THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

NEGATIVE DECLARATION

CEQR Number: 19DME011K

DATE ISSUED: June 7, 2021

PROJECT NAME: Special Brooklyn Navy Yard District

CEQR Classification: Type I

LOCATION: Brooklyn Navy Yard (Most of Block 2023, Lots 1 and 150)
Community District 2, Brooklyn

INTRODUCTION

Building 77 QALICB, Inc. (the "Applicant"), together with the New York City Department of Small Business Services as co-applicant, are seeking zoning map and text amendments (collectively, the "Proposed Actions") to facilitate certain recommendations of the Brooklyn Navy Yard Master Plan. The Applicant is seeking the Proposed Actions with respect to Brooklyn Block 2023, Lots 1 and 150 within the Brooklyn Navy Yard located in Community District 2 in Brooklyn. The Project Area encompasses the entirety of Brooklyn Block 2023, Lots 1 and 150, except for a small portion of Lot 1 located in the water and a smaller, irregular-shaped portion of Lot 1 located in the southwest corner of the Project Area. The Project Area together with adjacent Block 2023, Lot 50 comprises the Brooklyn Navy Yard ("BNY"). The BNY is owned by the City of New York and managed by the Brooklyn Navy Yard Development Corporation ("BNYDC"), a not-for-profit corporation. The Applicant is a not-for-profit corporation formed to support and benefit the BNYDC, its sole corporate member. BNYDC was formed in 1981 with the mission to create and preserve quality jobs, anchor New York City's modern industrial sector and its businesses, and connect the local community with the resources and economic opportunity at the Yard.

The Proposed Actions include: (1) A zoning text amendment to create the Special Brooklyn Navy Yard District (the "Special District") with special use, bulk, parking and loading, and publicly accessible space regulations; and (2) A zoning map amendment to map the Special District over the Project Area and change an R6B, M1-2, and portions of M1-4 and M3-1 districts within the Project Area to an M2-1 district. The Proposed Actions would introduce tailored zoning regulations to facilitate and refine the further development of a modern manufacturing campus at the BNY by the approximately 4.2 million square feet (sf) of zoning floor area projected to occur at the BNY over the next 10 years by rationalizing parking and

loading controls, allowing the introduction of compatible community facility and commercial uses to complement the core industrial use of the BNY, establishing public access areas in connection with development in certain areas at the perimeter of the Yard, and modifying height and setback regulations in defined areas of the Yard and other bulk controls in manners compatible with modern industrial development and the surrounding context.

PROJECT DESCRIPTION

The Proposed Actions would facilitate certain recommendations of the 2018 Brooklyn Navy Yard Master Plan, which anticipated the development of 4.61 million gross square feet of space (excluding parking), prioritizing modern manufacturing buildings that can accommodate the life cycle of growing industrial businesses through a variety of space types. There is no specific proposed development as a result of the Proposed Actions, which would not increase the maximum allowable floor area in the Project Area, but rather, would facilitate the allocation of the Yard's permitted floor area to different uses. The Proposed Actions would therefore acknowledge the unique character of the Yard and tailor the applicable zoning regulations to address certain specific site conditions, such as actual parking needs and the infeasibility of providing open space on the working waterfront. As such, the Proposed Actions are not expected to result in new development density beyond that which is permitted as-of-right or that would be expected to occur with or without the Proposed Actions.

For CEQR analysis purposes, three projected development sites within the BNY were identified under both No-Action and With-Action conditions for the reasonable worst case developments cenario (RWCDS). The 2018 Master Plan identified three potential illustrative sites within the Yard that could accommodate the entirety of BNYDC's target expansion plan: the Kent Avenue Site ("Projected Site 1"), the Navy Street Site ("Projected Site 2"), and the Flushing Avenue Site ("Projected Site 3"). Those three sites were therefore selected for CEQR analysis purposes under the With-Action condition. Although the anticipated development could be accommodated elsewhere within the BNY, those three sites represent the RWCDS for CEQR analysis purposes. As Projected Development Sites 2 and 3 currently accommodate uses not controlled by BNYDC, the No-Action scenario conservatvely assumes that some of the projected development on Projected Site 2 (Navy Street Site) and Projected Site 3 (Flushing Avenue Site) would alternatively occur on other sites within the Yard (identified as the Navy Street Alternate Sites and the Flushing Avenue Alternate Sites, respectively).

The Proposed Actions would facilitate the incremental development of 750,000 sf of community facility floor area (assumed to academic and museum uses) and net reductions of 672,191 sf of industrial floor area and 77,809 sf of commercial floor area in the BNY, as compared to 2030 conditions without the Proposed Actions. Under the RWCDS, the types of commercial uses present in the Project Area would vary between the two scenarios. Specifically, it is assumed that a greater proportion of the commercial uses would comprise non-office uses in the With-Action Condition and that a health club would occupy a portion of Projected Site 3. Moreover, approximately 25,000 sf of destination retail is expected on both Projected Sites 1 and 2 in the future with the Proposed Actions. As a result, the Proposed Actions would result in a net increase of 40,000 sf of health club floor area and 50,000 sf of destination retail, as well as a net reduction of 75,937 sf of office uses and 91,874 sf of local retail.

REQUIRED APPROVALS

The following discretionary actions (the "Proposed Actions") are required to facilitate implementation of the BNY Master Plan:

- A zoning text amendment to create the Special Brooklyn Navy Yard District (the "Special District") with special use, bulk, parking and loading, and publicly accessible space regulations; and

- A zoning map amendment to: (i) map the Special District over the entirety of Tax Lots 1 and 150 other than a small portion of Lot 1 located in the water and a smaller irregularly-shaped portion of Lot 1 located in the southwest corner of the Project Area (the "Project Area"); and (ii) change an R6B district, M1-2 districts, and portions of an M1-4 and M3-1 district within the Project Area to an M2-1 district.

The proposed actions are subject to Uniform Land Use Review Procedure (ULURP), New York City Planning Commission (CPC), and City Council approval.

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 6NYCRR, Part 617, State Environmental Quality Review, the Office of the Deputy Mayor for Housing and Economic Development assumed the role of lead agency for the environmental review of the Proposed Project. Based on a review of information about the project contained in an Environmental Assessment Statement (EAS) dated June 4, 2021, the Office of the Deputy Mayor for Housing and Economic Development has determined that the Proposed Actions would not have a significant adverse impact on the environment.

REASONS FOR SUPPORTING THIS DETERMINATION

The above determination is based on an EAS dated June 4, 2021 and incorporated by reference herein. The EAS finds that:

The Proposed Actions would not result in significant adverse impacts with respect to land use, zoning and public policy; socioeconomic conditions; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials, water and sewer infrastructure, solid waste and sanitation services; energy; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; or construction.

1) Land Use, Zoning and Public Policy: The Proposed Actions would introduce a limited set of new uses that are complementary to the BNY's predominantly industrial uses. These changes would maintain the appeal of the BNY as a place to work, and the proposed land uses would complement existing uses in the Project Area and would be consistent with the present and emerging mix of land uses throughout the secondary study area. The Proposed Actions would not change the FAR of the BNY or result in any new development density compared to the No-Action Condition. While the Proposed Actions would rezone a small portion of the Yard from R6B, M1-2, M1-4, and M3-1 to M2-1, the proposed change would affect approximately 0.3 percent of the Project Area, would not change the maximum permitted FAR of the Yard, and would not allow for new uses in the Yard that do not exist today. The bulk regulations that are proposed would clarify the Yard and sky exposure plane controls applicable to an unusually large single zoning lot. The Proposed Actions were also found to be consistent with the City's Waterfront Revitalization Program (WRP) policies. A substantial portion of the Project Area is located in the BNY Significant Maritime and Industrial Area (SMIA), one of seven SMIAs in the City designated to protect and encourage concentrated working waterfront uses. Within these areas, the goals of the WRP are to support maritime and industrial activity. The Proposed Actions would continue to allow for commercial and industrial uses and would introduce a limited set of new uses that are complementary to an industrial site, thereby enhancing the BNY as a modern industrial campus. For these reasons, the Proposed Actions would not result in significant impacts related to land use, zoning, or public policy.

2) Shadows: A detailed shadows analysis determined that the Proposed Actions would not result in significant adverse shadows impacts. While the Proposed Actions and associated development would cast incremental shadows on Bridge Park, Trinity Park, the East River, Steuben Playground, Roberto Clemente Field, and Jacob's Ladders Playground, the detailed shadows analysis determined that the duration and coverage of the incremental shadows on each of these sunlight-sensitive resources would be short and relatively small in geographic extent, and therefore, would not have significant adverse effects on any vegetation or adversely affect the usability/enjoyment of any affected sunlight-sensitive resource. For these reasons, the Proposed Actions would not result in significant impacts related to shadows.

3) Historic and Cultural Resources: The Proposed Actions would not result in significant adverse impacts to historic or cultural resources. LPC determined that there is potential for the recovery of remains from colonial period burials of prisoners once held on ships in Wallabout Bay, as well as recovery of remains from Civil War occupation. Accordingly, to ensure that potential archaeological resources are not impacted by project-generated construction, an archaeology documentary study and subsequent archaeological reports and/or testing, as needed, will be completed at the sites experiencing new in-ground disturbance as a result of the Proposed Actions (Projected Sites 2 and 3) subsequent to the Uniform Land Use Review Procedure (ULURP) process as per the 2018 Guidelines for Archaeological Work in New York City. The Proposed Actions would not result in any significant adverse direct or physical impacts to historic architectural resources. As detailed above, there are five buildings on the identified development sites which are contributing resources in the S/NR-listed Brooklyn Navy Yard Historic District: BNY Buildings 120, 234, 269, 313, and 314. Under the No-Action Condition, all five of these buildings would be demolished. In the future with the Proposed Actions, only Building 120 would be demolished; Buildings 234, 313, 314, and 269 would remain intact as under existing conditions. For conservative analysis purposes the RWCDS for the Proposed Actions focuses on the identified development sites; however, additional buildings could be demolished in the Yard under both the No-Action and With-Action scenarios. Nevertheless, the Proposed Actions would not make the demolition of historic buildings any more likely in the BNY. If a historic building were to be demolished within the S/NR-listed Brooklyn Navy Yard Historic District, and the project included state or federal funding, BNYDC would consult with SHPO prior to demolition. In terms of indirect (contextual) effects, the Proposed Actions would not result in development that would diminish the qualities that make the S/NR-listed Brooklyn Navy Yard Historic District or any other surrounding landmarks or historic districts historically and architecturally significant. For these reasons, the Proposed Actions would not result in significant impacts related to historic and cultural resources.

4) Urban Design and Visual Resources: Development anticipated in the Project Area in the future with the Proposed Actions is expected to positively affect the urban design of the area and improve the pedestrian experience, through the redevelopment of underutilized sites in the BNY with mixed-use developments that would reactive these areas of the BNY, provide publicly accessible open space, and establish new visual connections to the waterfront for the surrounding community. The Proposed Actions would facilitate the development of ground-floor commercial and community facility spaces throughout the majority of the three Projected Sites, as opposed to parking garages and the excessive number of loading berths that would be required in the No-Action Condition. As such, the Proposed Developments would activate the streetscapes around the Projected Sites, further enhancing the pedestrian experience in and around the Project Area. Because the BNY is owned by the City, the design of the publicly accessible spaces (as well as all new structures developed in the Project Area) will be subject to review and approval by the New York City Public Design Commission. Plans for the public access areas would also be filed with DCP, demonstrating compliance with the zoning text requirements through a CPC Chair certification. For these reasons,

the Proposed Actions would not result in significant impacts related to urban design and visual resources.

5) Hazardous Materials: The majority of the Project Area is subject to New York State Department of Environmental Conservation (NYSDEC) Site Management, enforced by executed Site Management Plans (SMPs) and Environmental Easements. All of the Project Area included in Lot 1 (except for minor exclusion areas that BNYDC and NYSDEC intend to bring under site management) is subject to the SMPs. The Project Area included in Lot 150, including the portion of the Flushing Avenue Site (Projected Site 3) that is currently owned by the federal government and occupied by a Department of Justice (DOJ) warehouse building is not under site management. However, the Finding of Suitability to Transfer (FOST, 2000) as part of the site transfer from the federal government to BNYDC includes Environmental Covenants, Conditions, Reservations and Restrictions for that area. In the future with the Proposed Actions, it is expected that an agreement between BNYDC and DOJ would be memorialized, allowing for the redevelopment of this site under the jurisdiction of BNYDC, and BNYDC would work with NYSDEC to incorporate that site, into the SMPs in order to avoid any impacts related to potential hazardous materials on the site. In the event the site is not incorporated into the SMP, BNYDC would ensure that development is reviewed by the New York City Department of Environmental Protection (NYCDEP) to ensure that future development of that portion of the site would be completed in a manner protective of human health and the environment. For these reasons, the Proposed Actions would not result in significant impacts related to hazardous materials.

6) Transportation: The anticipated level of new transportation demand generated by the Proposed Actions is not expected to result in significant adverse impacts to traffic, parking, transit or pedestrian conditions in the vicinity of the Project Area. Following the CEQR Technical Manual Levels 1 and 2 Screening Assessment, traffic and transit analyses were screened out, one subway station (York Street) and one bus route (B44) were analyzed as a part of the detailed transit analysis, and four pedestrian elements were analyzed as part of the detailed pedestrian analysis, with no impacts anticipated as a result of the action-generated demand. Based on a pedestrian and vehicular safety analysis conducted in accordance with CEQR Technical Manual methodology, no intersections were found to have experienced 48 or more crashes in any one year. However, the intersection of Navy Street and Sands Street experienced five pedestrian or bicycle injury crashes in 2016. Additional measures that could be employed to increase pedestrian/bicyclist safety could include installation of additional high visibility crosswalks, where not already present, and improved street lighting. The Applicant will coordinate with DOT to assess whether or not additional safety measures should be implemented at either intersection. In addition, the Applicant has committed, though a letter appended to the EAS for this project, to undertake additional studies and coordination with NYCDOT regarding Transportation analysis in and around BNY. For these reasons, the Proposed Actions would not result in significant impacts related to transportation.

7) Air Quality: Detailed analyses concluded that the Proposed Actions would not have the potential to result in any significant adverse air quality impacts on sensitive uses in the surrounding community, and the Proposed Actions (and associated RWCDS) would not be adversely affected by existing sources of air emissions in the Project Area. A screening analysis was conducted and demonstrated that HVAC emissions from the RWCDS buildings on Projected Sites 1 and 2, as well as the eastern building on Projected Site 3 would not have the potential to result in stationary source air quality impacts to existing or proposed buildings. A detailed HVAC analysis was conducted for the western building on Projected Site 3 and showed that there would be no potential significant adverse air quality impacts from fossil fuel-fired heat and hot water systems provided that the building would use natural gas boilers. BNYDC would require the use of such natural gas boilers in any lease for the building. An analysis of the cumulative impacts of industrial sources on the

Projected Sites indicated that maximum concentration levels at the three Projected Sites were below the air toxin guideline levels and health risk criteria established by regulatory agencies, and below National Ambient Air Quality Standards (NAAQS). Large and major emissions sources within 1,000 feet of each Projected Site were also analyzed. With the exception of the annual average particulate matter less than 2.5 microns in diameter (PM2.5) concentration increment, the remaining pollutant concentrations would all be below the CEQR de minimis criteria and NAAQS. The CEQR de minimis criterion for the annual PM2.5 standard would be exceeded in a small portion of the upper levels of the Projected Site 2 Navy Street North building (at elevations above 397 feet) due to emissions from the BNY Cogeneration Plant Stacks to the southeast. With the incorporation of lease provisions for the building that require windows above 397 feet be either inoperable or constructed such that they could be locked in a closed position to restrict operable windows/air intakes in the area of impact, no significant adverse air quality impacts related to large/major sources would occur. With respect to mobile source impacts at intersections, the Proposed Actions would not exceed CEQR screening criteria for carbon monoxide (CO) or PM2.5. The Proposed Actions would result in a net reduction in the number of parking spaces in the BNY compared to the No-Action Condition but the amount of new development (other than parking facilities) would be unchanged. Therefore, emissions and related potential for parking facility related air quality impacts would be reduced by the Proposed Actions and a detailed parking garage analysis is not warranted. In addition, the Applicant has committed, though a letter appended to the EAS for this project, to undertake additional measures and coordination with DEP regarding Air Quality in and around BNY. For these reasons, the Proposed Actions would not result in significant impacts related to air quality.

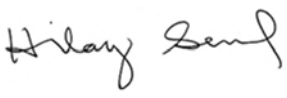
8) Noise: Noise from the increased traffic volumes generated by the Proposed Actions would not cause significant adverse noise impacts as the relative increases in noise levels would fall below the applicable *CEQR Technical Manual* significant adverse impact threshold (3.0 dBA). To ensure acceptable interior noise levels for the Projected Sites, noise attenuation specifications would be incorporated as part of the Proposed Actions. The Master Lease between BNYDC and the City of New York will be amended to mandate a closed-window condition with a minimum OITC rating of 31 dBA window/wall attenuation in any future community facility uses in the Project Area, resulting in an acceptable interior noise environment, and an alternate means of ventilation must be provided for these community facilities. . As standard construction generally provides approximately 25 dBA of noise attenuation, and standard double-glazed and/or laminated windows in conjunction with an alternate means of ventilation would provide up to 28 dBA of noise attenuation, no additional building attenuation for commercial office uses at the Projected Sites would be required beyond standard construction in order to maintain an interior noise level of 50 dBA or lower for commercial office uses. In order to address any noise from tenants within the Projected Sites, the Applicant intends to follow all SCA guidelines (including STC ratings for doors, windows, and partitions) to mitigate noise transmission that would impact any proposed sensitive spaces. The Applicant will review all proposed tenant alterations in multi-tenant buildings to identify any significant noise-producing equipment and require that isolators or similar devices be required when mounting equipment to the building structure. For these reasons, the Proposed Actions would not result in any significant adverse impacts related to noise.

9) Construction: Construction activities associated with the Proposed Actions would generate construction worker and truck traffic similar to the No-Action Condition, and there would not be any incremental construction-related vehicles trips in the future with the Proposed Actions as compared to the future without the Proposed Actions. During both No-Action and With-Action Conditions, there would be a need for short-term curb lane and/or sidewalk narrowing, or closures associated with construction activities in the BNY. Detailed MPT plans would be submitted for approval to NYCDOT's Office of Construction Mitigation and Coordination (DOT-OCMC) prior

to construction. Appropriate protective measures for ensuring pedestrian safety surrounding each of the development sites would be implemented under these plans. Curb lane and/or sidewalk closures would not affect access points to public transportation including ferry, shuttle, subway, or bus stops. Measures would be taken to reduce pollutant emissions during construction in accordance with all applicable laws, regulations, and building codes. For example, a watering program would be implemented to minimize dust emissions from construction activities and all measures required by the portion of DEP's Construction Dust Rules regulating construction-related dust emissions would be followed. In addition, to further minimize air pollutant emissions during construction, emissions reduction measures including the use of BAT and the use of newer and cleaner equipment would be implemented during construction. Based on the similar construction program between the Proposed Actions and the No-Action Condition, and the implementation of the emissions reduction program described above, construction under the Proposed Actions would not result in any significant adverse construction air quality impacts. Construction noise is regulated by the requirements of the New York City Noise Control Code (also known as Chapter 24 of the Administrative Code of the City of New York, or Local Law 113) and DEP's Notice of Adoption of Rules for Citywide Construction Noise Mitigation (also known as Chapter 28). As required under the New York City Noise Control Code, a site-specific noise mitigation plan for construction under the Proposed Actions would be developed and implemented that may include source and path controls. This noise control plan is expected to include such measures as avoiding unnecessary evening construction and truck idling. In addition, to the extent practicable, best efforts would be made to stage construction activities within the BNY, and perimeter fencing would be erected to shield noise emitted from construction activities. Overall, noise associated with construction under the Proposed Actions would be similar to those under the No-Action Condition and would be controlled, temporary, and would not have the potential to result in a significant adverse noise impact. As the identified development sites are all within 90 feet of the S/NR-listed Brooklyn Navy Yard Historic District, the Applicant will prepare a CPP to avoid any inadvertent construction-related impacts to historic buildings in the vicinity of the development sites during demolition and construction activities associated with the Proposed Actions, including ground-borne vibration, falling debris, and accidental damage from heavy machinery. The CPP would meet the requirements specified in DOB's TPPN #10/88 concerning procedures for avoidance of damage to historic structures resulting from adjacent construction. For these reasons, the Proposed Actions would not result in any significant adverse impacts related to construction. In addition, the Applicant has committed, though a letter appended to the EAS for this project, to undertake additional studies and coordination with DEP regarding Construction Noise analysis in and around BNY.

10) 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).



_____ June 7, 2021

Hilary Semel Date
Assistant to the Mayor