

EXHIBIT A

Brooklyn Developmental Center Mixed-Use Project

STATE ENVIRONMENTAL QUALITY REVIEW FINDINGS STATEMENT

Pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act ["SEQRA"]) and Title 6 New York Codes, Rules and Regulations ("NYCRR") Part 617, the New York State Urban Development Corporation ("UDC") d/b/a Empire State Development Corporation ("ESD"), as lead agency under SEQRA, makes the following findings.

Name of Action: Brooklyn Developmental Center Mixed-Use Project

Project Location: The Project Site is located in the Spring Creek section of the East New York neighborhood in Brooklyn (Kings County), New York. It comprises approximately 1,180,557 square feet (+/- 27.1 acres) of a block centrally positioned on the former Brooklyn Developmental Center ("BDC") campus between two other former portions of the BDC campus that are currently under development adjacent to the site as part of the Fountain Avenue Land Use Improvement and Residential Project ("Fountain Avenue Project"). The irregularly shaped block (Block 4586) is bounded by Vandalia Avenue to the north, Seaview Avenue to the south, Fountain Avenue to the east, and Erskine Street to the west. The Project Site is owned by the People of the State of New York, acting by and through the Dormitory Authority of the State of New York ("DASNY").

The former BDC campus to be redeveloped consists of approximately 512,000 square feet ("sf") with seven institutional buildings managed by the New York State Office for People With Developmental Disabilities ("OPWDD") that served as the residential and support buildings for BDC during its operations. Prior to 2016, these buildings were occupied by resident patients. OPWDD no longer provides on-site treatment and care for patients nor houses any residents at this location.

Summary of Action: The Project entails the disposition of New York State-owned property on Lot 300 of Block 4586 and the redevelopment of a parcel comprising part of Lot 300. ESD is affirming a General Project Plan ("GPP") as modified to facilitate the development of approximately 2,475,760 sf of residential space (approximately 2,623 new units of affordable housing), approximately 143,992 sf of commercial space (including neighborhood-oriented retail, supermarket, movie theater, gym, restaurant, and other commercial uses), approximately 55,384 sf of community facility space (including a senior center, One Brooklyn Health Clinic, and a community center), approximately 29,746 sf of light manufacturing space (including vertical farming/agriculture, a Meals on Wheels kitchen, and other light manufacturing), approximately 790 parking spaces (including

approximately 392 enclosed parking spaces and approximately 398 surface parking spaces), approximately 12,250 sf of other uses (including a security booth/information station, compost and biodigester, and trash collection point), an approximately 1 acre urban farm, and approximately 6 acres of open space (including approximately 4 acres of publicly accessible open space and approximately 2 acres of private open space).

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SEQRA Classification: Type I

DESCRIPTION OF LEAD AGENCY ACTIONS

To facilitate development of the Project, ESD, the lead agency for the Project, is undertaking several actions. In summary, ESD actions include the following in accordance with all applicable requirements of law:

- ESD’s acquisition of the Project Site from DASNY and ESD’s subsequent conveyance to a conditionally designated Developer (Vital BDC, LLC).
- ESD’s adoption and affirmation of a GPP including overrides of the New York City Zoning Resolution (“ZR”) pursuant to the New York State Urban Development Corporation Act, (Chapter 174, Section 1, Laws of 1968, codified as amended in N.Y. Unconsolidated Laws §6251 *et seq.*) (the “UDC Act”).
- Establishment of Design Guidelines (the “Design Guidelines”) for the Project that address among other things, use, bulk and dimensional parameters that will apply in lieu of zoning. The Project is required to comply with the Design Guidelines.

Additionally, funding for the construction of the Project is expected to be sought from the following entities:

- New York State Home and Community Renewal (“HCR”)
- New York State Office for People With Developmental Disabilities
- New York State Office of Mental Health
- New York City Department of Housing Preservation and Development
- New York City Housing Development Corporation

ESD conducted a coordinated review pursuant to SEQRA. ESD issued a Positive Declaration and draft Scope of Work for the Environmental Impact Statement (“EIS”) on September 14, 2020. This draft scope was widely distributed to concerned citizens, public agencies, and other interested groups. A public scoping meeting was held on October 14, 2020, which due to the COVID-19 pandemic and restrictions on public gatherings was conducted as a virtual meeting utilizing the Zoom video communications teleconferencing platform. In addition, the session was live streamed via YouTube and broadcast via Brooklyn Free Speech Television (Charter/Spectrum Channel 1993, Altice/Optimum Channel 951, and Verizon Fios Channel 47).

Written and emailed comments were accepted through November 13, 2020. Changes made to the scope of analysis were presented in the final scope of work, which was issued on May 12, 2021.

A Draft Environmental Impact Statement (“DEIS”) was accepted by ESD on May 20, 2021, and a Notice of Completion was issued. The DEIS was filed with involved and interested agencies and made available for public review. A public hearing for the receipt of public comments on the DEIS and the GPP was held on June 24, 2021. The public comment period was held open through July 26, 2021.

A total of two speakers presented oral comments at the public hearing and a total of three written comments were received by ESD by the close of the public comment period. A Final Environmental Impact Statement (“FEIS”) was accepted by ESD on August 25, 2021, and a Notice of Completion was issued. The FEIS includes a chapter addressing all comments received at the public hearing and submitted in writing (see Chapter 27, “Responses to Comments”). The FEIS was filed with all involved and interested agencies and made available for public review. A public review period was held open until September 8, 2021 to provide an opportunity for members of the public to comment on new or changed material in the FEIS.

FACTS AND CONCLUSIONS IN THE FEIS RELIED UPON TO SUPPORT THE DECISION

PROJECT DESCRIPTION

ESD, with Project support and funding provided by HCR, proposes the comprehensive redevelopment initiative, “Brooklyn Developmental Center Mixed-Use Project.” The Project involves ESD’s acquisition of the approximately 28-acre Lot 300 of Block 4586 in Kings County (Brooklyn), New York from DASNY and ESD’s subsequent disposition of an approximately 27.1-acre parcel comprising a part of Lot 300 (“Project Site”) by ESD to Vital BDC LLC to facilitate the redevelopment of the Project Site into mixed-use affordable housing. The approximately 0.99-acre southeastern portion of Lot 300, which is part of the overall Lot 300 that would be acquired by ESD, is not contemplated for development as part of the Project and is not referred to as part of the Project Site herein.

The Project entails ESD’s adoption and affirmation of a GPP to facilitate the construction of up to approximately 2,475,760 sf of residential space (approximately 2,623 new units of affordable housing), approximately 143,992 sf of commercial space (including neighborhood-oriented retail, supermarket, movie theater, gym, restaurant, and other commercial uses), approximately 55,384 sf of community facility space (including a senior center, One Brooklyn Health Clinic,¹ and a community center), approximately 29,746 sf of light manufacturing space (including vertical farming/agriculture, a Meals on Wheels kitchen, and other light manufacturing), approximately 213,643 sf of enclosed parking (approximately 392 enclosed parking spaces, which does not include the proposed 398 surface parking spaces to be included in the Project), approximately 12,250 sf of other uses (including a security booth/information station, compost and biodigester, and trash collection point), an approximately 1-acre urban farm, and approximately 6 acres of open space (including approximately 4 acres of publicly accessible open space and approximately 2 acres of private open space). Construction will be undertaken in multiple phases; the first phase will commence in 2022, and the final phase will be complete in 2030, with full occupancy by 2031. Each phase will entail

¹ An important component of the Vital Brooklyn initiative’s healthcare transformation strategy is New York State’s support for the establishment of the One Brooklyn Health System, an integrated healthcare system comprised of Interfaith Medical Center, Kingsbrook Jewish Medical Center, and Brookdale University Hospital and Medical Center. The One Brooklyn Health System and the community-based healthcare component of the Vital Brooklyn initiative is intended to support the development of a clinically comprehensive ambulatory care network. As a condition of making the Project Site available for development, the Developer will construct the core and shell of a new approximately 30,000 sf ambulatory care facility with services to be consistent with the needs of the Project’s tenant mix.

the construction of a group of connected residential buildings along with a mix of additional uses such as commercial space, community facility space, light manufacturing space, streets, open space, and the planting of street trees.

PURPOSE AND NEED

The Proposed Actions will allow for the reuse of substantially underdeveloped acreage to provide affordable housing in a significantly underserved portion of Brooklyn and will include supportive housing, as well as housing for senior citizens. As part of New York State’s Vital Brooklyn initiative, a community development initiative that leverages state programs and resources to improve health and wellness in Central Brooklyn, the Project will also improve economic opportunities in East New York, which is located within one of the most socially and economically disadvantaged areas of New York State, with measurably higher than average rates of obesity, diabetes, and high blood pressure, limited access to healthy foods or opportunities for physical activity, and wide economic disparities from unemployment and poverty levels. The Project seeks to ameliorate these conditions by creating a community that is health-based, is centered around open space, provides walkable access to retail destinations, and is within close proximity to a significant regional park (Shirley Chisholm State Park). Further, the Project will provide space for job-creating operations that will also support community health, such as meal delivery services and urban farming uses. As such, the Project will provide affordable housing to an underserved portion of Brooklyn, including supportive housing and housing for senior citizens, and improve wellness and economic opportunities as part of the Vital Brooklyn initiative.

PROBABLE IMPACTS OF THE PROPOSED ACTIONS

The FEIS identifies environmental effects of the Proposed Actions, as described below.

LAND USE, ZONING, AND PUBLIC POLICY

The Project includes zoning overrides and development limited to the Project Site, and it will result in no direct changes to public policy and no direct off-site changes to land use or zoning. Further, given the implementation of the Fresh Creek Urban Renewal Plan (“FCURP”) and the resultant development context of the Project Site, there is limited potential for the Project to lead, indirectly, to any off-site changes to land use or zoning; the study area consists of the former BDC campus, of which the northern and southern portions are currently being redeveloped for the Fountain Avenue Project (as part of a separate action by a different developer), areas developed or being developed pursuant to the FCURP, and designated parkland.

The Project will introduce development similar to surrounding land use types and intensity developed per the FCURP, though the Project will result in redevelopment of a substantially smaller area than the total FCURP area; the Project Site is approximately 27.1 acres compared to the approximately 227-acre area developed per the FCURP, surrounding the Project Site. The Proposed Actions’ zoning overrides apply exclusively to the Project Site and will be implemented through ESD’s GPP. In addition, the Project will be consistent with relevant policies reflected in State and City laws and published policy documents. Therefore, the Project will not result in significant adverse impacts, in terms of land use, zoning, or public policy.

SOCIOECONOMIC CONDITIONS

The Project will not 1) result in substantial direct changes to existing residential populations, 2) displace employees or businesses, 3) result in new development that differs markedly from the surrounding neighborhood, 4) create retail concentrations that may draw a substantial amount of sales from existing

businesses within the study area, or 5) affect conditions in a specific industry. Therefore, per the guidance of the *New York City Environmental Quality Review (“CEQR”) Technical Manual*, a detailed analysis of potential impacts to socioeconomic conditions is not warranted. Based on data collected for the residential area in proximity to the Project Site, it is estimated that the Project will introduce a population of approximately 7,423 residents upon completion. 100 percent of residential units developed as part of the Project will be income-restricted, with most of the units affordable to households earning between 30 and 80 percent of the area medium income (“AMI”), and therefore, will meet part of the need for affordable housing in the study area. In addition, approximately 162 units (or 6 percent of units) will be set aside specifically for general housing for income-eligible senior citizens, and approximately 503 units (or 19 percent of units) will be designated as supportive housing for residents with intellectual and developmental disabilities, residents with behavioral health issues (severe mental illness), the frail and elderly, youth aging out of foster care, residents who have been formerly incarcerated, and military service members with disabilities. Thus, the Project will also serve populations that have specific needs that can limit access to affordable housing.

COMMUNITY FACILITIES AND SERVICES

The Project will include the disposition of property that is currently part of the former BDC. The BDC no longer treats or houses patients on-site and there is limited ongoing administrative occupancy of the former BDC campus. Such administrative uses will relocate independent of the Proposed Actions. Therefore, the Project will not result in a direct effect to any community facilities.

As part of the Project, approximately 51,958 sf of community facility space (senior center, One Brooklyn Health Clinic, and community center) will be developed; this will benefit the community introduced to the Project Site by the Project as well as the surrounding neighborhood. The development of a One Brooklyn Health Clinic is in keeping with the goals and objectives of the Vital Brooklyn initiative to invest in community-based health care in underserved neighborhoods in Central Brooklyn.

The Project will not result in direct effects to any New York City Police Department (“NYPD”) precinct house or any New York City Fire Department (“FDNY”) command center. Because the Project will not create a sizeable new neighborhood where none existed before and the Project Site is already served by existing police, fire, and health care facilities, a detailed analysis of indirect effects on police, fire, and health care services is not warranted. Therefore, the Project will not result in any significant adverse impacts to police, fire, and health care services.

Public Schools

The Project will introduce approximately 2,623 residential units to the Community School District (“CSD”) 19, Sub-District 3 study area. Approximately 665 of the residential units will be dedicated to senior citizens and supportive housing and, therefore, are not expected to house school children. Therefore, the analysis of public schools in the FEIS considers the potential for indirect impacts to public schools resulting from increased student population attributable to the approximately 1,958 non-senior and non-supportive housing units that will be introduced by the Project. Based on the New York City School Construction Authority’s (“SCA”) 2019 Housing Multipliers, the Project is projected to generate approximately 354 elementary students, approximately 157 intermediate students, and approximately 98 high school students to the Project Site. Therefore, per the guidance of the *CEQR Technical Manual*, the number of high school students that are projected to be introduced by the Project is below the threshold for detailed analysis (approximately 150 students); however, since the numbers of elementary and intermediate students that are projected to be introduced as a result of the Project exceed the threshold of 50 or more elementary/intermediate school

students (total of elementary and intermediate), a detailed analysis of potential significant adverse impacts to public elementary and intermediate schools was performed.

The *CEQR Technical Manual* states a significant adverse impact may occur if a proposed project will result in both of the following conditions: (1) a utilization rate of the elementary/intermediate schools in the sub-district study area that is equal to or greater than 100 percent in the future with the proposed action; and (2) an increase of 5 percentage points or more in the collective utilization rate between the No Action condition and the future with the proposed actions condition. While the CSD 19, Sub-District 3 intermediate school utilization rate is projected to increase by more than 5 percentage points in the future with the proposed actions, the utilization rate is not projected to exceed 100 percent; therefore, no significant adverse impact to intermediate public schools will occur with the Project. However, the CSD 19, Sub-District 3 elementary school utilization rate is projected to exceed 100 percent and increase by more than 5 percentage points in the future with the proposed actions. Utilization in CSD 19, Sub-District 3 elementary schools is projected to be over capacity in the future with the Project at approximately 108.24 percent with a deficit of approximately 219 seats. Compared to conditions in the future without the Project, utilization of CSD 19, Sub-District 3 elementary schools is projected to increase from approximately 94.92 percent to approximately 108.24 percent with the Project, resulting in an increase in utilization of approximately 13.32 percent. Therefore, a significant adverse impact to public elementary schools could result from the Project.

While not included in the quantitative analysis pursuant to the *CEQR Technical Manual*, there are charter schools in CSD 19 that serve elementary and intermediate school students. The admissions process for charter schools is generally through lottery, with preference to returning students, siblings of current students, and students from the school's community school district of location. Therefore, these schools draw from a larger study area than the sub-district. There are two charter schools in CSD 19, Sub-District 3 located in the New York City Department of Education ("NYCDOE") buildings that serve elementary and intermediate students. The 447-seat Achievement First Linden Elementary School serves kindergarten through grade 8 and has a utilization of 130 percent. The 364-seat Achievement First Aspire Charter School serves grades 5 through 8 and has a utilization of 87 percent. There are also two other charter schools outside of NYCDOE buildings: Imagine Me Leadership Charter School (grades Pre-K through 8) and Collegiate Academy for Mathematics and Personal Awareness Charter School (grades 6 through 8). Although they are not included in the quantitative analysis, such schools also provide schooling opportunities for students, including some from the study area. Potential mitigation measures are described in the "Mitigation Measures" section below.

Early Childhood Programs

The Project could result in a significant adverse impact to publicly financed early childhood programs. Based on the early childhood program multipliers provided in the *CEQR Technical Manual*, the Project, which will develop housing that is 100 percent income-restricted with most of the units affordable to households with incomes between 30 and 80 percent of the AMI, is projected to generate approximately 349 children eligible for publicly funded early childhood programs. With the addition of these children, publicly funded early childhood programs in the study area are projected to operate at approximately 189.0 percent utilization with a shortfall of approximately 1,085 slots in the future with the proposed actions. The collective demand for study area early childhood programs is projected to increase approximately 28.6 percent from approximately 160.4 percent of capacity in the future without the proposed actions to approximately 189.0 percent with the Project.

According to the *CEQR Technical Manual*, a significant adverse impact to publicly funded early childhood programs may occur with a proposed project that would result in a collective utilization rate greater than

100 percent, and a utilization rate that is at least 5 percent greater than the utilization rate without the proposed actions, requiring consideration of mitigation. Potential mitigation measures are described in the “Mitigation Measures” section below.

Parents of eligible children are not restricted to enrolling their children in early childhood programs in a specific geographic area and could use the NYCDOE voucher system to make use of public and private providers beyond the study area. In addition, several factors may limit the number of children in need of publicly funded early childhood programs in the study area NYCDOE facilities. For example, families in the study area could make use of alternatives; there are slots at private homes licensed to provide family child care that families of eligible children could elect to use instead of publicly funded early childhood programs. Parents of eligible children may also use the NYCDOE vouchers to finance care at private early childhood programs in the study area. Finally, the voucher system could spur the development of new early childhood programs to meet the need of eligible children that result from the increase in the low-income and low- to moderate-income housing units in the area in the future with the proposed actions condition.

It should also be noted that the NYCDOE’s “3-K for All” and “Pre-K for All” programs were established in 2014. There are numerous “3-K for All” program centers located within the study area. However, consistent with the methodologies outlined in the *CEQR Technical Manual*, these facilities have not been included in the quantitative analysis. In addition, the NYCDOE issued a new Request for Proposals (“RFP”) to meet new needs for early childhood services in certain areas of the City that have arisen since the onset of the pandemic and give providers another funding opportunity for the 2021-22 school year and beyond. This RFP allowed proposers to offer “3-K” and “Pre-K for All” services within several zip codes, including 11207, 11208, and 11239, which make up the 1.5-mile study area from the Project Site. Therefore, the total number of existing and potential early childhood educational facilities in the study area is greater than that reflected in the quantitative analysis.

Nonetheless, since the quantitative analysis concludes the Project will result in a collective utilization rate greater than 100 percent and a utilization rate that is at least 5 percent greater than the utilization rate without the proposed actions, a significant adverse impact to publicly funded early childhood programs could occur.

Public Libraries

The analysis concludes that the Project could result in a significant adverse impact to public libraries. Based on a total of approximately 2,623 units and an average household size of 2.83, the Project is projected to add a total of approximately 7,423 new residents to the Spring Creek Library catchment area population. This is a projected increase in population from approximately 81,728 to 89,151 residents, an approximately 9 percent increase. Accordingly, the volumes-to-resident ratio in the study area is projected to decrease to a ratio of approximately 0.31 from approximately 0.34.

Per the guidance of the *CEQR Technical Manual*, a proposed project may result in a significant adverse impact to public libraries if the project would increase a library catchment area population by 5 percent or more, compared to the conditions in the future without the proposed actions, and if this increase is expected to impair the delivery of library services in the study area. Residents of the Spring Creek Library catchment area and the Project will have access to the entire Brooklyn Public Library (“BPL”) system and could have volumes delivered directly to their nearest library. There are also three other nearby BPL branches (the New Lots Branch and the Cypress Hills Branch, each located approximately 1.15 miles from the Project Site, and the Canarsie Branch, located approximately 2 miles from the Project Site). These libraries’ catchment areas overlap with the Spring Creek Library catchment area. Although these libraries are not accounted for in the quantitative analysis, they serve portions of the study area population. In addition, BPL offers over

400,000 books, magazines, and audiobooks that can be accessed electronically. Therefore, there are more library resources available to the study area than are reflected in this quantitative analysis.

Consultation letters were sent to BPL on January 11, 2021 and June 22, 2021. At a meeting held on July 13, 2021, BPL indicated that the Project will not significantly affect the study area population's access to holdings (i.e. books, magazines, and audiobooks) due to the availability of materials from all of its holdings. BPL indicated the Project could affect computer resources, because the Spring Creek Branch has a limited number of computers and tablets available for public use. BPL also indicated the Project could increase the catchment area population and alter the demographics such that Spring Creek Library's programming space and program staffing could be impaired.

Therefore, since the Spring Creek Library catchment area population is projected to increase by approximately 9 percent, exceeding the 5 percent threshold cited in the *CEQR Technical Manual*, and the Project could impair the delivery of library services, a significant adverse impact to public libraries could result from the Project. Potential mitigation measures are described under the "Mitigation Measures" section.

OPEN SPACE

The Project will not result in significant adverse impacts to open space. An analysis of potential direct and indirect effects on open space was prepared.

Direct Effects

The open space analysis presented in the FEIS indicates that the Project will not result in a significant adverse direct impact on open space resources, and will not result in any significant adverse shadow, urban design and visual resources, air quality, noise and vibration, or other environmental impacts that would affect the usefulness of any study area open space. Per the guidance of the *CEQR Technical Manual*, a proposed project may result in a significant adverse direct impact on open space resources if there would be direct displacement/alteration of existing open space within the study area that would have a significant adverse impact on existing users. No open space resources will be physically displaced or their uses be changed as a result of the Project. Rather, the Project will introduce an additional approximately 4 acres of publicly accessible open space to the Project Site, as well as approximately 2 acres of private open space. The analysis of direct effects on open space relies on information provided in the analyses for "Shadows," "Urban Design and Visual Resources," "Air Quality," and "Noise," to determine whether the Project will directly affect any open spaces.

Indirect Effects

The analysis in the FEIS determines that the Project will not result in a significant adverse indirect impact to passive open space or to active open space in either the worker ¼-mile study area or the residential ½-mile study area. Per the guidance of the *CEQR Technical Manual*, a proposed project may result in a significant adverse indirect impact on open space resources if it would reduce the open space ratio and consequently result in overburdening of existing facilities or further exacerbating a deficiency in open space. As the Project is expected to introduce increments of approximately 7,423 residents and approximately 786 workers, compared to the No Action condition, an open space analysis for both a worker ¼-mile study area and residential ½-mile study area was conducted, per the guidance of the *CEQR Technical Manual*.

In the future with the proposed actions, the worker ¼-mile study area's passive open space ratio is projected to decrease by approximately 36 percent from the No Action condition, which exceeds the five percent

decrease in open space ratio indicating a substantial change per the *CEQR Technical Manual*. However, as the open space ratio will remain well above the City’s guideline ratio of 0.15 acres per 1,000 workers, at 11.5 acres per 1,000 combined workers and residents, the worker ¼-mile study area will continue to be well-served by passive open space resources. Even without the introduction of approximately 4 acres of project-generated publicly accessible open space, the open space ratios for the worker ¼-mile study area will remain above *CEQR Technical Manual* guidelines. As such, the Project will not result in an overburdening of existing facilities or an exacerbation of a deficiency in open space. Therefore, there will be no significant adverse impact in the worker ¼-mile study area as a result of the Project.

In the future with the proposed actions, the residential ½-mile study area’s total open space ratio is projected to decline by approximately 21 percent; the active open space ratio is projected to decline by approximately 20 percent; and the passive open space ratio is projected to decline by approximately 21 percent. These decreases exceed the five percent decrease in open space ratio indicating a substantial change per the *CEQR Technical Manual*. However, within the residential ½-mile study area, the ratio for total open space will remain well above the City’s guideline for total open space of 2.5 acres per 1,000 residents, at approximately 12.2 acres per 1,000 combined workers and residents; well above the City’s guideline for active open space of 2.0 acres per 1,000 residents, at approximately 5.2 acres per 1,000 combined workers and residents; and well above the City guideline for passive open space of 0.5 acres per 1,000 residents, at approximately 7 acres per 1,000 combined workers and residents. Even without the introduction of approximately 4 acres of project-generated publicly accessible open space, the open space ratios for the residential ½-mile study area will remain above *CEQR Technical Manual* guidelines. As such, the Project will not result in an overburdening of existing facilities or an exacerbation of a deficiency in open space. Therefore, there will be no significant adverse indirect impact to open space as a result of the Project.

SHADOWS

No significant adverse impacts associated with shadows will occur with the Project. Shadows cast by the proposed buildings could reach six potentially sunlight-sensitive resources (Spring Creek Park (Section 2),² Spring Creek Park (Section 3),³ Moe Finkelstein Athletic Complex, Berriman Playground, a bioswale on Erskine Street, and Schroeders Walk (planned⁴), but in no case will they result in a significant adverse shadow impact.

The first of these potentially affected sunlight-sensitive receptors is the publicly inaccessible Spring Creek Park (Section 2), which could be reached by project-generated shadows in select areas at its northern edges for a duration ranging from less than 30 minutes during the spring and fall months to approximately two hours during the peak of summer. As the area is publicly inaccessible and will receive well above the *CEQR Technical Manual*’s recommendation of four to six hours of sunlight during the growing months for plant life, there will be no significant adverse impact from shadows to Spring Creek Park (Section 2) as a result of the Project.

The second potentially affected sunlight-sensitive receptor is the publicly inaccessible Spring Creek Park (Section 3), located directly east of the Project Site across Fountain Avenue, and which contains the Spring

² Spring Creek Park (Section 2), located directly south of the Project Site, is publicly inaccessible and includes a relatively small strip of mowed/maintained grass followed by an unmaintained, unimproved area partially enclosed by a wooden fence.

³ Spring Creek Park (Section 3), located east of the Project Site, is enclosed by chain-link fencing and is primarily occupied by the New York City Department of Environmental Protection’s (“NYCDEP”) Spring Creek WWTP (Auxiliary 26th Ward) and surrounding paved areas; natural resources, including wetlands and a small portion of the New York City Forever Wild Spring Creek Park Preserve, are also present.

⁴ Schroeders Walk is a new privately-owned publicly accessible open space planned as part of the Fountain Avenue Project.

Creek Wastewater Treatment Plant (“WWTP”) (Auxiliary 26th Ward) and surrounding paved area, wetlands, Old Mill Basin, Old Mill Creek, Spring Creek, a portion of open space classified as the New York City Forever Wild Spring Creek Park Preserve, and other open space. The maximum duration of project-generated shadows cast onto Spring Creek Park (Section 3) will range from approximately two and a half to three hours each day throughout the year. The extent of the area potentially reached by the shadows consists of a paved area surrounding the Spring Creek WWTP (Auxiliary 26th Ward), wetlands, Old Mill Basin, and other open space. Shadows could reach portions of wetlands and Old Mill Basin on this open space; however, the duration of these shadows will not be significant. Other open space with greenery that could be reached by project-generated shadows will continue to receive over the four to six hours of sunlight per day during the growing season recommended by the *CEQR Technical Manual*. Project-generated shadows will not reach the portion of this open space that is classified as the New York City Forever Wild Spring Creek Park Preserve. Therefore, no significant adverse impact from shadows on Spring Creek Park (Section 3) is anticipated with the Project.

The third potentially affected sunlight-sensitive receptor is the publicly accessible Moe Finkelstein Athletic Complex, located approximately 800 feet northwest of the Project Site. Project-generated shadows will be cast only during winter months onto a small portion of the eastern corner of the complex for a duration of less than 30 minutes. As such, no significant adverse impact from shadows on the Moe Finkelstein Athletic Complex will occur with the Project.

The fourth potentially affected sunlight-sensitive receptor is the publicly accessible Berriman Playground, located approximately 450 feet northwest of the Project Site. The maximum duration of project-generated shadows cast onto Berriman Playground will range from less than 30 minutes during the peak of winter to approximately one hour and 45 minutes during the peak of summer. Project-generated shadows, however, could affect a greater portion of Berriman Playground during the winter than the summer. During the summer, late spring, and early fall months, when the playground is utilized most extensively, only a small portion on the southern end of Berriman Playground will be affected. At all times, project-generated shadows will only reach the playground at the beginning of the shadow analysis period, as the playground is located west and northwest of the Project Site. When accounting for project-generated shadows, Berriman Playground is anticipated to receive at least five hours of sunlight per day. Therefore, no significant adverse impact from shadows on Berriman Playground will occur with the Project.

The fifth potentially affected sunlight-sensitive receptor is a bioswale on Erskine Street, a publicly inaccessible, landscaped feature of the Gateway Center commercial area located to the west of the Project Site. The maximum duration of project-generated shadows cast onto the bioswale could range from approximately two hours to four hours and 40 minutes each day throughout the year. When accounting for project-generated shadows, the bioswale is anticipated to continue to receive over the four to six hours of sunlight per day during the growing season as recommended by the *CEQR Technical Manual*. Therefore, no significant adverse impact resulting from shadows on the bioswale on Erskine Street will result from the Project.

The sixth potentially affected sunlight-sensitive receptor is a pedestrian walkway, Schroeders Walk, a new privately-owned publicly accessible open space planned as part of the Fountain Avenue Project. Schroeders Walk will be a pedestrianized extension of Schroeders Avenue through the Project Site and will also provide access for emergency vehicles. Schroeders Walk will contain paved areas, public seating, lighting, grassy areas, and trees. In the future without the proposed actions, portions of Schroeders Walk will be subject to substantial shadow effects from shadows cast by the Fountain Avenue Project. In the future with the proposed actions, additional portions of vegetated areas within Schroeders Walk will experience shadows

that will reduce direct sunlight exposure to less than the *CEQR Technical Manual* recommended four to six hours per day during the growing season.

Throughout the course of developing the Project plan, ESD has been in discussion with the developers of the Fountain Avenue Project. Based on these discussions, the Fountain Avenue Project developer has been provided with the information related to shadows and sunlight exposure presented in the FEIS and will be choosing vegetation for landscaping Schroeders Walk that is tolerant to shadow, as appropriate. For the purposes of shadow analysis, it is anticipated that shade-tolerant plantings will be utilized in landscaping the entirety of Schroeders Walk. ESD will continue discussions with the developer of the Fountain Avenue Project as that development progresses.

In addition, some seating areas within Schroeders Walk will be in shadow with limited sunlight exposure throughout the year. Any such limitation in utility of seating areas along Schroeders Walk will be ameliorated by ample opportunities for the same user population to enjoy other publicly accessible open space that will be developed as part of the Project or which is already readily available throughout the neighborhood.

As such, the Project will not result in any significant adverse impact related to shadows.

HISTORIC AND CULTURAL RESOURCES

Architectural Resources

The Project Site does not contain any New York State Register of Historic Places (“SR”)- and/or National Register of Historic Places (“NR”)-listed historic resource, nor any New York City Landmark (“NYCL”), or any built element eligible for such listing. Further, no historic architectural resource has been identified within approximately ½-mile of the Project Site, nor are any potential historic architectural resources slated for consideration by New York City Landmarks Preservation Commission (“NYCLPC”) within that area. As such, the proposed action will not result in any significant adverse impact on historic architectural resources.

Archaeological Resources

The Project Site is located within an “archaeologically sensitive area,” as determined by the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”). The Area of Potential Effect (“APE”) for archaeological resources, i.e., the physical extent of anticipated ground disturbance associated with the Proposed Project, is limited to areas where the Project will result in excavation.

OPRHP has determined that, based on their review, no historic properties, including archaeological and/or historic resources, will be affected by the Project. As such, the Proposed Project will not result in any significant adverse impact on historic properties, including archaeological and/or historic resources.

URBAN DESIGN AND VISUAL RESOURCES

The Project will not directly or adversely affect any of the existing landscape components that define the urban design of the study area because the Project Site will be redeveloped in a manner consistent with the urban design of the portions of the former BDC campus already under development adjacent to the Project Site. The land uses introduced with the Project (residential, commercial, community facilities, light manufacturing, parking, open space, and other uses) will be consistent with the surrounding land uses; further, the bulk, height, and street wall associated with the new construction will contribute to the form of the residential streetscapes north and west of the Project Site in a way that resembles other parts of Brooklyn, where apartment buildings appear among relatively uniform residential streets of two- and three-

story rowhouses. Therefore, the Project will result in improved streetscape conditions on Fountain Avenue, Seaview Avenue, and Erskine Street in particular, in comparison to the current concrete wall surrounding the former BDC campus.

Further, it is expected that the combination of ground-floor commercial uses, the street tree plantings, concordant sidewalk improvements surrounding the Project Site (as will be required with the construction of new sidewalks), and the introduction of publicly accessible open space will contribute to the attractiveness of the streetscapes that have already been partly improved through landscaping on surrounding properties as part of FCURP implementation. These positive contributions will result in improved streetscape conditions and pedestrian experience on all streets surrounding the Project Site.

The Project will improve the potential for the pedestrian experience of and appreciation of the visual resources (parks and naturalized open space) that characterize much of the Fountain Avenue and Seaview Avenue streetscapes (as well as eastern portions of the Vandalia Avenue streetscape), surrounding the Project Site. Although the Project will be visible in the distance from parts of Shirley Chisholm State Park, it will be visible within a viewshed that already includes developed areas of Brooklyn and Queens and will not obstruct prominent visible features, such as the Manhattan skyline, the Verrazano-Narrows Bridge and New York Harbor, or Jamaica Bay. The Project will not affect the views of Spring Creek Park wetlands and naturalized areas enjoyed from the public sidewalks surrounding the Project Site along Vandalia Avenue, Fountain Avenue, and Seaview Avenue. Rather, the mix of residential, commercial, and community facility uses and approximately 6 acres of open space introduced by the Project will be expected to lead to an increased level of pedestrian activity along adjacent sidewalks and cut-through streets intersecting the Project Site, thereby contributing to an improved sense of pedestrian connectivity with the existing open space in the study area. Thus, the introduction of new uses, building forms, and public streets on the Project Site will be consistent with surrounding development. Together with the streetscape improvements and increased levels of pedestrian activity in the vicinity of the Project Site, the Project will result in an enhanced pedestrian experience in and around the Project Site. Therefore, the Project will not result in any significant adverse impact to urban design or visual resources.

NATURAL RESOURCES

Few natural resources are present on the Project Site, which comprises an institutional campus with several buildings, paved walkways, maintained lawn, driveways, and surface parking areas. In the future without the proposed actions, Project Site conditions would remain unchanged, and conditions of natural resources in the vicinity would generally resemble existing conditions. The Project, which is limited to the Project Site, will not result in direct impacts to natural resources, either during construction or occupancy. Further, as described in the “Water and Sewer Infrastructure” analysis, the Project will provide for appropriate wastewater and stormwater management. As such, the Project will be consistent with applicable federal, state, and city policies with regard to the management of wetlands, water bodies, and natural resources, and the Project will not result in significant adverse impacts to any natural resources, including water quality, wetlands, aquatic and terrestrial resources, or threatened, endangered, or special concern species.

HAZARDOUS MATERIALS

A Phase I Environmental Site Assessment (“ESA”) and Phase II Environmental Site Investigation (“ESI”) have revealed low-level, on-site subsurface contamination under the Project Site, and the potential for soil vapor intrusion from such contamination, believed to be attributable to historic fill and the former landfilled marshland, petroleum bulk storage and vehicle fueling/repair operations and/or to unidentified, off-site sources.

Soil profiles and soil analytical data indicate there are two distinct historic fill layers at the Project Site. Fill material appears to have been deposited with a surficial layer of brown and tan, fine to medium sand (imported fill) overlying a deeper historic fill layer composed of fine sand with varying amounts of peat/organic material, and/or anthropogenic materials (wood, glass, rubber, coal, slag, asphalt, plastic, ceramic, and/or ash). The surficial imported fill layer extends to 8 to 20 feet below ground surface (“bgs”) and meets (in the locations tested) the 6 NYCRR Part 375 Unrestricted Use (“UU”) Soil Cleanup Objectives (“SCO”) with the exception of two isolated areas with metals exceeding the UU SCOs. The deeper historic fill layer underlies the surficial imported fill layer in most locations and contains (in the locations tested) volatile organic compounds (“VOCs”), semivolatile organic compounds (“SVOCs”), pesticides, and/or metals exceeding UU and/or Restricted Use Restricted-Residential (“RURR”) SCOs.

Groundwater sampling detected VOCs, SVOCs, metals, and landfill leachate parameters at concentrations exceeding the 6 NYCRR Part 703.5 and New York State Department of Environmental Conservation (“NYSDEC”) Technical and Operational Guidance Series (“TOGS”) 1.1.1 Ambient Water Quality Standards and Guidance Values (“SGVs”) for Class GA Water (collectively referred to as the “NYSDEC SGVs”). Groundwater results may have been affected by suspended solids, and naturally occurring and/or regional groundwater conditions. Although landfill leachate parameters are present in groundwater wells along the southern Project Site boundary, many of these parameters are also naturally occurring and were not detected at concentrations or in a spatial pattern that would indicate that the Fountain Avenue Landfill (“FAL”) is directly impacting groundwater conditions.

Petroleum-related and chlorinated VOCs were identified in soil vapor. Methane was also identified in soil vapor in isolated areas at the Project Site above its lower explosive limit (“LEL”). The sources of petroleum-related VOCs and chlorinated VOCs may be attributed to the quality of the historic fill material, known petroleum storage and/or auto repair uses at the Project Site or to unidentified, off-site sources. The source of the methane detected on-site was attributed to the anaerobic biodegradation of organic matter and/or anthropogenic materials present within the deeper historic fill layer. The soil vapor field screenings and analytical data indicate VOCs and methane are present in areas of the Project Site at concentrations of concern for the future development.

Based on the results of the Phase II ESI, vapor intrusion mitigation measures are warranted to address the potential for soil vapor intrusion in the proposed buildings. The ESD Environmental Controls⁵ prepared as part of the Project will require implementation of vapor mitigation measures, as required, to address the potential for exposure of building occupants to contaminants. In addition, low levels of contaminants in soil and groundwater detected in the Phase II ESI may warrant precautions to prevent exposure of the public, construction workers and/or future Project Site occupants to contamination. The ESD Environmental Controls will require the preparation of a Remedial Action Plan (“RAP”) and Construction Health and Safety Plan (“CHASP”) to be accepted by ESD and HCR prior to the commencement of construction.

Elements of the RAP will include the following:

- Preparation of a CHASP to prevent human exposure (worker and public) to any known or potential on-site contamination. Elements of the CHASP will include the following:

⁵ Mitigation measures identified through the SEQRA process, as well as other project commitments relating to the potential environmental impacts of the Project, may be implemented and enforced by ESD through various mechanisms (the “ESD Environmental Controls”), including the Restrictive Declaration, General Project Plan, and Design Guidelines.

- A project contact list and organization chart with responsibilities;
- A description of on-site environmental conditions that may be encountered or may be exposed during construction, such as buried material, historic fill, and methane gas, as well as methods to address these environmental conditions during construction;
- Guidelines to be enforced by the construction manager regarding worksite safety;
- A Community Air Monitoring Plan (“CAMP”) utilizing the New York State Department of Health Generic Community Air Monitoring Plan for the protection of on-site workers, visitors, and sensitive receptors during redevelopment activities; and
- A dust suppression plan that addresses dust management during ground-intrusive on-site work.
- Preparation of a soil management plan specifying soil management protocols, including characterization, excavation, stockpiling, handling, importation, transportation and disposal;
- Characterization, excavation, transportation and off-site disposal of excavated soil to licensed facilities or beneficial use sites in accordance with applicable federal, state and local regulations;
- Construction and maintenance of a composite cover system consisting of, but not limited to, concrete pavement, manufactured paving stones or bricks, asphalt pavement or a minimum of 2 feet of cover soil meeting applicable regulatory standards (i.e., lower of the 6 NYCRR Part 375 Restricted-Use Restricted Residential and Protection of Groundwater SCOs). Existing site soil may be considered for re-use as cover soil (with additional characterization consistent with NYSDEC DER-10 5.4);
- In the location of the urban farm or any food-producing gardens, placement of clean fill meeting Unrestricted Use SCOs above a geotextile barrier;
- Decommissioning and removal of the known USTs and ASTs in accordance with the NYSDEC DER-10 5.4(b)(5), 6 NYCRR Part 613, and other applicable regulations. Two 25,000-gallon No. 2 fuel oil USTs, one 1,000-gallon waste oil UST, one 2,000-gallon gasoline UST, one 4,000-gallon gasoline UST, one 275-gallon No. 2 fuel oil AST, and two 120-gallon motor oil ASTs are located at the Project Site and are registered under NYSDEC petroleum bulk storage (“PBS”) #2-452564;
- Implementation of a construction dewatering plan (if needed based on redevelopment designs), including pre-treatment of dewatering effluent if discharged to the municipal sewer system or surface water body, in accordance with applicable federal, state and local regulations and applicable permits;

- Contingency measures should additional USTs or soil contamination be encountered;
- Vapor mitigation measures, as required (described in further detail below); and
- Submission of a Remedial Closure Report (“RCR”) for review and acceptance by ESD and HCR. As construction is to be phased, an RCR may be forwarded to ESD and HCR for review and acceptance, prior to occupancy of each building.

The following is a summary of vapor intrusion mitigation measures to be included in the RAP:

1. Design (in building designs presented for ESD and HCR review and acceptance) and installation of a passive or active sub-slab depressurization (“SSD”) system or sub-membrane depressurization (“SMD”) system per the United States Environmental Protection Agency (“USEPA”) document *EPA/625/R-92/016 for the sub-slab depressurization of large buildings and schools* and the New York State Department of Health (“NYSDOH”)’s *Guidance for Evaluating Soil Vapor Intrusion in the State of New York (October 2006)* including the May 2017 Soil Vapor/Indoor Air Matrix updates and any additional updates to these guidance documents or replacement guidance applicable at the time of design and construction. The SSDS and SMD systems should be designed to mitigate soil vapor intrusion from VOCs and methane under areas of buildings where there is no ventilated parking garage/structure on the lowest level of the building.
2. Post-construction and pre-occupancy soil vapor intrusion and differential pressure testing in accordance with the NYSDOH Soil Vapor Intrusion Guidance and/or ASTM International *E2993-16 Standard Guidance for Evaluating Potential Hazard as a Result of Methane in the Vadose Zone* using permanent monitoring points to assess the need for the SSD system or SMD system to be activated. Co-located sub-slab vapor and indoor air samples should be analyzed for VOCs via USEPA method TO-15 and methane via USEPA Method 3C or other suitable analytical method. A decision not to activate the system must be supported by a technical report signed and sealed by a NYS-licensed Professional Engineer demonstrating to the satisfaction of ESD and HCR (who may rely on support from the NYSDOH) that soil vapor and indoor air concentrations do not present a vapor intrusion risk and/or an exposure concern or other health and safety concern to occupants based on applicable guidance, including relevant NYSDOH soil vapor intrusion guidance at the time of design and construction and ASTM E2993-16. If the data supports that a soil vapor intrusion pathway does not present an exposure concern to occupants, activation of the passive SSD system or SMD system would not be required. If soil vapor intrusion data warrants activation of the SSD system or SMD system, an Operations and Maintenance Manual (“OMM”) would be required to define operation, maintenance, and inspection requirements. The OMM is to be prepared by a NYS-licensed Professional Engineer and is to identify the frequency of periodic inspections, with a minimum of an annual inspection. The system effectiveness report and post-mitigation sampling report are to be appendices to the OMM.

3. Continued monitoring for soil vapor intrusion of VOCs and/or methane, at the discretion of ESD and HCR (who may rely on support from the NYSDOH), should indoor air quality testing not show a need for activation of the SSD system or SMD system, but subsurface concentrations of VOCs or methane warrant monitoring based on applicable guidance, including relevant NYSDOH soil vapor intrusion guidance at the time of design and construction and ASTM E2993-16.
4. In buildings or portions of buildings with first-floor parking garages, reliance on the operation of ventilated parking garages/structures in accordance with the NYC Mechanical Code. Based on Section 404.2 of the NYC mechanical code (2014), any enclosed garage must provide continuous ventilation at a rate of 0.75 cubic feet per minute (“CFM”) of air flow per square foot of area.

With appropriate protocols in place during construction and operation of the Project to address potential on-site contamination, and for the abatement and disposal of such materials off-site, no significant adverse impacts related to hazardous materials will be expected to occur with the Project, and no further analysis of hazardous materials is warranted.

WATER AND SEWER INFRASTRUCTURE

The Project will not result in any significant adverse impacts to water, sanitary, and stormwater management infrastructure, as presented below for each category.

Water

The Project is projected to add approximately 833,509 gallons per day (“GPD”) of water demand in 2031. The project-generated increment in water demand will be less than 0.07 percent of New York City’s average daily demand of 1.2 billion GPD. This demand does not represent an exceptionally large demand for water and, therefore, will not result in a significant adverse impact to the water supply system or its ability to adequately deliver water to New York City or Brooklyn.

Sanitary Sewers and Wastewater Treatment

The Project is projected to generate approximately 792,476 GPD of sanitary sewage in 2031. This projected increase in wastewater flow will not have a significant adverse impact on the ability of the sewage collection system to convey water to the Spring Creek WWTP (Auxiliary 26th Ward). In addition, the Project will not affect the treatment performance or compliance status of the Spring Creek WWTP (Auxiliary 26th Ward) because this facility is designed to provide treatment to wastewater of similar characteristics as the wastewater to be generated by the Project (predominantly residential and commercial).

Stormwater and Drainage Management

The Project will result in an increase in runoff quantity from the Project Site when compared to existing conditions. However, a significant adverse impact will be avoided by implementing Stormwater Management Practices (“SMPs”) and adopting a Stormwater Pollution Prevention Plan (“SWPPP”) that will be prepared for the Project in compliance with the State Pollution Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Construction Activity administered by the NYSDEC. The Project lies within a Municipal Separate Storm Sewer System (MS4) area and, therefore, must comply with Title 15, Chapter 19.1 of the Rules of the City of New York (“RCNY”). The SMPs to be included in the Project will include structural improvements, including runoff detention with flowrate control structures to mitigate an increment in flow, as well as stormwater quality impacts, in accordance

with an Amended Drainage Plan to be approved by the New York City Department of Environmental Protection (“NYCDEP”).

The stormwater quality impacts as a result of the anticipated increment in flow are characterized by the Water Quality Volume requiring treatment (“WQv”). The preliminary incremental WQv anticipated for the Project is 0.62 acre-ft based on the procedure in Chapter 4: Unified Stormwater Sizing Criteria of the *NYS SWM Design Manual*. The final value and treatment design will be determined during final design of the project. This design will comply with the SPDES General Permit for Stormwater Discharges from Construction Activity. Treatment methods are expected to include green roofs, rain gardens, or other SPDES-compliant practices. Therefore, the Project will not result in significant adverse impacts on the natural and built stormwater management systems of the region.

SOLID WASTE AND SANITATION SERVICES

The Project is projected to generate approximately 93 tons per week of solid waste. Approximately 64.6 tons of solid waste is attributable to the residential and community facility development and will be handled by New York City Department of Sanitation (“DSNY”). This represents approximately 0.06 percent of the City’s anticipated future waste generation handled by DSNY (estimated at approximately 114,373 tons per week), as projected in the New York City Solid Waste Management Plan (“SWMP”). Solid waste generated by residential and community facility uses will be collected by DSNY trucks and will be served by existing DSNY collection routes. This will generate solid waste equivalent to approximately five truckloads per week. As a general practice, DSNY adjusts its operations to service the community. Residents will be required to participate in the City’s recycling program for paper, metals, and certain types of plastics and glass. This increase is not expected to overburden DSNY’s solid waste handling services.

Approximately 28.4 tons of solid waste is attributable to the commercial and light manufacturing development and will be handled by private carters. This represents approximately 0.04 percent of the City’s anticipated future commercial waste generation (estimated at approximately 74,000 tons per week), as projected in the SWMP. Thus, the Project will require approximately two additional collection trucks per week compared to the No-Action condition. There are more than 2,000 private carting businesses authorized to serve New York City, and it is expected that their collection fleets will be sufficiently flexible to accommodate this increased demand for solid waste collection. Therefore, the net increment in commercial solid waste handled by private carters will not overburden the City’s waste management system. Further, the Project will be consistent with the City’s solid waste management objectives as stated in the SWMP. Therefore, the Project will not result in a significant adverse impact on solid waste and sanitation services.

ENERGY

The Project will not directly affect the transmission of energy, nor will the proposed residential, commercial, community facility, light manufacturing, and other uses generate a demand for energy that will overburden energy supply systems. Therefore, no significant adverse impact with regard to energy will occur with the Project.

TRANSPORTATION

Traffic

Traffic conditions are evaluated in the FEIS for the weekday AM, midday, PM, and Saturday midday peak hours at 24 intersections in the traffic study area where additional traffic resulting from the Project will be

most heavily concentrated. The traffic impact analysis indicates the potential for significant adverse impacts at the following ten intersections during one or more analyzed peak hours.

- Erskine Street and Gateway Drive/Seaview Avenue
- Erskine Street and South Gateway Center Mall driveway
- Erskine Street and North Gateway Center Mall driveway
- Erskine Street and Schroeders Avenue
- Fountain Avenue and Vandalia Avenue
- Fountain Avenue and Flatlands Avenue
- Fountain Avenue and Linden Boulevard
- Fountain Avenue and Dumont
- Elton Street and Flatlands Avenue
- Pennsylvania Avenue and Flatlands Avenue

The highway analysis indicates the potential for a significant adverse impact for the westbound Belt Parkway weaving segment between Erskine Street and Pennsylvania Avenue.

Potential mitigation measures are described under the “Mitigation Measures” section.

Transit

Bus

The study area is served by a total of four local bus routes operated by the Metropolitan Transportation Authority (“MTA”)⁶: the B13, B83, B84, and the Q8. The Project is projected to generate a total of approximately 1,206, 924, 1,235, and 1,326 incremental bus trips on these routes during the weekday AM, midday, PM and Saturday midday peak hours, respectively. The new demand from the Project will exceed the 50-trip *CEQR Technical Manual* analysis threshold at the maximum load points along the B13, B83, and Q8 bus routes.

The Project will result in a capacity shortfall for the B13, B83, and Q8 bus routes during the weekday AM, PM, and Saturday midday peak hours. As a result, each of the bus routes will experience a significant adverse impact based on *CEQR Technical Manual* criteria, except for the westbound Q8 during the AM peak hour and eastbound Q8 during the PM peak hour. As discussed under the “Mitigation Measures” section, the significant adverse impacts to these bus routes could be mitigated by increasing the number of buses during the peak hours.

Subway

Subway Stations

The FEIS subway station analysis focuses on the Euclid Avenue (A/C) Station where incremental demand from the Project will exceed the 200-trip *CEQR Technical Manual* analysis threshold during AM and PM weekday and Saturday midday peak hours. The Project is projected to generate a net increment of approximately 814, 824, and 900 new subway trips during the weekday AM, PM, and Saturday midday

⁶ MTA provides public surface transportation (primarily bus) service in the City of New York through two operating divisions: MTA New York City Bus, which provides bus service over routes that were once run by the City of New York, and MTA Bus, which is an amalgamation of former private companies’ routes whose operations were subsidized by the City. Of the four local bus routes serving the study area, three routes (the B13, B83, and B84 routes) are operated by MTA New York City Bus and the other route (the Q8) is operated by MTA Bus.

peak hours, respectively. The highest number of peak hour subway trips are expected to occur at the Euclid Avenue station on the A and C line, which is projected to experience approximately 497 incremental trips (in and out combined) in the weekday AM peak hour, 502 trips in the weekday PM peak hour, and 549 trips in the Saturday midday peak hour.

The results of the subway analysis identify that the station stairs and fare control area are projected to operate at an acceptable Level of Service (“LOS”) C or better during the weekday AM, PM, and Saturday midday peak hours except for platform stair P6, which is projected to operate at LOS E in the AM peak hour. Platform stair P6 would require more than five additional inches of stair width in order to operate at an acceptable LOS, which exceeds the significant impact threshold of five inches and is considered a potential significant adverse impact based on *CEQR Technical Manual* criteria, although two other stairs to the same platform could accommodate additional passengers. Potential mitigation measures are described under the “Mitigation Measures” section.

Subway Line Haul

Line haul is the volume of transit riders passing a defined point on a given transit route. Line haul is typically measured in the peak direction at the point where the trains carry the greatest number of passengers during the peak hour (the maximum load point) on each subway route. The project area is served by five New York City Transit (“NYCT”) subway routes, including the 3, A, C, J, and Z lines. The Project is expected to generate 200 or more new subway trips during the peak hours on the A, C, and 3 lines. For the A, C, and 3 lines, the line haul is measured at the actual maximum load point leaving the station (the point where the trains carry the greatest number of passengers during the peak hour), which is typically downtown Brooklyn or Lower Manhattan. The peak direction of travel is northbound (Manhattan-bound) during the AM peak hour and southbound (Brooklyn-bound) during the PM peak hour.

The results of the analysis project that all three lines will continue to operate below the guideline capacity in the peak direction at the maximum load point during the weekday peak hours; therefore, significant adverse impacts to subway line haul conditions are not anticipated based on *CEQR Technical Manual* criteria. The A and C lines are projected to operate over guideline capacity during the Saturday midday peak hour; however, this is not considered a significant impact as the Project is expected to generate an incremental increase averaging three or fewer riders per subway car. This is based on the general assumption that when subways are at or above practical capacity, the addition of even five or more riders per car is perceptible. A passenger volume addition of less than five riders per car is not perceptible and is not considered a significant impact.

Pedestrians

The Project is expected to generate a net total of approximately 503 walk-only trips in the weekday AM peak hour, 1,148 in the midday peak hour, 931 in the PM peak hour, and 999 during the Saturday midday peak hour. Persons en route to and from bus stops are projected to add approximately 1,206, 924, 1,235, and 1,326 additional pedestrian trips to area sidewalks and crosswalks during these same periods, respectively.

It is expected that during the AM and PM peak periods, pedestrian trips attributable to the Project will be concentrated on sidewalks and crosswalks adjacent to the Project Site and along routes to and from the bus stops. During the weekday midday and Saturday midday periods, pedestrian trips are expected to be dispersed, as people travel throughout the area for restaurant, shopping, or errands at the commercial land uses located on the Project Site or the Gateway Center.

The pedestrian trip distribution patterns were estimated using the New York City land use and zoning data for the residents and workers that will live or work within a quarter or half mile distance from the Project. It is assumed that all subway riders will utilize bus services to travel between the Project Site and the subway stations due to the distance between the subway stations and the Project Site. Walking trips to/from the bus stops in the vicinity of the Project Site are included in the pedestrian trip assignments.

The weekday AM, midday, PM, and Saturday midday peak hour pedestrian conditions are evaluated at a total of 29 representative pedestrian elements where new trips generated by the development are expected to be most concentrated. These elements are primarily located at connections from the Project Site to local bus stops. The pedestrian analysis indicates the potential for significant adverse impacts at two locations, the east and south crosswalks at the intersection of Erskine Street and Vandalia Avenue. The “Mitigation Measures” section discusses measures identified that could mitigate these significant adverse impacts.

Vehicle and Pedestrian Safety

The City’s Vision Zero initiative seeks to eliminate all deaths from traffic crashes, regardless of whether on foot, bicycle, or inside a motor vehicle. In an effort to drive these fatalities down, New York City Department of Transportation (“NYCDOT”) and NYPD developed a set of five plans, each of which analyzes the unique conditions of one New York City borough and recommends actions to address the borough’s specific challenges to pedestrian safety. These plans pinpoint the conditions and characteristics of pedestrian fatalities and severe injuries; they also identify priority corridors, intersections, and areas that disproportionately account for pedestrian fatalities and severe injuries, prioritizing them for safety interventions. The plans outline a series of recommended actions comprised of engineering, enforcement, and education measures that intend to alter the physical and behavioral conditions on City streets that can lead to pedestrian fatality and injury. The Project Study Area does not include any NYCDOT Vision Zero priority intersections; however, the Project Study Area includes Linden Boulevard and Pennsylvania Avenue, which are nearby Brooklyn priority corridors.

Crash data for intersections within the traffic and pedestrian study areas were obtained from NYCDOT for the three-year period between January 1, 2017 and December 31, 2019. During the three-year reporting period, a total of 361 reportable and non-reportable crashes, and 23 pedestrian/bicyclist-related injury crashes, occurred at study area intersections. According to the *CEQR Technical Manual*, a high-accident location is one where there have been 48 or more reportable and non-reportable crashes, or five or more pedestrian/bicyclist-related crashes in any consecutive twelve-month period within the most recent three-year period for which data are available. None of the study area intersections are designated as high-crash locations.

Parking

The FEIS parking analysis projects changes in the parking supply and utilization within a ¼-mile radius of the Project Site under both No Action and With Action conditions. Based on existing curbside parking regulations and taking into account curb space obstructed by curb cuts, fire hydrants, and other impediments, there are approximately 1,080 legal on-street parking spaces within a reasonable walking distance of the Project Site during times when no alternate-side regulations are in effect. This supply for on-street parking spaces has an available capacity of 222 spaces during those times (21 percent of capacity). The on-street parking demand decreases during the weekday midday and Saturday midday periods, resulting in an increased available capacity of approximately 32 and 31 percent, respectively.

The Project will provide a total of 853 on-site parking spaces in surface parking lots, structures and on shared pathways of which 291 spaces will be located in parking lots dedicated for residents, 499 will be

dedicated for the other development land uses, and the remaining 63 spaces will be on-street spaces provided on the new public streets that will be available to any user. The 2,317 residential DU is projected to generate a residential parking demand of 719 vehicles at a household vehicle ownership rate of 0.31 vehicles per household, based on US Census data of a representative census tract. This would result in a parking shortfall of 428 parking spaces, given that the development will only provide a total of 291 residential parking spaces.

Parking demand generated from all other land uses was derived from the forecasts of daily auto trips from these uses and projected number of employees. The parking demand for all other uses was projected to peak at 370 spaces during the weekday midday period, which can be accommodated within the 499 on-site spaces dedicated for non-residential parking.

The excess on-site residential parking demand is expected to park on-street and use available on-street parking capacity. The increase in demand for on-street parking in the With Action conditions will include the projected shortfall of 428 residential parking spaces. The supply of available on-street parking spaces (including the new 63 on-street parking spaces to be provided by the Project) will accommodate the Project's on-street parking demand during the weekday AM, midday, and Saturday midday peak periods. Therefore, the Project will not result in any significant adverse impacts on parking.

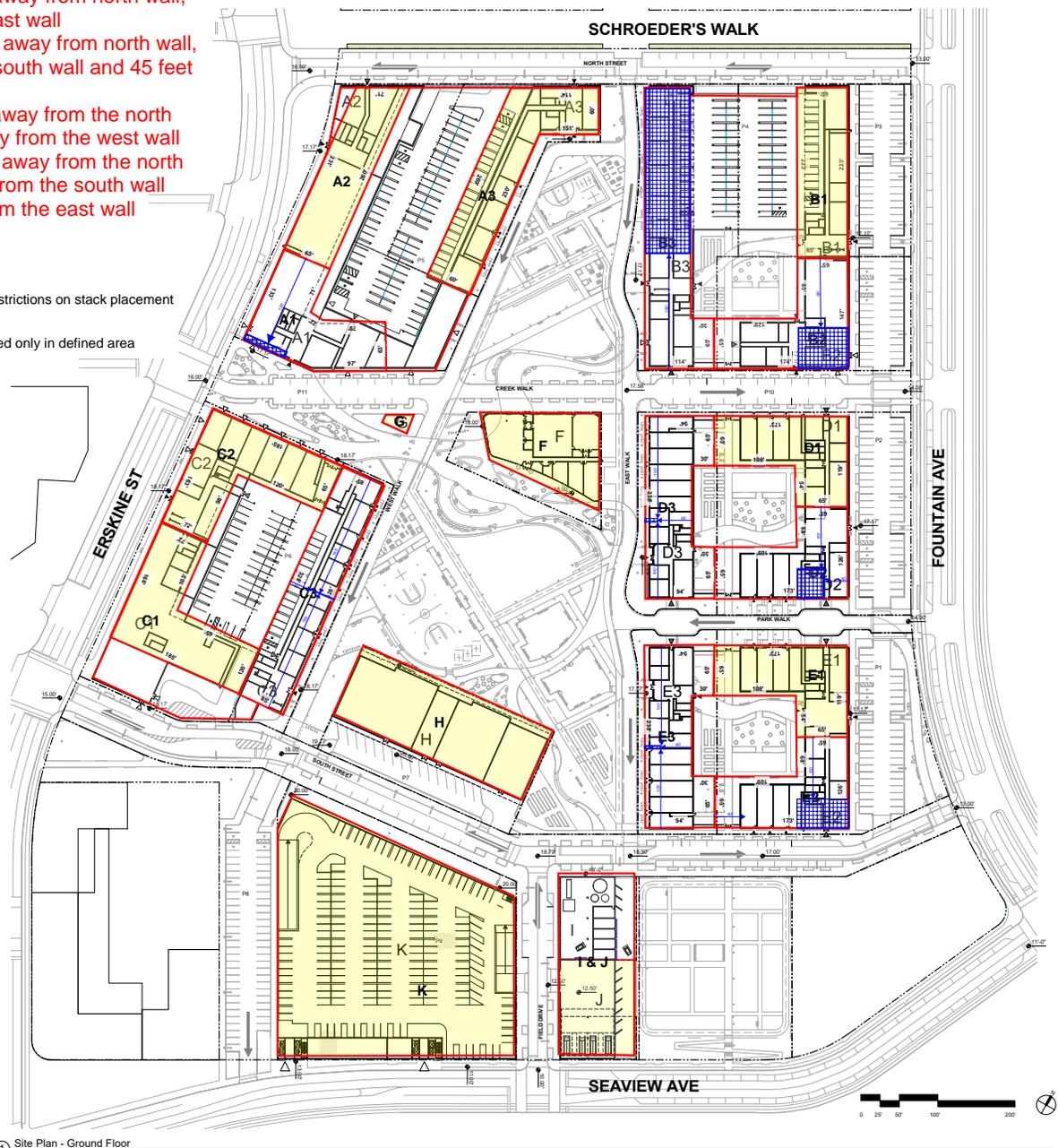
AIR QUALITY

For the Project, increases in mobile source emissions of carbon monoxide (“CO”), particulate matter less than 2.5 microns in diameter (“PM_{2.5}”), and particulate matter less than 10 microns in diameter (“PM₁₀”) related to project-induced traffic changes, will not result in any exceedances of the National Ambient Air Quality Standards (“NAAQS”) or the NYCDEP/ NYSDEC *de minimis* impact criteria at existing or future project-related sensitive receptors. In addition, the cumulative effect of emissions from project-induced traffic and parking facilities associated with the Project will not result in any significant adverse air quality impacts.

With the Project, including the implementation of restrictions on fuel type, stack placement and boiler efficiency, pollutant emissions of nitrogen dioxide (“NO₂”), sulfur dioxide (“SO₂”), PM_{2.5} and PM₁₀ from heating, ventilation, and air conditioning (“HVAC”) systems will not result in any violations of applicable NAAQS or exceed the NYCDEP/NYSDEC *de minimis* impact criteria. The DEIS provided a worst-case scenario analysis, with assumptions following the guidance of the *CEQR Technical Manual*, and identified that no setback distance requirements will be required for Buildings A2, A3, B1, C1, C2, D1, E1, F, H, and K; however, these buildings will also be required to use natural gas in any fossil fuel-fired heating and hot water equipment. Buildings A1, B2, B3, C3, D2, D3, E2, and E3 will have stack placement restrictions in order to avoid significant adverse impacts, as detailed in both the DEIS and FEIS, depicted on Figure 1, “Heating and Hot Water Stack Location Minimum Setback Distances,” and described below.

- A1:** at least 120 feet away from north wall
- B2:** at least 90 feet away from north wall
- B3:** at least 150 feet away from south wall
- C3:** at least 163 feet away from north wall, 163 feet away from south wall and 30 feet away from west wall
- D2:** at least 80 feet away from north wall, 30 feet away from east wall
- D3:** at least 130 feet away from north wall, 100 feet away from south wall and 45 feet away from east
- E2:** at least 80 feet away from the north wall and 40 feet away from the west wall
- E3:** at least 130 feet away from the north wall, 103 feet away from the south wall and 40 feet away from the east wall

-  Building has no restrictions on stack placement
-  Stack can be placed only in defined area



Source: Vital Brooklyn; Dattner Architects; SCAPE; STV Incorporated, 2021.

For Illustrative Purposes Only

Figure 1 HEATING AND HOT WATER STACK LOCATIONS MINIMUM SETBACK DISTANCES

Note: This figure appears in the Final Environmental Impact Statement in Chapter 15, "Air Quality," on page 15-24 as Figure 15-3a, "Heating and Hot Water Stack Locations Minimum Setback Distances."

BDC Mixed-Use Project



Stack placement restrictions are described below based on distance from building perimeter walls, based on the maximum development envelopes used for analysis purposes. The actual required distance of the stack from a perimeter wall may be different depending on the final building design.

Building A1

Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that fossil fuel-fired heating and hot water exhaust stack(s) are located at least 120 feet away from the north wall of the building, to avoid any potential significant adverse air quality impacts.

Building B2

Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that fossil fuel-fired heating and hot water exhaust stack(s) are located at least 90 feet away from the north wall of the building, to avoid any potential significant adverse air quality impacts.

Building B3

Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, be fitted with low NO_x (30 ppm) burners and ensure that fossil fuel-fired heating and hot water exhaust stack(s) are located at least 150 feet away from the south wall of the building, to avoid any potential significant adverse air quality impacts.

Building C3

Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that fossil fuel-fired heating and hot water exhaust stack(s) are located at least 163 feet away from the north wall, 163 feet away from the south wall and 30 feet away from the west wall of the building, to avoid any potential significant adverse air quality impacts.

Building D2

Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that fossil fuel-fired heating and hot water exhaust stack(s) are located at least 80 feet away from the north wall of the building and 30 feet away from the east wall of the building, to avoid any potential significant adverse air quality impacts.

Building D3

Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that fossil fuel-fired heating and hot water exhaust stack(s) are located at least 130 feet away from the north wall, 100 feet away from the south wall and 45 feet away from the east wall of the building, to avoid any potential significant adverse air quality impacts.

Building E2

Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that fossil fuel-fired heating and hot water exhaust stack(s) are located at least 80 feet away from the north wall and 40 feet away from the west wall of the building, to avoid any potential significant adverse air quality impacts.

Building E3

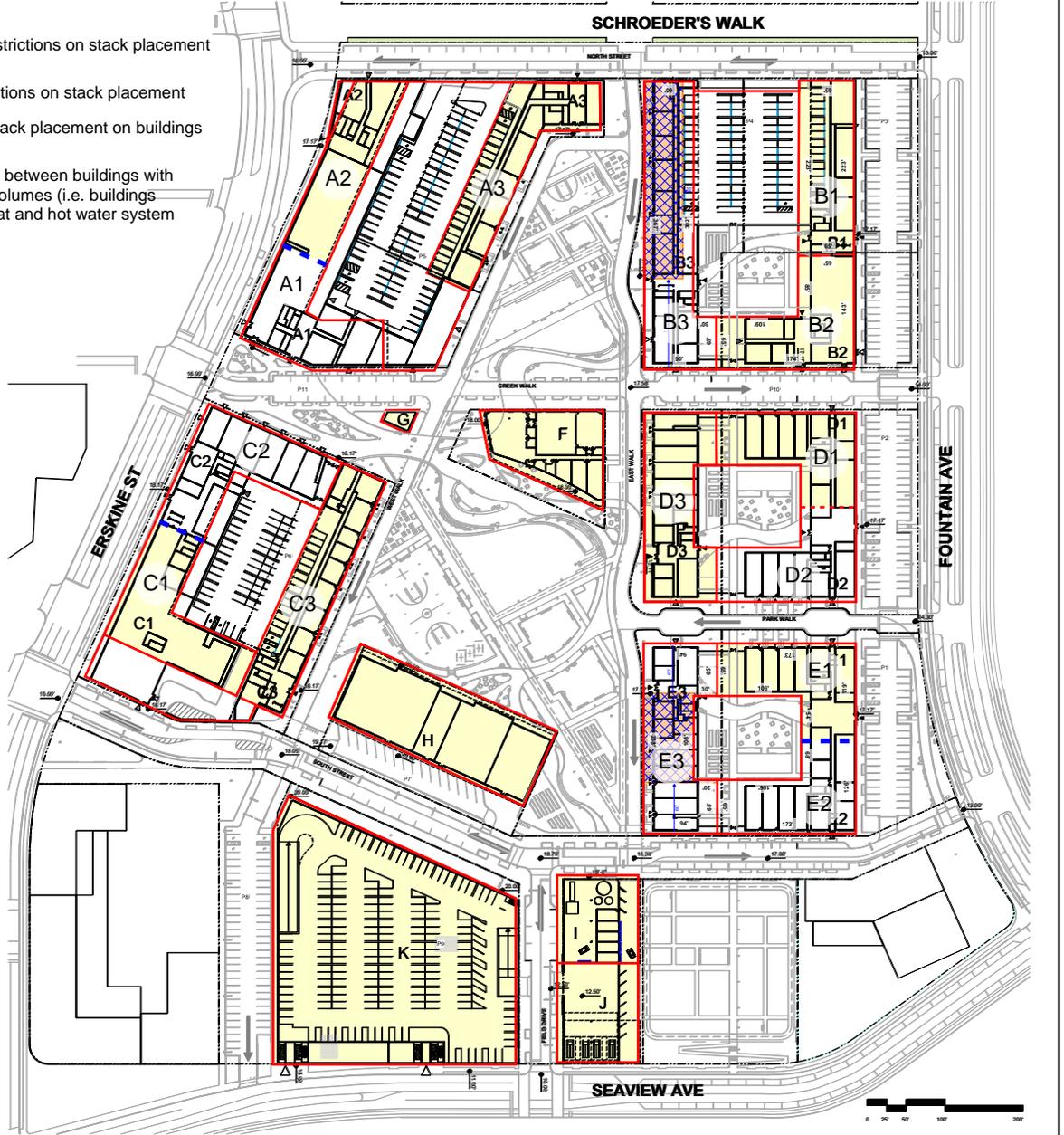
Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that fossil fuel-fired heating and hot water exhaust stack(s) are located at least 130 feet away from the north wall, 103 feet away from the south wall and 40 feet away from the east wall of the building, to avoid any potential significant adverse air quality impacts.

Following the release of the DEIS, a supplemental dispersion analysis of the heating and hot water systems was performed to account for the potential use of electric or low NO_x burners in some buildings. Specifically, this analysis assumes that Building C3 will have an electric heating and hot water system, and all other buildings will utilize only natural gas in any fossil fuel-fired heating and hot water equipment. It further assumes Buildings D3 and E3 will also be fitted with low NO_x (30 ppm) burners. This supplemental analysis also considers the possibility of combining specific building volumes (i.e., two buildings being served by a single, shared heating and hot water system). Specifically, the supplemental analysis assumes the following building volumes will be combined: A1 and A2; C1 and C2; D1 and D2; and E1 and E2. These assumptions, and the resulting fuel type, boiler type and/or stack placement restrictions that would avoid a significant adverse air quality impact are detailed in the FEIS, depicted on Figure 2, “Supplemental Dispersion Analysis – Heating and Hot Water Stack Locations Minimum Setback Distances,” and described below.

- A1/A2 - Stack must be placed on roof of building A2
- A3 - No stack placement restrictions
- B1 - No stack placement restrictions
- B2 - No stack placement restrictions
- B3 - At least 110' from south facade, 20' from east facade
- C1/C2 - Stack must be located on roof of building C1
- C3 - No stack placement restrictions (electric)
- D1/D2 - Stack must be placed on roof of building D1
- D3 - No stack placement restrictions
- E1/E2 - Stack must be placed on roof of building E1
- E3 - At least 60' from north facade, 60' from south facade

- F - No stack placement restrictions
- G - No stack placement restrictions
- H - No stack placement restrictions
- I - No stack placement restrictions
- J - No stack placement restrictions

-  Buildings with no restrictions on stack placement
-  Buildings with restrictions on stack placement
-  Allowable area for stack placement on buildings with restrictions
-  Indicates separation between buildings with combined building volumes (i.e. buildings that would share heat and hot water system)



Source: Vital Brooklyn; Dattner Architects; SCAPE; STV Incorporated, 2021.

Figure 2

For Illustrative Purposes Only

SUPPLEMENTAL DISPERSION ANALYSIS - HEATING AND HOT WATER STACK LOCATIONS MINIMUM SETBACK DISTANCES

Note: This figure appears in the Final Environmental Impact Statement in Chapter 15, "Air Quality," on page 15-29 as Figure 15-3b, "Supplemental Dispersion Analysis - Heating and Hot Water Stack Locations Minimum Setback Distances."

BDC Mixed-Use Project



Stack placement restrictions are described below based on distance from building perimeter walls, based on the maximum development envelopes used for analysis purposes. The actual required distance of the stack from a perimeter wall may be different depending on the final building design.

Buildings A1 & A2

For the supplemental analysis, it was assumed that the building volumes for Buildings A1 and A2 will be combined. Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that the heating and hot water system exhaust stack(s) are restricted to the roof of Building A2.

Building B3

Building B3 will be required to utilize natural gas for any fossil fuel-fired heating and hot water equipment. Exhaust stack(s) on Building B3 will be required to be located at least 110 feet from the southern façade of the building, and at least 20 feet from the eastern façade of the building.

Buildings C1 & C2

For the supplemental analysis, it was assumed that the building volumes for Buildings C1 and C2 will be combined. Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that the heating and hot water system exhaust stack(s) are restricted to the roof of Building C1.

Building C3

For the supplemental analysis, it was assumed that Building C3 will utilize an electric heating and hot water system. In such a scenario, the building will not require any exhaust stack restrictions to avoid significant adverse impacts to air quality.

Buildings D1 & D2

For the supplemental analysis, it was assumed that the building volumes for Buildings D1 and D2 will be combined. Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that the heating and hot water system exhaust stack(s) are restricted to the roof of Building D1.

Building D3

Building D3 will be required to utilize natural gas for any fossil fuel-fired heating and hot water equipment and be fitted with low NOx burners. Under such a scenario no restrictions on stack placement will be required for Building D3.

Buildings E1 & E2

For the supplemental analysis, it was assumed that the building volumes for Buildings E1 and E2 will be combined. Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and ensure that the heating and hot water system exhaust stack(s) are restricted to the roof of Building E1.

Building E3

Building E3 will be required to utilize natural gas for any fossil fuel-fired heating and hot water equipment and be fitted with low NOx burners. Exhaust stack(s) on Building E3 will be required to be located at least

60 feet from the southern façade, and at least 60 feet from the northern façade of the building to avoid any potential significant adverse impacts to air quality.

Under this scenario, there will be no set back distance or boiler type requirements for Buildings A3, B1, B2, F, G, H, I, J and K; however, these buildings will also be required to use natural gas in any fossil fuel-fired heating and hot water equipment.

No industrial sources or large or major emission sources were identified within the Project study area. Therefore, there is no potential for a significant adverse impact on stationary source air quality from these sources.

Additionally, Building I, which will include a composter/biodigester facility of approximately 8,580 sf, was considered as part of the assessment. The Developer will implement odor control measures at this facility and comply with any local and/or state permitting requirements. It is not anticipated that malodorous emissions from Building I will result in a significant adverse impact to the surroundings.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Greenhouse Gas Emissions

The Project is projected to generate approximately 19,460⁷ total metric tons of carbon dioxide equivalents (“CO₂e”) emissions on an annual basis resulting from building operations and approximately 12,157 metric tons of CO₂e emissions from mobile sources. As a point of comparison, this estimated annual total of approximately 34,146 metric tons of CO₂e emissions represents approximately 0.06 percent of the 2016 annual total for all of New York City, which is estimated to have been approximately 52.0 million metric tons.

The Project will be consistent with the goals of encouraging construction of resource- and energy-efficient buildings and encouraging development that is reliant upon public transit. The Project will partially rely on renewable energy sources, expected to include on-site solar and/or geothermal loop to serve each building group. The residential development, building construction, and building operations will be Enterprise Green Communities Certified or achieve a higher green building standard such as Passive House for residential building performance. In addition, some critical building infrastructure, including boiler rooms, will be located at the rooftop, making it more efficient in operations (compared to cellar locations).

Finally, the Project will be consistent with current City and State policy aimed at reducing greenhouse gas (“GHG”) emissions. In particular, the Project will support development that relies on sustainable modes of transportation. Specifically, the Project will provide dedicated on-site residential parking spaces of an amount equal to approximately 15 percent of the proposed DU not set aside for senior or supportive housing, compared to the provision of on-site parking for between 80 percent and 100 percent of DU as would typically be required of R7-A zoning (the density equivalent of which would be approximated through the GPP). Rather, the Project will take advantage of an existing network of public transit that serves the Project Site. For example, although the Project Site does not have direct access to New York City subway service, the Project Site is served directly by four MTA bus routes (which also provide linkage to subways), as well as bicycle paths and pedestrian walkways. Therefore, the Project will be consistent with applicable policy associated with GHG emissions and climate change.

⁷ This calculation is based on the methodology provided within the CEQR Technical Manual; therefore, it does not take into consideration the use of renewable energy, as is currently planned with the Project, or the Project’s compliance with Local Law 97, which would result in fewer carbon emissions.

Resilience to Climate Change

The Project is designed to account for future sea level rise conditions as provided in 6 NYCRR Part 490. As such, it will be consistent with the NYCDP Waterfront Revitalization Program (“WRP”), the New York State Department of State (“NYS DOS”) Coastal Management Program, and NYSDEC guidance issued pursuant to the Community Risk and Resiliency Act. The Project’s Design Flood Elevation will be designed to the 500-Year Flood Event in 2080. Therefore, the Project will receive adequate flood protection over the course of its lifespan according to projected sea level rise scenarios provided in 6 NYCRR Part 490, and will comply with NYSDEC’s Flood Risk Management Guidance.

NOISE

The proposed actions will not result in significant adverse impacts related to mobile or stationary source noise. None of the studied worst-case receptor locations will experience perceptible increases to exterior noise levels related to a doubling of traffic volumes. The resulting maximum increase in the With Action noise level compared to the No Action noise level is projected to be approximately 2.9 A-weighted decibels (“dBA”), which is just below the three decibel *CEQR Technical Manual* threshold for significance. In addition, loud stationary noise sources are not identified within the study area, and all project-related mechanical systems will adhere to the requirements contained within the revised 2005 New York City Noise Code.

As part of the proposed actions, the ESD Environmental Controls include project requirements to avoid the potential for significant adverse noise impacts to interior locations identified along the facades of the proposed development parcels. The Project will be required to provide sufficient window-wall attenuation to maintain the *CEQR Technical Manual* interior noise level requirement of 45 dBA or lower after full occupancy. These proposed window-wall attenuation requirements will be included in the ESD Environmental Controls. Consequently, these requirements will preclude the potential for the Project to result in significant adverse noise impacts.

PUBLIC HEALTH

This chapter of the FEIS reviews the potential public health effects related to the analyses of hazardous materials, sanitation and water resources, air quality, and noise. As described in the “Hazardous Materials” analysis, based on the results of the draft Phase II ESI, vapor intrusion mitigation measures to address the potential for soil vapor intrusion in the proposed buildings will be required as part of the ESD Environmental Controls, which will require a RAP and CHASP, prepared as part of the Project to address the potential for exposure of building occupants to contaminants. With these measures in place the Project will not result in any significant adverse impact related to hazardous materials. As described in the “Noise” analysis, the Project will not result in significant adverse impacts related to mobile or stationary source noise. Temporary construction noise impacts will affect a given receptor only for a short duration of time, and as such will not result in a significant adverse public health impact. Further, as described in the “Air Quality” analysis, the cumulative effect of emissions from project-induced traffic and parking facilities associated with the Project will not result in any significant adverse air quality impacts. Additionally, pollutant emissions related to the use of natural gas for HVAC systems will not result in any violations of applicable NAAQS or exceed NYCDEP/NYSDEC *de minimis* impact criteria, with the implementation of fuel type, stack placement and boiler efficiency requirements. No industrial air toxics facilities are located near the Project Site with the potential to result in adverse health impacts. As discussed in the “Natural Resources” analysis, there will be no significant adverse impacts to water resources, including groundwater or nearby surface water bodies. As described in the “Water and Sewer Infrastructure” and “Solid Waste and Sanitation Services” analyses, the Project will result in no significant adverse impacts to the City water

supply or sanitary sewer system. Therefore, the Project will not result in any significant adverse impact to public health.

NEIGHBORHOOD CHARACTER

As described in the respective chapters of the FEIS, the Project will result in no unmitigated significant adverse impacts related to land use and open space, urban design and visual resources, historic and cultural resources, socioeconomic conditions, pedestrian safety, or noise. To the extent that significant adverse traffic impacts may result in an increased delay at certain signalized intersections in the area, four of the ten intersections identified could be fully mitigated; six could remain unmitigated. For transit, a significant adverse impact (subway user congestion) has been identified during the AM peak hour to one stair serving the Euclid Avenue subway station (A and C lines): platform stair P6. This impact conceptually could be fully mitigated through stair widening, which will be subject to consultation between the Developer and ESD, NYCT, and HCR. If the stair widening is determined to be infeasible or impractical, it will remain unmitigated, although passenger demand could be accommodated at other stairways serving the same platform. As described in the “Mitigation Measures” section, significant adverse impacts to MTA bus routes could be fully mitigated if MTA and its operating entities (NYCT and MTA Bus) decide that it is feasible to do so by increasing bus service. Overall, the Project will not significantly adversely affect neighborhood character. Rather, as described in the “Land Use, Zoning, and Public Policy” analysis the Project will, in effect, represent a continuation of the physical extent of the recently established residential and commercial neighborhood comprising the Fresh Creek Urban Renewal Area (“FCURA”). Further, the Project will introduce needed affordable housing to New York City and will be consistent with the goals of the FCURA. Therefore, the Project will not result in a significant adverse impact to neighborhood character.

CONSTRUCTION

The Project will not result in significant adverse construction-related impacts related to pedestrians, air quality, historic and cultural resources, hazardous materials, or natural resources. However, construction activities associated with the Project could result in significant adverse impacts related to traffic, transit, and noise, and there will be a parking shortfall during portions of the construction period.

Transportation

Construction travel demand is expected to peak in the second quarter of 2027, which was selected as a reasonable worst-case analysis period for assessing potential cumulative transportation impacts from operational trips from completed portions of the Project and construction trips associated with construction activities. Construction of the Project is expected to result in significant adverse traffic and transit impacts, as well as a parking shortfall, as described below.

Traffic

During construction, traffic will be generated by construction workers commuting via autos and by trucks making deliveries to the Project Site. The results of a detailed traffic analysis for 2027 (Q2) project that the Project will result in significant adverse impacts at two intersections during the 6-7 AM and 3-4 PM construction peak hours, the intersections of Fountain Avenue at Linden Boulevard and Erskine Street at Seaview Avenue/Gateway Drive. Measures to address these impacts are described in the “Mitigation Measures” section.

Transit

The Project Site is served by a total of four MTA local bus routes – the B13, B83, B84, and Q8, and four primary NYCT subway stations in proximity to the Project Site. The subway stations are not within a convenient walking distance to the Project Site; therefore, all subway trips would start or end near the Project Site as bus trips. In 2027 (Q2), transit conditions during the 6-7 AM and 3-4 PM construction peak hours are expected to be generally better than during the analyzed operational peak hours with full build-out of the Project in 2031. No significant adverse subway station or line-haul impacts are expected during construction in 2027 (Q2) as the construction workers are anticipated to generate 119 subway trips during the peak hours, less than the *CEQR Technical Manual* threshold of 200 peak hour subway passenger trips at one subway station or on one subway line during the peak hour; therefore, significant adverse impacts are unlikely.

The Project's significant adverse bus impact is also less likely to occur during construction than with full build-out of the Project in 2031, as incremental demand will be lower during construction and will mostly not occur during the peak hours of commuter demand. It is expected that the mitigation measures identified for 2031 operational transit impacts in the "Mitigation Measures" section, namely addition of buses to the affected routes, would also be effective at mitigating any potential impacts from construction transit trips during the 2027 (Q2) construction periods.

Pedestrians

Pedestrian trips by construction workers will be distributed among the sidewalk and crosswalk elements surrounding the Project Site, to/from multiple bus stop locations, in 2027 (Q2) and will primarily occur outside of the weekday AM and PM commuter peak periods and weekday midday peak period when area pedestrian facilities typically experience their greatest demand. The 2031 analysis of the full build-out operational condition in the FEIS projected one intersection will experience a significant on-street pedestrian impact. Overall, pedestrian trips generated by the Project's operational components in the 2027 (Q2) peak construction analysis period are projected to be 40 percent lower than the full build-out of the Project in 2030 during the typical AM and PM peak hours. Furthermore, background pedestrian volumes and operational trip volumes are expected to be lower in the construction peak hours of 6-7 AM and 3-4 PM compared to the typical commuter peak hours. It can be concluded that 2027 (Q2) pedestrian conditions during the 6-7 AM and 3-4 PM construction peak hours will be better than during the analyzed operational peak hours with full build-out of the Project in 2031 and significant adverse pedestrian impacts during the construction peak hours are not expected. A traffic and pedestrian monitoring program will be prepared and implemented in 2025 in coordination with NYCDOT to evaluate and confirm that pedestrian conditions will be acceptable during the 2027 construction year. Adequate protection or temporary sidewalks and appropriate signage will be provided in accordance with NYCDOT requirements at locations where temporary sidewalk closures are required during construction activities.

Parking

The FEIS projects a maximum daily parking demand from Project Site construction workers of approximately 335 spaces. The ESD Environmental Controls will require that during construction periods approximately 90 parking spaces will be located on portions of the site that are not under construction and/or on the southeast corner of the Project Site, which is part of the overall Lot 300 that will be acquired by ESD but is not contemplated for development as part of the Project. The remaining workers are expected to park on-street. The on-street parking is projected to have an available capacity of approximately 160 spaces during the weekday morning hours and 260 spaces during the weekday midday hours during the 2031 No Action condition. The increase in demand for on-street parking during the 2027 (Q2) construction

phase condition (245 spaces for construction workers, 102 and 73 spaces for the operational portion of the Project during the weekday AM and midday peak hours, respectively) is greater than the available capacity; as a result, the peak construction condition will result in a parking shortfall. Potential mitigation measures are described in the “Mitigation Measures” section below.

Air Quality

The Project will not result in significant adverse construction-related impacts to air quality. However, the ESD Environmental Controls governing the Project will require the incorporation of construction specifications in the form of control measures to minimize potential construction-related air quality effects.

These measures will include:

- United States Environmental Protection Agency’s (“USEPA”) Tier 1 through 4 standards for non-road diesel powered engines regulate the emission of criteria pollutants from new engines, including particulate matter (“PM”), carbon monoxide (“CO”), and Nitrogen oxides (“NOx”). Each of the four tiers phases in more stringent requirements (by engine horsepower rating) over several years. To the extent practicable, all non-road construction equipment utilized for the Project will meet at least the Tier 2 emissions standard, and construction equipment meeting Tier 3 and/or Tier 4 emissions standards will be used where conforming equipment is widely available, and the use of such equipment is practicable.
- To the extent practicable, non-road diesel engines with a power rating of 50 horsepower (“hp”) or greater will utilize the Best Available Technologies (“BAT”) 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. These technologies will either be preinstalled on the engine by the original equipment manufacturer (“OEM”) or retrofitted with a DPF verified by USEPA 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.
- Adherence to NYC Local Law 77 (2003) Administrative Code §24-163.3, which requires the use of ULSD for reducing emissions, particularly DPM and sulfur oxides (“SO_x”), from non-road engines and equipment.
- Limit unnecessary idling times on diesel powered engines to three minutes for all vehicles that are not using the engine to operate a loading, unloading, or processing device (e.g., concrete mixing trucks).
- Reduce dust related to the construction site through adherence to New York City Department of Environmental Protection (“NYCDEP”) dust-related requirements found in the Title 15 Rules of the City of New York (“RCNY”) Chapter 13, “Rules Pertaining to the Prevention of the Emission of Dust from Construction Related Activities,” which is authorized by § 24-146. These requirements include, among other things:
 - Spraying of a suppressing agent on dust piles (non-hazardous, biodegradable);
 - Containment of fugitive dust;

- Cover spoil piles and prohibit materials handling activity during high winds; and
- Maintenance of equipment (i.e., the setting up of wheel wash stations).

Noise and Vibration

Construction activities associated with the Project, particularly those related to demolition or foundation work, could result in impacts of a significant magnitude related to noise at the neighboring Fountain Avenue Project and Gateway Estates II residential development buildings, as well as at buildings that will be introduced as part of the Project, though these will be temporary and will be limited through use of best practices. Potential unavoidable but temporary significant adverse impacts to interior noise levels in Project buildings that will be occupied during construction of other nearby Project buildings will occur at several project building facades. Elevated noise levels related to construction will be relatively short-term in nature as high noise intensity activities will only last for limited periods of time. As construction activities move throughout the Project Site, no one location will be impacted consistently. Once pile driving activities are completed, noise levels from other construction activities and equipment, such as excavators or dump trucks, may occasionally still result in an exceedance of noise criteria levels; however, it is anticipated that overall construction noise levels will decrease significantly over time.

The effects of construction noise on sensitive receptors will vary depending on the location of the noise source. Further, during most of the construction period for each phase related to project building construction, noise levels will decrease significantly following the completion of pile driving activities, which will occur for up to approximately 12 weeks at or near the beginning of each of the six phases constructed while other adjacent buildings are occupied.

Noise control measures that will partially mitigate significant adverse construction noise impacts, and which the Developer will be required in the ESD Environmental Controls to implement, are described below. Substantial noise level reductions (up to approximately 15 A-weighted decibels (“dBA”)) associated with construction not related to pile driving will be expected with the proposed measures. It should be noted that several constraints, such as the use of pile driving during construction, the close proximity of construction activities and limited spaces between buildings and the construction area, will significantly limit the practicability of and the potential benefits from some measures depending on the construction activity being undertaken.

The ESD Environmental Controls will require contract specifications requiring (1) contractors to comply with all the requirements and regulations of the New York City Noise Code and USEPA noise emission standards for construction equipment; (2) devices and activities which are subject to the provisions of the New York City Noise Code to be operated, conducted, constructed or manufactured without causing a violation of the code; (3) all work to be conducted in compliance with the regulations set forth in the code that control noise levels due to construction work. These New York City Noise Code requirements, compliance with which was assumed to be included as part of the construction noise analysis, mandate that:

- Certain classifications of construction equipment and motor vehicles meet specified noise emissions standards;
- Except under exceptional circumstances, construction activities shall be limited to weekdays between the hours of 7:00 AM and 6:00 PM or Saturdays 9:00 AM to 5:00 PM, which will require the acquisition of a variance from the City; and

- A construction noise mitigation plan shall be developed and implemented in accordance with the New York City Noise Code (specifically, as it refers to the citywide construction noise mitigation rules as described in Title 15, Chapter 28 of the NYC Administrative Code). Some examples of these rules include:
 - Contractors and subcontractors are required to properly maintain their equipment and mufflers;
 - The quietest pile driving method shall be selected that allows work to be performed based on structural, geotechnical and pile friction requirements and ground conditions. Noise path controls shall be utilized as indicated in the rules and requirements;
 - Construction of a perimeter noise barrier when receptors are within approximately 200 feet of the construction site. Barriers can be made from noise curtain material, plywood or other similar materials. Barriers can reduce noise by up to approximately 10 decibels (“dB”) when positioned closely to a noise producing activity.

While there are additional requirements in the New York City Noise Code that will also be implemented and would effectively reduce noise from construction activities, their impact could not be quantitatively modeled as part of the construction noise analysis. These additional requirements are:

- Limits on engine idling in accordance with NYC Administrative Code 24-163;
- Dump trucks shall be equipped with thick rubber bed liners;
- Minimal use of backup alarm devices and when necessary, use of only approved back up devices; and
- Construction material must be handled and transported in such a manner as to not create unnecessary noise.

Potential mitigation measures in addition to these commitments are described in the “Mitigation Measures” section below.

Vibration from construction activities (in particular, pile driving) could result in significant adverse impacts at some sensitive receptors. For all pile driving activities that may occur within close proximity to the proposed buildings, the NYC Building Code requires that a structural engineer must evaluate the potential for building damage to the Project Site’s development prior to pile-driving activities and apply vibration control measures as required, such that vibration levels would not result in in any Project Site building damage. These vibration control measures may include, *inter alia*, the following:

- Where possible and practicable, auger piles would be used in place of impact pile drivers. In addition, if necessary and where possible and practicable, pre-drilling a hole for a pile could be used to place the pile at or near its ultimate depth, thereby substantially reducing the number of vibration-causing impacts;
- The contractor would conduct vibration monitoring during highly disruptive construction activities, such as pile driving and drilling, and, as may be deemed necessary, modify construction activities

to reduce vibration or employ mitigation measures to eliminate or reduce the potential for adverse impacts; and

- Where possible and practicable, the duration of vibration impacts would be minimized.

Finally, no historic or fragile structures have been identified in the vicinity of the Project Site, and thus no vibration impacts on such structures will occur. As a result, no significant adverse impacts with regard to vibration-induced structural damage will result at any location from construction associated with the Project.

Although the *CEQR Technical Manual* does not suggest construction-related vibration criteria with respect to human annoyance, FTA guidance does provide annoyance criteria limits. Based on the FTA criteria, an assessment was conducted for the same eight receptor locations studied for the construction noise analysis. For the eight receptor locations, it is projected that the annoyance criteria level of 78 VdB will be surpassed primarily during the pile driving and excavator segments of construction. The occupied B1 building will experience the highest vibration level of 108 VdB, since they will be located nearest to excavator activities (within 5 feet) and pile driving activities (within 20 feet). However, the occurrence of vibration annoyance will be limited in duration, and as equipment migrates throughout the work site, will not affect the same receptors in each instance, so that total exceedances of the annoyance criteria will occur for no more than a 24-week period during the construction of the Project at any one receptor location. The vibration effects, though surpassing FTA annoyance levels, will not result in a significant adverse impact on residents occupying the Project Site or surrounding areas. Therefore, the Project would not result in any significant adverse impacts with regard to vibration.

Other Technical Areas

The Project will not result in significant adverse construction-related impacts to historic and cultural resources, hazardous materials, or natural resources.

ALTERNATIVES

The FEIS compares the impacts posed by the Project to the No Action Alternative, which assumes none of the proposed discretionary actions would occur, and the Project Site would generally resemble its current condition, except that all BDC buildings would be vacated (i.e., “mothballed”) and host no activity.

In addition to a comparative impact analysis, the No Action Alternative is assessed to determine the extent to which it would meet the goals and objectives of the Proposed Actions’ purpose and need.

- The No Action Alternative would not facilitate the construction of affordable housing in a significantly underserved portion of Brooklyn, in the area known as East New York.
- The No Action Alternative would not allow for the reuse of substantially underdeveloped acreage to provide affordable housing in a significantly underserved portion of Brooklyn and would not include supportive housing or housing for senior citizens.
- The No Action Alternative would not improve economic opportunities in East New York—located within one of the most socially and economically disadvantaged areas of New York State—by creating a community that is health-based, is centered around open space, provides walkable access to retail destinations, and is within close proximity to a significant regional park (Shirley Chisholm State Park).

Therefore, while the No Action Alternative would not result in the Project’s potential significant adverse impacts related to public elementary schools, publicly funded early childhood programming, public library programming, traffic, pedestrians, buses, one subway platform stair, construction traffic and bus service, construction noise, or construction period parking shortfall, and would, like the Project, not result in any other significant adverse environmental impacts, the No Action alternative would also not achieve the goals and objectives of the Project.

CUMULATIVE EFFECTS

The Project does not involve two or more related actions undertaken, funded, or approved by an agency (such as series of projects on various sites). However, per the guidance of the *CEQR Technical Manual*, when applicable and significant, the FEIS analyzes and discloses cumulative impacts of the Project with other projects in the study area, as described below.

The Fountain Avenue Project

The Fountain Avenue Project will provide approximately 1,169 units of affordable housing (of which approximately 200 will be dedicated to low-income senior citizens and approximately 234 units will be designated as supportive housing) and up to approximately 122,500 sf of commercial space across two lots on the same block as the Project Site. The expected completion date is 2021.

The Fountain Avenue Project is fully considered in the existing conditions and No Action conditions of all technical analyses. It is included as a No Action condition considered within transportation analyses, and thus also as a No Action condition for mobile-source air quality and noise analyses. Further, because it directly affects lands within the Project’s study areas for land use, zoning, and public policy, socioeconomic conditions, community facilities, shadows, and open space, it is specifically considered in the existing and No Action conditions of those analyses.

Therefore, the potential for cumulative effects associated with the Fountain Avenue Project is fully considered in all technical analyses prepared for the FEIS, and to the extent that potential effects to transportation, air quality, and noise, and indirect effects to community facilities are predicted in other analyses prepared for the FEIS and summarized in “Cumulative Effects,” cumulative effects related to the Fountain Avenue Project are fully evaluated.

Gateway Estates II Residential Development

Development of the Gateway Estates II residential project is underway, and when completed (with the construction of approximately 1,040 additional units of affordable housing, approximately 80 of which will be dedicated to senior citizens), it will result in the full implementation of the FCURP.⁸ The housing dedicated to senior citizens, known as the proposed East Brooklyn Congregation Senior Development project, will be located at 516 Schroeders Avenue and will result in the construction of a standalone approximately 70,000 sf, seven-story building. It is evaluated as a No Action condition within the transportation analyses, and thus also as a No Action condition for mobile-source air quality and noise analyses. Further, because it directly affects lands within the Project’s study areas for land use, zoning, public policy, socioeconomic conditions, community facilities, and open space, it is specifically considered in the existing and No Action conditions of those analyses.

⁸ Of the total 2,477 units to be developed as part of the Gateway Estates II residential development, it is estimated that approximately 1,437 units have already been completed, with a remaining 1,040 to be completed.

Therefore, the potential for cumulative effects associated with the Gateway Estates II residential development is fully considered in all technical analyses prepared for the FEIS, and to the extent that potential effects to transportation, air quality, and noise, and indirect effects to community facilities are predicted in other analyses prepared for the FEIS and summarized in “Cumulative Effects,” cumulative effects related to the Gateway Estates II residential development are fully evaluated.

The Last Mile Industrial Warehouse Project

The Last Mile Industrial Warehouse, which will be located at 554, 578, and 553 Cozine Avenue, will result in the demolition of two industrial warehouse buildings and the construction of “last-mile” industrial warehouse space for e-commerce companies. (A “last-mile” facility is the last location in an e-commerce supply chain from which final deliveries of products to purchasers are made.) It is included as a No Action condition considered within transportation analyses, and thus also as a No Action condition for mobile-source air quality and noise analyses. Further, because it directly affects lands within the Project’s study areas for land use, zoning, and public policy, socioeconomic conditions, community facilities, and open space, it is specifically considered in the existing and No Action conditions of those analyses.

Therefore, the potential for cumulative effects associated with the Last Mile Industrial Warehouse is fully considered in all technical analyses prepared for this FEIS, and to the extent that potential effects to transportation, air quality, and noise, and indirect effects to community facilities are predicted in other analyses prepared for this FEIS and summarized in “Cumulative Effects,” cumulative effects related to the Last Mile Industrial Warehouse are fully evaluated.

The Innovative Urban Village

The Innovative Urban Village will be a large-scale development in East New York on a portion of the site currently occupied by the Christian Cultural Center (“CCC”) facility. It is expected to contain approximately 2.4 million gross square feet (“gsf”) of development to be constructed in phases over 10 years with approximately 1,980,000 gsf for residential space (approximately 2,118 units of affordable housing); approximately 82,000 gsf for retail space; approximately 10,000 gsf of day care space; approximately 55,000 gsf of educational/school space; an approximately 16,500-gsf performing arts/cultural center; approximately 170,000 gsf of structured parking for the existing CCC facility and other community facility uses; and an approximately 15,000-gsf trade school. The existing CCC facility would also remain on the site. The project is expected to be complete and operational by 2031. It is included as a No Action condition considered within transportation analyses, and thus also as a No Action condition for mobile-source air quality and noise analyses. Further, because the Innovative Urban Village project directly affects lands within the Project’s study areas for land use, zoning, and public policy, socioeconomic conditions, community facilities, and open space, it is specifically considered in the existing and No Action conditions of those analyses.

Therefore, the potential for cumulative effects associated with the Innovative Urban Village is fully considered in all technical analyses prepared for this FEIS, and to the extent that potential effects to transportation, air quality, and noise, and indirect effects to community facilities are predicted in other analyses prepared for the FEIS and summarized in “Cumulative Effects,” cumulative effects related to that project are fully evaluated.

MITIGATION MEASURES

In accordance with the *CEQR Technical Manual*, where significant adverse impacts are identified, mitigation to reduce or eliminate the impacts to the fullest extent practicable is developed and evaluated in

the FEIS. Where potential significant adverse impacts have been identified – in the areas of transportation (traffic, transit, and pedestrians), community facilities (indirect impacts on public elementary schools, early childhood programs and public libraries), construction period transportation (traffic, transit, and parking shortfall), and construction period noise – measures are examined to mitigate the anticipated impacts.

Community Facilities

Public Elementary Schools

Mitigation measures to address the identified significant adverse impact to public elementary schools will be explored in consultation with NYCDOE and SCA. The mitigation measures will reflect the nature and scope of the elementary school impact, taking into account the assessment in “Community Facilities and Services.” NYCDOE and SCA will continue to monitor trends in demand for school seats in the area. The CEQR Technical Manual lists potential mitigation measures for public school impacts. These measures may include, but are not limited to, relocating administrative functions to another site, thereby freeing up space for classrooms; making space within the buildings in the school study area available to NYCDOE; and/or restructuring or reprogramming existing school space within a district; or providing for new capacity (seats) by constructing a new school or an addition to an existing school. ESD will acquire and retain title to the southeast corner of the former BDC campus and hold the site in reserve for a potential new school that could be constructed there if NYCDOE and SCA determine in the future that demand in the sub-district requires the construction of a new school at this location, at which time the new school construction would be subject to a separate SEQRA review. ESD will consult with the NYCDOE and SCA prior to the construction of Phase 2 concerning the need for mitigation. If it is determined at the time that mitigation is not needed, ESD will consult again with the NYCDOE and SCA prior to construction of each subsequent Project phase concerning the need for mitigation. With ESD’s land banking of the southeast corner site and the implementation of the foregoing mitigation measure, the potentially significant adverse impact on public elementary schools will be mitigated.

Early Childhood Programs

Required mitigation measures to address the identified significant adverse impact to publicly funded early childhood programs will be developed in consultation with the NYCDOE. Such measures may include, but are not limited to, the provision of suitable space on-site for an early childhood program, provision of a suitable location off-site and within a reasonable distance, or funding or making program or physical improvements to support additional capacity. If it is deemed appropriate by the NYCDOE, the Project could include space that could be used for early childhood programming within certain building groups. In this case, approximately 14,500 sf could be designated for early childhood programming. The early childhood space would be offered across two building groups (Build Groups A and E). Building Group A could provide approximately 10,000 sf of early childhood space; the Developer will consult with the NYCDOE prior to the design phase for this building group and will hold the space open for an early childhood provider tenant for six months following issuance of a temporary certificate of occupancy (“TCO”) for the building containing the offered space before leasing the space to a non-childcare tenant. Building Group E could provide approximately 4,500 sf of early childhood space; the Developer will consult with the NYCDOE beginning prior to the design phase for this building group in order to identify an early childhood provider tenant. Using an assumption of 50 sf per slot, this 14,500 sf of space in Building Groups A and B could offer approximately 290 slots for early childhood programming, which would reduce the increase in the utilization rate resulting from the Project to less than 5 percent and thereby fully mitigate the significant adverse impact if the designated spaces are tenanted by early childhood providers in consultation with the NYCDOE. The ESD Environmental Controls governing the use of the Project Site

will require that the Developer consult with the NYCDOE for guidance on implementing mitigation, including providing on-site space, at specific phases throughout development as described above.

Public Libraries

Required mitigation measures to address the identified significant adverse impact to public libraries will be developed in consultation with BPL. Based on a meeting held on July 13, 2021, BPL indicated the Project will increase the catchment area population and alter the demographics such that Spring Creek Library's programming space and staffing could be impaired. Mitigation measures should be targeted to alleviate the impact created and may include, but are not limited to, providing indoor/outdoor space on the Project Site to accommodate BPL programming, creating programs to accommodate new users, or alleviating staffing constraints through funding one or more new program staff positions. In addition, the Developer has committed to provide Project residents with access to low cost or free internet as well as computer lab/reading areas within the Project, a measure that BPL agreed will avoid impairment of its provision of public computer access at the Spring Creek Branch. The full range of mitigation measures ultimately implemented will rely upon input from BPL, which will undertake ongoing monitoring to determine the appropriate mitigation measures as the Project is occupied. As well as providing internet access and computer lab/reading areas within the Project, the Developer will consult and coordinate with BPL, ESD, and HCR beginning prior to the design of Phase 3, when the significant adverse impact to public libraries is first expected to occur, to determine the need, practicality, and feasibility for on-site space, programming, and staffing. The ESD Environmental Controls governing the use of the Project Site will require that the Developer engage in such consultation prior to the design of Phase 3. If mitigation measures are not fully effective in addressing the significant adverse impact to libraries, then there may be a potentially unavoidable significant adverse impact.

Transportation

Traffic

As described above, the Project is projected to result in traffic impacts at ten intersections.

These anticipated significant adverse impacts on traffic could be fully mitigated at four of ten intersections through the implementation of traffic engineering improvements, including modification of traffic signal phasing/timing and/or intersection approach lane reconfiguration. In order to verify the need for and effectiveness of the mitigation measures identified in the FEIS and to assess the extent to which future volume projections presented in the FEIS have materialized based on actual future conditions, the applicant/developer has committed to conducting a transportation monitoring program (TMP). The TMP will entail new data collection, including trip generation, modal split, and origin/destination surveys, and updated analysis efforts. A specific work plan for the TMP will be proposed in a Traffic Study Program memorandum for review and approval by NYCDOT and will include traffic and pedestrian counts, analyses, etc. This TMP proposal will be submitted to NYCDOT in 2025 and actual implementation of the study will be undertaken at an agreed-upon time during the peak construction period (anticipated to be 2027), prior to the completion of Phase 3. The TMP will be implemented a second time when the Proposed Project achieves full occupancy.

Basic traffic signal timing adjustments, as described below, will mitigate significant adverse traffic impacts at the following three intersections:

- Erskine Street and South Gateway Center Mall driveway – shifting three seconds of green time from the northbound left-turn phase to the southbound phase during the Saturday midday peak hour

- Fountain Avenue and Flatlands Avenue – shifting one second of green time from the eastbound/westbound phase to the northbound/southbound phase during the Saturday midday peak hour
- Flatlands Avenue and Elton Street – shifting one second of green time from the eastbound/westbound phase to the northbound/southbound phase for the weekday AM and PM peak hours

Intersections that will require mitigation beyond signal timing adjustments or for which practicable mitigation has not been identified for one or more analysis periods include:

- Erskine Street and Schroeders Avenue – A traffic signal warrant analysis was performed at this intersection to determine if this existing all-way stop-controlled intersection could be converted into a signalized intersection. Findings indicate that projected peak hour volumes do not meet the Manual on Uniform Traffic Control Devices (“MUTCD”) warrants for installing a traffic signal. Traffic monitoring of this intersection is recommended for potential future implementation of a traffic signal. If a traffic signal is not installed, impacts at this intersection could remain unmitigated.
- Erskine Street and North Gateway Center Drive – Adding a northbound left-turn phase to the signal phasing will mitigate the northbound left-turn delays during the Saturday midday peak hour.
- Erskine Street and Gateway Drive/Seaview Avenue – Potential traffic mitigation measures examined included reconfiguring the westbound approach from one left-turn lane and two shared through/right-turn lanes to two left-turn lanes and one shared through/right-turn lane. These lane reconfigurations plus traffic signal timing adjustments would be necessary to mitigate traffic impacts. However, signal timing adjustments are not feasible at this intersection without affecting the minimum pedestrian clearance time crossing the street; consequently, significant adverse impact projected for this intersection could remain unmitigated during each analysis period. Traffic monitoring of this intersection will be recommended for consideration of future implementation of mitigation measures to the extent that mitigation is feasible.
- Fountain Avenue and Linden Boulevard – Traffic signal timing adjustments could mitigate this intersection for the weekday AM and midday time periods. However, signal timing adjustments would not be sufficient to mitigate significant adverse impacts projected during the weekday PM peak period and those impacts could remain unmitigated during that analysis period.
- Pennsylvania Avenue and Flatlands Avenue - Traffic signal timing adjustments could mitigate this intersection for the weekday AM and midday time periods. However, signal timing adjustments would not be sufficient to mitigate significant adverse impacts projected during the weekday PM and Saturday midday peak periods and those impacts could remain unmitigated during those time periods.
- Fountain Avenue at Vandalia Avenue – Significant adverse impacts at this intersection could be partially mitigated by traffic signal timing adjustments. However, the green time adjustments are limited as mitigation for traffic operations cannot reduce the minimum pedestrian clearance time crossing the street; consequently, significant adverse impacts projected for this intersection could remain unmitigated during the weekday AM and Saturday midday peak hours. Adjusting the street geometry to provide an exclusive northbound left-turn lane will likely not be feasible due to the recent safety NYCDOT improvements that have narrowed the vehicular travel lanes on Fountain Avenue to provide protected bike lanes in each direction.
- Fountain Avenue and Dumont Avenue - At this intersection, signal timing adjustments cannot be used to mitigate traffic operations without affecting the minimum pedestrian clearance time

crossing the street; consequently, significant adverse impacts projected for this intersection could remain unmitigated during the weekday PM peak hour. Adjusting the street geometry to provide an exclusive northbound left-turn lane will likely not be feasible due to the recent safety NYCDOT improvements that have narrowed the vehicular travel lanes on Fountain Avenue to provide protected bike lanes in each direction.

The highway analysis indicates the potential for a significant adverse impact for the westbound Belt Parkway weaving segment between Erskine Street and Pennsylvania Avenue. Geometric improvements, such as lengthening the weaving area by adjusting ramp locations or widening the highway, to mitigate the highway impact may not be practical. This option would also require coordination and approval from the New York State Department of Transportation (“NYSDOT”). An alternative mitigation option would include travel demand management (“TDM”) measures to reduce the vehicle trip demand to the Belt Parkway. TDM mitigation would require a binding commitment to implement proposed measures to reduce vehicle trip demand. No specific practicable TDM measures have been identified that would be effective in reducing demand for the Project. In the absence of effective and practicable mitigation strategies, the significant adverse highway impact would remain unmitigated.

Transit

Transit impacts to bus service could be mitigated by the addition of a total of approximately 18 standard buses in the AM peak hour, approximately 16 standard buses in the PM peak hour, and approximately 19 standard buses in the Saturday midday peak hour (assuming additional buses have been added to accommodate ridership growth anticipated in the No Action condition). The general policy of NYCT is to provide additional bus service where demand warrants, taking into account financial and operational constraints.

The Project is projected to generate a net increment of approximately 814 and 824 new subway trips during the weekday AM and PM commuter peak hours. The highest number of peak hour subway trips are expected to occur at the Euclid Avenue Station on the A and C line, which is projected to experience approximately 497 incremental trips (in and out combined) during the AM peak hour and 502 during the PM peak hour. This increment results in a projected significant adverse impact to platform stair P6 during the AM peak hour as the stair would exceed the significant impact threshold. Note that actual stair widening is planned using NYCT guidance and that stair widths are usually considered in terms of 30-inch pedestrian lanes. Thus, the existing 53-inch-wide platform stair P6 will need to be widened from two to three pedestrian aisles for a total width of 90 inches.

A Transit Monitoring Plan will be developed in coordination with NYCT to collect future station passenger counts and perform stair analyses at the Euclid Avenue Manhattan bound platform stairs to determine if station mitigation is needed and, if yes, identify the appropriate mitigation. The proposed mitigation measures are estimated to be needed after Phase 5 of the Project is completed and occupied. Therefore, this monitoring program and assessment will be performed prior to the completion of Phase 5 and allowing for time such that any proposed mitigation needed can be designed and implemented before completion and occupancy of the first Phase 5 building. If data collected as part of the monitoring program leads to the conclusion that a significant impact could occur, the Developer will consult and coordinate with NYCT, ESD, and HCR to determine the extent that potential mitigation improvements are practicable and feasible. If stair widening is deemed impractical or infeasible, other mitigation options could be considered, but it is possible that the impact to stair P6 would remain unmitigated. However, affected passengers would have the option to use stairs P4 or P2 as an alternative.

Pedestrians

Projected pedestrian impacts at two locations could be mitigated by widening crosswalks at the two locations. Widening the east crosswalk by approximately four feet to a total width of approximately 14'-3" and widening the south crosswalk by approximately 2'-8" to a total width of approximately 15 feet would mitigate the projected impact for both crosswalks during all affected peak hours. A traffic and pedestrian monitoring program will be prepared and implemented in 2025 and after full occupancy in coordination with NYCDOT.

Construction

Transportation -- Traffic

The Project is projected to result in significant adverse traffic impacts at two study area intersections during the 6-7 AM and 3-4 PM construction peak hours. The impact at the intersection of Fountain Avenue at Linden Boulevard could be mitigated by shifting three seconds of green time from the eastbound/westbound phase to the northbound/southbound phase during the weekday PM peak hour.

However, traffic impacts at the intersection of Erskine Street and Gateway Drive/Seaview Avenue could remain unmitigated. Potential traffic mitigation measures examined included reconfiguring the westbound approach from one left-turn lane and two shared through/right-turn lanes to two left-turn lanes and one shared through/right-turn lane. This westbound double left-turn lane would require adjusting the signal phasing to include a protected westbound left-turn phase. The eastbound approach would be reconfigured from one left-turn lane, two through lanes, and one right-turn lane to one left-turn lane, one through lane, and two right-turn lanes. These lane reconfigurations plus traffic signal timing adjustments would be necessary to mitigate projected significant adverse traffic impacts. However, signal timing adjustments are not feasible at this intersection without affecting the minimum pedestrian clearance time crossing the street; consequently, significant impacts projected for this intersection could remain unmitigated during each analysis period. Traffic monitoring of the intersection of Erskine Street and Gateway Drive/Seaview Avenue will be undertaken as part of the TMP for consideration of future implementation of mitigation measures.

Transportation -- Parking

Construction-related traffic in combination with occupancy of completed Project buildings is projected to result in an on-street parking shortfall. Approximately 90 parking spaces dedicated for construction worker parking will be located on portions of the site that are not under construction and/or on the southeast corner lot that is not contemplated for development as part of the Project. However, even with the provision of these parking spaces, construction-related traffic in combination with occupancy of completed Project buildings is projected to result in an on-street parking shortfall. Construction workers experiencing a parking shortfall may search beyond the typical ¼-mile walk radius from the Project, which would likely result in drivers searching for available on-street parking spaces within the light manufacturing neighborhood north of Flatlands Avenue.

Transportation -- Transit

For buses, there will be reduced adverse impacts during the construction peak hours than during the 2031 operational peak hours with full build-out as the number of bus trips will be less during the construction phase. It is expected that the mitigation measures identified for 2031 operational transit impacts will also be effective at mitigating any potential impacts from construction transit trips during the 2027 (Q2) peak

quarter for cumulative construction and operational travel demand. MTA (NYCT and MTA Bus) oversees regular and routine bus ridership monitoring, and as a general policy, the agency provides additional bus service where demand warrants, taking into account financial and operational constraints. Based on ongoing passenger monitoring programs, comprehensive service plans would be generated to respond to specific, known needs with capital and/or operational improvements where fiscally and operationally practicable.

Transportation -- Pedestrians

The Project will result in substantially fewer pedestrian trips during the peak construction phase in 2027 as compared with the full build-out of the Project in 2031 and significant adverse pedestrian impacts during the construction peak hours are not expected. A traffic and pedestrian monitoring program will be prepared and implemented in 2025 in coordination with NYCDOT to evaluate and confirm that pedestrian conditions will be acceptable during the 2027 construction year.

Noise

Construction activities associated with the Project, particularly those related to demolition or foundation work, could result in significant but temporary adverse impacts related to noise at the neighboring Fountain Avenue Project, Gateway Estates II residential development, as well as buildings that will be introduced as part of the Project. While significant adverse impacts could occur, the main source of construction noise (pile driving) will migrate throughout the construction areas, such that the effects of construction noise on any particular sensitive receiver will change depending on the location of the noise source and the height of the receiver. With mitigation measures and strategies in place to reduce noise levels during construction, the potential for significant adverse impacts related to noise would be partially mitigated.

The ESD Environmental Controls will require contract specifications requiring (1) contractors to comply with all the requirements and regulations of the New York City Noise Code and USEPA noise emission standards for construction equipment; (2) devices and activities which are subject to the provisions of the New York City Noise Code to be operated, conducted, constructed or manufactured without causing a violation of the code; (3) all work to be conducted in compliance with the regulations set forth in the code that control noise levels due to construction work. These New York City Noise Code requirements, compliance with which was assumed to be included as part of the construction noise analysis, mandate that:

- Certain classifications of construction equipment and motor vehicles meet specified noise emissions standards;
- Except under exceptional circumstances, construction activities shall be limited to weekdays between the hours of 7:00 AM and 6:00 PM or Saturdays 9:00 AM to 5:00 PM; and
- A construction noise mitigation plan shall be developed and implemented in accordance with the New York City Noise Code (specifically, as it refers to the citywide construction noise mitigation rules as described in Title 15, Chapter 28 of the NYC Administrative Code). Some examples of these rules include:
 - Contractors and subcontractors are required to properly maintain their equipment and mufflers;

- The quietest pile driving method shall be selected that allows work to be performed based on structural, geotechnical and pile friction requirements and ground conditions. Noise path controls shall be utilized as indicated in the rules and requirements;
- Construction of a perimeter noise barrier when receptors are within 200 feet of the construction site. Barriers can be made from noise curtain material, plywood or other similar materials. Barriers can reduce noise by up to 10 dB when positioned closely to a noise producing activity.

While there are additional requirements in the New York City Noise Code that will also be implemented and would effectively reduce noise from construction activities, their impact could not be quantitatively modeled as part of the construction noise analysis. These additional requirements are:

- Limits on engine idling in accordance with NYC Administrative Code 24-163;
- Dump trucks shall be equipped with thick rubber bed liners;
- Minimal use of backup alarm devices and when necessary, use of only approved back up devices; and
- Construction material must be handled and transported in such a manner as to not create unnecessary noise.

The ESD Environmental Controls will require the Developer to implement additional mitigation measures and strategies to control noise at the affected receptors, as practicable and effective. Such measures could include:

- Design considerations and project layout approaches, including measures such as construction of temporary noise barriers, placing construction equipment as far as practicable from noise sensitive receptors, constructing walled enclosures/sheds around especially noisy activities, such as pavement breaking, and sequencing operations to combine especially noisy equipment;
- Perimeter noise barriers constructed to the maximum height of 15 feet allowed by the NYC Noise Code;
- Alternative construction methods, such as using special low noise emission level equipment; and
- Use of noise enclosures or noise insulation fabric on compressors, generators, etc.

To the extent that mitigation measures proposed as part of the Project may not be effective at fully mitigating the construction-period noise impacts to insignificant levels, then the Project may result in unavoidable temporary, but significant adverse impacts related to noise.

UNAVOIDABLE ADVERSE IMPACTS

According to the *CEQR Technical Manual*, unavoidable significant adverse impacts are significant adverse impacts that would occur with the implementation of a proposed action, regardless of the mitigation employed, or if mitigation were not possible. Significant adverse impacts in the following technical areas have been identified: community facilities (indirect impacts on public elementary schools, early childhood programs and public libraries), transportation (traffic, transit, and pedestrians), construction period

transportation (traffic and transit), and construction period noise. There will also be a potential construction period parking shortfall which may be unavoidable. To the extent practicable, mitigation measures are proposed in the FEIS and described above for the identified significant adverse impacts. Impacts which practicable measures could not fully mitigate would be unavoidable.

Community Facilities

Early Childhood Programs

The Project could result in a significant adverse impact to publicly financed early childhood programs.

While the mitigation measures outlined above could potentially fully mitigate the significant adverse impact on publicly funded early childhood programs that could result with the Project, the mitigation measures rely upon the direction of the NYCDOE and the ongoing monitoring that the NYCDOE must undertake to determine the appropriate mitigation measures. Therefore, absent certainty as to whether such measures would be practicable, there remains the potential that predicted indirect impacts to early childhood programs may be unavoidable. In addition, in the event that construction of the space designated for early childhood programming occurs after the occupancy of 340 affordable housing units (excluding senior and supportive housing units), there is the potential for a temporary unmitigated significant adverse impact to occur until such time that the space designated for early childhood programming is constructed and operational.

Public Libraries

As described in “Community Facilities and Services” and “Mitigation Measures,” the Project could result in a significant adverse impact to public libraries.

Required mitigation measures to address the identified significant adverse impact to public libraries will be developed in consultation with BPL. Based on a meeting held on July 13, 2021, BPL indicated the Project could increase the catchment area population and alter the demographics such that Spring Creek Library’s programming space and staffing could be impaired. Mitigation measures should be targeted to alleviate the impact created and may include, but are not limited to, providing indoor/outdoor space on the Project Site to accommodate BPL programming, creating programs to accommodate new users, or alleviating staffing constraints through funding one or more new program staff positions. In addition, the Developer has committed to provide Project residents with access to low cost or free internet as well as computer lab/reading areas within the Project, a measure that BPL agreed will avoid impairment of its provision of public computer access at the Spring Creek Branch. The full range of mitigation measures ultimately implemented will rely upon input from BPL, which will undertake ongoing monitoring to determine the appropriate mitigation measures as the Project is occupied. As well as providing internet access and computer lab/reading areas within the Project, the Developer will consult and coordinate with BPL, ESD, and HCR beginning prior to the design of Phase 3 to determine the need, practicality, and feasibility for on-site space, programming, and staffing. The ESD Environmental Controls governing the use of the Project Site will require that the Developer engage in such consultation prior to the design of Phase 3. Additionally, the ESD Environmental Controls will require that residents of the Project will have access to low-cost or free internet as well as computer lab/reading areas within the Project.

The implementation of the mitigation measures will rely upon the direction of BPL. Therefore, absent certainty as to whether any measures would be needed, practicable, and feasible, there remains the potential that the predicted indirect impacts to public libraries may be unavoidable.

Transportation

Traffic – Intersections

The Project is projected to result in significant adverse traffic impacts at ten study area intersections during one or more analyzed peak hours. Many of these impacts could be mitigated through the implementation of traffic engineering improvements, including modification of traffic signal phasing/timing and/or intersection approach lane reconfiguration. However, projected traffic impacts at the following six intersections could not be mitigated and could remain unmitigated:

- Erskine Street and Gateway Drive/Seaview Avenue – Potential traffic mitigation measures examined included reconfiguring the westbound approach from one left-turn lane and two shared through/right-turn lanes to two left-turn lanes and one shared through/right-turn lane. This westbound double left-turn lane would require adjusting the signal phasing to include a protected westbound left-turn phase. The eastbound approach would be reconfigured from one left-turn lane, two through lanes, and one right-turn lane to one left-turn lane, one through lane, and two right-turn lanes. These lane reconfigurations plus traffic signal timing adjustments would be necessary to mitigate traffic impacts. However, signal timing adjustments are not feasible at this intersection without affecting the minimum pedestrian clearance time crossing the street; consequently, significant adverse impacts projected for this intersection could remain unmitigated during each analysis period. Traffic monitoring of this intersection will be included in the TMP for consideration of future implementation of mitigation measures.
- Fountain Avenue and Linden Boulevard – Traffic signal timing adjustments would mitigate this intersection for the weekday AM and midday time periods. However, signal timing adjustments would not be sufficient to mitigate operations during the weekday PM peak period and significant adverse impacts projected for this intersection could remain unmitigated during that analysis period.
- Pennsylvania Avenue and Flatlands Avenue – Traffic signal timing adjustments would mitigate significant adverse impacts projected for this intersection for the weekday AM and midday time periods. However, signal timing adjustments would not be sufficient to mitigate impacts projected during the weekday PM and Saturday midday peak periods and this intersection could remain unmitigated during those time periods.
- Fountain Avenue and Vandalia Avenue – Significant adverse impacts projected for this intersection could be partially mitigated by traffic signal timing adjustments. However, the feasible green time adjustments are limited as mitigation for traffic operations cannot reduce the minimum pedestrian clearance time crossing the street; consequently, impacts projected at this intersection could remain unmitigated during the weekday AM and Saturday midday peak hours. Adjusting the street geometry to provide an exclusive northbound left-turn lane would likely not be feasible due to the recent safety NYCDOT improvements that have narrowed the vehicular travel lanes on Fountain Avenue to provide protected bike lanes in each direction.
- Fountain Avenue and Dumont Avenue – Signal timing adjustment cannot be used to mitigate traffic operations without affecting the minimum pedestrian clearance time crossing the street; consequently, significant impacts projected at this intersection could remain unmitigated during the weekday PM peak hour. Adjusting the street geometry to provide an exclusive northbound left-

turn lane would likely not be feasible due to the recent safety NYCDOT improvements that have narrowed the vehicular travel lanes on Fountain Avenue to provide protected bike lanes in each direction.

- Erskine Street and Schroeders Avenue – A traffic signal warrant analysis was performed at this intersection to determine if this existing all-way stop-controlled intersection could be converted into a signalized intersection. Findings indicate that projected peak hour volumes do not meet the MUTCD warrants for installing a traffic signal. Traffic monitoring of this intersection will be included in the TMP for potential future implementation of a traffic signal. If a traffic signal is not installed, impacts at this intersection could remain unmitigated.

Traffic – Highway Analysis

The FEIS highway analysis indicates the potential for a significant adverse impact for the westbound Belt Parkway weaving segment between Erskine Street and Pennsylvania Avenue. As described in “Mitigation Measures,” geometric improvements, such as lengthening the weaving area by adjusting ramp locations or widening the highway to mitigate the highway impact, may not be practical. This option would also require coordination and approval from NYSDOT. An alternative mitigation option would include TDM measures to reduce the vehicle trip demand to the Belt Parkway. TDM mitigation would require a binding commitment to implement proposed measures to reduce vehicle trip demand. No practicable TDM measures that would effectively mitigate this impact have been identified. In the absence of such mitigation strategies, the significant highway impact could remain unmitigated.

Transit – Subway Stations

If data collected as part of the transit monitoring program leads to the conclusion that a significant impact could occur, the Developer will consult and coordinate with NYCT, ESD, and HCR to determine the extent that potential mitigation improvements are practicable and feasible. If stair widening is deemed impractical or infeasible, other mitigation options could be considered, but it is possible that the impact to stair P6 could remain unmitigated. However, affected passengers would have the option to use stairs P4 or P2 as an alternative.

Construction

Transportation – Traffic

The Project is projected to result in significant adverse traffic impacts at two study area intersections during the 6-7 AM and 3-4 PM construction peak hours. Significant adverse traffic impacts projected at the intersection of Erskine Street and Gateway Drive/Seaview Avenue could remain unmitigated.

Potential traffic mitigation measures examined included reconfiguring the westbound approach from one left-turn lane and two shared through/right-turn lanes to two left-turn lanes and one shared through/right-turn lane. This westbound double left-turn lane would require adjusting the signal phasing to include a protected westbound left-turn phase. The eastbound approach would be reconfigured from one left-turn lane, two through lanes, and one right-turn lane to one left-turn lane, one through lane, and two right-turn lanes. These lane reconfigurations plus traffic signal timing adjustments would be necessary to mitigate projected traffic impacts. However, signal timing adjustments are not feasible at this intersection without affecting the minimum pedestrian clearance time crossing the street; consequently, significant adverse traffic impacts projected at this intersection could remain unmitigated during each analysis period. Traffic

monitoring of this intersection will be undertaken as part of the TMP for consideration of future implementation of mitigation measures.

Transportation – Parking

As described in “Construction,” construction-related traffic in combination with occupancy of completed Project buildings is projected to result in an on-street parking shortfall. As described in “Mitigation Measures,” during construction periods, approximately 90 parking spaces will be located on portions of the site that are not under construction and/or on the southeast corner of the Project Site, which is part of the overall Lot 300 that would be acquired by ESD but is not contemplated for development as part of the Project. However, even with the provision of these parking spaces, construction-related traffic in combination with occupancy of completed Project buildings is projected to result in an on-street parking shortfall. Construction workers experiencing a parking shortfall may search beyond the typical ¼-mile walk radius from the Project, which would likely result in drivers searching for available on-street parking spaces within the light manufacturing neighborhood north of Flatlands Avenue.

Noise

As described in “Construction,” construction activities associated with the Project, particularly those related to demolition or foundation work, could result in temporary significant adverse impacts related to noise at the neighboring Fountain Avenue Project and Gateway Estates II residential development buildings, as well as buildings that will be introduced as a part of the Project.

The effects of construction noise on the sensitive receptors will vary depending on the location of the noise source. Further, during most of the construction period for each phase related to project building construction, noise levels will decrease significantly following the completion of pile driving activities, which will occur for up to approximately 12 weeks at or near the beginning of each of the six phases of construction while other adjacent buildings are occupied.

Noise control measures that would partially mitigate significant adverse construction noise impacts, and which the Developer will be required in the ESD Environmental Controls to implement are described in the Mitigation section above. Substantial noise level reductions (up to 15 dBA) associated with construction not related to pile driving would be expected with the proposed measures. It should be noted that several constraints, such as the use of pile driving during construction, the close proximity of construction activities and limited spaces between buildings and the construction area, will significantly limit the practicability of and the potential benefits from some measures depending on the construction activity being undertaken.

With the implementation of noise mitigation measures (per the ESD Environmental Controls) to reduce noise levels during construction, as described in the FEIS, the potential for significant adverse impacts related to noise will be minimized to the extent practicable with the Project, though not entirely eliminated; there will remain the likely potential for significant adverse construction-period noise impacts, with the worst-case occurring during pile driving activities, which will occur for a limited duration. To the extent that mitigation measures proposed as part of the Project may not be effective at fully mitigating the construction-period noise impacts, then the Project may result in unavoidable significant but temporary adverse impacts.

GROWTH INDUCING ASPECTS OF THE PROJECT

SEQRA specifies that growth-inducing aspects of a proposed action be considered in the environmental review process. The term “growth-inducing aspects” generally refers to “secondary” impacts of a proposed action whereby additional, off-site development would be expected to result indirectly with the

implementation of the proposed action, which itself will be limited to the Project Site. For example, as explained in the *CEQR Technical Manual*, proposed actions that would introduce a new land use of a substantial size or introduce substantial numbers of new residents or employees could induce additional development of a similar kind or of support uses, such as retail to support new residential uses. Likewise, projects that greatly expand the capacity of water supply or sewer infrastructure might also induce growth within the respective service areas.

The Project Site is located within the FCURA, which with the full implementation of the FCURP will retain no substantial area for new development. Designated parkland exists to the east and south of the Project Site, and the Fountain Avenue Project to the north and southwest of the Project Site is expected to be completed by 2021. Therefore, given that the land surrounding the Project Site will be fully developed in the future without the proposed actions, there will be no additional new development induced off-site as a result of the Proposed Actions. Public water and sewer systems already are in place to reach the Project Site, and the connections provided with the Proposed Project will facilitate the new development on the Project Site, specifically. There will be approximately 7,423 new residents introduced to the Project Site with the Project; in addition to the existing regional commercial shopping areas located directly across the street to the west, it is expected that the commercial needs of these residents, and those surrounding the Project Site, will be met by new local commercial uses that will be introduced to the Project Site with the Project. Therefore, given the proposed actions and the context of the Project Site, the Project will not induce new development or substantial changes to existing development in the area surrounding the Project Site.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

There are several resources, both natural and built, that will be expended in the construction and operation of any development that may result from the Proposed Actions. These resources include the building materials used in the construction of the Project; energy in the form of natural gas, petroleum products, and electricity consumed during construction and operation of the residential buildings and commercial space; and the human effort required to develop, construct, and operate various components of any potential development. They are considered irretrievably committed because their reuse for some other purpose will be impossible or highly unlikely.

The proposed actions will constitute an irreversible and irretrievable commitment of a potential development site, as a land resource, thereby rendering land use for other purposes infeasible. However, the proposed actions will not induce development in the surrounding area.

In addition, building materials and the non-renewable energy that will be utilized for the construction associated with implementing the Project, and the non-renewable energy associated with the operations of the residential, commercial, community facility, light manufacturing, parking, and other spaces introduced with the Project, will also constitute an irreversible and irretrievable commitment of resources. The new buildings introduced by the Project will be required to comply with the New York City Energy Conservation Code, which governs performance requirements of HVAC systems, as well as the exterior building envelope of new buildings, thereby meeting standards for energy conservation, which include requirements relating to energy efficiency and combined thermal transmittance. In addition, the Project's buildings will partially rely on renewable energy sources, expected to include on-site solar and/or geothermal loop to serve each building group. The residential development's building construction and operations will be Enterprise Green Communities Certified or achieve a higher green building standard. Therefore, although land and non-renewable energy resources will be irreversibly and irretrievably committed with the Project, the demand for such commitment of non-renewable energy will be lessened

with the implementation of alternative energy technology and energy-efficient building methods as part of the Project.

The irreversible and irretrievable commitment of non-renewable energy will facilitate the provision of needed affordable housing, and the commitment of substantially underutilized State-owned land resources comprising the Project Site, for the purpose of providing affordable housing in this location, is in the public interest. Therefore, considered together, the irreversible and irretrievable commitment of resources does not represent a significant adverse impact.

CERTIFICATION OF FINDINGS

Having considered the FEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, ESD finds and certifies that:

1. The requirements of Article 8 of the New York State Conservation Law and the implementing regulations of the New York State Department of Environment Conservation, 6 NYCRR Part 617, have been met;
2. Consistent with the social, economic, and other essential considerations described above, the significant adverse environmental impacts associated with the development of the Project which were identified in the FEIS and in this Findings Statement will be avoided or minimized to the maximum extent practicable by incorporating as conditions to ESD’s approval of the GPP the mitigation measures described in the FEIS and in this Findings Statement; and
3. The action is consistent with applicable coastal policies set forth in 19 NYCRR 600.5, and with the New York City Waterfront Revitalization Program.

Agency: NYS Urban Development Corporation d/b/a
Empire State Development

Signature of Responsible Officer: *Rachel Shatz*

Name/Title of Responsible Officer: Rachel Shatz, Vice President, Planning & Environmental Review

Date: September 14, 2021