



CITY PLANNING COMMISSION

July 11, 2007/Calendar No. 7

C 060271 ZMK

IN THE MATTER OF an application submitted by the Commerce Bank pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the zoning map, Section No. 22b, establishing within an existing R4-1 district a C1-3 District bounded by 99th Street, a line 100 feet northwesterly of 4th Avenue, 100th Street, and a line 150 feet northwesterly of 4th Avenue, Borough of Brooklyn, Community District 10, as shown on a diagram (for illustrative purposes only) dated March 12, 2007.

The application for the amendment to the zoning map was submitted by Commerce Bank on December 21, 2005 to establish a C2-3 overlay within an existing R5 zone to facilitate the development of a branch location of Commerce Bank

BACKGROUND

Commerce Bank is seeking a zoning map amendment from to establish a C1-3 overlay in an existing R4-1 zone. If approved, the rezoning would facilitate the development of a branch of Commerce Bank at the corner of 4th Avenue and 99th Street (Block 6134, Lots 19, 21 and 22).

The requested zoning map change would affect a portion of Block 6134, located in the Bay Ridge Special District of Brooklyn Community District 10.

As part of the 1978 creation of the Bay Ridge Special District, the commercial overlays along 4th avenue were reduced from 150 feet to a depth of 100 feet. The proposed rezoning would extend the 100' C1-3 overlay that exists along the 4th avenue frontage to a depth of 150' into the interior of block 6134, to include Lot 21 and portions of Lots 19 and 28, stretching from 99th Street to 100th Street. The R6A/C1-3 zone along the 4th Avenue frontage of Block 6134 would remain unchanged.

The lots affected by the zoning map change include a parking lot (Block 6134, Lot 21) that is accessory to a diner that currently exists at the corner of 99th Street and 4th Avenue, which are owned by the applicant. The rezoning also affects a commercial medical office building (Block 6134, Lot 28), and a single family residence (Block 6134, Lot 19).

The blocks surrounding the rezoning area are developed with a mix of residential and commercial uses. The frontage along 4th Avenue is primarily developed with 3- and 4-story offices and residential buildings with ground floor retail. The side streets are developed with a mix of attached, semi-detached and detached single and multi-family residences. There is an R4B zone to the east, an R6A/C1-3 and R4-1 zones to the north and south, and R6A and R7A zones to the west. An area of single and multi-family homes is located directly adjacent to the rezoning area. There are single and two family houses directly abutting the rezoning area.

The rezoning area is currently zoned R4-1, which is a lower density residential district that allows one- and two-family, detached and semi-detached residences, and community facilities in Use Groups 1-4. R4-1 districts have a maximum floor area ratio of 0.75 for residential building and 2.0 for community facilities. The applicant has requested extension of the C1-3 overlay that currently exists along the 4th Avenue frontage of Block 6134 to allow local retail establishments in Use Groups 5 and 6 and maximum commercial floor area ratio of 1.0 to facilitate the development of branch of Commerce Bank.

If the zoning map amendment is approved, the applicant has proposed the construction of a one story bank with accessory parking and drive through teller windows. Curb cuts would be located on both 99th street and 4th avenue. The applicant has also proposed that the site be screened from adjacent residential uses by construction of a privacy fence and a landscaped buffer.

ENVIRONMENTAL REVIEW

This application (C 060271 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 06DCP056K.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on March 12, 2007.

UNIFORM LAND USE REVIEW

This application (C 060271 ZMK) was certified as complete by the Department of City Planning on March 12, 2007, and was duly referred to Community Board 10 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 10 held a public hearing on this application on April 16, 2007 and, on that

date, by a vote of 34 in favor, 7 against, and 1 recusal, adopted a resolution recommending disapproval of the application.

Borough President Recommendation

The Brooklyn Borough President did not submit a recommendation relating on this application.

City Planning Commission Public Hearing

On May 23, 2007 (Calendar No. 6), the City Planning Commission scheduled June 6, 2007 for a public hearing on this application (C 060271 ZMK). The hearing was duly held on June 6, 2007 (Calendar No. 20). There were 2 speakers representing the applicant appearing in favor of the application and none in opposition.

Two representatives of the applicant spoke in support of the application.

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 C1-3 district in an existing R4-1 zone is appropriate.

The property affected by this rezoning has been operated as a diner prior to the applicant's acquisition of the property. The proposed extension of the commercial overlay would reflect the

existing commercial character of this particular block on 4th Avenue which extends beyond the existing 100 foot commercial overlay.

The Commission further notes that the applicant has revised the proposed site plans to have ingress of vehicular traffic on 99th street and egress of vehicular traffic on 4th Avenue.

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. 22b by establishing within an existing R4-1 district a C1-3 District bounded by 99th Street, a line 100 feet northwesterly of 4th Avenue, 100th Street, and a line 150 feet northwesterly of 4th Avenue, Borough of Brooklyn, Community District 10, as shown on a diagram (for illustrative purposes only) dated March 12, 2007.

The above resolution (C 060271 ZMK), duly adopted by the City Planning Commission on July 11, 2007 (Calendar No. 7), 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 Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
BETTY Y. CHEN, RICHARD W. EADDY, LISA A. GOMEZ, NATHAN LEVENTHAL,
JOHN MEROLO, KAREN A. PHILLIPS,
DOLLY WILLIAMS, Commissioners