1584 FLATBUSH AVENUE PARTNERS LLC
1584 FLATBUSH AVENUE REZONING

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR)
ENVIRONMENTAL ASSESSMENT STATEMENT

MATRIXNEWORLD

Engineering Progress

Lead Agency:
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Prepared for:
1584 Flatbush Avenue Partners LLC
1584 Flatbush Avenue
Brooklyn, New York 11210

Site Location:
1584 Flatbush Avenue
Brooklyn, New York 11210
Block 7558, Lot 1

CEQR No. 78DCP101K

Prepared by:
Matrix New World Engineering
20 West 37th Street, 12th Floor
New York, New York 10018

November 2025

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • *Please fill out and submit to the appropriate agency* (see instructions)

Part I: GENERAL INFORMATION

1. *Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?* ☐ YES ☒ NO

If "yes," **STOP** and **complete the FULL EAS FORM**.

2. *Project Name* 1584 Flatbush Avenue Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
78DCP101K	N/A
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA) N/A
TBD	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Department of City Planning			1584 Flatbush Avenue Partners LLC		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Stephanie Shellooe, Director - Environmental Assessment Review Division			Olga Abinader, Matrix New World Engineering		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 20 West 37th Street, 12th Floor		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10018
TELEPHONE (212) 720-3328	EMAIL sshellooe@planning.nyc.gov		TELEPHONE (973) 240-1800	EMAIL OAbinader@mnwe.com	

5. *Project Description*

The Applicant, 1584 Flatbush Avenue Partners LLC, is proposing Zoning Map and Text Amendments to facilitate a rezoning from an existing C4-4A zoning district to a C6-3 (R9 equivalent) zoning district with a coterminous Mandatory Inclusionary Housing (MIH) district (the "Proposed Actions"), affecting Block 7558, Lots 1, 11, 14, 15, 16, and 17 in the Flatbush neighborhood of Brooklyn, Community District 14 (the "Rezoning Area"). The Proposed Actions would facilitate the redevelopment of 1584 Flatbush Avenue (Block 7558, Lot 1; the "Project Site") with a new 165-foot tall, 16-story plus cellar, approximately 130,790-GSF (9.95 FAR) building would have ground floor commercial use (9,544 GSF), ground floor community facility use (330 GSF) and a total of 112 dwelling units on the 2nd through 16th floors of the building, including 29 permanently affordable residential units under MIH Option 1, over 120,916 GSF of residential floor area (an average of approximately 1,080 GSF per residential dwelling unit). The Proposed Project also includes an approximately 2,784-square-foot (-SF) private open space for building residents in the form of an exterior courtyard on the second floor of the building.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 14	STREET ADDRESS 1584 Flatbush Avenue
TAX BLOCK(S) AND LOT(S) Block 7558, Lots 1, 11, 14, 15, 16, and 17		ZIP CODE 11210
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Avenue H to the south, Nostrand Avenue to the west, and Flatbush Avenue to the east		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C4-4A		ZONING SECTIONAL MAP NUMBER 23a

6. *Required Actions or Approvals* (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☒ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☒ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☐ YES ☒ NO

☐ VARIANCE (use)

☐ VARIANCE (bulk)

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO ☐ Cogeneration Facility ☐ Title V Permit

Other City Approvals Subject to CEQR (check all that apply)

☐ LEGISLATION
☐ RULEMAKING
☐ CONSTRUCTION OF PUBLIC FACILITIES
☐ 384(b)(4) APPROVAL
☐ OTHER, explain:

☐ FUNDING OF CONSTRUCTION, specify:
☐ POLICY OR PLAN, specify:
☐ FUNDING OF PROGRAMS, specify:
☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

7. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP
☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 21,858
Waterbody area (sq. ft) and type: N/A - 0 SF
Roads, buildings, and other paved surfaces (sq. ft.): 21,858
Other, describe (sq. ft.): N/A - 0 SF

8. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 198,943
NUMBER OF BUILDINGS: 2
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.):
Projected Development Site No. 1: 130,790 GSF;
Projected Development Site No. 2: 68,153 GSF
HEIGHT OF EACH BUILDING (ft.): 195 FT Each (including a 185-Foot Building Height and 10-FT Rooftop Bulkheads)
NUMBER OF STORIES OF EACH BUILDING: 18

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant: 10,553
The total square feet not owned or controlled by the applicant: 11,305 (including 6,100 SF associated with Projected Development Site 1)

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO
If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: 16,456 sq. ft. (width x length) VOLUME OF DISTURBANCE: 8,740 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 16,456 sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)	183,091	15,339 GSF	513 GSF	0 GSF
Type (*e.g.,* retail, office, school)	183 units	Office and Retail	Medical Office	N/A

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO
If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 502 NUMBER OF ADDITIONAL WORKERS: 55 (46 commercial retail, 2 medical office,

and 7 residential-related employees)

Provide a brief explanation of how these numbers were determined: The number of additional residents is based on an average household size of 2.74 persons in Brooklyn Community District 14 (pursuant to 2020 U.S. Census Data) and 183 new dwelling units under the Future With-Action Scenario (and no residential uses under existing conditions). The number of additional workers is based on a factor of one (1) employee per 250 GSF of commercial office space, one (1) employee per 333 GSF of retail space, one (1) employee per 450 GSF of medical office space, and one (1) employee per 25 residential dwelling units. It is noted that the due to the presence of existing commercial uses at the development sites under the Future No-Action Scenario (which are estimated to generate 87 employees), there would be a net decrease in overall empoyment by 32 workers

Does the proposed project create new open space? ☐ YES ☒ NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? ☐ YES ☒ NO

If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: N/A

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2028

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 24

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☐ YES ☒ NO | IF MULTIPLE PHASES, HOW MANY? Two

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Based on anticipated development approval process by 2026 (including CEQR, ULURP, and the issuance of building permits for the Applicant's Proposed Project two (2) months later, a 18-month construction timeline for each development site under the Future With-Action Scenario (including Lots 1 (the Applicant-owned site) and Lot 11) and the commencement of construction activities at each development site staggered at six month increments, the Project Analysis Year is projected to be 2028 for a total duration of approximately two (2) years (i.e., from Winter 2026 to Winter 2028). Each development site's construction timeline is expected to generally follow the below schedule.

- Demolition of Existing Structures (1 month)
- Excavation and Foundation Construction (2 months)
- Superstructure Construction and Exterior Fit Out (14 months)
- Interior Fit Out and Project Close Out (1 month)

Assuming construction of the Applicant's Proposed Project at Lot 1 begins by Winter 2026, it would be complete by Spring 2028; construction at Lot 11 would commence in Spring 2027 and be completed by Winter 2028.

10. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Brooklyn College

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☒	☐
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. See Attached		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach. N/A		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☐	☒
○ If "yes," complete the Consistency Assessment Form. N/A		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **Early Childhood Programs:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Would the project generate more than 200 additional residents or 500 additional employees?	☒	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☒	☐
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		

	YES	NO
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Attached		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☒	☐
○ If "yes," complete the Jamaica Bay Watershed Protection Plan Project Tracking Form, and submit according to its instructions. See Attached		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure?	☐	☒
(c) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☒	☐
(d) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in the Hazardous Materials Appendix (including nonconforming uses)?	☐	☒
(e) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☒	☐
(f) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(g) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(h) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(i) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See Attached	☒	☐
(j) Based on the Phase I Assessment, is a Phase II Investigation needed? TBD	☐	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒

	YES	NO
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): +4,925 lbs/week, based on: (1) +502 new residents and a factor of 17 lbs per person per week; (2) -39 retail workers and a factor of 93 lbs per employee per week; and (3) +2 medical office workers and a factor of 9 lbs per week per employee		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): 19531777.3 annual BTUs (based on 183,091 GSF of additional residential space and a decrease of 16,948 GSF of commercial space)		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop, or Citywide Ferry Service landing?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☐	☒
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) See Attached	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☒	☐
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 114 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of	☒	☐

	YES	NO
sight to that receptor or introduce receptors into an area with high ambient stationary noise?		
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☒	☐
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. See Attached		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☒	☐
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☒	☐
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☒	☐
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. See Attached		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	DATE
Olga Abinader	November 11, 2025

SIGNATURE 

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☐
Socioeconomic Conditions	☐	☐
Community Facilities and Services	☐	☐
Open Space	☐	☐
Shadows	☐	☐
Historic and Cultural Resources	☐	☐
Urban Design/Visual Resources	☐	☐
Natural Resources	☐	☐
Hazardous Materials	☐	☐
Water and Sewer Infrastructure	☐	☐
Solid Waste and Sanitation Services	☐	☐
Energy	☐	☐
Transportation	☐	☐
Air Quality	☐	☐
Greenhouse Gas Emissions	☐	☐
Noise	☐	☐
Public Health	☐	☐
Neighborhood Character	☐	☐
Construction	☐	☐

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ YES ☐ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☐ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
NAME	DATE
SIGNATURE	

NEGATIVE DECLARATION (Use of this form is optional)

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds that the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE	LEAD AGENCY
NAME	DATE
SIGNATURE	

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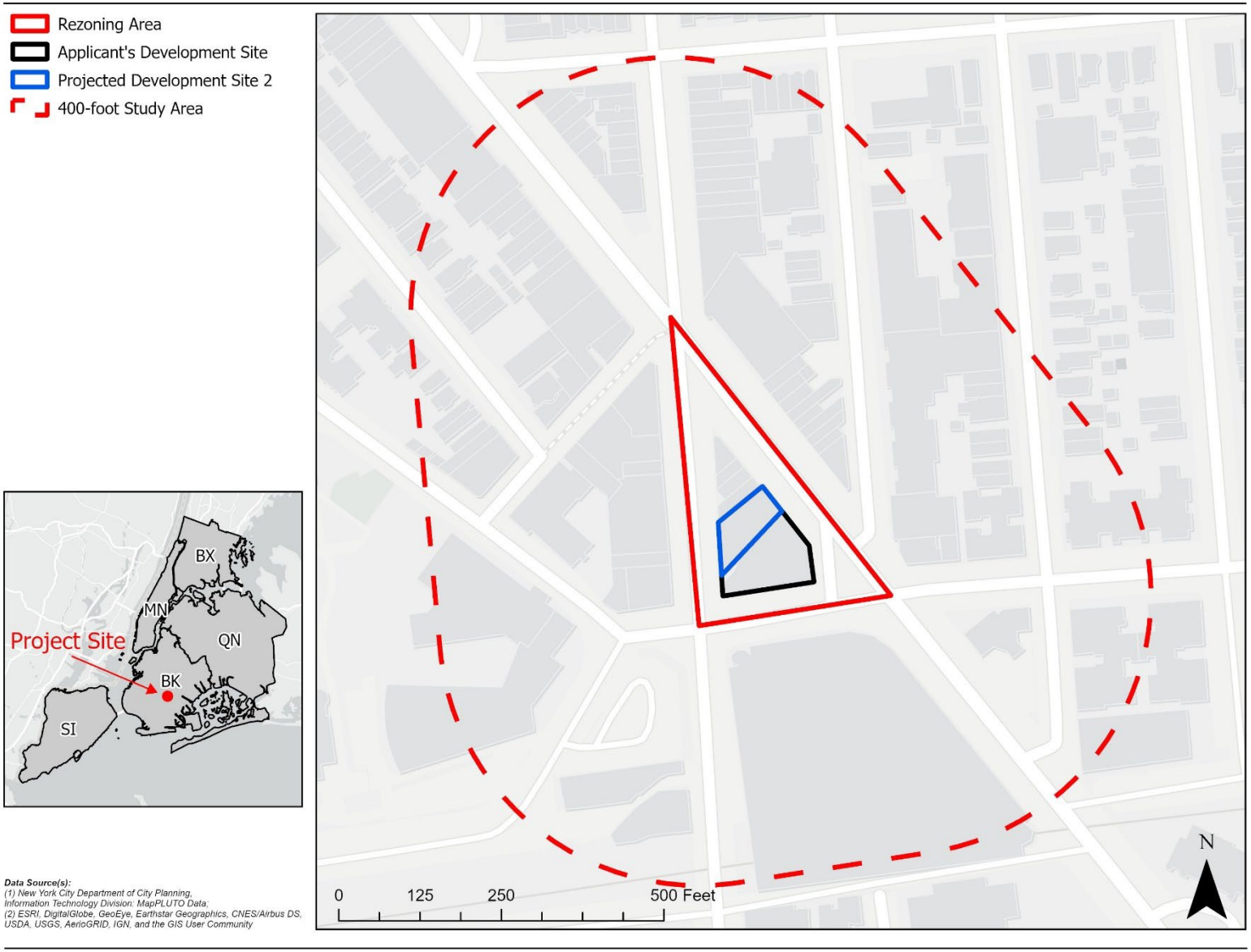
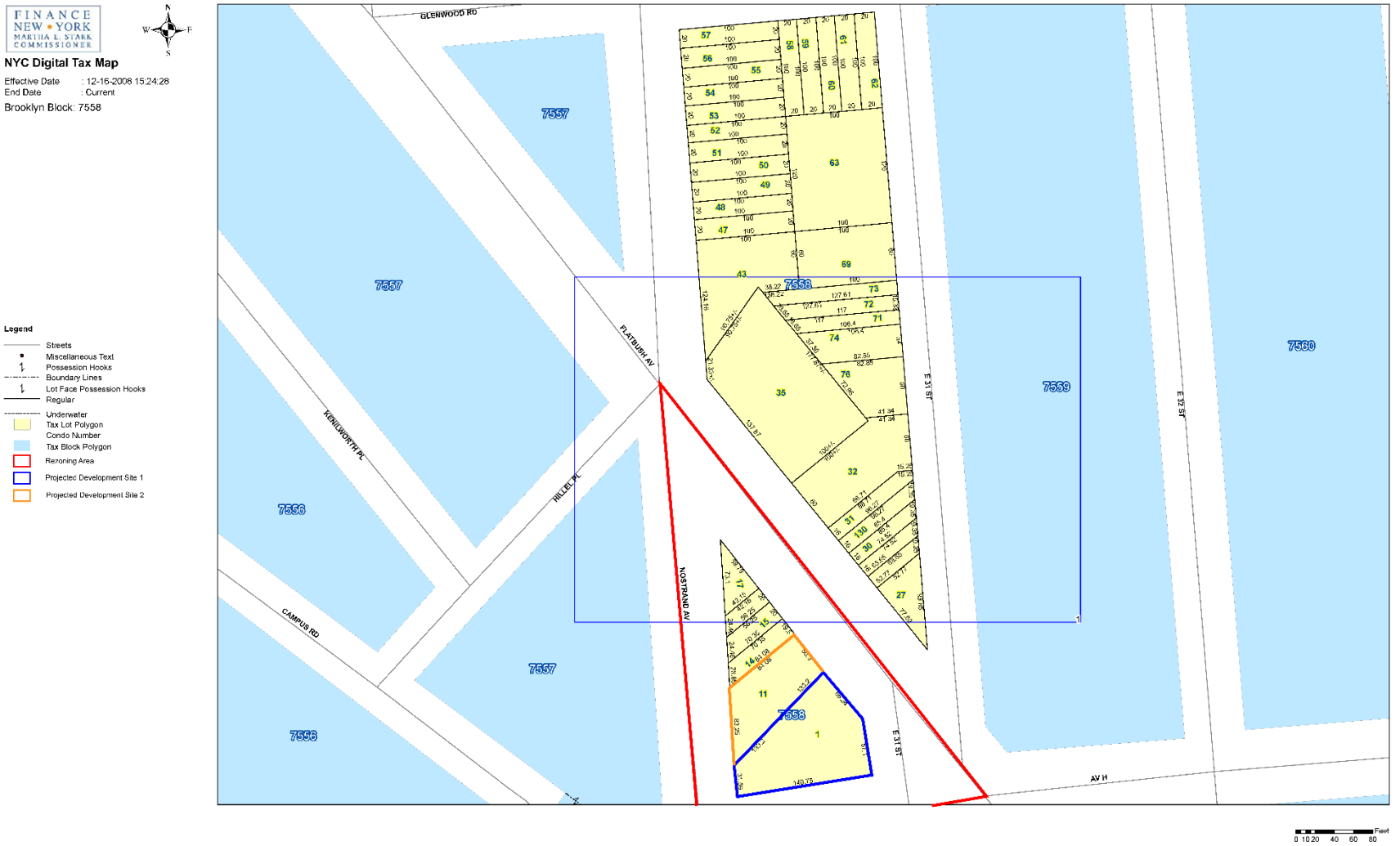
APPENDICES

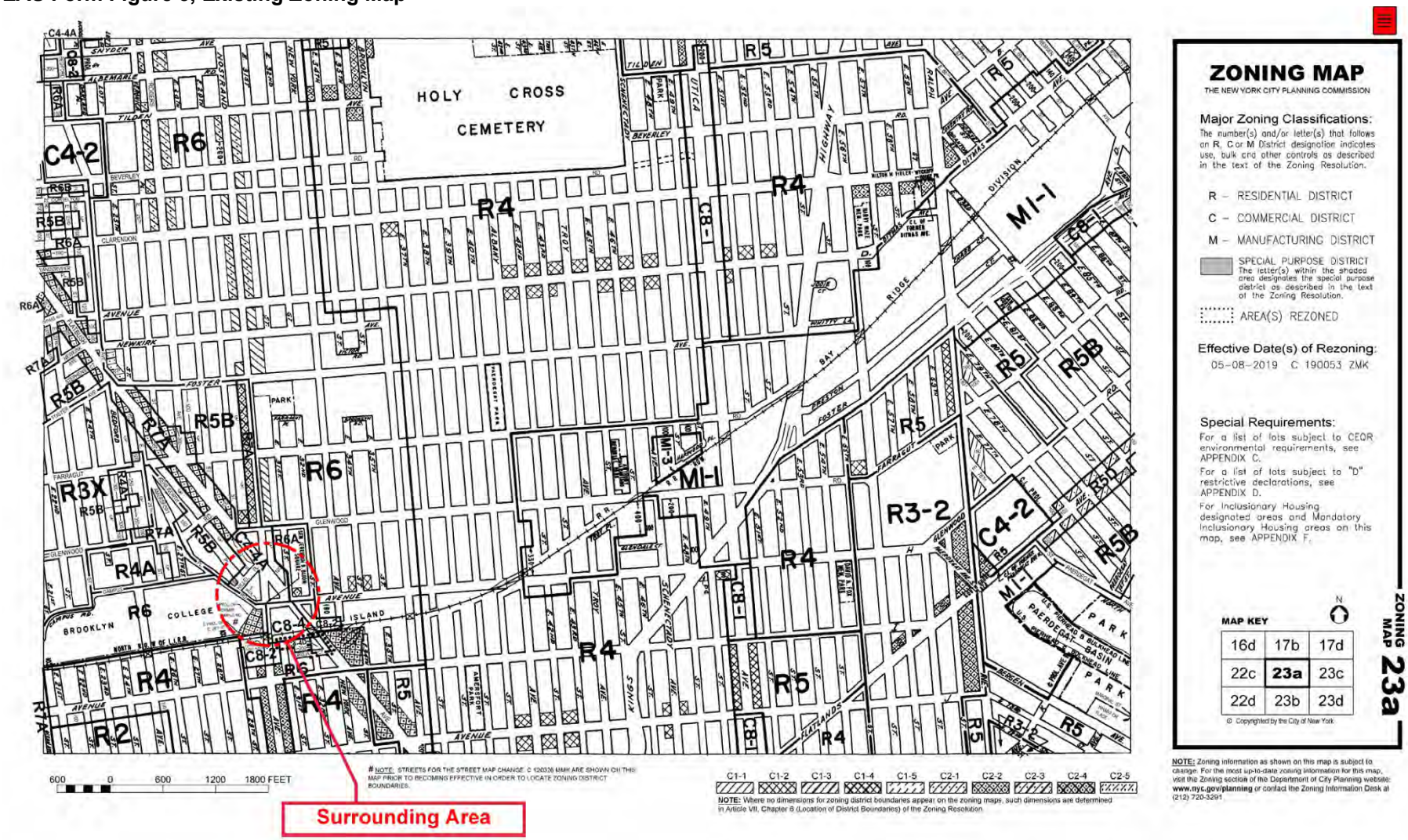
EAS Form Figure 1, Project Site Location Map



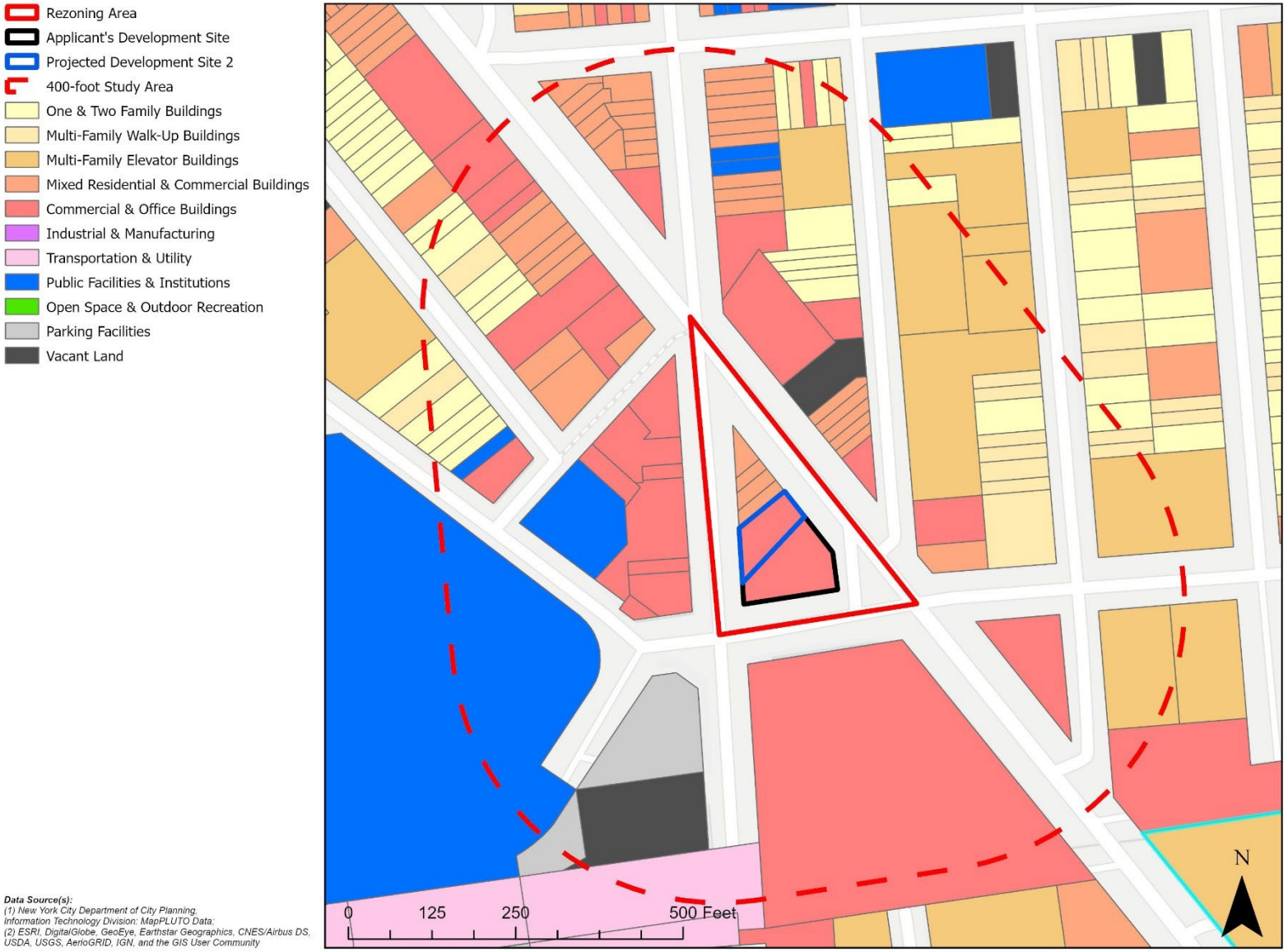
EAS Form Figure 2, Official Tax Map



EAS Form Figure 3, Existing Zoning Map

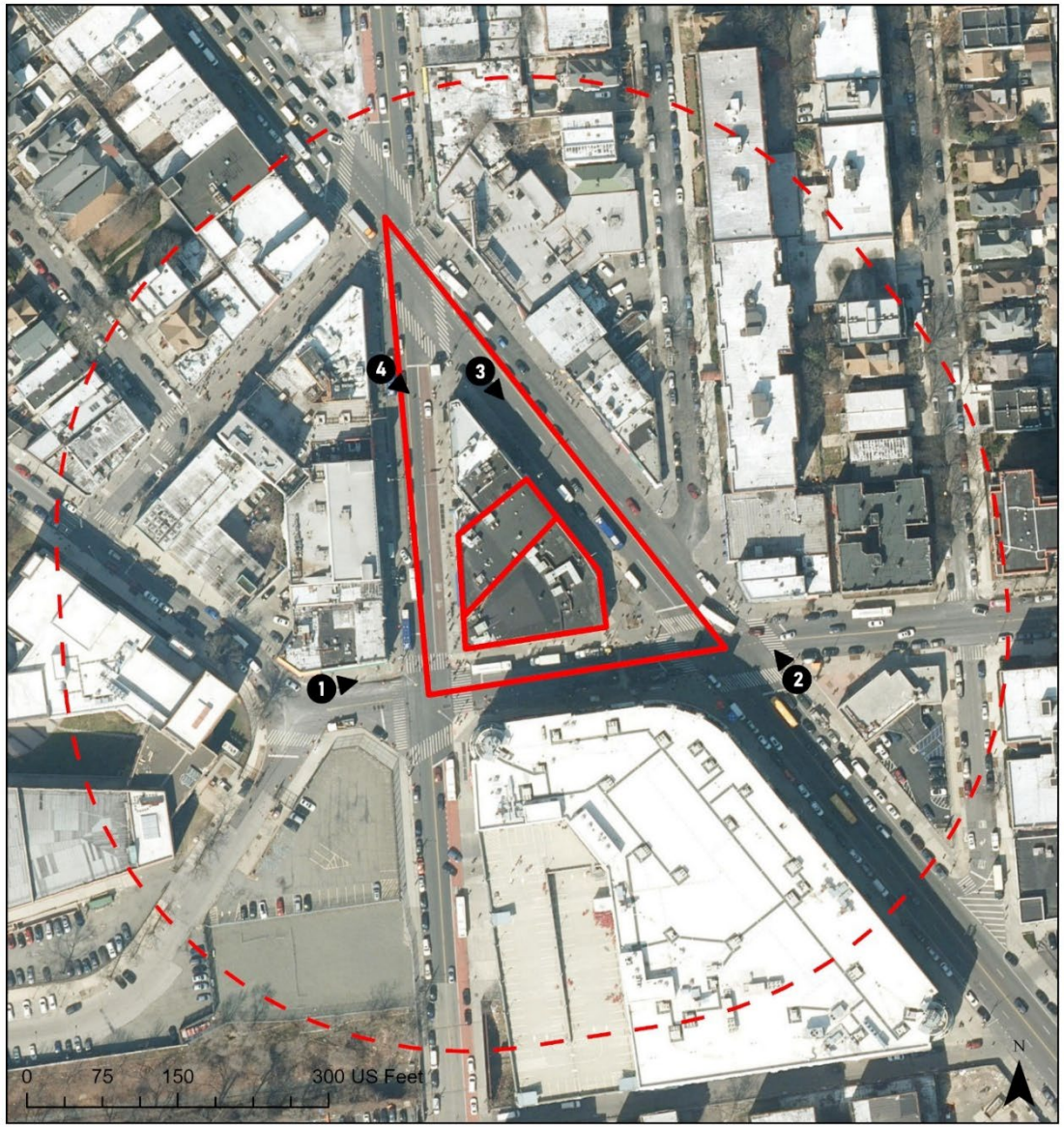


EAS Form Figure 4, Existing Land Use Map



EAS Form Figure 5, Aerial Photography and Photograph Key

Project Site
400-foot Study Area



Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) ESRI, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

EAS Form Figure 6, Project Site and Surrounding Area Photographs

Photo No. 1: View of the southern portion of the Rezoning Area, including Projected Development Site 1, facing east from Avenue H.

Photo No. 2: View of the southern portion of the Rezoning Area, including Projected Development Site 1, facing northwest from the intersection of Flatbush Avenue and Avenue H.

Photo No. 3: View of the west side of the Rezoning Area along Flatbush Avenue, facing south.

Photo No. 4: View of the east side of the Rezoning Area along Nostrand Avenue, facing south.

All photographs taken April 1, 2025

1 PROJECT DESCRIPTION

1.1 Introduction

The Applicant, 1584 Flatbush Avenue Partners LLC, seeks a series of New York City (NYC) City Planning Commission (CPC) discretionary approvals, including: (1) Zoning Map Amendment (from C4-4A to C6-3); and (2) Zoning Text Amendment (to map a Mandatory Inclusionary Housing (MIH) coterminously with the proposed Zoning Map Amendment (the "Proposed Actions") to permit the construction of a new 16-story / 165-foot multi-family residential building with 112 dwelling units (the "Proposed Project") at 1584 Flatbush Avenue (Block 7558, Lot 1) in the Flatbush neighborhood of Brooklyn Community District 14 (the "Project Site"). The proposed Zoning Map and Text Amendments would also apply to Block 7558, Lots 11, 14, 15, 16, and 17 (known as the "Rezoning Area," in combination with Lot 1). The Rezoning Area is generally bounded by Avenue H to the south, Nostrand Avenue to the west, and Flatbush Avenue to the east.

The Proposed Actions are considered NYC discretionary actions, such that it is subject to environmental review pursuant to New York City Environmental Quality Review (CEQR). The New York City (NYC) Department of City Planning (DCP) will serve as the Lead Agency for the Proposed Project on behalf of the New York City Planning Commission (CPC).

1.2 Background and Site History

The entirety of Brooklyn Block 7558 and large portions of the surrounding area were rezoned as part of the Flatbush Rezoning in 2009. The primary intention of the Flatbush Rezoning was to match zoning to the existing built character, which included areas of detached homes, row houses, and apartment buildings. The mapped zoning districts that existed prior to the rezoning did not reflect the built character of lower-density detached and apartment building areas; the prior zoning had resulted in demolition of existing detached, one- and two-family homes. Zoning mapped as part of the Flatbush Avenue rezoning also provided incentives for affordable housing development in the area in addition to strengthening commercial corridors.

Lot 1 under the 2009 Flatbush Rezoning was considered a Projected Development Site while Lot 11 was considered a Potential Development Site under the proposed (and now current) C4-4A zoning district, the development details for which are described as follows:

- Lot 1: an eight-story, 47,638-GSF mixed-use residential and commercial building, including 8,285 GSF of groundfloor commercial floor area, with 39 dwelling units and 14 parking spaces in the cellar.
- Lot 11: and eight-story, 28,060-GSF mixed-use residential and commercial building, including 4,880 GSF of groundfloor floor area, with 23 dwelling units; it was noted that parking requirements were considered waived for this potential development site.

Lots 14, 15, 16, and 17, individually or via any combination thereof, were not considered as development sites as part of the 2009 Flatbush Rezoning.

It is further noted that the City recently rezoned a similar site, although further away from the subway stop, to a C4-4D (R8 equivalent) district (1640 Flatbush Avenue Rezoning, C190053ZMK – Effective May 2019). That property was subsequently redeveloped with a 14-story, 168,280-GSF mixed-use multi-family residential with groundfloor commercial building.

1.3 Description of the Project Site and Rezoning Area

The Project Site is comprised of one (1) tax lot located at 1584 Flatbush Avenue (Block 7558, Lot 1) in the Flatbush neighborhood of Brooklyn Community District 4; Lots 11, 14, 15, 16, and 17 of the same block comprise the remainder of the Rezoning Area. A description of each lot is provided below.

- Lot 1 (the Project Site): a 10,553-square-foot (-SF) irregularly shaped lot featuring a two-story, 20,600-gross-square-foot (-GSF) commercial and office building, built in 1939;
- Lot 11: a 6,100-SF trapezoidal lot featuring a two-story, 12,200-GSF commercial and office building, built in 1931;
- Lot 14: a 1,506-SF rectangular lot featuring a three-story, 3,393-GSF mixed-use residential and commercial building built in 1930;
- Lot 15: a 1,266-SF rectangular lot featuring a three-story, 3,393-GSF mixed-use residential and commercial building built in 1930;
- Lot 16: a 983-SF rectangular lot featuring a three-story, 2,949-GSF mixed-use residential and commercial building built in 1930; and
- Lot 17: a 1,450-SF triangular lot featuring a three-story, 3,774-GSF mixed-use residential and commercial building built in 1930.

See **EAS Form Figure 1** and **EAS Form Figure 5** for a general visualization of the location of the Project Site, Rezoning Area, and their location within the larger Flatbush neighborhood.

1.4 Description of the Surrounding Area

The Rezoning Area is centrally situated by a diverse range of uses, including residential, commercial, community facility, mixed-use and transportation/utility uses. One- and two-family and multi-family buildings are located generally throughout the surrounding area. 1655 Flatbush Avenue (Block 7579, Lot 10), located south of the site is improved with a 20-story, 689,000 GSF (4.59 FAR) multi-family apartment coop building with approximately 634 residential units. 3215 Avenue H (Block 7560, Lot 1), located east of the site is improved with an 11-story 188,540 GSF (6.25 FAR) multi-family apartment building with approximately 190 residential units. South of the site, on the blocks bounded by Flatbush Avenue, Nostrand Avenue, Avenue I and Block 7576, are several six-story residential buildings and a 14-story residential and commercial building. One- and two-family and multi-family walk-up building in the surrounding area range between one- and five-stories.

Flatbush and Nostrand Avenues, two prominent commercial corridors, intersect at the northern tip of the Block 7558 – these corridors include various local retail, larger name brand and food establishments including the Junction shopping mall located just south of the site. The Brooklyn College campus is located just west of the Rezoning. Just north of Brooklyn College, along Campus Road, is Midwood High School, Midwood Science, P.S. 152 School of Science & Technology and P.S. 315K School of Performing Arts. The Rezoning Area is well served by mass transit. The terminus of the 2 and 5 train lines is located just north of Block 7558, the Flatbush Av-Brooklyn College stop. There are several MTA bus lines running along Flatbush Avenue, Nostrand Avenue, Glenwood Road and Avenue H – the B6, B103, B11 B44 and Q35 lines. The MTA LIRR above-ground train line is one block south of the site and runs east/west through south Brooklyn.

Refer to **EAS Form Figure 4** and **EAS Form Figure 5** for a visualization of land uses in the vicinity of the Project Site.

1.5 Description of the Applicant's Proposed Project

The Proposed Project consists of the construction of one new mixed-use residential, community facility, and commercial building at 1584 Flatbush Avenue, Brooklyn (Block 7558, Lot 1). The proposed 165-foot tall, 16-story plus cellar, approximately 130,790-GSF (9.95 FAR) building would have ground floor commercial use (9,544 GSF), ground floor community facility use (330 GSF) and a total of 112 dwelling units on the 2nd through 16th floors of the building, including 29 permanently affordable residential units under MIH Option 1, over 120,916 GSF of residential floor area (an average of approximately 1,080 GSF per residential dwelling unit) . The Proposed Project also includes an approximately 2,784-square-foot (-SF) private open space for building residents in the form of an exterior courtyard on the second floor of the building.

The Proposed Project would not provide any off-street parking. The Project Site is located in the Outer Transit Zone; pursuant to ZR § 25-222, within R9 districts in the Outer Transit Zone, parking requirements for 40 spaces or less are waived (the proposed C6-3 zoning district features an R9 equivalent). Within the R9 zoning district in the Outer Transit Zone, there is a parking requirement of 12 percent for market rate units with no parking requirement for income-restricted units. The Proposed Project would result in a requirement of 10 parking spaces, based on 84 proposed market rate units. As such, parking requirements are waived for the Proposed Project.

1.6 Action(s) Necessary to Facilitate the Applicant's Proposed Project

The Applicant is requesting the following actions (collectively, the Proposed Actions) to facilitate the Proposed Project:

1. Zoning Map Amendment: From an C4-4A zoning district to a C6-3 zoning district (which features an R9 residential equivalent district) affecting the entirety of the Rezoning Area.
2. Zoning Text Amendments: Map an MIH Area coterminous with the proposed Zoning Map Amendment.

1.7 Purpose and Need

According to the Applicant, the Proposed Actions would permit the Applicant to redevelop the Project Site in an economically feasible manner. Geographically, the site is well served by mass transit with the terminus of the 2 and 5 train across from the Project Site, along Flatbush and Nostrand Avenues. The area has long been known as "The Junction" because of its central location. The Rezoning Area is surrounded by wide-streets which can support added density. Across the street is Brooklyn College, and the Rezoning Area is less than 700 feet from an existing 12- and 20-story buildings to the east. The City recently rezoned a similar site, although further away from the subway stop, to a C4-4D (R8 equivalent) district (1640 Flatbush Avenue Rezoning, C190053ZMK – Effective May 2019).

The Proposed Project would not provide any off-street parking. The Project Site is located in the Outer Transit Zone; pursuant to ZR § 25-222, within R9 districts in the Outer Transit Zone, parking requirements for 40 spaces or less are waived (the proposed C6-3 zoning district features an R9 equivalent). Within the R9 zoning district in the Outer Transit Zone, there is a parking requirement of 12 percent for market rate units with no parking requirement for income-restricted units. The Proposed Project would result in a requirement of 10 parking spaces, based on 84 proposed market rate units. As such, parking requirements are waived for the Proposed Project.

1.8 Analysis Framework

The analysis framework compares the incremental difference between future development under the Proposed Actions (the Future With-Action Scenario) and the development that could occur at the Project Site absent the Proposed Actions (the Future No-Action Scenario). This EAS studies the potential for individual and cumulative environmental impacts related to the Proposed Actions occurring in a study area of approximately 400 feet around the Project Site.

1.8.1 Project Analysis Year

Based on anticipated development approval process by 2026 (including CEQR, ULURP, and the issuance of building permits for the Applicant's Proposed Project two (2) months later, a 18-month construction timeline for each development site under the Future With-Action Scenario (including Lots 1 (the Applicant-owned site) and Lot 11) and the commencement of construction activities at each development site staggered at six month increments, the Project Analysis Year is projected to be 2028 for a total duration of approximately two (2) years (i.e., from Winter 2026 to Winter 2028). Each development site's construction timeline is expected to generally follow the below schedule.

- Demolition of Existing Structures (1 month)
- Excavation and Foundation Construction (2 months)
- Superstructure Construction and Exterior Fit Out (14 months)
- Interior Fit Out and Project Close Out (1 month)

Assuming construction of the Applicant's Proposed Project at Lot 1 begins by Winter 2026, it would be complete by Spring 2028; construction at Lot 11 would commence in Spring 2027 and be completed by Winter 2028.

1.8.2 Future No-Action Scenario

Absent the Proposed Action (i.e., the Future No-Action Scenario), the existing buildings at the lots comprising the Rezoning Area, described above in **Section 1.3** would remain. Refer to **Table 1-1** for a quantitative breakdown of the Future No-Action Scenario, including site details, floor areas, and dwelling unit counts.

1.8.3 Future With-Action Scenario

Development Assumptions

The Applicant's Proposed Project features a dwelling unit factor of approximately one (1) per 1,080 GSF of residential floor area (i.e., 120,916 GSF / 112 proposed dwelling units); this exceeds the RWCDS factor of one (1) dwelling units per 1,000 GSF typically used in RWCDS; as such, for the purposes of the CEQR, a factor of one (1) dwelling units per 1,000 GSF was used.

In addition to the Applicant's Development Site (Projected Development Site 1), it is assumed that Lot 11 at Block 7558 within the Rezoning Area would constitute an additional, non-Applicant-owned, development site (Projected Development Site 2) as it meets *2021 CEQR Technical Manual* soft site criteria (greater than a 5,000-SF lot area and significantly underbuilt under the Proposed Actions).

The remaining lots included within the Rezoning Area (Block 7558, Lots 14, 15, 16, and 17), or any combination thereof, will not be considered either a Projected or Potential Development Site for the purposes CEQR. All four (4) lots are smaller than 5,000 SF in lot area, and only through a combination of all four (4) lots would a lot area of greater than 5,000 SF be achieved. While Lot 14 and 15 are under common ownership, Lots 16 and 17 are under separate ownership. As such, it is

unlikely all four lots would be assembled and result in a Projected or Potential Development Site for the purposes of CEQR.

Future With-Action Scenario Projected Development

Applicant's Development Site / Projected Development Site 1

At Projected Development Site 1 (i.e., the Applicant's Development Site), the Future With-Action Scenario consists of the construction of one new mixed-use residential, community facility, and commercial building at 1584 Flatbush Avenue, Brooklyn (Block 7558, Lot 1). The proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 130,790-GSF (9.95 FAR) building would have ground floor commercial use (9,544 GSF), ground floor community facility use (330 GSF) and a total of 121 dwelling units on the 2nd through 18th floors of the building, including 24 to 36 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 120,916 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit). Projected Development Site 1 also includes an approximately 2,784-square-foot (-SF) private open space for building residents in the form of an exterior courtyard on the second floor of the building.

It is assumed no off-street parking would be provided at Projected Development Site 1 under the Future With-Action Scenario. The Rezoning Area is located in the Outer Transit Zone; pursuant to ZR § 25-222, within R9 districts in the Outer Transit Zone, parking requirements for 40 spaces or less are waived (the proposed C6-3 zoning district features an R9 equivalent). Within the R9 zoning district in the Outer Transit Zone, there is a parking requirement of 12 percent for market rate units with no parking requirement for income-restricted units. Projected Development Site 1 is anticipated to result in a maximum parking requirement of 12 spaces (assuming 97 market rate and 24 affordable dwelling units). As such, parking requirements would be waived under the Future With-Action Scenario.

Projected Development Site 2 (Non-Applicant Owned)

For the purposes of CEQR, it is assumed that Projected Development Site 2 (Block 7558, Lot 11) would be redeveloped in a manner similar to that of Projected Development Site 1. As such, the Future With-Action Scenario at Projected Development Site 2 consists of a proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 68,153-GSF (10.0 FAR) building would have ground floor commercial use (5,795 GSF), ground floor community facility use (183 GSF) and a total of 62 dwelling units on the 2nd through 18th floors of the building, including 12 to 19 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 62,175 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit).

It is assumed no off-street parking would be provided at Projected Development Site 1 under the Future With-Action Scenario. The Rezoning Area is located in the Outer Transit Zone; pursuant to ZR § 25-222, within R9 districts in the Outer Transit Zone, parking requirements for 40 spaces or less are waived (the proposed C6-3 zoning district features an R9 equivalent). Within the R9 zoning district in the Outer Transit Zone, there is a parking requirement of 12 percent for market rate units with no parking requirement for income-restricted units. Projected Development Site 1 is anticipated to result in a maximum parking requirement of 12 spaces (assuming 97 market rate and 24 affordable dwelling units). As such, parking requirements would be waived under the Future With-Action Scenario.

Refer to **Table 1-1** for a quantitative breakdown of the Future With-Action Scenario, including site details, floor areas, and dwelling unit counts (refer to **Figure 1-1** for visual massing of the Future With-Action Scenario).

Table 1-1, RWCDS Analysis Framework Table

Site Info				Future No-Action Scenario							
Site ID	**Block**	**Lot(s)**	**Lot Area (sf)**	**Zoning**	**MF (gsf)**	**Com (gsf)**	**CF (gsf)**	**Res (gsf)**	**Total (gsf)**	**Affordable DUs**	**Total DUs**
Projected Development Site 1	7558	1	10,553	C4-4A	0	20,600	0	0	20,600	0	0
Projected Development Site 2	7558	11	6,100		0	12,200	0	0	12,200	0	0
TOTAL:	-	-	**16,653**	-	**0**	**32,800**	**0**	**0**	**32,800**	**0**	**0**
Site Info				**Future With-Action Scenario**							
Site ID	**Block**	**Lot(s)**	**Lot Area (sf)**	**Zoning**	**MF (gsf)**	**Com (gsf)**	**CF (gsf)**	**Res (gsf)**	**Total (gsf)**	**Affordable DUs**	**Total DUs**
Projected Development Site 1	7558	1	10,553	C6-3	0	9,544	330	120,916	130,790	36	121
Projected Development Site 2	7558	11	6,100		0	5,795	183	62,175	68,153	19	62
TOTAL:	-	-	**16,653**	-	**0**	**15,339**	**513**	**183,091**	**198,943**	**55**	**183**

1.8.4 RWCDS Analysis Increments

As indicated in **Table 1-2** below, the Future With-Action Scenario would result in several incremental increases in various analysis metrics over the Future No-Action Scenario.

Table 1-2, RWCDS Analysis Increments

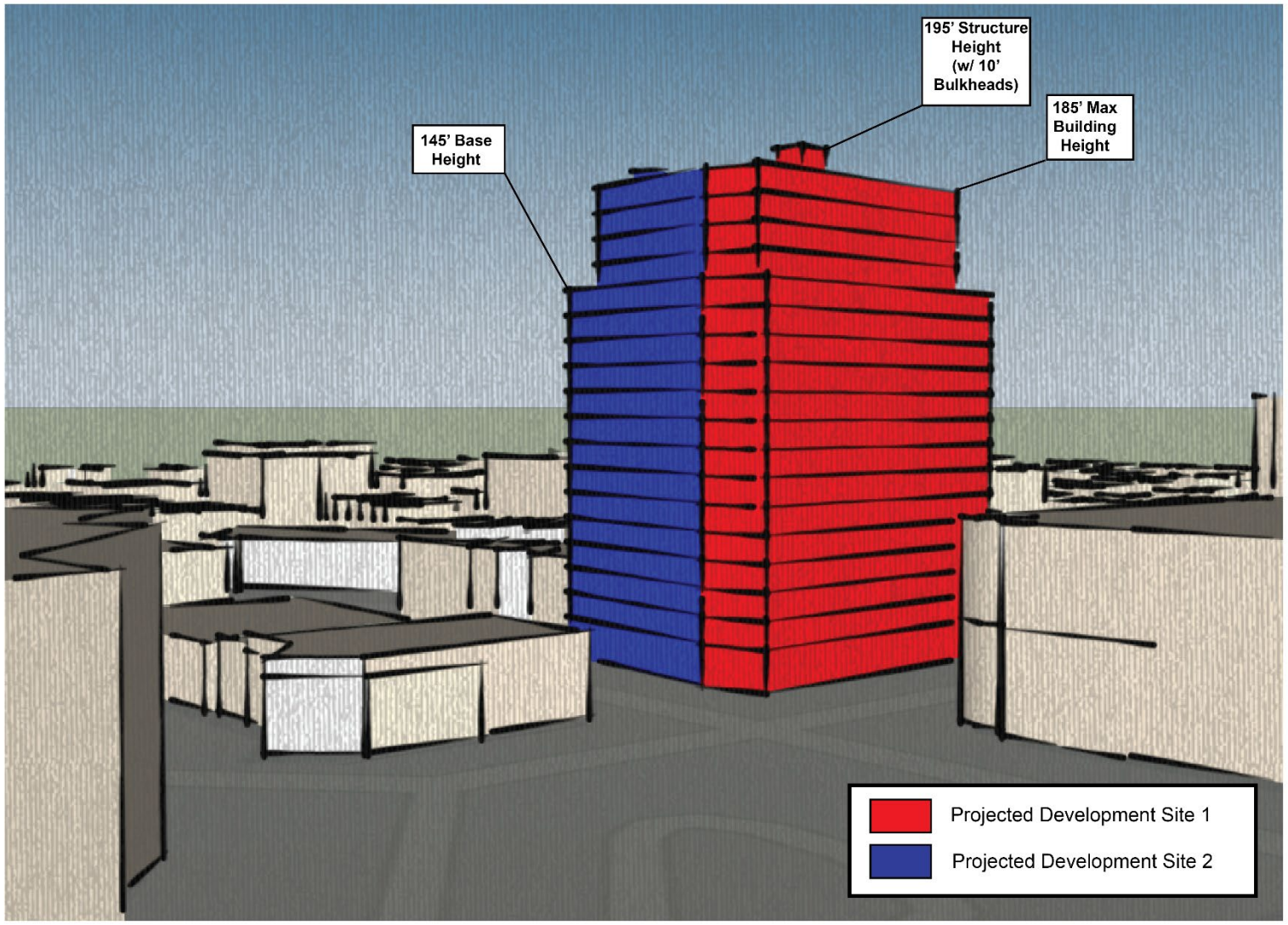
	Future No-Action Scenario	Future With-Action Scenario	RWCDS Analysis Increment
Proposed Building Height (FT)	32 Feet	195 Feet[1]	+163 Feet
Residential Uses			
Floor Area (GSF)	0 GSF	183,091 GSF	+183,091 GSF
Affordable Dwelling Units	0	55	+55
Total Dwelling Units	0	183	+183
Residents[2]	0	502	+502
Commercial Uses			
Commercial Retail Floor Area (GSF)	17,400 GSF	7,670 GSF	-9,730 GSF
Commercial Office Floor Area (GSF)	15,400 GSF	7,669 GSF	-7,731 GSF
TOTAL:	**32,800 GSF**	**15,339 GSF**	**-17,461**
Community Facility Uses			
Floor Area (GSF)	0 GSF	513 GSF	+513 GSF
Employee Generation Projections[3]			
Residential	0	7	+7
Commercial Office	70	31	-29
Commercial Retail	46	23	-23
Community Facility	0	2	+2
TOTAL:	**116**	**63**	**-53**

Note(s): [1] Includes a 185-foot building height with additional 10-foot rooftop bulkheads.
[2] Based on an average household size of 2.74 persons in Brooklyn Community District 14 (pursuant to 2020 U.S. Census Data) and zero (0) dwelling units under the Future No-Action Scenario and 183 dwelling units under the Future With-Action Scenario.
[3] Based on factors of one (1) employee per 25 dwelling units, one (1) employee per 250 GSF of commercial office floor area, one (1) employee per 333 GSF of commercial retail floor area, and one (1) employee per 450 GSF of medical office floor area, pursuant to NYC Racial Equity Report submission guidelines (https://www.nyc.gov/assets/planning/download/pdf/applicants/applicant-portal/racial-equity-report/rer-instructions.pdf?r=062024, accessed February 22, 2025).

The maximum overall building height would increase approximately 163 feet, from 32 feet in the Future No-Action Scenario to 195 feet in the Future With-Action Scenario (including a 185-foot maximum building height with additional 10-foot rooftop bulkheads). The gross residential floor area would increase 183,091 GSF (from 0 GSF to 183,091 GSF), with a 183 totaling dwelling unit increase (from 0 to 183, of which up to 55 would be affordable, depending on the MIH option chosen). The 183 dwelling unit increase would result in a 502-resident increase. Total community facility floor area would increase by 513 GSF, from 0 GSF to 513 GSF (including 330 and 183 GSF spaces at Projected Development Sites 1 and 2, respectively). Total commercial floor area would decrease by 17,339 GSF (from 32,800 GSF to 15,339 GSF; this includes a 9,730 GSF decrease in commercial retail floor area and a 7,731 GSF decrease in commercial office floor area).

Incremental employment would decrease from 116 to 63 workers from the Future No-Action to Future With-Action Scenarios (a 53-worker decrease). This includes a seven (7) worker increase associated with residential related employment, 29 and 23 worker decreases associated with commercial office and retailer workers, respectively, and a two (2) worker increase associated with the proposed community facility spaces.

Figure 1-1, Future With-Action Scenario Massing



2 LAND USE, ZONING, AND PUBLIC POLICY

2.1 Introduction

The *2021 CEQR Technical Manual* recommends procedures for the analysis of land use, zoning, and public policy to ascertain the impacts of a project on the Surrounding Area. Land use, zoning, and public policy are described in detail below. This section considers existing conditions, development trends, zoning, and other public policies in relation to the Project Site and its associated Study Area, as well as the larger area in which the Proposed Actions may have an effect. As these Proposed Actions would result in a change of zoning (i.e., from C4-4A to C6-2A), a preliminary assessment of Land Use, Zoning, and Public Policy is required.

2.2 Methodology

This analysis assesses the impact of the Proposed Actions impact on land use, zoning, and public policy at the Project Site and its associated Study Area. The analysis includes a description of the Existing Conditions, Future No-Action Scenario, and Future With-Action Scenario at the Project Site and Study Area geographies; the impact of the Proposed Actions is then assessed through a comparison of the Future No-Action and With-Action Scenarios.

The assessment considers the direct effects of the project, and answers the following questions: (1) How would the Project Site be zoned? (2) What use(s) would the Proposed Project create at the Project Site? and (3) Would these uses be different from the uses that could otherwise be located on the site by the build year? The analysis then focuses on the project's compatibility and consistency with surrounding land uses, zoning, and applicable public policies as they would exist in the future without the project. Finally, the analysis should determine whether the project would have the ability to generate land use change in the study area. This analysis addresses the interplay between the Proposed Project in its location and conditions in the surrounding area. Key conditions most often include the size, use, and special characteristics of the development expected with the proposed project; the current and anticipated land use trends; linkages among land uses; presence (or absence) of underutilized properties appropriately zoned for the expected new use; and zoning or other public policies in the area that promote, permit, or prohibit the development of the expected new use.

Existing land uses were determined by reference to the New York City Zoning and Land Use (ZoLa) database and PLUTOTM 24v4.1 shapefiles in conjunction with an in-person survey of the area. The evaluation of lots within the 400-foot Study Area was performed with reference to New York City Zoning Maps and the Zoning Resolution of the City of New York and served as the basis for the zoning evaluation of the Future No-Action and Future With-Action Conditions. Public Policy research was performed through an evaluation of the NYC Department of City Planning (DCP) and other city agencies' programs and documentation.

2.3 Preliminary Land Use, Zoning, and Public Policy Analysis

2.3.1 Land Use

The *2021 CEQR Technical Manual* indicates that a land use, zoning, and public policy Study Area should generally extend 400 feet from the Rezoning Area ("the Surrounding Area" or "Study Area"). The Study Area is generally bounded by the Brooklyn College campus to the west, Glenwood Road to the north, mid-block between East 32nd Street and New York Avenue to the east, and the Triangle Junction Shopping Mall to the south. Existing land uses within approximately 400 feet of the Rezoning Area are visualized in **EAS Form Figure 4**.

Existing Conditions

Rezoning Area

The Rezoning Area is comprised of five 5 tax lots (Block 7558, Lots 1, 11, 14, 15, 16, and 17) in the Flatbush neighborhood of Brooklyn Community District 14. A description of each lot is provided below.

- Lot 1 (Projected Development Site 1): a 10,553-square-foot (-SF) irregularly shaped lot featuring a two-story, 20,600-gross-square-foot (-GSF) commercial retail building (Use Group (UG) VI), built in 1939;
- Lot 11 (Projected Development Site 2): a 6,100-SF trapezoidal lot featuring a two-story, 12,200-GSF commercial retail building (UG VI), built in 1931;
- Lot 14: a 1,506-SF rectangular lot featuring a three-story, 3,393-GSF mixed-use commercial office (UG VII) and retail (UG VI) building, built in 1930;
- Lot 15: a 1,266-SF rectangular lot featuring a three-story, 3,393-GSF mixed-use commercial office (UG VII) and retail (UG VI) building, built in 1930;
- Lot 16: a 983-SF rectangular lot featuring a three-story, 2,949-GSF mixed-use commercial office (UG VII) and retail (UG VI) building, built in 1930; and
- Lot 17: a 1,450-SF triangular lot featuring a three-story, 3,774-GSF mixed-use commercial office (UG VII) and retail (UG VI) building, built in 1930.

See **EAS Form Figure 1** and **EAS Form Figure 5** for a general visualization of the location of the Rezoning Area and its location within the larger Flatbush neighborhood.

Study Area

Land uses within 400 feet of the Rezoning Area generally include a mixture of commercial office (UG VII) and retail (UG VI) uses near the interior of the Study Area, with residential uses (UG II) near the outer extents of the Study Area, and institutional uses associated with Brooklyn College (UG IIIB); refer to **EAS Form Figure 4** for a visualization of land uses within the Study Area.

Commercial office and retail land uses are concentrated in the core of the Study Area, primarily at the area around the intersections of Flatbush Avenue, Nostrand Avenue, and Avenue H. The majority of the commercial office and retail uses are situated north of Avenue H within the Study Area, lining the east and west sides of the Flatbush and Nostrand Avenue corridors; these uses range from approximately 1,200 to 26,000 GSF and one (1) to four (4) stories in height (with the majority being one (1) to two (2) stories). Built FAR ranges from 0.39 to 3.57 commercial FAR. There are several mixed-use multi-family residential with groundfloor commercial uses of similar size and scale (2,400 to 13,000 GSF buildings, three (3) to six (6) stories in height, with built FARs ranging from 0.8 to 3.23) interspersed with the strictly commercial office and retail uses along these corridors. Neighborhood style retail establishments characterize the shopping in this area, including clothing and cell phone stories, delis, restaurants, banks, and salons, among others. In addition to these retail uses, the Triangle Junction Shopping Mall is located immediately south of the Rezoning Area, a four (4) story retail shopping mall with 489,934 GSF of floor area (5.65 FAR).

One- and two-family and multi-family residential land uses are also found within the Study Area, primarily within its northern, northeastern, and eastern portions, as well as a pocket of one- and two-family residential uses to the northwest. The one- and two-family residential uses range in size from approximately 2,100 to 3,500 GSF (0.4 to 1.4 FAR), with heights ranging from two (2) to three (3) stories. Multi-family residential uses are somewhat more varied in scale, with several smaller-scale

multi-family buildings ranging in size from 3,100 to 5,300 GSF (1.57 to 2.7 FAR) with building heights ranging from three (3) to five (5) stories); these land uses are concentrated in the northern Study Area are East 32nd Street. These buildings contain between three (3) and eight (8) dwelling units. Larger multi-family land uses, along East 31st and 32nd Streets, range in size from approximately 39,000 to 189,000 GSF (3.6 to 6.26 FAR), with heights ranging from four (4) to 11 stories. These buildings contain between 46 and 190 dwelling units.

Several institutional uses are found throughout the Study Area. Of particular note are small portions of Brooklyn College in the western Study Area (including a small eastern portion of the main campus, associated parking facilities (UG IX(C)), and another off-campus building); Brooklyn College is a public university in Brooklyn, part of the City University of New York (CUNY) system and enrolls nearly 14,000 students on its 35-acre campus. Additional institutional uses include a religious use (UG IIIB) along Kenilworth Place in the vicinity of the Brooklyn College campus as well as a Urgent Care facility (UG VII) in the northern Study Area along Nostrand Avenue. Transportation uses (UG IV(B)) are also found within the Study Area, including train tracks associated with the MTA Long Island Rail Road (LIRR) at the southern edge of the Study Area and MTA NYC Subway infrastructure, including the Flatbush Av-Brooklyn College Station, at the central Study Area.

Refer to **EAS Form Figure 4** and **EAS Form Figure 5** for a visualization of land uses in the vicinity of the Rezoning Area.

Future No-Action Scenario

Rezoning Area

Absent the Proposed Actions (i.e., the Future No-Action Scenario), the existing buildings at the lots comprising the Rezoning Area, described above would remain.

Study Area

Based on a review of NYC's Active Major Construction[1] (AMC) and Zoning Application Portal[2] (ZAP) databases on March 5, 2025, there are no developments within the 400-foot Study Area that would be completed by the 2028 Project Build Year.

Future With-Action Scenario

Rezoning Area

The Future With-Action Scenario consists of two (2) development sites, described below.

Applicant's Development Site / Projected Development Site 1

At Projected Development Site 1 (i.e., the Applicant's Development Site), the Future With-Action Scenario consists of the construction of one new mixed-use residential, community facility, and commercial building at 1584 Flatbush Avenue, Brooklyn (Block 7558, Lot 1). The proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 130,790-GSF (9.95 FAR) building would have ground floor commercial use (9,544 GSF), ground floor community facility use (330 GSF) and a total of 121 dwelling units on the 2nd through 18th floors of the building, including 24 to 36 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 120,916 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit). Projected Development Site 1 also includes an approximately

[1] https://nycdob.github.io/DOB_Dashboards/layouts/two-and-one/Active_ConstructionTM_withGraphs, accessed June 10, 2024.
[2] https://zap.planning.nyc.gov/projects, accessed June 10, 2024.

2,784-square-foot (-SF) private open space for building residents in the form of an exterior courtyard on the second floor of the building.

Projected Development Site 2 (Non-Applicant Owned)

For the purposes of CEQR, it is assumed that Projected Development Site 2 (Block 7558, Lot 11) would be redeveloped in a manner similar to that of Projected Development Site 1. As such, the Future With-Action Scenario at Projected Development Site 2 consists of a proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 68,153-GSF (10.0 FAR) building would have ground floor commercial use (5,795 GSF), ground floor community facility use (183 GSF) and a total of 62 dwelling units on the 2nd through 18th floors of the building, including 12 to 19 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 62,175 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit).

Study Area

The Future With-Action Scenario would be limited to the Project Site, such that there would be no changes in land use within the Study Area associated with the Proposed Actions.

Land Use Conclusions

The Future With-Action Scenario would result in incremental increases of 183,091 GSF of multi-family residential uses (including 183 total dwelling units, with up to 55 being affordable – UG II) and 513 GSF of medical office space (UG VII). It would result in an incremental decrease of 17,461 GSF of commercial floor area (including a 9,760 GSF decrease in commercial office (UG VII) and a 7,731 GSF decrease in commercial retail (UG VI) floor areas.

The Study Area consists of a mix of commercial and residential uses, as well as the Brooklyn College campus, such that the development forecasted under the Future With-Action Scenario would both complement and be consistent with existing land use patterns. While there would be a loss of commercial floor area at Projected Development Sites 1 and 2, the Future With-Action Scenario would still maintain 15,339 GSF of commercial floor area (split equally between office and retail uses), maintaining the existing commercial character of Projected Development Sites 1 and 2.

Based on the foregoing, the Future With-Action Scenario would complement and be consistent with the land use character of the area such that no significant adverse land use impacts would result, and no further analysis is necessary.

2.3.2 Zoning

Existing Conditions

Rezoning

The entirety of the Rezoning Area is within a mapped C4-4A zoning district (see **EAS Form Figure 3**). C4 districts are mapped in regional commercial centers, such as Flushing in Queens and the Hub in the Bronx, that are located outside of the central business districts. In these areas, specialty and department stores, theaters and other commercial and office uses serve a larger region and generate more traffic than neighborhood shopping areas. C4 districts with an A, D or X suffix are contextual districts in which the commercial and residential bulk and density regulations can differ from corresponding non-contextual districts. Some districts have the same commercial and residential FARs but may differ in parking requirements. Floor area may be increased with a public plaza or Inclusionary Housing Program bonus.

C4-4A zoning districts permit a maximum commercial and community facility FAR of 4.0 and a 20-foot rear yard requirement; side yards are not required, but if provided must comply with either a minimum 8-foot width or a minimum 5-foot width with an average width of 8 feet. The C4-4A district features no off-street parking requirements. The building height and setbacks of commercial contextual district are governed by their residential equivalents – the C4-4A zoning districts features an R7A residential district equivalent. Permitted UGs within the C4-4A zoning district include: UG II, Residences; UG III, Community Facilities; UG IV - Public Service Facilities and Infrastructure; UG V (Transient Accommodations); UG VI (Retail and Services); UG VIII (Offices and Laboratories); UG VIII (Recreation, Entertainment and Assembly Spaces); UG IX (Storage); and UG X (Production Facilities).

The R7A zoning district permits a maximum residential FAR of 5.01, with a minimum rear yard requirement of 30 feet. The R7A zoning district features a base height requirement of 40 to 85 feet and a maximum building height of 115 feet; setbacks of 10 feet along wide streets and 15 feet along narrow streets are required at the base height. Within the Outer Transit Zone, parking requirements in R7A districts include parking for 15 percent of market rate units, no parking requirements for income-restricted dwelling units, and a waiver of all parking requirements if 15 or less spaces are required.

It is noted that the C4-4A district at the Rezoning Area was mapped as part of the 2009 Flatbush Rezoning. The primary intention of the Flatbush Rezoning was to match zoning to the existing built character, which included areas of detached homes, row houses, and apartment buildings. The mapped zoning districts that existed prior to the rezoning did not reflect the built character of lower-density detached and apartment building areas; the prior zoning had resulted in demolition of existing detached, one- and two-family homes. Zoning mapped as part of the Flatbush Avenue rezoning also provided incentives for affordable housing development in the area in addition to strengthening commercial corridors.

Study Area

Mapped zoning districts within the Study Area include the R5B, R6 (w/ C2-2 and C2-4 overlays), R6A (w/ C2-4 overlay), C4-4A, C8-2, and C8-4 districts (see **EAS Form Figure 3**). Area and bulk regulations of each district within the Study Area are described below (except the C4-4A district, described above).

R5B Zoning District

Although an R5B contextual district permits detached and semi-detached buildings, it is primarily a three-story rowhouse district typical of such neighborhoods as Windsor Terrace and Bay Ridge in Brooklyn. The traditional quality of R5B districts is reflected in the district's height and setback, front yard and curb cuts regulations that maintain the character of the neighborhood.

Permitted uses in the R5B zoning district include UG I (Agricultural and Open Uses); UG II; UG III; and UG IV. The R5B zoning district permits maximum residential and community facility FARs of up to 2.0, a maximum base height of 45 feet and a maximum building height of 55 feet. Within the Outer Transit Zone, parking requirements in R5B districts include parking for 25 percent of market rate units, no parking requirements for income-restricted dwelling units, and a waiver of all parking requirements if 10 or less spaces are required.

R6 Zoning District (w/ C2-2 and C2-4 Overlays)

R6 zoning districts are widely mapped in built-up, medium-density areas in Brooklyn, Queens and the Bronx. The character of R6 districts can range from neighborhoods with a diverse mix of building

types and heights to large-scale “tower in the park” developments such as Ravenswood in Queens and Homecrest in Brooklyn. Developers can choose between two sets of bulk regulations. Standard height factor regulations, introduced in 1961, produce small multi-family buildings on small zoning lots and, on larger lots, tall buildings that are set back from the street.

Permitted uses in the R6 zoning district include UG I; UG II; UG III; and UG IV. The R6 zoning district permits a maximum residential FAR of 3.9 and a maximum community facility FAR of 4.8. The R6 features a 30- to 65-foot base height, with a maximum building height of 85 feet, with a minimum 30-foot rear yard requirement. Setbacks of 10 feet along wide streets and 15 feet along narrow streets are required at the base height. Within the Outer Transit Zone, parking requirements in R6 districts include parking for 25 percent of market rate units, no parking requirements for income-restricted dwelling units, and a waiver of all parking requirements if 15 or less spaces are required.

C1-1 through C1-5 and C2-1 through C2-5 districts are commercial overlays mapped within residence districts. Mapped along streets that serve local retail needs, they are found extensively throughout the city’s lower- and medium-density areas and occasionally in higher-density districts. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. C2-2 and C2-4 overlays both permit commercial FARs of up to 2.0 when mapped in conjunction with R6 districts; C2-2 overlays feature an accessory parking requirement of one (1) space per 300 SF of commercial floor area while C2-4 overlays feature an accessory parking requirement of one (1) space per 1,000 SF of commercial floor area.

R6A Zoning District

R6A is a contextual district that generally produce high lot coverage, six- to eight-story apartment buildings set at or near the street line. Designed to be compatible with older buildings found in medium-density neighborhoods, R6A districts are mapped in the Bronx, Brooklyn and Queens. Parts of Kingsbridge in the Bronx and Williamsburg in Brooklyn are typical R6A areas.

Permitted uses in the R6A zoning district include UG I; UG II; UG III; and UG IV. The R6A zoning district permits a maximum residential FAR of 3.9 and a maximum community facility FAR of 3.0. The R6A permits a base height of 40 to 65 feet, with a maximum permitted height of 95 feet; Setbacks of 10 feet along wide streets and 15 feet along narrow streets are required at the base height. Within the Outer Transit Zone, parking requirements in R6 districts include parking for 25 percent of market rate units, no parking requirements for income-restricted dwelling units, and a waiver of all parking requirements if 15 or less spaces are required.

C2-2 and C2-4 overlays both permit commercial FARs of up to 2.0 when mapped in conjunction with R6A districts; C2-2 overlays feature an accessory parking requirement of one (1) space per 300 SF of commercial floor area while C2-4 overlays feature an accessory parking requirement of one (1) space per 1,000 SF of commercial floor area.

C8 Zoning Districts

C8 districts, bridging commercial and manufacturing uses, provide automotive and other heavy commercial services that often require large amounts of land. Parts of Bay Ridge in Brooklyn and Castleton Corners on Staten Island are mapped C8. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes—although all commercial uses (except large, open amusements) as well as certain community facilities are permitted in C8 districts.

Housing is not permitted and performance standards are imposed for certain semi-industrial uses. C8 districts are mapped mainly along major traffic arteries, such as Boston Road and Jerome Avenue in the Bronx and Coney Island Avenue in Brooklyn, where concentrations of automotive uses have developed. Specifically, permitted uses within the C8 zoning districts include UG I and UGs III through X.

The C8-2 zoning district permits maximum commercial and community facility FARs of 2.0 and 4.8, respectively, with an accessory parking requirement of one (1) space per 400 SF of commercial floor area. Building height within the C8-2 zoning district is regulated by the sky exposure plane (2.7 to 1 on narrow streets and 5.6 to 1 on wide streets), with setbacks required at 60 feet or four (4) stories (whichever is less); required setback distances are 20 feet along narrow streets and 15 feet on wide streets. A 20-foot rear yard is required is the C8-2 zoning district.

C8-4 Zoning District

The C8-4 zoning district permits maximum commercial and community facility FARs of 5.0 and 6.5, respectively, with no accessory parking requirement. Building height within the C8-4 zoning district is regulated by the sky exposure plane (2.7 to 1 on narrow streets and 5.6 to 1 on wide streets), with setbacks required at 85 feet or six (4) stories (whichever is less); required setback distances are 20 feet along narrow streets and 15 feet on wide streets. A 20-foot rear yard is required is the C8-2 zoning district.

Future No-Action Scenario

Rezoning Area

There would be no changes to the existing C4-4A zoning district at the Rezoning Area absent the Proposed Actions.

Study Area

Based on a review of NYC's ZAP[3] database on March 7, 2025, no changes to zoning are proposed within the 400-foot Study Area that would change existing land uses by the Project Build Year of 2028.

Future With-Action Scenario

Rezoning Area

The Proposed Actions are consistent with the following zoning-related discretionary actions at the Project Site and the Future With-Action Scenario:

1. Zoning Map Amendment: From a C4-4A zoning district to a C6-3 zoning district (which features an R9 residential equivalent district) affecting the entirety of the Rezoning Area.
2. Zoning Text Amendments: Map an MIH Area coterminous with the proposed Zoning Map Amendment.

C6 districts permit a wide range of high-bulk commercial uses requiring a central location. Most C6 districts are in Manhattan, Downtown Brooklyn and Downtown Jamaica. Corporate headquarters, large hotels, department stores and entertainment facilities in high-rise mixed buildings are permitted in C6 districts. C6-1, C6-2 and most C6-3 districts, typically mapped in areas outside central business cores, such as the Lower East Side and Chelsea; C6 districts are well served by mass transit, and off-street parking is generally not required. Permitted UGs within the C6-3 zoning district includes UGs I though X.

[3] https://zap.planning.nyc.gov/projects, accessed February 27, 2024

C6-3 zoning districts permit maximum commercial and community facility FARs of 6.0 and 10.0, respectively, and a 20-foot rear yard requirement; side yards are not required, but if provided must comply with either a minimum 8-foot width or a minimum 5-foot width with an average width of 8 feet. The C6-3 district features no off-street parking requirements. Building height within the C6-3 zoning district is regulated by the sky exposure plane (2.7 to 1 on narrow streets and 5.6 to 1 on wide streets), with setbacks required at 85 feet or six (6) stories (whichever is less); required setback distances are 20 feet along narrow streets and 15 feet on wide streets.

The C6-3 zoning district features an R9 equivalent. The R9 zoning district permits a maximum residential FAR of 9.02, with a minimum rear yard requirement of 30 feet. The R9 zoning district features a base height requirement of 60 to 135 feet and a maximum building height of 185 feet; setbacks of 10 feet along wide streets and 15 feet along narrow streets are required at the base height. Within the Outer Transit Zone, parking requirements in R9 districts include parking for 12 percent of market rate units, no parking requirements for income-restricted dwelling units, and a waiver of all parking requirements if 40 or less spaces are required.

Study Area

The Proposed Actions would be limited to the Project Site such that there would be no changes of zoning within the associated 400-foot Study Area.

Zoning Conclusions

The Proposed Actions would rezone the Rezoning Area from the C4-4A to the C6-3 zoning district, which would complement and be consistent with mapped zoning in the area. Permitted FARs within the Rezoning Area would increase, including residential FAR (from 5.01 to 9.02), commercial FAR (from 4.0 to 6.0), and community facility FAR (from 4.0 to 10.0). Other maximum area and bulk regulations would increase as well; maximum building height would increase from 115 feet to 185 feet, with base height ranges increasing from 40-85 feet to 60-135 feet, while maintaining the 10-to-15-foot setback requirements at these base heights.

While the proposed increases in permitted area and bulk within the Rezoning Area are higher than what is found in the surrounding area (including a maximum 5.01 residential FAR, 5.0 commercial FAR, and 6.5 community facility FAR), the proposed C6-3 zoning district is appropriate at this location due to availability of transit nearby, include an entrance to the Flatbush Av-Brooklyn College Subway Station, providing access to the 2 and 5 subway lines, within the Rezoning Area, which supports such increased residential and commercial density.

As such, the proposed Zoning Map Amendment would both reflect and be consistent with existing zoning and zoning trends in the Study Area. Based on the foregoing, the Proposed Action would not result in any significant adverse zoning impacts and no further analysis is warranted.

2.3.3 Public Policy

According to the *2021 CEQR Technical Manual*, a project that would be located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports, that pertain to the Study Area. If the Proposed Actions could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary.

Existing Conditions

The Rezoning Area is located within an Inclusionary Housing Designated Area (IHDA; instituted as part of the 2009 Flatbush Rezoning), as well as within the Flatbush-Nostrand Junction Business Improvement District (BID). The Future With-Action Scenario was also evaluated pursuant to the Mayor's Housing our Neighbors: A Blueprint for Housing and Homelessness (Housing Blueprint)

The Rezoning Area is not part of, or subject to, an Urban Renewal Plan (URP), adopted community 197-a Plan, Solid Waste Management Plan, Industrial Business Zone (IBZ), or the New York City Landmarks Law.

Inclusionary Housing Designated Area

Inclusionary Housing Designated Areas (IHDAs), within which the program is applicable, have been established in the Bronx, Brooklyn, Manhattan and Queens. Boundaries can be found in Appendix F of the Zoning Resolution. Developments taking advantage of the full 33 percent bonus must devote at least 20 percent of their residential floor area to housing that will remain permanently affordable to lower-income households. Qualifying affordable units must be affordable to households at or below 80 percent of Area Median Income (AMI). The zoning floor area bonus may be combined with a variety of City, State, and Federal housing subsidy programs, which frequently make it possible to reach lower income levels. Affordable units may be provided on-site or off-site, within the same Community District or a half-mile of the bonused site and may be provided through new construction or preservation.

Flatbush-Nostrand Junction BID

Established to enhance quality of life for its members, the Flatbush-Nostrand Junction BID provides supplemental sanitation, business development advisory, capital improvements, security and holiday lighting services to the district. The BID also acts as an advocate on behalf of its constituents, and serves as a catalyst for economic development, revitalization, marketing and promotions. The Junction BID also encompasses the campus of Brooklyn College, and represents property owners for the purpose of sustaining, promoting and enhancing a vibrant commercial corridor for residents, students and visitors alike.

As indicated on the BID's website,[4] BID represents the voice of property owners and business in the commercial area; working with our public and private partners to develop "the Junction" as a place to work, live, shop and visit. Thereby, contributing to the local economy and enhancing the catchment area for all.

Housing Our Neighbors: A Blueprint for Housing and Homelessness

The Housing Blueprint is a broad strategy to provide access to affordable, high-quality housing for all New Yorkers, including households experiencing homelessness, NYCHA residents, families, single New Yorkers, renters, and homeowners alike. Housing Blueprint aims to harness all the benefits that housing can provide to bolster access to opportunity, promote economic stability and mobility, improve health and safety, and increase racial equity.

Future No-Action Scenario

No changes to any policies applicable to the Rezoning Area, including the IHDA, Flatbush-Nostrand Junction BID, or the Housing Blueprint are anticipated under the Future No-Action Scenario.

[4] https://www.exploreflatbush.com/our-vision/, accessed March 7, 2025

Future With-Action Scenario

The analyses below assess the Future With-Action Scenario's consistency with the applicable public policies identified above in the **Existing Conditions** section.

Inclusionary Housing Designated Area

As part of the Proposed Actions an MIH district would be mapped at the Rezoning Area; up to 55 affordable dwelling units (dependent on the MIH Option chosen), would be developed as a result of the Future With-Action Scenario. The MIH district would supersede the IHDA in this area and would facilitate the development of new affordable housing development.

Flatbush-Nostrand Junction BID

The Proposed Actions are consistent with the vision of the area as articulated by the Flatbush-Nostrand Junction BID. Both Projected Development Sites 1 and 2 under the Future With-Action Scenario would be redeveloped with mixed-use multi-family residential with groundfloor commercial and community facility uses, thereby complementing and contributing to the vision of an area to work, live, shop, and visit.

Housing Our Neighbors: A Blueprint for Housing and Homelessness

The Future With-Action Scenario would directly align with the "Create and Preserve Affordable Housing" pillar of the Housing Blueprint; as previously discussed, the Future With-Action Scenario would create up to 55 affordable housing units within the Rezoning Area via the MIH program.

Based on the foregoing, the Future With-Action Scenario is consistent with this public policy, and no further analysis is warranted.

Public Policy Conclusions

The Future With-Action Scenario would result in the development of up to 55 affordable dwelling units within the Rezoning Area, consistent with the Housing Blueprint Plan as well as superseding the mapped IDHA district with an MIH district. Additionally, projected mixed-use development under the Future With-Action Scenario would be consistent with the Flatbush-Nostrand Junction BID's goals for the neighborhood as an area to work, live, shop, and visit.

Based on the foregoing, the Proposed Actions would be consistent with all applicable public policies. As such, no significant adverse impacts associated with public policies are anticipated as a result of the Proposed Action, and no further analysis is warranted.

2.4 Land Use, Zoning, and Public Policy Conclusions

The foregoing analysis of the Proposed Actions potential effect on Land Use, Zoning, and Public Policy indicated it would have no significant adverse impact on either land use, zoning, or public policies. As such, no further analysis is warranted.

3 OPEN SPACE

3.1 Introduction

The *2021 CEQR Technical Manual* identifies the need for an open space assessment if the Proposed Action(s) would have a direct or indirect effect on open space resources. Direct effects would occur if the Proposed Action(s) would result in the physical loss of a public open space; change of use of an open space so that it no longer serves the same user population; limit public access to an open space; or cause increased noise or air pollutant emissions, odors, or shadows on public open space that would affect its usefulness, whether temporary or permanent. Indirect effects would occur if the Proposed Action(s) would result in an increase in population sufficiently large enough to noticeably diminish the ability of an area's open space to serve the future population.

Publicly accessible open space is defined as publicly or privately owned land that is accessible to the public and operates, functions, or is available for leisure, play, or sport, or set aside for the protection and/or enhancement of the natural environment.

Pursuant to Chapter 7, Section 100 of the *2021 CEQR Technical Manual*, Open Space Resources are defined as active and/or passive, and may include, but are not limited to, the following:

- NYC Parks operated or managed by the City, State, or Federal governments and include neighborhood and regional parks, beaches, pools, golf courses, boardwalks, playgrounds, ball fields, and recreation centers that are available to the public at no cost or through a nominal fee, as in the case of recreation centers and golf courses;
- Open space designated through regulatory approvals (such as zoning), including large-scale permits that prescribe publicly accessible open space, such as public plazas;
- Outdoor schoolyards if available to the public during non-school hours;
- Publicly-accessible institutional campuses;
- Esplanades;
- Designated greenways, as shown on the City's Bike Map, and defined as multi-use pathways for non-motorized recreation and transportation along natural and manmade linear spaces such as rail and highway rights-of-way, river corridors, and waterfront spaces;
- Landscaped medians with seating;
- Housing complex grounds, if publicly accessible;
- Nature preserves, if publicly accessible;
- Gardens, if publicly accessible on a constant and regular basis;
- Church yards (with seating) or cemeteries, if publicly accessible on a constant and regular basis for passive recreation such as strolling; or
- Waterfront piers used for recreation.

3.2 Methodology

According to the guidelines of the *2021 CEQR Technical Manual* for the analysis of residential development, census tracts with at least half of their geographic area located within a one-half-mile radius of the Project Site comprise the Defined Open Space Study Area. Using current population figures, an open space ratio is calculated for both the Future No-Action and Future With-Action Scenarios, expressed as the amount of open space acreage per 1,000 user population. Typically, a comparison is made to the city's planning goal of 2.50 acres per 1,000 residents. Ideally, this would

comprise 0.50 acres (20 percent) of passive space and 2.0 acres (80 percent) of active open space per 1,000 residents. For nonresidents who tend to use passive open space, for example, workers taking a break in a park, the optimal ratio for nonresidential populations is 0.15 acres of passive open space per 1,000 nonresidents.

An open space analysis that follows the *2021 CEQR Technical Manual* guidance was prepared for the Future With-Action Scenario and is shared below. In addition to field surveys, information from the NYC DCP Community District Needs Statements, the NYC Parks Department website, and U.S. Census data were utilized in preparing this open space analysis.

3.2.1 Direct Effects

As described in **Section 1.3**, the lots comprising the Rezoning Area are developed with two- to three-story commercial buildings, such that their redevelopment under the Future With-Action Action Scenario would not result in the direct physical loss or alteration of public open space. Further, an assessment of the effects of the Proposed Actions related to shadows on nearby open space resources in the vicinity of the Rezoning Area is provided in **Section 6, Shadows**. As indicated in that section, the Future With-Action Scenario would not result in any significant adverse shadows impacts on sunlight sensitive open space resources.

3.2.2 Indirect Effects

The threshold for assessment of the potential for indirect open space impacts is 200 additional residents or 500 additional employees. Based on an incremental increase of 183 dwelling units at Projected Development Sites 1 and 2 under the Future With-Action Scenario and based on an average household size of 2.74 persons in Brooklyn Community District 14 (pursuant to 2020 U.S. Census Data), the incremental population introduced as a result of the Proposed Actions would be approximately 502 residents, well beyond the 200-resident threshold for a preliminary residential open space assessment. The Future With-Action Scenario is projected to result in a net loss of 53 workers between the Future No-Action and Future With-Action Scenarios due to reductions in the total commercial office and retail floor areas, such that the 500-employee threshold for an assessment of indirect effects on public space resources associated with employees would not be triggered.

3.2.3 Walk-to-a-Park Service Area

New York City, as part of the OneNYC 2050 Building a Strong and Fair City plan, has put forth a goal for 85 percent of New York City residents living within walking distance of a park by 2030. To help the City reach this goal, NYC DPR developed a “Walk-to-a-Park” initiative that focuses on increasing access to parks and open space in areas of the City where residents live further than walking distance to a park. Areas outside of Walk-to-a-Park Service Areas are considered “walk gaps” – i.e., areas of the City that are not within walking distance of a park.

As part of the preliminary assessment for open space, a project should be reviewed to determine if it is located in an area of the City within a Walk-to-a-Park Service Area. Sites that are located outside of a Walk-to-a-Park Service Area (i.e., located in a known walk gap areas) suggest there is a need for a detailed analysis to be performed to determine if the project may further exacerbate the condition of residents living in areas of the city with inadequate park access, potentially leading to a significant impact. While the focus of the Walk-to-a-Park initiative is on residents living within walking distance of a park, projects that create a non-residential population (e.g., new workers) should also review if the project is located within a known walk gap and assess if the project would generate a

new non-residential population within areas of the City with inadequate access to open space resources.

3.3 Preliminary Open Space Assessment for Direct Effects

3.3.1 Study Area Definition

In accordance with the guidelines established in the City's *2021 CEQR Technical Manual*, the Open Space Study Area is defined to analyze both the nearby publicly accessible open spaces and the population using those open space resources. It is generally defined by a "reasonable walking distance" that users would travel to reach local open spaces and recreational areas. Pursuant to the *2021 CEQR Technical Manual*, the Defined Open Space Study Area includes all U.S. Census Tracts that have 50 percent or more of their area within a half-mile radius of the Project Site for residential users. As shown in **Figure 3-1**, those Census Tracts with 50 percent or more of their area within the half-mile Study Area include Census Tracts 740, 742, 750, 752, 766, 770, 772, 774, 776, 780, 782, 784, 786.01, 786.02, 788.01, and 788.02 in Kings County, New York City.

3.3.2 Existing Conditions

Residential Population

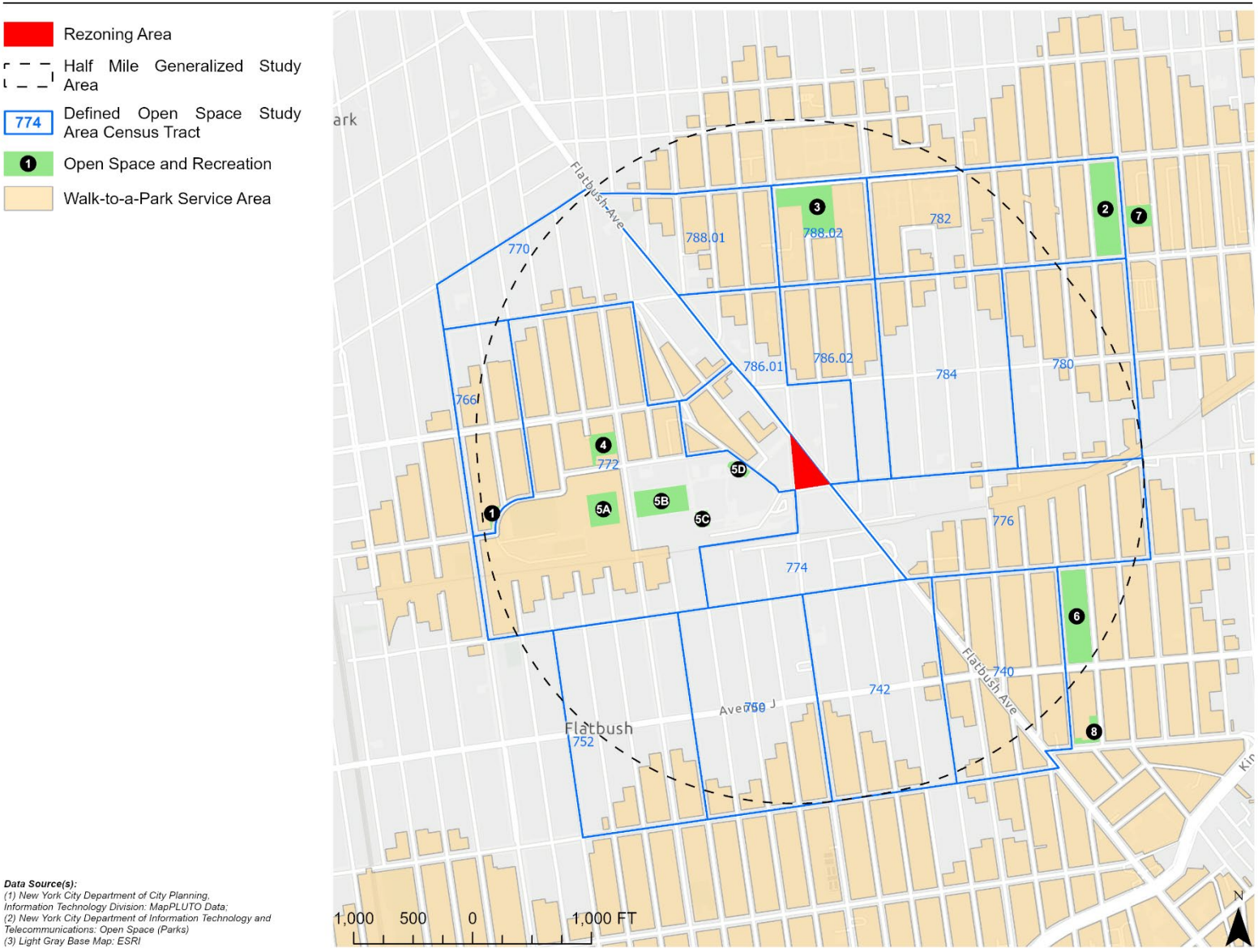
Based on data from the 2019-23 ACS, the Open Space Study Area visualized in **Figure 3-1** had a population of 42,128 residents in 2023, as indicated below in **Table 3-1**.

Table 3-1, Defined Open Space Study Area ACS 2019-2023 Population

Census Tract	2019-23 ACS Population		2019-23 ACS Population
740	3,816	776	3,438
742	2,799	780	2,221
750	2,845	782	4,196
752	1,151	784	2,334
766	2,114	786.01	2,182
770	2,726	786.02	2,225
772	3,243	788.01	1,862
774	3,106	788.02	1,870
		TOTAL (16 CENSUS TRACTS):	**42,128**

According to the Project-Level DCP Housing Database, 319 net new housing units were constructed in the census tracts comprising the Defined Open Space Study Area since January 1, 2024. Based on the aforementioned average household size of 2.74 persons in the Brooklyn Community District 14, these new housing units have been projected to add 874 persons to the existing population of the Defined Open Space Study Area, resulting in a total population of 43,002 persons in 2025.

Figure 3-1, Open Space Study Area Map



Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) New York City Department of Information Technology and Telecommunications: Open Space (Parks)
(3) Light Gray Base Map: ESRI

Open Space Inventory

Five (5) open spaces were identified within the Defined Open Space Study Area, described in **Table 3-2** below. Additionally, three (3) open spaces outside of the Defined Open Space Study Area were also included in this analysis, based on the following findings:

1. Amersfort Park (Map ID No. 6 in **Figure 3-1**)**:** Located adjacent to the intersection of two census tracts comprising the Defined Open Space Study Area (i.e., Brooklyn Census Tracts 740 and 776), such that its physical location is comparable or even closer to the Rezoning Area than other open spaces that are within the Defined Open Space Study Area;
2. P.S. 198 Community Playground (Map ID No. 7 in **Figure 3-1**)**:** Located easterly adjacent to Paerdegat Park, such that it is assumed those willing to walk to Paerdegat Park within the Defined Open Space Study Area would be just as likely to walk to this playground.
3. P.S. 119 Community Playground (Map ID No. 8 in **Figure 3-1**)**:** Located adjacent to the Defined Open Space Study Area to the southeast, such that that its physical location is comparable or even closer to the Rezoning Area than other open spaces that are within the Defined Open Space Study Area;

It is further noted that while a portion of the Flatbush Malls was identified within the Defined Open Space Study Area to the west, the mall areas are only landscaped medians such that they don't provide any open space functionality and were therefore not included in this analysis.

Table 3-2, Defined Open Space Study Area Open Spaces

Map ID No.	Park Name	Owner	Amenities	Acreage
1	Hot Spot Tot Lot	DPR	PG, SB	0.32
2	Paerdegat Park	DPR	BC, HBC, PG, RR; SS, BBF, SB	3.56
3	Nostrand Playground	DPR	BC, HBC, PG, RR, SS, SB	3.02
4	P.S. 152/315 Community Playground	DPR / DOE	PG, CG, BC, TR, AMP, SB	0.93
5A	Brooklyn College Campus - West Quad	Brooklyn College[1]	WP, SB	1.49
5B	Brooklyn College Campus - East Quad	Brooklyn College[1]	WP, SB	2.14
5C	Brooklyn College Campus – Lily Pond	Brooklyn College[1]	WP, SB, RP	0.30
5D	Brooklyn College Campus - Playground	Brooklyn College[1]	WP, SB, PG	0.30
6	Amersfort Park[1]	DPR	WP, SB	3.56
7	P.S. 198 Community Playground	DPR / DOE	PG, BC, TR, AF, SB	0.84
8	P.S. 119 Community Playground	DPR / DOE	PG	0.42
			TOTAL ACREAGE:	**16.88**

Note(s): [1] Pursuant to the 2021 CEQR Technical Manual, institutional campuses that are publicly accessible can be considered in the open space analysis – based on a field survey on April 1, 2025 and in review of the campus access policy (https://www.brooklyn.edu/safety/campus-access-policy/, accessed April 3, 2025), the campus is publicly accessible; for the purposes of a conservative analysis, only four distinct areas of the campus were considered accessible open space. BC (Basketball Court); HBC (Handball Court); PG (Playground); RR (Restrooms); BBF (Baseball Field); SS (Spray Showers); WP (Walking Paths); SB (Seating / Benches); CG (community Garden); TR (Track); AMP (Amphitheater); AF (Athletic Field); RP (Reflecting Pool)

As indicated in **Table 3-2**, the total open space acreage within the Defined Open Space Study Area is 16.88 acres. It is noted that a southern portion of Nostrand Playground is being redeveloped with the Shirley Chisholm Recreational Center, an approximately three (3) story with cellar, 65,000 GSF recreation facility, which would feature an indoor pool, multipurpose rooms, gymnasium, walking

track, fitness, strength, and cardio rooms, teaching kitchen, and other amenities. The recreation center is anticipated to be completed by March 2026. Minus the estimated building footprint (16,250 SF; 65,000 GSF divided by four (4) total floors), the recreation center is anticipated to add an additional 48,750 SF of recreation area to Nostrand Playground, equivalent to 1.12 acres (this additional area will be accounted for in the Future No-Action Scenario).

Open Space Ratio

Based on a 2025 existing population of 43,002 persons and an existing open space acreage of 16.88 acres within the Defined Open Space Study Area, the existing open space ratio is 0.39-acre per 1,000 residents. Pursuant to the *2021 CEQR Technical Manual*, this is well below the City's planning goal of 2.5 acres of open space per 1,000 residents. See **Table 3-3** below for a breakdown of the Existing Conditions open space ratio.

Table 3-3, Existing Conditions Open Space Ratio

2025 Population	Total Study Area Open Space (Acres)	Open Space Ratio (Acres per 1,000 Residents)
43,002	16.88	0.39

3.3.3 Future No-Action Scenario

Residential Population

Based on a review of the NYC Active Major Construction database,[5] under the 2028 Future No-Action Scenario, an additional 154 dwelling units are forecasted to be constructed and occupied over 11 separate development projects within the Defined Open Space Study Area. To present a conservative analysis, it is assumed that all of these dwelling units would be completed and occupied by the 2028 Project Build Year and are thus considered as "no-build projects" included in the baseline analysis for this open space analysis. Using the aforementioned 2.74 residents per household average, in the Future No-Action Scenario, 422 new residents would occupy the 154 new dwelling units by the 2028 Project Build Year. When added to the existing conditions estimated 2025 population (43,002 persons), the population for the Defined Open Space Study Area is projected to be 43,424 persons in the 2028 Future No-Action Scenario.

Open Space Inventory

As previously discussed, a southern portion of Nostrand Playground is being redeveloped with the Shirley Chisholm Recreational Center, an approximately three (3) story with cellar, 65,000 GSF recreation facility, which would feature an indoor pool, multipurpose rooms, gymnasium, walking track, fitness, strength, and cardio rooms, teaching kitchen, and other amenities. The recreation center is anticipated to be completed by March 2026. Minus the estimated building footprint, the recreation center is anticipated to add an additional 48,750 SF of recreation area to Nostrand Playground, equivalent to 1.12 acres of new recreation area within Nostrand Playground.

It is further noted that that DPR Capital Projects Tracker[6] indicated that the ballfields at Paerdegat Park (Map ID No. 2 in **Figure 3-1**) are in the process of reconstruction, anticipated to be completed 12 to 18 months after the completion of the projected April 2025 procurement, such that this capital project would be completed prior to the 2028 Project Analysis Year. Based on a review of the NYC DPR Capital Projects Tracker, no other new public open spaces are planned to be constructed or expanded within the Defined Open Space Study Year by the 2028 Project Build Year.

[5] https://www.nyc.gov/assets/buildings/html/active-major-construction.html, accessed March 6, 2025
[6] https://www.nycgovparks.org/planning-and-building/capital-project-tracker/proposed#type-selection, accessed March 6, 2025

As such, the open space acreage within the Defined Open Space Study Area would increase to 18.0 acres under the Future No-Action Scenario, when accounting for the additional area added via the Shirley Chisholm Recreation Center (an increase of 1.12 acres from 16.88 acres under existing conditions).

Open Space Ratio

Based on an estimated 2028 population of 43,424 persons and an open space acreage of 18.0 acres within the Defined Open Space Study Area, the Future No-Action Scenario open space ratio is projected to be 0.41-acres per 1,000 residents, an increase of 5.60 percent from existing conditions. Similar to existing conditions, the open space ratio under the Future No-Action Scenario would remain well below the City's planning goal of 2.5 acres of open space per 1,000 residents. See **Table 3-4** for a breakdown of the open space ratio under the Future No-Action Scenario.

Table 3-4, Future No-Action Scenario Open Space Ratio

Existing Open Space Ratio (Acres per 1,000 Residents)	Projected 2028 Population	Total Study Area Open Space (Acres)	No-Action Open Space Ratio (Acres per 1,000 Residents)	Open Space Ratio Change, Existing Conditions to Future No-Action Scenario
0.39	43,424	18.0	0.41	+5.60%

3.3.4 Future With-Action Scenario

Residential Population

As previously discussed, the Future With-Action Scenario is projected to generate an incremental increase of 502 new residents, which results in a total population of 43,926 persons within the Defined Open Space Study Area.

Open Space Inventory

The Future With-Action Scenario would not result in the construction or expansion of any publicly accessible open space resources within the Defined Open Space Study Area. As such, the open space acreage within said study area would remain at 18.0 acres under the Future With-Action Scenario.

Open Space Ratio

The proposed housing under the Future With-Action Scenario would result in an increase in the Defined Open Space Study Area's population by 502 residents by the 2028 Project Build Year, resulting in a population of 43,926 persons, served by 18.0 acres of open space. With this increase in population, the resultant Future With-Action Scenario open space ratio would remain approximately 0.41-acre per 1,000 residents, remaining virtually unchanged from the Future No-Action Scenario. The overall open space ratio would remain well below the City's planning goal of 2.5 acres per 1,000 residents. See **Table 3-5** for a breakdown of the open space ratio under the Future With-Action Scenario.

Table 3-5, Future With-Action Scenario Open Space Ratio

Future No-Action Scenario Open Space Ratio (Acres per 1,000 Residents)	Projected 2028 Future With-Action Population	Total Study Area Open Space (Acres)	Future With-Action Scenario Open Space Ratio (Acres per 1,000 Residents)	Open Space Ration Change, Existing Conditions to Future No-Action Scenario
0.41	43,926	18.00	0.41	0.0%

3.3.5 NYC DPR Walk-to-a-Park Initiative

As shown in Error! Reference source not found., no portion of the Rezoning Area is located within a designated DPR Walk-to-a-Park service area. As such, such that residents of the Future With-Action Scenario would be located in a park "walk gap," considered areas with inadequate park access.

3.3.6 Impact Assessment

The Future With-Action Scenario would result in an incremental increase of 183 dwelling units over the Future No-Action Scenario, generating an additional population of 502 persons within the Rezoning Area by the 2028 Project Analysis Year. While the total population of the Defined Open Space Study Area would increase slightly, the overall open space ratio would remain relatively unchanged at 0.41-acre per 1,000 residents. Pursuant to the *2021 CEQR Technical Manual*, open space ratios of 0.5 or less can tolerate up to a one percent decrease in the open space ratio between the Future No-Action and Future With-Action Scenarios without warranting additional analyses. While the Rezoning Area is within a Walk-to-a-Park service area, indicating all future projected residents are within a park "walk gap," the overall decrease in the open space ratio in anticipated to be very minimal.

Additionally, residents of the Projected Development Site 1 would have access to a private, on-site open space totaling 2,784 SF (0.06-acre).

3.4 Conclusions

The open space ratio within the defined open space study area of the Future With-Action Scenario would remain relatively unchanged. Pursuant to the *2021 CEQR Technical Manual*, open space ratios of 0.5 or less can tolerate up to a one (1) percent decrease in the open space ratio between the Future No-Action and Future With-Action Scenarios without warranting additional analyses.

Based on the foregoing, the Proposed Actions are not anticipated to result in a significant adverse open space impact and no further analysis is warranted.

4 SHADOWS

4.1 Introduction

A shadow is defined in the *2021 CEQR Technical Manual* as the condition that results when a building or other built structure blocks the sunlight that would otherwise directly reach a certain area, space, or feature. The purpose of this chapter is to assess whether new structures may cast shadows on sunlight-sensitive publicly accessible resources or other resources of concern such as natural resources, and to assess the significance of their impact. The duration and dimensions of shadows are determined by the geographic location of the area from which the shadow is cast and the time of day and season. Shadows cast during the morning and evening, when the sun is low in the sky, are longer, while midday shadows are shorter in length. Shadows in winter, when the sun arcs low across the southern sky, are also longer throughout the day than at corresponding times in spring and fall seasons. In summer, the high arc of the sun casts shorter shadows than at any other time of year, and early and late shadows during the summer are cast farther towards the south than shadows cast in early and late winter months.

According to the *2021 CEQR Technical Manual*, a shadows assessment is required for projects that would result in new structures greater than 50 feet in height or located adjacent to, or across the street from, a sunlight-sensitive resource. Such resources include publicly accessible open spaces, sunlight-sensitive natural features, or historic resources with sun-sensitive features. A significant adverse shadow impact occurs when the incremental shadow added by a proposed project falls on a sunlight-sensitive resource and substantially reduces or eliminates direct sunlight exposure, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources.

The Proposed Actions would result in the construction of at least one (1) new building that would result in net building height increase of 50 feet or more within the Rezoning Area, such that a preliminary shadows screening assessment is warranted.

4.2 Methodology

In accordance with the *2021 CEQR Technical Manual*, a preliminary screening assessment is conducted to ascertain whether shadows resulting from a project could reach any sunlight-sensitive resource at any time of year. This preliminary screening assessment consists of three tiers of analysis:

- *Tier I Screening:* The first tier determines a radius around the proposed buildings representing the longest shadow that could be cast. The radius is calculated based on a factor of 4.3 times the proposed maximum building height. If there are sunlight-sensitive resources within the radius, the analysis proceeds to the second tier;
- *Tier II Screening*: The second-tier analysis reduces the area that could be affected by project-generated shadows by accounting for a specific range of angles that can never receive shade in New York City due to the path of the sun in the northern hemisphere. According to the 2014 CEQR Technical Manual, shadows cannot be cast within New York City outside of 108 degrees from True North;
- *Tier III Screening*: If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by new shadows by looking at specific representative days of the year and determining the maximum extent of shadow over the course of each representative day. For the Tier III screening, three-dimensional modeling software with the capacity to

model shadows is used, and the maximum building envelope that could be achieved because of a proposed action is modeled and geo-located within the program. The terrain provided by the modeling software is also incorporated into the model to account for how changes in elevation throughout the study area can influence shadows that could be cast by the proposed project. The representative days are December 21 (winter solstice), June 21 (summer solstice), March 21 / September 21 (vernal/autumnal equinox), and May 6 / August 6 (halfway between the summer solstice and the equinoxes). The modeling software is also used to approximate times that shadows cast from the proposed project could enter and exit a resource.

If the Tier III screening indicates that, in the absence of intervening buildings, shadows from the proposed project would reach a sunlight-sensitive resource on any of the representative analysis days, a detailed shadow analysis could be warranted. Because existing buildings may already cast shadows on a sun-sensitive resource (or a future building could be expected to cast shadows), the proposed project may not result in new incremental shadows upon that resource. The detailed shadow analysis models a baseline condition (the Future No-Action Scenario) that is compared to the future condition resulting from the proposed project (the Future With-Action Scenario) to illustrate the shadows cast by existing or future buildings and distinguish the new incremental shadows cast by the project. Like in the Tier III analysis, the detailed analysis considers the maximum building envelope that could be achieved as a result of a proposed project.

4.3 Preliminary Shadows Screening Assessment

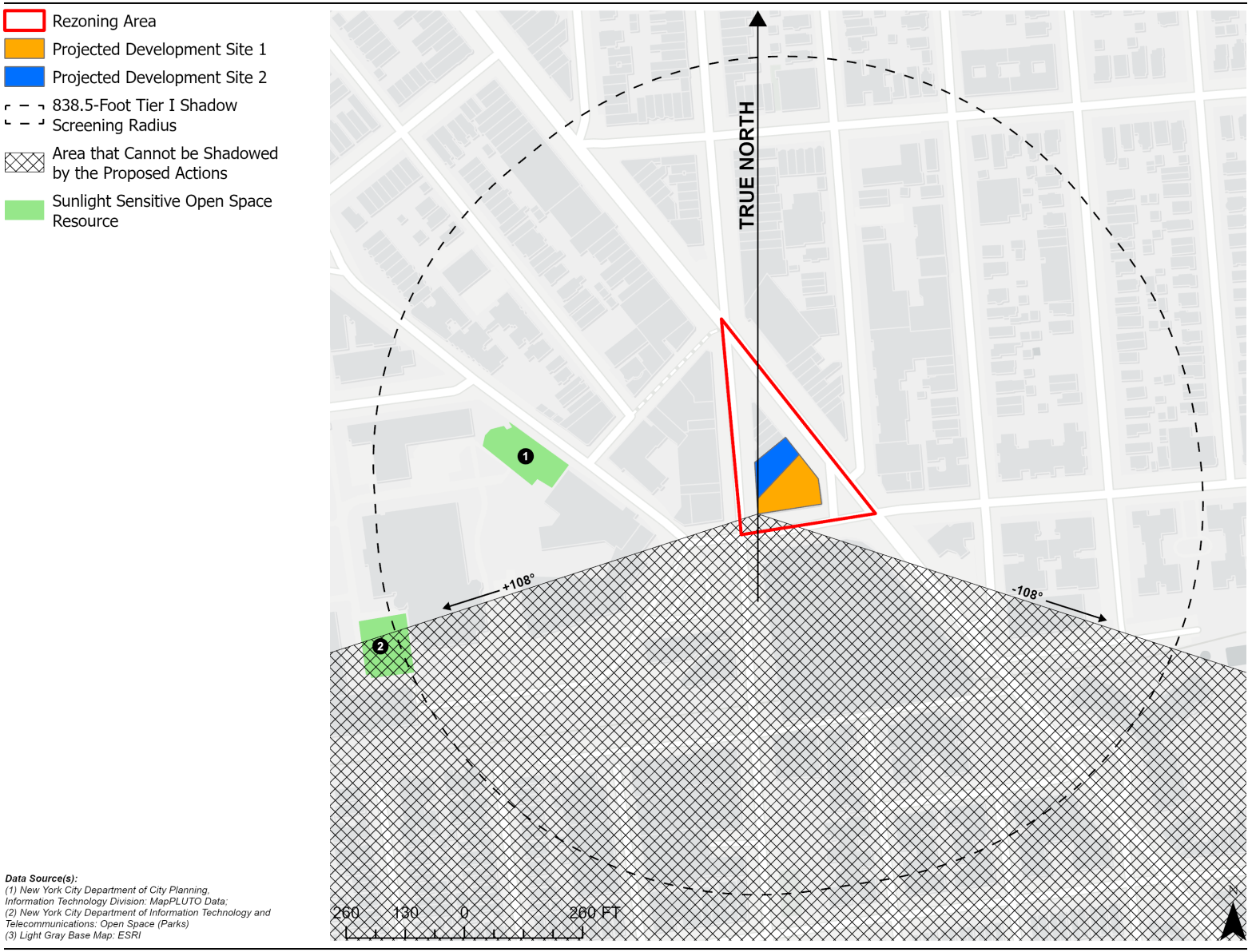
4.3.1 Tier I Shadows Screening Assessment

Under the Future With-Action Scenario, Projected Development Sites 1 and 2 would be redeveloped with new buildings with a maximum height of 195 feet (including a 185-foot building height with 10-foot rooftop elevator and/or mechanical bulkheads), resulting in a shadow screening radius of 838.5 feet (4.3 x 175 feet) in length, extending from the combination of Projected Development Sites 1 and 2. The first step in a shadow analysis is to determine if there are any sunlight-sensitive resources located within the 838.5-foot radius.

As **Figure 4-1** visualizes below, there are two (2) sunlight sensitive resources within the Tier I shadow screening radius associated with the Future With-Action Scenario, including two (2) non-contiguous portions of the Brooklyn College campus, including then entirety of a playground area with landscaping in the northeastern portion of the campus (Map ID No. 1 in **Figure 4-1**), and Lilly Pond, a reflecting pool area, in the southern central portion of the campus (Map ID No. 2 in **Figure 4-1**). No other sunlight sensitive resources were identified within the Tier I shadow screening radius, including sunlight sensitive historic architectural resources or natural resources.

Based on the foregoing, a Tier II shadow screening is required.

Figure 4-1, Tiers I and II Shadow Screening Assessment



4.3.2 Tier II Shadow Screening Assessment

The *2021 CEQR Technical Manual* states that a Tier II shadow screening assessment is required if any portion of a sunlight-sensitive resource lies within the Tier I shadow screening radius. Because of the path the sun travels across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given project site. In New York City, this area lies between -108 and +108 degrees from true north. For a Tier II screening assessment, sunlight-sensitive resources within the triangular area cannot be shaded by the Future With-Action Scenario and are screened out. The complementing portion to the north within the Tier I shadow screening radius is the area that can be shaded by the Future With-Action Scenario.

As shown in **Figure 4-1**, the Tier II screening assessment shows that the entirety of the playground area and a small portion of Lily Pond are located within the area of the longest shadow associated with the Future With-Action Scenario. Accordingly, a Tier III Shadow Screening Assessment is required.

4.3.3 Tier III Shadow Screening Assessment

The *2021 CEQR Technical Manual* states that if any portion of a sunlight-sensitive resource is within the area that could be shaded by the Future With-Action Scenario, a Tier III screening assessment should be performed. Because the sun rises in the east and travels across the southern part of the sky to set in the west, a project's earliest shadows would be cast almost directly westward. Throughout the day, they would shift clockwise (moving northwest, then north, then northeast) until sunset, when they would fall east. Therefore, a project's earliest shadow on a sunlight-sensitive resource would occur in a similar pattern, depending on the location of the resource in relation to the Project Site. For a Tier III screening assessment, if the assessment determines that no shadows from the development would reach any of the sunlight-sensitive resources on any of the representative analysis days, then no further assessment for those days is needed. If, however, in the absence of intervening buildings shadows from the projected development would reach sunlight-sensitive resources on any of the representative analysis days, then a detailed shadow analysis would be warranted for those days.

As shown in **Figure 4-2** through **Figure 4-5** below and indicated in **Table 4-1**, Tier III shadows from the Future With-Action Scenario reach a playground area in the northeastern portion of the Brooklyn College Campus on the March 21 / September 21 analysis day from 7:36 to 7:44 AM (8-minute duration) and on the May 6 / August 6 analysis day from 6:27 to 6:53 AM (26-minute duration).

Pursuant to the *2021 CEQR Technical Manual*, incremental shadow durations of 10 minutes or less do not result in significant adverse shadows impacts on sunlight sensitive resources. The projected 8-minute Tier III shadow duration during the March 21 / September 21 analysis day represents the maximum potential shadow coverage from the Future With-Action Scenario on this sunlight sensitive open space resource, such that the potential maximum incremental shadow duration, if any, would be less than 10 minutes and therefore could not generate a significant adverse shadows impact during this analysis day, and no further analysis is warranted.

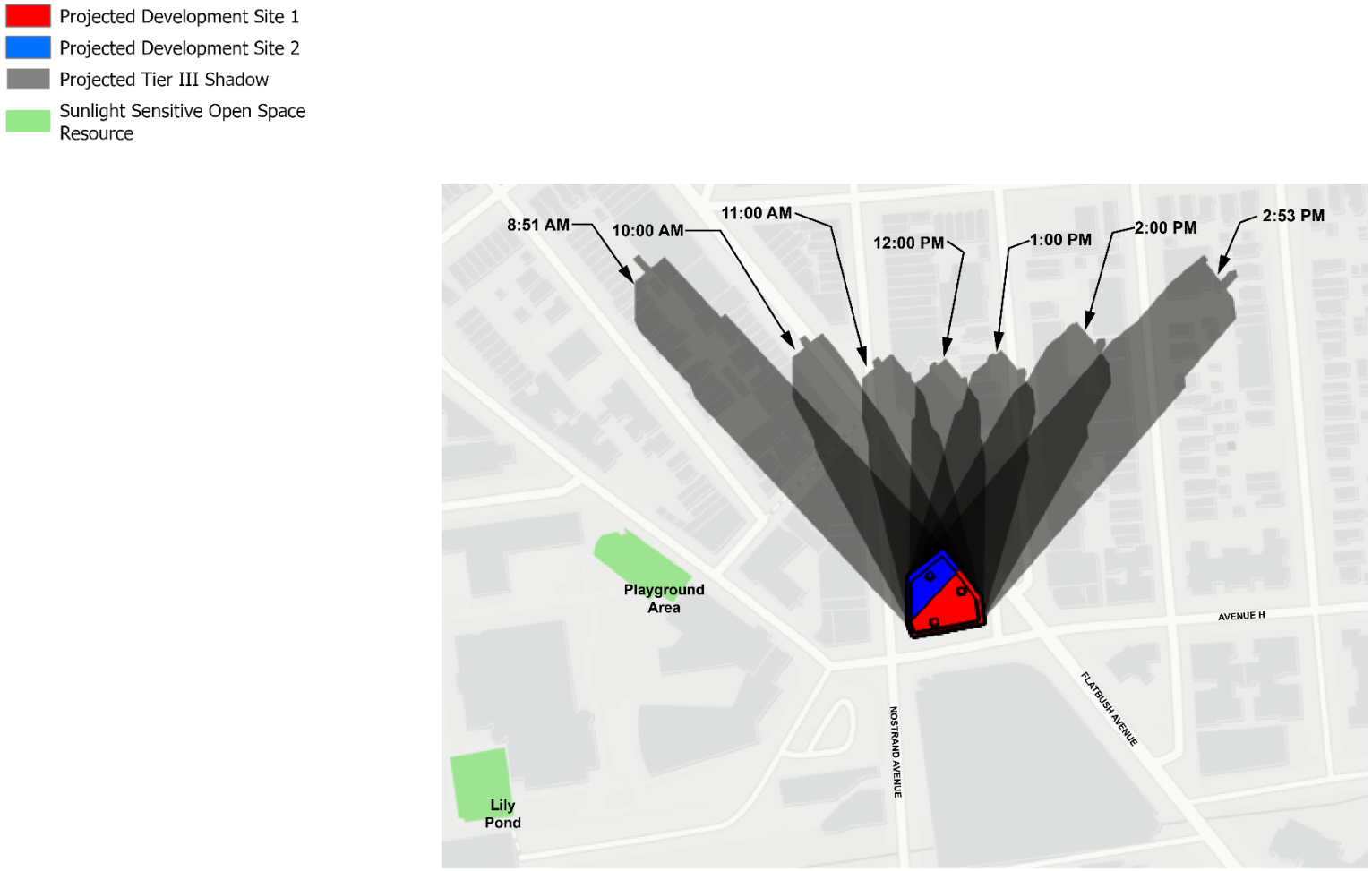
No Tier III shadows would reach the Lily Pond sunlight sensitive open space resource during any analysis day, such that no furth analysis is necessary.

As Tier III shadows would reach the northeastern playground area of the Brooklyn College Campus during the May 6 / August 6 analysis day for a 26-minute duration, a detailed shadows analysis is required for this analysis day.

Table 4-1, Tier III Shadow Durations on Sunlight Sensitive Resources

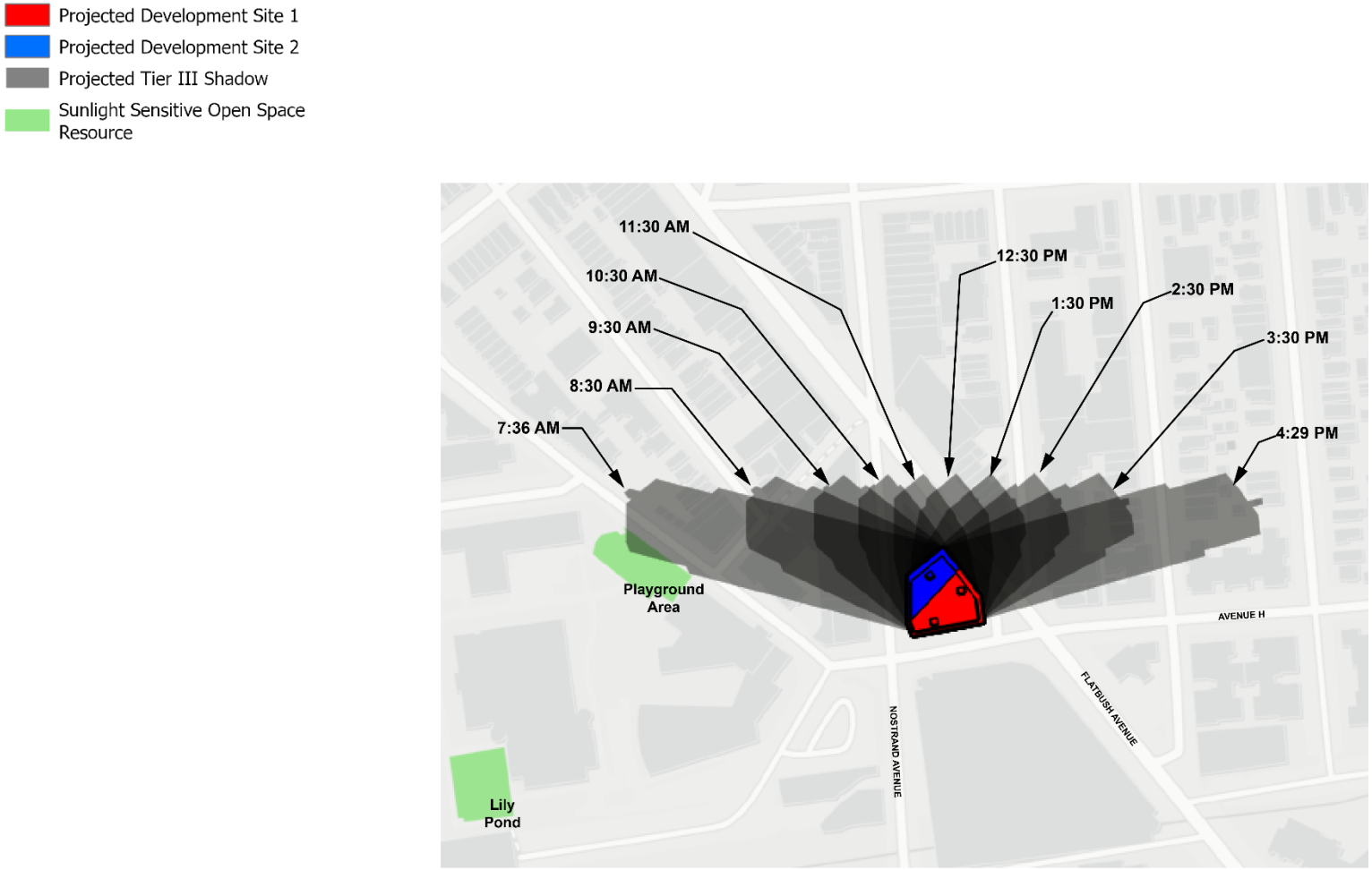
Analysis Day	December 21	March 21 / September 21	May 6 / August 6	June 21
Timeframe Window	*8:51 AM - 2:53 PM*	*7:36 AM - 4:29 PM*	*6:27 AM - 5:18 PM*	*5:57 AM - 6:01 PM*
Brooklyn College Campus: Playground Area (Map ID No. 1)				
Shadow Entry – Exit Time	None	7:36 AM – 7:44 PM	6:27 AM – 6:53 AM	None
Duration	N/A	8 minutes	26 minutes	N/A
Brooklyn College Campus: Lily Pond (Map ID No. 2)				
Shadow Entry – Exit Time	None	None	None	None
Duration	N/A	N/A	N/A	N/A

Figure 4-2, Tier III Shadows Screening Analysis, December 21



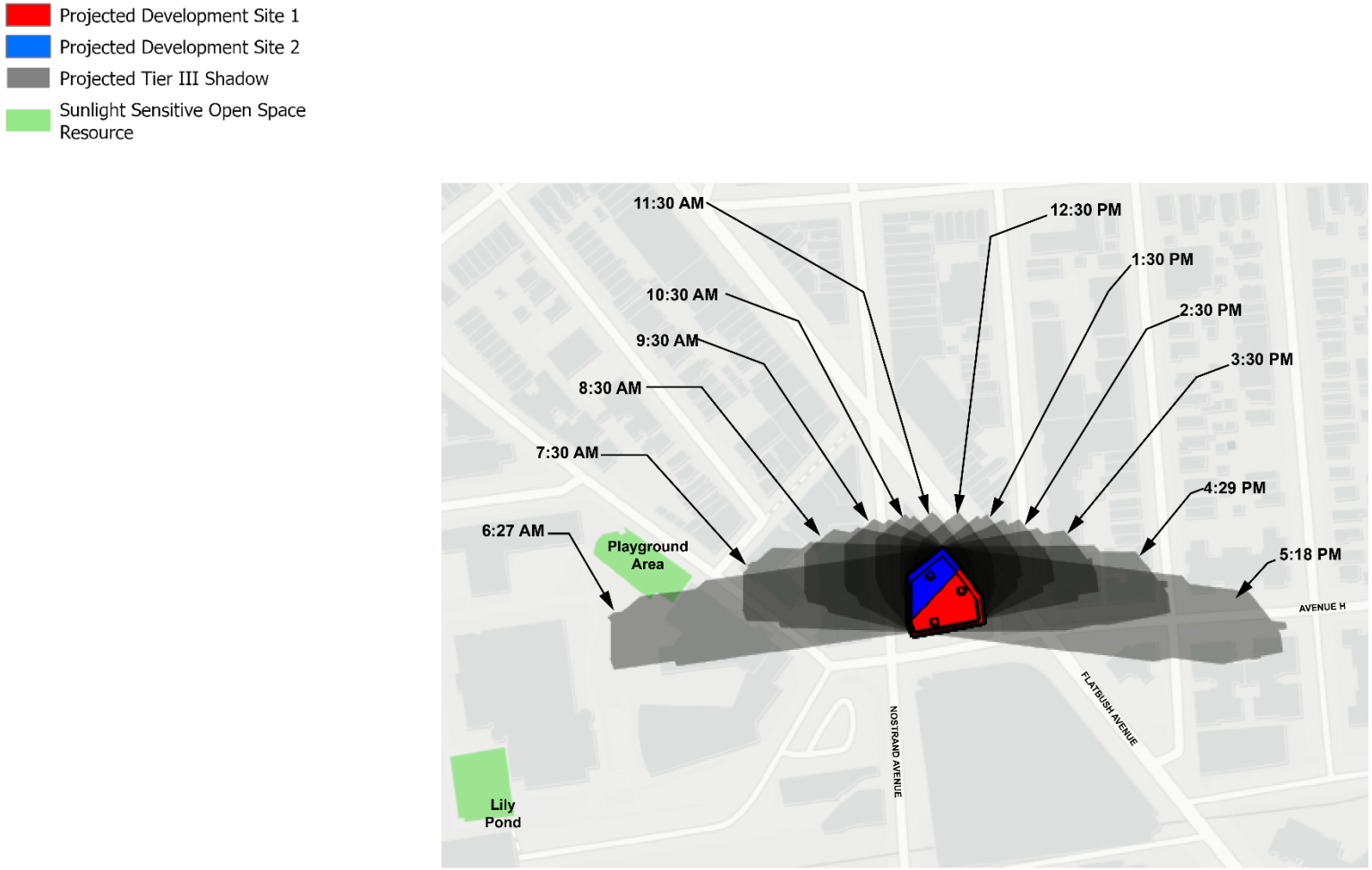
Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) New York City Department of Information Technology and Telecommunications: Open Space (Parks)
(3) Light Gray Base Map: ESRI

Figure 4-3, Tier III Shadows Screening Analysis, March 21 / September 21



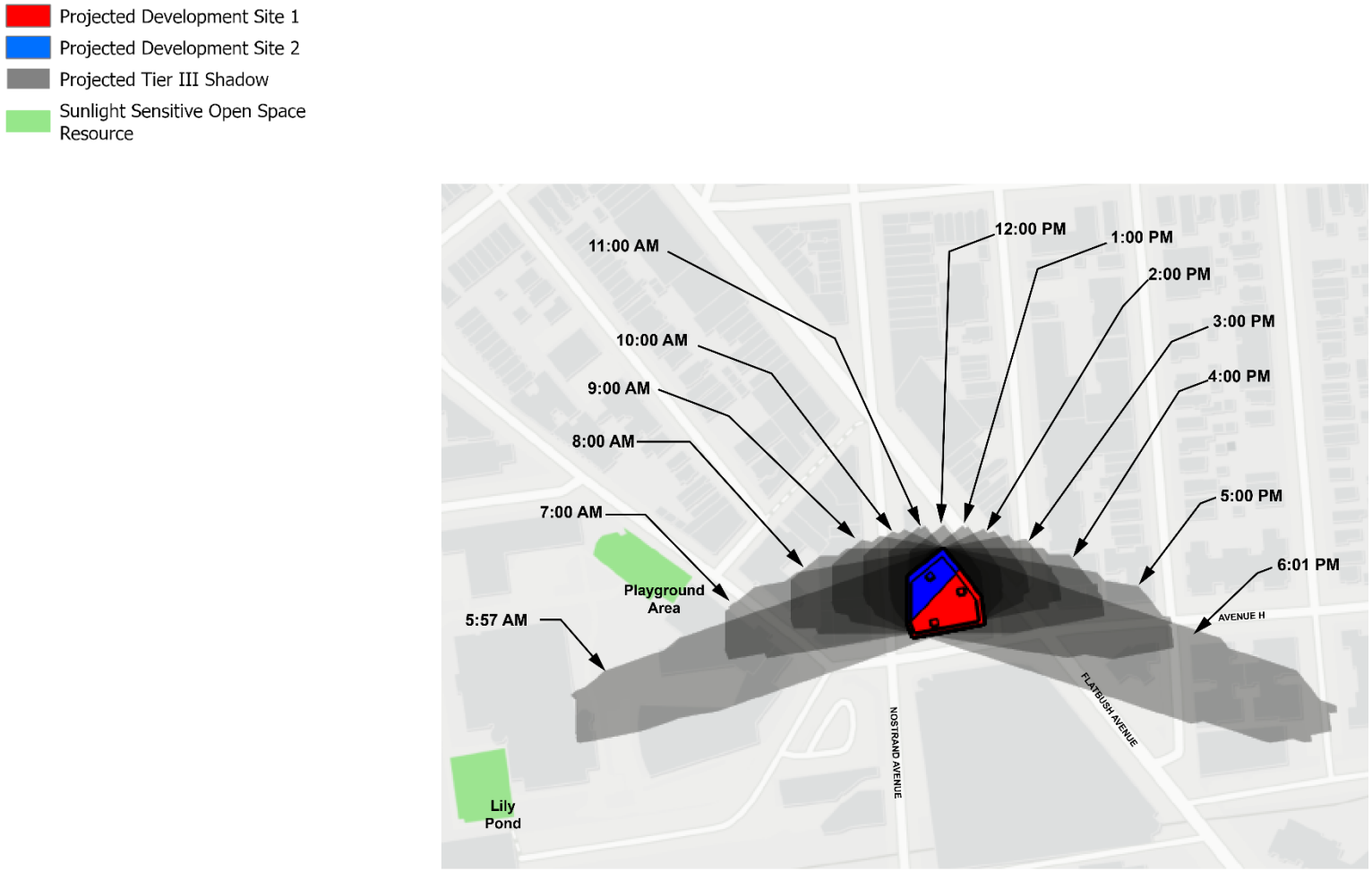
Data Source(s):
(1) New York City Department of City Planning, Information Technology Division; MapPLUTO Data;
(2) New York City Department of Information Technology and Telecommunications: Open Space (Parks)
(3) Light Gray Base Map: ESRI

Figure 4-4, Tier III Shadows Screening Analysis, May 6 / August 6



Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) New York City Department of Information Technology and Telecommunications: Open Space (Parks)
(3) Light Gray Base Map: ESRI

Figure 4-5, Tier III Shadows Screening Analysis, June 21



Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) New York City Department of Information Technology and Telecommunications: Open Space (Parks)
(3) Light Gray Base Map: ESRI

4.4 Detailed Shadows Analysis

The *2021 CEQR Technical Manual* states that a detailed shadow analysis is warranted when the screening analyses do not rule out the possibility that project-generated shadows would reach any sunlight-sensitive resources. The purpose of the detailed analysis is to determine the extent and duration of new incremental shadows that fall on a sunlight-sensitive resource as a result of development projected under the Future With-Action Scenario. The detailed shadows analysis accounts for the Future No-Action Scenario shadow conditions at identified sunlight-sensitive resources, measuring new shadow coverage beyond what Future No-Action Scenario development at the Rezoning Area and in the surrounding area would cast on an individual resource.

The results of the detailed shadow analysis on the Playground Area of the Brooklyn College campus are summarized in **Table 4-2** (with and illustrative figure of new incremental shadows provided in **Figure 4-6**).

Table 4-2, New Incremental Shadow Durations

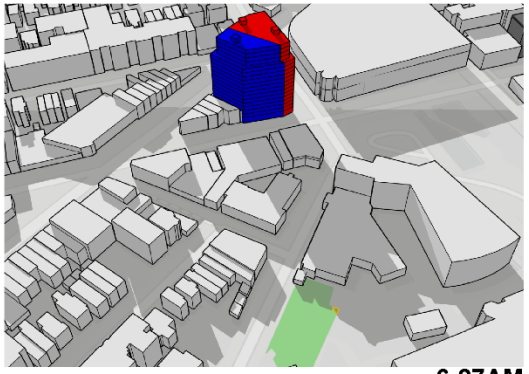
Analysis Day	December 21	March 21 / September 21	May 6 / August 6	June 21
Tier III Shadow Duration	[redacted]	[redacted]	*6:27 AM – 6:53 AM (26 minutes)*	[redacted]
Brooklyn College Campus: Playground Area (Map ID No. 1)				
Shadow Entry – Exit Time	[redacted]	[redacted]	6:27 AM – 6:34 AM	[redacted]
Duration	[redacted]	[redacted]	7 minutes	[redacted]

As indicated in **Table 4-2** and visualized in **Figure 4-6**, new incremental shadows would fall on a small southern portion of the Playground Area of the Brooklyn College campus starting at 6:27 AM (the beginning of the May 6 / August 6 analysis day) and quickly move off of this sunlight sensitive open space resource by 6:34 AM, for a total duration of seven (7) minutes.

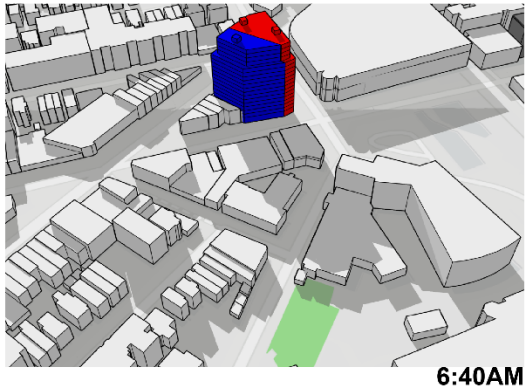
Pursuant to the *2021 CEQR Technical Manual*, incremental shadow durations of 10 minutes or less do not result in significant adverse shadows impacts on sunlight sensitive resources. The projected 7-minute incremental shadow duration during the May 6 / August 6 analysis day on the Playground Area of the Brooklyn College campus would therefore not experience significant adverse shadows impacts as a result of the Future With-Action Scenario.

Figure 4-6, Detailed Shadows Analysis, May 6 / August: Brookyln College Campus Playground Area

Projected Development Site 1
Projected Development Site 2
Future With-Action Shadow Condition
New Incremental Shadow
Sunlight Sensitive Open Space Resource



6:27AM



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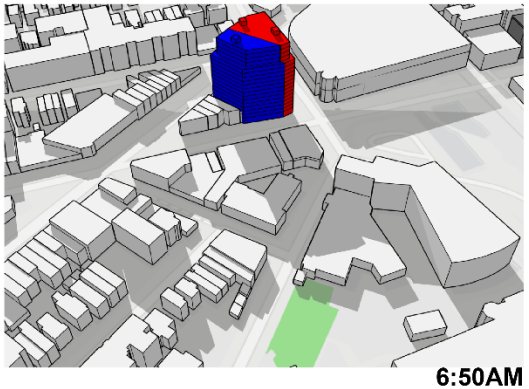

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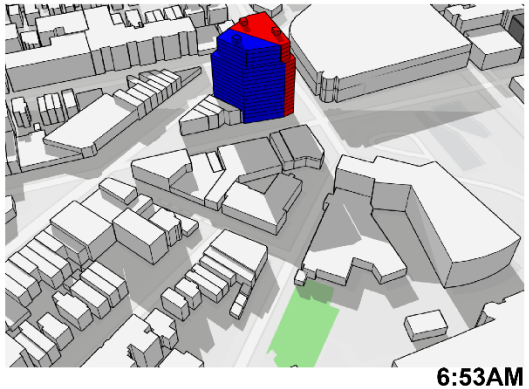


6:53AM

Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) New York City Department of Information Technology and Telecommunications: Open Space (Parks)
(3) Light Gray Base Map: ESRI

4.5 Conclusions

Based on the foregoing, shadows conditions under the Future With-Action Scenario would not result in significant adverse impacts on sunlight sensitive resources identified within the combined shadow screening radius for Projected Development Sites 1 and 2, and no further analysis is warranted.

5 HISTORIC AND CULTURAL RESOURCES

5.1 Introduction

An assessment of historic and cultural resources is usually necessary for projects that are located near historic or landmark structures or districts, or for projects that require in-ground disturbance, unless such disturbance occurs in an area that has been formerly excavated, according to the *2021 CEQR Technical Manual*.

The term “historic resources” defines districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, architectural, and archaeological importance. In assessing both historic and cultural resources, the findings of the appropriate New York City, New York State, and Federal agencies are consulted. Historic resources include the New York City Landmarks Preservation Commission (LPC) designated landmarks, interior landmarks, scenic landmarks, and historic districts; locations being considered for landmark status by the LPC; properties/districts listed on, or formally determined eligible for, inclusion on the State and/or National Register (S/NR) of Historic Places; locations recommended by the New York State Board for Listings on the State and/or National Register of Historic Places and National Historic Landmarks.

5.2 Methodology

Archaeological and architectural resources usually need to be assessed for projects that would result in any in-ground disturbance. In-ground disturbance is any disturbance to an area not previously excavated, including new excavation that is deeper and/or wider than previous excavation on the same site. For projects that may affect historic or cultural resources, the first step in evaluating a project's potential effects on historic resources is to consider what area the project might affect and then identify historic resources—whether officially recognized or eligible for such recognition—within that area. The area of subsurface work for a proposed project is considered the impact area for archaeological resources, while the Study Area for architectural resources is the area in which any resources may be affected by the project, which is defined by the radius of 400 feet from the borders of a site for most proposals.

After the study areas have been established, all known archaeological and architectural resources within the study areas are identified, and the potential for unknown resources is investigated, it is recommended that lead agencies and applicants contact LPC for archaeological and architectural resources review. Based on the report from LPC, if any listed historic or cultural resources are located in the study areas, then further analysis of the project's impact on these resources must be performed. The proposed project's effects on any designated or potential archaeological and architectural resources are then analyzed under existing conditions, Future No-Action Scenario, and Future With-Action Scenario. The assessment specifically considers whether the project may result in the disturbance or destruction of those archaeological and architectural resources as a result of the Proposed Actions.

The Future With-Action Scenario would result in in-ground disturbance to areas of Projected Development Sites 1 and 2 that have likely never been disturbed before. As such, a preliminary Historic and Cultural Resources analysis is warranted.

5.2.1 Architectural Resources

Per *2021 CEQR Technical Manual* guidelines, impacts on historic resources are considered on those sites affected by the Proposed Action(s) and an area extending 400 feet from those sites (i.e., the historic resources Study Area). According to the *2021 CEQR Technical Manual*, significant

adverse impacts to historic and cultural resources could potentially result if a proposed action affects those characteristics that make a resource eligible for LPC designation or S/NR listing. This section assesses the potential for the Proposed Actions to result in significant adverse impacts on identified historic and cultural resources. Generally, architectural resources should be surveyed and assessed if the proposed project would result in any of the following, whether or not any known historic resources are located near the site of the project:

- Construction resulting in ground disturbance, including construction of temporary roads and access facilities, grading, and landscaping.
- Below-ground construction, such as excavation or installation of utilities.
- Physical destruction, demolition, damage, alteration, or neglect of all or part of a historic property.
- Changes to the architectural resource that cause it to become a different visual entity, such as a new location, design, materials, or architectural features.
- Isolation of the property from, or alteration of, its setting or visual relationship with the streetscape. This includes changes to the resource's visual prominence so that it no longer conforms to the streetscape in terms of height, footprint, or setback; is no longer part of an open setting; or can no longer be seen as part of a significant view corridor.
- Introduction of incompatible visual, audible, or atmospheric elements to a resource's setting.
- Replication of aspects of the resource to create a false historical appearance.
- Elimination or screening of publicly accessible views of the resource.
- Construction-related impacts such as falling objects, vibration, dewatering, flooding, subsidence, or collapse.
- Introduction of significant new shadows, or significant lengthening of the duration of existing shadows, over a historic landscape or a historic structure to the extent that the architectural details that distinguish that resource as significant are obscured.

5.2.2 Direct Impacts

Historic resources could be directly affected by physical destruction, demolition, damage, alteration, or neglect of all or part of a historic resource. For example, alterations, such as the addition of a new wing to a historic building could result in significant adverse impacts, depending on the design. Direct impacts also include changes to an architectural resource that cause it to become a different visual entity, such as a new location, design, materials, or architectural features.

NR-listed and eligible resources are given a measure of protection from the effects and impacts of projects sponsored, assisted, or approved by federal agencies under Section 106 of the National Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process. S/NR-listed and eligible resources are similarly protected against impacts resulting from projects sponsored, assisted, or approved by State agencies under the State Historic Preservation Act. However, private owners of S/NR-listed and eligible resources using private funds can alter or demolish their properties without such a review process. Privately owned properties that are NYCLs, in LPC-designated historic districts, or pending designation as Landmarks by LPC are protected under the New York City Landmarks Law. The law requires LPC review and approval before any alteration or demolition occurs, regardless of whether the project is publicly or privately funded.

Publicly owned resources are also subject to review and advisement by LPC before project implementation.

5.2.3 Construction Impacts

The assessment of construction impacts on historic and cultural resources considers the possibility of physical damage to any architectural or archaeological resources identified in the Proposed Project's historic and cultural resources assessment. Pursuant to Chapter 22, Section 300 of the *2021 CEQR Technical Manual*, if a project's construction activities are located within 400 feet of a historic or cultural resource, potential hazards should be assessed, such as whether certain character-defining elements of a structure, including but not limited to rooftops or stained-glass windows, could be impacted by falling objects from an adjacent construction site. The City has two procedures for avoidance of damage to historic structures from adjacent construction.

1. All buildings are provided some protection from accidental damage through New York City Department of Buildings (DOB) controls that govern the protection of any adjacent properties from construction activities, under Building Code Section 27-166 (C26-112.4). For all construction work, Building Code section 27-166 (C26-112.4) serves to protect buildings by requiring that all lots, buildings, and service facilities adjacent to foundation and earthwork areas be protected and supported in accordance with the code requirements.

2. The second protective measure applies only to designated NYCL and S/NR-listed historic buildings that are located within 90 linear feet of a proposed construction site. For these structures, the DOB's Technical Policy and Procedure Notice (TPPN) #10/88 is applicable. The DOB's TPPN 10/88 supplements the standard building protections afforded by the Building Code C26-112.4 by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent LPC-designated or S/NR-listed resources (within 90 feet), and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

If the project is not located within 90 feet of a historic or cultural resource that is NYC-landmark eligible, eligible for the State and National Register of Historic Places, or within an eligible New York City Historic District, then no special protections apply. Therefore, the potential for physical disturbance and adverse impacts on those historic and cultural resources should be disclosed. Based on a review of the New York State (NYS) Office of Parks, Recreation, and Historic Preservation's (OPRHP's) Cultural Resources Information System (CRIS), there are no designated or eligible historic resources within 90 feet of the Rezoning Area, such that no constructed-related impacts to historic and cultural resources would result from the Proposed Actions, and no further analysis is necessary.

5.2.4 Indirect Impacts

As per the *2021 CEQR Technical Manual*, visual and contextual impacts on historic resources can include: the isolation of a property from or alteration of its setting or visual relationship with the streetscape; introduction of incompatible visual, audible, or atmospheric elements to a resource's setting; elimination or screening of publicly accessible views of a resource; or introduction of significant new shadows, over a historic landscape or on a historic structure (if the features that make the resource significant depend on sunlight) to the extent that the architectural details that distinguish that resource as significant are obscured.

The *2021 CEQR Technical Manual* indicates that a Historic and Cultural Resources Study Area should generally extend 400 feet from the Rezoning Area ("the Surrounding Area" or "Study Area").

The Study Area is generally bounded by the Brooklyn College campus to the west, Glenwood Road to the north, mid-block between East 32nd Street and New York Avenue to the east, and the Triangle Junction Shopping Mall to the south (see **EAS Form Figure 1** for a visualization of the 400-foot Study Area).

5.2.5 Archaeological Resources

Unlike the architectural evaluation of a Study Area that extends beyond the footprint of a project's block and lot lines, the analysis of potential and/or projected impacts on archaeological resources is controlled by the actual footprint of the limits of soil disturbance. Archeological resources are physical remains, usually subsurface, of the prehistoric and historic periods such as burials, foundations, artifacts, wells, and privies. The *2021 CEQR Technical Manual* requires a detailed evaluation of a project's potential effect on the archeological resources if it would potentially result in an in-ground disturbance to an area not previously excavated.

As the Proposed Actions would result in the redevelopment of the entirety of Projected Development Sites 1 and 2, the archaeological Study Area for the Future With-Action Scenario is the combined extent of those two (2) Projected Development Sites.

5.3 Preliminary Historic and Cultural Resources Assessment

5.3.1 Existing Conditions

Architectural Resources

Direct Impacts

The LPC was contacted on March 12, 2025, for their initial review of the Proposed Project's potential to impact architectural resources. In a response dated March 18, 2025, LPC indicated that there were no architectural resources of significance at either Projected Development Sites 1 or 2 or any other properties within the Rezoning Area (see **Appendix A** for a copy of LPC's findings).

Indirect Impacts

To determine whether the Proposed Actions have the potential to affect nearby offsite historic or architectural resources, the Study Area was screened for historic and architectural resources. A review of the New York State (NYS) Office of Parks, Recreation, and Historic Preservation's (OPRHP's) Cultural Resources Information System (CRIS) on March 11, 2025, indicated that there were no historic architectural resources within the Study Area.

Construction Impacts

Based on a review of the New York State (NYS) Office of Parks, Recreation, and Historic Preservation's (OPRHP's) Cultural Resources Information System (CRIS) on January 24, 2025, there are no local, State, or Federal landmarks of historic districts within 90 feet of Projected Development Sites 1 or 2.

Archaeological Resources

The LPC was contacted on March 12, 2025 for their initial review of the Proposed Project's potential to impact archaeological resources. In a response dated March 18, 2025, LPC indicated that there were no archaeological resources of significance at Projected Development Sites 1 or 2 or any other properties within the Rezoning Area (see **Appendix A** for a copy of LPC's findings).

5.3.2 Future No-Action Scenario

Architectural Resources

Direct Impacts

As previously indicated, LPC, in review of the Proposed Project, indicated that there were no architectural resources of significance at Projected Development Sites 1 or 2 or any other properties within the Rezoning Area (see **Appendix A** for a copy of LPC's findings). As such, there would be no direct impacts to such resources under the Future No-Action Scenario.

Indirect Impacts

As indicated above, there are no historic architectural resources within the Study Area, such that no indirect impacts to historic architectural resources would occur under the Future No-Action Scenario.

Construction Impacts

As previously discussed, based on a review of the NYS OPRHP's CRIS, there are no local, State, or Federal landmarks of historic districts within 90 feet of Projected Development Sites 1 or 2.

Archaeological Resources

As previously discussed, the LPC was contacted on March 12, 2025, for their initial review of the Proposed Project's potential to impact archaeological resources. In a response dated March 18, 2025, LPC indicated that there were no archaeological resources of significance at Projected Development Sites 1 or 2 or any other properties within the Rezoning Area (see **Appendix A** for a copy of LPC's findings), such that there would be no impacts to such resources under the Future No-Action Scenario.

5.3.3 Future With-Action Scenario

The Future With-Action Scenario consists of two (2) development sites, described below.

Applicant's Development Site / Projected Development Site 1

At Projected Development Site 1 (i.e., the Applicant's Development Site), the Future With-Action Scenario consists of the construction of one new mixed-use residential, community facility, and commercial building at 1584 Flatbush Avenue, Brooklyn (Block 7558, Lot 1). The proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 130,790-GSF (9.95 FAR) building would have ground floor commercial use (9,544 GSF), ground floor community facility use (330 GSF) and a total of 121 dwelling units on the 2nd through 18th floors of the building, including 24 to 36 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 120,916 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit). Projected Development Site 1 also includes an approximately 2,784-square-foot (-SF) private open space for building residents in the form of an exterior courtyard on the second floor of the building.

Projected Development Site 2 (Non-Applicant Owned)

For the purposes of CEQR, it is assumed that Projected Development Site 2 (Block 7558, Lot 11) would be redeveloped in a manner similar to Projected Development Site 1. As such, the Future With-Action Scenario at Projected Development Site 2 consists of a proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 68,153-GSF (10.0 FAR) building would have ground floor commercial use (5,795 GSF), ground floor community facility use (183 GSF) and a total of 62 dwelling units on the 2nd through 18th floors of the building, including 12

to 19 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 62,175 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit).

Architectural Resources

Direct Impacts

As previously indicated, LPC, in review of the Proposed Project, indicated that there were no architectural resources of significance at Projected Development Sites 1 or 2 or any other properties within the Rezoning Area (see **Appendix A** for a copy of LPC's findings). As such, there would be no direct impacts to such resources under the Future With-Action Scenario.

Indirect Impacts

As indicated above, there are no historic architectural resources within the Study Area, such that no indirect impacts to historic architectural resources would occur under the Future With-Action Scenario.

Construction Impacts

As previously discussed, based on a review of the NYS OPRHP's CRIS, there are no local, State, or Federal landmarks of historic districts within 90 feet of Projected Development Sites 1 or 2, such that no construction-related impacts to such resources could occur under the Future With-Action Scenario.

Archaeological Resources

As previously discussed, the LPC was contacted on March 12, 2025, for their initial review of the Proposed Project's potential to impact archaeological resources. In a response dated March 18, 2025, LPC indicated that there were no archaeological resources of significance at Projected Development Sites 1 or 2 or any other property within the Rezoning Area (see **Appendix A** for a copy of LPC's findings), such that there would be no impacts to such resources under the Future With-Action Scenario.

5.4 Conclusions

Based on feedback from LPC and a review of publicly available resources, there are no historic architectural resources at either Projected Development Site, nor are any within 90 or 400 feet of these sites, such that no direct, indirect, or construction-related impacts to such resources could occur. Additionally, LPC's review indicated that there were no archaeological resources of concern at either Projected Development Site 1 or 2 or any other property within the Rezoning Area, such that no impacts to such resources would occur a as a result of the Future With-Action Scenario.

Based on the foregoing, the Future With-Action Scenario would not result in significant adverse impacts on historic and cultural resources, and no further analysis is warranted.

6 URBAN DESIGN AND VISUAL RESOURCES

6.1 Introduction

An urban design assessment pursuant to the *2021 CEQR Technical Manual* considers whether and how a project may change the experience of a pedestrian in the study area. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built environment.

An urban design assessment pursuant to the *2021 CEQR Technical Manual* considers whether and how a project may change the experience of a pedestrian in the area of a proposed project. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built and natural environment in the context of the project. The analysis of urban design relies on observations, drawings, maps, renderings, and most importantly, photographs and photographic montages taken from a pedestrian's eye level. These representations allow the public to see what a project would look like in the future.

An assessment of urban design and visual resources is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment 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, including the following:

- Projects that permit the modification of yard, height, and setback requirements; and
- Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the Proposed Action.

As the Proposed Actions consist of zoning-related discretionary actions that would result in an increase in built floor area beyond what would be allowed 'as-of-right' pursuant to existing mapped zoning an urban design and visual resources analysis is therefore warranted.

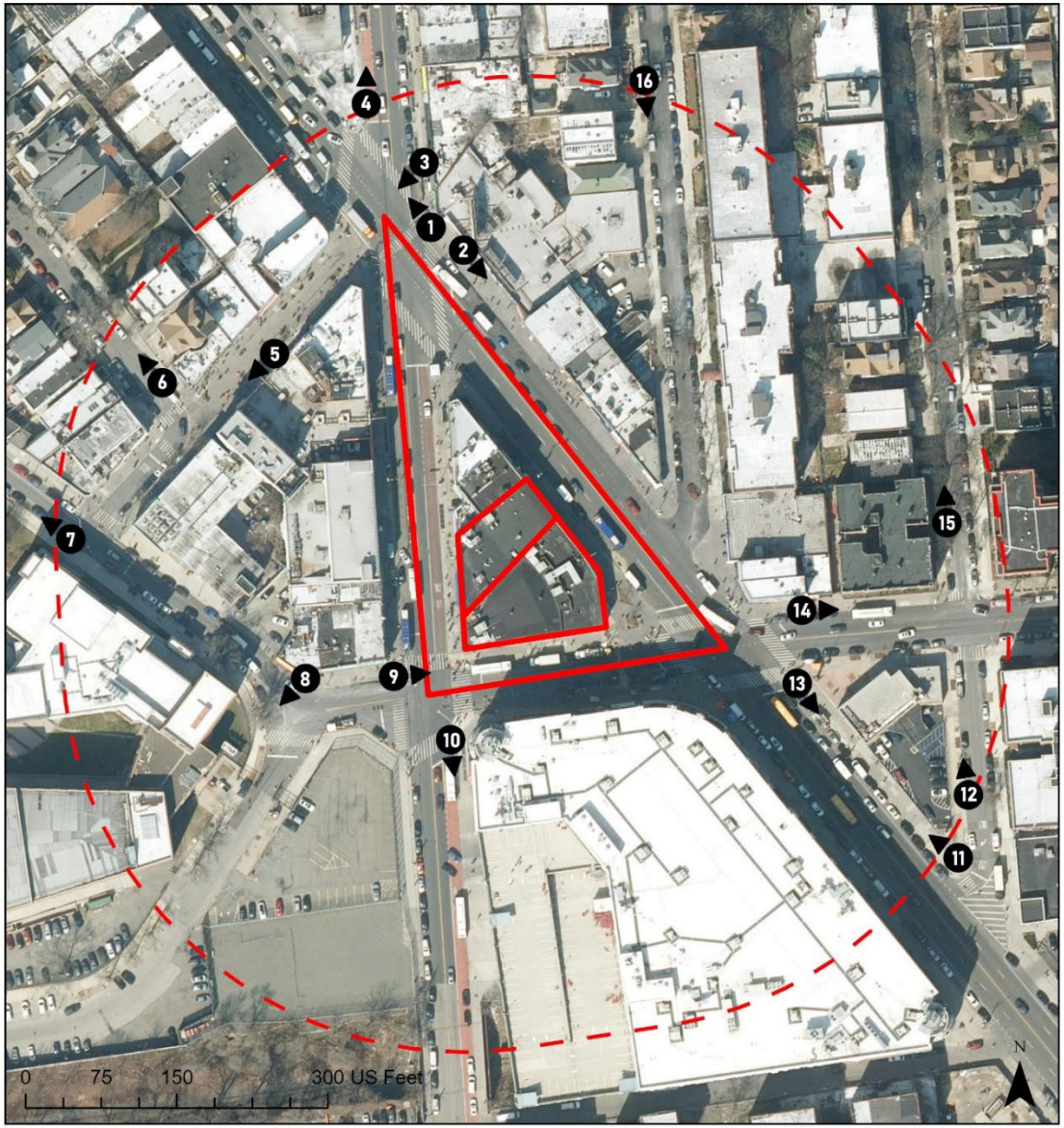
6.2 Methodology

Pursuant to the *2021 CEQR Technical Manual* guidelines, the preliminary urban design and visual resources assessment analyzes a 400-foot radius study area where a proposed action would be most likely to influence the built environment. The following preliminary urban design and visual resources assessment follows these guidelines and provides a characterization of existing conditions, a description of urban design under the Future No-Action and With-Action Scenarios, and an analysis determining the extent to which physical changes resulting from the Future With-Action Scenario would alter the pedestrian experience and visual resources.

Pursuant to the *2021 CEQR Technical Manual*, the appropriate study area for an urban design and visual resources analysis is within a 400-foot radius of the Rezoning Area (the Study Area), as visualized in **Figure 6-1** below. The Study Area is generally bounded by the Brooklyn College campus to the west, Glenwood Road to the north, mid-block between East 32nd Street and New York Avenue to the east, and the Triangle Junction Shopping Mall to the south.

Figure 6-1, Urban Desing Study Area and Photograph Key

Project Site
400-foot Study Area



Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) ESRI, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Figure 6-2, Urban Design Study Area Photographs

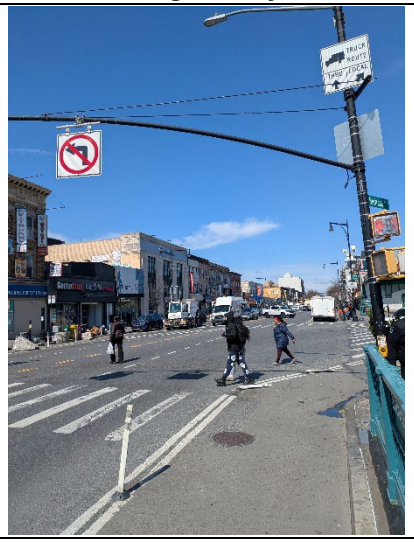
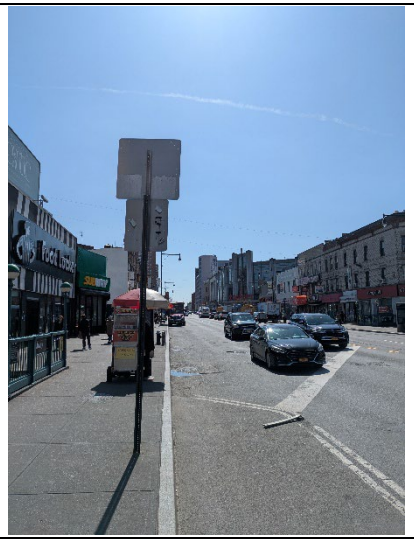
	

Photo No. 1: View looking northwest along Flatbush Avenue from the northern Rezoning Area.	**Photo No. 2:** View looking southeast along Flatbush Avenue from the northern Rezoning Area.

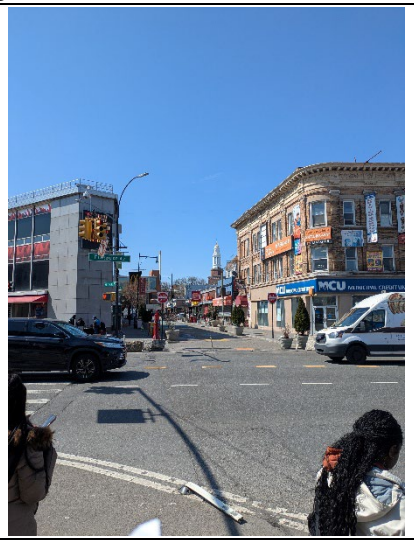
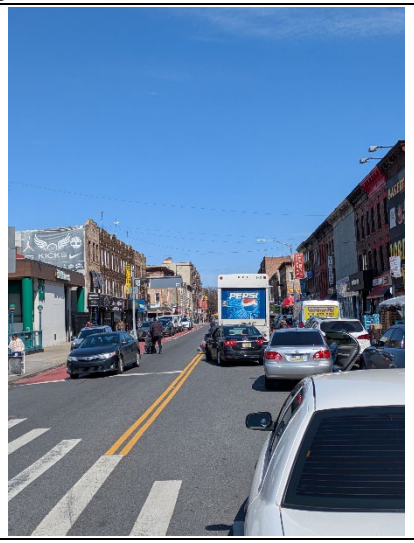

	

Photo No. 3: View looking southeast along Hillel Place from the northern Rezoning Area.	**Photo No. 4:** View looing north up Nostrand Avenue from the northern Rezoning Area.

All photographs taken April 1, 2025

Figure 6-2, Urban Design Study Area Photographs (Continued)

Photo No. 5: View looing southwest along Hillel Place,

Photo No. 6: View looking northwest along Kenilworth Place, from Hillel Place.

Photo No. 7: View looing northwest along Amersfort Place.

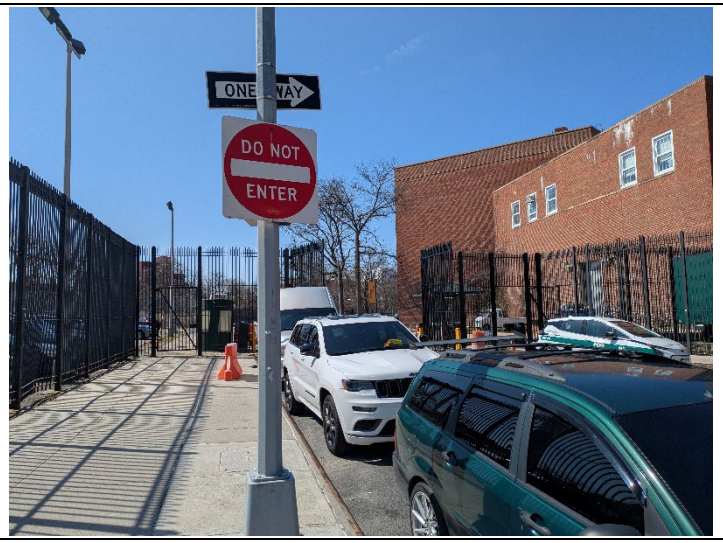


Photo No. 8: View looing southwest along Amersfort Place, towards Brooklyn College

All photographs taken April 1, 2025

Figure 6-2, Urban Design Study Area Photographs (Continued)

Photo No. 9: View looking east along Avenue H towards the Rezoning Area.

Photo No. 10: View looking south along Nostrand Avenue from Avenue H.

Photo No. 11: View looking northwest along Flatbush Avenue from Avenue I.

Photo No. 12: View looking north along East 32nd Street from Avenue I.

All photographs taken April 1, 2025

Figure 6-2, Urban Design Study Area Photographs (Continued)

Photo No. 13:View looking south down Flatbush Avenue from Avenue H.

Photo No. 14: View looking east along Avenue H from Flatbush Avenue.

Photo No. 15: View looking north along East 32nd Street from Avenue H.

Photo No. 16: View looking south along East 31st Street from Glenwood Road.

All photographs taken April 1, 2025

6.3 Preliminary Urban Design and Visual Resources Assessment

6.3.1 Existing Conditions

Rezoning Area

The Rezoning Area is comprised of five 5 tax lots (Block 7558, Lots 1, 11, 14, 15, 16, and 17) in the Flatbush neighborhood of Brooklyn Community District 14. A description of each lot is provided below.

- Lot 1 (Projected Development Site 1): a 10,553-SF irregularly shaped lot featuring a two-story, 20,600-GSF (1.99 FAR) commercial retail building, built in 1939;
- Lot 11 (Projected Development Site 2): a 6,100-SF trapezoidal lot featuring a two-story, 12,200-GSF (2.00 FAR) commercial retail building, built in 1931;
- Lot 14: a 1,506-SF rectangular lot featuring a three-story, 3,393-GSF (2.25 FAR) mixed-use commercial office and retail building, built in 1930;
- Lot 15: a 1,266-SF rectangular lot featuring a three-story, 3,393-GSF (2.68 FAR) mixed-use commercial office and retail building, built in 1930;
- Lot 16: a 983-SF rectangular lot featuring a three-story, 2,949-GSF (3.00 FAR) mixed-use commercial office and retail building, built in 1930; and
- Lot 17: a 1,450-SF triangular lot featuring a three-story, 3,774-GSF (2.60 FAR) mixed-use commercial office and retail building, built in 1930.

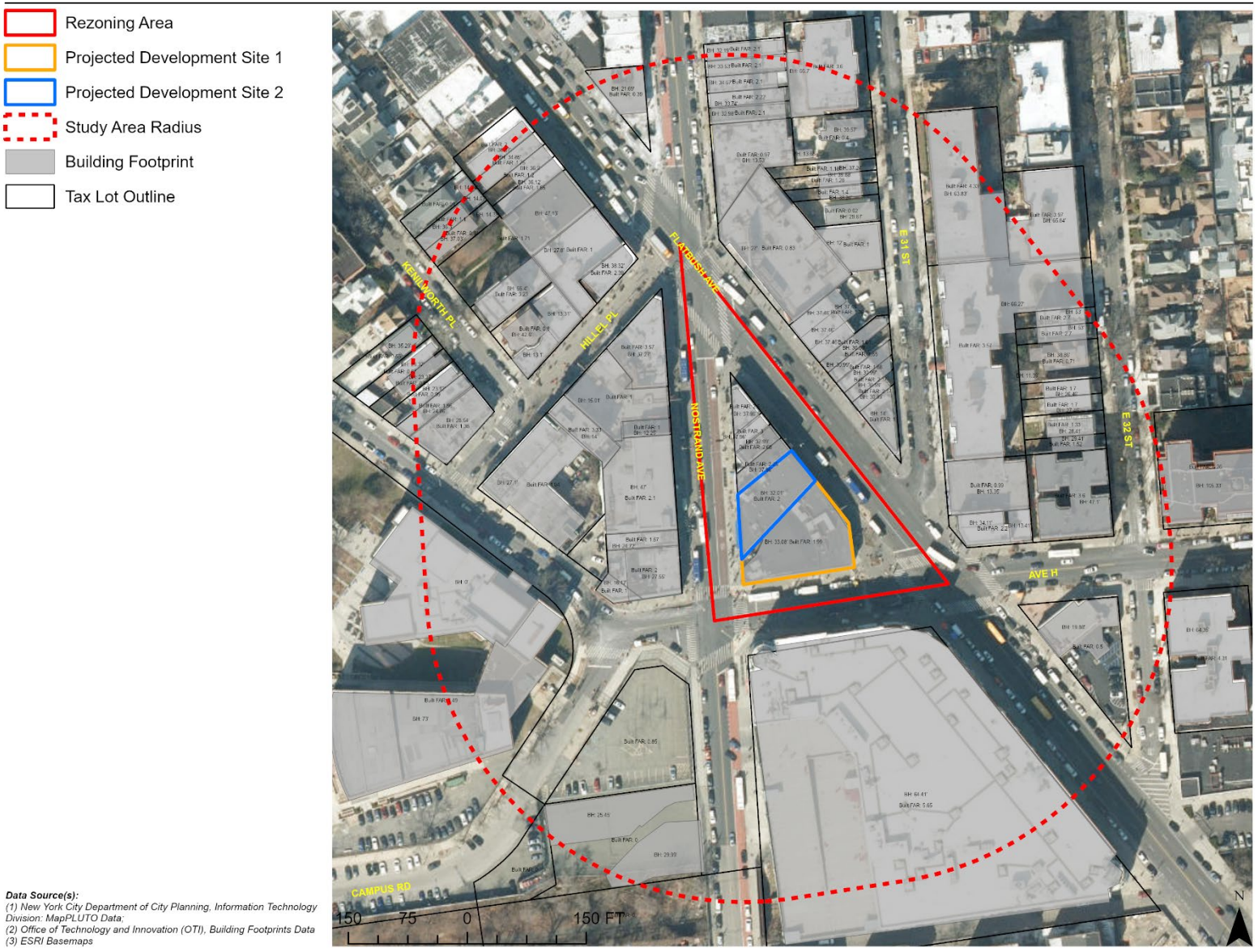
See **EAS Form Figure 1** and **EAS Form Figure 5** for a general visualization of the location of the Rezoning Area and its location within the larger Flatbush neighborhood and **EAS Form Figure 6**, **Photograph Nos. 1 through 4** for a general visualization of existing development within the Rezoning Area.

It is noted that there are no visual resources within the Rezoning Area, defined by the *2021 CEQR Technical Manual* as including, but not limited to, views of the waterfront, public parks, public art, statues or sculptures, landmark structures or districts, otherwise distinct buildings or groups of buildings that may be iconic or historic, and natural resources.

Study Area

The existing built form within the 400-foot Study Area is a mixture of lower to moderate density residential and commercial development as well as the Brooklyn College campus. Immediately south of the Rezoning Area is a large four-story / 65-foot, 488,934-GSF commercial shopping center, constructed in 2006. Smaller scale commercial development predominates the built form along Nostrand and Flatbush Avenues within the study area, including one (1) to four (4) story buildings ranging from approximately 1,200 to 26,000 GSF (0.39 to 3.57 commercial FAR) in floor area. These areas are also interspersed with small-scale mixed-use multi-family residential and groundfloor commercial development, including two (2) to three (3) story buildings ranging in floor area from 2,400 to 8,000 GSF (0.8 to 2.39 FAR), with groundfloor commercial uses and two (2) to three (3) residential dwelling units. This development pattern results in a built form centered around commercial retail shopping, interspersed with second floor and above residences. Additionally, a portion of the Brooklyn College Campus is located in the western study area, including 16 buildings on a 35-acre, tree-lined campus. See **Figure 6-3** for mapping of existing built form data within the Study Area.

Figure 6-3, Urban Design Study Area Built Form Data Map



Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) Office of Technology and Innovation (OTI), Building Footprints Data
(3) ESRI Basemaps

The area is well-served by mass transit; the terminus of the 2 and 5 train lines is located just north of the Rezoning Area, the Flatbush Av-Brooklyn College stop. There are several MTA bus lines running along Flatbush Avenue, Nostrand Avenue, Glenwood Road and Avenue H – the B6, B103, B11 B44 and Q35 lines. The MTA LIRR above-ground train line is one block south of the site and runs east/west through south Brooklyn.

The street grid within the study area generally reflects the typical New York City north-south and east-west pattern, with the intersection of Nostrand and Flatbush Avenues at the center of the study area. Flatbush Avenue runs northwest-southeast with two lanes of traffic in each direction (with no curbside parking), while Nostrand Avenue runs north-south with one lane of traffic in each direction and a dedicated northbound bus lane south of its intersection with Flatbush Avenue and a dedicated southbound bus lane north of its intersection with Flatbush Avenue. Avenue H bisects the study area east-west, featuring one lane of traffic in each direction with curbside parking. East 31st and 32nd Streets in the eastern study area and Kenilworth Place in the western study area are one-lane, northbound streets featuring curbside parking.

Pedestrian infrastructure within the study area, including sidewalks, crosswalks, lighting, and street trees were observed to be in good condition.

Refer to **EAS Form Figure 6, Photograph Nos. 1 through 4,** and **Figure 6-2**, **Photograph Nos. 1 through 16** for representative photographs of the street grid and pedestrian infrastructure within the Study Area.

It is noted that there are no visual resources within the Study Area, defined by the *2021 CEQR Technical Manual* as including, but not limited to, views of the waterfront, public parks, public art, statues or sculptures, landmark structures or districts, otherwise distinct buildings or groups of buildings that may be iconic or historic, and natural resources.

6.3.2 Future No-Action Scenario

Rezoning Area

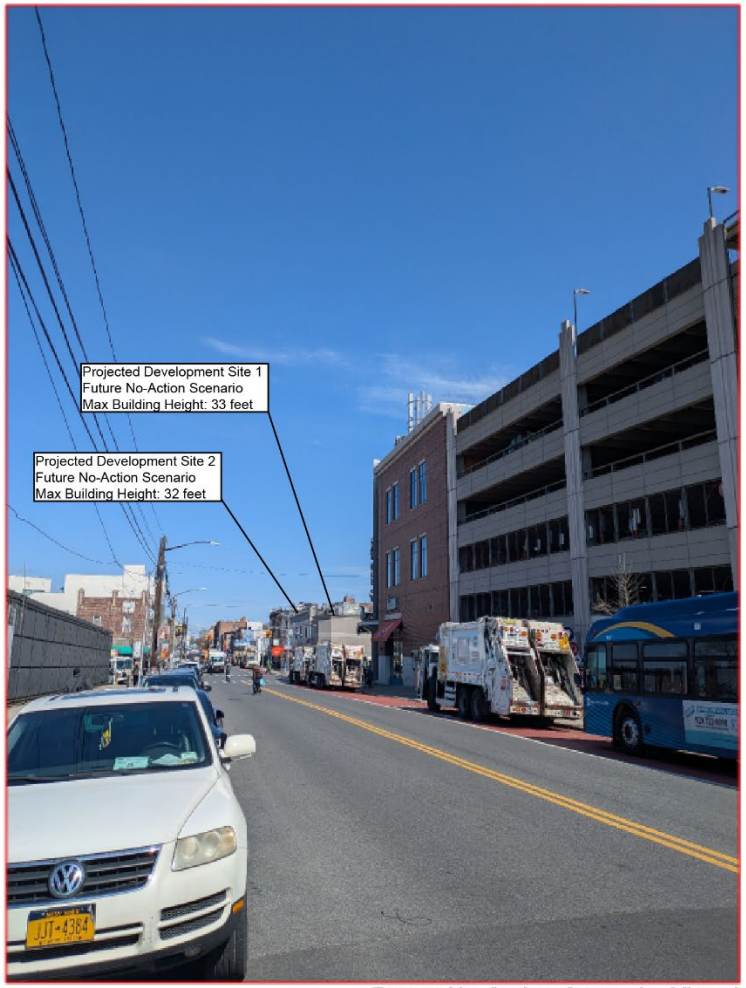
Absent the Proposed Actions (i.e., the Future No-Action Scenario), the existing buildings at the lots comprising the Rezoning Area, described above would remain. Renderings depicting street-level pedestrian views of the Future No-Action Scenario development condition at the Project Site are presented in **Figure 6-4**.

Study Area

Based on a review of NYC's Active Major Construction[7] (AMC) and Zoning Application Portal[8] (ZAP) databases on March 5, 2025, there are no developments within the 400-foot Study Area that would be completed by the 2028 Project Build Year.

[7] https://nycdob.github.io/DOB_Dashboards/layouts/two-and-one/Active_ConstructionTM_withGraphs, accessed March 5, 2025.
[8] https://zap.planning.nyc.gov/projects, accessed March 5, 2025.

Figure 6-4, Future No-Action and With-Action Scenario Renderings, View 1

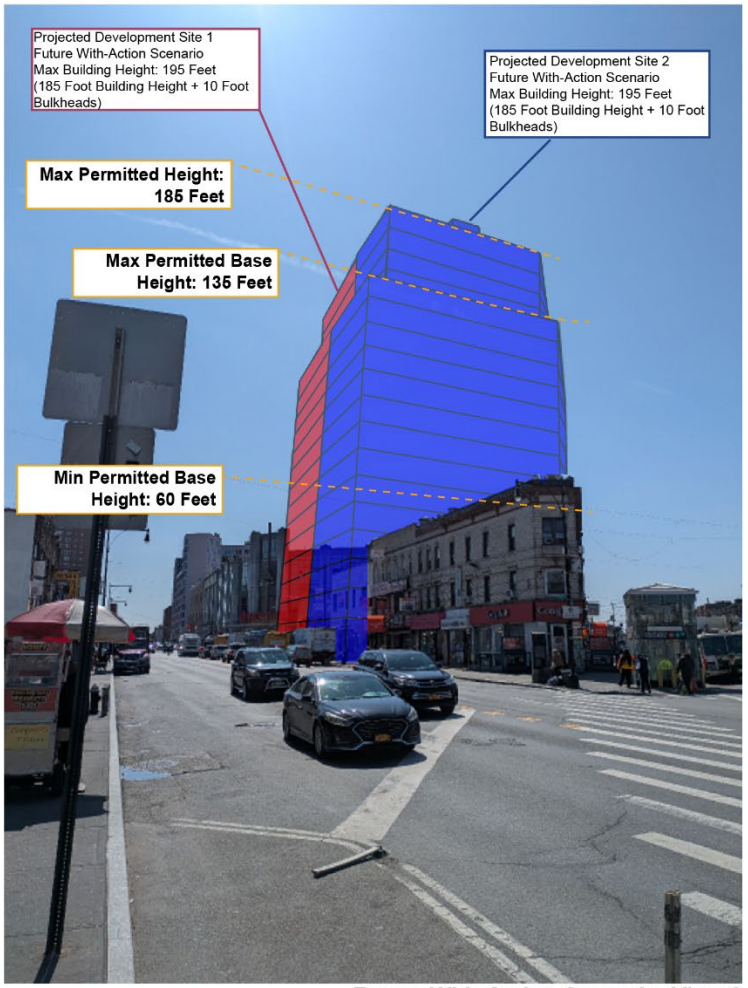


Future No-Action Scenario, View 1
Looking North along Nostrand Avenue

With-Action Scenario, View 1
Looking North along Nostrand Avenue

Figure 6-5, Future No-Action and With-Action Scenario Rendering, View 2

Future No-Action Scenario, View 2
Looking South from the Intersection of
Flatbush Avenue and Nostrand Avenue



Future With-Action Scenario, View 2
Looking South from the Intersection of
Flatbush Avenue and Nostrand Avenue

6.3.3 Future With-Action Scenario

Rezoning Area

The Future With-Action Scenario consists of two (2) development sites, described below.

Applicant's Development Site / Projected Development Site 1

At Projected Development Site 1 (i.e., the Applicant's Development Site), the Future With-Action Scenario consists of the construction of one new mixed-use residential, community facility, and commercial building at 1584 Flatbush Avenue, Brooklyn (Block 7558, Lot 1). The proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 130,790-GSF (9.95 FAR) building would have ground floor commercial use (9,544 GSF), ground floor community facility use (330 GSF) and a total of 121 dwelling units on the 2nd through 18th floors of the building, including 24 to 36 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 120,916 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit). Projected Development Site 1 also includes an approximately 2,784-square-foot (-SF) private open space for building residents in the form of an exterior courtyard on the second floor of the building.

Projected Development Site 2 (Non-Applicant Owned)

For the purposes of CEQR, it is assumed that Projected Development Site 2 (Block 7558, Lot 11) would be redeveloped in a manner similar to that of Projected Development Site 1. As such, the Future With-Action Scenario at Projected Development Site 2 consists of a proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 68,153-GSF (10.0 FAR) building would have ground floor commercial use (5,795 GSF), ground floor community facility use (183 GSF) and a total of 62 dwelling units on the 2nd through 18th floors of the building, including 12 to 19 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 62,175 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit).

Representative views of the Rezoning Area under the Future With-Action Scenario development conditions are provided in **Figure 6-4**.

Study Area

As the Proposed Actions would be limited to the Rezoning Area, there would be no effect on the larger Study Area.

6.3.4 Conclusions

The development facilitated by the Proposed Actions would not adversely impact any of the constituent urban design elements or impact visual resources within the Study Area. The Proposed Actions would generally maintain the built environment's arrangement, appearance, or functionality. With respect to arrangement and functionality, the Future With-Action Scenario would redevelop Projected Development Sites 1 and 2 each with mixed-use multi-family residential and groundfloor commercial and community facilities building; these buildings would feature 100 percent lot coverage, thereby maintaining a consistent street wall on the block. Additionally, no off-street parking would be provided at either development site, such that no curb cuts would result. As such, the arrangement and functionality of the built form at Projected Development Sites 1 and 2 would be maintained and be consistent with existing built form in the Study Area.

In terms of appearance, while the Future With-Action Scenario would result in more dense development than the Future No-Action Scenario at Projected Development Sites 1 and 2, including buildings with a height of 185 feet / 18 stories while generally maximizing the allowable FAR under the R9 zoning district (10.0), the Proposed Actions would ultimately facilitate development that complements and is consistent with the built form of the Study Area. Overall lot coverage at Projected Development Site 1 would remain 100 percent under both the Future No-Action and With-Action Scenarios. The overall building height from 32 feet under the Future No-Action Scenario to 195 feet at both Projected Development Sites under the Future With-Action Scenario; while this is generally taller than most buildings in the Study Area (which has an average building height of 33.4 feet and a maximum building height of approximately 105 feet associated with a building at the eastern extent of the Study Area), there are buildings of comparable height in the vicinity of the Study Area, including a 178-foot tall building approximately 650 feet, southeast of the Rezoning Area at 1655 Flatbush Avenue, as well as an approximately 145-foot building 550 feet south of the Rezoning Area at 1640 Flatbush Avenue (which was constructed in 2023).

Built FAR at Projected Development Site 1 and 2 would also increase, from 1.99 and 2.00, respectively, under the Future No-Action Scenario, to 9.95 and 10.0, respectively, under the Future With-Action Scenario. While this is generally higher than the built FAR found within the Study Area (which generally ranges from 1.0 to 4.0, with a maximum of 6.26 associated with a building at the eastern extent of the Study Area), the proposed density is appropriate for the location. Geographically, the Rezoning Area is well served by mass transit with the terminus of the 2 and 5 train located nearby, along Flatbush Avenue and Nostrand Avenue. The area has long been known as “The Junction” because of its central location; the Rezoning Area is surrounded by wide-streets which can support added density.

Based on the foregoing, the Proposed Action would not have an adverse effect on the pedestrian’s experience of the area; the Future With-Action Scenario would complement and be consistent with the existing pedestrian experience at and in the vicinity of Projected Development Sites 1 and 2, including the pedestrian’s experience of arrangement and function (complementary groundfloor commercial and community facility uses with residential development above) and appearance (consistent with larger scale development in various portion of the Study Area and adjacent to the Study Area).

As there no visual resources within the Rezoning Area or Study Area, as defined by the 2021 CEQR Technical Manual, no impacts to such resources would result from the Proposed Actions.

As such, the Proposed Actions would not result in any significant adverse impact on urban design or visual resources, and a detailed analysis is not warranted.

7 HAZARDOUS MATERIALS

7.1 Introduction

According to the *2021 CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: (a) hazardous material exists on a site, and (b) an action would increase pathways to their exposure, or (c) an action would introduce new activities or processes using hazardous materials.

7.2 Methodology

The hazardous materials assessment begins with a Phase I Environmental Site Assessment (ESA), which is a qualitative evaluation of the environmental conditions present at a site, based on a review of available information, site observations, and interviews. Pursuant to the *2021 CEQR Technical Manual*, the Phase I ESA is conducted in accordance with the standards established by the current ASTM Phase I ESA Standard and includes research and field observations to determine whether the site may contain contamination from either past or present activities on the site or as a result of activities on adjacent or nearby properties. If potential Recognized Environmental Conditions (RECs) are identified during this assessment, then any subsurface investigations are usually conducted as part of a Phase II ESA to confirm the presence and extent of the contamination.

7.3 E-Designation E-233

As part of the Flatbush Rezoning, Projected Development Site 2 (Lot 11) received an E-Designation for Hazardous Materials (E-233), including for both petroleum and non-petroleum-based contamination. The E-Designation requires that the owner of the site conduct testing and sampling protocol and remediation where appropriate to the satisfaction of the NYC DEP before the issuance of a building permit by the Department of Buildings. The E-Designation will also include a mandatory construction-related health and safety plan which must be approved by NYC DEP. The text for the E-Designation is as follows:

- *Task 1 – Sampling Protocol*

  Petroleum: Soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYC DEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

  A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the E-Designation, to the NYC DEP for review and approval.

  Non-Petroleum: The owner of the lot restricted by this E-Designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYC DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. For all non-petroleum E-Designated sites, the three generic NYC DEP soil and ground-water sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the owner of the lot restricted by this E-Designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYC DEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYC DEP must approve the scope of work before it can be implemented.

For non-petroleum E-Designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed. The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYC DEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

- *Task 2-Remediation Determination and Protocol*

  After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYC DEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

  If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYC DEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the E-Designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtained, and the work completed, the fee owner(s) of the lot restricted by the E-Designation must provide proof to the NYC DEP that the work has been completed satisfactorily.

It is noted that no other lots within the Rezoning Area, including Lots 1 (i.e., Projected Development Site 1), 14, 15, 16, or 17, received an E-Designation for Hazardous Materials as part of the Flatbush Rezoning.

7.4 Hazardous Materials Analysis

The Future With-Action Scenario consists of the construction of mixed-use multi-family residential with groundfloor commercial and community facility spaces at Projected Development Sites 1 and 2. As Projected Development Site 1, and the larger Rezoning Area, is located within an area historically

used for manufacturing uses, a Phase I ESA was conducted the site by Matrix in October 2025. The following subsections summarize the findings of that and subsequent hazardous materials studies.

7.4.1 Matrix Phase I ESA, October 2025

The purpose of the Phase I ESA was to determine whether any type of environmental hazard exists within or adjacent to the Applicant's Development Site. Environmental hazards may include, but are not limited to, hazardous/toxic wastes or raw chemicals stored, dumped, or spilled on the site, underground and above ground storage of petroleum or hazardous materials; asbestos within the building materials/structures; and identification of potential off-site sources of hazardous waste contamination, such as industrial facilities adjacent to the development site.

Recognized Environmental Conditions (RECs) are defined as the presence or likely presence of any hazardous substances or petroleum products under conditions that indicate an existing release, past release, or a material threat of a release into structures on the property or into the ground, groundwater or surface waters of the property. De minimis RECs are those that do not present a threat to health or the environment and would not be the subject of an enforcement action by a government agency. All RECs, excluding de minimis RECs, were considered in the Phase I ESA.

Matrix performed a Phase I ESA in March 2024 in conformance with the scope and limitations of ASTM Practice EE1527-21. The Matrix Phase I ESA performed in March 2024 identified the following RECs:

- REC No. 1: Historic Automotive Operations and Petroleum Storage

  Several historic/current automotive repair shops, parking lots, and petroleum storage facilities were identified adjoining, upgradient and cross-gradient to Projected Development Sire 1. These facilities were identified by the regulatory database review, historic Sanborn maps, and city directories. These types of facilities are typically associated with the use and storage of petroleum products and other hazardous materials. The potential exists for contamination from these facilities to have migrated to the Site. These properties include:

  1A. 2175 Nostrand Avenue: Adjoining auto repair shop with a gasoline tank;

  1B. 1583-1591 Flatbush Avenue: Adjoining filling station with a gasoline tank;

  1C. 1580 Flatbush Avenue: Adjoining garage and battery service center;

  1D. 2933 Avenue H: Adjoining auto repair facility;

  1E. 1598-1610 Flatbush Avenue: Upgradient filling station with four gasoline tanks;

  1F. 1612-1628 Flatbush Avenue: Upgradient garage with two gasoline tanks;

  1G. 1611-1621 Flatbush Avenue: Upgradient facility with 10 gasoline tanks;

  1H. 1636-1640 Flatbush Avenue: Upgradient filling station with a garage.

  1I. 2201 Nostrand Avenue: Cross-gradient auto repair shop;

  1J. 2203-2213 Nostrand Avenue: Cross-gradient garage and repair shop with six gasoline tanks; and,

  1K. 2206-2216 Nostrand Avenue: Cross-gradient auto repair shop.

- REC No. 2: Historic Dry Cleaner

  Review of the regulatory database and historic Sanborn maps identified one cross-gradient property at 31-07 Avenue H as a historic dry cleaner from at least 1968 through 2014. Dry cleaners historically used hazardous chemicals for dry cleaning operations. Historic dry cleaners are often associated with environmental contamination from chlorinated solvents

due to the storage and use of these chemicals. The potential exists for releases to the environment to have migrated to and impacted Projected Development Site 1.

- REC No. 3: Historic Industrial Operations

  Review of the regulatory database and historic Sanborn maps identified one cross-gradient property as having historic industrial operations indicating the use and storage of hazardous chemicals and substances. The property at 2925 Avenue H was identified as a gas lighter manufacturer. The potential exists for contamination from this facility to have migrated to Projected Development Site 1.

- REC No. 4: Historic Substation

  Review of the regulatory database and historic Sanborn maps identified one adjoining property as having historic transit system substation operations indicating the use of heavy metals. The potential exists for contamination from this facility to have migrated to the Projected Development Site 1.

7.5 Conclusions

Several RECSs were identified within the vicinity of Projected Development Site 1. The Applicant will coordinate with the relevant New York City agencies, including DCP and the Department of Environmental Protection (DEP) to determine the next steps with respect to the evaluation of Hazardous Materials pursuant to CEQR.

8 AIR QUALITY

8.1 Introduction

When assessing the potential for significant impacts on air quality, the *2021 CEQR Technical Manual* seeks to determine a Proposed Action's effect on ambient air quality or the quality of the surrounding air. Ambient air can be affected by motor vehicles, referred to as "mobile sources," or by fixed facilities, referred to as "stationary sources". This can occur during the operation and/or construction of a project being proposed. The pollutants of most concern are carbon monoxide, lead, nitrogen dioxide, ozone, relatively coarse inhalable particulates (PM_{10}), fine particulate matter ($PM_{2.5}$), and sulfur dioxide. The *2021 CEQR Technical Manual* generally recommends an assessment of the potential impact of mobile sources on air quality when an action increases traffic or causes a redistribution of traffic flows, creates any other mobile sources of pollutants (such as diesel train usage), or adds new uses near mobile sources (e.g., roadways, parking lots, garages). The *2021 CEQR Technical Manual* generally recommends assessments when new stationary sources of pollutants are created, when a new use might be affected by existing stationary sources, or when stationary sources are added near existing sources and the combined dispersion of emissions would impact surrounding areas.

Ambient air quality describes pollutant levels in the surrounding environment to which the public has access. To assess potential health hazards due to ambient air quality, the impact of air pollutants emitted by motor vehicles (mobile source) and by fixed facilities (stationary source) are analyzed, where the effects of both the proposed project on ambient air quality and the ambient air quality effect on the proposed project are considered. The analysis framework, as mandated by the State Environmental Review Act, follows the *2021 CEQR Technical Manual*.

8.2 Methodology

8.2.1 Mobile Sources

According to the *2021 CEQR Technical Manual*, projects, whether site-specific or generic, may result in significant mobile source air quality impacts when they increase or cause a redistribution of traffic; create any other mobile sources of pollutants (such as diesel trains, helicopters, etc.); or add new uses near mobile sources (roadways, garages, parking lots, etc.). Projects requiring further assessment include:

- Projects that would result in the placement of operable windows, balconies, air intakes, or intake vents generally within 200 feet of an atypical source of vehicular pollutants.
- Projects that would result in the creation of a fully or partially covered roadway, would exacerbate traffic conditions on such a roadway or would add new uses near such a roadway.
- Projects that would generate peak hour auto traffic or divert existing peak hour traffic of 170 or more auto trips in this area of the City.
- Projects that would generate peak hour heavy-duty diesel vehicle traffic or its equivalent in vehicular emissions resulting from 12 or more heavy-duty diesel vehicles (HDDVs) for paved roads with average daily traffic of fewer than 5,000 vehicles, 19 or more HDDVs for collector roads, 23 or more HDDVs for principal and minor arterials, or 23 or more HDDVs for expressways and limited-access roads.
- Projects that would result in new sensitive uses (e.g., schools or hospitals) adjacent to large existing parking facilities or parking garage exhaust vents.

- Projects that would result in parking facilities or applications requesting the grant of a special permit or authorization for parking facilities; or projects that would result in a sizable number of other mobile sources of pollution (e.g., a heliport or a new railroad terminal).
- Projects that would substantially increase the vehicle miles traveled in a large area.

The Proposed Actions would not result in operable windows or air intakes within 200 feet of an atypical roadway. It would not result in the creation of a covered roadway or affect any covered roadway. Peak hour trip generation is far below the 170-car threshold, as per the transportation section, as potentially warranting further assessment (see EAS Short Form screen). The project would not generate HDDV equivalent traffic volume of more than 12 – 23 per hour (dependent on road type). The project would not create a new sensitive receptor adjacent to large parking facilities. The project would not result in any other mobile sources of pollution and would not significantly increase vehicle miles traveled in a large area. Therefore, no further assessment of the potential for mobile source air quality impacts is warranted.

8.2.2 Stationary Sources

According to the *2021 CEQR Technical Manual*, projects may result in stationary source air quality impacts when one or more of the following occurs:

- New stationary sources of pollutants are created (e.g., emission stacks for industrial plants, hospitals, and other large institutional uses).
- Certain new uses near existing (or planned future) emissions stacks are introduced that may affect the use.
- Structures near such stacks are introduced so that the structures may change the dispersion of emissions from the stacks so that surrounding uses are affected.
- Fossil fuels (fuel oil or natural gas) for heating/hot water, ventilation, and air conditioning systems are used.
- Large emission sources are created (e.g., solid waste or medical-waste incinerators, cogeneration facilities, asphalt/concrete plants, or power-generating plants, etc.).
- New sensitive uses are located near a large emission source.
- Medical, chemical, or research labs are created or result in new uses being located near them.
- Operation of manufacturing or processing facilities is created.
- New sensitive uses created within 400 feet of manufacturing or processing facilities.
- New uses created within 400 feet of a stack associated with commercial, institutional, or residential developments (and the height of the new structures would be similar to or greater than the height of the emission stack).
- Potentially significant odors are created.
- New uses near an odor-producing facility are created.
- “Non-point” sources that could result in fugitive dust are created.
- New uses near nonpoint sources are created.
- A generic or programmatic action is introduced that would change or create a stationary source or that would expose new populations to such a station.

8.3 Preliminary Air Quality Analysis

8.3.1 Analysis Framework

The stationary source analysis will study the potential impacts of the Future With-Action Scenario on nearby receptors. The Future With-Action Scenario consists of two (2) development sites, described below.

Applicant's Development Site / Projected Development Site 1

At Projected Development Site 1 (i.e., the Applicant's Development Site), the Future With-Action Scenario consists of the construction of one new mixed-use residential, community facility, and commercial building at 1584 Flatbush Avenue, Brooklyn (Block 7558, Lot 1). The proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 130,790-GSF (9.95 FAR) building would have ground floor commercial use (9,544 GSF), ground floor community facility use (330 GSF) and a total of 121 dwelling units on the 2nd through 18th floors of the building, including 24 to 36 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 120,916 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit). Projected Development Site 1 also includes an approximately 2,784-square-foot (-SF) private open space for building residents in the form of an exterior courtyard on the second floor of the building.

Projected Development Site 2 (Non-Applicant Owned)

For the purposes of CEQR, it is assumed that Projected Development Site 2 (Block 7558, Lot 11) would be redeveloped in a manner similar to that of Projected Development Site 1. As such, the Future With-Action Scenario at Projected Development Site 2 consists of a proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 68,153-GSF (10.0 FAR) building would have ground floor commercial use (5,795 GSF), ground floor community facility use (183 GSF) and a total of 62 dwelling units on the 2nd through 18th floors of the building, including 12 to 19 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 62,175 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit).

8.3.2 Heating and Hot Water Systems

Per the *2021 CEQR Technical Manual*, the HVAC analysis considers the potential for emissions from the HVAC system of the proposed project to significantly impact existing land uses (project-on-existing). Based on CEQR guidelines, a preliminary screening analysis is to be conducted as a first step to predict whether the potential impacts of the heat and hot water system(s) boiler emissions can be significant. The screening analysis determines the threshold of development size below which the action would not have a significant impact. This CEQR screening procedure applies to buildings that are not less than 30 feet from the nearest building of similar or greater height. Otherwise, a detailed dispersion analysis is required.

Screening Assessment

The potential for the heat and hot water system(s) to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used by the HVAC system, the height of the stack venting the emissions, the distance to the nearest building of similar or greater height, the building's use which affects the emissions, and the square footage of the development that would be served by the system. The *2021 CEQR Technical Manual* screening analysis is based on these factors. A detailed analysis is required if the screening analysis fails.

The RWCDS would facilitate the construction of two (2) approximately 195-foot-tall buildings at Lots 1 and 11 within the Rezoning Area.

Project-on-Existing

The impact of the Future With-Action Scenario at Projected Development Sites 1 and 2 on existing land uses is represented by hypothetical HVAC systems serving the 130,790-GSF and 68,153-GSF mixed-use multi-family residential buildings with ground floor community facility and commercial uses at each site.

However, in 2021, the New York City Council passed legislation to phase fossil fuels out of new construction starting in 2024. Local Law 154 of 2021 prohibits the onsite combustion of fuels that emit more than 25kg CO_2/MMBTU. The law phases out the usage of fossil fuels in new buildings for heating and service hot water. This also impacts appliances such as domestic cooking ranges and clothes dryers. This law means new buildings, with few exceptions, will be all-electric. This prohibition would take effect in July 2027; as discussed in **Section 1.8.1**, Projected Development Sites 1 and 2 are anticipated to be constructed and occupied by Spring 2028 and Winter 2028, respectively, such that it will be required their HVAC systems would be all-electric pursuant to the requirements of Local Law 154.

As such, no significant adverse impacts from emissions are anticipated.

8.3.3 Industrial Emissions

The Proposed Actions would introduce sensitive land uses into the area. Accordingly, a preliminary screening was conducted to determine if there were any potential sources of industrial process emissions that could affect occupants of Projected Development Sites 1 and 2 under the Future With-Action Scenario. Industrial sources were identified through a review of the NYC DEP Clean Air Tracking System (CATS) and NYS Department of Environmental Conservation (DEC) Info Locator website (https://dec.ny.gov/maps/interactive-maps/decinfo-locator), both accessed on March 4, 2025, as well as a site visit (performed on April 1, 2025).

400-Foot Study Area

A 400-foot radius from the Projected Development Sites 1 and 2 was screened for potential sources of industrial emissions. Based on a review of the DEP CATS, DECInfo Locator, land use maps (see **EAS Form Figure 4**), and a site visit on April 1, 2025, no permitted or unpermitted industrial emissions sources were identified within the 400-foot Study Area.

Based on the foregoing, there are no sources of industrial process emissions that could affect future occupants of the Proposed Project, and no further analysis is warranted.

1,000-Foot Study Area

As outlined in the *2021 CEQR Technical Manual*, projects that would introduce new uses near major sources, large sources, and odor-producing facilities may result in potentially significant adverse air quality impacts. The study area considers major sources, large sources, and odor-producing facilities within 1,000 feet of Projected Development Sites 1 and 2. Major emission sources are identified as those sources located at Title V facilities that require Prevention of Significant Deterioration permits; large emission sources are identified as sources located at facilities that require a State facility permit. Solid waste or medical waste incinerators, asphalt and concrete plants, power generating plants, large boilers of large public facilities, and large industrial facilities are typical types of sources requiring these permits. Odor-producing facilities are operations that

have the potential to cause discomfort, such as: solid waste management facilities, water pollution control plants (i.e., sewage treatment plants), and incinerators.

A search using the DECInfo Locator was conducted for large or major source emissions. No existing large or major combustion sources, such as power plants, cogeneration facilities, etc. located within 1,000 feet of Projected Development Sites 1 and 2 were identified. It is noted that a NYS Air State Facility permit for a heating plant associated with Brooklyn College, located within 1,000 feet of Projected Development Sites 1 and 2, was identified via DECInfo Locator (DEC Facility Permit ID: 2-6104-00195/00005; a copy of the permit is provided in **Appendix B**). However, the heating plant and its associated exhaust are located at the western edge of the Brooklyn College campus, outside of the 1,000-foot Major and Large Emissions Source screening radius. The DEC permit also acknowledges:

1. Three offset lighographic printing presses located in the basement of Boylan Hall (located within the 1,000-foot Major and Large Emission Source screening radius). The presses are used for printing college materials such as letterhead, pamphlets and booklets. Fugitive volatile organic emissions are not vented to a specific emission point.
2. Gasoline dispensing site includes a 1000-gallon underground storage tank for gasoline fuel, which has stage I and stage II vapor collection system (location within the 1,000-foot Major and Large Emission Source screening radius is unknown).

These potential emissions sources are not considered major or large sources. As such, based on the foregoing, an analysis of major and / or large emission sources is not warranted.

Conclusions

In 2021, the New York City Council passed legislation to phase fossil fuels out of new construction starting in 2024. Local Law 154 of 2021 prohibits the onsite combustion of fuels that emit more than 25kg CO2/MMBTU. The law phases out the usage of fossil fuels in new buildings for heating and service hot water. This also impacts appliances such as domestic cooking ranges and clothes dryers. This law means new buildings, with few exceptions, will be all-electric. Therefore, development within the Rezoning Area under the Future With-Action Scenario will be required utilize an electrical system as opposed to fossil fuels for the proposed HVAC system.

Additionally, there are no active industrial uses within the 400-foot study area. In addition, no large or major industrial emission sources were identified within the 1,000-foot study area. Additionally, there is no evidence present to conclude that there are unpermitted air emissions present in the Study Area. Therefore, a detailed industrial emission analysis is not warranted.

9 NOISE

9.1 Introduction

This noise analysis was conducted to assess the potential for adverse noise impacts related to the Future With-Action Condition, which consists of the construction of mixed-use multi-family residential with groundfloor commercial and community facility spaces at Projected Development Sites 1 and 2. Vehicular traffic (i.e., local traffic along Flatbush Avenue, Nostrand Avenue, and Avenue H) is the predominant source of noise in this area. In addition to vehicular traffic noise, a subsurface rail line (Bay Ridge Branch) is identified approximately 425 feet southwest of the Rezoning Area. According to Chapter 19, Section 200 of the *2021 CEQR Technical Manual*, a noise analysis was warranted for this project due to the Rezoning Area's close proximity to heavily travelled roadways and rail line which has the potential to cause high ambient noise levels. This noise assessment is limited to an assessment of ambient noise that could adversely affect residents of Projected Development Sites 1 and 2. The noise assessment was conducted in general accordance with the *2021 CEQR Technical Manual*.

9.2 Framework of Noise Analysis

As defined in the *2021 CEQR Technical Manual* Chapter 19, noise is defined as any unwanted sound, and sound is defined as any pressure variation that the human ear can detect. Humans can detect a large range of sound pressures, from 20 to 20 million micropascals, but only those air pressure variations occurring within a particular set of frequencies are experienced as sound. Air pressure changes that occur between 20 and 20,000 times a second, stated as units of Hertz (Hz), are registered as sound.

Because the human ear can detect such a wide range of sound pressures, sound pressure is converted to sound pressure level (SPL), which is measured in units called decibels (dB). The decibel is a relative measure of the sound pressure with respect to a standardized reference quantity. Because the dB scale is logarithmic, a relative increase of 10 dB represents acoustic energy that is 10 times higher. However, humans do not perceive a 10-dB increase as 10 times louder. Instead, they perceive it as twice as loud.

Sound is often measured and described in terms of its overall energy, taking all frequencies into account. However, the human hearing process is not the same at all frequencies. Humans are less sensitive to low frequencies (less than 250 Hz) than mid-frequencies (500 Hz to 1,000 Hz) and are most sensitive to frequencies in the 1,000- to 5,000-Hz range. Therefore, noise measurements are often adjusted, or weighted, as a function of frequency to account for human perception and sensitivities. The most common frequency weightings used are the A- and C-weightings. These weight scales were developed to allow sound level meters, which use filter networks to approximate the characteristics of the human hearing mechanism, to simulate the frequency sensitivity of human hearing. The A-weighting is the most commonly used for environmental measurements, and sound levels measured using this weighting are denoted as dBA. The letter "A" indicates that the sound has been filtered to reduce the strength of very low and very high-frequency sounds, much as the human ear does. C-weighting gives nearly equal emphasis to sounds of most frequencies. Mid-range frequencies approximate the actual (unweighted) sound level, while the very low and very high-frequency bands are significantly affected by C-weighting. **Table 9-1** notes the decibel levels of common noise sources.

Table 9-1, Noise Levels of Common Sources

Sound Source	SPL (dB(A))
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concerts (Rear Seats)	110
On Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night	40-50
Typical Rural Area at Night	30-40
Isolated Broadcast Studio	20
Audiometric (Hearing Testing) Booth	10
Threshold of Hearing	0

Note(s): A change in 3dB(A) is a just noticeable change in SPL. A change in 10 dB(A)ls perceived as a doubling or halving in SPL.

The following are typical human perceptions of dB(A) relative to changes in noise level:

- 3 dB(A) change is the threshold of change detectable by the human ear;
- 5 dB(A) change is readily noticeable; and
- 10 dB(A) increase is perceived as a doubling of the noise level.

As stated on Page 19-3 of the *2021 CEQR Technical Manual*, in a large open area with no obstructive or reflective surfaces, it is a general rule that at distances greater than 50 feet, the SPL from a point source of noise drops off at a rate of 6 dB with each doubling of distance away from the source. For “line” sources, such as vehicles on a street, the SPL drops off at a rate of 3 dBA with each doubling of the distance from the source. Sound energy is absorbed in the air as a function of temperature, humidity, and the frequency of the sound. This attenuation can be up to 2 dBA over 1,000 feet. The drop-off rate also will vary with both terrain conditions and the presence of obstructions in the sound propagation path.

The SPL that humans experience typically varies from moment to moment. Therefore, various descriptors are used to evaluate noise levels over time. Some typical descriptors are defined below.

- L_{eq} is the continuous equivalent sound level. The sound energy from the fluctuating SPLs is averaged over time to create a single number to describe the mean energy, or intensity level. High noise levels during a measurement period will have a greater effect on the L_{eq} than low noise levels. L_{eq} has an advantage over other descriptors because L_{eq} values from various noise sources can be added and subtracted to determine cumulative noise levels.
- $L_{eq(24)}$ is the continuous equivalent sound level over a 24-hour time period.
- Lmax is the highest SPL measured during a given period of time. It is useful in evaluating Leqs for time periods that have an especially wide range of noise levels.
- L_{dn} is the day-night equivalent sound level, defined as a 24-hour continuous Leq with a 10 dB adjustment added to all hourly noise levels recorded between the hours of 10 PM and 7 AM. This 10 dB addition accounts for the extra sensitivity people have to noise during typical sleeping hours.
- DNL is the annual average day-night average sound level. Aircraft noise around airports is usually mapped out in terms of DNL, which are normally depicted as noise contours on a map.

The sound level exceeded during a given percentage of a measurement period is the percentile-exceeded sound level (L_X). Examples include L_{10}, L_{50}, and L_{90}. L_{10} is the A-weighted sound level that is exceeded 10% of the measurement period.

9.3 Noise Standards and Guidelines

In 1983, the New York City Department of Environmental Protection (NYC DEP) adopted the CEQR noise exposure guidelines for exterior noise levels. As shown in **Table 9-2** below, noise standards classify noise exposure into four categories based on noise level limits and land use, for vehicular traffic, rail, and aircraft noise sources: Acceptable, Marginally Acceptable, Marginally Unacceptable, and Clearly Unacceptable, Table 19-3 of the *2021 CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise exposure levels. Recommended noise attenuation values for buildings are designed to maintain interior L_{10} noise levels of 45 dB(A) or below or interior L_{dn} noise levels of 40 dB(A) or below depending on the noise source, as shown below in **Table 9-2**.

9.4 Noise Monitoring and Evaluation Protocol

This noise survey consisted of measuring noise levels at three (3) ground level locations and one (1) rooftop location where the noise sources (including vehicular traffic and train noise) would impact Projected Development Sites 1 and 2, using the methodology presented below.

9.4.1 Measurement Locations and Program

The predominant noise source in the vicinity of the Rezoning Area consists of vehicular traffic and a rail line. Measurements were collected from three (3) street level locations and one (1) roof location, biased to the predominant noise sources (i.e., vehicular traffic and train noise), to determine potential noise impacts to Projected Development Sites 1 and 2. To determine the noise impacts associated with vehicular traffic, noise monitoring was conducted on the building faces along Flatbush Avenue, Nostrand Avenue, and Avenue H. To determine noise impacts associated with train noise, a monitoring station was placed on the roof of the existing building at Projected Development Site 1, with a clear line of sight to the subsurface rail line, located approximately 425 feet southwest of the site. The noise measurement locations are visualized on **Figure 9-1** and photographs of the locations are provided in **Figure 9-2**.

Noise monitoring was conducted using a Type 1 Svantek SV-971A sound meter with wind screen. For all ground level noise measurements, the sound meter was placed on a tripod at a height of approximately 5 feet above the ground surface, approximately 10 feet away from any noise-reflective surfaces. The sound meter was calibrated prior to and following each monitoring session. The *2021 CEQR Technical Manual* states that the duration of noise measurements should be sufficient to ensure that the measurements are reflective of ambient conditions. Therefore, each noise monitoring session was conducted for a period of 20 minutes. Measurements were collected at three (3) peak time intervals including morning (7 AM to 9 AM), afternoon (11:3 AM to 1:30 PM), and evening (4 PM to 6 PM).

Due to a rail line being identified within 1,500 feet of the Rezoning Area, a 24-hour noise measurement was collected. A rooftop noise monitoring station was installed with clear line of sight of the Bay Ridge Branch subsurface rail line, located approximately 425 feet southwest of Projected Development Site 1. A Type 1 Svantek SV-971A sound meter with windscreen was attached to an outdoor stand at an approximate height of 45 feet above ground surface.

Table 9-2, Noise Exposure Guidelines for Use in City Environmental Impact Review

Receptor Type	Time Period	Acceptable General External Exposure	Airport[3] Exposure	Marginally Acceptable General External Exposure	Airport[3] Exposure	Marginally Unacceptable General External Exposure	Airport[3] Exposure	Clearly Unacceptable General External Exposure	Airport[3] Exposure
1. Outdoor area requiring serenity and quiet[2]		$L_{10} \leq 55$ dBA	----------DNL ≤ 60 dBA----------		----------60 < DNL ≤ 65 dBA----------		(I) 65 < DNL ≤ 75 dBA		---------- 75 dBA < DNL ----------
2. Hospital, nursing home		$L_{10} \leq 55$ dBA		55 < L_{10} ≤ 65 dBA		65 < L_{10} ≤ 80 dBA		L_{10} > 80 dBA	
3. Residence, residential hotel, or motel	(7 AM to 10 PM)	$L_{10} \leq 65$ dBA		65 < L_{10} ≤ 70 dBA		70 < L_{10} ≤ 80 dBA		L_{10} > 80 dBA	
	(10 PM to 7 AM)	$L_{10} \leq 55$ dBA		55 < L_{10} ≤ 70 dBA		70 < L_{10} ≤ 80 dBA		L_{10} > 80 dBA	
4. School, museum, library, court, house of worship, transient hotel or motel, public meeting room, auditorium, out-patient public health facility		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)	
5. Commercial or office		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)	
6. Industrial, public areas only[4]	Note 4	Note 4		Note 4		Note 4		Note 4	

Notes:

(i) In addition, any new activity shall comply with Impact Thresholds detailed in Section 410.

[1] Measurements and projections of noise exposures are to be made at appropriate heights above site boundaries as given by American National Standards Institute (ANSI) Standards; all values are for the worst hour in the time period.

[2] Tracts of land where serenity and quiet are extraordinarily important and serve as important public need, and where the preservation of these qualities is essential for the area to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, or open spaces dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet. Examples are grounds for ambulatory hospital patients and patients and residents of sanitariums and nursing homes.

[3] One may use the FAA-approved DNL contours supplied by the Port Authority of New York and New Jersey (PANYNJ), or the noise contours may be computed from the federally approved Aviation Environmental Design Tool (AEDT) Computer Model using flight data supplied by the PANYNJ.

[4] External Noise Exposure standards for industrial areas of sounds produced by industrial operations other than operating motor vehicles or other transportation facilities are spelled out in the New York City Zoning Resolution, Sections 42-20 and 42-21. The referenced standards apply to M1, M2, and M3 manufacturing districts and to adjoining residence districts (performance standards are listed by octave bands).

Sources: New York City Department of Environmental Protection (adopted policy 1983).

Figure 9-1, Noise Monitoring Locations Map

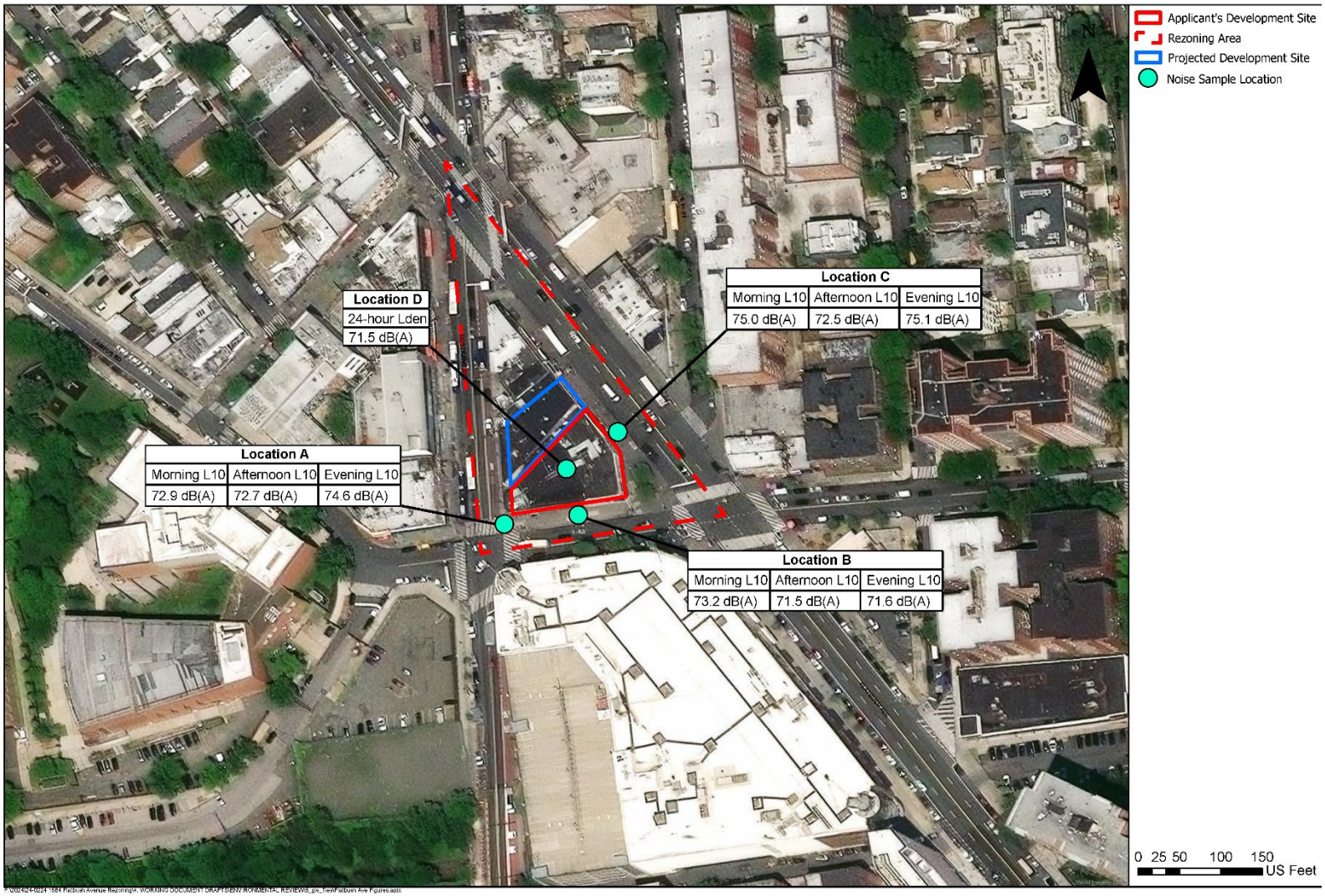
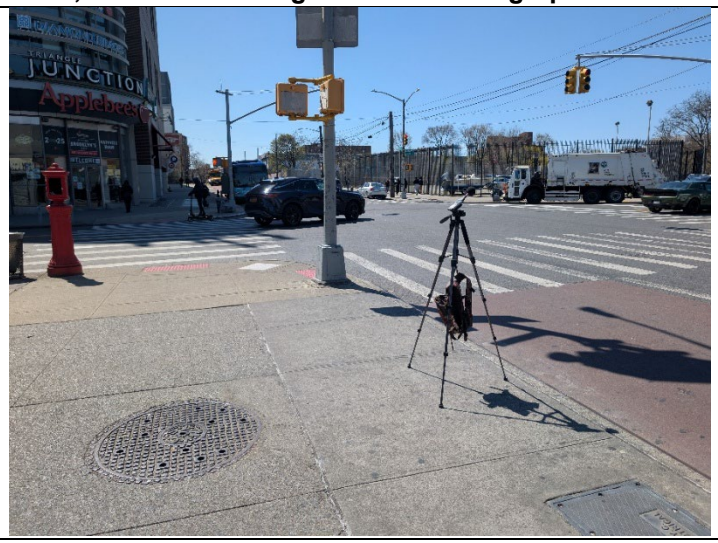


Figure 9-2, Noise Monitoring Location Photographs



Photograph No. 1: Noise Survey Location A: Corner of Nostrand Avenue and Avenue H

Photograph No. 2: Noise Survey Location B: Front of building facing Avenue H

Photograph No. 3: Front of building facing Flatbush Avenue

Photograph No. 4: 24-hour Noise Monitoring Station: Roof of the existing building at Projected Development Site 1.

Meteorological conditions were measured using a Kestrel 2000 Wind Meter. According to the *2021 CEQR Technical Manual*, noise measurements should not be taken during periods of inclement weather or when the ground is wet or snow covered, within an acceptable temperature range of 14 °F to 122 F°, and at wind speeds not exceeding 12 mph. This noise study was completed within the criteria established by the 2021 CEQR Technical Manual. Based on weather data from the LaGuardia Airport weather station, the temperature for the duration of the noise measurement was generally between 33 °F to 48 °F, with an average temperature of 40.5 °F and wind speeds generally between 3 mph to gusts greater than 29 mph during the measuring event. However, wind speeds measured at the Projected Development Site 1 during the monitoring event ranged from 2.9 mph to 10 mph.

9.5 Noise Survey Results

9.5.1 Results of Ground Level Noise Monitoring Locations

On April 9, 2025, Matrix collected ambient noise measurements at three (3) ground level locations in the vicinity of Projected Development Site 1. Although measurements were collected for a wide-range of parameters, the *2021 CEQR Technical Manual recommends* L_{10} as the driving parameter for vehicular noise measurements. **Table 9-3** indicates the L_{10} measurements at the measurement locations during the morning (7 AM to 9 AM), afternoon (11:30 AM to 1:30 PM), and evening (4 PM to 6 PM).

Table 9-3, L_{10} Results

Measurement Location	Morning Hour L_{10} Results	Afternoon Hour L_{10} Results	Evening Hour L_{10} Results
A	72.9 dB(A)	72.7 dB(A)	74.6 dB(A)
B	73.2 dB(A)	71.5 dB(A)	71.6 dB(A)
C	75.0 dB(A)	72.5 dB(A)	75.1 dB(A)

During the noise survey, a vehicle count was completed which documented the number of vehicles that passed by the measurement location for the duration of the measurement. The results are shown in **Table 9-4** below.

Table 9-4, Vehicle Count

Vehicle Type	Morning	Afternoon	Evening
Noise Monitoring Location A			
Heavy Trucks	13	3	4
Buses	14	5	12
Medium Trucks	0	3	3
Passenger Vehicles / Light Trucks	129	138	153
Trains	0	0	0
Aircraft	0	0	0
Noise Monitoring Location B			
Heavy Trucks	1	1	1
Buses	6	6	7
Medium Trucks	1	1	2
Passenger Vehicles / Light Trucks	92	90	106
Trains	0	0	0
Aircraft	0	0	0
Noise Monitoring Location C			
Heavy Trucks	4	5	6
Buses	14	12	15
Medium Trucks	13	5	5
Passenger Vehicles / Light Trucks	134	129	171
Trains	0	0	0
Aircraft	0	0	0

9.5.2 Results of Roof Noise Monitoring Location

Between April 9 and April 10, 2025, Matrix collected ambient noise measurements at one (1) location on the roof the existing building at Projected Development Site 1, over a 24-hour period to evaluate noise impacts from the Bay Ridge Branch subsurface rail line. Although measurements were collected for a wide-range of parameters, the *2021 CEQR Technical Manual* recommends L_{den} as the driving parameter for train noise measurements. **Table 9-5** indicates the L_{den} measurements at the measurement location over the 24-hour monitoring period.

Table 9-5, L_{den} Results

Measurement Location	L_{den} Result
D	71.5 dB(A)

9.6 Mitigation and Attenuation

The Sound Transmission Class (STC) rates how well a material or a barrier like a window, will block the movement of sound. It measures the transmission loss of 16 different sound frequencies between 125 and 4,000 Hz. The STC window rating depends upon several factors, including glass thickness, laminated glass, the number of panes, how the frame is constructed, and weather-stripping seals. Common STC ratings for building components are as follows: Single pane windows typically have an STC rate of 20 to 29 depending on the thickness of the glazing. Double pane typically has a STC rate between 26 and 32 and can be improved to 37 by using thicker glass and a

wider gap between plates. The type and thickness of the glass combined with the airspace between determine how well a window will stop sound transmission.

9.7 Conclusions

The L_{10} measurements recorded to evaluate traffic noise during the noise survey ranged from 71.5 dB(A) to 75.1 dB(A) with the highest recorded L_{10} measurement during the morning and evening hours and the lowest during afternoon hours, typically. In accordance with the *2021 CEQR Technical Manual*, these measurements are identified as marginally unacceptable [70 dB(A) < L_{10} ≤ 80 dB(A)].

The 24-hour noise monitoring station to evaluate train noise indicated that the L_{den} at the roof of the existing building at Projected Development Site 1 is 71.5 dB(A). In accordance with the *2021 CEQR Technical Manual*, this measurement is identified as Marginally Unacceptable (III). However, due to the location of the noise meter, the potential for extraneous noise from the HVAC systems on the roof of the structure could cause biased high results. During the noise survey, the noise monitoring technicians did not note any train noise from the Bay Ridge Branch rail line. The Bay Ridge Branch rail line is used for freight transport. Frequency of daily operations is not publicly available, however the impact from the rail line is estimated as minimal.

Based on field observations made during the noise survey, the area in the vicinity of the Rezoning Area experiences elevated foot and bus traffic due to the various commercial and institutional uses in the area (e.g., the Triangle Junction Shopping Mall, Brooklyn College, and assorted commercial properties), which result in high ambient noise levels. A bus stop along the Flatbush Avenue building face of Projected Development Site 1 had frequent bus service during the noise survey. Although the 24-hour monitoring station observed a L_{den} of 71.5 db(A), due to the rail line functioning as a freight line with an assumed low speed, external noise sources such as HVAC units in the location of the monitoring station are estimated as large contributors to the measured L_{den}.

Required noise attenuation guidelines based on the measured noise descriptors, pursuant to the *2021 CEQR Technical Manual*, are provided below in **Table 9-6**.

Table 9-6, Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Vehicular Traffic	70 < L_{10} ≤ 73	73 < L_{10} ≤ 76	76 < L_{10} ≤ 78	78 < L_{10} ≤ 80	80 < L_{10}
Aircraft [a]	65 < DNL ≤ 68	68 < DNL ≤ 71	71 < DNL ≤ 73	73 < DNL ≤ 75	75 < DNL
Train	65 < L_{dn} ≤ 68	68 < L_{dn} ≤ 71	71 < L_{dn} ≤ 73	73 < L_{dn} ≤ 75	75 < L_{dn}
Attenuation [b]	(i) 28 dB(A)	(ii) 31 dB(A)	(iii) 33 dB(A)	(iv) 35 dB(A)	See Note c

Note(s):

a. DNL descriptor based on average values of Ldn over a year.

b. The above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dB(A) less in each category. All of the above categories require a closed window situation and hence an alternate means of ventilation.

c. The required attenuation value is the difference between Lbuild and Linterior, using the appropriate noise descriptor where: (1) Lbuild is the projected noise level under the build condition rounded up to the whole number and/or (2) Linterior is the designed interior noise level (45 dB(A) for vehicular noise, 40 dB(A) for aircraft and train noise)

Based on the foregoing, it has been determined that development projected under the Future With-Action Scenario would require a 31 dB(A) reduction on building faces along Flatbush Avenue, Nostrand Avenue, and Avenue H due to L_{10} measurement values ranging from 71.5 dB(A) to 75.1 dB(A) at noise monitoring locations A through C.

To ensure that no significant adverse impacts related to noise occur as a result of the Proposed Actions, the following E-Designation (**E-No. TBD**) under the Future With-Action Scenario:

> **Block 7558, Lot 1: To ensure an acceptable interior noise environment, future residential, community facility and commercial office uses must provide a closed window condition with a minimum of 31 dB(A) window/wall attenuation on the along Flatbush Avenue, Nostrand Avenue, and Avenue H to maintain an interior noise level not greater than 45 dB(A) for residential and community facility uses or not greater than 50 dB(A) for commercial office use. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.**

With the above E-Designation language in place, no significant impacts with respect to noise are anticipated under the Future With-Action Scenario.

10 NEIGHBORHOOD CHARACTER

10.1 Introduction

According to the *2021 CEQR Technical Manual*, a neighborhood character assessment considers how elements of the environment combine to create the context and feeling of a neighborhood and how a project may affect that context and feeling. Thus, to determine a project's effects on the neighborhood character, the elements that contribute to a neighborhood's context and feeling are considered together. These elements may include land use, zoning, and public policy, socioeconomic conditions, community facilities, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, and noise. The study area for a preliminary analysis of neighborhood character is typically consistent with the study areas of the relevant technical areas under CEQR that contribute to the defining elements of the neighborhood. The study area should generally extend to a 400-foot radius from the Rezoning Area.

10.2 Preliminary Neighborhood Character Assessment

10.2.1 Existing Conditions

Project Site and Rezoning Area

The Rezoning Area is comprised of five 5 tax lots (Block 7558, Lots 1, 11, 14, 15, 16, and 17) in the Flatbush neighborhood of Brooklyn Community District 14. A description of each lot is provided below.

- Lot 1 (Projected Development Site 1): a 10,553-square-foot (-SF) irregularly shaped lot featuring a two-story, 20,600-gross-square-foot (-GSF) commercial and office building, built in 1939;
- Lot 11 (Projected Development Site 2): a 6,100-SF trapezoidal lot featuring a two-story, 12,200-GSF commercial and office building, built in 1931;
- Lot 14: a 1,506-SF rectangular lot featuring a three-story, 3,393-GSF mixed-use residential and commercial building built in 1930;
- Lot 15: a 1,266-SF rectangular lot featuring a three-story, 3,393-GSF mixed-use residential and commercial building built in 1930;
- Lot 16: a 983-SF rectangular lot featuring a three-story, 2,949-GSF mixed-use residential and commercial building built in 1930; and
- Lot 17: a 1,450-SF triangular lot featuring a three-story, 3,774-GSF mixed-use residential and commercial building built in 1930.

See **EAS Form Figure 1** and **EAS Form Figure 5** for a general visualization of the location of the Project Site, Rezoning Area, and their location within the larger Flatbush neighborhood.

Neighborhood Character Study Area

The neighborhood character of the Study Area is generally defined by a commercial retail shopping area towards the center of the Study Area at the intersection of Flatbush and Nostrand Avenues with complementary commercial office uses, with residential and institutional uses found at outer portions of the Study Area.

Specifically, the central commercial shopping area at the center of the Study Area is known as the Flatbush Nostrand Junction, home to over 200 businesses, including clothing stores, salons, banks, restaurants, groceries, pharmacies, and the like. These stores are generally located in one (1) to

three (3) story storefront buildings; in conjunction with the prevalence of transit options, the area is a hub of pedestrian activity. It is noted that while storefront-type businesses predominate the shopping typology in this area, there is a large shopping center style development in the southern portion of the Study Area (Triangle Junction), home to a number of the same type of businesses described earlier as well as a department store (Target).

The Brooklyn College Campus in the eastern Study Area is also a defining feature of the neighborhood character, while also contributing to the high pedestrian activity. Brooklyn College is a public university in Brooklyn, part of the CUNY system and enrolls nearly 14,000 students on its 35-acre campus. Various residential development types are found in the Study Area, including one- and two-family and multi-family residential development, primarily within its northern, northeastern, and eastern portions, as well as a pocket of one- and two-family residential development to the northwest.

Overall, the neighborhood character of the Study Area is defined by a cross section of typical urban development, including an urban shopping district, residences, and educational uses.

10.2.2 Future No-Action Scenario

Absent the Proposed Action (i.e., the Future No-Action Scenario), the existing buildings at the lots comprising the Rezoning Area, described above in **Section 1.3** would remain.

10.2.3 Future With-Action Scenario

The Future With-Action Scenario consists of two (2) development sites, described below.

Applicant's Development Site / Projected Development Site 1

At Projected Development Site 1 (i.e., the Applicant's Development Site), the Future With-Action Scenario consists of the construction of one new mixed-use residential, community facility, and commercial building at 1584 Flatbush Avenue, Brooklyn (Block 7558, Lot 1). The proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 130,790-GSF (9.95 FAR) building would have ground floor commercial use (9,544 GSF), ground floor community facility use (330 GSF) and a total of 121 dwelling units on the 2nd through 18th floors of the building, including 24 to 36 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 120,916 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit). Projected Development Site 1 also includes an approximately 2,784-square-foot (-SF) private open space for building residents in the form of an exterior courtyard on the second floor of the building.

Projected Development Site 2 (Non-Applicant Owned)

For the purposes of CEQR, it is assumed that Projected Development Site 2 (Block 7558, Lot 11) would be redeveloped in a manner similar to that of Projected Development Site 1. As such, the Future With-Action Scenario at Projected Development Site 2 consists of a proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 68,153-GSF (10.0 FAR) building would have ground floor commercial use (5,795 GSF), ground floor community facility use (183 GSF) and a total of 62 dwelling units on the 2nd through 18th floors of the building, including 12 to 19 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 62,175 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit).

Impact Analysis

In order to determine the potential effects of the Future With-Action Scenario on neighborhood character, the elements that contribute to a neighborhood's context and feeling are considered both separately and cumulatively. The examination focuses on whether a defining feature of the neighborhood's character may be significantly affected, as further described below. It is noted that this neighborhood character analysis did not consider socioeconomic conditions, community facilities, or transportation impacts, as the Future With-Action Scenario did not meet thresholds for analysis of those resource impact categories.

- **Land Use, Zoning, and Public Policy:** The Future With-Action Scenario would result in incremental increases of 183,091 GSF of multi-family residential uses (including 183 total dwelling units, with up to 55 being affordable – UG II) and 513 GSF of medical office space (UG VII). It would result in an incremental decrease of 17,461 GSF of commercial floor area (including a 9,760 GSF decrease in commercial office (UG VII) and a 7,731 GSF decrease in commercial retail (UG VI) floor areas. The Study Area consists of a mix of commercial and residential uses, as well as the Brooklyn College campus, such that the development forecasted under the Future With-Action Scenario would both complement and be consistent with existing land use patterns. While there would be a loss of commercial floor area at Projected Development Sites 1 and 2, the Future With-Action Scenario would still maintain 15,339 GSF of commercial floor area (split equally between office and retail uses), maintaining the existing commercial character of Projected Development Sites 1 and 2. Based on the foregoing, the Future With-Action Scenario would complement and be consistent with the land use character of the area such that no significant adverse land use impacts would result, and no further analysis is necessary.

  The Proposed Actions would rezone the Rezoning Area from the C4-4A to the C6-3 zoning district, which would complement and be consistent with mapped zoning in the area. Permitted FARs within the Rezoning Area would increase, including residential FAR (from 5.01 to 9.02), commercial FAR (from 4.0 to 6.0), and community facility FAR (from 4.0 to 10.0). Other maximum area and bulk regulations would increase as well; maximum building height would increase from 115 feet to 185 feet, with base height ranges increasing from 40-85 feet to 60-135 feet, while maintaining the 10-to-15-foot setback requirements at these base heights. While the proposed increases in permitted area and bulk within the Rezoning Area are higher than what is found in the surrounding area (including a maximum 5.01 residential FAR, 5.0 commercial FAR, and 6.5 community facility FAR), the proposed C6-3 zoning district is appropriate at this location due to availability of transit nearby, include an entrance to the Flatbush Av-Brooklyn College Subway Station, providing access to the 2 and 5 subway lines, within the Rezoning Area, which supports such increased residential and commercial density. As such, the Proposed Actions would both reflect and be consistent with existing zoning and zoning trends in the Study Area. Based on the foregoing, the Proposed Action would not result in any significant adverse zoning impacts and no further analysis is warranted.

  The Future With-Action Scenario would result in the development of up to 55 affordable dwelling units within the Rezoning Area, consistent with the Housing Blueprint Plan as well as superseding the mapped IDHA district with an MIH district. Additionally, projected mixed-use development under the Future With-Action Scenario would be consistent with the Flatbush-Nostrand Junction BID's goals for the neighborhood as an area to work, live, shop, and visit.

Based on the foregoing, the Proposed Actions would be consistent with all applicable public policies. As such, no significant adverse impacts associated with public policies are anticipated as a result of the Proposed Action, and no further analysis is warranted.

- **Open Space**: The open space ratio within the defined open space study area of the Future With-Action Scenario would remain relatively unchanged. Pursuant to the 2021 CEQR Technical Manual, open space ratios of 0.5 or less can tolerate up to a one (1) percent decrease in the open space ratio between the Future No-Action and Future With-Action Scenarios without warranting additional analyses.

  Based on the foregoing, the Proposed Actions are not anticipated to result in a significant adverse open space impact and no further analysis is warranted.

- **Shadows:** There are no sunlight sensitive resources within the Tier I shadow screening radius associated with the Future With-Action Scenario, including no sunlight sensitive open space, historic architectural, and natural resources. It is noted that portions of lawn and landscaped areas associated with the Brooklyn College campus are found in the western portion of the Tier I shadow screening radius. However, pursuant to the 2021 CEQR Technical Manual, these areas do not meet the definition of a public open space as they are gated with restricted access such that they are not accessible to the general public.

  Based on the foregoing, the Proposed Actions would not have significant adverse shadows impacts on sunlight sensitive resources and no further analysis is warranted.

- **Historic and Cultural Resources:** Based on feedback from LPC and a review of publicly available resources, there are no historic architectural resources at either Projected Development Site, nor are any within 90 or 400 feet of these sites, such that no direct, indirect, or construction-related impacts to such resources could occur. Additionally, LPC's review indicated that there were no archaeological resources of concern at either Projected Development Site 1 or 2, such that no impacts to such resources would occur a as a result of the Future With-Action Scenario.

  Based on the foregoing, the Future With-Action Scenario would not result in significant adverse impacts on historic and cultural resources, and no further analysis is warranted.

- **Urban Design and Visual Resources:** The development facilitated by the Proposed Actions would not adversely impact any of the constituent urban design elements or impact visual resources within the Study Area. The Proposed Actions would generally maintain the built environment's arrangement, appearance, or functionality. With respect to arrangement and functionality, the Future With-Action Scenario would redevelop Projected Development Sites 1 and 2 each with mixed-use multi-family residential and groundfloor commercial and community facilities building; these buildings would feature 100 percent lot coverage, thereby maintaining a consistent street wall on the block. Additionally, no off-street parking would be provided at either development site, such that no curb cuts would result. As such, the arrangement and functionality of the built form at Projected Development Sites 1 and 2 would be maintained and be consistent with existing built form in the Study Area.

  In terms of appearance, while the Future With-Action Scenario would result in more dense development than the Future No-Action Scenario at Projected Development Sites 1 and 2, including buildings with a height of 185 feet / 18 stories while generally maximizing the allowable FAR under the R9 zoning district (10.0), the Proposed Actions would ultimately facilitate development that complements and is consistent with the built form of the Study Area. Overall lot coverage at Projected Development Site 1 would remain 100 percent under both the Future No-Action and With-Action Scenarios. The overall building height from 32

feet under the Future No-Action Scenario to 195 feet at both Projected Development Sites under the Future With-Action Scenario; while this is generally taller than most buildings in the Study Area (which has an average building height of 33.4 feet and a maximum building height of approximately 105 feet associated with a building at the eastern extent of the Study Area), there are buildings of comparable height in the vicinity of the Study Area, including a 178-foot tall building approximately 650 feet, southeast of the Rezoning Area at 1655 Flatbush Avenue, as well as an approximately 145-foot building 550 feet south of the Rezoning Area at 1640 Flatbush Avenue (which was constructed in 2023).

Built FAR at Projected Development Site 1 and 2 would also increase, from 1.99 and 2.00, respectively, under the Future No-Action Scenario, to 9.95 and 10.0, respectively, under the Future With-Action Scenario. While this is generally higher than the built FAR found within the Study Area (which generally ranges from 1.0 to 4.0, with a maximum of 6.26 associated with a building at the eastern extent of the Study Area), the proposed density is appropriate for the location. Geographically, the Rezoning Area is well served by mass transit with the terminus of the 2 and 5 train located nearby, along Flatbush Avenue and Nostrand Avenue. The area has long been known as “The Junction” because of its central location; the Rezoning Area is surrounded by wide-streets which can support added density.

Based on the foregoing, the Proposed Action would not have an adverse effect on the pedestrian’s experience of the area; the Future With-Action Scenario would complement and be consistent with the existing pedestrian experience at and in the vicinity of Projected Development Sites 1 and 2, including the pedestrian’s experience of arrangement and function (complementary groundfloor commercial and community facility uses with residential development above) and appearance (consistent with larger scale development in various portion of the Study Area and adjacent to the Study Area).

As there no visual resources within the Rezoning Area or Study Area, as defined by the 2021 CEQR Technical Manual, no impacts to such resources would result from the Proposed Actions.

As such, the Proposed Actions would not result in any significant adverse impact on urban design or visual resources, and a detailed analysis is not warranted.

- **Noise**: To ensure that no significant adverse impacts related to noise occur as a result of the Proposed Actions, an E-Designation for noise would be implemented under the Future With-Action Scenario to ensure required closed window noise conditions at Projected Development Site 1 under the Future With-Action Scenario. With the above E-Designation language in place, no significant impacts with respect to noise are anticipated under the Future With-Action Scenario.

Combination of Moderate Effects

Based on the above findings, the effects of the Proposed Project would not reach a level of significant adverse impacts, and there would be no combination of moderate effects resulting from the Proposed Project that cumulatively may affect the character of the neighborhood.

10.3 Conclusions

As discussed above, the Future With-Action Scenario would not in whole or from a specific technical study standpoint result in a significant impact on the neighborhood character, nor would have cumulative effects of two or more of the above technical areas have any significant impacts on the 400-foot study area. As such, no further analysis is required.

11 CONSTRUCTION

11.1 Introduction

According to the 2021 CEQR Technical Manual, construction impacts may be analyzed for any project that involves construction or could induce construction. For construction activities not related to in-ground disturbance, short-term construction generally does not warrant a detailed construction analysis. For example, the use of a property for construction staging activities is likely to only warrant analysis if this activity continues for a period of several years. Consideration of several factors, including the location and setting of the project in relation to other uses and intensity of construction activities are used to determine if a project's construction activities warrant analysis in one or more of the following technical areas:

- Transportation
- Air Quality or Noise
- Historic and Cultural Resources
- Hazardous Materials
- Natural Resources
- Open Space
- Socioeconomic Conditions
- Community Facilities
- Land Use and Public Policy
- Neighborhood Character
- Infrastructure

A preliminary construction analysis may be required because the proposed development would result in the following:

- Construction activities are considered long-term (Last longer than two years);
- Construction activities within the Central Business District, along an arterial highway, and / or along a major thoroughfare;
- Short-term construction activities would directly affect a technical area, such as impeding the operation of a community facility;
- Result in the closing, narrowing, impeding of traffic, transit, or obstruction of pedestrian or vehicular routes in proximity to critical land uses;
- Construction of multiple buildings where there is potential for on-site receptors on buildings completed before the final build-out;
- The operation of several pieces of diesel equipment in a single location at peak construction;
- Closure of a community facility or disruption in its services;
- Disturbance of a site containing or adjacent to a site containing natural resources; and / or
- Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall.

11.2 Analysis

11.2.1 Future No-Action Scenario

Absent the Proposed Actions (i.e., the Future No-Action Condition), existing conditions within the Rezoning Area would be expected to remain. As such, no redevelopment or construction-related activities would be expected to occur.

11.2.2 Future With-Action Scenario

Applicant's Development Site / Projected Development Site 1

At Projected Development Site 1 (i.e., the Applicant's Development Site), the Future With-Action Scenario consists of the construction of one new mixed-use residential, community facility, and commercial building at 1584 Flatbush Avenue, Brooklyn (Block 7558, Lot 1). The proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 130,790-GSF (9.95 FAR) building would have ground floor commercial use (9,544 GSF), ground floor community facility use (330 GSF) and a total of 121 dwelling units on the 2nd through 18th floors of the building, including 24 to 36 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 120,916 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit). Projected Development Site 1 also includes an approximately 2,784-square-foot (-SF) private open space for building residents in the form of an exterior courtyard on the second floor of the building.

Projected Development Site 2 (Non-Applicant Owned)

For the purposes of CEQR, it is assumed that Projected Development Site 2 (Block 7558, Lot 11) would be redeveloped in a manner similar to that of Projected Development Site 1. As such, the Future With-Action Scenario at Projected Development Site 2 consists of a proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 68,153-GSF (10.0 FAR) building would have ground floor commercial use (5,795 GSF), ground floor community facility use (183 GSF) and a total of 62 dwelling units on the 2nd through 18th floors of the building, including 12 to 19 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 62,175 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit).

11.2.3 Project Analysis Year

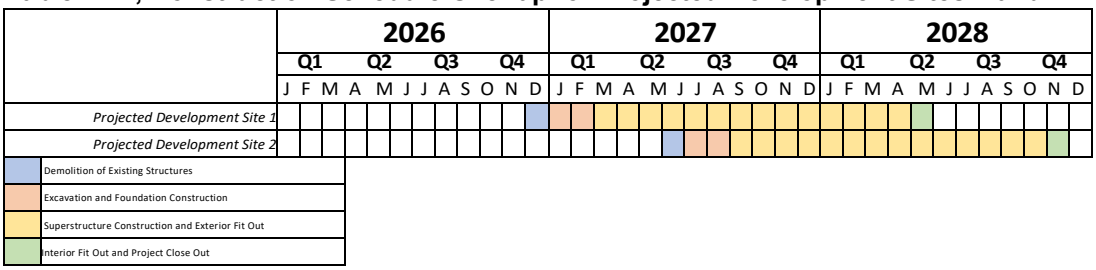
Based on anticipated development approval process by 2026 (including CEQR, ULURP, and the issuance of building permits for the Applicant's Proposed Project two (2) months later, an 18-month construction timeline for each development site under the Future With-Action Scenario (including Lots 1 (the Applicant-owned site) and Lot 11) and the commencement of construction activities at each development site staggered at six month increments, the Project Analysis Year is projected to be 2028 for a total duration of approximately two (2) years (i.e., from Winter 2026 to Winter 2028). Each development site's construction timeline is expected to generally follow the below schedule.

- Demolition of Existing Structures (1 month)
- Excavation and Foundation Construction (2 months)
- Superstructure Construction and Exterior Fit Out (14 months)
- Interior Fit Out and Project Close Out (1 month)

Assuming construction of the Applicant's Proposed Project at Lot 1 begins by Winter 2026, it would be complete by Spring 2028; construction at Lot 11 would commence in Spring 2027 and be completed by Winter 2028.

Refer to **Table 11-1** below for a graphic breakdown of the overlapping construction phases associated with Projected Development Sites 1 and 2.

Table 11-1, Construction Schedule Overlap for Projected Development Sites 1 and 2



11.2.4 Transportation

According to the *2021 CEQR Technical Manual*, a number of factors should be considered before determining whether a preliminary assessment of the effect of construction on transportation is needed including:

- Whether the project's construction would be located in a Central Business District or along an arterial or major thoroughfare;
- Whether the project's construction activities would require closing, narrowing, or otherwise impeding moving lanes, roadways, key pedestrian facilities, parking lanes and/or parking spaces, bicycle routes and facilities, bus lanes or routes, or access points to transit; and
- Whether the project would involve construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap, and last for more than two years overall.

Projected Development Site 1 has frontage along Flatbush and Nostrand Avenues and Avenue H while Projected Development Site 2 has frontage only along Flatbush and Nostrand Avenues; Avenue H is considered a major collector road while Flatbush and Nostrand Avenues are considered Principal Arterials. As part of the Proposed Actions the sidewalks may be reconstructed and / or widened, which may temporarily impact pedestrian flow and the availability of parking spaces along these streets. However, changes to moving traffic lanes are not expected. Any potential closure of the sidewalks adjacent to construction activities would be considered a routine closure that would be addressed by a permit and pedestrian access plan issued by NYC DOT Office of Construction Mitigation and Coordination at the time of closure.

Although the project would involve construction on multiple development sites on the same block with some overlapping activities, the overall construction of the two development sites would be considered relatively short term overall, with an overall construction timeline of approximately two years.

Considering the above, construction of the development sites would not be expected to result in significant adverse impacts on transportation.

11.2.5 Air Quality and Noise

According to the 2021 CEQR Technical Manual, an assessment of air quality and noise for construction activities is likely not warranted if the project's construction activities:

- Are considered short-term (less than two years);
- Are not located near sensitive receptors; and
- Does not involve the construction of multiple buildings where there is a potential for on-site receptors on buildings to be completed before the final build-out.

Sensitive receptors, including residential uses, are located within 400 feet of Projected Development Sites 1 and 2. The proposed development would not result in the construction of multiple buildings where there is a potential for on-site receptors on buildings to be completed before the final build-out, as each building would be completed and occupied on a similar schedule.

The *2021 CEQR Technical Manual* states that if a project meets one or more of the criteria above, a preliminary air quality or noise assessment is not automatically required. Instead, various factors should be considered, such as the types of construction equipment (e.g., gas, diesel, electric), the nature and extent of any commitment to use the Best Available Technology (BAT) for construction equipment, the physical relationship of the project site to nearby sensitive receptors, the type of construction activity, and the duration of any heavy construction activity. These measures are discussed below.

Demolition, excavation, and foundation activities, which often generate the highest levels of air emissions, would be temporary and limited in duration and would take approximately three (3) months per development site. These activities would be spread out over two (2) separate locations on the block and would not overlap. In addition, any heavy equipment associated with the construction of the buildings (such as a crane) would operate from at least two (2) different locations during construction.

Air Quality

Construction activities associated with the Future With-Action Scenario would make use of the Best Available Technology to minimize impacts in the vicinity of Projected Development Sites 1 and 2. As with most construction projects in the City, construction of the Future With-Action Scenario would require the operation of several pieces of diesel equipment at one time during the heavier periods of construction, such as demolition and excavation. The Applicant would implement the following measures at Projected Development Site 1 that would minimize air quality and noise impacts on the surrounding community (it is anticipated that such measures would be undertaken at Projected Development Site 2 as well):

- Diesel Equipment Reduction: Construction of the proposed project would minimize the use of diesel engines and use electric engines, to the extent practicable. This would reduce the need for on-site generators, and require the use of electric engines in lieu of diesel where practicable.
- Clean Fuel: To the extent practicable, ultra-low sulfur diesel (ULSD) would be used for diesel engines on the development sites.
- Best Available Tailpipe Reduction Technologies: To the extent practicable, non-road diesel engines with a power rating of 50 horsepower (hp) or greater would utilize the best available tailpipe (BAT) technology for reducing diesel particulate matter (DPM) emissions. Diesel particle filters (DPF) have been identified as being the tailpipe technology currently proven to have the highest PM reduction capability.
- To the extent practicable, construction contracts would specify that all diesel non-road engines rated at 50 hp or greater would utilize DPFs, either installed on the engine by the original equipment manufacturer (OEM) or retrofit with a DPF verified by EPA or the

California Air Resources Board, and may include active DPFs if necessary; or other technology proven to reduce DPM by at least 90 percent.

- Utilization of Newer Equipment: To the extent practicable, all non-road construction equipment in the project would meet at least the Tier 2 emissions standard, and construction equipment meeting Tier 3 and/or Tier 4 emissions standards would be used where conforming equipment is widely available, and the use of such equipment is practicable.
- Dust Control: Fugitive dust control plans will be implemented as part of the construction process. For example, stabilized truck exit areas would be established for washing off the wheels of all trucks that exit the construction sites. Truck routes within the sites would be watered as needed to avoid the re-suspension of dust. All trucks hauling loose material will be equipped with tight fitting tailgates and their loads securely covered prior to leaving the sites. In addition to regular cleaning by the City, streets adjacent to the site would be cleaned as frequently as needed by the construction contractor. Water sprays will be used for all transfer of spoils to ensure that materials are dampened as necessary to avoid the suspension of dust into the air.
- Restrictions on Vehicle Idling: In addition to adhering to local laws restricting unnecessary idling on roadways, on-site vehicle idle time will also be restricted to three minutes, to the extent practicable, for all equipment and vehicles that are not using their engines to operate a loading, unloading, or a processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine.

Overall, these air emission controls would significantly reduce DPM emissions to a level otherwise achieved by applying the currently defined best available control technologies under NYC Local Law 77. In addition, as stated in the *2021 CEQR Technical Manual*, all the necessary measures would be implemented to ensure compliance with the NYC Air Pollution Control Code regulating construction-related dust emissions. Based on the project size and the construction work involved, construction activities for the Proposed Actions would not be considered out of the ordinary or exceptional in terms of intensity and would be of a relatively short duration (approximately 2 years). Therefore, based on the above and with the implementation of emissions control measures that are required by local law, the construction of the development sites would not result in any significant adverse impacts on air quality.

Noise

While increases in ambient noise levels due to construction exceeding the CEQR impact criteria for two years or less may be noisy and intrusive, they are not considered to be significant adverse noise impacts. As described above, construction of the development sites would occur over a relatively short time period of approximately 24 months. In addition, demolition, excavation, and foundation activities, and superstructure activities, which are the noisiest construction activities, would be temporary and limited in duration and would take approximately 20 months to complete for Projected Development Sites 1 and 2. These activities would be spread out over two separate locations on the block and would overlap for approximately eight (8) months.

Construction noise is regulated by the NYC Noise Control Code and by EPA's noise emission standards for construction equipment. These local and Federal requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emission standards; that construction activities be limited to weekdays between the hours of 7:00 AM and 6:00 PM; and that construction materials be handled and transported in such a manner as not to create unnecessary noise. If weekend or after-hour work is necessary, permits would be required to

be obtained, as specified in the NYC Noise Control Code. Therefore, no significant noise impacts are expected to occur as a result of the project construction.

11.3 Conclusions

Construction activities at Projected Development Sites 1 and 2 would be completed in approximately 24 months, from December 2026 until November 2028. Construction would be performed subject to relevant EPA, DEP, DOT and DOB codes and regulations to ensure minimal construction impacts. With the construction control and protective measures identified above, no impacts to transportation, air quality, or noise would occur.

On the basis of the above analysis, the Proposed Actions would not have any significant adverse construction impacts, and further analysis is not required.

12 EFFECTS ON DISADVANTAGED COMMUNITIES

12.1 Introduction

Effective December 30, 2024, Section 8-0109(2)(k) of the New York State Environmental Conservation Law requires that this Environmental Assessment Statement (EAS) includes a statement of the effects of the Proposed Actions on disadvantaged communities (DACs), including whether the action may cause or increase a disproportionate pollution burden. The *2021 CEQR Technical Manual* does not provide guidance regarding the scope of this analysis. On January 29, 2025, the New York State (NYS) Department of Environmental Conservation (DEC) proposed a rule that provides additional considerations regarding this new statutory provision.

12.2 Methodology

Disadvantaged communities (DACs) in New York State were identified based on criteria adopted in 2023 by the Climate Justice Working Group (CJWG), a group composed of representatives from State Agencies and Environmental Justice groups across the State. The CJWG used 45 indicators that identified 35 percent of Census Tracts within New York State as DACs. The criteria include multiple indicators that represent the environmental burdens or climate change risks within a community, or population characteristics and health vulnerability that can contribute to more severe adverse effects of climate change.[9]

Pursuant to a review of the NYS DEC's Disadvantaged Community Assessment Tool,[10] the Rezoning Area is not within any DAC-designated census tracts. However, there are two DAC-designated census tracts of comparatively lower burdens within a half-mile of the Rezoning Area to the north, including 788 and 790. Refer to **Figure 12-1** for a visualization of all DAC census tracts located within a half-mile of the Project Site.

Questions that should be specifically answered as part of the DAC analysis include:

- Will the Future With-Action Scenario create any new sources of pollution listed below or increase pollution listed below from existing sources? If so, how much?
  - Air emissions, including particulate matter (e.g., dust, diesel emissions, or other fossil fuel emissions), oxides of nitrogen (NOx), volatile organic compounds (VOCs), hazardous air pollutants (HAPs), or other regulated air pollutants;
  - Wastewater treatment or wastewater discharges;
  - Solid waste generation, transport, or disposal;
  - Hazardous waste generation, transport, or disposal;
  - Industrial or commercial noise from the operation of stationary or mobile equipment;
  - Industrial or commercial lighting in contrast to existing lighting; or
  - Industrial or commercial odors.
- Is the Project Site an active or inactive solid or hazardous waste site, or has the site previously been exposed to pollutants or contamination?
  - If so, is it undergoing or planned to undergo remediation?
- Will there be any excavation of solid or hazardous materials?

[9] NYSDEC (2025), https://climate.ny.gov/resources/disadvantaged-communities-criteria/
[10] https://storymaps.arcgis.com/stories/7f0ffdde675e4e3788632c1b4cce6c0a, accessed August 11, 2025.

Figure 12-1, Disadvantaged Communities Study Area Map

12.3 Preliminary Disadvantaged Communities Assessment

12.3.1 Description of the Future With-Action Scenario

Applicant's Development Site / Projected Development Site 1

At Projected Development Site 1 (i.e., the Applicant's Development Site), the Future With-Action Scenario consists of the construction of one new mixed-use residential, community facility, and commercial building at 1584 Flatbush Avenue, Brooklyn (Block 7558, Lot 1). The proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 130,790-GSF (9.95 FAR) building would have ground floor commercial use (9,544 GSF), ground floor community facility use (330 GSF) and a total of 121 dwelling units on the 2nd through 18th floors of the building, including 24 to 36 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 120,916 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit). Projected Development Site 1 also includes an approximately 2,784-square-foot (-SF) private open space for building residents in the form of an exterior courtyard on the second floor of the building.

Projected Development Site 2 (Non-Applicant Owned)

For the purposes of CEQR, it is assumed that Projected Development Site 2 (Block 7558, Lot 11) would be redeveloped in a manner similar to that of Projected Development Site 1. As such, the Future With-Action Scenario at Projected Development Site 2 consists of a proposed 195-foot tall (185-foot building height w/ 10-foot bulkheads), 18-story plus cellar, approximately 68,153-GSF (10.0 FAR) building would have ground floor commercial use (5,795 GSF), ground floor community facility use (183 GSF) and a total of 62 dwelling units on the 2nd through 18th floors of the building, including 12 to 19 permanently affordable residential units (dependent on the MIH Option chosen, either 1, 2, or 3), over 62,175 GSF of residential floor area (at an average of approximately 1,000 GSF per residential dwelling unit).

12.3.2 Effects on Disadvantaged Communities Assessment

Air Emissions

As indicated in **Section 12 , Air Quality**, Projected Development Sites 1 and 2 are anticipated to be constructed and occupied by Spring 2028 and Winter 2028, respectively, such that it will be required their HVAC systems would be all-electric pursuant to the requirements of Local Law 154, such that they would not represent stationary air emissions sources (such as fossil fuel or NOx emissions). Additionally, as further indicated in that section, peak hour trip generation would be far below the CEQR 170-car threshold, and the Future With-Action Scenario would not generate HDDV equivalent traffic volume of more than 12 – 23 per hour (dependent on the road type); as such, the Future With-Action Scenario is not expected to be a significant source of mobile air quality emissions.

As indicated in **Section 11, Construction**, construction activities associated with the Future With-Action Scenario would make use of the Best Available Technology to minimize impacts in the vicinity of Projected Development Sites 1 and 2. As with most construction projects in the City, construction of the Future With-Action Scenario would require the operation of several pieces of diesel equipment at one time during the heavier periods of construction, such as demolition and excavation. The Applicant would implement the following measures at Projected Development Site 1 that would minimize air quality and noise impacts on the surrounding community (it is anticipated that such measures would be undertaken at Projected Development Site 2 as well): (1) Diesel Equipment Reduction; (2) Clean Fuel; (3) Best Available Tailpipe Reduction Technologies; (4) Utilization of

Diesel Particulate Filters; (5) Utilization of Dust Control Measures; and (6) Restrictions on Vehicle Idling.

As the development forecasted at Projected Development Sites 1 and 2 under the Future With-Action Scenario consists of mixed-use multi-family residential buildings with groundfloor commercial and community facility uses, they would not result in the generation of VOCs and HAPs.

Based on the foregoing, the Future With-Action Scenario is not anticipated to result in significant air emissions pollution to DACs.

Wastewater Treatment and/or Wastewater Discharges

As indicated in **Part II, Section 10 of the accompanying EAS Short Form**, the Future With-Action Scenario would not trigger any CEQR thresholds related to stormwater and/or stormwater discharges, such that it is not anticipated to result in any significant wastewater treatment and/or wastewater discharge related pollution to DACs.

Solid Waste Generation, Transport, and/or Disposal

As indicated in **Part II, Section 11 of the accompanying EAS Short Form**, the Future With-Action Scenario is anticipated to generate 7,845 pounds of solid waste per week; this is below the CEQR threshold of 100,000 pounds per week warranting additional analysis and is not expected to result in a reduction in the capacity of solid waste management facilities.

Based on the foregoing, the Future With-Action Scenario is not anticipated to result in significant solid waste pollution to DACs.

Hazardous Waste Generation, Transport, or Disposal

As discussed above, the Future With-Action Scenario consists of mixed-use multi-family residential buildings with groundfloor commercial and community facility uses, such that the generation, transport, or disposal of hazardous wastes is not anticipated.

Based on the foregoing, the Future With-Action Scenario is not anticipated to result in significant hazardous waste pollution to DACs.

Industrial or Commercial Noise from Operation of Stationary or Mobile Equipment

No industrial uses are proposed as part of the Future With-Action Scenario. While no tenants have been formally identified, commercial spaces proposed under the Future With-Action Scenario are anticipated to be tenanted by uses similar what already predominates the surrounding area, primarily general retail uses (e.g., dining establishments, banks, clothiers, etc.), such that they would not result in the creation of stationary noise sources beyond what already exists in the surrounding area.

Based on the foregoing, the Future With-Action Scenario is not anticipated to result in significant noise pollution to DACs.

Industrial or Commercial Lighting in Contrast to Existing Lighting

No industrial uses are proposed as part of the Future With-Action Scenario. While no tenants have been formally identified, commercial spaces proposed under the Future With-Action Scenario are anticipated to be tenanted by uses similar what already predominates the surrounding area, primarily general retail uses (e.g., dining establishments, banks, clothiers, etc.), such that they would not result in the creation of stationary light sources beyond what already exists in the surrounding area.

Based on the foregoing, the Future With-Action Scenario is not anticipated to result in significant light pollution to DACs.

Industrial or commercial odors.

No industrial uses are proposed as part of the Future With-Action Scenario. While no tenants have been formally identified, commercial spaces proposed under the Future With-Action Scenario are anticipated to be tenanted by uses similar what already predominates the surrounding area, primarily general retail uses (e.g., dining establishments, banks, clothiers, etc.), such that they would not result in the creation of odor sources beyond what already exists in the surrounding area.

Based on the foregoing, the Future With-Action Scenario is not anticipated to result in significant odor pollution to DACs.

Existing Hazardous Materials Conditions

The Phase I ESA performed at Projected Development Site 1 in October 2025 identified several RECs. The Applicant will continue coordinating with relevant City agencies, including DCP and DEP, regarding next steps with respect to Hazardous Materials conditions at Projected Development Site 1 to ensure there are no impacts associated with the such, to DACs or otherwise.

Based on the foregoing, the Future With-Action Scenario is not expected to result in pollution impacts to DACs related to existing hazardous materials.

12.4 Conclusions

Based on the foregoing, the Future With-Action Scenario would not create significant adverse pollution impacts, including those related to air emissions, wastewater, solid waste, hazardous waste generation, industrial / commercial noise, lighting, and odors, or existing hazardous materials. The Proposed Actions would not disproportionately affect any disadvantaged communities, nor would they cause or increase a disproportionate pollution burden on DACs.

APPENDIX A
HISTORIC AND CULTURAL RESOURCES
APPENDIX

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-K
Project: 1584 FLATBUSH AVENUE
Date Received: 3/12/2025

Properties with no Architectural or Archaeological significance:

1) 1584 FLATBUSH AVENUE, BBL: 3075580001
2) 1578 FLATBUSH AVENUE, BBL: 3075580011
3) 1576 FLATBUSH AVENUE, BBL: 3075580014
4) 2165 NOSTRAND AVENUE, BBL: 3075580015
5) 2163 NOSTRAND AVENUE, BBL: 3075580016
6) 1570 FLATBUSH AVENUE, BBL: 3075580017

Gina Santucci

3/18/2025

SIGNATURE DATE

Gina Santucci, Environmental Review Coordinator

File Name: 37594_FSO_DNP_03182025.docx

APPENDIX B
AIR QUALITY
APPENDIX

New York State Department of Environmental Conservation
Facility DEC ID: 2610400195

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 2-6104-00195/00005
Effective Date: 01/23/2004 Expiration Date: No expiration date

Permit Issued To: CITY UNIVERSITY OF NEW YORK
535 EAST 80TH ST
NEW YORK, NY 10021

DORMITORY AUTHORITY OF THE STATE OF NEW YORK
515 BROADWAY
ALBANY, NY 12207

Contact: HOWARD N APSAN
CUNY DIRECTOR OF ENVIRONM HEALTH & SAFETY
535 EAST 80TH ST
NEW YORK, NY 10021
(212) 794-5571

Facility: BROOKLYN COLLEGE
2900 BEDFORD AVE
BROOKLYN, NY 11210

Contact: ALDO ORLANDO
BROOKLYN COLLEGE ENV HEALTH AND SAFETY OFFICER
2900 BEDFORD AVENUE
BROOKLYN, NY 11210
(718) 951-5400

Description:
BROOKLYN COLLEGE IS AN ACADEMIC INSTITUTION THAT IS ASSOCIATED WITH THE CITY UNIVERSITY OF NEW YORK (CUNY). BROOKLYN COLLEGE IS LOCATED AT 2900 BEDFORD AVENUE IN BROOKLYN, NEW YORK.

THE FACILITY OPERATES FOUR BOILERS TO PROVIDE HEAT AND STEAM TO THE CAMPUS. EACH BOILER HAS A HEAT INPUT RATING OF 41.85 MMBTU/HR AND IS CAPABLE OF FIRING NATURAL GAS OR NO. 2 FUEL OIL. IN ADDITION, BROOKLYN COLLEGE OPERATES A GRAPHIC ARTS PRINTING SHOP WITH 3 OFFSET LITHOGRAPHIC PRINTERS, AND A GASOLINE DISPENSING SITE.

THE FACILITY INTENDS TO LIMIT ANNUAL EMISSIONS OF NITROGEN OXIDES TO LESS THAN 25 TONS PER YEAR FOR THE PURPOSE OF "CAPPING OUT" OF THE REQUIREMENTS FOR TITLE V SOURCES.

RECORDS DEMONSTRATING COMPLIANCE WITH THIS CAP WILL BE KEPT IN ACCORDANCE WITH THE PERMIT SPECIAL CONDITIONS.

THE FACILITY IS SUBJECT TO THE PROVISIONS OF STATE FACILITY SPECIFIED UNDER 6NYCRR PART 201-7.2

THE AIR STATE FACILITY PERMIT CONTAINS A LISTING OF THE APPLICABLE FEDERAL, STATE, AND COMPLIANCE MONITORING REQUIREMENTS FOR THE FACILITY.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: JOHN F CRYAN
DIVISION OF ENVIRONMENTAL PERMITS
ONE HUNTERS POINT PLAZA, 47-40 21ST STREET
LONG ISLAND CITY, NY 11101-5407

Authorized Signature: _____ Date: ___ / ___ / _____

Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

New York State Department of Environmental Conservation
Facility DEC ID: 2610400195

LIST OF CONDITIONS

DEC GENERAL CONDITIONS
General Provisions
Facility Inspection by the Department
Relationship of this Permit to Other Department Orders and Determinations
Applications for Permit Renewals and Modifications
Permit Modifications, Suspensions and Revocations by the Department
Facility Level
Submission of Applications for Permit Modification or Renewal-REGION 2
HEADQUARTERS

DEC GENERAL CONDITIONS
****** General Provisions ******
GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department
Applicable State Requirement: ECL 19-0305

Item 1.1:
The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

Item 1.2:
The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

Item 1.3:
A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

Condition 2: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301.2(m)

Item 2.1:
Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

Condition 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:
The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

Item 3.2:
The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

Item 3.3:
Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual

transfer of ownership.

Condition 4: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 4.1:
The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

a) materially false or inaccurate statements in the permit application or supporting papers;
b) failure by the permittee to comply with any terms or conditions of the permit;
c) exceeding the scope of the project as described in the permit application;
d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

****** Facility Level ******

Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 2 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:
Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 2 Headquarters
Division of Environmental Permits
1 Hunters Point Plaza, 4740 21st Street
Long Island City, NY 11101-5407
(718) 482-4997

New York State Department of Environmental Conservation
Permit ID: 2-6104-00195/00005 Facility DEC ID: 2610400195

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: CITY UNIVERSITY OF NEW YORK
535 EAST 80TH ST
NEW YORK, NY 10021

DORMITORY AUTHORITY OF THE STATE OF NEW YORK
515 BROADWAY
ALBANY, NY 12207

Facility: BROOKLYN COLLEGE
2900 BEDFORD AVE
BROOKLYN, NY 11210

Authorized Activity By Standard Industrial Classification Code:

LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS
Facility Level
1 6NYCRR 201-7.2: Facility Permissible Emissions
2 6NYCRR 201-7.2: Compliance Demonstration
*3 6NYCRR 201-7.2: Compliance Demonstration
4 6NYCRR 201-7.2(e): Compliance Demonstration
5 6NYCRR 225-1.2(a)(2): Compliance Demonstration
6 6NYCRR 227-1.3(a): Compliance Demonstration
Emission Unit Level

EU=U-00001
7 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
8 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
9 40CFR 60.48c(a), NSPS Subpart Dc: Compliance Demonstration

EU=U-00001,Proc=OP2
10 40CFR 60.42c(d), NSPS Subpart Dc: Fuel Sulfur Limitation
11 40CFR 60.42c(h), NSPS Subpart Dc: Exemption from the averaging period.
12 40CFR 60.42c(i), NSPS Subpart Dc: Enforceablity.
15 40CFR 60.43c(c), NSPS Subpart Dc: Compliance Demonstration
13 40CFR 60.44c(h), NSPS Subpart Dc: Compliance Demonstration
14 40CFR 60.48c(f)(1), NSPS Subpart Dc: Compliance Demonstration

EU=U-00002
16 6NYCRR 234.3(e): control requirement
17 6NYCRR 234.4(b)(3): Compliance Demonstration
18 6NYCRR 234.5(a): prohibition of sale or specification
19 6NYCRR 234.6: Handling, storage, and disposal of volatile organic compounds

EU=U-00002,Proc=001
20 6NYCRR 234.4(b)(2): control requirement
21 6NYCRR 234.4(b)(5): Recordkeeping requirements.

EU=U-00002,Proc=001,ES=OFLG1
22 6NYCRR 234.3(b)(1): Compliance Demonstration

EU=U-00002,Proc=001,ES=OFLG2
23 6NYCRR 234.3(b)(2): Compliance Demonstration

EU=U-00002,Proc=001,ES=OFLG3
24 6NYCRR 234.3(b)(2): Compliance Demonstration

EU=U-00003

25 6NYCRR 230.2(d)(1): Stage I and II requirements for tanks constructed, replaced, or substantially modified after June 27, 1987
26 6NYCRR 230.2(f): Requirements for gasoline transport vehicles delivering to Stage I controlled dispensing sites.
27 6NYCRR 230.2(f)(6): Compliance Demonstration
28 6NYCRR 230.5(a): Compliance Demonstration
29 6NYCRR 230.5(b): Compliance Demonstration

EU=U-00003,Proc=G01,ES=FUG01

30 6NYCRR 230.2(b): Gasoline Tanks >= 250 Gallons Installed after 1/1/79 Required Stage 1 in NYCMA

EU=U-00003,Proc=G02,ES=FUG02

31 6NYCRR 230.2(g): Compliance Demonstration
32 6NYCRR 230.2(k): Compliance Demonstration
33 6NYCRR 230.2(k): Compliance Demonstration
34 6NYCRR 230.2(k): Compliance Demonstration
35 6NYCRR 230.2(k): Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

36 ECL 19-0301: Contaminant List
37 6NYCRR 201-1.4: Unavoidable noncompliance and violations
38 6NYCRR 201-5: Emission Unit Definition
39 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

40 6NYCRR 201-5: Emission Point Definition By Emission Unit
41 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping. 8221 - COLLEGES AND UNIVERSITIES, NEC

Permit Effective Date: 01/23/2004 Permit Expiration Date: No expiration date.

FEDERALLY ENFORCEABLE CONDITIONS
****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS
This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability

Item A: Sealing - 6NYCRR Part 200.5

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation. Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

Any person who owns or operates an air contamination

source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Item E: Emergency Defense - 6NYCRR Part 201-1.5

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
(4) The facility owner and/or operator notified the Department within two working days after the event

occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

Item F: **Recycling and Salvage - 6NYCRR Part 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

Item G: **Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8**
No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

Item H: **Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)**
The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

Item I: **Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**
The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific

criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

Item J: Required Emission Tests - 6 NYCRR Part 202-1.1

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6NYCRR Part 202-1.

Item K: Visible Emissions Limited - 6 NYCRR Part 211.3
Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

Item L: Open Fires - 6 NYCRR Part 215
No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.

Item M: Permit Exclusion - ECL 19-0305
The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not

limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

Item N: **Federally Enforceable Requirements - 40 CFR 70.6(b)**
All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

FEDERAL APPLICABLE REQUIREMENTS
The following conditions are federally enforceable.

Condition 1: **Facility Permissible Emissions**
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2

Item 1.1:
The sum of emissions from the emission units specified in this permit shall not equal or exceed the following Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 0NY210-00-0 PTE: 49,800 pounds per year
Name: OXIDES OF NITROGEN

Condition 2: **Compliance Demonstration**
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2

Item 2.1:
The Compliance Demonstration activity will be performed for the Facility.

Item 2.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Boilers which fire multiple fuels (in New york City, Nassau, Rockland, Suffolk, and Westchester counties) shall maintain a record of the quantity of each fuel fired. Also, the owner or operator shall calculate (based on the fuel quantities) using the following formula:

R(0.075) + D(0.02) + G(100) + E(0.44) + N(3400) < 50,000 lbs/yr of Oxides of Nitrogen emissions.

Where: R = 12-month rolling total of residual oil fired (from boilers) in gals/yr
D = 12-month rolling total of distillate oil fired (from boilers) in gals/yr
G = 12-month rolling total of natural gas fired (from boilers) in MMSCF/yr
E = 12-month rolling total of diesel fuel fired (from engines) in gals/yr
N = 12-month rolling total of natural gas fired (from engines) in MMSCF/yr

Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 3: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2

Item 3.1:
The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 3.2:
Compliance Demonstration shall include the following monitoring:

Capping: Yes
Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:

NITROGEN OXIDES EMISSIONS ARE LIMITED TO
24.9 TONS PER YEAR.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: FUEL
Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 24.9 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 4: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2(e)

Item 4.1:
The Compliance Demonstration activity will be performed for the Facility.

Item 4.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
On an annual basis beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated within the limits imposed by the emissions cap. This certitication shall include a brief summary of the emissions subject to the cap for that time period and a comparison to those threshold values that would require compliance with an applicable requirement.

Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2005.
Subsequent reports are due every 12 calendar month(s).

Condition 5: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-1.2(a)(2)

Item 5.1:
The Compliance Demonstration activity will be performed for the Facility.

Item 5.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
No person shall sell, offer for sale, purchase or use any distillate oil which has a sulfur content greater than the limit presented below.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 0.2 percent by weight
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 6: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.3(a)

Item 6.1:
The Compliance Demonstration activity will be performed for the Facility.

Item 6.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Monitoring Frequency: ANNUALLY
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

****** Emission Unit Level ******

Condition 7: Performance testing timeline.
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(a), NSPS Subpart A

Item 7.1:
This Condition applies to Emission Unit: U-00001

Item 7.2:
Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

Condition 8: Performance test methods.
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(b), NSPS Subpart A

Item 8.1:
This Condition applies to Emission Unit: U-00001

Item 8.2:
Performance testing shall be conducted in accordance with the methods and procedures prescribed in this part or by alternative methods and procedures approved by the Administrator.

Condition 9: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.48c(a), NSPS Subpart Dc

Item 9.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Item 9.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
The owner and operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by 40 CFR 60.7 of this part. This

notification shall include:

(1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.

(2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 CFR 60.42c., or 40 CFR 60.43c.

(3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

Monitoring Frequency: SINGLE OCCURRENCE
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 10: Fuel Sulfur Limitation
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.42c(d), NSPS Subpart Dc

Item 10.1:
This Condition applies to Emission Unit: U-00001
Process: OP2

Item 10.2:
The permittee shall not fire fuel oil which exceeds 0.50 percent sulfur by weight.

Condition 11: Exemption from the averaging period.
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.42c(h), NSPS Subpart Dc

Item 11.1:
This Condition applies to Emission Unit: U-00001
Process: OP2

Item 11.2:
Compliance with emission limits and/or fuel oil sulfur limitations shall be based on a certification from the fuel supplier as stated in paragraph 40 CFR 60-Dc.48c(f)(1), (2), or (3) as applicable.

Condition 12: Enforceablity.
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.42c(i), NSPS Subpart Dc

Item 12.1:
This Condition applies to Emission Unit: U-00001
Process: OP2

Item 12.2:
The sulfur dioxide emission limits, percentage reductions, and fuel oil sulfur limitations shall apply at all times, including periods of startup, shutdown, and malfunction.

Condition 15: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.43c(c), NSPS Subpart Dc

Item 15.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001
Process: OP2

Regulated Contaminant(s):
CAS No: 0NY075-00-0 PARTICULATES

Item 15.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
On and after the date on which the initial performance test is completed or required to be completed under §60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts coal, wood or oil and has a heat input capacity of 30 million BTU per hour or greater shall cause to be discharged into the atmosphere from an affected facility any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more thatn 27 percent opacity.

Parameter Monitored: OPACITY
Upper Permit Limit: 20.0 percent
Reference Test Method: Method 9
Monitoring Frequency: ANNUALLY
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 13: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.44c(h), NSPS Subpart Dc

Item 13.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001
Process: OP2

Item 13.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
THE FACILITY OWNER AND/OR OPERATOR MUST DEMONSTRATE COMPLIANCE WITH THE REQUIREMENTS OF 40 CFR 60.42c(h). FACILITIES DEMONSTRATING COMPLIANCE USING THE FUEL SUPPLIER CERTIFICATION, FOR SULFUR-IN-FUEL LIMITATIONS (BASED ON A PERCENT BY WEIGHT OF SULFUR IN THE FUEL), SHALL SUBMIT THE CERTIFICATION IN ACCORDANCE WITH THE PROVISIONS OF 40 CFR 60.48c(f)(1), (2), AND (3), AS APPLICABLE.

Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 0.5 percent by weight
Monitoring Frequency: SINGLE OCCURRENCE
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 14: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.48c(f)(1), NSPS Subpart Dc

Item 14.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001
Process: OP2

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 14.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Fuel supplier certification shall include the following information for distillate oil:

i) The name of the oil supplier, and

ii) A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in §60.41c. 60-Dc 41c defines distillate oil as fuel that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-78, A standard Specification for Fuel Oils.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 16: control requirement
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 234.3(e)

Item 16.1:
This Condition applies to Emission Unit: U-00002

Item 16.2:
No person shall cause or allow emissions to the outdoor atmosphere having an average opacity of 10 percent or greater for any consecutive six-minute period from any emission source subject to 6 NYCRR Part 234.

Condition 17: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 234.4(b)(3)

Item 17.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 17.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Purchase, usage and/or production records of inks, VOC and solvents must be maintained in a format acceptable to the commissioner's representative, and upon request, these records must be submitted to the department's representative. In addition, any other information required to determine compliance with 6NYCRR Part 234 must be provided to the commissioner's representative in a format acceptable to him or her. Records must be maintained at the facility of a period of five years.

The facility shall maintain the following records for each ink, cleaning solvent, and other VOC used in the printing process, on a monthly basis:
1. The brand and product name or code for the material.
2. The quantity of material used during the calendar month.
3. The VOC content of the material.

In addition, copies of all purchase orders, invoices, and other documents for supplies and equipment that are used to support the monthly log are to be kept on site.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 18: prohibition of sale or specification
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 234.5(a)

Item 18.1:
This Condition applies to Emission Unit: U-00002

Item 18.2:
No person shall sell, specify, or require for use, the application of a coating or ink on a substrate at a facility with a printing process subject to the volatile organic compound control requirements of 6

NYCRR Part 234 if such use is prohibited by any of the provisions of this Part. The prohibition of this section shall apply to all written or oral contracts under the terms of which any coating or ink is to be applied to any substrate at any affected facility. This prohibition shall not apply to the following:

(1) coatings and/or inks utilized at printing processes where control equipment has been installed to achieve compliance;

(2) coatings and/or inks utilized at printing processes that have been granted variances for reasons of technological and economic feasibility.

Condition 19: Handling, storage, and disposal of volatile organic compounds
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 234.6

Item 19.1:
This Condition applies to Emission Unit: U-00002

Item 19.2:
The following is prohibited:

(a) using open containers to store or dispose of cloth or paper impregnated with VOC and/or solvents that are used for surface preparation, cleanup or ink/coating removal;

(b) storage in open containers of spent or fresh VOC and/or solvents to be used for surface preparation, cleanup or ink/coating removal;

(c) use of open containers to store or dispose of inks and/or surface coatings; or

(d) use of open containers to store or dispense inks and/or surface coatings unless production, sampling, maintenance or inspection procedures require operational access. This provision does not apply to the actual device or equipment designed for the purposes of applying an ink or coating to a substrate.

Condition 20: control requirement
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 234.4(b)(2)

Item 20.1:
This Condition applies to Emission Unit: U-00002
Process: 001

Item 20.2:
Acceptable analytical methods for determining the volatile content, water content, density, volume of solids and weight of solids of surface coatings and printing inks are presented in Appendix A, methods

24 and 24A respectively, of 40 CFR 60. Alternate analytical methods for surface coating and printing ink analysis must be approved by the commissioner and the USEPA. Instead of an ink solvent/volatile analysis, the commissioner may accept certification from the ink manufacturer of the composition of the ink solvent/volatiles, if supported by actual batch records.

Condition 21: Recordkeeping requirements.
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 234.4(b)(5)

Item 21.1:
This Condition applies to Emission Unit: U-00002
Process: 001

Item 21.2:
Any graphic arts facility which is not subject to the control requirements of Part 234 because its annual potential to emit volatile organic compounds (VOC) are below the applicability criteria, must maintain records in a format acceptable to the commissioner's representative that verify the facility's annual potential to emit VOC. Upon request, these records must be submitted to the department.

Condition 22: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 234.3(b)(1)

Item 22.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002
Process: 001 Emission Source: OFLG1

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 22.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
Any owner or operator of an offset lithographic printing process subject to 6NYCRR Part 234 and employing fountain solutions containing volatile organic compounds shall not operate, cause, allow, or permit the operation of such process unless one of the control strategies specified in Part 234.3(b) are employed. Continuing compliance shall be verified by maintaining records of formulation data as

specified in 6 NYCRR §234.4(b)(2) and (3). These records shall contain the following information:
1. Certification from the fountain solution supplier/manufacturer which verifies the composition of the fountain solution solvent/volatiles, if supported by actual batch records,
2. Purchase, usage, and/or production records of the fountain solutions and solvents.
3. Any other parameters used to verify compliance.

Upon request by DEC, the permittee shall perform Method 24 analyses (or supply samples to DEC for analysis) to verify the VOC content and volatile fraction of the fountain solutions. When there is any discrepancy between the calculated formulation and the Method 24 results, the Method 24 results shall be used for compliance purposes.

For presses in operation before September 1, 1988, where the control strategy is to use low-VOC fountain solution, the fountain solution must contain 15 percent by weight or less of VOC.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: FOUNTAIN SOLUTION
Parameter Monitored: VOC CONTENT
Upper Permit Limit: 15 percent by weight
Reference Test Method: Method 24
Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 23: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 234.3(b)(2)

Item 23.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002
Process: 001 Emission Source: OFLG2

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 23.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:

Any owner or operator of an offset lithographic printing process subject to 6NYCRR Part 234 and employing fountain solutions containing volatile organic compounds shall not operate, cause, allow, or permit the operation of such process unless one of the control strategies specified in Part 234.3(b) are employed. Continuing compliance shall be verified by maintaining records of formulation data as specified in 6 NYCRR §234.4(b)(2) and (3). These records shall contain the following information:
1. Certification from the fountain solution supplier/manufacturer which verifies the composition of the fountain solution solvent/volatiles, if supported by actual batch records,
2. Purchase, usage, and/or production records of the fountain solutions and solvents.
3. Any other parameters used to verify compliance.

Upon request by DEC, the permittee shall perform Method 24 analyses (or supply samples to DEC for analysis) to verify the VOC content and volatile fraction of the fountain solutions. When there is any discrepancy between the calculated formulation and the Method 24 results, the Method 24 results shall be used for compliance purposes.

For presses in operation on or after September 1, 1988, where the control strategy is to use low-VOC fountain solution, the fountain solution must contain 10 percent by weight or less of VOC.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: FOUNTAIN SOLUTION
Parameter Monitored: VOC CONTENT
Upper Permit Limit: 10 percent by weight
Reference Test Method: Method 24
Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 24: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 234.3(b)(2)

Item 24.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002
Process: 001 Emission Source: OFLG3

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 24.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
Any owner or operator of an offset lithographic printing process subject to 6NYCRR Part 234 and employing fountain solutions containing volatile organic compounds shall not operate, cause, allow, or permit the operation of such process unless one of the control strategies specified in Part 234.3(b) are employed. Continuing compliance shall be verified by maintaining records of formulation data as specified in 6 NYCRR §234.4(b)(2) and (3). These records shall contain the following information:
1. Certification from the fountain solution supplier/manufacturer which verifies the composition of the fountain solution solvent/volatiles, if supported by actual batch records,
2. Purchase, usage, and/or production records of the fountain solutions and solvents.
3. Any other parameters used to verify compliance.

Upon request by DEC, the permittee shall perform Method 24 analyses (or supply samples to DEC for analysis) to verify the VOC content and volatile fraction of the fountain solutions. When there is any discrepancy between the calculated formulation and the Method 24 results, the Method 24 results shall be used for compliance purposes.

For presses in operation on or after September 1, 1988,

where the control strategy is to use low-VOC fountain solution, the fountain solution must contain 10 percent by weight or less of VOC.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: FOUNTAIN SOLUTION
Parameter Monitored: VOC CONTENT
Upper Permit Limit: 10 percent by weight
Reference Test Method: Method 24
Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 25: Stage I and II requirements for tanks constructed, replaced, or substantially modified after June 27, 1987
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 230.2(d)(1)

Item 25.1:
This Condition applies to Emission Unit: U-00003

Item 25.2:
Stage I and Stage II vapor collection systems are required at any gasoline dispensing site located in the New York City Metropolitan Area which is constructed, replaced, or substantially modified after June 27, 1987, regardless of the annual gasoline throughput at the site.

This requirement does not apply for gasoline tanks with a capacity less than 550 gallons which are used exclusively for farm tractors used for agricultural purposes or for snowplowing.

Condition 26: Requirements for gasoline transport vehicles delivering to Stage I controlled dispensing sites.
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 230.2(f)

Item 26.1:
This Condition applies to Emission Unit: U-00003

Item 26.2:
Owners and/or operators of gasoline transport vehicles and gasoline dispensing sites subject to stage I vapor collection or vapor control requirements must:

1. install all necessary stage I vapor collection and control systems, and make any modifications necessary to comply with the requirements;

2. provide adequate training and written instructions to the operator of the affected gasoline transport vehicle;

3. replace, repair, or modify any worn or ineffective component or design element to ensure the vapor-tight integrity of the stage I vapor collection and vapor control systems;

4. connect and ensure proper operation of the stage I vapor collection and control systems whenever gasoline is being loaded, unloaded or dispensed; and

5. connect the Stage I vapor collection hose before connecting the gasoline delivery hose to the gasoline transport vehicle, and disconnect the gasoline delivery hose before disconnecting the Stage I vapor collection hose from the gasoline transport vehicle.

Condition 27: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 230.2(f)(6)

Item 27.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00003

Item 27.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Owners and/or operators of gasoline storage tanks, gasoline transport vehicles and gasoline dispensing sites subject to stage I and/or stage II vapor collection or vapor control system requirements must:

with respect to stage II vapor collection systems, conspicuously post operating instructions for the system on each dispenser which include:

(i) a clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site;

(ii) a warning that continued attempts at dispensing gasoline after the system indicates that the vehicle tank is full may result in spillage or recirculation

of gasoline; and

(iii) the telephone number established by the department for use by the public to report problems experienced with the Stage II vapor recovery systems in that county.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 28: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 230.5(a)

Item 28.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00003

Regulated Contaminant(s):
CAS No: 008006-61-9 GASOLINE

Item 28.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
The owner or operator of any gasoline dispensing site must maintain records showing the quantity of all gasoline delivered to the site. These records must be retained at the gasoline dispensing site for at least two years, and must be made readily available to the commissioner or the commissioner's representative at any reasonable time.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 29: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 230.5(b)

Item 29.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00003

Regulated Contaminant(s):
CAS No: 008006-61-9 GASOLINE

Item 29.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
The sum of all gasoline deliveries to a gasoline-dispensing site during the previous 12 consecutive months will be used to determine whether the requirements of section 230.2 of this Part apply.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 30: Gasoline Tanks >= 250 Gallons Installed after 1/1/79
Required Stage 1 in NYCMA
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 230.2(b)

Item 30.1:
This Condition applies to Emission Unit: U-00003
Process: G01 Emission Source: FUG01

Item 30.2:
Gasoline tanks greater than or equal to 250 gallons and installed after January 1, 1979 are required to install Stage I vapor collection systems in NYCMA.

Condition 31: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 230.2(g)

Item 31.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00003
Process: G02 Emission Source: FUG02

Item 31.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Daily visual inspections of components of stage II vapor collection systems must be performed to ensure the integrity and efficiency of the system. Dispensers with defective stage II components must be removed from service, locked and sealed to prevent vapor loss from operational dispensers until approved replacement parts are installed. A log will be kept recording the results of the inspections. The following information will be recorded at a minimum:
1. Date of the inspection
2. Person performing the inspection
3. Whether any deficiencies were observed and the nature of those deficiencies
4. Corrective action taken if any

Monitoring Frequency: DAILY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 32: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 230.2(k)

Item 32.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00003
Process: G02 Emission Source: FUG02

Item 32.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
Owners and/or operators of stage II systems must perform dynamic pressure tests at 5 year intervals after commencing operations. The back pressure during the dynamic back pressure tests must not exceed 0.45 inches of water column gauge at a flow rate of 60 cubic feet per hour.

Parameter Monitored: PRESSURE
Upper Permit Limit: 0.45 inches of water
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 33: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 230.2(k)

Item 33.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00003
Process: G02 Emission Source: FUG02

Item 33.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
Owners and/or operators of stage II systems must perform dynamic pressure tests at 5 year intervals after commencing operations. The back pressure during the dynamic back pressure tests must not exceed 0.95 inches of water column gauge at a flow rate of 100 cubic feet per hour.

Parameter Monitored: PRESSURE
Upper Permit Limit: 0.95 inches of water
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 34: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 230.2(k)

Item 34.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00003
Process: G02 Emission Source: FUG02

Item 34.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Owners and/or operators of stage II systems must perform leak tests at 5 year intervals after commencing operations. The pressure in gasoline storage tanks must not fall below the values in Table 1 of Part 230.2(k)(2)(iii) after 5 minutes from an initial pressure of 10.0 inches of water column during a leak test.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 35: Compliance Demonstration
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 230.2(k)

Item 35.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00003
Process: G02 Emission Source: FUG02

Item 35.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
Owners and/or operators of stage II systems must perform liquid blockage tests at 5 year intervals after commencing operations. The back pressure during the liquid blockage tests must not exceed 0.03 inches of water column gauge above the dynamic back pressure test results for the system for flow rates of 60 and 100 cubic feet per hour.

Parameter Monitored: PRESSURE

Upper Permit Limit: 0.03 inches of water
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

STATE ONLY ENFORCEABLE CONDITIONS
****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS
This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability

Item A: **Public Access to Recordkeeping for Facilities With State Facility Permits - 6NYCRR Part 201-1.10(a)**
Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1) , and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

Item B: **General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**
Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or

law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 36: Contaminant List
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 36.1:
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 008006-61-9
Name: GASOLINE

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0
Name: PARTICULATES

CAS No: 007446-09-5
Name: SULFUR DIOXIDE

CAS No: 0NY998-00-0
Name: VOC

Condition 37: Unavoidable noncompliance and violations
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 37.1:
At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued

for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner,. shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

Condition 38: Emission Unit Definition
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 38.1:
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: U-00001
Emission Unit Description:
FOUR 41.85 MMBTU/HR DUAL-FUEL (NATURAL GAS AND DISTILLATE OIL) BOILERS THAT ARE LOCATED IN THE HEAT PLANT AND ARE USED TO PROVIDE STEAM AND COMFORT HEAT TO THE

CAMPUS. EXHAUST FROM EACH BOILER IS VENTED TO A COMMON MANIFOLD AND EXHAUST FROM ONE COMMON STACK. NATURAL GAS AND DISTILLATE FUEL OIL ARE NOT FIRED SIMULTANEOUSLY.

Building(s): HP

Item 38.2:
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: U-00002
Emission Unit Description:
THREE OFFSET LIGHOGRAPHIC PRINTING PRESSES LOCATED IN THE BASEMENT OF BOYLAN HALL. THE PRESSES ARE USED FOR PRINTING COLLEGE MATERIALS SUCH AS LETTERHEAD, PAMPHLETS AND BOOKLETS. FUGITIVE VOLATILE ORGANIC EMISSIONS ARE NOT VENTED TO A SPECIFIC EMISSION POINT.

Building(s): BH

Item 38.3:
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: U-00003
Emission Unit Description:
GASOLINE DISPENSING SITE INCLUDES A 1000 GALLON UNDERGROUND STORAGE TANK FOR GASOLINE FUEL, WHICH HAS STAGE I AND STAGE II VAPOR COLLECTION SYSTEM.

Building(s): BGMG

Condition 39: Air pollution prohibited
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 39.1:
No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

****** Emission Unit Level ******

Condition 40: Emission Point Definition By Emission Unit
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 40.1:
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: U-00001

Emission Point: 00001
Height (ft.): 166 Diameter (in.): 108
NYTMN (km.): 4498.3 NYTME (km.): 588.4 Building: HP

Condition 41: Process Definition By Emission Unit
Effective between the dates of 01/23/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 41.1:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00001
Process: OP1 Source Classification Code: 1-03-006-02
Process Description:
NATURAL GAS COMBUSTION. THE BOILERS ARE
EQUIPPED WITH LOW NOX BURNERS.

Emission Source/Control: HP001 - Combustion
Design Capacity: 41.85 million Btu per hour

Emission Source/Control: HP002 - Combustion
Design Capacity: 41.85 million Btu per hour

Emission Source/Control: HP003 - Combustion
Design Capacity: 41.85 million Btu per hour

Emission Source/Control: HP004 - Combustion
Design Capacity: 41.85 million Btu per hour

Item 41.2:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00001
Process: OP2 Source Classification Code: 1-03-005-02

Process Description:
DISTILLATE FUEL OIL IS FIRED. THE BOILERS ARE EQUIPPED WITH LOW NOX BURNERS.

Emission Source/Control: HP001 - Combustion
Design Capacity: 41.85 million Btu per hour

Emission Source/Control: HP002 - Combustion
Design Capacity: 41.85 million Btu per hour

Emission Source/Control: HP003 - Combustion
Design Capacity: 41.85 million Btu per hour

Emission Source/Control: HP004 - Combustion
Design Capacity: 41.85 million Btu per hour

Item 41.3:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00002
Process: 001 Source Classification Code: 4-05-004-01
Process Description:
THREE OFFSET LITHOGRAPHIC PRINTING PRESSES USED FOR PRINTING COLLEGE MATERIALS SUCH AS LETTERHEAD, PAMPHLETS, AND BOOKLETS. FUGITIVE VOLATILE ORGANIC EMISSIONS ARE NOT VENTED TO A SPECIFIC EMISSION POINT.

Emission Source/Control: OFLG1 - Process

Emission Source/Control: OFLG2 - Process

Emission Source/Control: OFLG3 - Process

Item 41.4:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00003
Process: G01 Source Classification Code: 4-06-003-02
Process Description:
FUGITIVE EMISSIONS FROM THE GASOLINE UNDERGROUND STORAGE TANK ARE CONTROLLED BY STAGE I VAPOR COLLECTION SYSTEM DURING TRANSFER OF GASOLINE (BY SUBMERGED FILLING) FROM TANK TRUCK TO THE UNDERGROUND TANK.

Emission Source/Control: FUG01 - Process

Design Capacity: 1,000 gallons

Item 41.5:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00003
Process: G02 Source Classification Code: 4-06-003-99
Process Description:
FUGITIVE EMISSIONS FROM GASOLINE DISPENSER ARE CONTROLLED BY STAGE II VAPOR COLLECTION SYSTEM DURING VEHICLE REFUELING.

Emission Source/Control: FUG02 - Process
Design Capacity: 1,000 gallons

Item 41.6:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00003
Process: G03 Source Classification Code: 4-06-003-99
Process Description:
FUGITIVE EMISSIONS FROM UNDERGROUND TANK BREATHING AND EMPTYING.

Emission Source/Control: FUG03 - Process
Design Capacity: 1,000 gallons

Item 41.7:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00003
Process: G04 Source Classification Code: 4-06-003-99
Process Description:
FUGITIVE EMISSIONS FROM PREFILL AND POSTFILL NOZZLE DRIPS AND FROM SPLIT-BACK AND OVERFLOW FROM THE VEHICLE FUEL TANK FILLER PIPE DURING VEHICLE REFUELING.

Emission Source/Control: FUG04 - Process
Design Capacity: 1,000 gallons