November 4, 2020 / Calendar No. 3 C 200092 ZMK

CORRECTED

IN THE MATTER OF an application submitted by 312 Coney Island Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16d:

1. changing from a C8-2 District to an R8A District property bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street; and

2. establishing within the proposed R8A District a C2-4 District bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street;

Borough of Brooklyn, Community District 7, as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-555.

This application for a zoning map amendment was filed by 312 Coney Island Avenue, LLC on September 4, 2019 to change a C8-2 zoning district to an R8A zoning district, and to map a C2-4 commercial overlay over a portion of the rezoning area. This application, in conjunction with the related action, would facilitate a mixed-use development with community facility use in the cellar, ground, and second floors, commercial use on the ground floor, and 278 residential units on the upper floors at 312 Coney Island Avenue in the East Windsor Terrace neighborhood of Brooklyn Community District 7.

RELATED ACTION

In addition to the zoning map amendment (C 200092 ZMK) 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:

N 200093 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to modify setback requirements in Zoning Resolution (ZR) Section 113-00 to modify setback requirements for sites in R8A districts adjacent to Park Circle within the Special Ocean Parkway District (SOPD); and

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

BACKGROUND

The applicant proposes a zoning map amendment to change a C8-2 zoning district to an R8A zoning district with a C2-4 commercial overlay, as well as a zoning text amendment to establish an MIH area and modify ZR Section 113-00 by waiving residential parking requirements.

The project area is comprised of two adjacent lots located between Ocean Parkway and Caton Place, east of East 8th Street and west of Coney Island Avenue (Block 5322, Lots 10 and 20). The project area is located at the northern end of the existing C8-2 district, adjacent to residential areas zoned R7A to the west and R8B to the north. Lot 10, located on the corner of Ocean Parkway and Park Circle, is an unimproved lot used as open space. Lot 20, located on the southwest corner of Park Circle, contains a four-story, 50-foot tall building occupied by the International Baptist Church and its affiliated school, the International Christian School, as well as 36 accessory off-street, at-grade parking spaces. Both lots are owned by the International Baptist Church. There are two curb cuts on Caton Place, providing ingress and egress to the at-grade accessory parking.

The existing C8-2 district was mapped in 1961 to reflect the mix of warehouse, auto-oriented commercial, and community facility uses that existed along Coney Island Avenue at that time. Parts of this commercial corridor still contain many automotive and warehouse uses, as well as some non-conforming residential uses. C8-2 districts permit commercial uses up to a floor area

ratio (FAR) of 2.0 and some community facility uses up to an FAR of 4.8. C8-2 districts are generally mapped in areas with automotive and other heavy commercial services that often require large amounts of land, including automobile showrooms and repair shops, warehouses, gas stations and car washes. No new residential uses are permitted in C8-2 districts. Bulk regulations allow buildings to be built to the front and side lot lines, with a 20-foot rear yard. Building heights are regulated by a sky exposure plane beginning at 60 feet, or four stories, above the street line. Off-street parking and loading facilities are required in C8-2 districts according to the type and size of the use.

The rezoning area is located within the Special Ocean Parkway District, which spans both sides of the parkway between Prospect Park and Brighton Beach. This special district was established in 1977 (CP-23284) for the purposes of preserving the historic intent and park-like character of Ocean Parkway as a connection between Prospect Park and the Atlantic Ocean, by requiring a 30-foot-deep landscaped front yard unobstructed by porches, canopies, or stairs.

The neighborhood containing the project area has been the subject of several rezonings in recent years. In 2018, two lots to the west of the proposed project area (Block 5322, Lot 4) were rezoned from C8-2 to R7A/C2-4 (C 170213 ZMK), facilitating the development of a nine-story mixed-use building. In 2008, two lots to the west of the proposed project area (Block 5320, Lot 55 and a portion of Lot 46), were rezoned from R6 to R7A (C 050203 ZMK), facilitating the development of a seven-story residential building. In 2009, the East Windsor Terrace Rezoning (C 090197 ZMK) mapped R5B, R6A, and C2-4 overlay districts over five blocks immediately to the south of the subject block to reflect existing rowhouse and semi-detached development within East Windsor Terrace and the medium-density mixed-use character along Caton Avenue.

The neighborhood surrounding the project area is predominantly developed with residential and community facility uses. Further west on the block is Kensington Stables, which provides equestrian instruction on-site and within Prospect Park. The stable facility was sold in early 2018 to a new private owner as part of a bankruptcy agreement. The new owner has indicated a commitment to continue operating the stables for at least five years. There is another church

building, with accessory parking, southwest of the project area. Residential buildings on the surrounding blocks include six- to eight-story elevator apartment buildings as well as low-rise multi-family housing and single-family homes. Coney Island Avenue and the northwestern side fronting on Park Circle contains local commercial uses, including a bank and gas station.

The project area is well-served by public transit via the F and G subway lines. The closest subway station, the Fort Hamilton Parkway station, is located across the Prospect Expressway one block to the west and is accessible via a pedestrian path that rises from the north side of Ocean Parkway to cross a bridge over the Prospect Expressway. The area is also served by major thoroughfares, including Ocean Parkway, a six-lane arterial street running from the project area to Brighton Beach, and the six-lane Prospect Expressway, running north to the Hugh Carey (Brooklyn Battery) Tunnel connecting Brooklyn and Manhattan.

Prospect Park is located within one block of the rezoning area, providing access to 585 acres of open space. The Greenwood Playground is located across the Prospect Expressway, at East Fifth Street and the Fort Hamilton Parkway, and is accessible via a pedestrian path. The Greenwood Cemetery is located seven blocks to the west.

In order to facilitate the proposed development, the applicant proposes zoning map and zoning text amendments and a special permit. Together, the proposed actions would facilitate the development of a thirteen-story, mixed-use building with approximately 278 residential units; approximately 30,000 square feet of community facility use in portions of the cellar, first, and second floors fronting on Park Circle; and approximately 5,000 square feet of ground floor commercial use fronting Caton Place.

As proposed, the development would include a qualifying ground floor with a height of at least 13 feet, and the building would rise sheer along Park Circle to a maximum building height of 145 feet, with a gradual stepdown to the midblock. The middle portion of the building would rise to approximately 120 feet, while the westernmost portion of the building would rise to 100 feet. Twenty-five percent of apartments, or approximately 70 units, would be permanently affordable,

pursuant to MIH Option 1. The building would also include below-ground off-street parking for approximately 80 spaces, 36 of which would be designated for use by the school and the church, while the remaining 44 would be used as flexible parking for building residents. The development would include a 30-foot front yard on Ocean Parkway pursuant to the regulations of the Special Ocean Parkway District.

The zoning map amendment would create a new R8A district over the project area. R8A is a medium-density district that allows residential buildings with a maximum FAR of 6.02 (7.2 with MIH) and a 105-foot base height limit and a maximum building height of 145 feet. Off-street parking is required in R8A districts for 40 percent of all dwelling units, except for income-restricted housing. A C2-4 commercial overlay would be mapped over the project area, allowing commercial retail uses on the ground floors of residential buildings up to 2.0 FAR. The C2-4 district would allow for the development of a local retail use.

The applicant also proposes a zoning text amendment to modify Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) and Article 11, Chapter 3 (Special Ocean Parkway District) to designate an MIH area mapped with Options 1 and 2 coterminous with the project area. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Option 2 requires that at least 30 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 80 percent of the AMI. Within the 25 percent of Option 1, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI, with no unit targeted to households with incomes exceeding 130 percent of the AMI.

In addition, the applicant proposes a zoning text amendment to modify bulk regulations of the Special Ocean Parkway District to R8A districts mapped on wide streets adjacent to Machate Circle, allowing building walls to rise without setback to the maximum building height.

The applicant also proposes a special permit to waive required residential parking. Without the special permit, the proposed development would be required to provide approximately 83 accessory off-street parking spaces for exclusive use by the residential units. The findings of the special permit address parking availability and the provision of affordable housing.

ENVIRONMENTAL REVIEW

This application (C 200092 ZMK), in conjunction with the application for the related actions (N 200093 ZRK and 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 designated CEQR number is 20DCP036K. The lead is the City Planning Commission.

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 requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

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

UNIFORM LAND USE 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 (C 200092 ZMK), in conjunction with the related special permit (C 200094 ZSK), was certified as complete by the Department of City Planning (DCP) on December 16, 2019, and was duly referred to Brooklyn Community Board 7 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 text amendment (N 200093 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 7 held a public hearing on this application (C 200092 ZMK) and the related applications on January 20, 2020. On February 19, 2020 by a vote of 30 in favor, two opposed, and none abstaining, the Community Board voted to recommend disapproval of the application with the following conditions:

1. "The proposed project is out of scale with other buildings in the Ocean Parkway Special District and within 1000 feet of Machate Circle. The developer shall review alternate massing to reduce the height of the building to 8-10 stories. The Board does not believe an R8A zone is appropriate for the site. This would reduce the FAR from the proposed 7.2 with MIH to 4.6 with MIH. The Committee notes that there are no R8A zoning districts nearby. Directly across Ocean Parkway to the north is an R8B district (4.0 FAR) and to the south of the site are R7B, R5B and R6A districts, none of which have an FAR greater than 3.0.
2. The developer shall pay for a third party traffic study of Machate Circle and extending to a ½ mile radius from the site prior to the development and at one year, three year and five year intervals post rezoning to show impacts to street network and traffic conditions including further mitigation, including, but not limited to, adjustments to signal phasing and timing, traffic management strategies and parking regulation changes.
3. The developer shall provide a construction management plan to mitigate traffic, safety and delivery issued during the construction phase and to review this plan with a select committee of CB 7 and community residents on a monthly basis.
4. The developer shall expand the parking count beyond 80 spaces to accommodate the need for daily and overnight parking in the neighborhood, either through the construction of an additional underground parking level or through the use of valet and/or stackers to increase the number of spaces.

5. The developer shall develop and implement pedestrian streetscape improvements along its entire street frontage in coordination with NYC Parks, NYC DOT, Prospect Park Alliance and Kensington Stables. Particular consideration shall be given to equestrian safety and facilities bordering its site.
6. We urge the Borough President, City Planning Commission and the City Council to consider only offering MIH Options 2 and 4 in order to create deep affordability across income bands down to 30% AMI.
7. We urge the developer to demonstrate its commitment to community affordability housing needs by providing affording tiers and numbers of units that directly address household incomes in CD 7. The developer shall identify its affordable housing managing partner as soon as possible and commit to advertising and publicizing the unit lottery so that half of the proposed affordable unit count will be filled with CD 7 residents.
8. The developer shall commit to utilizing universal and inclusive design principles and shall ensure full accessibility and accommodations to seniors and persons with mobility, vision or hearing impairments.
9. The developer shall commit to incorporating sustainable design practices and responsible landscape design, including bioswales, landscape water management, reduced storm water outflow and green infrastructure improvements. The committee would like the developer to consider a vegetative green roof to help reduce urban heat island effects. The developer shall comply with energy efficiency local laws, in particular Local Law 97 in its entirety, adhering to the 2030 requirements as soon as the building receives its TCO.
10. The developer shall commit to leasing its ground floor retail space to neighborhood retail use, not formula retail chain store tenants. Further, the retail use will incorporate transparency into the storefront and will not utilize exterior mounted security grilles.
11. The Board recommends that the city use all available tools to ensure that the building service jobs created as part of the rezoning pay prevailing wages. All projects receiving a public subsidy or public benefit should pay building service, operations and maintenance workers the prevailing wage and include labor standards and a system for transparency and accountability.
12. The Board shall add sewer water, flooding and other environmental infrastructure deficiencies within the project area and extend out to Machate Circle and Ocean Parkway to its Community District Needs and shall ask the city for a schedule of implementation and completion for the deficiencies.
13. The Board will ask DOE to review the impact of the development on school seat capacity with CSD 15 and 17."

The Board voted to approve the zoning text amendments with the condition that "Options 1 and 3 of MIH be imposed on the project with the aim of providing deep affordability that matches the needs of existing household incomes in CD 7". Further, the Board voted to disapprove the

special permit with condition that more parking be provided within the development to service both the community facility/church use, as well as parking for residents within the building.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 200092 ZMK) and the related actions (N 200093 ZRK and C 200094 ZSK) on February 12, 2020, and on September 29, 2020 issued a recommendation of approval of the application with the following conditions:

1. "That for 200092 ZMK, in lieu of the proposed R8A district, the City Planning Commission (CPC) and/or City Council approve one of the following modifications:
    a. Map the R8A to a depth of 100 feet along Coney Island Avenue and Machate Circle, with the remainder designated as an enlargement of the adjacent R7A district with a C2-4 overlay, or
    b. Rezone the C8-2 district to R7X MIH/C2-4
2. That for 200093 ZRK, should the CPC and/or the City Council adopt an R7X MIH/C2-4 district, the proposed text change to the New York City Zoning Resolution (ZR) Special Ocean Parkway District (SOPD) regulations affecting zoning lots in R8A districts be modified to be applicable to R7X districts, to modify the placement of maximum building height pursuant to ZR 23-664 by restricting placement of the height above the maximum base height to within 100 feet of Coney Island Avenue and Machate Circle
3. That for 200094 ZSK, the requested waiver of all required accessory residential parking be modified to require the Certificate of Occupancy (C of O) to mandate the following:
    a. A minimum of 40 accessory residential parking spaces that would be permitted to be leased out to non-occupants of 312 Coney Island Avenue, pursuant to ZR Section 36-46
    b. That the 36 congregant parking spaces be leased out when not occupied by members of the International Baptist Church (IBC), pursuant to ZR Section 36-46
    c. That bicycle parking be provided at a rate of three bicycle spaces per every four dwelling units
    d. That additional spaces be prioritized for the staging of car-sharing vehicles

4. That prior to considering the application, the City Council obtain commitments, in writing, from the applicant, 312 Coney Island Avenue LLC, clarifying how it would:
    a. Engage with car-sharing companies, in consultation with Brooklyn Community Board 7 (CB 7), the New York City Department of Transportation (DOT), and local officials to lease multiple spaces within the garage, and/or obtain designated curbside DOT signage
    b. MemorializecommitmenttoprovideaffordablehousingaccordingtoMIHOption1
    c. Memorialize an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one-bedroom units, but for studios targeted to households at 40 percent Area Median Income (AMI)
    d. Implement outreach efforts to seniors earning up to 40 percent AMI for single- and dual-person households, including the formerly homeless, to maximize their participation in the affordable housing lottery
    e. Utilize locally-based affordable housing development non-profit(s) to serve as the administering agent and have one or more such entities play a role in promoting affordable housing lottery readiness
    f. Set aside a portion of the commercial space for arts/cultural entities and non-profit organizations at below-market lease terms, as warranted
    g. Memorialize the incorporation of resiliency and sustainability measures, such as blue roofs, passive house design, and/or wind turbines
    h. CoordinatewiththeNewYorkCityDepartmentofEnvironmentalProtection(DEP), DOT, and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan at 312 Coney Island Avenue or within the adjacent protected painted areas, in consultation with CB 7 and local elected officials
    i. Coordinate Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with DEP, DOT, and NYC Parks for the installation of a curb extension at the corner of Caton Place and Coney Island Avenue, either as part of a Builders Pavement Plan or as a treated roadbed sidewalk extension

j. Enter into a standard DOT maintenance agreement for those intersections and coordination with DEP, DOT, and NYC Parks should there be agency implementation for the provision of protected painted areas at the corner of Caton Place and Coney Island Avenue, with the understanding that such improvements would not proceed prior to consultation with CB 7 and local elected officials

k. Retain Brooklyn-based contractors and subcontractors, especially those that are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

"Be it further resolved:

1. That DOT undertake a traffic investigation of horseback ridership, as well as pedestrian and vehicular use for navigating around Machate Circle, with specific emphasis on the horseback route between the Kensington Stables and Prospect Park, and develop roadway enhancements that advance Vision Zero and streetscape improvements in consultation with CB 7, NYC Parks, the New York City Police Department (NYPD), and local elected officials
2. That DEP investigate the cause of reported flooding, including undertaking a camera investigation of existing sewer conditions and capacity in the eastern portion of Windsor Terrace as follows: the northwest corner of Caton Avenue at Ocean Parkway/Prospect Expressway, the northwest corner of Caton Place and Coney Island Avenue, around Machate Circle including its connecting streets, Coney Island Avenue, Ocean Parkway, Parkside Avenue, and Prospect Park Southwest
3. That the New York City Department of Housing Preservation and Development (HPD) modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public school children residing at City-funded or -operated shelters
4. That HPD extend local preference to also include residents of Brooklyn Community District 14 (CD 14) living within the shared 11218 ZIP code

5. That the City Planning Commission (CPC) and/or the City Council call for the modification of the Mandatory Inclusionary Housing (MIH) section of the New York City Zoning Resolution (ZR) pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status (allow for exceptions to the 30 percent of income threshold for households paying the same or more rent than what the housing lottery offers) to qualify for such affordable housing units pursuant to MIH."

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 (C 200092 ZMK), in conjunction with the related applications (N 200093 ZRK and C 200094 ZSK). The hearing was duly held on October 7, 2020 (Calendar No. 8). Nine speakers testified in favor of the application and seven in opposition.

Speakers testifying in favor of the application included three members of the project team. The applicant's representative presented an overview of the application and the land use rationale for the proposed zoning districts, and described the proposed development. He also described the existing zoning, identifying a new self-storage building across the project site on Caton Place as an example of as-of-right development. He stated the applicant's intention to provide affordable units under MIH Option 1 to the amenity- and service-rich neighborhood of Windsor Terrace.

The project architect also spoke in favor of the application. He described the surrounding conditions, noting that the site has frontage on three wide streets, creating a unique opportunity for building design. He described the rationale behind the proposed zoning text amendment that would shift the bulk towards Park Circle and allow for a better transition to the lower-density midblock area. Additionally, he described the integration of the community facility spaces and overall building design, emphasizing that the community facility uses would be fully integrated into the building design and have full presence along Park Circle.

The pastor from the International Baptist Church described the church's and school's involvement in the project and voiced his support for the proposal.

A number of people testified in support of this project, stating that the neighborhood is in need of affordable housing, praising the community facility component of the proposal, and expressing support for the building's design.

A representative of service union 32BJ SEIU testified in favor of the project, noting that the applicant has made a credible commitment to providing building service workers with high quality jobs and wages.

A number of people testified in opposition to the project, stating that they believed the proposed building was out of scale for the neighborhood and cited concerns regarding gentrification.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this application for a zoning map amendment (C 200092 ZMK) and the related applications for a zoning text amendment (N 200093 ZMK) and special permit (C 200094 ZSK) are appropriate.

Together, these actions will facilitate a mixed-use, faith-based development with 278 residential units and active non-residential ground floor space. The project area is currently occupied by the four-story International Baptist Church, an affiliated school, and an accessory surface parking area. The proposed development will provide updated facilities for the church and school in a transit-rich area. The proposed development will also create new residential units, 70 of which will be permanently affordable pursuant to Option 1 of MIH, in an underdeveloped corner of Park Circle.

The R8A/C2-4 zoning district, in conjunction with the zoning text amendment to allow an increase in the maximum base height in the special district, will result in an appropriately-scaled development in an important neighborhood gateway. The Commission notes that this property fronts on two wide streets, Coney Island Avenue and Fort Hamilton Parkway/Ocean Parkway, as well as Park Circle, a 490-foot-wide traffic circle with a landscaped island, across from the entrance to Prospect Park and the Parade Grounds. The New York City Administrative Code also requires an additional 30-foot ground-floor setback along Ocean Parkway, further increasing the total amount of effective street width to 240 feet. Along Park Circle, the building will rise sheer to a height of 145 feet, providing a strong visual anchor and framing streetwall for this prominent location, sitting at the foot of Coney Island Avenue and the entrance to Prospect Expressway and Prospect Park. By supporting an increase in the height and bulk at this intersection, it allows the development to include two 14-foot floors to accommodate the new house of worship and school, while still stepping down towards the middle of the block along Caton Place and providing ample façade articulation. The Commission commends the urban design work and the applicant's responsiveness to the Department of City Planning staff and the Council Member's feedback. The allowable height along Machate Circle is appropriate and consistent with the built form of developments surrounding other traffic circles around Prospect Park and Central Park.

The proposed R8A district would provide 277,848 square feet of residential floor area, or approximately 278 dwelling units, 70 of which would be permanently affordable under MIH Option 1. The project proposes to update and modernize the house of worship's and school's facilities, setting aside 29,906 square feet of floor area for their uses, and adding a double height sanctuary along Ocean Parkway.

Regarding the ground floor retail, C2-4 districts provide the option for ground floor retail space but do not require it; if necessary, the space can be filled with a different use. Under the current C8-2 zoning, a variety of commercial uses are permitted, though residential use is not. The C2-4 overlay would allow for future flexibility as it has no requirement for commercial use, allowing the space to respond to requests for neighbourhood retail or services based on market conditions.

Additionally, the C2-4 overlay matches the existing overlay that is mapped along the adjacent site.

The Commission further notes the appropriateness of the R8A district over the existing C8-2 district. C8-2 districts permit Use Groups 5-14 and 16, and residential uses are not permitted. A typical development permitted in this zoning district can be found directly south of the project area at 72 Caton Place where the development of an eight-story self-storage facility began in 2018. The close proximity to transit and Prospect Park, a valuable resource particularly in light of the COVID-19 pandemic, make the project area appropriate for residential, community facility, and job-generating neighborhood retail uses.

The proposed zoning text amendment (N 200093 ZRK) is appropriate. The proposed development is expected to provide approximately 70 permanently affordable apartments on site under MIH Option 1. The creation of affordable housing in this neighborhood increases options for access to opportunity, as Windsor Terrace is a neighborhood rich in amenities, services, open space, and transit.

The proposed zoning special permit (C 200094 ZSK) is appropriate. The project area is well-served by public transit, with access to the F and G subway lines at Fort Hamilton Parkway Station, one block to the west. The applicant stated that the special permit would provide flexibility for the 80 parking spaces provided in the cellar level for residents, church congregants, as well as for area residents. The applicant has further stated that limiting parking would also reduce the amount of additional traffic generated by the proposed development.

The Commission acknowledges the concerns raised by Community Board 7, the Brooklyn Borough President, speakers at the public hearing, and written testimony, regarding the proposal's height, scale, and relationship to neighborhood character. Regarding the Community Board's recommendation to reduce the allowable zoning from R8A to an R7A, based on the recently approved R7A at 57 Caton Place, the Commission notes that there are significant differences between the two sites. 57 Caton Place is a mid-block site, located closer to the

interior of the neighborhood and is not surrounded by three wide streets, nor does it accommodate community facilities.

Regarding neighborhood character, the Commission notes that the immediate surroundings of the project area are relatively varied in use, density, and scale. The entrance and exit to the Prospect Expressway are directly to the north of the site, and located on the same block is a horse stable and pedestrian bridge, as well as a new nine-story development under construction. Southwest of the site along Caton Place is a house of worship with related classrooms and offices, and immediately south along Coney Island Avenue (notably a 100-foot-wide) primarily auto-oriented commercial corridor, is a 110-foot-tall self-storage facility and a nine-story, 93-foot-tall residential building.

Regarding the proposal by the Brooklyn Borough President to modify the R8A zoning district to either an R7X zoning district or split the site between R8A and R7A zoning districts, the Commission notes that this would not achieve significant differences in height as compared with the existing proposal, but would reduce the number of apartments, including the number of permanently-affordable apartments. R7X and R8A have the same allowable maximum building heights and number of stories at 145 feet or 14 floors, however the R7X would decrease the allowable FAR from 7.2 to 6.0, a reduction of 1.2 FAR or 52,126 square feet, resulting in a loss of 52 dwelling units, including 13 permanently affordable units. The R8A/R7A split district would have the same allowable maximum building heights and number of stories at 145 feet or 14 floors. Similarly, the split district would reduce the allowable FAR from 7.2 to 6.14, a reduction of 1.06 FAR, or 45,974 square feet, resulting in a loss of 47 dwelling units, including 12 permanently affordable units. The applicant has proposed to further reduce the height of the westernmost portion of the building to match the R7A district directly adjacent. The Commission is pleased that the applicant has responded to these comments discussed during public review by providing an R7A-equivalent step-down to the middle of the block, without reducing the overall total number of dwelling units.

Regarding the conditions of the Community Board and the Borough President concerning the proposed building's accessibility and sustainable design, these matters are outside the scope of the requested actions, but the Commission notes that the applicant has stated commitments to exploring opportunities to enhance both.

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 Sections 197-c and 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 by changing the Zoning Map, Section No. 16d:

1. changing from a C8-2 District to an R8A District property bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street; and

2. establishing within the proposed R8A District a C2-4 District bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street;

Borough of Brooklyn, Community District 7, as shown on a diagram (for illustrative purposes only) dated December 16, 2019[1], and subject to the conditions of the CEQR Declaration E-555.

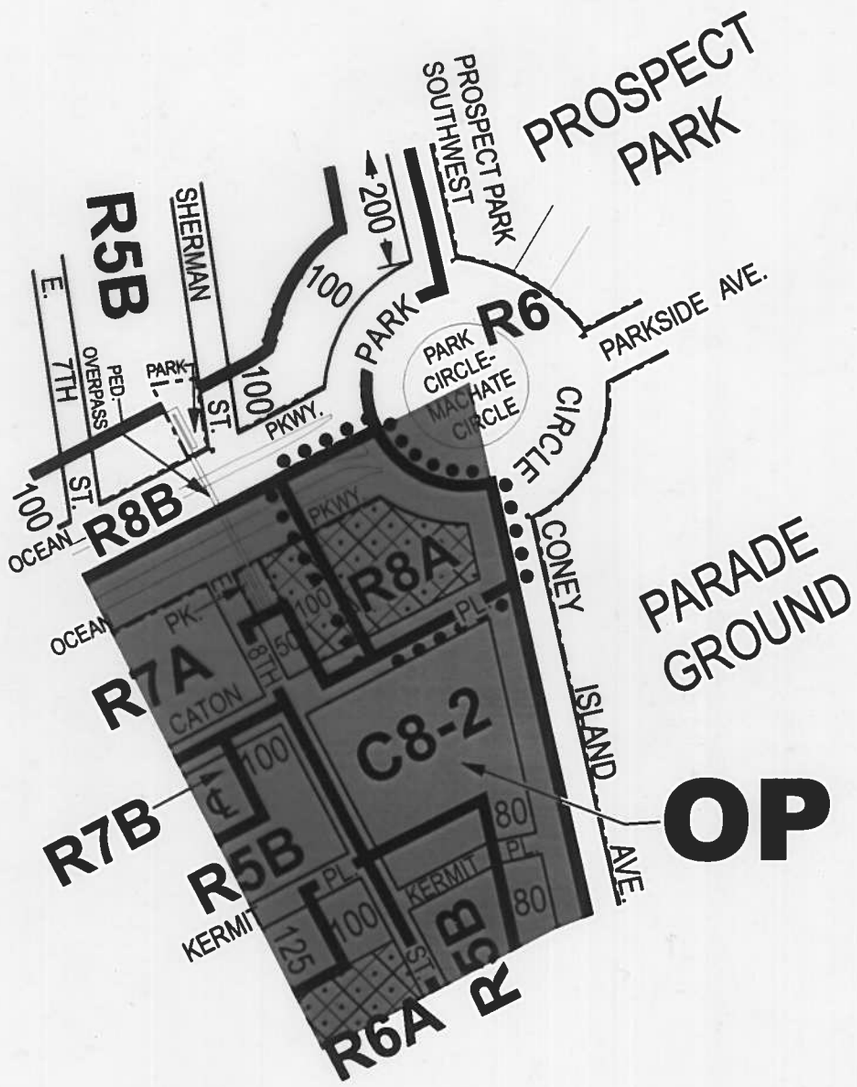
[1] The report (C 200092 ZMK) has been administratively corrected on November 12, 2020. The original report on page 18 listed the wrong certification date for the Zoning Map amendment application. The correct certification date is December 16, 2019.

The above resolution (C 200092 ZMK), duly adopted by the City Planning Commission on November 4, 2020 (Calendar No. 3), 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*

C.D. 07

C 200092 ZMK



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
16d
BOROUGH OF
BROOKLYN

New York, Certification Date:
December 16, 2019

S. Lenard, Director
Technical Review Division

SCALE IN FEET
0 150 300 600

NOTE:

Indicates Zoning District Boundary

The area enclosed by the dotted line is proposed to be rezoned by changing an existing C8-2 District to an R8A District and by establishing a C2-4 District within the proposed R8A District.

Indicates a C1-3 District

Indicates a C2-4 District

OP Indicates a Special Ocean Parkway District (OP)

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 200092 ZMK**	Project Name: **312 Coney Island Avenue Rezoning**
CEQR Number: 20DCP036K	Borough(s): Brooklyn Community District Number(s): 7

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

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
   - **EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
   - **MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
   - **FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by 312 Coney Island Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d:

1. changing from a C8-2 District to an R8A District property bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street; and
2. establishing within the proposed R8A District a C2-4 District bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street;

Borough of Brooklyn, Community District 7, as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-555.

Applicant(s):	**Applicant's Representative:**
312 Coney Island Avenue LLC 150 Broadway, Suite 800 New York, NY 10038	Zachary Bernstein Fried, Frank, Harris, Shriver & Jacobson LLP One New York Plaza New York, NY 10004

Recommendation submitted by:
Brooklyn Community Board 7

Date of public hearing: 1/30/20 **Location:** PS 130 (Upper School) 713 Caton Avenue, Brooklyn

Was a quorum present? YES ☒ NO ☐ *A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.*

Date of Vote: 2/19/20 **Location:** 4201 4th Avenue, Brooklyn

RECOMMENDATION

☐ Approve ☐ Approve With Modifications/Conditions
☐ Disapprove ☒ Disapprove With Modifications/Conditions

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

Voting

 # In Favor: 30 **# Against:** 2 **# Abstaining:** 0 **Total members appointed to the board:** 50

Name of CB/BB officer completing this form	*Title*	*Date*
Jeremy Laster	District Manager	3/3/20

Cesar Zuniga
Chairperson

Jeremy Laufer
District Manager

The City of New York
Borough of Brooklyn
Community Board #7

Eric Adams
Borough President

March 3, 2020

BROOKLYN COMMUNITY BOARD 7
FINAL Response and Recommendations Statement
312 Coney Island Avenue ULURPs

To Whom it May Concern:

Brooklyn Community Board 7 received an application for a proposed mixed-use rezoning for 312 Coney Island Avenue, Brooklyn, on December 23, 2019. The Applicant is requesting the following discretionary actions to facilitate the project:

Zoning Map Amendment – ULURP Number: C200092 ZMK
Zoning Text Amendment – ULURP Number: N200093 ZRK
Zoning Special Permit – ULURP Number: C200094 ZSK

Pursuant to Section 4.060 of the City Charter, CB 7 voted on this Response and Recommendations Statement during its Board Meeting of February 19, 2020, which took place in its hearing room with a valid quorum present. A Public Hearing on this matter was conducted on January 30, 2020 at PS 130 (Upper School).

On November 1, 2019 our Chairperson, Land Use Committee Chairperson and District Manager met with the applicant's representatives, Councilman Lander (and staff) and constituents, prior to the applications' certification to discuss the proposal, potential deficiencies and concerns and community needs. Several issues were brought up by constituents at our Public Hearing and during the Public Comment agenda item at our February Board meeting, including:

- Concerns about the height and bulk of the building and its shadowing impact on Prospect Park
- Traffic, particularly the failing traffic circle (Machate Circle aka Park Circle) and local parking concerns
- Local school overcrowding
- Local infrastructure capacity and common area flooding
- Diversity and affordability
- Pedestrian and equestrian safety

Most constituents informed us that they were not opposed to residential development of the site, but a majority of those who provided testimony believed that this proposal was too large as proposed. Many, even some in favor of the proposal, felt threatened by the developer's description of what can be

pursued at the site as-of-right: a 17-story hotel or storage facility. Several constituents thought the mere mention of these potential uses was a coercive tactic.

After listening to the applicant's proposal, listening to more than three dozen oral and thirty written testimonies from the public as well as extensive discussion in committee and at our Board Meeting, our Board Members voted in favor of thirteen conditions which we believe must be addressed and which are contingencies of the Board's response to each land use action:

1. The proposed project is out of scale with other buildings in the Ocean Parkway Special District and within 1000 feet of Machate Circle. The developer shall review alternate massing to reduce the height of the building to 8-10 stories. The Board does not believe an R8A zone is appropriate for this site and would prefer the adjacent zoning district of R7A along Ocean Parkway be extended to the site. This would reduce the FAR from the proposed 7.2 with MIH to 4.6 with MIH. The Committee notes that there are no R8A zoning districts nearby. Directly across Ocean Parkway to the north is an R8B district (4.0 FAR) and to the south of the site are R7B, R5B and R6A districts, none of which have an FAR greater than 3.0.
2. The developer shall pay for a third party traffic study of Machate Circle and extending to a ½ mile radius from the site prior to the development and at one year, three year and five year intervals post rezoning to show impacts to street network and traffic conditions including further mitigation, including, but not limited to, adjustments to signal phasing and timing, traffic management strategies and parking regulation changes.
3. The developer shall provide a construction management plan to mitigate traffic, safety and delivery issues during the construction phase and to review this plan with a select committee of CB 7 and community residents on a monthly basis.
4. The developer shall expand the parking count beyond 80 spaces to accommodate the need for daily and overnight parking in the neighborhood, either through the construction of an additional underground parking level or through the use of valet and/or stackers to increase the number of spaces.
5. The developer shall develop and implement pedestrian streetscape improvements along its entire street frontage in coordination with NYC Parks, NYC DOT, Prospect Park Alliance and Kensington Stables. Particular consideration shall be given to equestrian safety and facilities bordering its site.
6. We urge the Borough President, City Planning Commission and the City Council to consider only offering MIH Options 2 and 4 in order to create deep affordability across income bands down to 30% AMI.
7. We urge the developer to demonstrate its commitment to community affordability housing needs by providing affording tiers and numbers of units that directly address household incomes in CD7. The developer shall identify its affordable housing managing partner as soon as possible and commit to advertising and publicizing the unit lottery so that half of the proposed affordable unit count will be filled with CD 7 residents.
8. The developer shall commit to utilizing universal and inclusive design principles and shall ensure full accessibility and accommodations to seniors and persons with mobility, vision or hearing impairments.
9. The developer shall commit to incorporating sustainable design practices and responsible landscape design, including bioswales, landscape water management, reduced storm water outflow and green infrastructure improvements. The committee would like the developer to consider a vegetative green roof to help reduce urban heat island effects. The developer shall

comply with energy efficiency local laws, in particular Local Law 97 in its entirety, adhering to the 2030 requirements as soon as the building receives its TCO.

10. The developer shall commit to leasing its ground floor retail space to neighborhood retail use, not formula retail chain store tenants. Further, the retail use will incorporate transparency into the storefront and will not utilize exterior mounted security grilles.
11. The Board recommends that the city use all available tools to ensure that the building service jobs created as part of the rezoning pay prevailing wages. All projects receiving a public subsidy or public benefit should pay building service, operations and maintenance workers the prevailing wage and include labor standards and a system for transparency and accountability.
12. The Board shall add sewer, water, flooding and other environmental infrastructure deficiencies within the project area and extending out to Machate Circle and Ocean Parkway to its Community District Needs and shall ask the city for a schedule of implementation and completion for these deficiencies.
13. The Board will ask DOE to review the impact of the development on school seat capacity with CSD 15 and 17.

After voting in favor of these conditions, our Board took final votes on the three proposed actions:

- **Zoning Map Amendment to Change Project Area from C8-2 (Ocean Parkway) zoning district to an R8A/C2-4 (Ocean Parkway) zoning district**

  The Board voted to DISAPPROVE with conditions as listed in recommendation 1-13 above.
  The developer shall revise the proposed R8A zoning in favor of extending the existing R7A Ocean Parkway district onto the site. Height and bulk requirements will be correspondingly reduced to a maximum building height of 95' on wide streets.

- **Zoning Text Amendments**
  a. **Special Ocean Parkway District Text Amendment to modify setback requirements**
  b. **MIH Text Amendment to designate project area as an MIH area**

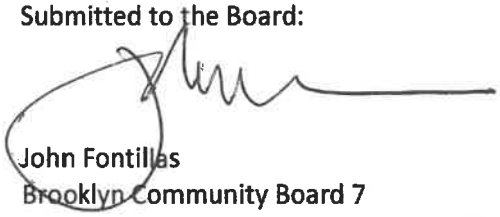
  The Board voted to APPROVE with conditions as listed in recommendations 1-13 above.
  In particular, the Committee prefers Options 1 and 3 of MIH to be imposed on the project with the aim of providing deep affordability that matches the needs of existing household incomes in CD7.

- **Special Permit pursuant to ZR Section74-533 to waive the requirement for accessory off-street parking dedicated to development's residential uses**

  The Board voted to DISAPPROVE with conditions as listed in recommendations 1-13 above.
  The community believes more parking should be provided within the development to service both the community facility/church use as well as parking for residents within the building. As stated in the Public Hearing, parking is at a premium in this neighborhood and the developer should review

options to increase the number of spaces available to meet this need. Our Board is aware that if the application is amended to reflect an R7A zone that parking spaces would be required for 50% of the units, rather than the 40% required by R8A. This increase corresponded to most of the testimonies we heard.

Submitted to the Board:



John Fontillas
Brooklyn Community Board 7
Land Use and Landmarks Committee Chair

Email/Fax Transmittal

TO: Brooklyn Community District 7 Distribution	**FROM:** Brooklyn Borough President Eric Adams
DATE: September 29, 2020	**CONTACT:** Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: iguzenfeld@brooklynbp.nyc.gov
ULURP Recommendation: 312 CONEY ISLAND AVENUE REZONING – 200092 ZMK, 200093 ZRK, 200094 ZSK	**NO. Pages, Excluding Cover: 22**

Attached is the recommendation report for ULURP application 200092 ZMK, 200093 ZRK, 200094 ZSK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

Distribution

NAME	TITLE	OFFICE	EMAIL
Marisa Lago	Chair, City Planning Commission	(212) 720-3370	ygruel@planning.nyc.gov
Corey Johnson	Speaker, New York City Council	(212) 564-7557	speakerjohnson@council.nyc.gov
Winston Von Engel	Director, Brooklyn, Department of City Planning (DCP)	(718) 780-8270	wvoneng@planning.nyc.gov
Alex Sommer	Deputy Director, Brooklyn, DCP	(718) 780-8290	asommer@planning.nyc.gov
Hannah Marcus	Director, Land Use Review, DCP	(212) 720-3372	hmarcus@planning.nyc.gov
Raju Mann	Director, Land Use Division, New York City Council	(212) 788-7335	rmann@council.nyc.gov
Amy Levitan	Land Use Division, New York City Council	(212) 788-7316	alevitan@council.nyc.gov
Brad Lander	Council Member, District 39	(718) 499-1090	lander@council.nyc.gov
Cesar Zuniga	Chair, Brooklyn Community Board 7 (CB 7)	(718) 854-0003	bk07@cb.nyc.gov
Jeremy Laufer	District Manager, CB 7	(718) 854-0003	bk07@cb.nyc.gov
Zachary Bernstein	Applicant's Representative, Fried Frank	(212) 859-8239	zachary.bernstein@friedfrank.com
Richard Bearak	Director, Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

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
312 CONEY ISLAND AVENUE REZONING – 200092 ZMK, 200093 ZRK, 200094 ZSK

An application submitted by 312 Coney Island Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for the following actions: A zoning map amendment to change the eastern portion of a block bounded by Caton Place, Coney Island Avenue, East Eighth Street, and Ocean Parkway Service Road from C8-2 to R8A, and establish a C2-4 overlay within the rezoning area; a zoning text amendment to the special bulk regulations of the Special Ocean Parkway District (SOPD) to modify setback requirements for zoning lots in R8A districts adjacent to Machate Circle; a zoning text amendment to designate the development site an MIH area, and the grant of a special permit pursuant Section 74-533 of the New York City Zoning Resolution (ZR) to waive the required number of accessory off-street parking spaces within a Transit Zone for a development that includes at least 20 percent income-restricted units. Such actions would facilitate the construction of a 13-story, mixed-use building with approximately 278 apartments, 5,000 square feet (sq. ft.) of commercial space, and 29,900 sq. ft. of community facility use. Of the proposed residential floor area, 25 percent would be permanently affordable to households earning an average of 60 percent of Area Median Income (AMI), pursuant to Mandatory Inclusionary Housing (MIH) Option 1.

BROOKLYN COMMUNITY DISTRICT NO. 7 BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

September 29, 2020

DATE

RECOMMENDATION FOR: 312 CONEY ISLAND AVENUE REZONING – 200092 ZMK, 200093 ZRK, 200094 ZSK

Applications were submitted by 312 Coney Island Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for the following actions: A zoning map amendment to change the eastern portion of a block bounded by Caton Place, Coney Island Avenue, East Eighth Street, and Ocean Parkway Service Road from C8-2 to R8A, and establish a C2-4 overlay within the rezoning area; zoning text amendments to the special bulk regulations of the Special Ocean Parkway District (SOPD) to modify setback requirements for zoning lots in R8A districts adjacent to Machate Circle and the Ocean Parkway Service Road, and to designate the development site a Mandatory Inclusionary Housing (MIH) area, and the grant of a special permit pursuant to Section 74-533 of the New York City Zoning Resolution (ZR) to waive the required number of accessory off-street parking spaces within a Transit Zone for a development that includes at least 20 percent income-restricted units. Such actions would facilitate the construction of a 13-story, mixed-use building with approximately 278 apartments, 5,000 square feet (sq. ft.) of commercial space, and 29,900 sq. ft. of community facility use. Of the proposed residential floor area, 25 percent would be permanently affordable to households earning an average of 60 percent of Area Median Income (AMI), pursuant to MIH Option 1.

On February 12, 2020, Brooklyn Borough President Eric Adams held a public hearing on these zoning map and text amendments. There were 16 speakers on the item, with eight in opposition, seven in support, and one not indicating a position.

Speakers in opposition included a representative of 32BJ Service Employees International Union (SEIU), who cited a lack of commitment to well-paying building service jobs; the operator of Kensington Stables, who described regular flooding in the area stemming from Prospect Park, and local residents who expressed concerns about severe noise and traffic conditions at Machate Circle, multiple new developments that are going up on Caton Place, the project's excessive height and density relative to neighborhood scale in this section of East Windsor Terrace, the building's massing and the shadows it would cast over Machate Circle and its greenway, the potential to exacerbate ongoing displacement of longtime residents, the challenge of finding parking in the area, the collective impact of new construction on seat capacity in the local school district, and the developer's inadequate engagement of local houses of worship. Several speakers took issue with the conclusions and methodology of the project's Environmental Assessment Statement (EAS).

Speakers in support included local residents and members of the International Baptist Church (IBC), who cited the need for new and affordable housing in the area, the stated rents for the project's MIH units, the quality of the proposed design, the opportunity to enhance neighborhood cleanliness, and the value of social services provided by the church.

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective households based on household size, the anticipated rents based on the number of bedrooms, and the distribution of units by bedroom size, the representative stated that 25 percent of the residential floor area would be affordable to households at an average of 60 percent AMI, with 10 percent affordable to households at 40 percent AMI, consistent with MIH Option 1.

Based on 2019 New York City Department of Housing Preservation and Development (HPD) guidelines, qualifying incomes at 40 percent AMI would range from $29,880 for a one-person household to $46,120 for a family of five, with rents of $535 for a studio, and $949 for a three-bedroom unit. At 60 percent AMI, eligible households would earn between $44,000 for a family of one and $69,000 for a family of five. Rents would range from $856 for a studio to $1,504 for a three-bedroom apartment. The representative disclosed that while the exact unit mix has not been established, at least 50 percent of the affordable housing units would have two bedrooms.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing administering agents would be used in the tenant selection process in order to ensure the highest level of participation from Brooklyn Community District 7 (CD 7) residents, and whether the applicant's marketing strategy would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the representative stated that the applicant has not yet selected or engaged an administering agent but would seek a non-profit affordable housing partner to conduct proactive outreach.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, New York City Department of Environmental (DEP) rain gardens, and wind turbines, the representative stated intent to work with DEP to explore the installation of rain gardens as part of the development.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority and women-owned business enterprises (MWBEs) in the construction process, the representative stated that the applicant has engaged a consultant to maximize opportunities for local businesses and MWBE firms in construction and procurement. The representative also confirmed the applicant's intent to fill building service jobs with members of 32BJ.

Subsequent to the hearing, Borough President Adams received notification from 32BJ that the developer, 312 Coney Island Avenue LLC, had made a credible commitment to prevailing wages for building service workers, and expressing support for the project.

Subsequent to the hearing, Borough President Adams received testimony from 23 local residents, largely in opposition to the project, elaborating and reiterating viewpoints stated at the hearing, while also expressing concern about as-of-right high-rise commercial development on the site.

Subsequent to the hearing, Borough President Adams received additional testimony from 11 local residents in support of the project and its affordable housing opportunities, as well as new facilities for the IBC and its school.

Consideration

On February 19, Brooklyn Community Board 7 (CB 7) voted to disapprove this application with the following conditions:

That the developer, 312 Coney Island Avenue LLC:

- Review alternate massing to reduce the height of the building to eight to 10 stories, via an extension of the adjacent R7A district to this site, in lieu of the proposed R8A zoning
- Pay for a third-part traffic study of Machate Circle extending a half-mile radius from the site prior to development and at one-, three-, and five-year intervals post-rezoning to identify impacts to street network and traffic conditions, and implement mitigation measures such as changes to parking regulations, signal phasing and timing adjustments, and/or traffic management strategies
- Provide a construction management plan to mitigate delivery, safety, and traffic issues, to be reviewed monthly with a select committee of CB 7 members and local residents
- Expand the parking count beyond 80 spaces to meet demand for daytime and overnight parking in Windsor terrace, either by adding another level of underground parking, or employing stackers and/or valets
- Develop and implement pedestrian improvements along the entire 312 Coney Island Avenue frontage, in coordination with the New York City Department of Parks & Recreation (NYC Parks), the New York City Department of Transportation (DOT), the Prospect Park Alliance, and Kensington Stables, emphasizing equestrian safety and facilities bordering the site

- Commit to principles of inclusive and universal design to ensure full accessibility for seniors and the physically impaired
- Commit to incorporating sustainable design practices, including stormwater management and green infrastructure improvements, such as a vegetative roof; comply with Local Law (LL) 97, and adhere to its 2030 requirements upon receipt of a Temporary Certificate of Occupancy (TCO)
- Commit to lease the 312 Coney Island Avenue retail space to neighborhood retail uses, incorporate transparent storefronts, and avoid using mounted security grilles

The board further urged the developer to provide MIH units at affordability tiers in line with CD 7 household incomes, and to identify an affordable housing marketing partner to ensure that 50 percent of the MIH units go to residents of CD 7.

The board also requested the following of City agencies and local elected officials:

- That the Brooklyn Borough President, the City Planning Commission (CPC), and the City Council consider only MIH Options 2 or 4 at 312 Coney Island Avenue, in order to promote deep affordability, with units at 30 percent AMI
- That the City provide a timetable for addressing environmental and infrastructure deficiencies within the project area, extending to Machate Circle and Ocean Parkway
- That the City ensure that building service workers at 312 Coney Island Avenue are paid prevailing wages
- That the New York City Department of Education (DOE) review the impact of this development on school capacity within Community School Districts (CSDs) 15 and 17

It should be noted that while the board specified MIH Options 2 or 4, only MIH Options 1 and 3 require the provision of residential floor area at 40 percent AMI. More deeply affordable units at 30 percent AMI would require MIH Option 1.

The proposed actions would affect an approximately 43,438 sq. ft. irregular parcel formed by two lots held in common ownership. The southern lot is presently occupied by a four-story, 26,214 sq. ft. building containing IBC and its affiliated school. The northern lot is a 36-vehicle parking area used by members of the church.

The applicant intends to replace these uses with 312 Coney Island Avenue, a 13-story, mixed commercial, community facility and residential project totaling approximately 312,750 sq. ft. Just under 10 percent of the floor area, or 30,000 sq. ft. would be reserved for the church and school, in the building's cellar, and first and second floors. This new space, like IBC's current facility, would be accessed via Machate Circle. The anticipated 5,000 sq. ft. retail ground floor would be located on Caton Place. The proposed 278 residential units would occupy approximately 277,484 sq. ft, and accessed via Ocean Parkway. The developer has expressed intent to pursue MIH Option 1, with 25 percent of the units reserved for households earning an average 60 percent AMI. The building would have approximately 80 attended parking spaces in the cellar (of which 36 would be reserved for church members), and 140 bicycle parking spaces on the ground floor.

The proposed development site occupies a prominent location on Machate Circle, while also fronting the wide streets of Coney Island Avenue and Ocean Parkway, though its longest frontage (225 feet) is on Caton Place, a narrow street. The project area is zoned C8-2, a district that permits all commercial uses, including hotels, certain types of community facilities, and no residential development. It allows for a commercial floor area ratio (FAR) of 2.0, with a maximum FAR of 4.8, based on the inclusion of community facility uses. The zoning district extends along Coney Island Avenue from Ocean Parkway to Beverley Road, and consists primarily of autobody and automotive uses. More recently, this C8-2 district has seen the development of self-storage facilities, including

one currently under construction at 72 Caton Place, directly across the street. The zoning is also governed by the SOPD, which requires a front yard depth of 30 feet along Ocean Parkway.

The surrounding area is broken up into a variety of contextual districts, with pockets of R5B, R6A and R7A zoning. The predominant housing type is one and two-family homes, except on Ocean Parkway, which is lined with apartment buildings of six stories and higher. In addition to automotive businesses and self-storage operations, non-residential uses include educational facilities and houses of worship. The development site is located in proximity to several recreational resources, most notably, Prospect Park to the east and Green-Wood Cemetery to the west. Recent construction has brought new commercial, institutional and mixed residential buildings to the neighborhood.

In 2018, the adjacent lot at 57 Caton Place was rezoned from C8-2 to R7A MIH/C2-4 to facilitate a nine-story, mixed commercial/residential project with 10,000 sq. ft. of retail space and 107 units. In his ULURP recommendations report, Borough President Adams called on the developer to provide affordable commercial space for community and cultural organizations, with consideration for a universal pre-K facility in consultation with DOE, memorialize the proposed number of accessory parking in excess of ZR requirements while leasing a number of spaces to car-sharing companies, utilize a non-profit administering agent to maximize community participation in the affordable housing units, incorporate resilient and sustainable energy and stormwater practices in the development, promote a high level of LBE/MWBE hiring, and pay prevailing wages to building service workers. Borough President Adams also urged DOT to undertake a traffic investigation of Machate Circle to strengthen pedestrian safety, for DEP to conduct an analysis of sewer system conditions in the eastern portion of Windsor Terrace, and for HPD to modify affordable housing lottery preference to include homeless students in the coterminous school district.

The R7A MIH zoning at 57 Caton Place permits a residential building with a maximum FAR of 4.6, which includes a bonus for the provision of affordable housing. The proposed R8A MIH district at 312 Coney Island Avenue would allow a maximum residential FAR of 7.2. Excluding commercial and community facility floor area, the development would contain approximately 6.4 FAR of residential use, with 25 percent, or 1.6 FAR designated as permanently affordable under MIH Option 1. Therefore, as proposed, 312 Coney Island Avenue would provide 4.8 FAR of market-rate housing and nearly 2.3 FAR of public purpose.

If the requested R8A zoning is approved, according to the requested special permit, the developer would be required to provide a transition to the adjacent R7A district, which involves shifting its bulk from the western portion of the site. The building would rise to 100 feet within 50 feet of its boundary with 57 Caton Place, stepping up to 121 feet for its remaining frontage on the street. It would also achieve a height of 100 feet within 30 feet of 57 Caton Place on Ocean Parkway, stepping up to the maximum height of 145 feet. According to one of the requested zoning text amendments, the massing on Coney Island Avenue and Machate Circle would ascend to this final height without setbacks. Finally, the building would be required to provide a 30-foot front yard on Ocean Parkway, as required by SOPD regulation.

Brooklyn is one of the fastest growing communities in the New York metropolitan area and the ongoing Brooklyn renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their own neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites.

Moreover, in CD 7 and across New York City there is a pressing need for affordable and stable housing among elderly adults, homeless households, low-income families, and other populations. Increasing the supply of affordable apartments for a range of incomes and household types in mixed-use buildings is a critical strategy for promoting a sustainable neighborhood and city.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The proposed development would be consistent with Mayor Bill de Blasio's goal of achieving 300,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," as modified in 2017. It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever," wherever feasible.

According to MIH Option 1, the development rights generated from the proposed rezoning would result in, at minimum, 25 percent of the residential floor area (approximately 70 of the represented 278 units), designated permanently affordable according to MIH. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing developments to remain so in perpetuity.

The MIH program targets affordable housing units to a broad range of incomes, consistent with Borough President Adams' objective to extend such opportunities to households at various AMI tiers. Borough President Adams supports developments that allow low-, moderate-, and middle-income households to qualify for the City's affordable housing lottery. The redevelopment of 312 Coney Island Avenue would gear apartments to households at multiple income tiers, which would remain permanently affordable, according to MIH. In addition, 40 percent of the affordable housing floor area would be required to be affordable to households earning up to 40 percent of AMI, generally consistent with the expressed preference of CB 7.

Borough President Adams believes that it is appropriate to zone for increased density in proximity to public transportation. The development site is served by the Sixth Avenue Local F and the Brooklyn-Queens Crosstown Local G trains at Fort Hamilton Parkway, as well as the B68 bus.

Borough President Adams is generally supportive of the proposed development. However, he is concerned that the requested zoning would result in excessive density at the periphery of East Windsor Terrace and narrow Caton Place, and believes that the overall proposed bulk should be reduced. In addition, he seeks to ensure a family-oriented bedroom mix with deeply affordable smaller apartments targeted to seniors, maximum community participation in the affordable housing, dedicated commercial space for local arts and cultural groups, assurance of an adequate number of parking spaces inclusive of opportunity for car-share operation, the incorporation of resilient and sustainable features, including rain gardens, advancement of Vision Zero policies, and a high level of local construction jobs. Consistent with his recommendations for 57 Caton Place, Borough President Adams seeks progress on resolving traffic concerns in the vicinity of Machate Circle and reported sewer capacity issues in the East Windsor Terrace area. Additionally, he seeks to extend community preference to families of homeless students in local schools, and to nearby residents of CD 14. Finally, he seeks to qualify rent-burdened households for affordable housing lotteries.

Appropriate Zoning

Borough President Adams has heard community concerns regarding the appropriateness of establishing an R8A district at this location, with the pending development of 57 Caton Place, which was rezoned to R7A MIH two years ago. He concurs that such actions would result in unprecedented residential density without a significant affordable housing commitment, and that consideration of alternative massing scenarios is warranted, including the eight to 10 stories, stipulated by CB 7.

It is important to clarify the difference between what is currently allowed and what is requested at 312 Coney Island Avenue with regard to density and height. The existing C8-2 district would permit a development with a maximum FAR of 4.8 based on a minimum community facility FAR of 2.8, in tandem with 2.0 FAR of commercial use. In C8-2 districts, building height is governed by a sky exposure plane, which allows a substantially taller, though leaner, tower than a height-limited medium density residential district. By contrast, R8A districts impose a maximum height of 145 feet, but permit a maximum residential FAR of 7.2 with MIH, and up to 6.5 community facility FAR.

Such additional development rights, in tandem with a zoning text amendment to eliminate street wall height setbacks in proximity to Machete Circle and Ocean Parkway Service Road, would permit 312 Coney Island Avenue to rise with minimal interruption along those frontages. Massing illustrations presented at Borough President Adams' hearing included transition heights on Caton Place and Ocean Parkway Service Road more in character with the adjacent R7A district at 57 Caton Place. However, such representation is non-binding, as the proposed zoning controls do not, in themselves, require the applicant to construct that design. Borough President Adams is therefore concerned about allowing R8A density along a narrow street that has been dramatically transformed through increasingly dense as-of-right and discretionary development.

As represented, 312 Coney Island Avenue would concentrate its bulk on Machate Circle and Ocean Parkway Service Road, while the 225-foot Caton Place frontage would accommodate church and school space, the residential parking and service entrance, and retail use. Such intensification of diverse activity would likely result in conflicts between different uses requiring access to the street. The unique horse stables operation at Caton Place and East Eighth Street would be complicated by the eventual development of both 57 Caton Place and 312 Coney Island Avenue.

Borough President Adams acknowledges that the represented development at 312 Coney Island Avenue provides a degree of public benefit, through a combination of new and enhanced community facility space for a house of worship and school, as well as permanently affordable housing. It is not sufficient, however, to overlook the requested amount of additional bulk and unregulated residential floor area. Borough President Adams has previously considered requests for substantial increases in bulk that resulted in 100 percent affordable housing developments. For other upzoning requests, he has consistently called for applicants to exceed MIH by providing additional affordable housing floor area and/or ensuring even more deeply affordable units. Borough President Adams believes that the putative public benefit that would be achieved through this rezoning does not warrant significant concessions to neighborhood quality-of-life. Therefore, the proposal should be modified to restrict the allowable density on the site.

The R8A zoning district is typically established along and within 100 feet of a ZR-defined wide street, and rarely mapped beyond that depth, as is being requested in this application. While the proposed zoning map and text amendments would be subject to height and setback regulations, the massing would not be required to reflect the adjacent R7A district. The illustrative diagrams for the development merely suggest a street wall respectful of the R7A beyond 100 feet of Coney Island Avenue. However, the depicted R7A height would only apply for 50 feet of the site's total Caton Place frontage, and therefore fall short of replicating R7A massing, even with a binding mechanism. Borough President Adams concurs with CB 7 that mapping an R8A district over the entire development site, even with a voluntary transition between the different zoning districts, would enable inappropriate height and bulk along this section of Caton Place.

As stated earlier, CB 7 recommended mapping R7A in lieu of R8A in order to keep the building's height under 10 stories. However, the R7A community facility FAR of 4.0 would be a reduction from the 4.8 permitted under the current C8-2 district. As such, R7A zoning would be out of scope for

this Uniform Land Use Review Procedure (ULURP), and would require the developer to file a new application. Moreover, from a financial standpoint, the obligation to accommodate a new house of worship, school, and structured parking, together with MIH units, would likely leave insufficient market-rate FAR to cross-subsidize these uses. It should also be noted that whereas R8A districts require parking for 40 percent of the market-rate units in a quality housing development, the R7A off-street parking requirement is 50 percent, which has significant cost implications should CPC or the City Council not be willing to partially reduce or eliminate required parking. Therefore, with R7A zoning, the project might be deemed less feasible than what could be constructed as-of-right, and if the C8-2 were then to remain as is, the City would be without provision of permanently affordable housing at this site.

The developer could forgo the rezoning entirely, and construct an as-of-right mixed-use project consisting of a high-rise hotel and market-rate medical use to maximize the available commercial and community facility FAR. For its reasonable worst case scenario (RWCS) analysis, the project EAS considered a 3.69 FAR development with 88,707 gross square feet (gsf) of hotel, and 80,221 gsf of community facility uses, including 9,035 gsf of relocated church space, 26,011 gsf of extant school space, and 45,175 gsf of medical office on the lower five floors. At Borough President Adams' hearing, this scenario was illustrated with a building with a height of 195 feet or 17 stories, that would step down to two stories along Caton Place and five stories along Ocean Parkway. The development would be required to provide parking at the rate of one space per 400 sq. ft. and contain 146 parking attended and self-parking spaces on the cellar, ground floor, and second floor. It should be noted that this does not represent the highest density build-out that could occur on the site, as the applicant could incorporate approximately 60 percent more community facility floor area in order to legally utilize the full C8-2 4.8 community facility FAR. Though such additional density would mandate the provision of additional parking, the requirement can be reduced by up to 50 percent through determination by the New York City Board of Standards and Appeals (BSA), pursuant to ZR section 73-44.

There are several examples of intended and recent ambulatory medical facility developments utilizing the maximum permitted community facility floor area, including those that applied to BSA pursuant to ZR 73-44. BSA has approved several such applications in recent years, so it is plausible that the applicant would be granted relief, if deemed warranted, based on development according to the existing C8-2 zoning. Therefore, a reduction in parking construction and operating costs could result in a financially viable development that includes an ambulatory medical center, in combination with a hotel or other commercial use. One such development is at Bay Parkway and 60th Street, which obtained a partial waiver of its requested parking reduction from the BSA. Another such request was also filed as part of an application for an intended birthing center at Fort Hamilton Parkway and 54th Street. A seven-story medical development that did not pursue the BSA modification was realized at Atlantic and Pennsylvania avenues, on a C8-2 site that was subsequently rezoned to a higher-density commercial district as part of the East New York Community Plan. Given these examples, Borough President Adams believes it is reasonable that the applicant would utilize the maximum allowable floor area at this site, rather than file a new application pursuant to R7A MIH.

Borough President Adams believes that not rezoning from C8-2 now would represent a missed opportunity to realize permanently affordable housing on the site. Though he remains concerned about the high density that would be achieved by mapping a wide street zoning district over the entire parcel, he believes that in order to ensure MIH development, the requested zoning should be modified to limit the extent of the R8A district to within 100 feet of Coney Island Avenue and Machete Circle. Beyond a depth of 100 feet, along portions of Caton Place and the Ocean Parkway Service Road, it would be ideal to rezone the property as an extension of the adjacent R7A district. The combination of R7A and R8A would result in less overall FAR compared to R8A, while ensuring a maximum height of 95 feet (or nine

stories) along Caton Avenue and a portion of Ocean Parkway Service Road adjacent to the 57 Caton Place site.

While the combined community facility FAR might exceed 4.8 (determined by the percentage of the parcel mapped R7A versus R8A, and the weighted average of those districts' community facility FAR), it is possible that any inclusion of R7A zoning might be deemed technically out-of-scope. In that case, Borough President Adams believes an R7X district should be established over the project site, in lieu of R8A, and in tandem with height and bulk restrictions that locate the taller sections of the building within 100 feet of Coney Island Avenue and Machete Circle.

The R7X alternative, with its 5.0 community facility FAR, would be in scope but presents its own set of considerations. R7X and R8A districts both stipulate a maximum height of 145 feet with MIH, though R7X MIH has a lower residential FAR of 6.0. As compared to the represented 13-story R8A building, an R7X development built out to the street wall would rise to 95 feet for most of its frontage, with a substantially leaner tower of up to 145 feet. However, even with a reduction in FAR, the developer would have latitude to place the tower along any of the site's four frontages. In consideration of the proposed zoning text amendment to modify height and setback regulations for quality housing buildings on Machate Circle-adjacent lots, that would allow street walls within 125 feet of a wide street to rise uninterrupted to 145 feet, and in order to ensure appropriate location of bulk, the CPC and/or City Council would have to incorporate restrictions that the full 13-story massing would only be permitted within 100 feet of Coney Island Avenue and Machate Circle.

In sum, Both Borough President Adams' suggested R7A/R8A split condition, and R7X district, in tandem with further zoning text modifications, would provide greater specificity of building massing than the requested R8A mapping and related text change.

Therefore, the CPC and/or the City Council should either map the proposed R8A district to a depth of 100 feet along Coney Island Avenue and Machate Circle and designate the remainder of the site as an extension of the adjacent R7A MIH/C2-4 district, or rezone the entire development parcel from C8-2 to an R7X MIH/C2-4 district. Should the CPC and/or the City Council adopt the latter recommendation, the applicant's proposed text amendment to ZR SOPD regulations affecting zoning lots adjacent to Machate Circle to allow street walls within 125 feet of a wide street to rise without setbacks to the maximum building should be further modified to restrict placement of the R7X tower portion to within 100 feet of Coney Island Avenue and Machate Circle.

Memorializing the Represented Parking, Maximizing Access to Provided Parking, and Ensuring Car-Share Operations

Borough President Adams supports the establishment of Transit Zones in the ZR to enable affordable housing development without the requirement to provide parking for such permanently affordable housing floor area. R8A districts mandate the provision of accessory parking for 40 percent of the market-rate units in a quality housing development. For 312 Coney Island Avenue, this regulation would require the developer to build 83 parking spaces. Such required parking is intended primarily for residents, and therefore precludes any guarantee of accommodating the 36 congregant spaces within 312 Coney Island Avenue. As represented, the project terms would require replacing the 36 congregant parking spaces that would be lost through the redevelopment of the IBC parking lot. The applicant has requested a waiver of all required off-street parking based on the determination that the need to accommodate a total of 119 parking spaces would require excavating an additional cellar, which would impose a significant cost burden and complicate the provision of the affordable housing units.

For residential developments within a Transit Zone, containing at least 20 percent income-restricted units, ZR Section 74-533 allows the CPC to reduce or completely waive the parking requirement if the

applicant can demonstrate that such action is necessary to facilitate the development and has consulted with HPD.

As represented to the community board, Borough President Adams, and CPC, the proposed development at 312 Coney Island Avenue would be constructed with approximately 80 attended spaces in the cellar, including the aforementioned congregant parking, and up to 44 spaces that would be provided voluntarily. Such parking would not be for the exclusive use of the building's residents. Based on ZR regulations for rental of accessory parking, such spaces could also accommodate car-sharing vehicles, customers, and staff of the commercial spaces, as well as members of the public, including local residents. The application also notes that when unoccupied, the 36 spaces earmarked for the congregation would be made available to residents and retail users, and that the garage is envisioned to host an unspecified number of car-sharing vehicles.

Borough President Adams understands that the requirement to construct accessory parking can impose financial burdens on projects that include affordable housing. He seeks to maximize the provision of affordable housing as a public benefit, while ensuring accommodation of additional parking demand generated by new market-rate housing in the community. He believes that the developer's suggestion of approximately 80 parking spaces, including dedicated church parking subject to flexible terms for permissible use, as well as access to car-share vehicles, would help satisfy residential and commercial parking needs resulting from the proposed development. However, such representation is non-binding, as the grant of the special permit would waive all accessory parking requirements. In fact, the only legal mechanism to ensure provision of any parking is the development agreement between the applicant and IBC to replace the 36 lost congregant spaces. Borough President Adams is concerned that without some commitment to provide parking, the envisioned development at 312 Coney Island Avenue would exacerbate competition for street parking in the surrounding area.

According to the special permit statement of findings, there are two parking facilities within a one-quarter mile of the site that could be utilized by residents: a 68-car garage at 29 Caton Place and a 70-spot parking lot at 829 Greenwood Avenue. While both facilities permit overnight parking, the EAS did not analyze available capacity or utilization. While ZR Section 25-412 permits rentals of no fewer than one week and no more than 30 days in most residential zoning districts, there is no guarantee that these facilities would, in themselves, fulfill the parking needs of 312 Coney Island Avenue residents, absent the provision of non-congregant parking in the building's cellar.

Moreover, there are ways to accommodate more vehicles below-grade that would not require an additional cellar level. For example, the use of triple-capacity stackers could significantly increase the number of spaces but would necessitate deeper excavation for only part of the cellar. Increasing the number of spaces would create more opportunities for local residents wishing to lease spaces within the 312 Coney Island Avenue garage, as permitted in ZR Section 36-46. Borough President Adams encourages the developer to investigate such solutions, which would not be so cost-prohibitive as to affect the financing of the affordable housing units.

The non-binding parking layout provided by the applicant suggests that 80 parking spaces might be realized through the inclusion of four ADA-compliant self-parking spaces, as well as 38 double-capacity stacking lifts. However, the requested special permit would not obligate such lifts to be reflected in the building's Certificate of Occupancy (C of O). Based on the proposed layout, the garage could accommodate 36 self-parking spaces while complying with the requested waiver.

While the special permit would allow an unlimited amount of spaces with user flexibility, Borough President Adams acknowledges that even where accessory parking is required for a new residential development, in the requested C2-4 overlay district, such parking can be utilized flexibly when those spaces are not obligated to accommodate the building's residents.

Though the represented development at 312 Coney Island Avenue would be located in a Transit Zone, and provide required bicycle storage, the project's 208 estimated market-rate units would nevertheless generate demand for automobile parking. Additionally, it is likely that a percentage of the eventual residents will own cars or acquire vehicles upon occupancy. Borough President Adams recognizes the value of flexible parking use, as envisioned by the applicant, for the 312 Coney Island Avenue garage. However, he is concerned that overnight parking utilization in the surrounding area has not been adequately documented, given community concerns voiced throughout the public process. Therefore, he seeks assurance that the project's C of O would explicitly require no less than 80 total parking spaces, based on the provision of 38 double-capacity stacker lifts, and that building residents would have priority for 40 of the spaces given the ample user flexibility permitted by ZR Section 36-46. As for the 36 parking spaces reserved for members of IBC, there appears to be no obligation in the requested special permit that such spaces be available to other users when not occupied by the congregants. Borough President Adams believes that the special permit should obligate such requirement, and that it should be further reflected in the building's C of O. In sum, Borough President Adams seeks a partial reduction, as opposed to a full waiver of the 83 parking spaces that would otherwise be required for this development, and memorialization of the applicant's commitment to meet such conditions.

Borough President Adams would expect that the applicant's consultation with HPD would have taken into account financial feasibility, though no relevant documentation was included in the ULURP documents. While the special permit findings note that the excavation of a sub-cellar would complicate the provision of affordable housing, there has been, to his knowledge, no consideration as to how the project's feasibility would be affected if parking were provided via triple-capacity stacker lifts. Such a solution would not only create additional spaces but also remove the need to construct a new floor and an access ramp. Moreover, it would limit additional excavation of the cellar to approximately five feet or require only partially excavated pits in one or more sections where the lowest stacker level would be below the height of the maneuvering area. Such analysis would clarify to the City Council the extent to which it would even be practical to exceed the 80 represented parking spaces within the garage.

Another way to address parking capacity is to take advantage of the growing trend of users who rely on access to car-sharing vehicles for their driving needs. Borough President Adams believes that facilitating car-share at this location would benefit building occupants as well as nearby East Windsor Terrace residents and those of surrounding communities. He acknowledges that the costs associated with individual car ownership can be very challenging for households of limited financial means, particularly in instances where such vehicles are not used for daily commuting to places of employment. However, there can be times when affordable access to automobiles would be considered a quality-of-life enhancement. Even for households with higher discretionary income, many are realizing the quality-of-life choices that open up when available income is not consumed by automobile ownership.

A rental car can provide mobility in certain use cases, though it is not as flexible as having direct access to a car for a set amount of time and can be expensive for longer trips. Car rental requires, at minimum, a full day reservation as well as time and effort to access such facilities. In addition, research suggests that car-share availability reduces automobile use for individuals who already own cars, creating environmental benefits and reducing congestion.

According to ZR Section 36-46(a)(1), a car-sharing entity is permitted to occupy up to five parking spaces though no more than 20 percent of all spaces in group parking facilities. As represented, the 312 Coney Island Avenue development would contain 80 attended parking spaces, of which 36 would be reserved for members of IBC. An off-street parking facility of that size could accommodate rentals by car-share operators, based on reasonable pricing. As such, Borough President Adams believes that a portion of the building's parking garage should be set aside for a limited number of car-sharing vehicles, through dialogue with car-sharing companies, including those that currently utilize dedicated parking along city streets.

The incorporation of car-sharing vehicles within the building's garage would require the developer to provide visible signage, per ZR Section 36-523, stating the total number of parking spaces and the maximum number of car-sharing vehicles, which should also be specified in the C of O as part of the special permit parking reduction. Borough President Adams believes that the developer should consult with DOT as well as CB 7 and local elected officials to investigate the possibility of establishing dedicated car-share parking signage for a segment of the property's perimeter curb.

While car-share provides one way to offset direct car ownership, Borough President Adams believes that the reduction of otherwise required parking should be contingent on an increase in the required bicycle parking. While the ZR mandates a ratio of one space per every two units, given the financial benefit of the requested parking waiver, a ratio of three spaces per every four units would be appropriate at 312 Coney Island Avenue. Therefore, the requested parking reduction should not be granted unless the development provides additional bicycle spaces, beyond the represented 140 spots, to further discourage car ownership among its residents.

Borough President Adams believes that the grant of the special permit to waive the required accessory parking should be modified to a partial reduction, with the following stipulations: the mandatory provision of at least 40 accessory residential parking spaces that, pursuant to ZR section 36-46, could be leased out to non-residential occupants of 312 Coney Island Avenue, a requirement that the 36 congregant parking spaces be leased out when not occupied by members of the IBC, a fifty percent increase in the number of bicycles accommodated in relationship to housing units, and, dedicated parking spaces for car-sharing vehicles. In addition, the developer should be obligated to engage car-sharing companies, with outreach to DOT, and consultation with CB 7 and local officials, to obtain designated curbside DOT signage for a segment alongside the development site.

Ensuring an MIH Option that Provides for Very Low-Income Households

The ZR specifies four options for new construction subject to MIH regulations. As represented at Borough President Adams' hearing, 312 Coney Island Avenue would provide affordable housing pursuant to MIH Option 1, which requires setting aside 25 percent of the floor area for households earning an average of 60 percent AMI, with 10 percent (40 percent of the affordable housing units) reserved for households at 40 percent AMI. However, the proposed text amendment to designate the site as an MIH area does not require commitment to a particular MIH Option. Post-approval, the applicant could elect to pursue MIH Option 2, which would yield 30 percent affordable floor area, but at an average of 80 percent AMI. However, such action would represent a missed opportunity to provide deeply affordable housing to those most in need, including many residents of CB 7 beyond East Windsor Terrace, who would be eligible through the community preference stipulation of the affordable housing lottery.

Lower-income households are more likely to need affordable housing as they tend to have a higher proportion of rent-burdened tenants. Furthermore, targeting apartments to very low-income households allows seniors, especially those living alone, to qualify for affordable housing lotteries. CB 7 has expressly stated that this development should provide deeply affordable housing, via an MIH Option that stipulates AMIs of 40 percent or lower. As local preference for selecting affordable housing tenants provides an opportunity for 50 percent of the units to be awarded to CD 7 residents, Borough President Adams concurs that providing affordable housing opportunities for very low-income constituents would serve a reasonable public purpose, and maximize the benefit of this development to the community in a manner consistent with the CB 7 recommendations. He seeks assurance that the development at 312 Coney Island Avenue would contain a percentage of affordable housing units consistent with MIH Option 1, even if the requested zoning is modified to a lower-density R7A/R8A or R7X district.

Therefore, prior to considering the application, the CPC and/or City Council should obtain written commitments from the developer, 312 Coney Island LLC, to provide permanently affordable housing according to MIH Option 1.

Bedroom Mix

A recent report has identified that rent-burdened households, which typically represent those applying to the City's affordable housing lotteries, are more likely to require family-sized units. Therefore, Borough President Adams seeks for new developments to achieve an affordable unit mix that would adequately reflect the needs of low- to middle-income rent-burdened families. While 312 Coney Island Avenue LLC has not disclosed the exact bedroom mix, it was represented that the development would contain studios, as well as one-, two-, and three-bedroom units. Pursuant to MIH Option 1, a number of these apartments would be reserved for households at 40 percent AMI.

Borough President Adams believes that using the affordable housing floor area for right-sizing the bedroom distribution is more important than maximizing the number of affordable housing units. Though the applicant expressed intent to have larger size units, development pursuant to MIH does not provide any leverage to bind a developer to provide for such family-oriented larger apartments with multiple bedrooms for the affordable units as part of this development. As such, Borough President Adams believes that discretionary land use actions are appropriate opportunities to advance policies that constrain what would otherwise be permitted as-of-right.

The ZR allows for at least 50 percent of the MIH affordable housing units to contain two or more bedrooms and at least 75 percent of the affordable housing units to contain one or more bedrooms. For this building, it is important to mandate that the developer provide affordable housing pursuant to ZR Section 23-96(c)(1)(ii). This would require at least 50 percent of the units to be two- or three-bedrooms and at least 75 percent of the units to contain one or more bedrooms.

The application's representation of 278 housing units, with 70 affordable apartments, and an average unit size of 1,000 sq. ft. is non-binding and subject to change. The EAS analysis projected 310 units, and the applicant could construct as many, or even more, if deemed financially advantageous. The maximum number of permitted dwelling units is determined by the density factor, and the maximum residential FAR, accounting for all other uses on the site. The ZR stipulates a density factor of 680 for R7 and R8 districts. As proposed, 312 Coney Island Avenue would contain 7.2 FAR, of which approximately 6.4 would be residential. Based on the density factor, the developer could construct 405 units. Such a scenario is unlikely as the building would consist largely of studio and one-bedroom units. However, Borough President Adams' alternative recommendation to modify the proposed R8A MIH district to R7X MIH would result in a reduction of FAR from 7.2 to 6.0. Based on the same gross average unit size, this would shrink the maximum number of units to 332 (assuming an equal amount of floor area set aside for commercial and community facility uses). Should the developer deem sufficient the ratio of accessory parking spaces for residents (approximately 44) to housing units, they could construct smaller apartments in order to yield more units, which could be a lucrative way to offset the reduction of market-rate floor area. Such a scenario could also result from Borough President Adams' other suggestion of an R7A/R8A split-lot condition. In either case, the developer retains the approximate number of units proposed, by reducing the gross apartment size, as well as the required accessory parking, but the public benefit of the affordable housing is lessened, as there would be fewer family-sized units.

While the applicant has not presented a breakdown of unit size, the proposed inclusion of two- and three-bedroom units within 312 Coney Island Avenue is consistent with Borough President Adams' policy to ensure affordable housing for low- to moderate-income families. However, he seeks for such commitment to be memorialized in order to ensure the provision of what has been represented to the community.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from the developer, 312 Coney Island Avenue LLC, clarifying how it would memorialize a bedroom mix of at least 50 percent two- or three-bedroom affordable housing units, and at least 75 percent one-bedroom affordable housing units, but for smaller units that could be targeted to senior households at 40 and 50 percent AMI. Moreover, the City Council should seek assurance that the developer would maintain such affordable bedroom mix in the event of a modification to a lower-density zoning district.

Maximizing Affordable Housing Opportunities for Senior Households

In addition to addressing the need for family-sized units, there is a pressing need for affordable apartments for the aging population, many of whom have limited financial means. Older New Yorkers are a rapidly growing segment of the city's population, with more than 300,000 seniors residing in Brooklyn alone. As noted in the New York City Department of City Planning (DCP)'s "Zoning for Quality and Affordability" (ZQA) study, New York's senior population is expected to grow 40 percent by 2040. According to the study, there were 60 applicants for every apartment in lotteries conducted by HPD for senior housing developments. A recent study by LiveOn NY found that there are 200,000 New Yorkers aged 62 and older on the City's affordable housing waiting lists, with an average wait of seven years.

As a significant number of elderly households have negligible income, providing opportunities for area seniors to secure quality affordable housing and remain in their communities is a priority for Borough President Adams. In an era in which the Federal government has moved away from funding affordable housing for seniors, too few affordable apartments for seniors are being produced, leaving tremendous demand for age-based affordable housing in Brooklyn. As a result, many elderly households are experiencing increased rent burden to remain in their homes, exhausting their life savings just to keep up with day-to-day living until they are unable to remain in the area where they have lived for many years.

While Borough President Adams typically seeks a 50/50 blend of studios, one-bedrooms, two-bedrooms, and three-bedrooms, he believes that when studio and one-bedroom units are rented at 40 and 50 percent AMI, such apartments might be more affordable to senior households. Additionally, Borough President Adams believes that there are appropriate means to assist senior citizen households in becoming eligible for the affordable housing lottery. With such efforts, it is reasonable to expect that a greater share of smaller units at lower AMIs would be awarded to senior households.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from 312 Coney Island Avenue LLC clarifying how it would implement outreach efforts to seniors, including those who are formerly homeless, to maximize their participation in the affordable housing lottery.

Maximizing Community Participation in the Affordable Housing

The ZR requires inclusionary housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit developing entity, except when otherwise approved by HPD. Such an administering non-profit becomes responsible for ensuring that the affordable housing remains in accordance with its regulatory agreement, which governs the development's affordable housing plan. These tasks include verifying a prospective tenant household's qualifying income and approving the rents of such affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, as well as following up with annual affidavits to ensure compliance.

It is Borough President Adams' policy for housing non-profits to play a role in maximizing community participation in neighborhood affordable housing opportunities. He encourages developers of new buildings that include affordable units to partner with local non-profit administering agents. Borough President Adams recognizes that CD 7 is served by several non-profit housing advocates with a proven track record of marketing affordable housing units and promoting affordable housing lottery readiness

through educational initiatives. He calls on the developer to seek out such organizations, in consultation with his office, CB 7, and/or local elected officials.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, 312 Coney Island Avenue LLC, clarifying how it would memorialize utilizing one or more locally-based affordable housing development non-profits to serve as the administering agent, and/or have such entities play a role in promoting affordable housing lottery readiness.

Setting Aside a Portion of the Commercial Space for Local Arts/Cultural and Non-Profit Organizations

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space in the borough. These organizations play an important role in the neighborhoods they serve but often struggle to secure the necessary space to expand and sustain their programs. Many cultural entities have contacted the Office of the Brooklyn Borough President with these concerns. It has been Borough President Adams' policy to review discretionary land use actions for opportunities to promote cultural and non-profit uses.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining challenges for artists in the borough, with accompanying recommendations. The report highlighted the benefits of arts and dance, which include maintaining physical fitness, promoting creative self-expression, and making significant contributions to the vibrant culture of Brooklyn. Among the difficulties faced by the Brooklyn arts community is an absence of diversity — according to 2000 United States Census data, fewer than half the individuals working in dance are people of color. Additionally, public funding for the arts in New York City has shrunk dramatically in recent years: by 37 percent from the New York State Council of the Arts (NYSCA), by 15 percent from the National Endowment for the Arts (NEA), and by 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data shows that cultural programs generate a variety of positive effects, which include combating the borough's high rate of obesity. As of 2016, 61 percent of Brooklyn adults are overweight or obese, according to the New York State Department of Health (NYSDOH). Research by the Citizens' Committee for Children of New York has found that such activities also help children succeed in school. Moreover, demand for cultural programs continues to grow across Brooklyn. A 2015 report by the Center for an Urban Future found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Borough President Adams believes that the inclusion of arts and cultural entities and non-profit organizations at 312 Coney Island Avenue would provide benefits and enrichment to the community. The development's location is advantageous given the area's considerable residential density, and the high proportion of youth in CD 7. If the proposed rezoning is approved, the represented 312 Coney Island Avenue development would provide approximately 5,000 sq. ft. of commercial floor area, currently envisioned as retail stores. Borough President Adams believes that a portion of such non-residential space could be marketed to local arts or cultural groups and/or local community organizations. However, he is aware that such uses cannot afford to compete with the rent that retail users would likely pay to lease at this location.

Therefore, prior to considering this application, the City Council should obtain commitments, in writing, from the developer, 312 Coney Island Avenue LLC, clarifying how it would memorialize setting aside a portion of the non-residential space for non-profit and/or arts and cultural organizations at below-market lease terms, as warranted.

Furthermore, to the extent that the City Council seeks to provide below-market rents to accommodate such non-profit and/or arts and cultural organizations, 312 Coney Island Avenue LLC should actively solicit such entities, based on reasonable lease terms, as determined in consultation with CB 7 and local elected officials.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' policy to advocate for promoting environmentally-sustainable development that integrates blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. Such measures tend to increase energy efficiency and reduce a building's carbon footprint.

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly constructed roofs, as well as existing roofs undergoing renovation (with some exceptions), incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems and expand the City's highly reflective (white) roof mandate. Borough President Adams believes that developers should seek to exceed this mandate by integrating blue roofs with green roof systems. With regard to solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings, and those in proximity to the waterfront, micro wind turbines can provide effective sustainable energy generation. Finally, passive house construction achieves energy efficiency while promoting locally-based construction and procurement.

Borough President Adams recognizes that the applicant has expressed intent to achieve an energy-efficient building envelope at 312 Coney Island Avenue and seek Leadership in Energy and Environmental Design (LEED) certification. He believes it is appropriate for 312 Coney Island Avenue LLC to engage the Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA), to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by $4.50 per square foot of green roof, up to $100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developer to reach out to his office for any help in opening dialogue with the aforementioned agencies and further coordination on this matter.

As part of his flood resiliency policy, Borough President Adams encourages developers to introduce best practices to manage stormwater runoff, such as incorporating permeable pavers and/or establishing rain gardens that advance DEP's green infrastructure strategy. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces are potential resources that could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. Where it is not advisable to remove existing street trees, there would be an opportunity for street tree pit enhancements to realize enhanced stormwater retention benefits while including more plantings, which would increase infiltration at this location and also make the site more pleasant for its users. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the Owls Head Wastewater Treatment Plant.

The required Builders Pavement Plan for the proposed development provides an opportunity to install DEP rain gardens along the Caton Place, Coney Island Avenue, Machate Circle, and Ocean Parkway Service Road frontages. The ZR requirement to plant street trees results in the provision of shade on days of excessive heat, as well as other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment and attention from the

landlord. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption. However, the implementation of rain gardens could help advance DEP green water/stormwater strategies, enhancing the operation of the Owls Head Wastewater Treatment Plant during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

Borough President Adams believes that 312 Coney Island Avenue LLC should consult with DEP, DOT, and NYC Parks for consideration regarding the inclusion of rain gardens with integration of street trees as part of a Builders Pavement Plan. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 7 and local elected officials prior to agreeing to take action.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from the applicant, 312 Coney Island Avenue LLC, clarifying how it would memorialize integrating resiliency and sustainability features at 312 Coney Island Avenue.

Advancing Vision Zero Policies

Borough President Adams supports Vision Zero policies, including practices that extend sidewalks into the roadway as a means of shortening the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulbouts or neckdowns, make drivers more aware of pedestrian crossings and encourage them to slow down.

In 2015, Borough President Adams also launched his own initiative, Connecting Residents on Safer Streets (CROSS) Brooklyn. This program supports the creation of bulbouts or curb extensions at dangerous intersections in Brooklyn. During the program's first year, $1 million was allocated to fund five dangerous intersections in Brooklyn. By installing more curb extensions, seniors will benefit because more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets.

The proposed development at 312 Coney Island Avenue would bring a significant number of new residents to the area, while also attracting users to its retail spaces. However, Coney Island Avenue is a designated New York City local truck route with multiple intersections lacking traffic controls such as stop signs or traffic lights. Given the foot traffic stemming from Fort Hamilton Parkway station as well as Prospect Park, and the volume of crossings that would be generated by the new development, it is important to enhance pedestrian safety at this block.

Per his CROSS Brooklyn initiative, Borough President Adams believes there is an opportunity to provide a curb extension and/or a painted protected sidewalk at the corner of Caton Place and Coney Island Avenue. Such enhancements would facilitate safer pedestrian crossings to and from 312 Coney Island Avenue.

Borough President Adams recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams would urge DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of a Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable 312 Coney Island Avenue LLC to undertake such improvements after consultation with CB 7, as well as local elected officials, as part of its Builders Pavement Plan. The implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner. Borough President Adams would expect 312 Coney Island Avenue LLC to commit to such maintenance as an ongoing obligation.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from 312 Coney Island Avenue LLC to coordinate CROSS Brooklyn implementation with DEP, DOT, and NYC Parks for the installation of a curb extension at the corner of Caton Place and Coney Island Avenue, either as part of a Builders Pavement Plan or as a treated roadbed sidewalk extension. The City Council should further seek demonstration of 312 Coney Island Avenue LLC's commitment to enter into a standard DOT maintenance agreement for this intersection. Finally, DOT should confirm that implementation of such improvements would not proceed prior to consultation with CB 7 and local elected officials.

Borough President Adams has also heard concerns about safety at Machate Circle, stemming from the interaction of horseback riders, pedestrians, and vehicles. Machate Circle is a high-volume traffic circle that provides access to Fort Hamilton Parkway, Ocean Parkway, and the Prospect Expressway from Coney Island Avenue, Parkside Avenue, and Prospect Park Southwest. In 2009, at the request of Stable Brooklyn, DOT conducted a design workshop with Brooklyn Community Boards 7, 12, and 14 (CB 7, CB 12, and CB 14) to determine appropriate traffic-calming measures at the site. Subsequently, DOT added crosswalks, pavement markings, pedestrian refuges, signage, and signals, and reconfigured intersections at Machate Circle. The agency also installed a new, safe bridle path for horseback riders accessing Prospect Park.

However, maneuverability and safety issues persist and may be related to the configuration and timing of traffic lights. Vehicles are now forced out into the circle and motorists find it difficult to make turns onto Coney Island Avenue. Additionally, the 2018 closure of Prospect Park to vehicular traffic resulted in a higher volume of cars on Prospect Park Southwest.

The intended development at 312 Coney Island Avenue presents opportunities to address ongoing safety and traffic issues in Windsor Terrace cited by CB 7. As a supporter of Vision Zero, Borough President Adams believes that where safety issues are reported, even recent improvements may warrant re-evaluation. Therefore, he calls on DOT to undertake a traffic investigation of horseback ridership, as well as pedestrian and vehicular use for navigating around the Machate Circle, with specific emphasis on the horseback rider route between the Kensington Stables and Prospect Park, to develop roadway enhancements that advance Vision Zero and streetscape improvements in consultation with CB 7, NYC Parks, the New York City Police Department (NYPD), and local elected officials.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 20 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses, including those that qualify as LBEs and MWBEs, is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those that are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, 312 Coney Island Avenue LLC, to memorialize retention of Brooklyn-based contractors and subcontractors, especially those that are designated LBEs, consistent with Section 6-108.1 of the City's Administrative Code and MWBE as a means to meet or exceed standards

per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.

Addressing Storm Sewer Capacity

Borough President Adams has heard concerns that intense rainstorms overload storm sewer capacity throughout Windsor Terrace. With such occurrences, significant ponding results at multiple intersections. In addition, it is possible for individual buildings to be impacted when sanitary sewer waste cannot be received by the combined sewers.

There is an apparent lack of information regarding the condition of the combined sewer system east and west of Machate Circle. Without investigation, the actual sewer capacity could become diminished due to a reduction in the pipe cross-section area, resulting in a damming effect on the flow of stormwater, and regular street flooding.

In order to ensure that the sewers in proximity to 312 Coney Island Avenue are functioning at optimal capacity, Borough President Adams believes it would be appropriate for 312 Coney Island Avenue LLC to engage DEP in a camera investigation of sewer conditions surrounding the block bounded by Caton Place, Coney Island Avenue, East Eighth Street, and Ocean Parkway. He also believes it would be appropriate for DEP to undertake such an investigation for sewer lines under major streets surrounding the proposed development.

Therefore, DEP should investigate the cause of reported flooding, including undertaking a camera investigation of the existing sewer condition and capacity in the eastern portion of Windsor Terrace, as follows: the northwest corner of Caton Avenue at Ocean Parkway/Prospect Expressway; the northwest corner of Caton Place and Coney Island Avenue, and around Machate Circle, including its connecting streets such as Coney Island Avenue, Ocean Parkway, Parkside Avenue, and Prospect Park Southwest.

Community Preference: Inclusion of Homeless Shelter Student Population by School Zone

New York City's community preference policy requires that 50 percent of affordable units filled through affordable housing lotteries be reserved for residents in the local community. There are additional pathways for priority lottery selection such as United States Armed Forces veteran status, certain disabilities, and other categories. Given the significant increase in the number of homeless families with school-aged children entering the public shelter system, Borough President Adams believes it is appropriate for HPD to extend local lottery preference to include the school zone attended by children of households residing at immediate and neighboring City-funded or -operated homeless shelters.

According to an annual report by Advocates for Children of New York, 31,158 Brooklyn students — nearly one in 10 enrolled — experienced homelessness during the 2018-19 school year, defined as either living in shelters or doubling up with friends and family. The problem is particularly acute in Central Brooklyn, including Community School District 17 (CSD 17), just east of 312 Coney Island Avenue. The number of such students in charter and public schools has increased every school year since 2014-2015. Homelessness has profound impacts on school performance, as such students are more likely to have longer commutes or to transfer schools in the middle of the year, leading to chronic absences, lower graduation rates, and higher dropout rates.

Many parents and students find it important to maintain school continuity despite the circumstances faced by households dependent on the City's homeless shelter system. Borough President Adams believes that it should be the City's responsibility to take action that would eliminate or reduce such hardships. One such action would be to enable economically-challenged households with children in public schools to qualify for community local preference based on where the children attend school. According to the Institute for Children, Poverty & Homelessness (ICPH), there are multiple public schools within several blocks of the proposed development where the proportion of homeless students is eight to 20 percent.

Borough President Adams believes that HPD should modify its affordable housing lottery community preference standards to include the school zone attended by a child of a household residing at a City-funded or -operated homeless shelter.

Extending Community Preference to Residents of Community District 14 Living within ZIP Code 11218

City local preference policy is at times unfair to community residents who live just beyond the border of a community district. The proposed development is located at the intersection of CDs 7 and 14. Community members living on nearby blocks of CD 14 across Coney Island Avenue are also in need of quality affordable housing, and the new development would not only be apparent, but consequential for residents of both districts.

As such, Borough President Adams believes that HPD should extend the local preference to portions of CD 14 within the shared 11218 ZIP code. This is particularly important given that the residential neighborhoods in both districts include small buildings that are not subject to rent protection laws. Borough President Adams believes that, given the applicant's expressed intent to pursue MIH Option 1, development at 312 Coney Island Avenue could serve as a relocation resource to those at risk for displacement. Therefore, prior to the vote of the City Council, HPD should provide a written commitment advising that in addition to residents of CD 7, local preference be given to residents of CD 14 in the 11218 ZIP code as well.

Accommodating Rent-Burdened Households in Lieu of Strict Area Median Income Standards

Data shows that more than 80 percent of New York City households earning 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest income citizens, those making 30 percent of AMI or less, currently $23,310 for a family of three. Among this population, well over 50 percent pay more than half of their income toward rent. More than one-fifth of New York City households — over two million people — earn less than $25,000 a year and almost one-third earn less than $35,000. As the City's housing crisis grows worse, the burden falls most heavily on these low-income households, exacerbating racial disparities. According to the Citizens Housing & Planning Council (CHPC), one in four households of color are severely rent-burdened, which is 11 percent more than Caucasian households.

Within CD 7, a significant number of households residing in unregulated housing and regulated apartments pay too much of their household income toward rent. According to the Association for Neighborhood Housing and Development (ANHD), 56 percent of households in CD 7 are rent-burdened. ANHD also found that, among the City's community districts, CD 7 has the second highest number of serious housing code violations. Taken together, these facts point to a dual housing affordability and quality crisis in the community district, whereby too many households are paying too much of their income for substandard and dangerous accommodations. Another ICPH report found that 31 percent of households in CD 7 spend 50 percent or more of their income on rent, making them severely rent-burdened. There is thus a pressing need to increase the supply of safe, affordable housing in CD 7. Moreover, given the risk of displacement, the City should take steps to increase the probability that rent-burdened households qualify for as many affordable housing lotteries as possible.

A strict rent-to-income requirement of not exceeding 30 percent of income for yearly rent payment ends up disqualifying many income-challenged households from the affordable housing lotteries. As a result, these rent-burdened households do not meet the housing lottery's minimum household earnings because too often they are already paying the same rent or are in excess of the rent stated for the affordable housing unit. Thus, the requirement to pay no more than 30 percent of household income is actually hurting people who are already living in substandard housing and are paying more than 30 percent of their income toward housing.

As first noted in his East New York Community Plan ULURP recommendation, Borough President Adams believes that it is time to break the mold in which families already paying too much rent for substandard housing are excluded from affordable housing lotteries. Borough President Adams seeks to qualify rent-burdened households for selection through the housing lottery process, which would ensure that they receive the maximum opportunity to secure affordable housing units and expand the number of households eligible for government-regulated affordable housing lotteries.

Amending the ZR to adjust AMI qualifications so as to include households that would maintain or reduce their rent burden would be one way to address this disparity. For such lotteries resulting from MIH housing lottery offerings, DCP needs to modify the ZR to allow for exceptions to the 30 percent of income threshold so that households that are rent-burdened, though paying equal or greater rent than the lottery unit rent, would be eligible to live in affordable, newly-produced, and quality accommodations. Borough President Adams believes that the CPC and/or the City Council should echo his call to seek the modification of the ZR section concerning MIH-designated areas to be adopted with a requirement that permits rent-burdened households to qualify for affordable housing units pursuant to MIH.

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 and City Council approve this application with the following conditions:

1. That for 200092 ZMK, in lieu of the proposed R8A district, the City Planning Commission (CPC) and/or City Council approve one of the following modifications:

    1. Map the R8A to a depth of 100 feet along Coney Island Avenue and Machate Circle, with the remainder designated as an enlargement of the adjacent R7A district with a C2-4 overlay, or

    2. Rezone the C8-2 district to R7X MIH/C2-4

2. That for 200093 ZRK, should the CPC and/or the City Council adopt an R7X MIH/C2-4 district, the proposed text change to the New York City Zoning Resolution (ZR) Special Ocean Parkway District (SOPD) regulations affecting zoning lots in R8A districts be modified to be applicable to R7X districts, to modify the placement of maximum building height pursuant to ZR 23-664 by restricting placement of the height above the maximum base height to within 100 feet of Coney Island Avenue and Machate Circle

3. That for 200094 ZSK, the requested waiver of all required accessory residential parking be modified to require the Certificate of Occupancy (C of O) to mandate the following:

    a. A minimum of 40 accessory residential parking spaces that would be permitted to be leased out to non-occupants of 312 Coney Island Avenue, pursuant to ZR Section 36-46

    b. That the 36 congregant parking spaces be leased out when not occupied by members of the International Baptist Church (IBC), pursuant to ZR Section 36-46

    c. That bicycle parking be provided at a rate of three bicycle spaces per every four dwelling units

    d. That additional spaces be prioritized for the staging of car-sharing vehicles

4. That prior to considering the application, the City Council obtain commitments, in writing, from the applicant, 312 Coney Island Avenue LLC, clarifying how it would:

    a. Engage with car-sharing companies, in consultation with Brooklyn Community Board 7 (CB 7), the New York City Department of Transportation (DOT), and local officials to lease multiple spaces within the garage, and/or obtain designated curbside DOT signage

    b. Memorialize commitment to provide affordable housing according to MIH Option 1

    c. Memorialize an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one-bedroom units, but for studios targeted to households at 40 percent Area Median Income (AMI)

    d. Implement outreach efforts to seniors earning up to 40 percent AMI for single- and dual-person households, including the formerly homeless, to maximize their participation in the affordable housing lottery

    e. Utilize locally-based affordable housing development non-profit(s) to serve as the administering agent and have one or more such entities play a role in promoting affordable housing lottery readiness

    f. Set aside a portion of the commercial space for arts/cultural entities and non-profit organizations at below-market lease terms, as warranted

    g. Memorialize the incorporation of resiliency and sustainability measures, such as blue roofs, passive house design, and/or wind turbines

    h. Coordinate with the New York City Department of Environmental Protection (DEP), DOT, and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan at 312 Coney Island Avenue or within the adjacent protected painted areas, in consultation with CB 7 and local elected officials

    i. Coordinate Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with DEP, DOT, and NYC Parks for the installation of a curb extension at the corner of Caton Place and Coney Island Avenue, either as part of a Builders Pavement Plan or as a treated roadbed sidewalk extension

    j. Enter into a standard DOT maintenance agreement for those intersections and coordination with DEP, DOT, and NYC Parks should there be agency implementation for the provision of protected painted areas at the corner of Caton Place and Coney Island Avenue, with the understanding that such improvements would not proceed prior to consultation with CB 7 and local elected officials

    k. Retain Brooklyn-based contractors and subcontractors, especially those that are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it further resolved:

1. That DOT undertake a traffic investigation of horseback ridership, as well as pedestrian and vehicular use for navigating around Machate Circle, with specific emphasis on the horseback route between the Kensington Stables and Prospect Park, and develop roadway enhancements that advance Vision Zero and streetscape improvements in consultation with CB 7, NYC Parks, the New York City Police Department (NYPD), and local elected officials

2. That DEP investigate the cause of reported flooding, including undertaking a camera investigation of existing sewer conditions and capacity in the eastern portion of Windsor Terrace as follows: the northwest corner of Caton Avenue at Ocean Parkway/Prospect Expressway, the northwest corner of Caton Place and Coney Island Avenue, around Machate Circle including its connecting streets, Coney Island Avenue, Ocean Parkway, Parkside Avenue, and Prospect Park Southwest

3. That the New York City Department of Housing Preservation and Development (HPD) modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public school children residing at City-funded or -operated shelters

4. That HPD extend local preference to also include residents of Brooklyn Community District 14 (CD 14) living within the shared 11218 ZIP code

5. That the City Planning Commission (CPC) and/or the City Council call for the modification of the Mandatory Inclusionary Housing (MIH) section of the New York City Zoning Resolution (ZR) pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status (allow for exceptions to the 30 percent of income threshold for households paying the same or more rent than what the housing lottery offers) to qualify for such affordable housing units pursuant to MIH