DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

October 28, 2019

Nicholas Hockens
Greenberg Traurig LLP
200 Park Avenue
New York, NY 10166

Re: **50 Old Fulton Rezoning**
CEQR No. 19DCP009K
ULURP No. 190011 ZMK
Brooklyn, Community District 2

Dear Mr. Hockens:

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. 19DCP009K, 50 Old Fulton Rezoning, including supporting statements for the finding that the proposed action will not have a significant effect. The Negative Declaration was issued on October 25, 2019.

Sincerely,

Olga Abinader

cc: Marisa Lago, Chair
City Planning Commissioners
Raju Mann, City Council
Sarit Platkin
Renee Ferguson
Susan Wong
Steven Lenard
Kenny Ramnarine
Pat Bussey
Eric Adams, Brooklyn Borough President
Brooklyn Community District 2

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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 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 below.

1. **Hazardous Materials, Air Quality, Noise**- A detailed analysis of the potential for the Proposed Action to result in significant adverse impacts related to hazardous materials, air quality, and noise was included in this EAS. To ensure that the Proposed Action would not result in significant adverse impacts, and (E) Designation (E-519) would be established on the development sites as part of the approval of the Proposed Action. Refer to "Determination of Significance Appendix: (E) Designation" for the applicable requirements. The analyses concludes that with the (E) Designation requirements in place, the Proposed Action would not result in significant adverse impacts.

2. **Land Use, Zoning, and Public Policy**- A preliminary Land Use, Zoning, and Public Policy analysis was included in this EAS. The CEQR Technical Manual indicates a significant adverse impact could occur if a project would generate a land use incompatible with surrounding uses. This analysis concludes that the Proposed Action would facilitate development complementary to the existing land uses in the area. With respect to public policy, the Proposed Action is consistent with the policies and intent of the NYC Waterfront Revitalization Program. In conclusion, the Proposed Action would not result in significant adverse impacts related to Land Use, Zoning, and Public Policy.

3. **Shadows**- A detailed Shadows analysis was included in this EAS. The Shadows analysis focuses on the potential for significant new shadows on three NYC Greenstreets adjacent to the Brooklyn Bridge on Old Fulton Street between Front Street and Cadman Plaza West. The CEQR Technical Manual states that a significant adverse shadow impact could occur on sunlight sensitive vegetative resources if those resources would receive less than four to six hours per day of direct sunlight during the growing season. The detailed analysis shows that the Greenstreets would still receive direct sunlight within the upper range of the minimum requirement of four-to-six hours per day during the growing season. In conclusion, the Proposed Action would not result in significant adverse impacts related to Shadows.

4. **Historic and Cultural Resources**- A detailed Historic and Cultural Resources analysis was included in this EAS. The CEQR Technical Manual indicates that a significant adverse impact related to architectural resources could occur by the introduction of new shadows on sunlight-sensitive architectural resources. In a memorandum dated 9/17/18, LPC determined there are no sunlight-sensitive architectural resources in the study area. Regarding archaeological resources, the CEQR Technical Manual indicates that a significant adverse impact would occur if potentially significant archaeological resources are identified on the site of the proposed project, and the proposed project may disturb or destroy those resources in any way, such as through construction resulting in in-ground disturbance. In a memorandum dated 11/9/18, LPC noted of the potential for archaeological significance on Block 202, Lot 18. This particular lot is identified in the EAS as Projected Development Site 2, not under control of the applicant. The fee owner of the property has signed a Restrictive Declaration compelling necessary archaeological investigation, analysis, and recovery of resources, if necessary, before redevelopment of the property. With this measure in place, a significant adverse impact would not occur. In conclusion, the Proposed Action would not result in significant adverse impacts related to Historic and Cultural Resources.

5. **Urban Design and Visual Resources**- A preliminary Urban Design and Visual Resources analysis was included in this EAS. The CEQR Technical Manual indicates that a significant adverse impact related to Urban Design and Visual Resources could occur if a project resulting in a change to the built environment's arrangement, appearance, or functionality would negatively affect a pedestrian's experience of the area. The preliminary Urban Design and Visual Resources analysis indicates that the proposed action would introduce development consistent with the existing building heights and uses within the study area. Further, the Proposed Action would not result in the obstruction of publicly accessible views to visual resources. In conclusion, the Proposed Action would not result in significant adverse impacts related to Urban Design and Visual Resources.

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 10/25/2019
SIGNATURE Olga Abinader	

TITLE	
Chair, Department of City Planning	
NAME Marisa Lago	DATE 10/28/2019
SIGNATURE Marisa Lago	

Determination of Significance Appendix: (E) Designation

To ensure that the Proposed Action would not result in significant adverse impacts, an (E) Designation (E-519) will be placed on Projected Development Sites 1 and 2 (Block 202, Lots 14 and 18) as described below.

Air Quality

The following (E) Designation (E-519) air quality text will apply to Block 202, Lots 14 and 18:

Block 202, Lot 14 (Projected Development Site 1): Any new commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest tier and at a minimum of 88 feet above the grade, and at least 40 feet from the southern lot line facing Doughty Street to avoid any potential significant adverse air quality impacts.

Block 202, Lot 18 (Projected Development Site 2): Any new commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level, and at a minimum of 88 feet above the grade to avoid any potential significant adverse air quality impacts.

Noise

The following (E) Designation (E-519) noise text will apply to Block 202, Lots 14 and 18:

Block 202, Lot 14 (Projected Development Site 1): To ensure an acceptable interior noise environment, future commercial uses must provide a closed-window condition with a minimum 26 dBA window/wall attenuation on all façades for floors up to 25 feet from the ground and 35 dBA of attenuation on all façades for floors above 25 feet from the ground to ensure an interior noise level 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.

Block 202, Lot 18 (Projected Development Site 2): To ensure an acceptable interior noise environment, future commercial office uses, future commercial office uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on eastern façade facing Hicks Street or façades within 50 feet from Hick Street facing Old Fulton Street or Doughty Street for floors up to 25 feet from the ground and 26 dBA of attenuation on all other façades for floors up to 25 feet from the ground and 35 dBA of attenuation on all façades for floor above 25 feet from the ground, to ensure an interior noise level 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.

Hazardous Materials

The following (E) Designation (E-519) hazardous materials text will apply to Block 202, Lots 14 and 18:

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 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 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 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.