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, 712 Myrtle Rezoning LLC, is seeking the approval of a zoning map amendment from an M1-2 to an R7D/C2-4 zoning district, and a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a Mandatory Inclusionary Housing (MIH) area (the "Proposed Actions"). The Proposed Actions would affect the northern portion of Block 1751, at a depth of 100 feet, including portions of contiguous lots 20, 21, 23, 24, and 25 (the "Affected Area"), in the Bedford Stuyvesant neighborhood of Brooklyn, Community District 3. The Project Area is generally bounded by Myrtle Avenue to the north, Spencer Street to the west, Walworth Street to the east, and Block 1751, Lot 10 and the remainder of Lot 25 to the south. The Proposed Actions would facilitate a proposal by the applicant to develop a new 9-story, 95-foot tall, 61,372 gross square foot (gsf), mixed-use building on Block 1751, Lots 21, 23 and 24 ("Projected Development Site 1"), containing 41 dwelling units, approximately 10-12 of which would be income-restricted pursuant to MIH. The building would contain approximately 53,453 gsf of residential use and 7,919 gsf of ground floor commercial use. No parking would be required, and none would be provided. For the purposes of presenting a conservative CEQR analysis, the EAS analyzed an 11-story, 115-foot tall building on Projected Development Site 1 (with the same floor area use program described above), containing 63 dwelling units, approximately 16-19 units of which would be income-restricted pursuant to MIH. In addition, one other projected development site was identified and analyzed in the EAS. A new 11-story, 115-foot tall, 78,865 gsf mixed-use building would contain approximately 57,715 gsf of residential use on Block 1751, part of Lot 25 ("Projected Development Site 2"), containing 68 dwelling units, approximately 17-21 of which would be income-restricted pursuant to MIH. The building would contain approximately 8,550 gsf of ground floor commercial use, while providing 27 accessory parking space in the cellar level.

The projected developments and uses facilitated by the Proposed Actions would be compatible with existing mixed residential and commercial retail uses on Myrtle Avenue and in the surrounding area. While the Proposed Actions would allow for an increase in development and bulk relative to the existing zoning, the proposed R7D/C2-4 district would establish a medium-density residential district with a commercial overlay that would be compatible with adjacent block frontages along Myrtle Avenue to the east and northeast of the project area. The Proposed Actions would be compatible and consistent with public policies that currently apply to the Project Area and the surrounding area, including the City's goals to facilitate the construction of permanently affordable dwelling units. Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning, and public policy, and no further analysis is warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-731) 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 Andrew Martini at amartini@planning.nyc.gov.

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY 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 2/16/2024
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 2/20/2024
SIGNATURE	

Project Name: 712 MYRTLE AVENUE
CEQR # 23DCP128K
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 1751, Lots 21, 23, and 24
Projected Development Site 2	Brooklyn	Block 1751, Lot 25

(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-731**) would be established as part of approval of the proposed actions on **Projected Development Site 1 and Projected Development Site 2** as described below:

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

Hazardous Materials

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

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Air Quality

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

> ***Projected Development Site 1:*** *Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) system and hot water equipment and must be fitted with low NOx (15 ppm) burners, ensure the HVAC system and hot water equipment stack is located at the building's highest level and at a minimum of 93 feet above grade, and that the stack is located at least 45 feet from the eastern lot line of Block 1751, Lot 24 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 heating, ventilating and air conditioning (HVAC) system and hot water equipment stack is located at the building's highest level and at a minimum of 118 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*** *and* ***Projected Development Site 2:*** *In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation on the northern (Myrtle Avenue), western (Spencer Street) facades, and the eastern (Walworth) facade within 50 feet of Myrtle Ave to maintain an interior noise level of 45 dB(A). No other facades require attenuation. To maintain a closed-window condition, an alternate means of ventilation must be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.*