ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Anita Laremont, *Director*
Department of City Planning

41 Summit Street LLC
c/o Richard Lobel
Sheldon Lobel, P.C.
18 East 41st Street
New York, NY 10017

Re:	**41 Summit Street**
CEQR No.	21DCP005K
ULURP No(s).	200317ZMK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK06

Dear Richard Lobel,

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. 21DCP005K, 41 Summit Street, 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 January 18, 2022.

Sincerely,

Stephanie Shellooe, AICP, *Director*

January 18, 2022
Date

cc: Project File
Anita Laremont, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Antonio Reynoso, Brooklyn Borough President
Brooklyn Community Board BK06

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

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 Applicant, 41 Summit Street LLC, seeks a zoning map amendment to rezone site (Block 352, Lot 60, 41 Summit Street, the "Proposed Development Site") from an M1-1 zoning district to an R6B zoning district the "proposed action") in the Columbia Street Waterfront District of Brooklyn Community District (CD) 6. The proposed action would facilitate the development of a new four-story 6,050 gross square foot (gsf) residential building at 41 Summit Street containing four dwelling units DUs at an FAR of 2.0 at the Proposed Development Site. The analysis finds that while the proposed action would facilitate new uses and a new building, they would not introduce any new or non-conforming land uses that are not already located within the 400-foot project study area, which contains a mix of uses including residential. The development that would be facilitated would also be of a similar height and bulk as surrounding development. The proposed action would change the zoning designation for the Proposed Development Site, but would not significantly affect the extent of conformity with current zoning in the study area, and would not adversely affect the viability of conforming uses on nearby sites. The Proposed Development Site is located within New York City's coastal zone and, as such, is subject to review for its consistency with the City's Waterfront Revitalization Program (WRP). An assessment was conducted, and the development facilitated by the proposed actions was found to be consistent with the policies outlined in the WRP, specifically with regard to appropriate placement of development, adequacy of infrastructure, and building design that minimizes loss and increases resilience. The proposed action would not affect any other public policies. The proposed action would not result in significant adverse impacts to land use, zoning or public policy, and no further analysis is warranted.

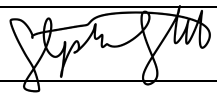
Shadows

A detailed analysis of shadows is included in this EAS. The analysis concludes that incremental shadows from the development facilitated by the proposed action would be cast on two sunlight sensitive resources: The Harold Ickes Playground and The Backyard Garden. New incremental shadows would be cast on portions the Backyard Garden on three analysis days. New shadows would cover portions of the garden for periods ranging from 44 minutes on the March/September 21 analysis day, to three hours and 33 minutes on the May/August 6 analysis day. No part of the garden would be in constant shadow, as the shadow would sweep across the garden during the course of the day. As a result, the garden would receive sufficient sunlight during the growing season, of at least four to six hours, per the 2020 CEQR Technical Manual. New incremental shadows would also be cast on the Harold Ickes Playground on the May and June analysis days with durations ranging from 33 minutes on May/August 6 to 1 hour and 3 minutes on June 21. These shadows would also sweep across the playground between the hours of 5:57a.m. and 7:00 a.m., which is typically prior to the time of substantial use. No other sunlight-sensitive resources would be affected by shadows generated by the proposed action. The proposed action would not result in any significant adverse shadows impacts, and no further analysis is warranted.

Hazardous Materials and Noise

An (E) designation (E-658) related to hazardous materials and noise would be established as part of the approval of the proposed action. 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 impact related to hazardous materials 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 ANNABELLE MEUNIER at +1 212-720-3426.

TITLE	LEAD AGENCY
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 January 14, 2022
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Anita Laremont 	DATE January 18, 2022

Project Name: 41 Summit Street
CEQR # 21DCP005K
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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 352, Lot 60

(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-658**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** 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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Noise

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

> ***Projected Development Site 1:*** *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation on all building facades to maintain an interior noise level of 45 dB(A). 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.*