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 this EAS. The applicant, Kent Riverview LLC, seeks a zoning map amendment to rezone Brooklyn Block 2362 Lots 1 and 3 (the "Project Area" or "Rezoning Area") from an existing M1-4 district to an M1-4/R7X Special Mixed-Use District (MX-8) and a zoning text amendment to ZR 123-63 to add R7X as a residential pairing in an MX-8 district and to Appendix F of the Zoning Resolution (ZR) to establish the Project Area as a Mandatory Inclusionary Housing (MIH) area coterminous with the Project Area in Brooklyn Community District 1 (the "Proposed Actions"). The Proposed Actions would facilitate construction of a new eight-story, 105-foot tall, 43,095 gross square foot (gsf) mixed-use building consisting of 37,036 gsf of residential floor area and 6,059 gsf of commercial retail (the "Proposed Project"). The residential floor area would consist of 40 residential units, of which approximately 10 would be permanently affordable pursuant to MIH. For the purpose of presenting a conservative CEQR analysis, this EAS analyzes a development on the applicant-owned Projected Development Site 1 that differs than the Proposed Project as well as a development on a second non-applicant-owned Projected Development Site (Projected Development Site 2). With the exception of Air Quality analysis which analyzes an eight-story development for conservative analysis purposes, Projected Development Site 1 is analyzed as a 14-story, 145-foot-tall mixed-use building with 44 dwelling units including 11 permanently affordable pursuant to MIH. Projected Development Site 2 is analyzed as a 14-story, 145-foot-tall, 94,670 gsf mixed-use building consisting of 70,054 gsf of residential floor area and 13,765 gsf of commercial retail.

The Proposed Actions would not result in significant adverse impacts to Land Use, Zoning, and Public Policy. The development and uses facilitated by the Proposed Actions would be consistent with the medium-density mixed-use, residential, and commercial buildings found along Kent Avenue to the Project Area's west, North 1st Street to the Project Area's south, and Metropolitan Avenue to the Project Area's north. The mixed-use residential and commercial development facilitated by the Proposed Actions would be consistent with previous discretionary land use actions near the Project Area including the River Ring Rezoning (CEQR# 21DCP157K) to the west of the Project Area and the Greenpoint-Williamsburg Rezoning (CEQR# 04DCP003K) to the north, east, and south of the Project Area. While the Proposed Actions would allow for an increase in development and bulk relative to the No-Action condition, the proposed M1-4/R7X district would allow for development at a comparable and appropriate scale relative to the residential and mixed-use developments in the surrounding area including those immediately to the east of the Project Area that are within an M1-2/R6A district. The Proposed Actions would be compatible and consistent with public policies that currently apply to the Project Area and the surrounding area, including the City's goals to facilitate the construction of permanently affordable dwelling units. The Proposed Actions would be consistent with the policies set forth in the Waterfront Revitalization Program (WRP# 22-056). Therefore, the analysis concludes that the Proposed Actions would not result in significant adverse impacts related to land use, zoning, and public policy.

Open Space

A detailed analysis of Open Space is included in this EAS. A significant adverse impact with regards to an open space may occur if a proposed project results in the reduction of an area's open space ratio (indirect impact) by more than the general guidelines provided in the CEQR Technical Manual or if it directly eliminates or alters an open space resource (direct impact). The Proposed Actions would not directly displace any open space resources. In the No-Action condition, the open space ratio within a .5-mile study area of the Project Area is 0.969 acres of total open space, 0.355 for active recreation open space, and 0.614 of passive recreation open space for every 1,000 residents. The total and active ratios are below the City's goals of 2.5 total acres of open space for every 1,000 residents and 2 acres of active recreation open space per 1,000 residents, however, the .5-mile study area's ratio of 0.614 acres of passive open space per 1,000 residents exceeds the City's goal of .5 acres of passive recreation open space for every 1,000 residents. A proposed project may result in a significant adverse impact if the percentage change in the total open space ratio is greater than or equal to 2%, the percentage change for active open space ratio is greater than or equal to 1%, or if the percentage change in the passive open space is greater than or equal to 5%. In the With-Action condition, the total open space ratio would decrease by 1%, the active open space ratio would decrease by .84%, and the passive open space ratio would decrease by 1.1%. The analysis concludes that the Proposed Actions would not result in direct or indirect significant adverse impacts on open space resources in the vicinity of the Project Area and no further analysis is required.

Shadows

A detailed shadows analysis is included in this EAS. Utilizing a Reasonable Worst-Case Development Scenario (RWCDS) for shadows analysis, a building height of 145 feet was analyzed for both Projected Development Sites 1 and 2. The detailed shadows analysis indicates that developments facilitated by the Proposed Actions would cast incremental shadows on three sunlight-sensitive resources during at least one of the analysis days mandated by the CEQR Technical Manual. Incremental shadows resulting from the Proposed Actions would reach the East River for 27 minutes on the March 21st/September 21st analysis days, nine minutes on the June 21st analysis day, and two hours on the December 21st analysis day. In coordination with the New York City Department of Environmental Protection, the analysis concludes that incremental shadows cast on the East River would not significantly reduce sunlight exposure on this surface waterbody nor threaten the viability of vegetation or other resources. Shadows cast as a result of the Proposed Actions would reach the River Ring Open Space for 2 hours and 34 minutes on the March 21st/September 21st analysis days, for 21 minutes on the May 6th/August 6th analysis days, and for 3 hours and 21 minutes on the December 21st analysis day. Incremental shadow facilitated by the Proposed Actions would be cast on portions of the public beach, shore walkway, the ring walkway, and landscaped vegetation. Beginning at 8:51 a.m. on December 21st, incremental shadow would travel westward through the morning and would decrease in size as the sun rises higher towards the end of the morning. By approximately 10:30 a.m., incremental shadow would reach a small portion of the interior cove and the easternmost portion of the public beach, and by noon, the incremental shadow would be cast on a portion of the eastern edge of the ring walkway. Shadows cast during the December 21st analysis day would occur outside of the growing season for

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vegetation, and vegetation throughout the River Ring Open Space would receive ample sunlight on the other analysis days. No portion of the River Ring Open Space would be cast in incremental shadow for an extended duration. Shadows resulting from the Proposed Actions would reach Grand Ferry Park on the June 21st analysis day for 10 minutes beginning at 5:57 a.m. Incremental shadows would briefly reach the southernmost portion of Grand Ferry Park. The CEQR Technical Manual does not require assessment of shadows cast in the first 1.5 hours after sunrise. Shadows resulting from the Proposed Actions would not significantly affect or eliminate sunlight on any of the open space resources within the study area. Shadows resulting from the Proposed Actions would not significantly alter the public's usability or enjoyment of sunlight-sensitive resources and no further analysis is required.

Hazardous Materials, and Air Quality
An (E) designation (E-723) related to hazardous materials and air quality would be established as part of the approval of the proposed actions and would be applicable to both projected development sites. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. An existing (E) designation (E-636) was placed on the applicant-owned Projected Development Site 1 in the River Ring FEIS (CEQR# 21DCP157K). E-723 will supersede the E-636 on the Projected Site 1 (Block 2362, Lot 1). 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 and 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 Sean J. O'Rourke at sorourke@planning.nyc.gov.

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 | 212.720.3493
NAME Evren Ulker-Kacar, AICP	DATE 8/18/2023
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TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 8/21/2023
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 2362, Lot 1
Projected Development Site 2	Brooklyn	Block 2362, Lot 3

(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-723**) would be established as part of approval of the proposed actions on **Projected Development Sites 1 and 2** as described below:

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

Hazardous Materials

The (E) designation (E-723) requirements applicable to **Projected Development Site 1** for hazardous materials would apply as follows:

Task 1- Sampling Protocol

Prior to construction, the Applicant must submit to the New York City Mayor's Office of Environmental Remediation (OER), for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. No sampling should begin until written approval of a protocol is received by OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source 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 the 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 be 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 for the test results, a proposed remedial action plan (RAP) must be submitted by 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. An OER-approved construction-related health and safety plan (CHASP) would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

The (E) designation (E-723) requirements applicable to **Projected 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 (E-723) requirements for air quality would apply as follows:

Projected Development Site 1: *Any new development on the above-referenced property on Lot 1 must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC system and hot water equipment stack on the building is located at the highest tier and at least 108 feet above grade and located at least 43 feet from the northern lot line facing Metropolitan Avenue. Adherence to these conditions would avoid any potential significant adverse impacts.*

Projected Development Site 2: *Any new development on the above-referenced property on Lot 3 must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC system and hot water equipment stack on the building is located at the highest tier and at least 148 feet above grade and located at least 18 feet from the western lot line facing River Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.*