



## CITY PLANNING COMMISSION

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March 14, 2008/Calendar No. 25

C080116 ZMK

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**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development and Columbia Hicks Associates LLC pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 16c:

1. changing from an M1-1 District to an R6A District properly bounded by Congress Street, the northwesterly street line of Brooklyn Queens Connecting Highway, a line midway between Congress Street and Warren Street, a line 100 feet southeasterly of Columbia Street, Warren Street, and Columbia Street;
2. changing from M1-1 Districts to an R6B District property bounded a line midway between Congress Street and Warren Street, the northwesterly street line of Brooklyn Queens Connecting Highway, Warren Street, and a line 100 feet southeasterly of Columbia Street, and
3. changing from a M1-1 District to an R7A District property bounded by Warren street, the northwesterly street line of Brooklyn Queens Connecting Highway, Baltic Street, and a line 150 feet southeasterly of Columbia Street.

Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated November 13, 2007, and subject to the conditions of CEQR Declaration E-205.

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This application for an amendment of the zoning map was filed by the Department of Housing Preservation and Development (HPD) and Columbia Hicks Associates LLC on October 15, 2007 to change an M1-1 district to an R6B, R6A, and R7A districts on one and one half blocks bounded by Congress Street, Hicks Street, Columbia Street, and Baltic Streets.

### **RELATED ACTIONS**

In addition to the amendment to the Zoning Map which is the subject of this report, implementation of the applicants' proposal also requires action by the City Planning Commission on the following applications which is being considered concurrently with this application:

- C 080115 HUK      Amendment of the Columbia Street Urban Renewal Plan involving land use changes and the removal of height restrictions on Site 27. Removal of designation and land uses that pertain to privately owned properties which are not urban renewal sites from Maps 1 and 2. Changes the language and format of the Urban Renewal Plan to reflect the current standard form.
- C 080117 HDK      Disposition of a city-owned property to a developer to be selected by HPD.

## **BACKGROUND**

A full background discussion and description of this application appears in the report on the related application for the 3<sup>rd</sup> Amendment to the Columbia Street Urban Renewal Plan (C 080115 HUK).

## **ENVIRONMENTAL REVIEW**

This application (C 080116 ZMK) in conjunction with the related actions (C 080115 HUK and C 080117 HDK) 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 for Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 07DCP073K.

A summary of the environmental review and the conditional negative declaration appears in the report on the related amendment of the urban renewal plan application (C 080115 HUK).

## **UNIFORM LAND USE REVIEW**

This application (C 080116 ZMK), in conjunction with the applications for the related actions (C 080115 HUK and C 080117 HDK), was certified as complete by the Department of City Planning on November 13, 2007 and was duly referred to Community Board 6 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 6 held a public hearing on this application (C 080116 ZMK), in conjunction with the applications for the related actions (C 080115 HUK and C 080117 HDK), on November 29, 2007. On December 12, 2007, for this application (C 080116 ZMK) by a vote of 34 to 2 with 1 abstention, adopted a resolution recommending approval of the application.

A summary of the recommendation of Community Board 6 appears in the report for the related application (C 080115 HUK).

### **Borough President Recommendation**

This application was considered by the Brooklyn Borough President who issued on February 20, 2008, a recommendation approving the application with the following conditions:

1. Nine of the market rate rental units are converted to middle-income rentals; or
2. A Land Disposition Agreement is made between the developer and HPD requiring the developer to refinance through a mechanism such as those provided by HDC or HPD to continuously extend the affordability of not less than 28 units to keep them "Affordable Forever."

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

On February 13, 2008 (Calendar No. 7), the City Planning Commission scheduled February 27, 2008, for a public hearing on this application (C 080116 ZMK). The hearing was duly held on February 27, 2008 (Calendar No. 27) in conjunction with the public hearings on the applications for the related actions (C 080115 HUK and C 080117 HDK).

There were seven speakers, as described in the report on the related application for an amendment of an urban renewal plan (C 080115 HUK) and the hearing was closed.

## CONSIDERATION

The Commission believes that this amendment of the Zoning Map (C 080116 ZMK) is appropriate.

A full consideration and analysis of the issues and reasons for approving this application appears in the report for the related application for the amendment of an urban renewal plan (C 080115 HUK).

## RESOLUTION

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

1. The applicant, Columbia Hicks, Associates, agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. A Phase I Environmental Site Assessment (ESA) was prepared on April, 2007, and is available in the proposal's CEQR file, for the property located at 75 Columbia Street, 86, 90 and 96 Congress Street, 79, 108 and 110 Warren Street and 109 Baltic Street (Block 299, Lots 1, 16, 18, 19 and 39 and Block 16, 17 and 10) in Brooklyn. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and Phase II testing was recommended by DEP, due to the potential for the presence of hazardous materials on the site as a result of past and present on and off-site land uses.

The declaration, binding on all successors and assigns of the applicant, requires that additional Phase II testing be prepared, including a sampling protocol and a health and safety plan for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's property would be characterized prior to any site disturbance.

The restrictive declaration was executed on October 17, 2007. On October 23, 2007, the DEP confirmed, via written correspondence, that the applicant filed a DEP-approved Restrictive Declaration with the New York City Department of Finance of the City Register.

2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

And be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 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 16c:

1. changing from an M1-1 District to an R6A District properly bounded by Congress Street, the northwesterly street line of Brooklyn Queens Connecting Highway, a line midway between Congress Street and Warren Street, a line 100 feet southeasterly of Columbia Street, Warren Street, and Columbia Street;
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Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated November 13, 2007, and subject to the conditions of CEQR Declaration E-205.

The above resolution (C 080116 ZMK), duly adopted by the City Planning Commission on March 12, 2008 (Calendar No. 25), 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 G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**

**ALFRED C. CERRULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**

**RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. MCRAE,**

**JOHN MEROLO, KAREN A. PHILLIPS, Commissioners**