



CITY PLANNING COMMISSION

October 19, 2008/Calendar No. 5

C 090413 ZMK

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from a C8-2 District to an R6A District property bounded by Lynch Street, Broadway, Middleton Street and its northeasterly centerline prolongation, and Union Avenue;
2. changing from an M1-2 District to an R6A District property bounded by Middleton Street, Throop Avenue, Walton Street, Harrison Avenue, and Union Avenue;
3. changing from an M3-1 District to an R6A District property bounded by Lorimer Street, Harrison Avenue, the southwesterly centerline prolongation of Walton Street, and Union Avenue;
4. changing from an M1-2 District to an R7A District property bounded by Walton Street, Throop Avenue, Whipple Street, Flushing Avenue, and Harrison Avenue;
5. changing from an M1-2 District to a C4-3 District property bounded by Whipple Street, Throop Avenue, and Flushing Avenue;
6. establishing within a proposed R6A a C2-4 District bounded by Lynch Street, Broadway, the northeasterly centerline prolongation of Middleton Street, Throop Avenue, Lorimer Street, a line 100 feet southwesterly of Throop Avenue, a line midway between Lynch Street and Middleton Street, a line 100 feet northeasterly of Union Avenue, a line 100 feet northeasterly of Harrison Avenue, Lorimer Street, Harrison Avenue, the southwesterly centerline prolongation of Walton Street, and Union Avenue; and
7. establishing within a proposed R7A a C2-4 District bounded by:
 - a. Walton Street, Throop Avenue, Bartlett Street, and a line 100 feet southwesterly of Throop Avenue; and
 - b. Walton Street, a line 100 feet northeasterly of Harrison Avenue, a line 100 feet northerly of Flushing Avenue, a line perpendicular to the northwesterly street line of Whipple Street distant 50 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Whipple Street and the northerly street line of Flushing Avenue, Whipple Street, Flushing Avenue, and Harrison Avenue.;

, as shown on a diagram (for illustrative purposes only), dated May 18, 2009, and subject to the conditions of CEQR Declaration E-238, Borough of Brooklyn, Community District 1.

The application for an amendment of the Zoning Map was filed by the Department of Housing Preservation and Development on May 6, 2009 to rezone 9 blocks bounded by Lynch Street, Throop, Flushing, and Harrison avenues, Walton Street, and Union Avenue from C8-2, M1-2, and M3-1 to C4-3, R6A and R7A districts with C2-4 overlays.

RELATED ACTIONS

In addition to this application (C 090413 ZMK) for the amendment of the Zoning Map which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- N 090414 ZRK** Amendment to the Zoning Resolution.

- C 090415 HUK** An amendment to the Broadway Triangle Urban Renewal Plan.

- C 090416 HAK** UDAAP Designation, Project Approval and Disposition of city-owned property.

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for an amendment to the Broadway Triangle Urban Renewal Plan (C 090415 HUK).

ENVIRONMENTAL REVIEW

This application (C 090415 HUK), in conjunction with the applications for the related actions (C 090413 ZMK, N 090414 ZRK, and C 090416 HAK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 09HPD019K. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impacts of the proposed action, it was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required for the following reasons:

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The action, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.
3. The action, as proposed, may result in significant adverse impacts on community facilities in the vicinity of the affected area.
4. The action, as proposed, may result in significant adverse impacts on publicly accessible open space facilities in the vicinity of the affected area.
5. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The action, as proposed, may result in significant adverse impacts on historic resources (architectural resources) in the affected area.
7. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.

8. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
9. The action, as proposed, may result in significant adverse impacts on natural resources in the vicinity of the affected area.
10. The action, as proposed, may result in significant adverse hazardous materials impacts in the affected area.
11. The action, as proposed, may result in inconsistencies in Coastal Zone policies in the vicinity of the affected area with respect to the Waterfront Revitalization Program.
12. The action, as proposed, may result in significant adverse impacts on infrastructure systems in the vicinity of the affected area.
13. The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the affected area.
14. The action, as proposed, may result in significant adverse impacts on energy in the vicinity of the affected area.
15. The action, as proposed, may result in significant adverse impacts to traffic and parking conditions in the vicinity of the affected area.
16. The action, as proposed, may result in significant adverse impacts on transit services and pedestrian flows in the vicinity of the affected area.
17. The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
18. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
19. The action, as proposed, may result in significant adverse construction-related impacts.
20. The action, as proposed, may result in significant adverse public health impacts in the vicinity of the affected area.

A Positive Declaration was issued on October 15, 2008, and distributed, published and filed, and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). A public

scoping meeting was held on the Draft Scope of Work on November 17, 2008 and a Final Scope of Work was issued on May 6, 2009.

The lead agency prepared a DEIS and issued a Notice of Completion on May 13, 2009. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on September 9, 2009, in conjunction with the Uniform Land Use Review Procedure (ULURP) applications (C 090413 ZMK, N 090414 ZRK, and C 090416 HAK). The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on October 7, 2009. The Notice of Completion for the FEIS identified the following significant impacts and proposed the following mitigation measures:

SIGNIFICANT ADVERSE IMPACTS:

SOCIOECONOMIC CONDITIONS

INDIRECT RESIDENTIAL DISPLACEMENT

The Proposed Action could initiate a trend toward increased rents in the study area. Although there are ongoing trends of increased rent pressures in the study area and adjacent Williamsburg and Bushwick neighborhoods, the Proposed Action's contributions to rent pressures in the study area could be significant.

OPEN SPACE

The decrease in open space ratio would exceed the 5 percent threshold for possible impacts specified in the *CEQR Technical Manual*. In light of the very low open space ratios in the study area under No-Action conditions and worsening that would occur with the Proposed Action, there would be a significant adverse quantitative open space impact under CEQR.

SHADOWS

The Proposed Action would result in significant adverse impacts to two sunlight-sensitive resources:

Bartlett Playground, located along the south side of Bartlett Street, would receive significant incremental shadow coverage resulting from the future condition, that would create a significant adverse impact during the May 6th analysis period because the resource would receive less than the minimum required amount of sunlight for its vegetative cover and trees during part of the growing season.

The “Project Roots” Community Garden, located along the south side of Walton Street, would receive significant incremental shadow coverage resulting from the future condition that could significantly reduce the exposure of vegetation (including the greenhouse) to less than the minimum required 4 hours and diminish the attractiveness of this open space and utility of the greenhouse.

HISTORIC RESOURCES

The Proposed Action would not result in significant impacts to archaeological resources, but would result in construction-related impacts to two historic resources: the Lincoln Savings Bank and the All Saints Church. Construction activity associated with some projected development would result in potential construction-related impacts.

TRAFFIC AND PARKING

The Proposed Action would result in significant adverse traffic impacts at a total of nine intersections:

- Broadway at Union Avenue/Heyward Street (AM)
- Broadway at Gerry Street (AM)
- Broadway at Whipple Street (AM)
- Flushing Avenue at Throop Avenue/Thorton Street (AM, PM)

- Flushing Avenue at Harrison Avenue (AM, MD, PM, SAT)
- Flushing Avenue at Union Avenue/Marcy Avenue/Gerry Street (AM, PM)
- Flushing Avenue at Lee Avenue/Nostrand Avenue (AM, MD, PM, SAT)
- Harrison Avenue at Gerry Street (AM, PM)
- Harrison Avenue at Bartlett Street (AM, PM)

TRANSIT AND PEDESTRIANS

BUS SERVICE

Project-generated demand could create a capacity shortfall of approximately 32 spaces on southbound B46 buses in the PM peak hour.

CONSTRUCTION IMPACTS

Inadvertent direct construction-related impacts could potentially occur to two (the Lincoln Savings Bank and the All Saints Church) of the State and/or National Registers of Historic Places S/NR eligible resources as a result of development in the Project Area.

MITIGATION

SOCIOECONOMIC CONDITIONS

The significant adverse indirect residential displacement impacts that could occur as a result of the Proposed Action would be partially mitigated by the Proposed Action's provision of 844 affordable housing units for low income households which, unlike the existing unprotected units occupied by vulnerable populations, would be rent protected. Combined with the 370 affordable housing units that would be developed pursuant to City actions on other sites in the future without the No-Action, there are expected to be an additional 1,214 affordable housing units in the study area by 2018.

These and other factors may lessen the impact of the Proposed Action:

- **There is an existing trend toward increased rents that is expected to accelerate in the future without the Proposed Action.** Recent data show that there is already an existing trend toward rent increases due to post-2000 development. As evidenced through local real estate data, asking rents for rental units within the study area are considerably higher, particularly with respect to rental units closer to Williamsburg—a neighborhood that in recent years, has experienced an influx of new residential development consisting of market-rate and luxury rental units. Market pressures have in effect, spread to adjacent neighborhoods such as East Williamsburg, South Williamsburg, Bushwick, and Bedford-Stuyvesant. Census Tracts 491, 505, 507, 509, 527, 529, and 531, located in the northern portion of the study area (containing 1,189 at risk units) are those located closest to Williamsburg. Given their close proximity, it is likely that some vulnerable units already have been or will be displaced as a result of these existing market pressures.

Furthermore, 1990 and 2000 Census data indicate that within the Project Area, the poverty rate has decreased 73.6 percent between 1990 and 2000, while the median household income has increased 19.6 percent during that same period. Within the socioeconomic study area, the poverty rate has fallen by 5.0 percent while the median household income has increased by 9.4 percent between 1990 and 2000. This illustrates a shift in the socioeconomic profile of the neighborhood with a higher income population currently present in the study area. Therefore, increased market pressures in the area are the result of an existing trend spurred by the influx of higher income residents that would continue to exist in the future with or without the Proposed Action.

- **The Proposed Action would encourage a mix of market-rate and affordable housing.** The Proposed Action would introduce 1,851 units to the study area. As determined by the RWCDS, 844 units (45.6 percent) would be affordable through the redevelopment of city-owned property, utilization of the Inclusionary Housing program, or a combination of both. The new residential population would likely mirror the economic diversity of the existing population in the study areas and would likely be more diverse than the population that will be introduced to the study areas in the future without the Proposed Action. As detailed below, this diverse new population and increased housing supply could help to relieve the trend toward increased rents in the study areas, rather than accelerate it. The 844 affordable housing units generated by the Proposed Action, which would be rent protected units that would shield vulnerable populations from indirect displacement pressures unlike the existing unprotected units in the study area, would serve to partially mitigate the significant adverse indirect displacement impacts that potentially could occur as a result of the Proposed Action. Combined with the 370 affordable housing units that would be provided by known future developments under the 2018 no-action condition a total of 1,214 affordable units would be added to the study area by 2018.

The future no-action condition, by contrast, is not expected to include additional affordable housing within the Project Area and residents of unprotected units would remain potentially vulnerable to displacement pressures from the general trends of rising rents the area is experiencing.

- **The Proposed Action could serve to relieve, rather than increase market pressure in the study area.** Presently, there is a high demand for housing in the surrounding area due to its proximity to Manhattan, access to transit, and increased housing costs in nearby neighborhoods. The proposal would allow as-of-right residential development in an area that currently prohibits most new residential uses. The development of new residential buildings in the proposed Broadway Triangle Project Area would increase the supply of both market rate and affordable housing in an area where housing demand is high.

In conclusion, one of the key goals of the Proposed Action is to provide affordable housing units, which would be rent protected. These 844 projected affordable units would partially mitigate the significant adverse indirect residential displacement impacts that could occur to up to 1,189 unprotected units. While this EIS discloses this impact, in the future without the Proposed Action there would be no additional affordable housing units in the Project Area and the existing units would remain unprotected and households occupying them potentially vulnerable to indirect displacement due to rent increases.

TRAFFIC AND PARKING

TRAFFIC

The Proposed Action would result in significant adverse traffic impacts at a total of nine signalized intersections in the vicinity of the Project Area in one or more peak hours by 2018. A traffic mitigation plan was therefore developed to address these impacts. This mitigation plan, summarized in Table ES-6, consists of changes to signal timing and phasing, and curb-side parking regulations in order to increase capacity.

The effectiveness of the proposed traffic mitigation plan, in terms of addressing significant adverse impacts that would result from the Proposed Action, is shown in Table ES-6. As discussed below, the proposed traffic mitigation measures would fully mitigate all of the traffic impacts that would occur as a result of the Proposed Action in each analyzed peak hour.

Broadway at Union Avenue/Heyward Street

As shown in Table ES-6, at this intersection it is proposed to add a “no standing, 7-10 AM Monday through Friday” regulation to the existing no parking anytime regulation along the length of the east curb of northbound Broadway between Boerum Street and Union Avenue. With this parking regulation adjustment, the significant adverse impact to the northbound approach in the weekday AM peak hour would be fully mitigated. The northbound approach would operate with 37.2 seconds of delay (LOS D) in the AM under mitigated conditions compared to 88.4 seconds of delay (LOS F) in the future condition without the Proposed Action.

Broadway at Gerry Street

As shown in Table ES-6, at this intersection it is proposed to transfer one second of green time from the northbound/southbound (Broadway) phase to the eastbound/westbound (Gerry Street) phase in the weekday AM peak period. With this signal timing adjustment, the significant adverse impact to the eastbound Gerry Street approach in the weekday AM peak hour would be fully mitigated. The eastbound approach would operate with 44.8 seconds of delay (LOS D) in the AM compared to 46.7 seconds of delay (LOS D) with the Proposed Action and 41.3 seconds of delay (LOS D) with the future condition without the Proposed Action.

(a) Table ES-6

2. Proposed Traffic Mitigation Measures

Intersection	Approach	Period	Current Signal Timing (Seconds)	Mitigation Signal Timing (Seconds)	Description of Mitigation
Broadway (N-S) at Heyward St (W)/ Union Ave (E-W)	EB/WB NB/SB	AM	48/36/48/36 72/54/72/54	48/36/48/36 72/54/72/54	Implement no standing, 7-10 AM, Monday-Friday regulation along east curb of NB approach.
Broadway (N-S) at Gerry Street (E-W)	EB/WB NB/SB	AM	36/36/36/36 84/54/84/54	37/36/36/36 83/54/84/54	Transfer 1 sec. of green time from NB/SB phase to EB/WB phase in AM peak period.
Broadway (N-S) at	EB/WB	AM	48/36/48/36	47/36/48/36	Transfer 1 sec. of green time from

Whipple St (E-W)	NB/SB		72/54/72/54	73/54/72/54	EB/WB phase to NB/SB phase in AM peak period.
Throop Ave (N) at Flushing Ave (E-W)/ Thorton Street (S)	EB/WB NB SB	AM/PM	54/40/54/40 36/27/36/27 30/23/30/23	55/40/55/40 36/27/36/27 29/23/29/23	Transfer 1 sec. of green time from SB phase to EB/WB phase in AM and PM peak periods.
Harrison Ave (S) at Gerry Street (E-W)	EB/WB SB	AM/PM	48/48/48/48 72/72/72/72	44/48/44/48 76/72/76/72	Transfer 4 sec. of green time from EB/WB phase to SB phase in AM and PM peak periods.
Harrison Ave (S) at Bartlett St (E-W)	EB/WB SB	AM/PM	48/48/48/48 72/72/72/72	48/48/48/48 72/72/72/72	Implement no standing, 7-10 AM and 4-7 PM, Monday-Friday regulation for 100' along west curb of SB approach.
Harrison Ave (S) at Flushing Ave (E-W)	EB/WB SB	ALL	60/45/60/45 60/45/60/45	63/47/64/47 57/43/56/43	Transfer 3 sec. of green time from SB phase to EB/WB phase in AM peak period, 2 sec. in MD and Sat MD, and 4 sec. in PM. Implement no standing, 4-7 PM, Monday-Friday regulation for 100' along west curb of SB approach.
Union Ave (N)/ Marcy Ave (N) at Flushing Ave (E-W)/ Gerry Street (E-W)	EB/WB NB	ALL	77/58/77/58 43/32/43/32	80/58/80/58 40/32/40/32	Transfer 3 sec. of green time from NB phase to EB/WB phase in AM and PM peak periods.
Lee Ave (S)/ Nostrand Ave (S) at Flushing Ave (E-W)	EB/WB SB	ALL	60/45/60/45 60/45/60/45	64/47/64/48 56/43/56/42	Transfer 4 sec. of green time from SB phase to EB/WB phase in AM peak period, 2 sec. in MD, 4 sec. in PM and 3 sec. in Sat MD.

Notes: AM/MD/PM/Sat MD signal timings indicate green plus yellow (including all-red) for each phase.
EB – eastbound; WB – westbound; NB – northbound; SB – southbound.

Broadway at Whipple Street

As shown in Table ES-6, at this intersection it is proposed to transfer one second of green time from the eastbound/westbound (Whipple Street) phase to the northbound/southbound (Broadway) phase in the weekday AM peak period. With this signal timing adjustment, the significant adverse impact to southbound Broadway in the weekday AM peak hour would be fully mitigated. The southbound approach would operate with 44.8 seconds of delay (LOS D) in the AM compared to 48.1 seconds of delay (LOS D) with the Proposed Action and 36.7 seconds of delay (LOS D) in the future condition without the Proposed Action.

Flushing Avenue at Throop Avenue/Thornton Street

As shown in Table ES-6, at this intersection it is proposed to transfer one second of green time from the southbound (Thornton Street) phase to the eastbound/westbound (Flushing Avenue) phase in the weekday AM and PM peak periods. With this signal timing adjustment, the significant adverse impacts to the eastbound Flushing Avenue approach in the weekday AM and PM peak hours would be fully mitigated. In the AM peak hour, the eastbound approach would operate with 124.1 seconds of delay (LOS F) compared to 130.1 seconds of delay (LOS F) in the future condition without the Proposed Action. In the PM peak hour, the eastbound approach would operate with 108.6 seconds of delay (LOS F) compared to 113.8 seconds of delay (LOS F) in the future condition without the Proposed Action.

Harrison Avenue at Gerry Street

As shown in Table ES-6, at this intersection it is proposed to transfer four seconds of green time from the eastbound/westbound (Gerry Street) phase to the southbound (Harrison Avenue) phase in the weekday AM and PM peak periods. With this signal timing adjustment, the significant adverse impacts to the southbound Harrison Avenue approach in the weekday AM and PM peak hours would be fully mitigated. The southbound approach would operate with 46.3 seconds of delay (LOS D) and 60.4 seconds of delay (LOS E) in the AM and PM peak hours, respectively, compared to 47.8 seconds of delay (LOS D) and 64.2 seconds of delay (LOS E), respectively, in the future condition without the Proposed Action.

Harrison Avenue at Bartlett Street

As shown in Table ES-6, at this intersection it is proposed to implement a no standing, 7-10 AM and 4-7 PM, Monday through Friday regulation for 100 feet along the west curb of southbound Harrison Avenue. With this parking regulation adjustment, the significant adverse impacts to the southbound Harrison Avenue approach in the weekday AM and PM peak hours would be fully mitigated. The southbound approach would operate with 22.2 seconds of delay (LOS C) and 29.1 seconds of delay (LOS C) in the AM and PM peak hours, respectively, compared to 40.4

seconds of delay (LOS D) and 49.8 seconds of delay (LOS D), respectively, in the future condition without the Proposed Action.

Harrison Avenue at Flushing Avenue

As shown in Table ES-6, at this intersection it is proposed to implement a no standing 4-7 PM Monday through Friday regulation for 100 feet along the west curb of the southbound Harrison Avenue approach, and to transfer three seconds of green time from the southbound Harrison Avenue phase to the eastbound/westbound Flushing Avenue phase in the weekday AM peak period, two seconds in the midday, four seconds in the PM and two seconds in the Saturday midday peak period. With these parking regulation and signal timing adjustments, the significant adverse impacts to the eastbound approach in the weekday AM peak hour and to the westbound approach in all four peak periods would be fully mitigated. The eastbound approach would operate with 52.8 seconds of delay (LOS D) in the AM compared to 62.3 seconds of delay (LOS E) in the future condition without the Proposed Action. The westbound approach would continue to operate at LOS F in all periods with 122.9, 95.9, 118.9 and 117.8 seconds of delay in the weekday AM, midday and PM and Saturday midday peak hours, respectively, compared to 129.5, 110.6, 127.1 and 126.5 seconds of delay in these periods, respectively, in the future condition without the Proposed Action.

Union Avenue/Marcy Avenue at Flushing Avenue

As shown in Table ES-6, at this intersection it is proposed to transfer three seconds of green time from the northbound Marcy Avenue phase to the eastbound/westbound Flushing Avenue phase in the weekday AM and PM peak periods. With this signal timing adjustments, the significant adverse impacts to the eastbound approach in the weekday AM and PM peak hours would be fully mitigated. The eastbound approach would operate with 44.9 seconds of delay (LOS D) in the AM and 41.6 seconds (LOS D) in the PM compared to 46.7 seconds of delay (LOS D) and 24.6 seconds (LOS C) during these periods, respectively, in the future condition without the Proposed Action.

LEE AVENUE/NOSTRAND AVENUE AT FLUSHING AVENUE

As shown in Table ES-6, at this intersection it is proposed to transfer four seconds of green time from the southbound Lee Avenue phase to the eastbound/westbound Flushing Avenue phase in the weekday AM peak period, two seconds in the midday, four seconds in the PM and three seconds in the Saturday midday peak period. With these signal timing adjustments, the significant adverse impacts to the eastbound and westbound approaches in all four peak periods would be fully mitigated. The eastbound approach would operate at LOS F in the weekday AM, midday and PM peak hours and LOS E in the Saturday midday (unchanged from the No-Action condition), with 102.4, 81.4, 90.4, and 65.5 seconds of delay during these periods, respectively, compared to 120.3, 84.0, 95.1 and 76.3 seconds of delay, respectively, in the future condition without the Proposed Action. The westbound approach would continue to operate at LOS F in all periods with 121.5, 169.1, 110.9 and 122 seconds of delay in the weekday AM, midday and PM and Saturday midday peak hours, respectively, compared to 124, 182.2, 120 and 127.7 seconds of delay in these periods, respectively, in the future condition without the Proposed Action.

TRANSIT AND PEDESTRIANS

Local Bus

The Proposed Action would result in significant adverse impacts to southbound B46 bus service in the PM peak hour in the 2018 build year. In the PM peak hour southbound B46 buses would be operating with a capacity shortfall of approximately 32 spaces, compared to a surplus of approximately 44 spaces in the future without the Proposed Action. According to current NYC Transit guidelines, increases in bus load levels to above their maximum capacity at any load point is considered a significant impact as it would necessitate the addition of more bus service along that route. As standard practice, NYC Transit routinely conducts ridership counts and adjusts bus service frequency to meet its service criteria, within fiscal and operating constraints. Therefore, no mitigation is needed for the Proposed Action.

UNAVOIDABLE ADVERSE IMPACTS

OPEN SPACE

The Proposed Action would result in a significant adverse impact to open space. In the future with the Proposed Action, open space ratios in the open space ratio would decrease by approximately 5.6 percent as compared to the future without the Proposed Action. The private recreational space created under the *Quality Housing Program* for all action-generated residential units in the future with the Proposed Action would contribute to alleviating some of the shortage of open space in the study area. In addition, there are several large open space resources just outside the study area and bike lanes on existing roadways in the area which would also partially alleviate the shortage of open space for residents of the study area. However, the decrease in open space ratio would exceed the 5 percent threshold for possible impacts, In light of the very low open space ratios for both passive and active recreation in the study area under No-Action conditions and worsening that would occur with the Proposed Action, there would be a significant adverse open space impact.

HPD has considered the following measures to mitigate the significant adverse quantitative open space impacts:•

- The creation of new open space within the open space study area; or
- The enhancement and improvement of existing open spaces within the open space study area.

HPD has identified partial mitigation for the shortfall in passive open space. In order to partially mitigate the significant adverse open space impact, a new open space would be created within the open space study area at the junction of Beaver Street and Bushwick Avenue within the West Bushwick URA. The open space mitigation site is also known as URA Site 8 (Block 3137, Lots 1, 6, 9 and 11). The site is approximately 17,000 square feet and is City-owned (under HPD jurisdiction). HPD would transfer jurisdiction of the site to the Department of Parks and Recreation (DPR), which would create and maintain the site as passive open space. The creation of new passive open space would mitigate the passive open space impact; however, the study

area would continue to be underserved by active open space. Furthermore, due to the absence of available funding, enhancements and/or improvements to existing open spaces in the open space study area is not considered feasible and no commitments can be made at this time. As a result, significant adverse impacts related to active open space would remain unmitigated.

SHADOWS

The Proposed Action has the potential to result in significant adverse impacts due to shadows cast on the Bartlett Playground and the “Project Roots” Community Garden.

Bartlett Playground

Bartlett Playground, located along the south side of Bartlett Street, would receive significant incremental shadow coverage resulting from the future condition with the Proposed Action, specifically from future development at projected development sites 5 and 6. Sun sensitive resources located within the playground include deciduous trees, playground facilities, spray showers, benches and basketball courts. The duration of the shadow coverage over the four analysis periods (6 ¼ to 11 ¼ hours) would reduce the exposure of vegetation to sunlight to 3 hours on May 6th and 4 hours and 35 minutes on June 21st. While the reduction in sunlight exposure as a result of the Proposed Action would not significantly affect active recreation areas within the playground such as basketball courts, the lack of sunlight on the Bartlett Playground is a significant adverse impact during the May 6th analysis period because the resource would receive less than the minimum required for its vegetative cover and trees during part of the growing season.

HPD, in consultation with DPR, considered the following measures to mitigate significant adverse shadow impacts on the Bartlett Playground:

- Eliminating projected development sites 5 and 6 (the sites creating the shadow impact);
- reducing the height of buildings causing the shadow impact; or
- choosing shade tolerant species for vegetation to be planted in areas that would be in shadow.

HPD explored the aforementioned measures and has determined that the measures are not feasible. Therefore, the significant adverse shadow impacts to the Bartlett Playground would remain unmitigated.

“Project Roots” Community Garden

The “Project Roots” Community Garden is located along the south side of Walton Street. Incremental shadows, as a result of the Proposed Action, would primarily result from development on projected development site 24, where a distinctly taller building (80 feet in height) is projected. The duration of the shadow coverage over the four analysis periods (6 ¼ hours to 12 hours) would significantly reduce the exposure of vegetation (including the greenhouse) to sunlight and diminish the attractiveness of the open space and utility of the greenhouse.

HPD, in consultation with DPR, considered the following measures to mitigate significant adverse shadow impacts on the “Project Roots” Community Garden:

- Eliminating projected development site 24 (the site creating the shadow impact);
- reducing the height of buildings causing the shadow impact;
- choosing shade tolerant species for vegetation to be planted in areas that would be in shadow; or
- realignment or relocation of the greenhouse to another area of the garden.

HPD explored the aforementioned measures and has determined that the measures are not feasible. Therefore, as described in Chapter 24 “Mitigation”, the significant adverse shadow impacts to the “Project Roots” Community Garden would remain unmitigated.

HISTORIC RESOURCES

The Proposed Action would not result in significant impacts to archaeological resources but would result in unmitigated construction-related impacts to two historic (architectural) resources, as discussed below.

CONSTRUCTION IMPACTS

Inadvertent direct construction-related damage could potentially occur to two (the Lincoln Savings Bank and the All Saints Church) of the S/NR eligible historic resources as a result of development in the Project Area. Construction activity associated with projected development sites 1 and 34 would result in potential construction-related impacts. The resource within 90 feet of projected development site 1 is the All Saints Church building, located on Throop Avenue. The resource within 90 feet of projected development site 34 is Lincoln Savings Bank which is located on Broadway.

These impacts would be unavoidable and remain unmitigated for privately owned development sites as no mechanism to require a Construction Protection Plan (CPP) is currently in place for private sites, aside from the standard Building Code measures

(E) DEISIGNATIONS

HAZARDOUS MATERIALS

All projected and potential development sites could reasonably be expected to be affected by hazardous materials due to historical and/or current land use. For these sites, the predominant source of potential contamination stems from chemical manufacturing (associated with pharmaceutical products) and automobile repair facilities. Other potential sources of contamination include machine shops and metal fabrication shops, petroleum storage tanks, dry cleaning establishments and printing shops. Consequently, with the exception of City-owned sites, the Proposed Action would include (E) designations for projected and potential

development sites. For city-owned development sites, (E) designations are not recommended. Since development of these sites would occur through disposition to a private entity, similar mechanisms would be required through the Land Disposition Agreement (LDA) between HPD and a private entity. The provisions would be similar to an (E) designation and would ensure that further investigative and/or remedial activities (as well as health and safety measures) prior to and/or during construction would be required under the City's contract of sale with the private entity selected to develop the site. Sites that would be mapped with (E) designations are included in Table ES-1.

The (E) designation would require that the fee owner of such a site conduct a Phase I Environmental Site Assessment (ESA) in accordance with the American Society of Testing Materials (ASTM) E1527-05, a subsurface testing and sampling protocol where appropriate, and remediation where appropriate, to the satisfaction of New York City Department of Environmental Protection (DEP). The (E) designation also includes a mandatory Construction Health and Safety Plan (CHASP) which must be approved by DEP prior to construction activities. Zoning Resolution § 11-15 indicates that the New York City Department of Buildings (DOB) may not issue a building permit for work on a tax lot labeled with an (E) designation due to potential hazardous materials contamination, if the building permit would allow: (1) a development; (2) an enlargement, extension or change of use involving a residential or community facility use; or (3) an enlargement that disturbs the soil, unless the DOB is provided with a report from the DEP stating that the hazardous materials requirements for the lot have been satisfied. Both the mapping of (E) designations on the zoning map for privately owned sites, and implementation provisions required through the Land Disposition Agreement (LDA) between HPD and a private entity on city-owned sites would preclude the potential for significant adverse hazardous materials impacts that could result from the Proposed Action.

**Table ES-1
Hazardous Materials E-
Designations**

Site No.	Block	Lot
Projected Development Sites		
1	2274	16
2	2274	1
	2274	5
	2274	6
	2274	24
3	2272	3
4	2272	6
5	2272	9
6	2272	45
	2272	46
	2272	147
7	2272	54
	2272	55
9	2269	1
10	2269	19
	2269	po40
	2269	24
11	2269	25
12	2269	39
	2269	p/o 40
	2269	42
13	2269	43
	2269	43

**Table ES-1
Hazardous Materials E-
Designations**

Site No.	Block	Lot
14	2266	1
	2266	9
15	2266	14
	2266	15
	2266	16
	2266	17
16	2266	19
	2266	20
	2266	21
	2266	22
	2266	23
	2266	24
	2266	25
17	2266	29
	2266	30
18	2266	31
	2266	32
	2266	34
19	2266	37
	2266	38
20	2266	39
	2266	40
	2266	41
21	2266	46

**Table ES-1
Hazardous Materials E-
Designations**

Site No.	Block	Lot
22	2250	4
23	2250	10
	2250	11
	2250	12
24	2250	14
	2250	46
	2250	48
26	2250	129
	2250	32
	2250	33
27	2250	36
	2250	37
29	2242	2
	2242	3
30	2242	53
	2242	54
31	2242	45
	2242	46
	2242	47
32	2242	22
33	2238	49

**Table ES-1
Hazardous Materials E-
Designations**

Site No.	Block	Lot
34	2238	27
35	2238	41
36	2245	136
	2245	35
	2245	40
	2245	42
	2245	43
	2245	44
	2245	47
	2245	48
Potential Development Sites		
25	2250	27
	2250	28
	2250	29
	2250	25
28	2250	38
	2250	40
	2250	41
37	2250	6
	2250	7
	2250	8

AIR QUALITY

The mapping of (E) designations on the zoning map for certain sites would ensure that future development would not result in any significant air quality impacts from HVAC emissions. In making this determination all proposed development parameters (locations, size, and building

heights) were examined. The size of each development anticipated from the Proposed Action, including permitted zoning square footage, and estimated height of exhaust release, were utilized in this screening analysis. Based on CEQR criteria, No. 4 fuel, No. 2 fuel, and natural gas were used for determining the maximum size of project development that would not result in significant HVAC and boiler air quality impacts on a typical nearby receiver or building. Where developments exceeded thresholds, (E) designations and restrictions for the development are listed in Table ES-2.

Table ES-2
CEQR Preliminary Screening Results for Individual HVAC Source

Project Development Sites				Distance to Nearest Building (feet)	Fuel Type Passed	E- Requirements
Site No.	Block - Lot	Lot Area	Building Area	Distance (ft)	Fuel Type	Requirement
Projected Development Sites						
1	2274 - 16	7800	1440	119	Fuel #4	Fuel #4; no restriction
2	2274 - 1 2274 - 5 2274 - 6 2274 - 24	4167 2125 713 6119 13124	5900 0 0 6119 12019	177	Fuel #4	Fuel #4; no restriction
3	2272 - 3	5000	0	34	Fuel #2	Fuel #2 at 34' from southern and eastern lot lines or natural gas with no restrictions
4	2272 - 6	6975	0	40	Fuel #2	Fuel #2 at 37' from southern, eastern and western lot lines or natural gas with no restrictions
5	2272 - 9 2272 - 11	5000 5000 10000	4945 0 4945	47	Natural Gas	Fuel #2 at 55' from southern and western lot lines or natural gas at 42' from southern and western lot lines
6	2272 - 45 2272 - 46 2272 - 147	2500 3750 3750	0 0 0	50	NONE	Natural gas at 60' from northern and western lot lines

Table ES-2
CEQR Preliminary Screening Results for Individual HVAC Source

Project Development Sites				Distance to Nearest Building (feet)	Fuel Type Passed	E- Requirements
Site No.	Block - Lot	Lot Area	Building Area	Distance (ft)	Fuel Type	Requirement
	2272 - 49	3282	0			
	2272 - 51	2150	0			
	2272 - 52	2000	0			
	2272 - 53	2000	0			
	2272 - 108	520	0			
		19952	0			
7	2272 - 54	2000	0	23	Distance <30ft	Natural gas; no restriction
	2272 - 55	2500	4875			
		4500	4875			
8	2269 - 52	5000	21750	25	Distance <30ft	Natural gas; no restriction
9	2269 - 1	40000	0	25	Distance <30ft	Natural gas at 82' from southern and western lot lines
10	2269 - 14	3750	0	43	NONE	Natural gas at 60' from southern, western and eastern lot lines
	2269 - 16	3750	0			
	2269 - 17	2500	0			
	2269 - 18	2500	0			
	2269 - 19	7500	7500			
	2269 - p/o 40	2500	2500			
	2269 - 23	2500	0			
	2269 - 24	2500	2500			
		27500	12500			
11	2269 - 25	5500	0	55	Natural Gas	Fuel #2 at 70' from western lot line or Natural gas at 55' from western lot line
	2269 - 27	1750	0			
	2269 - 28	1750	0			
	2269 - 29	1750	0			
	2269 - 30	1750	0			
	2269 - 31	3575	0			
	2269 - 33	3283	0			
	2269 - 35	1350	0			
	2269 - 36	7500	0			
		28208	0			
12	2269 - 39	2500	4125	48	Natural Gas	Fuel #2 at 55' from northern, western

Table ES-2
CEQR Preliminary Screening Results for Individual HVAC Source

Project Development Sites				Distance to Nearest Building (feet)	Fuel Type Passed	E- Requirements
Site No.	Block - Lot	Lot Area	Building Area	Distance (ft)	Fuel Type	Requirement
	2269 - p/o 40	2500	2500			and eastern lot lines or Natural gas at 42' from northern, western and eastern lot lines
	2269 - 41	2500	0			
	2269 - 42	2500	3375			
		10000	10000			
13	2269 - 43	2500	2500	50	NONE	Fuel #2 at 72' from northern, western and eastern lot lines or Natural gas at 60' from northern, western and eastern lot lines
	2269 - 43	2500	15000			
	2269 - 45	5000	0			
	2269 - 47	2500	0			
	2269 - 48	2500	0			
	2269 - 49	2500	0			
	2269 - 50	2500	0			
		37500	33375			
14	2266 - 1	30000	0	77	Natural Gas	Natural gas at 70' from eastern lot line
	2266 - 9	800	1600			
		30800	1600			
15	2266 - 14	2500	0	53	Natural Gas	Natural gas at 40' from southern and eastern lot lines
	2266 - 15	2500	0			
	2266 - 16	2500	0			
	2266 - 17	2500	0			
		10,000	0			
16	2266 - 18	2500	0	53	Natural Gas	Natural gas at 50' from southern, western and eastern lot lines
	2266 - 19	2500	0			
	2266 - 20	2500	0			
	2266 - 21	1575	0			
	2266 - 22	2500	0			
	2266 - 23	2500	0			
	2266 - 24	2500	2500			
	2266 - 25	2500	0			
		19,075	2500			
17	2266 - 29	7500	0	47	Natural Gas	Fuel #2 at 55' from southern and western lot lines or Natural gas at 42' from southern and western lot lines
	2266 - 30	2500	2500			

Table ES-2
CEQR Preliminary Screening Results for Individual HVAC Source

Project Development Sites				Distance to Nearest Building (feet)	Fuel Type Passed	E- Requirements
Site No.	Block - Lot	Lot Area	Building Area	Distance (ft)	Fuel Type	Requirement
		10000	2500			
18	2266 - 31 2266 - 32 2266 - 34 2266 - 36	2500 4952 2548 2500	2500 0 0 0	48	Natural Gas	Natural gas at 40' from northern and western lot lines
		12500	2500			
19	2266 - 37 2266 - 38	2500 2500	7500 2500	30	Natural Gas	Natural gas; no restriction
		2500	7500			
20	2266 - 39 2266 - 40 2266 - 41	2500 2500 2500	0 0 0	40	Natural Gas	Natural gas at 35' from northern, western and eastern lot lines
		7500	0			
21	2266 - 46	20000	0	46	NONE	Natural gas at 60' from northern, western and eastern lot lines
22	2250 - 4	5000	5000	25	Distance <30ft	Natural gas at 30' from northern and eastern lot lines
23	2250 - 10 2250 - 11 2250 - 12	2500 2500 2500	0 0 2500	42	Natural Gas	Natural gas at 35' from southern, western and eastern lot lines
		7500	2500			
24	2250 - 14 2250 - 46 2250 - 48	15000 5000 2500	15000 5000 1000	33	NONE	Natural gas at 60' from western and southern lot lines
		22500	21000			
26	2250 - 129 2250 - 32 2250 - 33	3750 2500 5000	0 2500 5000	50	Natural Gas	Natural gas at 40' from northern and western lot lines
		11250	7500			

Table ES-2
CEQR Preliminary Screening Results for Individual HVAC Source

Project Development Sites				Distance to Nearest Building (feet)	Fuel Type Passed	E- Requirements
Site No.	Block - Lot	Lot Area	Building Area	Distance (ft)	Fuel Type	Requirement
27	2250 - 36	2500	0	25	Distance <30ft	Natural gas at 30' from northern, western and eastern lot lines
	2250 - 37	2500	2180			
		5000	2180			
29	2242 - 2	2255	0	94	Fuel #4	Natural gas at 60' from eastern lot line
	2242 - 3	20357	1950			
		22612	1950			
30	2242 - 53	2500	0	70	Fuel #4	Natural gas; no restriction
	2242 - 54	2500	0			
		5000	0			
31	2242 - 45	2200	2200	55	Fuel #4	Natural gas at 35' from northern lot line
	2242 - 46	2200	0			
	2242 - 47	2500	0			
		4700	0			
32	2242 - 22	2500	1375	46	Fuel #4	Natural gas; no restriction
33	2238 - 49	57330	96728	89	Natural Gas	Natural gas at 80' from eastern lot line
34	2238 - 27	16550	0	45	Natural Gas	Natural gas at 40' from western and southern lot lines
35	2238 - 41	5000	4000	55	Fuel #4	Fuel #4; no restriction
36	2245 - 136	5228	0	204	Fuel #4	Fuel #4; no restriction
	2245 - 40	3500	0			
	2245 - 42	2500	0			
	2245 - 43	2000	0			
	2245 - 44	4000	0			
	2245 - 47	2470	0			
	2245 - 48	1955	0			
	2245 - 149	1813	0			
	2245 - 35	175	0			
		23641	0			

**Table ES-2
CEQR Preliminary Screening Results for Individual HVAC Source**

Project Development Sites				Distance to Nearest Building (feet)	Fuel Type Passed	E- Requirements
Site No.	Block - Lot	Lot Area	Building Area	Distance (ft)	Fuel Type	Requirement
Potential Development Sites						
25	2250 - 27	2500	2500	41	Natural Gas	Natural Gas at 40' from southern lot line
	2250 - 28	2500	2500			
	2250 - 29	3750	3750			
	2250 - 25	2500	0			
		11250	8750			
28	2250 - 38	5000	5000	46	NONE	Natural gas at 50' from northern, western, and eastern lot lines
	2250 - 40	2500	2500			
	2250 - 41	12500	12500			
		20000	20000			
37	2250 - 6	2500	5000	38	Fuel #2	Fuel #2 at 40' from southern and eastern lot lines or Natural gas with no restrictions
	2250 - 7	2500	5000			
	2250 - 8	2500	5000			
		7500	15000			

NOISE

To avoid the potential for noise impacts, (E) designations for noise be placed on the New York City Zoning Map privately owned tax lots requiring attenuation, based on the *CEQR Technical Manual*. Table ES-4 and ES-5 present the projected and potential development sites along with their block and lot numbers and the level of attenuation needed to comply with the CEQR criteria for interior noise levels.

**Table ES-4
Minimum Required Noise Attenuation
For Projected Development Sites in Project Area**

Proj Dev Site	Block	Lot	Address	Proposed Zoning	Governing Noise Analysis Site ^a	CEQR Max. Build L ₁₀	HUD Max. Build L _{dn}	CEQR Required Attenuation Level ^b	HUD Required Attenuation Level ^b	Implementing Mechanism
1	2274	16	134 Throop Avenue	C4-3 (R6)	6	71.4	73	30 dBA	30 dB	(E) designation
2	2274	1	2 Whipple Street	C4-3 (R6)	6	71.4	73	30 dBA	30 dB	(E) designation
	2274	5	16 Whipple Street	C4-3 (R6)	6	71.4	73	30 dBA	30 dB	(E) designation
	2274	6	Whipple Street	C4-3 (R6)	6	71.4	73	30 dBA	30 dB	(E) designation
	2274	24	687 Flushing Avenue	C4-3 (R6)	6	71.4	73	30 dBA	30 dB	(E) designation
3	2272	3	207 Harrison Avenue	R7A/C2-4	5	64.2	66	NONE	25 dB	N/A
4	2272	6	24 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
5	2272	9	30 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2272	11*	36 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
6	2272	45	11 Whipple Street	R7A	6	71.4	73	30 dBA	30 dB	(E) designation
	2272	46	9 Whipple Street	R7A	6	71.4	73	30 dBA	30 dB	(E) designation
	2272	147	5 Whipple Street	R7A	6	71.4	73	30 dBA	30 dB	(E) designation
	2272	49	669 Flushing Avenue	R7A	6	71.4	73	30 dBA	30 dB	(E) designation
	2272	51	665 Flushing Avenue	R7A	6	71.4	73	30 dBA	30 dB	(E) designation
	2272	52	665 Flushing Avenue	R7A/C2-4	6	71.4	73	30 dBA	30 dB	(E) designation
	2272	53	663 Flushing Avenue	R7A/C2-4	6	71.4	73	30 dBA	30 dB	(E) designation
7	2272	108	Bartlett Street	R7A	6	71.4	73	30 dBA	30 dB	(E) designation
	2272	54	661 Flushing Avenue	R7A	6	71.4	73	30 dBA	30 dB	(E) designation
8	2272	55	659 Flushing Avenue	R7A	6	71.4	73	30 dBA	30 dB	(E) designation
	2269	52*	31 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
9	2269	1	58 Gerry Street	R7A/C2-4	5	64.2	66	NONE	25 dB	N/A
10	2269	14*	68 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	16*	72 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	17*	74 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	18*	76 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	19	78 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	p/o 40	84 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	23*	86 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
11	2269	24*	88 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	25	90 Gerry Street	R7A/C2-4	5	64.2	66	NONE	25 dB	N/A
	2269	27*	84 Throop Avenue	R7A/C2-4	5	64.2	66	NONE	25 dB	N/A
	2269	28*	86 Throop Avenue	R7A/C2-4	5	64.2	66	NONE	25 dB	N/A
	2269	29*	88 Throop Avenue	R7A/C2-4	5	64.2	66	NONE	25 dB	N/A
	2269	30*	90 Throop Avenue	R7A/C2-4	5	64.2	66	NONE	25 dB	N/A
	2269	31*	90 Throop Avenue	R7A/C2-4	5	64.2	66	NONE	25 dB	N/A
	2269	33*	69 Bartlett Street	R7A/C2-4	5	64.2	66	NONE	25 dB	N/A
12	2269	35*	65 Bartlett Street	R7A/C2-4	5	64.2	66	NONE	25 dB	N/A
	2269	36*	63 Bartlett Street	R7A/C2-4	5	64.2	66	NONE	25 dB	N/A
	2269	39	57 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	p/o 40	55 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	41*	53 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A

Proj Dev Site	Block	Lot	Address	Proposed Zoning	Governing Noise Analysis Site ^a	CEQR Max. Build L ₁₀	HUD Max. Build L _{dn}	CEQR Required Attenuation Level ^b	HUD Required Attenuation Level ^b	Implementing Mechanism
	2269	42	51 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	43	49 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	44	47 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
13	2269	45*	43 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	47*	41 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	48*	39 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	49*	37 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2269	50*	35 Bartlett Street	R7A	5	64.2	66	NONE	25 dB	N/A
14	2266	1	Harrison Avenue	R7A/C2-4	4	66.6	71	25 dBA	30 dB	(E) designation
	2266	9	366 Wallabout Street	R7A/C2-4	4	66.6	71	25 dBA	30 dB	(E) designation
	2266	14	376 Wallabout Street	R7A	4	66.6	71	25 dBA	30 dB	(E) designation
15	2266	15	378 Wallabout Street	R7A	4	66.6	71	25 dBA	30 dB	(E) designation
	2266	16	380 Wallabout Street	R7A	4	66.6	71	25 dBA	30 dB	(E) designation
	2266	17	382 Wallabout Street	R7A	4	66.6	71	25 dBA	30 dB	(E) designation
	2266	18*	384 Wallabout Street	R7A	4	66.6	71	25 dBA	30 dB	LDA
	2266	19	386 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
	2266	20	388 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
16	2266	21	390 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
	2266	22	392 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
	2266	23	394 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
	2266	24	396 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
	2266	25	398 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
17	2266	29	72 Throop Avenue	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
	2266	30	74 Throop Avenue	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
	2266	31	76 Throop Avenue	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
18	2266	32	78 Throop Avenue	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
	2266	34	82 Throop Avenue	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
19	2266	37	97 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2266	38	95 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2266	39	93 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
20	2266	40	91 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
	2266	41	89 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
21	2266	46	75 Gerry Street	R7A	5	64.2	66	NONE	25 dB	N/A
22	2250	4	161 Harrison Avenue	R7A/C2-4	4	66.6	71	25 dBA	30 dB	(E) designation
	2250	10	86 Wallabout Street	R7A	4	66.6	71	25 dBA	30 dB	(E) designation
23	2250	11	88 Wallabout Street	R7A	4	66.6	71	25 dBA	30 dB	(E) designation
	2250	12	90 Wallabout Street	R7A	4	66.6	71	25 dBA	30 dB	(E) designation
	2250	14	94 Wallabout Street	R7A	4	66.6	71	25 dBA	30 dB	(E) designation
24	2250	46	291 Wallabout Street	R7A	4	66.6	71	25 dBA	30 dB	(E) designation
	2250	48	289 Wallabout Street	R7A	4	66.6	71	25 dBA	30 dB	(E) designation
	2250	129	56 Throop Avenue	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
26	2250	32	62 Throop Avenue	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
	2250	33	66 Throop Avenue	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
	2250	36	313 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
27	2250	37	311 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
	2242	2	131 Harrison Avenue	R6A/C2-4	2	69.8	68	25 dBA	25 dB	N/A
29	2242	3	100 Harrison Avenue	R6A/C2-4	2	69.8	68	25 dBA	25 dB	N/A
	2242	53	153 Lorimer Street	R6A	2	69.8	68	25 dBA	25 dB	N/A
30	2242	54	151 Lorimer Street	R6A	2	69.8	68	25 dBA	25 dB	N/A
	2242	45	165 Lorimer Street	R6A	2	69.8	68	25 dBA	25 dB	N/A
31	2242	46	167 Lorimer Street	R6A	2	69.8	68	25 dBA	25 dB	N/A
	2242	47	165 Lorimer Street	R6A	2	69.8	68	25 dBA	25 dB	N/A
	2242	22	196 Middleton Street	R6A	2	69.8	68	25 dBA	25 dB	N/A
32	2238	49	120 Union Avenue	R6A/C2-4	2	69.8	68	25 dBA	25 dB	N/A
33	2238	27	240 Lynch Street	R6A/C2-4	1	77.0	73	35 dBA	30 dB	(E) designation
34	2238	41	221 Middleton Street	R6A	1	77.0	73	35 dBA	30 dB	(E) designation
35	2245	136	Harrison Avenue	R6A/C2-4	1	77.0	73	35 dBA	30 dB	(E) designation
36	2245	149	Walton Street	R6A/C2-4	1	77.0	73	35 dBA	30 dB	(E) designation

Proj Dev Site	Block	Lot	Address	Proposed Zoning	Governing Noise Analysis Site ^a	CEQR Max. Build L ₁₀	HUD Max. Build L _{dn}	CEQR Required Attenuation Level ^b	HUD Required Attenuation Level ^b	Implementing Mechanism
	2245	35	Union Avenue	R6A/C2-4	1	77.0	73	35 dBA	30 dB	(E) designation
	2245	40	148 Harrison Avenue	R6A/C2-4	1	77.0	73	35 dBA	30 dB	(E) designation
	2245	42	152 Harrison Avenue	R6A/C2-4	1	77.0	73	35 dBA	30 dB	(E) designation
	2245	43	154 Harrison Avenue	R6A/C2-4	1	77.0	73	35 dBA	30 dB	(E) designation
	2245	44	Harrison Avenue	R6A/C2-4	1	77.0	73	35 dBA	30 dB	(E) designation
	2245	47	79 Walton Street	R6A/C2-4	1	77.0	73	35 dBA	30 dB	(E) designation
	2245	48	77 Walton Street	R6A/C2-4	1	77.0	73	35 dBA	30 dB	(E) designation

Source: Louis Berger Group, Inc., 2009

* indicates publicly owned tax lot - all others are privately owned.

- To supplement the maximum Build L₁₀ and L_{dn} values shown above for the six analysis sites, the L_{eq} noise contours provided by the SoundPLAN model run for the 2018 Build conditions (as described in Section F, under "Mobile and Stationary Sources Cumulative Effects") were used to more accurately represent the level of attenuation that would be required at the projected development sites within the Project Area. These SoundPLAN maps are available for reference in Appendix H.
- Minimum required attenuation levels are shown in bold and highlighted. The higher requirement of the two analyses (CEQR and HUD) has been conservatively applied to the tax lot. Minimum required attenuation levels are shown for residential uses; commercial uses would require approximately 5 dBA less attenuation.
- Sites listed as N/A under "Implementing Mechanism" were determined to be in the 65-70 dB "marginally acceptable" category according to CEQR, not requiring an (E)-designation. However, should new construction projects on these sites utilized HUD funding, they would be within the "normally unacceptable" category according to HUD noise guidelines, requiring the appropriate level of attenuation indicated in the table.

**Table ES-5
Minimum Required Noise Attenuation
For Potential Development Sites in Project Area**

Pot. Dev Site	Block	Lot	Address	Proposed Zoning	Governing Noise Analysis Site ^a	CEQR Max. Build L ₁₀	HUD Max. Build L _{dn}	CEQR Required Attenuation Level ^b	HUD Required Attenuation Level ^b	Implementing Mechanism
25	2250	27	52 Throop Avenue	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
	2250	28	56 Throop Avenue	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
	2250	29	56 Throop Avenue	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
	2250	25	116 Walton Street	R7A/C2-4	3	73.4	75	30 dBA	30 dB	(E) designation
28	2250	38	307 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
	2250	40	305 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
	2250	41	295 Wallabout Street	R7A	3	73.4	75	30 dBA	30 dB	(E) designation
37	2250	6	159 Harrison Avenue	R7A/C2-4	4	66.6	71	25 dBA	30 dB	(E) designation
	2250	7	157 Harrison Avenue	R7A-C2-4	4	66.6	71	25 dBA	30 dB	(E) designation
	2250	8	155 Harrison Avenue	R7A-C2-4	4	66.6	71	25 dBA	30 dB	(E) designation

Source: Louis Berger Group, Inc., 2009

- To supplement the maximum Build L₁₀ and L_{dn} values shown above for the six analysis sites, the L_{eq} noise contours provided by the SoundPLAN model run for the 2018 Build conditions (as described in Section F, under "Mobile and Stationary Sources Cumulative Effects") were used to more accurately represent the level of attenuation that would be required at the projected development sites within the Project Area. These SoundPLAN maps are available for reference in Appendix H.
- Minimum required attenuation levels are shown in bold and highlighted. The higher requirement of the two analyses (CEQR and HUD) has been conservatively applied to the tax lot. Minimum required attenuation levels are shown for residential uses; commercial uses would require approximately 5 dBA less attenuation.

With the above (E) designations in place, no significant adverse impacts related to hazardous materials, air quality or noise are expected.

UNIFORM LAND USE REVIEW

This application (C 090413 ZMK), in conjunction with the applications for the related actions (C 090415 HUK, and C 090416 HAK), was certified as complete by the Department of City Planning on May 18, 2009, and was duly referred to Community Board 1 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related non-ULURP application (N 090414 ZRK) which were referred for information and review.

Community Board Public Hearing

Community Board 1 held a public hearing on June 9, 2009 on this application (C 090413 ZMK), and the related applications (N 090414 ZRK, C 090415 HUK and C 090416 HAK) and on July 14, 2009, by a vote of 23 in favor, 12 opposed, 1 abstention, and 4 recusals adopted a resolution recommending approval of the application with conditions.

A summary of Community Board 1's recommendation appears in the report on the related application for an amendment to the Broadway Triangle Urban Renewal Plan (C 090415 HUK).

Borough President Recommendation

This application (C 090413 ZMK) and the related applications (N 090414 ZRK, C 090415 HUK, and C 090416 HAK) were considered by the Borough President who issued a recommendation approving the application with conditions on August 20, 2009.

A summary of the Borough President's recommendation appears in the report on the related application for an amendment to the Broadway Triangle Urban Renewal Plan (C 090415 HUK).

City Planning Commission Public Hearing

On August 19, 2009 (Calendar No. 1), the City Planning Commission scheduled September 9, 2009, for a public hearing on this application (C 090413 ZMK). The hearing was duly held on

September 9, 2009 (Calendar No. 22), in conjunction with the hearing on the related actions (N 090414 ZRK, C 090415 HUK, and C 090416 HAK).

There were several speakers, as described in the report on the application for the amendment to the Broadway Triangle Urban Renewal Plan (C 090415 HUK), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed amendment to the zoning map is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for an amendment to the Broadway Triangle Urban Renewal Plan (C 090415 HUK).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 19, 2009 with respect to this application (CEQR No. 09HPD019K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 13b:

1. changing from a C8-2 District to an R6A District property bounded by Lynch Street, Broadway, Middleton Street and its northeasterly centerline prolongation, and Union Avenue;
2. changing from an M1-2 District to an R6A District property bounded by Middleton Street, Throop Avenue, Walton Street, Harrison Avenue, and Union Avenue;
3. changing from an M3-1 District to an R6A District property bounded by Lorimer Street, Harrison Avenue, the southwesterly centerline prolongation of Walton Street, and Union Avenue;
4. changing from an M1-2 District to an R7A District property bounded by Walton Street, Throop Avenue, Whipple Street, Flushing Avenue, and Harrison Avenue;
5. changing from an M1-2 District to a C4-3 District property bounded by Whipple Street, Throop Avenue, and Flushing Avenue;
6. establishing within a proposed R6A a C2-4 District bounded by Lynch Street, Broadway, the northeasterly centerline prolongation of Middleton Street, Throop Avenue, Lorimer Street, a line 100 feet southwesterly of Throop Avenue, a line midway between Lynch Street and Middleton Street, a line 100 feet northeasterly of Union Avenue, a line 100 feet northeasterly of Harrison Avenue, Lorimer Street, Harrison Avenue, the southwesterly centerline prolongation of Walton Street, and Union Avenue; and
7. establishing within a proposed R7A a C2-4 District bounded by:
 - a. Walton Street, Throop Avenue, Bartlett Street, and a line 100 feet southwesterly of Throop Avenue; and
 - b. Walton Street, a line 100 feet northeasterly of Harrison Avenue, a line 100 feet northerly of Flushing Avenue, a line perpendicular to the northwesterly street line of Whipple Street distant 50 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Whipple Street and the northerly street line of Flushing Avenue, Whipple Street, Flushing Avenue, and Harrison Avenue,;

Borough of Brooklyn, Community District1, as shown on a diagram (for illustrative purposes only), dated May 18, 2009, and subject to the conditions of CEQR Declaration E-238.

The above resolution (C 090413 ZMK), duly adopted by the City Planning Commission on October 19, 2009 (Calendar No. 5), is filed with the Office of the Speaker, City Council and the Brooklyn Borough President, pursuant to Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair

KENNETH J. KNUCKLES, ESQ., Vice Chairman

**RAYANN BASSER, IRWIN G. CANTOR, P.E. ALFRED C. CERULLO, III,
BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN
LEVENTHAL, ANNA H. LEVIN, SHIRLEY A. MCRAE, Commissioners**

KAREN A. PHILLIPS, Commissioner, Voting No

ANGELA M. BATTAGLIA, Commissioner, recused