



CITY PLANNING COMMISSION

April 2, 2014/Calendar No. 3

C 140155 ZMK

IN THE MATTER OF an application submitted by PFNY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 23c:

1. eliminating from within an existing R5D District a C1-3 District bounded by Rockaway Parkway, a line 300 feet southeasterly of Farragut Road, a line midway between Rockaway Parkway and East 96th Street, and a line 200 feet southeasterly of Farragut Road; and
2. establishing within an existing R5D District a C2-3 District bounded by Rockaway Parkway, a line 300 feet southeasterly of Farragut Road, a line midway between Rockaway Parkway and East 96th Street, and a line 200 feet southeasterly of Farragut Road;

Borough of Brooklyn, Community District 18, as shown on a diagram (for illustrative purposes only) dated December 16, 2013, and subject to the conditions of CEQR Declaration E-230.

The application for an amendment to the zoning map was filed by PFNY, LLC on October 24, 2013 to establish a C2-3 overlay in an existing R5D district. Eliminating the existing C1-3 district and establishing a C2-3 district would permit the applicant to proceed with filing an application at the Board of Standards and Appeals (BSA) under ZR 73-36, Special Permit for a Physical Culture Establishment (PCE), inapplicable in the current district on property located in Canarsie, Community District 18, Brooklyn.

BACKGROUND

The project site is generally bounded by the western blockfront of Rockaway Parkway between Farragut Road and Glenwood Road. Specifically, the proposed zoning map change would extend the existing C2-3 overlay on the southwest corner of Rockaway Parkway and Farragut Road from 200 to 300 feet.

The Canarsie neighborhood is predominantly a low-density residential neighborhood mapped with residential districts (R3-1, R3X, R4, R4A, R4-1, R5, R5B, and R5D) with C1-3 and C2-3

overlays mapped along parts of Rockaway Parkway and Flatlands Avenue. The project area is located in an R5D district which extends along the Rockaway Parkway from Foster Avenue on the north to Flatlands Avenue to the south. Within the R5D district, a C2-3 overlay extends from both 225 feet north of Farragut Road and then 200 feet south, up to a point within approximately four feet of the project site. The existing C1-3 overlay, which includes the project site, begins at this point and extends along the westerly Rockaway Parkway blockfront south to Glenwood Road. Similarly, a C2-3 overlay extends on the eastern blockfront of Rockaway Parkway, across the street from the site. To the east of the Rockaway Parkway site is a C8-1 district with the BMT L Canarsie Line station and last stop, a rail yard and a municipal parking lot.

Land uses in close proximity to the project site are predominantly Use Group 6 local retail stores, either in one-story buildings, or mixed use buildings one to-three stories with ground floor retail and residences above. Directly adjacent and south of the project site is a one-story retail “99 Cents” store and to the immediate north, a narrow alley (Smith’s Lane) then a three-story building with ground floor retail and residences above. A parking lot adjoins the project site to the west along East 96th Street. In addition, there is a municipal parking lot directly across the street from the site, adjacent to the Canarsie L train station on Rockaway Parkway, providing opportunities for area parking.

The rezoning area is located on Block 8165, on the western side of the Rockaway Parkway blockfront between Farragut and Glenwood roads. It’s currently mapped R5D/C1-3 and is bordered on the north by a C2-3 overlay within the same R5D district and to the west by an R4-1 district. C1 and C2 zoning districts are commercial overlays mapped in residential districts to facilitate local retail use for area residents. C1 zoning districts permit Use Group 6 local retail uses and C2 zoning districts permits local retail and a wider range of service related uses in Use Groups 7, 8 and 9.

The rezoning area primarily includes Lot 48 (1380 Rockaway Parkway), but also includes small portions of surrounding lots. The project area specifically includes the following lots and portions of lots on Block 8165: Project site (Lot 48); the southernmost 4.21 feet of the adjacent lot to the north (Lot 147); the northern most 12.79 feet of the adjacent lot to the south (Lot 52);

and the easternmost 8.5 feet of the adjacent lot to the west (Lot 21).

The 8,353 square foot project site (Lot 48) and existing building is proposed for a Planet Fitness health club which is only permitted by a Board of Standards and Appeals (BSA) special permit. The lot has 83 feet of frontage on Rockaway Parkway and a depth of 104.94 feet on its south side and 103.73 feet on its north side. Historically, the property has been used for conforming commercial uses and it's currently improved with a vacant, one-story plus cellar building, 18 feet in height. It was constructed in the 1950's and most recently used as a Rite-Aid Pharmacy until February 2011. The existing building will remain with interior and exterior façade improvements, however; there are no plans for enlargement.

The building would have 7,960 square feet of physical culture and health establishment (PCE) floor area on its first floor and 7,960 gross square feet in its cellar and parking for this site is waived within the proposed C2-3 district.

ENVIRONMENTAL REVIEW

This application (C 140155 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 is the City Planning Commission. The designated CEQR number is 14DCP038K.

After a study of the potential environmental impacts of the proposed action, a Negative declaration was issued on December 16, 2013, subject to the conditions of CEQR Declaration E-230. (Note: The 2009 Canarsie Rezoning, CEQR No. 09DCP052, applied an E-designation, E-230, to the applicant's site, Block 8165, Lot 48 for air quality. This project will comply with the existing requirements under the E-designation, therefore no air quality impacts will occur)

UNIFORM LAND USE REVIEW

This application (C 140155 ZMK) was certified as complete by the Department of City Planning on December 16, 2013 and was duly referred to Community Board 18 and the Borough

President, in accordance with Title 62 of the Rules of the City of New York, Section 20-02(b).

Community Board Public Hearing

Community Board 18 held a public hearing on this application on January 15, 2014, and on that date, by a vote of 36 in favor, 0 opposed 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 February 28, 2014.

City Planning Commission Public Hearing

On February 19, 2014 (Calendar No. 1), the City Planning Commission scheduled March 5, 2014 for a public hearing on this application (C 140155 ZMK). The hearing was duly held on March 5, 2014 (Calendar No. 20). There was one speaker appearing in favor of the application and none in opposition.

The speaker in favor of the application, a representative of the applicant, described the proposed action and the intended use of the property as a health club. He reiterated the owner's intention to seek BSA approval for a special permit to allow a physical culture establishment.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes the application for a Zoning Map Amendment to establish a C2-3 overlay in an existing R5D zoning district is appropriate.

The Commission notes that the proposed change in the commercial overlay from C1-3 to C2-3 would permit a slightly wider range of uses than currently permitted and is consistent with the existing land use character. Furthermore, the zoning map change is an extension of the adjacent C2-3 district just north of the property from 200 to 300 feet and the C2-3 district mapped directly across the street.

The Commission understands that the proposed rezoning from C1-3 to C2-3 would permit the applicant to apply for a BSA special permit, to permit an existing building to be used for a physical culture or health establishment, not currently permitted in the existing C1 district.

The Commission believes that the approval of the application could facilitate the reactivation of a current vacant building within the Rockaway Parkway retail corridor, providing both an economic opportunity and a potential local retail service use benefiting residents of the area.

RESOLUTION

RESOLVED, the City Planning Commission finds the action described herein will have no significant impact on the environment; and be it further;

RESOLVED, by the City Planning Commission, pursuant to Section 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 New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 23c:

1. eliminating from within an existing R5D District a C1-3 District bounded by Rockaway Parkway, a line 300 feet southeasterly of Farragut Road, a line midway between Rockaway Parkway and East 96th Street, and a line 200 feet southeasterly of Farragut Road; and
2. establishing within an existing R5D District a C2-3 District bounded by Rockaway Parkway, a line 300 feet southeasterly of Farragut Road, a line midway between Rockaway Parkway and East 96th Street, and a line 200 feet southeasterly of Farragut Road;

Borough of Brooklyn, Community District 18, as shown on a diagram (for illustrative purposes only) dated December 13, 2013, and subject to the conditions of CEQR Declaration E-230.

The above resolution (C 140155 ZMK), duly adopted by the City Planning Commission on April 2, 2014 (Calendar No. 3), 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.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO III, BETTY Y. CHEN, MICHELLE DE LA UZ,
MARIA M. DEL TORO, JOSEPH DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

22 Reade Street, New York, NY 10007

FAX # (212) 720-3356



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 #: 140155 ZMK

1380 Rockawy Parkway Rezoning

In the matter of an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property located at 3340 Kings Highway (Block 7669, Lot 17), pursuant to zoning.

COMMUNITY DISTRICT NO. 18

BOROUGH OF BROOKLYN

RECOMMENDATION – 140155 ZMK

APPROVE

DISAPPROVE

APPROVE WITH

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

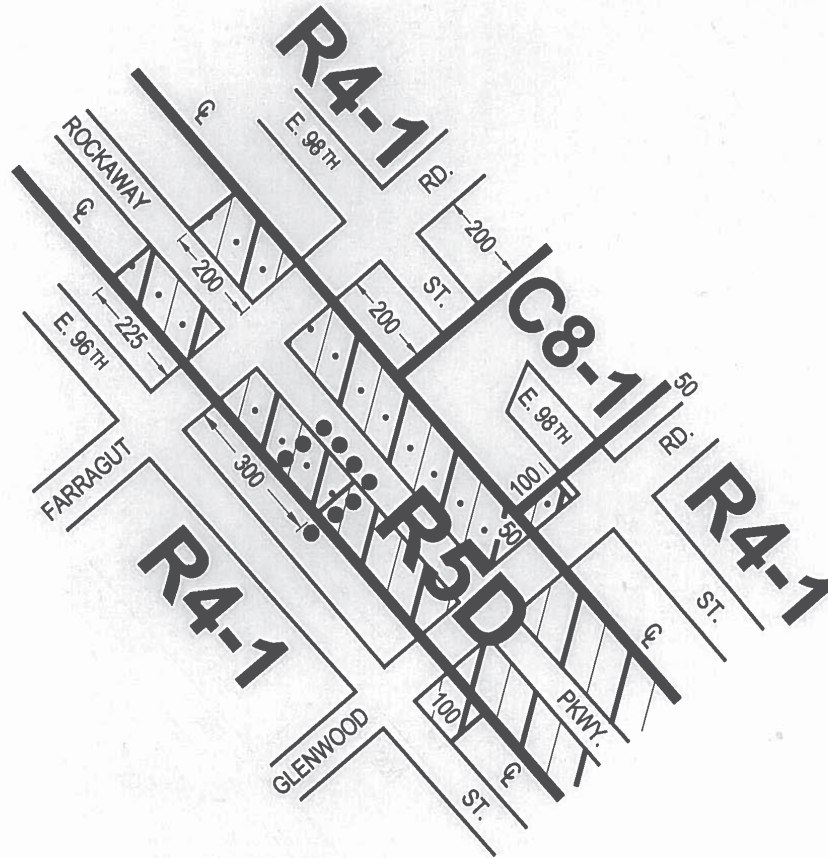
MODIFICATIONS/CONDITIONS

The Borough President urges Planet Fitness to pursue the hiring of Canarsie residents and prioritize its outreach to returning military veterans and to retain Brooklyn-based contractors and subcontractors, especially those that are designated MWBE establishments to meet or exceed standards per Local Law 1 (not less than twenty percent participation).

BOROUGH PRESIDENT

February 28, 2014

DATE



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

23c

BOROUGH OF
BROOKLYN





J. Miraglia PE
 For J. Miraglia, Director
 Technical Review Division

New York, Certification Date
DECEMBER 16, 2013

SCALE IN FEET



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by changing from a C1-3 District to a C2-3 District within an existing R5D District.
-  Indicates a C1-3 District.
-  Indicates a C2-3 District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.