

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
120 Broadway, 31st Floor, New York, NY 10271
CalendarOffice@planning.nyc.gov



INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: McDONALD AVENUE CATERING – 180171 ZMK

An application submitted by Congregation Chasidei Belz Beth Malka pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment affecting the south side of Avenue C between Dahill Road and McDonald Avenue, and McDonald Avenue from Avenue C toward Cortelyou Road, in Brooklyn Community District 12 (CD 12). The zoning map amendment would add a C2-4 overlay to the existing R5 district on the block. Such action would facilitate the continued operation of a non-conforming commercial banquet facility housed within the interconnected cellar area of two school buildings, located at 317 Dahill Road and 600 McDonald Avenue.

BROOKLYN COMMUNITY DISTRICT NO. 12

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITION

SEE ATTACHED

Handwritten signature of Eric Adams in blue ink.

BROOKLYN BOROUGH PRESIDENT

January 24, 2019

DATE

RECOMMENDATION FOR McDONALD AVENUE CATERING – 180171 ZMK

Congregation Chasidei Belz Beth Malka submitted an application pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment affecting the south side of Avenue C between Dahill Road and McDonald Avenue, and McDonald Avenue from Avenue C toward Cortelyou Road, in Brooklyn Community District 12 (CD 12). The zoning map amendment would add a C2-4 overlay to the existing R5 district on the block. Such action would facilitate the continued operation of a non-conforming commercial banquet facility housed within the interconnected cellar area of two school buildings, located at 317 Dahill Road and 600 McDonald Avenue.

On January 7, 2019, Brooklyn Borough President Eric L. Adams held a public hearing on this zoning map amendment. There were no speakers on the item.

In response to Borough President Adams' inquiry as to how often the banquet facility is in use during a typical week, how many staff are employed directly in banquet operations, and the extent of hiring outreach done by the operator to maximize locally-based employment, the applicant's representative stated the facility operates Sundays through Thursdays, with three to four events per week. Additionally, the caterer employs 14 full- and part-time staff, with an additional 15 to 20 part-time servers, who are all recruited via local employment agencies.

In response to Borough President Adams' inquiry as to how patrons of the banquet facility arrive and depart the building, when and where deliveries are received, and when and where refuse is brought to the street and picked up, the representative indicated that most deliveries, drop-offs, and refuse pickups occur along the McDonald Avenue frontage. Events typically require multiple deliveries, which are received during daytime hours.

In response to Borough President Adams' inquiry regarding the banquet hall's off-site valet parking facility, its capacity, typical utilization, and for how long the operator would have guaranteed access to the property, the representative noted that the facility, located at 3611 14th Avenue, accommodates 100 cars. However, the banquet hall utilizes about half of this capacity of its larger events.

Subsequent to the hearing, the applicant's representative noted that the lease was for 50 parking spaces, though the lot has a capacity of 100. Furthermore, while McDonald Avenue is utilized for the majority of deliveries, there are occasional deliveries via the Dahill Road building.

Consideration

Brooklyn Community Board 12 (CB 12) voted to approve this application on January 22, 2019.

The proposed rezoning would affect those lots occupied by two interconnected school buildings, the Darul Jinnah Islamic Center and four residential properties. The two-story school buildings have significant frontage along McDonald Avenue with additional frontage along Avenue C and Dahill Road. The McDonald Avenue frontage was originally constructed as a one-story warehouse, and subsequently enlarged to two stories for school use via a bulk variance granted by the New York City Board of Standards and Appeals (BSA). The Dahill Road building was constructed in 2002 pursuant to a BSA bulk variance. The BSA variances allowed the two school buildings to exceed the district's permitted community facility FAR of 2.0.

The two buildings share a cellar that is used for non-school functions by a Use Group 9 banquet hall/catering establishment, which accommodates up to 400 patrons and operates during non-school hours. The facility contains 20,000 sq. ft. of entertainment, restroom, and seating areas, as well as kitchen facilities. The banquet hall/catering establishment is primarily accessed via an entrance on McDonald Avenue, with an access for females at Avenue C.

Lacking zoning that permits commercial use, the operation of the banquet hall as a catering facility is not a permitted use. The requested C2-4 commercial overlay would bring the operation into zoning conformance and ensure its continued operation as a legal use.

The banquet hall/catering facility relies on existing parking in the vicinity of 600 McDonald Avenue to accommodate its needs. In addition to the utilization of curbside parking, the banquet/catering operation benefits by leasing a nearby parking facility for its valet parking operation.

The five non-applicant sites fronting Avenue C would not gain any additional bulk benefits from the establishment of the proposed commercial overlay. However, the overlay would permit these buildings to convert their ground floors to commercial use. However, regulations pertaining to a change of use, such as Americans with Disabilities Act (ADA) compliance and fire safety code regulations, would likely discourage pursuit of this option.

The surrounding context is defined by a mix of commercial, community facility, and semi-industrial uses, as well as low-rise multi-family homes. The area is defined by the elevated Culver line, which runs along McDonald Avenue and carries the Sixth Avenue Local F and Crosstown Brooklyn-Queens G trains.

Borough President Adams generally supports efforts to facilitate the creation and/or growth of Brooklyn-based businesses. This includes zoning actions that are consistent with the predominant land use patterns to provide opportunities for job creation. He believes that achieving legal conformance of the banquet/catering operation would retain both direct and indirect jobs (suppliers, etc.), as well as ensure that the source of revenue from such operation would directly benefit the operation of the schools as well as the families and staff that depend on these schools for educational and employment purposes. The addition of a commercial overlay is appropriate based on the area's mixed-use context, including the M1-1 district across McDonald Avenue, and commercial uses along nearby 36th Street and Avenue C. However, Borough President Adams is concerned that the balance of neighborhood quality of life associated with the parking needs of the banquet/catering establishment lacks certainty.

Ensuring Adequate Accessory Parking

The proposed C2-4 overlay requires one space per 1,000 sq. ft. of floor area, which results in a number of otherwise required parking spaces that, according to the New York City Zoning Resolution (ZR), is eligible to be completely waived. Therefore, the requested zoning district would not obligate the continuation of the off-site parking arrangement.

A parking study referenced at Borough President Adams' public hearing indicates that on evenings when banquets are taking place, the utilization rate for the area's curbside parking is 98 percent, as opposed to 94.7 percent when the facility is not in operation. This figure is based on the active use of off-site parking located at 3611 14th Avenue, also known as Brooklyn Square. This off-site parking facility has been leased annually to supplement the catering operation for approximately five years and is generally not needed for more than 50 vehicles. Brooklyn Square is a former industrial loft, recently converted to office use, with legal, non-complying bulk according to its M1-2 zoning. Office occupancy is less likely to conflict with typical banquet hours, so Brooklyn Square will likely continue to serve as a parking resource for the catering facility. While there is no legal obligation to renew this arrangement, it has worked to minimize quality-of-life challenges for nearby residents who rely on street parking to maintain car ownership.

For new developments, ZR Section 36-43 Off-Site Spaces for Commercial or Community Facility Uses allows permitted or required off-street parking spaces to be provided on a separate zoning lot, provided that such parking lot is located (a) within 600 feet of the zoning lot where the use is sited and (b) in a

commercial or manufacturing zoning district. The parking operation at Brooklyn Square complies with this provision, through it is not legally binding. Selecting a commercial overlay where required parking would be in excess of an amount that might be completely waived would present difficulties in securing a formal off-site arrangement given the limited opportunities to negotiate within 600 feet of the operation; therefore, adopting a more restrictive commercial overlay might be punitive.

However, Borough President Adams believes that the lawful operation of the catering hall should be conditioned on having lawful access to a parking facility with no fewer than 50 parking spaces. Currently, there is no reason to expect that Brooklyn Square would be modified in a manner that would reduce or eliminate its parking. However, without the right to renew its lease, Congregation Chasidei Belz Beth Malka could be denied a future opportunity to utilize the parking facility. Given that the catering hall relies on a valet parking operation, Borough President Adams believes that it would be appropriate for off-site parking to be located within 2,000 feet of the banquet facility, as opposed to the more restrictive ZR limit of 600 feet.

Therefore, in order to ensure that banquet operators have lawfully binding access to no fewer than 50 parking spaces during hours of operation, the City Council should seek a commitment that the Certificate of Occupancy (C of O) be revised to allow a Use Group 9 banquet hall and/or catering establishment subject to the condition that one or more active leases for a property within 2,000 feet of 600 McDonald Avenue be on file with the New York City Department of Buildings (DOB), requiring no fewer than 50 parking spaces be secured during operating hours.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following condition:

1. That the Certificate of Occupancy (C of O) for 600 McDonald Avenue be revised to allow a Use Group 9 banquet hall and/or catering establishment subject to the condition that one or more active leases for a property within 2,000 feet of 600 McDonald Avenue be on file with the New York City Department of Buildings (DOB), requiring no fewer than 50 parking spaces be secured during operating hours