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, Ranco Capital LLC, is seeking a Zoning Map Amendment to rezone Brooklyn Block 1735 Lots 33, 34, and 35 as well as portions of Lots 32, 36, 37, 38, and 39 (the "Rezoning Area") from M-1 to R7D/C2-4, as well as a Zoning Text Amendment to Appendix F of the New York City Zoning Resolution to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the Rezoning Area (collectively the "Proposed Actions"). The Proposed Actions would facilitate development of a new 11-story, 115-foot-tall, 72,349 gross square foot (gsf) mixed-use residential and commercial building at 703 Myrtle Avenue (Projected Development Site 1), Block 1735 Lot 39, in the Bedford-Stuyvesant neighborhood of Brooklyn Community District 3. The Proposed Actions would facilitate the construction of 13-20 permanently affordable dwelling units within the applicant-owned Projected Development Site 1 depending on the MIH option selected. In addition to Projected Development Site 1, one other Projected Development Site was identified and analyzed for a conservative CEQR analysis. Projected Development Site 2 analyzes an assemblage of Block 1735 Lots 33, 34, and 35 and the development of a new 11-story, 115-foot-tall, 31,196 gsf mixed-use residential and commercial building. The development and uses facilitated by the Proposed Actions would be consistent 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 No-Action scenario, the proposed R7D/C2-4 district would establish a medium-density residential district with a commercial overlay that would be consistent with a R7D/C2-4 district mapped along Myrtle Avenue immediately east of the Rezoning Area. The Proposed Actions would be compatible and consistent with public policies that currently apply to the Rezoning Area and the surrounding area, including the City's goals to facilitate the construction of permanently affordable dwelling units. 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-695) 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 Sean O'Rourke at sorourke@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 4/21/2023
SIGNATURE Evren Ulker Kacar	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 4/24/2023
SIGNATURE	

Project Name: 703 Myrtle Ave Rezoning
CEQR # 21DCP203K
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 1735, Lot 39
Projected Development Site 2	Brooklyn	Block 1735, Lots 33, 34, and 35

(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-695**) 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.

Project Name: 703 Myrtle Ave Rezoning
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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, air conditioning (HVAC) system(s) and must be fitted with low NOx (30 ppm) burners, and ensure that the HVAC stack is located at the building's highest level and at least 98 feet above grade 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, air conditioning (HVAC), and hot water system(s), stack is located at the building's highest level and at least 118 feet above grade, and that the stack is located at least 30 feet from the western lot line of Lot 35 facing Spencer Street to avoid any potential significant adverse air quality impacts*

Noise

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

> ***Projected Development Site 1:*** *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 southern façade facing Myrtle Avenue, the western façade facing Spencer Street, and the eastern façade facing Walworth Street within 50 feet of Myrtle Ave to maintain an interior noise level not greater than 45 dB(A). 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.*
>
> ***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 southern façade facing Myrtle Avenue, the western façade facing Spencer Street within 50 feet of Myrtle Ave, and the eastern façade facing Walworth Street within 50 feet of Myrtle Ave to maintain an interior noise level not greater than 45 dB(A). 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.*