CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

September 5, 2017

REVISED NEGATIVE DECLARATION

(Supersedes the Revised Negative Declaration issued on July 10, 2017)[1]

Project Identification
CEQR No. 17DCP088K
ULURP Nos. C170189ZMK, N170190ZRK
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:
Ebenezer Plaza Rezoning

The Applicant, Brownsville Linden Plaza LLC, is seeking two discretionary actions (the "Proposed Actions"): (1) A zoning map amendment to rezone an M1-1 district to an R7A/C2-4 district and an R7D/C2-4 district, and (2) A zoning text amendment to Appendix F of the Zoning Resolution to designate the area to be rezoned as a Mandatory Inclusionary Housing (MIH) Area. The Proposed Actions would facilitate a proposal by the Applicant to redevelop two blocks (Blocks 3861 and 3862) in the Brownsville neighborhood in Brooklyn, Community District 16 with two mixed-use buildings to be known as Ebenezer Plaza. The proposed development is expected to include a total of 538,640 gross square feet (gsf) comprised of 531 residential units, 28,651 gsf of ground floor retail and 34,481 gsf of community facility use, to be occupied by a house of worship. The Proposed Actions would affect the entirety of two blocks (Blocks 3861 and 3862, the "Affected Area"), bounded by New Lots Avenue to the North, Hegeman Avenue to the South, Powell Street to the East and Christopher Avenue to the West. The proposed development project is a joint effort of the Procida Companies, the Church of God of East Flatbush, and Brisa Builders Corporation, in conjunction with the applicant.

[1] This Revised Negative Declaration supersedes the Revised Negative Declaration issued on July 7, 2017. This Revised Negative Declaration reflects a proposed modification by the New York City Council under consideration by the City Planning Commission which would remove Block 3860 from the Affected Area, and establish only Option 1 of MIH in the proposed Appendix F zoning text amendment. This Revised Negative Declaration reflects the updated analysis of the Revised EAS dated September 1, 2017, as noted in the Supporting Statement of this document.

In addition to seeking the proposed zoning map and text amendment, the Applicant also intends to seek public financing from the New York City Department of Housing Preservation and Development (HPD). The City Planning Commission, acting as Lead Agency, has conducted a coordinated environmental review, with HPD acting as an Involved Agency.

The Applicant owns both of the Blocks within the Affected Area: Blocks 3861 and 3862. Existing uses on the Blocks owned by the Applicant include automobile sales and repair, and commercial uses.

The existing M1-1 zoning district currently mapped on the Affected Area allows a maximum floor area ratio (FAR) of 1.0 for manufacturing and commercial uses and 2.4 FAR for limited Community Facility uses. Residential uses are not permitted to be developed in M1-1 districts. M1-1 districts permit light industrial uses, such as woodworking shops, repair shops and wholesale service and storage facilities. The maximum allowable building height in M1-1 districts is based on a sky-exposure plane, which begins 30 feet above the street line.

The Proposed Actions would change the underlying zoning from M1-1 to R7A and R7D zoning districts. An R7D district would be mapped on the southern portion of Block 3862 located within 150 feet of Hegeman Avenue, and on the southern portion of Block 3861 within 100 feet of Hegeman Avenue. An R7A district would be mapped on the northern portion of Block 3862 located beyond 150 feet of Hegeman Avenue and on the northern portion of Block 3861 located beyond 100 feet of Hegeman Avenue. A C2-4 commercial overlay is proposed to be mapped over the entire Affected Area. R7D districts permit a maximum residential FAR of 5.6, with affordable housing provided pursuant to the MIH program. The maximum allowable building height would be 115 feet. 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 95 feet. Pursuant to zoning regulations, no parking is required for affordable units. Parking is required for 50 percent of market rate units in R7D and R7A districts. C2-4 commercial overlays permit Use Groups 5-9 and 14, up to a maximum FAR of 2.0.

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. As part of the Proposed Actions, the Applicant seeks to establish an MIH Area, Option 1 over the entire Affected Area.

The Proposed Actions would facilitate a proposal by the Applicant to demolish the existing structures on Blocks 3861 and 3862 and construct two mixed-use residential buildings. The proposed building located on Block 3862 (Projected Development Site 1) would contain a mixed use building of approximately 321,573 gross square feet (gsf) comprised of an eleven-story southern portion (Building A1) and a nine-story northern portion (Building A2). The development would contain 279,594 gsf of residential area (315 dwelling units), 7,498 gsf of ground floor retail, and 34,481 gsf

of community facility use, to be occupied by a house of worship. The proposed building located on Block 3861 (Projected Development Site 2) would consist of a mixed-use residential and commercial building with approximately 217,067 gsf, comprised of an eleven-story southern portion (Building B2) and a seven-story northern portion (Building B1). The development would include 195,914 gsf of residential uses (216 dwelling units), and 21,153 gsf of ground floor retail. The proposed development would comply with Option 1 of MIH, requiring 133 of the units be permanently affordable. In addition, the Applicant intends to provide all 531 dwelling units as affordable housing, at or below 80% AMI. Parking is not required by zoning for the applicant's proposed project. No parking spaces would be provided in the applicant's proposed development. No other sites would be affected by the Proposed Actions.

The increment for analysis includes 471,074 gsf of residential area containing approximately 531 units (a portion of which would be permanently affordable), a reduction of 40,709 gsf of commercial space, and an increase of 34,465 gsf of community facility space.

Absent the Proposed Actions, the existing buildings on the Affected Area would not be demolished and the existing uses on the sites would remain.

It is expected that development of Projected Development Sites 1 and 2 would be completed by 2019.

To avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise, an (E) designation (E-419) 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 3862, Lots 1, 23, 24, 25 and 26 (Projected Development Site 1)
Block 3861, Lots 1 and 6 (Projected Development Site 2)

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 3862, Lots 1, 23, 24, 25 and 26 (Projected Development Site 1)
Block 3861, Lots 1 and 6 (Projected Development Site 2)

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

<u>Block 3862, Lots 1, 23, 24, 25 and 26 (Projected Development Site 1)</u>
South Building A1
Any residential and/or commercial development on the above-referenced property must utilize only natural gas in any fossil fuel-fired HVAC equipment, and HVAC exhaust stack is located at least 113 feet above grade.

North Building A2
Any residential and/or commercial development on the above-referenced property must utilize only natural gas in any fossil fuel-fired HVAC equipment, and HVAC exhaust stack is located at least 98 feet above grade. HVAC stacks must be located at least 125 feet away from the lot line facing Powell Street, and at least 295 feet away from the lot line facing Hegeman Avenue.

Block 3861, Lots 1 and 6 (Projected Development Site 2)
North Building B1
Any residential and/or commercial development on the above-referenced property must utilize only natural gas in any fossil fuel-fired HVAC equipment, and HVAC exhaust stack is located at most 78 feet above grade. HVAC stacks must be located at least 75 feet away from the lot line facing Sackman Street, and at least 172 feet away from the lot line facing Hegeman Avenue.

South Building B2
Any residential and/or commercial development on the above-referenced property must utilize only natural gas in any fossil fuel-fired HVAC equipment, and HVAC exhaust stack is located at least 113 feet above grade.

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

Block 3862, Lots 1, 23, 24, 25 and 26 (Projected Development Site 1)
Block 3861, Lots 1 and 6 (Projected Development Site 2)

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

Block 3862, Lots 1, 23, 24, 25 and 26 (Projected Development Site 1)
To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on all southern façade facing Hegeman Avenue and western façade facing Powell Street within 100 feet from Hegeman Avenue and 28 dBA of attenuation on all other façade 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, air conditioning.

Block 3861, Lots 1 and 6 (Projected Development Site 2)
To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all facades 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, 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 Revised Environmental Assessment Statement, dated September 1, 2017, prepared in connection with the ULURP Application (Nos. C170189ZMK, N170190ZRK). The City Planning Commission has determined

that the proposed actions 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. An Environmental Assessment Statement (EAS) was completed on March 17, 2017 and a Negative Declaration was issued on March 20, 2017. Due to an oversight, the open space and shadows analyses did not consider an open space resource identified as Green Valley Garden located at 93 New Lots Avenue, Brooklyn, New York (Block 3857, Lots 1, 24, 25, 26 and 27) immediately north of Applicant-controlled Projected Development Site 1. The analysis was updated to correct the error. A Revised EAS dated July 7, 2017, includes updated shadows analysis which take this open space resource into account. As detailed in the Revised EAS, the revised analyses conclude that the Proposed Actions would not have the potential for significant adverse shadows impacts.

2. Since the completion of the Revised EAS dated July 7, 2017, the New York City Council proposed modifications (the Council Modification) to the proposed actions. The Council Modification proposed to eliminate Block 3860, the block not owned by the applicant, from the Affected Area. The Council Modification would also establish only Option 1 of MIH in the Appendix F zoning text amendment. The Revised EAS dated September 1, 2017, includes analysis of the proposed Council Modification. As described in the Revised EAS, under the original proposal all lots on Block 3860 were assumed to be redeveloped as Projected Development Site 3, a mixed-use commercial residential development containing 69 dwelling units. Under the proposed Council Modification, the block is expected to remain in its existing condition. Accordingly, the (E) designation on Block 3860 proposed as part of the original application would no longer be necessary. As detailed in the Revised EAS, the revised analyses conclude that the Proposed Actions would not result in any significant adverse impacts and would not alter the conclusions of the previous Revised EAS dated July 7, 2017.

3. The (E) designation (E-419) for hazardous materials, air quality and noise would ensure that the proposed actions would not result in significant adverse impacts.

4. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Revised 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 Revised Negative Declaration, you may contact Stephanie Shellooe at (212) 720-3328.

Robert Dobruskin

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

Date: September 1, 2017

Marisa Lago

Marisa Lago, Chair
City Planning Commission

Date: September 5, 2017