ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Anita Laremont, *Director*
Department of City Planning

December 13, 2021

98 Third Avenue Realty LLC
c/o Eric Palatnik
32 Broadway
New York, NY 10004

Re:	**98 Third Avenue Rezoning**
CEQR No.	21DCP096K
ULURP No(s).	200335ZMK, N200336ZRK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK02

Dear Eric Palatnik,

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

Enclosed is the Negative Declaration for CEQR No. 21DCP096K, 98 Third Avenue Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Negative Declaration was issued on December 13, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director* — December 13, 2021 (Date)

cc: Project File
Anita Laremont, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Eric Adams, Brooklyn Borough President
Brooklyn Community Board 2

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

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.

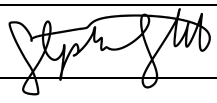
Land Use, Zoning, and Public Policy

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 388, Lots 31, 34-38, 41, 42, and 43) from an M1-2 district to R7D/C2-4 and R6B, and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area coterminous with the rezoning area in the Boerum Hill neighborhood of Brooklyn Community District 2. The surrounding area contains 3- to 4-story row houses as well as higher density apartment buildings from 6- to 21-stories, including the NYCHA Wyckoff Gardens complex made up of three 21-story buildings, as well as mixed commercial and residential buildings along Third Avenue. The proposed actions would facilitate the development of an 8-story mixed use building on Projected Development Site 1, Brooklyn Block 388, Lot 31, containing 38 residential units and ground floor commercial retail space. Although not part of the proposed project, the proposed actions are conservatively projected to facilitate development on Projected Development Site 2, Lot 38, and Projected Development Site 3, Lot 42, totaling 27 dwelling units and 2,000 gsf of ground floor retail. The remainder of the lots within the rezoning area are not expected to be developed as a result of the proposed actions. The proposed actions are anticipated to result in a change in land use within the project area, however, given the existing residential and commercial mixed use character of the surrounding area, the change in land use and zoning would not constitute a significant adverse impact. Additionally, the proposed actions would not result in a significant adverse impact to public policy.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-647) related to hazardous materials, air quality, 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, air quality, and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or 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 Rachel Antelmi at rantelmi@planning.nyc.gov.

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY 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 December 10, 2021
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Anita Laremont	DATE December 13, 2021
SIGNATURE 	

Project Name: 98 Third Avenue Rezoning
CEQR # 21DCP096K
SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	BK	Block 388, Lot 31
Projected Development Site 2	BK	Block 388, Lot 38
Projected Development Site 3	BK	Block 388, Lot 42

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-647**) would be established as part of approval of the proposed actions on **Projected Development Sites 1, 2, and 3** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Projected Development Site 2	X	X	X
Projected Development Site 3	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1, 2, and 3** 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.

Air Quality

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

Projected Development Site 1: *Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s), ensure that the stack is located at the building's highest level at a minimum of 88 feet above the grade, and that the stack is located at least 25 feet from the eastern lot line facing 3rd Avenue to avoid any potential significant adverse air quality impacts.*

Projected Development Site 2: *Any new residential or commercial development 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 at a minimum of 67 feet above the grade to avoid any potential significant adverse air quality impacts.*

Projected Development Site 3: *Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and ensure that the stack is located at the building's highest level at a minimum of 47 feet above the grade to avoid any potential significant adverse air quality impacts.*

Noise

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

Projected Development Site 1: *To ensure an acceptable interior noise environment, future residential and community facility uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation along the façade facing Third Avenue and 33 dBA window/wall attenuation along the façade facing Wyckoff Street.*

Projected Development Site 2: *To ensure an acceptable interior noise environment, future residential and community facility uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation along the façade facing Third Avenue and 33 dBA window/wall attenuation along the façade facing Wyckoff Street.*

Projected Development Site 3: *To ensure an acceptable interior noise environment, future residential and community facility uses must provide a closed-window condition with a minimum of 33dBA window/wall attenuation along the façade Wyckoff Street.*