

TECHNICAL MEMORANDUM 001
EAST NEW YORK REZONING PROPOSAL
CEQR No. 15DCP102K

February 24, 2016

A. INTRODUCTION

The New York City Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), has proposed a series of land use actions (collectively the “Proposed Actions”) to implement recommendations of the East New York Community Plan (the “Plan”). The Plan encompasses a 190-block area of East New York, including the Cypress Hills and Ocean Hill neighborhoods of Brooklyn, Community Districts 5 and 16, respectively, and was developed with community residents, elected officials, Community Boards 5 and 16, and other stakeholders, in coordination with City and other public agencies. The Plan identifies needs and opportunities to support a shared long-term vision for the future of the neighborhood. The Proposed Actions seek to facilitate recommendations that support the East New York Community Plan’s goals and objectives to create more affordable housing and more diverse commercial uses, promote economic development and opportunity for residents, foster safer streets, and generate new community resources. The Draft Environmental Impact Statement (DEIS) for the Proposed Actions was accepted as complete on September 18, 2016, by DCP, acting on behalf of the City Planning Commission (CPC) as lead agency. A public hearing for the DEIS was held on January 6, 2016, and written comments were accepted until January 19, 2016. The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued by DCP on February 12, 2016 (CEQR No. 15DCP102K).

Following the publication of the FEIS, modifications to the proposed zoning map and text amendments (C160035ZMK and N160050ZRK) have been identified as under consideration by the CPC (the “Potential CPC Modifications”). These modifications are detailed in Section B.

This technical memorandum examines whether the Potential CPC Modifications would result in any new or different significant adverse environmental impacts not already identified in the FEIS. As set forth below, this technical memorandum concludes that the Proposed Actions with the Potential CPC Modifications would not result in any new or different significant adverse impacts not already identified in the FEIS.

B. DESCRIPTION OF THE POTENTIAL CPC MODIFICATIONS

The Potential CPC Modifications consist of changes in the following two areas: a) exclusion of 2940 Atlantic Avenue (Block 3968, Lot 5) from the rezoning area; and, b) creation of a M1-1/ R6A district, part of Special Mixed Use District (MX-16) on Glenmore Avenue (Block 3989). Each of these is described in further detail below and illustrated in the attached figures.

EXCLUSION OF 2940 ATLANTIC AVENUE (BLOCK 3968, LOT 5)

Under the Proposed Actions, 2940 Atlantic Avenue (Block 3968, Lot 5), owned by Con Edison, would be rezoned from a C8-2 district to a R8A/C2-4 zoning district which would allow residential, commercial and community facility uses. This property would also be included in the proposed Mandatory Inclusionary Housing Area and a proposed Enhanced Commercial District. While the current operations would be permitted to continue as a pre-existing nonconforming use, the operations could not be expanded as of right under the proposed R8A/C2-4 zoning.

Con Edison requested in a letter to the CPC that this property be excluded from the rezoning area as they believe the proposed rezoning would interfere with their ability to provide essential utility services in rendering them unable to expand operations in a meaningful way on the site. Under the Potential CPC Modifications, this property would be excluded from the rezoning area and therefore retain the existing C8-2 zoning district; in addition the site would be excluded from the Enhanced Commercial District (Figure 2, “CPC Modification – Proposed Enhanced Commercial Districts”) and the Mandatory Inclusionary Housing area (Figure 3, “CPC Modification – Proposed Mandatory Inclusionary Housing Areas”). Although Con Edison stated that they do not have plans to expand operations on this site at this time, they believe that maintaining the option to expand uses at this location under the existing C8-2 zoning would support their ability to ensure adequate utility services to meet future growth in the region.

CREATION OF A M1-1/ R6A DISTRICT ON GLENMORE AVENUE

Under the current Proposed Actions, Glenmore and Shepard Avenue (Block 3989, Lot 34 and 36) would be rezoned from M1-1 to R6A zoning. Consequentially, the current usage of the site (vehicle storage) could continue but new industrial development would not be permitted.

In a letter to the CPC, the ice business operators currently occupying Lots 34 and 36 asked the CPC to reconsider the proposed rezoning for this property, as they have plans pending to redevelop it with an ice warehouse and distribution facility on an as-of-right basis under the current M1-1 zoning. In their correspondence, the business owners express a desire to expand the family business to this location rather than to locations outside of the City.

Under the Potential CPC Modifications, a M1-1/R6A district, part of Special Mixed Use District (MX-16), would be mapped at a depth of 85 feet on the Glenmore Avenue blockfront between Shepherd Avenue and Berriman Street to allow a mix of industrial, residential and commercial uses, on these properties (Figure 1, “CPC Modification – Proposed Special Mixed Use Districts”). This would allow the current business owners, as stated in their letter to the CPC, to proceed with a proposal to develop an ice distribution facility on the site. It would also allow for new residential development as contemplated under the Proposed Actions.

C. ANALYSIS

As a result of development pursuant to the reasonable worst case development scenario (RWCDS) for the Proposed Actions, the FEIS identified significant adverse impacts with respect to community facilities, open space, shadows, historic and cultural resources, transportation, air quality, noise, and construction. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet their purpose and need, eliminate their impacts, and not cause other or similar significant adverse impacts. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated.

As noted above, the Potential CPC Modifications (per the figures referenced above and Figure 4, “CPC Modification – Proposed Zoning Districts”) consist of changes in the following two areas: a) exclusion of 2940 Atlantic Avenue (Block 3968, Lot 5) from the rezoning area; and, b) creation of a M1-1/ R6A district, part of Special Mixed Use District (MX-16), on Glenmore Avenue (Block 3989).

ENVIRONMENTAL EFFECTS OF THE POTENTIAL CPC MODIFICATIONS

EXCLUSION OF 2940 ATLANTIC AVENUE - BLOCK 3698

Exclusion of 2940 Atlantic Avenue would not alter the RWCDS as this was not a projected or potential development site. Accordingly, these potential modifications would not result in any new or different environmental impacts than those disclosed in the FEIS.

CREATION OF M1-1/R6A DISTRICT, PART OF SPECIAL MIXED USE DISTRICT (MX-16), ON GLENMORE AVENUE - BLOCK 3989

Under the Proposed Actions, a portion of Glenmore Avenue (Block 3989) would be rezoned from M1-1 to R6A. Under the Potential CPC Modifications, Lots 34 and 36, located on the Glenmore Avenue blockfront between Shepherd Avenue and Berriman Street, would instead be mapped with a M1-1/R6A district, part of Special Mixed Use District (MX-16), at a depth of 85 feet, which would permit residential uses at a maximum FAR of 3.6 and commercial and/or industrial uses at a maximum FAR of 1.0.

In the FEIS, projected development Site 80 was identified in the area that would be rezoned to M1-1/R6A under the Potential CPC Modifications. Site 80 consists of an assemblage of Lots 1, 34 and 36 of Block 3989 totaling approximately 13,500 sf of lot area (5,000 sf, 4,250, and 4,250 sf, respectively). As noted in the FEIS, development site criteria allows for assemblages when a combination of adjacent lots share common ownership or no more than two distinct owners and, when combined, meet the minimum site size criteria. The three lots of Site 80 meets this criteria as all three are owned by the same individual. As noted above, the existing ice business occupies Lots 34 and 36. Lot 1, which is part of the assemblage forming Site 80 and also under the same ownership of Lots 34 and 36, would remain in an R6A district under the Potential CPC Modifications.

As noted above, the M1-1/R6A district proposed for adjacent Lots 34 and 36 as part of the Potential CPC Modifications would allow the existing business owners to redevelop these two lots into an ice warehouse and distribution facility totaling 8,500 sf. While the Potential CPC Modifications would allow the two lots to be redeveloped for such uses, the potential still exists for all three lots comprising Site 80 to be redeveloped with a new residential building containing 48 dwelling units, as currently projected by the RWCDS in the FEIS. Because such a development would have a greater density in terms of FAR than an ice warehouse and distribution facility and would introduce a new, sensitive use (residential) in an area where it is not currently permitted, it is conservatively assumed that Site 80 would be redeveloped for residential use under the Potential CPC Modifications.

In the FEIS, the RWCDS projects that the existing 4,008 sf of commercial office space on Lots 1 and 34 (2,280 and 1,728 sf respectively) would remain in place for the future without the Proposed Actions (No-Action). Therefore, there would be an incremental increase of 48 DUs and a decrease of 4,008 sf of commercial office space from the No-Action to the With-Action condition.

Under the Potential CPC Modifications, the No-Action condition would not assume the continuation of existing conditions on Lots 34 and 36 (1,728 sf commercial office and vacant respectively) but would, instead reflect the development of an ice warehouse and distribution facility on these lots along with the continuation of the existing commercial office space on Lot 1. In this case, the increment between the No-Action and With-Action condition would involve a decrease of 8,500 sf of industrial use (Lots 34 and 36) and 2,280 sf of commercial office space (Lot 1), as well as an increase of 48 DUs. Compared to the current RWCDS for Site 80, the number of

projected dwelling units would stay the same but the inclusion of the ice facility would increase the amount of commercial and industrial uses that would decrease between the No-Action and With-Action conditions, which would be less conservative for density related impact categories.

Based on the foregoing, the incremental differences between the No-Action and With-Action conditions for Site 80 under the Proposed Actions is greater than that under the Potential CPC Modifications and, as such, the RWCDS under the Proposed Actions is a more conservative basis for the density related impact categories (e.g., community facilities, open space, and transportation). For site specific impacts related to hazardous materials, noise, and air quality, the same (E) designation requirements identified for Site 80 under the Proposed Actions would be warranted under the Potential CPC Modifications to eliminate potential impacts associated with those issues if the site were to be redeveloped for residential use. Therefore, the Potential CPC Modifications would not result in any new or different environmental impacts than those disclosed in the FEIS.

CONCLUSION

The Potential CPC Modifications would not alter the conclusions of the FEIS, and the same mitigation measures would continue to apply. Therefore, the Potential CPC Modifications would not result in any new or different environmental impacts than those disclosed in the FEIS, and further analysis not warranted.

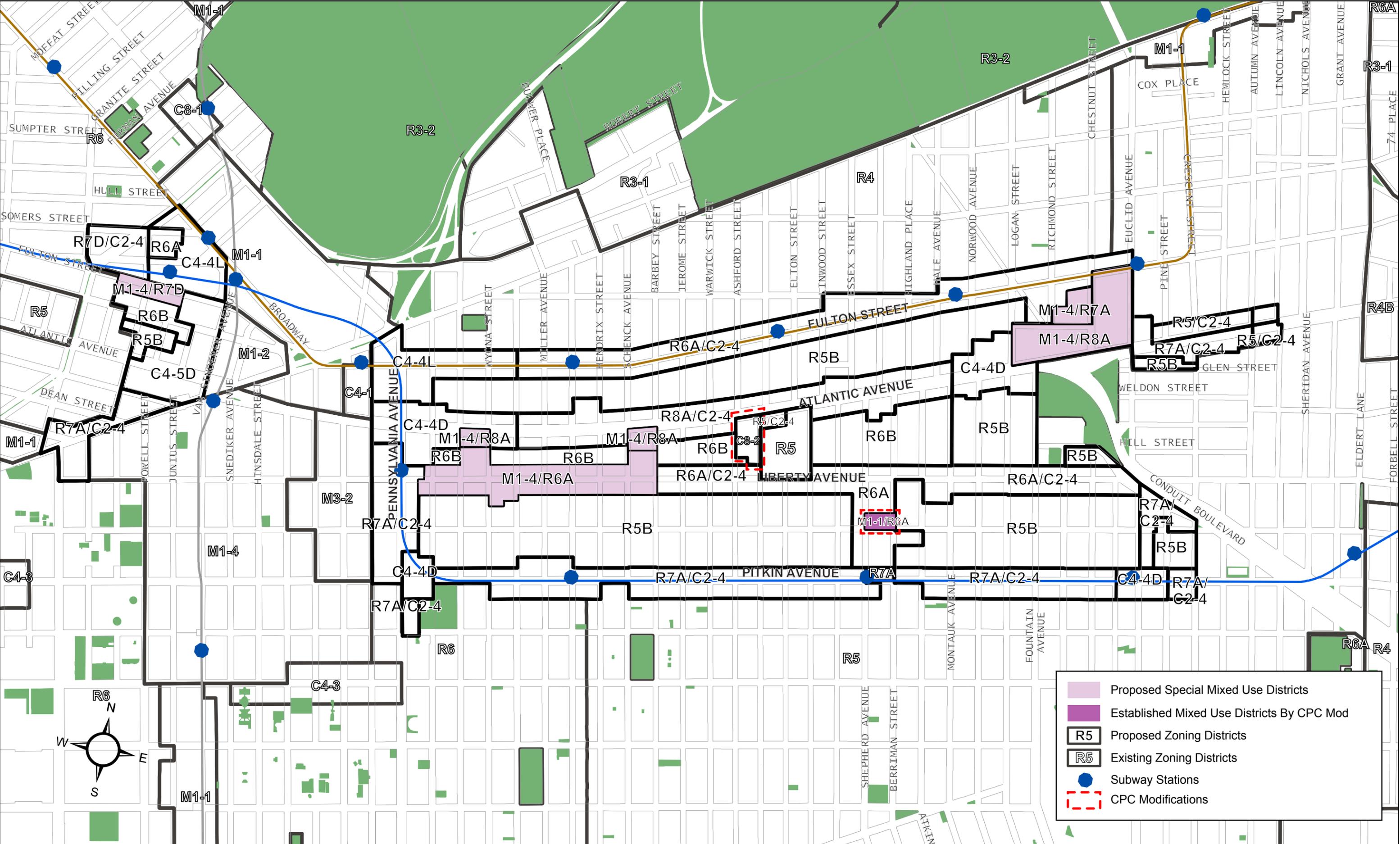


FIGURE 1 - CPC MODIFICATION | PROPOSED SPECIAL MIXED USE DISTRICTS

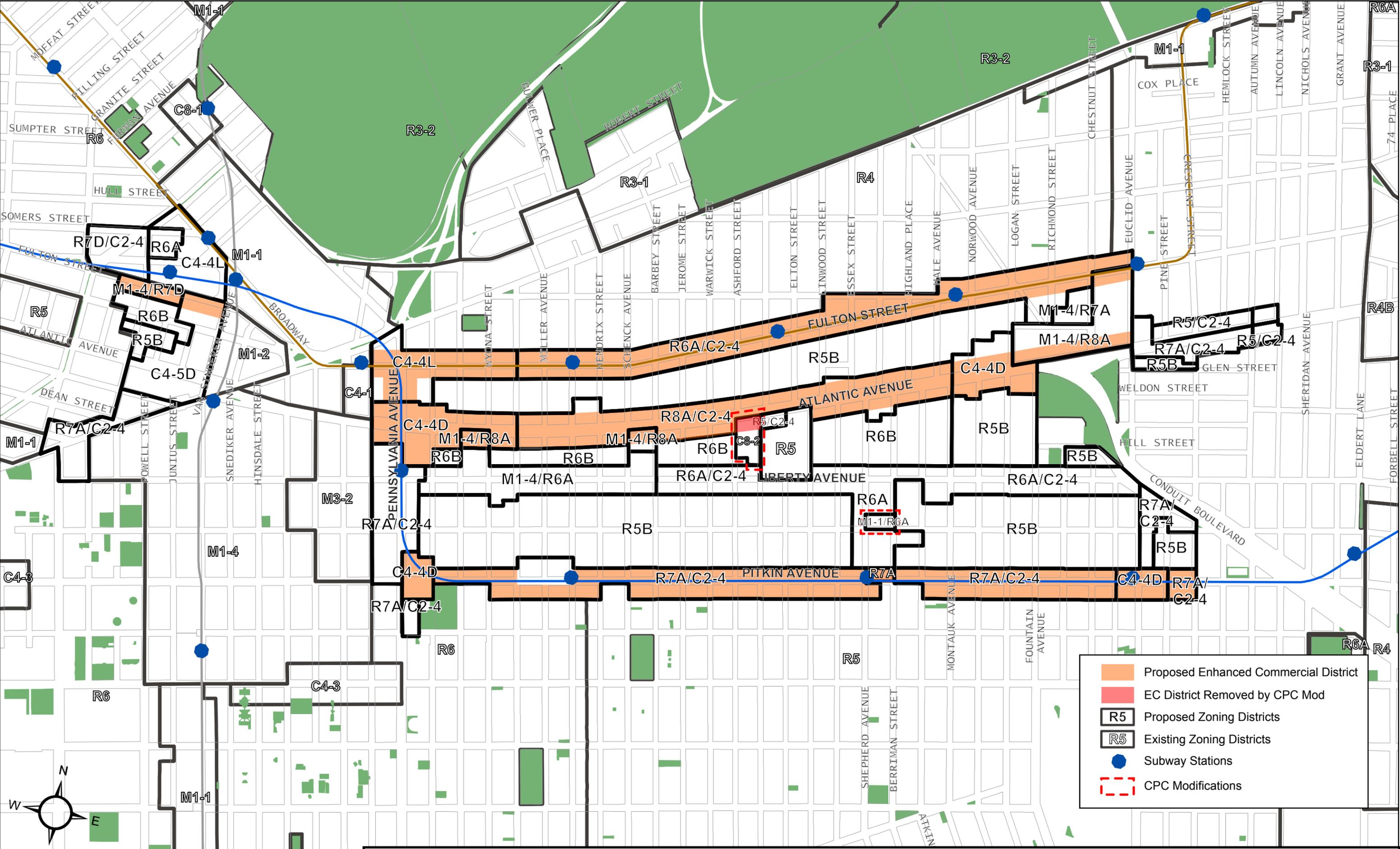


FIGURE 2 - CPC MODIFICATION | PROPOSED ENHANCED COMMERCIAL DISTRICTS

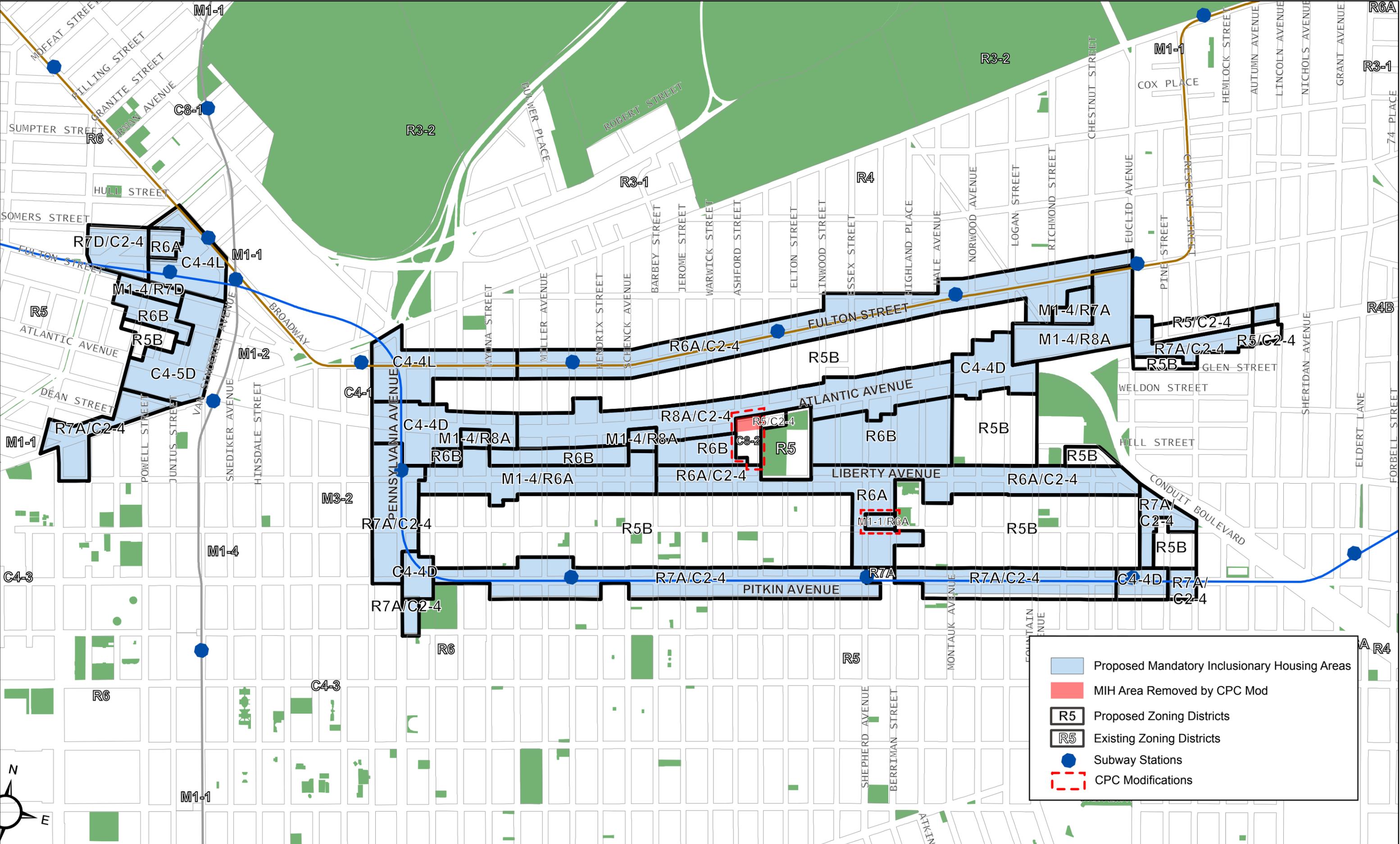


FIGURE 3 - CPC MODIFICATION | PROPOSED MANDATORY INCLUSIONARY HOUSING AREAS

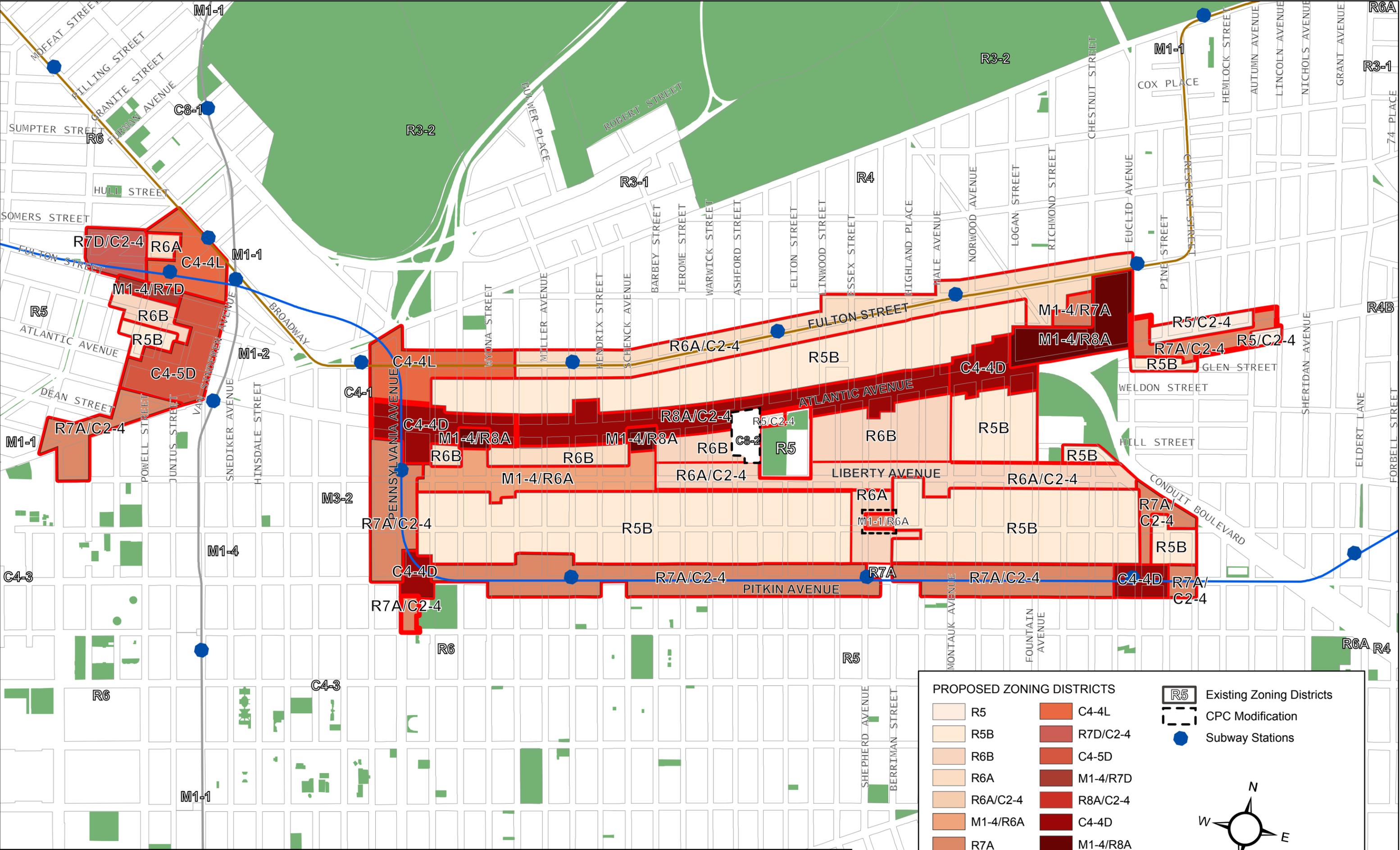


FIGURE 4 - CPC MODIFICATION | PROPOSED ZONING DISTRICTS