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, Mihata Corportation, is requesting approval of the Proposed Actions which include a Zoning Map Amendment, a Zoning Text Amendment, and a Zoning Special Permit on the Applicant-owned Projected Development Site on Brooklyn Block 2283, Lots 25, 28, 31, 33, 35, 38, 41, and 43 in the Greenpoint neighborhood of Brooklyn Community District (CD) 1. Specifically, the Proposed Actions are: (i) a zoning map amendment to rezone the Projected Development Site from an M1-1 district to an M1-2 district; (ii) a zoning text amendment to the New York City Zoning Resolution (ZR) section 74-948 to designate an area affecting the eastern part of Block 2283 to a depth of 200 feet measured from Berry Street (including the projected Development Site) as an Industrial Business Incentive Area (IBIA); and (iii) an IBIA special permit with three elements including (a) pursuant to ZR section 74-943 to increase the allowable floor area ratio (FAR) by providing Required Industrial Uses and increase the building height to 135 feet by providing publicly accessible open space, (b) pursuant to ZR section 74-944(b) to modify the underlying public plaza requirements, and (c) pursuant to ZR section 74-944(c) to modify the accessory parking and loading requirements to reduce the number of required parking spaces from 728 to 80, and the number of required loading berths from 8 to 2. The Proposed Actions would facilitate the development of a new 135-foot tall (154-foot tall including mechanical bulkhead), 10 story, approximately 279,960 gross square foot (GSF) 4.8 floor area ratio (FAR) building containing 188,906 GSF of commercial uses, 32,990 GSF of manufacturing uses, and 58,064 GSF of accessory off-street parking use containing 80 parking spaces and two loading berths. The commercial uses would comprise 47,500 GSF of retail space, 128,274 GSF of office space, and 13,132 GSF of restaurant space. 9,690 square feet of publicly accessible open space would be provided and front Berry Street with two auxiliary access points on North 12th and North 13th Streets. The Projected Development Site is bounded by Berry Street to the east, North 12th street to the south, North 13th Street to the north, the lot line of adjacent Lot 1 of Block 2283 to the west and is located within the Greenpoint-Williamsburg Industrial Business Zone (IBZ). While the Proposed Actions would permit similar uses as compared to those permitted as-of-right in the M1-1 zoning district, the Proposed Actions would allow for higher commercial and industrial density. Such uses and densities would be compatible with study area land uses. Additionally, the proposed M1-2 zoning district would reflect an extension of the existing M1-2 district to the northwest of the Projected Development Site and an M1-2/R6A district would separate the Projected Development Site from an R6A district to the eastern portion of the study area which reflects a trend of residential districts alongside manufacturing districts in the study area. The Proposed Actions would be consistent with the policies set forth in the Waterfront Revitalization Program (WRP #20-197). Therefore, the Proposed Actions would be not result in any significant adverse impacts to land use, zoning, or public policy.

Open Space

A detailed analysis of open space is included in the EAS. The incremental increase of 630 workers exceeds the CEQR Technical Manual threshold of 500 new workers for a detailed indirect open space analysis for the non-residential population. The analysis focuses on passive open spaces that may be used by workers in the .25-mile radius open space study area. The detailed analysis shows that between the no-action and with-action conditions the passive Open Space Ratio (OSR) would decrease from 3.67 acres per 1000 non-residents in the no-action condition to 3.31 in the with-action condition, reflecting a 9.8% decrease between the no-action and with-action condition's passive OSR. Per the CEQR Technical Manual, a significant open space impact may occur if a proposed action would lead to the non-residential open space ratio dropping below the optimal ratio of .15 acres of passive open space per 1,000 non-residents and may warrant a more detailed assessment and the more the open space ratio falls below the optimal ratio, the more likely the decrease would lead to a significant adverse impact. While the OSR would decrease by 9.8%, the non-residential study aera's passive open space ratio would remain well above the City's guideline ratio of .15 acres per 1,000 workers with the Proposed Actions. Additionally, the Projected Development Site is located within a Walk to a Park Service Area and therefore is within walking distance to a park, and .22 acres (9,690 square feet) of publicly accessible open space would be provided on the Projected Development Site with the Proposed Actions which could partially absorb the increased demand for passive open space for the daytime population in the study area. Therefore, the Proposed Actions would not result in a significant adverse open space impact.

Shadows

A detailed analysis of shadows is included in the EAS. The Projected Development facilitated by the Proposed Actions would cast incremental shadows on sunlight-sensitive open space resources of McCarren Park (March 21/September 21, May 6/August 6, and June 21 analysis days for 1 hour and 4 minutes, 2 hours and 7 minutes, and 2 hours and 47 minutes, respectively) and 25 Kent Avenue POPS (December 21 analysis day for 39 minutes). Although incremental shadows would cover portions of passive amenities located at the southeastern portion of the 25 Kent Avenue POPS resource during the December 21 analysis day, due to the limited size and duration of incremental shadow during the morning between 8:51am and 9:30am there would be no significant adverse shadows impacts to 25 Kent Avenue POPS. Although incremental shadows would be cast on McCarren Park on three of the four analysis days, shadow coverage would be confined to a portion of the western edge of the park that features tennis courts, asphalt–paved areas, and landscaped areas with grass and tree canopy along Berry Street. Incremental shadows cast on the tennis courts and asphalt-paved areas would be small in size and duration during the late afternoon/early evening hours moving eastward. Trees and other plants along Berry

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Street, North 12th Street, and to the north of the tennis courts would continue to obtain adequate sunlight during the plant growing season which is at least six-to eight hours of direct sunlight per the CEQR Technical Manual. Additionally, the project-generated shadows would be limited to a small portion of McCarren Park's 36.49 total acres. Therefore, the Proposed Actions would not result in significant adverse shadows impacts to Mccarren Park. Additionally, although incremental shading of project-generated publicly accessible open space is not considered significant under CEQR, it is considered qualitatively in the shadows assessment per the CEQR Technical Manual. The Proposed Actions would facilitate 9,960 square feet of publicly accessible open space which would receive incremental shadows on all four representative analysis days due to the Projected Development and nearby structures and would be partly to mostly shaded in the spring, summer, and fall and mostly in sunlight in the winter. Usability and enjoyment of the project-generated publicly accessible open space would not be affected as it would be designed with consideration of the shading conditions. Therefore, the Proposed Actions would not result in a significant adverse shadows impact.

Urban Design and Visual Resources

An analysis of Urban Design and Visual Resources is included in the EAS. The Projected Development facilitated by the Proposed Actions would be built in accordance with the proposed zoning text amendment to designate the Projected Development Site as an IBIA and the bulk requirements allowed by the IBIA special permit. The primary study area is the Projected Development Site, and the secondary study area is a 400-foot radius from the Projected Development Site. The single-story (approximately 23-foot tall), .85 FAR warehouse buildings that occupy the Projected Development Site which would contain commercial retail and light industrial uses in the no-action condition would be replaced with a 10-story (135 foot tall building, 154 foot tall with mechanical bulkhead), 4.8 FAR building containing commercial retail, commercial office, restaurant, light industrial, parking, and publicly accessible open space uses. The with-action condition would change the pedestrian experience compared to the no-action condition of low-rise industrial and commercial buildings through the improvement of streetscape conditions such as the publicly accessible open space at the street level which would act as a though-block passage between Berry, North 12th, and North 13th streets, reflecting an extension of the adjacent open space of McCarren Park. Additionally, although there would be an incremental increase in bulk and height at the Projected Development Site, the Projected Development's bulk and height would be consistent with the secondary study area's built environment which contains buildings generally ranging between 4.0 and 8.0 FAR and includes 19-25 Kent Avenue, a 135-foot tall 6.0 FAR mixed-use light industrial and commercial building, and the 250-foot tall William Vale Hotel which is adjacent to the Projected Development Site. Views and view corridors to visual resources would not be obstructed in the secondary study area as a result of the Proposed Actions. The publicly accessible open space would offer new views to McCarren Park, one of the visual resources analyzed in the assessment. Therefore, the proposed actions would not result in significant adverse impacts to urban design and visual resources.

Water and Sewer Infrastructure

A detailed analysis of water and sewer infrastructure is included in the EAS. A wastewater and stormwater conveyance and treatment analysis is required because the Proposed Actions would result in incremental development of at least 150,000 square feet (SF) or more of commercial space in Brooklyn and is located in a combined sewer area. In the future with the Proposed Actions, wastewater from the Projected Development Site would continue to be treated by the Newtown Creek wastewater resource recovery facility (WRRF) which has a SPDES-permitted dry weather flow capacity of 310 million gallons per day (mgd). The Projected Development would generate approximately 34,953 gallons per day (gpd) of sanitary sewage with a total water demand of approximately 72,675 gpd. This represents a net increase of approximately 25,457 gpd (0.025 mgd) of sanitary sewage generation and approximately 56,380 gpd (0.056 mgd) over the no-action condition. While this represents an increase in sanitary flows, it is equivalent to less than 0.03 percent of the average daily flow at the Newtown Creek WRRF and would not result in an exceedance of the plant's permitted capacity of 310 mgd. Regarding stormwater flows, in the future with the Proposed Actions, the incremental increase would be between 0.01 and 0.02 million gallons (mg) of combined sewer flows. The increase in flows would be nominal and there would be ample capacity in the adjacent sewer infrastructure such as Newtown Creek WRRF to accommodate additional combined flows. Additionally, connecting to the City's sewer system required certification from DEP as part of the building permit process. The Applicant would be required to file a site connection proposal for approval from DEP to tie into the sewer system which would likely require a hydraulic analysis of the existing sewer system to determine whether the existing sewer system is capable of supporting higher density development and related increase in wastewater flow, and stormwater best management practices (BMP) would be required to bring the Projected Development into compliance with the required stormwater release rate. Therefore, the Proposed Actions would not result in significant adverse impacts to water and sewer infrastructure.

Disadvantaged Communities Assessment

An assessment of the Proposed Actions' potential effects on disadvantaged communities is included in this EAS. The Projected Development Site is located within a designated disadvantaged community according to the NYSDEC Disadvantaged Community Assessment Tool (DACAT). The Proposed Actions would not result in significant adverse impacts on the following technical areas analyzed in the EAS: land use, zoning, and public policy, open space, shadows, historic and cultural resources, urban design and visual resources, hazardous materials, water and sewer infrastructure, transportation, air quality, noise, public health, neighborhood character, and construction. As such, the Proposed Actions would not disproportionately affect any disadvantaged communities, nor would they cause or increase a disproportionate pollution burden on disadvantaged communities.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-858) 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 Erin Whitney at ewhitney@planning.nyc.gov.

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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 September 12, 2025
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE September 15, 2025
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	Brooklyn	Block 2283; Lots 25, 28, 31, 33, 35, 38, 41, 43

(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-858**) would be established as part of approval of the proposed actions on **Projected Development Site** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site (Block 2283, Lots 25, 28, 31, 33, 35, 38, 41 and 43)** 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 be 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:

Projected Development Site (Block 2283, Lots 25, 28, 31, 33, 35, 38, 41 and 43):

Heating/Hot Water, Ventilation, and Air Conditioning (HVAC): Block 2283, Lots 25, 28, 31, 33, 35, 38, 41, 43 (Projected Development Site):

Any new commercial or industrial development on the above-referenced property must ensure the HVAC system(s) and hot water equipment are powered by electricity only with no venting or stacks, to avoid any potential significant adverse air quality impacts.

Industrial Uses: Block 2283, Lots 25, 28, 31, 33, 35, 38, 41, 43 (Projected Development Site):

To preclude any potential significant adverse air quality impacts from light industrial uses, a licensed architect or engineer must certify with the Department of Buildings that the manufacturing use on the above-referenced property will adhere to the following restrictions:

(a) 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 C of O or New York State Department of Environmental Conservation state facility air permit; and

(b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

In addition, the emission stack of the proposed light industrial/manufacturing uses (gold precipitation, jewelry manufacturing, cleaning, polishing, plating; digital printing, photocopying, commercial art and graphic design; baking bread and cookies/pastries) developed pursuant to Section 74-962 of the Zoning Resolution of the City of New York must be located at the building's highest tier and at least 150 feet above grade, at least 100 feet from the western lot line of Lot 25 or Lot 43 facing Wythe Avenue.

Any other permitted processes must provide an air quality analysis to OER prior to obtaining a Notice of Satisfaction in order to demonstrate that such process would not cause a significant adverse air quality impact.

Odor/vapor barrier and prevention: a mechanical ventilation system separates from the commercial use in the same building will provide fresh air to and exhaust from the light industrial floors, with vents running above the roof line of the same tower. An odor/vapor barrier would also be applied to the structural slab separating the manufacturing and commercial spaces.

Noise

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

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Projected Development Site (Block 2283, Lots 25, 28, 31, 33, 35, 38, 41 and 43):

Sufficient partitions/attenuation between the manufacturing/industrial uses and the commercial office use are required to achieve an interior Leq and L10 noise level not greater than 50 dBA in the commercial office space.