CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

February 12, 2018

Project Identification
CEQR No. 18DCP061K
ULURP Nos. 180148ZMK, N180149ZRK
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 districts to R6B, R7A, and R7A/C2-3 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 the northern portion of Brooklyn Block 3237, Lots 21, 22, 23, 27, 31, 33, 38, 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").

In addition, the Proposed Actions could result in additional residential and commercial development on two properties not controlled by the Applicant. One property is located at 958 Hart Street (Block 3237, Lot 31, "Projected Development Site 2") and is currently improved with a 2-story retail and office building, and could be developed with a mixed residential and commercial building containing approximately 26,032 gsf of residential and commercial uses. The other property is located at 1615 DeKalb Avenue (Block 3237, Lot 41, "Projected Development Site 3), currently improved with a three-story residential building, could be developed with a new residential building containing approximately 40,480 gsf of residential uses. In total, the Proposed Actions could facilitate the

development of 180,808 gsf of residential uses (193 dwelling units, "DUs,") and 4,082 gsf of commercial uses within the Proposed Development Site and the Projected Development Sites. The Applicant's proposal would contain 122 DUs, 31 of which would be affordable pursuant to the 421-a program. Of the 31 affordable DUs, 27 would be affordable pursuant to Option 2 of the MIH program . MIH Option 2 requires 30 percent of residential floor area to be affordable for residents with incomes averaging 80 percent of Area Median Income ("AMI"). The Proposed Development Site would also contain 46 accessory parking spaces for the market-rate dwelling units. As the Proposed Development Site is located in a Designated Transit Zone, no accessory parking is required for the MIH affordable units. Projected Development Site 2, assumed to be developed with a residential and commercial building, would contain approximately 24 DUs (5 of which would be affordable pursuant to MIH), and 4,082 gsf of local retail uses on the ground floor, at an overall FAR of 4.6. Residential and commercial parking requirements would be waived, pursuant to ZR sections 25-261 and 36-232, respectively. Projected Development Site 3 could be developed with an approximately 40,480 gsf residential building containing 47 DUs, 9 of which would be affordable pursuant to MIH. Parking requirements would be waived pursuant to ZR Section 25-261.

The Proposed Rezoning Area is currently built with a mixture of public surface parking, conforming and nonconforming residential uses ranging from 2-4 stories, commercial uses ranging from 1-2 stories, and a two-story public facility. The Proposed Development Site is an approximately 25,000 sf through-lot with frontages on Hart Street and DeKalb Avenue, currently occupied by a two-story residential building containing four DUs. Lot 22 is occupied by a two-story two-family residential building. Lot 31 is occupied by a two-story United States Postal Service post office. Lot 38 is a corner lot occupied by a one story commercial building that houses a restaurant.

Absent the Proposed Actions, the existing conditions of the Proposed Rezoning Area are expected to remain with the exception of Projected Development Site 3. While this site currently contains an illegal nonconforming residential use, it is expected in the future absent the Proposed Actions that the existing building would be converted to a legal, conforming use, specifically, an 8,000 gsf commercial (office) use.

The analysis year for the Proposed Actions is 2022.

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

Block 3237, Lots 23, 47, and 48 (Proposed Development Site 1);
Block 3237, Lot 31 (Projected Development Site 2); 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 oil for heating, ventilating, and air conditioning (HVAC) and ensure that 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 31 (Projected Development Site 2)
Any new residential and/or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel oil for heating, ventilating, and air conditioning (HVAC) and hot water systems and ensure that HVAC stack is located at a height at least 98 feet above 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 oil for heating, ventilating, and air conditioning (HVAC) and hot water systems and ensure that HVAC stack is located at least 98 feet above grade to avoid and potential significant adverse air quality impacts.

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

Block 3237, Lots 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 ventilation includes, but is not limited to, central air conditioning.

Block 3237, Lot 31 (Projected Development Site 2)
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 north (Wyckoff 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 ventilation 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 maintain a closed-window condition, an alternate means of ventilation 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 construction, 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 methods and a site map with all sampling locations 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 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 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 and 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.

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 February 9, 2018, prepared in connection with the ULURP Application (Nos. 180148ZMK, N180149ZRK). 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 consistent 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 by 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 analysis 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 forseeable in the future with the Proposed Actions.

3. 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.

4. 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.

Robert Dobruskin

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

Date: February 9, 2018

Marisa Lago

Marisa Lago, Chair
City Planning Commission

Date: February 12, 2018