DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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

May 23, 2022

# POSITIVE DECLARATION

**Project Identification**
1160 Flushing Avenue
CEQR No. 21DCP199K
ULURP Nos. 210314ZMK
SEQRA Classification: Type I

**Lead Agency**
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Stephanie Shellooe
(212) 720-3328

**Name, Description and Location of Proposal:**

1160 Flushing Avenue
1160 Flushing Avenue LLC (the "Applicant") is seeking the approval of one discretionary action, a zoning map amendment that would rezone Block 3167, Lots 12 (p/o), 18, 24, 26, 29, and 40 (the "Proposed Rezoning Area" or "Project Area") from an M1-1 district to an M1-5 district (the "Proposed Action"). The Proposed Action would facilitate the construction of a new, mixed-use commercial and light industrial development comprising approximately 238,104 gross square feet (gsf) in total (the "Proposed Project"). The Proposed Project would be constructed at 1160 Flushing Avenue (Block 3167, Lots 18 and 24), a 37,928-sf, rectangular-shaped site with frontages on Flushing Avenue and Jefferson Street ("Projected Development Site 1") in the Bushwick neighborhood of Brooklyn Community District 4. The Proposed Action would also facilitate development on two non-Applicant owned sites, located at Block 3167, Lots 29 and 40 ("Projected Development Site 2" and "Projected Development Site 3" respectively).

Specifically, the Proposed Action is:

- A zoning map amendment (Zoning Sectional Map 13b) to change the zoning in the Proposed Rezoning Area from the existing M1-1 to an M1-5 light manufacturing zoning district.

This approval would only apply to the Project Area.

Absent the Proposed Action, it is assumed that while no new construction would be planned for the Applicant-owned Projected Development Site 1, the currently vacant, approximately 30,388 sf former industrial building on Lots 18 and 24 would be converted and reoccupied with commercial retail uses in the No-Action condition. As a result, the Projected Development Site 1 would be occupied by approximately 31,907 gsf (30,388 zsf) of commercial retail uses on a 37,928-sf lot

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(0.80 FAR). No other changes to the remaining Project Area lots are anticipated in the future without the Proposed Action.

The Proposed Action would result in an incremental increase of of 234,154 gsf of commercial office uses, 46,184 gsf of local retail uses, 59,973 gsf of community facility (medical office) uses, and 33,119 gsf of light industrial uses. The incremental change in workers that would result from the Proposed Action is the addition of 1,305 workers.

The Analysis Year for the Proposed Action is 2027.

**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 Action 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; transportation; air quality; noise; public health; and neighborhood character.

The Proposed Action would not result in significant adverse impacts related to socioeconomic conditions; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; water and sewer infrastructure; natural resources; greenhouse gas emissions and climate change; solid waste and sanitation services; energy; and construction.

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

1. Land Use, Zoning and Public Policy – The Proposed Action would affect the land use, zoning, and public policies within the Project Area. The Proposed Action is discretionary zoning map amendment. The Proposed Action has a potential to result in significant adverse impacts related to land use, zoning, and public policy.

2. Socioeconomic Conditions – The Proposed Action would introduce more than 200,000 square feet (sf) of new commercial uses to the Project Site, however the Proposed Action would not meet the thresholds for indirect business and institutional displacement. Therefore, the Proposed Action would not result in significant adverse impacts to socioeconomic conditions.

3. Community Facilities and Services – The Proposed Action would not introduce new residential dwelling units and would not increase demand at public schools, publicly funded child care facilities, libraries, or police and fire services, or health care facilities. Therefore, the Proposed Action would not result in significant adverse impacts to community facilities and services.

4. Open Space – The Proposed Action would introduce a new worker population that would increase the demand on passive open space for the non-residential population in the study area. While the non-residential study area's passive open space ratio would decrease by

more than five percent from No-Action conditions (9.81 percent), it would remain above the City's guideline ratio of 0.15 acres per 1,000 non-residents, at 0.342 acres per 1,000 non-residents within the non-residential (0.25-mile) study area. Therefore, the Proposed Action would not result in significant adverse impacts to open space.

5. Shadows – The Proposed Action would introduce a building of a maximum height of 208 feet, which would result in new incremental shadows on a sunlight sensitive resource (the Greenstreet). However, the shadows analysis determined that the duration and coverage of the incremental shadows would be limited and would not affect the usability or viability of the resource. Therefore, the Proposed Action would not result in significant adverse impacts to shadows.

6. Historic and Cultural Resources – While the Proposed Action is expected to result in incremental in-ground disturbance in the Project Area, the applicant has received a letter from Landmarks Preservation Commission (LPC) indicating that the tax lots have no architectural or archaeological significance. Therefore, the Proposed Action does not have the potential to result in significant adverse impacts related to historic and cultural resources.

7. Urban Design and Visual Resources – The Proposed Action could result in physical changes to the Project Site beyond the bulk and form currently permitted as-of-right, but would not significantly alter the arrangement, appearance, or functionality of the Project Area. As a result, the Proposed Action would not result in a significant adverse impact related to urban design and visual resources.

8. Natural Resources – The Proposed Action would not result in construction on a site containing or adjacent to a natural resource. Therefore, no thresholds were met for an analysis of natural resources, and the Proposed Action would not result in significant adverse impacts related to natural resources.

9. Hazardous Materials – The Proposed Action could result in new construction and in-ground disturbance within the Project Area, which has a documented history of hazardous materials conditions. An (E) designation has been assigned for hazardous materials to avoid the potential for significant adverse impacts related to hazardous materials in the Project Area.

10. Water and Sewer Infrastructure – The Proposed Action would result in an incremental water demand of approximately 111,582 gallons per day, which would not meet the CEQR Technical Manual threshold requiring a detailed analysis and as such, would not result in a significant adverse impact to water supply. Additionally, a preliminary assessment concluded that the Proposed Action is not anticipated to have a significant adverse impact on wastewater treatment or stormwater conveyance infrastructure.

11. Solid Waste and Sanitation Services – The Proposed Action would not result in a substantial increase to solid waste production that would overburden available waste management capacity and would not result in solid waste generation greater than the threshold of 50 tons per week. Therefore, no significant adverse impacts related to solid waste and sanitation services are expected.

12. Energy – The Proposed Action would not affect the transmission or generation of energy. The project's projected energy use is estimated to be 94 million BTUs per year, which is below the analysis thresholds specified in the CEQR Technical Manual. Therefore, the Proposed Action would not result in a significant adverse impact related to energy.

13. Transportation – The Proposed Action would generate vehicular traffic. The Proposed Action would not result in a significant adverse impact for subway, bus, pedestrian, vehicular safety or parking. The Proposed Action could result in a significant adverse impact for vehicular traffic.

14. Air Quality – An (E) Designation for air quality has been placed on the Project Area to preclude the potential for significant adverse impacts related to stationary sources including HVAC systems and industrial sources introduced by the Proposed Project. However, the Proposed Action may have the potential to generate incremental vehicle trips exceeding the thresholds for conducting an air quality analysis of mobile sources. Therefore, the Proposed Actions may have the potential to result in significant adverse impacts related to air quality.

15. Greenhouse Gas Emissions and Climate Change – The Proposed Action would be consistent with the City's greenhouse gas reduction goals. The Project Area is not located within the coastal zone boundary or within the current 100- or 500-year flood zone. Therefore, the Proposed Action would not result in a significant adverse impact related to greenhouse gas emissions and climate change.

16. Noise – The Proposed Action would introduce new noise-sensitive receptors in an area with existing high ambient noise levels. A (E) designation for noise has been placed on the Project Area to avoid significant adverse impacts resulting from stationary sources. However, the Proposed Action may have the potential to generate incremental vehicle trips exceeding the thresholds for conducting a noise analysis of mobile sources. Therefore, the Proposed Actions may have the potential to result in significant adverse impacts related to mobile noise.

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

18. Neighborhood Character – The Proposed Action could affect land use, zoning, and public policy, and transportation. As a result, the Proposed Action could have the potential to result in a significant adverse impact related the affected area's neighborhood character.

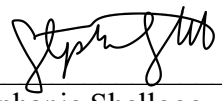
19. Construction – Construction of the Proposed Project would be considered limited in duration (less than 24 months) and would not require detailed analysis. Therefore, the Proposed Action would not have the potential to result in significant adverse impacts related to construction activities.

**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, June 23, 2022 at 2:00 PM.** In support of the City's efforts to contain the spread of COVID-19, 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, Tuesday, July 5, 2022.

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 Louise Cafiero, at lcafiero@planning.nyc.gov.



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