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, AA Atlantic LLC, seeks a series of land use actions including a Zoning Map Amendment to rezone Block 1867, Lots 62, 63, 64, 65, 66, 68, 77, 80, 84, and portions of (p/o) Lots 41, 42, 53, 72, 78 and 85 from an M1-1 zoning district to a C4-5X zoning district; to rezone Block 1867, Lots 61, 60, 59, 58, 57, and p/o 56 from an M1-1 zoning district to an R6B zoning district; and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area in the Bedford-Stuyvesant neighborhood of Community District 3, Brooklyn (collectively, the "Proposed Actions"). The Proposed Actions would facilitate the development of the Applicant-owned site with a 174,039 gross square foot (gsf) building, consisting of 17,404 gsf of community facility uses, 21,040 gsf of commercial uses, and 135,594 gsf of residential uses on Projected Development Site 1 located at 1289 Atlantic Avenue (Block 1867, Lots 62, 63, 64, 65, 66, and 68). The 14-story, 145-foot-tall building would contain 160 dwelling units (DUs), 25-30% (40-48 units) of which would be affordable pursuant to MIH. 64 residential accessory parking spaces would be required and would be provided at the cellar level. The Proposed Actions would also facilitate the development of 254,473 gsf 14-story, 145-foot-tall mixed-use building consisting of 28,713 gsf of commercial uses and 225,760 gsf of residential uses on Projected Development Site 2 (Block 1867, Lots 77, 78, 80, 84, and 85), which is not applicant-owned. 266 total DUs would be developed, 25-30% (67-80 units) of which would be affordable pursuant to MIH. 106 residential accessory parking spaces would be required at the cellar level of Projected Development Site 2. No commercial parking spaces are required within the proposed C4-5X zoning district. In addition, Projected Development Site 1 is a primary transit-adjacent site, as defined by the Zoning Resolution, and the Metropolitan Transportation Authority has determined that a transit volume is needed for the Development Site, which must be certified by the Chairperson of the City Planning Commission pursuant to Zoning Resolution Section 66-21. The Applicant is filing a separate, concurrent related application for a certification of transit volume at Projected Development Site 1. Although the Proposed Actions would result in changes to land uses and zoning in the affected area, the density and uses permitted by the actions would be compatible with nearby mid-rise multi-family buildings along Herkimer Street and New York Avenue, and would not conflict with relevant public policies. The Proposed Actions would not constitute a significant adverse impact to land use, zoning, and public policy.

Socioeconomic Conditions

A detailed analysis related to socioeconomic conditions is included in the EAS. The Proposed Actions would not result in direct or indirect business displacement, or direct residential displacement. However, given that the Proposed Actions would result in the development of over 200 dwelling units, an analysis of the potential for indirect displacement due to increased rents is warranted and included in the EAS. The assessment determined that the developments facilitated by the Proposed Actions would continue established trends of population growth in the area, and that they would not result in a new population with significantly higher average incomes compared to the average incomes of the existing populations. The Proposed Actions would also not significantly affect socioeconomic conditions. Therefore, the Proposed Actions would not result in significant adverse impacts to socioeconomic conditions and no further analysis is warranted.

Open Space

A detailed analysis related to Open Space is included in the EAS. A significant adverse impact to open space may occur if the Proposed Actions result in the reduction of an area's open space ratio (an indirect impact) by more than the general guidelines provided in the CEQR Technical Manual or if it directly eliminates or alters an open space resource (a direct impact). The Proposed Actions would not directly displace or alter any open space resources, but an assessment of the Proposed Actions' effect upon the area's open space ratio is included. In the No-Action condition, the open space ratio within a .5-mile study area of the project area is 0.281 acres of total open space, 0.211 acres of active open space, and 0.070 acres of passive open space per 1,000 residents. The total, active, and passive ratios are below the City's goals of 2.5 total acres of open space, 2 acres of active open space, and .5 acres of passive open space per 1,000 residents. In the With-Action condition, the open space ratio within the .5-mile study area would be 0.275 acres of total open space, 0.207 acres of active open space, and 0.069 acres of passive open space per 1,000 residents. As described in the CEQR Technical Manual, a project may result in a significant open space impact if the total, active, and passive open space ratios decrease by 1% as a result of the Proposed Actions. Although, the Proposed Actions would result in an approximately 2.01% reduction of the overall, active, and passive open space ratios within the study area compared to the No-Action condition, field observations indicate that utilization levels of open space resources within the study area are moderate and that existing resources have the capacity to serve additional users. Additionally, a subsequent qualitative analysis identified several additional open space resources just outside the .5-mile study area able that are readily available to the study area population. Therefore, the Proposed Actions would not result in a significant adverse impact on open space within the study area, and no further analysis is warranted.

Shadows

A detailed analysis related to Shadows is included in this EAS. The analysis found that incremental shadows from the developments facilitated by the Proposed Actions would be cast on one sunlight sensitive resource: the P.S. 093 Playground, which consists of a running track, various paved playing zones, benches, and playground equipment. New incremental shadows would be cast on the playground during the December 21 analysis day for 2 hours, on the March 21/September 21 analysis day for 2 hours and 9 minutes, on the May 6/August 6 analysis for 1 hour and 23 minutes, and on the June 21 analysis day for 35 minutes. On all four analysis days, the shadows cast from the projected developments would affect the sunlight sensitive P.S. 093 Playground for a limited extent and duration. Therefore, the Proposed Actions would not result in a significant adverse impact related to shadows and no further analysis is warranted.

Project Name: 1289 Atlantic Avenue Rezoning
CEQR # 21DCP054K
SEQRA Classification: Unlisted

Historic and Cultural Resources

A detailed analysis related to Historical and Cultural Resources include in the EAS identified four architectural resources within the study area, including the State and National Register(S/NR)-listed Kismet Tempe at 92 Herkimer Street, the S/NR-eligible properties at 132, 136, 14, and 148 Herkimer Street, the S/NR-eligible P.S. 93 school building located at 31 New York Avenue, and the S/NR-eligible property located at 75 New York Avenue. No impacts to these resources are expected as result of the Proposed Actions. The Proposed Actions would result in new in-ground construction the projected development sites. As a result, the Landmarks Preservation Commission (LPC) was consulted in order to determine whether the developments facilitated by the Proposed Actions have the potential to impact any archaeological resources. After consultation with the LPC, it was determined that there is the potential for the recovery of remains from 19th century occupation on Block 1867, Lots 53, 42, 41, 64, 61, 59, 58, 57, and 56. Of the lots identified, Lot 64 (within Projected Development Site 1) is the only parcel where development is anticipated as a result of the Proposed Actions. A subsequent Phase IA Archaeological Documentary Study was conducted and determined that cultural material with the potential to provide meaningful information regarding the lives of the 19th century residents of the site might be present on Lot 64. A Restrictive Declaration would be recorded in conjunction with approval of the Proposed Actions to ensure that the required testing and, if necessary, the recovery of resources, will be conducted as a project component related to the environment. The Applicant will commit to performing the prescribed archaeological work, pursuant to LPC concurrence of an approved Phase IB Work Plan. In the event that archaeological field testing uncovers significant archaeological resources, additional archaeology may be needed as per the Guidelines for Archaeological Work in New York City. With the Restrictive Declaration in place, there would be no potential for adverse impacts related to Historical and Cultural Resources.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-732) 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 Jameson Mitchell at +1 212-720-3422.

TITLE	LEAD AGENCY
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 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE 10/27/2023
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 10/30/2023
SIGNATURE	

Project Name: 1289 Atlantic Avenue Rezoning
CEQR # 21DCP054K
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 1867, Lots 62, 63, 64, 65, 66, and 68
Projected Development Site 2	Brooklyn	Block 1867, Lots 77, 78, 80, 84, and 85

(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-732**) 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.

Air Quality

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

Projected Development Site 1 (Block 1867, Lots 62, 63, 64, 65, 66, and 68): *Any new residential, commercial, or community facility development on the above-referenced property must ensure that the heating, ventilation, air conditioning (HVAC) and hot water system(s) stack is located at the building's highest level or at least 148 feet above grade and that the stack is located at least 40 feet from the western lot line of lot 68 facing Nostrand Avenue to avoid any potential significant adverse air quality impacts.*

Projected Development Site 2 (Block 1867, Lots 77, 78, 80, 84, and 85)*: Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilation, air conditioning (HVAC) and hot water system(s) stack is located at the building's highest level or at least 148 feet above grade and that the stack is located at least 160 feet from the eastern lot line of lot 77 facing New York Avenue to avoid any potential significant adverse air quality impacts.*

Noise

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

Block 1867 Lots 62, 63, 64, 65, 66, and 68 (Projected Development Site 1 – Applicant Owned) and Block 1867 Lots 77, 78, 80, 84, and 85 (Projected Development Site 2 – Non-Applicant Owned)

In order to ensure an acceptable interior noise environment, future residential/commercial office/community facility uses must provide a closed-window condition with a minimum of 38 dB(A) window/wall attenuation for the façade facing Atlantic Avenue from the street level up to the train track's height, the façades facing New York Avenue and Nostrand Avenue within 50 feet from Atlantic Avenue from the street level up to the train track's height, and 37 dB(A) window/wall attenuation for the façade facing Atlantic Avenue above the train track's height, the façades facing New York Avenue and Nostrand Avenue within 50 feet from Atlantic Avenue above the train track's height, and 31 dB(A) window/wall attenuation for all other façades in order to maintain an interior noise level not greater than 45 dB(A) for the future residential and community facility uses or not greater than 50 dB(A) for future 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.