DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, FAICP, *Director*
Department of City Planning

POSITIVE DECLARATION

Project Identification
Rheingold Development Rezoning
CEQR No. 09DCP002K
ULURP Nos. 110179ZRK; 080322ZMK; 070250MMK
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

Rheingold Development Rezoning

The applicant, Forrest Lots, LLC, is seeking zoning map and text amendments, and amendments to the City Map (collectively, the "Proposed Action") to facilitate residential and mixed-use development on five full blocks and a portion of one block in the Bushwick neighborhood of Brooklyn, Community District 4. The area affected by the Proposed Action is bounded by Flushing Avenue on the north, Evergreen Avenue on the east, Melrose Avenue on the south, and Stanwix, Beaver, Garden Streets to the west. The Proposed Action would rezone all or portions of Blocks 3137, 3138, 3139, 3140, 3141, and 3152 from the current M1-1 and M3-1 districts to R6A, R7A and M1-2 districts, map C2-4 commercial overlays, make the Inclusionary Housing Program (IH) zoning regulations applicable in the proposed R6A and R7A districts and map two streets (Noll and Stanwix Streets) that are currently unmapped.

The rezoning area comprises approximately 623,080 square feet covering 93 lots, 47 of which are applicant owned (Block 3139, Lots 18, 19, 20, 21 ,23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; Block 3140, Lots 1,'50; Block 3141, Lots 1, 5, 6, 7, 8, 10, 11, 12, 14, 15, 18, 20, 21, 22, 23, 36; Block 3152, Lots 1, 2, 45, 48, 56, 58, 62, 63, 64, 66).

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In order to assess the impacts associated with the Proposed Action, a Reasonable Worst Case Development Scenario was established. 8 projected development sites were identified as most likely to be developed in the future with the proposed action. Four applicant-controlled projected development sites, under the RWCDS, would result in a net increase 977 dwelling units, 195 of which would be affordable under the Inclusionary Housing program, and 54,182 sf of local retail. Four non-applicant controlled projected development sites were identified (Block 3152, Lots 36, 37, 38, 41, 43; Block 3138, Lots 20, 22, 28; Block 3137, Lot 56). These projected development sites are anticipated to be developed with 99 DUs, 20 of which would be affordable under the Inclusionary Housing program, and 27,609 gross sf of ground floor retail. In total, it is anticipated that the Proposed Action would result in the net increase of 1,076 dwelling units, of which 215 would be affordable under the Inclusionary Housing program, and 74,194 gross square feet of retail space, and a net decrease of 79,915 gross square feet of manufacturing space, 53,895 gross square feet of open storage/vehicle parking space and 129,513 square feet of vacant land. Additionally, 3 potential development sites were identified as less likely to be developed in the future with the proposed action. These sites could be redeveloped with mixed-use buildings with ground floor retail and residential uses on the upper floors.

The affected area is currently zoned M1-1 and M3-1, which allow Use Groups 5-18 and high and low-performance manufacturing uses, respectively. M1-1 districts permit industrial and commercial uses to an FAR of 1.0 and some community facility uses to an FAR of 2.4. The M3-1 district has a maximum commercial/manufacturing FAR of 2.0 and a maximum front wall height of 60 feet or four stories. In M1-1 districts, buildings may rise to 30 feet at the street, above which they are controlled by a sky-exposure plane after a required setback. New residential development is not permitted.

The rezoning area currently contains a mix of land uses, including commercial, residential, parking and vehicle storage, automotive, transportation-related and industrial uses. It also includes a significant amount of vacant land. Commercial uses are generally concentrated near Flushing Avenue and along Bushwick Avenue in the western portion of the rezoning area, and include local retail, restaurant, and office uses. Residential uses are also largely concentrated in the western portion of the rezoning area, and generally include low-rise 3-to 5-story walkup residential tenement buildings, some of which include ground floor retail. Industrial, vehicle storage, parking, automotive and transportation-related uses are largely located to the east of Bushwick Avenue. A small portion of the rezoning area includes some community facility uses. A large two-story warehouse at 930 Flushing Avenue, which occupies most of the M3-1 zoning district within the rezoning area, extends along the west side of Evergreen Avenue between Flushing Avenue and Noll Street.

The proposed R6A and R7A districts are contextual residential districts, which permit Use Groups 1-4 as-of-right. Under the Inclusionary Housing program, R6A and R7A zoning districts have a base FAR of 2.7 and 3.45 and a maximum FAR of 3.6 and 4.6, respectively. In R6A districts buildings would be permitted to a height of 60 feet at the street, and 70 feet after a setback. In R7A districts buildings would be permitted to a height of 65 feet at the street, and 80 feet after a setback. Contextual street-wall lineup provisions would apply. The C2-4 overlays would permit a maximum FAR of 2.0 for commercial uses.

The Proposed Action also involves changes to the City Map, including: the mapping of an unbuilt, unmapped segment of Stanwix Street between Montieth Street and Forrest Street; and

the mapping of an unbuilt, unmapped segment of Noll Street between Evergreen Avenue and Stanwix Street. As a result of the proposed mapping actions, Stanwix Street would connect Forrest and Montieth Streets and Noll Street would connect Stanwix Street and Evergreen Avenue. Stanwix Street would have a mapped width of 50 feet, including a 30-foot travel way and two 10-foot sidewalks. Noll Street would also have a mapped width of 50 feet, including a 30-foot travel way and two 10-foot sidewalks.

Absent the proposed actions, the existing structure and uses on the project site would remain. It is expected that construction of the proposed development would be completed by 2016.

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 action 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 on 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, are not expected to result in significant adverse impacts on historic 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, are not expected to result in significant adverse impacts to natural resources in the affected area.

9. The actions, as proposed, may result in significant adverse hazardous materials impacts in the affected area.

10. The actions, as proposed, may result in significant adverse impacts on water and sewer infrastructure in the vicinity of the affected area.

11. The actions, as proposed, are not expected to significant adverse impacts on solid waste and

sanitation services in the vicinity of the proposed actions.

12. The actions, as proposed, are not expected to result in significant adverse impacts on energy consumption in the affected area.

13. The actions, as proposed, may result in significant adverse impacts to transportation systems including traffic, parking, transit, and pedestrian conditions in the vicinity of the affected area.

14. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.

15. The actions, as proposed, are not expected to result in significant adverse impacts related to green house gas emissions.

16. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.

17. The actions, as proposed, are not expected to result in significant adverse public health-related impacts.

18. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.

19. 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 action which finds that:

1. The proposed actions would alter existing land use patterns in the directly affected area by facilitating the development of what are presently industrial uses to residential, commercial, and community facility uses. However, the proposed rezoning area is not within the City's coastal zone and therefore would not result in any foreseeable action that would be inconsistency with the City's Local Waterfront Revitalization Program.

2. The proposed actions would result in the direct displacement of some existing businesses in the rezoning area. The proposed actions would also introduce nearly 1,076 additional new dwelling units in an area where such development is not currently anticipated for the foreseeable future which has the potential to alter demographic patterns and conditions in the local real estate market.

3. The proposed actions could result in the development of nearly 1,076 new dwelling units including approximately 215 affordable units through the IH program, which could introduce a significant number of school-age children to the area. This could affect the ability of local schools to accommodate demand, and would introduce a new population which could increase demand on other community facilities such as child care.

4. The proposed actions would introduce a significant new residential population which would place additional demands on available open space resources.

5. The proposed actions would permit construction of new buildings which could exceed the 50-foot threshold identified in the CEQR Technical Manual as requiring an assessment of potential shadow impacts.

6. As determined in a LPC Correspondence letter, dated 6/6/2012, no adverse impacts to historical and cultural resources are anticipated as a result of the proposed actions.

7. The proposed actions would encourage the development of 7- to 8-story buildings, which would differ from existing urban design elements in the affected area, and may alter the urban design character and visual resources of the surrounding area.

8. The proposed rezoning area is located within a fully developed urban area and consists of developed or paved lots, which are devoid of natural resources, and have no habitat used by any protected species. As such, it is not anticipated that significant adverse impacts on natural resources would result from the proposed actions.

9. The proposed actions would rezone an area presently zoned for manufacturing uses to residential uses and promote demolition and construction on sites that may contain hazardous materials, which could potentially expose construction workers and the public to hazardous materials.

10. The proposed actions would induce new development which could place additional demands on infrastructure such as sewers, water supply, and water pollution control plants (WPCPs).

11. The proposed actions would induce new development which would result in the generation of solid waste and which would require sanitation services. Preliminary analysis found that the proposed actions would result in a net increase of 55,089 lbs of solid waste per week for the rezoning area as a whole, which is not expected to be sufficient to overburden sanitation services for this area.

12. The proposed actions, based on a preliminary analysis, would result in the annual consumption of approximately 108 billion BTUs, which is a very small fraction of the City's annual consumption.

13. The proposed actions would induce new development which would result in additional vehicular, pedestrian, and transit trips and additional parking demand in the vicinity of the affected area.

14. The proposed actions would induce new residential development which would result in increased mobile source (vehicular) and stationary source (HVAC system) emissions, and would introduce new residential uses which may be affected by air emissions from existing large-scale residential, commercial, and institutional sources in vicinity of the project site.

15. The proposed action is not a city capital project or power plant and would not fundamentally alter the City's solid waste management system.

16. The proposed actions would introduce new sensitive receptors into an area which may be characterized by high ambient noise levels, and would induce new residential development which could result in additional mobile-source noise.

17. The proposed actions would alter the type and intensity of the land use within the proposed rezoning area which could alter existing neighborhood character by affecting land use, socioeconomic conditions, historic resources, urban design, traffic, and noise.

18. The proposed actions would induce new development, which would involve demolition and construction activities which may result in construction-related impacts.

19. The proposed actions would result in new development which could potentially result in public health concerns if unmitigated adverse impacts are found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise.

20. The Draft Environmental Impact Statement 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 will be held on Monday, September 10th at 8:30am at the New York City Department of City Planning, Spector Hall, 22 Reade Street, New York, New York, 10007. Written comments will be accepted by the lead agency until Monday, September 24, 2012.

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, Jonathan Keller, at (212) 720-3419.

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7/31/12
Date