CITY PLANNING COMMISSION

November 4, 2020 / Calendar No. 4

N 200093 ZRK[1]
CORRECTED

IN THE MATTER OF an application submitted by 312 Coney Island Avenue LLC**,** pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying bulk regulations for a portion of the Special Ocean Parkway District and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

This application for a zoning text amendment was filed by 312 Coney Island Ave, LLC on September 4, 2019 to establish a Mandatory Inclusionary Housing area and to modify the bulk regulations for a portion of the Special Ocean Parkway District. This application, in conjunction with the related actions (C 200092 ZMK and C 200094 ZSK), would facilitate a new, approximately 312,754 square-foot mixed-use development containing a church, a school, retail, and residential units, located at 312 Coney Island Avenue in the Windsor Terrace neighborhood of Community District 7, Brooklyn.

RELATED ACTION

In addition to the zoning text amendment (N 200093 ZRK[2]) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 200092 ZMK Zoning map amendment to change a C8-2 District to an R8A District, and establish within the proposed R8A District a C2-4 District; and

C 200094 ZSK A special permit pursuant to ZR Section 74-533 to waive required residential accessory parking spaces

[1] Corrected on November 20, 2020 to reflect correct ULURP number.
[2] Same as above

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 200092 ZMK).

ENVIRONMENTAL REVIEW

This application (N 200093 ZRK), in conjunction with the application for the related actions (C 200092 ZMK & C 200094 ZSK), 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 20DCP036K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on December 16, 2019. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise, and hazardous materials impacts (E-555).

The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

PUBLIC REVIEW

In response to the COVID-19 pandemic, the Mayor issued Emergency Executive Order No. 100 on March 16, 2020 that suspended certain time requirements relating to the Uniform Land Use Review Procedure (ULURP) and other land use processes as of March 12, 2020. The suspension included portions of sections 195, 197-c and 197-d of the New York City Charter, as well as sections of the Administrative Code and the Rules of the City of New York, pertaining to time limitations. The CPC ceased meeting immediately after issuance of the Executive Order until August 3, 2020, when the regular schedule of meetings was resumed. The ULURP time

requirements suspended by Emergency Executive Order No. 100 began running on September 14, 2020.

This application (N 200093 ZRK) was duly referred to Brooklyn Community Board 7 and the Brooklyn Borough President on December 16, 2019 in accordance with the procedures for non-ULURP matters, along with the applications for the related actions (C 200092 ZMK and C 200094 ZSK) which was certified as complete by the Department of City Planning and duly referred in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Brooklyn Community Board 7 held a public hearing on this application (N 200093 ZRK) on January 20, 2020. On February 19, 2020 by a vote of 30 in favor, 2 opposed, and none abstaining, the Community Board voted to recommend disapproval of the application with conditions. A summary of the Community Board's recommendation and conditions appears in the report for the related zoning map amendment (C 200092 ZMK).

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (N 200093 ZRK) and the related actions (C 200092 ZMK & N 200094 ZSK) on February 12, 2020, and on September 29, 2020 issued a recommendation of approval of the application with conditions. A summary of the Borough President's recommendation and conditions appears in the report for the related zoning map amendment (C 200092 ZMK).

City Planning Commission Public Hearing

On September 16, 2020, (Calendar No. 1), the City Planning Commission scheduled October 7, 2020 for a public hearing on this application (N 200093 ZRK), in conjunction with the related applications (C 200092 ZMK & N 200094 ZSK). The hearing was duly held on October 7, 2020, (Calendar No. 8). There were a total of 16 speakers, nine in favor and seven in opposition, as described in the report for the related zoning map amendment (C 200092 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that this application (N 200093 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 200092 ZMK).

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on December 16, 2019 with respect to this application (CEQR No. 20DCP036K), 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 Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter <u>underlined</u> is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

* * *

ARTICLE XI
Special Purpose Districts

Chapter 3
Special Ocean Parkway District

* * *

113-12

Special Front Yard Regulations

For all #zoning lots# with frontage along Ocean Parkway, there shall be a 30 foot #front yard#. No obstructions including porches either open or enclosed, canopies or stairs are permitted within the #front yard#. Any driveway within such #front yard# shall be perpendicular to the #street line# or, in the case where the #street wall# is not parallel with the #street line#, the driveway shall be perpendicular to the #street wall#.

Balconies pursuant to Section 23-13 may, by a depth of not more than six feet, penetrate #front yards#, except along Ocean Parkway.

113-13

Special Bulk Regulations for Lots Adjacent to Park Circle-Machate Circle

In R8A Districts, for #zoning lots# fronting on Park Circle-Machate Circle, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) may be modified to allow for #street walls# within 125 feet of a #wide street# to rise without setback to the maximum #building# height.

113-20
SPECIAL PARKING AND OFF-STREET LOADING REGULATIONS

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APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

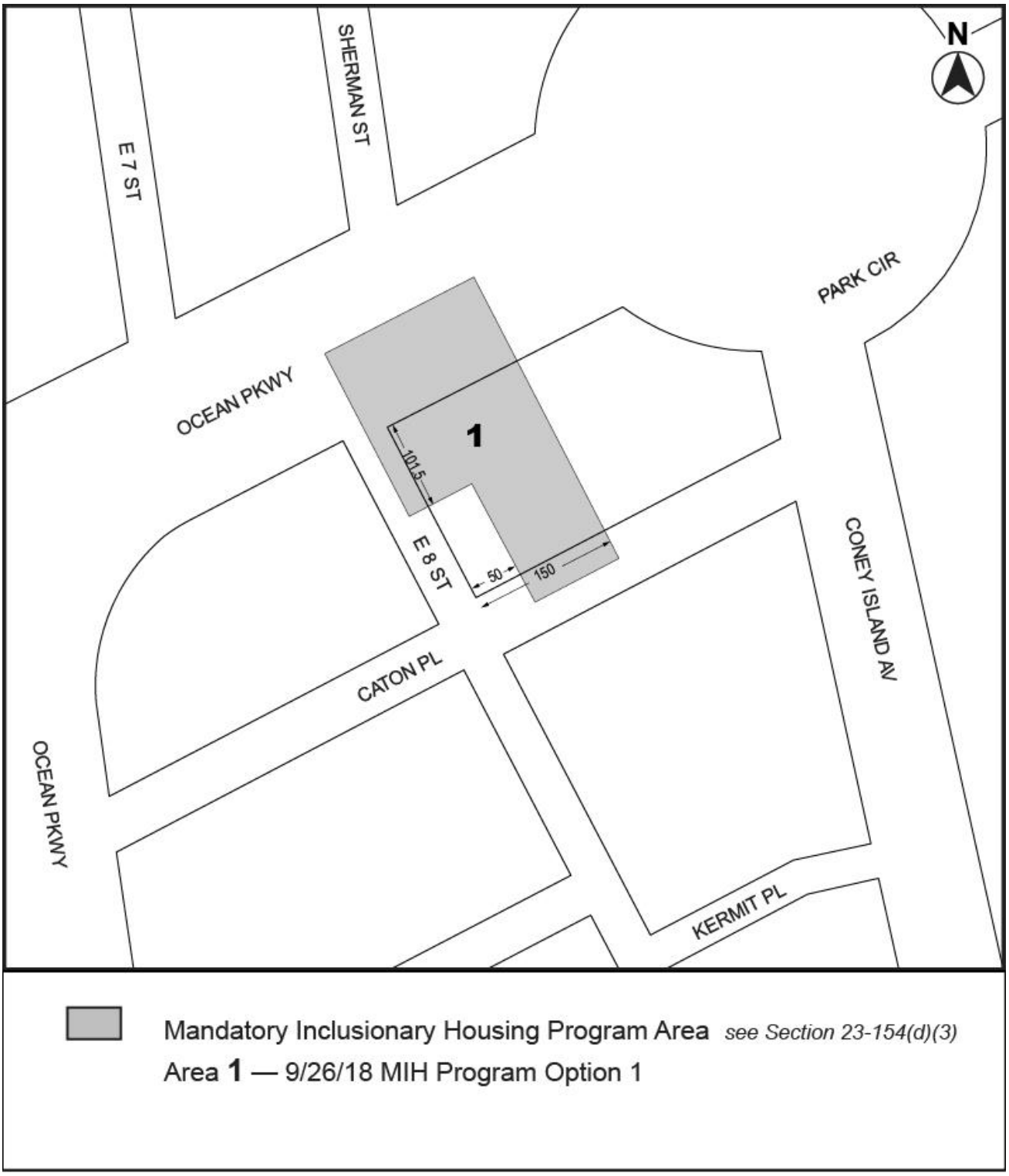
BROOKLYN

Brooklyn Community District 7

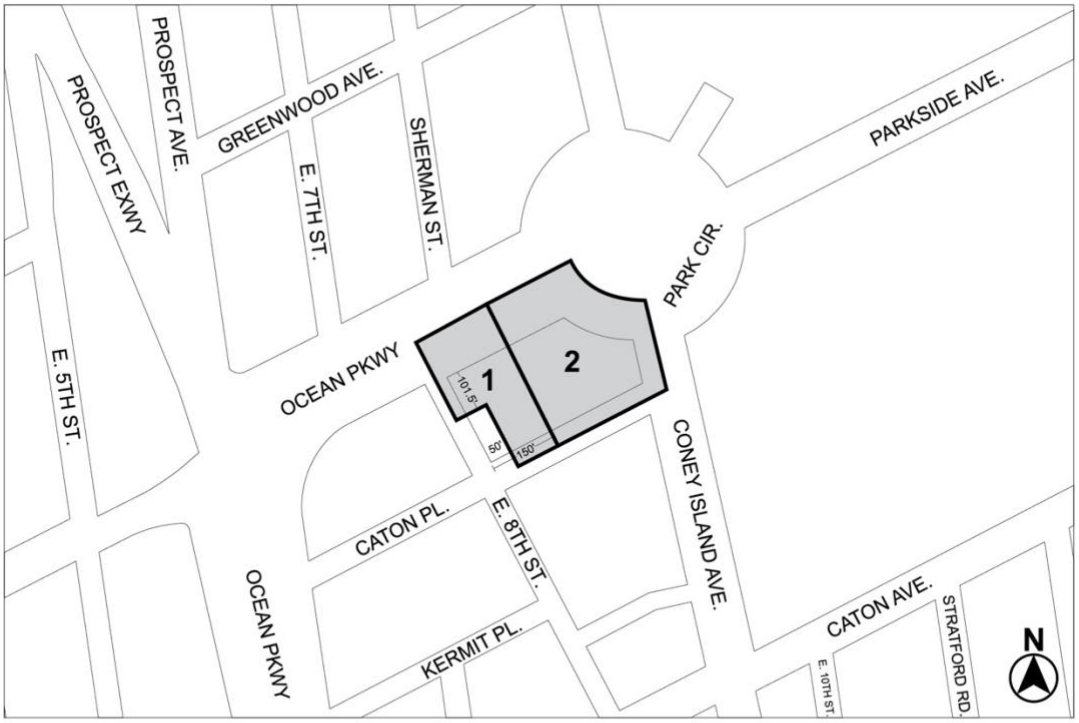
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Map 3- [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area **1** — 9/26/18 — MIH Program Option 1

Area **2** — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 7, Brooklyn

* * *

The above resolution (C 200094 ZSK), duly adopted by the City Planning Commission on November 4, 2020 (Calendar No. 4) 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.

MARISA LAGO, *Chair*
KENNETH J. KNUCKES, Esq., *Vice Chairman*
DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARÍN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*