning Area's existing non-conforming buildings. The M2-1 district has a low maximum FAR of 2.0 that does not provide an incentive for new development.

The proposed rezoning would encourage reinvestment in an area that is predominately non-conforming residential and has seen construction of only one conforming building since 1961.[1] As discussed in background, the Rezoning Area was excluded from the City's 1973 rezoning, which expanded the boundaries of the nearby residential district to include many of the non-conforming residential buildings located in the manufacturing zoning district established in 1961. The Rezoning Area was omitted from that action notwithstanding its non-conforming residential uses. The proposed rezoning would bring these existing residences into conformance with zoning and reaffirm the mixed-use character of the surrounding neighborhood.

[1] As noted above, 167 9th Street (Lot 43) is improved with a 5,000 sq. ft., one-story industrial building constructed in 1999.

The proposed Rezoning Area is ideally located for additional residential density. It is within close proximity of existing residential districts, local retail and to mass transit. There are numerous public transportation options for bus and subway service nearby and within the Rezoning Area, including three bus lines with stops on the same block and access to the R, F and G lines at Fourth Avenue and the F and G lines at Smith Street, all within a block and a half.

The proposed Special Mixed-Use District (MX-25) pairing M1-4 and R7A zoning districts would be mapped in a location where there would be minimal impact on existing manufacturing uses. The lots comprising the Proposed Development have been unimproved since 1977 and are currently used for parking and storage. As noted above, only one 5,000 sq. ft. lot within the Rezoning Area is currently being used exclusively for industrial purposes. The remaining lots within the Rezoning Area are improved with residential buildings. The boundaries of the proposed Rezoning Area have been carefully considered vis-à-vis the boundaries of the industrial business zone and extend easterly along 9th Street, outside of the IBZ, to its easterly edge on Ninth Street.[2]

The proposed rezoning is also consistent with the City's IBZ Vision Study and the Gowanus Rezoning. It would align zoning and existing land uses to help facilitate efforts to preserve, enlarge and adaptively reuse buildings. It would also support a walkable mixed-use neighborhood by permitting higher densities and a broader range of uses. The rezoning of these areas would be paired with the implementation of MIH to generate permanently affordable units. The Applicant's proposal would effectively extend the principles of the Gowanus Rezoning two blocks further south, to the north side of 9th Street.

The proposed MX (M1-4/R7A) zoning envelope specifically mirrors the City's Gowanus Rezoning proposal for the Union Street corridor, which like 9th Street is another Canal crossing with a similar existing scale. The proposed MX (M1-4/R7A) envelope would permit medium-density residential development at a maximum FAR of 4.6 for developments with permanent affordable housing set aside pursuant to the MIH program. The maximum building height is 95 feet after a setback from the base height of up to 75 feet. Buildings must set back above the maximum base height to a depth of 15 feet on a narrow street before rising to a maximum of nine stories. Off-street parking is required for 50 percent of the residential dwelling units but is not required for income-restricted housing units within the Transit Zone. Parking is not required for non-residential uses in M1-4 districts. Within the proposed MX district, the Zoning Resolution's manufacturing district bulk regulations would apply to manufacturing, commercial, and community facility uses. M1-4 districts permit a maximum of 2.0 FAR for commercial or manufacturing use and 4.0 for community facility uses.

The proposed zoning map amendment would only apply the M1-4/R7A zoning district bulk regulations to part of the combined zoning lot that constitutes the Development Site. The 8th Street portion of the Development Site, the Development Rights Parcel would remain subject to

[2] City records note that the IBZ incorporates the entirety of Lot 57 (139 9th Street) on the north side of 9th Street and therefore extends 173.75 feet east of 2nd Avenue; the proposed Rezoning Area starts 175 feet east of 2nd Avenue, incorporating part of Lot 56 (141 9th Street), the last residential building *before* the IBZ boundary.

the existing M2-1 regulations. Where different bulk regulations apply to a combined zoning lot, the Zoning Resolution's §77-00 split-district zoning lot rules apply. Those rules would allow the Proposed Development to utilize 3,300 square feet of commercial development rights from the Development Rights Parcel in the M2-1 zoning district.

The proposed actions and development rights transfer would allow the Applicant to construct a mixed building with 33,213 sq. ft of residential uses and 8,000 sq. ft. of commercial uses. The residential portion's 48 units would include 13 permanently affordable at low-income levels under MIH Option 1. Under MIH Option 1, 25% of an MIH Development's residential floor area must be income restricted. The Proposed Development contemplates providing 28% of the floor area (9,769/33,213) as affordable housing floor area. The Proposed Development would comply with the applicable height restrictions of the proposed zoning, rising 95 ft. in height, with a base height of 75 ft.

b.Proposed Zoning Text Amendments

Like many districts in the proposed Gowanus Rezoning, the Proposed Actions would pair a residential designation with a manufacturing district designation to allow a mix of uses reflective of the broader Gowanus setting. The proposed M1-4/R7A (MX-25) pairing reflects a careful evaluation of nearby residential zoning designations, both existing and proposed, and would also include a text change to map an MIH designation to generate new mixed-income housing, including market-rate and permanently affordable units.

i. Mandatory Inclusionary Housing:

The proposed text amendment of ZR Appendix F is necessary to establish an MIH Area, which would require new developments to set aside 25 percent of the residential floor area for affordable housing. MIH Option 1 requires an affordable housing set aside of 25 percent of the residential floor area at an average of 60 percent of AMI with 10 percent at 40 percent AMI; no affordable housing income band may exceed 130% of AMI. The Applicant proposes mapping MIH Option 1 within the Rezoning Area to provide longer-term increases in affordable housing units on non-Applicant controlled sites. The Applicant seeks Option 1 for the Development Site, resulting in approximately 13 permanently affordable units. The proposed affordable housing set asides would ensure that development within the Rezoning Area would address the critical need for new affordable housing in Gowanus. The proposed MIH Area would address the City's Housing New York: A Five-Borough, Ten-Year Plan goals and one of Brooklyn Community Board 6's top three pressing needs for Fiscal Year 2021 by increasing affordable housing to help ensure the community remains economically diverse in the face of increasing pressure for market-rate development.

ii. Mixed Use Special District (MX-25):

In addition to opportunities for medium-density housing development under the MIH program, mapping an MX (M1-4/R7A) district in conjunction with the Rezoning Area provides opportunities for a wide range of non-residential uses that reflect the 9th Street corridor and

surrounding area. The proposed text amendment of ZR Section 123-90 is necessary to establish an MX District (MX-25). An MX zoning district is a special zoning district that is mapped throughout the city. It combines an M1 zoning district (light industrial uses) within a residential district. The MX district permits a mix of light industrial, commercial, residential, and community facility uses under the applicable regulations. Establishing an MX district would promote a transition to a mix of uses in the Rezoning Area as envisioned by the City's Gowanus Rezoning plan, helping to foster both residential growth with affordable housing and revitalization of underutilized manufacturing districts. The MX district would encourage job creation and provide increased walk-to-work opportunities for a diverse mix of business uses, including both commercial and light industrial uses. Additionally, the proposed mapping of an MX district is consistent with existing industrial warehouses within the surrounding area.

The proposed zoning map amendment would thus allow the productive and more intensive reuse of underutilized industrially-zoned property. In addition, it would help reknit the urban fabric in the area and better integrate it within the predominately residential portions of the Gowanus neighborhood surrounding the M2-1 district. The Special Mixed-Use District MX (M1-4/R7A) proposed will allow new light industrial uses along with local retail and services and encourage neighborhood investment and job creation and the proposed development would include opportunities for such employment growth.

c. Special Permit

The Applicant also seeks a special permit pursuant to ZR Section 74-533 to waive the requirement for accessory off-street parking spaces dedicated to the Proposed Development's residential uses. ZR Section 74-533 authorizes the City Planning Commission to grant special permits for the waiver of required accessory residential off-street parking spaces in a development located in the Transit Zone that includes at least 20% of all dwelling units as income-restricted housing units if the waiver would facilitate the development of affordable housing.

A Special Permit is requested to waive required parking. Based on R7A residential density restrictions, the Proposed Development could add as many as 56 new residential units. Community District 6 is located within the Zoning Resolution's Transit Zone where income-restricted apartment units (MIH) do not require parking. Within an R7A zoning district, the Zoning Resolution requires that half the remaining number of dwelling units on the zoning lot be provided parking spaces. The proposed Special Permit would waive them all.

The Applicant requests the waiver to avoid the impact that parking would have on the building's cost as well as its design and use. 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 gross area of the ground floor retail space by roughly half. The cellar level accessory commercial space would be used for parking instead. Construction alternatives to maintain some of the cellar retail space, might consider a second cellar level of parking, but would add significant cost to

construction. Complying with the requirement by providing a parking garage at-grade would eliminate the proposed commercial space completely. The 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 revenue from retail space would make the Proposed Development financially infeasible.

The requested waiver would have a net positive effect on the surrounding area. Less traffic and one fewer curb cut on 9th Street will allow normal traffic, including trucks, busses, bikes and pedestrians, to proceed along this important through-canal corridor without disruption. There would be little negative impact on nearby residences and businesses, as the Proposed Development is within close proximity of existing mass transit. There are numerous public transportation options for bus and subway service nearby, including three bus lines with stops on the same block and access to the R, F and G lines at Fourth Avenue and the F and G lines at Smith Street, all just a block and a half away.

8. Conclusion

The Proposed Actions would have the effect of extending the principles of the Gowanus Rezoning and the City's prior rezonings to legalize existing residential uses within manufacturing zoning districts. The Proposed Actions are consistent with existing land uses, as most of the Rezoning Area consists of residential uses. The Proposed Actions would promote and reaffirm a dynamic, live-work neighborhood, carefully pairing a modest increase in density with an opportunity to increase mixed income housing. Furthermore, the scale of the proposed mixed-use zoning coheres with what is being proposed for the Union Street corridor as part of the broader Gowanus Rezoning.

The land use rationale supporting the Proposed Actions would be reflected in the Proposed Development, which would create 48 new dwelling units (13 income restricted) and provide ground level commercial space, enlivening the corridor. The introduction of additional residential uses at this transit-adjacent location would support existing neighborhood retail on 3rd Avenue. Finally, the MIH designation and Special Permit parking waiver would promote the development of affordable housing during a housing crisis when affordable housing is desperately needed.