



CITY PLANNING COMMISSION

March 16, 2011 /Calendar No. 4

C 110118 ZMK

IN THE MATTER OF an application submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 16a, changing from an M1-1 District to an R6B District property bounded by Carroll Street, a line 260 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, and a line 380 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-264.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on October 13, 2010, to rezone 6 lots on the south 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 Department of City Planning is proposing a change to the Zoning Map to extend an existing R6B zoning district boundary westward over the midblock portion of the block fronting on south side of Carroll Street between Columbia and Van Brunt Streets. The rezoning area includes 6 lots (Block 352, Lots 19-24). Although the lots are currently within a manufacturing district (M1-1), five of the six lots are developed with residential rowhouse buildings from the late 1890s. One lot is vacant, though it also was once developed with a rowhouse building. The Department of City Planning proposes to rezone the lots to R6B to reflect the predominant rowhouse character and scale of these lots and to facilitate the development of the vacant lot with a residential development that is in context with the surrounding area.

None of the lots subject to the rezoning currently contain active manufacturing uses. Four of the lots (Lots 20, 22, 23, and 24) are occupied by three-story, non-conforming and non-complying residential rowhouses, and Lot 21 is vacant. Lot 19 is occupied by a 3-story commercial building that is partially occupied with an illegal residential use, which has received a violation from the Department of Buildings (DOB).

In 2007, five of the six lots (Lots 20-24) in this rezoning were the subject of a private rezoning to change the zoning from M1-1 to R6, which was approved by the City Planning Commission (C 060477 ZMK). However, these lots were removed from the application by the City Council at the Department of City Planning's request, due to a technical omission. Furthermore, 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). This rezoning would rezone the 6 lots to R6B to reflect the character of the area as addressed in the Carroll Gardens/Columbia Street rezoning and would extend the R6B zoning district boundary by 120' to the west.

The area surrounding the subject site is predominately developed with residential uses to the east and north, and industrial and maritime uses to the west. Immediately to the east are 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.

ENVIRONMENTAL REVIEW

This application (C 110118 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 11DCP038K.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on October 25, 2010, which included (E) designations for hazardous materials, air quality and noise.

To avoid potential impacts associated with hazardous materials an (E) designation for hazardous materials would be mapped on Block 352, Lots 19 and 21. The text of the (E) designation for hazardous materials is as follows:

Brooklyn Block 352, Lots 19 and 21

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 owner(s) of the lot(s) restricted by this (E) designation prior to any demolition or disturbance of soil on the lot, or legalization of existing unlawful residential uses of any existing building.

Task 1-Sampling Protocol

A. Petroleum

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 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 obtain, 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.

The placement of (E) designations would ensure that no significant impacts related to hazardous materials would occur as a result of the proposed actions.

To avoid any potential significant adverse air quality impacts, an (E) designation for air quality would be mapped on Block 352, lots 19 and 21. The text of the (E) designation for air quality is as follows:

Brooklyn Block 352, Lot 19

Any new residential and/or commercial development and legalization of existing unlawful residential uses on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 15 feet from the 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.

Brooklyn Block 352, Lot 21

Any new residential and/or commercial development on the above-reference properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 30 feet from the lot line facing Summit 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 for air quality, no impacts to air quality are expected and no further assessment is warranted.

To avoid any potential significant adverse noise impacts, an (E) designation for noise would be mapped on Block 352, Lots 19 and 21. The text of the (E) designation for noise is as follows:

Brooklyn Block 352, Lot 19

In order to ensure an acceptable interior noise environment, future residential/commercial uses and legalization of existing unlawful residential 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.

Brooklyn Block 352, Lot 21

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 not limited to, central air conditioning.

With the placement of the (E) designation for noise, no impacts related to noise are expected and no further assessment is warranted.

UNIFORM LAND USE REVIEW

This application (C 0110118 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 31 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 January 13, 2011.

City Planning Commission Public Hearing

On January 26, 2011 (Calendar No. 3), the City Planning Commission scheduled February 16, 2011 for a public hearing on this application (C 110118 ZMK). The hearing was duly held on February 16, 2011 (Calendar No. 25).

A resident of Carroll Street within the rezoning area testified 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 6 lots on the south side of Carroll Street between Van Brunt and Columbia Streets from M1-1 to R6B to be appropriate.

The proposed zoning change would extend the existing R6B zoning district boundary on Carroll Street westward by 120 feet, and would make 4 of the buildings within the rezoning to be complying and conforming with zoning. The Commission notes that it would allow the vacant

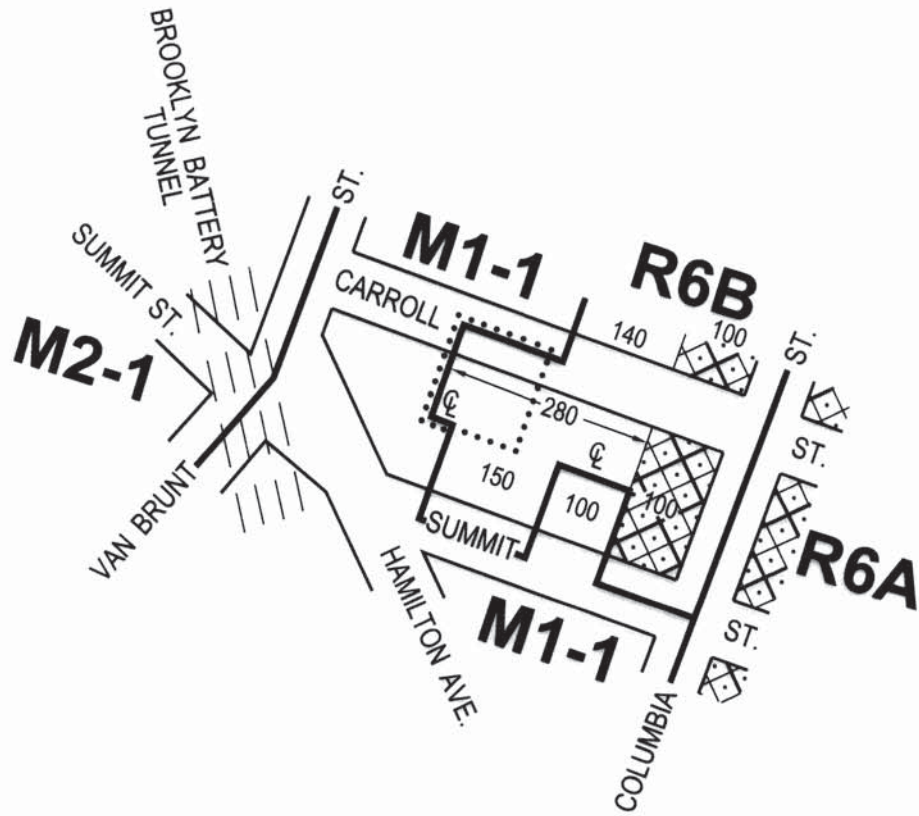
lot to be re-developed with an appropriate residential building that is in context with the surrounding neighborhood character and compatible with adjacent land uses. It would also resolve the DOB violation on Lot 19. The Commission believes that this rezoning is an appropriate extension of the Carroll 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; 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 16a, changing from an M1-1 District to an R6B District property bounded by Carroll Street, a line 260 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, and a line 380 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-264. The above resolution (C 110118 ZMK), duly adopted by the City Planning Commission on March 16, 2011 (Calendar No.4, 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

BOROUGH OF
BROOKLYN

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

New York, Certification Date
 OCTOBER 25, 2010



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

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Community/Borough Board Recommendation

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

Application # C 110118 ZMK
CEQR # 11DCP038K
Community District No. 06 Borough: Brooklyn
Community District No. _____ Borough: _____
Project Name: 20-30 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 NYC Department of City Planning 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 Carroll Street, a line 260 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, and a line 380 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-264.

Applicant(s):

NYC Department of City Planning
22 Reade Street
New York, NY 10007

Applicant's Representative:

Purnima Kapur, Director
Department of City Planning, Brooklyn Office
16 Court Street, 7th Floor
Brooklyn, NY 11241

Community Board No. 6 Borough: Brooklyn

Borough Board

Date of public hearing: 12/8/10

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: 31 Against: 0 Abstaining: 0

Total members appointed to the board: 48

Craig Hamonuma
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 #: 110118 ZMK

20 – 30 Carroll Street

In the matter an application submitted by the NYC Department of City Planning 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 Carroll Street, a line 260 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, and a line 380 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

January 13, 2011

DATE

RECOMMENDATION FOR THE PROPOSED AMENDMENT TO THE ZONING MAP 110118 ZMK

This application by the Department of City Planning (DCP) seeks to amend the Zoning Map to correct a modification made in a previous rezoning. On January 5, 2011 the borough president held a public for this proposal.

CONSIDERATION

The borough president supports this application for the contextual residential rezoning of the affected properties. The Brooklyn Borough President's policy is to support rezoning actions that are consistent with the community's needs and that preserve the character and scale of Brooklyn's precious neighborhoods, where appropriate. Furthermore, he supports rezonings that are consistent with existing use.

The Carroll Gardens and Columbia Street Waterfront Neighborhood communities were seeking a zoning change to R6B to the largest extent possible to limit height to 50 feet. In 2009 DCP prepared a proposal that largely addressed community concerns regarding the neighborhoods R6 zoning districts. The properties in this rezoning were located in a manufacturing district at that time, thus were not included in that action. Such lots were in a prior rezoning also affecting Summit Street in 2007, though needed to be removed due to a technicality. The Summit Street rezoning intended to rezone these legal nonconforming residential uses that predated the establishment of the existing manufacturing zoning. These residences would have become legal conforming uses if they were able to remain in that application. This rezoning would bring most of the properties into conformance with the proposed district in a manner consistent with the community's objectives regarding height limit.

RECOMMENDATION

Be it resolved that the Brooklyn Borough President, pursuant to section 197-c of the New York City Charter, recommends the approval of this application by the City Planning Commission and the City Council for a change to the Zoning Map.