



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
OFFICE OF THE CHAIR

November 6, 2013

**REVISED NEGATIVE DECLARATION**  
**Supersedes Negative Declaration Issued on August 5, 2013**

**Project Identification**

CEQR No. 14DCP010K  
ULURP Nos. N140046ZRK, 140047ZSK,  
N140048ZAK, N140049ZAK, N140050ZCK  
SEQRA Classification: Type 1

**Lead Agency**

City Planning Commission  
22 Reade Street  
New York, NY 10007  
Contact: Robert Dobruskin  
(212) 720-3423

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

**77 Commercial Street**

**This Revised Negative Declaration has been issued to reflect the applicant's minor revisions to the proposal, as identified in the Revised Environmental Assessment Statement (EAS) issued for the proposed project on November 6, 2013, which supersedes the EAS issued on August 2, 2013. The Revised EAS considers the potential for significant adverse environmental impacts resulting from an increase in the number of proposed low-income affordable housing units (with incomes at or below 80 percent of area median income) from 72 to 200. The analysis has also been revised to include additional information regarding repairs to be made to the bulkhead within the affected area to facilitate development of the waterfront esplanade, potential construction of sewer outfalls, and to update the language regarding the (E) designation for hazardous materials. The revisions to the proposal resulted in updates to the following impact categories: Community Facilities, Natural Resources, Water and Sewer Infrastructure, Hazardous Materials, Open Space and and the Waterfront Revitalization Program (WRP) section of the Land Use, Zoning and Public Policy category. The revised analysis resulted in a commitment by the applicant to enter into a Restrictive Declaration against the affected property that would provide for funding of up to 11 day care slots (if needed to offset the potential incremental increase in demand for child care generated by project should additional funding be obtained to provide for an increase in the number of affordable housing units to be provided as part of the project). The revised analysis**

**concludes that the proposed revisions would not result in any significant adverse environmental impacts for the proposed project.**

Waterview at Greenpoint, LLC (the “applicant”) is seeking approval of a special permit, a zoning text amendment and authorizations, as well as other actions (the “proposed actions”) by the New York City Planning Commission (CPC) to facilitate the proposed redevelopment of the property located at 77 Commercial Street (Block 2472, Lot 410, the “development site”) in the Greenpoint neighborhood of Brooklyn Community District 1. The development site is adjacent to a parcel owned by the City of New York located at 65 Commercial Street (Lot 425, the “City-owned property” and, collectively with the development site, the “project area”). The project area, also referred to as Parcels 3 and 4 within the Greenpoint-Williamsburg Waterfront Access Plan (“WAP”) BK-1, is located on an irregular-shaped block bounded by Manhattan Avenue to the east, Commercial Street to the southeast, the prolongation of Eagle Street to the south, and Newtown Creek to the northwest.

The proposed actions are:

- A special permit (the “Special Permit”) pursuant to Section 62-836 (Bulk modifications on waterfront blocks) of the New York City Zoning Resolution (the “Zoning Resolution” or “ZR”) to waive requirements regarding maximum base and building heights and minimum setbacks;
- An authorization (the “Location Authorization”) pursuant to ZR Section 62-822(a) (Authorization to modify requirements for location, area and minimum dimensions of waterfront public access areas and visual corridors) to waive requirements regarding the location of visual corridors and upland connections and to permit the levels of visual corridors and waterfront yards to be raised;
- An authorization (the “Design Authorization” and, collectively, with the Location Authorization, the “Authorizations”) pursuant to ZR Section 62-822(b) (Authorization to modify requirements within waterfront public access areas) to allow modifications to permitted obstruction requirements for visual corridors and waterfront public access areas and to permit minor variations in the design of waterfront public access areas;
- With the Department of City Planning as co-applicant, an amendment (the “Text Amendment”) to the text of ZR Section 11-13 (Public Parks) and ZR Section 62-351 (Special floor area regulations) to provide that the City-owned property will continue to generate floor area even after it is developed as a “public park” as defined in ZR Section 12-10; and

The grant of the Special Permit, the Authorizations and the Text Amendment are discretionary land-use actions subject to City Environmental Quality Review (CEQR).

In addition, the applicant is seeking the grant of a Certification, described below, which is a ministerial action not subject to environmental review.

- A certification (the “Certification”) pursuant to ZR Section 62-811 (Waterfront public access areas and visual corridors) that except with respect to the waivers granted pursuant to the Authorizations, the design of the proposed waterfront public access areas would comply with the applicable requirements set forth in ZR Sections 62-50, 62-60 and 62-931

The proposed actions would facilitate a proposal by the applicant to construct a mixed-used development comprised of up to approximately 693,320 gross square feet (“gsf”) of residential uses, comprising 720 dwelling units, 200 of which are affordable, (low-, moderate- and middle-income households meeting the Inclusionary Housing program requirements), approximately 25,750 gsf of ground floor commercial uses, 6,200 gsf of community facility uses, and 46,730 gsf of attended, off-street accessory parking (320 spaces), for a total new development of up to approximately 760,650 gsf.

The proposed development would be housed in three separate buildings: a 2- to 6-story base building containing the commercial, community facility and affordable housing components (“Building 1”) wrapping a 30-story market rate residential tower (“Building 2”) and a 40-story market-rate residential tower (“Building 3”). The proposed development would also include the development of approximately 25,450 gsf of waterfront public access areas consisting of a shore public walkway along Newtown Creek and an upland connection linking the shore public walkway to Commercial Street along the western lot line of the development site, plus approximately 9,400 gsf of additional publicly accessible open space consisting of a landscaped pedestrian walkway linking Commercial Street and the shore public walkway along the eastern lot line, for a total of 34,850 gsf of publicly accessible open space. Additionally, the City-owned property would be developed with approximately 125,017 gsf of publicly accessible open space (including a shore public walkway and a portion of the upland connection between the City-owned property and the development site).

A Reasonable Worst Case Development Scenario (RWCDS) was identified for analysis purposes. In the future without the proposed action (the “No Action Scenario”), the development site would be developed with mixed use development comprising approximately 265,690 gsf of residential uses (276 market-rate dwelling units), 25,750 gsf of ground-floor local retail and service uses, 6,200 gsf of community facility uses, 138 off-street parking spaces and 16,025 sf of publicly accessible open space. The City-owned property would be developed with approximately 125,017 gsf of publicly accessible open space.

In the future with the proposed actions (the “With Action Scenario”), the project area would be developed with approximately 720 dwelling units (200 of which would be affordable to low-, moderate- and middle-income households under the Inclusionary Housing program), up to 25,750 gsf of ground-floor local retail and service uses, up to 6,200 gsf of community facility uses, 320 off-street parking spaces and 34,850 gsf of publicly accessible open space. The City-owned property would be developed with approximately 125,017 gsf of publicly accessible open space, this time utilizing the proceeds of sale of development rights as partial construction funding.

The increment between the No Action and With Action Scenarios would comprise a net increase in development of approximately 444 dwelling units (of which 200 would be affordable to low-income households pursuant to the Inclusionary Housing Program), 182 off-street parking spaces and 18,825 gsf of publicly accessible open space.

The development site is currently occupied by an existing 2-story warehouse building, which would be demolished prior to construction of the proposed development. The City-owned property is currently leased to the New York City Transit Authority (NYCTA) and used for vehicle storage and offices for its Office of Emergency Response and for vehicle maintenance and storage.

The development site and City-owned property were rezoned to R6 in 2005 under the Greenpoint Williamsburg Rezoning, which also mapped a C2-4 commercial overlay within 150 feet of Commercial Street. Under special rules for this area, the R6 district mapped on the sites permits residential uses to an FAR of 2.43, which is bonusable to 2.75 under the Inclusionary Housing program. Community facility uses are permitted to an FAR of 4.8 if no residences are present on the zoning lot, but are limited to residential FARs if residences are present. Commercial uses are permitted to an FAR of 2.0 within the C2-4 overlays and to a limited extent elsewhere as well.

In connection with the 2005 Greenpoint-Williamsburg Rezoning (CEQR No. 04DCP003K), the City executed a memorandum of Points of Agreement (“POA”) in which the City stated its intention to relocate the existing NYCTA facilities from the City-owned property and to redevelop the site as a publicly accessible open space (public park). The POA also stated the City’s intention to sell excess development rights from the City-owned parcel to an adjacent property owner and to require that the purchaser of the development rights provide 200 affordable housing units as part of the future development of its property. The City and the applicant have executed a contract of sale pursuant to which the applicant would acquire the development rights from the City-owned property for use in the proposed development on the development site. The City would use the proceeds from the sale of the development rights as partial funding for the construction of the publicly accessible open space on the City-owned property.

The anticipated build year for the proposed project is 2016.

In addition to the proposed actions, an improvement that would eliminate the potential for significant adverse impacts related to community facilities are proposed by the applicant, also referred to as project components related to the environment (PCRE). The improvement concerns the provision of child care for children from eligible households. In accordance with the terms of a Restrictive Declaration to be recorded against the project site, the applicant (or its successors) would provide funding would provide funding for up to 11 slots in publicly-funded child care facilities in the event that the proposed project if needed to offset the potential incremental increase in demand for child care generated by project.

To avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise, (E) designation (E-318) has been incorporated into the proposed project as described below. This new (E) designation supersedes an (E) designation (E-138) previously assigned to the

development site pursuant to the prior Greenpoint Williamsburg rezoning (CEQR No. 04DCP003K).

The (E) designation text related to hazardous materials is as follows:

**Development Site (Block 2472, Lot 410)**  
**City-Owned Site (Block 2472, Lot 425)**

**Task 1**

**The applicant must submit to the NYC Office of Environmental Remediation (OER), for review and approval, a Phase I Environmental Site Assessment, any other previous environmental studies, and 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 sample sites should be selected to adequately characterize site, the specific source 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 the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.**

**Task 2**

**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 the test results, a proposed remediation plan must be submitted to OER for review and approval. Such remediation as determined necessary by OER must be completed and then proper documentation provided that the work has been satisfactorily completed.**

**A construction-related health and safety plan (CHASP) and Community Air Monitoring Program (CAMP) would be submitted to OER together with the RAP and 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.**

With the abovementioned institutional controls in place, no significant adverse impacts related to hazardous materials would result from the proposed actions.

The (E) designation text related to air quality is as follows:

**Development Site (Block 2472, Lot 410)**

**Building 1 (6-Story Base)**

Any new development on the above-referenced property must ensure that the fossil fuel-fired heating and hot water equipment will utilize only natural gas, and must be fitted with low NO<sub>x</sub> burners with a maximum emission concentration of 30 ppm, and that heating and hot water equipment exhaust stack(s) are located at least 68 feet above grade, and at least 120 feet from lot #425 of Block 2472, and at least 100 feet from Building 2, to avoid any potential significant air quality impacts.

**Development Site (Block 2472, Lot 410)**

**Building 2 (30-Story South Tower)**

Any new development on the above-referenced property ensure that the fossil fuel-fired heating and hot water equipment will utilize only natural gas, and must be fitted with low NO<sub>x</sub> burners with a maximum emission concentration of 30 ppm, and that heating and hot water equipment exhaust stack(s) are located at least 331 feet above grade to avoid any potential significant air quality impacts.

**Development Site (Block 2472, Lot 410)**

**Building 3 (40-Story North Tower)**

Any new development on the above-referenced property must ensure that the fossil fuel-fired heating and hot water equipment exhaust stack(s) are located at least 429 feet above grade, to avoid any potential significant air quality impacts.

With the abovementioned institutional controls in place, no significant adverse impacts related to air quality would result from the proposed actions.

The (E) designation text related to noise is as follows:

**Development Site (Block 2472, Lot 410)**

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades 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. Alternate means of ventilation includes, but is not limited to central air

**conditioning or air conditioning sleeves containing air conditioners.**

With the abovementioned institutional controls in place, no significant adverse impacts related to noise would result from the proposed actions.

**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, dated November 6, 2013, prepared in connection with the ULURP Application (Nos. 140046ZRK, 140047ZSK, N140048ZAK, N140049ZAK, N140050ZCK). 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 air quality, noise and hazardous materials would ensure that the proposed actions would not result in significant adverse impacts.
2. The PCREs related to community facilities described above would ensure that the proposed actions would not result in significant adverse impacts.
3. 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 Olga Abinader at (212) 720-3493.

*Robert Dobruskin*

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

Date: November 6, 2013

*Amanda M. Burden*

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Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: November 6, 2013