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, 7120 New Utrecht LLC, proposes a zoning map amendment and a zoning text amendment ("Proposed Actions") of approximately 22,056 square feet (sf) comprising Block 6180, Lots 29, 31, 33, p/o 27, and p/o 44 (the "Affected Area") located along the west block front of New Utrecht Avenue between 71st Street and 72nd Street at Bensonhurst neighborhood of Brooklyn, Community District 11. The Proposed Actions would rezone Block 6180, Lots 29, 31, and 33 from an R5/C2-2 zoning district to a C4-4L zoning district, eliminate the existing C2-2 commercial overlays on Block 6180, Lots 29, 31, 33, p/o 27 and p/o 44, and would map Mandatory Inclusionary Housing coterminous with the Affected Area. The Proposed Actions would facilitate the development of Block 6180, Lots 31 and 33, resulting in the demolition of the existing massing and the construction of a new 115,101 GSF (85,034 ZSF; 4.59 FAR), 9-story, 95-foot-tall mixed-use commercial and residential building. The Proposed Development would include 16,708 GSF of accessory parking at the cellar level, 11,828 GSF (11,651 ZSF; 0.63 FAR) of commercial uses (UG 6 local retail) on the ground floor, and 85,565 GSF (73,383 ZSF; 3.96 FAR) of residential uses from the second to the ninth floor. The building would contain approximately 100 dwelling units (850 GSF average size), 30 of which would affordable pursuant to MIH Option 2 (at an average of 80% AMI). The Proposed Development would include 35 enclosed residential accessory parking spaces, a mechanical and storage space, and a bicycle parking area at cellar level containing 52 spaces. The Proposed Actions would result in a change in zoning, land use and public policy, however, the proposed changes would be compatible with the existing residential and commercial mixed-use character and density around New Utrecht Avenue, nor would it alter the land-use and development patterns in the area or conflict with public policies, and therefore would not result in significant adverse impacts with respect to land use, zoning and public policy.

Open Space

A detailed analysis related to open space is included in this EAS. In the qualitative analysis, under Future With-Action conditions, the Open Space Ratio would be 0.049 acres per 1,000 residents, which represents a 0.64% decrease compared to that in the No-Action condition. This percentage change is below the 1% impact threshold as defined by the CEQR Technical Manual. In addition, the project area is located in a "Walk to a Park" service area which indicates easy access to a park from the site, and located within ¾-mile of the Dyker Beach Park and six public schools whose yards are enrolled in the "schoolyard to playground" program with regularly accessible hours to the public during the non-school hours. Therefore, based on both the quantitative and qualitative factors considered in the assessment, the Proposed Actions would not result in a significant adverse impact on Open Space and further analysis is not required.

Shadows

A detailed analysis related to shadows is included in this EAS. There are two sunlight sensitive resources located in the Project Area that required more detailed analysis, the P.S. 112 Playground (a PlaNYC Schoolyards to Playground), and Lt. Joseph Petrosino Park. On the December 21st and March 21st/ September 21st analysis periods the shadows cast from the Projected Building would affect the sunlight sensitive resource, P.S. 112 Playground, for a limited extent and duration. No shadows will reach the P.S. 112 playground during the May 6th/ August 6th and June 21st analysis periods. On all four analysis days, the shadows cast from the Proposed Development would affect the sunlight sensitive resource, Lt. Joseph Petrosino Park, for limited extent and duration. The incremental shadow duration on Lt. Joseph Petrosino Park ranges from 52 minutes (on December 21st) to 1 hour and 49 minutes (on March 21st/September 21st). Therefore, no significant adverse shadows impacts would occur, 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 concludes that while the Proposed Actions could result in a change to the existing character of the area, the proposed development intends to improve walkability and character of the area and would not significantly change the pedestrian experience or affect the vitality, walkability, or the visual character of the area. Therefore, the Proposed Actions would not result in any significant adverse impact to urban design, and no further analysis is not warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-704) 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 Louise Cafiero at lcafiero@planning.nyc.gov.

Project Name: 7120 New Utrecht Ave Rezoning
CEQR # 23DCP002K
SEQRA Classification: Unlisted

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NAME Evren Ulker-Kacar, AICP	DATE 1/27/2023
SIGNATURE Evren Ulker Kacar	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 1/30/2023
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	Brooklyn	Block 6180, Lots 31 and 33

(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-704**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to **Projected 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:

> ***Projected Development Site 1:*** *Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilating and air conditioning (HVAC) system and hot water equipment stack is located at the highest tier and at least 95 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:*** *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum attenuation as shown in EAS Table 2.9-11 in order to maintain an interior L10 noise level not greater than 45 dBA and an interior Ldn noise level not greater than 40 dBA for residential uses as illustrated in the EAS. 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.*