CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

June 11, 2018

REVISED NEGATIVE DECLARATION[1]

Project Identification
CEQR No. 17DCP067K
ULURP Nos. 180347ZMK and N180348ZRK
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:

Franklin Avenue Rezoning
The Applicant, Cornell Realty Management LLC, is seeking two discretionary actions (the "Proposed Actions"): (1) A zoning map amendment to rezone portions of Blocks 1188, 1189, and 1190 from R6A, R6A/C1-3 and R8A zoning districts to R8X and R8X/C2-4, and (2) A zoning text amendment to Appendix F of the Zoning Resolution to designate the affected portions of Blocks 1188 and 1190 as a Mandatory Inclusionary Housing (MIH) area. The Affected Area includes Block 1188: Lot 35 (p/o), 44 (p/o), 53, 54, 55, 56 and 58; Block 1189: Lots 31 and 60 (p/o); and Block 1190: Lot 26 (p/o), 28, 29, 45, 46, 48 and 50 in the Crown Heights neighborhood in Brooklyn, Community District 9. The Affected Area is bounded by a point approximately 131 feet north of, and parallel to, Carroll Street, to the North, Montgomery Street to the South, Franklin Avenue to the East and 310 feet west of Franklin Avenue to the West.

[1] This Revised Negative Declaration supersedes the Negative Declaration issued on January 30, 3017 for the 1451 Franklin Avenue proposal (CEQR No. 17DCP067K). The Applicant withdrew the related land use application (ULURP Nos. C170147ZMK and N170148ZRK) on April 19, 2017. A new land use application was filed by the Applicant on April 18, 2018 (ULURP Nos. 180347ZMK and N180348ZRK). Changes to the application include: the elimination of the portion of Block 1189 from the proposed zoning text amendment; and the change in project name to Franklin Avenue Rezoning. This Revised Negative Declaration reflects the Revised EAS dated June 8, 2018. The Revised EAS reflects the new land use application, and includes updated analysis related to Socioeconomics and Community Facilities data, as well as editorial changes throughout, as noted in the Supporting Statement of this document.

The Proposed Actions would facilitate a proposal by the Applicant to construct two predominantly residential buildings on two sites located at 931 Carroll Street (Block 1188, Lot 58, Projected Development Site 1) and 40 Crown Street (Block 1190, Lots 29, 45 and 50, Projected Development Site 2). The proposed building located at Projected Development Site 1 would contain a 175-foot tall, 16-story, approximately 134,342 gross square foot (gsf) residential building, with 128 dwelling units (of which 34 would be affordable) and 37 accessory parking spaces. The proposed building at Projected Development Site 2 would consist of a 175-foot tall, 16-story, mixed-use residential and commercial building with approximately 427,634 gsf, comprised of 411,350 gsf of residential uses (390 dwelling units, 106 of which would be affordable), 16,284 gsf of commercial uses and 114 accessory parking spaces.

The Affected Area is located within a R6A district with a C1-3 overlay on Block 1188, within an R8A zoning district on Block 1189 and within an R6A zoning district on Block 1190. R6A districts permit a maximum FAR of 3.0 with a minimum base height of 40 feet, a maximum base height of 60 feet and a maximum building height of 70 feet. Parking is required for 50 percent of dwelling units in these districts. R8A districts permit a maximum FAR of 6.02 with a minimum base height of 60 feet, a maximum base height of 85 feet and a maximum building height of 120 feet. Parking is required for 40 percent of dwelling units in this district. C1-3 commercial overlays are mapped within residential districts along streets that serve locals retail needs. In the underlying R6A zoning district, a C1-3 commercial overlay permits a maximum commercial FAR of 2.0. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. In mixed-use buildings, commercial uses are limited to the first floor and must be located below residential uses.

The Proposed Actions would change the underlying zoning from R6A and R8A districts to an R8X district. The existing 100-foot deep C1-3 commercial overlay on Block 1188 along Franklin Avenue would be rezoned to C2-4, and a 100-foot deep C2-4 commercial overlay would also be mapped on Block 1190 along Franklin Avenue. R8X districts permit a maximum residential FAR of 6.02 or 7.2, with affordable housing provided pursuant to the MIH program. The maximum allowable building height would be increased to 175 feet. As the Affected Area is within the Transit Zone, no parking is required for affordable units. Parking is required for 40 percent of market-rate units in R8X districts. C2-4 commercial overlays permit a maximum commercial FAR of 2.0; C2-4 overlays permit a slightly wider range of uses than C1-3 overlays, such as funeral homes and repair services.

In addition to the applicant's proposed development, one additional site not owned by the applicant has been identified within the Affected Area that could be developed as a result of the Proposed Actions. Projected Development Site 3, located at 882-886 Franklin Avenue, is comprised of Block 1188, Lots 53, 54 and 55. The 7,500 sf site would be developed to the maximum 7.2 FAR, resulting in 46,500 gsf of residential uses (47 dwelling units, of which 12 would be affordable) and approximately 7,500 gsf of local retail. Parking would be waived due to the small number required, no parking spaces are projected to be developed on Projected Development Site 3.

Additionally, a property owned by Asian Americans for Equality (AAFE), located at 141-145 Montgomery Street (Block 1190, Lots 46 and 48, "Site 4") is expected to be developed by AAFE in the future. The Proposed Actions would increase the permitted residential FAR of the site to 7.2. However, development is restricted to four dwelling units per lot, as a condition of an existing accelerated UDAAP designation. Development of the site in excess of eight units would require a modification of the restrictions, an action subject to environmental review. To present a conservative analysis, the development of the site with 7.2 FAR, comprised of 45,406 gsf of residential use (45 dwelling unts) is assessed qualitatively in a conceptual analysis. Under the Proposed Actions, all other sites within the Affected Area are expected to remain in existing conditions.

Absent the Proposed Actions, the Applicant intends to construct two as-of-right buildings on Projected Development Sites 1 and 2 pursuant to building plans approved by the Department of Buildings (DOB). The structures on Projected Development Sites 1 and 2 have been demolished and the sites are currently vacant. Projected Development Site 1 would be developed with a residential building with approximately 69,524 gsf (69 dwelling units) of residential space and 35 accessory parking spaces. Projected Development Site 2 would be redeveloped with a residential building with approximately 225,821 gsf (208 dwelling units) of residential space and120 accessory parking spaces. Currently, Projected Development Site 3 contains 2,575 gsf of residential uses (4 dwelling units) and 7,400 gsf of commercial uses, expected to remain. Absent the Proposed Actions, all other sites within the Affected Area are expected to remain in the existing condition. The increment for analysis includes an increase of 310,656 gsf, comprised of 294,272 gsf of residential uses (284 dwelling units), 16,384 gsf of commercial area and a reduction of four parking spaces.

It is expected that development of the three Projected Development Sites would be completed by 2023.

To avoid the potential for significant adverse impacts related to hazardous materials and air quality, an (E) designation (E-405) 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:

Block 1188, Lot 58 (Projected Development Site 1)
Block 1190, Lots 29, 45 and 50 (Projected Development Site 2)
Block 1188, Lots 53, 54, 55 (Projected Development Site 3)

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 following development sites:

Block 1188, Lot 58 (Projected Development Site 1)
Block 1190, Lots 29, 45 and 50 (Projected Development Site 2)
Block 1188, Lots 53, 54, 55 (Projected Development Site 3)

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

<u>Block 1188, Lot 58 (Projected Development Site 1)</u>
Any new development or enlargement on the above-referenced property on Site 1 that has southern frontage on Carroll Street must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC stack on Site 1 building is

located at least 40 feet from the Carroll Street, at a height of at least 178 feet above the grade as measured from base elevation of the North American Vertical Datum of 1988 (NAVD 88). Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Block 1190, Lots 29, 45 and 50 (Projected Development Site 2)
Any new residential and/or commercial development or enlargement must use natural gas for HVAC systems and ensure the heating, ventilating, and air conditioning stacks are located at the highest building tier or at least 178 feet in height, and the Franklin Avenue building stack is at least 80 feet from Crown Street and 30 feet from Franklin Avenue, and the Montgomery Street building stack is at least 220 feet from Crown Street and 180 feet from Franklin Avenue in order to avoid any potential significant air quality impacts.

Block 1188, Lots 53, 54, 55 (Projected Development Site 3)
Any new development or enlargement on the above-referenced property on Site 3 that has southern frontage on Carroll Street must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC stack on Site 3 building would be at least 178 feet above grade as measured from base elevation of the North American Vertical Datum of 1988 (NAVD 88). Adherence to these conditions would 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 Revised Environmental Assessment Statement, dated June 8, 2018, prepared in connection with the ULURP Application (Nos. 180347ZMK and N180348ZRK). 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. This Revised Negative Declaration supersedes the Negative Declaration issued on January 30, 2017 for the 1451 Franklin Avenue proposal (CEQR No. 17DCP067K). The Applicant withdrew the related land use application (ULURP Nos. C170147ZMK and N170148ZRK) on April 19, 2017. A new land use application was filed by the Applicant on April 18, 2018 (ULURP Nos. 180347ZMK and N180348ZRK). Changes to the application include: the elimination of the portion of Block 1189 from the proposed zoning text amendment; and the change in project name to Franklin Avenue Rezoning. This Revised Negative Declaration reflects the Revised EAS dated June 8, 2018. The Revised EAS reflects the new land use application, and includes updated analysis related to Socioeconomics and Community

Facilities data, as well as editorial changes throughout. As detailed in the Revised EAS, the development facilitated by the proposed actions would be the same as the previous environmental review and would be expected to occur by the same build year. It was determined that the proposed actions would not have the potential for significant adverse impacts and would not alter the conclusions of the previous environmental review.

2. The (E) designation (E-405) for hazardous materials and air quality 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 Revised Negative Declaration, you may contact Stephanie Shellooe at (212) 720-3328.

Robert Dobruskin

Date: June 8, 2018

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

Date: June 11, 2018

Marisa Lago, Chair
City Planning Commission