962-972 FRANKLIN AVENUE REZONING
Executive Summary

A. INTRODUCTION

This EIS considers the discretionary actions requested by Franklin Ave. Acquisition LLC ("the Applicant") that would facilitate the development of a mixed-use residential and commercial building at 970 Franklin Avenue (Block 1192, Lots 63 and 66) (the "Proposed Development Site"). The Proposed Development Site is located on the block bound by Montgomery Street, Franklin Avenue, Sullivan Place, and Washington Avenue, on the eastern side of the Franklin Avenue subway shuttle right-of-way, in the Crown Heights neighborhood of Brooklyn Community District (CD) 9. As shown in **Figure ES-1**, the Proposed Development Site is located within the larger Project Area which consists of Block 1192, parts of Lots 1, 46, 63, 66, 77, and 85.

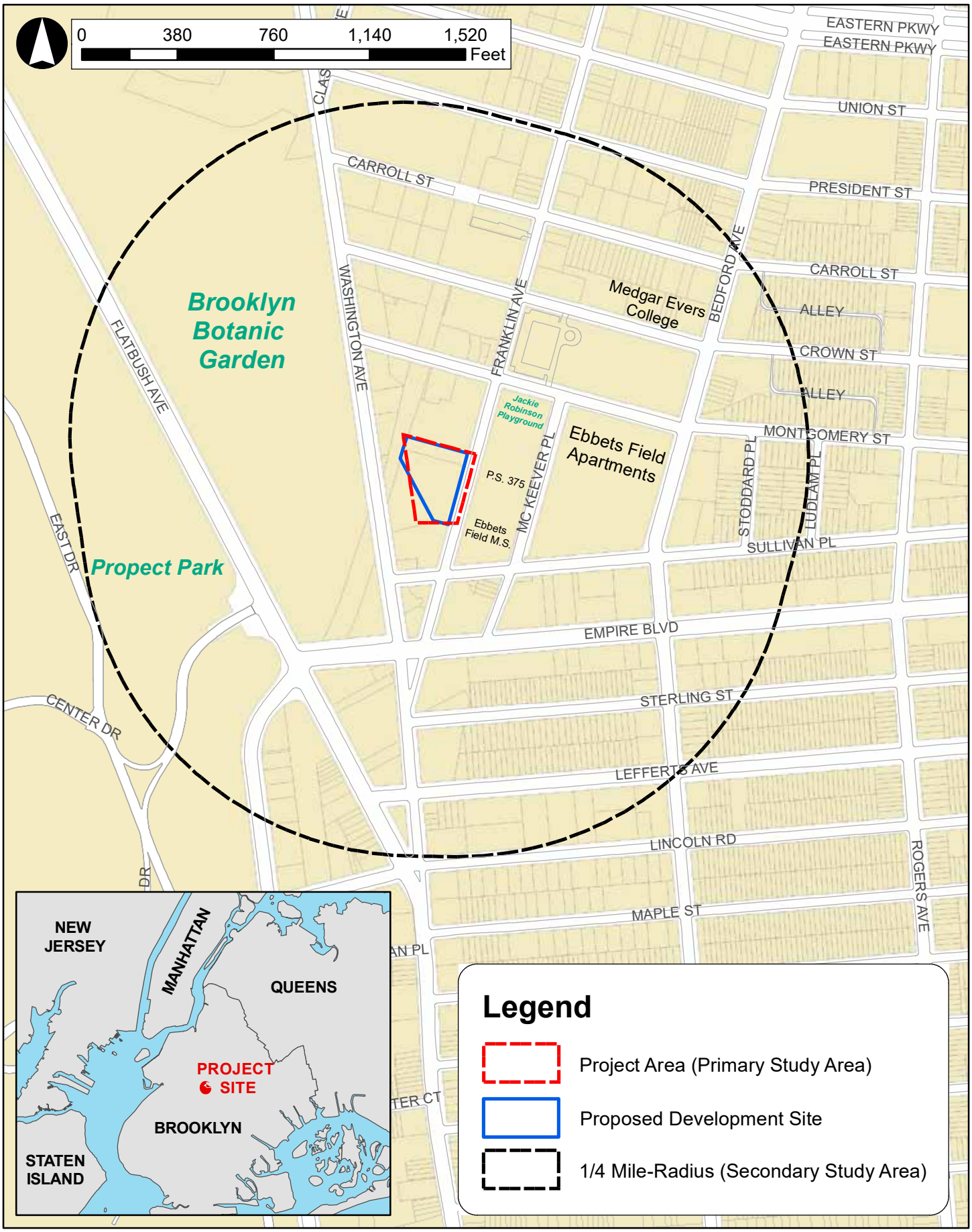
The Proposed Actions consist of a zoning map amendment, zoning text amendment, and special permit. The Proposed Actions are outlined below.

1. The proposed zoning map amendment, which would extend the existing R8A zoning district and rezone the Project Area from R6A to R8A with a C2-4 commercial overlay (mapped in the Project Area within 100 feet of Franklin Avenue), would increase the permitted FAR in the Project Area, allowing for additional development of residential uses and for the development of commercial uses that would not be permitted under existing conditions.
2. The proposed zoning text amendment to Appendix F of the Zoning Resolution (ZR) would designate the Project Area as a Mandatory Inclusionary Housing Area (MIH) and would require 25-30% of the residential floor area to be designated as permanently affordable housing units.
3. A special permit would be required pursuant to ZR section 74-533 to waive the parking requirements per ZR section 25-23. The requested parking reduction would facilitate the development of additional affordable housing in a development site located within a transit zone. The proposed R8A zoning district would require parking for 40 percent of the non-income restricted units, for a total of approximately 143 required parking spaces. The Proposed Project would provide parking for approximately 20 percent of the proposed market-rate dwelling units (approximately 71 spaces). As such, 72 parking spaces would be waived by the requested special permit. It should be noted that no parking would be required for the income-restricted units.

Approval of the Proposed Actions would facilitate the development of a 14-story (145-foot-tall excluding mechanical equipment), 471,495 gross square foot (gsf) mixed-used residential and commercial building containing 475 dwelling units (DUs) (419,346 gsf), 119 of which would be permanently affordable pursuant to MIH, 8,128 gsf of local retail space, 27,349 gsf of parking area, 2,752 gsf of loading area, and approximately 13,920 gsf of mechanical/storage space (the "Proposed Project"). The proposed affordable housing would help to address affordable housing goals set forth by the City in Housing New York: A Five-Borough, Ten-Year Plan. The Proposed Project would be constructed on underbuilt and vacant land near public transportation and other public amenities.

Parking for approximately 20 percent of all market-rate units would be provided at the Proposed Project (approximately 71 parking spaces). The accessory parking garage would be accessed via a curb cut on Franklin Avenue.

Figure ES-1
Project Location



It is expected that the Proposed Project would be constructed over an approximately 31-month period following project approval, with completion and occupancy expected to occur in 2027.

On July 12, 2024, the Applicant filed an amended zoning text application (the "Modified Zoning Text Amendment," ULURP No. N230357(A)ZRK) intended to reduce the significant adverse impacts related to shadows, open space and natural resources raised in the DEIS. The proposed Modified Text Amendment would amend ZR 23-443 to establish maximum heights on certain MIH Areas within Brooklyn Community District 9 and amend ZR 24-56 to establish a companion provision to ZR 23-443 applicable to community facilities. The proposed Modified Zoning Text Amendment would modify the underlying height and setback regulations by establishing an absolute height limit for structures within an MIH Area on the block bound by Sullivan Place, Washington Avenue, Montgomery Street, and Franklin Avenue (the "Zoning Text Amendment Boundary"), based on the structure's location relative to the Brooklyn Botanic Garden (BBG) Resources. The height and setback regulations of the underlying zoning district would apply, except that the maximum height of any structure would be limited along an imaginary sloping plane, the location and angle of which are intended to closely align with the angle at which sunlight reaches the BBG Resources. Above the imaginary sloping plane, the general provisions for permitted obstructions would not apply, except that parapets and safety rails could penetrate the reduced height limit if they are at least fifty percent open or ninety percent transparent materials. A technical memorandum assessing whether this amended application would alter the conclusions presented in the DEIS was published on July 23, 2024 on the New York City Department of City Planning's (DCP) website, and is further described and analyzed in Chapter 12, "Alternatives," of this FEIS.

B. BACKGROUND AND EXISTING CONDITIONS

The area subject to the proposed zoning map and text amendments (the "Proposed Rezoning Area" or "Project Area") is located on the eastern portion of tax block 1192 in the Crown Heights neighborhood of Brooklyn Community District 9. It is bounded by Montgomery Street to the north, Franklin Avenue to the east, and the Franklin Avenue Shuttle right-of-way to the west. The Proposed Rezoning Area comprises portions of tax lots 1, 46, 63, 66, 77, and 85.

Within the Project Area, the Applicant proposes to redevelop Lot 63 located at 962 Franklin Avenue, and Lot 66 located at 972 Franklin Avenue. Together, also referred to as 970 Franklin Avenue, these lots comprise the 53,257 sf Proposed Development Site[1]. The Proposed Development Site has approximately 288 feet of frontage along Franklin Avenue.

Land Use

The Proposed Development Site

Lot 63 is occupied by a one-story 12,968 gsf warehouse building that is part of the larger spice warehouse facility.

Per a survey obtained by the Applicant, Lot 66 is a 40,277-sf lot that has remained predominantly vacant since 1961. Prior uses on the southern portion of the site include tennis courts from 1951 to 1961; the

[1] Lot areas for the Proposed Development Site are based on a survey obtained by the Applicant.

Rubel Corporation's ice production and distribution facility from 1932 to 1951; and Flatbush Hygienic Ice Company's ice production and distribution facility from 1908 to 1932.

There are three existing curb cuts along Franklin Avenue. Not all curb cuts are used for site access on a regular basis at present. Only the northernmost curb cut on Franklin Avenue leads to a loading dock along Franklin Avenue (Lot 63). The other two curb cuts lead to the vacant Lot 66.

The Balance of the Project Area

The Project Area also includes portions of four lots not owned or under the control of the Applicant, including: part of Lot 1 (approximately 251 sf or less than one percent of the 32,461 sf lot), part of Lot 46 (approximately 555 sf or one percent of the 54,131 sf lot), part of Lot 77 (approximately 6,969 sf or 25.3 percent of the 27,479 sf lot), and part of lot 85 (approximately 186 sf or 0.6 percent of the 28,123 sf lot), as shown in **Table ES-1**. These properties, located partially within the Project Area, are occupied by the following land uses:

- Lot 1 is a 32,461-sf rectangular property which contains the MTA's Franklin Avenue subway shuttle right-of-way, an open-cut subway line that transects Block 1192 from Montgomery Street to Washington Avenue. Approximately 251 sf of the larger lot is located within the Project Area. As this tax lot is owned by the MTA, it is unlikely to be developed as a consequence of the Proposed Actions.
- 124 Montgomery Street (Lot 46) is an irregularly shaped 54,131 sf corner lot partially located within the Project Area. Approximately 555 sf of lot area (less than one percent of the total lot area) is located within the Project Area. Therefore, it is unlikely the property would be redeveloped as a result of the Proposed Actions.
- 1015 Washington Avenue (Lot 77) is a 27,479 sf trapezoidal property partially located within the Project Area. Lot 77 is occupied by a six-story, 95,000 gsf multi-family residential building, which has a built FAR of 3.14. The current residential building contains 90 dwelling units constructed before 1974. Although Lot 77 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped since only a small portion (25.3 percent) of the site would be rezoned because of the Proposed Actions.
- 1035 Washington Avenue (Lot 85) is a 28,123 sf irregular shaped property partially located within the Proposed Rezoning Area. Lot 85 is occupied by a six-story, 117,250 gsf multi-family residential building which represents a built FAR of 3.79. The current residential building contains 104 dwelling units constructed before 1974. Although Lot 85 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped as only a small portion (0.6 percent) of the site would be rezoned because of the Proposed Actions.

TABLE ES-1
Percentage of Lot Area Within the Existing R6A Zoning District (Project Area)

Block	Lot[1]	Address	Total Lot Area (SF)[2]	Square Footage of Lot Within Proposed Rezoning Area (SF)	Percentage of Lot Located Within the Existing R6A Zoning District (the Project Area) (%)
1192	1	Washington Avenue (MTA Right-of-Way)	32,461	251	<1%
	46	124 Montgomery Street	54,131	555	1%
	63	962 Franklin Street	12,980	12,851	99%
	66	972 Franklin Street	40,277	38,666	99%

	77	1015 Washington Avenue	27,479	6,969	25%
	85	1035 Washington Avenue	28,123	186	<1%
[1]The shaded rows represent the Proposed Development Site. [2]Lot area comes from PLUTO data (lots 1, 46, 77 and 85) and from a topographic survey (the Proposed Development Site).					

As described above, the Proposed Actions would not be expected to result in new development on Lots 1, 46, 77 or 85.

Zoning

The Proposed Development Site is primarily located within an R6A zoning district. Small portions of the lots located within the Project Area are also located within the R8A zoning district. The majority of Lots 1, 77, and 85 and small portions of Lots 63 and 66 are zoned R8A (Refer to **Figure ES-2**).

As shown in **Figure ES-2,** an R6A zoning district is mapped across most of the Proposed Development Site. However, portions of the Project Area are already mapped with an R8A zoning district. As described above, the existing zoning district boundaries create split lot conditions for the following tax lots: 1, 63, 66, 77, and 85. As shown in **Table ES-1**, the vast majority of the Proposed Development Site is located within the boundaries of the existing R6A/proposed R8A zoning district extension (99 percent of Lots 63 and 66). Only a small portion of Lots 1, 46, 77 and 85 would be rezoned as a result of the Proposed Actions, with approximately one percent of Lot 46, 25 percent of Lot 77 and less than one percent of Lot 85 being located within the Proposed Rezoning Area. Less than one percent of Lot 1 would be located within the Project Area and this property is an open subway cut for the MTA's Franklin Avenue subway shuttle. Therefore, it is not likely to be redeveloped as a result of the Proposed Actions.

R6A

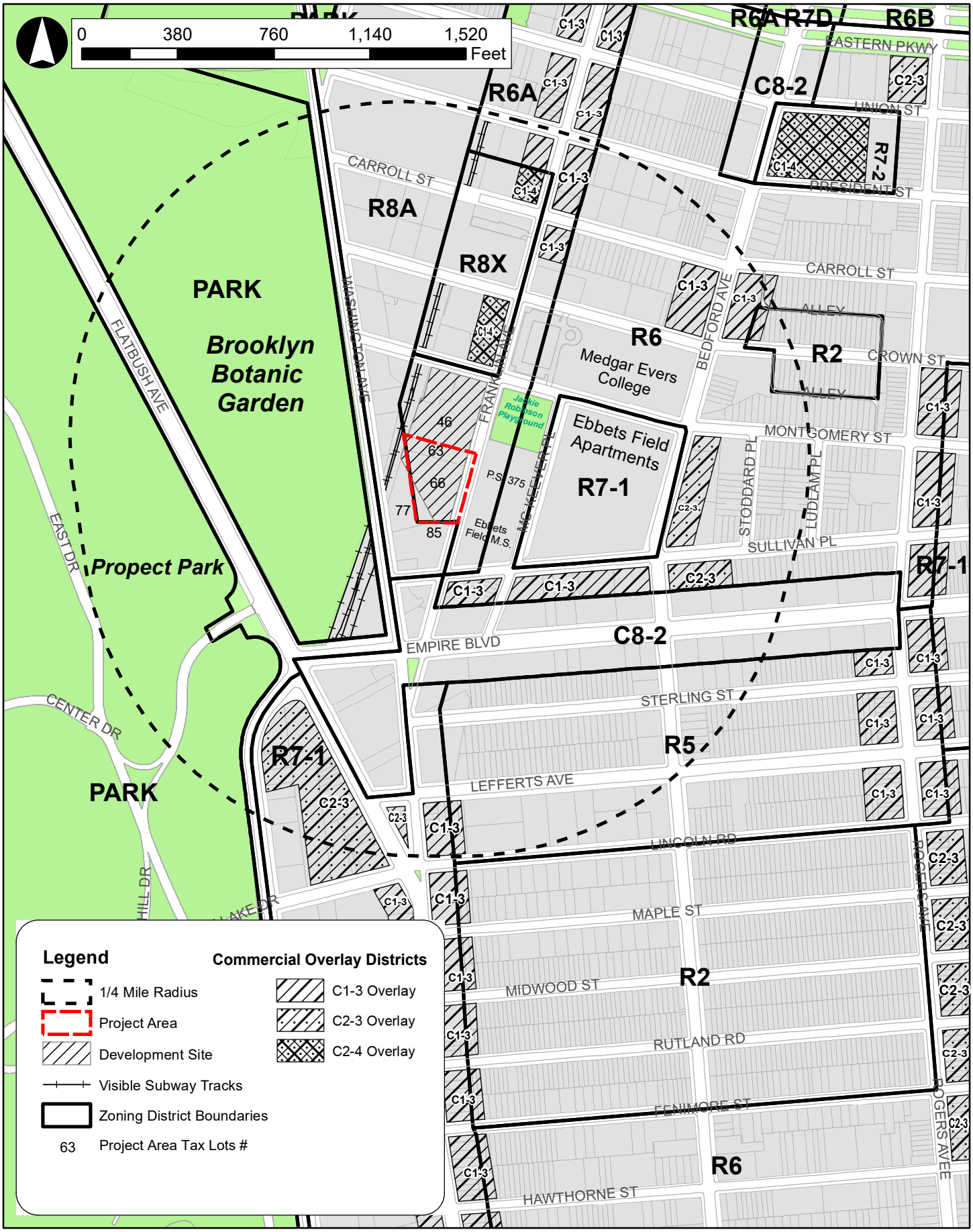
R6A zoning districts are medium-density contextual districts where Quality Housing bulk regulations are mandatory. R6A districts permit a maximum FAR of 3.0 with a minimum base height of 40 feet, a maximum base height of 60 feet (65 feet with a qualifying ground floor), and a maximum building height of 70 feet (75 feet with a qualifying ground floor). Under the recently approved City of Yes Carbon Neutrality zoning text amendment, for buildings less than 120 feet a maximum bulkhead height of 35-feet is permitted. Parking is required for 50 percent of the market-rate dwelling units in R6A zoning districts. The Proposed Development Site is currently zoned R6A, which allows for medium-density residential (Use Group 1 and 2) and community facility uses (Use Groups 3 and 4). Commercial and industrial/manufacturing uses are not permitted.

R8A

R8A zoning districts are high-density contextual districts where Quality Housing bulk regulations are mandatory. R8A districts permit a maximum residential FAR of 6.02, and a total maximum FAR for projects with community facility uses of 6.5. The R8A district permits a minimum base height of 60 feet, a maximum base height of 85 feet (95 feet with a qualifying ground floor), and a maximum building height of 120 feet (125 feet with a qualifying ground floor). Parking is required for 40 percent of dwelling units in R8A zoning districts.

Under Inclusionary Housing, the R8A district permits a maximum FAR of 7.20 with a minimum base height of 60 feet, a maximum base height of 105 feet, and a maximum building height of 140 feet (145 feet with a qualifying ground floor). Under the recently approved City of Yes Carbon Neutrality zoning text amendment, for buildings taller than 120 feet a maximum bulkhead height of 55-feet is permitted. Parking is required for 40 percent of dwelling units in R8A zoning districts.

Figure ES-2
Existing Zoning



City of Yes for Carbon Neutrality

On December 6, 2023, the City Council voted in favor of the City of Yes for Carbon Neutrality text amendment. The text amendment will help decarbonize New York City by updating our zoning rules to make it easier to install green energy technology, including certain rooftop obstructions like solar panels. The allowable height of permitted obstructions varies based on the zoning district and overall building height. Under the City of Yes for Carbon Neutrality text amendment, rooftop equipment could cover up to 50 percent of the building to a height of fifteen feet. Within this area, 30 percent could rise above 15 feet to account for larger equipment and elevator bulkheads. In R6 through R10 Zoning Districts, on buildings 120 feet or lower, these permitted obstructions are allowed to rise to a height of 35 feet. For buildings 120 feet or higher, these permitted obstructions are allowed to rise to a height of 55 feet total above the maximum permitted building height in the Zoning District.

City of Yes for Economic Opportunity

On June 6, 2024, the City Council voted in favor of the City of Yes for Economic Opportunity text amendment. The City of Yes for Economic Opportunity modernizes the City's zoning regulations to support small businesses, create thriving commercial corridors, and bolster New York City's economic recovery. The City of Yes for Economic Opportunity removes outdated limitations on businesses and ensure that local retail streets and commercial centers across the City can remain lively places that sustain the City's neighborhoods. This initiative is part of Mayor Eric Adams' Rebuild, Renew, and Reinvent: A Blueprint for New York City's Economic Recovery.

City of Yes for Housing Opportunity

The NYC Department of City Planning is proposing a citywide zoning text amendment, the City of Yes for Housing Opportunity "CHO" (CEQR No. 24DCP033Y) to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City. The proposed CHO zoning text amendment was referred into public review on April 29, 2024, and a Notice of Completion of a DEIS was issued on April 26, 2024~~It is anticipated that this proposed zoning text amendment would be referred into public review in Spring 2024~~. The R8A zoning district included in the Proposed Actions would not benefit from any additional FAR or increased height under CHO. Therefore, it has been determined that the 962-972 Franklin Avenue Rezoning project will not be affected by the CHO citywide text amendment.

1991 Contextual Rezoning

In 1991, the Project Area was rezoned in conjunction with a Department of City Planning rezoning of a 13-block area bounded by Eastern Parkway, Washington Avenue, Sullivan Place, and a line 100 feet east of Franklin Avenue, pursuant to ULURP No. C910293 ZMK. The application rezoned R6 and R8 districts and a 150-foot-deep C1-3 commercial overlay to contextual R6A and R8A districts and reduced the C1-3 overlay to a 100-foot depth. The rezoning was intended to encourage mid-rise, high coverage buildings, and to prevent incursion of commercial uses in the residential mid-blocks. The 1991 rezoning effort was City Planning's response to area conditions in 1991, namely, to encourage contextual residential development.

ZQA and MIH

On September 21, 2015, the CPC certified into ULURP (i) the Zoning for Quality and Affordability text amendment ("ZQA") under ULURP No. N160049ZRY, and (ii) the Mandatory Inclusionary Housing text amendment ("MIH") under ULURP No. N160051ZRY. The ZQA text amendment allows modest five, ten or fifteen-foot height increases in certain zoning districts to allow for buildings with desirable high-ceilinged ground floor retail space, to allow for variety in building envelopes, to reduce parking requirements for buildings providing affordable housing under the Inclusionary Housing program in certain transit-rich areas, and to accommodate all permitted floor area in the permitted bulk envelope, particularly in buildings providing affordable housing under the Inclusionary Housing program. The MIH text amendment makes the Inclusionary Housing program mandatory in certain districts to facilitate the production of affordable housing. On February 2, 2016, the New York City Planning Commission approved the text amendments with modifications. On March 22, 2016, the City Council approved the text amendments.

960 Franklin Avenue Rezoning

The Project Area was part of the previous 960 Franklin Avenue Rezoning proposal (C200184 ZMK, C200186 ZSK, C200187 ZSK, and N200185 ZRK) (CEQR No. DCP095K). The application included a zoning text amendment, zoning map amendment, and several special permits to rezone Block 1192, Lots 40, 41, 46 and portions of Lots 1, 63, 66, 77, and 85 to R9D/C2-4 to facilitate the development of two 39-story mixed-use towers (424 and 421 feet tall north and south towers, respectively) including 1,478 DUs, 21,183 gsf of local retail space, 9,678 gsf of community facility space, and parking for approximately 16 percent of all market-rate dwelling units (approximately 128 spaces). The application was disapproved by the City Planning Commission (CPC) in September 2021.

Topography

The topography of the Proposed Development Site slopes downwards from Montgomery Street toward the southern edge of the property. Existing elevations in the vicinity of the property generally range from approximately 92 feet at the Project Area's northeastern corner to approximately 86 feet near Franklin Avenue at the southern edge of the property (as measured in North American Vertical Datum of 1988 (NAVD 88)).

Neighborhood Context

The area immediately north of the Proposed Development Site, consisting of Lots 41 and 46 on the northern portion of the same block, contains several multi-story buildings totaling 107,744 gsf, including an office building, a former boiler building, as well as buildings which contain spice warehousing and spice processing uses. In addition, a decommissioned smokestack is located north of the Proposed Development Site.

Prior uses to the north of the Proposed Development Site include: Burton Dixie Corporation, a manufacturer of mattresses and cotton felts, from 1932 to 1955; and Consumers Park Brewery, a brewery with cold storage and bottling of beverages from 1908 to 1932. The buildings on Lots 41 and 46 have been determined eligible for listing on the New York State/National Registers (S/NR), but the NYC Landmarks Preservation Commission (LPC) has indicated that the buildings do not meet their criteria for designation.

The Project Area is located in the Crown Heights neighborhood of Brooklyn. Nearby neighborhoods include Prospect-Lefferts Gardens and Prospect Heights, and the Project Area is also located just east of Prospect Park and the Brooklyn Botanic Garden. During the past several years, the neighborhood has

experienced considerable residential growth. The secondary study area, located within a radius of approximately a quarter-mile of the Project Area, is primarily residential and institutional, but also accommodates some commercial/office space, transportation uses, open space resources, and vacant land.

The quarter-mile study area is comprised of predominately residential buildings (67.9 percent of buildings in the secondary study area) with several institutions/public facilities (13.3 percent of buildings) and mixed commercial and residential buildings (10.3 percent of floor area in the secondary study area). Additionally, industrial and manufacturing buildings comprise approximately 3.3 percent of the buildings in the secondary study area. The approximate quarter-mile radius around the Project Area also accommodates smaller amounts of commercial/office space (3.7 percent of the total building area), and open space (0.9 percent of the total building area).

Approximately 10.0 percent of lot area and 4.4 percent of buildings in the quarter-mile study area is comprised of public facilities and institutions. P.S. 241 Emma L. Johnston (976 President Street), P.S. 375 Jackie Robinson School/M.S. 352 Ebbets Field (46 McKeever Place) and the City University of New York's (CUNY's) Medgar Evers College campus (1637 Bedford Avenue) are located within a quarter-mile of the proposed rezoning area.

Additionally, several religious institutions are located within an approximate quarter-mile radius of the Project Area. The Full Gospel Assembly Pentecostal Church (836 Franklin Avenue) is located four blocks north of the Project Area. The Ebenezer Haitian Baptist Church (1594 Bedford Avenue), the Kingdom Hall of Jehovah's Witnesses (1032 Carroll Street), and the Full Gospel Assembly of God (131 Sullivan Place) are located in the eastern section of the secondary study area. Grace Reformed Church (1800 Bedford Avenue) and the Gospel Truth Church of God (1055 Washington Avenue) are located within the quarter-mile radius to the south of the Project Area.

Additional institutions in the quarter-mile radius include the Brooklyn Museum (200 Eastern Parkway) at the northwestern limits of the quarter-mile radius proposed rezoning area; the Five Block Day Care Center (955 Carroll Street) to the east of the proposed rezoning area; and, the Institute for Community Living Inc. (516 Flatbush Avenue), a 20-bed congregate community residence for individuals who are diagnosed with co-occurring psychiatric and substance abuse disorders is located at the southern limits of the radius. The Bedford-Union Armory (1555 Bedford Avenue) is located just beyond the limits of the quarter-mile boundary to the northeast of the Project Area.

There are also several large open space resources within the area. A portion of Prospect Park, including the Prospect Park Zoo (450 Flatbush Avenue), is located to the southwest of the Project Area. A majority of the Brooklyn Botanic Garden, including the Science Center (109 Montgomery Street), is also located within a quarter-mile radius, to the west of the Project Area. To the northwest of the Project Area is the 1.36-acre Dr. Ronald McNair Park, bounded by Eastern Parkway, Classon Avenue, and Washington Avenue.

The residential buildings in the area surrounding the Project Area vary greatly, ranging in height and density from two-story, semi-detached houses, to six-story apartment buildings, to the seven 25-story Ebbets Field Houses apartment buildings containing approximately 1,300 dwelling units at 1720 Bedford Avenue to the east of the Project Area. Tivoli Towers, located at the northern limits of the quarter-mile radius, is a Mitchell-Lama residential complex built in the 1970s, consisting of 33 stories (297 feet high) and approximately 321 dwelling units.

C. DESCRIPTION OF THE PROPOSED ACTIONS

The Proposed Actions include a zoning map amendment, zoning text amendment, and a special permit to reduce the required parking for market-rate dwelling units. These actions are detailed below.

Zoning Map Amendment

The proposed zoning map amendment, which would rezone the Project Area from R6A to R8A with a C2-4 commercial overlay mapped within 100 feet of Franklin Avenue, would increase the permitted FAR in the Project Area (see **Figure ES-2** for boundaries of the Project Area/Proposed Rezoning Area), allowing for development of more residential and commercial uses than could be provided under existing conditions. As shown in **Figure ES-2**, the northern boundary of the Project Area would be approximately 285 feet south of Montgomery Street and would extend from the centerline of Franklin Avenue to the right-of-way of the Franklin Avenue shuttle to the western side of the right-of-way. The eastern boundary would extend along Franklin Avenue from a point approximately 285 feet south of Montgomery Street to a point approximately 150 feet north of Sullivan Place. The southern boundary of the Project Area would extend west from Franklin Avenue in a line that runs parallel to and approximately 150 feet north of Sullivan Place to a point approximately 100 feet east of Washington Avenue. The western boundary of the Project Area would run parallel to and 100 feet east of Washington Avenue from a point approximately 150 feet north of the Sullivan Place centerline to a point approximately 300 feet west of Franklin Avenue and 285 feet south of Montgomery Street.

The proposed R8A/C2-4 zoning district would allow for the development of a wider range of uses at higher densities and would create opportunities for a more vibrant, mixed-use community, while maximizing space for affordable housing units. Within an R8A/C2-4 district, residential and community facility uses would be subject to the bulk controls of an R8A district and commercial uses would be subject to the bulk controls of a C2-4 district.

Zoning Text Amendment

A zoning text amendment to Section 23-90 (Appendix F) of the ZR is being sought in order to establish the entirety of the Project Area as a MIH area. The proposed zoning text amendment, which would designate the Proposed Rezoning Area as a MIH area, would require the construction of affordable residential units on the Applicant-owned and controlled Proposed Development Site. The City's MIH program specifies that an applicant can choose between Option 1, which requires that 25 percent of the housing must be affordable to households making 60 percent of the AMI for a household of three, and Option 2, which requires that 30 percent of the housing must be affordable to households making 80 percent of AMI for a household of three.

Special Permit to Reduce Required Parking

A special permit is being requested pursuant to ZR section 74-533 to waive the parking requirements per ZR section 25-23, which states that parking is required for 40 percent of the non-income restricted units. The Proposed Project would be required to provide approximately 143 parking spaces. The Proposed Project would provide parking for approximately 20 percent of market-rate units (approximately 71

parking spaces). As such, 72 parking spaces would be waived by the requested special permit. It should be noted that no parking would be required for the income-restricted units under MIH zoning.

Modified Zoning Text Amendment

On July 12, 2024, the Applicant filed an amended zoning text application (the "Modified Zoning Text Amendment," ULURP No. N230357(A)ZRK) intended to reduce the significant adverse impacts related to shadows, open space and natural resources raised in the DEIS. The proposed Modified Text Amendment would amend ZR 23-443 to establish maximum heights on certain MIH Areas within Brooklyn Community District 9 and amend ZR 24-56 to establish a companion provision to ZR 23-443 applicable to community facilities. The proposed Modified Zoning Text Amendment would modify the underlying height and setback regulations by establishing an absolute height limit for structures within an MIH Area on the block bound by Sullivan Place, Washington Avenue, Montgomery Street, and Franklin Avenue (the "Zoning Text Amendment Boundary"), based on the structure's location relative to the Brooklyn Botanic Garden (BBG) Resources. The height and setback regulations of the underlying zoning district would apply, except that the maximum height of any structure would be limited along an imaginary sloping plane, the location and angle of which are intended to closely align with the angle at which sunlight reaches the BBG Resources. Above the imaginary sloping plane, the general provisions for permitted obstructions would not apply, except that parapets and safety rails could penetrate the reduced height limit if they are at least fifty percent open or ninety percent transparent materials. A technical memorandum assessing whether this amended application would alter the conclusions presented in the DEIS was published on July 23, 2024 on the New York City Department of City Planning's (DCP) website, and is further described and analyzed in **Chapter 12, Alternatives**, of this FEIS.

Restrictive Declaration and (E) Designation

The Proposed Actions would also require recordation of a Restrictive Declaration (RD) and an (E) Designation. Upon approval, the Applicant would enter into an RD, a legally binding mechanism tied to the Proposed Development Site that would identify project components related to the environment (PCREs) and mitigation measures. These may include, potentially, measures to mitigate construction air quality and noise impacts that would occur as a result of the Proposed Project. Such measures and their feasibility are being explored and will be further explored between the Draft and Final EIS. Additionally, the project approvals would also include recordation of an (E) Designation (E-728) related to hazardous materials, to commit future development of the Proposed Development Site in accordance with any necessary conditions identified through the environmental review and related to air quality, as disclosed in the EAS, to restrict the minimum height of any heating, ventilating, and air conditioning (HVAC) system and hot water equipment stack to the building's highest tier and at least 148 feet above grade to avoid any potential significant adverse air quality impacts, in the event a fossil-fuel fired boiler is used.

D. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

The proposed zoning map amendment, which would rezone the area from R6A to R8A with a C2-4 overlay mapped within 100 feet of Franklin Avenue, combined with the text amendment and other requested discretionary actions described above, would facilitate the Proposed Project by increasing the permitted FAR in the Project Area, allowing for the development of more residential space, including approximately 119 units of affordable housing that would be permanently affordable housing through the City's MIH program. The proposed rezoning would also allow for the introduction of new local retail uses within 100

feet of Franklin Avenue.

The proposed zoning text amendment, which would designate the Project Area as a MIH area, would require the construction of affordable dwelling units on the Applicant-owned Proposed Development Site. As described above, the MIH program has two main options for applicants to select from, which require that either 25 or 30 percent of the total residential floor area be made permanently affordable. The creation of new affordable housing would help to address affordable housing goals set forth by the City in *Housing New York: A Five-Borough, Ten-Year Plan*. Further, the 119 units of affordable housing would help to meet the stated goal of Brooklyn Community District 9 in the fiscal year 2023 *Statement of Community District Needs and Community Board Budget Requests* to address the critical need for affordable housing.

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

The Proposed Actions would result in the extension of the existing R8A district mapped to the west along Washington Avenue to the Project Area. The proposed zoning map amendment would be consistent with existing zoning districts in the surrounding area.

E. DESCRIPTION OF PROPOSED PROJECT

For analysis purposes, it is anticipated that the Proposed Actions would facilitate the development of an approximately 471,495 gsf (383,451 zsf) mixed-use residential and commercial development. The Proposed Project would comprise approximately 419,346 gsf of residential uses, introducing a total of approximately 475 DUs, of which 119 DUs would be permanently affordable pursuant to MIH (7.2 FAR).

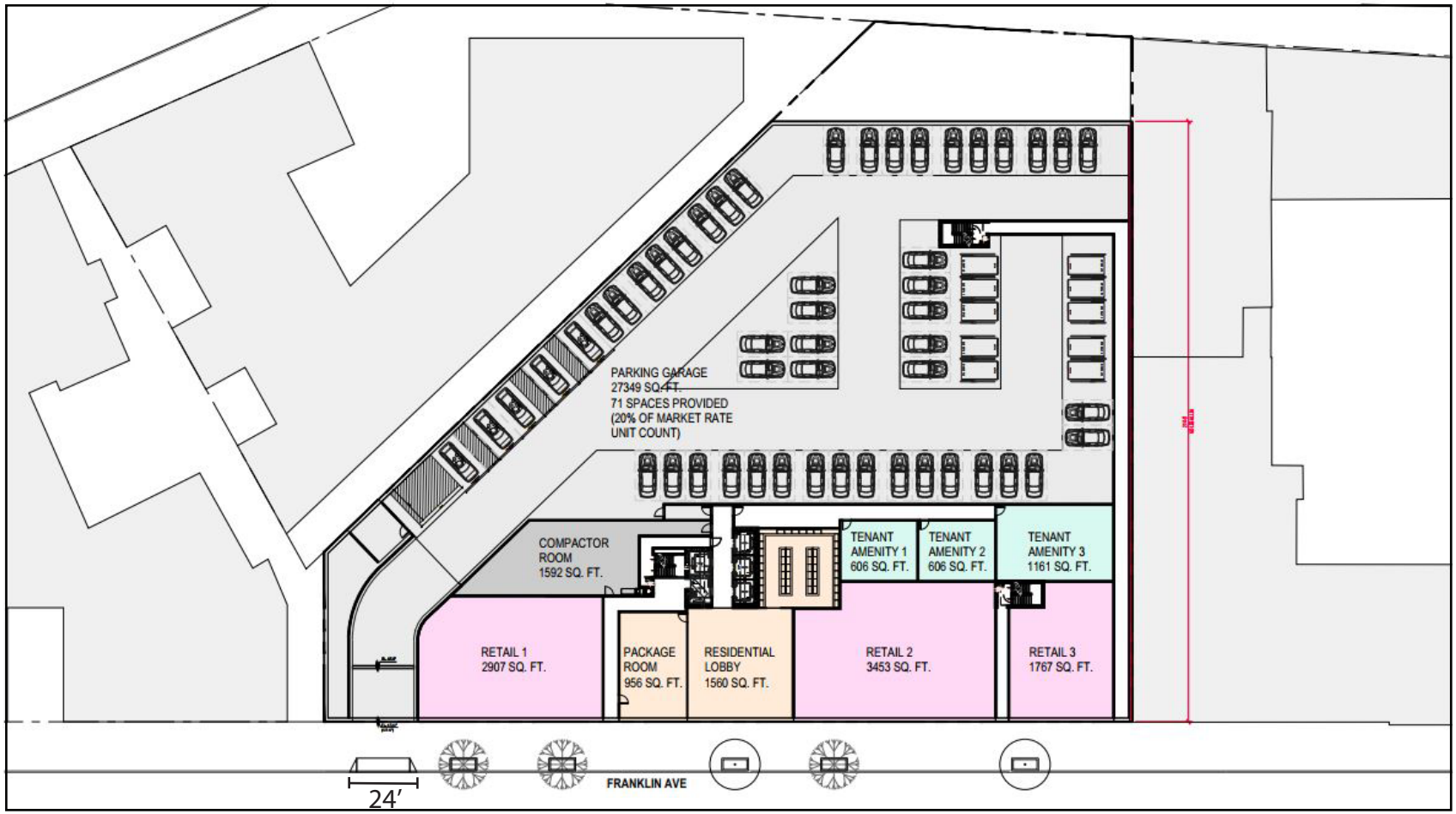
In addition to the residential component, approximately 8,128 gsf of ground floor local retail space would be provided. Approximately 30,101 gsf would be allocated for parking on the ground- and cellar-levels of the Proposed Project (approximately 71 spaces). The remaining 13,920 gsf would be used for mechanical/storage purposes. As shown in the ground floor plan in **Figure ES-3**, the accessory parking garage would be accessed via a curb cut on Franklin Avenue.

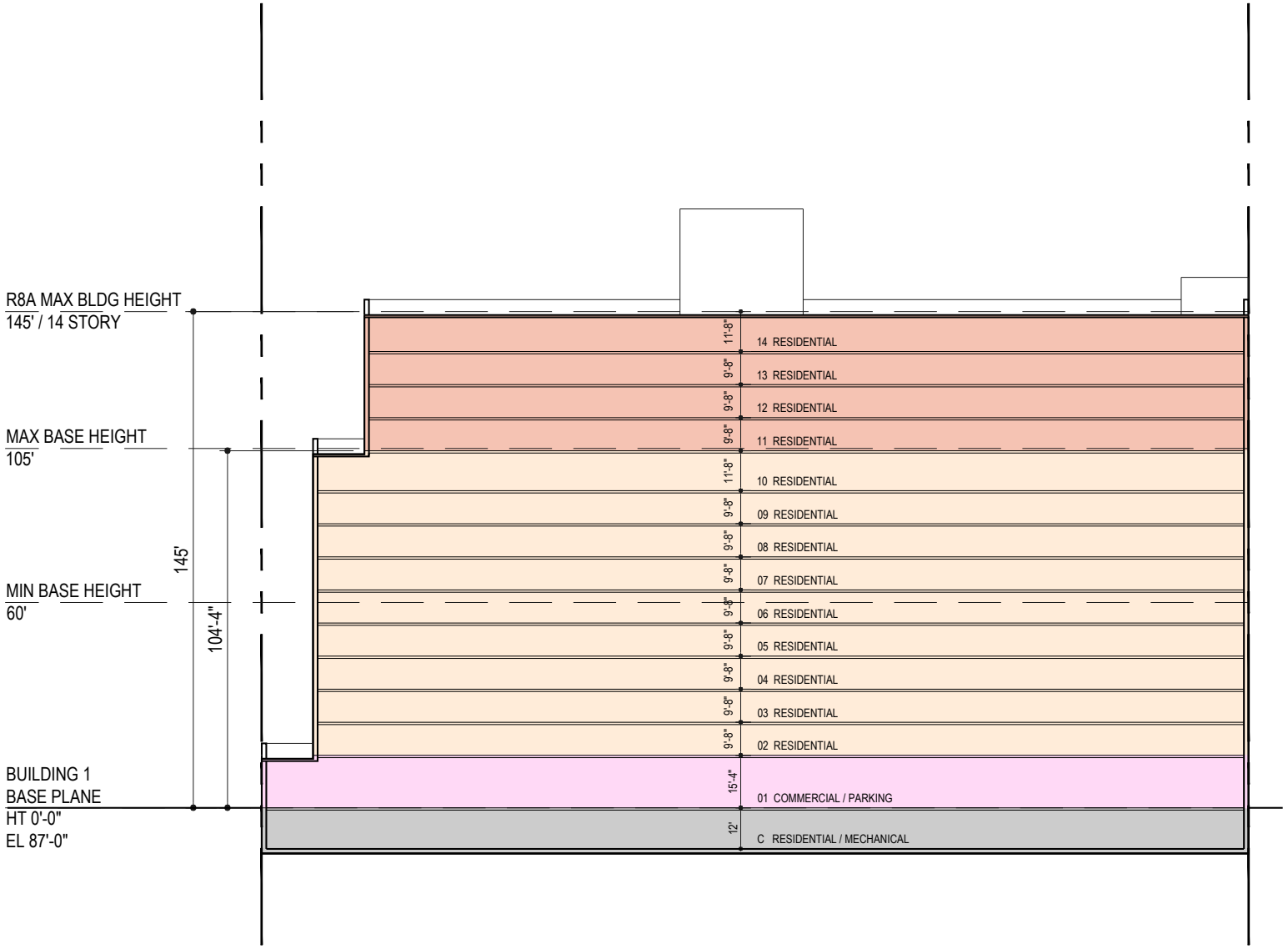
The Proposed Project would comply with the height, bulk, and setback regulations of the proposed R8A/C2-4 zoning district. As shown in the illustrative sections in **Figure ES-4**, the Proposed Project would reach a maximum base height of 105 feet before setting back from the street and reaching its maximum height of 14 stories, 145 feet (not including mechanical equipment).

Development of the Proposed Project would occur in a single phase and would commence as soon as all necessary public approvals are granted. Construction is expected to take approximately 31 months and be completed in 2027.

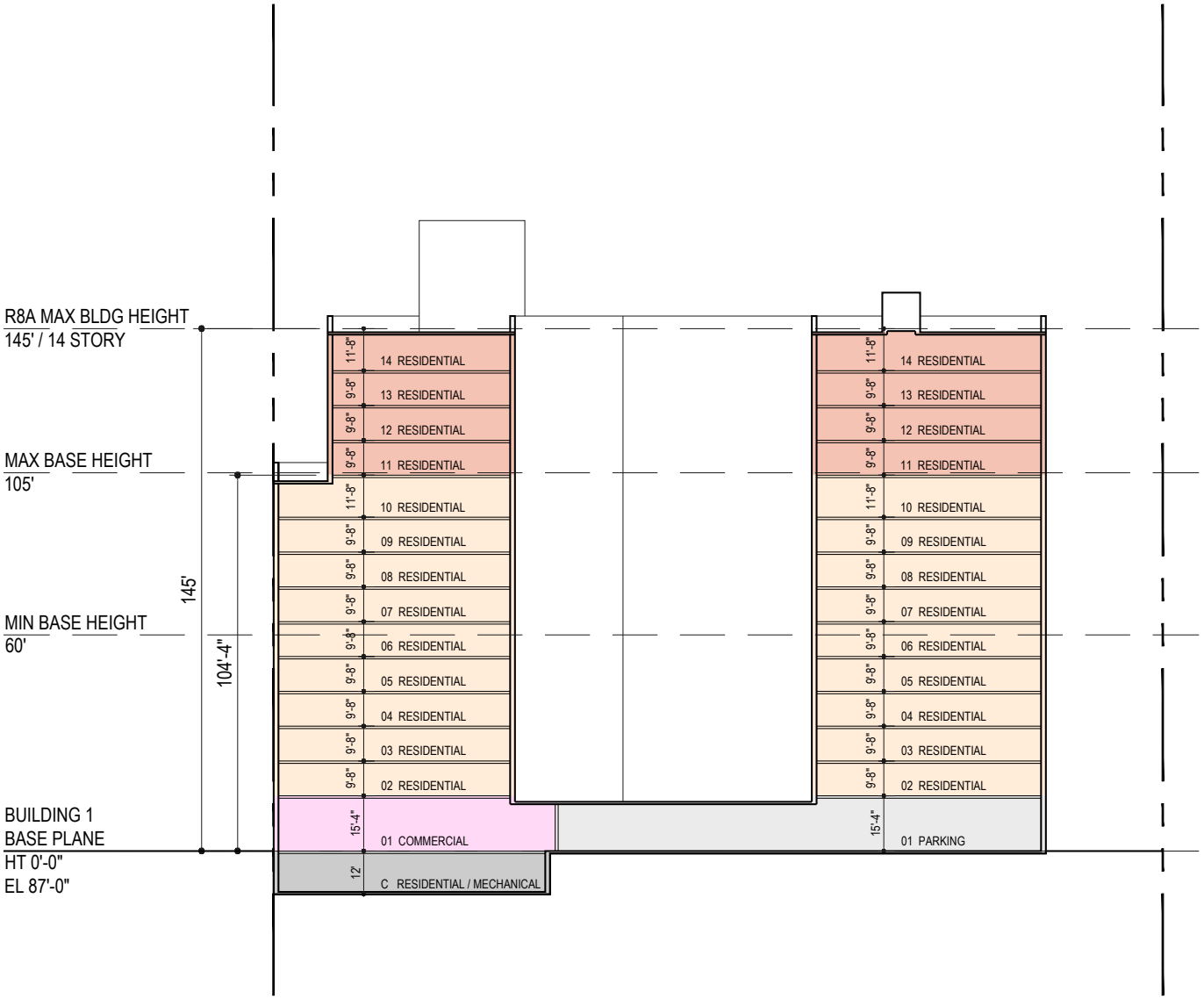
F. ANALYSIS FRAMEWORK

The Proposed Actions would change the regulatory controls governing land use and development at the


PARKING GARAGE
27349 SQ.FT.
71 SPACES PROVIDED
(20% OF MARKET RATE
UNIT COUNT)
COMPACTOR
ROOM
1592 SQ. FT.
TENANT
AMENITY 1
606 SQ. FT.
TENANT
AMENITY 2
606 SQ. FT.
TENANT
AMENITY 3
1161 SQ. FT.
RETAIL 1
2907 SQ. FT.
PACKAGE
ROOM
956 SQ. FT.
RESIDENTIAL
LOBBY
1560 SQ. FT.
RETAIL 2
3453 SQ. FT.
RETAIL 3
1767 SQ. FT.
24'
FRANKLIN AVE



1 SECTION AA
SCALE: NTS



2 SECTION BB
SCALE: NTS

Proposed Development Site. The 2021 *City Environmental Quality Review (CEQR) Technical Manual* will serve as the general guide on the methodologies and impact criteria for evaluating the Proposed Project's potential effects on the various environmental areas of analysis.

Analysis Year

Construction of the Proposed Project would occur over an approximately 31-month period with an anticipated start date in 2025 with all components complete and fully operational in 2027 Accordingly, the Proposed Project will use a 2027 Build Year for analysis purposes. As the Proposed Project would be operational in 2027, the technical analyses and consideration of alternatives assess current conditions and forecast these conditions to the expected 2027 Build Year for the purposes of determining potential impacts. Each technical analysis will provide a description of the "Existing Condition" and assessment of future conditions without the Proposed Project ("Future without the Proposed Actions") and with the Proposed Project ("Future with the Proposed Actions").

Reasonable Worst-Case Development Scenario (RWCDS)

In order to assess the possible effects of the Proposed Actions, a reasonable worst-case development scenario (RWCDS) for the Proposed Development Site was established for both Future No-Action and Future With-Action conditions. The incremental difference between the future No-Action and future With-Action conditions will serve as the basis of the impact category analyses for each technical area. The Applicant's Proposed Project would maximize the allowable FAR and allowable zoning envelope permitted in the requested R8A/C2-4 zoning district. Therefore, the Proposed Project would represent the upper limits of potential development and the impact of the Proposed Actions would be no worse than those considered in each of the technical analyses presented.

The Future Without the Proposed Actions (No-Action)

Both lots comprising the Proposed Development Site (Lots 63 and 66) are under the control of the Applicant and are currently predominantly vacant. As such, an as-of-right development is assumed to be developed on the Proposed Development Site pursuant to the existing R6A zoning under future No-Action conditions.

Absent approval of the Proposed Actions, the Applicant would proceed with as-of-right development on the Proposed Development Site pursuant to filed plans with the Department of Buildings (DOB). The Applicant's No-Action Development would be developed pursuant to the existing R6A zoning. The R6A zoning district permits 3.0 FAR with a maximum base height of 60 feet (65 feet with a qualifying ground floor) and a maximum building height of 70 feet (75 feet with a qualifying ground floor). The Applicant would construct a seven-story residential building containing approximately 168 market rate DUs (177,716 gsf) and 84 accessory off-street parking spaces. The 84 accessory off-street parking spaces would be in compliance with the R6A district's requirement for parking for 50 percent of the building's market-rate units.

The Future With the Proposed Actions (With-Action)

Under the With-Action scenario, a mixed-use residential and commercial building would be constructed with a total combined area of approximately 471,495 gsf (372,802 zsf). The Proposed Project would comprise 419,346 gsf of residential uses, introducing a total of 475 DUs, of which 119 DUs would be

affordable units pursuant to MIH, and 356 DUs would be market-rate units. An average unit size of 875 gsf per unit is assumed for all dwelling units for CEQR analysis purposes. In addition to the residential component, approximately 8,128 gsf of local retail space would be included in the Proposed Project on the ground floor. Approximately 30,101 gsf would be allocated for parking on the ground- and cellar-levels of the Proposed Project (approximately 71 spaces). The Proposed Project would have approximately 13,920 gsf of mechanical/storage space.

Possible Effects of the Proposed Actions

Table ES-2 provides a comparison of the No-Action and With-Action scenarios of the Proposed Project, identified for analysis purposes. As shown, the incremental (net) change that would result from the Proposed Project is the addition of 307 total dwelling units (238,354 gsf), including 119 affordable dwelling units, 8,128 gsf of local retail uses, and a net decrease of approximately 13 accessory parking spaces. Based on 2020 census data, Brooklyn Community District 9 has an average of 2.52 persons per household. Using this ratio, and other standard ratios for estimating employment, **Table ES-2** provides an estimate of the number of residents and workers generated by the Proposed Project.

TABLE ES-2
Comparison of No-Action and With-Action Development Scenarios

Use	No-Action Scenario	With-Action Scenario	Increment
Residential			
Market-Rate Dwelling Units	168 (~177,716 gsf)	356 (~314,509.5 gsf)	**+188 (~136,793.5 gsf)**
Affordable Dwelling Units	0	119 (~104,836.5.5 gsf)	**+119 (~**104,836.5**gsf)**
TOTAL	**168 (~177,716 gsf)**	**475 (419,346 gsf)**	**+307 (~241,650 gsf)**
Local Retail	--	8,128 gsf	**+8,128 gsf**
Parking	84 spaces (~46,707 gsf)	71 spaces (30,101 gsf)	**-13 spaces (-16,606 gsf)**
Population/Employment[1]	**No-Action Scenario**	**With-Action Scenario**	**Increment**
Residents	423	1,197	**+774**
Workers	7	43	**+36**

Notes:
[1] Assumes 2.52 persons per a DU (based on 2020 U.S. Census data for Brooklyn Community District 9). Estimate of workers is based on standard rates and are as follows: 1 worker per 25 dwelling units; 3 workers per 1,000 sf retail space.

Public Review Process

The Proposed Actions described above are subject to public review under the Uniform Land Use Review Procedure (ULURP), Section 200 of the City Charter, as well as City Environmental Quality Review (CEQR) procedures. Depending on the public funding source for the affordable housing, and the timing of the decision, additional review under the State Environmental Quality Review Act (SEQRA) may be required.

The New York City Charter (the Charter) requires certain actions that are reviewed by the CPC to undergo a Uniform Land Use Review Procedure (ULURP). ULURP is a standardized procedure whereby applications affecting the land use of the city would be publicly reviewed. The Charter also established mandated time frames within which application review must take place. Key participants in the ULURP process are now the Department of City Planning (DCP) and the CPC, the local community board, the Brooklyn Borough President, the City Council and the Mayor.

G. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

Land Use, Zoning, and Public Policy

The Proposed Actions would not have a significant adverse impact on land use, zoning, or public policy, as set forth in the *CEQR Technical Manual.* The Proposed Actions would not adversely affect surrounding land use, nor would the Proposed Actions generate land uses that would be incompatible with land use, zoning, or public policy within the quarter-mile study area.

While changes in land use ~~on the Proposed Development Site~~ and the extension of an existing zoning district would occur, the Proposed Actions would facilitate the development of a predominantly residential building that would be comprised of both affordable residential units under the City's MIH and market-rate residences. The proposed residential and local retail uses would be comparable to existing and planned developments in Crown Heights and would directly support several major City policies aimed at increasing supply of affordable housing in New York City. The Proposed Actions would facilitate new mixed-use development in an area well-served by mass transit.

Open Space

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

As the Proposed Actions are expected to introduce an incremental 774 residents to the Project Area under the RWCDS, a detailed indirect effects open space analysis for a residential (½-mile) study area was conducted, pursuant to *CEQR Technical Manual* guidance. The detailed analysis determined that the Proposed Actions would not result in any significant adverse impacts to open space due to reductions in the open space ratio, as defined by the *CEQR Technical Manual*.

CEQR guidance indicates that a decrease in the open space ratio of five percent or more is generally considered significant for a project located in an area that currently has an open space ratio of 2.50 acres per 1,000 residents. For areas that are extremely lacking in open space, a decrease of as little as one percent may be considered significant. An open space impact assessment also considers qualitative factors. As discussed below, the residential active open space ratio would decrease by approximately 1.99 percent from the No-Action condition in the future with the Proposed Actions. The residential total and passive open space ratios would remain above the City's planning guidelines of 2.50 acres and 0.50 acres per 1,000 residents, respectively. The active open space ratio under With-Action conditions of 1.85 acres per 1,000 residents would be below the City's planning guidance of 2.0 acres per 1,000 residents. The Project Area is located in proximity to significant regional open space resources, just beyond the study area boundaries, which provide additional active and passive open space recreational opportunities.

Therefore, the Proposed Actions would not result in an indirect significant adverse impact on open space in the residential study area, in accordance with *CEQR Technical Manual* impact criteria.

Shadows

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

At Jackie Robinson Playground, incremental shadows from the Proposed Project are expected to cast shadow on a passive area for seating and an area for active uses such as a playground area and basketball court. Based on the size, duration and time of day of the incremental shadow on Jackie Robinson Playground, significant adverse impacts would occur.

Potential measures to mitigate in full or part these impacts are discussed in the mitigation section below.

Natural Resources

Wetlands and Open Water Areas

There are no wetlands or open water areas within or adjacent to the Project Area; therefore, the Proposed Actions would have no effect on resources of this nature.

Groundwater

Construction and operation of the Proposed Project would not result in any significant adverse impacts on soil or groundwater. Rather, as described in the "Hazardous Materials" section below, construction for the Proposed Project would remove on-site sources of contamination or otherwise prevent future human exposure through capping in place and importing clean fill, thus providing a benefit with respect to local soil and groundwater quality. In addition, groundwater is not used as a source of drinking water in Brooklyn.

Floodplains

The Project Area lies well beyond the boundaries of existing or future floodplains. Thus, the Proposed Actions would have no effect on floodplains.

Wildlife and Fish

The Project Area could contain typical city dwelling wildlife accustomed to developed areas, and may include: mice, squirrels, rabbits, rats, song birds, and raptors. Potential impacts to wildlife would be minimal as habitat for these species is marginal at best, with little vegetation present on site. As described above, the Proposed Development Site would be developed with or without approval of the Proposed Actions. In addition, species are mobile and adaptable and able to move to adjacent areas for similar habitat. No streams/open waters occur within the Project Area; thus, no fish are present.

Vegetation and Significant Natural Communities

The nearby Brooklyn Botanic Garden is considered an upland natural resource that contains Terrestrial Cultural communities as defined by the *CEQR Technical Manual*. This subsystem includes communities that are either created and maintained by human activities, or are modified by human influence to such a degree that the physical conformation of the substrate, or the biological composition of the resident community is substantially different from the character of the substrate or community as it existed prior to human influence. The *Ecological Communities of New York State* describes flower/herb gardens as residential, commercial, or horticultural land cultivated for the production of ornamental herbs and shrubs. Characteristic birds with varying abundance include American robin (*Turdus migratorius*), mourning dove (*Zenaida macroura*), and house finch (*Carpodacus mexicanus*).[2]

As discussed in the "Shadows" section above, the Proposed Project's incremental shadows could extend over portions of the Brooklyn Botanic Garden ~~in the morning~~, including propagation spaces, collections, growing spaces, education greenhouses and display houses, in the morning. The detailed shadows analysis finds that the extent and duration of incremental shadows has the potential to (1) significantly reduce or completely eliminate direct sunlight exposure on sunlight sensitive features; and (2) would potentially significantly alter the public's use or enjoyment of the Garden, or threaten the viability of vegetation or other elements located within the Garden. Thus, in accordance with *CEQR Technical Manual* methodology, incremental shadows would be considered a significant adverse impact to natural resources.

An arborist was retained by the Applicant to assess the effects of shading on different classes and categories of plants that may be more sensitive to the incremental shading, including desert plants, Mediterranean plants, and aquatic plants. The incremental shadow coverage, entry and exit times, and duration were considered for both the growing season as well as for the winter months, as were the plants that were being shaded. Conservatory curators, horticulturists, and greenhouse managers were consulted to assist in this assessment. Detailed information specifying the light requirements of each type of plant at the Brooklyn Botanic Garden is not available and various greenhouse experts consulted did not agree on the severity of the potential impact that incremental shading would have on the plants. Nevertheless, the study concluded that, among the consulted experts most agreed that 1-1.5 hours of additional shade might not have a serious impact even on light-demanding greenhouses or workhouse plants, but that increasing duration of shadows beyond that point might have increasingly serious effects. Experts stated that there could be long-term changes to the plants over time such as possible reduction in flowering,

[2] Edinger, G. J., D. J. Evans, S. Gebauer, T. G. Howard, D. M. Hunt, and A. M. Olivero (editors). 2014. Ecological Communities of New York State. Second Edition. A revised and expanded edition of Carol Reschke's Ecological Communities of New York State. New York Natural Heritage Program, New York State Department of Environmental Conservation, Albany, NY.

turning of flowers towards light sources, and slowing of the rate of plant growth. However, the decline of plant health is not anticipated for the vast majority of plants. The potential changes would be greatest for those plants that require high light in their natural habitat, including the desert collection, the high-light demanding plants of the Mediterranean collection and overstory plants (such as palms) of the tropical collection. The consequences of additional shading would be greatest during the winter months when sunlight hours are already limited. Measurement data on light intensity in the photosynthetic range showed that adequate light would reach the BBG plants even in shaded conditions on sunny days, but not on cloudy days. Thus the effect on plant growth could be more intense in years with greater than average number of cloudy days. Additionally, it is important to note that many of the Garden's growhouses are non-public and it was not possible for the arborist to access non-public areas without the cooperation of the Garden. However, based on observations of many of the Garden's non-public grow areas from publicly-accessible areas, it was determined that supplemental lighting is regularly used by the Garden.

In consideration of the effects of the Proposed Actions' incremental shadows, the additional shading is considered a significant adverse impact under CEQR. As discussed in the "Shadows" section above, incremental shadows from the Proposed Project would be cast on several individual resources within the Brooklyn Botanic Garden. Though these resources would continue to receive 6-8 hours of direct sunlight throughout the growing season, several of these Greenhouses are used to propagate plants for desert, tropical, and warm temperature climates that require full, year-round sun including sunlight during the important winter months. Therefore, any incremental shading of these greenhouses, specifically during the winter months, would have a significant adverse impact on the plants in these greenhouses. Though the *CEQR Technical Manual* states that 6-8 hours of sunlight is necessary for plant survival, the Brooklyn Botanic Garden contains over 18,500 kinds of plants, with globally rare species and native rare species. The minimum amount of sunlight needed to constitute survival may not be enough to promote healthy growth of these rare plants. Therefore, due to the incremental shadows created by the Proposed Project, significant adverse impacts are likely on the natural resources found within Brooklyn Botanic Garden. Potential measures to mitigate these impacts in full or in part are discussed in the "Mitigation" section below.

Urban Design and Visual Resources

The Proposed Actions would not result in a significant adverse impact to urban design or visual resources in the Project Area or surrounding secondary study area. The Proposed Project would be constructed on an existing block and would not entail any changes to block shapes, street pattern and hierarchy, topography, open space, or natural features in the Project Area or secondary study area. The Proposed Actions would not create land uses or structures that would be substantially incompatible with the existing and emerging character of the surrounding area. Approval of the Proposed Actions would result in the development of a 14-story (145-feet tall excluding mechanical equipment) building in an area that contains a variety of building typologies and a wide height range. The study area includes several contextual developments that create a unified street wall along Franklin Avenue. The study area also includes buildings of similar heights including buildings recently completed and buildings to be completed by the 2027 build year. These include 1 Sullivan Place (120-feet tall) located on the same block, and 109 Montgomery Street (119-feet tall) located directly to the north of the Project Area. The study area also includes taller tower-in-the-park developments such as Tivoli Towers (315 feet tall) and the Ebbets Field Houses (211 feet tall).

The proposed height and overall massing of the With-Action building on the Proposed Development Site would not obstruct any significant viewsheds in the area, or negatively affect the pedestrian's experience in the immediate vicinity of the Project Area as compared to the No-Action condition since the as-of-right

development that would be constructed would have a five-story streetwall (approximately 60 feet tall before setback) and the Proposed Project would have a maximum street wall of ten stories (approximately 105 feet tall before setback). From a pedestrian perspective, the Proposed Actions would allow for a streetwall approximately four stories taller between No-Action and With-Action conditions. Although the additional allowable base height in the Project Area would be noticeable to pedestrians, the base height at the Proposed Project would be similar to what is already allowed in R8A zoning districts within the secondary study area.

Hazardous Materials

The Proposed Actions would not result in significant adverse impacts related to hazardous materials. A Phase I Environmental Site Assessment (ESA) was prepared in February 2023 in order to evaluate potential contamination of the Proposed Development Site. The Phase I ESA identified Recognized Environmental Conditions (RECs). As described in the 2023 Phase I ESA and a previous Phase I ESA that was prepared for the property by The ELM Group, Inc. (ELM) in 2016, soil contaminants consisting of polycyclic aromatic hydrocarbons (PAHs) and metals were identified on the Proposed Development Site. A Phase II Site Investigation was conducted at the Proposed Development Site in November 2023. As discussed below, the presence of elevated concentrations of SVOCs and the metals, arsenic, copper, mercury, lead, nickel, selenium and zinc, detected in the soils at the two properties, 962 and 972 Franklin Avenue, will require waste classification sampling for disposal authorization at a secure disposal facility. Groundwater was not encountered during site investigation activities. Based on the New York State Department of Health (NYSDOH) guidelines and analytical results, elevated concentrations of tetrachloroethylene and trichloroethylene exist in the soil vapor beneath the Proposed Development Site. As part of the planned site redevelopment activities, ALC recommends that a Soil Management Plan be developed and implemented to address contaminated soils during the planned redevelopment activities.

The Applicant has submitted the results of the Phase II report for NYC Department of Environmental Protection (NYCDEP) review and approval. NYCDEP indicated in a letter dated January 10, 2024 that it reviewed the Phase II report and it did not request any additional information or reports be prepared for its review. Based on the contamination identified, NYCDEP recommends that an (E) Designation for hazardous materials should be placed pursuant to Section 11-15 of the New York City Zoning Resolution for the Proposed Development Site. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. NYCDEP advised that further hazardous materials assessments should be coordinated through the Mayor's Office of Environmental Remediation (NYC OER). By placing an (E) Designation on the Proposed Development Site, where confirmed RECs have been identified relating to soil, the potential for an adverse impact to human health and the environment resulting from the Proposed Actions would be avoided. NYC OER would provide the regulatory oversight of any future supplemental sampling that may be warranted; including environmental scope, investigation, and potential remedial action during this process. Building permits are not issued by the DOB without prior NYC OER approval of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) Designation would require that the Applicant conduct any required supplemental subsurface investigations and have an approved Remedial Action Plan (RAP), where appropriate, under the review and approval of NYC OER. The RAP provided to NYC OER to satisfy the (E) Designation must also include a mandatory Construction Health and Safety Plan (CHASP). With the inclusion of the remedial measures described above, which involve the mapping of (E) Designation (E-728) on the Proposed Development Site, the Proposed Actions would not result in any significant adverse impacts related to hazardous materials.

Greenhouse Gas Emissions

The Proposed Project would not result in significant adverse impacts to greenhouse gas emissions (GHG) or climate change. The Proposed Project would be consistent with the City's GHG emissions reduction goals, as defined in the *CEQR Technical Manual*, and would be consistent with policies regarding adaptation to climate change identified in OneNYC. An assessment that evaluates the GHG emissions that would be generated as a result of the Proposed Actions and their consistency with the citywide GHG reduction goals has been included in this Draft EIS. It is estimated that the Proposed Project facilitated by the Proposed Actions would result in approximately 3,054 total metric tons carbon dioxide equivalent (CO_2e) of annual emissions from building operations and approximately 840.7 metric tons of CO_2e emissions from mobile sources annually, for an annual total of approximately 3,894.7 metric tons of CO_2e emissions. As summarized below, the Proposed Project would support the goal identified in the *CEQR Technical Manual* to develop energy-efficient buildings.

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

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

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

Neighborhood Character

The Proposed Actions would not result in significant adverse impacts related to neighborhood character.

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

The Proposed Project would facilitate the development of a mixed-use building with residential and local retail uses that would be consistent with the mixed-use character of the surrounding neighborhood. Vacant and underutilized land would be redeveloped at a scale and density that is compatible with the built character of the surrounding area. In addition, the 119 DUs of affordable housing would help to ensure that a considerable portion of the new households would have incomes that would more closely reflect existing incomes in the study area and help ensure that the neighborhoods continue to serve diverse housing needs.

As discussed in the "Shadows" section above, incremental shadows from the Proposed Project would result in significant adverse impacts to the Brooklyn Botanic Garden and Jackie Robinson Playground. The Brooklyn Botanic Garden is an open space resource that is fenced off from the surrounding neighborhood, with limited hours of access, and requires a fee during most hours for admission. As such, although it is an important public facility, it is not integrated into the urban fabric of the neighborhood or a defining feature of neighborhood character. The Proposed Project's incremental shadow would result in significant adverse impacts on Jackie Robinson Playground, which is publicly accessible and can be considered an asset to neighborhood character. However, as discussed in **Chapter 3, "Open Space,"** the study area has several open space resources within walking distance of Jackie Robinson Playground that would not be cast in incremental shadow during the affected hours. These open space resources include Prospect Park, Mount Prospect Park, the Brooklyn Museum Plaza, Dr. Ronald McNair Park, Eastern Parkway, Dodger Playground, and P.S. 375K Community Playground. Each of these open space resources would continue to receive direct sunlight during the afternoon hours in which the Proposed Project would cast incremental shadow on Jackie Robinson Playground. Because these open resources would not be impacted, the impacts to Jackie Robinson Playground would not alter the character of the neighborhood.

While the Proposed Project would result in increased transportation activities, the resulting conditions would be similar to those already seen in the study area and would not result in levels of activity or service conditions that would be out of character with the surrounding neighborhood, which is already characterized by moderate vehicle and pedestrian volumes. Thus, the changes in transportation due to the Proposed Project would not result in significant adverse impacts on neighborhood character. In addition, while incremental vehicle volumes introduced as a result of the Proposed Project would increase noise levels adjacent to the Proposed Development Site, the increases would not be perceptible to individuals (i.e., would be less than 3 dBA) and would, therefore, not alter the character of the surrounding neighborhood.

Construction

Construction of the Proposed Project would result in the potential for significant adverse construction-related noise impacts. Construction of the Proposed Project would not result in significant adverse construction impacts in the areas of land use, socioeconomic conditions, open space, hazardous materials,

or neighborhood character, or air quality. As described below, measures required pursuant to a Restrictive Declaration would preclude the potential for significant adverse construction air quality impacts. Based on the Proposed Project's construction schedule, construction activities would be spread out over a period of approximately three years. While construction of the Proposed Project would result in temporary increases in traffic during the construction period, access to residences, businesses, and institutions in the area surrounding the Project Area would be maintained throughout the construction period (as required by City regulations). While construction of the new building due to the Proposed Actions would cause temporary impacts, particularly related to noise, it is expected that such impacts in any given area would be relatively short term, even under the worst-case construction sequencing, and therefore would not create neighborhood character impacts. Further discussions of the findings of the construction transportation, air quality, and noise, are provided below.

Transportation

Construction of the Proposed Project would not result in significant adverse transportation impacts. Construction travel demand is expected to peak in the third quarter (Q3) of 2026. This period was therefore analyzed for potential transportation impacts during construction. It is expected that construction of the Proposed Project would generate a peak of approximately 240 workers and 35 truck deliveries per day during the third quarter of 2026.

TRAFFIC

The maximum construction-related traffic increments would be approximately 104 Passenger Car Equivalents (PCEs) during the AM period (6:00 AM to 7:00 AM) and 74 PCEs during the PM period (3:00 PM to 4:00 PM). The projected AM and PM construction trips were assigned to the surrounding roadway network with truck trips assigned to DOT-designated truck routes and the construction workers assigned to/from the two nearest open parking garages. Based on the assigned incremental traffic, no intersections would exceed the *CEQR Technical Manual* analysis threshold for detailed analysis, and therefore an analysis is not warranted. Therefore, significant adverse impacts to traffic during the peak construction quarter are unlikely to occur under the Proposed Actions.

TRANSIT

The Proposed Development Site is located in an area that is well served by public transportation, with two subway stations serving seven subway lines, and five local bus routes located in the vicinity of the Project Area. A maximum of approximately 120 construction workers would travel to/from the construction site via public transit. Transit conditions during the 6-7 AM and 3-4 PM construction peak hours are expected to be generally better than transit conditions during the analyzed operational peak hours with full build-out of the Proposed Project; incremental demand would be lower during construction, and most construction trips would not occur during the peak hours of commuter demand. As the construction incremental transit demand projections do not exceed the *CEQR Technical Manual* analysis thresholds of 200 new subway or 50 new bus trips after being distributed to the two subway stations and various bus lines, there would not be a potential for significant adverse transit impacts attributable to anticipated construction worker transit trips.

PEDESTRIANS

Pedestrian trips by construction workers would be concentrated in proximity to the Proposed Development Site, along corridors connecting the Proposed Development Site to area transit services and pedestrian elements connecting the Proposed Development Site to nearby parking garages. These construction trips would primarily occur outside of the weekday AM and PM commuter peak periods and the weekday midday peak period—the times when area pedestrian facilities typically experience their greatest demand. After being distributed to the area's pedestrian elements, a maximum of 192 pedestrian trips would occur at any given pedestrian element, which would not exceed the *CEQR Technical Manual* analysis threshold of 200 new walk trips on any pedestrian element. As such, significant adverse impacts to pedestrian elements during the peak construction quarter are unlikely to occur.

PARKING

Construction workers' parking demand would be equivalent to approximately 88 spaces in the ~~2025~~ 2026 (Q3) peak construction period. The construction-generated parking demand would be accommodated by off-street and on-street parking within the half-mile radius. Given the available parking within half-mile of the Project Area, the temporary nature of the construction activity, and the availability of alternative modes of transportation in the area via seven subway lines and five bus lines, no parking shortfall is expected during the 2026 Q3 peak construction period.

Air Quality

Construction of the Proposed Project would not result in significant adverse air quality impacts. The potential construction-related air quality impacts were examined through a detailed analysis of construction activities for the peak construction period. This period has the highest potential for air quality impacts, and other construction periods would have lower impacts by comparison. The short-term and annual time periods for analysis were selected through preparation of a monthly emissions profile based on the potential construction equipment requirements for the site. Off-road equipment, on-road haul truck, and fugitive dust emissions were quantified and measured at receptors were assessed using the U.S. Environmental Protection Agency (EPA) models and methods consistent with the *CEQR Technical Manual*. The analysis accounts for the emission control measures mandated by existing laws and regulations applicable to private developers, including the use of ultra-low sulfur diesel (ULSD), dust control measures and idling restrictions.

No exceedance of National Ambient Air Quality Standards (NAAQS) or CEQR de minimis criteria are predicted for carbon monoxide (CO), 24-hour particulate matter with an aerodynamic diameter of less than or equal to 2.5 micrometers ($PM_{2.5}$), or annual average nitrogen dioxide (NO_2). The construction air quality analysis results show the maximum predicted total concentrations of 24-hour PM10, one- and eight-hour CO, and annual-average NO_2 are below the applicable NAAQS. In addition, the maximum predicted $PM_{2.5}$ incremental concentrations would not exceed the applicable CEQR de minimis criteria of 8.9 $\mu g/m^3$ in the 24-hour average period or 0.3 $\mu g/m^3$ in the annual average period. Likewise, the maximum predicted CO incremental concentrations would not exceed the applicable CEQR de minimis criteria. Therefore, no significant adverse impacts on air quality are predicted during construction of the Proposed Project. Since no significant adverse impact occurs from the worst-case site construction period, no significant adverse air quality impacts would occur from the construction related to the Proposed Actions.

To ensure that no significant impacts would occur, the Applicant would commit, through a Restrictive Declaration to the following:

Under the Proposed Action, all diesel-powered non-road construction equipment with a hp rating of 50 hp or greater would meet at least the Tier 4 emission standard.

Under the Proposed Action, a water mist system (a DustBoss system or similar system) would be utilized to remove dust generated by traveling vehicles at the cellar level during its excavation and foundation sequence. On-site truck traveling routes will be treated with chemical dust suppressants during the excavation and foundation sequences.

Noise

Construction of the Proposed Project would result in the potential for significant adverse construction-related noise impacts. Detailed quantitative construction noise modeling was completed for the Proposed Project to determine typical construction noise levels for excavation, superstructure, and interior fit-out construction phases. A receptor network was developed for a study area consisting of a 400-ft radius around the Proposed Development Site. Sensitive receptor locations, such as residential properties, churches, parks, and schools close to the Project Area were selected as noise receptor sites. Multiple receptors were created along the façade of existing buildings to capture the noise levels at different floors of the building. The noise impact criteria described in Chapter 19, Section 410 of the *CEQR Technical Manual* serve as a screening-level threshold for potential construction noise impacts. If construction of the Proposed Project would not result in any exceedances of these criteria at a given receptor, then that receptor would not have the potential to experience a construction noise impact. However, if construction of the Proposed Project could result in exceedances of these noise impact criteria, then further consideration of the intensity and duration of construction noise at that receptor is warranted. In addition to the CEQR construction criteria above, for the purposes of this analysis, determination of significant adverse construction noise impact would be considered based on the intensity and duration (i.e. noise level increment of 15 dBA or more for prolonged period of 12 consecutive months or more or noise level increment of 20 dBA or more for prolonged period of 3 consecutive months or more). The analysis also compared interior L_{10} noise levels to the CEQR interior noise guideline of 45 dBA for residential or community facility uses (50 dBA for commercial office use) and considered the magnitude and duration of impacts.

The detailed analysis of construction noise concluded that construction of the Proposed Project has the potential to result in construction noise levels that exceed the construction noise impact criteria defined herein at portions of ~~six~~ four buildings near the proposed construction work area (i.e., the south-facing courtyard and southern ~~southern façade nearest to the Franklin Avenue Shuttle and courtyard~~ façades of the future 960 Franklin Avenue residential building, the ~~western and southern~~northeastern fa~~c~~çade~~s~~ directly adjacent to the construction work area and the eastern half of the southern façade 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,~~ and the western façade of the P.S. 375 Jackie Robinson school~~, and the western façade of the Ebbets Field Apartments)~~. At these receptors, construction could produce noise level increases that would be noticeable and potentially intrusive during the most noise-intensive nearby construction activities and would produce noticeable increases, as well as interior noise levels exceeding acceptable thresholds, over the course of construction. The analysis evaluated the construction periods with the potential to result in the greatest levels of construction noise; however, the predicted maximum levels would not persist throughout construction, and the noise levels would fluctuate throughout the construction period. ~~Potential~~ Partial mitigation measures for these impacts ~~are being~~

~~explored by the Applicant and the Lead Agency between DEIS and FEIS, and~~ are further discussed in **Chapter 11, ~~'Mitigation~~"Mitigation.~~'~~"** ~~.~~

Other Technical Areas
Based on the analyses conducted, construction of the Proposed Project would not result in significant adverse construction impacts in the areas of land use, socioeconomic conditions, community facilities, open space, historic and cultural resources, or neighborhood character.

H. MITIGATION

The Proposed Actions would result in significant adverse impacts to open space (direct shadow effects), shadows (on sunlight-sensitive open space), natural resources (direct shadows effects), and construction noise.

Open Space, Shadows, and 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 the Brooklyn Botanic Garden and the Jackie Robinson Playground.

Incremental shadows from the Proposed Project would be cast over several of the affected greenhouses in the Brooklyn Botanic Garden, used to propagate plants for desert, tropical, and warm temperate climates that require full, year-round sun including sunlight during the important winter months. Therefore, due to the incremental shadows created by the Proposed Project, significant adverse impacts are likely to occur on the natural resources found within the Brooklyn Botanic Garden.

In the DEIS, two measures considered as potential mitigation for the significant adverse shadow impacts were explored in this chapter. They included 1.) relocating the Brooklyn Botanic Garden sunlight sensitive resources, and 2.) the installation of artificial lighting within the Brooklyn Botanic Garden sunlight sensitive resources.

In consultation with the New York City Department of Parks and Recreation (NYC Parks), the Lead Agency, i.e., NYC Department of City Planning (acting on behalf of the City Planning Commission), concluded that the relocation of the Brooklyn Botanic Garden facilities to mitigate the shadow impacts of the Proposed Project analyzed in the DEIS 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 on Brooklyn Botanic Garden by the Proposed Project analyzed in the DEIS was also deemed infeasible by the Lead Agency for financial and logistical reasons due to the magnitude, duration and extent of the significant adverse shadows impacts of the Proposed Actions.

Since the issuance of the DEIS, DCP as Lead Agency, in consultation with NYC Parks and the Applicant have further explored mitigation measures and alternatives to the Proposed Actions that would reduce or eliminate the significant adverse shadows impacts to the Brooklyn Botanic Garden. As detailed in the Alternatives chapter, no Proposed Action Alternative has been identified which completely eliminates significant adverse shadows impacts on the Brooklyn Botanic Garden. However, the reduced magnitude, duration and extent of effected resources of the potential impact based on the Proposed Action Alternatives (Alternatives 5, 6 and 7; the R7X with 17-Degree Sloping Plane Alternative; the R7D with 15-Degree Sloping Plane Alternative; and the R7A with 10-Degree Slope Plane Alternative) make partial mitigation strategies feasible. In conjunction with adoption of a Proposed Action Alternative which

reduces the potential for shadows impacts to the Brooklyn Botanic Garden, the significant adverse shadow impact on the Brooklyn Botanic Garden could be partially mitigated by the applicant contributing to improve structures in the nursery yard that remain impacted by shadows. Because the significant adverse shadow impact would not be fully mitigated, the Proposed Actions would result in an unavoidable significant adverse shadow impact on Brooklyn Botanic Garden.

Additionally, because the shadows diagrams, impact determinations and mitigations are based on a specific base plane as demonstrated in the shadows and alternatives chapters, this specific base plane from which the analysis was conducted will be codified in the RD as a component of the shadows mitigations. The base plane shall be defined as 87.38 ft above sea level NAVD88.

At Jackie Robinson Playground, incremental shadows from the Proposed Project are expected to cast shadow on a passive area for seating and an area for active uses such as a playground area, handball court, and basketball court. In consultation with (NYC Parks), the Lead Agency, i.e., NYC Department of City Planning (acting on behalf of the City Planning Commission), finds that the size, duration, and time of day of incremental shadow on Jackie Robinson Playground would constitute a significant adverse impact.

Potential mitigation for the Proposed Action's shadows impact on the Jackie Robinson Playground developed in consultation with NYC Parks could be provided by improvements to the facility, consisting of several elements, such as the reconstruction of the existing handball court, new lighting for the basketball courts, repairing existing benches and drinking fountains, and/or sidewalk improvements.

The Applicant will construct the improvements to Jackie Robinson Playground in conjunction with the Proposed Project pursuant to an agreement between the Applicant and NYC Parks, the details of which will be codified in a restrictive declaration. This will require the Applicant to bring the design of the improvements through Parks design review process.

With the implementation of these elements, the impacts to Jackie Robinson Playground would be considered partially mitigated. As such, the significant adverse shadow impact on Jackie Robinson Playground would not be avoided.

Mitigation measures explored in the DEIS to counter the effects of incremental shadows generated by the Proposed Project on BBG were deemed to be infeasible due to the magnitude, duration and extent of the shadows impact. Therefore the Proposed Project would result in unmitigated significant adverse impacts. The Proposed Action Alternatives (Alternatives 5, 6 and 7; the R7X with 17-Degree Sloping Plane Alternative; the R7D with 15-Degree Sloping Plane Alternative; and the R7A with 10-Degree Slope Plane Alternative), introduced in the FEIS, would be partial mitigation which substantially reduces the potential for significant adverse shadows impacts. However, since impacts would not be fully mitigated, both the Proposed Project and Proposed Alternatives would result in unmitigated significant adverse shadows impacts to both the BBG and Jackie Robinson Playground.

~~Two measures considered as potential mitigation for the significant adverse shadow impacts are explored in **Chapter 11, "Mitigation."** 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.~~

~~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.~~

~~At Jackie Robinson Playground, incremental shadows from the Proposed Project are expected to cast shadow on a passive area for seating and an area for active uses such as a playground area and basketball court. In consultation with the (NYC Parks), the Lead Agency, i.e., NYC Department of City Planning, finds that the size, duration, and time of day of incremental shadow on Jackie Robinson Playground would constitute a significant adverse impact.~~

~~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. As such, even in the event that this partial mitigation were to be implemented, the significant adverse shadow impact on Jackie Robinson Playground would not be avoided.~~

~~As measures to counter the effects of action-generated incremental shadows on Brooklyn Botanic Garden, including relocation and installation of artificial lighting, have been determined to be infeasible, the significant adverse shadows impacts would not be mitigated on Brooklyn Botanic Garden. Likewise, pending the determination of the financial feasibility of the proposed mitigation measures on Jackie Robinson Playground, the significant adverse shadows impacts on the playground would not be mitigated. As such, the Proposed Project would result in unmitigated significant adverse shadow impacts to these resources if full, feasible mitigation is not identified.~~

Construction

Noise

As described in **Chapter 10, "Construction,"** the Proposed Project's construction activities would result in temporary significant adverse impacts related to noise. The construction noise analysis predicted noise levels due to construction could exceed the construction noise impact criteria at receptors surrounding the proposed construction work area on portions of ~~six~~ four buildings. At these receptors, construction would produce noise level increases that would be noticeable and potentially intrusive during the most noise-intensive nearby construction activities; however, the predicted maximum levels would not persist throughout construction, and the noise levels would fluctuate over the course of the construction period. While the greatest levels of construction noise would not persist throughout construction, these locations would experience construction noise levels whose magnitude and duration could constitute significant adverse impacts.

~~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, 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,"** portions of ~~six~~ four buildings, including the south-facing courtyard and southern façades of the future 960 Franklin Avenue residential building, the northeastern façade directly adjacent to the construction work area and the eastern half of the southern façade of 1015

Washington Avenue, the northern façade of 1035 Washington Avenue, and the western façade of the P.S. 375 Jackie Robinson school ~~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~~ are predicted to experience a temporary construction noise impact.

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).~~ Another measure to partially mitigate the construction noise impacts would be to ~~make available, for purchase and installation,~~offer to provide storm windows for impacted façades that do not already have insulated glass windows and/or one window air conditioner per living room or bedroom or other noise sensitive spaces that do not already have alternative means of ventilation. ~~The feasibility of this measure will be explored as a potential partial mitigation between the DEIS and FEIS. If implemented, these mitigation measures would be implemented prior to the start of construction.~~ Consequently, the temporary significant adverse noise impacts predicted to occur at the above-mentioned receptors would be only partially mitigated.

~~I. IN ANY EVENT, ADDITIONAL MEASURES TO MITIGATE THE CONSTRUCTION NOISE IMPACTS WILL BE EXPLORED FURTHER BY THE APPLICANT IN CONSULTATION WITH DCP AND DEP BETWEEN DEIS AND FEIS, AND MAY INCLUDE COMMITMENTS IN THE RESTRICTIVE DECLARATION.~~

~~J.~~I. ALTERNATIVES

~~Four~~ Eight alternatives to the Proposed Project that have the potential to reduce, eliminate or avoid significant adverse impacts were explored in the ~~DEIS~~FEIS: the No-Action Alternative, R7D Alternative, R7A Alternative, R8A with 26.38-Degree Sloping Plane Alternative, R7X with 17-Degree Sloping Plane Alternative, R7D with 15-Degree Sloping Plane Alternative, R7A with 10-Degree Sloping Plane Alternative, and the No Unmitigated Significant Adverse Impacts Alternative. Under the No-Action Alternative, which assumes an as-of-right R6A development at the Proposed Development Site, no significant adverse impacts related to shadows, open space, natural resources, or construction (noise) would occur. The R7D Alternative would result in significant adverse impacts to open space, shadows, natural resources and construction (noise). The R7A Alternative would also result in significant adverse impacts to open space, shadows, natural resources, and construction (noise). The R8A with 26.38-Degree Sloping Plane Alternative would result in significant adverse impacts to open space, shadows, natural resources, and construction (noise). The R7X with 17-Degree Sloping Plane Alternative would result in significant adverse impacts to open space, shadows, natural resources, and construction (noise). The R7D with 15-Degree Sloping Plane Alternative would result in significant adverse impacts to open space, shadows, natural resources, and construction (noise). The R7A with 10-Degree Sloping Plane Alternative would result in significant adverse impacts to open space, shadows, natural resources, air quality, and construction (noise). Under the No Unmitigated Significant Adverse Impacts Alternative, the Proposed Project would

have to be modified to a point where the principal goals and objectives would not be realized.

No-Action Alternative

The No-Action Alternative examines future conditions on the Proposed Development Site but assumes the absence of the Proposed Project (i.e., none of the discretionary approvals proposed as part of the Proposed Project would be adopted). Under the No-Action Alternative by 2027, it is anticipated that an as-of-right residential development would be constructed on the Proposed Development Site (Lots 63 and 66) pursuant to the existing R6A zoning. The R6A zoning district permits 3.0 FAR with a maximum base height of 60 feet and a maximum building height of 70 feet. The No-Action development would include a seven-story residential building containing approximately 168 DUs (177,716 gsf) and 84 accessory off-street parking spaces. The 84 accessory off-street parking spaces would be in compliance with the R6A district's requirement for parking for 50 percent of the building's market-rate units. The technical chapters of this EIS have described the No-Action Alternative as "the Future Without the Proposed Actions."

Because the No-Action Alternative is available without any discretionary approvals, t~~T~~he significant adverse impacts related to shadows, open space, and natural resources anticipated for the Proposed Project ~~would~~ are deemed not to occur under the No-Action Alternative. As compared to the Proposed Project, the No-Action Alternative would result in a shorter overall construction schedule and would have less construction noise and less on-site construction equipment and construction-related traffic generating emissions. The No-Action Alternative would not result in any significant adverse construction impacts. However, the No-Action Alternative would not meet the goals of the Proposed Project. The benefits expected to result from the Proposed Project as intended by the Applicant – including promoting affordable and market-rate housing development through the introduction of increased residential density on-site, encouraging the extension of the retail corridor south along Franklin Avenue through the provision of a commercial overlay– would not be realized under this alternative, and the No-Action Alternative would fall short of the objectives of the Proposed Project.

R7D Alternative

The R7D Alternative examines conditions at the Proposed Development Site but assumes that the Project Area would be rezoned to R7D/C2-4 with Mandatory Inclusionary Housing. The R7D Alternative would consist of 402 DUs (101 of which would be permanently affordable through the MIH Program) and 8,470 gsf of local retail space. The R7D Alternative would include 377,012 gsf and would be built to an FAR of 5.6. The R7D Alternative would comply with all R7D zoning bulk and parking regulations and would stand at a maximum height of 11 stories or 115 feet (not including mechanical bulkhead)[3]. The R7D Alternative would meet some of the goals of this project, including promoting affordable and market-rate housing development through the introduction of increased residential density on-site (albeit less than the Proposed Project), encouraging the extension of the retail corridor south along Franklin Avenue through the provision of a commercial overlay.

The R7D Alternative would reduce but not entirely eliminate some of the significant adverse impacts to open space, shadows, natural resources, and construction (noise).

R7A Alternative

The R7A Alternative examines conditions at the Proposed Development Site but assumes that the Project Area would be rezoned to R7A/C2-4 with Mandatory Inclusionary Housing. The R7A Alternative would consist of 328 DUs (82 of which would be permanently affordable through the MIH Program) and 8,470 gsf of local retail space. The R7A Alternative would include 318,796 gsf and would be built to an FAR of

[3] The shadows analysis conservatively assumes that the entire 11-story portion of the R7D Alternative would be raised 35-feet to incorporate the 35-foot bulkhead allowance as part of the City of Yes Zoning Proposal.

4.6. The R7A Alternative would comply with all R7A zoning bulk and parking regulations and would stand at a maximum height of nine stories or 95 feet (not including mechanical bulkhead)[4]. The R7A Alternative would meet some of the goals of this project, including promoting affordable and market-rate housing development through the introduction of increased residential density on-site (albeit less than the Proposed Project), encouraging the extension of the retail corridor south along Franklin Avenue through the provision of a commercial overlay.

~~As discussed below, t~~The R7A Alternative would reduce but not entirely eliminate some of the significant adverse impacts to open space, shadows, natural resources, and construction (noise).

R8A with 26.38-Degree Sloping Plane Alternative

The R8A with 26.38-Degree Sloping Plane Alternative (the subject of the Modified Zoning Text Amendment, ULURP No. N230357(A)ZRK) examines conditions at the Proposed Development Site but assumes that the Project Area would be rezoned to R8A/C2-4 with Mandatory Inclusionary Housing. The R8A with 26.38-Degree Sloping Plane Alternative would consist of 475 DUs (119 of which would be permanently affordable through the MIH Program) and 8,128 gsf of local retail space. The R8A with 26.38-Degree Sloping Plane Alternative would include 419,346 gsf of residential space and would be built to an FAR of 7.20 as permitted under the City of Yes for Housing Opportunity. The R8A with 26.38-Degree Sloping Plane Alternative would comply with all R8A zoning bulk regulations and would stand at a maximum height of 14 stories or 145 feet (not including 25 feet mechanical bulkhead). Parking would be provided pursuant to the same special permit requested for the Proposed Project. The R8A with 26.38-Degree Sloping Plane Alternative would result in the same residential DU count and retail space as the Proposed Project, thereby meeting the goals of this project, including promoting affordable and market-rate housing development through the introduction of increased residential density on-site, encouraging the extension of the retail corridor south along Franklin Avenue through the provision of a commercial overlay.

The R8A with 26.38-Degree Sloping Plane Alternative would result in significant adverse impacts to open space, shadows, natural resources, and construction (noise).

R7X with 17-Degree Sloping Plane Alternative

The R7X with 17-Degree Sloping Plane Alternative examines conditions at the Proposed Development Site but assumes that the Project Area would be rezoned to R7X/C2-4 with Mandatory Inclusionary Housing. The R7X with 17-Degree Sloping Plane Alternative would consist of 385 DUs (96 of which would be permanently affordable through the MIH Program) and 8,128 gsf of local retail space. The R7X with 17-Degree Sloping Plane Alternative would include 394,297 gsf of residential space and would be built to an FAR of 5.81 as permitted under the City of Yes for Housing Opportunity. The R7X with 17-Degree Sloping Plane Alternative would comply with all R7X zoning bulk regulations and would stand at a maximum height of 11 stories or 110 feet (not including 35 feet mechanical bulkhead). Parking would be provided pursuant to the same special permit requested for the Proposed Project. The R7X with 17-Degree Sloping Plane Alternative would meet some of the goals of this project, including promoting affordable and market-rate housing development through the introduction of increased residential density on-site, encouraging the extension of the retail corridor south along Franklin Avenue through the provision of a commercial overlay, although to a lesser degree than both the Proposed Project and the R8A with 26.38-Degree Sloping Plane Alternative Project.

The R7X with 17-Degree Sloping Plane Alternative would result in significant adverse impacts to open space, shadows, natural resources, and construction (noise). However, this alternative substantially

[4] The shadows analysis conservatively assumes that the entire 9-story portion of the R7A Alternative would be raised 35-feet to incorporate the 35-foot bulkhead allowance as part of the City of Yes Zoning Proposal.

reduces the magnitude, duration and extent of the significant adverse shadows impacts to Brooklyn Botanic Garden as compared to the Proposed Actions and the R8A with 26.38-Degree Sloping Plane Alternative (the Modified Text Amendment, ULURP No. N230357(A)ZRK). This alternative substantially reduces shadows to a point that mitigation strategies become feasible, as the shadows impacts on specific resources within BBG are reduced or eliminated on specific resources, further described in **Chapter 11, "Mitigation."**

R7D with 15-Degree Sloping Plane Alternative

The R7D with 15-Degree Sloping Plane Alternative examines conditions at the Proposed Development Site but assumes that the Project Area would be rezoned to R7D/C2-4 with Mandatory Inclusionary Housing. The R7D with 15-Degree Sloping Plane Alternative would consist of 355 DUs (89 of which would be permanently affordable through the MIH Program) and 8,128 gsf of local retail space. The R7D with 15-Degree Sloping Plane Alternative would include 368,620 gsf and would be built to an FAR of 5.35 as permitted under the City of Yes for Housing Opportunity. The R7D with 15-Degree Sloping Plane Alternative would comply with all R7D zoning bulk regulations and would stand at a maximum height of 10 stories or 100 feet (not including 35 feet mechanical bulkhead). Parking would be provided pursuant to the same special permit requested for the Proposed Project. The R7D with 15-Degree Sloping Plane Alternative would meet some of the goals of this project, including promoting affordable and market-rate housing development through the introduction of increased residential density on-site, encouraging the extension of the retail corridor south along Franklin Avenue through the provision of a commercial overlay, although to a lesser degree than the Proposed Project, the R8A with 26.38-Degree Sloping Plane Alternative Project, and the R7X with 17-Degree Sloping Plane Alternative Project.

The R7D with 15-Degree Sloping Plane Alternative would result in significant adverse impacts to open space, shadows, natural resources, and construction (noise). However, this alternative substantially reduces the magnitude, duration and extent of the significant adverse shadows impacts to Brooklyn Botanic Garden as compared to the Proposed Actions and the R8A with 26.38-Degree Sloping Plane Alternative (the Modified Text Amendment, ULURP No. N230357(A)ZRK). This alternative substantially reduces shadows to a point that mitigation strategies become feasible, as the shadows impacts on specific resources within BBG are reduced or eliminated on specific resources, further described in **Chapter 11, "Mitigation."**

R7A with 10-Degree Sloping Plane Alternative

The R7A with 10-Degree Sloping Plane Alternative examines conditions at the Proposed Development Site but assumes that the Project Area would be rezoned to R7A/C2-4 with Mandatory Inclusionary Housing. The R7A with 10-Degree Sloping Plane Alternative would consist of 319 DUs (80 of which would be permanently affordable through the MIH Program) and 8,128 gsf of local retail space. The R7A with 10-Degree Sloping Plane Alternative would include 337,198 gsf and would be built to an FAR of 4.81 as permitted under the City of Yes for Housing Opportunity. The R7A with 10-Degree Sloping Plane Alternative would comply with all R7A zoning bulk regulations and would stand at a maximum height of 9 stories or 90 feet (not including 23 feet mechanical bulkhead). Parking would be provided pursuant to the same special permit requested for the Proposed Project. The R7A with 10-Degree Sloping Plane Alternative would meet some of the goals of this project, including promoting affordable and market-rate housing development through the introduction of increased residential density on-site, encouraging the extension of the retail corridor south along Franklin Avenue through the provision of a commercial overlay, although to a lesser degree than the Proposed Project, the R8A with 26.38-Degree Sloping Plane Alternative Project, the R7X with 17-Degree Sloping Plane Alternative Project, and the R7A with 15-Degree Sloping Plane Alternative Project.

The R7A with 10-Degree Sloping Plane Alternative would result in significant adverse impacts to open

space, shadows, natural resources, air quality, and construction (noise). However, this alternative substantially reduces the magnitude, duration and extent of the significant adverse shadows impacts to Brooklyn Botanic Garden as compared to the Proposed Actions and the R8A with 26.38-Degree Sloping Plane Alternative (the Modified Text Amendment, ULURP No. N230357(A)ZRK). This alternative substantially reduces shadows to the greatest extent and to a point that mitigation strategies become feasible, as the shadows impacts on specific resources within BBG are reduced or eliminated further described in **Chapter 11, "Mitigation."**

DCP, acting on behalf of the CPC as lead agency for the environmental review, in consultation with NYC Parks, has determined the Alternatives 5, 6 and 7 (the R7X with 17-Degree Sloping Plane Alternative; the R7D with 15-Degree Sloping Plane Alternative; and the R7A with 10-Degree Slope Plane Alternative) all substantially reduce the magnitude, duration and extent of the significant adverse shadows impacts to Brooklyn Botanic Garden as compared to the Proposed Actions and the R8A with 26.38-Degree Sloping Plane Alternative (the Modified Text Amendment, ULURP No. N230357(A)ZRK). Alternatives 5, 6, and 7 substantially reduce shadows (with Alternative 7, the R7A with 10-Degree Sloping Plane Alternative identifying the greatest reduction) to a point that mitigation strategies become feasible, as the shadows impacts on specific resources within BBG are reduced or eliminated. In conjunction with adoption of a Proposed Action Alternative which reduces the potential for shadows impacts to the Brooklyn Botanic Garden, the significant adverse shadow impact on the Brooklyn Botanic Garden could be partially mitigated by the applicant contributing to improve structures in the nursery yard that remain impacted by shadows. The Applicant will enter into a Restrictive Declaration that would require these measures. Because the significant adverse shadow impact would not be fully mitigated, adoption of any of the Sloping Plane Alternatives (4, 5, 6 and 7) in conjunction with the mitigation measures described in **Chapter 11, "Mitigation"** would result in an unavoidable significant adverse shadow impact on Brooklyn Botanic Garden.

Additionally, because the shadows diagrams, impact determinations and mitigations are based on a specific base plane as demonstrated in the Shadows and Alternatives chapters, this specific base plane from which the analysis was conducted will be codified in the RD as a component of the shadows mitigations in conjunction with the alternatives presented here. The base plane shall be defined as 87.38 feet above sea level NAVD88.

No Unmitigated Significant Adverse Impacts Alternative

The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the density and other components of the Proposed Project are changed specifically to avoid unmitigated significant adverse impacts. As presented in **Chapter 11, "Mitigation," and Chapter 13, "Unavoidable Adverse Impacts,"** there is the potential for the Proposed Project to result in unmitigated significant adverse impacts related to shadows, open space, natural resources, and construction (noise). Overall, in order to eliminate all unmitigated significant adverse impacts, the Proposed Project would have to be modified to a point where the principal goals and objectives would not be realized.

~~K.~~J. UNAVOIDABLE ADVERSE IMPACTS OF THE PROPOSED PROJECT

The Proposed Actions would result in significant adverse impacts due to direct shadows effects on open space and natural resources in the Brooklyn Botanic Garden and the Jackie Robinson Playground. As discussed in the "Mitigation" section above, the Applicant has identified and considered two measures, introduced in the DEIS, as potential mitigation for the significant adverse shadow impacts. They included 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 analyzed in the DEIS 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 on Brooklyn Botanic Garden by the Proposed Project was also deemed infeasible by the Lead Agency for financial and logistical reasons due to the magnitude, duration and extent of the significant adverse shadows impacts of the Proposed Actions.

Since the issuance of the DEIS, DCP as Lead Agency, in consultation with NYC Parks and the Applicant have further explored mitigation measures and alternatives to the Proposed Actions that would reduce or eliminate the significant adverse shadows impacts to the Brooklyn Botanic Garden. As detailed in the Alternatives chapter, no Proposed Action Alternative has been identified which completely eliminates significant adverse shadows impacts on the Brooklyn Botanic Garden. However, the reduced magnitude, duration and extent of effected resources of the potential impact based on the Proposed Action Alternatives (Alternatives 5, 6 and 7; the R7X with 17-Degree Sloping Plane Alternative; the R7D with 15-Degree Sloping Plane Alternative; and the R7A with 10-Degree Slope Plane Alternative) make partial mitigation strategies feasible. In conjunction with adoption of a Proposed Action Alternative which reduces the potential for shadows impacts to the Brooklyn Botanic Garden, the significant adverse shadow impact on the Brooklyn Botanic Garden could be partially mitigated by the Applicant contributing to improve structures in the nursery yard that remain impacted by shadows. Because the significant adverse shadow impact would not be fully mitigated, the Proposed Actions would result in an unavoidable significant adverse shadow impact on Brooklyn Botanic Garden.

Additionally, because the shadows diagrams, impact determinations and mitigations are based on a specific base plane as demonstrated in the shadows and alternatives chapters, this specific base plane from which the analysis was conducted will be codified in the RD as a component of the shadows mitigations. The base plane shall be defined as 87.38 ft above sea level NAVD88.

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 several elements, such as the reconstruction of the handball court, new lighting for the basketball courts, repairing existing benches and drinking fountains, and/or sidewalk improvements.

The Applicant will construct the improvements to Jackie Robinson Playground in conjunction with the Proposed Project pursuant to an agreement between the Applicant and NYC Parks, the details of which will be codified in a restrictive declaration. This will require the Applicant to bring the design of the improvements through Parks design review process.

With the implementation of these elements, the impacts to Jackie Robinson Playground may be considered partially mitigated. As such, the significant adverse shadow impact on Jackie Robinson Playground would not be avoided.

Mitigation measures explored in the DEIS to counter the effects of incremental shadows generated by the Proposed Project on BBG were deemed to be infeasible due to the magnitude, duration and extent of the shadows impact. Therefore, the Proposed Project would result in unmitigated significant adverse impacts. The Proposed Action Alternatives (Alternatives 5, 6 and 7: the R7X with 17-Degree Sloping Plane Alternative; the R7D with 15-Degree Sloping Plane Alternative; and the R7A with 10-Degree Sloping Plane Alternative), introduced in the FEIS, in conjunction with the Applicant contributing to improve structures in the nursery yard that remain impacted by shadows, would be partial mitigation. Therefore, both the Proposed Project and Proposed Alternatives would result in unavoidable significant adverse shadows impacts to both the BBG and Jackie Robinson Playground ~~possible mitigation measures include relocating~~

~~the sunlight sensitive resources in the Brooklyn Botanic Garden and implementing artificial lighting to mitigate the shadow impacts of the Proposed Project. In the DEIS, these mitigation measures were deemed to be financially and logistically infeasible. NYC Parks advised that partial mitigation for the Proposed Action's shadows impact on the Jackie Robinson Playground could be provided by improvements to the facility, including the installation of synthetic turf with asphalt painted track and adjacent sidewalk, and the installation of lighting for the existing basketball courts in the playground's southeast portion. This measure would provide partial mitigation but would not fully mitigate the significant adverse impacts on the Jackie Robinson Playground. As the significant adverse shadows impacts would not be fully mitigated on Brooklyn Botanic Garden or the Jackie Robinson Playground, the Proposed Actions would result in unmitigated significant adverse shadow impacts~~.

The Proposed Actions would have the potential to result in temporary significant adverse construction noise impacts at several receptor locations surrounding the Proposed Development Site. Portions of four buildings would be affected, including the south-facing courtyard and southern façades of the future 960 Franklin Avenue residential building, the northeastern façade directly adjacent to the construction work area and the eastern half of the southern façade of 1015 Washington Avenue, the northern façade of 1035 Washington Avenue, and the western façade of the P.S. 375 Jackie Robinson school. 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. 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, and P.S. 375 Jackie Robinson school are predicted to experience a temporary construction noise impact. In order to partially mitigate the construction noise impacts, the Applicant would offer to provide storm windows for impacted 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. These mitigation measures would be implemented prior to the start of construction. Building façades with insulated glass windows or storm windows and alternative ventilation would provide sound attenuation such that even during warm weather conditions, interior noise levels would be approximately 30 dBA less than exterior noise levels. However, the most noise-intensive construction activity nearest the receptors experiencing significant adverse impacts would result in interior noise levels up to 56 dBA L_{10}, which is 11 dBA greater than the level considered acceptable according to *CEQR Technical Manual* noise exposure guidelines and none of the identified significant adverse construction noise impacts would be fully mitigated. Consequently, the temporary significant adverse noise impacts predicted to occur at the above-mentioned receptors would be only partially mitigated in any event and as such is considered

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

~~L.~~K. GROWTH-INDUCING ASPECTS OF THE PROPOSED PROJECT

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

The Proposed Project would help address the dire City-wide need for affordable housing by increasing the flexibility required to develop a higher amount of residential uses at greater densities and heights. Changing existing zoning to allow for residential uses at higher densities and mandating the inclusion of affordable housing through the City’s Mandatory Inclusionary Housing (MIH) program would result in the construction of permanently affordable housing. The Applicant believes that the Proposed Project would support the City’s goals of promoting affordable housing development by maximizing the use of underutilized land and encouraging the continued economic development of this area of Crown Heights. The Applicant anticipates that the Proposed Project would create new job opportunities. The Applicant also anticipates that the residents and workers added by the new housing and businesses would result in additional customers for existing local businesses, helping to strengthen and create more vibrant retail corridors, and expand local retail options for current residents.

As discussed above, the Proposed Project consists of a 14-story (145-foot-tall excluding mechanical equipment), 471,495 gsf mixed-use residential and commercial building containing 475 dwelling units (DUs) (419,346 gsf), 119 of which would be permanently affordable pursuant to MIH, 8,128 gsf of local retail space, 27,349 gsf of parking area, 2,752 gsf of loading area, and approximately 13,920 gsf of mechanical/storage space. Parking for approximately 20 percent of all market-rate units would be provided at the Proposed Project (approximately 71 parking spaces). The accessory parking garage would be accessed via a curb cut on Franklin Avenue.

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

The Proposed Project would result in more intensive land uses on the Proposed Development Site. However, it is not anticipated that the Proposed Project would generate significant secondary impacts that would result in substantial new development in nearby areas. As discussed in the "Land Use, Zoning, and Public Policy" section above, it is unlikely that the Proposed Project would alter land use patterns in the surrounding area. The Proposed Project would not create a critical mass of uses or populations that would induce additional development.

The Proposed Project does not include the introduction of new infrastructure or an expansion of infrastructure capacity that would result in indirect development. As discussed in **Attachment E, "Water and Sewer Infrastructure,"** in the Environmental Assessment Statement (EAS)[5], because the City's sewers are sized and designed based on the designated zoning of an area, and related population density and surface coverage characteristics, the proposed rezoning may result in development that is inconsistent with the design of the existing built sewer system. As such, it is possible that preparation of an amended drainage plan may be required. In order to obtain a permit to connect to the City sewer, a site-specific hydraulic analysis to determine whether the existing sewer system is capable of supporting higher density development and related increases in sanitary flows would be prepared prior to construction of the Proposed Project. Sewer improvements may also be required to support the site connection proposal. The configuration of any on-site infrastructure improvements would be determined based on the demands created by the Proposed Project and would not be designed to accommodate development elsewhere in the surrounding area. Therefore, these improvements would not be expected to induce growth outside of the Proposed Development Site.

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

~~M.~~L. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

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

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

[5] *962-972 Franklin Avenue Environmental Assessment Statement*, June 26, 2023. <https://a002-ceqraccess.nyc.gov/Handlers/ProjectFile.ashx?file=MjAyM1wyM0RDUDE2NUtcZWFzXDIzRENQMTY1S19FQVNfMDYyNjIwMjMucGRm0&signature=132d87b949e8e7624476ebb96d08010892408252

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

The commitments of resources and materials are weighed against the benefits of the Proposed Actions. The Proposed Actions would promote new residential development with significant amounts of permanently affordable housing, encourage new local retail development along a key corridor, enhance and revitalize a major thoroughfare through new economic development, protect the neighborhood character of the residential core, and help ensure predictable future development. The new land uses would be compatible with the surrounding area and would extend the mixed-use character of Franklin Avenue south toward Empire Boulevard, thereby better supporting the needs of the community.