DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Daniel R. Garodnick, *Director*
Department of City Planning

April 30, 2024

POSITIVE DECLARATION

Project Identification
Park Avenue Brooklyn Rezoning
CEQR No. 24DCP124K
ULURP Nos. 240218ZMK, N240219ZRK
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Stephanie Shellooe
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Name, Description and Location of Proposal:

Park Avenue Brooklyn Rezoning
The Applicant, Park Ave. Rezoning Partners, LLC., is seeking land use actions, including a Zoning Map Amendment and Zoning Text Amendments (the "Proposed Actions") to facilitate the residential, community facility and commercial redevelopment of Applicant-controlled lots in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District (CD) 3. The Proposed Actions would affect Brooklyn Block 1715, Lots 3, 103, and part of (p/o) 54; Block 1716, Lots 1, 2, 59, 60, 61, 66, 70, and p/o 3; Block 1717, Lots 1, p/o 2 and 60; Block 1735, Lots 1, 3, 4, 5, 11, 12, 13, 14, 58, 59, 60, 61 and 62; and Block 1736, Lots 1, 10, 11, 13, 14, 61, 62, 63, 68, and p/o 18, collectively, the "Project Area". The Project Area is bounded by a depth of 250 feet from Park Avenue on the eastern side of Block 1715 and the western side of Block 1716, a depth of 225 feet from Park Avenue on Block 1735, a depth of 100 feet from Park Avenue on the eastern side of Block 1716 and on Block 1717, and a depth of 325 feet from Park Avenue on Block 1736.

The Proposed Actions are as follows:

- **Zoning Map Amendment** to:
  - Rezone the portion of the Project Area within 100 feet of Park Avenue from M1-1 and M1-2 to M1-4/R7D; rezone the portion of the Project Area beyond 100 feet of Park Avenue from M1-1 and M1-2 to M1-4/R6-1
- **Zoning Text Amendments** to:
  - Amend Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing (MIH) area to qualifying portions of the Project Area
  - Amend Article II to establish a new R6-1 zoning district designation
  - Modify the Special Mixed Use District MX-4 (Flushing/Bedford) to include M1-

4/R6-1 and M1-4/R7D zoning designations within Special Mixed Use District MX-4

In order to assess the possible effects of the Proposed Actions, a Reasonable Worst Case Development Scenario (RWCDS) was identified, which includes nine Applicant-controlled Projected Development sites, including Block 1715, Lot 3; Block 1716, Lots 3 and 61; Block 1717, Lot 60; Block 1735, Lots 3, 5, 11, 12, 13 and 14; and Block 1736, Lots 1, 10, 11, 13 18, 61, 62, and 63, as well as three non-Applicant-controlled Projected Development sites on Block 1716, Lots 59 and 60; Block 1717, Lot 2; and Block 1735, Lot 61 and 62; (collectively, the "Projected Development Sites") within the Project Area. The Projected Development Sites are likely to be redeveloped under the Proposed Actions. In total, across the 12 Projected Development Sites, the Proposed Actions would facilitate the development of 450,662 gross-square-feet (gsf) of residential area, 80,155 gsf of local retail area, 244,088 gsf of private school area, and 11,590 gsf of medical office area, as well as approximately 150 off-street parking spaces. The residential area would include 479 dwelling units (DU), of which approximately 124 would be permanently affordable pursuant to Mandatory Inclusionary Housing (MIH).

The Proposed Actions could also result in development on four non-Applicant controlled lots within the Project Area, (collectively, the "Potential Development Sites"). The Potential Development Sites are considered less likely to be developed by the analysis year but will be analyzed in the EIS for site-specific effects such as hazardous materials, air quality, and noise.

Absent the Proposed Actions (No-Action condition), 34,966 gsf of commercial area and 40,250 gsf of medical office development is expected to occur across two lots within the Project Area. All other lots within the Project Area are expected to remain the same as under existing conditions.

The analysis year for the Proposed Actions is 2030.

Statement of Significant Effect:
On behalf of the City Planning Commission, the Environmental Assessment and Review Division 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 areas, and that an environmental impact statement will be required: land use, zoning and public policy; socioeconomic conditions; open space; urban design and visual resources; hazardous materials; water and sewer infrastructure; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character and construction.

The Proposed Actions would not result in significant adverse impacts related to: community facilities and services; shadows; historic and cultural resources; natural resources; solid waste and sanitation services; and energy.

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

1. Land Use, Zoning and Public Policy – Because the Proposed Actions have the potential to affect the study area's land uses, development trends, zoning and public policies, an analysis will be included in the EIS. The Project Area is within the Coastal Zone Boundary. Therefore, an assessment of the Proposed Actions' consistency with New York City's Waterfront Revitalization Program (WRP) will also be included in the EIS.

2. Socioeconomic Conditions – Direct displacement of fewer than 500 residents or of fewer than 100 employees would not typically be expected to alter the socioeconomic characteristics of a neighborhood, according to the CEQR Technical Manual. As the Projected Development Sites comprising the RWCDS contain over 100 employees and only 3 dwelling units, the Proposed Actions would exceed the direct business displacement but would not exceed the direct residential displacement thresholds. Therefore, analysis of socioeconomic effects of direct business displacement is warranted. Analysis of socioeconomic effects of direct residential displacement is not warranted. In addition, as the Proposed Actions would not affect conditions within a specific industry, an analysis of adverse effects on specific industries is not warranted, and no significant adverse impacts would result. Lastly, as the total RWCDS would introduce less than 200,000 sf of commercial uses, an assessment of indirect business displacement is not warranted, and no significant adverse impacts would result. The Proposed Actions would add an increment of 476 DU to the Project Area, resulting in an increase of 1,219 residents, which exceeds the threshold of 200 residential units in the CEQR Technical Manual indicating an indirect residential displacement analysis is warranted. The Proposed Actions do have the potential to result in significant adverse impacts on indirect residential and direct business displacement, and therefore, a socioeconomic conditions assessment is warranted.

3. Community Facilities and Services – The development facilitated by the Proposed Actions does not meet the CEQR threshold that would require an analysis of Public Schools, Early Childhood Programs, Libraries or Police/Fire Services and Health Care Facilities. Therefore, the Proposed Actions do not have the potential to create significant adverse impacts in the area of community facilities and services.

4. Open Space – The Proposed Actions would not have a direct impact on open space resources within the Project Area, as there are no open space resources within the Project Area. The Proposed Actions would introduce 1,219 residents to the Project Area, which would have the potential for indirect significant adverse open space impacts from an increased residential population. The Proposed Actions would generate 43 workers in the Project Area, below the CEQR threshold that would require an analysis of indirect impacts on open spaces from a nonresidential population. Therefore, the Proposed Actions could have significant adverse indirect impacts on open space due to an increase in residential population.

5. Shadows – A preliminary Shadows assessment is included in the EAS and determined that there are no sunlight-sensitive resources within the area that could be shaded by the

development facilitated by the Proposed Actions. Therefore, the Proposed Actions do not have the potential to cause significant adverse shadows impacts.

6. Historic and Cultural Resources – A preliminary Historical and Cultural Resources assessment is included in the EAS and determined that the Projected and Potential Development Sites within the Project Area are not architecturally or archaeologically sensitive. Therefore, the Proposed Actions do not have the potential to result in significant adverse impacts on historical and cultural resources.

7. Urban Design and Visual Resources– The Proposed Actions are expected to result in physical changes to the Project Area beyond the bulk and form currently permitted as-of-right. These changes could affect the pedestrian's experience of public space, requiring an urban design assessment. Therefore, the Proposed Actions could result in a significant adverse impact related to urban design and visual resources.

8. Natural Resources – The Proposed Actions affect an area located in a developed urban environment that is generally devoid of ecologically sensitive areas and does not provide a critical habitat supporting any rare, threatened, or endangered species. The Proposed Actions do not have the potential to create a significant adverse impact on natural resources.

9. Hazardous Materials – The Proposed Actions would result in new construction including new in-ground excavation and subsurface disturbance within the Project Area. Therefore, the Proposed Actions could result in a significant adverse impact on hazardous materials.

10. Water and Sewer Infrastructure – The Proposed Actions would result in increased development within the Project Area which could place additional demands on infrastructure, including water supply and storm water management. Therefore, the Proposed Actions could result in a significant adverse impact on wastewater and stormwater infrastructure.

11. Solid Waste and Sanitation Services – The Proposed Actions would not generate enough waste to exceed the 100,000 lbs. CEQR threshold that would require an assessment, nor would they involve a reduction in capacity at a solid waste management facility for refuse or recyclables. Therefore, the Proposed Actions could not result in significant adverse impacts on solid waste and sanitation services.

12. Energy – The Proposed Actions would not affect the transmission or generation of energy. Therefore, the Proposed Actions could not result in significant adverse impacts on energy.

13. Transportation – The Proposed Actions would increase the number of vehicular trips and

increase ridership on mass transit facilities including bus, subway, or railroads. The Proposed Actions are not expected to exceed the CEQR threshold warranting a detailed analysis for bus trips, but would exceed the threshold for subway trips. The Proposed Actions would also affect pedestrian movements in the Project Area due to the increased number of residents expected. Therefore, the Proposed Actions could have significant adverse impacts on transportation.

14. Air Quality – The Proposed Actions are expected to result in additional project-generated vehicular trips that could exceed the screening thresholds for a mobile source air quality analysis. As there are no atypical roadways within 200 feet of any future sensitive receptors introduced by the Proposed Actions, an atypical roadway analysis is not warranted. The Proposed Actions would not introduce a new parking facility with 85 or more parking spaces in proximity to a new sensitive use, therefore, a mobile source garage analysis is not warranted. A stationary source analysis is warranted to consider the potential air quality impacts from heat and hot water systems, and from existing industrial uses in the surrounding area on the new development resulting from the Proposed Actions. Therefore, the Proposed Actions could result in significant adverse impacts on air quality.

15. Greenhouse Gas (GHG) Emissions and Climate Change – The threshold for detailed analysis of GHG emissions is highly dependent on the nature of the project and its potential impact. Based on the project's location within the Coastal Zone Boundary and 2020s and 2050s 100- and 500-year flood zone projections, a climate change assessment is warranted. The Proposed Actions would result in development that would exceed the development threshold of 350,000 sf, which warrants a GHG assessment. Therefore, the Proposed Actions could result in significant adverse impacts on greenhouse gas emissions and climate change.

16. Noise – The Proposed Actions would introduce new noise-sensitive receptors in an area with existing high ambient noise levels. Additionally, the Proposed Actions would generate additional vehicular trips to and from the Project Area that could potentially impact existing and project-generated sensitive receptors within and in the vicinity of the Project Area. As a result, an analysis is warranted. Therefore, the Proposed Actions could result in a significant adverse impact on noise.

17. Public Health – The Proposed Actions could result in effects related to air quality, water quality, hazardous materials, or noise. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to public health.

18. Neighborhood Character – The Proposed Actions could affect land use, socioeconomic conditions, open space, urban design and visual resources, transportation, and noise. As a result, the Proposed Actions could have the potential to result in a significant adverse impact related the affected area’s neighborhood character.

19. Construction – The construction period for the Proposed Actions would be considered long term in duration (more than 24 months) and warrants a detailed analysis. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to construction.

Public Scoping:
The CEQR lead agency 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 has been scheduled for Thursday, May 30, 2024 at 2:00 PM. To continue to allow for broad public participation options, DCP will hold the public scoping meeting remotely. To join the meeting and comment, please visit NYC Engage (https://www1.nyc.gov/site/nycengage/events/index.page).

Written comments will be accepted by the lead agency through 5:00 PM, June 10, 2024.

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 Max Marinoff, at mmarinoff@planning.nyc.gov .



04/30/2024

Stephanie Shellooe, AICP, Director
Environmental Assessment & Review Division
New York City Department of City Planning

Date