

962-972 FRANKLIN AVENUE REZONING

Chapter 13: Unavoidable Adverse Impacts

A. INTRODUCTION

This chapter summarizes unavoidable significant adverse impacts resulting from the Proposed Actions. According to the 2021 *City Environmental Quality Review (CEQR) Technical Manual*, unavoidable significant adverse impacts are those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if mitigation is infeasible.

As described in **Chapter 11, “Mitigation,”** the Proposed Actions would result in significant adverse impacts with respect to open space (direct impacts from shadows), shadows, natural resources (direct impacts from shadows), and construction (noise). To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet their purpose and need, eliminate their impacts, and not cause other or similar significant adverse impacts. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated.

B. OPEN SPACE, SHADOWS, NATURAL RESOURCES

As described in **Chapter 3, “Open Space,” Chapter 4, “Shadows,”** and **Chapter 5, “Natural Resources,”** the Proposed Project would result in significant adverse impacts due to direct shadows effects on open space and natural resources in Brooklyn Botanic Garden and on open space resources in Jackie Robinson Playground.

As discussed in **Chapter 11, “Mitigation,”** the Applicant has identified and considered two measures as potential mitigation for the significant adverse shadow impacts. They include 1.) Relocating the Brooklyn Botanic Garden sunlight sensitive resources, and 2.) the installation of artificial lighting within the Brooklyn Botanic Garden sunlight sensitive resources. However, in consultation with the New York City Department of Parks and Recreation (NYC Parks), the Lead Agency concluded that the relocation of the Brooklyn Botanic Garden facilities to mitigate the shadow impacts of the Proposed Project would be infeasible, as it would present major challenges both financially and logistically to the Applicant and the Brooklyn Botanic Garden. Likewise, based on guidance from NYC Parks, the implementation of artificial lighting to mitigate the shadow impacts of the Proposed Project on Brooklyn Botanic Garden was also deemed infeasible for financial and logistical reasons by the Lead Agency.

Additionally, NYC Parks has advised that potential mitigation for the Proposed Action’s shadows impact on the Jackie Robinson Playground could be provided by improvements to the facility, consisting of two elements. The first would entail installation of synthetic turf with asphalt painted, track and adjacent sidewalk. These new facilities would replace existing handball courts, including handball court wall in the playground’s southwestern portion of the playground. The second would entail the installation of lighting for the existing basketball courts in the playground’s southeast portion. The appropriateness and desirability of these, or potentially other improvements and mitigation measures, will be further explored

between the DEIS and FEIS by the Applicant together with community stakeholders, with the advice of NYC Parks. If implementation of these or other appropriate and desirable measures is determined to be financially feasible, the impacts to Jackie Robinson Playground may be considered partially mitigated.

Consideration of other measures that could provide full or partial mitigation at these sunlight-sensitive resources are being explored by the Applicant in consultation with the Lead Agency and NYC Parks and will be further explored between the DEIS and FEIS.

In the event that the implementation of measures that are being explored between the DEIS and FEIS are found to be infeasible or the Lead Agency determines that they would not fully mitigate the Proposed Actions' significant adverse shadow impacts on open space and natural resources, then the Proposed Project would result in unmitigated significant adverse shadow impacts to these resources.

C. CONSTRUCTION

Noise

Chapter 10, "Construction," concludes that the Proposed Actions would have the potential to result in temporary significant adverse construction noise impacts at receptor locations surrounding the Proposed Development Site. Portions of six buildings would be affected, including the southern façade nearest to the Franklin Avenue Shuttle and courtyard façades of the future 960 Franklin Avenue residential building, the western and southern facades of 1015 Washington Avenue, the northern façade of 1035 Washington Avenue, the eastern façade and a portion of the northern façade of 1 Sullivan Place, the western façade of the P.S. 375 Jackie Robinson school, and the western façade of the Ebbets Field Apartments. However, construction would typically occur during weekday daytime hours and would therefore not produce noise during nighttime hours when residents would be most sensitive to noise. Construction activities would follow the requirements of the New York City Noise Control Code (also known as Chapter 24 of the Administrative Code of the City of New York, or Local Law 113) for construction noise control measures. Specific noise control measures would be incorporated in noise mitigation plan(s) required under the New York City Noise Control Code. These measures could include a variety of source controls (i.e., reducing noise levels at the source or during the most sensitive time periods) and path controls (e.g., placement of equipment, implementation of barriers or enclosures between equipment and sensitive receptors). However, the implementation of these measures would not eliminate all of the identified significant adverse construction noise impacts predicted to occur during hours when the loudest pieces of construction equipment are in use. Consequently, these construction (noise) impacts would not be fully mitigated and would therefore constitute an unavoidable significant adverse construction (noise) impact.

At the receptors predicted to experience impacts, mitigation measures to control noise would also be offered during construction of the Proposed Project. While some of the impacted buildings feature modern façade construction, including insulated glass windows and an alternative means of ventilation that would allow for the maintenance of a closed-window condition (such as the future residential building at 960 Franklin Avenue that is expected to be completed in late 2026), it is not possible to definitively determine the presence of these features at all receptors that would have the potential to experience temporary construction noise impacts. As described in **Chapter 10, "Construction,"** various façades of 1015 and 1035 Washington Avenue, 1 Sullivan Place, P.S. 375 Jackie Robinson school, and the Ebbets Field Apartments are predicted to experience a temporary construction noise impact. A measure to partially mitigate the construction noise impacts would be to make available, for purchase and installation, storm windows for façades that do not already have insulated glass windows and/or one

window air conditioner per living room or bedroom or other noise sensitive space that do not already have alternative means of ventilation. If implemented, these mitigation measures would be implemented prior to the start of construction. The feasibility of this measure along with additional mitigation measures will be explored further by the Applicant in consultation with DCP and DEP between the DEIS and FEIS.