



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

**REVISED NEGATIVE DECLARATION**  
**Supersedes Negative Declaration Issued on August 17, 2015**

**Project Identification**

CEQR No. 16DCP018K  
ULURP Nos. N150368ZAK and N150369ZCK  
SEQRA Classification: 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:**

**31-33 Lincoln Road**

The applicant, 31 Lincoln Road Development, LLC is seeking an authorization pursuant to ZR Section 63-22 ("Authorization to Modify Maximum Building Height") to allow an increase in the maximum permitted building height by up to 15 feet in connection with the provision of a Food Retail Expansion to Support Health ("FRESH") food store. The proposed authorization would facilitate a proposal by the applicant to develop an approximately 90' tall mixed use building at 31-33 Lincoln Road (Block 5024, Lot 74 the "project site") in an R7-1/C2-3 zoning district within the Prospect Park-Lefferts Gardens neighborhood in Brooklyn, Community District 9.<sup>1</sup>

In connection with the proposed project the applicant also seeks a Chairman's Certification pursuant to ZR Section 63-30 ("FRESH"), which is a ministerial action.

The project site is an irregularly shaped lot, bounded by Lincoln Road to the south, Flatbush Avenue to the east and the Brighton Line subway right-of-way to the west. Currently, the project site is under construction pursuant to DOB approved plans for the development of an 8-story, approximately 83,863 gross square feet (gsf) mixed use building. Per the DOB approved plans, the building would include approximately 69,465 gsf of residential uses on the upper floors (82 dwelling units, 16 of which would be affordable pursuant to the 421(a) program) within two tower structures. The building would also include a ground-floor base containing approximately 7,978 gsf of retail uses and 6,419 gsf of community facility uses. Sixty enclosed accessory parking

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<sup>1</sup> This Revised Negative Declaration has been issued to address updates to the proposed noise-related (E) designation, as described in the supporting statement of this document.

spaces accessed via an existing curb cut along Flatbush Avenue would be located at the cellar and sub-cellar levels of the building.

In connection with the proposed certification, the FRESH food store would generate a floor area bonus of 6,065 gross square feet of residential floor area, which the applicant expects to provide as an additional story. The additional story would be allowed per the proposed authorization for modification of maximum building height. Within the R7-1/C2-3 zoning district, development using the optional Quality Housing program are allowed a maximum height of 75 feet along narrow streets and 80 feet along wide streets. The proposed project is situated along a wide street and is under development pursuant to the Quality Housing program.

In total, upon approval of the two requested actions, the proposed development would total approximately 91,599 gsf and include 78,958 gsf of residential uses (90 dwelling units, 18 of which would be affordable pursuant to the 421(a) program); a 6,157 gsf FRESH food store; 5,527 gsf of commercial retail uses; and 957 gsf of community facility uses. Similar to the DOB-approved plans, fifty-seven enclosed accessory parking spaces, accessed via an existing curb cut on Flatbush Avenue, would be provided in the building's cellar and sub-cellar levels.

The project site is located within an R7-1/C2-3 zoning district, which allows residential uses to a maximum FAR of 3.44 (beyond 100' of Flatbush Avenue) and 4.0 (within 100' of Flatbush Avenue). Given the project site's location, a maximum adjusted residential FAR of 4.07 is allowed on the site. The maximum allowable commercial FAR within R7-1/C2-3 districts is 2.0.

Absent the proposed authorization the project site is expected to be developed in accordance with the DOB approved plans.

The analysis year for the proposed project is 2018.

In connection with the proposed authorization the project site would be assigned an (E) designation (E-363) in order to preclude future noise impacts, which could occur as a result of the proposed action. It should be noted that the building currently undergoing construction pursuant to DOB approved plans does not yet have windows in place. The (E) designation requirements related to noise will apply to Block 5024, Lot 74, as described below.

The text for the (E) designation, which is applicable to the proposed development's southern façade along Lincoln Road (floors 2-9) and the eastern façade along Flatbush Avenue (floors 5-8) would be as follows:

**“To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum 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.”**

The text for the (E) designation, which is applicable to the proposed development's eastern façade along Flatbush Avenue (floor 9) would be as follows:

**“To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 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.”**

With the attenuation measures specified above, the proposed development would not result in any significant adverse noise impacts, and would meet CEQR guidelines.

**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 October 19, 2015, prepared in connection with the ULURP Application (Nos. N150368ZAK and N150369ZCK). 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:

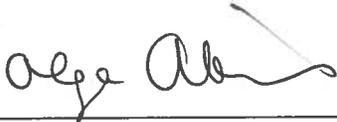
1. Since the issuance of the Environmental Assessment Statement (EAS) on August 14, 2015, and the Negative Declaration on August 17, 2015, additional noise readings were conducted that altered the conclusions of a noise-related (E) designation assigned to the project site. The (E) designation described in the August 2015 EAS incorporated a requirement of 31 dBA window wall attenuation applicable to residential windows located on the 2<sup>nd</sup> through 9<sup>th</sup> floors of the proposed development's southern façade along Lincoln Road. The (E) designation also incorporated two additional noise attenuation requirements that apply to the proposed development's eastern façade along Flatbush Avenue: a 31 dBA attenuation requirement for residential windows located on the 5<sup>th</sup> through 8<sup>th</sup> floors, and a 28 dBA attenuation requirement for residential windows situated on the 9<sup>th</sup> floor.

A Revised EAS issued on October 7, 2015 reflects additional noise readings conducted in September of 2015. The Revised EAS concludes that residential windows located on the 2<sup>nd</sup> through 9<sup>th</sup> floors of the proposed development's southern façade along Lincoln Road are required to provide 28 dBA, rather than 31 dBA of window wall attenuation. Attenuation requirements applicable to the proposed development's eastern façade along Flatbush Avenue would remain unchanged. The (E) designation related to noise has been revised accordingly. The revised (E) designation related to 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 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 Ingrid Young of the Department of City Planning at (212) 720-3425.



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

Date: October 16, 2015

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Carl Weisbrod, Chairman  
City Planning Commission

Date: October 19, 2015