NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

130 St. Felix Street LLC
c/o Melanie Meyers
432 Park Avenue South, 2nd Floor
New York, NY, 10016

Re:	**130 St. Felix Street**
CEQR No.	21DCP083K
ULURP No(s).	210278ZMK, N210279ZRK, 210280ZSK, 210281ZSK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK02

Dear Melanie Meyers,

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. 21DCP083K, 130 St. Felix Street, 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 May 3, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

May 3, 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 BK02

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 include a zoning map amendment, special permits, and zoning text amendments, to facilitate an approximately 166,402-gross-square-foot (gsf) mixed-use development at 130 St. Felix Street (Block 2111, Lot 40) in the Downtown Brooklyn neighborhood or Brooklyn, Community District 1. The proposed mixed-use building would include approximately 20,120 gsf of community facility, approximately 130,032 gsf of marketable residential space, including up to 130 residential units on the upper floors, of which approximately 26 would be affordable units, and approximately 16,250 gsf of non-marketable residential space (service/mechanical space and residential space on the cellar level). The community facility space would accommodate an expansion of the neighboring Brooklyn Music School, which is in need of new and upgraded space for programming. The proposed actions would not affect the existing character of the area, nor affect public policy, which represent the thresholds of impact significance in the 2020 CEQR Technical Manual. The analysis concludes that no significant adverse impacts related to Land Use, Zoning, and Public Policy would result from the proposed action.

Shadows

A detailed analysis related to Shadows is included in this EAS. The detailed analysis showed that there would be incremental shadow cast on four sunlight-sensitive identified in the analysis: the Polonsky Shakespeare Center Plaza, BAM South POPS, 620 Fulton Street POPS, and Betty Carter Park. Incremental shadows on the identified resources would range from 20 minutes to 1 hour and 36 minutes. All would be cast on the December 21 analysis day, with the exception of the BAM South POPS that would also receive incremental shadow on the March/September 21st analysis day. These incremental shadows cast by the Proposed Project would be limited in extent and/or have little to no effect on amenities or vegetation in the spaces due to their location and the time of the year that incremental shadows would occur. Therefore, per the 2020 CEQR Technical Manual, there would be no significant adverse impact from the Proposed Project with respect to shadows.

Urban Design

A detailed analysis related to Urban Design is included in this EAS. According to the 2020 CEQR Technical Manual, if a project would result in physical changes to a site beyond those allowable by existing zoning and which could be observed by a pedestrian from street level, a preliminary assessment of urban design and visual resources should be prepared. Under current zoning, no building could be built as-of-right on the Development Site, and the Proposed Actions would facilitate the development of a maximum 270-foot-tall mixed-use building. The With-Action condition would be compatible with the urban design character of the study area and would be consistent with the surrounding building form and streetscape. The Proposed Project would provide infill development on an existing vacant lot, providing a more contiguous street wall such that the quality of urban design at the Project Site and along St. Felix Street and Ashland Place would improve over the No-Action condition. The proposed building design, which has been approved by the LPC in an August 2020 Certificate of Appropriateness, would respect and complement the existing character of the BAM Historic District. In addition, as demonstrated by the perspective renderings of the With-Action condition, the Proposed Project would not result in any significant adverse impacts on views to and from the prominent visual resources within the study area. Therefore, based on the 2020 CEQR Technical Manual, the Proposed Actions would not result in a significant adverse impact on urban design and visual resources.

Construction

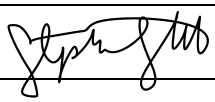
A detailed analysis related to Construction is included in this EAS. Construction would occur over an approximately 27-month period, and would adhere to the applicable laws, regulations, and building codes that govern construction in New York City. As detailed in the construction assessment in the EAS, the Proposed Project would not result in significant adverse construction impacts in the key technical areas of historic and cultural resources, hazardous materials, transportation, air quality, and noise. The applicant will enter a Restrictive Declaration requiring the implementation of project components related to the environment that would preclude any potential impacts to air quality or noise related to construction activities, including acoustical barriers, the use of noise-reducing equipment, and the use of emission-reducing equipment. Therefore, the Proposed Project would not result in construction-period significant adverse impacts and no further analysis is warranted.

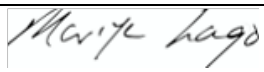
Hazardous Materials, Air Quality, and Noise

An (E) designation (E-616) 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.

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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 +1 212-720-3425.

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, AICP	April 30, 2021
SIGNATURE 	

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE May 3, 2021
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	Bk	2111/40

(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-616**) 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 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:*** *Any new residential development on the above-referenced property must exclusively use natural gas in any fossil fuel-fired heating, ventilating and air conditioning (HVAC) equipment, be fitted with low NOx (13 ppm) burners, and ensure that each boiler exhausts to a separate stack. The three (3) HVAC stacks must be located at least 269.5 feet above grade, be at least 30 feet apart from each other along the northern edge of the bulkhead and be no less than 41.5 feet away from the south façade of the proposed building facing the One Hanson Place building to avoid any 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 residential/community facility uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on the facades facing Ashland Place and 31 dBA of attenuation on the facades facing St. Felix Street and the facades facing Lafayette Avenue and the facades facing Hanson Place to maintain an interior noise level not greater than 45 dBA for residential and community facility uses. 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, well-sealed air conditioners, package-terminal air conditioners, or central air conditioning.*