ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Vanderbilt Atlantic Holdings LLC
c/o Stefanie Marazzi, Hirschen Singer & Epstein LLP
40 Exchange Place, Suite 1502
New York, NY 10005

Re:	**840 Atlantic Avenue**
CEQR No.	20DCP162K
ULURP No(s).	210249 ZMK, N 210250 ZRK
SEQRA Classification:	Type I
Brooklyn Community District:	BK08

Dear Ms. Marazzi,

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. 20DCP162K, 840 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 February 26, 2021.

Sincerely,

Olga Abinader, *Director*

March 1, 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 BK08

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

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ ☒

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

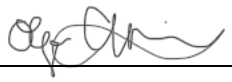
☐ **3.** Check determination to be issued by the lead agency:

☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

Conditional Negative Declaration: A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. *LEAD AGENCY'S CERTIFICATION*

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME: Olga Abinader	DATE: February 26, 2021
SIGNATURE: 	

NEGATIVE DECLARATION (Use of this form is optional)

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 project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project 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 that finds the proposed project and related actions sought before the City Planning Commission would have no significant effect on the quality of 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 this EAS. The Applicant, Vanderbilt Atlantic Holdings LLC, is seeking three discretionary actions (the "Proposed Actions") in order to facilitate the redevelopment of 840 Atlantic Avenue (Block 1122, Lots 1, 9, 10, 68, 69, 70, and 71) in the Prospect Heights neighborhood of Brooklyn, Community District 8 (the "Development Site"). The Proposed Actions include: (i) a zoning map amendment to rezone a portion of the Development Site from M1-1 and R6B to a C6-3X district; (ii) a zoning text amendment to Zoning Resolution ("ZR") Appendix F to designate the proposed rezoning area as a Mandatory Inclusionary Housing area; and (iii) a zoning text amendment to create a new ZR Section 35-662 to allow flexibility in the location of the street wall in Brooklyn Community District 8.
The Proposed Actions would not result in land uses that conflict with public policies applicable to the primary or secondary study area. While the proposed C6-3X district would permit development at a greater density than permitted under the existing or No- Action condition, the proposed rezoning area's location along Atlantic Avenue, Vanderbilt Avenue, and Pacific Street, with excellent public transit service, is well-suited for additional development. In addition, the proposed zoning district would activate the street and allow a consistent streetwall, retail continuity, and serve local residents. A portion of the existing R6B zoning district would remain in the With-Action condition, which would create a transition of scale within the Development Site between the larger-scale C6-3X and the lower-scale context in the midblock area. As such, the Proposed Actions would not result in significant adverse impacts to zoning. Additionally, The Proposed Project would be compatible and consistent with the public policies that currently apply to the Development Site and the surrounding area, including Housing New York, OneNYC and the FRESH program. Therefore, the Proposed Actions would not have the potential to result in significant adverse impacts related to land use, zoning, and public policy.

Open Space : A detailed analysis of open space is included in this EAS. The preliminary assessment shows that the Proposed Actions under Development Scenario 1 would decrease the open space ratio by 1.2 percent in the study area, while the Proposed Action under Development Scenario 2 would decrease the combined residential and non-residential open space ratio by 2.41 percent. These decreases both fall below the threshold of five percent for a more detailed analysis. Nevertheless, a detailed analysis was conducted. The detailed analysis finds that while open space ratios would remain less than the City's community district median and the City's planning goals, the deficiency in open space resources would be ameliorated by several factors. All of the study area's open space resources were found to be in excellent or good condition. In addition, a majority of the open spaces have only low or moderate utilization levels and would be able to absorb additional users. Moreover, a wide variety of active and passive open space uses are available, ranging from areas with passive uses, such as plazas containing walkways, benches, and game tables, to active uses, such as playgrounds, spray showers, multiple basketball and handball courts, and several synthetic turf fields. Additionally, the proximity of Prospect Park, which is located adjacent to the southern boundary of the study area, to the South of Grand Army Plaza, and Fort Greene Park, which is located roughly three blocks to the west of the northern boundary of the study area, provide ample amounts of open space recreation and are destination resources. Therefore, the Proposed Actions would not have the potential to result in significant adverse impacts related to open space.

Shadows: A detailed analysis of shadows is included in this EAS. The analysis finds that the Proposed Action would result in incremental shadow on portions of one sunlight-sensitive historic resource: The Church of St. Luke and St. Matthew. The incremental shadow would last for two hours and four minutes, from 10:14 AM to 12:18 PM on the December 21st Analysis Day, the other three Analysis Days would not contain incremental shadow. The extent and duration of the incremental shadow would not significantly reduce or completely eliminate direct sunlight exposure on any of the historic resource's sunlight-sensitive features and would not significantly alter the public's utilization or enjoyment of the historic resource's sunlight-sensitive features. Therefore, the Proposed Actions would not have the potential to result in significant adverse impacts related to shadows.

Historic and Cultural Resources: A detailed analysis related to Historic and Cultural Resources is included in this EAS. The Development Site is located immediately adjacent to the Prospect Heights Historic District to the south, and the S/NR Listed and LPC-designated Church of St. Luke and St. Matthew is also within the study area, as well as several S/NR eligible buildings. The detailed analysis finds that while the Proposed Actions would facilitate the construction of a new building just north of the S/NR listed and LPC-designated Prospect Heights Historic District, this change would not be significant or adverse. The Proposed Development would be visible when looking north from points along Vanderbilt Avenue in the historic

district, however, the portion of the Development Site immediately adjacent to the historic district would rise to four stories, reflecting the lower heights of the historic neighborhood. The Proposed Development would not detract from surrounding historic buildings or diminish the qualities that make the surrounding designated and eligible resources historically and/or architecturally significant. Additionally, and as the Shadows determination notes above, the incremental shadow produced by the Proposed Actions would be cast on the Church of St. Luke and St. Matthew, however, this would not alter utilization or enjoyment of the sunlight-sensitive features of the resource. Finally, the Proposed Development would include a Construction Protection Plan in order to protect adjacent historic resources from potential damage. The Construction Protection Plan would be developed in consultation with LPC and would take into account guidance provided in the CEQR Technical Manual as well as requirements laid out in The Department of Buildings TPPN #10/88. TPPN #10/88 supplements the standard measures afforded by the Building Code, including, among other measures, a Construction Monitoring Plan. Accordingly, the Proposed Actions would not have the potential to result in significant adverse impacts related to historic and cultural resources.

Urban Design and Visual Resources: A detailed analysis of urban design and visual resources is included in this EAS. The analysis finds that the additional height and density on the Development Site would be consistent with the existing and emerging built environment of the Study Area. There is a considerable amount of new development in the area, including a number of high-rise buildings. The Proposed Development would be in keeping with this trend, and as such, the Proposed Development would not significantly alter the visual setting and historic context of the nearby Prospect Heights Historic District or other surrounding historic landmarks. Further, the Proposed Development would not significantly obstruct view corridors in the surrounding area. Existing views of the Church of St. Luke and St. Matthew's bell tower from Pacific Street, and the Telephone Building from Atlantic Avenue and Pacific Street would be obstructed by the Proposed Development, however, other views of these resources exist from adjacent public streets and sidewalks. Accordingly, the Proposed Actions would not have the potential to result in significant adverse impacts related to urban design and visual resources.

Hazardous Materials, Air Quality, and Noise: An (E) Designation (E-604) 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 this measure in place, the Proposed Actions would not result in significant adverse impacts related 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).

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME Olga Abinader	DATE 2/26/2021
SIGNATURE	

TITLE	
Chair, Department of City Planning	
NAME Marisa Lago	DATE 3/1/2021
SIGNATURE	

Project Name: 840 Atlantic Rezoning
CEQR Number: 20DCP162K
SEQRA Classification: Type I

Appendix 1: (E) Designations

To ensure that there would be no significant adverse hazardous materials, air quality or noise impacts associated with the proposed project, an E designation (E-604) will be placed on the project sites as follows:

The E designation requirements related to hazardous materials, air quality, and noise would apply to:

Projected Development Site 1:
Block 1122, Lots 1, 9, 10, 68, 69, 70, and 71.

Hazardous Materials

Task 1: Sampling Protocol

Prior to construction, the applicant must submit to the New York City Mayor's Office of Environmental Remediation (OER), for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling should begin until written approval of a protocol is received by OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source 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 the 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 for the test results, a proposed remedial action plan (RAP) must be submitted by 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.

An OER-approved construction-related health and safety plan (CHASP) would be implemented during excavation and construction 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.

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Air Quality

Any new residential, commercial and/or community facility development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) systems and hot water equipment, and must ensure the HVAC system and hot water equipment stack is located within Lot 1 at the highest tier and at least 208 feet above grade, at least 24 feet from the southern lot line facing Pacific Street, at least 60 feet from the western lot line facing Vanderbilt Ave, and at least 74 feet from the northern lot line facing Atlantic Ave, to avoid any potential significant adverse air quality impacts.

Noise

In order to ensure an acceptable interior noise environment, future residential/commercial office/community facility uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the facades facing Atlantic Avenue and the facades facing Underhill Avenue within 50 feet of Atlantic Avenue and the facades facing Vanderbilt Avenue within 50 feet of Atlantic Avenue and 28 dBA attenuation on the facades facing Pacific Street and the facades facing Vanderbilt Avenue beyond 50 feet of Atlantic Avenue and the facades facing Underhill Avenue within 50 feet of Pacific Street to maintain an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial office 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.