Project Description (LR Item 3)

Project ID: 2020K0491

534 Coney Island Avenue

May 2023

I. Introduction

Remica Property Group Corp. (the "Applicant") seeks a zoning map and zoning text amendment to facilitate a new mixed-use development in the Kensington/Flatbush section of Brooklyn Community District #12. The proposal seeks a zoning map amendment to amend a series of properties (Block 5343, Lots 13, 19, p/o 26 and p/o 11; the "Project Area") in the Ocean Parkway Special District ("OP") from C8-2 to R7X/C2-4. In addition, a text amendment would be sought to make the Project Area applicable to the Mandatory Inclusionary Housing (MIH) program (the "Proposed Actions").

The Proposed Actions would facilitate the redevelopment of Block 5343, Lot 13 (the "Development Site"), that occupies 10,160 square feet at the southeast corner of Hinckley Place and Coney Island Avenue, with a new 11-story mixed use building to contain 59,906 square feet or 5.90 FAR with 43 dwelling units ("the Proposed Development"). The ground floor would contain 3,547 square feet of commercial retail space and the cellar would provide 19 total off-street parking spaces. Of the proposed 43 dwelling units, 11 would be made affordable under MIH Option 1, which requires that 25% of the proposed new residential floor area be made affordable for incomes averaging 60% of Area Median Income (AMI).

The Development Site is under the Applicant's control. The remaining sites within the Project Area are under separate ownership and are not proposed for redevelopment or anticipated to be materially affected by the Proposed Actions.

2. Background

The Project Area has been zoned C8-2 since the adoption of the 1961 Zoning Resolution. In the late '70s, the Special OP District was created and affected the Project Area. According to City Planning Commission (CPC) reports, the early 1970s coincided with the increased growth of community facilities along Ocean Parkway, as well as side streets from the parkway. In response to the community concerns that the proliferation of community facilities posed a threat to the housing stock and residential character and appearance of the Ocean Parkway community, the CPC and the Board of Estimate adopted the Special Ocean Parkway District (SOPD) in 1977. The

SOPD is a six-mile-long corridor up to one-half mile wide covering over 350 blocks. Portions of five community districts are within its boundaries: Community Districts 7, 12, 13, 14 and 15. The SOPD is bounded on the north by Fort Hamilton Parkway, on the east by Coney Island Avenue, on the west by McDonald Avenue and on the south by Brighton Beach Avenue.

According to the Zoning Resolution, the Special OP District is designed to promote and protect public health, safety, general welfare and amenity with the following purposes: *(a) to promote and strengthen the scenic landmark designation of Ocean Parkway by requiring landscaping along Ocean Parkway; (b) to maintain the existing scale and character of the community by limiting the bulk of permitted community facilities; (c) to protect the environmental quality of and improve circulation within the District by requiring enclosed parking for all uses along Ocean Parkway and by requiring off-street loading for certain community facilities throughout the District; and (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.*

Subsequently in 1992 and 1993, the SOPD and surrounding area was amended (930182 ZRK), along with zoning map amendments to expand opportunities for new housing development, and to reduce the depth of the C1-3 and C2-3 commercial overlays to prevent commercial development on residential lots in areas of the SOPD. The amendments coincided with the creation of a subdistrict of the SOPD ("SOPD Subdistrict"), which is located further south of the Project Area. This subdistrict was intended to facilitate the enlargement of detached and semi-detached one and two-family homes.

The area to the east of the Project Area was amended in 2020 under the Flatbush Rezoning (C 090336 ZMK) to R6A/C2-4. The rezoning amended a 180-block area bounded by Caton Avenue, Parkside Avenue and Clarkson Avenue on the north; Bedford Avenue and the Community District 14 boundary to the east; Campus Road and the Long Island Railroad's Bay Ridge freight line on the south; and Coney Island Avenue on the west. The rezoning amended R1-2, R3-1, R3-2, R4, R5, R6, R7-1, C4-2, C4-2 districts, as well as C1-3/C2-3 commercial overlays to R1-2, R3X, R4A, R5B, R5D, R6B, R6A, R7A, C4-4A and C2-4 districts. A text amendment also added R7A and C4-4A districts as Inclusionary Housing areas. The zoning map amendments were primarily intended to match new zoning to the existing built character which includes areas of detached homes, row houses and apartment buildings. At the time, the existing zoning did not reflect the built character of lower-density detached and apartment building areas. Under the then R6 zoning, development of tall apartment buildings without height limitation was permitted and resulted in demolition of existing detached, one- and two-family homes. Specifically, this created R6A/C2-4 and R7A/C2-4 districts on the eastern side of Coney Island Avenue, across from the Project Area.

In September 2020, the Board of Standards and Appeals ("BSA") extended the term for an existing Physical Cultural Establishment ("PCE") (27-96-BZ). The Brooklyn Banya located at 602 Coney Island Avenue (Block 5361, Lot 21) is located approximately one block south of the Development

Site within a C2-3/R5 zoning district and is occupied by an existing one-story plus mezzanine commercial building. "The PCE is not permitted as of right in the C2-3(OP)/R5 zoning district and required a special permit pursuant to Section 73-03 and 73-36 of the Zoning Resolution"

There are no other land use actions in the last ten years within 1,000 feet of the proposed Project Area.

3. Description of the Surrounding Area

The Project Area is located in the Kensington/Flatbush section of Brooklyn Community District #12 near the intersection of Coney Island Avenue and Beverly Road. Coney Island Avenue is a wide, mixed-use arterial from Prospect Park Circle to Coney Island Boardwalk. Coney Island Avenue is mapped with 100 feet in width ('wide' in the ZR). Hinckley Place is located immediately to the north of the Project Area and is mapped 90 feet in width ('narrow' in the ZR). To the south is Beverly Road, a 'wide' 80' roadway.

The Project Area itself is predominantly zoned C8-2, in a district that extends to the north from Beverly Road to Parkside Avenue on the west side of Coney Island Avenue. The Project Area is also located in the Special OP District, which extends to the west of Coney Island Avenue. The area immediately to the west is zoned R5, while the area on the eastern side of Coney Island Avenue is zoned R6A/C2-4 and R7A/C2-4, through the Flatbush Rezoning of 2009. Further east of this area is the residential 'core' of Prospect Park South and Ditmas Park, where the area is zoned R3X. The area immediately to the south of the Project Area is zoned R5/C2-3, on the western side of Coney Island Avenue.

While Coney Island Avenue is a mixed-use arterial with a number of uses present, the surrounding area is predominantly residential extending east and west of the avenue – with the uses and built-form corresponding to underlying zoning districts. Coney Island Avenue is mixed in use, with the eastern side of the roadway experiencing an increasingly mid-rise character, with buildings rising 5 and 6-stories and taller. Examples of these buildings lay across the street at 527 Coney Island Avenue with a six-story mixed residential and commercial building at the northeast corner of Coney Island Avenue and Hinckley Place, which is approximately 60 feet high (Block 5113, Lot 24) and its neighbor to the east at 60 Turner Place located on midblock between Coney Island Avenue and Stratford Road, which is approximately 76 feet high (Block 5113, Lot 1). The area to the west in the R5 district is developed with a mix of low-rise attached houses and small multifamily apartment buildings. To the north in the underlying C8-1 district, are older automotive, commercial retail and community facility uses.

In addition to mixed-use residential and commercial uses, community facility uses are also present. Notable community facility uses in the area include Beverly Presbyterian Church (Block 5340 Lot 42) which is located southwest of the Development Site at the corner of East 8th Street and Beverly Road, Brooklyn Islamic Center (Block 5340 Lot 7) which is located northwest of the Development

Site at the corner of East 8th Street and Church Avenue. Additionally, PS 889 (Block 5342 Lot 6) which is immediately north of the Development site at the northwest corner of Coney Island Avenue and Hinckley Place.

In terms of open space, to the north of the Development Site located at Caton Avenue and Coney Island Avenue is Prospect Park and the Parade Grounds.

As mentioned, the Project Area is currently located in a C8-2 district and is also in the Special OP District. The C8-2 district is a general commercial district that permits a wider range of uses than commercial overlays. The C8-2 district permits Use Groups 4-14 and 16 at a maximum FAR of 2.0. Some community facility uses are permitted at a maximum FAR of 4.8. The bulk and height regulations of C8-2 districts are governed by the sky exposure plane, with a maximum street-wall height of four (4)-stories or 60 feet.

In the Special OP District, which encompasses the area on the western side of Coney Island Avenue and beyond - 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. The entire Special OP District, all new community facility development or enlargements are limited to the residential bulk regulations of the underlying zoning district, except by City Planning Commission (CPC) certification.

The increasingly mid-rise area to the east is mapped with R6A/C2-4 and R7A/C2-4 districts, resulting from the Flatbush Rezoning. These districts permit 7- and 8-story mixed-use buildings. The rezoning aimed to reinforce Coney Island Avenue as a corridor for mid-rise mixed retail/residential buildings and provide incentives for affordable housing in key areas. R7A districts are contextual districts with a maximum FAR of 4.0. Above a base height of 40 to 65 feet, or 75 feet if providing a qualifying ground floor, the building must set back at a depth of 10 feet along a wide street and 15 feet along a narrow street before rising to a maximum height of 80 feet or 85 feet if providing a qualifying ground floor. Off-street parking is generally required for 50% of the building's dwelling units. The C2-4 commercial overlay portion of these zoning districts permits a wide range of commercial retail uses (Use Groups 6-9 and 14) at a maximum FAR of 2.0 and results in ground-floor retail space where residences are located above. The R6A/C2-4 zoning district is a contextual district with a maximum residential FAR of 3.0. Quality Housing regulations are mandatory in this district. 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 its maximum height of 70 feet. Off-street parking is required for 50% of a building's dwelling units or can be waived if five or fewer spaces are required.

The Project Area is served by New York City Transit (NYCT) subway service five blocks to the east, with the Q Station at Beverley Road and Marlborough Road (0.25 miles). In addition, approximately a half-mile to the west is the Church Avenue Station (at McDonald Avenue) which offers F and G service. In addition to subway service, the Project Area is also well served by NYCT

bus service. The B103, BM3 and BM4 bus makes stops at Coney Island Avenue and Beverly Road. The B103 provides service between Canarsie and Downtown Brooklyn, while the BM3 and BM4 provide express service between Sheepshead Bay/Gerritsen Beach and Midtown Manhattan.

4. Description of the Proposed Project Area

The proposed Project Area consists of the Development Site (Block 5343, Lot 13), which is discussed in greater detail below, as well as Block 5343, Lot 19, and portions of Lots 11 and 26. These two lots are not under Applicant control. The Project Area fronts Coney Island Avenue, Hinckley Place and Beverly Road and extends 100 feet from Coney Island Avenue. It should be noted this portion of Hinkley Place is unique with 90 feet in mapped width, whereas the area of the roadway to the east of Coney Island Avenue is narrower (50'). This width has existed since the oldest known Sanborn map dating from 1893).

Block 5343, Lot 11 (26 Hinkley Place) is an interior lot that contains 4,000 square feet of lot area and approximately 40 feet of frontage along Hinkley Place. The parcel is improved with a two-story residence (constructed in 1910) that comprises of 2,834 square feet or approximately 0.7 FAR. Only a small portion of this parcel would be affected by the Proposed Actions (approximately 120 square feet).

Block 5343, Lot 19 (829 Beverley Road) is a corner lot that contains 8,725 square feet of lot area and approximately 110 feet of frontage along Coney Island Avenue and approximately 83 feet along Beverly Road. The parcel is improved with a single-story commercial use, which comprises of an automotive service use with 1,672 square feet (0.19 FAR). This use dates from approximately 1931.

Block 5343, Lot 26 (829 Beverley Road) is an interior lot that contains 3,300 square feet of lot area and approximately 30 feet of frontage along Beverly Road. The parcel is improved with a three-story residence (constructed in 1913) that comprises of 3,240 square feet or approximately 1.0 FAR. A majority of this lot would be affected by the Proposed Actions.

5. Description of Proposed Development Site

The Development Site consist of a single rectangular tax and zoning lot (Block 5343, Lot 13) located at the intersection of Coney Island Avenue (100 feet) and Hinckley Place (90 feet). Both streets are classified as 'wide' streets in the Zoning Resolution, as they are wider than 75 feet in mapped width. The lot contains approximately 100 feet of frontage along Coney Island Avenue and approximately 97 feet of frontage along Hinckley Place for a total of approximately 10,160 square feet.

The lot is currently improved with a one-story, 2,585 square foot fast-food restaurant with a drive-thru area (0.25 FAR). Historical records indicate that the Proposed Development Site has housed an auto service shop and gas station from 1956 until 2009. Since 2009, the lot has contained the fast-food restaurant described above.

6. Description of Proposed Development

The Proposed Actions would facilitate the development of a new 11-story mixed-use (commercial-residential) building with 59,906 square feet of floor area (approximately 5.90 FAR), including ground-floor commercial space and up to 43 residential units. These would preliminarily consist of 13 one-bedrooms and 30 two-bedrooms, of which 11 would comprise of affordable units.

The building would rise to 8-stories along Coney Island Avenue and then set back for the remaining floors before rising to a maximum height of approximately 110 feet. From Hinckley Place, the building would also rise to 8-stories and set back until the maximum height. Since the building would be located adjacent an R5 district, transition rules apply, and the building would contain an 8-foot side yard and rise to a maximum height of approximately 32 feet for a 30-foot area bordering the yard.

The first floor will contain a residential lobby, a laundry room, a bicycle storage room, commercial area, and ramp down to the cellar providing 19 parking spaces. The second through tenth floors will contain a mix of one bedroom (13) and two-bedroom apartments (30).

7. Actions Necessary to Facilitate the Project

The Proposed Actions consist of a zoning map amendment as well as a zoning text amendment. The proposed zoning map amendment would create a new R7X/C2-4 zoning district mapped over the eastern block front of block 5343 at a depth of 100 feet from Coney Island Avenue that are current zoned C8-2 (OP).

The Proposed Actions would also include a zoning text amendment to *Appendix F* of the Zoning Resolution ("ZR") to make the Project Area applicable as a Mandatory Inclusionary Housing Area (MIH) area and would be mapped as Options 1 and 2, pursuant to §123-154(d). All residential developments, enlargements, and conversions within this MIHA that meet the criteria set forth in the MIH program must comply with the requirements of one of the options described below:

- Option 1: 25 percent of residential floor area must be for affordable housing units for residents with incomes averaging 60 percent AMI, with a minimum of 10 percent of housing to be affordable at 40 percent AMI.

- Option 2: 30 percent of residential floor area must be for affordable housing units for residents with incomes averaging 80 percent AMI.

At this time, the Proposed Development would comply with Option 1 of the program with 11 dwelling units (25% of the proposed residential floor area) affordable for incomes averaging 60% AMI. These 11 dwelling units would be proportional to the overall unit matrix of the Proposed Development.

The proposed zoning map amendment would rezone the Project Area from C8-2 (OP) to R7X/C2-4. The proposed new R7X/C2-4 district would facilitate a higher but appropriate density and permit residential use in a predominantly residential area. The proposed R7X/C2-4 district would facilitate much needed dwelling units, a portion of which would be affordable, a recognized local and citywide need. It also permits commercial retail and community facility uses and would facilitate new space to provide new supporting neighborhood retail services.

The proposed new R7X/C2-4 district would facilitate an increased but appropriate level of density for an area that fronts three-wide roadways (Coney Island Avenue, Hinckley Place and Beverly Road). In terms of scale, what is proposed would be consistent with recent and historical developments within the surrounding area. The proposed 11-story building would complement existing and ongoing new development in the surrounding area, with a new 8-story building under construction across the street at 435 Coney Island Avenue to contain over 130 dwelling units, as an existing five-story school to the north and six-story apartment building to the northeast of the Project Area. As such, the Proposed Actions would not result in a significant change of the existing built context of the surrounding area. Further, the proposed mid-rise zoning district would complement pre-existing R6A/C2-4 and R7A/C2-4 districts on the opposite side of Coney Island Avenue, mapped as a result of the Flatbush Rezoning of 2009 and would result in required affordable dwelling units.

R7X/C24 districts are contextual districts where Quality Housing regulations are mandatory. They allow buildings up to 5.0 FAR and 6.0 with MIH. Base heights of building range from 60-85 feet and is increased to 60-105 feet under MIH. Buildings can rise to a total building height of 120 feet (125 with qualifying ground floor) and 140 feet (145 feet with QGF) for buildings with MIH. Ground floor commercial uses (Use Groups 5-9 & 14) are permitted at a maximum FAR of 2.0 and in R7X/C2-4 districts, mandatory non-residential space is required for street activation. For commercial uses, parking requirements vary by use and the requirement is waived where less than 40 spaces are required, pursuant to ZR 36-232. For residential use, parking is required for 50% of market-rate units and income-restricted dwelling units are waived, as the Project Area is in the Transit Zone.

In addition to facilitating the proposed higher-density building, the proposed C2-4 commercial overlay would continue to permit an appropriate range of commercial retail uses in this location, consistent with the arterial nature of Coney Island Avenue and the underlying C8-2 district. The

required zoning text amendment to make the Project Area applicable as an MIH area would also generate at least 11 permanently affordable dwelling units for incomes averaging 60% AMI, a recognized need in all areas of the city. Furthermore, should any new residential redevelopment occur on the remainder of the properties in the Project Area, affordable dwelling units would be required.

It should also be noted that this area is also well served by subway and bus service with three subway lines in close proximity (the Q, F and G trains) as well as three bus lines, including express service to Midtown Manhattan (the B102, BM3 and BM4 lines).

Therefore, the Proposed Actions would facilitate the highest and best use of the Project Area in an appropriate location. without significantly altering the surrounding character and would complement existing zoning districts along Coney Island Avenue that would result in mandatory affordable dwelling units and ground-floor commercial space. The latter of which would promote street-level activity and improve the pedestrian experience of this segment of Coney Island Avenue.

8. Conclusion

The Proposed Actions would create a new contextual residential zoning district with commercial overlay (R7X/C2-4) that would provide a transition between the adjacent R5 district to the west and complement the mid-rise contextual districts mapped on the east side of Coney Island Avenue. Based on the existing presence and historic uses of surrounding higher density residential uses, the underlying C8-2 district constrains new development along this corridor. The Project Area is located at the intersection of two other wide roadways (Hinkley Place and Beverly Road) and in proximity to transit, making the district appropriate for additional density. As such, a R7X/C2-4 district is proposed, which is an appropriate location for additional residential and neighborhood commercial use. The resulting Proposed Development would provide new residential units, including new income-restricted dwelling units and mandatory ground-floor commercial uses to activate the street frontage and as such, the Proposed Actions would be appropriate for this area and would facilitate the full and productive use of this segment of Coney Island Avenue while promoting street activity and improving the pedestrian experience.