NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Anita Laremont, *Acting Director*
Department of City Planning

Y & T Development LLC
c/o Richard Lobel
Sheldon Lobel, P.C.
18 East 41st Street
New York, NTY 10017

Re:	**870 - 888 Atlantic Avenue Rezoning**
CEQR No.	21DCP146K
ULURP No(s).	210335ZMK, 210336ZRK, 210260ZSK
SEQRA Classification:	Type I
Brooklyn Community District:	BK08

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. 21DCP146K, 870 - 888 Atlantic 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 September 20, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

September 20, 2021
Date

cc: Project File
Kenneth Knuckles, Acting Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Eric Adams, Brooklyn Borough President
Brooklyn Community Board BK08

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

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. Y&T Development LLC (the "Applicant") is seeking a zoning map amendment, a zoning text amendment, and special permits (the "Proposed Actions") to facilitate the development of a mixed-use building at 870-888 Atlantic Avenue, in the Crown Heights neighborhood of Brooklyn, Community District 8. The Proposed Actions would rezone the Development Site and several adjacent properties to the west (Block 1122, Lots 11, 12, 14, 15, 16, 21, 26 and a portion of Lot 10), the "Project Area", from the existing M1-1 zoning to C6-3A (R9A equivalent), designate the Project Area as a Mandatory Inclusionary Housing (MIH) area, and allow a 20-foot sidewalk along Atlantic Avenue within the Project Area. Additionally, the Applicant seeks a special permit pursuant to Zoning Resolution (ZR) Section 74-533 to reduce the number of accessory parking spaces required on the two Applicant-controlled lots that comprise the 870-888 Atlantic Avenue site (Block 1122, Lots 21 and 26; "Projected Development Site 1"). In addition to Projected Development Site 1, two projected development sites were identified: Projected Development Site 2, consisting of Lots 14, 15, and 16, and Projected Development Site 3, consisting of Lot 11. The Proposed Actions would facilitate a development of an up to approximately 211,560 gross square foot (gsf), 17-story (at a maximum building height of 175') mixed use building on Projected Development Site 1, containing up to 228 DUs in 181,200 gsf of residential uses, of which approximately 30 percent (69 DUs) would be permanently affordable under the MIH Program, up to 14,600 gsf of local retail commercial uses on the ground floor, up to 5,500 gsf of community facility uses (medical office space), and 10,200 gsf of cellar-level parking uses with 40 accessory parking spaces. Projected Development Sites 2 and 3 would also be developed with mixed use buildings, similarly rising to a maximum building height of 175', with a combined total of up to 80,475 gsf, including 84 DUs (71,775 gsf residential), of which 25 DUs would be affordable under MIH, and 8,700 gsf of local retail uses on the ground floors.

The Proposed Actions would not result in any land use changes within the study area. The study area would continue to have a mix of manufacturing, residential, mixed residential and commercial, commercial, and public facility and institutional uses. The development and uses facilitated by the Proposed Actions would be consistent with existing uses in the study area, and the buildings at all Projected Development Sites would have heights consistent with other buildings in the surrounding area. The proposed zoning is similar to a nearby C6-3A district and an R9 district with a C2-5 commercial overlay, located to the northwest of the Project Area across Atlantic Avenue, and these districts feature commercial and mixed-use developments of similar size to the Proposed Project. The Proposed Actions would be compatible and consistent with public policies that currently apply to the Project Area and surrounding study area, and would contribute to the goals of Housing New York and OneNYC's Thriving Neighborhoods goal by providing approximately 94 affordable DUs. The Proposed Actions would also contribute to OneNYC's Efficient Mobility goal by facilitating new development in a transit-rich area with easy access to regional employment centers and by reducing the parking requirement within the Project Area, which together would promote the use of more sustainable forms of mobility such as public transit, walking, or cycling. Overall, the Proposed Actions would not result in any significant adverse impacts to land use, zoning or public policy, and no further analysis is required.

Socioeconomic Conditions

An analysis related to socioeconomic conditions for Indirect Residential Displacement is included in this EAS. The Proposed Actions would result in 306 incremental residential DUs, which exceeds the 200-DU development threshold identified by the CEQR Technical Manual as warranting assessment for potential impacts. As the Proposed Actions would introduce a combination of market rate and permanently affordable residential units, incomes were estimated for the residents of both housing types. The Proposed Actions are expected to introduce permanently affordable units occupied by households who have an average income that is lower than the average for the existing study area population, while the project's market-rate units would introduce residents who have a higher average household income than the existing study area population. The analysis finds that the projected average household income introduced by the proposed actions, $134,957, would not exceed the average for the existing study area ($137,214). The analysis concludes that the Proposed Actions would not result in significant adverse impacts due to indirect residential displacement, and no further analysis is warranted.

Open Space

A detailed analysis related to open space is included in this EAS. The Proposed Actions would introduce an estimated 729 residents to the Project Area, which exceeds the threshold for residential analysis identified in the CEQR Technical Manual of 350 new residents. The analysis finds that the residential (0.5-mile) study area's total open space ratio (0.220 acres per thousand residents) would be below the City's guideline of 1.5 acres per thousand residents. The population resulting from the Proposed Actions would result in a decrease in Open Space Ratio for the study area of slightly above the CEQR Technical Manual threshold of 1%. While the analysis finds that proposed actions would result in further reductions in the open space ratio within the study area, significant adverse impacts would not result from the Proposed Actions due to several qualitative factors, including open space resources that are located just outside study area but within a 15-minute walk from the Project Area, such as Prospect Park, Fort Greene Park, and Stroud Playground; the Project Area is also close to several community gardens as well as other passive open spaces in good condition. The analysis concludes that the Proposed Actions would therefore not result in significant adverse impacts on open space resources, and no further analysis is warranted.

Shadows

A detailed analysis related to socioeconomic conditions is included in this EAS. The analysis finds that incremental shadow resulting from the Proposed Actions would potentially reach two sunlight-sensitive resources: the Church of St. Luke & St. Matthew (a sunlight-sensitive historic resource) and Lowry Triangle (an open space resource). Per the CEQR Technical Manual, shadows within 90 minutes of sunrise and 90 minutes of sunset are considered on the following representative days: the summer solstice (June 21), winter solstice (December 21) and spring and fall equinoxes (March 21 and September 21) and one additional representative day (May 6 or August 6). The

Project Name: 870 - 888 Atlantic Avenue Rezoning
CEQR # 21DCP146K
SEQRA Classification: Type I

analysis shows that there would be some incremental shadow on the Church of St. Luke & St. Matthew early on the December 21st analysis day, but it would be within 90 minutes from sunrise, and there would be some incremental shadow on the Lowry Triangle, but it would be within 90 minutes of sunset. Additionally, these resources would already receive shadow from nearby intervening buildings. The analysis concludes that the Proposed Actions would therefore not result in significant adverse shadows impacts, and no further analysis is warranted.

Historic and Cultural Resources

A detailed analysis related to historic and cultural resources is included in this EAS. Historic and cultural resources include both archaeological and architectural resources. The New York City Landmarks Preservation Commission (LPC) was consulted as part of this environmental review and they determined that the project site has no archaeological significance; therefore, this analysis focuses on architectural resources only. There are six known architectural resources and no potential architectural resources located in the 400-foot study area: the Clinton Avenue Historic District (S/NR-eligible), 547-555 Clinton Avenue (individually S/NR eligible), the Clinton Hill South Historic District (S/NR-listed), Prospect Heights Historic District (S/NR-listed; LPC designated), the Church of St. Luke and St. Matthew (S/NR-listed; LPC designated), and the Co-Cathedral of St. Joseph/St. Teresa of Avila and former St. Joseph's School (S/NR-eligible) . None of these resources are within 90 feet of the Project Area. While the Proposed Actions would result in taller buildings with more modern design than the architectural resources in the study area, the new development would not adversely impact the visibility or context of these architectural resources because the architectural resources would be located away from the Project Area and do not have meaningful visual or contextual relationships to the Project Area. The development permitted by the Proposed Actions would moreover not obstruct public views of any known architectural resources in the study area. the Proposed Actions would not introduce incompatible visual, audible, or atmospheric elements to a resource's setting, nor would it isolate a resource from its relationship with the streetscape. Therefore, the Proposed Actions would not result in any significant adverse impacts on historic and cultural resources, and no further analysis is warranted.

Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The analysis finds that while the development resulting from the Proposed Actions would result in physical alterations beyond those allowed by existing zoning, the Proposed Actions would not adversely affect urban design features in the study area so that the context of a natural or significant built resource is adversely altered. The Proposed Actions would not significantly affect urban design or visual resources, or the pedestrian's experience of these characteristics of the built and natural environment. The Proposed Actions would not adversely impact the vitality, the walkability, or visual character of the area. Therefore, the Proposed Actions would not result in any significant adverse impacts to urban design and visual resources, and no further analysis is warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-642) 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 ANNABELLE MEUNIER at +1 212-720-3426.

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 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE September 17, 2021
SIGNATURE	
TITLE Acting Chair, City Planning Commission	
NAME Kenneth Knuckles	DATE September 20, 2021
SIGNATURE	

Project Name: 870 - 888 Atlantic Avenue Rezoning
CEQR # 21DCP146K
SEQRA Classification: Type I

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 1122, Lots 21 and 26
Projected Development Site 2	BK	Block 1122, Lots 14, 15, and 16
Projected Development Site 3	BK	Block 1122, Lot 11

(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-642**) would be established as part of approval of the proposed actions on **Projected Development Sites 1, 2 and 3** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Projected Development Site 2	X	X	X
Projected Development Site 3	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1, 2 and 3** 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: 870 - 888 Atlantic Avenue Rezoning
CEQR # 21DCP146K
SEQRA Classification: Type I

Air Quality

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

Projected Development Site 1 (Block 1122, Lots 21 and 26)
Any new residential, community facility and/or commercial development must exclusively use natural gas as the type of fuel for the heating, ventilating, and air conditioning (HVAC) and hot water systems. If the HVAC and hot water systems exhaust through a single stack, the stack must be located at the highest tier and at least 190 feet above grade; If the HVAC and hot water systems exhaust through two separate stacks, the western-most exhaust stack must be located at the highest tier and at least 190 feet above grade, and at least 30 feet away from the lot line of Lot 21 facing Vanderbilt Avenue, and the eastern-most exhaust stack must be located at the highest tier and at least at least 180 feet above grade and at least 125 feet away from the lot line facing Vanderbilt Avenue to avoid any potential significant adverse air quality impacts.

Projected Development Site 2 (Block 1122, Lots 14, 15, and 16)
Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for the HVAC and hot water systems, be fitted with low NOx (30 ppm) burners and ensure the exhaust stack(s) is located at the highest tier and at least 185 feet above grade to avoid any potential significant adverse air quality impacts.

Projected Development Site 3 (Block 1122, Lot 11)
Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for the HVAC and hot water systems, be fitted with low NOx (30 ppm) burners, and ensure the exhaust stack(s) is located at the highest tier and at least 178 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 1122, Lots 21 and 26)
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. An alternate means of ventilation includes, but is not limited to, air conditioning.

Projected Development Site 2 (Block 1122, Lots 14, 15, and 16)
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. An alternate means of ventilation includes, but is not limited to, air conditioning.

Projected Development Site 3 (Block 1122, Lot 11)
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. An alternate means of ventilation includes, but is not limited to, air conditioning.