NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

824 Metropolitan Avenue Owner LLC
c/o Lisa Orrantia
666 Fifth Avenue, 20th Floor
New York, NY, 10103

Re:	**824 Metropolitan Avenue**
CEQR No.	20DCP110K
ULURP No(s).	200314ZMK; N200315ZRK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK01

Dear Lisa Orrantia,

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. 20DCP110K, 824 Metropolitan 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 May 17, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

May 17, 2021
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 BK01

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, 824 Metropolitan Avenue Owner, LLC, is proposing the following actions: a Zoning Map Amendment from an existing C8-2 district and R6B district with a C2-4 commercial overlay to an R7A district with a C2-4 commercial overlay of Brooklyn Block 2916, Lots 14 and 16 (Projected Site 1), Brooklyn Block 2916, Lot 8 (Potential Development Site 1), and a small, southwestern portion of Brooklyn Block 2916, Lot 17 in the Greenpoint-Williamsburg neighborhood of Brooklyn, Community District 1; a Zoning Text Amendment to modify ZR §23-933, Appendix F to designate the newly mapped R7A district as a Mandatory Inclusionary Housing (MIH) designated area. The proposed rezoning would permit the development of the Applicant-owned Projected Site 1 with a nine-story, 95- foot, 34,500 gross square foot (gsf) Quality Housing Program mixed-used residential and commercial building, including 27,500 gsf of residential uses and 7,000 gsf of commercial retail, containing 40 residential dwelling units. The overall structure height would extend to 105 feet with a 10-foot bulkhead. No accessory parking would be required or provided. Although Potential Development Site 1 is not proposed for development, it is anticipated that it could be redeveloped with a nine-story , 95-foot, 58,075 gsf (4.6 FAR) mixed-use residential and commercial building with 45,450 gsf . The proposed actions would not affect the existing character of the area, nor affect public policy, which represent the thresholds of impact significance in the 2020 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.

Shadows

A detailed analysis related to shadows is included in the EAS. New incremental shadows generated from Projected Development Site 1 and Potential Development Site 1 have the potential to reach five sunlight sensitive resources: Greenstreets facilities on Orient Avenue, Bushwick Avenue, and Humboldt Street; one landscaped memorial, Memorial Gore; and the Orient Grove community garden. The analysis found that projected shadows from the proposed project would not fall on any of these resources during either of the May 6 / August 6 or June 21 analysis days and those shadows that fell on the December 21 and March 21 / September 21 analysis days were largely inconsequential with regard to the viability of the vegetation at those resources or the public's use and enjoyment of said resource, with the exception of the Greenstreets at Orient Avenue and Bushwick Avenue, and Orient Grove Community Garden resources during the March 21/September 21 analysis days. A detailed analysis for these resources on those analysis days revealed that despite new incremental shadows from the With-Action RWCDS on the March 21 / September 21 analysis days, the entirety of these resources would exceed the minimum amount of direct sunlight to maintain the viability of vegetation. No other open space sensitive resource would be affected by shadows generated by the proposed actions. Therefore, per the 2020 CEQR Technical Manual, the proposed actions would not result in significant shadow impacts, and no further analysis is necessary.

Historic and Cultural Resources

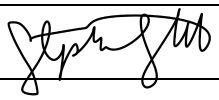
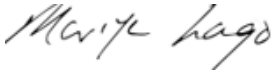
A detailed analysis related to Historic and Cultural Resources for archaeology in included in the EAS. Based on coordination with the NYC Landmarks Preservation Commission, a Phase 1A Archaeological Survey was required as part of the environmental assessment. The October 2020 Phase 1A Documentary Study and Archaeological Assessment found that on Projected Development Site 1 there exists moderate to high potential for the recovery of mid- to late-nineteenth century resources associated with the working class residents of the properties. Therefore, it is recommended that Phase 1B testing be undertaken in areas of the property that are likely to contain history rear yard resources. On Potential Development Site 1, the lot has been redeveloped twice as a gas station and the entirety of the area is disturbed; therefore, no archaeological work is recommended should this site be redeveloped in the future. A Restrictive Declaration will be implemented at the Applicant's Development Site, Projected Development Site 1, for archaeological resources, stipulating the necessity of a Phase 1B archaeological study at said before any development activities can commence. Based on the analysis and review by Landmarks Preservation Commission, the proposed actions are not anticipated to create significant adverse historic and cultural impacts, and no further study is necessary.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-618) 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 Katherine Glass at +1 212-720-3425.

Project Name: 824 Metropolitan Avenue
CEQR # 20DCP110K
SEQRA Classification: Unlisted

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, AICP	DATE May 14, 2021
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE May 17, 2021
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	Brooklyn	Block 2916, Lots 14 and 16
Potential Development Site 1	Brooklyn	Block 2916, Lot 8

(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-618**) would be established as part of approval of the proposed actions on **Projected Development Site 1 and Potential Development Site 1** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1 and Potential Development Site 1** 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:

Block 2916, Lot 14 and 16 (Projected Development Site 1): Any new residential/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 tier and at least 98 feet above grade, and is at least 25 feet from the western lot line facing Bushwick Avenue to avoid any potential significant adverse air quality impacts.

Block 2916, Lot 18 (Potential Development Site 1): Any new residential/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 tier and at least 98 feet above grade, and is at least 55 feet from the eastern lot line facing Olive Street to avoid any potential significant adverse air quality impacts.

Noise

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

Block 2916, Lots 14 and 16 (Projected Development Site): To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on all facades to maintain an interior noise level not greater than 45 dBA for residential 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.

Block 2916, Lot 8 (Potential Development Site): To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on all facades 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.