**Brooklyn Borough President Antonio Reynoso**
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**Uniform Land Use Review Procedure (ULURP) Application**
1880-1888 CONEY ISLAND AVENUE REZONING – 210090 ZMK, 210091 ZRK

An application by Plaza Realty, LLC pursuant to sections 197-c and 201 of the New York City Charter affecting all or p/o 15 lots on the west side of Coney Island Avenue between avenues O and P, within the Special Ocean Parkway District (OP). The applicant seeks a zoning map amendment to change the project area from C8-2/OP to C4-5A/OP, and a zoning text amendment to establish a coterminous Mandatory Inclusionary Housing (MIH) area. These actions would enable a development of two attached eight-story buildings with 231 units, 36,456 square feet (sf) of ground-floor commercial space, and 245 parking spaces in the cellar. Approximately 60 units would be affordable pursuant to MIH Option 1 or 70 units would be affordable pursuant to MIH Option 2.

BROOKLYN COMMUNITY DISTRICT 12

**RECOMMENDATION**

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

BROOKLYN BOROUGH PRESIDENT

November 28, 2022
DATE

**RECOMMENDATION FOR:** 1880-1888 CONEY ISLAND AVENUE REZONING – 210090 ZMK, 210091 ZRK

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Brooklyn Borough President Antonio Reynoso held a public hearing on this ULURP application on November 21, 2022. There were four speakers, all in opposition to the item.

**Community Board Position**

Community Board 12 (CB 12) disapproved this application on October 25, 2022.

The Borough President received 36 written testimonies in opposition from area residents, who cited insufficient street parking, unsafe pedestrian conditions, and perennial traffic congestion along Coney Island Avenue. The letters also expressed concern about the development's massing on East 10th Street and the proposed bedroom mix.

**Approval Rationale**

Borough President Reynoso recognizes CB 12's concern about the proposed development's bulk and height, given its mid-block location and the neighborhood's largely low-rise character. Transition rules permitting a 55-foot maximum height within 25 feet of the adjacent R5 district would result in a one-story base with a 35-foot setback for the floors above. This would reduce shadows for the detached two-story homes on East 10th Street.

The Borough President believes that the applicant's proposed C4-5A density on this block of Coney Island Avenue is appropriate and beneficial, given its location along a wide street and the equivalent R7A district mapped across the street. Since the existing C8-2 district permits a 23-story commercial building as-of-right, the C4-5A contextual district is an appropriate tool to ensure predictability within the zoning envelope, including a 95-foot height limit. The Borough President further appreciates that by targeting an existing commercial district, this rezoning will not cause a loss of M-zoned land in Brooklyn. He has seen too many City-led and private applications to rezone manufacturing districts (especially M1-1) for predominantly market-rate residential use.

The Borough President is concerned about CD 12's low rental vacancy rate and limited supply of income-restricted housing. New construction in the district has yielded only 40 affordable units over the past five years. Beyond a a critical need for affordable housing, there is high demand for family-sized units with three or more bedrooms. Establishing an MIH area over most of the block would promote affordable housing construction near jobs and amenities.

The Borough President requests that the applicant reconsider the development's 450-foot façade along Coney Island Avenue and modify the monolithic design to distinguish the two proposed buildings. Beyond this position, Borough President Reynoso seeks to maximize the project's public purpose via non-profit administering agent, resilient and sustainable design, a commitment to local employment.

**Ensuring a Family-Oriented Bedroom Mix**

The applicant has proposed a 230-unit building with 47 studios, 106 one-bedrooms, and 78 two-bedroom apartments. Given the proportion of families in CD 12 and young median age in the area (39.9 years, according to the 2015-2019 American Community Survey (ACS)), Borough President Reynoso

does not believe that this distribution is responsive to local housing needs. Given the development's scale, right-sizing the affordable housing bedroom mix is as important as maximizing the number of MIH units. The Borough President therefore requests that the applicant provide three-bedroom units.

One useful tool is a ZR provision [Section 23-96(c)(1)(ii)] that empowers the NYC Department of Housing Preservation and Development (HPD) to mandate that 50 percent of MIH units are provided with two or more bedrooms, and 75 percent are constructed as one-bedroom or larger apartments. This mechanism would ensure that the 1880-1888 Coney Island Avenue provides housing that meets the host community's needs, and achieve larger units at MIH rents, which is challenging even in the best of times. Therefore, prior to City Council review, Plaza Realty, LLC should commit to providing a family-oriented bedroom mix with at least 50 percent of the MIH units at 1880-1888 Coney Island Avenue constructed as two- or three-bedroom apartments.

**Engaging a Non-Profit Administering Agent**

An administering agent is responsible for ensuring that inclusionary housing complies with the regulatory agreement that governs the development's affordable housing plan. Borough President Reynoso believes that housing non-profits are best positioned to maximize local participation in MIH lotteries. These organizations have the means to provide targeted outreach, marketing, and education for inclusionary housing projects.

Given the increasing number of MIH applications in this part of Brooklyn, it is vital to identify qualified non-profit organizations and build their capacity to administer such developments. Therefore, prior to consideration by City Council, Plaza Realty, LLC should commit to retain a non-profit administering agent for the 1880-1888 Coney Island Avenue affordable housing lottery.

**Advancing Sustainability and Resiliency**

Borough President Reynoso believes that energy-efficient and environmentally sustainable buildings help mitigate climate change. Local Laws 92 and 94 of 2019 require most new construction to incorporate a green roof and/or a solar installation. Developers are increasingly pursuing impactful strategies such as passive house design and onsite energy generation. Accordingly, Plaza Realty, LLC should seek City and State incentives to offset the cost of installing green and solar roofs. The New York State Energy Research and Development Authority (NYSERDA) manages various programs to promote efficient buildings. New York City offers the Green Roof Tax Abatement and the Green Infrastructure Grant Program, administered by the Department of Environmental Protection (DEP).

The Borough President advocates stormwater management practices that support DEP's green infrastructure strategy and reduce burdens on wastewater treatment plants. This includes maximizing opportunities to integrate rain gardens with tree pits in the public right of way. Based on ZR requirements, the development's 450-foot frontage on Coney Island Avenue would yield 18 new street trees. The Borough President believes that some proportion of these could be consolidated with rain gardens, as part of the required Builder's Pavement Plan (BPP) for 1880-1888 Coney Island Avenue. Though DEP has completed over two dozen green infrastructure improvements along Avenue P and Quentin Road west of Ocean Parkway, there are no rain gardens in design or construction along Coney Island Avenue. Therefore, this project could achieve a significant public benefit, and mitigate its own sewer impacts by constructing rain gardens along its facade. Plaza Realty, LLC should solicit input from CB 12 and local elected officials in its implementation plan and commit to incorporate sustainability and resiliency measures at 1880-1888 Coney Island Avenue prior to review by City Council.

**Maximizing Local Jobs**

According to the NYU Furman Center, double-digit unemployment remains a pervasive reality across Brooklyn, with more than half the community districts reporting poverty rates of 20 percent or higher. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity. One way to address

the borough's economic crisis is to promote Brooklyn-based businesses and advocate local hiring and promote Brooklyn-based businesses. Therefore, Plaza Realty, LLC should commit to retain area contractors and suppliers and provide employment opportunities to CB 12 residents.

**Achieving a DOT Study of Coney Island Avenue**

The Borough President received numerous testimonies describing problematic roadway conditions such as regular gridlock, double-parking, and slow bus service along Coney Island Avenue. Local residents also noted multiple unsafe crossings despite the presence of several schools in the area. Borough President Reynoso recognizes these concerns, and notes that Coney Island Avenue is a major local truck route in Southern Brooklyn. He is therefore concerned that with a single frontage for its commercial, parking, and residential access, this development could exacerbate existing vehicular conflicts and frequent pedestrian injuries.

If this application is approved, the Borough President believes that the developer should work proactively with the Department of Transportation (DOT), CB 12, and the local Council Member to develop and implement a traffic management plan. However, the City must also make a concerted effort to institute traffic calming and pedestrian safety measures in this part of Southern Brooklyn.

In 2014, DOT designated Coney Island Avenue between Avenue M and Avenue O as a priority corridor for safety improvements. The agency identified several key issues, including long crossing distances, regular speeding, underutilized median space, and the intersection of Avenue O and Coney Island where one-way traffic meets two-way traffic. The prescribed improvements included signal timing, safety islands, and pavement markings.

In 2019, following two pedestrian deaths in the district, local elected officials submitted a letter to DOT urging immediate action along the priority corridor, and expansion to a larger section spanning Caton Avenue to Avenue P. To date, DOT has made no commitments to complete the proposals outlined in 2014 or expand pedestrian safety improvements to a larger stretch of Coney Island Avenue. The Borough President agrees that the City should not leave this dangerous corridor unaddressed. As adjoining neighborhoods experience increased density from rezonings, it is essential that DOT work in tandem to ensure the safety of all area residents.

**Recommendation**

Be it resolved that the Brooklyn Borough President, pursuant to sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. That prior to consideration by City Council, Plaza Realty LLC commit to:

    a. Redesign the massing along Coney Island Avenue to articulate two separate buildings

    b. Produce a more family-oriented unit mix with a percentage of three-bedroom apartments

    c. Retain a qualified non-profit administering agent for the 1880-1888 Coney Island Avenue MIH lottery

    d. Incorporate sustainability measures, such as blue roofs, passive house design, and/or onsite energy generation

e. Coordinate with DEP, DPR, and DOT to install rain gardens along Coney Island Avenue as part of a BPP, in consultation with CB 12 and the local Council Member

f. Retain Brooklyn-based contractors/suppliers, and provide employment opportunities to area residents

g. Work with DOT, CB 12, and the local Council Member to develop and implement a traffic management plan

Be It Further Resolved

1. That DOT initiate a study of Coney Island Avenue between Caton Place and Avenue P, as requested in 2019, to identify solutions for long-standing safety issues along the corridor.