



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

## NEGATIVE DECLARATION

### **Project Identification**

CEQR No. 17DCP204K  
ULURP Nos. 170390 ZMK, N170391 ZRK  
SEQRA Classification: Unlisted

### **Lead Agency**

City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271  
Contact: Robert Dobruskin  
(212) 720-3423

### **Name, Description and Location of Proposal:**

#### **1220 Avenue P Rezoning**

The Applicant, Omni Enterprises LLC, is seeking a zoning map amendment affecting Block 6775, Lots 1, 5, 9, 12, 13, 74, and 75, and Block 6774, Lots 6, 7 and 9 (collectively the “Affected Area”) in the Homecrest neighborhood in Brooklyn, Community District 15. The Affected Area is on the south side of Avenue P beginning 100 feet east of Coney Island Avenue, terminating at East 13<sup>th</sup> Street, and includes portions of East 12<sup>th</sup> and East 13<sup>th</sup> Streets to the south of Avenue P. The zoning map amendment would replace the existing R5B zoning district currently mapped in the Affected Area, with a proposed R7A zoning district. In addition to the zoning map amendment, the applicant seeks a zoning text amendment to designate the Rezoning Area as a Mandatory Inclusionary Housing (“MIH”) Area (collectively the “Proposed Actions”). The Proposed Actions would facilitate the Applicant’s proposal to enlarge the NYU Langone Levit Medical Center, an existing five-story, approximately 22,000 gross square foot (gsf) community facility located at 1220 Avenue P (Block 6775, Lot 9). The proposed five-story, 20,000 gsf enlargement would be constructed on Block 6775, lots 12 and 13, adjacent to and immediately south of the existing facility. Lot 75 would contain accessory parking for six vehicles with a proposed curbcut onto East 13<sup>th</sup> Street.

The Rezoning Area was included in the 2006 Homecrest Rezoning (C 060129 ZMK), a 70 block rezoning of predominately residential areas bounded by Coney Island Avenue to the west, Kings Highway to the north, Ocean Avenue to the east and Avenue S to the south. As a result of the Homecrest Rezoning, the proposed Rezoning Area was rezoned from R6, that had allowed a Community Facility floor area ratio (FAR) of 4.8, to R5B (Community Facility FAR of 2.0). The proposed R7A zoning district would permit a Community Facility FAR of 4.0

The Rezoning Area consists of 10 tax lots fronting Avenue P, East 12th Street, and East 13th Street. The lots are primarily developed with community facility and residential uses. Block 6775, Lot 9 is the existing NYU Langone Levit Medical Center, a 5-story building on a 4,000

square foot lot fronting on Avenue P. Lot 12 (part of the Development Site) is a 2,000 square foot lot fronting East 13th Street that is used as surface parking lot for the Medical Center. Lot 13 (part of the Development Site) is a 2,000 square foot lot that contains a two-story residential building with a dwelling unit and an accessory home occupation fronting on East 13th Street. Lot 75 (part of the Development Site) is a two-story rowhouse building on a 2,000 foot lot that was previously used as a house of worship, but is currently vacant. Lot 74 contains a 2-story rowhouse on a 2,000 square lot fronting East 12th Street. Lots 1 and 5 are each 8,000 square foot lots developed with two-story community facility buildings owned and operated by the Jewish Center of Kings Highway and used as a private religious high school and a house of worship. Block 6774, Lots 6, 7, and 9 are each developed with 2-3 story 1-2 family homes ranging between 3,000 and 4,000 square feet.

The Proposed Rezoning Area is within an R5B zoning district that was mapped as part of the 2006 Homecrest Rezoning. The contextual height, bulk and setback regulations embodied in R5B districts aim to preserve the scale and harmonious streetscape of neighborhoods of four-story attached buildings developed during the 19th century. Many of these houses are set back from the street with stoops and small front yards that are typical of Brooklyn's "brownstone" neighborhoods, such as Park Slope, Boerum Hill and Bedford Stuyvesant. The Floor Area Ratio of 2.0 (2.2 with MIH) and the Quality Housing regulations also accommodate apartment buildings at a similar four- to five-story scale. The base height of a new building before setback must be between 30 and 40 feet; the maximum height is 50 feet. Curb cuts are prohibited on zoning lot frontages less than 40 feet. The street wall of a new building, on any lot up to 50 feet wide, must be as deep as one adjacent street wall but no deeper than the other. Off-street parking is required for 50% of dwelling units, but is waived for certain affordable units located within the Transit Zone. Parking is not allowed in any required front yards.

The proposed zoning map amendment would replace the existing R5B zoning district currently mapped in the Affected Area, with a R7A zoning district. R7A zoning districts permit a maximum residential FAR of 4.0 (FAR of 4.6 is permitted in MIH developments), and an FAR of 4.0 for community facility uses. Parking is required for 50 percent of market-rate dwelling units and 15 percent of affordable units in the R7 A district. Parking is not required for Medical Offices in R7A districts. The maximum base height in a R7A district is 75 feet and the maximum building height is 90 feet or 95 feet with a qualifying ground floor (at least 13 feet in height).

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. Option 2 requires 30% of units to be affordable at 80% AMI. As part of the proposed actions, the Applicant seeks to establish an MIH Area, Option 2 over the entire Project Site.

The proposed zoning map amendment to R7A would facilitate a proposal by the applicant to build a new five-story, 20,000 gsf enlargement to the NYU Langone Levit Medical Center. The proposed enlargement would result in a 42,000 gsf Medical Center with accessory parking for six vehicles. While community facility uses are permitted conforming uses in R5B zoning districts, the maximum FAR for community facilities is 2.0. The proposed R7A zoning district would permit a maximum FAR for community facilities of 4.0. Absent the proposed zoning map amendment action, the Applicant would be unable to construct the proposed development under

the existing bulk regulations for a community facility in an R5B district. According to the applicant, the expanded building would allow the Medical Center to serve an increased demand for healthcare and medical services in the community. Absent the proposed actions, the Applicant may not construct new residential uses on the Development Site and the No-Action Scenario would remain consistent with existing conditions. The analysis year for the proposed actions is 2020.

To avoid the potential for significant adverse impacts related to hazardous materials, and noise, an (E) designation (E-444) has been incorporated into the proposed actions, as described below:

The (E) designation text requirements related to hazardous materials would apply to the following sites:

**Projected Development Sites 1 and 2 (Block 6775, Lots 12, 13, and 75 and Block 6774, Lots 6, 7, and 9):**

**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 be 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 requirements related to air quality would apply to the following sites:

**Projected Development Site 1 (Block 6775 Lot 9, 12, 13, 74 and 75):**

**Any community facility expansion or development on the above referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems, and ensure that any expansion will utilize the existing HVAC system on Block 6775, Lot 9 and that HVAC stack is at least 73 feet above grade to avoid any potential significant air quality impacts.**

**Projected Development Site 2 (Block 6774, Lot 6, 7 and 9):**

**Any new residential/community facility development on the above referenced property must ensure that the HVAC stack is located at the height highest tier or at least 98 feet above grade.**

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

**Projected Development Site 2 (Block 6774, Lots 6, 7 and 9):**

**In order to ensure an acceptable interior noise environment, new residential/community facility development on the above referenced property must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation 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.**

**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 September 1, 2017, prepared in connection with the ULURP Application (Nos. 170390 ZMK, N170391 ZRK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

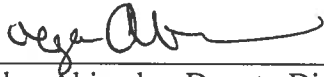
**Supporting Statement:**

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

1. The (E) designation (E-444) for hazardous materials, air quality and noise would ensure that the proposed actions would not result in significant adverse impacts.
2. 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 Evan Lemonides at (212) 720-3509.



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Olga Abinader, Deputy Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: September 1, 2017

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Marisa Lago, Chair  
City Planning Commission

Date: September 5, 2017