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, 46 Nelson LLC, seeks a Zoning Map Amendment to rezone Block 526, Lots 1, 13, 14, 15, 16, 17, 18, 19, 20, 22, and p/o of Lots 23, 29, and 31 (the "Rezoning Area") from an M1-1 zoning district to M1-2A/R7A (MX-5) and M1-2A/R6A (MX-5) zoning districts, as well as a Zoning Text Amendment to Appendix F to add a Mandatory Inclusionary Housing (MIH) area coterminous with the Rezoning Area (the "Proposed Actions") in the Red Hook neighborhood of Brooklyn Community District 6.The Rezoning Area is bounded by Nelson Street to the north, Hicks Street to the west, Henry Street and Hamilton Avenue to the east, and Huntington Street to the south. The Proposed Actions would facilitate the Applicant's proposed development at Applicant-owned Block 526, Lot 1 (Projected Development Site 1), consisting of a 7-story mixed-use residential and commercial building with a height of 76 feet, a floor area ratio (FAR) of 5.01, and a total of 125,168 gross square feet (GSF). The Proposed Development would include approximately 17,188 GSF of ground-floor local retail, approximately 89,440 GSF of residential space on the upper floors, and approximately 18,540 GSF of cellar space for parking, storage, and mechanicals. It would contain 108 dwelling units (DUs), 20-30% (22-32 units) of which would be affordable at an average of 40-80% AMI pursuant to MIH Options 1, 2, or 3.To present a conservative analysis in the EAS, the Reasonable Worst-Case Development Scenario (RWCDS) assumes a taller building at the same site (Projected Development Site 1), with a maximum height of 115 feet (11 stories). The RWCDS also includes a non-applicant-owned Potential Development Site 1 at Block 526, Lots 13 and 14, analyzed for a 9-story, 95-foot-tall mixed-use building totaling 18,565 GSF, with 2,499 GSF of ground-floor retail and 16,066 GSF of residential use. This building would contain 19 DUs, with 20-30% (4-6 units) of which would be affordable at an average of 40-80% AMI pursuant to MIH Options 1, 2, or 3.

The Proposed Actions would allow new residential and commercial uses to enter the area, while also bringing existing legal non-conforming residential uses into conformance and maintaining the conformance of existing manufacturing and commercial uses within the Rezoning Area. The proposed M1-2A/R7A and M1-2A/R6A zoning districts would be compatible with the contextual residential districts mapped as part of the Carroll Gardens and Columbia Street rezoning to the north. M1-2A zoning under the new Zoning for Economic Opportunity Growth Districts would allow commercial and manufacturing uses at FARs appropriate to the R6A and R7A districts and consistent with the area's heavily mixed-use character. The Rezoning Area is located within New York City's Coastal Zone and is subject to review under the City's Waterfront Revitalization Program (WRP). A WRP Policy Consistency Assessment Form was completed, and the Proposed Actions were found to be consistent with applicable WRP policies (WRP #24-014). Overall, the Proposed Actions would be compatible with the study area's existing residential and mixed-use land use character, zoning, and public policies. Therefore, the Proposed Actions would not result in any significant adverse impacts on land use, zoning, or public policy and no further analysis is warranted.

Historic and Cultural Resources

A detailed analysis related to historic and cultural resources is included in this EAS. There are two architectural resources eligible for inclusion on the State and National Register of Historic Places (S/NR-eligible) architectural resources within the study area: the S/NR-eligible PS/MS 27 – Agnes Y. Humphrey School and the S/NR-eligible Red Hook Houses East and West. Projected Development Site 1 is within 90 feet of one of the eligible architectural resources (S/NR eligible PS/MS 27Agnes Y. Humphrey School). To avoid any possible construction impact on this S/NR-eligible historic resource, an LPC-approved Construction Protection Plan (CPP) would be developed and implemented pursuant to a Restrictive Declaration (RD) to be recorded on the Projected Development Site 1. An LPC-approved CPP serves as a Project Component Related to the Environment (PCRE). The CPP would be modeled on TPPN #10/88 and would include measures to protect adjacent historic or cultural resources from potential damage during construction. Accordingly, no construction impacts on the S/NR-eligible PS/MS 27 – Agnes Y. Humphrey School would occur as a result of the Proposed Actions. There is no archeological significance associated with the properties within the Rezoning Area. Therefore, no significant adverse impacts on archaeological resources would occur as a result of the Proposed Actions, and no further analysis of historic and cultural resources is warranted.

Hazardous Materials and Air Quality

An (E) designation (E-855) 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.

Disadvantaged Communities Assessment

An assessment of the Proposed Actions' potential effect on disadvantaged communities is included in this EAS. The Rezoning Area is located within a disadvantaged community, according to the New York State Department of Environmental Conservation's Disadvantaged Community Assessment Tool (DCAT). As the CEQR Technical Manual has not been updated to include guidance for an assessment of Effects of Disadvantaged Communities, the SEQRA Environmental Assessment Form (EAF) has been consulted for guidance for this analysis. The Proposed Action would not result in significant adverse impacts on land use, zoning, or public policy nor any technical area analyzed in the supplemental screening (Transportation, Hazardous Material and Noise). Therefore, the Proposed Action would not disproportionately affect any disadvantaged communities, nor would it cause or increase a disproportionate pollution burden on such communities.

Project Name: 46 Nelson Street Rezoning II
CEQR # 25DCP059K
SEQRA Classification: Unlisted

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 Claudia Kohn at +1 212-720-3394.	
TITLE Deputy 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 | 212.720.3493
NAME Evren Ulker-Kacar, AICP	DATE 11/14/2025
SIGNATURE Evren Ulker Kacar	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 11/17/2025
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 1	Brooklyn	Block 526, Lot 1
Potential Development Site 1	Brooklyn	Block 526, Lots 13 and 14

(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-855**) 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	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	
Potential 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.

Air Quality

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

Projected Development Site 1: Any new residential or commercial development on the above-referenced property must ensure the HVAC systems and the hot water equipment are powered by electricity only with no venting or stacks, to avoid any potential significant adverse air quality impact.

Potential Development Site 1): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating, and air conditioning (HVAC) system and hot water equipment and must be fitted with low NOx (30 ppm) burners, ensure that the HVAC system and hot water equipment stack is located at the building's highest level and at a minimum of 98 feet above grade, and that the stack is located at least 25 feet from the eastern lot line of Block 526, Lot 1 to avoid any potential significant adverse air quality impacts.