REVISED NEGATIVE DECLARATION - supersedes the Negative Declaration issued September 21, 2018*

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 project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project 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 that finds the proposed project and related actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this Determination are noted below.

Hazardous Materials, Air Quality, Noise: An (E) designation (E-499) for hazardous materials, air quality, and noise has been incorporated into the sites affected by the proposed development. Refer to "Determination of Significance Appendix: (E) Designation" for a list of the sites affected by the proposed (E) designation and applicable requirements. With these measures in place, the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, or noise.

Open Space: A detailed analysis of open space resources is included in this EAS. The analysis incorporates quantitative and qualitative data to determine no significant impact for open space resources is expected as a result of the Proposed Actions. Though the total, active, and passive open space ratios in the open space study area are below City guidelines of 2.5, 2.0, and 0.5 acres per thousand residents, respectively, the proposed project would reduce the open space ratios by approximately 1 percent, well below the CEQR Technical Manual threshold of a 5 percent or more reduction to constitute a significant adverse impacts. Additionally, large open space resources such as Prospect Park, while outside the open space study area and thus excluded from quantitative analysis, were discussed qualitatively. That analysis concludes that the proposed project would not result in significant adverse impacts on open space resources.

Shadows: A detailed shadows analysis is included in this EAS. As a result of the proposed actions, three sunlight-sensitive resources, including Gateway Triangle, Brown Memorial Baptist Church, and the Church of St. Luke and St. Matthew are anticipated to experience incremental shadows cast from the proposed project. Considering the following factors: the projected duration of the incremental shadows, the percentage of incremental shadow coverage on the affected resources, the availability of other sunlit areas nearby, the effect on peak usage times, and the number of analysis days a shadow is projected to reach affected sunlight-sensitive resources, the analysis finds that the shadows cast by the proposed project would not result in significant adverse impacts related to shadows.

Historic and Cultural Resources and Construction: The proposed project is situated within a zoning lot that contains the Church of St. Luke and St. Matthew, a Landmarks Preservation Commission (LPC) designated individual landmark and architectural resource, as well as 528 Clinton Avenue, a contributing building within the S/NR eligible Clinton Avenue Historic District. The design of the proposed project has been developed in coordination with LPC; a Construction Protection Plan (CPP) has also been developed to avoid the potential for construction-related on architectural resources. A restoration and ongoing maintenance for the landmarked property has also been developed in coordination with LPC. Additionally, LPC has determined the potential for archaeological significance beneath the development site. As such, the applicant has entered into a Restrictive Declaration dated January 28, 2019, binding the applicant to conduct any necessary archaeological study and remediation prior to construction on the Development Site. The analysis finds that with these measures in place, the proposed project would not significantly alter or affect the setting, visual relationship, or publicly accessible views of the identified historic resources within the study area, and that no significant adverse impacts related to historic and cultural resources or construction would result from the proposed actions.

Urban Design and Visual Resources: A detailed analysis of urban design and visual resources is included in this EAS. The analysis concludes that the proposed actions would not result in significant adverse impacts related to urban design or visual resources.

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).

Project Name: 809 Atlantic Avenue Rezoning
CEQR #: 18DCP179K
SEQRA Classification: Type I

TITLE	LEAD AGENCY
Acting Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME Olga Abinader	DATE 2/22/2019
SIGNATURE Olga Abi	

TITLE	
Chair, Department of City Planning	
NAME Marisa Lago	DATE 2/25/2019
SIGNATURE M Lago	

*Following certification of the related land use application (ULURP Nos. 190073 ZSK, 190072 ZSK, 190071 ZMK, N 190075 ZRK) on 9/24/2018, the applicant has entered into a Restrictive Declaration binding the applicant and all successors and heirs to conduct required archaeological study and remediation, if deemed necessary. This Revised Negative Declaration supersedes the Negative Declaration issued on 9/21/2018 and reflects the Revised EAS dated 2/22/19, which incorporates the executed Restrictive Declaration. As described in the Revised EAS, the change would not alter the conclusions of the previous EAS.

Appendix 1: (E) Designations

To ensure that there would be no significant adverse hazardous materials, air quality, and noise impacts associated with the proposed project, an E designation (E-499) will be placed on the project site as follows:

The E designation requirements related to hazardous materials, air quality, and noise would apply to:

Project Site:

Block 2010, Lots 1 and 59

Hazardous Materials

Task 1

The applicant submits to OER, for review and approval, a Phase I ESA of the site along with a soil and groundwater testing protocol (a.k.a. Remedial Investigation Work Plan [RIWP] along with a site-specific Health and Safety Plan (HASP), including a description of methods and a project site map with all sampling locations clearly and precisely represented. If site sampling is required, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and nonpetroleum 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

A written report with findings and a summary of the data must be 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 the 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 HASP 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.

Noise

The (E) Designation requirements for noise are as follows:

Block 2010, Lots 1 and 59:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on all building's façades in order to maintain an interior noise level of 45 dBA. In order 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, central air conditioning, or air conditioning sleeves containing air conditioners or HUD-approved fans.

Air Quality

The (E) Designation requirements for air quality are as follows:

Proposed Project

Building A (Block 2010, Lot 1)

Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that the exhaust vent(s) are located at the highest tier and at least 315 feet above grade, to avoid any potential significant air quality impacts.

Building B (Block 2010, Lot 59)

Any fossil fuel-fired hot water equipment with exhaust vents located on the roof of this development must have no more than a 3,000 MBH capacity, utilize only natural gas, be fitted with low NO_x (30 ppm) burner, and the exhaust vents must be located at least 65 feet above and at most 46 feet from the lot line facing Clinton Avenue, and at least 25 feet from the northern lot line facing Fulton Street. Any heating system exhaust vent(s) will be located on the roof of Building A.

No Special Permit Scenario

Buildings A and B (Block 2010, Lots 1 and 59)

Any new development on the above-referenced property must utilize only natural gas in an fossil fuel-fired heating and hot water equipment and ensure that the exhaust vent(s) are locate on the roof of taller Building A at least 209 feet above grade, to avoid any potential significant air quality impacts.