E-317.

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

November 6, 2013

REVISED NEGATIVE DECLARATION
Supersedes Negative Declaration Issued on July 22, 2013

Project Identification
CEQR No. 14DCP004K
ULURP Nos. N140028ZRK, N140024ZCK, N140025ZCK
N140026ZCK, N140027ZCK, N140020ZAK, N140021ZAK
N140022ZAK, N140023ZAK, 140019HAK
SEQRA Classification: Type I

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

Name, Description and Location of Proposal:

Greenpoint Landing
This Revised Negative Declaration has been issued to reflect refinements to the proposal, as described in a Revised Environmental Assessment Statement (EAS) dated November 6, 2013, which supersedes the original EAS issued on July 19, 2013. These refinements, which are related to certain aspects of the development facilitated by the proposed action, have resulted in updates to the following impact categories: Hazardous Materials, Air Quality, Community Facilities, Construction and Noise. As a result of these revised analyses the proposed project components related to the environment (PCRE) pertaining to Community Facilities, Construction and Noise have changed. Further, the Hazardous Materials, Air Quality and Noise (E) designation requirements have been updated in order to reflect the development as refined in the revised EAS. The analysis concludes that the proposed refinements would not result in any significant adverse environmental impacts, as was the case in the original EAS filed on July 22, 2013 for the proposed project.

The applicants, Greenpoint Landing Associates LLC ("GLA"), the New York City Department of Housing Preservation and Development ("HPD") and the New York City Department of City Planning ("DCP") are seeking land use approvals related to development of several parcels (Block 2472, Lots p/o 32 and p/o 100, and Block 2494, Lots 1 and 6, the "affected area") in the Greenpoint neighborhood of Brooklyn, Community District 1. The affected area, also referred to as Parcels 5a, 5b, 5d and 5e within the Greenpoint-Williamsburg Waterfront Access Plan ("WAP") BK-1, is

Amanda M. Burden, FAICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
http://www.nyc.gov/planning

generally bounded by the Newtown Creek to the north; the East River to the west; West Street and Commercial Street to the east and Eagle Street to the south.

The proposed actions include three zoning text amendments proposed by DCP, which are described as follows:

1. A zoning text amendment to ZR Section 62-931 to create the following parcels within the Greenpoint-Williamsburg WAP:
   A. A new "Parcel 5d," consisting of Brooklyn Block 2494, Lot 1 (and formerly part of WAP Parcel 5c), to allow the parcel to be developed as an affordable housing project and public school prior to certification of a waterfront access plan, and
   B. A new "Parcel 5e," comprising the portion of Brooklyn Block 2472, Lot 32 north of the western prolongation of Dupont Street (and formerly part of WAP "Parcel 5b") and providing that the new "Parcel 5e" shall be treated as a separate zoning lot from the southern portion of Lot 32 ("Parcel 5b-1") for the purposes of the waterfront public access area and visual corridor provisions of Sections 62-50 through 62-90 of the Zoning Resolution to enable the southern portion of Lot 32 to receive a waterfront certification without designing the waterfront access areas on "Parcel 5e;"

2. A zoning text amendment to ZR Sections 62-351(d), 62-354 and 62-355 to:
   A. Allow floor space used by schools located on the newly created "Parcel 5d" to be exempt from the definition of floor area; and
   B. Modify height and setback, lot coverage, and yard controls for a public school on the newly created "Parcel 5d," and

3. A zoning text amendment to ZR Sections 11-13 and 62-351 to allow the newly created "Parcel 5e" to continue to generate floor area notwithstanding its intended future use as a public park.

These actions would facilitate the site selection and acquisition of a portion of "Parcel 5d" to the School Construction Authority.

Additionally, the proposed action would allow the City of New York to convey via an Urban Development Action Area Project (UDAAP) disposition to GLA all of Block 2494, Lot 6, the portion of Block 2472, Lot 32 located within and south of the western prolongation of Dupont Street, and all of the development rights attributable to the remainder of Block 2472, Lot 32. The City of New York would retain ownership of the remainder of Lot 32 and improve it as a publicly accessible open space. The UDAAP approval would facilitate the deliverance of 431 units of affordable

housing on nearby land. Under the proposed action, GLA would also contribute $2.5M to the expansion of nearby Newtown Barge Park. Therefore, in addition to the actions described above, the proposal involves Urban Development Action Area Project (UDAAP) actions, pursuant to Article 16 of the General Municipal Law, proposed by HPD that would allow:

1. Designation of the City Property as an Urban Development Action Area and approval of an UDAAP;
2. Disposition of the following properties to GLA:
   A. Block 2494, Lot 6 ("Parcel 5b-2");
   B. Block 2472, p/o Lot 32 ("Parcel 5b-1"); and
3. Disposition of development rights attributable to Block 2472, p/o Lot 32 ("Parcel 5e") to GLA.

The proposed actions also include four waterfront-related zoning actions, proposed by GLA and described as follows:

1. Two actions affecting Block 2472, Lot 100 ("Parcel 5a"), including:
   A. A waterfront zoning authorization, pursuant to ZR 62-822(a), for modifications to the otherwise applicable requirements of the Zoning Resolution in order to address flooding concerns and newly mandated flood elevation regulations and to respond to the unique geography of the affected area;
   B. A waterfront zoning authorization pursuant to ZR 62-822(b), for modifications to the otherwise applicable requirements of the Zoning Resolution in order to address the changes requested under ZR 62-822(a) and to create a superior design for the waterfront.

2. Two actions affecting Block 2472, p/o Lot 32 ("Parcel 5b-1"), including:
   A. A waterfront zoning authorization, pursuant to ZR 62-822(a), for modifications to the otherwise applicable requirements of the Zoning Resolution in order to address flooding concerns and newly mandated flood elevation regulations and to respond to the unique geography of the affected area;
   B. A waterfront zoning authorization pursuant to ZR 62-822(b), for modifications to the otherwise applicable requirements of the Zoning Resolution in order to address the changes requested under ZR 62-822(a) and to create a superior design for the waterfront.

Additionally, four waterfront-related ministerial actions, not subject to environmental review, are included in the proposal, as noted below:

1. Two actions affecting Block 2472, Lot 100 ("Parcel 5a"), including:
   A. A waterfront zoning certification, pursuant to Section 62-811 of the Zoning Resolution of compliance of the parcel's waterfront access area with the requirements of the Zoning Resolution;
   B. A waterfront zoning certification, pursuant to Section 62-811 of the Zoning Resolution of compliance of the plan to build out ~~of~~ the waterfront access areas in four phases;

2. A waterfront zoning certification affecting Block 2472, p/o Lot 32 ("Parcel 5b-1"), pursuant to Section 62-811 of the Zoning Resolution of compliance of the parcel's waterfront access area with the requirements of the Zoning Resolution; and ~~.~~

3. A waterfront zoning certification pursuant to Section 62-811 of the Zoning Resolution affecting Block 2494, Lot 1 ("Parcel 5d") that no waterfront access is required at this time.

The proposed actions would facilitate a proposal by GLA construct a mixed-use development comprised of approximately 1,476 dwelling units (585 affordable housing units), 6,700 gsf of retail uses, 47,643 gsf of publicly accessibly open space and 576 accessory parking spaces (as detailed below, an incremental increase of approximately 707 dwelling units, 4,900 sf of retail, and 28,535 sf of open space) within the affected area. Further, GLA would lease a portion of the affected area (Block 2494, p/o Lot 1) to the School Construction Authority (SCA). On this lot, SCA would develop an approximately 120,000 gsf, 640-seat elementary and intermediate school. The proposal also includes a 12,000 linear-foot extension of the existing West Street. Collectively, this proposal is referred to as the "Proposed Project."

In addition to the Proposed Project, several improvements that would eliminate the potential for significant adverse impacts related to community facilities, transportation and construction are proposed by GLA, also referred to as project components related to the environment (PCRE). The first improvement concerns the provision of child care for children from eligible households. In accordance with the terms of legal documents recorded on the sites of the 431 affordable units constructed pursuant to the disposition of City-owned property, GLA would provide funding for publicly-funded child care. This funding would be provided prior to the occupancy of 126 affordable housing units for residents whose incomes are at or below 80 percent of area median income (AMI) in buildings located within the Proposed Project. The second PCRE invovles an additional high entry/exit turnstile that would be added to the fare array located at the India Street entrance to the northbound platform of the Greenpoint Avenue subway station to increase fare array capacity at that location. This fare array would be installed by MTA NYC Transit and paid for by GLA as a

condition of project implementation. Additional improvements to prevent potential impacts include construction noise barriers (referenced in Table J-9, Summary of Recommended Construction Barriers on page J-25 of the Revised EAS), implementation of diesel particulate matter (DPM) emissions and utilization of best available technologies and Tier 3 or newer equipment during construction, as indicated in the Revised EAS (November 2013).

A Reasonable Worst Case Development Scenario (RWCDS) was identified for analysis purposes. In the future without the proposed action (the "No Action Scenario"), the affected area would be developed with mixed use development comprising 769 dwelling units (154 of which would be affordable housing units); 1,800 gsf of retail uses; 19,290 sf of publicly accessible open space; and 323 accessory parking spaces.

In the future with the proposed action (the "With Action Scenario"), it is expected that the affected area would be developed with approximately 1,476 dwelling units (585 of which would be affordable housing units); 6,700 gsf of retail uses; 120,000 gsf of community facilities uses (comprising a 640-seat elementary and intermediate school); 47,643 gsf of publicly accessibly open space and 576 accessory parking spaces. It should be noted that the proposed school would be exempt from the definition of floor area under zoning and the building would be developed pursuant to the proposed zoning text amendment to ZR Sections 62-351(d), 62-354 and 62-355 establishing new bulk controls.

In addition, an extension to West Street would be built and opened from Eagle Street to DuPont Street. This street segment, which is currently mapped but is not built, is 70 feet wide and 200 feet long. It would operate one-way northbound, similar to the existing block to the south.

The increment between the No Action and With Action Scenarios would comprise a net increase in development of approximately 707 dwelling units (of which 431 would be affordable); 4,900 gsf of retail uses; 120,000 gsf of community facility (school) uses; 28,353 gsf of publicly accessible open space; and 253 accessory parking spaces.

The affected area is a partially vacant waterfront property currently containing open vehicle and equipment storage and a sludge tank owned and operated by the Department of Environmental Protection (DEP).

The affected area was previously rezoned R6 and R8 in 2004 under the Greenpoint Williamsburg rezoning (CEQR No. 04DCP003K), which also mapped C2-4 commercial overlays along West and Commercial Streets, and along Green Street, leading to one of the longest piers on the East River. Under special rules for this area, the R6 and R8 districts mapped on each site blend to permit residential uses to an FAR of approximately 3.7, bonusable to 4.7 under the Inclusionary Housing program. Community facility uses are permitted to an FAR of approximately 5.65 if no residences are present on the zoning lot, and 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. The R6 and R8 boundaries were drawn to permit high-rise towers within the R8 districts towards the water and lower development toward the upland. Within the R8 districts, towers are permitted to rise to 230 and 330 feet, bonusable to 300 and 400 feet under the Inclusionary Housing program. Streetwalls must be between 30 and 70 feet. Within the R6 districts, buildings are limited to 65 feet within 100 feet of Commercial, West, Franklin, or DuPont Streets, and may rise to 150 feet elsewhere, with streetwall heights between 30 and 65 feet.

The anticipated build year for the proposed project is 2020.

To avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise, an (E) designation (E-317) has been incorporated to the proposed project as described below. This new (E) designation supersedes an (E) designation (E-138) previously assigned to the affected area pursuant to the former Greenpoint Williamsburg rezoning (CEQR No. 04DCP003K).

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

> **Projected Development Site 1 (Block 2472, Lot p/o 32)**
> **Projected Development Site 2 (Block 2494, Lots p/o 1, 6)**
> **Projected Development Site 3 (Block 2494, Lot p/o 1)**
> **Projected Development Site 4a (Block 2472, Lot p/o 100)**
>
> **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, any development or change in use on the projected development sites will require OER-approved site investigation and remediation to ensure protection of public health and the environment during project construction and site occupancy. Accordingly, 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:

<u>Projected Development Site 1 (Block 2472, Lot p/o 32)</u>
Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that the heating and hot water equipment exhaust stack(s) must be located at least 303 feet above grade and must be fitted with low NO_x burners with a maximum emission concentration of 30 ppm, to avoid any potential significant air quality impacts.

<u>Projected Development Site 2 (Block 2494, Lots p/o 1, 6)</u>
Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that the heating and hot water equipment exhaust stack(s) must be located at least 403 feet above grade to avoid any potential significant air quality impacts.

<u>Projected Development Site 3 (Block 2494, Lot p/o 1)</u>
Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and

that heating and hot water equipment exhaust stack(s) are located at least 85 feet above grade, and at least 10 feet from the edges of the building facing Dupont Street and Franklin Street lot lines, to avoid any potential significant air quality impacts.

Projected Development Site 4a – POA Building 2 (Block 2472, p/o Lot 100)
Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that heating and hot water equipment exhaust stack(s) are located at least 166 feet above grade to avoid any potential significant air quality impacts.

Projected Development Site 4a – POA Building 3 (Block 2472, p/o Lot 100)
Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that heating and hot water equipment exhaust stack(s) are located at least 166 feet above to avoid any potential significant air quality impacts.

Projected Development Site 4b (Block 2472, p/o Lot 100)
Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that heating and hot water equipment exhaust stack(s) are located at Building 4b, at least 303 feet above grade to avoid any potential significant air quality impacts.

Projected Development Site 5 (Block 2494, Lot p/o 1)
Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that heating and hot water equipment exhaust stack(s) are located at least 110 feet above grade, and at least 10 feet from the edges of the building facing West Street and Eagle Street lot lines, to avoid any potential significant air quality impacts.

It should be noted that the (E) designations affecting projected development sites are based on the applicants' illustrative building design for these sites (Figure I-3 in the Revised EAS, November 2013). Any changes to the heights or configurations of the buildings or tiers may necessitate revisions to the (E) designations.

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

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

> **Projected Development Site 1 (Block 2472, Lot p/o 32)**
> **Projected Development Site 2 (Block 2494, Lots p/o 1, 6)**
> **Projected Development Site 3 (Block 2494, Lot p/o 1)**
> **Projected Development Site 4a (Block 2472, Lot p/o 100)**
> **Projected Development Site 5 (Block 2494, Lot p/o 1)**
>
> **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 EAS, dated July 19, 2013, and Revised EAS, dated November 6, 2013, prepared in connection with the ULURP Application (Nos. N140028ZRK, N140024ZCK, N140025ZCK, N140026ZCK, N140027ZCK, N140020ZAK, N140021ZAK, N140022ZAK, N140023ZAK, 140019HAK) 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, air quality and noise would ensure that the proposed actions would not result in significant adverse impacts.

2. The PCREs related to community facilities, transportation and construction 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

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

Date: November 6, 2013

Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: November 6, 2013