



CITY PLANNING COMMISSION

November 5, 2003/Calendar No. 12

C 030298 ZMK

IN THE MATTER OF an application submitted by 2092 LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c, changing from an R5 district to a C8-2 district property bounded by 26th Avenue, Stillwell Avenue, and a line perpendicular to the southeasterly street line of 26th Avenue distant 125 feet (measured along the street line) from the point of intersection of the easterly street line of 26th Avenue and the westerly street line of Stillwell Avenue, Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only) dated June 16, 2003.

The application for an amendment to the Zoning Map was filed by 2092 LLC on January 30, 2003. It involves a zoning map change from an R5 to a C8-2 district, extending an existing C8-2 district to include Block 6870, Lot 31 and a portion of Lot 30. The rezoning from R5 to C8-2 would facilitate an existing auto repair facility, currently permitted by Board of Standards and Appeals variance, to become conforming.

BACKGROUND

The zoning map amendment from R5 to C8-2 would extend an existing C8-2 district 125 feet south from the point of intersection of the easterly street line of 26th Avenue and the westerly street line of Stillwell Avenue to include an existing auto repair facility. The existing automotive repair shop, a one-story building with 10,471 square feet of floor area would remain.

The repair shop is currently permitted by a variance granted by the Board of Standards and Appeals (167-91-BZ) on November 9, 1993. Under the terms of the variance, a renewal is required after a ten-year period. Rather than seek a variance renewal, the applicant initiated the subject zoning map change.

C8-2 zoning districts permit a wide variety of commercial and auto related uses, use groups 5 thru 14 and 16, at a maximum floor area ratio of 2.0; there are limitations on community facility uses, only use group 4; and residential use is not permitted.

Land uses immediately north and west in the existing C8-2 district includes five gas stations, two auto repair shops, and a tire store. To the east, Stillwell Avenue is a wide heavily traveled commercial corridor with retail and auto related uses and an elevated subway line. To the south are two-story residences characteristic of the existing R5 district.

ENVIRONMENTAL REVIEW

This application (C 030298 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 designated CEQR number is 03DCP045K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 16, 2003.

UNIFORM LAND USE REVIEW

This application (C 030298 ZMK) was certified as complete by the Department of City Planning on June 16, 2003, and was duly referred to Community Board 13 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 13 held a public hearing on this application on September, 24, 2003, and on that day, by a vote of 36 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

However, the community board held its public hearing after the 60-day review period had expired. Therefore, the Community Board's vote is non-complying.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on September 24, 2003.

City Planning Commission Public Hearing

On September 24, 2003, (Calendar No. 3), the City Planning Commission scheduled October 8, 2003, for a public hearing on this application (C 030298 ZMK). The hearing was duly held on October 8, 2003 (Calendar No. 17). There was one speaker in favor and none in opposition to the application.

The applicant advocated for the extension of the adjacent C8-2 zoning district to include the auto repair shop. He stated that the auto repair shop use would be a conforming use in the C8-2 district consistent with area land uses.

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 believes that the Zoning Map amendment, extending the adjacent C8-2 district to include an existing auto repair shop, is consistent with the area's land use.

The Commission notes that it would be difficult to develop the proposed rezoning area consistent with its current R5 zoning designation. The site's triangular configuration makes it difficult to maximize permitted residential bulk, and its protrusion into a busy auto-dominated C8-2 District and proximity to the adjacent elevated rail line located on Stillwell Avenue also make it difficult to develop residentially.

The Commission concurs with the Community Board's and Borough President's recommendations for approval of the Zoning Map amendment.

RESOLUTION

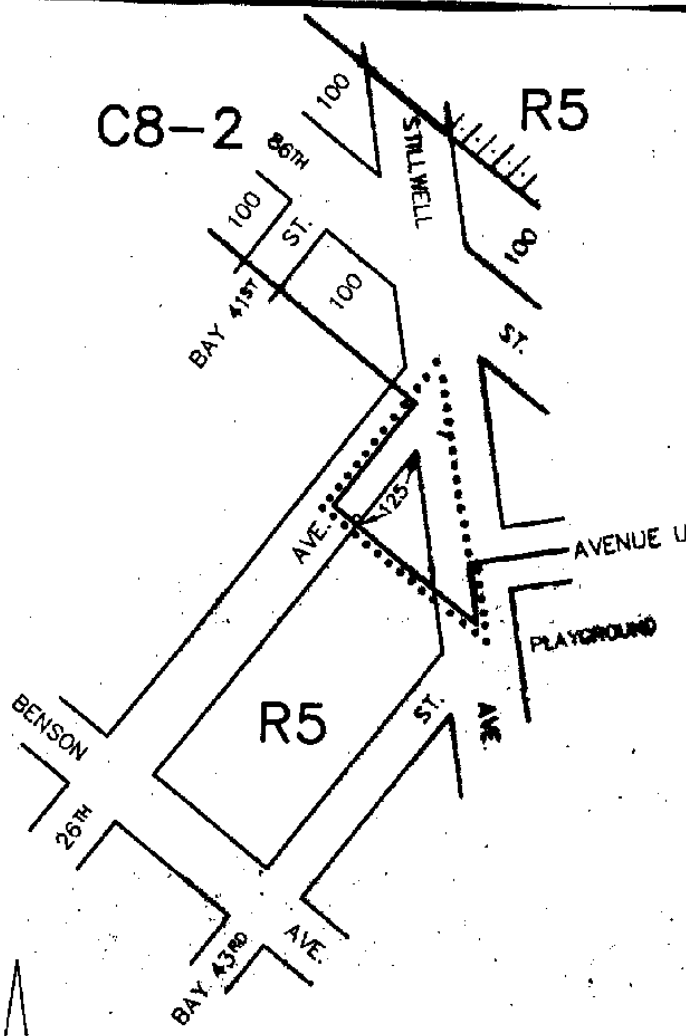
RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

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. 28d changing from an R5 district to a C8-2 district property bounded by 26th Avenue, Stillwell Avenue, and a line perpendicular to the southeasterly street line of 26th Avenue distant 125 feet (measured along the street line) from the point of intersection of the easterly street line of 26th Avenue and the westerly street line of Stillwell Avenue, Borough of Brooklyn, Community District 13, as shown on a diagram dated June 26, 2003 (C 030298 ZMK).

The above resolution (C 030298 ZMK), duly adopted by the City Planning Commission on November 5, 2003 (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, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
RICHARD W. EADDY, ALEXANDER GARVIN, JANE D. GOL, JOHN MEROLO,
DOLLY WILLIAMS, Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
28c
BOROUGH OF
BROOKLYN

Ernyage
Director of Technical Review

New York, Certification Date
JUNE 16, 2003



- NOTE:**
- Indicates Zoning District boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by changing an R5 District to a C8-2 District.
 - ▨ Indicates a C2-3 District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

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 applicants representatives as indicated on the Notice of Certification.

APPLICATION # 030298 ZMK
DESCRIPTION Stillwell Avenue Rezoning

DEPARTMENT OF CITY PLANNING

SFP 26 2007
804
BROOKLYN OFFICE

COMMUNITY DISTRICT NO. 13 BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
 APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATIONS/CONDITIONS

- RECOMMENDATION ATTACHED
 RECOMMENDATION TO FOLLOW


BOROUGH PRESIDENT

September 24, 2003

DATE

**Community/Borough Board
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 a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 030298 ZMK

CEQR # 03DCP045K

DOCKET DESCRIPTION:

IN THE MATTER OF an application submitted by 2092 LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c,

changing from an R5 district to an C8-2 district property bounded by 26th Avenue, Stillwell Avenue, and a line perpendicular to the southeasterly street line of 26th Avenue distant 125 feet (measured along the street line) from the point of intersection of the easterly street line of 26th Avenue and the westerly street line of Stillwell Avenue.

as shown on a diagram (for illustrative purposes only) dated June 16, 2003.

COMMUNITY BOARD NO. 13

BOROUGH Brooklyn

BOROUGH BOARD _____

DATE OF PUBLIC HEARING 9/24/03

LOCATION Coney Island Hospital

WAS QUORUM PRESENT? YES NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE 9/24/03

LOCATION Coney Island Hospital

RECOMMENDATION

- APPROVE _____ APPROVE WITH MODIFICATIONS/CONDITIONS
 _____ DISAPPROVE _____ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

VOTING

IN FAVOR 36 AGAINST 0 ABSTAINING 0

TOTAL MEMBERS APPOINTED TO BOARD 50

COMMUNITY/BOROUGH BOARD OFFICER

[Signature] 9/25/03

District Manager

DATE

TITLE