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 Applicant, Brooklyn Yards Development, LLC, is seeking a series of discretionary actions affecting 95 lots extending across four blocks in the Borough Park neighborhood of Brooklyn, Community Districts 11 and 12 bounded by New Utrecht Avenue to the west, 59th Street to the north, 16th Avenue to the east, and 62nd Street to the south: Block 5727, Lots 14 and 19; Block 5523, Lots 1, 6, 9, 12-16, 19, 20, 22-24, 26, 28, 32, 34, 37, 38, 43, 44, 49, 54, 58, 60, 62, 64, and 72-75; Block 5516, Lots 1, 4, 9-14, 33, 54, 56, 66, 67, 133, and 7501-7513; Block 5509, Lots 1, 6, 8, 10, 12, 14-16, 18, 19, 21-36, 41, 48, 57, 58, 62, 64, 65, 68, and 70-73 (the "Project Area"). Portions of the Project Area contain an open rail cut, with tracks for the Long Island Rail Road (LIRR) Bay Ridge Branch located below. The Proposed Actions include a Zoning Map Amendment, a Zoning Text Amendment (to amend Appendix F of the Zoning Resolution [ZR] to designate portions of the Project Area as a Mandatory Inclusionary Housing [MIH] area and to amend ZR Appendix I to include the entirety of the Project Area as part of the Transit Zone), eight Special Permits (to permit development over a railroad right-of-way, allow for distribution of floor area and lot coverage within a Large-Scale General Development (LSGD), reduce the amount of required parking spaces, and distribute parking throughout the LSGD), and four Zoning Authorizations (to waive residential bicycle parking requirements). The Zoning Map Amendment seeks to rezone portions of the Project Area from M1-1 and R5 to C4-5, R6, and R6/C2-4. Under the Reasonable Worst Case Development Scenario (RWCDS), the Proposed Actions would facilitate the development of 14 predominantly residential buildings comprising approximately 282,505 gross square feet (gsf) of residential space (encompassing 270 total dwelling units (DUs), including up to 81 affordable DUs), as well as 65,212 gsf of commercial space (the "Proposed Project"). The Proposed Project would also include approximately 0.08 acres of public access area (PAA), comprised of approximately 3,684 square feet (sf) of publicly accessible passive and active open space. Approximately 40 accessory parking spaces would be provided on Block 5509, Lot 41. The Proposed Project is expected to be completed and occupied by 2030. In the absence of the Proposed Actions, no changes to the Project Area would occur. The Proposed Actions would result in a change in zoning and land use, however, the proposed development would be compatible with the neighborhoods existing mixed-use development and , density, and proximity to public transportation, and would not result in a significant adverse impact to land use, zoning or public policy.

Socioeconomic Conditions

A detailed analysis related to socioeconomic conditions is included in this EAS. The Proposed Actions would not result in direct or indirect business displacement, direct residential displacement, and would have no adverse effect on specific industries. The preliminary assessment concluded that the Projected Development's 270 DUs exceeded the screening threshold of 200 DUs, warranting an analysis of Indirect residential displacement. The detailed analysis concluded that the Proposed Actions would result in an increase in the quarter-mile study area residential population of less than four percent. This change would not represent a substantial new population, and no significant adverse indirect residential displacement impacts would result pursuant to CEQR Technical Manual guidance. As a result, the Proposed Actions would not result in a significant adverse impact to socioeconomic conditions, and further analysis is not warranted.

Community Facilities and Services

A detailed analysis related to community facilities and services is included in this EAS. A preliminary assessment was conducted, and exceeded the threshold warranting a detailed analysis for elementary and intermediate public schools. Detailed assessments of public high schools, early childcare services, libraries, and healthcare and fire/police protection were not warranted for the Proposed Actions. A detailed assessment in the area of public schools concluded that the Proposed Actions would result in the addition of 51 elementary students, resulting in a With-Action utilization of 163.15% for Community School District 20, Sub-District 3 in the 2030 build year. While this is considered overutilized, the students added as a result of the Proposed Actions would not result in a significant adverse impact, as fewer than 100 student are being added over 100% utilization. The Proposed Actions would also add 19 intermediate students for a respective With-Action utilization of 95.15%. As a result, intermediate schools are not anticipated to result in a significant adverse impact. The Proposed Actions are not anticipated to result in a significant adverse community facilities and services impact, and further analysis is not warranted.

Open Space

A detailed analysis related to open space is included in this EAS. The detailed analysis concluded that in the future with the Proposed Actions, the residential active open space ratio would decrease by 0.82 percent from the No-Action condition. In the future with the Proposed Actions, the residential total and passive open space ratios would increase by 0.5 percent and 5.75 percent, respectively, from the No-Action condition. The study area's total, passive, and active open space ratios would remain less than the City's optimal planning guidelines for total, passive, and active open space ratios in the With-Action condition however this reduction in the active open space ratio in the study area would be ameliorated by several factors, including the study area's proximity to additional open space resources located beyond the boundary of the study area, including the 6.38-acre Gravesend Park. Additionally, the Proposed Project would include approximately 3,684 sf (0.08 acres) of PAA. An approximately 2,038 sf publicly accessible open space would be located along New Utrecht Avenue and include passive open space uses such as seating and planted areas. An approximately 512 sf publicly accessible open space would be located along 61st Street and include passive open space with planted areas. An approximately 1,135 sf publicly accessible open space, including an approximately 804 sf publicly accessible play area would be located along 60th Street and would include play equipment for children. The PAA would be accessible to the residents of the study area. As a result of the quantitative and qualitative assessment, the Proposed Actions would not result in a significant adverse impact on open space, and further analysis is not warranted.

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SEQRA Classification: Unlisted

Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The analysis concluded that while the Proposed Actions and the building on the Potential Development Site would represent a significant change for the primary and secondary study areas, the Proposed Actions would not result in a significant adverse impact to urban design or visual resources. The Projected Development would be constructed on existing blocks and would not entail any changes to topography, street patterns, street hierarchy, block shapes, or natural features in the primary or secondary study areas. Additionally, the Proposed Actions would not create land uses nor structures that would be substantially incompatible with the existing and emerging character of the surrounding Borough Park neighborhood. The Proposed Actions would alter the visual setting of the Applicant-controlled Development Site and the Potential Development Site within the primary study area by replacing the existing low-rise structures and open rail cut, which would remain in the No-Action condition, with 15 new buildings that differ in scale, both in bulk and height. Although the varied bulks and heights of the Projected Development would be a departure from the existing built conditions in both the primary and secondary study areas, they would not be incompatible with existing and planned buildings or bulk in both the primary and secondary study areas. In addition, the Proposed Project and the building on the Potential Development Site would not obstruct any public views of visual resources, nor would they adversely impact any public view corridors within the secondary study area. Therefore, while the Proposed Actions would result in a change from the perspective of a pedestrian, the change would not represent a significant adverse impact. As such, the Proposed Actions would not result in significant adverse urban design or visual resource impacts in the primary study area or the surrounding secondary study area.

Transportation

A detailed analysis related to transportation is included in this EAS. The transportation assessment determined that the Proposed Actions would not exceed CEQR Level 1 and Level 2 screening thresholds for traffic, parking, transit and pedestrian analysis. The installation of the enhanced midblock crossing will be included as a Project Component Related to the Environmental (PCRE) under the Proposed Actions. Upon construction of the Proposed Project, the Applicant will conduct a Transportation Monitoring Program ("TMP") to determine whether an enhanced midblock crossing is warranted for 60th Street between 15th Avenue and 16th Avenue based on actual future traffic conditions. The Applicant will coordinate with NYCDOT on the scope of work for the TMP prior to undertaking the TMP. The Applicant will also coordinate with NYCDOT on the future design and implementation of the enhanced midblock crossing, subject to the conclusions of the TMP. With these PCRES, to be recorded in a restrictive declaration, the Proposed Actions would not result in a significant adverse transportation impact and no further analysis is warranted.

Construction

A detailed analysis related to construction is included in this EAS. Construction of the Projected Development would adhere to the applicable laws, regulations, and building codes that govern construction in New York City. As described in the EAS, the Projected Development is anticipated to have a multi-phased construction period over a duration of seven years (26-quarters). As detailed in the construction assessment in the EAS, the Proposed Actions would not result in significant adverse construction impacts in the key technical areas of historic and cultural resources, transportation, air quality, and noise. As a result, the Proposed Actions would not result in a significant adverse construction impact, and no further analysis is warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-749) 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 Louise Cafiero at lcafiero@planning.nyc.gov.

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TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 6/10/2024
SIGNATURE	

Project Name: Brooklyn Yards
CEQR # 23DCP039K
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	Brooklyn	Block 5727, Lot 14 (B1C, B1R, B2)
		Block 5727, Lot 14 (B3, B4, B5, B6, B7)
		Block 5516, Lots 1 and 33 (B8, B9, B10, B11)
		Block 5516, Lots 1 and 33 (B12)
		Block 5509, Lots 41 and 57 (B13, B14)
Potential Development Site 1	Brooklyn	Block 5727, Lot 19 (B15)

(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-749**) would be established as part of approval of the proposed actions on **Projected Development Site 1** and **Potential Development Site 1** as described below:

Development Site	Building IDs	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	B1C, B1R, B2	X	X	X
	B3, B4, B5, B6, B7	X	X	
	B8, B9, B10, B11	X	X	
	B12	X	X	X
	B13, B14	X	X	
Potential Development Site 1	B15	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1 and Potential Development Site 1** 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:

Building 1C

Block 5727, Lot 14: Any new development or enlargement on the above-referenced property on Lot 14 that has western frontage on New Utrecht Avenue must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC stack on Building 1C is located at the highest tier at least 176 feet above grade. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 1R

Block 5727, Lot 14: Any new development or enlargement on the above-referenced property on Lot 14 must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC stack on Building 1R is located at the highest tier at least 78 feet above grade and at least 160 feet from the lot line facing New Utrecht Avenue. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 2

Block 5727, Lot 14: Any new development or enlargement on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and hot water equipment and ensure that the HVAC stack on Building 2 is located at the highest tier at least 58 feet above grade and at least 325 feet from the lot line facing New Utrecht Avenue and 32 feet from the lot line facing 61st Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 10

Block 5516, Lot 1 and Lot 33: Any new development or enlargement on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and hot water equipment and ensure that the HVAC stack on Building 10 is located at the highest tier at least 58 feet above grade and at least 122 feet from the lot line facing 15th Avenue and 36 feet from the lot line facing 61st Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 11

Block 5516, Lot 1 and Lot 33: Any new development or enlargement on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC stack on Building 11 is located at the highest tier at least 78 feet above grade. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 12

Block 5516, Lot 1 and Lot 33: Any new development or enlargement on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC stack on Building 12 is located at the highest tier at least 58 feet above the grade and at least 23 feet from the lot line facing 60th Street and at most 300 feet from the lot line facing 16th Avenue. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 15 (not controlled or owned by Applicant)

Block 5727, Lot 19: Any new development or enlargement on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC stack on Building 15 is located at the highest tier at least 28 feet above grade and at most 10 feet from New Utrecht Avenue and at most 11 feet from the lot line facing 61st Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Buildings 3, 4, 5, 6, 7, 8, 9, 13, and 14

Block 5516, Lot 1 and Lot 33, Block 5727, Lot 14, and Block 5509, Lot 41 and Lot 57: Any new development or enlargement on the above-referenced properties must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Noise

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

Block 5727, Lot 14 (Building 1C)

In order to ensure an acceptable interior noise environment, future commercial office uses must provide a closed-window condition with a minimum of 32 dB(A) window/wall attenuation on the western, northern, and southern façades within 50 feet of New Utrecht Avenue for floors below the elevated rail line and 28 dB(A) of attenuation on the western, northern, and southern façades within 50 feet of New Utrecht Avenue for floors at or above the elevated rail line to maintain an interior L10 noise level not greater than 50 dB(A) for commercial office uses as illustrated in the EAS. To maintain a closedwindow condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 5727, Lot 14 (Building 1R)

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dB(A) window/wall attenuation on the façades facing 62nd Street to maintain an interior L10 noise level not greater than 45 dB(A) for residential uses as illustrated in the EAS. To maintain a closedwindow condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 5727, Lot 14 (Building 2)

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum attenuation of 28 dB(A) window/wall attenuation on the façades facing 62nd Street to maintain an interior L10 noise level not greater than 45 dB(A) 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.

Block 5727, Lot 19 (Potential Development Site)

In order to ensure an acceptable interior noise environment, future commercial office uses must provide a closed-window condition with a minimum of 32 dB(A) window/wall attenuation on the western, northern, and southern façades within 50 feet of New Utrecht Avenue for floors below the elevated rail line and 28 dB(A) of attenuation on the western, northern, and southern façades within 50 feet of New Utrecht Avenue for floors at or above the elevated rail line to maintain an interior L10 noise level not greater than 50 dB(A) for commercial office uses as illustrated in the EAS. To maintain a closedwindow condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 5516, Lots 1 and 33 (Building 12)

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dB(A) window/wall attenuation on the façades facing 60th Street to maintain an interior L10 noise level not greater than 45 dB(A) for residential uses as illustrated in the EAS. To maintain a closedwindow condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.