Herkimer-Williams

Draft Scope of Work for a Draft Environmental Impact Statement

CEQR No. 24DCP055K

Lead Agency:

New York City Planning Commission

Prepared by:

Philip Habib & Associates

November 17, 2023

HERKIMER-WILLIAMS

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HERKIMER-WILLIAMS

DRAFT SCOPE OF WORK FOR AN ENVIRONMENTAL IMPACT STATEMENT

CEQR NO. 24DCP055K

November 17, 2023

A. INTRODUCTION

This Draft Scope of Work (DSOW) outlines the technical areas to be analyzed in the preparation of the Environmental Impact Statement (EIS) for the discretionary actions requested by the Applicant, Broadway Junction Partners, LLC, that would facilitate the redevelopment of several Applicant-owned (Block 1555, Lot 19; Block 1576, Lots 1 and 34; and Block 1577, Lots 17, 26, 32, 35, 51, and 53) and several Owner-Authorized properties (Block 1576, Lot 9 and Block 1577, Lots 1, 7, 56, and 58) in the East New York neighborhood of Brooklyn Community District (CD) 5. All Applicant-owned and Owner-Authorized properties are collectively referred to as the "Development Site." The Applicant seeks several discretionary actions that would affect the properties described above, as well as several "Out Parcels," including those owned by the Metropolitan Transit Authority (MTA) (Block 1555, Lot 1 and Block 1576, Lot 13) and Amba Mata Inc (Block 1576, Lot 32)." The Development Site and the Out Parcels are referred to, collectively, as the "Project Area" (refer to **Figure 1**).

The Applicant is seeking City Planning Commission (CPC) approval of several discretionary actions, including: (i) a Zoning Map Amendment to rezone the Project Area from an M1-2 zoning district to C6-4 and M1-6 districts; (ii) a Zoning Text Amendment to (a) map a Mandatory Inclusionary Housing (MIH) Area coterminous with the boundaries of the proposed C6-4 district within Brooklyn CD 5, (b) amend Zoning Resolution (ZR) Section 74-742 to modify Large-Scale General Development (LSGD) ownership requirements, and (c) amend ZR Section 23-154(d)(2) to permit a maximum residential FAR of 12.0 for MIH sites in LSGD sites within Brooklyn CD 5; (iii) a LSGD Special Permit pursuant to ZR Section 74-743 to modify certain building height, setback, and rear yard regulations; (iv) a City Map Amendment to eliminate Herkimer Street between Williams Place and Fulton Street in order to join the northern and southern halves of Block 1577 and create a contiguous parcel of land (Parcel 3), while also generating additional floor area from the bed of the demapped street;[1] and (v) a CPC Special Permit pursuant to ZR Section 74-922 to waive floor area limitations for certain retail uses within M1-6 zoning districts (collectively, the "Proposed Actions").

[1] It should be noted that while this action runs parallel with the other Proposed Actions described above, the City Map Amendment is a separate action that will be reviewed under a separate ULURP application.

Approval of the Proposed Actions would facilitate the development of four new buildings (Buildings "B" through "E"[2]) containing a combined total of approximately 1,667,836 gross square feet (gsf), including approximately 748,386 gsf of commercial office space, 247,848 gsf of commercial retail space, 540,114 gsf of residential space (596 dwelling units [DUs]), 18,985 gsf of community facility (house of worship) space, and 10,403 gsf of light industrial (Use Group 11) space,[3] as well as approximately 250 accessory parking spaces (approximately 102,100 sf) and 24,536 sf of publicly accessible area ("PAA") space (the "Proposed Development"). Pursuant to the City's MIH program, up to 25-30 percent or 149-179 units would be designated as permanently affordable at an average of 60-80 percent area median income (AMI) depending on the selected Option (the Applicant intends to pursue Option 1). In addition to the 149-179 permanently affordable units pursuant to MIH, the Applicant intends to work with the New York City Department of Housing and Preservation (HPD) in exploring financing opportunities to allow the balance of the proposed DUs in Buildings B and C to be designated as 100 percent affordable units as well. The remaining lots within the Project Area (i.e., Block 1576, Lots 34, which is owned and controlled by the Applicant; Block 1555, Lot 1 and Block 1576, Lot 13, which are owned and controlled by the MTA; and Block 1576, Lot 32, which is owned and controlled by Amba Mata Inc.) are not anticipated to be redeveloped as a result of the Proposed Actions, and there are no known development plans on any of these sites that would result in new development in the future No-Action or With-Action conditions.

A Reasonable Worst Case Development Scenario (RWCDS) has been established for the Proposed Actions for an analysis year of 2036. In the future with the Proposed Actions, the proposed Zoning Map and Text Amendments, LSGD Special Permit, and CPC Special Permit would be approved, allowing the Applicant to construct the Proposed Development at the Project Area; the proposed City Map Amendment, a separate action that will be reviewed under a separate Uniform Land Use Review Procedure (ULURP) application, would also be approved in the future with the Proposed Actions. However, for conservative analysis purposes, the RWCDS will assume an average DU size of 850 sf. Thus, under the RWCDS, the Proposed Actions could result in the development of up to 636 DUs, of which up to 159-191 would be designated as permanently affordable pursuant to MIH.

In addition, consistent with the proposed LSGD Special Permit plans, the Applicant could develop additional community facility uses in Building D as well as additional light industrial uses in Building E. Specifically, as presented in the ULURP drawings, Building D could include up to 101,660 gsf of community facility uses; and Building E could include up to 112,070 gsf of manufacturing/light industrial uses. Thus under the RWCDS, the Proposed Development could be developed with a combined total of approximately 1,881,565 gsf, including approximately 540,114 gsf of residential space (636 DUs, of which up to 159-191 units would be designated as permanently affordable pursuant to MIH), 748,386 gsf of commercial office space, 247,848 gsf of commercial retail space, 120,645 gsf of community facility space (of which, approximately 18,985 gsf would consist of house of worship uses, and up to 101,660 gsf would consist of educational and/or medical office uses), and 122,473 gsf of industrial space (including 10,403 gsf of Use Group 11 space and up to 112,070 gsf of additional Use Group 7, 9, 11, 16, and/or 17 light industrial space), as well as approximately 250 accessory parking spaces (approximately 102,100 sf). As such, where applicable, the RWCDS will consider the environmental effects of Building D containing additional community facility uses and Building E containing additional light industrial uses when such a scenario represents a worst-case condition for conservative analysis purposes.

[2] The Proposed Development does not include a building titled "Building A."

[3] "Light industrial" specifically refers to ZR Use Group 11 uses, which consist of custom manufacturing, wholesale, and accessory uses. These uses are permitted in C6-4 commercial districts and would allow, for example, creative maker spaces in the Proposed Development.

Additionally, in the event the Applicant chooses to not exercise the LSGD Special Permit, the Development Site would only be constrained by the underlying zoning. As such, the proposed Zoning Map and Text Amendments would increase the maximum permitted residential FAR on the Development Site to approximately 8.1[4], and thus, a second RWCDS (the "Alternate Residential Scenario") will also need to be assessed for conservative analysis purposes. Under the Alternate Residential Scenario, the Applicant could potentially construct four new mixed-use buildings containing a combined total of approximately 1,954,193 gsf, including approximately 1,035,993 gsf of residential uses (1,218 DUs, of which up to 305-365 units would be designated as permanently affordable pursuant to MIH),[5] 281,352 gsf of commercial office space, 264,580 gsf of commercial retail space, 18,985 gsf of community facility (house of worship) space, and 251,183 gsf of industrial space (including 10,403 gsf of Use Group 11 space and up to 240,780 gsf of additional Use Group 7, 9, 11, 16, and/or 17 light industrial space), as well as approximately 250 accessory parking spaces (approximately 102,100 sf) and 24,536 sf of PAA space.

Absent the Proposed Actions, no changes would occur in the Project Area, and existing conditions would remain.

This document provides a description of the Proposed Actions and associated RWCDS and includes task categories for all technical areas to be analyzed in the EIS.

B. REQUIRED APPROVALS AND REVIEW PROCEDURES

Required Approvals

The Proposed Development would require discretionary actions that are subject to review under the Uniform Land Use Review Procedure (ULURP), Section 200 of the City Charter, and City Environmental Quality Review (CEQR) process. As described above, the Applicant is seeking the following Proposed Actions:

1. A Zoning Map Amendment to rezone the Project Area from an M1-2 zoning district to C6-4 and M1-6 districts;
2. A Zoning Text Amendment to (a) map an MIH Area coterminous with the boundaries of the proposed C6-4 district within Brooklyn CD 5, (b) amend Zoning Resolution (ZR) Section 74-742 to modify Large-Scale General Development (LSGD) ownership requirements, and (c) amend ZR Section 23-154(d)(2) to permit a maximum residential FAR of 12.0 for MIH sites in LSGD sites within Brooklyn CD 5;
3. A LSGD Special Permit pursuant to ZR Section 74-743 to modify certain building height, setback, and rear yard regulations;
5. A City Map Amendment to eliminate Herkimer Street between Williams Place and Fulton Street in order to join the northern and southern halves of Block 1577 and create a contiguous parcel of

[4] The maximum permitted residential FAR on the Development Site (8.1) was determined by dividing the lot area of the Development Site that would be zoned C6-4 in the future With-Action condition (99,068 sf) by the total lot area of the Development Site (146,250 sf).
[5] Conservatively assumes an average DU size of 850 sf.

land (Parcel 3), while also generating additional floor area from the bed of the demapped street;[6] and

6. A CPC Special Permit pursuant to ZR Section 74-922 to waive floor area limitations for certain retail uses within M1-6 zoning districts.

City Environmental Quality Review (CEQR) and Scoping

The Proposed Actions are classified as a Type I Action, as defined under Section 6 of the New York Codes, Rules and Regulations (NYCRR) 617.4(b)(10), and are subject to environmental review in accordance with CEQR guidelines. An Environmental Assessment Statement (EAS) and Positive Declaration were issued on November 17, 2023 by the New York City Department of City Planning (DCP), as lead agency. DCP has determined that the Proposed Actions may result in significant adverse environmental impacts and has directed that an EIS be prepared.

This DSOW for the preparation of an EIS contains a description of the Proposed Actions and the tasks that would be undertaken to analyze the potential environmental impacts of the Proposed Development. The issuance of the DSOW marks the beginning of the public comment period. The scoping process allows the public a voice in framing the scope of the EIS. The scoping document sets forth the analyses and methodologies that will be utilized to prepare the EIS. During the public comment period, those interested in reviewing the DSOW may do so and give their comments to the lead agency. The public, interested agencies, and elected officials, are invited to comment on the DSOW, either in writing or orally, at the public scoping meeting.

A public scoping meeting is scheduled to be held on Tuesday, December 19, 2023, starting at 2:00 PM. DCP will hold the public scoping meeting with both in-person and remote participation options through the NYC Engage portal to allow for broad public participation. Instructions on how to view and participate, as well as materials relating to the meeting will be available at the NYC Engage webpage (https://www1.nyc.gov/site/nycengage/events/index.page) in advance of the meeting.

Comments received during the Scoping Meeting and written comments received up to 10 days after the meeting (Friday, December 29, 2023, at 5:00 PM), will be considered and incorporated, as appropriate, into the Final Scope of Work (FSOW). The FSOW will incorporate all relevant comments made on the DSOW and revise the extent or methodologies of the studies, as appropriate, in response to comments made during the CEQR scoping process. The EIS will be prepared in accordance with the resulting FSOW.

Once the lead agency is satisfied that the Draft Environmental Impact Statement (DEIS) is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the CPC hearing on the land use applications to afford all interested parties the opportunity to submit oral and written comments. At the close of the public review period, a Final Environmental Impact Statement (FEIS) will be prepared. Comments made on the DEIS will be responded to and incorporated into the FEIS, as appropriate. The FEIS will then be used by the relevant City agencies to evaluate CEQR findings, which address project impacts and proposed mitigation measures, and to decide whether to approve the requested discretionary actions, with or without modifications.

[6] It should be noted that while this action runs parallel with the other Proposed Actions described above, the City Map Amendment is a separate action that will be reviewed under a separate ULURP application.

C. PROJECT DESCRIPTION

Project Area

As shown in **Figure 1**, the Project Area encompasses the Development Site (Block 1555, Lot 19; Block 1576, Lots 1, 9, and 34; Block 1577, Lots 1, 7, 17, 26, 32, 35, 51, 53, 56, and 58; and a 25,879 sf portion of Herkimer Street to be demapped) and several "Out Parcels" (Block 1555, Lot 1; and Block 1576, Lots 13 and 32) in the East New York neighborhood of Brooklyn CD 5. Several properties within the Development Site – including Block 1555, Lot 19; Block 1576, Lots 1 and 34; and Block 1577, Lots 17, 26, 32, 35, 51, and 53) – are currently Applicant-owned, whereas the remaining Development Site properties are owned by Calvary Church (Block 1576, Lot 9) and Mystic Display Co., Inc. (Block 1577, Lots 1, 7, 56, and 58). The Out Parcels (described further below) are not owned and controlled by the Applicant, and include properties owned by the MTA (Block 1555, Lot 1; and Block 1576, Lot 13) and Amba Mata Inc (Block 1576, Lot 32). All Applicant-owned and Owner-Authorized properties are part of the proposed LSGD Special Permit and are referred to, collectively, as the Development Site. The Development Site encompasses a total of approximately 146,250 sf of lot area,[7] whereas the Out Parcels encompass approximately 70,103 sf of lot area. The Development Site and the Out Parcels are referred to, collectively, as the Project Area. The Project Area encompasses a total of approximately 216,353 sf of lot area and contains the entirety of three city blocks (i.e., Blocks 1555, 1576, and 1577), with frontages generally bounded by Fulton Street (irregular width generally ranging between 60-feet narrow and 80-feet-wide) to the north, Van Sinderen Avenue (70-feet-wide) to the west, Atlantic Avenue (120-feet-wide west of Havens Place and greater than 120-feet-wide between Havens Place and Williams Avenue) to the south, and East New York Avenue (115-feet-wide) to the east. The Project Area is bifurcated in the east-west direction by Herkimer Street (70-feet-wide) and in the north-south direction by Williams Place (60-feet-wide).

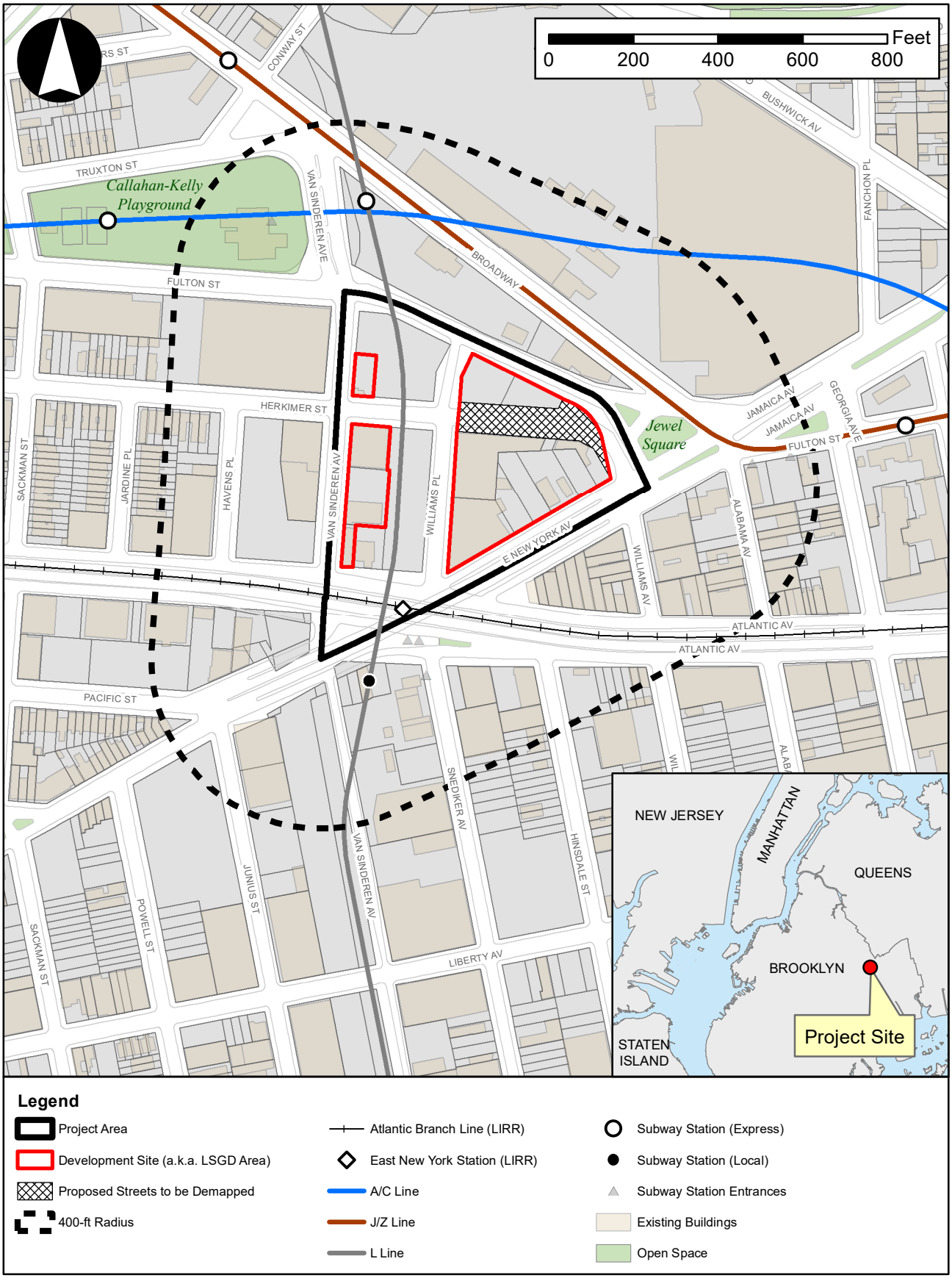
Development Site

The Development Site is divided into three parcels. Parcel 1 is comprised of Block 1555, Lot 19. Lot 19 is owned by the Applicant and currently unimproved and vacant (0.0 FAR), and formerly used as unenclosed parking and storage space. There is one existing, 20-foot-side curb cut along Parcel 1's southern-facing frontage along Herkimer Street (approximately 30 feet east of Van Sinderen Avenue).

Parcel 2 is comprised of Block 1576, Lots 1, 9, and 34. Lots 1 and 34 are owned by the Applicant. Lot 1 is improved with a two-story manufacturing building containing approximately 8,800 gsf (8,000 zsf) of light industrial uses (0.61 FAR) and Lot 34 is improved with a three-story commercial building containing approximately 9,000 gsf (8,182 zsf) of office uses (3.32 FAR). Lot 9 is owned by Calvary Church. Lot 9 is improved with a two-story building containing approximately 12,904 gsf (11,731 zsf) of community facility (house of worship) uses (1.33 FAR). There are four existing curb cuts along Parcel 2's street frontages along Atlantic Avenue, Herkimer Street, Williams Place, and Van Sinderen Avenue. Specifically, there is one, 20-foot-wide curb cut along the north side of Atlantic Avenue (approximately 70 feet east of Van Sinderen Avenue); one 20-foot-wide curb cut along the east side of Van Sinderen Avenue (approximately 160 feet north of Atlantic Avenue); one 25-foot-wide curb cut along the south side of Herkimer Street (approximately 130 feet east of Van Sinderen Avenue); and one 20-foot-wide curb along the west side of Williams Place (approximately 10 feet north of Atlantic Avenue).

[7] The Development Site's total lot area calculation includes the 25,879 sf portion of Herkimer Street to be demapped.

Project Site Location



Parcel 3 is comprised of Block 1577, Lots 1, 7, 17, 26, 32, 35, 51, 53, 56, and 58 (Lots 17 and 26 are on the northern portion of Block 1577 and are separated from the other lots on the southern portion of Block 1577 by Herkimer Street), as well as the 25,879 sf portion of Herkimer Street between Williams Place and Fulton Street that is proposed to be demapped, detailed further below. As described above, Lots 17, 26, 32, 35, 51, and 53 are owned by the Applicant, whereas Lots 1, 7, 56, and 58 are Owner-Authorized and are owned by Mystic Display Co., Inc. and currently leased to the MTA. According to the MTA Lease Agreement that was executed in September 2015, Mystic Display Co., Inc. and the MTA agreed to a 10-year term set to expire in 2025, with a single 5-year renewal option that could be exercised by the MTA to remain in place until 2030. The MTA-leased sites are currently utilized as warehouse, parking, shop, and offices for NYCT's Automated Fare Collection (AFC) and Electronic Maintenance Division (EMD). Lot 1 is improved with a one-story maintenance facility containing approximately 17,224 gsf (15,658 zsf) of light industrial uses (0.91 FAR); Lot 7 is improved with a one-story (plus mezzanine) maintenance facility containing approximately 20,768 gsf (18,880 zsf) of light industrial uses (1.00 FAR); and Lots 56 and 58 are currently improved with an unenclosed surface parking lot that provides access to the adjacent Lots 1 and 7 (0.0 FAR each). Lots 17 and 26 are unimproved and used for parking and dead storage of vehicles (0.0 FAR each); Lots 32 and 51 are unimproved and vacant (0.0 FAR each); Lot 35 is improved with a one-story auto repair shop containing approximately 2,640 gsf (2,400 zsf) of light industrial uses (0.49 FAR); and Lot 53 is improved with a one-story building containing approximately 990 gsf (900 zsf) of light industrial uses (0.08 FAR). There are 16 existing curb cuts along the Parcel 3's street frontages along Williams Place, Fulton Street, Herkimer Street, and East New York Avenue.

The easterly, approximately 370-foot portion of Herkimer Street between Williams Street and Fulton Street is proposed to be demapped and incorporated into the LSGD. The total area to be demapped is approximately 25,879 sf and is generally bounded by Williams Place to the west, Fulton Street to the east, Block 1577, Lots 17 and 26 to the north, and Block 1577, Lots 7, 32, and 35 and East New York Avenue to the south. A preliminary review of utility maps shows a minimal presence of subsurface utilities within the portion of Herkimer Street to be demapped. This demapping would join the northern and southern halves of Block 1577 to create a contiguous parcel of land (Parcel 3) and generate additional floor area (up to 289,606 sf of available floor area for Buildings C, D, and E) from the bed of the demapped street. Specifically, Building C would include an additional 47,068 sf and Building D would include an additional 242,539 sf as a result of the floor area generated from the proposed demapping. With approval of the Proposed Actions, the demapped area and Applicant-owned Lots 17, 26, 32, 35, 51, and 53 will collectively comprise of a single zoning lot (or "Parcel 3A"), whereas the Owner-Authorized Lots 1, 7, 56, and 58 will comprise a separate zoning lot (or "Parcel 3B").

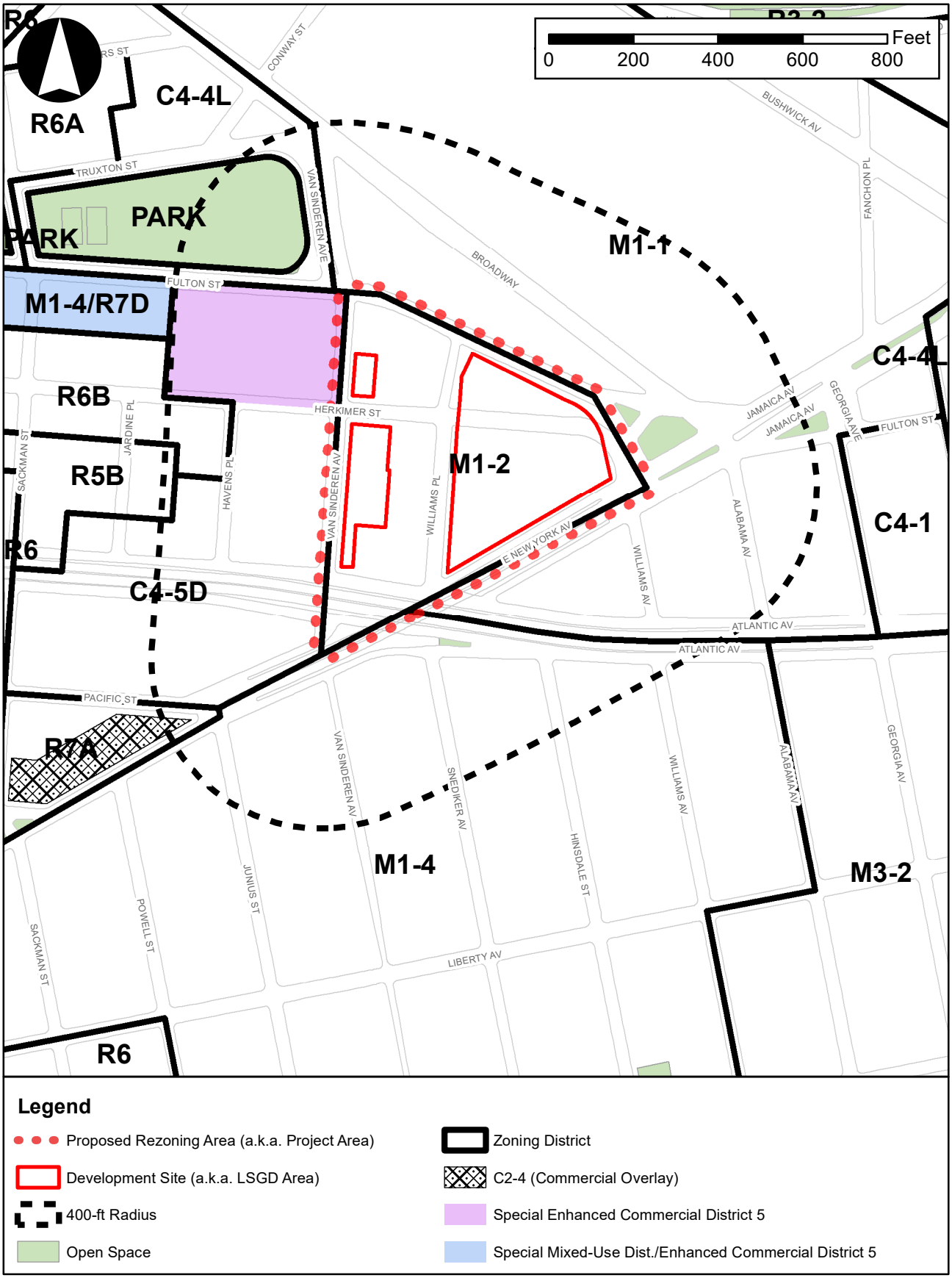
Out Parcels

Block 1555, Lot 1 ("Out Parcel X") is owned by the MTA and is improved with elevated subway structures and an at-grade parking lot (0.0 FAR). Block 1576, Lot 13 ("Out Parcel Y") is owned by the MTA as well and is improved with elevated subway structures and an at-grade parking lot (0.0 FAR). Block 1576, Lot 32 ("Out Parcel Z") is owned by Amba Mata Inc. and improved with a six-story hotel building containing approximately 18,476 gsf (16,796 zsf) and 40 keyed-rooms (2.43 FAR). The above three lots are referred to, collectively, as the "Out Parcels."

Neighborhood Context

The area surrounding the Project Area is characterized by a wide variety of manufacturing/industrial, commercial, residential, community facility, and transportation/utility land uses and various building types. As shown in **Figure 2**, the Project Area is entirely within an M1-2 zoning district. The Project Area

Study Area Zoning



Legend

- Proposed Rezoning Area (a.k.a. Project Area)
- Development Site (a.k.a. LSGD Area)
- 400-ft Radius
- Open Space
- Zoning District
- C2-4 (Commercial Overlay)
- Special Enhanced Commercial District 5
- Special Mixed-Use Dist./Enhanced Commercial District 5

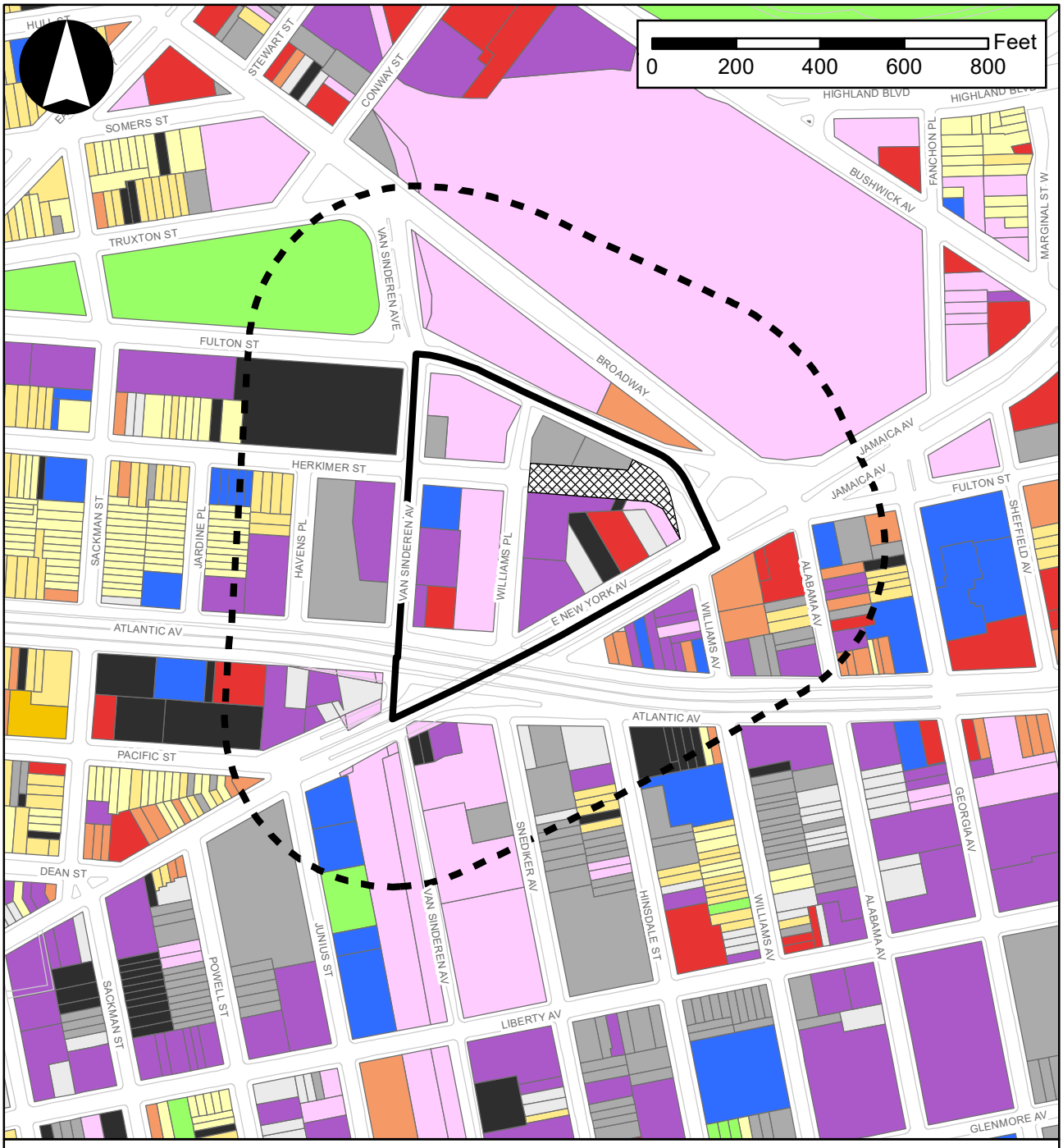
was originally zoned M1-1 as part of the 1961 Zoning Resolution, and in 1967, was rezoned to M1-2 as part of multi-site rezoning which rezoned approximately 10 blocks in the East New York neighborhood generally bounded by Fulton Street to the north, Sackman Street/Sherlock Place to the west, Dean Street to the south, and East New York Avenue to the west. M1-2 districts permit most commercial and light manufacturing uses, and limited community facility uses; residential uses in M1-2 districts are not permitted as-of-right. M1-2 districts permit 2.0 FAR for commercial/manufacturing uses and up to 4.8 FAR for community facility uses. Buildings within M1-2 districts are permitted a maximum base height of up to 60 feet and are regulated by the sky exposure plane (2.7 to 1 along narrow streets and 5.6 to 1 along wide streets) beyond the maximum base height. As such, existing buildings within the Project Area are generally comprised of low-rise commercial, light industrial, and community facility (house of worship) buildings. Parking and loading requirements vary depending on size and type of use.

Predominant land uses within the 400-foot radius of the Project Area include manufacturing/industrial, commercial, residential, mixed-use commercial and residential, and transportation/utility uses, as well as some public/institutional, parking, and open space uses. Some vacant and underutilized properties are also present in the surrounding area. As shown in **Figure 3**, many of the buildings found along Fulton Street, East New York Avenue, Atlantic Avenue, Williams Place, Van Sinderen Avenue, and Broadway are largely occupied by either manufacturing/industrial or transportation/utility uses. Some residential and mixed-use commercial and residential buildings can be found within the eastern portion of the study area (specifically, the area east of East New York Avenue and north of Atlantic Avenue).

Residential uses in the surrounding area mostly consist of low- to mid-density, multi-family residential buildings, with building heights ranging between two- to four-stories. Higher density multi-family residential/mixed-use buildings are located just outside of the 400-ft study area, including 2377 Pacific Street (southwest of the Project Area) and 62 Pennsylvania Avenue (east of the Project Area). 2377 Pacific Street is a recently constructed (2020), eight-story multi-family elevator residential with 136 DUs; and 62 Pennsylvania Avenue is a recently constructed (2020) nine-story mixed-use residential and commercial building containing 218 DUs. Additionally, the New York City Housing Authority's (NYCHA) Ocean Hill Houses and Howard Houses are located approximately 0.3 miles northwest and southwest of the Project Area, respectively. The Ocean Hill Houses consist of three, 14-story residential buildings containing a total of 238 DUs, and the Howard Houses consist of 10 residential buildings spread across an approximately 15.3-acre campus, with building heights ranging from seven- to 13-stories and containing a combined total of approximately 815 DUs.

Commercial and mixed-use commercial and residential buildings are generally located along Atlantic Avenue and East New York Avenue, and are generally low- to mid-rise, ranging from one- to four-stories in height. Commercial uses within the surrounding area are primarily hotels, local retail (such as eating and drinking establishments, pharmacies, beauty salons, clothing stores, and convenience stores), and local service uses (such as wholesale, grocery, and hardware stores). Industrial uses in the surrounding area are generally characterized as one- to two-story buildings and include warehouses, storage facilities, and distributors. Institutional uses within 400 feet of the Project Area include the WIN Junius and Liberty Residences at 1 and 23 Junius Street, respectively, which both provide transitional housing services for formerly unhoused families, as well as several houses of worship, including the Sacred Fellowship Ministries and Glorious Praise Baptist Church (both located at 2519 Atlantic Avenue), the Kingdom Life Center (2533 Atlantic Avenue), and the Kingdom Life Christian Center (1466-1474 Herkimer Street). A portion of the Callahan-Kelly Playground, a 3.25-acre open space owned and operated by the New York City Department of Parks and Recreation (NYC Parks), is also located within the 400-foot radius, northwest of the Project Area. The playground features basketball and handball courts, playground equipment, spray showers, fitness equipment, bench seating, and tree plantings. As of August 2023, the playground had underwent extensive renovations that resulted in new and improved playground equipment, spray

Land Uses



Legend

- Project Area
- 400-ft Radius
- Proposed Streets to be Demapped

Land Use

- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

showers, perimeter sidewalks and walls, basketball courts, adult fitness equipment and sitting areas, as well as the introduction of a new skate park.

Special Ocean Hill Enhanced Commercial District (EC-5)

On April 20, 2016, as part of the *East New York Rezoning* (2016), the New York City Council approved Zoning Map and Text Amendments to establish the Special Ocean Hill and East New York Enhanced Commercial (EC-5 and EC-6, respectively) Districts on portions of an approximately 190-block area in the East New York, Cypress Hills and Ocean Hill neighborhoods of Brooklyn CDs 5 and 16, generally bounded by Sheffield Avenue to the west, Lincoln Avenue to the east, Fulton Street to the north, and Pitkin Avenue to the south (East New York); and Eastern Parkway Extension to the west, Van Sinderen Avenue to the east, Broadway to the north, and East New York Avenue to the south (Ocean Hill). The intention of the Special EC-5 and EC-6 Districts are to foster a safe and engaging pedestrian experience along portions of the Atlantic Avenue, Pitkin Avenue, Fulton Street, and Pennsylvania corridors by establishing regulations requiring non-residential ground floor uses, requiring minimum levels of transparency on the ground floor, limiting curb cuts, and requiring setbacks along corridors with elevated trains.

Specifically, the Special EC-5 District comprises of three major components for new developments or enlargements, and are as follows:

- Enlivening uses – Special Use Provisions require the entire ground floor be developed or enlarged with permitted non-residential uses, except where residential lobbies and off-street parking facilities are permitted. Of the ground floor frontage of the zoning lot, at least 50 percent must be occupied by streetscape enlivening commercial uses to a minimum depth of 30 feet.[8]
- Sidewalk continuity – To ensure pedestrian safety, curb cuts serving new buildings are generally limited to the side streets.
- Streetscape design – To ensure an interactive and social space along Fulton Street, new retail and commercial establishments are required to adhere to a minimum level of streetwall transparency.

The Special EC-5 District is located directly west of the Project Area, and portions of the special district are located with the 400-foot study area (i.e., Block 1554, Lot 16). However, no portion of the Special EC-5 District is located in the Project Area.

Area Transportation

Major thoroughfares in the surrounding area include Fulton Street and Broadway directly north, Atlantic Avenue to the south, and East New York Avenue to the east. Just beyond the 400-foot study area East New York Avenue flows into Jamaica Avenue, which begins just east of Broadway. Additionally, the portion of Broadway, Fulton Street, Herkimer Street, and East New York Avenue within the 400-foot study area are designated by the New York City Department of Transportation (DOT) as a Local Truck Routes, whereas Atlantic Avenue is designated as a Through Truck Route.[9] The street network and interweaving mass

[8] However, for buildings containing Use Group 16, 17, and 18 at the ground floor level, up to 50 percent of the length of the streetwall may be exempt from such regulations; see ZR Section 132-32 for more details.

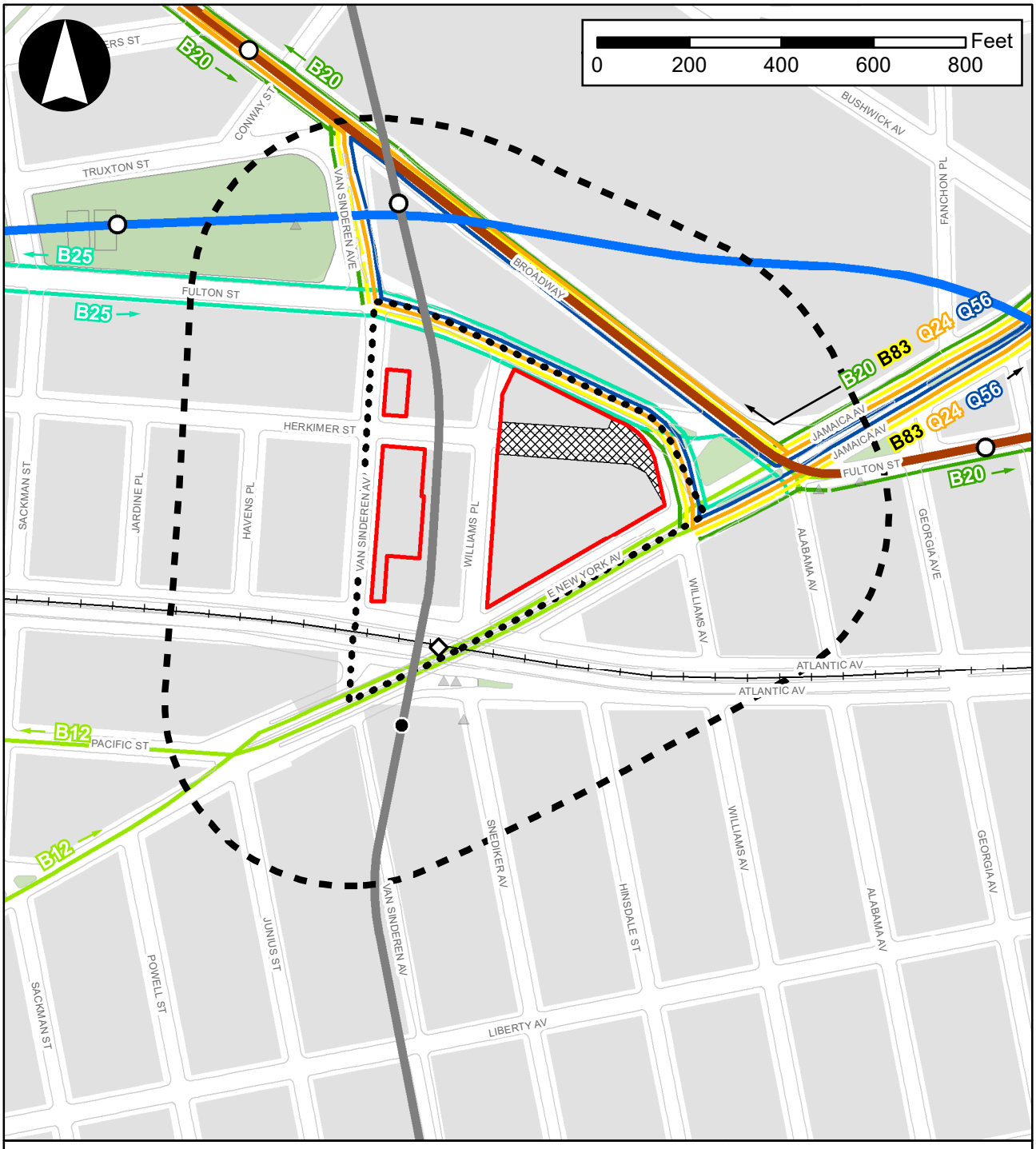
[9] According to DOT, the New York City Truck Route Network is a set of roads that commercial vehicles must use in New York City, which is comprised of two distinct classes of roadways: Local Truck Routes and Through Truck Routes (defined in Section 4-13 of the New York City Traffic Rules). The Through Truck Route Network is primarily composed of major urban arterials and highways and must be used by trucks that have neither an origin nor destination within

transit surrounding the Project Area is unique. New York Avenue and Atlantic Avenue both have express and local service vehicular lanes. East New York Avenue's express lanes span between Herkimer Street and Junius Street (one block southwest of the Project Area) and are located in a subgrade tunnel below East New York and Atlantic avenues' local service lanes and the Long Island Rail Road (LIRR) commuter rail and East New York Station. Atlantic Avenue's express lanes span between Georgia Street (two blocks southeast of the Project Area) and Eastern Parkway (five blocks west of the Project Area) and are elevated above the LIRR commuter rail line and East New York and Atlantic avenues' local service lanes, and below the elevated Canarsie (L) subway line.

The Project Area is within a Transit Zone and is extremely well-served by mass transit, including the Broadway Junction Subway Station serving five subway lines (i.e., the A/C/J/L/Z lines), several bus lines, and the East New York Station serving the LIRR's Atlantic Branch (refer to **Figure 4**). Several elevated MTA rail lines – including the elevated L (a.k.a. the 14th Street-Canarsie line) and J/Z (a.k.a. the Jamaica line) – cut through the Project Area: the elevated L line runs north-south and bifurcates the Project Area, whereas the elevated J/Z line runs southeast-northwest along Broadway and Jamaica Avenue just north and east of the Project Area. The Broadway Junction station provides access to Manhattan- and Ozone Park/Rockaway Beach-bound service along the A/C subway lines; Manhattan- and Jamaica Center-bound service along the J/Z subway lines; and Manhattan- and Canarsie/Rockaway Parkway-bound service along the L subway line. The A/C/J/L/Z lines converge at the Broadway Junction Subway Station complex, one block north of the Project Area, with elevated tracks of the L line running above the portion of Williams Place within the Project Area and the elevated tracks of the J/Z line running above Broadway one block north of the Project Area. The station complex is composed of three stations: the two elevated stations on the Jamaica (J/Z) and Canarsie (L) Lines, as well as the underground station on the Fulton Street (A/C) Line. The Fulton Street Line is accessible from the station's ground-level station house fronting the west side of Van Sinderen Avenue between Fulton and Truxton streets (located on Block 1546, Lot 1), using staircases down to the platform level. The Jamaica and Canarsie lines are reachable from the same station house via escalators from the street level to the upper mezzanine. The station house located on Van Sinderen Avenue is the only entrance/exit to the entire complex. The Atlantic Avenue (L) Subway Station is also located within the 400-foot study area, directly south of the Project Area, with entrances/exits located on the southwest corner of Snediker and Atlantic avenues. Additionally, the Alabama Avenue (J/Z) Subway Station is partially located within and to the east of the 400-foot study area, with the western portions of the station platform and entrance/exits located on the south side of Fulton Street between Alabama and Georgia avenues. In terms of commuter rail, the East New York station is located within the southern portion of the Project Area, with entrances along the north and south sides of Atlantic Avenue between Van Sinderen Avenue and Snediker Avenue/Williams Place, providing access to Downtown Brooklyn- and Long Island-bound service along the LIRR's Atlantic Branch. The Atlantic Branch runs east-west along and underneath an elevated portion of Atlantic Avenue. In addition, the MTA's East New York Rail Yard ("MTA Rail Yard") is located directly north of the Project Area and is generally bounded by Broadway to the south, Jamaica Avenue to the east, Bushwick Avenue to the north, and Conway Street to the west. The MTA Rail Yard is primarily used for storing subway cars used on the J, L, M, and Z lines, and is equipped with hand-operated switches. A separate part of the facility houses the MTA's East New York Bus Depot ("MTA Bus Depot"). In addition, several local bus services are provided within the 400-foot radius, including the B12 (connecting Prospect Lefferts Gardens and East New York) which runs along East New York Avenue directly southeast of the Project Area; the B20 (connecting East New York, Brooklyn and Ridgewood, Queens) which runs along Fulton Street and Broadway directly north of the Project Area; the

the borough. The Local Truck Route Network is designated for trucks with an origin and destination within a borough, which includes trucks that are traveling to make a delivery, or for loading or servicing.

Study Area Transit Services



B25 (connecting Fulton Landing with East New York) which runs along Fulton Street directly north of the Project Area; the B83 (connecting Spring Creek/Gateway Center Mall with East New York) which runs along Fulton Street and Broadway to the north and Jamaica Avenue to the east; the Q24 (connecting Jamaica, Queens with Bedford-Stuyvesant, Brooklyn) which runs along Fulton Street and Broadway to the north and Jamaica Avenue to the east; and the Q56 (connecting Jamaica, Queens with East New York, Brooklyn) which runs along Fulton Street and Broadway to the north and Jamaica Avenue to the east. There are also two Citi Bike docking stations within 400-feet of the Project Area, located at the intersection Fulton Street Broadway, and at the northwest corner of the Van Sinderen Avenue and Atlantic Avenue intersection. Taken together, these transit options provide access to and from the Project Area from much of Brooklyn, Manhattan, and beyond.

Description of the Proposed Actions

The Applicant is seeking approval of several discretionary actions from the CPC: (i) a Zoning Map Amendment to rezone the Project Area from an M1-2 district to C6-4 and M1-6 districts; (ii) a Zoning Text Amendment to (a) map an MIH Area coterminous with the boundaries of the proposed C6-4 district within Brooklyn CD 5, (b) amend ZR Section 74-742 to modify LSGD ownership requirements, and (c) amend ZR Section 23-154(d)(2) to permit a maximum residential FAR of 12.0 for MIH sites in LSGD sites within Brooklyn CD 5; (iii) a LSGD Special Permit pursuant to ZR Section 74-743 to modify certain building height, setback, and rear yard regulations; (iv) a City Map Amendment to eliminate Herkimer Street between Williams Place and Fulton Street in order to join the northern and southern halves of Block 1577 and create a contiguous parcel of land (Parcel 3), while also generating additional floor area from the bed of the demapped street;[10] and (v) a CPC Special Permit pursuant to ZR Section 74-922 to waive floor area limitations for certain retail uses within M1-6 zoning districts (collectively, the "Proposed Actions").

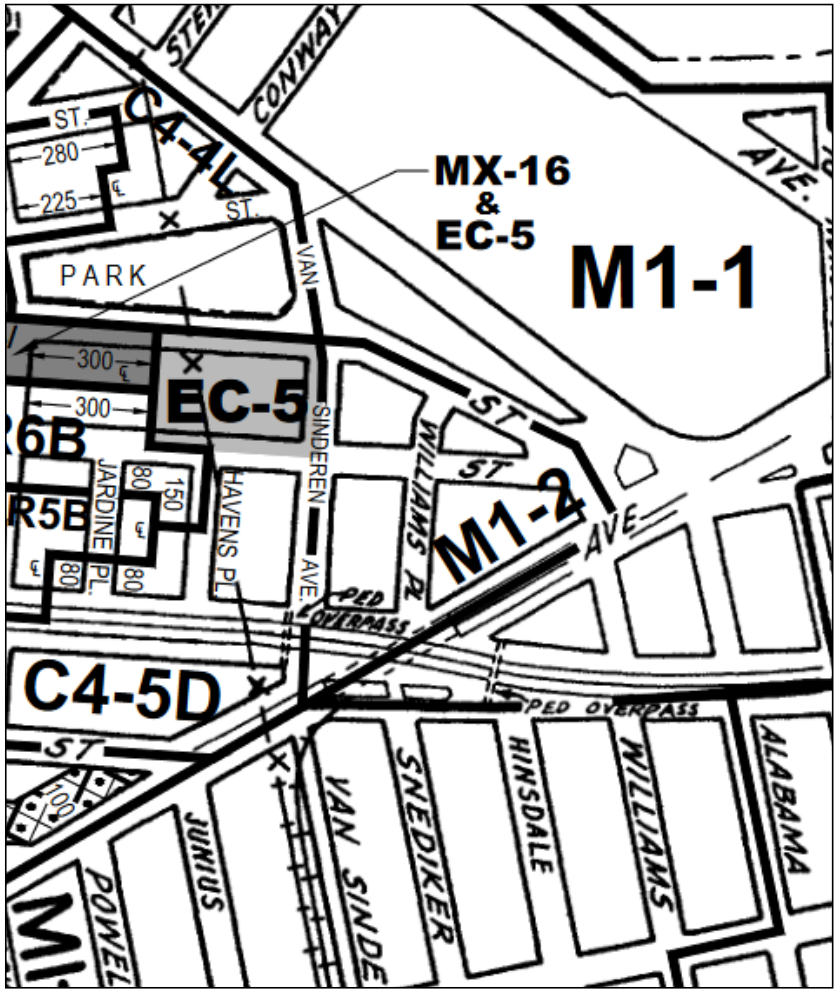
Each of the Proposed Actions is a discretionary action that is subject to the Uniform Land Use Review Procedure (ULURP). The Proposed Actions are also subject to environmental review under the City Environmental Quality Review (CEQR) process. These actions are described in more detail below.

Zoning Map Amendment

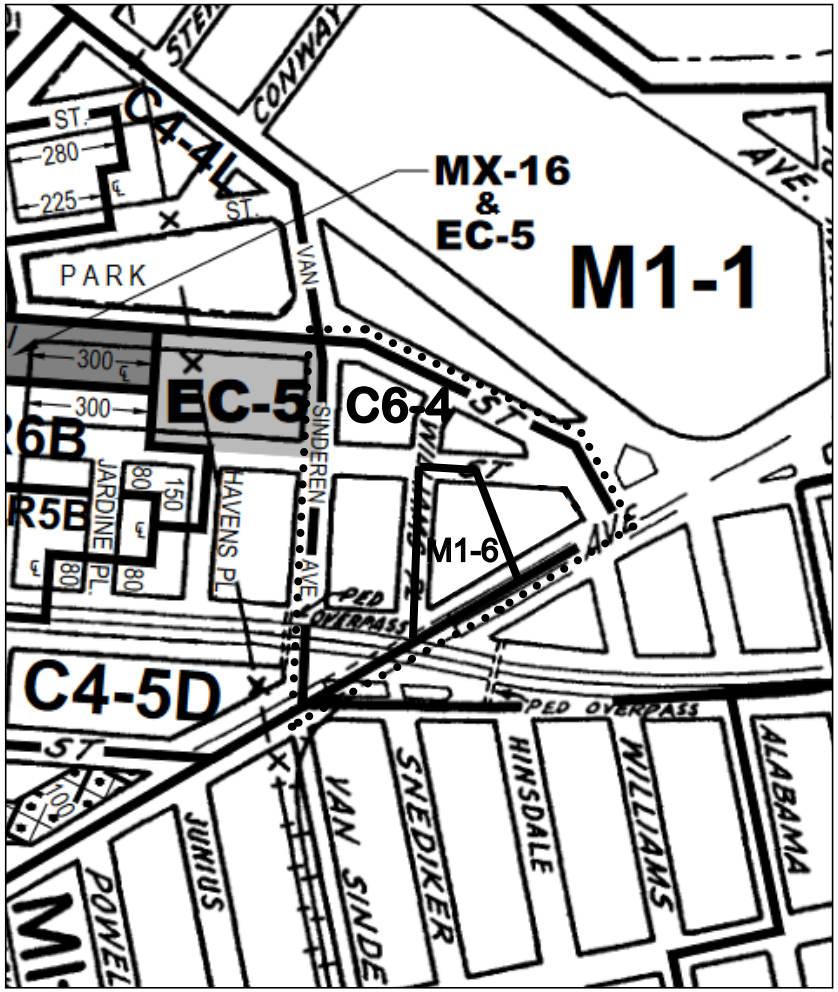
The proposed Zoning Map Amendment would rezone the Project Area from M1-2 to C6-4 and M1-6 (refer to **Figure 5**). As shown in **Figures 2** and **5**, the proposed Zoning Map Amendment would affect all of Blocks 1555, 1576, and 1577. Specifically, the proposed C6-4 district would include all of Block 1555, Lots 1 and 19; all of Block 1576, Lots 1, 9, 13, 32, and 34; all of Block 1577, Lots 17, 26, 32, 35, 51, 53, and 56; and portions of Block 1577, Lot 7; whereas the proposed M1-6 district would include all of Block 1577 Lots 1 and 58, and portions of Lot 7 (refer to **Figure 6**).

Table 1 compares the use and bulk requirements under the existing and proposed zoning districts. C6-4 zoning districts (R10 equivalent) are non-contextual commercial districts typically mapped within the City's major business districts, which allow a maximum FAR of 10.0 for commercial uses, 10.0 for residential uses (or 12.0 FAR in an Inclusionary Housing designated area), and 10.0 for community facility uses. The proposed C6-4 district would be governed by the sky exposure plane and do not require a contextual base. For residential uses, off-street parking is generally required for 40 percent of a building's dwelling units, but requirements are lower for income-restricted housing units and are further modified

[10] As stated above, it should be noted that while this action runs parallel with the other Proposed Actions described above, the City Map Amendment is a separate action that will be reviewed under a separate ULURP application.



Exis ng Zoning Map (17c)



Proposed Zoning Map (17c)
Area to be rezoned is outlined with do ed lines

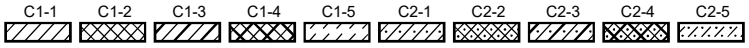
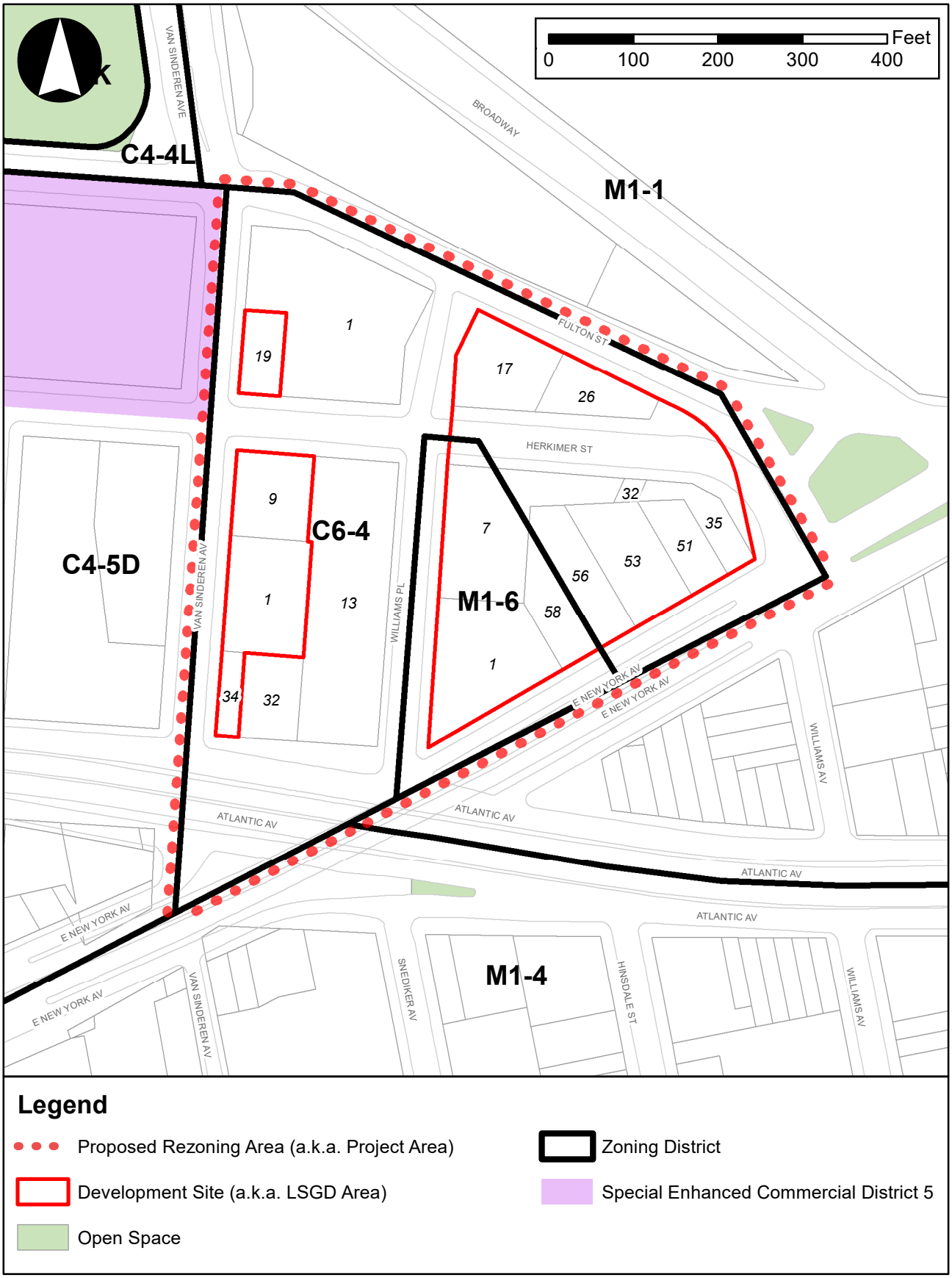


Figure 5
Existing and Proposed Zoning

Proposed Zoning Map Amendment



in certain areas, such as within Transit Zones and the Manhattan Core, or for lots less than 15,000 sf; however, off-street parking is not required for any non-residential uses.

M1 zoning districts are non-contextual manufacturing districts that often serve as buffers between M2 and M3 districts and adjacent to residential or commercial districts. M1 districts are industrial/manufacturing districts that have performance standards and typically include light industrial uses such as woodworking shops, repair shops, and wholesale service and storage facilities. M1-6 districts allow a maximum FAR of 10.0 for manufacturing uses, 10.0 for commercial uses, and 10.0 for community facility uses (Use Group 4 only, which are allowed by special permit). Pursuant to the recently approved M1 Hotel Text Amendment, hotels are only permitted by special permit. Residential development is generally not allowed in M1 districts. Buildings within M1-6 districts are governed by the sky exposure plane, which begins 85 feet above the street line. Off-street parking is generally not required in M1-6 districts, but may vary depending on use, such as hospitals, refreshment stands, drive-ins, and motels which may require off-street parking.

TABLE 1
Comparison of Existing and Proposed Zoning

	Existing	Proposed	
	M1-2	**C6-4**	**M1-6**
Use Group	4-14, 16, 17	1-12	4-14, 16, 17
Maximum Permitted FAR			
Residential	Not Permitted	12.0[1,2]	Not Permitted
Community Facility	4.8	10.0	10.0
Commercial	2.0	10.0	10.0
Manufacturing	2.0	Not Permitted	10.0
Overall Maximum Permitted	4.8	12.0[1,2]	10.0

Source: *Zoning Resolution of the City of New York*.
Notes:
[1] Up to 20 percent increase for a public plaza bonus.
[2] Up to 12.0 FAR with MIH.

Zoning Text Amendment – MIH

The Applicant is also proposing a Zoning Text Amendment that is required to map the proposed C6-4 zoning district as an MIH Area by creating a new map for Brooklyn CD 5 in Appendix F of the ZR. The MIH Area would require any new developments containing residential uses to provide affordable units pursuant to one of the MIH options described below:

- Option 1 – requires 25 percent of residential floor area must be affordable housing for residents with incomes averaging 60 percent AMI; and
- Option 2 – requires 30 percent of residential floor area must be affordable housing for residents with incomes averaging 80 percent AMI.

The MIH Area would require 25-30 percent affordable floor area based on a higher residential FAR than is permitted by the underlying C6-4 zoning district (10.0 FAR). With the designation of the proposed C6-4 (R10 equivalent) district as an MIH Area, the maximum permitted FAR would be increased to 12.0.

Zoning Text Amendment – LSGD Ownership Requirement Modifications

The Applicant is proposing a Zoning Text Amendment to amend ZR Section 74-742 to modify ownership

requirements for LSGD areas. Specifically, under the proposed Zoning Text Amendment to subsection (g), sites partially under State or City ownership and occupied by an elevated rail line within Brooklyn CD 5 and located within a C6-4 zoning district and mapped as a MIH Area shall be considered a street or part of a street for the contiguity purposes for establishing a LSGD area. The proposed Zoning Text Amendment would allow Blocks 1555, Lot 19 and Block 1576, Lots 1, 9, and 34 to be included in the proposed LSGD area. Absent the proposed Zoning Text Amendment, these lots would not be included in the LSGD area.

Zoning Text Amendment – Special Floor Area Provisions for MIH Areas

The Applicant is proposing a Zoning Text Amendment to amend ZR Section 23-154(d)(2) in order to permit a maximum residential FAR of 12.0 for MIH sites in LSGD sites within Brooklyn CD 5. This Zoning Text Amendment would allow Building B to be constructed with up to 12.0 FAR of residential uses, thus resulting in more affordable housing units than is permitted under the proposed C6-4 district.

Large-Scale General Development (LSGD) Special Permit

A LSGD Special Permit pursuant to ZR Sections 74-743, which will be applicable to the Applicant-owned Zoning Lot, are being sought to allow the Applicant to waive or modify certain building height and setback requirements, the minimum required distances between buildings on the same zoning lot, and rear yard requirements. Absent the LSGD Special Permit, the Proposed Development under C6-4 and M1-6 zoning would be limited to a maximum streetwall height of 85 feet or six stories (whichever is less), with an initial setback distance of 20 feet along narrow streets and 15 feet along wide streets. The proposed configuration of the buildings would be affected by minimum distance requirements (60 feet) and rear yard requirements (30-60 feet). By waiving the underlying height and setback regulations, minimum distance and rear yard requirements, the proposed LSGD Special Permit would allow greater design flexibility for the purpose of better site planning and urban design. Upon approval, the Applicant would enter into a Restrictive Declaration (the "City RD"), a legally binding mechanism tied to the Zoning Lot that would govern the provisions of the LSGD. This would ensure that the Proposed Development is the RWCDS in terms of building envelope. In connection with the LSGD Special permit, the Applicant also seeks the approval of a phased demolition and construction plan for the buildings and open space.

Large Retail Special Permit

The Applicant is also proposing a large retail CPC Special Permit pursuant to ZR Section 74-922 to waive floor area limitations for certain retail establishments in the proposed M1-6 zoning district. Under the proposed CPC Special Permit, the CPC may modify the applicable floor area limitations on certain commercial stores (e.g., department stores, dry goods or fabric stores, food stores, household appliance stores, etc.) so long as the CPC finds that the application meets certain conditions regarding vehicular access locations and design, and that the application does not adversely affect neighborhood character and nearby land uses, and that it does not obstruct neighboring streets and properties' access to light and air. Absent the large retail CPC Special Permit, certain commercial retail stores within the proposed M1-6 district would be limited to 10,000 sf of floor area per establishment.

City Map Amendment

The proposed City Map Amendment would eliminate Herkimer Street between Williams Place and Fulton Street in order to join the northern and southern halves of Block 1577 and create a contiguous parcel of land (Parcel 3), while also generating additional floor area from the bed of the demapped street to be utilized by the Proposed Development (the demapped area and Applicant-owned Lots 17, 26, 32, 35, 51, and 53 will collectively comprise of a single zoning lot, referred to as "Parcel 3A"). The total area to be

demapped is an approximately 25,879 sf portion of Herkimer Street, which would be incorporated into the LSGD Special Permit site plan and generate up to approximately 289,606 zsf of non-residential floor area at Parcel 3. As stated above, it should be noted that while this action runs parallel with the other Proposed Actions described above, the City Map Amendment is a separate action that will be reviewed under a separate ULURP application.

Purpose and Need for the Proposed Actions

To facilitate the Proposed Development, the Applicant is seeking: (i) a Zoning Map Amendment to rezone the Project Area from an M1-2 district to C6-4 and M1-6 districts; (ii) a Zoning Text Amendment to (a) map an MIH Area coterminous with the boundaries of the proposed C6-4 district within Brooklyn CD 5, (b) a Zoning Text Amendment to amend ZR Section 74-742 to modify LSGD ownership requirements, and (c) amend ZR Section 23-154(d)(2) to permit a maximum residential FAR of 12.0 for MIH sites in LSGD sites within Brooklyn CD 5; (iii) a LSGD Special Permit pursuant to ZR Section 74-743 to modify certain building height, setback, and rear yard regulations; (iv) a City Map Amendment to eliminate Herkimer Street between Williams Place and Fulton Street in order to join the northern and southern halves of Block 1577 and create a contiguous parcel of land (Parcel 3), while also generating additional floor area from the bed of the demapped street;[11] and (v) a CPC Special Permit pursuant to ZR Section 74-922 to waive floor area limitations for certain retail uses within M1-6 zoning districts (collectively, the "Proposed Actions").

The Proposed Actions are intended to facilitate the development of new residential, office, retail, and community facility space at the Project Area by increasing the permitted residential, commercial, and community facility FAR on the proposed Development Site. The Proposed Actions would assist Broadway Junction, one of largest transit centers in New York City, to fulfill its potential as "a more accessible and dynamic transit hub and economic center," as described in a 2019 report by the New York City Economic Development Corporation (NYCEDC) and NYCDCP.[12] In addition to providing open space and affordable housing, the Proposed Actions would also provide economic opportunities benefitting the surrounding neighborhoods, which have faced a disproportionate negative impact due to COVID-19. The approximately 1.7 million gsf mixed-use development could accommodate a variety of tenants, including an institutional anchor like a hospital or university, retail designed to cater to the needs of the neighborhood, and offices. The City of New York is already in the process of moving City agencies to the area, including 275,000 sf of office space for the Human Resources Administration (HRA) at 2440 Fulton Street, directly west of the Project Area.

The Proposed Actions would increase density in the Project Area to create economic and employment opportunities and provide community resources in a way that is not currently feasible based on existing site constraints. The existing, aged buildings and infrastructure are in need of essential maintenance and upgrades and have limited ability to provide the type of accommodations needed and/or desired for the growing technology, advertising, media, and information (TAMI) businesses. The existing low-rise light industrial buildings limit the potential of the Project Area, much of which is currently occupied by unenclosed parking and storage facilities. In addition, the existing M1-2 district, which was mapped in 1967, further limits the Project Area from being redeveloped with new, state-of-the-art commercial spaces as the maximum permitted commercial and industrial FAR is 2.0; limited community facility uses

[11] As stated above, it should be noted that while this action runs parallel with the other Proposed Actions, the City Map Amendment is a separate action that will be reviewed under a separate ULURP application.
[12] "*Broadway Junction: A Vision for the Future*" (2019). NYCEDC & NYCDCP; https://edc.nyc/sites/default/files/2019-09/broadwayjunction.pdf

are permitted as-of-right at up to 4.8 FAR, whereas residential uses are not permitted. By providing additional residential and commercial space on-site, the Proposed Actions could reshape the Project Area's role as a new regional central business district in an appropriate, transit-rich area and provide viable development sites, creating much needed job opportunities and affordable housing. The increased density of the Proposed Development would be subject, with some design flexibility, to building envelope and open space controls in a LSGD plan and Special Permit that is responsive to the neighborhood context and improves the pedestrian and retail environment. The Proposed Development would leverage the existing assets of full-block frontage on several wide streets and excellent mass transit access to better enhance and activate the Project Area. The proposed PAA spaces would further enhance the pedestrian experience at the Project Area by providing widened sidewalks and multifaceted passive recreation space at the three corners of the block that make up Parcel 3, as well as at building recesses along the mid-block.

Zoning Map Amendment

As described above, the Applicant seeks a zoning map change to Zoning Map 17c to rezone portions of the Project Area from M1-2 to C6-4 and M1-6. Specifically, the proposed C6-4 district would include all of Block 1555, Lots 1 and 19; all of Block 1576, Lots 1, 9, 13, 32, and 34; all of Block 1577, Lots 17, 26, 32, 35, 51, 53, and 56; and portions of Block 1577, Lot 7; whereas the proposed M1-6 district would include all of Block 1577 Lots 1 and 58, and portions of Lot 7. Due to the scarcity of land and the resulting high land costs, the bulk and density of the proposed C6-4 (R10 equivalent) and M1-6 districts are necessary and appropriate to facilitate the development of the Proposed Development on under-utilized lots in one of Brooklyn's most transit-rich areas. Equivalent zoning districts are mapped at key transportation hubs and downtown clusters in Brooklyn and Manhattan. The C6-4 district would facilitate the development of retail, office, residential, community facility, and open space, while the M1-6 district would help to preserve permitted manufacturing and industrial uses at the Project Area.

The proposed Zoning Map Amendment would allow for new office and retail space in the Project Area by increasing the buildable commercial FAR. Introducing additional commercial office space at Broadway Junction would provide the space and infrastructure for future growth in reshaping the area as an emerging regional central business district in an appropriate, transit-rich area and would add more office space that caters to TAMI firms. The Proposed Actions would result in new Class A office and retail space that could accommodate a wide variety of tenants generating new employment opportunities in the Project Area. Further, the proposed commercial office and retail development would align with the goals of the Rebuild, Renew, Reinvent policy, which is a series of long- and short-term plans to make New York City's economy more equitable and accessible to its residents. Specifically, the policy calls for the need to plan and build for inclusive growth for the present and future by re-envisioning the City's jobs hubs in response to shifting trends in where New Yorkers live and work, investing equitably in neighborhood infrastructure, and increasing opportunities for low-cost housing in every neighborhood in the City.

Zoning Text Amendment

As described above, the proposed Zoning Text Amendment to modify Appendix F of the ZR to map a MIH Area coterminous with the boundaries of the proposed C6-4 district would increase the affordable housing capacity for the neighborhood. The Applicant is interested in pursuing either Option 1 or Option 2 of the City's MIH program. Pursuant to Option 1 of the MIH program, up to 25 percent of the residential floor area would be required to be set aside for permanently affordable housing at or below 60 percent AMI; pursuant to Option 2, up to 30 percent of the residential floor area would be required to be set aside for permanently affordable housing at or below 80 percent AMI. Currently, Option 1 and/or 2 are proposed for the residential uses at Buildings B and C; additionally, the Applicant intends to work with HPD to explore financing opportunities to allow the balance of the units at Buildings B and C to be 100

percent affordable. The Proposed Actions would create new affordable housing units that would be consistent with the goals set forth by Mayor Eric L. Adams' *Housing Our Neighbors: A Blueprint for Housing and Homelessness*, which aims to create and preserve affordable housing. The Proposed Development would be consistent with the current *Housing Our Neighbors: A Blueprint for Housing and Homelessness* policy by adding a minimum of approximately 149 permanently affordable DUs (pursuant to Option 1 of the MIH program) and as much as 179 permanently affordable DUs (pursuant to Option 2 of the MIH program), as well as an additional 417 affordable units pursuant to a to-be-determined (in coordination with HPD) City/State/Federal affordable housing program in a community where affordable housing demand is high.

The Applicant is also seeking a Zoning Text Amendment to amend ZR Section 74-742 to modify ownership requirements for LSGD areas. Specifically, under the proposed Zoning Text Amendment, sites partially under State or City ownership and occupied by an elevated rail line within Brooklyn CD 5 and located within a C6-4 zoning district and mapped as a MIH Area shall be considered a street or part of a street for the contiguity purposes for establishing a LSGD area. The proposed Zoning Text Amendment, which would be codified under ZR Section 74-742(g), would allow Blocks 1555 (Lots 1 and 19) and 1576 (Lots 1, 9, 13, 32, and 34) to be included in the LSGD area, thus allowing the transfer of unused development rights from Block 1555, Lot 19 and Block 1576, Lot 34 to Building B in order to maximize the amount of affordable housing units provided on Parcel 2. Absent the proposed Zoning Text Amendment, Blocks 1555 and 1576 would not be included in the LSGD area and no development rights would be transferred to Building B, resulting in the creation of fewer affordable housing units on Parcel 2.

The Applicant also seeks a Zoning Text Amendment to amend ZR Section 23-154(d)(2) in order to permit a maximum residential FAR of 12.0 for MIH sites in LSGD sites within Brooklyn CD 5. This text amendment would allow Building B to be constructed with up to 12.0 FAR of residential uses, thus resulting in more affordable housing units than is permitted under the proposed C6-4 district. Absent the proposed Zoning Text Amendment, Building B would be developed with up to 129 fewer affordable housing units compared to the Proposed Development.

LSGD Special Permit

As described above, a LSGD Special Permit pursuant to ZR Section 74-743, which will be applicable to the Applicant-owned and Owner-Authorized Zoning Lots, are being sought to allow the Applicant to waive or modify certain building height and setback requirements. Absent the LSGD Special Permit, the Proposed Development under C6-4 and M1-6 zoning would be limited to a maximum streetwall height of 85 feet or six stories (whichever is less), with an initial setback distance of 20 feet along narrow streets and 15 feet along wide streets. By waiving the underlying height and setback regulations, the proposed LSGD Special Permit would allow greater design flexibility for the purpose of better site planning and urban design. Uses in an LSGD must adhere to the underlying zoning district. The waivers granted under the LSGD Special Permit would result in a better site plan and relationships among buildings and open areas to adjacent streets, surrounding development, and adjacent open areas that would not be possible without such modification. Additionally, the proposed LSGD Special Permit is needed in order to redistribute floor area across Buildings B, C, D, and E, thereby creating a site plan and building layout and design that would better serve the public realm compared to what would be allowed as-of-right under the proposed zoning districts.

Large Retail Special Permit

The proposed large retail CPC Special Permit to waive floor area limitations for certain retail establishments in the proposed M1-6 zoning district would provide the necessary flexibility for the

Proposed Development (specifically at Building E) to maximize its retail potential while also preserving the M1-6 district's as-of-right manufacturing/industrial uses needed to facilitate the proposed replacement storage, maintenance, and repair facilities for the MTA.

City Map Amendment

It should be noted that while this action runs parallel with the other Proposed Actions described above, the City Map Amendment is a separate action that will be reviewed under a separate ULURP application. As described above, the proposed City Map Amendment would eliminate Herkimer Street between Williams Place and Fulton Street in order to join the northern and southern halves of Block 1577 and create a contiguous parcel of land (Parcel 3), while also generating additional floor area from the bed of the demapped street to be utilized by the Proposed Development. The total area to be demapped is an approximately 25,879 sf portion of Herkimer Street, which would be incorporated into the LSGD Special Permit site plan and generate up to approximately 289,606 zsf of floor area at Parcel 3.[13] The proposed demapping would also eliminate a confusing intersection where Herkimer and Fulton streets meet and intersect with East New York Avenue, and would effectively reduce the width of the north crosswalk at the intersection of East New York Avenue and Herkimer Street/Fulton Street, thus creating a safer experience for pedestrians and vehicles. Absent the City Map Amendment, the proposed site plan and massing orientation of the Proposed Development would not be possible, and the street network at the Project Area would remain unchanged.

Description of the Proposed Development

In the future with the Proposed Actions, the Applicant proposes to demolish the existing buildings at the Development Site (with exception to the existing three-story office building on Block 1576, Lot 34) to facilitate the development of four new buildings containing a combined total of approximately 1,667,836 gsf, including approximately 748,386 gsf of commercial office space, 247,848 gsf of commercial retail space, 540,114 gsf of residential space (596 DUs), 18,985 gsf of community facility (house of worship) space, and 10,403 gsf of light industrial (Use Group 11) space, as well as approximately 250 accessory parking spaces (approximately 102,100 sf) and 24,536 sf of PAA space (the "Proposed Development").[14] Pursuant to the City's MIH program, up to 25-30 percent or 149-179 units would be designated as permanently affordable at an average of 60-80 percent AMI depending on the selected Option (the Applicant intends to pursue Option 1). In addition to the 149-179 permanently affordable units pursuant to MIH, the Applicant intends to work with HPD in exploring financing opportunities to allow the balance of the proposed DUs to be designated as 100 percent affordable units.

On Parcel 1, the Applicant intends to improve the site with open space. The proposed, approximately 4,750 sf public open space would act as a gateway into the Development Site from adjacent Callahan-Kelly Playground/Park and provide passive recreation space and amenities. Unused development rights from

[13] As a result of the demapping action, the additional lot area apportioned to Building C would be 15,410 sf of additional lot area, and the additional lot area apportioned to Building D would be 10,469 sf. As the maximum permitted residential FAR at Building C would be 12 and as the maximum permitted non-residential FAR at Building D would be 10, the zoning lot would be permitted an additional 289,606 sf of floor area generated by the demapping action.

[14] Please note that the 250 accessory parking spaces are not required by zoning under the proposed C6-4 and M1-6 districts.

Block 1555, Lot 19 (up to approximately 58,650 zsf) will be transferred to Parcel 2/Building B pursuant to the proposed LSGD.

On Parcel 2, the Applicant intends to demolish the existing buildings on Lots 1 and 9 and redevelop the site with a residential development ("Building B"), which would also include new community facility space intended to expand upon the existing house of worship (Calvary Church) currently located on Lot 9. As shown in **Figures 7**, **8**, and **9**, Building B would rise to approximately 29-stories (335'-0") and contain approximately 427,980 gsf, including approximately 327,693 gsf of residential (affordable housing) space (384 DUs, of which, up to 96-116 units would be designated as permanently affordable pursuant to MIH),[15] 5,708 gsf of retail space, 14,932 gsf of commercial office space, 18,985 gsf of community facility (house of worship) space, and 10,403 gsf of light industrial (Use Group 11) space. Building B would also include approximately 36 accessory parking spaces to be located in the two sub-cellars of the building, and approximately 4,716 sf of private passive outdoor recreational space that would feature residential amenities reserved for the residents of Building B. The existing three-story commercial office building on Lot 34 would remain as under existing conditions; however, unused development rights from Block 1576, Lot 34 (up to approximately 21,398 zsf) will be transferred to Building B pursuant to the proposed LSGD.

On Parcel 3, the Applicant intends to develop a mixed-use residential tower above a three-story retail podium ("Building C") and two individual office towers, each above a three-story retail podium ("Building D" and "Building E"), as well as large areas of landscaped and programmed open space. As shown in **Figures 7**, **8**, and **9**, Building C would be the northernmost tower along Fulton Street rising to a height of approximately 24 stories (330'-0") and contain approximately 302,619 gsf, including approximately 212,421 gsf of residential space (212 DUs, of which all 212 units would be designated as affordable),[16] and 64,506 gsf of retail space, as well as approximately 10,613 sf of private passive outdoor recreational spaces that would serve the building's residential and commercial uses.[17] As shown in **Figures 7**, **8**, and **9**, Building D will be the easternmost tower at the corner of Fulton Street and East New York Avenue rising to a height of approximately 24 stories (445'-0") and contain approximately 545,152 gsf, including approximately 330,292 gsf of commercial office space above an 88,655 gsf retail podium, as well as approximately 7,440 sf of private passive outdoor recreational spaces that would serve the building's commercial uses. As shown in **Figures 7**, **8**, and **9**, Building E will be the southernmost tower at the corner of East New York Avenue and Williams Place rising to a height of 21 stories (400'-0") and will contain approximately 605,815 gsf, including approximately 394,162 gsf of commercial office space above a 93,979 gsf retail podium, as well as approximately 14,656 sf of private passive outdoor recreational spaces that would serve the building's commercial uses. The three buildings at Parcel 3 would also share an interconnected sub-cellar that would contain up to 250 accessory parking spaces and the required eight loading berths for the three buildings. In total, the Proposed Development would contain approximately 1,667,836 gsf, including

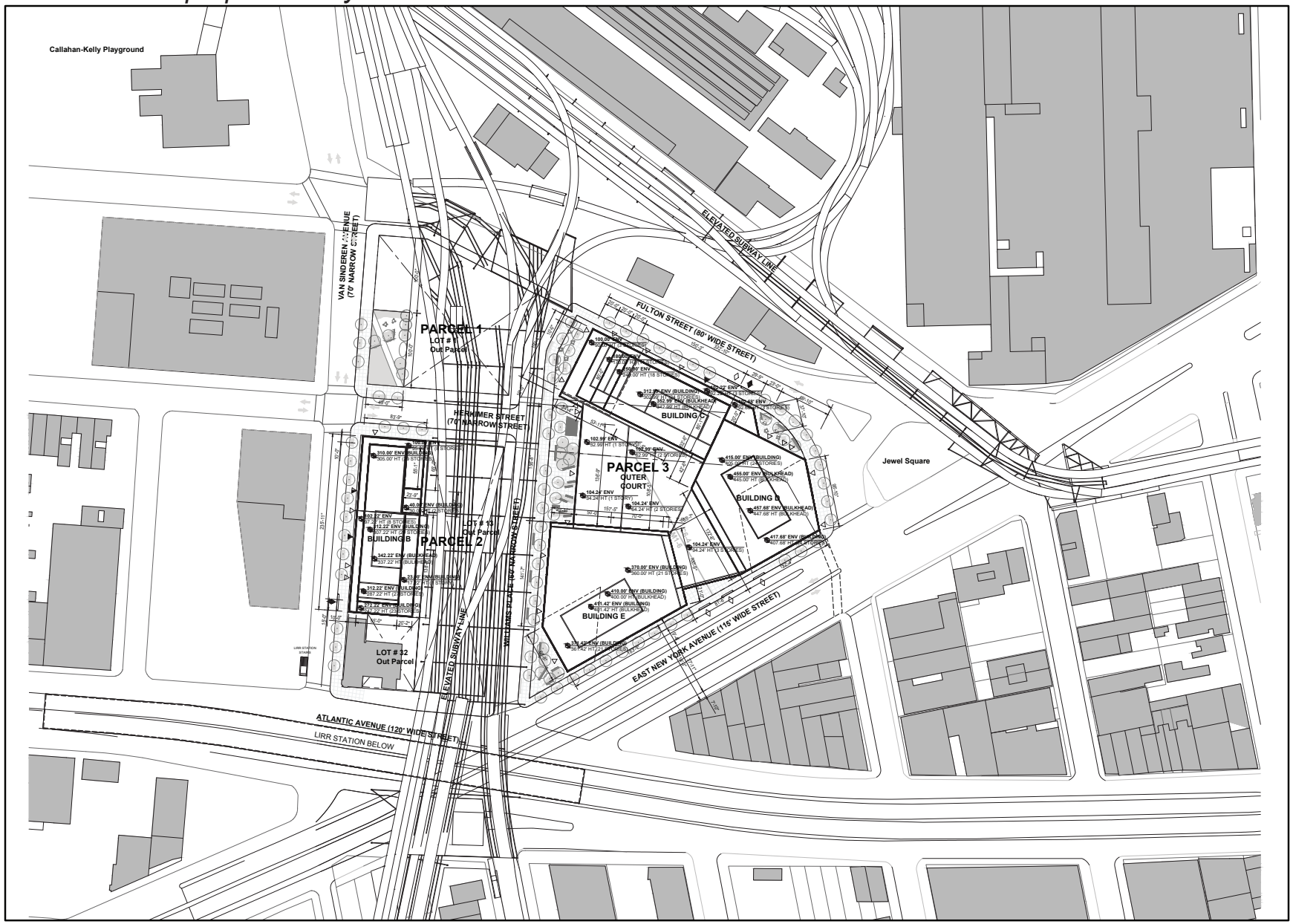
[15] It should be noted that of the 384 units proposed at Building B, up to 96-116 units would be designated as permanently affordable pursuant to MIH, depending on the selected Option (the Applicant intends to pursue Option 1); and the Applicant intends to work with HPD in exploring financing opportunities to allow the balance of the proposed DUs to be designated as 100 percent affordable.

[16] It should be noted that of the 212 units proposed at Building C, up to 53-64 units would be designated as permanently affordable pursuant to MIH, depending on the selected Option (the Applicant intends to pursue Option 1); and the Applicant intends to work with HPD in exploring financing opportunities to allow the balance of the proposed DUs to be designated as 100 percent affordable.

[17] While the Applicant intends to develop 212 DUs at Building C, for conservative analysis purposes it is assumed that the Applicant could develop up to 250 DUs, which conservatively assumes an average DU size of 850 sf. As such, under the RWCDS, at Building C up to 63-75 units would be designated as permanently affordable pursuant to MIH, depending on the selected Option (the Applicant intends to pursue Option 1).

Proposed Development

For illustrative purposes only

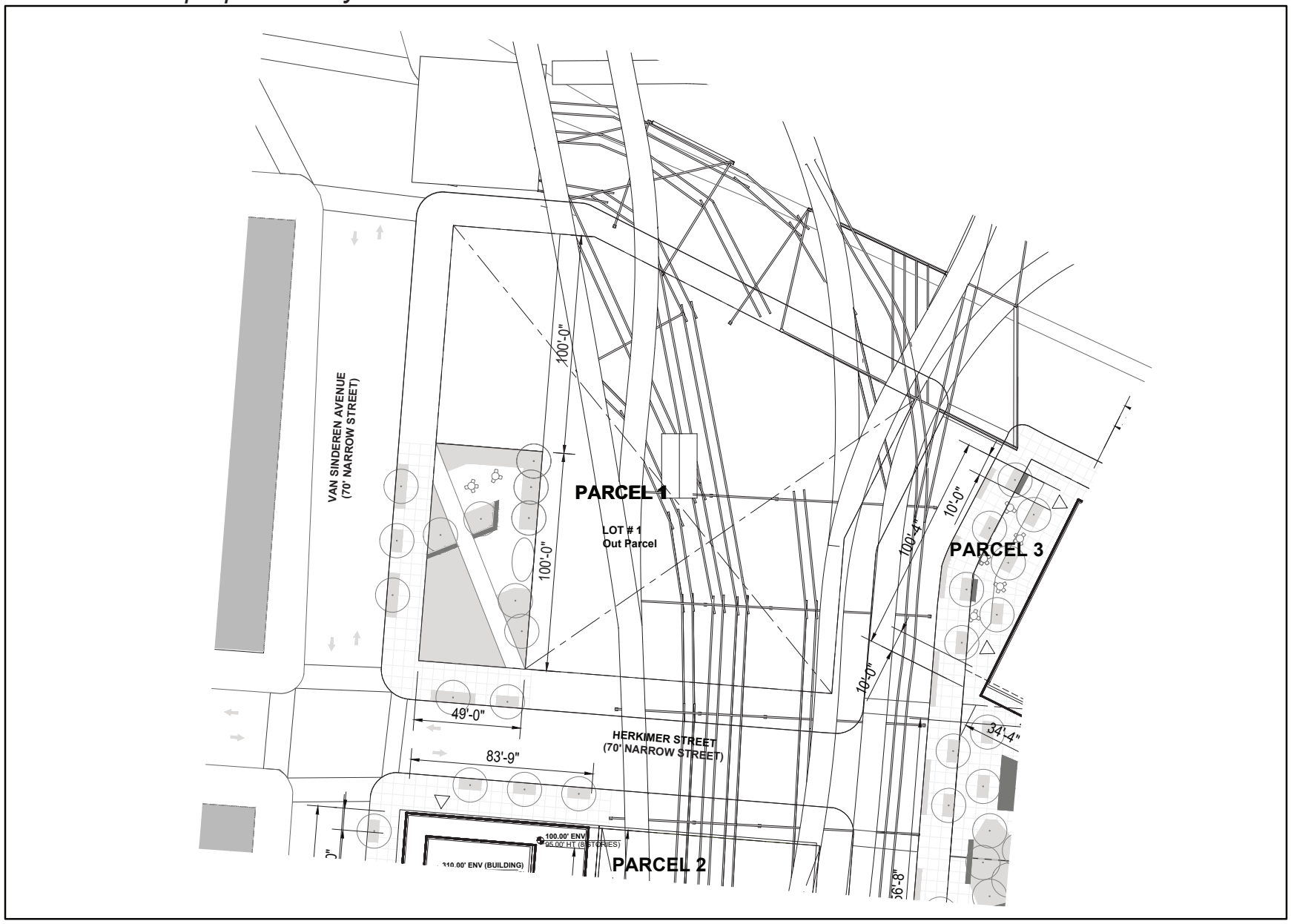


Herkimer-Williams

Figure 7a
Site Plan - Development Site

Proposed Development

For illustrative purposes only

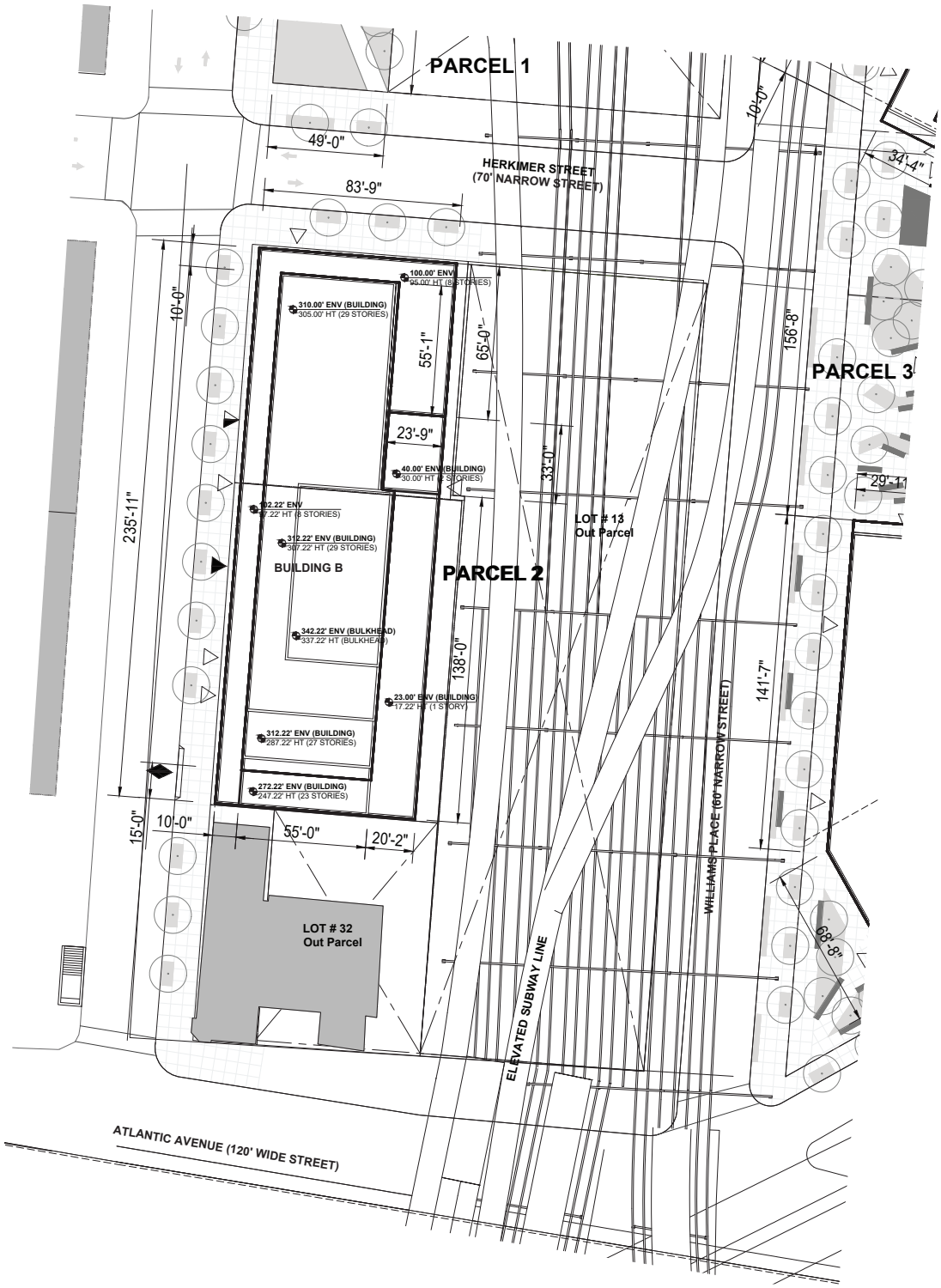


Herkimer-Williams

Figure 7b
Site Plan - Parcel 1

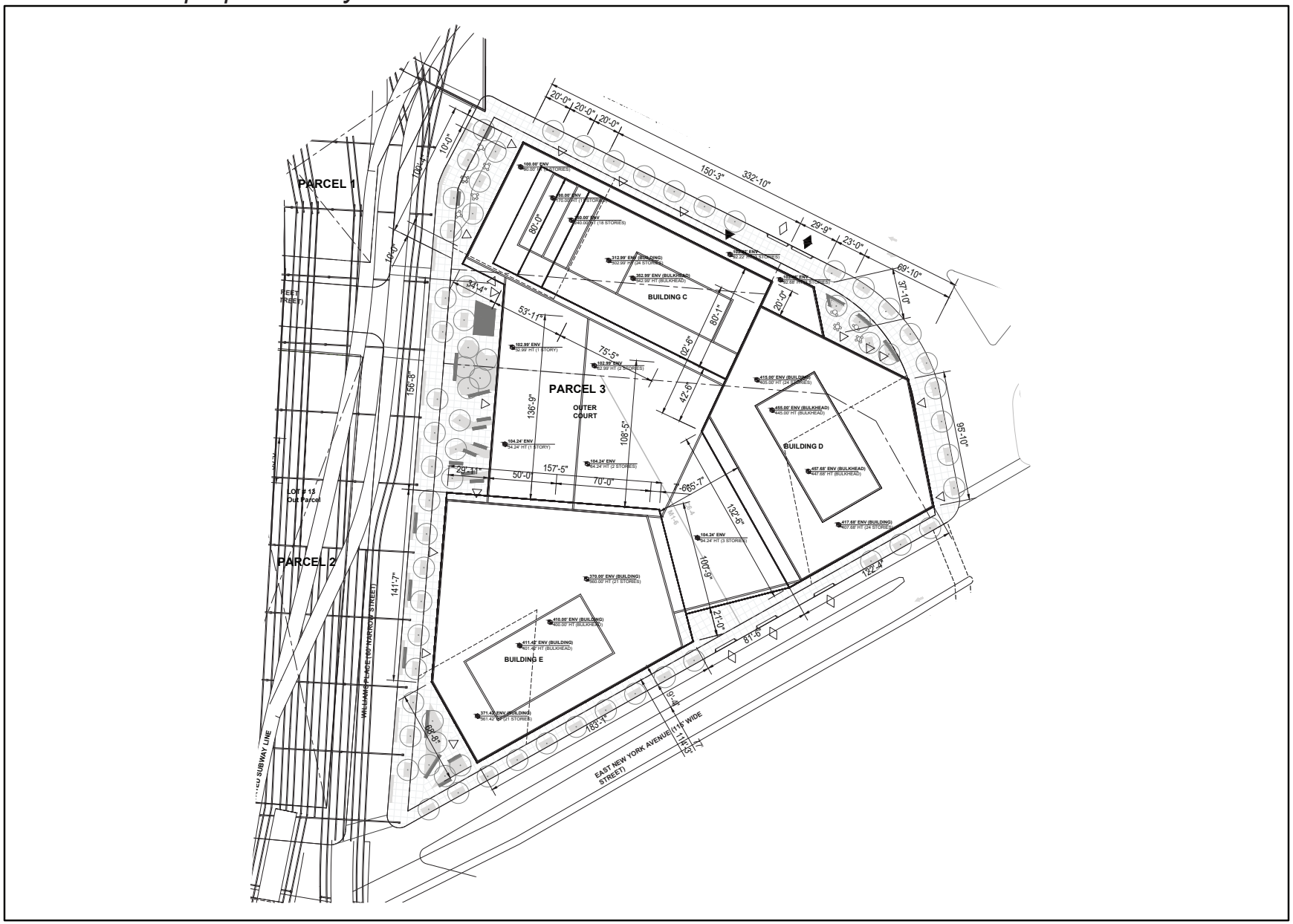
Proposed Development

For illustrative purposes only



Proposed Development

For illustrative purposes only

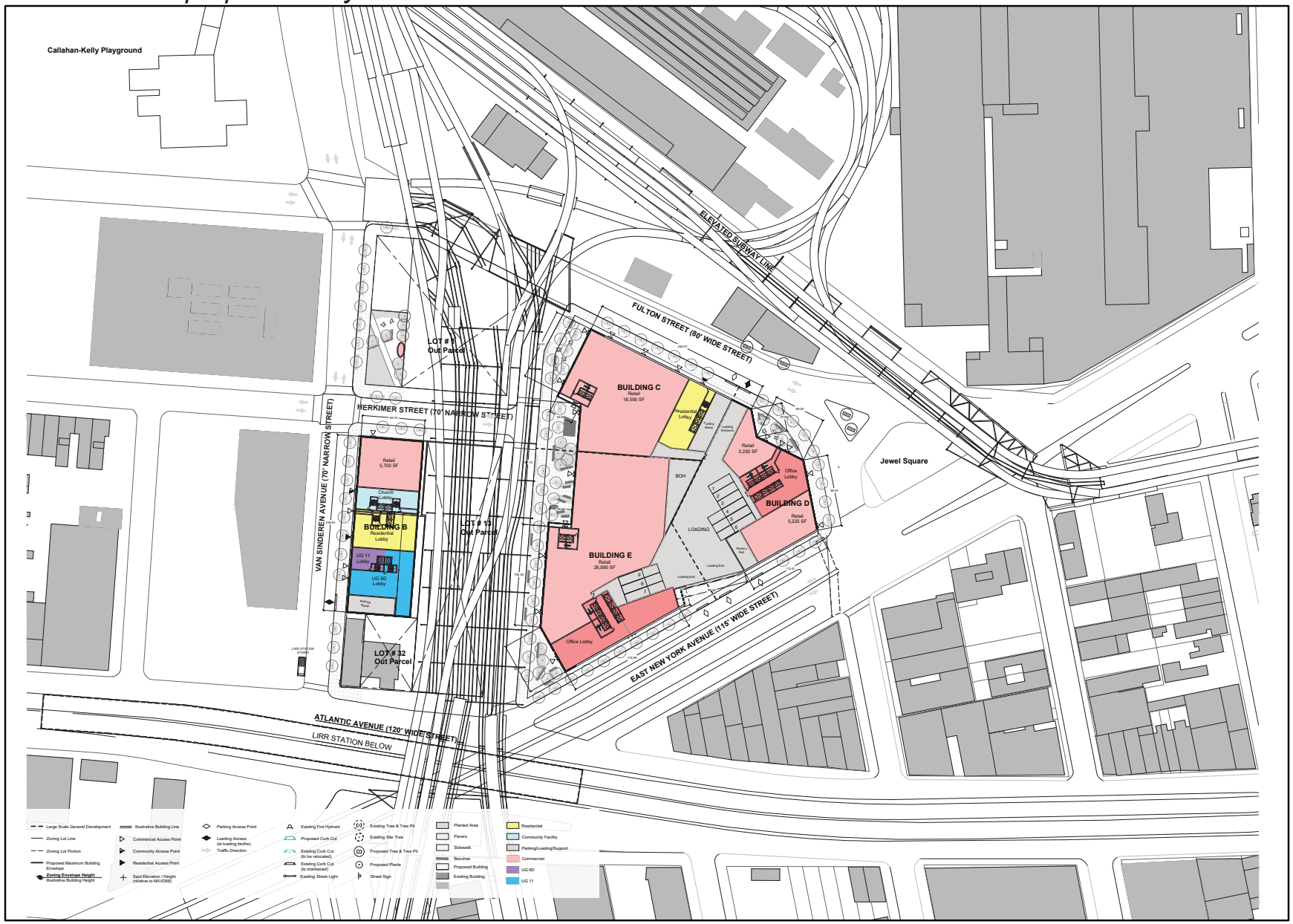


Herkimer-Williams

Figure 7d
Site Plan - Parcel 3

Proposed Development

For illustrative purposes only



Herkimer-Williams

Figure 8a
Ground Floor Plan - Development Site

Proposed Development

For illustrative purposes only

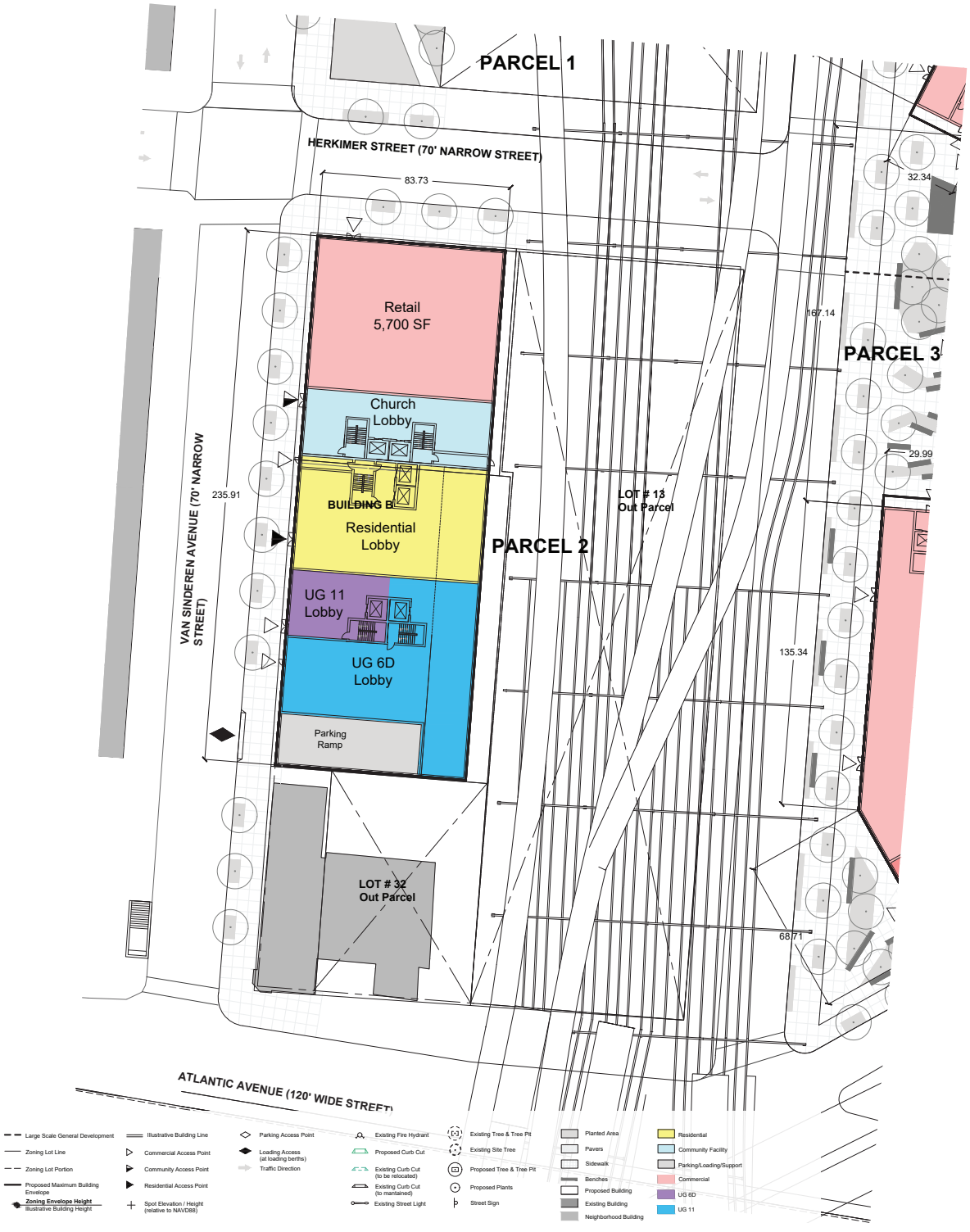


Herkimer-Williams

Figure 8b
Ground Floor Plan - Parcel 1

Proposed Development

For illustrative purposes only



Proposed Development

For illustrative purposes only

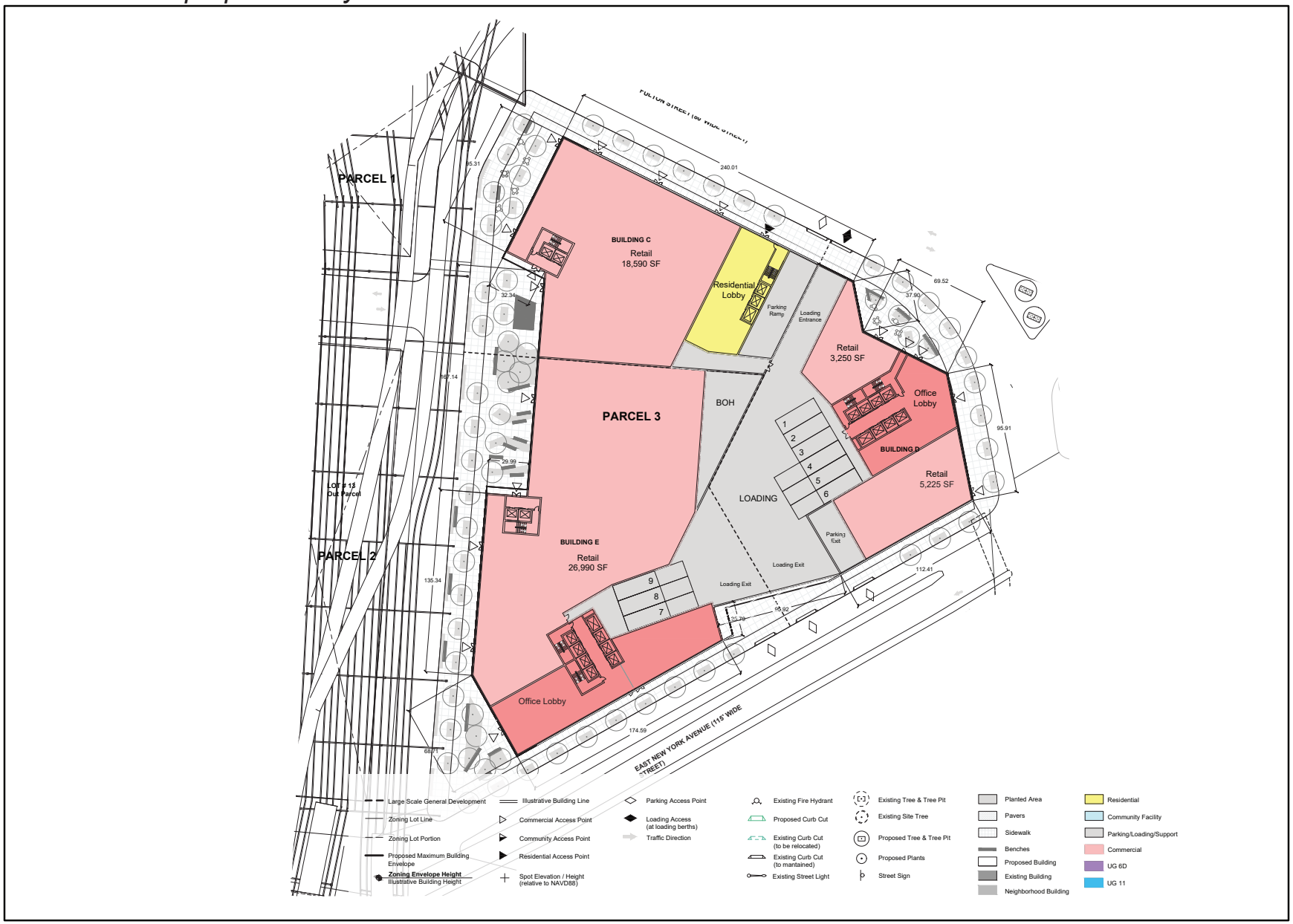
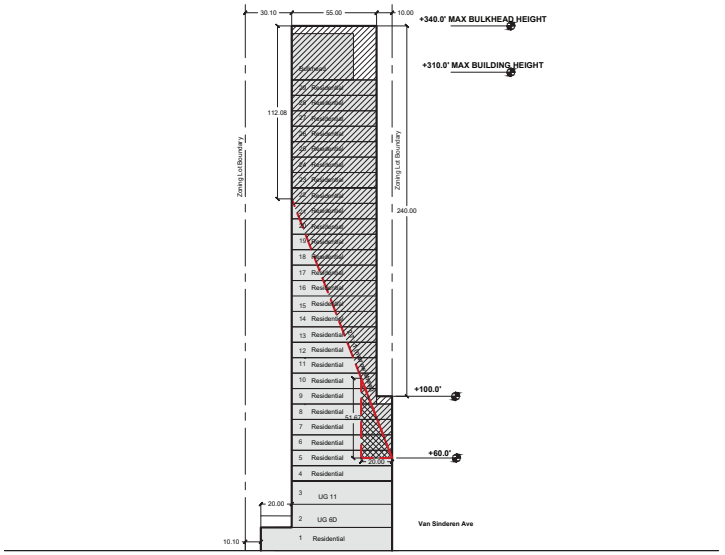


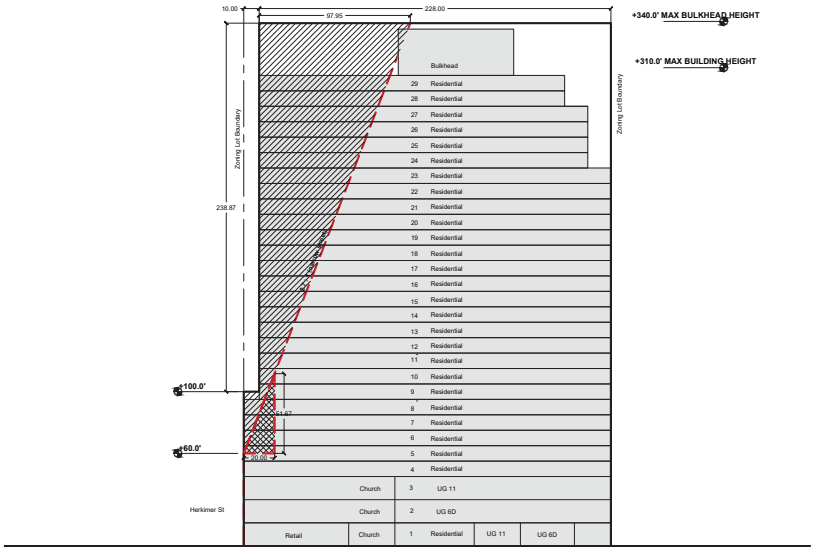
Figure 8d
Ground Floor Plan - Parcel 3

Proposed Development

For illustrative purposes only



A Z-033 **ZONING SECTION - VAN SINDEREN AVENUE**
SCALE: 1" = 40'-0"



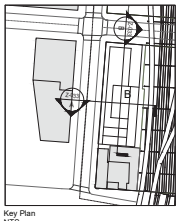
B Z-033 **ZONING SECTION - HERKIMER STREET**
SCALE: 1" = 40'-0"

Legend

- LSGD Boundary
- Zoning Envelope
- Illustrative Building
- Street Wall Waiver
- Height and Setback Waiver
- Distance Waiver

Notes

1. Elevations referenced to North American Vertical Datum of 1988 (NVD88) which is 1,095 feet above National Geodetic Survey Datum at Sandy Hook, New Jersey.
2. Building shown within zoning envelopes are for illustrative purposes only and are subject to change.
3. Location of bulkheads illustrative and subject to change.
4. Graphic scale applicable to all non-dimensioned elements.
5. Existing building elevation shown including parapet height.



Key Plan
NTS

Scale
0 15' 30' 90'

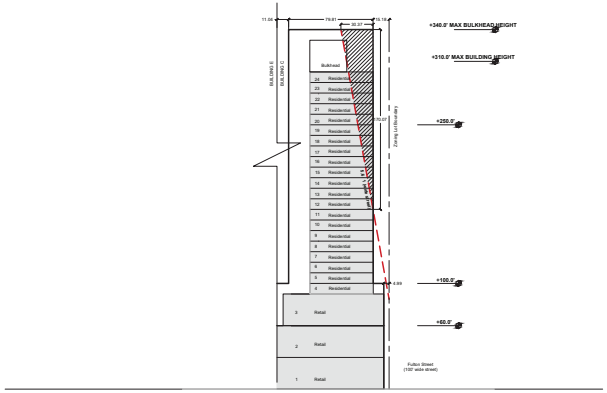
N

Proposed Development

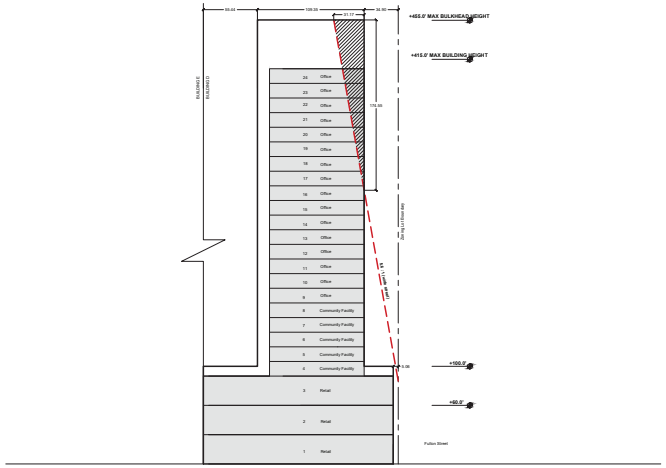
For illustrative purposes only



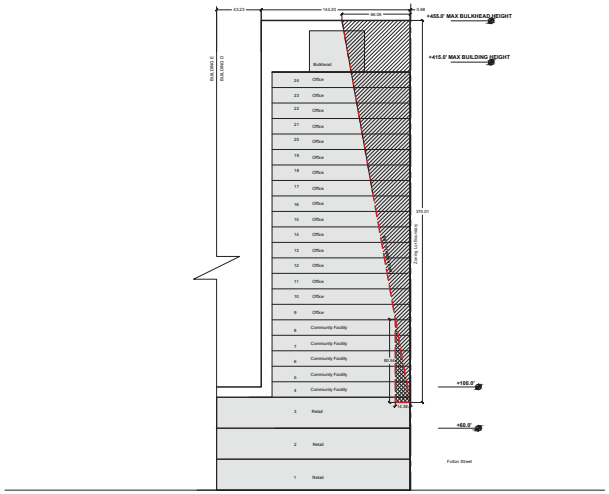
1 Z-043 **ZONING SECTION - WILLIAMS PL, BUILDING C**
SCALE: 1" = 40'-0"



2 Z-043 **ZONING SECTION - FULTON ST, BUILDING C**
SCALE: 1" = 40'-0"



3 Z-043 **ZONING SECTION - FULTON ST, BUILDING D**
SCALE: 1" = 40'-0"



4 Z-043 **ZONING SECTION - FULTON ST, BUILDING D**
SCALE: 1" = 40'-0"

Legend

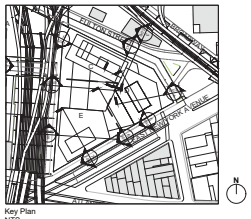
- LSGD Boundary
- Zoning Envelope
- Illustrative Building
- Street Wall Waiver
- Height and Setback Waiver

Notes

1. Elevations referenced to North American Vertical Datum of 1988 (NVD88) which is 1,095 feet above National Geodetic Survey Datum at Sandy Hook, New Jersey.
2. Building shown within zoning envelopes are for illustrative purposes only and are subject to change.
3. Location of bulkheads illustrative and subject to change.
4. Graphic scale applicable to all non-dimensioned elements.
5. Existing building elevation shown including parapet height.

Scale

0 15' 30' 90'



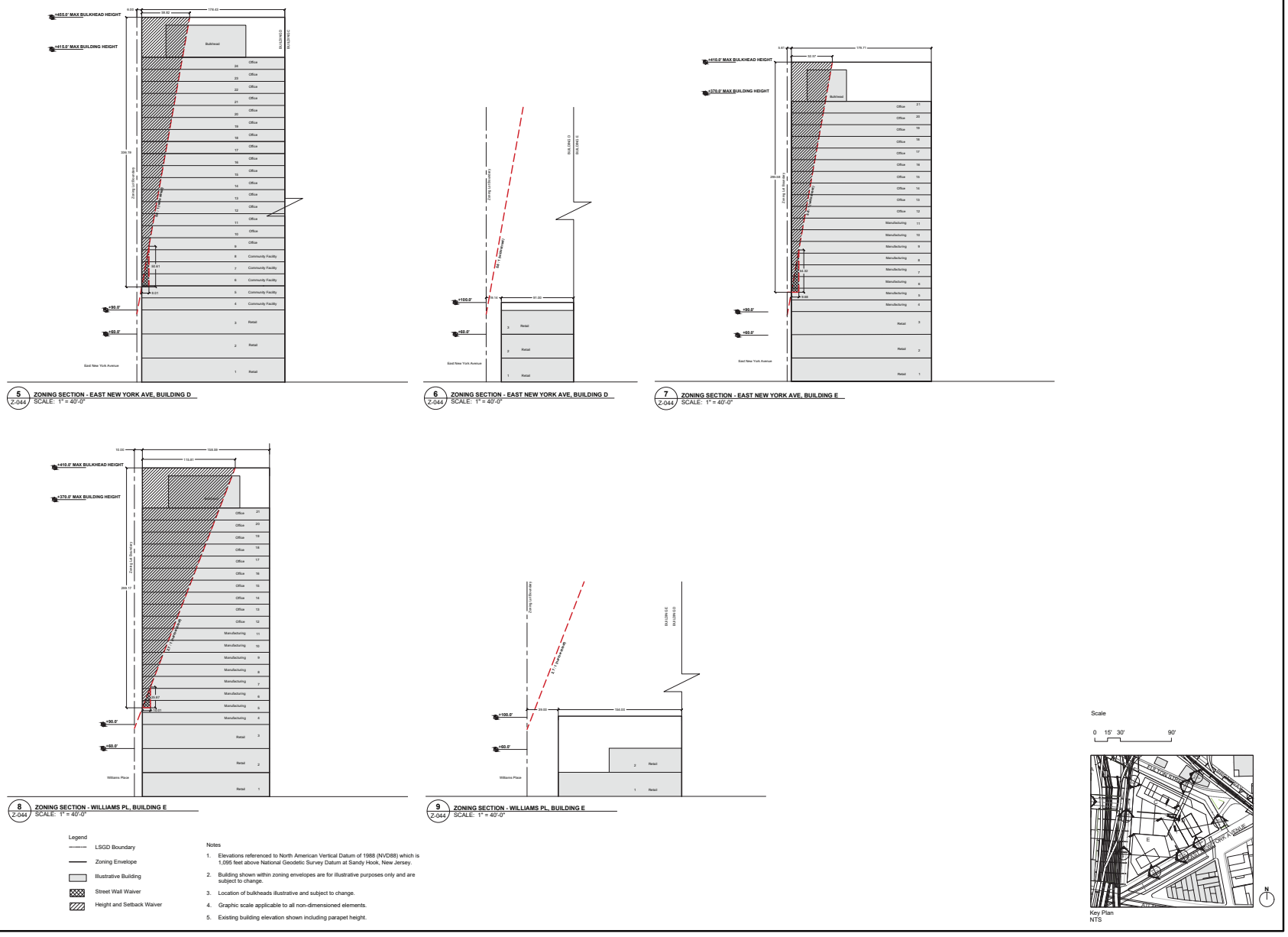
Key Plan
NTS

Herkimer-Williams

Figure 9b
Building Sections - Parcel 3, Buildings C & D

Proposed Development

For illustrative purposes only



Herkimer-Williams

Figure 9c
Building Sections - Parcel 3, Buildings D & E

approximately 540,114 gsf of residential space (596 DUs, of which 149-179 units would be designated as permanently affordable pursuant to MIH), 748,386 gsf of commercial office space, 247,848 gsf of commercial retail space, 18,985 gsf of community facility (house of worship) space, and 10,403 gsf of light industrial (Use Group 11) space.

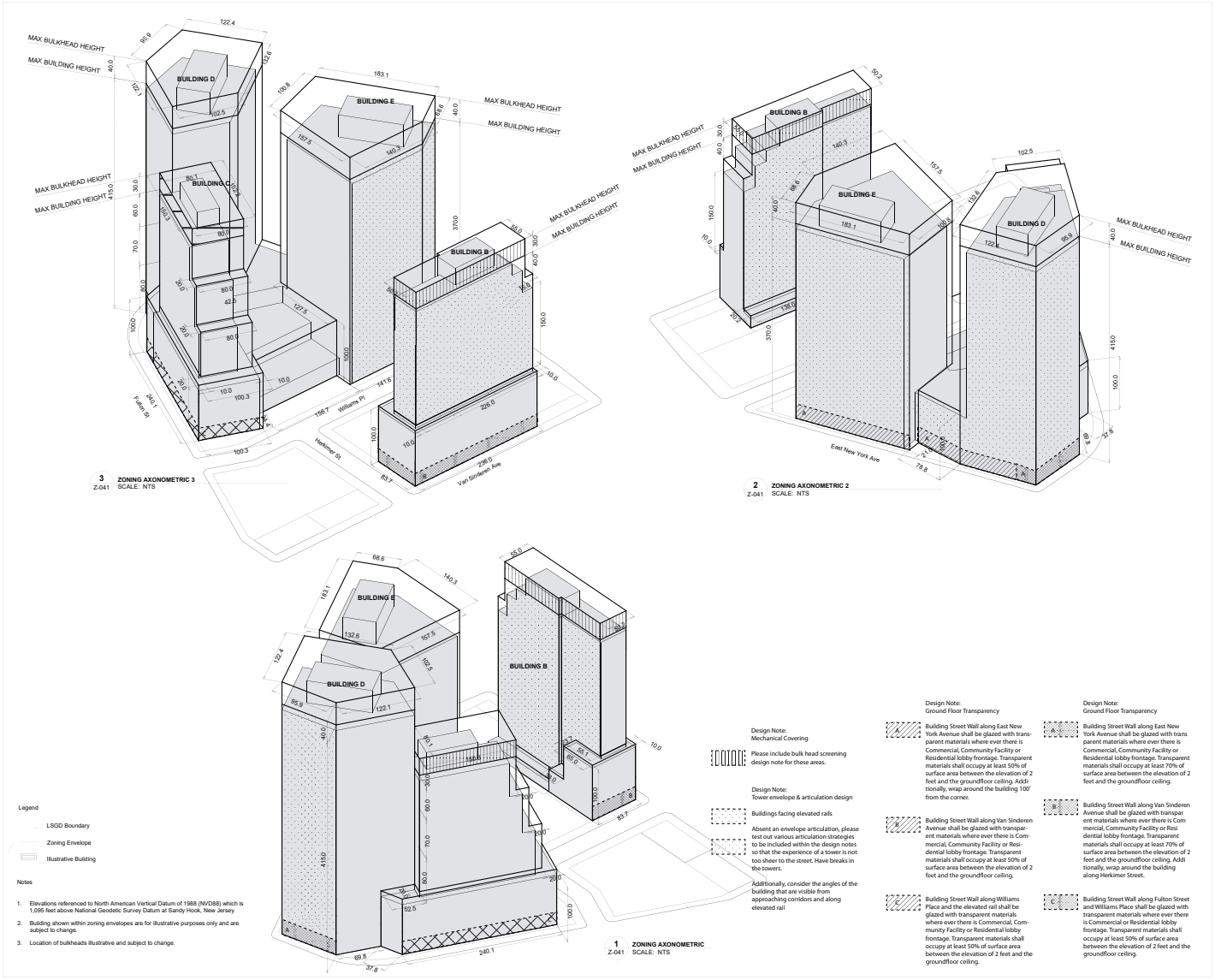
The Proposed Development would also include a mixture of publicly accessible open space areas, semi-private publicly accessible outdoor open space areas, and private outdoor open space areas. The Proposed Development would introduce approximately 4,750 sf of PAA space on Parcel 1 and approximately 19,786 sf of PAA space on Parcel 3. The proposed PAA spaces on Parcels 1 and 3 would largely consist of passive outdoor recreational spaces and would all be located at-grade. At Parcel 3, the proposed PAA space would include small at-grade passive outdoor open space areas at the northwest (Fulton Street and Williams Place), southwest (East New York Avenue and Williams Place), and eastern (Herkimer Street and Fulton Street) corners of the block, as well as at building recesses at the mid-block along Parcel 3's East New York Avenue, Williams Place, and Fulton Street frontages. In total, the Proposed Development would provide approximately 24,536 sf of PAA space (approximately 16.8 percent of the Development Site's total lot area). In addition, Parcel 3 will provide up to 15,892 sf of additional semi-private publicly accessible outdoor open space that would largely serve Building C and E's retail users as these semi-private outdoor open spaces would be located on Building C and E's second-story terraces adjacent to the proposed retail spaces at these buildings. Parcel 3 would also contain approximately 10,718 sf of private open space to be utilized by office workers at Buildings D and E. These private office amenity spaces will be located along Building D (7,440 gsf) and E's (3,278 gsf) third- and fourth-story terraces and would only be accessed by the adjacent office uses at these buildings. Additionally, Buildings B and C will contain approximately 10,815 gsf of private residential amenity outdoor open space. Specifically, Building B will include approximately 4,716 gsf of private residential amenity outdoor open space on the building's fourth floor rear terrace, and Building C will include approximately 6,099 gsf of private residential amenity outdoor open space on the building's fourth floor terrace fronting Williams Place and Fulton Street.

For the proposed residential uses on Parcel 2/Building B and Parcel 3/Building C, it should be noted that the Applicant is interested in pursuing Option 1 or Option 2 of the City's MIH program. Pursuant to Option 1 of the MIH program, 25 percent of the buildings' residential floor area would be permanently affordable at or below at an average of 60 percent AMI, which would result in up to 96 permanently affordable units at Building B and 53 permanently affordable units at Building C, for a total of up to 149 permanently affordable units. Pursuant to Option 2, 30 percent of the buildings' residential floor area would be permanently affordable at or below an average of 80 percent AMI, which would result in up to 115 permanently affordable units at Building B and 64 permanently affordable units at Building C, for a total of up to 179 permanently affordable units. In addition, the Applicant intends to work with HPD to explore financing opportunities to allow the balance of the units at Buildings B and C to be designated as 100 percent affordable as well.

Figure 10 provides an illustrative rendering of the design of the Proposed Development and depicts the maximum bulk envelope permitted by the LSGD Special Permit. The maximum permitted development envelope is slightly larger than the space that would be occupied by the Proposed Development in order to allow for limited design flexibility. As the maximum development envelope is slightly larger than the Proposed Development, the potential effects associated with the maximum development envelope are considered in the EIS.

Proposed Project and Maximum Development Envelope

For illustrative purposes only



Herkimer-Williams

Figure 10
Maximum Development Envelope

D. ANALYSIS FRAMEWORK FOR ENVIRONMENTAL REVIEW

The Proposed Actions would change the regulatory controls governing land use and development at the Project Area. The 2021 *CEQR Technical Manual* will serve as the general guide on the methodologies and impact criteria for evaluating the Proposed Actions' potential effects on the various technical areas of analysis.

Analysis Year

It is anticipated that the Proposed Actions would be certified in ULURP in 2025. Assuming the completion of the CEQR and ULURP processes in 2026, and a period of approximately 10 years for construction over four phases of construction,[18] completion and occupancy of the Proposed Development is expected to occur by 2036. While the phasing plan is still in development, it is anticipated that Phase 1 would include construction of Building B (totaling 384 DUs, 5,708 gsf of retail space, 18,985 gsf of community facility space, 10,403 gsf of light industrial [Use Group 11] space, 14,932 gsf of commercial office space, 4,750 sf of PAA space, and 36 accessory parking spaces), starting in 2026 and ending in 2028. Phase 2 would include the construction of Building C (212 DUs, 64,506 gsf of retail space, 6,558 sf of PAA space, 61 accessory parking spaces, and two loading berths), starting in 2029 and ending in 2031. Phase 3 would include the construction of Building D (330,292 gsf of office space, 88,655 gsf of retail space, 3,346 sf of PAA space, 61 accessory parking spaces, and three loading berths), starting in 2031 and ending in 2033. And Phase 4 would include the construction of Building E (394,162 gsf of office space, 93,979 gsf of retail space, 9,882 sf of PAA space, 92 accessory parking spaces, and three loading berths), starting in 2033 and ending in 2036. Refer to **Figure 11** for an overview of the preliminary phasing plan for the Proposed Development.

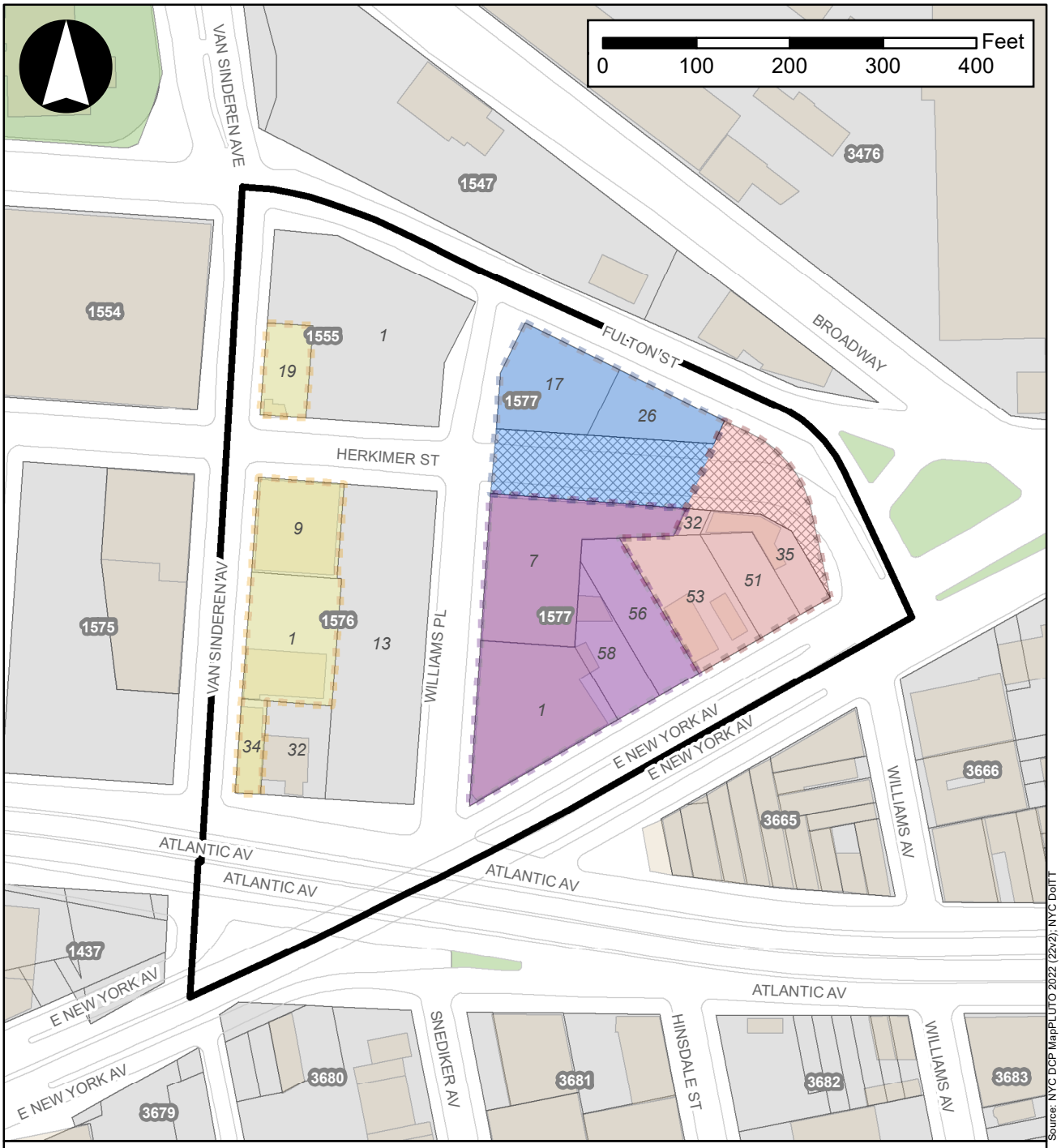
This Build Year reflects a reasonable estimate of the time needed for the Applicant to demolish the existing structures at the Development Site and construct the Proposed Development over four phases. Accordingly, this environmental review will use 2036 as the Build Year for analysis of future conditions consistent with 2021 *CEQR Technical Manual* guidance.

Reasonable Worst Case Development Scenario (RWCDS)

In order to assess the possible effects of the Proposed Actions, a RWCDS was established for both the future without the Proposed Actions (the "No-Action condition") and the future with the Proposed Actions (the "With-Action condition") for an analysis year, or Build Year, of 2036. The incremental difference between the No-Action and With-Action conditions will serve as the basis of the impact category analyses. The Proposed Development described herein would have a built FAR of approximately 10.84 and would therefore maximize the allowable commercial FAR for the Development Site under the proposed C6-4 and M1-6 zoning. However, as the Proposed Actions would increase the maximum permitted residential FAR to 12.0 for the portions of the Development Site within the C6-4 (MIH) district, a second RWCDS, the Alternate Residential Scenario, will also be assessed, as discussed in further detail below.

[18] The Proposed Development will be constructed in four phases, with each phase providing the amount of parking and open space required for the associated new development. The phasing plan is currently in development and will be structured so as to avoid or minimize the loss of open space, amenities and/or parking during construction.

Development Site - Phased Construction Plan



Legend

Phased Construction of Proposed Development

- Project Area
- Proposed Streets to be Demapped
- 1555 Blocks
- 1 Lots
- Phase 1
- Phase 2
- Phase 3
- Phase 4

The Future without the Proposed Actions (No-Action Condition)

In the 2036 future absent the Proposed Actions (the No-Action condition), the Project Area would remain as under existing conditions. As such, within the Development Site, on Block 1555, Lot 19 would remain unimproved and vacant (0.0 FAR); on Block 1576, Lot 1 would continue to be occupied by a two-story manufacturing building containing approximately 8,800 gsf of light industrial uses (0.61 FAR), Lot 9 would continue to be occupied by a two-story building containing approximately 12,904 gsf of community facility (House of worship) uses (1.33 FAR) and Lot 34 would continue to be occupied by a three-story commercial building containing approximately 9,000 gsf of office uses (3.32 FAR); and on Block 1577, Lot 1 would continue to be occupied by a one-story maintenance facility containing approximately 17,224 gsf of light industrial uses (0.91 FAR), Lot 7 would continue to be occupied by a one-story (plus mezzanine) maintenance facility containing approximately 20,768 gsf of light industrial uses (1.00 FAR), Lots 17 and 26 would continue to be unimproved and used for parking and dead storage of vehicles (0.0 FAR each), Lots 32 and 51 would continue to be unimproved and vacant (0.0 FAR each), Lot 35 would continue to occupied by a one-story auto repair shop containing approximately 2,640 gsf of light industrial uses (0.49 FAR), Lot 53 would continue to be occupied by a one-story building containing approximately 990 gsf of light industrial uses (0.08 FAR), and Lots 56 and 58 would continue to be occupied by unenclosed surface parking lots that provides access to the adjacent Lots 1 and 7 (0.0 FAR each). Lots 1, 7, 56, and 58 would likely continue to be leased by the MTA utilized as warehouse, parking, shop, and offices for NYCT's AFC and EMD. In addition, the approximately 370-foot portion of Herkimer Street between Williams Place and Fulton Street would remain and continue to function as a one-way street carrying eastbound traffic with on-street parking on both sides of the street. As such, Block 1577 would continue to be bifurcated by Herkimer Street. Under the No-Action condition, no changes are expected for any of the Out Parcels (i.e., Block 1555, Lot 1; and Block 1576, Lots 13 and 32). Summaries of the No-Action condition uses within the Project Area are provided in **Tables 2** and **3**, below.

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

In the 2036 future with the Proposed Actions (the "With-Action condition"), the proposed Zoning Map and Text Amendments, LSGD Special Permit, and CPC Special Permit would be approved and the Project Area would be redeveloped. In addition, the proposed City Map Amendment, a separate action that will be reviewed under a separate ULURP application, would also be approved in the future with the Proposed Actions. As such, all existing buildings on the Development Site would be demolished (with the exception of the existing structure on Block 1576, Lot 34, which will remain), the portion of Herkimer Street between Williams Place and East New York Avenue would be demapped, and Parcels 1, 2, and 3 would be redeveloped pursuant to the Proposed Actions with four new buildings (Buildings B through E) containing a combined total of approximately 1,667,836 gsf, including approximately 540,114 gsf of residential space (596 DUs, of which up to 149-179 would be designated as permanently affordable pursuant to MIH, depending on the selected Option [the Applicant intends to pursue Option 1]), 748,386 gsf of commercial office space, 247,848 gsf of commercial retail space, 18,985 gsf of community facility (house of worship) space, and 10,403 gsf of light industrial (Use Group 11) space, as well as approximately 250 accessory parking spaces (approximately 102,100 sf) and 24,536 sf of PAA space.

However, for conservative analysis purposes the RWCDS will assume an average DU size of 850 sf. Thus, under the RWCDS, Building C could be redeveloped with a 24-story mixed-use building containing approximately 250 DUs (of which up to 63-75 units would be designated as permanently affordable pursuant to MIH), and 64,506 gsf of retail space. Therefore, in total the Proposed Actions could result in the development of approximately 540,114 gsf of residential space (636 DUs, of which up to 159-191 units would be designated as permanently affordable pursuant to MIH), 748,386 gsf of commercial office space, 247,848 gsf of commercial retail space, 18,985 gsf of community facility (house of worship) space, and

10,403 gsf of light industrial (Use Group 11) space, as well as approximately 250 accessory parking spaces (approximately 136,941 sf) and 24,536 sf of PAA space.

A summary of the Proposed Development's uses under the With-Action condition is provided in **Table 2**.

TABLE 2
Comparison of 2036 No-Action and With-Action Conditions at the Development Site (Proposed Development)

Use	No-Action Scenario	With-Action Scenario	Increment
Land Use			
Residential	0 gsf	540,114 gsf	**+ 540,114 gsf**
Total Units	*0 DUs*	*636 DUs*	***+ 636 DUs***
Market Rate Units	*0 DUs*	*445-477 DUs*	***+ 445-477 DUs***
Affordable Units	*0 DUs*	*159-191 DUs*	***+ 159-191 DUs***
Commercial	9,000 gsf	1,006,637 gsf	**+ 997,637 gsf**
Office	*9,000 gsf*	*748,386 gsf*	***+ 739,386 gsf***
Retail	*0 gsf*	*247,848 gsf*	***+ 247,848 gsf***
Light Industrial (Use Group 11)	*0 gsf*	*10,403 gsf*	***+ 10,403 gsf***
Community Facility	12,904 gsf	18,985 gsf	**+ 6,081 gsf**
House of Worship	*12,904 gsf*	*18,985 gsf*	***+ 6,081 gsf***
Manufacturing/Industrial	50,422 gsf	0 gsf	**- 50,422 gsf**
Open Space[3]	0 acres (0 sf)	0.56 acres (24,536 sf)	**+ 0.56 acres** **(+ 24,536 sf)**
Parking	31 spaces	250 spaces	**+ 219 spaces**
Populations[1,2]			
Residents	0	1,845	**+ 1,845 residents**
Workers	125	3,834	**+ 3,709 workers**

Notes:
[1] The No-Action and With-Action worker estimates are based on the following assumptions: one worker per 250 sf of office space; three workers per 1,000 sf of retail space; three workers per 1,000 sf of community facility space; one worker per 1,000 sf light industrial space; one worker per 25 DUs, and one worker per 50 attended parking spaces.
[2] The No-Action and With-Action residential population is based on 2020 Census data for the average household size for dwelling units in Brooklyn CD 5 (i.e., 2.90 persons per household).
[3] It should be noted that references to With-Action open spaces are those that are identified as PAA spaces only; as such, the Proposed Actions could result in the increment of up to approximately 0.56 acres of PAA space, but would not result in any gain or loss of publicly-owned open space resources.

In addition, according to the proposed LSGD plans for the Development Site, floors four through eight in Building D could be developed with either commercial office (Use Group 6) or community facility uses (Use Group 3, 4); and similarly, in Building E, floors four through six could be developed with either commercial office (Use Group 6), retail or service establishment (Use Group 7 and 9), or light industrial uses (Use Group 11, 16, 17). As such, in the future with the Proposed Actions, the Proposed Development could be developed with a combined total of approximately 1,881,565 gsf, including approximately 540,114 gsf of residential space (636 DUs, of which up to 159-191 units would be designated as permanently affordable pursuant to MIH), 748,386 gsf of commercial office space, 247,848 gsf of commercial retail space, 120,645 gsf of community facility space (of which, approximately 18,985 gsf would consist of house of worship uses, and up to 101,660 gsf would consist of educational and/or medical office uses), and 122,473 gsf of industrial space (including 10,403 gsf of Use Group 11 space and up to 112,070 gsf of additional Use Group 7, 9, 11, 16, and/or 17 light industrial space), as well as approximately 250 accessory parking spaces (approximately 102,100 sf) and 24,536 sf of PAA space. For conservative analysis purposes, this development scenario will be analyzed for any technical area in the Environmental Impact Statement (EIS) where this development scenario serves as the more conservative RWCDS compared to the Proposed Development or the Alternate Residential Scenario.

Additionally, in the event the Applicant chooses to not exercise the LSGD Special Permit, the Development Site would only be constrained by the underlying zoning. As such, the proposed Zoning Map and Text Amendments would increase the maximum permitted residential FAR on the Development Site to approximately 8.1, and thus, a second RWCDS (the "Alternate Residential Scenario") will also need to be

assessed. Under the Alternate Residential Scenario, the Applicant could potentially construct four new mixed-use buildings containing a combined total of approximately 1,954,193 gsf, including approximately 1,035,993 gsf of residential uses (1,218 DUs, of which up to 305-365 units would be designated as permanently affordable pursuant to MIH),[19] 281,352 gsf of commercial office space, 264,580 gsf of commercial retail space, 18,985 gsf of community facility (house of worship) space, and 251,183 gsf of industrial space (including 10,403 gsf of Use Group 11 space and up to 240,780 gsf of additional Use Group 7, 9, 11, 16, and/or 17 light industrial space), as well as approximately 250 accessory parking spaces (approximately 102,100 sf) and 24,536 sf of PAA space. As such, under the Alternate Residential Scenario, Building E would be developed with an office tower above a three-story retail podium, and Buildings C and D would be developed with two individual mixed-use residential towers, each above a three-story retail podium. For conservative analysis purposes, the Alternate Residential Scenario will be analyzed for any technical area in the EIS where this development scenario serves as a more conservative RWCDS compared to the Proposed Development.

A summary of the Alternate Residential Scenario's uses under the With-Action condition is provided in **Table 3**.

TABLE 3
Comparison of 2036 No-Action and With-Action Conditions at the Development Site (Alternate Residential Scenario)

Use	No-Action Scenario	With-Action Scenario	Increment
Land Use			
Residential	0 gsf	1,035,993 gsf	**+ 1,035,993 gsf**
Total Units	*0 DUs*	*1,218 DUs*	***+ 1,218 DUs***
Market Rate Units	*0 DUs*	*853-913 DUs*	***+ 853-913 DUs***
Affordable Units	*0 DUs*	*305-365 DUs*	***+ 305-365 DUs***
Commercial	9,000 gsf	797,115 gsf	**+ 788,115 gsf**
Office	*9,000 gsf*	*281,352 gsf*	***+ 272,352 gsf***
Retail	*0 gsf*	*264,580 gsf*	***+ 264,580 gsf***
Light Industrial (Use Group 7, 9, 11, 16, and/or 17)	*0 gsf*	*251,183 gsf*	***+ 251,183 gsf***
Community Facility	12,904 gsf	18,985 gsf	**+ 6,081 gsf**
House of Worship	*12,904 gsf*	*18,985 gsf*	***+ 6,081 gsf***
Manufacturing/Industrial	50,422 gsf	0 gsf	**- 50,422 gsf**
Open Space[3]	0 acres (0 sf)	0.56 acres (24,536 sf)	**+ 0.56 acres** **(+ 24,536 sf)**
Parking	31 spaces	250 spaces	**+ 219 spaces**
Populations[1,2]			
Residents	0	3,533	**+ 3,533 residents**
Workers	125	2,282	**+ 2,157 workers**

Notes:
[1] The No-Action and With-Action worker estimates are based on the following assumptions: one worker per 250 sf of office space; three workers per 1,000 sf of retail space; three workers per 1,000 sf of community facility space; one worker per 1,000 sf light industrial space; one worker per 25 DUs, and one worker per 50 attended parking spaces.
[2] The No-Action and With-Action residential population is based on 2020 Census data for the average household size for dwelling units in Brooklyn CD 5 (i.e., 2.90 persons per household).
[3] It should be noted that references to With-Action open spaces are those that are identified as PAA spaces only; as such, the Proposed Actions could result in the increment of up to approximately 0.56 acres of PAA space, but would not result in any gain or loss of publicly-owned open space resources.

The requested LSGD Special Permit would require the submission of drawings to the CPC and would

[19] Conservatively assumes an average DU size of 850 sf.

require that development program of the Proposed Development be within the scope of the RWCDS analyzed in the environmental review. Furthermore, upon approval of the LSGD Special Permit, the Applicant would enter into the City RD, a legally binding mechanism tied to the Zoning Lot that would govern the provisions of the LSGD. Therefore, the Proposed Development would represent the upper bounds of potential development within the Zoning Lot and the impact of the Proposed Actions would be no worse than those considered in the environmental review.

Possible Effects of the Proposed Actions

Proposed Development

Table 2 above provides a comparison of the No-Action condition and the Proposed Development under the With-Action condition identified for analysis purposes. As shown, the incremental (net) change that would result from the Proposed Development would be the net addition of 540,114 gsf of residential space (636 DUs, of which 159-191 units would be designated as permanently affordable pursuant to MIH), 739,386 gsf of office space, 247,848 gsf of retail space, 10,403 gsf of light industrial (Use Group 11) space, 6,081 gsf of community facility (house of worship) space, 219 off-street accessory parking spaces, and 0.56 acres (24,536 sf) of PAA space, as well as a net reduction of approximately 50,422 gsf of manufacturing/industrial space in the Project Area. **Table 2** also provides an estimate of the number of residents and workers generated by the Proposed Actions. As shown in **Table 2**, the incremental change in residents and workers that would result from the Proposed Actions is the net addition of 1,845 residents and 3,709 workers as compared to the No-Action condition.

In addition, as described above, floors four through eight in Building D could be developed with either commercial office (Use Group 6) or community facility uses (Use Group 3, 4); and similarly, in Building E, floors four through six could be developed with either commercial office (Use Group 6), retail or service establishment (Use Group 7 and 9), or light industrial uses (Use Group 11, 16, 17). As such, the Proposed Actions could result in the net addition of 540,114 gsf of residential space (636 DUs, of which 159-191 units would be designated as permanently affordable pursuant to MIH), 739,386 gsf of office space, 247,848 gsf of retail space, 72,051 gsf of light industrial (Use Group 6, 7, 9, 11, 16, and/or 17) space, 107,741 gsf of community facility space (of which, approximately 6,081 gsf would consist of house of worship uses, and up to 101,660 gsf would consist of educational and/or medical office uses), 219 off-street accessory parking spaces, and 0.56 acres (24,536 sf) of PAA space in the Project Area.

Alternate Residential Scenario

Table 3 above provides a comparison of the No-Action condition and the Alternate Residential Scenario under the With-Action condition identified for analysis purposes. As shown, the incremental change that could result from the Alternate Residential Scenario could be the net addition of 1,035,993 gsf of residential space (1,218 DUs, of which 305-365 units would be designated as permanently affordable pursuant to MIH), 272,352 gsf of office space, 264,580 gsf of retail space, 200,761 gsf of light industrial (Use Group 6, 7, 9, 11, 16, and/or 17) space, 6,081 gsf of community facility (house of worship) space, 219 off-street accessory parking spaces, and 0.56 acres (24,536 sf) of PAA space, as well as a net reduction of approximately 50,422 gsf of manufacturing/industrial space in the Project Area. In terms of population, the Alternate Residential Scenario could generate approximately 3,533 incremental residents and 2,157 incremental workers, as compared to the No-Action condition.

E. PROPOSED SCOPE OF WORK FOR THE EIS

Because the Proposed Actions would affect various areas of environmental concern and were found to have the potential for significant adverse impacts, pursuant to the EAS and Positive Declaration, an EIS will be prepared for the Proposed Actions that will analyze all technical areas of concern.

The EIS will be prepared in conformance with all applicable laws and regulations, including the New York State Environmental Quality Review Act ("SEQRA") (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York. The EIS will follow the guidance of the 2021 *CEQR Technical Manual*, and will contain:

- A description of the Proposed Development and its environmental setting;
- A statement of the environmental impacts of the Proposed Actions, including short- and long-term effects and typical associated environmental effects;
- An identification of any significant adverse environmental effects that cannot be avoided if the Proposed Actions are implemented;
- A discussion of reasonable alternatives to the Proposed Actions;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the Proposed Actions, should they be implemented; and
- A description of mitigation proposed to eliminate or minimize any significant adverse environmental impacts.

Based on the conclusions of the EAS, in accordance with the 2021 *CEQR Technical Manual*, the following technical areas would not warrant assessment in the EIS: Natural Resources and Energy.[20] All other CEQR technical areas warrant assessment and would therefore be included in the EIS. The specific technical areas to be included in the EIS, as well as their respective tasks and methodologies, are described below.

Task 1. Project Description

The first chapter of the EIS introduces the reader to the discretionary actions required to facilitate the Proposed Development and sets the context in which to assess impacts. This chapter contains a description of the Proposed Actions, Proposed Development, and Project Area including background and/or history; a statement of the purpose and need for the Proposed Actions; key planning considerations that have shaped the current proposal; and discussion of the approvals required, procedures to be followed, and the role of the EIS in the process. In addition, the Project Description chapter will present the planning background and rationale for the actions being proposed and summarize the RWCDS for analysis in the EIS.

This chapter provides a baseline for understanding the Proposed Development and its potential for impacts and gives the public and decision-makers a base from which to evaluate the Proposed Actions

[20] Though further analysis of energy is not warranted and is not expected to result in significant adverse impacts, projected energy consumption demand will be disclosed to determine the potential impacts on greenhouse gas emission levels.

against the future condition absent the requested actions. The section on approval procedures will explain the ULURP process, its timing, and hearings before the Community Board, the Borough President's office, the CPC, and the New York City Council. The role of the EIS as a full-disclosure document to aid in decision-making will be identified and its relationship to ULURP and the public hearings described.

Task 2. Land Use, Zoning, and Public Policy

This chapter will analyze the potential impacts of the Proposed Actions on land use, zoning, and public policy, pursuant to the methodologies presented in the 2021 *CEQR Technical Manual*. Under CEQR, a land use analysis characterizes the uses and development trends in the area that may be affected by a project, describes the public policies that guide development in the area, and determines whether a project is compatible with those conditions and consistent with these policies. In addition to considering the Proposed Actions' effects in terms of land use compatibility and trends in zoning and public policy, this chapter will also provide a baseline for other analyses.

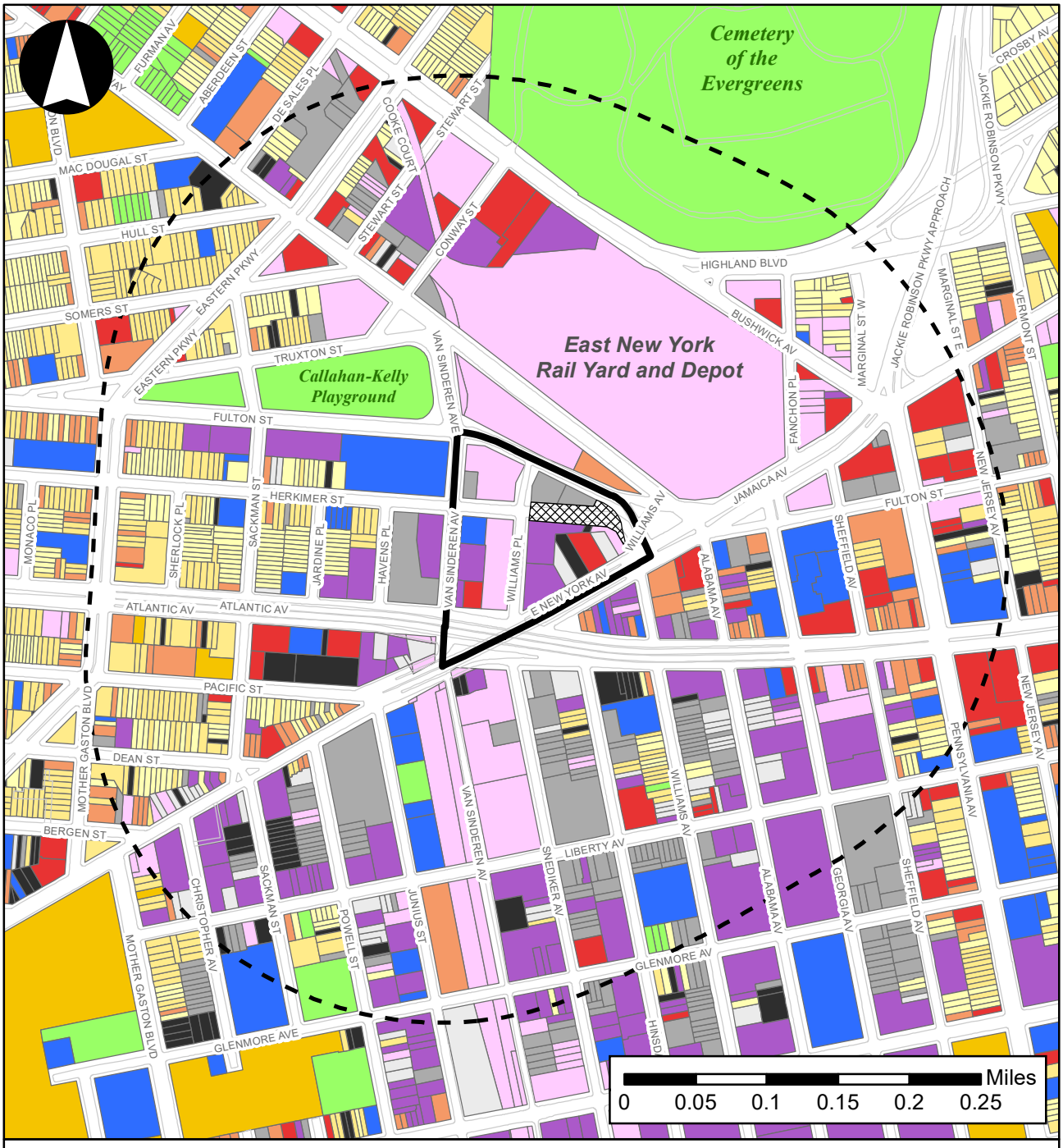
The primary land use study area will consist of the Project Area, where the potential effects of the Proposed Actions would be directly experienced. The secondary land use study area would include the neighboring areas within a 0.25-mile radius from the Project Area, as shown in **Figure 12**, which could experience indirect impacts. The analysis will include the following subtasks:

- Provide a brief development history of the Project Area and surrounding (secondary) study area.
- Provide a description of land use, zoning, and public policy in the study areas discussed above. Recent trends in the area will be noted. Other public policies that apply to the study areas will also be described, including *Vision Zero*, *FRESH*, *Housing Our Neighbors: A Blueprint for Housing and Homelessness*, *Where We Live NYC Plan*, and the City's sustainability goals outlined in *OneNYC 2050: Building a Strong and Fair City*. The East New York Industrial Business Zone (IBZ) is also located in the surrounding (secondary) study area.
- Based on field surveys and prior studies, identify, describe, and graphically portray predominant land use patterns for the balance of the study area. Describe recent land use trends in the study areas and identify major factors influencing land use trends.
- Describe and map existing zoning and recent zoning actions in the study areas.
- Prepare a list of future development projects in the study areas that are expected to be constructed by the 2036 analysis year and may influence future land use trends. Also, identify pending zoning actions or other public policy actions that could affect land use patterns and trends in the study areas. Based on these planned projects and initiatives, assess future land use and zoning conditions without the Proposed Actions (i.e., the No-Action condition).
- Describe the Proposed Actions and provide an assessment of the impacts of the resultant Proposed Development on land use and land use trends, zoning, and public policy. Consider the effects of the Proposed Actions related to issues of compatibility with surrounding land use, consistency with public policy initiatives, and the effect on development trends and conditions in the area.

Task 3. Socioeconomic Conditions

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would

Land Use Study Area



Legend

- Project Area
- 0.25-Mile Radius
- Proposed Streets to be Demapped

Land Use

- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area.

The five principal issues of concern with respect to socioeconomic conditions are whether a project would result in significant adverse impacts due to: (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; and (5) adverse effects on specific industries, pursuant to the 2021 *CEQR Technical Manual*. As determined in the EAS, the Proposed Actions would not result in any direct residential displacement and, as they are site-specific to the Project Area and do not include any Citywide regulatory changes that would adversely affect the economic and operational conditions of certain types of businesses or processes, they would not result in significant adverse impacts on specific industries. Therefore, no further analysis of these technical areas is warranted. As also determined in the EAS, the Proposed Actions warrant an assessment of socioeconomic conditions with respect to indirect residential displacement, direct business/institutional displacement, and indirect business/institutional displacement, which will be provided in the EIS as detailed below:

Direct Business Displacement

If a project would directly displace more than 100 employees, a preliminary assessment of direct business displacement is appropriate, according to the 2021 *CEQR Technical Manual*. The Proposed Actions have the potential to exceed the CEQR threshold of 100 displaced employees, and therefore, a preliminary assessment will be provided in the EIS, pursuant to 2021 *CEQR Technical Manual* guidance.

For direct business displacement, the type and extent of businesses and workers to be directly displaced by the Proposed Actions will be disclosed. The analysis of direct business displacement will estimate the number of employees and the number and types of businesses that would be displaced by the Proposed Actions and characterize the economic profile of the study area using currently employment and business data from the New York State Department of Labor (NYS DOL) and the U.S. Census Bureau. This information will be used in addressing the following CEQR criteria for determining the potential for significant adverse impacts: (1) whether the businesses to be displaced provide products or services essential to the local economy that would no longer be available in its "trade area" to local residents or businesses due to the difficulty of either relocating the businesses or establishing new, comparable businesses; and (2) whether a category of businesses is the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it.

Indirect Business Displacement

The Proposed Actions would result in a net increase of more than 200,000 gsf of new commercial development, which is the 2021 *CEQR Technical Manual* threshold for assessing the potential indirect business displacement effects of a project. Therefore, an assessment of indirect business displacement will be provided in the EIS. The assessment will begin with a preliminary assessment to determine whether a detailed analysis is necessary, in conformance with the 2021 *CEQR Technical Manual* guidance. Detailed analyses will be conducted for those areas in which the preliminary assessment cannot definitively rule out the potential for significant adverse impacts. The detailed assessments will be framed in the context of existing conditions and evaluations of the future No-Action and With-Action conditions in 2036, including any population and employment changes anticipated to occur by the 2036 analysis year.

The indirect business displacement analysis is to determine whether the Proposed Actions may introduce trends that make it difficult for those businesses that provide products or services essential to the local economy, or those subject to regulations or publicly adopted plans to preserve, enhance, or otherwise

protect them, to remain in the area. The purpose of the preliminary assessment is to determine whether a project has potential to introduce such a trend. The preliminary assessment will entail the following subtasks:

- Identify and characterize conditions and trends in employment and businesses within the study area. This analysis will be based on field surveys, employment data from the New York State Department of Labor and/or U.S. Census Bureau, and discussions with real estate brokers.
- Determine whether the Proposed Actions would introduce enough of a new economic activity to alter existing economic patterns.
- Determine whether the Proposed Actions would add to the concentration of a particular sector of the local economy enough to alter or accelerate an ongoing trend to alter existing economic patterns.
- Determine whether the Proposed Actions would directly displace uses of any type that directly support businesses in the area or bring people to the area that form a customer base for local businesses.
- Determine whether the Proposed Actions would directly or indirectly displace residents, workers, or visitors who form the customer base of existing businesses in the area.

If the preliminary assessment determines that the Proposed Actions could introduce trends that make it difficult for businesses that are essential to the local economy to remain in the area, a detailed analysis will be conducted. The detailed analysis would determine whether the Proposed Actions would increase property values and thus increase rents for a potentially vulnerable category of business and whether relocation opportunities exist for those businesses, following the 2021 *CEQR Technical Manual* guidance.

Indirect Residential Displacement

Indirect residential displacement is the involuntary displacement of residents that results from a change in socioeconomic conditions created by a project. Indirect residential displacement could occur if a project either introduces a trend or accelerates a trend of changing socioeconomic conditions that may potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change, according to the 2021 *CEQR Technical Manual*. To assess this potential impact, the 2021 *CEQR Technical Manual* seeks to answer a series of threshold questions in terms of whether the project substantially alters the demographic character of an area through population change or introduction of higher-income housing.

The indirect residential displacement analysis will use the most recent available U.S. Census data, New York City Department of Finance's Real Property Assessment Data (RPAD), DCP Housing Database, as well as current real estate market data, to present demographic and residential market trends and conditions for the study area. The description of study area characteristics will include population estimates, housing tenure and vacancy status, median value and rent, estimates of the number of housing units not subject to rent protection, and median household income. The preliminary assessment will carry out the following step-by-step evaluation, pursuant to 2021 *CEQR Technical Manual* guidance, to determine whether the Alternate Residential Scenario would add substantial new population with higher incomes as compared with the incomes of the study area population, and evaluate whether the study area has experienced a readily observable trend toward increasing rents.

The preliminary analysis would include the following steps, as described in Section 322.1 of the 2021 *CEQR Technical Manual*:

- Step 1: Determine if the Proposed Actions would add substantial new population with different income, as compared with the income of the study area population. If the expected average income of the new population would be similar to the average incomes of the study area population, no further analysis is necessary. If the expected average income of the new population would exceed the average income of the study area population, then Step 2 of the analysis will be conducted.
- Step 2: Determine if the Proposed Actions' population is large enough to affect real estate market conditions in the study area. If the population increase may potentially affect real estate market conditions, then Step 3 will be conducted.
- Step 3: Determine whether the study area has already experienced a readily observable trend toward increasing rents and the likely effect of the action on such trends, and whether the study area potentially contains a population at rick of indirect displacement resulting from rent increases due to changes in the real estate market caused by the new population.

A detailed analysis, if warranted, would utilize more in-depth demographic analysis and field surveys to characterize existing conditions of residents and housing, identify populations at risk of displacement, assess current and future socioeconomic trends that may affect these populations, and examine the effects of the Proposed Actions on prevailing socioeconomic trends and, thus, impacts on the identified populations at risk.

Task 4. Community Facilities and Services

Community facilities are public or publicly funded schools, libraries, Early Childhood Programs, health care facilities and fire and police protection. An analysis examines a project's potential effect on the services provided by these facilities. A project can affect community facility services directly, when it physically displaces or alters a community facility; or indirectly, when it causes a change in population that may affect the services delivered by a community facility.

The Proposed Actions would not result in the direct displacement of any existing community facilities or services. Therefore, an analysis of potential direct impacts on community facilities and services is not warranted.

New population added to an area as a result of a project would use existing services, which may result in potential indirect effects on service delivery. The demand for community facilities and services is directly related to the type and size of the new population generated by the development resulting from a project. Under the Alternate Residential Scenario, the Proposed Actions would introduce up to 1,218 incremental DUs to the Project Area, with an estimated 3,533 new residents. According to the 2021 *CEQR Technical Manual*, this increment would not exceed thresholds requiring detailed analyses of police/fire services or health care facilities, and therefore no significant adverse impacts on these technical areas are expected to occur. However, as the incremental residential population exceeds thresholds requiring detailed analyses of public schools, Early Childhood Programs, and libraries, further analyses related to these technical areas are warranted and will be included in the EIS. The community facilities and services analysis will follow the guidance contained within the 2021 *CEQR Technical Manual*; specific methodologies are described herein.

Public Schools

According to 2021 *CEQR Technical Manual* guidance, if a project introduces 50 or more elementary and middle school age children, or 150 or more high school students, an assessment of public school facilities

is required. According to updated 2019 student generation ratios for Brooklyn Community School District (CSD) 19, the Proposed Actions would introduce up to approximately 220 elementary school students, 97 middle school students, and 61 high school students (under the Alternate Residential Scenario). As the number of additional students introduced by the Proposed Actions would exceed the elementary and middle school threshold, a detailed analysis of public elementary and middle schools is warranted and will be provided in the EIS. The Proposed Actions would not trigger a detailed analysis of high schools.

As part of the public elementary and middle schools analysis, public elementary and middle schools serving CSD 19, sub-district 1 will be identified and located. Existing capacity, enrollment, and utilization data for all public elementary and middle schools within the affected sub-district will be provided for the current (or most recent) school year, noting any specific shortages of school capacity. Conditions that would exist absent the Proposed Actions for the sub-district will be identified, taking into consideration projected changes in future enrollments, including those associated with other developments in the affected sub-district, using the New York City School Construction Authority's (SCA's) *Projected New Housing Starts* as per 2021 *CEQR Technical Manual* guidance. Plans to alter school capacity either through administrative actions on the part of the New York City Department of Education (DOE), or as a result of the construction of new school space prior to the 2036 analysis year, will also be identified and incorporated into the analysis. Planned new capacity projects from the DOE's 2020-2024 Five Year Capital Plan will not be included in the quantitative analysis unless the projects have commenced site preparation and/or construction. They may, however, be included in a qualitative discussion. Future conditions with the Proposed Actions will be analyzed, adding students likely to be generated by the Alternate Residential Scenario to the projections for the future No-Action condition. Impacts will be assessed based on the difference between the future With-Action projections and the future No-Action projections (at the sub-district level) for enrollment, capacity, and utilization in 2036.

A determination of whether the Proposed Actions would result in significant adverse impacts to elementary and/or middle schools will be made. A significant adverse impact may result, warranting consideration of mitigation, if the Proposed Actions would result in: (1) a collective utilization rate of the elementary and/or middle schools in the sub-district study area that is equal to or greater than 100 percent in the With-Action condition; and (2) 100 or more new students generated by the Proposed Actions past the 100 percent utilization rate, pursuant to 2021 *CEQR Technical Manual* guidance.

Early Childhood Programs

A detailed analysis of publicly financed Early Childhood Programs is required when a project would produce substantial numbers of subsidized, low-to moderate-income family housing units that may therefore generate a sufficient number of eligible children to affect the availability of seats. Typically, projects that generate 20 or more eligible children under age six require further analysis. According to Table 6-1 of the 2021 *CEQR Technical Manual*, the number of dwelling units to yield 20 or more eligible children aged five and under in Brooklyn would be 110 affordable housing units. The Alternate Residential Scenario would result in a net increment of up to 365 affordable dwelling units in the Project Area as compared to the No-Action condition, and therefore, would exceed the threshold for an analysis of Early Childhood Programs.[21] As such, a detailed analysis is warranted, and will be included in the EIS. The

[21] It should be noted that the CEQR analysis of Early Childhood Programs only looks at the number of housing units targeted for incomes at 80 percent AMI or below (since family incomes at or below 200 percent Federal Poverty Level [FPL] – which are eligible for Early Childhood Program subsidized seats – fall under 80 percent AMI, and thus is used as a proxy for eligibility for CEQR analysis purposes). As such, for conservative analysis purposes, all 365 units are conservatively assumed to target incomes at 80 percent AMI or lower and will be analyzed as such in the EIS.

analysis will include information on existing publicly funded Early Childhood Programs within the study area obtained from the DOE's Division of Early Childhood Education, including the location, capacity, and enrollment, and a comparison of No-Action and With-Action conditions in the study area. A determination of whether the Proposed Actions would result in significant adverse impacts to Early Childhood Programs will be made. A significant adverse impact may result, warranting consideration of mitigation, if the Proposed Actions would result in both of the following: (1) a collective utilization rate of the Early Childhood Programs in the study area that is greater than 100 percent in the With-Action condition; and (2) an increase of five percent or more in the collective utilization rate of the Early Childhood Programs in the study area between the No-Action and With-Action conditions, in accordance with the 2021 *CEQR Technical Manual*.

Libraries

According to 2021 *CEQR Technical Manual* guidance, a detailed analysis of libraries is warranted if a project would introduce a large residential population (i.e., greater than a five percent increase in the housing units served). In Brooklyn, if a project would introduce 834 or more units, a detailed analysis is triggered. As the number of DUs introduced by the Proposed Actions (up to 1,218 DUs under the Alternate Residential Scenario) would exceed this threshold, a detailed libraries analysis is warranted and will be provided in the EIS.

As part of the detailed libraries analysis, local public library branches within the borough of Brooklyn that serve the area within approximately ¾-mile of the Project Area, which is the distance that one might be expected to travel for such services, will be identified. Existing libraries within the study area and their respective information services and user populations will be described. Information regarding services provided by branches within the study area will include holdings and other relevant existing conditions. Details on library operations will be based on publicly available information and/or consultation with Brooklyn Public Library officials. If applicable, holdings per resident may be estimated to provide a quantitative gauge of available resources in the applicable branch libraries in order to form a baseline for the analysis. Projections of population change in the area and information on any planned changes in library services or facilities absent and with the Proposed Actions will be described, and the effects of these changes on library services will be assessed. Using the information gathered for existing conditions, holdings per resident in the No-Action and With-Action conditions will be estimated and compared. If the Proposed Actions would increase a branch library's ¾-mile study area population by five percent or more than over No-Action condition levels, and it is determined, in consultation with the Brooklyn Public Library, that this increase would impair the delivery of library services in the study area, a significant adverse impact may occur, warranting consideration of mitigation, in accordance with 2021 *CEQR Technical Manual* guidance.

Task 5. Open Space

An open space assessment is typically warranted if a project would directly affect an open space or if it would increase the area population by more than 200 residents or 500 non-residents. If a project may add population to an area, demand for existing open space facilities would typically increase. Indirect effects may occur when the population generated by the Proposed Actions would be sufficiently large to noticeably diminish the ability of an area's open space to serve the future population.

As detailed above, the Proposed Actions would result in an increment of 3,533 residents in the Project Area under the Alternate Residential Scenario, and an increment of 4,127 workers in the Project Area

under the Proposed Development.[22] As the Proposed Actions would result in an increase in both the residential and non-residential populations above the 2021 *CEQR Technical Manual* thresholds for analysis, an open space analysis of indirect impacts on residential and non-residential populations generated by the Proposed Actions is warranted and will be provided in the EIS. The open space analysis will consider open space resources within a non-residential (0.25-mile radius) study area and a residential (0.5-mile radius) study area. The study areas will generally comprise those census tracts that have 50 percent or more of their area located within the 0.25-mile and 0.5-mile radii of the Project Area, as recommended in the 2021 *CEQR Technical Manual*.

The detailed open space analyses in the EIS will include the following subtasks:

- The Project Area will be reviewed to determine if it is located in an area of the City within a Walk to a Park Service Area, which describes areas of the City that are within a walking distance of a park.
- Characteristics of worker/daytime open space users will be determined. The number of employees and daytime workers in the study area will also be calculated based on the latest available reverse journey-to-work U.S. Census data.
- Existing open spaces within the 0.25-mile and 0.5-mile open space study areas will be inventoried and mapped. The condition and usage of existing facilities will be described based on the inventory and field visits. Acreages of these facilities will be determined, and the total study area acreages will be calculated. The percentage of passive and active open spaces will also be calculated.
- Based on the inventory of facilities and study area populations, open space ratios will be calculated for the residential and non-residential populations and compared to City guidelines to assess adequacy.
- Expected changes in future levels of open space supply and demand in the 2036 analysis year will be assessed, based on other planned development projects within the open space study areas. Any new open space or recreational facilities that are anticipated to be operational by the analysis year will also be accounted for. The open space ratios will be calculated for the future No-Action condition and compared with the exiting ratios to determine the change in future levels of adequacy.
- Effects on open space supply and demand resulting from the increased worker and residential populations associated with the Proposed Actions will be assessed. The assessment of the Proposed Actions' potential impacts will be based on a comparison of the open space ratios for the future No-Action condition versus future With-Action condition. In addition to the quantitative analysis, a qualitative analysis will be performed to determine if the changes resulting from the Proposed Actions constitute a substantial change (positive or negative) or an adverse effect to open space conditions. The qualitative analysis will assess whether or not the study areas are sufficiently served by open space, given the capacity, condition, and distribution of open space, and the profile of the study area populations.
- If a significant adverse open space impact regarding direct and/or indirect impacts is identified (i.e., if the Proposed Actions result in conflicts in open space use or a user group being underserved), the EIS would investigate measures to avoid, minimize, or fully mitigate such adverse impacts to open space.

[22] For conservative analysis purposes, the open space assessment of the non-residential (0.25-mile) study area will be based on the environmental effects of the Proposed Development, whereas the assessment of the residential (0.5-mile) study area will be based on the environmental effects of the Alternate Residential Scenario.

Task 6. Shadows

A shadows analysis assesses whether new structures resulting from a project would cast shadows on sunlight sensitive publicly accessible resources or other resources of concern, such as open space, historic resources, and natural resources, and to assess the significance of their impact. This chapter will examine the Proposed Development's potential for significant and adverse shadow impacts pursuant to 2021 *CEQR Technical Manual* criteria. Generally, the potential for shadow impacts exists if a project would result in new structures or additions to buildings resulting in structures over 50 feet in height that could cast shadows on important natural features, publicly accessible open space, or on historic features that are dependent on sunlight. New construction or building additions resulting in incremental height changes of less than 50 feet can also potentially result in shadow impacts if they are located adjacent to, or across the street from, a sunlight-sensitive resource.

As the Proposed Actions would result in four new buildings taller than 50 feet, a shadows assessment is warranted to determine the extent, duration, and effects of any potential incremental new shadows on any sunlight-sensitive resources in the vicinity of the Project Area. The shadows assessment will follow the methodology described in the 2021 *CEQR Technical Manual*, and will include the following:

- A preliminary shadows screening assessment will be prepared to ascertain whether shadows from the Proposed Development may potentially reach any sunlight-sensitive resources at any time of year.
    - A Tier 1 Screening Assessment will be conducted to determine the longest shadow study area for the Proposed Development, which is defined as 4.3 times the height of a structure (the longest shadow that would occur on December 21, the winter solstice), pursuant to the 2021 *CEQR Technical Manual*. A base map that illustrates the location of the Proposed Development in relation to the sunlight-sensitive resources will be developed.
    - A Tier 2 Screening Assessment will be conducted if any portion of a sunlight-sensitive resource lies within the longest shadow study area. The Tier 2 assessment will determine the triangular area that cannot be shaded by the Proposed Development due to the path of the sun across the sky, which in New York City is the area that lies between -108 and +108 degrees from true north.
    - If any portion of a sunlight-sensitive resource is within the area that could be potentially shaded by the Proposed Development, a Tier 3 Screening Assessment will be conducted. The Tier 3 Screening Assessment will determine if shadows resulting from the Proposed Development can reach a sunlight-sensitive resource through the use of three-dimensional computer modeling software with the capacity to accurately calculate shadow patterns. The model will include a three-dimensional representation of the sunlight-sensitive resource(s), a three-dimensional representation of the Proposed Development, and a three-dimensional representation of the topographical information within the area to determine the extent and duration of new shadows that would be cast on sunlight-sensitive resources as a result of the Proposed Development.
- If the screening analysis does not rule out the possibility that project-generated shadows would reach any sunlight-sensitive resources, a detailed analysis of potential shadow impacts on publicly-accessible open spaces and/or sunlight-sensitive historic resources resulting from the Proposed Development will be provided in the EIS. The detailed shadow analysis will establish a baseline condition (i.e., the No-Action condition), which will be compared to the future condition resulting from the Proposed Development (i.e., the With-Action condition) to illustrate the shadows cast by existing or future buildings and distinguish the additional (incremental) shadow cast by the Proposed Development. The detailed analysis will include the following tasks:

- The analysis will be documented with graphics comparing shadows resulting from the No-Action condition with shadows resulting from the Proposed Development, with incremental shadow highlighted in a contrasting color.
- A summary table listing the entry and exit times and total duration of incremental shadow on each applicable representative day for each affected resource will be provided.
- The significance of any shadow impacts on sunlight-sensitive resources will be assessed based on CEQR criteria.
- If a significant adverse shadows impact is identified (i.e., if the Proposed Development results in incremental shadows that would substantially reduce or completely eliminate direct sunlight exposure on a sunlight-sensitive resource, thereby significantly altering the public's use or enjoyment of the resource or threatening the viability of vegetation or other resources), the EIS would investigate measures to avoid, minimize, or fully mitigate such adverse impacts related to shadows.

Task 7. Historic and Cultural Resources

According to the 2021 *CEQR Technical Manual*, a historic and cultural resources assessment is required if a project would have the potential to affect either archaeological or architectural resources.

Architectural Resources

Based on a preliminary review, there are no designated historic architectural resources located in the Project Area. The Project Area is currently developed with several one- to three-story buildings, which contain a mix of light industrial/manufacturing, transportation/utility, commercial, and parking uses. While there are no listed or eligible historic architectural resources located within the 400-foot radius of the Project Area, there is one potential historic resource that the New York State Historic Preservation Office (SHPO) has designated as 'undetermined' (meaning SHPO has not yet evaluated the unique site number's [USN] eligibility): the State/National Register of Historic Places (S/NR)-undetermined Atlantic Avenue Station, located directly south of the Project Area. As such, an assessment of historic architectural resources will be included in the EIS. Impacts on architectural resources are considered on the affected site and in the area surrounding the Project Area. The architectural resources study area is therefore defined as the Project Area, plus a 400-foot radius, as per the guidance provided in the 2021 *CEQR Technical Manual*. In consultation with SHPO and the New York City Landmarks Preservation Commission (LPC), and consistent with the guidance of the 2021 *CEQR Technical Manual*, designated architectural resources in the study area will be identified and mapped. The EIS will assess the potential impacts of the Proposed Actions on any identified architectural resources, including visual and contextual changes as well as any direct physical impacts. Potential impacts will be evaluated through a comparison of the future No-Action condition and the future With-Action condition, and a determination made as to whether any change would alter or eliminate the significant characteristics of the resource that make it important.

Archaeological Resources

According to the 2021 *CEQR Technical Manual*, archaeological resources are only considered in those areas where new excavation and ground disturbance would occur (i.e., the Project Area). Development facilitated by the Proposed Actions would facilitate new excavation and/or removal of fill at depths greater than currently exist on the Development Site. However, based on a letter provided by the LPC dated May 2, 2023, a review of archaeological sensitivity models and historic maps of the lots comprising the Project Area, including the Development Site, do not indicate any archaeological significance. As such, an

assessment of archaeological resources is not warranted, and no significant adverse impacts would result from the Proposed Actions.

Task 8. Urban Design and Visual Resources

Urban design is the totality of components that may affect a pedestrian's experience of public space. An assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. When a project would potentially obstruct view corridors, compete with icons in the skyline, or would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings, a more detailed analysis of urban design and visual resources would be appropriate. As the Proposed Actions would allow physical changes in the Project Area beyond the bulk and form currently permitted as-of-right under existing zoning, they could affect a pedestrian's experience of public space. Therefore, an assessment of urban design and visual resources is required for the Proposed Actions and will be provided in the EIS.

The urban design study area will be the same as that used for the land use analysis (delineated by a 0.25-mile radius from the Project Area boundary). For visual resources, the view corridors within the urban design study area from which such resources are publicly viewable will be identified. The urban design and visual resources assessment will consist of the following:

- Based on field visits, the urban design and visual resources of the directly affected area and adjacent study area will be described using text, photographs, and other graphic material, as necessary, to identify critical features, use, bulk, form, and scale.
- In coordination with Task 2, "Land Use, Zoning, and Public Policy," the changes expected in the urban design and visual character of the study area due to known development projects in the future No-Action condition will be described.
- Potential changes that could occur in the urban design character of the study area as a result of the Proposed Actions will be described. For the Project Area, the analysis will focus on the Proposed Development's massing, as well as elements such as streetwall height, setback, and building envelope. Photographs and/or other graphic material will be utilized, where applicable, to assess the potential effects on urban design and visual resources, including view of/to resources of visual or historic significance and a three-dimensional representation of the future With-Action condition streetscape.

If warranted based on the preliminary assessment, a detailed urban design and visual resources analysis would be prepared in accordance with 2021 *CEQR Technical Manual* guidance. Examples of projects that may require a detailed analysis are those that would make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings, potentially obstructing view corridors, or competing with icons in the skyline, as described in the 2021 *CEQR Technical Manual*. The detailed analysis would describe the Project Area and the urban design and visual resources of the surrounding area. The analysis would describe the potential changes that could occur to urban design and visual resources in the future with the Proposed Actions, in comparison to the future without the Proposed Actions, focusing on the changes that could negatively affect a pedestrian's experience of the study areas.

Task 9. Hazardous Materials

A hazardous materials assessment determines whether a project may increase the exposure of people or the environment to hazardous materials and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. The potential for significant adverse impacts related to hazardous materials can occur when: (a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposure; (b) the project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or (c) the project would introduce a population to potential human or environmental exposure from off-site sources.

The hazardous materials chapter will examine the potential for significant adverse hazardous materials impacts from the Proposed Actions. As part of the hazardous materials task, a Phase I Environmental Site Assessment (ESA) will be prepared for the Development Site. The Phase I ESA will consist of a thorough review of any previous reports, historical maps, City directories, and environmental database materials to identify any potential environmental impacts that would lead to a concern for significant adverse hazardous materials impacts. A visual inspection of the Development Site and Project Area will also be conducted to assess any potential for hazardous materials impacts. The Hazardous Materials chapter will summarize the findings of the completed Phase I ESA conducted for the Development Site and will include any necessary recommendations for additional testing or other activities that would be required either prior to or during construction and/or operation of the Proposed Development. The appropriate remediation measures specific to the future uses of the site, including any New York City Department of Environmental Protection (DEP) recommendations, will be provided in the EIS. If necessary, measures to avoid or reduce potential significant adverse impacts will be identified and discussed in the EIS. In the event any requirements for further testing (such as Phase II subsurface site investigations) prior to approvals is determined to be infeasible due to existing site limitations or other conditions preventing the collection of adequate site sampling, any such requirements will be memorialized by a hazardous materials (E) designation placed on the applicable block and lot(s) pursuant to Section 11-15 of the ZR and the (E) Rules. If applicable, the EIS would include any hazardous materials (E) designation language describing the requirements related to hazardous materials that would apply.

Task 10. Water and Sewer Infrastructure

The water and sewer infrastructure assessment determines whether a project may adversely affect the City's water distribution or sewer system and, if so, assess the effects of such actions to determine whether their impact is significant. The 2021 *CEQR Technical Manual* outlines thresholds for analysis of a project's water demand and its generation of wastewater and stormwater. As described in the EAS for the Proposed Actions, an analysis of the City's water supply is not warranted as the Proposed Development would not result in a demand of more than one million gallons per day (gpd) and the Project Area is not located in an area that experiences low water pressure. However, water demand estimates will be provided in the EIS to inform the wastewater and stormwater conveyance and treatment analysis.

The threshold of preliminary wastewater and stormwater analysis for projects located in areas of Brooklyn served by combined sewers is 400 dwelling units or 150,000 sf or more of non-residential space. As the Proposed Actions would result in the introduction of approximately 1,218 dwelling units (under the Alternate Residential Scenario) and approximately 1,239,352 gsf of non-residential space (under the Proposed Development), an assessment of wastewater and stormwater conveyance systems is required. The water and sewer infrastructure analysis will consider the potential for significant adverse impacts resulting from the Proposed Actions. DEP will be consulted in preparation of this assessment.

Water Supply

- The existing water distribution system serving the Project Area will be described based on information obtained from DEP's Bureau of Water Supply and Wastewater Collection.
- Water demand generated by the Project Area under existing conditions and No-Action and With-Action conditions will be projected.
- The effects of the incremental demand on the City's water supply system will be assessed to determine if there would be significant adverse impacts to water supply or pressure. The incremental water demand will be the difference between the water demand in the Project Area in the With-Action condition and the water demand in the No-Action condition.

Wastewater and Stormwater Infrastructure

- The appropriate study area for the assessment will be established in accordance with the guidance of the 2021 *CEQR Technical Manual* and in consultation with DEP. The Proposed Development's directly affected area is primarily located within the service area of the 26th Ward Wastewater Resource Recovery Facility (WRRF).
- The existing stormwater drainage system and surfaces (pervious or impervious) on the Project Area will be described, and the amount of stormwater generated on the Project Area will be estimated using DEP's volume calculation worksheet.
- The existing sewer system serving the Project Area will be described based on records obtained from DEP. The existing flows to the 26th Ward WRRF, which serves the directly affected area, will be obtained for the latest 12-month period, and the average dry weather monthly flow will be presented.
- Any changes to the stormwater drainage plan, sewer system, and surface area expected in the future without the Proposed Actions will be described, as warranted.
- Future stormwater generation from the Proposed Development will be assessed to determine the Proposed Development's potential to result in impacts. Changes to the Project Area's surface area will be described, runoff coefficients and runoff for each surface type/area will be presented, and volume and peak discharge rates from the Project Area will be determined based on the DEP volume calculation worksheet.
- Sanitary sewage generation for the Project Area will also be estimated. The effects of the incremental demand on the sewer system will be assessed to determine if there will be any significant adverse impact on operations of the 26th Ward WRRF.

A more detailed assessment may be required if increased sanitary or stormwater discharges from the Proposed Development are predicted to affect the capacity of portions of the existing sewer system, exacerbate combined sewer overflow (CSO) volumes/frequencies, or contribute greater pollutant loadings in stormwater discharged to receiving water bodies. The scope of a more detailed analysis, if necessary, will be developed based on conclusions from the preliminary infrastructure assessment and in coordination with DEP and DCP, the lead agency.

Task 11. Solid Waste and Sanitation

A solid waste assessment determines whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the City's Solid Waste Management Plan or with State policy related to the City's integrated solid waste management system. The Proposed Actions would induce new development that

would require sanitation services. If a project's generation of solid waste in the With-Action condition would not exceed 50 tons per week, it may be assumed that there would be sufficient public or private carting and transfer station capacity in the metropolitan area to absorb the increment, and further analysis generally would not be required. The RWCDS associated with the Proposed Actions is expected to result in an increase of more than 50 tons per week, compared to the No-Action condition. Therefore, this chapter will provide an estimate of the additional solid waste expected to be generated by the projected developments per the RWCDS and will assess its effects on the City's solid waste and sanitation services. This assessment will:

- Describe existing and future New York City solid waste collection and disposal practices including the new Commercial Waste Zone Program.
- Estimate solid waste generation at the Project Area under existing conditions, the No-Action condition, and the With-Action condition.
- Assess the impacts of the Proposed Actions' solid waste generation on the City's collection needs and disposal capacity and the Proposed Actions' consistency with the City's Solid Waste Management Plan.

Task 12. Energy

In most cases, a project does not warrant a detailed energy assessment, but its operational energy is projected. A detailed energy assessment is limited to projects that may significantly affect the transmission or generation of energy. For other projects, the estimated amount of energy that would be consumed annually as a result of the day-to-day operation of the buildings and uses resulting from a project is disclosed.

An analysis of the anticipated additional demand resulting from the Proposed Development will be provided in the EIS, which will disclose the projected amount of energy consumed during long-term operation of Proposed Development resulting from the Proposed Actions. The projected amount of energy consumption during long-term operation will be estimated based on the average and annual whole-building energy use rates for New York City. If warranted, the Mayor's Office of Environmental Coordination (MOEC) and/or the power utility serving the study area (Con Edison of New York) will be consulted to determine energy usage rates.

Task 13. Transportation

Detailed travel demand forecasts will be prepared for the RWCDS using standard sources, including the 2021 *CEQR Technical Manual*, U.S. Census data, previously approved studies, and other references to determine the worst case scenario to be analyzed in the EIS transportation analysis. A travel demand forecast (a Level 1 Screening Assessment) will be presented by peak hour, mode of travel, and person and vehicle trips. The travel demand forecasts will also identify the number of peak hour person trips made by transit and the numbers of pedestrian trips traversing the area's sidewalks, corner areas, and crosswalks. Detailed vehicle, pedestrian, and transit trip assignments (a Level 2 Screening Assessment) will be prepared based on the results of the Proposed Actions' travel demand forecast to identify the intersections and pedestrian/transit elements selected for quantified analysis.

Traffic

The EIS will provide a detailed traffic analysis focusing on those peak hours and street network intersections where the highest concentrations of action-generated demand would occur. The peak hours for analysis will be selected, and the specific intersections to be included in the traffic study area will be determined based upon the assignment of project-generated traffic and the 2021 *CEQR Technical Manual* analysis threshold of 50 additional vehicle trips per hour, or at known congested locations in consultation with DOT and DCP, the lead agency. A discussion on the existing bicycle network in the study area will be included in the EIS.

The following outlines the anticipated scope of work for conducting a traffic impact analysis for the Proposed Actions:

- Conduct a count program for traffic analysis locations that includes a mix of automatic traffic recorder (ATR) machine counts and intersection turning movement counts, along with vehicle classification counts and travel time studies (speed runs) as support data for the air quality (Task 14) and noise (Task 16) analyses. Turning movement count data will be collected at each analyzed intersection during the weekday and Saturday peak hours and will be supplemented by nine (9) days of continuous ATR counts. Vehicle classification count data will be collected during each peak hour at several representative intersections along each of the principal corridors in the study area. The turning movement counts, vehicle classification counts, and travel time studies will be conducted concurrently with the ATR counts. Where applicable, available information from recent studies in the vicinity of the study area will be compiled, including data from such agencies as DOT and DCP.
- Inventory physical data at each of the analysis intersections, including street widths, number of traffic lanes and lane widths, pavement markings, turn prohibitions, bicycle routes, curbside parking regulations, and vehicle queue lengths. Signal phasing and timing data for each signalized intersection included in the analysis will be obtained from DOT.
- Determine existing traffic operating characteristics at each analysis intersection including capacities, volume-to-capacity ("v/c") ratios, average vehicle delays, and levels of service ("LOS") per lane group, per intersection approach, and per overall intersection. This analysis will be conducted using the 2000 Highway Capacity Manual (HCM) methodology with the latest approved Highway Capacity Software (HCS), or other methodology as may be determined in consultation with DOT and DCP.
- Based on available sources, U.S. Census data, and standard references, including the 2021 *CEQR Technical Manual*, estimate the demand from other major developments planned in the vicinity of the Project Area by the 2036 analysis year. This will include total daily and peak hour person and vehicular trips, and the distribution of trips by auto, taxi, and other modes. A truck trip generation forecast will also be prepared based on data from the 2021 *CEQR Technical Manual* and previous relevant studies. Mitigation measures accepted for all No-Action condition projects, as well as other DOT initiatives, will be included in the future No-Action condition network, as applicable.
- Compute the future 2036 No-Action condition traffic volumes based on approved background traffic growth rates for the study area (0.50 percent for years one through five, and 0.25 percent for years six and above) and demand from major development projects expected to be completed in the future without the Proposed Actions. Incorporate any planned changes to the roadway system anticipated by 2036 and determine the No-Action v/c ratios, delays, and LOS at analyzed intersections.

- Based on available sources, U.S. Census data, and standard references, including the 2021 *CEQR Technical Manual*, develop a travel demand forecast for the RWCDS based on the net change in land uses compared to the No-Action condition. Determine the net change in vehicle trips expected to be generated by the RWCDS. Assign the net action-generated trips in each analysis period to likely approach and departure routes and prepare traffic volume networks for the 2036 future with the Proposed Actions condition for each analyzed peak hour.
- Determine the v/c ratios, delays, and LOS at analyzed intersections for the With-Action condition and identify significant adverse traffic impacts in accordance with 2021 *CEQR Technical Manual* criteria.
- Identify and evaluate potential traffic mitigation measures, as appropriate, for any significantly impacted locations in the study area in consultation with the lead agency (DCP) and DOT. Potential traffic mitigation could include both operational and physical measures, such as changes to lane striping, curbside parking regulations and traffic signal timing and phasing, roadway widening, and the installation of new traffic signals. Where impacts cannot be fully or partially mitigated, they will be described as unavoidable significant adverse impacts.

Transit

Detailed transit analyses are generally not required if a project is projected to result in fewer than 200 peak hour rail or bus transit trips according to the general thresholds used by the MTA and specified in the 2021 *CEQR Technical Manual*. If a project would result in 50 or more bus trips being assigned to a single bus line (in one direction), or if it would result in an increase of 200 or more trips at a single subway station or on a single subway line, a detailed bus or subway analysis would be warranted.

Subway

The Proposed Actions are expected to generate a net increase of more than 200 additional subway trips at the Broadway Junction (A/C/J/L/Z) Subway Station in one or more peak hour and would therefore require a detailed subway analysis of this station. In addition, if it is determined that the RWCDS is expected to generate more than 200 new peak hour subway trips in one direction along the A or C subway routes, an analysis of subway line haul conditions will also be included in the EIS pursuant to 2021 *CEQR Technical Manual* guidance. Transit analyses typically focus on the weekday AM and PM commuter peak hours when overall demand on the subway and bus systems is usually highest. The detailed subway analysis will include the following subtasks:

- Identify for analysis those stairways and fare entrance control elements expected to be used by significant concentrations of action-generated demand in the weekday AM and PM peak hours.
- Conduct counts of existing weekday AM and PM peak hour demand at the Broadway Junction (A/C/J/L/Z) Subway Station elements and determine existing v/c ratios and LOS based on 2021 *CEQR Technical Manual* criteria.
- Determine volumes and conditions at the Broadway Junction (A/C/J/L/Z) Subway station elements in the future without the Proposed Actions using approved background growth rates and accounting for any trips expected to be generated by No-Action condition development within the Project Area, as well as major No-Action condition development projects in the vicinity of the Project Area.
- Add action-generated demand to the No-Action condition volumes at analyzed subway station elements and determine AM and PM peak hour volumes and conditions in the future with the Proposed Actions.

- Identify potential significant adverse impacts at subway station stairways and fare control elements based on 2021 *CEQR Technical Manual* impact criteria.
- If it is determined that the RWCDS is expected to generate 200 or more subway trips in the peak or non-peak directions of the A, C, J, L, and/or Z subway lines, subway line haul conditions will also be assessed in the EIS if or as needed pursuant to 2021 *CEQR Technical Manual* guidance. The analysis would use existing maximum load point subway service and ridership data provided by New York City Transit (NYCT) to assess existing, future No-Action, and future With-Action conditions at the peak load points of the A, C, J, L, and/or Z subway routes during the weekday AM and PM peak hours.
- Mitigation needs and potential subway station improvements will be identified, as appropriate and pursuant to the guidelines presented in the 2021 *CEQR Technical Manual*, in conjunction with the lead agency (DCP) and NYCT.

Bus

As part of the EIS, a Level 1 trip generation and (if warranted) Level 2 bus trip assignment will be prepared for the RWCDS. A detailed analysis of bus conditions is generally not required if a project is projected to result in fewer than 50 peak hour trips being assigned to a single bus route (in one direction) based on the general thresholds used by the MTA and specified in the 2021 *CEQR Technical Manual*. As the incremental person-trips by bus generated by the Proposed Actions is anticipated to exceed 50 peak hour trips along the B12, B20, B25, B83, Q24, and/or Q56 bus route(s) in at least one direction during the weekday AM and PM peak hours, a detailed bus analysis of the B12, B20, B25, B83, Q24, and/or Q56 bus route(s) is warranted and will be included in the EIS.

Pedestrians

Projected pedestrian volumes of less than 200 persons per hour at any pedestrian element (sidewalks, corner areas, and crosswalks) would not typically be considered a significant impact, since the level of increase would not generally be noticeable and therefore would not require further analysis under 2021 *CEQR Technical Manual* criteria. Based on the level of new pedestrian demand generated by the RWCDS, it is anticipated that action-generated pedestrian trips would exceed the 200-trip analysis threshold at one or more locations in one or more peak hours. A detailed pedestrian analysis will therefore be prepared for the EIS focusing on selected sidewalks, corner areas, and crosswalks along corridors that would experience more than 200 additional peak hour pedestrian trips. Pedestrian counts will be conducted at each analysis location and used to determine existing LOS. No-Action and With-Action conditions pedestrian volumes and LOS will be determined based on approved background growth rates, trips expected to be generated by No-Action condition development in the Project Area and other major No-Action condition development projects in the vicinity of the study area, and action-generated demand. The specific pedestrian facilities to be analyzed will be determined in consultation with the lead agency once the assignment of action-generated pedestrian trips has been finalized. The analysis will evaluate the potential for incremental demand from the Proposed Actions to result in significant adverse impacts based on 2021 *CEQR Technical Manual* criteria. Potential measures to mitigate any significant adverse pedestrian impacts will be identified and evaluated, as warranted, in consultation with the lead agency (DCP) and DOT.

Street User Safety

The City's Vision Zero initiative seeks to eliminate all deaths from traffic crashes regardless of whether on foot, bicycle, or inside a motor vehicle. In an effort to drive these fatalities down, DOT and the New York

City Police Department (NYPD) developed a set of five plans, each of which analyzes the unique conditions of one New York City borough and recommends actions to address the borough's specific challenges to pedestrian safety. As discussed in the *Vision Zero Brooklyn Pedestrian Safety Action Plan*, the Project Area is located within a Vision Zero Priority Area and a Bike Priority Area and is also directly southwest of a Senior Pedestrian Zone, which is prioritized for safety interventions. Additionally, Fulton Street (north of the Project Area), Atlantic Avenue (south of the Project Area), and East New York Avenue (east of the Project Area) are identified as Vision Zero Priority Corridors. The five plans outline a series of recommended actions comprised of engineering, enforcement, and education measures that intend to alter the physical and behavioral conditions on City streets that lead to pedestrian fatality and injury.

Pursuant to 2021 *CEQR Technical Manual* guidance, an evaluation of street user safety is needed for locations within the traffic and pedestrian study areas that have been identified as high-crash locations. These are defined as locations identified at a Vision Zero Priority Intersection or where five or more pedestrian/bicyclist injury crashes have occurred in any consecutive 12 months of the most recent three-year period for which data are available.[23] In addition, any location along a Vision Zero Priority Corridor with three or more pedestrian/bicyclist injury crashes in any consecutive 12 months of the most recent three-year period for which data is available should be identified as a high crash location. Data on traffic crashes involving pedestrians and/or cyclists at study area intersections will be obtained from DOT for the most recent three-year period available. These data will be analyzed to determine if any of the studied locations may be classified as high crash locations and whether vehicle and/or pedestrian trips and any street network changes resulting from the Proposed Actions would adversely affect vehicular and pedestrian safety in the study area. If any high crash locations are identified, feasible improvement measures will be explored to alleviate potential safety issues.

Parking

As part of the EIS transportation task, an hourly parking accumulation forecast will be prepared for the RWCDS. While the Proposed Actions would result in the addition of up to 219 incremental accessory parking spaces, it is anticipated that the proposed on-site parking may not be sufficient to accommodate overall incremental demand, and thus a detailed parking analysis will be prepared to determine if there is sufficient on- and off-street capacity at and within the vicinity of the Project Area to accommodate overflow demand from the Proposed Actions.

Parking demand from commercial uses typically peaks in the midday period and declines during the afternoon and evening. By contrast, residential demand typically peaks in the overnight period. As the RWCDS would consist of both residential and non-residential uses, the analysis of on-street and off-street parking conditions would focus on the weekday overnight period (when residential parking demand typically peaks) and on the weekday midday peak period and/or the Saturday midday peak period (when parking in a business area is frequently at peak occupancy), when demand is expected to be highest. Existing on- and off-street parking inventories would be conducted for both the weekday overnight and weekday and/or Saturday midday peak periods to document existing supply and demand for each period. Parking utilization within a 0.25-mile radius of the Project Area will be analyzed. If the initial on- and off-street parking assessment shows conditions at or near capacity, then a parking assessment would be conducted up to a 0.5-mile radius to determine if capacity is available to accommodate the projected demand. The parking analysis would document changes in the parking utilization in proximity to the

[23] Vision Zero seeks to eliminate all deaths from traffic crashes regardless of whether on foot, bicycle, or inside of a motor vehicle. Vision Zero corridors and intersections are identified as locations that disproportionately account for pedestrian fatalities and severe injuries, thus prioritizing them for safety interventions.

Project Area under the No-Action and With-Action conditions based on accepted background growth rates and projected demand from No-Action and With-Action development in the Project Area and other major development projects in the vicinity of the study area.

Task 14. Air Quality

Under CEQR, an air quality analysis determines whether a project would result in stationary or mobile sources of pollutant emissions that could have a significant adverse impact on ambient air quality, and considers the potential of existing sources of air pollution to impact the proposed uses.

The Proposed Actions would result in the conditions outlined in Section 210 of Chapter 17 of the 2021 *CEQR Technical Manual*. Specifically, the Proposed Actions would introduce new traffic to the surrounding area, as well as a new parking facility in proximity to sensitive uses. In addition, the Proposed Actions would result in the conditions outlined in Section 220 of Chapter 17 of the 2021 *CEQR Technical Manual*. Specifically, the Project Development's four new buildings would use fossil fuels for heat and hot water systems. Therefore, consistent with the guidelines of the 2021 *CEQR Technical Manual*, an assessment of air quality will be provided in the EIS. The air quality assessment will consider the potential impacts on air quality from action-generated vehicle trips, the Proposed Development's parking garage, and nearby elevated and depressed atypical roadways (Atlantic Avenue and East New York Avenue). Potential impacts on surrounding uses (project-on-existing and project-on-project) from the heating and hot water systems that would serve the Proposed Development will be assessed. Emissions from large or major existing sources within a 1,000-foot radius from the Project Area and existing industrial/manufacturing zoned uses within a 400-foot study area will also be assessed to examine the potential for impacts on the Proposed Development. Additionally, as the Proposed Development could potentially introduce light industrial processing facilities under Use Group 7, 9, 11, 16, and/or 17 to the Project Area, an assessment of project-generated industrial sources introduced by the Proposed Development will also be included to determine potential impacts of criteria and noncriteria pollutant concentrations on existing sensitive receptors and sensitive receptors on the Proposed Development within the 400-foot study area and within the same proposed building (Building E).

Mobile Source Analysis

The vehicle trips generated by the Proposed Development would potentially exceed the 2021 *CEQR Technical Manual* carbon monoxide (CO) screening threshold of 170 vehicles in a peak hour at one or more intersections and/or the particulate matter (PM) emission screening threshold discussed in Chapter 17, Sections 210 and 311 of the 2021 *CEQR Technical Manual*. In addition, the elevated portion of Atlantic Avenue and the depressed portion of East New York Avenue are each located less than 200 feet from the Development Site. Therefore, a screening analysis for mobile sources will be performed in the EIS. If any screening thresholds are exceeded, a microscale mobile source analysis would be required.

A screening analysis for CO and PM will be prepared based on the traffic analysis and the above-mentioned CEQR criteria. If screening levels are exceeded, a detailed mobile source analysis will be prepared in accordance with 2021 *CEQR Technical Manual* guidance, to evaluate the Proposed Actions for potential impacts from CO, and fine particulate matter less than 10 microns (PM_{10}) and 2.5 microns ($PM_{2.5}$) in diameter, due to vehicular traffic anticipated to be generated by the Proposed Development. Intersection(s) would be analyzed for both CO and PM, as described below:

Emissions Modeling

Vehicular cruise and idle CO and PM emission factors to be utilized in the dispersion modeling will be computed using EPA's Motor Vehicle Emission Simulator (MOVES). Each selected intersection will be divided into distinct links for emissions modeling purposes reflecting different types of vehicle activity in accordance with the recommendations of EPA's Transportation Conformity Guidance for Quantitative Hot-spot Analyses in $PM_{2.5}$ and PM_{10} Nonattainment and Maintenance Areas. Project specific traffic data obtained through field studies will be used, as well as county- specific hourly temperature, relative humidity, vehicle age distribution, fuels and inspection/maintenance program data obtained from the New York State Department of Environmental Conservation (NYSDEC).

In order to account for the suspension of fugitive road dust in air from vehicular traffic in the local microscale analysis, $PM_{2.5}$ and PM_{10} emission rates will include fugitive road dust. However, as DEP considers fugitive road dust to have an insignificant contribution on a neighborhood scale, fugitive road dust will not be included in the neighborhood scale $PM_{2.5}$ microscale analyses. Road dust emission factors will be calculated according to the latest procedure delineated by the U.S. Environmental Protection Agency (EPA).

Dispersion Modeling

The CO and PM mobile source analysis will be conducted using the American Meteorological Society/Environmental Protection Agency Regulated Model (AERMOD). AERMOD is a state-of-the-art dispersion model, applicable to rural and urban areas, flat and complex terrain, surface and elevated releases, and multiple sources (including point, area, and volume sources). AERMOD is a steady-state plume model that incorporates current concepts about flow and dispersion in complex terrain, including updated treatments of the boundary layer theory, understanding of turbulence and dispersion, and includes handling of terrain interactions. AERMOD has been a recommended model for transportation air quality analyses for several years and EPA mandated its use for transportation conformity purposes after a three-year transition period. Following EPA guidelines, the analysis will be performed using an area source representation of emission sources in order to simulate traffic-related air pollutant dispersion. Hourly traffic volumes and associated emission factors will be used to estimate hourly emission rates from each modeled roadway segment and predict traffic-related air pollutant concentrations at receptor locations.

Multiple receptors will be modeled at the selected worst-case intersection; receptors will be placed at sidewalks along approach and departure links at spaced intervals, at a pedestrian height of 1.8 meters. Based on DEP guidance for neighborhood-scale corridor $PM_{2.5}$ modeling, receptors in that analysis will be placed at a distance of 15 meters from the nearest moving lane at each analysis location.

Parking Garage Analysis

The Proposed Development would include a 250-space parking garage for Buildings C, D, and E. The hourly parking accumulation forecast from the transportation (Task 13) analysis will serve as the basis for the parking garage analysis. Mobile source emission factors will be developed using the latest version of the EPA MOVES model (MOVES2014b). An analysis of CO and PM emissions from the Proposed Development's parking garage will be performed using MOVES-generated emission factors and the procedures outlined in the 2021 *CEQR Technical Manual* for assessing potential impacts from proposed parking facilities. Cumulative impacts from on-street sources and emissions from the Proposed Development's parking garage will be calculated.

Stationary Source Analysis

Heating and Hot Water System Analysis

The analysis of the heating and hot water systems of the Proposed Development will consider impacts following the procedures outlined in the 2021 *CEQR Technical Manual* to determine the potential for impacts on existing developments as well as the potential for "project-on-project impacts." The nearest existing or planned building of a similar or greater height will be analyzed as the potential receptor. If the results fail the initial screening, a refined modeling analysis will be prepared using the latest EPA-approved version of the AERMOD model and five years of representative meteorological data. Emission rates will be developed based on the size of the Proposed Development and assumptions developed to represent boiler stack location(s). Concentrations of nitrogen dioxide (NO_2), sulfur dioxide if No. 2 fuel oil is the choice of fuel (SO_2), and particulate matter ($PM_{2.5}$) will be determined at surrounding public-accessible locations. Receptors will be placed at publicly accessible locations at ground level and at elevated open space and locations on all facades at multiple elevations on adjacent buildings (including the Proposed Development) to identify maximum pollutant concentrations and concentration increments per the guidance provided in the 2021 *CEQR Technical Manual*.

Maximum predicted concentrations will be compared with the National Ambient Air Quality Standards (NAAQS) for NO_2 and SO_2, and the CEQR *de minimis* criteria for $PM_{2.5}$. If required, an enforceable legal mechanism, such as an air quality (E) designation, will be proposed to mandate fuel, system, operational, and/or exhaust stack restrictions that would be required to avoid any potential significant adverse air quality impacts.

Large/Major Source Analysis

A review of NYSDEC permit records will be conducted to identify and map any large or major emission sources (i.e., facilities with a Title V or State Facility permit) within 1,000 feet of the Project Area. If required, the large/major source analysis will proceed following steps and assumptions similar to those outlined for the heating and hot water detailed analysis methodology, with emission rates and stack parameters based on information obtained from the permits or permit applications. Receptors will be placed at multiple elevations along the façade and open space provided as part of the Proposed Development. Impacts will be assessed in relation to the NAAQS.

Industrial Source Analysis

The analysis of the potential impacts of the emissions from existing industrial/manufacturing facilities will be conducted as follows:

- A land use review will be conducted to identify potential industrial source block/lots within 400 feet of the Project Area based on GIS data and field review of the area. In addition, DEP and NYSDEC permit records will be reviewed to identify permitted facilities within the study area.
- A field survey will be performed to confirm the operating status of existing permitted facilities and to identify any nonpermitted sources of air toxics emissions.
- DEP permit records will be requested and reviewed for each potential industrial source block/lot. Permits for emergency generators, gas stations, boilers, and small dry cleaners will be excluded from further consideration per the City's guidelines. Similarly, sites that are no longer in existence based on the field review will not be considered. Nonpermitted sources identified in the field review will be considered for analysis.

- Short-term and annual emission rates for existing industrial sources will be determined based on the DEP permit data or estimated, as applicable. Depending on the type of source and data available in the permit file, this step may require research into typical emission rates from other facilities if detailed information for the subject facility is not available.
- An industrial source screening analysis per CEQR procedures will be completed to confirm the sites requiring detailed analysis.
- If required, conduct an AERMOD detailed analysis for industrial sources (existing) that fail the screening analyses. Stack parameters will be obtained from permits or from coordination with the applicant. This task will involve developing a detailed receptor network and building information, AERMOD run setup (including specifying how industrial source emissions may vary by time of day, or season), and comparing the resulting modeled concentrations to the applicable standards from NYSDEC's DAR-1 AGC/SGC Tables.
- Potential cumulative impacts of multiple air pollutants will be determined based on the EPA's Hazard Index Approach for non-carcinogenic compounds and using the EPA's Unit Risk Factors for carcinogenic compounds. Both methods are based on equations that use EPA health risk information (established for individual compounds to determine the level of health risk posed by specific ambient concentrations of that compound). The derived values of health risk are additive and can be used to determine the total risk posed by multiple air pollutants.

Industrial Sources Introduced by the Proposed Development

As the Proposed Development could potentially introduce operation(s) of light industrial space (specifically, those under Use Group 7, 9, 11, 16, and/or 17) to the Project Area, an assessment of project-generated industrial sources introduced by the Proposed Development is warranted. An emission profile of the potential industrial manufacturing processing operation(s) will be based on the conservative assumption that ten (10) light industrial (Use Group 7, 9, 11, 16, and/or 17) uses would operate simultaneously, and that pollutants emitted by the light industrial operations could potentially include $PM_{2.5}$, nitrogen oxide (NOx), CO, and 25 noncriteria pollutants with varying toxicities. While particulate emission could be a mixture of PM_{10}/$PM_{2.5}$ combined, the analysis will assume that all particulate emission is $PM_{2.5}$ as a conservative measure ($PM_{2.5}$ standard [*de minimis* or NAAQS] is significantly more conservative than PM_{10} NAAQS). AERMOD will be used to predict concentration at land uses within 400 feet of the Proposed Development. Potential impacts of predicted criteria pollutant ($PM_{2.5}$, NO_2, and CO) concentrations on existing and proposed sensitive receptors will be determined based on the CEQR *de minimis* criteria, whereas potential impacts of predicted noncriteria pollutant concentrations will be determined based on NYSDEC's Annual and Short-Term Guideline Concentration (AGC and SGC, respectively) standards, presented in the Division of Air Resources (DAR-1) guidance document (latest version dated February 12, 2021).

A cumulative impact analysis will be provided that considers all existing industrial/manufacturing facilities within 400 feet of the Project Area and the Proposed Development's light industrial (specifically, those under Use Group 7, 9, 11, 16, and/or 17) operations. Potential impacts of predicted criteria pollutant ($PM_{2.5}$, NO_2, and CO) concentrations on existing and proposed sensitive receptors will be determined based on the NAAQS, whereas potential impacts of predicted noncriteria pollutant concentrations will be determined based on NYSDEC's AGC and SGC standards, presented in the DAR-1 guidance document (latest version dated February 12, 2021).

Task 15. Greenhouse Gas Emissions and Climate Change

Increased greenhouse gas (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes in precipitation levels. Although this is occurring on a global scale, the environmental effects of climate change are also likely to be felt at the local level. As the Proposed Development exceeds the 350,000 sf development threshold, a GHG emissions assessment will be provided in the EIS. Additionally, depending on a project's sensitivity, location, and useful life, it may be appropriate to provide a qualitative discussion of the potential effects of climate change on a project. However, as determined in the EAS, the Project Area is not located within existing or projected floodplains. Therefore, an assessment of climate change is not warranted for the Proposed Actions.

Greenhouse Gas Emissions

In accordance with the 2021 *CEQR Technical Manual*, GHG emissions generated by the Proposed Development will be quantified, and an assessment of consistency with the City's established GHG reduction goal will be prepared. Emissions will be estimated for the analysis year and reported as carbon dioxide equivalent (CO_2e) metric tons per year. GHG emissions other than carbon dioxide (CO_2) will be included if they would account for a substantial portion of overall emissions, adjusted to account for the global warming potential. Relevant measures to reduce energy consumption and GHG emissions that could be incorporated into the Proposed Development will be discussed, and the potential for those measures to reduce GHG emissions from the Proposed Development will be assessed to the extent practicable.

- *Building Operational Emissions*: GHG emissions from the Proposed Development will be estimated based on carbon intensity factors specified in the 2021 *CEQR Technical Manual*.
- *Mobile Source Emissions*: GHG emissions from vehicle trips to and from the Project Area will be quantified using trip distances and vehicle emission factors provided in the 2021 *CEQR Technical Manual*.
- *Potential Measures to Reduce GHG Emissions*: Design features and operational measures to reduce the Proposed Development's energy use and GHG emissions will be discussed to the extent that information is available.
- *Consistency with the City's GHG Reduction Goal*: Consistency of the Proposed Development and the Proposed Actions overall will be assessed. While the City's overall goal is to reduce GHG emissions by 30 percent below 2005 levels by 2025, individual project consistency is evaluated based on building energy efficiency, proximity to transit, on-site renewable power and distributed generation, efforts to reduce on-road vehicle trips and/or to reduce the carbon fuel intensity or improve vehicle efficiency for project-generated vehicle trips, and other efforts to reduce the project's carbon footprint.

Task 16. Noise

For the Proposed Actions, there are two major areas of concern regarding noise: (1) the effect the Proposed Development would have on noise levels in the surrounding community; and (2) the level of building attenuation necessary to achieve interior noise levels that satisfy CEQR requirements.

The Proposed Development would generate vehicle trips but given the background conditions and the anticipated project-generated traffic, it is not expected that project-generated traffic would be likely to result in significant adverse noise impacts. However, a screening assessment will be performed to

determine whether there are any locations where there is the potential for the Proposed Development to result in significant noise impacts (i.e., doubling of Noise Passenger Car Equivalents [PCEs]) due to project-generated traffic. A detailed analysis of potential noise impacts due to outdoor mechanical equipment is not required as the outdoor mechanical equipment for any future development facilitated by the Proposed Actions would be required to meet applicable regulations, which are more stringent than 2021 *CEQR Technical Manual* impact criteria. The noise analysis will also examine the level of building attenuation necessary to meet CEQR interior noise level requirements, as the Project Area is located in areas with high ambient noise levels.

The Proposed Development would provide enclosed space for Use Group 7, 9, 11, 16, and/or 17 light industrial uses in Building E, which could result in new stationary sources of noise. However, the Proposed Development's light industrial uses enclosed within Building E would all be allowed by the proposed M1-6 zoning district and would be required to adhere to performance standards that apply to M1 districts as outlined in ZR Sections 42-20 and 42-21. Therefore, a detailed noise analysis of the Proposed Development's light industrial uses on existing sensitive receptors in the vicinity of the Project Area is not warranted, because machinery or mechanical equipment associated with industrial and manufacturing operations would be enclosed and would adhere to applicable performance standards. For sensitive receptors introduced by the Proposed Development, specifically residential, community facility, and commercial office uses in Building B and commercial office uses in Building E, sufficient partitions and/or attenuation between the Building E's light industrial uses and the residential, community facility, and commercial office uses in Buildings B and E will be memorialized by a noise (E) designation to achieve interior L_{eq} and L_{10} noise levels not greater than 45 dBA for residential and community facility uses and not greater than 50 dBA for commercial office uses. Therefore, with adherence to the various New York City Noise Control Code and New York City Department of Buildings (DOB) requirements and the placement of a noise (E) designation, significant, adverse stationary source noise impacts would not be expected on existing and project-generated sensitive receptors within and in the vicinity of the Project Area, and further assessment is not warranted.

The following tasks will be performed in compliance with 2021 *CEQR Technical Manual* guidance:

- Based on the traffic studies conducted for Task 13, Transportation, a screening analysis will be conducted to determine whether there are any locations where there is the potential for the Proposed Development to result in significant noise impacts (i.e., doubling Noise PCEs) due to project-generated traffic. If it is determined that existing Noise PCEs would double at any sensitive receptor, a detailed analysis would be conducted in accordance with 2021 *CEQR Technical Manual* guidance.
- Appropriate noise descriptors for building window/wall attenuation and alternate means of ventilation purposes would be selected. Based on CEQR criteria, the noise analysis will examine the L_{10} noise level for receptor locations where vehicular noise is the dominant noise source and the Day-Night noise level (L_{dn}) for receptor locations where elevated subway noise is the dominant noise source.
- Existing noise levels will be measured at receptor locations adjacent to the Project Area. As vehicular or train noise will be the dominant noise sources at the selected receptor locations adjacent to the Project Area, either 20-minute (for receptor locations where vehicular noise is the dominant noise source) or 1-hour or 24-hour measurements (for receptor locations where train noise is the dominant noise source) will be performed during typical weekday AM, midday, PM, and Saturday peak periods (coinciding with the traffic peak periods) at each receptor location above and below rail lines. In conformance with 2021 *CEQR Technical Manual* procedures, existing noise level estimates will be based on noise data measured in units of "A" weighted decibel scale (dBA) as well as one-third octave bands performed during the standard weekday AM, midday, PM, and Saturday peak periods

(coinciding with the traffic peak periods). The estimated noise level descriptors will include equivalent noise level (L_{eq}), maximum level (L_{max}), minimum level (L_{min}), statistical percentile levels such as L_1, L_{10}, L_{50}, and L_{90}, as well as Day-Night level (L_{dn}). A summary table of existing noise level estimates will be provided as part of the EIS.

- In the event significant differences between traffic counts during the noise measurements and the existing traffic conditions presented in the traffic studies conducted for Task 13, Transportation, are identified, the existing noise measurements will be adjusted based on the difference between the vehicle counts recorded during the noise measurements and the existing traffic conditions presented in the traffic studies conducted for Task 13, Transportation, of the EIS.
- Following procedures outlined in the *CEQR Technical Manual* for assessing mobile source noise impacts, future No-Action and With-Action noise levels will be estimated at the noise receptor locations based on acoustical fundamentals and will be consistent with No-Action and With-Action traffic volumes presented in the traffic studies conducted for Task 13, Transportation. All projections will be made with L_{eq} noise descriptor.
- The cumulative noise effects from both future mobile and stationary noise sources will be calculated by logarithmically adding the projected L_{eq} noise values to yield the total maximum possible L_{eq} and L_{10} noise levels. To determine the potential for significant adverse impacts caused by the Proposed Actions, the total With-Action noise levels will be compared to the total No-Action noise levels at each receptor location and will be based on the applicable standards and CEQR impact thresholds.
- The level of building attenuation necessary to satisfy CEQR requirements (a function of the exterior noise levels) will be determined based on the highest L_{10} or L_{dn} (depending on the dominant noise source) noise levels estimated at each receptor location. If required, building attenuation requirements will be memorialized by a noise (E) designation placed on the applicable block(s) and lot(s) pursuant to Section 11-15 of the ZR and the (E) Rules. The EIS will include noise (E) designation language describing the requirements that would apply.

Task 17. Public Health

Public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability, and premature death; and reducing inequalities in health status, as defined in the 2021 *CEQR Technical Manual*. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a project, and, if so, to identify measures to mitigate such effects.

A public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, hazardous materials, or noise, according to the 2021 *CEQR Technical Manual*. If unmitigated significant adverse impacts are identified for the Proposed Actions in any of these technical areas and a public health assessment is warranted, an analysis will be provided for the specific technical area or areas.

Task 18. Neighborhood Character

Neighborhood character is established by numerous factors, including land use patterns, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include traffic and pedestrian patterns, noise, etc. The Proposed Development has

the potential to alter certain elements contributing to the affected area's neighborhood character. Therefore, a neighborhood character analysis will be provided in the EIS.

A preliminary assessment of neighborhood character will be provided in the EIS to determine whether changes expected in other technical analysis areas—land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; transportation; and noise—may affect a defining feature of neighborhood character. The preliminary assessment will:

- Identify the defining features of the existing neighborhood character.
- Summarize changes in the character of the neighborhood that can be expected in the future With-Action condition and compare to the future No-Action condition.
- Evaluate whether the Proposed Development has the potential to affect these defining features, either through the potential for a significant adverse impact or a combination of moderate effects in the relevant technical areas.

If the preliminary assessment determines that the Proposed Actions could affect the defining features of neighborhood character, a detailed analysis will be conducted in accordance with the 2021 *CEQR Technical Manual* guidance.

Task 19. Construction

Construction impacts, though temporary, can have a disruptive and noticeable effect on the adjacent community, as well as people passing through the area. Construction impacts are usually important when construction activity has the potential to affect transportation conditions, archaeological resources and the integrity of historic resources, community noise levels, air quality conditions, or mitigation of hazardous materials. Projects with overall construction periods lasting longer than two years and that are near to sensitive receptors (i.e., residences, open spaces, etc.) should undergo a preliminary impact assessment according to the 2021 *CEQR Technical Manual*. Construction of the Proposed Development is expected to take place over a period greater than two years and is therefore considered long-term. This chapter of the EIS will provide a preliminary impact assessment following the guidelines within the 2021 *CEQR Technical Manual*. The preliminary assessment will evaluate the duration and severity of the disruption or inconvenience to nearby sensitive receptors. Technical areas to be assessed include the following:

- **Transportation Systems:** In accordance with 2021 *CEQR Technical Manual* methodologies, the travel demand that would be generated during construction of the Proposed Development will be forecasted to identify the expected number of vehicle, transit (bus and subway), and pedestrian trips from construction workers and equipment. Based on the trip projections of activities associated with peak construction for the Proposed Development, an assessment of potential transportation impacts during construction and how they are compared to the trip projections under the operational condition will be provided. The assessment will also evaluate the potential effects of construction activities on streets, sidewalks, bicycle and bus lanes, and transit access points adjacent to the Project Area, where applicable. If warranted, separate detailed analyses will be undertaken for locations identified as having the potential to be impacted by construction trips based on the results of this assessment and the findings of the operational impact analyses.
- **Air Quality:** The construction air quality impact section will contain a detailed quantitative analysis of emissions from on-site construction equipment, on-road construction-related vehicles, and fugitive dust. The pollutants for analysis will be CO, $PM_{2.5}$, PM_{10}, and NO_2. The preliminary construction

schedule developed for the Proposed Development would be used to estimate the short-term and annual average peak periods of activity for air quality purposes. The analysis will review the projected activity and equipment in the context of intensity, duration, and location of emissions relative to nearby sensitive locations, including project buildings that would have been completed and occupied during the later phases of construction. Measures to control and minimize construction period air emissions will be described and incorporated in the analysis, including measures required by State and City regulations. Additional project-specific mitigation measures will be considered to address any potentially significant adverse construction air quality impacts, as appropriate.

- **Noise:** The construction noise impact section will contain a detailed discussion of noise from each phase of construction activity. This will include estimates of construction noise levels at nearby receptors during the various phases of construction. The construction noise analysis will rely on the conceptual construction schedule developed for the Proposed Development to identify peak periods of construction activity. Assumptions would be developed regarding equipment usage factors and typical equipment noise levels. The magnitude and duration of construction noise experienced at nearby noise receptors will be determined and evaluated. Appropriate recommendations will be made to comply with DEP Rules for Citywide Construction Noise Mitigation and the New York City Noise Control Code. Additional project-specific mitigation measures will be considered to address any potentially significant adverse construction noise impacts, as appropriate.
- **Other Technical Areas:** As appropriate, the construction assessment will discuss other areas of environmental concern, including Land Use and Neighborhood Character, Socioeconomic Conditions, Community Facilities and Services, Open Space, Historic and Cultural Resources, and Hazardous Materials, for potential construction-related impacts.

Task 20. Mitigation

Where significant adverse impacts that could result from the Proposed Actions have been identified in Tasks 2 through 19, this chapter will describe the practicable measures that could mitigate those impacts. Additionally, as construction of the Proposed Development would be split into four phases (refer to Section D, "Analysis Framework for Environmental Review"), the EIS will determine if any identified impacts would potentially occur following completion of Phase 1 (i.e., the completion of Building B and portions of the PAA space located in the Phase 1 area), Phase 2 (i.e., the completion of Building C and portions of the PAA space located in the Phase 2 area), or Phase 3 (i.e., the completion of Building D and portions of the PAA space located in the Phase 3 area). If necessary, implementation of any mitigation measures developed for full build-out of the Proposed Actions in 2036 would be considered to address the potential significant adverse impacts under the Phase 1, 2, or 3 build-out. These measures will be developed and coordinated with the responsible City/State agencies, as necessary. Where significant adverse impacts cannot be fully mitigated, they will be disclosed as unavoidable significant adverse impacts.

Task 21. Alternatives

The purpose of an alternatives section in an EIS is to examine development options that would reduce or eliminate significant adverse impacts resulting from the Proposed Actions while substantively meeting the goals and objectives of the Proposed Actions. The specific alternatives to be analyzed will be better defined once the full extent of the Proposed Actions' significant adverse impacts have been identified. The EIS will include a No-Action Alternative, which describes the conditions that would exist if the Proposed Actions were not implemented, and a No Unmitigated Impact Alternative, which assesses a change in density or program design in order to avoid the potential for any unmitigated significant adverse

impacts that may be associated with the Proposed Actions. Additional alternatives and variations of the Proposed Actions may be identified during the scoping process or be based on any significant adverse impacts identified in the EIS. The analysis of each alternative will be qualitative, except in those technical areas where significant adverse impacts of the Proposed Actions have been identified.

Task 22. Summary EIS Chapters

The EIS will include the following three summary chapters, in accordance with 2021 *CEQR Technical Manual* guidance:

- **Unavoidable Adverse Impacts:** summarizes any significant adverse impacts that are unavoidable if the Proposed Actions are implemented regardless of the mitigation employed (or if mitigation is not feasible).
- **Growth-Inducing Aspects of the Proposed Development:** which generally refer to "secondary" impacts of the Proposed Development that trigger further development.
- **Irreversible and Irretrievable Commitments of Resources:** which summarizes the Proposed Development and its impact in terms of the loss of environmental resources (loss of vegetation, use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.

Task 23. Executive Summary

The executive summary will utilize relevant material from the body of the EIS to describe the Proposed Actions, the significant adverse environmental impacts, measures to mitigate those significant adverse impacts, and alternatives to the Proposed Actions. The executive summary will be written in enough detail to facilitate drafting of a notice of completion by DCP, the lead agency.