



CITY PLANNING COMMISSION

May 12, 2004/Calendar No. 21

C 040124 ZMK

IN THE MATTER OF an application submitted by ERMA Realty, LLC, the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a:

1. eliminating from an existing R6 District a C2-3 District bounded by the southerly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), Saratoga Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 150 feet westerly of Saratoga Avenue; and
2. changing from an R6 District to an M1-1 District property bounded by the southerly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), Saratoga Avenue, a line midway between Atlantic Avenue and Pacific Street, and Howard Avenue,

as shown on a diagram (for illustrative purposes only) date January 26, 2004 and subject to the conditions of CEQR Declaration E-127.

The application for an amendment of the Zoning Map was filed by ERMA Realty and the Economic Development Corporation on September 22, 2003.

RELATED ACTIONS:

In addition to the amendment of the Zoning Map, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following action which is being considered concurrently with this application:

1. C 040125 PPK Application for the disposition of five (5) city-owned properties pursuant to zoning.

BACKGROUND

The proposed rezoning from R6 and R6/C2-3 to M1-1 together with the related action would facilitate the relocation and expansion of AM & G, a waterproofing contractor and hardware store currently located in four separate locations in Community District 3. The proposed actions would facilitate the construction of a one- and two-story commercial and light industrial building of approximately 62,500 square feet in Ocean Hill - Brownsville.

The area proposed for rezoning is the northern half of a block along Atlantic Avenue, between Saratoga and Howard Avenues. The approximately 70,000 square feet rezoning area consists of 22 lots of which 15 are owned by the applicant, five are owned by the city (and are the subject of the related disposition application), one building owned by HUD, and one privately-controlled commercial building. The rezoning site is vacant except for the commercial building and the HUD owned building. On the southern portion of the block are two- and three-story residences, one vacant lot and a community garden along Pacific Street. There is a 10,000 square foot vacant lot that is part of the development site but not part of the rezoning site on the corner of Saratoga Avenue and Pacific Street. The proposal would extend eastward the already existing M1-1 district along Atlantic avenue.

On Atlantic Avenue, north of the rezoning site, the Long Island Railroad completes its move from above-ground to below-ground. Atlantic Avenue, north of the rezoning, is characterized by blocks with residential uses and a scattering of commercial uses zoned R5. On Atlantic Avenue to the west is a mixed use block with commercial and residential uses and vacant land and

residential uses on Pacific Street. Land uses to the south are primarily residential with vacant land and some institutional uses. The zoning is R6. Immediately east, on the block across Saratoga Avenue from the rezoning area, is an auto repair shop, two to four-story residences on Pacific Street and residences and vacant land on Atlantic Avenue. These properties are also zoned R6.

The applicant intends to construct a one-story building along Atlantic Avenue and a two-story building along Saratoga Avenue. These buildings are planned to contain approximately 132,500 square feet of space above and below ground, with 62,500 square feet of zoning floor area. The site is planned to include 6,100 square feet of light industrial uses - primarily metal fabricating, 26,400 square feet of warehouse space, 15,000 square feet of retail space along Saratoga Avenue, and 15,000 square feet of office space above the retail space and 115 parking spaces. Approximately 55 people would work at the Atlantic Avenue site with an additional 250 working at individual project sites.

In addition to the rezoning the Department of Citywide Administrative Services is requesting the disposition of 5 city-owned lots (Block 1432, Lots 5, 6, 7, 9, and 10). Once disposition is approved, DCAS intends to dispose of the lots to EDC which intends to dispose of the property to the applicant. Lot 30 is currently owned by HUD and will be transferred directly to the applicant.

The existing R6 zoning allows Use Groups 1 - 4, which include residential uses and community

facilities. R6 districts have a maximum floor area ratio of 2.43 for residential uses and 4.80 for community facility uses. The existing 150 foot deep C2-3 overlay on Saratoga Avenue allows Use Groups 1 - 9 which include the residential uses as well as a wide range of local retail and service establishments. The C2-3 permits a commercial floor area ratio of 2.0 without residential uses and an FAR of 1.0 with residential uses. The proposed M1-1 zoning district allows Use Groups 4 - 14, 16 and 17, which include certain community facilities, a limited range of commercial uses and a wide range of light industrial uses. The maximum floor area ratio in an M1-1 district is 1.0 for manufacturing and commercial uses and 2.4 for community facility uses.

The applicant also intends to apply for a BSA special permit pursuant to section 73-50 of the Zoning Resolution in order to build a portion of the proposed building within the 30-foot rear yard required in manufacturing districts along residential district boundaries by ZR section 43-302 and to enclose a single story that will be no higher than 23 feet within the required rear yard.

ENVIRONMENTAL REVIEW

This application (C 040124 ZMK), in conjunction with the application for the related action (C 040125 PPK), 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 03DME017K. The lead agency is the office of the Deputy Mayor for Economic Development

and Rebuilding.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 8, 2003.

UNIFORM LAND USE REVIEW

This application (C 040124 ZMK), in conjunction with the application for the related action (C 040125 PPK), was certified as complete by the Department of City Planning on January 26, 2004, and was duly referred to Community Board 16 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 16 held a public hearing on this application on February 24, 2004, and on that date, by a vote of 27 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on March 30, 2004.

City Planning Commission Public Hearing

On March 24, 2004 (Calendar No.2), the City Planning Commission scheduled April 14, 2004,

for a public hearing on this application (C 040124 ZMK). The hearing was duly held on April 14, 2004 (Calendar No. 11), in conjunction with the public hearing on the application for the related action (C 040125 PPK). There were 2 speakers in favor of the application and no speakers in opposition.

The speakers in favor were the applicant and the applicant's attorney who explained how the rezoning and disposition would allow the applicant's firm to construct a modern warehouse, retail and manufacturing facility. In response to Commission questions regarding the rear of the proposed building and its adjacency to the rear yards of existing homes on Pacific Street, the applicant indicated that meetings had been held with the block association. In addition letters had been written to each individual homeowner offering to landscape an area adjacent to the wall of the proposed building according to each homeowners preference.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The Commission notes that the site is located on the south side of Atlantic Avenue, which is a six-lane, east-west arterial road, with heavy truck traffic and would not be an ideal site for residential development. Further, the Commission notes that the presence of the Long Island Railroad on the western end of the block being rezoned further discourages residential

development on the site. Commercial and manufacturing uses would have access to good truck transportation on Atlantic Avenue.

The Commission also notes, that while the site proposed for rezoning is adjacent to a row of two- and three-story homes, the applicant has indicated a willingness to work with the residents of the homes on Pacific Street to landscape and improve their rear yards and to shield the residents from adjacent manufacturing activities.

The proposed disposition of five (5) city-owned properties to EDC and then to the applicant would, when assembled with the land owned by the applicant, allow the construction of a new manufacturing building on the entire site. The city-owned lots would be returned to private ownership and support the city's effort to increase the tax rolls while reducing management and oversight burdens. Disposition would make possible the return of this property to productive use and eliminate its blighting influence on the neighborhood.

The rezoning and disposition would facilitate the relocation and expansion of AM&G, a contracting and waterproofing firm now located in Community District 3 in Brooklyn. The proposed action would facilitate the consolidation and expansion of the firm in a new building with sufficient off-street truck loading, and employee and customer parking. The applicant intends to construct a one-story building along Atlantic Avenue and a two story building along Saratoga Avenue which would contain approximately 132,500 gross square feet of space above and below ground with 62,500 square feet of zoning floor area. The site is planned to include

6,100 square feet of light industrial uses - primarily metal fabricating, 26,400 square feet of warehouse space, 15,000 square feet of retail space along Saratoga Avenue, and 15,000 of office space above the retail space and 115 parking spaces. Approximately 55 people would work at the Atlantic avenue site with an additional 250 working at project sites.

RESOLUTION

RESOLVED, that 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 as subsequently amended, is further amended by changing the Zoning Map, Section No. 17a,

1. eliminating from an existing R6 District a C2-3 District bounded by the southerly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), Saratoga Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 150 feet westerly of Saratoga Avenue; and
2. changing from an R6 District to an M1-1 District property bounded by the southerly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), Saratoga Avenue, a line midway between Atlantic Avenue and Pacific Street, and Howard Avenue,

Borough of Brooklyn, Community District 16, as shown on a diagram dated January 26, 2004 (C 040124 ZMK), and which includes the environmental designation E-127.

The above resolution (C 040124 ZMK), duly adopted by the City Planning Commission on May 12, 2004 (Calendar No. 21), 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, AICP, Chair
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
RICHARD W. EADDY, ALEXANDER GARVIN, JANE D. GOL,
CHRISTOPHER KUI, JOHN MEROLO, DOLLY WILLIAMS, Commissioners