



CITY PLANNING COMMISSION

April 1, 2009/ Calendar No. 9

C 090250 ZMK

IN THE MATTER OF an application submitted by the Department of Housing Preservation & Development, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 28d, changing from an R6 District to an R7-2 District property bounded by a line 460 feet southerly of Mermaid Avenue, West 29th Street, Surf Avenue, and West 30th Street, Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only) dated January 5, 2009, and subject to the conditions of CEQR Declaration E-226.

This application for an amendment of the zoning map was filed by the Department of Housing Preservation & Development on December 18, 2008 to change an R6 district to an R7-2 district for portion of a block fronting on Surf Avenue, Coney Island, Community District 13, Brooklyn.

RELATED ACTIONS

In addition to the amendment to the Zoning Map which is the subject of this report, implementation of the applicant's proposal also requires action by the Chair of the City Planning Commission on the following application which is considered concurrently with this application.

C 090251 HAK pursuant to Article 16 of the General Municipal Law of New York State for UDAAP designation, project approval, and disposition of City-owned property.

BACKGROUND

A description of this application, the surrounding area and the proposed project is included in the report on the related action (C 090251 HAK).

ENVIRONMENTAL REVIEW

This application (C 090250 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 09HPD021K. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on December 19, 2008, which included (E) designations for hazardous materials and noise.

To avoid the potential for hazardous materials impacts, the proposed zoning map amendment includes (E) designations for hazardous materials on the following properties:

- Block 7051, Lots 48 and 54.

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the Department of Environmental protection (DEP) before the issuance of a building permit by the Department of Buildings (DOB) (pursuant to Section 11-15 of the Zoning Resolution – Environmental Requirement). The (E) designation also includes a mandatory construction-related health and safety plan which must also be approved by DEP.

To avoid the potential for significant adverse impacts related to noise, the proposed action includes (E) designations on the following properties:

- Block 7051, Lots 48 and 54.

In order to ensure an acceptable interior noise environment, future residential uses on the above referenced properties must provide a closed window condition with a minimum of 45 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 would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

UNIFORM LAND USE REVIEW

This application (C 090250 ZMK) was certified as complete by the Department of City Planning on January 5, 2009, and was duly referred to Brooklyn Community Board 13 and the Brooklyn Borough President for information and review, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 13 held a public hearing on this application on January 8, 2009, and on January 28, 2009, by a vote of 28 to 0 with 0 abstentions, adopted a resolution recommending approval of the application with conditions. A summary of the recommendations of Community Board 13 appears on the related application (C 090251 HAK).

Borough President Recommendation

This application was considered by the Brooklyn Borough President who held a public hearing on this application on February 24, 2009 and issued a recommendation approving the application on March 2, 2009.

City Planning Commission Public Hearing

On February 18, 2009 (Calendar No. 2), the City Planning Commission scheduled March 4, 2009 for a public hearing on this application (C 090250 ZMK). The hearing was duly held on March 4, 2009 (Calendar No. 19). There were a number of appearances in support of the application, as described in the related application (C 090251 HAK), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (in conjunction with the application for the related action), 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 22, 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 WRP number is 08-116. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the proposed zoning map amendment from an R6district to an

R7-2 district to facilitate the development of affordable housing and the first YMCA in South Brooklyn is appropriate.

A full consideration is included in the report on the related action (C 090251 HAK).

RESOLUTION

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

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 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 Nos. 28d, changing from an R6 District to an R7-2 District property bounded by a line 460 feet southerly of Mermaid Avenue, West 29th Street, Surf Avenue, and West 30th Street; Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only) dated January 5, 2009, and subject to the conditions of CEQR Declaration E-226..

The above resolution (C 090250 ZMK), duly adopted by the City Planning Commission on April 1, 2009 (Calendar No. 9), 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 M. BATTAGLIA, **ANGELA R. CAVALUZZI**, AIA, **ALFRED C. CERULLO, III**,
BETTY Y. CHEN, **RICHARD W. EADDY**, **NATHAN LEVENTHAL**, **SHIRLEY A. McRAE**,
JOHN MEROLO, **KAREN A. PHILLIPS**, Commissioners

MARIA M. DEL TORO, Commissioner, **RECUSED**