



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

REVISED CONDITIONAL NEGATIVE DECLARATION
(Supersedes Conditional Negative Declaration issued on October 25, 2007)

Project Identification

CEQR No. 07DCP073K
ULURP Nos. 080115 HUK, 080116 ZMK and 080117 HDK
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
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Name, Description and Location of Proposal

Columbia and Hicks Streets Rezoning, Disposition and Urban Renewal Plan Amendment

The applicants, Columbia Hicks Associates, LLC (CHA) and the Department of Housing Preservation and Development (HPD), are proposing the following actions affecting all of Block 299 and a portion of Block 304 in the Columbia Street area of Brooklyn Community District 6:

- CHA and HPD are proposing a zoning map amendment to rezone the entirety of Block 299 from an M1-1 district to R6A and R6B districts and a portion of Block 304 (Lots 10, 16, 17, and portions of Lots 9 and 20) from an M1-1 district to an R7A district.
- HPD is requesting disposition of a city-owned property located on Block 304, Lot 10.
- HPD is requesting an amendment to the Columbia Street Urban Renewal Plan to remove commercial use restrictions and height restrictions on Block 304, Lots 10, 16 and 17, thereby permitting residential use pursuant to the proposed R7A district.

A Conditional Negative Declaration (CND) was issued on October 25, 2008. Subsequently, in response to comments from the community boards, the applicant redesigned the building proposed to be developed on Block 304, Lots 10, 16 and 17. This revised CND is being issued to reflect the changed project description.

The proposed actions would facilitate a proposal by CHA to redevelop six properties within the project area with four residential buildings containing a total of 188 residential dwelling units, 41 of which would be affordable to low and moderate income tenants:

- The proposed zoning map amendment would change the zoning designation of Block 304, Lots 10, 16 and 17, allowing a maximum FAR of 4.0. The property is located within the Columbia Street Urban Renewal Area and is subject to industrial use and has a height limit of three stories. The 36,909 square-foot site is currently developed with a parking lot and vacant manufacturing buildings and is presently owned by HPD. The proposed disposition would facilitate the transfer of ownership to CHA. As described in the CND issued on October 25, 2007, CHA proposed to construct three residential buildings totaling 148,500 square feet with a total of 118 dwelling units. The largest building, fronting Hicks Street, would have been eight-stories tall and contain 102 dwelling units, 41 of which would have been affordable. Two separate buildings, one each fronting on Warren and Baltic streets, would have been developed with four-story townhouses, containing a total of 8 dwelling units each. Subsequently, in response to comments from the community boards, CHA redesigned the project, reducing the height of the Hicks Street building, shifting some bulk to the Baltic Street building and connecting all three buildings into a U-shaped building. The wing fronting on Warren Street would continue to be developed with four-story townhouses containing 8 dwelling units, however, the Baltic Street wing would be developed with a six-story building containing 33 dwelling units. The Hicks Street building would be reduced to six-stories, and the interior would be reconfigured to provide 94 dwelling units, including 41 affordable units. Overall, the number of dwelling units to be developed on this site has increased from 118 units to 135 units. No change in building bulk, setbacks or overall floor area has resulted. The applicant intends to seek financing from the NYC Housing Development Corporation and 421A tax abatement program.
- The proposed zoning map amendment would change the zoning designation on Block 299, Lot 1, from M1-1 to R6A, allowing 3.0 FAR of residential and community facility uses. This 5,400 square-foot site is currently owned by CHA and is developed with a vacant manufacturing building which would be demolished to accommodate an approximately 16,000 square-foot residential building with 18 market-rate units.
- The proposed zoning map amendment would change the zoning designation of Block 299, 16, 18 and 19 from M1-1 to R6A, allowing 3.0 FAR of residential and community facility uses. This 11,719 square-foot site is currently owned by CHA and is developed with three vacant manufacturing buildings which would be demolished to accommodate approximately 35,000 square-feet of residential space with 34 market-rate units.
- The proposed zoning map amendment would change the zoning designation of Block 299, Lot 39 from M1-1 to R6B, allowing 2.0 FAR of residential and community facility uses. This 2,496 square-foot site is currently owned by CHA and is developed with a vacant manufacturing building which would be demolished to accommodate an approximately 5,000 square-foot residential structure with one market-rate unit.

In addition, two potential development sites not owned by the applicant are located within the proposed rezoning area. The first, located on Block 299, Lot 11 is currently developed with a manufacturing use. The second, located on Block 299, Lot 43, is currently developed with a commercial use. Both properties could be redeveloped with residential uses under the proposed actions.

Memorandum of Understanding

Regarding the city-owned property located on Block 304, Lot 10, HPD will require CHA to submit a hazardous materials Sampling Protocol for DEP approval. Testing and identification of any potential hazardous materials will be completed pursuant to the DEP-approved Sampling Protocol. If the results of the testing identify any potential hazardous materials, a hazardous materials remediation plan, including a site specific construction health and safety plan will be submitted for DEP review and approval. The remediation of potential hazardous materials will be implemented in accordance with the DEP-approved Remediation Plan and a closure report prepared by a New York State licensed Professional Engineer will be submitted to DEP for review and approval. HPD will require CHA to implement the provisions described above either as a condition of closing (to the extent that any of the work can be completed prior to closing) and/or through a provision incorporated into the Land Disposition Agreement (LDA) between HPD and CHA. The provisions described above (related to Block 304, Lot 10) have been mutually agreed upon by HPD and DEP in a Memorandum of Understanding dated October 12, 2007.

(E) Designations

The proposed action includes (E) designations for hazardous materials, air quality and noise. The placement of the (E) designation would ensure that significant hazardous materials, air quality and noise impacts would not occur.

The (E) designations for hazardous materials would be placed on the two potential development sites, which are not under the control of the applicant (Block 299, Lots 11 and 43). Properties under the control of the applicant would be subject to a restrictive declaration that would regulate hazardous materials abatement, which is discussed below. The text of the (E) designation for hazardous materials is as follows:

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists 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 NYCDEP 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. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtained, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

An (E) designation for air quality would be placed on Block 299, Lots 11 and 43. The text for the (E) designation is as follows:

Any new residential/commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) are located at least 30 feet for Oil No. 4, Oil No. 2 and Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

An (E) designation for noise would be placed on Block 299, Lots 1, 11, 16, 18, 19, 39 and 43 and Block 304, Lots 10, 16 and 17. The text for the (E) designation for these properties is as follows:

In order to ensure an acceptable interior noise environment, future residential / commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation in order to maintain an interior noise level of 45dB(A). In order 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 or air conditioning sleeves containing air conditioners or HUD-approved fan.

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 October 25, 2007 and revised February 21, 2008, prepared in connection with the ULURP Application (Nos. 080115 HUK, 080116 ZMK and 080117 HDK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant, Columbia Hicks, Associates, agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. A Phase I Environmental Site Assessment (ESA) was prepared on April, 2007, and is available in the proposal's CEQR file, for the property located at 75 Columbia Street, 86, 90 and 96 Congress Street, 79, 108 and 110 Warren Street and 109 Baltic Street (Block 299, Lots 1, 16, 18, 19 and 39 and Block 16, 17 and 10) in Brooklyn. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and Phase II testing was recommended by DEP, due to the potential for the presence of hazardous materials on the site as a result of past and present on and off-site land uses.

The declaration, binding on all successors and assigns of the applicant, requires that additional Phase II testing be prepared, including a sampling protocol and a health and safety plan for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's property would be characterized prior to any site disturbance.

The restrictive declaration was executed on October 17, 2007. On October 23, 2007, the DEP confirmed, via written correspondence, that the applicant filed a DEP-approved Restrictive Declaration with the New York City Department of Finance of the City Register.

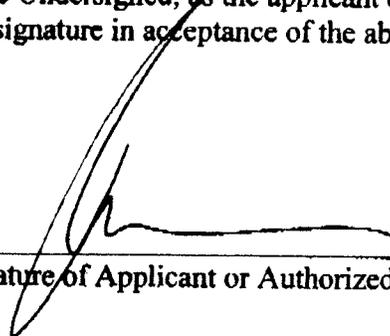
2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

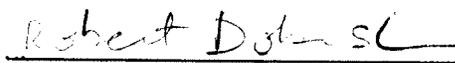
I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.



Signature of Applicant or Authorized Representative

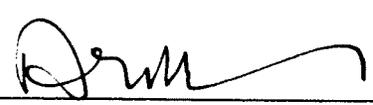
Date: 2/21/08

Columbia Hicks Associates, LLC
Name of Applicant or Authorized Representative



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

Date: 2/20/08



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 2/25/08

