CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

April 3, 2017

NEGATIVE DECLARATION

Project Identification
CEQR No. 17DCP117K
ULURP Nos. 170029ZMK, N170030ZRK
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

50 Nevins Street Rezoning
The Applicant, the Institute for Community Living (ICL), seeks two discretionary actions 1) a zoning map amendment from a C6-1 zoning district to a C6-4 zoning district and 2) a zoning text amendment to Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing (MIH) Area (the "Proposed Actions"). The Proposed Actions would affect Block 172, a portion of Lot 37 (the "Project Site" which is under the Applicant's control), and portions of Lots 43, 44, and 45 (collectively the "Rezoning Area") located in the Downtown Brooklyn section of Brooklyn Community District 2. The Rezoning Area extends to a depth of 100 feet west of Nevins Street and 90 feet south of Schermerhorn Street, with a total area of 9,000 square feet, and is located within the Special Downtown Brooklyn District (SDBD). The remainder of Lot 37, as well as the balance of Lots 43, 44, and 45, which are also owned by the Applicant, are located within an R6B zoning district, and would not be affected by the Proposed Actions.

In addition to the proposed zoning map and text amendments, the Applicant intends to seek construction funding from the New York City Department of Housing Preservation and Development's (HPD) Supportive Housing Loan Program, as well as construction/operational funding from the New York State Office of Mental Health (NYS OMH) and New York State Housing Finance Agency (HFA). Therefore, the lead agency, the City Planning Commission (CPC), has conducted a coordinated environmental review with these funding agencies identified as involved agencies. The coordinated review allows these agencies to rely on the CPC's CEQR findings for city and state discretionary financing. HPD also intends to provide federal sources of

funding which would be subject to HUD environmental review requirements, as discussed further in the Supporting Statement of this document.

The Rezoning Area is currently mapped with a C6-1 zoning district. C6-1 is a commercial district (R7 equivalent) which allows for a maximum floor area ratio (FAR) of 6.0 for commercial uses and 6.5 FAR for Community Facility uses. Residential uses are permitted up to an FAR of 3.44. C6-1 districts permit a wide range of commercial uses including offices, hotels and department stores. The Rezoning Area is also located within the Schermerhorn Height Limitation Area B of the SDBD, which permits maximum building heights up to 140 feet.

Currently the Project Site is developed with an eight-story, 68,659 gross square foot (gsf) community facility building licensed by NYS OMH comprised of 150 single room occupancy (SRO) units. The existing building is currently built to an FAR of 4.54. An approximately 3,846 gsf portion of the Project Site within the Rezoning Area is currently occupied with a 10-space surface parking lot, which is accessory to the existing SRO facility. The remaining 4,038 sf portion of the Project Site is located within an R6B zoning district, and would not be affected by the Proposed Actions.

The Proposed Actions would map the Rezoning Area with C6-4 district. Mapping a C6-4 district (R10 equivalent) would allow for an increase in maximum FAR for commercial and community facility uses up to 10.0 FAR. Residential uses would be permitted up to an FAR of 12.0, with the development of affordable housing pursuant to the MIH program. Pursuant to zoning regulations, no parking is required for affordable units, commercial or community facility uses. Parking is required for 20 percent of market rate units in C6-4 districts within the SDBD.

The Mandatory Inclusionary Housing (MIH) program requires that a portion of new residential units to be made permanently affordable. Option 1 requires 25% of residential units to be affordable for residents with incomes at 60% Average Median Income (AMI), with 10% affordable at 40% AMI. Option 2 requires 30% of units to be affordable at 80% AMI. As part of the Proposed Actions, the Applicant seeks to establish an MIH Area (Option 1 and Option 2) over the entire Affected Area. The entire Project Site (Block 172, Lot 37) would be located within an MIH area. Portions of Lots 43, 44 and 45 would be within the MIH area. However, due to the small lot area within the MIH area, the requirements of the MIH program would not apply to these lots.

The Proposed Actions would facilitate a proposal by the Applicant to renovate and enlarge the existing building located at the Project Site (50 Nevins Street, Block 172, Lot 37) and convert the existing 150-unit SRO facility to a 120-unit, 103,823 gsf supportive and affordable housing facility. The proposed development would also include 4,107 gsf of commercial uses. As proposed, the existing building would experience a horizontal enlargement and a vertical enlargement. The horizontal enlargement is proposed to be ten-stories tall (120 feet above grade), and would be constructed on the lot area currently used as a parking lot. The vertical enlargement would comprise a three- story addition to the existing building. The proposed enlargements would occur entirely

within the portion of Lot 37 within the proposed Rezoning Area. The portion of the existing building outside of the Rezoning Area, (zoned R6B), would remain unchanged.

For the purposes of presenting a conservative analysis, two development scenarios were considered for the Project Site. The first scenario analyzes the proposed development, a 10-story, 107,930 gsf community facility building, comprised of 120 units of supportive and affordable housing (Use Group 3) and commercial use. The second scenario considers a 14-story, 121,509 gsf building comprised of 214 units (150 Use Group 3 units to remain, 64 Use Group 2 units including approximately 19 units of affordable housing). In both scenarios, the existing structure on the Project Site would be renovated and enlarged. A three-story enlargement would be added to the existing building, and a ten-story structure would be developed on the lot area currently used for parking.

The remainder of the Rezoning Area (Block 172, parts of Lots 43, 44 and 45) is currently developed with attached four-story buildings. These properties are owned by the Applicant and are utilized as community facilities with sleeping accommodations. As only ten feet of the rearmost portions of these lots would be affected by the Proposed Actions, they are anticipated to remain in their existing condition in the future with the Proposed Action.

Absent the Proposed Actions, all existing structures on the Rezoning Area are expected to remain in their existing condition.

It is expected that the Applicant's proposed development would be completed by 2019.

To avoid the potential for significant adverse impacts related to hazardous materials an air quality, an (E) designation (E-421) has been incorporated into the proposed actions, as described below.

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

Block 172, Lot 37 (Projected Development Site 1)

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.

The (E) designation requirements related to air quality would apply to the Project Site:

Block 172, Lot 37 (Projected Development Site 1)

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

<u>Block 172, Lot 37 (Projected Development Site 1)</u>
Any new residential/community facility development on Block 172 Lot 37 must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier, at least 123 feet high, and at least 600 feet from Bond Street to avoid any potential significant adverse air quality impacts.

The (E) designation requirements related to noise would apply to the Project Site:

Block 172, Lot 37 (Projected Development Site 1)

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

> **Block 172, Lot 37 (Projected Development Site 1)**
> **To ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades 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, central air conditioning.**

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 31, 2017, prepared in connection with the ULURP Application (Nos. 170029ZMK, N170030ZRK). 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 existing building on the Project Site, the former Harriet Judson YWCA Residence, is eligible for listing in the State and National Registers (S/NR) of Historic Places. The anticipated construction financing being provided by HPD to facilitate the proposed project would include City capital funding as well as federal assistance originating from the U.S. Department of Housing and Urban Development (HUD). Therefore, consultation with the New York State Historic Preservation Office (SHPO) is required and has been initiated. HPD would serve as Responsible Entity pursuant to HUD environmental review regulations (24 CFR Part 58) and would conduct a separate Environmental Assessment (EA) subject to HUD approval prior to the release of any federal funds. The EA would consider impacts to historic resources as required under Section 106 of the National Historic Preservation Act (Section 106). Consultation with SHPO pursuant to Section 106 would continue, ending with the execution of a Memorandum of Agreement (MOA) at a later date between the applicant, HPD, and SHPO. Through the MOA, the applicant would agree to design/implement the proposed project in accordance with certain stipulations set forth in the MOA to preclude any adverse effects to historic resources. These stipulations would be developed in consultation with SHPO and may include, but are not limited to: 1) photographic documentation of building conditions prior to the proposed disturbance; 2) salvage of certain building components or decorative elements to be incorporated into a historical interpretive display on-site within the new building, and 3) continued consultation with SHPO as the new building is designed. Compliance with the MOA would also be enforced through the applicable funding agreements between the applicant and HPD. Continuing consultation with SHPO under Section 106 and the implementation of the requirements set forth in the MOA

as part of the proposed project would ensure no significant adverse impacts to historic resources would result from the proposed actions.

2. The (E) designation (E-421) for hazardous materials, air quality and noise 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 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 Stephanie Shellooe at (212) 720-3328.

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

Date: March 31, 2017

Marisa Lago, Chair
City Planning Commission

Date: April 3, 2017