CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

December 16, 2013

NEGATIVE DECLARATION

Project Identification
CEQR No. 10DCP020K
ULURP No. 100202ZMK
SEQRA Classification: Unlisted

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

Name, Description and Location of Proposal:

Empire Boulevard Rezoning
The applicant, 529 Empire Realty Corporation, proposes a zoning map amendment to rezone portions of four city blocks from an R5/C1-3 district to an R7A/C2-4 district and to remove an existing C1-3 commercial overlay. The proposed action would facilitate a proposal by the applicant to develop a seven-story approximately 114,588 square foot (sf) building consisting of 68 dwelling units, 24,289 sf of retail space, and 21,572 sf of community facility space. In addition, the proposed building would include an underground parking garage with 66 accessory parking spaces on the cellar level. The rezoning area is generally bounded by Brooklyn Avenue, Empire Boulevard, Lamont Court, and Montgomery Street and the applicant's proposed project site is located at 521-529 Empire Boulevard (Block 1311, Lots 66, 74, 75, and 76) in the Wingate neighborhood of Brooklyn, Community District 9.

The rezoning area includes applicant owned lots (Block 1311, Lots 66, 74, 75 and 76) and non-applicant owned lots (Block 1311, Lots 1-5, portions of lots 25 and 64; Block 1317, Lot 39 and portions of lots 38 and 41; Block 1323, Lot 17 and portions of lots 14 and 58; Block 1324, Lots 17-21, 35, 116 and portions of lots 15 and 42). The applicant's site contains two two-story buildings and one three-story building consisting of retail, storage and vacant space. The remainder of the rezoning area is comprised of a mix of six-story multi-family elevator buildings which all have ground floor retail and/or commercial uses and one- to three-story walk-up buildings, many of which have ground floor retail or commercial uses. No development is expected to occur as a result of the rezoning on

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the non-applicant owned properties located on Blocks 1317, 1323, and 1324 or on Block 1311 Lots 1-5 and 2249 to R7A with a C2-4 commercial overlay and to remove the C1-3 commercial overlay from the existing R7-1 district.

R5 zoning districts allow all housing types at a maximum floor area ratio (FAR) of 1.25. The maximum building height is 40 feet with a maximum perimeter wall height of 35 feet. Community facilities are permitted an FAR of 2.0. R7-1 zoning districts permit residential and community facility uses with a maximum FAR of 3.44 for residential uses and 4.8 for community facility uses. There are no fixed height limits and building envelopes are governed by the sky exposure plane. R7A districts allow all housing types at a max FAR of 4.00 within a contextual envelope. The maximum base and building height is 65 and 80 feet, respectively.

In order to assess the environmental effects of the proposed action, a Reasonable Worst-Case Development Scenario (RWCDS) was established. The applicant has stated their intent to seek a FRESH Certification in the future, which is a ministerial action and does not require CEQR review. Therefore, for the purposes of a conservative analysis, the RWCDS assumed a development consisting of 80 dwelling units, 27,958 gsf of commercial retail space, of which 26,347 gsf would be a FRESH supermarket, 28,930 gsf of community facility space and 66 below grade accessory parking spaces. Absent the proposed action, no new development is expected to occur within the rezoning area and the Applicant has stated that the current uses would remain on the project site. The proposed project is expected to be completed by 2016.

The proposed action includes (E) designations on the project site (Block 1311, Lots 66, 74, 75, and 76) 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-329.

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

> **In order to ensure an acceptable interior noise environment, future residential 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) for residential use. 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. The required window/wall attenuation for future commercial uses would be 5 dB(A) less than that for residential uses.**

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

> **Task 1 - The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant**

supporting documentation, including site plans and sampling locations. This scope of work will be submitted to the New York City Mayor's Office of Environmental Remediation (OER) for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by OER upon request.

Task 2 - A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP 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 necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by OER. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during excavation and construction 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.

With the placement of the (E) designation on the above block and lots, no significant noise or hazardous materials impacts would be expected as the result of the proposed action.

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 December 12, 2013, prepared in connection with the ULURP Application (No. 100202ZMK). 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 action 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 Jonathan Keller at (212) 720-3419.

Celeste Evans

Date: December 13, 2013

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

Kenneth J. Knuckles, Esq., Vice Chair
City Planning Commission

Date: December 16, 2013