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 this EAS. The applicant, Angelina Gatto Trust, is seeking a series of discretionary land use actions including: a zoning map amendment to rezone Brooklyn Block 1002, Lots 40-43, 45-50, 52-55 and portions of Lots 39 and 56 (the "proposed rezoning area") from an M2-1 district to an M1-4/R7A Special Mixed-Use (MX) District; a zoning text amendment to Article XII, Chapter 3 and Appendix F of the New York City Zoning Resolution (ZR) to established the proposed MX district and to establish a Mandatory Inclusionary Housing (MIH) area with MIH options 1 and 2 coterminous with the proposed rezoning area; and a special permit pursuant to ZR Section 74-533 to waive accessory parking requirements of ZR Section 25-23 for projected development site 1 (Brooklyn Block 1002, Lots 48, 49, and 50); collectively, the "Proposed Actions," in the Gowanus neighborhood of Brooklyn Community District (CD) 6. Approval of the Proposed Actions would facilitate development of an approximately 56,000 gross square foot (gsf), 95-foot tall, 9-story mixed-use residential and commercial building at 153-157 Ninth Street, Projected Development Site 1, which would use 3,300 sf of unused commercial development rights transferred from the abutting Development Rights Parcel at 124 Eighth Street (Block 1002, Lot 16). The proposed 95-foot-tall building would include 16,000 gsf of commercial uses on the ground floor and cellar level, as well as 48 dwelling units (DUs) with approximately 12 affordable DUs. The EAS also considers a future with-action scenario that includes the redevelopment of Projected Development Site 2 (Lots 43 and 45) with a 38,231 gsf mixed-use building comprising 37 DUs, including approximately nine affordable units, and ground floor local retail. Although the Proposed Actions would result in changes to land use within the primary study area by increasing the allowable density and introducing new residential uses that are currently not allowed, the proposed residential and commercial uses would be compatible with surrounding uses and bring into conformance a number of existing residential buildings. The Proposed Actions would facilitate the creation of market-rate and affordable housing in a transit-accessible area, providing a total of 87 DUs, including 21-26 permanently affordable units pursuant to MIH; and would be consistent with the City's Housing New York 2.0 plan and efforts to increase the overall amount of affordable housing. The proposed rezoning area is located within the coastal zone, and the Proposed Actions would be consistent with all applicable policies of the Waterfront Revitalization Program (WRP # 20-030). Therefore, the analysis concludes that no significant adverse impacts are anticipated for land use, zoning, and public policy, and no further analysis is required.

Open Space

A detailed analysis related to open space is included in this EAS. The rezoning area is located in an "underserved" area as identified in the 2020 CEQR Technical Manual, and the Proposed Actions would result in an increase of greater than 50 residents, thus exceeding the threshold for an indirect open space analysis for the study area's residential population. The open space ratio for residents in the study area would decrease by less than 1% as a result of the Proposed Actions, which is below the 5% threshold for impacts to open space, and also less than a 1% decrease, which may be considered if the existing open space ratio is low. The analysis finds that while there would be a decrease in open space ratio as a result of the increase in population, a number of qualitative factors would help to prevent an impact to open space resources, including proximity to neighborhood and regional parks including the 1.87-acre Carroll Park, 1.9-acre DiMattina Playground and 58-acre Red Hook Recreational Area, and the 526-acre Prospect Park. In the with-action scenario, the proposed MX (M1-4/R7A) district Quality Housing bulk regulations would require (private) indoor recreational space and exterior open space for any residential development, which would also serve to satisfy some of the open space demand created by the Proposed Actions. In addition, the Proposed Actions would not have a direct effect on existing open space resources. Therefore, the analysis concludes that no significant adverse impacts to open space are anticipated, and no further analysis is required.

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 Proposed Actions would facilitate the development of two buildings that are larger in height and bulk (scale) than that found in the immediately surrounding area, the buildings would be expected to complement the existing varied context, which includes a diverse mix of building typologies and uses. Development under the with-action scenario would also be consistent with surrounding neighborhood context in terms of use and lot placement, forming consistent streetwalls with buildings lining Ninth Street. The Proposed Actions would not result in any development that would obstruct or eliminate any public views or affect any existing view corridors or views of visual resources. Although the pedestrian experience would change under the with-action scenario, as existing low-scale sites would be redeveloped with 9-story mixed-use buildings that include ground floor commercial uses, the changes would also activate the streetscape and would not negatively affect a pedestrian's experience of the area. Therefore, the analysis concludes that no significant adverse impacts are anticipated for urban design or visual resources, and no further analysis is required.

Transportation

A detailed analysis related to transportation (pedestrian traffic) is included in this EAS. The Proposed Actions and associated RWCDS would generate additional vehicular, transit and pedestrian trips in the surrounding area. As the incremental increase in pedestrian trips would exceed the 2020 CEQR Technical Manual threshold of 200 pedestrian trips, a detailed analysis of operating conditions is provided for two pedestrian elements (one corner and one sidewalk). Conditions at the northeast corner of Second Avenue and Ninth Street and on the north sidewalk along Ninth Street between Second and Third Avenues have been analyzed during the weekday PM and Saturday midday peak hours. The analysis results demonstrate that the analyzed sidewalk is expected to experience a degradation of level of service (LOS) from the-no-action condition to the with-action conditions from a LOS B to an acceptable LOS C; and the analyzed corner area would continue to operate at a LOS A with no degradation in LOS. Based on 2020 CEQR Technical Manual impact criteria, no significant adverse impacts would occur at either location as a result of the Proposed Actions. Additionally, none of the analyzed intersections would be considered a high crash location per 2020 CEQR Technical Manual guidance. Therefore, the analysis concludes that no significant adverse transportation impacts are anticipated, and no further analysis is required.

Project Name: Ninth Street Rezoning
CEQR # 22DCP091K
SEQRA Classification: Unlisted

Hazardous Materials, Air Quality, and Noise An (E) designation (E-670) 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 Stacey Barron *at +1 212-720-3419.*

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 Stephane Shellooe, AICP	DATE April 22, 2022
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE April 25, 2022
SIGNATURE	

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Determination of Significance Appendix

The Proposed Actions were determined to have the potential to result in changes to development on the following sites:

Development Site	Borough	Block and Lot
Projected Development Site 1	Brooklyn	Block 1002, Lots 48, 49, and 50
Projected Development Site 2	Brooklyn	Block 1002, Lots 43 and 45

(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-670**) would be established as part of approval of the Proposed Actions on **Projected Development Site 1 and 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 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.

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 utilize natural gas as the type of fuel for heating, ventilation, and air conditioning (HVAC) and hot water equipment, and ensure the stack is located at the highest tier and at least 107 feet above grade to avoid any potential significant adverse air quality impact.*

Projected Development Site 2: *Any new residential and/or commercial development on the above-referenced property must utilize natural gas as the type of fuel for heating, ventilation, and air conditioning (HVAC) and hot water equipment, and ensure the stack is located at the highest tier and at least 107 feet above grade and at least 43 feet from the western lot line of Lot 43 facing Second Avenue to avoid any potential significant adverse air quality impact.*

Noise

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

Projected Development Site 1: *To ensure an acceptable interior noise environment, future community facility and commercial office uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the facades facing Ninth Street and the facades facing Second Avenue within 50 feet of Ninth Street and the facades facing Third Avenue within 50 feet of Ninth Street to maintain an interior noise level not greater than 45 dBA for community facility uses and 50 dBA for commercial office uses. 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.*

Projected Development Site 2: *To ensure an acceptable interior noise environment, future commercial office uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the facades facing Ninth Street and the facades facing Second Avenue within 50 feet of Ninth Street and the facades facing Third Avenue within 50 feet of Ninth Street to maintain an interior noise level not greater than 45 dBA for community facility uses and 50 dBA for commercial office uses. 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.*