CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

March 18, 2013

NEGATIVE DECLARATION

Project Identification
CEQR No. 13DCP105K
ULURP Nos. 130213 ZMK, N130212ZRK
SEQRA Classification: Type I

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

Name, Description and Location of Proposal:

Crown Heights West Rezoning
The applicant, the New York City Department of City Planning (DCP), proposes a zoning map amendment and a text amendment for an approximately 55 block area in the western part of the Crown Heights neighborhood of Brooklyn, Community District 8. The rezoning area is bounded by Pacific Street, Dean Street, and Bergen Street to the north; Nostrand Avenue to the east; Eastern Parkway to the south, and Washington Avenue and Grand Avenue to the west.

The proposal would rezone the area from the existing R6, R7-1, C4-3 and C8-2 zoning districts to R5B, R6B, R6A, R7A and R7D contextual zoning districts, which would protect the scale and character of the neighborhood while allowing opportunities for modest growth where appropriate. The existing commercial overlays within the residential area would be updated from C1-3 and C2-3 to C2-4, based on underlying land uses. The proposal would refine commercial overlays on the thoroughfares based on the underlying land uses and lot configurations, bringing existing establishments into conformance and protecting the side residential streets from commercial encroachment. The proposal also amends the zoning resolution to create a new Inclusionary Housing Area in order to provide incentives for the creation of affordable housing.

The proposed actions are in response to community concerns that existing zoning allows out-of-scale development in the area. The proposal also responds to requests for additional tools to support the development of affordable housing in the area. The proposed actions would maintain neighborhood

scale and character by replacing non-contextual zoning with contextual zoning districts with height limits; allow for modest residential growth with incentives and opportunities for affordable housing development along parts of Franklin Avenue and Bedford Avenue; and tailor commercial overlays in the area to better reflect commercial activity.

In order to assess the environmental effects of the proposed action, a Reasonable Worst-Case Development Scenario was established. Four projected development sites and two potential development sites were identified. The incremental difference between the future with-action and the future no-action development scenarios for all projected development sites consists of an increase of 243 dwelling units, a decrease of 175 square feet of commercial space, and a decrease of 11,552 square feet of community facility space.

Absent the proposed actions, the study area would retain the same general patterns found under existing conditions as-of-right. This includes an increase of 201 dwelling units of which only 15 are expected to be affordable. These dwelling units are likely to be built in out-of-context buildings according to regulations afforded by the R6 zoning designation. The current commercial overlays mapped along the north south corridors contain some residential buildings located along side residential streets, where commercial encroachment onto residential side streets may occur. The build year is 2023.

The proposed rezoning includes (E) designations on selected development sites in order to preclude future noise and hazardous materials impacts, which could occur as a result of the proposed action. The (E) designation number is E-302.

The (E) designation related to noise requires 31dBA of window/wall attenuation.

The following sites require 31 dBA of noise attenuation in order to avoid the potential for significant adverse impacts related to noise. The proposed action includes (E) designations on the following properties which include four (4) projected and two (2) potential development sites:

Projected Development Sites
Block 1260, Lot 1, 5 *(Site 1)*
Block 1142, Lot 44, 48 (*Site 2*)
Block 1149, Lot 40, 41 (*Site 3*)
Block 1149, Lot 72 *(Site 4)*

Potential Development Sites
Block 1253, Lot 7 *(Site A)*
Block 1231, Lot 1 *(Site B)*

The text of the (E) designation for noise for the above properties 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 31 dB(A) window/wall attenuation in all façades 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 include, but are not limited to, central air conditioning.**

With the attenuation measure specified above, the proposed rezoning would not result in any significant adverse noise impacts as the result of the proposed action, and would meet CEQR guidelines.

Regarding hazardous materials, by placing (E) designations on sites where there is a known or suspected environmental concern the potential for an adverse impact to human health and the environment resulting from the proposed action may be avoided.

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

Projected Development Sites
Block 1260, Lot 1, 5 *(Site 1)*
Block 1149, Lot 40, 41 (*Site 3*)
Block 1149, Lot 72 *(Site 4)*

Potential Development Sites
Block 1253, Lot 7 *(Site A)*
Block 1231, Lot 1 *(Site B)*

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

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase 1A 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-Remediation Determination and 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 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.

A 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 March 14, 2013, prepared in connection with the ULURP Application (Nos. 130213ZMK, N130212ZRK). 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 for noise and hazardous materials would ensure that the proposed actions would not result in significant adverse impacts.

2. As part of a previous rezoning in 2006 (CEQR No. 03DCP036K), a Restrictive Declaration for Hazardous Materials was entered into for the property located at Projected Development Site 2 (Block 1142, Lot 44 and 48). This Restrictive Declaration would ensure that the proposed action would not result in significant adverse hazardous materials impacts.

3. 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 Jonathan Keller at (212) 720-3419.

Celeste Evans

Date: March 15, 2013

Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: March 18, 2013

Amanda M. Burden, FAICP, Chair
City Planning Commission