equity environmental engineering
A Division of GZA

396-400 Avenue X Rezoning

Environmental Assessment Statement

Address: 396-400 Avenue X Brooklyn, New York

Block 7198, Lots 1, 4, and 6.

CEQR Reference: 23DCP136K

ULURP Reference: 230381ZMK, N230382ZRK

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

Prepared for:
Oleg Gutnik

Prepared by:
Equity Environmental Engineering, *a Division of GZA*



Date Submitted:
December 5, 2023

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EAS SHORT FORM

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

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

Part I: GENERAL INFORMATION

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

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

2. *Project Name* 396-400 Avenue X Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
23DCP136K	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
230381ZMK, N230382ZRK	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
Department of City Planning (DCP)			Oleg Gutnik		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Stephanie Shellooe, EARD			Maxim Gladkiy GZA GeoEnvironmental Inc.		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 104 W 29th St, New York		
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5. *Project Description*

The Applicant is seeking the approval of a zoning map amendment and a zoning text amendment (the Proposed Actions). The zoning map amendment would rezone Block 7198, Lots 1, 4, and 6 (the "Affected Area") from an R4 zoning district to an R7A/C2-4 zoning district. The zoning text amendment would modify Appendix F, Brooklyn CD 15 map to establish an MIH Area coterminous with the Affected Area.

The Proposed Actions would facilitate the Applicant's Proposed Development on Block 7198, Lots 1 and 4 (Projected Development Site 1). The Proposed Development involves the assemblage of Lots 1 and 4 and the development of a new 59,070 GSF (46,000-ZSF, 4.6 FAR) mixed residential and commercial building including approximately 5,200 GSF (5,000 ZSF, 0.5 FAR) of local retail on the ground floor, 43,870 GSF (41,000 ZSF, 4.1 FAR) of residential use on the upper floors, and an approximately 10,000-SF cellar containing attended parking for 45 residential parking spaces as well as bicycle parking and mechanical spaces accessed from the existing curb cut on Lot 1's East 2nd Street frontage. The Proposed Development would result in 45 dwelling units, 25-30% (12-14) of which would be affordable at an average of 60-80% AMI pursuant to MIH Option 1 or 2. The Applicant intends to pursue MIH Option 1, which would result in 12 affordable units at an average of 60% AMI. The building would have 7 stories with mezzanine and rise to 85 feet. There would be a 15-foot setback of the front wall from the property line on E 2nd Street. The 15-foot-wide portion of Projected Development Site 1 along E 2nd Street would be occupied by an open space with trees and benches. At the height of 65 feet, there would be a 10-foot setback on Avenue X. Within 25 feet of the adjacent R4 Residence District, the height of the Proposed Building would be 55 feet. No new curb cuts are proposed.

The EAS conservatively analyses the With-Action scenario (RWCDS) which is slightly larger than the Proposed project. Under the With-Action scenario, the site would be developed with a single 60,492 GSF (45,991 ZSF, 4.60 FAR) mixed residential and commercial building with 100% lot coverage containing approximately 7,498 GSF (7,210 ZSF, 0.72 FAR) of local retail on the ground floor, 41,496 GSF (38,781 ZSF, 3.88 FAR) of residential use on the upper floors, and 11,498 SF of parking space on the cellar level and the ground floor. There would be approximately 49 dwelling units (assuming 850 SF per DU on average), 25-30% (13-15 units) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected. For the purposes of Early Childhood Programs analysis, 20% of the residential floor

area (10 units) is assumed to be affordable at or below 80% AMI. The below-grade parking lot would contain approximately 45 parking spaces (according to the Applicant's proposal as a more conservative scenario). The building would have 9 stories and rise to 95 feet. There would be a 10-foot setback on Avenue X and a 15-foot setback on E 2nd Street at the height of 75 feet. A 15-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR. No new curb cuts would be proposed.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 15	STREET ADDRESS 396-400 Avenue X
TAX BLOCK(S) AND LOT(S) Block 7198, Lots 1, 4, and 6		ZIP CODE 11223

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Project Area is located in Gravesend neighborhood of Brooklyn, Community District 15. It is bounded by Avenue X to the north, E 3rd Street to the east, E 2nd Street to the west, and Block 7198, Lots 12 and 73 to the south.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R4, OP | ZONING SECTIONAL MAP NUMBER 28c

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

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

- ☐ CITY MAP AMENDMENT
- ☒ ZONING MAP AMENDMENT
- ☒ ZONING TEXT AMENDMENT
- ☐ SITE SELECTION—PUBLIC FACILITY
- ☐ HOUSING PLAN & PROJECT
- ☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

- ☐ ZONING CERTIFICATION
- ☐ ZONING AUTHORIZATION
- ☐ ACQUISITION—REAL PROPERTY
- ☐ DISPOSITION—REAL PROPERTY
- ☐ OTHER, explain:

- ☐ CONCESSION
- ☐ UDAAP
- ☐ REVOCABLE CONSENT
- ☐ FRANCHISE

Board of Standards and Appeals: ☐ YES ☒ NO

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

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

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

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

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

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

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

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

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

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 19,997
Roads, buildings, and other paved surfaces (sq. ft.): 17,617
Waterbody area (sq. ft) and type:
Other, describe (sq. ft.): 2,380, lawns

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

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 60,492
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 60,492

HEIGHT OF EACH BUILDING (ft.): 95 NUMBER OF STORIES OF EACH BUILDING: 9

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO

If "yes," specify: The total square feet owned or controlled by the applicant: 9,998

The total square feet not owned or controlled by the applicant: 9,999

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO

If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: 9,998 sq. ft. (width x length) VOLUME OF DISTURBANCE: 149,970 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 9,998 sq. ft. (width x length)

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

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)	41,496	7,498		
Type (*e.g.,* retail, office, school)	49 units	Retail		

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 127 NUMBER OF ADDITIONAL WORKERS: -6

Provide a brief explanation of how these numbers were determined: The number of additional residents was determined based on the number of incremental units in the With-Action Scenario and the average household size (2.66) in Community District 15, Brooklyn (2020 Census data). The number of additional workers was determined based on the incremental sq. footage of the proposed uses considering the following worker density: 1 employee per 25 dwelling units, 250 GSF of medical office, and 333.3 GSF of community facility and retail.

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

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

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

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2026

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

The build year for the analysis is anticipated to be 2026 in consideration of a projected 18-month CEQR review period, a 7-month ULURP process, 6-months of design development and permitting, and an 18-month single-phase construction schedule.

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

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

Part II: TECHNICAL ANALYSIS

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

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

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. See EAS Section 2.1		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
○ If "yes," complete the Consistency Assessment Form. See EAS Section 2.1		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **Early Childhood Programs:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Would the project generate more than 200 additional residents or 500 additional employees?	☐	☒
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☒	☐
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		

	YES	NO
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See EAS Section 2.3 and Appendix A		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☒	☐
○ If "yes," complete the Jamaica Bay Watershed Protection Plan Project Tracking Form, and submit according to its instructions. See Appendix D		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure?	☐	☒
(c) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(d) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in the Hazardous Materials Appendix (including nonconforming uses)?	☐	☒
(e) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☒
(f) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(g) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(h) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(i) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See EAS Section 2.5 and Appendix E	☒	☐
(j) Based on the Phase I Assessment, is a Phase II Investigation needed? See EAS Section 2.5 and Appendix E	☒	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☐
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒

	YES	NO
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 3,614.20		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): 6,879,360.60		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop, or Citywide Ferry Service landing?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) See EAS Section 2.6	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 114 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒

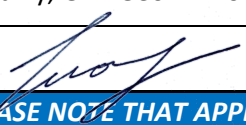
	YES	NO
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☒	☐
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. No significant unmitigated adverse impact is found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise, that may affect public health, and therefore a public health analysis is not warranted.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. No significant unmitigated adverse impact is found in any CEQR analysis areas related to neighborhood character. Additionally, the proposed project would not result in impact to any of the constituent elements of neighborhood character when considered together.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. All construction activities would comply with relevant DOT and DOB regulations governing construction activity, and construction would take approximately 18 months.		

20. *APPLICANT'S CERTIFICATION*

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

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

APPLICANT/REPRESENTATIVE NAME	DATE
Maxim Gladkiy, GZA GeoEnvironmental	12/5/2023

SIGNATURE 

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

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

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

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

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

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

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

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

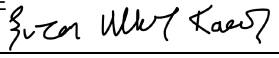
☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental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

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

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

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

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission
NAME	DATE
Evren Ulker-Kacar, AICP	December 8, 2023

SIGNATURE 

NEGATIVE DECLARATION

Statement of No Significant Effect

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

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The Applicant, Oleg Gutnik, is seeking the approval of a zoning map amendment and a zoning text amendment (the Proposed Actions) which would rezone Block 7198, Lots 1, 4, and 6 (the "Affected Area") from an R4 zoning district to an R7A/C2-4 zoning district in Gravesend neighborhood in Brooklyn Community District 15. The zoning text amendment would modify Appendix F of Zoning Resolution to establish a Mandatory Inclusionary Housing area coterminous with the Affected Area. The Proposed Actions would facilitate the development of a new 59,070 GSF mixed residential and commercial building including approximately 5,200 GSF of local retail on the ground floor, 43,870 GSF of residential use on the upper floors, and an approximately 10,000-SF cellar containing attended parking for 45 residential parking spaces on the Applicant owned Block 7198, Lots 1 and 4 (Projected Development Site 1). The Proposed Development would have 7 stories with mezzanine and rise to 85 feet and result in 45 dwelling units, 25-30% (12-14) of which would be affordable at an average of 60-80% AMI pursuant to MIH Option 1 or 2.

The analysis finds that the Proposed Actions would result in a change in land use and zoning, however, they would not alter the development patterns or introduce any new land uses that are not already located within the 400-foot project study area, which contains a mix of uses including residential and commercial. The development that would be facilitated by the Proposed Actions would be consistent with the nearby higher-density residential buildings and mixed-use residential and commercial buildings along Avenue X. The Proposed Actions would also bring the existing legal non-confirming residential use on Lot 6 into conformance. The Proposed Development Site is located within New York City's coastal zone and, as such, is subject to review for its consistency with the City's Waterfront Revitalization Program (WRP). An assessment was conducted, and the development facilitated by the Proposed Actions was found to be consistent with the policies outlined in the WRP (#22-127). The Proposed Actions would also not conflict with any public policy goals and would help further the City's Housing goals by providing permanently affordable housing. Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning or public policy, and no further analysis is warranted.

Hazardous Materials and Air Quality

An (E) designation (E-743) related to hazardous materials and air quality would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials and air quality analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials or air quality.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Ibrahim Jobe at ijobe@planning.nyc.gov.

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3493
NAME Evren Ulker-Kacar, AICP	DATE 12/8/2023
SIGNATURE Evren Ulker Kacar	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 12/11/2023
SIGNATURE	

Project Name: 396-400 Avenue X Rezoning
CEQR # 23DCP136K
SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Brooklyn	Block 7198, Lot 1 and 4

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials and air quality an (E) designation (**E-743**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

Project Name: 396-400 Avenue X Rezoning
CEQR # 23DCP136K
SEQRA Classification: Unlisted

Air Quality

The (E) designation requirements for air quality would apply as follows:

> ***Projected Development Site 1:*** *Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilation, and air conditioning (HVAC) system and hot water equipment stack is located at the highest tier and at least 88 feet above grade to avoid any potential significant adverse air quality impact.*

Figure 1.1-1: Site Location Map

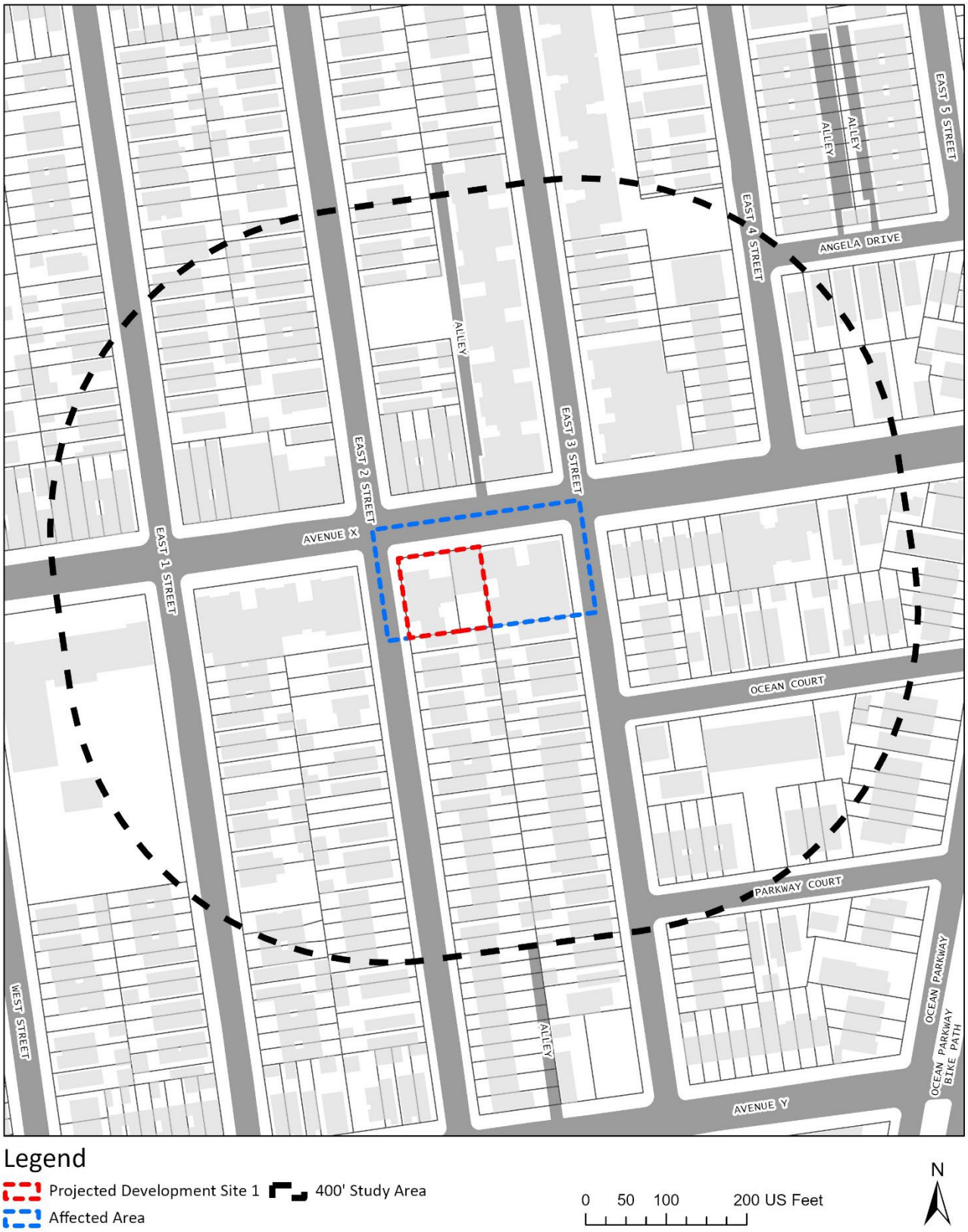


Figure 1.1-2: Existing Land Use Map

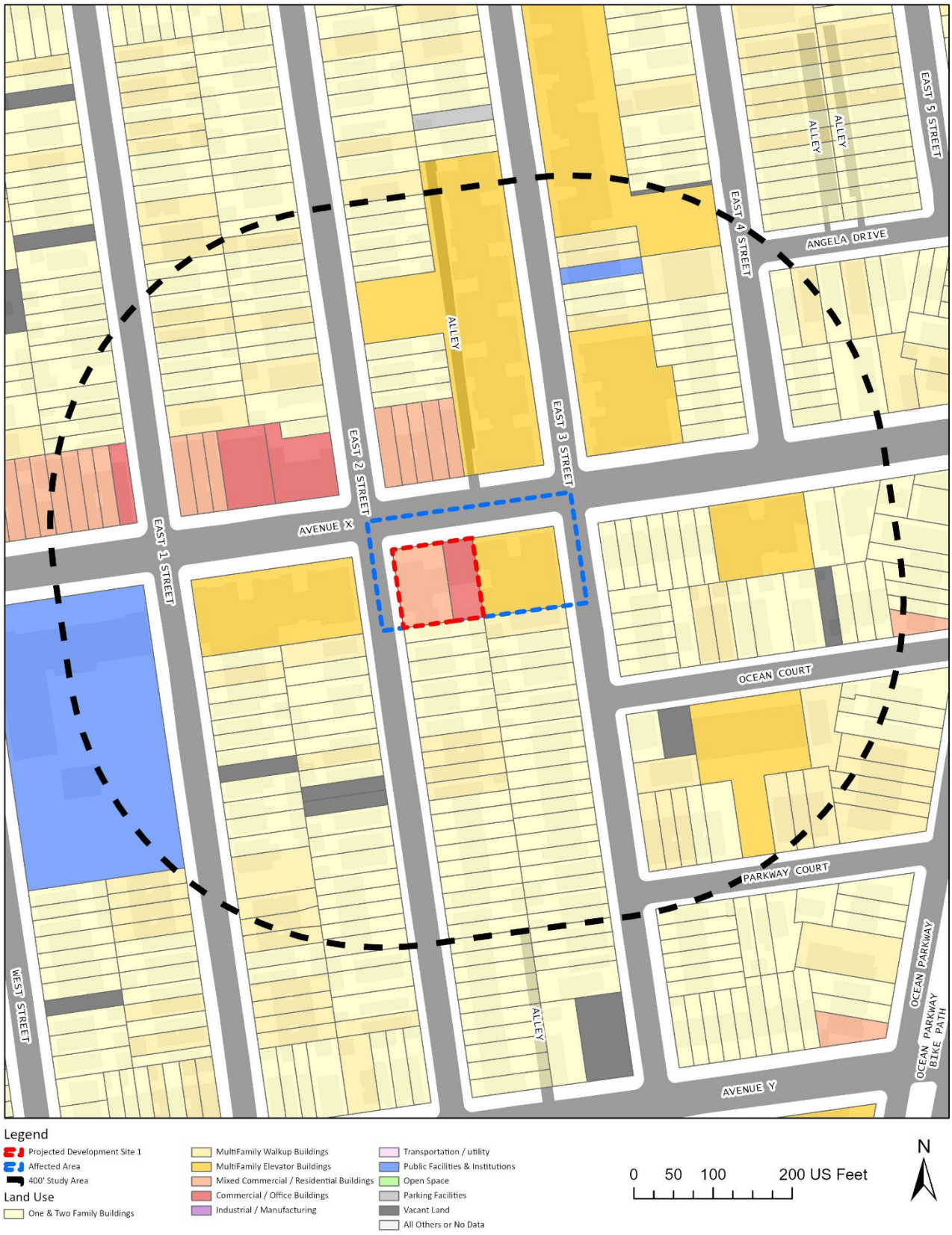


Figure 1.1-3: Zoning Sectional Map

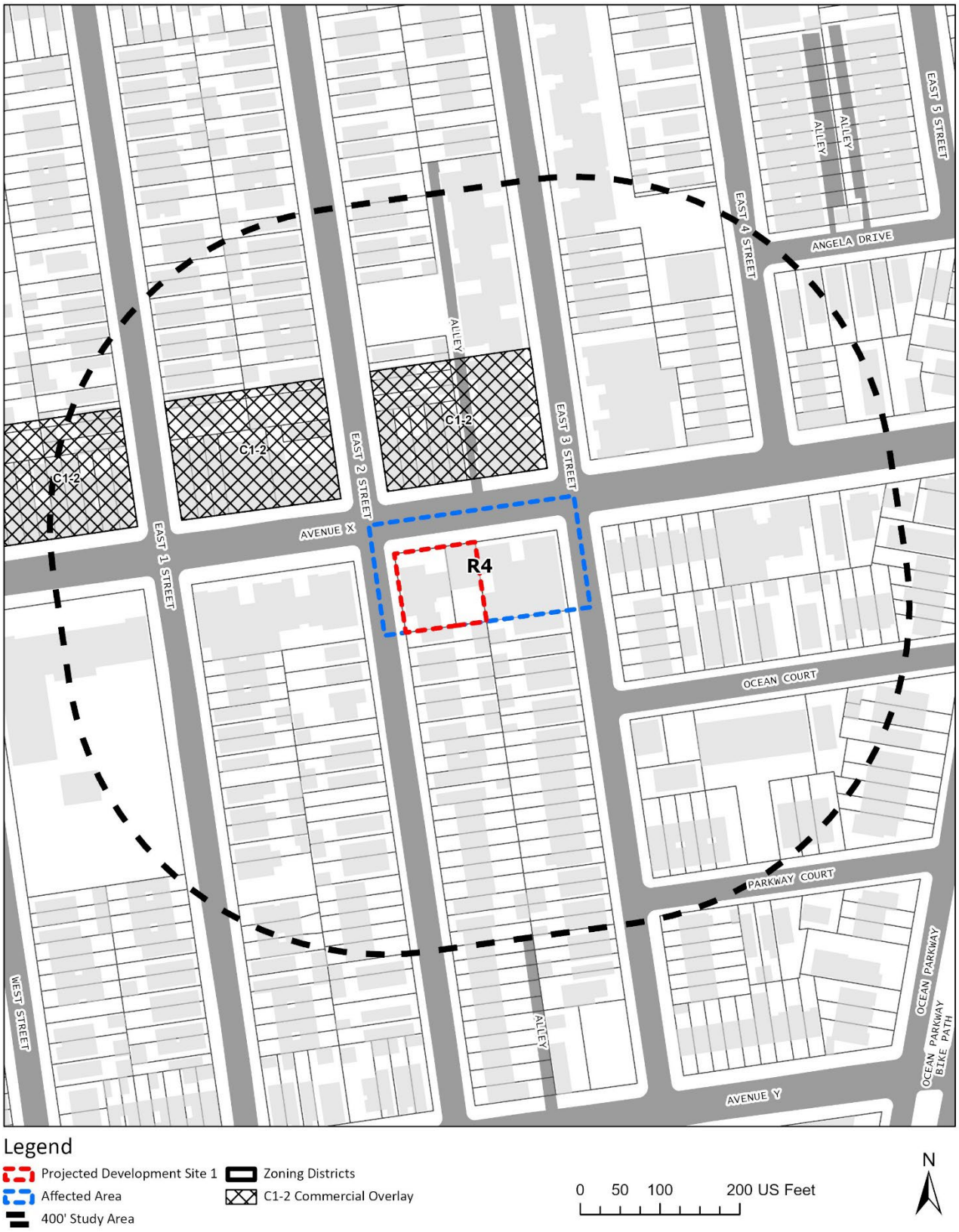


Figure 1.1-4: Zoning Change Map

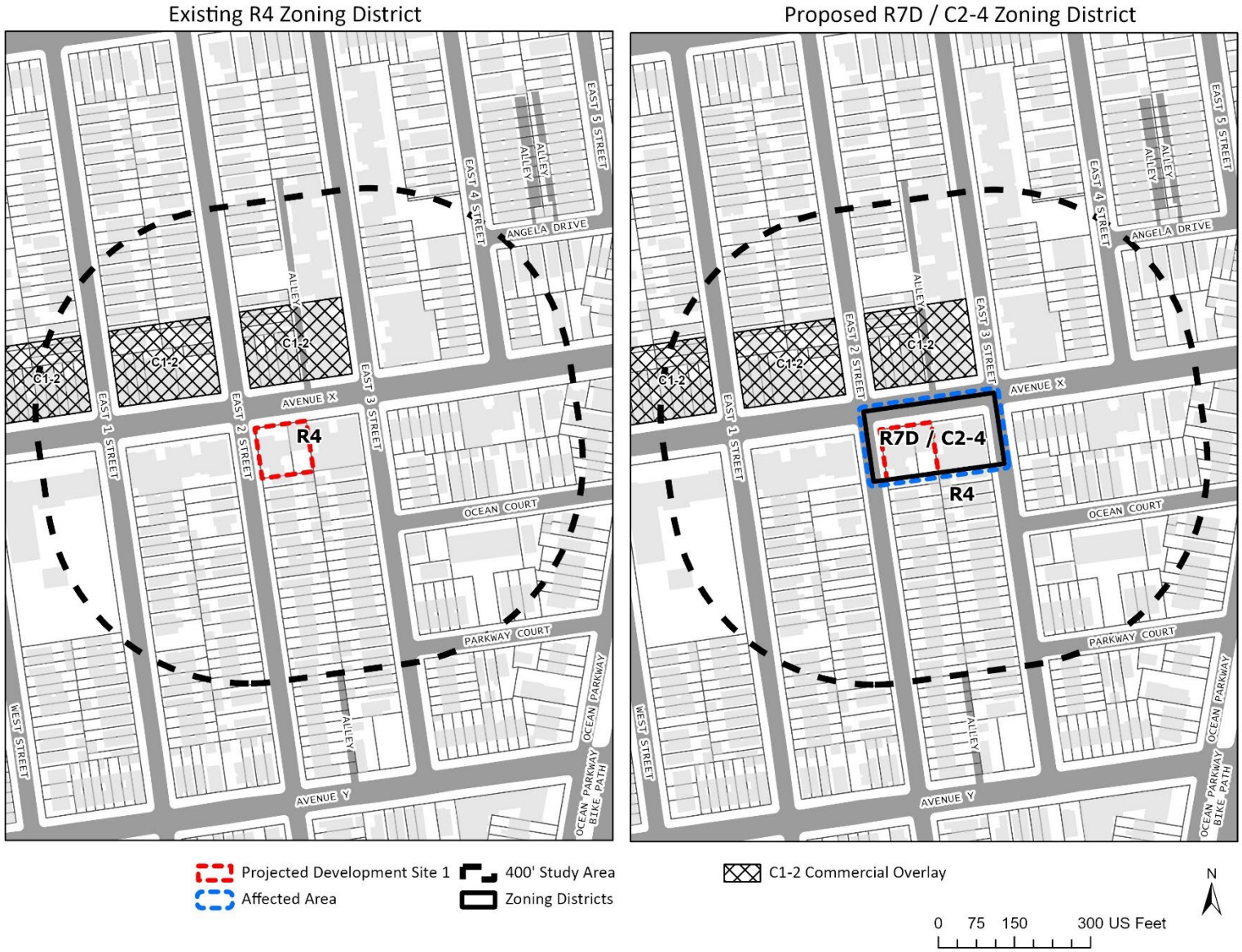


Figure 1.1-5: Tax Map



Figure 1.1-6: Site Photos (1)



1 View of Projected Development Site 1 from E 2nd Street facing northeast



Study Area Map with Photo Key



2 View of Rezoning Area from the intrsection of Avenue X and E 2nd Street facing southeast



3 View of Rezoning Area from E 2nd Street facing south

Figure 1.1-7: Site Photos (2)



4 View of Avenue X toward the intersection of Avenue X and E 3rd Street facing east



Study Area Map with Photo Key



5 View of E 3rd Street toward the intersection of Avenue X and E 3rd Street facing south



6 View of E 3rd Street toward the intersection of Avenue X and E 3rd Street facing north

Figure 1.1-8: Site Photos (3)



7 View of Avenue X toward the intersection of Avenue X and E 2nd Street facing west



Study Area Map with Photo Key



8 View of the E 2nd Street facing south



9 View of the E 2nd Street facing north

1 Project Description

1.1 Introduction

The "Applicant," Oleg Gutnik, seeks a Zoning Map Amendment that would affect the northern portion of Block 7198 in the Gravesend neighborhood of Brooklyn, Community District 15. The "Affected Area" consists of Block 7198, Lots 1, 4, and 6. The Zoning Map Amendment would rezone the Affected Area (a rectangular area of approximately 19,997 SF bounded in part by Avenue X, E 2nd Street, and E 3rd Street) from an R4 zoning district to an R7A/C2-4 zoning district. The Applicant also proposes a Zoning Text Amendment to Appendix F to add a Mandatory Inclusionary Housing (MIH) area coterminous with the Affected Area. The Zoning Map Amendment and Zoning Text Amendment constitute the "Proposed Actions".

The proposed text amendment of ZR Appendix F would establish an MIH Area, which would require new developments to set aside 25 to 30 percent of the residential floor area for affordable housing. MIH Option 1 requires an affordable housing set aside of 25 percent of the residential floor area at an average of 60 percent of Area Median Income (AMI) with 10 percent at 40 percent AMI. MIH Option 2 requires an affordable housing set aside of 30 percent of the residential floor area at an average of 80 percent AMI. The Applicant proposes mapping both MIH Option 1 and Option 2 within the Affected Area to provide maximum flexibility for both Applicant-controlled and non-Applicant-controlled sites.

The Proposed Actions are sought to facilitate the Applicant's development of 396 and 400 Avenue X, located on Block 7198, Lots 1 and 4 (the "Development Site"). The "Proposed Development" involves the assemblage of Lots 1 and 4 and the development of a new 59,070 GSF (46,000-ZSF, 4.6 FAR) mixed residential and commercial building including approximately 5,200 GSF (5,000 ZSF, 0.5 FAR) of local retail on the ground floor, 43,870 GSF (41,000 ZSF, 4.1 FAR) of residential use on the upper floors, and an approximately 10,000-SF cellar containing attended parking for 45 residential parking spaces as well as bicycle parking and mechanical spaces. The Proposed Development would result in 45 dwelling units, 25-30% (12-14) of which would be affordable at an average of 60-80% AMI pursuant to MIH Option 1 or 2. The Applicant intends to pursue MIH Option 1, which would result in 12 affordable units at an average of 60% AMI. The building would have 7 stories with mezzanine and rise to 85 feet. There would be a 15-foot setback of the front wall from the property line on E 2nd Street. The 15-foot-wide portion of Projected Development Site 1 along E 2nd Street would be occupied by an open space with trees and benches. At the height of 65 feet, there would be a 10-foot setback on Avenue X. Within 25 feet of the adjacent R4 Residence District, the height of the Proposed Building would be 55 feet. No new curb cuts are proposed.

The Proposed Actions are discretionary actions subject to environmental review. The New York City Department of City Planning (DCP) is the lead agency on behalf of the NYC City Planning Commission (CPC) for environmental review under City Environmental Quality Review (CEQR).

1.2 Background and Site History

The Affected Area is located at the southern part of Gravesend neighborhood. It was originally zoned R4 in the 1961 zoning ordinance. In 1977, the Affected Area became a part of the "Special Ocean Parkway District" (effective January 20th, 1977) that encompassed a band of blocks east and west of the parkway between Prospect Park and Brighton Beach. The Special Ocean Parkway District was designed to (a) promote and strengthen the scenic landmark designation of Ocean Parkway by requiring landscaping along Ocean Parkway; (b) maintain the existing scale and character of the community by limiting the bulk of permitted community facilities; (c) protect the environmental quality of and improve circulation within the District by requiring enclosed parking for all uses along Ocean Parkway and by requiring off-street loading for certain community facilities throughout the District; and (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

The Affected Area includes Applicant-owned Lots 1 and 4 and non-Applicant-owned Lot 6. Non-Applicant-owned Lot 6 contains a 6-story, 60.81-tall, 43,974-GSF (41,097-ZSF, 4.11 FAR) multi-family elevator building with 45 dwelling units constructed in 1957. The current R4 zoning district mapped within the Affected Area permits a maximum of 0.9 residential FAR and 2.0 community facility FAR. Since the building was built before the enactment of the zoning resolution, the existing residential bulk is legal non-conforming.

There are two Certificates of Occupancy (COs) for the existing building on lot 4 within the Affected Area: a 1961 CO permitted storage in the cellar and 2 stores on the first floor, a 2000 CO permitted a medical office in the cellar and on the first floor. None of the lots withing the Affected Area are subject to any restrictive declarations, easements, Mitchell Lama site controls, or any e-designations or other designations or site controls.

1.3 Description of the Surrounding Area

The Affected Area is located within the Gravesend neighborhood of Brooklyn, CD 15. The Affected Area is bounded by Avenue X to the north, E 2nd Street to the west, E 3rd Street to the east, and a line 100 feet to the south of Avenue X. The Affected Area abuts lots 12 and 73 to the south. Avenue X is a 78-foot-wide east-to-west road classified as a Major Collector with one lane of traffic in each direction and curbside parking on both sides. E 2nd Street and E3rd Street are respectively 51- and 55-foot-wide one-way local roads with one lane of traffic and curbside parking. Traffic direction on E 2nd Street is southbound, and on E 3rd Street is northbound.

Existing land uses within a 400-foot buffer around the Affected Area (“the surrounding area”) primarily consist of one- and two-family and multi-family residences, mixed commercial and residential buildings, commercial buildings, public facilities, and vacant land. The community facilities include P.S. 216 Arturo Toscanini located one block to the west from the Affected Area.

Built form in the surrounding area varies by use, and generally consists of the two- to three- story one- and two-family buildings, multiple-family apartment buildings ranging from two to six

stories in height, low-rise commercial buildings, and two-story mixed commercial and residential buildings. The surrounding area also contains a 5-story public school (P.S. 216 Arturo Toscanini). Avenue X is a major thoroughfare in the area and contains a mix of high-density multi-family, commercial, and mixed residential and commercial uses. The section of Avenue X to the east of the Affected Area does not have any commercial activity and is residential in character. However, the section of Avenue X to the west of the Affected Area has commercial overlays mapped along the northern side of the road starting with the lots directly across Avenue X from the Affected Area and features significant commercial activity. E 2nd Street and E 3rd Street are predominantly residential in character.

The existing zoning of the surrounding 400-foot Study Area consists of R4 and R4/C1-2 zoning districts. The Affected Area is within an R4 zoning district that generally extends south, east, and west of the Affected Area. A C1-2 Commercial Overlay is mapped to the north and northwest of the Affected Area across Avenue X.

The area is well-served by transit. The Avenue X subway station with service from the F Train is located approximately one-third mile to the west of the Affected Area. The subway station provides full-time connecting service to Midtown Manhattan. In addition, there is a bus line accessible to users in the area. The B1 bus, which connects Bay Ridge and Manhattan Beach neighborhoods via Avenue X and 86th Street, has two bus stops in different directions on Avenue X near the Affected Area.

1.4 Description of the Affected Area

The Affected Area (Block 7198, Lots 1, 4, and 6) is located in the Gravesend neighborhood of Brooklyn, Community District 15 and contains approximately 19,997 SF of lot area within an R4 zoning district. The Affected Area is bounded by Avenue X to the north, E 2nd Street to the west, and E 3rd Street to the east as well as lots 12 and 73 to the south.

Applicant-Controlled Sites

The Projected Development Site 1 includes Applicant-owned Block 7198, Lots 1 and 4:

- Lot 1 is 5,999-SF corner lot with 60 feet of frontage along Avenue X and 100 feet of frontage along East 2nd Street. The lot contains a 2-story, 29.22-foot-tall, 5,542-GSF (5,042-ZSF, 0.84-FAR) mixed residential and commercial building (according to ZOLA) with approximately 3,142 GSF (0.52 FAR) of community facility use (physical therapist office), 1,900 GSF (0.32 FAR) of one-family residential use, and an 11.65-foot tall, approximately 500-GSF garage. The building was constructed in 1931.
- Lot 4 is 3,999-SF interior lot with 40 feet of frontage along Avenue X. The lot contains a 2-story, 19.69-foot-tall, 4,400-GSF (4,400-ZSF, 1.10-FAR) commercial and office building (according to ZOLA) occupied by a community facility use (medical center). The structure was built in 1931 and altered in 1995.

Non-Applicant Controlled Sites

Other non-Applicant-controlled lots within the Affected Area include Block 7198, Lot 6:

- Lot 6 is a 9,999-SF corner lot with 100 feet of frontage along Avenue X and 100 feet of frontage along East 3rd Street. The lot contains a 6-story, 60.81-tall, 43,974-GSF (41,097-ZSF, 4.11 FAR) multi-family elevator building with 45 dwelling units. Since the building was constructed in 1957, before the enactment of the current zoning resolution, the existing residential bulk is legal non-conforming.

1.5 Description of the Proposed Project

The Proposed Development involves the assemblage of Applicant-owned Lots 1 and 4 and the development of a new 59,070 GSF (46,000-ZSF, 4.6 FAR) mixed residential and commercial building including approximately 5,200 GSF (5,000 ZSF, 0.5 FAR) of local retail on the ground floor, 43,870 GSF (41,000 ZSF, 4.1 FAR) of residential use on the upper floors as well as ground floor lobby space, and an approximately 10,000-SF cellar containing attended parking for 45 residential parking spaces as well as bicycle parking and mechanical spaces. The Proposed Development would result in 45 dwelling units, 25-30% (12-14) of which would be affordable at an average of 60-80% AMI pursuant to MIH Option 1 or 2. The Applicant intends to pursue MIH Option 1, which would result in 12 affordable units at an average of 60% AMI. The building would have 7 stories with mezzanine and rise to 85 feet. There would be a 15-foot setback of the front wall from the property line on E 2nd Street. The 15-foot-wide portion of Projected Development Site 1 along E 2nd Street would be occupied by an open space with trees and benches. At the height of 65 feet, there would be a 10-foot setback on Avenue X. Within 25 feet of the adjacent R4 Residence District, the height of the Proposed Building would be 55 feet. No new curb cuts are proposed. Access to the cellar parking garage would be via the existing curb cut on East 2nd Street.

1.6 Action(s) Necessary to Facilitate the Project

The actions necessary to facilitate the construction of the Proposed Development are approvals of:

(1) Zoning Map Amendment to map a R7A/C2-4 zoning district in the Affected Area currently zoned as R4, a portion of Block 7198 in the Gravesend neighborhood of Brooklyn, CD 15 and within the Special Ocean Parkway District and;

(2) Zoning Text Amendment to Appendix F to add a Mandatory Inclusionary Housing (MIH) area coterminous with the Affected Area.

1.7 Purpose and Need

The proposed rezoning from an R4 district to R7A/C2-4 would facilitate development within the Affected Area that would not otherwise be possible under the existing R4 zoning regulation with its low residential FAR (0.9) and no commercial uses allowed. The Proposed Actions would allow

new residential and commercial uses, including permanently affordable housing, and would bring into conformance the existing legal non-conforming residential bulk on lot 6.

The increased bulk as a result of the Proposed Actions would also be appropriate for the Affected Area located on a wide street and surrounded by numerous multifamily buildings of similar scale. The proposed C2-4 commercial overlay would extend the commercial zoning mapped across Avenue X from the Affected Area and enhance the commercial character of this section of Avenue X. Compared to the existing nearby C1-2 commercial overlays, the proposed C2-4 commercial overlay would have lower on-site parking requirements and permit a slightly wider range of uses, such as repair services and amusement establishments.

In addition, the Proposed Actions would require the provision of 25-30% affordable housing under MIH Options 1 or 2, in an area well supported by transit, recreational facilities and supportive commercial and community facility infrastructure, furthering city goals for affordable housing.

1.8 Analysis Framework

The analysis framework compares the incremental difference between the proposed and potential development under the Proposed Actions (Future With-Action Scenario) and the development which could occur under the existing zoning (Future No-Action Scenario) by the build year specified below. This EAS studies the potential for individual and cumulative environmental impacts related to the Proposed Actions occurring in a study area of approximately 400 feet around the Affected Area. The analysis framework is described below:

Reasonable Worst-Case Development Scenario

Discretionary actions sometimes permit a range of project characteristics, or development scenarios, to occur even though the action may be sought in order to facilitate a specific development. From the range of possible scenarios that are considered reasonable and likely, the scenario with the worst environmental consequences is chosen for analysis. This is considered to be the Reasonable Worst-Case Development Scenario (RWCDS), the use of which ensures that, regardless of which scenario actually occurs, its impacts would be no worse than those considered in the environmental review. The environmental assessment examines the incremental differences between the RWCDS of the future without the project in place (No-Action Scenario) and the future with the Proposed Actions (With-Action Scenario).

The *2021 CEQR Technical Manua*l categorizes soft sites (those sites where the proposed actions may induce new development that would not occur absent the proposed actions) as either “projected” or “potential” development sites. Projected development sites are defined as those sites that are more likely to be developed as a result of the proposed project. Potential sites are defined as sites that could be developed but have been determined to have less development potential than the projected development sites, based on observed historic and current market conditions, location, site configuration, proximity to transit, infrastructure and other facilities,

and other factors that affect the likelihood that they would be developed under the Proposed Actions. Projected Development Sites are analyzed for both site-specific and density-related effects, whereas potential development sites are only analyzed for site-specific effects.

Pursuant to *2021 CEQR Technical Manual* methodology, sites may be considered 'soft' if they are built to substantially less than the maximum permitted floor area ratio and are of a sufficient size or could be assembled into a parcel of sufficient size, to support a feasible development. Sites that have recently been developed or redeveloped are considered less likely to be soft, due to the significant recent investment in the current use.

Build Year

The build year for the analysis is anticipated to be 2026 in consideration of a projected 18-month CEQR review period, a 7-month ULURP process, a 6-months of design development and permitting, and an 18-month single-phase construction schedule for Projected Development Site 1.

Future Without the Proposed Actions (No-Action Condition)

The Projected Development Site 1 is composed of Applicant-owned Lots 1 and 4. There are no records of building work permits submitted by the Applicant on the DOB website. As such, it is conservatively assumed that under the No-Action Scenario, existing conditions would continue on the Projected Development Site 1. Redevelopment is also not considered likely in the No-Action Scenario because of the bulk permitted under the current R4 district with low residential FAR (0.9) and no commercial uses allowed.

The Other non-Applicant-owned Lot 6 does not pass the soft site criteria established by the *CEQR Technical Manual*, Chapter 2 and would remain as it exists. The lot, currently developed with a 4.11-FAR residential building, is within the R4 district with 0.9 residential FAR allowed. The existing legal non-conforming residential bulk on Lot 6 would remain in the future without the proposed actions.

Future With the Proposed Actions (With-Action Condition)

Projected Development Site 1 (Block 7198, Lots 1 and 4)

Under Future With-Action Conditions, the Applicant-Owned Lots 1 and 4 would be assembled to form a 9,998 SF development site within the proposed R7A/C2-4 district. To model a 'worst-case' condition for assessment of environmental impacts, development of a somewhat larger building than is proposed by the project sponsor is considered. Under the RWCDS, the site would be developed with a single 60,492 GSF (45,991 ZSF, 4.60 FAR) mixed residential and commercial building with 100% lot coverage containing approximately 7,498 GSF (7,210 ZSF, 0.72 FAR) of local retail on the ground floor, 41,496 GSF (38,781 ZSF, 3.88 FAR) of residential use on the upper floors, and 11,498 SF of parking space on the cellar level and the ground floor. There would be approximately 49 dwelling units (assuming 850 SF per DU on average), 25-30% (13-15 units) of

which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected. For the purposes of Early Childhood Programs analysis, 20% of the residential floor area (10 units) is assumed to be affordable at or below 80% AMI. The below-grade parking lot would contain approximately 45 parking spaces (according to the Applicant's proposal as a more conservative scenario). The building would have 9 stories and rise to 95 feet. There would be a 10-foot setback on Avenue X and a 15-foot setback on E 2nd Street at the height of 75 feet. A 15-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR. No new curb cuts would be proposed.

Other Lots (Block 7198, Lot 6)

Other lots within the Affected Area (Other Affected Sites) not projected to redevelop include Lot 6. Lot 6 is a 9,999-SF corner lot improved with a 6-story, 60.81-tall, 43,974-GSF (41,097-ZSF, 4.11 FAR) multi-family elevator building with 45 dwelling units. Under the proposed R7A/C2-zoning regulation with the maximum FAR of 4.6, the lot is already developed close to its maximum development potential. As such, redevelopment of this lot is not considered likely under Future With-Action Conditions.

The RWCDS Existing, No-Action, and With-Action Scenarios for the Projected Development Site are shown below in **Table 1.8-1**. The RWCDS increment of Analysis on the Projected Development Sites within the Affected Area are presented in **Table 1.8-2**.

Table 1.8-1: RWCDS Analysis Framework - Existing, No-Action, and With-Action Conditions

Site Info				Existing Condition								No-Action Condition								With-Action Condition								
Site ID	**Block**	**Lot**	**Lot Area**	**Zoning**	**MF (gsf)**	**Com. (gsf)**	**CF (gsf)**	**Res. (gsf)**	**Total gsf**	**Afford. DU**	**Total DU**	**Zoning**	**MF (gsf)**	**Com. (gsf)**	**CF (gsf)**	**Res. (gsf)**	**Total gsf**	**Afford. DU**	**Total DU**	**Zoning**	**MF (gsf)**	**Com. (gsf)**	**CF (gsf)**	**Res. (gsf)**	**Parking (gsf)**	**Total gsf**	**Afford. DU**	**Total DU**
Projected Development Site 1	7198	1	5,999	R4, OP	0	0	3,142	1,900	5,542	0	1	R4	0	0	3,142	1,900	5,542	0	1	R7A/C2-4	0	7,498	0	41,496	11,498	60,492	10	49
		4	3,999		0	0	4,400	0	4,400	0	0		0	0	4,400	0	4,400	0	0									
Total			**9,998**	**-**	**0**	**0**	**7,542**	**1,900**	**9,942**	**0**	**1**	-	**0**	**0**	**7,542**	**1,900**	**9,942**	**0**	**1**	-	**0**	**7,498**	**0**	**41,496**	**11,498**	**60,492**	**10**	**49**

DU = Dwelling Units
gsf = gross square feet
Res. = Residential
Com. = Commercial
MF = Manufacturing
CF = Community Facility
Afford. = Affordable

Table 1.8-2: RWCDS Incremental Analysis Table

Use	No-Action Condition	With-Action Condition	Increment
Commercial GSF	0	7,498	+7,498
Manufacturing GSF	0	0	0
Community Facility GSF	7,542	0	-7,542
Residential GSF	1,900	41,496	+39,596
Total GSF	9,942	60,492	+50,550
Residential DUs	1	49	+48
Residents[1]	3	130	+127
Workers[2]	30	24	-6

1. Assumes 1 employee per: 250 GSF of medical office, 333.3 GSF of local retail, and 25 residential units;
2. Assumes 2.66 residents per household average - 2020 American Community Survey Brooklyn, CD 15.

2 Environmental Review

The following technical sections are provided as supplemental assessments to the Environmental Assessment Statement ("EAS") Short Form. Part II: Technical Analyses of the EAS forms a series of technical thresholds for each analysis area in the respective chapter of the *CEQR Technical Manual*. If the proposed project was demonstrated not to meet or exceed the threshold, the 'NO' box in that section was checked; thus, additional analyses were not needed. If the proposed project was expected to meet or exceed the threshold, or if this was not able to be determined, the 'YES' box was checked on the EAS Short Form, resulting in a preliminary analysis to determine whether further analyses were needed. For those technical sections, the relevant chapter of the *2021 CEQR Technical Manual* was consulted for guidance on providing additional analyses (and supporting information, if needed) to determine whether detailed analysis was needed.

A 'YES' answer was provided in the following technical analyses areas on the EAS Short Form:

- Land Use, Zoning, and Public Policy
- Shadows
- Historic and Cultural Resources
- Urban Design and Visual Resources
- Air Quality
- Noise
- Neighborhood Character
- Construction

2.1 Land Use, Zoning, and Public Policy

The *2021 CEQR Technical Manual* recommends procedures for analysis of land use, zoning and public policy to ascertain the impacts of a project on the Surrounding Area. Land use, zoning, and public policy are described in detail below. This section considers existing conditions, development trends, and zoning and other public policies in relation to the Affected Area and the Surrounding Area as well as the larger area in which the Proposed Actions may have an effect. Because the Proposed Actions would permit the development of multiple-family residential uses with a larger bulk compared to existing zoning regulations and would also allow commercial uses, a preliminary assessment of Land Use, Zoning, and Public Policy is provided.

Methodology

Existing land uses were determined by reference to the New York City Zoning and Land Use (Zola) database and PLUTOTM 20v4 shapefiles. These uses were then confirmed through site visits. The evaluation of lots within the 400-foot Study Area was performed with reference to New York City Zoning Maps and the Zoning Resolution of the City of New York and served as the basis for the zoning evaluation of the Future No Action and Future With-Action Conditions. Public Policy research was performed through an evaluation of NYCDCP and other city agencies programs and documentation.

2.1.1 Land Use

The *CEQR Technical Manual* suggests that a land use, zoning, and public policy Study Area should generally extend 400 feet from the Affected Area ("the Surrounding Area"). Existing land uses within approximately 400 feet of the Affected Area are presented in **Figure 1.1-2**.

Existing Conditions

Land Use Study Area

As shown in **Figure 1.1-2** and stated in **Section 1.3**, the surrounding area is predominantly developed with residential buildings, mixed commercial and residential buildings, commercial buildings, public facilities and vacant land. The buildings in the 400-foot Study Area include two- to three-story one- and two-family buildings and two- to six-story multiple-family apartment buildings, low-rise commercial buildings, and two-story mixed commercial and residential buildings. The surrounding area also contains a 5-story public school (P.S. 216 Arturo Toscanini). Avenue X is a major thoroughfare in the area and contains a mix of high-density multi-family, commercial, and mixed residential and commercial uses. The section of Avenue X to the east of the Affected Area does not have any commercial activity and is residential in character. However, the section of Avenue X to the west of the Affected Area has commercial overlays mapped along the northern side of the road starting with the lots directly across Avenue X from the Affected Area and features significant commercial activity. E 2nd Street and E 3rd Street are predominantly residential in character.

Affected Area

A full breakdown of each lot within the Affected Area can be found in **Section 1.4**.

The Applicant-controlled lots include Block 7198, Lots 1 and 4:

- Lot 1 is 5,999-SF corner lot with 60 feet of frontage along Avenue X and 100 feet of frontage along East 2nd Street. The lot contains a 2-story, 29.22-foot-tall, 5,542-GSF (5,042-ZSF, 0.84-FAR) mixed residential and commercial building (according to ZOLA) with approximately 3,142 GSF (0.52 FAR) of community facility use (physical therapist office), 1,900 GSF (0.32 FAR) of one-family residential use, and an 11.65-foot tall, approximately 500-GSF garage. The building was constructed in 1931.
- Lot 4 is 3,999-SF interior lot with 40 feet of frontage along Avenue X. The lot contains a 2-story, 19.69-foot-tall, 4,400-GSF (4,400-ZSF, 1.10-FAR) commercial and office building (according to ZOLA) occupied by a community facility use (medical center). The structure was built in 1931 and altered in 1995.

Other lots within the Affected Area include the non-Applicant-controlled Block 7198, Lot 6:

- Lot 6 is a 9,999-SF corner lot with 100 feet of frontage along Avenue X and 100 feet of frontage along East 3rd Street. The lot contains a 6-story, 60.81-tall, 43,974-GSF (41,097-ZSF, 4.11 FAR) multi-family elevator building with 45 dwelling units. Since the building was constructed in 1957, before the enactment of the zoning resolution, the existing residential bulk on Lot 6 is legal non-conforming.

Future No-Action Condition

Land Use Study Area

There is one active construction permit within the 400-foot Study Area for a 2,874-GSF alteration project involving a 2-story residential building containing two dwelling units at 450 Avenue X to the east of the Affected Area. Based on the information from ZOLA about the existing building (2,903 GSF, 2 dwelling units), the alteration project would result in negative incremental floor area and no incremental dwelling units. No-Action Developments are shown below in **Table 2.1-1.** There are no proposed rezonings in the surrounding area that could affect the No-Action condition of the surrounding area.

Affected Area

There are no records of building work permits submitted by the Applicant on the DOB website. As such, it is conservatively assumed that under the No-Action Scenario, existing conditions would continue on the Projected Development Site 1. Redevelopment is also not considered likely in the No-Action Scenario because of the current R4 district permits only a low residential FAR (0.9) and no commercial uses.

The Other non-Applicant-owned Lot 6 does not pass the soft site criteria established by the *CEQR Technical Manual*, Chapter 2 and would remain as it exists. The lot is within the R4 district with 0.9 residential FAR allowed and currently developed with a 4.11-FAR residential building. The existing legal non-conforming residential bulk on Lot 6 would remain in the future without the proposed actions.

Future With-Action Condition

Land Use Study Area

Land use and development patterns in the Study Area are anticipated to remain unchanged in the future with the Proposed Actions. Any new development in the surrounding area would be consistent with the underlying zoning regulations.

Affected Area

Under Future With-Action Conditions, the Applicant-Owned Lots 1 and 4 (Projected Development Site 1) would assemble with 9,998 SF within the proposed R7A/C2-4 district. The site would be developed with a single 60,492 GSF (45,991 ZSF, 4.60 FAR) mixed residential and commercial building with 100% lot coverage containing approximately 7,498 GSF (7,210 ZSF, 0.72 FAR) of local retail on the ground floor, 41,496 GSF (38,781 ZSF, 3.88 FAR) of residential use on the upper floors, and 11,498 SF of parking space on the cellar level and the ground floor. There would be approximately 49 dwelling units (assuming 850 SF per DU on average), 25-30% (13-15 units) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected. For the purposes of Early Childhood Programs analysis, 20% of the residential floor area (10 units) is assumed to be affordable at or below 80% AMI. The below-grade parking lot would contain approximately 45 parking spaces (according to the Applicant's proposal as a more conservative scenario). The building would have 9 stories and rise to 95 feet. There would be a 10-foot setback on Avenue X and a 15-foot setback on E 2nd Street at the height of 75 feet. A 15-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR. No new curb cuts would be proposed.

Other lots within the Affected Area (Other Affected Sites) not projected to redevelop include Lot 6. Lot 6 is a 9,999-SF corner lot improved with a 6-story, 60.81-tall, 43,974-GSF (41,097-ZSF, 4.11 FAR) multi-family elevator building with 45 dwelling units. Under the proposed R7A/C2-zoning regulation with the maximum FAR of 4.6, the lot is already developed close to its maximum development potential. As such, redevelopment of this lot is not considered likely under Future With-Action Conditions.

Table 2.1-1: No-Action Developments

Address	Type	Land Use	Incremental Floor Area (GSF)	Incremental Dwelling Units	Stories	Source
450 Avenue X	Alt-Enlargement	Residential	-29	0	2	NYCDOB Active Construction, ZOLA

GSF = Gross Square Feet

Conclusion

The density and uses permitted by the Proposed Actions would be appropriate for the Affected Area located on a wide street and surrounded by numerous residential buildings of similar scale. The proposed C2-4 commercial overlay would extend the commercial zoning mapped across Avenue X from the Affected Area and enhance the commercial character of this section of Avenue X. Compared to the existing nearby C1-2 commercial overlays, the proposed C2-4 commercial overlay would have lower on-site parking requirements and permit a slightly wider range of uses. Moreover, the proposed Zoning Text Amendment to Appendix F to add Mandatory Inclusionary Housing (MIH) would allow for residential growth with permanent affordable housing and contribute to the City's goals for affordable housing. The Proposed Actions would not be incompatible with surrounding uses, which are predominantly residential and commercial, and would not alter development patterns in the area. Therefore, there would be no adverse impacts on land use as a result of the Proposed Actions, and further analysis is not required.

2.1.2 Zoning

The *CEQR Technical Manual* suggests that a zoning Study Area should extend 400 feet from the Affected Area. The proposed zoning map amendment would affect the following lots: Block 7198, Lots 1, 4, and 6. Existing zoning districts within approximately 400 feet of the Affected Area are presented in **Figure 1.1-3**.

Existing Conditions

Zoning Study Area

The zoning districts within 400 feet of the Affected Area are R4, C1-2 commercial overlays, and Special Ocean Parkway District (OP) as illustrated in **Table 2.1-2**.

Existing zoning districts in the surrounding area include:

R4

R4 districts are non-contextual residential districts that permit a residential FAR of 0.75, plus an attic allowance of up to 20% for inclusion of space under the pitched roof common to these districts, usually produces buildings with three stories instead of the two-story homes. To accommodate a potential third floor beneath a pitched roof, the perimeter wall in R4 districts may rise to 25 feet before being set back to the maximum building height of 35 feet. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to provide sufficient space for on-site parking. The maximum street wall length for a building on a single zoning lot is 185 feet. One off-street parking space is required for each dwelling unit. However, requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone.

C1-2 Commercial Overlay

C1-2 districts are commercial overlays mapped within residential districts. Mapped along streets that serve local retail needs, they are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use.

When C1-2 commercial overlays are mapped in R1 through R5 districts, the maximum commercial floor area ratio (FAR) is 1.0; when mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. Commercial buildings are subject to commercial bulk rules.

Overlay districts differ from other commercial districts in that residential bulk is governed by the residence district within which the overlay is mapped. All other commercial districts that permit residential use are assigned a specific residential district equivalent. Unless otherwise indicated on the zoning maps, the depth of overlay districts ranges from 100 to 200 feet. For C1-2 districts, 1 parking space is required for every 300 sf of commercial floor area.

Table 2.1-2: Zoning Districts in the Surrounding Area[1]

Zoning District	Type and Use Group	Floor Area Ratio (FAR)	Parking
R4	Residential UGs 1-4	0.9 FAR – Residential 2.0 FAR – Community Facility	100% of DU; 50% for IRHU[2] outside TZ[3]
C1-2 Commercial Overlay	Local Retail UG 1-6	1.0 – Commercial (R1-R5) 2.0 – Commercial (R6 - R10)	1 per 300 sf

Special Ocean Parkway District (OP)

The Special Ocean Parkway District (OP), encompassing a band of blocks east and west of the parkway between Prospect Park and Brighton Beach, enhances the qualities of this broad landscaped road designated a scenic landmark. All new developments fronting on Ocean Parkway are required to have a 30-foot-deep landscaped front yard unobstructed by porches, canopies or stairs. Only driveways or walkways may be paved. Accessory off-street parking must be completely enclosed, and any new community facility development or enlargement is limited to the residential bulk regulations of the underlying zoning district, except by City Planning Commission certification. The district also preserves the character of the large, detached and semi-detached, one- and two-family homes in the areas east and west of the Parkway.

[1] Zoning Handbook, New York City Department of City Planning, 2019
[2] Income-Restricted Housing Units
[3] Transit Zone

Affected Area

The Affected Area is zoned R4, which permits low-density residential developments along with community facility uses.

Future No-Action Condition

Zoning Study Area and Affected Area

No changes to zoning would occur in the future without the Proposed Actions in the Affected Area and in the 400-foot Study Area. Existing zoning patterns would remain, and the Affected Area would continue to be subject to R4 zoning regulations.

Future With-Action Condition

Zoning Study Area

Changes to zoning would only occur in the Affected Area in the future with the Proposed Actions. No zoning actions in the surrounding Study Area are anticipated.

Affected Area

Block 7198, Lots 1, 4, and 6 would be rezoned from an existing R4 zoning district to an R7A/C2-4 zoning district, bringing existing residential bulk on Lot 6 into conformance.

Under the With-Action condition, the proposed R7A/C2-4 district would permit a maximum of 4.6 FAR for residential use, 2.0 FAR for commercial use, and 4.0 for community facility uses. The maximum building height within the R7A/C2-4 zoning district is 95 feet after a setback from the base height of up to 75 feet, pursuant to Zoning Resolution Section23-664, *Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors*. Buildings must set back above the maximum base height to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum of 9 floors. Off-street parking is required for 50 percent of the market-rate residential dwelling unit, 15 percent of the income-restricted housing units outside the Transit Zone but is not required for income-restricted housing units inside the Transit Zone.

In comparison with the existing R4 zoning district mapped in the Affected Area currently, the proposed R7A/C2-4 zoning district would permit commercial uses and would allow for larger residential bulks and increased building heights within the Affected Area.

Conclusion

The proposed zoning would induce development consistent with the nearby higher-density residential buildings and mixed-use residential and commercial buildings along Avenue X as well as legalize the existing legal non-conforming residential bulk on Lot 6. The increased bulk as a result of the Proposed Actions would be appropriate for the area located on a wide street, surrounded by numerous buildings of similar scale, and well-served by transit. The Avenue X

subway station with service from the F Train providing full-time connecting service to Midtown Manhattan is located approximately 1/3 mile to the west of the Affected Area. In addition, a bus line (B1 bus), which connects Bay Ridge and Manhattan Beach neighborhoods via Avenue X and 86th Street, has two bus stops in different directions on Avenue X near the Affected Area. Moreover, the proposed Zoning Text Amendment to Appendix F to add Mandatory Inclusionary Housing (MIH) would require the provision of permanently affordable housing as a component of new residential development. The rezoning would not adversely affect surrounding land uses, nor would it be incompatible with those land uses. Therefore, there would be no adverse impacts related to zoning as a result of the Proposed Actions, and further analysis is not required.

2.1.3 Public Policy

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

The Affected Area is not part of, or subject to, an Urban Renewal Plan (URP), adopted community 197-a Plan, Solid Waste Management Plan, Business Improvement District (BID), Industrial Business Zone (IBZ), or the New York City Landmarks Law. In addition, the Affected Area is not located within a designated FRESH-eligible.

The Proposed Actions include a Zoning Text Amendment to ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 15, Brooklyn, to establish the Affected Area as an MIH Area under Program Option 1 or Option 2. As a result, analysis of the Proposed Development's alignment with Mayor Adams' era plans, such as Where We Live NYC, Get Stuff Built, and Housing Our Neighbors is warranted. Though the Proposed Actions are not a large publicly sponsored project, consistency with the City's OneNYC for sustainability is provided below. The Affected Area is located in the New York City Coastal Zone; as such the Proposed Actions must be reviewed and assessed for consistency with the policies and conditions set forth in the New York City Waterfront Revitalization Program (WRP). The Affected Area is also within the Jamaica Bay/Rockaway Inlet Watershed, which necessitates completion of the Jamaica Bay Watershed Protection Plan checklist (See **Appendix D**).

Existing Conditions

Where We Live NYC

Where We Live NYC is a collaborative planning process led by the City of New York to better understand how challenges like segregation and discrimination impact New Yorker's everyday lives. Through Where We Live NYC, the City of New York is developing the next chapter of fair

housing policies that fight discrimination, breakdown barriers to opportunity, and build more just and inclusive neighborhoods. The Plan is separated into six key goals that will guide the City's work in advancing fair housing through 2025:

Goal 1. Combat persistent, complex discrimination with expanded resources and protections;

Goal 2. Facilitate equitable housing development in New York City and the region;

Goal 3. Preserve affordable housing and prevent displacement of long-standing residents;

Goal 4. Enable more effective use of rental assistance benefits, especially in amenity-rich neighborhoods;

Goal 5. Create more independent and integrated living options for people with disabilities;

Goal 6. Make equitable investments to address the neighborhood-based legacy of discrimination, segregation, and concentrated poverty.

Get Stuff Built

Get Stuff Built is a strategy to address affordable housing crisis with the goal of 500,000 new homes. Carried out by the Building and Land Use Approval Streamlining Task Force (BLAST), "Get Stuff Built" includes 111 concrete actions the city will take to create more housing more quickly by streamlining processes and removing bureaucratic obstacles that are slowing housing production and economic recovery. These actions will increase the speed and lower the cost of development by accelerating project timelines by 50 percent, ensure environmental protection and meaningful public participation, and stimulate the creation of affordable housing across New York City.

Housing Our Neighbors: A Blueprint for Housing and Homelessness

Housing Our Neighbors: A Blueprint for Housing and Homelessness is a plan to get New Yorkers into Safe, High-Quality, Affordable Homes. Crafted with insight from New Yorkers who experienced homelessness, blueprint focuses not just on creating homes but also on getting New Yorkers into them more quickly. The blueprint contains five main strategies, including:

1. Transforming NYCHA,
2. Addressing Homelessness and Housing Instability,
3. Creating and Preserving Affordable Housing,
4. Improving the Health and Safety of New Yorkers, and
5. Reducing Administrative Burden.

OneNYC

OneNYC is New York City's long-term strategy and Green New Deal to confront climate crisis, achieve equity, and strengthen democracy so that people can build a strong and fair city. It covers eight strategies: a vibrant democracy, an inclusive economy, thriving neighborhoods, healthy lives, equity and excellence in education, a livable climate, efficient mobility, and modern infrastructure.

Waterfront Revitalization Program

The New York City Waterfront Revitalization Program (WRP) establishes the City's policies for waterfront planning, preservation and development projects to ensure consistency over the long term. The goal of the program is to maximize the benefits derived from economic development, environmental conservation and public use of the waterfront, while minimizing any potential conflicts among these objectives.

Future No-Action Condition

No changes affecting Where We Live NYC, Get Stuff Built, Housing Our Neighbors: A Blueprint for Housing and Homelessness, OneNYC or Waterfront Revitalization Program are anticipated under Future No-Action Conditions.

Future With-Action Condition

Where We Live NYC

The Proposed Actions would facilitate the construction of a mixed residential and commercial building containing approximately 49 dwelling units, 25-30% (13-15 units) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the option selected. For the purposes of Early Childhood Programs analysis, 20% of the residential floor area (10 units) is assumed to be affordable at or below 80% AMI.

By facilitating the construction of affordable units in an area within a Transit Zone with high accessibility to jobs, amenities, and services, the Proposed Actions would contribute to Goal 2 (Facilitate equitable housing development in New York city and the region) of Where We Live NYC.

The Proposed Actions would facilitate the development on an underutilized site with income-restricted units subject to HPD/HDC marketing and resident selection procedures including an occupancy preference for a percentage of the units to applicants who, at the time of application and processing, are residents of the Community District in which the building is located ("Community Preference Units"). Therefore, the Project would contribute to Goal 3 (Preserve affordable housing and preventing the displacement of long-standing residents) of Where We Live NYC.

The Proposed Project would incorporate ADA-compliant designs such as elevators with enough space for wheelchairs and ramps at the entryway of the building. As a result, the Project would contribute to Goal 5 (Create more independent and integrated living options for people with disabilities) of Where We Live NYC.

Get Stuff Built

The Proposed Actions would facilitate the construction of 49 dwelling units within the Affected Area including 10 dwelling units permanently affordable for households making an income at or below 80% AMI. The units that would be provided pursuant to the Proposed Actions would help address affordable housing crisis and contribute to the goal of 500,000 new homes expressed in the "Get Stuff Built" strategy.

Housing Our Neighbors: A Blueprint for Housing and Homelessness

The Proposed Actions would facilitate the construction of 49 dwelling units within the Affected Area including 10 dwelling units permanently affordable for households making an income at or below 80% AMI. By creating the affordable housing, the Proposed Actions would contribute to the goal of getting New Yorkers into safe, high-quality, affordable homes expressed in "Housing Our Neighbors: A Blueprint for Housing and Homelessness".

OneNYC

The Proposed Actions support the OneNYC strategies in terms of an inclusive economy and thriving neighborhoods by creating new job opportunities within the proposed commercial spaces. The Proposed Actions would also support OneNYC initiatives by constructing new residential uses on underbuilt land. The Proposed Actions are consistent with the goals of OneNYC 2050, as they would create additional affordable housing and contribute to the community and economic development of the neighborhood and Brooklyn as a whole. Therefore, the Proposed Actions would not conflict with this public policy.

Waterfront Revitalization Program

Because the Proposed Development Site is located within the boundaries of the New York City Coastal Zone and is subject to CEQR discretionary review procedures, the Proposed Actions must be reviewed and assessed for consistency with the policies and conditions set forth in the New York City Waterfront Revitalization Program (WRP). The WRP establishes the City's policies for waterfront planning, preservation and development projects to ensure consistency over the long term. The goal of the program is to maximize the benefits derived from economic development, environmental conservation and public use of the waterfront, while minimizing any potential conflicts among these objectives.

The WRP Consistency Assessment Form (CAF) was completed (**Appendix C**) to determine if the Proposed Actions is consistent with the WRP policies. Additionally, while the Proposed Development Site is not within the 2007 Effective FEMA Flood Insurance Rate Map (FIRM) 0.2% or 1% annual chance

floodplain, it is within the 2015 Preliminary FEMA Flood Insurance Map (PFIRM) 1% annual chance floodplain (*See* **Figure 2.1-2** below). Accordingly, the Flood Evaluation Worksheet was completed (*See* **Appendix C** and Policy 6.2 evaluation below). The Flood Evaluation Worksheet allows applicants to calculate future flood elevations and assess site-specific risks to vulnerable or critical project features.

Based on the information provided in the CAF, a Detailed Methodology and policy response is provided below, following the Definitions Section. The WRP assessment incorporates the findings of the Flood Evaluation Worksheet and the Proposed Actions consistency with the applicable WRP Policies and Sub Policies (1.1, 1.3, 1.5, 6.1, and 6.2).

Definitions

FEMA National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRMs)

In 1983, the City of New York joined the NFIP, managed by the Federal Emergency Management Administration (FEMA). FEMA provides flood insurance, improves floodplain management, and develops maps of flood hazard areas. Once the City joined the program and adopted the FIRMS, NFIP required the adoption and enforcement of flood resilient Building Code regulations pursuant to *Appendix G: Flood-Resistant Construction* of the NYC Building Code.

FIRMs/PFIRMs

Flood Insurance Rate Maps (FIRMs) identify buildings in the floodplain and are a tool used for assessing the applicability of Appendix G, as well as for calculating flood insurance rates. Flood Insurance Rate Maps (PFIRMs), reflect the best available information about the city's flood risks at this time. Compared to the FIRMs, the PFIRMs generally show a larger geography with higher flood elevations. Flood insurance rates in New York City are based on the 2007 effective FIRMs. Flood Insurance is required for property owners with federally backed mortgages located within the 1% annual chance floodplain, or the V or A zones as shown on the 2007 FIRM. Provisions of the Building Code and Zoning Resolution will continue to be based on the 2007 FIRMs and the 2015 PFIRMs (*whichever is more conservative*).

Flood Zone Designations

Within the FIRMs, the floodplain is divided into different areas of risk; the V-Zone, A-Zone and Shaded X Zone. The PFIRMS divide the floodplain into four different areas of risk; the V-Zone, Coastal A Zone, A Zone, and Shaded X-Zone. The V and Coastal A Zones are vulnerable to waves, while the A zone is an area that is vulnerable to flooding but not wave damage. FEMA flood maps also show the Shaded X Zone, which is also known as the 0.2% annual chance, and has a lower annual chance of flooding than the A Zone. Buildings located in an X Zone are not currently required to comply with Appendix G of the Building Code.

- *Special Flood Hazard Areas – High Risk*
  Special Flood Hazard Areas represent the area subject to inundation by 1-percent-annual chance flood. Structures located within the SFHA have a 26-percent chance of flooding during

the life of a standard 30-year mortgage. Federal floodplain management regulations and mandatory flood insurance purchase requirements apply in these zones.

- *Coastal High Hazard Areas – High Risk*
  Coastal High Hazard Areas (CHHA) represent the area subject to inundation by 1-percent-annual chance flood, extending from offshore to the inland limit of a primary front al dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Structures located within the CHHA have a 26-percent chance of flooding during the life of a standard 30-year mortgage. Federal floodplain management regulations and mandatory purchase requirements apply in these zones.

- *Moderate and Minimal Risk Areas*
  Areas of moderate or minimal hazard are studied based upon the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Local stormwater drainage systems are not normally considered in a community's flood insurance study. The failure of a local drainage system can create areas of high flood risk within these zones. Flood insurance is available in participating communities but is not required by regulation in these zones. Nearly 25-percent of all flood claims filed are for structures located within these zones.

  See **Table 2.1-3** below for a list of all FEMA zones.

Table 2.1-3: FEMA FIRM Risk Zone Designations

ZONE	DESCRIPTION
High Risk Zones	
A	Areas subject to inundation by the 1-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.
AE, A1-A30	Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones. (Zone AE is used on new and revised maps in place of Zones A1–A30.)
AH	Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are 1–3 feet. BFEs derived from detailed hydraulic analyses are shown in this zone.
A	Areas subject to inundation by the 1-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.
AE, A1-A30	Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones. (Zone AE is used on new and revised maps in place of Zones A1–A30.)
AH	Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are 1–3 feet. BFEs derived from detailed hydraulic analyses are shown in this zone.
AO	Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are 1–3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
AR	Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

A99	Areas subject to inundation by the 1-percent-annual-chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may be used only when the flood protection system has reached specified statutory progress toward completion. No BFEs or flood depths are shown.
Coastal Hazard Areas	
V	Areas along coasts subject to inundation by the 1-percent-annual-chance flood event with additional hazards associated with storm-induced waves. Because detailed coastal analyses have not been performed, no BFEs or flood depths are shown.
VE, V1-V30	Areas along coasts subject to inundation by the 1-percent-annual-chance flood event with additional hazards due to storm-induced velocity wave action. BFEs derived from detailed hydraulic coastal analyses are shown within these zones. (Zone VE is used on new and revised maps in place of Zones V1–V30.)
Moderate and Minimal Risk Areas	
B, X (shaded)	Moderate risk areas within the 0.2-percent-annual-chance floodplain, areas of 1-percent-annual-chance flooding where average depths are less than 1 foot, areas of 1-percent-annual-chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1-percent-annual-chance flood by a levee. No BFEs or base flood depths are shown within these zones. (Zone X (shaded) is used on new and revised maps in place of Zone B.)
C, X (unshaded)	Minimal risk areas outside the 1-percent and .2-percent-annual-chance floodplains. No BFEs or base flood depths are shown within these zones. (Zone X (unshaded) is used on new and revised maps in place of Zone C.)
Undetermined Risk Areas	
D	Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

Base Flood Elevation (BFE)

Besides designating the geography and risk profile where flood events are likely to happen the FIRMs also indicate the Base Flood Elevation (BFE), the computed elevation to which floodwater is anticipated to rise during a flood that has a 1% chance of occurring in any given year, also known as the 100-year flood zone.

Appendix G:

Appendix G requires owners of severely damaged or destroyed buildings in the 1% annual chance floodplain to comply with the flood resistant construction standards of the Building Code when they rebuild. The same requirements are applicable to any new development, or substantially improved properties, whether the development is located in whole or in part within the floodplain.

- *Substantially Damaged: Restoring Cost ≥ 50% Market Value*
- *Substantially Improved: Improvement Cost ≥ 50% Market Value*

Design Flood Elevation (DFE)

In addition to the adoption of the PFIRMs as another standard for how to design buildings in the flood zone, the Building Code was amended to require higher elevations for certain building types: Appendix G incorporates freeboard, an extra margin of protection that requires the lowest floor to be elevated

beyond the BFE. This height standard is called the Design Flood Elevation (DFE), which is the BFE plus freeboard (an additional one to two feet of elevation as a measure of safety). DFE, used by the building code, is synonymous with Flood Resistant Construction Elevation (FRCE) used by zoning. Any space below that level needs to be wet-floodproofed or dry-floodproofed depending on the building use. For example, for buildings located within the A Zones, single- and two-family homes are required to provide two feet of freeboard, and mixed-use or multi-family buildings, are required to provide one foot of freeboard.

Wet and Dry Floodproofing (*See* **Figure 2.1-1**)

There is a wide range of flood resilient construction practices that can enable buildings to withstand future flood events better. The most common of which are wet-floodproofing and dry-floodproofing, which can be utilized depending on building use category. Wet-floodproofing can be used by any building typology, while dry-floodproofing can only be deployed in non-residential uses. In general, buildings located in coastal areas subject to wave hazards (i.e., V Zone) are restricted from having any enclosed walls below the DFE and must elevate all active uses and mechanical systems. Buildings located in coastal areas that are not subject to wave hazards (i.e., A Zone) can be wet- or dry-floodproofed.

- *Wet-floodproofing: method designed to allow the passage of water within parts of the structure that are located below the flood elevation, while ensuring that the structure resists water loads. Wet-floodproofed areas can only be used as crawl space, or for parking, storage and access.*
- *Dry-floodproofing: method designed to seal a building's exterior walls to flood waters while ensuring that the building has the ability to resist water loads below the expected level of flooding.*

Flood Resilience Zoning Text

The Flood Resilience Zoning Text was established to promote rebuilding and recovery after Hurricane Sandy and increase the city's resilience to climate-related events, including coastal flooding and storm surge. Pursuant to Chapter 4, Section 64-00 of the Zoning Resolution of the City of New York ("ZR") this text was established for the following general purposes:

(a) To facilitate the development and alteration of buildings in flood zones consistent with the latest flood-resistant construction standards of the Federal government and the New York City Building Code;

(b) To enable buildings to be constructed pursuant to flood-resistant standards with comparable amount of usable interior space to what is generally permitted within the applicable zoning district;

(c) To mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity;

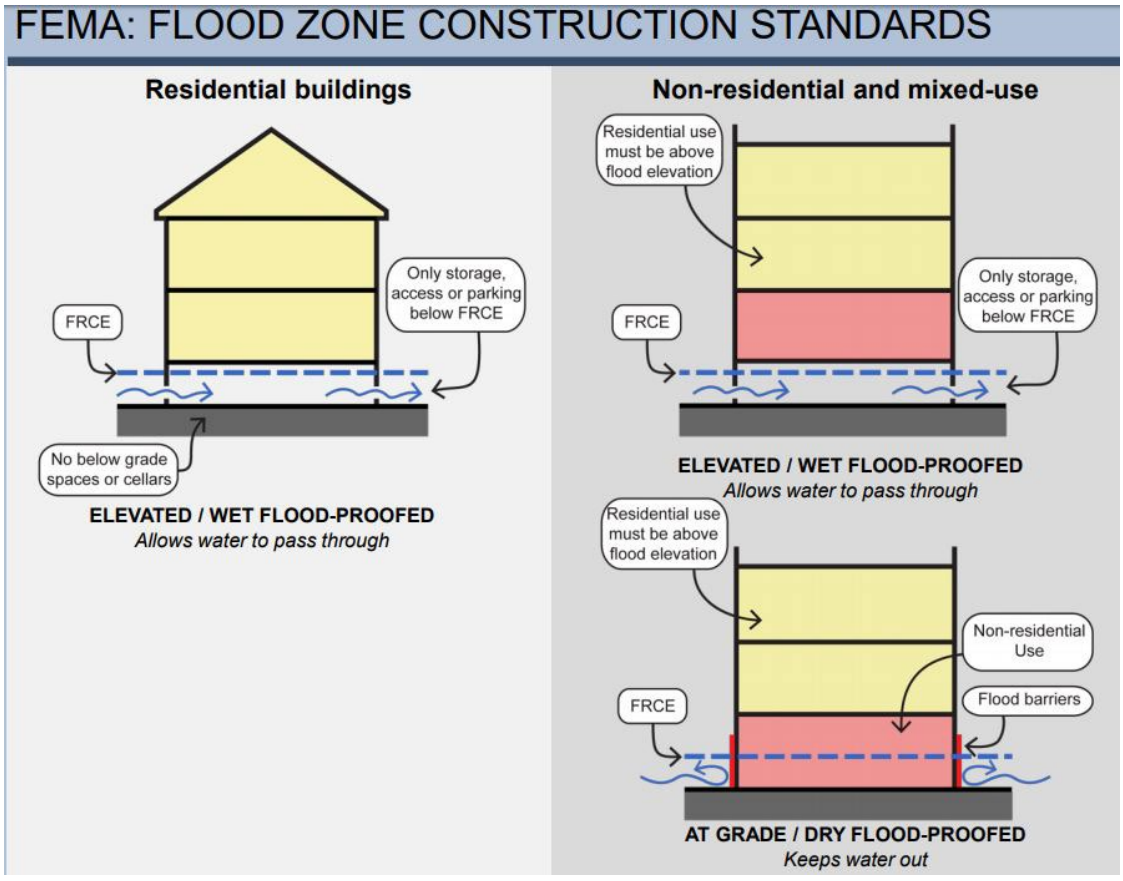
(d) To expedite the recovery of neighborhoods that experienced a high concentration of damage to single- and two-family residences from Hurricane Sandy within the Neighborhood Recovery Areas Specified in Chapter 4, Appendix A; and

(e) To promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenue.

The Flood Text encourages flood-resilient building construction throughout designated floodplains by removing regulatory barriers that hinder or prevent the reconstruction of storm-damaged properties. It also enables new and existing buildings to comply with new, higher flood elevations issued by the Federal Emergency Management Agency (FEMA), and to comply with new requirements in the New York City Building Code.

The Flood Text is available to all buildings located entirely or partially within the 1% annual chance floodplain pursuant to the more restrictive of the 2007 FIRMs or 2015 PFIRMs. The Flood Text specifies special regulations related to building height, access, ground floor use, parking, mechanical systems, and streetscape design, as further described below. These regulations, if utilized, typically require the building to fully comply with flood- resistant construction standards. However, some provisions, such as elevation of mechanical spaces, are available to all buildings located in the Flood Zone, even if not fully compliant with Appendix G.

Figure 2.1-1: Flood Zone Construction



Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

Sub-Policy 1.1: Encourage commercial and residential development in appropriate coastal zone areas.

Criteria that should be considered to determine areas appropriate for reuse through public and private actions include: compatibility with the continued functioning of the designated Special Natural Waterfront Areas, the Arthur Kill Ecologically Sensitive Maritime and Industrial Area, or Significant Maritime and Industrial Areas, where applicable; the absence of unique or significant natural features or, if present, the potential for compatible development; the presence of substantial vacant or underused land; proximity to existing residential or commercial uses; the potential for strengthening upland residential or commercial areas and for opening up the waterfront to the public; transportation access; the maritime and industrial jobs potentially displaced or created; and the new opportunities created by redevelopment. Public actions— such as property disposition, urban renewal plans, and infrastructure provision—should facilitate redevelopment of underused property to promote housing and economic development and enhance the city's tax base, subject to consideration of Policy 2, where applicable.

The Proposed Actions are consistent with this sub policy. The Proposed Actions would allow redevelopment of two lots along a major collector roadway in close proximity to public transportation that is well served by local commercial services and community facilities. The proposed project, while within a 1% annual chance floodplain, is subject to building-scale resiliency measures pursuant to the flood provisions of the DOB building code Appendix G. Therefore, the proposed building would employ the appropriate design measures to protect the building from future flood risk.

Sub-Policy 1.3: Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

Encourage development at a density compatible with the capacity of surrounding roadways, mass transit, and essential community services such as public schools. Lack of adequate local infrastructure need not preclude development, but it may suggest the need to upgrade or expand inadequate or deteriorated local infrastructure.

The Proposed Actions are consistent with this policy. The Proposed Actions would effectuate the redevelopment of underutilized land for commercial and residential uses with higher density in close proximity to high-capacity roadways, mass transit infrastructure, and supportive community facility uses, and would integrate the site into the surrounding residential and commercial area.

Sub-Policy 1.5: Integrate Consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development pursuant to WRP Policy 6.2

Projects should consider potential risks related to coastal flooding to features specific to each project, including, but not limited to, critical electrical and mechanical systems, residential living areas, and public access areas.

As described further below under Policy 6.2, because the Projected Development Site falls within a 1% annual chance floodplain, the proposed project is required to incorporate building-scale flood resiliency measures into the building design pursuant to the New York City Building Code Appendix G Flood Resistant Construction Standards. Therefore, the Proposed Action is consistent with Policy 1.5.

Policy 5: Protect and improve water quality in the New York City coastal area.

Sub-Policy 5.1: Manage direct or indirect discharges to waterbodies.

A. Minimize the negative impacts to fish and wildlife habitats caused by artificial input of large quantities of freshwater into tidal or brackish waterbodies and enhance freshwater inputs when it can be demonstrated that there will be ecological benefits.

B. Minimize the negative impacts to fish and wildlife habitats caused by effluent discharge that result in thermal changes from steam generating, heating, air conditioning, and industrial facilities.

C. Limit discharge of vessel wastewaters into waterways by providing adequate pumpout facilities.

The Proposed Project involves certain storm water management techniques to mitigate the related negative impacts. The Applicant indents to utilize storm water mitigation options such as a green roof area, onsite water detention and greywater reuse, and bioswales at particular places at the sidewalk and at the open area of the building setback at E 2nd street, allowing roadway storm water to partially enter planted tree and shrub sections in the sidewalk through indents in the curb. The stormwater mitigation techniques would be more precisely determined with an MEP engineer to meet required codes.

The proposed development is not subject to the Unified Stormwater Rule requirements, as it would not disturbs 20,000 sf or more of soil, create more than 5,000 SF of new impervious surface on the development site, or require a new site connection to the sewer.
The project would have to meet the requirements of the Local Law 92 and Local Law 94 of 2019 requiring all new buildings - and alterations of existing buildings where the entire existing roof deck or roof assembly is being replaced - to have a sustainable roofing zone covering 100 percent of the roof. The proposed project would also be required to meet NYC Plumbing code, Administrative Code chapters 19 and 31, and other regulations determined by the engineer.

Policy 6: Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

Sub-Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

Under Policy 6, the primary goal for projects within current or future flood hazard areas is to reduce the risks posed by current and future flood events, mainly major storms that are likely to increase due to climate change and sea level rise. As indicated below in **Figure 2.1-2**, while the Proposed Development Site is not within the 2007 Effective FEMA Flood Insurance Rate Map (FIRM) 0.2% or 1% annual chance floodplain, it is within the 2015 Preliminary FEMA Flood Insurance Map (PFIRM) 1% annual chance floodplain.

As indicated below under Sub-Policy 6.2, the flood evaluation worksheet was completed for the Projected Development Site to determine potentially vulnerable and critical building features that could be damaged by future flood events or inundation in the absence of design considerations such as building-scale flood resiliency measures.

As the Projected Development Site falls within the 1% annual chance floodplain, the proposed building would be subject to compliance with NYC Building Code Appendix G. Appendix G only requires owners of severely damaged or destroyed buildings and new built buildings in the 1% annual chance floodplain to comply with the flood resistant construction standards of the Building Code when they rebuild or construct. Therefore, the Proposed Project would meet the requirements of building-scale resiliency measures to reduce the risks of damage from current and future coastal hazards and would be consistent with Policy 6.1.

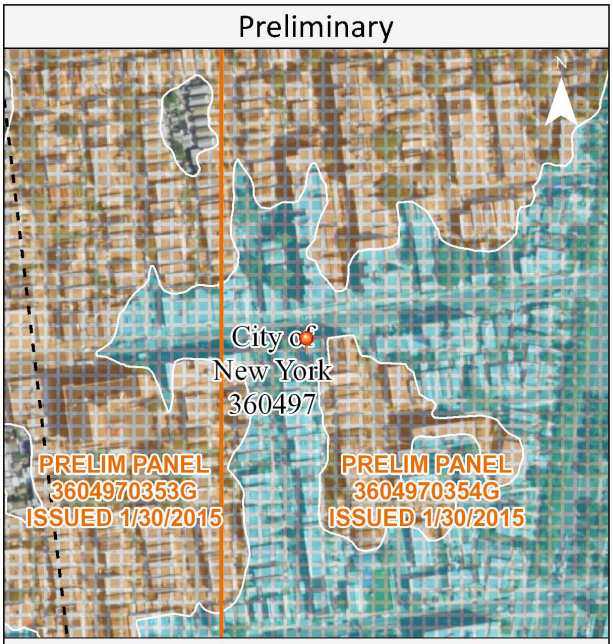
Figure 2.1-2: 2007 FIRM vs. 2015 PFIRM

Comparison of Flood Hazard

Effective & Preliminary Flood Hazards

FEMA





Effective	
POI Longitude/Latitude	-73.968, 40.5907
Effective FIRM Panel	3604970354F
Effective Date	9/5/2007
Flood Zone	X
Static BFE*	Not Available
Flood Depth	Not Available
Vertical Datum	Not Available

Preliminary	
POI Longitude/Latitude	-73.968, 40.5907
Preliminary FIRM Panel	3604970354G
Preliminary Issue Date	1/30/2015
Flood Zone	AE
Estimated Static BFE*	10.0 Feet
Estimated Flood Depth	Not Available
Vertical Datum	NAVD88

* A **Base Flood Elevation** is the expected elevation of flood water during the 1% annual chance storm event. Structures below the estimated water surface elevation may experience flooding during a base flood event.

Hazard Level	Flood Hazard Zone
High Flood Hazard	**AE, A, AH, AO, VE and V Zones.** Properties in these flood zones have a 1% chance of flooding each year. This represents a 26% chance of flooding over the life of a 30-year mortgage.
Moderate Flood Hazard	**Shaded Zone X.** Properties in the moderate flood risk areas also have a chance of flooding from storm events that have a less than 1% chance of occuring each year. Moderate flood risk indicates an area that may be provided flood risk reduction due to a flood control system or an area that is prone to flooding during a 0.2% annual chance storm event. These areas may have been indicated as areas of shallow flooding by your community. **Unshaded Zone X.** Properties on higher ground and away from local flooding sources have a reduced flood risk when compared to the Moderate and High Flood Risk categories. Structures in these areas may be affected by larger storm events, in excess of the 0.2% annual chance storm event.
Low Flood Hazard	**Insurance Note:** High Risk Areas are called 'Special Flood Hazard Areas' and flood insurance is mandatory for federally backed mortgage holders. Properties in Moderate and Low Flood Risk areas may purchase flood insurance at a lower-cost rate, known as Preferred Risk Policies. See your local insurance agent or visit https://www.fema.gov/national-flood-insurance-program for more information.

Disclaimer: This report is for informational purposes only and is not authorized for official use. The positional accuracy may be compromised in some areas. Please contact your local floodplain administrator for more information or go to msc.fema.gov to view an official copy of the Flood Insurance Rate Maps.

Service Layer Credits: USGS, USDA

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Figure 2.1-3: Future 2020s Flood Projections

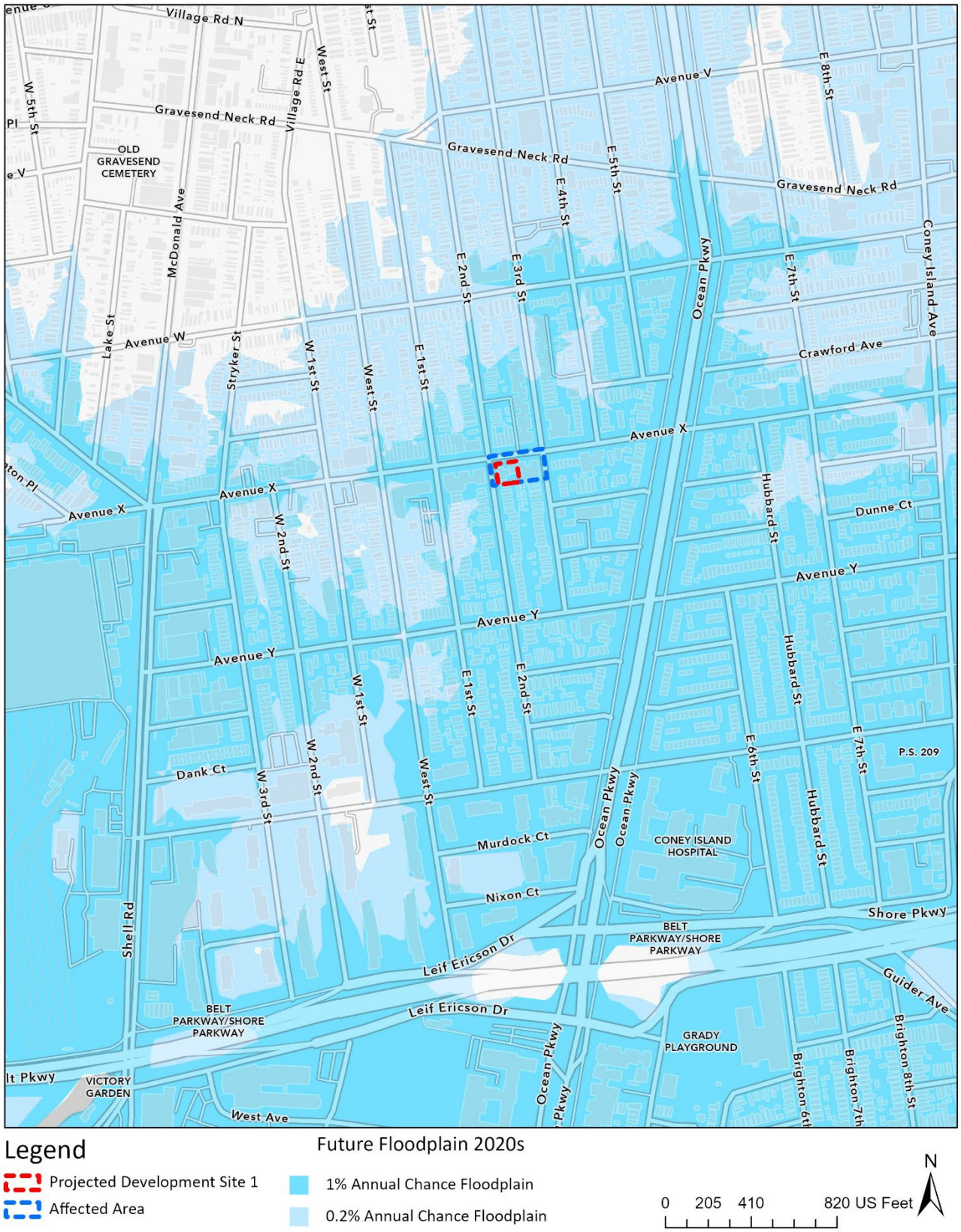


Figure 2.1-4: Future 2050s Flood Projections

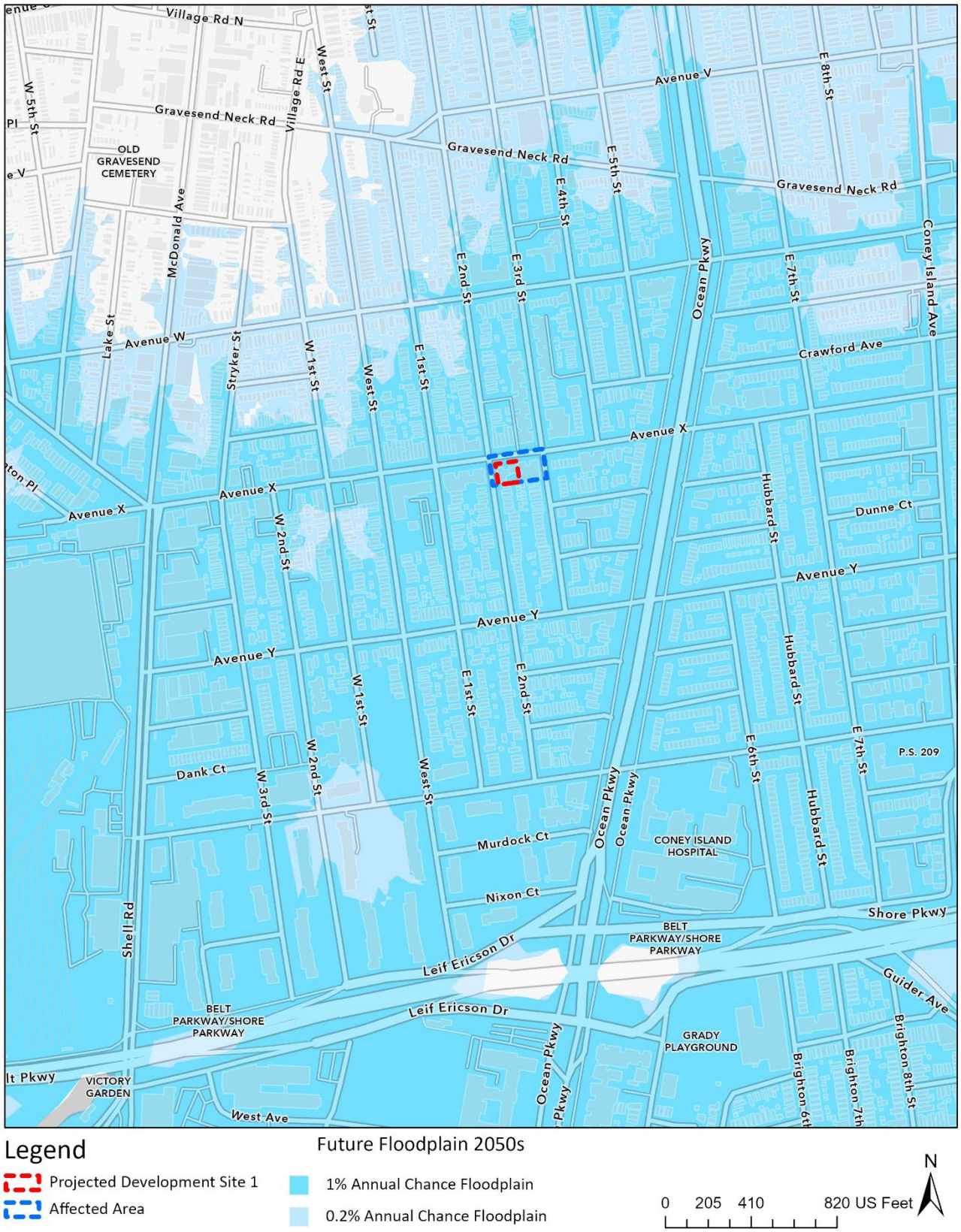


Figure 2.1-5: Future 2080s Flood Projections

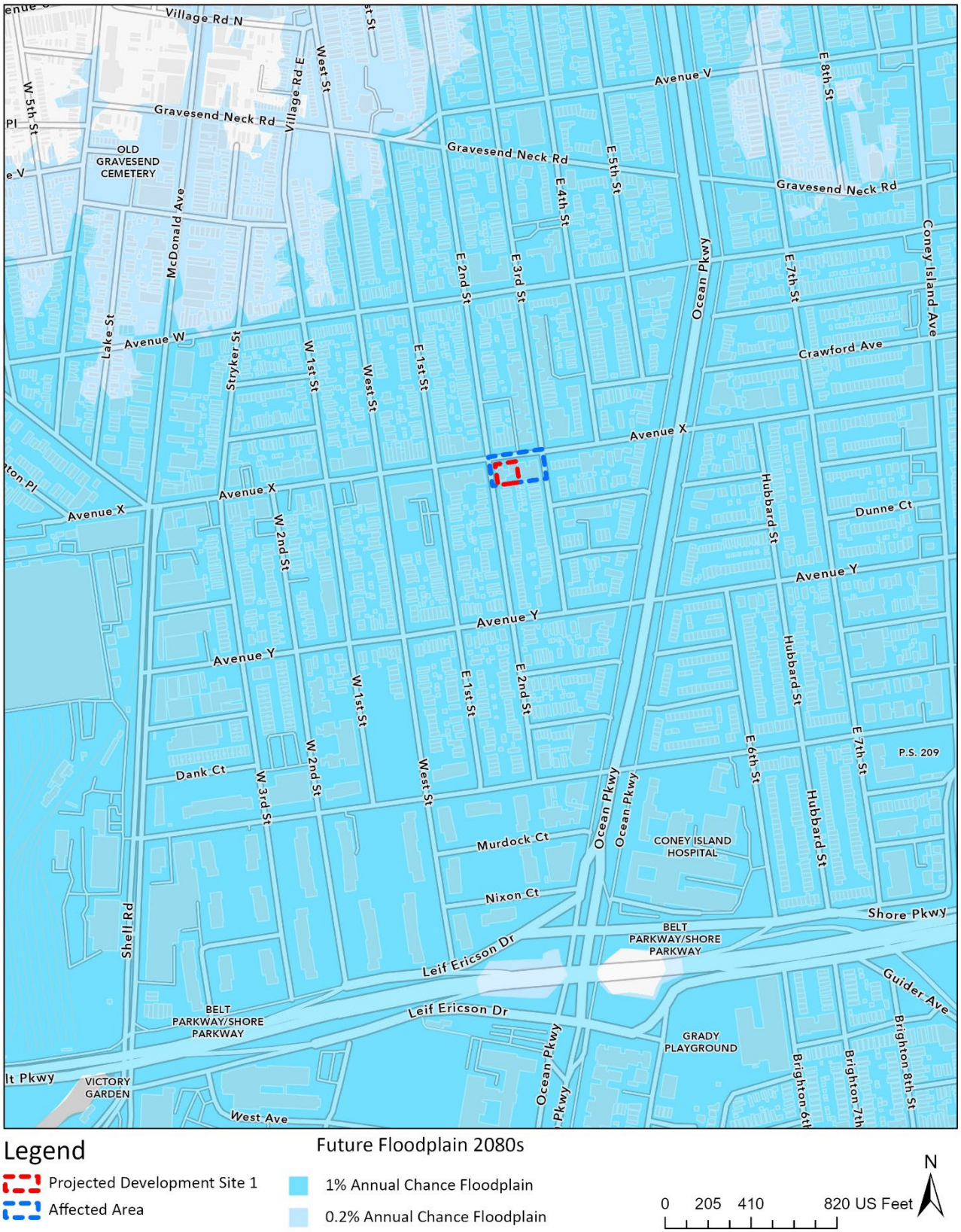


Figure 2.1-6: Future 2100s Flood Projections

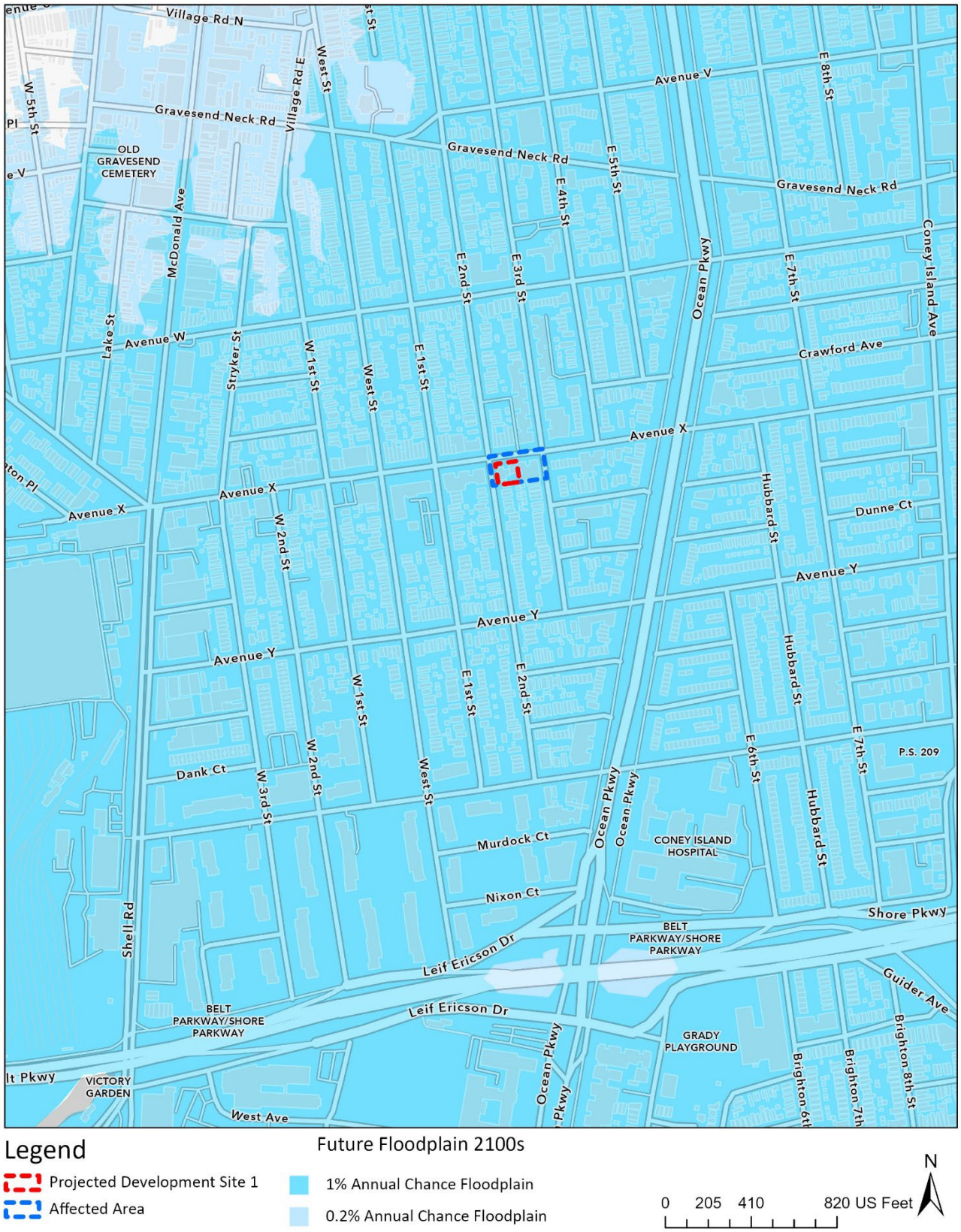


Figure 2.1-7: 2020s High Tide Projections

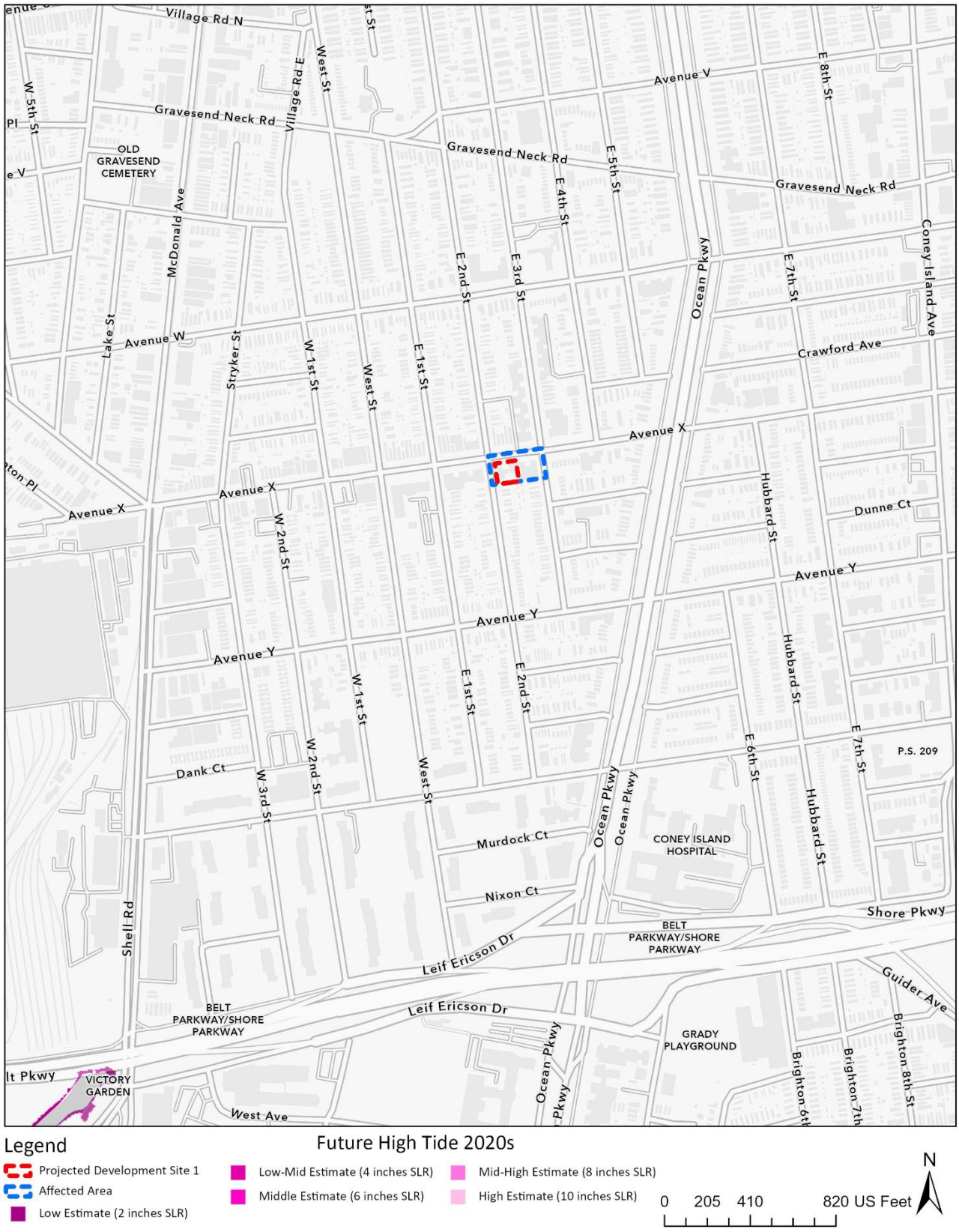


Figure 2.1-8: 2050s High Tide Projections

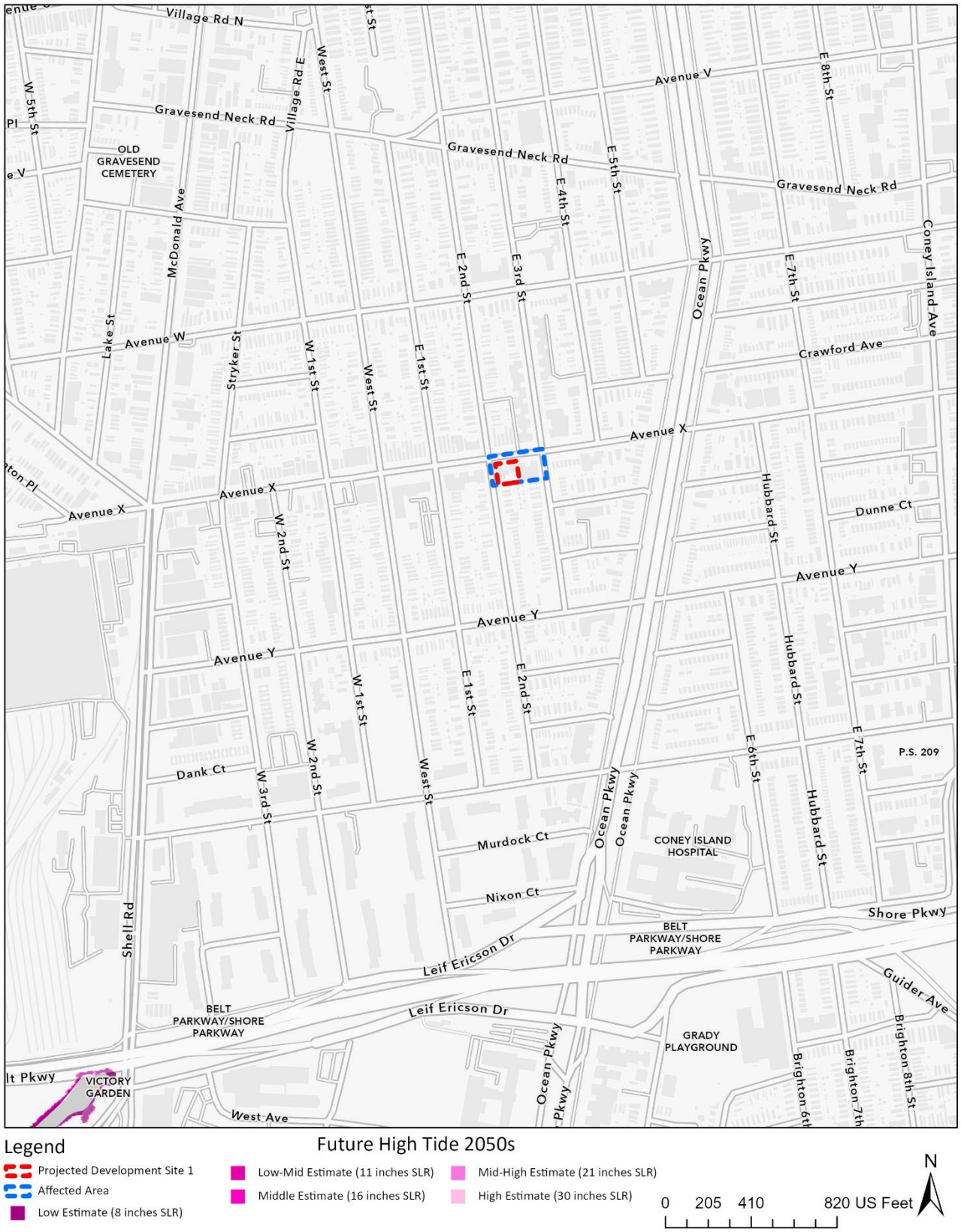


Figure 2.1-9: 2080s High Tide Projections

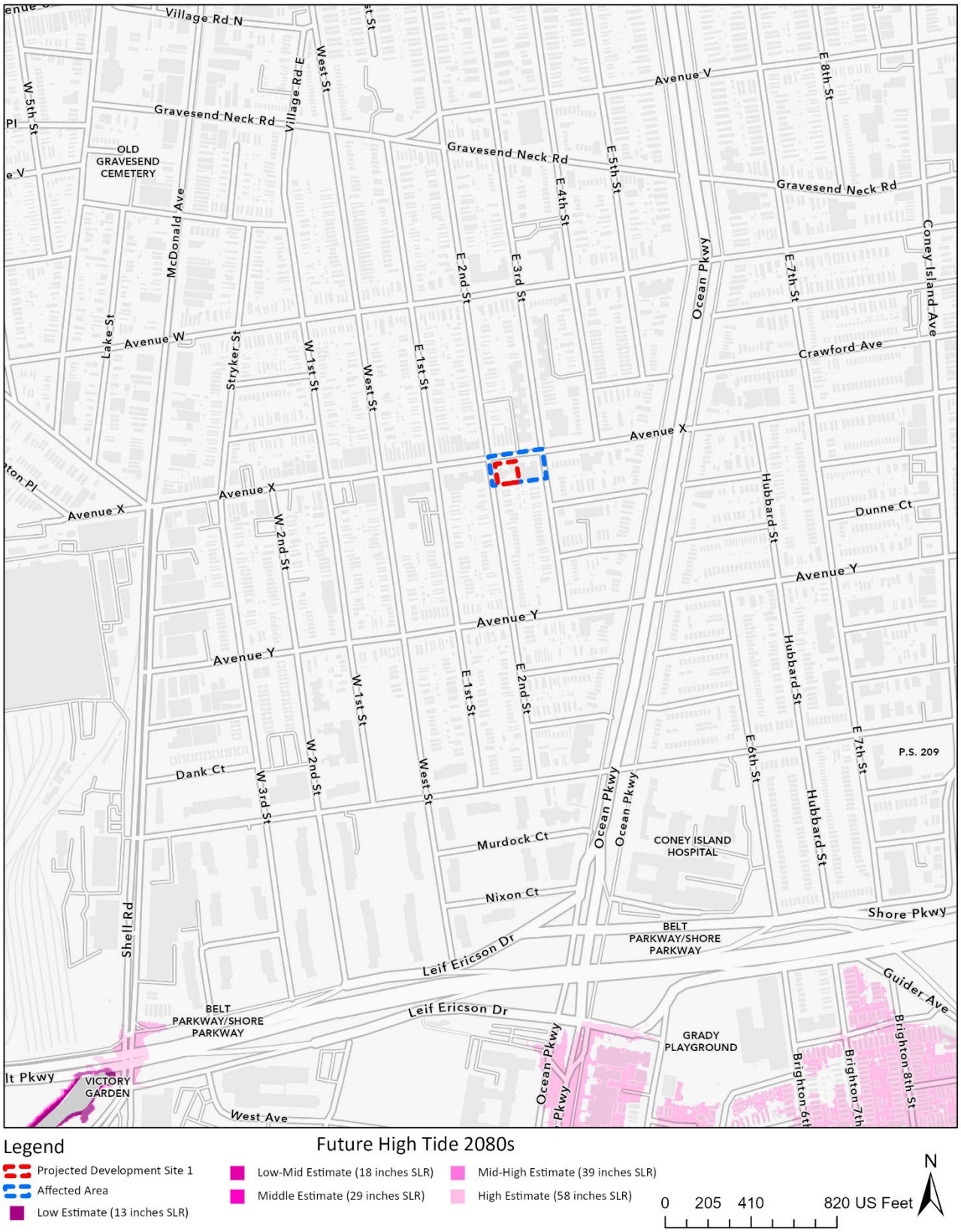
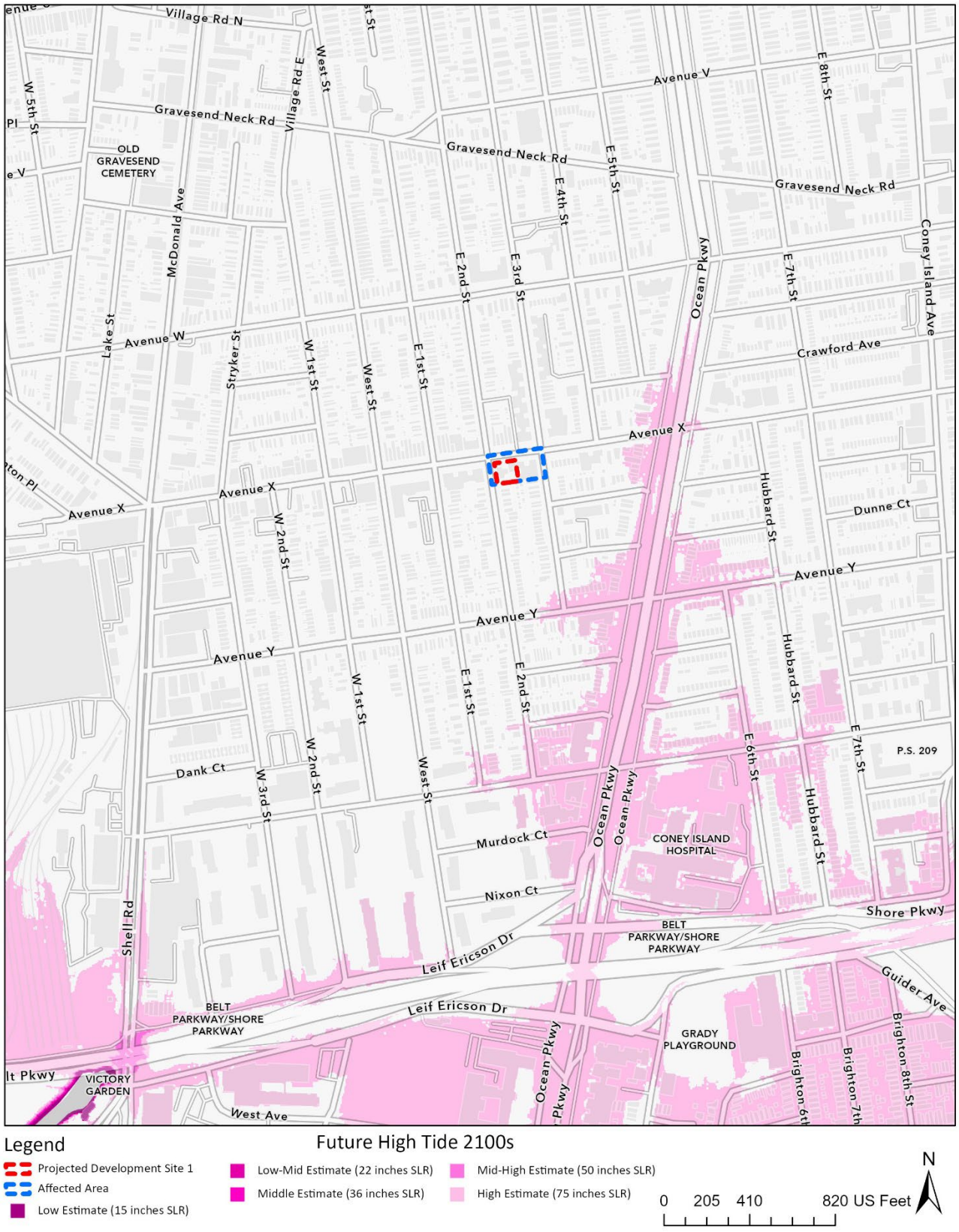


Figure 2.1-10: 2100s High Tide Projections



Sub-Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.

The following assessment was prepared in accordance with *The New York City Waterfront Revitalization Program: Climate Change Adaptation Guidance Document for Policy 6.2.*

The three basic steps to assessing an action's consistency with Policy 6.2 of the Waterfront Revitalization Program include identifying vulnerabilities and consequences, identifying adaptive strategies, and assessing policy consistency.

Sub-Policy 6.2 Detailed Methodology

1. Identify Vulnerabilities and Consequences

a) Assess the Project Area's Exposure to current and future flood risk (Flood-Evaluation Worksheet)

The information in the following subsections is based on the results of the completed flood evaluation worksheet, which is provided in **Appendix C**.

The Proposed Development's first-floor level is located approximately 8' in elevation above grade (NAVD88 Datum). The cellar level is located at approximately -7' in elevation (NAVD88 Datum). The Proposed Building's vulnerable or critical features, which are most likely to be impacted by future flood are located on the cellar level.

Regulatory floodplains are defined by the elevation of the base flood (BFE) in relation to the elevation of the ground. According to datum (NAVD88) obtained from the National Oceanic and Atmospheric Administration (NOAA)[4] website for the nearest NOAA station, Kingsborough Station (Station ID 8517756), the mean higher high-water height (MHHW) is 2.46 feet (adjusted). Pursuant to the 2015 PFIRMs, the 1% flood height is 10 feet, and the design flood elevation (DFE) is 12 feet.

Based on the results of the calculations completed in the flood evaluation worksheet using site-specific data, **Figure 2.1-11** shows the results of the 1% Flood Elevation and Sea Level Rise (SLR) projections, and **Figure 2.1-12** shows the results of the MHHW and SLR projections.

[4] https://tidesandcurrents.noaa.gov/datums.html?id=8518699

Figure 2.1-11: 1% Flood Elevation and SLR Projections

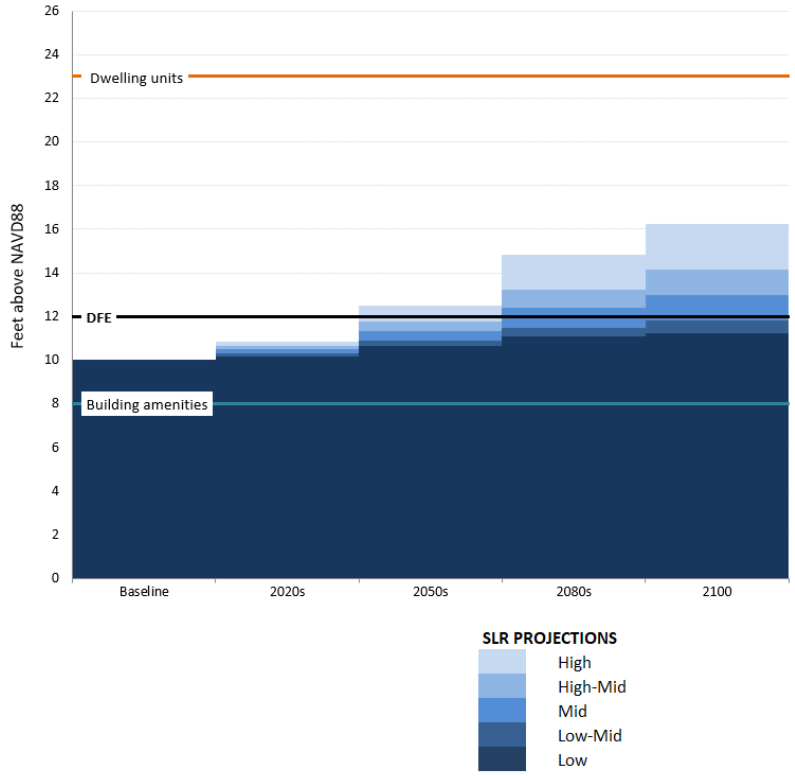
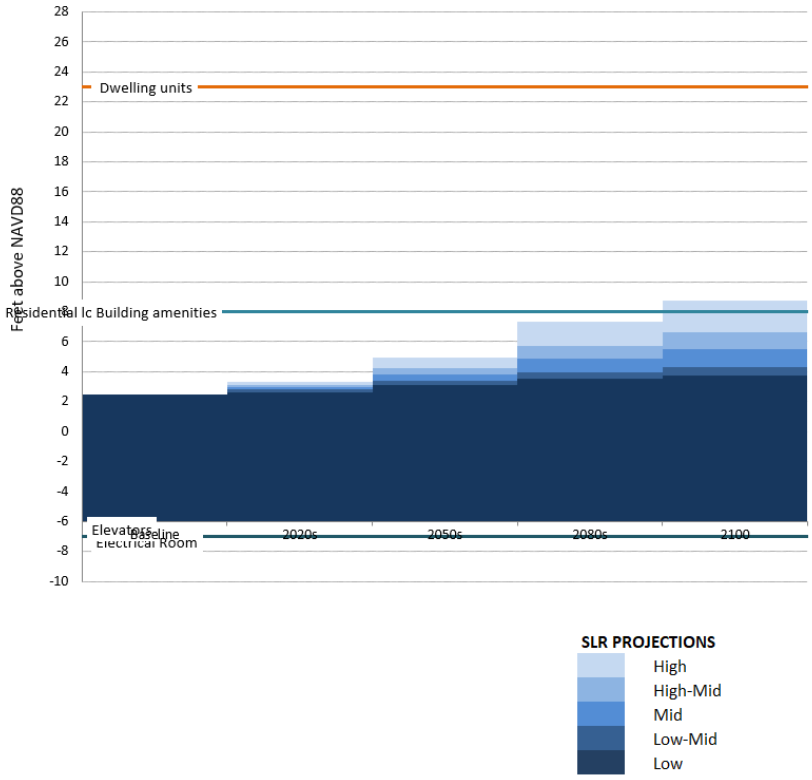


Figure 2.1-12: MHHW and SLR Projections



As indicated in **Figure 2.1-11** above, currently and in the future, the Proposed Development's cellar and first-floor level fall within the 1% annual chance floodplain under low SLR projections.

As shown in **Figure 2.1-7** through **Figure 2.1-10** based on the New York City Panel on Climate Change (NPCC) future floodplain projections, the Development Site would not fall within the future high tides through the 2100s. Thus, the cellar and first floor are not projected to be below the MHHW under any SLR projections through the 2100s.

b) Identify any Project Features that may be located below the elevation of the 1% floodplain over the lifespan of the project under any SLR scenario:

Currently and in the future, the Proposed Development's cellar and first-floor level fall within the 1% annual chance floodplain under low SLR projections.

The cellar includes parking, bicycle storage, a mechanical room, a sprinkler room, two elevator vestibules, and an electrical room. The first floor includes commercial space, two elevators, a residential lobby and building amenities.

c) Identify any vulnerable, critical, or potentially hazardous features that may be located below the elevation of Mean Higher High Water over the lifespan of the project under any sea level rise scenario.

As discussed above, based on the New York City Panel on Climate Change (NPCC) future floodplain projections, the Proposed Development's cellar and first-floor levels would not be impacted by the MHHW under any SLR projections.

d) Identify if the project or action would facilitate the development of any vulnerable, critical, or potentially hazardous features, as defined under "Key Terms" below, within areas exposed to flooding from Mean Higher High Water or 1% Annual Chance Flood by the 2050s under the 90th percentile of sea level rise projections:

Vulnerable, Critical or Potentially Hazardous Features pursuant to Policy 6.2 guidance:

- *Vulnerable Features, if damaged, have the potential to incur significant damage if flooded.*

  These include any form of enclosed space within a building, including residential, commercial, industrial, or community facility land uses; enclosed parking structures; storage areas; enclosed recreational facilities; and bulkheads, revetments, piers, platforms, and other in-water infrastructure elements.

- *Critical Features, if damaged, would have severe impacts on the project and its ability to function.*

  The project features that, if damaged, would have severe impacts on the project and its ability to function as designed. Examples include electrical utilities, building heating and cooling systems, telephone and data connection and distribution rooms, and other supporting and related building technology and utility spaces.

- *Potentially Hazardous Features, if damaged or made insecure by flooding, could potentially adversely affect the health and safety of the public and the environment.*

  Examples include hazardous materials, including highly volatile, flammable, explosive, toxic, or water-reactive materials; and materials that have the potential to become waterborne in the event of a flood and would be dangerous to the health and safety of the public and the environment, such as the storage of construction materials, demolition debris, and aggregate materials.

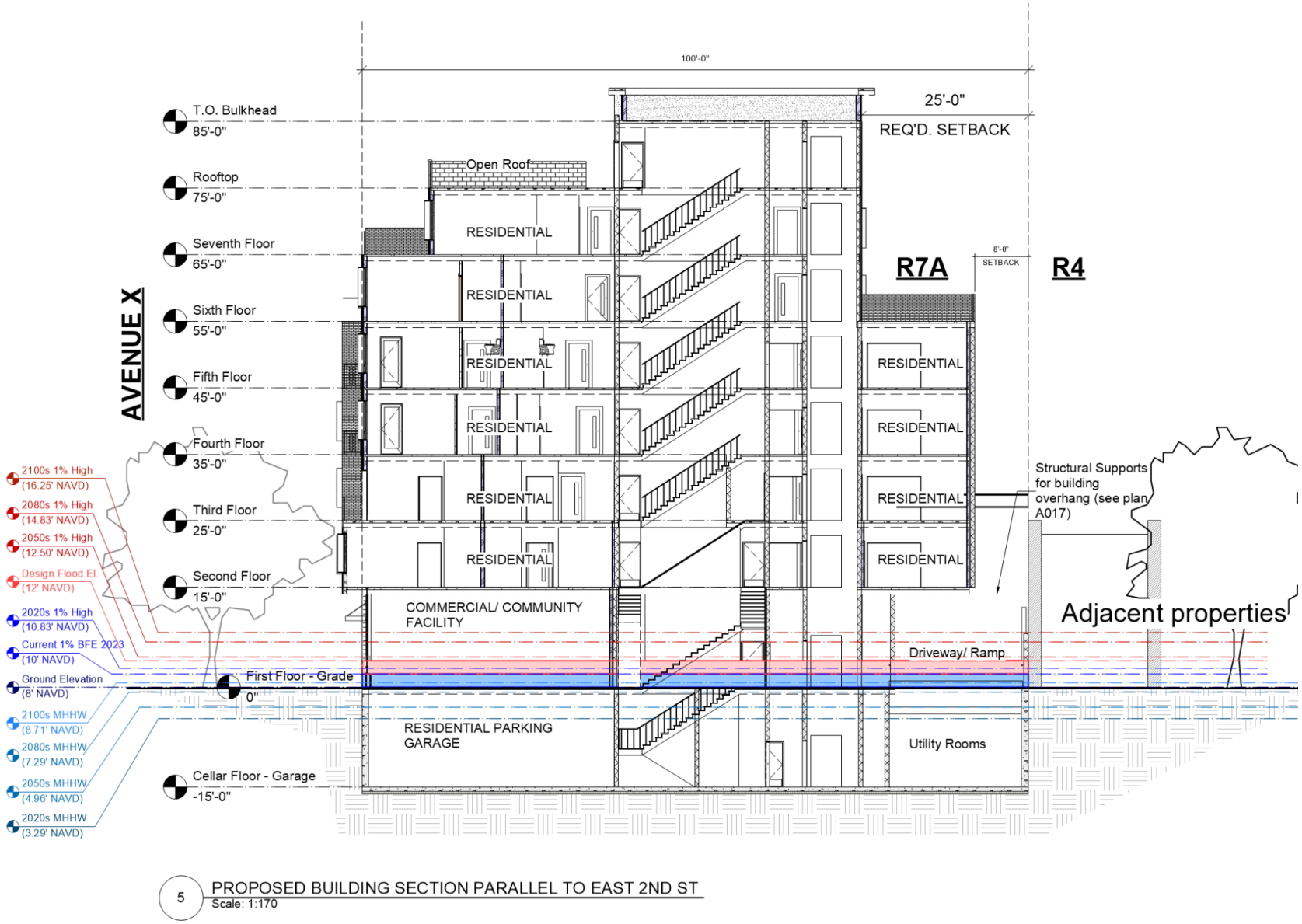
As discussed above, the first floor and cellar levels fall within the 1% annual floodplain under low SLR projections, currently and in the future. **Figure 2.1-13** below shows the illustrative proposed building elevation under 90th Percentile SLR projections.

Proposed Development Building Features:

- *Cellar Level*: The cellar level would contain enclosed parking spaces, a mechanical room, a sprinkler room, an electrical room, bicycle parking, and an elevator vestibule. The vulnerable building features within the cellar level would include the walls flooring, and electrical. The mechanical room, elevator vestibule, and electrical room would be considered potentially critical building features, which if damaged, would have severe impact on the project and its ability to function as designed. The roof level is reserved for additional residential space, rooftop mechanical equipment area, required solar panel array and green roof area, as well as required perimeter path for Fire Department access. Any alternative location for the building's mechanical systems would affect the amount of leasable floor area. Therefore, most of the building mechanical systems are located within the cellar level. However, as discussed below, following Appendix G, the cellar level is to be fully dry floodproofed to prevent groundwater and/or flood waters from entering. The cellar level would not introduce any hazardous features, materials, or substances that if made insecure, would result in a threat to public health or the environment.

- *First Floor Level*: The ground floor level would contain commercial space, a residential lobby, two elevators, and building amenities. The vulnerable building features within the ground floor level would include the walls flooring, and electrical. The elevator would be considered a potentially critical building feature, which if damaged, would have impact on the project and its ability to function as designed. The first-floor level would not introduce any hazardous features, materials, or substances that if made insecure, would result in a threat to public health or the environment.

Figure 2.1-13: Proposed Illustrative Building Elevation under 90th Percentile SLR Projections



2. Identify Adaptive Strategies

The goal of Step 2 under WRP Policy 6.2 is to assess how the vulnerabilities and consequences identified in Step 1 are addressed through the project's design and planning. Assess how applicable codes and regulations, planned flood damage reduction elements and adaptive measures, or likely future infrastructure investments (beyond the scope of the proposed project), would or would not reduce potential flood damage for any proposed vulnerable, critical, or potentially hazardous features.

Because the Projected Development Site is susceptible to the impacts of future flood events, it is recommended that building scale resiliency measures and flood mitigation strategies be considered. Pursuant to Policy 6.2: Climate Change Adaptation Guidance, consideration of climate change projections for coastal flooding and sea level rise should be incorporated into the design and planning of projects. The proposed project should identify potential vulnerabilities to and consequences of sea level rise and coastal flooding over its lifespan and identify and incorporate design techniques to address these risks.

a) Flood Damage Reduction Elements/Controls

The Projected Development Site is located within the current 1% annual chance floodplain and is therefore required to comply with Appendix G of the NYC Building Code for Flood Resistant Construction.

Pursuant to Appendix G, the following flood resilience techniques and controls will be implemented in the building design to increase building-scale resilience to future flood conditions, and to minimize future damage and vulnerability to the proposed building's cellar and first floor levels.

- Dry Floodproofing: At the first floor, the flood prevention method will be installation of flood shields at the residential entry, including the parking garage. The system will be composed of two sections: vertical brackets installed on each side of a door opening at the time of building construction, and horizontal fill-in metal bars easily put in place at the warning of a flood (stored on site). Although the cellar level would be dry floodproofed, a sump pump will be installed as a secondary measure of precaution. The commercial spaces will have the flood shields installed at their entries. There will be no need to place a sump pump at the first floor as it is level with exterior grade.
- Dry floodproofing certification for nonresidential buildings pursuant to section G104.2.3.1 A-Zones: The building is over 3 stories and although it contains residential use, it is considered a commercial building for flood and energy purposes. Therefore, dry floodproofing certification would be required. For dry floodproofed buildings and structures that are nonresidential (for flood zone purposes), construction documents

shall include a certification by the applicant that the dry floodproofing is designed in accordance with ASCE 24.

- Flood Shields Inspection: The Proposed Development would apply section G107.4 Flood Shield Inspection, where the special inspector or special inspection agency responsible for the flood zone compliance special inspection shall inspect the shields or devices in their stored positions or locations, witness their activation or transportation to their installed positions, and witness their deactivation or transportation back to their stored locations.

- During the flood, the way the residents would enter and exit the building is through a special stair. The stair begins outside and rises several steps to an elevated platform and door to the interior of the building, then descending to the 1st floor level. The exterior stair portion would prevent the flood water to enter the building at grade but allow residents to enter at the elevated door leading to the dry interior area.

- Utility Certifications pursuant to section G104.2.3.1 A-Zones: For all applications involving utility or mechanical work, including applications where such work is to be filed in a separate, related application, construction documents shall include a certification by the applicant that "all heating, ventilation, air conditioning, plumbing, electrical and other service facilities and equipment within the structure or site will be located or constructed so as to prevent water from entering or accumulating within the components during conditions of flooding in accordance with ASCE 24."

These building scale resiliency measures and controls would help prevent damage to vulnerable and critical building features and reduce the susceptibility of water damage from a future flood event or inundation. With the provision of the above, the building features would not be considered vulnerable or critical.

b) Flood Protection of Adjacent Sites:

The Proposed Development would not significantly increase stormwater runoff. Therefore, the proposed action would not affect the flood protection of adjacent sites.

3. Assess Policy Consistency

A project or action would advance the policy when:

- No new vulnerable, critical, or potentially hazardous features would be located within area flooded by current or future high tide, or current or future 1% annual chance flood, over the project's lifespan; or
- All new vulnerable, critical or potentially hazardous features would be protected through flood damage reduction elements or future adaptive measures within the timeframe that they would be needed.

A project or action would hinder the policy when:

- Vulnerable, critical, or potentially hazardous features would be introduced in areas that will be flooded by high tide during the project's lifespan and adaptive measures are not feasible.
- Industrial development would not be protected from 2050s high tides or the current 1% annual chance flood.
- Critical infrastructure would not be protected to the elevation of the 1% annual chance storm over its lifespan.
- Shoreline structures would not function as intended with increases in sea levels projected over their lifespan.

The Development Site is within a current 1% annual chance floodplain, and the Proposed Development is therefore subject to flood resilient construction requirements outlined in Appendix G of the NYC Building Code. These building-scale resiliency measures and adaptive strategizes, as referenced above, would minimize the potential damage to site-specific vulnerable or critical features. Therefore, the Proposed Action is consistent with Policy 6.2 of the Waterfront Revitalization Program and would not jeopardize the intent of the WRP.

Conclusion

The development effectuated as a result of the Proposed Actions would not create a land use conflict, nor would it conflict with public policies and plans for the site or surrounding area. The Proposed Actions would also not result in significant material changes to existing regulations or policy. Therefore, there would be no adverse impacts on public policies as a result of the Proposed Actions, and further analysis is not required.

2.2 Shadows

The *2021 CEQR Technical Manual* defines a shadow as the condition that results when a building or other built structure blocks the sunlight that would otherwise directly reach a certain area, space or feature. An incremental shadow is the additional or new shadow that a building or other built structure resulting from Proposed Actions would cast on a sunlight-sensitive resource during the year. The sunlight-sensitive resources of concern are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity, including public open space, architectural resources and natural resources. Shadows can have impacts on publicly accessible open spaces or natural features by adversely affecting their use and important landscaping and vegetation. In general, increases in shadow coverage make parks feel darker and colder, affecting the experience of park patrons. Shadows can also have impacts on historic resources whose features are sunlight-sensitive, such as stained-glass windows, by obscuring the features or details, which make the resources significant.

The duration and dimensions of shadows are determined by the geographic location of the area from which the shadow is cast and the time of day and season. Shadows cast during the morning and evening, when the sun is low in the sky, are longer, while midday shadows are shorter in length. Shadows in winter, when the sun arcs low across the southern sky, are also longer throughout the day than at corresponding times in spring and fall seasons. In summer, the high arc of the sun casts shorter shadows than at any other time of year, and early and late shadows during the summer are cast farther towards the south than shadows cast in early and late winter months.

The *CEQR Technical Manual* states that a shadow assessment considers projects that result in new shadows long enough to reach a sunlight-sensitive resource. Therefore, a shadow assessment is warranted only if the project would either result in: (a) new structures (or additions to existing structures, including the addition of rooftop mechanical equipment) of 50 feet or more; or (b) be located adjacent to, or across the street from, a sunlight-sensitive resource.

The sunlight-sensitive resources of concern are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity, including public open space, architectural resources and natural resources. In general, shadows on city streets and sidewalks or on other buildings are not considered significant. Some open spaces also contain facilities that are not sensitive to sunlight. These are usually paved, such as handball or basketball courts, places containing no seating areas and no vegetation, no unusual or historic plantings, or containing only unusual or historic plantings that are shade tolerant. These types of facilities do not need to be analyzed for shadow impacts. Additionally, it is generally not necessary to assess resources located to the south of projected development sites, as shadows cast by the action-generated development would not be cast in the direction of these resources. Furthermore, shadows occurring within one and one-half hour of sunrise or sunset generally are not considered significant in accordance with *CEQR Technical Manual* guidance.

Methodology

This preliminary analysis of shadows follows the guidelines set forth in the *2021 CEQR Technical Manual* for a preliminary assessment (Section 310). According to the *2021 CEQR Technical Manual*, a preliminary shadow assessment includes the development of a base map showing the site location in relationship to any sunlight-sensitive resources as per guidelines provided in the *2021 CEQR Technical Manual*. Following these guidelines, the longest shadow Study Area is determined, and a Tier 1 screening assessment is conducted to determine if any sunlight-sensitive resources fall within the Study Area. If no resources are identified, no further analysis would be required. If sunlight-sensitive resources lie within the longest shadow Study Area, the next tier of screening assessment should be conducted. This preliminary assessment includes a basic description of the proposed project that would be facilitated by the Proposed Actions in order to determine whether a more detailed assessment would be appropriate.

Analysis Framework

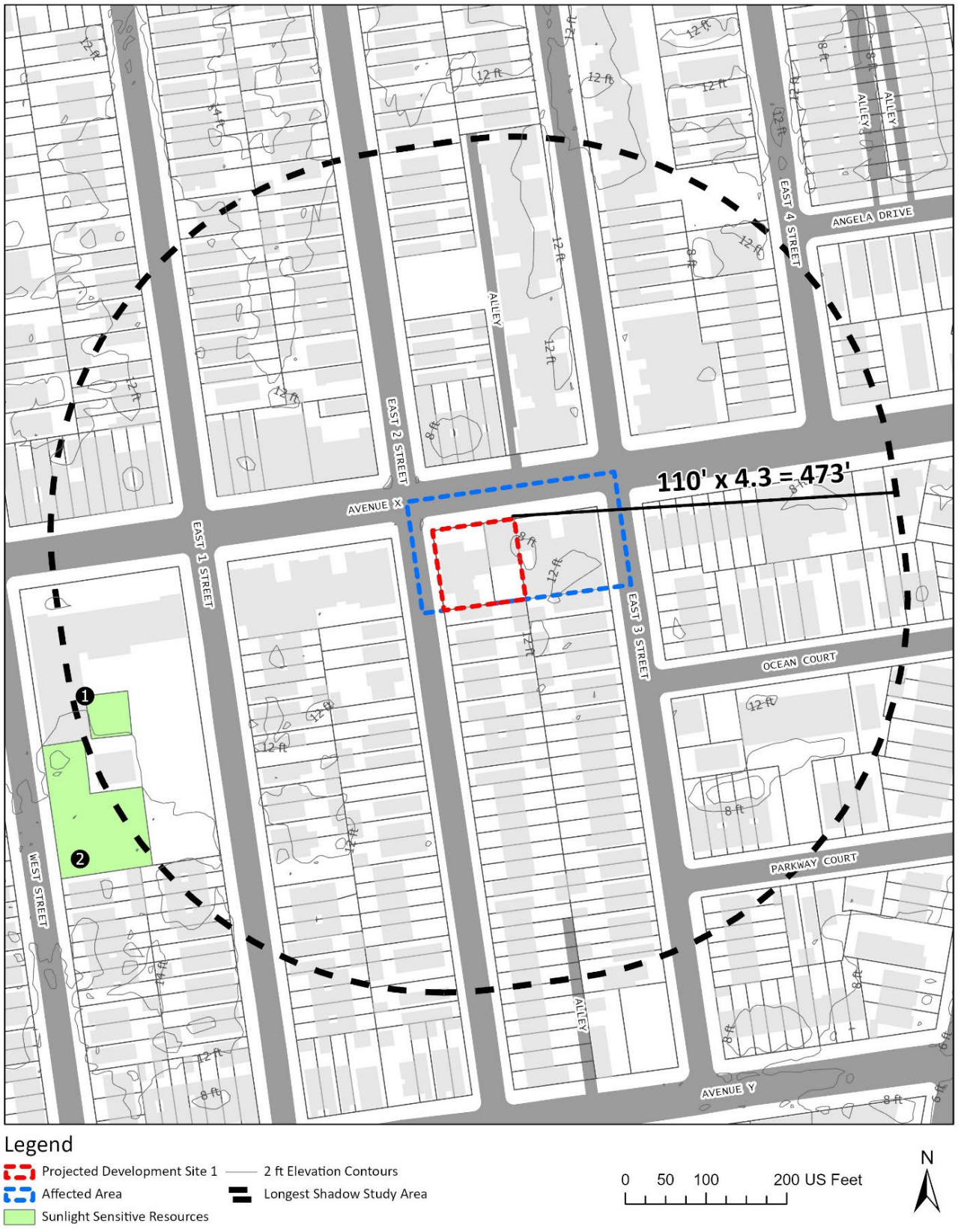
The Projected Development Site 1 is located on Block 7198, Lots 1 and 4, in the Gravesend neighborhood of Brooklyn, Community District 15. Under Future With-Action Conditions, the site would be developed with a single 60,492 GSF (45,991 ZSF, 4.60 FAR) mixed residential and commercial building with 100% lot coverage. The building would have 9 stories and rise to 95 feet. Additionally, the development would be expected to exceed the maximum building height by 15 feet to accommodate rooftop mechanical space that would result in a total potential building height of 110 feet. As the Projected Development Site 1 is currently occupied by 2-story buildings and would result in an incremental change in height greater than 50 feet, a preliminary assessment for shadows is warranted. No other sites within the Affected Area would be redeveloped as a result of the Proposed Actions, thus the only site that will be assessed for potential shadow impacts will be the Applicant-owned site.

2.2.1 Tier 1 Shadow Screening Assessment

Under the Future With-Action Condition, the Projected Development Site (Block 7198, Lots 1, 4) could be developed with a new building having a maximum height of 110 feet and the longest action-induced shadow would be approximately 473 feet (4.3 x 110 feet) in length. The first step in a shadow analysis is to determine there are any sunlight sensitive resources located within the length of the 473-ft radius.

As **Figure 2.2-1** shows below, there are two sunlight sensitive resources within the longest Shadow Study Area. These resources include the P.S. 216 School Yard Playground (Resource 1) and P.S. 216 School Gardens (Resource 2). Accordingly, a Tier 2 screening assessment is required.

Figure 2.2-1: Tier 1 Shadow Screening Assessment



2.2.2 Tier 2 Shadow Screening Assessment

The *CEQR Technical Manual* states that if any portion of a sunlight-sensitive resource lies within the longest Shadow Study Area, a Tier 2 screening assessment should be performed. Because of the path the sun travels across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given project site. In New York City, this area lies between -108 and +108 degrees from true north. For a Tier 2 screening assessment, sunlight-sensitive resources within the triangular area cannot be shaded by new Projected Development Sites, and are screened out. The complementing portion to the north within the longest Shadow Study Area is the area that can be shaded by the proposed project.

As shown in **Figure 2.2-2**, the Tier 2 screening assessment shows that the P.S. 216 (Resource 1) is within the -108/+180-degree area and P.S. 216 School Gardens (Resource 2) are not. Accordingly, a tier 3 shadow screening assessment is required for Resource 2.

2.2.3 Tier 3 Shadow Screening Assessment

The *CEQR Technical Manual* states that if any portion of a sunlight-sensitive resource is within the area that could be shaded by the Proposed Project, a Tier 3 screening assessment should be performed. Because the sun rises in the east and travels across the southern part of the sky to set in the west, a project's earliest shadows would be cast almost directly westward. Throughout the day, they would shift clockwise (moving northwest, then north, then northeast) until sunset, when they would fall east. Therefore, a project's earliest shadow on a sunlight-sensitive resource would occur in a similar pattern, depending on the location of the resource in relation to the Projected Development Sites. For a Tier 3 screening assessment, if the assessment determines that no shadows from the development would reach any of the sunlight-sensitive resources on any of the representative analysis days, then no further assessment for those days is needed. If, however, in the absence of intervening buildings shadows from the proposed buildings would reach sunlight-sensitive resources on any of the representative analysis days, then a detailed shadow analysis would be warranted for those days.

As shown in **Figure 2.2-3** to **Figure 2.2-6** below, shadows from the projected development would not reach the sunlight-sensitive resource, P.S. 216 School Yard Playground (Resource 1) and P.S. 216 School Gardens (Resource 2), during any analysis months. Therefore, a detailed shadow analysis is not required.

Figure 2.2-2: Tier 2 Shadow Screening Assessment

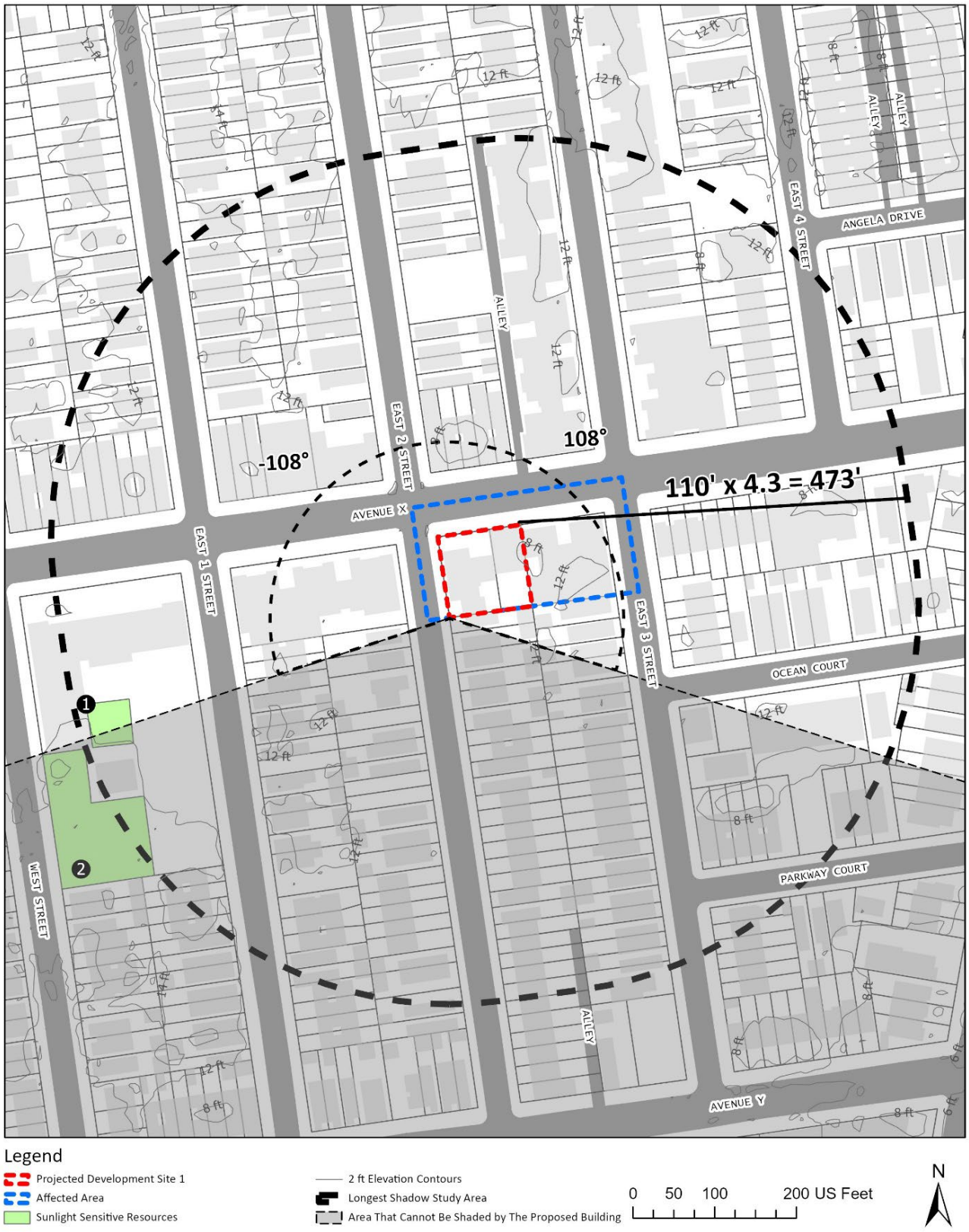


Figure 2.2-3: Tier 3 Shadow Screening December 21st (Winter Solstice)

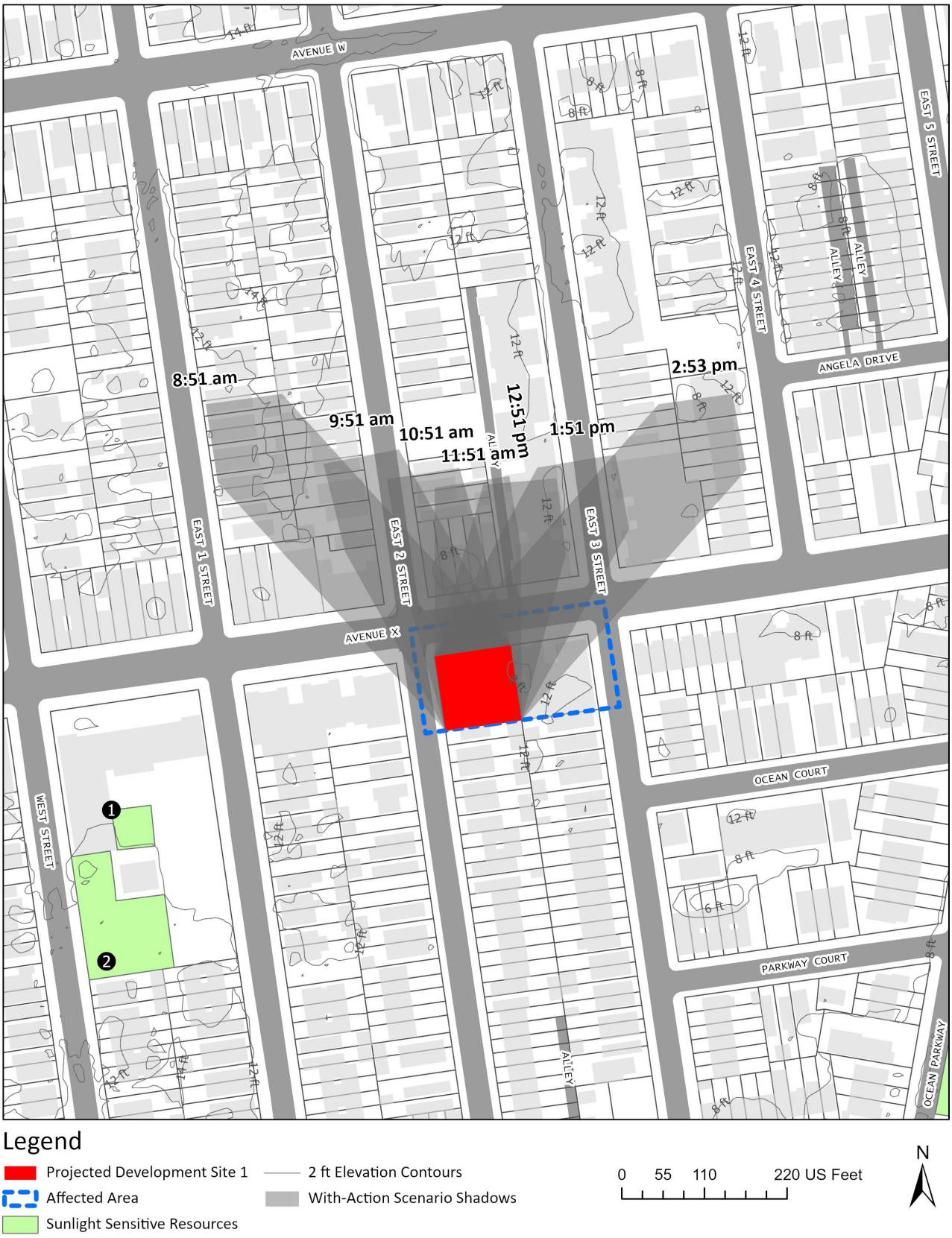


Figure 2.2-4: Tier 3 Shadow Screening March 21st/September 21st (Vernal and Autumnal Equinox)



Figure 2.2-5: Tier 3 Shadow Screening May 6th/August 6th



Figure 2.2-6: Tier 3 Shadow Screening June 21st (Summer Solstice)



2.2.4 Conclusion

The Proposed Actions would not result in significant adverse shadows impacts. Tier 3 analysis concluded that on all for analysis days, the shadows cast from the Projected Building would not reach the sunlight-sensitive resources, P.S. 216 School Yard Playground (Resource 1) and P.S. 216 School Gardens (Resource 2), during any analysis months.

2.3 Historic and Cultural Resources

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

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

Methodology

Archaeological and architectural resources usually need to be assessed for projects that would result in any in-ground disturbance. In-ground disturbance is any disturbance to an area not previously excavated, including new excavation that is deeper and/or wider than previous excavation on the same site.

For projects that may affect historic or cultural resources, the first step in evaluating a project's potential effects on historic resources is to consider what area the project might affect and then identify historic resources—whether officially recognized or eligible for such recognition—within that area. The area of subsurface work for the proposed project is considered the impact area for archaeological resources, while the Study Area for architectural resources is the area in which any resources may be affected by the project, which is defined by the radius of 400 feet from the borders of the project site for most proposals.

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

2.3.1 Architectural Resources

Per *CEQR Technical Manual* guidelines, impacts on historic resources are considered on those sites affected by the Proposed Action(s) and in the area surrounding identified development sites. The historic resources Study Area is defined as the project site plus an approximately 400-foot radius around the Proposed Actions area.

According to the *CEQR Technical Manual*, significant adverse impacts to historic and cultural resources could potentially result if a proposed action affects those characteristics that make a resource eligible for LPC designation or S/NR listing. This section assesses the potential for the proposed action to result in significant adverse impacts on identified historic and cultural resources. **Table 2.3-1** below provides information about possible direct, indirect and construction-related impacts on historic and cultural resources. Generally, architectural resources should be surveyed and assessed if the proposed project would result in any of the following, whether or not any known historic resources are located near the site of the project:

Table 2.3-1: Possible Impacts to Historic and Cultural Resources

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

To determine whether the Projected Development has the potential to affect historic or architectural resources, the Study Area was screened for historic and architectural resources. The LPC was contacted for their initial review of the project's potential to impact nearby historic and

cultural resources, and by letter dated December 5, 2022 indicated that the Affected Area does not contain any sites of buildings of known architectural or archeological significance (see **Appendix A**). In addition, the Cultural Resource Information System (CRIS) online resource has indicated no properties with architectural significance within the 400-foot Study Area. Therefore, no significant adverse impacts to architectural resources would result because of the Proposed Actions.

2.3.2 Archaeological Resources

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

The Proposed Actions would result in new in-ground construction on the Projected Development Sites. As noted, the LPC was contacted for their initial review of the project's potential to impact nearby cultural or archaeological resources, and a response was received on December 5, 2022 (see **Appendix A**). The LPC has indicated that no cultural resource of archaeological significance is associated with the Projected Development Site 1. Therefore, no significant adverse impacts on archaeological resources would result because of the Proposed Actions, and further analysis is not warranted.

2.3.3 Conclusion

According to the *CEQR Technical Manual*, significant adverse impacts to historic and cultural resources could potentially result if a proposed action affects those characteristics that make a resource eligible for LPC designation or S/NR listing. Based on the above analysis, the Proposed Actions would not introduce significant adverse impacts to architectural resources within the Study Area. In addition, no archeological significance is associated with the Projected Development Site 1. Accordingly, no further analysis is warranted.

2.4 Urban Design and Visual Resources

According to the *2021 CEQR Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. Elements that play an important role in the pedestrian's experience include streets, buildings, visual resources, open space, and natural features, as well as wind as it relates to channelization and downwash pressure from tall buildings. Pursuant to the *2021 CEQR Technical Manual*, an assessment of Urban Design may be warranted when a proposed action may affect one or more of the elements that contribute to the pedestrian experience of an area, specifically the arrangement, appearance, and functionality of the built environment.

The proposed rezoning of the Affected Area from R4 to R7A/C2-4 would alter permitted uses, bulk, and height within the Affected Area. Therefore, further analysis is warranted. The differences between existing and proposed zoning, with regard to those aspects of zoning affecting urban design, are presented in the following **Table 2.4-1**.

Table 2.4-1: No-Action and With-Action Zoning

	No-Action	With-Action
Zoning	R4	R7A/C2-4
Permitted Uses	Res., CF	Com., Res., CF
Maximum FAR	Res.: 0.90 CF: 2.00	Com: 2.00 Res.: 4.60 CF: 4.00
Maximum Height	35 feet	Base Height: 75 feet
		Building Height: 95 feet (w/QGF)
Lot Coverage (corner lot)	45%	100%

Com. = Commercial; CF = Community Facility; Manu. = Manufacturing; Res. = Residential; QGF = Qualifying Ground Floor

2.4.1 Existing Conditions

The Affected Area is in the Gravesend neighborhood of Brooklyn, Community District 15 and bounded by Avenue X to the north, E 2nd Street to the west, and E 3rd Street to the east as well as lots 12 and 73 to the south. Avenue X is a 78-foot-wide east-to-west road classified as a Major Collector with one lane of traffic in each direction and curbside parking on both sides. E 2nd Street and E 3rd Street are respectively 51- and 55-foot-wide one-way local roads with one lane of traffic and curbside parking. East 2nd Street operates in a southbound direction, and East 3rd is northbound. The Affected Area includes Block 7198, Lots 1, 4, and 6 , which are described in detail in **Sections 1.4** and **Section 2.1**.

The built form in the 400-foot Study Area varies by use and primarily consists of residential buildings, mixed commercial and residential buildings, commercial buildings, public facilities and vacant land. The buildings in the 400-foot Study Area include two- to three-story one- and two-

family buildings and two- to six-story multiple-family apartment buildings, low-rise commercial buildings, and two-story mixed commercial and residential buildings. The surrounding area also contains a 5-story public school (P.S. 216 Arturo Toscanini). Avenue X is a major thoroughfare in the area and contains a mix of high-density multi-family, commercial, and mixed residential and commercial uses. The section of Avenue X to the east of the Affected Area does not have any commercial activity and is residential in character. However, the section of Avenue X to the west of the Affected Area has commercial overlays mapped along the northern side of the road starting with the lots directly across Avenue X from the Affected Area and features significant commercial activity. E 2nd Street and E 3rd Street are predominantly residential in character.

The Applicant-owned Projected Development Site 1 consists of Block 7198, Lots 1 and 4. Lot 1 is 5,999-SF corner lot with 60 feet of frontage along Avenue X and 100 feet of frontage along East 2nd Street. The lot contains a 2-story, 29.22-foot-tall, 5,542-GSF (5,042-ZSF, 0.84-FAR) mixed residential and commercial building (according to ZOLA) with approximately 3,142 GSF (0.52 FAR) of community facility use (physical therapist office), 1,900 GSF (0.32 FAR) of one-family residential use, and an 11.65-foot tall, approximately 500-GSF garage served by a curb cut on East 2nd Street. The building was constructed in 1931. Lot 4 is 3,999-SF interior lot with 40 feet of frontage along Avenue X. The lot contains a 2-story, 19.69-foot-tall, 4,400-GSF (4,400-ZSF, 1.10-FAR) commercial and office building (according to ZOLA) occupied by a community facility use (medical center). The structure was built in 1931 and altered in 1995.

Other non-Applicant-controlled lots within the Affected Area include Block 7198, Lot 6. Lot 6 is a 9,999-SF corner lot with 100 feet of frontage along Avenue X and 100 feet of frontage along East 3rd Street. The lot contains a 6-story, 60.81-tall, 43,974-GSF (41,097-ZSF, 4.11 FAR) multi-family elevator building with 45 dwelling units. A curb cut on East 3rd Street provides access to the building's garage.

The surrounding area features a mostly regular traffic grid with the exception of Ocean Parkway that crosses the rectangular grid at a different angle. Avenue X is the only major commercial thoroughfare in the area. Another nearby commercial corridor is along Avenue U, 0.47 miles north from the Affected Area. The area is well-served by transit. The Avenue X subway station with service from the F Train is located approximately 1/3 mile to the west of the Affected Area. The subway station provides full-time connecting service to Midtown Manhattan. In addition, there is a bus line accessible to users in the area. The B1 bus, which connects Bay Ridge and Manhattan Beach neighborhoods via Avenue X and 86th Street, has two bus stops in different directions on Avenue X near the Affected Area.

Sidewalks, ranging in width from 8 feet to 16 feet, are in good condition with paved surfaces and limited to sufficient street trees. Most of the intersections within the 400-foot Study Area are not equipped with traffic lights but are controlled by two-way or all-way stop signs and feature clear crosswalk markings on all legs, or certain legs, depending on the stop controls.

Figure 2.4-1 contains a photo key map with locations of Urban Design Massing Views.

2.4.2 Future No-Action Condition

Affected Area

The Projected Development Site 1 is composed of Applicant-owned Lots 1 and 4. There are no records of building work permits submitted by the Applicant on the DOB website. As such, it is conservatively assumed that under the No-Action Scenario, existing conditions would continue on the Projected Development Site 1. Redevelopment is also not considered likely in the No-Action Scenario because of the bulk permitted under the current R4 district with low residential FAR (0.9) and no commercial uses allowed.

The Other non-Applicant-owned Lot 6 does not pass the soft site criteria established by the *CEQR Technical Manual*, Chapter 2 and would remain as it exists. The lot, currently developed with a 4.11-FAR residential building, is within the R4 district with 0.9 residential FAR allowed. The existing legal non-conforming residential bulk on Lot 6 would remain in the future without the proposed actions.

Urban Design Study Area

There is one active construction permit within the 400-foot Study Area for a 2,874-GSF alteration project involving a 2-story residential building containing two dwelling units at 450 Avenue X to the east of the Affected Area. There are no other known major land use changes anticipated in the foreseeable future within the Study Area. Therefore, existing patterns would continue in the future without the Proposed Action. Any new development within the Surrounding Area would be governed by the underlying zoning regulations.

Pedestrian activity within the Study Area under Future No-Action Condition would not experience changes compared to that in the existing conditions. The sidewalks would remain in existing good condition with limited to sufficient street trees and regular lights. Built form in the surrounding area would continue to consist of two- to three- story one- and two-family buildings, multiple-family apartment buildings ranging from two to six stories in height, low-rise commercial buildings, and two-story mixed commercial and residential buildings. There would be no significant changes to the area's urban character.

2.4.3 Future With-Action Condition

Affected Area

Projected Development Site 1 (Block 7198, Lots 1 and 4)

Under Future With-Action Conditions, the Applicant-Owned Lots 1 and 4 would be assembled to form a 9,998 SF development site within the proposed R7A/C2-4 district. The site would be developed with a single 60,492 GSF (45,991 ZSF, 4.60 FAR) mixed residential and commercial building with 100% lot coverage containing approximately 7,498 GSF (7,210 ZSF, 0.72 FAR) of local retail on the ground floor, 41,496 GSF (38,781 ZSF, 3.88 FAR) of residential use on the upper floors, and 11,498 SF of parking space on the cellar level and the ground floor. The below-grade

parking lot, accessed by the existing curb cut on East 2nd Street, would contain approximately 45 parking spaces (according to the Applicant's proposal as a more conservative scenario). The building would have 9 stories and rise to 95 feet. There would be a 10-foot setback on Avenue X and a 15-foot setback on E 2nd Street at the height of 75 feet. A 15-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR. No new curb cuts would be proposed.

The Applicant's proposal features a 15-foot setback of the front wall from the property line on E 2nd Street. The 15-foot-wide portion of Projected Development Site 1 along E 2nd Street would be occupied by an open space with trees and benches, which along with the renovation of the adjacent sidewalks and ground floor commercial uses would improve the pedestrian experience. The Proposed Development would have three commercial entrances along Avenue X and one commercial entrance along E 2nd Street, as well as one main residential entrance and one vehicular driveway to the underground parking along E 2nd Street.

Other Lots (Block 7198, Lot 6)

Other lots within the Affected Area (Other Affected Sites) not projected to redevelop include Lot 6. Lot 6 is a 9,999-SF corner lot improved with a 6-story, 60.81-tall, 43,974-GSF (41,097-ZSF, 4.11 FAR) multi-family elevator building with 45 dwelling units. Under the proposed R7A/C2-zoning regulation with the maximum FAR of 4.6, the lot is already developed close to its maximum development potential. As such, redevelopment of this lot is not considered likely under Future With-Action Conditions.

Urban Design Study Area

The Proposed Actions would only affect the Affected Area. There is one active construction permit within the 400-foot Study Area for a 2,874-GSF alteration project involving a 2-story residential building containing two dwelling units at 450 Avenue X to the east of the Affected Area. There are no other known major land use changes anticipated in the foreseeable future within the Study Area. Therefore, existing patterns would continue in the future without the Proposed Action. Any new development within the Surrounding Area would be governed by the underlying zoning regulations.

The increased bulk as a result of the Proposed Actions would be appropriate for the Affected Area located on a wide street and surrounded by numerous buildings of similar scale. The proposed C2-4 commercial overlay would extend the commercial zoning mapped across Avenue X from the Affected Area in 1961 and enhance the commercial character of this section of Avenue X. The proposed development would be designed to be visually compatible and consistent with existing developments but would not be replicating existing buildings so as to create a false historical appearance. The proposed development would also improve the pedestrian experience by renovating sidewalks, providing ground floor local retail, and creating an open space with trees and benches on the 15-foot-wide portion of Projected Development Site 1 along E 2nd Street.

The Urban Design Massing Views under the With-Action conditions in comparison to No-Action/Existing conditions are shown in **Figure 2.4-2** to **Figure 2.4-4** below.

2.4.4 Conclusion

The Proposed Action would not have a significant adverse impact on Urban Design and Visual Resources. Preliminary analysis was conducted and determined that the development facilitated by the Proposed Actions would not adversely change the pedestrian experience, nor would it negatively affect the vitality, walkability, or the visual character of the area. Instead, the mixed-use residential development with ground-floor commercial uses would improve the pedestrian experience and increase the vitality of the area. Therefore, a detailed analysis is not warranted.

Figure 2.4-1: Locations of Urban Design Massing Views



Study Area Map with Photo Key

Figure 2.4-2: Massing View 1. Illustrative Comparison of the No-Action and With-Action Conditions

No-Action/Exising Condition



With-Action Condition



1 Looking east along Avenue X toward Projected Developmet Site 1

Figure 2.4-3: Massing View 2. Illustrative Comparison of the No-Action and With-Action Conditions

No-Action/Exising Condition



With-Action Condition



2 Looking south along E 2nd Street toward Projected Developmet Site 1

Figure 2.4-4: Massing View 3. Illustrative Comparison of the No-Action and With-Action Conditions

No-Action/Exising Condition



With-Action Condition



3 Looking southwest along Avenue X toward the Rezoning Area

2.5 Hazardous Materials

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

Methodology

The hazardous materials assessment begins with a Phase 1 ESA, which is a qualitative evaluation of the environmental conditions present at a site, based on a review of available information, site observations, and interviews. Pursuant to the *2021 CEQR Technical Manual*, the Phase 1 ESA is conducted in accordance with the standards established by the current ASTM Phase 1 ESA Standard and includes research and field observations to determine whether the site may contain contamination from either past or present activities on the site or as a result of activities on adjacent or nearby properties. If a potential Recognized Environmental Conditions (RECs) is identified during this assessment, then building any subsurface investigations are usually conducted as part of a Phase II ESA to confirm the presence and extent of the contamination.

Analysis

The Projected Development Site 1 includes Applicant-owned Block 7198, Lots 1 and 4:

- Lot 1 is 5,999-SF corner lot with 60 feet of frontage along Avenue X and 100 feet of frontage along East 2nd Street. The lot contains a 2-story, 29.22-foot-tall, 5,542-GSF (5,042-ZSF, 0.84-FAR) mixed residential and commercial building (according to ZOLA) with approximately 3,142 GSF (0.52 FAR) of community facility use (physical therapist office), 1,900 GSF (0.32 FAR) of one-family residential use, and an 11.65-foot tall, approximately 500-GSF garage. The building was constructed in 1931.
- Lot 4 is 3,999-SF interior lot with 40 feet of frontage along Avenue X. The lot contains a 2-story, 19.69-foot-tall, 4,400-GSF (4,400-ZSF, 1.10-FAR) commercial and office building (according to ZOLA) occupied by a community facility use (medical center). The structure was built in 1931 and altered in 1995.

The proposed rezoning would allow for residential, commercial, and community facility uses to be built with a higher FAR in the proposed R7A/C2-4 district. Accordingly, a Phase I Environmental Site Assessment (ESA) was conducted for the Applicant-controlled Projected Development Site 1 by Equity Environmental Engineering (Equity) on December 12, 2022. A copy of this report is included as **Appendix E**.

The purpose of a Phase I ESA is to determine whether any type of environmental hazard exists within or adjacent to the project site. Environmental hazards may include, but are not limited to, hazardous/toxic wastes or raw chemicals stored, dumped, or spilled on the site, underground and above ground storage of petroleum or hazardous materials; asbestos within the building

materials/structures; and identification of potential off-site sources of hazardous waste contamination, such as industrial facilities adjacent to the subject property.

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

Equity has performed a Phase I Environmental Site Assessment on December 12, 2022, in conformance with the scope and limitations of ASTM Practice E 1527-21. The following conditions were observed:

- Recognized Environmental Condition (RECs): There are no RECs associated with the Subject Property.
- Controlled Recognized Environmental Condition (CRECs): There are no CRECs associated with the Subject Property.
- Historical Recognized Environmental Condition (HRECs): One Historic REC was identified as a result of this assessment. The NY SPILLS database identified a spill on the Subject Property at 400 Avenue X which involved a 3-millimeter spill of mercury from a broken blood pressure machine. The spill was cleaned, and the spill case was administratively closed as there was no impact to soil or groundwater. This mercury spill is considered a Historic REC.
- Vapor Encroachment Conditions (VECs): The EDR Vapor Encroachment database identified numerous VECs (Vapor Encroachment Conditions) within 1/10 of a mile of the Subject Property that are related to two EDR Historic Auto listings, one NY Drycleaners listing, and two EDR Historic Cleaner listings.
    - The first EDR Historic Auto listing is located 79 feet southeast of the Subject Property at 2442 East 3rd Street. This listing is shown on the EDR database from 2010 to 2014.
    - The second EDR Historic Auto listing is located 141 feet northwest of the Subject Property at 389 Avenue X. This listing is shown on the EDR database from 2002 to 2010.
    - The NY Drycleaners listing is located 127 feet north of the Subject Property at 393 Avenue X. This site is also the site described in the first EDR Historic Cleaner database listing, where is it shown from 1969 to 2014.
    - The second EDR Historic Cleaner listing is located 518 feet west of the Subject Property at 343 Avenue X. This listing is shown on the database from 1987 to 2010.

Due to the locations of the two EDR Hist Auto listing sites and the two drycleaning sites relevant to the Subject Property, VECs cannot be ruled out.

2.5.1 Conclusion

No significant adverse impacts related to hazardous materials would result because of the Proposed Actions with an E-Designation in place.

Based on the findings of the Phase 1 ESA, HRECs and VECs were identified related to the Subject Property. Therefore, a Phase II Investigation is required at Projected Development Site 1 to adequately identify/characterize the surface and subsurface soils, groundwater and soil vapor of the subject property, and to inform and disclose the measures necessary to avoid impacts.

Projected Development Site 1 is currently developed with three buildings. Lot 1 is developed with two connected buildings with a residence on the east side of the lot and a medical testing clinic and physical therapy business on the west side of the lot. The second floor of the residence extends to the west above the first floor of the medical testing clinic. Lot 4 is developed with one building that is currently used as a medical office.

There is a connected basement beneath the residence and the medical testing clinic. The basement can either be accessed through the residence or through the exterior entrance on the west side of Lot 1. The portion of the basement below the residence primarily serves as a storage area. The portion of the basement below medical testing clinic was formerly used as an office but is now used to store samples and conduct blood sample analysis.

Considering that the buildings within the Projected Development Site 1 are fully occupied by tenants (medical offices) with patients coming and going, and the site drilling and sampling work presents liability issues and operational hardship for the Applicant, Phase II investigation at the Site is not feasible at this time. Therefore, an E-Designation would be required on the development site (Block 7198, Lots 1 and 4) to ensure that the Phase II ESA testing would be completed once the subject property is demolished and cleared, following completion of ULURP/CEQR process. Further hazardous materials assessments would be coordinated through the Mayor's Office of Environmental Remediation (OER).

With this E-Designation in place, no further analysis is warranted. The E-Designation language related to Hazardous Materials is as follows:

E-Designation (E-743)

Projected Development Site 1: Block 7198, Lots 1 and 4 (Applicant-Controlled)

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I and Phase II of the site along with a soil, groundwater, and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is

necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The Applicant must complete such remediation as determined necessary by OER. The Applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

2.6 Air Quality

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

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

2.6.1 Mobile Sources

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

- Projects that would result in placement of operable windows, balconies, air intakes or intake vents generally within 200 feet of an atypical source of vehicular pollutants.
- Projects that would result in the creation of a fully or partially covered roadway, would exacerbate traffic conditions on such a roadway, or would add new uses near such a roadway.
- Projects that would generate peak hour auto traffic or divert existing peak hour traffic of 170 or more auto trips in this area of the City.
- Projects that would generate peak hour heavy- duty diesel vehicle traffic or its equivalent in vehicular emissions resulting from 12 or more heavy-duty diesel vehicles (HDDVs) for

paved roads with average daily traffic of fewer than 5,000 vehicles, 19 or more HDDVs for collector roads, 23 or more HDDVs for principal and minor arterials, or 23 or more HDDVs for expressways and limited-access roads.

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

The Proposed Actions would not result in operable windows or air intakes within 200 feet of an atypical roadway. It would not result in creation of a covered roadway or affect any covered roadway. Peak hour trip generation would be far below the 170-car threshold, as the project is below the relevant density warranting further transportation analysis (see EAS Short Form screen). The project would not generate peak hour heavy-duty diesel vehicle (HDDV) traffic or its equivalent in vehicular emissions that exceed the CEQR thresholds. The project would not create a new sensitive receptor adjacent to large parking facilities. The incremental capacity of parking facilities introduced by the project would not exceed the threshold of 85 off-street parking spaces. The project would not result in any other mobile sources of pollution and would not significantly increase vehicle miles traveled in a large area. Therefore, no further assessment of the potential for mobile source air quality impacts is warranted.

2.6.2 Stationary Sources

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

- New stationary sources of pollutants are created (e.g., emission stacks for industrial plants, hospitals, and other large institutional uses).
- Certain new uses near existing (or planned future) emissions stacks are introduced that may affect the use.
- Structures near such stacks are introduced so that the structures may change the dispersion of emissions from the stacks so that surrounding uses are affected.
- Fossil fuels (fuel oil or natural gas) for heating/hot water, ventilation, and air conditioning systems are used.
- Large emission sources are created (e.g., solid waste or medical-waste incinerators, cogeneration facilities, asphalt/concrete plants, or power-generating plants, etc.).

- New sensitive uses are located near a large emission source.
- Medical, chemical, or research labs are created or result in new uses being located near them.
- Operation of manufacturing or processing facilities is created.
- New sensitive uses created within 400 feet of manufacturing or processing facilities.
- New uses created within 400 feet of a stack associated with commercial, institutional, or residential developments (and the height of the new structures would be similar to or greater than the height of the emission stack).
- Potentially significant odors are created.
- New uses near an odor-producing facility are created.
- "Non-point" sources that could result in fugitive dust are created.
- New uses near nonpoint sources are created.
- A generic or programmatic action is introduced that would change or create a stationary source or that would expose new populations to such a station.

Analysis Framework

The stationary source analysis will study the potential impacts of the Projected Development Site 1 on nearby receptors. The Reasonable Worst Case Development Scenario for Projected Development Site 1 is described below.

Projected Development Site 1 (Block 7198, Lots 1 and 4)

Under Future With-Action Conditions, the Applicant-Owned Lots 1 and 4 would assemble with 9,998 SF within the proposed R7A/C2-4 district. The site would be developed with a single 60,492 GSF (45,991 ZSF, 4.60 FAR) mixed residential and commercial building with 100% lot coverage containing approximately 7,498 GSF (7,210 ZSF, 0.72 FAR) of local retail on the ground floor, 41,496 GSF (38,781 ZSF, 3.88 FAR) of residential use on the upper floors, and 11,498 SF of parking space on the cellar level and the ground floor. The below-grade parking lot would contain approximately 45 parking spaces (according to the Applicant's proposal as a more conservative scenario). The building would have 9 stories and rise to 95 feet. There would be a 10-foot setback on Avenue X and a 15-foot setback on E 2nd Street at the height of 75 feet. A 15-foot mechanical bulkhead would be assumed for the development. No new curb cuts would be proposed.

2.6.2.1 Heating and Hot Water Systems

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

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

Project-on-Existing

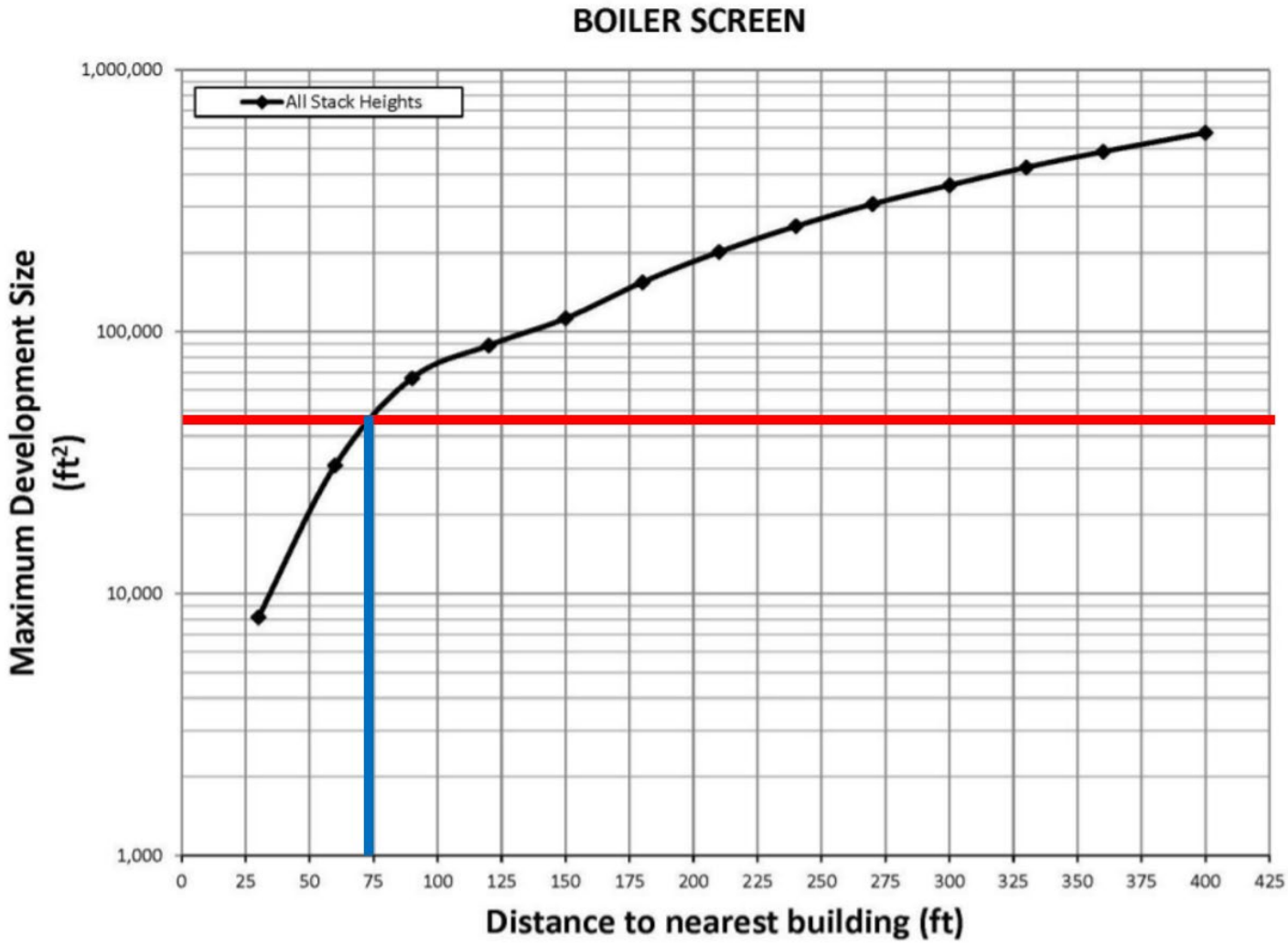
For the project-on-existing screening analysis, the project increment building was analyzed as a 48,994 GSF building, which is the floor area of Projected Development Site 1, excluding the parking facilities GSF. A height of 85 feet was assumed, which is the Projected Development Site 1 proposed building height, and the most conservative approach (applying the lowest project increment building). **Figure 2.6-1** (based on Figure 17-3 of the *2021 CEQR Technical Manual*) shows the project-on-existing screening analysis.

As seen in **Figure 2.6-1**, the project increment building GSF, excluding the unheated parking garage floor area, intersects the curve for HVAC system(s) at a distance of 73 feet. There are no existing buildings similar or greater in height within 73 feet of the Projected Development Site 1. The tallest buildings within 73 feet of the Projected Development Site 1 are two 63-foot-tall residential buildings. Therefore, a detailed analysis is not required.

Stationary Sources Conclusion

Based on the analysis, conditions associated with the Proposed Actions HVAC systems would not result in any violations of the ambient air quality standards. To ensure that no impact would occur, an E-Designation with a stack height restriction is provided below. With this E-Designation in place, there is no reason to believe that the Proposed Actions HVAC systems would potentially cause any significant adverse air quality impacts, and further assessment is not warranted.

Figure 2.6-1: The Project Development Site 1 Screening Analysis on Existing Land Uses



(E) Designation (E-743)

Block 7198, Lots 1 and 4 (Projected Development Site 1): Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilation, and air conditioning (HVAC) system and hot water equipment stack is located at the highest tier and at least 88 feet above grade to avoid any potential significant adverse air quality impact.

2.6.2.2 Industrial Emissions

The Proposed Actions would introduce a sensitive land use into the area. Accordingly, a preliminary screening was conducted to determine if there are any potential sources of industrial process emissions that could affect project occupants.

400-Foot Study Area

The Affected Area is located within an R4 zoning district, and the 400-foot Study Area is a mixture of residential, commercial, and community facility properties. Based on field observations and reviews of DCP land use maps, no sites were identified as industrial/manufacturing land uses.

1,000-Foot Study Area

A search of the EPA Envirofacts ICIS-AIR database and the Toxics Release Inventory (TRI) was conducted for all parcels within the 400 and 1000-foot Study Area. The Envirofacts ICIS Air Database contains compliance and permit data for stationary sources of air pollution (such as electric power plants, steel mills, factories, and universities) regulated by EPA, state and local air pollution agencies. The Toxics Release Inventory (TRI) is a publicly available database containing information on toxic chemical releases and other waste management activities in the United States.

The search did not identify any large or major sources of industrial emissions or odor-producing facilities within 1,000 feet of the Affected Area. As such, no further analysis of large or major emissions sources is warranted.

Industrial Emissions Conclusion

No industrial emission sources were identified within the 400-foot Study Area. No large or major industrial emission sources were identified within the 1,000-foot Study Area. Additionally, there is no evidence present to conclude that there are illegal unpermitted air emissions present in the Study Area. Therefore, there does not appear to be any potentially significant impact in terms of air toxics to project occupants.

2.7 Noise

Introduction

This Noise Analysis was conducted to assess the potential for adverse noise impacts related to the proposed Zoning Map Amendment that would rezone the Affected Area from an R4 zoning district to an R7A/C2-4 zoning district. The Proposed Actions would create noise-sensitive residential development. Therefore, an assessment of the potential for adverse effects on project occupants from ambient noise is warranted. The projected development would not create a significant stationary noise generator. Additionally, project-generated traffic would not double vehicular traffic on nearby roadways, and therefore would not result in a perceptible increase in vehicular noise. Therefore, this noise assessment is limited to an assessment of ambient noise that could adversely affect occupants of the development. The predominant noise source at the Affected Area is vehicular traffic on surrounding streets.

Framework of Noise Analysis

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

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

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

(unweighted) sound level, while the very low and very high-frequency bands are significantly affected by C-weighting. **Table 2.7-1** notes the decibel levels of common noise sources.

Table 2.7-1: Noise Levels of Common Sources[5]

Sound Source	SPL (dB(A))
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concerts (Rear Seats)	110
On Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night	40-50
Typical Rural Area at Night	30-40
Isolated Broadcast Studio	20
Audiometric (Hearing Testing) Booth	10
Threshold of Hearing	0
Notes: A change in 3dB(A) is a just noticeable change in SPL. A change in 10 dB(A)Is perceived as a doubling or halving in SPL.	

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

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

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

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

[5] Source: *2021 CEQR Technical Manual*

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

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

Noise Standards and Guidelines

In 1983, the New York City Department of Environmental Protection (NYCDEP) adopted the CEQR noise exposure guidelines for exterior noise levels. As shown in **Table 2.7-2** below, noise standards classify noise exposure into four categories based on noise level limits and land use, for vehicular traffic, rail, and aircraft noise sources: Acceptable, Marginally Acceptable, Marginally Unacceptable and Clearly Unacceptable, Table 19-3 of the *2021 CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise exposure levels. Recommended noise attenuation values for buildings are designed to maintain interior L_{10} noise levels of 45 dB(A) or below or interior L_{dn} noise levels of 40 dB(A) or below depending on the noise source, as shown below in **Table 2.7-3**.

Table 2.7-2: Noise Exposure Guidelines for Use in City Environmental Impact Review

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

Notes:

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

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

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

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

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

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

Table 2.7-3: Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Vehicular Traffic	70 < L10 ≤ 73	73 < L10 ≤ 76	76 < L10 ≤ 78	78 < L10 ≤ 80	80 < L10
Aircraft[A]	65 < DNL ≤ 68	68 < DNL ≤ 71	71 < DNL ≤ 73	73 < DNL ≤ 75	75 < DNL
Train	65 < Ldn ≤ 68	68 < Ldn ≤ 71	71 < Ldn ≤ 73	73 < Ldn ≤ 75	75 < Ldn
Attenuation[B]	(i) 28 dB(A)	(ii) 31 dB(A)	(iii) 33 dB(A)	(iv) 35 dB(A)	See Note c

Note:

A. DNL descriptor based on average values of Ldn over a year period.
B. The above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dB(A) less in each category. All of the above categories require a closed window situation and hence an alternate means of ventilation.
C. The required attenuation value is the difference between Lbuild and Linterior, using the appropriate noise descriptor Where:
Lbuild is the projected noise level under the build condition rounded up to the whole number
Linterior is the designed interior noise level (45 dB(A) for vehicular noise, 40 dB(A) for aircraft and train noise)

2.7.1 Initial Impact Screening

Stationary Sources

The *CEQR Technical Manual* states that based upon previous studies, unless existing ambient noise levels are very low and/or stationary source levels are very high (and there are no structures that provide shielding), it is unusual for stationary sources to have significant impacts at distances beyond 1,500 feet. A detailed analysis may be appropriate if the Proposed Project would: cause a substantial stationary source (i.e., unenclosed mechanical equipment for manufacturing or building ventilation purposes, playground, etc.) to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor; or introduce a receptor in an area with high ambient noise levels resulting from stationary sources, such as unenclosed manufacturing activities or other loud uses. Machinery, mechanical equipment, heating, ventilating and air-conditioning units, loudspeakers, new loading docks, and other noise associated with building structures may also be considered in a stationary source noise analysis. Impacts may occur when a stationary noise source is near a sensitive receptor and is unenclosed.

No unenclosed stationary noise sources of concern were observed during field inspections. As the Projected Development Sites are not subject to high ambient noise levels from any nearby stationary source, no stationary source noise impacts from surrounding uses are anticipated. Additionally, it is assumed that the building mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing

levels that would result in any significant increase in ambient noise levels. Therefore, the Proposed Actions would not result in any significant adverse noise impacts related to building mechanical equipment.

Mobile Sources

Pursuant to Section 111 of the *2021 CEQR Technical Manual*, mobile sources are those noise sources that move in relation to a noise-sensitive receptor—principally automobiles, buses, trucks, aircraft, and trains. Each has its own distinctive noise character, and, consequently, an associated set of noise assessment descriptors.

For Mobile Sources, an initial noise assessment may be appropriate if a proposed action would generate additional project-generated vehicular traffic in an area where roadways currently carry no or very low traffic volumes, or where a nearby receptor would potentially be impacted by high ambient noise levels.

Vehicular traffic is the predominant sources of noise in the area. Therefore, the noise analysis presented in this chapter focuses on the operational noise effects of the Proposed Actions to determine the level of building attenuation necessary to ensure that interior noise levels satisfy CEQR requirements. The Proposed Actions would not increase existing noise passenger car equivalents (PCEs) by greater than 100%, and would therefore not result in significant adverse noise impacts associated with project-generated vehicles.

2.7.2 Noise Monitoring Results

Measurement Location and Equipment

Because the predominant noise sources in the area of the proposed project consist of vehicular traffic, noise monitoring was conducted during peak weekday vehicular travel periods (AM, Midday, PM) on a typical midweek day for 20-minute periods. Noise Monitoring Location One (1) was located at the street East 2nd Street frontage of the Affected Area; Noise Monitoring Location Two (2) was located at the Avenue X Street frontage of the Affected Area; and Noise Monitoring Location Three (3) was located at the East 3rd Street frontage of the Affected Area. The noise monitoring locations are shown in **Figure 2.7-1** to **Figure 2.7-4** below.

Noise monitoring was conducted using a Type 1 Casella CEL-633 sound level meters with wind screens. The monitors were placed on a tripod at a height of approximately four feet above the ground, away from any other noise-reflective surfaces. The monitors were calibrated prior to and following each monitoring session. Periods of peak vehicular around the Affected Area constitute a worst-case condition for noise at the project site. Noise meter calibration certification and back up data are provided in **Appendix F**.

Figure 2.7-1: Noise Monitoring Locations



Figure 2.7-2: Location 1 – Noise Monitor Location Photos (2nd Street Frontage)



Figure 2.7-3: Location 2 – Noise Monitor Location Photos (Avenue X Frontage)



Figure 2.7-4: Location 3 – Noise Monitor Location Photos (3rd Street Frontage)



Existing Conditions

Monitoring was conducted during typical midweek conditions, on Thursday December 8, 2022. The weather was dry and wind speeds were moderate during all monitoring periods. **Table 2.7-4** to **Table 2.7-6** below contains the results for the measurements taken at Location 1 to Location 3, respectively.

Table 2.7-4: Noise Levels in dBA at Location 1

Thursday, December 8, 2022			
Time	**7:57 am – 8:17 am**	**12:10 pm – 12:30 pm**	**4:33 pm – 4:53 pm**
L_{max}	86.3	82.7	79.8
L_{10}	64.5	61.5	62.5
L_{eq}	63.1	60.3	61.4
L_{50}	58.0	55.5	57.0
L_{90}	53.5	51.0	52.0
L_{min}	48.2	46.5	48.0

Table 2.7-5: Noise Levels in dBA at Location 2

Thursday, December 8, 2022			
Time	**8:19 am – 8:39 am**	**12:31 pm – 12:51 pm**	**4:55 pm – 5:15 pm**
L_{max}	95.9	76.4	85.0
L_{10}	68.5	66.0	67.0
L_{eq}	**71.5**	62.6	63.8
L_{50}	61.0	59.5	60.0
L_{90}	55.0	53.5	53.0
L_{min}	50.6	48.9	47.5

Table 2.7-6: Noise Levels in dBA at Location 3

Thursday, December 8, 2022			
Time	**8:39 am – 8:59 am**	**12:54 pm – 1:14 pm**	**5:18 pm – 5:38 pm**
L_{max}	72.7	69.5	73.6
L_{10}	61.0	59.5	60.5
L_{eq}	58.5	56.3	57.9
L_{50}	57.0	54.0	56.0
L_{90}	51.5	49.0	51.0
L_{min}	48.0	45.5	44.9

The traffic volumes (vehicle counts) and vehicle classifications collected during peak vehicular travel periods [morning (AM), noon (MD), and evening (PM)] concurrent with noise monitoring all noise monitoring locations are shown below in **Table 2.7-7** to **Table 2.7-9**.

Table 2.7-7: Traffic Volumes and Vehicle Classifications Noise Location 1

	7:57 am - 8:17 am	12:10 pm – 12:30 pm	4:33 pm – 4:53 pm
Car/ Taxi	14	9	9
Van/Light Truck/SUV	25	17	20
Medium Truck	1	1	1
Heavy Truck	0	0	0
Bus	2	1	1

Table 2.7-8: Traffic Volumes and Vehicle Classifications Noise Location 2

	8:19 am – 8:39 am	12:31 pm – 12:51 pm	4:55 pm – 5:15 pm
Car/ Taxi	42	51	50
Van/Light Truck/SUV	100	92	107
Medium Truck	4	2	0
Heavy Truck	2	1	0
Bus	13	5	4

Table 2.7-9: Traffic Volumes and Vehicle Classifications Noise Location 3

	8:39 am – 8:59 am	12:54 pm – 1:14 pm	5:18 pm – 5:38 pm
Car/ Taxi	10	7	5
Van/Light Truck/SUV	17	13	32
Medium Truck	0	0	0
Heavy Truck	0	0	0
Bus	0	0	0

2.7.3 Conclusion

The *2021 CEQR Technical Manual* sets external noise exposure standards, which are classified into four categories: acceptable, marginally acceptable, marginally unacceptable, and clearly unacceptable. Table 19-3 of the *2021 CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise exposure levels. Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dB(A) or lower where vehicular traffic is the noise source. For a residential use such as what would occur under the proposed action, an L_{10} of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure. An L_{10} of between 70 and 80 dB(A) is identified as marginally unacceptable general external exposure.

The highest recorded L_{10} at Location 1 was 64.5 dB(A) during the evening period. The highest recorded L_{eq} at Location 2 was 71.5 dB(A) during the morning period. Based on the field notes, an ambulance with a siren was near the meter location at 8:21 am. This loud noise artificially elevated the noise levels. The second-by-second data is provided in the appendices. Accordingly, the next highest L_{10} will be utilized. The next highest L_{10} at Location 2 was 67.0 dB(A) during the evening period. The highest recorded L_{10} at Location 3 was 61.0 dB(A) during the evening period.

Based on the above there would be no significant adverse impact related to noise.

2.8 Neighborhood Character

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

2.8.1 Preliminary Analysis

Existing Conditions

The Affected Area is located within the Gravesend neighborhood of Brooklyn, Community District 15 and includes the northern portion of Block 7198 consisting of contiguous tax lots 1, 4, and 6, which are described in detail in **Sections 1.4** and **2.1**. The Affected Area is bounded by Avenue X to the north, E 2nd Street to the west, and E 3rd Street to the east as well as lots 12 and 73 to the south.

The existing land uses in the 400-foot Study Area primarily consist of residential buildings, mixed commercial and residential buildings, commercial buildings, public facilities and vacant land. The buildings in the 400-foot Study Area include two- to three-story one- and two-family buildings and two- to six-story multiple-family apartment buildings, low-rise commercial buildings, and two-story mixed commercial and residential buildings. The surrounding area also contains a 5-story public school (P.S. 216 Arturo Toscanini). Avenue X is a major thoroughfare in the area and contains a mix of high-density multi-family, commercial, and mixed residential and commercial uses. The section of Avenue X to the east of the Affected Area does not have any commercial activity and is residential in character. However, the section of Avenue X to the west of the Affected Area has commercial overlays mapped along the northern side of the road starting with the lots directly across Avenue X from the Affected Area and features significant commercial activity. E 2nd Street and E 3rd Street are predominantly residential in character.

The Applicant-owned Projected Development Site 1 consists of Block 7198, Lots 1 and 4. Lot 1 is 5,999-SF corner lot with 60 feet of frontage along Avenue X and 100 feet of frontage along East 2nd Street. The lot contains a 2-story, 29.22-foot-tall, 5,542-GSF (5,042-ZSF, 0.84-FAR) mixed residential and commercial building (according to ZOLA) with approximately 3,142 GSF (0.52 FAR) of community facility use (physical therapist office), 1,900 GSF (0.32 FAR) of one-family residential use, and an 11.65-foot tall, approximately 500-GSF garage. The building was constructed in 1931. Lot 4 is 3,999-SF interior lot with 40 feet of frontage along Avenue X. The

lot contains a 2-story, 19.69-foot-tall, 4,400-GSF (4,400-ZSF, 1.10-FAR) commercial and office building (according to ZOLA) occupied by a community facility use (medical center). The structure was built in 1931 and altered in 1995.

Other non-Applicant-controlled lots within the Affected Area include Block 7198, Lot 6. Lot 6 is a 9,999-SF corner lot with 100 feet of frontage along Avenue X and 100 feet of frontage along East 3rd Street. The lot contains a 6-story, 60.81-tall, 43,974-GSF (41,097-ZSF, 4.11 FAR) multi-family elevator building with 45 dwelling units.

The surrounding area features a mostly regular traffic grid with the exception of Ocean Parkway that crosses the rectangular grid at a different angle. Avenue X is the only major commercial thoroughfare in the area. Another closest commercial corridor is along Avenue U, 0.47 miles north from the Affected Area. The area is well-served by transit. The Avenue X subway station with service from the F Train is located approximately 1/3 mile to the west of the Affected Area. The subway station provides full-time connecting service to Midtown Manhattan. In addition, there is a bus line accessible to transit riders in the area. The B1 bus, which connects Bay Ridge and Manhattan Beach neighborhoods via Avenue X and 86th Street, has two bus stops in different directions on Avenue X near the Affected Area.

Sidewalks, ranging in width from 8 feet to 16 feet, are in good condition with paved surfaces and limited to sufficient street trees. Most of the intersections within the 400-foot Study Area are not equipped with traffic lights but are controlled by two-way or all-way stop signs and feature clear crosswalk markings on all legs, or certain legs, depending on the stop controls.

Future No-Action Condition

There are no records of building work permits submitted by the Applicant on the DOB website. As such, it is conservatively assumed that under the No-Action Scenario, existing conditions would continue on the Projected Development Site 1 (Lots 1 and 4). Redevelopment is also not considered likely in the No-Action Scenario because of the bulk permitted under the current R4 district with low residential FAR (0.9) and no commercial uses allowed.

The Other non-Applicant-owned Lot 6 does not pass the soft site criteria established by the *CEQR Technical Manual*, Chapter 2 and would remain as it exists. The lot, currently developed with a 4.11-FAR residential building, is within the R4 district with 0.9 residential FAR allowed. The existing legal non-conforming residential bulk on Lot 6 would remain in the future without the proposed actions.

There is one active construction permit within the 400-foot Study Area for a 2,874-GSF alteration project involving a 2-story residential building containing two dwelling units at 450 Avenue X to the east of the Affected Area. There are no other known major land use changes anticipated in the foreseeable future within the Study Area. Therefore, existing patterns would continue in the future without the Proposed Action. Any new development within the Surrounding Area would be governed by the underlying zoning regulations.

Pedestrian activity within the Study Area under Future No-Action Condition would not experience changes compared to that in the existing conditions. The sidewalks would remain in existing good condition with limited to sufficient street trees and regular lights. Built form in the surrounding area would continue to consist of two- to three- story one- and two-family buildings, multiple-family apartment buildings ranging from two to six stories in height, low-rise commercial buildings, and two-story mixed commercial and residential buildings. There would be no significant changes to the area's urban character.

Future With-Action Condition

The Proposed Actions would rezone Block 7198, Lots 1, 4, and 6 from an existing R4 zoning district to an R7A/C2-4 zoning district. Under the With-Action condition, the proposed R7A/C2-4 district would permit a maximum of 4.6 FAR for residential use, 2.0 FAR for commercial use, and 4.0 for community facility uses. The maximum building height within the R7A/C2-4 zoning district is 95 feet after a setback from the base height of up to 75 feet. Buildings must set back above the maximum base height to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum of 9 floors. Off-street parking is required for 50 percent of the market-rate residential dwelling unit, 15 percent of the income-restricted housing units outside the Transit Zone but is not required for income-restricted housing units inside the Transit Zone.

In comparison with the existing R4 zoning district mapped in the Affected Area currently, the proposed R7A/C2-4 zoning district would permit commercial uses and would allow for larger residential bulks and increased building heights within the Affected Area.

Under Future With-Action conditions, the Applicant-controlled Projected Development Site 1 would be developed with a single 60,492 GSF (45,991 ZSF, 4.60 FAR) mixed residential and commercial building with 100% lot coverage containing approximately 7,498 GSF (7,210 ZSF, 0.72 FAR) of local retail on the ground floor, 41,496 GSF (38,781 ZSF, 3.88 FAR) of residential use on the upper floors, and 11,498 SF of parking space on the cellar level and the ground floor. There would be approximately 49 dwelling units (assuming 850 SF per DU on average), 25-30% (13-15 units) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected. The below-grade parking lot would contain approximately 45 parking spaces (according to the Applicant's proposal as a more conservative scenario). The building would have 9 stories and rise to 95 feet. There would be a 10-foot setback on Avenue X and a 15-foot setback on E 2nd Street at the height of 75 feet. A 15-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR. No new curb cuts would be proposed.

The Proposed Actions would induce development consistent with the nearby higher-density residential buildings and mixed-use residential and commercial buildings along Avenue X as well as legalize the existing legal non-conforming residential bulk on Lot 6. The increased bulk as a result of the Proposed Actions would be appropriate for the area located on a wide street and surrounded by numerous buildings of similar scale.

In order to determine the Proposed Actions' potential effects on neighborhood character, the elements that contribute to a neighborhood's context and feeling are considered both separately and cumulatively. The examination focuses on whether a defining feature of the neighborhood's character may be significantly affected, as further described below:

- **Land Use, Zoning, and Public Policy:** The Proposed Actions would not adversely impact the neighborhood in terms of land use, zoning, or public policy. The density and uses permitted by the Proposed Actions would be appropriate for the Affected Area located on a wide street and surrounded by numerous residential buildings of similar scale. The proposed C2-4 commercial overlay would extend the commercial zoning mapped across Avenue X from the Affected Area and enhance the commercial character of this section of Avenue X. Moreover, the proposed Zoning Text Amendment to Appendix F to add Mandatory Inclusionary Housing (MIH) would allow for residential growth with affordable housing and contribute to the City's goals for affordable housing. The Proposed Actions would not be incompatible with surrounding uses, which are predominantly residential and commercial, and would not alter development patterns in the area. Accordingly, the Proposed Actions would not alter the overall land use patterns in the area or jeopardize the intent of the zoning resolution.

- **Shadows:** The shadows derived from the Projected Development Site 1 associated with the Proposed Actions would not reach any sunlight-sensitive resources, P.S. 216 School Yard Playground (Resource 1) and P.S. 216 School Gardens (Resource 2), during any analysis months. Therefore, there is no potential for significant adverse impacts due to shadows.

- **Historic and Cultural Resources:** The LPC was contacted for their initial review of the project's potential to impact nearby historic and cultural resources, and by letter dated December 5, 2022, indicated that no properties within the Affected Area have architectural or archaeological significance (see **Appendix A**). In addition, the Cultural Resource Information System (CRIS) online resource has indicated no properties with architectural significance within the Study Area. Therefore, no significant adverse impacts to architectural and archaeological resources would result because of the proposed Actions, and further analysis is not warranted.

- **Urban Design and Visual Resources:** The development facilitated by the Proposed Actions would not adversely impact any of the constituent urban design elements or the overall character of the neighborhood. It would not adversely change the pedestrian experience, nor would it negatively affect the vitality, walkability, or the visual character of the area. Instead, the mixed-use residential development with ground-floor commercial uses would improve the pedestrian experience and increase the vitality of the area.

- **Hazardous Materials:** A Phase I ESA was prepared for Projected Development Site 1, and VECs could not be ruled out. Therefore, an E-Designation will be mapped on Projected

Development Site 1. The (E) Designation will ensure that testing and mitigation will be performed as necessary before any future development and/or soil disturbance. With the (E) designation in place, no significant adverse impacts related to hazardous materials would result because of the Proposed Actions.

- **Air Quality:** The Proposed Actions would not result in a development that would have significant adverse impact on the air quality within the Study Area or would receive industrial emissions that would have significant adverse impact on the project occupants. Based on the projected development size, the HVAC screening analysis indicated a 73-foot buffer around the Projected Development Site 1 where buildings of similar or greater height could be affected by the Projected Development's HVAC systems. There are no existing buildings similar or greater in height within 73 feet of the Projected Development Site 1. Therefore, the Proposed Actions HVAC systems would not cause any significant adverse air quality impacts. In addition, there are no industrial emission sources within the 400- Study Area and large industrial emission sources within the 1,000-foot Study Area. Therefore, there would be no potentially significant impact in terms of air toxics to project occupants.
- **Noise:** The Proposed Actions would result in a mixed-use development composed of residential and commercial uses. For a residential use, an L_{10} of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure. An L_{10} of between 70 and 80 dB(A) is identified as marginally unacceptable general external exposure. The highest recorded L_{10} at Location 1 was 62.5 dB(A) during the evening period. The highest L_{10} at Location 2 was 67.0 dB(A) during the evening period. The highest recorded L_{10} at Location 3 was 61.0 dB(A) during the evening period. Based on the above there would be no significant adverse impact related to noise.

Combination of Moderate Effects:

Based on the above findings, there would be no combination of moderate effects to several elements that cumulatively may affect neighborhood character.

2.8.2 Conclusion

As discussed above, the Proposed Actions would not, in whole or from a specific technical study standpoint, result in a significant impact on the neighborhood character, nor would it have cumulative effects of two or more of the above technical areas have any significant impacts on the 400-foot Study Area.

2.9 Construction

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

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

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

- Construction activities are considered long-term (Last longer than two years); or
- Short term construction activities would directly affect a technical area, such as impeding the operation of a community facility.
- Result in the closing, narrowing, impeding of traffic, transit, or obstruction of pedestrian or vehicular routes in proximity to critical land uses.
- Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out.
- The operation of several pieces of diesel equipment in a single location at peak construction.

- Closure of a community facility or disruption in its services.
- Disturbance of a site containing or adjacent to a site containing natural resources.
- Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall.

Analysis

Future No-Action Condition

In the Future No-Action Scenario existing conditions would remain. No redevelopment or construction-related activities would occur.

Future With-Action Condition

Projected Development Site 1 (Block 7198, Lots 1 and 4)

Under Future With-Action Conditions, the Applicant-Owned Lots 1 and 4 would assemble with 9,998 SF within the proposed R7A/C2-4 district. The site would be developed with a single 60,492 GSF (45,991 ZSF, 4.60 FAR) mixed residential and commercial building with 100% lot coverage containing approximately 7,498 GSF (7,210 ZSF, 0.72 FAR) of local retail on the ground floor, 41,496 GSF (38,781 ZSF, 3.88 FAR) of residential use on the upper floors, and 11,498 SF of parking space on the cellar level and the ground floor. The below-grade parking lot would contain approximately 45 parking spaces (according to the Applicant's proposal as a more conservative scenario). The building would have 9 stories and rise to 95 feet. There would be a 10-foot setback on Avenue X and a 15-foot setback on E 2nd Street at the height of 75 feet. A 15-foot mechanical bulkhead would be assumed. No new curb cuts would be proposed.

Build Year

The build year for the analysis is anticipated to be 2026 in consideration of a projected 18-month CEQR review period, a 7-month ULURP process, 6-months of design development and permitting, and an 18-month single-phase construction schedule for Projected Development Site 1.

Analysis

Transportation

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

- Whether the project's construction would be located in a Central Business District (CBD) or along an arterial or major thoroughfare.

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

Projected Development Site 1 has frontages along Avenue X (classified as a Major Collector) and E 2nd Street (a local road). The construction of the development site may require the temporary closing of the sidewalks adjacent to Projected Development Sites 1. As part of the Proposed Actions the sidewalks will be reconstructed, which may temporarily impact pedestrian flow and the availability of parking spaces along these streets. However, there would be no changes to moving traffic lanes.

Community facilities located within a 400-foot radius of the Projected Development Site include a school (P.S. 216 Arturo Toscanini) located at 350 Avenue X, 320 feet to the west from the development site. Avenue X is classified as a Major Collector by the NYSDOT. The road is also a principal pedestrian access route to and from the school. For the time of construction, the pedestrian flow along Avenue X may be maintained via sidewalk sheds installed on the sidewalk adjacent to Projected Development Site 1. Alternatively, the pedestrian flow may be directed from the 7-foot-wide sidewalk adjacent to the construction site along Avenue X to the high-capacity, 16-foot-wide sidewalk across Avenue X with appropriate signage. No interruptions to pedestrian flow because of the construction would result on East 2nd Street as there would be a 15-foot setback of the front wall of the proposed development from the property line on E 2nd Street.

Any potential closure of the sidewalks adjacent to the Projected Development Site would be considered a routine closure that would be addressed by a permit and pedestrian access plan issued by NYC DOT Office of Construction Mitigation and Coordination at the time of closure.

The construction of the development site would be considered short term (less than two years). Considering the above, construction of the development site would not result in significant adverse impacts on transportation.

Air Quality

Demolition, excavation, and foundation activities, which often generate the highest levels of air emissions, would be temporary and limited in duration. As with most construction projects in the city, the proposed project would require the operation of several pieces of diesel equipment at one time during the heavier periods of construction, such as demolition and excavation. However, as stated in the *CEQR Technical Manual*, all the necessary measures would be implemented to ensure compliance with the NYC Air Pollution Control Code regulating

construction-related dust emissions. Based on the project size and the construction work involved, construction activities for the Proposed Actions would not be considered out of the ordinary or exceptional in terms of intensity and would be of a relatively short duration (less than 2 years). Therefore, based on the above and with the implementation of emissions control measures that are required by local law, the construction of the development sites would not result in any significant adverse impacts on air quality.

Noise

While increases in ambient noise levels due to construction exceeding the CEQR impact criteria for two years or less may be noisy and intrusive, they are not considered to be significant adverse noise impacts. As described above, construction of the development sites would occur over a relatively short time period of approximately 18 months. Construction noise is regulated by the NYC Noise Control Code and by EPA's noise emission standards for construction equipment. These local and federal requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emission standards; that construction activities be limited to weekdays between the hours of 7AM and 6PM; and that construction materials be handled and transported in such a manner as not to create unnecessary noise. If weekend or after hour work is necessary, permits would be required to be obtained, as specified in the NYC Noise Control Code. Therefore, there would be no significant noise impacts as a result of the project construction.

Historic and Cultural Resources

As discussed in **Section 2.3**, the Landmarks Preservation Commission has determined that no resources of architectural or archaeological significance that could be associated with the proposed project were found. Therefore, there would be no significant adverse construction-related impacts to historic and cultural resources.

2.9.1 Conclusion

Construction activities at the Development Sites would be completed in 18 months. Construction would be performed subject to relevant EPA, DEP, DOT and DOB codes and regulations to ensure minimal construction impacts. With the construction control and protective measures identified above, no impacts to transportation, air quality, noise, or historic buildings would occur. On the basis of the above analysis, the Proposed Actions would not have any significant adverse construction impacts, and further analysis is not required.

APPENDIX A

AGENCY CORRESPONDENCE

Landmarks Preservation Commission

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

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

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-K
Project: 400 AVENUE X
Date Received: 11/28/2022

Properties with no Architectural or Archaeological significance:

1) 396 AVENUE X, BBL: 3071980001
2) 400 AVENUE X, BBL: 3071980004
3) 410 AVENUE X, BBL: 3071980006

Gina Santucci

12/5/2022

SIGNATURE DATE

Gina Santucci, Environmental Review Coordinator

File Name: 36758_FSO_DNP_12052022.docx

APPENDIX B

PROPOSED ARCHITECTURAL PLANS

ZONING MAP CHANGE PROPOSAL

396 & 400 AVENUE X - BROOKLYN, NY 11223



CORPORATE DESIGN OF AMERICA, P.C.

Architecture | Planning | Design
Robert J. Palermo, RA, AIA
1816 Voorhies Avenue
Brooklyn, NY, 11235
Tel: (718) 332 4119 Fax: (718) 332 8120
Office@CDA-NYC.com

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Seal

REGISTERED ARCHITECT ROBERT JAMES PALERMO No. 013124 UNIVERSITY OF THE STATE OF NEW YORK

Robert James Palermo
NY State License
No. 013124

Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. : ----	REV DATE: 11/21/2022 4:03:54 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:

Title Page

T001.00 — of — 33

Revision
Issue

DOB Job Sticker


#1 - Ave X. Subject Lots


#2 - Adjacent Lot
6 story Multifamily


#3 - Apposite Lot
6 story Multifamily
Commercial overlay

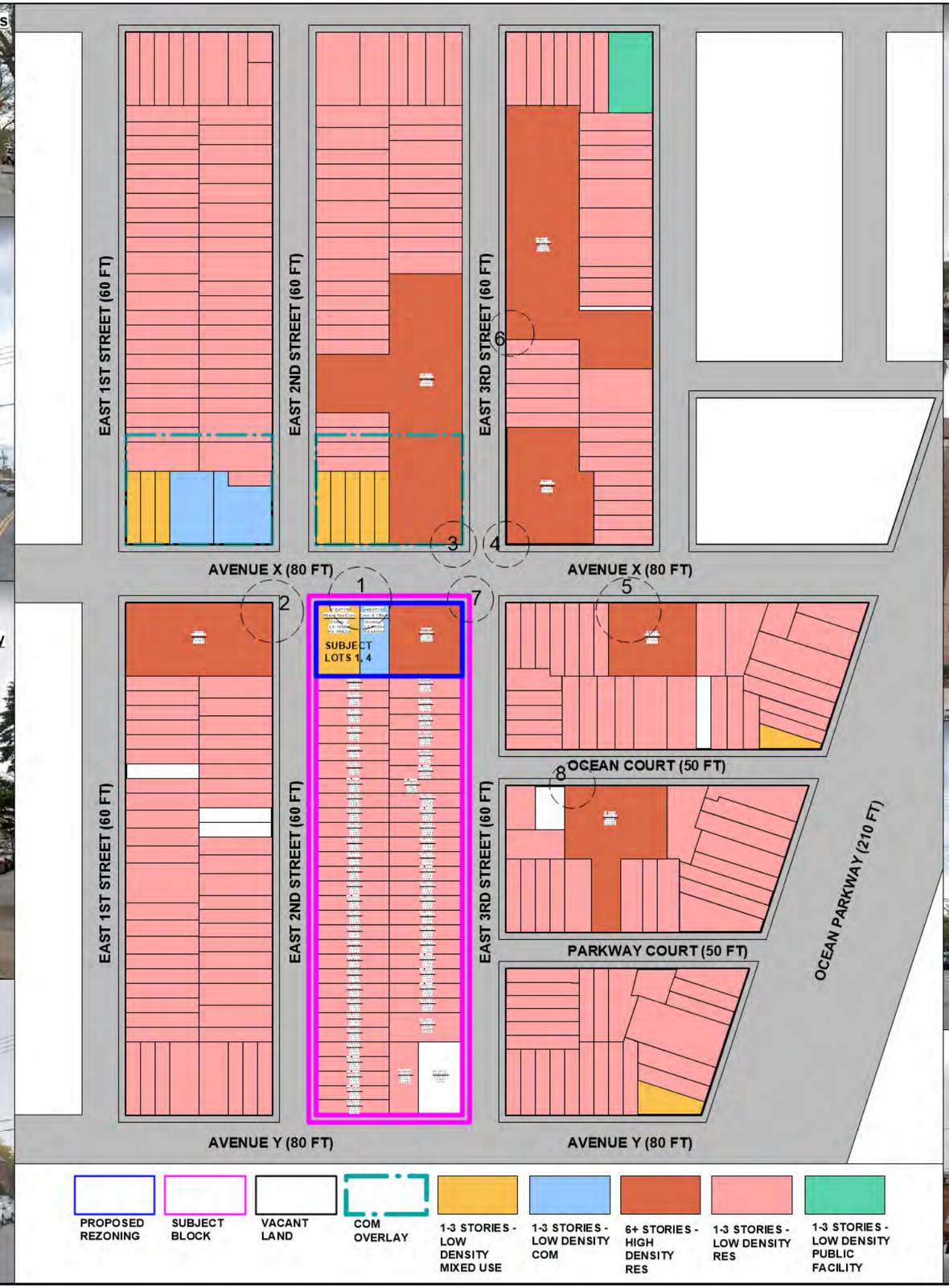

#4 - Apposite Lot
6 story Multifamily


#5 - Nearby lot
6 story Multifamily


#6 - Nearby lot E 3rd St.
6 story Multifamily


#7 - Adjacent Lot
6 story Multifamily


#8 - Nearby lot
6 story Multifamily
Ocean Court



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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

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SHEET TITLE:

Block Analysis

A001.01 of 33

Revision

Issue

DOB Job Sticker

NYC PLANNING **ZoLa** New York City's Zoning & Land Use Map

400 AVENUE X, Brooklyn, New Y

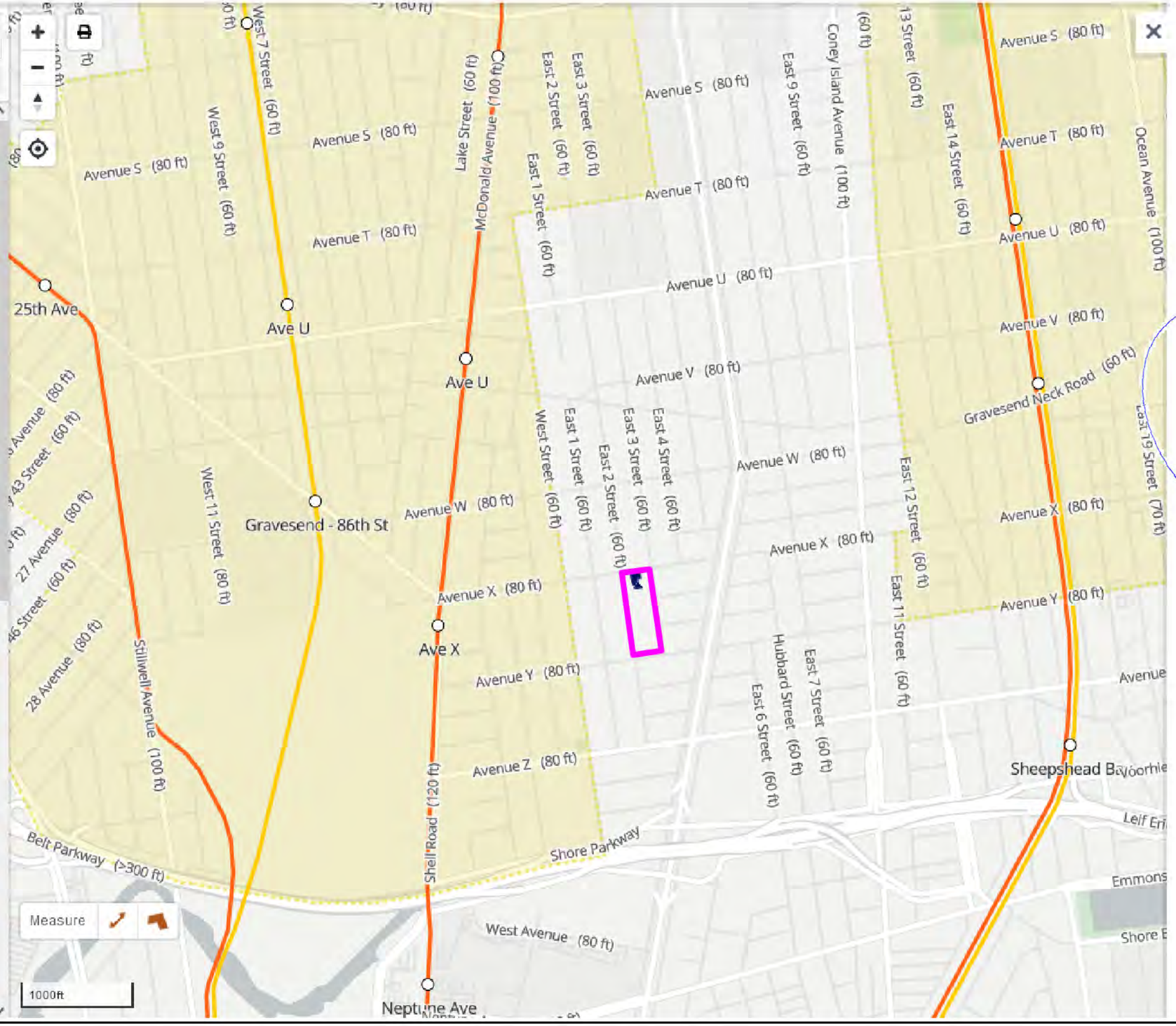
BBL Lookup

Zoning and Land Use

- Tax Lots
- Zoning Districts
- Commercial Overlays
- Zoning Map Amendments
- Pending Zoning Map Amendments
- Special Purpose Districts
- Special Purpose Subdistricts

Supporting Zoning Layers 1

- Mandatory Inclusionary Housing Areas
- Inclusionary Housing Designated Areas
- Transit Zones
- FRESH Zones
- Sidewalk Cafes
- Limited Height Districts
- Lower Density Growth Management Areas
- Coastal Zone Boundary
- Waterfront Access Plan
- Historic Districts
- Landmarks
- Effective Flood Insurance Rate Maps 2007
- Preliminary Flood Insurance Rate Maps 2015



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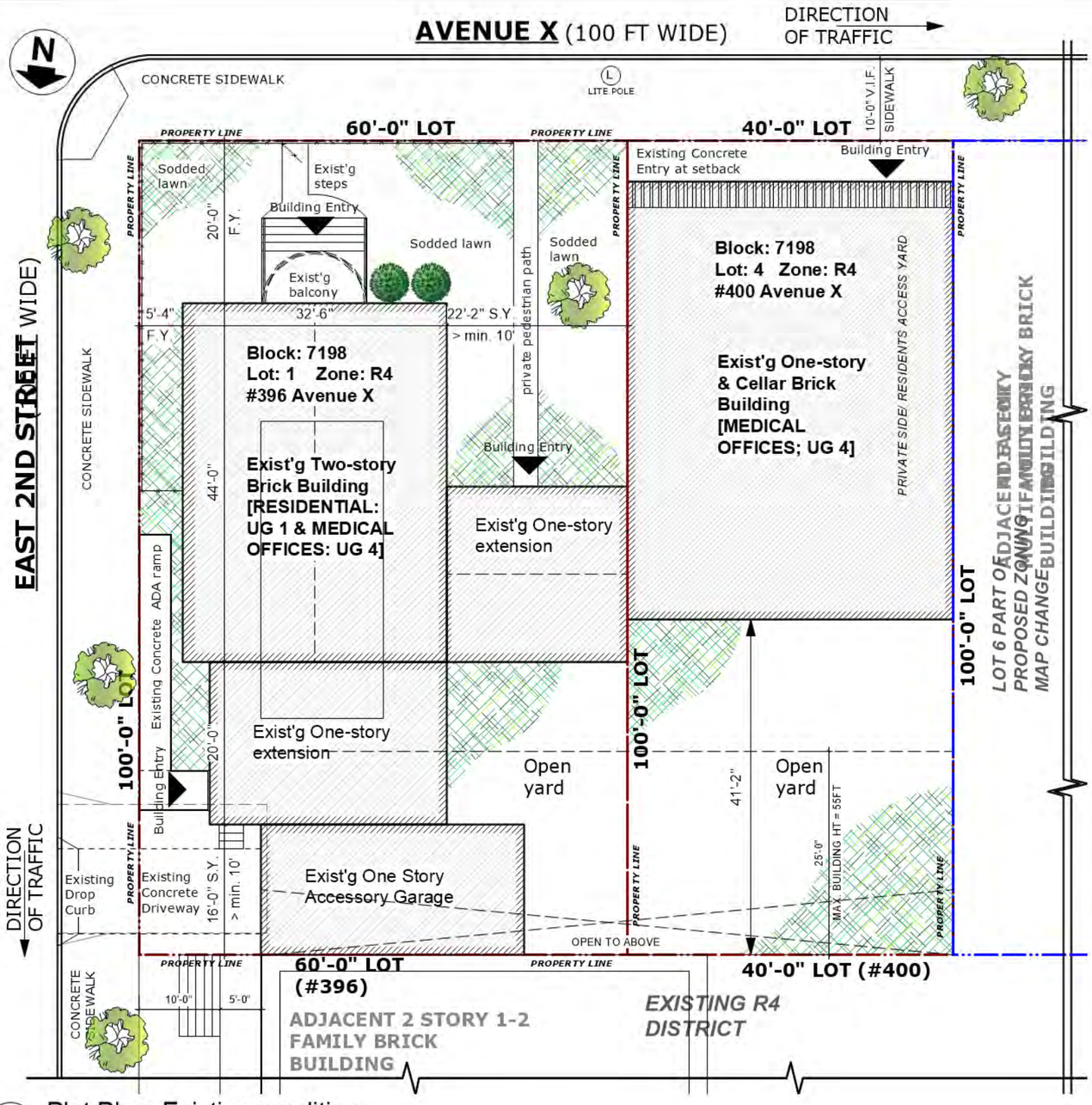
Location/ Transit Map

A001.02 — of — 33

Revision — Issue

DOB Job Sticker



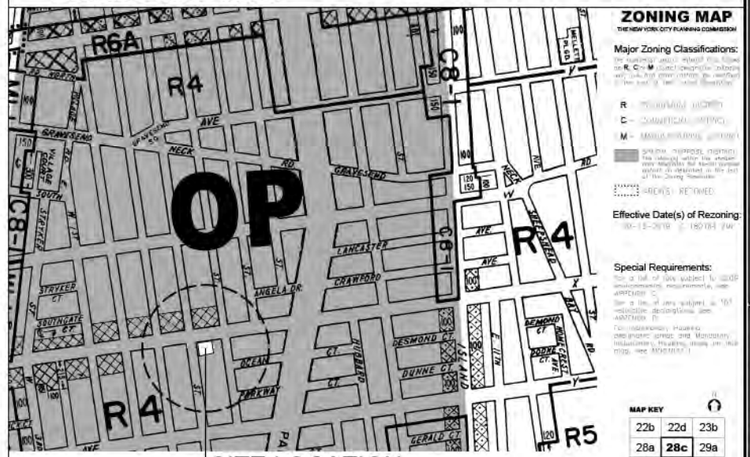
1 Plot Plan: Existing condition
1'-0" = 1/32"

ZONING ANALYSIS: EXISTING R4 ZONE PURSUANT TO EXISTING CONDITIONS
ZONE R4, OCEAN PARKWAY SPECIAL PURPOSE DISTRICT

LOT NUMBER	Lot 1 - MIXED USE COM. + RES	Lot 4 - COMMERCIAL	ZONING REF.
EXST'G LOT AREA - TO BE MERGED	TOTAL = 6,000 SF	TOTAL = 4,000 SF	
EXIST'G FLOOR AREA	GFA = 5542 sf (zola ref.) ZFA = undetermined	GFA = 4400 SF (zola ref.) ZFA = 2200sf (approx. w/o cel.)	
EXIST'G FLOOR AREA RATIO	0.92 FAR < 2.00 max (C.F.)	1.1 FAR < 2.00 max (C.F.)	ZR24-11 (24-111 0.75FAR phil.)
USE GROUPS	UG 1 (Single fam. detached) UG 4 (Medical Offices)	UG 4 (Medical Offices)	
EXIST'G LOT COVERAGE	50% < 60% MAX.	54% < 55% MAX.	ZR24-11

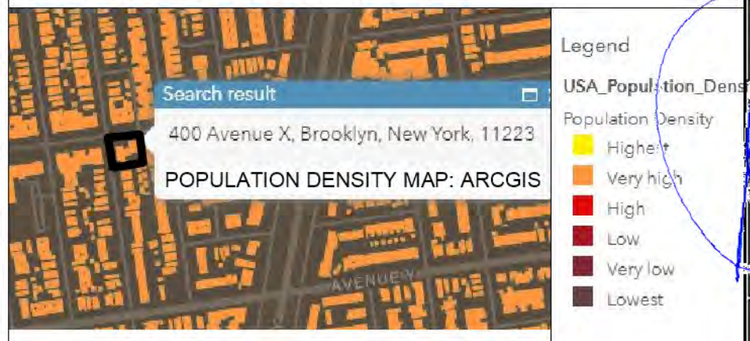
OPEN SPACE		50% > 40% MIN.	46% > 45% MIN.	
EXISTING & REQUIRED YARDS	FRONT YARD	20ft > 15 MIN.	5ft < 15 MIN.	ZR24-34
	SIDE YARDS	(1) 22' > 10 min, (2) 16' > 10 min	(1) 0'< 8min, (2) 0' < 8' min	ZR24-35
	REAR YARD	N/A corner lot w/in 100ft	41ft > 30ft min	ZR24-36
STREET WALL LOCATION		based on Front yard depth	based on Front yard depth	
BUILDING HEIGHT		30 FT (from curb) < 35ft to setback	20 FT (from curb) < 35ft to setback	
ACCESSORY OFF-STREET PARKING SPACES		(2) spaces	None (no driveway)	ZR25-18, 25-30
STREET TREES		(2) < 6 min. (1) per 25 LF	NONE < 2 min. (1) per 25 LF	ZR23-03

ZONING MAP #28C

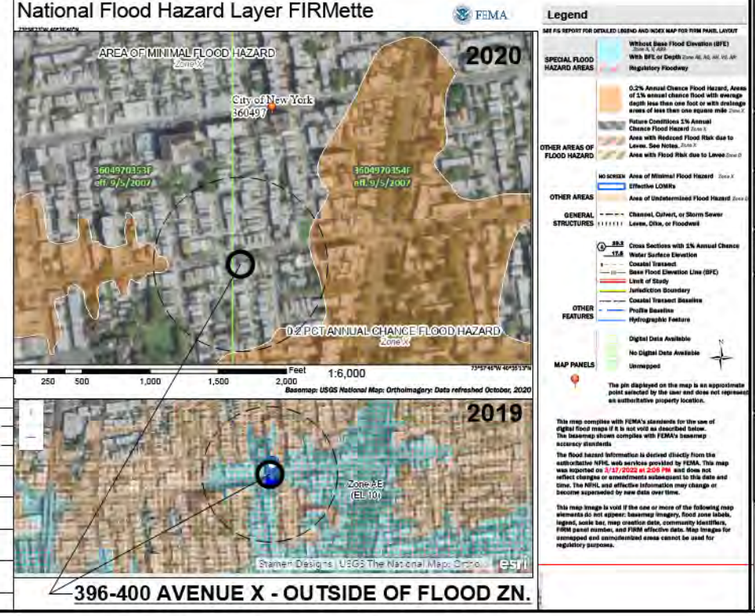


SITE LOCATION

NYC ZONING & LAND USE MAP



National Flood Hazard Layer FIRMette



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Existing Zoning Analysis

A002.00 — of — 33

Revision
Issue

DOB Job Sticker

ZONING ANALYSIS

PROPOSED FOR: 396-400 AVENUE X, BROOKLYN NY

PURSUANT TO A PROPOSED RESIDENTIAL AND COMMERCIAL DEVELOPMENT WITH MANDATORY INCLUSIONARY HOUSING

	HOUSE NUMBER	396-400
	BLOCK	7198
	TAX LOT	1, 4
	COMMUNITY DISTRICT	15
	LANDMARKS	N/A
	MAP NO.	28C
	SPECIAL PURPOSE DISTRICT	OCEAN PARKWAY
	REQUIRED "E" DESIGNATION	NONE
	ZONING LOT AREA	TOTAL ZONING LOT AREA = 6,000SF + 4,000SF = 10,000 SF (merged)

LEGEND

M.I.H. ---MANDATORY INCL. HOUSING
I.H. ------INCLUSIONARY HOUSING
Q.H. ----QUALITY HOUSING
AOR ----AS-OF-RIGHT
C.F. -----COMMUNITY FACILITY
N/A ------NOT APPLICABLE
Base FAR --- ZR23-154 (I.H.)

ZONING TEXT	**USE REGULATIONS**	**PROPOSED OPTION 2 (MIXED-USE)** CONCLUSION: 3 commercial tenants, 45apartments, 45 res. parking spaces
	ZONING DISTRICT	**R7A/ C2-4**
	LOT AREA	10,000 SF
22-00/ 32-00/ 32-15	PERMITTED USE GROUPS	1-4, 5-6, **7-9, 14**
	PROPOSED USE GROUPS (INCLUSIONARY)	UG 2 (MULTIPLE DWELLING) UG 6 (RETAIL, OFFICES)

	F.A.R. DISTRBUTION	**PERMITTED**	**PROPOSED**
23-952(b)/ 23-154(b)IH	RESIDENTIAL	3.45/ IH 4.60	IH 4.1
24-11(AOR)/ 33-121	COMMUNITY FACILITY	4.00	0
33-121	COMMERCIAL	2.00	0.5
24-16/ 35-31	TOTAL FOR ALL USES	4.60	**4.60**
	MAXIMUM PERMITTED FLOOR AREA		
	RESIDENTIAL	34,500/ 46,000 sf	
	COMMUNITY FACILITY	40,000 sf	
	COMMERCIAL	20,000 sf	
	TOTAL FOR ALL USES	46,000 sf	
	PROPOSED (GROSS) FLOOR AREA		**PROPOSED**
	RESIDENTIAL		IH 41,000 sf
	COMMUNITY FACILITY		0 sf
	COMMERCIAL		5,000 sf
	TOTAL FOR ALL USES ***(GROSS FA - ALL USES)***		**46,000 sf**

CONTINUED

ZR 23-154(b) MAXIMUM RESIDENTIAL FLOOR AREA RATIO

District	Base *floor area ratio*	Maximum *floor area ratio*
R6B	2.00	2.20
R6[1]	2.20	2.42
R6[2] R6A R7-2[1]	2.70	3.60
R7A R7-2[2]	3.45	4.60

ZR 33-121 MAXIMUM FLOOR AREA RATIO

District	Column A For *Zoning Lots* Containing only *Commercial use*	Column B For *Zoning Lots* Containing only *Community facility use*	Column C For *Zoning Lots* Containing both *Commercial* and *Community facility uses*
R1 R2	1.00	0.50	1.00
R3-1 R3A R3X	1.00	1.00	1.00
R3-2	1.00	1.60	1.60
R4 R5	1.00	2.00	2.00
R5D R6B	2.00	2.00	2.00
R6A R7B	2.00	3.00	3.00
R7A R8B	2.00	4.00*	4.00

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

(a) *For zoning lots containing **both commercial uses and community facility uses**, the total floor area used for commercial uses shall not exceed the amount permitted for zoning lots containing only commercial uses set forth in Column A.*

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396, 400 Avenue X
Brooklyn, NY 11235

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Zoning map change (pg.1)

A005.00 of 34

Revision
Issue

DOB Job Sticker

		[R7A / C2-4] PROPOSED OPTION 2 (MIXED-USE)	
	MAXIMUM PERMITTED LOT COVERAGE		
23-142aor/ 23-154/ 24-11	CORNER LOT PORTIONS	RES. 80%	COMMER. 100%
23-142/ 23-154/ 24-11	INTERIOR & THROUGH LOT PORTIONS		N/A
24-12	**PROPOSED LOT COVERAGE**		
	CORNER LOT PORTIONS		Based on setbacks and yards
	INTERIOR & THROUGH LOT PORTIONS		N/A
	DENSITY REGULATIONS		
23-22/ 23-24	MAXIMUM PERMITTED DWELLING UNITS		FACTOR 680 TOTAL RES F.A./ FACTOR
	PROPOSED DWELLING UNITS		**Proposed 45 units**
23-22/ 23-24	MIN. SIZE OF DWELLING UNITS		680 sf FA
MIH chart	M.I.H. OPTION 1: 25% OF RES. F.A. AFFORDABLE	*Total 45 apt x 25% = **12 units affordable***	
	REQUIRED YARDS	**RESIDENTIAL**	**COMMERCIAL**
23-45/ 24-34/ 33-20	FRONT YARDS	NONE	NONE
23-46/ 24-35b/ 33-25/ **23-51**	SIDE YARDS	if existing side ribbon, then 8 ft min	NONE
23-47,-532/ 24-36/ 33-26	REAR YARDS/ REAR YARD EQUIVALENTS	30ft unless Corn/Thru	20ft unless Corner
33-291/ 23-842 (court)/ 23-843 recess/23-861/ 23-87	**PROPOSED YARDS**		
	FRONT YARDS	**match adjcent 1 side**	**NONE**
23-51/ 33-291	SIDE YARDS	**8 ft side yard along R4 boundary**	
	REAR YARDS/ REAR YARD EQUIVALENTS	**NONE**	
23-693	**DISTRICT BOUNDARY SETBACK**	**Up to 55'HT within 25' from R4**	
	STREET TREES		
23-03/ 23-41	STREET TREE REQUIREMENTS	1 per 25 ft of street frontage	
		total frontage: 200 lf / 25lf	
		total required = 8 trees	
		1 existing trees	
	PROPOSED STREET TREES	7 new trees proposed to be planted on site	
		0 trees to be paid into dpr tree fund	
		TOTAL PROVIDED = 8 TREES	
	HEIGHT AND SETBACK REGULATIONS **STREET WALL for *INCLUSIONARY HOUSING***		
23-664/ 35-651/ 23-952IH/ **23-661A.1**		NO CLOSER TO STREET LINE THAN ADJOINING BUILDINGS (CORNER LOT - 1 STREET ONLY)	
23-664/ 23-90	PERMITTED MINIMUM BASE HEIGHT	40 FT	
23-664/ 23-90	PERMITTED MAXIMUM BASE HEIGHT	75 FT	
	PROPOSED BASE HEIGHT	**55FT**	

CONTINUED

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R6 THROUGH R10 DISTRICTS FOR CONTEXTUAL DISTRICTS

ZR 24-11

		Lot coverage (percent of *lot area*)	
District	*Floor Area Ratio*	*Corner Lot*	*Interior Lot* or *Through Lot*
R6A	3.00	80	60
R6B	2.00	80	60
R7A	4.00	80	65

ZR 23-51 Special Provisions for Yards Adjacent to R1 Through R5 Districts

R6 R7 R8 R9 R10

In the districts indicated, the provisions of this Section shall apply to zoning lots located, wholly or partially, within an R6, R7, R8, R9 or R10 District that are adjacent to a zoning lot located wholly or partially within an R1, R2, R3, R4 or R5 District.

A side yard *at least eight feet wide* shall be provided along the entire length of the *common side lot line*. Such side yard may be used for accessory parking.

ZR 33-291 Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of the boundary of a *Commercial District* that coincides with a *side lot line* of a zoning lot in an R1, R2, R3, R4 or R5 District an *open area not higher than curb level* shall be provided within the Commercial District with at least the width or depth set forth in the following table. Such an open area shall not be used for accessory off-street loading, or for storage or processing of any kind.

Districts	Required Width or Depth of *Yard* (in feet)
C1 C2 C3 C4 C5 C6 C7	8

ZR 23-693	Height permitted within 25 feet of	
District	R1 through R5 District, other than R5D District (in feet)	R5D or R6B District (in feet)
R6 R6A R7[1] R7B R8B	45	55
R7[2] R7A R7D	55	65

ZR 23-664(b)

TABLE I

MODIFIED MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT FOR CERTAIN QUALITY HOUSING BUILDINGS

FOR CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height for *Buildings or other Structures* with *non-qualifying ground floors* (in feet)	Maximum Height for *Buildings or other Structures* with *qualifying ground floors* (in feet)	Maximum Number of *Stories*
R6A	40	65	80	85	8
R7A	40	75	90	95	9

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Zoning map change (pg. 2)

A006.00 — of — 33

Revision
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DOB Job Sticker

		PROPOSED OPTION 2 (MIXED-USE) - [R7A / C2-4]
23-662,23-664 TBL.B,Tbl.2 QGF/ 35-24	PERMITTED MAXIMUM BUILDING HEIGHT	90 FT/ QGF 95 FT
	PROPOSED MAXIMUM BUILDING HEIGHT	**85FT**
23-662.c	MINIMUM REQUIRED SETBACKS	10' WIDE ST, 15FT NAR. ST.
	PROPOSED SETBACKS	**10' WIDE ST, 15FT NAR. ST.**
23-664	MINIMUM REQUIRED REAR YARD SETBACK	24-381 (b)
	PROPOSED REAR YARD SETBACKS	**N/A**
	QUALITY HOUSING REGULATIONS	**(Mandatory)**
23-23	SIZE OF DWELLING UNITS	no less than 325 sf of floor area
		prop. smallest unit = 525 sf (complies)
28-22	WINDOWS	dble glazed windows should be provided
28-23	REQUIRED REFUGE STORAGE & DISPLOSAL	**prop'd: 2.9 x (45 dwel units) = 128cf**
	PROPOSED REFUGE STORAGE & DISPOSAL	2.9 cubic ft/ dwelling unit compact'r rm in [cellar] [size] decuct from FA
28-10	REQUIRED LAUNDRY FACILITIES (common)	1 WSH/ [20] d.u. | 1 DRY/ [40] d.u. if to exclude from FA
		project is not excluding laundry room from FA
	PROPOSED LAUNDRY FACILITIES (NOT REQ'D)	individual w/d/ d.u to be provided in-unit
28-20	REQUIRED RECREATION SPACE	3.3% OF RESIDENTIAL FLOOR AREA
		1188 SF
	PROPOSED RECREATION SPACE	**OUTDOOR [FLOOR 2, ROOF]**
		SF
28-31	CORRIDOR DENSITY DEDUCTION	50% DISCOUNT IF 11 UNITS OR LESS
	MAXIMUM PERMITTED ACCESSORY PARKING SPACES	
	RESIDENTIAL USES	20% OF DWELLING UNITS
	COMMERCIAL USES	BASED ON USE
	MINIMUM REQUIRED ACCESSORY PARKING SPACES	
25-23 /25-025/ 25-251	RESIDENTIAL USES	50% OF D.U. FOR Q.H 15% OF LOW-INCOME D.U. OF I.H
	COMMERCIAL USES	BASED ON USE
	TOTAL PROPOSED ACCESSORY PARKING	COM. (UG6A,B,C):1:300 = 10,000/300 = **33 COM spaces < 40 = waiver**
	MINIMUM REQUIRED RES. PARKING **min.24 < proposed 45 spaces**	RES. - 50%x 45 unts = 22 spaces 12 x 15%IH = 2 + 22 = **24 res spaces min**
36-62	COMMERCIAL USES	FIRST 8,000 SF - NONE NEXT 17,000 SF - ONE
	MINIMUM REQUIRED BICYCLE PARKING	
25-811/36-711	RESIDENTIAL USES	1 PER 2 D.U.
36-711	COMMERCIAL USES	UG 6B=1/7,500 | UG 6A=1/10,000SF
	PROPOSED BICYCLE PARKING	**22 SPACES**

ZR23-661 Street wall location

R6 R7 R8 R9 R10

Any street wall may be divided into different segments, and located at varying depths from the street line, to allow for building recesses, projections, outer courts and other forms of articulation, provided that each portion complies with the applicable street wall location provisions of paragraphs (a), (b) or (c) of this Section. Recesses, projections and other forms of articulation beyond the street wall locations established in paragraphs (a), (b) or (c) are permitted only in accordance with paragraph (d) of this Section.

R6A R7A R7D R7X R9D

(a) In the districts indicated, for all buildings, *and* for [Quality Housing buildings on wide streets in R6 or R7 Districts without a letter suffix], the following shall apply:

(1) The street wall shall be located no closer to the street line than the closest street wall, or portion thereof, of an existing adjacent building on the same or an adjoining zoning lot located on the same street frontage, that is **both** *within 10 feet of the street line and within 25 feet of such Quality Housing building.* Where such existing adjacent building, or portion thereof, has street walls located at varying depths, the street wall shall not be located closer to the street line than the furthest portion of such existing adjacent street wall that is at least five feet in width.

(2) On corner lots, the street wall location provisions of paragraph (a)(1) shall apply along only one street line.

R6 R7 R8 R9 R10

(d) Street wall articulation, including, but not limited to, window recesses and structural expression on the building facade, shall be permitted to project or recess beyond the street wall locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation *does not exceed a depth or projection of 12 inches.* In addition, to accommodate other forms of street wall articulation, such as bay windows, and *facade recesses, up to 50 percent of the aggregate width of street wall, at any level, may recess or project beyond such street wall* location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular to the street wall, or portion thereof. No projection shall extend beyond the street line, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

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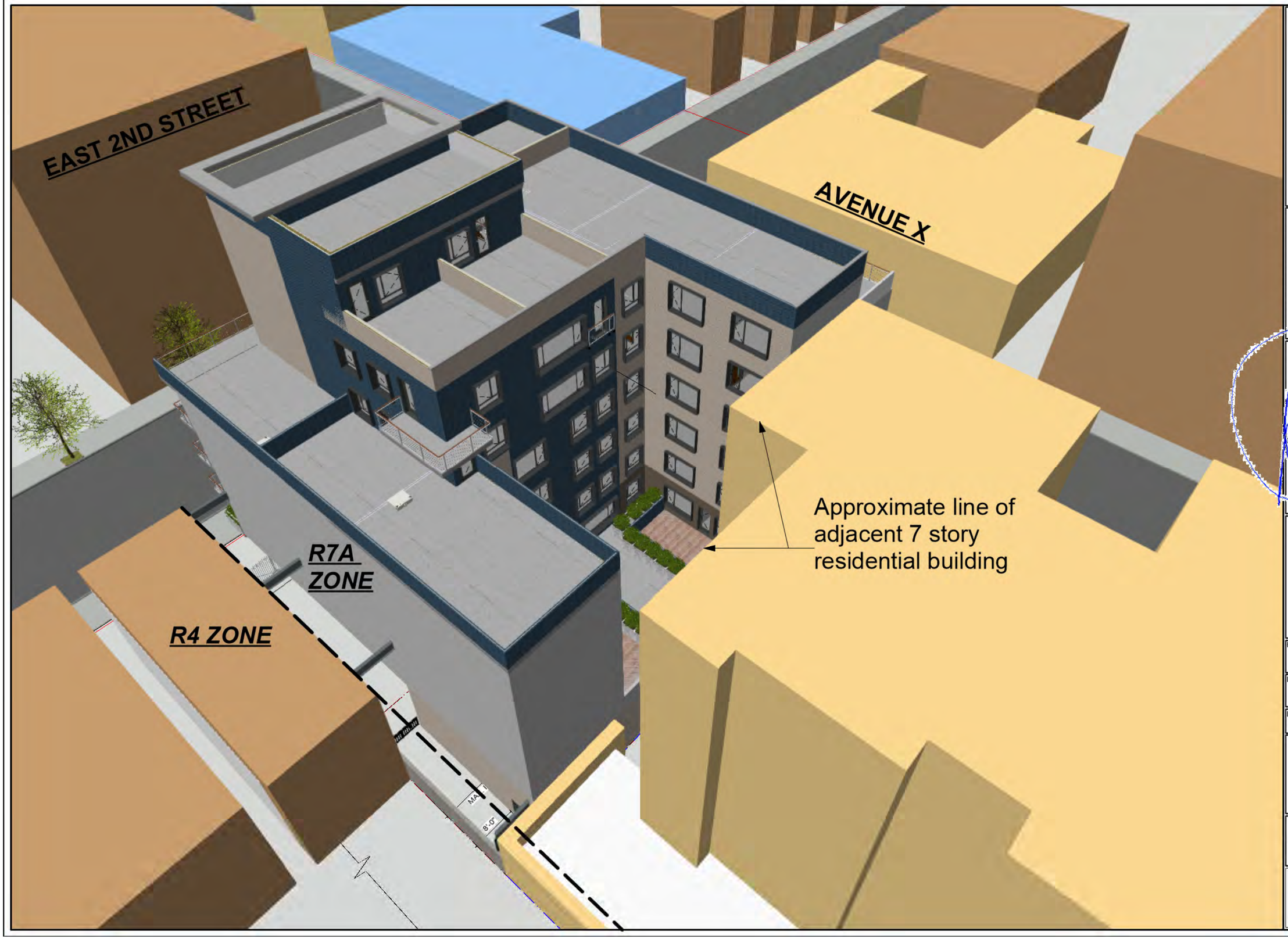
PROJECT NO.: 2021-13	PROJECT DATE: 11/01/2021
DOB Num. : ----	REV DATE: 1/19/2023 1:46:17 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:
Zoning map change (pg. 3)

A007.00 of 33

Revision
Issue

DOB Job Sticker



CORPORATE DESIGN OF AMERICA, P.C.

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. : ----	REV DATE: 12/13/2022 1:06:44 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:
R7A - Perspective View 1

A010.00 — of — 33

Revision — Issue

DOB Job Sticker



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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. :	REV DATE:
----	12/13/2022 1:09:03 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:

R7A - Perspective View 2

A011.00 — of — 33

Revision —— Issue

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. :	REV DATE:
----	12/13/2022 2:56:00 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:

R7A - Corner Perspective

A012.00 of 33

Revision
Issue

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. :	REV DATE:
----	12/13/2021 2:53:29 PM
DRAWN BY: JOR	Checked BY: RJP

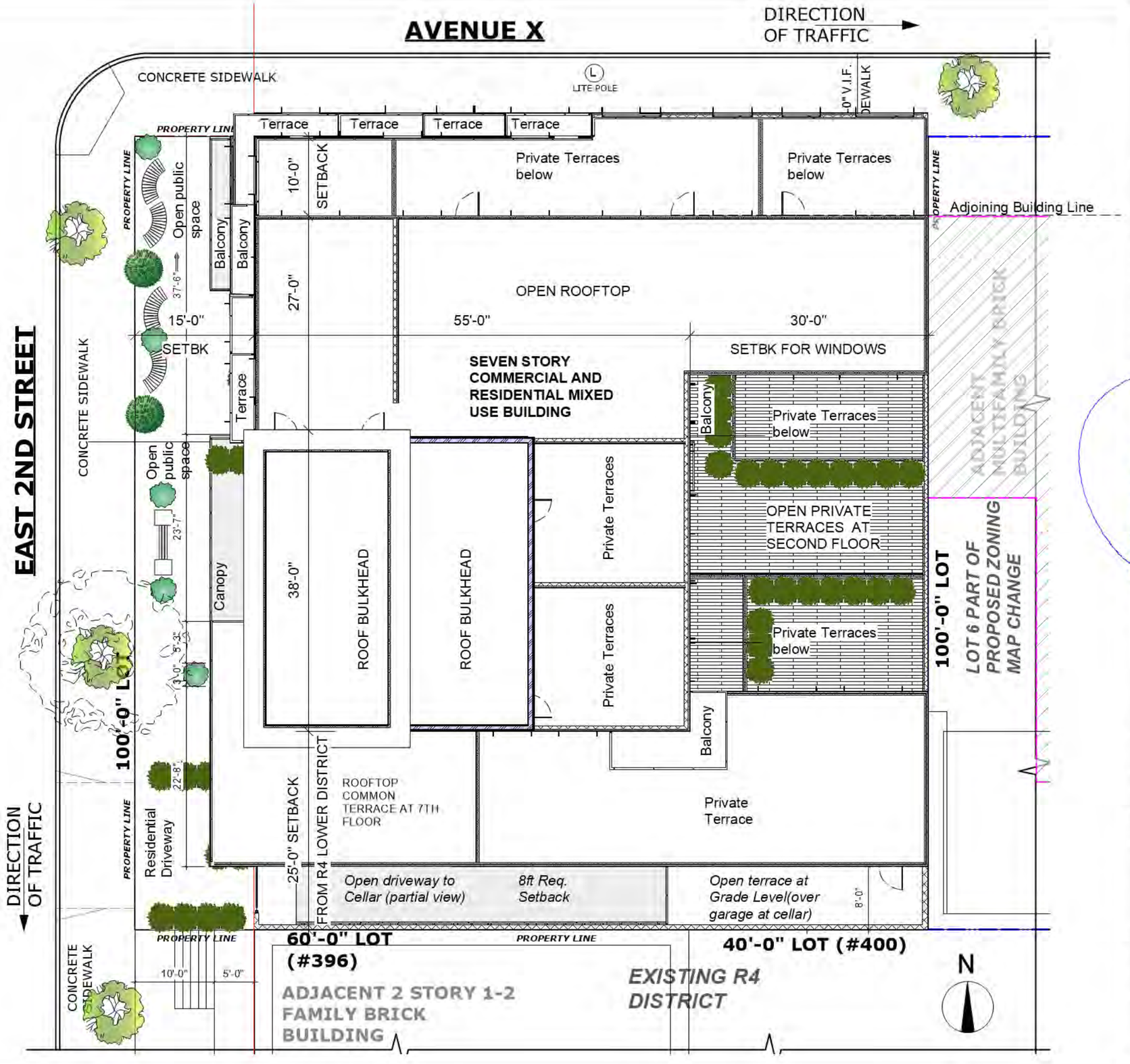
SHEET TITLE:

R7A - Pesrpective at E 2nd st

A013.00 of 33

Revision
Issue

DOB Job Sticker



PROPOSED SITE PLAN

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

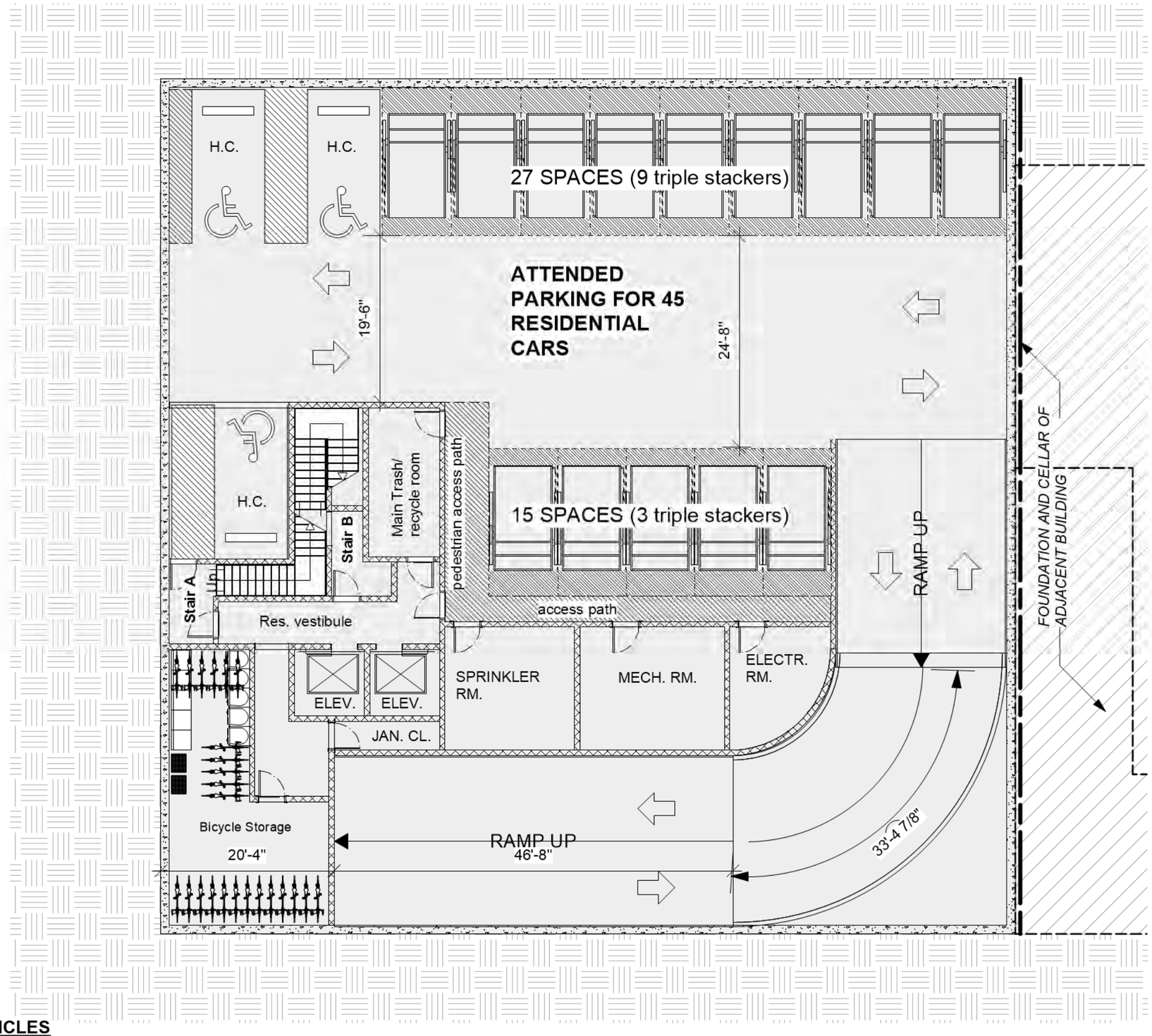
PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num.: ----	REV DATE: 12/13/2021 12:54:00 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:
R7A -Site Plan Proposed

A014.00 of 33

Revision
Issue

DOB Job Sticker



10,000sf

CELLAR FLOOR:
ATTENDED PARKING FOR 45 VEHICLES

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Map Change for 396 & 400 Avenue X

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Brooklyn, NY 11235

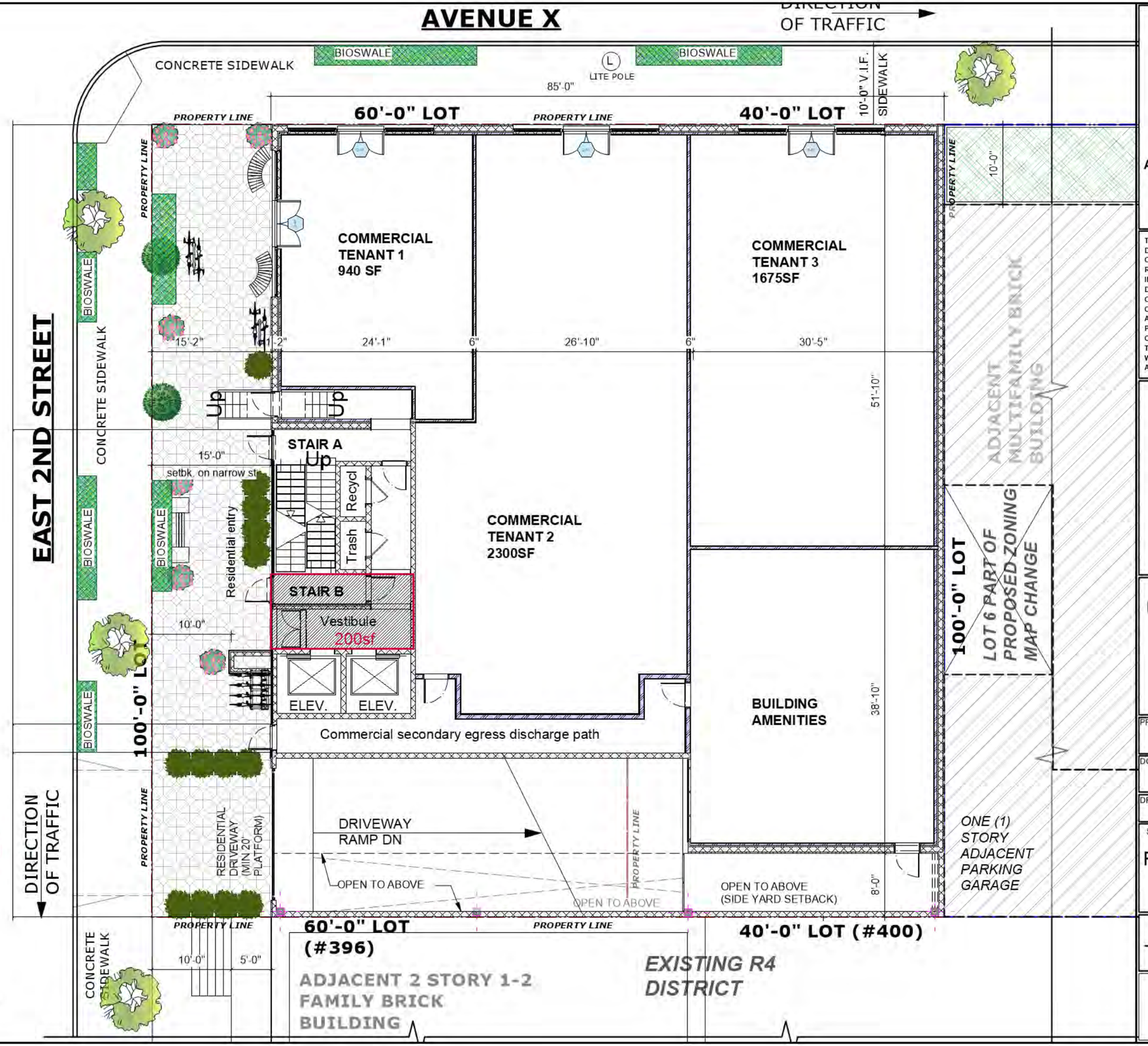
PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. : ----	REV DATE: 12/13/2022 12:54:05 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:
R7A -Cellar Garage Plan

A015.00 of 33

Revision
Issue

DOB Job Sticker



(2800 res - 200sf lobby disc.)
=2600 res + 5000sf com

Total 7600sf

1ST FLOOR: TOTAL 3 COMMERCIAL TENANT SPACES FULLY SPRINKLERED

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Architect Seal

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

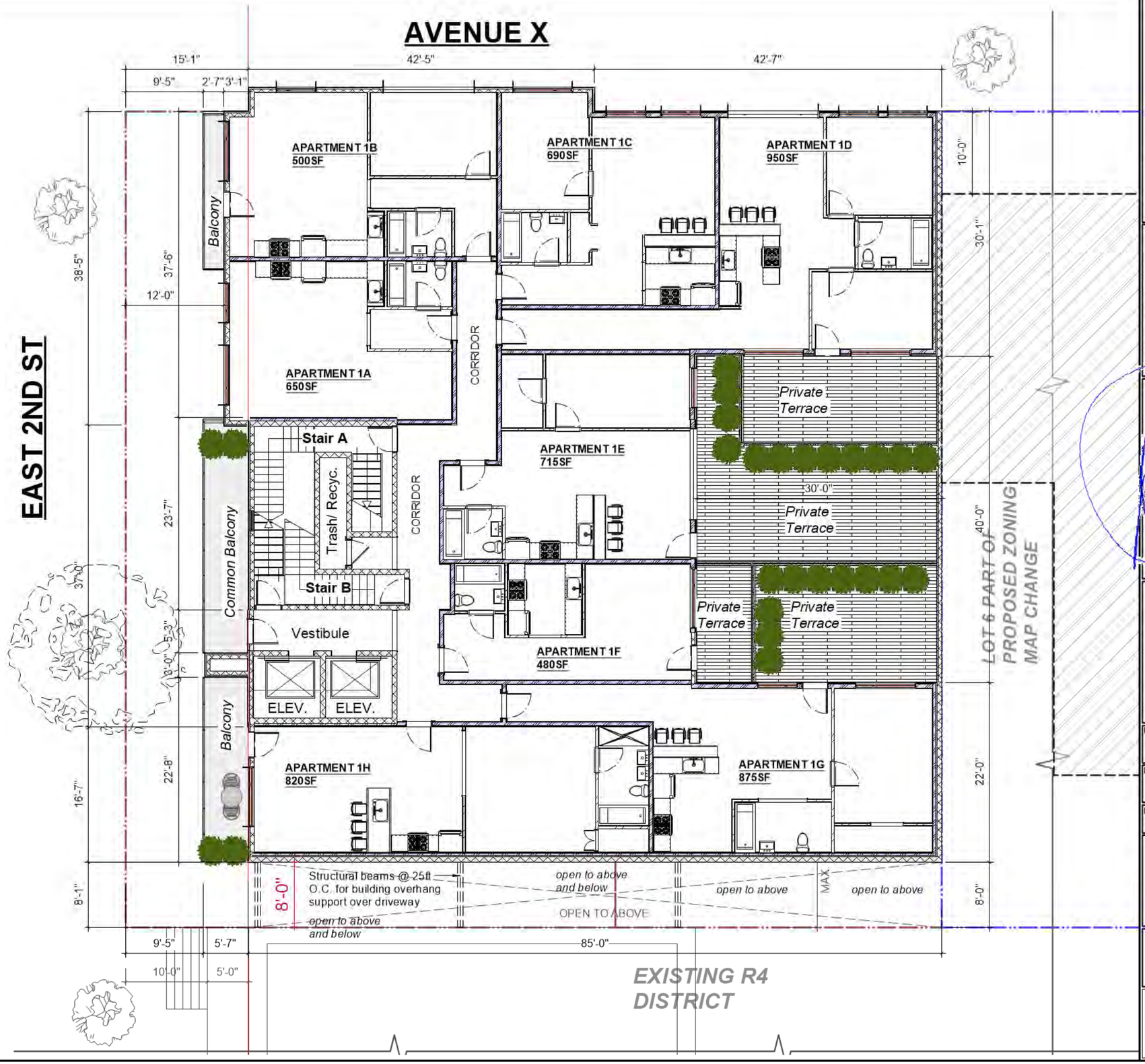
PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num.: ----	REV DATE: 7/7/2023 4:08:54 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:
R7A+C2-4 -First Floor Plan

A016.00 — of — 34

Revision
Issue

DOB Job Sticker



6870sf

Total = 14,470sf

TOTAL 8 CLASS "A" APARTMENTS FULLY SPRINKLERED

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num.:	REV DATE:
---	12/13/2021 12:54:10 PM
DRAWN BY:	Checked BY:
JOR	RJP

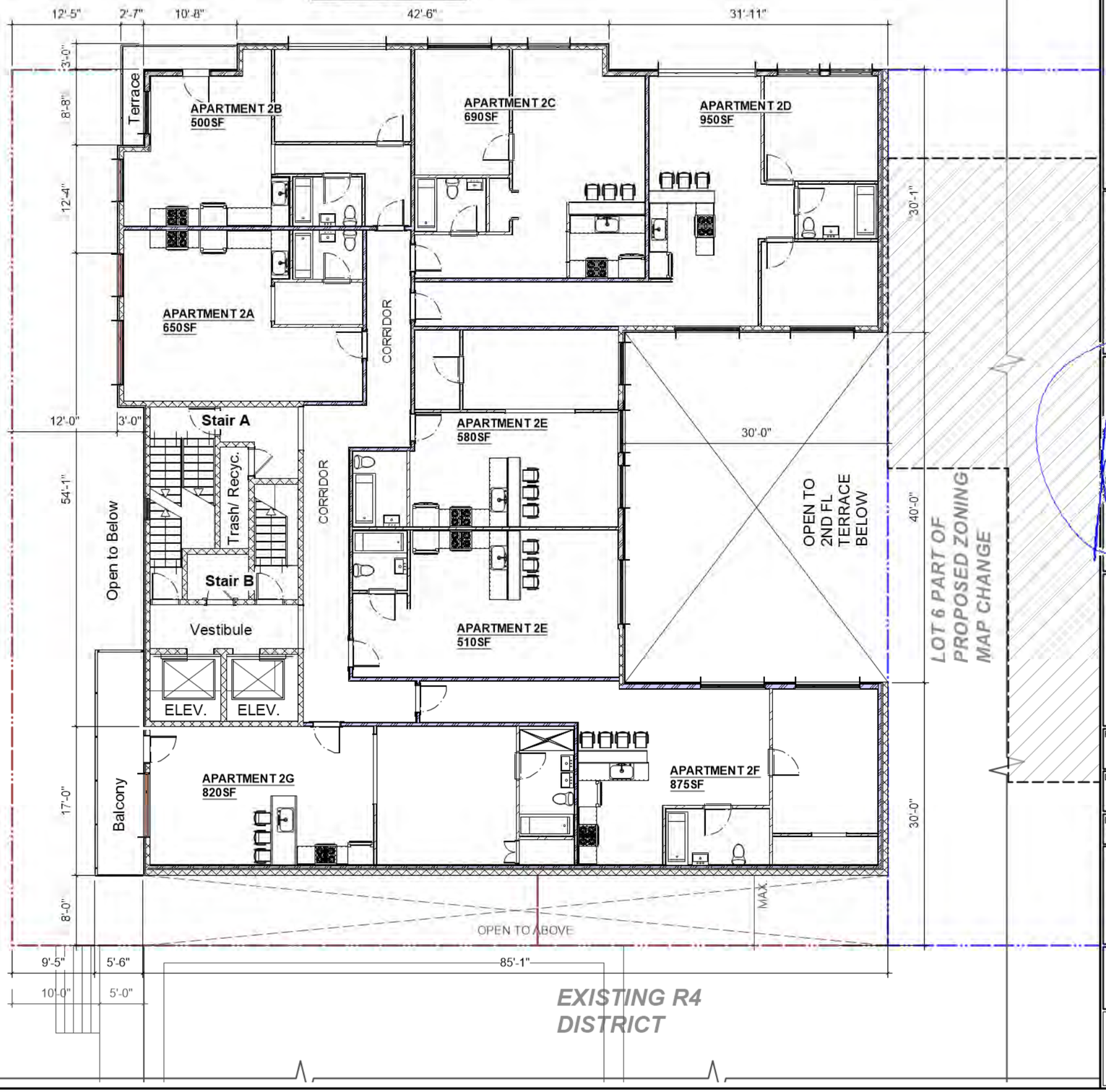
SHEET TITLE:

R7A -Second Floor Plan

A017.00 of 33	Revision
	Issue

DOB Job Sticker

AVENUE X



EAST 2ND ST

6830sf

Total = 21,300sf

TOTAL 8 CLASS "A" APARTMENTS
FULLY SPRINKLERED

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. : ----	REV DATE: 12/13/2022 12:54:13 PM
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SHEET TITLE:

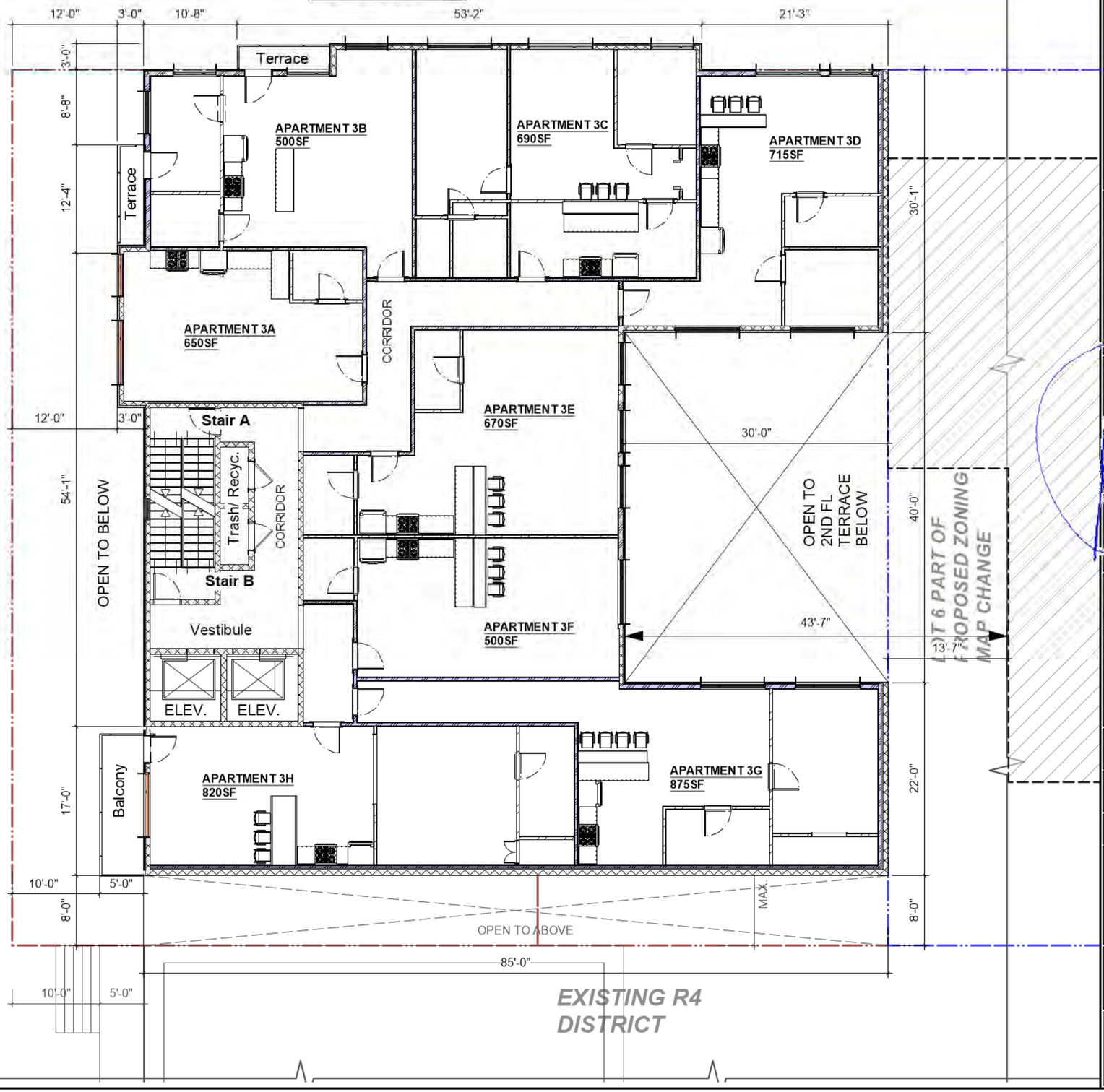
R7A -3rd Floor Plans

A018.00 of 33

Revision Issue

DOB Job Sticker

AVENUE X



EAST 2ND ST

6800sf

Total = 28,100 sf

TOTAL 8 CLASS "A" APARTMENTS
FULLY SPRINKLERED

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Map Change for 396 & 400 Avenue X

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Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. :	REV DATE:
---	12/13/2021 12:54:16 PM
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SHEET TITLE:

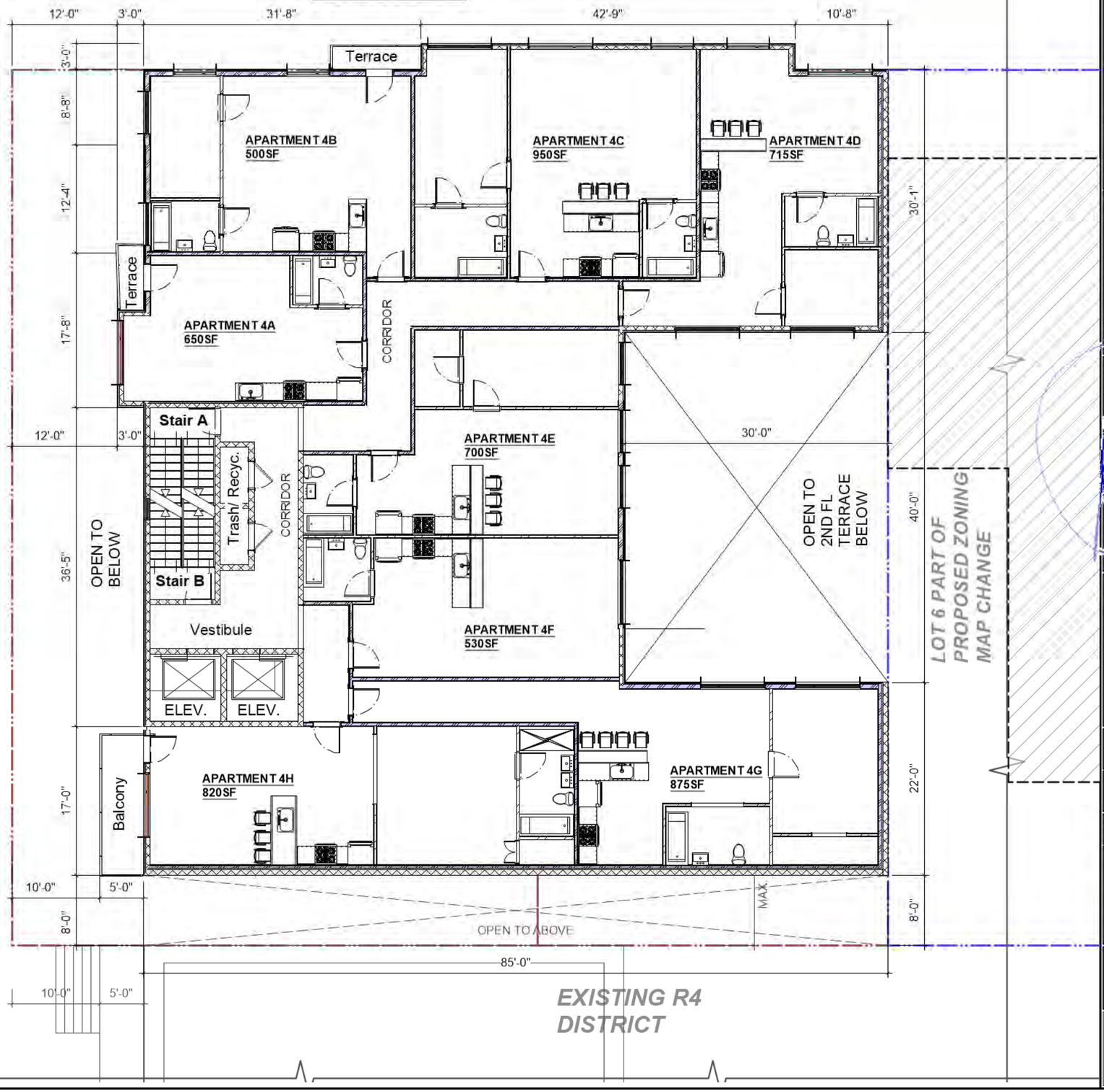
R7A -4th Floor Plans

A018.01 — of — 33

Revision —— Issue

DOB Job Sticker

AVENUE X



EAST 2ND ST

6800sf

Total = 34,900sf

TOTAL 8 CLASS "A" APARTMENTS
FULLY SPRINKLERED

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Map Change for 396 & 400 Avenue X

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Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. :	REV DATE:
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DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:

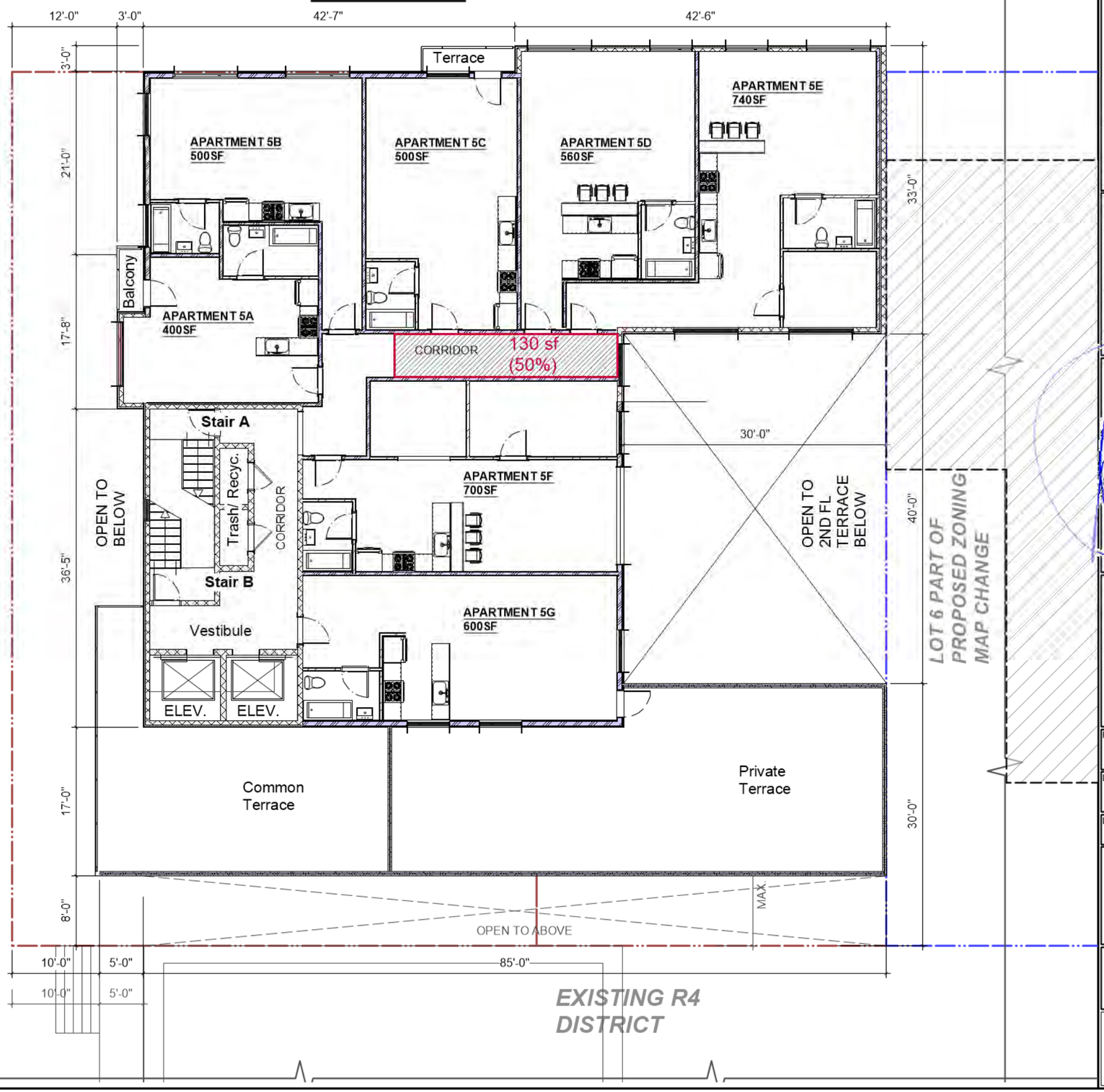
R7A -5th Floor Plans

A018.02 — of — 33

Revision — Issue

DOB Job Sticker

AVENUE X



5190sf - 130sf (50% corr. disc.) = 5060sf

Total = 39,960sf

TOTAL 7 CLASS "A" APARTMENTS
FULLY SPRINKLERED

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. : ----	REV DATE: 12/13/2021 12:54:20 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:

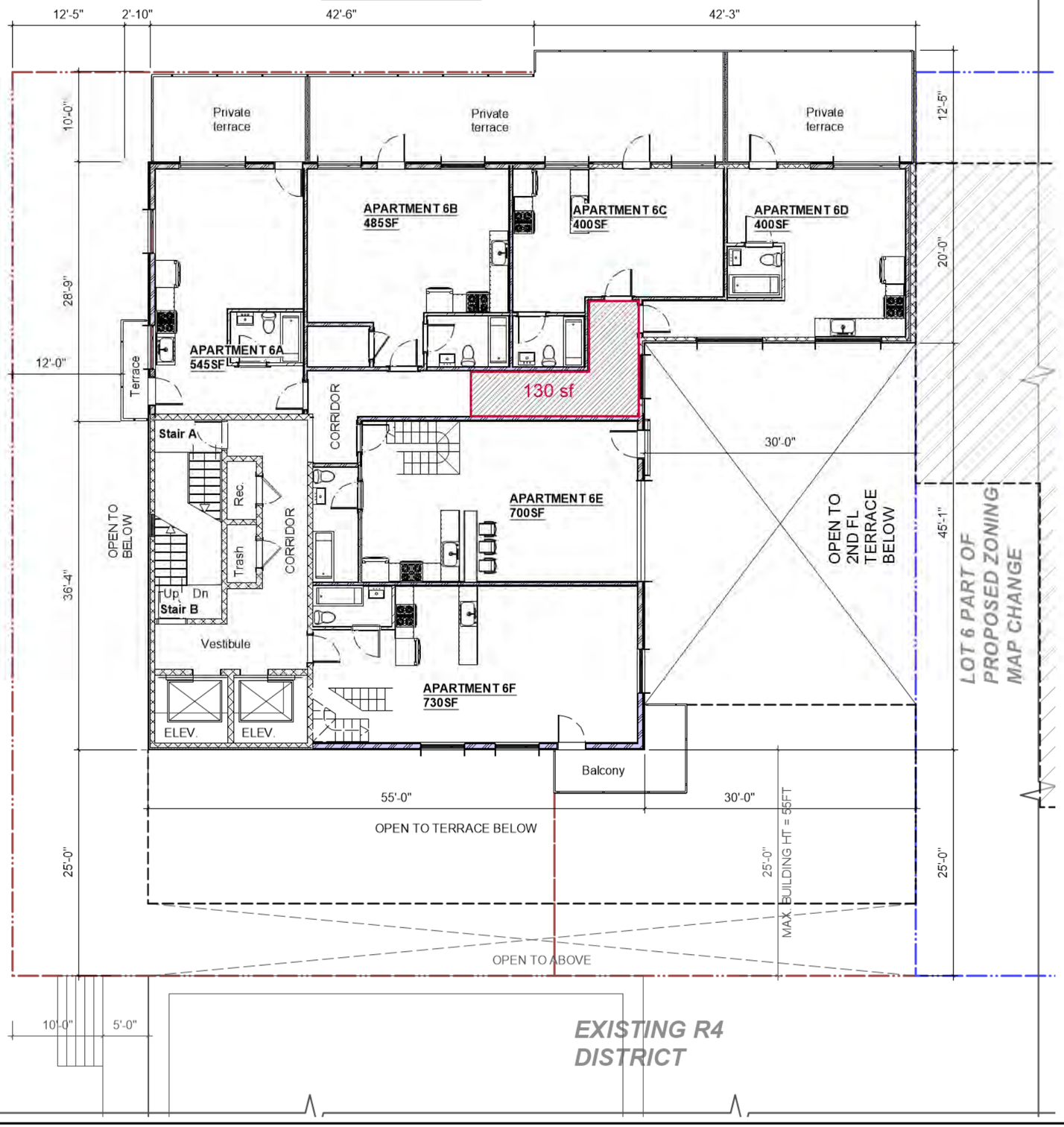
R7A -6th Floor Plan

A019.00 of 33

Revision
Issue

DOB Job Sticker

AVENUE X



EAST 2ND ST

5070sf - 130sf (50% corr. disc. daylight) = 4940sf

Total = 44,900sf

TOTAL 6 CLASS "A" APARTMENTS
FULLY SPRINKLERED

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. :	REV DATE:
----	12/13/2022 12:54:22 PM
DRAWN BY:	Checked BY:
JOR	RJP

SHEET TITLE:

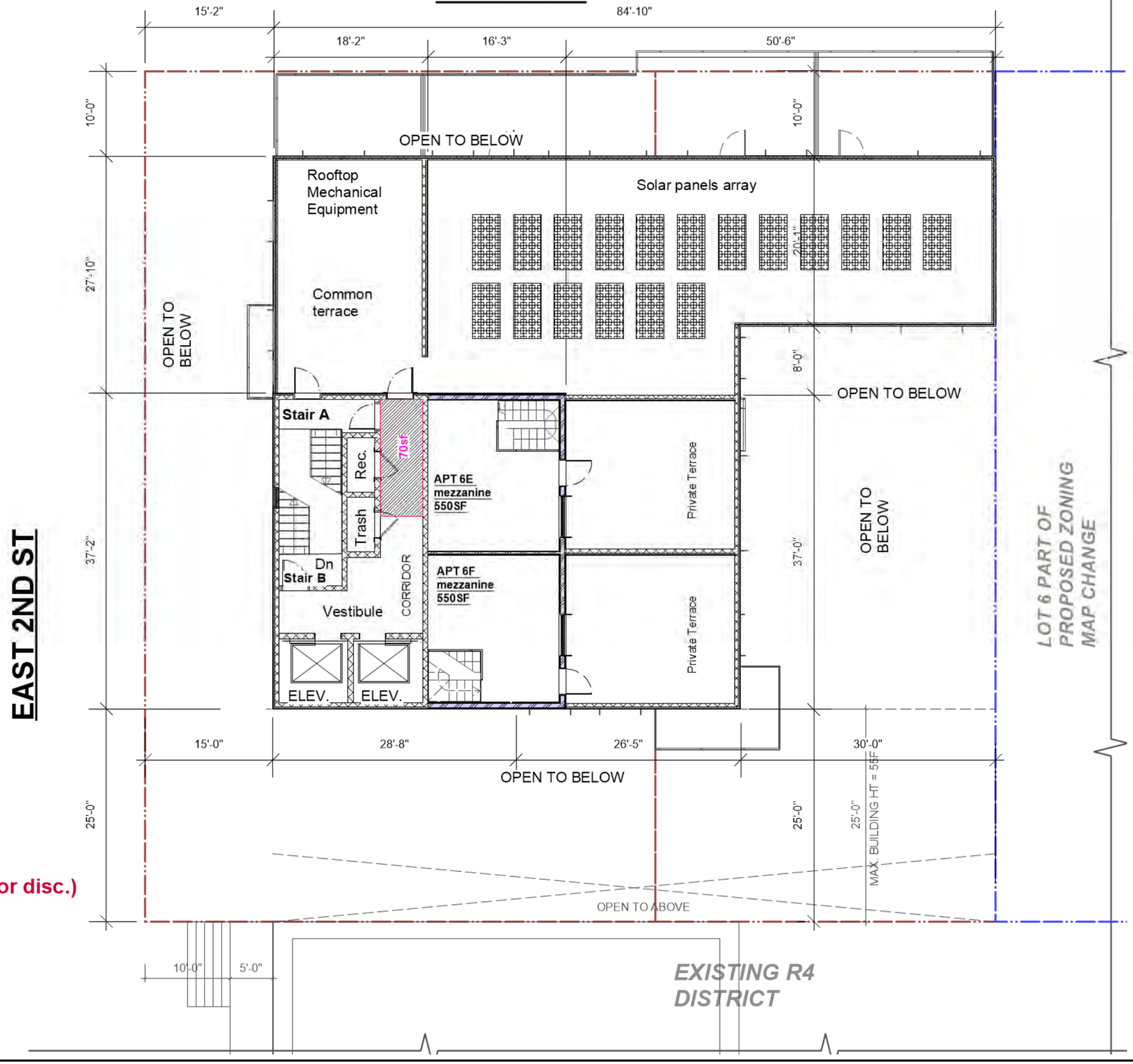
R7A -7th Floor Plan

A020.00 — of — 33

Revision — Issue

DOB Job Sticker

AVENUE X



1170 - 70sf (50% daylight corridor disc.) =1100

Total = 46,000sf

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Map Change for 396 & 400 Avenue X

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Brooklyn, NY 11235

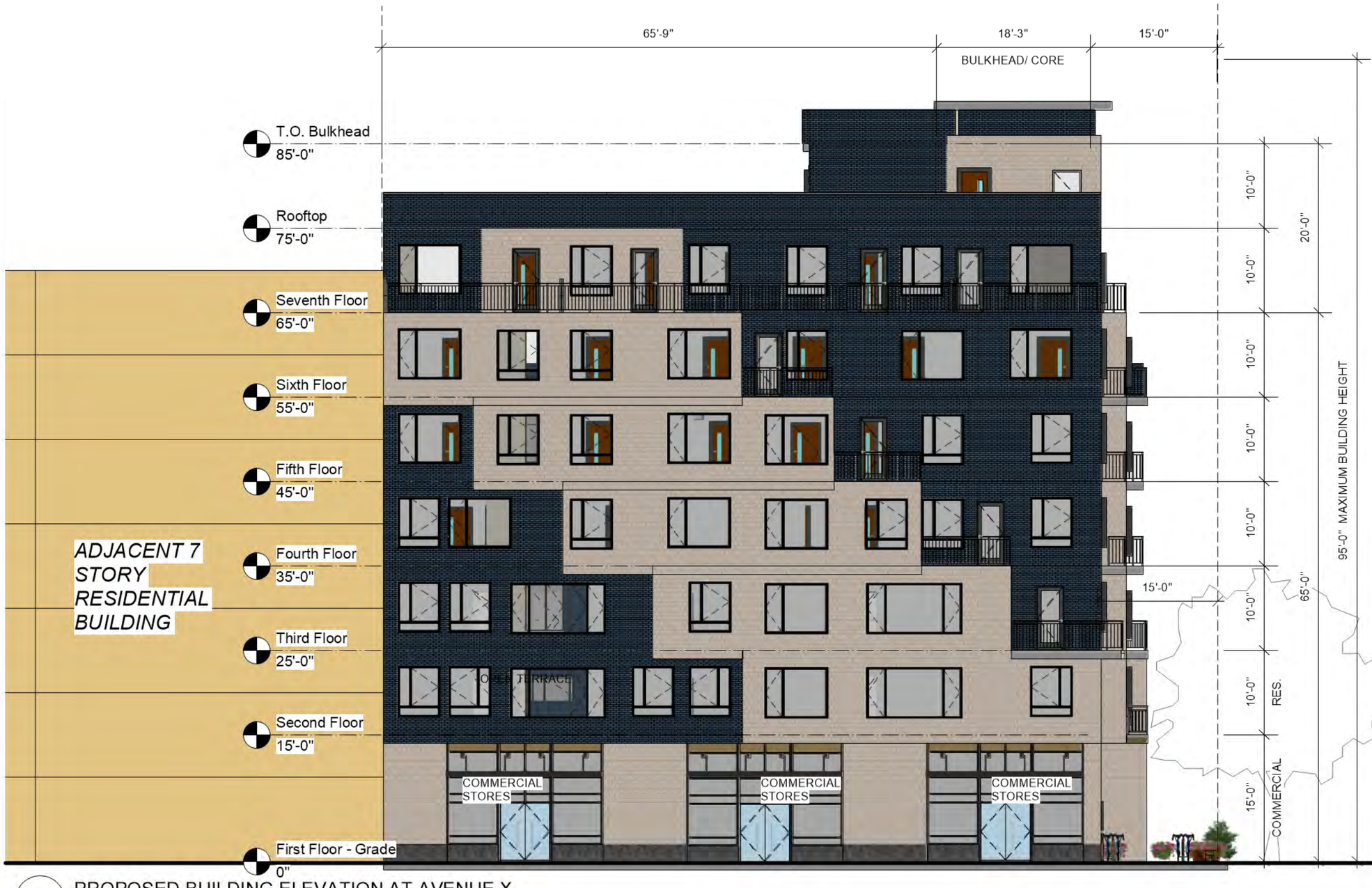
PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. : ----	REV DATE: 12/13/2022 12:54:24 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:

R7A -Mez-Roof Plan

A023.00 of 33	Revision / Issue

DOB Job Sticker



1 PROPOSED BUILDING ELEVATION AT AVENUE X
Scale: 1:150

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REGISTERED ARCHITECT
ROBERT JAMES PALERMO
No. 013124
UNIVERSITY OF THE STATE OF NEW YORK
Robert James Palermo
NY State License
No. 013124

Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. : ----	REV DATE: 12/13/2021 1:05:00 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:
R7A -Ave X Elevation

A024.00 of 33
Revision
Issue

DOB Job Sticker



3 PROPOSED BUILDING ELEVATION AT EAST 2ND STREET
Scale: 1:150

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Architecture | Planning | Design
Robert J. Palermo, RA, AIA
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Tel: (718) 332 4119 Fax: (718) 332 8120
Office@CDA-NYC.com

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Brooklyn, NY 11235

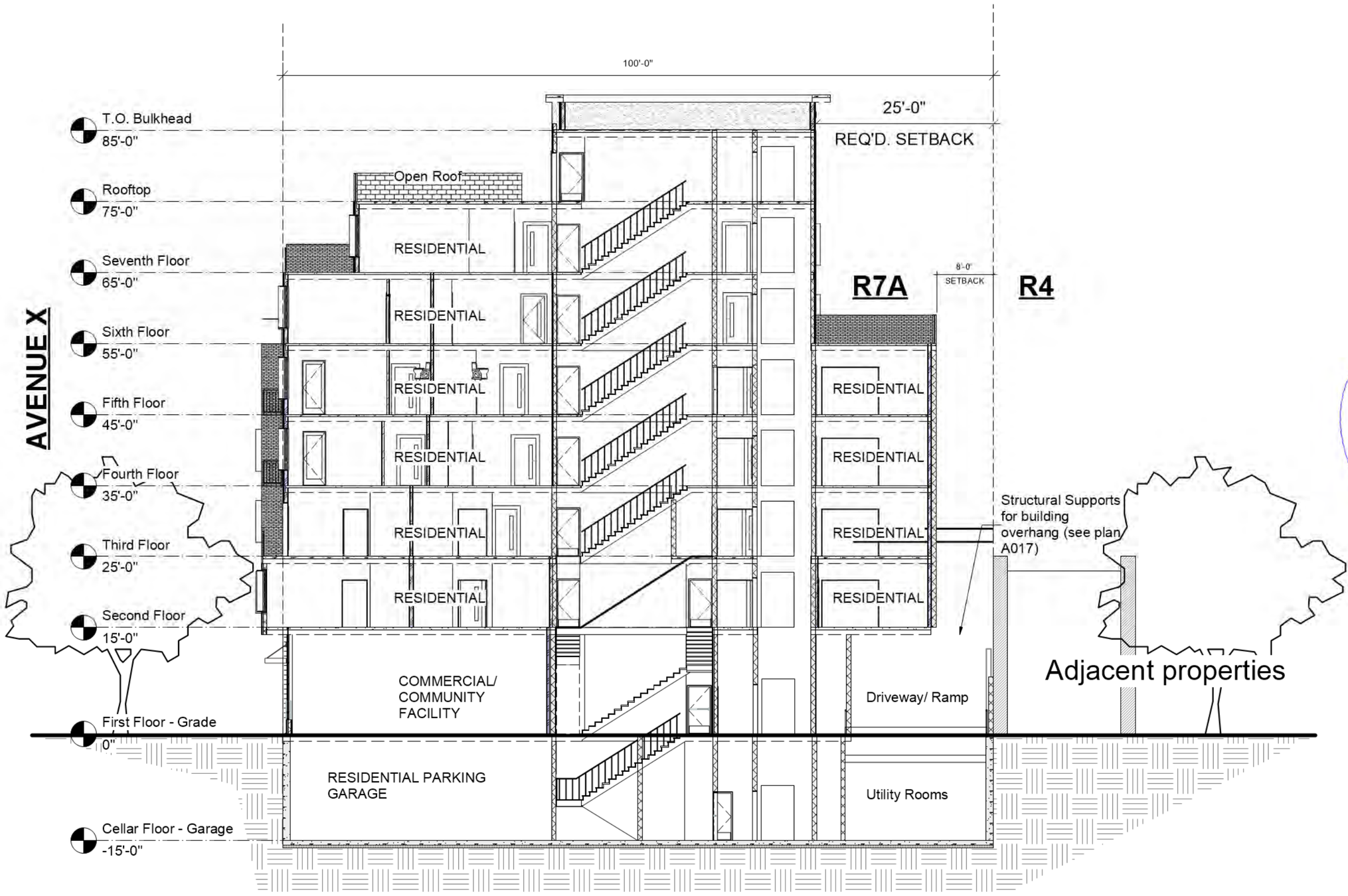
PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. :	REV DATE:
----	12/13/2021 1:05:26 PM
DRAWN BY:	Checked BY:
JOR	RJP

SHEET TITLE:
R7A -E 2nd st Elevation

A025.00 of 33

Revision
Issue

DOB Job Sticker



1 PROPOSED BUILDING SECTION PARALLEL TO EAST 2ND ST
Scale: 1:170

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

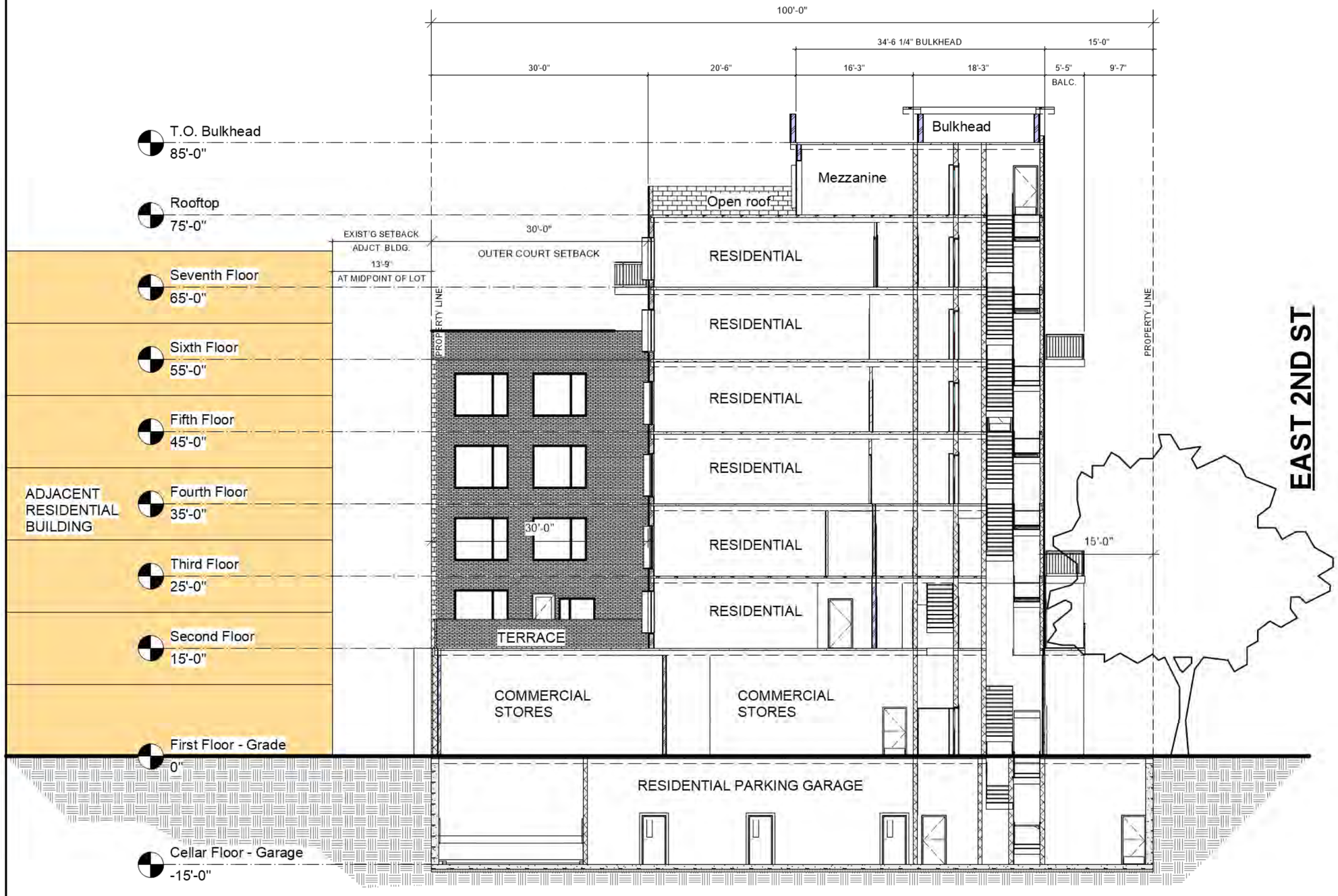
PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num. :	REV DATE:
----	12/13/2022 1:05:47 PM
DRAWN BY:	Checked BY:
JOR	RJP

SHEET TITLE:
R7A - Ave X Building Section

A026.00 of 33

Revision
Issue

DOB Job Sticker



1 PROPOSED BUILDING SECTION PARALLEL TO AVENUE X
Scale: 1:170

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

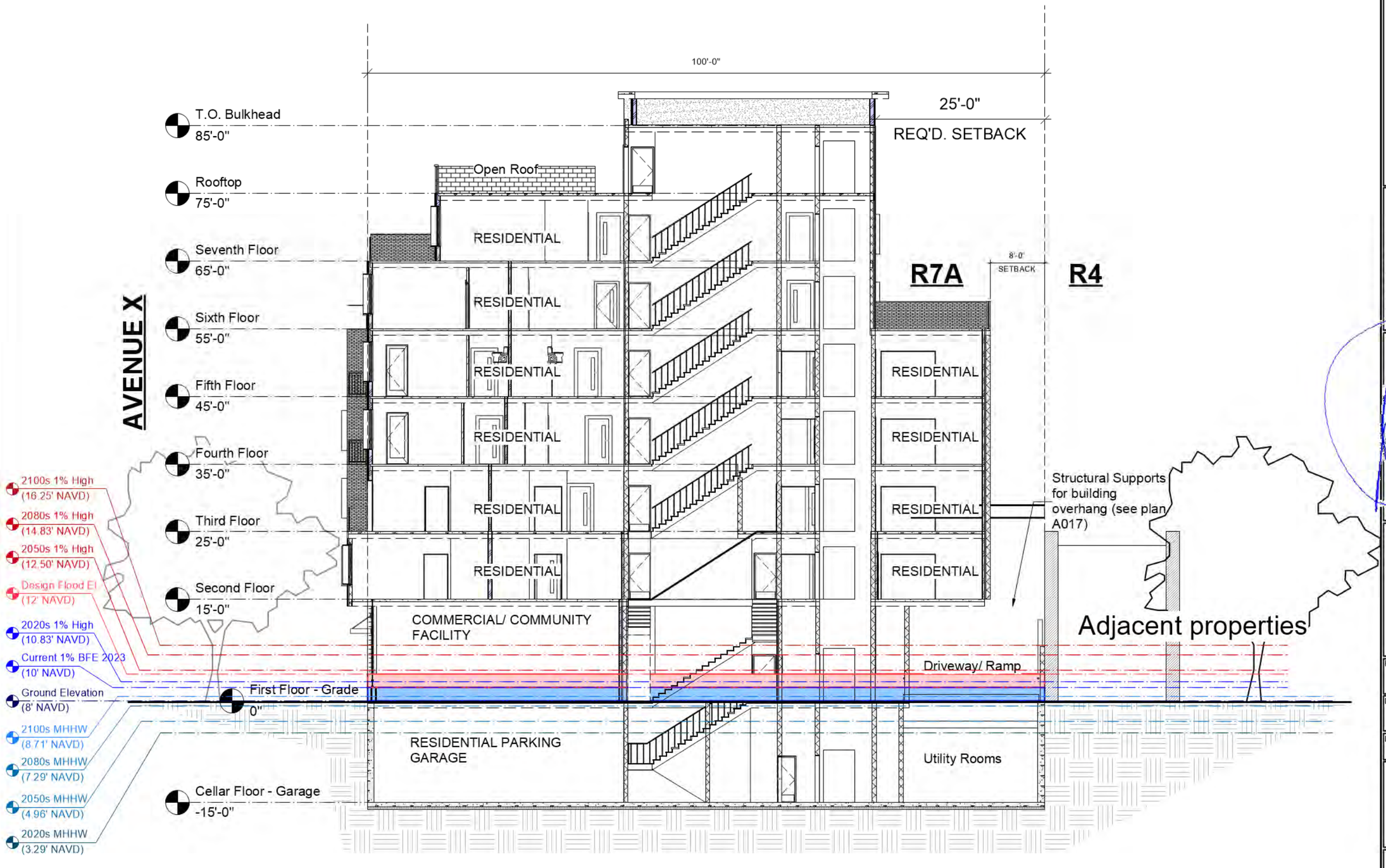
PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num.: —	REV DATE: 12/13/2021 1:05:54 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:
R7A - E 2nd Building Section

A027.00 — of — 33

Revision — Issue

DOB Job Sticker



5 PROPOSED BUILDING SECTION PARALLEL TO EAST 2ND ST
Scale: 1:170

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Map Change for 396 & 400 Avenue X

396, 400 Avenue X
Brooklyn, NY 11235

PROJECT NO.:	PROJECT DATE:
2021-13	11/01/2021
DOB Num.: ----	REV DATE: 3/16/2023 2:52:45 PM
DRAWN BY: JOR	Checked BY: RJP

SHEET TITLE:
Flood Elevation Diagram

FE-001 of 34

Revision
Issue

DOB Job Sticker

APPENDIX C

WRP CAF FORM AND FLOOD EVALUATION WORKSHEET

FOR INTERNAL USE ONLY	WRP No. _____
Date Received: _____	DOS No. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: Oleg Gutnik

Name of Applicant Representative: Maxim Gladkiy, Equity Environmental Engineering, a Division of GZA

Address: 104 West 29th St, 10th Fl | New York, NY 10001

Telephone: 917-215-2975 Email: maxim.gladkiy@gza.com

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The Applicant seeks a Zoning Map Amendment to rezone the Affected Area (Block 7198, Lots 1, 4, and 6) in the Gravesend neighborhood of Brooklyn, Community District 15, from an R4 zoning district to an R7A/C2-4 zoning district and a zoning text amendment of ZR Appendix F to establish an MIH Area coterminous with the Affected Area. The Proposed Actions are sought to facilitate the Applicant's development of 396 and 400 Avenue X, located on Block 7198, Lots 1 and 4 (Projected Development Site 1). The Proposed Development is an 8-story mixed residential and commercial building providing ground-floor commercial space, 45 dwelling units on the upper floors, and 45 residential parking spaces in the cellar.

2. Purpose of activity

The Proposed Actions would allow new residential and commercial uses, including permanently affordable housing, and would bring into conformance the existing legal non-conforming residential bulk on lot 6. The increased bulk as a result of the Proposed Actions would also be appropriate for the Affected Area located on a wide street and surrounded by numerous multifamily buildings of similar scale.

C. PROJECT LOCATION

Borough: Brooklyn Tax Block/Lot(s): Block 7198, Lots 1 and 4

Street Address: 396 and 400 Avenue X

Name of water body (if located on the waterfront): n/a

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

- ☐ City Map Amendment
- ☑ Zoning Map Amendment
- ☑ Zoning Text Amendment
- ☐ Site Selection – Public Facility
- ☐ Housing Plan & Project
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____
- ☐ Zoning Certification
- ☐ Zoning Authorizations
- ☐ Acquisition – Real Property
- ☐ Disposition – Real Property
- ☐ Other, explain: _____
- ☐ Concession
- ☐ UDAAP
- ☐ Revocable Consent
- ☐ Franchise

Board of Standards and Appeals ☐ Yes ☑ No

- ☐ Variance (use)
- ☐ Variance (bulk)
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

Other City Approvals

- ☐ Legislation
- ☐ Rulemaking
- ☐ Construction of Public Facilities
- ☐ 384 (b) (4) Approval
- ☐ Other, explain: _____
- ☐ Funding for Construction, specify: _____
- ☐ Policy or Plan, specify: _____
- ☐ Funding of Program, specify: _____
- ☐ Permits, specify: _____

State Actions/Approvals/Funding

- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☑ No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? ☐ Yes ☑ No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? ☐ Yes ☑ No
3. Is the project located on publicly owned land or receiving public assistance? ☐ Yes ☑ No
4. Is the project located within a FEMA 1% annual chance floodplain? *(6.2)* ☑ Yes ☐ No
5. Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)* ☐ Yes ☑ No
6. Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).* ☐ Yes ☑ No

   ☐ Significant Maritime and Industrial Area (SMIA) (*2.1*)
   ☐ Special Natural Waterfront Area (SNWA) (*4.1*)
   ☐ Priority Maritime Activity Zone (PMAZ) (*3.5*)
   ☐ Recognized Ecological Complex (REC) (*4.4*)
   ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

For those policies checked Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

		Promote	Hinder	N/A
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☑	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☑	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☐	☐	☑
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☑	☐	☐
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☐	☐	☑
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	☑	☐	☐

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☐	☐	☑
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☐	☐	☑
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☐	☐	☑
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☐	☐	☑
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	☐	☐	☑
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☐	☐	☑
3.1.	Support and encourage in-water recreational activities in suitable locations.	☐	☐	☑
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☐	☐	☑
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☐	☐	☑
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☐	☐	☑
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☐	☐	☑
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☐	☐	☑
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☐	☐	☑
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☐	☐	☑
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☐	☐	☑
4.5	Protect and restore tidal and freshwater wetlands.	☐	☐	☑
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	☐	☐	☑
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	☐	☐	☑
4.8	Maintain and protect living aquatic resources.	☐	☐	☑

		Promote	Hinder	N/A
5	**Protect and improve water quality in the New York City coastal area.**	☑	☐	☐
5.1	Manage direct or indirect discharges to waterbodies.	☑	☐	☐
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	☐	☐	☑
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	☐	☐	☑
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	☐	☐	☑
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	☐	☐	☑
6	**Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.**	☑	☐	☐
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	☑	☐	☐
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.	☑	☐	☐
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	☐	☐	☑
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	☐	☐	☑
7	**Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.**	☐	☐	☑
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	☐	☐	☑
7.2	Prevent and remediate discharge of petroleum products.	☐	☐	☑
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	☐	☐	☑
8	**Provide public access to, from, and along New York City's coastal waters.**	☐	☐	☑
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	☐	☐	☑
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	☐	☐	☑
8.3	Provide visual access to the waterfront where physically practical.	☐	☐	☑
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	☐	☐	☑

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	☐	☐	☑
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☐	☐	☑
9	**Protect scenic resources that contribute to the visual quality of the New York City coastal area.**	☐	☐	☑
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	☐	☐	☑
9.2	Protect and enhance scenic values associated with natural resources.	☐	☐	☑
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☐	☐	☑
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☐	☐	☑
10.2	Protect and preserve archaeological resources and artifacts.	☐	☐	☑

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Maxim Gladkiy

Address: 104 West 29th St, 10th Fl | New York, NY 10001

Telephone: 9172152975 Email: maxim.gladkiy@gza.com

Applicant/Agent's Signature: Maxim Gladkiy Digitally signed by Maxim Gladkiy Date: 2023.06.21 18:44:40 -04'00'

Date: 6/21/23

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- ☑ Copy of original signed NYC Consistency Assessment Form
- ☑ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☑ Environmental Review documents
- ☑ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- ☑ Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

APPENDIX D

JAMAICA BAY WATERSHED PROTECTION PLAN FORM

Print Form

Jamaica Bay Watershed Protection Plan
Project Tracking Form

The Jamaica Bay Watershed Protection Plan, developed pursuant to Local Law 71 of 2005, mandates that the New York City Department of Environmental Protection (DEP) work with the Mayor's Office of Environmental Coordination (MOEC) to review and track proposed development projects in the Jamaica Bay Watershed (http://www.nyc.gov/html/oec/downloads/pdf/ceqr/Jamaica_Bay_Watershed_Map.jpg) that are subject to CEQR in order to monitor growth and trends. If a project is located in the Jamaica Bay Watershed, (the applicant should complete this form and submit it to DEP and MOEC. This form must be updated with any project modifications and resubmitted to DEP and MOEC.

The information below will be used for tracking purposes only. It is not intended to indicate whether further CEQR analysis is needed to substitute for the guidance offered in the relevant chapters of the CEQR Technical Manual.

A. GENERAL PROJECT INFORMATION

1. CEQR Number: Pending 1a. Modification ☐
2. Project Name: 396-400 Avenue X Rezoning
3. Project Description:

The Applicant seeks a Zoning Map Amendment and a Zoning Text Amendment to allow comm. uses and increased resid. bulk. The Proposed Actions would effectuate the proposed development of an 8-story mixed residential & commercial building on the applicant-owned development site (Block 7198, Lots 1 & 4)

4. Project Sponsor: Oleg Gutnik
5. Required approvals: Rezoning from R4 district to R7A/C2-4, Zoning Text Amendment to Appendix F
6. Project schedule (build year and construction schedule): 2026, 18-month single-phase construction

B. PROJECT LOCATION:

1. Street address: 396-400 Avenue X
2. Tax block(s): 7198 Tax Lot(s): 1, 4
3. Identify existing land use and zoning on the project site: Residential and Community Facility, R4
4. Identify proposed land use and zoning on the project site: Residential and Commercial, R7A/C2-4
5. Identify land use of adjacent sites (include any open space): Residential, Commercial, Mixed use
6. Describe existing density on the project site and the proposed density:

Existing Condition	Proposed Condition
9,541 GSF	59,070 GSF

7. Is project within 100 or 500 year floodplain (specify)? ☒ **100 Year** ☐ **500 Year** ☐ **No**

C. GROUND AND GROUNDWATER

1. Total area of in-ground disturbance, if any (in square feet): 9,998
2. Will soil be removed (if so, what is the volume in cubic yards)? 5,554
3. Subsurface soil classification:
   (per the New York City Soil and Water Conservation Board): Urban Land Complex
4. If project would change site grade, provide land contours (**attach** map showing existing in 1' contours and proposed in 1' contours).
5. Will groundwater be used (list volumes/rates)? ☐ **Yes** ☒ **No**

   Volumes: Rates:
6. Will project involve dewatering (list volumes/rates)? ☐ **Yes** ☒ **No**

   Volumes: Rates:
7. Describe site elevation above seasonal high groundwater:

   9 feet

D. HABITAT

1. Will vegetation be removed, particularly native vegetation? ☐ **Yes** ☒ **No**

   If YES,
   - **Attach** a detailed list (species, size and location on site) of vegetation to be removed (including trees >2" caliper, shrubs, understory planting and groundcover).
   - **List** species to remain on site.
   - **Provide** a detailed list (species and sizes) of proposed landscape restoration plan (including any wetland restoration plans).
2. Is the site used or inhabited by any rare, threatened or endangered species? ☐ **Yes** ☒ **No**
3. Will the project affect habitat characteristics? ☐ **Yes** ☒ **No**

   If YES, describe existing wildlife use and habitat classification using "Ecological Communities of New York State." at http://www.dec.ny.gov/animals/29392.html.
4. Will pesticides, rodenticides or herbicides be used during construction? ☐ **Yes** ☒ **No**

   If YES, estimate quantity, area and duration of application.
5. Will additional lighting be installed? ☐ **Yes** ☒ **No**

   If YES and near existing open space or natural areas, what measures would be taken to reduce light penetration into these areas?

E. SURFACE COVERAGE AND CHARACTERISTICS

(describe the following for both the existing and proposed condition):

	Existing Condition	Proposed Condition
1. ***Surface area:***		
Roof:	6,998 SF	8,398 SF
Pavement/walkway:	620 SF	1,600 SF
Grass/softscape:	2,380 SF	0
Other (describe):	0	0
2. ***Wetland*** (regulated or non-regulated) area and classification:	N/A	N/A
3. ***Water surface area:***	N/A	N/A

4. ***Stormwater management*** (describe):

Existing – how is the site drained?

Storm water drains on the street

Proposed – describe, including any infrastructure improvements necessary off-site:

Storm water drains on the street

APPENDIX E

PHASE I ESA



PHASE I ENVIRONMENTAL SITE ASSESSMENT

396-400 Avenue X, Brooklyn, New York 11223

Prepared for:

Julia Rata
Corporate Design of America, PC
1816 Voorhies Avenue, Brooklyn, New York 11235
December 12, 2022

Prepared by:

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EXECUTIVE SUMMARY

Equity (Equity Environmental Engineering, LLC) was retained by Corporate Design of America, PC to conduct a Phase I (Phase I Environmental Site Assessment) to identify RECs (Recognized Environmental Conditions) associated with current and prior site use at the Subject Property identified as 396-400 Avenue X, Brooklyn, New York 11223. Equity conducted the assessment in accordance with the requirements of the ASTM (American Society for Testing and Materials) Standard E1527-21, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and good professional practices.

A. Site Overview

The Subject Property is as follows:

Property Designation	396-400 Avenue X
Property Address	396-400 Avenue X, Brooklyn, New York 11223
Parcel ID	Block 7198 / Lots 1, 4
Parcel Size	Lot 1: 6,000 square feet Lot 4: 4,000 square feet
Number of Buildings	Lot 1: 2 buildings Lot 4: 1 building
Property Usage	Lot 1: Mixed commercial/residential Lot 4: Commercial
Inspection Date	December 8, 2022
Weather Conditions	50°F, Cloudy
Site Contact/Title	Oleg Gutnik - Owner
Site Contact Phone	(917) 865-1277

B. Definitions

The ASTM Phase I Standard defines environmental conditions as follows:

- **Recognized Environmental Conditions (RECs)**
  The term "Recognized Environmental Condition" means the presence of hazardous substances or petroleum products in, on, or at the Subject Property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the Subject Property due to a release or likely release to the environment; or (3) the

presence of hazardous substances or petroleum products in, on, or at the Subject Property under conditions that pose a material threat of a future release to the environment.

- **Controlled Recognized Environmental Conditions (CRECs)**
  The term "Controlled Recognized Environmental Condition" is a recognized environmental condition affecting the Subject Property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place subject to implementation of required controls (for example, activity and use limitations or other property use limitations).

- **Historical Recognized Environmental Conditions (HRECs)**
  The term "Historical Recognized Environmental Condition" is a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the Subject Property to any controls (for example, activity and use limitations or other property use limitations). A historical recognized environmental condition is not a recognized environmental condition.

- **Vapor Encroachment Conditions (VECs)**
  The term "Vapor Encroachment Condition" is a condition where the presence or likely presence of chemical of concern vapors in the subsurface of the Subject Property caused by the release of vapors from contaminated soil and/or groundwater either on or near the Subject Property.

- **De Minimis Conditions**
  The term "De Minimis Condition" is a condition related to a release that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. A condition determined to be a de minimis condition is not a recognized environmental condition nor a controlled recognized environmental condition.

- **Data Gaps**
  The term "Data Gap" is a lack of or inability to obtain information required by this practice despite good faith efforts by the environmental professional to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to site reconnaissance (for example, an inability to conduct the site visit), and interviews (for example, an inability to interview the key site manager, regulatory officials, etc.).

- **Key Site Manager**
  A key site manager is the person identified by the owner or operator of a Subject Property as having good knowledge of the uses and physical characteristics of the Subject Property.

C. Findings

The following environmental conditions were identified:

- **Recognized Environmental Conditions (RECs)**
  No RECs were identified as a result of this assessment.

- **Controlled Recognized Environmental Conditions (CRECs)**
  No Controlled RECs were identified as a result of this assessment.

- **Historical Recognized Environmental Conditions (HRECs)**
  One Historic REC was identified as a result of this assessment. The NY SPILLS database identified a spill on the Subject Property at 400 Avenue X which involved a 3 millimeter spill of mercury from a broken blood pressure machine. The spill was cleaned, and the spill case was administratively closed as there was no impact to soil or groundwater. This mercury spill is considered a Historic REC.

- **Vapor Encroachment Conditions (VECs)**
  The EDR Vapor Encroachment database identified numerous VECs (Vapor Encroachment Conditions) within 1/10 of a mile of the Subject Property that are related to two EDR Historic Auto listings, one NY Drycleaners listing, and two EDR Historic Cleaner listings.

  - The first EDR Historic Auto listing is located 79 feet southeast of the Subject Property at 2442 East 3rd Street. This listing is shown on the EDR database from 2010 to 2014.

  - The second EDR Historic Auto listing is located 141 feet northwest of the Subject Property at 389 Avenue X. This listing is shown on the EDR database from 2002 to 2010.

  - The NY Drycleaners listing is located 127 feet north of the Subject Property at 393 Avenue X. This site is also the site described in the first EDR Historic Cleaner database listing, where is it shown from 1969 to 2014.

  - The second EDR Historic Cleaner listing is located 518 feet west of the Subject Property at 343 Avenue X. This listing is shown on the database from 1987 to 2010.

  Due to the locations of the two EDR Hist Auto listing sites and the two drycleaning sites relevant to the Subject Property, VECs cannot be ruled out. Details on the VECs can be found in Appendix C.

- **De Minimis Conditions**
  No De Minimis Conditions were identified as a result of this assessment.

- **Data Gaps**
  Equity identified one data gap that could affect its ability to identify RECs associated with the Subject Property. The property owner would not grant us access to the garage along the southern boundary of Lot 1.

D. Conclusions

Equity's review of available information and observations of the Subject Property and surrounding properties indicates that no RECs, CRECs, or De Minimis Conditions were identified as a result of this assessment. However, one data gap and HREC were identified and VECs could not be ruled out.

I. INTRODUCTION

A. Purpose

Equity was contracted by Corporate Design of America, PC to perform a Phase I Environmental Site Assessment of the referenced Subject Property in accordance with the ASTM International Standard E1527-21, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. The ASTM International Standard satisfies the requirements of the USEPA's (United States Environmental Protection Agency's) All Appropriate Inquiry Standard, 40 CFR Part 312, which is required to qualify for certain landowner liability protections under the CERCLA (Comprehensive Environmental Response, Compensation and Liability Act). The ASTM Standard constitutes "all appropriate inquiry into previous ownership and uses of the Subject Property consistent with good commercial or customary practice." The investigation was conducted to identify RECs, which are identified as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

It is Equity's understanding that the phase I is required as part of the Subject Property rezoning from the current R4 zoning district to a R7D/C2-4 to allow greater residential density.

B. Scope-of-Services

The Phase I consisted of the following components:

1. Review of environmental and historical records
2. Site reconnaissance
3. Interviews
4. Report preparation

The environmental assessment is non-invasive and does not include any testing or sampling of materials, such as soil, water, air or building materials. The environmental assessment included a non-invasive (no sampling) evaluation of the potential for asbestos-containing materials, lead-based paint, and lead in drinking water.

C. Significant Assumptions, Limitations and Exceptions

Unless noted, Equity assumes that the information obtained through the records review, site inspection, and interviews is correct. Equity does not warrant the accuracy of this information or warrant that any RECs that were not identified through the Phase I process do not exist on the Subject Property. RECs do not include De Minimis conditions that do not present a threat to human health or the environment, and that would not be subject to an enforcement action by government agencies.

D. Special Terms and Conditions

No Special Terms or Conditions apply to this project.

E. Reliance

This report is for the use and benefit of Corporate Design of America, PC and any of their respective affiliates, agents, and advisors.

II. SITE DESCRIPTION

A. Location and Description

The Subject Property is identified as 396-400 Avenue X, Brooklyn, New York 11223. Title to the Subject Property is vested in LARA GROUP (2006). The Subject Property is identified as Block 7198 / Lots 1 and 4 on the New York City Tax Map. The Subject Property is a square shaped lot on the corner of Avenue X and East 2nd Street. The Subject Property is located in Brooklyn Community District 15.

A USGS Site Location Map and Site Boundary Map are included as Figures 1 and 2.

B. Site and Vicinity Characteristics

The Subject Property is located in an R4 zoning district surrounded by mixed residential and commercial uses. R4 zoning districts allow for one- and two-family residential buildings as well as small multifamily residential buildings moderate-density, multi-family housing with a maximum floor area ratio of 0.75. It is Equity's understanding that the Subject Property is proposed to be rezoned from the current R4 zoning district to an R7D/C2-4 zoning district. This rezoning would allow for greater residential density for the Subject Property. R7D zoning districts allow for a maximum floor area ratio of 4.2 and C2-4 zoning districts allow for commercial uses on the street level.

C. Current Use of the Property

At the time of the site reconnaissance, the Subject Property is used as a medical testing clinic/physical therapy business with an attached residence on Block 7198/Lot 1 and a medical office on Block 7198/Lot 4.

D. Description of Structures, Improvements and Utilities

There are two existing buildings on Block 7198/Lot 1 of the Subject Property and one existing building on Block 7198/Lot 4 of the Subject Property. Utilities at the Subject Property include the following:

1. Electricity

   Electricity is provided by National Grid. There is electrical utility onsite.

2. Water

   Potable water is supplied by the City of New York. No groundwater drinking wells were reported or identified as a result of this assessment.

3. Sewers

Sanitary wastewater is discharged to the New York City sewer system.

4. Heat

The buildings are heated by natural gas fired boilers. The natural gas is provided by National Grid.

E. Current Uses of Adjoining Properties

The following land uses are present at properties adjoining the Subject Property:

- North – Avenue X, Mixed Commercial/Residential
- East – Residential
- South – Residential
- West – East 2nd Street, Mixed Commercial/Residential

III. USER PROVIDED INFORMATION

The ASTM Standard defines the "User" as the person on whose behalf the Phase I is being conducted. The ASTM Standard requires the User to provide site information for the Phase I. Equity was not provided with the following information:

- Environmental liens (i.e., legal, deed notice) or Activity and Use Limitations (i.e., engineering controls, etc.).
- Specialized knowledge or commonly known information regarding current or historical hazardous material use on the Subject Property or adjoining properties, which would be considered a REC.
- Indications that the fair market value of the Subject Property was reduced due to environmental concerns.

IV. RECORDS REVIEW

A. Standard Environmental Record Sources

EDR of Shelton, Connecticut, was contracted by Equity to prepare an environmental database survey for the Subject Property and surrounding areas. A copy of the EDR report, which summarizes the environmental concerns presented by nearby sites, is attached as Appendix C. The listing of a site on any of these databases is, in itself, not indicative of an existing environmental concern. Distance, geology, and groundwater flow gradient are the factors that determine the importance of a listed site to the soil and groundwater quality on the Subject Property. Equity has relied on distance from the listed site and topographical gradient to judge whether that site has the potential to affect the Subject Property.

According to the EDR environmental database search, the Subject Property was identified on the NY Spills database. The following surrounding properties were identified in the federal and state databases within a one-mile search radius of the Subject Property and are identified as follow:

Database	Target Property	0-1/8 Mile	1/8 – 1/4 Mile	1/4 – 1/2 Mile	1/2 – 1 Mile
SEMS	0	0	0	1	NR
RCRA-LQG	0	2	5	NR	NR
RCRA-SQG	0	1	0	NR	NR
RCRA-VSQG	0	1	1	NR	NR
NY SHWS	0	0	0	1	2
NY LTANKS	0	0	2	18	NR
NY UST	0	5	11	NR	NR
NY AST	0	6	4	NR	NR
NY TANKS	0	1	0	NR	NR
NY BROWNFIELDS	0	0	0	2	NR
NY Spills	1	10	NR	NR	NR
RCRA NonGen / NLR	0	4	7	NR	NR
NY DRYCLEANERS	0	2	0	NR	NR
NY MANIFEST	0	11	31	NR	NR
RI MANIFEST	0	1	0	NR	NR
NJ MANIFEST	0	2	5	NR	NR
EDR MGP	0	0	0	0	2
EDR Hist Auto	0	2	NR	NR	NR
EDR Hist Cleaner	0	3	NR	NR	NR

The EDR database search identified the Subject Property on the NY Spills database. This spill is attributed to a 3ml spill of mercury from a broken blood pressure machine in the medical office at 400 Avenue X. The spill was cleaned, and the spill case was administratively closed as there was no impact to soil or groundwater.

The EDR database search identified 51 sites within 1/8 of a mile from the Subject Property. The NY Spills database identified 10 sites; however all cases have been administratively closed and are not a concern. The NY Drycleaners database identified two listings within 1/8 of a mile from the Subject Property. One site is located directly across Avenue X at 393 Avenue X (Friendly Cleaners). This site was also identified on the EDR Historic Drycleaners database as Kim Jink Laundry and Drycleaners. The second site identified on the NY Drycleaners database is located at 343 Avenue X (Anjo Dry Cleaning and Laundromat). Due to their proximity to the Subject Property, these drycleaning sites cannot be ruled out as concerns to the Subject Property and are considered a VECs.

The EDR Historic Auto database identified two sites within 1/8 of a mile of the Subject Property. The first site identified on the database is Mels Automatic Transmission Co located at 2442 East 3rd Street. The second site identified on the database is BPS Apple Tree Inc located at 389 Avenue

X. Due to their proximity to the Subject Property, both EDR Historic Auto Sites cannot be ruled out as concerns to the Subject Property and are considered VECs.

Additional information regarding each of the individual properties identified in the databases listed above is provided in Appendix C.

B. Orphans Summary

The EDR Orphan Summary lists 34 properties that were included in certain federal or state environmental databases, but were reported by EDR to be unmapped due to insufficient address information. The listing of orphan sites within the database search was reviewed, cross referencing available address information with facility names. Upon review, it was determined that no orphan sites appear to be associated with the Subject Property or adjoining properties. Additional information regarding the EDR Orphan Summary Report can be found in Appendix C.

C. City Environmental Quality Review "E" Designation

The "E" designations shown on the zoning maps function as indicators of the environmental review that must be conducted when the lots are developed in accordance with the regulations of the rezoned district. The City Planning Commission's rezoning actions, including environmental designations, were made effective upon the City Council's approval of the Zoning Map Amendment. Based upon a review of the NYCDEP "E" Designation database on November 29, 2022, the Subject Property was not identified.

D. Physical Setting Source

The Subject Property is located in Brooklyn and surrounded by primarily residential and light commercial use. The ground surface at the site is predominantly level. Ground cover consists of The buildings, a landscaped front yard in Lot 1, overgrown vegetation and a concrete patio behind the medial office and residence, and a concrete driveway on the south side of Lot 1. The Subject Property is accessed from the north via Avenue X. Based on a review of topographic maps for the area, groundwater is inferred to flow to the south toward Coney Island Channel.

Based on the soil survey maps published by the USDA Soil Conservation Service (1994) and information provided in the EDR Report, the subsurface soils expected at the site include Urban Land, which is variable in texture and does not qualify as hydric soil. Urban land soils are those which have lost original characteristics due to human activity (construction, development, demolition, debris, etc.). The geologic age identification of the rock at the Subject Property is of the Cenozoic Era, Quaternary System, Pleistocene Series, (Code Qp). No settling ponds, lagoons, surface impoundments, wetlands or natural catch basins were observed on the Subject Property during this investigation.

E. Historical Use Information on the Property

The historical sources reviewed indicate that the Subject Property was initially developed with two buildings circa 1931 and a third building between 1954 and 1961. There are currently three structures present on the Subject Property.

1. Sanborn Fire Insurance Maps

Equity reviewed 24 of digital Sanborn Fire Insurance Maps from 1906 to 2007 provided by EDR, Inc. Information derived from these maps is as follows:

Year	Subject Property	Surrounding Area
1906	The Subject Property is composed of four undeveloped lots.	Undeveloped.
1930	Two of the lots have merged leaving three lots on the Subject Property.	To the north of the Subject Property are commercial storefronts along Avenue X with residential dwellings further north. A bakery and dress manufacturing facility are to the northwest of the Subject Property across Avenue X. James Madison High School is to the west of the Subject Property on East 1st Street. The areas to the south and east of the Subject Property are developed with residential dwellings.
1950	The Subject Property is developed with one residential building with detached auto storage.	Unchanged.
1968	The building in the northern portion of the Subject Property has been expanded and now includes commercial office space. A commercial building has been constructed in the northeastern portion of the Subject Property.	The surrounding area is much more developed with residential dwellings. Storefront commercial buildings have been constructed to the north across Avenue X. Large apartment buildings have been constructed adjacent to the Subject Property to the east and across East 2nd Street to the west. Additional apartments are constructed to the north and northeast, some with small garages in the basements. There are two large parking lots to the north of the Subject Property and one to the southeast. The apartment building west adjacent to the Subject Property has a garage in the basement.

Year	Subject Property	Surrounding Area
1969, 1976, 1980, 1983, 1986, 1987, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 2001, 2002, 2003, 2004, 2005, 2006, 2007	Unchanged.	A dry cleaning facility is located across Avenue X north of the Subject Property.

Copies of the Sanborn Fire Insurance Maps are provided as Appendix D.

2. USGS Topographic Maps

Equity reviewed a total of 11 historical Topographic Maps from 1897 to 2019 provided by EDR, Inc. The 1898 map shows wetlands in the area to the south of the Subject Property. It appears on the 2013 map that there was an elevation change at the Subject Property with apparent elevations between 10 and 20 feet. The Subject Property is located north of the Belt Parkway and west of the Ocean Parkway. The maps do not provide details specific to the Subject Property. Copies of the USGS Topographic Maps are provided as Appendix E.

3. Historic Aerial Photographs

Equity reviewed a total 12 of aerial photographs spanning from 1924 to 2017 provided by EDR, Inc. The Subject Property is shown on all provided aerials and the most current aerial is consistent with the shape and size of the Subject Property. Information derived from the aerial photographs is as follows:

Year	Subject Property
1924	The Subject Property is not developed, and the surrounding area is largely undeveloped.
1951, 1954	The Subject Property is developed with two buildings. The surrounding area is moderately developed
1961, 1966, 1976, 1984, 1994, 2006, 2009, 2013, 2017	One of the buildings on the Subject Property has been expanded. A third building has been constructed on the Subject Property. The surrounding area is highly developed.

Copies of the aerial photographs are provided as Appendix F.

4. City Directory

Equity reviewed local city directory listings provided by EDR, Inc. for the Subject Property and adjacent properties. The area is characterized primarily by residential and commercial listings. City Directory listings identified for the Subject Property address, 396 Avenue X include:

- Colombo Robt R, MD
- Lawrence Colbert DDS
- Paukman & Atkinson PC
- AAA Footcare
- Dr. Arnold Sneider, Podiatrist
- Quality Foot Care Associates
- Natural Healing Center
- Avenue X Medical Management PC

City Directory listings identified for the Subject Property address, 400 Avenue X include:

- House of Louis Restaurant
- Mandarin Restaurant
- Lev Paukman, MD
- Hollywood Management Co
- Bak Sing Restaurant
- Moy Yen Chinese Cuisine
- Avex Primary Medical Care

Examples of commercial City Directory listings for the surrounding area include Antones Hair Stylists, Lightning Movers Inc., Action Limousine/Taxi Service, and Innovative Accounting. The City Directory report is included as Appendix G.

5. Regulatory File Review

Equity reviewed title information for the Subject Property contained in the New York City Zola database. Title to the Subject Property is vested in LARA GROUP (2006). The Subject Property is identified as Block 7198/Lots 1 and 4.

According to the New York City Department of Buildings (DOB) website, one complaint, no violations, three jobs, and no actions have been identified at 396 Avenue X (Block 7198/Lot 1). The complaint is from May 4, 2016, and relates to an observation of about 20 residents living in a commercial building (medical facility). The jobs are in relation to the renovation of an existing office including partitions and plumbing/air conditioning systems work and the enlargement of an existing community facility where the second floor was converted to a medical office.

According to the New York City Department of Buildings (DOB) website, 11 complaints, 24 violations, six jobs, and 13 actions have been identified at 400 Avenue X (Block 7198/Lot 4). The complaints are in relation to work being done without permits (general construction, plumbing, sign installation, electrical work, sheet rock, and painting), a faulty elevator with no posted permit, no Building of Assembly permit posted, no exit signs in the building, an illegally converted and occupied residential apartment inside of a medical building, and a lack of certificate of occupancy. The violations are in relation to elevator inspections/violations, electrical sign violations, use of a prohibited door, operation of a place of assembly with a permit or approved plans, exit signs not illuminated, an altered/occupied building without a valid certificate of occupancy, work without permits, failure to maintain building codes (fire

rating), and failure to maintain an elevator system. The property has one open "Work Without a Permit" violation and may be subject to DOB civil penalties upon application for a permit. The jobs are in relation to the removal of interior partitions, plumbing and mechanical changes, and the installation of a sprinkler system. The actions are in relation to building notices, certificates of occupancy, elevator applications/inspections, electrical sign installations, new building notices, construction violations, and public assembly violations.

Equity submitted a Freedom of Information Law (FOIL) request to the New York State Department of Environmental Conservation (NYDEC), New York City Department of Environmental Protection (NYDEP), and New York City Fire Department (FDNY) on November 28, 2022. Responses were unavailable prior to the completion of this report. In the event records of environmental concern are identified, this report will be amended and stakeholders will be notified.

Regulatory records are included in Appendix H.

6. Prior Environmental Assessments and Reports

Equity was not provided with any prior environmental assessments or reports.

F. Historical Use Information on Adjoining Properties

The following information summarizes the historical use of properties adjoining the Subject Property based on a review of the Sanborn Fire Insurance Maps and Historic Aerial Photographs.

- North – Mixed Commercial/Residential
- East – Residential
- South – Residential
- West – Mixed Commercial/Residential

V. SITE RECONNAISSANCE

The Phase I Questionnaire completed for the Subject Property is provided in Appendix I.

A. Methodology and Limiting Conditions

Christian DiGennaro, Junior Environmental Scientist of Equity Environmental conducted the Phase I site inspection on December 8, 2022. Owner, Oleg Gutnik, lead the Subject Property walk-through.

No limiting conditions were encountered during the completion of this assessment.

B. Onsite Operations/Manufacturing

Lot 1 has two connected buildings that total 5,542 square feet. There is a residence on the east side of Lot 1, Avenue X Medical Testing Corp. on the west side of the lot, and Back2Shape Physical Therapy and a garage on the south side of the lot. Avenue X Medical Testing Corp. is a multi-

specialty clinic that also offers physical therapy services. The residence on the east side of the lot has a living space, basement, and a second floor that connects above Avenue X Medical Testing Corp. The basement of the residence and Avenue X Medical Testing Corp. are connected. The basement can either be accessed through the residence or through the exterior entrance on the west side of the Subject Property. The portion of the basement below the residence primarily serves as a storage area. The portion of the basement below Avenue X Medical Testing Corp. was formerly used as an office, but is used by Avenue X Medical Testing Corp. to store samples and conduct blood sample analysis. Access to the garage on the south side of lot 1 was not granted to us at the time of the Phase I inspection.

Lot 4 has one 4,400 square-foot building that is a medical office. The medical office offers many medical-related services including family care, pulmonary services, and cardiology services. The first floor has a patient waiting room, handicap accessible elevator, secretary's area with medical files, an exit to access the overgrown backyard/patio area, and a few examination rooms and offices. The basement of the building contains an x-ray room, physical therapy area, storage closets, and a few additional examination rooms.

Photographs of the building interior and exterior are provided in Appendix B.

C. Chemical and Petroleum Use and Storage (USTs, ASTs, and Containers)

Lot 1: Typical cleaning supplies and chemicals were stored in the residence. Bleach, soaps, and paints were observed onsite. In Avenue X Medical Testing Corp., medical-related chemicals were observed. Several 975 mL containers of trigger buffer solution and concentrated wash buffer were observed in the basement. Also present in the building were High purity reagent grade water, two gallons of Pedi-Whirl Solution, an unknown solution in a Nalgene container, a large bag of calcium chloride, and many biological samples from patients.

Lot 4: Medical-related chemicals were also stored onsite including biological samples from patients, compressed oxygen tanks, solutions for electrotherapy, disinfecting wipes and sprays, and other common soaps and cleaners in the restrooms.

D. Solid and Hazardous Waste

Typical municipal solid waste generated onsite is disposed of via the New York City Department of Sanitation trash removal services. Medical waste generated from either of the buildings is transported and disposed via Stericycle Inc.

E. Releases or Spills

No staining or spills were observed during the site reconnaissance.

F. Groundwater Wells

No potable, production, irrigation or monitoring wells were observed or determined through the assessment.

G. Surface Water, Stormwater Drainage and Wastewater Discharge

There were no surface or stormwater facilities on the Subject Property.

H. Wetlands

Equity reviewed National Wetland Inventory maps included as a layer within the EDR Radius Map Report. No wetlands were identified within the Subject Property. The report is provided as Appendix C.

I. Polychlorinated Biphenyls (PCBs)

No equipment likely to contain PCBs were observed during the site reconnaissance.

J. Drains and Sumps

Three sump pumps were observed on the south side of the connected basement below Avenue X medical testing corp. One floor drain was observed before the exterior entrance into the basement on the west side of Lot 1.

K. Vapor Migration/Encroachment

The EDR Vapor Encroachment database identified numerous VECs (Vapor Encroachment Conditions) within 1/10 of a mile of the Subject Property that are related to two EDR Historic Auto listings, one NY Drycleaners listing, and two EDR Historic Cleaner listings.

- The first EDR Historic Auto listing is located 79 feet southeast of the Subject Property at 2442 East 3rd Street. This listing is shown on the EDR database from 2010 to 2014.
- The second EDR Historic Auto listing is located 141 feet northwest of the Subject Property at 389 Avenue X. This listing is shown on the EDR database from 2002 to 2010.
- The NY Drycleaners listing is located 127 feet north of the Subject Property at 393 Avenue X. This site is also the site described in the first EDR Historic Cleaner database listing, where is it shown from 1969 to 2014.
- The second EDR Historic Cleaner listing is located 518 feet west of the Subject Property at 343 Avenue X. This listing is shown on the database from 1987 to 2010.

Due to the locations of the two EDR Hist Auto listing sites and the two drycleaning sites relevant to the Subject Property, VECs cannot be ruled out. Details on the VECs can be found in Appendix C.

L. Other Environmental Considerations

1. Asbestos Containing Materials

The EPA banned several types of asbestos in the late 1970s, but its use continued in some building applications through the 1980s. No signs of asbestos were observed during the site reconnaissance. An asbestos survey was not performed as part of this study.

2. Drinking Water

Potable water is supplied by Jersey City MUA. A drinking water assessment was not performed as part of this study.

3. Lead-Based Paint

In 1978, EPA banned the manufacture and use of lead-based paint and lead-based paint products. A lead-based paint study was not performed as part of this study.

4. Mold

No visual or olfactory signs of potential mold were identified during the site reconnaissance. A mold assessment was not performed as part of this study.

M. Offsite Concerns

There were no offsite concerns, other than the VECs identified in Section K.

VI. INTERVIEWS

As part of the Phase I for the Subject Property, Equity interviewed both co-owners of the Subject Property, Oleg Gutnik and Lev Paukman. Oleg Gutnik lead the property walkthrough and Lev Paukman was accessed via his cellphone. According to Lev Paukman, he became the owner of the building in 1983. The previous owner was a gentleman named Robert Colombo. Oleg and Lev both provided additional information regarding the Subject Property operations and history.

VII. RECOGNIZED ENVIRONMENTAL CONDITIONS (RECS)

Equity completed the Phase I of the Subject Property in accordance with the scope and limitations of ASTM Practice 1527-21. Any exceptions to, or deletions from, this practice are noted in appropriate sections of this report. RECs are defined as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. A CREC is a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of an NFA, no further action, letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of

required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). HRECs are RECs previously remediated to current unrestricted residential use applicable to regulatory standards. De Minimis Conditions are those that do not present a threat to human health or the environment, and would not be the subject of an enforcement action by a government agency. Data Gaps are a lack of, or inability to obtain information required by the practice that affects the ability of the environmental professional to identify RECs despite good faith efforts to gather the information.

A. Recognized Environmental Conditions (RECs)

No RECs were identified as a result of this assessment.

B. Controlled Recognized Environmental Conditions (CRECs)

No Controlled RECs were identified as a result of this assessment.

C. Historical Recognized Environmental Conditions (HRECs)

One Historic REC was identified as a result of this assessment. The NY SPILLS database identified a spill on the Subject Property at 400 Avenue X which involved a 3 ml spill of mercury from a broken blood pressure machine. The spill was cleaned, and the spill case was administratively closed as there was no impact to soil or groundwater. This mercury spill is considered a Historic REC.

D. Vapor Encroachment Concerns (VECs)

The EDR Vapor Encroachment database identified numerous VECs (Vapor Encroachment Conditions) within 1/10 of a mile of the Subject Property that are related to two EDR Historic Auto listings, one NY Drycleaners listing, and two EDR Historic Cleaner listings.

- The first EDR Historic Auto listing is located 79 feet southeast of the Subject Property at 2442 East 3rd Street. This listing is shown on the EDR database from 2010 to 2014.
- The second EDR Historic Auto listing is located 141 feet northwest of the Subject Property at 389 Avenue X. This listing is shown on the EDR database from 2002 to 2010.
- The NY Drycleaners listing is located 127 feet north of the Subject Property at 393 Avenue X. This site is also the site described in the first EDR Historic Cleaner database listing, where is it shown from 1969 to 2014.
- The second EDR Historic Cleaner listing is located 518 feet west of the Subject Property at 343 Avenue X. This listing is shown on the database from 1987 to 2010.

Due to the locations of the two EDR Hist Auto listing sites and the two drycleaning sites relevant to the Subject Property, VECs cannot be ruled out. Details on the VECs can be found in Appendix C.

E. De Minimis Conditions

No De Minimis Conditions were identified as a result of this assessment.

F. Data Gaps

Equity identified one data gap that could affect its ability to identify RECs associated with the Subject Property. The property owner would not grant us access to the garage along the southern boundary of Lot 1.

Conclusions

Equity's review of available information and observations of the Subject Property and surrounding properties indicates that no RECs, CRECs, or De Minimis Conditions were identified as a result of this assessment. However, one data gap and HREC were identified and VECs could not be ruled out.

VIII. DEVIATIONS

Equity did not deviate from the scope of service outlined in Section I of this report.

IX. REFERENCES

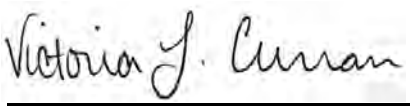
The following references were used in the preparation of this report:

1. EDR Environmental Databases – November 28, 2022
2. Sanborn Fire Insurance Maps – November 28, 2022
3. Historical Topographic Maps – November 28, 2022
4. Aerial Photographs – November 29, 2022
5. City Directory – November 28, 2022
7. New York City Department of Buildings Website
8. New York City ZoLa Database

X. SIGNATURE(S) OF ENVIRONMENTAL PROFESSIONALS

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional, as defined in the USEPA All Appropriate Inquiry Standard, 40 CFR, Part 312.10. We have the specific qualifications based on education, training, and experiences to assess a property of the nature, history, and setting of the Subject Property. We have developed and performed all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR, Part 312.

Assessor:



Victoria Curran
Junior Environmental Scientist

Assessor:



Christian DiGennaro
Junior Environmental Scientist

Environmental Professional:



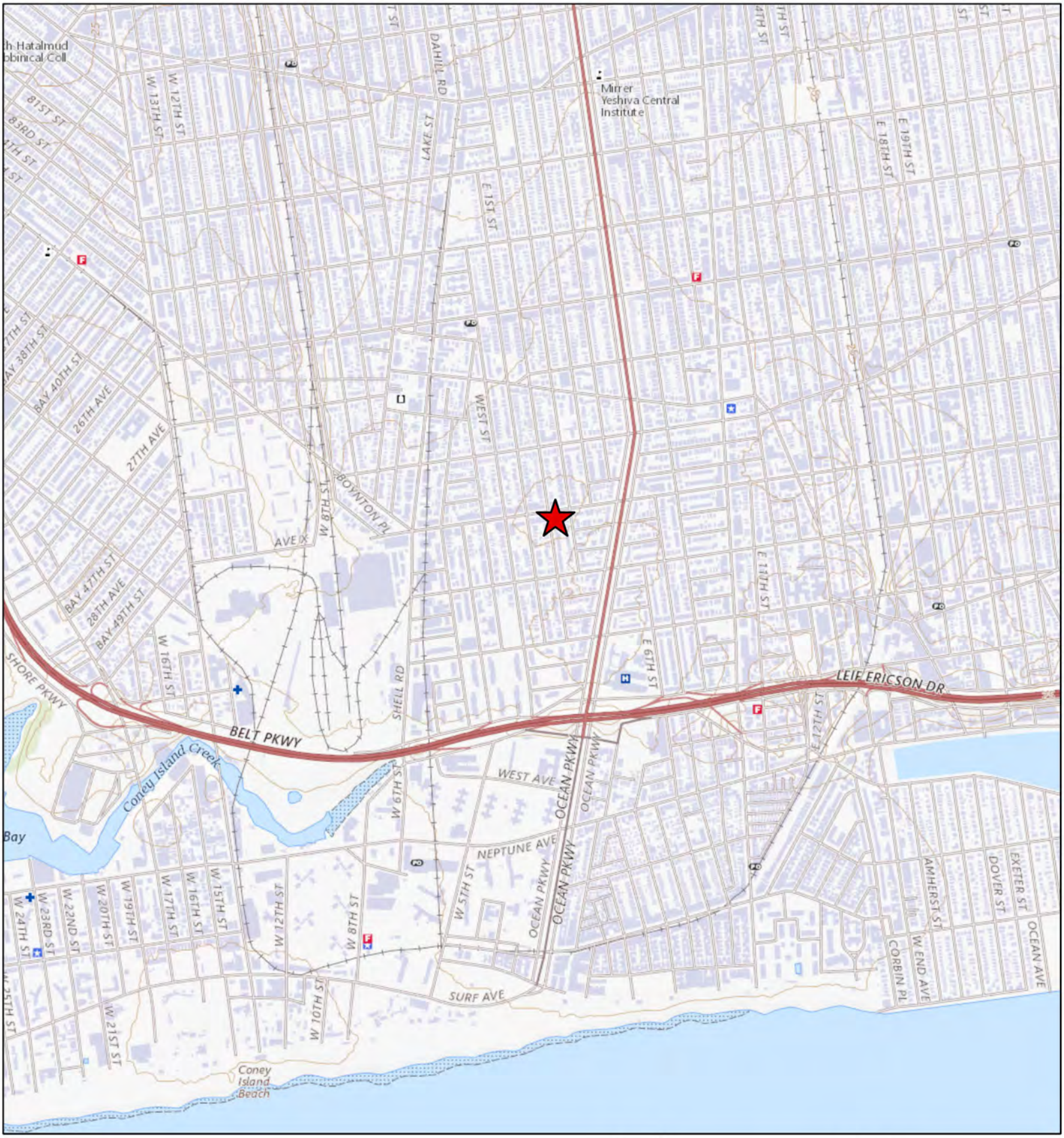
Robert Jackson
Managing Director

XI. QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

Qualifications of the Environmental Professionals are provided as Appendix J.

Appendix A

FIGURES



Legend

400 Avenue X

N

0 0.1 0.2 0.4 Miles

Figure 1
Phase I ESA
USGS Site Location Map

400 Avenue X
Brooklyn. New York

equity environmental engineering
500 International Drive, Suite 150, Mount Olive, NJ 07828
Office: (973) 527-7451 / Fax: (973) 858-0280

DRAWN BY / DATE	REV / DATE	DRAWING NUMBER
GB/11.23.22		2022095-01



Legend

400 Avenue X

N

0 20 40 80 US Feet

Figure 2
Phase I ESA
Site Boundary Map

400 Avenue X
Brooklyn. New York

equity environmental engineering
500 International Drive, Suite 150, Mount Olive, NJ 07828
Office: (973) 527-7451 / Fax: (973) 858-0280

DRAWN BY / DATE	REV / DATE	DRAWING NUMBER
GB/11.23.22		2022095-02

APPENDIX B

SITE PHOTOGRAPHS



01 View of the Subject Property from across Avenue X facing to the south.



02 Exterior entrance to the Lot 1 basement. A floor drain was identified at the bottom of the stairs.



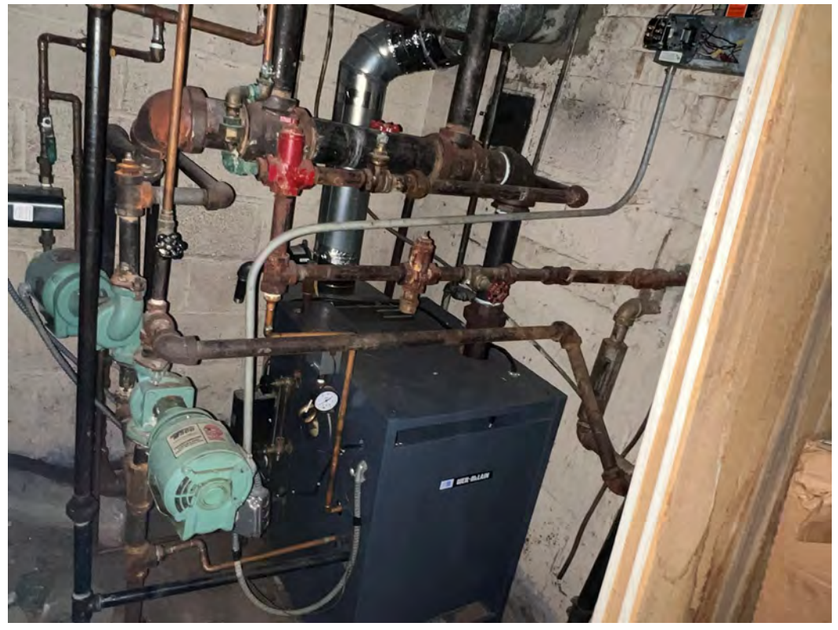
03 Room on the southern portion of the Lot 1 basement.



04 Two sumps identified on the southern portion of the Lot 1 basement.



05 Air condition units in the Lot 1 basement.



06 Natural gas boiler located in the Lot 1 basement.



07 Office space/storage area in the Lot 1 basement.



08 Additional office space in the basement.



09 Bathroom in the Lot 1 basement.



10 The third sump pump identified in the Lot 1 basement.



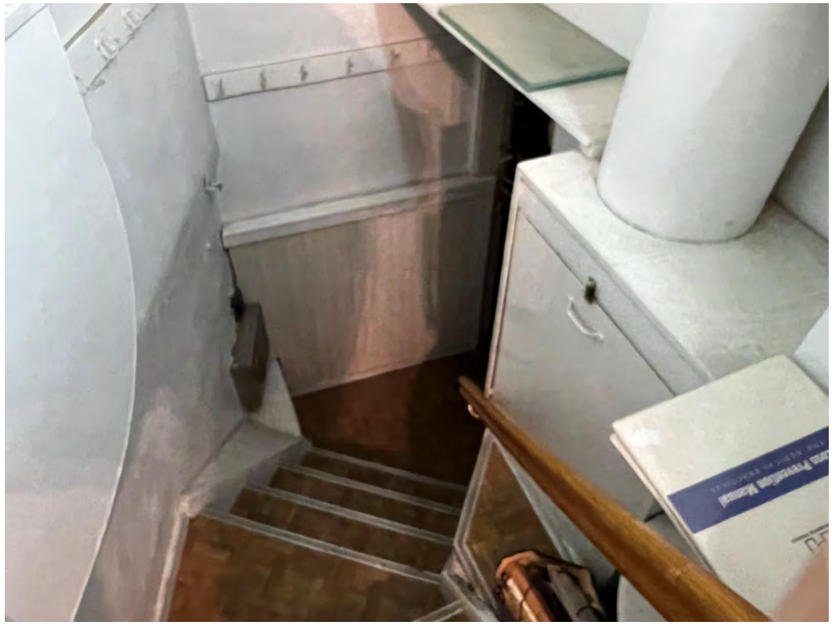
11 Machine used to analyze blood samples and a medical waste bin.



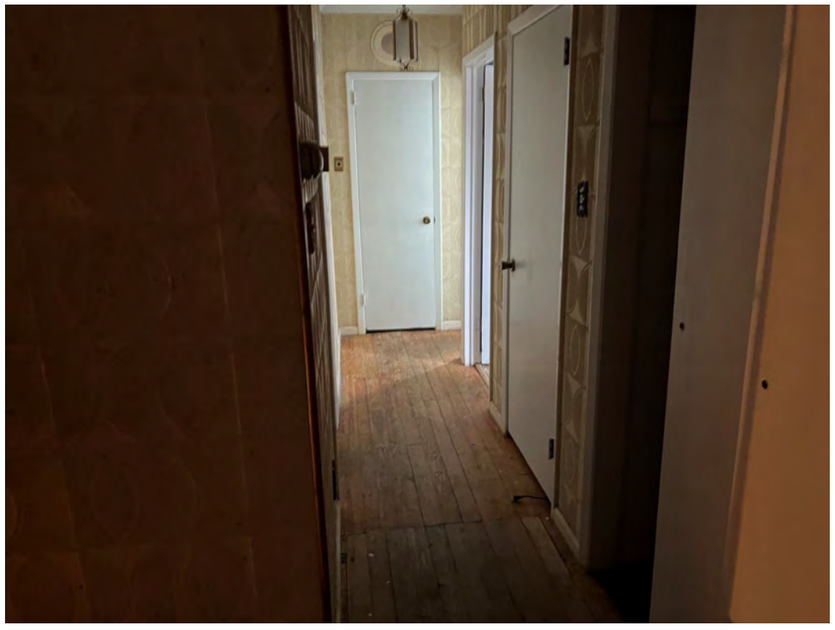
12 Residence on the west side of Lot 1.



13 Residence living space.



14 Basement staircase within the residence that connects to the exterior entrance on the opposite side of Lot 1.



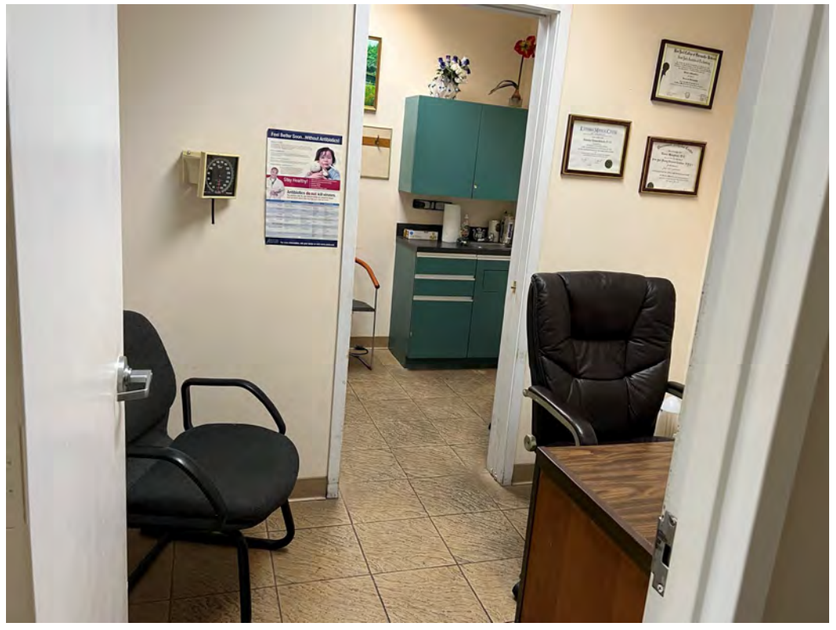
15 Second floor hallway of the residence.



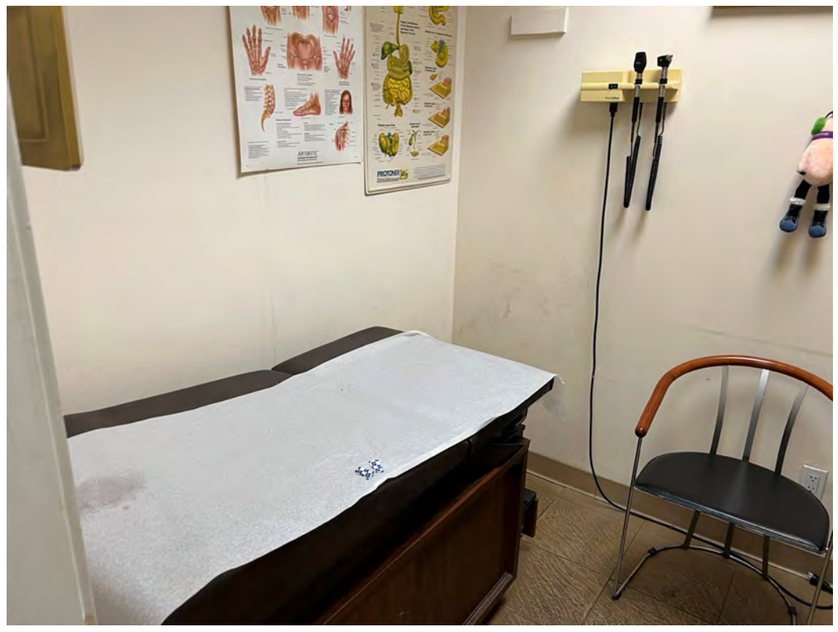
16 Building façade of the Lot 4 medical office. A handicap accessible elevator is located near the front entrance.



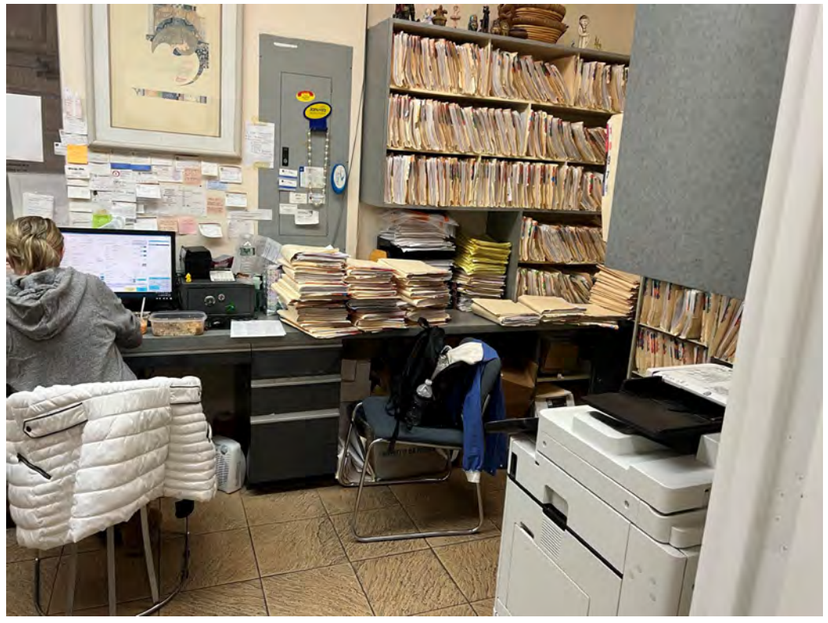
17 Patient waiting area on the first floor of the medical office.



18 Examination room on the first floor.



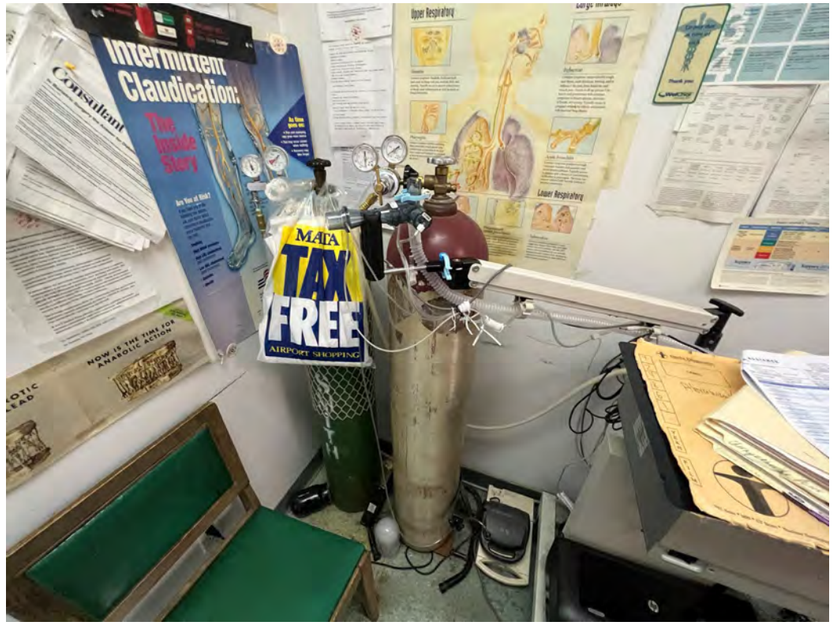
19 Examination room on the first floor.



20 Secretary’s area on the first floor.



21 Storage area in the basement of the medical office.



22 Compressed oxygen tanks in the basement of the medical office.



23 Examination room in the basement.



24 Physical therapy room in the basement.



25 One of several medical waste bins located in the office. The medical waste is disposed of via Stericycle Inc.



26 Backyard with overgrown vegetation and a concrete patio on the south side of Lot 4.



27 Backyard behind the Lot 1 residence.



28 Building façade of Avenue X Medical Testing Corp. The second floor of the building is residential space.



29 Hallway of Avenue X Medical Testing Corp.



30 Office area.



31 Examination room.



32 Storage area on the south side of the building.



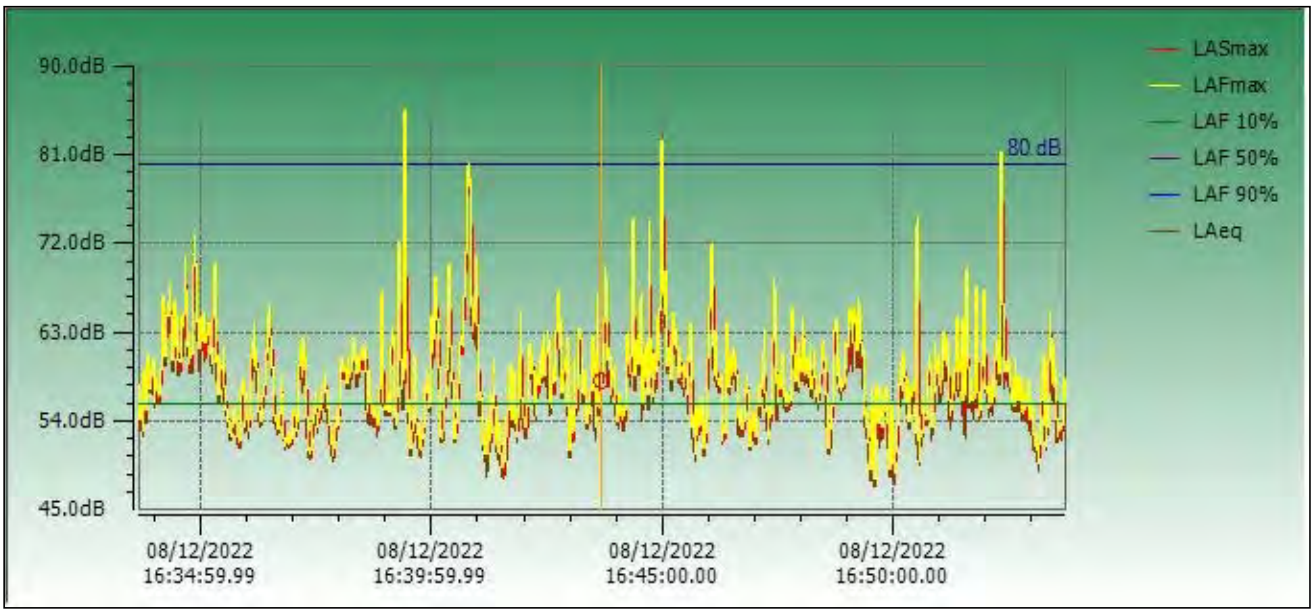
33 Building façade of the west side of Lot 1. The garage was inaccessible at the time of the inspection.

APPENDIX F

NOISE BACKUP

Instrument Model	**CEL-633C**
Serial Number	5086866
LDN	0
LASmax	79.8 dB
LASmin	48 dB
Start Date & Time	12/8/2022 4:33:39 PM
Duration	00:20:06 HH:MM:SS
LAeq	61.4 dB
End Date & Time	12/8/2022 4:53:45 PM
Notes	

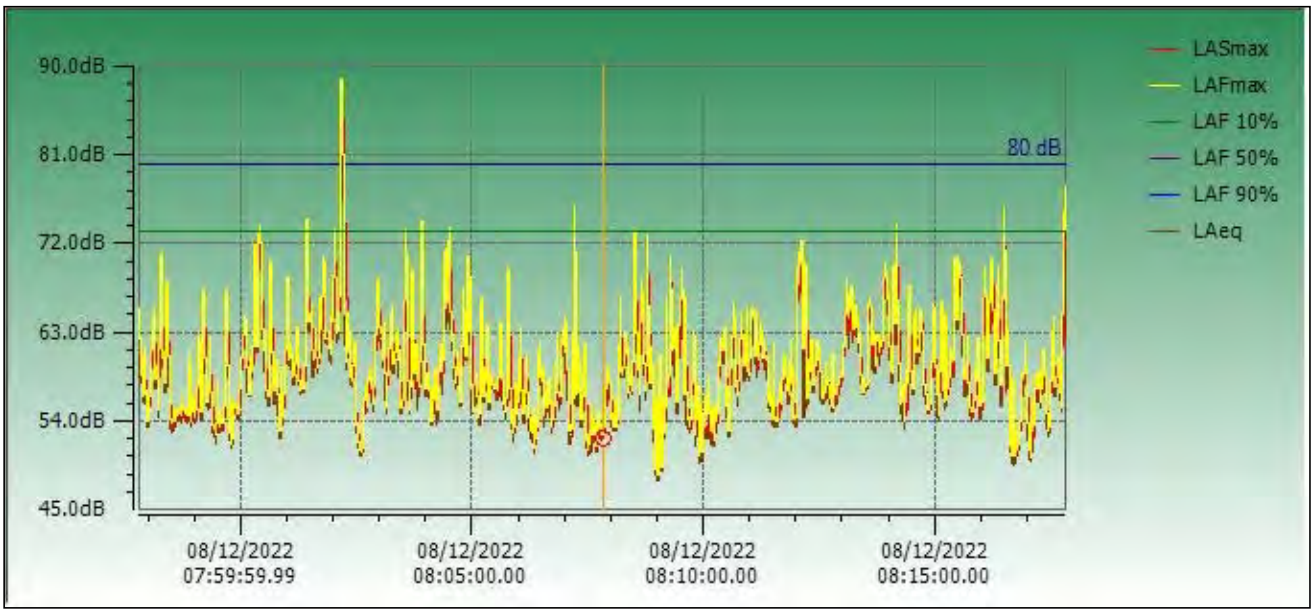
LAS 10%	62.5 dB
LAS 50%	57 dB
LAS 90%	52 dB
Calibration (Before) Date	12/8/2022 4:32:50 PM
Calibration (After) Date	12/8/2022 5:39:21 PM
Calibration Drift	0.1 dB
Battery Low	No
Result	Cumulative



Instrument Model	**CEL-633C**

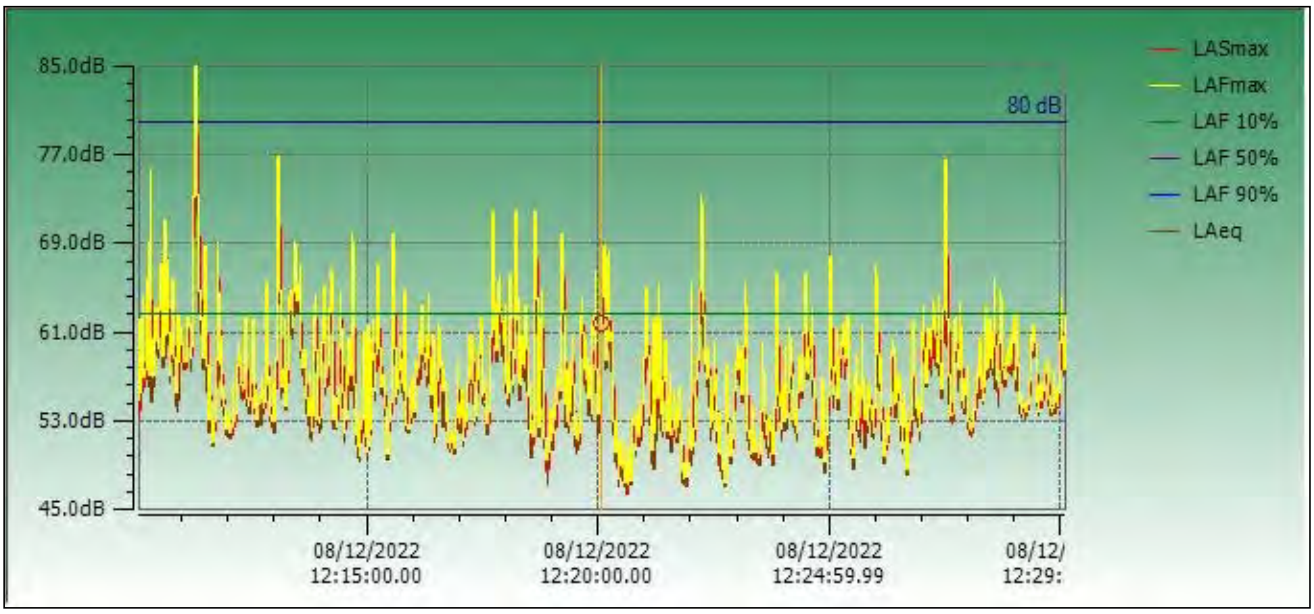
Serial Number	5086866	LAS 10%	64.5 dB
LDN	0	LAS 50%	58 dB
LASmax	86.3 dB	LAS 90%	53.5 dB
LASmin	48.2 dB	Calibration (Before) Date	12/8/2022 7:56:55 AM
Start Date & Time	12/8/2022 7:57:48 AM	Calibration (After) Date	12/8/2022 9:00:15 AM
Duration	00:20:01 HH:MM:SS	Calibration Drift	-0.2 dB
LAeq	63.1 dB	Battery Low	No
End Date & Time	12/8/2022 8:17:49 AM	Result	Cumulative

Notes



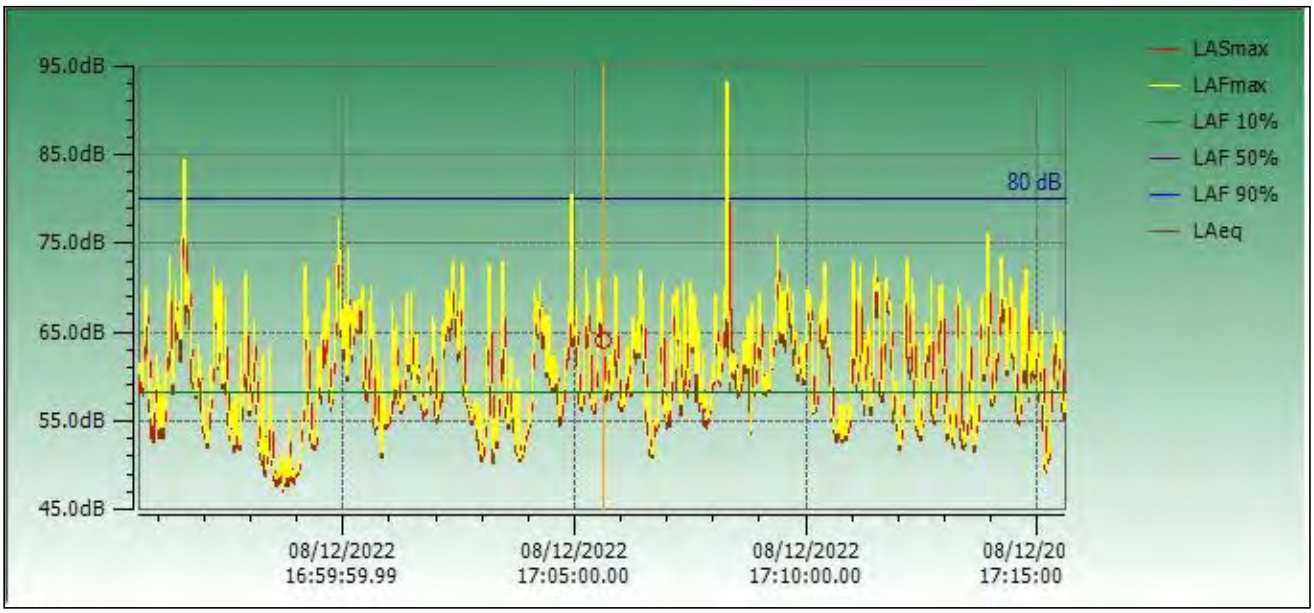
Instrument Model	**CEL-633C**
Serial Number	5086866
LDN	0
LASmax	82.7 dB
LASmin	46.5 dB
Start Date & Time	12/8/2022 12:10:05 PM
Duration	00:20:01 HH:MM:SS
LAeq	60.3 dB
End Date & Time	12/8/2022 12:30:06 PM
Notes	

LAS 10%	61.5 dB
LAS 50%	55.5 dB
LAS 90%	51 dB
Calibration (Before) Date	12/8/2022 12:09:14 PM
Calibration (After) Date	12/8/2022 1:14:54 PM
Calibration Drift	0.0 dB
Battery Low	No
Result	Cumulative

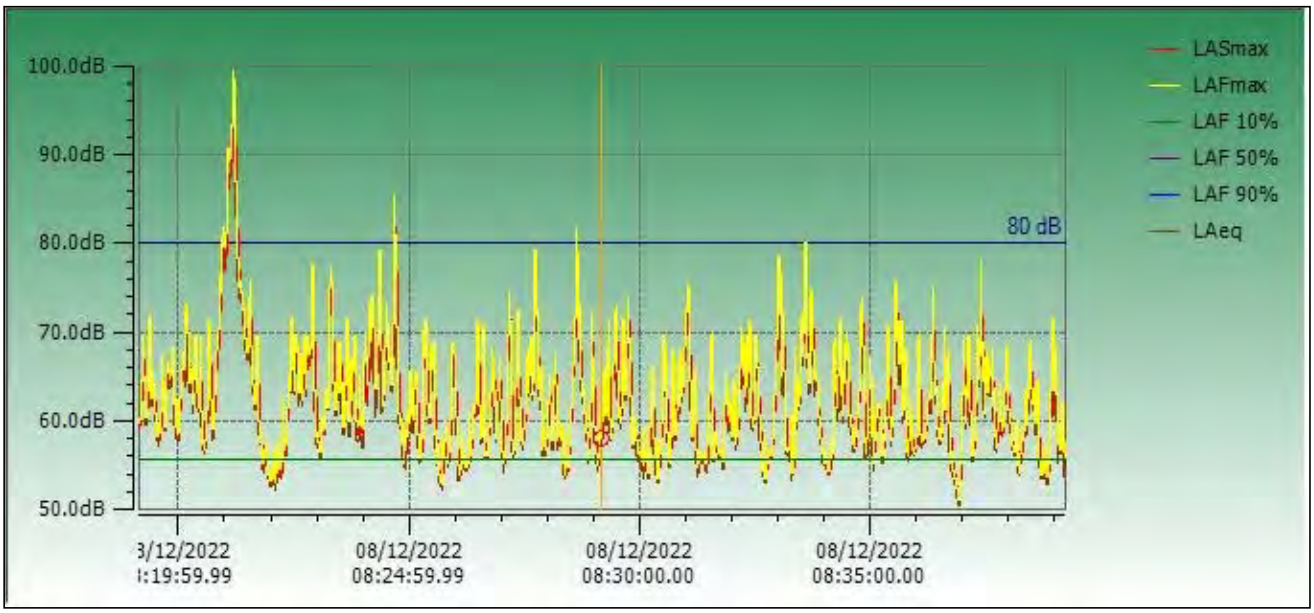


Instrument Model	**CEL-633C**
Serial Number	5086866
LDN	0
LASmax	85 dB
LASmin	47.5 dB
Start Date & Time	12/8/2022 4:55:35 PM
Duration	00:20:01 HH:MM:SS
LAeq	63.8 dB
End Date & Time	12/8/2022 5:15:36 PM
Notes	

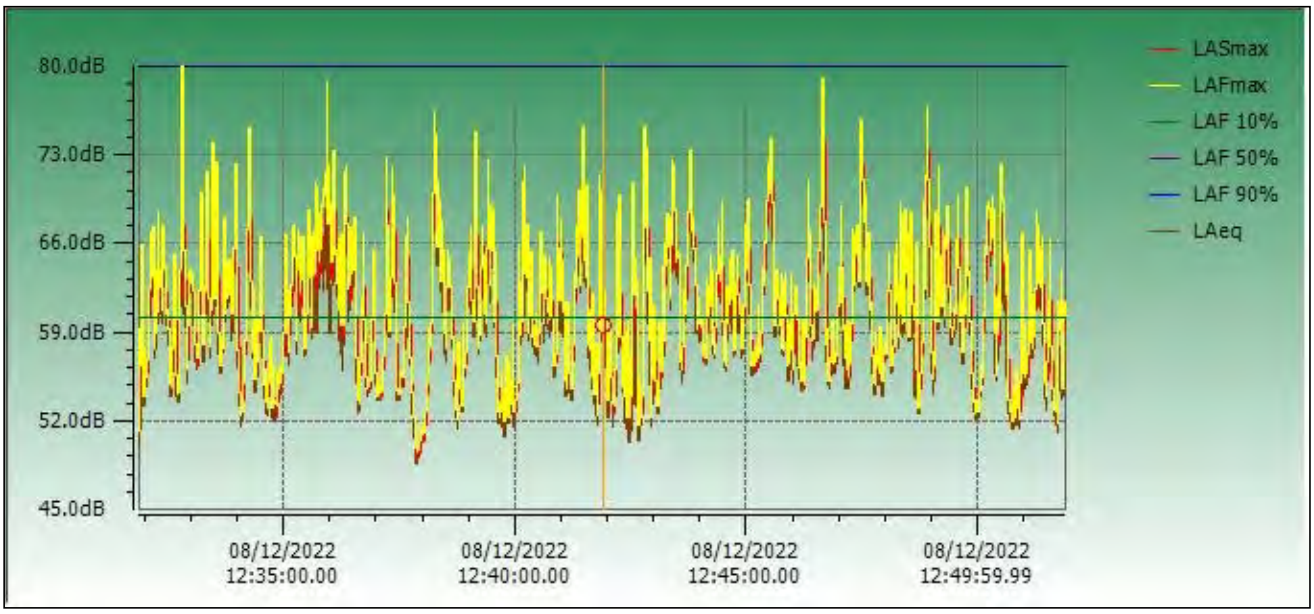
LAS 10%	67 dB
LAS 50%	60 dB
LAS 90%	53 dB
Calibration (Before) Date	12/8/2022 4:32:50 PM
Calibration (After) Date	12/8/2022 5:39:21 PM
Calibration Drift	0.1 dB
Battery Low	No
Result	Cumulative



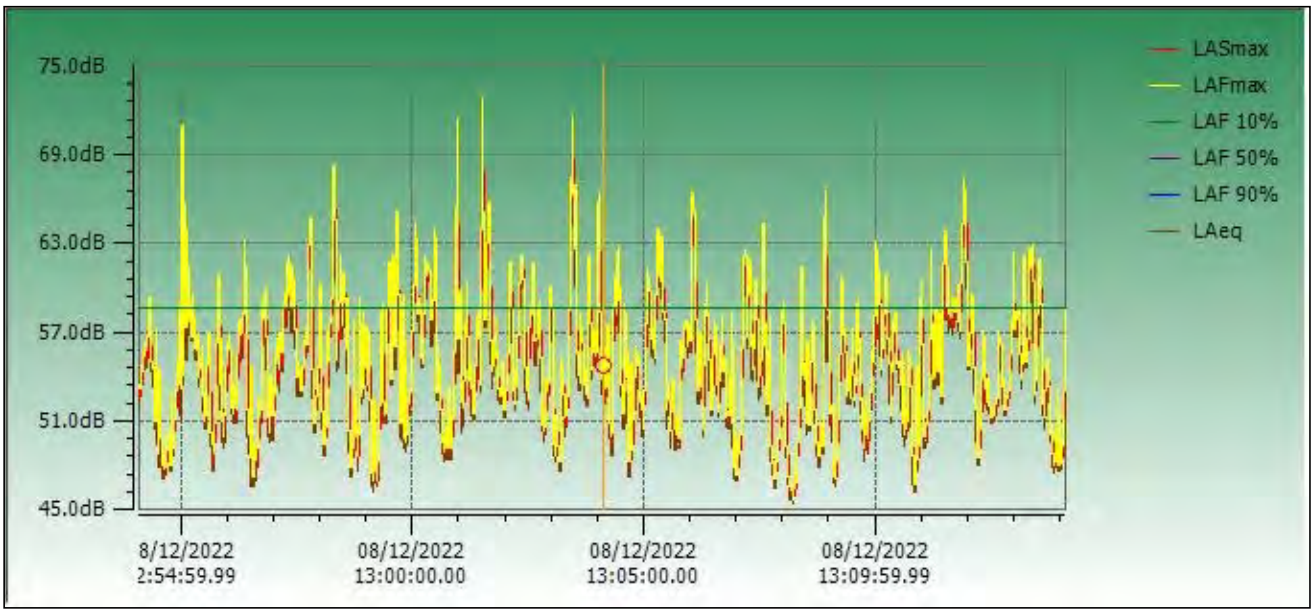
Instrument Model	**CEL-633C**		
Serial Number	5086866	LAS 10%	68.5 dB
LDN	0	LAS 50%	61 dB
LASmax	95.9 dB	LAS 90%	55 dB
LASmin	50.6 dB	Calibration (Before) Date	12/8/2022 7:56:55 AM
Start Date & Time	12/8/2022 8:19:09 AM	Calibration (After) Date	12/8/2022 9:00:15 AM
Duration	00:20:05 HH:MM:SS	Calibration Drift	-0.2 dB
LAeq	71.5 dB	Battery Low	No
End Date & Time	12/8/2022 8:39:14 AM	Result	Cumulative
Notes			



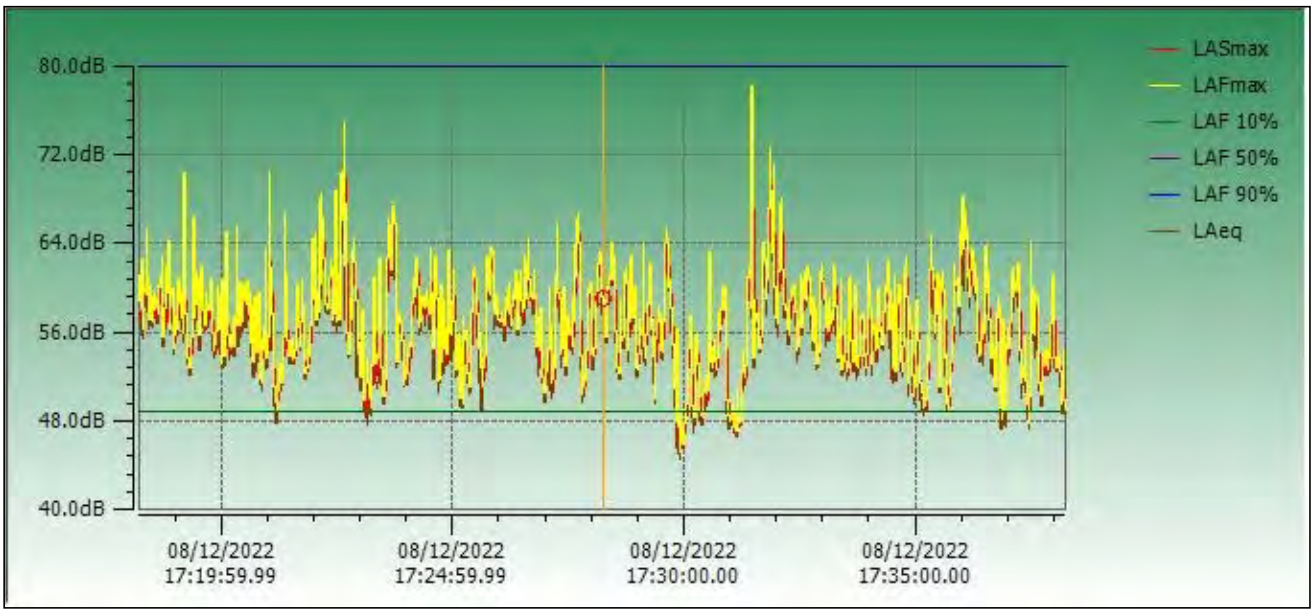
Instrument Model	**CEL-633C**		
Serial Number	5086866	LAS 10%	66 dB
LDN	0	LAS 50%	59.5 dB
LASmax	76.4 dB	LAS 90%	53.5 dB
LASmin	48.9 dB	Calibration (Before) Date	12/8/2022 12:09:14 PM
Start Date & Time	12/8/2022 12:31:53 PM	Calibration (After) Date	12/8/2022 1:14:54 PM
Duration	00:20:01 HH:MM:SS	Calibration Drift	0.0 dB
LAeq	62.6 dB	Battery Low	No
End Date & Time	12/8/2022 12:51:54 PM	Result	Cumulative
Notes			



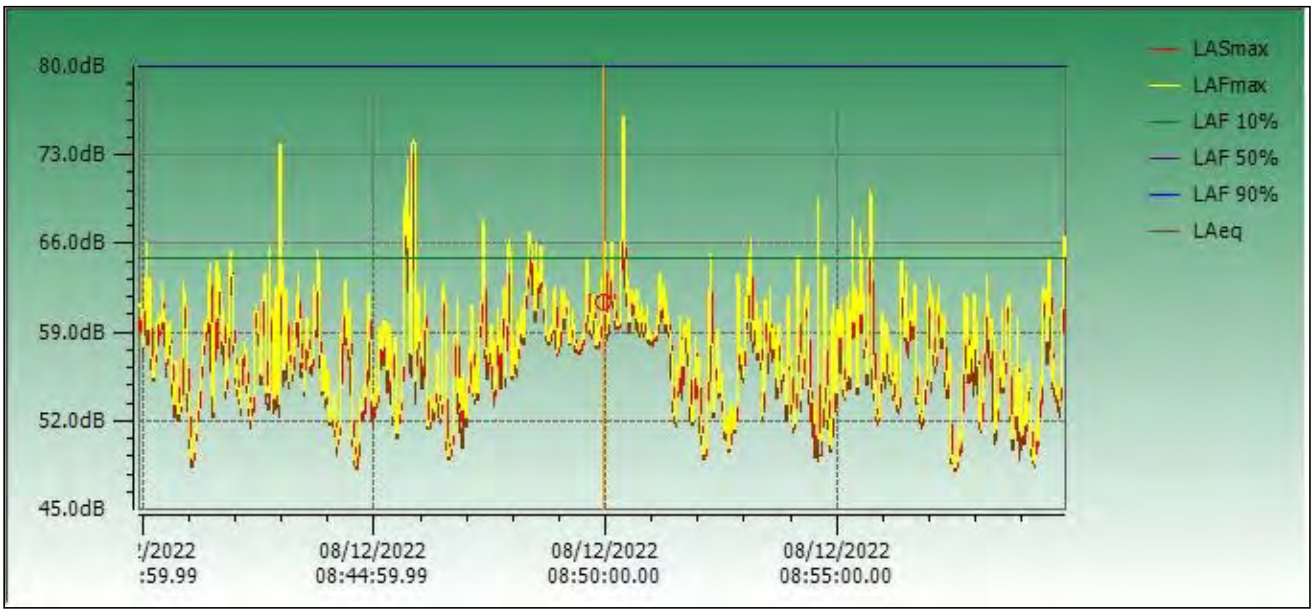
Instrument Model	**CEL-633C**		
Serial Number	5086866	LAS 10%	59.5 dB
LDN	0	LAS 50%	54 dB
LASmax	69.5 dB	LAS 90%	49 dB
LASmin	45.5 dB	Calibration (Before) Date	12/8/2022 12:09:14 PM
Start Date & Time	12/8/2022 12:54:06 PM	Calibration (After) Date	12/8/2022 1:14:54 PM
Duration	00:20:01 HH:MM:SS	Calibration Drift	0.0 dB
LAeq	56.3 dB	Battery Low	No
End Date & Time	12/8/2022 1:14:07 PM	Result	Cumulative
Notes			



Instrument Model	**CEL-633C**		
Serial Number	5086866	LAS 10%	60.5 dB
LDN	0	LAS 50%	56 dB
LASmax	73.6 dB	LAS 90%	51 dB
LASmin	44.9 dB	Calibration (Before) Date	12/8/2022 4:32:50 PM
Start Date & Time	12/8/2022 5:18:13 PM	Calibration (After) Date	12/8/2022 5:39:21 PM
Duration	00:20:01 HH:MM:SS	Calibration Drift	0.1 dB
LAeq	57.9 dB	Battery Low	No
End Date & Time	12/8/2022 5:38:14 PM	Result	Cumulative
Notes			



Instrument Model	**CEL-633C**		
Serial Number	5086866	LAS 10%	61 dB
LDN	0	LAS 50%	57 dB
LASmax	72.7 dB	LAS 90%	51.5 dB
LASmin	48 dB	Calibration (Before) Date	12/8/2022 7:56:55 AM
Start Date & Time	12/8/2022 8:39:55 AM	Calibration (After) Date	12/8/2022 9:00:15 AM
Duration	00:20:01 HH:MM:SS	Calibration Drift	-0.2 dB
LAeq	58.5 dB	Battery Low	No
End Date & Time	12/8/2022 8:59:56 AM	Result	Cumulative
Notes			



Certificate of Conformity and Calibration



Instrument Model:- **CEL-633C**

Serial Number	5086866
Firmware revision	V006-05

Microphone Type:-	CEL-251	Preamplifier Type:-	CEL-495
Serial Number	2268	Serial Number	003810

Instrument Class/Type:- 1

Applicable standards:-

IEC 61672: 2013 / EN 60651 (Electroacoustics - Sound Level Meters)
IEC 60651 1979 (Sound Level Meters), ANSI S1.4: 1983 (Specifications For Sound Level Meters)

Note:- The test sequences performed in this report are in accordance with the current Sound level meter *Standard - IEC61672. The combination of tests performed are considered to confirm the products electro-acoustic performance to all applicable standards including superceeded Sound Level Meter Standards - IEC60651 and IEC60804.*

Test Conditions:- 25 °C, 38 %RH, 1015 mBar

Test Engineer:- Paul Blackwell
Date of Issue:- July 27, 2022

Declaration of conformity:-

This test certificate confirms that the instrument specified above has been successfully tested to comply with the manufacturer's published specifications. Tests are performed using equipment traceable to national standards in accordance with Casella's ISO 9001:2015 quality procedures. This product is certified as being compliant to the requirements of the CE Directive.

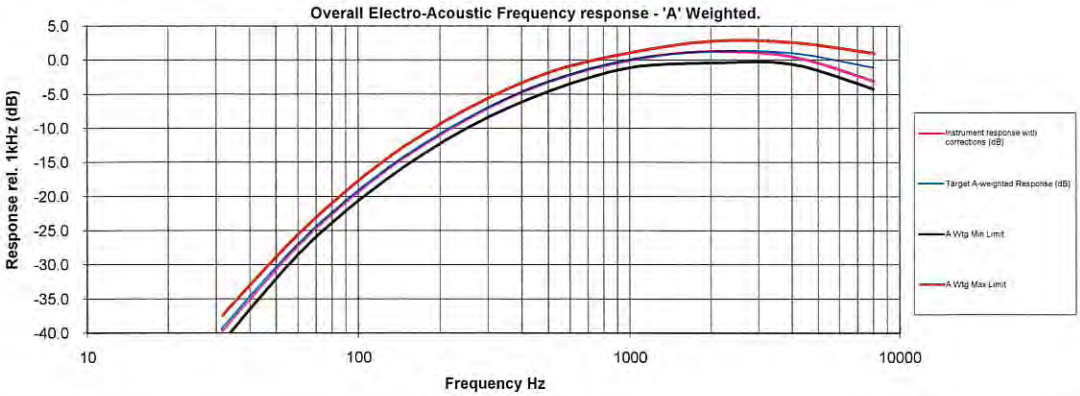
Test Summary:-

Self Generated Noise Test	**All Tests Pass**
Electrical Signal Test Of Frequency Weightings	**All Tests Pass**
Frequency & Time Weightings At 1 kHz	**All Tests Pass**
Level Linearity On The Reference Level Range	**All Tests Pass**
Toneburst Response Test	**All Tests Pass**
C-peak Sound Levels	**All Tests Pass**
Overload Indication	**All Tests Pass**
Acoustic Tests	**All Tests Pass**

Combined Electro-Acoustic Frequency Response - A Weighted

Combined Electro-Acoustic Frequency Response - A Weighted (IEC 61672-3:2006)

The following A-Weighted frequency response graph shows this instruments overall frequency response based upon the application of multi-frequency pressure field calibrations. The microphones Pressure to Free field correction coefficients are applied to pressure response. Reference level taken at 1kHz.



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Fax: +86-21-61605906
Email: info@casellasolutions.cn

Tested to CEL-63X test sheet TP444 revision 02-00

Noise Job Field Sheet

Name of Project: 400 Avenue X 2022095

Project Address: 400 Avenue X Brooklyn, New York

Date(s) of Field Work: 12/8/2022

Personnel: Christian DiGennaro

Project Specific Scope of Work:

3 x 20-minute locations AM, Midday, PM
Phase I – 10 am
You will have access to all three buildings around 10 am. The two medical offices you can just go in. They know you are coming. If needed please mention Oleg Gutnik. The middle building (residential) the tenant will be expecting you at 10 am.

I. Start of Noise Monitoring Day

Departure Time: 5:50 Arrival Time: 7:50

Weather Conditions (temp, wind speed, precipitation): 50s, partly cloudy, light wind.

Meter Type: CASELLA Meter Serial #: 5086866 Meter Location: 1, 2, 3
Meter Type: _____ Meter Serial #: _____ Meter Location: _____
Meter Type: _____ Meter Serial #: _____ Meter Location: _____
*If more locations are needed for a project use a second Field Sheet

Calibrator Serial #: 1090999 Meters used on: 5086866
Calibrator Serial #: _____ Meters used on: _____
Calibrator Serial #: _____ Meters used on: _____
Were Photos Taken of Each Location? Y / N *Discuss specific photo instructions w/ Project Manager

**On a separate sheet of paper (field book) make a sketch of the noise meter locations and the distances to nearest wall, fence, building, or other solid surfaces.*

II. Morning Session 7:30 AM – 9:00 AM

Before Measurement:

Meter Serial #: 5086866 Time: 7:56 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N

After Measurement:

Meter Serial #: 5086366 Time: 9:00 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N

*If more locations are needed for a project use a second Field Sheet

Location #	Start Time	End Time
1	7:57	8:17
2	8:19	8:39
3	8:39	8:59

*If more locations are needed for a project use a second Field Sheet

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	Train
1	14	25	1	0	2	0
2	42	100	4	2	13	0
3	10	17	0	0	0	0

*If more locations are needed for a project use a second Field Sheet

Noise Source: please note any loud noises here and time (sirens, garbage truck, etc):
Honks at 8:07, 8:12, 8:24, 8:44, and 8:46; ambulance siren at 8:21.

Please place noise meters in their respective cases between sessions to avoid damage.

III. Midday Session 12:00 PM – 1:30 PM

Before Measurement:

Meter Serial #: 5036866 Time: 12:09 Calibration Passed at 114 dB? Ⓨ / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N

After Measurement:

Meter Serial #: 5036866 Time: 13:14 Calibration Passed at 114 dB? Ⓨ / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N
*If more locations are needed for a project use a second Field Sheet

Location #	Start Time	End Time
1	12:10	12:30
2	12:31	12:51
3	12:54	13:14

*If more locations are needed for a project use a second Field Sheet

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	Train
1	9	17	1	0	1	0
2	51	92	2	1	5	0
3	7	13	0	0	0	0

*If more locations are needed for a project use a second Field Sheet

Noise Source: please note any loud noises here and time (sirens, garbage truck, etc):
Horns at 12:38 and 12:55; loud speaker at 12:57.

Please place noise meters in their respective cases between sessions to avoid damage.

IV. Evening Session 4:30 PM – 6:00 PM

Before Measurement:

Meter Serial #: 5086866 Time: 16:32 Calibration Passed at 114 dB? Y / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N

After Measurement:

Meter Serial #: 5086866 Time: 17:39 Calibration Passed at 114 dB? Y / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N
*If more locations are needed for a project use a second Field Sheet

Location #	Start Time	End Time
1	16:33	16:53
2	16:55	17:15
3	17:18	17:38

*If more locations are needed for a project use a second Field Sheet

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	Train
1	9	20	1	0	1	0
2	50	107	0	0	4	0
3	5	32	0	0	0	0

*If more locations are needed for a project use a second Field Sheet

Noise Source: please note any loud noises here and time (sirens, garbage truck, etc):
Honks at 16:39, 16:50, 17:06, and 17:32; people entering vehicle near the meter at 16:51; motorcycle at 16:56.

Please place noise meters in their respective cases between sessions to avoid damage.

V. End of Noise Monitoring Day

- Please return all noise meters to their cases.
- Do not return dead batteries to the cases, throw them out.
- Did you take photos? (Y)/ N
- Did you complete the site sketch? (Y)/ N
- If a meter(s) was rented, please scan in calibration documents.

Anything of note/concern for the day: _____

_____

_____

Departure Time: 17:50 Arrival Time: 19:40

Total Time to Be Billed: 15

12/8/22 396-400 Ave. X, Brooklyn, NY

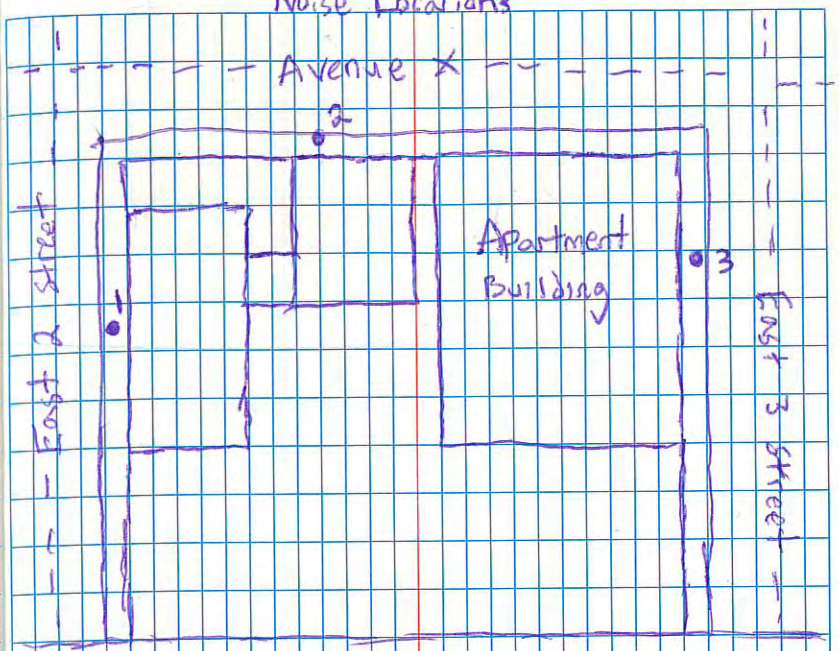
scope: Noise and phase I

personnel: CD

weather: 50s, partly cloudy, light winds

- Depart: 5:50
- Arrive: 7:50
- 3 noise locations, all 20 minutes
- Meter #: 5086866
- Calibrator #: 1090999
- one meter used on all locations.
- Location 1 started at 7:57.
- pre cal at 7:56.
- Location 1 ends at 8:17.
- Location 2 starts at 8:19 and ends at 8:39
- Location 3 starts at 8:39 and ends at 8:59.
- phase I inspection scheduled CD at 10:00 AM.
- sketch of the noise monitoring locations can be found on the next page.
- Met with Oleg Goutnik for phase I inspection
- Midday location 1 started at 12:10 ended at 12:30
- Location 2 started at 12:31, ended at 12:51
- Location 3 started at 12:54, ended at 13:14.

Noise Locations



- photokey photos and viewshed photos completed
- Evening session location 1 started at 16:33, ended at 16:53
- Location 2 started at 16:55, ended at 17:15
- Location 3 started at 17:18, ended at 17:38.
- Depart: 17:50
- Arrive: 19:45