



CITY PLANNING COMMISSION

January 11, 2006/ [Calendar No.15](#)

C 060132 ZMK

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a:

1. eliminating from within an existing R5 District a C2-2 District bounded by:
 - a. a line 150 feet northerly of Emmons Avenue, Nostrand Avenue, a line 75 feet northerly of Emmons Avenue, and a line connecting two points: the first at the intersection of a line midway between Nostrand Avenue and East 29th Street and a line 75 feet northerly of Emmons Avenue, and the second on the easterly street line of East 29th Street distant 200 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of East 29th Street and the southerly street line of Leif Ericson Drive;
 - b. a line 150 feet northerly of Emmons Avenue, Haring Street, a line 75 feet northerly of Emmons Avenue, and a line 225 feet southwesterly of Haring Street; and
 - c. a line 150 feet northerly of Emmons Avenue, a line midway between Coyle Street and Ford Street, a line 100 feet northerly of Emmons Avenue, and Brown Street;
2. eliminating a Special Sheepshead Bay District bounded by:
 - a. Leif Ericson Drive, Nostrand Avenue, a line 75 feet northerly of Emmons Avenue, a line connecting two points: the first at the intersection of a line midway between Nostrand Avenue and East 29th Street and a line 75 feet northerly of Emmons Avenue, and the second on the easterly street line of East 29th Street distant 200 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of East 29th Street and the southerly street line of Leif Ericson Drive, East 29th Street, a line 100 feet southerly of Leif Ericson Drive, East 28th Street, a line 150 feet northerly of Emmons Avenue, and East 27th Street; and
 - b. a line 150 feet northerly of Emmons Avenue, a line midway between Coyle Street and Ford Street, a line 100 feet northerly of Emmons Avenue, Brown Street, a line 75 feet northerly of Emmons Avenue, and a line 225 feet southwesterly of Haring Street;
3. changing from an R5 District to an R4B District property bounded by the northerly service road of Leif Ericson Drive (Shore Parkway north), Haring Street, a line 100 feet

southerly of Leif Ericson Drive, and East 28th Street;

4. changing from an R5 District to an R4-1 District property bounded by:
 - a. the northerly service road of Leif Ericson Drive (Shore Parkway north), East 28th Street, a line 150 feet northerly of Emmons Avenue, and East 27th Street;
 - b. a line 100 feet southerly of Leif Ericson Drive, Nostrand Avenue, a line 75 feet northerly of Emmons Avenue, a line connecting two points: the first at the intersection of a line midway between Nostrand Avenue and East 29th Street and a line 75 feet northerly of Emmons Avenue, and the second on the easterly street line of East 29th Street distant 200 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of East 29th Street and the southerly street line of Leif Ericson Drive, and East 29th Street; and
 - c. the northerly service road of Leif Ericson Drive (Shore Parkway north), a line midway between Coyle Street and Ford Street, a line 100 feet northerly of Emmons Avenue, Brown Street, a line 75 feet northerly of Emmons Avenue, a line 225 feet southwesterly of Haring Street, Nostrand Avenue, a line 100 feet southerly of Leif Ericson Drive, and Haring Street;

Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated September 26, 2005.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on September 19, 2005, to rezone portions of eight blocks in the Brooklyn neighborhood of Sheepshead Bay/Plumb Beach, located in Community District 15 to preserve the existing neighborhood scale and character with lower density contextual zoning districts.

RELATED ACTION

In addition to the amendment of the Zoning Map, implementation of the proposed rezoning also requires the following action which is being considered concurrently with this application:

N 060133 ZRK: An amendment of the Zoning Resolution of the City of New York concerning an amendment to Appendix A of the Special Sheepshead Bay District.

BACKGROUND

The Department of City Planning proposes to rezone portions of eight blocks and amend the Special Sheepshead Bay District (SSBD) in the south Brooklyn neighborhood of Sheepshead Bay/Plumb Beach in Community District 15. The rezoning area is generally bounded by East 27th Street on the west, Emmons Avenue on the south, Shore Parkway on the north and the mid-block east of Ford Street on the east.

The rezoning proposal and text amendment were developed in response to community concerns, beginning in spring 2004, regarding out-of-character development in the rezoning area. The proposal resulted from consultations and meetings with elected officials, the Community Board and the Sheepshead Bay/Plumb Beach Civic Association.

Existing Context and Zoning

The Sheepshead Bay/Plumb Beach rezoning area is a low-density residential community. Most residences are one-and two-family detached and semi-detached homes, but there are also some rowhouses . The area is currently experiencing a surge of as-of-right residential development characterized by three-and four-story apartment buildings on Emmons Avenue immediately to the south of the rezoning area, and new townhouses on the side streets north of Emmons Avenue. These new developments have replaced several bungalows and many of the former swimming pool clubs and other commercial uses along Emmons Avenue. However, a significant concentration of bungalows north of Emmons Avenue between East 27th Street on the west and

Ford Street on the east remain to this day. The existing R5 zoning permits development of new residences that could, over time, result in a substantial change in the neighborhood's character.

In 1973, the City Planning Commission established the Special Sheepshead Bay District (SSBD) including a portion of Plumb Beach, to promote and strengthen the unique character of this waterfront area as a prime location for water-related commercial and recreational development. It also sought to encourage housing development in suitable areas, the provision of open space and other amenities as part of that development, and improvements in vehicular and pedestrian circulation throughout the district.

The SSBD encompasses an approximately 20-block area, which extends along Emmons Avenue and the adjacent side streets from Sheepshead Bay Road on the west to Knapp Street on the east. The underlying zoning, R5 with C2-2 commercial overlays, permits low-density residential development and a range of retail, service, community facility and office uses. The SSBD contains eight subareas (Areas A through H) with regulations governing development and permitted uses for each area.

The rezoning area is zoned R5 with C2-2 overlays along Emmons Avenue. Portions of the rezoning area are also located within the SSBD. The R5 zoning district is a low density, general residence district in which all housing types are permitted, including garden apartments, row houses and detached homes. These housing types may be built up to a maximum floor area ratio (FAR) of 1.25 with a maximum building height of 40 feet. Minimum lot width and lot area depend upon the housing configuration. Detached structures require a 40 foot lot width and

3,800 square feet of lot area. Other housing types require lots that are at least 18 feet wide with 1,700 square feet of lot area. One off-street parking space is required per dwelling unit or 85 percent of dwelling units if group parking is provided.

The underlying R5 regulations are modified by the regulations of the SSBD. Three blocks of the proposed rezoning area are located in Area F of the SSBD which has a maximum residential FAR of 2.0. In addition, in Area F, portions of buildings within 75 feet of Emmons Avenue cannot exceed three stories, or 35 feet, whichever is less. Beyond the 75 feet in Area F, buildings may rise to six stories or 75 feet, whichever is less.

The remaining five blocks of the proposed rezoning area are located in Area G of the SSBD which has a maximum residential FAR of 1.25. In Area G, a building shall not exceed three stories or 35 feet, whichever is less.

All of the existing C2-2 overlays are within the SSBD. One block between East 29th Street and Nostrand Avenue is located in Area F of the special district which limits commercial uses to Use Group 6 (local retail and service uses). The remaining five blocks are located in Area G which limits commercial uses to Use Groups 6, 7, 8 and 9 (local retail and service establishments intended to serve a wider neighborhood). The maximum permitted commercial FAR is 1.0.

Proposed Zoning

This application (C 060132 ZMK) proposes lower-density zoning districts over portions of eight blocks to preserve the existing built character of the area.

R4-1

An R4-1 district is proposed for portions of seven blocks north of Emmons Avenue between East 27th Street and the mid-block east of Ford Street. These blocks are now zoned R5 and portions of two blocks are within the SSBD. The area is characterized by- one and two-family detached and semi-detached homes and the R4-1 district would limit development to detached and semi-detached one- and –two family homes on lots that have a minimum width of 25 feet for detached homes and a minimum width of 18 feet for semi-detached homes. The maximum FAR would be reduced from 1.25 (2.0 in Area F of the SSBD) to 0.9 (0.75 plus 0.15 attic allowance). R4-1 has a maximum perimeter wall height of 21 feet and a maximum building height of 35 feet and requires one parking space for each unit.

R4B

An R4B district would replace R5 zoning on portions of three blocks north of Emmons Avenue between East 28th Street and Haring Street which is characterized by one-and two-family row houses. Two of the three blockfronts are within the SSBD. The zoning change would limit development to one-and two-family, detached, semi-detached or attached homes on lots with a minimum width of 25 feet for detached homes and 18 feet for semi-detached homes. The maximum FAR would be reduced from 1.25 (2.0) in Area F of the SSBD) to

0.9. R4B has a maximum building height of 24 feet and requires one parking space for each unit. In the proposed R4B district, parking is not permitted in the front yard.

The proposed Sheepshead Bay rezoning would also reduce the depths of the existing C2-2 overlays from 150 feet to 75 feet and 100 feet to reflect existing commercial development and prevent intrusion of commercial uses on residential side streets.

This rezoning application (C 060132 ZMK) along with the related text amendment to Appendix A of the SSBD, (N 060133 ZRK), removes portions of eight blocks from the Special District to prevent conflict between the regulations of the SSBD and the more restrictive proposed zoning districts.

ENVIRONMENTAL REVIEW

The application (C 060132 ZMK), in conjunction with the related application for an amendment of the Zoning Resolution (N 060133 ZRK), 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 06DCP025K. The lead agency is the City Planning Commission.

After a study of the environmental impact of the subject applications, a negative declaration was issued on September 26, 2005.

UNIFORM LAND USE REVIEW

This application (C 060132 ZMK), was certified as complete by the Department of City on September 26, 2005 and was duly referred to Community Board 15 and the Borough President in Accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related non-ULURP application (N 060133 ZRK) which was referred for information and review.

Community Board Public Hearing

Community Board 15 held a public hearing on this application (C 060132 ZMK) in conjunction with the related application (N 060133 ZRK) on October 11, 2005, and on that date, by a vote of 28 to 0 and no abstentions, adopted a resolution recommending approval of the applications subject to the following conditions:

- 1) To remove any incentive and to discourage any residential and/or community facility development on both sides for the entire lengths of Emmons Avenue to preserve commercial nature of the street (multiple blocks). The Board's recommendation is to modify Sheepshead Bay Special District to allow only commercial/waterfront use on Emmons Avenue.
- 2) The Board requests to put 100% parking requirement on all future multi-family developments.
- 3) The Board requests assurances from the NYC Department of City Planning and City Planning Commission that a maximum one (1) year following completion of this application areas recommended for rezoning in the Board's letter dated August 30, 2005, to Ms. Regina Myer (attached), as well as additional area in Community Board will be certified for rezoning.

Borough President Recommendation

The application (C 060132 ZMK), together with application (C 060133 ZRK), was considered by the Borough President, who on November 10, 2005, issued a recommendation approving the applications.

City Planning Commission Public Hearing

On November 2, 2005 (Calendar No. 4), the City Planning Commission scheduled November 16, 2005, as the date for a public hearing on this application (C 060132 ZMK). The hearing was duly held on November 16, 2005 (Calendar No. 24) in conjunction with the public hearing for the related application (N 060133 ZRK). There were five speakers in favor and two speakers in opposition.

Speakers in favor of the proposal included the District Manager and a member of Community Board 15 as well as two representatives of the Sheepshead Bay/Plumb Beach Civic Association.

Speakers who supported the rezoning proposal testified that it would preserve the low-rise character of the area and that they have been advocating for zoning changes to curtail out-of-character development in their neighborhood for several years.

The District Manager of Community Board 15 called on the Department to modify the SSBD to allow only commercial/waterfront use on Emmons Avenue, to study additional areas of Community District 15 for possible contextual rezonings and to consider a text amendment to require 100 percent parking for new residential development in the district.

Those speaking in opposition included a local homeowner in the proposed rezoning area and a resident of Sheepshead Bay outside of the rezoning area. The local homeowner opposed the rezoning because he wished to build multi-family housing on his property. The second speaker in opposition stated that the construction of new multi-family housing was a positive change for the community and would allow for more housing opportunities for new families to live in the area.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

The application (C 060132 ZMK), in conjunction with the related application (N 060133 ZRK), 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 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910et seq.) The designated WRP number is 05-058.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map (C 060132 ZMK) and the related text amendment (N 060133 ZRK) are appropriate.

The Sheepshead Bay/Plumb Beach rezoning area is a low-density residential community characterized by mostly one-and two-family detached and semi-detached homes with a small area of one- and two-family row houses. Existing zoning would permit new development that would be out-of-character with the built context. The Commission believes these actions would protect the character of Sheepshead Bay/Plumb Beach from future out-of-character development.

The proposed zoning changes and related text amendment would allow new development with height limits, bulk requirements and housing configurations to ensure that new buildings respect the existing character of the neighborhood. Existing R5 and R5/C2-2 (SSBD) districts would be replaced with R4-1 and R4B districts which protect the existing character of the one and two-family detached, semi-detached and small row houses in the rezoning area. The rezoning and the related text amendment would remove the rezoning area from the special district to assure that new development would be governed by the underlying residential districts, with their lower height limits and bulk requirements.

Regarding the recommendation of the Community Board for a 100 percent parking requirement, the Commission notes that this would require a zoning text amendment that is outside the purview of this Zoning Map amendment.

Regarding those speakers in opposition to the proposed zoning map change and related text amendment, the Commission notes that the rezoning proposal and text amendment were developed in response to long standing community concerns regarding out-of-character development in the proposed rezoning area. The Commission believes the proposed actions would address these concerns and prevent future out-of-character development in the rezoning area.

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, 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

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. 29a,

1. eliminating from within an existing R5 District a C2-2 District bounded by:

- a. a line 150 feet northerly of Emmons Avenue, Nostrand Avenue, a line 75 feet northerly of Emmons Avenue, and a line connecting two points: the first at the intersection of a line midway between Nostrand Avenue and East 29th Street and a line 75 feet northerly of Emmons Avenue, and the second on the easterly street line of East 29th Street distant 200 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of East 29th Street and the southerly street line of Leif Ericson Drive;
 - b. a line 150 feet northerly of Emmons Avenue, Haring Street, a line 75 feet northerly of Emmons Avenue, and a line 225 feet southwesterly of Haring Street; and
 - c. a line 150 feet northerly of Emmons Avenue, a line midway between Coyle Street and Ford Street, a line 100 feet northerly of Emmons Avenue, and Brown Street;
2. eliminating a Special Sheepshead Bay District bounded by:
- a. Leif Ericson Drive, Nostrand Avenue, a line 75 feet northerly of Emmons Avenue, a line connecting two points: the first at the intersection of a line midway between Nostrand Avenue and East 29th Street and a line 75 feet northerly of Emmons Avenue, and the second on the easterly street line of East 29th Street distant 200 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of East 29th Street and the southerly street line of Leif Ericson Drive, East 29th Street, a line 100 feet southerly of Leif Ericson Drive, East 28th Street, a line 150 feet northerly of Emmons Avenue, and East 27th Street; and
 - b. a line 150 feet northerly of Emmons Avenue, a line midway between Coyle Street and Ford Street, a line 100 feet northerly of Emmons Avenue, Brown Street, a line 75 feet northerly of Emmons Avenue, and a line 225 feet southwesterly of Haring Street;
3. changing from an R5 District to an R4B District property bounded by the northerly service road of Leif Ericson Drive (Shore Parkway north), Haring Street, a line 100 feet southerly of Leif Ericson Drive, and East 28th Street;
4. changing from an R5 District to an R4-1 District property bounded by:
- a. the northerly service road of Leif Ericson Drive (Shore Parkway north), East 28th Street, a line 150 feet northerly of Emmons Avenue, and East 27th Street;
 - b. a line 100 feet southerly of Leif Ericson Drive, Nostrand Avenue, a line 75 feet northerly of Emmons Avenue, a line connecting two points: the first at the intersection of a line midway between Nostrand Avenue and East 29th Street and a line 75 feet northerly of Emmons Avenue, and the second on the easterly street line of East 29th Street distant 200 feet southerly (as measured along the street

line) from the point of intersection of the easterly street line of East 29th Street and the southerly street line of Leif Ericson Drive, and East 29th Street; and

- c. the northerly service road of Leif Ericson Drive (Shore Parkway north), a line midway between Coyle Street and Ford Street, a line 100 feet northerly of Emmons Avenue, Brown Street, a line 75 feet northerly of Emmons Avenue, a line 225 feet southwesterly of Haring Street, Nostrand Avenue, a line 100 feet southerly of Leif Ericson Drive, and Haring Street;

Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated September 26, 2005.

The above resolution (C 060132 ZMK), duly adopted by the City Planning Commission on January 11, 2006 ([Calendar No. 15](#)), 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
KENNETH J. KNUCKLES, Esq. Vice Chair
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,
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DOLLY WILLIAMS, Commissioners