



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

September 13, 2010

NEGATIVE DECLARATION

Project Identification

CEQR No.07DCP035K
ULURP Nos. 070245ZMK/N070246ZRK
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:

Wythe Avenue Rezoning:

The applicant, JBJ, LLC, proposes an amendment to the zoning map to change the zoning designation of the eastern half of the block bounded by Wythe Avenue to the east, South 3rd Street to the south, Kent Avenue to the west, and South 2nd Street to the north (Block 2415, Lots 16 part, 19, 24, 26-32, 36, 37, 38 part, 119, and 136) from M3-1 to a Special Mixed-Use (MX) M1-4/R6A district in the Williamsburg neighborhood of Brooklyn Community District 1. The proposed action also includes a text amendment to (1) establish the proposed Special Mixed-Use (MX) district within the proposed rezoning area and (2) to establish an Inclusionary Housing bonus within the proposed rezoning area. The Inclusionary Housing bonus would increase the floor area ratio (FAR) within the proposed M1-4/R6A district from 2.7 to 3.6 for developments providing affordable housing. The proposed rezoning covers an 52,499 sf area containing a mix of residential, automotive/industrial buildings, and vacant parcels.

The proposed action would facilitate a proposal by the applicant to develop a 6-story, 104,398 gross square foot (GSF) residential building containing 77 dwelling units (18 of which would be affordable under the Inclusionary Housing program); 28,999 gsf of ground floor retail; and 54 accessory parking spaces located in unattended, below-grade garage on the applicant's property (Block 2415, Lots 27-32, 36, and 37). The applicant's property is approximately 28,999 square feet in area and occupies a corner, through-lot site with frontages on Wythe Avenue, South 2nd Street, and South 3rd Street.

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In addition to the development of the applicant's property, the proposed action could also result in mixed use commercial and residential development on four other properties, not under the applicant's control, within the rezoning area. Together these five properties comprise the rezoning area in its entirety.

In total, the proposed action would result in the net increase of approximately 124,299 gsf of residential development consisting of 124 dwelling units (30 affordable units using the Inclusionary Housing bonus); 50,099 gsf of ground floor retail; 71 accessory parking spaces. Further, the action would result in the net decrease of 16,675 sf of wholesale use and 1,900 sf of commercial office use. The build year for the proposed action is 2015.

The applicant's property is currently developed by several vacant parcels and an industrial building. The remainder of the rezoning area is developed with two residential buildings, one of which includes ground floor retail, as well as three automotive/industrial buildings and two vacant parcels. The development of the applicant's property and four other sites would require the demolition of all of the existing building within the rezoning area.

To avoid any potential significant adverse impacts for air quality and hazardous materials an (E) designation (E-261) would be mapped as part of the rezoning, as described below.

The (E) designation for air quality would be mapped on Block 2415, Lots 27, 28, 29, 30, 31, 32, 36, and 37. The text of the (E) designation is as follows:

Brooklyn Block 2415, Lots 27, 28, 29, 30, 31, 32, 36, 37

Any new residential and/or commercial development on the above-referenced property must ensure that natural gas is used as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant air quality impacts.

With the placement of the (E) designation, no significant adverse impacts related to air quality would occur.

The (E) designation for the hazardous materials would be mapped on Block 2415, Lots 16, 19, 24, 26, 38, 119 and 136. The text of the (E) designation for hazardous materials for the properties identified below is as follows:

Brooklyn Block 2415, Lots 16, 19, 24, 26, 38, 119, 136

Due to the possible presence of hazardous materials on the aforementioned designated sites there is potential for contamination of the soil and groundwater. To determine if contamination exists and to perform the appropriate remediation, the following tasks must be undertaken by the fee owner(s) of the lot restrict by this (E) designation prior to any demolition or disturbance of soil on the lot.

Task 1

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

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.

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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.

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 August 4, 2010, prepared in connection with the ULURP Application (07DCP035K). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

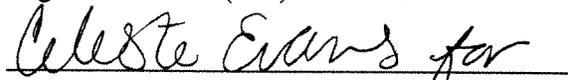
Supporting Statement:

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

1. Prior to construction, the applicant will provide the DEP with a Remedial Action Plan (RAP) and site-specific Construction Health and Safety Plan (CHASP) on the applicant-owned site (Brooklyn Block 2415, Lots 27, 28, 29, 30, 31, 32, 36 and 37), as requested in the DEP letter dated December 9, 2008. Consequently, the action would not result in significant adverse impacts due to hazardous materials.
2. No 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 Olga Abinader at (212) 720-3493.



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

Date: September 7, 2010



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: September 13, 2010