NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Anita Laremont, *Acting Director*
Department of City Planning

EMP capital
c/o Richard Lobel
Sheldon Lobel, P.C.
18 East 41st Street
New York, NTY 10017

Re:	**1034 - 1042 Atlantic Avenue Rezoning**
CEQR No.	21DCP170K
ULURP No(s).	210386ZMK, N210387ZRK, 210379ZSK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK08

Dear Richard Lobel,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may have a significant adverse impact on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action would not have a significant adverse impact on the environment.

Enclosed is the Negative Declaration for CEQR No. 21DCP170K, 1034 - 1042 Atlantic Avenue Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Negative Declaration was issued on September 20, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

September 20, 2021
Date

cc: Project File
Kenneth Knuckles, Acting Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Eric Adams, Brooklyn Borough President
Brooklyn Community Board BK08

Stephanie Shellooe, AICP, *Deputy Director*
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120 Broadway, 31st Floor, New York, N.Y. 10271

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, EMP Capital Group, seeks a Zoning Map Amendment, Zoning Text Amendments, and Zoning Special Permit (the "Proposed Actions") affecting a portion of Block 1125 in the Crown Heights neighborhood of Brooklyn Community District 8. The proposed Zoning Map Amendment would rezone Block 1125, Lots 29, p/o 33, and p/o 40 from an M1-1 zoning district to a C6-3A zoning district and Block 1125, Lots p/o 33, p/o 40, 52, 53, 57, 59, and from an M1-1 zoning district to a R7A/C2-4 zoning district. The Applicant is also proposing a Zoning Text Amendment to Appendix F to add a Mandatory Inclusionary Housing (MIH) area coterminous with the proposed rezoning area, a Zoning Text Amendment to modify the New York City Zoning Resolution (ZR) Section 35-66 to allow a minimum 20-foot sidewalk along Atlantic Avenue, and a Special Permit pursuant to ZR 74-533 to reduce the number of required accessory parking spaces. The Proposed Actions would facilitate the Applicant's development of 1034-1042 Atlantic Avenue located on Block 1125, Lots 29 and 33 (Projected Development Site 1) with a 238,873 gross square foot (gsf), mixed-use commercial, community facility, and residential building with two separate towers. Tower 1 would be built within the C6-3A portion of the rezoning area, facing Atlantic Avenue, and would rise to a height of 17 stories at 175 feet tall. Tower 2 would be built within the R7A/C2-4 portion of the rezoning area, facing Pacific Street, and would rise to a height of 9 stories at 95 feet tall. The Proposed Development would include 206,353 gsf of residential floor area with approximately 210 dwelling units (DUs), including 42 affordable units pursuant to MIH, 12,850 gsf of commercial space and 12,730 gsf of community facility space, proposed to be a youth center, at the ground floor, and a 6,940 gsf parking garage at the cellar level with 20 residential accessory parking spaces. The Proposed Actions would also facilitate up to 21,816 gsf of development on Projected Development Site 2 (Block 1125, Lots 52 and 53), which would include up to 17,064 gsf of residential uses (17 DUs, 3 of which would be affordable), 2,704 gsf of commercial local retail uses at the ground floor, and 2,048 gsf of parking uses at the cellar level in a 9-story, 95-foot tall building, and a Potential Development Site (Block 1125, Lot 40) containing a 17-story, 175-foot tall mixed-use residential and commercial building with 232,046 gsf of floor area, including 176,538 of residential floor area (177 DUs, 35 of which would be affordable), 26,408 gsf of ground floor commercial (local retail) uses and a 29,100 gsf garage with 97 accessory spaces at the cellar level.

The Proposed Actions would not result in any land use changes within the 400-foot study area. The proposed zoning district would not adversely affect, or be incompatible with, the surrounding land uses in the study area. While the change in zoning would allow greater density and uses permitted by the Proposed Actions, the proposed and projected development would be consistent with nearby high-density mixed-use buildings in the study area and surrounding neighborhood, along Atlantic Avenue and Pacific Street to the west and Classon Avenue to the south. The Proposed Actions would not result in changes to existing regulations or policy, would not conflict with public policies and plans for the site or surrounding area, and would moreover be consistent with the goals of Housing New York, as an MIH area would be established to introduce more affordable residential units to the area. Therefore, no significant adverse impacts are anticipated to land use, zoning, or public policy, and no further analysis is required.

Socioeconomic Conditions

A detailed analysis related to socioeconomic conditions, with respect to indirect residential displacement, is included in this EAS. The Proposed Actions would result in 224 incremental residential DUs, which exceeds the 200-DU development threshold identified by the CEQR Technical Manual as warranting assessment for potential impacts. As the Proposed Actions would introduce a combination of market rate and permanently affordable residential units, incomes were estimated for the residents of both housing types. The analysis finds that while the overall average income of the introduced population would likely be higher than that of the surrounding study area, the population introduced as a result of the Proposed Actions would only increase by 3.56 percent in the ¼ mile study area, which is below the 5 percent threshold that would affect real estate market conditions in the study area, per the 2020 CEQR Technical Manual Therefore, no significant adverse impacts to socioeconomic conditions are anticipated, and no further analysis is required.

Open Space

A detailed analysis related to open space is included in this EAS. The Proposed Actions would introduce an estimated 542 residents to the Project Area, which exceeds the threshold for residential analysis identified in the CEQR Technical Manual of 350 new residents. The analysis finds that the residential (0.5-mile) study area's total open space ratio (0.39 acres per thousand residents) would be below the City's guideline of a 1.5 acres per thousand residents. The population resulting from the Proposed Actions would result in a decrease of 0.83 percent in Open Space Ratio for the study area of slightly below the CEQR Technical Manual threshold of 1%. While the analysis finds that proposed actions would result in further reductions in the open space ratio within the study area, significant adverse impacts would not result from the proposed actions due to several qualitative factors, including open space resources that are located just outside study-area but within a 15-minute walk from the Project Area, such as Prospect Park and Dr. Ronald McNair Park; the development would be subject to the Quality Housing Program regulations, which require that the residential developments include open space amenities such as tree plantings, landscaping, and recreational spaces; and the proposed development on Projected Development Site 1 is expected to incorporate an approximately 77-foot-wide semi-open space on the ground floor for public use along the sidewalk on Atlantic Avenue, which would feature wall art and benches, and would also provide private rooftop deck spaces for the residents. The analysis concludes that the Proposed Actions would therefore not result in significant adverse impacts on open space resources, and no further analysis is warranted.

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Shadows

A detailed analysis related to shadows is included in this EAS. The analysis finds that incremental shadow resulting from the Proposed Actions would potentially reach four sunlight-sensitive resources: Lefferts Place Block Association Garden, Crispus Attucks Playground, Bethel Church of the Nazarene, and Bethel Seventh Day Adventist Church. Per the CEQR Technical Manual, shadows within 90 minutes of sunrise and 90 minutes of sunset are considered on the following representative days: the summer solstice (June 21), winter solstice (December 21) and spring and fall equinoxes (March 21 and September 21) and one additional representative day (May 6 or August 6). The analysis shows that the Proposed Actions would result in incremental shadow on shadows on the Lefferts Place Block Association Garden, Bethel Church of the Nazarene, and Bethel Seventh Day Adventist Church on the December 21 and March 21/September 21 analysis days. The incremental shadow at the Lefferts Place Block Association Garden on the December 21 analysis day would not sufficiently impact vegetation as it is outside the growing season. On the March 21/September 21 analysis day, the shadow coverage would generally be limited to the southern portion of the Community Garden for less than an hour, and the garden would continue to receive four-to-six hours of sunlight, the minimum specified in the CEQR Technical Manual to support vegetative growth. A small incremental shadow on Bethel Church of the Nazarene would be cast by the Proposed Actions on the roof of the church—away from the stained-glass windows on the western façade, during the December and March/September analysis days. Because the Proposed Actions' incremental shadows would not affect the stained-glass windows, which are the sunlight-sensitive feature of the church, there would be no impacts on the enjoyment or appreciation of the sunlight-sensitive features of the historic resource. Incremental shadows on the Bethel Seventh Day Adventist Church would be cast on the eastern and southern façade of the church for 16 minutes in the December analysis period. As the duration would be minimal and the sunlight sensitive features of the building are facing away from the shadows cast, no impacts from incremental shadows from the Proposed Actions are expected to occur. Therefore, the Proposed Actions would not result in significant adverse shadows impacts to sunlight-sensitive resources, and further analysis is not required.

Historic and Cultural Resources

A detailed analysis related to historic and cultural resources is included in this EAS. Historic and cultural resources include both archaeological and architectural resources. The New York City Landmarks Preservation Commission (LPC) was consulted as part of this environmental review and they determined that the project site has no archaeological significance; therefore, this analysis focuses on architectural resources only. One known architectural resource, the State/National Register (S/NR) Listed Clinton Hill South Historic District, is located within the 400-foot study area. No alteration or demolition of the existing buildings within the district would happen as a result of the Proposed Actions, and the development resulting from the Proposed Actions would not pose any changes to the historic resource's setting or context. The Projected and Potential Development Sites are not adjacent to or within 90 feet of any identified historic architectural resources. The Proposed Actions would not introduce any incompatible visual, audible, or atmospheric elements to the settings of historic resources. Therefore, the Proposed Actions would not result in any significant adverse impacts on historic and cultural resources, and no further analysis is warranted.

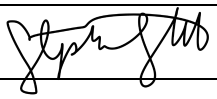
Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The analysis finds that while the development resulting from the Proposed Actions would result in physical alterations beyond those allowed by existing zoning, the Proposed Actions would not adversely affect urban design features in the study area so that the context of a natural or significant built resource is adversely altered. The development facilitated by the Proposed Actions would be consistent with the urban design elements and overall character of the neighborhood. It would not significantly change the pedestrian experience, nor would it disturb the vitality, walkability, or the visual character of the area. The proposed widened sidewalk, local retail and community facility service provided on-site would potentially improve the pedestrian experience in the area. Therefore, the Proposed Actions would not result in significant adverse impacts to urban design or visual resources, and further analysis is not warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-637) 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 Annabelle Meunier at +1 212-720-3426.

TITLE Deputy 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	DATE September 17, 2021
SIGNATURE 	
TITLE Acting Chair, City Planning Commission	
NAME Kenneth Knuckles	DATE September 20, 2021
SIGNATURE 	

Project Name: 1034 - 1042 Atlantic Avenue Rezoning
CEQR # 21DCP170K
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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	**BK**	Block 1125, Lots 29 and 33
Projected Development Site 2	**BK**	Block 1125, Lots 52 and 53
Potential Development Site 1	**BK**	Block 1125, Lot 40

(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-637**) would be established as part of approval of the proposed actions on the **Projected and Potential Development Sites** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1 and 2 and Potential 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.

Air Quality

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

Block 1125 Lot 29 and 33 (Projected Development Site 1 Tower 1): *Any new residential, commercial, or community facility development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level or at least 178 feet above grade, and that the stack is located at least 140 feet from the eastern lot line facing Classon Avenue to avoid any potential significant adverse air quality impacts.*

Block 1125 Lot 29 and 33 (Projected Development Site 1 Tower 2): *Any new residential, commercial, or community facility development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level or at least 98 feet above grade, and that the stack is located at least 45 feet from the eastern lot line facing Classon Avenue and at least 135 feet from the northern lot line facing Atlantic Avenue to avoid any potential significant adverse air quality impacts.*

Block 1125 Lots 52 and 53 (Projected Development Site 2): *Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the HVAC equipment energy intensity is no greater than 0.35 million Btu, the stack is located at the building's highest level or at least 98 feet above grade, and that the stack is located at least 30 feet from the eastern lot line facing Classon Avenue and at least 40 feet from the northern lot line facing Atlantic Avenue to avoid any potential significant adverse air quality impacts.*

Block 1125 Lot 40 (Potential 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, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level or at least 178 feet above grade, and that the stack is located at least 90 feet from the western lot line facing Grand Avenue to avoid any potential significant adverse air quality impacts.*

Noise

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

Projected Development Site 1 (Block 1125 / Lots 29 and 33): *In order to ensure an acceptable interior noise environment, future residential/ community facility uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the facades facing Atlantic Avenue and 28 dBA of attenuation on all other facades to maintain an interior noise level not greater than 45 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.*

Projected Development Site 2 (Block 1125 / Lot 52 and 53): *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with* a minimum of 31 dBA

window/wall attenuation on the facades facing Atlantic Avenue and 28 dBA of attenuation on all other facades to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS

Potential Development Site 1 (Block 1125 / Lot 40): *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the facades facing Atlantic Avenue and the facades facing Classon Avenue within 50 feet of Atlantic Avenue and the facades facing Grand Avenue within 50 feet of Atlantic Avenue and 28 dBA of attenuation on all other facades to maintain an interior noise level not greater than 45 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.*