NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Mikerose Realty, Inc.
c/o Richard Lobel
500 International Drive, Suite 150
Mount Olive, NJ, 07828

Re:	**2892 Nostrand Avenue Rezoning**
CEQR No.	20DCP148K
ULURP No(s).	N200328ZRK; 200329ZMK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK15

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. 20DCP148K, 2892 Nostrand Avenue 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 August 16, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

August 16, 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 BK15

Olga Abinader, *Director,* (212) 720-3493 | oabinad@planning.nyc.gov
Stephanie Shellooe, AICP, *Deputy Director,* (212) 720-3328 | sshellooe@planning.nyc.gov
120 Broadway, 31st Floor, New York, N.Y. 10271 | Fax: (212) 720-3488

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, Mikerose Realty, Inc., proposes a zoning map amendment to rezone Block 7690, Lots 65, 66, 67, 68, 69, 70, 71, 72, 73, 81/7501, 82, and 240 (the "Affected Area"), in the Madison neighborhood within Brooklyn Community District 15, from an R3-2 zoning district to R7A/C2-4 (Lots 73, 72, 71, 70, and a portion of 240); R6B/C2-4 (Lots 65, 66, 67, 68, 69, and a portion of 240); and R7A (Lots 81/7501 and 82) zoning districts. In addition, the Applicant proposes a text amendment to Zoning Resolution Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 15, Brooklyn to establish an MIH Area coterminous with the Affected Area. The Proposed Actions would facilitate the development of 2892 Nostrand Avenue (Block 7690, Lot 73) (the "Development Site") with a new nine-story mixed residential, commercial, and community facility building with 54,436 gross square feet (GSF) (50,741 zoning square feet (ZSF); 4.60 FAR) of floor area. There would be 4,685 GSF of commercial floor area on the first floor served as local retail, 4,782 GSF of community facility floor area on the second floor served as medical office, and 44,969 GSF of residential floor area on floors two through nine. In total, 55 dwelling units will be provided with 41 being market rate and 14 being permanently affordable per MIH Options 1. Development along Nostrand Avenue and in the study area vary widely, including medium-density mid-block multifamily buildings and mixed residential and commercial buildings. Per the 2020 CEQR Technical Manual, the analysis found that the proposed change in land use and zoning would not constitute a significant adverse impact.

Open Space

A detailed analysis of open space is included in the EAS. The open space analysis found that the study area has 1.96 acres of open space and an existing residential population of 33,708. The ratio of open space to residents under existing conditions is 0.0581 acres per thousand residents. The Proposed Actions would result in an increase in the No-Action population by 158 residents by the 2023 build year; the total 2023 build year With-Action population would be 35,564. With this increase in population, the open space ratio would be 0.0551 acres per 1,000 residents, or a 0.5 percent reduction from the No-Action open space ratio. While the open space ratio in the With-Action Condition is substantially below the city guidelines for residents, the ratio would not substantially decrease as a result of the proposed actions. Additionally, Marine Park, a 798-acre park located within the ½-mile Study Area buffer, is an 18-minute walk from the Affected Area, but is not included in the open space ratio calculations because its Census Tract does not fall within the threshold for inclusion. As the entrance to Marine Park is within the ½-mile buffer, it is reasonable to assume that project-generated residents would utilize the open space. Therefore, in accordance with the 2020 CEQR Technical Manual, based on the minimal change to the open space ratio as a result of the proposed actions and the availability of Marine Park as an open space resource, the Proposed Actions would not result in significant adverse impacts to open space resources.

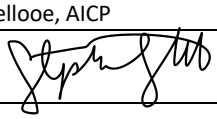
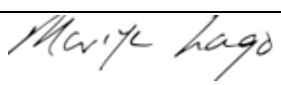
Shadows

A detailed analysis of shadows is included in the EAS. Based on the detailed shadow analysis, the Proposed Actions would cast shadows on the Private First Class (PFC) Thomas Norton Memorial Playground for a maximum of 4-hour-and-44-minutes on the December 21 analysis day. The Greenstreet at the intersection of Marine Parkway and Nostrand Avenue does not contain any active or passive open space resources, and therefore, any incremental shadows would not impact the open space utilization of this resource, nor would the shadows cast by the Projected or Potential Developments result in the complete elimination of all direct sunlight on the sunlight-sensitive feature of the resource. The shadows cast on the Greenstreet on the December 21 analysis day would last 2-hours and 7 minutes period, allowing for 3-hour-and-55-minute direct sunlight for the Greenstreet's vegetation. While incremental shadows would reduce direct sunlight during the winter months on active and passive open space features of PFC Thomas Norton Memorial Playground and on the Greenstreet, during the remainder of the year shadows would be approximately two hours or less and the resources would receive sufficient direct sunlight. Given the duration of incremental shadows and the availability of other features within the open space that would continue to receive direct sunlight during the time of incremental shadows, in accordance with the 2020 CEQR Technical Manual, the proposed actions would not result in a significant adverse impact due to incremental shadows.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-579) related to hazardous materials, 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 hazardous materials, 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 hazardous materials, air quality, or noise.

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 Katherine Glass at +1 212-720-3425.

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 Stephanie Shellooe, AICP	DATE August 13, 2021
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE August 16, 2021
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	Bk	Block 7690, Lot 73
Potential Development Site 1	Bk	Block 7690, Lots 70, 71, and 72

(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-579**) would be established as part of approval of the proposed actions on **Projected Development Site 1** and **Potential Development Site 1** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Potential Development Site 1	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** and **Potential 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:

> ***Block 7690, Lot 73 (Projected Development Site 1):*** *Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level, and at a minimum of 96 feet above the grade to avoid any potential significant adverse air quality impacts.*
>
> ***Block 7690, Lots 70, 71, 72 (Potential Development Site 1):*** *Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level, and at a minimum of 98 feet above the grade to avoid any potential significant adverse air quality impacts.*

Noise

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

> ***Block 7690, Lot 73 (Projected Development Site 1):*** *In order to ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades in order to maintain an interior noise level not greater than 45 dBA for residential and community facility uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*
>
> ***Block 7690, Lots 70, 71, and 72 (Potential Development Site 1):*** *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades in order to maintain an interior noise level not greater than 45 dBA for residential uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*