Description

1. Introduction

This is an application by 312 Coney Island Avenue LLC (the "Applicant") for three land use actions to facilitate the construction of a new mixed-use development on Brooklyn Block 5322, Lots 10 and 20 (the "Project Area") in East Windsor Terrace. The proposed actions are:

a. A zoning map amendment to rezone the Project Area from an existing C8-2 zoning district within the Special Ocean Parkway District to an R8A/C2-4 zoning district within the Special Ocean Parkway District.

b. Zoning text amendments to:

   a. Article XI, Chapter 3 (Special Ocean Parkway District) of the Zoning Resolution of the City of New York ("Zoning Resolution" or "ZR") to modify setback requirements for sites in R8A districts adjacent to Machate Circle; and

   b. Appendix F of the Zoning Resolution to designate the Project Area as a Mandatory Inclusionary Housing ("MIH") area.

c. A special permit pursuant to ZR Section 74-533 to waive required residential accessory parking spaces to facilitate affordable housing.

2. Background

The Project Area has been located in a C8-2 zoning district since 1961, when the current Zoning Resolution was adopted. The area was mapped C8-2 to reflect the mix of warehouse and auto-oriented commercial uses that existed along Coney Island Avenue at the time.

In 1976, the City Planning Commission approved a zoning map amendment, which established the Special Ocean Parkway District to preserve the residential character and appearance of Ocean Parkway. The Special Ocean Parkway District is a corridor mapped along the length of Ocean Parkway from Machate Circle to Brighton Beach Avenue; it is six miles long and one-half mile in width. The Special Ocean Parkway District was created out of a concern that the proliferation of community facilities (using more relaxed bulk regulations) on Ocean Parkway and the side streets threatened the housing stock and the residential character and appearance of Ocean Parkway. To address this trend, the provisions of the Special Ocean Parkway District required a 30-foot landscaped front yard on Ocean Parkway and require community facility uses to comply with the bulk regulations applicable to residential buildings.

More recently, the City Planning Commission has approved zoning map amendments to map contextual residential zoning districts in the vicinity of the Project Area. In 2006, the City Planning Commission approved a zoning map amendment changing the block to the west of the Project Area from an R6 zoning district to a R7A zoning district. In 2009, the City Planning Commission approved a zoning map amendment that mapped portions of the blocks to the south and southwest of the Project Area with several different contextual residential districts.

In 2018, the City Planning Commission approved a zoning map amendment changing the property directly adjacent to the Project Area from the original C8-2 zoning district to an R7A/C2-4 zoning district. In its report about the rezoning, the City Planning Commission stated that the zoning map amendment would facilitate the redevelopment of an underutilized warehouse property with a new mixed-use building consistent with the surrounding uses.

3. Description of the Surrounding Area

The Project Area is located in East Windsor Terrace in Brooklyn Community District 7. Below is a description of the land use and zoning of the area within a 600-foot radius of the Project Area (the "Surrounding Area").

a. Land Use.

The Surrounding Area is characterized primarily by residential and community facility uses to the north, west and south and park to the east.

The Prospect Park Parade Ground is located immediately east of the Project Area across Ocean Parkway. Prospect Park is located immediately northeast of the Project Area across Machate Circle. Prospect Park is 585 acres and a NYC scenic landmark. Machate Circle, a 490-foot diameter traffic circle with a landscaped area at its center, is located between the Project Area and Prospect Park.

The parcel immediately west of the Project Area is 57 Caton Place, a development site planned for an apartment building with ground floor retail. Further west on the block is Kensington Stables, a horse stable that provides equestrian instruction on-site and within Prospect Park. At the corner of East 8th Street and Ocean Parkway there is a pocket park that connects to the pedestrian overpass over Ocean Parkway.

The residential uses on the surrounding blocks include multi-family elevator apartment buildings as well as low-rise multi-family housing and single-family homes. Elevator apartment buildings predominate along the wide streets, Ocean Parkway and Coney Island Avenue. The interior blocks along Kermit Place, East 8th Street, Sherman Street, and East 7th Street include townhouses and some single-family residences.

The blocks to the west of the Project Area and along the northern side of Ocean Parkway contain 6 and 8-story apartment buildings. The Surrounding Area further north contains additional residential uses and a one-story bank on the north side of Machate Circle.

The block to the south of the Project Area contains a mix of residential, community facility and commercial use. There is a church, the Calvary Cathedral of Praise, on the northwest corner. The northeast corner of the block, directly across from the Project Area, is a vacant site planned for an 8-story self-storage establishment. A high school and a 9-story apartment building are located on Coney Island Avenue, and townhouses are located on the south of the block fronting on Kermit Place.

The remaining blocks in the Surrounding Area to the south and southwest contain residential uses with several commercial or community facility uses along Caton Avenue at the southern boundary of the Surrounding Area. Middle School 839 is located at 713 Caton Avenue between East 7th Street and East 8th Street. To the west, the Windsor Terrace Food Co-op is located at the corner of East 8th Street and Caton Avenue, and a gas station is located at the corner of Coney Island Avenue and Caton Avenue.

The Surrounding Area is served by the F and G subway lines. The closest subway station, Fort Hamilton Parkway Station, is located across Ocean Parkway, one block to the west. The station is accessible by a pedestrian overpass over Ocean Parkway at East 8th Street. The B68 bus stops at Coney Island Avenue and Caton Place.

The Surrounding Area is also served by several major arterial streets. The east-west portion of Ocean Parkway north of the Project Area includes two at-grade lanes in each direction, a ramp connecting to the westbound Fort Hamilton Parkway and the southbound 6-lane, north-south portion of Ocean Parkway, and a below-grade exit ramp leading from the northbound lanes of the Prospect Expressway. Coney Island Avenue is a 4-lane north-south street.

b. Zoning.

The Project Area is located at the northeastern edge of the Special Ocean Parkway District ("OP"). The Special Ocean Parkway District encompasses the portion of the Surrounding Area to the south and southwest of the Project Area. The provisions of the Special Ocean Parkway District (as well as the New York City Administrative Code) require a 30-foot landscaped front yard along Ocean Parkway and limit the bulk of permitted community facilities.

The Surrounding Area is mapped with contextual residential districts, with the exception of a C8-2 zoning district that includes the Project Area and extends southward along Coney Island Avenue. The contextual residential districts permit residential and community facility uses; they do not permit commercial or manufacturing uses. The contextual designations impose certain bulk regulations designed to maintain a consistent scale and form in moderate and higher-density residential neighborhoods. The regulations include building height limits and rules for the placement of the street wall along the street line.

An R8B zoning district is mapped along the north side of Ocean Parkway, and an R7A (OP) zoning district is mapped over the block to the west of the Project Area and along Ocean Parkway as it continues south. Both zoning districts have a maximum residential FAR of 4.0. On the narrow street frontages to the south, there is a R7B (OP) district (3.0 FAR), a R5B (OP) district (1.35 FAR), and an R6A (OP) district (3.0 FAR). In the northern portion of the Surrounding Area along Greenwood Avenue there is an R5B zoning district (1.35 FAR) and a R6A zoning district (3.0 FAR).

As described in more detail below, the C8-2 zoning district on Coney Island Avenue permits commercial uses to a maximum 2.0 FAR and certain community facility uses to a maximum 4.8 FAR.

4. Description of the Project Area

The Project Area is an irregularly shaped parcel with frontage on the following four streets, three of which, including Machate Circle, are wide streets:

- Ocean Parkway: 210 feet wide
- Machate Circle: 490 feet wide
- Coney Island Avenue: 100 feet wide
- Caton Place: 70 feet wide

The lot area of the Project Area is 43,438 square feet.

The Project Area is currently zoned C8-2 in the Special Ocean Parkway District. C8-2 zoning districts permit all commercial uses. Residential use is not permitted, and only certain types of community facility uses are permitted. C8 districts are generally mapped along major traffic arteries. They allow for automotive and other heavy commercial services that often require large parcels of land. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes. The C8-2 district also permits self-storage facilities, like the one planned to the south of the Project Area across Caton Place, as well as hotels. In the C8-2 zoning district, there is a maximum commercial FAR of 2.0 and a maximum community facility FAR of 4.8. Building form is governed by a sky exposure plane, and there is no maximum building height.

The Project Area is currently occupied by a 4-story, 50-foot tall building on the southeast portion of the Project Area. The building contains 26,214 square feet of floor area (0.62 FAR). On the western portion of the Project Area, there is an 11,000-square foot accessory surface parking area with 36 accessory parking spaces. The building is occupied by the International Baptist Church and an affiliated school. There are two existing curb cuts on Caton Place, one with a width of 34.5 feet providing access to the parking lot and the other with a width of 23.2 feet near the entrance to the school.

5. Description of the Proposed Development

The proposed zoning map amendment and zoning text amendment will facilitate the redevelopment of the Project Area with a mixed-use project totaling up to 312,754 square feet of floor area, with at least 25% of residential floor area consisting of income-restricted units. The Applicant intends to demolish the existing church building and construct a new mixed-use development that includes a new facility for the International Baptist Church and associated school as well as residential units and ground floor retail.

It is anticipated that the approximately 29,906 square feet of floor area used by the existing church will be reconstructed within the Proposed Development. It is anticipated that the new church space will be located on portions of the cellar, first and second floors of the Proposed

Development with an entrance and lobby on Machate Circle, a sanctuary on the ground floor at the northeastern portion of the Project Area, and a church hall and multi-purpose space on the cellar level at the southeastern portion of the Project Area. The anticipated entrance on Machate Circle maintains the presence of the International Baptist Church from the street level.

The Proposed Development is anticipated to include a retail space on the ground floor fronting on Caton Place with approximately 5,000 square feet of floor area. There is a lack of local convenience and retail uses in the immediate area, causing residents to go outside of the neighborhood for routine shopping. Plans for the adjacent development at 57 Caton Place show ground-floor retail fronting on Caton Place. Together these two small retail spaces will help serve local needs and better activate Caton Place.

The remaining approximately 277,848 square feet is expected to be used for residential use. Under Option 1 of the MIH program, the Proposed Development would be required to provide 25% of the residential floor area as affordable housing with the income bands for the affordable housing units to average a maximum of 60% of area median income ("AMI"). The Proposed Development is anticipated to include approximately 278 apartments.

A 30-foot front yard would be provided on Ocean Parkway as required by the regulations of the Special Ocean Parkway District. The Proposed Development is anticipated to have a landscaped courtyard in the center of the building. It is also anticipated to have a below-grade parking garage accessed on Caton Place at the western boundary of the Project Area. The garage is anticipated to include approximately 80 parking spaces, 36 spaces of which would be used by the community facility use and the remainder would be made available for building residents, residents in the surrounding area and car sharing services as needed. There are currently two curb cuts on Caton Place accessing the surface parking. It is anticipated that these curb cuts would be consolidated into a single curb cut with an anticipated width of nine feet.

The Proposed Development is expected to incorporate three building portions at different heights to create a stepped transition from the R7A district to the west. Under this anticipated development scheme, the height of the Proposed Development would be 100 feet within 50 feet of the western boundary of the Project Area on Caton Place and within 30 feet of the western boundary of the Project Area on Ocean Parkway. A second segment of the development on Caton Place would step up to approximately 121 feet, with the remaining portion of the development rising to 145 feet. With this transition, the building height could remain lower adjacent to the R7A zoning district and provide a gradual transition toward the intersection of three wide streets. To create a strong street wall at Machate Circle and to accommodate the floor area displaced from the western portion of the site to create the stepped transition, the building segments would rise without setback.

6. Actions Necessary to Facilitate the Project

The following three land use actions are being sought by the Applicant in order to facilitate the Proposed Project:

(i) Zoning map amendment to change the Project Area from a C8-2 (OP) zoning district to an R8A/C2-4 (OP) zoning district.

The proposed zoning map amendment would change the zoning of the Project Area from a C8-2 zoning district to an R8A zoning district with a C2-4 overlay district. The Project Area would also be mapped within an MIH area pursuant to the proposed zoning text amendment. The Project Area would continue to be located within the Special Ocean Parkway District. The existing C8-2 zoning district does not permit residential use or certain community facility uses. The zoning map amendment would allow residential, community facility and local retail and service uses on the Project Area.

When located in MIH areas as the Project Area would be, R8A districts allow a maximum residential FAR of 7.2 with the provision of affordable housing. In the Special Ocean Parkway District, R8A districts allow a maximum community facility FAR of 6.02. The R8A districts are contextual zoning districts in which Quality Housing regulations apply. For an MIH development, R8A regulations permit a maximum base height of 105 feet, a maximum building height of 145 feet with a qualifying ground floor, and a maximum of 14 stories. For a community

facility development, the regulations permit a maximum base height of 85 feet and a maximum building height of 120 feet. In the Special Ocean Parkway District, zoning lots with frontage along Ocean Parkway must provide a 30-foot front yard.

The C2-4 overlay district allows a maximum of 2.0 FAR. In a mixed-use building, commercial uses are not permitted above the level of the first story ceiling.

The proposed zoning district would make development on the Project Area consistent with the surrounding neighborhood and improve the pedestrian experience around the Project Area. East Windsor Terrace is a predominantly residential neighborhood, and the surrounding zoning districts are contextual residential districts. C8-2 zoning districts are designed for automotive uses and storage uses, uses that do not activate the pedestrian realm or provide retail or services geared to local residents.

The proposed R8A/C2-4 zoning district is appropriate. The zoning district would allow residential use where it was not previously permitted. The increased residential density is consistent with the City's *Housing New York* plan and will produce a significant number of affordable housing units—for example, a residential development with 278 total units would include 70 affordable units under Option 1 of the MIH program. The commercial overlay would allow ground floor commercial uses to serve local retail needs. The bulk permitted under the proposed R8A district is not out of character with other residential buildings on Ocean Parkway and Coney Island Avenue and suitable to the location on three wide streets. The contextual district with modification by the proposed text amendment would require a strong street wall on a site that currently does not have one, improving the pedestrian experience.

(ii) Zoning Text Amendments

The Applicant proposes two amendments to the Zoning Resolution:

a. <u>Special Ocean Parkway District Text Amendment</u>

The Applicant proposes a zoning text amendment that would add a new provision to the special bulk regulations of the Special Ocean Parkway District to modify the setback requirements. The provision would apply to zoning lots in R8A districts that are adjacent to Machate Circle. The provision would facilitate the shifting of bulk toward wide streets by allowing buildings on such zoning lots to have street walls that rise without setback to the maximum building height (145 feet) within 125 feet of a wide street.

The modification is appropriate given unique site conditions, the Project Area's location on three wide streets, and the adjacency to a residential district with a lower density. The required 30-foot front yard on Ocean Parkway constricts the area available for residential floor plates. And the curved frontage on Machate Circle creates constrained floor plates after taking into account light and air for dwelling units. With these two conditions, requiring a 10-foot setback on Ocean Parkway and Machate Circle above the base height would further constrict the area such that the building could not be properly configured at the upper floors with residential floorplates, vertical circulation and required yards.

Permitting the street wall to rise without setback on the wide street frontage both allows bulk to be shifted away from a lower-density residential district and creates a strong architectural presence adjacent to Prospect Park. The parcel west of the Project Area is in a R7A zoning district, which has a maximum building height of 95 feet. The proposed setback modification allows more bulk to be concentrated toward Machate Circle on a portion of the Project Area fronting on three wide streets, each at least 100 feet wide—Ocean Parkway (210 feet), Machate Circle (490 feet), Coney Island Avenue (100 feet). The proposed setback modification also allows for a transition area to be created on the western portion of the Project Area with stepped building heights. Building a sheer wall on Machate Circle is consistent with the built condition on other park circles; for example, 47 Plaza Street West and 39 Plaza Street West have sheer walls fronting on Grand Army Plaza.

b. MIH Text Amendment

The Applicant proposes an amendment to Appendix F of the Zoning Resolution to designate the Project Area as an MIH area. Developments in MIH areas are required to provide affordable housing in accordance with the requirements of the Inclusionary Housing Program under ZR Section 23-90.

The Applicant anticipates utilizing Option 1 of the MIH program for the Project Area. Option 1 requires 25% of residential floor area to be affordable, on average, at 60% of AMI. Under Option 1, no affordable housing income band may exceed 130% of AMI.

(iii) Special Permit pursuant to ZR Section 74-533

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

The Applicant requests the waiver because, without the flexibility to make some of the parking spaces in the building available to users other than the building residents, the Proposed Development would not be financially feasible. It is anticipated that the cellar level of the Proposed Development will be used for parking. To replace the existing surface parking used by the church, the Applicant intends to designate 36 of the parking spaces in the cellar as shared spaces available to congregants on Sunday mornings and residents at other times. The remaining spaces in the cellar could be made available for building residents, residents in the surrounding area, and car sharing services. If the requirement for residential accessory parking spaces was applied, the cellar would not be able to accommodate parking spaces for the congregants in addition to spaces reserved exclusively for building residents. Constructing a second level of parking is cost prohibitive and not an option available to the Applicant.

7. Conclusion

The three land use actions sought under this Application would facilitate the construction of a new mixed-use, 312,754-square foot building. The zoning map amendment would eliminate an anachronistic zoning designation inconsistent with the existing character of the Surrounding Area. In its place, it would map a contextual R8A/C2-4 district that would allow a residential apartment building built pursuant to the MIH program and Quality Housing regulations to reinforce and extend the residential character of East Windsor Terrace. The Proposed Development is expected to provide approximately 70 affordable housing units, a 5,000-square foot local retail establishment, and an approximately 29,906-square foot new church facility with sanctuary and community rooms. The Proposed Development would improve the streetscape at Machate Circle with a strong street wall bookending the residential buildings to the west and marking the entrance to Prospect Park.