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, SGL Assets Inc, seeks a zoning map amendment to rezone an existing R5 district within the Special Ocean Parkway District to an R7A/C2-4 and R7A district on Block 7238, Lots 61, 63, 64, 65 and Lot 115 in the Gravesend neighborhood of Brooklyn Community District 13 (the "Project Area") and a zoning text amendment to map to establish a Mandatory Inclusionary Housing Area ("MIH") coterminous with the Project Area (together, the "Proposed Actions"). The Proposed Actions would facilitate the development of a 23,018 gross square foot ("gsf"), 11-story, 115 foot-tall mixed residential and commercial facility building on Block 7238, Lot 61, 63, 64, 65 (Projected Development Site). The building would include 20,818 gsf of residential floor area and 808 gsf of commercial floor area. The building would provide 19 dwelling units, 20%-30% (4-6 units) of which would be set aside as permanently affordable units pursuant to MIH and the building would contain 7 attended parking spaces. Brooklyn Block 7238, Lot 115 is not a projected development site, as it is not owned by the Applicant and is improved with a 12-story multi-family residential building containing approximately 186,630 gsf of residential floor area.

The analysis finds that the Proposed Actions would result in changes in zoning and public policy. The Proposed Actions would result in zoning changes at the Projected Development Site that would facilitate the development of the vacant site into a mixed-use multi-family residential and local commercial retail development, whilst the existing multi-family uses on Lot 115, comprising the remainder of the Project Area, would be maintained. As such, the Proposed Actions would not generate land uses that would be incompatible with surrounding uses, nor would they directly displace land uses in a way that would adversely affect surrounding land uses. The proposed R7A/C2-4 and R7A zoning districts would allow for greater bulk and taller building heights within the Project Area, which would increase zoning conformity in the Project Area that is predominantly zoned for medium-density residential buildings. As such, the Proposed Actions would not result in any significant adverse zoning impacts. The Proposed Actions would also be consistent with the goals of Where We Live NYC, as they would promote Goal 2 of the plan, which seeks to facilitate equitable housing development in NYC through the creation of new housing in an amenity rich neighborhood with access to public transportation. The Project Area is located within New York City's coastal zone and, is subject to review for its consistency with the City's Waterfront Revitalization Program ("WRP"). An assessment was conducted, and the development facilitated by the Proposed Actions was found to be consistent with the policies outlined in the WRP (# 23-085). Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning or public policy, and no further analysis is warranted.

Shadows

A detailed analysis of shadows is included in this EAS. The analysis finds that the Proposed Actions would result in new incremental shadows on portions of two sunlight sensitive resources, including landscaped areas associated with the Shore Parkway and pedestrian malls associated with the State and National Register (S/NR)-designated Ocean Parkway Historic Resource. Due to the location of these resources, a Tier 3 analysis was necessary and found that, with regard to Shore Parkway landscaping areas and Greenstreets along Ocean Parkway, incremental shadows produced by the Proposed Actions were of such a short duration that they would be inconsequential to the viability of their vegetation and/or the public's use and enjoyment of the resource. The detailed analysis found that shadows on the Ocean Parkway Pedestrian Malls during all analysis days would fall on relatively small portions of this resource, and despite the projected shadow conditions, those small portions of the Ocean Parkway Pedestrian Malls would still receive at least four to six hours of direct sunlight, such that the viability of vegetation would not be jeopardized. Overall, the Proposed Actions would not create significant adverse shadow impacts at any of the identified sunlight sensitive resources, as the viability of vegetation at these resources or the public's use and enjoyment of them would not be jeopardized, and further analysis is not warranted.

Disadvantaged Community Assessment

The Proposed Actions are located within a designated disadvantaged community according to the New York State Department of Environmental Conservation Disadvantaged Community Assessment Tool (DACAT) and an assessment of the Proposed Actions' potential effects on disadvantaged communities is included in this EAS. The Proposed Actions would not result in significant adverse impacts on the following technical areas analyzed in the EAS: land use, zoning, public policy; shadows, historic and cultural resources; urban design and visual resources; hazardous materials; air quality; noise; or neighborhood character. As such, the Proposed Actions would not disproportionately affect any disadvantaged communities, nor would it cause or increase a disproportionate pollution burden.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-803) 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 Ibrahim Jobe at ijobe@planning.nyc.gov.

Project Name: 58 Nixon Court Rezoning II
CEQR # 24DCP120K
SEQRA Classification: Unlisted

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NAME Stephanie Shellooe, AICP	DATE 4/18/2025
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TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 4/21/2025
SIGNATURE	

Project Name: 58 Nixon Court Rezoning II
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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	Brooklyn	Block 7237, Lots 61, 63, 64 and 65

(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-803**) would be established as part of approval of the proposed actions on the **Projected Development Site** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to the **Projected Development Site** 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:

> ***Projected Development Site:*** *Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilating and air conditioning (HVAC) system(s) and hot water equipment stack is located at the building highest tier and at least 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:*** *In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on the facade facing Ocean Parkway, the facade facing Shore Parkway, the facade facing Nixon Court within 50 feet of Ocean Parkway, and the facade facing West Street within 21'-5" of Shore Parkway. In order 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.*