DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Daniel R. Garodnick, *Director*
Department of City Planning

November 17, 2023

POSITIVE DECLARATION

Project Identification
Herkimer-Williams
CEQR No. 24DCP055K
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway
New York, NY 10271
Contact: Stephanie Shellooe
(212) 720-3328

Name, Description, and Location of Proposal:

Herkimer-Williams

The Applicant, Broadway Junction Partners LLC, is proposing a zoning map amendment, a zoning text amendment (including establishing a Mandatory Inclusionary Housing (MIH) area), a city map amendment, and special permits to modify existing building and floor area regulations (the "Proposed Actions"). The Proposed Actions would facilitate redevelopment of the Applicant-owned Block 1555, Lot 19, Block 1576, Lots 1 and 34, and Block 1577, Lots 17, 26, 32, 35, 51, and 53, as well as and the Owner-Authorized Block 1576, Lot 9 and Block 1577, Lots 1, 7, 56, and 58 (the "Development Site") in the East New York neighborhood of Brooklyn Community District 5. The Proposed Actions would also affect several properties owned by the Metropolitan Transit Authority (MTA) (Block 1555, Lot 1 and Block 1576, Lot 13) and Amba Mata Inc. (Block 1576, Lot 32) referred to as the "Out Parcels". The Out Parcels and the Development Site are collectively referred to as the "Project Area". The Project Area is bounded by Fulton Street to the north, Van Sinderen Avenue to the west, Atlantic Avenue to the south, and East New York Avenue to the east, with both Herkimer Street and Williams Place running through the Project Area. Approval of the Proposed Actions would facilitate the development of four new buildings containing a combined total of approximately 1,667,836 gross square feet (gsf), including approximately 748,386 gsf of commercial office space, 247,848 gsf of commercial retail space, 540,114 gsf of residential space (596 dwelling units or "DUs," of which 159-365 units would be permanently affordable pursuant to MIH depending on which option is selected), 18,985 gsf of community facility (house of worship) space, and 10,403 gsf of light industrial space, as well as approximately 250 accessory parking spaces and 24,536 sf of publicly accessible area (PAA).

The Proposed Actions are as follows:

- Zoning Map Amendment to:
  - Rezone the Project Area from an M1-2 zoning district to C6-4 and M1-6 districts.
- Zoning Text Amendment to:
  - Modify Appendix F of the Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the boundaries of the proposed C6-4 district within Brooklyn CD 5;

  - Amend ZR Section 74-742 to modify Large-Scale General Development (LSGD) ownership requirements; and
  - Amend ZR Section 23-154(d)(2) to permit a maximum residential floor area ratio (FAR) of 12.0 for MIH sites in LSGD sites within Brooklyn CD 5.
- City Map Amendment to:
  - Demap Herkimer Street between Williams Place and Fulton Street.
- Special Permits to:
  - Modify certain building, height, setback, and rear yard regulations pursuant to ZR Section 74-743; and
  - Waive floor area limitations for certain retail uses in ZR Section 74-922 within M1-6 zoning districts.

In order to assess the possible effects of the Proposed Actions, a Reasonable Worst Case Development Scenario (RWCDS) was prepared, which identified two possible development scenarios that will be analyzed in connection with the Proposed Actions:

The RWCDS for the Proposed Actions would result in a 1,667,836 gsf development consisting of 540,114 gsf of residential space (636 DUs of which up to 159-191 units would be permanently affordable pursuant to MIH), 748,386 gsf of commercial office space, 748,386 gsf of commercial retail space, 18,985 gsf of community facility (house of worship) space, and 122,473 gsf of light industrial (Use Group 11) space, as well as approximately 250 accessory parking spaces (approximately 136,941 sf) and 24,536 sf of publicly accessible area (PAA).

In addition, under the proposed Large Scale General Development plans for the Development Site, some portions of the development could be developed with either commercial office (Use Group 6) or community facility uses (Use Groups 3 and 4) and some spaces could be developed with either commercial office (Use Group 6), retail or service establishments (Use Groups 7 and 9), or light industrial uses (Use Groups 11, 16, and 17). As such, in the future with the Proposed Actions, the Proposed Development could be developed with a combined total of approximately 1,881,565 gsf, including approximately 540,114 gsf of residential space , 748,386 gsf of commercial office space, 247,848 gsf of commercial retail space, 120,645 gsf of community facility space (of which, approximately 18,985 gsf would consist of house of worship uses, and up to 101,660 gsf would consist of educational and/or medical office uses), and 122,473 gsf of industrial space (including 10,403 gsf of Use Group 11 space and up to 112,070 gsf of additional Use Group 7, 9, 11, 16, and/or 17 light industrial space), as well as approximately 250 accessory parking spaces (approximately 102,100 sf) and 24,536 sf of PAA space. For conservative analysis purposes, this development scenario will be analyzed for any technical area in the Environmental Impact Statement (EIS) where this development scenario serves as the more conservative RWCDS compared to the Proposed Development or the Alternate Residential Scenario, described below.
Additionally, in the event the Applicant chooses not to exercise the LSGD Special Permit, the Development Site would only be constrained by the underlying zoning. As such, the proposed Zoning Map and Text Amendments would increase the maximum permitted residential FAR on the Development to approximately 8.1. As a result, a second RWCDS, the "Alternate Residential Scenario" RWCDS, has been developed. The Alternate Residential Scenario would result in a 1,954,193 gsf development consisting of 1,035,993 gsf of residential space (1,218 DUs, of which 305-365 units would be designated as permanently affordable pursuant to MIH), 272,352 gsf of office space, 264,580 gsf of retail space, 200,761 gsf of light industrial (Use Group 6, 7, 9, 11, 16, and/or 17) space, 6,081 gsf of community facility (house of worship) space, 219 off-street accessory parking spaces, and 24,536 sf of PAA, as well as a net reduction of approximately 50,422 gsf of manufacturing/industrial space in the Project Area. For conservative analysis purposes, the Alternate Residential Scenario will be analyzed for any technical area in the EIS where this development scenario serves as a more conservative RWCDS compared to the Proposed Development.

Absent the Proposed Actions, the Development Site would be constrained by the underlying zoning. The Project Area would remain under existing conditions.

The analysis year for the Proposed Actions is 2036.

Statement of Significant Effect:

On behalf of the City Planning Commission (CPC), the Department of City Planning has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant adverse effect on the environment as detailed in the following areas, and that an environmental impact statement will be required: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; 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 and Energy.

Supporting Statement:

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

1. Land Use Zoning, and Public Policy - The Proposed Actions include Zoning Map and Text Amendments, and Special Permits. Therefore, the Proposed Actions would affect regulations and policies governing zoning within the Project Area and could have the potential to result in significant adverse impacts.

2. Socioeconomic Conditions - The Proposed Actions could result in potential direct business displacement since redevelopment of the Project Area could result in displacement of 100 employees, the threshold for analysis in the CEQR Technical Manual. Therefore a detailed assessment of direct business displacement is warranted. As the Proposed Actions would introduce more than 200,000 sf of new commercial uses to the Project Area, "substantial" new commercial development described in the CEQR Technical Manual, an assessment of potential socioeconomic effects due to indirect business and institutional displacement is warranted. Additionally, as the Proposed Actions would introduce more than 200 incremental residential units to the Project Area, an assessment of potential indirect residential displacement is warranted as well. As there are no existing residential uses in the Project Area, the Proposed Actions would not result in any direct residential displacement, and as such, further analysis is not warranted. In addition, the Proposed Actions are site-specific to the Project Area and do not include any Citywide regulatory changes that would adversely affect the economic and operational conditions of certain types of businesses or processes. Therefore, the Proposed Actions would not result in significant adverse impacts on specific industries, and no further analysis of this issue is warranted.

3. Community Facilities - The Proposed Actions would not result in the direct displacement of any existing publicly funded community facilities or services, nor would they affect the physical operations of or access to and from any police or fire stations. Therefore, the Proposed Actions would not have any significant adverse direct impacts on existing community facilities or services, and a detailed analysis of potential direct impacts on community facilities and services is not warranted. As the number of additional students introduced by the Proposed Actions would exceed the elementary and middle school threshold, but not the high school threshold, a detailed analysis of public elementary and middle schools is warranted while no analysis is needed for high schools. The number of total and affordable DUs introduced by the Proposed Actions exceed thresholds for analysis in the CEQR Technical Manual for libraries and early childhood programs, and detailed analysis of both is warranted.

4. Open Space – As the Proposed Actions would result in an increase in both the residential and non-residential populations above the 2021 CEQR Technical Manual thresholds for detailed analysis,

an open space analysis of indirect impacts on both the residential population and the non-residential population generated by the Proposed Actions is warranted.

5. Shadows - The Proposed Actions would introduce buildings taller than 50 feet, which is above the threshold for shadows analysis on potential sunlight sensitive resources in the Project Area which could result in new incremental shadows on a sunlight-sensitive resources. The Proposed Actions could have the potential to result in a significant adverse impact on shadows.

6. Historic and Cultural Resources - Based on a preliminary review, while there are no listed or eligible historic resources located within a 400-foot radius of the Project Area, there is one potential historic resource that the New York State Historic Preservation Office has designated as 'undetermined' located directly south of the Project Area. The Proposed Actions could have the potential to result in a significant adverse impact on historic and cultural resources.

7. Urban Design and Visual Resources - The Proposed Actions would result in changes within and surrounding the Project Area that could affect a pedestrian's experience of public space, requiring an urban design and visual resources assessment. The Proposed Actions could have the potential to result in a significant adverse impact on urban design and visual resources.

8. Natural Resources - The Proposed Actions would not result in construction on a site containing or adjacent to a natural resource. Therefore, no thresholds were met for an analysis of natural resources, and the Proposed Actions would not result in significant adverse impacts related to natural resources.

9. Hazardous Materials - The Proposed Actions would result in new construction including new in-ground excavation and subsurface disturbance within the Project Area, which has a documented history of hazardous materials conditions and previous industrial uses. Therefore, the Proposed Actions could result in a significant adverse impact on hazardous materials.

10. Water and Sewer Infrastructure - The Proposed Actions would result in a With-Action water demand of approximately 497,466 and 643,234 gallons per day (gpd) for the With-Action Alternate Residential Scenario (a net increase of approximately 471,405 and 617,172 gpd compared to the No-Action condition, respectively). Therefore, an assessment of water supply is not warranted, and no significant adverse impacts are anticipated. For wastewater and stormwater conveyance and treatment, Proposed Actions exceed the 2021 CEQR Technical Manual's 400 residential units or 150,000 sf or more of non-residential space outside of Manhattan threshold so an assessment of wastewater and stormwater infrastructure is warranted as significant adverse impacts could occur.

11. Solid Waste and Sanitation - As a result of the increased development resulting from the Proposed Actions, there would be increased demand on solid waste and sanitation services that could result in significant adverse impacts on solid waste and sanitation services.

12. Energy - Although the Proposed Actions are not anticipated to result in significant adverse energy impacts, the EIS will disclose the projected amount of energy consumption during long-term operation resulting from the Proposed Actions to determine the potential impacts on greenhouse gas emissions.

13. Transportation - The Proposed Actions would generate trips greater than the thresholds for vehicular traffic, subways, buses, pedestrians and parking, and additional analysis is warranted. Additionally, a detailed analysis of vehicular safety is warranted. Therefore, the Proposed Actions could have the potential to result in a significant adverse impact related to transportation.

14. Air Quality - The preliminary analysis for air quality indicated that a detailed mobile and stationary source analysis is warranted. In addition, the projected developments would use fossil fuels for heat and hot water systems. Therefore, an assessment of air quality impacts due to heating and hot water

systems is warranted. Emissions from large or major existing sources within a 1,000-foot radius of the Project Area and existing industrial/manufacturing permitted uses within a 400-foot study area will also be assessed to examine the potential for impacts. The Proposed Actions could further potentially introduce light industrial space to the Project Area, so an assessment of project-generated industrial sources introduced by the Proposed Development must also be included in analysis. As a result of the preliminary screening, the Proposed Actions could result in a significant adverse impact on air quality.

15. Greenhouse Gas Emissions (GHG) and Climate Change – The development associated with the Proposed Actions exceeds 350,000 sf, which triggers a GHG assessment. As a GHG emissions analysis will be provided in the EIS, pursuant to 2021 CEQR Technical Manual guidance, the Proposed Actions' RWCDS energy consumption will be calculated and provided in the EIS to study significant adverse impacts.

16. Noise - The Proposed Actions would introduce additional vehicle trips to and from the Project Area that could potentially impact existing and project-generated sensitive receptors within and in the vicinity of the Project Area. As a result, detailed noise analysis is warranted. Building attenuation required to provide acceptable interior noise levels for the Proposed Development must also be examined. Therefore, the Proposed Actions could result in a significant adverse impact related to noise.

17. Public Health - The Proposed Actions could result in effects related to air quality, noise, hazardous materials or construction. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to public health.

18. Neighborhood Character - The Proposed Actions could affect land use, socioeconomic conditions, open space, urban design and visual resources, historic and cultural resources, transportation, and noise. As a result, the Proposed Actions could have the potential to result in a significant adverse impact related the affected area's neighborhood character

19. Construction – The Proposed Actions duration of construction would be considered long term in duration (more than 24 months) and warrants a detailed analysis. The quantitative analyses will evaluate the duration and severity of the disruption or inconvenience to nearby sensitive receptors. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to construction.

Public Scoping:

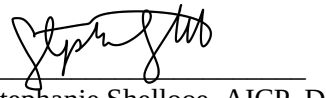
The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Tuesday, December 19, 2023 at 2:00PM. To continue to allow for broad public participation options, DCP will hold the public scoping meeting remotely. To join the meeting and comment, please visit NYC Engage (https://www.nyc.gov/site/nycengage/events/index.page).

Written comments will be accepted by the lead agency through 5:00 PM, Friday, December 29, 2023.

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, Jameson Mitchell, at jmitchell@planning.nyc.gov.



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Environmental Assessment and Review Division
New York City Department of City Planning

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Date