



IN THE MATTER OF an application submitted by Angelina Gatto Trust pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed use development, on property located at 153-157 9th Street and 124 8th Street (Block 1002, Lots 48, 49, 50 & 16), in M1-4/R7A and M2-1 Districts, partially within a Special Mixed Use District (MX-25), Borough of Brooklyn, Community District 6.

This application for a special permit was filed the Angelina Gatto Trust on March 30, 2021. This application, in conjunction with the related zoning map amendment (C 210348 ZMK) and zoning text amendment (N 210349 ZRK), would facilitate the construction of a nine-story mixed use development containing 48 dwelling units, 13 of which would be permanently affordable, along with ground floor commercial space, at 153-157 Ninth Street in the Gowanus neighborhood of Brooklyn, Community District 6.

RELATED ACTIONS

In addition to the special permit (C 210350 ZSK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently:

C 210348 ZMK Zoning map amendment to change an M2-1 zoning district to an M1-4/R7A zoning district.

N 210349 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and establish a new Special Mixed Use District (MX-25)

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 210348 ZMK).

ENVIRONMENTAL REVIEW

This application (C 210350 ZSK), in conjunction with the related zoning map amendment (C 210348 ZMK) and zoning text amendment (N 210349 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 22DCP091K.

A summary of the environmental review appears in the report for the related zoning map amendment (C 210348 ZMK).

UNIFORM LAND USE REVIEW

This application (C 210350 ZSK) and the related application for a zoning map amendment (C 210348 ZMK) were certified as complete by the Department of City Planning on April 25, 2022, and were duly referred to Brooklyn Community Board 6 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 210349 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

On May 26, 2022, Brooklyn Community Board 6 held a public hearing on this application (C 210350 ZSK) and on June 8, 2022, by a vote of 31 in favor, six opposed, and one abstaining, adopted a resolution recommending approval of the application with conditions. A summary of the community board's recommendation appears in the report for the related zoning map amendment (C 210348 ZMK).

Borough President Recommendation

On June 14, 2022, the Brooklyn Borough President held a public hearing on this application (C 210350 ZSK) and the related actions (C 210348 ZMK and N 210349 ZRK), and on July 13, 2022, issued a recommendation to approve the application with conditions. A summary of the borough president's recommendation appears in the report for the related zoning map amendment (C 210348 ZMK).

City Planning Commission Public Hearing

On July 13, 2022 (Calendar No. 7), the City Planning Commission scheduled a public hearing on this application (C 210350 ZSK) and the application for the related actions (C 210348 ZMK and N 210349 ZRK). The hearing was duly held on July 27, 2022 (Calendar No. 29). There were six speakers in favor of the application and none in opposition, as described in the report for the related action (C 210348 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a special permit (C 210350 ZSK), in conjunction with the application for the related actions (C 210348 ZMK and N 210349 ZRK), is appropriate. A full consideration and analysis of issues and the reasons for approving this application appear in the report for the related zoning map amendment (C 210348 ZMK).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-533 of the Zoning Resolution:

- (a) will facilitate such #development# or #enlargement. Such finding shall be made in consultation with the Department of Housing Preservation and Development;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses, or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, that the application submitted by Angelina Gatto Trust pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed use development, on property located at 153-157 9th Street and 124 8th Street (Block 1002, Lots 48, 49, 50 & 16), in M1-4/R7A and M2-1 Districts, partially within a Special Mixed Use District (MX-25), Borough of Brooklyn, Community District 6, is approved, subject to the following conditions:

1. The property that is the subject of this application (C 210350 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Cycle Architecture, PLLC filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002.00	Zoning Site Plan	11/02/2020

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall confirm to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 210350 ZSK), duly adopted by the City Planning Commission on September 7, 2022 (Calendar No. 5), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., *Chair*
KENNETH J. KNUCKLES, Esq., *Vice Chairman*
LEILA BOZORG, DAVID J. BURNEY, ALFRED C. CERULLO, III,
JOSEPH I. DOUEK, RICHARD W. EADDY, DAVID GOLD, LEAH GOODRIDGE,
RASMIA KIRMANI-FRYE, ORLANDO MARIN, JUAN CAMILO-OSORIO,
RAJ RAMPERSHAD, *Commissioners*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Ninth Street Rezoning	
Applicant: Angelina Gatto Trust	Applicant's Primary Contact: Paul Proulx
Application # 210350ZSK	Borough:
CEQR Number: 22DCP091K	Validated Community Districts: K06

Docket Description:
 IN THE MATTER OF an application submitted by Angelina Gatto Trust pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed use development, on property located at 153-157 9th Street and 124 8th Street (Block 1002, Lots 48, 49, 50 & 16), in M1-4/R7A* and M2-1 Districts, partially within a Special Mixed Use District (MX-25)*, Borough of Brooklyn, Community District 6.
 *Note: a portion of the zoning lot is proposed to be rezoned by changing an existing M2-1 District to an M1-4/R7A (MX-25) District under a concurrent related application for a Zoning Map change (C 210348 ZMK).
 Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2020K0358>, or the Department of City Planning, 120 Broadway, 31st Floor, New York, NY, 10271-0001.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 31	# Against: 6	# Abstaining: 1	Total members appointed to the board: 50
Date of Vote: 6/8/2022 4:00 AM		Vote Location: Zoom https://bit.ly/June8BKCB6	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/26/2022 10:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Zoom @ https://bit.ly/CB6May26LMLU

CONSIDERATION:		
Recommendation submitted by	BK CB6	Date: 6/13/2022 11:50 AM



BROOKLYN COMMUNITY BOARD SIX

Peter D. Fleming
Chairperson

Michael Racioppo
District Manager

June 9, 2022

Daniel Garodnick, Chair
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Dear Chairperson Garodnick:

I am writing to advise you that during our June 8th, 2022, Full Board Meeting, Brooklyn Community Board 6 took action on the **Ninth Street Rezoning ULURP application (C210348ZMK)**.

The application is for a zoning map amendment from M2-1 to M1-4/R7A, a special permit pursuant to ZR 74-533 to waive required residential off-street parking, and a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) Area and Mixed Use (MX) district in order to facilitate a 9-story mixed-use development with 48 dwelling units and ground floor commercial space on 9th Street between 2nd & 3rd Avenue located in the Gowanus neighborhood of Brooklyn's sixth Community District.

Brooklyn Community Board 6, by a vote of 31 in favor, 6 in opposition, and 1 in abstention, **recommends approval** of this application **with the following 5 conditions**:

- **The City Must Rezone the Gowanus IBZ**

Last year, the City released its Vision Plan for the Gowanus IBZ. After it was unveiled, our Board commended features of the City's plan, including its proposal for increases in buildable floor area ratio, the reduction of parking requirements, and updated loading requirements to give industrial users the flexibility they need to support a 21st century hub of industrial and commercial jobs.

As the Board made clear in approving the related Gowanus Neighborhood Rezoning, the City must now commit to translating the Vision Plan into a zoning framework that protects existing businesses and helps businesses stay in the Gowanus IBZ and modernize and expand, while carefully managing competing uses that can impede industrial operations such as large-scale entertainment, gyms, and big-box retail. The City should consider lowering the parking requirements for industrial properties; allowing increased density for the creation of industrial space and production-based uses; maintaining the prohibition on new residential uses; and attempting to limit stand-alone office space by only allowing accessory office use at no greater than 20% of floor area. Zoning and land use tools must be legislated, but until new zoning is implemented, there must be a mechanism to encourage expansion, while curtailing uses that are detrimental.

Now that the Neighborhood Rezoning has gone into effect, it is incumbent on the City to begin the process for a rezoning of the IBZ. We urge the City and our local elected officials to begin this process in earnest.

- **The City Should Maximize Deeply-Affordable Housing**

The present proposal would add badly needed affordable housing to Ninth Street under the City's Mandatory Inclusionary Housing (MIH) framework. The proposal includes the use of MIH Option 1, which requires 25 percent of the residential floor area be affordable to residents at an average of 60 percent area median income (AMI). In line with prior positions of the Board, the City should mandate that residential developments in the Rezoning adhere to MIH Option 3, which requires that 20 percent of the residential floor area be affordable to residents at an average of 40 percent AMI. This option maximizes the number of units at the most affordable level available. Importantly, in the Board's public hearing on this application, the applicant committed to avail itself of Option 3 if that option is added to the Rezoning, and the City should hold the applicant to that commitment. To the extent mandating Option 3 alone is not legally permissible, the Board nevertheless expects the applicant to fulfill its commitment to adhere to Option 3, and the Board reiterates that Options 2 and 4, which will not create homes at the deepest levels of affordability, are not acceptable.

- **Prioritize Existing 9th Street Residents**

To reduce concerns about residential displacement and ensure that existing neighborhood residents who need affordable housing benefit from new affordable housing development, the City should give existing residents of units on 9th Street a preference for placement in affordable units created in the proposed rezoning area.

- **Construction Coordination and the Community Oversight Task Force**

Without careful planning and consideration, construction in the Rezoning area can lead to a number of unfortunate consequences, including disruptions to pedestrians and other road users; noise; damage to existing mature street trees, and other impacts on neighboring properties. The Board reiterates the need for developers in the Rezoning area to responsibly abide by all applicable rules and give appropriate notice to city agencies and neighbors. And the Board asks that the applicant and any other developer in the Rezoning area participate in the Community Oversight Task Force created as a part of the Gowanus Neighborhood Rezoning as well as efforts by Community Board 6 to address construction and quality of life in the Gowanus neighborhood.

- **Addressing and Mitigating Flood Risk**

The Gowanus community has endured decades of chronic flooding that climate change threatens to exacerbate. The Board is thankful that the City committed some \$174 million to upgrade sewer infrastructure to alleviate flooding conditions as part of the Gowanus Neighborhood Rezoning. But every stakeholder, including every property owner, must do more to promote resiliency and address the risk of flooding. To that end, the Board calls upon the applicant to reconsider whether its proposed cellar and ground-floor uses are flood-ready and ensure that planned uses on the site are flood-proof. And the Board calls upon the City to account for new development within the Rezoning area in its efforts to upgrade sewer infrastructure and monitor changes in sanitary and storm water loading within the Gowanus Sewershed

Thank you for the opportunity to comment.

Sincerely



Peter D. Fleming
Chairperson

cc: Brooklyn Borough President Antonio Reynoso
New York City Councilmember Shahana Hanif



Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
120 Broadway, 31st Floor, New York, NY 10271
calendaroffice@planning.nyc.gov

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION

NINTH STREET REZONING – 210348 ZMK, 210349 ZRK, 210350 ZSK

Application submitted by Angelina Gatto Trust pursuant to Section 197-c of the New York City Charter for a zoning map amendment from M2-1 to M1-4/R7A, a special permit pursuant to ZR 74-533 to waive required off-street residential parking, and a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) Area and Mixed Use (MX) district in order to facilitate a nine-story mixed-use development with 48 dwelling units and approximately 8,000 square feet of ground floor commercial space in Brooklyn Community District 6 (CD 6).

BROOKLYN COMMUNITY DISTRICT NO. 6

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

July 13, 2022

DATE

RECOMMENDATION FOR: NINTH STREET REZONING – 210348 ZMK, 210349 ZRK, 210350 ZSK

Angelina Gatto Trust submitted an application pursuant to Section 197-c of the New York City Charter for a zoning map amendment from M2-1 to M1-4/R7A, a special permit pursuant to ZR 74-533 to waive required off-street residential parking, and a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) Area and Mixed Use (MX) district in order to facilitate a nine-story mixed-use development with 48 dwelling units and approximately 8,000 square feet (sf) of ground-floor commercial space in Brooklyn Community District 6 (CD 6).

Brooklyn Borough Antonio Reynoso held a public hearing on this Uniform Land Use Review Procedure (ULURP) application on June 14, 2022. There were 15 speakers with 7 testifying in support and 8 expressing opposition.

Community Board Position

On June 8, 2022, Community Board 6 (CB 6) approved this application with the following conditions:

- That the City rezone the Gowanus Industrial Business Zone (IBZ), with consideration for the board's recommendations on the 2021 Gowanus IBZ Vision Plan
- That the City mandate MIH Option 3 for the proposed development
- That existing 9th Street residents receive priority in the affordable housing lottery
- Developer participation in a community oversight task force created as part of the Gowanus Neighborhood Rezoning to mitigate construction impacts
- That the applicant flood-proof the proposed cellar and ground-floor commercial spaces

Public Testimony

Borough President Reynoso received a record amount of written testimony in opposition, including over 65 form letters from patrons of King Killer Studios on 69 Second Avenue, and 29 comments from nearby residents expressing concerns about threats to manufacturing space, neighborhood character, and flood resiliency. In addition to these issues, it was noted during the hearing that the applicant misrepresented the extent of community engagement conducted as part of the ULURP process. The applicant had assured the Borough President that the development had received support from neighbors on 8th and 9th streets. Moreover, there is now a real possibility that the property may be sold once discretionary approvals are granted, which would severely limit the project's accountability to the community.

Approval Rationale

This application seeks to rezone all or part of 16 contiguous parcels on block 1002, bounded by 8th and 9th streets, and Second and Third avenues. The development site consists of three vacant lots with a total area of 8,242 sf and a combined 82.5 feet of frontage on 9th Street. The proposed building would utilize 3,300 square feet of commercial development rights transferred from an underutilized applicant lot fronting 8th Street. The entire block currently zoned M2-1, a medium-intensity manufacturing district that precludes residential development, though the project area includes 11 non-conforming row homes with 43 dwelling units. It should be noted that 9th Street between Second and Third Avenues contains a shared bike lane, and that the 9th Street corridor links local truck traffic between Hamilton and Third avenues.

The Ninth Street rezoning area is surrounded by the Southwest Brooklyn Industrial Business Zone (IBZ) which covers parts of Gowanus, Red Hook, and Sunset Park. The western edge of the project area directly abuts the Gowanus IBZ, which covers 12 blocks between 2nd and 3rd Avenues. The Southwest Brooklyn IBZ is home to hundreds of manufacturing businesses, as well as transportation and utilities. The Gowanus section is an ecosystem of light industrial uses, including art studios, metal fabrication, and food production.

In the last six months, the Borough President has seen multiple requests to rezone from manufacturing to residential use in South Brooklyn. The following excerpt from the 280 Bergen Street Rezoning application, currently under review by his office illustrates how commercial and residential encroachment on industrial areas leads to permanent loss of manufacturing land:

"As the area surrounding the Project Area has become an increasingly desirable place to live, manufacturing business in the middle of such a residential area has created problems for the residents, as well as for the company. Noise related to manufacturing, truck traffic moving goods in and out the facility and similar issues related to typical industrial operations have led to frequent complaints from residents. For the company, dealing with these issues has been difficult, and receiving and shipping products through a dense urban environment has become cumbersome and expensive. [The Applicant]...is in the process of shifting operations to sister facilities elsewhere, and ...seeks the Rezoning so that the Project Area would better fit with the dominant residential character of the surrounding area."

It has been shown that steady conversion of M-zoned properties to residential use increases development pressures on IBZs, which are not codified in the ZR. Prior rezonings across Brooklyn have shown that residential rezonings tend to push out not only industrial uses but the workers they employ, who often come from low-income communities of color.

The Borough President's Office remains committed to retaining manufacturing land for job-creating uses. As stated in his transition report, Borough President Reynoso intends to "maintain manufacturing capacity in Brooklyn to protect good jobs with low barriers to entry... ensure availability of emergency supplies when supply chains are disrupted and prevent scarcity of the building materials and technologies...as we adapt to climate change." In cases where M zoning would be modified to permit market-rate residential development, he sets a higher standard for approval, and seeks additional public purpose in line with his policies.

The primary benefit of the proposed rezoning is the provision of MIH units (with the added Option 1 requirement of a tier at 40 percent AMI). However, upzoning from an M2-1 district, which does not permit residential construction to an R7A MIH district with a maximum floor area ratio (FAR) of 4.8 results in a windfall of market-rate development rights. The Borough President does not believe that the MIH obligation alone justifies such a giveaway. He therefore calls on the City Planning Commission (CPC) and/or City Council to reduce the proposed rezoning area, modify the requested district, and require deeper affordability. Additionally, he seeks applicant commitments to: affordable space for small manufacturers, retention of a non-profit administering agent, onsite energy generation and stormwater management, as well as local hiring and procurement.

Appropriate Zoning in Proximity to the IBZ

Borough President Reynoso advocates for affordable housing development in proximity to jobs, transit, and amenities across Brooklyn. He supported the Gowanus Neighborhood Plan (approved in November 2021), which would add 8,000 new units (3,000 affordable pursuant to MIH and other programs) to the area north of the IBZ.

Much of the area outside the Gowanus IBZ is still zoned for manufacturing, which creates an effective buffer between residential properties, and active industrial uses. However, the continued conversion of scarce manufacturing space to residential use, coupled with rising land values in Gowanus means that rents for industrial space already exceed what many businesses can pay. By introducing new density along 9th Street without consideration for long-term market-impacts, this application could establish precedent for future rezonings in and around the IBZ. The Borough President believes that it is possible to create new affordable housing while protecting manufacturing uses in Gowanus.

The Gowanus IBZ Vision Plan recognizes Third Avenue as a mixed-use corridor and calls for “continued residential use in midblock residential clusters an appropriate scale.” The report further states that “where there are clusters of residential uses along Third Avenue and 9th Street, it may be appropriate to consider modest increases in density to reinforce those mixed-use corridors.” Borough President Reynoso feels it is inappropriate to allow medium-density residential development adjacent to an IBZ, which would create immediate development pressure on the other side of the boundary. He believes that the current Ninth Street Rezoning boundary area threatens to seriously degrade the industrial land use character of the IBZ. Mapping an R7A MIH district over the non-applicant properties on 9th Street would jeopardize longstanding and viable businesses on the block, as well as tenants of presently non-conforming residential buildings.

Therefore, to mitigate potential adverse impacts, the five westernmost lots abutting the IBZ should be removed from the rezoning. These properties directly abut the adjacent Gowanus IBZ and future residential uses will, if past is prologue, come into conflict with the neighboring industrial land uses. If such reduction is not possible, those parcels should be zoned as R6B MIH to avoid incentivizing displacement and redevelopment. As for the proposed rezoning area east of the applicant property, the Borough President feels that more residential density is appropriate. To reduce potential displacement of existing tenants, the Borough President recommends the properties east of the applicant property should be modified to the M1-4/R6B. Regardless of the chosen mechanism, the Borough President calls on the City Planning Commission (CPC) and/or City Council to map R7A MIH only on the applicant’s portion of the project area.

Achieving Deeper Affordability

In addition to zoning map and text amendments, the application seeks a waiver of the required parking. The Borough President supports this request as the site’s location across from the Fourth Avenue-Ninth Street station obviates the case for car ownership. However, he believes that the grant of such waiver would realize significant savings for the developer; a recent report by the Brookings Institute cites an average of \$50,000 in per-unit costs to construct structured parking. Therefore, approval should be predicated on expansion of the project’s public purpose. In its resolution, CB 6 called for deeper affordability pursuant to MIH Option 3, which designates 20% of residential floor area for an average AMI of 40%. Given the need for low-income housing in CD 6, the Borough President believes that this is an appropriate reciprocal benefit for the requested parking waiver. Therefore, prior to review by City Council, the Angelina Gatto Trust should commit to provide affordable housing pursuant to MIH Option 3.

Affordable Space for Gowanus Businesses

The proposed development falls outside Gowanus Neighborhood Plan project area, the Borough President believes it could address potential displacement of small businesses, including innovation and maker uses. He therefore calls on the applicant to set aside a portion of the proposed non-residential space for such tenants, at below-market rents. The developer should further solicit establishments defined as “Gowanus Mix Uses” in ZR Section 139-12, specifically use groups 9 to 14.

Engaging a Non-Profit Administering Agent

An administering agent is responsible for ensuring that inclusionary housing complies with the regulatory agreement that governs the development’s affordable housing plan. Borough President Reynoso believes that housing non-profits are best positioned to maximize local participation in MIH lotteries. These organizations have the means to provide targeted outreach, marketing, and education for inclusionary housing projects. Therefore, prior to review by City Council, the Angelina Gatto Trust should commit to retain a non-profit administering agent for the affordable housing lottery.

Advancing Sustainability and Resiliency

Borough President Reynoso believes that energy-efficient and environmentally sustainable buildings help mitigate climate change. Local Laws 92 and 94 of 2019 require most new construction to incorporate a green roof and/or solar panels. Developers are increasingly pursuing impactful strategies such as passive house design and onsite energy generation.

Accordingly, the Angelina Gatto Trust should seek City and State incentives to offset costs associated with green/solar roof installation. The New York State Energy Research and Development Authority (NYSERDA) manages various programs to promote efficient buildings. New York City offers the Green Roof Tax Abatement and the Green Infrastructure Grant Program, administered by DEP.

Borough President Reynoso understands that the development site falls below the threshold for required compliance with the Department of Environmental Protection (DEP) Unified Stormwater Rule. Therefore, to mitigate additional strain on the local sewershed and address community concerns about flooding, the applicant should be required to manage stormwater onsite using best practices.

Borough President Reynoso advocates for stormwater management practices that support DEP's green infrastructure strategy and reduces burdens on its wastewater treatment plants. The required BBP for the proposed development provides opportunities to install rain gardens consolidated with new street trees along its frontage on 9th Street. The Angelina Gatto Trust should solicit input from CB 6 and local elected officials in its implementation plan and commit to incorporate sustainability and resiliency measures prior to review by City Council.

Maximizing Local Jobs

According to the NYU Furman Center, double-digit unemployment remains a pervasive reality across Brooklyn, with more than half the community districts reporting poverty rates of 20 percent or higher. One way to boost the borough's economy is to promote local hiring and Brooklyn-based businesses. Therefore, the Angelina Gatto Trust should commit to retain area contractors/suppliers and provide employment opportunities to CB 6 residents.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application with the following conditions:

1. That the CPC and/or City Council modify the application as follows:
 - a. Remove the five outparcels west of the applicant's property from the rezoning OR map an M1-4/R6B district on that portion of the project area
 - b. Modify the requested zoning from M1-4/R7A to M1-4/R6B on the eight outparcels east of the applicant's property
 - c. Require affordable housing provision pursuant to MIH Option 3 within the proposed development
2. That prior to consideration by City Council, the Angelina Gatto Trust commit to:
 - a. Retain a non-profit administering agent to conduct marketing (including financial literacy training) for the affordable housing lottery

- b. Provide subsidized ground-floor space for manufacturing tenants, particularly those defined as the "Gowanus Mix".
- c. Incorporate sustainability measures, such as blue roofs, passive house design, and/or onsite energy generation
- d. Coordinate with Department of Environmental Protection (DEP), the Department of Parks and Recreation (DPR) and the Department of Transportation (DOT) to install rain gardens along 9th Street Avenue as part of a Builder's Pavement Plan (BPP), in consultation with CB 6 and local elected officials
- e. Retain Brooklyn-based contractors/suppliers, and provide employment opportunities to area residents

Be It Further Resolved:

1. That the Department of City Planning (DCP) commit to a timeframe for implementing the Gowanus IBZ Vision Plan.