Department of
Housing Preservation
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NEGATIVE DECLARATION

August 18, 2023

Project Identification
Location: 13-55 Chester Street
348-392 Rockaway Avenue
Brooklyn, New York Community District 16
Block 3499, Lots 15, 16, 25 (p/o), 113 (p/o),114, 115,116
CEQR No.: 20HPD019K
SEQRA Classification: Unlisted

Name and Description of Proposed Action

Brownsville Arts Center and Apartments:

The applicant, NYC Department of Housing Preservation and Development (HPD), on behalf of Brownsville Arts Developer, LLC ("Project Sponsor"), is seeking a series of discretionary approvals (the "Proposed Actions") to facilitate the construction of a mixed-use development consisting of new affordable housing, community facility space, and open space uses (the "Proposed Project") in Brooklyn Community District (CD) 16. These discretionary approvals include:

1. A zoning map amendment to rezone an approximately 69,064-square foot (sf) midblock portion of Brooklyn Block 3499 ("Project Area") from R6/C2-3 and C4-3 to R7A with a C2-4 commercial overlay mapped along the west side of Rockaway Avenue;
2. A zoning text amendment to map a Mandatory Inclusionary Housing (MIH) Area over the proposed rezoning area;
3. Urban Development Action Area (UDAA) designation, Urban Development Action Area Project (UDAAP) approval and disposition of City-owned Lot 15 on Block 3499; and
4. Mayoral zoning override approval to modify (1) required rear yard equivalents for Quality Houisng buildings as per Zoning Resolution (ZR) Section 23-533, (2) permitted obstruction in required yards or rear yard equivalents as per ZR Section 23-44(b) and (3) maximum height of buildings and setback regulations as per ZR Section 23-662(c).
5. In addition, the Project Sponsor is seeking city financing from HPD, New York City Housing Development Corporation (HDC) and New York City Department of Cultural Affairs (DCLA). The Project Sponsor might also potentially seek additional Reso A funds in the future to facilitate the Proposed Project.

The directly affected area ("Project Area") consists of all or portions of seven contigious interior tax lots (including Block 3499, Lots 15, 16, 25 (p/o), 113 (p/o), and 114-116) that occupy the midblock of Brooklyn Block 3499, which is bounded by East New York Avenue to the north, Rockaway Avenue to the east, Pitkin Avenue to the south, and Chester Street to the west (refer to Figure 4 in the EAS Form). The Project Area comprises approximately 69,064 sf and is zoned R6/C2-3 and C4-3. It largely consists of vacant and underutilized City-owned land, as well as five low-rise multi-family walk-up buildings and a single-story, vacant warehouse.

The Proposed Actions would facilitate the development of the Proposed Project on Lot 15 (the "Proposed

Development Site"), which is the vacant and underutilized City-owned property within the Project Area. The proposed mixed-use development would include approximately 290 affordable dwelling units (DUs) and one superintendent's unit (for a net increase of 291 DUs), as well as approximately 14,575 sf of open space, including both private and publicly accessible open space (9,393 sf private and 5,182 sf public) and approximately 25,507 gross square feet (gsf) of community facility space. The proposed community facility space is currently envisioned to accommodate a range of arts and cultural spaces, including an art and media center, a performance arts school, a music school, a multipurpose theater/rehearsal/teaching space, and an administrative office for non-profit organizations at the site.

The Proposed Project would be implemented in conformance with the following provisions in order to ensure that there are no significant adverse environmental impacts. The provisions are as follows:

Hazardous Materials

The Proposed Project has been accepted into the New York State Brownfield Cleanup Program (BCP). The NYSDEC approved the Citizen Participation Plan (CPP) for the project, which outlines the citizen participation activities that will be undertaken to address significant public interests/concerns about the project. With the approval of the CPP, the Brownfield Cleanup Agreement (BCA) for the Proposed Development Site is activated. With the execution of a BCA, the applicant has made a commitment to undertake certain remedial activities under New York State Department of Environmental Conservation (NYSDEC) oversight. The project sponsor will commit to preparing a remediation plan for the Proposed Development Site, including a construction-related health and safety plan (CHASP), to the satisfaction of HPD and NYSDEC. Once all cleanup and remedial activities have been completed, no significant adverse impacts related to hazardous materials would result. Prior to closing the project, the project will need full approval and the Notice to Proceed (NTP) will be provided to HPD.

With the implementation of the measures and recommendations outlined above, no significant adverse impacts related to hazardous materials would be expected to occur as a result of the Proposed Actions and resultant Project. These measures will be a condition of the Land Disposition Agreement (LDA) or other legally binding document to be executed between HPD and the project sponsor to ensure that the project sponsor incorporates all remedial action measures to the satisfaction of HPD and NYSDEC.

Air Quality

The HVAC system for the Proposed Project, as it is currently designed, would provide heat by electrically powered units, and therefore, there would be no on-site emissions from the space heating. Emissions would still be generated by a traditional natural gas-fueled boiler designed to provide hot water to the Proposed Project. The results of the detailed stationary source air quality analysis from the proposed building's hot water system determined that that no significant adverse air quality impacts would occur. Emissions and dispersion of NO2 from the Proposed Project's hot water system indicate that these emissions would not result in a violation of NAAQS. In addition, the maximum predicted PM2.5 incremental concentrations from the hot water emissions of the Proposed Project would be less than the applicable 24-hour and annual average *CEQR* significant impact thresholds. To ensure that there are no significant adverse impacts, resulting from the Proposed Project due to heating and hot water system emissions, certain restrictions would be required. These restrictions would be imposed by a condition of the Land Disposition Agreement (LDA) or other legally binding document to be executed between New York City Department of Housing Preservation and Development (HPD) and the project sponsor, which would restrict the hot water boiler to natural gas. In addition, the analysis of emissions from nearby industrial sources determined that no significant adverse impacts would result from air toxics related to industrial sources.

Noise

The Proposed Actions would not result in significant adverse noise impacts due to mobile source noise. Additionally, the maximum exterior Leq/L10 noise levels near the Proposed Development Site and the Project Area would be less than 70 dBA, and therefore, no building attenuation beyond standard construction practices is required for the Proposed Project, pursuant to CEQR Technical Manual guidance.

In the event that the Proposed Project receives Federal funding, future residential uses at the Proposed Development Site (Block 3499, Lot 15) must provide a closed-window condition with a minimum of 25 dBA of building attenuation on the eastern facades facing Rockaway Avenue.

Locations 1, 2, and 3 were estimated using the methodology described above to be 57.8 dBA, 57.5 dBA, and 65.7 dBA, respectively. According to HUD criteria, the calculated Ldn noise level at Receptor Locations 1 and 2 would each fall in the "acceptable" category, and therefore no additional noise attenuation requirements along the Proposed Development Site's western frontages facing Chester Street would be required; however, as the Ldn noise levels at Receptor Location 3 would fall in the "normally unacceptable" category, additional noise attenuation measures would be required along the Proposed Development Site's eastern frontages facing Rockaway Avenue in the event that the Proposed Project receives federal funding. To satisfy HUD development guidelines, in order to ensure an acceptable interior noise environment, future residential uses at the Proposed Development Site (Block 3499, Lot 15) must provide a closed-window condition with a minimum of 25 dBA of building attenuation on the eastern facades facing Rockaway Avenue. 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, central air conditioning.

These measures will be a condition of the LDA or other legally binding document to be executed between HPD and the Project Sponsor to ensure that the Project Sponsor incorporates all building attenuation measures to the satisfaction of HPD and HUD, if applicable. With the implementation of the measures and recommendations outlined above, no significant adverse impacts related to building attenuation would be expected to occur as a result of the Proposed Actions and resultant Proposed Project.

Statement of No Significant Effect:
Pursuant to the CEQR rules adopted on June 6, 1991, Executive Order 91, HPD has completed its technical review of an EAS dated August 18, 2023 and has determined that the proposed actions will have no significant effect on the quality of the environment.

Supporting Statement:
The measures related to hazardous materials, air quality and noise described above would be implemented in connection with construction and/or the operation of the proposed project and would be required through the LDA between HPD and the Project Sponsor, Brownsville Arts Developer, LLC.

The EAS is on file with HPD and available for public review. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR Part 617.

Anthony Howard 8/18/2023

Anthony Howard Date
Director, Environmental Planning
Division of Building and Land Development Services (BLDS)
NYC Department of Housing Preservation and Development