



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

December 14, 2018

POSITIVE DECLARATION

Project Identification

625 Fulton Street Rezoning
CEQR No. 19DCP107K
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency

City Planning Commission
120 Broadway
New York, NY 10271
Contact: Olga Abinader
(212) 720-3493

Name, Description and Location of Proposal:

625 Fulton Street Rezoning

The Applicant, 625 Fulton LLC, seeks City Planning Commission approval of discretionary actions to facilitate the development of a site on Brooklyn Block 2094, Lots 1, 10, and 35 (the Project Area) in the Downtown Brooklyn neighborhood of Brooklyn, Community District 2. The Project Area consists of a single zoning lot and is located within a C6-4 zoning district within the Special Downtown Brooklyn (DB) District. The Applicant proposes to develop Lots 1 and 35 (the Development Site) with a mixed residential, commercial, and community facility use building (the Proposed Project).

The Proposed Actions would facilitate the construction of a 1,833,706-gross-square-foot (gsf) mixed-use development. The Proposed Project would include 739,000 gsf of commercial office space (a portion of which may include office space and similar support space for non-profit cultural organizations), 50,547 gsf of commercial retail space, a 640-seat (up to 82,500 gsf) public elementary school, and 902 dwelling units (DUs) (up to 843,346 gsf). The Proposed Project would satisfy the requirements of R10 Inclusionary Housing and the Draft Environmental Impact Statement will analyze up to 25 percent of residential units as affordable. The Proposed Project would also include up to approximately 350 below-grade accessory parking spaces on two sub-cellar levels (up to 115,903 gsf), a total of 0.25 acres (10,913 sf) of publicly accessible outdoor open space, and a 2,410-sf enclosed publicly accessible area.

Lot 10, which is not a part of the Applicant-owned Development Site, is developed with a 36-story, 335,187-gsf mixed-use building containing 369 residential DUs, 5,392 gsf of ground floor local retail uses, and a parking garage with 126 parking spaces. 141,464 zoning square feet (zsf) of development rights were distributed from Lot 1 to Lot 10 in 2007 through a Zoning Lot Development and Easement Agreement (ZLDEA) between the owners of Lot 10 and Lot 1 to facilitate the development of the 36-story, mixed-use 80 DeKalb building. The ZLDEA states that any additional development rights created by an amendment to the Zoning Resolution (ZR) (or any other change in existing law) would be solely allocated to Lot 1. Thus, the Proposed Actions would not result in any additional development on Lot 10.

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The Applicant seeks the following discretionary actions to facilitate the Proposed Project:

- 1) A zoning map amendment to rezone the Project Area from a C6-4 district to a C6-9 district within the Special Downtown Brooklyn (DB) District;
- 2) A zoning text amendment to add provisions to the Special Downtown Brooklyn District to allow by Special Permit:
 - a) A maximum FAR in certain C6-9 (DB) districts of up to 20.0 and, if the zoning lot includes school uses, up to 21.0; and
 - b) Modifications of the underlying bulk and loading regulations in such C6-9 (DB) districts, provided that the site and proposed development meets certain conditions;
- 3) A Special Permit to allow the Applicant to construct the Proposed Project at 21.0 FAR with a school use and with certain modifications of underlying bulk and loading regulations (collectively, the “Proposed Actions”).

Pursuant to the proposed zoning text amendments, the City Planning Commission (CPC) may permit the maximum floor area ratio (FAR) of a zoning lot to be increased from 18.0 to 20.0 (or 21.0 if the zoning lot includes a school), provided that the development site meets certain conditions regarding lot area, commercial FAR, and publicly accessible space.

In the existing C6-4 (DB) zoning district, the maximum permitted FAR for the Project Area is 12.0, but because approximately 141,464 zsf of development rights were distributed from Lot 1 to Lot 10 under a ZLDEA, the maximum permitted buildable FAR for the Development Site absent the Proposed Actions would be 8.57.

Absent the Proposed Actions, the Applicant would demolish the existing three-story building on Lot 35 and construct a new 78-story, 837,624-gsf (761,776 zsf) mixed-use residential building with ground floor retail as-of-right. The Applicant would provide an approximately 0.68-acre (29,632 sf) public plaza fronting Fulton Street.

The analysis year for the Proposed Actions is 2023.

Statement of Significant Effect:

On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following areas, and that an environmental impact statement will be required:

The Proposed Actions may result in significant adverse impacts related to: land use, zoning, and public policy; socioeconomic conditions; community facilities; open space; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; water and sewer infrastructure; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; and construction.

The Proposed Actions would not result in significant adverse impacts related to natural resources; solid waste and sanitation services; and energy.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the Proposed Actions which finds that:

1. The Proposed Actions would affect the land use and change the zoning within the project area and would have the potential to substantially affect land use regulations or policy controlling land use. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to land use, zoning, and public policy.
2. The Proposed Actions would result in substantial new commercial development which has the potential to result in indirect business displacement. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to socioeconomic conditions.
3. The Proposed Actions would create a demand for publicly funded child care centers which has the potential to result in indirect effects on service delivery. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to community facilities.
4. The Proposed Actions would create a demand for existing open space facilities that has the potential to result in indirect effects on the ability of the area's open space to serve future population. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to open space.
5. The Proposed Actions would result in new shadows long enough to reach a sunlight-sensitive resource. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to shadows.
6. The Proposed Actions would result in a new building that has the potential to affect the visual context of and introduce new shadows on historic and cultural resources. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to historic and cultural resources.
7. The Proposed Actions would result in a new building that would be beyond the bulk and form currently permitted as-of-right which may affect a pedestrian's experience of public space. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to urban design and visual resources.
8. The Proposed Actions would result in development in an area devoid of natural resources. Therefore, the Proposed Actions would not result in significant adverse impacts related to natural resources.

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9. The Proposed Actions have the potential to result in an increase in pathways to human or environmental exposure to hazardous materials. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to hazardous materials.
10. The Proposed Actions would not result in a substantial increase in solid waste production that would overburden available waste management capacity or otherwise be inconsistent with the City's Solid Waste Management Plan (SWMP) or with state policy related to the City's integrated solid waste management system. Therefore, the Proposed Actions would not result in significant adverse impacts related to solid waste and sanitation services.
11. The Proposed Actions would not significantly affect the transmission or generation of energy or generate substantial indirect consumption of energy (such as a new roadway). Therefore, the Proposed Actions would not result in significant adverse impacts related energy.
12. The Proposed Actions would greatly increase permitted density in a combined sewer area. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to water and sewer infrastructure.
13. The Proposed Actions would generate additional vehicular, pedestrian, and transit volumes and an increase demand for parking. These new trips have the potential to affect the area's transportation systems. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to transportation.
14. The Proposed Actions would have the potential to increase or cause a redistribution of traffic, add new uses near mobile sources of pollutants, create new stationary sources of pollutants, introduce new sensitive uses near existing or planned emissions stacks that may affect the new use, or introduce structures near emissions stacks so that changes in the dispersion of emissions from the stacks may affect surrounding uses. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to air quality.
15. The Proposed Actions would facilitate development at a density at which inconsistencies with the City's greenhouse gases reduction goal would have the potential to be considered significant. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to greenhouse gas emissions and climate change.
16. The Proposed Actions would generate mobile sources of noise and be in an area with existing high ambient noise levels. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to noise.
17. The Proposed Actions have the potential to result in unmitigated significant adverse impacts related to air quality, water quality, hazardous materials, or noise. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to public health.
18. The Proposed Actions have the potential to result in significant adverse impacts in the constituent technical areas related to neighborhood character or in moderate effects to several elements that define neighborhood character. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to neighborhood character.
19. The Proposed Actions have the potential to result in long-term construction that could have a disruptive and noticeable effect on adjacent communities and people passing through the area. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to construction.

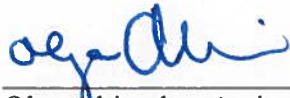
Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting will be held on Thursday, January 17, 2019 at 3:00 PM at the New York City Department of City Planning, City Planning Commission Hearing Room, 120 Broadway, Concourse Level, New York, New York, 10271. Written comments will be accepted by the lead agency through Thursday, January 31, 2019.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Matthew Katz, at (212) 720-3507.



Olga Abinader, Acting Director
Environmental Assessment & Review Division
New York City Department of City Planning

12/14/18

Date