



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
New York, New York 10038

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

May 13, 2021

Darlington Brown
BRP Caton Flats LLC and Caton Flats Housing Development Fund Corporation
767 Third Avenue, 33rd Floor
New York, NY 10017

Re: Notice of Completion
800 Flatbush Avenue, Brooklyn, NY
OER Site Number: 18CVCP011K

Dear Mr. Brown:

The New York City Office of Environmental Remediation (OER) is pleased to inform you that the Remedial Action Report for the above-referenced site is hereby approved, allowing the Notice of Completion (NOC) to be issued for the site. Please find the Notice of Completion attached, the issuance date of which is May 13, 2021. Congratulations!

If you have any questions regarding any of these items, please contact me at 212-442-3007.

Sincerely,

Shaminder Chawla
Deputy Director



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NOTICE OF COMPLETION

Notice Holder(s): Darlington Brown
BRP Caton Flats LLC and Caton Flats Housing Development Corporation
767 Third Avenue, 33rd Floor
New York, NY 10017

Site Information: Site Name: 800 Flatbush Avenue
Site Owner: Caton Flats Housing Development Fund Corporation
Street Address: 800 FLATBUSH AVENUE, Brooklyn, NY
Block 5063, Lot 58
OER Site Number: 18CVCP011K

Project Description: The redevelopment at the Site included the demolition of the existing building followed by the construction of a new 14-story mixed-use building with affordable housing (255 units), a new community facility, and an expanded space for the Flatbush Caton Market. The building's cellar occupies the entire Site (with the exception of a small area on the southeastern portion that is a loading area/sidewalk) and will be used for parking, retail support (e.g., cold storage), bicycle parking, and a mechanical room. The first floor of the building is occupied by a kitchen, retail space, a lab, a market, an office, lobby space, a plaza area, community facility space, and a loading berth. These uses are consistent with the current zoning: R8A/C2-4 (commercial with a residential overlay). The Site redevelopment plan is shown on Figure 2B.

The redevelopment required soil disturbance for new building's footprint to approximately 15 to 21 feet below ground surface (bgs) (as shown on Figure 3) for construction of the building foundation. Bedrock was not encountered during redevelopment. During the RI, groundwater was encountered between 46 and 50 ft bgs. Dewatering was not required during the redevelopment.

Date of Voluntary

Cleanup Agreement: February 4, 2019

Notice Issuance

This Notice of Completion, hereinafter referred to as the "Notice," is issued pursuant to Chapter 9 of Title 24 of the Administrative Code of the City of New York.

This Notice has been issued upon satisfaction of the Director, following review by the Office of the Remedial Action Report and data submitted pursuant to the Voluntary Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set

forth at Section 1407 of Title 43 of the Rules of the City of New York have been achieved in accordance with the Remedial Action Work Plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses:

<u> x </u>	Unrestricted Use
<u> x </u>	Restricted Use:
<u> </u>	Residential
<u> x </u>	Restricted Residential
<u> </u>	Commercial
<u> </u>	Industrial

Liability Limitation

Upon issuance of this Notice of Completion, and subject to the terms and conditions set forth herein, the Notice holder(s) shall be entitled to the liability limitation provided in Section 906 of Title 24 of the administrative code of the City of New York. The liability limitation shall run with the land, extending to the Notice holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in Section 906 of Title 24 of the administrative code of the City of New York, and any other applicable provision of law.

In accordance with a Memorandum of Agreement between the New York State Department of Environmental Conservation and the New York City Mayor's Office of Environmental Remediation dated July 10, 2012, New York State Department of Environmental Conservation agrees that this site is of no further interest, and it does not plan or anticipate taking administrative or judicial action with regard to the property.

Notice of Transferability

This Notice may be transferred to the Notice holder's successors or assigns upon transfer or sale of the Site as provided by section 906(c) of the administrative code of the City of New York.

Notice Modification/Revocation

This Notice of Completion may be modified or revoked by the Director following notice in accordance with Section 43-1408(f) of the Rules of the City of New York upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the City Voluntary Cleanup Agreement;
- (2) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Voluntary Site Cleanup Agreement were reached; or
- (3) there is good cause for such modification or revocation.

The Notice holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency isn't cured or a request for a hearing received within such 30-day period, the Notice shall be deemed modified or vacated on the 31st day after the Office notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Shaminder Chawla". The signature is fluid and cursive, with the first name "Shaminder" and last name "Chawla" clearly distinguishable.

Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: May 13, 2021
Site No.: 18CVCP011K