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, Omni New York, seeks a series of land use actions to facilitate the development of two mixed use buildings at 281 and 311 Marcus Garvey Boulevard (Brooklyn Blocks 1629, Lot 1, and Block 1634, Lots 1 and 79) in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3. The Proposed Actions include a zoning map amendment to rezone the portion of the Project Area within 100 feet of Marcus Garvey Boulevard from R6A/C2-4 and R6B/C2-4 to R7A/C2-4 and R7A; a zoning text amendment to the Zoning Resolution to establish a Mandatory Inclusionary Housing (MIH) area; a special permit to modify setback and height requirements in connection with a large-scale general development, and a special permit to waive up to 116 required parking spaces. The Applicant also seeks discretionary affordable housing financing from the NYC Department of Housing Preservation and Development (HPD) or the New York City Housing Development Corporation (HDC). The Proposed Actions would facilitate the development of two 10-story (123 feet tall including mechanical bulkhead) mixed-use buildings with affordable housing and active commercial and community facilities ground floor uses, and targeted open space improvements (including the creation of a publicly accessible open space, and additional spaces designated for tenants). The 175,114 gross square feet (gsf) Proposed Project would contain approximately 143,736 gsf residential, 10,904 gsf community facilities, and 20,474 gsf commercial uses divided amongst the two lots. The Proposed Project would provide 155 new affordable dwelling units (DUs), 39 of which would be permanently affordable pursuant to MIH Option 1. Specifically, Projected Development Site 1 (Block 1629, Lot 1) would be redeveloped with a 100,724 gsf building comprising of 77,914 gsf of residential space containing 84 DUs, 11,906 gsf of commercial space, and 10,904 gsf of community facility space. Projected Development Site 2 (Block 1634, Lot 1) would be redeveloped with a 74,390 gsf building comprising of 65,822 gsf of residential space containing 71 DUs, and 8,568 gsf of commercial space. The project would also include 118 parking spaces (a net decrease of 116 spaces from the No-Action condition), and an increase of 1,310 sf of open space. The Proposed Actions would also bring the current non-complying commercial uses including a restaurant and supermarket within an R6B zoning district on Projected Development Site 2 into compliance by rezoning the site to R7A/C2-4. While the Proposed Actions would result in a change to Land Use and Zoning, the proposed residential density would be compatible with the surrounding area and will bring existing non-conforming uses to be permitted as-of-right. The Proposed Actions would not result in significant adverse impacts with respect to Land Use, Zoning and Public Policy, and additional analysis is not warranted.

Community Facilities and Services

A detailed analysis related to Community Facilities and Services is included in this EAS. The Proposed Project conducted a preliminary assessment, and exceeded the threshold for a detailed analysis of childcare services. Detailed assessments of public schools, libraries, and healthcare and fire/police protection were not warranted for the Proposed Actions. A detailed assessment in the area of indirect publicly-funded childcare centers concluded that the Proposed Actions would result in a one percent change in utilization rate between the No-Action and With-Action conditions. As the With-Action utilization rate would be 58.9 percent, and the percentage change is below the five percent threshold, publicly funded childcare centers would continue to operate with available capacity and the Proposed Actions are not anticipated to result in a significant adverse childcare impact, and further Community Facilities and Services analysis is not warranted.

Open Space

A detailed analysis related to Open Space included in this EAS. The preliminary assessment of the Proposed Actions concluded that an indirect open space analysis was warranted for residential users. The Proposed Project would generate 397 incremental residents in the Study Area over the No-Action Condition. The With-Action Condition would result in an approximately 0.451 percent decrease in the open space ratio in the Study Area compared to the No-Action Condition. The overall open space ratio in the With-Action Condition would be 0.350 acres per 1,000 residents, which would be significantly below the City's open space planning goal of 2.5 acres per 1,000 residents. However, the Proposed Actions would result in less than a one percent decrease to the open space ratio, the threshold for change in areas with existing low open space ratios. The Proposed Actions would introduce approximately 0.26 acres of new publicly accessible open space. The targeted open space improvements would also introduce improved additional amenities to tenants of the Project Site. As a result of the quantitative analysis and additional qualitative factors, the Proposed Actions would not result in significant adverse impacts to open space, and no further analysis is warranted.

Historic and Cultural Resources

A detailed analysis related to Historic and Cultural Resources is included in this EAS. A preliminary assessment identified that the Project Area contains no historic resources, and therefore the Proposed Actions would not result in a direct significant adverse impact to historic and cultural resources. The Proposed Actions would allow two new mixed-use buildings to be constructed within 400 feet of two State and National Register (S/NR)-eligible historic resources – the Stuyvesant Heights Historic District Boundary Increase II and 547 Madison Street. Short-range views of the resources would not be affected by the Proposed Actions, however, the viewing context of some long-range views could be altered by introducing two new buildings that can be seen when viewing these resources from a distance. Such contextual changes are typical of new development in highly urbanized areas, and the changes would not alter the historical significance of the Study Area's historic resources. Accordingly, the Proposed Actions would not result in significant adverse impacts to historic and cultural resources and no further assessment is warranted.

Urban Design and Visual Resources

A detailed analysis related to Urban Design and Visual Resources is included in this EAS. As a result of the Proposed Actions, Projected Development Sites 1 and 2 would be redeveloped with two 10-story, mixed-use buildings containing residential, commercial, and/or community facility uses. Including the mechanical bulkheads and solar canopies, these buildings would rise to heights of up to 123 feet. Overall, the Proposed Actions would enable the Project Area to replace two non-residential buildings

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with affordable mixed-use buildings, including units permanently affordable pursuant to MIH. The Study Area is predominately residential and contains a mix of building heights, with the tallest buildings massed along the north-south streets. The Proposed Actions would allow the Study Area's tallest buildings to be sited along Marcus Garvey Boulevard. The resulting density would be less than the maximum allowed as-of-right in R6A districts. Collectively, the Proposed Actions would allow Project Area's existing affordable housing to remain, and waive building heights at Projected Development Sites 1 and 2 through the requested special permit. Typical of new development in mature urban areas, the Proposed Project would have the potential to alter the viewing context of visual resources in the Study Area. Short-range views of the Study Area's visual resources would be unaffected, and would continue to be available from the surrounding street network for the public's enjoyment. Overall, the effects of the Proposed Actions on the Study Area's urban design and visual resources would be typical of new mixed-use projects in mature urban areas. Accordingly, the Proposed Actions would not result in a significant adverse urban design and visual resources impact and no further analysis is warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-706) 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 Louise Cafiero at lcafiero@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 10/27/2023
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 10/30/2023
SIGNATURE	

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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 1629, Lot 1
Projected Development Site 2	Brooklyn	Block 1634, Lot 1

(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-706**) would be established as part of approval of the proposed actions on **Projected Development Site 1 and 2** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1 and 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.

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Air Quality

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

> ***Projected Development Site 1 and 2:*** *Any new residential, community facility, and/or commercial development on the above-referenced properties must exclusively use natural gas as the type of fuel for the heating, ventilating, and air conditioning (HVAC) systems and the hot water equipment, and ensure the HVAC system and hot water equipment stack is located at the highest tier and at least 108 feet above grade to avoid any potential significant adverse air quality impacts.*

Noise

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

> ***Projected Development Site 1:*** *To ensure an acceptable interior noise environment, future residential, community facility and commercial office uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on the facade facing Quincy Street and the facade facing Marcus Garvey Boulevard within 50 feet of Quincy Street to maintain an interior noise level not greater than 45 dB(A) for residential and community facility uses or not greater than 50 dB(A) for commercial office use .*