



**CITY PLANNING COMMISSION**

---

August 18, 1997/ Calendar No. 7

N 970500 ZRK

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**IN THE MATTER** of an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article IX, Chapter 4, Section 94-063, of the Special Sheepshead Bay District.

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This application for an amendment of the New York City Zoning Resolution was filed by the Department of City Planning on March 21, 1997. The proposed text amendment to the Special Sheepshead Bay District would modify finding (b) of the special permit findings under Section 94-063 to allow an alternate vehicular access for uses on certain specified streets when no other street access is available.

**BACKGROUND**

Section 94-063 of the Special Sheepshead Bay District (Uses permitted by special permit) allows certain specified uses (listed in tables 1 and 2 of this section) which are not allowed as-of-right in this district to be approved by special permit of the City Planning Commission under certain conditions. One of those conditions, finding (b), as currently written, requires "that the principal vehicular access for such use is not located on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue or Bedford Avenue, and that such use would not cause undue congestion in local streets." This requirement leaves the Commission without the flexibility to

approve an application on its merits when the only access to the zoning lot is on one of the specified streets. This condition is especially prevalent in a sub-area of the district referred to as "Area H", where most of the street fronts, a stretch of 15 blocks, have access only from the south side of Emmons Avenue. This text amendment would permit the principal vehicular access on the specified streets when there is no other access available from another street.

#### **ENVIRONMENTAL REVIEW**

This application (N970500ZRK) 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 97DCP052K. 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 April 14, 1997.

#### **PUBLIC REVIEW**

On April 14, 1997, the proposed zoning text change was duly referred to Brooklyn Community Board #15 and the Brooklyn Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

#### **COMMUNITY BOARD REVIEW**

On May 20, 1997 Brooklyn Community Board #15 held a public hearing on the proposed text change (N970500ZRK) and voted 34 in favor, 0 against, and 0 abstentions.

#### **BOROUGH PRESIDENT RECOMMENDATION**

On June 24, 1997, the Brooklyn Borough President recommended approval of the proposed text change.

#### **CITY PLANNING PUBLIC HEARING**

On June 25, 1997, (Calendar No. 9), the City Planning Commission scheduled July 9, 1997, for a public hearing on this application (N 970500 ZRK). The hearing was duly held on July 9, 1997 (Calendar No. 36). There were 2 speakers in favor of the application and none opposed. The speakers were the attorney for the related special permit application involving an outdoor ice-skating rink and the chairperson of the local community board (Brooklyn Community Board 15). Their remarks were related to the special permit application and appear in that report (C970224 ZSK). There were no other speakers and the hearing was closed.

#### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

The proposed action's consistency with the Waterfront Revitalization Program (WRP) was assessed (WRP 97-028) and disclosed in the Environmental Assessment Statement (EAS). The EAS

disclosed that the proposed action would be consistent with policies of the WRP.

#### **CONSIDERATION**

The Commission believes the proposed text change is appropriate. Under the current text, the Commission does not have the ability to approve one of the specified uses listed in Tables 1 or 2 of Special Permit Section 94-063, based on its own merits, if the zoning lot containing such use has it's only vehicular access on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue or Bedford Avenue. Under the amended text, the Commission may approve such use in situations where there is no other vehicular access available for the zoning lot, as long as the findings for the special permit are met. It gives the Commission greater flexibility in promoting appropriate development within the Special Sheepshead Bay District.

#### **RESOLUTION**

**RESOLVED**, by the City Planning Commission, pursuant to Section 201 of the New York City Charter, that based on the environmental determination and 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 as follows:

Matter Underlined is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;  
Matter in # # is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in the Zoning  
Resolution

Article 1X: SPECIAL PURPOSE DISTRICTS

\* \* \*

Chapter 4: SPECIAL SHEEPSHEAD BAY DISTRICT

\* \* \*

10/4/73

94-063

Uses permitted by special permit

The City Planning Commission, by special permit, ~~after public notice and hearing and subject to Board of Estimate action, may authorize~~ may allow the #uses# listed in Tables 1 and 2 in Areas A, B, C, D and E and the #uses# listed in Table 2 only in Area H, provided that the following findings are made:

- (a) ~~that~~ the #use# is so located as not to impair the character of the surrounding area or its future #development# or cause any environmental hazards;

- (b) ~~that~~ the principal vehicular access for such #use# is not located on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue or Bedford Avenue, except where no access is available from another street, and that such #use# will not cause undue congestion in local #streets#;
- (c) ~~that~~ the #uses# listed under manufacturing establishments in Table 1 are #accessory# to the retail sales on the same #zoning lot# and such #uses# occupy not more than 50 percent of the #floor area# of the establishment and that such #uses# do not create objectionable noise, vibration, smoke, dust or odor; and
- (d) ~~that~~ any public parking facilities provide adequate reservoir space at vehicular entrances, and that sufficient vehicular entrances and exits are provided to prevent traffic congestion.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.

\* \* \*

The above resolution (N 970500 ZRK), duly adopted by the City Planning Commission on August 18, 1997 (Calendar No. ), 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.

**JOSEPH B. ROSE**, Chairman

**VICTOR G. ALICEA**, VICE CHAIRMAN

**ALBERT ABNEY, ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., KATHY**

**HIRATA CHIN, ESQ., ALEXANDER GARVIN, ANTHONY I. GIACIBBE, ESQ.,**

**WILLIAM J. GRINGER, BRENDA LEVIN, EDWARD T. ROGOWSKY, JACOB B.**

**WARD, ESQ.**, Commissioners