CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

**NEGATIVE DECLARATION** January 17, 2017

**Project Identification**
CEQR No. 17DCP071K
ULURP Nos. 170070ZMK, N170071ZRK
BSA No. 2016-4333-BZ
SEQRA Classification: Type I

**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:**

**1350 Bedford Avenue Rezoning**
The Applicant, Bedford Arms, LLC is seeking a zoning map amendment to rezone Brooklyn Block 1205, Lot 28 (the "project site"), located at 1350 Bedford Avenue in the Crown Heights neighborhood of Brooklyn Community District 8, from an R6A district to an R7D district. In addition, the Applicant is requesting a zoning text amendment pursuant to New York City Zoning Resolution (ZR) Appendix F, Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas, to map a Mandatory Inclusionary Housing (MIH) designated area coterminous with the proposed rezoning area. The proposed actions would facilitate a proposal by the applicant to construct a nine-story, approximately 88,664 gross square-foot (gsf) residential building measuring 85 feet in height and containing 94 Use Group (UG) 2 affordable dwelling units, pursuant to the proposed MIH program, and 23 accessory parking spaces on a portion of the project site.

In addition to seeking the proposed zoning map and text amendment actions, the applicant is also seeking a NYC Board of Standards and Appeals (BSA) special permit pursuant to ZR section 73-433 ("Reduction of existing parking spaces for income-restricted housing units") to waive to the parking requirements for 35 spaces accessory to an existing residential building on the project site. A coordinated environmental review is being conducted, with the BSA acting as an involved agency.

The project site has a lot area of 36,433 square feet (sf) and is located on a corner lot with frontage on Pacific Street to the north, Bedford Avenue to the east, and Dean Street to the south. Located directly east of the project site, on the eastern side of Bedford Avenue, is the NYC Landmarks Preservation Commission (LPC), New York State Historic Preservation Office (SHPO) and National Register (NR) designated Crown Heights North Historic District. Located directly north of the project site, on the north side of Pacific Street, is the LPC, SHPO, and NR designated 23rd Street Regiment Armory. The project site is currently developed with a six-story, 82,655 gsf residential building containing 78 income-restricted dwelling units, a 35 space accessory parking lot accessed by a curb cut on Pacific Street, and a vacant 10,000 sq.ft. area. The proposed project would be constructed on the portion of the lot occupied by the parking lot and vacant area, while the existing residential building would remain. The proposed 23 space accessory parking would be located to the west of the proposed building and accessed by the existing curb cut on Pacific Street.

R6A zoning districts are medium density contextual residential districts that allow residential and community facility uses at an FAR of 3.0, or 3.6 mapped within an Inclusionary Housing designated area or an MIH area. Buildings in R6A districts can reach a maximum building height of 70 feet, or 75 feet with a qualifying ground floor of at least 13 feet. Accessory parking is required for 50% of the dwelling units in residential buildings.

R7D zoning districts are greater density residential districts that promote new contextual development along transit corridors, and allow residential and community facility uses at an FAR of 4.2, and a maximum building height of 100 feet. When mapped within an MIH area, the maximum FAR is 5.6, and the maximum building height is 115 feet (eleven stories) for buildings with qualifying ground floors. Parking is required for 50% of all dwelling units affordable to families earning above 80% Area Median Income (AMI). Parking requirements may be waived pursuant to ZR section 73-433 ("Reduction of existing parking spaces for income-restricted housing units") for income-restricted units already existing on a zoning lot, to facilitate the creation or preservation of affordable housing.

At this time, the Applicant expects to provide 100% of the dwelling units for the proposed project as affordable, at an average of 80% AMI. According to the Applicant, at least 30% of the units would be made available to families earning incomes at or below 80% AMI, pursuant to MIH Option 2 as outlined in ZR section 23-154 ("Inclusionary Housing"). A total of 23 at-grade parking spaces would be provided for the proposed residential development, in compliance with ZR section 25-23 ("Requirements where group parking facilities are provided"), for the proposed new market-rate residential units. The proposed new building would have an FAR of 2.2, and with the existing built FAR of 1.88, the project site would have a total FAR of 4.08. The proposed BSA special permit would allow the waiver of 35 existing accessory parking spaces.

For the purpose of a presenting a conservative analysis, the Environmental Assessment Statement (EAS) prepared for the proposed project considers future development (the future "With Action Scenario") that is larger than the Applicant's intended project. The EAS assumes that the proposed actions could facilitate the construction of an eleven-story, approximately 135,568 gsf residential building measuring 115 feet in height and containing 136 dwelling units (100% of which would be made affordable to families earning at or below 80% AMI) and 23 accessory parking spaces. The proposed With-Action Scenario development would be built to an FAR of 3.72, and with the existing built FAR of 1.88, the project site would have a total FAR of 5.6.

Absent the proposed actions and under the existing R6A zoning district, the existing conditions at the project site are expected to remain.

The analysis year for the proposed project is 2020.

To avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise, an (E) designation (E-412) is proposed to be assigned to the project site as described below.

The (E) designation (E-412) 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 (E-412) text related to air quality is as follows:

**Block 1205 Lot 28**
**Any new development or enlargement on the above referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning for the (HVAC) system and ensure that the HVAC stack is located at least 88 feet above grade to avoid any potential significant adverse air quality impacts.**

The (E) designation (E-412) text related to air quality is as follows:

**Block 1205, Lot 28:**

**In order to ensure an acceptable interior noise environment, future residential/commercial uses on the above referenced property must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on the north-facing, east-facing and west-facing façades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation mustalso be provided.**

**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 January 13, 2017, prepared in connection with the ULURP Application (Nos. 170070ZMK, 170071ZRK). The City Planning Commission has determined that the proposed actions 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 (E-412) related to hazardous materials, air quality and noise would ensure that the proposed actions would not result in significant adverse impacts.

2. 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 Annabelle Meunier at (212) 720-3426.

Robert Dobruskin

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

Date: January 13, 2017

Carl Weisbrod, Chairman
City Planning Commission

Date: January 17, 2017