DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, *Director*
Department of City Planning

February 3, 2015

POSITIVE DECLARATION

Project Identification
East New York Rezoning Proposal
CEQR No. 15DCP102K
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

East New York Rezoning Proposal

The New York City Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), is proposing a series of land use actions (collectively the "Proposed Actions") to implement recommendations of the East New York Community Plan (the "Plan"), which is the subject of an ongoing community process, to create opportunities for housing, including affordable housing, community facilities, economic development and other services of an approximately 191-block area of East New York, Cypress Hills and Ocean Hill neighborhoods of Brooklyn, Community Districts 5 and 16, respectively. The affected area within the East New York and Cypress Hills section is generally bounded by Sheffield Avenue to the west, Lincoln Avenue to the East, Fulton Street to the north and Pitkin Avenue to the south. The affected area within Ocean Hill is generally bounded by Eastern Parkway Extension to the west, Van Sinderen Avenue to the east, Broadway to the north and East New York Avenue to the south

The Proposed Actions includes:

- Zoning map amendment to rezone all or portions of existing M1-1, M1-2, C8-1, C8-2, R5, and R6 districts with M1-4/R6A, M1-4/R7A, M1-4/R8A, M1-4/R7D, R5B, R6A, R7A, R7D, R8A, C4-4D, C4-4L and C4-5D districts. The proposed rezoning would also replace or eliminate portions of existing C1-2, C1-3, C2-2, and C2-3 overlays with C2-4 overlays and establish new C2-4 overlays.

- Zoning text amendments to:
    - Apply a new mandatory Inclusionary Housing program to portions of the proposed rezoning area, including where zoning changes are promoting new housing; and
    - Establish an Enhanced Commercial District within the rezoning area along Atlantic Avenue, Pitkin Avenue, Fulton Street and Pennsylvania Avenue in order to foster a safe and engaging pedestrian experience and to provide flexibility along transit corridors.
- Amendment to the Dinsmore-Chestnut Urban Renewal Plan to conform land use restrictions to zoning, to refresh the urban renewal plan's general provisions, and to allow disposition of the urban renewal sites in accordance with the urban renewal plan.

Independent of the Proposed Actions described above, DCP anticipates proposing a series of zoning text amendments to eliminate unnecessary obstacles to the creation of housing, especially affordable housing. These anticipated zoning text amendments would modify building envelope controls, establish use definitions for senior and supportive housing, and modify off-street parking requirements for low-income housing. These zoning text amendments are expected to be in public review concurrent with the Proposed Actions and when adopted will affect the proposed zoning districts in the East New York rezoning area. Since these anticipated zoning changes would affect the proposed zoning districts, their effects on the East New York rezoning proposal will be analyzed as part of the environmental review in order to provide a conservative analysis.

The Proposed Actions are anticipated to facilitate new residential, commercial, community facility, and manufacturing development. The reasonable worst case development scenario (RWCDS) for the Proposed Actions identifies 81 projected development sites. On these sites, the Proposed Actions are expected to result in a net increase of 6,970 dwelling units; 902,145 square feet of commercial space; 378,987 square feet of community facility space; and 27,082 square feet of manufacturing space; and net decreases of 137,175 square feet of auto-related space, 97,551 square feet of hotel space, 73,170 square feet of warehouse/storage space, and 3,055 square feet of garage space. The RWCDS also indentifies 106 potential development sites which are considered possible but less likely to be developed by the analysis year. The analysis year for the proposal is 2030.

The Proposed Actions reflect DCP's on-going engagement with Community Boards 5 and 16, local elected officials and community residents and stakeholders to achieve the following land use objectives: a) create opportunities for new residential development with significant amounts of permanently affordable housing and preserve existing affordability to ensure that the neighborhood continues to serve diverse housing needs; b) encourage mixed-use development on key corridors; c) enhance and revitalize major thoroughfares through new economic development; and, d) protect neighborhood character of residential core and ensure predictable future development.

Statement of Significant Effect:

On behalf of the CPC, 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 environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The actions, as proposed, may result in significant adverse impacts related to socioeconomic conditions in the vicinity of the affected area.
3. The actions, as proposed, may result in significant adverse impacts on community facilities and services in the vicinity of the affected area.
4. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.
5. The actions, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The actions, as proposed, may result in significant adverse impacts on historic and cultural resources in the affected area.
7. The actions, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
8. The actions, as proposed, may result in significant adverse impacts related to hazardous materials in the vicinity of the affected area.
9. The actions, as proposed, may result in significant adverse impacts on water and sewer infrastructure in the vicinity of the affected area.
10. The actions, as proposed, may result in significant adverse impacts on solid waste and sanitation services.
11. The actions, as proposed, may result in significant adverse impacts on energy.
12. The actions, as proposed, may result in significant adverse impacts to transportation in the vicinity of the affected area.
13. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
14. The actions, as proposed, may result in significant adverse impacts to greenhouse gases in the vicinity of the affected area.
15. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
16. The actions, as proposed, may result in significant adverse impacts related public health.
17. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
18. The actions, as proposed, may result in significant adverse construction-related impacts.

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 - The Proposed Actions would alter existing land uses and zoning by allowing greater densities than the current zoning permits. In addition, the effects of the Proposed Actions may not be compatible with one or more of the public policies that are applicable to portions of the affected area.
2. Socioeconomic Conditions – The Proposed Actions have no potential to result in direct residential displacement as it would not directly displace any substantial number of dwelling units. However, the Proposed Actions would introduce approximately 6,970

new dwelling units and 700,000 square feet of new retail uses in an area where such development is not currently anticipated for the foreseeable future, potentially altering demographic patterns and conditions in the local real estate market.

3. Community Facilities – The Proposed Actions would not result in the direct displacement of any existing community facilities or services. However, the Proposed Actions would result in a substantial increase of residential units and, therefore would have the potential to result in significant adverse impacts related to public schools, libraries, and child care.
4. Open Space – The Proposed Actions would not have a direct effect on any open space resource; however, it may have an indirect effect due to increased demand for use of publicly accessible spaces by the new residents and workers introduced to the area by the Proposed Actions.
5. Shadows – The Proposed Actions would allow an increase in development density and greater building heights in the affected area. Shadows cast by new buildings that could be developed as the result could affect publicly accessible open spaces and sunlight-sensitive architectural resources in the area.
6. Historic and Cultural Resources – The Proposed Actions may affect designated historic landmarks and/or buildings that may be eligible for designation. In addition, the Proposed Actions may result in additional in-ground disturbance and therefore has the potential to affect archaeological resources that may be present.
7. Urban Design and Visual Resources – The Proposed Actions and subsequent projected development would result in physical changes in the affected area beyond the bulk and form currently permitted as-of-right; therefore, these changes could affect a pedestrian's experience of public space and may alter the urban design character and visual resources of the surrounding area.
8. Natural Resources – The area of the Proposed Actions is located in a fully developed area of Brooklyn, and the affected area and immediately adjacent area are substantially devoid of natural resources; therefore, the Proposed Actions would not have a significant adverse impact on natural resources.
9. Hazardous Materials – The Proposed Actions would result in additional in-ground disturbance which, given the historical on-and off-site uses and conditions, has the potential to result in hazardous materials impacts.
10. Water and Sewer Infrastructure – The Proposed Actions would result a sizable net increase of building space within the affected area which could place additional demands on infrastructure, including water supply and storm water management.
11. Solid Waste and Sanitation – Due to the increase in density within the affected area, the Proposed Actions could increase the demands on solid waste and sanitation transport and disposal services.
12. Energy – The Proposed Actions would result in an incremental increase in annual energy consumption of approximately 1,125,000 million BTUs over the No-Action condition.
13. Transportation – The Proposed Actions would result in an increase in the number of vehicular trips and increase ridership on mass transit facilities. It also would affect pedestrian movements in the area due to the increased number of residents and workers introduced to the area.
14. Air Quality – Increased demand for heating, ventilation and air conditioning (HVAC) and additional vehicular traffic introduced by the Proposed Actions may affect air quality. In

addition, existing industrial uses in the surrounding area have the potential to affect air quality surrounding the new residential development resulting from the Proposed Actions.

15. Greenhouse Gas Emissions – The Proposed Actions would allow an increase in development density that may affect greenhouse gas emissions due to increased construction and operational activities with the projected development.
16. Noise – The Proposed Actions would increase the volume of traffic in the area, which could result in additional traffic noise and may have the potential to result in stationary source noise impacts.
17. Public Health - The Proposed Actions would result in an increase in development density which could potentially result in public health concerns.
18. Neighborhood Character – The Proposed Actions has the potential to alter certain constituent elements of the affected area's neighborhood character, including land use patterns, socioeconomic conditions, traffic, and noise levels.
19. Construction – The Proposed Actions would increase the allowable density of the area resulting in new development that involves activities which may result in construction-related impacts.
20. The Draft Environmental Impact Statement (DEIS) to be prepared for the Proposed Actions will identify and describe any other potential effects on the environment.

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, March 5th, 2015, at 5:30pm and will be held at Brooklyn Community Board 5, 127 Pennsylvania Avenue, Brooklyn, New York 11207. Written comments will be accepted by the lead agency until the close of business on Monday, March 16, 2015.

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, Diane McCarthy, at (212) 720-3417.

Robert Dobruskin

Robert Dobruskin, AICP, Director
Environmental Assessment & Review Division
New York City Department of City Planning

2/3/15

Date