

CITY PLANNING COMMISSION

January 5, 2005/Calendar No. 19

C 040251 ZMK

IN THE MATTER OF an application submitted by Maria Louisa Restaurant, Inc. 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 R6 District a C1-2 District bounded by 100th Street, 4th Avenue, 101st Street, and a line 100 feet northwesterly of 4th Avenue, within the Special Bay Ridge District, Community District 10, Borough of Brooklyn, as shown on a diagram (for illustrative purposes only) dated August 9, 2004.

The application for an amendment of the Zoning Map was filed by Maria Louisa Restaurant Inc., doing business as Restaurant 101, on January 23, 2004 to establish a C1-2 overlay within an R6 district in the Special Bay Ridge District.

BACKGROUND

This application is for a zoning map change to establish a C1-2 overlay within an R6 district in the Special Bay Ridge District (SBRD), Community District 10, Brooklyn. The proposed rezoning is for one blockfront on the west side of Fourth Avenue between 100th and 101st streets. The proposed C1-2 overlay would extend the length of the Fourth Avenue frontage at a depth of 100 feet. It would extend an existing C1-2 overlay, currently mapped for two and one-half blocks immediately north of the proposed rezoning and for three blocks on the east side of Fourth Avenue.

The proposed rezoning would make five existing ground floor retail stores conforming uses and would permit the applicant to apply for a revocable consent for a sidewalk café. Sidewalk cafes are permitted in C1-2 districts, but are prohibited in residence districts.

Restaurant 101 is one of several storefronts located on the ground floor of an existing six-story residential building located on Fourth Avenue between 100th and 101st streets, Block 6137, Lot 45. The restaurant and the other occupied retail uses which include a hair salon, variety store, delicatessen, and pizzeria are pre-existing non-conforming uses. In addition, the proposal includes a separately controlled parcel, a vacant lot, at the southwest corner of Fourth Avenue and 100th Street, Block 6137, Lot 81. The balance of the block is occupied by residential uses including semi-detached homes, attached rowhouses and small multiple dwellings.

ENVIRONMENTAL REVIEW

This application (C 040251 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 04DCP032K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 9, 2004.

UNIFORM LAND USE REVIEW

This application (C 040251 ZMK) was certified as complete by the Department of City Planning on August 9, 2004, and was duly referred to Community Board 10 and the Borough

President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 10 held both a public hearing and vote on this application on October 18, 2004, and on that date by a vote of 28 to 10 with one abstention, adopted a resolution recommending approval of the following application with the following conditions:

“The Board approved the application subject to the applicant’s agreement to restrict any proposed, unenclosed sidewalk café to the plans submitted and made part of this report and to address the issues of the cellar door, planters and bench.”

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on November 15, 2004, subject to the following conditions:

“The Borough President recommends in favor of the zoning change from R6 to R6 with a C1-2 overlay subject to the conditions as enumerated by Community Board 10 (“the board”) in its Recommendation Report; namely, that the approval is subject to the applicant’s agreement to restrict any proposed, unenclosed café to the plans submitted to the Board, and to address the issues of the cellar door, planters and bench, as agreed upon with the Board.”

City Planning Commission Public Hearing

On November 17, 2004 (Calendar No. 2), the City Planning Commission scheduled December 8, 2004, for a public hearing on this application (C 040251 ZMK). The hearing was duly held on December 8, 2004 (Calendar No. 4). There was one speaker in favor of the application.

The speaker, an attorney for the applicant, described the proposed zoning map change and

indicated that if approved, his client would seek future unenclosed sidewalk café approval.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The proposed rezoning is consistent with existing land uses and would be an extension of both the existing C1-2 overlays directly north and east of the subject location. In addition, while C1-2 overlays are usually mapped at 150 feet, the 100 foot depth is typical of existing C1-2 overlays mapped in the Special Bay Ridge District.

In response to both the Community Board's and Borough President's conditional approvals, the Commission notes that any application for a sidewalk café would be reviewed by the Community Board and recommendations relating to the café's design are more appropriately made at that time.

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. 22b, establishing within an existing R6 District a C1-2 District bounded by 100th Street, 4th Avenue, 101st Street, and a line 100 feet northwesterly of 4th Avenue, within the Special Bay Ridge District, Community District 10, Borough of Brooklyn, as shown on a diagram (for illustrative purposes only) dated August 9, 2004.

The above resolution (C 040251 ZMK), duly adopted by the City Planning Commission on January 5, 2005 (Calendar No.19), 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
IRWIN G. CANTOR, P.E., ANGELA M. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, RICHARD EADDY, JANE D. GOL, CHRISTOPHER KUI,
JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners

LISA A. GOMEZ, Commissioner, Abstaining