



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

**REVISED NEGATIVE DECLARATION**

**Supersedes the Negative Declaration Issued on December 12, 2016<sup>1</sup>**

**Project Identification**

CEQR No. 16DCP002K  
ULURP Nos. 150235ZMK and 150234ZRK  
SEQRA Classification: Type I

**Lead Agency**

City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10217  
Contact: Robert Dobruskin  
(212) 720-3423

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

**251 Front Street Rezoning**

The Applicant, 251 Front Street Realty Inc., seeks a zoning map amendment from a R6B to a R6A zoning district, affecting a property located at 251 Front Street (Block 42, Lot 24, the "Project Site" or "Rezoning Area") in the Vinegar Hill neighborhood of Brooklyn, Community District 2. The Applicant is also requesting a zoning text amendment to Zoning Resolution ("ZR") Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) to establish a Mandatory Inclusionary Housing ("MIH") Area (Option 1) coterminous with the Rezoning Area (collectively, the "Proposed Actions"). Under the proposed MIH Option 1 program, at least 25% of future residential floor area would be set aside for persons with incomes averaging 60% area median income ("AMI"). The Proposed Actions would facilitate the Applicant's proposal to construct an eight-story, 87,121 gross square foot ("gsf") building containing approximately 72 dwelling units, of which 18 dwelling units would be income-restricted. The Project Site would also include a cellar level accessory parking garage with approximately 27 unattended parking spaces. The Project Site is bounded by Water Street to the north, Front Street to the south, Gold Street to the east and Bridge Street to the west, and is adjacent to the Vinegar Hill Historic District.

In connection with the Proposed Actions, the Applicant will enter into a Restrictive Declaration, described in more detail in the supporting statement of this document. A Restrictive Declaration is warranted as a review of archaeological sensitivity models and historical maps by Landmarks Preservation Commission ("LPC") indicates that there is potential for the recovery of remains from the 19<sup>th</sup> century on the Project Site. The Applicant agrees, via the Restrictive Declaration, to conduct archaeological identification,

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<sup>1</sup> Since Certification of the ULURP application on December 12, 2016, the Applicant has revised the proposed rezoning action. This Revised Negative Declaration is reflective of the revised action, as noted in the Supporting Statement of this document.

investigation, and mitigation in accordance with the 2014 CEQR Technical Manual and LPC guidelines for archaeological work in New York City.

The Project Site is currently occupied with an approximately 19,991 square foot surface parking lot with two 20-foot wide curb cuts along Front Street and Gold Street. The Project Site is located within an existing R6B district which was included as part of the Department of City Planning's 1998 Vinegar Hill Rezoning. Under the existing zoning district, residential use (Use Groups 1 and 2) and community facility use (Use Groups 3 and 4) are permitted up to a maximum floor area ratio ("FAR") of 2.0 and building height of 50 feet. The Project Site is also adjacent to the Vinegar Hill Historic District, which is comprised of three non-contiguous areas characterized by brick and frame row houses dating back to the early 1800s. Two areas of the Historic District are nearby: the first located adjacent to the Project Site along Front Street and the second located directly across from the Project Site along Gold Street.

The proposed R6A district, to be mapped within the proposed MIH area, would allow residential use (Use Groups 1 and 2) up to a maximum FAR of 3.6, with a maximum overall building height of 85 feet.

Absent the Proposed Actions, the Project Site is expected to be developed with an as-of-right five-story, approximately 49,463 gsf building with 41,219 gsf of residential floor area (41 market rate dwelling units) and a 8,244 cellar level accessory parking facility containing 21 parking spaces.

The analysis year for the proposed project is 2019.

In order to preclude significant adverse impacts related to hazardous materials and air quality, the Proposed Actions include the assignment of an (E) designation (E-404).

The (E) designation related to hazardous materials and air quality would apply to the following site:

**Block 42, Lot 24**

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 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 related to air quality is as follows:

**Any new residential development located on the above-referenced property must ensure that the HVAC stack is located at the highest tier, or at a minimum of 98 feet above grade, to avoid any potential significant adverse air quality impacts.**

**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 and Technical Memorandum, dated May 5, 2017, prepared in connection with the ULURP Application (Nos. 150235ZMK and 150234ZRK). The City Planning Commission has determined that the Proposed Actions will have no significant effect on the quality of the environment.

**Supporting Statement:**

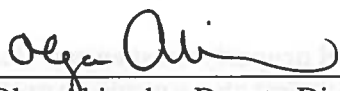
The above determination is based on an environmental assessment which finds that:

1. An Environmental Assessment Statement (EAS) was completed on December 6, 2016 and a Negative Declaration was issued on December 12, 2016 for the Applicant's original application. The original application included the mapping of a R7A zoning district. Since the application was certified, the Applicant has revised the proposal to rezone the Project Site as R6A rather than R7A. A Revised EAS was prepared that considers the mapping of a R6A zoning district. As discussed in the Revised EAS, it was determined that this change would not have the potential for significant adverse impacts, and would not alter the conclusions of the previous environmental review.
2. As part of the proposed project, the Applicant has entered into a Restrictive Declaration, agreeing to conduct archaeological identification, investigation, and mitigation in accordance with the 2014 CEQR Technical Manual and NYC Landmarks Preservation Commission guidelines for archaeological work in New York City. The Restrictive Declaration is binding upon the property's successors and assigns. The Restrictive Declaration serves as a mechanism to assure the archaeological testing be conducted and that any necessary mitigation measures be undertaken prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The Restrictive Declaration was prepared in a form acceptable to LPC, and was executed on March 7, 2017 and recorded with the New York City Department of Finance on March 8, 2017.

3. The (E) designation for hazardous materials and air quality 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 Christopher Lee of the Department of City Planning at (212) 720-3429.

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

Date: May 5, 2017

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Marisa Lago, Chair  
City Planning Commission

Date: May 8, 2017