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 actions are a Zoning Map Amendment to rezone the project area (Brooklyn Block 388, Lots 1, 8, 9, 11, 12, 19, 31, 34-38, 41, 42, 51, 52, and 58) from M1-2 to R7D/C2-4 and R7A, and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing (MIH) area with MIH options 1 and 2 coterminous with the project area in the Boerum Hill neighborhood of Brooklyn, Community District 2. The proposed actions would facilitate the development of four mixed use buildings on Lots 19, 42, and 51 (projected development site 1) containing 302 residential dwelling units, about 60 of which would be affordable pursuant to MIH, 9,680 gsf of retail space, 10,000 gsf of medical office space, and approximately 125 parking spaces. The analysis framework conservatively identifies two potential development sites (Potential Site A – Lot 1, and Potential Site B - Lots 34-37, and 41), both of which are owned by the New York City Department of Housing Preservation and Development (HPD) and development of which would require additional environmental review in the future. The proposed actions are anticipated to result in a change in land use and zoning within the project area, however, given the existing residential character of the surrounding area, and the mixed-use character along Third Avenue, the change in zoning from manufacturing to residential and mixed residential/commercial would make uses within the project area more consistent with existing uses in the surrounding area. As such, the proposed actions would not constitute a significant adverse impact to land use, zoning, or public policy.

Community Facilities and Services

Public Schools – The EAS includes a detailed analysis of public schools. A significant adverse impact related to public schools may result if the proposed actions would result in both a collective utilization rate of 100% or more in the With-Action condition, and 100 or more new students generated from the proposed development past the 100% utilization rate. It is estimated that the addition of 53 project-generated elementary school students to the study area would result in a utilization rate of 101.7% but would not result in 100 or more new students from proposed project past the 100 percent utilization rate. Therefore, the proposed project would not result in a significant adverse impact to elementary schools. The proposed project would be expected to generate 11 intermediate school students, resulting in a utilization rate of 59.4%. Intermediate schools would continue to operate within capacity under the With-Action condition, and therefore, the proposed project would not result in a significant adverse impact to intermediate schools.

Open Space

A detailed analysis related to open space is included in this EAS. The proposed actions would result in an increase of approximately 683 new residents, which is above the threshold described in the CEQR Technical Manual for a detailed analysis of residential open space. The open space ratio for residents in the study area would decrease from 0.218 to 0.215 acres per thousand residents, a decrease of approximately 1.20%, as a result of the proposed actions, which is above the 1% threshold for potential impacts to open space. The analysis finds that while there would be a decrease in the open space ratio as a result of the increase in population, a number of qualitative factors would help to prevent an impact to open space resources, including proximity to several open space resources that are just outside of the open space study area including Fort Greene Park, Prospect Park, Thomas Greene Playground, South Oxford Park, Dean Playground, and University Place – all not included in the quantitative analysis. Additionally, the analysis finds low to moderate usage of 11 of the 19 existing open space resources in the study area, suggesting that these resources can absorb additional open space users. Lastly, the proposed project would include approximately 18,000 square feet of onsite passive open space for tenants, which may lessen the burden of the proposed project's residents on study area open spaces. Therefore, with the consideration of these qualitative factors, the proposed actions would not result in any significant adverse impacts to open space, and no further analysis is required.

Shadows

A detailed analysis of shadows is included in the EAS. The analysis concludes that incremental shadows from the development facilitated by the proposed actions would be cast on two sunlight-sensitive resources: Pacific School Playground and the Former New York Times Printing Press building. New incremental shadow would be cast on both resources on the December 21 analysis day. Incremental shadow would cover a small portion of the playground, containing the jungle gym, for 5 minutes on the December analysis day, which would not affect vegetation, or users of the space. Incremental shadow would be cast upon a limited area of the Former New York Times Printing Press building for 12 minutes on the December analysis day. The limited duration of shading would not detract from the views of the highly carved ornamentation of the building's stone façade. No other sunlight-sensitive resources would be affected by shadows generated by the proposed actions. As such, the proposed actions would not result in significant adverse shadow impacts, and no further analysis is warranted.

Construction

The EAS includes a detailed analysis of construction. Construction would occur over an approximately 36-month period, and would adhere to the applicable laws, regulations, and building codes that govern construction in New York City. As detailed in the construction assessment in the EAS, while construction of the proposed

Project Name: 280 Bergen Street Rezoning
CEQR # 22DCP149K
SEQRA Classification: Type I

development may result in localized, temporary disruptions, the proposed actions would not result in significant adverse construction impacts in the key technical areas of transportation, air quality, and noise. The applicant will enter a Restrictive Declaration, to be recorded against the development site in association with the proposed actions, that would include commitments to implement Project Components Related to the Environment (PCREs), including noise control and air emissions control during construction, that would preclude any potential impacts to air quality or noise related to construction activities. Therefore, with the PCREs in place, the proposed actions would not result in construction-period significant adverse impacts and no further analysis is warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-682) 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 Rachel Antelmi at rantelmi@planning.nyc.gov.

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	DATE June 3, 2022
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE June 6, 2022
SIGNATURE	

Project Name: 280 Bergen Street Rezoning
CEQR # 22DCP149K
SEQRA Classification: Type I

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	BK	Block 388, Lots 19, 42, 51
Potential Development Site A	BK	Block 388, Lot 1
Potential Development Site B	BK	Block 388, Lots 34, 35, 36, 37, 41

(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-682**) would be established as part of approval of the proposed actions on **Projected Development Site 1, Potential Development Site A, and Potential Development Site B** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Potential Development Site A		X	X
Potential Development Site B		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.

Project Name: 280 Bergen Street Rezoning
CEQR # 22DCP149K
SEQRA Classification: Type I

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:

Block 388, Lot 19
Sycamore Place (Projected Development Site 1 – North Building): Any new residential and commercial development on the above-referenced property must utilize only natural gas in any fossil fuel-fired HVAC and hot water system be fitted with low NOx (20 ppm) burners, and ensure that the exhaust stack is located at least 123 feet above grade, at most 32 feet from the northern lot line facing Bergen Street, at least 220 feet from the eastern lot line facing Third Avenue, and no less than 180 feet from the western lot line facing Nevins Street, to avoid any potential significant adverse air quality impacts.

Linden Place (Projected Development Site 1 – South Building): Any new residential development on the above-referenced property must utilize only natural gas in any fossil fuel-fired HVAC and hot water system be fitted with low NOx (9 ppm) burners and ensure that the exhaust stack is located at least 123 feet above grade, at least 63 feet from the southern lot line facing Wyckoff Street, at least 139 feet from the northern lot line facing Bergen Street, and at least 32 feet from the western lot line facing Nevins Street and from the eastern lot line facing Third Avenue, to avoid any potential significant adverse air quality impact.

Block 388, Lot 42
Townhome 1 (Projected Development Site 1): Any new residential development on the above-referenced property must utilize only natural gas in any fossil fuel-fired HVAC and hot water system, be fitted with low NOx (20 ppm) burners and ensure that the exhaust stack is located at least 40 feet above grade, and at least 9 feet from the eastern lot line facing Third Avenue and at least 9 feet from the western lot line facing Nevins Street to avoid any potential significant adverse air quality impacts.

Block 388, Lot 51
Townhome 2 (Projected Development Site 1): Any new residential development on the above-referenced property must utilize only natural gas in any fossil fuel-fired HVAC and hot water system, be fitted with low NOx (20 ppm) burners and ensure that the exhaust stack is located at least 40 feet above grade, at least 9 feet from the eastern lot line facing Third Avenue and at least 9 feet from the western lot line facing Nevins Street to avoid any potential significant adverse air quality impacts.

Block 388, Lot 1
Hawthorn Place (Potential Development Site A): Any new residential development on the above-referenced property must utilize only natural gas in any fossil fuel-fired HVAC and hot water system, be fitted with low NOx (20 ppm) burners and ensure that the exhaust stack is located at least 123 feet above grade, and at least 27 feet from the western lot line facing Nevins Street, at least 93 feet from the southern lot line facing Bergen Street and at least 24 feet from the northern lot line facing Bergen Street to avoid any potential significant adverse air quality impacts.

Block 388, Lots 34, 35, 36, 37, 41
Silver Maple Place (Potential Development Site B): Any new residential development on the above-referenced property must utilize only natural gas in any fossil fuel-fired HVAC and hot water system, be fitted with low NOx (9 ppm) burners and ensure that the exhaust stack is located at least 143 feet above grade, and at least 24 feet from the northern lot line

of Lot 34 facing Bergen Street and at least 39 feet from the southern lot line of Lot 37 facing Wyckoff Street and at least 39 feet from the western lot line facing Nevins Street to avoid any potential significant adverse air quality impacts.

Noise

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

Block 338, Lots 19, 42, and 51 (Projected Development Site 1)
To ensure an acceptable interior noise environment, future residential and community facility uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the facades facing Nevins Street, and a minimum of 31 dBA window/wall attenuation on the facades facing Third Avenue in order to maintain an interior noise level not greater than 45 dBA for residential and community facility uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

On the Potential Development Sites A and B, to ensure that there are no potential significant adverse noise impacts, the following restrictions would be placed through a future Land Disposition Agreement (LDA) or similar binding mechanism between the City of New York and a future developer:

Block 388, Lot 1 (Potential Development Site A)
To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the facades facing Nevins Street and the facades facing Bergen Street within 50 feet of Nevins Street in order to maintain an interior noise level not greater than 45 dBA for residential uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 388, Lots 34, 35, 36, 37, and 41 (Potential Development Site B)
To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the facades facing Third Avenue and the facades facing Bergen Street within 50 feet of Third Avenue and 28 dBA of attenuation on the facades facing Wyckoff Street within 50 feet of Third Avenue in order to maintain an interior noise level not greater than 45 dBA for residential uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.