



## CITY PLANNING COMMISSION

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November 4, 2020 / Calendar No. 5

C 200094 ZSK

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**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 grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to modify:

1. The requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) to waive all required accessory parking

In connection with a proposed mixed-use development on property located at 312 Coney Island Avenue (Block 5322, Lots 10 & 20), in Borough of Brooklyn, Community District 7.

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This application for a zoning special permit was filed by 312 Coney Island Ave, LLC on September 4, 2019. This application, in conjunction with the related actions (C 200092 ZMK and N 200093 ZRK), would facilitate a new, approximately 312,754 square-foot mixed-use development containing a church, a school, retail, and residential units, located at 312 Coney Island Avenue in the Windsor Terrace neighborhood of Community District 7, Brooklyn.

### **RELATED ACTION**

In addition to the special permit (C 200094 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:

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

**N 200093 ZRK**      Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2, and a related section in ZR section 113-00 to modify setback requirements for sites in R8A districts adjacent to Park Circle within the Special Ocean Parkway District (SOPD).

## **BACKGROUND**

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

## **ENVIRONMENTAL REVIEW**

This application (C 200094 ZMK), in conjunction with the application for the related actions (C 200092 ZMK & N 200093 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 agency is the City Planning Commission. The designated CEQR number is 20DCP036K.

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

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

## **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 200094 ZSK) and the application for the related zoning map amendment (C 200092 ZMK) were 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 zoning 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 200094 ZSK) on January 20, 2020. On February 19, 2020 by a vote of 30 in favor, 2 opposed, and none abstaining, the Community Board voted to recommend disapproval of the application with conditions. A summary of the Community Board's recommendation and conditions appears in the report for the related zoning map amendment (C 200092 ZMK).

### **Borough President Recommendation**

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

### **City Planning Commission Public Hearing**

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

## **CONSIDERATION**

The Commission believes that this application (C 200094 ZSK) is appropriate. A full consideration and analysis of issues and the reasons for approving this application appear in the report for the related zoning map amendment (C 200092 ZMK).

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to ZR Section 74-533 of the Zoning Resolution:

- (a) will facilitate such development or enlargement. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable, including the availability of parking spaces for such uses.

## **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 and findings described in this report, this application submitted by 312 Coney Island Avenue, LLC pursuant to Section 74-533 of the Zoning Resolution to modify:

1. The requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) to waive all required accessory parking;

In connection with a proposed mixed-use development on property located at 312 Coney Island Avenue (Block 5322, Lots 10 & 20), in Borough of Brooklyn, Community District 7, is approved, subject to the conditions of the CEQR Declaration E-555.

1. The property that is the subject of this application (C 200094 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by FXCollaborative Architects LLP, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-001	Zoning Analysis	08/30/2019
Z-002	<u>Site Plan</u>	08/30/2019

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other

powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 200094 ZSK), duly adopted by the City Planning Commission on November 4, 2020 (Calendar No. 5) 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*