



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

August 22, 2005

NEGATIVE DECLARATION

Project Identification

CEQR No. 06DCP014K

ULURP No. N060053 ZRK and 060054 ZMK

SEQRA Classification: Type I

Lead Agency

City Planning Commission

22 Reade Street

New York, NY 10007

Contact: Robert Dobruskin

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Name, Description and Location of Proposal:

South Park Slope Rezoning

The New York City Department of City Planning (DCP) proposes zoning map changes for a fifty block area located in the South Park Slope Area of Community District 7, Brooklyn, and a zoning text amendment that would apply in a portion of the rezoning area. The rezoning area is generally bounded by 15th Street on the north, Fourth Avenue on the west, Prospect Park West on the east, and 24th Street and Green-Wood Cemetery on the south. The proposed rezoning would change existing R5 districts to R5B districts; R6 districts to R5B, R6B, R6A and C4-3A districts; and on Fourth Avenue, R6 districts would change to R8A districts. The proposed rezoning would change existing commercial overlays from C1-3 and C2-3 to C2-4 districts, and reduce the overlay distance from 150 feet to 100 feet. Two C2-4 districts would also be added around Bartel Prichard Square. Additionally, the Department of City Planning proposes a text amendment to apply an Inclusionary Housing bonus to the proposed R8A district for the Fourth Avenue corridor of the rezoning area. The proposed text amendment would create incentives for the development of affordable housing. The proposed zoning would protect the relatively low-rise neighborhood character from out-of-scale development, and provide opportunities for apartment house construction and incentives for affordable housing on Fourth Avenue.

The amendments to the Zoning Map are as follows:

- a change from an R5 to an R5B district;
- a change from an R6 to an R5B, R6B, R6A, C4-3A and R8A;
- a change from an R6 to an R8A;

South Park Slope Zoning Map Change and Text Amendment
Negative Declaration
CEQR No. 06DCP014K

- a change from a C1-3 commercial overlay to a C2-4 commercial overlay;
- a change from a C2-3 commercial overlay to a C2-4 commercial overlay;
- a reduction in depth from 150 feet to 100 feet in commercial overlays; and
- the addition of two C2-4 districts around Bartel Prichard Square.

The proposed zoning text amendment would modify Zoning Resolution Section 23-00 and 35-31, to allow the use of an Inclusionary Housing bonus in all R8A zoning districts in Community District 7, Brooklyn. At this time, the proposed R8A district to be mapped on Fourth Avenue under the proposed rezoning would be the only R8A district in Brooklyn's Community District 7. Currently, the maximum FAR in an R8A district is 6.02. The proposed text would reduce the maximum FAR permitted without the Inclusionary Housing bonus in the proposed R8A district from 6.02 to 5.4 and would allow a maximum FAR of 7.2, if affordable housing units are developed or preserved. The maximum FAR of 7.2 could be accommodated within the contextual height regulations of an R8A district.

Under the Inclusionary Housing program, developments providing affordable housing are eligible for a floor area bonus, within contextual height and bulk regulations. Affordable units can be provided either on the same site as the development earning the bonus, or off-site either through new construction or preservation of existing affordable units. Off-site affordable units must be located within the same Community District or within a half-mile of the bonused development. Available City, State, and Federal housing finance programs may be used to finance affordable units. The combination of a zoning bonus with housing programs establishes a powerful incentive for the development and preservation of affordable housing.

The purpose of the rezoning is to preserve neighborhood scale and character with contextual zoning districts; reinforce several of the avenues as corridors for mixed retail/residential buildings; and provide opportunities for housing development and incentives for affordable housing along the wide Fourth Avenue corridor. Over 500 units have been constructed or permitted in the past three years within the rezoning area. Many of these units are within buildings developed under the R6 Quality Housing (narrow street) program. Recent development in the area is generally appropriately-scaled and represents positive investment and revitalization of the area as market pressure for housing within the desirable Park Slope neighborhood extends further south. However, several out-of-scale nine to fourteen-story tower developments are proposed throughout the neighborhood that would erode the low-rise, rowhouse neighborhood character. The proposed South Park Slope rezoning is in part a response to this emerging trend.

The purpose of the text amendment is to apply the Inclusionary Housing program to the proposed

South Park Slope Zoning Map Change and Text Amendment
Negative Declaration
CEQR No. 06DCP014K

R8A districts in the Fourth Avenue corridor where substantial housing development is projected to occur. The Inclusionary Housing program would establish incentives for the creation and preservation of affordable housing in conjunction with new development on the section of Fourth Avenue in the proposed rezoning area.

The proposed action would result in additional residential development along the Fourth Avenue corridor. A total of 10 projected and potential development sites have been identified in this area. Of the 10 development sites, 3 have been identified as projected development sites and 7 have been identified as potential sites. In addition, a potential development site has been identified on Fifth Avenue.

Without the proposed action, there could be 94 dwelling units built on the three projected development sites, for a total of 137,145 square feet of new space; of that, 34,513 square feet would be commercial space. With the proposed rezoning, there could be 286 dwelling units in the three projected development sites, for a total 329,148 square feet of new space; of that 34,513 square feet would be commercial space. The proposed action is projected to result in approximately 191 additional dwelling units on the three projected development sites. Of the 286 dwelling units, approximately 229 would be market rate housing, and approximately 57 would be affordable to low or moderate income residents. Under the existing zoning, all of the dwelling units are projected to be market rate.

To avoid the potential for hazardous materials impacts, the proposed zoning map amendment includes (E) designations for hazardous materials on the following properties:

- **Block 1051, Lots 32, 37 and 39**
- **Block 634, Lots 1 and 5**
- **Block 643, Lots 1, 2, 3, 4, 5, 6 and 70**
- **Block 1051, Lots 33, 34, 35 and 36**
- **Block 1052, Lots 6, 7, 8, 9, and 10**
- **Block 1052, Lots 1, 2, 4 and 5**
- **Block 631, Lot 6, 7, 9 and 10**
- **Block 631, Lot 1, 4 and 5**
- **Block 637, Lot 1**
- **Block 1052, Lots 43, 44, 45, 46 and 47**

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the Department of Environmental Protection (DEP) before the issuance of a building permit by the Department of Buildings (DOB) (pursuant to Section 11-15 of the Zoning Resolution - Environmental Requirement). The (E) designation also includes a mandatory construction-related health and safety plan which must also be approved by the DEP.

South Park Slope Zoning Map Change and Text Amendment
Negative Declaration
CEQR No. 06DCP014K

To avoid the potential for air quality impacts associated with boiler emissions, the proposed zoning map amendment includes (E) designations on the following properties:

- **Block 1051, Lots 32, 37 and 39**
- **Block 1051, Lots 33, 34, 35, and 36**
- **Block 1051, Lot 6, 7, 8, 9, 10**
- **Block 1052, Lots 1, 2, 4, and 5**
- **Block 631, Lots 6, 7, 9, and 10**
- **Block 631, Lots 1, 4, and 5.**

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 significant adverse impacts related to noise, the proposed action includes (E) designations on the following properties:

- **Block 1051, Lots 32, 37, 39**
- **Block 1051, Lots 33, 34, 35, 36**
- **Block 1051, Lots 6, 7, 8, 9, 10**
- **Block 1052, Lots 1, 2, 4, 5**
- **Block 631, Lots 6, 7, 9, 10**

In order to ensure an acceptable interior noise environment, future residential uses on the above referenced properties must provide a closed window condition with a minimum of 45 dB(A) window/wall attenuation on all facades 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 would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

South Park Slope Zoning Map Change and Text Amendment
Negative Declaration
CEQR No. 06DCP014K

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 August 18, 2005, prepared in connection with the ULURP Application (N060053 ZRK and 060054 ZMK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

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 Gwen Sheinfeld of the Department of City Planning at (212) 720-3419.



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

Date: 8/19/05



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 8/22/05