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 (CPC) 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, Almonte Lincoln LLC, seeks approval of a Zoning Map Amendment to rezone the affected area (Brooklyn Block 4254, Lots 1, 4, 39, 41, 44, and 45) from R5 to R6A/C2-4, and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing (MIH) area with MIH options 1 and 2 coterminous with the proposed rezoning area, in the East New York neighborhood of Brooklyn, Community District 5. The proposed actions would facilitate the redevelopment of the applicant-owned Projected Development Site 1 (Lots 39 and 41) with a 40,047 gross square foot (GSF), five-story, mixed-use building consisting of approximately 28 residential units (including approximately 8 affordable units pursuant to MIH), ground-floor retail, and parking in the cellar. The applicant is also expected to seek approval of financing from the New York City Department of Housing Preservation and Development (HPD) under HPD's Neighborhood Construction Program (NCP) to make the project a 100 percent affordable housing development. The proposed rezoning is expected to facilitate redevelopment of the remaining lots in the rezoning area, therefore the EAS considers a future with-action scenario that includes Projected Development Site 2 (Lots 1 and 4), and Potential Development Sites 1 and 2 (Lots 44 and 45, respectively), that are less likely to be developed. Projected Development Site 2 would be redeveloped with a 5-story mixed-use building containing 13 residential units (including 3 affordable units) and ground-floor retail; Potential Development Sites 1 and 2 each would be redeveloped with a 5-story mixed-use building with approximately 8 residential units and ground-floor retail. The proposed actions would establish a medium density residential district with a zoning overlay that permits local retail uses to serve existing and future residents, as well as mandatory affordable housing provisions, and would introduce and facilitate the creation of new housing, including affordable housing. The proposed actions also would bring existing non-conforming commercial uses into conformance and allow new as-of-right commercial uses. The proposed actions would result in land use similar compared to the No Action land use pattern along Sutter Avenue two blocks to the west and would not conflict with public policies. The analysis concludes that no significant adverse impacts are anticipated for land use, zoning, and public policy, and no further analysis is warranted.

Urban Design and Visual Resources

A detailed analysis related to Urban Design and Visual Resources is included in the EAS. Under the With-Action scenario, Projected Development Sites 1 and 2 and Potential Development Sites 1 and 2 each would be redeveloped with a 5-story (with cellar), mixed commercial and residential building, resulting in a total of four structures containing 65 residential units (48,414 GSF of residential floor area), 16,394 GSF of local retail use, and 16,394 GSF of cellar space. Each building would be approximately 55 feet in height, with local retail uses provided on the ground floor and residential units on the upper floors. (Projected Development Site 1 would also include 10 accessory parking spaces in the cellar.) The active ground floor uses in each building would maintain the pedestrian experience on the block, and the proposed developments would create a continuous street wall consistent with existing development in the surrounding area. Although the proposed actions would introduce additional building height, comparative massing diagrams depicting the possible development with and without the Proposed Actions were provided and showed that the development with the proposed actions would remain compatible with the scale and character of other buildings within the surrounding area. In addition, the With-Action scenario would not result in any adverse effects on visual resources. Therefore, the proposed actions would not result in significant adverse impacts with respect to urban design and visual resources, and no further analysis is warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-633) 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 Stacey Barron at +1 212-720-3419.

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	DATE
Stephanie Shellooe, AICP	October 1, 2021
SIGNATURE	

Project Name: Sutter Avenue Rezoning
CEQR # 21DCP053K
SEQRA Classification: Unlisted

TITLE Chair, City Planning Commission	
NAME Anita Laremont	DATE October 4, 2021
SIGNATURE 	

Project Name: Sutter Avenue Rezoning
CEQR # 21DCP053K
SEQRA Classification: Unlisted

Determination of Significance Appendix

The proposed actions 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	Brooklyn	Block 4254, Lots 39 and 41
Projected Development Site 2	Brooklyn	Block 4254, Lots 1 and 4
Potential Development Site 1	Brooklyn	Block 4254, Lot 44
Potential Development Site 2	Brooklyn	Block 4254, Lot 45

(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-633**) would be established as part of approval of the proposed actions on **Projected Development Site, Projected Development Site 2, Potential Development Site 1,**and **Potential Development Site 2,**as described below:

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

Hazardous Materials

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

Air Quality

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

Projected Development Site 1 (***Block 4254, Lots 39 and 41):*** *Any new residential and/or commercial development on the above-referenced property must ensure the HVAC systems and hot water equipment stack is located at the building's highest tier or at least 58 feet above grade, and at most 40 feet away from the eastern lot line facing Lincoln Avenue to avoid any potential significant adverse air quality impacts.*

Projected Development Site 2 (Block 4254, Lots 1 and 4): *Any new residential and/or commercial development on the above-referenced property must ensure that the HVAC stack is located at the building's highest level or at least 58 feet above grade to avoid any potential significant adverse air quality impacts.*

Potential Development Site 1 (Block 4254, Lot 44): *Any new residential and/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) and must be fitted with low NOx (30 ppm) burners, and ensure that the HVAC stack is located at the building's highest level or at least 58 feet above grade to avoid any potential significant adverse air quality impacts.*

Potential Development Site 2 (Block 4254, Lot 45): *Any new residential and/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) and must be fitted with low NOx (30 ppm) burners, and ensure that the HVAC stack is located at the building's highest level or at least 58 feet above 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 (***Block 4254, Lots 39 and 41):*** *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue, and 31 dBA of attenuation on the facades facing Autumn Avenue within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue, and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue, to maintain an interior noise level not greater than 45 dBA for residential 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.*

Projected Development Site 2 (Block 4254, Lots 1 and 4): *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue, and 31 dBA of attenuation on the facades facing Autumn Avenue within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue, and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue, to maintain an interior noise level not greater than 45 dBA for residential 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*

Potential Development Site 1 (Block 4254, Lot 44): *In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue, and 31 dBA of attenuation on the facades facing Autumn Avenue within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue, and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter 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.*

Potential Development Site 2 (Block 4254, Lot 45): *In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue, and 31 dBA of attenuation on the facades facing Autumn Avenue within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue, and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter 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.*