



## **CITY PLANNING COMMISSION**

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September 19, 2007/Calendar No. 4

C 060477 ZMK

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IN THE MATTER OF an application submitted by LLJ Realty Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 16a, changing from an M1-1 District to an R6 District property bounded by Carroll Street, a line 260 feet westerly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 100 feet westerly of Columbia Street, Summit Street, and a line 350 feet westerly of Columbia Street, Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated May 7, 2007.

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The application for an amendment of the Zoning Map was filed by LLJ Realty on May 4, 2006, to facilitate the development of a 35-unit residential building on one lot on the north side of Carroll Street, between Columbia and Van Brunt Streets, in the Columbia Heights neighborhood of Community District 6, Brooklyn.

### **BACKGROUND**

The applicant is seeking a zoning map amendment to move the current R6 district boundary westward by 250 feet on the portion of the block fronting on Summit Street, and 90 feet on the portion of the block fronting on Carroll Street. The applicant's subject property, Block 352, Lot 53, is currently zoned M1-1. An R6 district boundary runs in an irregular line along this and adjacent blocks between Columbia and Van Brunt Streets and this application would extend the boundary to include the applicant's property.

The applicant's lot, which is 15,000 square feet in area, is currently occupied by a one-story warehouse and a plant nursery. If the application is approved, the applicant intends to develop

of a four-story, 35-unit building pursuant to the Quality Housing Program on his property. The proposed zoning map change also encompasses several other residential uses and one vacant lot along Carroll Street. Immediately to the east of the site on Summit Street included in the proposed action is a one-story building containing a pet boarding facility and outdoor space for the animals.

Land uses in the area surrounding the rezoning area include primarily residential uses to the east and north, and industrial and maritime uses to the west. There are a set of rowhouses developed in 1986 by the New York City Partnership in the existing R6 area on Summit Street by Columbia Street as well as in an area north of the site along Carroll Street. To the west of the applicant's site, outside of the rezoning area, is a two-story industrial building and a parking lot.

The existing M1-1 zoning permits manufacturing and limited commercial uses at a maximum FAR of 1.0, and does not permit new residential uses. The proposed R6 zoning district would permit residential use with a maximum FAR of 2.43, or 2.2 under the Quality Housing program for a building on a narrow street.

## **ENVIRONMENTAL REVIEW**

This application (C 060477 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 06DCP095K.

After a study of the potential environmental impacts of the proposed action, a Conditional Negative Declaration, signed by the applicant, was prepared on April 27, 2007 stating the following:

The applicant agrees via a restrictive declaration to prepare a hazardous materials Remedial Action Plan (RAP), including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. Remediation measures would be undertaken to pursuant to the remediation plan.

The applicant signed the conditional negative declaration on April 27, 2007. The conditional negative declaration was published in the City Record on June 6, 2007 and in the New York State Environmental Notice Bulletin on June 6, 2007. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received and the conditional negative declaration was issued on August 20, 2007.

## **UNIFORM LAND USE REVIEW**

This application (C 060477 ZMK) was certified as complete by the Department of City Planning on May 7, 2007, and was duly referred to Brooklyn Community Board 6 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

## **Community Board Public Hearing**

Community Board 6 held a public hearing on this application on May 24, 2007, and on July 16, 2007 with the Executive Committee of the Board, by a vote of 12 to 0 with 1 abstention, adopted a recommendation disapproving the application.

The recommendation stated that:

The proposed rezoning action would legalize the existing non-conforming uses on Carroll Street, change legally conforming commercial uses into non-conforming commercial uses on Summit Street, and encourage residential development on Summit Street that would be denser than what is currently on those subject properties. Disapproval allows the existing legal non-conforming residential uses to continue with unchanged status without jeopardizing current or future businesses occupying spaces within the footprint of the proposed action.

The recommendation is non-complying since it was adopted by the Executive Committee of the board.

## **Borough President Recommendation**

This application was considered by the Brooklyn Borough President who issued on August 15, 2007, a recommendation approving the application with the following conditions:

- 1) The applicant's commitment to provide not less than 20 percent of the units as affordable housing be further clarified by providing in a timely manner to the City Council a more definitive financing option to develop the site with affordable housing; and
- 2) The R6/M1-1 zoning boundary line is modified to retain Manufacturing zoning on the north side of Summit Street between 100 and 200 feet west of Columbia Street.

## **City Planning Commission Public Hearing**

On August 8, 2007 (Calendar No. 1), the City Planning Commission scheduled August 22, 2007 for a public hearing on this application (C 060477 ZMK). The hearing was duly held on August 22, 2007 (Calendar No. 24). There were eight speakers, two in favor and six in opposition.

The speakers in favor included the representative of the applicant and the City Council Member from the 39th district. The applicant's representative stated that the proposed building fits contextually with the area's residential character, and that he responded to community concerns in advance by increasing the number of underground parking spaces from 18 to 23 as well as making some aesthetic changes to the building. He also stated he would not object changing the proposed zoning to eliminate the existing per boarding business from the rezoning, as well as to commit to provide affordable units in the proposed project. The City Council Member from the 39th district supported the application but asked for further study concerning affordable units in the applicant's proposed development, the pet boarding facility and assisting the business on the applicant's property in finding a new location for the business.

Speakers in opposition included community residents and the owner of the pet boarding facility within the proposed rezoning area. Three speakers, including the pet boarding facility's owner expressed concern that the rezoning would lead to increased rents in the area which could impact the business. Three speakers expressed concern that the applicant's development proposal would force closing of the plant nursery business.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The City Planning Commission believes that this amendment of the Zoning Map (C 060477 ZMK), as modified herein, is appropriate.

In response to concerns expressed by the Community Board and Borough President as well as testimony at the Commission's public hearing, the Commission is modifying the proposed action to exclude four lots immediately to the east of the applicant's property from the zoning map change, and to keep them within the M1-1 district. This modification would allow the existing pet boarding facility to remain in operation as a conforming use within a manufacturing district.

The rezoning would facilitate the development a new residential building on the applicant's site and make current legally non-conforming uses on Carroll Street conforming while avoiding disruption to the active commercial uses adjacent to the applicant's lot in a manufacturing district. The Commission believes that the development of housing at the applicant's location would be compatible with land uses to immediately to the north and to the east.

## **RESOLUTION**

**RESOLVED**, the City Planning Commission finds the action described herein will have no significant impact on the environment subject to the following condition:

The applicant agrees via a restrictive declaration to prepare a hazardous materials Remedial Action Plan (RAP), including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. Remediation measures would be undertaken to pursuant to the remediation plan

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. 16a, changing from an M1-1 District to an R6 District property bounded by:

1. Carroll Street, a line 260 feet westerly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 200 feet westerly of Columbia Street, Summit Street, and a line 350 feet westerly of Columbia Street; and
2. a line midway between Carroll Street and Summit Street, a line 100 feet westerly of Columbia Street, Summit Street, and a line 120 feet westerly of Columbia Street;

as shown on a diagram (for illustrative purposes only) dated May 7, 2007 and modified on September 19, 2007.

The above resolution (C 060477 ZMK), duly adopted by the City Planning Commission on September 19, 2007 (Calendar No. 4), 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**

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NATHAN LEVENTHAL, JOHN MEROLO, DOLLY WILLIAMS, Commissioners**