236 GOLD STREET REZONING
BROOKLYN COMMUNITY DISTRICT 2
JULY 2024

1. INTRODUCTION

236 Gold LLC (the "Applicant") proposes a series of land use actions to rezone an existing R6B zoning district to a C6-2A (R8A equivalent) zoning district within Brooklyn Community District 2. The proposed Project Area and Development Site are coterminous and consist of Block 121, Lots 33, 35, 36, and 37 (the "Project Area" or "Development Site"). The following actions are proposed:

1. a zoning map amendment to change an existing R6B zoning district to an C6-2A zoning district);

2. a zoning text amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Brooklyn Community District 2 to designate a Mandatory Inclusionary Housing ("MIH") Area with MIH Options 1 and 2 conterminous with the Project Area; and

3. a zoning special permit pursuant to ZR § 74-533 to reduce the number of required accessory parking spaces.[1]

The Proposed Actions will facilitate the development of a new fourteen-story mixed-use residential and commercial building with approximately 79,574 sq. ft. of floor area (7.2 FAR) (the "Proposed Development") at 236-244 Gold Street. The Proposed Development will include approximately 114 dwelling units, including approximately 29 permanently affordable dwelling units pursuant to MIH Option 1.

2. BACKGROUND

In 2003, the Project Area was rezoned from an M1-1 zoning district to a R6B zoning district as part of the Bridge Plaza Rezoning (C 020263 ZMK, Effective August 19, 2003). The rezoning prohibited new industrial and commercial development over the existing vacant lots. In 2004, the area to the south of the Project Area was rezoned as part of the Downtown Brooklyn Development rezoning (C 040171 ZMK, effective June 28, 2004). The rezoning aimed to create opportunities for new commercial, residential, academic, and cultural development in Downtown Brooklyn. The Plan promoted growth of Downtown Brooklyn to reinforce its role as a regional central business district; provide viable development for future markets; retain businesses; and strengthen the City's economic base. The Plan included zoning map and zoning text amendments, urban renewal plan amendments, special permits for public parking garages, modifications of large-scale plans, and disposition of city-owned property.

In 2017, a private rezoning application was approved to the southeast of the Project Area under the Tillary and Prince Streets Rezoning (C 170400 ZMK, effective October 31, 2017). The rezoning sought to rezone the Project Area from an R6 to C6-4 zoning district. A 33-story, approximately 465 unit mixed-use building is currently under construction.

3. DESCRIPTION OF SURROUNDING AREA

The Project Area is located in Downtown Brooklyn, within Brooklyn Community District 2. The area within 600 feet of the Project Area (the "Surrounding Area") is comprised of the following:

<u>Zoning</u>
The existing zoning districts in the surrounding area include:

[1] If the City of Yes for Housing Opportunity Text Amendment, which was referred to into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, the maximum permitted FAR for an R8A zoning district would be 7.2 for MIH buildings with a building height of 145 feet. Parking would not be required.

R6B
The Project Area is located within an R6B zoning district, which is generally mapped on Block 121 along the Duffield Street and Concord Street frontages. An R6B zoning district is also mapped along the frontage of Concord Street between Bridge and Duffield Streets. The R6B zoning district permits residential uses with a maximum FAR of 2.0, a minimum streetwall height of 30 ft., a maximum streetwall height of 40 ft., and a maximum building height of 50 ft. R6B districts require off-street parking for 50 percent of the dwelling units in a building, with an exemption from parking for income-restricted units within the Transit Zone. The Quality Housing program is mandatory for residential developments.

C6-2
A C6-2 zoning district is mapped immediately to the south of the Project Area and across the street (Block 122). C6-2 zoning districts are generally mapped in areas outside central business cores and have a maximum commercial FAR of 6.0, a maximum 6.02 FAR for Quality Housing buildings (7.5 FAR for Inclusionary Housing), and 6.5 FAR for community facility uses. C6 districts are widely mapped within special districts and are well served by mass transit, and off-street parking is generally not required. The residential equivalent of a C6-2 district is an R8 district. Side yards are not required, but if they are provided, they must be at minimum 8-ft. in width, or at minimum 5-ft. in width with an average of 8-ft. in width. A 20-ft. rear yard is required. The maximum height is 215 ft or 21-stories for Quality Housing buildings with a Qualifying Ground Floor.

R6
A R6 district is mapped generally to the east of the Project Area and east of the Brooklyn Queens Expressway ramp. R6 districts are widely mapped in medium-density areas in Brooklyn. R6 districts allow all housing types at a maximum FAR of up to 2.43 and a maximum FAR of up to 4.8 for buildings containing certain community facility uses. R6 is a height factor district where residential and community facility uses are permitted with no fixed height limits and building envelopes are regulated by a sky exposure plane and open space ratio after a maximum base height of 60 feet. Residential development under the optional Quality Housing Program has a maximum FAR of 2.2 on narrow streets with a 55-foot building height limit and a maximum of 3.0 FAR on wide streets with a height limit of 70 feet. Off-street parking is required for 70 percent of the dwelling units. This requirement is lowered to 50 percent of the units if the lot area is less than 10,000 square feet or if Quality Housing provisions are used. In R6 districts, if five spaces or fewer are required, the off-street parking requirement is waived.

C4-3
A C4-3 zoning district is mapped to the north of the project Area with frontage along Concord Street. C4-3 districts are general commercial district which permit the development of commercial, community facility, and residential uses. C4-3 districts are the residential equivalent of R6 districts. The maximum FAR for residential uses ranges from 0.78 to 2.43, 3.4 for commercial uses, and 4.8 with community facility uses.

R7-1
An R7-1 district is mapped to the west of the Project Area generally to the west of the Flatbush Avenue Extension. R7 districts are medium density multifamily residential districts. The height factor regulations for the R7 districts encourage lower apartment buildings on the smaller zoning lots and on larger lots, taller buildings with less lot coverage. R7-1 districts permit the developments pursuant to height factor regulations are quality housing regulations. The FAR ranges from 0.87 to 3.44. The FAR for quality housing buildings range from 3.44 for a narrow street and 4.0 on a wide street. Additional floor area permitted for Inclusionary Housing with a maximum FAR of 4.6. R7 Quality Housing buildings range in height from 80 (85) ft. or 135 ft. with Inclusionary Housing. Off-street parking is required for 60% of the dwelling units, but requirements are lower for income-restricted housing units, and a further modified within the Transit Zone.

Special Districts
The Special Downtown Brooklyn District (DB) is located to the south of the Project Area, (south of Tillary Street). The DB serves to strengthen the business core of Downtown Brooklyn by improving the working and living environments and encouraging the design of new buildings that are in character with the area. The DB aims to foster development in Downtown Brooklyn and

provide direction and incentives for further growth while creating a transition between the Downtown commercial core and the lower-scale residential communities. The DB also established special bulk (height and setback) regulations and urban design guidelines.

C6-4 (DB)
The C6-4(DB) is mapped to the south of the Project Area, below Tillary Street. C6-4 districts are generally mapped within the city's major business districts and have a maximum FAR of 10.0 for all uses. The residential equivalent is an R10 zoning district. There are special height and setback regulations within the DB, that permits the maximum base height of 125 ft. beyond 100 ft. of a wide street or 150 ft. within 100 ft. of a wide street. The maximum building height is 250 ft.

C6-1A (DB)
The C6-1A (DB) is mapped to the southwest of the Project Area south of Tillary Street and is the residential equivalent of an R6 district. The permitted FAR for residential height factor building ranges from 0.78 to 2.43 and the maximum FAR for a Quality Housing building is 3.6 (Inclusionary Housing). The maximum commercial and community facility FAR is 6.0. Side yards are not required, but if provided, they must comply with a minimum 8 ft. in width or a minimum 5 ft. in width with an average width of 9 ft. A 20 ft. rear yard is required. The maximum height is 185 beyond 100 ft. of a wide street or 210 ft. within 100 ft. of a wide street.

Other Zoning Designations
The Project Area is located within a FRESH-eligible program area for discretionary tax incentives. The Project Area is also located within the Transit Zone pursuant to ZR Appendix G, where reduced parking requirements apply to developments with income-restricted units.

Land Uses
The Project Area is located within Downtown Brooklyn, within Brooklyn Community District 2. Existing land uses within the surrounding area primarily consist of multifamily apartment buildings, mixed commercial and residential buildings, industrial uses, parks, and community facilities. The mixed-residential buildings and multifamily elevator buildings range in height from 12-18 stories. The Ingersoll NYCHA complex is located to the southeast of the Project Area and consists of 22 buildings with approximately 1,142 dwelling units. The Farragut NYCHA complex is located to the northeast of the Project Area and consists of 10 buildings with approximately 1,390 dwelling units.

The MetroTech Business Improvement District (BID) is located to the south of the Project Area within Downtown Brooklyn. The Myrtle Avenue BID (Myrtle Avenue Brooklyn Partnership). The BID encompasses properties fronting Myrtle Avenue from Flatbush Avenue Extension to Classon Avenue and provides support to the neighborhood's commercial businesses. The Brooklyn Navy Yard is located to the northeast of the Project Area. The Brooklyn Navy Yard aims to create and preserve quality jobs within the industrial sector and connect the local community with the economic opportunity for the Brooklyn Navy Yard.

There are open space resources nearby including: (1) Trinity Park, a 6.3 acre park located to the north of the Project Area, (2) McLaughlin Park, 1.98 acre park located to the west of the Project Area which includes baseball fields, basketball and handball courts, and playground, (3) Commodore Barry Park, a 10.39 acre park located to the east of the Project Area which includes baseball fields, handball, courts, basketball courts, an outdoor pool, football fields, and playground and (4) the Golconda Playground, a 1.5 acre playground located to the northeast of the Project Area which includes basketball and handball courts, and skate parks. There are numerous community facilities within the Surrounding Area. The Brooklyn International High School, The Science Skills Center High School for Science, Technology and Creative Arts, and the Urban Assembly School of Music Art are all located nearby at 49 Flatbush Avenue Extension (Block 120, Lot 20). The Madison Square Boys and Girls Club is located to the east of the Project Area at 240 Nassau Street (Block 110, Lot 25). P.S. 287 is located to the east of the Project Area at 50 Navy Street (Bock 111, Lot 1).

Public Transportation
There are numerous public transportation options for bus and subway service near the Project Area. There are four bus routes with stops located within a 4-minute walk of the Project Area: B57 (Gowanus – Maspeth), B69 (Downtown Brooklyn – Kensington), B67(Brooklyn Navy Yard – Kensington), and B62 (Downtown Brooklyn – Long Island City). The Dekalb Avenue Station for the B, Q, and R trains are located approximately 0.4 miles from Project Area. The Jay Street-MetroTech Station for the A, C, and F trains is located approximately ½ mile southwest of the

Project Area. The Nevins Street Station for the 2, 3, 4 and 5 trains is located approximately 0.6 miles southeast of the Project Area. The High Street Station for the A and C trains are located approximately ½ mile west of the Project Area. The Project Area is also located a 3-minute walk from the Concord Street and Bridge Street Citibike Dock (10 classic bikes) and a 5-minute walk from the Nassau St. and Navy St. Citibike Dock (44 classic bikes).

4. DESCRIPTION OF THE PROPOSED PROJECT AND DEVELOPMENT SITE

The Project Area is located within the Downtown Brooklyn neighborhood within Brooklyn Community District 2. The Project Area consists of Block 121, Lots 33, 35, 36, and 37 and fronts Gold Street (75 ft. wide street). The Project Area is improved as follows:

236 Gold Street (Block 121, Lot 33) is an approximately 4,433 sq. ft. lot with 50 ft. of frontage along Gold Street. The lot was previously used for parking but is currently vacant.

242 Gold Street, (Block 121, Lot 35) is an approximately 2,652 sq. ft. lot with 30 ft. of frontage along Gold Street. The lot was previously used for parking but is currently vacant.

244 Gold Street (Block 121, Lot 36) is an approximately 1,766 sq. ft. lot with 20 ft. of frontage along Gold Street. The lot was previously used for parking but is currently vacant.

246 Gold Street (Block 121, Lot 37) is an approximately 2,204 sq. ft. lot with 25 ft. of frontage along Gold Street. The lot was previously used for parking but is currently vacant.

In total, the Development Site/Project Area is approximately 11,052 sq. ft. An as-of-right, 4-story, approximately 21,968 sf (1.99 FAR) residential building was approved by DOB at the Development Site.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development at the Development Site is a new fourteen-story mixed-use residential and commercial building. The proposed building will have a total floor area of approximately 79,574 sq. ft. (7.2 FAR) and will consist of approximately 114 dwelling units, of which 29 units will be income-restricted pursuant to MIH Option 1. Approximately 2,115 sq. ft. (0.19 FAR) of commercial uses will be located on the ground floor. The Proposed Development will have a base height of 105 ft. with a building height of 145 ft. No parking will be provided. The ground floor will consist of a residential lobby, commercial uses, bicycle parking, and the recreation area.

6. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The actions necessary to facilitate the project are:

1. a zoning map amendment to rezone the Project Area from an existing R6B zoning district to a C6-2A zoning district;

2. a zoning text amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Brooklyn Community District 2 to designate a Mandatory Inclusionary Housing ("MIH") Area with MIH Options 1 and 2 conterminous with the Project Area; and

3. a zoning special permit pursuant to ZR § 74-533 to reduce the number of required accessory parking spaces.

<u>Zoning Map Amendment to an C6-2A Zoning District</u>
The Project Area is well suited for additional residential development due to its proximity to transit and its location within an existing residential community supported by nearby commercial and institutional uses. The Development Site has remained underutilized for several years and the existing R6B zoning district does not incentivize development due to its permitted density.

Additionally, the existing R6B zoning district does not require the development of affordable housing units pursuant to MIH.

The proposed C6-2A zoning district is appropriate within the Project Area and will bridge the gap between the existing bulk in the surrounding area. C6-2A zoning districts are contextual districts where Quality Housing bulk regulations are mandatory for residential buildings, and which permit a maximum FAR of 7.2 with Inclusionary Housing, C6-2A districts produce high lot coverage, 14-story apartment buildings set at or near the street line. The maximum base height is 105 ft. and the building must setback before rising to a maximum height of 145 ft.[2] Off -street parking is required for 40% of all dwelling units (20% for smaller lots), with lower requirements for income-restricted housing. The proposed C6-2A zoning district is consistent with the scale and bulk for existing buildings located within the immediate area, including a 13-story building immediately to the south of the Development Site.

The Project Area is ideally situated to support growth in Downtown Brooklyn. A C6-2 zoning district is mapped directly adjacent to the Project Area and across the street on Block 122. Both C6-2 and C6-2A permit a maximum commercial FAR of 6.0 and residential FAR of 7.2 for Quality Housing buildings with Inclusionary Housing. Unlike the C6-2 zoning district, the C6-2A district has a maximum height of 140 ft. (145 ft.). The proposed zoning map amendment would promote the development of medium-density, contextual housing, including affordable housing, at the Development Site, an underutilized site, which is consistent with the scale and character of the surrounding area and would further the City's housing goals. It would build on the existing and planned middle-density residential community and would be supported by and support the adjacent public transit links, commercial and institutional uses. The Project Area is an underutilized area that would benefit from additional residential uses. The proposed rezoning would provide for the productive use of underutilized property and provide for moderate growth in a transit-accessible area.

Zoning Text Amendment to ZR Appendix F

The proposed zoning text amendment will provide the Downtown Brooklyn neighborhood with new income-restricted dwelling units, which will support the City's effort to increase the overall supply of affordable housing.

The shortage of affordable housing and housing in general has been highlighted by the current administration as an urgent issue that needs addressing. For decades, New York City has added new housing at significantly lower rates compared with other cities. The scarcity of available housing has resulted in generally higher costs for housing than would be the case if housing were more generally available.[3] Recently, there has been more consensus on the need to add additional housing. A 2022 Real Estate Board of New York (REBNY) report estimated that New York City would need 560,000 additional housing units by 2030.[4] The Where We Live NYC Plan, the City's fair housing plan, aims to provide equitable housing development in the city, preserve affordable housing and prevent displacement of long-standing residents.[5] The Plan notes that there is a housing crisis and that the city has not built enough housing to keep up with the increasing population and jobs. The Proposed Development will provide additional housing on a severely underutilized lot. In December of 2022, Mayor Adams unveiled a three-pronged Get Stuff Built strategy to tackle the affordable housing crisis and called for "rapidly accelerating the pace of housing production, with a 'moonshot' goal of meeting the need for 500,000 new homes over the next decade." Former Mayor de Blasio's Housing New York 2.0, an extension of the City's comprehensive housing development policy (Housing New York: A Five-Borough, Ten-Year Plan) included a primary goal of building or preserving 200,000 units of high-quality affordable housing by 2022 and 300,000 homes by 2026. Housing New York 2.0 was developed in conjunction with the New York City Department of Housing and Preservation (HPD) to create housing opportunities for New Yorkers with a range of incomes, while fostering vibrant and

[2] If the City of Yes for Housing Opportunity Text Amendment, which was referred to into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, the maximum permitted FAR for an R8A zoning district would be 7.2 for MIH buildings with a building height of 145 feet. Parking would not be required.
[3] *Housing's Unequal Contest: Why the Rich Won't be Denied*, in City Limits, November 1983
[4] https://www.crainsnewyork.com/real-estate/new-york-needs-560k-additional-housing-units-2030-rebny-report-says?utm_source=real-estate-tuesday&utm_medium=email&utm_campaign=20220111&utm_content=article2-headline
[5] https://www.nyc.gov/assets/hpd/downloads/pdfs/wwl-plan.pdf

diverse neighborhoods. Framed by the policy goals and objectives in Housing New York, the City Council adopted an amendment to the ZR to establish the Mandatory Inclusionary Housing program, which requires areas rezoned for residential growth to include a minimum of 20 to 30 percent of dwelling units be affordable in new developments.

The proposed zoning text amendment to ZR Appendix F will support the policies and goals of Get Stuff Built and historic goals set forth in Housing New York 2.0 by creating income-restricted dwelling units within the Proposed Development and permitting the applicant to develop the Development Site in accordance with the MIH program, and will ensure that any future residential development within the proposed C6-2A zoning district will address the need for housing to serve a broad range of the City's diverse incomes. The applicant proposes mapping MIH Options 1 and 2 within the Project Area to provide maximum flexibility. Option 1 requires 25% of residential floor area to be set aside for income-restricted dwelling units for residents with incomes averaging 60% AMI, with a minimum of 10% of housing to be affordable at 40% AMI. Option 2 requires 30% of residential floor area to be set aside for income-restricted dwelling units for residents with incomes averaging 80% AMI. The Proposed Development currently contemplates providing approximately 29 income-restricted dwelling units pursuant to Option 1 of the MIH program.

Special Permit for Required Accessory Parking Reduction

The proposed special permit pursuant to ZR § 74-533 is necessary to provide a full waiver of the 17 required parking spaces for the non-income-restricted units at the Proposed Development Site. ZR § 25-241 provides that parking spaces are required for 20% of the residential dwelling units. Without the proposed special permit, the required spaces would be both prohibitively costly and would cause a reduction in the number of dwelling units. Furthermore, the Project Area is well served by public transportation with multiple options for subway and bus service. The proposed waiver would facilitate the creation of income-restricted housing units by allowing the proposed development to concentrate available financial resources on the production of affordable housing rather than parking. The proposed parking waiver significantly contributes to the financial feasibility of the project.

The proposed land use actions would facilitate the development of a mixed-use building with approximately 114 dwelling units, of which 29 are to be permanently affordable. The proposed actions represent an opportunity to pioneer transit-oriented, mixed-use development of both affordable housing and job-generating space, that is appropriate for the surrounding neighborhood and consistent with community and citywide goals. The proposed actions would encourage investment in the neighborhood and promote opportunities for workers to live in the vicinity of new jobs. The proposed actions will enhance the vitality and character of the neighborhood.

7. CONCLUSION

The Applicant proposes a zoning map amendment to rezone the Project Area from existing R6B to an C6-2A zoning district. The proposed zoning map amendment will facilitate the development of a new fourteen-story mixed-use commercial and residential building with 114 dwelling units at the Development Site. The applicant also proposes a zoning text amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Brooklyn Community District 2, to designate the Project Area as an MIH Area. The proposed zoning text amendment will facilitate the development of approximately 29 income-restricted housing units within the Proposed Development pursuant to the City's MIH program, thereby ensuring that it addresses the need for housing to serve a broad range of the City's diverse needs and incomes.