



CITY PLANNING COMMISSION

April 27, 2005/Calendar No. 9

C 040509 ZMK

IN THE MATTER OF an application submitted by Mylaw Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an **amendment of the Zoning Map, Section No. 16c:**

1. **eliminating from an existing R6 District a C1-3 District bounded by** Ashland Place, a line 150 feet northeasterly of Fulton Street, St. Felix Street, and Fulton Street; and
2. **establishing within an existing R6 District a C2-4 District bounded by** Ashland Place, a line 100 feet northeasterly of Fulton Street, a line perpendicular to the westerly street line of St. Felix Street distant 175 feet northerly (as measured along the street line) from the intersection of the westerly street line of St. Felix Street and the northeasterly street line of Fulton Street, St. Felix Street, and Fulton Street,

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated December 6, 2004.

The application for an amendment of the Zoning Map was filed by Mylaw Realty Corporation on June 8, 2004, to amend the Zoning Map from R6/C1-3 to R6/C2-4 on a portion of the block fronting Ashland Place, St. Felix Street, and Fulton Streets to allow the applicants to request a special permit from the BSA for a physical culture establishment (health club) within a portion of an existing building in Fort Greene, Brooklyn, Community District 2.

BACKGROUND

The rezoning area, currently zoned R6/C1-3, consists of a one-story commercial building, a two-story commercial building fronting Fulton Street, vacant lots and three story residential buildings on St. Felix Street and Ashland Place. The existing C1-3 overlay extends parallel to Fulton Street for a depth of 150 ft. The proposed C2-4 overlay would extend to a depth of 175 ft. measured along St. Felix Street to the middle of the block where it would extend parallel from

Fulton Street to a depth of 100 feet.

The proposed zoning boundary has been drawn to include all of lot 69 where the applicant is proposing to develop a new physical culture establishment within a portion of the existing building on Fulton Street. The zoning overlay depth is being reduced from 150 feet to 100 feet to remove residential properties from the commercial zoning designation. The applicant owns approximately seventy-five percent of the property within the proposed zoning overlay.

C1-3 is a local commercial retail district which allows use groups five through six. C2-4 is a local commercial retail district which allows use groups five through nine. Physical culture establishments are not allowed in C1 districts and are allowed by BSA special permit in C2 districts. The applicants are concurrently applying for a special permit from the Board of Standards and Appeals (BSA), pursuant to Section 73-36 of the Zoning Resolution, to allow a Physical Cultural Establishment.. The property is one block east of the Special Downtown Brooklyn District which was established in 2001 to encourage development in Downtown Brooklyn.

The remaining properties on the block are predominantly residential; east and west of the area are a mix of residential and retail buildings. Across Fulton Street are vacant lots and surface parking lots which are intended to be developed as part of the BAM Cultural District.

Immediately west of the rezoning area across Ashland Place are office buildings and Fulton Mall, a major retail corridor, is located three blocks west of the rezoning area.

ENVIRONMENTAL REVIEW

This application (C 040509 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 05DCP013K. 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 December 6, 2004.

UNIFORM LAND USE REVIEW

This application (C 040509 ZMK) was certified as complete by the Department of City Planning on December 6, 2004, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on January 19, 2005, and on February 9, 2005, by a vote of 29 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on March 14, 2005.

City Planning Commission Public Hearing

On March 16, 2005 (Calendar No. 4), the City Planning Commission scheduled March 30, 2005, for a public hearing on this application (C 040509 ZMK). The hearing was duly held on March 30, 2005 (Calendar No. 22). There was one speaker in favor of the application and none in opposition.

The applicant's attorney spoke in favor and briefly outlined the design and functioning of the proposed physical culture establishment.

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 would amend the Zoning Map from C1-3 to C2-4 on a portion of the block fronting Ashland Place, St. Felix and Fulton streets to allow the applicants to request a special permit from the BSA for a physical culture establishment. The proposed zoning would encourage a wider range of commercial uses on Fulton Street, a commercial street that is a

significant gateway to Downtown Brooklyn.

The proposed C2-4 zoning district would be consistent with adjacent residential and commercial zoning designations and uses. The proposed rezoning would remove the commercial overlay from the midblock area, which would be consistent with the existing residential uses.

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. 16c:

1. **eliminating from an existing R6 District a C1-3 District bounded by Ashland Place, a line 150 feet northeasterly of Fulton Street, St. Felix Street, and Fulton Street; and**
2. **establishing within an existing R6 District a C2-4 District bounded by Ashland Place, a line 100 feet northeasterly of Fulton Street, a line perpendicular to the westerly street line of St. Felix Street distant 175 feet northerly (as measured along the street line) from the intersection of the westerly street line of St. Felix Street and the northeasterly street line of Fulton Street, St. Felix Street, and Fulton Street,**

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated December 6, 2004.

The above resolution (C 040509 ZMK), duly adopted by the City Planning Commission on April

27, 2005 (Calendar No. 9), 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 R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,

RICHARD W. EADDY, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,

KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners