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, Oleg Gutnik, is seeking the approval of a zoning map amendment and a zoning text amendment (the Proposed Actions) which would rezone Block 7198, Lots 1, 4, and 6 (the "Affected Area") from an R4 zoning district to an R7A/C2-4 zoning district in Gravesend neighborhood in Brooklyn Community District 15. The zoning text amendment would modify Appendix F of Zoning Resolution to establish a Mandatory Inclusionary Housing area coterminous with the Affected Area. The Proposed Actions would facilitate the development of a new 59,070 GSF mixed residential and commercial building including approximately 5,200 GSF of local retail on the ground floor, 43,870 GSF of residential use on the upper floors, and an approximately 10,000-SF cellar containing attended parking for 45 residential parking spaces on the Applicant owned Block 7198, Lots 1 and 4 (Projected Development Site 1). The Proposed Development would have 7 stories with mezzanine and rise to 85 feet and result in 45 dwelling units, 25-30% (12-14) of which would be affordable at an average of 60-80% AMI pursuant to MIH Option 1 or 2.

The analysis finds that the Proposed Actions would result in a change in land use and zoning, however, they would not alter the development patterns or introduce any new land uses that are not already located within the 400-foot project study area, which contains a mix of uses including residential and commercial. The development that would be facilitated by the Proposed Actions would be consistent with the nearby higher-density residential buildings and mixed-use residential and commercial buildings along Avenue X. The Proposed Actions would also bring the existing legal non-conforming residential use on Lot 6 into conformance. The Proposed Development Site is located within New York City's coastal zone and, as such, is subject to review for its consistency with the City's Waterfront Revitalization Program (WRP). An assessment was conducted, and the development facilitated by the Proposed Actions was found to be consistent with the policies outlined in the WRP (#22-127). The Proposed Actions would also not conflict with any public policy goals and would help further the City's Housing goals by providing permanently affordable housing. Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning or public policy, and no further analysis is warranted.

Hazardous Materials and Air Quality

An (E) designation (E-743) related to hazardous materials and air quality 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 and air quality analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials or air quality.

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 Ibrahim Jobe at ijobe@planning.nyc.gov.

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 | 212.720.3493
NAME Evren Ulker-Kacar, AICP	DATE 12/8/2023
SIGNATURE Evren Ulker Kacar	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 12/11/2023
SIGNATURE	

Project Name: 396-400 Avenue X Rezoning
CEQR # 23DCP136K
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 7198, Lot 1 and 4

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials and air quality an (E) designation (**E-743**) 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	

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, ventilation, and air conditioning (HVAC) system and hot water equipment stack is located at the highest tier and at least 88 feet above grade to avoid any potential significant adverse air quality impact.*