TECHNICAL MEMORANDUM 001
PROPOSED CITY COUNCIL MODIFICATIONS
1160 FLUSHING AVENUE REZONING
CEQR No. 21DCP199K

ULURP No.: C210314ZMK

July 25, 2023

A. INTRODUCTION

1160 Flushing Avenue LLC (the "Applicant") is seeking approval for a zoning map amendment that would facilitate the construction of a new, mixed-use development comprising approximately 238,104 gross square feet (gsf) in total (the "Proposed Project"). The Proposed Project would be constructed at 1160 Flushing Avenue (Block 3167, Lots 18 and 24), a 37,928-sf, rectangular-shaped site with frontages on Flushing Avenue and Jefferson Street in the Bushwick neighborhood of Brooklyn Community District (CD) 4 ("Projected Development Site 1"). The proposed zoning map amendment would rezone Block 3167, Lots 12 (p/o), 18, 24, 26, 29, and 40 (the "Proposed Rezoning Area" or "Project Area") from a M1-1 district to a M1-5 district (the "Proposed Action"). The Proposed Rezoning Area would be bounded by Flushing Avenue, Wyckoff Avenue, Jefferson Street, and a line 250 feet northeasterly of Irving Avenue. The Proposed Action would facilitate the demolition of the existing single-story building on Projected Development Site 1 and the construction of the Proposed Project. The Proposed Project would consist of a single-story building and a nine-story building separated by a pedestrian alleyway. The single-story structure and first two floors and cellar floor of the nine-story building would contain a combined total of approximately 75,586 gsf (36,730 zoning square feet (zsf)) of retail uses (0.97 FAR); the second and third floors of the proposed nine-story building would contain approximately 40,732 gsf (37,846 zsf) of light industrial uses (1.0 FAR); and the remaining floors (three through nine) of the proposed nine-story building would contain approximately 121,786 gsf (114,983 zsf) of commercial office uses (3.03 FAR). In total, the Proposed Project would contain approximately 238,104 gsf (189,559 zsf) of new development.

In the future with the Proposed Action, it is assumed that the proposed zoning map amendment would be approved, allowing the Applicant to construct the Proposed Project at Projected Development Site 1 (Lots 18 and 24). However, as the proposed M1-5 zoning district permits a maximum floor area ratio (FAR) of 6.5 for community facility uses, the reasonable worst-case development scenario (RWCDS) for Projected Development Site 1 assumes an additional 1.5 FAR of community facility (medical office) uses. As such, for conservative analysis purposes, it is assumed that Projected Development Site 1 could accommodate up to approximately 75,586 gsf (36,730 zsf) of retail uses, approximately 40,732 gsf (37,846 zsf) of light industrial uses, approximately 121,786 (114,983 zsf) of commercial office uses, and approximately 59,973 gsf (56,975 zsf) of community facility (medical office) uses (the "RWCDS"). In total, the RWCDS for Projected Development Site 1 would comprise approximately 298,077 gsf (246,534 zsf) of new development (6.5 FAR).

In addition, it is assumed that Lots 29 and 40 (both of which are non-Applicant-owned) would each be redeveloped in the future with approval of the Proposed Action as well. It is anticipated that Lot 29 would be redeveloped with a six-story, 5.0 FAR predominantly commercial office

building with ground-floor retail uses comprising approximately 79,821 gsf of office space and 16,730 gsf of retail space ("Projected Development Site 2"), and Lot 40 would be redeveloped with a five-story, 5.0 FAR predominantly commercial office building with ground-floor retail uses comprising approximately 32,547 gsf of office space and 6,250 gsf of retail space ("Projected Development Site 3"). As a result, the total With-Action development scenario for the Project Area would include approximately 234,154 gsf of commercial office uses, 98,566 gsf of retail uses, 40,732 gsf of light industrial uses, and 59,973 gsf of community facility (medical office) uses, thus representing the RWCDS for the Project Area under the Proposed Action.

The Draft Environmental Impact Statement (DEIS) for the Proposed Action was accepted as complete on February 10, 2023 by DCP, acting on behalf of the City Planning Commission (CPC) as lead agency. A public hearing on the DEIS was held on May 24, 2023, in conjunction with the CPC's citywide public hearing pursuant to ULURP, and written comments on the DEIS were accepted until June 5, 2023. The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued on June 16, 2023 (CEQR No. 21DCP199K). The FEIS incorporated responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

Since the CPC's adoption of the Proposed Action (a.k.a. the "Approved Action"), modifications have been identified as under consideration by the City Council. The proposed City Council modification (the "Proposed Modification") are summarized below. This technical memorandum examines whether the Proposed Modification would result in any new or different significant adverse environmental impacts not already identified in the FEIS as pertains to the Approved Action. As set forth below, this technical memorandum concludes that the Proposed Modification by the City Council would not result in any new or different significant adverse impacts not already identified in the FEIS.

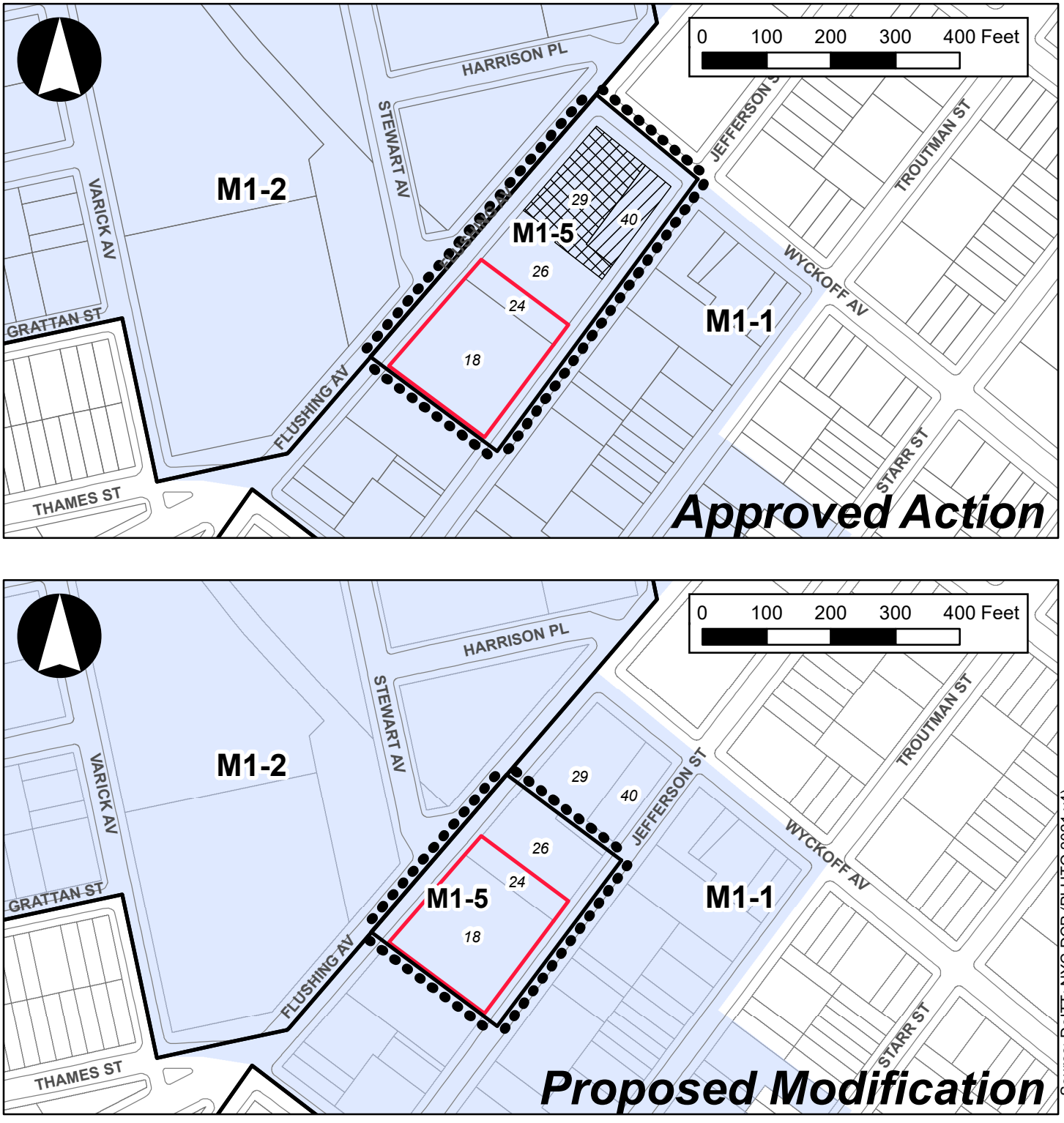
B. DESCRIPTION OF THE PROPOSED MODIFICATION

The Proposed Modification would modify the zoning map amendment boundary to affect the property bounded by Flushing Avenue, a line 170 feet southwesterly of Wyckoff Avenue, Jefferson Street, and a line 250 feet northeasterly of Irving Avenue, and would thus rezone Block 3167, Lots 12 (p/o), 18, 24, 26, and 29 (p/o), (the "Modified Rezoning Area") from a M1-1 district to a M1-5 district. The Proposed Modification would change the allowable densities at the non-Applicant-owned Lots 29 and 40 as these lots would retain their M1-1 zoning under the Proposed Modification, and would thus preserve the maximum permitted commercial/industrial FAR of 1.0 (see **Table 1** and **Figure 1**).

C. REASONABLE WORST-CASE DEVELOPMENT SCENARIO

The Proposed Modification would result in changes to the RWCDS presented in the FEIS and assessed in connection with the Approved Action. Accordingly, a modified With-Action Condition was established (referred to hereafter as the "Modified With-Action Condition"). In addition to changes associated with the Proposed Modification, the development assumptions regarding Projected Development Sites 2 and 3— Lots 29 and 40, respectively—have changed. As described above, under the Approved Actions, it was assumed that Projected Development Site 2 (Lot 29) and Projected Development Site 3 (Lot 40) would each be redeveloped in the 2027 With-Action condition. Specifically, Projected Development Site 2 would be redeveloped with a six-story, 5.0 FAR predominantly commercial office building with ground-floor retail uses

Figure 1
Proposed Zoning Comparison:
Approved Action vs. Proposed Modification



Source: DoITT; NYC DCP (PLUTO 2021 v4)

Legend

- Zoning District Boundary
- M1-5 Proposed M1-5 Rezoning Area
- North Brooklyn IBZ
- Projected Development Site 1
- Projected Development Site 2
- Projected Development Site 3

comprising approximately 79,821 gsf of office space and 16,730 gsf of retail space, and Projected Development Site 3 would be redeveloped with a five-story, 5.0 FAR predominantly commercial office building with ground-floor retail uses comprising approximately 32,547 gsf of office space and 6,250 gsf of retail space. As a result, the total With-Action development scenario for the Project Area would include approximately 234,154 gsf of commercial office uses, 98,566 gsf of retail uses, 40,732 gsf of light industrial uses, and 59,973 gsf of community facility (medical office) uses, thus representing the RWCDS for the Project Area under the Approved Action. However, under the Proposed Modification, Lots 29 or 40 would not be rezoned from an M1-1 district to an M1-5 district, and the maximum permitted commercial and industrial FAR for those sites would not increase to 5.0 but would instead remain at 1.0 pursuant to the underlying M1-1 zoning. Therefore, Lots 29 and 40 would not be considered projected or potential development sites under CEQR "soft site criteria." As such, development as a result of the Proposed Modification would be limited to the Applicant-owned Lots 18 and 24,[1] and the total Modified With-Action Condition for the Project Area would include approximately 121,786 gsf of commercial office uses, 75,586 gsf of retail uses, 40,732 gsf of light industrial uses, and 59,973 gsf of community facility (medical office) uses. The specific changes affecting Project Area with the Proposed Modification are shown in Table 2. Additionally, based on the Proposed Project's anticipated 22-month construction timeline, it is assumed that full build-out of the Proposed Project under the Proposed Modification would occur by 2025.

Table 1
Project Area Zoning Districts: Approved Action vs. Proposed Modification

Lot	Approved Action		Proposed Modification	
	Zoning District	Max Density (FAR)[1]	Zoning District	Max Density (FAR)[1]
12	M1-1[2]	1.0/2.4	M1-1[2]	1.0/2.4
18	M1-5	5.0/6.5	M1-5	5.0/6.5
24	M1-5	5.0/6.5	M1-5	5.0/6.5
26	M1-5	5.0/6.5	M1-5	5.0/6.5
29	M1-5	5.0/6.5	M1-1[3]	1.0/2.4
40	M1-5	5.0/6.5	M1-1	1.0/2.4

Notes:
[1] XX/XX = Commercial and Industrial/Community Facility FAR; residential uses are not permitted in M districts
[2] Under the Approved Action, the M1-5 zoning district boundary would only extend four feet from the northeasterly edge of Lot 12. As such, the M1-5 district would not apply to Lot 12 as the district boundary would not exceed 25 feet, pursuant to ZR Section 77-211.
[3] Under the Proposed Modification, the M1-5 zoning district boundary would only extend approximately 10 feet from the southwesterly edge of Lot 29. As such, the M1-5 district would not apply to Lot 29 as the district boundary would not exceed 25 feet, pursuant to ZR Section 77-211

[1] While Lot 26 would still be affected by the Proposed Modification, it is not anticipated to be redeveloped, as under the Approved Actions. Lot 26 has an existing built FAR of 2.87, which represents 287 percent of the maximum permitted commercial/industrial uses under the existing M1-1 zoning (and therefore, is considered non-compliant under existing conditions) and 57.4 percent of the maximum permitted commercial/industrial uses under the proposed M1-5 zoning. As such, it is unlikely that Lot 26 would be redeveloped in the future with the Proposed Modification as the site does not meet CEQR's "soft-site" criteria, and therefore is not considered a projected development site.

Table 2
Incremental Difference Between Approved Action and Proposed Modification Within the Project Area

Use	No-Action	Approved Action Total	Approved Action Increment[2]	Proposed Modification Total	Proposed Modification Increment[2]	Difference[3]
Commercial	52,382 gsf	332,720 gsf	280,338 gsf	197,372 gsf	144,990 gsf	-135,348 gsf
Office	0 gsf	234,154 gsf	234,154 gsf	121,786 gsf	121,786 gsf	-112,368 gsf
Retail	52,382 gsf	98,566 gsf	46,184 gsf	75,586 gsf	23,204 gsf	-22,980 gsf
Community Facility (Medical Office)	0 gsf	59,973 gsf	59,973 gsf	59,973 gsf	59,973 gsf	0
Light Industrial	7,613 gsf	40,732 gsf	33,119 gsf	40,732	33,119 gsf	0
Population/Employment[1]						
Workers	183	1,488	1,305	962	779	-526

Notes:
[1] Estimate of workers is based on standard rates and are as follows: 1 worker per 300 sf retail space; 4 workers per 1,000 sf of office space; 1 worker per 1,000 sf of light industrial spaces; and 3 workers per 1,000 sf of community facility (medical office) space.
[2] Increment compared to No-Action conditions
[3] Difference represents the change between the Approved Action and the Proposed Modification.

D. ENVIRONMENTAL ASSESSMENT OF THE PROPOSED MODIFICATION

LAND USE, ZONING, AND PUBLIC POLICY

Like the Approved Action, the Proposed Modification would not result in any significant adverse impacts and would generally result in the same effects to land use, zoning, and public policy. The Proposed Modification would not adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with existing zoning and land uses. Furthermore, the Proposed Modification would not result in development that conflicts with adopted public policies. Like the Approved Action, the Proposed Modification would result in new development containing a mix of commercial office, light industrial/manufacturing, and local retail uses in an area where there is a strong demand for these particular uses that is well-served by infrastructure and public transportation. However, the Proposed Modification would result in less commercial office and retail space as compared to the developments under the Approved Actions. Development under the Proposed Modification would also continue to support light industrial/manufacturing uses in the North Brooklyn Industrial Business Zone (the "North Brooklyn IBZ"). In addition, as there are currently limited retail uses within the 400-foot study area, the Proposed Modification would also introduce ground-floor local retail uses in an area that does not have an abundance of local retail uses. However, under the Proposed Modification, project-generated local retail uses would be limited to the Applicant-owned site (i.e., Projected Development Site 1).

Like the Approved Action, development under the Proposed Modification would be built at a density and bulk compatible with neighboring recently planned projects, including 25 Stewart Avenue adjacent to the Project Area. As such, the Proposed Modification would result in development that, in addition to being appropriate for the area, would complement and improve the diverse land use character of the secondary study area.

Approval of the modified zoning map amendment would continue to help create opportunities for retail, office, and community facility uses that have limited siting opportunities, and maintain and expand the light industrial and manufacturing character of the East Williamsburg and Bushwick neighborhoods while allowing a mix of other complementary uses that are permitted within the

proposed M1-5 zoning district. As such, similar to the Approved Action, the Proposed Modification is not anticipated to result in significant adverse land use or zoning impacts.

Additionally, like the Approved Action, the Proposed Modification would be consistent with all applicable public policies. The Proposed Modification would be consistent with the public policies outlined in *OneNYC* and *New York Works*, which seek to diversify the City's economic base and increase middle-class employment in the City. Therefore, the Proposed Modification would not conflict with any applicable public policies, as described further below.

LAND USE

No significant adverse impacts to land use are anticipated under the Proposed Modification. The Proposed Modification would result in the same land uses as the Approved Action. As discussed above and shown in **Table 1**, Projected Development Site 1 (Lots 18 and 24) under the Proposed Modification would continue to have a maximum permitted FAR of 5.0 for commercial and industrial uses, as under the Approved Action. However, compared to the Approved Action, Lots 29 and 40 would not be limited to a maximum permitted FAR of 1.0 for commercial/industrial uses pursuant to the existing M1-1 zoning district.

The Proposed Modification would not directly displace existing land uses in such a way as to adversely affect surrounding land uses. The Proposed Modification would continue to preserve and support existing industrial uses and retain light industrial/manufacturing uses in an existing IBZ, as well as provide increased walk-to-work opportunities within Brooklyn CD 4, contribute to an increase in density of appropriate land uses in an area of the City well-served by existing infrastructure and public transportation, strengthen the economic base of the Bushwick neighborhood, enhance the value of land and buildings, contribute to a diverse mix of business uses and employment in the neighborhood, and protect the City's tax revenues.

As described in the FEIS, Bushwick and the adjacent East Williamsburg have both experienced stagnant residential development, but experienced residential growth over the past several years. The amount of existing office, industrial, and retail space in the surrounding area has not expanded sufficiently to meet the needs of the area's growing residential population. Therefore, the introduction of approximately 238,104 gsf of commercial office/manufacturing space facilitated by the Proposed Modification would provide new office, industrial, and retail space within an area of the City experiencing substantial growth in residential population. Like the Approved Action, the Proposed Modification would allow a new building containing space for commercial office, retail, and light industrial/manufacturing uses to be constructed on Projected Development Site 1 in an area where there is strong demand for these particular uses.

ZONING

Although the zoning map amendment sought under the Proposed Modification as compared to the Approved Action would reduce the number of properties affected by the zoning map amendment (i.e., Lots 29 and 40 would no longer fall within the proposed M1-5 zoning district boundaries), they would not result in significant adverse impacts. With the Proposed Modification, the maximum density throughout the Modified Rezoning Area would increase from 1.0 to 5.0 FAR for commercial/industrial uses, and from 2.4 to 6.5 FAR for community facility uses. While the proposed M1-5 zoning designation would facilitate a development at a higher density than what is currently allowed in the primary study area's M1-1 zoning district, the higher density zoning designation and associated increased density would be appropriate, given the Modified Rezoning

Area's proximity to existing infrastructure and public transportation, as well as the proposed zoning designation's consistency with M1 districts mapped adjacent to the boundaries of the primary study area.

The proposed zoning change under the Proposed Modification would be consistent with recently approved zoning actions in the surrounding North Brooklyn IBZ. Each of these projects sought special permits to incentivize the construction of new mixed-use commercial and manufacturing buildings that allocate a portion of their floor area to certain light industrial uses, allowing additional floor area devoted to certain types of commercial and light industrial uses. As proposed, the combined industrial/commercial development under the Proposed Modification is in keeping with the City's policy of encouraging the retention and expansion of industrial businesses, especially in IBZ areas, by providing increased commercial floor area and acknowledging the site constraints that such developments may entail. For these reasons, like the Approved Action, the Proposed Modification would have no significant adverse impact on zoning in the primary study area.

PUBLIC POLICY

OneNYC

OneNYC, released in April 2015, is a comprehensive plan for a sustainable and resilient city for all New Yorkers that speaks to the profound social, economic, and environmental challenges faced. The Proposed Modification would be consistent with the goals of *OneNYC.* While the Proposed Modification would result in less commercial office and retail uses compared with the Approved Action, the Proposed Modification would still be consistent with the City's sustainability goals, such as supporting *OneNYC's* land use goals of focusing development in areas that are served by mass transit; increasing walk-to-work opportunities; creating jobs in proximity to established and/or growing residential neighborhoods; and fostering walkable retail destinations. Like the Approved Action, the Proposed Modification is expected to facilitate the development of the Proposed Project, a single-story building and a nine-story building separated by a pedestrian alleyway for a total approximately 238,104 gsf (189,559 zsf) of new mixed use commercial/manufacturing development. As such, the Proposed Modification would help to foster the expansion and retention of an existing industrial business, which would be consistent with the *OneNYC* goal of fostering an environment in which small businesses can succeed. The Proposed Project would be in close proximity to the Jefferson Street L subway station and several other transit options. As such, both the Approved Action and Proposed Modification would be consistent with the *OneNYC* goal of focusing development in areas that are served by mass transit and fostering walkable retail destinations. Therefore, similar to the Approved Action, the Proposed Modification would be supportive of the applicable goals and objectives of *OneNYC*.

New York Works

New York Works, released in June 2017, is a City policy that attempts to identify initiatives that will spur 100,000 new jobs for middle-class households that will lead to careers in several sectors. While the Proposed Modification would result generating less jobs than compared to the Approved Action, the Proposed Modification is still consistent with this policy and would help to support the mission of New York Works. The Proposed Modification is expected to facilitate the development of the Proposed Project, which would be located in a transit accessible area and would create approximately 197,372 gsf of commercial office and retail uses, 40,732 gsf of industrial uses, and 59,973 gsf of community facility (medical office) uses. This mix of

commercial office, local retail, industrial, and medical office uses would create much needed flexible work space in the Bushwick neighborhood of Brooklyn, an emerging market, and allow for a wider range of commercial and light industrial uses. Similar to the Approved Action, the Proposed Modification would facilitate a new development that increases the supply of commercial space, which is essential to expanding opportunity and increasing the number of middle-income, outer-borough, private sector jobs.

OPEN SPACE

The Proposed Modification, like the Approved Action, would not result in significant adverse open space impacts. Because the Proposed Modification would introduce fewer workers to the open space study area, less demand would be placed on publicly accessible open space resources as compared to the Approved Action. The Proposed Modification would introduce 528 fewer workers than the Approved Action due to Lots 29 and 40 no longer being considered as projected development sites. In terms of indirect effects, the open space ratio for the non-residential open space study area would generally be slightly higher than those under the Approved Action, while the open space ratios for the residential population within the open space study area would generally be the same as those under the Approved Action.

By 2025, the Proposed Modification is expected to result in a net increase of approximately 144,990 gsf of commercial space (including 121,786 gsf of office and 23,204 gsf of local retail); 59,973 gsf of community facility space; and 33,119 gsf of light industrial space. The RWCDS associated with the Proposed Modification would introduce an estimated 962 new workers over No-Action Conditions (a reduction of 528 workers compared to the Approved Action).

INDIRECT EFFECTS

In the non-residential study area the Proposed Modification would reduce the passive open space ratio by 7.93 percent, which is approximately 4.68 percentage points lower than under the Approved Action (under the Approved Action, the passive open space ratio would be reduced by 12.61 percent). As under the Approved Action, the total, passive, and active open space ratios under the Proposed Modification for the residential population within the same study area would not experience any changes compared to No-Action conditions.

As compared to the Approved Action, the indirect effects on area open spaces would be less because the Proposed Modification would result in fewer workers, therefore, placing less demand on open spaces. As discussed below, under the Proposed Modification the open space ratios for the residential population within the open space study area would remain the same while the open space ratios for the non-residential study area would be slightly higher than those under the Approved Action. The open space ratio for the residential population would not change between the No-Action and Modified With-Action conditions, whereas the open space ratio for the non-residential worker population would decrease by 7.93 percent, less than the decrease (-12.61 percent) under the Approved Action. While the non-residential study area's passive open space ratio decrease by more than five percent from No-Action conditions, the passive open space ratio under the Proposed Modification would remain above the City's guideline ratio of 0.15 acres per 1,000 non-residents, at 0.350 acres per 1,000 non-residents (refer to **Table 3**). Additionally, the residential population in the 0.25-mile open space study area would not experience any reductions in the total, active, or passive open space ratios between the No-Action and Modified With-Action conditions. The study area's non-residents and residents would also be able to utilize the approximately 0.11-acre at-grade private open space at Projected Development Site 1 during

operational hours. In addition, the Project Area is located within a Walk to a Park Service Area and, therefore, is not located within a walk gap area (i.e., an area of the City that is not within a walking distance to a park). As such, workers in the open space study area under the Proposed Modification would continue to have access to passive open space resources, and there would be no significant adverse impact on open space in the defined study area as a result of the Proposed Modification, as under the Approved Action.

Table 3
Comparison of Open Space Ratios
No Action, Approved Action, and Proposed Modification

	Open Space Ratios per 1,000			Percent Change	
	No Action	With-Action (Approved Action)	Modified With-Action (Proposed Modification)	Future No Action to Approved With-Action Condition	Future No Action to Modified With-Action Condition
Non-Residential (¼-mile) Study Area					
Non-residents					
Passive	0.380	0.332	0.350	-12.61%	-7.93%
Residents					
Passive	0.342	0.342	0.342	0.0%	0.0%
Active	0.342	0.342	0.342	0.0%	0.0%
Total	0.683	0.683	0.683	0.0%	0.0%

Additionally, although the Proposed Modification would increase demand on passive open space for the daytime population in the study area, that demand could be partially absorbed by the 0.11-acre at-grade private open space that would be provided on Projected Development Site 1. Furthermore, the project-generated worker population at Projected Development Site 1 would also have access to the approximately 0.33 acres of outdoor office amenity space located on the Proposed Project's second- and fourth-floor terraces. Although there would continue to be a shortage of passive and active open spaces for study area residents, like the Approved Action, the Proposed Modification would not result in any reductions to the passive, active, or total open space ratios related to the residential population in the non-residential study area, and thus would not overburden existing open space resources or further exacerbate a deficiency in active open space. Additionally, the introduction of the at-grade private open space at Projected Development Site 1 would be accessible to and utilized by the study area residential population during operating hours. Therefore, while the non-residential population would continue to be well-served and the residential population would continue to be underserved by study area open space resources, the Proposed Modification would not result in any significant adverse impacts on existing open space resources within the non-residential (0.25-mile) study area, as under the Approved Action.

TRANSPORTATION

With the Proposed Modification, there would be fewer action-generated vehicle, transit, and pedestrian trips and less demand for on-street and off-street public parking compared with the Approved Action. Based on the trip generation assumptions detailed in Chapter 4, "Transportation," in the FEIS, the Proposed Modification would generate approximately 256, 242, 244 and 152 fewer incremental person trips in the weekday AM, midday and PM, and Saturday peak hours, respectively (see **Table 4**). Depending on the peak hour, this represents an

approximately seven to 17 percent decrease in project-generated person trips compared with the Approved Action. Like the Approved Action, the Proposed Modification would continue to result in significant adverse traffic and pedestrian impacts. Neither the Approved Action nor the Proposed Modification would result in significant adverse impacts to subway and transit bus conditions or parking; however, the Approved Action's parking shortfall would potentially not occur with the Proposed Modification.

Table 4
Comparison of Incremental Peak Hour Person Trips by Mode
Approved Action vs. Proposed Modification

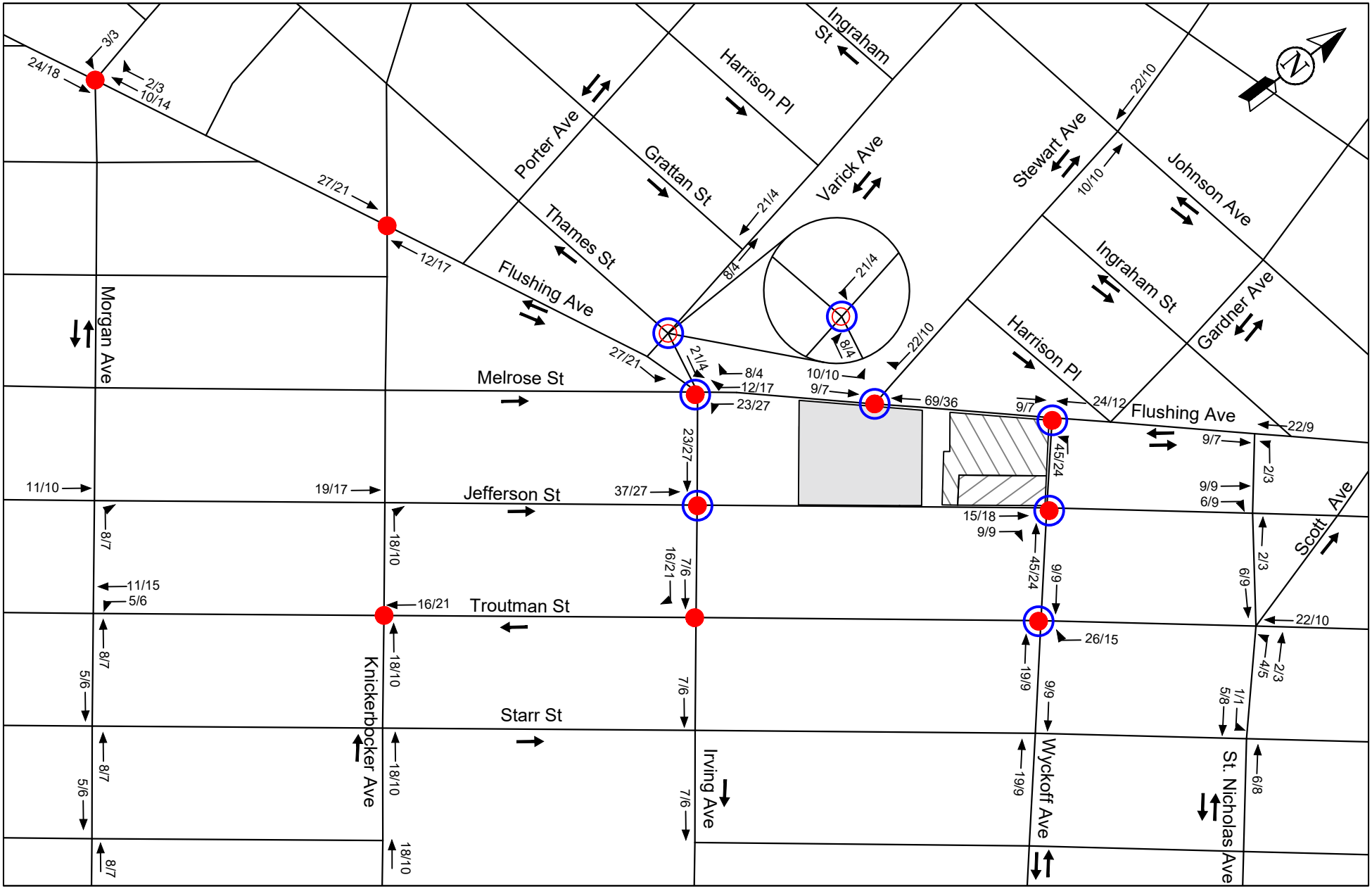
Scenario	Auto	Taxi	Subway/ Railroad	Bus	Walk/ Other	Total
Weekday AM						
Approved Action	325	45	255	139	714	1,478
Proposed Modification	259	32	178	109	644	1,222
Difference	***(66)***	***(13)***	***(77)***	***(30)***	***(70)***	***(256)***
Weekday Midday						
Approved Action	206	25	123	118	1,290	1,762
Proposed Modification	198	23	108	103	1,088	1,520
Difference	***(8)***	***(2)***	***(15)***	***(15)***	***(202)***	***(242)***
Weekday PM						
Approved Action	343	36	237	128	1,108	1,852
Proposed Modification	284	26	169	100	1,029	1,608
Difference	***(59)***	***(10)***	***(68)***	***(28)***	***(79)***	***(244)***
Saturday						
Approved Action	293	21	141	96	1,511	2,062
Proposed Modification	266	19	117	86	1,422	1,910
Difference	***(27)***	***(2)***	***(24)***	***(10)***	***(89)***	***(152)***

TRAFFIC

As presented in **Table 5**, compared with the Approved Action, the Proposed Modification would generate approximately 81, 16, 67 and 27 fewer incremental vehicle (auto, taxi, and truck) trips during the weekday AM, midday and PM, and Saturday peak hours, respectively. Depending on the peak hour, this represents a decrease of approximately eight to 24 percent as compared with the incremental vehicle trips that would be generated under the Approved Action.

As described in the "Transportation" chapter presented in the FEIS, the Approved Action would result in significant adverse traffic impacts at a total of seven study area intersections (six signalized and one unsignalized) during one or more analyzed peak hours. A total of ten lane groups at six intersections would be impacted in the AM peak hour, eight lane groups at five intersections in the midday, 19 lane groups at seven intersections in the PM and four lane groups at three intersections in the Saturday peak hour.

Based on the reduction in vehicle trips in each peak hour that would result from the Proposed Modification, the traffic study area would decrease from ten intersections to six intersections as four intersections would no longer exceed the 50-trip *CEQR Technical Manual* threshold – Flushing Avenue at Morgan Avenue/Wilson Avenue, Flushing Avenue at Knickerbocker Avenue, Troutman Street at Knickerbocker Avenue, and Troutman Street at Irving Avenue (see **Figure 2**). Under the Approved Action, these four intersections would be significantly adversely impacted during one or more analyzed peak hours. However, as these four intersections would no longer exceed the 50-trip *CEQR Technical Manual* threshold, significant adverse impacts are not likely at these four



Legend ▭ = Projected Development Site 1 ▨ = Projected Development Site 2 ▨ = Projected Development Site 3

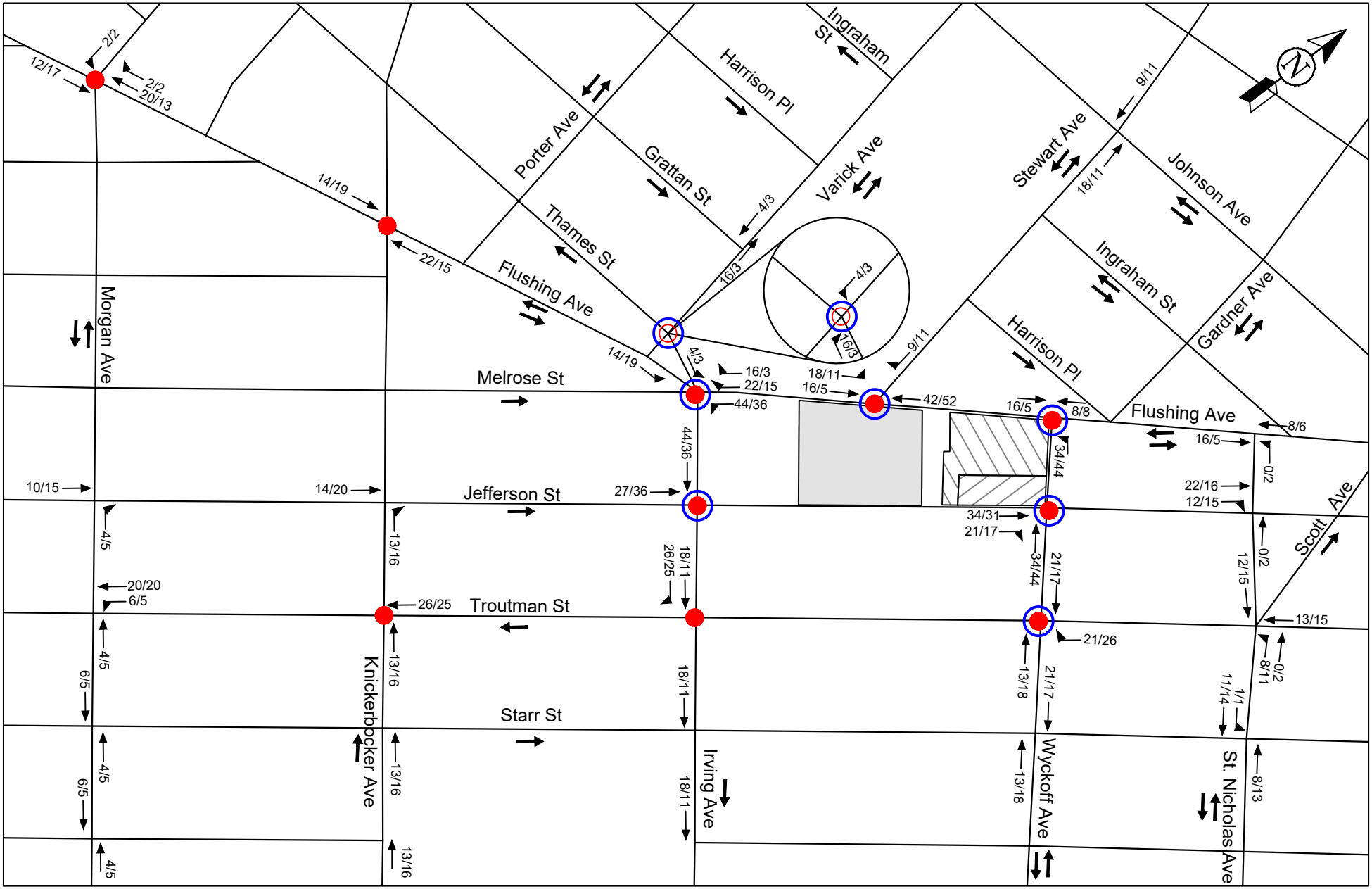
x/x = Weekday AM/MD Peak Hour Volumes ● = Analyzed Intersection Under the Approved Action

○ = Analyzed Intersection Under the Proposed Modification

1160 Flushing Ave Rezoning

Figure 2-A

Projected Incremental Weekday AM/MD Peak Hour Traffic Volumes - Proposed Modification



Legend = Projected Development Site 1 = Projected Development Site 2 = Projected Development Site 3

x/x = Weekday PM/Saturday Peak Hour Volumes = Analyzed Intersection Under the Approved Action

= Analyzed Intersection Under the Proposed Modification

1160 Flushing Ave Rezoning Figure 2-B

Projected Incremental Weekday PM/Saturday Peak Hour Traffic Volumes - Proposed Modification

intersections with the Proposed Modification and there would be a corresponding reduction of significant adverse impacts under the Proposed Modification. Based on a revised analysis, the remaining three traffic study intersections that experience significant adverse impacts under the Approved Action would also result in impacts under the Proposed Modification. As discussed in the 'Mitigation' section below, the same or similar mitigation measures as recommended for the Approved Action would be equally effective at partially mitigating these impacts.

Table 5
Comparison of Incremental Peak Hour Vehicle Trips by Mode
Approved Action vs. Proposed Modification

Scenario	Auto	Taxi	Truck	Total
Weekday AM				
Approved Action	261	68	14	343
Proposed Modification	204	48	10	262
Net Difference	(57)	(20)	(4)	(81)
Weekday Midday				
Approved Action	156	36	14	206
Proposed Modification	148	32	10	190
Net Difference	(8)	(4)	(4)	(16)
Weekday PM				
Approved Action	280	54	0	334
Proposed Modification	229	38	0	267
Net Difference	(51)	(16)	0	(67)
Saturday				
Approved Action	234	32	0	266
Proposed Modification	211	28	0	239
Net Difference	(23)	(4)	0	(27)

TRANSIT

Subway

As presented in **Table 4**, compared with the Approved Action, the Proposed Modification would generate approximately 77 and 68 fewer incremental subway trips during the analyzed weekday AM and PM peak hours, respectively. This represents decreases of approximately 30.2 percent and 28.7 percent during these periods, respectively, compared with the incremental subway trips that would be generated under the Approved Action.

Subway Station

The Approved Action is expected to generate 255 and 237 new subway trips in the weekday AM and PM peak hours, respectively, at the Jefferson Street (L) station. As discussed in Chapter 4, "Transportation," in the FEIS, the Approved Action is not expected to result in significant adverse impacts in either the AM or PM peak hours at the Jefferson Street (L) station. As the Proposed Modification would generate 28 to 30 percent fewer incremental subway trips than the Approved Action, it is anticipated that the Proposed Modification would also not result in any significant adverse subway station impacts.

Subway Line Haul

Under the Approved Action, the L subway trains would not experience an average of five or more additional passengers per car in any peak hour, and consequently, there would not be any

significant adverse subway line haul impacts based on *CEQR Technical Manual* impact criteria. As shown in **Table 4**, the Proposed Modification would generate 77 fewer subway trips in the AM peak hour and 68 in the PM compared with the Approved Action. Therefore, the Proposed Modification is also not expected to generate an average of five or more additional peak hour trips on any subway line, and would also not result in any significant adverse subway line haul impacts.

Bus

The Approved Action is expected to generate 139 incremental trips by transit bus in the weekday AM peak hour and 128 trips in the weekday PM peak hour. Approximately four NYCT bus routes operate within approximately ¼-mile of the Project Area (the B38, B38 Limited (LTD), B57, and B60), and the number of incremental trips in one direction on any one of these routes is not expected to reach the 50-trip *CEQR Technical Manual analysis* threshold for a detailed bus analysis. Therefore, significant adverse impacts to bus conditions are not anticipated under the Approved Action.

As shown in **Table 4**, compared with the Approved Action, the Proposed Modification would generate 30 fewer bus trips in the weekday AM peak hour and 28 fewer bus trips in the weekday PM peak hour. Therefore, the Proposed Modification is also not expected to result in significant adverse impacts to bus conditions.

PEDESTRIANS

As presented in **Table 4**, compared with the Approved Action, the Proposed Modification would generate fewer pedestrian trips (walk-only trips plus pedestrians en route to/from nearby parking spaces, subway stations and bus stops) in all peak hours. As shown in **Table 6**, the Proposed Modification are expected to generate 243, 240, 234 and 150 fewer incremental pedestrian trips in the weekday AM, midday and PM, and Saturday peak hours, respectively, than the Approved Action. Compared with the Approved Action, pedestrian demand under the Proposed Modification would be from seven percent to 17 percent less in each peak hour.

As discussed in Chapter 4, "Transportation," in the FEIS, the Approved Action would result in a significant adverse impact to the south crosswalk of Flushing Avenue and Irving Avenue in the weekday PM and Saturday periods, and there would be no significant impacts to any sidewalk or corner area. Based on a revised analysis, the significant impact to the south crosswalk of Flushing Avenue and Irving Avenue would remain. The impacted crosswalk would be fully mitigated with a 4.5-foot widening under the Approved Action As discussed in the 'Mitigation' section below, a 3.5-foot widening would mitigate the potential impact to this crosswalk with the Proposed Modification.

Table 6
Comparison of Incremental Peak Hour Pedestrian Trips Approved Action vs. Proposed Modification

Scenario	Total
Weekday AM	
Approved Action	1,433
Proposed Modification	1,190
Net Difference	***(243)***
Weekday Midday	
Approved Action	1,737
Proposed Modification	1,497
Net Difference	***(240)***
Weekday PM	
Approved Action	1,816
Proposed Modification	1,582
Net Difference	***(234)***
Saturday	
Approved Action	2,041
Proposed Modification	1,891
Net Difference	***(150)***

Note:
Includes walk-only trips and trips en route to/from area transit services.

VEHICULAR AND PEDESTRIAN SAFETY EVALUATION

Under the 2015 *Vision Zero Brooklyn Pedestrian Safety Action Plan*, and the 2019 *Boroughs Pedestrian Safety Action Plan Update,* Flushing Avenue is identified as a Priority Corridor. In addition, a review of DOT crash data for the three-year reporting period between January 1, 2017, and December 31, 2019, identified one intersection in the traffic and pedestrian study areas as high crash accident locations – the intersection of Flushing Avenue and Knickerbocker Avenue. Compared to the Approved Action, the Proposed Modification is expected to generate fewer vehicle and pedestrian trips along the Priority Corridor and through the high crash location in the study area.

PARKING

Compared with the Approved Action, the Proposed Modification would result in less incremental demand for off-street and on-street parking in proximity to the Project Area. As shown in **Table 7,** development associated with the Proposed Modification would generate a peak net parking demand of approximately 236 spaces in the weekday midday (2-3 PM) period. This compares with 351 spaces in the midday period under the Approved Action. With the Proposed Modification, it is assumed that no accessory parking spaces would be provided within the Project Area, the same as under the Approved Action.

Under the Approved Action, there would be a deficit of approximately 285 spaces and 35 spaces of on-street and off-street public parking capacity within a ¼-mile and ½-mile of the Project Area during the midday period, respectively. With the reduction in parking demand under the Proposed Modification, it is anticipated that the midday deficit would decrease to approximately 170 spaces

within a ¼-mile of the Project Area and that there would be a surplus of 80 spaces within a ½-mile of the Project Area. Like the Approved Action, the Proposed Modification is anticipated to contribute to off-street and on-street parking shortfalls within a ¼-mile of the Project Area; however, the Approved Action's off-street and on-street parking shortfalls within a ½-mile of the Project Area would likely not occur with the Proposed Modification. The Project Area is located just outside of CEQR Parking Zone 2. Under *CEQR Technical Manual* guidance, one of the factors to be considered in determining significance is the availability of alternative modes of transportation. As discussed previously, four local bus routes operate within ¼-mile of the Project Area, including the B38, B38 Limited (LTD), B57 and B60. In addition, the Jefferson Street subway station, served by L trains operating on the Canarsie Line, is located beneath Wyckoff Avenue immediately adjacent to the Project Area. Therefore, the Project Area is well served by subway and bus transit modes. While some drivers destined for the Project Area would potentially have to travel a greater distance to find available parking in the midday, the shortfalls under both the Approved Action and the Proposed Modification would not be considered significant adverse impacts based on *CEQR Technical Manual* criteria due to the magnitude of available alternative modes of transportation. Therefore, like the Approved Action, the Proposed Modification is not expected to result in significant adverse parking impacts during the weekday midday peak period.

AIR QUALITY

Like the Approved Action, the Proposed Modification would not result in any significant adverse mobile or stationary source air quality impacts. With respect to stationary sources, in some cases, as described in greater detail below, the (E) Designation requirements for the projected development sites have changed due to Modified Rezoning Area no longer affecting Lots 29 and 40. Like the Approved Action, existing sources of air emissions would not result in significant adverse impacts to projected and potential development generated under the Proposed Modification. However, under the Proposed Modification, Lot 40, which currently operates as a manufacturing processing facility, would remain as under existing conditions in the Modified With-Action condition. Therefore, as Lot 40 would continue to operate as a manufacturing processing facility under the Proposed Modification, a toxics air analysis may be warranted for the industrial facility at Lot 40, as is described further below.

MOBILE SOURCES

Compared to the Approved Action, the Proposed Modification would result in fewer vehicle trips. Therefore, like the Approved Action, no intersection within the vicinity of the Project Area would exceed the threshold of 170 vehicles (condition outlined in Section 210 of Chapter 17 of the *CEQR Technical Manual*) under the Proposed Modification, and thus a detailed analysis of carbon monoxide (CO) would not be warranted. Additionally, while the project-generated peak hour heavy-duty diesel vehicles (HDDVs) traffic, or its equivalent in vehicular emissions depending on the type of road, under the Proposed Modification would still result in an exceedance at the intersection of Irving Avenue and Jefferson Street and the intersection of Irving Avenue and Troutman Street, the Proposed Modification would generate fewer HDDVs than compared to the Approved Action, and thus is not expected to result in significant adverse air quality impacts from mobile sources, as under the Approved Action.

Table 7
Weekday Hourly Parking Accumulation by Land Use — Proposed Modification

	Local Retail 75,586 gsf			Office 121,786 gsf			Light Industrial 40,732 gsf			Medical Office 59,973 gsf			Total Accumulation		
	In	Out	Accum.	In	Out	Accum.	In	Out	Accum.	In	Out	Accum.	In	Out	Accum.
12-1 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1-2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2-3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3-4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4-5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5-6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6-7	2	1	1	0	0	0	0	0	0	3	0	3	5	1	4
7-8	17	14	4	7	1	6	2	0	2	3	0	6	29	15	18
8-9	34	32	6	59	10	55	27	4	25	41	25	22	161	71	108
9-10	35	28	13	58	7	106	20	3	42	35	15	42	148	53	203
10-11	51	35	29	8	9	105	3	2	43	29	21	50	91	67	227
11-12	49	48	30	4	12	97	1	4	40	29	34	45	83	98	212
12-1 PM	55	55	30	3	2	98	1	1	40	41	36	50	100	94	218
1-2	65	57	38	3	2	99	1	1	40	30	28	52	99	88	229
2-3	65	55	48	10	12	97	6	2	44	23	28	47	104	97	236
3-4	59	57	50	6	13	90	2	3	43	25	20	52	92	93	235
4-5	55	57	48	10	41	59	2	14	31	24	33	43	91	145	181
5-6	75	75	48	10	49	20	4	29	6	20	31	32	109	184	106
6-7	50	64	34	4	17	7	2	6	2	1	27	6	57	114	49
7-8	33	55	12	1	8	0	1	2	1	0	6	0	35	71	13
8-9	24	36	0	0	0	0	0	1	0	0	0	0	24	37	0
9-10	15	13	2	0	0	0	0	0	0	0	0	0	15	13	2
10-11	0	2	0	0	0	0	0	0	0	0	0	0	0	2	0
11-12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	684	684		183	183		72	72		304	304		1,243	1,243	

Note: Shading denotes the peak parking accumulation.

In addition, like the Approved Action, the Proposed Project facilitated by the Proposed Modification would not include any accessory parking spaces, and therefore would not result in any mobile source air quality impacts related to parking facilities.

STATIONARY SOURCES

As Lots 29 and 40 would no longer be considered projected development sites under the RWCDS associated with the Proposed Modification, a detailed analysis of heating/hot water, ventilation, and air condition (HVAC) systems for Projected Development Sites 2 (Lot 29) and 3 (Lot 40) would not be warranted. Absent Projected Development Sites 2 and 3, there are no buildings similar or greater in height than Projected Development Site 1 (Lots 18 and 24) in the 400-foot study area surrounding the Project Area, and therefore a detailed air dispersion analysis would not be required under the Proposed Modification. Additionally, as Lots 29 and 40 would not be redeveloped as part of the Modified With-Action condition, detailed air dispersion analyses of those sites would not be warranted, and therefore, no significant adverse air quality impacts related to HVAC systems are anticipated. As such, the stack setback distance requirements for Projected Development Site 3 under the Approved Action would no longer be required under the Proposed Modification, and there would be no restrictions on fuel usage (under the Approved Action, Projected Development Site 3 would be restricted to the use of natural gas in the HVAC equipment, and that the HVAC system be equipped with low-nitrogen oxide (NOx) burners).

Additionally, under the Proposed Modification, no (E) Designation would be placed on Lots 29 and 40 that would set stack height locations and setback requirements, as well as fuel use requirements.

As under the Approved Action, Projected Development Site 1 could potentially include operation(s) of manufacturing processing facilities, occupying at most 40,732 gsf. Like the Approved Action, potential air toxics emissions from the industrial/manufacturing uses introduced by the Proposed Modification would not result in significant adverse air quality impacts. The air toxics concentrations under the Proposed Modification would be similar to that under the Approved Action, and would not exceed the Annual and Short-Term Guideline Concentrations (AGCs and SGCs, respectively) or the cumulative risk assessment, and criteria pollutant concentrations would be within the National Ambient Air Quality Standard (NAAQS) and/or the City's *de minimis* criteria.

Similar to the Approved Action, there are no Title V facilities nor Air State facilities (major or large sources) in the 1,000-foot study area surrounding the Project Area, and therefore no significant adverse air quality impacts due to major/large sources are expected under the Proposed Modification.

As described in the FEIS, a manufacturing/processing facility – i.e., the silk screen facility, Inkz Print Shop – is located within the 400-foot study area surrounding the Project Area. The air toxics air dispersion analysis found that air toxics emissions from the silk screen facility would not result in significant adverse air quality impacts at the three projected development sites under the Approved Action. However, as Lot 40 would continue to operate as a manufacturing processing facility under the Proposed Modification, a toxics air analysis is warranted for the existing industrial facility at Lot 40. As such, the air toxics analysis for the Proposed Modification is presented below.

Air Toxics Analysis

An industrial source screen was conducted to predict if the Proposed Modification will result in any significant adverse air quality impact. Concentrations of criteria pollutants were evaluated with the NAAQS. Noncriteria contaminants' concentrations were evaluated with the AGC and SGC standards, as well as assessing the cumulative inhalation excess cancer risk or the multi-chemical cumulative effect (Hazardous Index).

Emission from the Inkz Print Shop is the same as in the FEIS. However, the distance between the Inkz Print Shop and Projected Development Site 1 (320 feet) was used in the air toxics analysis for the Proposed Modification. The Inkz Print Shop criteria and noncriteria pollutants emission rates are presented in **Table 8**.

The Federal Steel Fabricators is located at 379 Jefferson Street (Block 3167, Lot 40) (formerly known as Projected Development Site 3 in the FEIS) and approximately 115 feet from Projected Development Site 1. Processing operations comprising of ironworks and steel fabrication could potentially be conducted in the facility. The Federal Steel Fabricators does not have a New York City Department of Environmental Protection (DEP) processing permit or a New York State Department of Environmental Conservation (NYSDEC) air registration certificate. As such, DEP processing permits of similar types of processing operations were used to derive the Federal Steel Fabricators' emissions.

For the ironworks processing emissions, representative emission was obtained from the DEP permit PB39705. The DEP permit PB039705 registered to Kendi Iron Works, located at 236 Johnson Avenue (Brooklyn Block 3073, Lot 5), is for four stations of welding and metal fabrication. The facility activity rate is eight hours per day, 250 days per year. The contaminant associated with the operation is total particulate, with a New York State identification number NY149-00-0, which is particulate matter. According to the EPA AP-42 manual, most of the particulate matter produced by welding is submicron in size and, as such, is considered to be all $PM_{2.5}$ (i.e., particles with aerodynamic diameter less than or equal to 2.5 micrometers). The emissions associated with the ironworks processing are shown in **Table 8**.

It is possible that the processing operation of the Federal Steel Fabricators includes metal plating in chemical tanks. Representative emission for the metal plating was derived from the DEP permits PA018075 and PA098974. Scans of these DEP permits (PA018075 and PA098974) were received from the New York City Department of City Planning. Contaminants specified in the DEP permits included alkaline mist, muriatic mist, sulfuric acid mix, acid mist, and liquid mist. Annual emissions were calculated based on an activity rate of eight hours per day, 250 days per year. The emissions associated with the metal plating, derived from the two DEP permits, are shown in **Table 8**.

Table 8
Inkz Print Shop and Federal Steel Fabricators – Air Toxics Emissions

Facility	Chemical/Pollutant Name	CAS No.	Emission Rates		
			(lb/hr)	(lb/day) [1]	(lb/yr)
Inkz Print Shop	Particulate as PM_{10}		0.17	1.36	340
	Benzyl Alcohol	100-51-6	0.06		51.7
	Cyclohexone	108-94-1	0.02		18.8
	Butoxyethyl Acetate	112-07-2	0.006		4.7
	Diacetone Alcohol	123-42-2	0.004		2.9
	Naphtha Light	64742-95-6	0.04		30.4
Federal Steel Fabricators	Particulate as $PM_{2.5}$		0.002	0.02	4
	Alkaline Mist as Sodium Hydroxide	1310-73-2	0.03		60
	Sulfuric Acid	7664-93-9	0.015		30
	Acid Mix as Hydrochloric Acid [2]	7647-01-0	0.057		114

1. The 8-hour per day activity rate was used to derive the average 24-hour emissions.
2. Hydrochloric acid as muriatic acid and liquid mist.

The *CEQR Technical Manual* Industrial Source Screen methodology was used to predict pollutants' maximum short-term(s) and annual average concentrations. This methodology can be used to predict a pollutant concentration emitted from a single source at various distances (from 30 to 400 feet). Distances less than or equal from the sources were applied in the screening analysis. **Table 9** shows the noncriteria pollutants predicted concentrations evaluated with the SGC/AGC standards.

Table 9
Noncriteria Pollutants Concentrations and the SGC/AGC Standards

Contaminant	CAS No.	1-Hour ($\mu g/m^3$)	SGC ($\mu g/m^3$)	Annual ($\mu g/m^3$)	AGC ($\mu g/m^3$)
Benzyl Alcohol	100-51-6	11.0	1300.0	0.056	350.0
Cyclohexone	108-94-1	3.7	20000.0	0.02	190.0
Butoxyethyl Acetate [1]	112-07-2	1.1	---	0.01	310.0
Diacetone Alcohol	123-42-2	0.7	---	0.003	570.00
Naphtha Light	64742-95-6	7.3	---	0.033	100.0
Alkaline Mist as Sodium Hydroxide	1310-73-2	52.7	200.0	0.557	---
Sulfuric Acid	7664-93-9	26.4	120.0	0.28	1.0
Acid Mix as Hydrochloric Acid [1]	7647-01-0	100.2	2100.0	1.06	20.0

1. Contaminant is a HAP

As seen in **Table 9**, the contaminant concentrations are within the SGC/AGC design values. In addition, the cumulative inhalation cancer risk for the HAPs is 0.05 (less than 1), and the multi-chemical hazardous index is 0.3 (less than 1).

PM_{10} and $PM_{2.5}$ concentrations were evaluated with the NAAQS. Background concentrations applied in the FEIS were used in the analysis for the Proposed Modification. As previously mentioned, the average 24-hour emissions were based on eight hours per day activity rates. **Table 10** shows the PM_{10} and $PM_{2.5}$ predicted concentrations and the NAAQS.

Table 10
Inkz Print Shop – PM_{10} Concentration

Contaminant	Increment Concentration ($\mu g/m^3$)	Background Concentration ($\mu g/m^3$)	Total Concentration ($\mu g/m^3$)	NAAQS ($\mu g/m^3$)
PM_{10}	4.1	24 (1)	28.1	150
24-Hour $PM_{2.5}$	0.41	18.7 (2)	19.1	35
Annual $PM_{2.5}$	0.04	7.6 (2)	7.64	12

1. Background concentration from Division Street monitoring station in 2020.
2. Background concentration from JHS 126 monitoring station in 2020.

As seen in **Table 10**, PM_{10} and $PM_{2.5}$ predicted concentrations are within the NAAQS. Therefore, similar to the Approved Actions, no significant adverse air quality impacts are anticipated as a result of existing industrial sources under the Proposed Modification.

(E) DESIGNATION

HVAC

As described above, since Lots 29 and 40 are not expected to be redeveloped under the Proposed Modification and are not considered projected development sites for CEQR analysis purposes, no (E) Designation would be necessary for Lots 29 and 40. As such, the (E) Designation (E-674) would need to be revised for the Proposed Modification. The alternate (E) Designation that would

be assigned to preclude the potential for significant adverse air quality impacts related to HVAC systems as a result of the Proposed Modification is as follows:

Brooklyn Block 3167; Lots 18 and 24 (Projected Development Site 1)

Stationary Source – HVAC Source

Any new commercial, light industrial, and/or community facility development on the above-referenced property must ensure that the heating, ventilation, air conditioning (HVAC) and hot water system(s) stack is located at the building's highest level and at least 141 feet above grade to avoid any potential significant adverse air quality impacts.

Industrial Sources Introduced by the Proposed Project

As described above, like the Approved Action, the Proposed Modification would facilitate the introduction of approximately 40,732 gsf of light manufacturing uses on the second and third floors of Projected Development Site 1. The (E) Designation that would be assigned to Projected Development Site 1 under the Proposed Modification in order to preclude the potential for any significant adverse air quality impacts due to manufacturing uses introduced by the Proposed Project would be the same as under the Approved Action, and is described as follows:

Brooklyn Block 3167; Lots 18 and 24 (Projected Development Site 1)

Stationary Source – Industrial/Manufacturing Source

To preclude any potential significant adverse air quality impacts from industrial uses listed in Table 5-14 of the EIS, special features that go beyond the normal construction practices must be installed at this site.

(a) A licensed architect or engineer must certify with the Department of Buildings, and provide proof of filing to OER, that the manufacturing use on the above-referenced property will adhere to the following restrictions:

(i) The manufacturing use in the building does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24–153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection Certificate of Operation (C of O) or New York State Department of Environmental Conservation state facility air permit; and

(ii) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

(b) The emission stack of the proposed light industrial/manufacturing uses listed in Table 5-14 of the EIS developed pursuant to Section 74-962 of the Zoning Resolution of the City of New York must be located at the building's highest tier and at least 148 feet above grade and that the stack is located at

least 50 feet from the western lot line facing Flushing Avenue, 70 feet from the southern lot line of Lot 18 facing Irving Avenue, 50 feet from the eastern lot line facing Jefferson Street, and 50 feet from the northern lot line of Lot 24 facing Wyckoff Avenue.

(c) Install an odor/vapor barrier and a modified mechanical ventilation system.

(i) The mechanical ventilation prevention system will be comprised of a mechanical ventilation system designed to operate in parallel and separate from the mechanical ventilation system of the commercial and/or community facility uses, providing fresh air to, and exhaust from, the second floor and the third floor, with vents running above the roof line of the commercial and/or community facility towers.

(ii) An odor/vapor barrier will be installed at the structural slab and/or partition walls separating the manufacturing and commercial and/or community facility spaces eliminating vapor exchange across interior partitions.

Any other permitted processes must provide an air quality analysis to OER in order to demonstrate that such process would not cause a significant adverse air quality impact.

Overall, conditions associated with the Proposed Modification would not result in any violations or the ambient air quality standards, and therefore, similar to the Approved Action, the Proposed Modification is not expected to result in any significant adverse stationary or mobile source air quality impacts, and further assessment is not warranted.

NOISE

Similar to the Approved Action, the Proposed Modification would not result in any significant adverse impacts due to noise. The noise effects under the Proposed Modification would be slightly lower than compared to the Approved Action. With the incorporation of noise attenuation requirements set forth in (E) Designation (E-674), the Proposed Modification would not result in any significant adverse noise impacts. The same window-wall attenuation requirements required under the Approved Action would be required at Projected Development Site 1 under the Proposed Modification; however, as Lots 29 and 40 are no longer considered projected development sites under the Proposed Modification, no window-wall attenuation requirements would be required for Lots 29 and 40. Like the Approved Action, Projected Development Site 1 would require a minimum of 28 dBA window/wall attenuation for community facility uses on any western-facing (Flushing Avenue) frontages, as well as any northern-facing (Wyckoff Avenue) and southern-facing Irving Avenue) frontages within 50 feet of Flushing Avenue to meet applicable *CEQR Technical Manual* interior noise level requirements in order to maintain interior noise levels of 45 dBA or lower for community facility uses; any future commercial office uses would be required to provide an attenuation rating of 5 dBA less than that of the community facility requirements in order to maintain an interior noise level of 50 dBA or lower. However, unlike the Approved Action, no attenuation requirements would be required along any of Lot 29 or Lot 40's frontages.

Similar to the Approved Action, the attenuation requirements described above would be required through (E) Designation E-674. However, as described above, Lots 29 and 40 are not expected to be redeveloped under the Proposed Modification, and therefore are not considered projected

development sites for CEQR analysis purposes. As such, no (E) Designation would be necessary for Lots 29 and 40, and the (E) Designation (E-674) would need to be revised for the Proposed Modification. The alternate (E) Designation that would be assigned to preclude the potential for significant adverse noise impacts related to building attenuation for the Proposed Modification is as follows:

> ***Block: 3167, Lots: 18, 24 (Projected Development Site 1)***
>
> ***To ensure an acceptable interior noise environment, future community facility and commercial office uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all facades facing Flushing Avenue and all facades facing Wyckoff Avenue and Irving Avenue within 50 feet of Flushing Avenue to maintain an interior noise level not greater than 45 dBA for community facility uses or not greater than 50 dBA for commercial office uses, as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.***

With the implementation of these attenuation measures, the Proposed Modification like the Approved Action would provide sufficient attenuation to achieve *CEQR Technical Manual* interior noise level guidelines of 45 dBA for community facility uses and 50 dBA for commercial office uses, and therefore would not result in significant adverse impacts related to noise.

PUBLIC HEALTH

Neither the Approved Action nor the Proposed Modification would result in significant adverse public health impacts. Like the Approved Action, the Proposed Modification would not result in unmitigated significant adverse impacts in the areas of air quality, noise, water quality, or hazardous materials. As such, since the Proposed Modification would result in the development of less commercial office and retail space within the Project Area as compared to the Approved Action, and as both the Approved Action and Proposed Modification would not result in unmitigated significant adverse impacts in the areas of air quality, noise, water quality, or hazardous materials, no significant adverse impacts related to public health are anticipated as a result of the Proposed Modification.

NEIGHBORHOOD CHARACTER

Like the Approved Action, the Proposed Modification would not result in significant adverse impacts to neighborhood character. The changes resulting from the Proposed Modification, like those changes that would be seen under the Approved Action, would generally result in similar effects in the following technical areas that are considered in the neighborhood character assessment pursuant to the *CEQR Technical Manual*: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; and noise. Although similar or less significant adverse impacts would occur with respect to transportation under the Proposed Modification, like the Approved Action, these impacts would not result in a significant change to one of the determining elements of neighborhood character. Therefore, no significant adverse impacts related to neighborhood character are anticipated as a result of the Proposed Modification.

MITIGATION MEASURES REQUIRED FOR THE PROPOSED MODIFICATION

The Proposed Modification would result in significant adverse impacts related to transportation (traffic and pedestrians). Mitigation measures have been identified to address those impacts, where feasible and/or practical. As discussed below in more detail, partial mitigation is proposed for significant adverse impacts associated with traffic. The significant adverse pedestrian impacts would be fully mitigated. If no possible mitigation has been identified, an unavoidable significant adverse impact would result.

TRANSPORTATION

For both the Approved Action and the Proposed Modification, the identified pedestrian impacts could be fully mitigated. It is anticipated that some of the significant adverse traffic impacts with the Proposed Modification could not be fully mitigated through standard traffic improvement measures, as would be the case under the Approved Action. However, it expected that there would be fewer intersections with unmitigated significant impacts with the Proposed Modification than under the Approved Action.

Traffic

As shown in Table 9-3 and discussed in Chapter 9, "Mitigation," in the FEIS, the Approved Action's traffic mitigation plan would include implementation of traffic engineering improvements such as signal timing changes. The recommended measures would provide partial mitigation for some of the traffic impacts anticipated under the Approved Action. However, unmitigated significant impacts would remain at a total of eight lane groups at five intersections in the weekday AM peak hour, seven lane groups at five intersections in the weekday midday peak hour, 17 lane groups at six intersections in the weekday PM peak hour, and three lane groups at two intersections in the Saturday peak hour.

As discussed previously, compared with the Approved Action, the Proposed Modification would generate approximately 81, 16, 67 and 27 fewer incremental vehicle trips during the weekday AM, midday and PM, and Saturday peak hours, respectively. The reduction of vehicle trips would result in four traffic study area intersections to no longer exceed the 50-trip *CEQR Technical Manual* threshold. Under the Approved Action, these four intersections would be significantly adversely impacted and would not be fully mitigated. As such, with the Proposed Modification, these four intersections are likely to no longer be significantly adversely impacted and mitigation measures at these intersections are no longer necessary. In general, the traffic mitigation measures recommended for the Approved Action for the remaining three impacted intersections are expected to be similarly effective at addressing the traffic impacts that would occur under the Proposed Modification. Similar to the Approved Action, the impacts at the intersections of Flushing Avenue at Melrose Street/Irving Avenue/Thames Street/Varick Avenue and Jefferson Street at Irving Avenue would remain unmitigated with the Proposed Modification. The mitigation measures proposed to improve the traffic operations at the intersection of Flushing Avenue at Wyckoff Avenue would be reduced with the Proposed Modification. Similar to the Approved Action, the intersection of Flushing Avenue at Wyckoff Avenue would remain partially mitigated under the Proposed Modification. The significant adverse impact during the weekday AM and PM peak hours at this intersection would be mitigated by shifting two seconds and three seconds from the NB phase to the EB/WB phase with the Proposed Mitigation, respectively.

As with the Approved Action and described in Chapter 9, "Mitigation," of the FEIS, the potential traffic impacts and recommended mitigation measures with the Proposed Modification would be evaluated as part of the Transportation Management Plan (TMP) in order to determine whether the implementation of some or all of the traffic mitigation measures would be warranted in 2025 and/or 2027. The details of the TMP are described in further detail in the Restrictive Declaration (RD).

Pedestrians

The Approved Action would result in a significant adverse impact to the south crosswalk at Flushing Avenue and Irving Avenue in the weekday PM and Saturday peak hours, and this impact is also expected to occur with the Proposed Modification. With the Proposed Modification, the mitigation measure proposed to improve the crosswalk operations at the impacted pedestrian element would be reduced. Widening the south crosswalk at Flushing Avenue and Irving Avenue by 3.5 feet (to a total of approximately 16.9 feet) would fully mitigate these impacts under the Proposed Modification. Implementation of the proposed mitigation measure would be subject to review and approval by DOT. Absent the identification and implementation of additional feasible mitigation measures that would mitigate the pedestrian impacts to the greatest extent practicable, both the Approved Action and the Proposed Modification would potentially result in an unmitigated significant adverse pedestrian impact.

UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

The Proposed Modification would likely result in the same or fewer unavoidable significant adverse impacts as the Approved Action. According to the 2021 *CEQR Technical Manual*, unavoidable significant adverse impacts are those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if mitigation is infeasible.

As discussed above the Proposed Modification would result in significant adverse impacts with respect to transportation. 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 significant adverse impacts, and there are no reasonable alternatives to the Proposed Modification that would meet the Proposed Modification's purpose and need, eliminate potential impacts, and not cause other or similar significant adverse impacts. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated.

TRANSPORTATION

Traffic

The Approved Action would result in significant adverse traffic impacts at seven intersections (six signalized and one unsignalized) during one or more analyzed peak hours. A total of ten lane groups at six intersections would be impacted in the AM peak hour, eight lane groups at five intersections in the midday, 19 lane groups at seven intersections in the PM and four lane groups at three intersections in the Saturday peak hour.

The Approved Action' traffic mitigation plan would include implementation of traffic engineering improvements such as signal timing changes. The recommended measures would provide partial mitigation for some of the traffic impacts anticipated under the Approved Action. However, as discussed in Chapter 9, "Mitigation," in the FEIS, unmitigated significant impacts would remain

at a total of eight lane groups at five intersections in the weekday AM peak hour, seven lane groups at five intersections in the weekday midday peak hour, 17 lane groups at six intersections in the weekday PM peak hour, and three lane groups at two intersections in the Saturday peak hour.

As discussed previously, compared with the Approved Action, the Proposed Modification would generate approximately 81, 16, 67 and 27 fewer incremental vehicle trips during the weekday AM, midday and PM, and Saturday peak hours, respectively. The reduction of vehicle trips would result in four traffic study area intersections to no longer exceed the 50-trip *CEQR Technical Manual* threshold. Under the Approved Action, these four intersections would be significantly adversely impacted and would not be fully mitigated. As such, with the Proposed Modification, these four intersections are likely to no longer be significantly adversely impacted and mitigation measures at these intersections are no longer necessary. In general, it is anticipated that the traffic mitigation measures recommended for the Approved Action for the remaining three impacted intersections would be similarly effective at addressing the traffic impacts that would occur under the Proposed Modification. Absent the identification and implementation of additional feasible mitigation measures that would mitigate the traffic impact to the greatest extent practicable, both the Approved Actions and the Potential Modifications would result in unavoidable significant adverse traffic impacts.

Pedestrians

As discussed above, with both the Approved Action and the Proposed Modification, the south crosswalk at Flushing Avenue and Irving Avenue would be significantly adversely impacted in the weekday PM and Saturday peak hours, and there would be no significant impacts to any corner areas or sidewalks. Widening the crosswalk by 3.5 feet (to a total of approximately 16.9 feet) would fully mitigate the impact under the Potential Modification. Absent the identification and implementation of additional feasible mitigation measures that would mitigate the crosswalk impact to the greatest extent practicable, both the Approved Actions and the Potential Modifications would result in an unavoidable significant adverse pedestrian impact.