CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

# REVISED NEGATIVE DECLARATION

**Supersedes the Negative Declaration Issued on December 29, 2017[1]**

**Project Identification**
CEQR No. 18DCP044K
ULURP Nos. 180096ZMK, N180097ZRK
Brooklyn, Community District 2
SEQRA Classification: Type I

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

**Name, Description and Location of Proposal:**

**142-150 South Portland Avenue Rezoning**

The applicant, Metropolitan Development Group (MDG) Design and Construction in collaboration with the Hanson Place Seventh-Day Adventist Church, seeks (1) zoning map amendments to rezone an R7 A district to an R8A and R8A/C2-4 district and a (2) zoning text amendment to designate a new Mandatory Inclusionary Housing Area. The proposed actions would facilitate a proposal by the applicant to construct a 13-story (126'), approximately 95,000 gross square foot (gsf) residential and community facility building (the "Proposed Development") on a property located at 142-150 South Portland Avenue (Block 2003, Lot 37) in the Fort Greene neighborhood of Brooklyn Community District 2. The proposed actions could also facilitate additional residential, commercial, and community facility development on other parcels within the proposed rezoning area.

The proposed zoning map amendment would rezone Block 2003, Lots 19, 29, 30, 31, 32, 33, 34, and 37 (the "Project Area") from an R7 A district to an R8A zoning district and establish a C2-4 commercial overlay on a portion of the Project Area (portions of Lots 19, 29, 30, 31, 32, 33, and 34) fronting on Hanson Place. The proposed zoning text amendments would amend Appendix F of the ZR to establish a Mandatory Inclusionary Housing ("MIH") Area

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[1] Since Certification of the proposal on December 29, 2017, the Applicant has revised the Environmental Assessement Statement (EAS). As described in the supporting statement of this document, the Revised EAS concludes that the Proposed Actions 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 December 29, 2017.

coterminous with the Project Area, mapping Option 1 and Option 2. Option 1 requires 25% of residential floor area be affordable at 60% area median income (AMI). Option 2 requires 30% of residential floor area be affordable at 80% AMI.

The Proposed Development would include approximately 100 dwelling units (DUs) (of which 32 would be affordable pursuant to MIH Option 2) and 9,700 gsf of community facility uses in the ground floor and cellar occupied, primarily, by the Hanson Place Seventh-Day Adventist Church. No accessory parking is required nor would it be provided.

The Project Area, bound by Hanson Place to the north; South Portland Avenue to the east; Block 2003 Lots 8 and 43 to the south; and South Elliott Place to the west, is located in an R7A zoning district. R7A districts permit a maximum Floor to Area Ratio (FAR) of 4.0 for residential and community facility uses (Use Groups 1-4). Commercial uses are not permitted as of right in R7A districts.

Although the Project Area is located in an R7A residential district, the current uses are all non-residential. The Proposed Develoment Site (Lot 37) is currently occupied by a three-story, 9,400 gsf church (Community Facility, Use Group 4). Lots 30-33 are all currently vacant. Lots 19 and 29 are developed with a 12-story building occupied by the Salvation Army and an accessory surface parking lot. Lot 34 is improved with an eight-story commercial and office building, which contains the Museum of Contemporary African Diaspora Arts.

While there are no historic resources within the Project Area, it is located approximately within 100 feet from the Brooklyn Academy of Music (BAM) Historic District, which is a NYC designated historic district, and across the street from the Hanson Place Seventh Day Adventist Church, which is a NYC designated landmark and is listed on the State and National Register of Historic Places.

It is expected that the Proposed Actions would result in new development on the Proposed Development Site (Lot 37) and on another parcel, Projected Development Site 2, comprised of Lots 30-33. Under the current R7A zoning, it is likely that the Proposed Development Site would be developed with an approximately 60,720 gsf residential building (4.6 FAR) with 71 DUs and Lots 30-33 would be developed as a single zoning lot with an approximately 38,962 gsf residential building with 27 DUs. Under the proposed R8A and R8A/C2-4, and as a result of the text amendments to the SDBD, the Proposed Development Site would be developed instead with the Applicant's Proposed Development, described above. While the applicant intends to construct this program, it is also possible that the site could be developed with more residential dwelling units and no community facility use, resulting in a program with a 145-foot, approximately 95,000 gsf residential building with an FAR of 7.2. Projected Development Site 2 would be developed with a 145-foot, approximately 61,000 gsf mixed use commercial and residential building with an FAR of 7.2, including local retail and 61 DUs (of which 18 would be affordable pursuant to MIH Option 2.

It is expected that development on the Proposed Development Site and Projected Development Site 2 would be completed by 2021.

To ensure that the redevelopment of these sites would not result in significant adverse impacts to hazardous materials and air quality an (E) designation (E-460) has been incorporated into the proposed actions, as described below.

The (E) designation requirements related to hazardous materials would apply to:

**Projected Development Site 1*:**
**Block 2003, Lot 37**

**Projected Development Site 2:**
**Block 2003, Lots 30, 31, 32, 33**

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**

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* For the purpose of the E-designation, the Proposed Development Site is referred to as Projected Development Site 1

**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 requirements related to air quality would apply to:

**Projected Development Site 1:**
**Block 2003, Lot 37**

**Projected Development Site 2:**
**Block 2003, Lots 30, 31, 32, 33**

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

**Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning systems, to avoid any potential significant adverse air quality impacts.**

**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 May 4, 2018, prepared in connection with the ULURP Application (Nos. 180096ZMK, N180097ZRK). 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 EAS includes a detailed Historic and Cultural Resources analysis which concludes that the Proposed Actions would have no significant adverse direct impacts or indirect effects to any architectural or historic resources. Further, the built form of the Proposed Development Site and Projected Development Sites 2 do not conflict with the context of the historic district and would not result in any substantial changes to view corridors within the study area.

2. The EAS includes a detailed Historic and Cultural Resources analysis which concludes that the Proposed Actions would not result in significant adverse impacts with regards to cultural and archaeological resources. Because as-of-right-development would be expected absent the proposed actions on the Proposed Development Site and Projected Development Sites 2 , the Proposed Actions would not result in an increase in ground disturbance. No impacts to archaeological resources are anticipated as a result of the Proposed Actions.

3. The EAS includes a detailed Shadows analysis which concludes that the Proposed Actions would not result in significant adverse shadow impacts to the Hanson Place Seventh Day Adventist Church. While development on the Proposed Development Site would result in limited incremental shadows on the church's stained glass windows facing South Portland Avenue, these shadows would be limited in duration and extent, and would not constitute a significant impact as a result of the Proposed Actions.

4. As discussed in the Revised EAS, the Proposed Actions have been modified by the Applicant. As originally proposed, the Special Downtown Brooklyn District will not be included as part of the rezoning and the corresponding text amendment is no longer being sought. The changes to the Proposed Actions are not expected to results in any significant adverse environmental impacts. This is consistent with the conclusions of the original EAS.

5. The (E) designations (E-460) for hazardous materials and air quality would ensure that the proposed actions would not result in significant adverse impacts.

6. 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 Rupsha Ghosh at (212) 720-3524.

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

Date: May 4, 2018

Marisa Lago, Chair
City Planning Commission

Date: May 7, 2018