E-159

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, AICP, *Director*
Department of City Planning

October 17, 2005

Regina Myer
Director, Brooklyn Office, Department of City Planning
16 Court Street, 7th Floor, Room 705
Brooklyn, New York 11241-0103

re: **CEQR No. 06DCP030K**
ULURP No. 060130 ZMK
Midwood Rezoning
SEQRA Classification: Type I

Dear Ms. Myer,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action will not have a significant effect on the environment.

Enclosed is the Negative Declaration for CEQR No. 06DCP030K, Midwood Rezoning, including supporting statements for the finding that the project will not have a significant effect. The proposed action would include the following zoning map changes for a seventy block area located in the Midwood Area of Community District 14, Brooklyn. The rezoning area is generally bounded by Avenue H on the north, Nostrand Avenue on the east, Avenue P and Kings Highway on the south and Coney Island Avenue on the west.

The amendments to the Zoning Map are as follows:

- a change from an R6 district to an R2 district;

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- a change from an R6 district to an R4-1 district;
- a change from an R6 district to an R5 district;
- a change from a R6 district to an R5B district;
- a change from a R6/C8-2 district to an R7A district;
- a change from a C4-3 district to an C4-4A district;
- a reduction of a C2-3 commercial overlay; and
- an addition of a C2-3 commercial overlay.

The proposed rezoning would reinforce established built contexts and prevent out-of-character development. It would limit the height of new developments in the predominantly low-rise blocks within the study area to thirty-three feet to maintain the low-rise character. Along Ocean Avenue and Kings Highway, where there is an existing multi-story apartment building character, the proposed rezoning would maintain the option for apartment building construction but limit the height of new development to eighty-feet after a setback at a maximum of sixty-five feet, which is consistent with the existing character. Along five block-faces of Coney Island Avenue, north of Avenue P and south of Locust Avenue, the proposed rezoning would allow apartment building construction where new residential construction is not currently permitted and limit the height of new development to eighty-feet, after a setback at sixty-five feet. The FAR permitted for community facility and mixed residential / community / commercial facility buildings would be reduced from 4.8 to 4.0 and 2.0. The proposed rezoning would protect the relatively low-rise character of the neighborhood from out-of-scale development.

To avoid the potential for impacts related to hazardous materials, the proposed rezoning includes (E) designations. The text of the (E) designations and a complete list of the blocks and lot numbers of the properties on which the (E) designations would be mapped are included in the attached Negative Declaration.

Sincerely,

James P. Merani, R.A., Deputy Director
Environmental Assessment and Review Division

c: Amanda M. Burden
City Planning Commissioners
Hon. Marty Markowitz, Brooklyn Borough President
Robert Kulikowski
David Karnovsky
Gwen Sheinfeld
Robert Dobruskin
Angela Licata
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Gail Benjamin
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CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

October 17, 2005

NEGATIVE DECLARATION

Project Identification
CEQR No. 06DCP030K
ULURP No. 060130 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:

Midwood Rezoning
The New York City Department of City Planning (DCP) proposes zoning map changes for all or portions of an approximately 80 block area within the Midwood neighborhood of Brooklyn's Community District 14. The area proposed for rezoning is a predominantly residential area bounded by Avenue H on the north, Nostrand Avenue on the east, Avenue P and Kings Highway on the south and Coney Island Avenue on the west.

The amendments to the Zoning Map are as follows:

- a change from an R6 district to an R2 district;
- a change from an R6 district to an R4-1 district;
- a change from an R6 district to an R5 district;
- a change from a R6 district to an R5B district;
- a change from a R6/C8-2 district to an R7A district;
- a change from a C4-3 district to an C4-4A district;
- a reduction of a C2-3 commercial overlay; and

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- an addition of a C2-3 commercial overlay.

The proposed rezoning would reinforce established built contexts and prevent out-of-character development; limit the height of new developments in the predominantly low-rise blocks within the study area to thirty-three feet to maintain the low-rise character; along Ocean Avenue and Kings Highway, where there is an existing multi-story apartment building character, maintain the option for apartment building construction but limit the height of new development to eighty-feet after a setback at a maximum of sixty-five feet, consistent with the existing character; along five block-faces of Coney Island Avenue, north of Avenue P and south of Locust Avenue, allow apartment building construction where new residential construction is not currently permitted and limit the height of new development to eighty-feet, after a setback at sixty-five feet; and reduce the FAR allowed for community facility and mixed residential / community / commercial facility buildings from 4.8 to 4.0 and 2.0. The proposed rezoning would protect the relatively low-rise character of the neighborhood from out-of-scale development.

Without the proposed action, there could be 181 dwelling units built on the seven projected development sites. With the proposed rezoning, there could be 247 dwelling units in the seven projected development sites, for a total decrease in 981 square feet of floor area as a result of a decrease of 65, 880 square feet of community facility floor area, an increase of 64, 898 of residential space, and no change in commercial floor area which would remain at 13, 176 square feet. The proposed action is projected to result in approximately 66 additional dwelling units on the seven projected development sites.

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

Block 6703,	**Lot 55**
Block 6749,	**Lots 54, 56, 73, 76, 78, 86, 91**
Block 6758,	**Lot 51**
Block 6766,	**Lots 7, 12, 20, 21**
Block 7656,	**Lots 55, 58**
Block 7674,	**Lot 1**

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.

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 6712, Lots 81, 82, 83 and 84
Block 6730, Lots 7, 9 and 10
Block 6738, Lots 15, 17, 74, 75, 76, 77, 78 and 79
Block 6739, Lots 15, 16, 26 and 28
Block 6740, Lots 55, 56, 57 and 58
Block 6749, Lots 73, 76, 78, 86 and 91
Block 6765, Lots 20, 21, 25 and 27
Block 7656, Lots 55 and 58

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 air quality impacts that would have the potential to result in significant adverse industrial source air quality impacts, the proposed Midwood Rezoning includes (E) designations on the following property:

Block 6758, Lot 51

Any new residential and/or commercial development must have inoperable windows and may not include air inlets in the north facade of the building.

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

Block 6731, Lot 56
Block 6749, Lots 54, 56, 73, 76, 78, 86 and 91
Block 6758, Lot 1

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 35 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.

With the implementation of the above (E) designations, no significant adverse impacts related to hazardous materials, air quality or noise would occur.

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, 2005, prepared in connection with the ULURP Application (060130 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.

Date: 10/14/05

James P. Merani, R.A., Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: 10/17/05

Amanda M. Burden, AICP, Chair
City Planning Commission