City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • *Please fill out and submit to the appropriate agency* (see instructions)

Part I: GENERAL INFORMATION

1. *Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?* ☐ YES ☒ NO

If "yes," **STOP** and **complete the FULL EAS FORM**.

2. *Project Name* 1640 Flatbush Avenue

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
19DCP028K	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
190053ZMK; N190054ZRK	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Department of City Planning			1640 Flatbush LLC		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Olga Abinader, Acting Director, Environmental Assessment and Review Division			Daniel Egers, Greenberg Traurig, LLP		
ADDRESS 120 Broadway			ADDRESS 200 Park Avenue		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10166
TELEPHONE 212.720.3493	EMAIL o_abinad@planning.nyc.gov		TELEPHONE 212.801.6476	EMAIL egersd@gtlaw.com	

5. *Project Description*

The Applicant, 1640 Flatbush LLC, is seeking approval of two actions (the "proposed actions") subject to City Planning Commission (CPC) approval to facilitate the development of an approximately 166,116 gross square foot (gsf) mixed-use building containing residential and retail uses (the "Proposed Development") at 1640 Flatbush Avenue (Block 7577, Lot 60) in Brooklyn Community District 14.

The proposed actions consist of the following:

• An Amendment to Zoning Map 23a to rezone Block 7577, Lot 60 (the "Development Site") from a C8-2 district and R6 district to a C4-4D district, and portions of Block 7577, Lot 25 and Block 7576, Lot 69 from a C8-2 district to an R6 district (see Figure A-4); and

• A Zoning Text Amendment to Appendix F of the Zoning Resolution to designate the Development Site as a Mandatory Inclusionary Housing (MIH) Area.

The above-referenced actions are subject to approval by the CPC pursuant to the Uniform Land Use Review Procedure (ULURP). Refer to Attachment A, "Project Description," for additional information.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 14	STREET ADDRESS 1640 Flatbush Avenue
TAX BLOCK(S) AND LOT(S) Block 7577, Lot 60 and p/o Lot 25; Block 7576, p/o Lot 69		ZIP CODE 11210
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Rezoning Area is bounded by Flatbush Avenue to the east, Aurelia Court to the south, Nostrand Avenue to the west, and the Brooklyn Triangle retail development to the north.		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C8-2, R6		ZONING SECTIONAL MAP NUMBER 23a

6. *Required Actions or Approvals* (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT ☐ ZONING CERTIFICATION ☐ CONCESSION
☒ ZONING MAP AMENDMENT ☐ ZONING AUTHORIZATION ☐ UDAAP
☒ ZONING TEXT AMENDMENT ☐ ACQUISITION—REAL PROPERTY ☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY ☐ DISPOSITION—REAL PROPERTY ☐ FRANCHISE
☐ HOUSING PLAN & PROJECT ☐ OTHER, explain:
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☐ YES ☒ NO

☐ VARIANCE (use)
☐ VARIANCE (bulk)
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

☐ LEGISLATION ☐ FUNDING OF CONSTRUCTION, specify:
☐ RULEMAKING ☐ POLICY OR PLAN, specify:
☐ CONSTRUCTION OF PUBLIC FACILITIES ☐ FUNDING OF PROGRAMS, specify:
☐ 384(b)(4) APPROVAL ☐ PERMITS, specify:
☐ OTHER, explain:

Other City Approvals Not Subject to CEQR (check all that apply)

☒ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

7. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP
☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 36,413 Waterbody area (sq. ft) and type: n/a
Roads, buildings, and other paved surfaces (sq. ft.): 36,413 Other, describe (sq. ft.): n/a

8. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 166,116
NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 166,116
HEIGHT OF EACH BUILDING (ft.): 145 NUMBER OF STORIES OF EACH BUILDING: 13

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant: 18,213
The total square feet not owned or controlled by the applicant: 18,200

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO
If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: 18,213 sq. ft. (width x length) VOLUME OF DISTURBANCE: 218,550 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 18,213 sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)	115,056	29,966	0	0

Type (*e.g.,* retail, office, school)	115 units	retail		

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 323 NUMBER OF ADDITIONAL WORKERS: 99

Provide a brief explanation of how these numbers were determined:

Residents: Based on the 2010 Census for Community District 14 of Brooklyn, there are 2.81 persons per household. Employees: Estimated based on 3 employees per 1,000 gsf of retail (90), 1 employee per 15 DUs (8), and 1 employee per 50 parking spaces (1) = 99 employees

Does the proposed project create new open space? ☐ YES ☒ NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? ☒ YES ☐ NO

If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: In the future without the proposed actions the development site would be developed with a 93,304 gsf mixed use building consisting of 25,138 gsf of retail use, 27,432 gsf of community facility use (medical facility), and 40,734 gsf (131 spaces) of underground parking. Refer to Attachment A, "Project Description," for a detailed description of the No Action scenario, including conceptual plans.

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2021

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18–24 months

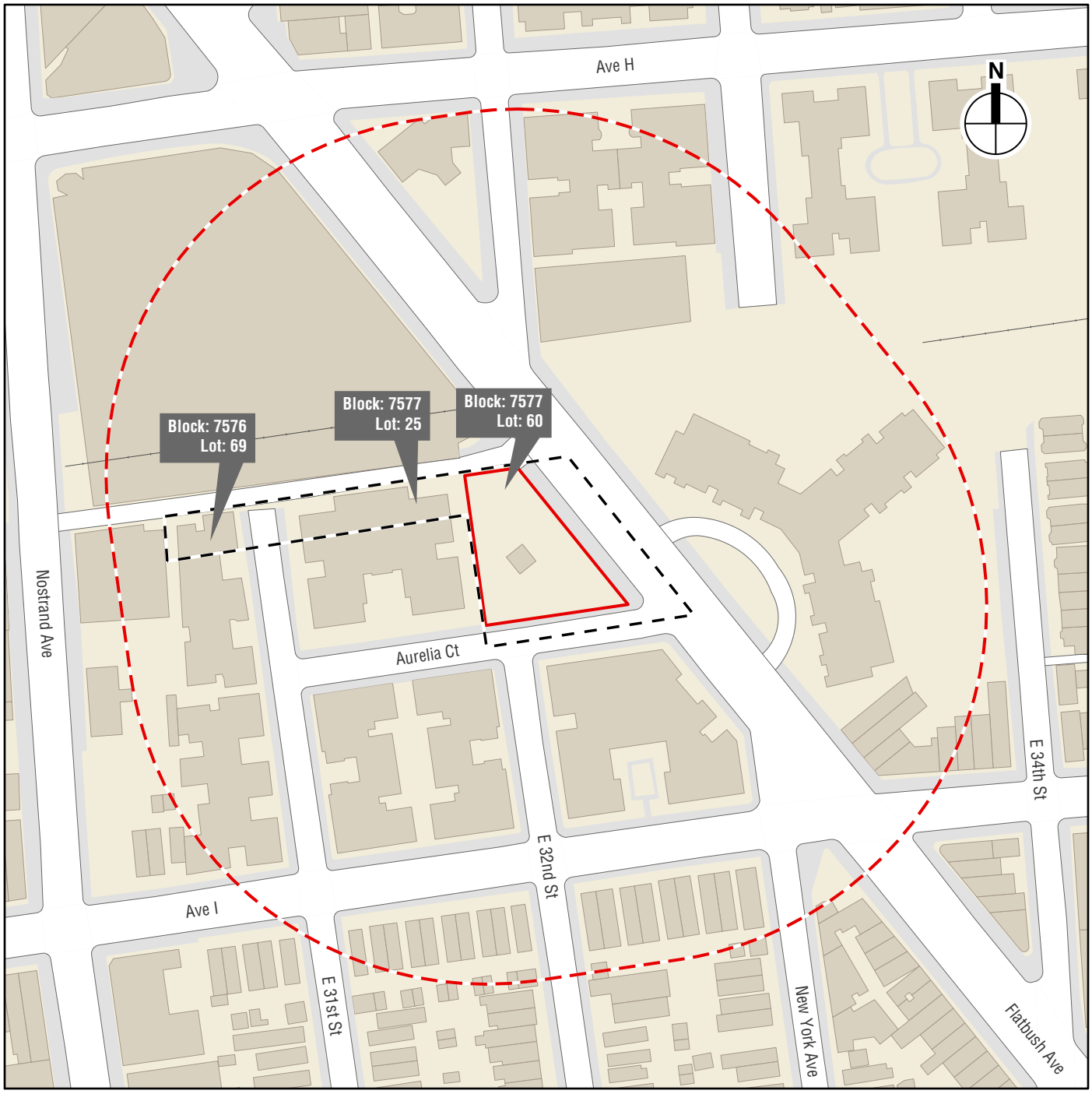
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

10. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☐ OTHER, specify:

9/5/2018

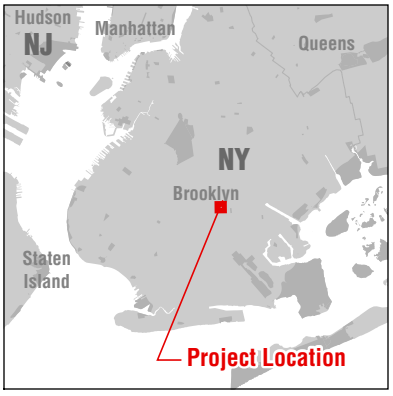


0 200 FEET

Development Site

Rezoning Area

Study Area Boundary (400-foot perimeter)



Project Location

Figure 1

1640 FLATBUSH AVENUE

Tax Map

Figure 2

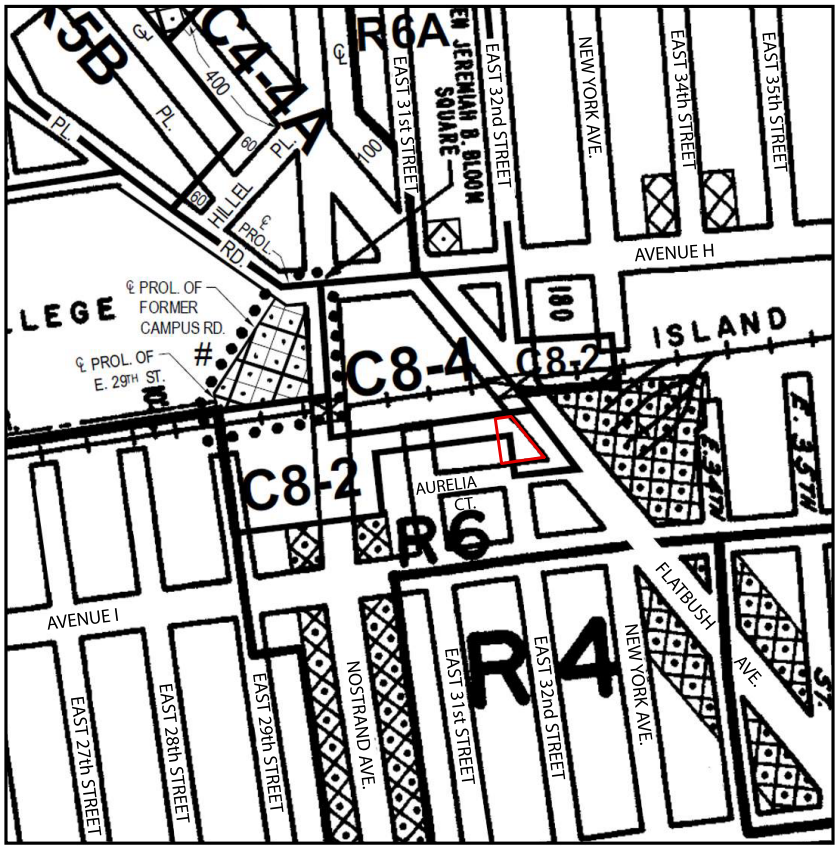
1640 FLATBUSH AVENUE

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

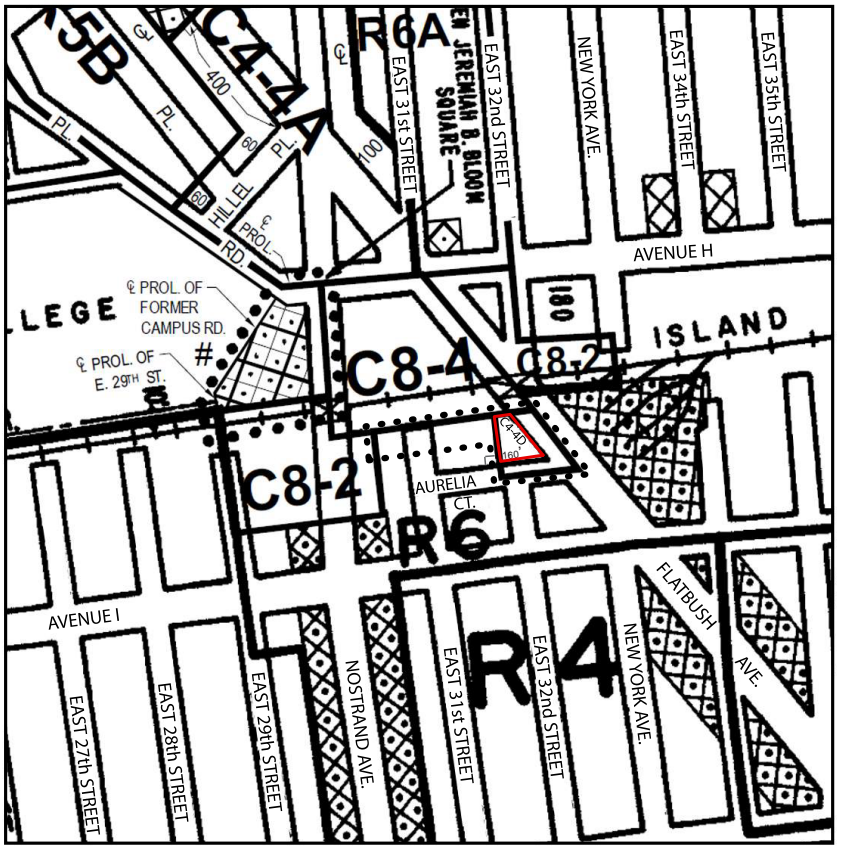
ZONING CHANGE MAP

N



CURRENT ZONING MAP

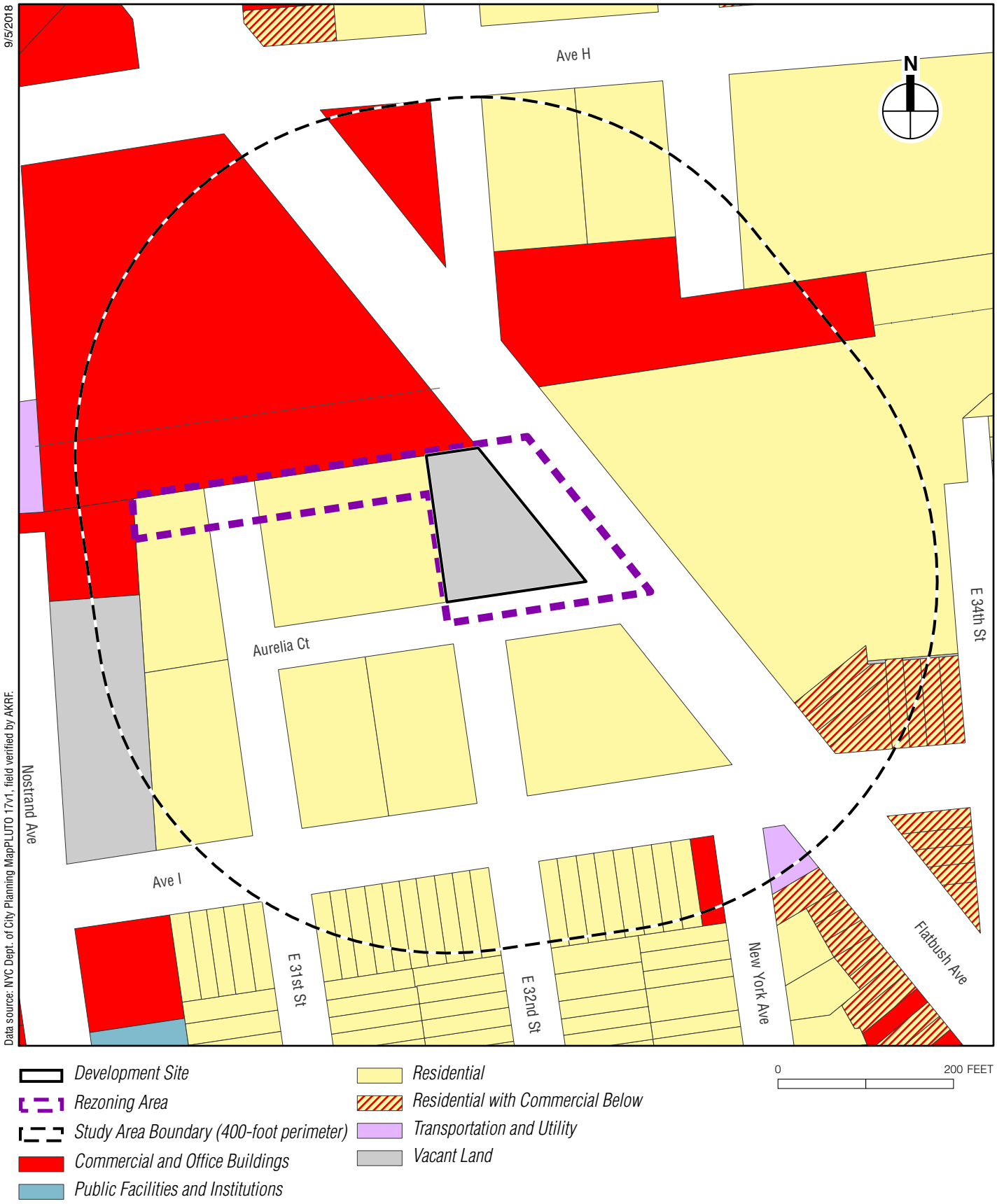
Development Site



PROPOSED ZONING MAP - AREA BEING REZONED IS OUTLINED WITH DOTTED LINE

CHANGE C8-2 DISTRICT TO A C4-4D DISTRICT

AND C8-2 DISTRICT TO A R6 DISTRICT



1640 FLATBUSH AVENUE

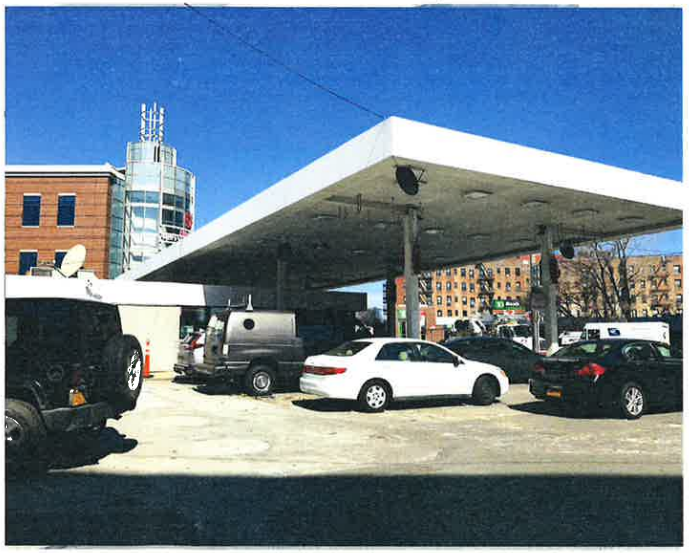
Existing Land Use

Figure 4

01 VIEW WEST ACROSS FLATBUSH AVE.

02 VIEW WEST ACROSS FLATBUSH AVE.

03 VIEW NORTH FROM AURELIA CT. AND FLATBUSH AVE.

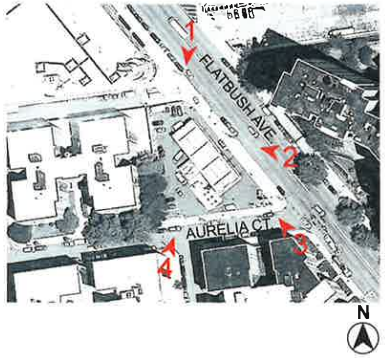


04 VIEW NORTH ACROSS AURELIA CT.

ALL IMAGES TAKEN ON SITE

DATE PROVIDED

IMAGE 01: MARCH 2018
IMAGE 02: MARCH 2018
IMAGE 03: MARCH 2018
IMAGE 04: MARCH 2018



1640 FLATBUSH AVENUE

Existing Site Photos
Figure 5

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☐	☒
o If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	☐	☒
o Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
o Directly displace more than 500 residents?	☐	☒
o Directly displace more than 100 employees?	☐	☒
o Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
o **Child Care Centers:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
o **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
o **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
o **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
o If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
o If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☒	☐

	YES	NO
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☒	☐
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Attachment E / Appendix A		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☒	☐
○ If "yes," complete the Jamaica Bay Watershed Form, and submit according to its instructions. See Appendix B		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☒	☐
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☒	☐
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☒	☐
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☒	☐
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: Historic use of the Development Site as a gasoline filling station, auto repair shop, dry cleaner, and metal working shop.	☒	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☐
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney	☐	☒

	YES	NO
Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?		
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): Residential: 41 lbs/week/household x 115 households = 4,715 lbs/week Retail: 79 lbs/week/employee x 90 employees = 7,110 lbs/week Total: 11,825 lbs/week		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): Residential: 126.7 MBtu/sf/year x 115,056 sf = 14,577,595 MBtu/year Retail: 216.3 MBtu/sf/year x 29,966 sf = 6,481,646 MBtu/year Total: 21,059,241 MBtu/year		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	☐	☐
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) See Attachment G	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☐
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked	☒	☐

13(a). TRANSPORTATION

As discussed in Attachment A, "Project Description," in the future absent the proposed actions, the Applicant is anticipated to develop an as-of-right mixed-use building on the Development Site. The No Action development is 93,304 gsf in total and would contain a mix of retail space and community facility use with underground parking.

In the future with the proposed actions, the Applicant would construct the Proposed Development, which consists of a new mixed-use building with approximately 166,116 gsf of floor area. As shown in the table below, the increment for analysis in this EAS is a net decrease in community facility space and parking, and a net increase in residential and retail space.

Future No Action and With Action Development Program Assumptions

Components	Future No Action (As-of-Right)	Future With Action (Proposed Development)	Increment
Community Facility (gsf)	27,432	0	-27,432
Retail (gsf)	25,138	29,966	+4,828
Parking (gsf)	40,734	15,454	-25,280
Parking (spaces)	131	40	-91
Residential (gsf)	0	115,056	+115,056
Dwelling Units (total)	0	115*	+115

Notes:
*The Land Use Application for the proposed actions references 114 units (34 affordable pursuant to MIH Option 2). The MIH program option would ultimately be determined through the ULURP process. The EAS conservatively analyzes 115 units, with 20 percent (23 units) assumed affordable to households with incomes at or below 80 percent of Area Median Income (AMI).

According to Table 16-1 of the *CEQR Technical Manual*, the Development Site is located in Transportation Zone 2, and the RWCDS screens out of further analysis pursuant to the minimum development density threshold for assessment, as follows:

- (115 dwelling units / 200 dwelling units) + (4,828 gsf of retail / 15,000 gsf of retail) = 0.897 (89.7 percent)

Therefore, the Proposed Development does not exceed any threshold identified in Table 16-1 of the *CEQR Technical* Manual and no additional transportation analysis is warranted.

	YES	NO
roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?		
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☐	☒
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. As described in the EAS attachments, detailed analyses for noise and air quality were completed. Through the mapping of an (E) Designation (E-506) related to hazardous materials, noise, and air quality, measures to preclude impacts would be included as part of construction and/or operation of the proposed project. No unmitigated significant adverse impacts would occur with respect to hazardous materials, noise, and air quality. Therefore, a public health assessement is not warranted.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. An assessment of neighborhood character is generally warranted when a proposed project has the potential to result in significant adverse impacts in one of the elements that define a neighborhood's character or when a project may have moderate effects on several of the elements. Neighborhood character is determined by a number of factors, such as land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic, and noise. The proposed actions would not substantively affect one or more of these elements. Therefore, an assessment of neighborhood character is not warranted.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	☐	☒
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☒	☐
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
o The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
o Closure of a community facility or disruption in its services?	☐	☒
o Activities within 400 feet of a historic or cultural resource?	☐	☒
o Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. Construction of the Proposed Development is expected to occur over a period of approximately 18 to 24 months. Construction would be carried out in accordance with New York City laws and regulations, which allow construction activities between 7:00 AM and 6:00 PM on weekdays. If work is required outside of normal construction hours, proper approvals would be obtained from the appropriate agencies (i.e., the New York City Department of Buildings). During construction of the proposed project, all necessary measures would be implemented to ensure that the New York City Air Pollution Control Code regulating construction-related dust emissions and the New York City Noise Control Code regulating construction noise are followed. In addition, maintenance and Protection of Traffic (MPT) plans would be developed for any curb-lane and sidewalk closures. Approval of these plans and implementation of all temporary sidewalk and curb-lane closures during construction would be coordinated with the New York City Department of		

	YES	NO

Transportation (NYCDOT)'s Office of Construction Mitigation and Coordination (OCMC). During demolition and excavation, activities associated with the Proposed Development and regulatory requirements pertaining to contaminated materials would be followed. Overall, no significant adverse impacts are expected to occur as a result of construction, and no further analysis is warranted.

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	DATE
Aaron Werner - Technical Director, AKRF, Inc.	10/19/18

SIGNATURE

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact: YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ YES ☒ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Acting Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME	DATE
Olga Abinader	10/26/2018

SIGNATURE

NEGATIVE DECLARATION (Use of this form is optional)

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning, acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this determination are noted below.

Hazardous Materials, Air Quality, and Noise

To ensure that the proposed actions would not result in significant adverse hazardous materials, air quality, and noise impacts an (E) Designation (E-506) will be placed on Projected Development Site 1 (Block 7577, Lot 60). Refer to "Determination of Significance Appendix: (E) Designation" for the applicable (E) designation requirements. The analyses conducted for hazardous materials, air quality, and noise conclude that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, or noise.

Land Use, Zoning, and Public Policy

A detailed analysis of the effects of the proposed actions on Land Use, Zoning and Public Policy was included in the EAS. The proposed actions would facilitate an increase in residential and commercial density on the development site and would bring existing residential uses within the directly affected area into greater conformance and compliance with zoning. The proposed actions would be compatible with the land use pattern and zoning of the surrounding area and recent development trends. The analysis concludes that no significant adverse impacts related to Land Use, Zoning and Public Policy would result from the proposed actions.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA)

TITLE	LEAD AGENCY
Acting Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME Olga Abinader	DATE 10/26/18
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	DATE 10/29/18
SIGNATURE	

Project Name: 1640 Flatbush Avenue
CEQR #: 19DCP028K
SEQRA Classification: Unlisted

Determination of Significance Appendix: (E) Designation

To ensure that the proposed actions would not result in significant adverse hazardous materials, air quality, and noise impacts, an (E) Designation **(E-506)** will be placed on **Projected Development Site 1 (Block 7577, Lot 60)** as described below:

Hazardous Materials

The (E) Designation requirements for hazardous materials are as follows:

Task 1-Sampling Protocol

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

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

Air Quality

The (E) Designation requirements for air quality are as follows:

Any new residential and/or commercial development on Block 7577, Lot 60, must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, be fitted with low NOx (30 ppm) burners, and heating and hot water exhaust stacks must be located at the highest tier and at least 148 feet above grade.

Project Name: 1640 Flatbush Avenue
CEQR #: 19DCP028K
SEQRA Classification: Unlisted

Noise

The (E) Designation requirements for noise are as follows:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on façades facing Flatbush Avenue, Lot 7501, and Aurelia Court (within 50 feet of Flatbush Avenue) to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

A. INTRODUCTION

The Applicant, 1640 Flatbush LLC, is seeking approval of two actions (the "proposed actions") from the City Planning Commission (CPC) to facilitate the development of an approximately 166,116-gross square foot (gsf) mixed-use building containing residential and retail uses with underground parking (the "Proposed Development" or "Proposed Building") at 1640 Flatbush Avenue (Block 7577, Lot 60) in Brooklyn Community District 14.

B. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The area directly affected by the proposed actions consists of Block 7577, Lot 60; part of Block 7577, Lot 25; and part of Block 7576, Lot 69, herein referred to as the "Project Area" or "Rezoning Area" (see Figures 1, 2, and 3 of the Environmental Assessment Statement [EAS] Short Form).

The Development Site, 1640 Flatbush Avenue (Block 7577, Lot 60), is located just south of the commercial area known as "The Flatbush Nostrand Junction," which lies at the convergence of several Brooklyn neighborhoods: Flatbush, East Flatbush, Midwood, and Flatlands. The Development Site is located at the northwest corner of the intersection of Aurelia Court and Flatbush Avenue and was occupied by a gas station until 2017. The Development Site is owned by the Applicant, measures 18,213 square feet (sf) in size, and has 192 feet of frontage along Flatbush Avenue.

The Proposed Development is a mixed-use building with 166,116 gross square feet (gsf) of floor area consisting of 29,966 gsf of retail space on the first and second floors and 115,056 gsf of residential space on the floors above (114 units). Thirty percent (34 units) of the 114 residential units would be reserved as affordable at specific income levels consistent with Mandatory Inclusionary Housing (MIH) Option 2, and the remaining 80 units would be market rate.[1] The Proposed Development would be 13 stories (approximately 145 feet in height to the top of the roof). 40 parking spaces would be provided underground on a single level of stackers (attended parking) accessed via a 12'-0" wide curb cut located 139'-4" west of the corner of Flatbush Avenue on Aurelia Court. One loading berth for the retail use would be situated along the Development Site's Aurelia Court frontage and accessed by a single 12'-0" curb cut located 117'-4" west of the corner of Flatbush Avenue.

[1] The Land Use Application for the proposed actions references 114 units (34 affordable pursuant to MIH Option 2). The MIH program option would ultimately be determined through the ULURP process. The EAS conservatively analyzes 115 units, with 20 percent (23 units) of units reserved as affordable to households with incomes at or below 80 percent of the Area Median Income (AMI).

The Proposed Development's ground floor would fully cover the Development Site. The ground floor residential lobby would be accessed from Aurelia Court. The proposed retail use would occupy the remainder of the ground floor and the entirety of the second floor. The second floor would cover the entirety of the Development Site except for a 20-foot rear yard. Residential floors 3–7 would be located along the streetlines and rise to a height of approximately 84 feet. The remaining residential floors (8–13) would be setback 10 feet from Flatbush Avenue and 15 feet from Aurelia Court and would rise to a height of 145 feet (see **Figures A-1 through A-3**).

C. PROPOSED ACTIONS

The following actions are necessary to facilitate the Proposed Development:

- An Amendment to Zoning Map 23a to rezone the Development Site (Block 7577, Lot 6) from a C8-2 district and R6 district to a C4-4D district, and to rezone a part of Block 7577, Lot 25, and Block 7576, Lot 69, from a C8-2 district to an R6 district (see **Figure A-4**).
- An Amendment to Appendix F of the Zoning Resolution to designate the Development Site as a Mandatory Inclusionary Housing Area (see **Figure A-5**).[1]

The above-referenced actions are subject to approval by the CPC pursuant to the Uniform Land Use Review Procedure (ULURP).

D. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

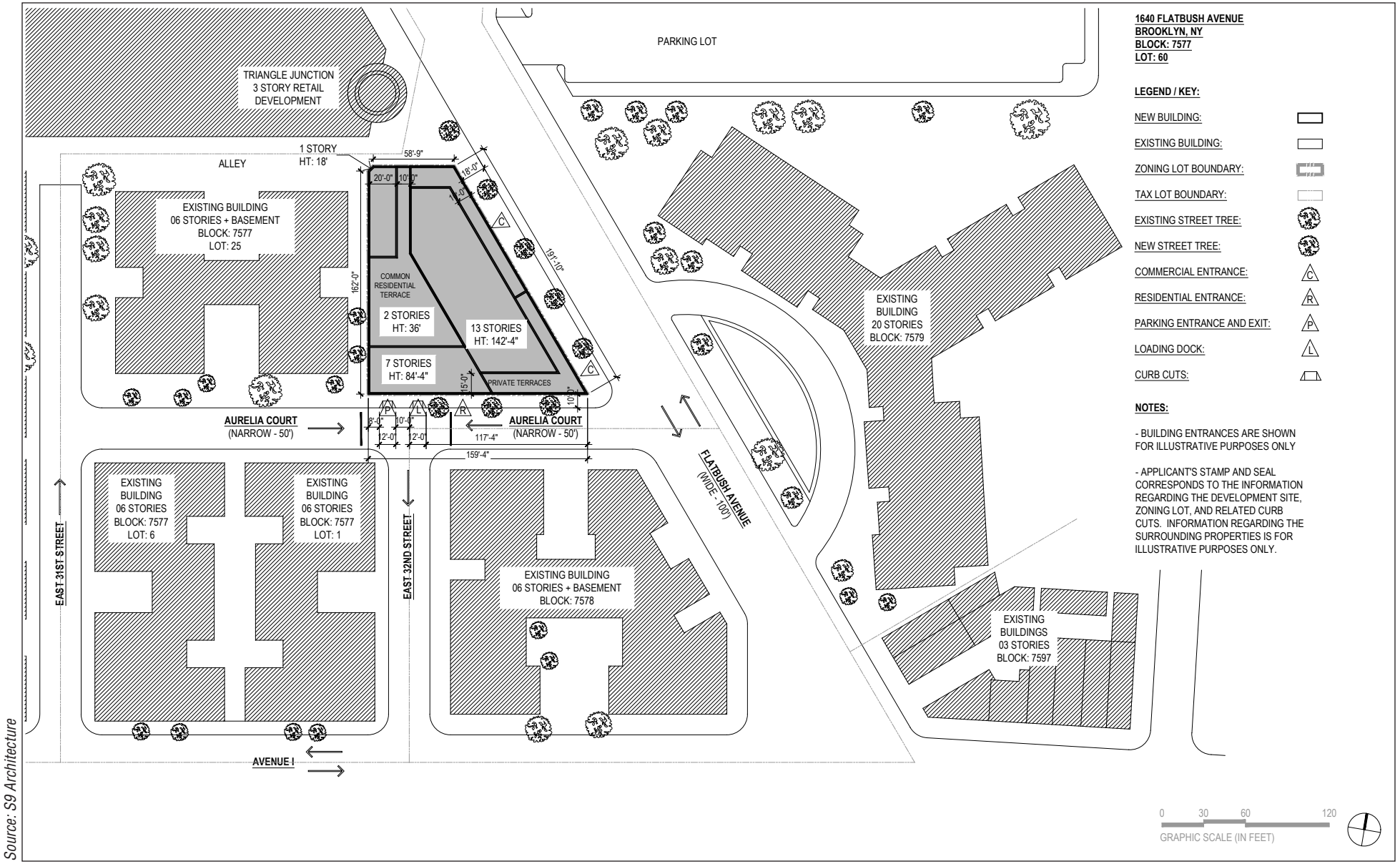
Approval of the proposed actions would allow the Applicant to construct the Proposed Development as described above, which would include approximately 114 residential units (34 affordable units) with ground-floor retail and underground parking. In addition, rezoning the remainder of the Rezoning Area (parts of Block 7577, Lot 25, and Block 7576, Lot 69) to R6 would bring the existing residential uses located on these lots into greater compliance and conformance with zoning regulations.

The 13-story height of the Proposed Development, the level of retail use, and the number of residential units is consistent with the existing character of the neighborhood and would be consistent with existing commercial and residential development along this commercial corridor, as evidenced by the 640-unit, 20-story Philip Howard apartment complex across Flatbush Avenue and the adjacent Junction retail center. The Proposed Development would be massed primarily along Flatbush Avenue, closer to the Philip Howard complex, while the portion closest to the six-story building on the adjacent lot to the west (Lot 25) would be seven stories, creating a more gradual transition toward the avenue.

The Proposed Development would be developed pursuant to the MIH program, creating much needed affordable housing units and providing the Proposed Development with a bonus in allowable FAR (up to 7.2 FAR). The inclusion of affordable housing is consistent with both the *Housing New York: A Five-Borough, Ten-Year Housing Plan (Housing New York)* and *Housing New York 2.0* initiatives introduced by the de Blasio administration to build or preserve 300,000 affordable residential units by 2026. In sum, the Applicant believes that increasing the maximum

[1] The parts of Block 7577, Lot 25, and Block 7576, Lot 69, within the Rezoning Area would not be included in the Mandatory Inclusionary Housing (MIH) Area because there would not be a significant increase in residential FAR on those lots.

9.5.18



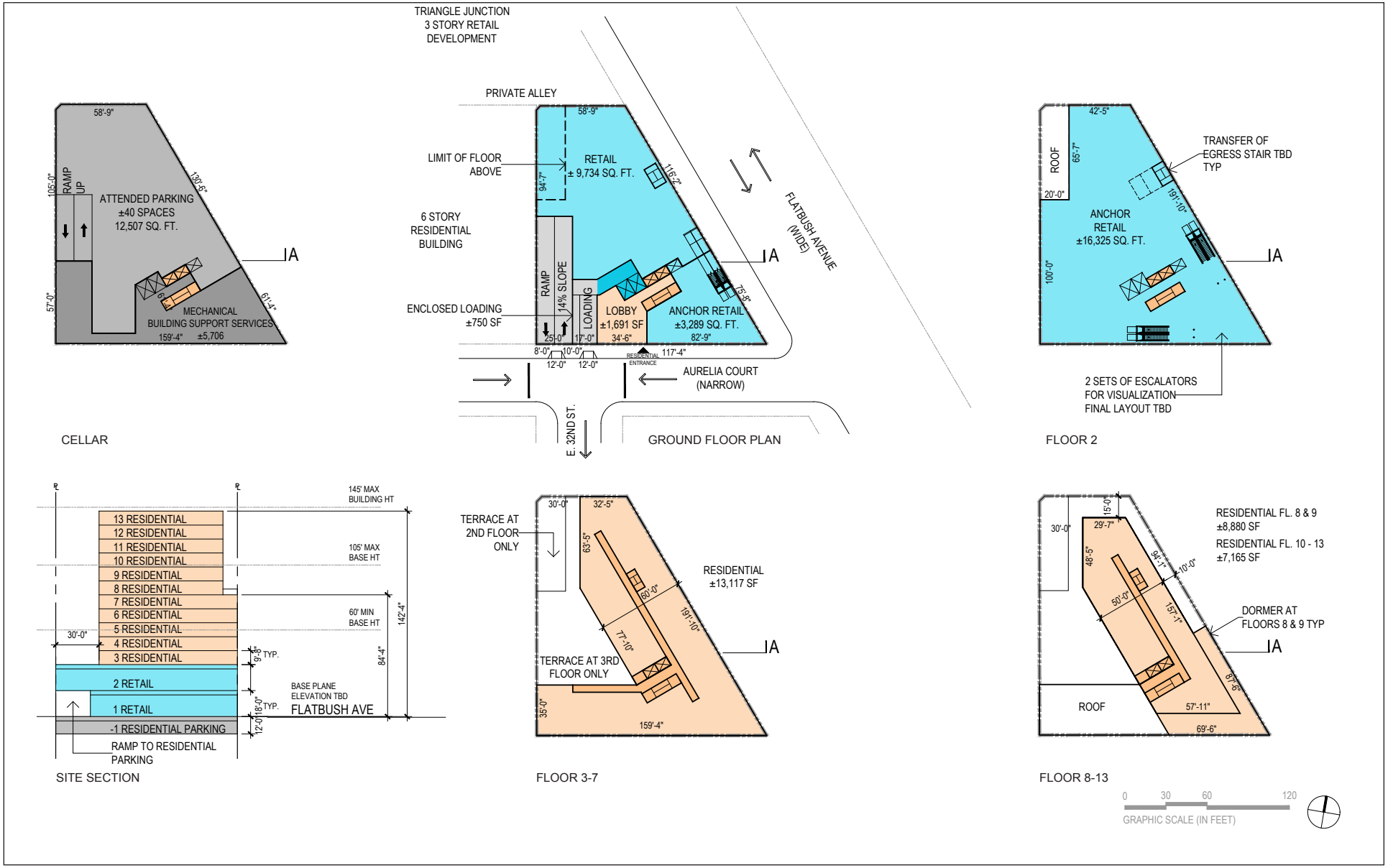
Source: S9 Architecture

FOR ILLUSTRATIVE PURPOSES ONLY

1640 FLATBUSH AVENUE

Proposed Development Site Plan

Figure A-1



Source: S9 Architecture

FOR ILLUSTRATIVE PURPOSES ONLY

1640 FLATBUSH AVENUE

Proposed Development Floor Plans

Figure A-2

9.5.18

NOTE: ILLUSTRATIVE DEPICTION OF PROPOSED BUILDING WITH APPROXIMATE MASSING.

EYE LEVEL VIEW FACING NORTH

S9ARCHITECTURE

SL GREEN REALTY CORP.

FOR ILLUSTRATIVE PURPOSES ONLY

1640 FLATBUSH AVENUE

Proposed Development Rendering

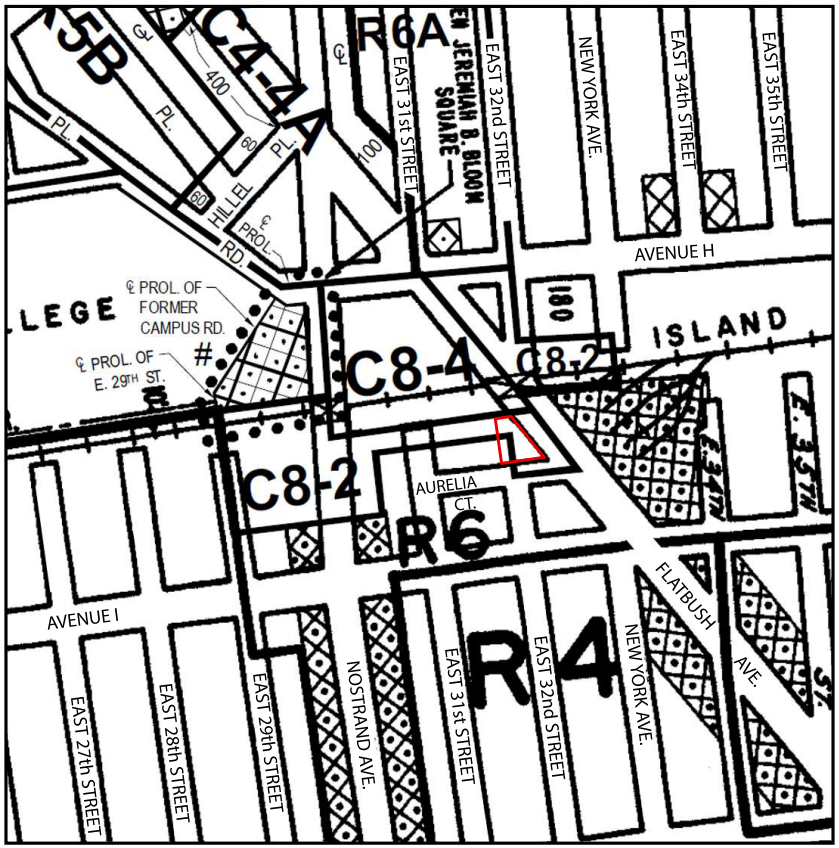
Figure A-3

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

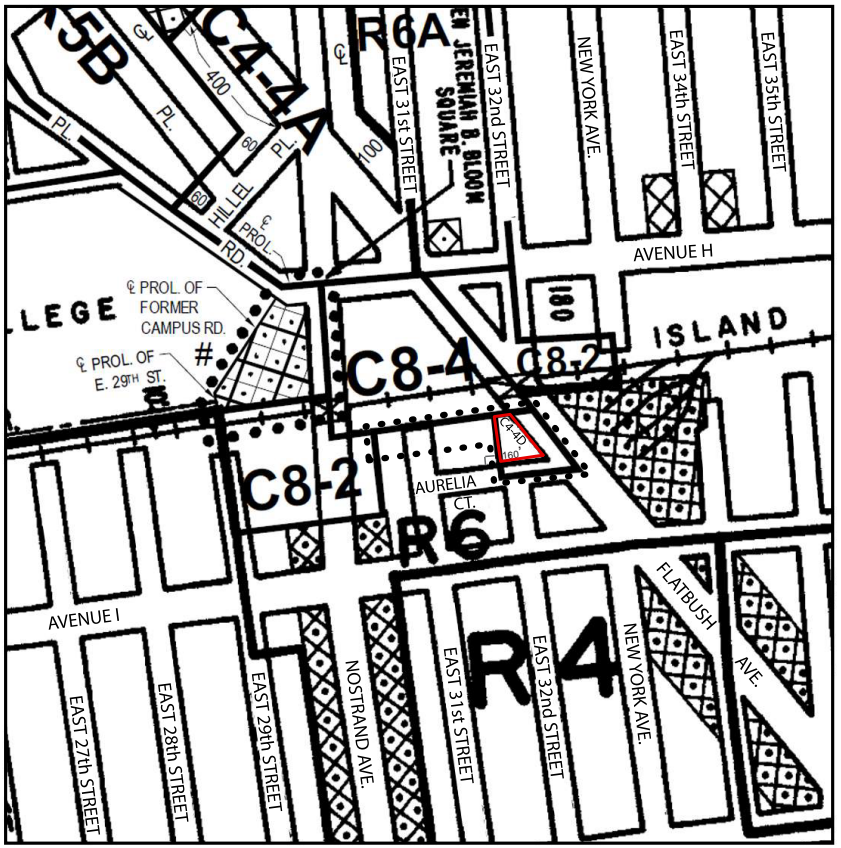
ZONING CHANGE MAP

N



CURRENT ZONING MAP

Development Site

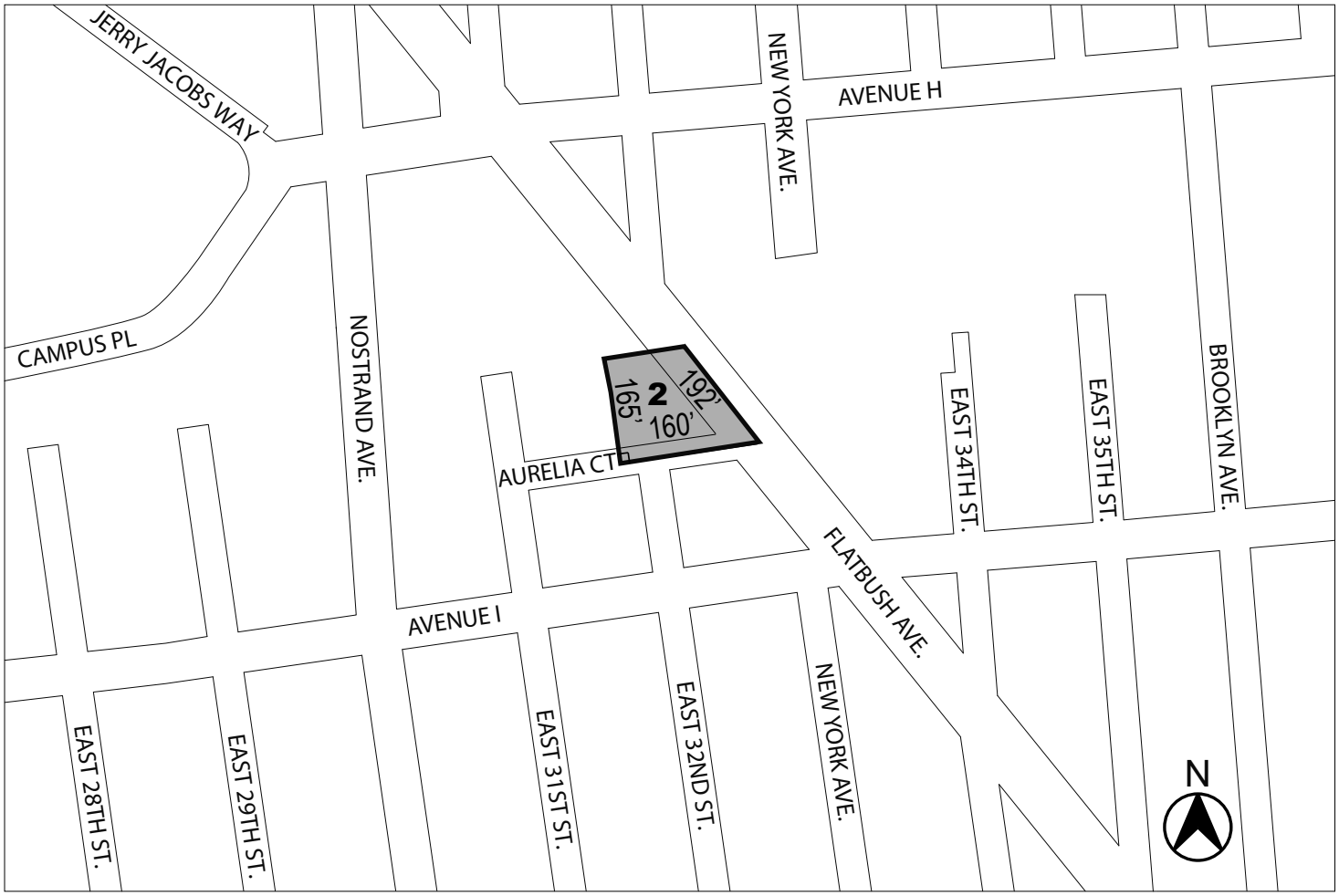


PROPOSED ZONING MAP - AREA BEING REZONED IS OUTLINED WITH DOTTED LINE

CHANGE C8-2 DISTRICT TO A C4-4D DISTRICT

AND C8-2 DISTRICT TO A R6 DISTRICT

9.26.18



Mandatory Inclusionary Housing Area *(see Section 23-154 (d) (3))*

Area **2** — mm/dd/yy, MIH Program Option 2

Note: *The Applicant is seeking MIH Program Option 2, but the Program Option would ultimately be determined through the ULURP process.*

Portion of Community District 14, Borough of Brooklyn

Proposed Zoning Text Amendment

1640 FLATBUSH AVENUE

Figure A-5

permitted floor area through the use of the affordable housing bonus, and the presence of active ground-floor retail in keeping with existing adjacent retail uses, would benefit the neighborhood and achieve important public policy objectives.

E. FRAMEWORK FOR ANALYSIS

This document has been prepared in accordance with the guidelines presented in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*. For each technical area, the analysis includes a description of existing conditions, an assessment of conditions in the future without the proposed actions, and an assessment of future conditions with the proposed actions.

EXISTING CONDITIONS

The analysis framework begins with an assessment of existing conditions on the Development Site, Rezoning Area, and in the relevant study area. The assessment of existing conditions does not represent the condition against which the proposed project is measured, but serves as a baseline for the projection of future conditions with and without the proposed actions and the analysis of project impacts.

The Development Site was occupied by a gas station until 2017 and is currently vacant. The Development Site is owned by the Applicant, has 192 feet of frontage along Flatbush Avenue, and is 18,213 gsf in size.

Block 7577, Lot 25, and Block 7576, Lot 69, are developed with 6- and 7-story multifamily residential buildings.

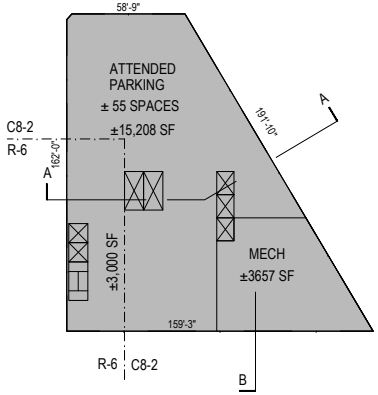
THE FUTURE WITHOUT THE PROPOSED ACTIONS

The future without the proposed actions (the No Action condition) describes a future baseline condition to which the changes that are expected to result from the proposed actions are compared. For each technical analysis, approved or designated development projects within the appropriate study area that are likely to be completed by the 2021 analysis year are considered.

In the future absent the proposed actions, the Applicant is likely to develop an as-of-right mixed-use building on the Development Site (the No Action development). The No Action development would be four stories tall, 93,304 gsf, and would contain a mix of retail space, community facility use, and accessory underground parking. The retail space, approximately 25,138 gsf, would occupy the first two floors of the building. The community facility space, approximately 27,432 gsf, would occupy a small part of the second floor and the full third and fourth floor and is expected to be occupied by a medical office use (such as an ambulatory diagnostic and health care facility, similar to the existing three-story facility at 2233 Nostrand Avenue). The No Action condition would be developed to an FAR of 4.8. Similar to the facility at 2233 Nostrand Avenue, the No Action development would be nearly evenly split between commercial and community facility use. 131 accessory parking spaces would be provided in two underground levels. The No Action development would rise to a height of 60 feet (see **Figure A-6**).

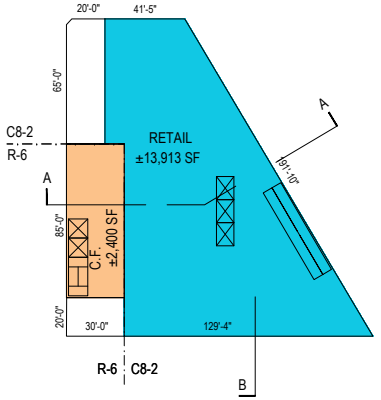
THE FUTURE WITH THE PROPOSED ACTIONS

The identification of potential environmental impacts resulting from the proposed actions is based upon the comparison of conditions in the future without the proposed actions to conditions in the future with the proposed actions. In certain technical areas (e.g., traffic, air quality, and

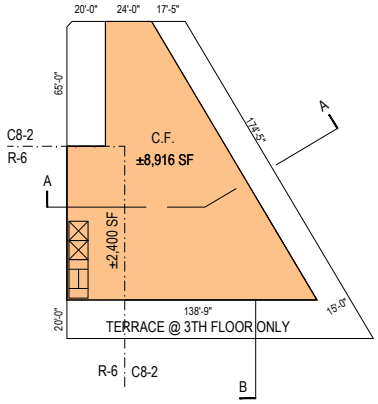


SUB CELLAR & CELLAR

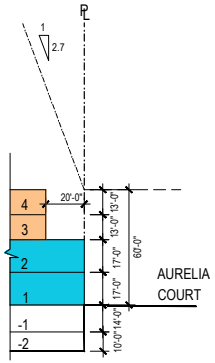
GROUND FLOOR



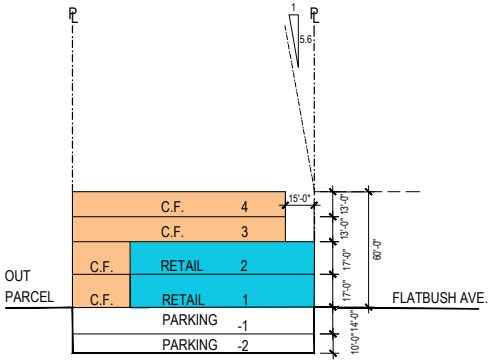
2ND FLOOR



3RD & 4TH FLOOR



SECTION BB



SECTION AA

THIS CONCEPTUAL STUDY IS FOR PLANING PURPOSE ONLY.
SITE SPECIFIC INFORMATION SUCH AS SURVEY, EXISTING CONDITIONS, ZONING, AND CODE REQUIREMENTS MUST BE VERIFIED.

S9ARCHITECTURE SL GREEN REALTY CORP.

0 30 60 120
GRAPHIC SCALE (IN FEET)

FOR ILLUSTRATIVE PURPOSES ONLY

No Action Scenario—Conceptual Plans

1640 FLATBUSH AVENUE

Figure A-6

noise) this comparison can be quantified and the severity of impact determined in accordance with the *CEQR Technical Manual*. In other technical areas, (e.g., neighborhood character) the analysis is qualitative in nature. The method used for each analysis is presented as a preface to each assessment.

In the future with the proposed actions, the Development Site would be redeveloped with the Proposed Development, as described above in Section B.

Table A-1 provides a comparison of the future with and without the proposed actions. As shown in the table below, the increment for analysis in this EAS is a net decrease in community facility space and parking, and a net increase in residential and retail space. This represents the reasonable worst case development scenario (RWCDS) for purposes of this EAS.

Table A-1
Future No Action and With Action Development Program Assumptions

Components	Future No Action (As-of-Right)	Future With Action (Proposed Development)	Increment
Community Facility (gsf)	27,432	0	-27,432
Retail (gsf)	25,138	29,966	+4,828
Parking (gsf)	40,734	15,454	-25,280
Parking (spaces)	131	40	-91
Residential (gsf)	0	115,056	+115,056
Dwelling Units (total)	0	115*	+115
Dwelling Units (affordable)	0	23*	+23
Total (gsf)	93,304	160,476**	67,172

Notes:
*The Land Use Application for the proposed actions references 114 units (34 affordable pursuant to MIH Option 2). The MIH program option would ultimately be determined through the ULURP process. The EAS conservatively analyzes 115 units, with 20 percent (23 units) assumed affordable to households with incomes at or below 80 percent of Area Median Income (AMI).
** When accounting for mechanical/building support services/cellar (5,640 gsf) the total gsf of the building is 166,116 gsf

No changes are expected to occur on Block 7577, Lot 25, or Block 7576, Lot 69, in either the future without the proposed actions or the future with the proposed actions, as these lots are occupied by long-standing residential buildings of 6 and 7 stories, which exceed the maximum permitted floor area for new residential development in R6 districts. Rezoning these lots to R6 would bring the existing residential uses located on these lots into greater compliance and conformance with zoning regulations. Because no changes are expected to occur in either the future without the proposed actions or the future with the proposed actions, these lots are not discussed further in the EAS. ✷

Attachment B: Land Use, Zoning, and Public Policy

A. INTRODUCTION

The proposed actions would facilitate the redevelopment of a vacant property (formerly a gas station) with the Proposed Development, a 13-story, approximately 166,116 gross square foot (gsf) mixed-use building containing approximately 29,966 gsf of retail space and 115 residential units, of which 20 percent (23 units) would be assumed affordable to households with incomes at or below 80 percent of Area Median Income (AMI).

This section assesses the potential impacts of the proposed actions on land use, zoning, and public policy for the Development Site, Rezoning Area, and the surrounding area, as compared with conditions without the proposed actions. As described below, the assessment concludes that the Proposed Development would be compatible with existing uses in the surrounding area, and the proposed actions would not result in any significant adverse impacts to land use, zoning, or public policy.

B. METHODOLOGY

The analysis framework for this EAS projects that in the With Action scenario, approval of the proposed actions would facilitate the redevelopment of the Development Site and not the larger Rezoning Area. Therefore, the study area for this analysis of land use, zoning, and public policy is limited to the area within 400 feet of the Development Site. However, existing land use, zoning, and public policies applicable to the entire Rezoning Area are fully described below. The land use study area is generally bounded by Flatbush Avenue to the east, Avenue I to the south, the Livingston Garden Apartments along East 31st Street to the west, and the Triangle Junction retail development to the north (see **Figure B-1**).

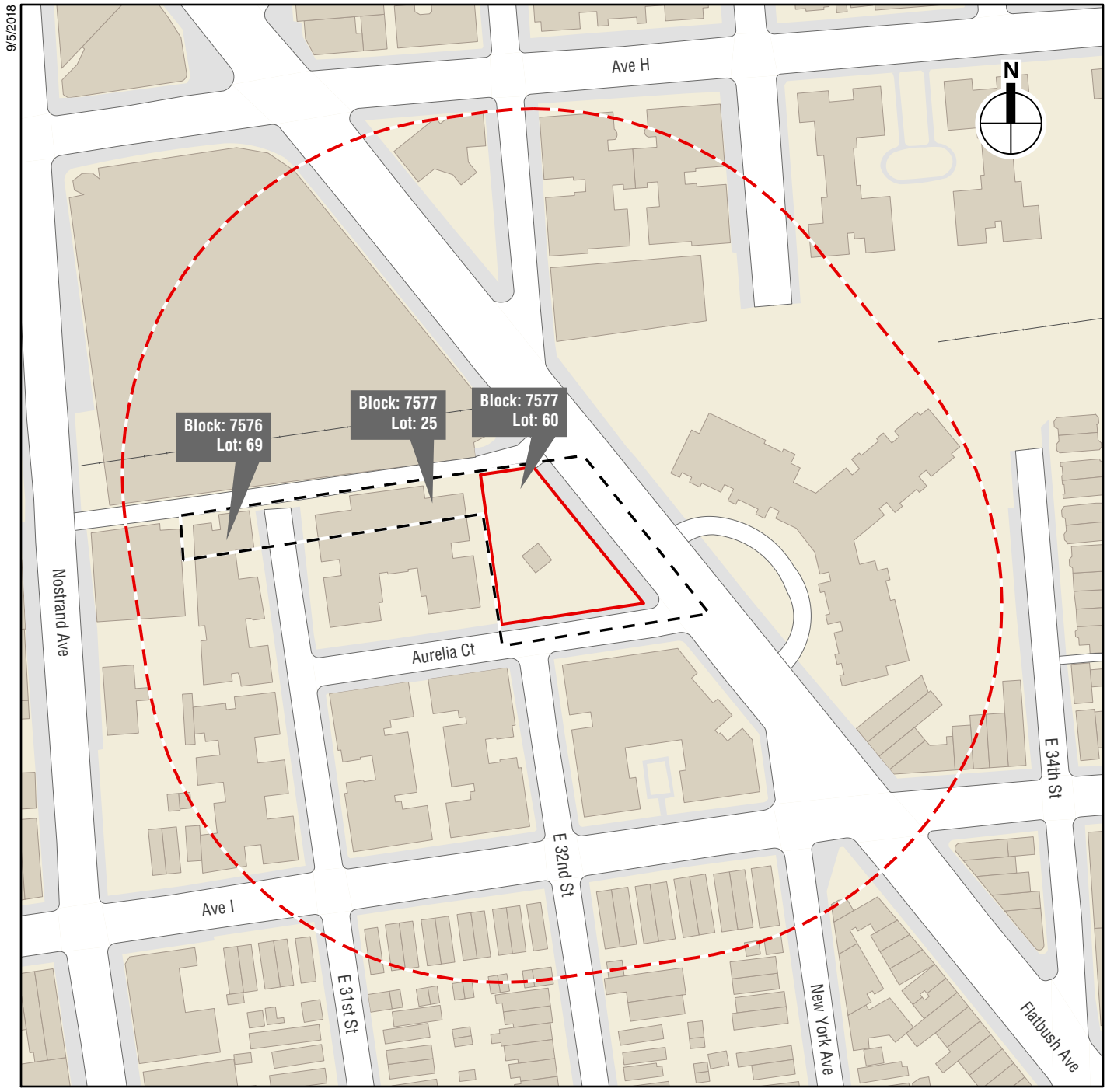
The analysis begins by considering existing conditions in the study area in terms of land use, zoning, and public policy. The analysis then considers land use, zoning, and public policy in the No Action condition in the 2021 analysis year by identifying developments and potential policy changes expected to occur within that timeframe. Probable impacts of the proposed actions are then identified by comparing conditions in the With Action scenario with those conditions anticipated in the No Action scenario.

C. EXISTING CONDITIONS

LAND USE

DEVELOPMENT SITE AND REZONING AREA

The Rezoning Area, which includes the Development Site, is located just south of the commercial area known as "The Flatbush Nostrand Junction," which lies at the convergence of several neighborhoods including: Flatbush, East Flatbush, Midwood, and Flatlands. The Rezoning Area is located in Brooklyn Community District 14. The Rezoning Area totals approximately 36,413 sf in size. The portions of Lot 25 and Lot 69 that fall within the Rezoning Area currently contain



Project Location

Figure B-1

1640 FLATBUSH AVENUE

long-standing residential buildings of 6 and 7 stories, respectively. The Development Site is currently owned by the Applicant, has approximately 192 feet of street frontage along Flatbush Avenue and is approximately 18,213 square feet (sf) in size. Until late 2017, the Development Site was occupied by a gas station. (see **Figure B-1**).

STUDY AREA

The 400-foot study area is predominately developed with residential and commercial uses (see **Figure B-2**).

Flatbush and Nostrand Avenues are the primary retail corridors located within and just outside of the study area. These corridors are served by the Flatbush Nostrand Junction Business Improvement District (BID). Brooklyn College, a public institution within the City University of New York system, is located two blocks to the northwest of the Development Site and Rezoning Area.

The area where Flatbush Avenue intersects with Avenue H, known as the "Flatbush Nostrand Junction," has a high concentration of commercial retail uses. Directly north of the Development Site and Rezoning Area is a private alley, which is closed to the public, and provides access to a loading bay for the adjacent 4-story Triangle Junction retail complex. Triangle Junction is an approximately 264,810 sf complex containing large-scale retail stores such as Target. In addition, the Long Island Railroad right-of-way runs east/west beneath the Triangle Junction complex and adjacent parking structure.

The residential uses within the study area are primarily multifamily high-rise apartment buildings. The area directly west of the Development Site is developed with 6- and 7-story multifamily apartment buildings. To the east, across Flatbush Avenue, are the Philip Howard Apartments, a 640-unit, 20-story apartment complex. One block south, across Avenue I, residential uses consist mainly of attached and semi-detached one- and two-family homes, which are mostly 2 to 3 stories tall. The corner of Flatbush Avenue and Avenue I is developed with 3-story multifamily apartment buildings with retail on the ground floor.

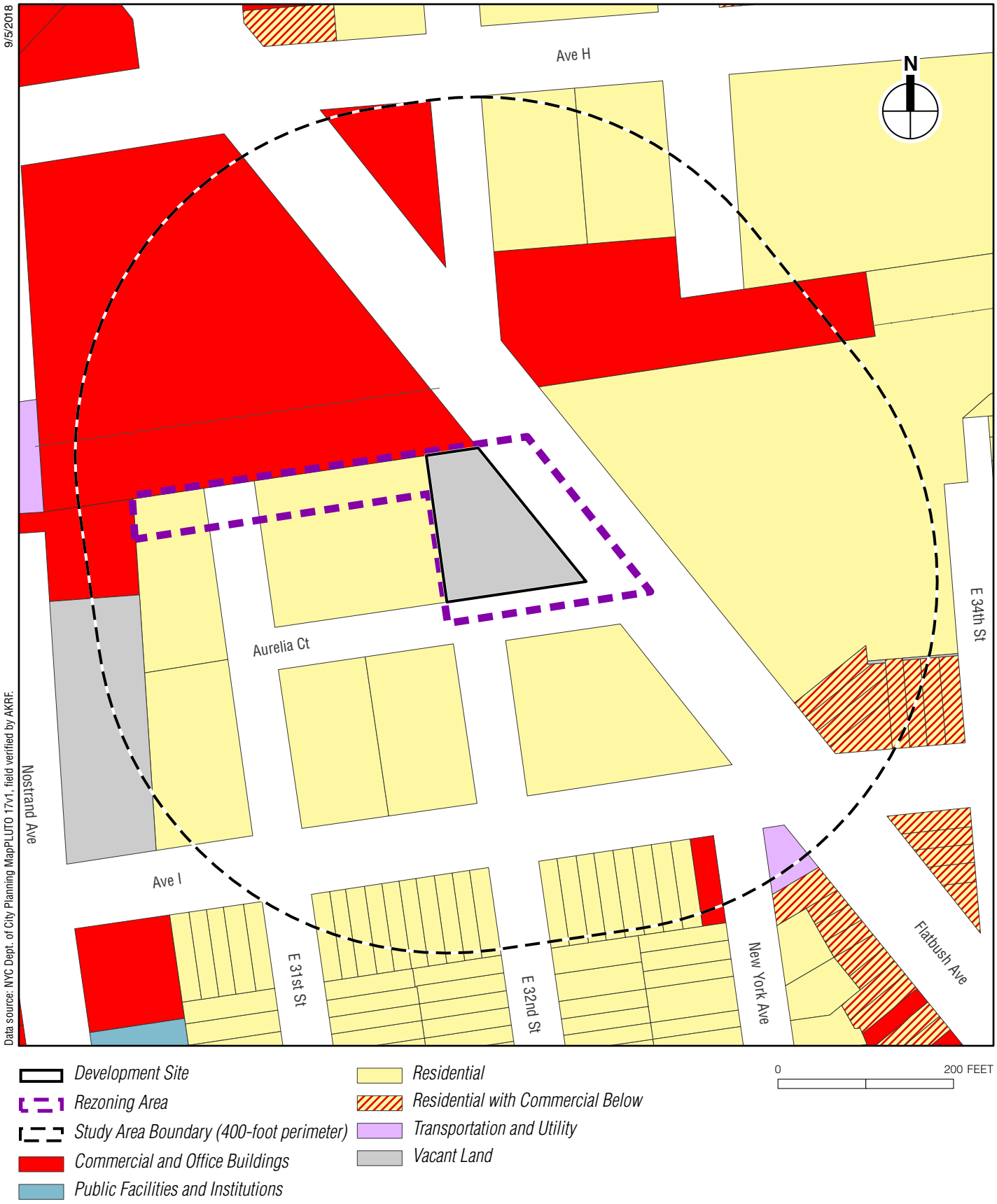
The surrounding area is well served by public transit. Several bus routes run within a few blocks of the Development Site, including the B11, BM2, B6, Q35, B44, B41, B6 and B104. The Flatbush Avenue Brooklyn College subway station of the 2 and 5 lines is located approximately two blocks north of the Development Site and Rezoning Area.

ZONING

DEVELOPMENT SITE AND REZONING AREA

As shown in **Figure B-3**, the Rezoning Area is almost entirely mapped within a C8-2 zoning district; a small portion of the western side of the Development Site is mapped with an R6 zoning district.

C8 districts do not permit residential uses and are mainly mapped along major traffic arteries where concentrations of automotive uses have developed. C8 districts, which bridge commercial and manufacturing uses, provide for automotive and other heavy commercial services that often require large amounts of land. C8-2 districts allow for commercial uses at 2.0 FAR. In C8-2 districts, the maximum height of a front wall is 60 feet or 4 stories, whichever is less, at which height a 15-foot setback must be provided from a wide street and a 20-foot setback must be provided from a narrow street. Above 60 feet, height is governed by sky exposure planes (tower

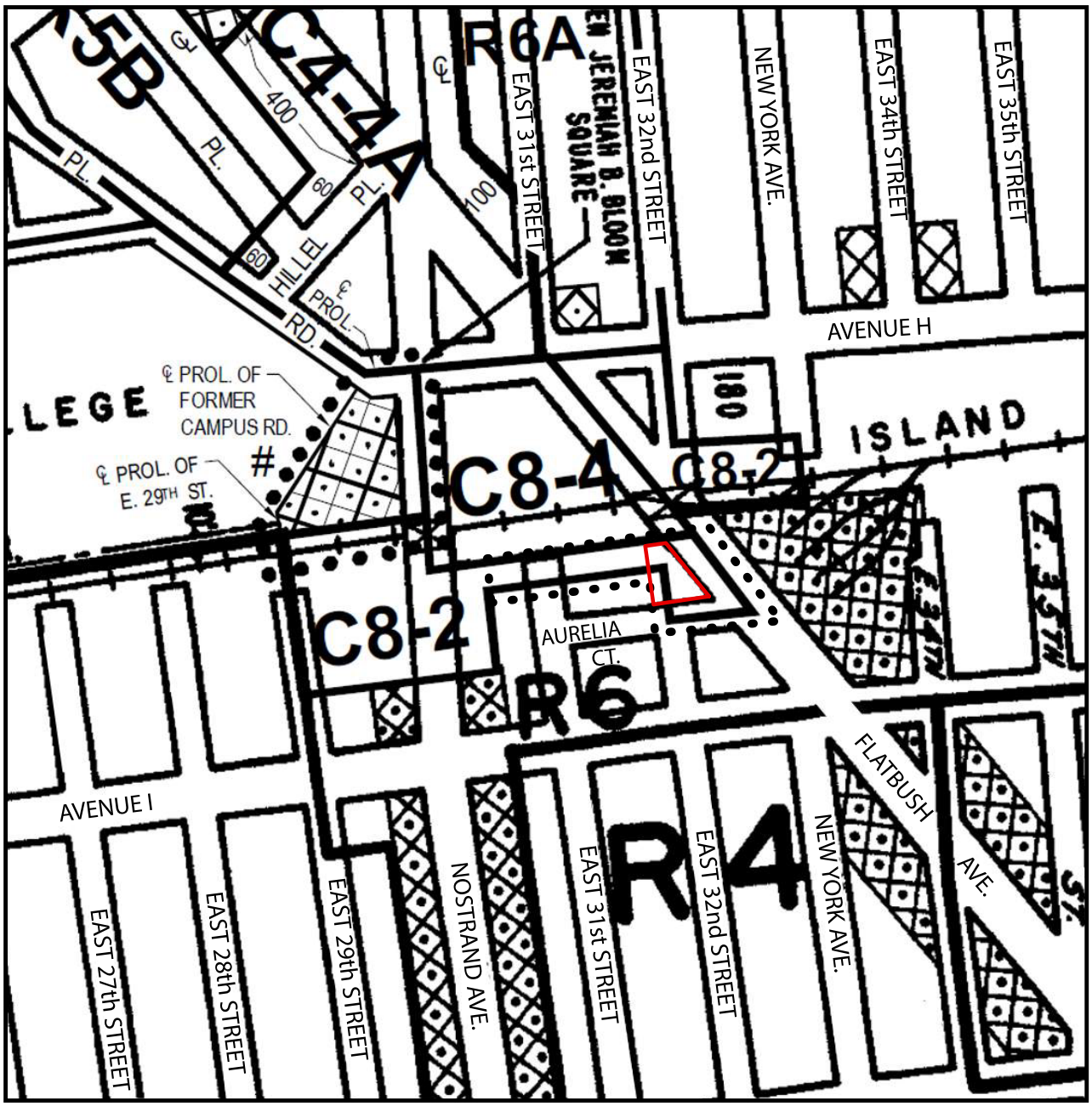


1640 FLATBUSH AVENUE

Existing Land Use

Figure B-2

8.3.18



Existing Zoning

regulations do not apply). A parking space is required for every 400 sf of commercial or community facility floor area.

R6 non-contextual zoning districts are medium-density residential districts that are widely mapped in built-up areas in proximity to mass transit. R6 districts permit a range of housing types, from row houses to "tower in the park" developments. The maximum residential FAR in R6 districts range from 0.78 to 2.43. Depending on the building's height factor, and for Quality Housing buildings outside the Manhattan Core, the maximum permitted FAR is 3.0 within 100 feet of a wide street and 2.2 beyond 100 feet of a wide street, and is 4.8 for community facility uses.

STUDY AREA

As shown in **Figure B-3** and **Table B-1**, the study area is comprised of C8-2 and C8-4 commercial districts, mostly mapped in the north and northwest of the study area, and a R4 and R6 residential districts, mapped mostly in the south and east of the study area. Also within the study area are C1-2, C2-4, and C2-2 commercial overlays.

Table B-1
Zoning Districts Located in the Study Area

Zoning District	Maximum FAR[1]	Uses/Zone Type
R4	0.75 residential[2]	Low-density non-contextual residential district; residential and community facility (Use Groups 3 and 4) allowed
R6	2.43 residential; with Quality Housing 3.0 residential within 100-feet of a wide street and 2.2 beyond 100 feet of a wide street	Medium-density non-contextual residential district; residential and community facility (Use Groups 3 and 4) allowed
C8-2	2.0 commercial FAR	Automotive and other heavy commercial service uses
C8-4	5.0 commercial FAR	Automotive and other heavy commercial service uses
C1-2	1.0 commercial FAR within R1-R5; 2.0 commercial FAR Within R6-R10; Depth of overlay 150 feet	Local commercial overlay; follows bulk residential and community facility regulations of mapped residential districts
C2-2	1.0 commercial FAR within R1-R5: 2.0 commercial FAR within R6-R10; Depth of overlay 150 feet	Local commercial overlay; follows bulk residential and community facility regulations of mapped residential districts
C2-4	1.0 commercial FAR within R1-R5: 2.0 commercial FAR within R6-R10; Depth of overlay 100 feet	Local commercial overlay; follows bulk residential and community facility regulations of mapped residential districts

Notes:
[1] Floor area ratio (FAR) is a measure of density establishing the amount of development allowed in proportion to the lot area. For example, a lot of 10,000 square feet with a FAR of 1 has an allowable building area of 10,000 square feet. The same lot with an FAR of 10 has an allowable building area of 100,000 square feet.
[2] FAR may increase by 20 percent for attic allowance.
[3] In mixed-use buildings, commercial uses must always be located beneath residential uses.
Source: *New York City Zoning Resolution.*

R4 districts are intended for neighborhoods with a mixture of low density housing types and usually produce two- to three-story buildings with an attic under pitched roofs. R6 districts are mostly found in built-areas near mass transit. A range of housing types can be observed in an R6 zoned district, however in the R6 portion of the study area the majority of housing is high-rise multifamily apartments (see **Figure B-3**).

C1-2, C2-2, and C2-4 commercial overlays are mapped along the major commercial corridors of the study area: Flatbush Avenue and Nostrand Avenue. Representative uses in C1 districts include grocery stores, restaurants, and beauty parlors. C2 overlays permit a slightly wider range of local commercial uses such as funeral homes and auto repair services. In mixed-use residential/commercial buildings, commercial uses are limited to one floor or two floors and must always be located below the residential use. Maximum commercial development in commercial overlays is governed by the underlying zoning: in R1 and R5 districts, commercial uses are permitted up to 1.0 FAR; in R6 through R10 districts, commercial uses are permitted up to 2.0 FAR.

Within the surrounding study area there have been several recent zoning actions including:

Brooklyn College Campus Road Demapping and Rezoning

On October 10, 2013, the City Council adopted a zoning map amendment from a C8-2 district to an R6/C2-4 district in order to facilitate the development of a new 235,705 sf building that would include a total of approximately 140,000 sf of academic space, 72,500 sf of dormitory space with 242 beds, and 20,549 sf of ground-floor retail space for the City University of New York's Brooklyn College, approximately one block northwest of the Rezoning Area. Concurrent with the zoning map amendment was a related action to demap a portion of two streets totaling 15,407 sf.

Flatbush Rezoning

On July 29, 2009, the City Council adopted an area-wide rezoning of part of the Flatbush neighborhood. As part of the area-wide rezoning, a portion of the commercial corridor north of Avenue H, a block north of the Development Site and Rezoning Area, was rezoned from a C4-3 and C4-2 district to a C4-4A district and mapped as an Inclusionary Housing Designated Area. The rezoning sought to respond to out of scale development in detached home neighborhoods, address the community's request for contextual rezoning in other rowhouse and apartment building areas, provide opportunities and incentives for affordable housing development along certain corridors, and maintain opportunities for commercial growth and re-investment in commercial areas.

Triangle Junction

Triangle Equities LLC and the New York City Economic Development Corporation were co-applicants for several actions approved by the CPC and adopted by the City Council on October 31, 2001: (i) a Zoning Map amendment (C 010483 ZMK) to rezone the site from a C8-2 to a C8-4 District, a special permit (C 010484 ZSK) to construct a 5-story unattended public parking garage with 552 parking spaces, (ii) a special permit (C 010486 ZSK) to build above the railroad right-of-way, and (iii) a City Map amendment (C 010026 MMK) involving the elimination, discontinuance and closing of a public place and adjustment of grades. The special permits were renewed by CPC on February 24, 2005 (N 040556 CMK and N 040557 CMK).

The above referenced actions were necessary to facilitate the development of the Triangle Junction, an approximately 264,810 sf retail center (3.04 FAR) composed of three retail levels above grade, a partial floor below grade and a 186,060 sf, five level above-grade public parking garage. The Triangle Junction complex was constructed in 2006 and is located directly north of the Development Site and Rezoning Area, on the south side of Avenue H, between Flatbush and Nostrand Avenues.

PUBLIC POLICY

The public policy initiatives applicable to the Rezoning Area, Development Site and surrounding study area are described below.

HOUSING NEW YORK/HOUSING NEW YORK 2.0

On May 5, 2014, the de Blasio administration released *Housing New York: A Five-Borough, Ten-Year Plan* (*Housing New York)*, a plan intended to build and preserve 200,000 affordable dwelling units (DUs) over the coming decade to support New Yorkers with a range of incomes. The plan details the key policies and programs for implementation, including developing affordable housing on underused public and private sites. *Housing New York* calls for community engagement at the early stages of the planning process and for providing high quality affordable housing to the most vulnerable residents of New York City. Investing in quality affordable housing for the City's special needs, homeless, and senior households, as well as for people with disabilities will reduce the demand for social expenditures in the long term and provide a more cost-efficient strategy for addressing a critical housing need. In fiscal year 2017, under *Housing New York*, the City financed the creation and preservation of more than 24,000 affordable DUs across the five boroughs, exceeding projections by more than 4,000 DUs. In the third full fiscal year of the Mayor's 10-year plan to build or preserve 200,000 affordable homes, the City financed approximately 7,700 new construction DUs and approximately 16,600 preservation DUs. The fiscal 2017 affordable housing production figure is the second highest in New York City history. Released in October, the City's updated *Housing New York 2.0* plan offers a suite of new programs, partnerships, and strategies to help finance 300,000 affordable homes—100,000 more than initially planned—so that more families and seniors can afford their rent or buy their first home.

ONENYC

In April 2015, the de Blasio administration released OneNYC, a plan for growth, sustainability, resiliency, and equity. OneNYC is the update for the sustainability plan started under the Bloomberg administration, previously known as *PlaNYC 2030: A Greener, Greater New York.* While OneNYC still centers on growth, sustainability, and resiliency, the de Blasio administration added equity as a core principle to address the high poverty rate and rising income inequality. The new plan also addresses pressing issues such as population growth, aging infrastructure, and global climate change. This is plan is being fulfilled through multiple programs and initiatives, such as creating and preserving affordable housing.

FLATBUSH NOSTRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT (BID)

Founded in 2007 as a nonprofit BID managed by the Flatbush Nostrand Junction District Management Association, Inc., the Flatbush Nostrand Junction BID) commonly referred to as the "Junction BID" provides supplemental sanitation, business development advisory, capital improvements, security and holiday lighting services to the business community in the neighborhood. The Junction BID also acts as an advocate on behalf of its constituents, and serves as a catalyst for economic development, revitalization, marketing and promotions. The Junction BID also encompasses the campus of Brooklyn College, and represents property owners for the purpose of sustaining, promoting and enhancing a vibrant commercial corridor for residents, students and visitors alike.

FOOD RETAIL EXPANSION TO SUPPORT HEALTH (FRESH) PROGRAM

The Rezoning Area, Development Site, and surrounding study area are located in an area eligible to participate in the New York City FRESH program. The FRESH program is open to grocery store operators renovating existing retail space or developers seeking to construct or renovate retail space that will be leased by full-line grocery store operators. The FRESH program provides discretionary tax incentives to promote the establishment and retention of neighborhood grocery stores in communities that lack full-line grocery stores. These incentives include real estate tax reductions, sales tax exemptions, and mortgage recording tax deferrals.

D. THE FUTURE WITHOUT THE PROPOSED ACTIONS

LAND USE

DEVELOPMENT SITE AND REZONING AREA

Absent the proposed actions, the applicant would redevelop the Development Site with an as-of-right (AOR) mixed-used building consistent with the site's existing C8-2 and R6 zoning districts, as described in Attachment A. The AOR building would contain a mix of retail and community facility use, with two levels of underground parking. The retail space, approximately 25,138 gsf, would occupy the first two floors of the building. The community facility space, approximately 27,432 gsf, would occupy a small portion of the first two floors and the full third and fourth floors and is expected to be occupied by medical office use, such as an ambulatory diagnostic and health care facility. 131 accessory parking spaces would be provided in two underground levels.

No changes to land use are anticipated on the remainder of the Rezoning Area in the future without the proposed actions. As described in "Section C, Existing Conditions," the structures on these additional lots are longstanding residential uses.

STUDY AREA

Within the study area, there is one new development expected to be complete by the Proposed Development's 2021 build year: At 2247-2277 Nostrand Avenue (Block 7576, Lot 12), a 6-story, mixed-use residential and commercial building with 38 residential units (30,008 sf), 31,527 sf of commercial space, 424 sf of community facility space, and 148 enclosed parking spaces will be developed (see **Figure B-4**). This development will be consistent with existing land use patterns in the study area.

ZONING AND PUBLIC POLICY

There are no changes to zoning or public policy expected on the Development Site, within the Rezoning Area, or within the study area in the No Action condition.

E. THE FUTURE WITH THE PROPOSED ACTIONS

LAND USE

DEVELOPMENT SITE AND REZONING AREA

As described in Attachment A, "Project Description," the Proposed Development would consist of a 13-story, approximately 166,116 gross square foot (gsf) mixed-use building containing approximately 29,966 gsf of retail space and 115 dwelling units. Of the 115 residential units, it is assumed 20 percent (23 units) would be affordable to households with incomes at or below 80

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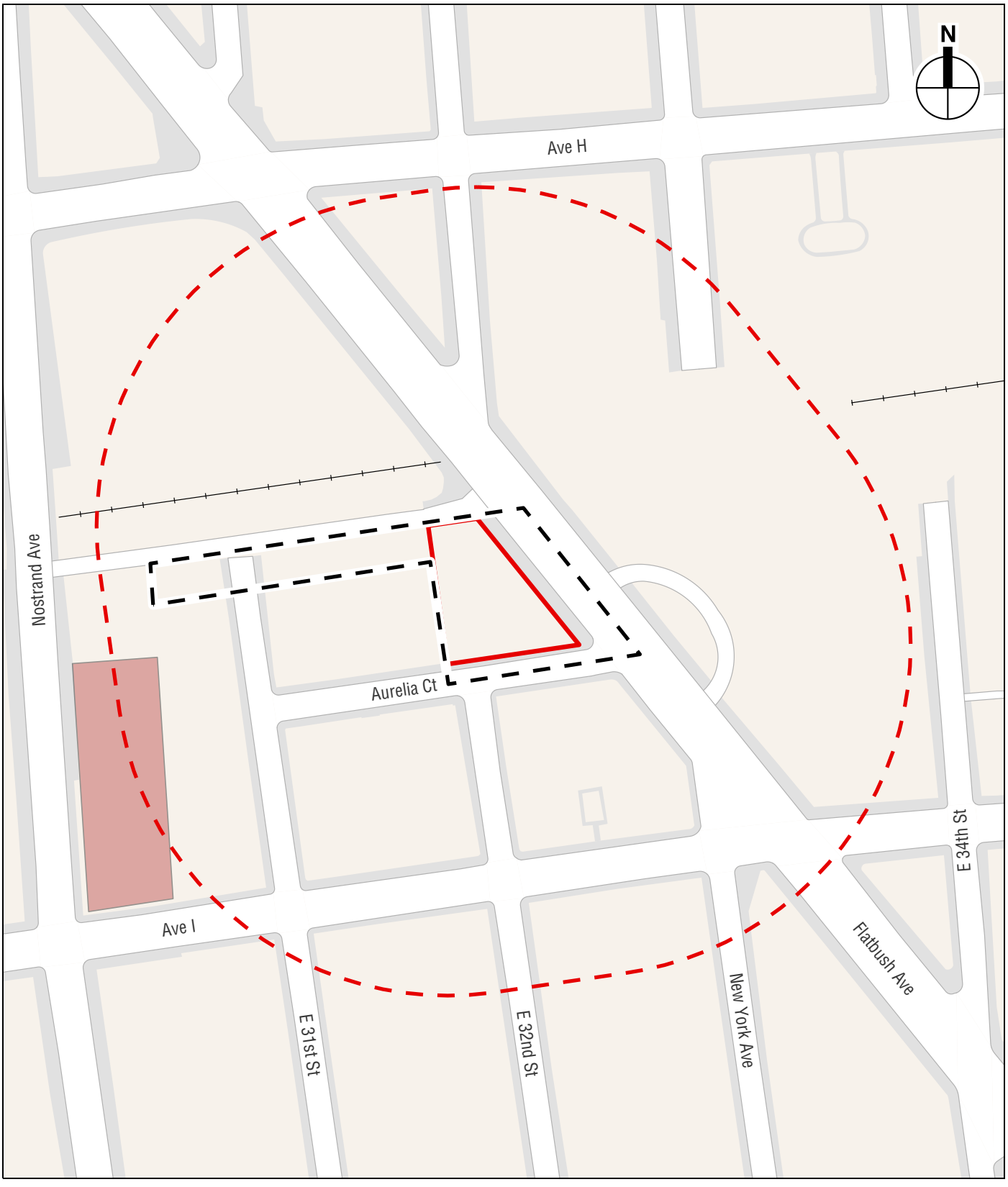

Development Site
No Build (Block 7576, Lot 12)
Study Area (400-foot boundary)
Rezoning Area

1640 FLATBUSH AVENUE

No Build
Figure B-4

percent of Area Median Income (AMI). Approximately 15,454 gsf would be provided for accessory parking, on both the ground floor and cellar level.

In comparison to the No Action condition, the Development Site would contain a mix of residential and retail uses rather than a mix of retail and community facility uses.

No changes to land use are anticipated on the remainder of the Rezoning Area (part of Block 7577, Lot 25, and Block 7576, Lot 69) in the future with the proposed actions. As described in "Section C, Existing Conditions," the structures on these additional lots are long-standing residential buildings of 6 and 7 stories. The proposed actions would bring the existing residential uses located on these lots into greater compliance and conformance with zoning regulations.

STUDY AREA

The Proposed Development's mix of residential and retail uses would be compatible with the land use pattern of the surrounding area and recent development trends, including the 2009 Flatbush Rezoning, as discussed further below.

The 13-story height of the Proposed Development, the level of retail use and the number of residential units is consistent with the existing land use character of the neighborhood, which is well served by public transportation and already accommodates commercial and multifamily residential uses of varying scales along two commercial corridors, as evidenced by the 640-unit, 20-story Philip Howard apartment complex across Flatbush Avenue and the adjacent Junction retail center. Brooklyn College, a public institution within the City University of New York system, is located two blocks to the northwest of the Development Site and Rezoning Area.

Overall, the land uses introduced by the proposed actions would be appropriate for the Development Site as well as the surrounding context. The Proposed Development would be compatible with and supportive of land uses in the surrounding area and the proposed actions would not result in significant adverse land use impacts.

ZONING

DEVELOPMENT SITE AND REZONING AREA

As part of the proposed actions, the Development Site would be rezoned from its current mix of C8-2 and R6 zoning districts to a C4-4D (R8A equivalent) district, while the remainder of the Rezoning Area (part of Block 7577, Lot 25, and Block 7576, Lot 69) that is currently zoned C8-2 would be rezoned to an R6 district (see **Figure B-5**). This rezoning would permit residential uses on the Development Site, reduce parking requirements, and modify the bulk controls applicable within the Rezoning Area.

In addition, the proposed actions include an Amendment to Appendix F of the Zoning Resolution in order to designate the Development Site as a Mandatory Inclusionary Housing (MIH) area. Designating the Development Site as MIH area would make the permanent inclusion of affordable housing a mandatory condition of residential development.

The Development Site is currently mapped almost entirely within a C8-2 district, where residential uses are not permitted, with only a small portion of the site in an R6 district. The proposed Zoning Map amendment to map the entire Development Site as a C4-4D district would allow for a higher commercial and residential FAR, and permit residential use on the entirety of the site. The proposed C4-4D district allows a commercial FAR of 3.4, a community facility FAR of 6.5, and a residential FAR of 7.2 with the provision of the requisite amount of affordable housing (ZR 23-154). The Proposed Development would fully comply with the applicable C4-4D district

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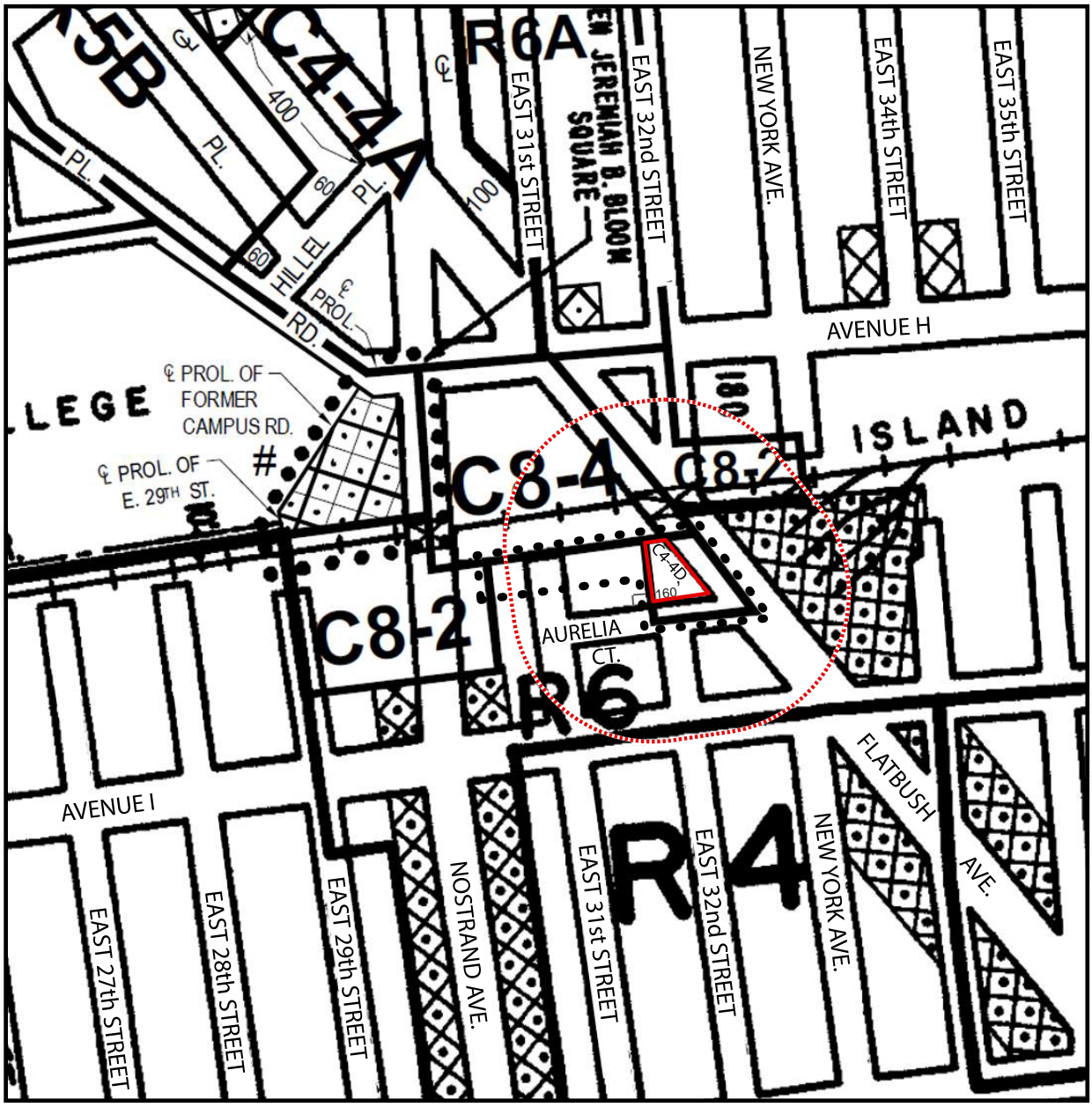


AREA BEING REZONED IS OUTLINED WITH DOTTED LINE
CHANGE C8-2 DISTRICT TO A C4-4D DISTRICT
AND C8-2 DISTRICT TO A R6 DISTRICT

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

N

Development Site

400-foot boundary

Proposed Zoning

Figure B-5

regulations. Compared to the No Action condition for the Development Site, the proposed C4-4D zoning would also allow for a larger range of retail uses and an increase in the amount of residential units, including affordable units, allowed (see **Table B-2**). The height of the Proposed Development, the level of retail use and the number of residential units is consistent with the existing character of the neighborhood and the commercial and residential development along the Flatbush Avenue commercial corridor (a wide street), as evidenced by the 640-unit, 20-story Philip Howard apartment complex across Flatbush Avenue, as well as the adjacent Junction retail center.

Table B-2
Zoning Comparison Table – Development Site

	Existing Zoning	Proposed Zoning
Zoning District	C8-2 / R6	C4-4D (R8A equivalent) (MIH)
Use Groups	C8-2: 4-14, 16 R6: 1–4	1–6, 8–10, 12
Maximum FAR – Residential	C8-2: N/A R6: 0.78–2.43	5.4 / 7.2 (MIH bonus)
Maximum FAR – CF	C8-2: 4.8 R6: 4.8	6.5
Maximum FAR – Commercial	C8-2: 2.0 R6: N/A	3.4
Maximum Base Height	C8-2: 60 ft. (4 stories) R6: 60 ft. (6 stories)	105 feet
Maximum Building Height	C8-2: No limit / sky exposure R6: No limit / sky exposure	145 feet
Required Parking – Commercial	C8-2: 1 space / 400 sf R6: varies by use	1 per 1,000 sf, waived if fewer than 40 required
Required Parking – CF	C8-2: 1 space / 400 sf R6: varies by use	Varies by use
Required Parking – Residential	C8-2: N/A R6: 50–70 percent of DUs	50 percent of DUs
Sources: NYC Zoning Resolution, S9 Architecture		

The proposed R6 zoning on the remainder of the Rezoning Area would bring the existing residential uses located on these lots into greater compliance and conformance with zoning regulations, as they are currently non-conforming with the current C8-2 district regulations which do not allow residential use, and would merely extend the existing R6 district currently mapped on the majority of these lots. Unlike the Development Site, this area is not being mapped as a Mandatory Inclusionary Housing area as part of the proposed actions.

STUDY AREA

The proposed actions would not result in significant adverse impacts associated with zoning. The requested zoning map and text amendments would allow for a new 13-story mixed-use development on the Development Site that would provide market rate and affordable housing, as well as local retail to a neighborhood where such uses are permitted by zoning. As described in "Section C, Existing Conditions," the Rezoning Area is within close proximity to the Flatbush Avenue and Nostrand Avenue retail corridors, and the Flatbush Nostrand Junction where local and destination retail are prominent. The residential uses within the study area are primarily multifamily high-rise apartment buildings. Directly west of the Development Site and Rezoning Area are 6- and 7-story multifamily apartment buildings. To the east, across Flatbush Avenue, are the Philip Howard Apartments, a 640-unit, 20-story apartment complex. In addition, through the 2009 Flatbush

Rezoning, a portion of the commercial corridor north of Avenue H, a block north of the Development Site and Rezoning Area, was rezoned from a C4-3 and C4-2 district to a C4-4A (R7A equivalent) district and was also mapped as an Inclusionary Housing Designated Area. The proposed C4-4D (R8A equivalent) zoning district (including MIH) for the Development Site would be consistent with this recent neighborhood trend. On Block 7577, Lot 25 and Block 7576, Lot 69, the zoning change from C8-2 to R6 would bring the existing residential uses located on these lots into greater compliance and conformance with zoning regulations.

Overall, the Proposed Development would be compatible with and in support of zoning in the surrounding area and would not result in significant adverse impacts.

PUBLIC POLICY

HOUSING NEW YORK/HOUSING NEW YORK 2.0

As noted above, the City released *Housing New York 2.0* in October 2017. *Housing New York 2.0* offers a suite of new programs, partnerships, and strategies to help finance 300,000 affordable homes—100,000 more than initially planned—so that more families and seniors can afford to rent or buy their first home. The Proposed Development would help to achieve that goal by introducing approximately 35 affordable units to the Development Site through the MIH program. The proposed actions would be consistent with and supportive of *Housing New York 2.0*.

ONENYC

By introducing affordable housing units, the Proposed Development would be consistent with the OneNYC goal of providing access to affordable, high-quality housing. Therefore, the proposed actions would be consistent with relevant OneNYC policies.

FLATBUSH NOSTRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT

The proposed actions would also be consistent with the goals of the nearby Flatbush Nostrand Junction BID, as it would contribute to the revitalization of a site just south of the Junction BID boundary by adding a mixed-use development to the Development Site, and additional commercial space to the already vibrant business district.

FOOD RETAIL EXPANSION TO SUPPORT HEALTH (FRESH) PROGRAM

The proposed actions would facilitate the creation of new ground-floor commercial spaces and therefore would enable an opportunity for new neighborhood grocery stores to be located within the Proposed Development; therefore, the proposed actions are consistent with the FRESH Program and would not conflict with this policy. ✷

A. INTRODUCTION

The proposed actions would introduce new residents and workers to the Development Site, creating new demands for open space in the area. This attachment examines the potential impacts of the proposed actions on open space resources in accordance with the 2014 *City Environmental Quality Review (CEQR) Technical Manual*. Specifically, the attachment examines the potential for the proposed actions to have direct effects on nearby publicly accessible open spaces, such as eliminating or altering a public open space, and the potential for indirect effects due to changes in demand for and use of the area's open spaces. The analysis includes a characterization of the condition and use of open spaces within a ½-mile radius of the directly affected area and addresses potential impacts of the proposed actions on open space facilities both quantitatively and qualitatively. As described below, this analysis concludes that the proposed actions would not result in any significant impacts to open spaces in the study area.

B. METHODOLOGY

DIRECT EFFECTS ANALYSIS

According to the *CEQR Technical Manual*, a proposed action would have a direct effect on an open space if it causes the physical loss of public open space because of encroachment onto the space or displacement of the space; changes the use of an open space so that it no longer serves the same user population; limits public access to an open space; or results in increased noise or air pollutant emissions, odor, or shadows that would affect the usefulness of a public open space, whether on a permanent or temporary basis. A proposed project can also directly affect an open space by enhancing its design or increasing its accessibility to the public. The proposed actions would not displace any open space, cause a change in open space use, nor would it result in shadows or increased air emissions on an open space. Therefore, a direct effects analysis is not warranted and is not discussed further.

INDIRECT EFFECTS ANALYSIS

Following the methodology of the *CEQR Technical Manual*, indirect open space impacts may occur when a proposed action would add enough population, either residents or non-residents, to noticeably diminish the ability of an area's open space to serve the existing or future population.

Typically, an assessment of indirect effects is conducted when a project would introduce 200 or more residents or 500 or more workers to an area; however, the thresholds for assessment are slightly different for areas of the City that have been identified as either underserved or well-served by open space. Since the Development Site is in an area not identified as either underserved or well-served, the threshold of 200 residents and 500 workers was applied in this analysis.

The proposed actions would result in an increment of 115 residential units on the Development Site and introduce an estimated 323 residents to the surrounding area.[1] The Proposed Development includes retail space; however, it would introduce fewer than 500 workers to the area. Therefore, this assessment focuses on the anticipated residential population's effect on open space ratios. The purpose of a preliminary assessment is to clarify the degree to which an action would affect open space and the need for further analysis. If the assessment indicates the need for further analysis, a detailed analysis of open space should be performed.

According to the *CEQR Technical Manual*, if a proposed project would reduce an open space ratio and consequently result in overburdening existing facilities, or if it would substantially exacerbate an existing deficiency in open space, it may result in a significant impact on open space resources. In general, if the assessment shows that a study area's open space ratio falls below the city guidelines of 2.0 acres of active open space and 0.5 acres of passive open space per 1,000 residents; and a proposed action would result in a decrease in the ratio of more than 5 percent, it could be considered a substantial change warranting a more detailed analysis. However, in areas where the ratio is closer to 2.5 acres per 1,000 residents, a greater percentage of change (more than 5 percent) may be tolerated. Conversely, in areas that are extremely lacking in open space, a reduction as small as 1 percent may be considered significant, depending on the area of the City.

In addition to the quantitative factors cited above, the *CEQR Technical Manual* also recommends consideration of qualitative factors in assessing the potential for open space impacts. These include the availability of nearby destination resources, the beneficial effects of new open space resources provided by the project, and the comparison of projected open space ratios with established city guidelines.

STUDY AREA

The *CEQR Technical Manual* recommends establishing study area boundaries as the first step in an open space analysis. Residents use both passive and active open spaces and are assumed to travel up to ½ mile to reach neighborhood recreational spaces. Thus, for a project that would add substantial residential populations, there should be an analysis of the project's effects on active and passive open spaces located within a ½ mile of the project area. Therefore, as recommended in the *CEQR Technical Manual*, a ½-mile residential study area is used in this analysis.

Consistent with CEQR methodologies, the study area was adjusted to include all census tracts that fall at least 50 percent within a ½-mile of the Rezoning Area. **Figure C-1** shows all census tracts included in the residential study area.

OPEN SPACE USER POPULATIONS

Existing Conditions

Data were compiled from the 2010 Census for the census tracts in the residential study area to determine the number of residents within the study area.

[1] Based on the 2010 Census, the average household size for Community District 14 is 2.81 people.

Open Space

Figure C-1

1640 FLATBUSH AVENUE

The Future without the Proposed Actions

Several new developments are anticipated to be completed in the open space study area by 2021. These new developments are located in both Community Districts (CD) 14 and 17. The residential population in the future without the proposed actions was estimated by applying the average household size of 2.81[2] persons per household for Community District (CD) 14 to the number of new dwelling units added by the expected developments in the study area. These development projects will result in an estimated total of 851 new residents in the study area.

Probable Impacts of the Proposed Actions

The proposed actions would introduce an increment of approximately 115 residential units on the Development Site. Therefore, using the average household size of 2.81 for CD 14, the Proposed Development would be expected to introduce approximately 323 residents to the Development Site and study area.

INVENTORY OF OPEN SPACE RESOURCES

All publicly accessible open spaces and recreational facilities located within the study area were inventoried using information from the New York City Department of Parks and Recreation (NYC Parks) and field visits conducted in May of 2018.

The *CEQR Technical Manual* defines public open space as open space that is regularly open to the public during designated daily periods. Open spaces that do not fit this definition because they are not available to the public on a regular basis or are available only to a limited set of users are considered private open space and are not included in the quantitative open space analysis.

The character, condition, and use of the publicly accessible open spaces and recreational facilities within the study area were recorded during field visits. Active and passive amenities were noted at each open space. Active facilities are intended for vigorous activities, such as jogging, field sports, and children's active play. Such facilities might include basketball and handball courts, jogging paths, ball fields, and playground equipment. Passive facilities encourage such activities as strolling, reading, sunbathing, and people watching. Passive open spaces are characterized by picnic areas, walking paths, or gardens. Certain areas, such as lawns or public esplanades, can serve as both active and passive open spaces.

The analysis also accounts for new open space within the study area that will be created in the future without the proposed actions.

ADEQUACY OF OPEN SPACE RESOURCES

The following guidelines for residential populations are used for the open space analysis:

- A City-wide median open space ratio of 1.500 acres per 1,000 residents. In New York City, local open space ratios vary widely, and the median ratio at the Community District level is 1.5 acres of open space per 1,000 residents.

[2] Known development projects identified in the study area fall within both Community Districts 14 (average household size of 2.81) and 17 (average household size of 2.76). For conservative analysis purposes, the average household size for CD 14 was used to calculate population introduced by those developments.

- An open space planning goal established for the City of 2.500 acres per 1,000 residents—broken down as 2.000 acres of active and 0.500 acres of passive open space per 1,000 residents—for large scale plans and proposals.

However, these goals are often not feasible for many areas of the City, and they are not considered an impact threshold. Rather, they are used as benchmarks to represent how well an area is served by its open space resources.

C. OPEN SPACE ASSESSMENT

An assessment of open space consists of calculating total population, tallying the open space acreage within the area, and comparing the open space ratios for the future without and with the proposed actions.

EXISTING CONDITIONS

STUDY AREA POPULATION

Based on 2010 Census data, the ½-mile open space study area has a population of approximately 31,648 residents (see **Table C-1**).

Table C-1
Existing Residential Population—2010 Census

Census Tract	Residential Population
734	1,889
740	3,531
742	3,292
750	3,029
752	1,130
772	3,394
774	2,881
776	3,806
780	2,092
784	2,348
786	4,256
Total	**31,648**

Source: U.S. Census Bureau, 2010 Census.

STUDY AREA OPEN SPACE INVENTORY

There is one publicly accessible open space located within the study area (see **Figure C-1**). Amersfort Park, located between East 38th and 39th Streets between Avenues I and J, is a 3.56-acre park with walking paths, benches, picnic tables and monuments. Amersfort Park is characterized as a passive open space (see **Table C-2**).

Table C-2
Study Area Open Space Inventory

Map No.[1]	Name	Location	Owner	Total Acres	Active	Passive	Amenities	Condition/ Utilization
1	Amersfort Park	E. 38 St., E. 38 St. bet. Ave. I and Ave. J	NYC Parks	3.56	0.00	3.56	Walking paths, benches, picnic tables, monuments	Good/Low
Study Area Total				**3.56**	**0.00**	**3.56**		

Notes:
NYC Parks = New York City Department of Parks and Recreation
See **Figure C-1** for open space resources.
Sources: New York City Department of Parks and Recreation; AKRF Field Surveys, May 2018

ADEQUACY OF OPEN SPACES

Quantitative Considerations

The residential study area has a total of approximately 3.56 acres of open space (all passive). With an estimated population of 31,648 residents, the residential study area has a total open space ratio of 0.112 acres per 1,000 residents (see **Table C-3**). This is lower than the city's goal of 2.5 total acres of open space per 1,000 residents and below the citywide community district median of 1.5 acres per 1,000 residents.

Table C-3
Existing Conditions: Adequacy of Open Space Resources

Residential Population	Open Space Acreage			Open Space Ratios per 1,000 People			City Open Space Guidelines		
	Total	Active	Passive	Total	Active	Passive	Total	Active	Passive
31,648	3.56	0.00	3.56	0.112	0.000	0.112	2.500	2.000	0.500

The study area's current residential active open space ratio is 0.00 acres per 1,000 residents, which is below the City's planning guideline of 2.0 acres per 1,000 residents. The area's current residential passive open space ratio is 0.112 acres per 1,000 residents, which is below the City's benchmark of 0.5 acres of passive space per 1,000 residents.

Qualitative Considerations

In addition to the publicly accessible open space resource that is accounted for in the quantitative analysis, the study area contains a restricted-access open space resource and a few additional open space resources located either beyond the extent of covered census tracts within the ½-mile study area, or just outside of the ½-mile study area. These resources are discussed below.

Brooklyn College is located within the western portion of the ½-mile study area, just west of Flatbush Avenue. Located within the boundaries of the Brooklyn College Campus is an approximately 5-acre restricted access athletic field comprised of a soccer field, a running track, and a baseball/softball field. Also located within the study area is the Flatbush Malls located on Glenwood Road. This section of the median is approximately 0.08 acres. Malls, planted medians, and greenstreets generally are not included in the quantitative analysis because they are not considered accessible open space.

There are two open space resources located at the edges of the ½-mile study area that have not been included in the quantitative analysis because, in accordance with the *CEQR Technical Manual*, at least 50 percent of their census tract area does not fall within the study area. At the northern edge of the ½-mile study area is Nostrand Park, an approximately 3.02-acre park that offers an athletic field, basketball courts, handball courts, playgrounds, bathrooms, swings and spray showers. At the southern edge of the study area is Andries Playground, an approximately 0.96-acre park, located partially within the ½-mile study area. Andries Playground is another active recreational open space resource with numerous basketball courts and playgrounds.

In addition to these parks partially located within the study area, there are two open space resources located just outside the study area. Paerdegat Park and the P.S. 198 Community Playground are two publicly accessible open space resources located just north of Farragut Road. Paerdegat Park, recently reconstructed, is an approximately 3.56-acre park that offers both active and passive recreational open space. Paerdegat Park's facilities include basketball courts, handball courts, playgrounds, bathrooms, spray showers, walking paths and benches. Across Albany Street from Paerdegat Park, the P.S. 198 Community Playground is approximately 0.64 acres of active space comprised of basketball courts and playgrounds.

Residents of the study area are likely to make use of these additional open spaces for their recreational needs, which are located within or just outside of the study area, but have not been included in the quantitative analysis.

THE FUTURE WITHOUT THE PROPOSED ACTIONS

STUDY AREA POPULATION

In the future without the proposed actions, the study area will continue to experience residential and commercial development. As described in Chapter 2, "Land Use, Zoning, and Public Policy," one project within the 400-foot land use study area is expected to be completed by 2021. In addition, 21 projects within the ½-mile residential open space study area are expected to be completed by 2021 (see **Figure C-1** and **Table C-4**). These 22 known development projects would add an estimated total of 201 residential units resulting in approximately 851 new residents in the study area. Altogether, the study area population is expected to increase to 32,499 in the future without the proposed actions.

Table C-4
No Build Projects Anticipated to be Complete by 2021

Map No.	Address (Block/Lot)	Community Board	Program
1	670 East 32nd Street (5006/71)	17	7 DU
2	3216 Farragut Road (5007/43)	17	10 DU
3	1538 New York Avenue (5007/62)	17	36 DU
4	1509 New York Avenue (5008/34)	17	8 DU
5	1519 New York Avenue (5008/31)	17	8 DU
6	3506 Farragut Road (5010/40)	17	8 DU
7	3514 Farragut Road (5010/43)	17	8 DU
8	762 East 32nd Street (7559/68)	14	8 DU
9	730 East 32nd Street (7559/57)	14	16 DU
10	771 East 32nd Street (7560/13)	17	6 DU
11	729 East 32nd Street (7560/32)	17	6 DU
12	3208 Glenwood Road (7560/41)	17	9 DU
13	1610 New York Avenue (7560/55)	17	8 DU
14	1620 New York Avenue (7560/57)	17	54 DU
15	1622 New York Avenue (7560/59)	17	36 DU and 1,838 sf CF
16	1645 New York Avenue (7561/17)	17	8 DU
17	1603 New York Avenue (7561/33)	17	8 DU
18	860 East 35th Street (7562/51)	17	6 DU
19	862 East 35th Street (7562/52)	17	6 DU
20	1665 Brooklyn Avenue (7564/11)	17	15 DU and 4,149 sf CF
21	2247-2277 Nostrand Avenue (7576/12)	14	38 DU, 31,527 sf retail, and 424 sf CF
22	917 East 27th Street (7591/38)	14	2 DU
Total:			**303 DU, 31,527 sf retail, and 6,411 sf CF**

Notes:
DU = dwelling units
CF = community facility
Build years are unknown—for conservative analysis purposes, it is assumed that these projects will be built by 2021.

STUDY AREA OPEN SPACES

In the future without the proposed actions, no changes to the open space resources within the ½-mile study area are expected to occur by 2021. Overall, the total open space acreage will remain 3.56 acres.

ADEQUACY OF OPEN SPACES

Quantitative Analysis

In the future without the proposed actions, the increase in residents would slightly decrease the total open space ratio from 0.112 acres per 1,000 residents under existing conditions to 0.110 acres per 1,000 residents. The open space ratio will remain below the City's goal of 2.5 total acres per 1,000 residents and the City's median of 1.5 acres per 1,000 residents (see **Table C-5**). Both the active and passive open space ratio's will also respectively remain below the City's benchmark of 2.0 acres of active open space and 0.5 acres of passive open space per 1,000 residents.

Table C-5
Future without the Proposed Actions: Adequacy of Open Space Resources

Residential Population	Open Space Acreage			Open Space Ratios per 1,000 People			City Open Space Guidelines		
	Total	Active	Passive	Total	Active	Passive	Total	Active	Passive
32,499	3.56	0.00	3.56	0.110	0.000	0.110	2.500	2.000	0.500

Qualitative Considerations

No changes to the study area's private or restricted-access open space resources are expected in the future without the proposed actions. In addition, residents will continue to have access to major open space resources located within and just outside the ½-mile study area, but not included in the qualitative analysis, such as Nostrand Park, Andries Playground, Paerdegat Park, and P.S. 198 Community Playground.

PROBABLE IMPACTS OF THE PROPOSED ACTIONS

STUDY AREA POPULATION

The proposed actions would result in an incremental increase of approximately 115 residential units, resulting in an addition of 323 residents to the study area for a total residential population of 32,823.

STUDY AREA OPEN SPACES

The proposed actions would not result in any changes to the amount of open space within the ½-mile study area. The total open space acreage would remain 3.56 acres of passive space.

ADEQUACY OF OPEN SPACES

In the future with the proposed actions, the total, active, and passive ratios in the study area would remain below City guideline levels. As shown in **Table C-6**, the total open space ratio would be 0.108 acres per 1,000 residents, which is below both the citywide median open space ratio of 1.5 and the City's planning goal of 2.5 acres per 1,000 residents. The passive open space ratio would decrease to 0.108 acres per 1,000 residents, remaining below the City's guideline of 0.5 acres of passive open space per 1,000 residents. The active open space ratio would continue to be 0.0 acres per 1,000 residents, below the City's guideline of 2.0 acres of active open space per 1,000 residents.

Table C-6
Future with the Proposed Actions: Adequacy of Open Space Resources

Residential Population	Open Space Acreage			Open Space Ratios per 1,000 People			City Open Space Guidelines		
	Total	Active	Passive	Total	Active	Passive	Total	Active	Passive
32,823	3.56	0.00	3.56	0.108	0.000	0.108	2.500	2.000	0.500

IMPACT SIGNIFICANCE

As noted above and summarized in **Table C-7**, the total, active, and passive open space ratios in the study area would continue to fall short of the City's guidelines in the future with the

proposed actions. The total open space ratio would decrease by 1.818 percent, the active open space ratio would remain 0.00, and the passive open space ratio would decrease by 1.818 percent (to 0.108 acres per 1,000 residents, respectively). Although the proposed actions would result in a slight decrease in the total and passive open space ratios from the future without the proposed actions, these decreases would not exceed the 5 percent threshold for open space that is applicable for areas that are neither well-served nor underserved by open space, such as is the case with the Development Site and study area.

Table C-7
Future with the Proposed Actions: Open Space Ratios Summary

Ratio	City Guideline	Open Space Ratios			Percent Change Future without to Future with the Proposed Actions
		Existing Conditions	Future without the Proposed Actions	Future with the Proposed Actions	
Residential (½-Mile) Study Area					
Total/Residents	2.500	0.112	0.110	0.108	-1.818%
Active/Residents	2.000	0.000	0.000	0.000	0.000%
Passive/Residents	0.500	0.112	0.110	0.108	-1.818%
Note: Ratios in acres per 1,000 people.					

It is recognized that the City's guidelines are not feasible for many areas of the City, and they are not considered impact thresholds. In addition, some of the open space needs of the study area population would be met by open spaces located within and just outside the ½-mile study area boundary, including Nostrand Park, Andries Playground, Paerdegat Park, and P.S. 198 Community Playground.

Overall, the proposed actions would not result in significant adverse impacts on open space resources in the study area. ✷

Attachment D: Shadows

A. INTRODUCTION

This attachment examines whether the Proposed Development would cast new shadows on any nearby publicly accessible sunlight-sensitive resources of concern. According to the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, sunlight-sensitive resources of concern include public open space, sunlight-dependent features of historic resources, and natural resources that depend on sunlight.

B. DEFINITIONS AND METHODOLOGY

This analysis has been prepared in accordance with New York City CEQR procedures and follows the guidelines of the *CEQR Technical Manual*.

DEFINITIONS

Incremental shadow is the additional, or new, shadow that a structure resulting from a proposed project would cast on a sunlight-sensitive resource.

Sunlight-sensitive resources are those that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. Such resources generally include:

- *Public open space* such as parks, beaches, playgrounds, plazas, schoolyards (if open to the public during non-school hours), greenways, and landscaped medians with seating. Planted areas within unused portions of roadbeds that are part of the Greenstreets program are also considered sunlight-sensitive resources.
- *Features of architectural resources that depend on sunlight for their enjoyment by the public.* Only the sunlight-sensitive features need be considered, as opposed to the entire resource. Such sunlight-sensitive features might include: design elements that depend on the contrast between light and dark (e.g., recessed balconies, arcades, deep window reveals); elaborate, highly carved ornamentation; stained glass windows; historic landscapes and scenic landmarks; and features for which the effect of direct sunlight is described as playing a significant role in the structure's importance as a historic landmark.
- *Natural resources* where the introduction of shadows could alter the resource's condition or microclimate. Such resources could include surface water bodies, wetlands, or designated resources such as coastal fish and wildlife habitats.

Non-sunlight-sensitive resources include, for the purposes of CEQR:

- *City streets and sidewalks* (except Greenstreets);
- *Private open space* (e.g., front and back yards, stoops, vacant lots, and any private, non-publicly accessible open space); and

- *Project-generated open space* cannot experience a significant adverse shadow impact from the project, according to CEQR, because without the project the open space would not exist.

A significant adverse shadow impact occurs when the incremental shadow added by a proposed project falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources. Each case must be considered on its own merits based on the extent and duration of new shadow and an analysis of the resource's sensitivity to reduced sunlight.

METHODOLOGY

Following the guidelines of the *CEQR Technical Manual*, a preliminary screening assessment must first be conducted to ascertain whether a project's shadow could reach any sunlight-sensitive resources at any time of year. The preliminary screening assessment consists of three tiers of analysis. The first tier determines a simple radius around the proposed building representing the longest shadow that could be cast. If there are sunlight-sensitive resources within this radius, the analysis proceeds to the second tier, which reduces the area that could be affected by project shadow by accounting for the fact that shadows can never be cast between a certain range of angles south of the project site due to the path of the sun through the sky at the latitude of New York City.

If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by project shadow by looking at specific representative days in each season and determining the maximum extent of shadow over the course of each representative day.

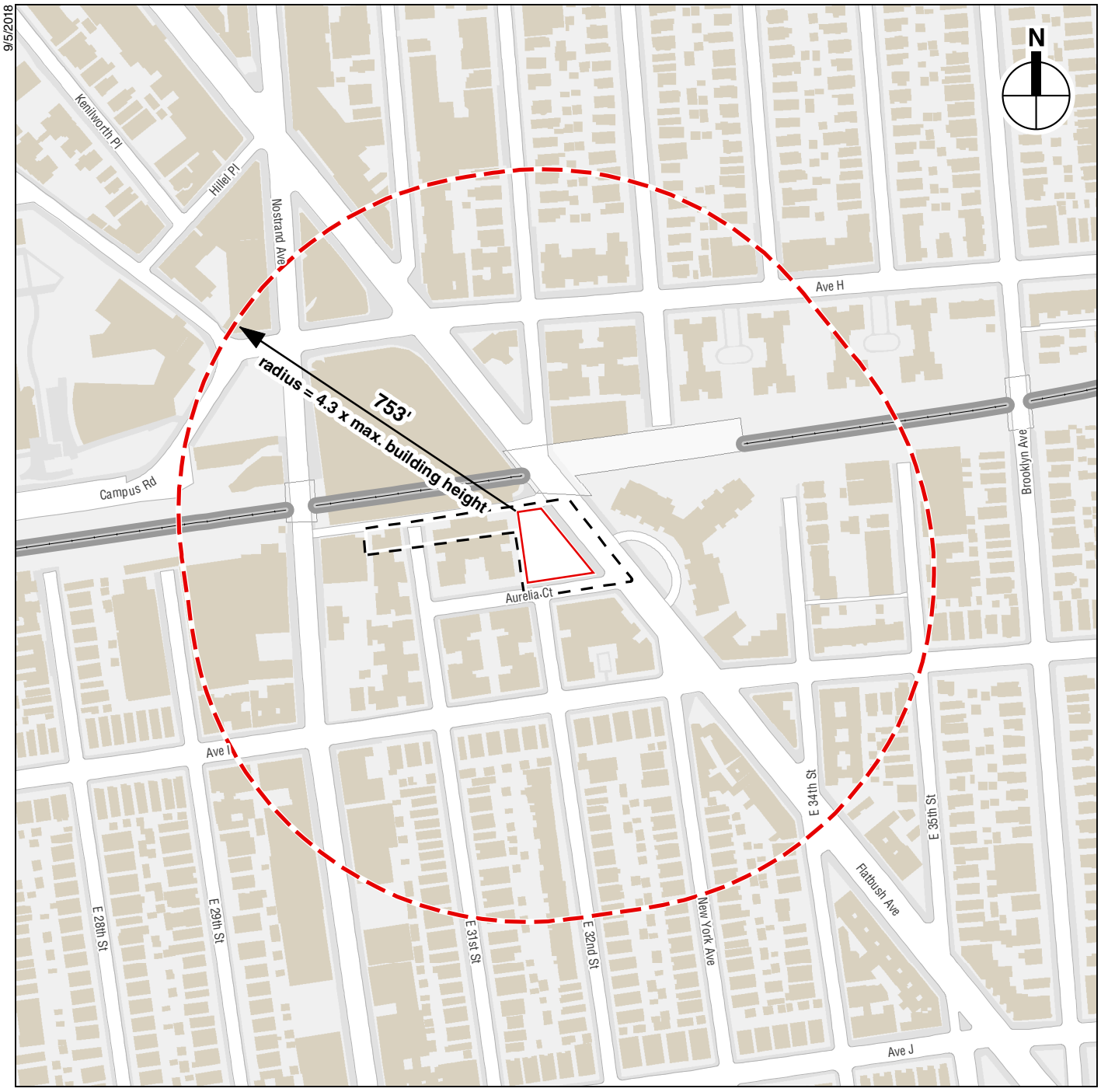
If the third tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a detailed shadow analysis is required to determine the extent and duration of the incremental shadow resulting from the project. The detailed analysis provides the data needed to assess the shadow impacts. The effects of the new shadows on the sunlight-sensitive resources are described, and their degree of significance is considered. The results of the analysis and assessment are documented with graphics, a table of incremental shadow durations, and narrative text.

C. PRELIMINARY SCREENING ASSESSMENT

A base map was developed using Geographic Information Systems (GIS) showing the location of the Development Site and the surrounding street layout (see **Figure D-1**).[1] In coordination with the land use and open space assessments presented in other sections of this EAS, potential sunlight-sensitive resources were identified and shown on the map.

TIER 1 SCREENING ASSESSMENT

For the Tier 1 assessment, the longest shadow that the projected With Action development (i.e. the Proposed Development) could cast is calculated, and, using this length as the radius, a perimeter is drawn around the Development Site. Anything outside this perimeter representing the longest possible shadow could never be affected by project-generated shadow, while anything inside the perimeter needs additional assessment.



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Tier 1 Assessment
Figure D-1

According to the *CEQR Technical Manual*, the longest shadow that a structure can cast at the latitude of New York City occurs on December 21, the winter solstice, at the start of the analysis day at 8:51 AM, and is equal to 4.3 times the height of the structure.

Therefore, at a maximum height of approximately 175 feet above curb level, including rooftop mechanical structures,[1] the With Action condition of the Development Site (Proposed Development) could cast a shadow up to 753 feet in length (175 x 4.3). Using this length as the radius, a perimeter was drawn around the Development Site (see **Figure D-1**). No sunlight-sensitive resources are located in the longest shadow study area; therefore, no further assessment is required. ✷

[1] Rooftop mechanical structures were conservatively estimated to add 30 feet to the building height.

A. INTRODUCTION

This attachment assesses the potential for the proposed actions to affect historic and cultural resources. Historic and cultural resources include both archaeological and architectural resources. The study area for archaeological resources is the Development Site itself where disturbance from excavation and construction can be anticipated in the future with the proposed actions. On March 31, 2016 and October 5, 2018, LPC made a determination of no archaeological significance (see **Appendix A**). As the Development Site is not archaeologically sensitive, this attachment focuses on architectural resources only.

To evaluate potential effects due to on-site construction activities, and also to account for visual or contextual impacts, the study area for architectural resources is defined as extending 400 feet from the Development Site (see **Figure E-1**). As defined in the New York City Department of Building's (DOB) *Technical Policy and Procedure Notice (TPPN) #10/88,* adjacent construction is defined as any construction activity that would occur within 90 feet of an architectural resource.[1] Consistent with the guidance of the 2014 *City Environmental Quality Review* (*CEQR) Technical Manual*, designated architectural resources that were analyzed include New York City Landmarks (NYCL), Interior Landmarks, Scenic Landmarks, and New York City Historic Districts (NYCHD); resources calendared for consideration as one of the above by the LPC; resources listed on or formally determined eligible for inclusion on the State and National Registers of Historic Places (S/NR) or contained within a district listed on or formally determined eligible for listing on the S/NR; resources recommended by the New York State Board for listing on the S/NR; and National Historic Landmarks (NHL). Additionally, a survey was conducted to identify any previously undesignated properties in the study area that appear to be potentially eligible for NYCL designation or S/NR listing ("potential architectural resources"). No such resources were identified.

B. METHODOLOGY

Consistent with the guidance of the *CEQR Technical Manual*, in order to determine whether the proposed actions could potentially affect architectural resources, this attachment considers whether the Proposed Development would result in a physical change to any resource or setting of any resource (such as context or visual prominence), and, if so, whether the change is likely to alter or eliminate the significant characteristics of the resource that make it important. More specifically, as set forth in the *CEQR Technical Manual*, potential impacts to architectural resources may include the following:

[1] TPPN #10/88 was issued by DOB on June 6, 1988, to supplement New York City Building Code regulations with regard to historic structures. TPPN #10/88 outlines procedures for the avoidance of damage to historic structures resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from the historic resource.

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Figure E-1

- Physical destruction, demolition, damage, alteration, or neglect of all or part of an historic property;
- Changes to an architectural resource that cause it to become a different visual entity;
- Isolation of the property from, or alteration of, its setting or visual relationships with the streetscape, including changes to the resource's visual prominence;
- Introduction of incompatible visual, audible, or atmospheric elements to a resource's setting;
- Replication of aspects of the resource so as to create a false historical appearance;
- Elimination or screening of publicly accessible views of the resource;
- Construction-related impacts, such as falling objects, vibration, dewatering, flooding, subsidence, or collapse; and
- Introduction of significant new shadows, or significant lengthening of the duration of existing shadows, over an historic landscape or on an historic structure (if the features that make the resource significant depend on sunlight) to the extent that the architectural details that distinguish that resource as significant are obscured.

C. EXISTING CONDITIONS

ARCHITECTURAL RESOURCES

DEVELOPMENT SITE AND REZONING AREA

The Rezoning Area contains the Development Site and parts of Block 7577, Lot 25, and Block 7576, Lot 69, which are located to the west of the Development Site. The Development Site contains a vacant gas station. The portions of Lot 25 and Lot 69 that fall within the Rezoning Area contain residential buildings of six and seven stories, respectively. The building on Block 7577, Lot 25 (3101-3117 Aurelia Court) is a seven-story plain brick building built in the 1940s. The building on Block 7576, Lot 69 (850 East 31st Street) is a brick building built in the 1930s, is largely unornamented, and which has been altered with rebuilt sections of the parapets. The buildings do not meet criteria for S/NR listing or NYCL designation, and, therefore, there are no architectural resources on the Development Site or within the Rezoning Area.

STUDY AREA

There are no known architectural resources located within the 400-foot study area. No potential architectural resources (properties that appear to meet eligibility criteria for S/NR listing or NYCL designation) have been identified in the study area. The majority of buildings in the study area are a mix of new construction and altered older structures, and the buildings in the study area do not meet S/NR eligibility criteria.

D. FUTURE WITHOUT THE PROPOSED ACTIONS

ARCHITECTURAL RESOURCES

DEVELOPMENT SITE AND REZONING AREA

Absent the proposed actions, the applicant would redevelop the Development Site with an as-of-right (AOR) mixed used building consistent with the site's existing C8-2 and R6 zoning districts as described in the Attachment A. No new development is anticipated on the remainder of the Rezoning Area in the future without the proposed actions.

STUDY AREA

Within the study area, there is one development expected to be complete by the 2021 build year. 2247-2277 Nostrand Avenue (Block 7576, Lot 12) would be a six-story mixed-use building. This development would not affect any architectural resources in the study area as no such resources have been identified.

E. FUTURE WITH THE PROPOSED ACTIONS

ARCHITECTURAL RESOURCES

DEVELOPMENT SITE AND REZONING AREA

In the future with the proposed actions (the With Action condition), the Development Site would be developed with a 13-story, approximately 166,116 gross square foot (gsf) mixed use building containing approximately 29,966 gsf of retail space and 115,056 gsf of residential use (115 units). No new development is anticipated on the remainder of the Rezoning Area in the future with the proposed actions.

As there are no architectural resources on the Development Site or within the Rezoning Area, there would be no significant adverse impacts on such resources.

STUDY AREA

As no known or potential architectural resources were identified in the study area, the proposed actions would have no adverse impacts on architectural resources.

In comments dated October 5, 2018, LPC has indicated they do not have archaeological or architectural concerns for the proposed actions. ✷

A. INTRODUCTION

This attachment presents the findings of the hazardous materials assessment and identifies potential areas of concern that could pose a hazard to workers, the community, and/or the environment during or after development of the proposed project at 1640 Flatbush Avenue. As described in Attachment A, "Project Description," the proposed actions would result in the development of a new mixed use building, covering the entirety of the Development Site (Block 7577, Lot 60), containing retail and residential space over a below grade level used for parking and mechanical equipment. Construction of the Proposed Development would require demolition of the former gas station structure followed by excavation of the entire Development Site to at least 12 feet below grade. Since the existing conditions of the remaining Rezoning Area (portions of Block 7577, Lot 25, and Block 7576, Lot 69) would be unchanged in the future with and without the proposed actions, this area was excluded from the analysis.

The potential for hazardous material conditions at the Development Site was evaluated based on previous environmental investigations summarized in a Remedial Investigation Work Plan (RIWP), as discussed below. The findings of the hazardous materials assessment were that, although subsurface hazardous materials are known to present, no significant adverse impacts related to hazardous materials would be expected to occur either during or following the construction of the Proposed Development, provided certain protocols are followed.

B. EXISTING CONDITIONS

TOPOGRAPHY AND SUBSURFACE CONDITIONS

The Development Site is approximately 30 feet above mean sea level. The water table has been encountered during prior investigations at approximately 27 to 29 feet below grade, but bedrock was not encountered (it would be expected to be several hundred feet below grade). Soil at the Development Site included fill material (red/brown/gray sand, silt, gravel, red brick, concrete, and ash) to a maximum depth of 25 feet below grade underlain by native soils (fine to coarse sand).

PRIOR ENVIRONMENTAL INVESTIGATIONS

A Phase I Environmental Site Assessment, prepared by WCD Group in August 2014, identified "Recognized Environmental Conditions" (RECs), i.e., the presence or likely presence of hazardous substances or petroleum at a property, including the ground, groundwater, or surface water at or under the Development Site. These RECs included:

- Use as a gasoline filling station since 1950;
- Documented elevated concentrations of petroleum-related compounds in the groundwater;

- Historical Development Site use as an automotive repair shop and garage including grease pits, a drycleaner, and a metal working shop;
- Five active 4000-gallon gasoline underground storage tanks (USTs), two active 500-gallon gasoline USTs, and ten 500-gallon gasoline USTs that were removed in 1993; and
- Nearby facilities with current and/or historical gasoline or fuel oil USTs.

A Phase II Environmental Site Investigation, performed by WCD Group in February 2015, included collection and laboratory analysis of soil, groundwater and soil vapor samples. Analytical results included:

- Soil samples revealed volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs) and metals at concentrations exceeding New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs), including VOCs typically associated with gasoline and the chlorinated solvent tetrachloroethene (PCE), commonly associated with dry cleaning. The metals and some of the SVOC exceedances were attributed to the fill material and/or natural occurrences. No polychlorinated biphenyls (PCBs) or pesticides/herbicides exceeded the Unrestricted Use SCOs.
- Groundwater samples revealed VOCs typically associated with gasoline, PCE and trichloroethene (or TCE, another common chlorinated solvent which can be produced by the breakdown of PCE), and naturally occurring metals (iron, manganese, magnesium, and sodium) at concentrations greater than the corresponding NYSDEC Class GA standards (these are standards developed for groundwater used a source of drinking water, though drinking water in the area of the project site is supplied from upstate reservoirs). No PCBs or pesticides/herbicides were detected above Class GA standards.
- Soil vapor samples revealed VOCs typically associated with gasoline, PCE and TCE at concentrations greater than the range of published background concentrations. The detected concentrations indicate the recommendation for monitoring and/or mitigation based on the New York State Department of Health (NYSDOH) 2006 Vapor Intrusion Guidance Document.

C. THE FUTURE WITHOUT THE PROPOSED ACTIONS

In the future without the proposed actions, the Development Site would be redeveloped with an as-of-right building with commercial/community facility uses and two below grade levels providing parking. Based on the findings of the investigations described above, subsurface contamination of soil, groundwater and soil vapor is present at the Development Site. The Applicant has enrolled the Development Site (as a volunteer) into NYSDEC's Brownfield Cleanup Program (BCP) as Site C224212. A Brownfield Cleanup Agreement (BCA) between the Applicant and NYSDEC was executed on August 25, 2015. As such, remedial investigation work is ongoing, and there would be compliance with the following:

- Demolition would be conducted only after removal of any asbestos-containing materials (ACM). Prior to demolition, a comprehensive asbestos survey would be conducted and any identified ACM would be removed and disposed of in accordance with applicable regulations.

- Demolition with the potential to disturb lead-based paint would be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62 – Lead Exposure in Construction).
- Unless there were to be labeling or test data which indicated that fluorescent lights did not contain mercury, and that the lighting fixtures were not PCB-containing, disposal would be performed in accordance with applicable regulations and guidelines.
- Removal of the USTs, piping, pumps and other gas station equipment would be in accordance with NYSDEC requirements including those related to spill reporting, tank registration and any other NYSDEC requirements resulting from the BCP. NYSDEC would most likely require completion of additional subsurface investigation (WCD has prepared, for NYSDEC approval, a Remedial Investigation Work Plan, dated January 16, 2016 that includes additional soil, groundwater and soil vapor sampling) followed by preparation of a Remedial Action Work Plan (RAWP), for implementation during construction, to address both the removal of the contamination and any other necessary measures, such as additional monitoring or vapor controls for the new building.
- All excavated soil and fill material requiring off-site disposal would be handled and disposed of in accordance with applicable regulatory requirements.
- Based on the depth to groundwater, dewatering may not be required in the future without the proposed actions. However, if dewatering is required, groundwater testing would be performed to ensure that the groundwater would meet NYCDEP sewer discharge requirements. If necessary, pretreatment would be conducted prior to discharge to the City's sewer system, as required by NYCDEP permit/approval requirements.

D. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

As in the future without the proposed actions, demolition and excavation would occur in the future with the proposed actions. The potential for adverse impacts associated with these activities would be avoided by participating in the NYSDEC BCP and adhering to the measures set out above for the future without the proposed actions.

Since the execution of the BCA in 2015, there have been several interim remedial investigations of soil, groundwater, and soil vapor conducted at the Development Site by WCD Group. In early May of 2018, NYSDEC provided comments on the latest interim investigation and requested a final RIWP, which was submitted to NYSDEC on August 30, 2018. Following review of the RIWP, the additional investigation would be conducted, an investigation report would be prepared and it would be submitted to NYSDEC along with a RAWP outlining the proposed remedy to be implemented as part of construction activities. No construction activities would occur on the Development Site until the RAWP is approved by NYSDEC through a BCP Decision Document.

As discussed above, it is expected that the Applicant would develop a remedy for the Development Site in accordance with a NYSDEC-approved RAWP and Decision Document through the BCP. However, an (E) Designation for hazardous materials (E-506) would be applied to the Development Site so that, should the Applicant elect to withdraw from the BCP (a voluntary program), the redevelopment would be conducted in a manner protective of human health and the environment both during construction and future occupancy.

The text for E-506 would be as follows:

Task 1 – Sampling Protocol

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

Task 2 – Remediation Determination and Protocol

A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

With the above bulleted measures, the BCA and E-506, no significant adverse impacts related to hazardous materials would be expected to occur as a result of the proposed actions. Following construction, there would be no potential for the Proposed Development to result in significant adverse impacts. ✷

A. INTRODUCTION

The potential for air quality impacts associated with the proposed actions is assessed in this attachment. The Proposed Development would not exceed any thresholds defined in the 2014 *City Environmental Quality Review (CEQR) Technical Manual* for traffic analysis. Therefore, the maximum hourly increase in traffic volume due to the Proposed Development would not exceed the carbon monoxide (CO) emission screening thresholds defined in the *CEQR Technical Manual* (170 auto trips for peak hour trips at any intersection). It is also assumed that the proposed project would not exceed *CEQR Technical Manual* screening thresholds for particulate matter (PM), which are based on an emission equivalent ranging from 12 to 23 heavy duty vehicles, depending on roadway type. Consequently, no mobile source analysis is required.

Since the Proposed Development would include natural gas-fired heat and hot water systems, a stationary source analysis was conducted to evaluate the potential impact from these sources on air quality. As discussed in detail below, the proposed actions would not result in any significant adverse impacts on air quality.

B. METHODOLOGY FOR PREDICTING POLLUTANT CONCENTRATIONS

Stationary source analyses were conducted using the methodology described in the *CEQR Technical Manual* to assess air quality impacts associated with emissions from the Proposed Development's heat and hot water systems. The primary pollutants of concern when burning natural gas is nitrogen dioxide (NO_2) as well as fine particulate matter ($PM_{2.5}$).

Potential 1-hour average nitrogen dioxide (NO_2) concentrations, added to representative background concentrations in the area, were compared with the National Ambient Air Quality Standards (NAAQS). Potential 24-hour and annual average incremental concentrations of $PM_{2.5}$ were compared with the $PM_{2.5}$ *de minimis* criteria defined as follows in the *CEQR Technical Manual:*

- Predicted increase of more than half the difference between the background concentration and the 24-hour standard;
- Annual average $PM_{2.5}$ concentration increments which are predicted to be greater than 0.1 $\mu g/m^3$ at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources); or
- Annual average $PM_{2.5}$ concentration increments, which are predicted to be greater than 0.3 $\mu g/m^3$ at a discrete location (elevated or ground level).

SCREENING ANALYSIS

An initial screening analysis was undertaken using the methodology described in Chapter 17, Section 322.1 of the *CEQR Technical Manual*. This analysis determines the threshold of development size below which the action would not have a significant adverse impact relative to CO, particulate matter less than 10 micrometers in diameter (PM_{10}), and annual average NO_2 NAAQS levels. The screening was based on the distance from the Development Site to the nearest building of similar or greater height. The screening procedure uses information regarding the type of fuel to be burned, the development type and maximum size, and the exhaust stack height to evaluate whether or not a significant impact is possible. The initial screening was based on a 166,116-gross square feet (gsf) building, with the nearest receptor of similar or great height at a distance of 118 feet.

Further screening was performed using the U.S. Environmental Protection Agency's (EPA) AERSCREEN model to evaluate potential 1-hour average NO_2 and 24-hour and annual average concentrations of particulate matter less than 2.5 micrometers in diameter ($PM_{2.5}$), which had revised standards promulgated after creation of the initial screening procedures; therefore, the initial screening procedures do not include consideration of these standards.

Since the AERSCREEN analysis indicated the potential for significant adverse air quality impacts, a refined analysis was prepared to evaluate the potential for 1-hour average NO_2 and 24-hour and annual average $PM_{2.5}$ impacts.

AERMOD ANALYSIS

Due to the proximity of an existing building that is of a greater height that the Proposed Development, a refined analysis using AERMOD was performed. AERMOD is a state-of-the-art dispersion model, applicable to rural and urban areas, flat and complex terrain, surface and elevated releases, and multiple sources (including point, area, and volume sources). AERMOD is a steady-state plume model that incorporates current concepts about flow and dispersion in complex terrain, including updated treatment of the boundary layer theory, understanding of turbulence and dispersion, and includes handling of the interaction between the plume and terrain.

The AERMOD model also incorporates the algorithms from the PRIME model, which is designed to predict impacts in the "cavity region" (i.e., the area around a structure which under certain conditions may affect an exhaust plume, causing a portion of the plume to become entrained in a recirculation region). The Building Profile Input Program (BPIP) for the PRIME model (BPIPRM) was used to determine the appropriate building dimensions for modeling with the building downwash algorithm enabled. The modeling of plume downwash accounted for all obstructions within which may affect the plume based on the BPIP guidance.

Consistent with the recommendations in the *CEQR Technical Manual,* the analysis was performed both with and without downwash. Generally, the worst-case impacts at elevated receptors close to the height of the sources occur without downwash while the worst-case impacts at lower elevations and ground level occur with downwash.

Annual NO_2 concentrations were estimated using a NO_2 to NO_x ratio of 0.75, as described in EPA's *Guideline on Air Quality Models* at 40 CFR part 51 Appendix W, Section 5.2.4.[1]

[1] http://www.epa.gov/scram001/guidance/guide/appw_05.pdf

1-Hour average NO_2 concentration increments from the Proposed Development's heating and hot water systems were estimated using AERMOD model's Plume Volume Molar Ratio Method (PVMRM) module to analyze chemical transformation within the model. The PVMRM module incorporates hourly background ozone concentrations to estimate NO_x transformation within the source plume. The model applied ozone concentrations measured in 2013–2017 at the nearest available New York State Department of Environmental Conservation (NYSDEC) ozone monitoring station—the Queens College monitoring station in Queens. An initial NO_2 to NO_x ratio of 10 percent at the source exhaust stack was assumed for boilers, which is considered representative.

The results represent the five-year average of the annual 98th percentile of the maximum daily 1-hour average, added to background concentrations, consistent with the format of the 1-hour NO_2 standard.

EMISSION RATES AND STACK PARAMETERS

Table G-1 presents the emission rates and stack parameters used in the modeling analysis.

Table G-1
Stack Parameters and Emission Rates

Stack Parameter	Value
Stack Height (feet)	148
Stack Diameter (feet)[1]	2.0
Exhaust Velocity (meters/second)[1]	1.83
Exhaust Temperature (degrees Fahrenheit)[1]	307.8
Emission Rate (grams/second)	
NO_2 (1-hour average)	0.019
$PM_{2.5}$ (24-hour average)	0.0039
$PM_{2.5}$ (Annual average)	0.0011

Note:
[1] Stack parameter assumptions are based on boiler specifications for similar sized systems from *DEP Boiler Permit Database*.

The exhaust stack for the heating and hot water systems was assumed to be located three feet above the roof of the Proposed Development, in accordance with the *CEQR Technical Manual* guidance, and it was located closest to the receptor of greatest concern.

METEOROLOGICAL DATA

The meteorological data set consisted of five consecutive years of meteorological data: surface data collected at John F. Kennedy Airport (2013–2017) and concurrent upper air data collected at Brookhaven, New York. The meteorological data provide hour-by-hour wind speeds and directions, stability states, and temperature inversion elevation over the five-year period. These data were processed using the EPA AERMET program to develop data in a format, which can be readily processed by the AERMOD model. The land uses around the site where meteorological surface data were available were classified using categories defined in digital United States Geological Survey (USGS) maps to determine surface parameters used by the AERMET program.

RECEPTOR LOCATIONS

A comprehensive network of receptors (i.e., locations with continuous public access) was developed for the modeling analyses. Discrete receptors were analyzed, including locations on other nearby buildings, at operable windows, air intakes, and at publicly accessible ground-level locations. Rows of receptors were placed at spaced intervals on the nearby buildings at multiple elevations. The model also included a ground-level receptor grid to identify the highest ground-level impact.

BACKGROUND CONCENTRATIONS

To estimate the maximum expected pollutant concentration at a given receptor, the predicted impact must be added to a background value that accounts for existing pollutant concentrations from other sources that are not directly accounted for in the model. The background levels are based on concentrations monitored at the nearest NYSDEC ambient air monitoring stations. The background concentrations were added, where applicable, to the maximum concentrations from the AERMOD model to obtain the total concentrations. Total 1-hour NO_2 concentrations were refined following a more detailed approach (EPA "second tier"). The methodology used to determine the total 1-hour NO_2 concentrations from the facility was based on adding the monitored background to modeled concentrations, as follows: hourly modeled concentrations from the boilers were first added to the seasonal hourly background monitored concentrations; then the highest combined daily 1-hour NO_2 concentration was determined at each location and the 98th percentile daily 1-hour maximum concentration for each modeled year was calculated within the AERMOD model; finally the 98th percentile concentrations were averaged over the latest five years.

$PM_{2.5}$ impacts are assessed on an incremental basis and compared with the $PM_{2.5}$ *de minimis* criteria. The $PM_{2.5}$ 24-hour average background concentration of 19.6 $\mu g/m^3$ from the JHS 126 ambient monitoring station was used to establish the *de minimis* value of 7.7 $\mu g/m^3$ (based on the 98th percentile concentration, averaged over the years 2015–2017). The background concentration for annual average $PM_{2.5}$ was not used since the criterion is based on an incremental concentration.

C. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

SCREENING ANALYSIS

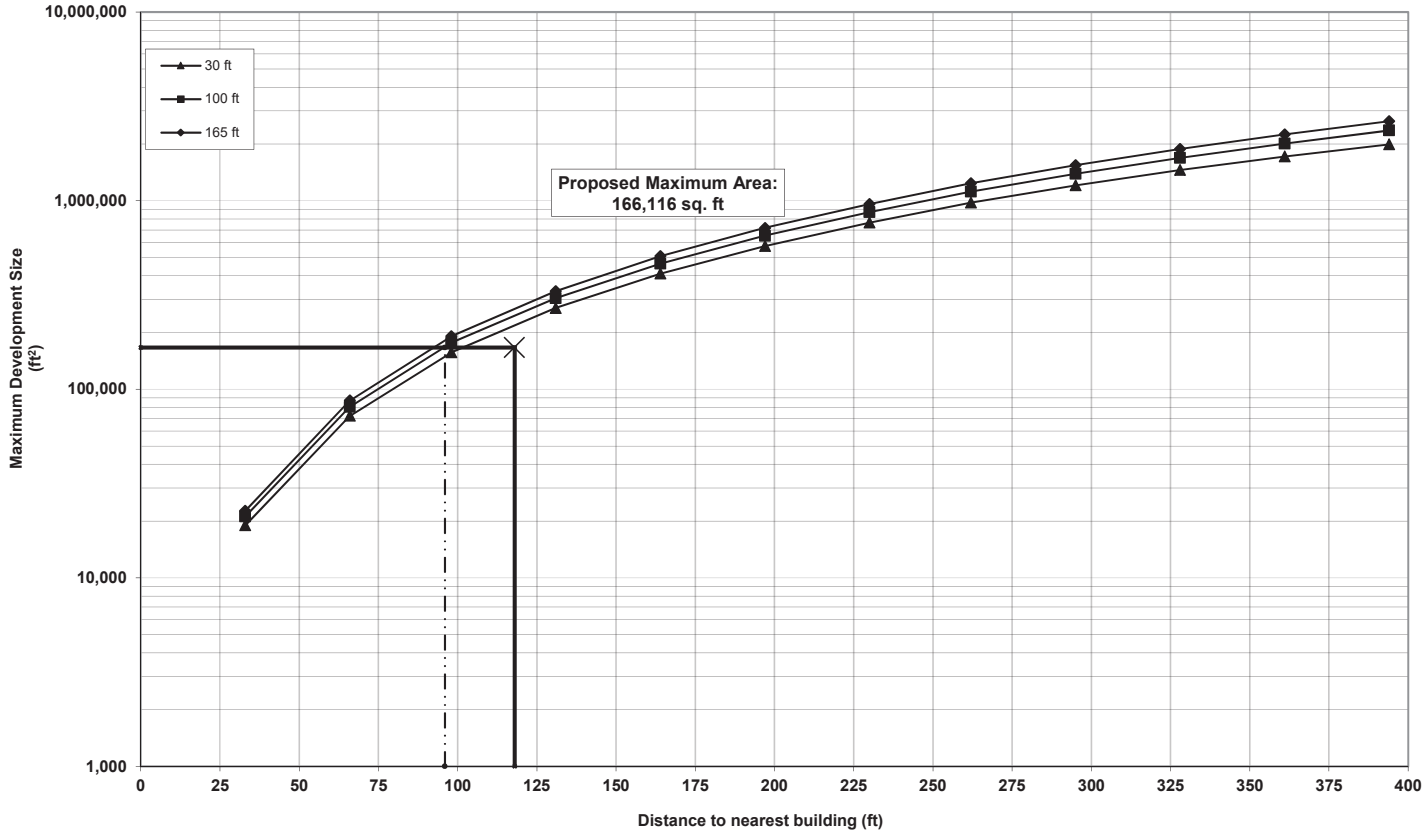
The results of the simplified screening analysis are presented in **Figure G-1**. The distance below which impacts might occur on buildings of similar height was estimated at 95 feet. The distance to the nearest building of similar height would be 118 feet, which is further from the source, indicating that no significant impact is projected. Since annual average NO_2 is the critical pollutant in this analysis, impacts would also not be expected for the 3-hour average SO_2, PM_{10}, and CO standards.

AERMOD ANALYSIS

The results of the refined heating and hot water systems analysis for one-hour NO_2 and 24-hour and annual average $PM_{2.5}$ concentrations are presented in **Table G-2**. As shown, the predicted NO_2 concentrations for the Proposed Development are less than their respective NAAQS, and the maximum incremental concentrations of $PM_{2.5}$ are below the City's *de minimis* criteria.

HVAC Screening Analysis
Site: 1640 Flatbush
Date: 6/5/2018
Pass

FIG App 17-7
NO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - NATURAL GAS



Stack Height: 148 ft
Distance to Nearest Building of Similar or Greater Height: 118 ft
Proposed Maximum SQFA: 166,116 sq. ft
Minimum Allowable Distance to Nearest Building: 96 ft

Notes:

Table G-2
Maximum Modeled Pollutant Concentrations (in µg/m³)

Pollutant	Averaging Period	Maximum Modeled Concentration	Background Concentration	Total Concentration	NAAQS / Threshold
NO_2	1-hour(1)	143	-	143	188
$PM_{2.5}$	24-hour	5.3	N/A	5.3	7.7(2)
	Annual	0.14	N/A	0.14	0.3(3)
	Annual – Neighborhood	0.02	N/A	0.02	0.1

Notes:
(1) Reported concentration is the maximum total 98th percentile concentration at any receptor using seasonal-hourly background concentrations.
(2) $PM_{2.5}$ *de minimis* criteria—24-hour average, not to exceed more than half the difference between the background concentration and the 24-hour standard of 35 µg/m³.
(3) $PM_{2.5}$ *de minimis* criteria—annual (discrete receptor), 0.3 µg/m³.

To avoid the potential for significant adverse air quality impacts related to the Proposed Development's heating and hot water systems, an (E) Designation for air quality (E-506) would be applied to the Development Site (Block 7577, Lot 60). The text of the E-506 would be as follows:

> **Any new residential and/or commercial development on Block 7577, Lot 60, must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, be fitted with low NO_x (30 ppm) burners, and heating and hot water exhaust stacks must be located at the highest tier and at least 148 feet above grade.**

Overall, with these restrictions in place, there would be no significant adverse air quality impacts from the Proposed Development's heating and hot water systems. ✷

A. INTRODUCTION

The Proposed Development would not generate sufficient traffic to have the potential to result in a significant noise impact (i.e., it would not result in a doubling of noise passenger car equivalents [Noise PCEs] which would be necessary to cause a 3 dBA increase in noise levels). However, ambient noise levels adjacent to the Development Site (including noise from vehicular traffic) are addressed in the following attachment and an analysis is presented that determines the level of building attenuation necessary to ensure that the Proposed Development's interior noise levels satisfy applicable City Environmental Quality Review (CEQR) interior noise criteria.

B. ACOUSTICS FUNDAMENTALS

Sound is a fluctuation in air pressure. Sound pressure levels are measured in units called "decibels" (dB). The particular character of the sound that we hear (a whistle compared with a French horn, for example) is determined by the speed, or "frequency," at which the air pressure fluctuates, or "oscillates." Frequency defines the oscillation of sound pressure in terms of cycles per second. One cycle per second is known as 1 Hertz (Hz). People can hear over a relatively limited range of sound frequencies, generally between 20 Hz and 20,000 Hz, and the human ear does not perceive all frequencies equally well. High frequencies (e.g., a whistle) are more easily discernable and therefore more intrusive than many of the lower frequencies (e.g., the lower notes on the French horn).

"A"-WEIGHTED SOUND LEVEL (DBA)

In order to establish a uniform noise measurement that simulates people's perception of loudness and annoyance, the decibel measurement is weighted to account for those frequencies most audible to the human ear. This is known as the A-weighted sound level, or "dBA," and it is the descriptor of noise levels most often used for community noise. As shown in **Table H-1**, the threshold of human hearing is defined as 0 dBA; quiet conditions (as in a library, for example) are approximately 40 dBA; levels between 50 dBA and 70 dBA define the range of noise levels generated by normal daily activity; levels above 70 dBA would be considered noisy, and then loud, intrusive, and deafening as the scale approaches 130 dBA.

In considering these values, it is important to note that the dBA scale is logarithmic, meaning that each increase of 10 dBA describes a doubling of perceived loudness. Thus, the background noise in an office, at 50 dBA, is perceived as twice as loud as a library at 40 dBA. For most people to perceive an increase in noise, it must be at least 3 dBA. At 5 dBA, the change will be readily noticeable.

Table H-1
Common Noise Levels

Sound Source	(dBA)
Military jet, air raid siren	130
Amplified rock music	110
Jet takeoff at 500 meters	100
Freight train at 30 meters	95
Train horn at 30 meters	90
Heavy truck at 15 meters	80–90
Busy city street, loud shout	80
Busy traffic intersection	70–80
Highway traffic at 15 meters, train	70
Predominantly industrial area	60
Light car traffic at 15 meters, city or commercial areas, or residential areas close to industry	50–60
Background noise in an office	50
Suburban areas with medium-density transportation	40–50
Public library	40
Soft whisper at 5 meters	30
Threshold of hearing	0

Note: A 10 dBA increase in level appears to double the loudness, and a 10 dBA decrease halves the apparent loudness.
Sources: Cowan, James P. *Handbook of Environmental Acoustics,* Van Nostrand Reinhold, New York, 1994. Egan, M. David, Architectural Acoustics. McGraw-Hill Book Company, 1988.

SOUND LEVEL DESCRIPTORS

Because the sound pressure level unit of dBA describes a noise level at just one moment and few noises are constant, other ways of describing noise that fluctuates over extended periods have been developed. One way is to describe the fluctuating sound heard over a specific time period as if it had been a steady, unchanging sound. For this condition, a descriptor called the "equivalent sound level," L_{eq}, can be computed. L_{eq} is the constant sound level that, in a given situation and time period (e.g., 1 hour, denoted by $L_{eq(1)}$, or 24 hours, denoted by $L_{eq(24)}$), conveys the same sound energy as the actual time-varying sound. Statistical sound level descriptors such as L_1, L_{10}, L_{50}, L_{90}, and L_x, are used to indicate noise levels that are exceeded 1, 10, 50, 90, and x percent of the time, respectively.

The relationship between L_{eq} and levels of exceedance is worth noting. Because L_{eq} is defined in energy rather than straight numerical terms, it is not simply related to the levels of exceedance. If the noise fluctuates little, L_{eq} will be approximately equal to the L_{50} or the median value. If the noise fluctuates broadly, the L_{eq} will be approximately equal to the L_{10} value. If extreme fluctuations are present, the L_{eq} will exceed L_{90} or the background level by 10 or more decibels. Thus the relationship between L_{eq} and the levels of exceedance will depend on the character of the noise. In community noise measurements, it has been observed that the L_{eq} is generally between L_{10} and L_{50}.

For purposes of the Proposed Development, the L_{10} descriptor has been selected as the noise descriptor to be used in this noise impact evaluation. The 1-hour L_{10} is the noise descriptor used in the *CEQR Technical Manual* noise exposure guidelines for CEQR classification.

C. NOISE STANDARDS AND CRITERIA

The *CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise level (see **Table H-2**). Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower for residential uses and interior noise levels of 50 dBA or lower for commercial uses and are determined based on exterior $L_{10(1)}$ noise levels.

Table H-2
Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Noise Level with Proposed Action	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Attenuation[A]	(I) 28 dBA	(II) 31 dBA	(III) 33 dBA	(IV) 35 dBA	$36 + (L_{10} - 80)$[B] dBA

Notes:
[A] The above composite window-wall attenuation requirements are for residential dwellings development. Commercial uses would require 5 dBA less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation.
[B] Required attenuation values increase by 1 dBA increments for L_{10} values greater than 80 dBA.
Source: New York City Department of Environmental Protection.

D. EXISTING NOISE LEVELS

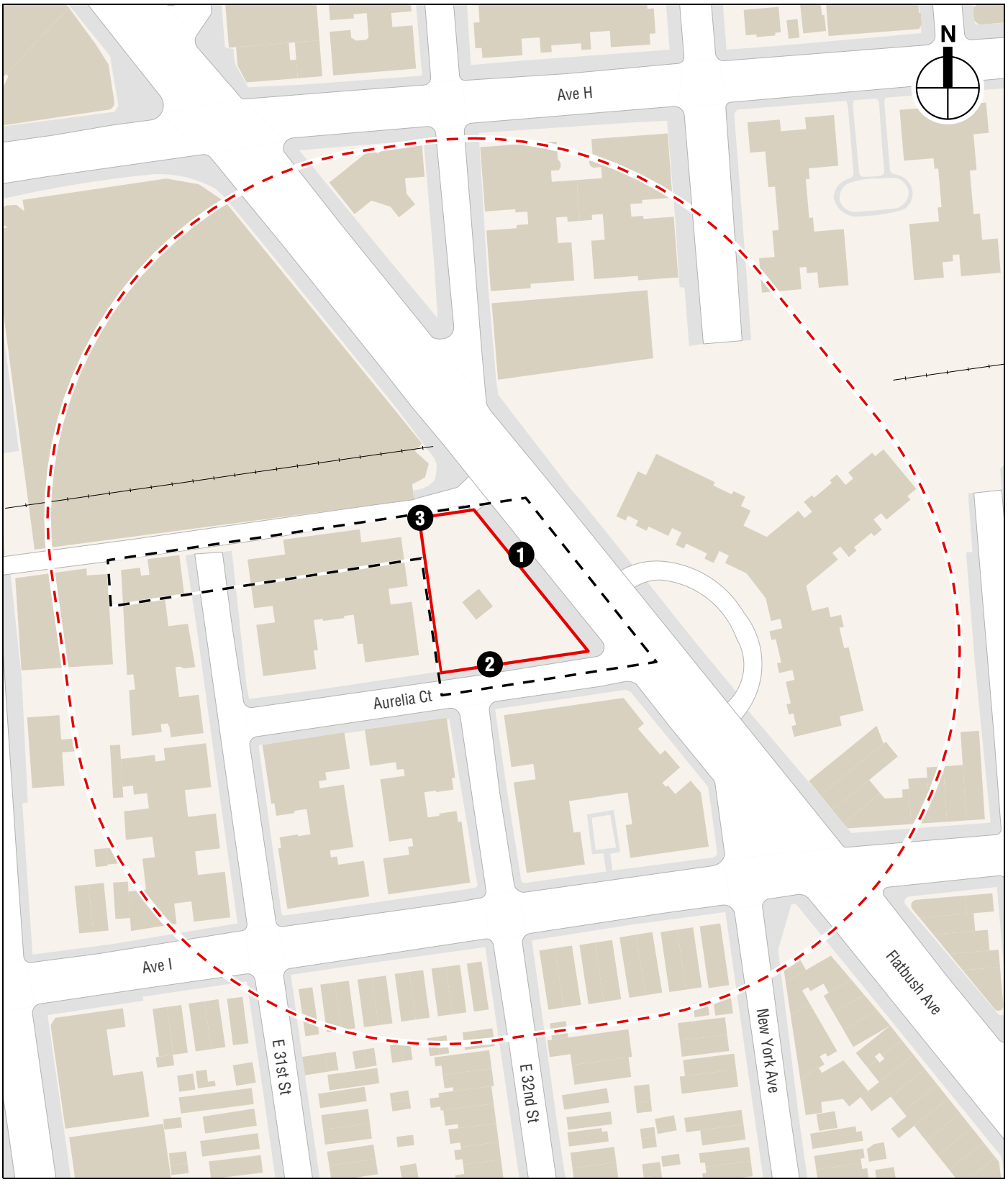
Existing noise levels at the Development Site were measured at three locations. Site 1 was located at Flatbush Avenue between Aurelia Court and Avenue H, Site 2 was located on Aurelia Court between Flatbush Avenue and East 32nd Street, and Site 3 was located in the loading bay alley west of Flatbush Avenue (see **Figure H-1**).

At receptor sites 1 and 2, the existing noise levels were measured for a 20-minute period during the three weekday peak periods—AM (8:00 AM to 9:00 AM), midday (MD) (12:00 PM to 2:00 PM), and PM (5:00 PM to 6:00 PM). At receptor site 3, the existing noise levels were measured for a 1-hour period during the three weekday periods. Measurements were taken on January 20, 2016, February 2, 2016, February 11, 2016, September 13, 2018, September 14, 2018, and September 17, 2018.

Measurements were performed using Brüel & Kjær Sound Level Meters (SLMs) Type 2260 and Type 2270, Brüel & Kjær ½-inch microphones Type 4189, and Brüel & Kjær Sound Level Calibrators Type 4231. The SLMs have valid laboratory calibration within 1 year, as is standard practice. The Brüel & Kjær SLMs are a Type 1 instrument according to ANSI Standard S1.4-1983 (R2006). The microphones were mounted at a height of approximately five feet above the ground surface on tripods and at least approximately five feet away from any large reflecting surfaces. The SLMs were calibrated before and after readings with Brüel & Kjær Type 4231 Sound Level Calibrators using the appropriate adaptor. Measurements were made on the A-scale (dBA). The data were digitally recorded by the sound level meters and displayed at the end of the measurement period in units of dBA. Measured quantities included L_{eq}, L_1, L_{10}, L_{50}, L_{90}, and 1/3 octave band levels. A windscreen was used during all sound measurements except for calibration. All measurement procedures were based on the guidelines outlined in ANSI Standard S1.13-2005.

The results of the existing noise level measurements are summarized in **Table H-3**.

9/19/2018



Development Site

Rezoning Area

Study Area (400-foot boundary)

1 *Noise Receptor Location*

1640 FLATBUSH AVENUE

Noise Receptor Locations

Figure H-1

At receptor sites 1 and 2, vehicular traffic was the dominant noise source. At receptor site 3, idling trucks at the loading bay contributed to the measured noise levels. Measured levels are relatively low to moderate and reflect the level of vehicular activity on the adjacent roadways. In terms of the CEQR criteria, the existing noise levels at Site 1 are in the "marginally unacceptable" category, while the existing noise levels at Site 2 and Site 3 are in the "marginally acceptable" category.

Table H-3
Existing Noise Levels in dBA

Site	Location	Time Period	L_{eq}	L_1	L_{10}	L_{50}	L_{90}
1	Flatbush Avenue between Aurelia Court and Avenue H	AM	70.3	79.3	73.3	67.8	61.6
		MD	70.6	79.9	72.8	68.7	63.3
		PM	70.1	77.9	73.2	68.2	61.0
2	Aurelia Court between Flatbush Avenue and East 32nd Street	AM	62.5	70.5	65.7	60.6	56.7
		MD	62.7	70.4	65.0	60.7	56.7
		PM	62.2	69.7	64.7	60.8	57.1
3	Loading bay alley west of Flatbush Avenue	AM	65.7	74.2	67.9	63.6	60.1
		MD	64.0	72.6	65.2	59.9	55.5
		PM	64.1	73.4	67.0	61.8	57.2

Note: Noise measurements were performed on January 20, 2016, February 2, 2016, February 11, 2016, September 13, 2018, September 14, 2018, and September 17, 2018.

E. NOISE ATTENUATION MEASURES

As shown in **Table H-2**, the *CEQR Technical Manual* has set noise attenuation quantities for buildings based on exterior $L_{10(1)}$ noise levels in order to maintain interior noise levels of 45 dBA or lower for residential uses and 50 dBA or lower for commercial uses. The results of the building attenuation analysis are summarized in **Table H-4**.

Table H-4
CEQR Building Attenuation Requirements

Receptor Site	Façade	Maximum Measured L_{10} (in dBA)	Attenuation Required[1] (in dBA)
1	North, East, South (within 50 ft. of Flatbush Avenue)	73.3	31
2	West, South (beyond 50 ft. of Flatbush Avenue)	65.7	N/A[2]

Notes:
[1] The CEQR attenuation requirements shown are for residential use; commercial uses would require 5 dBA less attenuation.
[2] "N/A" indicates that the L_{10} value is less than 70 dB(A). The *CEQR Technical Manual* does not address noise levels this low, therefore there is no minimum attenuation guidance.

Based on the values shown in **Table H-4**, required attenuation levels were determined for the Development Site. To implement this attenuation requirement, an (E) Designation for noise (E-506) would be applied to the Development Site (Block 7577, Lot 60) specifying the appropriate amount of window/wall attenuation. The text of E-506 would be as follows:

> **Block 7577, Lot 60: In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dBA**

window/wall attenuation on façades facing Flatbush Avenue, Lot 7501, and Aurelia Court (within 50 feet of Flatbush Avenue) to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

The attenuation of a composite structure is a function of the attenuation provided by each of its component parts and how much of the area is made up of each part. Normally, a building façade consists of wall, glazing, and any vents or louvers associated with the building mechanical systems in various ratios of area. Currently, the design for the Proposed Development includes acoustically rated windows and central air conditioning as an alternate means of ventilation. The Proposed Development's façades, including these elements, would be designed to provide a composite Outdoor-Indoor Transmission Class (OITC) rating[1] greater than or equal to those listed in above in **Table H-4**, along with an alternative means of ventilation in all habitable rooms of the residential units as is required by the (E) Designation. By adhering to (E) Designation requirements, sufficient attenuation would be provided to achieve the CEQR interior noise level guideline of 45 dBA or lower for residential uses and interior noise levels of 50 dBA or lower for commercial uses.

F. MECHANICAL EQUIPMENT

It is assumed that the Proposed Development's mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the proposed actions would not result in any significant adverse noise impacts related to building mechanical equipment. ✷

[1] The OITC classification is defined by ASTM International (ASTM E1332) and provides a single-number rating that is used for designing a building façade including walls, doors, glazing, and combinations thereof. The OITC rating is designed to evaluate building elements by their ability to reduce the overall loudness of ground and air transportation noise.

Attachment I: Urban Design and Visual Resources

A. INTRODUCTION

This attachment considers the potential of the proposed actions to affect urban design and visual resources. The Proposed Development would be a 13-story, approximately 166,116 gross square foot (gsf) mixed use building containing approximately 29,966 gsf of retail space and 115 residential units on a currently vacant site formerly occupied by a gas station. The project would include approximately 40 parking spaces on the cellar level, retail space on the first and second floors with the remainder of the building containing residential units.

Under the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, urban design is defined as the totality of components that may affect a pedestrian's experience of public space. These components include streets, buildings, visual resources, open spaces, natural resources, and wind. An urban design assessment under CEQR must consider whether and how a project may change the experience of a pedestrian in a study area. The *CEQR Technical Manual* guidelines recommend the preparation of a preliminary assessment of urban design and visual resources, followed by a detailed analysis, if warranted based on the conclusions of the preliminary assessment. The analysis provided below addresses urban design characteristics and visual resources for existing conditions and the future without and with the proposed actions.

As described below, the proposed actions would be consistent with the urban design character of the study area and would not affect visual resources. As such, the proposed actions would not result in significant adverse impacts on urban design or visual resources, nor the pedestrian's experience of these characteristics.

B. METHODOLOGY

Based on the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed "as-of-right" or in the future without the proposed project.

The proposed actions include a zoning map amendment to rezone the Development Site (Block 7577, Lot 60) and a portion of two lots (Lot 25 and Lot 69) west of the Development Site. The proposed actions would also include a zoning text amendment designating the Development Site as a Mandatory Inclusionary Housing Area. These actions would allow for development of a project that includes physical alterations observable by pedestrians that are not allowed by existing zoning. Therefore, the Proposed Development meets the threshold for a preliminary assessment of potential impacts to urban design and visual resources.

According to the *CEQR Technical Manual*, the study area for urban design is the area where the project may influence land use patterns and the built environment, and is generally consistent

with that used for the land use analysis. For visual resources, the view corridors within the study area from which such resources are publicly viewable should be identified. Consistent with *CEQR Technical Manual* guidance, since the analysis framework for this EAS assumes that in the With Action scenario, approval of the proposed actions would facilitate the redevelopment of the Development Site and not the larger Rezoning Area, the study area for this analysis of urban design and visual resources is limited to the area within a 400-foot radius of the Development Site, consistent with the analysis of land use, zoning, and public policy. The urban design and visual resources study area is generally bounded by Flatbush Avenue to the east, Avenue I to the south, the Livingston Garden Apartments along East 31st Street to the west, and the Triangle Junction retail development to the north (see **Figures I-1 and I-2**).

The *CEQR Technical Manual* recommends an analysis of pedestrian wind conditions for projects that result in the construction of large buildings at locations that experience high wind conditions (such as along the waterfront, or other location where winds from the waterfront are not attenuated by buildings or natural features), which may result in an exacerbation of wind conditions due to "channelization" or "downwash" effects that may affect pedestrian safety. This location is not affected by wind conditions. Therefore, an analysis of pedestrian wind conditions is not provided.

C. EXISTING CONDITIONS

URBAN DESIGN

DEVELOPMENT SITE AND REZONING AREA

The Development Site is located at 1640 Flatbush Avenue (Block 7577, Lot 60) is bounded by Flatbush Avenue to the east, Aurelia Court to the south, Livingston Garden Apartments to the west and the Triangle Junction retail center to the north. The Development Site was utilized as a gas station until late 2017. The former gas station infrastructure is oriented towards Flatbush Avenue with gas pumps that are sheltered by a flat metal canopy. There is also a small one-story building formerly associated with the gas station use located behind the gas pumps. The area around the building and gas pumps is paved, with parking spaces provided on the west side of the lot (see **Figure I-3 and Figure I-4**, Photo 3). There are a number of curb cuts that provide access in and out of the gas station, including three on Flatbush Avenue and two on Aurelia Court.

The portions of Lot 25 and Lot 69 that fall within the Rezoning Area currently contain residential buildings of six and seven stories, respectively. The building on Block 7577, Lot 25 (3111 Aurelia Court) is a seven-story plain brick building built in the 1940s (see **Figure I-3**, Photo 2). The building has a large footprint with an H-plan that forms exterior courts, and its façades are set back from the property line behind a landscaped area and an iron picket fence. The building entrance on Aurelia Court is recessed within the "H" and is at a lower grade than the street; a wide staircase provides access from the sidewalk to the entrance. The building on Block 7576, Lot 69 (850 East 31st Street) is a six-story brick building built in the 1930s which is largely unornamented and which has had alterations made to rebuild sections of the parapets at the roofline. This building is slightly set back from East 31st Street behind landscaped strips and has a number of exterior courts on East 31st Street. The building entrance is covered by a canopy that extends across the sidewalk.

Urban Design and Visual Resources
Photograph Key and Location Map

1640 FLATBUSH AVENUE

Figure I-1

9/5/2018

Development Site

Rezoning Area

Study Area Boundary (400-foot perimeter)

0 200 FEET

Urban Design and Visual Resources
Aerial View of Project Site and Study Area

1640 FLATBUSH AVENUE

Figure I-2

View facing southwest toward the Development Site. 6–7-story apartment buildings on East 32nd Street and Aurelia Court are visible behind and to the right of the Development Site. **1**

View facing northwest toward the Development Site. The building at 3111 Aurelia Court (Block 7577, Lot 25) in the Rezoning Area is visible on the left. The Triangle Junction retail center is on the left, past the Development Site. **2**

View facing northeast toward the Develpment Site; Triangle Junction to the north and Philip Howard Apartments to the east **3**

View facing south on Flatbush Avenue from Avenue H; photo includes Triangle Junction **4**

STUDY AREA

The urban design of the study area is laid out with wide avenues including Flatbush Avenue, which runs at an angle to the street grid, Avenues H and I, and more narrow cross streets. Flatbush Avenue is one-hundred feet wide and is a prominent street that carries north-south traffic in the study area, intersecting with Avenue H and Avenue I. There are two bus stops along the west side of Flatbush Avenue. There are also bike racks placed occasionally on the sidewalks along the avenue. The street has four lanes and has sporadic periods of heavy traffic (see **Figure I-4**, Photo 4, **Figure I-6**, Photo 8, and **Figure I-7**). Avenue H runs east-west at the north end of the study area. Its intersection with Flatbush Avenue is busy with vehicular traffic, as well as heavy pedestrian traffic. Bike racks are occasionally placed along the wide sidewalks along Avenue H. Avenue I is an eighty-foot wide two-lane street that runs east and west at the south end of the study area.

The street grid is broken up by several large apartment buildings and a retail complex on bigger superblocks. These superblocks and the angle of Flatbush Avenue create irregularly sized and shaped blocks, including the large block across from the Development Site east of Flatbush Avenue, and the smaller triangular shaped block formed by the intersection of Flatbush Avenue, Avenue H, and East 32nd Street at the north end of the study area. The street grid also creates triangular shaped intersections, such as those at Flatbush Avenue and East 132nd Street at the north end of the study area and Flatbush Avenue and New York Avenue at the south end of the study area. In addition, the larger blocks create short streets that dead end, including Aurelia Court and East 31st and 32nd Streets north of Avenue I.

South of the Development Site, Aurelia Court is 50-feet wide and extends only the length of two blocks, carrying one-way traffic. Street trees line both sides of the street. Aurelia Court provides access to the Development Site via two curb cuts, as described above. East 31st and 32nd Streets are sixty-foot wide one-way streets. North of Avenue I, East 31st Street extends for two blocks north-south and dead-ends at the south side of the Triangle Junction retail center. This street is lined with trees, with landscaping between the buildings and the sidewalks (described below), which provides a visual amenity to pedestrians (see **Figure I-5**, Photo 5). North of Avenue I, East 32nd Street extends for one block, terminating to the north at the Development Site, and is also lined by trees on both sides of the street. Another segment of this street then extends north, east of Flatbush Avenue, but at a different alignment than the street's alignment to the south, west of Flatbush Avenue. New York Avenue is an eighty-foot wide street that runs north-south and is interrupted by a large block containing the Philip Howard Apartments (see **Figure I-5**, Photo 6). In the north portion of the study area New York Avenue dead-ends at a parking lot accessed from Flatbush Avenue. The street then extends south at the intersection of Flatbush Avenue and Avenue I, at the south end of the study area.

There is also a private alley that extends between Flatbush and Nostrand Avenues along the north side of the Development Site, which borders the large Triangle Junction retail complex to the north. This alley is a paved roadway, bordered by a guardrail along its south side that provides access to loading areas for the Triangle Junction retail center.

Street furniture in the study area includes street lamps, traffic lights, bike racks, bus stop signs, fire hydrants, and trashcans. In addition, north of the Rezoning Area is an easement for a railroad right-of-way, the Bay Ridge Division of the Long Island Railroad; this below grade cut runs east/west beneath the streets, buildings, and parking lots between Nostrand Avenue to the west and to a point east of New York Avenue. The rail cut is lined with dense vegetation and trees.

View of sidewalk and landscaped area facing south on East 31st Street **5**

View facing south on New York Avenue from Avenue H looking toward the Philip Howard Apartments **6**

Philip Howard Apartments; View facing east from the corner of Flatbush Avenue and Avenue I. **7**

View facing north onto Flatbush Avenue; the Development Site on the left and the Philip Howards Apartments are on the right. **8**

View facing south on Flatbush Avenue; the Development Site is on the right. **9**

View facing south toward intersection of East 32nd Street and Flatbush Avenue; Development Site on the right, shopping plaza and Philip Howard Apartments on the left **10**

There are no prominent natural resources in the study area. Natural resources are limited to street trees; vegetation along the railroad right-of-way; and to grass, trees and shrubbery located on the grounds of some of the residential buildings in the study area. These include narrow landscaped strips with shrubs along the sidewalks or larger green areas that are between the setback of buildings and the streets. This type of landscaping is found at the apartment buildings located west of Flatbush Avenue and north of Avenue I (see **Figure I-5**, Photo 5), at the residential buildings on the south side of Avenue H east of East 32nd Street, and at the Philip Howard Apartments, which occupy the large superblock across Flatbush Avenue from the Development Site. At the Philip Howard Apartments, landscaped areas front along Flatbush Avenue in front of the building, which is set back from the street (see **Figure I-6**). These areas include a semi-circular shaped landscaped area with grass and shrubs that includes a circular fountain with a statue at its center; this semi-circular area is formed by the curved driveway that extends in front of the building and the street. Other grassy areas and shrubs are between the building and the driveway. At the rear of the Philip Howard Apartments, trees, vines and larger shrubs that are located in a private open space for the residents of that residential building project above a brick and concrete block wall on East 34th Street that borders the property.

There are no publicly accessible open spaces such as parks and playgrounds in the study area. For purposes of urban design, open spaces also include parking lots, and there are a number of parking lots in the study area. These include a large rectangular shaped paved parking lot on the east side of Flatbush Avenue between the Philip Howard Apartments and a commercial building north of it; access to this parking lot is via a curb cut on Flatbush Avenue. In addition, parking is located on the triangular parcel formed by the intersection of Flatbush Avenue, Avenue H, and East 32nd Street, to serve a bank on that block.

Buildings in the study area include a mix of residential and commercial uses and also range in terms of building size, shape, setback from the street, lot coverage, and placement on the zoning lot and block. On Flatbush Avenue there is a mix of residential, residential/commercial and commercial uses, with residential the most prominent use along the avenue. However, at the northern portion of the study area, Flatbush Avenue is lined with retail uses. The area where Flatbush Avenue intersects with Avenue H has a high concentration of retail commercial uses. On the west side of Flatbush Avenue, the Triangle Junction retail center is a 3-story building with a large footprint that occupies the parcel bounded by Avenue H to the north, Flatbush Avenue to the east, Nostrand Avenue to the west, and a private alley to the south (see **Figure I-3**, Photo 2, **Figure I-4**, Photo 4, **and Figure I-7**, Photo 9). There is a variety of signage on the building advertising the businesses located in the complex. The south end is clad in brick, with a rounded glass corner, and topped with a metal spire. Concrete pilasters and large scale windows make up the mid-portion of the structure, and the north end is designed with a rounded glazed corner. Behind this building, fronting along Nostrand Avenue, is a five-level open air concrete parking garage with a rectangular plan that includes parking at its fifth or rooftop level. Access to this garage is set within an entrance at the base of the structure, with two curb cuts—one for entering and one for exiting—on Nostrand Avenue.

On the triangular shaped parcel bounded by Flatbush Avenue, Avenue H and East 32nd Street at the north end of the study area there is a one-story rectangular building containing a bank. This building is set at an angle to the Flatbush Avenue and Avenue H intersection, creating a small outdoor plaza on the north side of the bank landscaped with trees. The building has a primarily glazed façade on its north exposure and is otherwise mostly clad in brick. The south side of the bank has a covered two-stall vehicular drive-thru within a small chain-link fenced parking lot with access from East 32nd Street via a curb cut. Southeast of this block, on the east side of East

32nd Street, there is a rectangular shaped shopping plaza building that occupies the south end of the block bounded by Avenue H, East 32nd Street, and New York Avenue that contains a bank, a convenience store, and miscellaneous specialty shops (see **Figure I-7**, Photo 10). The one-story shopping plaza building is oriented east-west, with its short west façade fronting on East 32nd Street. This façade is clad in brick and has large windows on its west façade.

The remainder of the study area including along Flatbush Avenue is mostly developed with residential buildings though some have ground floor retail and medical offices. Directly south of the shopping plaza are the Philip Howard Apartments (see **Figure I-5**, Photo 6, and **Figure I-6**). This 20-story building is clad in brick and has a landscaped entrance in front of the building (described above) on Flatbush Avenue. This building has a Y-shaped footprint, rises without setbacks, and has projecting balconies. Entrances and exits to the building's parking garage are located south of the building on Flatbush Avenue where there is a curb cut and also on East 34th Street where there is another curb cut. Just south of the Philip Howard Apartments and fronting on Flatbush Avenue and the north side of Avenue I between Flatbush Avenue and East 34th Street is a group of three-story mixed-use buildings (see **Figure I-6**, Photo 7). The first floors contain commercial uses including convenience shops, a restaurant and a neighborhood daycare center; the top two floors are residential. These buildings have small and narrow footprints, are built to the sidewalk, and are older buildings clad in brick. South of the Development Site and occupying the full block bounded by Flatbush Avenue, Avenue I, East 32nd Street, and Aurelia Court is a seven-story apartment building with a large H-shaped footprint, that rises without setbacks. Its entrance is on Avenue I, recessed within the "H," and there are a number of medical offices located at ground level along Flatbush Avenue (see **Figure I-6**, Photo 8).

Aurelia Court and East 31st and East 32nd Streets north of Avenue I are lined with six- and seven-story apartment buildings that have large footprints, with a number of the buildings filling the entire block. These buildings are clad in brick and rise without setbacks (see **Figure I-3**, Photo 1).

The south side of Avenue I is primarily developed with residential buildings. These primarily consist of detached and semi-detached two-family houses that are set back from the street behind small paved or landscaped yards. Narrow driveways are between the buildings, accessed from Avenue I via curb cuts, and which provide access to parking behind the buildings. The houses are two stories and typically have peaked roofs, some with a central dormer window (see **Figure I-8**, Photo 11). The small blockfront between New York Avenue and Flatbush Avenue contains a very small building that contains a petroleum shop, set against side façade of the building that fronts onto New York Avenue south of Avenue I. The remainder of the area is paved and the northernmost buildings that front onto New York and Flatbush Avenues south of Avenue I present blank brick façades without windows along Avenue I.

Along the south side of Avenue H east of East 32nd Street including along the portion of New York Avenue located in the north portion of the study area, New York Avenue is developed with six-story brick apartment buildings. These buildings are set back from Avenue H; the one on the east side of New York Avenue is also set back from the New York Avenue sidewalk behind a narrow landscaped area. These buildings have large footprints and rise without setbacks.

View facing east on Avenue I **11**

VISUAL RESOURCES

DEVELOPMENT SITE AND REZONING AREA

As defined in the *CEQR Technical Manual*, "a visual resource is the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources." As described above, the Development Site is currently vacant, but operated as a gas station until late 2017. The portions of Lot 25 and Lot 69 that fall within the Rezoning Area currently contain residential buildings of six and seven stories, respectively. There are no visual resources on the Development Site or within the Rezoning Area. In addition, there are no views to visual resources from the Development Site or Rezoning Area.

STUDY AREA

The study area contains mostly residential buildings developed in the mid- to late-20th century, as well as recent commercial development. The study area does not contain historic buildings, waterfront features, or public parks. Natural resources in the study area are limited to street trees and landscaped areas alongside apartment buildings. Therefore, there are no visual resources in the study area. In addition, there are no visual resources, such as historic buildings or prominent natural features visible from the study area.

D. THE FUTURE WITHOUT THE PROPOSED ACTIONS

URBAN DESIGN

DEVELOPMENT SITE AND REZONING AREA

Absent the proposed actions, the applicant would redevelop the Development Site with an as-of-right (AOR) mixed used building consistent with the site's existing C8-2 and R6 zoning districts (see **Table I-1** and **Figures I-9 and I-10**). The AOR building would be four stories (approximately 60 feet) tall and approximately 93,304 gsf in total. The building would contain a mix of retail and community facility use, with two levels of underground parking. The retail space, approximately 25,138 gsf, would occupy the first two floors of the building. The community facility space, approximately 27,432 gsf, would occupy a small portion of the first two floors and the full third and fourth floors and is expected to be occupied by medical office use, such as an ambulatory diagnostic and health care facility. To meet zoning requirements related to parking (1 space for every 400 sf of commercial or community facility floor area [per ZR 36-21]), there would be two below-grade floors reserved for parking (approximately 40,734 gsf) to accommodate the approximately 131 spaces required by zoning. The AOR building would fill the site with a building with a two-story base (approximately 34 feet); above this base the upper two-stories would set back from the street façades and rise to a maximum height of 60 feet.

No changes to urban design are anticipated on the remainder of the Rezoning Area in the future without the proposed actions. The proposed actions would bring the existing residential uses located on these lots into greater compliance and conformance with zoning regulations.

Existing Conditions

As-of-Right Illustrative Massing

Proposed Project Illustrative Massing

Comparison of Views
Looking North on Flatbush Avenue

Existing Conditions

As-of-Right Illustrative Massing

Proposed Project Illustrative Massing

Comparison of Views
Looking South on Flatbush Avenue

Table I-1
Future No Action and With Action Development Program Assumptions

Components	Future No Action (As-of-Right)	Future With Action (Proposed Development)	Increment
Community Facility (gsf)	27,432	0	-27,432
Retail (gsf)	25,138	29,966	+4,828
Parking (gsf)	40,734	15,454	-25,280
Residential (gsf)	0	115,056	+115,056
Dwelling Units	0	115*	+115
Dwelling Units (affordable)	0	23*	+23
Parking (spaces)	131	40	-91
Total gsf	93,304	160,476**	67,172

Notes:
* The Land Use Application for the proposed actions references 114 units (34 affordable pursuant to MIH Option 2). The MIH program option would ultimately be determined through the ULURP process. The EAS conservatively analyzes 115 units, with 20 percent (23 units) assumed affordable to households with incomes at or below 80 percent of Area Median Income (AMI).
** When accounting for mechanical/buildings support /cellar (5,640 gsf) the total gsf of the building is 166,116 gsf.

STUDY AREA

As discussed in Attachment B, "Land Use, Zoning, and Public Policy," within the 400-foot study area, there is one new development expected to be complete by the Proposed Development's 2021 build year: At 2247-2277 Nostrand Avenue (Block 7576, Lot 12)—a six-story, mixed-use residential and commercial/community facility building with 38 residential units (30,008 sf)—31,527 sf of commercial space, 424 sf of community facility space, and 148 enclosed parking spaces will be developed. As described above, the study area contains a number of six- and seven-story residential buildings. In addition, the study area includes both residential and commercial uses, with some of the buildings being mixed-use and containing residential uses along with retail space or doctor's offices. This development would be consistent with the uses and urban design of the study area.

E. THE FUTURE WITH THE PROPOSED ACTIONS

URBAN DESIGN

DEVELOPMENT SITE AND REZONING AREA

As shown in **Table I-1**, the Proposed Development on the Development Site would consist of a 13-story, approximately 166,116 gsf mixed use building containing approximately 29,966 gsf of retail space and 115,056 gsf of residential use (115 units). Approximately 15,454 gsf would be provided for parking, on both the ground floor and cellar level; parking would be provided for the residential use (parking requirements for the proposed retail use would be waived) (see **Figures I-9 and I-10**). Mechanical, buildings support services and cellar space would constitute an additional 5,640 gsf in the building.

The building would occupy the entire lot (see Figures A-1 through A-3 in Attachment A, "Project Description"). Two curb cuts would be located on Aurelia Court for the enclosed loading dock and entrance to the below grade parking; these curb cuts would be located at the

west end of the building, across from the foot of East 32nd Street. The two curb cuts would be consistent with the number of curb cuts (two) presently at the Development Site. There would no longer be any curb cuts on Flatbush Avenue. The main entrance and lobby would be on Aurelia Court. Retail would be located in the remainder of the ground floor and also at the second floor level. Along Flatbush Avenue, the Proposed Development would rise seven stories with a base height of approximately 84 feet (below the maximum allowable base height of 105 feet) before setting back 10 feet. An additional six floors would rise for a total building height of approximately 142 feet (the maximum allowable building height is 145 feet). The west end of the building would consist of the seven-story base along Aurelia Court, with a two-story section of the building midblock to the north; this two-story section would include a rooftop terrace for the residents. New street trees would be planted along the sidewalks on Flatbush Avenue and on Aurelia Court; there are planting requirements that call for one tree for every 25 feet of street frontage.

The Proposed Development on the Development Site would be approximately 67,172 gsf greater than the AOR mixed-use building (or 72,812 gsf including mechanical/building support/cellar space) and would contain residential uses while the AOR mixed-use building would contain community facility use (see **Table I-1**). The Proposed Development would be approximately 82 feet taller (nine stories) than the AOR mixed-use building. As currently contemplated and shown in **Table I-2**, the zoning floor area of the Proposed Development would be in compliance with the proposed zoning floor area requirements.

Table I-2
Development Site Existing/As-of-Right and Proposed Zoning

Zoning District	Maximum Allowable FAR	Area within Zoning District	Maximum Allowable ZFA	Proposed ZFA
Existing/As-of-Right Zoning				
C8-2	2.00 (commercial)	15,213	30,426	24,109
	4.80 (community facility	15,213	73,022.40	16,971
R-6	2.43 residential; with Quality Housing 3.0 residential within 100-feet of a wide street and 2.2 beyond 100 feet of a wide street	3,000	7,290	N/A
	4.80 (community facility)	3,000	14,400	9,125
Proposed Zoning				
C4-4D (R8A equivalent)	3.4 (commercial)	18,213	61,924.20	29,966
	6.5 (community facility)	18,213	118,384.50	N/A
	7.2 (MIH bonus) Residential	18,213	131,133.60	100,972

Sources: S9 Architecture, Zoning Resolution of the City of New York

No changes to urban design characteristics are anticipated on the balance of the Rezoning Area in the future with the proposed actions. The proposed actions would bring the existing residential uses located on these lots into greater compliance and conformance with zoning regulations.

STUDY AREA

The Proposed Development would result in a building that would be built on an existing city block and would therefore not affect the street patterns or the size and shapes of blocks in the study area. The inclusion of two curb cuts on Aurelia Court would not be expected to impact the pedestrian, as there are presently two curb cuts to the Development Site at this location. Removal of the three curb cuts along Flatbush Avenue would be expected to improve the pedestrian's experience along this section of Flatbush Avenue.

The proposed building, at 13 stories, would be consistent in height with the range of 2- to 20-story buildings in the study area. While the buildings in the study area do not exceed 7 stories with the exception of the 20-story Philip Howard Apartments, the Proposed Development would have a base height (approximately 84 feet) that would be consistent with the height of the commercial development north of the Development Site (Triangle Junction) and the residential buildings to the south and west of the Development Site (see **Figures I-9 and I-10**). In addition, the Proposed Development would be located along a wide avenue, and across the street from the Philip Howard Apartments.

Covering the full lot, the Proposed Development would be generally consistent with the urban design of the study area, where most of the bigger apartment buildings have large footprints. A number of the buildings fully cover their lots, such as the Triangle Junction retail center, while some of the larger apartment buildings also fill much of their lots, such as those buildings located south and west of the Development Site, north of Avenue I. Containing residential and retail uses, the Proposed Development would complement the existing uses in the study area.

The Proposed Development would differ from the urban design of the study area in that it would include upper story setbacks. As described above, the taller residential buildings in the study area (those six stories and taller) rise to their full height without stepping back. However, the Proposed Development's base height of approximately 84 feet (below the maximum allowable base height of 105 feet) would contribute to a relatively consistent streetwall along the west side of Flatbush Avenue that is currently broken by the presence of the former gas station on the Development Site. It is not expected that the upper story setbacks (above the seventh floor) would negatively affect the experience of the pedestrian. The setting back of the upper stories of the building would minimize the visibility of the upper stories of the building to the pedestrian. In addition, the AOR building would also include the use of upper story setbacks, though the AOR building would be shorter and the setbacks would occur at a lower height. The glazed retail frontages at the ground and second floors of the Proposed Development would be expected to enliven the Flatbush Avenue streetscape (see Figure A-3 in Attachment A, "Project Description").

The Proposed Development would also contain new street trees along the Flatbush Avenue and Aurelia Court sidewalks, which would also be consistent with the urban design of the study area and have a beneficial effect to the pedestrian experience. Therefore, the Proposed Development would not be expected to adversely affect any urban design features of the study area, and would not adversely affect the experience of the pedestrian.

VISUAL RESOURCES

DEVELOPMENT SITE AND REZONING AREA

As there are no visual resources located on the Development Site or within the Rezoning Area, the proposed actions would have no significant adverse impacts on such resources.

STUDY AREA

As there are no visual resources within the study area, the Proposed Development would have no significant adverse impact on visual resources.

Conclusions

Overall, the proposed actions would not result in significant adverse impacts on urban design or visual resources, or the pedestrian's experience of these characteristics of the built and natural environment. The proposed actions do not warrant further analysis of urban design and visual resources. ✷

APPENDIX A
AGENCY CORRESPONDENCE

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 19DCP028K
Project:
Address: 1640 FLATBUSH AVENUE, **BBL:** 3075770060
Date Received: 9/28/2018

[X**] No architectural significance**

[X**] No archaeological significance**

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[ ] May be archaeologically significant; requesting additional materials

Gina Santucci

10/5/2018

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 31335_FSO_GS_10052018.doc

NYC Environmental Protection

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
Fax (718) 595-4422
alicata@dep.nyc.gov

September 14, 2018

Matthew Katz
Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: 1640 Flatbush Avenue
Block 7577, Lots 25 and 60 and Block 7576, Lot 69
CEQR # 19DCP028K

Dear Mr. Katz:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the August 2018 Environmental Assessment Statement prepared by AKRF, Inc. and the August 2014 Phase I Environmental Site Assessment (Phase I) prepared by WCD Group on behalf of 1640 Flatbush LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking a zoning map amendment and a zoning text amendment from the New York City Department of City Planning (DCP) to facilitate the construction of a 13-story, approximately 165,532-gross square foot mixed-use building containing residential and retail uses on Block 7577, Lot 60 (Development Site). The Development Site is located at the northwest corner of Aurelia Court and Flatbush Avenue in Brooklyn Community District 14. It should be noted that the proposed actions would affect an area slightly larger than the Development Site. Specifically, the proposed zoning map and text amendments would affect a portion of adjacent Block 7577, Lot 25, and Block 7576, Lot 69. No changes are expected to occur in the future with the proposed actions on Block 7577, Lot 25 or Block 7576, Lot 69.

The August 2014 Phase I report revealed that historical on-site and surrounding land uses consisted of a variety of residential and commercial uses including a gasoline filling station, an automotive repair shop and garage, dry cleaners, a metal working shop, a convenience store, a strip mall shopping center, residential buildings, a college campus, a bank, a freight station, a lumber shed, an ice company, a planning mill, etc. Regulatory databases identified 22 spills within 1/8 mile; 20 underground storage tank sites and 31 aboveground storage tank sites within 1/4 mile; and 27 leaking storage tank sites within 1/2 mile of the subject property.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

Block 7577, Lot 60 (Site under the control or ownership of the applicant)

- Based on the applicant's proposal to construct subject to New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) requirements, DEP concurs that the incorporation of all testing and remedial measures under NYSDEC BCP requirements will ensure that there would be no potential for significant adverse hazardous materials impacts as a result of the proposed project. DEP recommends that an (E) designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject property. The (E) designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance in the event the applicant withdraws their participation from the NYSDEC BCP. These measures will ensure the development is protective of human health and the environment through the Mayor's Office of Environmental Remediation oversight as part of the New York City Department of Buildings approval process.

Future correspondence and submittals related to this project should include the following CEQR # **19DCP028K**. If you have any questions, you may contact me at (718) 595-4358.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

c: R. Weissbard
T. Estesen
M. Wimbish
R. Dobruskin – DCP
O. Abinader – DCP
M. Bertini – OER

APPENDIX B
JAMAICA BAY WATERSHED PROTECTION PLAN

Print Form

Jamaica Bay Watershed Protection Plan
Project Tracking Form

The Jamaica Bay Watershed Protection Plan, developed pursuant to Local Law 71 of 2005, mandates that the New York City Department of Environmental Protection (DEP) work with the Mayor's Office of Environmental Coordination (MOEC) to review and track proposed development projects in the Jamaica Bay Watershed (http://www.nyc.gov/html/oec/downloads/pdf/ceqr/Jamaica_Bay_Watershed_Map.jpg) that are subject to CEQR in order to monitor growth and trends. If a project is located in the Jamaica Bay Watershed, (the applicant should complete this form and submit it to DEP and MOEC. This form must be updated with any project modifications and resubmitted to DEP and MOEC.

The information below will be used for tracking purposes only. It is not intended to indicate whether further CEQR analysis is needed to substitute for the guidance offered in the relevant chapters of the CEQR Technical Manual.

A. GENERAL PROJECT INFORMATION

1. CEQR Number: 19DCP028K 1a. Modification ☐
2. Project Name: 1640 Flatbush Avenue
3. Project Description:

The Applicant, 1640 Flatbush LLC, is seeking CPC approval of two actions to facilitate the new construction of an approximately 166,116-gross square foot (gsf) mixed-use building containing residential (115,056 gsf - 115 units) and retail (29,966 gsf) uses (the "Proposed Development").

4. Project Sponsor: 1640 Flatbush LLC
5. Required approvals: Zoning Map and Text Amendments through CPC/ULURP
6. Project schedule (build year and construction schedule): 2021 and 18-24 months

B. PROJECT LOCATION:

1. Street address: 1640 Flatbush Avenue, Brooklyn NY
2. Tax block(s): 7577 Tax Lot(s): 60
3. Identify existing land use and zoning on the project site: Vacant; C8-2/R6
4. Identify proposed land use and zoning on the project site: Residential and Commercial; C4-4D
5. Identify land use of adjacent sites (include any open space): Residential and Commercial
6. Describe existing density on the project site and the proposed density:

Existing Condition	Proposed Condition
vacant	166,116 gsf, 7.2 FAR (including MIH bonus)

7. Is project within 100 or 500 year floodplain (specify)? ☐ **100 Year** ☐ **500 Year** ☒ **No**

C. GROUND AND GROUNDWATER

1. Total area of in-ground disturbance, if any (in square feet): approx .18,000 sf
2. Will soil be removed (if so, what is the volume in cubic yards)? 8,094.44 (estimated)
3. Subsurface soil classification:
   (per the New York City Soil and Water Conservation Board): urban land/urban fill
4. If project would change site grade, provide land contours (**attach** map showing existing in 1' contours and proposed in 1' contours).
5. Will groundwater be used (list volumes/rates)? ☐ **Yes** ☒ **No**

   Volumes: Rates:
6. Will project involve dewatering (list volumes/rates)? ☐ **Yes** ☒ **No**

   Volumes: Rates:
7. Describe site elevation above seasonal high groundwater:

   Elevation of the Development Site is approximately 30 ft. above mean sea level. Groundwater currently exists at approximately 27 to 29 feet below ground surface.

D. HABITAT

1. Will vegetation be removed, particularly native vegetation? ☐ **Yes** ☒ **No**

   If YES,
   - **Attach** a detailed list (species, size and location on site) of vegetation to be removed (including trees >2" caliper, shrubs, understory planting and groundcover).
   - **List** species to remain on site.
   - **Provide** a detailed list (species and sizes) of proposed landscape restoration plan (including any wetland restoration plans).
2. Is the site used or inhabited by any rare, threatened or endangered species? ☐ **Yes** ☒ **No**
3. Will the project affect habitat characteristics? ☐ **Yes** ☒ **No**

   If YES, describe existing wildlife use and habitat classification using "Ecological Communities of New York State." at http://www.dec.ny.gov/animals/29392.html.
4. Will pesticides, rodenticides or herbicides be used during construction? ☐ **Yes** ☒ **No**

   If YES, estimate quantity, area and duration of application.
5. Will additional lighting be installed? ☐ **Yes** ☒ **No**

   If YES and near existing open space or natural areas, what measures would be taken to reduce light penetration into these areas?

E. SURFACE COVERAGE AND CHARACTERISTICS

(describe the following for both the existing and proposed condition):

	Existing Condition	Proposed Condition
1. ***Surface area:***		
Roof:	N/A	The site would be developed with a mixed-use building (full lot coverage)
Pavement/walkway:	approx. 18,000 sf paved lot	The site would be developed with a mixed-use building (full lot coverage)
Grass/softscape:	N/A	N/A
Other (describe):	N/A	N/A
2. ***Wetland*** (regulated or non-regulated) area and classification:	None	None
3. ***Water surface area:***	None	None

4. ***Stormwater management*** (describe):

Existing – how is the site drained?

The Development Site currently drains to the existing combined sewer network in this area of Brooklyn.

Proposed – describe, including any infrastructure improvements necessary off-site:

The Development Site would continue to connect to the existing combined sewer network. The Proposed Development will be required to meet NYCDEP's site connection approval process to comply with required stormwater release rates.