# DEPARTMENT OF CITY PLANNING
# CITY OF NEW YORK

## M E M O R A N D U M

TO: Sara Avila and Alex Sommer

FROM: Stephanie Shellooe

DATE: May 2, 2025

RE: **TYPE II**

| | |
|---|---|
| CEQR No. | 25DCP061K |
| Land Use Application No. | 250121ZMK, N250122ZRK |
| Project Name | 5502 Flatlands Ave Rezoning |

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We have reviewed the above referenced application and determined that, pursuant to 6 NYCRR 617.5, it is a Type II action and not subject to SEQRA/CEQR:

- ☐ **617.5(9)** Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or use variance, and consistent with local land use controls, but not radio communication or microwave transmission facilities.

- ☐ **617.5(11)** construction or expansion of a single-family, a two-family or a three-family residence on an approved lot.

- ☐ **d_ 617.5(12)** Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.

- **617.5(25)** Official acts of a ministerial nature involving no exercise of discretion:

  ☐ Special Permits pursuant to Zoning Resolution Section 74-78 (Conversions of Non-Residential Floor Area), for modifications to the requirements relating to the location of loft dwellings or joint living-work quarters for artists and use restrictions.

  ☐ Authorizations pursuant to Zoning Resolution Sections 105-421 (Modification of topographic features on Tier I sites), 105-422 (Authorization of a development, enlargement or site alteration on a Tier II zoning lot or portion of a zoning lot having a steep slope or steep slope buffer), 105-423 (Relocation of erratic boulders), 105-424 (Alteration of rock outcrops), 105-425 (Modification of botanic environment and tree preservation and planting requirements), 105-426 (Alteration of aquatic features), 105-91 (Special District Designation on Public Parks), 107-64 (Removal of Trees), 107-65 (Modifications of Existing Topography), 119-311 (Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer), 119-313 (Modification of landscaping, tree preservation and tree planting requirements), and 119-319 (Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks).

  ☐ Other Authorizations*

☐ City Planning Commission and Chair Certifications.

☐ Actions pursuant to Zoning Resolution Sections 93-65, 95-04 and 95-05 relating to transit easements.

- **617.5(32)** License, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities:

  ☐ Renewal of Special Permit or Authorization.

- **617.5(b)** Residential Development Type II Actions (Green Fast Track) adopted as Section 5-05(e) and (f) of Chapter 5 of Title 62 of the Rules of the City of New York:

  ☑ Green Fast Track for Housing eligible.

- ☐ **Other*** _____

*As determined by DCP's Environmental Assessment and Review Division and Counsel's Office

cc:

City Planning Commissioners

# City Environmental Quality Review

## GREEN FAST TRACK FOR HOUSING TYPE II: ELIGIBILITY CHECKLIST

FOR GREEN FAST TRACK TYPE II ACTIONS ONLY

## Part I: Project Summary

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|---|---|
| **Project Summary** | 5502 Flat LLC (the "Applicant") seeks a Zoning Map Amendment (from R3-2 to R6A/C2-4) and a zoning text amendment (to map a Mandatory Inclusionary Housing area) for Block 7781 Lots 12, 15, 19, and p/o 1 (the "Affected Area") in the Flatlands neighborhood of Brooklyn Community District 18. The Proposed Actions would facilitate the construction of a six-story, 60-foot-tall mixed-use building (the "Proposed Development") on Lot 15 (the "Development Site"). The Proposed Development would include 9,972 gross square feet (GSF) of commercial ground floor space and 40,480 GSF of residential area comprised of 30 dwelling units (8-9 of which would be income-restricted under MIH Option 1 or 2). Fifteen accessory residential parking spaces would be provided.<br>The with-action development would be a 57,082 GSF, 9-story mixed use building with 47,110 residential GSF and 9,972 GSF of ground floor commercial space (3.9 FAR). There would be 55 dwelling units, of which 18 or 20 would be affordable per MIH. There would be 23 accessory parking spaces for building residents, with a curb cut onto E.56th Street.<br>Aside from the Development Site, there are no other developable sites. |
| **Development Site Blocks and Lots**<br>*"Development site" means the zoning lot all or part of which the applicant proposes to develop through the action.* | Brooklyn Block 7781, Lot 15 |
| **Developable Site Blocks and Lots**<br>*"Developable site" means a zoning lot, including the development site, within the area that is the subject of the action that the lead agency determines is likely to be developed as a result of the action.* | N/A |

## Part II: Package Requirements

| | | |
|---|---|---|
| II.1 Agency Sign-offs | Required Agency Sign-offs and their determinations ***attached.***<br>List of required agencies include:<br>Landmarks Preservation Commission; Department of Environmental Protection. | ✔ |
| II.2 Restrictive Declarations & E-Designations | Required Restrictive Declarations & E-Designations ***attached.*** | ✔ |
| II.3 Development Increment Table | Development Increment Table ***attached.*** | ✔ |
| II.4 Project Area Map | Project Area Map (with development sites) ***attached.*** | ✔ |

## Part III: Eligibility Checklist

*§ 3. Section 5-05 of Chapter 5 of Title 62 of the Rules of the City of New York: Subdivisions (e) and (f)*

| | | Eligible? |
|---|---|---|
| **(e)** | **Residential Development Type II Actions. The following actions are not subject to review under City Environmental Quality Review, the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) or the SEQRA Regulations, subject to subdivision (f) of this section:** | |
| **(e) (1)** | Actions that enable incremental development of at least 1 and no more than 250 new dwelling units or new income-restricted dwelling units, and no more than 35,000 gross square feet of space for non-residential uses, which includes no more than 25,000 gross square feet of space for commercial uses and no more than 25,000 gross square feet of community facility space, and which at the time of the environmental determination are: | ☐ |
| **(i)** | Located wholly within an existing R5 through R10 Residence zoning district, provided that such action does not include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district; or | ☐ |
| **(ii)** | Located in an existing stand-alone Commercial zoning or Manufacturing zoning district and are being developed pursuant to a regulatory agreement or lease with a government agency to develop housing or a decision by the Board of Standards and Appeals authorizing residential development; or | ☐ |
| **(e) (2)** | Actions that enable incremental development of at least 1 and no more than 175 new dwelling units or new income restricted dwelling units, and no more than 20,000 gross square feet of space for non-residential uses, which includes no more than 10,000 gross square feet of space for commercial uses, and no more than 10,000 gross square feet of community facility space, and which at the time of the environmental determination, are located at least partially within an existing R1 through R4 Residence zoning district, provided that such action shall not include actions that include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district. | ☑ |
| **(f)** | **Type II Residential Development Prerequisites. An action listed in subdivision (e) of this section must also comply with all of the following to be a Type II action, at or before the time environmental review is required to be completed:** | **Eligible?** |
| **(f) (1)** | Any new building or any enlargement of an existing building on the development site shall not burn fossil fuels to supply heat or hot water; | ☑ |
| **(f) (2)** | The applicant or development site owner shall have complied with the following site-specific requirements: | ☐ |
| **(i)** | For developable sites that include one or more tax lots that do not have an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution at the time of the environmental determination, completed a Phase I Environmental Site Assessment for the development site and either: | ☑ |
| **(A)** | Obtained a written signoff from the lead agency that no further environmental investigation is required or that a plan to address any hazardous materials is acceptable; or | ☐ |
| **(B)** | Consented to the establishment of an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution and 15 RCNY Chapter 24 on the developable sites, provided that where an (E) designation is not available and the development site will be developed pursuant to a regulatory agreement with a government agency, such government agency shall include protections and development oversight requirements equivalent to an (E) designation found in 15 RCNY Chapter 24 in such regulatory agreement; and | ☑ |
| **(ii)** | Obtained a determination from the New York City Landmarks Preservation Commission (LPC) stating whether any developable site is within an archaeologically sensitive area, is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District, is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, or is substantially contiguous to a sunlight sensitive architectural resource, and | ☑ |
| **(A)** | If LPC determines a developable site is within an archaeologically sensitive area, completed an archaeological document study for the development site and obtained a writing from LPC that the development of such development site does not raise archaeological concerns; and | ☐ |
| **(B)** | If LPC determines a developable site is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District or is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, obtained a writing from LPC that the development of such development site does not raise historic preservation concerns; | ☐ |
| **(iii)** | Agreed to prepare and implement a Construction Protection Plan consistent with the requirements of the New York City Department of Buildings Technical Policy and Procedure #10/88 for a development site located at least partially within 90 feet of a building or site formally determined to be eligible for listing on the National Register of Historic Places or the New York State Register of Historic Places or of a building or site that is eligible for designation as a New York City Landmark or Historic District; | ☐ |
| **(iv)** | For developable sites within 1000 feet of an air emissions source that operates under a permit issued pursuant to subpart 201-5 of title 6 of the New York Codes, Rules and Regulations (New York State facility permits) or subpart 201-6 of such title (Clean Air Act Title V permits) or either within 400 feet of any existing air emission source with an active or expired industrial permit issued by the New York City Department of Environmental Protection or within 400 feet of any unpermitted industrial source, confirmed to the lead agency based on the emission limits in the permit(s) or, for any unpermitted source, the estimated emission limits from similar source permit(s) provided by the lead agency, that concentrations of any pollutant regulated by the permit(s) or identified by the lead agency for any unpermitted source will not exceed the corresponding National Ambient Air Quality Standards (including background concentrations) and Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC) in the New York State Department of Environmental Conservation Division of Air Resources Guidelines for Evaluation and Control of Ambient Air Contaminants (DAR-1) at such developable site, as determined in accordance with the industrial source screen in Appendix B of Chapter 5 of Title 62 of the rules of the city of New York (Industrial Air Quality Checklist). | ☑ |
| **(v)** | With respect to calculation of noise levels, either: | ☑ |
| **(A)** | Provided to the lead agency representative peak hour outdoor noise sampling showing less than 70 A-weighted decibels (dBA) L10 ambient noise levels at all developable sites, and provided outdoor noise sampling for all developable site buildings within the line of sight of any railway or elevated subway showing less than 65 dBA Ldn ambient noise levels and confirmed that all developable sites are outside the 65 Day Night Average Sound Level contours established in the Noise Exposure Map (NEM) Report for John F. Kennedy Airport and LaGuardia Airport, or | ☐ |
| **(B)** | Agreed to establishment of an (E) designation for noise pursuant to section 11-15 of the NYC Zoning Resolution on any developable sites that cannot meet the requirements of item (A) above, provided that where the development site will be developed pursuant to a regulatory agreement with a government agency, such government agency shall include protections equivalent to those imposed by an (E) designation for noise attenuation in such regulatory agreement. | ☑ |
| **(f) (3)** | The projected duration of construction at each development site shall not be greater than 24 months and no consecutive projected construction period for all substantially contiguous developable sites shall be greater than 24 months. | ☑ |
| **(f) (4)** | No portion of any developable site shall: | ☑ |
| **(i)** | Be located adjacent to an arterial highway listed in Appendix H to the New York City Zoning Resolution or a vent structure for a tunnel | ☑ |
| **(ii)** | Be located within in a Special Coastal Risk District mapped pursuant to Article XIII, Chapter 7 of the New York City Zoning Resolution; or | ☑ |
| **(iii)** | Contain a natural resource.<br>*("Natural Resource" means surface water bodies; wetland resources; upland resources, such as beaches, shrublands, meadows, and forests; or other significant or sensitive resources.)* | ☑ |
| **(f) (5)** | The action shall not enable construction of a new building or other structure or enlargement of an existing building or structure with a maximum allowable height greater than 250 feet, including all rooftop bulkheads, mechanical equipment, parapets, and any other parts of the building, or with a maximum possible height greater than 50 feet if substantially contiguous to a public open space other than a street or sidewalk, natural resource or an architectural sunlight sensitive resource identified by LPC under subparagraph (ii) of paragraph (2) of this subdivision above, unless such open space, natural resource or sunlight sensitive resource is entirely within the area between -108° degrees from true north and +108 degrees from true north of the building or other structure or is an architectural resource that is located on a facade that faces directly away from a developable site. | ☑ |

# 5502 Flatlands Avenue Rezoning

# Green Fast Track Eligibility Memo

**Location and Density**

Proposed Actions

The Proposed Actions are –

1. A Zoning Map Amendment to rezone from R3-2 to R6A/C2-4 an approximately 29,000 sf area (Brooklyn Block 7781, Lots 1 (p/o), 12, 15, and 19) in the Flatlands area of Brooklyn Community District 18; and
2. A Zoning Text Amendment to map a Mandatory Inclusionary Housing (MIH) area coterminous with the Rezoning Area.

Affected Area

The Rezoning Area consists of the northern part of the block bounded by Flatlands Avenue on the north, E. 56th Street on the east, Avenue J on the south, and E. 55th Street on the west. It consists of the Applicant-owned Lot 15 (the Development Site) and all or part of three lots not controlled by the Applicant. The area is bounded by E. 55th Street, Flatlands Avenue, E. 56th Street, and a line parallel to and 125 feet north of Avenue J. (See Figure 1, Site Location.)

Proposed Development

The Development Site, 5502 Flatlands Avenue, consists of historical Lots 114, 15, and 18, which have been merged to form the current Block 7781, Lot 15. The 12,721 sf vacant lot is an irregularly shaped parcel at the northern end of the block, with frontage on both Flatlands Avenue and E. 56th Street.

The Proposed Actions would facilitate the redevelopment of the Development Site with a 50,452 gsf (45,822 zsf), 6-story, 60-foot-tall mixed use building with 40,480 residential gsf (38,423 zsf) and 9,972 gsf (7,399 zsf) of ground floor commercial space. The FAR would be 3.60 (3.02 residential and 0.58 commercial). There would be 30 dwelling units, of which 8 or 9 would be affordable per the Mandatory Inclusionary Housing (MIH) requirements, depending on whether Option 1 or Option 2 is used to satisfy the program requirements. There would be 15 accessory parking spaces for building residents, with a curb cut onto E.56th Street.

Future No-Action Scenario

Absent the Proposed Actions, the Applicant has no plans for redevelopment of the Development Site. It would remain vacant. The non-Applicant-owned lots would also not be redeveloped. The existing conditions would continue within the Rezoning Area.

Future With-Action Scenario

The proposed development would not fully utilize the FAR or building height permitted under the proposed zoning, but the with-action scenario assumes a development with the same uses as

# 5502 Flatlands Avenue, Brooklyn

Figure 1: Site Location




Data Source: MapPLUTO 2023v2

Urban Cartographics

the proposed project that would maximize the site's development potential under the proposed R6A/C2-4 zoning.

The with-action development would be a 57,082 gsf (49,612 zsf), 9-story mixed use building with 47,110 residential gsf (42,213 zsf) and 9,972 gsf (7,319 zsf) of ground floor commercial space. The FAR would be 3.90 (3.32 residential and 0.58 commercial). The building would have a roof height of 95 feet, with rooftop bulkheads rising to a maximum permitted height of 120 feet. There would be 55 dwelling units, of which 18 or 20 would be affordable per MIH requirements, depending on whether Option 1 or Option 2 is used to satisfy the program requirements. There would be 23 accessory parking spaces for building residents, with a curb cut onto E.56th Street.

Construction would take approximately 12 months.

The other three lots are not expected to be redeveloped as a result of the Proposed Actions. The 15,000 sf Lot 1 would remain mostly in the R3-2 district; only a 2,500 sf section would be rezoned to R6A/C2-4. Lot 12 is occupied by a community facility that has been in operation for 30 years and has no plans to relocate. Lot 19 is a 2,500 sf parcel that is too small to be considered a potential redevelopment site. The only redevelopment to result from the Proposed Actions would be the one on Projected Development Site 1.

Development Increment

Under the with-action scenario, the Proposed Actions would result in an increase of 55 housing units and 9,972 gsf of retail space. This is shown in Table 1 below.

**Table 1: Development Increment**

| Site | Use | No-Action Condition | With-Action Condition | Increment |
|---|---|---|---|---|
| Projected Development Site 1 | Residential (gsf) | 0 | 47,110 | 47,110 |
| | Units | 0 | 55 | 55 |
| | Non-Residential (gsf) | 0 | 9,972 | 9,972 |
| | Commercial (gsf) | 0 | 9,972 | 9,972 |
| | Community Facility (gsf) | 0 | 0 | 0 |
| | Other (gsf) | 0 | 0 | 0 |
| | Total (gsf) | 0 | 57,082 | 57,082 |
| **Total for Development Sites** | **Residential (gsf)** | 0 | 47,110 | **47,110** |
| | **Units** | 0 | 55 | **55** |
| | **Non-Residential (gsf)** | 0 | 9,972 | **9,972** |
| | **Commercial (gsf)** | 0 | 9,972 | **9,972** |
| | **Community Facility (gsf)** | 0 | 0 | **0** |
| | **Other (gsf)** | 0 | 0 | **0** |
| | **Total (gsf)** | 0 | 57,082 | **57,082** |

**Air Quality**

Fuel Source

The development would not burn fossil fuels for heating, cooling, or hot water. To ensure that this is the case, an (E) designation (E-822) for air quality would be placed on the Development Site. The text of the (E) designation would be as follows:

**Brooklyn Block 7781, Lot 15**

**Any new residential, commercial, and/or community facility development on the above-referenced property must exclusively use electric grid power for heating, ventilating, and air conditioning (HVAC) system and hot water equipment, with no venting stacks, to avoid any potential significant adverse air quality impacts.**

No development site within the Rezoning Area is adjacent to an arterial highway or tunnel ventilation structure or located within 1,000 feet of a Large or Major Source of air emissions. No existing air quality designation has been placed on the Development Site.

Industrial Source Screening

Per the Green Fast Track criteria, , projects are not eligible for the City Environmental Quality Review (CEQR) Type II if they have the potential to be affected by a nearby air emissions source (industrial, large/major source).

Existing manufacturing uses with exhaust stacks, vents, or other emission sources that may have the potential to adversely affect the uses introduced by the project were identified by reviewing the New York City Department of Environmental Protection (DEP) online Clean Air Tracking System (CATS) database (accessible through New York City Open Data[1]), the the New York State Department of Environmental Conservation (NYSDEC) map application (DECinfo Locator[2]), the New York City Department of City Planning (DCP) online Land Use Map (ZOLA) application, and through a field survey performed on June 21st, 2024.

The study area encompasses all or part of Blocks 7779, 7780, 7781, 7782, 7783, 7802, and 7803, and includes properties along Flatlands Avenue, Avenue J, E. 54th Street, E. 55th Street, E. 56th Street, and E. 57th Street. Land uses in the study area include residential and commercial/retail uses, parking lots, a religious institution, and auto repair facilities. The results of the study are as follows:

DEP processing permit PB043714 was issued to K.B. Auto Repair Shop at 1102 E. 56th Street (Block 7781, Lot 19) for an auto body spray booth. DEP Permit B043714 expired on 2/11/2015. K.B. Auto Repair Shop no longer operates at 1102 E. 56th Street. At the time of the field survey, the building at 1102 E. 56th Street was occupied by A.A.Y. Auto Repair, a general auto repair garage whose operations do not include auto body repair or painting. During the field survey, no stacks, odors, emissions, or indications of auto body repair or painting operations were observed at this location.

[1] New York City Open Data. "Clean Air Tracking System (CATS)." data.cityofnewyork.us/Environment/Clean-Air-Tracking-System-CATS-Permits/f4rp-2kvy/about_data, Feb. 21, 2024.
[2] NYSDEC. "DECinfo Locator." gisservices.dec.ny.gov/gis/dil/, Feb. 21, 2024.

During the field survey, one potential air emission source was identified in the study area: P&T Auto Body at 5513 Avenue J (Block 7781, Lot 1). At the time of the field survey, no odors or emissions were observed at this location; however, a rooftop stack is visible from the street. No DEP processing permit or NYSDEC air facility registration certificate was found on file for the business(es) occupying the building. NYS Department of Motor Vehicle licenses registered at the address (5513 Avenue J) include Leongs P&T Auto Body, Inc. and Certified Auto Mechanics, Inc. The fieldwork observation study and online data suggest that an auto body repair facility and an auto mechanic facility operate from the building at 5513 Avenue J.

Two other general auto repair shops are located in the study area. The first, Kraft German Auto, is located at 1105 E. 56th Street (Block 7782, Lot 11), and the other is A n S Automotive at 925 E. 57th Street (Block 7783, Lot 25). These auto repair facilities were identified as general auto maintenance garages (not auto body repair or painting operations). During the field survey, no stacks, odors, or emissions were observed at these locations. No other potential sources of toxic air emissions were identified in the study area in the DEP CATS database, the NYSDEC DECinfo Locator database, or during the field survey.

*Pollutants of Concern*

Emissions from the P&T Auto Body facility are from spray-painting processing operation. The pollutants associated with spray-painting processing comprise particulates and solvents. Particulates include particulate matter with various aerodynamic diameters, including diameters less than or equal to 2.5 microns ("$PM_{2.5}$") and 10 microns ("$PM_{10}$"), which are criteria pollutants. Solvents are volatile organic compounds (VOCs), which can include hundreds of toxic pollutants, ranging from high to low toxicities. According to the New York City Department of City Planning (DCP) *Green Fast Track for Housing: Process Guidance for Determining Type II Eligibility Criteria* manual, pollutant concentrations are evaluated with the National Ambient Air Quality Standards (NAAQS) (including background concentration), and the DAR-1 (current publication February 12, 2021) Annual and Short-term Guideline Concentration (AGC/SGC Table).

Significant adverse air quality impact related to the criteria pollutants ($PM_{10}$ and $PM_{2.5}$) accounts for existing pollutant concentrations in the ambient air (background concentrations). Background concentrations from the nearest NYSDEC federally-mandated monitoring station(s) were applied. **Table 2** shows the particulates ($PM_{2.5}$ and $PM_{10}$) NAAQS and background concentrations.

**Table 2: NAAQS and background concentrations for the relevant pollutants**

| Pollutant | Averaging Period | NAAQS | Background Concentration ($\mu g/m^3$) | Monitoring Station (1) |
|---|---|---|---|---|
| $PM_{10}$ | 24 Hour | 150 $\mu g/m^3$ | 43 $\mu g/m^3$ | Division Street Site No. 36-061-0134 |
| $PM_{2.5}$ | 24 Hour | 35 $\mu g/m^3$ | 17.8 $\mu g/m^3$ | JHS 126 Site No. 36-047-0122 |
| | Annual | 9.0 $\mu g/m^3$ | 7.6 $\mu g/m^3$ | |

Notes:
1. Background concentration: NYSDEC. 2019. "New York State Ambient Air Quality Report for 2019." File version: 11/12/2020. extapps.dec.ny.gov/docs/air_pdf/2019airqualreport.pdf.
2. $\mu g/m^3$ = micrograms per cubic meter

*P&T Auto Body - Dispersion Screening*

The P&T Auto Body facility operates with no NYSDEC or DEP permit. Emissions from spray-painting processing comprise particulates and solvents. The particulates (solids) bind to the sprayed article, giving it the desired look and color. However, some of the sprayed solids are over-sprayed and could be emitted to the outside air. Solvents are volatile organic compounds (VOCs). The VOCs evaporate during the spraying activity and while the coating substance dries. The P & T Auto Body is a relatively small facility, occupying part of the 2,400 gsf building at 5513 Avenue J. The particulate and VOC emissions, including the VOC chemical composition, of the P&T Auto Body facility were based on the DEP permit PW001217, registered to Alex's Auto Body, and DEP permit PW003321, registered to the New Honeywell Auto facility. The New Honeywell Auto facility at 763 4th Avenue (Block 655, Lot 1) in Brooklyn is an approximately 2,700 gsf facility. Alex's Auto Body facility at 2250 McDonald Avenue (Block 7103, Lot 32), 2256 McDonald Avenue (Block 7103, Lot 56), and 2260 McDonald Avenue (Block 7103, Lot 36) in Brooklyn operates from a total of 9,374 gsf facility. Coating compounds (paint, clear coats, reducer, and thinner) consumption rates are included in the DEP permits PW001217 and PW003321.

The chemicals that make up the VOC group were derived from the chemical composition listed in the DEP permit PW001217 and PW003321 described above. Each chemical's maximum percent weight was used to compile a single chemical composition database (rather than treat each DEP permit as a database), as many appear in both DEP permits. This approach yielded a VOC chemical composition with a total percent weight of 147 percent, exceeding the estimated total VOC emission of the P&T Auto Body. **Table 3** shows the P&T Auto Body facility VOC emissions.

Particulate emissions include $PM_{10}$ and $PM_{2.5}$ combined. Particle size distribution (46.7 percent $PM_{10}$ and 28.6 percent $PM_{2.5}$) associated with the spray-painting processing emission specified in the EPA *AP-42 Manual Appendix B.1-12, Automobile and Light-Duty Truck Surface Coating Operations: Automobile Spray Booths (Water-Base Enamel)*, was used to derive the facility's $PM_{10}$ and $PM_{2.5}$ emissions. **Table 4** shows the P&T Auto Body facility's short-term and annual $PM_{10}$ and $PM_{2.5}$ emissions.

Appendix B to 62 RCNY Chapter 5's "Industrial Air Quality Checklist" methodology was used to predict pollutant concentrations. The methodology can be used to predict a pollutant

concentration emitted from a single source at various distances (30 to 400 feet). A distance of 120 feet was used in the screening. **Table 3** shows the VOC air dispersion screening results.

**Table 3: Noncriteria pollutants dispersion screening result**

| Chemical | CAS No. | Percent Weight | 1-Hour Max | | | Annual | | |
|---|---|---|---|---|---|---|---|---|
| | | | Emission (g/s) | Conc. (µg/m3) | SCG (µg/m3) | Emission (g/s) | Conc. (µg/m3) | SCG (µg/m3) |
| Methanol | 67-56-1 | 5.68% | 2.07E-02 | 162.6 | 33000.0 | 9.24E-04 | 0.3 | 4000.0 |
| Isopropyl Alcohol | 67-63-0 | 1.43% | 5.22E-03 | 41.0 | 98000.0 | 2.33E-04 | 0.09 | 7000.0 |
| Acetone | 67-64-1 | 16.99% | 6.19E-02 | 486.6 | 180000.0 | 2.76E-03 | 1.0 | 30000.0 |
| Butanol-1 | 71-63-3 | 1.36% | 4.94E-03 | 38.8 | --- | 2.21E-04 | 0.08 | --- |
| Methyl Ethyl Ketone | 78-93-3 | 7.42% | 2.70E-02 | 212.4 | 13000.0 | 1.21E-03 | 0.46 | 5000.0 |
| Butyl BenyzlPhthalate | 85-68-7 | 0.80% | 2.90E-03 | 22.8 | --- | 1.30E-04 | 0.05 | 0.42 |
| Trimethylbenzene, 1,2,4- | 95-63-6 | 1.48% | 5.41E-03 | 42.5 | --- | 2.41E-04 | 0.09 | 60.0 |
| Ethylbezene | 100-41-4 | 2.95% | 1.07E-02 | 84.4 | --- | 4.79E-04 | 0.2 | 1000.0 |
| Propylbenzene, N- | 103-65-1 | 6.96% | 2.53E-02 | 199.2 | 54000.0 | 1.13E-03 | 0.4 | 1000.0 |
| Methyl Isobutyl Ketone | 108-10-1 | 3.42% | 1.25E-02 | 98.0 | 31000.0 | 5.57E-04 | 0.2 | 3000.0 |
| Methoxypropylacetate | 108-65-6 | 5.17% | 1.89E-02 | 148.1 | 36850.0 | 8.41E-04 | 0.3 | 2000.0 |
| Trimethylbenzene, 1,3,5- | 108-67-8 | 0.36% | 1.30E-03 | 10.2 | --- | 5.78E-05 | 0.02 | 60.0 |
| Methylcyclohexane | 108-87-2 | 2.15% | 7.83E-03 | 61.5 | --- | 3.49E-04 | 0.1 | 3800.0 |
| Toluene | 108-88-3 | 21.61% | 7.88E-02 | 618.9 | 37000.0 | 3.52E-03 | 1.3 | 5000.0 |
| Isopropyl Acetate | 110-19-0 | 2.65% | 9.68E-03 | 76.0 | 71300.0 | 4.32E-04 | 0.2 | 565.0 |
| Methyl Amyl Ketone | 110-43-0 | 0.24% | 8.70E-04 | 6.8 | --- | 3.88E-05 | 0.01 | 550.0 |
| Butoxyethyl Acetate | 112-07-2 | 0.64% | 2.31E-03 | 18.2 | --- | 1.03E-04 | 0.04 | 310.0 |
| N-Butyl Acetate | 123-86-4 | 36.28% | 1.32E-01 | 1039.0 | 71300.0 | 5.90E-03 | 2.2 | 565.0 |
| Heptane. N- | 142-82-5 | 6.21% | 2.26E-02 | 177.7 | 210000.0 | 1.01E-03 | 0.4 | 3900.0 |
| Ethyl 3-Ethoxypropionate | 763-69-9 | 1.24% | 4.52E-03 | 35.5 | 140.0 | 2.02E-04 | 0.08 | 64.0 |
| Xylenes | 1330-20-7 | 11.37% | 4.14E-02 | 325.5 | 22000.0 | 1.85E-03 | 0.7 | 100.0 |
| Ligroine | 8032-32-4 | 5.73% | 2.09E-02 | 164.2 | --- | 9.33E-04 | 0.4 | 900.0 |
| 2-(2H-Benzotriazol-2-yl)-4,6-Ditertpentylphenol | 25973-55-1 | 0.48% | 1.74E-03 | 13.7 | --- | 7.77E-05 | 0.03 | --- |
| Solvent Naphtha Aliphatic | 64742-89-8 | 0.95% | 3.48E-03 | 27.3 | --- | 1.55E-04 | 0.06 | 3200.0 |
| Solvent Naphtha Light | 64742-95-6 | 2.96% | 1.08E-02 | 84.9 | --- | 4.82E-04 | 0.2 | 100.0 |

Notes:

1. Based on VOC maximum 1-hour emission of 2.89 pounds per hour and 1,130 pounds per year.
2. One-hour concentration is predicted by multiplying the 1-hour maximum emission by a generic concentration at 120 feet distance from the source (7,857 µg/m3 per 1 g/s emission).
3. Annual concentration is predicted by multiplying the annual average emission by a generic concentration at 120 feet distance from the source (378 µg/m3 per 1 g/s emission).

**Table 3** shows that the noncriteria pollutant concentrations are within the SGC/AGC standard. In addition, the inhalation risk of carcinogen pollutants is 0.13 (less than 1), and the Hazardous Index is 0.009 (less than 1) for the non-carcinogenic pollutants.

The criteria pollutants dispersion screening results are presented in **Table 4**. As shown in **Table 4**, $PM_{2.5}$ and $PM_{10}$ concentrations are within the NAAQS.

**Table 4: Criteria pollutants dispersion screening results**

| Criteria Pollutant | Emission(1) (g/s) | Concentration (µg/m3) | | | |
|---|---|---|---|---|---|
| | | Increment (2, 3) (Modeled) | Background | Ambient With-Action | NAAQS |
| $PM_{2.5}$ 24-Hour | 1.36E-03 | 3.92 | 17.8 | 21.7 | 35 |
| $PM_{2.5}$ Annual | 5.19E-04 | 0.2 | 7.6 | 7.8 | 9.0 |
| $PM_{10}$ 24-Hour | 2.23E-03 | 6.4 | 43 | 49.4 | 150 |

Notes:
1. Based on particulate emissions of 0.63 pounds per hour, 0.91 pounds per day, and 126.1 pounds per year.
2. 24-hour concentration is predicted by multiplying the 24-hour average emission by a generic concentration at 120 feet distance from the source (2,877 µg/m$^3$ per 1 g/s emission).
3. Annual concentration is predicted by multiplying the annual average emission by a generic concentration at 120 feet distance from the source (378 µg/m$^3$ per 1 g/s emission).

Predicted contaminants (criteria and noncriteria pollutants) concentrations at the Development Site would not exceed the NAAQS or the SGC/AGC standard, and the noncriteria pollutants risk assessment (cancer risk and hazard index) is within the acceptable design values. Therefore, the Proposed Actions meet Green Fast Track industrial source screen air quality criteria.

**Noise**

No existing (E) designation for noise has been placed on the Development Site. The site is not located within line of sight to any railway or elevated subway or within an airport noise exposure zone.

Noise monitoring was conducted on Thursday, May 23, 2024, during the morning, midday, and late afternoon peak travel periods. Readings were taken at three sidewalk locations:

1. Location 1 – adjacent to the Development Site at the center of the E. 56th Street frontage;
2. Location 2 – adjacent to the Development Site at the center of the Flatlands Avenue frontage; and
3. Location 3 – to the immediate southwest of the Development Site at the corner of E. 55th Street and Flatlands Avenue.

Monitoring results are presented in Tables 5 through 7.

**Table 5: Noise Levels in dB(A) at Location 1**

| *Thursday, May 23, 2024* | | | |
|---|---|---|---|
| **Time** | **7:46 am – 8:06 am** | **12:00 pm – 12:21 pm** | **4:34 pm – 4:54 pm** |
| $L_{max}$ | 82.0 | 82.6 | 76.6 |
| $L_{10}$ | 71.5 | 65.0 | 64.0 |
| $L_{eq}$ | 69.5 | 61.7 | 60.9 |
| $L_{50}$ | 69.5 | 58.0 | 59.0 |
| $L_{90}$ | 63.0 | 49.5 | 52.5 |
| $L_{min}$ | 56.9 | 44.4 | 47.5 |

**Table 6: Noise Levels in dB(A) at Location 2**

| *Thursday, May 23, 2024* | | | |
|---|---|---|---|
| **Time** | **8:07 am – 8:28 am** | **12:21 pm – 12:42 pm** | **4:55 pm – 5:15 pm** |
| $L_{max}$ | 86.3 | 79.9 | 102.8 |
| $L_{10}$ | 72.5 | 71.0 | 71.5 |
| $L_{eq}$ | 68.6 | 66.6 | 72.9 |
| $L_{50}$ | 63.5 | 62.0 | 64.0 |
| $L_{90}$ | 58.0 | 50.0 | 54.0 |
| $L_{min}$ | 56.9 | 44.9 | 48.4 |

**Table 7: Noise Levels in dB(A) at Location 3**

| *Thursday, May 23, 2024* | | | |
|---|---|---|---|
| **Time** | **8:29 am – 8:49 am** | **12:43 pm – 1:03 pm** | **5:16 pm – 5:36 pm** |
| $L_{max}$ | 85.4 | 82.0 | 89.6 |
| $L_{10}$ | 70.5 | 67.0 | 67.0 |
| $L_{eq}$ | 66.6 | 63.5 | 66.7 |
| $L_{50}$ | 63.5 | 60.0 | 62.5 |
| $L_{90}$ | 57.5 | 53.5 | 55.5 |
| $L_{min}$ | 51.8 | 48.7 | 50.0 |

The highest recorded $L_{10}$ levels were 71.5 dBA at Location 1, 72.5 at Location 2, and 70.5 at Location 3. All three noise levels are in the Marginally Unacceptable range, requiring window/wall attenuation of at least 28 dB(A) to maintain an acceptable indoor noise level.

To ensure that the appropriate level of noise attenuation is provided, an (E) designation (E-822) for noise would be placed on the Development Site. The text of the (E) designation would be as follows:

**Brooklyn Block 7781, Lot 15**

**To ensure an acceptable interior noise environment, future residential/commercial office/community facility uses must provide a closed-window condition with a minimum of**

**28 dB(A) window/wall attenuation on all facades to ensure an interior noise level not greater than 45 dB(A) for residential and community facility uses or not greater than 50 dB(A) for commercial office uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but are not limited to, air conditioning.**

**Hazardous Materials**

Environmental Studies Corp. performed a Phase I Environmental Site Assessment (ESA) of the Development Site and issued a report dated August 2024. The ESA identified two Recognized Environmental Conditions:

1. The potential for contamination resulting from a contactor's storage yard and a car service formerly located at the site;
2. The potential for groundwater contamination resulting from a historical dry cleaner located approximately 100 feet west of the site.

The Phase I ESA was reviewed by DEP, which responded on September 23, 2024. (The response is included as an attachment.)

To ensure that a significant adverse impact related to hazardous materials does not occur, an (E) designation (E-822) for hazardous materials would be placed on the Development Site. The text of the (E) designation would be as follows:

**Brooklyn Block 7781, Lot 15**

**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 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 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.**

**Natural Resources**

The Development Site does not contain a wetland, priority waterbody, significant natural community, forever wild area, recognized ecological complex, special natural waterfront area, or beach and is not located within a wetland check zone. No unmapped natural resource has been identified on or near the site.

**Historic Resources**

In correspondence dated April 8, 2024, LPC confirmed that the Development Site does not contain any architecturally or archaeologically significant resources and that no significant architectural resources are located within 90 feet of the site.

**Shadows**

The Development Site is not substantially contiguous to any open space, natural resource, or historic resource.

Environmental Protection

**Rohit T. Aggarwala**
*Commissioner*

**Angela Licata**
*Deputy Commissioner*
*Sustainability*

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
alicata@dep.nyc.gov

September 17, 2024

Griffin Mills
Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

**Re: 5502 Flatlands Avenue Rezoning**
**Block 7781, Lots 1, 12, 15, and 19**
**CEQR # 78DCP053K**

Dear Mr. Mills:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the June 2024 Project Description, the March 2024 Reasonable Worst-Case Development Scenario Form, and the August 2024 Phase I Environmental Site Assessment (Phase I), prepared by Environmental Studies Corporation on behalf of 5502 Flat LLC (applicant), for the above referenced project. It is our understanding that the applicant is seeking a zoning map amendment and zoning text amendment in the Bergen Beach area of Brooklyn Community District 18 from the New York City Department of City Planning (DCP). The proposal would affect Block 7781, Lot 15 (Development Site) and adjacent properties that are not applicant-controlled (Block 7781, Lots 12, 19 and portions of Lot 1) (Project Area). The Development Site parcel was formerly known as Lots 14, 15, and 18 and was recently merged into Lot 15. The proposed zoning map amendment would rezone the Project Area from R3-2 to R6A/C2-3. In addition, a zoning text amendment to Appendix F of the Zoning Resolution would be required to make the Project Area applicable as a Mandatory Inclusionary Housing area, which would be mapped as Options 1 and 2 (Proposed Actions). The Proposed Actions would facilitate a proposal by the applicant to construct new 6-story mixed-use building to contain 45,865 square feet of zoning floor area including 4,381 square feet of commercial service space (Use Group 6) and 32 dwelling units, with 17 parking spaces. Block 7781, Lots 1, 12, and 19 are not expected to be affected by the proposed actions.

**Block 7781, Lot 15**

The August 2024 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial uses including a contractor's yard, a car service, auto repair, residential buildings, parking lots, a fruit and vegetable wholesaler, a dry cleaner, etc. Regulatory databases identified 5 spills, 2 historical auto sites, and 1 historical cleaner site within 1/8 mile; 7 underground storage tank sites, 11 aboveground storage tank

sites, and 1 dry cleaner site within 1/4 mile; 17 leaking storage tank sites, 1 voluntary cleanup program site, and 1 brownfield site within 1/2 mile of the subject property.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- Based on prior on-site and/or surrounding area land uses which could result in environmental contamination, an (E) Designation for hazardous materials should be placed pursuant to Section 11-15 of the New York City Zoning Resolution for the Development Site. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance occurs, as well as to ensure the maintenance and oversight of any required engineering controls through oversight by the Mayor's Office of Environmental Remediation (OER). Further hazardous materials assessments should be coordinated through OER.

Future correspondence and submittals related to this project should include the following CEQR # **78DCP053K**. If DCP has any questions, you may contact me at weiy@dep.nyc.gov.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

c: R. Weissbard
T. Estesen
M. Wimbish
S. Shellooe – DCP
E. Ulker Kacar – DCP
M. Bertini – OER

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

# ENVIRONMENTAL REVIEW

## Final Sign-Off (Single Site)

**Project number:** LA-CEQR-K (DEPARTMENT OF CITY PLANNING)
**Project:** FLATLANDS REZONING
**Address:** 5502 FLATLANDS AVENUE BBL: 3077810015
**Date Received:** 4/8/2024

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**[**X**] No architectural significance**

**[**X**] No archaeological significance**

**[ ] Designated New York City Landmark or Within Designated Historic District**

**[ ] Listed on National Register of Historic Places**

**[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation**

**[ ] May be archaeologically significant; requesting additional materials**

Gina Santucci 4/11/2024

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

**File Name:** 37292_FSO_ALS_04112024.docx