



CITY PLANNING COMMISSION

May 6, 2009/Calendar No. 12

C 070504 ZMK

IN THE MATTER OF an application submitted by Columbia Street Commercial Enterprises LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 16a, by establishing within an existing R6 District a C2-3 District bounded by a line 100 feet northeasterly of Union Street, a line 100 feet northwesterly of Columbia Street, Union Street, and a line 150 feet northwesterly of Columbia Street, as shown on a diagram (for illustrative purposes only) dated December 15, 2008, Community District 6, Borough of Brooklyn.

The application for an amendment of the Zoning Map was filed by Columbia Street Commercial Enterprises LLC on October 9, 2008, to establish within an existing R6 District a C2-3 District to facilitate a physical culture establishment (health club) within a portion of an existing building on the north side of Union Street, between Columbia and Van Brunt Streets, in the Columbia Street Waterfront neighborhood of Brooklyn, Community District 6.

BACKGROUND

The rezoning area includes property located on the north side of Union Street from 100 feet west of Columbia Street to 150 feet west of Columbia Street. It is currently zoned R6 and is developed with a three-story mixed use residential building with commercial uses on the entire ground floor. An existing C2-3 commercial overlay extends 100 feet from Columbia Street, covering only a portion of the building which extends 150 feet west of Columbia Street. The building is located on Site 12 of the Columbia Street Urban Renewal Plan. This zoning map change would extend this C2-3 overlay by 50 feet to include the entire building.

In 1996, applications were approved for a zoning map change and an amendment to the Columbia Street Urban Plan to facilitate development of the building which was constructed in 2002. The entire ground floor of the building was always intended to be occupied by

commercial uses but the 1996 rezoning of the western 50 feet of the site from M1-1 to R6 inadvertently did not include a C2-3 commercial overlay.

The entire ground floor of the building now has commercial uses, including a physical culture establishment (health club) which is located in the portion without the commercial overlay.

Physical culture establishments are only permitted in certain commercial and manufacturing districts and only by a special permit from the Board of Standards and Appeals (BSA) pursuant to Section 73-36 of the Zoning Resolution. Since the health was operating without such a special permit, a Department of Buildings Violation has been issued. In order to obtain the BSA special permit, the applicant has asked for the extension of the existing C2-3 overlay to the remainder of the building site.

C2-3 and C1-3 commercial overlays are mapped along Columbia Street and a C1-3 commercial overlay is mapped on Union Street on the blocks east of this site. C2-3 overlays permit commercial uses in Use Groups 5 through 9 and 14.

Land uses in the area surrounding the site include primarily residential to the east and south, and industrial and maritime uses to the west. Columbia and Union Streets are local commercial corridors.

ENVIRONMENTAL REVIEW

This application (C 070504 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 lead agency is the City Planning Commission. The designated CEQR number is 07DCP087K.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on December 15, 2008.

UNIFORM LAND USE REVIEW

This application (C 070504 ZMK) was certified as complete by the Department of City Planning on December 15, 2008, and was duly referred to Brooklyn Community Board 6 and the Brooklyn Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 6 held a public hearing on this application on January 22, 2009, and on February 11, 2009, by a vote of 33 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Brooklyn Borough President who issued a recommendation approving the application on March 17, 2009.

City Planning Commission Public Hearing

On March 18, 2009 (Calendar No. 2), the City Planning Commission scheduled April 1, 2009 for a public hearing on this application (C 070504 ZMK). The hearing was duly held on April 1, 2009 (Calendar No. 23).

There was one speaker in favor of the application, and none in opposition. The applicant appeared in favor. There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes the application for a Zoning Map amendment to extend a C2-3 commercial overlay within an existing R6 district on a portion of Union Street is appropriate.

The proposed zoning change would extend an existing C2-3 overlay on Columbia Street westward by 50 feet and would correct the omission in 1996 of a commercial overlay in the rezoning area. The rezoning would allow the applicant to apply for a BSA special permit for the exiting physical culture establishment which would be consistent with the original intent to have commercial uses on the entire ground floor of the building.

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 16a, by establishing within an existing R6 District a C2-3 District bounded by a line 100 feet northeasterly of Union Street, a line 100 feet northwesterly of Columbia Street, Union Street, and a line 150 feet northwesterly of Columbia Street, Community District 6, Borough of Brooklyn, as shown on a diagram (for illustrative purposes only) dated December 15, 2008. The above resolution (C 070504 ZMK), duly adopted by the City Planning

Commission on May 6, 2009 (Calendar No.12), 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
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KAREN A. PHILIPS, Commissioners