



E-139

CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

NEGATIVE DECLARATION

October 18, 2004

Project Identification

CEQR No. 05DCP023K
ULURP Nos. N050133 ZRK
050134 ZMK
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Special Bay Ridge District Rezoning and Text Amendment

The applicant, the New York City Department of City Planning, is proposing amendments to the zoning map and zoning text amendments to Zoning Resolution (ZR) Section 114-00 for the 249 block Special Bay Ridge District (SBRD) in the Bay Ridge section of Brooklyn Community District 10. The proposed zoning map amendments for the SBRD are as follows:

- Preservation Area A, would be changed from R6 to R3A, R3X, R4A, R4-1, R4B and R6A;
- Preservation Area B would be changed from R6 to R6B;
- Preservation Area C would be changed from R6 to R6A and C4-2 to C4-2A;
- Preservation Area D would be changed from C4-2 to C4-2A and R7-1 to R7B;
- Preservation Area E would be changed from R2, R3-1 and R3-2 to R2, R3-1, R3-2 and R4A; R7-1 to R7A; C8-1 to C8-2; and a portion of the existing M1-1 to R5B; and
- All commercial overlays would be changed from C1-2 to C1-3 and C2-2 to C2-3.

The proposed zoning text amendment would eliminate the SBRD's preservation sub-areas which comprise the majority of the text. Future land use development would be regulated by the proposed contextual districts. The following SBRD regulations would be maintained or modified as they provide additional protections greater than those of the proposed underlying districts:

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- Maintenance of the 32-foot height limit for Community Facility development in R3-2, R3A, R3X, R4A, R4-1, R4B and R5B zoning districts, and continuing to limit permitted FARs for Community Facility uses to 1.65 in R4A, R4-1, R4B and R5B;
- Modification of the proposed C8-2 district, limiting the FAR for Community Facility uses to 3.0, equal to that permitted in the adjacent proposed C4-2A district surrounding 86th Street to the north. The SBRD would also impose a height limit in this district equivalent to the C4-2A district, with a total building height of 70 feet after a maximum setback at 60 feet; and
- Modification of ZR Section 33-42, Permitted Obstructions, to allow elevators, stair bulkheads, roof water tanks, cooling towers and other mechanical equipment to exceed the maximum height limit in R7A, R7B, R6A, R6B, C4-2A and C8-2 districts.

The proposed zoning changes would preserve neighborhood scale and character through the mapping of lower density and contextual zoning districts and revisions to the existing special district text. These proposed zoning changes would protect the detached, semi-detached and limestone rowhouse character of most neighborhood mid-blocks and would reinforce several of the avenues as corridors for mid-rise mixed retail/residential buildings and larger elevator buildings. The proposed rezoning would utilize a range of lower density and contextual zoning districts that would preserve and protect existing building types and their neighborhood context. These lower density and contextual districts would match the existing built conditions. The proposed districts would have bulk regulations governing building type, FAR, lot width, lot area, height, density, side yards, curb cuts and parking which provide substantially more protection than the existing SBRD regulations.

Sites expected to be developed as a result of the proposed action include four projected development sites. There are ten potential development sites that are considered less likely to be developed. Under existing zoning approximately 25 dwelling units, 38,555 square feet of commercial floor area and 51,982 square feet of community facility floor area could be developed by 2014. Under the proposed action, it is projected that when compared to the development that could occur in the future without the proposed action, a net gain of approximately 42 dwelling units, 9,855 square feet of commercial floor area and 12,995 square feet of community facility floor could be developed by 2014.

To avoid the potential for impacts related to air quality, the proposed rezoning includes (E) designations for air quality on four of the projected and two of the potential development sites. Accordingly, (E) designations will be mapped on the following parcels:

Block 6053, Lots 14 and 17
Block 6065, Lots 28 and 39
Block 6082, Lots 6 and 13
Block 6086, Lot 1
Block 6116, Lots 35 and 39

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The text of the (E) designation for air quality for the above properties is as follows:

Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

To avoid the potential for impacts related to noise, the proposed rezoning includes (E) designations for noise on two of the potential development sites. Accordingly, (E) designations will be mapped on the following parcels:

Block 6126, Lots 7 and 12

Block 6106, Lot 34

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

To avoid the potential for impacts related to noise, the proposed rezoning includes (E) designations for noise on one of the projected development sites. Accordingly, (E) designations will be mapped on the following parcels:

Block 6116, Lots 35 and 39

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

To avoid the potential for impacts related to hazardous materials, the proposed rezoning includes (E) designations for hazardous materials on two of the projected development sites and five of the potential development sites. Accordingly, (E) designations will be mapped on the following parcels:

Block 6082, Lots 6, 13 14, and 33

Block 6066, Lots 19, 31, 32, and 35

Block 6065, Lots 28, and 39
Block 6107, Lot 1

The potential for contamination sites receiving (E) designation for hazardous materials can be classified as petroleum based, non-petroleum based, or both. The NYCDEP has developed protocols for both petroleum and non-petroleum based (E) designated sites that are required to be followed in order to address possible contamination. The placement of the (E) designation on the zoning map would eliminate the potential for significant adverse impacts from hazardous materials and would ensure that appropriate testing and remediation, if needed, would be undertaken. The text of the (E) designation is as follows:

Due to the possible presence of hazardous materials on the aforementioned designated site there is potential for contamination of the soil and groundwater. To determine if contamination exists and perform and appropriate remediation, the following tasks must be undertaken by the fee owners(s) of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.

Task 1

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

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If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement dated October 14, 2004, prepared in connection with the ULURP Application (N050133 ZRK, 050134 ZMK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statements:

The above determination is based on an environmental assessment which finds that no significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

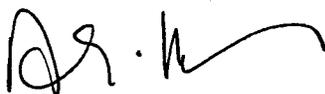
Should you have any questions pertaining to this Negative Declaration, you may contact Katherine Bucke at (212) 720-3493.



Robert Dobruskin, Director
Environmental Assessment & Review Division
Department of City Planning

Date:

10/15/04



Amanda Burden, AICP, Chair
City Planning Commission

Date:

10/18/04

