2510 Coney Island Avenue Rezoning
October 24, 2022

1. Introduction

2510/18 C.I.A. L.L.C. (the "Applicant") proposes a zoning map amendment to rezone 826 Avenue V, 2500, 2508, 2510, 2520, and 2524 Coney Island Avenue, Block 7159, Lot p/o 111, 115, p/o 120, 123, 128 and 130 (the "Project Area"), in the Sheepshead Bay neighborhood within Brooklyn Community District 15, from R4 and C8-1 zoning districts to an R7D/C2-4 zoning district. In addition, the Applicant proposes a text amendment to Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 15, Brooklyn to establish an MIH Area coterminous with the Project Area (The "Proposed Actions"). The Applicant proposes mapping both Option 1 and Option 2 within the proposed Project Area to provide maximum flexibility for the future development of non-applicant controlled sites.

The Proposed Actions would facilitate the development of 2510 Coney Island Avenue (Block 7159, Lot 123) (the "Development Site") with a new eleven-story mixed residential and commercial building with approximately 60 dwelling units, including approximately 16 permanently affordable units (the "Proposed Development"). The Proposed Development would also provide approximately 24 parking spaces and 31 bicycle spaces.

2. Background

The Project Area is located in the Sheepshead Bay neighborhood. The existing R4 and C8-1 zoning districts have remained unchanged since they were mapped in 1961. However, the Special Ocean Parkway District was mapped over the Project Area in 1977.

The area north of the Project Area was included in the 2007 Sahara Restaurant Rezoning (August 22, 2007, C 050317 ZMK), which replaced the previous R5, R5/C1-3 and R5/C2-3 zoning districts with R6A/C2-3 and R6A/C1-3 zoning districts. The Sahara Restaurant Rezoning affected portions of two blocks on the east side of Coney Island Avenue between Avenues T and V. The Sahara Restaurant Rezoning significantly increased compliance with zoning and provided new opportunities for residential expansion. The Sahara Restaurant Rezoning facilitated the expansion and use of an existing two-story restaurant and catering establishment along Coney Island Avenue, a major north-south thoroughfare lined with other highly active commercial uses and residential buildings.

3. Description of the Surrounding Area

The Project Area is located in the Sheepshead Bay neighborhood within Brooklyn Community District 15. Existing land uses within 600' of the Project Area (the "Surrounding Area") primarily consist of one- and two-family residences. The Surrounding Area also contains public facilities and institutions, multi-family residences, mixed commercial and residential buildings, and commercial buildings. The buildings along Coney Island Avenue range from two to six stories in height and tend to be mixed residential and commercial or commercial buildings. A majority of the subject Block 7159, fronting Coney Island Avenue, is improved with one- to three-story residential and commercial buildings.

On November 9, 1960 the Board of Standards and Appeals (the "BSA") granted a variance (898-59-BZ) for 2502-2508 Coney Island Avenue (Block 7159, Lot 120) to permit the construction of building to be used as storage for plastering equipment contrary to use, rear yard, and lot coverage regulations. An application to amend this variance was withdrawn and another was not permitted to be reconsidered in 1961. However, on November 28, 1961 the Board of Standards and Appeals amended the prior variance to permit a taller building to be constructed. On September 25, 1968 the BSA permitted at the same property (357-68-BZ) the construction of a second story to the contractor's establishment to be used for accessory offices as well as adding a repair and maintenance shop to the uses on the site contrary to floor area and use regulations.

There are several public institutions in the Surrounding Area. To the east of the Project Area,

across Coney Island Avenue, is the Homecrest branch of the Brooklyn Public Library. Directly south of the aforementioned public library is the Yeshivat Darchei Eres school, which serves approximately 1050 elementary, middle, and high school aged students. Southeast of the Project Area is the 61st Precinct police station of the NYCPD. Finally, southeast of the Project Area, there is the Starlight daycare center.

Mellett Playground, named in 1950 after two brothers who died in World War II, is a 1.093-acre park located northeast of the Project Area. The park opened in 1941 after it was constructed by the Works Progress Administration and it was refurbished in 1995. The park contains handball courts, playground equipment, basketball courts, a comfort station, and benches. Ocean Parkway is located to the west of the Project Area and was designated a scenic landmark in 1975 (LP-0871). This parkway was built to Frederick Law Olmsted and Calvert Vaux's design between 1874 and 1876 and contains 140 acres of wide, planted malls along its length for passive recreation. In addition, Ocean Parkway contains the country's first bike path, which was added in 1894.

The existing zoning districts in the Surrounding Area include:

R4

R4 zoning districts allow all housing types with a minimum lot width of 40 feet for detached residences and 18 feet for all others. The maximum lot coverage is 45%, and the maximum floor area ratio ("FAR") is 0.75 (plus 0.15 attic allowance). The perimeter wall maximum is 25 feet high, and the building height maximum is 35 feet. A front yard of at least ten feet is required, and if the front yard exceeds ten feet, then a front yard depth of 18 feet is required. For detached homes, two side yards are required with a minimum width of five feet each and a minimum total width of 13 feet. For semi-detached one- and two-family homes, one eight-foot side yard is required. For all other dwellings, two eight foot side yards are required for buildings or abutting buildings on the same zoning lot with an aggregate width of street walls not more than 80 feet. For buildings or abutting buildings where the aggregate width of the street walls exceeds 80 feet, two side yards equal to at least 10% of the aggregate width of the street wall shall be provided. One parking space is required for each dwelling unit. In addition, sites within predominantly built-up areas within R4 zoning districts may optionally use the infill zoning provisions at a maximum FAR of 1.35 at a height limit of 35 feet.

C8-1

C8-1 zoning districts bridge commercial and manufacturing uses and provide heavy commercial and automotive uses that often require large amounts of land. Typical uses include automobile showrooms, repair shops, warehouses, gas stations, and car washes. Residential uses are not permitted, and performance standards are imposed for some semi-industrial uses. C8 zoning districts are generally mapped along major traffic arteries. The maximum commercial floor area is 1.0 FAR. Off-street parking requirements vary with use, and those uses in PRC-B require one spot per 300 square feet.

R5

R5 zoning districts are residential districts which typically produce three- and four-story attached houses and small apartment buildings. Within an R5 zoning district, the maximum FAR is 1.25, the maximum street wall height is 30 feet, and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall. R5 zoning districts require a minimum front yard of 10 feet and a minimum rear yard of 30 feet. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses require one eight foot wide side yard. Apartment buildings require two side yards, each at least eight feet wide. Off-street parking is required for 85% of the dwelling units.

Special District

The Special Ocean Parkway District ("OP") is west of and includes the Project Area, encompassing a band of blocks east and west of the Ocean Parkway between Prospect Park and

Brighton Beach. It was designated in 1977 to preserve Ocean Parkway, which is designated a scenic landmark, and "to promote the most desirable use of land in this area and thus conserve the value of land." All new developments fronting on Ocean Parkway are required to have a 30-foot-deep landscaped front yard unobstructed by porches, canopies, or stairs. Only driveways or walkways may be paved. Accessory off-street parking must be completely enclosed, and any new community facility development or enlargement is limited to the residential bulk regulations of the underlying zoning district, except by City Planning Commission certification.

Public Transportation

There are numerous public transportation options for bus and subway service near the Project Area. The B68 (running from Coney Island to Park Slope) and B3 (running from Bergen Beach to Gravesend) buses run within the Surrounding Area. In addition, the Avenue U and Neck Road subway stations, with Q line service, are each located within 0.5 miles to the east of the Project Area. The Avenue U subway station, with F line service, is located within 0.75 miles to the west of the Project Area. Finally, a bike path runs along Ocean Parkway to the west of the Project Area.

Flood Zone
The Proposed Project Area is located within the Coastal Zone and within a 0.2 % annual floodplain. As the Proposed Project Area is located within the 0.2% annual chance floodplain instead of the 1% annual chance floodplain, the proposed building would not be subject to compliance with the NYC Building Code Appendix G. However, as discussed in the accompanying EAS and below, the design of the Proposed Development would take future climate change into consideration. The proposed residential dwelling units will be elevated above the expected flood levels and commercial space will be located on the ground floor.

4. Description of the Proposed Project Area

The Project Area is located in the Sheepshead Bay neighborhood within Brooklyn Community District 15 in a coastal zone. The Project Area is bounded by Avenue V (a number of feet wide street) to the north; is bounded to the west by a line which is the prolongation of the centerline of East 9th Street running 150 feet, then to a line running parallel to and 120 feet from Coney Island Avenue; to the south by a line perpendicular to Coney Island Avenue, at a distance 300 feet south from the intersection of Coney Island Avenue and Avenue V; and Coney Island Avenue (a number of feet wide street) to the east. The proposed R7D/C2-4 zoning district is coterminous with the Project Area.

The Development Site

2510 Coney Island Avenue, Block 7159, Lot 123 is an approximately 11,020 sq. ft. lot improved with two, one-story, commercial buildings totaling 0.12 FAR. The site has a Certificate of Occupancy for the sales and repair of new and used cars.

Non-Applicant Controlled Sites

2508 Coney Island Avenue, Block 7159, Lot 120 is an approximately 21,380 sq. ft. lot improved with four, two-story, 0.75 FAR, net, commercial buildings. The property has Certificates of Occupancy for the site include uses for offices, storage of building materials, repair and maintenance shop, and contactors establishment. It is used for a laser hair removal business, offices, a radio station, and a wholesale auto parts supplier.

2500 Coney Island Avenue, Block 7159, Lot 115 is an approximately 11,765 sq. ft. lot improved with a two-story 0.42 FAR commercial building. The building has a Certificate of Occupancy for a bank with an accessory drive through, sale and display for new and used cars, and offices.

826 Avenue V, Block 7159, Lot 111 is an approximately 4,133 sq. ft. lot used for parking.

2520 Coney Island Avenue, Block 7159, Lot 128 is an approximately 3,380 sq. ft. lot improved with a one-story 1.56 FAR commercial building. The Certificate of Occupancy states the use as offices.

2524 Coney Island Avenue, Block 7159, Lot 130 is an approximately 2,400 sq. ft. lot improved with a one-story 0.41 FAR commercial building. The property has a Certificate of Occupancy for an eating and drinking establishment.

5. Description of Proposed Development Site

The proposed Development Site is located at 2510 Coney Island Avenue and consists of one tax lot (Block 7159, Lot 123) of approximately 11,020 sq. ft. The Development Site is an irregularly shaped lot that has approximately 90-ft. of frontage along Coney Island Avenue and is 120-ft. deep. Coney Island Avenue is a 100-foot-wide, wide street. The Development Site is improved with two, one-story, 0.12 FAR, net, commercial buildings currently occupied by an automotive sales and repair business. There is one existing drop curb cut. A larger curb cut for an easement is located adjacent to the Proposed Development Site.

6. Description of the Proposed Development

The Proposed Development is a new eleven-story approximately 61,519 square foot (5.58 FAR) residential and commercial building with approximately 55,110 sq. ft. (5.0 FAR) of residential floor area and 6,439 sq. ft. (0.58 FAR) of commercial floor area . The Proposed Development has a height of 113'-0" with a base height of 63'-0" feet and a 10'-0" setback at the seventh floor. The Proposed Development would contain approximately 60 dwelling units. The Applicant proposes rooftop residential recreation open space. The Applicant currently contemplates developing the mixed-use, Quality Housing building with Option 1 of MIH resulting in approximately 16 permanently affordable units, (25 percent). The Proposed Development will provide 24 vehicular parking spaces located in the cellar for residential uses and 31 bicycle parking spaces. No parking for the commercial uses will be provided. The Applicant will seek additional input from Brooklyn Community Board 15 and City Council Member Ari Kagan regarding the level of affordability for the Proposed Development.

7. Actions Necessary to Facilitate the Project

The two actions necessary to facilitate the Proposed Development are: a zoning map amendment changing R4 and C8-1 zoning districts to an R7D/C2-4 zoning district within the Project Area; and a text amendment to establish an MIH Area with MIH Option 1 and Option 2 within the Project Area.

<u>Zoning Map Amendment from R4 and C8-1 zoning districts to an R7D/C2-4 zoning district</u>

The Proposed R7D /C2-4 zoning district will be mapped 300 feet from the corner of Coney Island Avenue and Avenue V towards Gravesend Neck Road. The proposed Project Area has been zoned R4 and C8-1 since 1961. Half of the buildings in the proposed Project Area, including Lots 123, 128, and 130, contain non-conforming commercial uses. The proposed C2-4 overlay will bring these lots into conformance and continue conformance for existing, conforming buildings. C2-4 zoning districts are generally mapped within residence districts along streets that serve local retail needs, such as Coney Island Avenue. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors, as well as other businesses and services such as plumbing and upholstery stores. In mixed use buildings, commercial uses in Use Group 6, 7, 8, 9 or 14 cannot extend above the first floor, unless the overlay is mapped within an R9 or R10 district. C2-4 districts require one parking space per 1,000 square feet of commercial floor area, for general retail or service uses. Therefore, the proposed C2-4 commercial overlay over the Project Area would align zoning to reflect the uses already in existence within the Project Area and eliminate a restrictive, auto-centric zoning district that has not facilitated reasonable development. However, the proposed zoning districts would not extend so far south as to introduce new uses to the southern portion of the blockfront.

R7D districts are medium-density contextual districts that permit residential and community facility uses. In MIH areas, R7D zoning district permit residential use at a maximum FAR of 5.6 and community facility uses up to 4.2 FAR. R7D zoning districts were mapped as a medium-high density district that could be mapped along both narrow and wide streets. Examples in Brooklyn include: Myrtle Avenue, Fulton Street, Sutter Avenue, Cortelyou Road, and Bedford Avenue.

Coney Island Avenue is a 100-foot wide street within easy walking distance to transit. This location is perfect for new density that would accommodate MIH.

Mapping the proposed district would further the City's goals by promoting development on underutilized property proximate to an existing moderate-density residential community and public transit. The Surrounding Area is undergoing a substantial rise in price, strongly correlated with an inadequate supply of housing that is unable to match demand. The proposed Project Area is a significantly underutilized area primarily developed with low-rise buildings and would benefit from the development of mixed-use residential buildings to help meet this demand for additional housing.

The proposed rezoning would thus promote the development of new medium-density housing with active ground floor commercial uses that would continue to serve the neighborhood, provide jobs, and further activate the streetscape along Coney Island Avenue. Indeed, this is a corridor that the City Planning Commission highlighted as a street well suited for apartment building construction in the Sahara Restaurant Rezoning. The proposed rezoning would provide for the productive use of underutilized, non-conforming property thereby increasing land values in accordance with the goals of the Special Ocean Parkway District. The rezoning would make the existing buildings conforming and provide for moderate growth in an area proximate to transit.

Rationale for the Mandatory Inclusionary Housing Area Text Amendment

The proposed text amendment of ZR Appendix F is necessary to establish an MIH Area, which would require new developments to set aside 25-30 percent of the residential floor area for affordable housing. MIH Option 1 requires an affordable housing set aside of 25 percent of the residential floor area at an average of 60 percent of AMI with 10 percent at 40 percent AMI. MIH Option 2 requires an affordable housing set aside of 30 percent of the residential floor area at an average of 80 percent AMI. The Applicant proposes mapping both MIH Option 1 and Option 2 within the Project Area to provide maximum flexibility for non-Applicant controlled sites. The Applicant will seek additional input from Brooklyn Community Board 15 and Council Member Ari Kagan regarding the level of affordability for the Proposed Development.

The proposed rezoning would provide new opportunities for affordable and market-rate housing development in an area with increasingly unaffordable, stagnant, and aging housing stock. According to 2006-2010 and 2012-2016 American Community Survey statistics, total housing units grew by 4.6 percent in the local Census Tract encompassing the Project Area, Brooklyn 392, over that time span. The Proposed Development would add 60 new housing units to help meet demand in an area where over 90 percent of housing units were built before 1970. Furthermore, approximately 16 permanently affordable housing units would be added in a neighborhood where the cost of housing has been rising rapidly and over 50 percent of households pay more than 35 percent of their income in rent.

The proposed affordable housing set asides would ensure that development within the Project Area would address the critical need for new affordable housing in Brooklyn Community District 15. The proposed MIH Area would address the City's Housing New York: A Five-Borough, Ten-Year Plan goals by increasing affordable housing to help ensure the community remains economically diverse in the face of increasing pressure for market-rate development. Furthermore, new affordable housing is a critical need in Brooklyn Community District 15, where nearly half of the households are rent burdened. According to the U.S. Census Bureau, American Community Survey 2012-16 Five Year Estimates for Public Use Microdata Area (PUMA) 4016 (which approximates Brooklyn Community District 15), 47.1 percent of households spend 35 percent or more of their income on rent. The percentage of rent burdened households in Community District 15 is higher than the estimated 46.1 percent in Brooklyn and 44.6 percent citywide.

8. Conclusion

The Applicant proposes a zoning map amendment to map an R7D/C2-4 zoning district over the Project Area currently zoned as R4 and C8-1 zoning districts and a zoning text amendment to establish the Project Area as an MIH Area. The Proposed Actions would facilitate mixed-use development in the Sheepshead Bay neighborhood within Brooklyn Community District 15. The Proposed Development would create approximately 60 new dwelling units, with approximately 16

permanently affordable units and new commercial space. The Proposed Actions would provide increased opportunities for housing development on underutilized sites, including for mandatory affordable housing and non-residential use. The MIH program ensures that new development within the Project Area would address the need for housing that serves low-income levels. The Proposed Actions would provide new areas for growth while continuing to permit the uses currently within the Project Area, consistent with the City's goals of strengthening neighborhoods, expanding housing, including affordable housing, and employment in transit-accessible areas.