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 Proposed Action is a zoning map amendment to rezone Brooklyn Block 512, Lots 13, 20, 22, and a portion of Lot 25 (the "Project Area") from an M1-1 district to an M1-5 district. The Proposed Action would facilitate the development of a seven-story plus cellar, 113,557 gross square foot (gsf) mixed-use building with 41 parking spaces on Block 512 Lots 13 and 20 (Projected Development Site 1), located at 41 Richards Street in the Red Hook neighborhood of Brooklyn, Community District 6. For the purposes of a conservative analysis, a Reasonable Worst Case Development Scenario was developed that assumes a 137,112 gsf nine-story, 120-foot-tall building consisting of 19,170 gsf of commercial space (2,730 gsf of retail space and 16,440 gsf of office space), 70,013 gsf of light manufacturing space, and 29,915 gsf of community facility space. The proposed project includes a 22,017 gsf parking garage between the cellar and the first floor with 41 space, and two separate 4,000 gsf loading berths at the cellar level and first floor. Land uses in the surrounding 400-foot area are predominantly industrial and manufacturing north of Verona Street and primarily residential and institutional south of Verona Street. Additionally, consistency with the NYC Waterfront Revitalization Program (WRP) is included in the appendix of the EAS. The WRP Policy Assessment and Consistency Form demonstrate that the proposed project is consistent with the policies of the WRP (WRP #17-166). The proposed project would be compatible with existing surrounding land uses and development trends. The Proposed Action would be consistent with applicable public policy goals. As a result, the Proposed Action would not result in a significant adverse impact to land use, zoning, or public policy, and no further analysis is warranted.

Historic and Cultural Resources

A detailed analysis related to Historical and Cultural Resources included in this EAS identified multiple architectural resources within the study area, including the State and National Register-eligible (S/NR) Engine Company 202 building at 29-31 Richards Street (Block 512, Lot 22) within the surrounding area of the Proposed Action. S/NR-eligible properties within the study area include 26 Delavan Street, 80 Richards Street, 86 Richards Street, 19 Delavan Street/5 Delevan Street, 42-50 Richards Street, and the Brooklyn Battery Tunnel Main Services Building at Hamilton Avenue and Columbia Street. Although the project site does not contain any historic architectural resources, it is adjacent to and within 90 feet of several identified historical architectural resources. No direct impacts are anticipated, but indirect construction-related effects through ground-borne construction activities would be anticipated. As a result, the Proposed Actions incorporate a Restrictive Declaration (RD) requiring the implementation of a Landmarks Preservation Commission-approved (LPC) Construction Protection Plan as a project component related to the environment. In consultation with the LPC, it was determined that there are no cultural resources of archaeological significant within the study area. As a result, with the RD in place, the Proposed Actions would not result in significant adverse impacts to architectural or archaeological resources and no further analysis is warranted.

Urban Design and Visual Resources

A detailed analysis related to Urban Design and Visual Resources is included in the EAS. The Proposed Action would alter the pedestrian environment by permitting a higher bulk and height in the Project Area, whereas the permitted setbacks and lot coverage would remain the same. The proposed project would be consistent with the built form in the surrounding area, albeit at a slightly greater height and scale, and the permitted street wall under the Proposed Action would be consistent with nearby manufacturing building. Pedestrian conditions would be improved in the with-action condition, as sidewalks on Richards Street and Commerce Street adjacent to the project site would be widened to 15 feet and additional street trees would be planted. Further, the Proposed Action would not result in substantial changes to the built environment of a historic district or to a historic building. Two S/NR eligible building are located adjacent to the project site, but the Proposed Action would not partially or completely block any built visual resources. As a result, the Proposed Action would not result in significant adverse impacts to urban design and visual resources and no further analysis is warranted.

Hazardous Materials and Air Quality

An (E) designation (E-737) related to hazardous materials and air quality 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 and air quality analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials or air quality.

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 Jameson Mitchell at +1 212-720-3422.

Project Name: 41 Richards Street Rezoning
CEQR # 20DCP081K
SEQRA Classification: Type I

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE 10/27/2023
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 10/30/2023
SIGNATURE	

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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 512, Lots 20 and 13

(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-737**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	

Hazardous Materials

The (E) designation requirements applicable to **Projected 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.

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Air Quality

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

Projected Development Site 1:
To preclude any potential significant adverse air quality impacts from light industrial uses, special features that go beyond the normal construction practices must be installed at this site.

a. *A licensed architect or engineer must certify with the Department of Buildings, and provide proof of filing to OER, that the manufacturing use on the above-referenced property will adhere to the following restrictions:*
    i. *The manufacturing use in the building does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24–153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection Certificate to Operate or New York State Department of Environmental Conservation state facility air permit; and*
    ii. *is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.*
b. *The emission stack of the proposed light industrial/manufacturing uses must be located at the building's highest tier.*
c. *Install an odor/vapor barrier and a modified mechanical ventilation system.*
    i. *The mechanical ventilation prevention system will be comprised of a mechanical ventilation system designed to operate in parallel and separate from the mechanical ventilation system of the community facility and retail/commercial office, providing fresh air to, and exhaust from, the light industrial floors, with vents running above the roof line of the highest floor.*
    ii. *An odor/vapor barrier will be installed at the structural slab and/or partition walls separating the manufacturing and community facility and retail/commercial office spaces eliminating vapor exchange across interior partitions.*

Any other processes if required to obtain NYC DEP certificate to operation, must provide an air quality analysis to OER in order to demonstrate that such process would not cause a significant adverse air quality impact.