

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, MTL Realty, LLC, is seeking a zoning map amendment to rezone Brooklyn Block 7146, Lot 50 and part of Lot 49 (the "Project Area") from a C8-1 zoning district to a C4-4L zoning district and a zoning text amendment pursuant to Appendix F of the NYC Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing ("MIH") area coterminous with the Project Area (the "Proposed Actions") in the Gravesend neighborhood of Brooklyn, Community District 15. The Project Area is generally bounded midblock between Gravesend Neck Road and Village Road South to the north, McDonald Avenue to the east, Village Road South to the south, and Gravesend Cemetery to the west. The Proposed Actions would facilitate the Applicant's proposed development of an 8-story 112,386 total gross square foot (GSF), 4.6 Floor Area Ratio (FAR) mixed-use building consisting of 76,166 GSF of residential use containing 80 total dwelling units (DUs), of which 25-30% (20-24 DUs) would be affordable at an average of 60-80% area median income (AMI) pursuant to MIH options 1 and 2, respectively, 18,110 GSF of commercial uses, and 18,110 GSF of cellar parking (120 spaces) on applicant-owned Block 7146, Lot 50 (Projected Development Site 1).

To present a conservative analysis in the EAS, the with-action condition for Projected Development Site 1 under the Reasonable Worst Case Development Scenario (RWCDs) analyzes a taller building with a smaller average dwelling unit size which is a 9-story 112,386 total GSF, 4.6 FAR mixed-use building containing 76,166 GSF of residential use consisting of 84 total DUs, of which 25-30% (21-25 units) would be affordable at an average of 60%-80% AMI pursuant to MIH options 1 and 2, respectively, 18,110 GSF of commercial use, and 18,110 GSF of cellar parking (120 spaces). The Proposed Actions are compatible with the land uses within the study area (400 ft radius from the Project Area) which include residential uses containing several multifamily residential buildings that are well-represented throughout the study area such as areas along Village Court, Village Road South, and Van Sicklen Street. The commercial retail use would be compatible with the existing commercial corridor (C8-1 zoning) along McDonald Avenue in the study area. Although the proposed C4-4L zoning district would permit a higher FAR and increased density than existing zoning, it is compatible with the commercial character of the C8-1 zoning district along McDonald Avenue, the residential zoning districts on either side of McDonald Avenue's commercial corridor, and is contextual with the adjacent elevated rail line on McDonald Avenue. Therefore, the Proposed Actions would not result in significant adverse impacts related to land use, zoning, or public policy.

Shadows

A detailed analysis related to shadows is included in the EAS. The analysis shows that the Proposed Actions would cast incremental shadows on a sunlight sensitive open space resource, Gravesend Cemetery (Block 7146, Lot 1), on December 21st, March 21st, May 6th, and June 21st analysis days for 6 hours and 2 minutes, 6 hours and 54 minutes, 4 hours and 51 minutes, and 5 hours and 18 minutes, respectively. Although the incremental shadows would be cast during the growing season, the shadows would move from west to east for approximately five to seven hours throughout the day. The majority of the shadows cast during the growing season are limited to the morning hours and as the morning progresses, the portion of the cemetery receiving project generated shadows reduces. The cemetery contains benches and paths under old growth trees for public use and enjoyment of which would remain in sunlight at different points throughout the day as shadows move across the cemetery. Mature trees, shrubs, and other plantings can likely tolerate partial sun, or four to six hours of direct sunlight per day which does not need to be continuous; a portion of the direct sun could be in the morning and balance in the afternoon as long as the periods of sunlight are full and unobscured. The incremental shadows would sweep across the cemetery for approximately five to seven hours throughout the day and reduce as the morning and early afternoon hours progress. Therefore, the Proposed Actions would not result in any significant adverse impacts related to shadows.

Historic and Cultural Resources

A detailed analysis related to historic and cultural resources is included in the EAS. The Project Area is adjacent to the Gravesend Cemetery and the New York City Landmarks and Preservation Commission (LPC) identified that the site has the potential to contain potentially significant Colonial-19th century archaeological resources including human remains and therefore finds that an archaeological Work Plan should be submitted to the LPC for review and approval before any field testing occurs including provisions to address any human remains that may be found such as consultation with the descendent communities as per the 2018 Guidelines for Archaeological Work in NYC. To ensure that an Archaeological Work Plan is submitted on all sites where inground construction will occur, a Restrictive Declaration would be placed on the applicant-owned Projected Development Site 1 (Lot 50) which would be recorded in conjunction with the approval of the Proposed Actions. With the placement of a Restrictive Declaration, any future development on Projected Development Site 1 (Lot 50) would be subject to field testing. Additionally, a Work Plan, reviewed and approved by LPC, would need to be submitted and finalized before in-ground construction work can commence. With this in place, the Proposed Actions would not result in significant adverse impacts to historic and cultural resources.

Air Quality, and Noise

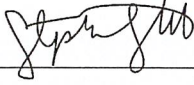

An (E) designation (E-747) related to air quality and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The air quality and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to air quality or noise.

Project Name: 2390 McDonald Avenue Rezoning

CEQR # 21DCP090K

SEQRA Classification: Unlisted

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 Erin Whitney at ewhitney@planning.nyc.gov.

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NAME Stephanie Shellooe, AICP		DATE 5/10/2024	
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TITLE Chair, City Planning Commission			
NAME Daniel R. Garodnick		DATE 5/13/2024	
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 7146, Lot 50

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to air quality noise an (E) designation (**E-747**) 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

Air Quality

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

Projected Development Site 1 (Block 7146, Lot 50:) Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, and air conditioning (HVAC) system and hot water equipment stack is located at the building's highest level and at a minimum of 88 feet above grade to avoid any potential significant adverse air quality impacts.

Noise

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

Projected Development Site 1 (Block 7146, Lot 50): In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on the facades facing McDonald Avenue for floors below the rail line and the facades facing Gravesend Neck Rd within 50 feet of McDonald Avenue for floors below the rail line and the facades facing Village Rd S within 50 feet of McDonald Avenue for floors below the rail line, a minimum of 31 dBA window/wall attenuation on the facades facing McDonald Avenue for floors above the rail line and the facades facing Gravesend Neck Rd within 50 feet of McDonald Avenue for floors above the rail line and the facades facing Village Rd S within 50 feet of McDonald Avenue for floors above the rail line, and a minimum of 28 dBA window/wall attenuation on all remaining facades in order to maintain an interior noise level not greater than 45 dBA for residential use or not greater than 50 dBA for commercial office use as illustrated in the EAS. In order to maintain a closed window condition, an alternate mean of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.