TECHNICAL MEMORANDUM

CEQR No. 12DCP156Y

BEDFORD STUYVESANT NORTH REZONING

The Bedford Stuyvesant North EAS identified the need for environmental restrictions related to air quality, noise and hazardous materials on the majority of the development sites identified within the rezoning area, including four city-owned sites. After issuance of the Negative Declaration, as (E) designations have not in practice been applied to city-owned properties, the relevant city agencies contacted the Department about existing practices for the implementation of environmental restrictions identified in conjunction with a city-sponsored rezoning. It was confirmed that the city has other procedures in place and mechanisms available, such as land disposition agreements, to ensure implementation of environmental restrictions, rendering (E) designations unnecessary. This technical memorandum analyzes the removal of the previously identified (E) designations from the city-owned properties within the Bedford Stuyvesant North rezoning area and determines that the changes to E-designation number E-285 do not alter the conclusions of the May 2012 Environmental Assessment Statement (EAS).

DESCRIPTION OF PROPOSED ACTION

The Bedford Stuyvesant North Rezoning, a comprehensive rezoning, including zoning map and text amendments, of an approximately 140 block area in the northern half of the Bedford-Stuyvesant neighborhood of Community District 3, Brooklyn, was a certified on May 7, 2012. The affected area covers portions of Zoning Map sections 12d, 13b, 16c, and 17a. The proposed rezoning replaces all or portions of existing R5, R6, C4-3, and C8-2 districts with R6B, R6A, R7A, R7D, and C4-4L districts, and updates existing C1-2 and C1-3 overlays with C2-4 overlays, eliminates portions of existing C1-2 and C1-3 overlays, and establishes new C2-4 overlays. The proposal would also establish new Inclusionary Housing Areas and a new Enhanced Commercial District.

The proposed action seeks to reinforce the character of the Bedford Stuyvesant neighborhood and ensure future development is consistent with the neighborhood's building patterns while creating growth opportunities and affordable housing development along the area's main commercial corridors and around nodes of mass transit.

In order to assess the impacts associated with the proposed action, a Reasonable Worst Case Development Scenario was established. Thirty-one projected development sites were identified as most likely to be developed in the future with the proposed action. As a result of the proposed action, it is anticipated that new development on those sites would consist of a net increase of 790 dwelling units and 135,964 square feet of retail space, 28,182 square feet of office space and net decrease of 291,775 square feet of community facility space. Absent the proposed action, new development would occur as-of-right and consist of an increase in 1,198 dwelling units, 170,399 square feet of commercial retail space, 28,666 square feet office space and 380,826 square feet of community facility space. The build year is 2022.

PROPOSED MODIFICATION

The proposed rezoning includes (E) designations on identified projected and potential development sites in order to preclude future air quality, noise and hazardous materials impacts, which could occur as a result of the proposed action. The (E) designation number is E-285. The proposed modification would remove from E-285 the following city-owned lots (Block/Lot) on the four projected development sites below:

New York City Housing Authority (NYCHA) Development Site:
1580/1: haz mat, noise, air quality
1740/1: haz mat, noise, air quality

Housing Preservation and Development (HPD) Development Site:
1754/24: haz mat, noise, air quality
1754/25: haz mat, noise, air quality
1754/26: haz mat, noise, air quality
1754/27: haz mat, noise, air quality
1754/28: haz mat, noise, air quality
1754/29: haz mat, noise, air quality
1754/30: haz mat, noise, air quality
1754/31: haz mat, noise, air quality
1791/17: haz mat, air quality
1791/18: haz mat, air quality
1791/19: haz mat, air quality

Department of Environmental Protection (DEP) Development Site:
1912/3: haz mat, noise, air quality

Any future development on the city-owned properties within the rezoning area would require a new discretionary action. Consequently, an environmental review would be required pursuant to CEQR at the time of a future disposition or discretionary action, at which time potential environmental issues with respect to hazardous materials, air quality and/or noise would be confirmed and required in connection with such action, and/or all such requirements would be incorporated into the agreements with entities to whom properties are disposed. For example, HPD ensures environmental requirements through its Land Disposition Agreements, which include requirements for the identification of and any steps to satisfy environmental issues on a site. The Department has received confirmation from HPD, DEP and NYCHA regarding the application of these alternative mechanisms in the event of future development.

Additionally, typographical errors concerning the (E) designations were identified in the original EAS and Negative Declaration, which are hereby corrected. The Air Quality analysis in the EAS identified the need for an E-designation for Air Quality on Block 1759, Lots 2, 3, 4 (Site K) due to potential stationary source HVAC impacts. This (E) designation was erroneously not included in the Negative Declaration.

Furthermore, four lots were inadvertently omitted from certain sections in the EAS: Block 1926, Lots 74, 75, and 76 (Site 4) were left out of Appendix D Air Quality Backup, and Block 1579, Lot 53 (part of Site Q) was left out of the Noise E-designation list.

CONCLUSION

Given that the aforementioned City-owned properties would be subject to a separate CEQR review prior to redevelopment or the agencies with jurisdiction have established procedures for imposing environmental requirements, any potential environmental impacts with respect to hazardous materials, air quality and noise would be addressed prior to or at the time of development. As such, (E) designations are not necessary, and the proposed modification is not anticipated to alter the conclusions reached in the EAS or Negative Declaration. Additionally, the inadvertent omissions in the EAS and original Negative Declaration identified above are typographical in nature and do not alter the conclusions of the original environmental review.