



## CITY PLANNING COMMISSION

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August 8, 2007/Calendar No. 14

C 030093 ZMK

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**IN THE MATTER OF** an application submitted by G & P Realty of New York, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, establishing within an existing R6 District a C2-3 District bounded by 12th Avenue, 48th Street, a line 100 feet southeasterly of 12th Avenue, and 49th Street, as shown on a diagram (for illustrative purposes only) dated March 12, 2007, Community District 12, Borough of Brooklyn.

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The application for an amendment to the Zoning Map was filed by G & P Realty of New York, LLC on August 26, 2002. The Zoning Map amendment would establish a C2-3 District within an existing R6 District bounded by 12th Avenue, 48th Street, a line 100 feet southeasterly of 12th Avenue, and 49th Street.

### **BACKGROUND**

The applicant seeks to add a commercial overlay district (C2-3) on the southerly side of 12th Avenue between 48th and 49th streets, in an R6 zoning district in Borough Park, Community District 12, Brooklyn. The Zoning Map amendment would affect two properties, Block 5634, Lots 1, and 6. Lot 1 is owned by the applicant. The proposed commercial overlay would be mapped to a depth of 100 feet, approximately 20,000 square feet.

The rezoning area, currently zoned R6, consists of two, four-story buildings fronting on the southerly side of 12th Avenue, between 48th and 49th streets. Existing land uses within the proposed commercial overlay include residential and commercial uses. Lot 1, the property of the applicant (G&P Realty of New York, LLC), contains a multiple-dwelling with non-conforming ground floor commercial uses. Lot 6 is the site of the Park House Hotel, established by variance of the New York Board of Standards and Appeals (BSA) in 1983 and extended for ten years on August 9, 2005 (BSA Calendar No.328-82-BZ).

R6 zoning districts permit residential and community facility uses (Use Groups 1 - 4), with no height limit and a maximum floor area ratio (FAR) of 2.43 for residential uses and 4.8 for community facility uses. The Quality Housing program permits 2.2 FAR buildings with a maximum base height of 45 feet and a maximum building height of 55 feet on narrow streets (defined as less than 75 feet wide). On wide streets, Quality Housing allows 3.0 FAR buildings with a maximum base height of 60 feet and maximum building height of 70 feet. New multifamily residences in R6 districts must provide one off-street parking space each for 70 percent of the dwelling units; for Quality Housing buildings, one off-street parking space is required for 50 percent of the dwelling units.

C2-3 commercial overlays provide for local retail and service uses (Use Groups 1 - 9). Commercial buildings within C2 commercial district overlays have a maximum permitted floor area ratio of 2.0, if the overlay is mapped in zoning districts R6 and above.

Residential, mixed residential/commercial, and community facility buildings in C2 commercial districts are regulated by the underlying residential district regulations, and commercial uses in mixed residential/commercial buildings cannot be located above the first floor. Most commercial uses within C2-3 overlays are required to provide one off-street parking space for each 400 square feet of commercial space, with a waiver for uses requiring less than 25 spaces.

Overall, the C2-3 zoning map change would extend the adjacent zoning district, and bring existing non-conforming uses into conformance, allowing for their continued use.

No new development is contemplated from the proposed zoning change.

## **ENVIRONMENTAL REVIEW**

This application (C 030093 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 03DCP023K. 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 March 12, 2007.

### **UNIFORM LAND USE REVIEW**

This application, C 030093 ZMK, was certified as complete by the Department of City Planning on March 12, 2007, and was duly referred to 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 on April 12, 2007, and on May 29, 2007, by a vote of 29 to five with no abstentions, adopted a resolution recommending approval of the application with the following comment:

The Board carefully reviewed this Application. Some Members were concerned that the residential floors would be turned into commercial. However after careful review and consideration, the Board voted to approve this application.

### **Borough President's Recommendation**

This application was considered by the Borough President, who issued a recommendation on June 20, 2007 approving the application.

### **City Planning Commission Public Hearing**

On June 20, 2007 (Calendar No. 2), the City Planning Commission scheduled July 11, 2007, for a public hearing on this application (C 030093 ZMK). The hearing was duly held on July 11, 2007 (Calendar No. 32). There was one speaker in favor of the application and none in opposition.

The applicant's legal consultant appeared in support of the proposal.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the zoning map amendment (C 030093 ZMK) is appropriate.

Extending the existing C2-3 district to the rezoning area would allow ground floor commercial uses within the boundaries of the rezoning area to continue and become conforming uses under zoning.

The Commission believes that the proposed amendment to the Zoning Map is consistent with the mix of residential and commercial uses characteristic of the New Utrecht Avenue area of the Borough Park neighborhood, and that proposed commercial uses would not be in conflict with residential uses nearby.

## **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. 22c, establishing within an existing R6 District a C2-3 District bounded by 12th Avenue, 48th Street, a line 100 feet southeasterly of 12th Avenue, and 49th Street, as shown on a diagram (for illustrative purposes only) dated March 12, 2007.

The above resolution (C 030093 ZMK), duly adopted by the City Planning Commission on August 8, 2007 (Calendar No. 14), 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., ALFRED C. CERULLO,III,**  
**BETTY CHEN, LISA A. GOMEZ, JOHN MEROLO, DOLLY WILLIAMS,**  
**Commissioners**