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, CB Emmanuel Realty is seeking approval for three discretionary actions that would facilitate infill development at 109 Marcus Garvey Boulevard (Brooklyn Block 1588, Lot 1; the "Project Area"), generally bounded by Vernon Avenue to the north, Marcus Garvey Boulevard to the west, Willoughby Avenue to the south and Lewis Avenue to the east in the Bedford-Stuyvesant neighborhood of Brooklyn Community District 3. These actions are: (1) a zoning map amendment to rezone the Project Area from R6 and R6/C2-4 to R7A and R7A/C2-4, (2) a zoning text amendment to amend Zoning Resolution ("ZR") Appendix F to establish a Mandatory Inclusionary Housing ("MIH") area coterminous with the Project Area, and (3) a City Planning Commission ("CPC") special permit for Large Scale General Development pursuant to ZR Section 74-74 to waive regulations relating to height, street wall location, and minimum distance between buildings on the same zoning lot (the "Proposed Actions"). The Proposed Actions would enable the construction of a new infill development in the eastern portion of the Project Area, (the "Proposed Development Site"), which is a roughly 30,000-square-foot (sf) portion of the 130,000-sf Project Area and is currently occupied by surface parking. The remainder of the Project Area, occupied by four buildings totaling approximately 313,540 gross square feet (gsf), containing a mix of 267 income restricted dwelling units (DUs), approximately 6,642 gsf of ground floor commercial retail, and approximately 5,339 gsf of community facility space for social services offices. Approval of the Proposed Actions would allow the Applicant to develop a new 14-story 212,919-gsf mixed use building with approximately 192,519 gsf of residential space (containing 292 Affordable Independent Residences for Seniors [AIRS] units, the "Proposed Project") in place of the existing 95-space surface parking lot on the Proposed Development Site. Approximately 63 accessory parking spaces would be provided in a 20,400 gsf garage in the cellar level of the proposed building and the four existing buildings in the Project Area would remain unchanged. The Proposed Actions would not introduce any new land uses or zoning that would be incompatible with their surroundings and would not constitute a significant adverse impact.

Open Space

A detailed analysis related to indirect residential effects on open space is included in this EAS. Under the With-Action conditions, the total open space ratio would decrease by 0.69% to 0.427 acres per 1,000 residents when compared to the No-Action condition, which is less than the 1% threshold that would constitute a significant adverse impact pursuant to the guidance of the *CEQR Technical Manual*. Additionally, the EAS notes that while the open space ratio in the study area would remain below planning goals, there is a significant amount of open space that was excluded from the quantitative analysis that would offset some demand from nearby residents. The Proposed Actions would not result in a significant adverse impact to open space.

Shadows

A detailed analysis related to shadows is included in this EAS. The Proposed Project is expected to cast shadows on two sunlight-sensitive resources, Lewis Playground, a 0.16-acre public playground, located directly east of the Proposed Project, and St. John the Baptist Roman Catholic Church, located a block east along Willoughby Avenue. Lewis Playground would receive new incremental shadows from the Proposed Project on all four analysis days: for three hours 46 minutes on the March 21/September 21 analysis day, four hours 18 minutes on the May 6/August 6 analysis day, six hours two minutes on the June 21 analysis day, and three hours 32 minutes on the December 21 analysis day. Though Lewis Playground would receive incremental shadows from the Proposed Project throughout the year, the Proposed Project is not expected to cause a significant adverse impact to the playground through project-generated incremental shadows since Lewis Playground would still receive direct sunlight on all four analysis days. All sunlight-sensitive features (the landscaped areas and active play equipment) would receive sunlight during the day, and all sunlight-sensitive vegetation would receive adequate sunlight during the growing season. Additionally, according to correspondence with the Parks Department, plantings in the reconstructed playground are shade-tolerant species and their health would not be impacted by a reduction of sunlight. As such, the Proposed Actions would not result in a significant adverse impact to Lewis Playground due to incremental shadows.

The St. John the Baptist Roman Catholic Church building has stained-glass windows along the northern, western, and southern facades that are considered sunlight-sensitive features, per *CEQR Technical Manual* guidance. The stained-glass windows would receive direct sunlight throughout most of the day on all four analysis days, only receiving incremental shadows briefly in the late afternoon on two analysis days (May 6/August 6 and June 21). Due to the minimal duration and area of incremental shadows that could reach the stained-glass windows, the increase in shadow coverage would not noticeably affect the use or enjoyment of these sunlight-sensitive features by the public. Given that the incremental shadows from the Proposed Project would not affect the use or enjoyment of sunlight-sensitive features of the St. John the Baptist Roman Catholic Church, the Proposed Project would not cause an adverse shadows impact on this historic resource.

Historic and Cultural Resources

A detailed analysis related to indirect (contextual) effects is included in this EAS. There are two historic architectural resources located within the 400-foot study area: 345 Vernon Avenue and St. John the Baptist Roman Catholic Church Complex. The Proposed Actions would not result in development that would diminish the qualities that make the S/NR-eligible 345 Vernon Avenue or St. John the Baptist Roman Catholic Church Complex historically and architecturally significant. As such, the Proposed Actions would not result in any significant adverse indirect or contextual impacts on historic architectural resources.

Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The Proposed Actions would introduce strong street walls along Willoughby Avenue and Vernon Avenue that would be consistent with surrounding development. While the With-Action development, at a maximum height of 155 feet including

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rooftop bulkhead, would be taller than most of the existing small residential structures in the study area, the building would be comparable to the larger NYCHA developments that help define the neighborhood. The setback of the Proposed Project above seven stories would fit into the existing context and provide adequate light and air circulation to the surrounding buildings and streetscape and would be in line with NYCHA buildings in the vicinity of the Project Area, many of which are six stories or greater in height and built close to the lot line. As such, the Proposed Actions are not expected to result in any significant adverse impacts to urban design in the study area surrounding the Project Area, nor would they result in significant adverse impacts to the experience of the pedestrian.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-779) 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 11/27/2024
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 12/2/2024
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
Proposed Development Site	Brooklyn	Block 1588, Lot 1

(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-779**) would be established as part of approval of the proposed actions on **Proposed Development Site** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to **Proposed Development Site** for hazardous materials would apply as follows:

Task 1-Remediation Determination and Protocol

A written report with Phase II findings and a summary of the data must be 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 for the test results, a proposed remedial action plan (RAP) must be submitted by 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. An OER-approved construction-related health and safety plan (CHASP) would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

Air Quality

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

Proposed Development Site: *Any new residential, community facility and/or commercial development on the above-referenced property must ensure the heating, ventilation, and air conditioning (HVAC) system and hot water equipment stack is located at the highest tier and at least 156 feet above grade to avoid any potential significant adverse air quality impacts.*

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Noise

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

> ***Proposed Development Site:*** *To ensure an acceptable interior noise environment, future residential, community facility, and commercial office uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the eastern facade facing Lewis Avenue and on the southern façade facing Willoughby Avenue within 50 feet of the eastern lot line, and a minimum of 28 dBA window/wall attenuation on any facades facing Vernon Avenue to maintain an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial office use, 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.*