NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Meredith McNair
c/o Benjamin Stark
470 Vanderbilt Avenue, 9th Floor
Brooklyn, NY, 11238

Re:	**3285 Fulton Street Rezoning**
CEQR No.	21DCP198K
ULURP No(s).	220111ZMK; N220112ZRK
SEQRA Classification:	Unlisted
Brooklyn Community District:	5

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 Negative Declaration for CEQR No. 21DCP198K, 3285 Fulton Street 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 11/1/2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

November 9, 2021
Date

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

Stephanie Shellooe, AICP, *Deputy Director,* (212) 720-3328 | sshellooe@planning.nyc.gov
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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 4129, Lots 1, 5, 6, 7, 60-67, 157 and 158) from an R5/C2-3 district to an R7A/C2-4 and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area with MIH options 1 and 2, with the rezoning area in the Cypress Hills neighborhood of Brooklyn Community District 5. The Development Site is located at the northeast corner of Euclid Avenue and Fulton Street in the Cypress Hills neighborhood of Brooklyn Community District 5. The Development Site consists of 4,071 square feet (sf) of lot area and is currently improved with an existing 3-story building that is currently vacant but was most recently used as a daycare facility by CHCCC. The Study Area largely consists of mixed-use and commercial buildings along Fulton Street with local retail at street level and two stories of residential above. The proposed actions would facilitate the development of with a seven-story community facility and affordable independent residence for seniors ("AIRS") building containing 33 AIRS units and a new permanent daycare for CHCCC (the "Proposed Development") on the cellar and ground floors. The Proposed Development would be consistent with the land use, zoning, and public policy within the Study Area. As such the analysis described above demonstrates the Proposed Project would not conflict with existing land uses, zoning, or public policy and no further analysis is necessary. The proposed actions are anticipated to result in a possible change in land use on lots 60 and 61, however, the change in land use and zoning would not constitute a significant adverse impact.

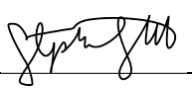
Shadows

A detailed analysis related to shadows is included in the EAS. The Development Site would consist of a building approximately 85-feet in height, including the bulkhead, which could cast a maximum shadow of approximately 365.5 feet. There are two architectural historic resources that are wholly or partially within the shadow study area for both the Proposed Development at the Development Site and the Potential Development Site at 3309 Fulton Street: Blessed Sacrament Church, and Church of the Blessed Sacrament. Shadows cast as a result of the Proposed Development on the sunlight sensitive resources contained in Blessed Sacrament Church would occur only in the morning and for a duration of less than 50 minutes in the December 21 analysis day and less than 30 minutes in the March 21/September 21 analysis day. These shadows would be cast only in the morning and would not obstruct sunlight from entering all stained-glass windows, or even windows along two facades at the same time. Therefore, the shading would not detract from a visitor's enjoyment of the stained-glass windows within the church sanctuary. Given these factors, the Proposed Development would not result in significant adverse shadow impacts to the sunlight-sensitive resource within the Development Site shadow study area and no further analysis is warranted. Shadows cast as a result of the Potential Development Site would not reach the sunlight sensitive resources contained in Blessed Sacrament Church. Therefore, the Potential Development Site would not result in significant adverse shadow impacts to the sunlight sensitive resource within the Potential Development Site shadow study area.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-654) 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 Evan Miller at +1 212-720-3657.

TITLE 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 1st, 2021
SIGNATURE 	

Project Name: 3285 Fulton Street Rezoning
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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 4219, Lots 1
Potential Development Site 1	Brooklyn	Block 4219, 60, 61

(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-654**) would be established as part of approval of the proposed actions on **Projected and Potential Development Sites 1** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Potential Development Site 1	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected and Potential Development Sites 1** for hazardous materials would apply as follows:

> *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 the test results, a proposed RAWP must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER in accordance with the approved RAWP. The applicant should then provide proper documentation that remedial action has been satisfactorily completed.*
>
> *An OER-approved CHASP would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.*
>
> *Under the (E) Designation program, remedial action measures would be determined based upon the results of the remedial investigation. However, based upon the results of the Phase I ESA for the Development Site and analysis of the Potential Development Site, it is anticipated that remedial measures that could be implemented may include proper handling and off-site disposal of historic urban fill materials, removal of USTs, and soil vapor mitigation (i.e., below slab soil vapor and/or chemical barrier, or sub-slab depressurization system [SSDS]). Given these conditions, the With-Action condition would not result in any significant adverse impacts with respect to hazardous materials for the Project Site.*

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Air Quality

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

Block 4129, Lot 1 (Projected Development Site): *Any new residential and/or community facility development must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems and hot water equipment, and ensure that the HVAC and hot water equipment stack(s) is located at the highest tier and at least 88 feet above grade to avoid any potential significant adverse air quality impacts.*

Block 4129, Lots 60 and 61 (Potential Development Site): *Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems and hot water equipment, and ensure that the HVAC and hot water equipment stack(s) is located at the highest tier and at least 78 feet above grade to avoid any potential significant adverse air quality impacts.*

Noise

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

Block 4129, Lot 1 (Projected Development Site): *In order to ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 40 dBA window/wall attenuation on the facades facing Fulton Street and the facades facing Euclid Avenue and the facades facing Pine Street in order 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, air conditioning.*

Block 4129, Lots 60 and 61 (Potential Development Site)*: In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 40 dBA window/wall attenuation on the facades facing Fulton Street and the facades facing Euclid Avenue and the facades facing Pine Street in order to maintain an interior noise level not greater than 45 dBA for residential uses and not greater than 50 dBA for commercial office 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, air conditioning.*