



CITY PLANNING COMMISSION

March 14, 2008/Calendar No. 24

C080115 HUK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the 3rd Amendment to the Columbia Street Urban Renewal Plan for the Columbia Street Urban Renewal Area, Community District 6, Borough of Brooklyn.

The application for the proposed amendment to the Columbia Street Urban Renewal Plan was submitted by the Department of Housing Preservation and Development (HPD) on October 15, 2007. The proposed plan would amend the land use designation of Site 27 from industrial to residential, remove a three-story height restriction, remove the designation and land uses that pertain to privately owned properties which are not urban renewal sites from Maps 1 and 2, and change the language and format of the Urban Renewal Plan to reflect the current standard form. These changes would facilitate the residential development in the Columbia Street neighborhood of Community District 6, Brooklyn. The application was revised on March 4, 2008.

RELATED ACTIONS

In addition to the 3rd Amendment to the Columbia Street Urban Renewal Plan, which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which is being considered concurrently with this application:

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| C 080116 ZMK | Zoning Map amendment from an M1-1 District to R6B, R6A Districts, and from an M1-1 District to an R7A District; |
| C 080117 HDK | Disposition of city-owned property to a developer to be selected by HPD. |

BACKGROUND

The New York City Department of Housing Preservation and Development (HPD) seeks approval of an amendment to the Columbia Street Urban Renewal Plan, in conjunction with the related actions for an amendment to the zoning map and disposition of city-owned property, to facilitate the development of four, six-story buildings and five townhouses for a total of 183 units and 75 underground parking spaces on three development parcels within one-and-one-half blocks which together are known Columbia Hicks. One of the proposed six-story buildings, which is located partially on Site 27 of the Columbia Street Urban Renewal Plan and is the subject of this application (C 080115 HUK), would be financed through the Housing Development Corporation's Mixed Income Program to provide 41 affordable units.

Area Description

The rezoning area which contains the site subject to the amendment of the Urban Renewal Plan as well as the disposition of city-owned property is in the Columbia Street area of Community District 6 in Brooklyn, and is bounded by Van Voorhees Park to the north, Hicks Street and the Brooklyn-Queens Expressway to the east, Baltic Street to the south, and Columbia Street and the East River Piers to the west. They are currently zoned M1-1 and is surrounded by an M2-1 District to the west, an R6 District to the east and south, and a park to the north.

Land uses in the area surrounding the rezoning include maritime industrial to the west, and predominantly residential to the east, south, and north. The surrounding residential area in the R6 District is characterized by larger, taller (six-story) residential building along Hicks Street from the eastern edge of this application, and smaller, three-to five-story residential buildings on the midblocks.

Project Description

Three development parcels on one-and-one-half blocks make up the Columbia Hicks project; the first parcel, Block 299, Lot 1, is 5,900 square feet and would be developed by an approximately 16,000 square-foot residential building with 18 market-rate units. The second parcel, contains two sites; Block 299, Lots 16, 18, and 19 is approximately 11,800 square feet and would be

developed by an approximately 35,000 square-foot residential building with 34 market-rate units. Block 299, Lot 39, is a 2,500 square-foot lot that would be developed with a four-story, one-unit townhouse.

As certified, the third parcel on a portion of Block 304 would be developed with a six-story, 94-unit mixed-income building, a six-story market-rate residential building with 33 units, and four, four-story, two-family townhouses with 58 underground parking spaces. All of the sites are owned by the intended developer with the exception of Block 304, Lot 10, which is city-owned.

Urban Renewal Plan Amendment (C 080115 HUK)

The 3rd amendment to the Columbia Street Urban Renewal Plan seeks to change the land use designation of Site 27 (Block 304, Lot 10) from industrial to residential in order to facilitate the development of a residential building which would be built as a part of the Columbia Hicks development. The residential building would also include portions of two privately owned lots (Block 304, Lots 16 and 17). The proposed amendment would also remove a three-story height restriction for all residential sites within the Columbia Street Urban Renewal Plan (with the exception of Site 12) in order to accommodate the proposed development. Additional changes to the Urban Renewal Plan would remove the designation and land uses that pertain to privately owned properties which are not urban renewal sites from Maps 1 and 2 and would change the language and format of the Urban Renewal Plan to reflect the current standard form used.

Zoning Map Amendment (C 080116 ZMK)

HPD and a private applicant, Columbia Hicks Associates LLC, are also requesting a zoning map change to facilitate the development of the proposed residential buildings. The three development parcels are currently all within an M1-1 zoning district. The proposed rezoning would change Block 299 to R6A and R6B zoning districts. The R6A district is proposed on the lots fronting on Columbia Street and Congress Street in an L-shape, with an R6B zoning district on the lots fronting on Warren Street. There are two development parcels on Block 299, which

are currently occupied by vacant manufacturing buildings. Land uses on Block 299 include a substantial number of residential buildings and no active manufacturing uses.

The existing M1-1 zoning district permits manufacturing and limited commercial uses at a maximum FAR of 1.0, and does not permit any residential uses. The proposed R6A district permits residential and community facility uses with a maximum FAR of 3.0 and a height limit of 70 feet after a base height of 40 to 60 feet. The proposed R6B zoning district permits residential and community facility uses with a maximum FAR of 2.0 and a height limit of 50 feet after a base height of 30 to 40 feet.

The proposed zoning map change would also change the eastern portion of Block 304 from an M1-1 zoning district to an R7A zoning district. The western portion of this block is currently zoned R6. There are three lots that comprise the eastern portion of Block 304, and are occupied by a parking lot and a vacant manufacturing building. The proposed R7A zoning district permits residential and community facility uses with a maximum FAR of 4.0 and a height limit of 80 feet after a base height of 40 to 65 feet.

Disposition of city-owned property (C 080117 HDK)

HPD proposes the disposition of Site 27 of the Columbia Street Urban Renewal Area (Block 304, Lot 10) to developer selected by HPD for redevelopment in accordance with the Columbia Street Urban Renewal Plan. This would facilitate the development of a six-story residential building which would be built as a part of the Columbia Hicks development which includes city-owned property along with portions of two privately-owned lots (Block 304, Lots 16 and 17).

ENVIRONMENTAL REVIEW

This application (C 080115 HUK) in conjunction with the related actions (C 080116 ZMK and C 080117 HDK) 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 for Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 07DCP073K.

After a study of the potential environmental impacts of the proposed actions, a Conditional Negative Declaration was prepared on February 22, 2008 stating the following:

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 October 25, 2007 and revised February 21, 2008, prepared in connection with the ULURP Application (Nos. 080115 HUK, 080116 ZMK and 080117 HDK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant, Columbia Hicks, Associates, 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.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA) was prepared on April, 2007, and is available in the proposal's CEQR file, for the property located at 75 Columbia Street, 86, 90 and 96 Congress Street, 79, 108 and 110 Warren Street and 109 Baltic Street (Block 299, Lots 1, 16, 18, 19 and 39 and Block 16, 17 and 10) in Brooklyn. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and Phase II testing was recommended by DEP, due to the potential for the presence of hazardous materials on the site as a result of past and present on and off-site land uses.

The declaration, binding on all successors and assigns of the applicant, requires that additional Phase II testing be prepared, including a sampling protocol and a health and safety plan for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's property would be characterized prior to any site disturbance.

The restrictive declaration was executed on October 17, 2007. On October 23, 2007, the DEP confirmed, via written correspondence, that the applicant filed a DEP-approved

Restrictive Declaration with the New York City Department of Finance of the City Register.

2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

The applicant signed the conditional negative declaration on February 21, 2008. The conditional negative declaration was published in the City Record on November 6, 2007 and in the New York State Environmental Notice Bulletin Board on November 7, 2007. 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 10, 2008.

(E) Designations

The proposed action includes (E) designations for hazardous materials, air quality and noise. The placement of the (E) designation would ensure that significant hazardous materials, air quality and noise impacts would not occur.

The (E) designations for hazardous materials would be placed on the two potential development sites, which are not under the control of the applicant (Block 299, Lots 11 and 43). Properties under the control of the applicant would be subject to a restrictive declaration that would regulate hazardous materials abatement, which is discussed below. The text of the (E) designation for hazardous materials is 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 b\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 obtained, 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.

An (E) designation for air quality would be placed on Block 299, Lots 11 and 43. The text for the (E) designation is as follows:

Any new residential/commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) are located at least 30 feet for Oil No. 4, Oil No. 2 and 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 implementation of the above (E) designation, no significant adverse impacts related to hazardous materials, air quality and noise impacts would occur.

UNIFORM LAND USE REVIEW

This application (C 080115 HUK), in conjunction with the applications for the related actions (C 080116 HUK and C 080117 ZMK), was certified as complete by the Department of City Planning on November 13, 2007 and was duly referred to Community Board 6 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 6 held a public hearing on this application (C 080115 HUK), in conjunction with the applications for the related actions (C 080116 ZMK and C 080117 HDK), on November 29, 2007. On December 12, 2007, for this application (C 080115 HUK) by a vote of 35 to 1 with 1 abstention, adopted a resolution recommending approval of the application subject to the following condition:

“That the City and developer continue to work with the Community Board and community on issues related to design (i.e. height, setback, aesthetics, etc.) throughout and beyond the ULURP process.”

On December 12, 2007, the Community Board, by a vote of 34 to 2 with 1 abstention, adopted a resolution recommending approval of the related zoning map amendment (C 080116 ZMK).

On December 12, 2007, the Community Board, by a vote of 34 to 0 and 1 abstention, adopted a resolution recommending approval of the related application for the disposition of city-owned property (C 080117 HDK) subject to the following conditions:

“...That the City and developer continue to work with the Community Board and the community on issues related to design throughout and beyond the ULURP process;

“...That the affordable housing units for this project be developed subject to the following formula: that $\frac{3}{4}$ of the affordable units be for persons earning 60% of the Area Median Income (AMI), and that the other $\frac{1}{4}$ affordable units for persons earning 130% of the AMI;

“...That the affordable housing units which we understood would remain affordable for a period of 30 years instead be designated as affordable units in perpetuity.”

Borough President Recommendation

This application was considered by the Brooklyn Borough President who issued on February 20, 2008, a recommendation approving the application with the following conditions:

“Nine of the market rate rental units are converted to middle-income rentals;” or

“A Land Disposition Agreement is made between the developer and HPD requiring the developer to refinance through a mechanism such as those provided by HDC or HPD to continuously extend the affordability of not less than 28 units to keep them “Affordable Forever.””

City Planning Commission Public Hearing

On February 13, 2008 (Calendar No. 6), the City Planning Commission scheduled February 27, 2008, for a public hearing on this application (C 080115 HUK). The hearing was duly held on February 27, 2008 (Calendar No. 26) in conjunction with the public hearings on the applications for the related actions (C 080116 ZMK and C 080117 HDK). There were seven speakers in favor of the application and none in opposition.

Three representatives of the applicants spoke in favor of the application, including a representative of HPD and representatives of the selected developer. They described the proposed project and the outreach efforts they made throughout the ULURP process. The representative of HPD stated that they planned to revise the application as a response to the extensive conversations with the community regarding the scale of the proposed building

involving city-owned property on Site 27. He outlined the proposed changes which included lowering the height of the mixed-income building from eighty to sixty feet while keeping the number of affordable units constant. The developer reiterated how closely they worked with the community to come to an agreement on elevation and façade treatments of all buildings in the development.

Three local residents voiced their support of this project, commending the applicants on their commitment to work with the community throughout the public review process on issues surrounding height and setbacks as well as design. One resident added a request that the applicants continue to work with the community beyond the ULURP process.

A representative of the City Council Member from the 39th District spoke in support of the application and the sponsor's commitment to providing affordable housing in the community. He also thanked the applicants for working closely with the community.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for the Amendment to the Columbia Street Urban Renewal Plan (C 080115 HUK) in conjunction with the amendment of the Zoning Map (C 080116 ZMK) and the disposition of city-owned property (C 080117 HDK) is appropriate.

This application, in conjunction with the related actions, would facilitate the development of four, six-story residential buildings and five, four-story townhouses with approximately 135 residential units and 75 underground parking spaces.

In addition to the requested urban renewal action, HPD and a private developer, Columbia Hicks Associates, LLC, seek approval of a zoning map amendment to rezone Blocks 299 and one half of Block 304 from M-1 to R6A, R6A, and R7A districts (C 080116 ZMK) and HPD seeks approval of the disposition of a city-owned property (C 080117 HUK).

Approval of this application would provide affordable housing in the Columbia Street community, as well as development that is consistent with the goals of the Columbia Street Urban Renewal Plan. It would allow redevelopment of a currently vacant manufacturing buildings and an underutilized parking lot to residential use that is consistent with the urban renewal plan and the surrounding community.

The zoning map change from M1-1 to allow for residential use would be consistent with the predominately residential uses in the surrounding area. The rezoning would allow the redevelopment of vacant buildings and underutilized lots with new residential uses that would be consistent with the character of the neighborhood.

Disposition of the city-owned property to a developer selected by HPD would facilitate the development of much-needed affordable housing in this area.

The Commission notes the concerns of the Community Board regarding building design, and commends the applicants for revising the application in response to their concerns. While issues surrounding design are not within the purview of the actions before the Commission, the Commission strongly encourages HPD and the selected developer to keep the Community Board, Borough President and community residents apprised of, and to the extent practicable, involved in the project as it proceeds. The Commission also notes the concerns of the Borough President regarding the number and length of affordability, and similarly encourages HPD and the selected developer to continue working with the community to resolve this issue, if possible. The Commission appreciates the level of involvement the applicants have taken before and throughout the ULURP process.

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 condition:

1. The applicant, Columbia Hicks, Associates, 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.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA) was prepared on April, 2007, and is available in the proposal's CEQR file, for the property located at 75 Columbia Street, 86, 90 and 96 Congress Street, 79, 108 and 110 Warren Street and 109 Baltic Street (Block 299, Lots 1, 16, 18, 19 and 39 and Block 16, 17 and 10) in Brooklyn. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and Phase II testing was recommended by DEP, due to the potential for the presence of hazardous materials on the site as a result of past and present on and off-site land uses.

The declaration, binding on all successors and assigns of the applicant, requires that additional Phase II testing be prepared, including a sampling protocol and a health and safety plan for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's property would be characterized prior to any site disturbance.

The restrictive declaration was executed on October 17, 2007. On October 23, 2007, the DEP confirmed, via written correspondence, that the applicant filed a DEP-approved Restrictive Declaration with the New York City Department of Finance of the City Register.

2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

And be it further

RESOLVED, that the City Planning Commission finds that the proposed 3rd Amended Urban Renewal Plan is an appropriate plan for the area involved.

The City Planning Commission certifies that the 3rd Amended Urban Renewal Plan for the Columbia Street Urban Renewal Area complies with provisions of Section 502, Article 15 of the General Municipal Law of New York State, conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives.

The Commission further certifies that the 3rd Amended Urban Renewal Plan for the Columbia Street Urban Renewal Area is in conformity with the findings and designation of the Columbia Street Urban Renewal Area as adopted by the City Planning Commission on July 16, 1979.

The Commission certifies its unqualified approval of the 3rd Amended Urban Renewal Plan for the Columbia Street Urban Renewal Area, pursuant to Section 505, Article 15 of the General Municipal Law of New York State; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, the Uniform Land Use Review Procedure, and Section 505, Article 15 of the General Municipal Law of New York State, and after due consideration of the appropriateness of this action, that the 3rd Amended Urban Renewal Plan for the Columbia Street Urban Renewal Area, Community District 6, Borough of Brooklyn, submitted by the Department of Housing, Preservation and Development on October 15, 2007, is approved.

The above resolution (C 080115 HUK), duly adopted by the City Planning Commission on March 12, 2008 (Calendar No. 24), 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 M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
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JOHN MEROLO, KAREN A. PHILLIPS, Commissioners