



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

May 7, 2007

Project Identification

CEQR No. 07DCP070K

ULURP Nos. 070447 ZMK & N 070448 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:

Bedford Stuyvesant South Rezoning and Text Amendment

The Department of City Planning (DCP) and the Department of Housing Preservation and Development (HPD) propose zoning map changes and zoning text amendment changes for an approximately 206 block area in the southern half of the Bedford-Stuyvesant neighborhood of Community District 3, Brooklyn. The rezoning area is generally bounded by Lafayette Avenue and Quincy Street to the north, Classon Avenue to the west, Saratoga Avenue and Broadway to the east, and Atlantic Avenue to the south. The proposed rezoning aims to preserve neighborhood scale and character, allow for residential growth along the Fulton Street transit and retail corridor, and provide incentives and opportunities for affordable housing development in Bedford-Stuyvesant.

The amendments to the Zoning Map are as follows:

- A change from an R5 district to an R5B district;
- A change from an R5 district to an R6A district;
- A change from an R5 district to an R6B district;
- 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 R7D district;
- A change from an R6 district to a C4-5D district;
- A change from an M1-1 district to an R6A district;
- A change from an M1-1 district to an M1-1/R7D district

- A change from a C4-3 district to a C4-5D district;
- A change from a C4-3 district to an R7D district;
- A change from an M1-1 district to a C4-5D district;
- A change from a C1-3 commercial overlay to a C2-4 commercial overlay and a reduction in depth from 150 feet to 100 feet;
- A change from a C1-4 commercial overlay to a C2-4 commercial overlay and a reduction in depth from 150 feet to 100 feet and
- A change from a C2-3 commercial overlay to a C2-4 commercial overlay and a reduction in depth from 150 feet to 100 feet.

Additionally, the Department of City Planning is proposing a zoning text amendment to establish new R7D and C4-5D districts, establish a Special Mixed Use (MX) District, apply the Inclusionary Housing program to R7D and C4-5D districts and require active ground floor uses in C4-5D districts and C2 districts mapped within R7D districts. The proposed action could result in a net increase of 568 residential units, 290 of which would be affordable. The proposed action could also result in an increase of 1,943 square feet of commercial space and a decrease of 192,426 square feet of community facility space. A total of 24 projected development sites and 81 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. The (E) designations for hazardous materials would be placed on the following parcels:

Block 1548, Lots 1, 26, 27, 28, 29, 32, 33 & 128

Block 1549, Lots 1, 3, 4, 5, 6, 7, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34 & 35

Block 1556, Lots 3 & 25

Block 1558, Lots 1 & 7

Block 1699, Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 26, 27, 28, 29 & 30

Block 1703, Lot 34

Block 1704, Lots 12, 14, 32, 33 & 34

Block 1713, Lot 7

Block 1714, Lots 1, 26, 27 & 30

Block 1849, Lots 39, 47, 51 & 53

Block 1850, Lots 36, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49 & 50

Block 1854, Lots 1, 38, 40, 41 & 52

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Block 1858, Lots 34, 37, 39, 41, 42, 44, 45 & 47

Block 1859, Lot 1,

Block 1860, Lots 6, 11, 21, 24, 32, 33, 34, 37, 47, 49, 51, 53, 56 & 40

Block 1861, Lots 1, 5, 9, 20 & 71

Block 1862, Lots 1, 26, 38 & 55

Block 1863, Lots 10 & 15

Block 1864, Lots 4, 10, 12, 14 & 21

Block 1865, Lots 55, 57, 60 & 62

Block 1866, Lots 23 & 26

Block 1867, Lots 7, 10, 11, 12, 13, 15, 16, 17 & 18

Block 1994, Lots 45, 47 & 48

Block 1997, Lots 47, 48, 49, 50, 51, 57, 58 & 59

Block 1999, Lots 37, 38, 39 & 42

Block 2016, Lots 28, 29, 30, 12, 23 & 32

Block 2017, Lots 8, 35 & 36

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 preclude the potential for significant adverse industrial source air quality impacts an (E) designation for air quality will be incorporated into the rezoning proposal. The text of the (E) designation is as follows:

Block 1860, Lot 6 (Potential Development Site 11):

- If the tetrachloroethylene emissions affecting this property continue, any new residential and/or commercial development, enlargement, or change of use on the above-referenced property must either: have inoperable windows along the lot line facing Block 1860, Lot 11 and may not include air intakes; or, must incorporate alternative design features and technologies approved by NYCDEP.

To avoid any potential noise impacts associated for those sites with residential and / or commercial use, the proposed action will place an (E) designation for noise on the following properties:

Block 1641, Lots 52, 53, 65 & 67

Block 1646, Lots 11 & 13

Block 1647, Lots 28 & 29

Block 1651, Lots 53 & 54

Block 1652, Lots 28 & 30

Block 1652, Lots 36 & 134

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Block 1653, Lots 75, 80, 82, 83, 84, 85, 86 & 88

Block 1656, Lots 23, 24, 69 & 71

Block 1657, Lots 46 & 47

Block 1664, Lots 35 & 37

Block 1670, Lots 53 & 59

Block 1659, Lots 28, 29 & 30

Block 1662, Lot 59

Block 1676, Lot 15

Block 1667, Lot 35

Block 1682, Lots 48 & 49

Block 1695, Lots 40 & 41

Block 1699, Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 26, 27, 28, 29 & 30

Block 1859, Lot 1

Block 1864, Lot 4 & 14

Block 1858, Lots 34, 37, 39, 41, 42, 44, 45, 47

Block 1864, Lots 10, 12 & 21

Block 1675, Lots 22 & 25

Block 1677, Lots 61 & 63

Block 1682, Lots 57 & 58

Block 1687, Lot 68

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 noise impacts associated for those sites with residential and / or commercial use, the proposed action will place an (E) designation for noise on the following properties:

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Block 1548, Lots 1, 26, 27, 28, 29, 32, 33 & 128

Block 1549, Lots 1, 3, 12 & 13

Block 1556, Lots 3 & 25

Block 1558, Lots 1 & 7

Block 1549, Lots 4, 5, 6, 7, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34 & 35

Block 1703, Lot 34

Block 1704, Lot 12, 14, 32, 33 & 34

Block 1713, Lot 7

Block 1714, Lots 1, 26, 27 & 30

Block 1842, Lots 45 & 47

Block 1860, Lot 40

Block 1849, Lot 39, 47, 51, 53

Block 1850, Lots 36, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 50

Block 1854, Lots 1, 52, 38, 40, 41

Block 1861, Lot 20

Block 1862, Lots 1, 26, 38 & 55

Block 1863, Lots 10 & 15

Block 1842, Lots 50, 53, 56, 57, 58 & 62

Block 1860, Lots 6, 11, 21, 24, 32, 33, 34, 37, 47, 49, 51, 53 & 56

Block 1865, Lots 55, 57, 60 & 62

Block 1866, Lots 23 & 26

Block 1867, Lots 7, 10, 11, 12, 13, 15, 16, 17 & 18

Block 1861, Lots 1, 5, 9 & 71

Block 1994, Lots 45, 47 & 48

Block 1997, Lots 57, 58 & 59

Block 1997, Lots 47, 48, 49, 50, 51, 57, 58 & 59

Block 1999, Lot 42, 37, 38 & 39

Block 2016, Lot 12, 23, 28, 29, 30 & 32

Block 2017, Lot 8, 35, 36

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 any potential noise impacts associated for those sites with residential and / or commercial use, the proposed action will place an (E) designation for noise on the following properties:

Block 1556, Lots 3 & 25(South Façade only)

Block 1558, Lots 1 & 7 (South Façade only)

Block 1713, Lot 7 (South Façade only)

Block 1714, Lots 1, 26, 27 & 30 (South Façade only)

Block 1866, Lots 23 & 26 (South Façade only)

The text of the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, future residential 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.

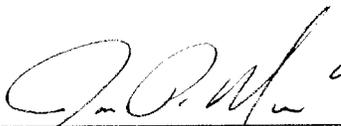
Statement of No Significant Effect:

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 May 4, 2007, prepared in connection with the ULURP Applications (ULURP Nos. 070447 ZMK & N 070448 ZRY). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

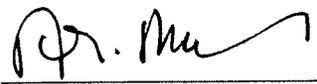
The above determination is based on an environmental assessment which finds that no significant effects on the environment which would require an Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Jessica Neilan, at (212) 720-3425.



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

Date: 5/4/07



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 5/4/07

