

ULURP#C20092 ZMK – 312 Coney Island Avenue, Brooklyn

In consideration of the matter: #C200092 ZMK - Rezoning change from C8-2 (commercial) within the Special Ocean Parkway district to an R8A/C2-4 within the Special Ocean Parkway district:

1. Rezoning of 46,538 sf thru lot parcel at 312 Coney Island Ave in Windsor Terrace, Brooklyn, bordering Machate Circle and Caton Place, across from the southwest corner of Prospect Park. Two lots comprise the site: Brooklyn Block 5322 Lots 10 and 20. Lot 10 contains 17,988 sf and is vacant. Lot 20 contains 28,550 sf and is improved with a two-story church building built in 1957 that has approximately 27,000 sf. The development assumes the existing building will be demolished to prepare the site for wholly new construction.
2. The proposed rezoning will allow construction of a 13-story (roof level 145' above street level) residential rental apartment building over a school and church facility for the International Baptist Church, ground floor retail and one level of underground parking.
3. The proposed development would total up to 312,754 sf of floor area. 29,906 sf of floor area would be used by the church on the Cellar, 1st and 2nd Floors. A ground floor retail area of 5,000 sf is planned along the Caton Place. This leaves the remaining 277,848 sf for residential use.
4. The developer stated they are willing to establish at least 25% of this floor area for income-restricted housing units under Option 1 of the Mandatory Inclusionary Housing (MIH) program, which targets an average a max of 60% area median income (AMI). The development is projecting a total of 278 units, of which 70 units will be permanently affordable per the above AMI target.
5. An underground garage will include approximately 80 parking spaces, with 36 spaces dedicated to community facility use and the rest for residents of the building and surrounding community.
6. The developer JEMB Realty, its land use counsel Fried Frank, its architect FX Collaborative and Pastor Ray Cazis from the church attended a public hearing conducted by Community Board 7 (CB7) at PS 130 Upper School 713 Caton Ave on January 30, 2020, with over 75 persons in attendance and 25 persons providing testimony.

Summary of comments at the public hearing:

1. Many speakers complained that the proposed development is completely out of scale and context with the neighborhood. The proposed 145' height is far beyond the average 6 story height of buildings along Ocean Parkway. The proposal seemed more suited to downtown Brooklyn or Manhattan, not Windsor Terrace. One resident pointed to the 23-story 626 Flatbush Avenue project in Prospect Lefferts Gardens as an example of another development out of scale with the neighborhood and Prospect Park. There was also a concern about the project's shadows cast on open spaces within Machate Circle and Prospect Park.
2. Residents were concerned about the garbage generated by the project and where it will be stored. Residents would prefer the development to deter storage of garbage bales along the limited sidewalk width on Caton Place.
3. How will loading of the proposed development interact with the loading/service/parking entry of the 57 Caton development next door? Residents were concerned about the possibility of Caton Place turning into a back door service alley because of all of the service uses occurring along Caton Place.
4. There were numerous concerns about parking and traffic congestion generated by the project and impact on F train service due to the number of residents accommodated in the project. Traffic on Machate Circle needs to be resolved. Traffic jams and illegal parking in Machate Circle and the neighborhood will be exacerbated with construction of this project.

5. Developer should consider building additional parking, multiple levels down, to accommodate Sunday morning church traffic so parking impact is lessened on the neighborhood. Residents note that the neighborhood already suffers on weekends due to the number of cars searching for parking in order to go to events in Prospect Park and the Parade Ground.
6. Residents would like CB7 to call for a joint session with NYCDOT and NYPD to discuss traffic conditions around Machate Circle.
7. Influx of high market rate apartments will make the neighborhood more unaffordable to those already living here. Windsor Terrace used to be a working-class neighborhood with true income diversity, that's what made it an attractive place to live in. This development will change the balance of the neighborhood, possibly displacing many who are living here due to speculation and rising rents.
8. This project is another failure of comprehensive planning around Machate Circle. The neighborhood has long sought city planning assistance in improving traffic flow around the circle as well as rationalizing the outdated C8-2 automotive zoning in place along Coney Island Ave. The city has not been responsive to these requests and the neighborhood has suffered from site by site attrition of development over the past 10 years.
9. MIH is not truly affordable since the AMI is calculated on regional household incomes, and do not reflect the actual household incomes in the neighborhood. Community District 7's (CD7) needs for affordable housing are far in excess of what will be provided in this project. If the site is to be rezoned, the developer must consider real affordability to those living in the district by providing units that meet the AMI needs of the district. There is a desperate need for apartments in the range of 20-30% of AMI.
10. The developer to provide proposed rents for market rate apartments and affordable apartments – subsequent to the hearing, the developer provided AMI rate tiers and proposed monthly rents per tier as attached.
11. The developer is encouraged to offer readily accessible units at move-in for persons with disabilities and for the elderly in order to be able to age in place in the neighborhood they have lived in for decades.
12. Project design is thoughtful, but not worthwhile for a rezoning unless affordable units are provided beyond what is required.
13. Will the amenities offered by the developer offer true value to the neighborhood? Pastor Ray offered that the church wants to give back to community through its school, counseling programs, and to provide neighborhood retail services on the ground floor.
14. The church school's projected capacity of 100 students is limited when compared with the crisis of available school seats in the neighborhood. The church is to consider ways to incorporating additional seats to alleviate crowding in existing school facilities in the district.
15. The developer must protect schoolchildren coming and going during construction. School loading proposed along Caton Place must be managed to avoid congestion and unsafe loading conditions on such a constricted site. How will this be managed with the self-storage facility loading directly across the street?
16. The project must not affect horse trail traffic which surrounds the site on three sides. The developer must work with Kensington Stables and the Prospect Park Alliance to improve conditions for equestrians. The developer should directly support these organizations to show good will.
17. What is impact of project on gas, water, and power infrastructure in neighborhood? The developer must incorporate sustainable building methods to lessen the project's impact on existing infrastructure. The goal is to create a precedent that works toward a long-term plan for development sites on Coney Island Ave.
18. There are existing stormwater flooding problems near the site within Machate Circle. The developer is encouraged to consider a green or blue roof to lessen impact on sewer infrastructure.

19. The developer shall provide prevailing wage for construction and maintenance jobs at the project.
20. There was a very negative reaction and confusion to the developer's assertion that the highest and best use of the site without rezoning is a hotel and/or medical office building. Residents did not appreciate the tactic of proposing a 17-story hotel to justify a lower 13-story residential project.
21. Unlike 57 Caton, this developer and the Church did not come to the community to discuss their plans prior to this hearing. Residents believe the developer does not consider working with the community to their advantage.
22. Developer is JEMB Realty. A resident of the community wants confirmation that they are a real developer and not an LLC and that the developer has a record of quality construction.
23. Concern about 57 Caton's asbestos abatement notice - is the existing air quality of the neighborhood at risk? Also, 57 Caton has illegally created no parking zones for their construction. Residents would like CB7 to investigate.

The Land Use Committee held a meeting after the public hearing on January 30, 2020 and had the following recommendations:

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 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 1/2 mile radius from the site prior to 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 CB7 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 offering only MIH Options 1 and 3 for compliance with the affordable housing requirement, and to remove from consideration 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 affordable housing needs by providing affordable 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 by CD7 residents.

8. The developer shall commit to utilizing universal and inclusive design principles and shall ensure full accessibility and accommodations to senior 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 to formula retail or chain store tenants. Further, the retail use will incorporate transparency into the storefront and will not utilize exterior mounted security grilles.

Of the three land use actions required for this rezoning, the Land Use Committee recommends to the Board the following

1. Zoning Map Amendment to change Project Area from a C8-2 (Ocean Parkway) zoning district to an R8A/C2-4 (Ocean Parkway) zoning district.
The Committee votes to DISAPPROVE with conditions as listed in recommendations 1-10 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 be reduced to a maximum building height of 95' on wide streets.
2. 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 Committee votes to APPROVE with conditions as listed in recommendations 1-10 above. In particular, the Committee prefers Option 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.
3. Special Permit pursuant to ZR Section 74-533 to waive the requirement for accessory off-street parking dedicated to development's residential uses.
The Committee votes to DISAPPROVE with conditions as listed in recommendations 1-10 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.

Lastly, the Land Use Committee reiterates again the same plea we issued in May 2018. We urge the Borough President, City Planning Commission, and the City Council to engage in a comprehensive review of zoning surrounding the development site to avoid additional spot zoning applications in the near future. The development will prompt several undeveloped sites nearby to apply for their own upzoning. The Windsor Terrace community can not and should not suffer from overdevelopment due to a lack of planning and the exclusion of community input to overall land use decisions.

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February 4, 2020

Brooklyn Community Board 7
4201 Fourth Avenue
Brooklyn, NY 11232
Attention: Land Use Committee

Re: 312 Coney Island Avenue, Brooklyn (C 200094 ZSK; C 200092 ZMK; N 200093 ZRK)

Dear Chairperson Fontillas,

Thank you for the opportunity to present our applications for a zoning map amendment, zoning text amendment and special permit at the Land Use Committee's public hearing held on January 30, 2020. As discussed, the owner of the property, the International Baptist Church, has partnered with the applicant to develop this underutilized site to provide new facilities for its chapel and school and ongoing financial security for the Church. The proposed development would reinforce the residential character of the neighborhood and create approximately 70 new affordable apartments.

A number of questions were raised at the hearing, and I am pleased to clarify and elaborate on certain details of the project.

Hotel Development / Current As-of-Right Zoning

The current zoning is a C8-2 commercial district, which does *not* permit residential use or many community facility uses. Recent developments in the C8-2 commercial district have included a hotel at 928 Coney Island Avenue and a self-storage across the street from the site at 72 Caton Place.

In the presentation at the public hearing, we showed an image of how the site would likely be developed if the zoning is not changed: with a mixed hotel and medical office building. There are currently no height limits in the C8-2. Such hotel development would be approximately 17 stories.

However, we do not believe that this commercial development, while permitted today, is the best use of the site given the residential character of the neighborhood. If the application is approved, the applicant would not construct a hotel or medical office building. Instead, it would construct the proposed apartment building with church facilities.

Building Heights

There was some discussion at the hearing about height limits under current C8-2 zoning. As noted in the hearing, the C8-2 district has no height limits. Practically speaking, the as-of-right hotel scenario would be approximately 17 stories.

The proposal to map an R8A contextual zoning district would impose height limits where none exist. Additionally, the new zoning would provide for a transition area between the proposed new 9-story building at 57 Caton Place on the midblock to the proposed 13 stories adjacent to the wide streets surrounding three sides of the site.

We note that the height of the proposed project is significantly less than is permitted today (and nearly HALF the height of the building on the east side of the Park mentioned at the hearing; 626 Flatbush Avenue is 23 stories high). We note as well that there are multiple buildings in the vicinity of the site that are between 12 and 16 stories (135 Ocean Parkway, 160 Parkside Avenue, and 10 Stratford Road).

Traffic

We understand concerns related to traffic congestion and parking in the area, including with respect to the recent redesign of the lanes around Machate Circle. However, consistent with the policy objectives of the Mayor and the City Council, we believe that increasing the capacity of the parking facility in the building will encourage driving over other forms of transportation. We look forward to continuing discussion with the community and the Department of Transportation on what types of measures might reduce congestion around Machate Circle and improve safety and circulation for pedestrians, bicyclists, vehicles and horses.

Affordable Housing

The application would map a "Mandatory Inclusionary Housing area" over the site, requiring any development on the site to include affordable housing pursuant to one of the MIH options. Mayor de Blasio's *Housing New York* plan established a goal to create 200,000 affordable homes in NYC by 2022, and the MIH program, which requires permanent affordable housing in areas rezoned for residential use, is a critical component to achieve this goal.

We believe this site is well-suited for a residential zoning given the residential character of the surrounding neighborhood, the proximity to public transit, and the location adjacent to the park. We are proud that, by virtue of this proposed rezoning, approximately 70 permanently affordable housing units would be created. Preventing residential development on this site will not preserve affordability in the neighborhood; rather a lack of housing options is likely to exacerbate the issue.

On a preliminary basis, Councilmember Lander has expressed a preference for Option 1 of the MIH program. At the public hearing, there were a number of questions about the specific affordability levels and rents under Option 1. Under Option 1, 25% of the residential floor area must be dedicated to affordable housing units with incomes averaging 60% of the Area Median

Income (AMI), and at least 10% of residential floor area must be dedicated to affordable housing units that are affordable at 40% of the AMI.

The following is a list of the family incomes at these AMI levels and the monthly rents associated with each:

2019 New York City Area - 60% of AMI:

Family of 1: \$44,820
Family of 2: \$51,240
Family of 3: \$57,660
Family of 4: \$64,020
Family of 5: \$69,180

2019 New York City Area - Affordable Monthly Rents for 60% AMI:

Studio: \$856
One-bedroom: \$1,081
Two bedroom: \$1,309
Three bedroom: \$1,504

2019 New York City Area - 40% of AMI:

Family of 1: \$29,880
Family of 2: \$34,160
Family of 3: \$38,440
Family of 4: \$42,680
Family of 5: \$46,120

2019 New York City Area - Affordable Monthly Rents for 40% of AMI:

Studio: \$535
One bedroom: \$681
Two bedroom: \$828
Three bedroom: \$949

Thank you for your consideration, and please do not hesitate to contact us if you have any questions.

Sincerely,


Zachary Bernstein

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February 18, 2020

Brooklyn Community Board 7
4201 Fourth Avenue
Brooklyn, NY 11232
Attention: Land Use Committee

Re: 312 Coney Island Avenue, Brooklyn (C 200094 ZSK; C 200092 ZMK; N 200093 ZRK)

Dear Chairperson Fontillas,

As a followup to my February 4th letter, I am writing to offer some additional considerations for the members of the Land Use Committee as well as the larger Community Board with respect to the Board's upcoming recommendation.

Midblock Zoning

We have been pleased to hear support for changing the zoning to allow residential use and apply Mandatory Inclusionary Housing requirements to the site. However, an idea that we've heard to extend the midblock R7A zoning fails to take into account the very unique location of the site on three extra wide streets:

- Ocean Parkway in this location is 245' wide - this is 20% wider than Park Avenue in Manhattan and as wide as Cadman Plaza in front of the courts, plus there is a required 30 foot open area in front of the building.
- Machate Circle is gracious at over 400 feet, with the open area of Prospect Park beyond.
- Coney Island Avenue is 100 feet wide, and the Parade Grounds across Coney Island Avenue from the project site creates an even larger expanse.

This unique location, in close proximity to transit, is exactly the type of location where we must be creating new housing supply in Brooklyn and across the City. On the sole narrow street frontage of the site (which at 70 feet is wider than a typical narrow street), the proposal incorporates a thoughtful transition from the 9-story midblock zoning. **The transition area of the proposed project includes a 9-story and 11-story building segment, with the 13-story building segment beginning adjacent to the wide street frontage.**

Unlike the proposed midblock development at 57 Caton, 2 stories of the proposed building will contain community facility uses, with most of the residential portion of the building starting 3 stories up (therefore the residential component of the proposed building is comparable

to the anticipated development at the midblock). The proposed new church and school spaces provide a significant contribution to the fabric of the neighborhood, and serve to push up the bottom of the building, necessitating a larger envelope.

The Board should also keep in mind that **extending midblock zoning across the project site would have 30 fewer affordable housing units than the current proposal; these units, with rents starting at \$535 per month, are a much-needed housing resource for our city.** With affordable housing lotteries already oversubscribed, it is crucial to keep these units in the pipeline of new affordable housing.

Parking and Traffic

We note as well the idea for requesting additional parking on the site. There are differences of opinion as to how to encourage efficient and sustainable modes of travel; increasing spaces for individual vehicles is counter to policies of the city administration and City Council in this regard. We believe that offering more parking only adds to area traffic.

We have heard loud and clear that there is discontent with DOT's recent re-arrangement of traffic patterns around Machate Circle. As stated in the recent Borough President's hearing, ownership is willing to work with relevant agencies and stakeholders to study the potential for better approaches to the circle.

We first presented this project to the community in January of 2019, in a meeting at PS 130 hosted by Council Member Lander. The proposed building design reflects feedback received from the Department of City Planning, the Council Member and others. We believe the proposed building is a thoughtful alternative to the as-of-right development currently permitted in the C8-2 district (which includes the 11-story self-storage facility currently rising directly south of the project site).

We seek your support of this proposal and look forward to continued engagement as ULURP continues.

Sincerely,



Zachary Bernstein