CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

November 28, 2016

Project Identification
CEQR No. 17DCP068K
ULURP Nos. 170142ZMK and 170143ZRK
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10217
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

1860 Eastern Parkway Rezoning
The Applicant, Atlantic East Affiliates LLC, seeks a zoning map amendment to rezone portions of two blocks (Block 1435, Lots 40, 42, 43 and p/o Lot 36, and Block 1436, Lots 6 and p/o Lot 11, the "Rezoning Area") from an R6 and R6/C2-3 zoning district to an R8A/C2-4 district in the Brownsville neighborhood of Brooklyn, Community District 16. The Applicant is also requesting a zoning text amendment to ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas, to establish a Mandatory Inclusionary Housing ("MIH") Area coterminous with the proposed Rezoning Area (collectively, the "Proposed Actions"). The Proposed Actions would facilitate the Applicant's proposal to construct a ten-story building at 1860 Eastern Parkway (Block 1436, Lot 6, the "Project Site" or "Projected Development Site #1") containing approximately 67 dwelling units (61,304 gross square feet ("gsf") of Use Group (UG) 2 residential floor area), all of which would be set aside for residents with incomes at or below 60% of the average median income ("AMI"), and 11,576 gsf of UG 4 community facility floor area.

In addition to the proposed zoning map and text amendment, the Applicant also seeks discretionary financing for the residential component of the proposed development from the New York City of Housing Preservation and Development (HPD), and tax credits from NYS Homes and Community Renewal (HCR). A coordinated environmental review was conducted with HPD acting as an involved agency.

The Rezoning Area is currently zoned R6 (Block 1436, Lots 6 and p/o Lot 11) and R6/C2-3 (Block 1435, Lots 40, 42, 43 and p/o Lot 36). The existing R6 district allows residential uses (UG 1 and 2) at a floor area ratio (FAR) that ranges from 0.78 to 2.43 and can reach a maximum of 3.0 with

optional Quality Housing Regulations. Community facility uses (UG 3 and 4) are permitted up to a maximum FAR of 4.8. Neither commercial nor manufacturing uses are permitted within an R6 district. In R6 districts, C2-3 commercial overlays allow a maximum FAR of 2.0 (UG 1-9 and 14). Typical retail uses in such overlays include neighborhood grocery stores, restaurants and beauty parlors. C2-3 commercial overlays typically require one accessory parking space per 400 square feet (sf) of commercial floor area for general retail or service uses.

The Project Site is currently occupied with a one-story 10,554 gsf community facility building (the "True Holy Church"). The remaining lots within the affected area are developed with a five-story 16,495 gsf residential building containing 24 dwelling units (Block 1436, Lot 11), a one-story 5,110 gsf automobile repair shop (Block 1435, Lot 36), a one-story 2,992 gsf automobile repair shop (Block 1435, Lot 40), a two-story 3,650 gsf mixed-use residential and commercial building containing 2 dwelling units and ground-floor commercial use (Block 1435, Lot 42), and a three-story 2,886 gsf residential building containing 3 dwelling units (Block 1435, Lot 43).

The proposed R8A/C2-4 district would allow a maximum residential FAR of 7.2, a maximum community facility FAR of 6.5, and a maximum commercial FAR of 2.0. The proposed C2-4 commercial overlay would lower parking requirements for commercial use, with one accessory parking space per 1,000 sf of general retail or service uses. The Applicant intends to demolish the True Holy Church on the Project Site, and construct a 10-story building containing approximately 67 dwelling units (61,304 gsf of residential use) and 11,576 gsf of community facility use. All 67 dwelling units would be available to tenants with incomes at or below 60 percent of the Area Median Income (AMI).

With the proposed text amendment, the Applicant proposes mapping both MIH Option 1 and Option 2 within the Rezoning Area. Option 1 requires that at least 25% of future residential floor area be set aside for persons with incomes averaging 60% AMI (including 10% of residential units intended for persons with incomes averaging 40% AMI), while Option 2 requires that 30% of residential floor area be set aside for residents with incomes averaging 80% AMI. Pursuant to the requirements of Option 1, as well as HPD's Extremely Low and Low-Income Affordability ("ELLA") Program, the Applicant intends on developing all 67 dwelling units on the Project Site for households at or below 60% AMI.

For the purposes of environmental review, it was assumed in the Environmental Assessment Statement ("EAS") that sites that are not under the applicant's control and are included within the proposed R8A/C2-4 district (Block 1435, Lots 40, 42, and 43, "Projected Development Site #2"), would be assembled to support a development of approximately 55 dwelling units (49,550 gsf of residential use), of which 14 units would be set aside for residents with incomes at or below 60% AMI, and 7,992 gsf of commercial use. The Proposed Actions would affect only portions of Block 1435, Lot 36, and Block 1346, Lot 11, and development is not anticipated on those properties.

The analysis year for the proposed project is 2021. Absent the Proposed Actions, the entire Rezoning Area is expected to remain in its existing condition.

In order to preclude significant adverse impacts related to air quality, noise and hazardous materials, the proposed actions include the assignment of an (E) designation (E-400).

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

Block 1436, Lot 6 (Projected Development Site #1)
Block 1435, Lots 40, 42, and 43 (Projected Development Site #2)

The (E) designation text related to hazardous materials is as follows:

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.

With the measures specified above, the Proposed Actions would not result in any significant adverse impacts related to hazardous materials.

The (E) designation related related to air quality would apply to the following properties:

Block 1435, Lots 40, 42, and 43 (Projected Development Site #2)

The text for the (E) designations related to air quality for each of the above sites is as follows:

> **In order to ensure there will be no potential adverse air quality impacts, if auto painting uses continue to operate at the adjacent auto shop (Block 1435, Lot 36), all windows on the proposed development on Block 1435, Lot 40, 42, and 43, up to a height of 85 feet above local grade must be inoperable. Similarly, air intakes must not be located in these locations.**

With the assignment of the (E) designation on the above blocks and lots, no significant impacts related to air quality would be expected as a result of the Proposed Actions.

The (E) designation related to noise would apply to the following sites:

> Block 1436, Lot 6 (Projected Development Site #1)
> Block 1435, Lots 40, 42, and 43 (Projected Development Site #2)

The (E) designation text related to noise is as follows:

> **In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided.**

With the attenuation measures specified above, the Proposed Actions would not result in any significant adverse impacts related to noise.

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 November 23, 2016, prepared in connection with the ULURP Application (Nos. 170142ZMK and 170143ZRK). The City Planning Commission has determined that the Proposed Actions 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 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.

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 Christopher Lee of the Department of City Planning at (212) 720-3429.

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

Date: November 23, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: November 28, 2016