



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

Project Identification

CEQR No. 11DCP150K
ULURP No. 110390ZMK
SEQRA Classification: Unlisted

Lead Agency

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

74 Wallabout Street Rezoning

The applicant, 74 Wallabout LLC, is seeking a zoning map amendment to rezone a block (Block 2261, Lots 1, 9, and 17) from a M1-2 district to a R7-1 district with a C1-5 overlay. The approximately 64,240 square-foot rezoning area is bounded by Kent Avenue to the west, Wallabout Street to the north, Franklin Avenue to the east, and Flushing Avenue to the south, in the South Williamsburg neighborhood area of Brooklyn, Community District 1.

The proposed action would facilitate a proposal by the applicant to redevelop a property located at 74 Wallabout Street (on a portion of Lot 1) with a seven-story, 70-foot tall mixed-use residential and commercial building with a below grade accessory garage. The development would consist of approximately 150,770 gross square feet (gsf) of residential space (135 dwelling units), 29,020 gsf of ground floor retail space, and 60 accessory parking spaces in an underground garage. It is expected that the proposed development would utilize the optional Quality Housing provisions of the proposed R7-1 district. In addition, the proposed action would facilitate a proposal by Yeshiva Bnos Ahavas Israel, a school located at 12 Franklin Avenue (Lot 17), to construct a five-story expansion with approximately 18,000 gsf of floor area on the remaining portion of Lot 1, adjacent to the proposed mixed-use building. It is expected that the mixed use building and school expansion would be constructed and occupied by 2014.

Lot 1 is currently developed with two- and three-story warehouse buildings with accessory parking/loading areas; these buildings would be demolished as part of the development of the proposed mixed use building and school expansion. Lot 17, the site of Yeshiva Bnos Ahavas Israel, is developed with a four-story former manufacturing building which was converted to school use pursuant to a use variance granted by the Board of Standards and Appeals (BSA). Yeshiva Bnos Ahavas Israel is a private K-12 school with approximately 650 students. Lot 9 is occupied by a five-story former manufacturing building which was converted to hotel use. The hotel, Pointe Plaza Hotel, has 71 guest rooms and a synagogue and mikva.

The rezoning area is currently zoned M1-2 which allows for light manufacturing uses and commercial uses up to a floor area ratio (FAR) of 2.0 and a maximum of 4.80 FAR of community facility use. Use Group 4 community facility uses such as school are not permitted on an as-of-right basis. As noted above, the existing school on Lot 17 was developed pursuant to a BSA use variance. Commercial uses, including hotel, office and most retail uses are also allowed as-of-right. Although community facility uses such as synagogues and mikvas are not as-of-right uses under the M1-2 zoning, they have been allowed in connection with the hotel as accessory uses to the hotel. Residential uses are not permitted in a M1-2 zoning district.

The proposed R7-1 district is a medium density residence district; the proposed C1-5 district is a commercial overlay district mapped within a residence district. Together the proposed R7-1/C1-5 district would permit residential use up to 3.44 FAR, commercial use to 2.0 FAR, and 4.80 FAR of community facility use. Although the proposed zoning permits a maximum FAR of 4.80, the overall FAR of the proposed mixed use development and school expansion on Lot 1 is 4.61 with 3.43 residential FAR, 0.73 commercial, and 0.45 community facility. For environmental review purposes, this is considered to be the “reasonable worst case development scenario” as it maximizes the residential floor area to greatest extent possible given the lot area being reserved for the proposed school expansion. According to the applicant, it is impracticable to increase the commercial floor area due to economic considerations and adding an additional floor to the school expansion would not match structurally the existing school building.

Under R7-1 height factor regulations, building height is governed by sky exposure plane rules rather than by a specific height limit. Under optional Quality Housing regulations, a building fronting a narrow street has a maximum building height of 75 feet a minimum base height of 40 feet and a maximum base height of 60 feet. In addition, because Lot 1 fronts narrow streets and abuts a building (the Yeshiva) which is setback 15 feet from the streetline, the optional Quality Housing regulations require the proposed mixed-use building to be located along the street lines on Wallabout Street and Kent Avenue and to match the 15-foot setback of the adjoining Yeshiva building on Flushing Avenue.

Surrounding the rezoning area, residential uses are located to the northeast, as well as to the east and further to the southeast. Residential buildings primary consist of multiunit, four- to six-story rental apartment and condominium buildings. Industrial and manufacturing uses are predominantly concentrated to the southwest of the rezoning area and consist of wholesale distributors, warehousing, industrial showrooms, and a limited amount of light manufacturing. Institutional uses are scattered throughout the secondary study and consist of largely of private schools.

Under the proposed action, the proposed residential use and school addition on Lot 1 would be allowed as-of-right. Both the existing school use on Lot 17 and hotel on Lot 9 would conform to the use regulations of the proposed R7-1/C1-5 zoning.

Absent the proposed rezoning action, the existing M1-2 zoning would remain in place and the current uses in the rezoning area would remain unchanged.

To avoid any potential impacts associated with hazardous materials, air quality (HVAC emissions), and noise an (E) designation (E-283) would be incorporated into the proposed zoning for Block 2261, Lot 1.

The text for the hazardous materials (E) designation is as follows:

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, 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 the NYC Office of Environmental Remediation (OER) 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.

No sampling program may begin until written approval of a work plan and sampling protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided 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 necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by OER. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to OER for review and approval prior to implementation.

The text for the air quality (E) designation is as follows:

Block 2261, Lot 1: Any new development on the above-referenced property must ensure that the heating, ventilating and air conditioning system (HVAC) systems will use exclusively natural gas as the type of fuel for space heating and hot water needs, to avoid any potential significant adverse air quality impacts.

The text of the noise (E) designation 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

35 dBA window/wall attenuation in the Flushing Avenue facade and 31 dBA on all other facades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternative means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

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 March 22, 2012, prepared in connection with the ULURP Application (110390ZMK). 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 for hazardous materials would ensure that the proposed actions would not result in significant adverse impacts due to hazardous materials.
2. The (E) designations for air quality (HVAC emissions) would ensure that the proposed actions would not result in significant adverse air quality impacts.
3. The (E) designations for noise would ensure that the proposed actions would not result in significant adverse noise impacts.
4. No other significant adverse 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 Diane McCarthy at (212) 720-3417.



Date: March 23, 2012

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



Date: March 26, 2012

Amanda M. Burden, FAICP
Chair, City Planning Commission