CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

August 20, 2018

# REVISED NEGATIVE DECLARATION

**Supersedes the Negative Declaration issued on February 9, 2018***

**Project Identification**
CEQR No. 18DCP061K
ULURP Nos. C 180148ZMK, N 180149ZRK
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:**

**1601 DeKalb Avenue Rezoning**

The Applicant, 1601 DeKalb Owner, LLC, is seeking a zoning map amendment to rezone R6 and M1-1 zoning disticts to R6B, R6A, and R7A districts, and a zoning text amendment (the "Proposed Actions") to Appendix F of the New York City Zoning Resolution ("ZR") to establish a Mandatory Inclusionary Housing ("MIH") area mapped over a portion of the rezoning area. The Proposed Actions would affect a portion of Brooklyn Block 3237, Lots 23, 27, 41, 47, and 48 (the "Proposed Rezoning Area,") bounded by DeKalb Avenue to the east, Wyckoff Avenue to the north, Hart Street to the west, and Irving Avenue to the south in the Bushwick neighborhood of Brooklyn, Community District 4. The Proposed Actions would facilitate a proposal by the Applicant to redevelop an existing public parking lot located at 1601 DeKalb Avenue (Block 3237, Lots 23, 47, and 48, the "Proposed Development Site") with two nine-story residential buildings totaling approximately 125,252 gross square feet ("gsf").

To avoid the potential for significant adverse impacts related to air quality, noise, and hazardous materials, an (E) designation (E-465) has been incorporated into the Proposed Actions, as described

Marisa Lago, *Chair*
120 Broadway 31st Floor, New York, N.Y. 10271
(212) 720-3200 FAX (212) 720-3219
http://www.nyc.gov/planning

*Since Certification of the application on February 12, 2018, the City Council has modified the application. Lots 31, 33, and 38 were effectively removed from the proposed rezoning area; Lots 27 and 41, originally proposed to be mapped with an R7A district, were modified to be mapped with an R6A district; and MIH Option 2 was removed and the MIH "Deep Affordability" Option, together with MIH Option 1, were applied to the sites remaining in the proposal. 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 impact categories and would not materially alter the conclusions of the February 9, 2018 EAS, with the exception of the removal of (E) Designation requirements for Block 3237, Lot 31.

below. The (E) designation requirements would apply to the following development sites:

**Block 3237, Lots 23, 47, and 48 (Proposed Development Site 1); and**
**Block 3237, Lot 41 (Projected Development Site 3)**

The (E) designation text related to air quality is as follows:
**Block 3237, Lots 23, 47, and 48 (Proposed Development Site 1)**
**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 (HVAC) and ensure that the HVAC stack is located at least 51 feet from Wyckoff Avenue, at least 161 feet from the lot line facing DeKalb Avenue, and at least 92.6 feet above the grade to avoid any potential significant adverse air quality impacts.**

**Block 3237, Lot 41 (Projected Development Site 3)**
**Any new residential and/or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and hot water systems and ensure the HVAC stack is located at least 98 feet above grade to avoid potential significant adverse air quality impacts.**

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

**Block 3237, Lot 23, 47 and 48 (Proposed Development Site 1)**
**To ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on façades facing east (DeKalb Avenue) 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 ventiliation includes, but is not limited to, central air conditioning.**

**Block 3237, Lot 41 (Projected Development Site 3)**
**To ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on façades facing east (DeKalb Avenue) to maintain an interior noise level of 45 dBA. To maintin a closed-window condition, an alternate means of ventiliation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.**

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

**Task 1: Sampling Protocol**
**Prior to contruction, the applicant must submit to the New York City Mayor's office of Environmental Remediation (OER), for review and approval, a Phase II Investigation protocol, including a description of the methods and a site map with all sampling location**

**clearly and precisely represented.**

**No sampling should begin until written approval of a protocol is received by OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source 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 the sampling data. Guidelines and criteria for selecting sampling location and collecting samples are provide by OER upon request.**

**Task 2: Remediation Determination and Protocol**
**A written report with findings and a summary of the data must be 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 the 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.**

**An OER-approved construction-related health and safety plan would be implemented during evacuation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaiminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.**

**Statement of No Significant Effect:**

The Environmental Assessment and Review Divison of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated February 9, 2018, and the Revised Environmental Assessment Statement, dated August 17, 2018 prepared in coordination with the ULURP Application (Nos. C 180148 ZMK, N180419 ZRK). 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 Proposed Actions would result in changes to land use within the primary study area. Where manufacturing and commercial uses are now permitted, the Proposed Actions would

introduce residential uses that would not be permitted in the proposed Rezoning Area in the future without the Proposed Actions. However, the EAS concludes residential uses would be consisten with the residential uses adjacent to the Applicant's Proposed Development Site as well as within the rest of the primary and secondary study areas.

2. The EAS includes a detailed analysis that considers the Proposed Actions' effects on open space, since the area affected by the Proposed Actions is located within an underserved open space area, defined in the 2014 CEQR Technical Manual as areas of high population density in the City that are generally the greatest distance from parkland where the amount of open space per 1,000 residents is currently less than 2.5 acres. The existing open space ratio is 0.95 acres of open space per 1,000 residents, below this threshold. The detailed anlaysis concludes that the useability of nearby open space resources would not be significantly impacted as a result of the Proposed Actions and significant adverse impacts related to open space are not foreseeable in the future with the Proposed Actions.

3. Since the proposal was Certified on February 12, 2018, the Proposed Actions have been modified by the City Council during public review. As discussed in the Revised EAS dated August 17, 2018 to account for the City Council Modifications, the changes to the Proposed Actions are not expected to result in any significant adverse environmental impcts. This is consistent with the conclusions of the original EAS.

4. The (E) designation (E-465) would ensure that the proposed actions would not result in significant adverse impacts related to air quality, noise, and hazardous materials.

5. 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 Anthony Howard at (212) 720-3422.

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

Date: August 17, 2018

Marisa Lago, Chair
City Planning Commission

Date: August 20, 2018