ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Atlantic Brooklyn LLC
c/o Eric Palatnik
32 Broadway
New York, NY 10004

Re:	**1045 Atlantic Avenue**
CEQR No.	21DCP168K
ULURP No(s).	C 210276ZMK, N210277 ZRK
SEQRA Classification:	Type I
Brooklyn Community District:	BK03

Dear Eric Palatnik,

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. 21DCP168K, 1045 Atlantic Avenue, 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 6/21/2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

June 21, 2021
Date

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

Olga Abinader, *Director*, (212) 720-3493 | oabinad@planning.nyc.gov
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 to rezone the project area (all or parts of Brooklyn Block 2020, Lots 35-40, 42-44, 68, 70, 73, 74, and 77, and 7503) from an M1-1 district to a C6-3A district and Zoning Text Amendments to: a) Appendix F of the Zoning Resolution ("ZR") to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3; and b) Section 35-66 of the ZR to allow for streetwall flexibility. The project area is generally bounded by Atlantic Avenue to the south, Classon Avenue to the west, Atlantic Avenue to the north, and Franklin Avenue to the east. The proposed actions would facilitate the development of a 477,098 gross square feet ("gsf") mixed-use building (the "Proposed Project") on Block 2020, Lots 68, 70, 73, 74, and 77. The Proposed Project would contain approximately 357,436 gsf of residential uses (422 units, 127 of which would be affordable pursuant to MIH), 28,334 gsf of commercial office space, 34,470 gsf of commercial retail space, and 8,995 of community facility space; as well as approximately 152 spaces of below-grade accessory parking. The land use, zoning, and public policy analysis finds that the proposed actions would create additional zoning capacity in a transit-accessible area to support new housing creation and increase the number of affordable housing units available in New York City. While the proposed C6-3A district would permit residential and commercial development at a density greater than permitted under existing or No-Action conditions, the Project Area's location along a wide street, Atlantic Avenue, in a transit accessible area is well-suited for additional development. The analysis concludes that the proposed actions would not result in significant adverse impacts related to land use, zoning, and public policy.

Open Space

A detailed analysis related to open space is included in this EAS. The analysis finds that the residential (0.5-mile) study area's total open space ratio (0.0930 acres per thousand residents) would be below the City's guideline of a 1.5 acres per thousand residents. Additionally, the analysis shows the decrease would be greater than one percent compared to No-Action conditions (1.81 percent). While the analysis finds that proposed actions would result in reductions in the open space ratio within the study area, significant adverse impact would not result from the proposed actions due to several qualitative factors: the Proposed Project would include approximately 10,665 gsf of private indoor amenity space and 31,503 gsf of private rooftop deck space accessible to residents. Additionally, the proposed project would include 62 dwelling units with private outdoor balconies. Additionally, while there is a deficiency of open space within the study area, there is an abundance of regional and local parks located south of the open space study area within walking distance of the southern half of the open space study area, including Prospect Park and Eastern Parkway. The analysis concludes that the proposed actions would not result in significant adverse impacts related to open space.

Shadows

A detailed analysis of shadows is included in this EAS. The analysis finds that incremental shadow would reach two sunlight-sensitive resources: Lefferts Place Block Association Community Garden (the "Community Garden") and the Crispus Attucks playground. Incremental shadow would reach the Community Garden (1 hours and 41 minutes on the March/September 21 analysis days and 2 hours and 3 minutes on the December 21 analysis day). The incremental shadow on the December 21 analysis day would not sufficiently impact vegetation as it is outside the growing season. During the growing season, the shadow coverage would generally be limited to the southern portion of the Community Garden for less than two hours, and the garden would continue to receive four-to-six hours of sunlight, the minimum specified in the CEQR Technical Manual to support vegetative growth. As such, the analysis finds that the proposed actions would not result in significant adverse shadows impacts to the community garden. Incremental shadow would reach the Crispus Attucks playground on the December 21 analysis day, the shadow would be cast on the southeastern corner of the resource for approximately 12 minutes. As the incremental shadow would be limited in duration, the analysis finds the shadow would not significantly alter the public's use of the open space resource or threaten the viability of vegetation. Therefore, the proposed actions would not result in significant adverse shadows impacts to the Crispus Attucks playground. The analysis thus concludes the proposed actions would not 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. The analysis finds that the proposed actions would facilitate new development along a major commercial corridor (Atlantic Avenue) and within blocks of a major shopping thoroughfare (Fulton Street) in Bedford-Stuyvesant, Brooklyn. The proposed actions would facilitate redevelopment in an area currently predominated by underutilized single- and two-story

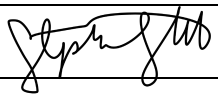
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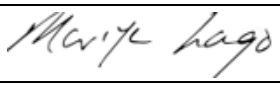
commercial, industrial, and vacant buildings with a new 17-story mixed-use building that is expected to bring a range of uses to the project area and will activate the streetscape by increasing pedestrian traffic, further supported by the proposed sidewalk widening along the proposed project's frontages along Atlantic Avenue. The proposed actions additionally would not alter the existing street network or grid, and not impede any visual corridors. While the proposed actions would facilitate development at a density greater than the existing and No-Action conditions, the Proposed Project's scale would complement the existing scale and building context within the vicinity of Atlantic Avenue, which includes of variety of building typologies. The analysis concludes the proposed actions would not result in significant adverse impacts related to urban design and visual resources.

Hazardous Materials and Noise

An (E) designation (E-631) related to hazardous materials 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 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 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 Anthony Howard at +1 212-720-3422.

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 June 18, 2021
SIGNATURE 	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	DATE June 21, 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	Brooklyn	Block 2020, Lots 68, 70, 73, 74, 77

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, and noise an (E) designation (**E-631**) 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

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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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 uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades facing Franklin Avenue within 100 feet of Atlantic Avenue and all facades facing Atlantic Avenue within 100 feet from the lot line between Lot 68 and Lot 46, and 31 dBA window/wall attenuation on all facades facing Atlantic Avenue beyond 100 feet from the lot line between Lot 68 and Lot 46 and all facades facing Classon Avenue within 100 feet of Atlantic Avenue to maintain an interior noise level not greater than 45 dBA for residential and community facility uses as illustrated in the EAS. 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, air conditioning.*