



CITY PLANNING COMMISSION

April 26, 2010/Calendar No. 1

C 070520 ZMK

IN THE MATTER OF an application submitted by Jom Tob Gluck pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by establishing within an existing R5 District a C1-3 District bounded by 48th Street, 18th Avenue, 49th Street and a line 100 feet northwesterly of 18th Avenue, as shown on a diagram (for illustrative purposes only) dated December 14, 2009, Community District 12, Borough of Brooklyn.

This application for an amendment to the zoning map, Section No. 22c, was filed by Jom Tob Gluck on June 11, 2007 to rezone an approximately 20,000 square-foot area located on the west side of 18th Avenue, between 48th and 49th streets, from R5 to R5/C1-3 to facilitate the development of a commercial use on 18th Avenue in the Borough Park neighborhood, Community District 12, Brooklyn.

BACKGROUND

The 18th Avenue corridor is an active neighborhood commercial corridor and is the main route between the neighborhoods of Midwood and Bensonhurst. The rezoning area is located in the Borough Park neighborhood about mid-way between those neighborhoods. The proposed rezoning would establish a C1-3 commercial overlay district in an existing R5 district to a depth of 100 feet along the west side of 18th Avenue, between 48th and 49th streets. The proposed rezoning area contains several detached multi-family homes and a synagogue, on seven full or partial tax lots on Block 5449 (Lots 34, 35, 36, 37, 41, 42, and 44). The applicant owns Lot 37 and intends to develop a building containing a commercial use at the corner of 18th Avenue and 48th Street.

R5 districts permit medium-density residential uses. Commercial uses are not permitted within an R5 district. The proposed C1-3 overlay would not change the underlying R5 zoning, nor the maximum permitted floor area, which would remain at 1.25 for residential uses and 2.0 for community facility uses. Under the proposed C1-3 commercial overlay district, the maximum permitted commercial FAR would be 1.0 in an R5 district. The proposed R5/C1-3 would allow a

building that could rise to 40 feet tall, under the general provisions, or 35 feet tall under the optional provisions of ZR 23-146.

The applicant's lot is 3,615 sq. ft. in size and, if redeveloped pursuant to the proposed overlay, could contain retail of a similar nature and scale to the other retail stores located on 18th Avenue. The proposed rezoning would facilitate up to 3,615 square feet of commercial space. With the exception of the applicant's property, no change is proposed for the existing remaining uses within the area proposed to be rezoned.

Most blockfronts along 18th Avenue between McDonald Avenue and 55th Street are mapped with a R5/C1-3 district, which allows commercial uses. The 18th Avenue corridor is primarily developed with one- to three-story buildings that typically have ground-floor commercial or community facility uses with residential uses above. Beyond the corridor, the neighborhood is developed with two- and three-story detached and semi-detached homes. Transit access is available via the F train, located at 18th Avenue and McDonald Avenue, approximately seven blocks to the northeast of the rezoning area. The B8 bus line, running from Brownsville to Fort Hamilton/Bay Ridge also runs along 18th Avenue.

ENVIRONMENTAL REVIEW

This application (C 070520 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 07DCP090K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (C 070520 ZMK), a Negative Declaration was issued on December 14, 2009.

UNIFORM LAND USE REVIEW PROCEDURE

This application (C 070520 ZMK) was certified as complete by the Department of City Planning on December 14, 2009, and was duly referred to Brooklyn Community Board 12 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 12 held a public hearing on this application (C 070520 ZMK) on January 25, 2010, and on January 27, 2010, unanimously adopted a resolution recommending disapproval of the application.

Borough President Recommendation

This application (C 070520 ZMK) was considered by the Borough President of Brooklyn, who issued a recommendation of approval on February 26, 2010, subject to the following conditions:

- Should the development contain banks or businesses, professional and/or government offices, the developer should provide parking, with the entrance/exit located on 18th Avenue.
- Should a bank be included in the development, the ATM must be oriented to either 18th Avenue or within the parking area.

City Planning Commission Public Hearing

On February 24, 2010, (Calendar No. 2), the City Planning Commission scheduled March 10, 2010 for a public hearing on this application (C 070520 ZMK). The hearing was duly held on March 10, 2010 (Calendar No. 15). There were two speakers in favor of the application and six speakers in opposition.

Those speaking in favor of the application included the applicant and his representative.. They described the proposal as originally intended which included a bank on the ground floor with a synagogue above. They further stated that due to testimony presented at the Community Board's and Borough President's public hearings, the intention is now to construct a one-story bank, in place of the previously described development. In addition, in response to the Borough

President's comments, the applicant was willing to explore the possibility of providing a small amount of on-site parking.

The speakers opposed to the project were primarily residents of homes along 48th and 49th streets. They were concerned about issues of traffic, parking, and the loss of the residential character of their block. Several speakers also noted that the neighborhood contains a growing population and that housing is desperately needed.

CONSIDERATION

The Commission believes that the proposed zoning map amendment (C 070520 ZMK) is appropriate.

The Commission notes that the predominant existing character of 18th Avenue is that of a neighborhood commercial corridor. Along the Avenue, buildings are developed to one- to three-stories tall, typically with ground floor retail uses. Beyond the Avenue, the neighborhood is built with two- and three-story homes. The existing zoning along 18th Avenue surrounding the rezoning area predominantly reflects these land uses, with an existing R5 district and C1-3 commercial overlays that extend 150 feet from the avenue, covering most blocks. The applicant proposes to map a C1-3 commercial overlay along 18th Avenue to a depth of 100 feet, which would affect fewer of the lots in the midblock than would an overlay of 150 feet in depth.

The applicant's lot is 3,615 sq. ft. in size and, if redeveloped pursuant to the proposed overlay, could contain retail of a similar nature and scale to the other retail stores located on 18th Avenue. The proposed rezoning would facilitate up to 3,615 square feet of commercial space. The Commission believes that a retail use of that size would be consistent with the existing context of nearby commercial corridors. The proposed zoning and land uses are consistent with the mixed-use character of 18th Avenue, and the proposed commercial overlay would be consistent with land use policy for the corridor.

The Commission further notes that the proposed commercial overlay would allow commercial uses on several properties with frontage on 48th and 49th streets, as well as the two properties with frontage along 18th Avenue. The properties located on 48th Street and 49th Street are

currently built with one- and two-family homes in good condition, and it is not likely that they would be redeveloped in the foreseeable future. Also, several other blocks that have similar conditions are built with a well-established pattern of stores with frontage along the avenue, and homes adjacent to the stores.

The Commission acknowledges the written correspondence received from area residents both in favor, and in opposition, to this application. Many of the letters stated concerns that the subject application would change the character of the block or increase traffic congestion and parking problems. The Commission notes that the applicant's property would only facilitate up to 3,615 square feet of commercial space and that no changes are proposed for the existing remaining uses within the rezoning area. With respect to the Borough President's concern, the Commission notes that parking is not required pursuant to Section 36-231 of the Zoning Resolution. However, the applicant stated his intent at the public hearing to orient the entrance to the proposed commercial use along 18th Avenue.

The Commission further believes that the proposal is consistent with the predominant land use and development patterns along the 18th Avenue corridor and that the proposed commercial zoning overlay is appropriate.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant effect on the quality of 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 and Section 5-430 et seq. of the New York City Administrative Code, 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 modified, is further amended by changing the Zoning Map, Section No. 22c establishing within an existing R5 District a C1-3 District bounded by 48th Street, 18th Avenue,

49th Street and a line 100 feet northwesterly of 18th Avenue, Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated December 14, 2009.

The above resolution, duly adopted by the City Planning Commission of April 26, 2010 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, ESQ., ViceChairman

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,

ALFRED C. CERULLO, III, BE TTY Y. CHEN, MARIA M. DEL TORO,

NATHAN LEVENTHAL, ANNA HAYES LEVIN, SHIRLEY A. MCRAE,

KAREN A. PHILLIPS, Commissioners.