Project Description (LR Item 3)
No. 2023K0368

783 4th Avenue

July 2024

1. Introduction

Application by 783 4th Avenue LLC for Zoning Map Amendments, Zoning Text Amendments and a Zoning Special Permit ("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 661, Lots 1, 2, 3, 4, 5, 13, 66, 68, 69 and portions of 14 from M1-1D to R7A and R8A/C2-4 (the "Rezoning Area");
2. 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;
3. Zoning special permit pursuant to ZR 74-533 (Reduction of parking spaces to facilitate affordable housing) to that would waive the off-street residential parking requirement in exchange for at least 20 percent of the proposed dwelling units as income-restricted housing units.

The Proposed Actions would facilitate a new 13-story mixed-use development on a single zoning lot: Block 661, Lots 5, 13, 14 & 66 (the "Development Site"). This would include a 13-story building along 4th Avenue and smaller 7- and 8-story buildings along of 27th and 28th Streets. In total, these buildings would include 175,640 zoning square feet with 257 dwelling units and approximately 64 income-restricted through MIH Option 1. The 4th Avenue frontage of the Development Site would contain 4,200 zoning square feet (zsf) of commercial retail at the ground-floor. 10 voluntary parking spaces would be provided on the first floor of the development, made accessible from 27th Street (the "Proposed Development").

2. Background

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 to the northeast of the Project Area.

The City rezoned the area immediately north of the Project Area in November of 2005, 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 2009, the area to the south of the Rezoning Area was amended as part of the Sunset Park Rezoning (C 090387 ZMK and N 090386 ZRK). The Zoning Map and Zoning Text Amendments affected 28 blocks in the Sunset Park neighborhood bounded by Third Avenue, 28th Street, 63rd Street, and 8th Avenue. The rezoning amened R6 and C4-3 districts to R4A, R4-1, R6B, R6A, R7A, and C4-3A. The goal of the rezoning was to replace R6 districts in mid-block locations with contextual districts, such as R4A, R4-1, R6B, while providing avenues, such as 4th Avenue with opportunities for additional growth under R6A and R7A districts. An existing C4-3 district along Fifth Avenue was also replaced with C4-3A. In addition, commercial overlays were adjusted to reflect existing development patterns and preclude commercial intrusions into residential mid-blocks. The zoning text amendment associated with the rezoning made the R7A applicable as an (Voluntary) Inclusionary Housing area.

Subsequently in 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.

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.

Most recently in April of 2021, a rezoning was approved for 737 4th Avenue (C200029 ZMK, N200030ZRK), which is located two blocks to the north of the Project Area. The rezoning included a zoning map amendment from M1-1D to R8A/C2-4 under MIH. In addition, the affected area was included as part of the Special Enhanced Commercial District (EC-1). These actions facilitated a new 14-story 108,119 square foot (7.2 FAR) mixed use (residential-commercial) building anticipated to contain a total of 142 dwelling units, 107 of which will be market-rate and 35 of

which (25 percent) would be permanently affordable to incomes averaging 60 percent of Area Median Income (MIH Option 1).

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 R8A/C2-4, R7A/C2-4, R6A and R6B contextual districts. The medium density R6A and R6B contextual districts are mapped mid-block and along parts of 3rd, 5th and 6th Avenues respectively, while the R7A/C2-4 and R8A/C2-4 districts line Fourth Avenue to the north and south of the Project Area. The highest-density 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 25th 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 Project Area at 25th Street 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 Fourth Avenue, residential buildings range anywhere from 3-stories to 11-stories tall, most of which containing ground floor retail spaces. To the north of 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, northwest 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 to the north of the Project Area 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 P.S. 172 Beacon School of Excellence located at 825 4th Avenue (Block 669 Lot 1), two 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 Project Area 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 percent 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 percent of a building's dwelling units and is waived if five or fewer spaces are required

A large R8A district is mapped to the north of the Project Area along the east side of Fourth Avenue to the north of 25th Street with C2-4 commercial overlays mapped at 100 feet in depth. 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 percent for interior and through and 100 percent 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 percent of dwelling units but is reduced for affordable units, if located in the Transit Zone.

A block to the south of the Project Area is an R7A/C2-4 district at 29th Street, which is a mid-rise contextual district, similar to R8A/C2-4. They permit a maximum FAR of 4.00 under basic regulations and a maximum FAR of 4.6 with MIH. Maximum lot coverage is 70 percent for interior and through and 100 percent on corner lots. Building heights may reach 85 feet with a qualifying ground floor and 95 feet with a qualifying ground floor under MIH. Parking is generally required for 50 percent of dwelling units but is reduced for affordable units, if located in the Transit Zone.

A C2-4 commercial overlay is mapped within the R8A and R7A districts 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 to the north of the Project Area at 25th Street and Fourth 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 Third Avenue, one block to the west, with service between Bay Ridge and Boerum Hill. There are also multiple express bus lines that run along Third Avenue that provide service to Downtown and Midtown Manhattan.

4. Description of the Proposed Project Area

The Project Area is situated at the western end of Block 661, which is the east side of 4th Avenue between 27th and 28th Streets. Fourth Avenue is a wide arterial with 120 feet in width (wide in the ZR), while 27th and 28th Streets are smaller side streets, both with 60 feet in width (narrow in the ZR). The Proposed Project Area consists of the Development Site (Block 661, Lots 5, 13, 14 & 66) as well as some additional parcels that are not under the Applicant's control: Block 661, Lots 1, 2, 3, 4, 68 and 69. The Development Site is described in greater detail below.

Lot 1 (799 Fourth Avenue) is an approximately 2,516-sf corner lot that contains a one-story, approximately 2,500-gsf commercial/office building (0.86 FAR). There are no parking spaces located on this lot.

Lot 2 (797 Fourth Avenue) is an approximately 2,499-sf interior lot that contains a two-story, approximately 3,760-gsf mixed residential/commercial building containing one dwelling unit (1.34 FAR). There are no parking spaces or curb cuts located on this lot.

Lot 3 (795 Fourth Avenue) is an approximately 2,000-sf interior lot that contains a three-story, approximately 2,400-gsf mixed residential/commercial building containing two DUs (1.08 FAR). There are no parking spaces or curb cuts located on this lot.

Lot 4 (793 Fourth Avenue) is an approximately 3,000-sf interior lot that contains a three-story, approximately 4,320-gsf residential building containing six DUs (1.31 FAR). There are no parking spaces or curb cuts located on this lot.

Lot 68 (181 28th Street) is an approximately 2,504-sf interior lot that contains a two-story, approximately 1,760-gsf residential building containing three DUs (0.64 FAR). There are no parking spaces or curb cuts located on this lot.

Lot 69 (179 28th Street) is an approximately 2,504-sf interior lot that contains a two-story, approximately 2,536-gsf residential building containing three DUs (0.92 FAR). There are no parking spaces or curb cuts located on this lot.

5. <u>Description of Proposed Development Site</u>

The Development Site encompasses four properties (Block 661, Lots 5, 13, 14 & 66) which includes a corner property and series of three interior properties, that together form an L-shaped zoning lot with a corner portion and through lot portion totaling 32,524 square feet. The entire subject block is zoned M1-1D. The Development Site contains approximately 100 feet of frontage on the east side of Fourth Avenue, approximately 75 feet of frontage on the south side of 27th Street, and approximately 250 feet of frontage on the north side of 28th Street.

The Development Site currently contains Saint Rocco's Roman Catholic Church campus, which comprises five low-rise buildings ranging in height from one- to two-stories and totaling 26,645-gross square feet ("gsf"), as well as three existing curb cuts (one curb cut is located on Fourth Avenue and two curb cuts are located on 28th Street) that facilitate ingress and egress to 33 surface parking spaces.

Lot 5 (783 Fourth Avenue) is an approximately 17,500-sf corner lot that contains a two-story, approximately 19,545-gsf community facility use (0.97 FAR). There are approximately 13 parking spaces located on this lot.

Lot 13 (216 27th Street) is an approximately 2,504-sf interior lot that contains a two-story, approximately 1,600-gsf community facility building (0.56 FAR). There are no parking spaces located on this lot.

Lot 14 (220 27th Street) is an approximately 7,512-sf through lot that contains three public facility and institutional buildings, which range in height from one- to two-stories and total 5,500-gsf (0.64 FAR). There are approximately eight parking spaces located on this lot. It should be noted a portion of Lot 14 would be excluded from the proposed zoning map change.

Lot 66 (183 28th Street) is an approximately 5,008-sf interior lot that contains a surface parking facility (0.0 FAR) containing approximately 12 parking spaces.

6. Description of Proposed Development

The Proposed Actions would facilitate a mixed-use development on the Development Site broken into 3 segments . This would include a 13-story building along 4th Avenue (134') and smaller 7- and 8-story buildings along of 27th and 28th Streets. In total these buildings would include 176,640 zsf (225,140 gross square feet) or 5.4 FAR with 257 dwelling units. Of those 257 dwelling units, approximately 64 would be affordable under MIH Option 1 – or affordable to incomes averaging 60 percent AMI. With the special permit to waive parking where at least 20 percent of dwelling units are income-restricted, the parking requirement for the entire development would be waived. However, 10 voluntary off-street parking spaces would be provided in the development in Building C (see below). These spaces would be made accessible via 27th Street with a new 12-foot curb cut. The 4th Avenue frontage would contain commercial space in in 4,200 zsf (74,500 gross square feet).

Building A would consist of the 13-story corner parcel in the subject R8A/C2-4 district. This would contain 88,800 zoning square feet and 130 dwelling units with the proposed ground-floor retail space totaling 4,200 zsf with storage area below. The lobby of the building would be oriented towards 27th Street, with the retail fronting Fourth Avenue. The building would rise to 13-stories with a 10-foot setback at the 11th floor (approximately 104 feet in elevation). The 2nd and 11th floors would contain outdoor terrace spaces. Dormers would be provided at the 11th and 12th floors to articulate the building's bulk oriented towards Fourth Avenue.

Building B would be located along 27th Street and contain residential use (86 dwelling units) in 8-stories to total 57,800 zsf. The building would contain a 64-foot base height and set back 15 feet from 27th Street before rising to a roof height of approximately 84 feet. The 10 voluntary parking spaces would be located in this building at the ground floor, accessible from a new curb cut approximately 12-feet wide (with splays) oriented several feet away from eastern lot line. The 7th floor would contain outdoor terrace areas.

Building C would be located along 28th Street and contain residential use (41dwelling units) in 29,040 zsf in 7-stories. The building itself would be set back 5 feet from the lot line and rise to 64 feet and set back an additional 15 feet. The roof height would be 74 feet. The rooftop (7th floor) would contain terrace areas.

The area separating the buildings would consist of open space. Each building would contain required amenity space, pursuant to Quality Housing regulations. Under a preliminary unit mix, the building would comprise 257 units, of which 44 would be studio apartments, 127 one-bedrooms, and 86 two-bedrooms. Of those units, approximately 64 would be affordable under MIH Option 2 or 25% of residential floor area.

It should be noted a small portion of the Development Site would remain in an M1-1D area

(approximately 7.7%). However, pursuant to ZR 77-11, the entire zoning lot assumes residential use regulations pursuant to the proposed R8A/C2-4 and R7A districts on the remainder of the zoning lot. In addition, pursuant to ZR 77-22, approximately percent of the permitted floor area from the R7A portion of the zoning lot – or 14,424 zsf – is reallocated into the R8A/C2-4 portion of the zoning lot, as that is within 100 feet of a wide street (4th Avenue).

7. Actions Necessary to Facilitate the Project

The Proposed Actions necessary to facilitate the Proposed Development consist of:

1. Zoning map amendment to rezone Block 661, Lots 1, 2, 3, 4, 5, 13, 66, 68, 69 and portions of 14 from M1-1D to R7A and R8A/C2-4;
2. 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;
3. Zoning special permit pursuant to ZR 74-533 (Reduction of parking spaces to facilitate affordable housing) to that would waive the off-street residential parking requirement in exchange for at least 20 percent of the proposed dwelling units as income-restricted housing units.

At this time, the Applicant proposes to pursue Option 1 of the MIH regulations and create 64 affordable housing units or designate approximately 25 percent of the proposed residential floor area as permanently affordable, to incomes averaging 60 percent of AMI. At least 10 percent of the MIH units would be allocated for incomes at 40 percent of AMI, with the remainder less than 80 percent AMI, to overall average 60 percent AMI.

The proposed new R8A/C2-4 and R7A districts would facilitate a higher but appropriate density and would allow for residential uses to be built as-of-right. Currently, in the underlying M1-1D 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 7.2 with MIH. Community facility uses are permitted at a maximum FAR of 6.5. Maximum lot coverage is 70 percent for interior and through lots and 100 percent on corner lots. Under MIH, a base height of 60-105 feet is required and a maximum height of 140 feet is permitted or 145 feet with a qualifying ground floor. Parking is generally required for 40 percent 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.

Also mentioned above, R7A districts under MIH permit a maximum FAR of 4.6. Maximum lot coverage is 70 percent for interior and through and 100 percent on corner lots. Under MIH, a base height of 40- feet is required and a maximum height of 90 feet is permitted or 95 feet with a qualifying ground floor. Parking is generally required for 50 percent of dwelling units, but no parking is required for affordable units on properties located within the Transit Zone.

The proposed R8A/C2-4 district would be mapped at a depth of 100 feet, consistent with the pre-existing R8A/C2-4 district located to the north at 25th Street. The area beyond 100 feet would be mapped R7A, which would serve as a transition district between R8A/C2-4 and the M1-1D district.

The proposed R8A/C2-4 district would be a logical extension of the existing zoning along Fourth Avenue and therefore would be consistent with the underlying zoning in the area. The R7A district would serve as a mid-rise transition district away from Fourth Avenue, consistent with R6A districts on mid-blocks in the surrounding area. Since the 2005 zoning map amendment, which established the R8A/C2-4 district along Fourth 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 Fourth Avenue. The Proposed Actions should continue this trend of providing similar benefits to the community that will fit in with surrounding neighboring context. In addition, that R8A/C2-4 district was extended to 25th Street in 2021 under the 737 Fourth Avenue Rezoning and is now located only two blocks north of the Development Site, reflecting the necessary rezoning of this corridor to address the evolving character of the surrounding area and need for increased dwelling units located in close proximity to transit.

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 and 2021 rezonings. 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.

Finally, a zoning special permit would be sought to waive the off-street parking requirement for residential use in this location, in exchange for the provision of at least 20 percent of the proposed dwelling units as affordable. As approximately 25 percent would be provided under MIH, the Proposed Development would qualify for the waiver under ZR 74-533 (further outlined in the application's Statement of Findings). While this action would waive the residential off-street parking requirement entirely for the Proposed Development, 10 off-street parking spaces would be voluntarily provided.

As noted, in the above-referenced CPC Report, Fourth 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 nearing obsolescence. While the Development Site currently contains a community facility use, a campus for Saint Rocco's Roman Catholic Church, the facility is aging and in desperate need of repairs. The community that once attended the facility has declined in recent decades and while

the campus still partially serves the surrounding community with space dedicated towards community service, overall, the facility has declined in recent years. Under the Proposed Actions, this facility would be replaced with 257 new dwelling units, of which at least 64 would be permanently affordable (25 percent of residential floor area) for incomes averaging 60 percent AMI, which consists of $76,260 a year for a family of three in 2023. In addition to permitting residential use at an appropriate density, Fourth Avenue would include new commercial retail space that would serve the activate this blockfront and promote the pedestrian environment of this segment of the roadway - and provide new retail services for the surrounding community.

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 increased density, with a location along a wide and heavily trafficked mixed-use throughcare and in close proximity to transit. 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 and extended in 2021 to 25th Street, two blocks north of the Project Area, with new higher-density residential developments with ground-floor retail space. The resulting Proposed Development would promote the pedestrian environment of the Fourth Avenue corridor and promote economic development with new storefronts, as well as create permanently affordable housing, a demonstrated local and city-wide need.