NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

BRP Companies
c/o Benjamin Stark, Land Use Counsel
Hirschen Singer & Epstein LLP
40 Exchange Place, Suite 1502
New York, New York 10005

Re:	**270 Nostrand Avenue Rezoning**
CEQR No.	21DCP043K
ULURP No(s).	C210151ZMK, N210152ZRK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK03

Dear Benjamin Stark,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may have a significant adverse impact on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action would not have a significant adverse impact on the environment.

Enclosed is the Revised Negative Declaration for CEQR No. 21DCP043K, 270 Nostrand Avenue Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Revised Negative Declaration was issued on 8/30/2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

August 30, 2021
Date

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Eric Adams, Brooklyn Borough President
Brooklyn Community Board BK03

Stephanie Shellooe, AICP, *Deputy Director*
(212) 720-3328 | sshellooe@planning.nyc.gov
120 Broadway, 31st Floor, New York, N.Y. 10271

REVISED NEGATIVE DECLARATION—supersedes the Negative Declaration issued on April 5, 2021*

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 proposed actions include a Zoning Map Amendment to rezone the project area (Brooklyn Block 1778, Lot 55, and an approximately 1.83-foot wide portion of adjacent Lot 49) from an R7A district to an R8A/C2-4 district and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area over the project area in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3. The Project Area is located on the eastern portion of Brooklyn Block 1778, extending 240 feet west of Nostrand Avenue, between DeKalb Avenue to the north and Kosciuszko Street to the south. The proposed actions would facilitate the development of an approximately 445,085 gross square feet ("gsf") mixed-use building containing 421,679 gsf of residential uses (487 dwelling units, 144 of which would be affordable pursuant to MIH), 22,272 gsf of commercial uses, and 1,134 gsf of community facility uses with attended parking for 176 spaces. Compared to the no-action condition, the proposed actions would result in the same land uses, but at a higher density. The land uses of the proposed project (residential, commercial, and community facility uses) would be consistent with that of the surrounding area. The analysis shows that while the zoning of the project area would change from R7A to R8A/C2-4, the proposed actions would not result in changes to the zoning or land use patterns in the surrounding area. In addition, the proposed actions would not conflict with applicable public policy goals. Therefore, the proposed actions would not result in significant adverse impacts to land use, zoning and public policy.

Shadows

A detailed analysis of shadows is included in this EAS. The shadows analysis finds the potential for shadows to be cast on nearby Kosciuszko Pool. Kosciuszko Pool is a public pool that is 2.39 acres in size, the majority of which is dedicated to active swimming uses (approximately 90 percent). The pool is in good condition and is highly utilized when open for the season. Kosciuszko Pool is closed on the winter analysis day and the March 21/September 21 analysis days. The detailed shadows analysis finds that incremental shadow would fall beyond the pool's western wall onto a portion of the concrete deck near the wading pool at the western end of the open space for the final minute of the May 6/August 5 analysis day. The shadows analysis concludes that the brief duration and limited extent of incremental shadow at the end of the analysis day would not significantly impact the use of this open space. Therefore, the Proposed Actions would not have the potential to result in significant adverse impacts related to shadows.

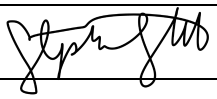
Urban Design and Visual Resources

A detailed analysis of urban design and visual resources is included in this EAS. With respect to urban design, the analysis finds the height of the Proposed Development (at 145 feet on Dekalb and Nostrand Avenues, and 125 feet along Kosciuszko Street would be taller than any building in the study area, but would be similar to the 12-story building at the western edge of the project block (at 31 Kosciuszko Street), which is 135 feet tall. The Proposed Building would be 30-to-50 feet taller than the No Action Development. Similar to the No-Action Development, the Proposed Development would provide a continuous streetwall. With respect to visual resources, The Proposed Development would be notable in views along surrounding streets, particularly along Dekalb and Nostrand Avenues and Kosciuszko Street; however, in these views, the height and scale of the Proposed Development would have a similar appearance to the No Action Development. The Proposed Development would not obstruct any existing view corridors, and would not obstruct or eliminate views to any visual landmarks in the surrounding area. The Proposed Actions would not partially or totally block a view corridor or a natural or built visual resource. Therefore, the Proposed Actions would not have the potential to result in significant adverse impacts related to urban design and visual resources.

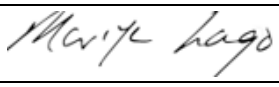
Air Quality and Noise

An (E) designation (E-606) related to 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 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 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 Annabelle Meunier at +1 212-720-3426.

TITLE	LEAD AGENCY
Deputy 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 August 27, 2021
SIGNATURE 	

Project Name: 270 Nostrand Avenue Rezoning
CEQR # 21DCP043K
SEQRA Classification: Unlisted

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE August 30, 2021
SIGNATURE 	

**This Revised Negative Declaration, prepared in accordance with a Revised EAS, supersedes the Negative Declaration issued on April 5, 2021 for the 270 Nostrand Avenue proposal (CEQR No. 21DCP043K). Since certification of the project on April 5, 2021, modifications to the proposed zoning map amendment (210151ZMK) have been identified as under consideration by the City Planning Commission (CPC) (the "Potential CPC Modifications"). Accordingly, the Applicant has revised the proposed zoning map amendment over Brooklyn Block 1778, Lot 55 and a portion of (p/o) Lot 49 from R7A to R7X/C2-4 and R7D zoning districts. The first proposal called for an R8A/C2-4 zoning district. The Technical Memorandum appended to the Revised EAS considers the project with the Potential CPC Modifications and concludes that these changes would not alter the conclusions of the original environmental review.*

Project Name: 270 Nostrand Avenue Rezoning
CEQR # 21DCP043K
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 1778, Lot 55

(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-606**) 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

Air Quality

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

> ***Projected Development Site 1: Any new residential and/or commercial development on the above referenced property must exclusively use natural gas as the type of fuel for HVAC systems and hot water equipment, and ensure that the heating, ventilating and air conditioning and/or the hot water equipment stack(s) is located at the highest tier, at least 160 feet above grade, and no more than 35 feet from the lot line facing Nostrand Avenue to avoid any potential significant adverse air quality impacts.***

Noise

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

> ***Projected Development Site 1: Block 1778, Lot 55: In order to ensure an acceptable interior noise environment, future residential, community facility, and commercial office development must provide minimum composite building façade attenuation as shown in Table J-5, in order to maintain an interior L10 noise level not greater than 45 dBA for residential and community facility or not greater than 50 dBA for commercial office uses. To maintain a closed-window condition in these areas, an alternative means of ventilation that brings outside air into the building without degrading the acoustical performance of the building façade(s) must also be provided.***