962-972 FRANKLIN AVENUE REZONING
Chapter 16: Response to Comments on the DEIS

A. INTRODUCTION

This chapter summarizes and responds to all substantive oral and written comments on the Draft Environmental Impact Statement (DEIS) for the Proposed Action made during the public comment period. These consist of comments made at the public hearing held by the New York City Planning Commission (CPC) and written comments submitted to the New York City Department of City Planning (DCP) through the channels established to receive comments on the DEIS and included in the Notice of Public Hearing on the DEIS, consistent with the standard practice of the department. The Notice of Completion for the DEIS was issued on May 10, 2024, which marked the beginning of the public comment period for the DEIS. The public hearing on the DEIS was held concurrently with the hearing on the Proposed Actions' Uniform Land Use Review Procedure (ULURP) application at 120 Broadway, New York, NY 10271, on August 7, 2024, 10:00 AM. It was held with both in-person and remote participation options through the NYC Engage portal to allow for broad public participation. The comment period for the DEIS remained open until 5:00 PM August 19, 2024.

Section B below lists the elected officials, community boards, organizations and individuals who commented on the DEIS, and Section C contains a summary of relevant comments on the DEIS and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together.

Written comments received on the DEIS and a transcript of the proceedings during the DEIS Public Hearing has been included in Appendix F to this Final Environmental Impact Statement (FEIS).

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Elected Officials

(no comments from elected officials)

Interested Organizations and Individuals

1. Steven Albonesi, Municipal Arts Society, oral statement made on August 7th, 2024
2. Fred Baptiste, Chair of Community Board 9, oral statement made on August 7th, 2024
3. Adrian Benepe, President of the Brooklyn Botanic Garden, oral statement made on August 7th, 2024
4. Bailey Binke, Coordinator of Access Initiatives at the Brooklyn Botanic Garden, oral statement made on August 7th, 2024
5. Sonal Bhatt, Vice President of Education at Brooklyn Botanic Garden, oral statement made on August 7th, 2024

6. Rowan Blaik, Vice President of Horticulture of Brooklyn Botanic Garden, oral statement made on August 7th, 2024
7. Jota Borgmann, Brooklyn resident and member of the Brooklyn Botanic Garden, oral statement made on August 7th, 2024
8. Alicia Boyd, Member of the public, oral statement made on August 7th, 2024
9. Nina Browne, Manager of community greening programs affiliated with BBG, oral statement made on August 7th, 2024
10. Suwen Cheong, Brooklyn Community Board 9, written statement dated July 19th, 2024; oral statement made on August 7th, 2024
11. Jolee Cobb, Community Board 9 board member, oral statement made on August 7th, 2024
12. Jibreel Cooper, Community Green Team member at Brooklyn Botanic Garden, oral statement made on August 7th, 2024
13. Sarah Erickson, Volunteer at the Brooklyn Botanic Garden, oral statement made on August 7th, 2024
14. Kate Fermoile, Director of Interpretation and Exhibitions at Brooklyn Botanic Garden, oral statement made on August 7th, 2024
15. Elizabeth Goldstein, Municipal Arts Society, written statement dated August 12th, 2024
16. Dorothy Griffiths, Brooklyn Botanic Garden visitor, oral statement made on August 7th, 2024
17. Reverend Lynne Griffo, Brooklyn resident, oral statement made on August 7th, 2024
18. Elaine Johnson, Member of the public, oral statement made on August 7th, 2024
19. Jack Kaplan, Brooklyn resident, oral statement made on August 7th, 2024
20. Barbara Kurland, Staff member at Brooklyn Botanic Garden, oral statement made on August 7th, 2024
21. Constance Leasehold, Brooklyn resident, oral statement made on August 7th, 2024
22. Will Lenahan, Brooklyn resident, oral statement made on August 7th, 2024
23. Virginia Levy, Brooklyn resident, oral statement made on August 7th, 2024
24. Andrea Matute, Student at the Brooklyn Academy of Science and the Environment, oral statement made on August 7th, 2024
25. George McCracken, Brooklyn resident, oral statement made on August 7th, 2024
26. Genovia McNally, Brooklyn resident and member of the Brooklyn Botanic Garden, oral statement made on August 7th, 2024
27. Shauna Moore, Director of horticulture at Brooklyn Botanic Garden, oral statement made on August 7th, 2024
28. Gabrielle Nurnberg, Staff member at Brooklyn Botanic Garden, oral statement made on August 7th, 2024
29. John Oshima, Member of the public, oral statement made on August 7th, 2024
30. Elizabeth Otti, Staff at education department at Brooklyn Botanic Garden, oral statement made on August 7th, 2024
31. Catherine Patton, Brooklyn resident, oral statement made on August 7th, 2024
32. Leonard Paul, a staff member of the conservatory at the Brooklyn Botanic Garden, oral statement made on August 7th, 2024
33. Sara Penenberg, political coordinator of 32BJ SEIU, oral statement made by Kaitlyn Schuster on commentor's behalf on August 7th, 2024
34. Elizabeth Peters, Director of the digital team at Brooklyn Botanic Garden, oral statement made on August 7th, 2024
35. Pamela Pettyjohn, Coney Island Beautification Project, oral statement made on August 7th, 2024
36. Doreth Plues, Brooklyn Botanic Garden member and volunteer, oral statement made on August 7th, 2024

37. Maria Ramos, Volunteer at Brooklyn Botanic Garden, oral statement made on August 7th, 2024
38. Gary Reevs, Brooklyn Botanic Garden member, oral statement made on August 7th, 2024
39. Carol Reno, Brooklyn resident, oral statement made on August 7th, 2024
40. Felice Robertson, Washington Avenue Botanic Block Association, written statement dated July 17th, 2024
41. Nathan Rodaman, Member of the public, oral statement made on August 7th, 2024
42. Sharon Richmond, Brooklyn resident, oral statement made on August 7th, 2024
43. Kit Schneider, Brooklyn Botanic Garden member, oral statement made on August 7th, 2024
44. Mary Schufford, Brooklyn resident, oral statement made on August 7th, 2024
45. Raphael Schweitzer, Member of the public, oral statement made on August 7th, 2024
46. Myla Seabrook, Associate Director of Individual Giving and Special Events at Brooklyn Botanic Garden, oral statement made on August 7th, 2024
47. Thomas Shesenna, Member of the public, oral statement made on August 7th, 2024
48. Steven Sinclair, Brooklyn resident, oral statement made on August 7th, 2024
49. Sara Stoller, Union member and Assistant Principal at Brooklyn Academy of Science and the Environment, oral statement made on August 7th, 2024
50. Jennifer Whitburn, Brooklyn resident, oral statement made on August 7th, 2024
51. Amanda White, Brooklyn resident, oral statement made on August 7th, 2024
52. Lee Williams, Brooklyn resident, oral statement made on August 7th, 2024
53. Anthony Williamson, Construction and General Building Laborers' Local 79, oral statement made on August 7th, 2024
54. Sherwin Yhap, Member of the public, oral statement made on August 7th, 2024

C. COMMENTS AND RESPONSES ON THE DEIS

1. Project Description

Comment 1.1: We strongly urge the commission to reject the project and uphold its commitment to neighborhood play spaces and cultural institutions like BBG, because they are vital to a great city. (Albonesi, Plues, McCracken, Reno, Goldstein)

Response 1.1: ***Comment noted.***

Comment 1.2: I am against this rezoning. (Paul, Williamson, Lenahan, Peters, Kurland, Browne, Rodaman, Binke, Matute, Stoller, Oshima, Whitburn, Patton, Albonesi, Cheong, Shesenna, Richmond, Fermoile, Schneider, Nurnberg, Leasehold, White, Sinclair, Plues, McCracken, Levy, Kaplan, Yhap, Erickson, Seabrook, Griffiths, Johnson, Reno, Williams, Goldstein)

Response 1.2: ***Comment noted.***

Comment 1.3: Regarding the creation of affordable housing, you have to ask affordable for who? Yeah, you're going to create affordable housing. But we got affordable housing underneath the workforce option for people who make $298,000 in this project. Maybe some of you guys make that kind of money. Maybe it's affordable to you, but it's definitely not affordable to my community. (Boyd, Stoller)

Response 1.3: ***Comment noted. The City's MIH program specifies that an applicant can choose between Option 1, which requires that 25 percent of the housing must be affordable to households making, on average, 60 percent of the area median income (AMI), and Option 2, which requires that 30 percent of the housing must be affordable to households making, on average, 80 percent of AMI. The options selected for each rezoned area will be chosen by the City Council during their vote on the rezoning.***

Comment 1.4: As a housing and rezoning text, we should be addressing the affordable housing issue that this is facing and that we currently face as a citywide development. Within our district, 52% of our residents spend 30% of their income on their rent. And then 28% of our residents spend over 50% of their income on their rent. Meaning 70% of our district is rent burdened, building developments do not account for that disparity. 400,000 applicants are pending for the housing lottery in my district alone. So, 119 affordable units is not going to address the truly affordable housing problem that we're facing. (Cobb)

Response 1.4: ***Comment noted.***

Comment 1.5: Our union has fought hard over many decades to elevate employment standards throughout our covered industries. As New Yorkers, our members have experienced firsthand the need for increased housing supply in New York City. For this reason, we are supportive of 962-972 Franklin Ave in the housing it will bring to Brooklyn. 32. BJ has additionally secured commitments from Continuum to creating good jobs for the workers who will permanently staff 962-972 Franklin Ave. (Penenberg)

Response 1.5: ***Comment noted.***

Comment 1.6: The community does not want a commercial overlay for the extension of commercial space. (Robertson)

Response 1.6: ***Comment noted.***

2. Land Use, Zoning, and Public Policy

Comment 2.1: While we're talking about the 1991 [zoning map] amendment, I want to correct this image of the 14 story buildings marching down Washington Avenue under an R8A zoning. Because in the text of that amendment, it says that due to the irregular lot sizes and the requirements of R8A, the buildings that would typically result from that would be four to six stories. (Peters)

Response 2.1: ***Comment noted.***

Comment 2.2: There was no notification given to the community. The Modified Text Amendment covers an entire block. That means everybody in that community will be affected by it. Not only will it increase the other R6A, but it will decrease the

R8 and all property owners plus tenants must be notified of your intentions to do such a drastic change. (Boyd)

Response 2.2: ***Comment noted. The modified text amendment was filed with the Department of City Planning on July 12th, 2024 and published via the Department's Zoning Application Portal (ZAP). It was also distributed to Community Board 9, the Brooklyn Borough President, and the City Council. The Technical Memorandum assessing the Proposed Modified Project, including the Modified Text Amendment, was published via ZAP by the Department of City Planning on July 23rd, 2024. The Proposal is studied in depth for the FEIS, specifically in Chapter 12, "Alternatives."***

3. Open Space

Comment 3.1: We're concerned about losing sunlight during playtime at Jackie Robinson Playground. Taking away three hours of sunlight in November or March when kids from the Ebbets Field Houses should be out playing basketball will negatively affect one of the only outdoor recreational resources in that entire community. (Benepe, Ramos, Albonesi, White, Baptiste, Robertson, Goldstein, Cooper)

Response 3.1: ***An analysis of the Proposed Action's impact on open space was conducted as part of the EIS, including the effects of action-generated shadows, see Chapter 3: Open Space and Chapter 4: Shadows pursuant to guidance provided in the CEQR Technical Manual. In addition, Chapter 11: Mitigation describes potential mitigation measures for shadows cast on Jackie Robinson Playground.***

Comment 3.2: We're concerned about Prospect Park west losing sunlight and greenery in the park. (Robertson)

Response 3.2: ***An analysis of the Proposed Action's impact on Prospect Park West was conducted as part of the open space and shadows analyses of the EIS. As indicated by DEIS Table 4-2 in Chapter 4, "Shadows," the Proposed Action would not have the potential to result in incremental shadows cast on Prospect Park.***

Comment 3.3: Please consider this botanical garden as part of our shared green space for all in Brooklyn. (Johnson)

Response 3.3: ***An analysis of the Proposed Action's impact on the Brooklyn Botanic Garden was conducted as part of the shadows analysis of the EIS pursuant to the guidance of the CEQR Technical Manual.***

Comment 3.4: We really don't have the infrastructure in New York City, the current infrastructure right now to deal with all of these new buildings going up, regarding parks. (Schweitzer)

Response 3.4: ***An analysis of the Proposed Action's impact on the open space in the study area was conducted as part of the open space analysis of the EIS pursuant to the guidance of the CEQR Technical Manual.***

Comment 3.5: Speaking to you today, because proposing to rezone and build a 14-story structure on Franklin Avenue is, putting it kindly, shortsighted. I can excuse not knowing the impact of the proposed structure, but those in favor of the project are well aware of how it would affect the garden. (Cooper)

Response 3.5: ***Comment noted. An analysis of the Proposed Action's impact on the Brooklyn Botanic Garden was conducted as part of the open space and shadows analyses of the EIS. Mitigating measures to any potential impacts identified have been explored by the Applicant in consultation with the Lead Agency and NYC Parks. These are described in Chapter 11: Mitigation. . In addition, the Applicant has worked with DCP and Parks to identify and study four additional alternatives in the FEIS, Chapter 12, "Alternatives," intended to minimize, avoid, or mitigate shadows impacts on Brooklyn Botanic Garden.***

Comment 3.6: There are already not enough green spaces and sunlight in the neighborhoods that black and brown residents live in and that is largely by design. (Seabrook)

Response 3.6: ***An analysis of the Proposed Action's impact on the open space in the study area was conducted as part of the open space analysis of the EIS.***

4. Shadows

Comment 4.1: Brooklyn Botanic Garden is sacred and worthy of complete protection. Taking actions that would dramatically reduce the sunlight would be tantamount to removing the roof of the Metropolitan Museum of Art. Just as paintings cannot survive sunlight and elements, plants cannot survive and thrive without sunlight, we urge you to reject a proposal that pits a modest number of affordable units in a mostly market rate building against a 115-year-old public asset that's completely dependent on sunlight to serve as community. Once they take away the sunlight, it is never coming back. (Benepe, Blaik, Bhatt, Moore, Otti, Kurland, Browne, Rodaman, Binke, Matute, Stoller, Pettyjohn, Patton, Albonesi, Nurnberg, Erickson, Robertson, Goldstein)

Response 4.1: ***An analysis of the Proposed Action's shadow impact on the Brooklyn Botanic Garden was conducted as part of the EIS. Mitigating measures to any potential impacts identified have been explored by the Applicant in consultation with the Lead Agency and NYC Parks. These are described in Chapter 11: Mitigation. In addition, as discussed below in response to comment 4.9, the Applicant has worked with DCP and Parks to identify and study four additional alternatives in the FEIS, Chapter 12, "Alternatives," intended to minimize, avoid, or mitigate shadows impacts on Brooklyn Botanic Garden.***

Comment 4.2: There is a significant weakness in the CEQR shadow methodology because it does not include the first and last 90 minutes of daylight. The methodology discounts the loss of morning light to plants. So the real-world morning impacts of the proposed development are minimized. The evening shadow impacts to Medgar

Evers campus plazas and Jackie Robinson Playground is likewise discounted. (Benepe, Blaik, Nurnberg)

Response 4.2: ***Comment noted. According to the CEQR Technical Manual, shadows occurring earlier than 1.5 hours after sunrise or later than 1.5 before sunset are long, move fast, and generally blend with shadows from existing structures. At times outside the timeframe window of analysis, the sun is located near the horizon, and the sun's rays reach the Earth at close to tangential angles, diminishing the amount of energy delivered by the sun's rays and producing shadows that grow in length exponentially until the sun reaches the horizon and sets. Because of these conditions, the shadows occurring between 1.5 hours before sunset and 1.5 hours after sunrise are not considered significant pursuant to the guidance of the CEQR Technical Manual, which this environmental review follows, and their assessment is not warranted. The campus of Medgar Evers College is not considered public open space and therefore not included in the analysis. The Jackie Robinson Playground is considered a sunlight sensitive public open space and is therefore included in the shadows assessment in Chapter 4: Shadows of the EIS.***

Comment 4.3: It cherry-picks small areas for impact assessment, measuring solar radiation on the exterior of the glass house roofs 20 to 75 feet up above where our plants are actually growing and located. No real-world conditions, or meeting plant needs. (Blaik)

Response 4.3: ***Comment noted. This comment refers to the solar radiation study that the Applicant commissioned from a consultant and shared with interested parties, including the Brooklyn Botanic Garden. It is not part of the EIS analysis of shadow impacts.***

Comment 4.4: It discounts shadow from non-existent trees as they use outdated Google Maps from 2022 begging the questions whether their experts actually performed a site visit. (Blaike)

Response 4.4: ***Comment noted. This comment refers to the solar radiation study that the Applicant commissioned from a consultant and shared with interested parties, including the Brooklyn Botanic Garden. It is not part of the EIS analysis of shadows impacts.***

Comment 4.5: All of the propagation houses grow plants that we use in all of our programs. Shading out these conservatories and back of house greenhouse spaces would be a huge detriment and loss to the work that is done. (Bhatt, Moore, Otti, Kurland, Browne, Ramos, Binke, Matute, Albonesi, Schufford, Erickson, Robertson, Goldstein)

Response 4.5: ***Comment noted. An analysis of the Proposed Action's shadows effects on the open space and natural resources in the study area was conducted as part of the EIS. This includes identifying the incremental shadow effects of the Proposed Project on sunlight sensitive conservatories, greenhouses, propagation spaces, and nurseries that are identified in Chapter 4, "Shadows," as resources A to V.***

Comment 4.6: By going so granular and kind of disaggregating the impacts of the garden overall, you miss the bigger picture that it's literally from dawn through to various points in the morning, depending on the time of year, every day of the year. It's not just, you know, 10 minutes here in this space and seven minutes in that space. (Blaik)

Response 4.6: ***An analysis of the Proposed Action's shadows effects on Brooklyn Botanic Garden was conducted as part of the EIS, pursuant to the guidance of the CEQR Technical Manual which advise identifying shadow entry and exit times for the affected resources, including discrete resources A to V discussed above in response to comment 4.5 as well for Brooklyn Botanic Garden as a whole.***

Comment 4.7: Given that the garden has existed for over a hundred years, I challenge the development team to tell us how they can assure us that at some point, for example, a hundred years from now, it will not be in the best interest of the garden to take advantage of spaces that the development team has deemed irrelevant to concerns about shadows. (Oshima)

Response 4.7: ***Comment noted. The environmental review uses an analysis year of 2027, which analyzes the future With-Action condition assuming the Proposed Actions are approved, to compare to a future No-Action condition absent approval of the Proposed Actions. Assessing the use and interest of the Brooklyn Botanic Garden in the distant future is outside the scope of environmental review following guidance of the CEQR Technical Manual.***

Comment 4.8: More than 30 years ago, the city recognized the fragility of BBG and made an explicit commitment to protect it by establishing common sense zoning regulations. On the parcel in question today, at more than double the currently allowable height, this project would set a dangerous precedent, effectively giving the green light to other projects that ignored the very purpose and function of the 1991 rezoning. There was a soft site on that street, and they anticipated in 1991, if something's developed at R8A, that will block sunlight to the BBG. It is absolutely imperative to protect, as was decided by your predecessors in 1991 to protect BBGs sunlight. (Albonesi, Schufford, Kaplan, Baptiste, Goldstein, Benepe, Blaik, Otti, Kurland, Albonesi, Shesenna, Fermoile, Nurnberg)

Response 4.8: ***Comment noted. The environmental review includes an assessment of a No-Action Alternative, see Chapter 12: Alternatives to establish the baseline conditions of what could occur absent approval of the Proposed Actions. See Chapter 2: Land Use, Zoning and Public Policy for an analysis of consistency with established land use, zoning and public policies in the study area.***

Comment 4.9: Given the Department of City Planning's EIS, stating that anything above the current R6A zone will cause harm to BBG, WABBA is extremely concerned that these 14 stories mixed use commercial and residential units would be a detriment to Brooklyn Botanic Garden by bringing shadows that would destroy the conservatories, greenhouses, nurseries, and outdoor gardens. (Robertson)

Response 4.9: ***Comment noted. In response to comments on the DEIS, Chapter 12: Alternatives of the FEIS includes an assessment of four additional alternatives to the Proposed Actions intended to minimize, avoid, or mitigate the significant adverse shadows impacts on Brooklyn Botanic Garden. These include: an R8A with 26.83-Degree Sloping Plane Alternative; an R7X with 17-Degree Sloping Plane Alternative; an R7D with 15-Degree Sloping Plane Alternative; and an R7A with 10-Degree Sloping Plane Alternative.***

Comment 4.10: I'm a lifetime visitor to the Brooklyn Botanic Garden and a longtime supporter. We've discussed a lot about the small-scale adjustments to the shadows, but I think maybe it would be safer to err on the side of overprotection, to err on the side of not allowing any shadows over the current situation. That's why I ask you, retain the current zoning. (Shesenna, Cooper)

Response 4.10: ***Comment noted, see response to comment 4.9.***

5. Natural Resources

No comments were received on this particular topic. Shadows comments related to open space and natural resources are addressed above under Open Space and Shadows.

6. Urban Design and Visual Resources

Comment 6.1: Now also, please bear in mind that while the application focuses on shadow impacts, the psychological benefits of the botanic garden will also be negatively impacted by the unavoidable visible intrusion of a new tall building into the sight lines and the experience of a visitor to the garden. (Oshima)

Response 6.1: ***An analysis of the Proposed Action's impact on the urban design and visual resources of the study area was conducted as part of the EIS and is provided in Chapter 6: Urban Design and Visual Resources. However, assessing the psychological benefits of green spaces is outside the scope of environmental review defined by the CEQR Technical Manual.***

7. Hazardous Materials

No comments were received on this particular topic.

8. Greenhouse Gas Emissions and Climate Change

Comment 8.1: One thing that I think has maybe not been emphasized enough is the importance of the gardens to the battle that we face over global warming and climate change. (Leasehold)

Response 8.1: ***Comment noted. Assessing the role of open space in the study area in regard to climate change is outside the scope of environmental review defined by the CEQR Technical Manual. However, consistent with CEQR Technical Manual guidance, climate change effects of the Proposed Actions are assessed in Chapter 8, "Greenhouse Gas Emissions and Climate Change."***

9. Neighborhood Character

Comment 9.1: I really think this development will be detrimental to the garden, to everyone who uses the garden, to the character of the neighborhood and the space and the sky that we enjoy. (Borgmann, Goldstein)

Response 9.1: ***Comment noted. As detailed in Chapter 9: Neighborhood Character of the EIS, prepared pursuant to the guidance of the CEQR Technical Manual, the neighborhood character of the study area is defined by a few key components, including its mix of land uses and building types, an abundance of open space resources, large public facilities and institutions, and the MTA's open subway cut that serves the Franklin Avenue subway shuttle extending north-south through the area. According to the methodology outlined in the CEQR Technical Manual, the shadows impacts on the open space and natural resources at Brooklyn Botanic Garden described in Chapter 4: Shadows would not affect any defining feature of neighborhood character, nor would a combination of moderately adverse effects affect such a defining feature.***

10. Construction

No comments were received on this particular topic.

11. Mitigation

Comment 11.1: The DEIS blatantly places all responsibility upon BBG to save its plant collections from significant harm. The project will undermine the extensive and costly improvements the garden has carried out in recent years, funded with public and private funds, 962 Franklin and any alternative beyond as of right threatens the mission and future of the garden, and does so after several pandemic years, resulted in a large loss of revenue for the garden. (Griffo, Nurnberg)

Response 11.1: ***The Lead Agency in consultation with and NYC Parks and the Applicant have worked to identify mitigating measures to any potential shadow impacts the Proposed Project would have. These are described in Chapter 11: Mitigation. Additionally, as discussed in response to comment 4.9, the Applicant has worked with DCP and NYC Parks to identify and study four additional alternatives in the FEIS, Chapter 12, "Alternatives," intended to minimize, avoid, or mitigate shadows impacts on Brooklyn Botanic Garden.***

Comment 11.2: If you get rid of the facilities to replenish those shorter-lived plants, they disappear from your collection. They disappear from your public programs, your educational content (Blaik, Moore, Otti, Kurland, Browne, Binke, Matute, Stoller, Pettyjohn, Patton, Albonesi, McCracken, Baptiste, Reno)

Response 11.2: ***The Lead Agency, in consultation with NYC Parks and the Applicant have worked to identify mitigating measures to any potential shadow impacts the Proposed Project would have. These are described in Chapter 11: Mitigation. Where mitigation measures to fully mitigate significant adverse impacts are not identified, unavoidable adverse impacts are detailed in Chapter 13: Unavoidable Adverse Impacts.***

12. Alternatives

No comments were received on this particular topic.

13. Unavoidable Adverse Impacts

No comments were received on this particular topic.

14. Growth Inducing Aspects of the Proposed Project

Comment 14.1: CB 9 has consistently rejected both this upzoning and other similar spot rezonings due in part to our concerns that it creates a precedent of inappropriate future up zonings for adjacent lots. (Cheong, McCracken)

Response 14.1: ***Comment noted.***

15. Irreversible and Irretrievable Commitments of Resources

Comment 15.1: Once the building's built there's no going back. (Benepe, Blaik, Bhatt, Moore, Otti, Kurland, Browne, Binke, Matute, Stoller, Pettyjohn, Patton, Albonesi, Reeves, McCracken, Baptiste, Johnson, Goldstein)

Response 15.1: ***Comment noted.***

D. COMMENTS AND RESPONSES ON CEQR AREAS PREVIOUSLY SCREENED OUT

As stated in the FSOW for the EIS, based on the conclusions of the EAS and in accordance with the *CEQR Technical Manual*, there is no potential for significant adverse impacts to socioeconomic conditions; community facilities; historic and cultural resources; water and sewer infrastructure; solid

waste and sanitation services; energy; transportation; air quality; noise; or public health; due to the Proposed Project, and, as a result, analysis for those environmental areas is not be required in the EIS.

16. Socioeconomic Conditions (EAS)

Comment 16.1: We also need to consider the pressure on existing housing stock, rent is always going up. If you add 75% housing that's market rate plus again, more unaffordable housing. It really encourages landlords to raise the rent because it's a bargain compared to what happens at this facility. (Baptiste)

Response 16.1: ***Comment noted. As noted in the previously issued EAS, there is no potential for significant adverse impact of the Proposed Action on socioeconomic conditions in the study area. According to the CEQR Technical Manual, no further analysis of this topic, including indirect residential displacement, is warranted in the EIS.***

Comment 16.2: Some things I would like to recognize is that our district, specifically the South end of Eastern Parkway is at the greatest risk for displacement. I think that should be something we recognize. (Cobb)

Response 16.1: ***Comment noted. As noted in the previously issued EAS, there is no potential for significant adverse impact of the Proposed Action on socioeconomic conditions in the study area. According to the CEQR Technical Manual, no further analysis of this topic, including indirect residential displacement, is warranted in the EIS.***

17. Community Facilities (EAS)

Comment 17.1: Has anyone considered the potential for overcrowded schools these 3 buildings along with this 4th, 14 stories apartment building would bring? (Robertson)

Response 17.1: ***Comment noted. As noted in the previously issued EAS, there is no potential for significant adverse impact of the Proposed Action on community facilities and schools in the study area. Pursuant to CEQR Technical Manual guidance, no further analysis of this topic is warranted in the EIS.***

18. Solid Waste and Sanitation (EAS)

Comment 18.1: We in this community object to the rezoning of the Spice Factory because of solid waste and sanitation overflow and rodent infestation. New York City does not have the infrastructure for that. (Robertson, Schweitzer)

Response 18.1: ***Comment noted. As noted in the previously issued EAS, there is no potential for significant adverse impact of the Proposed Action on solid waste and sanitation services in the study area. According to the CEQR Technical Manual guidance, no further analysis of this topic is warranted in the EIS.***

19. Water and Sewer Infrastructure (EAS)

Comment 19.1: New water and sewer infrastructure for a 14-story mixed-use commercial and residential building, is expected to have a significant impact. New York City does not have the infrastructure for that. (Robertson, Baptiste, Schweitzer)

Response 19.1: ***Comment noted. As noted in the previously issued EAS, there is no potential for significant adverse impact of the Proposed Action on water and sewer infrastructure in the study area. According to the CEQR Technical Manual guidance, no further analysis of this topic is warranted in the EIS.***

20. Energy (EAS)

Comment 20.1: We in this community object to the rezoning of the Spice Factory compound because of electrical slowdown or shutdowns. (Robertson)

Response 20.1: ***Comment noted. As noted in the previously issued EAS, there is no potential for significant adverse impact of the Proposed Action on energy in the study area. According to the CEQR Technical Manual guidance, no further analysis of this topic is warranted in the EIS.***

Comment 20.2: It used to be industrial light industrial, we're talking about doubling the density, which means strains and impacts. We have never measured in terms of the electrical grid. (Baptiste)

Response 20.2: ***Comment noted. As noted in the previously issued EAS, there is no potential for significant adverse impact of the Proposed Action on energy in the study area. According to the CEQR Technical Manual guidance, no further analysis of this topic is warranted in the EIS.***

21. Transportation (EAS)

Comment 21.1: Developers have created and will create even higher levels of unbearable traffic congestion during off-peak and peak hours. We in this community object to the rezoning of the Spice Factory compound because of subway and transportation congestion. (Robertson, Schweitzer)

Response 20.2: ***Comment noted. As noted in the previously issued EAS, there is no potential for significant adverse impact of the Proposed Action on transportation, including traffic, in the study area. According to the CEQR Technical Manual guidance, no further analysis of this topic is warranted in the EIS.***

Comment 21.2: Franklin Ave Acquisition LLC is fighting against providing parking spaces for the tenants by requesting a parking waiver ZR section 25-23. This would surely add to the existing parking problems in the community. (Robertson)

Response 20.2: ***Comment noted. As noted in the previously issued EAS, there is no potential for significant adverse impact of the Proposed Action on transportation, including***

parking, in the study area. According to the CEQR Technical Manual guidance, no further analysis of this topic is warranted in the EIS.