



Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
120 Broadway, 31st Floor, New York, NY 10271
CalendarOffice@planning.nyc.gov

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION

606 NEPTUNE AVENUE – 210033 ZMK

An application submitted by McDonald's Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to change a commercial overlay mapped to a depth of 150 feet on the west side of West Sixth Street between Neptune Avenue and Sheepshead Bay Road from C1-2 to C2-4, and a modification to a Restrictive Declaration governing use of the applicant site. Such actions are requested to legalize the accessory drive-through facility of an existing 2,450 square foot (sq. ft.) eating and drinking establishment in Brooklyn Community District 13 (CD 13).

BROOKLYN COMMUNITY DISTRICT NO. 13

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

March 5, 2021

BROOKLYN BOROUGH PRESIDENT

DATE

RECOMMENDATION FOR: 606 NEPTUNE AVENUE – 210033 ZMK

McDonald's Corporation submitted an application, pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to change a commercial overlay mapped to a depth of 150 feet on the west side of West Sixth Street between Neptune Avenue and Sheepshead Bay Road from C1-2 to C2-4, and a modification to a Restrictive Declaration governing use of the applicant site. Such actions are requested to legalize the accessory drive-through facility of an existing 2,450 square foot (sq. ft.) eating and drinking establishment in Brooklyn Community District 13 (CD 13).

On January 25, 2021, Brooklyn Borough President Eric Adams held a remote public hearing on this zoning map amendments. There were no speakers on the item.

In response to Borough President Adams' inquiry as to what steps this McDonald's intends to take to maximize community outreach when hiring additional staff, the representative stated that the location's 60 employees are based in Brooklyn. Job applications are accepted via an online portal, referrals from current employees, and walk-in candidates. The representative noted that the owner would be willing to make additional efforts to hire locally, in consultation with the community workforce development organizations.

Consideration

Brooklyn Community Board 13 (CB 13) approved this application on January 27, 2021.

The proposed actions would affect a 35,700 sq. ft. zoning lot that extends 150 feet along Neptune Avenue and Sheepshead Bay Road, with 265 feet of frontage on West Sixth Street. The property is consists of a 4,250 square foot (sq. ft.) McDonald's restaurant, an accessory drive-through facility, and 36 parking spaces. The site is enhanced with small, landscaped areas and limited outdoor seating. The establishment is accessible via curb cuts along each of its frontages. The rezoning area also includes a 10-foot-wide portion of the adjacent lot, which contains the St. Paul's Evangelical Lutheran Church. The block is zoned R6 with a C1-2 overlay mapped over the entire McDonald's lot, and contains no other uses apart from the church and restaurant. It is located within the Ocean Parkway Special Purpose District (OP), mapped from Brighton Beach Avenue to Fort Hamilton Parkway.

The present Use Group (UG) 6 eating and drinking establishment was constructed in 1975, shortly after the underlying zoned was amended from R6 to R6/C1-2. At that time, the property owner and the McDonald's Corporation entered an Effective Declaration restricting development, maintenance, and operation of the site.

The OP was established in the New York City Zoning Resolution (ZR) in 1977, and the project area became subject to its rules and regulations. In 1980, ZR Section 32-15 was amended to permit UG 6 eating and drinking establishments and accessory drive-through facilities in certain C1 and C4 districts. In 1982, the McDonald's Corporation applied to the New York City Board of Standards and Appeals (BSA) for a special permit to construct an accessory drive-through facility, which is otherwise not permitted in C1-2 districts. However, ZR Section 73-243 specifies that such permits may be granted for a period of not more than five years, provided that the proposed operation meets certain findings. The BSA subsequently extended the permit in 1987, 1992, 1997, and 2002, when the parking area was reconfigured to accommodate 36 spaces. The declaration was not amended after 2002, and the permit lapsed in 2007.

In 2014, the McDonald's Corporation sought a new permit for the drive-through facility and was informed that ZR Section 73-243 precludes the BSA from issuing such permits in special purpose districts. The applicant is therefore seeking a rezoning from C1-2 to C2-4, which would permit the

through operation as-of-right. If approved, the request would also result in an updated site plan, which would be memorialized in the Effective Declaration.

The restaurant is located in a dense residential community, characterized by high-rise apartment buildings. It is situated north of the Coney Island Amusement Zone and the New York Aquarium. The site is well-served by public transportation. The Sixth Avenue Local F and Seventh Avenue Express Q trains are available at the nearby West Eighth Street subway station, while the B68 bus stops at Neptune Avenue and West Sixth Street. This portion of the Coney Island Peninsula is also accessible via Exit 7 of the Belt Parkway.

The applicant maintains that the existing drive-through facility is essential to the economic feasibility of this McDonald's location. Borough President Adams supports land use actions that bring existing uses into zoning conformance and help ensure continued operation of job-producing uses. As such, he believes that the request to map a C2-4 commercial overlay is appropriate for the stated purpose on this site. Therefore, the City Planning Commission (CPC) and/or City Council should approve this application.

Maximizing Local Hiring Opportunities

Borough President Adams is concerned that too many Brooklyn residents are unemployed or underemployed. It is his policy to promote economic development, including land use actions that result in job creation. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," double-digit unemployment remains a pervasive reality in Brooklyn, with more than half the borough's community districts reporting poverty rates of 20 percent or higher. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity. Borough President Adams believes that prioritizing local hiring is instrumental to address this crisis, particularly in Coney Island, where a large share of jobs are seasonal rather than year-round. Mission-driven entities in the area that work to connect residents to job opportunities include the Alliance for Coney Island, social service providers, and youth organizations. Borough President calls on the owner and/or manager of this McDonald's location to engage Brooklyn Community Board 13 (CB 13), area elected officials, and nonprofit organizations, to maximize local hiring.

Recommendation

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

Be it further resolved:

That the owner and/or manager of this McDonald's location engage Brooklyn Community Board 13 (CB 13), area elected officials, and workforce development organizations, to maximize local hiring.