



**CITY PLANNING COMMISSION**

April 1, 2009/ Calendar No. 10

C 090251 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at:

BLOCK	LOT	ADDRESS
7051	33	2958 West 29 <sup>th</sup> Street
7051	35	2962 West 29 <sup>th</sup> Street
7051	37	2964 West 29 <sup>th</sup> Street
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7051	439	2908I West 29 <sup>th</sup> Street

as an Urban Development Action Area; and

- b. an Urban Development Action Area Project for such area; and

- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate a mixed use development, tentatively known as Coney Island Commons, with community facility space and approximately 188 residential units, to be developed under the Department of Housing Preservation and Development’s Multi-Family Program, Community District 13, Borough of Brooklyn.

Approval of three separate matters is required:

1. the designation of property located at:

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as an Urban Development Action Area; and

2. an Urban Development Action Area Project for such area; and
3. the disposition of such property, to a developer selected by HPD.

The application for the Urban Development Action Area designation and project approval and disposition of city-owned property was submitted by the Department of Housing Preservation and Development (HPD) on December 18, 2008.

Approval of this application would facilitate the development of a mixed use development tentatively known as Coney Island Commons, with community center space and approximately 188 affordable residential units, to be developed under the Department of Housing Preservation and Development's Multi-Family Program.

The Department of Housing Preservation and Development states in its application that:

The Project Area consists of underutilized vacant properties which tend to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

## **RELATED ACTION**

In addition to the application which is the subject of this report (C 090251 HAK), implementation of the applicant's proposal also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**C 090250 ZMK** - Amendment of the Zoning Map.

## **BACKGROUND**

The Department of Housing Preservation & Development is proposing a zoning map amendment to change an R6 district to an R7-2 district, Urban Development Action Area approval, project approval and disposition of City-owned property to facilitate the development of Coney Island Commons, a 41,181 square feet community center and 188 units of affordable housing. The

project responds to a community request for a community center and affordable housing that were voiced during the preparation of the Strategic Plan for Coney Island in 2005.

The development site is approximately 64,714 square feet and is bounded by P.S. 329 (Surfside School) to the north, West 29th Street to the east, West 30th Street to the west, and Surf Avenue and two privately-owned, single-story commercial retail buildings fronting on Surf Avenue to the south. The two privately-owned parcels fronting on Surf Avenue would only be affected by the related zoning map amendment (C 090250 ZMK).

With the exception of the two privately-owned parcels, the proposed rezoning area is controlled by the Department of Housing Preservation and Development and is currently vacant. The land uses in the surrounding area primarily include high-rise multi-family apartment buildings owned and managed by New York City Housing Authority as well as high-rise nursing homes. To the south of Surf Avenue are Coney Island's Boardwalk, beach and oceanfront. The rezoning area is currently located in an R6 zoning district with a C1-2 commercial overlay.

The proposed project, Coney Island Commons, would be comprised of a 41,181 square feet community center operated by the YMCA and two affordable housing buildings organized around a landscaped roof terrace with 106 accessory parking spaces below. The YMCA would function as the anchor for the project with a glazed double-height fitness room fronting on Surf Avenue. It would feature an aquatics center and fitness and multi-purpose rooms. The residential development would include two buildings with a mix of 188 studio, one, two and three bedroom units. The two residential buildings would be partially located on the top of the community center with heights of 9 and 13 stories. The roof of the enclosed parking garage and a portion of the YMCA roof would create a 28,888 square feet landscaped outdoor terrace for the residents. The building would be developed under the Department of Housing Preservation and Development's Multi-Family Program. The income levels are projected to be in a mix ranging from up to 80%, 80% to 130% and 130% to 175% of the Area Median Income.

## **REQUESTED ACTIONS**

### **UDAAP and Disposition of City-owned Property (C 090251 HAK)**

The proposed project requires the designation of property listed above as an Urban Development Action Area, project approval and the disposition of City-owned land to a developer to be selected by HPD.

### **Zoning Map change (C 090250 ZMK)**

The existing R6 zoning has maximum residential FAR of 2.43 and 4.8 for community facilities. The proposed FAR for the project is 3.61 and the proposed residential FAR is 2.97. In an R7-2 district, the maximum residential FAR is 3.44 and 6.5 for community facilities. The existing C1-2 commercial overlay would remain unchanged. The proposed development does not comply with the Zoning Resolution in relation to rear-yard obstructions, community facility accessory parking, open space and height and setback requirements. In this instance, the City is exercising its option not to be subject to its zoning requirements when performing a governmental function.

### **ENVIRONMENTAL REVIEW**

This application (C 090251 HAK) in conjunction with the related application (C 090250 ZMK) 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 09HPD021K. The lead agency is the Department of Housing Preservation and Development. After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on December 19, 2008.

### **UNIFORM LAND USE REVIEW**

This application (C 090251 HAK) in conjunction with the related application (C 090250 ZMK), was certified as complete by the Department of City Planning on January 5, 2009, and was duly referred to Brooklyn Community Board 13 and the Brooklyn Borough President for information and review, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 13 held a public hearing on this application on January 8, 2009, and on January 28, 2009, by a vote of 28 to 0 with 0 abstentions, adopted a resolution recommending approval of the application with the following conditions:

That involved employees receive prevailing wages, complete with accompanying benefits; that local residents are given first preference employment (pre-and-post construction) and the purchase of the involved housing units; and that minority contractors, and women-based contractors be given first preference in the 'Commons' development.

### **Borough President Recommendation**

This application was considered by the Brooklyn Borough President who issued a recommendation approving the application on March 2, 2009.

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

On February 18, 2009 (Calendar No. 3), the City Planning Commission scheduled March 4, 2009 for a public hearing on this application (C 090251 HAK). The hearing was duly held on March 4, 2009 (Calendar No. 20) in conjunction with the hearing on the related application (C 090250 ZMK). There were three speakers in favor and none in opposition.

The speakers in favor included two representatives of the developer and one representative of the YMCA who described the proposal and indicated that the YMCA swimming pool will be deep enough to train local residents to become beach life-guards, which was one of the Borough President's comments on his recommendation.

There were no other speakers on the application and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (in conjunction with the application for the related action), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 22, 2002, pursuant to

the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The WRP number is 08-116. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that this application (C 090251 HAK) for UDAAP designation and project approval, and, the disposition of city-owned property along with the related application (C 090250 ZMK) for a zoning map amendment, is appropriate.

The Commission notes that this project was requested by the community during the preparation of the Coney Island Strategic Plan in 2005.

The actions would facilitate development on city-owned property that has been vacant for several decades. The proposed project would provide the area with a 41,181 square foot community facility in addition to approximately 188 units of cooperative ownership housing for low-income families earning up to 80% of AMI and to middle-income families earning up between 80% and 175% of AMI.

The Commission notes that the proposed zoning change to R7-2 would allow more affordable units to be built than the existing R6 zoning. The Commission also believes that the proposed R7-2 zoning is appropriate and allows development that is consistent with existing scale and land uses of the surrounding area.

Regarding the recommendation of the Community Board, the Commission notes that the conditions are beyond the purview of its review.

The Commission believes that the applications for a zoning map amendment, UDAAP designation and project approval and, the disposition of city-owned property are appropriate.

**RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of property located at:

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as an Urban Development Action Area;

**WHEREAS**, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

**THEREFORE, BE IT FURTHER RESOLVED**, that the City Planning Commission after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act;

- a. the designation of property located at:

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as an Urban Development Action Area; and

- b. an Urban Development Action Area Project for such area; and

the City Planning Commission recommends that the New York City Council finds that:

- a. The present status of the area tends to impair or arrest the sound development of the municipality;
- b. The financial aid in the form of tax incentives if any, to be provided by the municipality pursuant to Section 696 of Article 16 of the General Municipal Law is necessary to enable the project to be undertaken; and
- c. The policy is consistent with the policy and purposes stated in Section 691 of Article 16 of the General Municipal Law; and

**BE IT FURTHER RESOLVED**, the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of property located at:

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Community District 13, Borough of the Brooklyn, to a developer selected by HPD, is approved.

The above resolution (C 090251 HAK), duly adopted by the City Planning Commission on April 1, 2009 (Calendar No.10), 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.

**AMANDA M. BURDEN**, FAICP, Chair  
**KENNETH J. KNUCKLES**, ESQ., Vice Chairman  
**ANGELA M. BATTAGLIA**, P.E., **ANGELA R. CAVALUZZI**, AIA,  
**ALFRED C. CERULLO, III**, **BETTY Y. CHEN**, **RICHARD W. EADDY**,  
**NATHAN LEVENTHAL**, **SHIRLEY A. McRAE**, **JOHN MEROLO**, **KAREN A. PHILLIPS**,  
Commissioners

**MARIA M. DEL TORO**, Commissioner, **RECUSED**