

## 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, Bermuda Realty No. 2 LLC, is seeking the approval of a zoning map amendment and a zoning text amendment (the "Proposed Actions") affecting Block 1335, Lots 28, 30, and 35 (the "Affected Area" or "Development Site") at 1720 Atlantic Avenue in the Crown Heights neighborhood of Brooklyn, Community District 8. Specifically, the Proposed Actions would rezone the Development Site from an M1-1 zoning district to C4-4D, R7A/C2-4, and R7A zoning districts, map a Mandatory Inclusionary Housing (MIH) area, and to amend Section 35-662 of the Zoning Resolution ("ZR") to widen the existing sidewalk along Atlantic Avenue to a width of 20 feet. The Proposed Actions would facilitate the redevelopment of the Applicant-owned Development Site with a new 13-story, 140-foot-tall, 387,401 gross square foot (GSF) mixed-use commercial, community facility, and residential building. The proposed Development Site would include 256,769 GSF of residential space, including 300 total dwelling units (DUs), including 60-90 permanently affordable DUs pursuant to the applicable requirements of MIH. The Development Site would also include 55,997 GSF of commercial space; 21,641 GSF of community facility space; and 116 residential parking spaces. As noted above, it is proposed that the existing sidewalk (approximately 14 feet wide) of Projected Development Site 1 along Atlantic Avenue would be widened to a width of 20 feet. Overall, the Proposed Actions would facilitate the development of new housing and community facility opportunities and expand commercial opportunities that are compatible with the zoning and land uses found in the vicinity of the Development Site. In addition, the Proposed Project would be consistent with public policies such as the Housing Blueprint. Therefore, the Proposed Actions would not result in any significant adverse impacts to land use, zoning, or public policy.

#### **Socioeconomic Conditions**

A detailed analysis related to socioeconomic conditions is included in this EAS. The Proposed Actions would not result in the direct displacement of any residents or businesses, nor would it result in indirect business replacement, or have an adverse effect on specific industries. With respect to potential indirect residential displacement, the Proposed Actions would spur development of both affordable and market-rate housing units. Though the induced development resulting from the Proposed Actions would continue the established trend of population growth in the area and would add new population with a higher average income compared to the average income of the existing populations, the Proposed Actions would not have significant adverse impacts on the socioeconomic conditions. The Proposed Actions are anticipated to result in a 1.33 percent population increase to the 1/2-Mile Study Area, which is not large enough (more than 5%) to be considered significant per the 2021 CEQR Technical Manual. Therefore, the Proposed Actions would not result in any significant adverse socioeconomic impacts.

#### **Open Space**

A detailed analysis related to open space is included in this EAS. Under the With-Action Condition, the Open Space Ratio (OSR) decrease induced by the Proposed Actions would be 1.35 percent compared to the No-Action OSR: 0.519 to 0.512 acres per 1,000 residents. While the open space study area would continue to have OSRs below the City guideline of 2.50 acres per 1,000 residents, the percent change is lower than the CEQR threshold of two percent for areas with an OSR of 0.51 to 1.00 acres of open space per 1,000 residents. In addition, the Affected Area is located within a Walk to Park Service Area and is therefore not identified as a walk gap area. As a result, the Proposed Actions would not result in any significant adverse impacts on open space resources.

#### **Shadows**

A detailed analysis related to shadows is included in this EAS. The Proposed Actions would result in incremental shadows on one sunlight sensitive resource, Harmony Park. On December 21<sup>st</sup>, portions of the park would be in shadow for a total of 6 hours and 2 minutes, entering from the southwest corner at 8:51 am and exiting the southeast corner at 2:53 pm. Shadows occurring during the cold weather months do not affect the growing season, and therefore, does not constitute a significant adverse impact on vegetation. The chess boards would only be covered for 1 hour from 8:51 am to 9:51 am, leaving approximately 5 hours of sunlight on the chess tables. The benches would be covered in shadow from approximately 11:51 am to 1:51 pm, leaving 4 hours of sunlight on the benches. The increment of shadows cast on other open space amenities i.e., chess tables and benches within the park for the December 21st analysis period would still leave a significant amount of sunlight and would not constitute an adverse impact. Open space utilization of the resource would not be significantly impacted for the December analysis period. Shadows from the Proposed Actions would be cast on March 21<sup>st</sup>/September 21<sup>st</sup> for 7 hours and 31 minutes entering from the southwest corner at 8:29 am and exiting the southeast corner at 4:00 pm. The shadow that would be cast on the park would only encroach on an approximately 20-foot portion along the southern edge and would not impact the chess tables or benches. Open space utilization of the sunlight sensitive resource would not be impacted, and due to the minimal shadow cast on the resource, there would be no impact on vegetation. As there would be no incremental shadows on the park as a result of the Proposed Actions during the May 6/ August 6 and June 21<sup>st</sup> analysis days, and the portions of the park that would continue to have partial sunlight during the winter months, the Proposed Actions would not result in a significant adverse shadows impact.

**Project Name: 1720 Atlantic Avenue Rezoning**

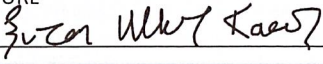

**CEQR # 23DCP139K**

**SEQRA Classification: Unlisted**

**Hazardous Materials, Air Quality, and Noise**

An (E) designation (E-845) 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 [lcaferio@planning.nyc.gov](mailto:lcaferio@planning.nyc.gov).*

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TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 5/5/2025
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 1335, Lots 28, 30 and 35

(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-845**) 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	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 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 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:*** Any new residential, commercial, and/or community facility development on the above-referenced property must utilize only natural gas in any fossil fuel-fired HVAC system and hot water equipment, and ensure that HVAC system and hot water equipment stack is located at least 160 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:*** In order to ensure an acceptable interior noise environment, future community facility (medical office) and/or commercial office uses must provide a closed-window condition with a minimum of 40 dBA window/wall attenuation on the northern façade of the first and second floor facing Atlantic Avenue, on the eastern façade of the first and second floor facing Schenectady Avenue within 100 feet from Atlantic Avenue, and on the western façade of the first and second floor facing Troy Street within 100 feet from Atlantic Avenue in order to maintain a daytime interior noise level of 45 Leq for commercial office spaces and community facility (medical office). Future residential uses must provide a closed-window condition of 41 dBA window/wall attenuation on the northern facades facing Atlantic Avenue, the eastern façade facing Schenectady Avenue within 100 feet from Atlantic Avenue, and the western façade facing Troy Street within 100 feet from Atlantic Avenue in order to maintain an interior Ldn noise level not greater than 40 dBA for residential uses. No other façades require attenuation. 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.