



IN THE MATTER OF an application submitted by Remica Property Group Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 22c:

1. changing from a C8-2 District to an R7X District property bounded by Hinckley Place, Coney Island Avenue, Beverly Road, a line 100 feet westerly of Coney Island Avenue; and
2. establishing within the proposed R7X District a C2-4 District bounded by Hinckley Place, Coney Island Avenue, Beverly Road, a line 100 feet westerly of Coney Island Avenue;

Borough of Brooklyn, Community District 12 as shown on a diagram (for illustrative purposes only) dated May 22, 2023, and subject to the conditions of CEQR Declaration E-717.

This application for a zoning map amendment (C 230010 ZMK) was filed by the Remica Property Group Corp. on July 11, 2022 to change a C8-2 zoning district to an R7X district with a C2-4 commercial overlay. This application, in conjunction with the related zoning text amendment action (N 230011 ZRK), would facilitate the development of an eleven-story mixed-use development of 63,453 square feet, including 59,906 of residential space containing 43 dwelling units, eleven of which would be permanently income-restricted, as well as 3,547 square feet of ground floor retail at 534 Coney Island Avenue in the Kensington neighborhood of Brooklyn, Community District 12.

RELATED ACTIONS

In addition to the zoning map amendment (C 230010 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently:

N 230011 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

The applicant requests a zoning map amendment to change a C8-2 zoning district to an R7X/C2-4 district, and a zoning text amendment to establish an MIH area on a block front facing Coney Island Avenue, between Hinckley Place, and Beverly Road. The proposed project area consists of the development site (Block 5343, Lot 13) as well as Block 5343, Lot 19, and portions of Lots 11 and 26.

The project area is in the Kensington neighborhood of Brooklyn Community District 12 at the intersection of Coney Island Avenue and Hinckley Place. Coney Island Avenue is a 100-foot-wide arterial road, lined by a mix of low- to mid-rise buildings with residential, commercial, and community facility uses.

The project area has been within a C8-2 zoning district that extends along the west side of Coney Island Avenue since the establishment of the Zoning Resolution in 1961. Parts of this commercial corridor contain automotive and warehouse uses, as well as some non-conforming residential uses. C8-2 zoning districts are general commercial districts that permit a wide range of commercial uses at a maximum FAR of 2.0, some community facility uses at a maximum FAR of 4.8 and do not permit new residential uses. The height of a development may not exceed 60 feet, or four stories, whichever is less, before setting back and complying with sky exposure plane regulations. One accessory parking spot is required for every 400 square feet of commercial space.

The project area is also located within the Special Ocean Parkway District (SOPD), established in 1977 to address community concerns about the growth of community facilities in the area. In 2009, the area east of the project area was rezoned under the Flatbush Rezoning (C 090336 ZMK) with the stated aim of better matching existing built

character and preventing the demolition of detached homes. The Flatbush Rezoning established contextual zoning districts subject to the Inclusionary Housing Program on the eastern side of Coney Island Avenue and lower density zoning districts over the “Victorian Flatbush” area of single-family homes.

Residential uses in the area include a mix of low-rise attached houses and small multifamily buildings directly to the west of the project area. Commercial uses can be found primarily to the north and south along Coney Island Avenue, and include a convenience store and abandoned automotive repair center directly to the east of the project area, as well as multiple automotive repair shops and small retail and financial services establishments in either direction.

Community facilities include PS 889, located directly across Hinckley Place to the north of the project area, as well as multiple houses of worship along Coney Island Avenue and interspersed throughout the area.

The project area has access to subway and bus service, with the Q Station at Beverley Road 0.3 miles away, and the Church Avenue Station offering F and G service 0.6 miles away. Bus lines B103, BM3, and BM4 also serve the area.

The applicant is proposing an eleven-story, 59,906 square-foot mixed-use building (5.9 FAR) with approximately 43 dwelling units, including eleven Mandatory Inclusionary Housing (MIH) units, as well as 3,457 square feet of ground floor retail. The building would rise to eight stories along Coney Island Avenue and Hinckley Place and then set back before rising to a maximum height of 110 feet. To comply with transition zoning rules due to its location adjacent to an R5 district, the proposed development would provide an eight-foot side yard and rise only to a maximum height of approximately 32 feet for a 30-foot area bordering the side yard. The first floor is proposed to contain a residential lobby, a laundry room, a bicycle storage room, commercial area, and ramp down to the cellar providing 19 accessory parking spaces, accessed via Hinkley Place. The second through tenth floors would contain a mix of one bedroom one and two-bedroom apartments.

To facilitate the proposed developments, the applicant requests a zoning map amendment from C8-2 to an R7X/C2-4 district and a zoning text amendment to designate a new MIH area coterminous with the project area. The R7X district is a contextual district where Quality Housing regulations are mandatory and residential buildings up to 6.0 FAR are allowed. Base heights of building range from 60 to 105 feet and may rise to a total building height of 140 feet (145 feet with a Qualifying Ground Floor). Parking is required for 50 percent of market-rate units and not required for income-restricted dwelling units, as the project area is in the Transit Zone.

The proposed C2-4 commercial overlay allows a range of commercial uses that serve local retail and service needs, such as grocery stores and hair salons. When located within R7X zones, C2-4 districts allow a commercial FAR of up to 2.0 and require one parking space for every 1,000 square feet of commercial space. The applicant also proposes a zoning text amendment to map MIH with Options 1 and 2 within the project area. Option 1 requires that a minimum of 25 percent of the residential floor area be designated as affordable to households earning incomes with an average not exceeding 60 percent of area median income (AMI). Option 2 requires that a minimum of 30 percent of the residential floor area be designated as affordable to households¹, resulting in 11 income restricted housing units for those with incomes averaging 60 percent of AMI. The applicant plans to pursue MIH Option 1.

ENVIRONMENTAL REVIEW

This application (C 230010 ZMK), in conjunction with the related application for zoning text amendment (N 230011 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 23DCP033K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on May 22, 2023. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-717). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 230010 ZMK) was certified as complete by the Department of City Planning on May 22, 2023 and duly referred to Brooklyn Community Board 12 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 application for a zoning text amendment (N 230011 ZRK), which was referred for information in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 12 held a public hearing on this application (C 230010 ZMK) and the related actions for a zoning text amendment (N 230011 ZRK) on July 6, 2023, and on July 27, 2023, by a vote of 32 in favor, two in opposition, and zero abstaining, adopted a resolution recommending approval of the application, stating that it “voted to support the application on condition that it be approved for an R6A Zoning and the development kept at 70 feet.” During the public hearing, multiple Community Board 12 members indicated the need for a broader review of land use conditions along the Coney Island Avenue corridor.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 230010 ZMK) and the related action for a zoning text amendment (N 230011 ZRK) on August 2, 2023, and on August 11, 2023, issued a recommendation to approve the application without

conditions. In his rationale, the Borough President cited the 7.9 percent increase in Community Board 12 population growth and corresponding 2.7 percent increase in housing production as evidence for the critical need for more housing in the area. Finally, the Borough President emphasized “the public comments calling for comprehensive planning in this area and a holistic approach to zoning along the corridor.”

City Planning Commission Public Hearing

On August 9, 2023 (Calendar No. 11), the City Planning Commission scheduled a public hearing on this application (C 230010 ZMK) and the related zoning text amendment (N 230011 ZRK). The hearing was duly held on August 23, 2023 (Calendar No. 16).

The applicant’s attorney spoke in favor of the application, providing an overview of the proposal, development site, and surrounding context. He also described the history of the site, noting its current uses as a gas station and drive-through fast food establishment. He further argued that the proposed development was appropriate on a wide street, pointing to a lack of income-restricted units in the area and rising citywide rents emerging from an undersupply of housing. Finally, he spoke to the concerns around height raised by Community Board 12, arguing that the acute citywide need for housing, wide street on Coney Island Avenue and setbacks on the proposed development made a 110-foot building appropriate on development site. He also indicated that his team could explore a shorter building with similar floor area, but that an R6A designation would not be feasible.

In total, five speakers appeared in favor of the application and two in opposition. Those opposed indicated their concern that the proposed height would damage the visual character of the area and that an eleven-story building was incongruous with the surrounding neighborhood. Those in favor spoke to the urgent need for more housing as area rents continue to rise. Both opponents and proponents of the proposal indicated their openness to new residents generally, and called for a broader, more comprehensive approach to land use changes along the Coney Island Avenue corridor. An additional 24 individuals submitted letters in favor of the proposal and one person submitted a letter in opposition.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the zoning map (C 230010 ZMK), in conjunction with the related application for a zoning text amendment (N 230011 ZRK), is appropriate. Together, these actions will facilitate the development of an eleven-story mixed-use development of 63,453 square feet, including 59,906 of residential space containing 43 dwelling units, eleven of which would be permanently income-restricted, as well as 3,547 square feet of ground floor retail at 534 Coney Island Avenue in the Kensington neighborhood of Brooklyn, Community District 12.

The Commission believes that the proposed R7X/C2-4 zoning district is appropriate given the surrounding context and land use conditions. These districts would support mixed use developments along a major Brooklyn corridor, allowing buildings up to 145 feet in height, or 14 stories, and up to a maximum residential FAR of 6.0 with a ground floor commercial or community facility use.

The project area is a suitable location to accommodate much-needed housing, situated near G, F, and Q stations within a half mile and along several major bus routes, which provide access to regional job centers in Downtown Brooklyn at approximately 30 minutes by subway and approximately 40 minutes to lower Manhattan respectively.

The proposed R7X/C2-4 zoning district allows the same residential and commercial uses as the R7A/C2-4 zoning district to the east along Coney Island Avenue, mapped in 2009 as part of the Flatbush rezoning to increase housing and commercial uses along this major neighborhood thoroughfare. Buildings surrounding the proposed development stand at between six and seven stories, across the 100 foot wide Coney Island Avenue corridor to the east and across the 90 foot wide street along Hinckley Place to the north. Standing at the intersection of a major arterial and a wide street, the proposed development's bulk and height will be an appropriate fit.

Coney Island Avenue is 100 feet wide and the permitted bulk and height of the proposed R7X/C2-4 district is appropriate along a corridor of this width. While the Commission notes that this new zoning will allow taller buildings than the six and seven-story buildings that typify the surrounding area, the city has added over one million residents since the medium-density elevator apartment buildings were developed nearby. The neighborhood's population has grown by 7.9 percent in the last ten years alone, but has only allowed 3.2 percent new housing to be built, and at the same time has seen ongoing "mansionization" (or consolidation) of nearby existing 1-2 family homes, further reducing the housing stock and increasing housing prices in the area. There is a balance between neighborhood context and growth, and the Commission believes that an R7X/C2-4 district along Coney Island Avenue is compatible and appropriate.

The Commission believes that the existing C8-2 district, which prohibits new residential development since 1961, will benefit from a long overdue change in response to local and citywide housing needs. The C2-4 commercial overlay will continue to allow commercial and community facility uses, consistent with the existing character and uses allowed on the corridor, but will allow mixed-use residential and commercial buildings, which will better contribute to a safer, more active pedestrian frontage along Coney Island Avenue, rezoning a block frontage which is now a single-story drive through fast food restaurant and a gas station.

The zoning text amendment (N 230011 ZRK) to Appendix F, to create a new MIH area coterminous with the project area, which will ensure that a portion of future residential development include permanently income restricted housing, utilizing either MIH Option 1 or MIH Option 2, is appropriate. The MIH text amendment is aligned with citywide objectives outlined in *Housing New York* and *Where We Live*, New York City's HUD-mandated report that outlines goals and strategies to affirmatively further fair housing.

The Commission recognizes the call from members of Community Board 12, the Borough President, and members of the public for a broader review of zoning patterns in the area to

address longstanding needs for housing and mixed-use development along the Coney Island Avenue corridor. The Commission believes that the zoning along Coney Island Avenue is overly restrictive based on the existing conditions in the area and is worthy of further consideration. The Commission concludes that the 100-foot width, limited housing capacity along the corridor and surrounding neighborhoods, and proximity to public transportation make the area an ideal one to begin an exploration of options for more mixed use development and a safer and more active streetscape for pedestrians, cyclists, and motorists.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on May 22, 2023 with respect to this application (CEQR No. 23DCP033K), 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 subsequently amended, is further amended by changing the Zoning Map, Section No. 22c:

1. changing from a C8-2 District to an R7X District property bounded by Hinckley Place, Coney Island Avenue, Beverly Road, a line 100 feet westerly of Coney Island Avenue; and
2. establishing within the proposed R7X District a C2-4 District bounded by Hinckley Place, Coney Island Avenue, Beverly Road, a line 100 feet westerly of Coney Island Avenue;

Borough of Brooklyn, Community District 12 as shown on a diagram (for illustrative purposes only) dated May 22, 2023, and subject to the conditions of CEQR Declaration E-717.

The above resolution (C 230010 ZMK), duly adopted by the City Planning Commission on October 2, 2023 (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.

DANIEL R. GARODNICK Esq., *Chair*

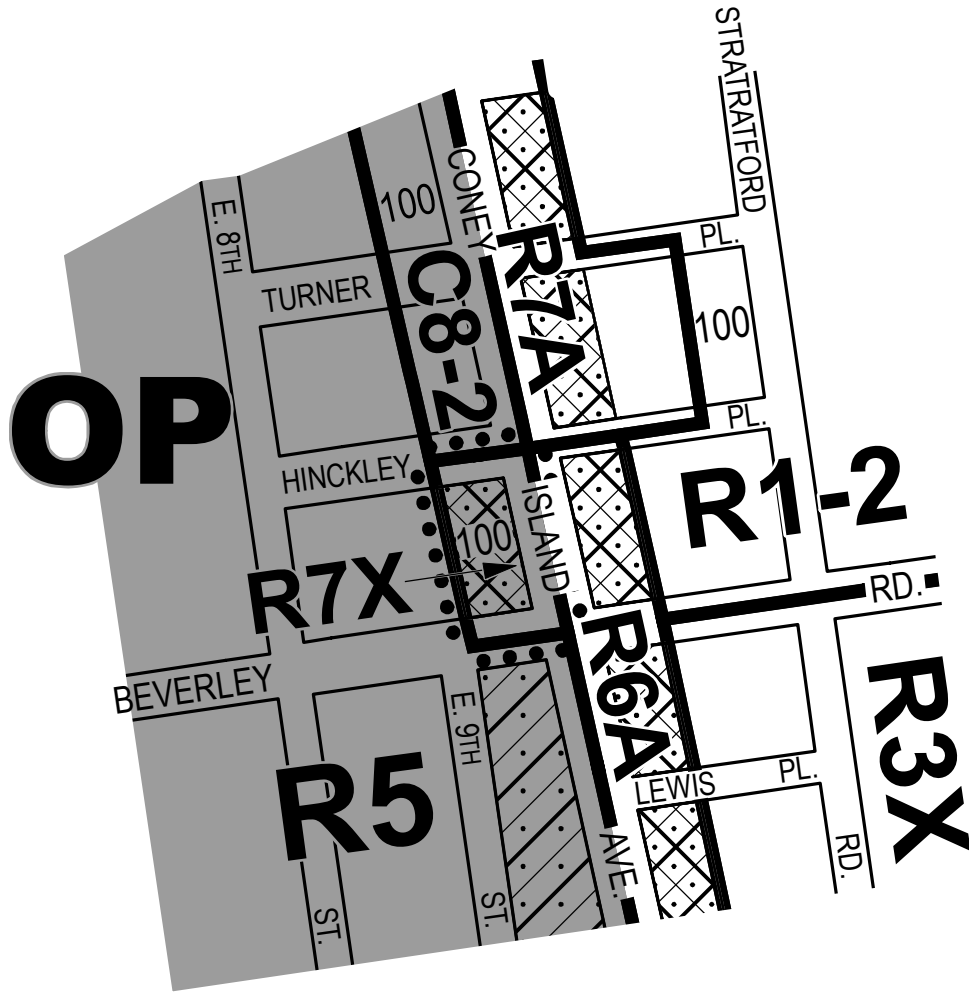
KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

GAIL BENJAMIN, LEILA BOZORG, JUAN CAMILO OSORIO,

ALFRED C. CERULLO, III, ANTHONY W. CROWELL,

JOSEPH I. DOUEK, DAVID GOLD, Esq., LEAH GOODRIDGE, Esq.,

RASMIA KIRMANI-FRYE, ORLANDO MARÍN, RAJ RAMPERSHAD, *Commissioners*



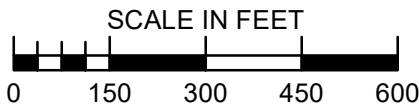
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

22c
 BOROUGH OF
BROOKLYN



New York, Certification Date:
 May 22, 2023

S. Lenard
 S. Lenard, Director
 Technical Review Division



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by changing from a C8-2 District to an R7X District, and by establishing a C2-4 District within a proposed R7X District.
- Indicates a C2-3 District
- Indicates a C2-4 District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 534 Coney Island Avenue	
Applicant: Remica Property Group Corp.	Applicant's Primary Contact: Eric Palatnik
Application # 230010ZMK	Borough:
CEQR Number: 23DCP033K	Validated Community Districts: K12

Docket Description: IN THE MATTER OF an application submitted by Remica Property Group Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 22c: 1. changing from a C8-2 District to an R7X District property bounded by Hinckley Place, Coney Island Avenue, Beverly Road, a line 100 feet westerly of Coney Island Avenue; and 2. establishing within the proposed R7X District a C2-4 District bounded by Hinckley Place, Coney Island Avenue, Beverly Road, a line 100 feet westerly of Coney Island Avenue; as shown on a diagram (for illustrative purposes only) dated May 22, 2023, and subject to the conditions of CEQR Declaration E-717.
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Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 32	# Against: 2	# Abstaining: 0	Total members appointed to the board: 34
Date of Vote: 6/27/2023 12:00 AM		Vote Location: 5901 13th Avenue & Zoom	

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

Date of Public Hearing: 6/20/2023 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	5901 13th Avenue & Zoom

CONSIDERATION: The Community Board heard a lot of concerns regarding the height of the proposed project, which is for 110 feet. Based on the surrounding buildings being 70 feet tall, the Community Board voted to support the application on condition that it be approved for an R6A Zoning and the development kept at 70 feet.		
Recommendation submitted by	BK CB12	Date: 7/12/2023 6:46 PM



Brooklyn Borough President Antonio Reynoso
Brooklyn Borough Hall
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
calendaroffice@planning.nyc.gov

Uniform Land Use Review Procedure (ULURP) Application

534 CONEY ISLAND AVENUE REZONING – C 230010 ZMK, N 230011 ZRK

IN THE MATTER OF a private application submitted by Remica Property Group Corp pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment from C8-2 to R7X/C2-4 and a zoning text amendment to Appendix F for MIH to facilitate a new development including 53,924 sf of residential space (43 dwelling units) with ground-floor retail at 534 Coney Island Avenue in Kensington, Community District 12, Brooklyn.

BROOKLYN COMMUNITY DISTRICT 12

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: 534 CONEY ISLAND AVENUE REZONING – C 230010 ZMK, N 230011 ZRK

The rezoning area is located at the southern end of a C8-2 district along the western side of Coney Island Avenue. This zoning district was established primarily to allow for uses serving automobiles. Areas across the street on the east side of Coney Island Avenue are mapped R7A and R6A with C2-4 commercial overlays. Coney Island Avenue is a wide street with a mapped width of 100 feet.

The applicant's property is located within the transit zone. The rezoning area is served by the Church Avenue F/G subway station and the Beverly Road Q subway station, in addition to the B68 bus line along Coney Island Avenue and the B103 and B35 bus lines along Church Avenue. The rezoning area is within a FRESH zoning incentive area. The FRESH program is a zoning district to incentivize the availability of fresh food stores in areas of the city that are considered food deserts.

Borough President Reynoso held a public hearing on this application on August 2, 2023. Eleven members of the public testified on this item, with five in favor and six opposed. Those in favor cited the need for affordable housing. Those opposed cited quality of life issues, building height, and insufficient public notice in the ULURP process. Eight members of the public who testified called for a comprehensive approach to land use and a corridor-wide plan along both sides of the Avenue.

The Borough President received an additional two written testimonies in favor and eight written testimonies opposed to the proposed development.

Community Board Position

Community Board 12 voted to approve this application on June 27, 2023 with the conditions that the zoning district be modified to R6A and the building height be capped at 70 feet.

Approval Rationale

Borough President Reynoso believes the applicant’s proposed height and bulk along Coney Island Avenue is appropriate given the surrounding context and street width of 100 feet. Mapping a C2-4 commercial overlay on the rezoning area will allow for commercial and retail uses consistent with the areas mapped with a C2-4 commercial overlay the blocks on the eastern side of Coney Island Avenue.

There is a critical need for housing, particularly affordable housing, in Community District 12 (CD 12)—over that last approximately 10 years, this area has produced fewer units when compared to Brooklyn and New York City as a whole, and CD 12 has only produced 53 MIH units to date. When compared with CD 12’s population growth (7.9% increase in population between 2010 and 2020), housing production has not kept pace (2.7% increase in housing units over that same time period). Understanding this demand for new, income-restricted housing in CD 12, the Borough President believes the proposed building size and number of units is appropriate. The proposed development would require 25% of the residential floor area to be income-restricted, which would result in 11 units developed pursuant to MIH Option 1.

The Borough President supports rezoning away from the existing C8-2 district, given its automobile-focused purpose. As such, and because the development site is accessible to transit and within the transit zone, the Borough President recommends that the applicant consider filing a follow-up action to waive required parking.

Finally, the Borough President emphasizes the public comments calling for comprehensive planning in this area and a holistic approach to zoning along the corridor. This application aligns with several principles in the Borough President’s draft recommends as part of his comprehensive planning effort for the borough, including but not limited to: the development site is located within a fair share housing area; the project would result in transit-oriented development; the project plans to employ sustainable energy practices; and while the proposed floor area does not meet the size requirements, the rezoning area is within a FRESH zone.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this application.



August 11, 2023

BROOKLYN BOROUGH PRESIDENT

DATE



BOROUGH PRESIDENT RECOMMENDATION

Project Name: 534 Coney Island Avenue	
Applicant: Remica Property Group Corp.	Applicant's Administrator: Eric Palatnik
Application # 230010ZMK	Borough: Brooklyn
CEQR Number: 23DCP033K	Validated Community Districts: K12

Docket Description:
IN THE MATTER OF an application submitted by Remica Property Group Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 22c:
1. changing from a C8-2 District to an R7X District property bounded by Hinckley Place, Coney Island Avenue, Beverly Road, a line 100 feet westerly of Coney Island Avenue;
and
2. establishing within the proposed R7X District a C2-4 District bounded by Hinckley Place, Coney Island Avenue, Beverly Road, a line 100 feet westerly of Coney Island Avenue;
as shown on a diagram (for illustrative purposes only) dated May 22, 2023, and subject to the conditions of CEQR Declaration E-717.

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

RECOMMENDATION: Favorable

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

CONSIDERATION:

Recommendation submitted by	BK BP	Date: 8/11/2023 4:00 PM
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