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. Empire Blvd Holdings, LLC (the Applicant) seeks a Zoning Map Amendment to rezone Brooklyn Block 1306, Lot 18 (the Project Site) from a C8-2 and R6/C1-3 to a C4-4D zoning district and a Zoning Text Amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish Mandatory Inclusionary Housing (MIH) over the Project Area (the Proposed Actions). The Proposed Actions would facilitate the development of a 13-story (145-feet tall, excluding rooftop mechanical bulkheads), approximately 383,851 gross-square-foot (gsf) mixed-use building, including 242,653-gsf residential area (285 dwelling units [DUs], approximately 86 of which would be permanently affordable pursuant to MIH); approximately 98,096-gsf of commercial uses (split between 23,043-gsf supermarket and 75,053-gsf retail uses); and 190 parking spaces in an underground garage (the Proposed Project) in the Crown Heights/Prospect Lefferts Garden neighborhood of Brooklyn, Community District (CD) 9.

The Proposed Actions would only affect the Project Site, and the land use changes generated by the Proposed Actions are compatible with and supportive of the residential uses in the surrounding study area and the active commercial uses along the Empire Boulevard corridor. The Project Siteis close to mass transit as well as Prospect Park -- locational factors that support an increase in bulk and density -- and zoning in the study area would remain unchanged. Therefore the proposed rezoning to a C4-4D district would not create significant adverse impacts related to zoning. The Proposed Actions would help create and preserve sustainable affordable housing and are consistent with public policies such as *OneNYC* and *Housing our Neighbors: A Blueprint for Housing and Homelessness*. Therefore, the Proposed Actions would not result in significant adverse impacts on land use, zoning or public policy.

Socioeconomic Conditions

A detailed analysis of socioeconomic conditions is included in this EAS. The Proposed Actions would not result in significant adverse impacts in the areas of direct residential displacement or direct business displacement. The Proposed Actions would directly displace a laundromat operating at the Project Site, but, as the study area is served by several other laundromats, there would be no significant adverse impacts on specific industries. The Proposed Actions would result in the incremental development of 285 DUs, therefore, an analysis of indirect residential displacement is warranted. The analysis concludes that while the Proposed Actions would generate a population increase of greater than 5% to census tracts within 1/4-mile of the Project Site, and average household incomes of these residents would be greater than those of current residents, there is already an existing trend in the study area toward higher rents. Additionally, the 86 affordable DUs introduced by the Proposed Actions would introduce permanently income-restricted housing units and maintain a more diverse mix of incomes in the study area. Therefore, the Proposed Actions would not result in significant adverse impacts on indirect residential displacement.

Open Space

A detailed analysis related to open space is included in this EAS. The Proposed Actions would not directly displace any open space, cause any direct changes to open spaces so that they would no longer serve the same user population, or result in substantial new shadows, noise or air emissions on existing open spaces. Therefore, there are no significant adverse direct impacts on open spaces. The Proposed Actions would introduce 718 residents, which warrants a detailed analysis of indirect open space impacts. In the With-Action condition, the open space ratio (OSR) would decrease from 15.671 acres per 1,000 residents to 15.387 acres per 1,000 residents but the study area would continue to have 2.5 acres of open space per 1,000 residents. This represents a 1.81% decrease in OSR between the No-Action and With-Action conditions, lower than the *CEQR Technical Manual* threshold of 5%, which is generally considered to have the potential for significant adverse impacts in study areas where the OSR is 2.5 acres per 1,000 residents. Since the decrease in OSR between No-Action and With-Action is less than 5%, there would be no significant adverse indirect impacts on open spaces.

Shadows

A detailed analysis related to shadows is included in this EAS. The analysis found that action-generated shadows could not be cast on any historic sunlight-sensitive resources, but could be cast on three open space resources, including the Russell D. Ramsey Memorial Triangle, the P.S. 375K Sullivan Place sitting area, and the P.S. 375K basketball courts/running track. On the June 21 analysis day, 7 minutes of incremental shadow would be cast on the Russell D. Ramsey Memorial Triangle in the early morning hours. On the December 21 analysis day, in the morning hours, 2 hours and four minutes of incremental shadow would be cast on the P.S. 375K Sullivan Place sitting area and 3 hours and 24 minutes of incremental shadow would be cast on the ball courts/running track. On the March 21/September 21 analysis day, 2 hours and 29 minutes of incremental shadow would be cast on the P.S. 375K Sullivan Place sitting area and 3 hours and 54 minutes of incremental shadow would be cast on the ball courts/running track in the morning hours. In the fall and early spring, when shadows are of moderate length, the incremental shadows would generally cover small areas within these spaces and would not significantly alter their use or affect their vegetation, which would receive adequate sunlight. In the winter, incremental shadows on the Russell D. Ramsey Memorial Triangle would last less than 10 minutes, and shadows on the P.S. 375K Sullivan Place sitting area and ball courts/running track would move past the sunlight sensitive resources by the mid-to-late afternoon. Given the limited duration of action-generated shadows on Russell D. Ramsey Memorial Triangle and that the incremental shadows on the P.S. 375K sunlight sensitive resources would occur during the winter -- when usage rates are lower -- and the shadows would pass by the mid-to-late afternoon hours when the basketball courts and running track are open to the public, there would be no significant adverse impacts from action-generated shadows on these open space resources.

Historic and Cultural Resources

A detailed analysis related to historic and cultural resources is included in this EAS. LPC determined that the Project Site is not potentially archaeologically significant, and therefore, there would be no significant adverse impacts on archaeological resources. A detailed assessment of architectural resources found that there are two known architectural resources located in the study area (within a 400-foot radius of the Project Site). These resources include the State and National Register (S/NR) eligible Prospect Lefferts Gardens Historic District to the south and east of the Project Site and the Fire Alarm Telegraph Bureau, a S/NR-eligible and New York City Landmark (NYCL). These resources are more than 90-feet away from the Project Site, and therefore, would not be directly affected by the Proposed Actions. While the Proposed Project would be taller than many of the buildings in the Prospect Lefferts Gardens Historic District and the Fire Alarm Telegraph Bureau, these architectural resources are already located within a mixed context of newer, older, taller and shorter buildings, and are located more than 250-feet from the Project Site. The Proposed Project would not obstruct public views of any known architectural resources in the study area. As the Proposed Actions would not introduce incompatible visual, audible or atmospheric elements to a historic resource's setting, or isolate a resource from its relationship with the streetscape, there would be no significant adverse impacts on historic and cultural resources.

Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The assessment study area, defined as a 400-foot radius around the Project Site, is roughly bounded by the midblock between Montgomery Street and Sullivan Place to the north, Bedford Avenue to the east, Sterling Street to the south, and Washington Avenue to the west. The Proposed Project would introduce a 145-foot building on the Project Site, but the surrounding built environment includes several tall buildings, and the Project Site is located along a major corridor between lower-rise buildings to the south and taller buildings to the north. The Proposed Project would activate commercial uses on the ground floor, have streetwalls that meet the sidewalk and are consistent with other buildings in the study area, and would enhance the pedestrian experience with the widening of the McKeever Place sidewalk, and therefore, would not have any significant adverse impacts on the pedestrian experience. There is one visual resource in the study area, a mural at 1028 Franklin Avenue, which would not be obstructed by the Proposed Project. View corridors along the study area streets would also not be obstructed by the Proposed Project. Therefore, there would be no significant adverse impacts to urban design and visual resources.

Construction

A detailed analysis related to construction is included in the EAS. For a conservative analysis, the duration of the Proposed Project's construction is assumed to be approximately 32-months and occur over a single phase. The analysis concludes that project-generated traffic Passenger Car Equivalents (PCEs) and, transit and pedestrian trips, would all fall below the CEQR Technical Manual thresholds for detailed analysis. There would be no parking shortfalls during construction. As such, there are no significant adverse construction impacts related to transportation. The analysis concludes that with project components related to the environment (PCREs) codified in a Restrictive Declaration -- including the utilization of newer equipment, best available tailpipe reduction technologies, mandated construction noise levels, noise barriers, among others -- the temporarily elevated pollutant emissions and noise levels from construction would not result in significant adverse air quality or noise impacts. Therefore, there would be no significant adverse impacts related to construction activities.

Hazardous Materials and Air Quality

An (E) designation (E-806) 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 Max Marinoff at +1 212-720-3621.

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 11/1/2024
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 11/4/2024
SIGNATURE	

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 1306, Lot 28

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials or air quality, an (E) designation (**E-806**) 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.

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 utilize only natural gas in any heating, ventilation, and air conditioning (HVAC) systems, and ensure that the HVAC systems and/or the hot water equipment stack(s) is located at the building's highest level and at least 163 feet above grade with no less than 137 feet to the lot line facing Sullivan Place, to avoid any potential significant adverse air quality impacts.*