



CITY PLANNING COMMISSION

December 19, 2005/Calendar No. 7

C 950447 MMK

IN THE MATTER OF an application submitted by the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: a change in legal grades in 9th Avenue (bridges) between 37th and 39th Streets, and any acquisition or disposition of real property related thereto; Community District 12, Borough of Brooklyn, in accordance with Map No. X-2614, dated April 17, 2000 and signed by the Borough President.

The application for an amendment to the City Map was filed by the Department of Transportation (DOT), pursuant to Sections 197-c and 199 of the New York City Charter on April 27, 1995. It involves the change of grades in 9th Avenue between 37th and 39th streets in the Borough of Brooklyn.

BACKGROUND

The Department of Transportation proposes a change of grades in 9th Avenue in connection with the reconstruction of the two 9th Avenue bridges and their approaches over the Transit Authority (TA) Subway West End Line (B and M trains) right-of-way and TA yards. The grade change was requested so that the new bridges would reflect the existing grades more closely and thereby minimize the impact on abutting development. The reconstruction of the bridges was completed on August 19, 1997.

The section of 9th Avenue that's reconstructed, including the pair of bridges, is approximately 450 feet long and is mapped at a width of 80 feet. The intersecting streets, 9th Avenue and 37th Street, are mapped at 80 and 60 feet, respectively. 9th Avenue, 37th Street and a small part of New Utrecht Avenue are improved and open to traffic. New Utrecht Avenue approximately 40 feet long, mapped at 55 feet, east of 9th Avenue is partially improved. The 9th Avenue southeasterly bridge spans the B and M subway lines and the 9th Avenue northeasterly bridge spans the TA yards, providing grade separation. Although the streets are mapped across the railroad right-of-way, the underlying land is owned by the MTA. The railroad clearances will either remain the same or be increased. The maximum change in legal grades is approximately 1.3 feet. Grades were set as close as possible to existing grades or increased to provide a smoother riding surface, improve drainage and improve sight distance.

The subject portion of street lies in an M1-2 zoning district. The immediate area to the west and south is zoned R6 including C2-1 along New Utrecht Avenue. Row-housing and automobile repair shops characterize the surrounding area south and west of the bridges, and Greenwood Cemetery is to the north and west. The surrounding area is predominantly developed with manufacturing, commercial and residential uses.

Instead of an interagency conference, agencies were polled. No city agency has expressed objections to the map change proposal.

ENVIRONMENTAL REVIEW

This application (C 950447 MMK) 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 96DOT002K. The lead agency is the New York City Department of Transportation.

This application was determined to be a Type II action, which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 950447 MMK) was certified as complete by the Department of City Planning on August 22, 2005, and was duly referred to Community Board 12 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 12 held a public hearing on this application (C 950447 MMK) on September 28, 2005, and on that date, by a vote of 32 to 0 with 0 abstentions, adopted a resolution recommending conditional approval with the following condition: "...the roadbed coming from 37th Street to 39th Street" that "was left by the contractor of the reconstruction with a large swell of asphalt and then a depression which causes cars to bottom out with tailpipes sparking, especially when cars or trucks speed to make the traffic light" will "be restored to a safe condition, on both sides" of 9th Avenue "from 37th Street to 39th Street."

Borough President Recommendation

This application (C 950447 MMK) was considered by the Borough President, who issued a recommendation approving the application on October 17, 2005.

City Planning Commission Public Hearing

On November 2, 2005 (Calendar No. 2), the City Planning Commission scheduled November 16, 2005 for a public hearing on this application (C 950447 MMK). The hearing was duly held on November 16, 2005 (Calendar No. 22). There was one speaker from the Department of Transportation who appeared in support of the project. There were no other speakers, and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

Due to the required reconstruction of the two 9th Avenue Bridges located between 37th and 39th Streets and its approaches over the NYC Transit right-of-way, grade modifications were required in this area. DOT proposed the grade changes so that the City Map will reflect the existing grades more closely, thereby ensuring that the reconstruction of the bridge will have minimal impact on abutting properties.

The maximum grade change in legal grade of the roadway is approximately 1.3 feet. The proposed grades will improve design, facilitating vehicular movement on the roadway and providing safer riding conditions.

The City Planning Commission notes the concerns of the Community Board regarding the uneven pavement condition in the bed of a portion of 9th Avenue from 37th Street to 39th Street. The location of the pavement condition is not within the boundaries of the property subject to Commission review. However, staff has been informed that DOT has agreed to address the concerns of the Community Board by restoring that portion of 9th Avenue to a safe condition.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map to be appropriate, adopts the following resolution:

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter that, based on the environmental determination and the consideration described in this report, the application (C 950447 MMK) by the Department of Transportation for an amendment to the City Map involving the change in legal grades in 9th Avenue between 37th and 39th Streets, Borough of Brooklyn, Community District 12, in accordance with Map No. X-2614, dated April 17, 2000 and signed by the Borough President is approved subject to the condition that the amendment to the City Map shall take effect on the day following the date on which certified counterparts of Map No. X-2614 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

The above resolution (C 950447 MMK), duly adopted by the City Planning Commission on December 19, 2005 (Calendar No. 7), 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 Chair
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