DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

June 17, 2019

Ray Levin
Fleet Center, Inc.
1177 Avenue of the Americas
New York, NY 10036

Re: 101 Fleet Place Rezoning
CEQR No. 19DCP069K
ULURP No(s). 180524ZMK, 180525ZRK
Brooklyn, Community District BK02

Dear Ray Levin:

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission had determined that the proposed action will not have a significant effect on the environment.

Enclosed is the Negative Declaration for CEQR No. 19DCP069K, 101 Fleet Place Rezoning, including supporting statements for the finding that the proposed action will not have a significant effect. The Negative Declaration was issued on June 17, 2019.

Sincerely,

Olga Abinader

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, City Council
Eric Adams, Brooklyn Borough President
Brooklyn Community District BK02

Olga Abinader, *Acting Director*
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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 (EAS) 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 finds the proposed 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.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-539) related to hazardous materials, air quality and noise has been assigned to the site affected by the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of these sites and all applicable (E) designation requirements. With the (E) designation measures in place, the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality and noise.

Community Facilities

A detailed analysis related to community facilities is included in the EAS. The Applicant's proposal would facilitate the development of a 34 story 209,354 gsf of commercial office building in the future with the proposed action. The analysis also considered the development of an alternative future development scenario, a 34-story, 258,904 gsf residential building with 259 dwelling units. As the residential alternative scenario would result in the incremental development of more than 121 dwelling units, it is expected to generate more than 50 elementary and intermediate school students per 2014 CEQR Technical Manual screening criteria, and a detailed assessment of the potential impacts of the proposed actions on public schools is provided in the EAS. The residential development scenario would increase the elementary school utilization rate by 2.0 percent and the intermediate school utilization rate by only 1.4 percent; this increase is less than the five percent CEQR impact threshold, and the analysis concluded that no significant adverse impacts would result for school facilities. The proposal would directly displace an existing 47-student childcare facility, and a detailed analysis of childcare is included in the EAS. The residential development scenario would increase the child care utilization rate by 2.0 percent, which is less than the five percent CEQR Technical Manual indirect impact threshold. Therefore, the analysis concludes that no significant adverse impact to childcare, elementary schools, or intermediate schools would result.

Open Space

A detailed analysis related to open space is included in the EAS. The analysis for the residential development scenario shows that the open space ratio would decrease by 0.8 percent, which is less than the 5 percent threshold for a significant adverse impact defined in the 2014 CEQR Technical Manual. While the study area's passive space ratio would decrease by more than 5 percent in the non-residential development scenario, it would remain well above the City's guideline ratio of 0.15 acres per 1,000 workers, at 1.69 acres per 1,000 workers. Therefore, analysis concludes that there will be no significant adverse impact for open spaces in either development scenario.

Shadows

A detailed analysis related to shadows is included in the EAS. The project would result in incremental shadows on three sunlight-sensitive resources: Fort Greene Park, the Gold Street and Flatbush Avenue Extension Plaza, and the NYCHA Ingersoll Houses open spaces. The analysis showed that these resources had an incremental shadow increases of 20 minutes, 39 minutes, and 21 minutes, respectively. The extent and duration of the incremental shadows on these open space resources would not significantly reduce or eliminate direct sunlight exposure on any sunlight-sensitive features, and would not significantly alter the public's use of the open spaces or threaten the viability of vegetation or other elements located within the open spaces. Therefore, incremental shadows would not be considered a significant adverse impact, in accordance with CEQR Technical Manual methodology.

Urban Design and Visual Resources
A detailed analysis related to urban design and visual resources is included in the EAS. In the future with the proposed actions, the visual appearance within the primary study area and development site would change; however, this change would not meet the 2014 CEQR Technical Manual threshold for a significant adverse urban design impact in that it would not alter the arrangement, appearance, or functionality of the primary study area such that the alteration would negatively affect a pedestrian's experience of the area. The analysis concludes that the proposed action would not result in significant adverse impacts to urban design or visual resources.

Transportation
A detailed analysis related to transportation is included in the EAS. The project would generate fewer than 50 peak-hour vehicle trips and fewer than 200 peak-hour pedestrian trips; the traffic and pedestrian trip generation rates for the project are below the thresholds specified in the 2014 CEQR Technical Manual, and the project would not result in significant adverse impacts. A detailed transit analysis was conducted because the project would generate more than the 200 subway trip screening threshold defined in the 2014 CEQR Technical Manual; the analysis concluded that no stations are expected to experience 200 or more incremental subway person trips during peak hours. As shown by the analysis and screening in the EAS, the proposal would not exceed the 2014 CEQR Technical Manual Thresholds for impact significance for traffic, pedestrian, or transit impacts, and no significant adverse impacts for transportation would result.

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 (212) 720-3425.

TITLE	LEAD AGENCY
Acting Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | (212) 720-3493
NAME Olga Abinader	DATE June 14, 2019
SIGNATURE	

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE June 17, 2019
SIGNATURE	

Determination of Significance Appendix: (E) Designation

To ensure that there would be no significant adverse hazardous materials, air quality, noise impacts associated with the proposed project, an (E) designation (E-539) will be assigned to projected development site as explained below.

Projected Development Site 1:

Block 2061, Lot 100

Hazardous Materials

Task 1

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

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

In order to ensure that there would be no significant air quality impacts of the HVAC emissions, the applicant-owned development site (Block 2601, Lot 100) would be required to comply with the following (E) designation:

> **Block 2601, Lot 100:** Any new commercial/residential development or enlargement on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning and hot water system (HVAC) and ensure that - for commercial use, the HVAC stack is located at the highest tier, at least 199 feet above the grade, and at least 35 feet from the west lot line facing Fleet Place; for residential use, the HVAC stack is located at the highest tier, at least 402 feet above the grade - to avoid any potential significant adverse air quality impacts.

Noise

The composite window/wall noise attenuation described in the EAS would be required through the assignment of an (E) designation (E-539) for noise to the applicant-owned development site:

> **Block 2061, Lot 100:** In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all facades in order to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial 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.