TECHNICAL MEMORANDUM 001

2080 McDonald Avenue EAS

CEQR No. 21DCP132K

October 7th 2022

I. INTRODUCTION

The Applicant, 2080 McDonald LLC, is seeking the approval of a zoning map amendment to facilitate a proposal by the Applicant to construct a new mixed-use building on the Applicant-controlled Block 6680, Lots 39 and 42, containing 122 dwelling units, 19,643 gsf of commercial space, and 3,140 gsf of community facility space. Of the 122 dwelling units, 30 percent, or 37 units, would be affordable under MIH. Forty-three (43) parking spaces would be provided for the marked-rate DU's; parking requirements are waived for affordable units because the Project Area is within a Transit Zone.

The proposed zoning would replace the existing R5B and M1-1 zoning districts with a C4-4L district. The Project Area is made of up four tax lots: Block 6680, Lots 39 and 42, and Block 7087, Lots 1 and 5; with the Applicant controlling the affected lots on Block 6680. The Applicant is also proposing a zoning text amendment to Appendix F, Inclusionary Housing Designated Area, to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the Project Area.

The Environmental Assessment Statement (EAS) for the Proposed Actions (CEQR No. 21DCP132K) was accepted as complete and a Negative Declaration was issued on April 8th, 2022 by the New York City Department of City Planning (DCP) acting on behalf of the City Planning Commission (CPC) as lead agency.

Following the publication of the EAS, modification to the proposed Project Area has been identified, at the request of the New York City Council (the "Council Modifications"). The modification is detailed in Section II below.

This technical memorandum examines whether the Council Modifications would result in any new or different significant adverse environmental impacts not already identified in the April 2022 EAS.

II. DESCRIPTION OF THE COUNCIL MODIFICATIONS

The Zoning Map Amendment, as evaluated in the April 2022 EAS, proposed to rezone Block 6680, Lots 39 and 42, and Block 7087, Lots 1 and 5; (*See* **Figure 1** Previous Tax Map and **Figure 2** Previous Site Location Map).

As listed below, under the Council Modifications, the proposed Project Area would now only cover Block 6680 on the northern side of Avenue S (*See* **Figure 3** Revised Tax Map, and **Figure 4** Revised Site Location Map).

Council Proposed Zoning Map Change

The modification would be as follows, eliminating the project area on Block 7087:

1. changing from an R5B District to a C4-4L District property bounded by a line 170 feet northerly of Avenue S, a line midway between Lake Street and McDonald Avenue, ~~a line 160 feet southerly of~~ Avenue S, and Lake Street; and

2. changing from an M1-1 District to a C4-4L District property bounded by a line 170 feet northerly of Avenue S, McDonald Avenue, ~~a line 160 feet southerly of~~ Avenue S and a line midway between Lake Street and McDonald Avenue;

*Note: strikethrough portions have been deleted by the City Council and underlined portions have been added by the City Council

As shown in the below figures, Block 7087, Lot 1 was previously considered as a Projected Development Site. Block 7087, Lot 1 is improved with a two-story community facility building with a floor area of 8,778 gsf (FAR 0.51). For the purposes of presenting a conservative analysis the EAS considered Lot 1 as Projected Development Site 2 and projected development of an 80,356 gsf (FAR 4.60) building, containing 63,944 gsf (63 DU's) of residential area and 16,412 gsf of commercial area. The building would have a height of 115 feet. Of the 63 DU's, 30%, or 19 units, would be affordable under MIH. Twenty-two (22) parking spaces would be provided for the marked-rate DU's; parking requirements are waived for affordable units because the Project Area is within a Transit Zone.

Given that Block 7087 Lot 1 would fall outside of the Project Area after the Council Modifications and the site is developed with active businesses, the lot would no longer be considered as a Projected Development Site with the proposed zoning boundary change.

III. ANALYSIS FRAMEWORK

Pursuant to the Reasonable Worst-Case Development Scenario (RWCDS) analyzed for the Proposed Actions, the 2022 EAS did not identify any significant adverse impacts. The RWCDS analyzed in the EAS consisted of the following:

Future No Action Condition

Absent the Proposed Actions, all lots within the Project Area would remain in their current condition, as described below.

Block 6680, Lot 39 is owned by the Applicant, and is improved with two, two-story commercial buildings with a combined floor area of 13,280 gsf (FAR 0.81).

Block 6680, Lot 42 is also owned by the Applicant and is improved with a one-story community facility building with a floor area of 7,500 gsf (FAR 0.50).

Block 7087, Lot 1, is not owned by the applicant and is improved with a two-story community facility building with a floor area of 8,778 gsf (FAR 0.51)

Block 7087, Lot 5, is not owned by the applicant and is a paved lot improved with a prefabricated structure, owned and occupied by the Brooklyn Union Gas Company.

Future With-Action Condition

In the future with the Proposed Actions, the Applicant would redevelop Projected Development Site 1 (Block 6680, Lots 39 and 42) with a new mixed-use building. Built pursuant to Quality Housing regulations, the building would contain residential, commercial (local retail), and community facility (daycare) uses. The proposed building would contain 145,209 gsf (FAR 4.60) of floor area, of which 122,426 gsf (122 DU's) would be residential, 19,643 gsf would be commercial, and 3,140 gsf would be community facility space. The RWCDS building height would be 115 feet. Of the 122 DU's, 30%, or 37 units, would be affordable under MIH. Forty-three (43) parking spaces would be provided for the marked-rate DU's; parking requirements are waived for affordable units because the Project Area is within a Transit Zone.

An additional site not controlled by the Applicant is expected to be redeveloped for the purposes of presenting a conservative analysis. Projected Development Site 2 (Block 7087, Lot 1) is projected for redevelopment with an 80,356 gsf (FAR 4.60) building, containing 63,944 gsf (63 DU's) of residential area and 16,412 gsf of commercial area. The building would have a height of 115 feet. Of the 63 DU's, 30%, or 19 units, would be affordable under MIH. Twenty-two (22) parking spaces would be provided for the marked-rate DU's; parking requirements are waived for affordable units because the Project Area is within a Transit Zone.

Block 7078, Lot 5 is not anticipated to be redeveloped in the future with the Proposed Actions. This corner lot site that is owned by the Brooklyn Gas Company and has been in the possession of the gas company since 1972. In 2014 a new prefab non-permanent structure was placed on the site by the utility service. Per the CEQR TM newly constructed buildings with utility uses are often excluded from development scenarios as these uses are often difficult to relocate. At this time the Applicant has confirmed that the Brooklyn Gas Company is aware of the rezoning and has no interest in selling the site or selling the development rights that would be generated if the Proposed Actions are approved. Development on this site is not considered in the RWCDS. The transfer of development rights from this site is also not considered in the RWCDS.

Under the Council Modifications, the Affected Area would now only cover Lots 39 and 42 on Block 6680 on the northern side of Avenue S. Therefore, as discussed above, Block 7087 Lot 1 would no longer be considered as a Projected Development Site, given that the lot would fall outside of the Project Area after the Council Modifications.

For environmental analysis purposes, this Technical Memorandum will compare the RWCDS program analyzed for the Projected Development Sites in the April 2022 EAS with the future conditions under the Council Modifications.

The only change to the Analysis Framework is the removal of Projected Development Site 2.

Since the number of incremental dwelling units and commercial floor area would drop with the Council Modifications, which would remove Projected Development Site 2 and thus introduce less residents and workers into the area, the analysis in the April 2022 EAS would be more conservative and no change to any density related impact categories (such as Community Facilities, Open Space, Socioeconomic Conditions, etc.) is expected, and therefore the Council Modifications would not result in any new impacts in those technical areas.

In addition, as Projected Development Site 2 would not be included in the Affected Area and the lot would remain as existing conditions with the Council Modifications, the analysis in the April 2022 EAS would be more conservative for shadow and urban design sections. For site specific impacts related to hazardous materials, air quality and noise, the same (E) designation requirements identified for Projected Development Site 1 would be warranted. However, the (E) designations for these sections would no longer include Projected Development Site 2.

IV. ASSESSMENT OF POTENTIAL IMPACTS

As described below, the Council Modifications would not result in any significant adverse impact. Nor have any circumstances changed since publication of the EAS, such as proposed background developments, that would create the potential for significant impacts as a result of the Proposed Actions that were not previously identified.

The RWCDS was assessed for the massing-related technical areas of shadows, urban design and visual resources, and air quality. As outlined in the EAS, no significant adverse impacts were anticipated in these technical areas as a result of the Proposed Actions; however an (E) designation (E-662) was assigned to Projected Development Site 1 (Block 6680, Lot 39 and 42) which would mandate the stack height and setback for heating, ventilation, and air conditioning (HVAC) systems, and noise attenuation requirement. An (E) designation (E-662) was also assigned to Projected Development Site 2 (Block 7087, Lot 1), which would mandate the stack height and setback for heating, ventilation, and air conditioning (HVAC) systems, noise attenuation requirements, and hazardous materials requirements. Under the Council Modifications, Projected Development Site 2 (Block 7087, Lot 1) would no longer be included in the E-Designations for hazardous materials, air quality, or noise.

Shadows

The shadows analysis in the April 2022 EAS analyzed Projected Development Sites 1 and 2. With the Council Modifications, Projected Development Site 2 would no longer be considered in the shadows analysis. Accordingly, the modifications would not result in a greater impact to shadows when compared to the April 2022 EAS. Therefore, the conclusions presented in the April 2022 EAS remain unchanged.

Urban Design and Visual Resources

The urban design and visual resources assessment in the April 2022 EAS analyzed Projected Development Sites 1 and 2. With the Council Modifications, Projected Development Site 2 would no longer be considered in the urban design and visual resources analysis. Accordingly, the modifications would not result in a greater impact to urban design or visual resources when compared to the April 2022 EAS. Therefore, the conclusions presented in the April 2022 EAS remain unchanged.

Hazardous Materials

The hazardous materials analysis concluded that an E-Designation (E-662) would be required for Projected Development Site 2. With the Council Modifications, Projected Development Site 2 is no longer included as a site where development would potentially be induced pursuant to the Proposed Actions.

Accordingly, the revised E-Designation language related to Hazardous Materials is removed.

E-Designation (E-662)

The text of the (E) designation (E-662) is as follows:

~~Task 1:~~

~~The Applicant submits to OER, for review and approval, a Phase 1 of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum-based contamination and nonpetroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.~~

~~Task 2:~~

~~A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER. If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The Applicant must complete such remediation as determined necessary by OER. The Applicant should then provide proper documentation that the work has been satisfactorily completed. An OER approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.~~

Air Quality

The air quality analysis provided in the April 2022 EAS analyzed the potential for significant adverse HVAC emissions impact related to Projected Development Sites 1 and 2 on existing buildings. The EAS determined that the Projected Development Sites would not result in significant adverse impacts associated with building HVAC emissions on existing land uses.

The HVAC analysis also considered the potential for significant adverse impact related to the Projected Development Sites on each other. As such, a detailed analysis was conducted for the Projected Development Sites and an (E) designation that required a minimum stack height and setback in the HVAC systems was imposed on the Projected Development Sites.

As the Council Modifications would result in Projected Development Site 2 no longer being considered as a site where development would potentially be induced pursuant to the Proposed Actions, the (E) designation will no longer include restrictions on the minimum stack height and setback for Projected Development Site 2.

E-Designation (E-662)

The revised language of the (E) designation is as follows:

Block 6680, Lots 39 and 42 (Projected Development Site 1): Any new residential, commercial, or community facility development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilation, air conditioning (HVAC) and hot water system(s), ensure that the stack is located at the building's highest level or at least 118 feet above grade, and that the stack is located at least 100 feet from the southern lot line facing Avenue S to avoid any potential significant adverse air quality impacts.

~~Block 7087, Lot 1 (Projected Development Site 2): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level at a minimum of 118 feet above the grade, and that the stack is located at least 145 feet from the northern lot line facing Avenue S to avoid any potential significant adverse air quality impacts.~~

Noise

The noise analysis prepared in the April 2022 EAS analyzed the potential for significant adverse noise impacts on Projected Development Sites 1 and 2 as a result of ambient external noise exposure. Based on the noise monitoring completed at the Affected Area as part of the April 2022 EAS, the noise analysis specified the required building attenuation to achieve marginally acceptable interior noise levels at the Projected Development Sites. As the Council Modifications would result in Projected Development Site 2 no longer being considered, the (E) designation specifying the required noise attenuation will no longer include Projected Development Site 2.

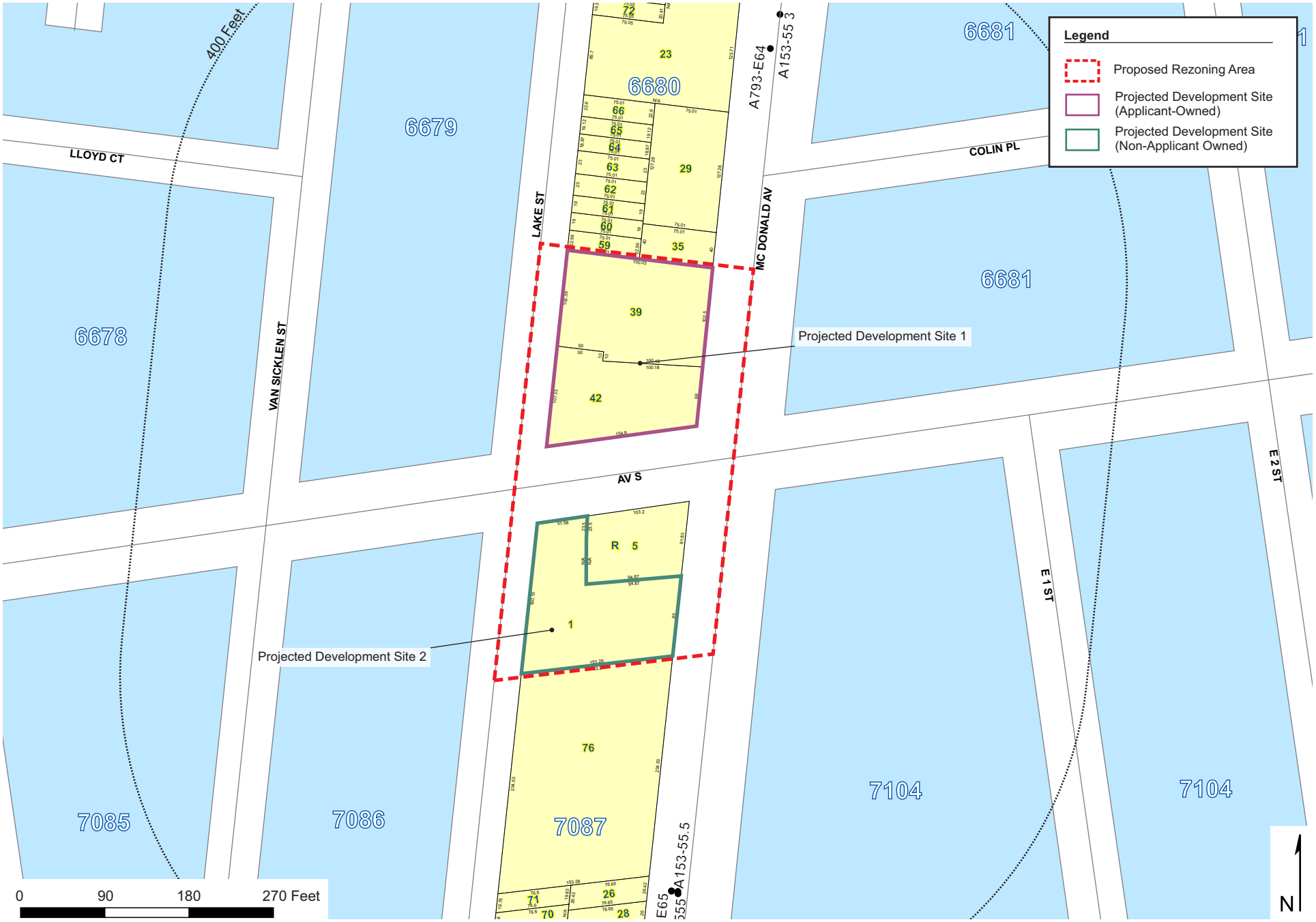
E-Designation (E-662)

Projected Development Site 1: Block 6680 / Lot 39, 42: In order to ensure an acceptable interior noise environment future residential/community facility uses must provide a closed window condition with a minimum of 35 dBA window/wall attenuation on the facades facing McDonald Avenue for floors below the rail line and the facades facing Kings Highway within 50 feet of McDonald Avenue for floors below the rail line and the facades facing Avenue S within 50 feet of McDonald Avenue for floors below the rail line and 31 dBA of attenuation on all remaining facades below and above the rail line in order to maintain an interior noise level not greater than 45 dBA for residential and community facility uses as illustrated in the EAS. In order to maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

~~**Projected Development Site 2: Block 7087 / Lot 1:** In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed window condition with a minimum of 35 dBA window/wall attenuation on the facades facing McDonald Avenue for floors below the rail line and the facades facing Avenue S within 50 feet of McDonald Avenue for floors below the rail line and the facades facing Avenue T within 50 feet of McDonald Avenue for floors below the rail line and 31 dBA of attenuation on all remaining facades below and above the rail line in order to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. In order to maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.~~

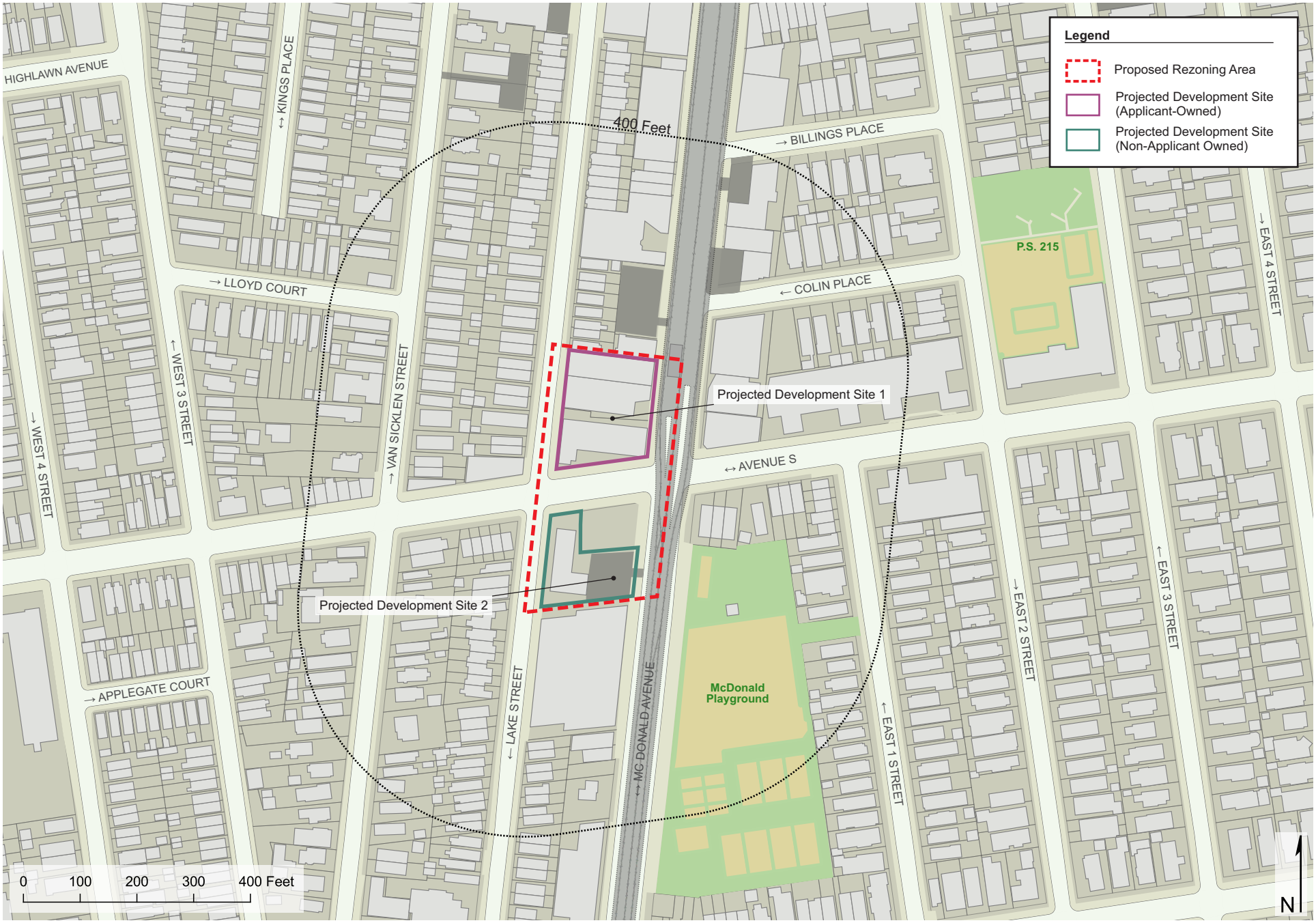
As all future development anticipated pursuant to the Proposed Actions would be required to comply with the revised (E) designation above, no significant adverse noise impacts would result, and the conclusions of the April 2022 EAS would otherwise remain unchanged.

Figure 1-Previous Tax Map



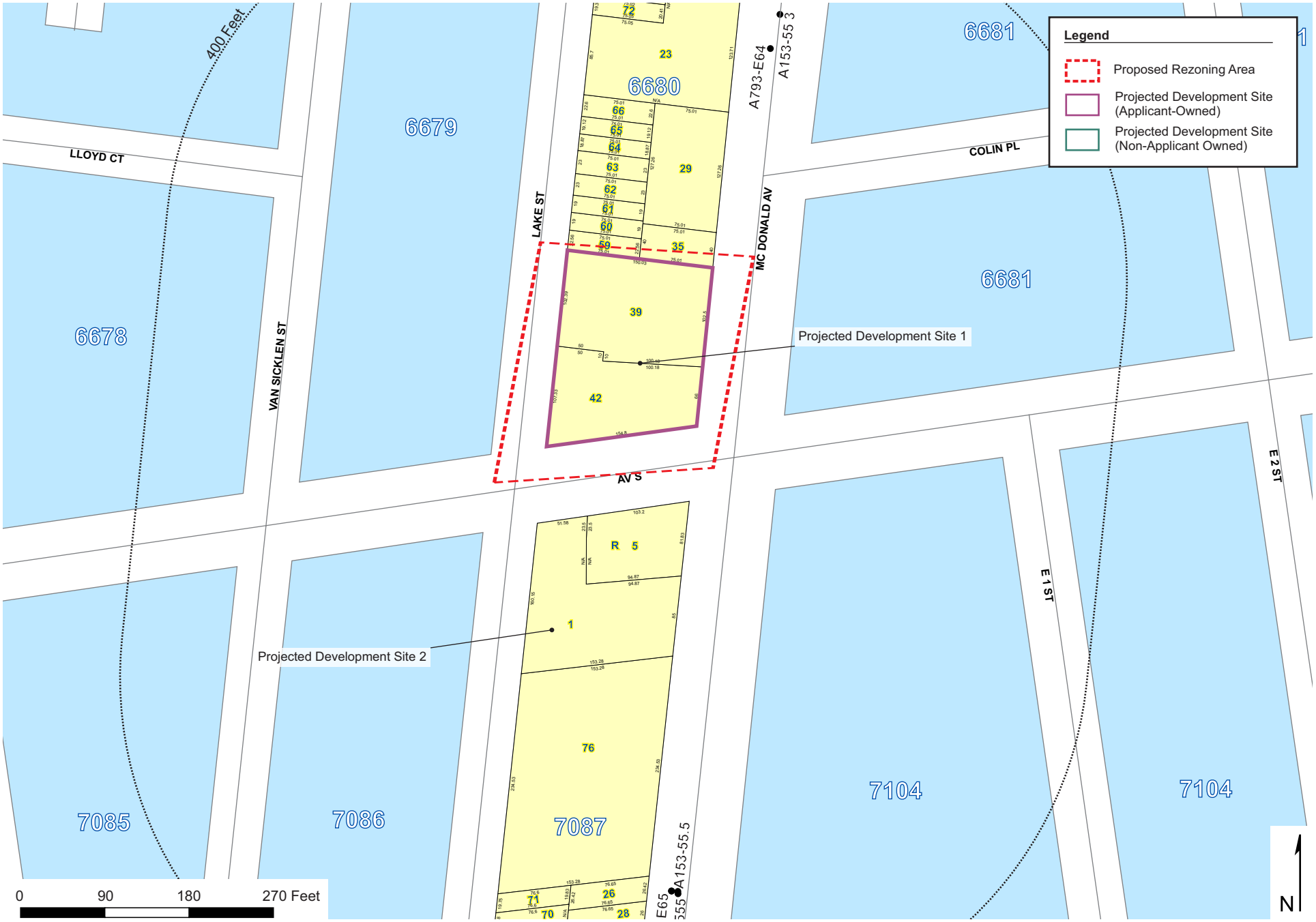
Data Source: MapPLUTO 2018v1, NYC DOF Digital Tax Map 08-18

Figure 2- Previous Site Location Map



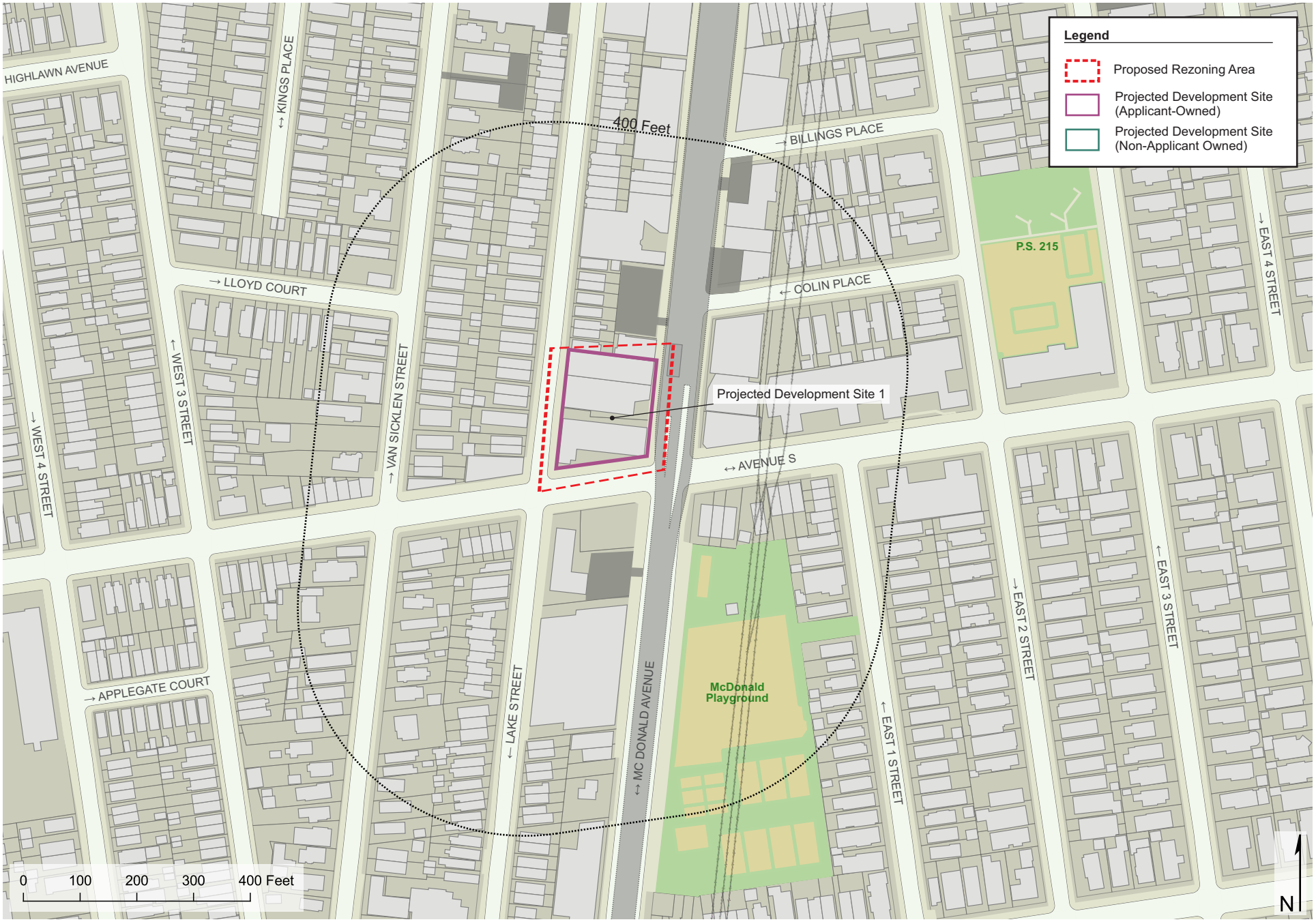
Primary Data Source: MapPLUTO 2018v1

Figure 3-Revised Tax Map



Data Source: MapPLUTO 2018v1, NYC DOF Digital Tax Map 08-18

Figure 4- Revised Site Location Map



Primary Data Source: MapPLUTO 2018v1