~~Draft~~ Final Scope of Work for a Targeted Environmental Impact Statement for 307 Kent Avenue (CEQR No. 20DCP100K)

This document is the Final Scope of Work for the 307 Kent Avenue Draft Environmental Impact Statement (DEIS). This Final Scope of Work has been prepared to describe the Proposed Project, present the framework for the EIS analysis, and discuss the procedures to be followed in the preparation of the DEIS.

A Draft Scope of Work was prepared in accordance with the State Environmental Quality Review Act (SEQRA), City Environmental Quality Review (CEQR) procedures, and the 2020[1] *CEQR Technical Manual* and was distributed for public review. A public scoping meeting was held on Thursday February 13, 2020 at 2 PM, at the New York Department of City Planning, 31st Floor, 120 Broadway, Central Park Conference Room, New York, NY, 10271. The period for comments on the Draft Scope of Work remained open until the close of business on Monday, February 24, 2020, at which point the scope review process was closed. Subsequent to the close of the comment period, the lead agency reviewed and considered comments received during the public scoping process, and oversaw preparation of this Final Scope of Work. The DEIS will be prepared in accordance with this Final Scope of Work.

Appendix A to this Final Scope of Work identifies the comments made at the February 13, 2020 public scoping meeting and the written comments received, and provides responses. The written comments received are included in Appendix B. Revisions to the Draft Scope of Work have been incorporated into this Final Scope of Work, and are indicated by double-underlining new text and striking deleted text.

A. INTRODUCTION

The applicant, 307 Kent Associates, proposes the construction of a mixed-use office, light manufacturing, community facility, and retail building (the Proposed Project[2]) at 307 Kent Avenue (Block 2415, Lot 1; Projected Development Site 1) in the Williamsburg neighborhood of Brooklyn, Community District 1 (see **Figure 1**). To facilitate the Proposed Project, the applicant is requesting two actions from the New York City Planning Commission (CPC): a zoning map

[1] The 2020 *CEQR Technical Manual* update to the 2014 *CEQR Technical Manual* was released following the issuance of the Draft Scope of Work. Methodologies in this Final Scope of Work are consistent with the guidance of the 2020 *CEQR Technical Manual*, which does not significantly differ from the methods outlined in the Draft Scope of Work.

[2] The Proposed Project on Projected Development Site 1 would contain approximately 101,000 gross square feet (gsf), including 70,000 gsf of office uses, 22,000 gsf of community facility uses, and 9,000 gsf of retail uses. The proposed M1-5 district encourages commercial and light industrial uses, and manufacturing uses would be subject to stringent performance standards consistent with the mixed-use character of the neighborhood. For the purposes of CEQR analyses, a portion of the 70,000 gsf commercial uses are assumed to be light industrial in order to present a conservative analysis for certain technical areas, such as Air Quality, and a portion is assumed to be office in order to present a more conservative analysis in other technical areas, such as Transportation.

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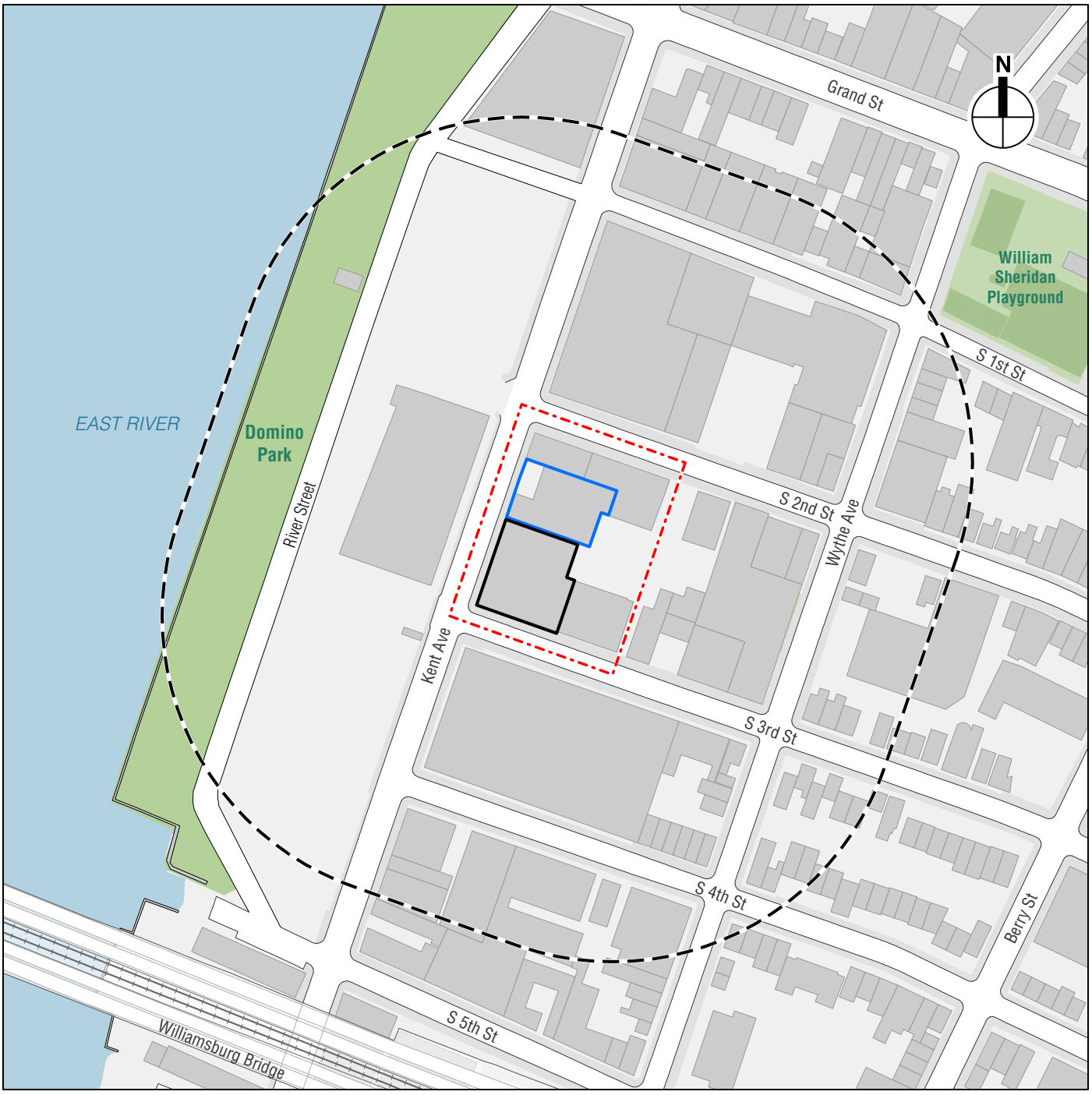

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Project Area (Proposed Rezoning Area)

Projected Development Site 1

Projected Development Site 2

Study Area (400-foot perimeter)



Project Location

307 KENT AVENUE

Figure 1

amendment in order to rezone the western portion of Block 2415 around the Proposed Project including Block 2415, Lots 1, 6, 10, 7501, 7502, and a portion of (p/o) Lots 16 and 38 (the Rezoning Area), from M3-1 ~~and M1-4/R6A~~ to M1-5 and MX-8 (M1-4/R6A), as well as a zoning text amendment to Map 2 for Community District 1, Brooklyn within Appendix F of the Zoning Resolution to remove a portion of Subject Block from the "Excluded Area" shown on this map in order to establish a Mandatory Inclusionary Housing (MIH) area and to make MIH regulations applicable. Collectively, the proposed zoning map amendment and zoning text amendment represent the Proposed Actions. Together the lots identified within the Rezoning Area ~~compose~~ comprise the Project Area. Another projected development site, which is not under the applicant's control, Projected Development Site 2, is located at Block 2415, Lot 6, and has also been identified as likely to be redeveloped as a result of the proposed rezoning and will be analyzed.

In addition to the rezoning from M3-1 to M1-5 described above, the existing MX-8 (M1-4/R6A) district covering the eastern half of the block would be extended westward by 90 feet to meet the boundary of the proposed M1-5 district, rezoning portions of Lots 6, 16, 38, 7501, and 7502 from M3-1 to MX-8 (M1-4/R6A), thereby regularizing zoning on the project block. MX-8 (M1-4/R6A) districts are mixed-use districts pairing M1 light manufacturing districts with a residential district (in this case R6A). Where MIH applies, as would be the case under the Proposed Actions, 3.6 FAR of residential use, 3.0 FAR of community facility use, and 2.0 FAR of light manufacturing and commercial uses are permitted in the MX-8 (M1-4/R6A). Buildings in the district can be up to 70 feet tall (85 feet with MIH where a qualifying ground floor is provided), with a minimum/maximum base height of 40/60 feet above which a setback is required (65 feet with MIH where a qualifying ground floor is provided). No parking is required for non-residential uses but parking is required for 50 percent of market rate DUs (no parking is required for income restricted dwelling units due to the Project Area's location within the Transit Zone as shown on Appendix I of the Zoning Resolution).~~In addition to Projected Development Site 1 and Projected Development Site 2, the Project Area includes several other lots located in the western portion of Block 2415 that would be rezoned (Lots 10, 38, 7501, 7502, p/o 16, p/o 38) but are not expected to be redeveloped. The Proposed Actions would rezone Projected Development Site 1, Projected Development Site 2, Lot 10, and p/o Lots 6, 7501, and 7502 from M3-1 to M1-5, extend the adjacent MX-8 (M1-4/R6A) westwards by 90 feet to meet the new M1-5 district, and remove a 90-foot wide portion of the Subject Block from the "Excluded Area" shown on Map 2 of Appendix F in order to make MIH regulations applicable for the proposed MX-8 (M1-4/R6A) rezoning area.~~

The New York City Department of City Planning (DCP), acting on behalf of CPC, will be the lead agency for environmental review. Based on the Environmental Assessment Statement (EAS) that has been prepared, the lead agency has determined that the Proposed Actions have the potential to result in significant adverse environmental impacts, requiring that an EIS be prepared. Scoping is the first step in the preparation of the EIS and provides an early opportunity for the public and other agencies to be involved in the EIS process. It is intended to determine the range of issues and considerations to be evaluated in the EIS. This ~~Draft~~ Final Scope of Work includes a description of the Proposed Project and the actions necessary for its implementation, presents the proposed framework for the EIS analysis, and discusses the procedures to be followed in the preparation of the Draft EIS (DEIS). The ~~2014~~ 2020 *City Environmental Quality Review (CEQR) Technical Manual* will serve as a general guide on the methodologies and impact criteria for evaluating the Proposed Actions' effects on the various areas of environmental analysis.

B. REQUIRED APPROVALS AND REVIEW PROCEDURES

PROPOSED ACTIONS

The applicant is seeking a zoning map amendment to Zoning Map Section 12d to rezone Block 2415, Lots 1, 10, and p/o Lots 6, 7501, and 7502 from M3-1 to M1-5. In addition, the existing MX-8 (M1-4/R6A) district covering the eastern half of the block would be extended westwards by 90 feet to meet the boundary of the proposed M1-5 district, rezoning p/o Lots 6, 16, 38, 7501, and 7502 and thereby regularizing zoning on the project block~~eliminating an existing split lot condition~~. A text amendment to Map 2 for Community District 1, Brooklyn within Appendix F of the Zoning Resolution is also necessary to remove a 90-foot wide portion of the Subject Block from the "Excluded Area" shown on Map 2 in order to make MIH regulations applicable for the proposed MX-8 (M1-4/R6A) rezoning area (see **Figures 2 and 3**).

CITY ENVIRONMENTAL QUALITY REVIEW AND SCOPING

The Proposed Actions are classified as Unlisted, as defined under 6 NYCRR 617.4 and NYC Executive Order 91 or 1977, as amended, and is subject to environmental review in accordance with CEQR guidelines. An EAS was completed on January 10, 2020. The EAS analyzes the Proposed Actions' potential to generate significant adverse environmental impacts. A Positive Declaration, issued on January 10, 2020, established that the Proposed Actions may have a significant adverse impact on the environment, thus warranting the preparation of an EIS.

The CEQR scoping process is intended to focus the EIS on those issues that are most pertinent to the Proposed Actions. The process allows other agencies and the public a voice in framing the scope of the EIS. The scoping document sets forth the analyses and methodologies that will be utilized to prepare the EIS. During the period for scoping, those interested in reviewing the Draft Scope may do so and give their comments to the lead agency. The public, interested agencies, Brooklyn Community District 1, and elected officials ~~are~~ were invited to comment on the Draft Scope, either in writing or orally, at a public scoping meeting ~~to be~~ held on February 13, 2020 at the NYC Department of City Planning, 31st Floor, ~~Hearing Room~~, 120 Broadway ~~Concourse Level~~, Central Park Conference Room, New York, NY 10271. Comments received during the Draft Scope's public meeting and written comments received by February 24, 2020 ~~will~~ have been~~be~~ considered and incorporated as appropriate into the Final Scope of Work (Scope). The lead agency ~~will oversee~~provided oversight in the preparation of the Final Scope, which ~~will~~ incorporates all relevant comments on the Draft Scope and revises the extent or methodologies of the studies, as appropriate, in response to comments made during scoping. The DEIS ~~will~~ has been~~be~~ prepared in accordance with the Scope.

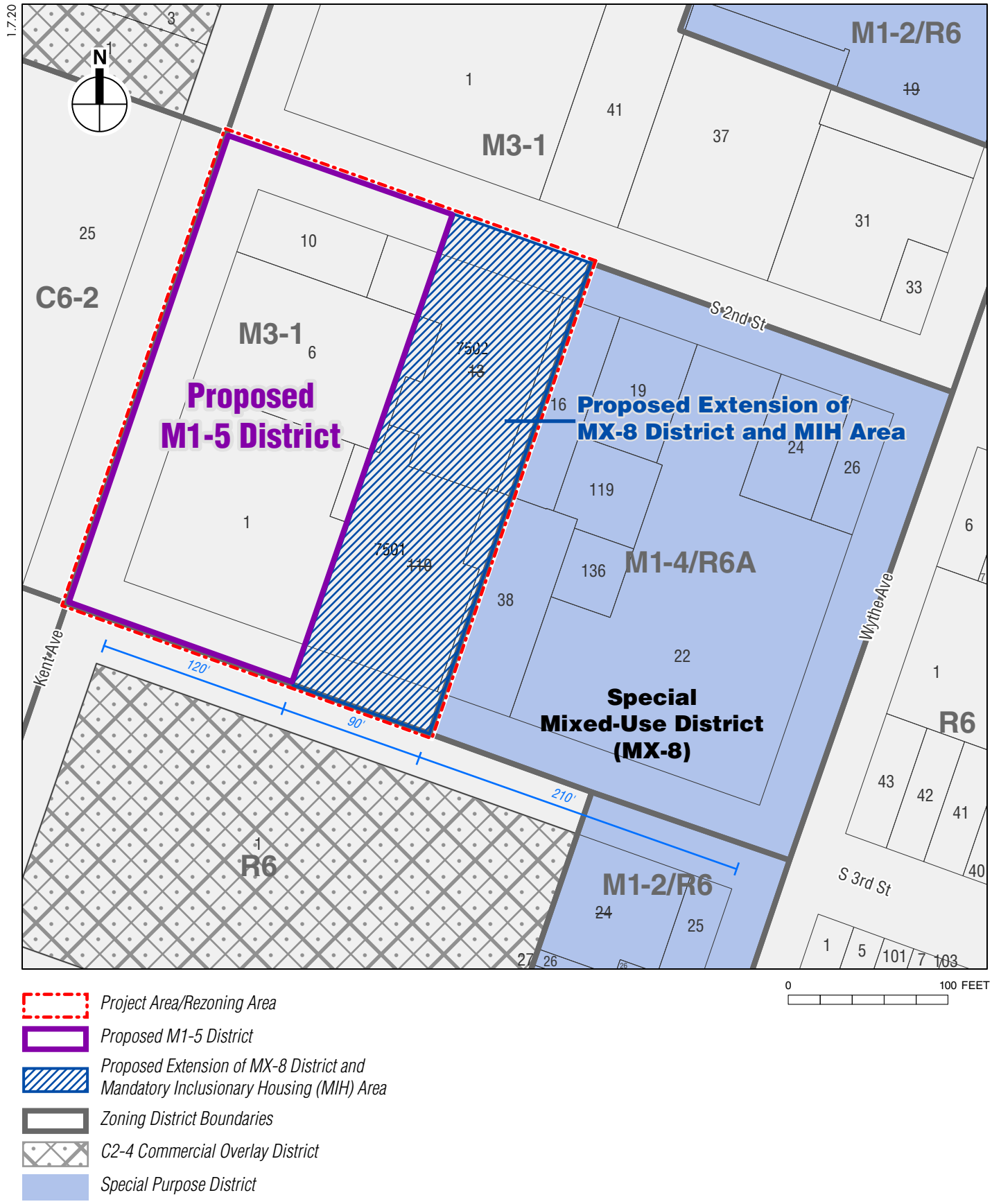
Once the lead agency is satisfied that the DEIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the CPC hearing on the land use applications to afford all interested parties the opportunity to submit oral and written comments. The record will remain open for 10 days after the public hearing to allow additional written comments on the DEIS. At the close of the public review period, a Final EIS (FEIS) will be prepared that will respond to all substantive comments on the DEIS, along with any revisions to the technical analyses necessary to respond to those comments. The FEIS will then be used by decision makers to evaluate CEQR findings, which will address project impacts and proposed mitigation measures in deciding whether to approve the requested discretionary actions with or without modifications.



Existing Zoning

307 KENT AVENUE

Figure 2



Proposed Zoning

307 KENT AVENUE

Figure 3

C. AREA AFFECTED BY THE PROPOSED ACTIONS

The Project Area (shown on **Figure 4**), is composed of seven tax lots:

- Block 2415, Lot 1 (Projected Development Site 1);
- Block 2415, Lot 6 (Projected Development Site 2);
- Block 2415, Lot 10;
- Block 2415, Lot 7501;
- Block 2415, Lot 7502;
- Block 2415, p/o Lot 16; and
- Block 2415, p/o Lot 38.

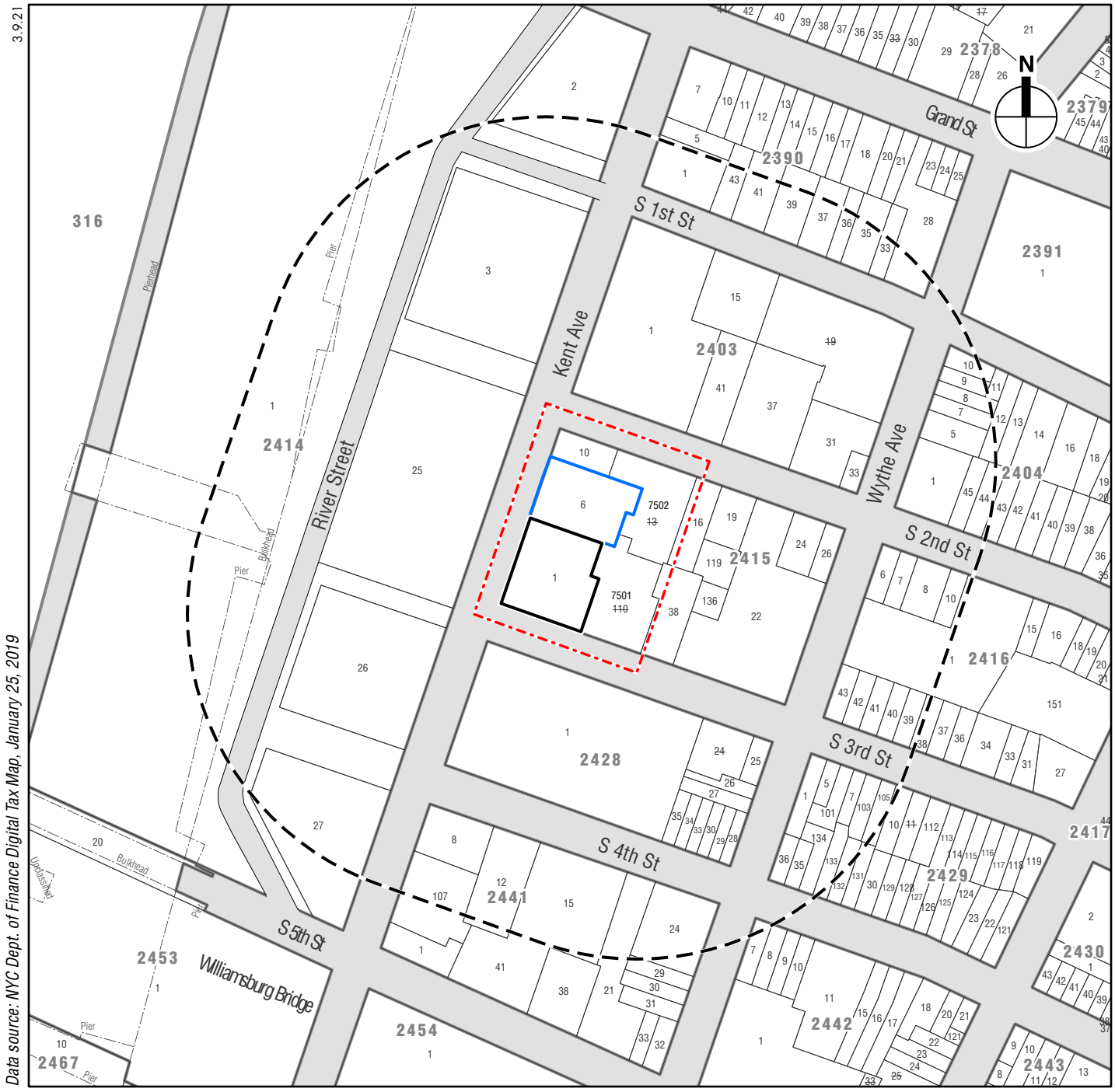
The Project Area, which is located within an M3-1 zoning district, includes a mix of single- and multi-story residential, commercial, retail, and warehouse uses. Projected Development Site 1, which is 14,425 square feet (sf) in size, is currently occupied by a 15,296-gross-square-foot (gsf) single-story warehouse with a mezzanine. The existing warehouse on Projected Development Site 1 is occupied by Villain, a warehouse/production event space. Lot 6, Projected Development Site 2, is occupied by a single-story warehouse. Lot 10 is occupied by a single-story commercial building that is currently vacant and Lots 7501 and 7502 are occupied by two four-story residential condominium buildings. Lot 16 currently contains a private accessory parking lot associated with an adjacent daycare use at 56 South 2nd Street, while Lot 38 contains a four-story residential walk-up with ground floor retail.

D. DESCRIPTION OF THE PROPOSED PROJECT

Approval of the Proposed Actions would facilitate the demolition of the approximately 15,296-gsf of existing warehouse/production uses on Projected Development Site 1, followed by the construction of a proposed nine-story mixed-use building. The new building would contain approximately 101,000 gsf, including 70,000 gsf of office uses, 22,000 gsf of community facility (medical office) uses, and 9,000 gsf of retail uses. Proposed Use Groups (UG) would include retail and office (UG 6), community facility (UG 4A), commercial and light manufacturing (UG 9A, 10A, 11A, 16A, 17B, 17C, and 18A), and storage and mechanical space. Approximately 6,000 gsf of loading and mechanical space has been included in the office use gsf total. The Proposed Project would have a total floor area ratio (FAR) of up to 6.5 (including up to 1.5 FAR of UG 4A community facility uses).

E. PURPOSE AND NEED

The Proposed Actions are necessary to allow the Proposed Project and its mix of uses, which would bring more diverse uses to the area and meet the demands of the surrounding growing neighborhood, which continues to transform from a manufacturing area to a mixed-use area. The Proposed Actions would facilitate the creation of new quality light manufacturing, office, community facility, and retail spaces to serve what has become a mixed-use area. The rezoning would also allow for the replacement of the windowless warehouse currently located on Projected Development Site 1 with quality ground-floor retail development on Kent Avenue and South 3rd Street, activating the street and improving the site's engagement with the neighborhood, consistent with more modern quality-of-life standards.



Tax Map

307 KENT AVENUE

Figure 4

F. ANALYSIS FRAMEWORK

The lead agency is required to take a "hard look" at the environmental impacts of proposed actions and, to the maximum extent practicable, avoid or mitigate potentially significant adverse impacts on the environment, consistent with social, economic, and other essential considerations. An EIS is a comprehensive document used to systematically consider environmental effects, evaluate reasonable alternatives, and identify and mitigate, to the maximum extent practicable, any potentially significant adverse environmental impacts. The EIS provides a means for the lead and involved agencies to consider environmental factors and choose among alternatives in their decision-making processes related to a proposed action.

This section outlines the conditions to be examined in the EIS.

REASONABLE WORST CASE DEVELOPMENT SCENARIO (RWCDS)

In order to assess the possible effects of the Proposed Actions, a Reasonable Worst Case Development Scenario (RWCDS) was developed to account for existing conditions, the Future without the Proposed Actions (No Action condition) and the Future with the Proposed Actions (With Action condition). The incremental difference between the future No Action and future With Action conditions serves as the basis for the impact analysis of the environmental review, as described below.

IDENTIFICATION OF DEVELOPMENT SITES

The first step in establishing the development scenario for the Proposed Actions was to identify those sites where new development could be reasonably expected to occur. In particular, all lots within the proposed Rezoning Area where a substantial increase in permitted FAR is proposed are considered as development sites, excepting circumstances where other conditions make redevelopment unlikely (e.g., sites where construction is actively occurring, or has recently been completed, as well as lots with recent alterations that would have required substantial capital investment). As described above, the proposed Rezoning Area would cover the western half of Block 2415, between South 2nd and South 3rd Streets, beginning at a distance of 220 feet from Wythe Avenue and extending westerly to Kent Avenue, which consists of Block 2415, Lots 1, 6, 10, 7501, and 7502, as well as p/o Lots 16 and 38.

The proposed rezoning would facilitate the development of Projected Development Site 1, which is owned by the Applicant. The Applicant does not own—and has no intention of acquiring—Lot 6; however, with the proposed rezoning of the majority of the lot from M3-1 to M1-5, the maximum permitted FAR would increase from 2.0 to 5.0 (6.5 including community facility space). Therefore, development of Lot 6 is considered likely as a result of the proposed increase in allowable FAR and, accordingly, Lot 6 is considered a projected development site as Projected Development Site 2.

In addition to Projected Development Site 1 and Projected Development Site 2, the proposed rezoning boundaries contain Lots 10, 7501, 7502, as well as small portions of Lots 16 and 38 its western edge. As part of the proposed rezoning the existing MX-8 (M1-4/R6A) district covering the eastern half of Block 2415 would also be extended westerly by 90 feet from its existing boundary 210 feet from Wythe Avenue, to 300 feet from Wythe Avenue (120 feet from Kent Avenue). This extension would also cover the westerly portion of Lots 16 and 38 that are currently mapped in the existing M3-1 district. As these M3-1 zoned portions of Lots 16 and 38 are currently located less than 25 feet from the existing zoning district boundary line between the M3-1 and MX-8 (M1-4/R6A) districts, the entirety of Lots 16 and 38 can, under existing zoning (ZR Sec.

77-11), be treated as if wholly located within the MX-8 district in any event. Therefore, the Proposed Actions would not result in an increase in permitted FAR on Lots 16 and 38, and these lots are not considered projected development sites under the RWCDS.

The proposed MX-8 (M1-4/R6A) extension would also cover a p/o Lot 6 and the majority of Lots 7501 and 7502. Lot 10 would be rezoned in its entirety from M3-1 to M1-5. The development of Lots 10, 7501, and 7502 is under Board of Standards and Appeals (BSA) jurisdiction per a 2003 BSA resolution (BSA Cal. No 102-03-BZ), which granted a variance to facilitate development of a mixed-use project containing two 45-foot tall, four-story residential condominium buildings with a total floor area of 57,819 sf and an FAR of 2.0 (Lots 7501 and 7502), one commercial building with a floor area of 3,212 sf and an FAR of 0.13 (Lot 10), and 29 parking spaces for residential tenants accommodated in the rear yard between the two residential buildings. The buildings on these three lots were completed in 2009, 2010, and 2008 respectively. Because Lot 10, which is part of a single zoning lot with Lots 7501 and 7502 and is part of a single BSA-approved project remaining under BSA jurisdiction, it is not considered a soft site for purposes of the RWCDS analysis. As these lots remain under BSA jurisdiction, any redevelopment or enlargement of the existing buildings on these lots under the proposed rezoning would be contingent upon a further discretionary BSA approval process separate from the Proposed Actions. Similarly, the potential transfer of additional excess development rights from these lots to Projected Development Sites 1 and 2 would also be contingent upon a further discretionary BSA approval process. Furthermore, the use of such excess development rights on Projected Development Sites 1 and 2 may not be practical given applicable height and setback regulations. Therefore, the transfer of any excess development rights is not reasonably considered as a part of the proposed rezoning.

BUILD YEAR

The Proposed Project is anticipated to enter the City's Uniform Land Review Procedure (ULURP) in ~~2020~~ 2021 upon certification of the DEIS and to complete this process in 2021, after which construction would begin. Construction of the Proposed Project would proceed in a single phase and is anticipated to take 21 months. Construction would consist of the following primary construction stages: demolition, excavation and foundation (approximately four months); superstructure and exteriors (approximately eight months); and interiors and finishing (approximately nine months). Based on these assumptions, ~~2022~~ 2023 has been identified as the analysis year for the Proposed Actions.

THE FUTURE WITHOUT THE PROPOSED ACTIONS (NO ACTION CONDITION)

Absent the Proposed Actions, no new development is anticipated to occur within the Project Area. Existing buildings and uses observed in the existing condition would remain through the 2022 build year. As described above, Projected Development Site 1 is currently a 15,296-gsf single-story warehouse/production event space. Projected Development Site 2~~,~~ is currently occupied by an 11,334-gsf single-story warehouse. Lot 10 is occupied by a 3,212-gsf single-story commercial building that is currently vacant and Lots 7501 and 7502 are occupied by two four-story residential condominium buildings with a total floor area of 57,819 sf. Lot 16 currently contains a private accessory parking lot associated with an adjacent daycare use at 56 South 2nd Street, while Lot 38 contains a 12,172-gsf four-story residential walk-up with ground floor retail.

THE FUTURE WITH THE PROPOSED ACTIONS (WITH ACTION CONDITION)

PROJECTED DEVELOPMENT SITE 1

As described above, in the With Action condition Development Site 1 would be redeveloped with a new, approximately 101,000-gsf, nine-story mixed-use building containing light industrial, office, community facility, and retail uses. The building would include 70,000 gsf of office uses (split between 1/3 office use and 2/3 light industrial and manufacturing use for the purposes of analysis[3]), 22,000 gsf of community facility (medical office) uses, and 9,000 gsf of retail uses.

PROJECTED DEVELOPMENT SITE 2

For the purposes of conservative analysis, it is assumed that the Proposed Actions would facilitate the development of Projected Development Site 2. It is assumed that Projected Development Site 2 would be redeveloped as a new, approximately 80,500-gsf, nine-story mixed-use building containing office, community facility, and retail uses. The building would include 55,000 gsf of office uses, 17,500 gsf of community facility (medical office) uses, and 8,000 gsf of retail uses.

OTHER SITES

It is expected that Block 2415, Lots 10, 7501, 7502, and p/o Lots 16 and 38 would remain the same in both the No Action and With Action conditions. Lots 10, 7501, 7502, and p/o Lots 16 and 38 do not meet the criteria of a "soft site" as defined by the *CEQR Technical Manual*. As previously mentioned Lots 10, 7501, and 7502 would remain under BSA jurisdiction, as per the 2003 BSA resolution. Any redevelopment or enlargement of the existing buildings on these lots would be contingent upon further discretionary a BSA approval process. The Proposed Actions would not increase the development potential of Lots 16 and 38, and no changes to these lots are anticipated.

As shown in **Table 1**, the RWCDS represents the increment for analysis, understood as the difference between the With Action and No Action conditions, to be analyzed in the EIS. Based on the comparison between the No Action and With Action conditions the RWCDS include an incremental increase of 68,693 gsf of commercial uses, 46,667 gsf of light manufacturing and manufacturing uses, and 39,500 gsf of community facility uses. As a result of the Proposed Actions, an additional 523 workers are expected within the Project Area.[4]

[3] The proposed M1-5 district encourages commercial and light industrial uses, and manufacturing uses would be subject to stringent performance standards consistent with the mixed-use character of the neighborhood. For the purposes of the CEQR analyses, a portion of the 70,000 gsf commercial uses are assumed to be light industrial in order to present a conservative analysis for certain technical areas, such as Air Quality, and a portion is assumed to be office in order to present a more conservative analysis in other technical areas, such as Transportation.

[4] Incremental worker population was calculated by multiplying the proposed and projected development programs by industry employment ratios commonly used for CEQR analysis: 1 worker/500 gsf of commercial (service to businesses) uses; 1 worker/333 of retail and medical office uses; 1 worker/250 gsf of office uses; and 1 worker/500 gsf of light industrial and manufacturing uses.

Table 1
Reasonable Worst Case Development Scenario

Use	Existing Condition (gsf)	No Action Condition (gsf)	With Action Condition (gsf)	Increment (gsf)
Commercial				
Service to Businesses	Projected Development Site 1 – 15,296 Projected Development Site 2 – 11,344 **Total – 26,640**	Projected Development Site 1 – 15,296 Projected Development Site 2 – 11,344 **Total – 26,640**	-	-26,640
Office	-	-	Projected Development Site 1 – 23,333 Projected Development Site 2 – 55,000 **Total – 78,333**	+78,333
Retail	-	-	Projected Development Site 1 – 9,000 Projected Development Site 2 – 8,000 **Total – 17,000**	+17,000
Manufacturing/Industrial				
Light Industrial and Manufacturing	-	-	Projected Development Site 1 – 46,667 Projected Development Site 2 – 0 **Total – 46,667**	+46,667
Community Facility				
Medical Office	-	-	Projected Development Site 1 – 22,000 Projected Development Site 2 – 17,500 **Total – 39,500**	+39,500

Note: Approximately 6,000 gsf of loading and mechanical space has been included in the office use gsf total.
Source: 307 Kent Associates, DCP-approved 307 Kent RWCDS

G. SCOPE OF WORK FOR THE EIS

As described above, the environmental review provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify, and mitigate where practicable, any significant adverse environmental impacts.

The EIS will contain the following:

- A description of the proposed actions and the environmental setting;
- A statement of the environmental impacts of the proposed actions, including short- and long-term effects and typical associated environmental effects;
- An identification of any adverse environmental effects that cannot be avoided if the proposed actions are implemented;
- A discussion of reasonable alternatives to the proposed actions;
- An identification of irreversible and irretrievable commitments of resources that would be involved if the proposed actions are implemented; and
- A description of measures proposed to minimize or fully mitigate any significant adverse environmental impacts.

The first step in preparing the EIS document is the public scoping process. Scoping is the process of focusing the environmental impact analysis on the key issues that are to be studied in the EIS. The proposed scope of work for each technical area to be analyzed in the EIS follows.

The EAS that has been prepared for the Proposed Actions identified several technical areas in which the Proposed Actions would not have the potential to result in significant adverse impacts. Based on the EAS, the Proposed Actions do not meet the criteria warranting analysis in these technical areas: Socioeconomic Conditions; Community Facilities and Services; Natural Resources; Solid Waste and Sanitation Services; Energy; Greenhouse Gas Emissions, and Construction, and no significant adverse impacts to these technical areas would occur with the Proposed Actions. As outlined below, analyses have been prepared for the EAS:

- Land Use, Zoning, and Public Policy (see EAS Attachment B);
- Open Space (see EAS Attachment C);
- Shadows (see EAS Attachment D);
- Historic and Cultural Resources (see EAS Attachment E);
- Urban Design and Visual Resources (see EAS Attachment F);
- Hazardous Materials (see EAS Attachment G);
- Water and Sewer Infrastructure (see EAS Attachment H); and
- Noise (see EAS Attachment I).

No significant adverse impacts were identified for ~~open space,~~ shadows, historic and cultural resources, urban design and visual resources, or water and sewer infrastructure; therefore, no further analysis in these technical areas is warranted. The EIS will include detailed analysis in the technical areas where the Proposed Actions would potentially result in significant adverse impacts (including additional data in for the land use, zoning, and public policy and hazardous materials analyses), based on the findings of the EAS. <u>While no significant adverse impacts to open space were identified in EAS Attachment C, because of the change in build year between the issuance of the Draft and Final Scopes of Work, an updated open space analysis will be included in the EIS.</u> The scope of work and the proposed impact assessment criteria below are based on the methodologies and guidance set forth in the *CEQR Technical Manual*.

TASK 1: PROJECT DESCRIPTION

As the first chapter of the EIS, the Project Description will introduce the reader to the Proposed Actions and the Proposed Project and set the context in which to assess impacts. The chapter will identify the Proposed Actions and provide the following:

- An introduction describing background, the Project Area, Projected Development Site 1, the Proposed Project, and the Proposed Actions;
- A statement of the public purpose and need for the Proposed Actions, and key planning considerations that have shaped the proposal;
- A description of the analysis framework for the environmental review, including a discussion of the No Action condition and the build year for analysis;
- A detailed description of the Proposed Actions, including both the No Action program and the With Action program;
- A description of the design of the Proposed Project with supporting figures; and

- A discussion of the approvals required, procedures to be followed, the role of the EIS in the process, and its relationship to any other approvals.

TASK 2: LAND USE, ZONING, AND PUBLIC POLICY

The Proposed Actions would result in a zoning map amendment and a zoning text amendment. Therefore, the EIS will include an assessment of the Proposed Actions' consistency with land use, zoning, and public policy, in accordance with the *CEQR Technical Manual*.

The zoning map amendment that would change a portion of the existing M3-1 zoning in the Project Area to M1-5. This new zoning district would cover the western portion of Block 2415, extending from Kent Avenue to a boundary 120 feet eastwards. In addition, the existing MX-8 (M1-4/R6A) district covering the eastern half of the block would be extended westward by 90 feet to meet the boundary of the proposed M1-5 district, rezoning p/o Lots 6, 16, 38, 7501, and 7502, thereby regularizing zoning on the project block~~eliminating an existing split-lot condition~~ (see **Figure 3**). M1-5 districts have a maximum manufacturing and commercial FAR of 5.0, a maximum community facility FAR of 6.5, and maximum total FAR of 6.5 if community facility use is provided. Heights are governed by a sky exposure plane, which begins at 85 feet above the street line, and no accessory parking is required.

As a result of the proposed extension of the existing MX-8 district westward by 90 feet, a text amendment to Map 2 for Community District 1, Brooklyn within Appendix F of the Zoning Resolution is also necessary to remove a 90-foot wide portion of the Subject Block from the "Excluded Area" shown on Map 2 in order to make MIH regulations applicable for the proposed MX-8 (M1-4/R6A) rezoning area.

Projected Development Site 1 is currently improved with a single-story warehouse building with a mezzanine that is used as a warehouse/production event space known as Villain. The existing building was constructed in 1971 and contains approximately 15,296 gsf of floor area. Projected Development Site 1 is currently owned by the applicant, 307 Kent Associates. Projected Development Site 2 is currently occupied by an 11,334-gsf single story warehouse constructed in 1962. The applicant does not control this site.

The Project Area also includes three additional lots and portions of two more lots on Block 2415 that are not anticipated to be redeveloped as a result of the Proposed Actions. These are Lots 10, 7501, 7502, and p/o Lots 16 and 38. Lots 10, 7501, and 7502 were redeveloped pursuant to a 2003 BSA Resolution (BSA Cal. No 102-03-BZ), which granted a variance for the development of three buildings that have subsequently been completed. This development consists of two four-story residential condominium buildings with a combined floor area of 57,819 gsf on Lots 7501 and 7502, which were completed in 2009 and 2010, and a single-story commercial building with a floor area of 3,212 gsf on Lot 10 completed in 2008. A shared accessory parking lot also exists in the rear yard and rear yard equivalent of Lots 7501 and 7502 containing 29 parking spaces for building residents. Lot 16 currently contains a private accessory parking lot associated with an adjacent daycare use at 56 South 2nd Street (Lot 19), while Lot 38 contains a 12,172-gsf four-story residential walk-up with ground floor retail constructed in 1920 and converted to the current use in 2000. Uses within the land use study area include residential, commercial, industrial, and open space uses and range from large buildings to single-story structures. Under CEQR, a land use analysis characterizes the uses and development trends in the area that may be affected by a proposed project. The analysis also considers the project's compliance with and effect on the area's zoning and other applicable public policies. The EIS land use, zoning, and public policy assessment, which provides a baseline for other analyses, will consist of the following tasks:

- Provide a brief development history of the Projected Development Sites and study area. The study area will include the area within approximately 400 feet of the Project Area.
- Based on existing studies, information included in existing geographic information systems (GIS) databases for the area and field surveys, identify, describe, and graphically present predominant land use patterns and site utilization on the project sites and in the study area. Recent land use trends and major factors influencing land use trends will be described.
- Describe and map existing zoning and any recent zoning actions on the project sites and in the 400-foot study area.
- Summarize other public policies that may apply to the project sites and study area, including any formal neighborhood or community plans and the City's Comprehensive Waterfront Plan.
- Prepare a list of other projects expected to be built in the study area that would be completed before or concurrent with the proposed project (No Action projects). Describe the effects of these projects on land use patterns and development trends. Also, describe any pending zoning actions or other public policy actions that could affect land use patterns and trends in the study area, including plans for public improvements.
- Describe the proposed actions and provide an assessment of the impacts of the proposed actions on land use and land use trends, zoning, and public policy. Consider the effects related to issues of compatibility with surrounding land use, consistency with zoning and other public policy initiatives, and the effect of the projects on development trends and conditions in the area.
- Since the Projected Development Sites are located in the Coastal Zone, an assessment of the projects' consistency with the Waterfront Revitalization Program (WRP) also will be prepared. This includes the preparation of a WRP Consistency Assessment Form (CAF). The WRP CAF will address in part the proposals flood resiliency, both to current flood hazards and to future flood hazards, with sea level rise and climate change.

TASK 3: OPEN SPACE

The *CEQR Technical Manual* recommends performing an open space assessment if a project would have a direct effect on an area open space or an indirect effect through increased population. As stated in the EAS, the Projected Development Sites fall within an area that is considered neither "underserved" nor "well-served" and the threshold for an open space assessment is whether a project would introduce more than 200 residents or 500 workers. It is anticipated that the Proposed Actions would introduce 576 workers to the Project Area, an increment of 523 additional workers than in the No Action condition. While the EAS attachments included a quantified assessment of open space, an analysis will be presented in the EIS to address an updated build year of 2023.

Tasks for the open space analysis will include the following:

- Inventory existing open space and recreational facilities within approximately ¼-mile of the Rezoning Area. Tally open space acreage for passive and active publicly accessible open spaces.
- Estimate population of the open space study area.
- In conformance with *CEQR Technical Manual* methodologies, assess the adequacy of existing publicly accessible open space facilities. The assessment of adequacy is based on a comparison of the ratio of open space per 1,000 people to City guidelines.
- Assess expected changes in future levels of open space supply and demand in the build year, based on other planned development projects in the study area. Develop open space ratios for

future conditions and compare them with existing ratios to determine changes in future levels of adequacy.

- Based on the Proposed Project's estimated population, assess its effects on open space supply and demand. This assessment will be based on a comparison of open space ratios with the project to open space ratios without the Proposed Project.
- In coordination with other tasks, identify any potential direct impacts on nearby open space from shadows, air quality, or noise generated by the Proposed Project.
- A preliminary assessment will be conducted to determine if a detailed open space analysis is necessary and, if so, preparation of such an analysis in accordance with the *CEQR Technical Manual*.
- If the results of the detailed analysis identify a potential for significant adverse impacts, potential mitigation measures will be discussed.

TASK ~~3~~4: HAZARDOUS MATERIALS

In accordance with guidance presented in the *CEQR Technical Manual*, the evaluation for the potential presence of hazardous materials resulting from previous and existing uses at or near the Projected Development Sites began with a Phase I Environmental Site Assessment (ESA), which was prepared by AKRF in April 2019. It identified evidence of Recognized Environmental Conditions (RECs), i.e., "the presence or likely presence of hazardous substances or petroleum products in, on, or at a property," including historical automotive uses, a historical tinware manufacturing facility and a ball bearing manufacturing warehouse at Projected Development Site 1 and a junkyard at Projected Development Site 2. Nearby historical industrial/automotive uses, were also identified.

PROJECTED DEVELOPMENT SITE 1

Consistent with an August 13, 2019 letter from the NYC Department of Environmental Protection (DEP), a Work Plan for a Phase II Investigation (collection and laboratory analysis of subsurface samples) of Projected Development Site 1 was prepared and submitted to DEP for review. The agency approved the Work Plan in a letter dated December 3, 2019. Following implementation of the approved Work Plan and preparation of a report documenting its performance and describing its findings, a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) will be prepared and submitted to DEP for review and approval. The RAP and CHASP will set out procedures to be followed to avoid the potential for adverse impacts related to hazardous materials identified by the Phase II Investigation as well as other hazardous materials that could be unexpectedly encountered during construction at Projected Development Site 1. The RAP will address requirements for items such as soil management (including stockpiling, handling, transportation and disposal), dust control and air monitoring, and contingency measures should any underground storage tank (USTs) or soil contamination be encountered. The CHASP will present a hazard assessment for the construction workers and set out the requirements for real-time air monitoring for respirable dust and volatile organic compounds (VOCs) during portions of the subsurface disturbance, to protect both the construction workers and the community. Following construction at Projected Development Site 1, occupancy permits would only be issued once DEP receives and approves a Remedial Closure Report, certified by a New York-licensed Professional Engineer, that documents the RAP and CHASP were properly implemented.

PROJECTED DEVELOPMENT SITE 2

For Projected Development Site 2, an (E) Designation for hazardous materials would be placed on the NYC Zoning Map as part of the Proposed Actions to ensure requirements pertaining to hazardous materials would be addressed during any future redevelopment involving soil disturbance. An (E) Designation imposes pre- and post-construction requirements overseen by the New York City Office of Environmental Remediation (OER) that require a Remedial Investigation (RI) be conducted including the collection of soil, groundwater, and soil vapor samples with laboratory analysis for a full suite of analytical parameters. Prior to such testing, an RI Work Plan and Health and Safety Plan (HASP) for the investigation would be submitted to OER for review and approval. Based on the results of the RI, a Remedial Action Work Plan (RAWP) and associated CHASP would be prepared for implementation during the subsurface disturbance associated with construction. The RAWP and CHASP would address requirements for items such as petroleum tank removal, dust control, and contingency measures should unforeseen petroleum tanks or soil contamination be encountered. The RAWP would also include any necessary requirements for vapor controls should the RI reveal the potential for soil vapor intrusion. The RAWP and CHASP would be subject to OER approval and, following construction, occupancy permits could only be issued once OER receives and approves documentation that the RAWP and CHASP were properly implemented.

TASK 45: TRANSPORTATION

In accordance with guidance prescribed in the *CEQR Technical Manual*, the evaluation of potential transportation-related impacts associated with a proposed project begins with screening assessments, which encompasses the preparation of travel demand estimates (Level-1 screening analysis) and/or trip assignments (Level-2 screening analysis), to determine if detailed analyses would be required to address the potential impacts project-generated trips may have on the transportation system. The *CEQR Technical Manual* states that quantified transportation analyses may be warranted if a proposed action results in 50 or more vehicle-trips and/or 200 or more transit/pedestrian trips during a given peak hour. Based upon a preliminary travel demand assessment of the No Action (as-of-right) scenario and the With Action scenario, the incremental trip-making shows that quantified analysis of traffic, transit (bus only), parking, pedestrian conditions, and vehicular/pedestrian safety would be warranted for the weekday peak periods. The transportation scope is outlined below.

TRAVEL DEMAND PROJECTIONS AND SCREENING ASSESSMENTS

The transportation analysis for the environmental review will compare the Proposed Actions with the No Action scenario to determine the trip-making increments that could occur as result of the Proposed Actions. Travel demand estimates and a transportation screening analysis will be prepared and summarized in a draft Travel Demand Factors (TDF) Memorandum. Detailed trip estimates were developed using standard sources, including the *CEQR Technical Manual*, U.S. Census data, approved studies, and other references. The trip estimates (Level-1 screening assessment) were summarized by peak hour (weekday AM, midday, and PM peak hours), mode of travel, and person vs. vehicle trips. The trip estimates also identified the number of peak hour person trips made by transit and the number of pedestrian trips traversing the area's sidewalks, corner reservoirs, and crosswalks.

TRAFFIC

Based on preliminary trip estimates, a study area of 13 traffic intersections will be included for a detailed analysis of potential traffic impacts for the weekday AM, midday, and PM peak hours. The study area includes intersections along the Kent Avenue, Wythe Avenue, and Metropolitan Avenue corridors.

Data Collection and Baseline Traffic Volumes

Traffic volumes and relevant data at the study area intersections will be collected following *CEQR Technical Manual* guidelines. The traffic data collection program will include 9-day automatic traffic recorder (ATR) counts, intersection turning movement counts, vehicle classification counts, conflicting bike/pedestrian volumes, and an inventory of existing roadway geometry (including street widths, travel directions, lane markings, curbside regulations, bus stop locations, etc.) and traffic control. Official signal timing data will be obtained from the New York City Department of Transportation (DOT) for incorporation into the capacity analysis described below. Using the collected traffic data, balanced traffic volume networks will be developed for the weekday AM, midday, and PM peak hours.

Existing Conditions Capacity Analysis

Balanced peak hour traffic volumes will be prepared for the capacity analysis of study area intersections. This analysis will be conducted using the 2000 *Highway Capacity Manual* (HCM) methodology with the latest approved Highway Capacity Software (HCS) or Synchro. The existing volume-to-capacity (v/c) ratios, delays, and levels of service (LOS) for the weekday AM, midday, and PM peak hours will be determined.

No Action Conditions Analysis

The future No Action traffic volumes will be estimated by adding a background growth, in accordance with *CEQR Technical Manual* guidelines, to existing traffic volumes, and incorporating incremental changes in traffic resulting from the No Action development and other projects in the area. Physical and operational changes that are expected to be implemented independent of the Proposed Actions, if any, will also be incorporated into the future traffic analysis network. The No Action v/c ratios, delays, and LOS at the study area intersections will be determined.

With Action Conditions Analysis

Incremental project-generated vehicle trips will be added to the future No Action traffic network. The potential impact on v/c ratios, delays, and LOS will then be evaluated in accordance with *CEQR Technical Manual* criteria. For vehicle movements found to incur delays exceeding the CEQR impact thresholds, traffic engineering improvement measures will be explored to mitigate the identified significant adverse traffic impacts to the extent practicable.

TRANSIT

Available public transportation near the proposed rezoning area includes subway service at the Marcy Avenue Station (J, M, and Z trains) and the Bedford Avenue Station (L train), and local bus routes including the B32, B62, and Q59. Based on preliminary estimates, the Proposed Actions' incremental peak hour transit trips would add fewer than 200 trips to each of the subway stations and on each of the J, M, Z, and L subway lines, such that detailed analyses of subway station elements and line-haul levels would not be warranted. However, the preliminary travel demand estimates indicate that quantified analyses of line-haul conditions would be warranted for

the B32 and B62 bus routes, which are expected to incur more than 50 peak hour riders in one direction to/from the proposed actions during the weekday AM and PM peak periods. Where significant adverse impacts are identified, improvement measures will be recommended to mitigate the impacts to the extent practicable in accordance with *CEQR Technical Manual* procedures.

PEDESTRIANS

Based on preliminary estimates, detailed pedestrian analyses would be warranted for the weekday AM, midday, and PM peak hours. A pedestrian study area of up to two equivalent intersections (i.e., up to 8 corner reservoirs and 8 crosswalks) and their adjoining sidewalks (i.e., up to 16 sidewalks) will be analyzed for the existing, No Action, and With Action conditions per *CEQR Technical Manual* guidelines, similar to procedures described above for the traffic analyses. Where significant adverse impacts are identified, improvement measures will be recommended to mitigate the impacts to the extent practicable.

VEHICULAR AND PEDESTRIAN SAFETY

Crash data for the study area intersections and other nearby sensitive locations from the most recent three-year period will be obtained from DOT to determine if any are classified as high-crash locations, which according to the *CEQR Technical Manual*, are those with 48 or more crashes or 5 or more bike/pedestrian-related crashes over a 12-month period. Where necessary, improvement measures will be explored to address the identified unsafe geometric and/or operational deficiencies.

PARKING

An off-street parking supply and utilization analysis will be performed for the area within ¼-mile of the proposed rezoning area. This analysis will involve an inventory of existing parking levels, projections of future No Action and With Action utilization levels, and comparison of these projections to the future anticipated parking supply to determine the potential for a parking shortfall. As with traffic, these analyses will be performed in accordance with *CEQR Technical Manual* procedures.

TASK ~~5~~6: AIR QUALITY

The number of project-generated vehicle trips, as compared with the "No Action" scenario, may exceed the vehicle trip screening thresholds defined in the *CEQR Technical Manual* for conducting a quantified analysis of carbon monoxide (CO) and/or particulate matter (PM) emissions from mobile sources. Therefore, a screening analysis for mobile sources will be performed. If screening thresholds are exceeded, a detailed mobile source analysis would be required.

For stationary sources, a screening analysis will be prepared to determine whether emissions from any on-site fuel-fired equipment (e.g., boilers/hot water heaters) could potentially cause a significant adverse air quality impact. The screening analysis will use procedures outlined in the *CEQR Technical Manual*. The initial screening procedure involves determining the distance from the exhaust point within which potential significant impacts may occur, on elevated receptors (such as open windows, air intake vents, etc.) that are of similar or greater height when compared with the height of the proposed project's exhaust stack(s). The distance within which a significant impact relative to CO, PM less than 10 micrometers in diameter (PM_{10}), sulfur dioxide (SO_2), and annual average NO_2 National Ambient Air Quality Standards (NAAQS) levels may occur is

dependent on a number of factors, including the height of the discharge, type(s) of fuel combusted, and development size or emissions. The screening procedure will also utilize EPA's AERSCREEN screening dispersion model, to determine whether there any significant adverse impacts could potentially occur with respect to the 1-hour average (NO_2) NAAQS concentration and fine PM ($PM_{2.5}$) *de minimis* criteria, and, if fuel oil is proposed to be used, the 1-hour average SO_2 NAAQS concentration. If the screening analyses determine the potential for significant adverse impacts, a refined air quality analysis would be performed as per the *CEQR Technical Manual*.

Since the New York Power Authority's North 1st Street simple cycle power plant is within 1,000 feet of the rezoning area, an analysis of the potential air quality impacts on the proposed project is required, as described in the *CEQR Technical Manual*. A detailed stationary source analysis using the EPA AERMOD dispersion model will be performed to evaluate the potential significance of air quality impacts on the proposed project. For this analysis, five years of recent meteorological data, consisting of surface data from a nearby National Weather Station (2014–2018), and concurrent upper air data from Brookhaven, New York, will be used for the simulation modeling. Concentrations of the air contaminants of concern (e.g., PM, NO_2, and SO_2) will be determined at ground level receptors as well as elevated receptors representing floors on the proposed building. Predicted values will be compared with NAAQS, and if required, the City's $PM_{2.5}$ *de minimis* criteria. If any additional large or major sources of emissions are identified requiring an analysis, this work would be prepared as a contingency task.

The RWCDS would include certain light industrial uses. Therefore, potential impacts from pollutant emissions potential tenanting of associated use groups on the project site will be evaluated on surrounding sensitive uses in the community. A screening analysis will be performed using the procedures outlined in the *CEQR Technical Manual*. Predicted worst-case impacts on the RWCDS will be compared with the short-term guideline concentrations (SGC) and annual guideline concentrations (AGC) reported in NYSDEC's DAR-1 AGC/SGC Tables guidance document to determine the potential for significant impacts. If potential significant adverse air quality impacts are identified, a refined analysis will be performed using the EPA AERMOD model.

An analysis of uses surrounding the rezoning area will be performed to determine the potential for impacts from industrial emissions. A field survey will be conducted to determine if there are any processing or manufacturing facilities within 400 feet of the project site. A copy of the air permits for each of these facilities will be requested from the NYCDEP Bureau of Environmental Compliance. A review of New York State Department of Environmental Conservation (NYSDEC) Title V permits and the Environmental Protection Agency (EPA) Envirofacts database will also be prepared to identify any federal or state-permitted facilities. If permit information on any emissions from processing or manufacturing facilities within 400 feet of the project sites are identified, an industrial source screening analysis as detailed in the *CEQR Technical Manual* will be performed. If any unpermitted facilities are identified, the emissions will be quantified through coordination with NYCDEP.

TASK ~~6~~7: NOISE

The noise analysis will examine impacts of existing noise sources (e.g., vehicular traffic from adjacent roadways) on the proposed uses and the potential impacts of project-generated noise on noise-sensitive land uses nearby. Existing noise levels at Projected Development Site 1 were measured at three locations (on South 2nd Street between Kent Avenue and Wythe Avenue; on Kent Avenue midway between South 2nd Street and 3rd Street; and on South 3rd Street between Kent Avenue and Wythe Avenue), for 20 minutes during each of the three weekday peak

periods—AM (8:00 AM to 9:00 AM), midday (MD) (12:00 PM to 1:00 PM), and PM (4:30 PM to 5:30 PM). Measurements were taken on September 13 and October 3, 2018. Based on these measurements, noise attenuation measures required under CEQR for the Projected Development Sites would be up to 28 dBA, which would be included in Noise (E) Designation requirements applied to Projected Development Site 1 and Projected Development Site 2.

The EIS noise analysis will include projections of future noise levels based on expected changes in changes in vehicular traffic on adjacent roadways. Based upon the results of noise level measurements, the results of traffic analysis, and the use of mathematical models, noise levels at each noise receptor location shall be determined in the future with and without the Proposed Actions. Projected future noise levels will be compared to appropriate standards and guideline levels, and general noise attenuation measures needed for project buildings to achieve compliance with standards and guideline levels beyond those specified above will be recommended, if necessary.

TASK ~~7~~8: PUBLIC HEALTH

According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified in any one of these technical areas and the lead agency determines that a public health assessment is warranted, an analysis will be provided for that specific technical area.

TASK ~~8~~9: NEIGHBORHOOD CHARACTER

Neighborhood character is determined by a number of factors, including land use, socioeconomic conditions, open space, historic and cultural resources, urban design, visual resources, shadows, transportation, and noise. According to the guidelines of the *CEQR Technical Manual,* an assessment of neighborhood character is generally needed when a proposed project has the potential to result in significant adverse impacts in one of the technical areas presented above, or when a project may have moderate effects on several of the elements that define a neighborhood's character. Therefore, if warranted based on an evaluation of the Proposed Project's impacts, an assessment of neighborhood character will be prepared following the methodologies outlined in the *CEQR Technical Manual*. The analysis would begin with a preliminary assessment, which would involve identifying the defining features of the area that contribute to its character. If the preliminary assessment establishes that the Proposed Actions would affect a contributing element of neighborhood character, a detailed assessment will be prepared to examine the potential neighborhood character-related effects of the Proposed Actions through a comparison of future conditions both with and without the Proposed Actions.

TASK ~~9~~10: MITIGATION

Where significant adverse project impacts have been identified for the Proposed Actions, measures to mitigate those impacts will be identified and described. The mitigation chapter will address the anticipated impacts requiring mitigation, likely mitigation measures, and the timing of the mitigation measures. Where impacts cannot be practicably mitigated, they will be disclosed as unavoidable adverse impacts.

TASK 11~~10~~: ALTERNATIVES

The purpose of an alternatives analysis is to examine reasonable and feasible options that avoid or reduce project-related significant adverse impacts and achieve the stated goals and objectives of the proposed actions. The EIS will include an analysis of the following alternatives:

- A No Action Alternative, which is considered throughout the EIS as the No Action condition;
- A No Unmitigated Significant Adverse Impacts Alternative; and
- Other possible alternatives that may be developed during the EIS preparation process.

The specifics of these alternatives will be finalized as project impacts become clarified. The description and evaluation of each alternative will be provided at a level of detail sufficient to permit a comparative assessment of each alternative discussed.

TASK ~~11~~12: EIS SUMMARY CHAPTERS

In accordance with *CEQR Technical Manual* guidelines, the EIS will include the following summary chapters:

- Unavoidable Adverse Impacts—which summarizes any significant adverse impacts that are unavoidable if the Proposed Actions is implemented regardless of the mitigation employed (or if mitigation is not feasible or practicable);
- Growth-Inducing Aspects of the Proposed Actions—which generally refers to "secondary" impacts of a proposed project that trigger further development; ~~and~~
- Irreversible and Irretrievable Commitments of Resources—which summarizes the Proposed Actions and its impacts in terms of the loss of environmental resources (i.e., use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term; and~~.~~
- Executive Summary—which will use relevant material from the body of the EIS to describe the Proposed Actions, its significant and adverse environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Project. ✷

Appendix A: Response to Comments on the Draft Scope of Work

A. INTRODUCTION

This appendix to the Final Scope of Work (FSOW) summarizes and responds to substantive comments received during the public comment period for the Draft Scope of Work (DSOW), issued on January 10, 2020, for the Draft Environmental Impact Statement (DEIS) for 307 Kent Avenue (CEQR No. 20DCP100K).

Oral and written comments were received during public meetings held by the Department of City Planning, acting on behalf of the City Planning Commission as City Environmental Quality Review (CEQR) lead agency, on Thursday February 13, 2020.

The comment period remained open until the close of business on Monday, February 24, 2020.

Section B lists the organizations and individuals that provided comments on the DSOW. Section C contains a summary of relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DSOW. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. All written comments are included in Appendix B, "Written Comments Received on the Draft Scope of Work."

Where relevant, in response to comments on the DSOW, changes have been made and are shown with double underlines in the FSOW.

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT SCOPE OF WORK

COMMUNITY BOARDS

1. Dealice Fuller, Chair, Community Board 1, letter dated February 12, 2020 (Fuller_CB1_020)

ELECTED OFFICIALS

2. Eric Adams, Brooklyn Borough President, oral testimony delivered February 13, 2020 (Adams_001) and letter dated February 24, 2020 (Adams_019)

GENERAL PUBLIC

3. Corey Allen, email dated February 23, 2020 (Allen_012)
4. Elaine Bell, oral testimony delivered February 13, 2020 (Bell_004) and email dated February 24, 2020 (Bell_015)
5. Pierre Bosse, email dated February 23, 2020 (Bosse_011)
6. Kristen Couchot, oral testimony delivered February 13, 2020 (Couchot_003) and email dated February 21, 2020 (Couchot_010)

7. Ross Fein, oral testimony delivered February 13, 2020 (Fein_002) and email dated February 20, 2020 (Fein_009)
8. Rich Gomez, email dated February 24, 2020 (Gomez_017)
9. Elizabeth Hansel, oral testimony delivered February 13, 2020 (Hansel_006) and email dated February 24, 2020 (Hansel_018)
10. Jean Malpas, email dated February 24, 2020 (Malpas_016)
11. Cathy Nolan, email dated February 24, 2020 (Nolan_014)
12. Andres Pascual, oral testimony delivered February 13, 2020 (Pascual_007)
13. Fredrick Richer, email dated February 19, 2020 (Richer_008)
14. Karim Sarraf, oral testimony delivered February 13, 2020 (Sarraf_005) and email dated February 23, 2020 (Sarraf_013)

C. COMMENTS AND RESPONSES

ENVIRONMENTAL REVIEW PROCESS AND ANALYSIS FRAMEWORK

Comment 1: The process does not give adequate voice to the neighborhood and the community. (Bosse_011)

Response: The publication of the EAS and Draft Scope of Work represents the beginning of the public engagement process for this project. Scoping is the first step in the preparation of the EIS and provides an early opportunity for the public and other agencies to be involved in the EIS process. It is intended to determine the range of issues and considerations to be evaluated in the EIS, and to focus the EIS on those issues that are most pertinent to the Proposed Actions. The process allows other agencies and the public a voice in framing the scope of the EIS. The scoping document sets forth the analyses and methodologies that will be utilized to prepare the EIS. Pursuant to the guidance of the 2014 *CEQR Technical Manual* and the environmental review regulations established by the City and State, after the Draft Scope of Work is issued, a public scoping meeting must be held to provide opportunity for public input. All involved and interested City agencies, the Mayor's Office of Environmental Coordination, the appropriate borough board, affected community boards, any private applicants, interested civic or neighborhood groups, and members of the general public were welcome to attend the scoping meeting and provide input. Comments received during the public scoping meeting and comment period are considered by the lead agency in preparation of the Final Scope of Work. The lead agency will oversee preparation of the Final Scope of Work, which will incorporate all relevant comments on the Draft Scope of Work and revise the extent or methodologies of the studies, as appropriate, in response to comments made during scoping. The DEIS will be prepared in accordance with the Final Scope of Work. The 2020 *CEQR Technical Manual* update to the 2014 *CEQR Technical Manual* was released following the issuance of the Draft Scope of Work. Methodologies in the Final Scope of Work are consistent with the guidance of the 2020 *CEQR Technical Manual*, which does not significantly differ from the methods outlined in the Draft Scope of Work

In accordance with the *CEQR Technical Manual*, this document responds to public comments regarding the scope of analysis to be conducted in the DEIS for the project. Another public hearing will be held and public comment period opened upon publication of the DEIS to allow for comments on the analyses conducted and suggest revisions to the document for the Final Environmental Impact Statement (FEIS). The FEIS will include another Response to Comments document responding to these comments. The publication of the DEIS will also open the Uniform Land Use Review Procedure (ULURP), in which various stakeholders including Community Board 1, City Planning Commission, the Borough President, the City Council, and the Mayor are provided the opportunity to review and approve the project. The public will also be given an opportunity to be heard during the Community Board, Borough President, City Planning Commission, and City Council reviews of the Proposed Project.

PROJECT DESCRIPTION

Comment 2: The rationale for M1-5 zoning for Kent Avenue vs. M1-4/R6A (MX-8) for Lots 7501 and 7502 are not evident. The proposed rezoning results in an irregular zoning pattern that benefits only the applicant and is not respectful of the block's existing character. (Bell_015, Hansel_006, Hansel_018)

Response: The Applicant's goals and objectives are provided in the Purpose and Need section of the Draft Scope of Work and will be further described in Chapter 1, "Project Description" of the DEIS. It is the Applicant's view that the existing zoning on the western half of the project block, M3, is a heavy industrial zoning designation that is no longer consistent with the character of and recent trends in the neighborhood. The proposed M1-5 zoning would no longer permit development of heavy industrial uses and would permit commercial and community facility development, as well as light industrial development under stringent M1 performance standards that is more consistent with existing uses in and appropriate for the area. While commercial office space is allowed under the existing M3 zoning and would not be newly permitted, the proposed M1-5 district would foster new office development that would augment a growing cluster of planned, existing, and under construction office space in the area. The proposed M1-5 zoning would newly permit community facility uses that are often found within or in proximity to residential uses but that are not allowed under the existing M3 zoning, with one limited and rarely found exception. The ability to develop community facility space would allow for future flexibility to serve the area's growing residential community with such uses. Bulk controls under the proposed M1-5 zoning would facilitate development at a scale that mediates and provides a rational transition between the high-rise buildings planned or under construction at the Domino site across Kent Avenue, and generally smaller-scale buildings to the east of the Project Area. The adjacent MX-8 mixed-use district

would also be extended westward to meet the proposed M1-5 district in order to entirely eliminate M3 heavy industrial zoning from the project block.

Comment 3: The proposed medical facility is a scam to get approval for a project that benefits only the developer and offers no real value to the community. (Richer_008)

The medical office use is included in the project to increase the height of the proposed project. There are already 7 other medical office spaces nearby, not including any that are under construction. An analysis of the need for medical office space should be prepared. There is very little community value added by the project. (Couchot_010, Malpas_016)

The neighborhood already has a lot of commercial and medical office space and this project is not needed. (Bosse_011, Bell_015)

Response: An evaluation of the Proposed Action's compatibility with land use and zoning in the surrounding area will be provided in Chapter 2, "Land Use, Zoning, and Public Policy" in the DEIS, as described in the Draft Scope of Work.

The proposed M1-5 zoning would permit certain community facility uses on the projected development sites, allowing for flexibility for community facility development to serve the surrounding residential uses, whereas such uses are very limited under the existing M3 zoning. As discussed in Chapter 2, "Analysis Framework" of the 2020 *CEQR Technical Manual*, establishing the analysis framework for a project that covers a small area such as a rezoning involves developing a Reasonable Worst Case Development Scenario (RWCDS) that captures the upper range of development that would likely occur on both the project site and area affected by the project. Comparing this RWCDS to conditions in the future absent the Proposed Actions represents the increment to be analyzed for environmental review. The proposed development to be analyzed in the environmental review represents a RWCDS under the proposed M1-5 zoning, maximizing permitted uses, and the final building constructed on the site may not include any community facility uses. The establishment of the RWCDS for the Proposed Actions is discussed in the Draft Scope of Work under the "Analysis Framework" section. The additional 1.5 FAR allowed for community facility uses cannot be transferred to other uses under the RWCDS. Medical office uses are assumed for this community facility FAR under the RWCDS, as such a use would represent the worst-case scenario in terms of trip generation to be evaluated under CEQR.

Comment 4: The proposed building is characterized as a nine-story building, but is over three times higher than its nearest neighbors. Each of these stories is between 15 and 20 feet high. That makes the building over three times as tall as their nearest neighbors and almost as tall as the 16-story Domino building. The majority of tall buildings shown in the context figure during the scoping hearing are located on

the west side of Kent Avenue, which does not represent the character of the east side of Kent Avenue. The heights of the buildings shown in the context figure are misleading, and should be more accurately represented to demonstrate that the area is by far a low-rise area. (Couchot_003, Couchot_010)

The proposed building would be higher than 325 Kent Avenue, which is a 17-story building. (Sarraf_013)

The neighborhood does not need more skyscrapers. (Fein_009)

Response: The EAS includes a preliminary assessment of Urban Design and Visual Resources (see Attachment F) and the DEIS will include an analysis of Neighborhood Character. The preliminary assessment of Urban Design and Visual Resources concluded that the Proposed Project and potential development on Projected Development Site 2 would be consistent with larger new buildings within the study area and that streetwalls would continue to be strong under the Proposed Actions. Furthermore, while the new buildings would be notable in certain views, the Proposed Actions would not partially or totally block a view corridor or a natural or built visual resource. Therefore, the Proposed Actions would not be expected to significantly adversely affect the context of natural or built visual resources, or any view corridors.

Height and setback are regulated by zoning, and the proposed building analyzed in the reasonable worst case development scenario in the environmental review that represents the maximum size of development within these envelopes that would be permissible, not the final design of the Proposed Project on Projected Development Site 1. The massing of the proposed building on Projected Development Site 2 is a massing used for illustrative purposes in the analysis of the reasonable worst case development scenario. As described in EAS Attachment F, "Urban Design," the proposed building on Projected Development Site 1 would be consistent with other towers in the area, including towers east of Kent Avenue such as 325 Kent Avenue and 321 Wythe Avenue. 325 Kent is 170 feet tall and 321 Wythe is 212 feet tall; the building analyzed, which represents the maximum permissible height under the proposed rezoning as required by CEQR, would be 151 feet tall, shorter than 325 Kent and 321 Wythe.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 5: There are retail and office spaces throughout the neighborhood that have been vacant for years and more should not be built. This is a residential area and homeowners on the project block would like to keep it that way. (Fein_009)

Response: The majority of the proposed rezoning area is currently zoned as M3, a heavy manufacturing district that does not permit residential development except through a zoning variance. The project block currently contains a mix of uses, including commercial, residential, and industrial/manufacturing uses, parking

areas, and a vacant building, and therefore is not a residential-only area. As described in EAS Attachment B, "Land Use, Zoning, and Public Policy," the proposed uses were evaluated for consistency with the existing uses in the surrounding study area and were determined to be compatible with and supportive of land uses in the surrounding area.

Comment 6: The land use map is not completely accurate; 360 Wythe has vacant retail on the ground floor, vacant offices, and occupied apartments. (Fein_009)

360 Wythe has residential uses on two floors. Representing this building as commercial in the land use figure makes the area appear more commercial than it is. (Couchot_010)

Response: Figure 2-1 "Existing Land Use" in the DEIS will be revised to show a mixed-use building containing both commercial and residential uses. 360 Wythe is a recently completed building, and is not considered vacant.

SOCIOECONOMIC CONDITIONS

Comment 7: The project will do nothing to curb rents that small businesses in the neighborhood have to pay. Many small businesses have already had to leave the neighborhood and more will have to leave if this project proceeds. (Bosse_011)

Local businesses cannot afford the rents in the commercial spaces in the neighborhood. (Gomez_017)

Nearly every locally owned establishment that was in operation when we moved here has been priced out. There are many vacancies in the newly constructed buildings. Consideration of the effects of such rapid changes in this neighborhood should be considered. (Allen_012)

Response: The purpose of a socioeconomic assessment under CEQR is not to determine whether a project would "curb rents" or otherwise mitigate existing rent trends. As described in the *CEQR Technical Manual*, a socioeconomic assessment should be conducted if a project may be reasonably expected to create socioeconomic changes within an area affected by the project that would not be expected to occur without the project. Circumstances that can lead to such changes warranting assessment include: the direct displacement of more than 100 employees, or the displacement of a business that is unusually important because its products or services are uniquely dependent on its location, are the subject of other regulations or publicly adopted plans aimed at their preservation, or that serve a population uniquely dependent on their present location; or if a project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. As noted in the *CEQR Technical Manual*, projects that are small to moderate in size would not have significant socioeconomic effects unless they are likely to generate

socioeconomic conditions that are very different from existing conditions in the area; residential development of 200 units or less or commercial development of 200,000 square feet or less would typically not result in significant socioeconomic impacts.

The Proposed Project would not meet the above-described thresholds, and therefore analysis of potential significant adverse impacts due to business displacement is unwarranted as described in the EAS's socioeconomic section. Under the reasonable worst-case development scenario, the proposed project would introduce: 78,333 gsf of office space, 17,000 gsf of retail space, 46,667 gsf of light industrial and manufacturing space, and 39,500 gsf of community facility space (assumed to be medical office space for the purposes of environmental review). All of these uses are present in the surrounding neighborhood such that the Proposed Project would not result in substantial new development that is markedly different from existing uses, development and activities within the neighborhood. Within the census tracts that approximate a ½-mile radius surrounding the Project Area, there is approximately 5.2 million square feet of commercial space, including over 1.0 million square feet of commercial office space, almost 1.3 million square feet of retail space, and over 900,000 square feet of manufacturing space.[1] When accounting for the 26,640-gsf loss in commercial space associated with the existing site, the reasonable worst case development scenario's net increment of 154,860 gsf of commercial space would represent about 3.0 percent of total commercial floor area within the approximately ½-mile study area. In terms of specific commercial uses, the Proposed Actions would facilitate the development of up to 7.8 percent of the commercial office floor area, approximately 1.3 percent of the retail floor area, and approximately 5.1 percent of the manufacturing floor area. Up to 523 new employees would be introduced to the Project Area, representing approximately 3.9 percent of year 2017 employment within the approximately ½-mile study area.[2] In addition, there is already an existing trend toward increased commercial development in the area; between 2010 and 2017, private sector employment in the area grew by approximately 81 percent (from an estimated 7,401 primary jobs in 2010 to 13,423 primary jobs in 2017).[3]

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[1] Estimates from New York City Department of City Planning PLUTO database for Census Tracts 523, 533, 547, 549, 551, and 555.

[2] Year 2017 employment estimates from the U.S. Census Bureau, OnTheMap Application and Longitudinal Employer-Household Dynamics (LEHD) Origin-Destination Employment Statistics, 2nd Quarter of 2017, for Census Tracts 523, 533, 547, 549, 551, and 555. Estimates for employment facilitated by the Proposed Actions are based on the reasonable worst-case development scenario program and standard industry employment ratios regularly used for CEQR analyses.

[3] Year 2010 and 2017 employment estimates from the U.S. Census Bureau, OnTheMap Application and Longitudinal Employer-Household Dynamics (LEHD) Origin-Destination Employment Statistics, 2nd Quarter of 2010 and 2017, for Census Tracts 523, 533, 547, 549, 551, and 555.

Overall, the development facilitated by the Proposed Actions would not represent substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. The Proposed Actions would not result in socioeconomic conditions that are very different from existing conditions in the area, and therefore do not have the potential to result in significant adverse impacts to socioeconomic conditions in the neighborhood.

OPEN SPACE

Comment 8: Residents of the area will no longer be able to access Domino Park from South 3rd Street. (Richer_008)

Response: No aspect of the Proposed Actions, including the Proposed Project building on Projected Development Site 1, would alter or impede public access to Domino Park. As presented in EAS Attachment C, "Open Space," the Proposed Actions would not result in significant adverse impacts, direct or indirect, to public open space. Furthermore, due to the change in build year to 2023, an updated version of the open space analysis will be included as Chapter 3, "Open Space" in the DEIS.

Comment 9: Unlike Domino, which provided the community with a park, the proposed project would not benefit the community. (Couchot_010, Bosse_011)

The City should require that the applicant provide a public benefit such as a park or other open space in return for the benefit of higher density. (Bell_015, Hansel_018)

Response: The Proposed Actions would not result in significant adverse impacts, direct or indirect, to public open space within the study area and therefore is not required to improve or provide new public open space as mitigation.

SHADOWS

Comment 10: Shadows from the proposed project on the block and surrounding blocks should be considered. (Hansel_018)

The proposed project could cast a significant shadow on the rooftops and windows of many residential units on the block directly adjacent to the development site. (Malpas_016)

Response: Incremental shadows that would be generated by the Proposed Actions have been analyzed and disclosed in EAS Attachment D, "Shadows," and would not result in any significant adverse impacts in accordance with CEQR. Private windows and views are not considered sunlight-sensitive resources in the *CEQR Technical Manual*; for the purposes of CEQR, buildings and structures other than those considered to be architectural resources "are not considered to be sunlight

sensitive resources and their assessment for shadow impacts is not required and cannot be considered in determining a potential impact from new shadow."

URBAN DESIGN AND VISUAL RESOURCES

Comment 11: The proposed project would block the smokestack of the landmarked Domino building, its most recognizable and identifying feature. The height of the proposed building would not be in character with the neighborhood, and would block natural light into the surrounding neighborhoods. (Couchot_010, Bosse_011, Gomez_017)

Response: As described in EAS Attachment F, "Urban Design," the study area is already densely developed with new tower developments such as 325 Kent Avenue (170 feet tall) directly south of the Project Area and 321 Wythe Avenue (212 feet tall), as well as the tower under development at 260 Kent Avenue. Additional 36-story mixed-use towers are planned at 280 and 350 Kent Avenue. The height of the proposed building would be compatible with and shorter than these new developments. At nine stories tall (approximately 151 feet, not including mechanical bulkhead), the proposed building on Projected Development Site 1 also would be shorter than the 155-foot-tall (not including its smokestack) former Havemeyers & Elder Filter, Pan & Finishing House directly across Kent Avenue. The proposed building would not obstruct existing view corridors along Kent Avenue and South 3rd Street, and River Street and the adjacent Domino Park would continue to provide expansive views of the former Havemeyers & Elder Filter, Pan & Finishing House, including its smokestack. Views west along the side streets also would continue to include the brick smokestack of the former Havemeyers & Elder Filter, Pan & Finishing House. EAS Attachment D, "Shadows," did not identify any potential significant adverse shadows impacts to public open spaces in the surrounding neighborhood. Furthermore, as discussed in EAS Attachment E, "Historic and Cultural Resources," the Proposed Project would not create a significant adverse impact with respect to historic resources in the study area, including the landmarked Havemeyers & Elder Filter, Pan & Finishing House.

Comment 12: Existing views of the historic Domino building from South 2nd Street and Berry Street will be eliminated with the proposed project. (Bell_004, Bell_015, Malpas_016)

Response: Views from Berry Street are outside the study area analyzed in EAS Attachment F, "Urban Design and Visual Resources." As described in that attachment, the new building on Projected Development Site 1 would be notable in views along surrounding streets, particularly along Kent Avenue and South 3rd Street; however, views west along the side streets would continue to include the brick smokestack of the former Havemeyers & Elder Filter, Pan & Finishing House. In

addition, the proposed building would not obstruct existing view corridors along Kent Avenue and South 3rd Street, and River Street and the adjacent Domino Park would continue to provide expansive views of the former Havemeyers & Elder Filter, Pan & Finishing House, including its smokestack.

Comment 13: The proposed building could contribute to create a wind tunnel on both sides of Kent Avenue. (Malpas_016)

Response: As described in Attachment F, "Urban Design and Visual Resources," the *CEQR Technical Manual* recommends an analysis of pedestrian wind conditions for projects that would result in the construction of large buildings at locations that experience high-wind conditions (such as along the waterfront, or other locations where winds from the waterfront are not attenuated by buildings or natural features), which may result in an exacerbation of wind conditions due to "channelization" or "downwash" effects that may affect pedestrian safety. Factors to be considered in determining whether such a study should be conducted include locations that could experience high-wind conditions, such as along the waterfront; size, and orientation of the proposed buildings; the number of proposed buildings to be constructed; and the site plan and surrounding pedestrian context of the proposed project. The projected development sites are not on the waterfront or in a location where winds from the waterfront are not attenuated by buildings or natural features. They are separated from the East River waterfront by Domino Park and the former Havemeyers & Elder Filter, Pan & Finishing House structure, as well as the tower under development at 260 Kent Avenue. Therefore, an analysis of wind conditions and their effect on pedestrian level safety is not warranted under CEQR.

WATER AND SEWER INFRASTRUCTURE

Comment 14: Together with the Domino project, the proposed project would add demand to the already fragile sewer system, and a detailed analysis must be performed. (Sarraf_005, Sarraf_013, Bell_015)

Response: Under CEQR, detailed analysis of water and sewer infrastructure is warranted when a project may result in a significant increase in sanitary or stormwater discharges which may impact capacity in the existing sewer system, exacerbate CSO volumes and/or frequencies, or contribute greater pollutant loadings in stormwater discharged to receiving waterbodies. Based on the assessment presented in EAS Attachment H, "Water and Sewer Infrastructure," the Proposed Actions would result in only a minor increase in sanitary flows and stormwater runoff to the sewer system. However, with the incorporation of source control Best Management Practices (BMPs), sewer conveyance near the Project Area and the treatment capacity at the Newtown Creek wastewater treatment plant (WWTP) is sufficient to handle wastewater flow resulting from the Proposed

Actions and there would be no significant adverse impacts on wastewater treatment or stormwater conveyance infrastructure. Therefore, a detailed assessment of water and sewer infrastructure is not warranted.

TRANSPORTATION

Comment 15: The transportation analysis in the EAS does not take into account the already overcrowded Bedford Avenue L subway station (the third busiest station in Brooklyn with over 9 million riders each year) or the growing issues with the JMZ stop. It also does not take into account the future population from the Domino residential units to be built, or the million square feet of unoccupied office space from approved projects. The analysis should consider the capacity of the L train, or a detailed agreement for mitigation measures should be the responsibility of the applicant. (Couchot_003, Couchot_010)

The proposed project would complicate the growing challenges around public transportation in the study area. (Gomez_017)

Response: Public transportation within the study area will be analyzed in the Chapter 5, "Transportation" in the DEIS, as detailed in the Draft Scope of Work. As presented in the Travel Demand Factors (TDF) memo, which was prepared in accordance with the two-tiered (Level 1 trip estimated and Level 2 trip assignments) screening procedures prescribed in the *CEQR Technical Manual* and has been reviewed and approved by the lead agency and NYCDOT, the Proposed Actions' incremental peak hour transit trips would add fewer than 200 trips to each of the subway stations within the study area (Marcy Avenue Station serving the J, M, and Z trains and Bedford Avenue Station serving the L train), and therefore detailed analyses of subway station elements and line-haul levels would not be warranted. The TDF Memo did indicate that quantified analyses of line-haul conditions would be warranted for the B32 and B63 bus routes. While the incremental transit trips by bus generated by the Proposed Actions during the weekday AM, midday, and PM analysis peak hours would be dispersed among the local bus routes serving the study area, considering the distance from the study area subway stations to the Project Area, it is expected that a significant number of subway riders would subsequently transfer to buses to reach the Project Area. Therefore, the Proposed Actions are expected to incur more than 50 peak hour incremental bus riders (including subway to bus transfers) in one direction to/from the Project Area during the weekday AM and PM peak period warranting a detailed bus line-haul analysis. In addition to the Proposed Actions' incremental bus trips, the No Action and With Action bus line-haul analysis will account for incremental demand from future developments that would advance absent the Proposed Actions including from the Domino Sugar development as well as from other developments identified in the transportation study area. Where significant adverse impacts are identified, improvement measures will be recommended to New York City Transit (NYCT) for consideration to mitigate the impacts to the

extent practicable, and such measures will be identified in Chapter 11, "Mitigation" in the DEIS, as described in the Draft Scope of Work.

Comment 16: Transportation is an ongoing problem resulting from massive and fast growth in the neighborhood. The transportation analysis should consider the additional density from the Two Trees project, which is expected to be complete in 2022. The potential increase in pedestrian and vehicular traffic generated by the proposed project's population could result in adverse impacts to the surrounding streets, sidewalks, and on-street parking capacity. (Bell_015, Hansel_018)

The transportation assessment should account for the completion of the Domino project. (Malpas_016)

Response: The transportation analyses that will be undertaken as part of Chapter 5, "Transportation" in the DEIS will account for the entire development program of the Domino Sugar project, as well as other future developments identified in the transportation study area that would advance absent the Proposed Actions. These background projects will be included in the analysis of both the No Action and With Action conditions. As described in the Draft Scope of Work, a detailed pedestrian study analysis will be conducted based on the study area identified in the TDF memo pursuant to *CEQR Technical Manual* guidelines for existing, No Action, and With Action conditions. Where significant adverse impacts are identified, mitigation measures will be recommended to mitigate the impacts to the extent practicable. Similarly, as described in the Draft Scope of Work, a detailed parking supply and utilization analysis will be performed for the study area within ¼-mile of the Project Area. This analysis will be conducted pursuant to *CEQR Technical Manual* guidelines and will involve an inventory of existing parking levels, projection of future No Action and With Action utilization levels, and comparison of these projections to the future anticipated parking supply to determine the potential for parking shortfall. Furthermore, as described in the TDF memo, the results of existing parking survey showed that on-street parking is near full utilization during daytime hours; therefore, the DEIS detailed parking analysis will focus primarily on the off-street parking supply and utilization within ¼-mile of the Project Area.

Comment 17: The intersection of Kent Avenue and South 3rd experiences traffic congestion and feels dangerous. Congestion is worsened by Uber cars stopping at Domino and the presence of the bike lane. I worry about additional traffic during construction and operation of the proposed commercial office building. (Hansel_006)

Response: The DEIS will include a detailed pedestrian analysis of operating conditions (i.e., volumes, pedestrian flow, and service levels) on sidewalks, at street corners, and in crosswalks surrounding the Project Area and along adjacent streets and avenues as identified in the TDF memo, in accordance with guidelines outlined in the *CEQR Technical Manual*. A pedestrian study area of up to two equivalent

intersections (i.e., up to 8 corner reservoirs and 8 crosswalks) and their adjoining sidewalks (i.e., up to 16 sidewalks) will be analyzed for the existing, No Action, and With Action conditions per *CEQR Technical Manual* guidelines. For the locations identified for detailed analysis in the TDF memo, an examination of crash history at these locations will also be undertaken as part of the DEIS to identify safety issues, if any, and provide safety improvement recommendations where appropriate. Specific to the intersection of Kent Avenue and South 3rd Street, based on the TDF memo's two-tiered screening assessment results, which have been reviewed and approved by the lead agency and NYCDOT, a detailed pedestrian analysis (including sidewalks, street corners, and crosswalks) and an examination of crash history at this intersection will be conducted as part of the DEIS. The TDF memo concluded that the Proposed Actions' incremental vehicle trips at this intersection would be below the *CEQR Technical Manual*'s analysis threshold of 50 or more incremental peak hour vehicle trips at an intersection warranting further detailed analysis.

Furthermore, as described in the EAS's construction section, during construction under the Proposed Actions, Maintenance and Protection of Traffic (MPT) plans would be developed for any curb-lane and/or sidewalk closures that may be required. Approval of these plans and implementation of all temporary closures during construction would be coordinated with the New York City Department of Transportation's (DOT) Office of Construction Mitigation and Coordination (OCMC). Overall, the duration and severity of potential construction effects would be short-term and adverse effects associated with the proposed construction activities would be minimized through implementation of these measures.

NOISE

Comment 18: With the Domino building under construction 6 days a week, noise levels in the area are clearly unacceptable for the rezoning area and should be tested again. (Fein_002, Fein_009)

The noise measurements presented in the EAS were taken in 2018, before the Domino project construction started. Noise measurements should be updated. (Couchot_010)

Response: Noise generated by the construction of the Domino project represents a temporary condition that is not expected to exist beyond the 2023 analysis year. The measured noise levels are intended to address the requirement in the *CEQR Technical Manual* that newly introduced noise receptors (such as the community facility uses included in the proposed building) provide sufficient window/wall attenuation to result in acceptable noise exposure for future occupants. Since construction noise will not be present upon completion of the proposed project,

the measured levels provide an appropriate basis on which to determine the required level of window/wall attenuation.

PUBLIC HEALTH

Comment 19: I am concerned about the public health impacts associated with the construction of the proposed project. (Richer_008, Nolan_014, Gomez_017)

Response: Under the *CEQR Technical Manual*, a public health analysis is warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. A public health analysis will be included in the DEIS if any unmitigated significant adverse impacts in these technical areas are identified.

NEIGHBORHOOD CHARACTER

Comment 20: The neighborhood is low-rise residential with some street level commercial uses. A large commercial building is not in the character of the neighborhood or for the project block. (Couchot_010, Bell_015, Hansel_018)

The proposed project would contribute to the destruction of the neighborhood struggling to preserve its character. (Bosse_011)

The proposed project takes away from the original character of the neighborhood. (Gomez_017)

Response: As described in EAS Attachment B, "Land Use, Zoning, and Public Policy," the Proposed Actions would resulted in mixed-use buildings that would be consistent with land uses in the study area and be at a scale similar to or smaller than several existing and planned buildings within the study area. Neighborhood character will be considered in the DEIS in accordance with *CEQR Technical Manual* criteria. Under CEQR, a neighborhood character analysis is warranted when the proposed actions have the potential to result in significant adverse impacts in the technical areas of land use, zoning and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; and noise, or when the project may have moderate effects on several of the elements that define a neighborhood's character. As presented in the EAS, the Proposed Actions would not result in significant adverse impacts to land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; and noise. Transportation will be assessed in the DEIS, and a Neighborhood Character analysis will be conducted if warranted.

Comment 21: I am concerned about the project's effects on water quality, air quality, and construction in terms of quality of life for the residents who live there. (Pascual_007)

Response: As described in the EAS's section on construction, the duration and severity of potential construction effects would be short-term and adverse effects associated with the proposed construction activities would be minimized through adherence to relevant laws and regulations and implementation of specific measures such as a Health and Safety Plan (HASP). Accordingly, the Proposed Actions would not result in significant adverse impacts during construction.

The Proposed Actions' potential effects on water quality were also assessed in the Water and Sewer Infrastructure analysis presented in the EAS (Attachment H, "Water and Sewer Infrastructure"), specifically, the potential for the Proposed Actions to exacerbate CSO volumes and/or frequencies or contribute greater pollutant loadings in stormwater discharged to receiving waterbodies. As discussed in Attachment H of the EAS, the Proposed Actions would not result in significant adverse impacts on wastewater treatment or stormwater conveyance infrastructure, and therefore, further detailed assessment of water and sewer infrastructure is not warranted.

The Proposed Actions' effects on air quality will be assessed in the DEIS. A neighborhood character analysis will be included in the DEIS if any unmitigated significant adverse impacts in these technical areas are identified.

CONSTRUCTION

Comment 22: I am concerned about noise from the excavation, trucks and equipment during construction. (Richer_008)

Response: Construction noise is regulated by 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) and the New York City Department of Environmental Protection (DEP)'s Notice of Adoption of Rules for Citywide Construction Noise Mitigation (also known as Chapter 28). As described in the EAS's construction section, these requirements mandate that specific construction equipment and motor vehicles meet specified noise emission standards; that construction activities be limited to weekdays between the hours of 7:00 AM and 6:00 PM; and that construction materials be handled and transported in such a manner as not to create unnecessary noise. Overall, the duration and severity of potential noise effects would be short-term and adverse effects associated with the proposed construction activities would be minimized through implementation of these measures.

Comment 23: Construction of the proposed project would further exacerbate noise, air quality changes, property damage, traffic, and disruptions to quality of life resulting from existing construction in the neighborhood. (Allen_012)

Construction of the proposed project could block access to the nursery school located on South 2nd Street for many months and generate air, noise, and traffic pollution detrimental to many families living on the block. (Malpas_016)

Response: As described in the EAS's section on construction, all necessary measures would be implemented during construction under the Proposed Actions to ensure adherence to the New York City Air Pollution Control Code to minimize construction-related air and dust emissions. In addition, construction noise is regulated by the requirements of the *New York City Noise Control Code DEP's Notice of Adoption of Rules for Citywide Construction Noise Mitigation*. Furthermore, during construction under the Proposed Actions, Maintenance and Protection of Traffic (MPT) plans would be developed for any curb-lane and/or sidewalk closures that may be required. Approval of these plans and implementation of all temporary closures during construction would be coordinated with the New York City Department of Transportation's (DOT) Office of Construction Mitigation and Coordination (OCMC). Overall, the duration and severity of potential construction effects would be short-term and adverse effects associated with the proposed construction activities would be minimized through implementation of these measures. Construction under the Proposed Actions would not restrict or impede access to the existing nursery located on South 2nd Street. All DOB safety requirements would be strictly followed and construction under the Proposed Actions would be undertaken to ensure the safety of the community.

Comment 24: The applicant is proposing 2 buildings, totaling 4 years of construction. Residents in the rezoning area will have to deal with 4 or more years of construction if this project is approved. Cars parked in the lot at 50 South 2nd Street will be displaced for 4 years. (Fein_002, Fein_009)

The worst-case scenario is for the two buildings to be constructed on after the other, taking approximately 4 years, and should be considered long-term. (Couchot_010)

The neighborhood will have to endure construction for four more years. (Sarraf_013)

Four years of construction should be considered. (Bell_015)

Response: As described in EAS Attachment A, "Project Description, the applicant is proposing the construction of one building, the Proposed Project building on Projected Development Site 1 (Lot 1). This environmental review assumes the potential for an additional new building to be constructed as a result of the Proposed Actions on Projected Development Site 2 (Lot 6) in order to

conservatively analyze the maximum effects the Proposed Actions may precipitate, but the applicant does not own Projected Development Site 2 or propose the building being studied on the site. As described in the EAS, the proposed building on Projected Development Site 1 would be constructed in a single phase with an anticipated construction period of approximately 21 months and would be considered short-term (i.e., less than 2 years) in accordance with the *CEQR Technical Manual*. Stages of construction would consist of demolition, excavation and foundation, superstructure and exteriors, and interiors and finishing. Although the Proposed Actions are also assumed to result in a new development within the Project Area on Projected Development Site 2 (Lot 6), which is neither owned nor controlled by the applicant, based on the proposed rezoning and market and site conditions, the Projected Development Site 2 could also be redeveloped by the proposed analysis year. It is assumed that any construction on the Projected Development Site 2 would occur concurrently with the construction of the Proposed Project and that it would be completed within 18 months, and would therefore also be considered short-term. Stages of construction for the projected developments site would also consists of demolition, excavation and foundation, superstructure and exteriors, and interiors and finishing.

Comment 25: Water quality could be affected during the 2 to 4 years of construction. Water testing should be performed to assess the impact of construction in the surrounding area. (Sarraf_005, Sarraf_013)

Response: During construction, rain and snow may collect in the excavation area, and that water would need to be removed. If dewatering were to be necessary for the proposed construction associated with the Proposed Actions, water would be discharged to sewers in accordance with DEP requirements. These requirements require testing to ensure any potentially contaminated groundwater is treated before it can be discharged to the sewer system.

Comment 26: Construction of the proposed project would affect the foundation of the existing adjacent residential buildings, and create safety hazards for neighbors. (Nolan_014, Malpas_016)

Response: Excavation and foundation construction for the Proposed Project building as well as the possible building on Projected Development Site 2 would proceed according to DOB regulations, including application for applicable permits such as foundation permits and the associated review process. All DOB safety requirements would be strictly followed and construction facilitated by the Proposed Actions would be undertaken to ensure the safety of the community and that the stability of the foundations of nearby existing buildings would not be impacted. Furthermore, a variety of measures would be employed to ensure public safety during the construction of the proposed building, including: sidewalk bridges to provide overhead protection; safety signs to alert the public about

active construction work; safety barriers to ensure the safety of the public passing by the project construction areas; flag persons to control construction trucks entering and exiting the project site and/or to provide guidance for pedestrians and bicyclists safety; and safety nettings during the construction of the proposed building as the superstructure work advances upward to prevent debris from falling to the ground.

ALTERNATIVES

Comment 27: A low-rise warehouse would be more fitting for this neighborhood. (Couchot_010)

Alternatives should include developments similar to the low-rise warehouse rehabilitation of Greenpoint Manufacturing and Design Center. The entire stretch of warehouses on the east side of Kent Avenue should be converted to live-work spaces or light industrial with low-rise, low-income housing. (Couchot_003, Couchot_010)

Maybe this building could be residential with commercial space underneath and not commercial. (Fein_002)

The proposed project would result in a huge increase for the developer, but the increase in space for our neighboring building in the rezoning area is a fraction of our current space. We think alternatives should be considered so that it's not just a developer being able to build a giant complex without considering the rest of the block. (Hansel_006)

It's not bad to renovate and construct but I think it needs to be in moderation and not what we see in the projected images that we saw earlier. (Pascual_007)

Response: As described in EAS Attachment B, "Land Use, Zoning, and Public Policy," the Proposed Actions would resulted in mixed-use buildings that would be consistent with land uses in the study area and be at a scale similar to or smaller than several existing and planned buildings within the study area. The DEIS will assess a No Action Alternative, considering the future in the Project Area and study areas if the Proposed Actions are not approved. A No Unmitigated Significant Impact Alternative, a version of the Proposed Project for which there are no significant adverse impacts that remain unmitigated, will also be considered in the DEIS.

Comment 28: An alternative zoning district that would benefit other lots in the rezoning area should be considered. (Fein_009)

Alternative zoning districts such as M1-4, R6A, or R7A should be considered. (Couchot_010, Fein_002)

The rezoning district should be reconsidered to understand what makes sense for the project block and the surrounding areas, not just for the applicant. (Hansel_018)

Response: Consistent with the 2020 *CEQR Technical Manual*, alternatives will be considered in the DEIS so that the decision maker may consider whether reasonable alternatives exist that would reduce or eliminate a proposed action's impacts. As stated in the Draft Scope of Work, the DEIS will assess a No Action Alternative, considering the future in the Project Area and study areas if the Proposed Actions are not approved, as well as a No Significant Adverse Impact Alternative, a version of the Proposed Project for which there are no significant adverse impacts that remain unmitigated.

OTHER

Comment 29: I am against the development of 307 Kent Avenue and the rezoning. (Nolan_014)

I oppose the rezoning of 307 Kent. (Gomez_017)

Response: Comment noted.

Comment 30: The applicant's failure to notify the residential buildings in the rezoning area shows a lack of concern for its neighbors. (Couchot_010, Malpas_016)

The applicant has not reached out to its neighbors to discuss possible rezoning districts. (Hansel_006, Hansel_018)

I live within the rezoning area and I do not understand why my building could be rezoned without my approval. I do not approve that my building be considered part of the rezoning. (Richer_008)

Response: According to the applicant, it has engaged in conversations with neighbors, including with the adjacent condominium association for 29 S. 3rd Street and 46 S. 2nd Street, and conversations are ongoing.

Comment 31: There will be monetary losses for residents in the rezoning area because windows facing the proposed project will have to be bricked up. (Fein_009, Malpas_016)

Response: Any potential change in the valuation of individual residential units due to the presence or absence of lot line windows is not properly an issue for environmental review under CEQR (see *CEQR Technical Manual*, Chapter 5, "Socioeconomic Conditions"). It should be noted that lot line windows that are not benefitted by a light and air easement, as is the case here, do not have legal protection in the event of development on an adjacent lot opposite such windows. See New York City Building Code Section 705.8 and Table 705.8 for restrictions on lot line windows. Moreover, any building developed under current zoning on Projected Development Site 1 could similarly require the closure of lot line windows

because the existing M3-1 zoning district's regulations allow a front wall height of 60 feet.

Comment 32: I'm pretty sure the City Planners as well as the representative from the Brooklyn Borough President are very well aware that you guys are also trying to push the BQX project that's going to go right through 10th Avenue, in addition to all the construction that's going to be proposed with the monstrosities that you just saw earlier through the slide show. (Pascual_007)

Response: The proposed Brooklyn-Queens Connector (the BQX) is a City-led initiative to develop a new light-rail system along the East River waterfronts of Queens and Brooklyn. The applicant, a private entity, has no involvement in this project, and the BQX, if constructed, is not expected to be completed until after the Proposed Project's build year.

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