CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

February 2, 2015

CONDITIONAL NEGATIVE DECLARATION

Project Identification
CEQR No. 14DCP135K
ULURP No. 140288ZMK
SEQR Type: Unlisted

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

5402 Fort Hamilton Parkway Rezoning
The applicant, Fort Hamilton LLC, is seeking a zoning map amendment to rezone Block 5673, Lots 42, 50, and part of Lot 41, from R5/C1-3 to R6/C1-3, and part of Lot 20 of Block 5666 from R5 to R6 (the "proposed action"). The rezoning area is bounded by Fort Hamilton Parkway, 55th Street, 9th Avenue, and 53rd Street, and is located within the Borough Park neighborhood in Brooklyn, Community District 12. The proposed action would facilitate a proposal by the applicant to construct a 50,669 square foot (sf), mixed-use development containing 45,055 sf of community facility uses and 5,614 sf of commercial uses on Lots 42 and 50 ("project site"). The proposed development would also include an accessory parking garage with 150 spaces, accessed by a proposed curb-cut along 54th Street.

The project site currently contains 11,167 square feet of lot area. Lot 42, at the southwest corner of Fort Hamilton Parkway and 54th Street, is a former auto repair establishment, consisting of a vacant garage building and paved area that is fenced and unused. Lot 50, located to the south of the corner lot and fronting on Fort Hamilton Parkway, contains a narrow, vacant three-story former mixed use building. Portions of two parcels (Lot 41 of Block 5673 and part of Lot 50 of Block 5666), not under the applicant's control, are located within the boundaries of the proposed rezoning. Lot 41, to the west of the project site, contains a three-story residential building. Lot 50, to the north of the project site, is occupied by the Monastery of the Precious Blood institution. The parcels not under the applicant's control are not expected to be redeveloped or enlarged as a result of the proposed action.

The existing R5/C1-3 zoning permits a FAR of 1.25 for residential use and 2.0 for community facility uses. The proposed rezoning would increase the permitted FAR for residential use to 2.43 and community facility use to 4.8.

For the purposes of a conservative analysis, the Reasonable Worst Case Development Scenario (RWCDS) analyzed in the Environmental Assessment Statement (EAS) assumes that the project site would be developed with a 99,034 gsf building containing 57,890 sf of medical office uses, 5,614 sf of retail commercial uses, and an accessory parking garage containing 151 parking spaces occupying up to 35,530 sf. The garage would be accessed via a proposed new curb cut located on 54th Street.

The proposed project is expected to be constructed and occupied by 2016.

Absent the proposed action, the applicant has stated that the project site would be developed with a three-story 52,272 gsf medical office and retail building pursuant to the existing R5/C1-3 zoning. An 82-space accessory parking garage, accessed via a new curb cut on 54th Street, would also be provided.

The proposed action includes an (E) designation (E-341) applicable to the project site (Block 5673, Lots 42 and 50). The (E) designation would preclude significant adverse impacts related to air quality, noise, and hazardous materials.

The text for the (E) designation related to air quality is as follows:

Any new residential and/or commercial development on the above-referenced property must use natural gas for HVAC systems to avoid any potential significant adverse air quality impacts.

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

To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum OITC rating of 28 dBA window/wall attenuation to maintain an interior noise level of 45 dBA. 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, air conditioning. For commercial uses, the requirement would be 5 dBA lower, or 23 dBA.

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

Task 1 – Sampling Protocol

The fee owner of the lots restricted by this (E) designation is required to submit to OER, for review and approval, an updated 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. No sampling shall 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 Protocol

A written report with findings and a summary of the data must be 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 OER determines that remediation is necessary based on test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner of the lots must complete such remediation as determined necessary by OER. The fee owner of the lots shall then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan must be submitted to OER for approval and then 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.

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 October 17, 2014, prepared in connection with the ULURP Application 140288ZMK. 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 agrees to contact the New York City Department of Transportation (NYCDOT) within six months after the completion of this project and to inform them of the need to implement the following traffic mitigation measures:

    - A three second signal timing shift at the intersection of 54th Street and Fort Hamilton Parkway in order to restore overall acceptable operating levels for the eastbound approach during the PM peak hour.

    - A revision to the current on-street parking regulations on an approximately 50-foot stretch of the west side of Fort Hamilton Parkway between 54th Street and the mid-block between 54th Street and 55th Street from the existing "No Parking 8:30-10 AM Monday" to "No Standing 7AM-7PM Monday to Friday except Authorized Vehicles, Ambulettes."

This revision will ensure that traffic flow along Fort Hamilton Parkway will not be impeded.

- A revision to the current on-street parking regulations by installing a "No Standing Anytime" sign approximately 20 feet west and east of the driveway access to the proposed below grade automated off-street parking facility (on 54th Street, west of Fort Hamilton Parkway). This revision will ensure acceptable ingress and egress to the off-street parking facility and visibility.

The above referenced measures will be ensured through a Restrictive Declaration recorded against the project site.

Supporting Statement:

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

1. The traffic analysis indicates that project-generated traffic has the potential to generate a significant adverse impact. The proposed traffic mitigation measures, including signal timing modifications and revisions to on-street parking regulations, would fully mitigate the potential impact. In consultation with NYCDOT, these measures were deemed to be reasonable and feasible. A Restrictive Declaration will be recorded against the project site to ensure that the proposed traffic mitigation measures are implemented at the time of development to avoid a significant adverse impact.

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

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

It is fully agreed and understood that if the foregoing conditions are not fully implemented in connection with the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Annabelle Meunier at (212) 720-3426.

5402 Fort Hamilton Parkway Rezoning
CEQR No. 14DCP135K
Conditional Negative Declaration

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

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.

Signature of Applicant or Authorized Representative

Date: October 17, 2014

Name of Applicant or Authorized Representative

Olga Abinader, Deputy Director
Department of City Planning

Date: October 17, 2014

Carl Weisbrod, Chairman
City Planning Commission

Date: **February 2, 2015**