CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

# NEGATIVE DECLARATION

February 4, 2013

**Project Identification**
CEQR No. 13DCP067K
ULURP No. 130161ZMK
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**:

**Pitkin Avenue Rezoning**

The applicant, Pitkin-Berriman Housing Development Fund (HDFC), is seeking a zoning map amendment to rezone R5/C1-3 to R7A/C2-4 and removal of a C1-3 overlay. The proposed action would facilitate a proposal by the applicant to develop a new seven-story mixed-use building totaling 69,413 gsf including 9,300 gsf of ground floor commercial space and 60 units of residential housing above, and 10,175 sf of open space, accessory to the residents. The project site is located on the northern side of Pitkin Avenue, west of Berriman Avenue, and east of Shepherd Avenue (Block 4005, Lots 1, 2, 28, 35 and 38) in the East New York neighborhood of Brooklyn in Community District 5.

The applicant will be constructing the residential portion of the development with affordable housing for low to very low income residents earning 30-60% of the Area Median Income, pursuant to the New York City Housing Development Corporation (NYCHDC) low income tax credit program. The applicant intends to seek the discretionary financing at a later date, and will undergo environmental review at that time.

The subject site, proposed for development (Block 4005 Lot 28), is owned by the applicant, and currently vacant. The existing R5 zoning district with C1-3 overlay on the proposed site, permits residential uses with an FAR of 1.25 and commercial uses with a FAR of 1. The adjacent lots (1, 2, 35 and 38) in the rezoning area are not applicant owned, and are currently occupied by residential

buildings of 1-3 stories, with one (Lot 35) having ground floor retail.

The proposed R7A zoning is a Quality Housing district, which produces high lot coverage buildings with a maximum FAR of 4.0 for residential uses and 2.0 for commercial uses. Also, the Quality Housing Program requires that 20 percent of the lot coverage be open space, and the applicants proposed 10,175 sf of open space area fulfills this requirement.

Absent the proposed action, the applicant has stated that the subject site would be developed with as as-of-right, 4-story mixed-use residential, community facility and commercial building with an underground parking garage, which would be in compliance with the existing R5/C1-3 zoning requirements. The proposed project is expected to be completed in 2016.

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

The proposed action includes an (E) designation on the project site (Block 4005, Lot 28) 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-298.

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

> **Projected Development Site (Block 4005, Lot 28):**
> **To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades 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**
> **The applicant submits to New York City Department of Environmental Protection (DEP), for review and approval, a Phase II of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.**
>
> **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 the 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 Department of Environmental Protection (DEP) 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 DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the 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 performing sampling will be provided by DEP upon request.**

**Task 2**
**A written report with findings and a summary of the data must be submitted to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such testing results, a determination will be provided by DEP if the results indicate that remediation is necessary. If DEP determines that no remediation is necessary, written notice shall be given by DEP.**

**If remediation is necessary according to the test results, a proposed remediation plan must be submitted to DEP 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 DEP. Upon completion of the remediation, the fee owner(s) of the lot(s) restricted by this (E) designation should then provide proper documentation that the work has been satisfactorily completed.**

**A DEP-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 DEP 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 1, 2013, prepared in connection with the ULURP Application (No. 130161ZMK). 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 Ingrid Young at (212) 720-3425.

Celeste Evans

Date: February 1, 2013

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

Date: February 4, 2013

Amanda M. Burden, FAICP, Chair
City Planning Commission