



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

Project Identification

CEQR No. 17DCP121K

ULURP Nos. N180093ZCK, N180094ZAK

Brooklyn, Community District 4

SEQRA Classification: Unlisted

Lead Agency

City Planning Commission

120 Broadway

New York, NY 10271

Contact: Robert Dobruskin

(212) 720-3423

Name, Description and Location of Proposal:

605 Hart Street FRESH Food Store Authorization

The applicant, Occam Suy LLC, is seeking a Zoning Authorization to modify maximum building height pursuant to Zoning Resolution (ZR) Section 63-22 (Authorization to Modify Maximum Building Height) on a property located at 605 Hart Street (Block 3217, Lots 10 and 53, the "Project Site"). The proposed authorization would facilitate a proposal by the applicant to construct a 73,761 square foot mixed use development, including a 8,527 square foot Food Retail Expansion to Support Health (FRESH) food store in an R6 and R6/C2-3 district within a FRESH program zone in the Bushwick neighborhood of Brooklyn, Community District 4. The proposed authorization would allow the maximum height of the development to be increased from 55 feet, which is permitted on an as-of-right basis, to 70 feet. In conjunction with the proposed Authorization, the applicant is also seeking a Chairperson Certification pursuant to ZR Section 63-30 (Certification for a FRESH Food Store), which is a ministerial action not subject to environmental review. The proposed Certification would allow the proposed development to qualify for a floor area bonus, and the proposed Authorization would allow the development to accommodate the bonused floor area.

Under the proposed actions, the proposed development would consist of two newly constructed buildings, referred to as Projected Development Site 1 and Projected Development Site 2. Projected Development Site 1 would consist of one mixed use dual segment building; one segment, located at 605 Hart Street, would contain commercial and residential uses, including the FRESH food store, and another segment, located at 118 Suydam Street, would contain entirely residential uses. R6 zoning districts allow Quality Housing regulations which permit a maximum FAR of 2.2 and a

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maximum height of 55 feet on a narrow street. The proposed actions would allow for the development of a FRESH food store that would entitle the proposed project to a residential floor area bonus available pursuant to ZR Section 63-21 (Special Floor Area Regulations), permitting an increase of up to 6,000 square feet (sf) of residential zoning floor area above the currently permitted 2.2 FAR which could not be accommodated within the currently permitted building envelope. The increase in building height from 55 feet to 70 feet as a result of the authorization would result in the addition of 15,255 gsf.

Projected Development Site 1 would have 56 residential units, ground floor retail space occupied by a 7,364 gsf FRESH food store, plus approximately 2,893 gsf retail storage space in the cellar (which would not count as FRESH food store area), and require 22 accessory off-street parking spaces, located in the cellar. Of the 56 dwelling units (DU), 44 (80%) would be market rate, 11 (20%) would be affordable to households earning up to 60% of area median income (AMI), and one would be a superintendent unit. At the time of the project approvals, a restrictive declaration will be recorded against the property, binding the owner and its successors and assigns to continued use of the space as a FRESH food store.

Projected Development Site 2 would contain an approximately 59-foot, 27,770 gsf house of worship in accordance with a building permit issued by the New York City Department of Buildings (DOB). Projected Development Site 2 would be located on Lot 10 at 114 Suydam Street and is not subject to the proposed actions. Lot 10 is included in the Project Site in order to contribute to the total available floor area, but Projected Development Site 2 is as-of-right and is currently under construction.

Absent the proposed actions, the Project Site would be developed pursuant to DOB-approved building permits. The DOB-approved development on Lot 53 consists of a 54-foot, 61,322 gsf mixed use building with a 43-unit residential space, retail space occupied by a grocery store and retail storage space in the cellar. Of the 43 DU, 34 (80%) would be market rate, 8 (20%) would be affordable to households earning up to 60% of AMI, and one would be a superintendent unit. The DOB-approved development would require 20 accessory off-street parking spaces, located in the cellar.

The incremental development projected to occur in the future with the proposed actions would consist of: 15,255 gsf of residential, or approximately 13 dwelling units, 4,071 of commercial use, and 2 additional accessory parking spaces.

The analysis year for the proposed project is 2020.

To ensure that the redevelopment of these sites would not result in significant adverse impacts to air quality and noise an (E) designation (E-462) has been incorporated into the proposed actions, as described below.

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

Block 3217, Lot 53 (Projected Development Site 1):

Any new residential or commercial development on Block 3217, Lot 53, must ensure that the boiler stack is located at the highest tier and at the building segment fronting on Suydam Street, or at a minimum of 73 feet above grade, and at least 135 feet from the lot line facing Hart Street to avoid any potential significant adverse air quality impacts.

Block 3217, Lot 10 (Projected Development Site 2):

To avoid any potential adverse air quality impacts, any new community facility development on the Block 3217, Lot 10 must exclusively use natural gas as the type of fuel for its heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. The boiler stack shall be located at the highest tier, or at a minimum of 62 feet above grade, at least 35 feet from the lot line facing Lot 53.

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

Block 3217, Lot 53 (Projected Development Site 1):

In order to ensure an acceptable interior noise environment, future residential or commercial development on Block 3217, Lot 53, must provide a closed window condition with a minimum of 35 dBA window/wall attenuation, and future commercial uses must provide a closed window condition with a minimum of 30 dBA window/wall attenuation, on all façades in order to maintain an interior noise level of 45 dBA for residential uses or 50 dBA for commercial uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but are not limited to, air conditioning.

Block 3217, Lot 10 (Projected Development Site 2):

In order to ensure an acceptable interior noise environment, future community facility development on Block 3217, Lot 10, must provide a closed window condition with a minimum of 35 dBA window/wall attenuation on all façades in order to maintain an interior noise level of 45 dBA for community facility uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but are not limited to, 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 January 12, 2018, prepared in connection with the ULURP Application

(Nos. N180093ZCK, N180094ZAK). 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. The (E) designations (E-462) for air quality and 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 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 Rupsha Ghosh at (212) 720-3524.



Date: January 12, 2018

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

Date: January 16, 2018

Marisa Lago, Chair
City Planning Commission