



E-273

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

March 31, 2011

Project Identification

CEQR No. 11DCP110K
ULURP No. 110252ZMK
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:

Boerum Hill Rezoning

The Department of City Planning, at the request of local community organizations, the community board and elected officials, is seeking a zoning map amendment to map contextual zoning districts to protect neighborhood character and allow for modest growth along certain corridors. The proposed rezoning covers 31 blocks in the Boerum Hill neighborhood of Community District 2, Brooklyn.

Within an area generally bounded by Atlantic Avenue to the north, 4th Avenue to the east, Warren and Wyckoff streets to the south, and Court Street to the west, the proposal would map zoning districts to reflect existing built character and land uses in the Boerum Hill neighborhood. The rezoning seeks to protect the character and scale of the neighborhood while allowing for building upgrades and appropriate development on vacant sites. The proposal would also refine commercial overlays on many of the neighborhood's thoroughfares to more closely tailor them to the existing distribution of mixed uses, bringing existing establishments into conformance, and preventing the spread of commercial uses onto residential midblocks where such uses would threaten the existing character.

The area to be rezoned is currently zoned R6 and R7B. R6 allows residential development with no height limit, while the R7B zoning district, which was mapped in 1991, does not reflect the character of the areas to be rezoned. Contextual zoning districts (R6A, R6B and R7A) are proposed to preserve existing land uses, building types, density and neighborhood character.

The proposed action would map contextual zoning districts that reflect the scale and character of the neighborhood. Height limits, which do not exist under the current zoning, would be established throughout the rezoning area. An R6B district is proposed for the majority of the zoning, while R6A is proposed for the local retail corridors and certain higher-density residential streets. R7A is proposed for 3rd Avenue, a busy street

with a strong mixed-use character. R6B is proposed for approximately 67% of the study area (26 full or partial blocks). R6A is proposed for approximately 28% of the study area (16 full or partial blocks). R7A is proposed for 3rd Avenue (6 partial blocks, or approximately 5% of the study area). C2-4 commercial overlay districts are proposed to be mapped in locations where C1-3 and C2-3 districts exist today, within 100 feet of Smith Street and Court Street, as well as along portions of Hoyt Street, Pacific Street and Boerum Place.

In order to assess the impacts associated with the proposed actions, a Reasonable Worst Case Development Scenario was established. In total 2 projected development sites, considered most likely to be developed in the future with the proposed actions, were identified. As a result of the proposed actions, it is anticipated that new development on those sites would consist of 101 residential units (101,000 residential sf) and 25,280 gross sf, of commercial. Under the no-action scenario, it is anticipated that those sites would contain 69 residential units 69,250 gross sf and 25,280 gross sf of community facility. The projected incremental change on those sites include 32 residential units, a decrease of 25,280 gross sf of commercial, and an increase of 25,280 gross sf of community facility. In addition, a total of 4 potential development sites were identified; these sites are considered less likely to be developed in the future with the proposed actions. The affected area is currently zoned R6, R7B, C1-3 and C2-3. The build year is 2021.

As a result of the environmental review, (E) designations have been mapped on selected development sites in order to preclude future hazardous materials, air quality and noise impacts which could occur as a result of the proposed action.

To avoid any potential impacts associated with hazardous materials, as part of the proposed rezoning, an (E) designation for hazardous materials will be placed on the following properties:

<u>Block</u>	<u>Lots</u>
191	29, 30, 35, 37, 38
193	50
197	40
198	8
389	5, 7, 10
395	3

The (E) designation would require that the fee owner of the sites conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation will also include a mandatory construction-related health and safety plan which must be approved by NYCDEP. The text for the (E) designation will be 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 air quality impacts related to HVAC emissions, an (E) designation would be incorporated into the rezoning proposal for each of the following properties:

<u>Block</u>	<u>Lots</u>
389	5, 7, 10

The text for the (E) designations is as follows:

Block 389, Lots 5, 7, 10 (Projected Development Site 2)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 20 feet from the lots facing Bergen Street for Oil No. 2 or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

With the placement of the (E) designations on the above blocks and lots, no impacts related to stationary source air quality are expected.

To preclude the potential for significant adverse impacts related to noise, an (E) designation would be incorporated into the rezoning proposal for each of the following properties:

<u>Block</u>	<u>Lots</u>
191	29, 30, 35, 37, 38
197	40
389	5, 7, 10
395	3

The text for the (E) designation 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 31 dB(A) window/wall attenuation on all facades 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.

With the placement of the (E) designation for noise, no impacts related to noise are expected and no further analysis is warranted.

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 March 24, 2011, prepared in connection with the ULURP Application (ULURP number N 110252ZMK). 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 (E) designation for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials.
2. The (E) designations for air quality would ensure that the proposed action would not result in significant adverse impacts due to air quality.
3. The (E) designations for noise would ensure that the proposed action would not result in significant adverse impacts due to noise.

4. No other significant adverse 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 Devesh Doobay at (212) 720-3419.



Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: March 25, 2011



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: March 28, 2011