CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

June 19, 2017

NEGATIVE DECLARATION

Project Identification
CEQR No. 17DCP155K
ULURP Nos. 170430ZMK, N170431ZRK
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:

Linden Boulevard Rezoning
The Applicant, Canyon Sterling Emerald LLC, is seeking two discretionary actions (the "Proposed Actions"): (1) A zoning map amendment from R4 and R4/C1-2 to R6A, R7A and R8A/C2-4 affecting Block 4496 (Lots 1, 3, 5, 8, 9, 11, 12, 14, 15, 16, 17, 18, 24, 27, 29, 32, 33, 35, 39, 42, 43, 44, 45, 47, 48, 50, 51, 52 and 56; the "Project Site") in the East New York neighborhood of Brooklyn, Community District 5; and (2) A zoning text amendment to Appendix F of the Zoning Resolution (ZR) to designate a Mandatory Inclusionary Housing (MIH) Area coterminous with the Project Site. The Project Site is bounded by Linden Boulevard to the North, Loring Avenue to the South, Amber Street to the East and Emerald Street to the West. The Proposed Actions would facilitate a proposal by the Applicant to construct four mixed-use residential, commercial and community facility buildings. The total development would be comprised of 521 dwelling units (at least 130 of which would be affordable pursuant to MIH), 17,214 gross square feet (gsf) of commercial use, 24,535 gsf of community facility use, and 100 parking spaces, accessed by four new curb cuts on Emerald and Amber streets.

The Applicant also intends to seek public financing from the New York City Department of Housing Preservation and Development (HPD) and NYC Housing Development Corporation (HDC). The City Planning Commission, acting as Lead Agency, has conducted a coordinated environmental review, with HPD acting as an Involved Agency. In addition to the Proposed Actions, the Applicant intends to seek a drainage plan amendment from the NYC Department of Environmental Protection (DEP) and a legal grade waiver from the NYC Department of Transportation (DOT).

The Applicant owns the entirety of the Project Site, Block 4496, which is currently vacant. The underlying R4 zoning district currently mapped on the Project Site allows a maximum floor area ratio (FAR) of 0.75 for residential uses and 2.0 for community facility uses. In an R4 district, maximum lot coverage is 45% and maximum building height is 35 feet. One off-street parking space is required per dwelling unit. The C1-2 overlay, mapped to a depth of 100 feet along the Linden Boulevard frontage, allows a maximum commercial FAR of 1.0.

The Proposed Actions would change the zoning from R4/C1-2 to R8A/C2-4 and from R4 to R7A and R6A. An R8A/C2-4 district would be mapped to a depth of 100 feet along the Linden Boulevard frontage. R8A districts permit a maximum residential FAR of 7.2, with affordable housing provided pursuant to the MIH program. The maximum allowable building height would be increased to 145 feet. C2-4 commercial overlays permit Use Groups 5-9 and 14, up to a maximum FAR of 2.0. An R7A district would be mapped to a depth of 100 feet along the Project Site's Loring Avenue frontage. R7A districts permit a maximum residential FAR of 4.6, with affordable housing provided pursuant to the MIH program. The maximum allowable building height would be increased to 95 feet. An R6A district would be mapped over the remainder of the Project Site. R6A districts permit a maximum residential FAR of 3.6, with affordable housing provided pursuant to the MIH program. The maximum allowable building height would be increased to 85 feet. The 29 lots included within the Project Site are expected to be combined into four tax lots (future Lots 1, 15, 29 and 48; Projected Development Sites 1-4) and one combined zoning lot; the maximum allowable FAR on these sites is based on a blended FAR using the R8A, R7A and R6A zoning district floor area parameters. Pursuant to ZR Section 25-251 ("Income-restricted housing units"), within the Transit Zone, no off-street parking spaces are required for income-restricted housing units. Parking is required for 40 percent of unregulated units in R8A districts and 50 percent of unregulated units in R7A and R6A districts.

The Mandatory Inclusionary Housing (MIH) program requires a portion of new residential units to be 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 Project Site.

The Proposed Actions would facilitate a proposal by the Applicant to construct four buildings on the Project Site (Projected Development Sites 1-4). In total, the proposed development would consist of 580,679 gross square feet (gsf), 4.52 FAR, the maximum allowable blended FAR. The four buildings are proposed to include a total of 509,907 gsf of residential space (521 dwelling units), 17,214 gsf of commercial retail space (Use Group 6) and 24,535 gsf of community facility space. The community facility space would be comprised of a 6,583 gsf ambulatory medical office, a 10,246 gsf day care facility and 7,716 gsf of recreational space. The proposed development also includes 100 accessory parking spaces that would be provided at grade on the first floor of the development, accessed by four new curb cuts on Emerald and Amber Streets. The building heights are anticipated to range

from 81 (8-stories) to 130 feet (12-stories). For the purposes of presenting a conservative environmental analysis, the Environmental Assessment Statement considered the above-referenced development with a variation in building heights. It was assumed that development on the Project Site would reach the maximum building height in each district: 145 feet in the R8A portion, 95 feet in the R7A portion and 85 feet in the R6A portion.

The Applicant intends to provide 156 units (30% of residential floor area) permanently affordable at an average of 80% AMI to comply with Option 2 of MIH. The Applicant also intends to seek funding from HPD and HDC to provide the remaining 365 units at varying levels of affordability utilizing the Our Space, Mix & Match, and Extremely Low and Low-Income Affordability (ELLA) programs.

Absent the Proposed Actions, the Project Site is expected to remain vacant and existing conditions would continue.

The analysis year for the Proposed Actions is 2020.

To avoid the potential for significant adverse impacts related to hazardous materials an air quality, an (E) designation (E-432) has been incorporated into the proposed actions, as described below.

The (E) designation requirements related to hazardous materials would apply to the following sites:

Block 4496, Lots 1, 3, 5, 8, 9, 50, 51, 52, 11, 12, 14 (p/o) and 48 (p/o) (Projected Development Site 1)
Block 4496, Lots 39, 42, 43, 44, 45, 47, 32 (p/o), 33 (p/o), 35 (p/o) and 48 (p/o) (Projected Development Site 2)
Block 4496, Lots 27 (p/o), 29 (p/o), 32 (p/o), 33 (p/o) and 35 (p/o) (Projected Development Site 3)
Block 4496, Lots 15, 16, 17, 18, 24, 14 (p/o), 27 (p/o) and 29 (p/o) (Projected Development Site 4)

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 sites:

Block 4496, Lots 1, 3, 5, 8, 9, 50, 51, 52, 11, 12, 14 (p/o) and 48 (p/o) (Projected Development Site 1)
Block 4496, Lots 39, 42, 43, 44, 45, 47, 32 (p/o), 33 (p/o), 35 (p/o) and 48 (p/o) (Projected Development Site 2)
Block 4496, Lots 27 (p/o), 29 (p/o), 32 (p/o), 33 (p/o) and 35 (p/o) (Projected Development Site 3)
Block 4496, Lots 15, 16, 17, 18, 24, 14 (p/o), 27 (p/o) and 29 (p/o) (Projected Development Site 4)

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

Block 4496, Lots 1, 3, 5, 8, 9, 50, 51, 52, 11, 12, 14 (p/o) and 48 (p/o) (Projected Development Site 1)
Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier to avoid any potential significant adverse air

quality impacts.

Block 4496, Lots 39, 42, 43, 44, 45, 47, 32 (p/o), 33 (p/o), 35 (p/o) and 48 (p/o) (Projected Development Site 2)
Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or 93 feet above grade to avoid any potential significant adverse air quality impacts.

Block 4496, Lots 27 (p/o), 29 (p/o), 32 (p/o), 33 (p/o) and 35 (p/o) (Projected Development Site 3)
Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or 100 feet above grade to avoid any potential significant adverse air quality impacts.

Block 4496, Lots 15, 16, 17, 18, 24, 14 (p/o), 27 (p/o) and 29 (p/o) (Projected Development Site 4)
Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or 91 feet above grade to avoid any potential significant adverse air quality impacts.

The (E) designation requirements related to noise would apply to the following sites:

Block 4496, Lots 1, 3, 5, 8, 9, 50, 51, 52, 11, 12, 14 (p/o) and 48 (p/o) (Projected Development Site 1)
Block 4496, Lots 39, 42, 43, 44, 45, 47, 32 (p/o), 33 (p/o), 35 (p/o) and 48 (p/o) (Projected Development Site 2)
Block 4496, Lots 15, 16, 17, 18, 24, 14 (p/o), 27 (p/o) and 29 (p/o) (Projected Development Site 4)

Block 4496, Lots 1, 3, 5, 8, 9, 50, 51, 52, 11, 12, 14 (p/o) and 48 (p/o) (Projected Development Site 1)
To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation for the windows along the Emerald Street and Amber Street facades and a minimum of 33 dBA window/wall attenuation for windows along the Linden Boulevard façade to maintain an interior noise level of 45 dBA. To maintain a closedwindow condition, an alternate means of ventilation must also be provided.

Block 4496, Lots 39, 42, 43, 44, 45, 47, 32 (p/o), 33 (p/o), 35 (p/o) and 48 (p/o) (Projected Development Site 2)
To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation for the windows along the Emerald Street facade to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided.

Block 4496, Lots 15, 16, 17, 18, 24, 14 (p/o), 27 (p/o) and 29 (p/o) (Projected Development Site 4)
To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation for the windows along the Amber Street facade to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also 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 June 2, 2017, prepared in connection with the ULURP Application (Nos. 170430ZMK, N170431ZRK). 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 (E-432) for 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 Stephanie Shellooe at (212) 720-3328.

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

Date: June 16, 2017

Marisa Lago, Chair
City Planning Commission

Date: June 19, 2017