CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

November 27, 2017

REVISED NEGATIVE DECLARATION
Supersedes the Negative Declaration Issued on August 7, 2017 [1]

Project Identification
CEQR No.17DCP021K
ULURP No. C170024ZMK
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

116 Bedford Avenue
The Applicant, Brooklyn Standard Properties, is seeking a rezoning to map a C1-4 commercial overlay over an existing R6A zoning district (the "Proposed Action") on a portion of a block (Block 2297, Lots 13, 14, 15, 16, 17, 18, 19, 20 and 120, the "Affected Area") located in the Williamsburg neighborhood of Brooklyn, Community District 1. The Proposed Action would facilitate a proposal by the Applicant to convert the ground floor of an existing building undergoing renovation, located at 116 Bedford Avenue (Block 2297, Lot 16, the "Project Site") to commercial use (Use Group 6), resulting in approximately 2,169 gsf of retail use and approximately 4,566 gsf of as-of-right residential use (six dwelling units). The Rezoning Area is located on the western side of Bedford Avenue between North 10th Street and North 11th Street.

The Project Site (Lot 16) is currently developed with a four-story building which is currently undergoing renovation pursuant to several Department of Building (DOB) building permits, permitting a 2,169 gsf as-of-right community facility use on the ground floor. In addition to the

[1] Since Certification of the proposal on August 7, 2017, the Applicant has revised the Environmental Assessment Statement (EAS) to address community concerns related to the following impact categories: Land Use Zoning and Public Policy, Noise, Transportation, and Neighborhood Character. As described in the supporting statement of this document, the Revised EAS concludes that the Proposed Action would not result in significant adverse impacts to any of the above impact categories and would not alter the conclusions of the previous EAS, completed on August 4, 2017.

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Project Site, the Affected Area is also occupied as follows: Lot 13, which contains 2,500 sf of lot area, contains 4,566 gsf of residential floor area (six dwelling units) and 2,500 gsf of legally non-conforming local retail. Lot 14, which contains 2,500 sf of lot area, contains 5,500 gsf of residential floor area (8 dwelling units). Lot 15, which contains 2,500 sf of lot area, contains 5,500 gsf of residential floor area (8 dwelling units). Lot 17, which contains 2,500 sf of lot area, contains 4,125 gsf of residential floor area (7 dwelling units), and a recently vacated ground floor. Lot 18, which contains 2,500 sf of lot area, contains 4,125 gsf of residential floor area (7 dwelling units), and a recently vacated ground floor. Lot 19, which contains 2,500 sf of lot area, contains 4,050 gsf of lot area (10 dwelling units), and a vacant ground floor. Lot 20, which consists of 1,950 sf of lot area, contains approximately 1,950 gsf of legally non-conforming local retail. Lot 120, which consists of 550 sf of lot area, is occupied with a single-story parking facility with a capacity for approximately 3 vehicles.

The existing R6A district allows for a maximum residential FAR of 3.0 (Use Groups 1 and 2). The proposed C1-4 commercial overlay would permit a variety of commercial uses (Use Groups 5-9) that are not currently allowed under the existing zoning, to a commercial FAR of 1.0. However, since the Affected Area is located within an Inclusionary Housing zone, the maximum FAR is 2.7.

For the purposes of presenting a conservative analysis, the Reasonable Worst Case Development Scenario included in the Environmental Assessment Statement (EAS) assumes a similar proposal to the Proposed Project on the Applicant-owned Project Site (Projected Development Site 1), which includes a ground floor commercial (local retail) use of 2,184 gsf, while maintaining the as-of-right residential uses on the upper floors. This represents a change of 15 gsf from the Applicant's Proposed Project of 2,169 gsf of local retail (2.69 FAR) to reach the maximum achievable FAR of 2.7. In addition to facilitating the change of use on the Applicant-owned Projected Development Site 1, the following Projected Development Sites are assumed. Projected Development Site 2 (Lot 13) would have an already expanded commercial use brought into conformance, with six dwelling units remaining. Projected Development Site 3 (Lot 14), is assumed to be expanded to include an addition of 1,125 gsf of rear yard floor area, with the removal of two dwelling units to allow for ground floor commercial use. Projected Development Site 4 (Lot 15) is assumed to be expanded to include an addition of 1,125 gsf of rear yard floor area, with the removal of two dwelling units to allow for ground floor commercial use. Projected Development Site 5 (Lot 17) is assumed to be expanded to include an addition of 1,125 gsf of rear yard floor area, allowing for a ground floor commercial use. Projected Development Site 6 (Lot 18) is assumed to be expanded to include an addition of 1,150 gsf of rear yard floor area, allowing for an expanded ground floor commercial use. Projected Development Site 7 (Lot 19) is assumed to be expanded to include an addition of 1,125 gsf of rear yard floor area, allowing for a ground floor commercial use. In total it is assumed that 17,184 gsf of local retail floor area would be provided across the seven Projected Development Sites (increment of 11,959 gsf of local retail floor area), while approximately 29,241 gsf of as-of-right residential floor area would be provided (incremental loss of 4 dwelling units).

A potential development site is also assumed, consisting of the future merger of Lots 20 and 120. Combined, it is assumed the parking facility on Lot 120 would be demolished and an expansion of the existing commercial use on Lot 20 would occur, resulting in an expanded ground floor commercial use.

Absent the Proposed Action, it is assumed that the Applicant-owned Projected Development Site 1 (Lot 16) would be occupied with upper floor residential units (six) and a ground floor community facility use as noted in the latest DOB permits. Projected Development Site 2 (Lot 13) is assumed to maintain an existing legally nonconforming ground floor commercial use. Projected Development Sites 3 and 4 (Lots 14 and 15) are assumed to maintain existing residential uses on their respective ground floors. Projected Development Site 5 (Lot 17) is assumed to be re-occupied with a ground floor legally non-conforming commercial use (no expansion). Projected Development Site 6 (Lot 18) is assumed to maintain a vacant ground floor. Projected Development Site 7 (Lot 19) is assumed to be re-occupied with a ground floor commercial use (no expansion). With regard to the Potential Development Site (Lots 20 and 120), Lot 20 would maintain a legally non-conforming ground floor commercial use, while Lot 120 would continue to be occupied by a single story parking facility.

The analysis year for the Proposed Action is 2024.

To avoid the potential for significant adverse impacts related to hazardous materials, an (E) designation (E-440) has been incorporated into the Proposed Actions, as described below.

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

Projected Development Sites:
Block 2297, Lot 13 (Projected Development Site 2)
Block 2297, Lot 14 (Projected Development Site 3)
Block 2297, Lot 15 (Projected Development Site 4)
Block 2297, Lot 17 (Projected Development Site 5)
Block 2297, Lot 18 (Projected Development Site 6)
Block 2297, Lot 19 (Projected Development Site 7)

Potential Development Site:
Block 2297, Lot 20 and 120 (Potential Development Site 1)

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

Task 1
The applicant submits to OER, for review and approval, a Phase 1 of the site along with a soil and groundwater 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 sample sites should be selected to adequately characterize the site, the specific source 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
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 remediation is indicated from the 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.

An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

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 22, 2017, prepared in connection with the ULURP Application (No. C170024ZMK). 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. An Environmental Assessment Statement (the "original EAS") was completed on August 4, 2017 and a Negative Declaration was issued on August 7, 2017 for the Applicant's original application and EAS. Subsequent to Certification of the Proposed Action, concerns were raised in the local community regarding noise and transportation impacts resulting from the proposed rezoning. It was assumed that an influx of new commercial ground floor uses in the form of bars and restaurants would exacerbate noise levels, traffic, and parking conditions.

   A Revised EAS was prepared that considers the community concerns regarding the Proposed Action, resulting in qualitative revisions to the Project Description and the following supplemental sections: Land Use Zoning and Public Policy, Noise, Transportation, and Neighborhood Character.

   - Project Description – The Project Description was updated to account for the diverse mix of uses currently within the Study Area, including multiple bars and restaurants.

   - Land Use, Zoning and Public Policy – The Land Use analysis was updated to account for the fact that the Proposed Action would introduce uses that are already present in the affected neighborhood.

   - Noise – The Noise analysis was updated to include New York City's Noise Control Code (Local Law 113 of 2005) and The New York City Administrative Code (Section 24-218) to ensure that noise levels would not exceed 42 decibels as measured from inside nearby residences, and 7 decibels over the ambient sound level, as measured on a street or public right-of-way 15 feet or more from the source, between 10:00 pm and 7:00 am, in keeping with CEQR Technical Manual guidelines.

   - Transportation – The Transportation analysis was updated to account for traffic and parking concerns raised during public review. A qualitative assessment was provided and concludes that the proposed ground floor commercial uses would be unlikely sources of vehicular traffic and would not exacerbate area parking conditions as these uses would be local uses, attracting residents from the surrounding neighborhood rather than long-distance visitors.

   - Neighborhood Character – The Neighborhood Character analysis was updated and concludes that the cumulative moderate effect of the Proposed Action, related to Land Use, Noise, and Transportation, would not result in significant adverse impacts. This is consistent with the conclusions of the original EAS.

As discussed in the Revised EAS, these clarifications and additions to the narrative are not substantive in nature, and the Proposed Action is not expected to result in any significant adverse environmental impacts. This is consistent with the conclusions of the original EAS.

2. The (E) designation for hazardous materials would ensure that the Proposed Actions would not result in significant adverse impacts.

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

This Revised 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 Revised Negative Declaration, you may contact Samuel Nourieli at (212) 720-3425.

Robert Dobruskin

Date: November 22, 2017

Robert Dobruskin, AICP, Director
Environmental Assessment & Review Division
Department of City Planning

Date: November 27, 2017

Kenneth J. Knuckles, Vice Chairman
City Planning Commission