E-184

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
SHAUN DONOVAN, Commissioner

Office of Development
DIVISION OF NEW CONSTRUCTION
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REVISED NEGATIVE DECLARATION

(Supersedes the Revised Negative Declaration issued on May 1st, 2007)

Project Identification

Location: 9 Cook Street and 40 Varet Street, Brooklyn, Community District 1
Block 3113, Lots 1, 4, 8, 9, 11, 14, 15, 17-22 and 26-33
CEQR No: 07HPD023K
ULURP Nos: C070434 ZSK, C070432 ZMK and C070433 HAK

Name and Description of Proposed Action

Cook Street Housing and Rezoning EAS:

The proposal involves an application by the New York City Department of Housing Preservation and Development (HPD), on behalf of the project sponsor, Cook Street Housing LLC, for several discretionary actions (which were approved by the City Planning Commission on August 8th, 2007 and subsequently approved by the City Council on September 10th, 2007). The actions included the disposition of City-owned property; CPC zoning special permits to allow a public parking garage with less than 100 spaces and a floor area waiver; and a zoning map amendment to change existing R6/C1-3 and R6/C2-3 zoning districts to R7A/C1-4 and R7A/C2-4 zoning districts. In addition, HPD sought project approval and designation of the site as an Urban Development Action Area Plan (UDAAP) Project.

The Environmental Assessment Statement (EAS) for the proposal, known as the Cook Street Housing and Rezoning EAS, assessed several actions to facilitate the development of 3, 8-story residential buildings containing 152 low-to-moderate income dwelling units, 6,680 square feet of local retail space, approximately 16,000 square feet of landscaped recreation space for residents and a 94-space public parking garage on a vacant site (Block 3113, Lots 9, 11, 13, 15, 26-29, 32 and 33) which is partially City-owned (lots 32 and 33 are owned by the project sponsor). In addition, several lots included under the zoning map change are in private ownership and are not under the control of the City or the project sponsor (Block 3113, Lots 1, 4, 8, 17-22, 30 and 31).

As described below, the proposed development will be implemented in conformance with the following provisions to be incorporated into the Land Disposition Agreement (LDA) and through the placement of (E) designations on the zoning map in order to ensure that there are no

significant adverse impacts related to hazardous materials and noise. The provisions are as follows:

Hazardous Materials

A Phase I Site Assessment, dated April 20th, 2007, was prepared for the development site (Block 3113, Lots 9, 11, 13, 15, 26-29, 32 and 33). Based upon review of the Phase I Environmental Site Assessment Report, and the removal of the underground storage tank, the New York City Department of Environmental Protection (DEP) has required that a Phase II Site Investigation be prepared for the development site.

The NYS Department of Environmental Conservation (NYSDEC) may have jurisdiction over some or all activities. If it is determined that the NYSDEC has jurisdiction, the developer is responsible to ensure a review of such plans is coordinated with the State. If applicable, the developer shall be responsible to provide copies of all correspondence with the State to HPD/DEP as it becomes available. If required, the developer shall provide any and all plans and reports generated in association with the requisite work to DEC. If applicable, the developer is responsible to ensure that a no further action determination is consistent with NYS DEC requirements. In addition, to meet their CEQR obligation:

The developer must undertake the following steps before the investigation can begin:

1. The developer must submit to the Department of Housing Preservation and Development's (HPD) Environmental Review Unit for review, a Phase II Sampling and Analysis work plan/protocol designed to identify and, if present, delineate the nature and extent of potential soil and groundwater contamination at the site, and a site specific Investigation Health and Safety Plan. Upon completion of this review and if the document is acceptable to HPD, HPD will transmit to the DEP/BEPA for approval. The plan may include, at the agencies discretion, descriptions of a geophysical survey, installation of soil borings/monitoring wells, and collection of soil and groundwater samples, including a description of the methods to be used, a site map showing clearly and precisely all testing locations. If any underground tanks are found on site, a protocol for tank removal and soil and groundwater testing must be prepared and submitted to HPD/DEP for approval.

2. The developer is responsible to provide a written report with findings and conclusions, and a summary of the testing program and laboratory results to HPD. The report should clearly indicate if remediation is required and its extent. Upon

completion of this review and if the document is acceptable to HPD, HPD will transmit to the DEP/OEPA for approval.

3. If DEP/OEPA determines no further soil or groundwater testing or remediation is necessary, then written notice shall be given by DEP that the site may be

developed as proposed. If remediation is deemed necessary by DEP, then the developer must undertake the following steps before construction can begin:

4. The developer must submit to the HPD Environmental Review Unit for review, a remediation plan and construction health and safety plan. The plans must address the remedial action that will be required for safe re-use, and health and safety measures to be carried out during the remediation to ensure activities will not have a negative effect on human health or the environment. Upon completion of this review and if the document is acceptable to HPD, HPD will transmit to the DEP/OEPA for approval.

5. The developer is responsible to perform any and all remediation and construction activities in accordance with the remediation plan and construction health and safety plan, as approved by DEP and, if required, DEC.

6. After completion of remediation, the developer shall provide a Site Closure report in accordance with DEP requirements to serve as proof that remediation is complete. If DEP/OEPA accepts the closure report, DEP will notify HPD and the developer that the proposed remediation work has been satisfactorily completed, and that the site is suitable for re-use/occupancy.

Noise Attenuation

The project sponsor will provide window-wall attenuation with an OITC rating of 30 dB(A) on the proposed development site (Block 3113, Lots 9,11,13,15, 26-29, 32 and 33). The noise attenuation provisions will be incorporated into the LDA. In accordance with the HUD residential standard, the required interior noise level shall be below 45 dB(A). The project site is located in an urban area in proximity to an elevated subway line, and a noise survey conducted at the site concluded that the peak hour L_{10} readings were between 70 and 75 dB(A). Based on the CEQR Technical Manual the noise level at the site has the potential to fall within the "Marginally Unacceptable" Range of 70 to 75 dB(A), and the project sponsor must provide a minimum OITC rating of 30 dB(A) window-wall noise attenuation with an alternate means of ventilation in the living room and bedrooms of each residential unit on all facades of all buildings, in order to ensure that the internal (closed-window) noise do not exceed 45 dB(A). Therefore, alternate

means of ventilation would be required. Alternate means of ventilation include, but are not necessarily limited to the following: (a) the provision of central air conditioning, (b) the provision of air conditioner sleeves containing air conditioners or (c) HUD-approved fans.

In addition, an (E) designation requiring 30 dB(A) of window-wall attenuation will be placed on the zoning map for the following properties: Block 3113, Lots 20, 21, 30 and 31.

Statement of No Significant Effect

The proposed action includes the above-described measures associated with hazardous materials and noise. With these measures in place, the proposed action would not result in any significant adverse impacts. If the provisions described above are not fully implemented, then the Negative Declaration shall become null and void. In such event, a Draft Environmental Impact Statement (EIS) will be prepared before proceeding further with said proposal.

Supporting Statements

The above determination is based upon an EAS dated April 23rd, 2007. The EAS is on file with HPD and available for public review. This Revised Negative Declaration supersedes the previously issued Revised Negative Declaration dated May 1st, 2007 and has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR Part 617.

Patrick Blanchfield
Director, Environmental Review

December 11, 2007
Date