CON­DI­TIONAL NE­GA­TIVE DECLAR­A­TION

Project Iden­tifi­ca­tion
CEQR No. 14DCP135K
ULURP No. 140288ZMK
SEQR Type: Unlisted

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

Name, Descrip­tion and Lo­ca­tion of Pro­posal:

5402 Fort Ham­il­ton Park­way Re­zon­ing
The appli­cant, Fort Ham­il­ton LLC, is seek­­ing a zon­ing map amend­ment to rezone Block 5673, Lots 42, 50, and part of Lot 41, from R5/C1-3 to R6/C1-3, and part of Lot 20 of Block 5666 from R5 to R6 (the “pro­posed action”). The rezon­ing area is bounded by Fort Ham­il­ton Park­way, 55th Street, 9th Avenue, and 53rd Street, and is locat­ed within the Borough Park neigh­bor­hood in Brook­lyn, Com­munity Dis­trict 12. The pro­posed action would facil­i­tate a pro­posal by the appli­cant to con­struct a 50,669 square foot (sf), mixed-use de­vel­op­ment contain­ing 45,055 sf of com­mu­nity facil­ity uses and 5,614 sf of com­mer­cial uses on Lots 42 and 50 (“pro­ject site”). The pro­posed de­vel­op­ment would also include an ac­ces­sory park­ing gar­age with 150 spaces, ac­cessed by a pro­posed curb-cut along 54th Street.

The pro­ject site cur­rently con­tains 11,167 square feet of lot area. Lot 42, at the south­west cor­ner of Fort Ham­il­ton Park­way and 54th Street, is a former auto re­pair estab­lish­ment, consist­ing of a vac­ant gar­age build­ing and paved area that is fenc­ed and un­used. Lot 50, locat­ed to the south of the corner lot and front­ing on Fort Ham­il­ton Park­way, con­tains a nar­row, vac­ant three-story for­mer mixed use build­ing. Por­tions of two parcels (Lot 41 of Block 5673 and part of Lot 50 of Block 5666), not un­der the appli­cant’s con­trol, are locat­ed within the bound­ar­ies of the pro­posed re­zon­ing. Lot 41, to the west of the pro­ject site, con­tains a three-story residen­tial build­ing. Lot 50, to the north of the pro­ject site, is occu­pied by the Mon­as­tery of the Pre­cie­ous Blood in­st­itu­tion. The par­cels not un­der the appli­cant’s con­trol are not ex­pect­ed to be re­devel­oped or en­larged as a re­sult of the pro­posed ac­tion.

The ex­ist­ing R5/C1-3 zon­ing per­mits a FAR of 1.25 for residen­tial use and 2.0 for com­mu­nity facil­ity uses. The pro­posed re­zon­ing would in­crease the per­mit­ted FAR for residen­tial use to 2.43 and com­mu­nity facil­ity use to 4.8.
For the purposes of a conservative analysis, the Reasonable Worst Case Development Scenario (RWCDS) analyzed in the Environmental Assessment Statement (EAS) assumes that the project site would be developed with a 99,034 gsf building containing 57,890 sf of medical office uses, 5,614 sf of retail commercial uses, and an accessory parking garage containing 151 parking spaces occupying up to 35,530 sf. The garage would be accessed via a proposed new curb cut located on 54th Street.

The proposed project is expected to be constructed and occupied by 2016.

Absent the proposed action, the applicant has stated that the project site would be developed with a three-story 52,272 gsf medical office and retail building pursuant to the existing R5/C1-3 zoning. An 82-space accessory parking garage, accessed via a new curb cut on 54th Street, would also be provided.

The proposed action includes an (E) designation (E-341) applicable to the project site (Block 5673, Lots 42 and 50). The (E) designation would preclude significant adverse impacts related to air quality, noise, and hazardous materials.

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

**Any new residential and/or commercial development on the above-referenced property must use natural gas for HVAC systems to avoid any potential significant adverse air quality impacts.**

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

**To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum OITC rating of 28 dBA window/wall attenuation to maintain an interior noise level of 45 dBA. 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, air conditioning. For commercial uses, the requirement would be 5 dBA lower, or 23 dBA.**

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

**Task 1 – Sampling Protocol**

The fee owner of the lots restricted by this (E) designation is required to submit to OER, for review and approval, an updated 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. No sampling shall 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 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 OER determines that remediation is necessary based on test results, a proposed
remediation plan must be submitted to OER for review and approval. The fee owner of the
lots must complete such remediation as determined necessary by OER. The fee owner of
the lots shall then provide proper documentation that the work has been satisfactorily
completed.

A construction-related health and safety plan must be submitted to OER for approval and
then 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.

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 October 17, 2014, prepared in connection with the
ULURP Application 140288ZMK. The City Planning Commission has determined that the
proposed action will have no significant effect on the quality of the environment, once it is
modified as follows:

1. The applicant agrees to contact the New York City Department of Transportation
   (NYCDOT) within six months after the completion of this project and to inform them of the
   need to implement the following traffic mitigation measures:

   • A three second signal timing shift at the intersection of 54th Street and Fort Hamilton
     Parkway in order to restore overall acceptable operating levels for the eastbound
     approach during the PM peak hour.

   • A revision to the current on-street parking regulations on an approximately 50-foot
     stretch of the west side of Fort Hamilton Parkway between 54th Street and the mid-block
     between 54th Street and 55th Street from the existing “No Parking 8:30-10 AM Monday”
     to “No Standing 7AM-7PM Monday to Friday except Authorized Vehicles, Ambulettes.”
This revision will ensure that traffic flow along Fort Hamilton Parkway will not be impeded.

- A revision to the current on-street parking regulations by installing a “No Standing Anytime” sign approximately 20 feet west and east of the driveway access to the proposed below grade automated off-street parking facility (on 54th Street, west of Fort Hamilton Parkway). This revision will ensure acceptable ingress and egress to the off-street parking facility and visibility.

The above referenced measures will be ensured through a Restrictive Declaration recorded against the project site.

Supporting Statement:

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

1. The traffic analysis indicates that project-generated traffic has the potential to generate a significant adverse impact. The proposed traffic mitigation measures, including signal timing modifications and revisions to on-street parking regulations, would fully mitigate the potential impact. In consultation with NYCDOT, these measures were deemed to be reasonable and feasible. A Restrictive Declaration will be recorded against the project site to ensure that the proposed traffic mitigation measures are implemented at the time of development to avoid a significant adverse impact.

2. The (E) designation for air quality, noise, and hazardous materials would ensure that the proposed action would not result in significant adverse impacts.

3. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions are not fully implemented in connection with the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Lauren Hamid-Shapiro at (212) 720-3426.
This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.

[Signature]
Signature of Applicant or Authorized Representative

[Signature]
Name of Applicant or Authorized Representative

[Signature]
Olga Abinader, Deputy Director
Department of City Planning

Date: October 17, 2014

Carlo Weisbod, Chairman
City Planning Commission