



CITY PLANNING COMMISSION

December 8, 2004/Calendar No. 11

C 030020 PPK

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, **for the removal of the “Community Facility Use Only” restriction on property located at the corner of 56th Street and Second Avenue, (Block 836, p/o lot 19), Borough of Brooklyn, Community District 7.**

The application for the removal of the “Community Facility Use Only” restriction on property located at the southwest corner of 56th Street and Second Avenue (Block 836, part of lot 19) was filed by the Department of Citywide Administrative Services on July 15, 2002.

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for an amendment of the Zoning Map (C 020573 ZMK).

ENVIRONMENTAL REVIEW

This application (C 030020 PPK), in conjunction with the application for the related action (C 020573 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 designated CEQR number is 02DCP049K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional

Negative Declaration was issued on November 1, 2004, stating the following:

1) The applicant for the zoning map amendment, the Lutheran Medical Center, 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.

2) The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

UNIFORM LAND USE REVIEW

This application (C 030020 PPK), in conjunction with the application for the related action (C 020573 ZMK), was certified as complete by the Department of City Planning on August 23, 2004, and was duly referred to Community Board 7 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Board 7 held a public hearing on this application on September 13, 2004, and on September 22, 2004, by a vote of 30 to three with no abstentions, adopted a resolution recommending approval of the application with the condition that

Enough parking stackers are placed in the parking lot (the remainder of Block 836, Lot 19) to double the capacity.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on October 29, 2004.

City Planning Commission Public Hearing

On October 20, 2004 (Calendar No. 5), the City Planning Commission scheduled November 3, 2004, for a public hearing on this application (C 030020 PPK). The hearing was duly held on November 3, 2004 (Calendar No. 14), in conjunction with the public hearing on the application for the related action (C 020573 ZMK). There were a number of speakers, as described in the report on the related application for an amendment of the Zoning Map (C 020573 ZMK), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with the applications for the related action (C 020573 ZMK), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 04-109.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that removing the “Community Facility Use Only” restriction on Block 836, part of Lot 19 is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for an amendment of the Zoning Map (C 020573 ZMK).

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:

- 1) applicant 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.
- 2) In addition, the restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property;

and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal

Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission pursuant to Section 197-c of the New York City Charter, that the removal of the “Community Facility Use Only” restriction on property located at the corner of 56th Street and Second Avenue (Block 836, p/o Lot 19), Borough of Brooklyn, Community District 7, proposed in an application by the Department of Citywide Administrative Services, dated July 15, 2002, is approved.

The above resolution (C 030020 PPK), duly adopted by the City Planning Commission on December 8, 2004 (Calendar No. 11), 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 R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,
RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI,
JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners