

**NEGATIVE DECLARATION (Use of this form is optional)**

**Statement of No Significant Effect**

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning, acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

**Reasons Supporting this Determination**

The above determination is based on information contained in this EAS, which finds that the proposed project and related actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this Determination are noted below.

**1. Hazardous Materials, Air Quality, and Noise**

An (E) designation (E-565) for hazardous materials, air quality, and noise has been incorporated into the proposed actions. Refer to Appendix 1: (E) Designation, attached to this Determination of Significance, for a list of sites affected by the (E) designation and applicable (E) designation requirements. The analyses conducted for hazardous materials, air quality, and noise conclude that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts to hazardous materials, air quality, or noise.

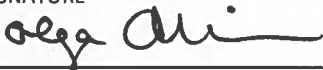
**2. Land Use, Zoning, and Public Policy**

The EAS includes a Land Use, Zoning, and Public Policy section. The proposed actions include (1) a zoning map amendment to rezone Lots 37, 38, 39, 40, 41 and 43 on Brooklyn Block 5502, from R5/C2-2 to C4-4A, (2) a zoning map amendment to rezone Lot 36, 49, 50, and 7502, from R5/C2-2 to R5 and (3) a zoning text amendment to Zoning Resolution Appendix F to establish a Mandatory Inclusionary Housing Area to Lots 37, 38, 39, 40, 41 and 43. These actions would facilitate the development of a five-story commercial office building with a total floor area of approximately 18,134 gross square feet (gsf) on Lots 38, 39, and 40 (Projected Development Site 1). The existing affected area currently permits residential, community facility, and commercial uses. The proposed action would not introduce any new land uses to the area that are not permitted under existing or no-action condition, which represents the thresholds of impact significance in the CEQR Technical Manual. The analysis concludes that no significant adverse impacts related to Land Use, Zoning, and Public Policy would result from the proposed actions.

**3. Shadows**

The EAS includes a detailed Tier 2 Shadows Analysis. The Tier 2 analysis indicates that there are no publically accessible open spaces, sunlight-sensitive historical landmarks or natural resources located within the Projected Development Sites' maximum shadow radius. As such, the Proposed Actions would not have the potential to result in significant adverse shadow impacts and a detailed analysis is not warranted.

*No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Laura Kenny at (212) 720-3419.*

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271   (212) 720-3493
NAME Olga Abinader	DATE 2/14/2020
SIGNATURE 	

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE 2/18/2020
SIGNATURE	

Project Name: 16<sup>th</sup> Avenue Rezoning  
CEQR Number: 20DCP022K  
SEQRA Classification: Unlisted

Determination of Significance Appendix: (E) Designation

An (E) Designation (**E-565**) related to hazardous materials, air quality, and noise will be assigned to Projected Development Site 1 (Block 5502, Lots 38,39 & 40) and Projected Development Site 2 (Block 5502, Lot 41) in order to preclude significant adverse impacts, as noted below.

Hazardous Materials:

The (E) Designation requirements for hazardous materials are as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a 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. If site sampling is necessary, no sampling should 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 and 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 remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be 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. This plan would be submitted to OER prior to implementation.

Air Quality:

The (E) Designation requirements for Air Quality are as follows:

Project Name: 16<sup>th</sup> Avenue Rezoning  
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SEQRA Classification: Unlisted

**Block 5502, Lots 38, 39, and 40 (Projected Development Site 1):** Any new residential/commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for the HVAC and hot water system(s), ensure that the stack is located at the building's highest level at a minimum of 64 feet above the grade, and that the stack is located at least 40 feet from the southern lot line facing 59th Street to avoid any potential significant adverse air quality impacts.

**Block 5502, Lots 41 (Projected Development Site 2):** Any new residential/commercial development or enlargement on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level or at least 68 feet above the grade to avoid any potential significant adverse air quality impacts.

Noise:

The (E) Designation requirements for Noise are as follows:

**Block: 5502; Lots: 38, 39, and 40 (Projected Development Site 1):** To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all façades facing 16th Avenue and the façades facing 58th Street within 50 feet of 16th Avenue to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. 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.

**Block: 5502; Lot: 41 (Projected Development Site 2):** To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all façades facing 16th Avenue and the façades facing 59th Street within 50 feet of 16th Avenue to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. 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.