



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

**NEGATIVE DECLARATION**

**Project Identification**

CEQR No. 16DCP178K

ULURP Nos. N160377ZRK

SEQRA Classification: Type I

**Lead Agency**

City Planning Commission

120 Broadway, 31<sup>st</sup> Floor

New York, NY 10271

Contact: Robert Dobruskin

(212) 720-3423

**Name, Description, and Location of Proposal:**

**Community Board 10 Text Amendment SP 73-622**

Brooklyn Community Board (CB) 10, as applicant, is proposing a Zoning Text Amendment to the New York City Zoning Resolution (ZR) Section 73-622, Enlargements of single and two-family detached semi-detached residences, to eliminate Brooklyn Community District (CD) 10 from the areas in which the provisions of ZR-622 would be applicable. The provisions of ZR- 622 currently apply to three full community districts; Brooklyn CD's 10, 11, and 15; and a specific R2 zoning district in CD 14. The likely effect of eliminating Brooklyn CD 10 from the provisions of ZR 73-622 would be minimal; it would not induce any new development, alter existing or predictable development patterns, change permitted uses, or result in any increases in bulk and density.

By eliminating Brooklyn CD 10 from the provisions of ZR 73-622, the applicant intends to preclude the type of development the SP has allowed, believing it does not resemble the initial regulatory intent of the SP. Brooklyn CB 10 believes that the original intent of ZR 73-622 was to allow existing residents a mechanism for relief from non-compliances, providing for limited enlargement of their homes in order to remain within their community or leave New York State completely. However, Brooklyn CB 10 believes that it has been clearly established that, for Brooklyn CD 10, the SP has in practice been predominantly used to legalize existing illegal conditions, or to produce luxury housing for speculative sale, or purchase. Consequentially, Brooklyn CB 10, is advancing an application to the CPC to remove Brooklyn CD 10 from the provisions of 73-622. Brooklyn CB 10 believes that

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future enlargements should adhere to the as-of-right residential regulations, proceed with the established relief offered by way of BSA variance, or provided under an alternative existing SP, ZR 73-621 (Enlargement, extension, or conversion of building containing residential uses), that limits enlargements to 10%. In addition, Brooklyn CB 10 argues that the lower density and contextual districts mapped extensively in the 2005 and 2007 area rezonings (approximately 400 Blocks), not mapped when the initial text was supported and approved, more than adequately provide the fine-grained zoning controls to enlarge residences in keeping with the built form and character of most blocks.

Absent the proposed action, the provision of 73-622 would remain in effect in Brooklyn CD 10. While difficult to project with certainty, due to BSA discretionary actions and findings, based on past trends, conservatively, it is anticipated that in the future, in the No-Action Scenario, approximately 10-20 developments would seek the SP over a 10-year period.

The affected area is located in the south western portion of the borough of Brooklyn and includes the neighborhoods of Bay Ridge, Fort Hamilton and Dyker Heights. It is generally bounded by the LIRR/Bay Ridge railroad cut to the north, 14<sup>th</sup> Avenue to the east, Lower New York Bay to the south, and the Narrows and Upper New York Bay to the west.

Brooklyn CD 10 has a broad range of lower density and contextual districts mapped throughout the district including: the one- and two family R2, R3-1, R3A, R3X, R4A, R4B and R4-1, and the multifamily R3-2 and R5B fronting many of the tree-lined avenues and most mid-blocks. The multi-family and mid-density districts, R6A, R7A and R7B, are mapped along the wide streets, including: Third, Fourth and Fifth Avenues, Shore Road, Ft. Hamilton Parkway, 11<sup>th</sup> and 13<sup>th</sup> Avenues. These wide streets, have larger apartment buildings ranging from four to eight stories and with some exceptions, commercial overlays ranging from C1-3 to C2-4, allowing for local retail servicing the residential areas. There is also a C4-2A commercial corridor along 86<sup>th</sup> Street from Fourth Avenue to Fort Hamilton Parkway, the major shopping area for larger stores and destination retail. South of 88<sup>th</sup> Street, there is a triangular, seven block C8-2 district with car dealerships and auto repair services. At the northern edge of the district is an M1-1 and M1-2 district with commercial, auto and light manufacturing uses along the 65<sup>th</sup> Street corridor and the southern side of the BMT/LIRR rail cut.

The analysis year for the proposed action is 2026.

**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 June 17, 2016, prepared in connection with the ULURP Application (No. N160377ZRK). 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. No other 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 Lisa Blake at (212) 720-3621.



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Robert Dobruskin, Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: June 17, 2016

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Carl Weisbrod, Chairman  
City Planning Commission

Date: June 20, 2016