CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION **July 24, 2017**

Project Identification
CEQR No. 17DCP163K
ULURP Nos. 170356ZMK, N170357ZRK
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

587 Bergen Street Rezoning

The Applicant, 1121 of Delaware, LLC, is seeking two discretionary actions in connection with a proposed development located at 587 Bergen Street (Block 1137, Lots 77, 81, and 82) in Prospect Heights, Brooklyn, Community District 8: a zoning map amendment from Ml-1 to R6B affecting Lots 15, 16, 17, 77, 81, 82 and part of Lot 18 (the "Proposed Rezoning Area"); and a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the Proposed Rezoning Area. The Proposed Rezoning Area includes an approximately 20,586 sf portion of Block 1137 and is located east of Carlton Avenue between Bergen and Dean Streets. The Proposed Rezoning Area is contiguous to the New York City Landmarks Preservation Commission designated Prospect Heights Historic District, which is mapped along the western boundaries of the Rezoning Area and the Development Site, and across Bergen Street to the south. Therefore the SEQRA classification for the proposed actions is Type I. The Proposed Rezoning Area is also located within the Transit Zone as defined in Appendix I of the Zoning Resolution of the City of New York ("Transit Zone"). The proposed actions would facilitate a proposal by the Applicant to construct a four-story, 34,497 gross square foot (gsf) multi-family residential building that contains 16 market rate and 10 affordable housing units pursuant to MIH and a subsurface parking garage containing 13 parking spaces. The Applicant proposes Mandatory Inclusionary Housing Option 2 which requires that 30% of the residential floor area be affordable to tenants at 80% of AMI. The proposed rezoning would also bring conforming status to the existing residential uses occupying Tax Lots 15, 16, and 17.

The Applicant-controlled site (Lots 77, 81, and 82 -- the "Development Site") is currently occupied by a surface parking lot and an open-air storage for surrounding industrial uses. Lot 18 is a flag-shaped zoning lot with a lot frontage on Dean Street and is improved with a one-story manufacturing building. The rear portion of this lot, which does not have street frontage, is within the proposed rezoning area. Lots 15, 16, and 17 are each developed with legal non-

conforming, two-family residences that would be brought into conformity with zoning and are not projected to be altered in response to the proposed actions.

The Proposed Rezoning Area is currently within an Ml-1 zoning district established in 1961. The Ml-1 zoning district permits light industrial uses, such as woodworking shops, repair shops, wholesale service, storage facilities, limited community facility uses, and commercial uses. The maximum FAR for permitted manufacturing and commercial uses within the Ml-1 district is 1.0 and 2.4 for permitted community facility uses. Residential uses are not permitted in the Ml-1 zoning district.

The Proposed Rezoning Area would be changed from an Ml-1 zoning district to an R6B district. R6B districts are often traditional row house districts, which preserve the scale and harmonious streetscape of neighborhoods of four-story attached buildings developed during the 19th century. Many of these houses are set back from the street with stoops and small front yards that are typical of Brooklyn's "brownstone" neighborhoods, such as Park Slope, Boerum Hill and Bedford Stuyvesant. The Floor Area Ratio (FAR) of 2.0 (2.2 with MIH) and the Quality Housing regulations also accommodate apartment buildings at a similar four- to five-story scale. The base height of a new building before setback must be between 30 and 40 feet; the maximum height is 50 feet. Curb cuts are prohibited on zoning lot frontages less than 40 feet. The street wall of a new building, on any lot up to 50 feet wide, must be as deep as one adjacent street wall but no deeper than the other. Buildings must have interior amenities for the residents pursuant to the Quality Housing Program. Off-street parking is required for 50% of dwelling units, but is waived for certain affordable units located within the Transit Zone. Parking is not allowed in front of a building.

The Mandatory Inclusionary Housing (MIH) program requires a portion of new residential units to be permanently affordable. Option 1 requires 25% of residential units to be affordable for residents with incomes at 60% Average Median Income (AMI), with 10% affordable at 40% AMI. Option 2 requires 30% of units to be affordable at 80% AMI. As part of the proposed actions, the Applicant seeks to establish an MIH Area, Option 2 over the entire Project Site.

The proposed actions would facilitate a proposal by the applicant to build a new four story, 50' high residential building on Lots, 77, 81 and 82 of Block 1137. The building would set back 15 feet from the street line above the third floor. Cellar level parking would provide space for 13 vehicles. The proposed building would have approximately 34,497 gsf of floor area, with approximately 27,347 square feet of residential zoning floor area (2.2 FAR). There would be 16 market rate residential units consisting of 10 one-bedroom apartments and 6 two-bedroom units, an average of 1,011 square feet per unit for a total of 16,190 gsf, and 10 affordable housing units consisting of 4 one-bedroom apartments and 6 two-bedroom units, an average of 695 square feet per unit for a total of 6,950 gsf. The proposed building would include 4,234 gsf of "eligible common area" as defined in ZR 23-911.

Absent the proposed actions, the Applicant may not construct new residential uses on the Development Site and the No-Action Scenario would remain consistent with existing conditions.

The Proposed Development is anticipated to be completed in 2020.

To avoid the potential for significant adverse impacts related to hazardous materials and air quality, an (E) designation (E-439) has been incorporated into the proposed actions, as described below:

The (E) designation text requirements related to hazardous materials would apply to the following sites:

Block 1137, Lots 77, 81, and 82

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

The (E) designation text requirements related to air quality would apply to the following sites:

Block 1137, Lots 77, 81, and 82

> **Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water system to avoid any potential significant adverse air quality impacts. The HVAC Stack shall be located at least 20-feet from the lot line facing Dean street at the highest tier, or at a minimum of 53 feet above grade to avoid any potential significant adverse air quality impact.**

Statement of No Significant Effect:

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 July 21, 2017, prepared in connection with the ULURP Application (Nos. 170356ZMK, N170357ZRK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

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

1. The (E) designation (E-439) for hazardous materials, air quality and noise would ensure that the proposed actions would not result in significant adverse impacts.

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

3. To avoid inadvertent demolition and/or construction-related damage to historic resources, the applicant will prepare a Construction Protection Plan (CPP), which would be coordinated with LPC and implemented in consultation with a licensed professional engineer. This CPP would be prepared as set forth in Section 523 of the CEQR Technical Manual and in compliance with the procedures included in the DOB's TPPN #10/88 and LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings. The CPP would be prepared and implemented prior to demolition and construction activities on the project site and project-related demolition and construction activities would be monitored as specified in the CPP.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Evan Lemonides at (212) 720-3509.

Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: July 21, 2017

Marisa Lago, Chair
City Planning Commission

Date: July 24, 2017