NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

April 5, 2021

307 Kent Associates
c/o Judith Gallent
Bryan Cave Leighton Paisner LLP
1290 Avenue of the Americas
New York, NY 10104

Re:	**307 Kent Avenue Rezoning**
CEQR No.	20DCP100K
ULURP No(s).	C200306ZMK, N200307ZRK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK01

Dear Ms. Gallent,

Please find a link to the 1) Final Scope of Work for the Draft Environmental Impact Statement (DEIS), 2) full DEIS including appendices, and 3) Notice of Completion for the DEIS prepared for the above-referenced application.

A Positive Declaration and the Draft Scope of Work were issued on January 10, 2020. A public scoping meeting was held on February 13, 2020 at the New York City Department of City Planning, 31st Floor, Central Park Conference Room, New York, NY 10271, and written comments on the Draft Scope of Work were accepted by the lead agency through February 24, 2020. The Final Scope of Work incorporates changes made to the Draft Scope of Work subsequent to the public scoping meeting.

The Draft Environmental Impact Statement and Notice of Completion were issued on April 2, 2021. A public hearing on the DEIS will be held at a later date to be announced, in conjunction with the City Planning Commission's citywide public hearing pursuant to ULURP. Advance notice will be given of the time and place of the hearing.

If there are any questions concerning the attached document, please feel free to contact me at (212) 720-3328.

Sincerely,

Stephanie Shellooe, AICP
Deputy Director, Environmental Assessment and Review Division
NYC Department of City Planning

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DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

April 2, 2021

NOTICE OF COMPLETION OF
THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

307 Kent Avenue Rezoning

Project Identification
CEQR No. 20DCP100K
ULURP Nos. 200306ZMK, N200307ZRK
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

Contact Person
Olga Abinader, Director (212) 720-3493
Environmental Assessment and Review Division
New York City Department of City Planning

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Draft Environmental Impact Statement (DEIS) has been prepared for the action described below. Copies of the DEIS are available for public inspection at the office of the undersigned. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). A public hearing on the DEIS will be held at a later date to be announced, in conjunction with the City Planning Commission's citywide public hearing pursuant to ULURP. Advance notice will be given of the time and place of the hearing. Written comments on the DEIS are requested and would be received and considered by the Lead Agency until the 10th calendar day following the close of the public hearing.

A. INTRODUCTION

307 Kent Associates (the applicant) proposes the construction of a mixed-use office, community facility, and retail building (the Proposed Project) at 307 Kent Avenue (Block 2415, Lot 1, Projected Development Site 1), a site controlled by the applicant in the Williamsburg neighborhood of Brooklyn, Community District 1. To facilitate the Proposed Project, the applicant is requesting a zoning map amendment from the New York City Planning Commission (CPC) 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 to M1-5 and MX-8 (M1-4/R6A), as well as a text amendment to Map 2 for Community District 1, Brooklyn within Appendix F of the Zoning Resolution to remove a portion of the Rezoning Area 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 the Project Area.

The Proposed Actions would facilitate the development of a nine-story mixed-use building on Projected Development Site 1. The Proposed Project would require the demolition of the existing single-story warehouse building located on the site, to be followed by the construction of the new mixed-use building. The Proposed Project on Projected Development Site 1 would contain up to approximately 101,000 gross square feet (gsf), including up to 70,000 gsf of office uses, up to 22,000 gsf of community facility uses, and up to 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 the New York City Environmental Quality Review (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. It is estimated that the Proposed Project would be completed by 2023, identified as the analysis year for the Environmental Impact Statement (EIS).

The Proposed Actions could result in additional development within the Project Area beyond what is proposed by the applicant for Block 2415, Lot 1. Based on the proposed rezoning, market and site conditions, and consultation with the Department of City Planning (DCP), Block 2415, Lot 6, which is neither owned nor controlled by the applicant, could also be redeveloped by the proposed analysis year, and therefore this site is analyzed in the EIS as Projected Development Site 2. Block 2415, Lots 10, 7501, and 7502 are under Board of Standards and Appeals (BSA) jurisdiction per 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. 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/or 2 would also be contingent upon a further discretionary BSA approval process. Therefore, the transfer of any excess development rights is not reasonably considered as part of the EIS.

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

B. AREA AFFECTED BY THE PROPOSED ACTIONS

The Project Area, coterminous with the Rezoning Area, totals 50,767 sf and is composed of all or portions 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, 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 (Block 2415, Lot 1), which is 14,425

sf in size, is currently occupied by a 15,296-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 a 11,330 sf lot occupied by a single-story warehouse. Lot 10 (3,206 sf) is occupied by a vacant single-story commercial building formerly containing a restaurant and Lots 7501 (9,374 sf) and 7502 (10,200 sf) are occupied by two four-story residential condominium buildings. Lot 16 (5,000 sf) currently contains a private accessory parking lot associated with an adjacent daycare use at 56 South 2nd Street, while Lot 38 (6,525 sf) contains a four-story residential walk-up with ground floor retail. The westernmost approximately 9-foot portion of Lot 16 and approximately 4- to 15-foot portion of Lot 38 would be affected by the proposed rezoning.

C. DESCRIPTION OF THE PROPOSED ACTIONS

The Proposed Actions include a zoning map amendment and zoning text amendment. Project approvals would also entail recordation of a Restrictive Declaration and (E) designation. These actions are detailed below.

Zoning Map Amendment

The applicant is seeking a zoning map amendment to Zoning Map Section 12d, to rezone a portion of Block 2415 to a depth of 120 feet from Kent Avenue from M3-1 to M1-5, affecting Lots 1, 10, and portions of Lots 6, 7501, and 7502. M3-1 districts are intended for heavy manufacturing uses while also permitting commercial uses, allow up to 2.0 FAR (floor area ratio) of either use, buildings up to 60 feet in height before setback, and require parking at a rate of one space per 300 sf of retail and service uses or one space per 1,000 to 2,000 sf of industrial and manufacturing uses. The M1-5 district proposed to replace it is a light manufacturing district (with industrial uses subject to M1 performance standards), which also permits commercial uses. Up to 5.0 FAR is permitted for light manufacturing and commercial uses, with an additional 1.5 FAR available for community facility uses. Unlike M3-1 districts, no accessory parking is required. Heights in M1 5 districts are governed by a sky exposure plane beginning at 85 feet above the street line.

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, 3.0 FAR of community facility use, and 2.0 FAR of light manufacturing and commercial uses are permitted in 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 dwelling units (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).

Zoning Text Amendment

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.

(E) Designation and Restrictive Declaration

An (E) designation (E-592) would also be mapped on the Projected Development Sites to prevent any

potential significant adverse impacts to hazardous materials, air quality, and noise resulting from the potential redevelopment of these sites and would be overseen by the New York City Office of Environmental Remediation (OER). The (E) Designation requirements for hazardous materials would be mapped on Projected Development Site 2 to impose pre- and post-construction measures, such as mandating an approved construction health and safety plan, that are necessary to prevent impacts from hazardous materials resulting from new construction. The (E) Designation requirements for air quality would be mapped on both Projected Development Sites 1 and 2, mandating the use of natural gas, low nitrogen oxide (NOx) burners, and specific stack heights and locations for new construction that are necessary to prevent impacts to air quality from new construction. The (E) Designation requirements for noise would be mapped on Projected Development Sites 1 and 2, mandating specific levels of window/wall attenuation and alternate means of ventilation for new construction. For Projected Development Site 1, the applicant will commit to implementing the Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP), which are anticipated to be approved by the NYC Department of Environmental Protection (DEP) in advance of the issuance of the Final Environmental Impact Statement (FEIS).

It is anticipated that, in connection with requested approval of the Proposed Actions, a Restrictive Declaration (RD) would be recorded on Projected Development Site 1 to require certain project commitments, including: that the proposed new building on Projected Development Site 1 be set back 5 feet from Kent Avenue; and that the developer of the new building effectuate or pay for specified transportation mitigation measures.

The Proposed Actions have also been assessed for consistency with the City's Waterfront Revitalization Program (WRP) and determined to be so. The assigned WRP number is #16-156.

D. PURPOSE AND NEED

The Applicant has proposed the actions described above to facilitate the proposed building 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 zoning map amendment would convert a portion of the existing M3-1 zoning district to M1-5 (affecting Lots 1, 10, and portions of 6, 7501, and 7502), and extend the existing MX-8 (M1-4/R6A) boundary (affecting portions of Lots 6, 16, 38, 7501, and 7502). The proposed M1-5 district encourages commercial and light industrial use at a higher FAR of 5.0 FAR (6.5 including 1.5 FAR of community facility uses) than currently allowed by the existing M3-1 district (2.0 FAR), and like the M3-1 district, the proposed M1-5 district would continue to prohibit residential use. As the existing MX-8 district is being extended, a text amendment to Map 2 for Community District 1, Brooklyn within Appendix F of the Zoning Resolution is also necessary to remove this 90-foot wide portion of the Subject Block from the "Excluded Area" shown on this map in order to establish an MIH area and to make MIH regulations applicable for the area that is proposed as MX-8 (M1-4/R6A). MIH is required due to the increase in effective residential FAR, a use not previously permitted, that would result from the extension of the MX-8 (M1-4/R6A) district under the Proposed Actions. MIH would be applicable only to new development or enlargements, and, as recently constructed and converted residential uses exist on the portion of the block in question, no new affordable housing is anticipated as a result of this text amendment. The proposed zoning map amendment and zoning text amendment collectively represent the Proposed Actions.

The Proposed Actions would facilitate the creation of quality light manufacturing, office, community facility, and retail spaces to serve what has become a mixed-use area. The Proposed Project is anticipated to result in up to 576 jobs (523 incremental jobs) under standard CEQR employment multipliers, contributing to the City's economic growth and facilitating job creation outside of Manhattan. The rezoning would also allow for the replacement of the windowless warehouse currently located on the Development Site with ground-floor retail development on Kent Avenue and South 3rd Street; it is the applicant's opinion that this would activate the street and improve the site's engagement with the neighborhood, consistent with more modern quality-of-life standards.

E. DESCRIPTION OF THE PROPOSED DEVELOPMENT

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 the proposed nine-story mixed-use building. The new building would be up to approximately 151 feet tall (excluding bulkhead) and contain 101,000 gsf, including 70,000 gsf of office uses (anticipated to include both office and light industrial 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 uses gsf total. The Proposed Project would have an FAR of up to 6.5 (including up to 1.5 FAR of UG 4A community facility uses). Accessory parking is neither required nor proposed. The main building entrances as well as retail entrances would be located on Kent Avenue, with an additional retail entrance located on South 3rd Street. Although a loading berth would not be required under the proposed zoning (see ZR § 44-53), one loading berth would be provided on South 3rd Street approximately 75 feet from its intersection with Kent Avenue.

F. ANALYSIS FRAMEWORK

The Proposed Actions would change the regulatory controls governing land use and development within the Project Area and would allow the construction of the Proposed Project on Projected Development Site 1. The Proposed Actions would permit development on Projected Development Sites 1 and 2, and the environmental review document examines a Reasonable Worst Case Development Scenario (RWCDS). The EIS considers a no action condition in which the Proposed Actions are not approved. The approach to the analysis framework is discussed below.

Analysis Year

The Proposed Actions are anticipated to enter the City's Uniform Land Use Review Procedure (ULURP) in 2021 upon certification of the Draft EIS and complete this process later in the year, after which construction would begin. The Proposed Project would be constructed in a single phase; construction of the Proposed Project is anticipated to take 21 months. Construction of the proposed building would consist of the following primary construction stages: demolition, excavation and foundation (approximately 4 months); superstructure and exteriors (approximately 8 months); and interiors and finishing (approximately 9 months). Therefore, a future build year of 2023, when the project is anticipated to be completed and operational, will be examined to assess the potential impacts of the Proposed Actions. Development on Projected Development Site 2 is anticipated to require 18 months of construction and for analysis purposes is assumed to be completed by the 2023 build year for Projected Development Site 1.

Reasonable Worst-Case Development Scenario (RWCDS)

The Proposed Actions would allow new development on Projected Development Sites 1 and 2. A RWCDS has been established that maximizes the range of uses and building bulk and height that would be achievable with the Proposed Actions. The RWCDS is used as a framework in the environmental review to assess potential impacts.

The proposed rezoning area would cover the western half of Block 2415, between South 2nd and South 3rd Streets, beginning at a distance of 210 feet from Wythe Avenue and extending westerly to Kent Avenue, which consists of Block 2415, Lots 1, 6, 10, 7501, and 7502. The proposed rezoning boundaries would also contain a small portion of Lot 38 (approximately 325 sf) at its western edge. As part of the proposed rezoning the existing MX (M1-4/R6A) district covering the eastern half of Block 2415 would also be extended westerly from its existing boundary 210 feet from Wythe Avenue, to 220 feet from Wythe Avenue. This extension would also cover the westerly portion of Lot 16 that is currently mapped in the existing M3-1 district, as well as an approximately 488 sf portion of Lot 7501 that is also currently mapped in the 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 (M1-4/R6A) districts, the entirety of Lots 16 and 38 can, under existing zoning (ZR Sec. 77-11), can be treated as if wholly located within the MX district in any event.

As shown in Table 1, the RWCDS represents the increment for analysis, understood as the difference between the future with the Proposed Actions (the With Action condition) and the future without the Proposed Actions (the No Action condition), to be analyzed in the EIS. Based on the comparison between the No Action and With Action conditions, the RWCDS includes 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. The Proposed Actions would result in an additional 523 workers within the Project Area.

Table 1
Reasonable Worst Case Development Scenario

Use	Existing Condition (gsf)	No Action Condition (gsf)	With Action Condition (gsf)	Increment (gsf)
Commercial				
Warehousing[1]	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[2]	-	-	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

Notes:
[1] The existing warehouse on Projected Development Site 1 is occupied by Villain, a warehouse/production event space operated as a UG 13 banquet hall.
[2] Approximately 6,000 gsf of loading and mechanical space has been included in the office uses gsf total.
Source: 307 Kent Associates, DCP-approved 307 Kent RWCDS and Environmental Assessment Statement (EAS).

The Future Without the Proposed Action (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, described below, would remain through the 2023 build year.

Projected Development Site 1

As described above, Projected Development Site 1 (Lot 1) is currently a 15,296-gsf single-story warehouse/production event space.

Projected Development Site 2

In addition to the Proposed Project on Projected Development Site 1, development is projected to occur on Lot 6 (Projected Development Site 2), as a result of the Proposed Actions. Lot 6 is currently occupied by an 11,334-gsf single-story warehouse.

Remainder of the Project Area

The Project Area also includes five additional lots on Block 2415: Lots 10, 7501, 7502, and portions of Lots 16 and 38. Lot 10 is occupied by a vacant 3,212-gsf single-story commercial building formerly containing a restaurant and Lots 7501 and 7502 are occupied by two four-story residential condominium buildings with a total floor area of 57,819 sf. Lots 7501 and 7502 also share an accessory parking area in between them containing 29 parking spaces for residents. 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 neighborhood surrounding the Project Area is composed of a mix of residential, commercial, industrial, and open space uses. Residential uses range in size from four-story apartment buildings to high-rise multifamily elevator apartment buildings with ground floor retail. Commercial uses include office buildings, ground-floor retail, restaurants, and bars. Industrial uses consist of low-rise warehouse and light manufacturing buildings. Domino Park, located across Kent Avenue from the Project Area along the East River, is a large open space opened in 2018. The remaining grounds of the former Domino Sugar Refinery surrounding this new open space are currently undergoing redevelopment as a mixed-use development with large residential and commercial components.

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

Projected Development Site 1

As described above, in the With Action condition, Projected Development Site 1 would be redeveloped with the Proposed Project, a new, approximately 101,000-gsf, nine-story mixed-use building containing 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; 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), 22,000 gsf of community facility (medical office) uses, and 9,000 gsf of retail uses. No accessory parking is required or proposed and though one loading berth would not be required under the proposed zoning (see ZR § 44-53), a loading berth would be located on South 3rd Street approximately 75 feet from its intersection with Kent Avenue. The Proposed Project would be approximately 151 feet tall (163 feet tall to the top of the mechanical bulkhead), with a FAR of up to 6.5 (including up to 1.5 FAR of UG 4A community facility 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 (Lot 6), which is neither owned nor controlled by the applicant. 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. No parking or loading berths are required or proposed. The anticipated building on Projected Development Site 2 would be approximately 125 feet tall with a total FAR of up to 6.5 (including up to 1.5 FAR of UG 4A community facility space).

Remainder of the Project Area

It is expected that Block 2415, Lots 10, 7501, 7502, and portions of Lots 16 and 38 would remain the same in both the No Action and With Action conditions. Lots 10, 7501, 7502, and portions of Lots 16 and 38 do not meet the criteria of a "soft site" as defined by the *2020 CEQR Technical Manual*. The *CEQR Technical Manual* provides general criteria to identify "soft sites" including: (1) a site with buildings built to substantially less than the maximum allowable FAR such that there would likely be sufficient incentive for development in the future, depending on other specific factors and, (2) a site that is large enough to be considered "soft" depending on specific neighborhood trends, but often defined as 5,000 sf or larger. If a site meets these criteria, a list of additional considerations should be examined to determine if the site should be considered a "soft site." These additional considerations include site-specific conditions that make development difficult as well as issues related to site control or site assemblage that may affect redevelopment potential. As described above, Lots 10, 7501, and 7502 would remain under Board of Standards and Appeals (BSA) jurisdiction per the 2003 BSA resolution (BSA Cal. No 102-03-BZ). Any redevelopment or enlargement of the existing buildings on these lots would be contingent upon further discretionary review by BSA separate from the Proposed Actions, and furthermore, Lot 10 is less than 5,000 sf in size. As a result, no changes to these lots are anticipated. The Proposed Actions would not increase the development potential of Lots 16 and 38 compared to the No Action condition, and no changes to these lots are anticipated.

G. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

Land Use, Zoning and Public Policy

The Proposed Actions would not result in significant adverse impacts related to land use, zoning, and public policy. The Proposed Actions would be compatible with existing land uses, zoning, and public policies in the Project Area and would facilitate the development of commercial, light industrial and manufacturing, community facility, and retail uses that would be consistent with the mixed-use nature of the surrounding neighborhood. The new office, light industrial, and medical office uses would provide additional space for employment in a mix of uses and the ground-level retail would further activate the street and provide retail opportunities for the local population. The proposed building on Projected Development Site 1 would be at a similar scale to several existing buildings within the study area and smaller than several other buildings within the study area such as the existing and the planned buildings of the Domino Sugar Refinery redevelopment. The development anticipated on Projected Development Site 2 as a result of the Proposed Actions would also be of a similar scale and contain a mix of commercial and community facility uses, including ground-floor retail uses. The Proposed Actions would be consistent with public policies, in particular contributing to the ongoing transformation of the neighborhood from a former industrial area to a mixed-use area as consistent with OneNYC's goal of thriving neighborhoods. The Proposed Actions have also been assessed for consistency with the City's WRP and have been determined to be consistent with the policy (WRP #16-156).

Open Space

The Proposed Actions would not result in the potential for significant adverse impacts related to direct effects on open space. The Proposed Actions would not alter or eliminate any publicly accessible open space resources, nor would open space resources in the study area experience project-related significant adverse impacts in the technical areas of shadows, air quality, noise, or construction. The new buildings that the Proposed Actions would facilitate on the Projected Development Sites, would introduce new workers and visitors to the Project Area, which would increase demand on publicly accessible open space resources. Currently the passive open space ratio in the study area for non-residential users (1.975 acres per 1,000 people) is well above the City's guideline of 0.15 per 1,000 people, as indicated in the *CEQR Technical Manual*. The Proposed Actions would result in an 8.69-percent decrease in the passive open space ratio; however, the ratio would remain well above the guideline in both the future without the Proposed Actions (0.852 acres per 1,000 people) and the future with the Proposed Actions (0.778 acres per

1,000 people). Although this decrease in the open space ratio would be more than 5 percent compared with the open space ratio in the No Action condition, the passive open space ratio would remain substantially higher than the City's guideline of 0.15 acres per 1,000 non-residents. Therefore, the Proposed Actions would not result in significant adverse impacts related to indirect effects on open space in the study area.

Hazardous Materials

The Proposed Actions would not result in significant adverse impacts related to hazardous materials. For Projected Development Site 1, the Subsurface (Phase II) Investigation report along with a Remedial Action Plan (RAP) have been submitted to DEP for review and approval. The RAP incorporates a Construction Health and Safety Plan (CHASP). These plans set out procedures to be followed to avoid the potential for adverse impacts related to the hazardous materials identified by the Subsurface (Phase II) Investigation as well as other hazardous materials that could be (unexpectedly) encountered. The Applicant will commit to implementing the RAP and CHASP, which are anticipated to be approved by DEP in advance of the issuance of the FEIS.

For Projected Development Site 2, an (E) Designation for hazardous materials (E-592) 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. The (E) Designation would impose pre- and post-construction requirements overseen by OER applicable to any future redevelopment at Projected Development Site 2. With these restrictions in place, no significant adverse impacts related to hazardous materials would occur.

Transportation

The proposed actions are anticipated to result in significant adverse transportation impacts related to traffic, transit (bus), and pedestrian elements. The proposed actions would not result in significant adverse impacts related to transit (subway), vehicular/pedestrian safety, or parking. Potential mitigation measures are described in the Mitigation section below.

Traffic

Traffic conditions have been evaluated at 13 intersections for the weekday AM, midday and PM peak hours in consultation with the New York City Department of Transportation (DOT). In the 2023 With Action condition, there would be the potential for significant adverse traffic impacts under *CEQR Technical Manual* criteria at five intersections during the weekday AM peak hour, four intersections during the weekday midday peak hour, and eight intersections during the weekday PM peak hour. Under the No Action condition, it is projected that all of the affected lane groups in these intersections would operate with delays, such that an increase of only three or more seconds of delay at some of these more congested lane groups under the With Action condition would result in significant adverse traffic impacts under *CEQR Technical Manual* criteria. **Table 2** provides summaries of the impacted locations by lane group and analysis time period. Potential measures to mitigate the projected traffic impacts are described below in "Mitigation."

Table 2
Summary of Significant Adverse Traffic Impacts
2023 With Action Condition

Intersection		Weekday AM Peak Hour	Weekday Midday Peak Hour	Weekday PM Peak Hour
EB/WB Street	NB/SB Street			
Metropolitan Avenue	Kent Avenue	NB-TR	NB-TR	NB-TR
Metropolitan Avenue	Wythe Avenue	SB-LTR	WB-LT SB-LTR	WB-LT SB-LTR
Metropolitan Avenue	Bedford Avenue			EB-LT
South 6th Street	Wythe Avenue			SB-TR
South 5th Street	Kent Avenue	NB-TR		NB-TR
Broadway	Kent Avenue	WB-R		

Broadway	Wythe Avenue			SB-LTR
South 5th Street	Wythe Avenue		EB-TR	EB-TR
South 6th Street	Kent Avenue	WB-TR	WB-TR	WB-TR
Total Impacted Intersections/Lane Groups		**5/5**	**4/5**	**8/9**

Note:
L = Left Turn, T = Through, R = Right Turn, EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound

Transit

Subway

The transit screening assessment concluded that a detailed subway assessment is not warranted, as no single subway station/line would be expected to incur incremental trips exceeding the *CEQR Technical Manual* analysis threshold of 200 or more peak hour subway riders. Therefore, a detailed analysis of subway facilities/lines is not warranted and the Proposed Actions are not expected to result in any significant adverse subway impacts.

Bus

Weekday AM and PM peak hour bus line-haul conditions have been evaluated for the B32 and B62 buses. The line-haul analyses showed that the Proposed Actions would result in an increase in bus ridership that would exceed current bus capacity by up to three passengers on the northbound B32 during the weekday AM peak period, and an increase in bus ridership that would exceed current bus capacity by up to one passenger on the northbound B62 during the weekday PM peak period in the 2023 With Action condition. These exceedances would constitute significant adverse impacts under *CEQR Technical Manual* criteria. Potential measures to mitigate the projected bus line-haul impacts are described below in "Mitigation."

Pedestrians

Weekday peak period pedestrian conditions have been evaluated at key area sidewalk, corner reservoir, and crosswalk locations. Based on the detailed assignment of pedestrian trips, seven sidewalks, eight corners, and three crosswalks have been selected for detailed analysis for the weekday AM, midday, and PM peak hours in consultation with DOT. As summarized in **Table 3**, significant adverse impacts have been identified for one sidewalk during the weekday midday and PM peak hours in the 2023 With Action condition. Potential measures to mitigate the projected pedestrian impacts are described below in "Mitigation."

Table 3
Summary of Significant Adverse Pedestrian Impacts
2023 With Action Condition

		2023 With Action Condition		
Intersection	**Pedestrian Element**	**Weekday AM Peak Hour**	**Weekday Midday Peak Hour**	**Weekday PM Peak Hour**
Kent Avenue and South 3rd Street	East Sidewalk along Kent Avenue between South 3rd Street and South 2nd Street – North Segment		X	X
Total Impacted Pedestrian Elements		**0**	**1**	**1**

Note: X = Significant Adverse Pedestrian Impact

Vehicular and Pedestrian Safety

Crash data for the study area intersections were obtained from DOT for the period between January 1, 2015 and December 31, 2017. During this period, 50 reportable and non-reportable crashes, zero fatalities, 39 injuries, and 22 pedestrian/bicyclist-related crashes occurred at the study area intersections. The accident data identify one high crash location in the same period at the intersection of Bedford Avenue and

Metropolitan Avenue. Additional safety measures, such as the installation of countdown timers on all four crosswalks, can be implemented to improve pedestrian and bicycle safety at this high accident location (see **Table 4**). As part of its Vision Zero initiative, the City will explore additional measures for potential implementation at this high crash location and others in the study area to enhance traffic and pedestrian safety.

Table 4
Summary of High Crash Locations

High Crash Intersections	Prevailing Trends	Peak Hour Project-Specific Effects	Recommended Safety Measures
Bedford Avenue and Metropolitan Avenue	None	Incremental trips: 75 or fewer vehicles and 35 or fewer pedestrians at any crosswalk	Install countdown timers at all four crosswalks

Source: DOT crash data; January 1, 2015 to December 31, 2017.

Parking

Accounting for the parking demand generated by the Proposed Actions, the 2023 With Action public parking utilization in the approximate ¼-mile off-street parking study area is expected to increase to a maximum of 84 percent during the weekday midday peak period. Since the parking utilization level is within the area's off-street public parking capacity, the Proposed Actions are not expected to result in parking shortfalls or significant adverse parking impacts.

Air Quality

The Proposed Development would not result in any significant adverse air quality impacts on sensitive uses in the surrounding community, and the Proposed Development would not be adversely affected by existing sources of air emissions in the surrounding area. An (E) designation (E-592) would be recorded as part of the Proposed Actions to ensure the Proposed Development would not result in any significant air quality impacts.

The maximum pollutant concentrations and concentration increments from mobile sources with the Proposed Actions are projected to be lower than the corresponding CEQR de minimis criteria, and based on a detailed dispersion modeling analysis, no potential significant adverse air quality impacts were predicted from the proposed heating and hot water systems for Projected Development Sites 1 and 2. Moreover, the analysis of existing manufacturing uses in the surrounding study area determined that emissions of toxic air compounds would not result in any potential significant adverse air quality impacts on the Proposed Project, and an analysis of the potential industrial sources associated with the Proposed Actions determined that there would be no significant adverse air quality impacts. Finally, the analysis of the New York Power Authority's North 1st Street plant determined there would be no significant adverse air quality impact on the Proposed Project.

Noise

The Proposed Development would not result in any significant adverse noise impacts. An (E) designation (E-592) would be recorded as part of the Proposed Actions to ensure the Proposed Development would not result in any significant noise impacts.

A noise assessment was undertaken to determine the levels of noise attenuation that may be needed to achieve interior noise levels that are acceptable and in accordance with the *CEQR Technical Manual* guidance, which suggests interior noise levels of 45 dBA or lower for residential and community facility uses and 50 dBA or lower for commercial office uses. The With Action condition L10(1) noise levels were determined by adjusting the existing noise measurements to account for future increases in traffic with the Proposed Actions and calculating the cumulative noise level in the future condition based on the playground

noise and future vehicular traffic noise on adjacent roadways.

As previously discussed in the EAS, based on the projected noise levels, up to 28 dBA window/wall attenuation would be required to achieve acceptable interior noise levels per the *CEQR Technical Manual* noise exposure guideline at residential and community facility uses. To implement the attenuation requirements, an (E) Designation for noise would be applied specifying the appropriate window/wall attenuation. By meeting the design guidelines specified in the Noise (E) Designation, buildings developed as a result of the Proposed Actions would provide sufficient attenuation to achieve the CEQR Technical Manual interior noise level guidelines of 45 dBA L10 for residential or community facility uses and 50 dBA L10 for commercial office uses. With these measures in place, there would be no significant adverse impacts with the Proposed Actions.

Public Health

The Proposed Actions would not result in significant adverse impacts related to public health. As described in the relevant analyses of the previously published EAS and in the EIS, the Proposed Actions would not result in significant unmitigated adverse impacts in any of the technical areas related to public health including operational air quality, operational noise, water quality, hazardous materials or construction, and therefore does not warrant a detailed public health assessment. Water quality was considered in the EAS, and under CEQR criteria, the proposed project does not have the potential to have a significant adverse impact in the technical area of natural resources (including on water quality). Furthermore, any dewatering would be conducted in accordance with DEP requirements. The technical areas of air quality and noise were examined in the EIS. Through the application of certain restrictions to both Projected Development Sites under an (E) Designation (E-592), including fuel type and stack location restrictions as well as window/wall attenuation and alternative means of ventilation requirements, the proposed project would not result in significant adverse impacts in either of these technical areas. Hazardous Materials was considered in both the EAS and in the EIS. A Phase II Investigation (collection and laboratory analysis of subsurface samples) for hazardous materials has been prepared for Projected Development Site 1, and a report summarizing its findings would be prepared and summarized. The Phase II report, along with a RAP and associated CHASP setting out procedures to avoid the potential for significant adverse impacts related to hazardous materials would be prepared for Projected Development Site 1 and submitted for review and approval prior to the issuance of the Final EIS. In addition, for Projected Development Site 1, the Applicant will commit to implementing the Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP), which are anticipated to be approved by the NYC Department of Environmental Protection (DEP) in advance of the issuance of the FEIS. An (E) Designation restriction (E-592) on Projected Development Site 2 would impose pre-and post-construction requirements overseen by the Office of Environmental Remediation (OER) that would eliminate the potential for significant adverse impacts related to hazardous materials stemming from any future development on the site. Therefore, with these restrictions, the Proposed Actions would not result in a significant adverse impact to public health.

Neighborhood Character

The Proposed Actions would not result in significant adverse impacts associated with neighborhood character, nor would they result in significant adverse impacts to land use, zoning, and public policy; socioeconomic conditions; open space; shadows; historic and cultural resources; urban design and visual resources, or noise. Although significant adverse impacts would occur with respect to traffic, transit, and pedestrians, these impacts would be partially mitigated and would not result in a significant overall change to the determining elements of neighborhood character. Further, the anticipated buildings and uses on the Projected Development Sites would enliven the streetscape at ground level; create a strong, continuous streetwall, enhancing the urban design conditions; provide additional retail opportunities to the local population; and provide additional space for employment in a mix of uses within the neighborhood.

H. MITIGATION

The Proposed Actions would result in potential significant adverse impacts to traffic, transit (bus), and pedestrians, as detailed below. Mitigation measures have been identified and will be further evaluated in the FEIS. If any mitigation measures are determined to be infeasible, the impacts would remain unmitigated.

Transportation

Traffic

At 13 of the intersections evaluated for the weekday AM, midday, and PM peak hours in the 2023 With Action condition, there would be the potential for significant adverse traffic impacts at five intersections during the weekday AM peak hour, four intersections during the weekday midday peak hour, and eight intersections during the weekday PM peak hour, as shown above in Table 2.

Three of the impacted intersections could be fully mitigated with the implementation of standard traffic mitigation measures (e.g., signal timing changes and lane restripings) including the intersections of Metropolitan Avenue and Wythe Avenue; Broadway and Kent Avenue; and South 5th Street and Kent Avenue. However, the significant adverse impacts at six intersections—Metropolitan Avenue and Kent Avenue; Metropolitan Avenue and Bedford Avenue; South 6th Street and Wythe Avenue; Broadway and Wythe Avenue; South 5th Street and Wythe Avenue; and South 6th Street and Kent Avenue—could not be mitigated.

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

Transit

The analyses for weekday AM and PM peak hour bus line-haul conditions for the B32 and B62 buses showed that the Proposed Actions would result in an increase in bus ridership that would exceed current bus capacity by up to three passengers on the northbound B32 during the weekday AM peak period and an increase in bus ridership that would exceed current bus capacity by up to one passenger on the northbound B62 during the weekday PM peak period in the 2023 With Action condition. These exceedances would constitute significant adverse impacts under *CEQR Technical Manual* criteria.

Increases in service frequency of one bus an hour for the northbound B32 during the weekday AM peak hour and the northbound B62 during the weekday PM peak hour would fully mitigate the projected bus line-haul impacts. The general policy of New York City Transit (NYCT) is to provide additional bus service where demand warrants, taking into account financial and operational constraints.

Pedestrian

Pedestrian conditions were evaluated at seven sidewalks, eight corners, and three crosswalks for the weekday AM, midday, and PM peak hours. In the 2023 With Action condition, the Proposed Actions would result in significant adverse pedestrian impacts at one sidewalk during the weekday midday and PM peak hours. This sidewalk impact could be fully mitigated by relocating the existing tree pit to the south segment of the same sidewalk.

Summary

The proposed traffic and pedestrian mitigation measures would be subject to approval by DOT prior to implementation. If these measures are deemed infeasible by DOT and no alternative mitigation measures can be identified or if a recommended mitigation measure is not implemented, then the identified significant

adverse traffic and/or pedestrian impacts would be unmitigated. The proposed traffic mitigation measures entail signal timing changes and lane restripings—standard measures routinely implemented throughout the City and generally considered to be feasible. The mitigation for pedestrian conditions at the impacted sidewalk location consists of relocation of existing sidewalk obstructions (e.g., relocating existing tree pit); measures such as these are routinely implemented and are generally considered feasible. For the significant adverse bus line-haul impacts, reducing headways by increasing the number of buses for the impacted routes would mitigate the bus line-haul impacts; these measures are subject to NYCT's approval based on fiscal and operational constraints.

I. ALTERNATIVES

No Action Alternative

This alternative assumes that in the future without the Proposed Actions, no new development would occur within the Project Area, and the existing buildings and uses on Projected Development Sites 1 and 2 would remain. The significant adverse traffic, transit, and pedestrian impacts identified that would be expected to occur with the Proposed Actions, would not occur under the No Action Alternative. As compared with the Proposed Actions, the intended goals and benefits of the Proposed Project—the creation of new mixed uses within the neighborhood and the activation of the of Kent Avenue and South 3rd Street adjacent to the Projected Development Sites—would not occur in the No Action Alternative.

No Unmitigated Significant Adverse Impacts Alternative

The Proposed Actions' unmitigable significant adverse traffic impacts could be eliminated by constructing only 35,000 gsf of office and 9,000 gsf of retail on Projected Development Site 1, a total of 44,000 gsf. For comparison, the Proposed Project on Projected Development Site 1 would contain approximately 101,000 gsf in total, including 70,000 gsf of office uses, 22,000 gsf of community facility uses, and 9,000 gsf of retail uses. As the Applicant does not control Projected Development Site 2, the anticipated program on that site would remain unchanged compared to the Proposed Project. The level of development under this alternative would fail to achieve the goals or benefits of the Proposed Project. No new community facility use would be introduced on Projected Development Site 1 and the reduced program would result in less additional space for employment in a mix of uses. Furthermore, this level of development is likely insufficient for the Applicant to undertake the cost of development on Projected Development Site 1, as floor area would not be significantly greater than under the existing and No Action conditions. As a result this No Unmitigated Significant Adverse Impact Alternative is unlikely to achieve any of the intended goals and benefits of the Proposed Project.

J. UNAVOIDABLE ADVERSE IMPACTS

Unavoidable significant adverse impacts are those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if mitigation is impracticable. As described in "Mitigation" above, the Proposed Actions would result in significant adverse impacts with respect to traffic, transit, and pedestrians. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation has been identified to fully mitigate the significant adverse traffic impacts, and there are no reasonable alternatives to the Proposed Actions that would meet the purpose and need, eliminate potential impacts, and not cause other or similar significant adverse impacts.

As discussed in "Mitigation" above three of the identified impacted traffic intersections could be fully mitigated with the implementation of standard traffic mitigation measures (e.g., signal timing changes and lane restripings) including the intersections of Metropolitan Avenue and Wythe Avenue; Broadway and Kent Avenue; and South 5th Street and Kent Avenue. These mitigation measures will be further evaluated in the FEIS. If any identified mitigation measures are determined to be infeasible, the impacts would be unavoidable adverse impacts. However, the significant adverse traffic impacts at six intersections—Metropolitan Avenue and Kent Avenue; Metropolitan Avenue and Bedford Avenue; South 6th Street and

Wythe Avenue; Broadway and Wythe Avenue; South 5th Street and Wythe Avenue; and South 6th Street and Kent Avenue—could not be mitigated and would remain as significant adverse traffic impacts.

With regards to the significant adverse transit (bus) and pedestrian impacts, mitigation measures have been identified to fully mitigate these impacts as summarized in "Mitigation." Reducing headways by increasing the number of buses for the impacted routes are subject to NYCT's approval based on fiscal and operational constraints. The relocation of existing sidewalk obstructions to mitigate the pedestrian sidewalk impact would be subject to approval by DOT prior to implementation. If these measures are deemed infeasible by NYCT or DOT and no alternative mitigation measures can be identified or if a recommended mitigation measure is not implemented, then the identified significant adverse transit (bus) and/or pedestrian impacts would be unmitigated.

K. GROWTH INDUCING ASPECTS OF THE PROPOSED ACTION

The Proposed Actions would result in the construction on Projected Development Site 1 (Lot 1) of a nine-story mixed-use building containing light industrial/office, community facility (medical office), and retail uses on the ground floor. And it is assumed that Projected Development Site 2 on Lot 6 would be developed with a nine-story mixed-use building containing office, community facility (medical office), and retail uses on the ground floor. The proposed developments would be limited to Projected Development Sites 1 and 2, which consist of Block 2415, Lots 1 and 6 respectively, in the Williamsburg neighborhood of Brooklyn. These uses would be consistent with the existing uses in the surrounding area. While the developments facilitated by the Proposed Actions would add a new worker population, they would not result in any indirect or direct business displacement, nor would they significantly affect business conditions in any industry or category of businesses within or outside of the study area or reduce employment or impair the economic viability of businesses in the industry or category of businesses. Rather, the Proposed Actions would bring more diverse uses to the area and meet the demands of the Brooklyn waterfront, which continues to transform from a manufacturing area to a mixed-use area, and facilitate the creation of new quality light manufacturing, office, community facility, and retail spaces to serve what has become a mixed-use area. Therefore, the Proposed Actions are not expected to introduce or accelerate a trend of changing socioeconomic conditions.

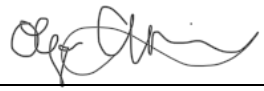
L. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Resources, both natural and built, would be expended in the construction and operation of the Proposed Project building on Projected Development Site 1 and the Projected Development Site 2 building. These resources include the materials used in construction; energy in the form of fuel and electricity consumed during construction and operation of the projects; and the human effort required to develop, construct, and operate various components of the projects.

The resources are considered irretrievably committed because their reuse for some purpose other than the construction of the buildings facilitated by the Proposed Actions would be highly unlikely. The Proposed Actions constitute an irreversible and irretrievable commitment of Projected Development Site 1 as a land resource, thereby rendering land use for other purposes infeasible, at least in the near term. This irreversible and irretrievable commitment is presumed to similarly apply to the Projected Development Site 2 for the purposes of this analysis.

These commitments of land resources and materials are weighed against the benefits of the Proposed Actions. The Proposed Actions would facilitate the construction on Projected Development Site 1 of a nine-story mixed-use building with light industrial/office, community facility, and retail uses, and would likely facilitate the development of Projected Development Site 2 with a new, approximately 80,500-gsf, nine-story building with office, community facility (medical office), and retail uses. The Proposed Actions would result in development that would bring more diverse uses to the area and meet the demands of the Brooklyn waterfront, 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 with quality ground-floor retail development on Kent Avenue and South 3rd Street, activating the pedestrian street experience and improving the site's engagement with the neighborhood, consistent with more modern quality-of-life standards. *



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