DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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Department of City Planning

September 10, 2021

NOTICE OF COMPLETION OF

THE FINAL ENVIRONMENTAL IMPACT STATEMENT

960 Franklin Avenue Rezoning

Project Identification
CEQR No. 19DCP095K
ULURP Nos. C200184ZMK, N200185ZRK, C200186ZSK, C200187ZSK and N210150LDK
SEQRA Classification: Type I

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Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the action described below. Copies of the FEIS are available for public inspection at the office of the undersigned as well as online at https://www1.nyc.gov/site/planning/applicants/eis-documents.page. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). In light of the Governor's announcement on June 24, 2021 of the end of the State-declared state of emergency, and in support of the City's continued efforts to contain the spread of COVID-19, the public hearing on the Draft Environmental Impact Statement (DEIS) was held both in person and remotely on Thursday, July 29, 2021, at the City Planning Commission Hearing Room, Lower Level, 120 Broadway, New York, NY 10271, A public hearing on the DEIS will be held at a later date to be announced, in conjunction with the City Planning Commission's citywide public hearing pursuant to ULURP. Written comments on the DEIS were requested and accepted by the Lead Agency through Monday, August 9, 2021. The FEIS addresses all substantive comments made on the DEIS during the public hearing and subsequent comment period.

A. INTRODUCTION

Franklin Ave. Acquisition LLC ("the Applicant") is requesting several discretionary actions that would facilitate the development of two mixed-use buildings comprising approximately 1,369,314 gross square feet (gsf) (1,151,671 (zsf)) mixed-use commercial/residential development on the block bound by Montgomery Street, Franklin Avenue, Sullivan Place, and Washington Avenue, on the eastern side of the

Franklin Avenue subway shuttle right-of-way, in the Crown Heights neighborhood of Brooklyn Community District (CD) 9. The site is comprised of Brooklyn Block 1192, Lots 41 (130 Montgomery Street), 46, 63 (124 Montgomery Street), and 66 (972 Franklin Avenue) (the "Development Site"), while the Proposed Rezoning Area also includes Lot 40 (122A Montgomery Street) and parts of Lot 1 (a portion of the MTA's Franklin Avenue subway shuttle right-of-way), Lot 77 (1015 Washington Avenue) and Lot 85 (1035 Washington Avenue) ("the Project Area").

The Proposed Actions, consisting of zoning map and text amendments, as well as a Large Scale General Development (LSGD) special permit, and special permit to waive parking are being requested as outlined below.

1. Zoning map amendment, which would rezone the Project Area from R6A to R9D with a C2-4 commercial overlay (mapped in the Project Area within 100 feet of Franklin Avenue)

2. Zoning text amendment to the Zoning Resolution (ZR) to designate the Project Area as a Mandatory Inclusionary Housing (MIH) area would require the construction of permanently affordable residential units on the Applicant-owned and controlled Development Site.

3. Special Permit pursuant to ZR section 74-74, "Large-Scale General Development" would seek to modify location of buildings on the Development Site without regard to applicable height and setback regulations, the distance between buildings, and yard regulations. The LSGD special permit seeks to waive certain tower coverage requirements in R9D districts per the ZR. Upon approval, the Applicant would enter into a RD, a legally binding mechanism tied to the Development Site that governs the provisions of the LSGD. This would ensure that the Proposed Development is the RWCDS in terms of building envelope, floor area, and parking.

4. Special Permit pursuant to ZR section 74-533, "Reduction of Parking Spaces to Facilitate Affordable Housing," to waive the parking requirements per ZR section 25-23, "Requirements Where Group Parking Facilities Are Provided." Per the site's proposed zoning, parking would be required for 40 percent of the non-income restricted units, with approximately 442 required parking spaces. Parking spaces for approximately 16 percent of all market-rate DUs are proposed. As such, approximately 314 parking spaces would be waived by the requested special permit.

5. Finally, although not known at this time, the Proposed Development may also involve the use of public financing for the development of permanently affordable housing from the New York City Department of Housing Preservation and Development (HPD), the New York State Housing Finance Agency (HFA), or other governmental or private sources.

The Proposed Actions would facilitate the development of the 120,209 sf (approximately 2.76-acre) Development Site with an approximately 1,369,314 gsf (1,151,671 zsf) mixed-use development (the "Proposed Development"). The Applicant anticipates that the Proposed Development would comprise 1,263,039 gsf of residential uses, introducing a total of 1,578 dwelling units, including either 25 percent of the total units set aside pursuant to Option 1 of the City's MIH program (395 units of affordable housing with an average 60 percent AMI, or $46,620 per year for a family of three), or 30 percent of the total units set aside pursuant to Option 2 of the City's MIH program (473 units of affordable housing with an average of 80 percent AMI, or $62,150 per year for a family of three). In addition to the proposed residential component, approximately 21,183 gsf of local retail space and approximately 9,678 gsf of community facility space would be provided.

Parking spaces for approximately 16 percent of market-rate DUs would be allocated in two separate parking garages on the ground- and cellar-levels of the Proposed Development. The accessory parking garages would be accessed via a curb cut on Franklin Avenue, and a curb cut located on Montgomery Street. Additionally, secondary access into the parking garages would be provided via the proposed internal roadway, which would have a driveway located between the two proposed buildings.

It is expected that the Proposed Development would be constructed over an approximately three-year period following project approval, with completion and occupancy expected to occur in 2024.

The Proposed Action require discretionary actions (as noted above) from the CPC, and as discretionary actions, all are subject to environmental review. This DEIS has been prepared in accordance with Executive Order 91 of 1977, as amended, and City Environmental Quality Review (CEQR) Rules and Procedures adopted in 1991 (62 Rules of the City of New York, Chapter 5). The *2020 New York City Environmental Quality Review (CEQR) Technical Manual* will generally be used as a guide with respect to environmental analysis methodologies and impact criteria for evaluating the Proposed Project, unless otherwise stated.

B. DESCRIPTION OF THE PROPOSED ACTIONS

The Proposed Actions include a zoning map amendment, zoning text amendment, a Large-Scale General Development (LSGD) Special Permit, and a special permit to reduce the required parking for market-rate dwelling units. In addition, approval of financing for the construction of permanently affordable housing may also be sought. These actions are detailed below.

Zoning Map Amendment

The proposed zoning map amendment, which would rezone the Project Area from R6A to R9D with a C2-4 commercial overlay mapped within 100 feet of Franklin Avenue, would increase the permitted FAR in the Project Area, allowing for development of more residential and commercial uses than could be provided under existing conditions. The northern boundary of the Project Area would extend along Montgomery Street approximately 300 feet west of the centerline of Franklin Avenue to the right-of-way of the Franklin Avenue shuttle to the western side of the right-of-way. The eastern boundary would extend along Franklin Avenue from Montgomery Street to a point approximately 150 feet north of Sullivan Place. The southern boundary of the Project Area would extend west from Franklin Avenue in a line that runs parallel to and approximately 150 feet north of Sullivan Place to a point approximately 100 feet east of Washington Avenue. The western boundary of the Project Area would run parallel to and 100 feet east of Washington Avenue from a point approximately 150 feet north of the Sullivan Place centerline to a point approximately 300 feet west of Franklin Avenue and would then extend to the centerline of Montgomery Street.

The proposed R9D /C2-4 zoning district would allow for the development of a wider range of uses at higher densities and would create opportunities for local retail uses where such uses are not currently permitted, while also maximizing space for affordable housing units. Within an R9D /C2-4 district, residential and community facility uses would be subject to the bulk controls of an R9D district and commercial uses would be subject to the bulk controls of a C2-4 district.

Zoning Text Amendment

A zoning text amendment to Section 23-90 (Appendix F) of the ZR is being sought in order to establish the entirety of the rezoning area as an MIH area. The proposed zoning text amendment, which would designate the Project Area as an MIH area, would require the construction of permanently affordable residential units on the Applicant-owned and controlled Development Site, including permanently affordable housing through the City's MIH program. The City's MIH program specifies that an applicant can choose between Option 1, which requires that 25 percent of the housing must be affordable to households making 60 percent of the AMI for a household of three, and Option 2, which requires that 30 percent of the housing must be affordable to households making 80 percent of AMI for a household of three. The Applicant anticipates that 30 percent of the total units would be set aside pursuant to Option 2 of the City's MIH program (473 units of affordable housing with an average of 80 percent AMI, or $62,150 per year for a family of three). In addition to the required MIH units, the Applicant intends to set aside an additional 20 percent of the dwelling units (316 dwelling units) as affordable housing, to provide a combined total of 50 percent (789 units) affordable and workforce housing.

Large-Scale General Development (LSGD) Special Permit

The requested LSGD special permit would allow for greater flexibility in site design, particularly the location of buildings on the Development Site without regard to applicable height and setback regulations, the distance between buildings, and yard regulations. Proposed open space areas also would be shown on the site plan for illustrative purposes. The proposed LSGD special permit would serve to promote better site planning and urban design on the Development Site. For example, in order to create appropriate street frontage, street walls would be maintained to a contextual height on Franklin Avenue and Montgomery Street, and sidewalk level retail would activate the sidewalks. Specifically, a waiver is being sought for the base height at Phase II to go to 95 feet for alignment with the building bulk that would be permitted in the adjacent R8X zoning district to the north. The proposed massing would step upward from the lower street walls to introduce more height in the middle of the site, where it would be further removed from the street level experience. An internal drive is proposed to open the middle of the site for internal site circulation within an active entrance court and off the adjacent streets. The LSGD special permit would be required to waive certain tower coverage requirements in R9D districts per ZR section 23-663(b) (minimum lot coverage and minimum lot area under Tower Regulations) to permit minimum area of lot coverage of 11.4 percent when 33 percent would be required per zoning. Additionally, a modification of ZR section 23-663(c) (tower coverage regulation for the highest four stories of the tower under Tower Regulations) is requested to permit 100 percent tower coverage for the highest four stories of the building instead of the 50 to 80 percent coverage permitted under zoning. These waivers are requested to allow slender, uniform towers.

Special Permit to Reduce Required Parking

A special permit would be required pursuant to ZR section 74-533 to waive the parking requirements per ZR section 25-23. The requested parking reduction would facilitate the development of additional affordable housing in a development site located within a transit zone. Under the proposed zoning district, parking would be required for 40 percent of the non-income restricted units, with a total of approximately 442 required parking spaces. Parking spaces for approximately 16 percent of all mark-rate DUs are proposed. As such, 314 parking spaces would be waived by the requested special permit. It should be noted that no parking would be required for the income-restricted units under MIH zoning.

Public Financing

Although not known at this time, the Proposed Development may also involve the use of public financing for the development of affordable housing from HPD, the New York State Housing Finance Agency (HFA), or other governmental or private sources.

Restrictive Declaration and (E) Designation

Upon approval, the Applicant would enter into a Restrictive Declaration (RD), a legally binding mechanism tied to the project site that governs the provisions of the LSGD. This would ensure that the Proposed Development is the RWCDS in terms of building envelope, floor area, and parking, and also codify Project Components Related to the Environment (PCREs) related to open space, and mitigation measures related to child care. Additionally, the project approvals would also include recordation of an (E) Designation (E-586) related to hazardous materials, air quality and noise, to commit future development of the rezoning area in accordance with any necessary conditions identified through the environmental review.

C. PURPOSE AND NEED

The proposed zoning map amendment, which would rezone the area from R6A to R9D with a C2-4 overlay mapped within 100 feet of Franklin Avenue, combined with the text amendment and other requested discretionary actions described above, would facilitate the Proposed Development by increasing the permitted FAR in the Project Area, allowing for the development of more residential space, including approximately 789 units of affordable housing, including 30 percent (473 units) of the total units that would

be permanently affordable housing through the City's MIH program. The Applicant anticipates that the units provided beyond the required MIH requirements would be bound to affordability through a restrictive declaration recorded against the property or through a regulatory agreement with HPD or other governmental agency. The proposed rezoning would also allow for the introduction of new local retail uses within 100 feet of Franklin Avenue.

The proposed zoning text amendment, which would designate the Project Area as a MIH area, would require the construction of affordable dwelling units on the Applicant-owned development site. As described above, the MIH program has two options for applicants to select from, which provide either 25 or 30 percent of the total residential units be made permanently affordable. The Applicant's proposal to construct a development that is comprised of 50 percent affordable dwelling units (including 30 percent permanently affordable through the City's MIH program and 20 percent through an agreement with HPD) and 50 percent market-rate rental units (789 affordable units and 789 market-rate units) would surpass the City's existing affordability requirements as a result of the City approval of a high-density zoning district on the Development Site. The creation of new affordable housing would help to address affordable housing goals set forth by the City in *Housing New York: A Five-Borough, Ten-Year Plan*. Further, the 789 units of affordable housing would help to meet the stated goal of Brooklyn Community District 9 in the fiscal year 2019 *Statement of Community District Needs and Community Board Budget Requests* to address the critical need for affordable housing.

The Proposed Development would be constructed on private land in close proximity to public transportation. The inclusion of the proposed C2-4 commercial overlay would extend the existing commercial corridor further south along Franklin Avenue. As a result, it is anticipated that pedestrian activity of the surrounding Crown Heights neighborhood would be drawn south along Franklin Avenue into the Project Area.

The Applicant anticipates that all of the proposed residences would be rented quickly due to high demand for affordable and market-rate dwelling units, especially in light of the fact that this area is well-served by public transit, with easy access to Downtown Brooklyn and Manhattan. Douglas Elliman prepared a demographic market study and found that between 2010 – 2017 New York City's population grew by 450,000 residents, with 144,000 new residents in Brooklyn. The average person per unit in NYC is 1.85 persons per unit. To meet this demand, Brooklyn would have needed to add 72,000 new units from 2010 – 2017, however only 23,000 new units were added in this time. Additionally, there are only approximately 14,000 additional units in the pipeline between 2018 and 2022. Of these 14,000 units, Douglas Elliman roughly estimates that close to 75 percent of them will be located north of Eastern Parkway and priced at $65 per square-foot or more. The estimated pricing for the Proposed Development is anticipated to be in the $50-$51/ per square-foot range. Therefore, the Proposed Development is anticipated to satisfy existing demand for affordable and market-rate units.

The Applicant believes that there is precedent for the proposed maximum building height and scale in the immediate vicinity of the Project Area, with the 33-story Tivoli Towers residential development located two blocks to the north of the Project Area, and the 25-story Ebbets Field residential development located two blocks to the east of the Project Area. Tivoli Towers, built in 1979, contain approximately 321 dwelling units, while Ebbets Field Apartments, constructed in 1962, contain approximately 1,300 dwelling units.

D. DESCRIPTION OF THE PROPOSED DEVELOPMENT

For analysis purposes, it is anticipated that the Proposed Actions would facilitate the development of a two tower, approximately 1,369,314 gsf (1,151,671 zsf) mixed-use residential/commercial/community facility development. The Proposed Development would comprise approximately 1,263,039 gsf of residential uses, introducing a total of approximately 1,578 dwelling units (DUs), of which 30 percent (473) would be affordable pursuant to the City's MIH Option 2 program requirements, an additional 20 percent affordable that the Applicant intends to construct (for up to 50 percent (789 DUs of affordable housing) and 50 percent (789 DUs) would be market-rate units.

TABLE 1
Proposed Development Program

	Total Area		Residential GSF	Dwelling Units			Commercial GSF	Community Facility GSF	Accessory Parking	Building Stories	Building Height[2]
	GSF	ZSF		Market-Rate	Affordable						
					MIH[1]	Additional Applicant-Proposed					
Phase I	705,652	587,385	648,520	405	237	158	9,641	0	95	39	421
Phase II	663,662	564,286	614,519	384	236	158	11,542	9,678	85	39	424
Total	**1,369,314**	**1,151,671**	**1,263,039**	**789**	**473**	**316**	**21,183**	**9,678**	**180**		

Notes:
[1] For analysis purposes, MIH Option 2 (30 percent of the total DU count designated as affordable housing) is assumed.
[2] The maximum building height does not include the 40-foot bulkhead allowance that is being provided for each building. However, the bulkhead is analyzed in the relevant technical areas, including the shadows assessment.

The Applicant anticipates that 30 percent of the total units would be set aside pursuant to Option 2 of the City's MIH program (473 units of affordable housing with an average of 80 percent AMI, or $62,150 per year for a family of three). In addition to the required MIH units, the Applicant intends to set aside an additional 20 percent of the dwelling units (316 dwelling units) as affordable housing, to provide a combined total of 50 percent (789 units) affordable and workforce housing. Of the 50 percent affordable apartments, the Applicant intends to provide the following affordability levels: 60 percent would accommodate families at or below 80 percent AMI, (473 units, consistent with and exceeding MIH Option 2), 20 percent would be provided by the Applicant in addition to MIH requirements to accommodate families at or below 100 percent AMI (158 units), and 20 percent of the units would be provided by the Applicant to addition to MIH requirements to accommodate families at or below 120 percent AMI (158 units), as shown in Table 3. The Applicant anticipates that the units provided beyond the required MIH requirements would be bound to affordability through a restrictive declaration recorded against the property or through a regulatory agreement with HPD or other governmental agency.

In addition to the residential component, approximately 21,183 gsf of local retail space and approximately 9,678 gsf of community facility space would be provided. Approximately 180 parking spaces would be allocated in two separate parking garages on the ground- and cellar-levels of the Proposed Development. The accessory parking garages would be accessed via a curb cut on Franklin Avenue, and a curb cut located on Montgomery Street. Additionally, secondary access into the parking garages would be provided via the proposed internal roadway, which would have a driveway located between the two proposed buildings.

The Proposed Development would be constructed in two consecutive phases. During the first phase, a 39-story, approximately 421-foot tall tower (excludes the 40-foot mechanical bulkhead) would be constructed on the southern portion of the Development Site (Lots 63 and 66). The Phase I tower would have a six-story street wall for approximately 65 feet, five-inches along Franklin Avenue at the southern end of the site, which would step up to a seven-story street wall for approximately 225 feet to the north along Franklin Avenue. The building would be set back 15 feet before rising up to 17 stories, and then another 5 feet before rising to 34 stories and would then set back approximately 85 feet to the 39-story portion of the building. The first phase of the Proposed Development would comprise approximately 705,652 gsf with approximately 810 dwelling units, including approximately 405 affordable units, approximately 9,641 gsf of local retail uses, and approximately 67 parking spaces.

In the second phase, a 39-story, approximately 424-foot tall tower (excludes the 40-foot mechanical bulkhead) would be constructed on the northern portion of the Development Site (Lots 41 and 46). The Phase II tower would have a six-story street wall for approximately 222-feet, three-inches along Franklin Avenue and 225 feet along Montgomery Street. The building would be set back 15 feet from Franklin Avenue and Montgomery Street before rising up to 17 stories. There would be another setback of 90 feet on the Franklin Avenue frontage before rising to 31 stories, and 22-feet 3-inches on the Montgomery Street frontage before rising to 31 stories. The building would then step back another 15 feet from Franklin Avenue and another 65 feet on the Montgomery Street frontage before rising to 39 stories. The second phase of the

Proposed Development would comprise approximately 663,662 gsf with approximately 768 dwelling units, 11,542 gsf of local retail uses, approximately 9,678 gsf of community facility space and approximately 61 accessory parking spaces.

Approximately 50,258 sf of open space areas would be provided, including approximately 24,959 sf of roof garden terrace areas, approximately 10,790 sf of open plaza along the interior roadway, and approximately 7,340 sf of at-grade landscaped area along the western property line that would likely serve as a buffer between the proposed development and the subway right-of-way. Pursuant to the PAA, the 10,790sf of open plaza areas along the proposed interior roadway would be accessible to the public between dawn and dusk. The balance of the open space areas would be private open spaces for use by building residents. As design of the open space areas has not been completed at this time, potential future amenities are not yet known.

As described above, approximately 75,414 gsf (parking spaces for approximately 16 percent of all market-rate DUs) would be allocated for parking on the ground- and cellar-levels of the Proposed Development. The accessory parking garages would be accessed via a curb cut on Franklin Avenue, and a curb cut located on Montgomery Street. Additionally, secondary access into the parking garages would be provided via the proposed private internal roadway, which would have a driveway located between the two proposed buildings.

E. ANALYSIS FRAMEWORK

The Proposed Actions would change the regulatory controls governing land use and development at the Development Site. The *2020 CEQR Technical Manual* will serve as the general guide on the methodologies and impact criteria for evaluating the Proposed Development's potential effects on the various environmental areas of analysis.

Analysis Year

Construction of the Proposed Development would occur over an approximately three-year period with an anticipated start date in 2022 with the demolition of the existing on-site buildings. The demolition is planned regardless of the Proposed Actions to facilitate either the Proposed Development or an as-of-right development pursuant to the existing zoning. All components of the Proposed Development would be complete and fully operational by the end of 2024. Accordingly, the EIS will use a 2024 Build Year for analysis purposes. As the Proposed Development would be operational in 2024, its environmental setting is not the current environment, but the future environment. Therefore, the technical analyses and consideration of alternatives assess current conditions and forecast these conditions to the expected 2024 Build Year for the purposes of determining potential impacts. Each chapter of the EIS will provide a description of the "Existing Condition" and assessment of future conditions without the Proposed Development ("Future without the Proposed Actions") and with the Proposed Development ("Future with the Proposed Actions").

Reasonable Worst-Case Development Scenario (RWCDS)

In order to assess the possible effects of the Proposed Actions, a reasonable worst-case development scenario (RWCDS) for the Development Site was established for both Future No-Action and Future With-Action conditions. The incremental difference between the future No-Action and future With-Action conditions will serve as the basis of the impact category analyses in the EIS. The requested LSGD Special Permit would require the submission of drawings to the City Planning Commission and would require that the various program elements of the Proposed Development be within the scope of the RWCDS analyzed in the EIS. Furthermore, upon approval of the LSGD Special Permit, the Applicant would enter into a RD, a legally binding mechanism tied to the Development Site that governs the provisions of the LSGD and would cap the available FAR at 9.7 rather than the 10.0 FAR that would typically be available in an R9D zoning district. Therefore, the Proposed Development would represent the upper limits of potential development and the impact of the Proposed Actions would be no worse than those considered in the EIS.

Additionally, the proposed rezoning area follows the City's existing zoning district boundaries. The existing zoning district boundaries create split lot conditions for the following tax lots: Lot 1, Lot 41, Lot 63, Lot 66, Lot 77, and Lot 85. The majority of the Development Site is located within the boundaries of the existing R6A/proposed R9D zoning district (100 percent of Lots 41 and 46, 99 percent of Lot 63, and 96 percent of Lot 66).

As described below, the Proposed Actions would not be expected to result in new development on Lots 1, 40, 77 or 85:

- Lot 1 contains the MTA's Franklin Avenue subway shuttle right-of-way, an open-cut subway line that transects Block 1192 from Montgomery Street to Washington Avenue. As this tax lot is owned by the MTA, it would require additional discretionary approvals to allow for the disposition of City property in order to be redeveloped or to transfer or sell the development rights from this property to an adjacent property. As such, since any development of this area or sale transfer of development rights to another adjacent property would require its own environmental reviews and approvals, Lot 1 is unlikely to be developed on an as-of-right basis as a consequence of the Proposed Actions. Therefore, it would not be considered a projected development site pursuant to *CEQR Technical Manual* guidance.

- 122A Montgomery Street (Lot 40) is a 1,282 sf (10 feet wide by 128 feet deep) rectangular property that is located within the Project Area. At 10 feet wide, it does not meet the minimum residential lot width requirements of ZR Section 23-32, "Minimum Lot Area or Lot Width for Residences." Additionally, it is not considered a possible development site due to the extensive structural shoring that would have to be installed along the western edge of the narrow property within the property lines in order to develop the site due to its proximity to the adjacent MTA subway cut.

- 1015 Washington Avenue (Lot 77) is a 28,432 sf trapezoidal property partially located within the Project Area. Lot 77 is occupied by a six-story, 99,750 gsf multi-family residential building, which represents a built FAR of 3.34. The current residential building contains 90 dwelling units constructed before 1974. Although Lot 77 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped as a consequence of the Proposed Actions since only a small portion (24.4 percent) of the site would be rezoned from R6A to R9D as a consequence of the Proposed Actions, with the remainder of the lot remaining R8A. The area changed is in the rear of the lot with no street frontage, so the rear yard requirement would prohibit most of the area to be built upon. Per ZR 77-22, a blended portion of the available floor area could be located on the front of the site. Under the current R8A zoning the existing zoning lot has approximately 70,000 sf of unbuilt floor area, but only 26,000 sf could be added as an addition to the existing building and only about 32,000 sf of additional area could be realized as a new build. With the proposed rezoning to R9D, constructing an addition on top of the existing building would allow an increase of the existing building by 31,000 sf (approximately 5,000 sf over the expansion of the existing building that would be permitted under existing zoning) and about 60,000 sf (approximately 28,000 sf more than would be permitted under the R8A zoning) with a complete new build. As this incremental increase in floor area provided under the proposed R9D zoning would be very small, it is anticipated that there would be little incentive for the building owner to demolish the existing building in order to obtain approximately 28,000 sf of floor area that would not be available under existing zoning. Further, if the owner were to seek relief from the NYC Board of Standards and Appeals (BSA) to try to have the FAR of the proposed R9D zoning district applied to the entire lot, that would mean that additional discretionary actions would be required as there would be no way to utilize the FAR available under the R9D zoning on this lot on an as-of-right basis.

- 1035 Washington Avenue (Lot 85) is a 28,437 sf irregularly shaped property partially located

within the Project Area. Lot 85 is occupied by a six-story, 123,113 gsf multi-family residential building which represents a built FAR of 4.12. The current residential building contains 97 dwelling units constructed before 1974. Although Lot 85 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped as only a small portion (0.6 percent) of the site would be rezoned as a consequence of the Proposed Actions. The area that would be rezoned as a consequence of the Proposed Actions is on the side lot line along Franklin Avenue. Per ZR 77-22, a blended portion of the available floor area created by the portion of the lot located in the proposed R9D zoning district could be used in the portion of the lot that lies within the R8A zoning district. Under the current R8A zoning, the existing building shape makes the construction of an addition impossible due to the required rear yard equivalent to be mapped at the middle of the site. Under the current zoning, approximately 47,700 sf additional floor area could be obtained by demolishing the existing building and constructing a new building to maximize the FAR available under the existing R8A zoning. Under the proposed rezoning, approximately 17,600 sf of additional floor area would be available from the portion of the lot that would be rezoned to R9D. When added to the 47,700 sf of additional floor area that is available on the site with the underbuilt condition, a total of 65,300 sf of additional floor area could be created on the site. As this incremental increase in floor area provided under the proposed R9D zoning would be very small, it is anticipated that there would be little incentive for the building owner to demolish the existing building in order to obtain approximately 17,600 sf of floor area that would not be available under existing zoning. Further, if the owner were to seek relief from the NYC BSA to try to have the FAR of the proposed R9D zoning district applied to the entire lot, that would mean that additional discretionary actions would be required as there would be no way to utilize the FAR available under the R9D zoning on this lot on an as-of-right basis.

Therefore, the proposed rezoning would not create a substantial amount of new usable floor area for any of the other lots outside of the Proposed Development site that would be partially, or completely, rezoned as a consequence of the Proposed Actions. As such, there would be no new off-site development within the Project Area that would be expected to occur due to the proposed rezoning and the RWCDS would be comprised of only the Proposed Development.

The Future Without the Proposed Action (No-Action Condition)

All four lots comprising the Development Site are under the control of the Applicant. Lots 63 and 66 are predominantly vacant and would be redeveloped pursuant to the existing R6A zoning. While the Phase II property currently contains the Morris J. Golombeck, Inc. Importers spice company operations, the Applicant has an accepted purchase agreement and the spice operations would vacate the property regardless of the Proposed Actions. As such, an as-of-right development would be developed on the Development Site pursuant to the existing R6A zoning under future No-Action conditions.

It is anticipated that an as-of-right residential development would be constructed on the Development Site (Lots 41, 46, 63 and 66) in two phases pursuant to the existing R6A zoning under future No-Action conditions. The R6A zoning district permits 3.0 FAR with a maximum base height of 60 feet and a maximum building height of 70 feet. The No-Action development would include a total of approximately 414,607 gsf (approximately 356,190 zsf) of residential uses with approximately 518 market rate condominiums (assuming an average dwelling unit size of approximately 800 gsf per unit). Approximately 259 parking spaces would be provided, which is the equivalent of 50 percent of the building's market-rate dwelling units as required by the site's R6A zoning.

The Future With the Proposed Action (With-Action Condition)

Under the With-Action scenario, two mixed-use buildings would be constructed with a total combined area of approximately 1,369,314 gsf (1,151,671 zsf). The Proposed Development would comprise 1,263,039 gsf of residential uses, introducing a total of 1,578 dwelling units, of which 30 percent or 473 dwelling units

would be affordable units through the City's MIH program requirements (assuming 30 percent requirement under the City's MIH Option 2) and an additional 20 percent affordable that the Applicant intends to construct (up to 50 percent or 789 dwelling units of affordable housing) and 50 percent or 789 dwelling units would be market-rate units. An average unit size of 800 gsf per unit is assumed for all dwelling units.

The Applicant anticipates that 30 percent of the total units would be set aside pursuant to Option 2 of the City's MIH program (473 units of affordable housing with an average of 80 percent AMI, or $62,150 per year for a family of three). In addition to the required MIH units, the Applicant intends to set aside an additional 20 percent of the dwelling units (316 dwelling units) as affordable housing, to provide a combined total of 50 percent (789 units) affordable and workforce housing. Of the 50 percent affordable apartments, the Applicant intends to provide the following affordability levels: 60 percent would accommodate families at or below 80 percent AMI, (473 units, consistent with and exceeding MIH Option 2), 20 percent would be provided by the Applicant above and beyond MIH requirements to accommodate families at or below 100 percent AMI (158 units), and 20 percent of the units would be provided by the Applicant above and beyond MIH requirements to accommodate families at or below 120 percent AMI (158 units).

In addition to the residential component, approximately 21,183 gsf of local retail space and approximately 9,678 gsf of community facility space would be provided. For conservative analysis purposes it is assumed that the community facility space would be occupied by a medical office; however, it is the Applicant's intent to make space available to the NYC Department of Education (DOE) to ultimately provide a daycare facility. Approximately 75,414 gsf (parking for approximately 16 percent of all market-rate DUs) would be allocated for parking on the ground- and cellar-levels of the Proposed Development in two separate garages.

The Proposed Development would be constructed in two consecutive phases beginning in the first quarter of 2022 and ending in late-2024. During the first phase (beginning in first quarter 2022 and completed by early 2024), a 39-story, approximately 421-foot tall tower (excludes the 40-foot rooftop mechanical bulkhead) would be constructed on the southern portion of the Development Site (Lots 63 and 66). The Phase I tower would have a six-story street wall for approximately 65 feet, five inches along Franklin Avenue at the southern end of the site, which would step up to a seven-story street wall for approximately 225 feet to the north along Franklin Avenue. The building would be set back 15 feet before rising up to 17 stories, and then another 5 feet before rising to 34 stories and would then set back approximately 85 feet to the 39-story portion of the building. The first phase of the Proposed Development would comprise approximately 705,652 gsf with approximately 810 dwelling units, and approximately 9,641 gsf of local retail uses. Approximately 67 parking spaces would be provided in Phase I.

In the second phase (beginning in second quarter of 2022 and completed by late-2024), a 39-story, approximately 424-foot tall tower (excludes the 40-foot rooftop mechanical bulkhead) would be constructed on the northern portion of the Development Site (Lots 41 and 46). The Phase II tower would have a six-story street wall for approximately 222 feet along Franklin Avenue and approximately 225 feet along Montgomery Street. The building would be set back 15 feet from Franklin Avenue and Montgomery Street before rising up to 17 stories. There would be another setback of 90 feet on the Franklin Avenue frontage before rising to 31 stories and 22-feet, three inches on the Montgomery Street frontage before rising to 31 stories. The building would then step back another 15 feet from Franklin Avenue and another 65 feet from Montgomery Street before rising to 39 stories. The second phase of the Proposed Development would comprise approximately 663,662 gsf with approximately 768 dwelling units (384 affordable), 11,542 gsf of local retail uses, and approximately 9,678 gsf of community facility space. Approximately 61 parking spaces would be provided in Phase II.

Approximately 50,258 sf of open space areas would be provided, including approximately 24,959 sf of roof garden terrace areas, approximately 10,790 sf of open plaza along the interior roadway, and approximately 7,340 sf of at-grade landscaped area along the western property line that would likely serve as a buffer between the proposed development and the subway right-of-way. Pursuant to the PAA, the 10,790 sf of open plaza areas along the proposed interior roadway would be accessible to the public. The balance of the

open space areas would be private open spaces for use by building residents. As design of the open space areas has not been completed at this time, potential future amenities are not yet known.

F. PROBABLE IMPACTS OF THE PROPOSED DEVELOPMENT

Land Use, Zoning and Public Policy

No significant adverse impacts on land use, zoning, or public policy, as defined by the guidance for determining significant impacts as set forth in the *CEQR Technical Manual*, are anticipated in the future with the Proposed Actions for both the Project Area and quarter-mile land use study area.

While changes in land use and zoning would occur, with proposed residential, local retail and community facility uses replacing a spice processing and warehousing facility, the Proposed Actions would facilitate the development of a residential development that would be comprised of affordable residential units under the City's MIH program and additional income-targeted and market-rate residences. The proposed residential, local retail, and community facility uses would be comparable to existing and planned developments in Crown Heights, and would directly support several major City policies aimed at increasing supply of affordable housing in New York City. The Proposed Actions would facilitate the mixed-use development in an area well-served by mass transit.

Socioeconomic Conditions

The Proposed Actions would not result in any significant adverse impacts to the five socioeconomic areas studied under *CEQR* including direct residential displacement, direct business/institutional displacement, indirect residential displacement, indirect business/institutional displacement, and adverse effects on specific industries, in accordance with *CEQR Technical Manual* guidance.

An initial screening determined that the Proposed Actions would not directly displace any residents as the Development Site does not contain any existing residential units. In addition, while a portion of the Development Site currently supports an existing business operation, the Applicant has an accepted purchase agreement and the existing business would vacate the property regardless of the Proposed Actions. Moreover, the Development Site is anticipated to be redeveloped irrespective of the Proposed Actions, and therefore, the Proposed Actions would not directly displace any existing businesses or workers. As such, the Proposed Actions would not result in significant adverse impacts due to direct residential or direct business/institutional displacement.

The Proposed Actions would not result in significant adverse impacts due to indirect residential displacement. According to the *CEQR Technical Manual*, indirect displacement of residential population most often occurs when an action increases property values, and thus rents, making it difficult for some of the existing residents to continue to afford to live in the area. Under CEQR the objective of the indirect residential displacement analysis is to determine whether a project may either introduce a trend or accelerate a trend of changing socioeconomic conditions that may potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change. Based on *CEQR Technical Manual* guidance, a vulnerable population is defined as renters living in privately held units unprotected by rent control, rent stabilization, or other government regulations restricting rents, and whose incomes or poverty status indicate that they may not support substantial rent increases.

The Proposed Actions would introduce 1,060 additional DUs to the study area (compared to the No-Action), of which 473 DUs are expected to be developed as affordable housing units pursuant to MIH. The Applicant intends to provide an additional 316 affordable units for a total of up to 789 affordable units. It should be noted that the financing mechanism for the development has not yet been finalized. The Proposed Actions would introduce a residential population whose average income is expected to be higher than the existing average household income in the study area, but similar to the average income of the new population expected to reside in the study area in absence of the Proposed Actions. A preliminary assessment of indirect residential displacement shows an observable trend towards increasing rents and property values in the

study area. The residential units generated by the Proposed Actions would not result in indirect residential displacement by introducing a trend or accelerating a trend that may potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change. The affordable housing units added by the Proposed Actions would maintain a diverse socioeconomic composition within the study area and would further expand the supply of affordable housing for current and future residents. The affordable housing units would help to ensure that a considerable portion of the new households would have incomes that would more closely reflect the incomes of existing households in the study area and help ensure that the neighborhood continues to serve diverse housing needs. Therefore, the Proposed Actions would not introduce a new trend or accelerate an existing trend of changing conditions in a manner that would have the potential to substantially change the socioeconomic character of the neighborhood.

As the Proposed Actions would not generate commercial development that would exceed the 200,000 sf CEQR threshold, a preliminary indirect business displacement analysis was not warranted. Therefore, there would be no significant adverse impacts due to indirect business displacement.

The Proposed Actions would not result in significant adverse impacts on any specific industries. The Proposed Actions would not affect conditions within a specific industry, nor would they result in the loss or substantial diminishment of a particularly important product or service within the City.

Community Facilities and Services

The Proposed Actions would result in significant adverse child care impacts, but would not result in direct or indirect impacts to public schools, libraries, health care facilities or policy and fire protection services.

Direct Effects

The Proposed Actions would not displace or otherwise directly affect any public schools, child care centers, libraries, health care facilities, or police and fire protection services facilities.

Indirect Effects

Pursuant to *CEQR Technical Manual* guidance, detailed analyses of potential indirect impacts on public elementary and intermediate schools, public libraries, and publicly funded child care centers were conducted for the Proposed Actions. As described in the following analysis and summarized below, the Proposed Actions would result in significant adverse impacts related to child care facilities. The Proposed Actions would not result in significant adverse impacts on public schools or libraries. Additionally, based on the *CEQR Technical Manual* screening methodology, detailed analyses of high schools, outpatient health care facilities, and police and fire protection services are not warranted for the Proposed Actions.

Public Schools

The Proposed Actions would not result in significant adverse impacts on public schools. As defined in the *CEQR Technical Manual*, a significant adverse school impact may occur if an action would result in both of the following conditions: (1) a utilization rate of the elementary or intermediate schools in the sub-district study area that is equal to or greater than 100 percent in the future With-Action condition; and (2) an increase of five percentage points or more in the collective utilization rate between the No-Action and With-Action conditions.

The Project Area falls within the boundaries of New York City Community School District (CSD) 17, Sub-district 2. The 1,060 incremental DUs that would be facilitated by the Proposed Actions would generate approximately 255 elementary school students and approximately 96 intermediate school students. Based on a detailed analysis of public elementary schools, under the RWCDS, the elementary utilization rate of CSD 17, Sub-district 2 would increase from 88.1 to 93.8 percent. The detailed analysis of public intermediate schools also showed that the intermediate utilization rate of CSD 17, Sub-district 2 would

increase under the RWCDS as compared to the No-Action condition, from 60.4 to 62.8 percent. As CSD 17, Sub-district 2 elementary and intermediate schools would continue to operate with available capacity in the 2024 With-Action condition, no significant adverse impacts on public elementary or intermediate schools would occur as a result of the Proposed Actions.

Libraries

The Proposed Actions would not result in significant adverse indirect impacts to libraries. Two public libraries are located within a ¾-mile radius of the Project Area: the Crown Heights Branch Library and Brooklyn's Central Library. The Proposed Actions would introduce an estimated 2,777 additional residents to each library's catchment area, as compared to No-Action conditions. Under With-Action conditions, the Crown Heights Library's catchment area population is expected to increase by approximately 2.1 percent and the catchment area population of Brooklyn's Central Library is expected to increase by approximately 2.8 percent. As the library catchment area populations for both libraries would increase by less than five percent from the No-Action condition, this level of increase would not result in a noticeable change in the delivery of library services at these locations. As such, no significant adverse library impacts would occur as a result of the Proposed Actions.

Child Care

The Proposed Actions would result in significant adverse impacts on publicly funded child care centers. According to the *CEQR Technical Manual*, a significant adverse child care center impact could result if an action results in: (1) a collective utilization rate greater than 100 percent in the With-Action condition; and (2) the demand constitutes an increase of five percent or more in the collective capacity of child care centers serving the study area over the No-Action condition. Under the RWCDS, the Proposed Development would introduce approximately 84 children potentially eligible for subsidized child care to the study area. The analysis of publicly funded child care services found that under the With-Action condition the child care study area would experience a utilization rate of 104.2 percent, an increase of 5.6 percentage points over No-Action conditions. As such, the Proposed Actions would result in significant adverse impacts on publicly funded child care facilities. Potential mitigation measures are described below.

Open Space

The Proposed Actions would result in a significant adverse impact on two open space resources: the Brooklyn Botanic Garden and Jackie Robinson Playground as a result of incremental shadows.

According to the *CEQR Technical Manual,* a proposed action may result in a significant adverse impact on open space resources if (a) there would be direct displacement/alteration of existing open space within the study area that would have a significant adverse effect on existing users; or (b) it would reduce the open space ratio and consequently result in the overburdening of existing facilities or further exacerbating a deficiency in open space. Although the Proposed Actions would not result in the physical loss of existing public open space resources and would not result in any air quality, noise, or other environmental impacts that would affect the usefulness of any study area open space, they would result in significant adverse shadow impacts at Brooklyn Botanic Garden and Jackie Robinson Playground. These direct shadows impacts on these two open space resources may affect the public's use or enjoyment of these resources. Potential mitigation measures are discussed in the mitigation section below.

As the Proposed Actions are expected to introduce an incremental 2,777 residents to the Project Area under the RWCDS, a detailed indirect effects open space analysis for a residential (½-mile) study area was conducted, pursuant to *CEQR Technical Manual* guidance. The detailed analysis determined that the Proposed Actions would not result in any significant adverse impacts to open space due to reductions in the open space ratio, as defined by the *CEQR Technical Manual*.

According to the *CEQR Technical Manual*, the Project Area is located in an area that is considered well-served by open space. CEQR guidance indicates that a decrease in the open space ratio of five percent or

more is generally considered significant for a project located in an area that is currently below the Citywide median community district open space ratio of 1.50 acres per 1,000 residents. For areas that are extremely lacking in open space, a decrease of as little as one percent may be considered significant. An open space impact assessment also considers qualitative factors. As discussed in the EIS, the residential active open space ratio would decrease by more than five percent from the No-Action condition in the future with the Proposed Actions. While the residential total and passive open space ratios would remain above the City's planning guidelines of 2.50 acres and 0.50 acres per 1,000 residents, respectively, the residential active open space ratio would fall below the City's planning guideline of 2.00 acres of active open space per 1,000 residents in the future with the Proposed Actions, at 1.65 acres per 1,000 residents. However, (1) the total open space ratio would remain above the City's planning guideline of 2.50 acres of open space per 1,000 residents, at 3.74 acres per 1,000 residents; (2) the residential passive open space ratio would remain above the City's planning guideline of 0.50 acres of passive open space per 1,000 residents, at 2.08 acres per 1,000 residents; and (3) the Project Area is located in close proximity to significant regional open space resources, just beyond the study area boundaries, which provide additional active and passive open space recreational opportunities. Therefore, the Proposed Actions would not result in an indirect significant adverse impact on open space in the residential study area, in accordance with *CEQR Technical Manual* impact criteria.

Shadows

The Proposed Actions would result in significant adverse shadows impacts to two open space resources: Brooklyn Botanic Garden and Jackie Robinson Playground. The Proposed Development would result in incremental shadow coverage (i.e. additional, or new, shadow coverage) on portions of four sunlight-sensitive open space resources (Brooklyn Botanic Garden, Prospect Park, the Jackie Robinson Playground, and the P.S. 375 – K Community Playground). As the extent and duration of incremental shadows would (1) significantly reduce or completely eliminate direct sunlight exposure on sunlight-sensitive features found within two of these resources; and (2) would significantly alter the public's use or enjoyment of the playgrounds, gardens, or parks, or threaten the viability of vegetation or other elements located within these two open spaces, incremental shadows from the Proposed Development on Brooklyn Botanic Garden and the Jackie Robinson Playground would be considered a significant adverse impact, in accordance with *CEQR Technical Manual* methodology. Based on the duration of incremental shadows on Prospect Park and the P.S. 375 – K Community Playground, the Proposed Actions would not result in any significant adverse impacts on these two open spaces resources. Incremental shadows from the Proposed Development would be cast on several individual resources within the Brooklyn Botanic Garden. Greenhouses within the Brooklyn Botanic Garden are used to propagate plants for desert, tropical, and warm temperate climates that require full, year-round sun including sunlight during the important winter months. Therefore, incremental shading of these greenhouses, specifically during the winter months, would have a significant adverse impact on the plants in these greenhouses. Though the *CEQR Technical Manual* states that 4-6 hours of sunlight is necessary for plant survival, the Brooklyn Botanic Garden contains over 18,500 kinds of plants, with globally rare species and native rare species. The minimum sunlight needed to constitute survival may not be enough to promote healthy growth of these rare plants. Therefore, due to the incremental shadows created by the Proposed Development, significant adverse impacts are likely on the natural resources found within Brooklyn Botanic Garden.

In Jackie Robinson Playground, incremental shadows from the Proposed Development are expected to cover a passive area for seating and an area for active uses such as a playground area and basketball court. Based on the guidance of the *CEQR Technical Manual,* these areas would be considered sunlight-sensitive. Therefore, due to the duration and coverage of incremental shadows on the Jackie Robinson Playground, the Proposed Actions would cause a significant adverse shadow impact on the open space. Potential mitigation measures are discussed in the mitigation section below.

Historic and Cultural Resources

The Proposed Actions would not result in any significant adverse impacts to historic or cultural resources. As detailed below, in the futures both without and with the Proposed Actions, the existing buildings on the

Development Site, including the S/NR-eligible Consumer Park Brewery Company complex structures, would be demolished. Therefore, the Proposed Actions would not result in any new direct impacts to historic architectural resources as compared to No-Action conditions. Additionally, as the Proposed Actions are Project Area-specific, they would not result in any direct impacts to surrounding historic resources. Consultation with LPC was undertaken to determine whether the Project Site may contain archaeological resources. In a comment letters dated December 4, 2017 and December 20, 2017, LPC determined that the Project Site does not possess archaeological significance. As the Proposed Actions would not result in any significant adverse archaeological impacts, further archaeological analysis is not warranted and the EIS analysis focuses exclusively on historic architectural resources.

The Proposed Actions would not result in significant adverse indirect or contextual impacts on existing historic resources. The With-Action buildings on the Development Site would not significantly alter the context or setting of surrounding historic resources as compared to No-Action conditions. The top of the With-Action towers would be visible behind the LPC-designated and S/NR-eligible Brooklyn Central Office's Bureau of Fire Communications building when looking northeast from Empire Boulevard. However, as discussed below, the study area is a dense urban environment with multiple existing high-rise buildings that currently form the backdrop for this historic resource. Additionally, there are several mid-rise buildings under construction and planned in the secondary study area which will further alter the context of the landmark building in the future without the Proposed Actions. Therefore, the proposed With-Action buildings would not substantially change the visual setting of this historic architectural resource so as to affect those characteristics that make it eligible for listing on the S/NR or designation as a NYCL.

Additionally, in the future with the Proposed Actions, no incompatible visual, audible, or atmospheric elements would be introduced to any historic architectural resource's setting. The proposed With-Action buildings would not alter the relationship of any identified historic architectural resource to the streetscape, as all streets in the study area would remain open. The proposed With-Action buildings would not eliminate or screen public views of historic architectural resources, which would remain visible in view corridors on adjacent public streets and sidewalks, and no primary facades, significant architectural ornamentation, or notable features of surrounding historic resources would be obstructed by the proposed With-Action buildings on the Development Site. Furthermore, as there are no historic architectural resources located within 90 feet of the Project Area, the Proposed Actions would not result in any significant adverse construction-related impacts.

Furthermore, as detailed in the shadows analysis, development facilitated by the Proposed Actions would generate incremental shadows of minimal duration and coverage on two sunlight-sensitive historic resources: the Laboratory Administration Building (S/NR-eligible and LPC-designated) located in the Brooklyn Botanic Garden, and the Lefferts Historic House (S/NR-Listed and LPC-designated) located in Prospect Park. The Laboratory Administration Building contains various sunlight-sensitive features, including terra-cotta detailing, while the Lefferts Historic House features a working garden and historic artifacts. However, according to the detailed shadows analysis, the sunlight-sensitive features at each historic resources would not be significantly impacted by project-generated shadows, and as such, the Proposed Actions would not result in significant adverse shadows impacts on these historic resources.

Urban Design and Visual Resources

The Proposed Actions would not result in significant adverse urban design or visual resource impacts in the Project Area or surrounding secondary study area. The proposed With-Action buildings on the Development Site would be constructed on an existing block and would not entail any changes to topography, open space, or natural features in the Project Area or secondary study area. While the With-Action development would introduce a private driveway with connection through the site via an "L"-shaped driveway from Franklin Avenue to Montgomery Street, the block shapes, street pattern and hierarchy would not be changed as a result of the proposed private driveway. Further, under future conditions without the Proposed Actions, curb cuts and driveways would be located at identical locations to serve the No-Action development's accessory parking garages, so there would be no incremental change between No-Action

and With-Action conditions.

As discussed below, the proposed With-Action development in the Project Area would result in the construction of two mixed-use buildings, consisting of two towers on separate contextual bases. The proposed C2-4 commercial overlay would permit ground-floor local retail and community facility uses in the Project Area, extending the commercial corridor of Empire Boulevard and southern Franklin Avenue north into the Project Area, activating the pedestrian streetscape along Franklin Avenue and Montgomery Street as compared to No-Action conditions. Additionally, as under No-Action conditions, the With-Action development would include the installation of new concrete sidewalks and new street trees along Franklin Avenue and Montgomery Street, enhancing the pedestrian experience in the area.

The proposed two 39-story buildings (421 and 424 feet tall excluding a 40-foot mechanical bulkhead) on the Development Site would be taller but within a similar number of stories to the 33-story Tivoli Towers (approximately 315 feet tall, excluding bulkhead) located two blocks to the north of the Project Area. The proposed height of the With-Action buildings on the Development Site, while taller than all other buildings in the study area, would not obstruct any significant viewsheds in the area, or substantially alter the pedestrian experience in the immediate vicinity of the Project Area as compared to the No-Action condition since the as-of-right development that would be constructed would have a five-story streetwall (approximately 60 feet tall before setback) and the proposed With-Action development would have a streetwall that ranges between six stories (approximately 75 feet tall before setback) and seven stories (approximately 85 feet tall before setback). Above these street walls, the proposed With-Action development would have two setbacks as the building rises sharply to the maximum height of the towers. From a pedestrian perspective, this increase of the streetwall by one to two floors (approximately 15-25 feet) between No-Action and With-Action conditions would be a minor change. Above these streetwalls, two smaller setbacks of 15 feet would be provided, with a tower consisting of an aggregate width of 175 feet along Montgomery Street, a 70-foot-wide street. Combined, the aggregate width of the two tower portions fronting along Franklin Avenue, a 70-foot-wide street, would be 310 feet in length, including an 80-foot gap between the towers. Although the additional floor and building base height may be noticeable to pedestrians, this increase of one to two floors and approximately 15-25 feet in the building base height would be consistent with the existing residential building to the south of the Development Site and the rezoned area along with the planned mixed-use development that would be constructed at the northwest corner of to the north of the Development Site along Franklin Avenue and Montgomery Street. While the proposed base heights would not depart significantly from the built context in the study area, there is no precedence for the overall proposed massing that combines a high contextual base, reduced setbacks, and tall towers aligned with the base. By selecting a zoning district (R9D), that is intended to be mapped along elevated rail lines, for a site that is not adjacent to such infrastructure, the proposed new development is able to pursue a built form that does not conform to the design principles of either a contextual, tower-on-a-base, or tower-in-the park development. Although the 15-foot setbacks would provide light and air to the street and would prevent the creation of sheer walls abutting the street, this proposed built form, which seeks to merge a contextual base with tall towers that consist of a large aggregate width in close proximity to the street, substantively departs from the urban design of the study area.

Some pedestrian views from vantage points located within the quarter-mile study area, but further away from the Development Site, would also experience significant changes (e.g., views north along Franklin Avenue from the south side of Empire Boulevard, or views east along Montgomery Street from the west side of Washington Avenue), while others would not be affected due to the existing context of the built environment.

The proposed 39-story With-Action buildings would create a new backdrop for certain viewpoints in the study area, including the Brooklyn Botanic Garden and Jackie Robinson Playground. While these changes could be considered significant as they would exceed the height of the buildings in the study area, these changes would not be adverse, as the area is a densely developed urban environment and multiple mid- and high-rise buildings are existing or planned within three blocks of the Development Site (e.g., Tivoli Towers, Ebbets Field Houses, a 12-story building at 109-111 Montgomery Street, and two planned 16-story

developments at 46 Crown Street and 931 Carroll Street). The latter two would each be developed pursuant to contextual zoning regulations and would be much shorter than the Proposed Development. However, these existing and planned No-Action developments are visible from various publicly accessible vantage points from within the study area, including the Brooklyn Botanic Garden and Jackie Robinson Playground. This is evidence of the already changing urban context of the area. While the proposed With-Action buildings on the Development Site would be taller than these existing mid-rise buildings and would be visible from various vantage points within the study area, the proposed buildings would not obstruct any significant view corridors in the secondary study area. While these towers would exceed the height of the existing buildings in the area, as discussed above, the urban design context in the surrounding area is varied and includes several different building typologies and a wide height range. Therefore, the proposed new development would result in changes to the urban design and visual resources of the study area but would not result in significant adverse urban design impacts.

Natural Resources

The Proposed Actions would result in significant adverse impacts to natural resources located in the Brooklyn Botanic Garden due to incremental shadow. The Proposed Actions would not result in significant adverse impacts to any other natural resources.

There are no wetlands or open water areas within or adjacent to the Project Area; therefore, the Proposed Actions would have no effect on these resources. Construction and operation of the Proposed Development would not result in any significant adverse impacts on soil or groundwater. The Project Area lies well beyond the boundaries of existing or future floodplains. Thus, the Proposed Actions would have no effect on floodplains. The Project Area would contain typical city dwelling wildlife accustom to developed areas, and may include: mice, squirrels, rabbits, rats, songbirds, and raptors. Potential impacts to wildlife would be minimal as habitat for these species is marginal at best, with little vegetation present on site. In addition, species are mobile and adaptable and able to move to adjacent areas for similar habitat. No streams/open waters occur within the Project Area; thus, no fish are present.

Vegetation and Significant Natural Communities

The nearby Brooklyn Botanic Garden is considered an upland natural resource that contains Terrestrial Cultural communities as defined by CEQR. This subsystem includes communities that are either created and maintained by human activities, or are modified by human influence to such a degree that the physical conformation of the substrate, or the biological composition of the resident community is substantially different from the character of the substrate or community as it existed prior to human influence. The *Ecological Communities of New York State* describes flower/herb gardens as residential, commercial, or horticultural land cultivated for the production of ornamental herbs and shrubs. Characteristic birds with varying abundance include American robin (*Turdus migratorius*), mourning dove (*Zenaida macroura*), and house finch (*Carpodacus mexicanus*).

As described in the shadows analysis, the Proposed Development's incremental shadows could extend over portions of the Brooklyn Botanic Garden, including, propagation spaces, collections growing spaces, education greenhouses and display houses, during several hours in the morning; as well as portions of Prospect Park located west of the Garden. Table 6-4 of the shadows chapter includes the anticipated shadow entry and exit times, along with the duration of the incremental shadow for each sunlight-sensitive feature. The detailed shadows analysis finds that the extent and duration of incremental shadows has the potential to (1) significantly reduce or completely eliminate direct sunlight exposure on sunlight sensitive features; and (2) would significantly alter the public's use or enjoyment of the Garden or Park, or threaten the viability of vegetation or other elements located within Garden or Park. Thus, in accordance with *CEQR Technical Manual* methodology, incremental shadows would be considered a significant adverse impact.

An arborist was retained to assess the effects of shading on different classes and categories of plants that may be more sensitive to the incremental shading, including desert plants, Mediterranean plants, and aquatic

plants. The incremental shadow coverage, entry and exit times, and duration were considered for both the growing season as well as for the winter months, as were the plants that were being shaded. Conservatory curators, horticulturists, and greenhouse managers were consulted to assist in this assessment. Detailed information specifying the light requirements of each type of plant at the Brooklyn Botanic Garden is not available and various greenhouse experts consulted did not agree on the severity of the potential impact that incremental shading would have on the plants. Nevertheless, the study concluded that in general there could be long-term changes to the plants over time such as the possible reduction in flowering, turning of flowers towards light sources, and slowing of the rate of plant growth. However, the decline of plant health is not anticipated for the vast majority of plants. The potential changes would be greatest for those plants that require high light in their natural habitat, including the desert collection, the high-light demanding plants of the Mediterranean collection and overstory plants (such as palms) of the tropical collection. The consequences of additional shading would be greatest during the winter months when sunlight hours are already limited. Measurement data on light intensity in the photosynthetic range showed that adequate light would reach the BBG plants even in shaded conditions on sunny days, but not on cloudy days. Thus, the effect on plant growth could be more intense in years with greater than average number of cloudy days. Additionally, it is important to note that many of the Garden's grow houses are non-public and it was not possible for the arborist to access non-public areas without the cooperation of the Garden. However, based on observations of many of the Garden's non-public grow areas from publicly accessible areas, it was determined that supplemental lighting is regularly used by the Garden. In consideration of the effects of the Proposed Actions' incremental shadows, the additional shading is considered a significant adverse impact under CEQR. As discussed in Chapter 6, "Shadows," incremental shadows from the Proposed Development would be cast on several individual resources within the Brooklyn Botanic Garden. Though these resources would continue to receive 4-6 hours of sunlight throughout the year, several of these Greenhouses are used to propagate plants for desert, tropical, and warm temperate climates that require full, year-round sun including sunlight during the important winter months. Therefore, any incremental shading of these greenhouses, specifically during the winter months, would have a significant adverse impact on the plants in these greenhouses. Though the *CEQR Technical Manual* states that 4-6 hours of sunlight is necessary for plant survival, the Brooklyn Botanic Garden contains over 18,500 kinds of plants, with globally rare species and native rare species. The sunlight needed to constitute survival may not be enough to promote healthy growth of these rare plants. Therefore, due to the incremental shadows created by the Proposed Development, significant adverse impacts are likely on the natural resources found within Brooklyn Botanic Garden. Potential measures to mitigate in full or part these impacts are discussed in the mitigation section below.

Hazardous Materials

The Proposed Actions would not result in significant adverse impacts related to hazardous materials, with the mapping of an (E) designation (E-586) on the Development Site. A Phase I Environmental Site Assessment (ESA) was prepared in August 2017 in order to evaluate potential contamination of the project site. The Phase I ESA identified Recognized Environmental Conditions (RECs). As described in the 2017 Phase I ESA and a previous Phase I ESA that was prepared for the property by The ELM Group, Inc. (ELM) in 2016, soil contaminants consisting of PAHs and metals were identified on the Development Site. As part of the planned site redevelopment activities, ALC recommend that a Soil Management Plan be developed and implemented to address contaminated soils during the planned redevelopment activities.

Given these preliminary findings, an (E) designation for hazardous materials would be mapped on the Development Site, which would require the Applicant to comply with the requirements of the (E) designation program in accordance with the Rules of the City of New York and NYC OER.

By placing an (E) designation on the project site, where confirmed RECs have been identified relating to soil, the potential for an adverse impact to human health and the environment resulting from the Proposed Actions would be avoided. NYC OER would provide the regulatory oversight of any future supplemental sampling that may be warranted, including environmental scope, investigation, and potential remedial action during this process. Building permits are not issued by the DOB without prior NYC OER approval

of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements).

The (E) designation would require that the Applicant conduct any required supplemental subsurface investigations and have an approved Remedial Action Plan (RAP), where appropriate, under the review and approval of NYC OER. The RAP provided to NYC OER to satisfy the (E) designation must also include a mandatory Construction Health and Safety Plan (CHASP).

With the inclusion of the remedial measures described above, which involve the mapping of (E) designation (E-586) on the Development Site, the Proposed Actions would not result in any significant adverse impacts related to hazardous materials.

Water and Sewer Infrastructure

Based on the methodology set forth in the 2020 *CEQR Technical Manual*, the analysis finds that the Proposed Development would not result in a significant adverse impact on the City's water supply, wastewater and stormwater conveyance and treatment infrastructure.

Water Supply

The Proposed Development would generate an incremental water demand of approximately 288,870 gallons per day (gpd) over No-Action conditions. The increased demand associated with the Proposed Development would represent less than 0.01 percent of the over one billion gallons of water supplied daily to New York City by the New York City Department of Environmental Protection (DEP). Changes of this magnitude would not be large enough to have a significant adverse impact on the City's water system pursuant to *CEQR Technical Manual* guidelines. As such, existing water infrastructure should be capable to handle the estimated increase in water demand and the Proposed Development would not adversely affect the City's water supply or system water pressure. DEP Bureau of Water Distribution indicated that with present trends of development in this area, a proposal to upgrade some of the water mains will be prepared in the future. Therefore, no significant adverse impacts on area water supply would result in the future with the Proposed Development.

Sanitary (Dry Weather) Flows

The Owl's Head water pollution control plant (WPCP), which is designed to treat a dry weather flow of 120 million gallons per day (mgd), handled an average of 96 mgd of sewage flow in the year ending February 2019. Based on rates in the *CEQR Technical Manual*, the Proposed Development has the potential to result in an increase of approximately 0.28 mgd of sanitary sewage flow as compared to the No-Action condition. Because the City's sewers are sized and designed based on the designated zoning of an area and related population density and surface coverage characteristics, the Proposed Actions may result in development that is inconsistent with the design of the existing built sewer system. As such, an amended drainage plan would be prepared, if warranted. In addition, in order to obtain a permit to connect to the City sewer system, a site-specific hydraulic analysis to determine whether the existing sewer system is capable of supporting higher density development and related increases in sanitary flows would be prepared prior to construction of the Proposed Development; sewer improvements may also be required to support the site connection proposal. Pursuant to CEQR methodology, as the projected increase in sanitary sewage would not cause the Owls Head WPCP to exceed its operational capacity or State Pollution Discharge Elimination System (SPDES)-permitted capacity, the Proposed Development would not result in significant adverse impacts to sanitary sewage conveyance and treatment. In addition, per the New York City Plumbing Code (Local Law 33 of 2007), while not accounted for in the quantitative analysis, low-flow fixtures would be required to be implemented and would help to reduce sanitary flows from the Proposed Development.

The Project Sponsor would be required to file a site connection proposal for approval from DEP to tie into the City's sewer system. In order to obtain a sewer connection permit from DEP, the Project Sponsor would be required to demonstrate that the existing system could handle the increased flows due to the Proposed

Development. A hydraulic analysis of the existing sewer system will likely be required prior to the submittal of the Site Connection Proposal Application (SCP) to determine whether the existing sewer system is capable of supporting higher density development and related increase in wastewater flow, or whether there will be a need to upgrade the existing sewer system. In addition, there might be a need to amend the existing drainage plan based on the hydraulic analysis calculations.

Also, several regulators (OH-8, 8A, and 8B) in the Owls Head drainage area perform at or above capacity, especially during wet weather events. Taking this into consideration, the Applicant will need to perform flow studies prior to SCP to determine if existing regulators have capacity to accept this new flow. Any analysis and improvements, if required, would be undertaken prior to construction of the Proposed Development and would be coordinated with DEP for review and approval.

Stormwater (Wet Weather) Flows

Compared to existing conditions, in the future with the Proposed Development, the combined wet weather flows from the Development Site would increase slightly (by up to 0.07 mg to up to 0.51 mg, depending on rainfall duration and intensity). The Development Site is located in an area that is well served by combined sewer infrastructure. In addition, as a New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) is required for any development that would involve soil disturbance of one or more acres, a Stormwater Pollution Prevention Plan (SWPPP), consisting of both temporary erosion and sediment controls and post-construction stormwater best management practices (BMPs) such as on-site detention, infiltration practices, and vegetated areas, would be required of the Project Sponsor. Sewer improvements and/or a new drainage plan may also be required to support the site connection proposal.

As the wastewater treatment capacity at the Owls Head WPCP and the sewer conveyance infrastructure near the Development Site would be sufficient to handle wastewater flows that would result from the Proposed Development, there would not be any significant adverse impacts on wastewater treatment or stormwater conveyance infrastructure.

Solid Waste and Sanitation

The Proposed Actions would not result in a significant adverse impact on solid waste and sanitation services. The Proposed Actions would generate an increment above the No-Action condition of approximately 24.4 tons per week of solid waste, but would not directly affect a solid waste management facility. Approximately 89.6 percent of the additional solid waste generated by the Proposed Actions would be handled by the New York City Department of Sanitation (DSNY), and 10.4 percent would be handled by private carters. Overall, the uses facilitated by the Proposed Actions would be expected to generate solid waste equivalent to approximately 1.75 DSNY truckloads per week and less than one commercial carter truck loads per week. Although this would be an increase compared with conditions in the future without the Proposed Actions, the additional solid waste resulting from the Proposed Actions would be a negligible increase relative to the approximately 9,000 tons of waste handled by commercial carters every day or the 12,260 tons per day handled by DSNY, and it would also represent approximately 0.01 percent of the City's anticipated future weekly commercial and DSNY-managed waste generation in 2025, as projected in the Solid Waste Management Plan (SWMP). As such, the Proposed Actions would not result in an increase in solid waste that would overburden available waste management capacity. The Proposed Actions would also not conflict with, or require any amendments to, the City's solid waste management objectives as stated in the SWMP. Therefore, the Proposed Actions would not result in a significant adverse impact on solid waste and sanitation services.

The Proposed Actions are also not expected to directly affect operations at the DSNY garage. Under the Proposed Actions, it is anticipated that there would be no geometric changes nor operational changes (e.g., roadway closures, reversals, etc.) to the street network used by sanitation trucks to access the DSNY garage. In addition, there would be no changes to curbside parking regulations on block fronts along Winthrop

Street, New York Avenue and Parkside Avenue currently used for garage operations. (Sidewalks and curbside space adjacent to the DSNY garage are routinely used for sanitation truck and employee auto parking as well as for the storage of snow plow blades and other equipment.)

Energy

The Proposed Development would not result in a significant adverse impact on energy systems. Development facilitated by the Proposed Actions is expected to create an increased demand on energy systems, including electricity and gas. It is estimated that With-Action development on the Development Site would result in an increase of approximately 114.5 billion British thermal units (BTUs) over No-Action conditions. This increase in annual demand would represent less than 0.1 percent of the City's forecasted future annual energy requirement of 172 trillion BTU for 2024 and, therefore, is not expected to result in a significant adverse impact on energy systems. Moreover, any new development resulting from the Proposed Actions would be required to comply with the NYCECC, which governs performance requirements of heating, ventilation, and air conditioning (HVAC) systems, as well as the exterior building envelope of new buildings. In compliance with this code, new developments must meet standards for energy conservation, which include requirements relating to energy efficiency and combined thermal transmittance.

Transportation

The Proposed Actions would result in significant adverse transportation impacts related to traffic and pedestrians as detailed below. Potential mitigation measures are described in the Mitigation section below.

Traffic

Traffic conditions were evaluated for the weekday 8 to 9 AM, 1 to 2 PM, and 4:30-5:30 PM and Saturday 2 to 3 PM peak hours at nine intersections in the traffic study area where additional traffic resulting from the Proposed Actions would be most heavily concentrated. The traffic impact analysis indicates the potential for significant adverse impacts at two lane groups at one intersection, namely the westbound left movement at the Washington Avenue and Empire Boulevard intersection, which would operate at LOS F in the weekday AM, weekday PM, and Saturday midday peak hours; and the westbound through-right lane group at the Washington Avenue and Empire Boulevard intersection, which would operate at LOS E in the weekday AM and Saturday midday peak hours. Potential measures to mitigate these significant adverse traffic impacts are described in the Mitigation section below.

Transit

Subway

The analysis of subway station conditions focuses on two New York City Transit (NYCT) subway stations in proximity to the proposed rezoning area where incremental demand from the Proposed Actions would exceed the 200-trip *City Environmental Quality Review* (CEQR) *Technical Manual* analysis threshold in one or both peak hours, namely the Franklin Avenue-Botanic Garden (2, 3, 4, 5, S) and Prospect Park (B, Q, S) stations.

In the future with the Proposed Actions, the street stair at the southeast corner of Franklin Avenue and Eastern Parkway at the Franklin Avenue-Botanic Garden station as well as the street stair leading to the west side of Flatbush Avenue at the north end of the Prospect Park subway station are projected to operate at level of service (LOS) D with a volume-to-capacity (v/c) ratio of 1.12 and 1.08, respectively, in the AM peak hour. However, as the width increment thresholds for both stairs would not exceed *CEQR Technical Manual* impact criteria, these stairs would not be considered significantly adversely impacted by action-generated demand in the AM peak hour. All other analyzed stairs, and all analyzed fare arrays at the two study area subway stations are projected to operate at an acceptable LOS C or better during the AM and PM peak periods in the With-Action condition and would therefore not be significantly adversely impacted by the Proposed Actions based on *CEQR Technical Manual* criteria.

Bus

The Project Area is served by a total of five local bus routes operated by New York City Transit (NYCT) including the B43 and B48, which provide service between Greenpoint and Prospect-Lefferts Gardens; the B49, which runs along Bedford and Rogers Avenues en route between Manhattan Beach and Bedford-Stuyvesant; the B16, which provides service between Bay Ridge and Prospect-Lefferts Garden; and the B41, which runs along Flatbush Avenue en route between Kings Plaza and Downtown Brooklyn. It should be noted that the B16, B43, and B48 all terminate at Lincoln Road and Flatbush Avenue, approximately 0.3 miles south of the Project Area. The northern terminus of the B49 is located at Franklin Avenue and Lefferts Place, approximately one-mile north of the Project Area. These factors, as well as the distance of individual bus stops from the Project Area, were taken into consideration for the assignment of project-generated bus trips.

The Proposed Actions are expected to generate a net total of approximately 70 and 79 incremental trips by local bus during the weekday AM and PM peak hours, respectively. According to the general thresholds used by the MTA and specified in the *CEQR Technical Manual*, a detailed analysis of bus conditions is generally not required if a proposed action is projected to result in fewer than 50 peak hour trips being assigned to a single bus route (in one direction), as this level of new demand is considered unlikely to result in significant adverse impacts. As the 70 project generated AM peak hour and 79 PM peak hour bus trips will be distributed to the five local NYCT bus routes serving the project area, none of these bus routes are expected to experience 50 or more new trips in one direction in at least one peak hour and therefore a detailed analysis of bus line haul conditions is not warranted per *CEQR Technical Manual* criteria.

Pedestrians

The Proposed Actions would generate a net increment of 171 walk-only trips in the weekday AM peak hour, 568 in the midday peak hour, 370 in the PM peak hour, and 405 in the Saturday peak hour. Persons en route to and from subway station entrances and bus stops would add approximately 741, 452, 814, and 763 additional pedestrian trips to sidewalks and crosswalks in the vicinity of the Project Area during these same periods, respectively. New pedestrian trips would therefore total 912, 1,020, 1,184, and 1,168 (bus, subway and "walk only"; in and out combined) in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. Peak hour pedestrian conditions were evaluated at a total of 30 representative pedestrian elements where new trips generated by the Proposed Development is expected to be most concentrated. These elements—14 sidewalks, ten corner areas, and five crosswalks—are primarily located in the vicinity of the Proposed Development and corridors connecting the site to area subway station entrances and existing local retail uses. One crosswalk, namely the north crosswalk at Empire Boulevard and Washington Avenue, would be significantly adversely impacted by the Proposed Actions in all four analysis peak hours. Potential measures to mitigate these significant adverse pedestrian impacts are discussed in the mitigation section below.

Vehicular and Pedestrian Safety

The sections of Flatbush and Franklin Avenues within the traffic study area were identified in the *Vision Zero Brooklyn Pedestrian Safety Action Plan* as a Priority Corridors where safety issues were found to occur systematically at an area-wide level. No Priority Intersections or Priority Areas were identified within the traffic or pedestrian study areas.

Crash data for traffic and pedestrian study area intersections were obtained from the New York City Department of Transportation (NYCDOT) for the three-year reporting period between January 1, 2015, and December 31, 2017 (the most recent period for which data were available for all locations). During this period, a total of 124 reportable and non-reportable crashes and 38 pedestrian/bicyclist-related injury crashes occurred at analyzed study area intersections. No fatalities occurred. A review of the crash data identified the intersection of Ocean and Flatbush Avenues at Empire Boulevard as a high crash location (defined as those with 48 or more total reportable and non-reportable crashes or five or more

pedestrian/bicyclist injury crashes occurring in any consecutive 12 months of the most recent three-year period for which data are available). Measures to enhance pedestrian safety at this intersection could include the re-striping of faded crosswalks and improved street lighting.

Parking

The parking analyses document changes in the on-street parking supply and utilization in within ¼-mile of the Development Site under both No-Action and With-Action conditions. There are no off-street public parking lots and garages within the ¼-mile parking study area. Under the With-Action reasonable worst case development scenario (RWCDS), it is assumed that up to 128 accessory parking spaces would be provided on the Development Site. The anticipated project generated overnight parking demand of approximately 366 vehicles would have an excess demand of 238 vehicles that would have to be accommodated in the on-street parking study area surrounding the Development Site. This excess demand would lead to an on-street parking deficit of approximately 167 spaces in the ¼-mile study area. However, this shortfall would not be significant per *CEQR Technical Manual* guidance due to the magnitude of available alternative modes of transportation in the study area and as it would not exceed more than half of the overall study area spaces. The Proposed Development is expected to result in a parking shortfall per *CEQR Technical Manual* guidance.

Air Quality

The analyses conclude that the Proposed Development would not result in any significant adverse air quality impacts on sensitive uses in the surrounding community, and the Proposed Development would not be adversely affected by existing sources of air emissions in the surrounding area. An (E) designation (E-586) would be recorded as part of the Proposed Actions to ensure the Proposed Development would not result in any significant air quality impacts

There are no existing buildings of similar or greater height within 400 feet of the Proposed Development, therefore an analysis of potential HVAC emission impacts on existing receptors was not required. Because the two Proposed Development buildings are of similar height (421 to 424 feet), a detailed HVAC analysis was conducted to evaluate potential project-on-project impacts. The results showed that Building 2 would not have significant impacts on Building 1 receptors. Building 1 would potentially impact Building 2; however, this impact would be avoided through an (E) designation (E-586) specifying fuel type, stack height and location restrictions that would be placed as part of the Proposed Actions to ensure the Proposed Development would not result in any significant air quality impacts from fossil fuel-fired heat and hot water systems emissions.

There are no industrial land uses or the New York City Department of Environmental Protection (NYCDEP) industrial source permits within 400-ft of the Proposed Development. Therefore, an industrial source analysis is not required. Similarly, there are no sources with a State Facility or Title V permit from the New York State Department of Environmental Conservation (NYSDEC) within 1,000 feet of the Proposed Development. Therefore, an analysis of other large/major sources is not required.

With respect to mobile source impacts at intersections, the Proposed Development would not exceed CEQR screening criteria for carbon monoxide (CO) or particulate matter less than 2.5 microns in diameter ($PM_{2.5}$). The Proposed Development would include two below-grade parking garages with parking for 16 percent of market rate DUs (128 spaces). A parking garage analysis was undertaken and the results show that the garage emissions would not result in significant adverse air quality impacts.

Greenhouse Gas Emissions

The Proposed Project would be consistent with the City's GHG emissions reduction goals, as defined in the *CEQR Technical Manual,* and would be consistent with policies regarding adaptation to climate change identified in OneNYC. It is estimated that the reasonable worst case development scenario (RWCDS) associated with the Proposed Actions would result in approximately 8,634 total metric tons carbon dioxide

equivalent (CO_2e) of annual emissions from building operations and approximately 3,819.6 metric tons of CO_2e emissions from mobile sources annually, for an annual total of approximately 12,453.6 metric tons of CO_2e emissions. As summarized below, the Proposed Development would support the goal identified in the *CEQR Technical Manual* of building efficient buildings.

The *CEQR Technical Manual* defines five goals by which a project's consistency with the City's emission reduction goal is evaluated: (1) efficient buildings; (2) clean power; (3) sustainable transportation; (4) construction operation emissions; and (5) building materials carbon intensity.

Effective October 2016, New York City and New York State have updated their energy codes. The New York State Energy Conservation and Construction Code (NYSECCC), which was also adopted by New York City, to incorporate a much stricter energy efficiency requirement. As such, the Proposed Development facilitated by the Proposed Actions would be subject to the New York City Energy Conservation Code (NYCECC), which governs performance requirements of heating, ventilation, and air conditioning (HVAC) systems, as well as the exterior building envelope of new buildings. In compliance with this code, new development resulting from the Proposed Actions must meet standards for energy efficiency. The Applicant is currently evaluating the specific energy efficiency measures and design elements that may be implemented. The Proposed Development is required at a minimum to achieve the energy efficiency requirements of the New York City Building Code. As described above, in 2016, as part of the City's implementation of strategies aimed at achieving the OneNYC GHG reduction goals, the City adopted a more stringent building energy code which substantially increased the energy efficiency required. In 2016, the City also published a pathway to achieving the GHG reduction goals in the building sector. Should the measures identified as part of that pathway or other measures not yet implemented be adopted by the City in the future, they may apply to the Proposed Development similar to any new building (if prior to building approval) or existing building (after construction) and the Proposed Development would implement any measures required under such programs. Therefore, the Proposed Development would support the goal identified in the *CEQR Technical Manual* of building efficient buildings.

The Proposed Development would also support the other GHG goals by virtue of its proximity to public transportation (including the Franklin Avenue station on the IRT Eastern Parkway Line (2, 3, 4, and 5 trains), the Botanic Garden station on the BMT Franklin Avenue Shuttle, the Prospect Park station on the BMT Brighton Line (B and Q trains), the B48 (Lefferts Gardens - Greenpoint) bus line, and a CitiBike station), commitment to construction air quality controls, and the fact that as a matter of course, construction in New York City uses recycled steel and includes cement replacements. All of these factors demonstrate that the proposed development supports the GHG reduction goal. Therefore, the Proposed Actions would be consistent with the City's applicable emissions reduction goals of transit-oriented development and construction of new resource- and energy-efficient buildings.

Noise

The Proposed Development would not result in any significant adverse noise impacts. An (E) designation (E-586) would be recorded as part of the Proposed Actions to ensure the Proposed Development would not result in any significant noise impacts.

In the future with the Proposed Actions, the predicted peak period L_{10} values at the receptor locations would range from a minimum of 62.97 A-weighted decibels (dBA) to a maximum of 71.13 dBA. When compared to the future without the Proposed Actions, the relative increases in noise levels are expected to range between 0.29 and 1.56 dBA. The highest increase in noise levels would occur at Receptor Location 2, with a change in L_{eq} of 1.56 dBA during the AM weekday peak hour. As the relative increases in noise levels would fall below the applicable *CEQR Technical Manual* significant adverse impact threshold (3.0 dBA), the Proposed Actions would not result in any significant adverse noise impacts due to action-generated vehicular traffic.

To ensure acceptable interior noise levels, noise attenuation specifications would be mandated through the assignment of an (E) designation (E-586) assigned to the tax lots that make up the Project Area. The

requirements of the (E) designation resulting from the noise analysis, outlined in Section I, "Attenuation Requirements," of Chapter 17, "Noise," state that the future building facades of residential and community facility uses on Block 1192, Lots 41, 46, 63, and 66 with frontage on Franklin Avenue (eastern façade) and Montgomery Street (northern façade) within 50 feet of Franklin Avenue must provide 28 dBA of composite window/wall attenuation. The minimum composite window/wall attenuation for commercial office uses would be 5 dBA less than that for residential and community facility uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. In order to satisfy the E-designation requirements, OER will have final determination on the OITC requirements, for the northern and eastern facades, for attenuation on any portion of the building above 100 feet.

With implementation of the attenuation levels required pursuant to the (E) designation, the Proposed Development would provide sufficient attenuation to achieve the 2020 *CEQR Technical Manual* interior noise level guidelines of 45 dBA or lower for residential and community facility uses and 50 dBA or lower for commercial office uses. Therefore, the Proposed Actions would not result in any significant adverse noise impacts related to building attenuation requirements.

Public Health

The Proposed Development is not expected to result in unmitigated significant adverse impacts in the following technical areas that contribute to public health: operational air quality, operational noise, water quality, or hazardous materials. The Proposed Development would result in temporary, partially mitigated significant adverse construction-related noise impacts. However, while during some periods of construction the Proposed Development would result in significant adverse impacts related to noise, as defined by *CEQR Technical Manual* thresholds, the predicted overall temporary change in noise levels would not be large enough to substantially affect public health. Therefore, the Proposed Development would not result in significant adverse public health impacts during construction.

Neighborhood Character

The Proposed Actions would not result in significant adverse impacts related to neighborhood character. The neighborhood character of the study area is defined by a few key components, including its mix of land uses and building types, an abundance of open space resources, large public facilities and institutions, and the MTA's open subway cut that serves the Franklin Avenue subway shuttle extending north-south through the area. As described elsewhere in this EIS, the Proposed Development would not result in significant adverse impacts in the areas of land use, zoning, and public policy; socioeconomic conditions; historic and cultural resources; urban design and visual resources; or noise. The significant adverse transportation impacts that are identified and described in the Transportation chapter would not affect any defining feature of neighborhood character, nor would a combination of moderately adverse effects affect such a defining feature. Likewise, the shadows impacts on the open space and natural resources at Brooklyn Botanic Garden and the open space resources at Jackie Robinson Playground would not affect any defining feature of neighborhood character, nor would a combination of moderately adverse effects affect such a defining feature.

Construction

Construction of the Proposed Project would result in the potential for significant adverse construction-related impacts on traffic and noise during peak construction periods. Construction of the Proposed Development would not result in significant adverse impacts in the areas of land use, socioeconomic conditions, open space, hazardous materials, neighborhood character, or air quality. Based on the reasonable worst-case development scenario (RWCDS) construction schedule, construction activities would be spread out over a period of approximately four years. While construction of the Proposed Development would result in temporary increases in traffic during the construction period, access to residences, businesses, and institutions in the area surrounding the Project Area would be maintained throughout the construction period (as required by City regulations). While construction of the new

buildings due to the Proposed Actions would cause temporary impacts, particularly related to noise, it is expected that such impacts in any given area would be relatively short term, even under the worst-case construction sequencing. Further discussions of the findings of the construction transportation, air quality, noise, community facilities, open space, historic resources, and hazardous materials analyses are provided below.

Transportation

Construction travel demand is expected to peak in the second quarter (Q2) of 2023 when traffic related to the construction of the building facade for Phase I would coincide with the construction of the concrete superstructure for Phase II. This period was therefore analyzed for potential transportation impacts during construction. It is expected that construction of the Proposed Development would generate a peak of approximately 738 workers and 18 truck deliveries per day during the second quarter of 2023.

Traffic

In order to assess construction traffic conditions, a 2023 No-Action traffic network was established based on TMC and ATR data collected for the 6 to 7 AM and 3 to 4 PM peak hours and the incremental vehicle trips by construction workers and trucks were added to this network to assess the construction With-Action condition during these peak hours. In addition to the nine intersections that were analyzed as part of the operational traffic analysis presented in Chapter 14, "Transportation," the construction traffic analysis also included the intersections of Eastern Parkway and Washington Avenue and Franklin Avenue and Crown Street. The maximum construction-related traffic increments would be approximately 236 PCEs during the AM and 220 PCEs during the PM period. Six lane groups at five intersections are expected to have the potential for significant adverse traffic impacts as a result of construction activities, namely the northbound left-through and southbound left at Eastern Parkway and Washington Avenue, the southbound left-through-right at Washington Avenue and Empire Boulevard, the southbound right at Franklin Avenue and Empire Boulevard, the southbound through-right at Franklin Avenue and Sullivan Place, and the westbound left-right at Washington Avenue and Carroll Street, all during the 3 to 4 PM peak hour.

Transit

The Development Site is located in an area that is well served by public transportation, with two subway stations serving seven subway lines, and five local bus routes located in the vicinity of the Project Area. Transit conditions during the 6-7 AM and 3-4 PM construction peak hours are expected to be generally better than transit conditions during the analyzed operational peak hours with full build-out of the Proposed Actions; incremental demand would be lower during construction, and most construction trips would not occur during the peak hours of commuter demand. As the construction incremental transit demand projections do not exceed the *CEQR Technical Manual* analysis thresholds of 200 new subway or 50 new bus trips after being distributed to the two subway stations and various bus lines, and as these trips would occur outside of the typical commuter peak hours, there would not be a potential for significant adverse transit impacts attributable to anticipated construction worker transit trips.

Pedestrians

Pedestrian trips by construction workers would be concentrated in proximity to the Development Site and along corridors connecting the Development Site to area transit services. As these construction trips would primarily occur outside of the weekday AM and PM commuter peak periods and the weekday midday peak period—the times when area pedestrian facilities typically experience their greatest demand—the Proposed Actions' pedestrian volumes would be lower during this peak construction period than with full build-out of the Proposed Actions. After being distributed to area pedestrian elements primarily en route to the two subway stations and five local bus routes, these trips are anticipated to exceed the *CEQR Technical Manual* analysis thresholds of 200 new walk trips on several pedestrian elements analyzed in operational pedestrian analyses (in Chapter 14, "Transportation") in close vicinity of the Project Site. However, given that the 6-7 AM and 3-4 PM construction peak hours are outside of the typical weekday AM and PM commuter peak

periods, existing pedestrian volumes would be generally lower with less project-generated trips than analyzed in the operational transportation which would resulting in similar or better at levels of service as in With-Action condition of the operational transportation at all comparable pedestrian elements. As such, construction walk trips would therefore not result in the potential for significant adverse pedestrian impacts.

Parking

Construction worker parking demand would be equivalent to approximately 279 spaces in the 2023 (Q2) peak construction period. The construction-generated parking demand would be accommodated by on-street and off-street parking within the half-mile radius. The Proposed Actions are not expected to result in significant adverse parking impacts during the 2023 Q2 peak construction period.

Air Quality

The potential air quality impacts of the Proposed Actions were examined through a detailed analysis of a worst-case overlapping construction activities for Phase I and Phase II during Month 21 of the construction period. This period has the highest potential for air quality impacts, and other construction periods would have lower impacts by comparison. The short-term and annual time periods for analysis were selected through preparation of a monthly emissions profile based on the potential construction equipment requirements for each site. Off-road equipment, on-road haul truck, and fugitive dust emissions were quantified and impacts at receptors were assessed using the U.S. Environmental Protection Agency (EPA) models and methods consistent with the *CEQR Technical Manual*. The analysis accounts for the emission control measures mandated by existing laws and regulations applicable to private developers, including the use of ultra-low sulfur diesel (ULSD), dust control measures and idling restrictions.

No exceedance of National Ambient Air Quality Standards (NAAQS) or CEQR *de minimis* criteria are predicted for carbon monoxide (CO), 24-hour particulate matter with an aerodynamic diameter of less than or equal to 2.5 micrometers ($PM_{2.5}$), or annual average nitrogen dioxide (NO_2). The construction air quality analysis results show the maximum predicted total concentrations of 24-hour PM_{10}, one- and eight-hour CO, and annual-average NO_2 are below the applicable NAAQS. In addition, the maximum predicted $PM_{2.5}$ incremental concentrations would not exceed the applicable CEQR de minimis criteria of 8.9 $\mu g/m^3$ in the 24-hour average period or 0.3 $\mu g/m^3$ in the annual average period. Likewise, the maximum predicted CO incremental concentrations would not exceed the applicable CEQR de minimis criteria. Therefore, no significant adverse impacts on air quality are predicted during construction of the Proposed Development. Since no significant adverse impact occurs from the worst-case site construction period, no significant adverse air quality impacts would occur from the construction related to the Proposed Actions.

Noise

Detailed quantitative construction noise modeling was completed for the Proposed Development to determine typical construction noise levels for excavation, superstructure, and interior fit-out construction phases. Significant adverse construction noise impacts at sensitive receptors were identified in consideration of the magnitude of the noise level increase (three A-weighted decibels (dBA), a "noticeable" noise level increase per the CEQR Technical Manual methodology), the anticipated absolute noise level (45 dBA interior noise levels for residential, mixed-use, and public facilities/institutions and 80 dBA for open space), and the duration of the predicted elevated noise level.

A detailed receptor network was developed for a study area consisting of a 400-ft radius around the development site. Sensitive receptor locations, such as residential properties, churches, parks, and schools close to the Project Area were selected as noise receptor sites. Multiple receptors were created along of the façade of existing buildings to capture the noise levels at different floors of the building. In total, over 3,600 receiver locations were modeled. No significant adverse impacts to open space resources are predicted.

P.S. 375 Jackie Robinson School would experience a maximum construction noise increment of up 26 dBA at a fourth floor receiver on the western façade of the building that overlooks the building 1 construction

site (receptor #139). The highest increments of 20 dBA would be limited to third and fourth-story receivers which would have direct line-of-sight to the construction site. The maximum exterior noise level predicted for the school is 83 dBA Leq. Assuming window-closed conditions with air conditioning (28 dB exterior to interior attenuation), this is equivalent to an interior noise level of 55 dBA Leq, which exceeds the CEQR-recommended interior condition of 45 dBA. The maximum duration of incremental impacts above 15 dBA is 45 months, the duration of the Proposed Development's construction. Impacts would be less (maximum increment of 15 dBA) at ground level receivers, which would experience greater benefits from the construction site noise barrier. No impacts would occur on the eastern façade of the school. Therefore, considering the magnitude and duration of impact, the construction noise impact to P.S.375 is considered a significant adverse impact.

There is potential for construction of the Proposed Development to result in significant impacts at several residential buildings. The highest impacts would occur to the nine buildings directly adjoining the construction site (such as 1015 Washington Avenue). Overall, the highest impacts to residential buildings involve increments on the range of 17 to 32 dBA and total exterior noise levels of 78 to 86 dBA Leq. Assuming a windows-closed condition and 28 dB exterior to interior attenuation, these noise levels would exceed the CEQR- recommended 45 dBA interior standard. Increment durations could persist above 15 dBA for 19 to 43 months. Although there would be no impact to these locations on weekends, the high magnitude and duration of construction noise impacts on weekdays is considered a significant adverse impact; however, these impacts would occur intermittently. Although construction noise impacts would not occur at night and on weekends, the construction during the day near these locations may result in annoyance to building occupants.

This analysis is based on the site plan and the conceptual construction schedule; it is possible that the actual construction may be of less magnitude, in which case construction noise would be less intense than the analysis predicts. It should also be noted that even the locations that experience incremental increases in construction-related noise would not be exposed to continuous noise—construction noise by its nature is intermittent and even in the peak construction periods there would be times when noise levels would be below the conservative noise levels predicted for impact assessment purposes.

Vibration

The buildings of most concern with regard to the potential for structural or architectural damage due to vibration are the residential buildings are 1015 Washington Avenue and 1035 Washington Avenue, portions of which would be located within 90 feet of construction work areas. However, as a result of these structures' distances from the construction site, vibration levels at these buildings and structures would not be expected to exceed 2.0 in/sec PPV, including during pile driving, which would be the most vibration intensive activity associated with construction of the Proposed Development. Additional receptors farther away from the Development Site would experience even less vibration than those listed above, which would not be expected to cause structural or architectural damage.

The Applicant will work extensively with the MTA to ensure that the construction activities that occur adjacent to the MTA right of way do not cause any damage or disturb subway operations.

In terms of potential vibration levels that would be perceptible and annoying, the equipment that would have the most potential for producing levels that exceed the 65-vibration-decibel (VdB) limit is also the pile driver. It would have the potential to produce perceptible vibration levels (i.e., vibration levels exceeding 65 VdB) at receptor locations within a distance of approximately 550 feet depending on soil conditions. However, the operation would only occur for limited periods of time at a particular location and therefore would not result in any significant adverse impacts.

Other Technical Areas

Based on the analyses conducted, construction of the Proposed Development would not result in significant adverse construction impacts in the areas of land use and neighborhood character, socioeconomic

conditions, community facilities, open space, or hazardous materials. As such, no construction impacts related to historic or cultural resources are expected.

G. MITIGATION

The Proposed Actions have the potential to result in significant adverse impacts to community facilities (child care services), open space (direct shadow effects), shadows (on sunlight-sensitive open space), natural resources (direct shadows effects), transportation (traffic and pedestrians), construction traffic and construction noise. Potential mitigation measures for each of these technical areas are identified below.

Community Facilities

Child Care

The Proposed Actions would result in significant adverse impacts on publicly funded child care centers. According to the *CEQR Technical Manual*, a significant adverse child care center impact could result if an action results in: (1) a collective utilization rate greater than 100 percent in the With-Action condition; and (2) the demand constitutes an increase of five percent or more in the collective capacity of child care centers serving the study area over the No-Action condition. Under the RWCDS, the Proposed Development would introduce approximately 84 children potentially eligible for subsidized child care to the study area. The analysis of publicly funded child care services found that under the With-Action condition the child care study area would experience a utilization rate of 104.2 percent, an increase of 5.6 percentage points over No-Action conditions. As such, the Proposed Actions would result in significant adverse impacts on publicly funded child care facilities. As a possible mitigation measure, the Applicant has stated a willingness to provide child care facility capacity, which would constitute a possible mitigation measure to this impact. Conversely, the Applicant could pay the City to provide nine child care slots off-site to ensure that the Proposed Actions do not result in impacts to child care services. Alternatively, the impact could be eliminated by reducing the Proposed Project from 1,578 total DUs (with 474 affordable DUs through the MIH Program) to 1,404 DUs (with 421 affordable DUs through the MIH Program), a reduction of 53 affordable DUs. The impact to child care centers would occur above the 421st affordable unit through the MIH Program. This impact would therefore not occur until the construction the Phase II Building, which is expected to be completed in the 2024 build year.

To mitigate the significant adverse child care impact, the Applicant would commit to make space available to DOE on the Development Site for publicly-funded childcare through the Restrictive Declaration. If DOE does not pursue the space for publicly funded child care, the Applicant would pay the City to provide nine child care slots off-site to ensure that the Proposed Actions do not result in impacts to child care services. The applicant would re-evaluate the need for additional publicly-funded child care seats at the triggering 421st affordable unit, in consultation with DCP and DOE, as appropriate. If measures to fully mitigate the project's anticipated impact are not identified and implemented, this would remain an unmitigated significant adverse impact.

Open Space, Shadows, and Natural Resources

The Proposed Development would result in significant adverse impacts due to direct shadows effects on open space and natural resources in Brooklyn Botanic Garden and on open space resources in Jackie Robinson Playground. Incremental shadows from the Proposed Development would be cast over several of the affected greenhouses in the Brooklyn Botanic Garden, used to propagate plants for desert, tropical, and warm temperate climates that require full, year-round sun including sunlight during the important winter months. Therefore, due to the incremental shadows created by the Proposed Development, significant adverse impacts are likely to occur on the open space and natural resources found within Brooklyn Botanic Garden. The Applicant has identified a 34-story version of the development that reorients the buildings bulk as a possible mitigation measure that would feature the same density as the Proposed Development. The 34-story development would result in a limited reduction to incremental shadows on all sunlight-sensitive resources on all analysis days.

Incremental shadows from the Proposed Development would also result in a significant shadows impact at Jackie Robinson Playground due to the size and duration of incremental shadow over the open space. As described above, the applicant has proposed a 34-story development that would reorient the Proposed Developments bulk to reduce incremental shadows while maintaining the same density. However due to the proximity of Jackie Robinson Playground to the Proposed Development, no feasible mitigation measures could be identified for Jackie Robinson Playground at this time.

The 34-story iteration of the Proposed Development would not eliminate significant adverse impacts on the Brooklyn Botanic Garden and Jackie Robinson Playground. While the 34-story iteration of the Proposed Development would reduce incremental shadow duration on portions of the Brooklyn Botanic Garden, due to the proximity of Jackie Robinson Playground to the Development Site, the 34-story iteration of the Proposed Development would not reduce or eliminate the shadows impact on Jackie Robinson Playground. Therefore, the Proposed Actions would result in unmitigated significant adverse shadows impacts on these resources.

Transportation

Traffic

The Proposed Actions would result in significant adverse impacts at one study area intersection during one or more analyzed peak hour; specifically, two lane groups at one intersection, the intersection of Washington Avenue and Empire Boulevard, during the weekday AM, weekday PM, and Saturday midday peak hours. Implementation of traffic engineering improvements, such as signal timing changes would provide mitigation for most of the anticipated traffic impacts (refer to Table 2). Table 3 shows that all significant adverse impacts would be fully mitigated during the weekday AM, weekday PM, and Saturday midday peak hours.

TABLE 2
Proposed Traffic Mitigation Measures

Intersection	Peak Hour	Phase	No-Action Signal Timing (Seconds)				Proposed Signal Timing (Seconds				Proposed Mitigation Measures
			AM	MD	PM	SAT	AM	MD	PM	SAT	
Washington Avenue & Empire Boulevard	AM/PM/SAT	EB-L	30	30	30	30	30	30	30	30	- Transfer 1s of green time from NB/SB to EB/WB in the AM, PM, Saturday periods.
		EB/WB	39	39	39	39	40	39	40	40	
		NB/SB	51	51	51	51	50	51	50	50	
Franklin Avenue & Empire Boulevard	AM/PM/SAT	EB/WB	39	39	39	39	40	39	40	40	-No impacts at intersection. Changes coordinated with adjacent shared signal at Washington Ave & Empire Blvd. Transfer 1s of green time from EB to NB/SB in the AM, PM, Saturday periods.
		EB	51	51	51	51	50	51	50	50	
		SB-R	30	30	30	30	30	30	30	30	

Notes: Signal timings include green, yellow and all red for each phase.
No-Action signal timing based on proposed DOT Improvements (HWK779W)

TABLE 3
Summary of Lane Groups/Intersections with Significant Adverse Traffic Impacts

Peak Hour	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
Weekday AM	29/9	27/8	2/1	2/1	0/0
Weekday Midday	29/9	29/9	0/0	0/0	0/0
Weekday PM	29/9	28/8	1/1	1/1	0/0
Saturday Midday	29/9	27/8	2/1	2/1	0/0

Implementation of the recommended traffic engineering improvements is subject to review and approval by the New York City Department of Transportation (DOT). If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative mitigation measure will be identified, if possible. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Pedestrian

Incremental demand from the Proposed Development would result in significant adverse impacts to the north crosswalk at Washington Avenue and Empire Boulevard in all four peak hours. These impacts could be fully mitigated by implementing a flared crosswalk along with the suggested changes in signal timing discussed above at the intersection of Empire Boulevard and Washington Avenue. If the installation of a flared crosswalk at the north crosswalk at Washington Avenue and Empire Boulevard is not implemented, the significant adverse impact would remain unmitigated.

Construction

Traffic

Construction travel demand is expected to peak in the second quarter (Q2) of 2023 when traffic related to interior finishes for Phase I would coincide with the construction of the concrete superstructure and the building facade for Phase II. This period was therefore analyzed for potential transportation impacts during construction. It is expected that construction of the Proposed Development would generate a peak of approximately 738 workers and 18 truck deliveries per day during the second quarter of 2023.

Six lane groups are expected to have the potential for significant adverse traffic impacts as a result of construction activities in the 3 to 4 peak hour, namely the northbound left-through and southbound left at Eastern Parkway and Washington Avenue, the westbound left at Washington Avenue and Empire Boulevard, the southbound right at Franklin Avenue and Empire Boulevard, the southbound through-right at Franklin Avenue and Sullivan Place, and the westbound left-right at Washington Avenue and Carroll Street. Any impacts resulting from the effects of construction traffic of proposed development are anticipated to occur temporarily during the peak quarter of construction (Q2 2023). Traffic engineering improvements, such as signal phasing and/or timing changes would fully mitigate significant adverse impacts at two intersections, Washington Avenue and Empire Boulevard, and Franklin Avenue and Empire Boulevard. No practicable and feasible mitigation measures were identified for the significant adverse impacts during the 3 to 4 PM weekday peak hour at three intersections (Washington Avenue & Eastern Parkway, Franklin Avenue & Sullivan Place, and Washington Avenue & Carroll Street) and therefore the impacts remain unmitigated.

Implementation of the proposed traffic mitigation measures before the full build out of the project would be subject to review and approval by NYCDOT. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative mitigation measure will be identified. However, if no other alternative mitigation measures can be identified, those impacts would be unmitigated.

Noise

Detailed quantitative construction noise modeling was completed for the Proposed Development to determine typical construction noise levels for excavation, superstructure, and interior fit-out construction phases. Significant adverse construction noise impacts at sensitive receptors were identified in consideration of the magnitude of the noise level increase (three A-weighted decibels (dBA), a “noticeable” noise level increase per the CEQR Technical Manual methodology), the anticipated absolute noise level (45 dBA interior noise levels for residential, mixed-use, and public facilities/institutions and 80 dBA for open space), and the duration of the predicted elevated noise level.

P.S. 375 Jackie Robinson School would experience a maximum construction noise increment of up 26 dBA at a fourth floor receiver on the western façade of the building that overlooks the building 1 construction

site (receptor #139). The highest increments of 20 dBA would be limited to third and fourth-story receivers which would have direct line-of-sight to the construction site. The maximum exterior noise level predicted for the school is 83 dBA Leq. Assuming window-closed conditions with air conditioning (28 dB exterior to interior attenuation), this is equivalent to an interior noise level of 55 dBA Leq, which exceeds the CEQR-recommended interior condition of 45 dBA. The maximum duration of incremental impacts above 15 dBA is 45 months, the duration of the Proposed Development's construction. Impacts would be less (maximum increment of 15 dBA) at ground level receivers, which would experience greater benefits from the construction site noise barrier. No impacts would occur on the eastern façade of the school. Therefore, considering the magnitude and duration of impact, the construction noise impact to P.S. 375 is considered a significant adverse impact.

There is potential for construction of the Proposed Development to result in significant impacts at several residential buildings. The highest impacts would occur to the nine buildings directly adjoining the construction site (such as 1015 Washington Avenue). Overall, the highest impacts to residential buildings involve increments on the range of 17 to 37 dBA and total exterior noise levels of 78 to 86 dBA Leq. Assuming a windows-closed condition and 28 dB exterior to interior attenuation, these noise levels would exceed the CEQR- recommended 45 dBA interior standard. Increment durations could persist above 15 dBA for 19 to 43 months. Although there would be no impact to these locations on weekends, the high magnitude and duration of construction noise impacts on weekdays is considered a significant adverse impact; however, these impacts would occur intermittently. Although construction noise impacts would not occur at night and on weekends, the construction during the day near these locations may result in annoyance to building occupants.

Several residential buildings near the Development Site do not have central air conditioning and typically rely on window air conditioning for cooling. Any units lacking a window AC would need to keep their windows open during summer months, which would substantially decrease window/wall noise attenuation. The exterior to interior attenuation provided by a building with windows open is approximately 10 dBA, compared to up to 28 dBA for closed double-glazed windows and window air conditioning units. Interior L10(1) noise levels would exceed the recommended threshold for residential use according to CEQR noise exposure guidelines for extended periods during construction; increment durations could persist above 15 dBA Leq for 7 to 39 months. Considering the magnitude and duration, this would represent a significant adverse construction noise impact.

While the provision of window air conditioners to the affected buildings was explored, such a measure would only reduce the magnitude of temporary construction noise impacts, and the identified impacts would not be fully mitigated. Specifically, even with the provision of window air conditioners to these buildings, during certain periods of the Proposed Development's construction, interior noise levels would exceed 45 dBA L10(1) (the CEQR acceptable interior noise level criteria). For units that already have window ACs, further receptor controls would not be effective and the significant adverse impact would remain unmitigated. Therefore, this potential mitigation measure will not be implemented.

Under the New York City Noise Control Code, noise barriers constructed from plywood or other materials are required to be provided at a height of 8 feet. For receptors that are shielded by the perimeter noise barrier (i.e., those at or below the height of the barrier), the height and treatment to the barrier would be expected to provide up to approximately 5 dBA of additional shielding from at-grade or below-grade sources of construction noise.

H. ALTERNATIVES

No Action Alternative

The No-Action Alternative examines future conditions on the Development Site, but assumes the absence of the Proposed Development (i.e., none of the discretionary approvals proposed as part of the Proposed Development would be adopted). Under the No-Action Alternative by 2024, it is anticipated that an as-of-

right residential development would be constructed on the Development Site (Lots 41, 46, 63 and 66) in two phases pursuant to the existing R6A zoning. The R6A zoning district permits 3.0 FAR with a maximum base height of 60 feet and a maximum building height of 70 feet. The No-Action development would include a total of approximately 414,607 gsf (approximately 356,190 zsf) of residential uses with approximately 518 market rate condominiums (assuming an average dwelling unit size of approximately 800 gsf per unit). Approximately 259 parking spaces would be provided, which is the equivalent of 50 percent of the building's market-rate dwelling units as required by the site's R6A zoning. The technical chapters of the EIS have described the No-Action Alternative as "the Future Without the Proposed Actions."

The significant adverse impacts related to transportation and construction anticipated for the Proposed Development would not occur under the No-Action Alternative. However, the No-Action Alternative would not meet the goals of the Proposed Development. The benefits expected to result from the Proposed Development, as intended by the Applicant – including promoting affordable and market-rate housing development through the introduction of increased residential density on-site, encouraging the extension of the retail corridor south along Franklin Avenue through the provision of a commercial overlay, and introducing new community facility space – would not be realized under this alternative, and the No-Action Alternative would fall short of the objectives of the Proposed Development.

No Unmitigated Significant Adverse Impacts Alternative

The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the density and other components of the Proposed Development are changed specifically to avoid the unmitigated significant adverse impacts associated with the Proposed Development. The Proposed Actions could result in unmitigated significant adverse impacts related to community facilities (child care), shadows, open space, natural resources, transportation and construction. Overall, in order to eliminate all unmitigated significant adverse impacts, the Proposed Development would have to be modified to a point where the principal goals and objectives would not be realized.

I. UNAVOIDABLE ADVERSE IMPACTS

The Proposed Actions would result in significant adverse impacts with respect to community facilities (child care services), transportation (traffic, pedestrians), open space, shadows, natural resources, and construction (transportation, noise). To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet their purpose and need, eliminate their impacts, and not cause other or similar significant adverse impacts. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated.

Community Facilities and Services

Child Care Services

The Proposed Actions would result in significant adverse impacts on publicly funded child care centers. According to the *CEQR Technical Manual*, a significant adverse child care center impact could result if an action results in: (1) a collective utilization rate greater than 100 percent in the With-Action condition; and (2) the demand constitutes an increase of five percent or more in the collective capacity of child care centers serving the study area over the No-Action condition. Under the RWCDS, the Proposed Development would introduce approximately 84 children potentially eligible for subsidized child care to the study area. The analysis of publicly funded child care services found that under the With-Action condition the child care study area would experience a utilization rate of 104.2 percent, an increase of 5.6 percentage points over No-Action conditions. As such, the Proposed Actions would result in significant adverse impacts on publicly funded child care facilities.

The Applicant has stated a willingness to provide child care facility capacity, which would constitute a possible mitigation measure to this impact. Conversely, the Applicant could pay the City to provide nine child care slots off-site to ensure that the Proposed Actions do not result in impacts to child care services. Alternatively, the impact could be eliminated by reducing the Proposed Project from 1,578 total DUs (with 474 affordable DUs through the MIH Program) to 1,404 DUs (with 421 affordable DUs through the MIH Program), a reduction of 53 affordable DUs. To mitigate the significant adverse child care impact, the Applicant would commit to make space available to DOE on the Development Site for publicly-funded childcare. If DOE does not pursue the space for publicly funded child care, the Applicant would pay the City to provide nine child care slots off-site to ensure that the Proposed Actions do not result in impacts to child care services. The applicant would re-evaluate the need for additional publicly-funded child care seats at the triggering 421st affordable unit, in consultation with DCP and DOE, as appropriate. If measures to fully mitigate the project's anticipated impact are not identified and implemented, this would remain an unavoidable significant adverse impact.

Open Space, Shadows, Natural Resources

The Proposed Project would result in significant adverse impacts due to direct shadows effects on open and natural resources in Brooklyn Botanic Garden and on open space resources in Jackie Robinson Playground. Potential mitigation measures have been identified and will be further explored in consultation with NYC Parks in the FEIS. If measures to fully mitigate these impacts are not identified, this would remain an unavoidable significant adverse impact.

Possible mitigation measures include adjusting the existing implementation and extent of rooftop netting, shades, and supplemental lighting at the Brooklyn Botanic Garden to ensure the health of the plants over time. The Applicant has also identified a 34-story development which would result in a limited reduction in shadow coverage and duration on Brooklyn Botanic Garden. The 34-story Development would not result in any noticeable change to the duration of incremental shadow coverage on Jackie Robinson Playground. As the significant adverse shadows impacts would not be fully mitigated on Brooklyn Botanic Garden and would not be mitigated on Jackie Robinson Playground, the Proposed Project would result in unavoidable significant adverse shadow impacts to these resources.

Transportation

Traffic

The Proposed Actions would result in significant adverse traffic impacts at one signalized intersections during one or more analyzed peak hours; specifically, two lane groups at one intersection during the weekday AM, weekday PM, and Saturday midday peak hours.

The types of traffic mitigation measures proposed herein are standard measures, such as modification of traffic signal phasing and/or timing that are routinely identified by the City and considered feasible for implementation. With implementation of the recommended traffic engineering improvements, all significant adverse impacts would be fully mitigated. However, implementation of the recommended traffic engineering improvements is subject to review and approval by the NYCDOT. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative mitigation measure will be identified. In the absence of the application of mitigation measures, the impacts would remain unmitigated and would constitute significant adverse unavoidable traffic impacts.

Pedestrians

The Proposed Actions would result in significant adverse impacts on one pedestrian element, the north crosswalk at Empire Boulevard and Washington Avenue in all four analysis peak hours. With implementation of the proposed mitigation measures, including the signal timing changes proposed as part

of the traffic mitigation and the widening of the impacted crosswalk, the significant adverse impacts to the impacted crosswalk would be fully mitigated in all four peak hours.

Implementation of recommended mitigation measures would be subject to review and approval by DOT. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative mitigation measure will be identified. In the absence of the application of mitigation measures, the impacts would remain unmitigated and would constitute significant adverse unavoidable pedestrian impacts.

Construction

Transportation

As described in the Construction section above, six lane groups at five intersections are expected to have the potential for significant adverse traffic impacts as a result of construction activities, namely the northbound left-through and southbound left at Eastern Parkway and Washington Avenue, the southbound left-through-right at Washington Avenue and Empire Boulevard, the southbound right at Franklin Avenue and Empire Boulevard, the southbound through-right at Franklin Avenue and Sullivan Place, and the westbound left-right at Washington Avenue and Carroll Street, all during the 3 to 4 PM peak hour.

The significant adverse impacts at the intersections of Washington Avenue and Empire Boulevard, and Franklin Avenue and Empire Boulevard could be mitigated through changes in signal timing. However, if the NYCDOT were not to implement these signal timing changes, these intersections would experience unavoidable significant adverse impacts as a result of construction activity. The significant adverse impacts at the intersections of Washington Avenue and Eastern Parkway, Franklin Avenue and Sullivan Place, and Washington Avenue and Carroll Street cannot be mitigated. Therefore, construction activities would result in unavoidable significant adverse impacts to these three intersections.

Noise

The Proposed Actions would have the potential to result in temporary significant adverse construction noise impacts at several receptor locations surrounding the Development Site. Construction activities would follow the requirements of the New York City Noise Control Code (also known as Chapter 24 of the Administrative Code of the City of New York, or Local Law 113) for construction noise control measures. Specific noise control measures would be incorporated in noise mitigation plan(s) required under the New York City Noise Control Code. These measures could include a variety of source and path controls. However, the implementation of these measures would not eliminate all of the identified significant adverse construction noise impacts predicted to occur during hours when the loudest pieces of construction equipment are in use. Consequently, these construction noise impacts would not be fully mitigated and would therefore constitute an unavoidable significant adverse construction noise impact.

J. GROWTH INDUCING ASPECTS OF THE PROPOSED ACTION

The term “growth-inducing aspects” generally refers to "secondary" impacts of a proposed action that trigger further development outside the directly affected area. The *CEQR Technical Manual* indicates that an analysis of the growth-inducing aspects of a proposed action is appropriate when the project: (1) adds substantial new land use, residents, or new employment that could induce additional development of a similar kind or of support uses, such as retail establishments to serve new residential uses; and/or (2) introduces or greatly expands infrastructure capacity (e.g., sewers, central water supply).

The Proposed Development would help address the dire City-wide need for affordable housing by increasing the flexibility required to develop a higher amount of residential uses at greater densities and heights. Changing existing zoning to allow for residential uses at higher densities and mandating the inclusion of affordable housing through the City’s MIH program would result in the construction of permanently affordable housing. The Applicant believes that the Proposed Development would support the

City's goals of promoting affordable housing development by maximizing the use of underutilized land and encouraging the continued economic development of this area of Crown Heights. The Applicant anticipates that the Proposed Development would create new job opportunities. The Applicant also anticipates that the residents and workers added by the new housing and businesses would result in additional customers for existing local businesses, helping to strengthen and create more vibrant retail corridors, and expand local retail options for current residents.

The Proposed Development consists of a two building development with approximately 1,263,039 gsf of residential uses, introducing a total of approximately 1,578 DUs, approximately 21,183 gsf of local retail space and approximately 9,678 gsf of community facility space would be provided. Approximately 180 parking spaces would be allocated in two separate parking garages on the ground- and cellar-levels of the Proposed Development. The environmental consequences of this growth are discussed throughout the EIS.

The projected increase in residential population is likely to increase the demand for neighborhood services, ranging from community facilities to local retail and services. It is anticipated that the consumer needs of the new residential and worker populations would largely be satisfied by a combination of the new retail and community facility uses provided by the Proposed Development and the existing retail and community facility uses in the surrounding area. The Proposed Development could also lead to additional growth in the City and State economies, primarily due to employment and fiscal effects during construction on the Development Site and operation of the Proposed Development after its completion. However, this secondary growth is not expected to result in any significant impacts in any particular area or at any particular site.

The Proposed Development would result in more intensive land uses on the Development Site. However, it is not anticipated that the Proposed Development would generate significant secondary impacts that would result in substantial new development in nearby areas. It is unlikely that the Proposed Development would alter land use patterns in the surrounding area. The Proposed Development would not create a critical mass of uses or populations that would induce additional development. The Proposed Development does not include the introduction of new infrastructure or an expansion of infrastructure capacity that would result in indirect development.

Overall, the Proposed Development would not induce significant additional growth beyond that identified and analyzed in the EIS.

K. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Resources, both natural and man-made, would be expended in the construction and operation of developments projected to occur as a result of the Proposed Actions. These resources include the building materials used in construction; energy in the form of gas and electricity consumed during construction and operation of project-generated development by various mechanical and processing systems; and the human effort (time and labor) required to develop, construct, and operate various components of project-generated development. These are considered irretrievably committed because their reuse for some other purpose would be highly unlikely.

The development under the Proposed Actions also constitutes a long-term commitment of land resources, thereby rendering land use for other purposes highly unlikely in the foreseeable future. The land use changes that would result from the Proposed Actions may also be considered a resource lost. However, the land use changes that would occur as a result of the Proposed Actions would be part of an overall City strategy to provide affordable housing in areas well-served by public transportation. The Development Site does not possess any natural resource of significant value, and the site is in large part developed or has been previously developed. It is noted that funds committed to the design, construction, and operation of the Development Site under the Proposed Actions would not be available for other projects. However, this is not considered to be a significant adverse impact on City resources.

In addition, the public services provided in connection with the Proposed Development under the Proposed Actions (e.g., police and fire protection, public education, open space, and other City resources) also constitute resource commitments that might otherwise be used for other programs or projects. However, the Proposed Actions would enliven the area and produce economic growth that would generate substantial tax revenues providing a new source of public funds that would offset these expenditures.

The commitments of resources and materials are weighed against the benefits of the Proposed Actions. The Proposed Actions would promote new residential development with significant amounts of permanently affordable housing, encourage new local retail development along a key corridor, help ensure predictable future development. The new land uses would be compatible with the surrounding area, and would extend the mixed-use character of Franklin Avenue south toward Empire Boulevard.

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