

CITY PLANNING COMMISSION

July 27, 1992 /Calendar No. 3

C 900908 ZMK

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c:

1. changing from an M1-2 to an R6 District property bounded by Fort Hamilton Parkway, 37th Street, 12th Avenue and 39th Street; and
 2. establishing within the proposed R6 District, a C2-3 District bounded by Fort Hamilton Parkway, 37th Street, a line 100 feet southeasterly of Fort Hamilton Parkway and 39th Street (Borough of Brooklyn, Community District 12), as shown on a diagram dated February 24, 1992.
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The application for the amendment of the Zoning Map was filed by the Department of Housing Preservation and Development on June 15, 1990 to rezone an M1-2 District to an R6 District with a C2-3 overlay to facilitate the development of housing by the New York City Housing Partnership.

RELATED ACTIONS

In addition to the zoning map change, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 900910 ZSK: Grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow development within a permanently discontinued railroad right-of-way.
2. C 900909 HDK: UDAAP disposition of Block 5291, Lot 33 to the New York City Housing Partnership.

BACKGROUND

The proposed site, known as Culver El Site 1, is located on the southerly side of 37th Street between Fort Hamilton Parkway and 12th Avenue (Block 5291, Lot 33). The parcel is one of seven parcels that are part of the right-of-way of the former Culver Shuttle elevated

transit lines and, at ground level, the South Brooklyn Railroad. Service on the rapid transit line was terminated in 1975, and on the railroad line in the early 1980s. The elevated structure, one of the oldest in Brooklyn, was demolished in 1985. Following the demolition, the New York City Transit Authority surrendered to the Division of Real Property of the New York City Department of General Services this parcel, as well as the six other parcels which make up a seven block, 50 foot wide strip of land, running along 37th Street between Fort Hamilton Parkway and McDonald Avenue in the Borough Park section of Brooklyn. The site is 26,655 square feet in area and is vacant.

The New York City Housing Partnership proposes to develop approximately thirty-six units in twelve three-story buildings.

The applicant requests the rezoning of the entire block which includes Site 1 (Block 5291) as well as the block directly to the south (Block 5290). Both blocks are zoned M1-2 and are proposed to be rezoned to R6. Both blocks are adjacent to a large R6 district south of 39th Street. Block 5291 currently contains warehouse uses south of Site 1, two and three-story residential row houses, automobile repair shops and local retail and office uses. Block 5290 predominantly contains two and three-story semi-detached houses and row houses fronting on 38th Street, 12th Avenue and 39th Street, and, along Fort Hamilton Parkway, commercial structures and residential buildings with ground floor commercial uses. Following the rezoning, all commercial uses on Fort Hamilton Parkway, except two auto repair shops, will be in conformance with zoning. Those two auto repair shops as well as all other remaining non-residential uses on the two blocks will become legal non-conforming uses.

A mix of commercial and residential uses exists in the neighborhood surrounding the site. Dahill Park, a 1.3 acre park used for active and passive recreation, is four blocks east of the site. Further south, along 38th and 39th Streets are residential blocks, consisting mostly of two and three-family homes. Industrial uses exist to the west of the site. The main commercial strip in the area is 13th Avenue between 37th

and 55th Streets. Commercial activity is also strong on Fort Hamilton Parkway. The area is well served by public transportation.

ENVIRONMENTAL REVIEW

This application (C 900908 ZMK), in conjunction with the applications for related actions (C 900909 HDK and C 900910 ZSK), 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 New York City Environmental Quality Review (CEQR) procedures set forth in Executive Order No. 91 of 1977. The designated CEQR number is 89-247K.

The Department of Environmental Protection and the Department of City Planning submitted to the Commission for its consideration the results of their study of the potential environmental impact of the proposed action. A negative declaration was issued on July 15, 1991.

UNIFORM LAND USE REVIEW

This application (C 900908 ZMK), in conjunction with the applications for the related actions (C 900909 HDK and 900910 ZSK), was certified as complete by the Department of City Planning on February 24, 1992, and were duly referred to Community Board 12 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Review

Community Board 12 held a public hearing on this application and the related applications on April 6, 1992, and on April 28, 1992 by a vote of 33 to 1 with 1 abstention, adopted a resolution recommending approval of the applications.

Borough President Recommendation

This application was considered by the Office of the President of the Borough of Brooklyn, which issued a recommendation approving the action on May 28, 1992.

City Planning Commission Public Hearing

On May 20, 1992, (Calendar No. 5), the City Planning Commission scheduled June 10, 1992 for a public hearing on this application (C 900908 ZMK). The hearing was duly held on June 10, 1992 (Calendar No.9), in conjunction with the public hearing for related actions (C 900909 HDK and C 900910 ZSK). There were no appearances and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this amendment to the zoning map is appropriate.

The zoning map change will facilitate the construction of approximately 36 residential units by the New York City Housing Partnership at this location. The development will provide a much needed housing resource and contribute to the stability of the surrounding area. There are no plans for the use of the railroad right-of-way for transit purposes, and the site provides an excellent opportunity to complement the predominant residential character of the surrounding neighborhood.

Because of the existing commercial uses on the east side of Fort Hamilton Parkway between 37th and 39th Streets, a 100 foot deep C2-3 overlay is proposed to be created along this frontage in order to attract new commercial uses and to reinforce the commercial character of Fort Hamilton Parkway.

Although the rezoning will result in the warehouses, auto repair shops and the 12th Avenue commercial uses becoming legal non-conforming uses, the rezoning would not impair the continuing operation of these uses. None of these uses are adjacent to vacant land which would allow an expansion of their current business.

Further discussion of the issues related to the proposed development of Culver El Site 1 are included within the report on the related application for the grant of a special permit (C 900910 ZSK), dated July 22, 1992.

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

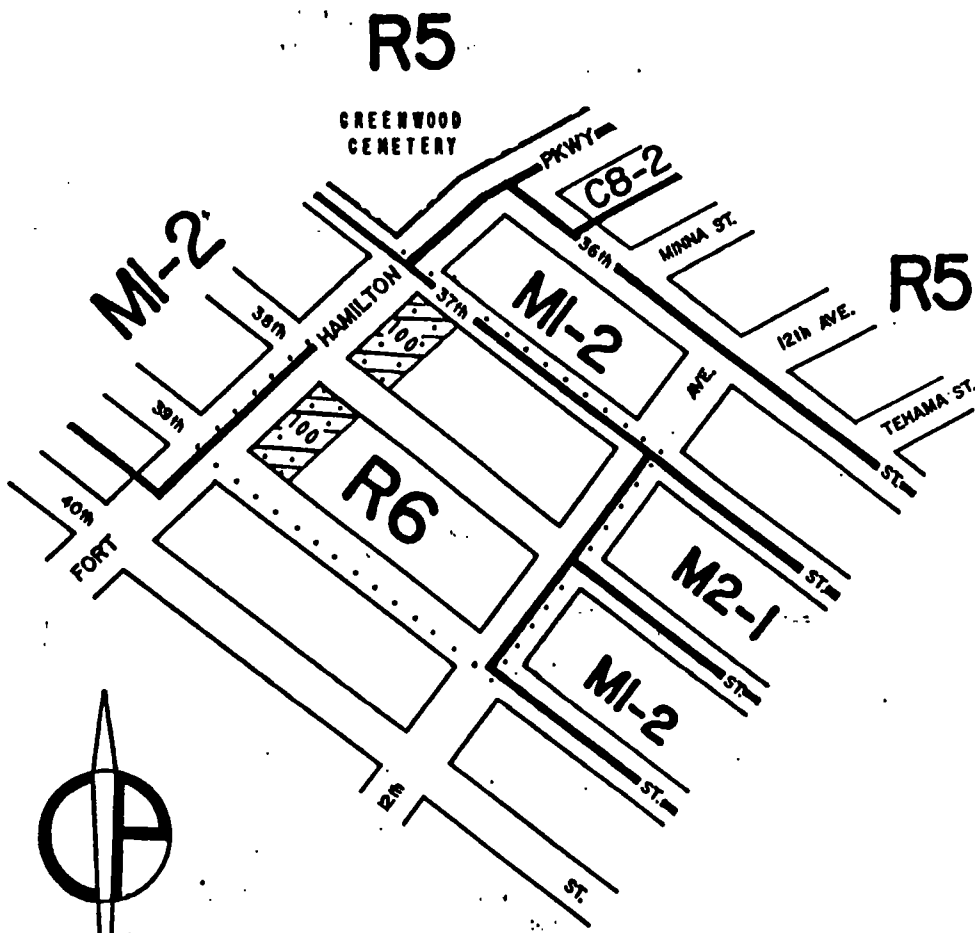
RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22c:

- a) changing from an M1-2 to an R6 District property bounded by Fort Hamilton Parkway, 37th Street, 12th Avenue and 39th Street; and
- b) establishing within the proposed R6 District, a C2-3 District bounded by Fort Hamilton Parkway, 37th Street, a line 100 feet southeasterly of Fort Hamilton Parkway and 39th Street;

Borough of Brooklyn, Community District 12, as shown on a diagram dated February 24, 1992 (C 900908 ZMK).

The resolution (C 900908 ZMK), duly adopted by the City Planning Commission on July 27, 1992, Calendar No. 3, 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.

RICHARD L. SCHAFFER, Chairman
VICTOR G. ALICEA, Vice-Chairman
AMANDA BURDEN, A.I.C.P., **ANTHONY GIACOBBE**,
MAXINE GRIFFITH, **JAMES C. JAO**, R.A.,
BRENDA LEVIN, **JOEL A. MIELE**, SR., P.E.,
EDWARD T. ROGOWSKY, Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK

**DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP**


22c

**BOROUGH OF
BROOKLYN**

New York, Certification Date
February 24, 1992

Sam Purvis
Director of Technical Review,
Land Use Review Division



- NOTE:**
- Indicates Zoning District boundary.
 - The area enclosed by the fine dotted line is proposed to be changed from an MI-2 District to an R6 District and by establishing C2-3 Districts within the proposed R6 District.
 -  Indicates a C2-3 District.