NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

737 Fourth Avenue LLC
c/o Eric Palatnik
55 Washington Street
Brooklyn, NY, 11201

Re:	**737 Fourth Avenue**
CEQR No.	19DCP127K
ULURP No(s).	200029ZMK, N200030ZRK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK07

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. 19DCP127K, 737 Fourth Avenue, 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 August 17, 2020.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

August 17, 2020
Date

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Eric Adams, Brooklyn Borough President
Brooklyn Community Board BK07

Olga Abinader, *Director,* (212) 720-3493 | oabinad@planning.nyc.gov
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. A significant adverse impact would occur if a proposed action would generate a land use incompatible with the surrounding area. The proposed actions are a Zoning Map Amendment to rezone the project area (Brooklyn Block 652, Lots 1 and 7) a from M1-1D to R8A/C2-4 and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area coterminous with the rezoning area in the Greenwood neighborhood of Brooklyn Community District 7. The proposed actions would facilitate the development of an approximately 127,825 gross square foot (gsf) mixed-use building at 737 Fourth Avenue (Lot 1) containing affordable housing and local retail by the applicant. The proposed development will have approximately 8,896 gsf of local retail on the ground floor with approximately 115,411 gsf of residential uses above. The proposed development would also provide approximately 45 below-grade accessory off-street parking spaces. In addition, for reasonable worst-case environmental analysis purposes, it is assumed that the proposed rezoning would allow for the redevelopment of a second applicant-owned site at (Lot 7) pursuant to R8A/C2-4 zoning regulations; the second projected development site would comprise of an approximately 41,525 gsf of mixed-use building containing approximately 38,405 gsf of residential uses and 3,120 gsf of retail. As such, the proposed actions would not introduce a new land use, nor affect the existing mixed-use character of the area, nor affect public policy, which represent the thresholds of impact significance in the 2014 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.

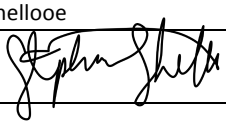
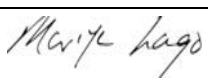
Open Space

A preliminary assessment of the effects of the proposed actions related to open space is included in the EAS. According to the 2014 CEQR Technical manual, a significant adverse open space impact may occur if a proposed action would reduce the open space ratio by more than five percent in areas that are currently below the City's median community district open space ratio of 1.5 acres per 1,000 residents. In areas with higher open space ratios, closer to 2.5 acres per 1,000 residents, a greater percentage of change (more than five percent) may be tolerated. In the future with the Proposed Actions, ratios of open space would continue to be lower than the measure of open space adequacy and the CEQR planning guidance for total, passive, and active open spaces. The total residential study area open space ratio would decline by 3.55 percent to 0.183 acres per 1,000 residents; the active residential study area open space ratio would decline by 3.55 percent to 0.128 acres per 1,000 residents; and the passive residential study area open space ratio would decrease 3.55 percent to 0.055 acres per 1,000 residents. Therefore, the proposed actions would not result in a significant adverse impact related to open space.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-575) 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 impacts related to hazardous materials, air quality, 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 Katherine Glass at 212-720-3425.

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 August 14, 2020
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE August 17, 2020
SIGNATURE 	

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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 652 Lot 1
Projected Development Site 2	Bk	Block 652 Lot 7

(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-575) would be established as part of approval of the proposed actions on Projected Development Sites 1 and 2 as described below:

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

Hazardous Materials

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

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Air Quality

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

Block 652, Lot 1 (Projected Development Site 1): *Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilation and air conditioning (HVAC) systems and hot water equipment stack is located at the highest tier or at least 148 feet above grade to avoid any potential significant adverse air quality impacts.*

Block 652, Lot 7 (Projected Development Site 2): *Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for heating, ventilation and air conditioning (HVAC) systems and hot water equipment, and ensure that the HVAC stack is located at the highest tier or at least 171.4 feet above grade and at most 15 feet from the lot line facing 25th Street to avoid any potential significant adverse air quality impacts.*

Noise

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

Block 652, Lot 1 (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 31 dBA of composite window/wall attenuation on façades facing Fourth Avenue or facades facing 24th Street or 25th Street within 50 feet from Fourth 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. To maintain a closedwindow condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*

Block 652, Lot 7 (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 31 dBA of composite window/wall attenuation on all facades facing Fourth Avenue or facades facing 24th Street or 25th Street within 50 feet from Fourth 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. 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, air conditioning.*