NEGATIVE DECLARATION – supersedes the Negative Declaration issued October 30, 2023*

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, Agudist Council of New York, seeks a zoning map amendment to rezone Brooklyn Block 6496 Lots 39, 45, and 47 from R5/C1-3 to R7A/C2-4 and Lots 36 (p/o), 37, 49, and 50 (p/o) (the "Affected Area") from R5/C1-3 to R5, and a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to designate Block 6496 Lots 39, 45, and 47 a Mandatory Inclusionary Housing (MIH) area (the "Proposed Actions"). The Proposed Actions would facilitate the development of a new 69,275 gross square foot (gsf), nine-story, 95-foot-tall mixed-use building consisting of 42 residential dwelling units, including approximately 13 permanently affordable dwelling units pursuant to MIH, and 18,618 gsf of community facility floor area (the "Proposed Project"). For the purpose of presenting a conservative CEQR analysis, a second development site was identified and analyzed. Projected Development Site 2 analyzes the assemblage of the non-applicant-owned Block 6496 Lots 45 and 47 and the development of a 95-foot-tall, nine-story, 41,184 gsf mixed-use building consisting of 48 residential dwelling units, including approximately 14 permanently affordable dwelling units pursuant to MIH, and 8,656 gsf of commercial retail floor area.

The Proposed Actions would not result in significant adverse impacts to Land Use, Zoning, and Public Policy. The development facilitated by the Proposed Actions would be consistent with the medium-density residential buildings found along Avenue H and in the surrounding area. The community facility use proposed by the applicant is similar to the community facility use currently in operation within Projected Development Site 1. Commercial uses that would be allowed within the proposed C2-4 overlay would be similar to the neighborhood retail commercial uses that are currently in operation within the applicant-owned Block 6496 Lot 39. The proposed R7A district is mapped consistently throughout the surrounding area including to the west and directly to the south and east of the Affected Area. The Proposed Actions would be compatible and consistent with public policies that currently apply to the Affected Area, including those supporting the City's goals for facilitating the development of permanently affordable dwelling units. Therefore, the analysis concludes that the Proposed Actions would not result in significant adverse impacts related to Land Use, Zoning, and Public Policy.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-734) related to hazardous materials and air quality 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 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 or 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 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 3/15/2024
SIGNATURE Evren Ulker Kacar	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 3/18/2024
SIGNATURE	

* This Revised Negative Declaration (prepared in accordance with a Revised Environmental Assessment Statement dated March 15, 2024) supersedes the Negative Declaration issued on October 30, 2023. A Revised Environmental Assessment (EAS) has been prepared to incorporate a Technical Memorandum that assesses whether the analysis conclusions of the EAS dated October 27, 2023 would be altered by the proposed City of Yes for Housing Opportunity (CHO) (CEQR No. 24DCP033Y) citywide text amendment. As described in the Technical Memorandum included in Appendix E of the Revised EAS, the conclusions of the original environmental review presented in the EAS dated October 27, 2023, which found no significant adverse impacts, would not change.

Project Name: 817 Avenue H Rezoning
CEQR # 23DCP094K
SEQRA Classification: Unlisted

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 6496 Lot 39
Projected Development Site 2	Brooklyn	Block 6496 Lots 45 and 47

(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-734**) 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 requirements applicable to **Projected Development Sites 1 and 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.

Project Name: 817 Avenue H Rezoning
CEQR # 23DCP094K
SEQRA Classification: Unlisted

Air Quality

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

> ***Projected Development Site 1:*** *Any new residential or community facility development on the above-referenced property must ensure that the stack is located at the building's highest level and at a minimum of 102 feet above grade, and that the stack is located at least 30 feet from the western lot line facing East 8th Street to avoid any potential significant adverse air quality impacts.*
>
> ***Projected Development Site 2:*** *Any new residential or commercial development on the above-referenced property must ensure that the stack is located at the building's highest level and at a minimum of 100 feet above grade, and that the stack is located at least 30 feet from the eastern lot line of Lot 45 facing East 9th Street to avoid any potential significant adverse air quality impacts.*