3825 Fulton Street

CEQR No. 21DCP198K

ULURP Nos.: 220111ZMK; N220112ZRK

April 12, 2022

Technical Memorandum

Introduction

This Technical Memorandum summarizes potential environmental effects related to City Council modifications to the 3825 Fulton Street Rezoning project. The 3825 Fulton Street Rezoning project was previously analyzed in the 3825 Fulton Street Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on November 1, 2021.

The proposed City Council Modifications consist of the following:

- A change to the proposed Zoning Map Amendment to:
  - Reduce the area of the proposed R7A district on Block 4129 within 100 feet of Fulton Street from the full block front between Euclid Avenue to Pine Street to a smaller area that would extend 70 feet east of Euclid Avenue (including Tax Block 4129, Lot 1 (the "Development Site"), Lot 67, and a portion of Lot 66).
  - Eliminate the previously proposed Special Enhanced Commerical (EC-6) District from the proposal.
  - The Proposed Project would still remove the C2-3 commercial overlay from Block 4129 beyond 100 feet of Fulton Street, between Pine Street and Euclid Avenue.
- A change in the Zoning Text Amendment to:
  - Add a new Mandatory Inclusionary Housing ("MIH") area in Appendix F of the Zoning Resolution. However, MIH Option 2 would be removed and MIH Option 3 would be added for deep affordability. MIH Option 1 would remain as an option in the Proposed Project.

Figure 1 shows the existing zoning within 400 feet of the rezoning area, **Figure 2** shows the zoning as proposed in the EAS, and **Figure 3** shows the proposed zoning under the City Council modifications.

Under the proposed City Council Modifications. the proposed R7A rezoning area would be smaller and Deep Affordability requirements under MIH would apply to the Development Site. As set forth below, this technical memorandum concludes that the application with the modification of the rezoning boundary and MIH options would not result in any significant adverse impacts and would not change the conclusions in the November 1, 2021 EAS.

Figure 1 Current Zoning Map

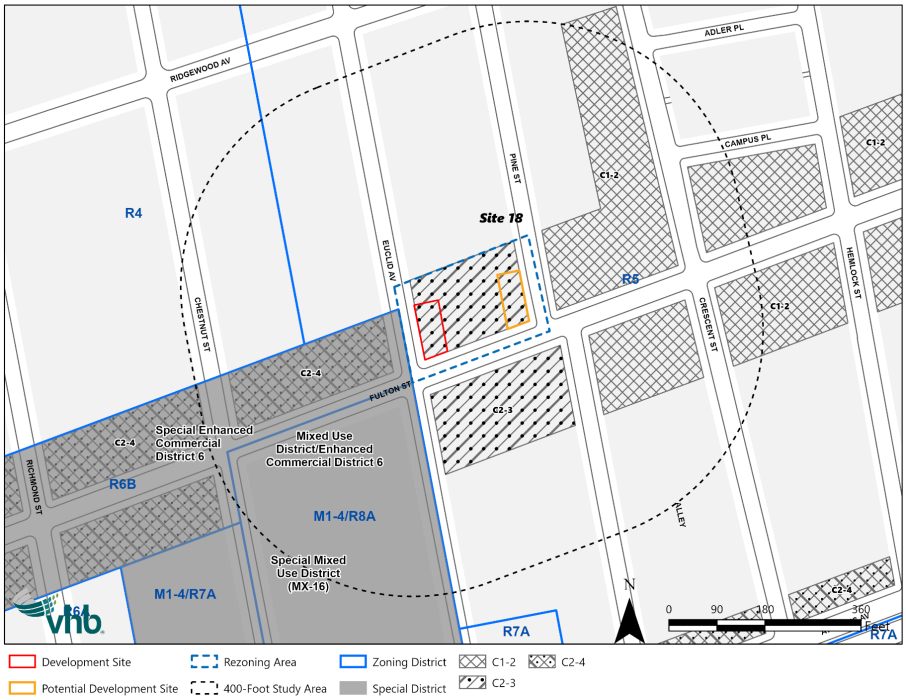


Figure 2 Approved Project Proposed Zoning Map

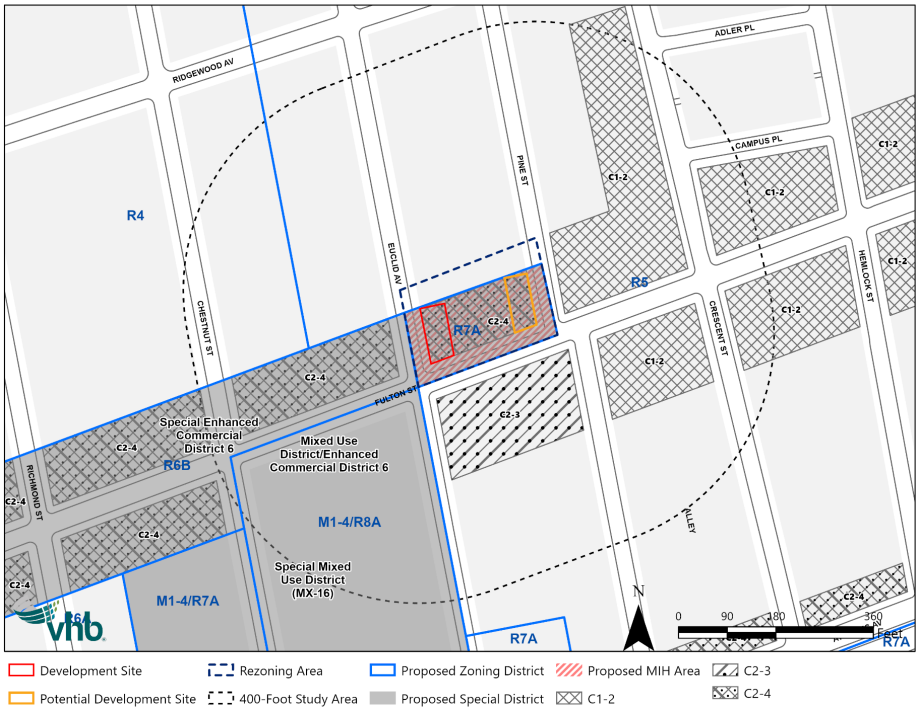
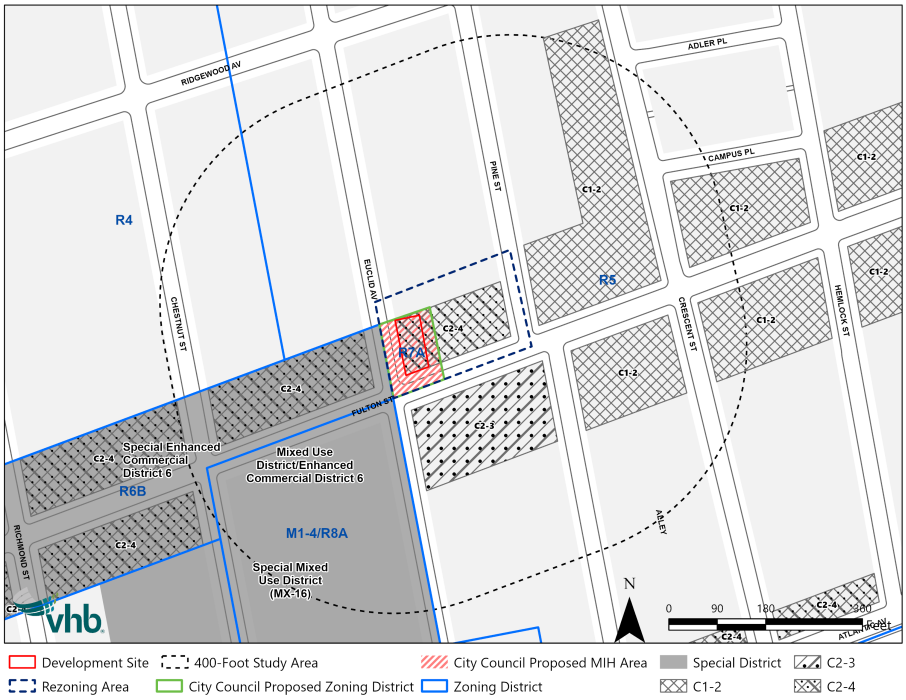


Figure 3 City Council Modification Proposed Zoning Map



Background

As set forth in the 2021 EAS, the Project Area (which is coterminous with the Rezoning Area) includes 3285 Fulton Street (the "Development Site") as well as all lots located within 150 feet of Fulton Street between Pine Street and Euclid Avenue; all located on Block 4129. The Project Area is in the Cypress Hills neighborhood of East New York in Brooklyn Community District 5.

The Project Area includes the following tax parcels: 3285 Fulton Street (Block 4129, Lot 1) (the "Development Site"); the entirety of the block front between Euclid Avenue and Pine Street which contains 3289 through 3309 Fulton Street (Block 4129, Lots 60, 61, 62, 63, 64, 65, 66, 67). It also includes a de minimis portion of 199 Euclid Avenue (Block 4129, Lot 5), Lots 6, 7, 56, 157, and 158, which would be affected by the removal of the existing C2-3 commercial overlay but would not experience any upzoning that would introduce an increase in FAR or be mapped with MIH. While a small portion of Lots 5 and 158 would be rezoned to C2-4, the proposed rezoning would similarly not trigger MIH regulations or grant these two lots any new development potential.

Under the With-Action condition, the Applicants propose to redevelop the Development Site with an 85-foot tall (including 15-foot bulkhead) seven-story community facility and affordable independent residence for seniors ("AIRS") building containing 33 AIRS units and a new daycare for CHCCC (the "Proposed Development") on the cellar and ground floors. The Proposed Development would contain approximately 26,545 gross square feet (gsf) (approximately 19,679 zsf), comprised of approximately

22,572 gsf of Use Group 2 AIRS residential uses and approximately 3,973 gsf of Use Group 3 daycare space.

The Department of City Planning (DCP), on behalf of the City Planning Commission (CPC), issued a Negative Declaration on November 1, 2021. The CPC adopted the Proposed Actions on March 16, 2022 (the "Approved Application") and referred the application to the City Council.

Since the CPC's adoption of the Approved Application, the City Council requested that the Applicants' proposal be modified to reduce the R7A rezoning area and include MIH Option 3, to remove the EC-6 District from the proposal, and to replace MIH Option 2 with MIH Option 3 (the "City Council Modification"). This technical memorandum examines whether the City Council Modification would result in any changes to the conclusions identified in the EAS as it pertains to the Approved Application.

Description of Potential City Council Modification

The City Council Modification consists of a change in the boundary of the proposed R7A Zoning Map Amendment to reduce the area of the R7A district to extend 70 feet east of Euclid Avenue, as opposed to the full block front from Euclid Avenue to Pine Street. The Special Enhanced Commerical (EC-6) District would also be removed from the proposed zoning map amendment. Therefore the proposed R7A Zoning District would cover Block 4129 Lots 1 and 67 and portions of Lot 5 and 66. The boundaries of the C2-4 commercial overlay would not be changed as compared to the Approved Application. Furthermore, the City Council Modification would include a change in the Zoning Text Amendment to remove MIH Option 2 from the proposal and to add MIH Option 3 for Deep Affordability. MIH Option 1 would remain in the Proposed Project.

Analysis Framework

The Potential Modification has implications for the Reasonable Worst Case Development Scenario (RWCDS) analyzed in the EAS as it would remove the Potential Development Site from the analysis since the R7A rezoning area would no longer extend across the full block front to include this lot. As such, there would be no new development potential created by the Proposed Actions for the site. The Potential Development Site in the Approved Project was included for conservative analysis purposes, and assumed that Lots 60 and 61 on the eastern end of the Project Area could be acquired, combined into one parcel, and redeveloped as a consequence of the Proposed Actions. For analysis purposes the Approved Project assumed that the site could potentially be constructed up to 4.6 FAR under the R7A zoning district with Inclusionary Housing, totaling approximately 18,000 gsf with ground floor commercial space (approximately 3,762 gsf) and residential uses on the upper floors (approximately 14,220 gsf or 14 units). The EAS for the Approved Project assessed the potential for site-specific impacts related to the development on the Potential Development Site alongside all of the potential environmental impacts of the Proposed Actions on the Development Site, as set forth by the *2020 CEQR Technical Manual*.

The Analysis Framework under the City Council Modifications is shown in Error! Reference source not found.. The Analysis Framework for the Development Site would not change. However, as indicated above, there would be no potential development site under the proposed City Council Modifications.

Table 2 Future No-Action and With-Action Comparison

	Existing Conditions	No-Action Conditions	With-Action Conditions[1]	Increment[2]
Development Site				
Residential (gsf)	0	6,277	22,572	16,295
Dwelling Units	0	*4*	*33 (33 affordable)*	*29 (33 affordable)*
Community Facility (gsf)	0	0	3,973	3,973
Commercial (gsf)	0	3,138	0	(3,138)
Total (gsf)	0	9,415	26,545	17,130

[1] Alternatively, the Development Site could be redeveloped with 2,478-gsf more day care space, which would be subtracted from the residential space. The day care would occupy the second floor of the Proposed Development in addition to the cellar and ground floors. The alternative development scenario would contain 27 AIRS units, a reduction of six as compared to the Proposed Development.

[2] Under the Alternative Development Scenario, the residential gsf increment would only be 13,817 gsf or 23 units. The community facility increment would increase to 6,451 gsf and the commercial and total increment would remain the same.

Environmental Assessment of City Council Modifications

The City Council Modifications do not change the analysis of the Development Site. Rather, the Modifications decrease the overall development that could be realized within the Project Area by eliminating the Potential Development Site that was assessed in the EAS for conservative analysis purposes. Therefore, the City Council Modifications would not have the potential to result in changes to the conclusions in the CEQR analyses for land use, zoning and public policy; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; air quality; or noise, as summarized below:

- **Land use, Zoning and Public Policy**: The assumptions for the building program on the Development Site would not change as a consequence of the proposed City Council Modifications. The Potential Development Site would remain under the existing R5 residential district and no changes would be anticipated to the site in terms of land use, zoning, or public policy would occur under the City Council Modifications. No impacts were identified in the EAS for land use, zoning, or public policy. Therefore, the City Council Modifications would not change the conclusions of the land use, zoning and public policy section.
- **Shadows**: The assumptions for the building bulk on the Development Site would not change as a consequence of the proposed City Council Modifications. The Potential Development Site would remain under the existing R5 residential district and no new bulk would be expected on the site as a result of the City Council Modification. Therefore, the analysis presented in the Approved EAS is conservative. No impacts were identified in the EAS for shadows. The City Council Modification would not change the conclusions of the shadows chapter.
- **Historic and Cultural Resources**: The assumptions for the Development Site would not change as a consequence of the proposed City Council Modifications. No impacts were identified in the EAS for historic and cultural resources, and the City Council Modification Modification would not alter these findings.

- **Urban Design and Visual Resources**: The assumptions for the Development Site would not change as a consequence of the proposed City Council Modifications. The Potential Development Site would remain under the existing R5 residential district and no new bulk would be expected on the site as a result of the City Council Modifications. No impacts were identified in the EAS for urban design or visual resources. The City Council Modifications would not change the conclusions of the urban design and visual resources chapter.
- **Hazardous Materials**: The assumptions for the Development Site would not change as a consequence of the proposed City Council Modifications. The proposed R7A district would no longer extend east to include the Potential Development Site and new development would not be expected on that site under the City Council Modification. Therefore, the applicable text of the hazardous materials (E) Designation (E-654) would change to remove Lots 60 and 61 from the designation. The hazardous materials (E) Designation would remain the same for Lot 1.
- **Air Quality**: The assumptions for the Development Site would not change as a consequence of the proposed City Council Modifications. The proposed R7A district would no longer extend east to include the Potential Development Site and new development would not be expected on that site under the City Council Modification. Therefore, the applicable text of the air quality (E) Designation (E-654) would change to remove Lots 60 and 61 from the designation. The air quality (E) Designation would remain the same for Lot 1.
- **Noise**: The assumptions for the Development Site would not change as a consequence of the proposed City Council Modifications. The proposed R7A district would no longer extend east to include the Potential Development Site and new development would not be expected on that site under the City Council Modification. Therefore, the applicable text of the noise (E) Designation (E-654) would change to remove Lots 60 and 61 from the designation. The noise (E) Designation would remain the same for Lot 1.