

May 1, 2025

POSITIVE DECLARATION

Project Identification

395 Flatbush Avenue Extension Redevelopment
CEQR No. 25HPD058K
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency

New York City – Department of Housing
Preservation and Development
100 Gold Street, 7th Floor
New York, NY 10038
Contact: Anthony Howard
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Description and Location of Proposal:

395 Flatbush Avenue Extension Redevelopment

The New York City Department of Housing Preservation and Development (HPD) (the ‘Applicant’) is seeking approval for a zoning map amendment, zoning text amendments, disposition of city-owned property and an amendment to the Brooklyn Center Urban Renewal Area (BCURA) (the Proposed Actions, described in more details below), to facilitate the redevelopment of a new, 72-story mixed-use building with 1,263 dwelling units, located at 395 Flatbush Avenue Extension, (Block 2093, Lot 1) (the Development Site), in Downtown Brooklyn, Community District (CD) 2 (the Proposed Project).

The Proposed Actions would facilitate the redevelopment of the Development Site with a new, approximately 1,544,875 gross-square-foot (gsf), 72-story (840-foot-tall), mixed-use building. The Proposed Project would include 1,233,950 gsf of residential floor area and 209,770 gsf of non-residential floor area designated for commercial uses, which would comprise 128,255 gsf of retail space and 81,515 gsf of office space. The Proposed Project would introduce 1,263 dwelling units, of which 253 to 379 units would be designated as permanently affordable at or below 80 percent of area median income (AMI) pursuant to applicable requirements of the City’s Mandatory Inclusionary Housing (MIH) Program.

The Proposed Project would also include public realm improvements, including a new public open space (approximately 4,750 sf) on the southern portion of the Development Site, and an expanded sidewalk along the Development Site’s Flatbush Avenue Extension frontage. The Proposed Project would be constructed in one phase, and the Analysis Year is 2032.

The Proposed Actions are described in detail below:

- › A Zoning map amendment to rezone the Development Site from a C6-4 (DB) district to a C6-12 (DB) district;

- › Zoning text amendments to the Zoning Resolution of the City of New York (“Zoning Resolution” or ‘ZR’) to:
 - Zoning text amendment to amend the Special Downtown Brooklyn District (ZR 101-00 et. seq.) (“SDBD”) to establish a C6-12 district and special bulk regulations for sites that meet certain conditions in such districts.
 - Zoning text amendment to ZR Appendix F to map MIH Options 1 and 2, over the Development Site.
- › Disposition of City-owned property;
- › An amendment to the Brooklyn Center Urban Renewal Plan (“URP”) to extend its duration to 99 years from the approval of this sixth Amendment, to revise the boundary of Urban Renewal Area (“URA”) Site 2, and to indicate that a portion of the Development Site (URA Site 2) shall be developed as open space approved by HPD in consultation with the Department of City Planning; and
- › A Certification pursuant to ZR 66-21(c) to establish and facilitate a transit volume on the Development Site as determined by the Metropolitan Transit Authority (“MTA”).

In the future following Public Design Commission (PDC) approval, the Applicant would seek the following discretionary action to facilitate the Proposed Project:

- › A Compliance Determination from the Department of City Planning for the proposed open space signage pursuant to Chapter 11 of Title 62 of the Rules of the City of New York (“POPS Rules”).

In the future without the Proposed Actions, no new development would occur at the Development Site and the existing seven-story commercial office and retail building currently occupying the Development Site is expected to remain as under existing conditions and be fully re-tenanted with commercial office and retail uses.

The analysis year for the Proposed Actions is 2032.

Statement of Significant Effect:

HPD has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an Environmental Impact Statement (EIS) will be required:

The Proposed Actions may result in significant adverse impacts related to: land use, zoning, and public policy; socioeconomic conditions; community facilities; open space; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; and construction.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. Land Use, Zoning and Public Policy – the Proposed Actions would include several actions specific to the Development Site’s zoning (including zoning map amendment, zoning text amendments, disposition of city property, and an amendment to the Brooklyn Center Urban Renewal area), an analysis of land use, zoning, and public policy is warranted and will be included in the EIS.
2. Socioeconomic Conditions – The Proposed Actions would result in the addition of 1,263 units and a net reduction of 108,024 gross square feet (gsf) commercial space. Therefore, an assessment of potential indirect residential displacement is warranted and will be included in the EIS.
3. Community Facilities –The project area is located in a developed area that is served by existing police, fire, and healthcare services; as such, the Proposed Actions would not create a neighborhood where none existed before, and no further analysis is warranted for police, fire, and healthcare facilities. The Proposed Actions would facilitate development that would exceed the thresholds for analyses of elementary/intermediate schools. Accordingly, detailed analyses of elementary/intermediate schools will be included in the EIS. In addition, as the potential for significant adverse impacts related to publicly funded early childhood programs could not be ruled out, an analysis of publicly funded early childhood programs is warranted and will be included in the EIS.
4. Open Space – The Proposed Actions would not introduce 500 or more non-residential population (including students and workers) to the Development Site. Therefore, an open space assessment of indirect effects on non-residential open space ratios is not warranted. However, under the RWCDs, the With-Action condition would introduce more than 200 residents, and therefore an assessment of indirect effects on the residential population is warranted and will be included in the EIS.
5. Shadows – The Proposed Actions would facilitate the construction of a new, 72-story, 840-foot-tall (including an allowance for 40 feet of mechanical bulkhead) mixed-use residential and commercial building that would be adjacent to potentially sunlight-sensitive resources. Therefore, a detailed shadows assessment is warranted and will be included in the EIS.
6. Historic and Cultural Resources – The Proposed Actions would facilitate the development of a 72-story, 840-foot-tall mixed-use residential and commercial building on the Development Site. A search of the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS) and LPC online resources identified one S/NR-eligible, NYCL-listed architectural resource (i.e., the Dime Savings Bank [LP-1907]) and one S/NR-undetermined architectural resource (33 Flatbush Avenue) within the 400 feet of the Development Site. Additionally, one S/NR-eligible, NYCL-eligible architectural resource (i.e., the Pioneer Warehouse) was identified just outside the 400-foot study area. Therefore, an assessment of the Proposed Actions’ potential to result in visual and contextual effects on architectural resources is warranted and will be included in the EIS.

7. Urban Design and Visual Resources – The Proposed Actions would result in physical changes to the Development Site beyond those allowable by existing zoning, alterations to the streetscape, and introduction of publicly accessible open space areas within the Development Site. These changes could be observed by a pedestrian from the street level and thus affect a pedestrian’s experience of public space. Therefore, an analysis of urban design and visual resources is warranted and will be included in the EIS.
8. Hazardous Materials – The Proposed Actions would facilitate the construction of a new building on the Development Site, which would result in additional in-ground excavation and subsurface disturbance. As the Proposed Actions would result in new in-ground disturbances in an area that could potentially increase pathways to human exposure to hazardous materials, an assessment of hazardous materials is warranted and will be provided in the EIS. Additionally, as part of the Downtown Brooklyn Development Final Environmental Impact Statement (FEIS) (CEQR No. 03DME016K), an E-Designation (E-124) for hazardous materials testing and noise requirements was established on the Development Site (Block 2093, Lot 1). The (E)-Designation is expected to remain in place and will be referenced in the EIS as an institutional control placed on the Development Site as a pre-construction requirement. The (E) Designation process generally begins with the evaluation of RECs and/or areas of concern (AOCs) that may require additional investigation. Any potential RECs or AOCs identified would follow the (E) Designation protocol for additional investigation and potential remedial action. The discussion on how development in the future with the Proposed Actions will comply with the E-Designation will be included in the EIS.
9. Transportation –It is expected that the Proposed Actions would generate a magnitude of trips that exceeds CEQR analysis thresholds for vehicle, subway, and pedestrian trips and further assessment would be needed to assess the potential impacts to these travel modes as a result of the Proposed Actions. Once distributed through their respective transportation systems, the concentration of project-generated trips would be expected to exceed the screening thresholds for further analyses during one or more peak hour: for vehicle trips, 50 or more vehicle trips at an intersection; for bus trips, for subway trips, 200 or more riders at a subway station; and for pedestrians, 200 or more trips at a pedestrian elements (i.e., crosswalks, sidewalks and corner reservoir areas). Therefore, detailed analyses of traffic, subway station elements, and pedestrian elements is warranted. As detailed traffic and pedestrian analyses are needed, assessment of the Proposed Actions’ effects on parking and to vehicle and pedestrian safety are also warranted and included in the EIS.
10. Air Quality – The Proposed Actions would result in incremental vehicular trips that potentially exceed the *CEQR Technical Manual* CO-based screening threshold, therefore an analysis of mobile sources is warranted. As the Proposed Actions would introduce new development at the Projected Development Sites, an assessment of stationary sources is warranted, as well as an industrial source analysis and evaluation of other large or major emissions sources in the Project Area.
11. Greenhouse Gas Emissions and Climate Change – The Proposed Actions would result in a new 72-story (840-foot-tall, including 40 feet of mechanical bulkhead), mixed-use building consisting approximately 1,540,450 gsf (1,130,388 zsf, 23.0 FAR); therefore, a GHG assessment is warranted and will be included in the EIS.

12. Noise – The Proposed Actions would facilitate the construction of a new building on the Development Site, an E-Designation (E-124) for noise requirements was established on the Development Site (Block 2093, Lot 1) as part of the Downtown Brooklyn Development Final Environmental Impact Statement (FEIS) (CEQR No. 03DME016K). Since the Proposed Actions would introduce new noise-sensitive land uses and generate and reroute vehicular traffic, as well as introduce active recreational uses on the Proposed Project's terrace areas, noise assessments are warranted and will be included in the EIS.
13. Public Health – Should the technical analyses conducted for the EIS indicate that significant unmitigated adverse impacts would occur in the areas of air quality, water quality, hazardous materials, or noise, an assessment of public health would be provided in the EIS.
14. Neighborhood Character – The Proposed Actions have the potential to result in moderate effects in some of the technical areas (ie: land use, zoning, and public policy; socioeconomic conditions; open space; etc.) and because there is the potential for significant adverse effect, a neighborhood character analysis is warranted and will be included in the EIS.
15. Construction – The construction activities associated with the Proposed Project are anticipated to last more than 24 months and would require the operation of multiple pieces of diesel-powered equipment within a single location. Moreover, the construction activities would take place within a Central Business District and along key arterial highways and major thoroughfares, potentially resulting in the closure, narrowing, or obstruction of traffic, transit, or pedestrian pathways. These activities would also occur within 400 feet of historic or cultural resources. Therefore, the Proposed Actions have the potential to result in significant adverse construction impacts, and a construction analysis will be included in the EIS.
16. The Draft Environmental Impact Statement (DEIS), to be prepared in connection with the Proposed Actions, will identify and describe any other potential effects on the environment.

Public Scoping:

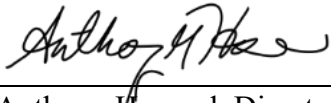
HPD hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review). A public scoping meeting will be held virtually on **June 5, 2025 at 4:00 p.m.** To attend the meeting, you first must register using the link below. Upon registering, connection details for the meeting will be emailed to you at the email address you provide in the registration.

<https://bit.ly/395-flatbush-ave-deis> *(note: if manually typing, use all lowercase text).*

Written comments will be accepted by the lead agency through Thursday, June 16, 2025.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Michelle Noralez Brown at noralezm@hpd.nyc.gov.



Anthony Howard, Director, Environmental Planning
Building and Land Development Services
New York City Department Housing Preservation and Development

May 1, 2025
Date