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

An analysis of land use, zoning, and public policy is included in this EAS. The "Applicant," Osborn Belmont Properties, LLC seeks a Zoning Map Amendment to rezone Brooklyn Block 3523, Lots 26, 27, 127, 28, 30, 32, 33, 37, 101, 102, 103, 104, 105, and 112 and Block 3524, Lots 1, 2, 3, 4, 23, 25, and 26 from R6/C1-3 to R7A/C2-4, and Brooklyn Block 3524, Lots 5, 6, 7, 8, 19, 20, and 21 from C4-3 to R7A/C2-4 and a Zoning Text Amendment to modify Appendix F of the Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing (MIH) area with options 1 and 2 coterminous with the rezoning area in the Brownsville neighborhood of Brooklyn Community District 16 (the "proposed actions"). The rezoning area is split by Osborn Street and bounded by Pitkin Avenue to the north, Watkins Street to the east, Belmont Avenue to the south and Thatford Avenue to the west. The proposed actions would facilitate the development of two applicant-owned projected development sites which consist of Project Development Site 1 (Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33) and Projected Development Site 2 (Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 25, 26, and 36). The Applicant proposes to develop the two sites with approximately 274,272 total gross square feet (GSF) including 205,273 of residential GSF, 35,799 of commercial GSF, 200 dwelling units with 50-60 affordable units pursuant to MIH, and 75 residential accessory parking spaces (approximately 33,200 GSF). It should be noted that Block 3524 Lot 36 (750 square foot lot) is analyzed in the EAS as part of Projected Development Site 2 although it is outside of the rezoning area. In accordance with the provisions in ZR 77-03 and ZR 77-211, a 25-foot by 25-foot (approximately 625 square foot) portion of Lot 36 would be subdivided then merged with the other lots in Projected Development Site 2 and would be subject to the provisions of the newly mapped R7A/C2-4 district with a 1-story lobby serving the new development constructed on it. For conservative analysis, the EAS analyzes two additional non-applicant owned projected development sites on Block 3523, Lot 37 (Projected Development Site 3) and Block 3524, Lots 20 and 21 (Projected Development Site 4). The proposed actions would facilitate the development of four mixed use buildings within the rezoning area containing a total of 344,256 gross square feet (GSF) including 264,142 residential GSF, 42,502 commercial GSF, 311 total dwelling units, 79-93 affordable units pursuant to MIH, and 106 residential accessory parking spaces (approximately 37,612 GSF). Zoning controls would also be modified on Block 3523 Lots 101, 102, 103, 104, 105, and 112, and Block 3524 Lots 8, 19, and 23 within the project area but they are not expected to redevelop as a result of the proposed actions given their lot size, recent investment, built FAR, and existing uses. The proposed actions are anticipated to result in a change in land use and zoning within the project area, however, given the existing residential and commercial character of the surrounding area within the rezoning area's vicinity, the change in land use, zoning, and public policy would be compatible with the with the surrounding area and 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 this EAS, including indirect residential displacement, and direct business displacement. The proposed actions would result in a net induced development of 311 dwelling units, 25%-30% (79-93 units) of which would be affordable pursuant to MIH. For projects exceeding 200 dwelling units, assessments of indirect residential displacement are appropriate. It could be expected that the new population introduced by the proposed actions would have a higher income than the average households within the ½-mile study area. Relative to the ¼-mile study area, the population increase is greater than 5% which results in the potential to change the socioeconomic characteristics of the study area and detailed analysis is warranted. The detailed analysis expands to a ½-mile study area and considers housing and population characteristics and trends within the no-action condition. The incremental population increase effectuated by the proposed actions is 1.69% within the ½-Mile study area which is below the CEQR Technical Manual threshold of 5%. As per CEQR Technical Manual, the change in population less than 5 percent would not be expected to affect real estate market conditions within the study area. The proposed actions, therefore, are not anticipated to add a significant size of population with much higher average incomes that may significantly affect socioeconomic conditions or real estate market conditions. Therefore, no significant adverse impact is expected on the indirect residential displacement in the area.

Additionally, the EAS provides an analysis for direct business displacement. The existing commercial use in the existing conditions is local retail. The proposed actions would directly displace the existing 42,620 GSF of commercial uses and approximately 128 workers, comprised of grocery stores, warehouse uses associated with grocer operations, local retail stores, and commercial offices. However, the existing commercial uses would be replaced by the new ground-floor commercial spaces (42,502 GSF of local retail uses, approximately 128 workers) located on Projected Development Sites 1-4 under the with-action, resulting in a net incremental decrease of 118 GSF of commercial space. The Applicant has stated their intention to work with local community groups and real estate interests in the area to place comparable businesses to continue to serve the area and where feasible, and offer long standing existing uses an opportunity to re-tenant in the new buildings on Projected Development Sites 1 and 2. Additionally, several similar local retail and grocery stores located within a 400-foot radius and just outside of the 400-foot radius would meet the anticipated demand for these local services under the with-action condition. Therefore, the proposed actions would not result in significant adverse impact related to direct business displacement and no further analysis is warranted.

Open Space

A detailed analysis related to open space is included in this EAS. The incremental increase of 833 residents is above the CEQR Technical Manual assessment threshold of 200 new residents. The preliminary analysis shows that the open space ratio (OSR) would decrease from 0.47 to 0.46 acres per 1,000 residents, or a 1.72% decrease, which exceeds the CEQR Technical Manual threshold of 1% when the open space threshold is expected to be less than 0.50 acres per 1,000 residents. As such, a detailed analysis addressing the residential population introduced by the proposed actions is provided. The detailed analysis shows that the total OSR in the with-action condition would be 0.46 acres per 1,000 residents, the active OSR would decrease from 0.34 to 0.33 acres per 1,000 residents, and the passive OSR would decrease from 0.13 to 0.12 acres per 1,000 residents. Though the decrease in the total active OSR percentage would exceed the 1% threshold at 1.72%, the passive OSR decrease would be lower than the

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2% threshold at 1.72%. These optimal open space ratios and percentage reductions do not constitute an absolute impact threshold. A qualitative analysis provides that the reduction in the total open space ratio in the residential study area could be ameliorated by several qualitative factors not included in the quantitative open space analysis. For example, most existing open space resources within the study area have light to moderate utilization levels, are in acceptable condition, and are undergoing reconstructions and as such appear to have the capacity to serve additional users. Within the study area exists private open space resources including the proposed project providing its residents with a rooftop terrace on top of the ground floor on Projected Development Site 2 and two NYCHA communities that have their own private open space resources. Outside of the study area is Lincoln Terrace / Arthur S. Somers Park, a 17.14-acre park that provides a variety of facilities. These factors would help alleviate pressure on open space resources in the area from residents. Accordingly, with the consideration of these qualitative factors, the proposed actions are not anticipated to result in significant adverse impacts associated with open space.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-715) 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 Erin Whitney at ewhitney@planning.nyc.gov.

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 4/21/2023
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 4/24/2023
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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	Brooklyn	Block 3523, Lots 26, 27, 28, 30, 32, 33, 127
Projected Development Site 2	Brooklyn	Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 25, 26, 36
Projected Development Site 3	Brooklyn	Block 3523, Lot 37
Projected Development Site 4	Brooklyn	Block 3524, Lots 20, 21

(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-715**) would be established as part of approval of the proposed actions on **Projected Development Sites 1, 2, 3, and 4** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	
Projected Development Site 2	X	X	X
Projected Development Site 3	X	X	
Projected Development Site 4	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1, 2, 3, and 4** 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.

<u>*Air Quality*</u>

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

Block 3523, Lots 26, 27, 28, 30, 32, 33, and 127 (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), and hot water system(s) and must be fitted with low NOx (15 ppm) burners, ensure that the stack is located at the building's highest level and at least 88 feet above grade, and that the stack is located at least 60 feet from the western lot line of Block 3523, Lot 33 facing Thatford Avenue and at least 50 feet from the eastern lot line facing Osborn Street to avoid any potential significant adverse air quality impacts.

Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, and 36 (Projected Development Site 2 West Tower): 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 (15 ppm) burners, ensure that the stack is located at the building's highest level and at least 88 feet above grade, and that the stack is located at least 70 feet from the eastern lot line facing Watkins Street to avoid any potential significant adverse air quality impacts.

Block 3524, Lots 25 and 26 (Projected Development Site 2 East Tower): 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 (15 ppm) burners, ensure that the stack is located at the building's highest level and at least 88 feet above grade, and that the stack is located at least 35 feet from the northern lot line of Block 3524, Lot 25 facing Pitkin Avenue and at least 35 feet from the western lot line facing Osborn Street to avoid any potential significant adverse air quality impacts.

Block 3523, Lot 37 (Projected Development Site 3): Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water equipment stack is located at the building's highest level and at a minimum of 98 feet above grade to avoid any potential significant adverse air quality impacts.

Block 3524, Lots 20 and 21 (Projected Development Site 4): Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water equipment stack is located at the building's highest level and at a minimum of 98 feet above grade to avoid any potential significant adverse air quality impacts.

<u>*Noise*</u>

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

Projected Development Site 2 (Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 25, 26, and 36): In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on the eastern façades facing Watkins Street within 50 feet of

Watkins Street to maintain an interior L10 noise level not greater than 45 dB(A) for residential uses or not greater than 50 dB(A) for commercial office uses as illustrated in the EAS. 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 4 (Block 3524, Lots 20 and 21): In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation on the eastern façade facing Watkins Street to maintain an interior L10 noise level not greater than 45 dB(A) for residential uses or not greater than 50 dB(A) for commercial office uses as illustrated in the EAS. 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