ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Omni Enterprises LLC
c/o Richard Lobel
18 East 41st Street
NY, NY, 10017

Re:	**1220 Avenue P Rezoning**
CEQR No.	19DCP109K
ULURP No(s).	210098ZMK; 210099ZRK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK15

Dear Richard Lobel,

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 Negative Declaration for CEQR No. 19DCP109K, 1220 Avenue P Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Negative Declaration was issued on November 1, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

November 4, 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 BK15

Stephanie Shellooe, AICP, *Deputy Director*, (212) 720-3328 | sshellooe@planning.nyc.gov
120 Broadway, 31st Floor, New York, N.Y. 10271 | Fax: (212) 720-3488

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.

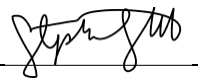
Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The proposed actions are a zoning map amendment from an R5B to an R7A district and a zoning text amendment to Appendix F to map the Project Area as a Mandatory Inclusionary Housing Area to facilitate a new four-story, 14,880 square foot enlargement, in Midwood, Community District 15, Brooklyn. This section of the Brooklyn neighborhood of Midwood is densely developed with nearly all the land being occupied by residential, commercial and office, and public institutional uses. The Proposed Action would represent an expansion of an existing medical office located at 1220 Avenue P and new residential uses along Avenue P. There are multiple medical offices and facilities in the surrounding area 400-Foot Study Area and multiple apartment buildings with similar heights as what is Projected on Development Site 2. Avenue P, a wide 6 -lane street, is suitable for this sort of dense development. Therefore, the Proposed Action is not expected to have an adverse impact on surrounding land use.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-653) 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 Katherine Glass at +1 718-780-8271.

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3493
NAME Stephanie Shellooe	DATE October 29, 2021
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Anita Laremont	DATE November 1, 2021
SIGNATURE 	

Project Name: 1220 Avenue P Rezoning
CEQR # 19DCP109K
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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	Applicant-Owned
Projected Development Site 1	Bk	Block 6775, Lots 9, 12, 13, 74, 75	Yes
Projected Development Site 2	Bk	Block 6774 Lots 6, 7, 9	No

(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-653**) would be established as part of approval of the proposed actions on **Projected Development Sites 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	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.

Project Name: 1220 Avenue P Rezoning
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Air Quality

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

> ***Projected Development Site 1 (Block 6775, Lots 9, 12, 13, 74, and 75):*** *Any new residential/commercial development on the above-referenced property must ensure HVAC system and hot water equipment stack(s) is located at the highest tier, at least 58 feet above grade, and a minimum of 50 feet from the property boundary along East 13th Street to avoid any significant adverse air quality impacts.*
>
> ***Projected Development Site 2 (Block 6774, Lots 6, 7, and 9):*** *Any new residential/commercial development on the above-referenced property must ensure HVAC system and hot water equipment stack(s) is located at the highest tier and at least 98 feet above grade to avoid any significant adverse air quality impacts.*

Noise

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

> ***Projected Development Sites 1 and 2:*** *In order to ensure an acceptable interior noise environment, new residential/community facility development on the above referenced property must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation 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.*