Department of
Housing Preservation
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May 19, 2022

NEGATIVE DECLARATION

Project Identification

Name/Location:	**Livonia 4** Project Area 1: Block 3813, Lot 115; Block 3812, Lots p/o 17, 18, 19, 20, 21, 22, 24, 121; Block 3811, Lots 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 124. Project Area 2: Block 3586, Lots 26, p/o 40, 41, 42, 43, 44, p/o 45 Brooklyn
CEQR No.	20HPD054K
SEQRA Classification:	Unlisted
ULURP Nos.	220429ZMK, 220430ZRK, 220428HUK, 220427HAK

Name and Description of Proposed Action

Livonia 4:
Catholic Charities, Community Solutions, and Radson Development (the "Project Sponsors") are seeking construction financing from the New York City Department of Housing Preservation and Development (HPD) and multiple discretionary land use actions (together the "proposed actions") subject to City Planning Commission (CPC) approval. The proposed actions would facilitate the development of four new, mixed use residential, commercial, and community facility developments (the "Proposed Developments"). The Proposed Developments are grouped into four separate Development Sites:

- Development Site 1(Site C1); Block 3813, Lot 115;
- Development Site 2 (Site C2); Block 3812, Lots 19-22, and 121;
- Development Site 3 (Site C3); Block 3811, Lots 17-19, 21, 23-27, and 124; and
- Development Site 4 (Site C4); Block 3586, Lot 26.

Specifically, the proposed actions include the following:

- Zoning map amendment to rezone portions of Project Areas 1 and 2 from R6 and R6/C2-4 zoning districts to an R7-2/C2-4 zoning district;
- A zoning text amendment to Appendix F to establish portions of Project Areas 1 and 2 as Mandatory Inclusionary Housing (MIH) Areas;
- The designation of the Development Sites as an Urban Development Action Area (UDAA);
- Approval of the project as an Urban Development Action Area Project (UDAAP);

- Disposition of City-owned property (Block 3813, Lot 115; Block 3812, Lots 19-22 and 121; Block 3811, Lots 17-19, 21, 23, 24, 26, 27, and 124; and Block 3586, Lot 26, collectively, the Disposition Area) to a developer selected by HPD; and
- Amendment to the Brownsville II Urban Renewal Plan (URP) to change the land use designation of certain urban renewal sites from Commercial to Residential. The URP approval also results in the authority to acquire all sites listed in Exhibit A of the URP.

The project sponsor would also seek construction financing through HPD's Extremely Low & Low-Income Affordability (ELLA) program, Supportive Housing Loan Program (SHLP), and Senior Affordable Rental Apartments (SARA) program.

The proposed actions would facilitate the development of four new buildings containing approximately 542,050 gross square feet ("gsf") of floor area, with residential, commercial, and community facility uses, including 498 dwelling units ("DUs") plus four units for superintendents on Development Sites 1 through 4 (Sites C1-C4). All of the dwelling units would be affordable and are anticipated to be marketed to households earning between 27 percent and 80 percent of Area Median Income (AMI). The approximately 14,313 sf of commercial floor area on Projected Development Sites 1 through 4 is anticipated to include an approximately 8,735 sf supermarket, and approximately 5,578 sf of local retail space.

In addition to the proposed project, the Environmental Assessment Statement (EAS) analyzes an additional development site, "Projected Development Site 5", located at Block 3812, Lot 24. The EAS assumes Projected Development Site 5 would be developed under the proposed actions with a 9-story, approximately 46, 950 gsf mixed use building containing 4,800 gsf each of commercial and community facility uses and 37,750 gsf of residential uses (36 DUs, 20 percent of which would be affordable pursuant to MIH). Projected Development Site 5 would be developed independently of the proposed project and is included in the EAS for conservative analysis purposes only.

According to the EAS, the Proposed Development would be constructed in two phases over the course of 36 months and is expected to be completed and operational by 2026. Absent the Proposed Action (the "No-Action condition"), the Project Sites would either remain vacant (Sites C1 and C2) or as a portion of community gardens (Sites C3 and C4) operating under temporary license agreement on an interim basis. The Proposed Development would be constructed pursuant to the existing zoning for each Development Site.

The proposed project would be implemented in conformance with the following provisions in order to ensure that there are no significant adverse environmental impacts. The provisions are as follows:

Hazardous Materials

The following measures will be implemented as required through the Land Disposition Agreement between HPD and the Project Sponsor as outlined in the October 13, 2020, NYC Department of Environmental Protection ("DEP") letter to HPD:

- ***Site C1 (Projected Development Site 1): Block 3813, Lot 115***
  At the completion of the project, a P.E. certified Remedial Closure Report will be submitted for DEP review and approval. The P.E. certified Remedial Closure

Report will indicate that all remedial requirements have been properly implemented as specified in the October 13, 2020 DEP letter.

- ***Site C2 (Projected Development Site 2): Block 3812, Lots 19, 20, 21, 22, and 121***

  In addition to the proposed vapor barrier system, a passive SSDS with the capability of being converted to an active SSDS if warranted based on future conditions will be incorporated into the design plan of the proposed project. Design diagrams and specifications of the proposed SSDS will be included in the RAP and submitted for DEP review and approval. Soil disturbance will not occur without DEP's written approval of the RAP and CHASP.

- ***Site C3 (Projected Development Site 3): Block 3811, Lots 17, 18, 19, 21, 23, 24, 25, 26, 27, and 124***

  In addition to the proposed vapor barrier system, an active sub-slab depressurization system (SSDS) will be incorporated into the design plan of the proposed project. Design diagrams and specifications of the proposed active SSDS will be included in the RAP and submitted for DEP review and approval. Soil disturbance will not occur without DEP's written approval of the RAP and CHASP.

- ***Site C4 (Projected Development Site 4): Block 3586, Lot 26***

  In addition to the proposed vapor barrier system, a passive SSDS with the capability of being converted to an active SSDS if warranted based on future conditions will be incorporated into the design plan of the proposed project. Design diagrams and specifications of the proposed SSDS will be included in the RAP and submitted for DEP review and approval. Soil disturbance will not occur without DEP's written approval of the RAP and CHASP.

As recommended by DEP in their March 11, 2020, letter to HPD, the following development sites are mapped with an (E) Designation for Hazardous Materials (E-641) on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution:

- Projected Development Site 5 (Block 3812, Lot 24);
- Potential Development Sites 1 and 2 (Block 3812, Lots 17, 18, and 24) and Block 3811, Lot 20.

The requirements for the (E) Designation related to hazardous materials are as follows:

Task 1-Sampling Protocol

The Applicant submits to the Mayor's Office of Environmental Remediation (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.

The (E)-Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance on these properties. These applicant(s) should be directed to coordinate further hazardous materials assessments through the Mayor's Office of Environmental Remediation in order to avoid any potential impacts associated with hazardous materials.

Noise

To preclude the potential for significant adverse impacts, the following measures will be memorialized and enforced through the Land Disposition Agreement between HPD and the Project Sponsor:

Block 3813, Lot 115 (Projected Development Site 1): In order to ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 37 dB(A) window-wall attenuation for all façades below the level of the elevated rail line along Livonia Avenue and a 31 dB(A) window-wall attenuation for all façades above the level of the elevated rail line along Livonia Avenue in order to maintain an interior noise level of 45 dB(A). Commercial uses must maintain an interior noise level of at least 50 dB(A). 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 3812, Lots 19-22, 121 (Projected Development Site 2): In order to ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 37 dB(A) window-wall attenuation for all façades below the level of the elevated rail line along Livonia Avenue and a 35 dB(A) window-wall attenuation for all façades above the level of the elevated rail line along Livonia Avenue in order to maintain an interior noise level of 45 dB(A). 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 3811, Lots 17-19, 21, 23-27, 124 (Projected Development Site 3): In order to ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 37 dB(A) window wall attenuation for all façades below the level of the elevated rail line along Livonia Avenue and a 35 dB(A) window-wall attenuation for all façades above the level of the elevated rail line along Livonia Avenue in order to maintain an interior noise level of 45 dB(A). Commercial uses must maintain an interior noise level of at least 50 dB(A). 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 3586, Lot 26 (Projected Development Site 4): In order to ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 37 dB(A) window-wall attenuation for all façades below the level of the elevated rail line along Livonia Avenue and a 36 dB(A) window-wall attenuation for all façades above the level of the elevated rail line along Livonia Avenue in order to maintain an interior noise level of 45 dB(A). 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.

In addition, the following development sites are mapped with an (E) Designation for Noise (E-641). The requirements for the (E) Designation are as follows:

Block 3812, Lot 24 (Projected Development Site 5): In order to ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 37 dB(A) window-wall attenuation for all façades below the level of the elevated rail line along Livonia Avenue and a 35 dB(A) window-wall attenuation for all façades above the level of the elevated rail line along Livonia Avenue in order to maintain an interior noise level of 45 dB(A). Commercial uses must maintain an interior noise level of at least 50 dB(A). 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 3812, Lots 17 and 18 (Potential Development Site 1): In order to ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 37 dB(A) window-wall attenuation for all façades below the level of the elevated rail line along Livonia Avenue and a 35 dB(A) window-wall attenuation for all façades above the level of the elevated rail line along Livonia Avenue in order to maintain an interior noise level of 45 dB(A). Commercial uses must maintain an interior noise level of at least 50 dB(A). 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 3811, Lot 20 (Potential Development Site 2): In order to ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 37 dB(A) window-wall attenuation for all façades below the level of the elevated rail line along Livonia Avenue and a 35 dB(A) window-wall attenuation for all façades above the level of the elevated rail line along Livonia Avenue in order to maintain an interior noise level of 45 dB(A). Commercial uses must maintain an interior noise level of at least 50 dB(A). 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.

Air Quality

To preclude the potential for significant adverse impacts, the following measures will be memorialized and enforced through the Land Disposition Agreement between HPD and the Project Sponsor:

Block 3813, Lot 115 (Projected Development Site 1): Any new residential, commercial, or community facility 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 133 feet above the grade, and that the stack is located at least 150 feet from the northern lot line facing Livonia Avenue to avoid any potential significant adverse air quality impacts.

Block 3812, Lots 19, 20, 21, 22, 121 (Projected Development Site 2): Any new residential or community facility development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) system(s), ensure that the HVAC stack is located at the building's highest level at a minimum of 118 feet above the grade, and that the stack is located at least 30 feet from the eastern lot line facing Sackman Street and at least 80 feet from the western lot line facing Christopher Avenue to avoid any potential significant adverse air quality impacts.

Block 3811, Lots 17, 18, 19, 21, 23, 24, 25, 26, 27, 124 (Projected Development Site 3): Any new residential, commercial, or community facility 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 128 feet above the grade, and that the stack is located at least 70 feet from the northern lot line facing Livonia Avenue to avoid any potential significant adverse air quality impacts.

Block 3586, Lot 26 (Projected Development Site 4): Any new residential or community facility 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 128 feet above the grade to avoid any potential significant adverse air quality impacts.

In addition, the following development sites are mapped with an (E) Designation for Air Quality (E-641). The requirements for the (E) Designation are as follows:

- **Block 3812, Lot 24 (Projected Development Site 5)**: Any new residential, commercial, or community facility 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, ensure that the stack is located at a minimum of 122 feet above the grade, and that the stack is located at least 35 feet from the eastern lot line facing Sackman Street to avoid any potential significant adverse air quality impacts.

- **Block 3812, Lots 17, 18 (Potential Development Site 1)**: Any new residential, commercial, or community facility 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 a minimum of 122 feet above the grade, and that the stack is located at least 40 feet from the eastern lot line facing Sackman Street and at least 30 feet from the northern lot line facing Livonia Avenue to avoid any potential significant adverse air quality impacts.

- **Block 3811, Lot 20 (Potential Development Site 2)**: Any new residential, commercial, or community facility development on the above-referenced property must exclusively use line-electric power as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) to avoid any potential significant adverse air quality impacts.

Statement of No Significant Effect:
Pursuant to the CEQR rules adopted on June 6, 1991, Executive Order 91, HPD has completed its technical review of an Environmental Assessment Statement (EAS) and has determined that the proposed actions will have no significant effect on the quality of the environment.

Supporting Statement:
The measures described above related to historic and cultural resources will be implemented as part of the Proposed Development through the Regulatory Agreement between HPD and the project sponsors, Catholic Charities, Community Solutions, and Radson Development.

The EAS is on file with HPD and available for public review. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR Part 617.

Matthew Juliana

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NYC Department of Housing Preservation and Development

05/19/2022
Date