



## **CITY PLANNING COMMISSION**

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October 3, 2007/Calendar No.12

C 070203 ZMK

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**IN THE MATTER OF** an application submitted by the Century 21 Department Stores LLC and Michael Sonnaband LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 22b: changing from a C8-2 District to a C4-2A District property bounded by 87<sup>th</sup> Street, a line 200 feet northwesterly of 5<sup>th</sup> Avenue, 88<sup>th</sup> Street, and a line 200 feet southeasterly of 4<sup>th</sup> Avenue; Borough of Brooklyn, Community District 10, as shown on a diagram (for illustrative purposes only) dated July 9, 2007.

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The application for an amendment of the Zoning Map was filed by Century 21 Department Stores LLC and Michael Sonnaband LLC on November 13, 2006 for a zoning map change from C8-2 to C4-2A District would facilitate the development of a seven-level unattended public parking garage with a maximum capacity of 279 spaces and a commercial enlargement at 415-435 88<sup>th</sup> Street in the Bay Ridge area of Brooklyn.

### **RELATED ACTION**

In addition to the Amendment of the Zoning Map, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this action:

**C 070204 ZSK:** A special permit pursuant to Section 74-512 of the Zoning Resolution for the construction of a public parking garage.

## **BACKGROUND**

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C 070204 ZSK).

## **ENVIRONMENTAL REVIEW**

This application (C 070204 ZSK) in conjunction with the related action (C 070203 ZMK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07DCP062K. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Conditional Negative Declaration was prepared on July 6, 2007 stating the following:

The applicant agrees via a restrictive declaration to prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan for the Department of Environmental Protection (DEP) for approval. Remediation measure would be undertaken to pursuant to the remediation plan.

The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

The applicant signed the conditional negative declaration on July 9, 2007. The conditional negative declaration was published in the City Record on July 16, 2007. Pursuant to the SEQRA

regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received and the conditional negative declaration was issued on September 4, 2007. The conditional negative declaration was published in the New York State Environmental Notice Bulletin on September 12, 2007.

### **UNIFORM LAND USE REVIEW**

This application (C 070203 ZMK), in conjunction with the application for the related action (C 070204 ZSK), was certified as complete by the Department of City Planning on July 9, 2007, and was duly referred to Community Board 10 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 10 held a public hearing on this application (C 070203 ZMK) in conjunction with the related action (C 070204 ZSK) on July 11, 2007, and on that day by a vote of 39 in favor, 0 opposed and 1 recusal, adopted a resolution recommending approval of the applications.

### **Borough President Recommendation**

This application (C 070203 ZMK) in conjunction with the related action (C 070204 ZSK) was considered by the Borough President, who issued a recommendation approving the applications on August 15, 2007.

### **City Planning Commission Public Hearing**

On August 22, 2007 (Calendar No. 1), the City Planning Commission scheduled September 5, 2007 for a public hearing on this application (C 070203 ZMK). The hearing was duly held on September 5, 2007 (Calendar No. 23) in conjunction with the hearing on related action (C 070204 ZSK).

There were three speakers, as described in the report on the related application for the grant of a special permit (C 070204 ZSK) and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for the grant of a special permit (C 070204 ZSK).

### **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and subject to the following condition:

The applicant agrees via a restrictive declaration to prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan for the Department of Environmental Protection (DEP) for approval. Remediation measure would be undertaken to pursuant to the remediation plan.

and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22b changing from a C8-2 District to a C4-2A District property bounded by 87<sup>th</sup> Street, a line 200 feet northwesterly of 5<sup>th</sup> Avenue, 88<sup>th</sup> Street, and a line 200 feet southeasterly of 4<sup>th</sup> Avenue; as shown on a diagram (for illustrative purposes only) dated July 9, 2007, Community District 10, Borough of Brooklyn.

The above resolution (C 070203 ZMK), duly adopted by the City Planning Commission on October 3, 2007 (Calendar No. 12), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**

**KENNETH J. KNUCKLES, Esq., Vice Chairman**

**ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**

**BETTY Y. CHEN, RICHARD W. EADDY, LISA A. GOMEZ, NATHAN LEVENTHAL,**

**JOHN MEROLO, KAREN A. PHILIPS, DOLLY WILLIAMS, Commissioners**