CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION February 26, 2018

Project Identification
CEQR No. 18DCP072K
ULURP Nos. 170047 ZMK, N170046 ZRK
Brooklyn, Community District 6
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

55-63 Summit Street Rezoning
The Applicant, PHD Summit LLC., seeks a zoning map amendment to rezone property located at 55-63 Summit Street (Block 352, Lots 48, 49, 50, 51, and 52) in the Columbia Street Waterfront neighborhood of Brooklyn Community District 6, from M1-1 to R6B. The Applicant also seeks a zoning text amendment pursuant to Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the proposed rezoning area. The proposed actions would facilitate a proposal by the applicant to develop Lots 49, 50, 51, and 52 with a 5 story mixed use building measuring 55 feet in height and containing approximately 20,829 gross square feet (gsf) of floor area. The building would contain approximately 20,379 gsf of residential space for 14 dwelling units (DUs) of which up to 4 would be affordable pursuant to MIH and approximately 450 gsf of community facility space.

Currently, the lots affected by the proposed rezoning are mostly vacant. Lots 49, 50, 51, and 52 (owned by the Applicant) contain a one story vacant building (on lots 50 and 51) and two parking lots accessory to the vacant building (on lots 49 and 52). Lot 48 (not controlled by the Applicant) contains a one story building containing automobile uses. The lots to be rezoned are surrounded by residential uses to the north, east and west, and front Summit Street to the south.

In the future with the proposed actions, the Applicant would develop the 5 story mixed use described above on Lots 49, 50, 51, and 52. Lot 48 could also be redeveloped with a 5 story mixed use building measuring 55 feet in height and containing approximately 5,530 gsf of floor area. The

building could contain approximately 4,115 gsf of residential space for four dwelling units (DUs), approximately 450 gsf of community facility space, and a cellar containing 965 gsf of storage and mechanical space.

Absent the proposed actions, no development would occur on Lots 48, 49, 50, 51 or 52; these lots would be expected to remain in their existing condition.

The analysis year for the proposed actions is 2020.

To ensure that the redevelopment of these sites would not result in significant adverse impacts to hazardous materials, air quality, and noise an (E) designation (E-466) has been incorporated into the proposed actions, as described below.

The (E) designation requirements related to hazardous materials, air quality, and noise would apply to:

Projected Development Site 1*:
Block 352, Lots 49, 50, 51, 52

Projected Development Site 2:**
Block 352, Lot 48

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.

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* For the purpose of the E-designation, the Proposed Development Site is referred to as Projected Development Site 1

** For the purpose of the E-designation, the Projected Development Site is referred to as Projected Development Site 2

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 text related to air quality is as follows:

Any new residential and/or community facility development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water system and ensure that the HVAC stack is located at the highest tier, or at a minimum of 58 feet above grade to avoid any potential significant adverse air quality impacts.

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

In order to ensure an acceptable interior noise environment, future residential and/or community facility development at this location must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all façades in order to maintain an interior noise level of 45 dBA. 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, air conditioning.

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 23, 2018, prepared in connection with the ULURP Application (Nos. 170047 ZMK, N170046 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. A detailed Shadows analysis was conducted that determined that, although the Proposed Actions would result in incremental shadows on a nearby open space resource (the Summit Street Community Garden), the incremental shadows would be of a duration that would not result in significant adverse impacts.

2. The Proposed Actions would introduce new residential and community facility uses on a property currently zoned M1-1. M1-1 districts allow some types of community facility uses but do not allow residential use. The Land use, Zoning and Public Policy analysis in the Environmental Assessment Statement discloses that there are residential and community facility uses in the surrounding area. The proposed residential and community facility uses would be compatible with existing uses in the area, and therefore would not result in significant adverse impacts related to Land Use, Zoning, or Public Policy.

3. The (E) designation (E-466) would ensure that the Proposed Actions would not result in significant adverse impacts related to hazardous materials, air quality, or noise.

4. The Proposed Actions affect an area within the boundaries of the City's Waterfront Revitalization Program. An analysis was conducted (WRP Number: 16-031) that determined that the Proposed Actions comply with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program.

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 Kevin Corté at (212) 720-3250.

Robert Dobruskin

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

Date: February 23, 2018

Marisa Lago

Marisa Lago, Chair
City Planning Commission

Date: February 26, 2018