DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

March 2, 2020

Richard Lobel
Sheldon Lobel, P.C.
18 East 41st Street, 5th Floor
New York, NY 10017

Re: **1620 Cortelyou Road Rezoning**
CEQR No. 20DCP101K
ULURP Nos. C180496ZMK, N180497ZRK
Brooklyn, Community District 14

Dear Mr. Lobel,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission had determined that the proposed action will not have a significant effect on the environment.

Enclosed is the Negative Declaration for CEQR No. 20DCP101K, 1620 Cortelyou Road Rezoning, including supporting statements for the finding that the proposed would not have a significant adverse impact on the environment. The Negative Declaration was issued on March 2, 2020.

Sincerely,

Stephanie Shellooe

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, City Council
Eric Adams, Brooklyn Borough President
Brooklyn Community Board 14

Olga Abinader, *Director*
Stephanie Shellooe, AICP, *Deputy Director*
120 Broadway, 31st Floor, New York, N.Y. 10271
(212) 720-3328 FAX (212) 720-3488
sshellooe@planning.nyc.gov

Project Name: 1620 Cortelyou Road Rezoning
CEQR #: 20DCP101K
SEQRA Classification: Unlisted

NEGATIVE DECLARATION

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 actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions 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 the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The proposed actions are a Zoning Map Amendment to rezone the project area (all or parts of Brooklyn Block 5159, Lots 1, 8, 9, 10, 13, and 61) from an R6A/C2-4 district to an R7D/C2-4 and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area with MIH options 1 and 2 coterminous with the rezoning area in the Flatbush neighborhood of Brooklyn Community District 14. The project area is the south blockfront along Cortelyou Road, a wide street, between East 16th Street and East 17th Street, one block east of the Cortelyou Road Station serviced by the Q train. The proposed actions would facilitate the development of a mixed use buildings on Brooklyn Block 5159, Lot 1, containing residential units and commercial retail space. Zoning controls would also be modified on Lots 8, 9, and 10, within the project area but the existing residential buildings with ground floor retail are not expected to be redeveloped as a result of the proposed actions given their size and existing use. The proposed actions are anticipated to result in a change in land use on Lot 1, however, given the existing character of Cortelyou Road, a wide commercial corridor developed with buildings between six- and eight-stories in height, the change in land use and zoning would not constitute a significant adverse impact.

Open Space

A detailed open space analysis is included in the EAS. The open space study area is an area underserved by existing open space. The existing open space ratio is 0.0305 acres per 1,000 residents, significantly below the City's target of 1.5 acres per 1,000 residents. The open space ratio in the No-Action and With-Action condition would be 0.0302 and .0301 acres per 1,000 residents, respectively, a decrease of approximately 0.33 percent. While the open space study area is underserved by open space, the population introduced by the proposed actions, approximately 239 new residents, is not substantial enough to result in a significant adverse impact to open space based on a threshold of significance of at least 1 percent in areas underserved by open space.

Hazardous Materials and Noise

An (E) designation (E-564) related to hazardous materials and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse related to hazardous materials and noise.

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). Should you have any questions pertaining to this Negative Declaration, you may contact Matthew Katz at (212) 720-3507.

TITLE	LEAD AGENCY
Deputy Director Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe	DATE February 28, 2020
SIGNATURE	

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

Project Name: 1620 Cortelyou Road Rezoning
CEQR #: 20DCP101K
SEQRA Classification: Unlisted

Determination of Significance Appendix: (E) designation

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials and noise an (E) designation (**E-564**) would be established on **Projected Development Site 1 (Brooklyn Block 5159, Lot 1)** as described below:

Hazardous Materials

The (E) designation requirements for hazardous materials would apply 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 he 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.

Noise

The (E) designation requirements for noise would apply as follows:

Block 5159, Lot 1: *To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the facades facing Cortelyou Road and the facades facing East 16th Street and 28 dBA of attenuation on the facades facing East 17th Street and the facades facing Dorchester Road to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses. 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.*