ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Anita Laremont, *Director*
Department of City Planning

Sbeny Holdings LLC
c/o Rebecca Davoudia
18 East 41st Street, 5th Fl
New York, NY 10017

Re:	**103 Lee Avenue**
CEQR No.	20DCP144K
ULURP No(s).	210312ZMK, N210313ZRK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK01

Dear Rebecca Davoudia,

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. 20DCP144K, 103 Lee 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 November 15, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

November 15, 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 BK01

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 R6 and R6/C1-3 to R7X/C2-4 and a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area affecting Block 2200, Lots 6 and a portion of (p/o) Lot 4 and Block 2199, Lots 22, 33 (p/o), 39 (p/o), 43 (p/o) and 44 (p/o) (the "Affected Area"). The proposed actions would facilitate a proposal by the Applicant for the development of 103 Lee Avenue (Block 2200, Lot 6, Projected Development Site 1) with an 8-story, 84-foot-tall plus cellar 57,418 gross square foot (gsf) mixed-use residential and commercial building. The proposed actions could also facilitate development on a non-applicant owned site (Block 2199, Lot 22, Projected Development Site 2), which could be developed with a 52,808 gsf mixed-use residential and commercial building. The Proposed Actions would allow for a higher density of residential development and would permit additional commercial use groups to the Affected Area. The R7X/C2-4 zoning district would be compatible with zoning in the surrounding area and would not introduce new uses incompatible with the area. The proposed actions would not result in significant adverse impacts related to land use, zoning or public policy.

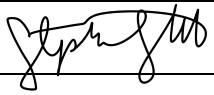
Urban Design

A detailed analysis related to urban design included in this EAS. The rezoning would permit higher bulk and increased building heights, but lot coverage would remain the same as under existing zoning. In addition, the project would not change the context of urban design features to the extent that built visual resources would be altered. The Proposed Actions would not alter the pedestrian environment, nor would it result in substantial changes to the built environment of a historic district or components of an historic building.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-638) 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 Stephanie Shellooe at +1 212-720-3328.

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	DATE November 12, 2021
SIGNATURE 	

TITLE Chair, City Planning Commission	
NAME Anita Laremont	DATE November 15, 2021
SIGNATURE 	

Project Name: 103 Lee Avenue
CEQR # 20DCP144K
SEQRA Classification: Unlisted

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	Block 2200, Lot 6
Projected Development Site 2	BK	Block 2199, Lot 22

(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-638**) 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 Site 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.

Air Quality

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

Projected Development Site 1 (Block 2200, Lot 6): *Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilating and air conditioning (HVAC) systems and hot water equipment stack is located at the highest tier and at least 148 feet above grade, and at least 15.5 feet away from the southwestern lot line facing Lee Avenue to avoid any potential significant air quality impacts.*

Projected Development Site 2 (Block 2199, Lot 22): *Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilating and air conditioning (HVAC) systems and hot water equipment stack is located at the highest tier and at least 148 feet above grade to avoid any potential significant adverse air quality impacts.*

Noise

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

Projected Development Site 1 (Block 2200, Lot 6): *To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Keap Street and the facades facing Marcy Avenue within 50 feet of Keap Street and 28 dBA of attenuation on the facades facing Lee Avenue and the facades facing Hooper Street within 50 feet of Lee Avenue to maintain an interior noise level not greater than 45 dBA for residential 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.*

Projected Development Site 2 (Block 2199, Lot 22): *To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Williamsburg Street East and the facades facing Hooper Street within 50 feet of Williamsburg Street East and 28 dBA of attenuation on the facades facing Lee Avenue and the facades facing Hooper Street within 50 feet of Lee Avenue to maintain an interior noise level not greater than 45 dBA for residential 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.*