



CITY PLANNING COMMISSION

March 16, 2011/Calendar No. 3

C 090225 ZMK

IN THE MATTER OF an application submitted by the Center for Negative Thinking LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 16a, changing from an M1-1 District to an R6B District property bounded by a line 100 feet southwesterly of President Street, a line 240 feet northwesterly of Columbia Street, Carroll Street, and a line 375 feet northwesterly of Columbia Street, as shown on a diagram (for illustrative purposes only) dated October 25, 2010 and subject to the conditions of CEQR Declaration E-263.

The application for an amendment of the Zoning Map was filed by the Center for Negative Thinking LLC on November 26, 2008, to rezone two lots on the north side of Carroll Street between Columbia and Van Brunt Streets from M1-1 to R6B in the Columbia Street neighborhood of Community District 6, Brooklyn.

BACKGROUND

The applicant is seeking a zoning map amendment to extend an existing R6B zoning district boundary westward by 135 feet on the northern portion of the block fronting on Carroll Street. The rezoning area includes two lots located at 33 Carroll Street (Block 347, Lot 50) and 25 Carroll Street (Block 347, Lot 54). The applicant proposes to rezone the lots from an M1-1 zoning district to an R6B zoning district to reflect the predominant residential character and scale of these lots and to facilitate the development of an eight unit residential building at 33 Carroll Street (Block 347, Lot 50), currently occupied by an 8,500 square foot warehouse building, partially utilized as an office and partially vacant. The adjacent building at 25 Carroll Street, formerly occupied by manufacturing uses, was granted a variance by the Board of Standards and Appeals (BSA) in 2007 to allow the conversion of the top four floors to residential uses and is currently under construction pursuant to the BSA variance. This proposed rezoning to a residential zoning district would bring this building into residential conformance and allow the ground floor to be converted to residential

use.

In 2009, the residential area to the immediate east, north, and south were rezoned from R6 to R6B in the Department of City Planning's Carroll Gardens/Columbia Street Rezoning (C 090462 ZMK). The proposed action would extend the R6B district by 135 feet to the west by rezoning the two lots located at 25 and 33 Carroll Street to reflect the character of the area as addressed in the Carroll Gardens/Columbia Street rezoning.

The area surrounding the subject site is predominately developed with residential uses to the east and south, and industrial and maritime uses to the west. Immediately to the east are two rowhouses that were rezoned for residential use in 2007; further east, the remainder of the northern side of Carroll Street east to Columbia Street is characterized by rowhouses developed in 1986 by the New York City Partnership, which make up about half of this block.

The existing M1-1 zoning permits manufacturing and limited commercial uses at a maximum FAR of 1.0, and does not permit new residential uses. The proposed R6B zoning district would permit residential use with a maximum FAR of 2.0. The proposed action would extend the R6B district boundary on Carroll Street, and would affect only Lots 50 and 54 on Block 347.

ENVIRONMENTAL REVIEW

This application (C 090225 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 lead is the City Planning Commission. The designated CEQR number is 09DCP032K.

After a study of the potential environmental impacts of the proposed action, a Conditional Negative Declaration was issued on October 22, 2010. The Conditional Negative Declaration included (E) designations. To avoid any potential impacts associated with noise, the proposed action will place (E) designations on Block 347, Lots 50 and 54. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

To avoid any potential significant adverse hazardous materials impacts, an (E) designation for hazardous materials would be mapped on Block 347, Lot 54. The text of the (E) designation for air quality is as follows:

Block 347, Lot 54 (Adjacent Site)

A Phase I Environmental Site Assessment (ESA) prepared in November 2007 noted a potential presence of hazardous materials on the subject property as a result of past and present on-site land uses. In order to avoid any potential impacts related to hazardous materials an (E) designation for hazardous materials would be placed on the following property(ies):

<u>Block</u>	<u>Lot(s)</u>
347	54

The text of the (E) designation is as follows:

Due to the possible presence of hazardous materials on the aforementioned designated sites there is potential for contamination of the soil and groundwater. To determine if contamination exists and to perform the appropriate remediation, the following tasks must be undertaken by the fee owners(s) of the lot(s) restricted by this (E) designation prior to any demolition or disturbance of soil on the lot, or conversion to residential uses on the ground floor of any existing building.

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, 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 DEP 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.

No sampling program may begin until written approval of a work plan and sampling protocol

is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

To avoid any potential significant adverse air quality impacts, an (E) designation for air quality would be mapped on Block 347, Lot 50. The text of the (E) designation for air quality is as follows:

Block 347, Lot 50 (Applicant's Site)

Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) are located at least 30 feet from the 25 Carroll Street building's lot line facing Columbia Street and 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) designation, no impacts related to air quality are expected.

To avoid any potential significant adverse noise impacts, an (E) designation for noise would be mapped on Block 347, Lots 50 and 54. The text of the (E) designation for noise is as follows:

Block 347, Lot 50 (Applicant's Site)

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with minimum window/wall attenuation of 28 dB(A) 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.

Block 347, Lot 54 (Adjacent Site)

In order to ensure an acceptable interior noise environment, future residential use located on the ground floor of any existing or future building must provide a closed window condition with minimum window/wall attenuation of 28 dB(A) 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, no impacts related to noise are expected.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA) was prepared in November 2008 for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and pursuant to a letter dated April 27, 2009 a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plan were recommended due to the potential presence of hazardous materials on

the site as a result of past on-site and/or surrounding area land uses. As such, the applicant has entered into a restrictive declaration to ensure that a detailed Phase II testing would occur, and hazardous materials sampling protocol including a health and safety plan would be prepared, and is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the subsurface soils and groundwater on the project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The restrictive declaration was executed on June 8, 2010 and submitted for recording on June 23, 2010. Pursuant to a letter from DEP dated July 14, 2010, DEP is in receipt of a signed copy of a DEP-approved restrictive declaration with proof of recording for the site. Consequently, no significant adverse impacts related to hazardous materials will occur. Additionally, the (E) designation for the Adjacent Site's (Lot 54) ground floor would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials.

1. The (E) designation for air quality would ensure that the proposed action would not result in significant adverse impacts due to air quality.
2. The (E) designation for noise would ensure that the proposed action would not result in significant adverse impacts due to noise.
3. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

The applicant signed the conditional negative declaration on October 21 2010. The conditional negative declaration was published in the City Record and in the New York State Environmental Notice Bulletin on November 3, 2010. 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 March 16, 2011.

UNIFORM LAND USE REVIEW

This application (C 090225 ZMK) was certified as complete by the Department of City Planning

on October 25, 2010, and was duly referred to Brooklyn Community Board 6 and the Brooklyn Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 6 held a public hearing on this application on December 2, 2010, and on December 8, 2010, by a vote of 29 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Brooklyn Borough President who issued a recommendation approving the application on February 2, 2011.

City Planning Commission Public Hearing

On January 26, 2011 (Calendar No. 2), the City Planning Commission scheduled February 16, 2011 for a public hearing on this application (C 090225 ZMK). The hearing was duly held on February 16, 2011 (Calendar No. 24).

There were three speakers in favor of the application, and none opposed. A representative for the applicant described the proposed project. A representative for the owner and the owner of 25 Carroll Street also appeared in favor of the application. There were no other speakers and the

hearing was closed.

CONSIDERATION

The City Planning Commission believes the application for a Zoning Map amendment to rezone two lots on the north side of Carroll Street between Van Brunt and Columbia Streets from M1-1 to R6B is appropriate.

The proposed zoning change would extend the existing R6B zoning district boundary on Carroll Street westward by 135 feet to facilitate the construction of an eight-unit residential building.

The City Planning Commission notes that the proposed rezoning would facilitate the redevelopment of an underutilized warehouse building as an appropriate residential building that is in context with the surrounding neighborhood character and compatible with adjacent land uses. It would also bring the existing building at 25 Carroll Street into conformance with the residential uses on the eastern and southern portions of this block and in the surrounding community. The Commission believes that this rezoning is an appropriate extension of the Carroll Gardens/Columbia Street rezoning, which was approved in 2009 and surrounds the rezoning area to the east, north, and south of this rezoning.

RESOLUTION

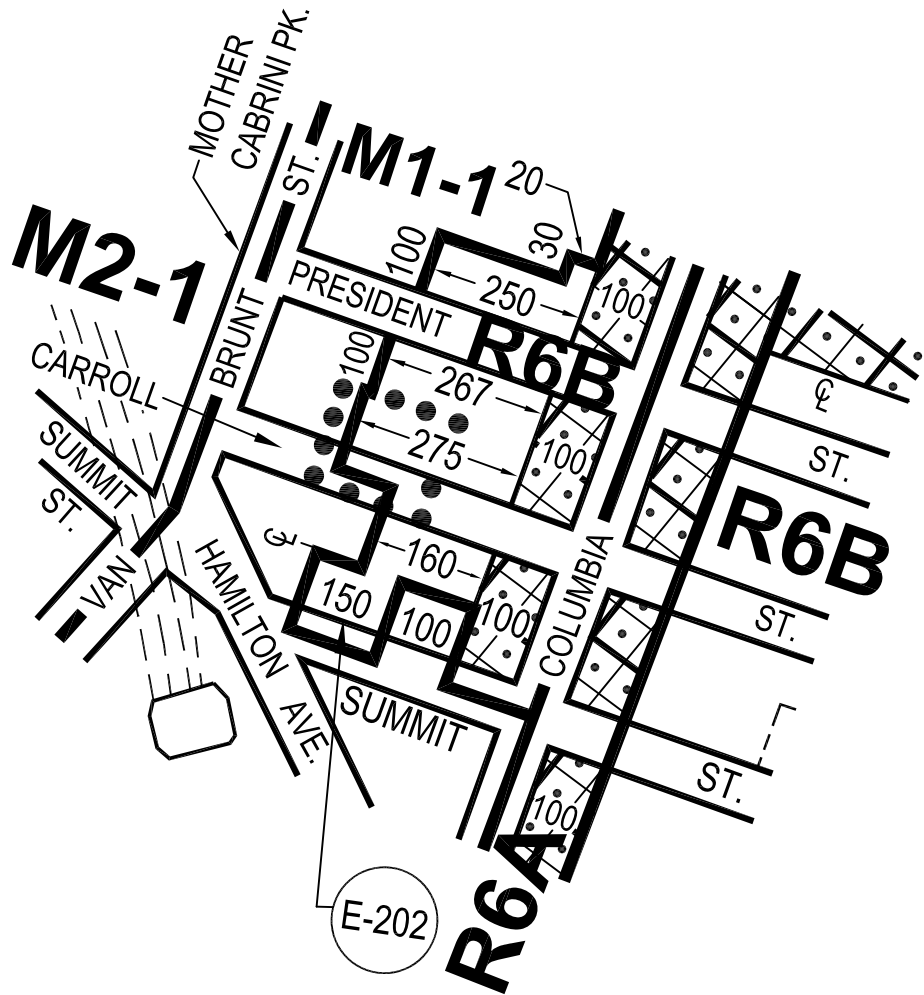
RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following conditions

The applicant agrees via a restrictive declaration to prepare a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plans, 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 protocols 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 plans.

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 16a, changing from an M1-1 District to an R6B District property bounded by a line 100 feet southwesterly of President Street, a line 240 feet northwesterly of Columbia Street, Carroll Street, and a line 375 feet northwesterly of Columbia Street, as shown on a diagram (for illustrative purposes only) dated October 25, 2010 and subject to the conditions of CEQR Declaration E-263. The above resolution (C 090225 ZMK), duly adopted by the City Planning Commission on March 16, 2011 (Calendar No.3), 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, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice-Chairman
ANGELA BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MACRAE, KAREN A. PHILIPS, Commissioners

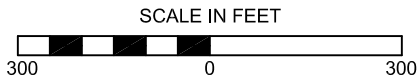





CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
16a

New York, Certification Date

BOROUGH OF
BROOKLYN

S. Voyages, R.A. Director
Technical Review Division



- NOTE:**
-  Indicates Zoning District Boundary.
 -  The area enclosed by the dotted line is proposed to be rezoned by changing a M1-1 District to a R6B District.
 -  Indicates a C2-4 District.

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # C 090225 ZMK
CEQR # 09DCP032K
Community District No. 06 Borough: Brooklyn
Community District No. ___ Borough: ___
Project Name: Carroll Street Rezoning

INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the Center for Negative Thinking LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 16a, changing from an M1-1 District to an R6B District property bounded by a line 100 feet southwesterly of President Street, a line 240 feet northwesterly of Columbia Street, Carroll Street, and a line 375 feet northwesterly of Columbia Street, Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated October 25, 2010 and subject to the conditions of CEQR Declaration E-263.

Applicant(s):

Center For Negative Thinking LLC
179 Columbia Street
Brooklyn, New York 11231

Applicant's Representative:

Stuart Beckerman
Slater & Beckerman LLP
61 Broadway, Suite 1801
New York, New York 10006

Community Board No. 6 Borough: **Brooklyn**

Borough Board

Date of public hearing: 12/2/10

Location: Long Island College Hospital
339 Hicks Street, Bklyn 11201

Was a quorum present? YES NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: 12/8/10

Location: Brooklyn Borough Hall
209 Joralemon St, Bklyn 11201

RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

Voting

In Favor: 29 Against: 0 Abstaining: 0

Total members appointed to the board: 48

Craig Hammer
Community/Borough Board Officer

District Manager
Title

January 3, 2011
Date

v.012006w

* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: 090225 ZMK

Carroll Street Rezoning

In the matter an application submitted by the Center for Negative Thinking LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the zoning Map, changing from an M1-1 District to an R6B District property bounded by a line 100 feet southwesterly of President Street, a line 240 feet northwesterly of Columbia Street, Carroll Street, and a line 375 feet northwesterly of Columbia Street.

COMMUNITY DISTRICT NO. 6

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

Recommendation report on following pages



BOROUGH PRESIDENT

February 2, 2011

DATE

**RECOMMENDATION FOR THE PROPOSED AMENDMENT TO THE
ZONING MAP
090225 ZMK**

PUBLIC HEARING

On January 5, 2011, the borough president held a hearing on this matter.

The applicant and his representative were the sole speakers. In response to the borough president's interest in facilitating affordable housing, the applicant noted being awarded seven sites by the Department of Housing Preservation and Development (HPD) for the development of affordable homeownership housing. In good faith, the applicant has spent as much as \$400,000 on plans and environmental analysis towards developing 34-units on these seven sites primarily scattered along the Columbia Street corridor. Though, due to a lack of committed funding by HPD, these sites are not moving forward.

The applicant responded to the borough president's interest for maximizing job opportunities for Brooklynites by disclosing having a list of many local suppliers and sub-contractors that are used in the company's projects. Such contractors conveyed to the applicant that they are in need of projects and expressed a willingness to work with the applicant to resolve financing issues as a means to proceed with the intended development.

CONSIDERATION

CB 6 voted to approve this application on December 8, 2010

The borough president's policy is to support development that respects the context of the neighborhood. This site is on the edge between residential and non-residential uses. The western portion of the proposed rezoning became residential based on a recent variance granted by the Board of Standards and Appeals. The development of this property from a one-story warehouse with active manufacturing uses to a residential use is consistent with this change.

The borough president has concerns that this neighborhood has seen a rise in the price of housing that is increasingly beyond the means of area residents to afford to remain in this section of Brooklyn. It is the policy of the borough president to utilize the process of rezoning privately-owned land for residential development in order to provide opportunities for more affordable housing for neighborhood residents. The borough president is concerned that too many of the borough's residents leave because they can no longer afford to live in Brooklyn. Typically it is the borough president's policy for new residential developments subject to ULURP to typically provide a minimum of 20 percent affordable units for area residents and that such housing should remain "affordable forever."

Pursuant to the proposed rezoning, there would be no obligation to provide any affordable housing. With the increasing demand by Brooklyn residents for affordable housing, he believes every reasonable attempt should be made

to provide such housing. Though in this instance, the borough president believes that it is relevant to take into consideration the applicant's anticipated development of affordable housing on HPD sponsored sites pending land use actions. The applicant had been designated by HPD as the developer of its New Foundation initiative Red Hook/Park Slope cluster. These sites are intended for the development of 34-homeownership units of affordable housing. The borough president recognizes the demonstrated substantial financial commitment to proceed with development of affordable homeownership housing on these sites.

The applicant, in a letter to the borough president dated January 19, 2011, stated intent to memorialize the provision of such affordable housing within its development according to a legal instrument that would allow the units to remain in perpetuity as affordable housing and that for at least 20 percent of the units, to reduce the area median income (AMI) by not less than 20 percent of the AMI as compared to what was initially accepted by HPD.

The borough president fully appreciates the applicant's practices and intent regarding local participation in constructing buildings. He fully supports the proposed rezoning and looks forward to reviewing the land use actions that are pending filing by HPD as a means of facilitating the applicant's written commitments for the Red Hook/Park Slope cluster. He believes the applicant's expressed intent to reduce the level of affordability is commendable and the willingness to sell the affordable homes according to permanent affordability standards is praise-worthy.

The borough president calls on HPD to promptly initiate the disposition of the city-owned properties that constitute the Red Hook/Park Slope cluster and its related rezoning application. In doing so, the borough president is seeking for HPD to accommodate the applicant's written commitment to the borough president.

RECOMMENDATION

Be it resolved that the Brooklyn Borough President, pursuant to section 197-c of the New York City Charter, recommends the approval of these applications by the City Planning Commission and City Council.

Be it further resolved that HPD should promptly initiate the disposition of the city-owned properties that constitute the Red Hook/Park Slope cluster and its related rezoning application.

Columbia Street Partners, LLC

131 Union Street, Brooklyn, NY 11231
(718) 875-4599 Tel (718) 228-9595 Fax

January 19, 2011

Dear Borough President Markowitz:

On behalf of Columbia Street Partners LLC, the designated developer for the Department of Housing Preservation and Development's (HPD) New Foundation initiative Red Hook/Park Slope cluster, the entity is fully committed to participating with the HPD to memorialize in one or more legal instruments (such as a land disposition agreement) a means to meet your objectives regarding improving housing affordability and having affordable housing remain affordable for future generations.

My intent is to participate in one or more contractually binding appropriate instruments to ensure that the affordable housing for the above referenced cluster; 1) remains in perpetuity in a manner that guarantees that the development of affordable housing would be subject to resale according to the principles of permanent affordability; and, 2) has its Area Median Income (AMI) reduced on not less than twenty percent of the units by not less than twenty percent of the AMI when compared to the listed AMIs in the submission (enclosed) accepted by HPD.

I understand that such permanent affordable homeownership housing, known as "shared equity," provides the benefits of building wealth for the homeowner while assuring that the home remains an affordable housing resource when sold. Resale restrictions could be based on several existing models such as subsequent re-sales of the homeownership unit being indexed to standards as defined by the City's Inclusionary Housing Program (IHP) re-sale provisions of Zoning Resolution Section 23-913 and 23-962. Other methods include those highlighted by the Center for Housing Policy, including the Consumer Price Index. As part of establishing a permanent affordable homeownership housing obligation, it is my understanding that HPD would have to be willing to in essence recycle the initial subsidies by having no requirements to repay subsidies and land appraisal values as opposed to its traditional expiring lien.

In addition to entering into binding instrument, my firm, Columbia Street Partners LLC, would strongly consider working with one or more non-profit housing organizations to implement the sale of the affordable housing, both at the outset and as part of facilitating the permanent affordability of the units. This would also include a role in the marketing and screening of potential applicants.

Sincerely,



Marshall Sohne – Managing Member