9201 4TH AVE REZONING
JULY 22, 2025

1. INTRODUCTION

9201 LLC (the "Applicant") proposes the following actions (the "Proposed Actions"):

1. Zoning Map Amendment to rezone 9201 4th Avenue, Block 6108, Lot 22 (the "Proposed Project Area" and "Proposed Development Site") in the Bay Ridge neighborhood within Brooklyn Community District 10 from a C8-2 (BR) zoning district to a C4-4D (BR) zoning district; and

2. Zoning Text Amendment to amend Appendix F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Brooklyn Community District 10 to designate a Mandatory Inclusionary Housing ("MIH") area with MIH Options 1 and 2 coterminous with the Proposed Project Area/Proposed Development Site.

The Proposed Actions will facilitate the construction of a new 11-story plus cellar and sub-cellar mixed-use commercial and residential building with a total floor area of approximately 129,639 square feet (7.2 FAR), consisting of approximately 17,988 square feet of ground floor and mezzanine commercial floor area and approximately 111,651 square feet of residential floor area (the "Proposed Development") at the Proposed Development Site. The Proposed Development will include approximately 99 dwelling units, including approximately 25 affordable housing units pursuant to MIH Option 1.

2. BACKGROUND

The Proposed Development Site was rezoned from a C8-1 zoning district to the existing C8-2 zoning district in 2005 by the Bay Ridge Rezoning (C 050134A ZMK) to allow for medical office development and for the expansion of auto-related and other permitted commercial uses. The Proposed Development Site is currently improved with a seven-story plus cellar and sub-cellar commercial office building. However, the office market has changed significantly since the pandemic and the applicant seeks to redevelop the Proposed Development Site with a mixed-use commercial and residential building to add housing and affordable housing and further support the Bay Ridge neighborhood.

The Special Bay Ridge District (BR) maintains the neighborhood's existing scale in conjunction with contextual and lower-density zoning districts mapped throughout the district. Beyond the underlying district controls, the neighborhood streetscape is preserved by limitations on the maximum permitted FAR and the height of community facilities. These regulations preserve the low-rise character of one- to three-family homes on the midblocks and encourage five- to eight-story apartment houses with ground floor stores along the avenues.

3. DESCRIPTION OF THE SURROUNDING AREA

Zoning
The area within a 600-foot radius of the Proposed Project Area/Proposed Development Site (the "Surrounding Area") is zoned C8-2, R4-1, R5B, R6B/C2-3, R6A/C2-3, R6A/C2-4 and R7A/C2-4. The Proposed Project Area is also located within the Special Bay Ridge District and within the Outer Transit Zone.

C8-2
C8-2 zoning districts provide for automotive and other heavy commercial services. Housing is not permitted, and performance standards are imposed for certain semi-industrial uses. Within a C8-2 zoning district, commercial uses are permitted up to 2.0 FAR. Parking requirements depend on the specific use. Within a C8-2 zoning district within the Special Bay Ridge Zoning District, community facility uses are limited to 3.0 FAR.

R4-1
R4-1 zoning districts are residential districts that permit only one- and two-family detached and semi-detached houses. Within an R4-1 zoning district, community facility uses are permitted up to 2.0 FAR. R4-1 zoning districts permit a maximum residential FAR of 1.0 for standard zoning lots or 1.5 for qualifying residential sites and a maximum height of 35 feet or 45 feet for qualifying residential sites. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

R5B
R5B zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. Within an R5B zoning district, community facility uses are permitted up to 2.0 FAR. R5B zoning districts permit a maximum residential FAR of 1.5 for standard zoning lots or 2.0 for qualifying residential sites and a maximum building height of 35 feet or 55 feet for qualifying residential sites. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

R6B
R6B zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. Within an R6B zoning district, community facility uses are permitted up to 2.0 FAR and residential uses are permitted up to 2.0 FAR or 2.4 FAR with qualifying affordable housing or qualifying senior housing. Above a maximum base height of 45 feet a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street before rising to a maximum height of 55 feet or 65 feet with qualifying affordable housing or qualifying senior housing. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

R6A
R6A zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. Within an R6A zoning district, community facility uses are permitted up to 3.0 FAR and residential uses are permitted up to 3.0 FAR or 3.9 FAR with qualifying affordable housing or qualifying senior housing. Above a maximum base height of 65 feet a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street before rising to a maximum height of 75 feet or 95 feet with qualifying affordable housing or qualifying senior housing. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

R7A
R7A zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. Within an R7A zoning district, community facility uses are permitted up to 4.0 FAR and residential uses are permitted up to 4.0 FAR or 5.01 FAR with qualifying affordable housing or qualifying senior housing. Above a maximum base height of 75 feet or 85 feet with qualifying affordable housing or qualifying senior housing a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street before rising to a maximum height of 85 feet or 115 feet with qualifying affordable housing or qualifying senior housing. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

C2-3, C2-4 Overlays
C2-3 and C2-4 zoning districts are commercial overlay districts mapped within residence districts along streets that serve local retail needs. Typical retail uses permitted include neighborhood grocery stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses,

such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R4 through R10 zoning districts, the maximum commercial FAR is 2.0. Parking requirements depend on the specific use.

Special Bay Ridge District (BR)
The Special Bay Ridge District (BR) maintains the neighborhood's existing scale in conjunction with contextual and lower-density zoning districts mapped throughout the district. Beyond the underlying district controls, the neighborhood streetscape is preserved by limitations on the maximum permitted FAR and the height of community facilities. These regulations preserve the low-rise character of one- to three-family homes on the midblocks and encourage five- to eight-story apartment houses with ground floor stores along the avenues.

Land Uses and Prevailing Built Form
Existing land uses within the Surrounding Area are a mix of utility/transportation, commercial, residential, mixed commercial and residential, and community facility uses.

Located south of the Proposed Development Site on the subject block, within the existing C8-2 zoning district, are one- and two-story commercial buildings and three-story mixed-use commercial and residential buildings. Located north of the Proposed Development Site, within C8-2, R6A/C2-4 and R7A/C2-4 zoning districts, are a mix of two- to four-story mixed-use commercial and residential buildings, one- to three-story commercial buildings and one-story industrial buildings. Located east of the Proposed Development Site, within R6B/C2-3 and R5B zoning districts, are one-story commercial buildings, two- and three-story mixed-use commercial and residential buildings, two- and four-story community facilities and two- to six-story one-, two- and multi-family residential buildings. Located west of the Proposed Development Site, within R6A/C2-3, R5B and R4-1 zoning districts are one-story commercial buildings, two- to six-story mixed-use commercial and residential buildings, one- and three-story community facilities and two- to six-story one-, two- and multi-family residential buildings.

Community facilities located within the Surrounding Area include PS 104 located one block northeast, District 20 Pre-K Center located one block west and a house of worship located one block southwest of the Proposed Development Site.

Public Transportation
The Proposed Development Site is located within the Outer Transit Zone and is well served by public transportation. It is located approximately 200 feet north of an entrance to the R train along 4th Avenue on the subject block. The Proposed Development Site is also well served by MTA bus service, including the B8 and B63 lines, and is proximate to a major bus hub at the 86th Street and 4th Avenue intersection.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA/ PROPOSED DEVELOPMENT SITE

The Proposed Project Area/Proposed Development Site is located in the Bay Ridge neighborhood within Brooklyn Community District 10. The Proposed Project Area/Proposed Development Site is bounded by 4th Avenue (a 100-foot wide street) to the west, 92nd Street (a 60-foot narrow street) to the north, and 5th Avenue (a 75-foot wide street) to the east. The Proposed Project Area/Proposed Development Site consists of 9201 4th Avenue, Block 6108, Lot 22, and is zoned C8-2, a commercial district with a maximum permitted FAR of 2.0.

The Proposed Project Area/Proposed Development Site has a lot area of approximately 18,008 square feet with approximately 105 feet of frontage on 4th Avenue, approximately 192 feet of frontage on 92nd Street and approximately 101 feet of frontage on 5th Avenue. It is currently improved with a seven-story, approximately 79,173-square foot (4.4 FAR) commercial office building built in 1965.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development at the Proposed Development Site is a new 11-story plus cellar and sub-cellar mixed-use commercial and residential building. The Proposed Development will have a total floor area of approximately 129,639 square feet (7.2 FAR), consisting of approximately 17,988 square feet of ground floor and mezzanine commercial floor area and approximately 111,651 square feet of residential floor area and will include approximately 99 dwelling units (25 one-bedroom, 51 two-bedroom, and 23 three-bedroom), including approximately 25 affordable housing units pursuant to MIH Option 1. The cellar and subcellar will contain a total of 55 parking spaces accessed by a curb cut along 5th Avenue. The Proposed Development will have a base height of eight stories/86'-0", will setback 10'-0" along 4th and 5th Avenues and 15'-0" along 92nd Street at the nineth floor and will rise to a total height of 130'-0".

6. ACTIONS NECESSARY TO FACILITATE THE PROPOSAL

The actions necessary to facilitate the Proposed Development at the Proposed Development Site are: (1) a zoning map amendment to rezone the Proposed Project Area/Proposed Development Site from a C8-2 (BR) zoning district to a C4-4D (BR) zoning district; and (2) a zoning text amendment to amend ZR Appendix F: Mandatory Inclusionary Housing Areas and Former Inclusionary Housing Designated Areas for Brooklyn Community District 10 to establish an MIH area.

<u>Zoning Map Amendment from a C8-2 zoning district to a C4-4D zoning district</u>
The Proposed Project Area/Proposed Development Site is located within a C8-2 zoning district where residential use is not permitted. The proposed C4-4D zoning district (R8A equivalent) is a contextual district which permits residential uses up to 6.02 FAR or 7.2 FAR with qualifying affordable housing or qualifying senior housing, community facility uses up to 6.5 FAR and commercial uses up to 3.4 FAR. Above a maximum base height of 95 feet or 105 feet with qualifying affordable housing or qualifying senior housing a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street before rising to a maximum height of 125 feet or 145 feet with qualifying affordable housing or qualifying senior housing.

The proposed C4-4D zoning district is appropriate in terms of permitted use and density as it would allow for additional residential development in close proximity to transit within an existing mixed-use community supported by nearby commercial and institutional uses and will bring much needed residential development within Brooklyn Community District 10 where there has been minimal residential development over the last ten years.

The Proposed Project Area/Proposed Development Site has frontage on three streets, two of them being wide streets. Block 6108 is an unusually shaped polygon with approximately 564 feet of frontage on 4th Avenue, approximately 540 feet of frontage on 5th Avenue, approximately 192 feet of frontage on 92nd Street and less than 39 feet of frontage on 94th Street. Just beyond 94th Street, 4th Avenue and 5th Avenue meet. The block's configuration leaves it particularly well suited for exposure to light and air. At the northern end, both avenue frontages are on wide streets with less than the standard 200-foot length for a short end of a block. On the southern end of the block, the intersection of the avenues just south of the block creates an over 200-foot distance between opposing buildable street frontages. A small park – the Fort Hamilton Triangle - further expands the area open for light and air access. The Proposed Project Area/Proposed Development Site is thus ideally suited to accommodate the proposed bulk due to its unusual and exceptional access to light and air. In addition, the Proposed Project Area/Proposed Development Site has excellent transit access and is located approximately 200 feet north of an entrance to the R train along 4th Avenue on the subject block.

<u>Zoning Text Amendment to ZR Appendix F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas</u>
The shortage of affordable housing and housing in general has been highlighted by the current administration as an urgent issue that needs addressing. *Housing New York 2.0* is an extension of the City's comprehensive housing development policy (*Housing New York: A Five-Borough, Ten-Year Plan*) that includes 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 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 *Housing New York 2.0* by creating qualifying affordable housing within the Proposed Development, will permit the applicant to develop the Proposed Development Site in accordance with the MIH program and will ensure that any future residential development at the Proposed Project Area 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 Proposed Project Area/Proposed Development Site to provide maximum flexibility. Option 1 requires 25% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 60% AMI, with a minimum of 10% of residential floor area to be affordable at 40% AMI. Option 2 requires 30% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 80% AMI. The Proposed Development currently contemplates providing approximately 25 affordable housing units pursuant to Option 1 of the MIH program. The applicant will seek additional input from Brooklyn Community Board 10 and the local City Council Member regarding the level of affordability for the Proposed Development.

7. CONCLUSION

The Applicant proposes a zoning map amendment to rezone the Proposed Project Area/Proposed Development Site from a C8-2 (BR) zoning district to a C4-4D (BR) zoning district. The proposed zoning map amendment will facilitate the development of a new 11-story plus cellar and sub-cellar mixed-use commercial and residential building with approximately 99 dwelling units. The applicant also proposes a zoning text amendment to amend ZR Appendix F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Brooklyn Community District 10 to designate the Proposed Project Area/Proposed Development Site as an MIH area. The proposed zoning text amendment will facilitate the development of approximately 19 affordable 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.