



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

June 18, 2007

REVISED NEGATIVE DECLARATION
Supercedes Negative Declaration issued on April 23, 2007

Project Identification

CEQR No. 07DCP066K
ULURP Nos. 070430 ZMK & 070431 ZRY
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin

Name, Description, and Location of Proposal:

Fort Greene / Clinton Hill Rezoning and Text Amendment

The Department of City Planning (DCP) is proposing zoning map changes and a zoning text amendment for ninety-nine blocks located within the Fort Greene and Clinton Hill area of Community District 2, Brooklyn. The rezoning area is generally bounded by Park Avenue on the north, Classon Avenue to the east, Atlantic Avenue on the south and Ashland Place, Fort Greene Park and Carlton Avenue on the west.

The amendments to the Zoning Map are as follows:

- A change from an R6 district to an R5B district;
- A change from an R6 district to an R6A district;
- A change from an R6 district to an R6B district;
- A change from an R6 district to an R7A district;
- A change from an R7-2 district to an R7-2 district;
- A change from an M1-1 district to an R6A district;
- A change from an M1-1 district to an R7A district.
- A change from C1-3 commercial overlays to C2-4 commercial overlays and a reduction in depth from 150 feet to 100 feet;
- A change from C2-3 commercial overlays to C2-4 commercial overlays and a reduction in depth from 150 feet to 100 feet and
- Two new C2-4 commercial overlays would be mapped around Myrtle Avenue and Emerson Place; one C2-4 district would be added around Lafayette Avenue and South Elliot Place; four C2-4 overlays would be added along Fulton and along Atlantic Avenue
- Three C1-3 commercial overlays would be removed along Fulton Street and Adelphi Street.

Additionally, the DCP is proposing a zoning text amendment, pursuant to Zoning Resolution Section 23-922, which would allow the use of an Inclusionary Housing bonus to be made applicable in all proposed R7A zoning districts along Myrtle Avenue, Fulton Street and Atlantic Avenue within the Fort Greene and Clinton Hill neighborhoods.

The proposed action would result in a net increase of 546 residential units, 259 of which would be affordable. The proposed action would also result in an increase of 35,278 square feet of commercial space and a decrease of 166,781 square feet of community facility space. A total of 29 projected development sites and 28 potential development sites have been identified in the area.

To avoid the potential for impacts related to hazardous materials, air quality and noise, the proposed rezoning includes (E) designations. This Negative Declaration corrects an error in the Negative Declaration dated April 23, 2007, which inadvertently placed an (E) designation on Block 1991, Lots 2 and 3, which are city-owned.

The (E) designations for hazardous materials would be placed on all of the development sites. These sites are comprised of the following parcels:

Block 1890, Lots 85, 86, 87 & 89

Block 1892, Lots 70, 71, 74 & 75

Block 1893, Lots 10, 11, 13, 14, 15, 37, 38, 39,
40, 41, 42, 43, 47 & 49

Block 1894, Lots 54 & 55

Block 1895, Lot 61, 69, 70, 71 & 72

Block 1905, Lot 19, 30, 40 & 120

Block 1909, Lots 23, 25, 26 & 27

Block 1981, Lot 1

Block 1991, Lots 1, 4, 5, 6, 7, 16, 19 & 106

Block 1992, Lots 5, 6, 7, 8, 9, 12, 13, 15, 16, 20, 21, 24, 26, 28, 29 & 30

Block 2010, Lot 1, 18, 19, 20, 25 & 59

Block 2011, Lot 1, 30

Block 2012, Lots 1, 10, 27, 32, 65, 67, 69, 61, 62, 63, 70 & 71

Block 2018, Lots 1, 2, 3, 4, 5, 6, 46, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 67, 101
& 166

Block 2019, Lot 1, 51, 55, 60, 63, 75 & 80

Block 2046, Lot 84

Block 2073, Lots 21 & 22

Block 2075, Lots 27 & 28

Block 2113, Lots 22 & 31

On the sites receiving (E) designation for hazardous materials, the contamination can be classified as petroleum based, non-petroleum based or both. The NYCDEP has developed protocols for both petroleum and 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:

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists 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 NYCDEP 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. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared

by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot

restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

With the placement of the (E) designations on the above block and lots, no impacts related to hazardous materials are anticipated.

To avoid any potential impacts associated with noise, the proposed action would place an (E) designation for noise on the following projected development sites:

- Block 1893, Lots 10, 11, 13, 14, 15, 37, 38, 39, 40, 41, 42, 43, 47, 49,
- Block 1978, Lot 1
- Block 1980, Lot 64, 66 & 67
- Block 1981, Lot 1
- Block 1889, Lot 94
- Block 1991, Lots 1, 4, 5, 6, 7, 16, 19 & 106
- Block 1992, Lots 5, 6, 7, 8, 9, 12, 13, 15, 16, 26, 28, 29 & 30
- Block 2010, Lot 25
- Block 2011, Lot 30
- Block 2012, Lot 10 & 32
- Block 2044, Lots 89 & 90
- Block 2115, Lot 8 & 10
- Block 2116, Lots 6, 7 & 8
- Block 2117, Lots 43, 44 & 67
- Block 2012, Lot 27
- Block 2014, Lots 30, 31 & 32
- Block 2046, Lot 84
- Block 2073, Lots 21 & 22
- Block 2075, Lots 27 & 28
- Block 2113, Lots 22 & 31

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 any potential impacts associated with noise, the proposed action would place an (E) designation for noise on the following properties:

- Block 1890, Lots 85, 86, 87 & 89
- Block 1905, Lot 19, 30, 40 & 120
- Block 1909, Lot 23, 25, 26, 27
- Block 1892, Lots 70, 71, 74, 75
- Block 1893, Lots 54, 57, 58, 59, 60
- Block 1894, Lots 54 & 55
- Block 1895, Lots 61, 69, 70, 71 & 72
- Block 2003, Lots 30, 31 & 32
- Block 2010, Lots 1 & 59
- Block 2011, Lot 1
- Block 2012, Lots 1, 62, 63, 65, 67, 69, 70 & 71
- Block 2117, Lots 43, 44 & 45
- Block 2018, Lots 1, 2, 3, 4, 5, 6, 46, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 67, 101 & 166
- Block 2019, Lots 1, 51, 55, 60, 63, 75 & 80

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.

With the placement of the (E) designations for noise on the above block and lots, no impacts related to noise are expected.

Statement of No Significant Effect:

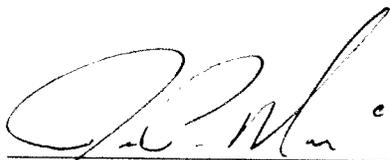
The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated April 20, 2007, prepared in connection with the ULURP Applications (ULURP Nos. 070430 ZMK & N070431 ZRY). 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:

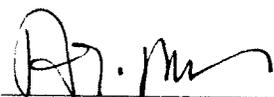
1. The original Negative Declaration issued on April 23, 2007 included an (E) designation that was placed on Block 1991, Lots 2 and 3 in error, as noted in the memo to the CEQR file, dated June 15, 2007. This revised Negative Declaration eliminates the (E) designation that was inadvertently placed on Block 1991, Lots 2 and 3, which are owned by the City;
2. No significant effects on the environment which would require an Environmental Impact Statement are foreseeable; and
3. This revised 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 revised Negative Declaration, you may contact Jessica Neilan, at (212) 720-3425.



James Merani, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: 6/15/07



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 6/15/07