

A. INTRODUCTION

The proposed project would result in a mixed-use development on a 6.08-acre site at the northwest corner of Navy Street and Nassau Street¹ in Brooklyn (see **Figure 2-1**). The proposed project would include a supermarket, retail, community facility/non-profit office space; light industrial space; and on-grade parking for the supermarket, retail, and office uses. The development would incorporate both new construction and the renovation or reconstruction of two historic structures. This chapter considers the proposed project's potential impacts on land use, zoning, and public land use policies.

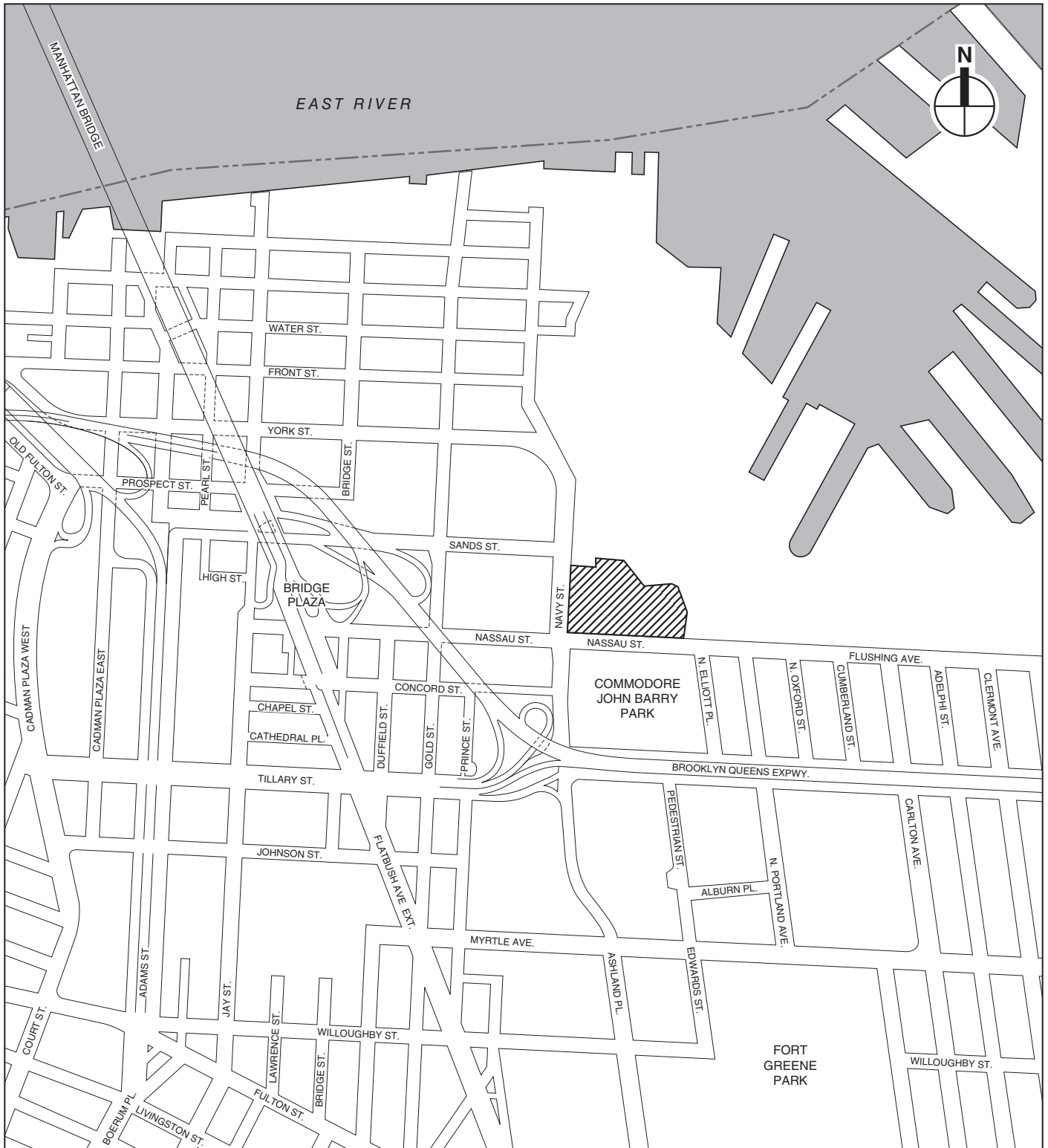
The study area for this analysis has been defined as being within a ¼-mile radius of the project site, where the proposed project has the greatest potential to affect land use trends (see **Figure 2-2**). Various sources were used to comprehensively analyze the land use, zoning, and public policy characteristics of the study area, including field surveys, land use and zoning maps, and online sources from the New York City Department of City Planning (DCP), the New York City Economic Development Corporation (EDC), and the Mayor's Office for Industrial and Manufacturing Businesses.

Overall, this analysis concludes that the proposed project would not have any significant adverse impacts on land use, zoning, or public policy. The proposed project would require a change in zoning and would introduce new uses to a site that has been vacant for many years; however, these new uses would be compatible with zoning in the surrounding area and complementary to the mixed-use nature of the neighborhood. The proposed project would generally promote public policy goals by facilitating the establishment of a grocery store in this underserved area, and by providing new light industrial space to complement the adjacent Brooklyn Navy Yard industrial park.

B. EXISTING CONDITIONS**LAND USE***PROJECT SITE*

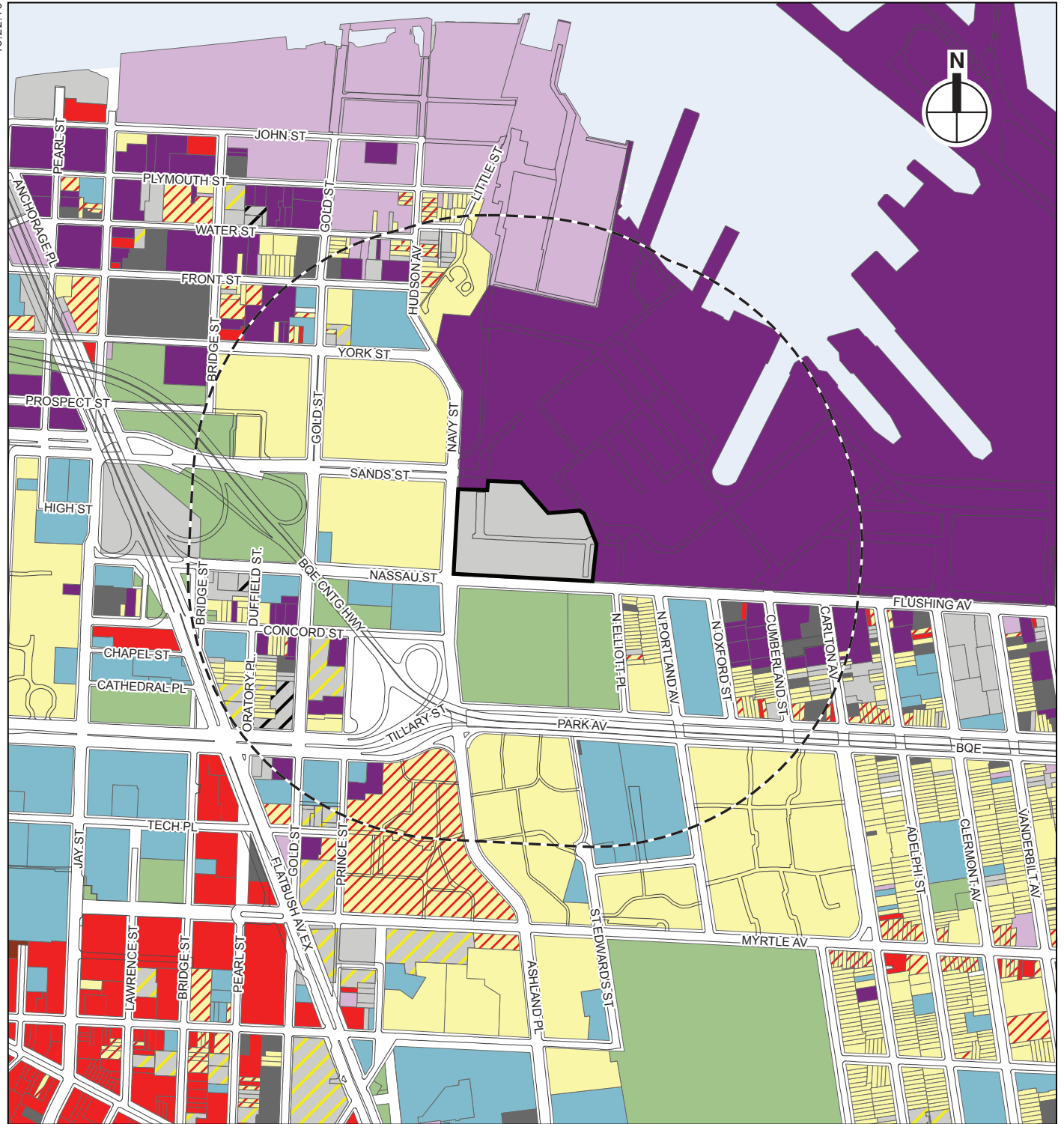
The project site is located at the northeast corner of Nassau Street and Navy Street in the Vinegar Hill neighborhood of Brooklyn, within the historic boundaries of the former Brooklyn Navy Yard complex (Block 2023, Lot 50). The project site has been determined eligible for















¹ Current street signage designates Nassau Street to be west of Navy Street and Flushing Avenue to be east of Navy Street. However, the City's official Zoning Map indicates that Nassau Street formally extends east of Navy Street to N. Elliott Place before becoming Flushing Avenue. Thus, consistent with the City's Zoning Map, the EIS chapters reference Nassau Street as the project site's southern boundary.



 Project Site





-  Project Site
-  Study Area Boundary (1/4-Mile Perimeter)
-  Residential
-  Residential with Commercial Below
-  Hotels
-  Commercial and Office Buildings
-  Industrial and Manufacturing
-  Transportation and Utility
-  Public Facilities and Institutions
-  Open Space and Outdoor Recreation
-  Parking Facilities
-  Vacant Land
-  Vacant Building
-  Under Construction

0 1000 FEET
SCALE

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listing on the State and National Registers of Historic Places as a historic district. The site includes 20 vacant structures. These structures include Buildings B, C, D, E, F, G, H, I, K, and L, 10 three-story residential buildings that formerly served as officers' housing. Each of the residences is oriented toward Nassau Street and has a one-story detached accessory garage. The garages are linked to the houses by concrete footpaths. The front, rear, and side yards of each residence are overgrown with trees, vines, and underbrush.

Another vacant structure on the site is the Timber Shed, a long brick building that was formerly used for timber storage related to ship construction. The site also includes former recreation fields and facilities, including two concrete pads of former tennis courts and a former parade ground. The site has been unused for over twenty years, and the structures on the site are severely deteriorated. The boundaries of the project site are marked by a brick wall along Navy Street, a brick wall and wrought iron fence along Nassau Street, and a chain-link fence to the north and east.

STUDY AREA

The project's ¼-mile study area comprises a mix of residential, institutional, light industrial and manufacturing, open space, and limited commercial uses. The elevated Brooklyn-Queens Expressway runs through the southern portion of the study area above Park Avenue; near Navy Street, this portion of the study area also includes vehicular and pedestrian/bicycle approach ramps to the Manhattan Bridge.

The northeast portion of the study area includes a large segment of the 300-acre Brooklyn Navy Yard industrial park, which contains a variety of tenants including (but not limited to) entertainment and media; architecture, design, engineering, and construction firms; contractors; artists, photographers, and jewelers; woodworkers and metal fabricators; plastics manufacturers and distributors; and food distributors. Several additional industrial and manufacturing businesses—such as the Cumberland Packing Corporation, the makers of Sweet'N Low—are located within and adjacent to the Brooklyn Navy Yard industrial park south of Nassau Street/Flushing Avenue, on North Oxford Street, Cumberland Street, and Carlton Avenue. In the southwestern portion of the study area, Tri-Star Building Supply occupies two buildings near the northwest corner of Concord Street and Gold Street; a window contractor is located across the street, on the southwest corner. Several storage facilities are also located in this portion of the study area: two facilities are located on the block bounded by Concord, Prince, Tillary, and Gold Streets, one large facility surrounds the Tillary Lofts (a student housing development on the corner of Tillary and Prince Streets), and another large storage facility is located at the southwest corner of Tillary and Gold Streets. The northwest portion of the study area also includes a few light industrial uses. A building materials supply yard is located mid-block on York Street, between Bridge and Gold Streets; a shoe wholesaler is located on the same block, facing Front Street; and Front Street between Gold Street and Hudson Avenue contains a small trucking company, a restaurant supply warehouse, and a large storage facility at the corner of Hudson Avenue.

The northwest and southeast portions of the study area are characterized by large New York City Housing Authority (NYCHA) developments. Immediately west of the project site, across Navy Street, are the Farragut Houses, a 17-acre development bounded by Nassau, York, and Bridge Streets. The Farragut Houses comprise ten 14-story buildings contained in three large blocks. The Ingersoll Houses, comprising 20 six- and 11-story buildings, are located to the south of the project site, on the far side of the elevated Brooklyn-Queens Expressway. Directly east of the Ingersoll Houses are the Whitman Houses, a development of 15 buildings, six- and 13-stories tall.

The remainder of the residential uses in the study area—along Front Street and Hudson Avenue in the northwest portion, Concord Street in the southwest portion, and North Oxford and Cumberland Streets in the southeast portion—are characterized by a mixture of two- to four-story attached row houses and detached homes. There are also a few larger, 4- to 13-story, multi-unit apartment buildings located in the northwest and southwest portions of the study area, as typified by the new six-story building at the southeast corner of Gold and Front Streets (99 Gold Street), and the Brooklyn Gold complex currently under development on the block bounded by Gold, Prince, Concord, and Tillary Streets.

A number of institutional uses are located throughout the study area. The block bounded by North Portland and Park Avenues, Auburn Place, and St. Edwards Street—between the Ingersoll and Whitman Houses—contains a community clinic (the Cumberland Diagnostic and Treatment Center), the Community Roots Charter School, and the Walt Whitman Branch of the Brooklyn Public Library. The Church of the Open Door is located at the southwest corner of the Farragut Houses, at the northwest corner of Gold and Streets; there is also an associated facility across Nassau Street west of Gold Street. The Dorje Ling Buddhist Center is located on the corner of Gold and Front streets. The 84th Precinct of the New York City Police Department and Engine 207/Ladder 110 of the New York City Fire Department are located on Gold Street south of Tillary Street, near the southwestern edge of the study area. The remaining institutional uses in the study area are mainly schools, youth centers, and day care facilities. These include M.S./H.S. 265 Dr. Susan McKinney Secondary School of the Arts, which occupies the full block bounded by North Oxford Street and North Portland, Park, and Flushing Avenues; P.S. 287 Dr. Bailey K. Ashford School and the Khalil Gibran International Academy, both located on the west side of Navy Street, between Nassau and Concord Streets; the Madison Square Boys and Girls Club, located on the same block directly west of the schools; M.S. 313 Satellite West Middle School, at the northwest corner of York Street and Hudson Avenue; the Brooklyn International High School, on the east side of Flatbush Avenue Extension south of Concord Street; and the Farragut Tenants Day Care Center on Gold Street north of York Street.

Open spaces in the study area include the 10.39-acre Commodore Barry Park, located directly across Nassau Street from the project site; Trinity Park, below the Brooklyn-Queens Expressway west of Gold Street between Sands and Nassau Streets; and Bridge Park 3, below the Brooklyn-Queens Expressway west of Bridge Street and north of Sands Street. The study area also includes several playgrounds: the Oxport Playground, located on the south side of Flushing Avenue, between North Oxford Street and North Portland Avenue, adjacent to M.S./H.S. 265; the Golconda Playground at the southeast corner of Gold and Nassau Streets; and a playground on the grounds of the M.S. 313 Satellite West Middle School, at the corner of Hudson Avenue and Front Street. There are also three playgrounds located on the grounds of the Farragut Houses, and two playgrounds and basketball court on the grounds of the Ingersoll Houses.

Although there are few commercial uses in the study area, there are a few small retail strips. These include York Street between Bridge and Gold Streets, which contains a Chinese food restaurant, pharmacy, medical office, several bodegas, and the Fine Food Supermarket (located just outside of the ¼-mile study area). Another commercial strip on Park Avenue between North Oxford Street and Carleton Avenue contains a luncheonette, a funeral home, a liquor store, and several convenience stores.

A number of vacant lots are located throughout the study area including several lots at the corner of Nassau and Bridge Streets; two two-lot-wide parcels on the block bounded by Concord Street, Gold Street, Tillary Street, and Oratory Place; several lots on Carlton Avenue and Cumberland

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Street, between Flushing Avenue and Park Avenue; a few lots on Evans Street, between Hudson Avenue and Little Street; and a large lot at the corner of Tillary and Gold Streets, formerly occupied by a McDonalds and its parking lot. In addition, there are several vacant buildings in the study area, including an abandoned residential building on the corner of Nassau and Duffield Streets; two empty commercial buildings on Concord Street, between Bridge and Gold Streets; and a small building mid-block on Concord Street, between Bridge and Duffield Streets.

ZONING

PROJECT SITE

The project site is located in a M1-2 zoning district, which allows a maximum floor area ratio (FAR) of 2.0 for uses excepting community facilities (which have an FAR of 4.8) and requires parking (see **Figure 2-3**). M1 zoning districts are light industrial and manufacturing districts containing businesses that are not likely to create nuisance effects. Such districts typically include woodworking shops, auto repair shops, and wholesale and storage facilities; however, nearly all industrial uses can locate within an M1 district if they meet the district's stringent performance standards. Often, M1 zoning districts are located as buffer zones between M2 and M3 districts and residential areas.

Section 62-811 of the New York City Zoning Resolution states that no excavation or building permits can be issued for any project located on a waterfront block (or any other block within a Waterfront Access Plan) until the Chairperson of the City Planning Commission certifies that:

- The site plan submitted for the project shows compliance with the Zoning Resolution's requirements for waterfront access and visual corridors, or that
- Any waterfront public access area or visual corridor requirements for the project are inapplicable or waived,

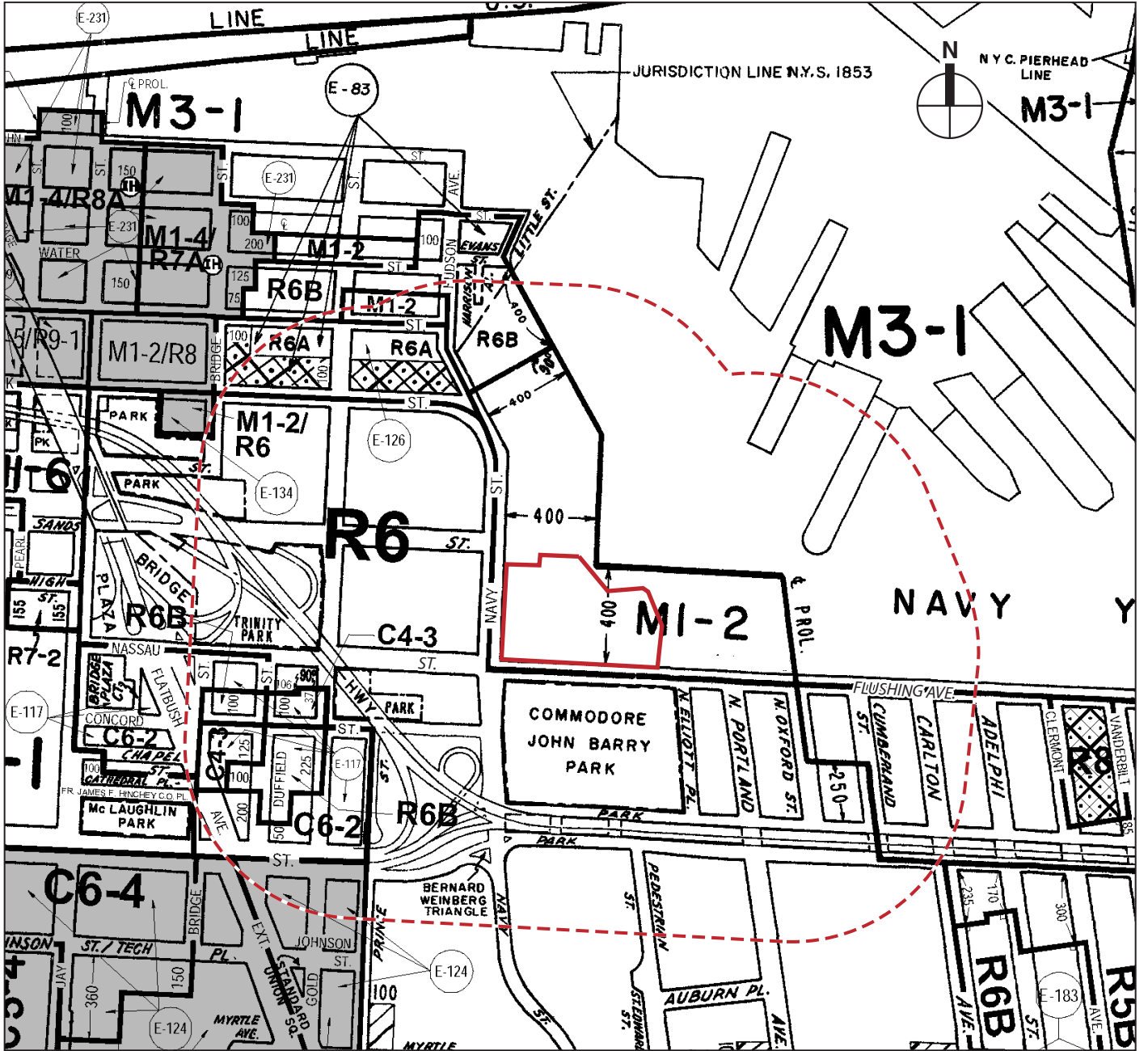
The proposed project is located outside of the Waterfront Access Plan area established for Brooklyn, which comprises a section of the Greenpoint-Williamsburg waterfront. The project site is located on a zoning lot without access to the waterfront and therefore the proposed project is exempt from waterfront public access requirements. However, the project site is located on a zoning lot that is part of a waterfront block, and therefore visual corridor requirements apply.






STUDY AREA

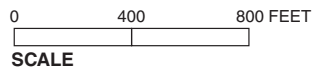
The M1-2 zoning in the study area extends along Navy Street and Nassau Street/Flushing Avenue within the Brooklyn Navy Yard industrial park, and along the south side of Flushing Avenue east of North Oxford Street outside of the Brooklyn Navy Yard industrial park. The majority of the Brooklyn Navy Yard industrial park is zoned an M3-1 heavy manufacturing district (see **Figure 2-3**). M3 districts are usually located on the waterfront and are buffered from residential areas, which is true in the case of the study area. Industries located in M3 districts typically generate noise, traffic, or pollutants and are required to conform to the performance standards of the district. The M3-1 district allows a maximum FAR of 2.0 and parking is required.

A large portion of the study area is zoned R6, a residential district widely mapped in built-up, medium-density areas in Brooklyn. The character of R6 districts can range from row house neighborhoods to large tower-in-the-park developments. The height factor regulations for R6 districts encourage small apartment buildings on small zoning lots, and tall, narrow buildings

3.1.11



-  Project Site
-  Study Area Boundary (1/4-Mile Perimeter)
-  Zoning District Boundary
-  C2-4 Overlay
-  Special Purpose District



that are set back from the street on larger lots. The R6 zoning district allows a maximum FAR of 0.78 to 2.43 for residential use.

Three small areas in the western portion of the study area—including Duffield Street south of Concord Street and Hudson Avenue north of York Avenue—are mapped R6B. The R6B zoning district is often mapped in traditional row house areas and is designed to preserve the scale and streetscape of neighborhoods developed with four-story attached buildings. Houses within these areas are often set back from the street by stoops and small front yards. The maximum allowable FAR in R6B districts is 2.0, and mandatory Quality Housing regulations apply.

Two blocks within the study area (bounded by Front, Bridge, and York Streets and Hudson Avenue) are mapped as an R6A residential district. The R6A district includes mandatory Quality Housing bulk regulations, which typically produce high lot coverage, six- or seven-story apartment buildings, set on or near the street line, as typified by the new apartment building at 99 Gold Street. The maximum allowable FAR in R6A districts is 3.0.

Portion of the blocks bounded by Nassau, Gold, Tillary, and Bridge Streets and the Flatbush Avenue Extension are mapped as C4-3 commercial districts. C4 districts have a maximum allowable FAR of 0.78 to 2.43, permit a number of use groups, and are usually mapped in regional commercial centers where specialty stores or other commercial and office uses serve a larger area and generate more traffic than neighborhood shopping areas. Directly adjacent to the C4-3 districts are two areas mapped as C6-2 commercial districts. C6 districts permit a wide range of high bulk commercial uses, including corporate headquarters, large hotels, retail stores, and high-rise residences, as typified by the new Brooklyn Gold development. C6-2 districts allow a commercial FAR of 6.0 and a residential FAR of 0.94 to 6.02.

PUBLIC POLICY

The following federal, state, and local public policies are applicable to the study area.

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM (WRP)

The federal Coastal Zone Management Act (CZMA) of 1972 was established to support and protect the distinctive character of the waterfront and to assist coastal states in establishing policies for managing their coastal zone areas. In accordance with the CZMA, in 1982 New York State adopted a Coastal Management Program (CMP) designed to balance economic development and preservation in the coastal zone by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, farmland, and public access to the shoreline, and minimizing adverse changes to ecological systems and erosion and flood hazards. The New York State CMP provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City. The WRP is the City's principal coastal zone management tool. It was originally adopted in 1982 and approved by the New York State Department of State (DOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. DOS administers the program at the state level, and DCP administers it in the City. The WRP was revised and approved by the City Council in October 1999. In August 2002, DOS and federal authorities (i.e., the United States Army Corps of Engineers [USACE] and the United States Fish and Wildlife Service [USFWS]) adopted the City's 10 WRP policies for most of the properties located within its boundaries.

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As the project site falls within the City’s designated coastal zone (see **Figure 2-4**), the proposed project must be assessed for its consistency with the policies of the WRP. A detailed assessment of this consistency is provided below, under the section “Probable Impacts of the Proposed Project.” The WRP Consistency Assessment Form was included as Appendix A of the Environmental Assessment Statement.

NEW YORK CITY INDUSTRIAL POLICY AND INDUSTRIAL BUSINESS ZONES

To build upon the existing industrial parks throughout the five boroughs, the City has designated the most productive manufacturing zones in the five boroughs as Industrial Business Zones (IBZs). The designation of these zones is intended to foster high-performing business districts by creating competitive advantages over industrial districts in other parts of the metropolitan region. The IBZs also reflect a commitment by the City not to support the rezoning of industrial land within these areas for residential use. In IBZs, the City provides expanded services to industrial and manufacturing businesses in partnership with local development groups. Currently, there are 16 IBZs located throughout New York City, one of which is the Brooklyn Navy Yard IBZ (see **Figure 2-5**).

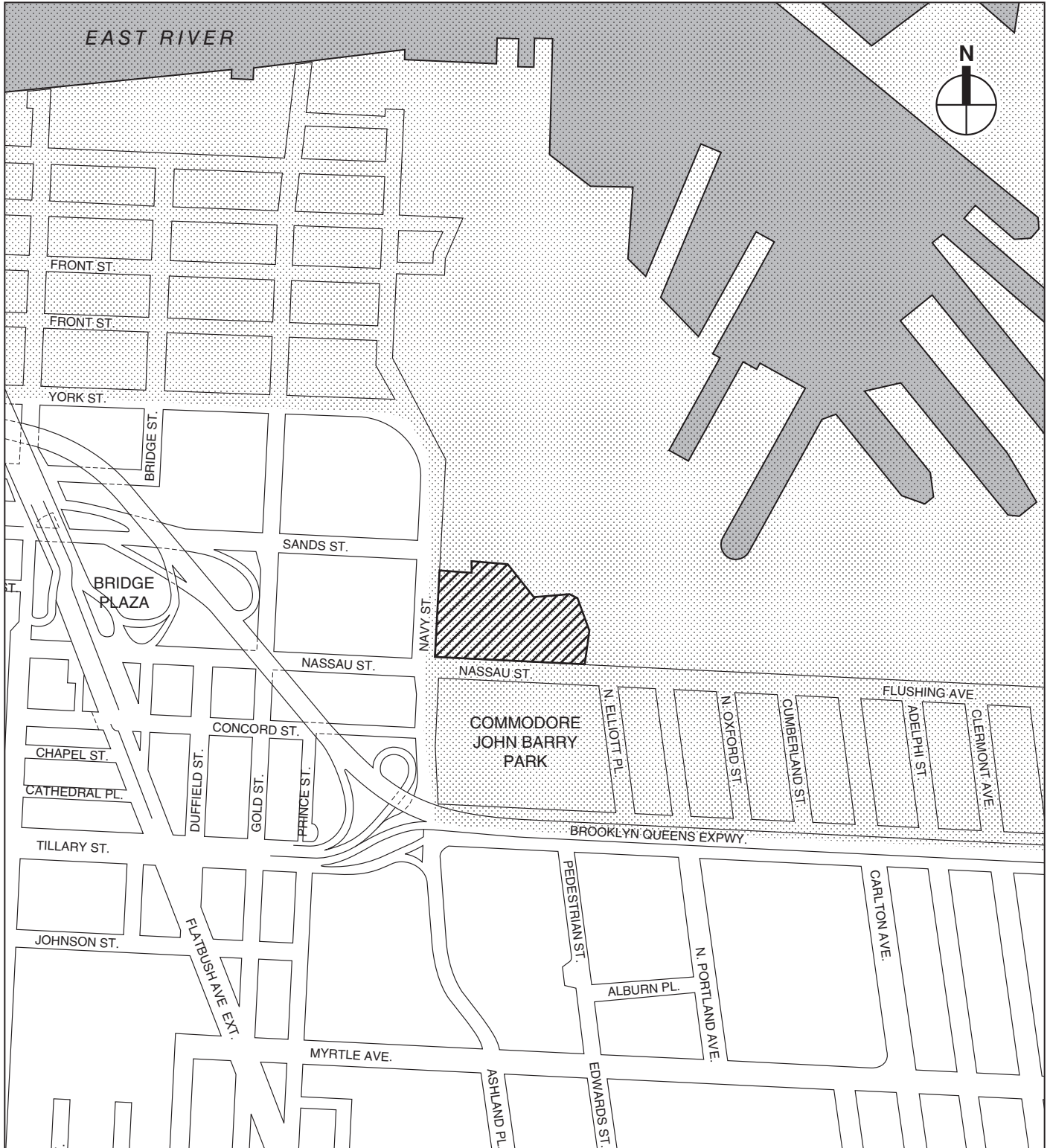
FOOD RETAIL EXPANSION TO SUPPORT HEALTH (FRESH)

A 2008 study by the New York City Department of Health and Mental Hygiene (DOHMH), DCP, and EDC found that many low- and moderate-income neighborhoods across the City—including the project neighborhood—are underserved by grocery stores offering a full line of grocery products, including fresh fruits and vegetables, fresh meats, dairy, and other food and nonfood products.

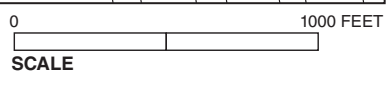
The study found that existing and potential developers and operators of grocery stores face significant barriers that hamper viability and profitability, including outside pressures for large format retail space. Grocery store operators are often unable to compete for the City’s limited number of large, ground-floor storefronts against more profitable businesses, such as retail bank branches, drug stores, and discount variety stores. Other regulations—such as higher parking requirements for food stores over other types of neighborhood retail—can drive up the cost of development. Current zoning regulations also restrict grocery stores to 10,000 square feet in M1 zoning districts.

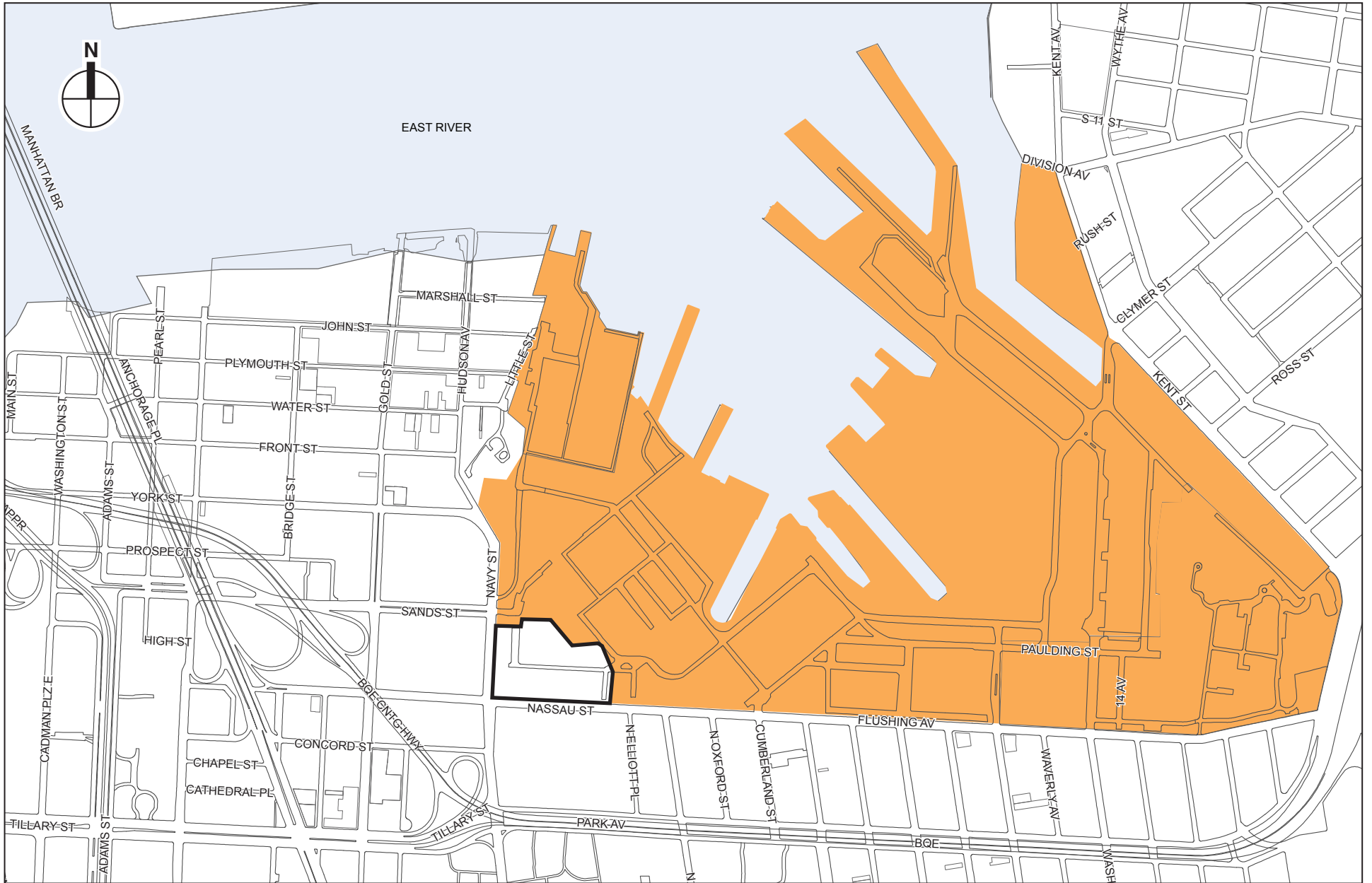
As a response to the study, the City has established the FRESH program, which is intended to facilitate the development of stores selling a full range of food products with an emphasis on fresh fruits and vegetables, meats, and other perishable goods. The program provides zoning incentives for neighborhood grocery stores to locate in some of the most underserved neighborhoods in the City. In addition, financial incentives through EDC are targeted toward the development of grocery stores and supermarkets in the FRESH program areas and other underserved areas in all five boroughs.

The project site is located outside of the FRESH program’s zoning incentive-designated areas in Brooklyn. However, as the project site is located in an area underserved by grocery stores, it is within an area eligible for EDC financial incentives.



-  Project Site
-  Coastal Zone





-  Project Site Boundary
-  Industrial Business Zone



ADMIRALS ROW PLAZA

Brooklyn Navy Yard Industrial Business Zone
Figure 2-5

C. THE FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

PROJECT SITE

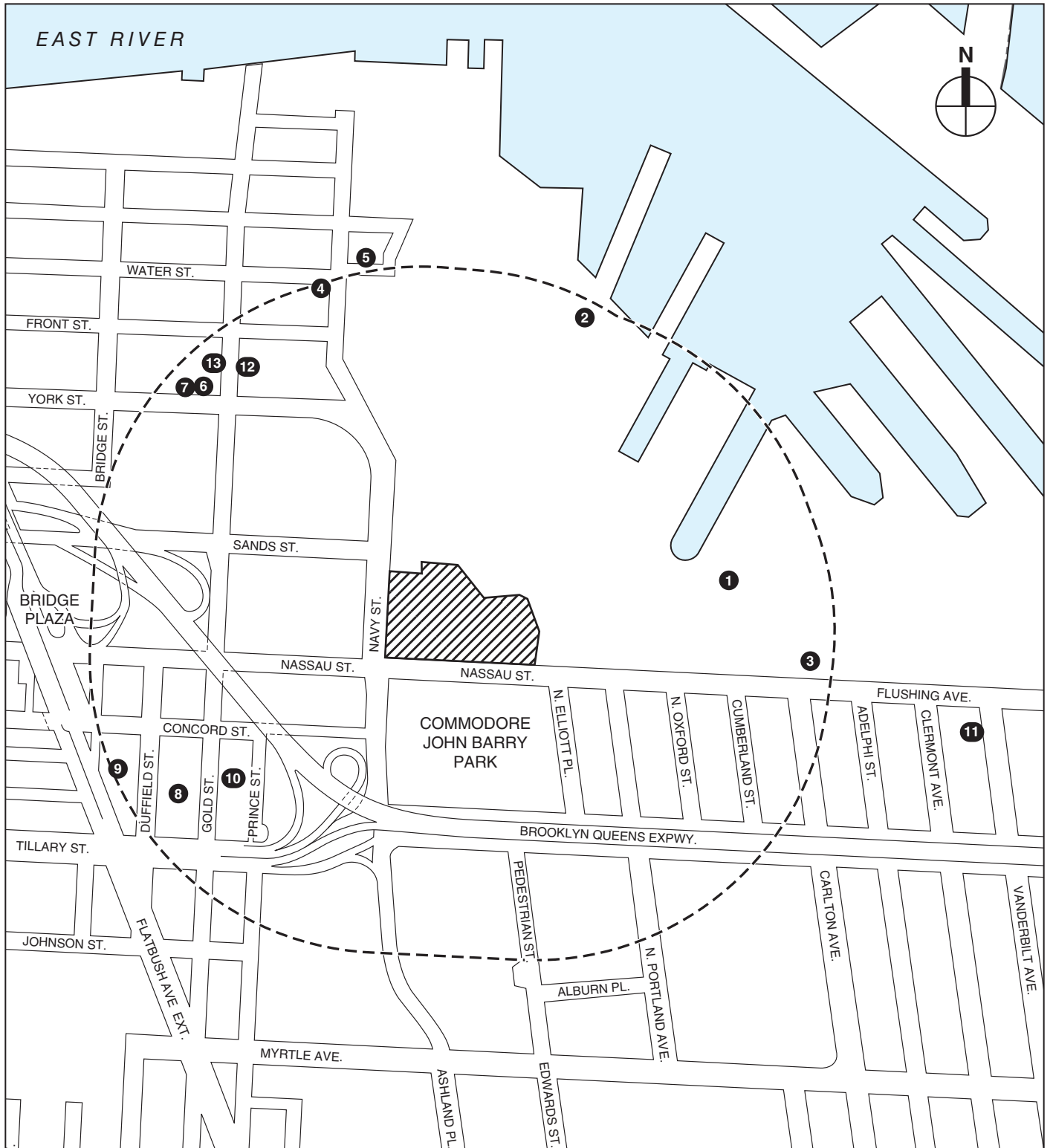
In the future without the proposed project, the project site is assumed to remain unoccupied. The vacant buildings currently located on the site would continue to deteriorate. Residents and workers in the study area would continue to lack access to grocery stores carrying fresh food, and there would be no creation of light industrial space on the project site.

STUDY AREA

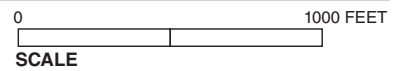
As shown in **Table 2-1** and **Figure 2-6**, there are three developments in the Brooklyn Navy Yard industrial park and ten residential developments in the study area that are expected to be complete by the 2014 analysis year. The residential developments include expansions and conversions of existing residences as well as large multi-unit developments. Most of the projects are assumed to be market-rate housing. These new developments illustrate the ongoing growth within the Brooklyn Navy Yard industrial park and a trend to expand current residential offerings in the study area.

Table 2-1
No Action Projects

| Map No. | Address | Block/Lot | Use | Build Date |
|---|---|-----------|---|------------|
| Brooklyn Navy Yard Industrial Park Developments | | | | |
| 1 | Green Manufacturing Center (Building 128) | 2023/1 | New 215,000-sf manufacturing building | 2013 |
| 2 | Building 268 | 2023/1 | 30,000 sf of printing and manufacturing uses in existing building | 2012 |
| 3 | Navy Yard Museum (Building 92) | 2023/1 | 8,500 sf of exhibit space, 14,700 sf of office space, and 2,500-sf café in existing building | 2011 |
| Residential Developments | | | | |
| 4 | 70 Hudson Avenue | 43/25 | Conversion to 1-family residence w/ground floor café | 2014 |
| 5 | 17 Evans Street | 34/116 | 994 sf expansion of existing 2-family residence | 2014 |
| 6 | 185 York Street | 55/43 | New 16-unit residential building w/3,000 sf medical facility, 5 spaces accessory parking | 2014 |
| 7 | 181 York Street | 55/45 | New 10-unit residential building, 2 spaces accessory parking | 2010* |
| 8 | 49 Duffield Street | 121/12 | New 7-unit residential building | 2014 |
| 9 | 44 Duffield Street | 120/36 | New 8-unit residential building | 2014 |
| 10 | Brooklyn Gold (255/277 Gold Street) | 122/13 | New 377-unit and 138-unit residential buildings, 178 spaces accessory parking, 50,000 sf retail | 2010* |
| 11 | Navy Brig Site | 2033/1 | New 460-unit residential building (65% affordable), 8,500 sf retail, 10,000 sf community facility | 2014 |
| 12 | 109 Gold Street | 56/2 | New 33-unit residential building | 2011 |
| 13 | 100 Gold Street | 55/32 | New 10-unit residential building | 2010* |
| <p>Notes: sf = square feet * Although these projects have been completed and are now wholly or partially occupied, they are included in the No Action condition in this EIS, because they were not fully occupied at the time of the traffic data collection and, thus, are included in the No Action baseline for impact analysis purposes. Sources: AKRF field survey July and September 2010, New York City Department of Buildings.</p> | | | | |



-  Project Site
-  Study Area Boundary (1/4-Mile Perimeter)



ZONING

In the future without the proposed project, the project site will remain zoned as M1-2. No rezonings are currently planned for the study area. Therefore, no changes to zoning on the project site, or elsewhere in the study area, are anticipated in the future without the proposed project.

PUBLIC POLICY

No changes to public policy are anticipated in the future without the proposed project.

D. PROBABLE IMPACTS OF THE PROPOSED PROJECT

LAND USE

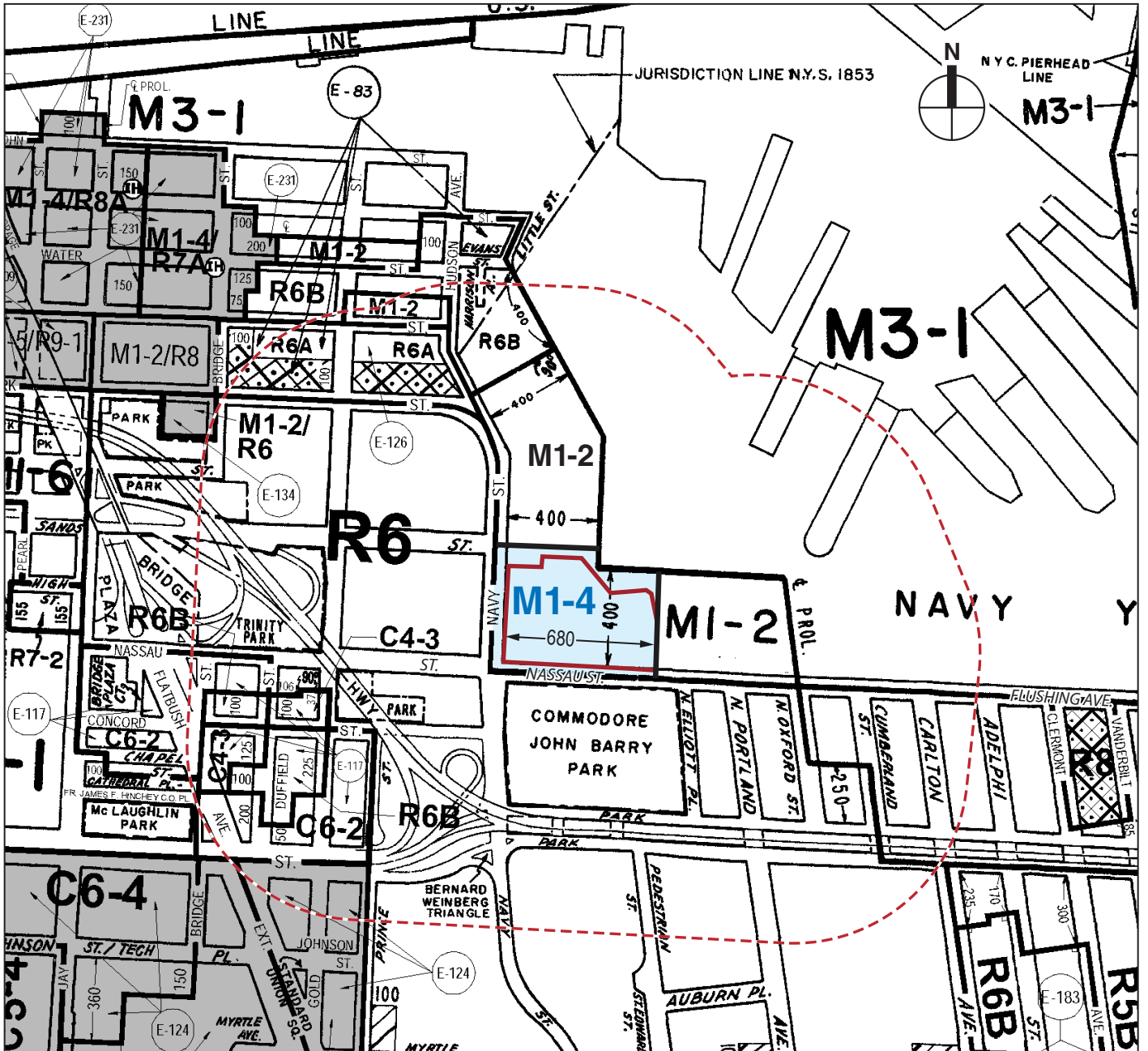
The proposed project would involve approximately 293,294 total square feet of new development on the currently vacant site, including a supermarket of approximately 74,161 square feet, approximately 79,068 square feet of retail ranging from small local stores to destination retailers, approximately 7,024 square feet of community facility/non-profit office space, approximately 127,364 square feet of light industrial space, and approximately 215 square feet of enclosed bicycle parking space. In addition, approximately 295 accessory parking spaces for the retail and community facility/non-profit office uses would be provided in a surface lot accessed from both Nassau Street and Navy Street. Two of the vacant historic buildings on the site—Building B and the Timber Shed—would be rehabilitated and/or reconstructed and adaptively reused for retail and community facility/non-profit office space. The light industrial space would be developed above the supermarket and would have a separate entrance from inside the Brooklyn Navy Yard industrial park, which borders the project site. Parking for the new light industrial space would be provided in existing parking areas inside the industrial park.

The proposed project is expected to dramatically alter the land use on the project site, which has been vacant for over twenty years and is currently separated from the street level by a brick wall and wrought iron gate. However, the new development would be compatible with and complementary to surrounding land uses. The proposed project would provide a full-service supermarket to residents and workers in the study area, which is underserved by grocery stores carrying fresh food. The project would also provide light industrial space for small businesses, which is consistent with adjacent land uses within the Brooklyn Navy Yard industrial park and the mission of the Brooklyn Navy Yard Development Corporation (BNYDC). Finally, the proposed project would provide for the rehabilitation and/or reconstruction and adaptive reuse of two historic structures, which are currently in a deteriorated structural condition.

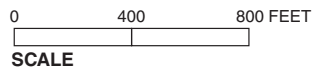
ZONING

The proposed project would require several zoning-related actions, as follows:

- **Acquisition:** Acquisition of the Admirals Row development site by the New York City Department of Citywide Administrative Services from NGB;
- **Disposition:** Disposition of the development site by the New York City Department of Small Business Services to BNYDC, pursuant to a long-term Master Lease;
- **Zoning Map Change:** Rezoning of the site and adjacent portions of Block 2023, Lot 1 from an M1-2 zoning district to an M1-4 zoning district (see **Figure 2-7**);



- Project Site
- Study Area Boundary (1/4-Mile Perimeter)
- Zoning District Boundary
- C2-4 Overlay
- Special Purpose District
- Proposed Rezoning Area



- **Zoning Text Amendment:** A text amendment to Section 74-742 of the Zoning Resolution (ZR) of the City of New York to allow BNYDC to apply for special permits from the City Planning Commission (CPC) for a Large-Scale General Development (LSGD) that is situated within Community District 2 in the borough of Brooklyn and under ownership of the federal government;
- **Special Permit:** A Special Permit pursuant to ZR Section 74-743(a)(2) to allow certain rear yard encroachments;
- **Special Permit:** A Special Permit pursuant to ZR Section 74-744 to allow signage that exceeds the otherwise applicable use regulations;
- **Special Permit:** A Special Permit pursuant to ZR Section 74-53 to allow a group parking facility with more than 150 parking spaces accessory to development uses;
- **Special Permit:** A Special Permit pursuant to ZR Section 74-922 to allow Use Group 6 and/or 10A with no limitation on floor area per establishment within retail buildings;
- **Z.R. §62-811 Certification:** A Certification by the CPC Chairperson pursuant to ZR Section 62-811 for compliance with waterfront public access and visual corridors.

As discussed above, the proposed M1-4 zoning district—like the existing M1-2 zoning district—allows for light industrial and manufacturing uses. As noted above, nearly all industrial uses can locate within M1 districts (including both M1-2 and M1-4) if they meet the district’s stringent performance standards. The maximum allowable FAR of the M1-4 zoning district (2.0) is the same as under the project site’s existing M1-2 zoning, with the exception of community facility uses, which would have a maximum FAR of 6.5 rather than 4.8. Therefore, the proposed rezoning would not notably change the allowable uses or bulk of the project site.

In comparison to the M1-2 zoning district, M1-4 districts have no minimum parking requirements. In M1-2 zoning districts, one accessory parking space is required for 200 to 300 square feet of retail space. To meet that requirement, the proposed development would have to provide over 1,000 accessory parking spaces through either a multi-story parking garage or through a reduction in the size and amount of the proposed retail spaces. In addition, as described in detail in Chapter 9, “Transportation,” it has been determined that up to approximately 295 accessory parking spaces (which is substantially less than the 1,000 spaces that would be required under existing zoning regulations) is the number needed to meet the anticipated demand of the proposed supermarket, retail, and community facility/non-profit office uses. (As described above, the parking demand from the proposed light industrial space would be met through the use of existing parking areas within the Brooklyn Navy Yard industrial park.) Therefore, the proposed project requires a rezoning of the project site from an M1-2 zoning district to an M1-4 district.

Sections 44-12 and 44-13 of the City’s Zoning Resolution dictate that in a manufacturing district no accessory group parking facility can contain more than 150 parking spaces although that maximum number can be increased to 225 parking spaces by a determination of the Commissioner of the New York City Department of Buildings. The proposed project would require a special permit pursuant to ZR Section 74-53 to allow for the development of the surface accessory parking spaces needed to meet the proposed project’s anticipated peak parking demand.

The proposed project also would require the creation of a LSGD. LSGDs allow for a project to achieve the best possible site plan through greater flexibility in the application of district regulations. It should be noted that the density and bulk of the project is not proposed to exceed

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the allowable FAR (2.0) of the M1-2 or M1-4 zoning districts. To permit the development of a LSGD, a zoning text amendment to ZR Section 74-742 is required, because BNYDC does not meet the existing ownership requirements for a LSGD per the ZR. The creation of a LSGD and the associated special permits pursuant to ZR Section 74-922 would allow for the development of Use Group 6A and Use Group 10 uses (such as grocery and department stores) on the project site in excess of 10,000 square feet. The special permit pursuant to ZR Section 74-743 would allow the elevator core and lobby of the supermarket and light-industrial building to be located within the required rear yard, resulting in better ground-floor circulation and design of the upper-floor industrial spaces.

While M1 zoning districts generally have relatively generous allowances on accessory signage, under ZR Section 42-561, signage for the project site would come under C1 zoning district regulations due to the site's proximity to a public park and a residential zoning district. These standards include a maximum amount of signage totaling 150 square feet per frontage, and 50 square feet of illuminated signage per frontage. This amount of signage is not considered to be sufficient for the needs of a typical retail development of the size proposed for the project site. The proposed special permit pursuant to ZR Section 74-744 would allow for additional signage at the project site, both illuminated and non-illuminated. The resultant signage would exceed C1 standards but be within the parameters for M1 districts in general. All signage would be accessory to the proposed uses; no advertising signs are proposed.

As described previously, the project site is located on a waterfront block but on a zoning lot without waterfront access, and therefore the proposed project is exempt from waterfront public access requirements. The project site is subject to public visual corridor requirements; however, the project site could not provide a visual corridor to the waterfront using the methodology as prescribed in ZR Section 62-511, which includes extending upland streets bounding a waterfront block to the shoreline and providing visual corridors that traverse the zoning lot. The project site is adjacent to an existing active industrial park, whose configuration of existing buildings would block views of the waterfront from any corridor that could be provided through the project site or on the adjoining portions of the block frontage to either side of the project site. Therefore, pursuant to the terms of the Zoning Resolution (outlined in ZR Section 62-52), a visual corridor is not required.

Collectively, the proposed rezoning, proposed text amendment, and the requested special permits would facilitate the development of the proposed project, by allowing for the construction of the proposed supermarket as well as accessory parking sufficient to support the proposed retail and community facility/non-profit office spaces. The site's proposed manufacturing zoning would be consistent with the manufacturing zoning of adjacent portions of the study area, including the adjacent Brooklyn Navy Yard industrial park. No zoning in the surrounding area would be directly affected.

PUBLIC POLICY

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM (WRP)

New York City's WRP includes 10 policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. A WRP Consistency Assessment Form was completed for the proposed project. Where the proposed project has the potential to affect the objectives of the WRP program, as shown by having checked "yes" or "to be determined" in the

WRP Consistency Assessment Form, additional information is provided below. The WRP Consistency Assessment Form was included as Appendix A of the Environmental Assessment Statement.

Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The proposed project includes the development of a supermarket, retail and light industrial space, and community facility/non-profit office space on land that is currently vacant and located in close proximity to several large public housing developments. The proposed uses would be appropriate within the project neighborhood and would support economic development in the study area. Therefore, the proposed project would be consistent with this policy.

Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

Policy 4.2 Protect and restore tidal and freshwater wetlands.

While the project site falls within the City's designated coastal zone, there are no regulated tidal or freshwater wetlands within the boundaries of the project site. The project site is located in proximity to the East River, but is buffered from the river by intervening development within the Brooklyn Navy Yard industrial park. The closest section of the waterfront is located over 700 feet from the boundaries of the project site. Therefore, this policy does not apply.

Policy 4.3 Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.

As discussed in detail in Chapter 6, "Natural Resources," the proposed project would not have an adverse effect on any vulnerable plant, fish, or wildlife species or rare ecological communities. The proposed project also would result in the preservation of four of the mature trees currently located on the project site, to the extent practicable. Therefore, the proposed project would be consistent with this policy.

Policy 5: Protect and improve water quality in the New York City coastal area.

Policy 5.2 Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.

As discussed in detail in Chapter 8, "Water and Sewer Infrastructure," the proposed project would use best management practices to control stormwater runoff and to minimize nonpoint discharge into coastal waters. Therefore, the proposed project would be consistent with this policy.

Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.

As described above, the project site is located over 700 feet from the closest portion of the East River waterfront and is buffered from the waterfront by development within the Brooklyn Navy Yard industrial park. It, however, is located within the 100-year floodplain. Therefore, the proposed project would minimize impacts on lives and structures from flooding by complying with all applicable Federal Emergency Management Agency (FEMA) requirements to minimize flood damage. The proposed project also would adhere to relevant guidance for construction and renovation of residential and non-residential structures provided within the floodplain management regulations, such as the New York City Administrative Code (Section 10: General Limitations on Occupancy and Construction within Special Flood Hazard Areas). Therefore, the proposed project would be consistent with this policy.

Policy 6.2: Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

Public funding for flood prevention or erosion control measures is not part of the proposed project. Therefore, this policy does not apply.

Policy 6.3: Protect and preserve non-renewable sources of sand for beach nourishment.

The project site does not contain any public or private beaches and does not contain non-renewable sources of sand. Therefore, this policy does not apply.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

Policy 7.2: Prevent and remediate discharge of petroleum products.

A *Phase I Environmental Site Assessment* (ESA; March 2005) and *Phase II Site Assessment* (July 2006) were reviewed as part of this EIS and are summarized in Chapter 7, “Hazardous Materials.” As outlined in Chapter 7, “Hazardous Materials,” to prevent any exposure pathways and doses, the proposed project would include appropriate health and safety and investigative/remedial measures that would precede or govern demolition, renovation, and soil disturbance activities. Particularly, any petroleum storage tanks unexpectedly encountered would be registered with the New York State Department of Environmental Conservation (DEC) and/or the New York City Fire Department, if required, and properly assessed, closed, and removed along with any contaminated soil, in accordance with all applicable regulatory requirements including DEC requirements for spill reporting and cleanup. Therefore, the proposed project would be consistent with this policy.

Policy 8: Provide public access to and along New York City’s coastal waters.

Policy 8.1: Preserve, protect, and maintain existing physical, visual, and recreational access to the waterfront.

This policy also includes standards for projects located in, on, or adjacent to any federal, state, or City park or other land in public ownership protected for open space preservation. The project site is located across Nassau Street from Commodore Barry Park; however, any construction activities associated with the proposed project would not block public access to the park or any other open space facilities in the study area. The proposed project would not alter existing physical, visual, or recreational access to the East River waterfront. Therefore, the proposed project would be consistent with this policy.

Policy 8.2: Incorporate public access into the new public and private development where compatible with proposed land use and coastal location.

The project site is located on a zoning lot without access to the waterfront and, therefore, the proposed project is exempt from waterfront public access requirements outlined in Section 62-811 of the New York City Zoning resolution. Therefore, this policy does not apply.

Policy 8.3: Provide visual access to coastal lands, waters, and open space where physically practical.

As described above, the project site is located over 700 feet from the closest portion of the East River waterfront and is buffered from the waterfront by development within the Brooklyn Navy Yard industrial park. The configuration of existing buildings within the Brooklyn Navy Yard industrial park precludes the provision of a visual corridor through the project site or on the adjoining portions of the block frontage to either side of the project site. Therefore, it would not be physically practical for the proposed project to provide visual access to coastal lands and waters.

By providing new public access to the project site, the proposed project would provide better visual access to Commodore Barry Park across Nassau Street. Therefore, the proposed project would be consistent with this policy.

Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

Please see response to Policy 8.3, above.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

The project site is currently surrounded by fencing and includes a number of deteriorating historic buildings. The proposed project would rehabilitate and/or reconstruct and adaptively reuse two of these buildings, protect four existing mature trees on the project site (to the extent practicable), establish new vegetation at street level, and provide new public access to the project site. These measures would protect and improve the visual quality associated with New York City's urban context. Therefore, the proposed project would be consistent with this policy.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.

As discussed in Chapter 5, "Historic and Cultural Resources," the proposed project would result in the reuse and rehabilitation and/or reconstruction of two existing historic structures, known as Building B and the Timber Shed. The project would provide mitigation for the loss of the other historic structures currently located on the project site (see Chapter 14, "Mitigation"). Therefore, the proposed project would be consistent with this policy.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

As discussed in Chapter 5, "Historic and Cultural Resources," archaeological studies, including a Phase 1A documentary study and Phase 1B field investigations, have been undertaken to assess the site's archaeological sensitivity and potential significance. Further

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archaeological study of the site would be undertaken prior to or concurrent with construction of the proposed project, to avoid adverse impacts on archaeological resources and artifacts. Therefore, the proposed project would be consistent with this policy.

Based on the information presented above, the proposed project complies with New York State's Coastal Management Program as expressed in New York City's approved WRP.

NEW YORK CITY INDUSTRIAL POLICY AND INDUSTRIAL BUSINESS ZONES

The proposed project would support the City's policy to build upon existing industrial land uses throughout the five boroughs by creating approximately 127,000 square feet of new light industrial space associated with the Brooklyn Navy Yard industrial park (though the project site itself is not within the Brooklyn Navy Yard IBZ). In addition, the City's IBZ policy commits the City to providing expanded services to industrial and manufacturing businesses. The supermarket and other retail uses proposed as part of this project would provide the residents and workers in the study area with access to fresh food and other shopping amenities.

FOOD RETAIL EXPANSION TO SUPPORT HEALTH (FRESH)

The proposed project would directly support the City's policy to provide more grocery stores offering a full line of grocery products in underserved neighborhoods throughout the City. As mentioned above, the proposed supermarket would provide both residents and workers in the study area with access to fresh food. The proposed zoning actions to allow certain use groups in excess of 10,000 square feet would remove one of the barriers that hamper the viability of a large grocery store in the study area. *