NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Key City Capital
c/o Richard Lobel
Sheldon Lobel, P.C.
18 East 41st Street
5th Floor
New York, NY 10017

Re:	**79 Quay Street Rezoning**
CEQR No.	21DCP010K
ULURP No(s).	C210166ZMK, N210167ZRK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK01

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. 21DCP010K, 79 Quay Street Rezoning, 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 June 21, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

June 21, 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

Olga Abinader, *Director,* (212) 720-3493 | oabinad@planning.nyc.gov
Stephanie Shellooe, AICP, *Deputy Director,* (212) 720-3328 | sshellooe@planning.nyc.gov
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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, Quay Plaza LLC, proposes a series of actions including a Zoning Map Amendment to rezone the affected area (Brooklyn Block 2589, Lot 1 and portions of (p/o) Lots 13 and 23) from M1-2/R6A (MX-8) to M1-4/R7D (MX-8), and Zoning Text Amendments to add R7D to the designated residential districts in MX-8, and to establish a Mandatory Inclusionary Housing (MIH) area with MIH options 1 and 2 coterminous with the proposed rezoning area in the Greenpoint neighborhood of Brooklyn Community District 1. The proposed actions would facilitate the development of a new 119,005 gross square feet (GSF) mixed-use building at 79 Quay Street (Block 2589, Lot 1, Projected Development Site 1) including approximately 83 dwelling units, including up to approximately 25 affordable dwelling units pursuant to MIH, and ground floor commercial retail space. The uses of the other affected lots are not expected to change under the proposed actions due to existing lot characteristics (only a small portion of Lot 23, a zoning split lot, is within the affected area; the 6-unit residential building on Lot 13 was constructed in 1931 and was recently improved). The proposed actions would establish a medium-density, mixed-use residential district with mandatory affordable housing provisions. The proposed actions would result in the development of a new land use similar compared to the land use pattern of surrounding area under the No Action condition, including the Greenpoint neighborhood immediately to the north. The proposed rezoning area is located within the coastal zone, and the proposed actions would be consistent with all applicable policies of the Waterfront Revitalization Program (WRP #19-170). The analysis concludes that no significant adverse impacts are anticipated for land use, zoning, and public policy.

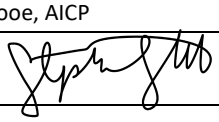
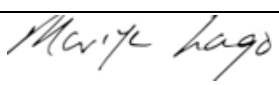
Shadows

A detailed analysis related to shadows is included in this EAS. Using a worst-case building height of 130 feet for Projected Development Site 1 (building height of 115 feet plus 15 feet for the mechanical bulkhead), the shadows screening assessment identified two sunlight-sensitive open space resources within the shadow study area: the 61 Franklin Street Garden and Bushwick Inlet Park. The detailed shadows analysis results indicate that Projected Development Site 1 could cast incremental shadows on portions of the 61 Franklin Street Garden for up to 1 hour on the December 21 analysis period, and on the northwestern corner of Bushwick Inlet Park for up to 33 minutes on the June 21 analysis period. The analysis findings demonstrate that vegetation in the affected portions of each resource would continue to receive adequate sunlight of at least four to six hours, per the guidance in the *2020 CEQR Technical Manual* found in Chapter 8, *Shadows*, on the affected analysis dates. The usability and viability of each resource, with respect to the survival of vegetation (including community garden plots) and the enjoyment of public recreation areas, would not be jeopardized as a result of project-generated incremental shadows. Therefore, the proposed actions would not result in significant adverse shadow impacts.

Hazardous Materials and Air Quality

An (E) designation (E-622) related to hazardous materials and air quality 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 and air quality 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 air quality.

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 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 June 18, 2021
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE June 21, 2021
SIGNATURE 	

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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 2589, Lot 1

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials and air quality, an (E) designation (**E-622**) 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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Air Quality

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

> ***Projected Development Site 1:*** *Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilation, and air conditioning (HVAC) systems and/or the hot water equipment stack(s) is located at the building's highest level and at least 104 feet above grade to avoid any potential significant adverse air quality impacts.*