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712 Myrtle Avenue Rezoning

Environmental Assessment Statement

Brooklyn Community District 3

Block 1751, Lots p/o 20, p/o 21, p/o 23, p/o 24, and p/o 25

Project Number: 2022K0109

CEQR Reference: 23DCP128K

ULURP Reference: 230258ZMK, N230259ZRK



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

Prepared for:
712 Myrtle Rezoning, LLC

Prepared by:
Equity Environmental Engineering, a Division of GZA

Date Submitted:
February 15, 2024

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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* 712 Myrtle Avenue

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
23DCP128K	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
230258ZMK, N230259ZRK	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY Department of City Planning (DCP)			NAME OF APPLICANT 712 Myrtle Rezoning LLC		
NAME OF LEAD AGENCY CONTACT PERSON Stephanie Shellooe, Director, EARD			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Maxim Gladkiy GZA GeoEnvironmental Inc.		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 104 W 29th St, New York		
CITY NY	STATE NY	ZIP 100271	CITY NY	STATE NY	ZIP 10006
TELEPHONE 212 720 3328	EMAIL sshellooe@planning.nyc.gov		TELEPHONE 917 215 2975	EMAIL maxim.gladkiy@gza.com	

5. *Project Description*

The applicant, 712 Myrtle Rezoning LLC, is seeking the approval of a zoning map amendment from an M1 2 to an R7D/C2 4 zoning district, and a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a Mandatory Inclusionary Housing (MIH) area (the "Proposed Actions"). The Proposed Actions would affect the northern portion of Block 1751, at a depth of 100 feet, including portions of lots 20, 21, 23, 24, and 25 (the "Affected Area"), in the Bedford Stuyvesant neighborhood of Brooklyn, Community District 3.

The Proposed Actions would facilitate a proposal by the applicant to develop a new 61,372 gross square foot (gsf), mixed use building with 53,453 gsf of residential use containing 41 dwelling units (10 12 of which would be affordable pursuant to MIH) and 7,919 gsf of commercial use located at 712 Myrtle Avenue (Block 1751, Lots 21, 23 and 24). The total incremental floor area used for analysis in the With Action scenario includes the addition of 100,498 total gsf of floor area and approximately 123 additional dwelling units (33 40 of which would be affordable pursuant to MIH).

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 3	STREET ADDRESS 712 Myrtle Avenue
TAX BLOCK(S) AND LOT(S) Block 1751, Lots p/o 20, p/o 21, p/o 23, p/o 24, and p/o 25		ZIP CODE 11205
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS bounded by Myrtle Avenue to the north, Spencer Street to the west, Walworth Street to the east, and Block 1751, Lots 10 and 25 to the south.		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY M1 2		ZONING SECTIONAL MAP NUMBER 13b

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

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

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

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☐ YES ☒ NO
☐ VARIANCE (use)
☐ VARIANCE (bulk)
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

Other City Approvals Subject to CEQR (check all that apply)
☐ LEGISLATION
☐ RULEMAKING
☐ CONSTRUCTION OF PUBLIC FACILITIES
☐ 384(b)(4) APPROVAL
☐ OTHER, explain:
☐ FUNDING OF CONSTRUCTION, specify:
☐ POLICY OR PLAN, specify:
☐ FUNDING OF PROGRAMS, specify:
☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)
☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☐ OTHER, explain:

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

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

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

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

Physical Setting (both developed and undeveloped areas)
Total directly affected area (sq. ft.): 20,000
Roads, buildings, and other paved surfaces (sq. ft.): 18,837
Waterbody area (sq. ft) and type:
Other, describe (sq. ft.):

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): 140,237
NUMBER OF BUILDINGS: 2
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 61,372 Projected Site 1; 78,865 Projected Site 2
HEIGHT OF EACH BUILDING (ft.): 115 ft; 115 ft
NUMBER OF STORIES OF EACH BUILDING: 11; 11

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: 8,000
The total square feet not owned or controlled by the applicant: 12,000

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: 18,447 sq. ft. (width x length)
VOLUME OF DISTURBANCE: 221,364 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 18,447 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.)	111,168	16,469	0	0
Type (*e.g.,* retail, office, school)	131 units	Local 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: 315 NUMBER OF ADDITIONAL WORKERS: 61
Provide a brief explanation of how these numbers were determined: Average household size 2.56 per DU according to 2020 Census Data for CD 3 and DCP guidance on worker density by use: Residences: 1 per 25 units; Local Retail: 1 per 333.3 GSF;

Office/Medical Office: 1 per 250 GSF.

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: 23

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: The 2026 build year is anticipated in consideration of an 18 month CEQR review period, a 7 month ULURP review process, a 6 month design development and permitting period, and a 23 month single phase construction schedule inclusive of two Projected Development Sites.

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 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.		
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 Section 2.4 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.		
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 Section 2.6 and Appendix D	☒	☐
(j) Based on the Phase I Assessment, is a Phase II Investigation needed?	☒	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13 1 in Chapter 13?	☐	☐
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☐
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒

	YES	NO
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14 1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 9,265.76		
○ 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): 17,647,230.30		
(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 Section 2.7	☒	☐
(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?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		

	YES	NO
(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, 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.

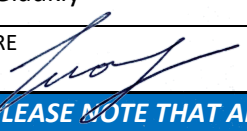
All construction activities would comply with relevant DOT and DOB regulation governing construction activity.

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	2/15/2024

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).

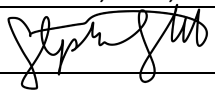
☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. 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
Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission
NAME	DATE
Stephanie Shellooe, AICP, Director	February 16, 2024

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, 712 Myrtle Rezoning LLC, is seeking the approval of a zoning map amendment from an M1-2 to an R7D/C2-4 zoning district, and a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a Mandatory Inclusionary Housing (MIH) area (the "Proposed Actions"). The Proposed Actions would affect the northern portion of Block 1751, at a depth of 100 feet, including portions of contiguous lots 20, 21, 23, 24, and 25 (the "Affected Area"), in the Bedford Stuyvesant neighborhood of Brooklyn, Community District 3. The Project Area is generally bounded by Myrtle Avenue to the north, Spencer Street to the west, Walworth Street to the east, and Block 1751, Lot 10 and the remainder of Lot 25 to the south. The Proposed Actions would facilitate a proposal by the applicant to develop a new 9-story, 95-foot tall, 61,372 gross square foot (gsf), mixed-use building on Block 1751, Lots 21, 23 and 24 ("Projected Development Site 1"), containing 41 dwelling units, approximately 10-12 of which would be income-restricted pursuant to MIH. The building would contain approximately 53,453 gsf of residential use and 7,919 gsf of ground floor commercial use. No parking would be required, and none would be provided. For the purposes of presenting a conservative CEQR analysis, the EAS analyzed an 11-story, 115-foot tall building on Projected Development Site 1 (with the same floor area use program described above), containing 63 dwelling units, approximately 16-19 units of which would be income-restricted pursuant to MIH. In addition, one other projected development site was identified and analyzed in the EAS. A new 11-story, 115-foot tall, 78,865 gsf mixed-use building would contain approximately 57,715 gsf of residential use on Block 1751, part of Lot 25 ("Projected Development Site 2"), containing 68 dwelling units, approximately 17-21 of which would be income-restricted pursuant to MIH. The building would contain approximately 8,550 gsf of ground floor commercial use, while providing 27 accessory parking space in the cellar level.

The projected developments and uses facilitated by the Proposed Actions would be compatible with existing mixed residential and commercial retail uses on Myrtle Avenue and in the surrounding area. While the Proposed Actions would allow for an increase in development and bulk relative to the existing zoning, the proposed R7D/C2-4 district would establish a medium-density residential district with a commercial overlay that would be compatible with adjacent block frontages along Myrtle Avenue to the east and northeast of the project area. The Proposed Actions would be compatible and consistent with public policies that currently apply to the Project Area and the surrounding area, including the City's goals to facilitate the construction of permanently affordable dwelling units. Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning, and public policy, and no further analysis is warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-731) related to hazardous materials, air quality, and noise 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, air quality, and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or noise.

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 Andrew Martini at amartini@planning.nyc.gov.

TITLE	LEAD AGENCY
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 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE 2/16/2024
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 2/20/2024
SIGNATURE	

Project Name: 712 MYRTLE AVENUE
CEQR # 23DCP128K
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 1751, Lots 21, 23, and 24
Projected Development Site 2	Brooklyn	Block 1751, Lot 25

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-731**) would be established as part of approval of the proposed actions on **Projected Development Site 1 and Projected Development Site 2** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Projected Development Site 2	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1 and Projected Development Site 2** 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: 712 MYRTLE AVENUE
CEQR # 23DCP128K
SEQRA Classification: Unlisted

Air Quality

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

> ***Projected Development Site 1:*** *Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) system and hot water equipment and must be fitted with low NOx (15 ppm) burners, ensure the HVAC system and hot water equipment stack is located at the building's highest level and at a minimum of 93 feet above grade, and that the stack is located at least 45 feet from the eastern lot line of Block 1751, Lot 24 to avoid any potential significant adverse air quality impacts.*
>
> ***Projected Development Site 2****: Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning (HVAC) system and hot water equipment stack is located at the building's highest level and at a minimum of 118 feet above grade to avoid any potential significant adverse air quality impacts.*

Noise

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

> ***Projected Development Site 1*** *and* ***Projected Development Site 2:*** *In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation on the northern (Myrtle Avenue), western (Spencer Street) facades, and the eastern (Walworth) facade within 50 feet of Myrtle Ave to maintain an interior noise level of 45 dB(A). No other facades require attenuation. To maintain a closed-window condition, an alternate means of ventilation must be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.*

Figure 1.1-1: Site Location Map

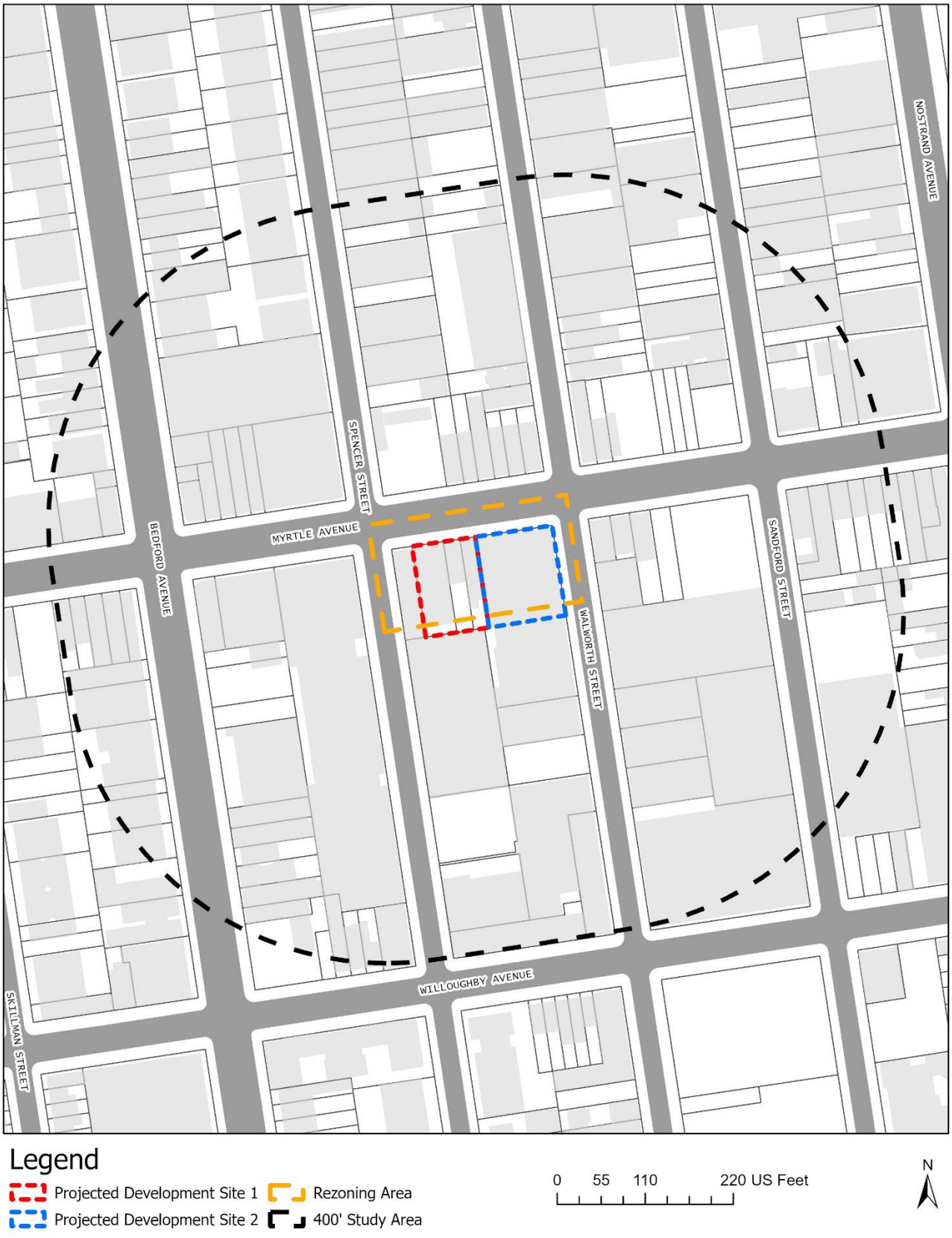


Figure 1.1-2: Project Location Map – Aerial



Figure 1.1-3: Existing Land Use Map



Figure 1.1-4: Zoning Map



Figure 1.1-5: Zoning Change Map



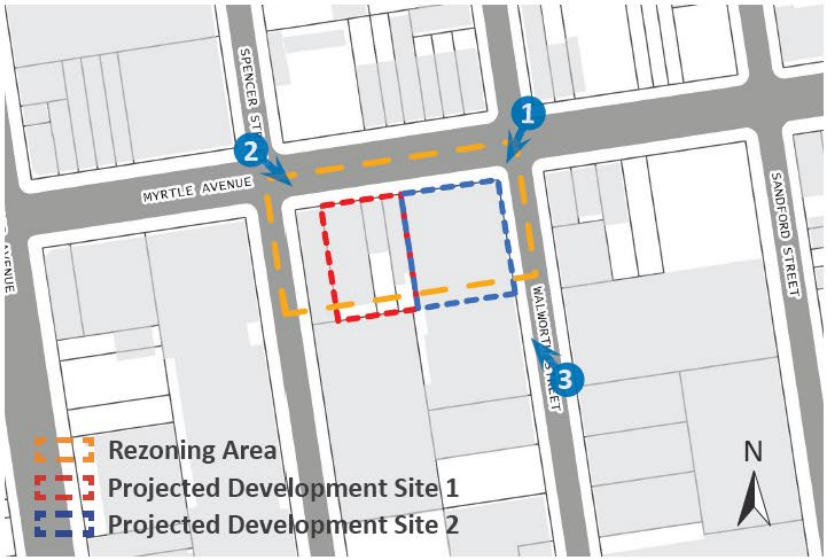
Figure 1.1-6: Tax Map



Figure 1.1-7: Site Photos (1)[1]



1 View of Rezoning Area from the intersection of Myrtle Ave and Walworth St facing southwest



Study Area Map with Photo Key



2 View of Rezoning Area from the intersection of Myrtle Ave and Spencer St facing southeast



3 View of Rezoning Area from Walworth St facing northwest

[1] All site photos were taken on December 8th, 2022.

Figure 1.1-8: Site Photos (2)



4 View of Myrtle Ave from the intersection of Myrtle Ave and Walworth St facing facing west



Study Area Map with Photo Key



5 View of Walworth St facing north



6 View of Myrtle Ave toward the intersection of Myrtle Ave and Sandford St

Figure 1.1-9: Site Photos (3)



7 View of Spencer St facing north



Study Area Map with Photo Key



8 View of Spencer St facing south



9 View of Myrtle Ave toward theintersection of Myrtle Ave and Bedford Ave facing west

1 Project Description

1.1 Introduction

The Applicant, 712 Myrtle Rezoning LLC, seeks a Zoning Map Amendment that would affect a portion of Block 1751 in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3. The "Affected Area" is a rectangular area of approximately 20,000 square feet (SF) consisting of Block 1751, Lots p/o 20, p/o 21, p/o 23, p/o 24, and p/o 25, partially bounded by Myrtle Avenue to the north, Spencer Street to the west, and Walworth Street to the east. The Zoning Map Amendment would rezone the Affected Area from an M1-2 to an R7D/C2-4 zoning district. The Applicant is also proposing a Zoning Text Amendment to Appendix F to add a Mandatory Inclusionary Housing (MIH) area coterminous with the Rezoning Area. The Zoning Map Amendment and Zoning Text Amendment constitute the "Proposed Actions".

The proposed text amendment of ZR Appendix F is necessary to establish an MIH Area, which would require new developments to set aside 25-30 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 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 development of the Applicant-owned Projected Development Site 1 composed of Lots 21, 23, and 24 into a single 61,372 GSF (49,848 ZSF, 5.57 FAR) mixed-use residential building with ground-floor use group (UG) 6 commercial use. The project would be a 95-foot-tall, 9-story building with a cellar and a 10-foot setback on Myrtle Avenue at the height of 85 feet. The building would contain 7,918.9 GSF of ground floor commercial use and 53,453.1 GSF (41,929.0 ZSF) of residential use. The Proposed Development would result in 41 units, 25-30% (10-12 units) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected. The Applicant intends to pursue MIH Option 2, which would result in 12 affordable units at an average of 80% AMI. The 8,909-SF cellar would be predominantly occupied with recreation and storage spaces. Per ZR 25-23, accessory parking is required for 50% of residential units. This requirement is reduced to 30% for small lots under 10,000 SF per ZR 25-241. Further, per ZR 25-261, parking may be waived for buildings requiring under 15 spaces in an R7D, therefore the Applicant is proposing no parking for residential units. In addition, per ZR 36-231, general parking requirements under ZR 36-21 can be waived in a C2-4 Commercial Overlay for commercial uses requiring under 15 spaces. Therefore, the Applicant is proposing no accessory commercial parking. Per ZR 25-811 requiring bicycle parking for 50% of dwelling units, 21 bicycle parking spots would be provided for the proposed 41 dwelling units.

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

DCP is proposing a citywide zoning text amendment, the City of Yes for Housing Opportunity ("CHO") (CEQR No. 24DCP033Y) to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest density districts to the highest, to address the housing shortage and high cost of housing in New York City. It is anticipated that this proposed zoning text amendment would be referred into public review in Spring 2024. Given that this project may be affected by the proposals included in the text amendment, a technical memorandum has been included in Appendix H that assesses whether the conclusion of the environmental review would by altered by CHO.

1.2 Background and Site History

The Affected Area was zoned R6 with the enactment of the 1961 zoning ordinance and was amended to the present M1-2 zoning district on June 11, 1964 (CP18399, effective June 11, 1964). All lots within the proposed rezoning area were built between 1915 and 1931 (according to ZOLA) and have, for their known history, been used as commercial space or ground floor commercial space with residential units on the upper stories. Under current zoning regulations, the existing residential uses are legal non-conforming.

There have been three rezonings in the area surrounding the Affected Area:

- The 2001 Flushing/Bedford Rezoning (C 000109 ZMK, effective May 9, 2001) affected 15 blocks of Brooklyn Community Districts 1 and 3 (including Block 1734 located across Spencer Street from the Affected Area) and resulted in the zoning map amendment from M1-2 and M3-1 zoning districts to R7-1, M1-1 zoning districts and M1-2 zoning districts to an M1-2/R7-1 zoning district (Special Purpose District MX-4: Flushing/Bedford).
- The 2017 723-733 Myrtle Avenue Rezoning (C 170025 ZMK, effective November 30, 2017) affected entire or portions of 22 lots across three blocks (including Block 1736 northeast of the Affected Area across Sanford Street in addition to Blocks 1737 and 1753). The rezoning resulted in a zoning map amendment from M1-1 and M1-2 zoning districts to an R7D/C2-4 zoning district to facilitate the construction of a new 8-story 89,157 GSF mixed-use residential, commercial and community facility building on Block 1736, Lots 35, 37, 137, 38, and 39; and an R6B/C2-4 zoning district on the southern side of Myrtle Avenue over Block 1753, Lots 21, 22, 23, 24, 25, 26, 27, 28, and 30.
- In 2019 the 895 Bedford Avenue Rezoning (C 180229 ZMK, effective February 13, 2019) changed Block 1750, Lots 44, 46, 47, 49, p/o 1, p/o 24, and p/o 48 from M1-2 to R7A with

a C2-4 commercial overlay and mapped an MIH area in the rezoning area. All lots within the proposed rezoning area were built in 1931 and have, for their know history, been used as commercial office or ground floor commercial space with residential on the upper stories.

The abovementioned recent rezonings are indicative of the area's trend away from manufacturing uses and toward mixed residential and commercial uses of increased bulk.

1.3 Description of the Surrounding Area

The Affected Area is located within the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3. The area is partially bounded by Myrtle Avenue to the north, Spencer Street to the west, and Walworth Street to the east. Myrtle Avenue is a two-way roadway classified as Principal Arterial Other Road by the New York State Department of Transportation (NYS DOT) with one moving lane of traffic eastbound and westbound, respectively, and parking on both sides of the road. Spencer Street is a one-way single-lane southbound local road with parking on both sides of the curb lane. Walworth Street is a one-way single lane northbound local road with parking on both sides of the curb lane.

Existing land uses within a 400-foot buffer around the Affected Area ("the Surrounding Area") primarily consist of industrial, residential, commercial, mixed-use commercial and residential, community facility, parking facility uses, and vacant land. The predominant land uses in the surrounding area are light industrial, residential and mixed residential and commercial uses. Residential buildings range from two-story one- & two-family buildings to six-story multifamily elevator buildings. Mixed residential and commercial buildings typically feature three to five floors. Industrial buildings primarily consist of one- to four-story structures. Industrial uses are mostly concentrated to the north and west of the Affected Area and include plastic product factories and warehouses, autobody shops, car rental agencies, used car dealers, a computer numerical control fabrication studio, a check printing studio, a marble processing corporation, a metal electropolishing store, and a food supplier. The community facility uses include a one-story synagogue and a four-story school (Bnos Square of Williamsburg).

The existing zoning in the 400-foot Study Area consists of M1-1, M1-2, R6A, R6B, and R7D zoning districts as well as C2-4 Commercial Overlays along Myrtle Avenue. The Affected Area is within an M1-2 zoning district that generally extends south, east, and west of the Affected Area. An M1-1 zoning district is mapped to the north of the Affected Area across Myrtle Avenue. Residential districts R6B and R7D are mapped along Myrtle Avenue in the eastern portion of the 400-foot Study Area, and an R7D district is mapped in the western portion of the Study Area.

The area is well served by transit. The Myrtle - Willoughby Avenues subway station, with service from the G-train, is located approximately 1,580 feet from the Affected Area at the intersection of Myrtle Avenue and Marcy Avenue. The G-train operates between the intersection of Church Avenue and McDonald Street in Brooklyn and the Court Square subway station near the intersection of 21st Street and 44th Drive in Long Island City, Queens.

There are three bus lines (B44/B48/B54) that are accessible to users in the area. Buses B44 and B54 have stops within one block of the Affected Area. Bus B48 has stops on Franklin Avenue. The B54 bus operates between Sheepshead Bay and Williamsburg via Nostrand Avenue. The B44 bus operates between Downtown Brooklyn and Ridgewood via Bedford Avenue and Nostrand Avenue. The B48 bus operates between Greenpoint and Prospect Park via Franklin Avenue.

1.4 Description of the Affected Area

The Affected Area includes the northern portion of Block 1751, at a depth of 100 feet, consisting of the portions of contiguous tax lots 20, 21, 23, 24, and 25. The Affected Area contains approximately 20,000 of lot area within an M1-2 zoning district and is partially bounded by Myrtle Avenue to the north, Spencer Street to the west, and Walworth Street to the east.

Applicant-Controlled Sites

Projected Development Site 1

The Applicant-owned Projected Development Site 1, located at 708-714 Myrtle Avenue includes Block 1751, Lots 21, 23 and 24, with a total lot area of 8,947 SF:

- Lot 21 is a 4,529 SF interior lot with 40.5 feet of frontage on Myrtle Avenue. The lot is currently improved with a 17-foot-tall, one-story commercial building of 4,000 GSF constructed in 1931 and altered in 2013 (ZOLA). The building is currently used as a catering facility.
- Lot 23 is a 2,181 SF interior lot with 19.5 feet of frontage on Myrtle Avenue. The lot is currently improved with a 36-foot-tall, three-story mixed residential and commercial building of 2,940 GSF constructed in 1931 (ZOLA). The first floor is currently used as an interior designer's office. The upper floors include two residential units.
- Lot 24 is a 2,237 SF interior lot with 20 ft of frontage on Myrtle Avenue. The lot is currently improved with a 34-foot-tall, three-story mixed residential and commercial building of 3,240 GSF constructed in 1931 (ZOLA). The first floor is currently used as an office space. The upper floors include two residential units.

Non-Applicant Controlled Sites

Projected Development Site 2

The non-Applicant-owned Projected Development Site 2 includes an approximately 11,100-SF portion of Block 1751, Lot 25. Lot 25 is a 20,550 SF corner lot with 95 feet of frontage on Myrtle Avenue and 211 feet of frontage on Walworth Street. The total existing floor area on the portion of Lot 25 within the Affected Area is approximately 29,559 SF. The portion of lot 25 within the Affected Area is currently improved with an assemblage of buildings, including two mixed residential and commercial buildings at 716 and 718 Myrtle Ave and a mixed community facility

and commercial building at 720 Myrtle Ave merged with a community facility building at 722 Myrtle Ave:

- 716 Myrtle Ave consists of a three-story mixed residential and commercial building of approximately 3,501 GSF. The first floor is currently used as a vacuum cleaner store. The upper floors include two residential units.
- 718 Myrtle Ave consists of a three-story mixed residential and commercial building of approximately 3,993 GSF. The first floor is currently used as a used clothing store. The upper floors include two residential units.
- 720 Myrtle Ave consists of a three-story mixed community facility and commercial building. The first floor is currently used as a discount store and includes approximately 1,755 GSF. The second and third floors are a part of the currently vacant medical office at 722 Myrtle Ave located on the 2nd and 3rd floors.
- 722 Myrtle Ave includes currently vacant and listed for rent medical office space located on the 2nd and 3rd floors of a three-story building with the ground floor entrance on Myrtle Avenue and a total floor area of approximately 21,640 GSF. However, only approximately 15,370 GSF of the floor area is within the Affected Area and Projected Development Site 2. In the past, the space was utilized as an Alcohol Rehabilitation Center (closed five years ago) and an Early Childhood Center (recently closed). The first floor of the same structure features an approximately 4,940 GSF space under the address 144 Walworth Street, with all of the 4,940 GSF within Projected Development Site 2 and the entrance on Walworth Street. The space was used as a bottle redemption facility in the past. The last known use is a dialysis center, which is now closed. The space is assumed to be currently vacant.

Other lots

Another lot in the Affected Area is a non-Applicant-controlled Lot 20. Lot 20 is a 2,796 SF corner lot with 20 feet of frontage on Myrtle Avenue and 111.83 feet of frontage on Spencer Street. The lot is currently improved with a 32-foot-tall, three-story mixed residential and commercial building of 7,075 GSF constructed in 1931. The first floor is a currently vacant commercial space. The upper floors include six residential units.

Lot 20 was not identified as a soft site for the purposes of this analysis as the size of the lot is less than 5,000 SF. Additionally, the lot features a building with legal non-conforming residential uses constructed in 1931. Further, according to CEQR, residential buildings with six (6) or more units constructed before 1974 are likely to be rent stabilized, which makes it hard to vacate.

1.5 Description of the Proposed Project

The Proposed Project would develop the Applicant-owned Projected Development Site 1 composed of Lots 21, 23, and 24 into a single 61,372 GSF (49,848 ZSF, 5.57 FAR) mixed-use

residential building with ground-floor use group (UG) 6 commercial use. The project would be a 95-foot-tall, 9-story building with a cellar and a 10-foot setback on Myrtle Avenue at the height of 85 feet. The building would contain 7,918.9 GSF of ground floor commercial use and 53,453.1 GSF (41,929.0 ZSF) of residential use. The Proposed Development would result in 41 units, 25-30% (10-12 units) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected. The Applicant intends to pursue MIH Option 2, which would result in 12 affordable units at an average of 80% AMI. The 8,909-SF cellar would be predominantly occupied with recreation and storage spaces. Per ZR 25-23, accessory parking is required for 50% of residential units. This requirement is reduced to 30% for small lots under 10,000 SF per ZR 25-241. Further, per ZR 25-261, parking may be waived for buildings requiring under 15 spaces in an R7D, therefore the Applicant is proposing no parking for residential units. In addition, per ZR 36-231, general parking requirements under ZR 36-21 can be waived in a C2-4 Commercial Overlay for commercial uses requiring under 15 spaces. Therefore, the Applicant is proposing no accessory commercial parking. Per ZR 25-811 requiring bicycle parking for 50% of dwelling units, 21 bicycle parking spots would be provided for the proposed 41 dwelling units.

1.6 Proposed Actions

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

(1) a Zoning Map Amendment to map a R7D/C2-4 zoning district in the Affected Area currently zoned as M1-2;

(2) a Zoning Text Amendment to amend Brooklyn Community District 3, Map 3 in Appendix F: Inclusionary Housing Designated Area to establish the Affected Area as an MIH Area.

1.7 Purpose and Need

The proposed rezoning from an M1-2 district to an R7D/C2-4 zoning district would facilitate development within the Affected Area that would not otherwise be possible under the existing M1-2 zoning regulations with no residential uses allowed. The Proposed Actions would allow new residential and commercial uses to come into the area and would legalize the existing legal non-conforming residential uses within the Affected Area.

The Proposed Actions would reflect the recent land use trends in the surrounding area, including the 2017 Myrtle Avenue/Sanford Avenue Zoning Map and Text Amendment, which rezoned an area directly across Myrtle Ave from M1-1 to R7D/C2-4 district as proposed under this Application. The increased bulk as a result of the Proposed Actions would also be appropriate for the Affected Area located on a wide street. 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. Therefore, the Proposed Actions would advance the City's affordable housing policy outlined in Housing New York 2.0 (2017).

1.8 Analysis Framework

The analysis framework compares the incremental difference between the proposed and potential development under the Proposed Actions (With-Action Scenario) and the development which could occur under the existing zoning (No-Action Scenario). This EAS studies the potential for individual and cumulative environmental impacts related to the Proposed Actions occurring in a Study Area of approximately 400 feet around the Affected Area. This environmental assessment considers the potential effects of the Proposed Actions compared to future conditions without the approvals sought by the Applicant. 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 what development actual 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 project in operation (With-Action Scenario).

Build Year

The build year for the analysis is anticipated to be 2026 in consideration of an 18-month CEQR review period, a 7-month ULURP process, 6-months of design development and permitting period, and an approximately 23-month single-phase construction schedule inclusive of two Projected Development Sites. The proposed construction schedules for each site can be found in **Appendix G**.

- Projected Development Site 1 is anticipated to begin with demolition and site clearance in August 2024 and complete with interior fit-out in February of 2026 for a construction duration of 18 months. Lastly, the Final Certificate of Occupancy is anticipated by March 2026 when occupancy is assumed.
- Projected Development Site 2 is anticipated to lag the Applicant development of Projected Development Site 1 by about five months, with demolition and site clearance beginning in January 2025 and interior fit-out to be completed by July of 2026 for a construction duration of 18 months. Lastly, the Final Certificate of Occupancy is anticipated by August 2026 when occupancy is assumed.

Future Without the Proposed Actions (No-Action Scenario)

The No-Action Condition for the Affected Area would be the same as existing conditions.

Projected Development Site 1 (Block 1751, Lots 21, 23, 24)

There are no records of building work permits submitted by the Applicant. As such, it is conservatively assumed that under the No-Action Scenario, existing conditions would continue on Projected Development Site 1. The existing residential uses on lots 23 and 24 are legal non-conforming. It is assumed that these uses would remain in the future without the Proposed Actions.

Projected Development Site 2 (Block 1751, Lot p/o 25)

There are no records of building work permits 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 2. The existing residential uses on lot 25 are legal non-conforming. It is assumed that these uses would remain in the future without the Proposed Actions.

Other Lots (Block 1751, Lot 20)

Another non-Applicant-controlled lot 20 is not considered likely to be redeveloped under No-Action Conditions and would remain as it exists. The existing residential uses on lot 20 are legal non-conforming. It is assumed that these uses would remain in the future without the Proposed Actions.

Future With the Proposed Actions (With-Action Scenario)

Projected Development Site 1 (Block 1751, Lots 21, 23, 24)

Under Future With-Action conditions, the Applicant-controlled Projected Development Site 1 would be developed with a single 61,372 GSF (49,848 ZSF, 5.57 FAR) mixed residential and UG 6 commercial building with 65% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar and a 10-foot setback on Myrtle Ave at a height of 95 feet. The development would contain 7,918.9 GSF of ground-floor UG 6 retail and 53,453 GSF (41,929 ZSF) of residential use. The Projected Development would include 63 dwelling units (assuming 850 GSF/DU for a consistent dwelling unit factor), 25-30% (16-19 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% (13 units) of residential floor area is assumed to be affordable at or below 60% AMI. For the proposed 63 dwelling units, 32 bicycle parking spots would be provided. No accessory parking would be required as described in **Section 1.1**. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

Projected Development Site 2 (Block 1751, Lot p/o 25)

Under Future With-Action conditions, the non-Applicant-controlled Projected Development Site 2 would be developed with a single 78,865 GSF (62,160 ZSF, 5.60 FAR) mixed residential and commercial building with the maximum 100% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar. The building would have a 10-foot setback on Myrtle Ave and a 15-foot setback on Walworth Street at a height of 95 feet. The development would contain 8,550 GSF of ground-floor Local Retail, 57,715 GSF (53,939 ZSF) of Residential use on the upper floors, and 12,600 SF of underground parking with a ramp. The Projected Development would include 68 dwelling units (assuming 850 GSF/DU), 25-30% (17-21 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% (14 units) of residential floor area is assumed to be affordable at or below 60% AMI. The underground parking would include 27 residential parking spaces (required 50% of market-rate residential units) and would require construction of a new curb cut. For the proposed 68 dwelling units, 34 bicycle parking spots would be provided. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

Other Lots (Block 1751, Lot 20)

The development of lot 20 is not expected to occur under the proposed zoning because of the lot's narrow frontage, small lot size. The lot is 2,796 SF, below the general standard of 5,000 SF established by Chapter 2 of the *CEQR Technical Manual* for sites that should be considered soft. Additionally, the lot features a three-story building with legal non-conforming residential uses on the upper floors constructed in 1931. Further, according to CEQR, Residential buildings with six (6) or more units constructed before 1974 are likely to be rent stabilized.

The Projected and Other Affected Sites are shown in **Figure 1.1-1**.

Only Projected Development Sites 1 and 2 are considered in the increment between the No-Action and With-Action. As such, the Other Affected Sites will not be considered in the analysis of density-related aspects of the environmental review (such as open space, traffic, and socioeconomic conditions). This incremental development would consist of 123 dwelling units, 33-40 of which would be affordable pursuant to MIH. The net residential square footage would equal 102,812 GSF or 88,059 ZSF, the net commercial square footage would equal 5,396 GSF or 5,493 ZSF, and the net community facility square footage would equal -20,310 GSF or -19,529 ZSF. Further, an increase of 27 parking spaces would result in the With-Action Condition compared to the No-Action Condition to accommodate the future residential parking demands.

The Projected, Potential, and Other Affected Sites are shown in **Figure 1.1-1**, while the RWCDS Analysis Framework is shown below in **Table 1.8-1**.

The Existing, No-Action, and With-Action Scenarios on the lots within the Affected Area are presented in **Table 1.8-2**.

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

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)**	**Total gsf**	**Afford. DU**	**Total DU**
Projected Site 1	1751	21	4,529	M1-2	0	4,000	0	0	4,000	0	0	M1-2	0	4,000	0	0	4,000	0	0	R7D/C2-4	0	7,919	0	53,453	61,372	16-19	63
		23	2,181		0	980	0	1,960	2,940	0	2		0	980	0	1,960	2,940	0	2								
		24	2,237		0	1,080	0	2,160	3,240	0	2		0	1,080	0	2,160	3,240	0	2								
Projected Site 2		p/o 25	11,100		0	5,013	20,310	4,236	29,559	0	4		0	5,013	20,310	4,236	29,559	0	4		0	8,550	0	57,715	78,865	17-21	68
Total			**20,047**	**-**	**0**	**11,073**	**20,310**	**8,356**	**39,739**	**0**	**8**	**-**	**0**	**11,073**	**20,310**	**8,356**	**39,739**	**0**	**8**	**-**	**0**	**16,469**	**0**	**111,168**	**140,237**	**33-40**	**131**

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	11,073	16,469	+5,396
Manufacturing GSF	0	0	0
Community Facility GSF	20,310	0	-20,310
Residential GSF	8,356	111,168	+102,812
Total GSF	39,739	140,237	+100,498
Residential DUs	8	131	+123
Residents[1]	20	335	+315
Workers[2]	116	55	-61

1: Assumes 3 employees per 1,000 sf

2: Assumes 2.56 residents per household average - 2020 Census data, Brooklyn CD 3

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 *2021 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 *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
- Open Space
- Shadows
- Historic and Cultural Resources
- Urban Design and Visual Resources
- Hazardous Materials
- 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 residential uses and an increased bulk, 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) Application and GIS software (using DCP's MapPLUTO 22v3.1 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 New York City Department of City Planning (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. Existing land uses within approximately 400 feet of the Affected Area (The Surrounding Area or Study Area) are presented in **Figure 1.1-3**.

Existing Conditions

Land Use Study Area

As shown in **Figure 1.1-3** and stated in Section 1.3, the Surrounding Area (or Study Area) contains a mix of manufacturing, one- and two-family buildings, multifamily buildings, commercial buildings, public facilities, mixed-use residential and commercial buildings, vacant land, and parking facilities. The predominant land uses in the surrounding area are light industrial, residential and mixed residential and commercial uses. Residential buildings range from two-story one- & two-family buildings to six-story multifamily elevator buildings. Mixed residential and commercial buildings typically feature three to five floors. Industrial buildings primarily consist of one- to four-story structures and are mostly concentrated to the north and to the west of the Affected Area. Community facility uses within the 400-foot Study Area include a one-story synagogue and a four-story school (Bnos Square of Williamsburg). Myrtle Avenue is predominantly developed with mixed-use residential and commercial uses in the vicinity of the Affected Area with a significant amount of vacant land. Spencer Street features a mix of uses, including residential, mixed-use commercial and residential, as well as industrial, community facility, commercial uses, and vacant land. Walworth Street is predominantly developed with Manufacturing uses with more residential uses to the north of Myrtle Avenue.

Affected Area

The Affected Area includes the northern portion of Block 1751 , at a depth of 100 feet, consisting of the portions of contiguous tax lots 20, 21, 23, 24, and 25. The Affected Area contains approximately 20,000 of lot area within an M1-2 zoning district and is partially bounded by Myrtle Avenue to the north, Spencer Street to the west, and Walworth Street to the east.

Projected Development Site 1

The Applicant-owned Projected Development Site 1, located at 708-714 Myrtle Avenue includes Block 1751, lots 21, 23 and 24 and contains a total lot area of 8,947 SF. All of the lots were developed in 1931.

- Lot 21 is a 4,529 SF interior lot with 40.5 feet of frontage on Myrtle Avenue. The lot is currently improved with a 17-foot-tall, one-story commercial building of 4,000 GSF constructed in 1931 and altered in 2013. The building is currently used as a catering facility.
- Lot 23 is a 2,181 SF interior lot with 19.5 feet of frontage on Myrtle Avenue. The lot is currently improved with a 36-foot-tall, three-story mixed residential and commercial building of 2,940 GSF constructed in 1931. The first floor is currently used as an interior designer's office. The upper floors include two residential units.
- Lot 24 is a 2,237 SF interior lot with 20 ft of frontage on Myrtle Avenue. The lot is currently improved with a 34-foot-tall, three-story mixed residential and commercial building of 3,240 GSF constructed in 1931. The first floor is currently used as an office space. The upper floors include two residential units.

Projected Development Site 2

The non-Applicant-owned Projected Development Site 2 includes an approximately 11,100-SF portion of the non-Applicant-controlled Block 1751, Lot 25. Lot 25 is a 20,550 SF corner lot with 95 feet of frontage on Myrtle Avenue and 211 feet of frontage on Walworth Street. The total existing floor area on the portion of Lot 25 within the Affected Area is approximately 29,559 SF. Lot p/o 25 is currently improved with an assemblage of buildings, including two mixed residential and commercial buildings at 716 and 718 Myrtle Ave and a mixed community facility and commercial building at 720 Myrtle Ave merged with a community facility building at 722 Myrtle Ave:

- 716 Myrtle Ave is developed with a three-story mixed residential and commercial building of approximately 3,501 GSF. The first floor is currently used as a vacuum cleaner store. The upper floors include two residential units.
- 718 Myrtle Ave is developed with a three-story mixed residential and commercial building of approximately 3,993 GSF. The first floor is currently used as a used clothing store. The upper floors include two residential units.

- 720 Myrtle Ave is developed with a three-story mixed community facility and commercial building. The first floor is currently used as a discount store and includes approximately 1,755 GSF. The second and third floors are a part of the currently vacant medical office at 722 Myrtle Ave located on the 2nd and 3rd floors.

- 722 Myrtle Ave consists of currently vacant listed for rent medical office space located on the 2nd and 3rd floors of a three-story building with the ground floor entrance on Myrtle Avenue and with a total floor area of approximately 21,640 GSF. However, only approximately 15,370 GSF of the floor area is within the Affected Area and PDS 2. In the past, the space was utilized as an Alcohol Rehabilitation Center (closed 5 years ago) and an Early Childhood Center (recently closed). The first floor of the same structure features an approximately 4,940 GSF space under the address 144 Walworth St, with all of the 4,940 GSF within the PDS 2 and the entrance on Walworth St. The space was used as a Bottle Redemption Facility in the past. The last known use is a Dialysis Center, which is now closed. The space is assumed to be currently vacant.

Other lots

Another lot in the Affected Area is a non-Applicant-controlled Lot 20. Lot 20 is a 2,796 SF corner lot with 20 feet of frontage on Myrtle Avenue and 111.83 feet of frontage on Spencer Street. The lot is currently improved with a 32-foot-tall, three-story mixed residential and commercial building of 7,075 GSF constructed in 1931. The first floor is a currently vacant commercial space. The upper floors include six residential units.

Future No-Action Condition

Land Use Study Area

There are no active construction permits within the 400-foot Study Area. However, as noted in the Project Description section above, two recent rezonings were approved in the 400-foot Study Area that indicates incremental changes to the land use composition in the immediate neighborhood.

In 2017, the 723-733 Myrtle Avenue Rezoning (C 170025 ZMK, effective November 30, 2017) affected entire or portions of 22 lots across three blocks (including Block 1736 northeast of the Affected Area across Sanford Street in addition to Blocks 1737 and 1753). The rezoning resulted in a zoning map amendment from M1-1 and M1-2 zoning districts to an R7D/C2-4 zoning district on the north side of Myrtle Avenue. The 723-733 Myrtle Avenue Rezoning resulted in four sites projected to redevelop:

- Site 1 (Block 1736, Lots 35, 37, 137, 38, and 39) under the worst-case development scenario is assumed to be developed with 82,152 zoning square feet (90,367 gross square feet) of total floor area of which, 14,670 ZSF (16,137 GSF) would be community facility floor area, and 67,482 ZSF (74,230 GSF) would be residential floor area. It is assumed the building would be built to the maximum allowable height of 115 feet with a qualifying ground floor within an R7D district. Assuming 850 square feet per dwelling unit, it is assumed that 87 residential units would be constructed on this site. It is assumed that 17

units would be affordable at or below 80 percent AMI and that 26 units will be affordable at an average of 80 percent AMI. Therefore, 30 parking spaces would be required for the building's approximately 61 market-rate residential units.

- Site 2 (Block 1737, Lot 35) under the With-Action Scenario is assumed to be developed with 15,775 ZSF (17,353 GSF) of ground floor commercial floor area, 15,775 ZSF (17,353 GSF) of community facility floor area (medical office) and 56,790 ZSF (62,469 GSF) of residential floor area. It is also assumed that the building would be constructed to the maximum allowable height, which is 115 feet, with a qualifying ground floor in an R7D district. It is assumed 73 residential units would be constructed on-site, of which 14 affordable units would be available at or below 80 percent AMI and that 22 units would be available at an average of 80 percent AMI. It is assumed that 19 parking spaces would be provided.

- Site 3 (Block 1737, Lot 41) under the With-Action Scenario is assumed to be developed with 3,233 ZSF (3,556 GSF) of commercial floor area, 3,233 ZSF (3,556 GSF) of community facility floor area and 11,639 ZSF (12,803 GSF) residential floor area. It is also assumed that the building would be constructed to the maximum allowable height, which is 115 feet, with a qualifying ground floor in an R7D district. Estimating approximately 850 square feet per dwelling unit, it is assumed 15 residential units would be constructed on-site. Under the 30 percent MIH option, the proposed rezoning would result in the creation of approximately four affordable units with incomes averaging 80 percent of the area median income (AMI) and 3 units available below 80 percent AMI. No parking would be required per R7D guidelines.

- Site 4 (Block 1737 Lot 42) under the With-Action Scenario is assumed to be developed with 4,375 ZSF (4,812 GSF) of commercial floor area, 4,375 ZSF (4,812 GSF) of community facility floor area and 15,750 ZSF (17,325 GSF) of residential floor area. It is also assumed that the building would be constructed to the maximum allowable height, which is 115 feet with a qualifying ground floor in an R7D district. Estimating approximately 850 square feet per dwelling unit, it is assumed 20 residential units would be constructed on-site. Under the 30 percent MIH option, the proposed rezoning would result in the creation of approximately five affordable units with incomes averaging 80 percent of the area median income (AMI) and 4 affordable below 80 percent AMI. No parking would be required per R7D guidelines.

In 2019, the 895 Bedford Avenue Rezoning (C 180229 ZMK, effective February 13, 2019) changed Block 1750, Lots 44, 46, 47, 49, p/o 1, p/o 24, and p/o 48 from M1-2 to R7A with a C2-4 commercial overlay. The Study Area, which is a mix of manufacturing, commercial, institutional, and pre-existing non-conforming residential uses is transitioning to a medium density residential and commercial retail land use composition. The 895 Bedford Avenue Rezoning resulted in three sites projected to redevelop:

- Site 1 (Lots 1 and 49) would be redeveloped with the proposed development consisting of a seven-story residential building with ground floor commercial space, containing 46,608 GSF (38,427 ZSF, FAR 4.59). The building would contain 42,082 GSF (33,901 ZSF,

FAR 4.06) of residential floor area (42 dwelling units) and 4,526 GSF (4,526 GSF, FAR 0.54) of commercial space on the ground floor. No parking would be proposed or required.

- Site 2 (Lots 46 and 47) under the With-Action Scenario is assumed to be developed with an 8-story (95-foot-high) building containing 15,787 GSF (14,352 ZSF), of which 1,500 GSF (1,500 ZSF) would be commercial space and 14,287 GSF (12,852 ZSF) would be residential. Assuming 1,000 GSF per DU, the building would contain 14 DUs, including 3 affordable DUs and 11 market-rate DUs. The RWCDS building height is 95 feet, the maximum height permitted under zoning. No parking would be included on Site 2.
- On Site 3 (Lot 48), under the With-Action Scenario, the residential uses would be legalized in the existing mixed-use building. Because the building is a recent construction on a narrow lot, a full teardown and redevelopment is not anticipated. The 4-story (40-foot-high) building would retain its 5,506 GSF of floor area (5,506 ZSF, FAR 2.75) and would contain 1,000 GSF of ground floor commercial space, three non-accessory parking spaces, and 4,500 GSF of residential space (3 DUs).

Overall, the existing land use patterns in the 400-foot Study Area are generally expected to transition to supportive commercial retail and residential uses from existing underutilized and blighted buildings in the neighborhood containing warehousing and light manufacturing uses. Specifically, the Myrtle Avenue and Bedford Avenue corridors are anticipated to lead this transition to residential main street land use typologies which the proposed rezoning would support. Any new development within the Surrounding Area would be governed by the underlying zoning regulations.

No-Action Developments associated with the above-mentioned rezonings are shown below in **Table 2.1-1**.

Table 2.1-1: No-Action Developments

Address	Type	Land Use	Incremental Floor Area (GSF)	Incremental Dwelling Units	Stories
895 Bedford Avenue	New Building	Mixed-use	45,348	42	7
385, 387 Willoughby Avenue	New Building	Mixed-use	13,387	10	8
383 Willoughby Avenue	New Building	Mixed-use	0	0	4
723-733 Myrtle Avenue	New Building	Mixed-use	81,951	87	8
743 Myrtle Avenue	New Building	Mixed-use	86,787	73	11
739 Myrtle Avenue	New Building	Mixed-use	19,915	15	11
735 Myrtle Avenue	New Building	Mixed-use	24,413	19	11

GSF = Gross Square Feet

Affected Area

There are no records of building work permits on the DOB website. As such, it is conservatively assumed that under the No-Action Scenario, existing conditions would remain the same on Projected Development Sites 1 and 2. Another non-Applicant-controlled Lot 20 is not considered likely to be redeveloped under No-Action Conditions and would remain as it exists. The existing

residential uses on lots 20, 23, 24, and 25 are legal non-conforming. It is assumed that these uses 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

Projected Development Site 1 (Block 1751, Lots 21, 23, 24)

Under Future With-Action conditions, the Applicant-controlled Projected Development Site 1 would be developed with a single 61,372 GSF (49,848 ZSF, 5.57 FAR) mixed residential and UG 6 commercial building with 65% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar and a 10-foot setback on Myrtle Ave at a height of 95 feet. The development would contain 7,918.9 GSF of ground-floor UG 6 retail and 53,453 GSF (41,929 ZSF) of residential use. The Projected Development would include 63 dwelling units (assuming 850 GSF/DU), 25-30% (16-19 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% (13 units) of residential floor area is assumed to be affordable at or below 60% AMI. For the proposed 63 dwelling units, 32 bicycle parking spots would be provided. No accessory parking would be required as described in **Section 1.1**. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

Projected Development Site 2 (Block 1751, Lot p/o 25)

Under Future With-Action conditions, the non-Applicant-controlled Projected Development Site 2 would be developed with a single 78,865 GSF (62,160 ZSF, 5.60 FAR) mixed residential and commercial building with the maximum 100% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar. The building would have a 10-foot setback on Myrtle Ave and a 15-foot setback on Walworth Street at a height of 95 feet. The development would contain 8,550 GSF of ground-floor Local Retail, 57,715 GSF (53,939 ZSF) of Residential use on the upper floors, and 12,600 SF of underground parking with a ramp. The Projected Development would include 68 dwelling units (assuming 850 GSF/DU), 25-30% (17-21 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% (14 units) of residential floor area is assumed to be affordable at or below 60% AMI. The underground parking would include 27 residential parking spaces (required 50% of market-rate residential units) and would require construction of a new curb cut. For the proposed 68 dwelling units, 34 bicycle parking spots would be provided. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

Another non-Applicant-controlled Lot 20 is not considered likely to be redeveloped under With-Action Conditions and would remain as it exists currently.

Conclusion

The density and uses permitted by the Proposed Actions would be appropriate for the location on a wide street and consistent with the recent and forecast land use trends in the surrounding area. The Proposed Actions would allow new residential and commercial uses to come into the area and would legalize the existing legal non-conforming residential uses within the Affected Area. 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 rezoning would not adversely affect surrounding land uses, nor would it be incompatible with those land uses. Therefore, no potentially significant adverse impacts related to land use are expected to occur as a result of the Proposed Actions, and further analysis of land use is not warranted.

2.1.2 Zoning

The *2021 CEQR Technical Manual* suggests that a zoning study area should extend 400 feet from the Affected Area ("The Surrounding Area" or "Zoning Study Area"). The proposed zoning map amendment would rezone Block 1751, Lots p/o 20, p/o 21, p/o 23, p/o 24, and p/o 25 from an M1-2 to an R7D/C2-4 zoning district. Existing zoning districts within approximately 400 feet of the Affected Area are presented in **Figure 1.1-4**.

Existing Conditions

Zoning Study Area

The zoning districts within 400 feet of the Affected Area are M1-1, M1-2, M1-2/R6A, R6B, R7A, R7D, and C2-4 commercial overlays, as illustrated in **Table 2.1-1** and described below.

M1-1

M1 districts are often developed with multistory lofts, one- or two-story warehouses characterized by loading bays, serving as a buffer between M2 or M3 districts of intensive industrial uses and adjacent residential or commercial districts. M1 districts typically include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Permitted uses in M1-1 districts are as follows: UG 4-14, 16, and 17. M1-1 districts permit a FAR of 1.0 for permitted commercial and manufacturing uses, and 2.40 for permitted community facility uses. M1-1 districts are subject to parking requirements based on the type of use and size of an establishment (1 per 300 sf for PRC-B). Building heights are regulated by a sky exposure plane beginning at 30 feet (or two stories) above the street line.

M1-2

M1 districts often serve as buffers between M2 or M3 and adjacent residential or commercial districts. M1-2 districts typically include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Permitted uses in M1-2 districts are as follows: UG 4-14, 16, and 17. M1-2 districts permit a FAR of 2.0 for permitted commercial and manufacturing uses, and 4.80 for permitted community facility uses. M1-2 districts are subject to parking requirements based on the type of use and size of an establishment (1 per 300 sf for PRC-B). Building heights are regulated by a sky exposure plane beginning at 60 feet (or four stories) above the street line.

M1-2/R6A (MX-4)

The Special Mixed-Use District M1-2/R6A (MX-4) envelope is consistent with the R6A zoning districts. It permits medium-density residential development at a maximum FAR of 3.6 for developments with a permanent affordable housing set aside pursuant to the MIH program and basic residential FAR of 3.0. Above a minimum base height of 40 feet, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 70 feet, or 75 feet if providing a qualifying ground floor. Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units (IRHU) and are further modified in certain areas, such as within the Transit Zone and the Manhattan Core, or for lots less than 10,000 square feet. Within the proposed MX district, the bulk regulations of Article IV, Chapter 3 would apply to manufacturing, commercial, and community facility uses.

M1-2 districts permit an FAR of 2.0 for permitted commercial and manufacturing uses, and 4.80 for permitted community facility uses. One parking space is required for 300 SF of industrial uses in the MX R7A/ M1-4 district.

R6B

R6B districts are often traditional row house districts, which preserve the scale and harmonious streetscape of neighborhoods of four-story attached buildings developed during the 19th century. Many of these houses are set back from the street with stoops and small front yards that are typical of Brooklyn's "brownstone" neighborhoods, such as Park Slope, Boerum Hill and Bedford Stuyvesant.

The FAR of 2.0 and the mandatory Quality Housing regulations also accommodate apartment buildings at a similar four- to five-story scale. The base height of a new building before setback must be between 30 and 40 feet and the maximum height is 50 feet. For buildings providing a qualifying ground floor, the maximum base height and overall height increase by 5 feet. Higher maximum FAR are available for buildings participating in the Inclusionary Housing program or that provide certain senior facilities.

Off-street parking spaces are required for 50% of the dwelling units. However, requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone. Parking can be waived if five or fewer spaces are required.

R7A

R7A is a contextual district where the Quality Housing bulk regulations are mandatory. These regulations utilize height limits to produce high lot coverage, seven- to nine- -story apartment buildings set at or near the street line. Designed to be compatible with older buildings found in medium-density neighborhoods, R7A districts are mapped along Prospect Park South and Ocean Parkway in Brooklyn, Jackson Heights in Queens, and in Harlem and along the avenues in the East Village in Manhattan.

The basic residential FAR in R7A districts is 4.0. Above a base height of 40 to 65 feet, or 75 feet if providing a qualifying ground floor, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 80 feet, or 85 feet if providing a qualifying ground floor. Higher maximum FAR and heights are available for buildings participating in the Inclusionary Housing Program or that provide certain senior facilities.

Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units (IRHU) and are further modified in certain areas, such as within the Transit Zone and the Manhattan Core, or for lots 10,000 square feet or less. Off-street parking requirements can be waived if 15 or fewer parking spaces are required.

R7D

R7D districts are medium-density contextual districts to promote new developments along transit corridors where Quality Housing bulk regulations are mandatory. The permitted uses within R7D districts are residential and community facility.

In R7D districts, the community facility FAR is 4.2 and the basic residential FAR is 4.2, which allows greater residential density than R7A districts and less than R7X districts. Above a base height of 60 to 85 feet, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 100 feet, or 105 feet if providing a qualifying ground floor. Higher maximum residential FAR of 5.6, base height of 95 feet, and building height of 110 feet (115 feet with a qualifying ground floor) are available for buildings participating in the Inclusionary Housing Program or that provide certain senior facilities.

Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units (IRHU) and are further modified in certain areas, such as within the Transit Zone and the Manhattan Core, or for lots 10,000 square feet or less. Off-street parking requirements can be waived if 15 or fewer parking spaces are required.

C2-4 Commercial Overlay

C2-4 districts are commercial overlays mapped within residence districts. Mapped along streets that serve local retail needs, they are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts.

Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use.

When 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.

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

Zoning District	Type and Use Group	Floor Area Ratio (FAR)	Parking
M1-1	Light Manufacturing UGs 4-14, 16-17	1.0 FAR – Manufacturing 1.0 FAR – Commercial 2.4 FAR – Community Facility	1 per 300 sf
M1-2	Manufacturing UGs 4-14, 16-17	2.0 FAR – Manufacturing 2.0 FAR – Commercial 4.8 FAR – Community Facility	1 per 300 sf
M1-2/R6A (MX-4)	Mixed Light Manufacturing and Residential UGs 1-14, 16, 17	3.6 FAR – Residential (with MIH) 2.0 FAR – Manufacturing 2.0 FAR – Commercial 4.8 FAR – Community Facility	50% of DU; 0 for IRHU[3] 1 per 300 SF of Manuf. use
R6B	Contextual Residential UGs 1-4	2.2 FAR – Residential 2.0 FAR – Community Facility	50% of DU; 0 for IRHU
R7A	Contextual Residential UGs 1-4	4.6 FAR – Residential 4.0 FAR - Community Facility	50% of DU; 0 for IRHU
R7D	Contextual Residential UGs 1-4	5.6 FAR – Residential 4.2 FAR - Community Facility	50% of DU; 0 for IRHU
C2-4 Commercial Overlay	Local Retail UGs 1-9, 14	1.0 FAR – Commercial (R1-R5B) 2.0 FAR – Commercial (R5B - R10X)	1 per 1,000 sf

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

Affected Area

The Affected Area is zoned M1-2, which permits low-density light manufacturing developments along with commercial (2.0 FAR) and certain community facility uses (4.8 FAR).

Future No-Action Condition

Zoning Study Area

As discussed above, there are two recently approved rezonings within the 400-foot Zoning Study Area. The 723-733 Myrtle Avenue Rezoning located east of the Affected Area, effective November 2017, affected entire or portions of 22 lots across three blocks, including Block 1736 northeast of the Affected Area across Sanford Street in addition to Blocks 1737 and 1753. The rezoning resulted in a zoning map amendment from M1-1 and M1-2 zoning districts to an R7D/C2-4 zoning district. The 895 Bedford Avenue Rezoning, located southwest of the Affected Area, effective February 2019, changed Block 1750, Lots 44, 46, 47, 49, p/o 1, p/o 24, and p/o 48 from M1-2 to R7A with a C2-4 commercial overlay.

Affected Area

No changes to zoning would occur in the future without the Proposed Actions in the Affected Area. Existing zoning patterns would remain, and the Affected Area would continue to be subject to M1-2 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.

Affected Area

Block 1751, Lots p/o 20, p/o 21, p/o 23, p/o 24, and p/o 25 would be rezoned from an existing M1-1 zoning district to an R7D/C2-4 zoning district bringing existing residential uses on lots 20, 23, 24, and p/o 25 into conformance. The Applicant is also proposing a Zoning Text Amendment to Appendix F to add a Mandatory Inclusionary Housing (MIH) area coterminous with the Affected Area.

Under the With-Action condition, the proposed R7D/C2-4 zoning district would permit a maximum of 5.60 FAR for residential uses (MIH area), 2.00 FAR for commercial uses, and 4.20 for community facility uses. The maximum building height within the R7D/C2-4 district would be 115 feet after a setback from the base height of up to 95 feet. Buildings within the proposed zoning district must have a 10-foot setback above the maximum base height on a wide street and a 15-foot setback on a narrow street before rising to a maximum of 11 floors. Per ZR 25-23, off-street parking is required for 50 percent of the residential dwelling units in R7D zoning districts but is not required for income-restricted housing units within the Transit Zone. This requirement is

reduced to 30% for small lots under 10,000 sf per ZR 25-241. Further, per ZR 25-261, parking may be waived for buildings requiring under 15 spaces in an R7D district.

In comparison with the existing M1-2 zoning districts currently mapped in the Affected Area, the proposed R7D/C2-4 zoning district would allow for residential uses, larger FAR, and increased building heights within the Affected Area.

Conclusion

The proposed rezoning would reflect the recent zoning trends in the Surrounding Area and allow for residential uses, larger FAR, and increased building heights within the Affected Area. The Proposed Actions would legalize the existing legal non-conforming residential uses within the Affected Area. The proposed zoning district would be mapped on a wide street, a location appropriate for a higher density. Moreover, the proposed Zoning Text Amendment to Appendix F to add Mandatory Inclusionary Housing (MIH) would allow for residential growth with affordable housing. The rezoning would not adversely affect surrounding land uses, nor would it be incompatible with those land uses. Therefore, no significant adverse impacts are anticipated to zoning, 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 within 400 feet of the Affected 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 located within a designated FRESH-eligible area but would not include any FRESH programming.

The Proposed Actions include a Zoning Text Amendment to ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 3, Brooklyn, to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the Affected Area. As a result, an analysis of the Proposed Development's alignment with Housing New York is warranted.

Though the Proposed Actions are not a large publicly sponsored project, consistency with the City's OneNYC for sustainability is provided below.

Existing Conditions

Housing New York 2.0

Carried out by Housing Preservation and Development (HPD), Housing New York is the Mayor's plan to build or preserve 300,000 affordable homes by 2026. The plan outlines a comprehensive set of policies and programs to address the city's affordable housing crisis and retain the diversity and vitality of its neighborhoods.

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.

Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery

Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery aims to accelerate job creation and make communities more resilient to future environmental and public health emergencies, financially stronger, and more connected. It contains five main strategies, including

1. Restarting the city's economic engines and reactivating the public realm, supporting small businesses, entrepreneurship, and a more equitable economy
2. Driving inclusive sector growth
3. Building a future-focused economy
4. Connecting New Yorkers to quality jobs and in-demand skills
5. Planning and building for inclusive growth now and in the future

Future No-Action Condition

No changes to *Housing New York 2.0 or* OneNYC are anticipated under Future No-Action Conditions.

Future With-Action Condition

Housing New York 2.0

The Proposed Actions are consistent with the goals of Housing New York as an MIH area would be established over the Affected Area to introduce more affordable residential units to the area. The development of the two Projected Development Sites would set aside 45 dwelling units, far more than the total three existing market-rate residential units, as permanently affordable units for households making an income at or below 80% AMI, which makes up 20% of the total 227 project induced dwelling units. The affordable units that would be provided pursuant to the

Proposed Actions would foster diverse and livable neighborhoods, preserve the affordability and quality of the housing stock, and build new affordable housing for all New Yorkers.

OneNYC

The Proposed Actions would support OneNYC initiatives by constructing new multi-family housing with ground-floor commercial uses on underbuilt land. The Proposed Actions are consistent with the goals of OneNYC 2050, as it would create additional affordable housing and contribute to the community and economic development of the Bedford-Stuyvesant neighborhood of Brooklyn as a whole. Therefore, the Proposed Actions would not conflict with this public policy.

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, no significant adverse impacts are anticipated on public policies, and no further analysis is warranted.

2.2 Open Space

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

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

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

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

Methodology

According to the guidelines of the *2021 CEQR Technical Manual* for analysis of residential development, census tracts with at least half of their geographic area within a one-half mile radius of the Affected Area comprise the open space Study Area. Using current population figures, an open space ratio is calculated for both the future no-action and future with-action conditions, expressed as the amount of open space acreage per 1,000 user population. Typically, a comparison is made to the city's planning goal of 2.50 acres per 1,000 residents. Ideally, this would comprise 0.50 acres (20 percent) of passive space and 2.0 acres (80 percent) of active open space per 1,000 residents. For nonresidents who tend to use passive open space, for example, workers taking a break in a park, the optimal ratio for nonresidential populations is 0.15 acres of passive open space per 1,000 nonresidents.

In addition to field surveys, information from the NYC DCP Community District Needs Statements, NYC Parks Department website, and U.S. Census data were utilized in preparing the open space analysis.

Direct Effects

Direct effects to open space are addressed in the sections for those specific technical areas where warranted. Construction impacts to open space are not anticipated as there would be no physical loss of public open space, no change in existing open space so that it no longer serves the same user population, would not limit public access, and would not increase noise or air pollutant emissions, odors, or shadows on public open space that would affect its usefulness. An assessment of the effects of the Proposed Actions related to shadows on open space resources is provided in **Section 2.3: Shadows**.

Indirect Effects

The threshold for assessment of the potential for indirect open space impacts is 200 new residents or 500 additional employees. As discussed below, the Proposed Action would introduce 315 residents. Therefore, an assessment of indirect effects on public open space resources is warranted.

2.2.1 Preliminary Open Space Assessment

The Proposed Actions would result in a net increment of 100,498 GSF of development, including 102,812 GSF of residential floor area and 5,396 GSF of commercial floor area. Meanwhile, a reduction of 20,310 GSF of community facility floor area would occur due to the replacement of the existing buildings. The Proposed Actions are projected to result in the incremental development of 123 dwelling units within the Affected Area. Assuming an average occupancy of 2.56 persons based on the average household size within Brooklyn Community District 3 (2020 ACS), the incremental population introduced as a result of the Proposed Actions would be approximately 315 residents. Adding together the increase in commercial floor area and the decrease in community facility floor area, there would be approximately 61 fewer employees due

to the Proposed Actions. Therefore, an assessment of indirect effects on public open space resources is warranted. Since the Proposed Actions would not introduce additional employees, the preliminary assessment addresses the residential population introduced by the Proposed Actions.

Study Area Definition

In accordance with the guidelines established in the City's *2021 CEQR Technical Manual*, the Open Space Study Area is defined to analyze both the nearby open spaces and the population using those open space resources. It is generally defined by a reasonable walking distance that users would travel to reach local open spaces and recreational areas. Pursuant to the *2021 CEQR Technical Manual*, the Open Space Study Area includes all U.S. Census Tracts that have 50 percent or more of their area within a half-mile radius of the Affected Area for residential users. As shown in **Figure 2.2-1**, the Census Tracts with 50% or more of their area within the 1/2-mile Study Area are 191, 193, 233, 235, 241, 243, 253, 255, 257, 259.01, 261, 531, 537, and 1237.

Existing Condition Residential Population

Based on census tract level population data provided in the 2020 United States Decennial Census, the 1/2-mile Study Area shown in **Figure 2.2-1** had a total population of 70,832 residents, as shown in **Table 2.2-1** below. According to the Project-Level DCP Housing Database, 124 building permits were completed within the 14 census tracts comprising the Study Area since January 1, 2020 (see **Appendix C**). The 124 permits ultimately resulted in 1,020 net residential dwelling units which multiplied by the average household size (2.56) for Brooklyn Community District 3 (2020 Decennial Census) came out to 2,611 additional residents. As such, the Study Area population under Existing Conditions is estimated to be 73,443 persons.

Figure 2.2-1: Open Space Study Area Boundary, Census Tracts, and Open Spaces

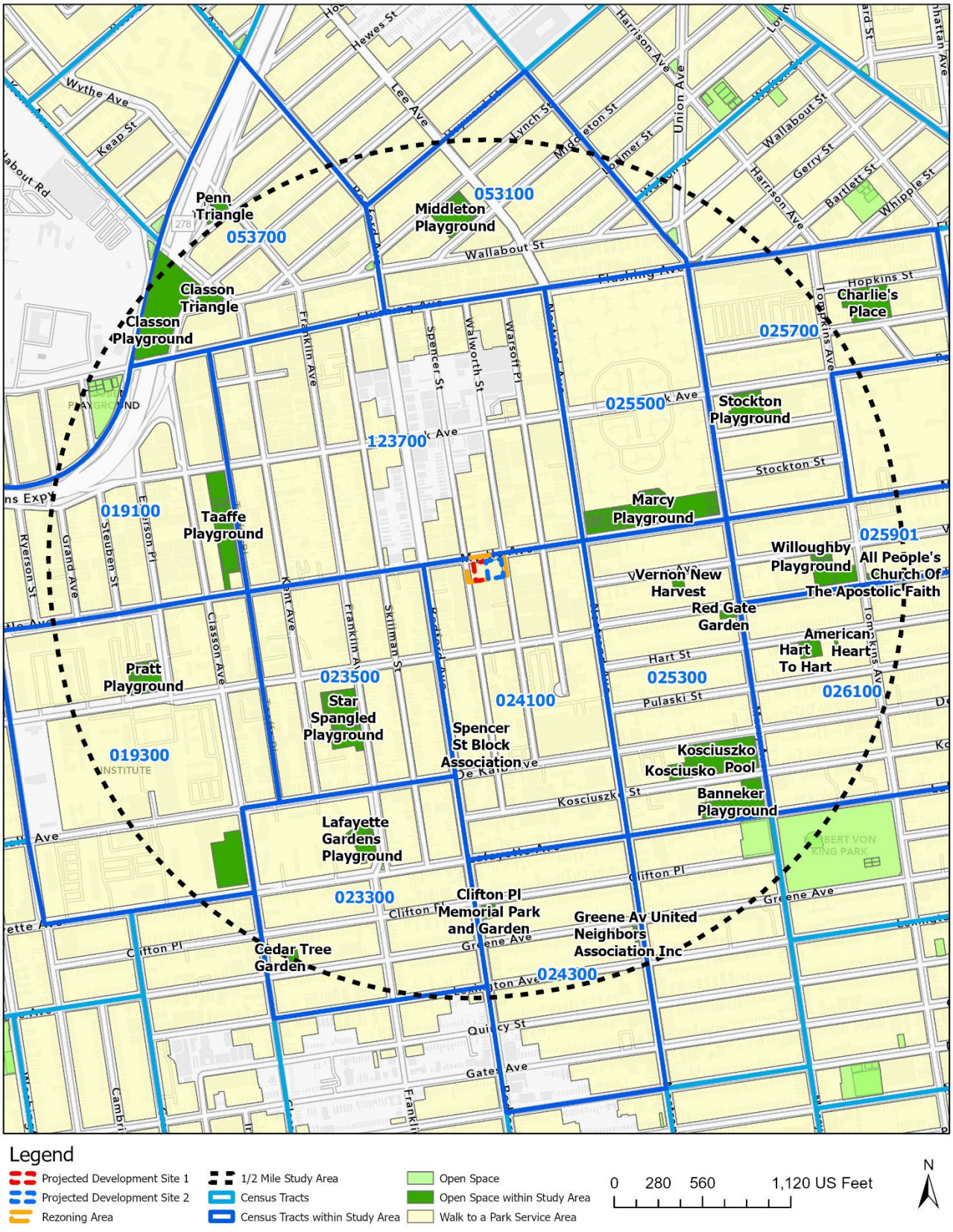


Table 2.2-1: Existing Study Area Population 2020

Census Tract	2020 Population
191	3,427
193	6,279
233	5,961
235	5,921
241	3,175
243	4,347
253	3,517
255	4,799
257	2,822
259.01	2,328
261	6,479
531	8,887
537	4,304
1237	8,586
Total	**70,832**
Revised Total[4]	**73,443**

Future No-Action Condition Residential Population

A review of active major construction projects[5] and approved BSA applications and ULURP actions was undertaken to determine known developments within 1/2-mile Study Area (see **Table 2.2-2**). Based on this review, there are 57 active permits for alteration and/or demolition of existing buildings and construction of new buildings that would result in a net gain of 949 residential dwelling units by the 2026 Project Build Year. In addition, 895 Bedford Ave Rezoning, 723-733 Myrtle Avenue Rezoning, and Rose Castle Rezoning were identified as land use and/or zoning actions within the 1/2-mile Study Area with the potential to generate 374 incremental residential units by the 2026 Project Build Year that are not reflected in the active major construction database[3]. Overall, assuming 2.56 residents per household average (2020 Census data, Brooklyn CD 3), the No-Action construction projects are projected to add an additional 3,387 persons to the 1/2-mile Study Area population, for a total of 76,830 persons in the Future No-Action Condition (see **Table 2.2-3** below).

[4] According to the Project-Level DCP Housing Database, 124 building permits were completed within the 14 census tracts comprising the Study Area since January 1, 2020. Including the 124 permits that induced 1,020 net residential dwelling units multiplied by the average household size (2.56) for Brooklyn Community District 3 (2020)

[5] https://www1.nyc.gov/assets/buildings/html/active-major-construction.html, Accessed December 7, 2022

Table 2.2-2: No-Action Developments with Study Area

Address	Job type	Incremental DU	Incremental Residents	Source
588 Marcy Avenue	Alt-Enlargement	-1	-2.56	NYCDOB Active Construction
525 Willoughby Ave	New Building	0	0	NYCDOB Active Construction
951 Bedford Avenue	New Building	18	46.08	NYCDOB Active Construction
554 Willoughby Avenue	Alt-Enlargement	1	2.56	NYCDOB Active Construction
556 Willoughby Avenue	Alt-Enlargement	1	2.56	NYCDOB Active Construction
15 Pulaski Street	Alt-Enlargement	0	0	NYCDOB Active Construction
173 Tompkins Avenue	New Building	8	20.48	NYCDOB Active Construction
647 Dekalb Ave	Alt-Enlargement	6	15.36	NYCDOB Active Construction
987 Bedford Ave	Alt-Enlargement	6	15.36	NYCDOB Active Construction
794 Bedford Avenue	New Building	-4	-10.24	NYCDOB Active Construction
131 Taaffe Place	Alt-Enlargement	0	0	NYCDOB Active Construction
653 Myrtle Ave	Alt-Enlargement	1	2.56	NYCDOB Active Construction
844 Bedford Avenue	New Building	10	25.6	NYCDOB Active Construction
218 Classon Avenue	New Building	4	10.24	NYCDOB Active Construction
622 Myrtle Avenue	New Building	6	15.36	NYCDOB Active Construction
167 Skillman Street	New Building	1	2.56	NYCDOB Active Construction
431 De Kalb Avenue	Alt-Enlargement	1	2.56	NYCDOB Active Construction
245 Franklin Avenue	New Building	0	0	NYCDOB Active Construction
231 Franklin Ave	New Building	-6	-15.36	NYCDOB Active Construction
212 Skillman Street	New Building	2	5.12	NYCDOB Active Construction
214 Skillman Street	New Building	2	5.12	NYCDOB Active Construction
256 Skillman Street	Alt-Enlargement	-3	-7.68	NYCDOB Active Construction
321 Franklin Avenue	New Building	10	25.6	NYCDOB Active Construction
470 Lafayette Ave	Alt-Enlargement	1	2.56	NYCDOB Active Construction
1050 Bedford Ave	Alt-Enlargement	0	0	NYCDOB Active Construction
132 Clifton Place	Alt-Enlargement	0	0	NYCDOB Active Construction
70 Heyward St	Alt-Enlargement	0	0	NYCDOB Active Construction
57 Lynch Street	New Building	0	0	NYCDOB Active Construction
270 Nostrand Avenue	New Building	226	578.56	NYCDOB Active Construction
317 Franklin Avenue	New Building	10	25.6	NYCDOB Active Construction
586 Marcy Avenue	Alt-Enlargement	0	0	NYCDOB Active Construction
211 Nostrand Avenue	New Building	15	38.4	NYCDOB Active Construction
24 Rutledge St	Alt-Enlargement	6	15.36	NYCDOB Active Construction
645 Marcy Avenue	Alt-Enlargement	0	0	NYCDOB Active Construction
74 Heyward St	New Building	1	2.56	NYCDOB Active Construction
249 Willoughby Avenue	New Building	138	353.28	NYCDOB Active Construction
311 Franklin Ave	New Building	-7	-17.92	NYCDOB Active Construction
344 Willoughby Avenue	New Building	-5	-12.8	NYCDOB Active Construction
859 Myrtle Ave	New Building	4	10.24	NYCDOB Active Construction
129 Taaffe Place	New Building	0	0	NYCDOB Active Construction
217 Lee Avenue	New Building	3	7.68	NYCDOB Active Construction
34 Union Ave	New Building	62	158.72	NYCDOB Active Construction
208 Nostrand Avenue	New Building	9	23.04	NYCDOB Active Construction
24 Middleton Street	New Building	16	40.96	NYCDOB Active Construction
727 Dekalb Ave	New Building	0	0	NYCDOB Active Construction
952 Bedford Avenue	New Building	14	35.84	NYCDOB Active Construction
55 Lynch Street	New Building	0	0	NYCDOB Active Construction
330 Wallabout Street	New Building	60	153.6	NYCDOB Active Construction
322 Wallabout Street	New Building	60	153.6	NYCDOB Active Construction
11 Gerry Street	New Building	120	307.2	NYCDOB Active Construction
590 Myrtle Avenue	New Building	2	5.12	NYCDOB Active Construction
679 Marcy Avenue	New Building	10	25.6	NYCDOB Active Construction
22 Skillman Street	New Building	83	212.48	NYCDOB Active Construction
51 Franklin Avenue	New Building	40	102.4	NYCDOB Active Construction
592 Marcy Avenue	New Building	8	20.48	NYCDOB Active Construction
98 Martin Luther King Place	New Building	10	25.6	NYCDOB Active Construction
241 Franklin Avenue	New Building	0	0	NYCDOB Active Construction
Total DUs/Residents - Active Major Construction		**949 DUs**	**2429 Residents**	**-**
723-733 Myrtle Avenue		194	497	Approved Rezoning
895 Bedford		52	133	Approved Rezoning
Rose Castle Rezoning		128	328	Approved Rezoning
Total DUs/Residents - Approved Rezoning Projects		**374 DUs**	**957 Residents**	**-**
Total in Dus/Residents in Pipeline		**1323 DUs**	**3387 Residents**	-

Future With-Action Condition Residential Population

The With-Action population would be the No-Action population of 76,830 residents described above plus the 315 residents anticipated as a result of the Proposed Actions. The With-Action population would be 77,145 residents, as shown below in **Table 2.2-3**.

Table 2.2-3: Existing, No-Action, and With-Action Populations[6]

Existing	No-Action	With-Action
73,443	76,830	77,145

2.2.2 Open Space Resources

There are 16 open space resources with regular open access to the public within the Study Area identified in **Table 2.2-4**. There are 22.36 acres of open space resources in the Study Area—16.61 are considered active, and 5.75 are considered passive based on field visits and a review of open space site plans. The location of these resources is shown in **Figure 2.2-1**. Community gardens are not considered Open Space resources under many circumstances given their small size and limited public accessibility; therefore, community gardens are not included in the analysis.

[6] Existing = 2020 American Community Survey plus completed DUs since January 1st 2020; No-Action = Existing plus 2,430 residents; With-Action = No-Action plus 315 additional residents from the Projected Development Sites 1 and 2.

Table 2.2-4: Study Area Open Space Resources

Name	Park ID Number	Property Type	Responsible Agency	Acreage	% Active	% Passive	Total Active	Total Passive	Features
Classon Playground	B293	Jointly Operated Playground	NYC DPR/DOE	1.34	75%	25%	1.01	0.34	BC, HC, PG, SS
Classon Playground	B223NA	Playground	NYC DPR	2.98	75%	25%	2.24	0.75	BC, HC, Be
Marcy Playground	B217	Community Park	NYC DPR	3.2	75%	25%	2.40	0.80	HC, PG, SS, VC
Classon Triangle	B223NB	Triangle/Plaza	NYC DPR	0.21	0%	100%	0.00	0.21	Be
Charlies Place	B302	Playground	NYC DPR	1.26	75%	25%	0.945	0.315	HC, PG
Middleton Playground	B022	Playground	NYC DPR	1.1	90%	10%	0.83	0.28	BC, HC, PG, SS
Taaffe Playground	B105	Neighborhood Park	NYC DPR	1.82	90%	10%	1.37	0.46	BC, HC, PG, SS
Willoughby Playground	B348	Jointly Operated Playground	NYC DPR/DOE	0.91	90%	10%	0.68	0.23	BC, HC, PG, SS
Washington Hall Park	B220	Playground	NYC DPR	0.9	75%	25%	0.68	0.23	Br, HC, PG, SS
Banneker Playground	B140	Jointly Operated Playground	NYC DPR/DOE	1.67	75%	25%	1.25	0.42	HC, BC, PG
Stockton Playground	B298	Jointly Operated Playground	NYC DPR/DOE	1.09	75%	25%	0.82	0.27	BC, HC, FE, PG, SS
Star Spangled Playground	B266	Jointly Operated Playground	NYC DPR/DOE	1.69	75%	25%	1.27	0.42	BC, FF, HC, PG, SS
Kosciuszko Pool	B351	Buildings/Institutions	NYC DPR	2.39	75%	25%	1.79	0.60	Outdoor Pools
Pratt Playground	B292	Neighborhood Park	NYC DPR	0.92	75%	25%	0.69	0.23	HC, PG, SS
Penn Triangle	B223NC	Playground	NYC DPR	0.18	75%	25%	0.14	0.05	PG, Be
Lafayette Gardens Playground	B317	Playground	NYC DPR	0.7	75%	25%	0.53	0.18	BC, HC, PG, SS
Totals				**22.36**	**-**	**-**	**16.61**	**5.75**	**-**

SS = Spray Showers; PG = Playgrounds; Bi = Bicycling; BC = Basketball Courts; BA = BBQ Area; FE = Fitness Equipment; Be = Benches; HC = Handball Courts; GW = Greenway; CG = Community Garden; VB = Volley Ball; BF = Baseball Fields; FF = Football Fields; BR = Bathrooms

Existing Condition Open Space Ratio

The Study Area has 22.36 acres of open space and an existing residential population of 73,443. The open space ratio (OSR) under existing conditions is 0.304 acres per thousand residents, which is below the citywide average of 1.5 acres per thousand residents and reflects the shortfall of Open Spaces within the Study Area.

Future No-Action Condition Open Space Ratio

In the future, without the Proposed Actions, the population within the Study Area in the 2026 build year is projected to be 76,830 persons. As no new Open Spaces are planned within this Study Area by the 2026 build year, the existing conditions, with a total of 22.36 acres of Open Space serving the Study Area, would remain unchanged in the Future No-Action Condition. As such, the OSR under the Future No-Action Condition would be 0.291, which is also below the citywide average of 1.5 acres per thousand residents.

Future With-Action Condition Open Space Ratio

The Proposed Actions would result in an increase in the Future No-Action population of 315 residents by the 2026 build year, resulting in a total Future With-Action Condition population of 77,145 persons within the Study Area. The Proposed Actions would not facilitate the development of any new publicly accessible Open Spaces within the Affected Area. Accordingly, the Future No-Action Condition total of 22.36 acres of Open Space serving the Study Area would remain unchanged in the Future With-Action Condition. As such, the OSR under the Future With-Action Condition would be 0.290 acres per 1,000 residents.

The decrease in the OSR from 0.291 in the Future No-Action Condition to 0.290 in the Future With-Action Condition constitutes a 0.41 percent decrease in the Study Area's OSR. Pursuant to the *2021 CEQR Technical Manual*, the OSR of 0.50 or less can tolerate up to a one-percent decrease in the OSR between the Future No-Action and Future With-Action Condition without warranting additional analyses. As the projected OSR decrease of 0.41 percent under the Future With-Action Condition is below the 1 percent threshold, the Proposed Actions do not warrant a detailed analysis of Open Space.

2.2.3 NYC Parks Walk to a Park Initiative

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

As part of the preliminary assessment for Open Space, a project should be reviewed to determine if it is located in an area of the city within a Walk to a Park Service Area. Project sites that are

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

As shown in **Figure 2.2-1**, the Affected Area is located within a Walk to Park Service Area and is therefore not identified as a walk gap area.

2.2.4 Conclusion

The Future With-Action Condition would result in the development of 123 additional dwelling units over the Future No-Action Condition, projected to generate an additional population of 315 new residents. This would result in a decrease of the OSR within the Study Area from 0.291 acres per 1,000 residents in the Future No-Action Condition to 0.290 in the Future With-Action Condition, a decrease of approximately 0.41 percent. Pursuant to the *2021 CEQR Technical Manual*, the OSR of 0.50 or less can tolerate up to a one-percent decrease in the OSR between the Future No-Action and Future With-Action Condition without warranting additional analyses. Further, the Affected Area is within a Walk to a Park service area, indicating all future projected residents are within a reasonable walking distance to public Open Spaces. Therefore, the Proposed Actions would not result in a significant adverse impact on Open Space within the Study Area, and further analysis is not warranted.

2.3 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 a Proposed Action 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 relation 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 lay 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

Projected Development Site 1 (Block 1751, Lots 21, 23, 24)

Under Future With-Action conditions, the Applicant-Controlled Projected Development Site 1 would be developed with a single 61,372 GSF (49,848 ZSF, 5.57 FAR) mixed residential and UG 6 commercial building with 65% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar and a 10-foot setback on Myrtle Ave at the height of 95 feet. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

Projected Development Site 2 (Block 1751, Lot p/o 25)

Under Future With-Action conditions, the non-Applicant-Controlled Projected Development Site 2 would be developed with a single 78,865 GSF (62,160 ZSF, 5.60 FAR) mixed residential and commercial building with the maximum 100% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar. The building would have a 10-foot setback on Myrtle Ave and a 15-foot setback on Walworth Street at the height of 95 feet. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

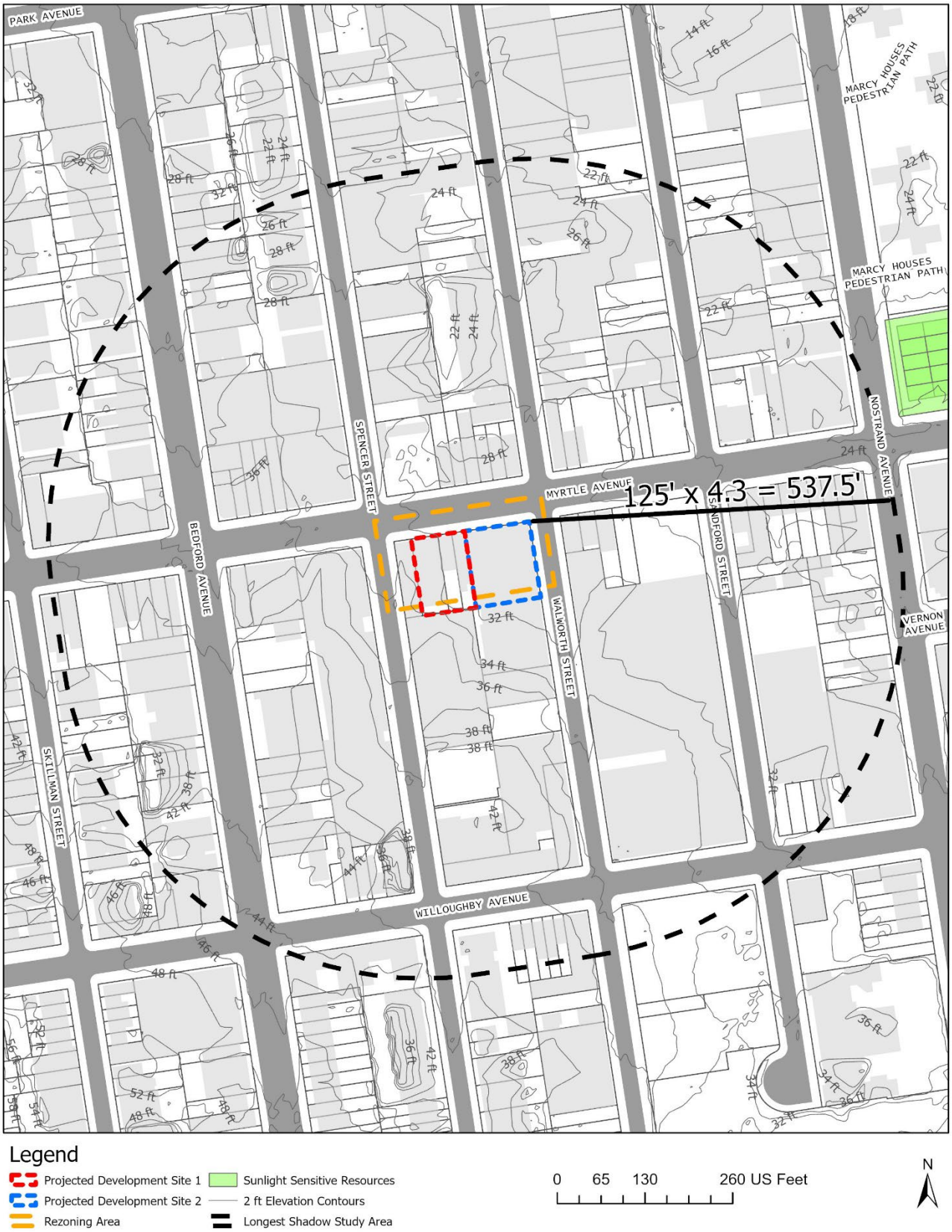
2.3.1 Tier 1 Shadow Screening Assessment

Under the Future With-Action Condition, Projected Development Site 1 (Block 1751, Lots 21, 23, and 24) and Projected Development Site 2 (Block 1751, Lot p/o 25) could be developed with new buildings having a maximum height of 125 feet (inclusive of a 10-foot mechanical bulkhead) and the longest action-induced shadow would be approximately 537.5 feet (4.3 x 125 feet) in length. The first step in a shadow analysis is to determine if there are any sunlight sensitive resources located within the length of the 537.5-ft radius. As shown in **Figure 2.3-1**, there are no sunlight-sensitive resources within 537.5 feet of Projected Development Sites 1 and 2.

2.3.2 Conclusion

There are no sunlight-sensitive resources within the longest action-induced shadow. Therefore, no further analysis is warranted.

Figure 2.3-1: Tier 1 Shadow Screening Assessment



2.4 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 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 condition. The assessment specifically considers whether the project may result in disturbance or destruction of those archaeological and architectural resources as a result of the Proposed Actions.

2.4.1 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 Action 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.

Architectural Resources within the Study Area

To determine whether the Proposed Actions have the potential to affect nearby off-site 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 May 3, 2022 indicated that no properties within the Affected Area have architectural 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, significant adverse impacts to architectural resources are not expected because of the proposed Actions, and further analysis is not warranted.

2.4.2 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 to 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 May 3, 2022 (see **Appendix A**). The LPC has indicated that no cultural resources of archaeological significance are associated with the study area. Therefore, significant adverse impacts to archaeological resources are not expected because of the Proposed Actions, and further analysis is not warranted.

2.4.3 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 Surrounding Area. In addition, no archeological significance is associated with the Projected Development Sites. Accordingly, no further analysis is warranted.

2.5 Urban Design and Visual Resources

According to the *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 M1-2 to R7D/C2-4 would alter permitted use, bulk, and height within the Affected Area. Therefore, further analysis is warranted. The differences between existing and proposed zoning, with regards to those aspects of zoning affecting urban design, are presented in the following **Table 2.5-1**.

Table 2.5-1: No-Action and With-Action Zoning

	No-Action	With-Action
Zoning	M1-2	R7D/C2-4
Permitted Uses	Manu., Com., CF	Com., Res., CF
Maximum FAR	Manu.: 2.00 Com.: 2.00 CF: 4.80	Com: 2.00 Res.: 5.60 (with MIH) CF: 4.20
Maximum Height	Sky Exposure Plane	Base Height: 95 feet
		Building Height: 115 feet (w/QGF)
Lot Coverage	100%	Corner lot: 100% Interior lot: 65%

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

2.5.1 Existing Conditions

The Affected Area is located within the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 and includes the northern portion of Block 1751, at a depth of 100 feet, including portions of lots 20, 21, 23, 24, and 25, which are described in detail in **Sections 1.4** and **2.1**. The Affected Area is partially bounded by Myrtle Avenue to the north, Spencer Street to the west, and Walworth Street to the east. Myrtle Avenue is a two-way roadway classified as Principal Arterial Other Road by the New York State Department of Transportation (NYS DOT) with one moving lane of traffic eastbound and westbound, respectively, and parking on both sides of the road. Spencer Street is a one-way single-lane southbound local road with parking on both sides of the curb lane. Walworth Street is a one-way single lane northbound local road with parking on both sides of the curb lane.

The existing land uses in the 400-foot Surrounding Area primarily consist of manufacturing, one- and two-family buildings, multifamily buildings, commercial buildings, public facilities, mixed-use residential and commercial buildings, vacant land, and parking facilities. The predominant land uses in the surrounding area are light industrial, residential and mixed residential and commercial uses. Residential buildings range from two-story One- & Two-Family Buildings to six-story Multifamily Elevator Buildings. Mixed residential and commercial buildings typically feature three to five floors. Industrial buildings primarily consist of one- to four-story structures and are mostly concentrated to the north and to the west of the Affected Area. Community facility uses within the 400-foot Study Area include a one-story synagogue and a four-story school (Bnos Square of Williamsburg). Myrtle Avenue is predominantly developed with mixed-use residential and commercial uses in the vicinity of the Affected Area with a significant amount of vacant land. Spencer Street features a mix of uses including residential, mixed-use commercial and residential, as well as industrial, community facility, commercial uses, and vacant land. Walworth Street is predominantly developed with Manufacturing uses with more residential uses to the north of Myrtle Avenue.

The Applicant-owned Projected Development Site 1, located at 708-714 Myrtle Avenue includes Block 1751, Lots 21, 23 and 24:

- Lot 21 is a 4,529 SF interior lot with 40.5 feet of frontage on Myrtle Avenue. The lot is currently improved with a 17-foot-tall, one-story commercial building of 4,000 GSF constructed in 1931 and altered in 2013. The building is currently used as a catering facility.
- Lot 23 is a 2,181 SF interior lot with 19.5 feet of frontage on Myrtle Avenue. The lot is currently improved with a 36-foot-tall, three-story mixed residential and commercial building of 2,940 GSF constructed in 1931. The first floor is currently used as an interior designer's office. The upper floors include two residential units.
- Lot 24 is a 2,237 SF interior lot with 20 ft of frontage on Myrtle Avenue. The lot is currently improved with a 34-foot-tall, three-story mixed residential and commercial building of 3,240 GSF constructed in 1931. The first floor is currently used as an office space. The upper floors include two residential units.

The non-Applicant-owned Projected Development Site 2 includes an approximately 11,100-SF portion of the non-Applicant-controlled Block 1751, Lot 25. Lot 25 is a 20,550 SF corner lot with 95 feet of frontage on Myrtle Avenue and 211 feet of frontage on Walworth Street. The total existing floor area on the portion of Lot 25 within the Affected Area is approximately 29,559 SF. Lot p/o 25 is currently improved with an assemblage of buildings, including two mixed residential and commercial buildings at 716 and 718 Myrtle Ave and a mixed community facility and commercial building at 720 Myrtle Ave merged with a community facility building at 722 Myrtle Ave:

- 716 Myrtle Ave consists of a three-story mixed residential and commercial building of approximately 3,501 GSF. The first floor is currently used as a vacuum cleaner store. The upper floors include two residential units.
- 718 Myrtle Ave consists of a three-story mixed residential and commercial building of approximately 3,993 GSF. The first floor is currently used as a used clothing store. The upper floors include two residential units.
- 720 Myrtle Ave consists of a three-story mixed community facility and commercial building. The first floor is currently used as a discount store and includes approximately 1,755 GSF. The second and third floors are a part of the currently vacant medical office at 722 Myrtle Ave located on the 2nd and 3rd floors.
- 722 Myrtle Ave consists of currently vacant and listed for rent medical office space located on the 2nd and 3rd floors of a three-story building with the ground floor entrance on Myrtle Avenue and with a total floor area of approximately 21,640 GSF. However, only approximately 15,370 GSF of the floor area is within the Affected Area and PDS 2. In the past, the space was utilized as an Alcohol Rehabilitation Center (closed 5 years ago) and an Early Childhood Center (recently closed). The first floor of the same structure features an approximately 4,940 GSF space under the address 144 Walworth St, with all of the 4,940 GSF within the Projected Development Site 2 and the entrance on Walworth St. The space was used as a bottle redemption facility in the past. The last known use is a dialysis center, which is now closed. The space is assumed to be currently vacant.

Another lot in the Affected Area is a non-Applicant-controlled Lot 20. Lot 20 is a 2,796 SF corner lot with 20 feet of frontage on Myrtle Avenue and 111.83 feet of frontage on Spencer Street. The lot is currently improved with a 32-foot-tall, three-story mixed residential and commercial building of 7,075 GSF constructed in 1931. The first floor is a currently vacant commercial space. The upper floors include six residential units.

The Surrounding Area features a regular traffic grid. The Affected Area is located on Myrtle Avenue, a major commercial corridor in the area extending to the east and to the west of the Affected Area. Other closest commercial corridors are located along Dekalb Avenue and Marcy Avenue. The area is well served by transit. The Myrtle - Willoughby Avenues subway station with service from the G-train is located approximately 1,580 feet from the Affected Area at the intersection of Myrtle Avenue and Marcy Avenue. The G-train operates between the intersection of Church Avenue and McDonald Street in Brooklyn and the Court Square subway station near the intersection of 21st Street and 44th Drive in Long Island City, Queens. There are three bus lines (B44/B48/B54) that are accessible to users in the area. Buses B44 and B54 have stops within one block of the Affected Area. Bus B48 has stops on Franklin Avenue. The B54 bus operates between Sheepshead Bay and Williamsburg via Nostrand Avenue. The B44 bus operates between Downtown Brooklyn and Ridgewood via Bedford Avenue and Nostrand Avenue. The B48 bus operates between Greenpoint and Prospect Park via Franklin Avenue.

Sidewalks, ranging from 15 feet to 20 feet wide, are in fair condition with paved surface, sufficient street trees, and regular street lights throughout the Study Area. All the intersections are under good control with properly functioning traffic lights and clear crossing markings, securing the safety of the pedestrians when crossing the streets.

Figure 2.5-1 contains a photo key map with locations of Urban Design Massing Views. The Urban Design Massing Views with the existing conditions are shown in **Figure 2.5-2** to **2.5-4.**

2.5.2 Future No-Action Condition

Affected Area

The No-Action Condition for the Affected Area would be the same as existing conditions.

There are no records of building work permits on the DOB website. As such, it is conservatively assumed that under the No-Action Scenario, existing conditions would continue on both the Applicant-owned Projected Development Site 1 (Block 1751, Lots 21, 23, 24) and non-Applicant-owned Projected Development Site 2 (Block 1751, Lot p/o 25). The existing residential uses on lots 23, 24, and 25 are legal non-conforming. It is assumed that these uses would remain in the future without the Proposed Actions.

Another non-Applicant-controlled lot 20 is not considered likely to be redeveloped under No-Action Conditions and would remain as it exists. The existing residential uses on lot 20 are legal non-conforming. It is assumed that these uses would remain in the future without the Proposed Actions.

Urban Design Study Area

There are no active construction permits within the 400-foot Study Area. However, two recent rezonings were approved in the 400-foot Study Area that indicates incremental changes to the land use composition in the immediate neighborhood:

In 2017, the 723-733 Myrtle Avenue Rezoning (C 170025 ZMK, effective November 30, 2017) affected entire or portions of 22 lots across three blocks (including Block 1736 northeast of the Affected Area across Sanford Street in addition to Blocks 1737 and 1753). The rezoning resulted in a zoning map amendment from M1-1 and M1-2 zoning districts to an R7D/C2-4 zoning district. This rezoning is expected to induce the development of four Projected Development Sites:

- Site 1 (Block 1736, Lots 35, 37, 137, 38, and 39) under the worst-case development scenario is assumed to be developed with 82,152 zoning square feet (90,367 gross square feet) of total floor area of which, 14,670 ZSF (16,137 GSF) would be community facility floor area, and 67,482 ZSF (74,230 GSF) would be residential floor area. It is assumed the building would be built to the maximum allowable height of 115 feet with a qualifying ground floor within an R7D district.
- Site 2 (Block 1737, Lot 35) under the With-Action Scenario is assumed to be developed with 15,775 ZSF (17,353 GSF) of ground floor commercial floor area, 15,775 ZSF (17,353

GSF) of community facility floor area (medical office) and 56,790 ZSF (62,469 GSF) of residential floor area. It is also assumed that the building would be constructed to the maximum allowable height, which is 115 feet, with a qualifying ground floor in an R7D district.

- Site 3 (Block 1737, Lot 41) under the With-Action Scenario is assumed to be developed with 3,233 ZSF (3,556 GSF) of commercial floor area, 3,233 ZSF (3,556 GSF) of community facility floor area and 11,639 ZSF (12,803 GSF) residential floor area. It is also assumed that the building would be constructed to the maximum allowable height, which is 115 feet, with a qualifying ground floor in an R7D district.
- Site 4 (Block 1737 Lot 42) under the With-Action Scenario is assumed to be developed with 4,375 ZSF (4,812 GSF) of commercial floor area, 4,375 ZSF (4,812 GSF) of community facility floor area and 15,750 ZSF (17,325 GSF) of residential floor area. It is also assumed that the building would be constructed to the maximum allowable height, which is 115 feet with a qualifying ground floor in an R7D district.

In 2019, the 895 Bedford Avenue Rezoning (C 180229 ZMK, effective February 13, 2019) changed Block 1750, Lots 44, 46, 47, 49, p/o 1, p/o 24, and p/o 48 from M1-2 to R7A with a C2-4 commercial overlay. This rezoning Is expected to induce the development of two Projected Development Sites:

- Site 1 (Lots 1 and 49) would be redeveloped with the proposed development consisting of a seven-story residential building with ground floor commercial space, containing 46,608 GSF (38,427 ZSF, FAR 4.59).
- Site 2 (Lots 46 and 47) under the With-Action Scenario is assumed to be developed with an 8-story (95-foot-high) building containing 15,787 GSF (14,352 ZSF), of which 1,500 GSF (1,500 ZSF) would be commercial space and 14,287 GSF (12,852 ZSF) would be residential. The building height is assumed to be 95 feet, the maximum height permitted under zoning.

The Study Area, which is a mix of manufacturing, commercial, institutional, and pre-existing non-conforming residential uses is transitioning to a medium-density residential and commercial retail land use composition. Overall, the existing land use patterns in the 400-foot Study Area are generally expected to transition to supportive commercial retail and residential uses from existing underutilized and blighted buildings in the neighborhood containing warehousing and light manufacturing uses. Specifically, the Myrtle Avenue and Bedford Avenue corridors are anticipated to lead this transition to residential main street land use typologies which the proposed rezoning would support. Any new development within the Surrounding Area would be governed by the underlying as-of-right zoning regulations.

Pedestrian activity within the Study Area under Future No-Action Conditions is expected to increase with the rezonings mentioned above. The sidewalk segments along the lots projected to develop as part of the approved ULURP actions along Myrtle Avenue, Sanford Street, Nostrand

Avenue, Willougby Avenue, Spencer Street, and Bedford Avenue are expected to be restored as part of the redevelopment of these parcels.

2.5.3 Future With-Action Condition

For the purposes of a more conservative RWCDS analysis, the With-Action building envelopes on Projected Development Sites 1 and 2 will be used rather than the Proposed Project.

Affected Area

Projected Development Site 1 (Block 1751, Lots 21, 23, 24)

Under Future With-Action conditions, the Applicant-Controlled Projected Development Site 1 would be developed with a single 61,372 GSF (49,848 ZSF, 5.57 FAR) mixed residential and UG 6 commercial building with 65% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar and a 10-foot setback on Myrtle Ave at the height of 95 feet. The development would contain 7,918.9 GSF of ground-floor UG 6 retail and 53,453 GSF (41,929 ZSF) of residential use. No accessory parking would be required as described in **Section 1.1**. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

Projected Development Site 2 (Block 1751, Lot p/o 25)

Under Future With-Action conditions, the non-Applicant-Controlled Projected Development Site 2 would be developed with a single 78,865 GSF (62,160 ZSF, 5.60 FAR) mixed residential and commercial building with the maximum 100% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar. The building would have a 10-foot setback on Myrtle Ave and a 15-foot setback on Walworth Street at the height of 95 feet. The development would contain 8,550 GSF of ground-floor local retail, 57,715 GSF (53,939 ZSF) of residential use on the upper floors, and 12,600 SF of underground parking with a ramp. The underground parking would include 27 residential parking spaces (required 50% of market-rate residential units) and would require construction of a new curb cut. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

Urban Design Study Area

The Proposed Actions would only affect the Affected Area. The Proposed Actions would introduce development that is larger in scale than the existing surrounding buildings. However, the development effectuated by the Proposed Actions would be consistent with the future built form that is anticipated as part of the 723-733 Myrtle Avenue Rezoning, directly east of the Affected Area, and the 895 Bedford Avenue Rezoning south of the Affected Area. The density and uses permitted by the Proposed Actions would be appropriate for the location on a wide street and consistent with the recent land use trends in the Surrounding Area. 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

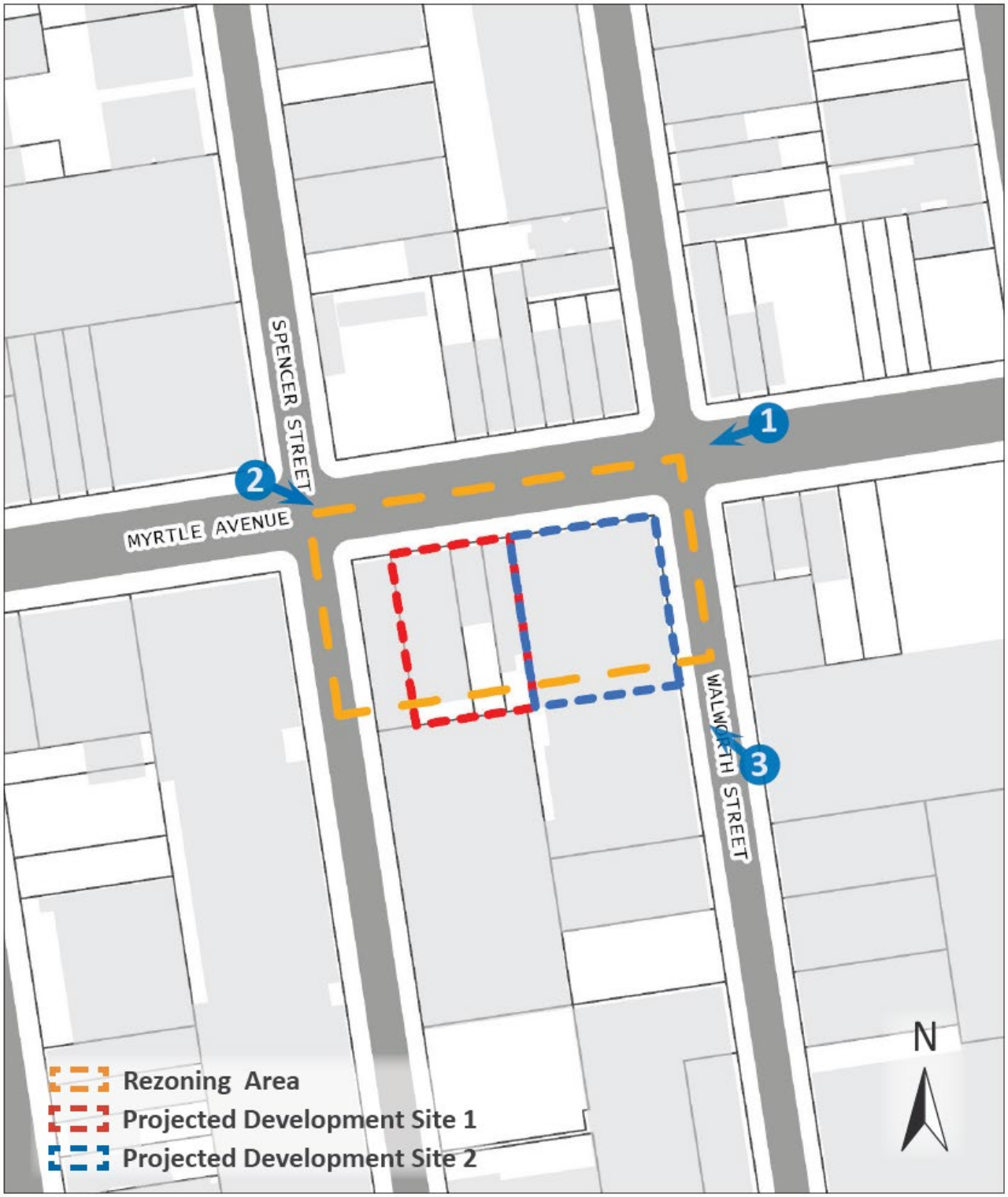
appearance. The proposed development would also improve the pedestrian experience by renovating sidewalks and providing ground floor local retail on Myrtle Avenue.

The Urban Design Massing Views under the With-Action conditions in comparison to No-Action/Existing conditions are shown in **Figure 2.5-2** to **Figure 2.5-4** below. Different colors were used to illustrate building envelopes of the two Projected Development Sites. The building envelope of Projected Development Site 1 is colored red, and the building envelope of Projected Development Site 2 is colored blue.

2.5.4 Conclusion

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. Therefore, a detailed analysis is not warranted.

Figure 2.5-1: Locations of Urban Design Massing Views



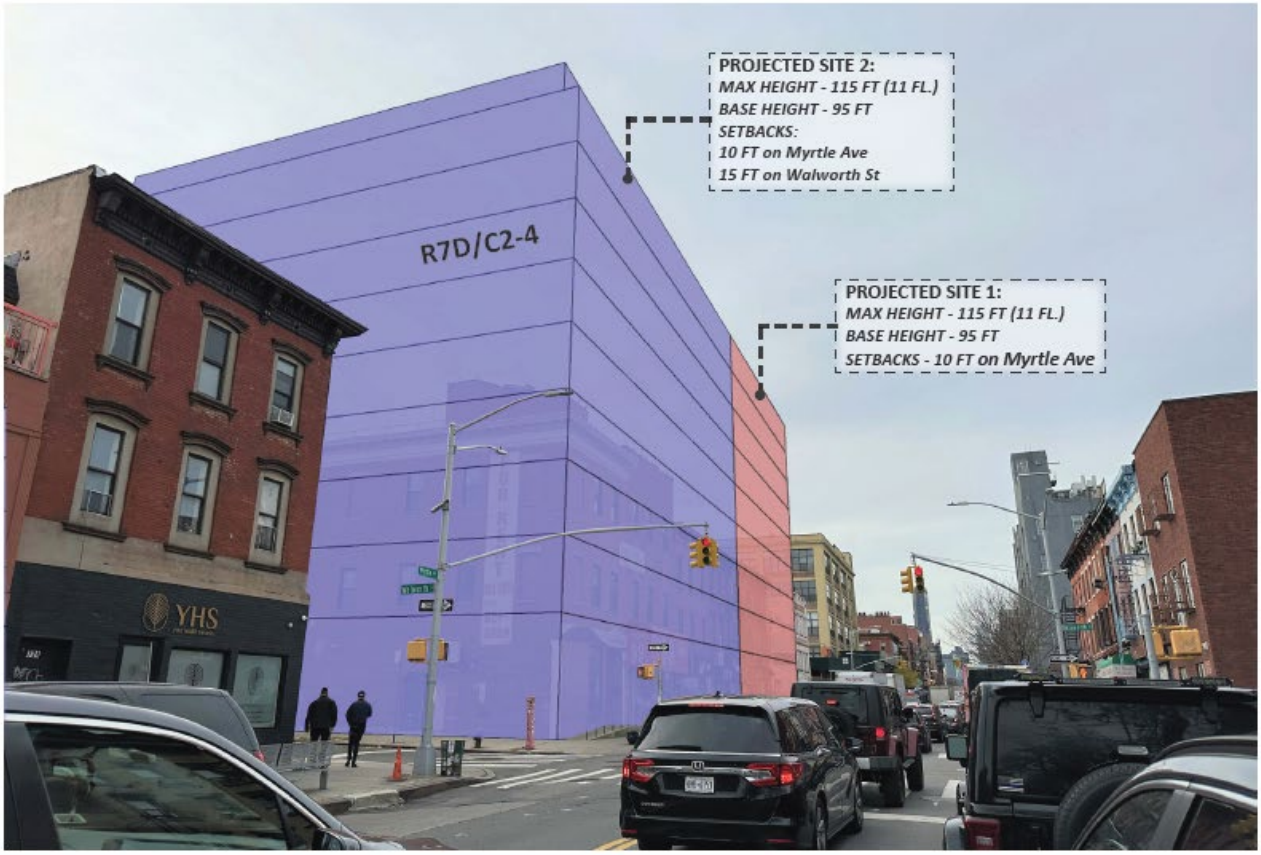
Study Area Map with Photo Key

Figure 2.5-2: Massing View 1. Illustrative Comparison of the No-Action and With-Action Conditions

Existing/No-Action Condition



With-Action Condition



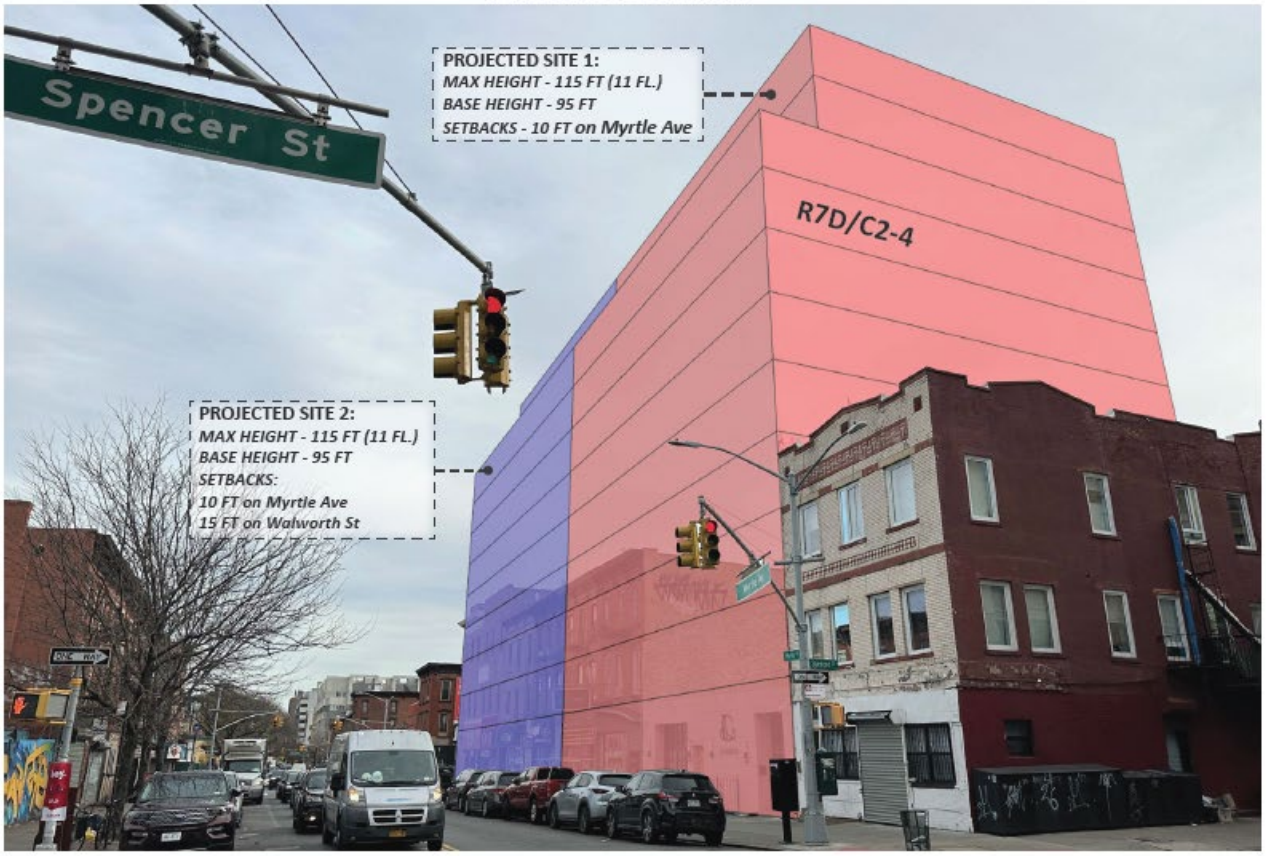
1 Looking west along Myrtle Avenue toward the Rezoning Area

Figure 2.5-3: Massing View 2. Illustrative Comparison of the No-Action and With-Action Conditions

Existing/No-Action Condition



With-Action Condition



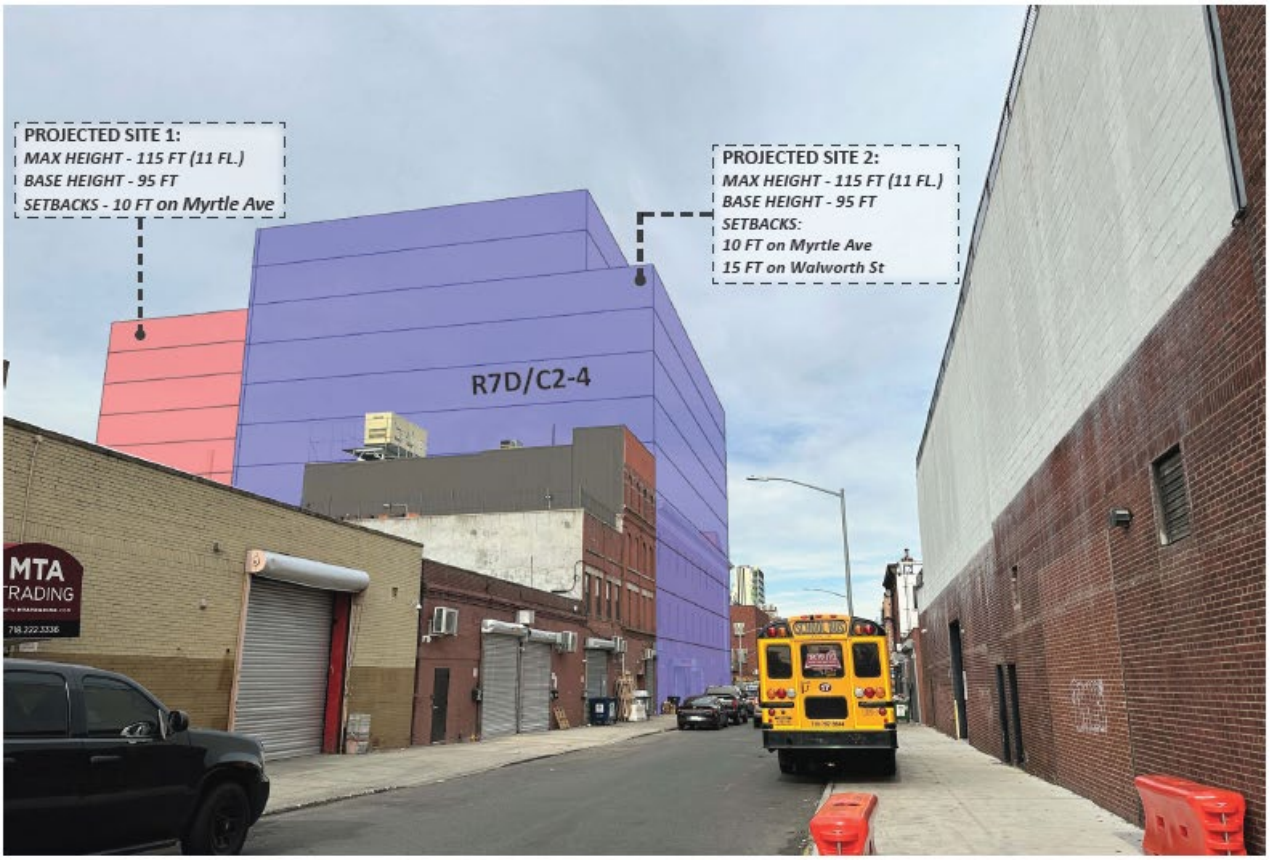
2 Looking east along Myrtle Avenue toward the Rezoning Area

Figure 2.5-4: Massing View 3. Illustrative Comparison of the No-Action and With-Action Conditions

Existing/No-Action Condition



With-Action Condition



3 Looking north along Walworth Street toward the Rezoning Area

2.6 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 I Environmental Site Assessment (ESA), which is a qualitative evaluation of the environmental conditions present at a site, based on a review of available information, site observations, and interviews. Pursuant to the 2021 CEQR Technical Manual, the Phase 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 Applicant-owned Projected Development Site 1, located at 708-714 Myrtle Avenue includes Block 1751, Lots 21, 23 and 24:

- Lot 21 is a 4,529 SF interior lot with 40.5 feet of frontage on Myrtle Avenue. The lot is currently improved with a 17-foot-tall, one-story commercial building of 4,000 GSF constructed in 1931 and altered in 2013. The building is currently used as a catering facility.
- Lot 23 is a 2,181 SF interior lot with 19.5 feet of frontage on Myrtle Avenue. The lot is currently improved with a 36-foot-tall, three-story mixed residential and commercial building of 2,940 GSF constructed in 1931. The first floor is currently used as an interior designer's office. The upper floors include two residential units.
- Lot 24 is a 2,237 SF interior lot with 20 ft of frontage on Myrtle Avenue. The lot is currently improved with a 34-foot-tall, three-story mixed residential and commercial building of 3,240 GSF constructed in 1931. The first floor is currently used as an office space. The upper floors include two residential units.

The non-Applicant-owned Projected Development Site 2 includes an approximately 11,100-SF portion of Block 1751, Lot 25. Lot 25 is a 20,550 SF corner lot with 95 feet of frontage on Myrtle Avenue and 211 feet of frontage on Walworth Street. The total existing floor area on the portion of Lot 25 within the Affected Area is approximately 29,559 SF. Lot p/o 25 is currently improved with an assemblage of buildings, including two mixed residential and commercial buildings at 716

and 718 Myrtle Ave and a mixed community facility and commercial building at 720 Myrtle Ave merged with a community facility building at 722 Myrtle Ave.

The Proposed Development that would be effectuated by the Proposed Actions is described above in Section 1.5, and the analysis framework under the RWCDS is described above in Section 1.8.

2.6.1 Phase I Environmental Site Assessment

The proposed rezoning would allow for new sensitive uses, not previously permitted by the underlying M1-2 zoning district, to be developed within the Affected Area. Accordingly, a Phase I Environmental Site Assessment (ESA) was conducted for the Applicant-controlled Projected Development Site 1 by Equity Environmental Engineering (Equity) March 23, 2022. A copy of this report is included in **Appendix D**.

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 be 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 ESA.

Equity has performed a Phase I Environmental Site Assessment on March 23, 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.
- Historical Recognized Environmental Condition (HRECs): There are no HRECs associated with the Subject Property.
- Controlled Recognized Environmental Condition (CRECs): There are no CRECs associated with the Subject Property.
- The EDR Vapor Encroachment database identified numerous VECs (Vapor Encroachment Conditions) within 1/10 of a mile of the Subject Property, including three on the Subject Property. The VECs listed on the Subject Property include three OARs (Other

Ascertainable Records at 714 Myrtle Avenue, Brooklyn, NY. The first OAR recorded under the NY Manifest database lists details about a 1000-pound quantity shipment of a waste from Con Edison on June 11, 2015 (waste code D008). The manifest tracking number is 014467976JJK. The second OAR recorded under the NJ Manifest database refers to the previous manifest above, as it has the same manifest ID. The last OAR record under the RCRA NonGen/NLR (Non-Generators/No Longer Regulated), FINDS (Facility Index System/Facility Registry System), and ECHO (Enforcement and Compliance History Information) databases list limited details about a large quantity waste generator. No NAICS codes, facility violations, or evaluations action summaries were found. The FINDS registry ID is 110069688813. The ECHO Envid is 1019904068. The VEC listings offsite within 1/10 of a mile include results from the EDR Hist Auto, Drycleaners, LTANKS (Leaking Storage Tanks), Spills, VCP NYC (Voluntary Cleanup Program), CBS (Chemical Bulk Storage), AST (Above Ground Storage Tank), RCRS NonGen/NLR, FINDS, and ECHO databases. Most notably, gas stations existed at 146 Spencer Street (2011-2013), and 895 Bedford Avenue (1969-1998). Auto repair shops existed at 847 Bedford Avenue (1994-2001), 879 Bedford Avenue (1979-1990), and 895 Bedford Avenue (1998-2011). Drycleaners existed at 873 Bedford Avenue, and 509 De Kalb Ave. Also, storage tank leaks were recorded at 865 Beford & Remsen, 169 Spencer Street, 913 Bedford Avenue, and 45 Kosciusko Street. Based on these findings, a possible vapor encroachment cannot be ruled out. Based on the findings of the Phase 1 ESA, VECs were identified related to the Subject Property. Therefore, the development of Projected Development Site 1 under the Proposed Action may have the potential for adverse impacts related to hazardous materials. Therefore, a Phase 2 ESA is warranted to further investigate the VECs identified in Phase 1 ESA.

Based on the findings of the Phase 1 ESA, 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.

2.6.2 Conclusion

Projected Development Site 1 is currently developed with a one-story Commercial building on Lot 21, currently used as a catering facility and two three-story mixed residential and commercial buildings on Lots 23 and 24 with the ground floor currently used as an office space and the upper floors of each building containing two residential units.

The catering facility on Lot 21 is open Monday through Thursday, 10 am to 5 pm and Friday, 10 am to 12 pm. The basement of the catering hall is currently utilized as a kitchen. Site Investigation work inside a kitchen would require removal of a large amount of equipment. The basements of the two commercial/residential buildings on Lots 23 and 24 are extremely small and filled with mechanical equipment and storage. Placing drilling equipment inside the basements would be extremely difficult and a large portion of the basement area is not accessible. As such, a site

investigation of basements is impracticable for purposes of characterization in a remedial investigation report.

Considering the accessibility concern of the commercial/residential buildings, Phase II investigative work is not feasible at this time, and an E-Designation is required to undertake Phase II work once the property is vacated, demolished, and cleared, following approval of the Proposed Actions.

The (E) Designation will ensure that testing and mitigation will be performed as necessary before any future development and/or soil disturbance. Further hazardous materials assessments would be coordinated through the Mayor's Office of Environmental Remediation (OER).

With this E-Designation in place, no significant adverse impacts related to hazardous materials are expected, and no further analysis is warranted.

The E-Designation language related to Hazardous Materials is as follows:

E-Designation (E-731)

Projected Development Site 1: Block 1751, Lots 21, 23 and 24 (Applicant-Controlled) & Projected Development Site 2: Block 1751, Lot p/o 25 (Non-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.

2.7 Air Quality

When assessing the potential for air quality significant impacts, the *2021 CEQR Technical Manual* seeks to determine a Proposed Action's effect on ambient air quality, or the quality of the surrounding air. Ambient air can be affected by motor vehicles, referred to as "mobile sources," or by fixed facilities, referred to as "stationary sources." This can occur during operation and/or construction of a project being proposed. The pollutants of concern include six criteria pollutants, which are the most common pollutants, and hazardous air pollutants (HAPs), air toxics or toxic air pollutants known as noncriteria pollutants.

The *2021 CEQR Technical Manual* generally recommends an assessment of the potential impact of mobile sources on air quality when an action increases traffic or causes a redistribution of traffic flows, creates any other mobile sources of pollutants (such as diesel train usage), or adds new uses near mobile sources (e.g., roadways, parking lots, garages). The *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.

Pollutants of Concern

The Clean Air Act (CAA) is a comprehensive federal law that regulates all sources of air emissions. The CAA requires U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants that are common in outdoor air, considered harmful to public health and the environment, and that come from numerous and diverse sources. The EPA has identified six key pollutants considered harmful to public health and the environment. In addition, national and state regulations identified numerous other pollutants, primarily due to industrial activities.

- Carbon monoxide (CO) is a colorless, odorless gas, which is primarily formed by incomplete combustion of carbon-containing fuels and by photochemical reactions in the atmosphere. Nationally, particularly in urban areas, the majority of CO emissions to ambient air come from mobile sources. The majority of these on-road CO emissions are derived from gasoline powered vehicles.[7] Because CO disperses quickly, its concentrations may vary greatly over

[7] EPA. *Integrated Science Assessment (ISA) for Carbon Monoxide (Final Report, Jan 2010)*. U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-09/019F, 2010

relatively short distances. Elevated concentrations are usually limited to locations near congested intersections and along heavily traveled and congested roadways.

- Nitrogen oxides (NOx) is emitted from both mobile and stationary sources. Nitric Oxide (NO) accounts for approximately 90% of the total oxidized nitrogen emitted. In the atmosphere, and in the presence of sunlight, NO reacts with radicals and ozone (O_3) to form mainly nitrogen dioxide (NO_2).[8] Ground-level ozone is formed when volatile organic compounds (VOCs), also known as hydrocarbons, and nitrogen oxides (NOx) interact in the presence of sunlight. Because the reactions are slow and occur as the pollutants are transported downwind, elevated ozone levels are often found many miles from the sources of the precursor pollutants.

  The zone of elevated NO_2 concentration from vehicular emission extends away from the roadway. Therefore, the effects of NOx (NO and NO_2) emissions from mobile sources are generally examined on a regional basis. The Proposed Action would not substantially increase the vehicle mile traveled or stationary source emissions at a regional scale. Therefore, mesoscale (regional) analysis for ozone precursor is not required. The Proposed Action would include stationary fuel combustion sources (boiler(s) for heating and hot water). Therefore, the proposed project's effects on local NO_2 concentration were evaluated.

- Airborne particulate matter (PM) is a mixture of substances suspended in air as small liquid and/or solid particles. In contrast to the other criteria pollutants, PM does not have a unique chemical composition. These individual particles range in size from less than 0.01 µm to more than 10 µm. $PM_{2.5}$ is the abbreviation for fine PM with a diameter smaller than 2.5 microns. PM_{10} refers to particulates with diameter less than or equal to 10 micrometers. Some particles, such as dust, dirt, soot, or smoke, are large or dark enough to be seen with the naked eye.

  PM sources are both primary and secondary in nature. Primary sources are specific sources, such as particles produced by mechanical abrasion. Secondary PM sources originate from gas-phase chemical compounds that condensate with certain gasses or when different gasses react with each other. These small particles might then coagulate with other particles to form larger particles. Sulfur oxides, nitrogen oxides, and volatile organic compounds (VOC) are examples of PM precursors.[9] The burning of fossil fuel can produce both primary and secondary PM. $PM_{2.5}$ is extremely persistent in the atmosphere and has the ability to reach the lower regions of the respiratory tract, delivering with it other compounds that adsorb to the surfaces of the particles.

[8] EPA. *Integrated Science Assessment (ISA) for Oxide of Nitrogen – Health Criteria (Final Report, Jan 2010)*. U.S. Environmental Protection Agency, Washington, DC, EPA/ EPA/600/R-15/068, 2016

[9] EPA. *Integrated Science Assessment (ISA) for Particulate Matter (Final Report, Dec 2019)*. U.S. Environmental Protection Agency, Washington, DC, EPA EPA/600/R-19/188, 2019

Anthropogenic sources of PM are prevalent in many activities. Common sources include fuel combustion, such as in boilers or vehicular engines, industrial processes, such as spray painting or sanding of wood, and construction activities. Fugitive road dust that gets airborne when vehicles traverse roadways is also a common source.

- Fossil fuel combustion is the main anthropogenic source of primary SO_2. The amount of SO_2 emitted is directly related to the amount of sulfur in the fuel. Therefore, fuels with low sulfur content produces little SO_2. Beginning in 2006, EPA began to phase-in more stringent regulations to lower the amount of sulfur in diesel fuel to 15 parts per million (ppm). This fuel is known as ultra-low sulfur diesel (ULSD). SO_2 is also a precursor for the formation of $PM_{2.5}$. As such, controlling SO_2 emissions, controls $PM_{2.5}$ concentrations.

  The amount of SO_2 emitted from on-road vehicles is not significant. Therefore, mobile source analysis for SO_2 is not required. The developments could potentially include stationary fuel combustion sources (boiler(s) for heating and hot water), where fuel oil No. 2 is burned. Therefore, effects on local SO_2 concentration were examined.

- Emissions of lead (Pb) have dropped substantially over the past 40 years as results of phasing out of Pb as an anti-knock agent in gasoline for on-road vehicles, and later from enhanced controls of the metal processing industry.[10] The Proposed Action is unlikely to result in lead emission. Therefore, no analysis is required.

- Noncriteria pollutants, also referred to as toxic air pollutants or air toxics, are mainly associated with industrial sources. The CAA initially identified 189 HAPs to be regulated by the EPA, where the EPA regulates their emissions (EPA currently regulates 187 HAPs). These are substances that cause or may cause cancer or other serious health effects. In addition, the New York State Department of Environmental Conservation (NYSDEC) identified numerous other pollutants (also noncriteria pollutants) of various toxicities for which the EPA has no established standards.

Applicable Standards/Guidelines

Criteria Pollutants

The US Environmental Protection Agency (EPA) has established national ambient air quality standards (NAAQS) for six of the most common air pollutants—known as "criteria" pollutants. The presence of these pollutants in ambient air is generally due to numerous diverse and widespread sources of emissions. The NAAQS primary standards are designed to protect public health with adequate margin of safety. The NAAQS secondary standards are designed to protect the public welfare from adverse effects, including those related to effects on soils, water, vegetation, visibility, and other aspects. As required by the Clean Air Act (CAA), EPA periodically

[10] EPA. *Integrated Science Assessment (ISA) for Lead (Final Report, Jul 2013)*. U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-10/075F, 2013

conducts comprehensive reviews of the scientific literature on health and welfare effects associated with exposure to the criteria air pollutants. The NAAQS have been adopted as the ambient air quality standards for the State of New York.

Determination of significant impact related to criteria pollutants accounts for pollutants concentrations in the ambient air, which include background concentrations. The New York State Department of Environmental Conservation (NYSDEC) measures air pollutants concentrations at more than 50 sites across the state. The primary NAAQS and background concentrations from the nearest federally-mandated monitoring station(s) are presented in **Table 2.7-1**.

Table 2.7-1: NAAQS or NYS and Background Concentration

Pollutant	Averaging Period	National and State Standards	Background Concentration	Monitoring Station
NO_2 (1)	1-Hour	188 µg/m^3	103.6 µg/m^3	Queens College
	Annual	100 µg/m^3	26.8 µg/m^3	
$PM_{2.5}$ (2)	24-Hour	35 µg/m^3	18.7 µg/m^3	JHS 126
	Annual	12 µg/m^3	7.6 µg/m^3	
PM_{10} (2)	24-Hour	150 µg/m^3	24 µg/m^3	Division Street
CO (2)	1-Hour	35 ppm	2.13 ppm	Queens College
	8-Hour	9 ppm	1.60 ppm	
SO_2 (2)	1-Hour	196 µg/m^3	15.4 µg/m^3	Queens College
	Annual (2)	80 µg/m^3	1.0 µg/m^3	

1. NYSDEC (2019). New York State Ambient Air Quality Report for 2019, <https://www.dec.ny.gov/chemical/8406.html#Quality>.
2. NYSDEC (2020). New York State Ambient Air Quality Report for 2020, <https://www.dec.ny.gov/chemical/8406.html#Quality>.
3. New York State standard.
4. µg/m^3 – microgram per meter cube; ppm – parts per million.

In addition to the NAAQS, the *CEQR Technical Manual* requires that projects subject to CEQR apply $PM_{2.5}$ and CO significant impact criteria (based on concentration increments). The *CEQR Technical Manual de minimis* criteria set allowable incremental increase in CO and $PM_{2.5}$ concentrations that would result as a consequence of a proposed project. CO criteria set the minimum change in 8-hour average concentration that constitutes a significant environmental impact. Significant increase of CO concentrations in New York City are:

- An increase of 0.5 parts per million (ppm) or more in the maximum 8-hour average CO concentration at a location where the predicted No-Action 8-hour concentration is equal to 8 ppm or between 8 ppm and 9 ppm; or
- An increase of more than half the difference between baseline (i.e., No-Action) concentrations and the 8-hour standard, when No-Action concentrations are below 8 ppm.

$PM_{2.5}$ significant impact concentrations are evaluated as follows:

- Predicted 24-hour maximum $PM_{2.5}$ concentration increase of more than half the difference between the 24-hour background concentration and the 24-hour standard; or
- Predicted annual average $PM_{2.5}$ co ce ra o creme rea er a 0 1 m^3 at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources; or for mobile sources, at a distance from a roadway corridor similar to the minimum distance defined for locating neighborhood scale monitoring stations).
- Predicted annual average $PM_{2.5}$ co ce ra o creme rea er a 0 3 m^3 at any receptor location for stationary sources.

$PM_{2.5}$ *de minimis* are 24-hour concentration increment of 8.15 µg/m^3, and annual $PM_{2.5}$ concentration increments of 0.3 µg/m^3 for stationary source and 0.1 µg/m^3 for mobile source on a neighborhood scale. Eight-hour CO *de minimis* is 3.7 parts per million.

Noncriteria Pollutants and New York State Standards

As mentioned, New York State has adopted the national standard, NAAQS. In addition, the NYSDEC has established guidelines for maximum allowable concentration of "noncriteria pollutants," which are potentially toxic or carcinogenic pollutants. These include hazardous air pollutants (HAPs) which are also regulated by the EPA. The maximum allowable guidelines set a maximum 1-hour and annual averaging time concentrations and are published in the DAR-1 AGC/SGC Table (February 12, 2021 publication), where AGC/SGC refers to Annual and Short-term Guideline Concentrations. In addition, DAR-1 also includes standard for pollutants cumulative risk assessment.

NYSDEC also regulates pollutants that produce discomfort due to odors, where significant discomfort is evaluated on quantity, characteristic or duration.

2.7.1 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 is expected to be far below the 170-car threshold for CO emission, as the project is below the relevant density warranting further transportation analysis (see EAS Short Form screen). Peak hour incremental trip generation or its equivalent HDDV trips is also expected to be below the *CEQR Technical Manual* screening thresholds for PM2.5 emission. 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.

2.7.2 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 stationary source.

Analysis Framework

Projected Development Site 1 (Block 1751, Lots 21, 23, 24)

Under Future With-Action conditions, the Applicant-controlled Projected Development Site 1 would be developed with a single 61,372 GSF (49,848 ZSF, 5.57 FAR) mixed residential and commercial building with 65% lot coverage. The development would contain 7,918.9 GSF of ground-floor UG 6 retail and 53,453 GSF (41,929 ZSF) of residential use. The Reasonable Worst Case Development Scenario (RWCDS) building would be 11 stories tall and rise to 115 feet with a base height of 95 feet. The Proposed Development would be a 95-foot-tall, 9-story building with a cellar and a 10-foot setback on Myrtle Avenue at the height of 85 feet. However, a 90-foot-tall building was analyzed representing an even more conservative scenario.

Projected Development Site 2 (Block 1751, Lot p/o 25)

Under Future With-Action conditions, the non-Applicant-controlled Projected Development Site 2 would be developed with a single 78,865 GSF (62,160 ZSF, 5.60 FAR) mixed residential and commercial building with the maximum 100% lot coverage. The building would be a 115-foot-

tall, 11-story structure with a cellar. The building would have a 10-foot setback on Myrtle Ave and a 15-foot setback on Walworth Street at the height of 95 feet. The development would contain 8,550 GSF of ground-floor local retail, 57,715 GSF (53,939 ZSF) of residential use on the upper floors, and 12,600 SF of underground parking with a ramp. The underground parking would include 27 residential parking spaces (required 50% of market-rate residential units) and would require construction of a new curb cut. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

2.7.2.1 Heating and Hot Water Systems

Screening Assessment

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.

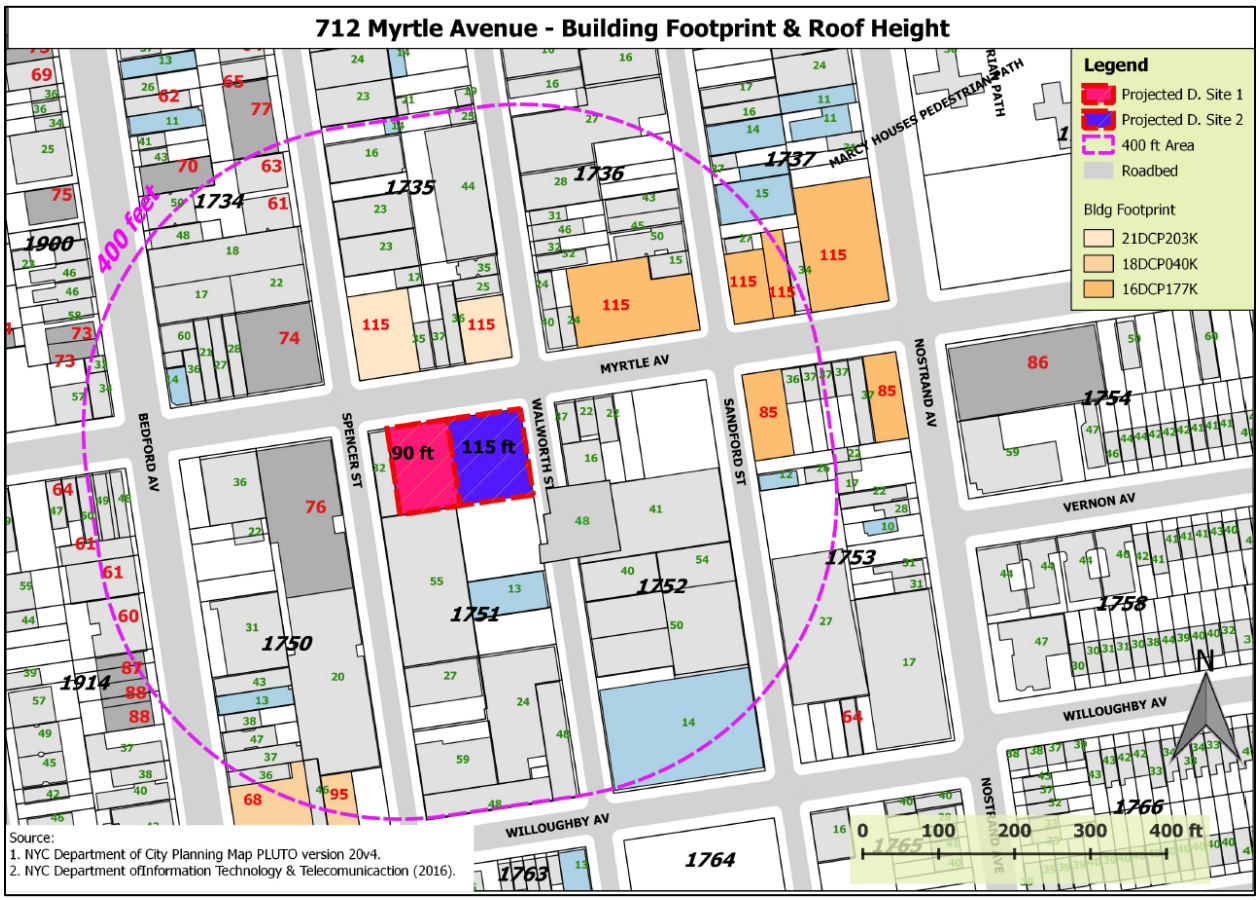
Project-on-Existing

For the project-on-existing screening analysis, the project increment buildings were analyzed as a single 127,637 GSF building, which is the floor area of Projected Development Site 1 and Projected Development Site 2 combined, excluding the parking facilities GSF. A height of 90 feet was assumed as the most conservative approach (applying the lowest project increment building). **Figure 2.7-2** (based on Figure 17-3 of the *2021 CEQR Technical Manual*) shows the project-on-existing screening analysis.

As seen in **Figure 2.7-2**, the project increment buildings GSF, excluding the parking garage floor area of Projected Development Site 2, intersects the curve for HVAC system(s) at a distance of 155 feet. While there are no existing buildings similar or greater in height in the 155-foot area surrounding Projected Development Sites 1 and 2, there are a recently effectuated rezonings on the northern side of Myrtle Avenue at 723-733 Myrtle Avenue (CEQR No. 16DCP177K), as well as the proposed action 703 Myrtle Avenue (CEQR No. 21DCP203K). **Figure 2.7-1** shows the 400 feet

area surrounding the Projected Development Sites 1 and 2, with existing buildings footprints and roof heights as well as other developments associated with CEQR proposed actions.

Figure 2.7-1: Projected Development Sites 1 and 2 and Buildings Footprint and Roof Height in the Area



Note:

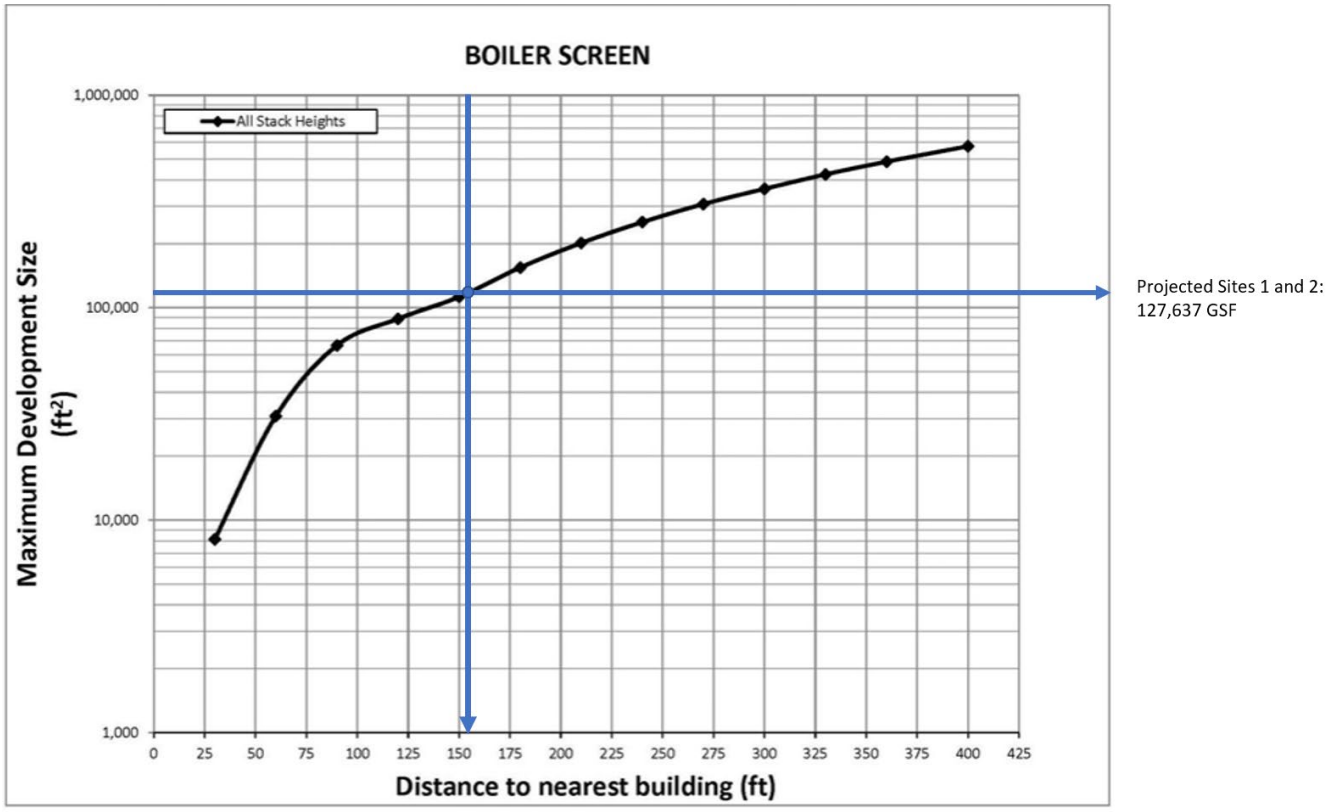
1. Roof heights of buildings associated with the other CEQR actions are the RWCDSs.
2. Existing buildings roof heights obtained from the NYC Open Data Building Footprint database.

As seen in **Figure 2.7-1**, the developments associated with the CEQR actions 703 Myrtle Avenue (CEQR No. 21DCP203K) and 723-733 Myrtle Avenue (CEQR No. 16DCP177K) are located less than 155 feet from the Projected Development Sites 1 and 2. Therefore, a detailed analysis is required for these buildings.

Project-on-Project

Projected Development Sites 1 and 2 are adjacent, and therefore, the screening analysis is not applicable, and detailed analysis is required.

Figure 2.7-2: Projected Development Sites 1 and 2 Screening Analysis on Existing Land Uses



Detailed Analysis

Lakes Environmental, Inc. MPI version 22112 executable was used in the AERMOD detailed analysis. The MPI executable takes advantage of computers with multiple processors, reducing run-time significantly. Lakes Environmental, Inc. adjusted the US EPA AERMOD source code and recompiled the model to parallelize the processing of receptors. The latest MPI executable (used in the analysis) modified EPA's AERMOD latest executable model version 22112. The AERMOD model incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. The model was run with the regulatory default option, where applicable, and for both with and without downwash effects options, where the Building Profile Input Program (BPIP) was run with the downwash effect enabled. All analyses were conducted using five consecutive years of meteorological data (2016-2020), obtained from the NYSDEC. Surface data used in the analysis is from LaGuardia Airport, upper air data is from Brookhaven station, New York. The meteorological data provided hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Population in Brooklyn, obtained from the New York City Department of City Planning (DCP) 2020 annual report, was specified to account for the effects of increased surface heating from an urban area on pollutant dispersion under stable atmospheric conditions.

Natural gas would be the type of fossil fuel, if any, used in Projected Development Site 1 HVAC system, and the system will be equipped with 15 parts per million (ppm) low NOx burners. Fuel oil No. 2 was assumed to be the type of fossil fuel used in Projected Development Site 2 HVAC system. The pollutants of concern of natural gas-fueled boilers are NO_2 and $PM_{2.5}$. Fuel oil No. 2 pollutants of concern are NO_2, SO_2, and $PM_{2.5}$. Projected Development Site 1 HVAC system's total energy capacity was calculated based on the development GSF and an energy consumption rate of 60.3 thousand Btu per gsf.[11] Projected Development Site 2 HVAC system total energy capacity was based on value in the *2021 CEQR Technical Manual Appendices* corresponding to residential use in the buildings, excluding the building parking garage GSF. Projected Development Site 1 NOx emission was calculated based on factors used to calculate emission of low-NOx 30 ppm boilers, obtained from the New York City Department of City Planning (DCP). All other emission factors were obtained from the EPA AP-42 manual for external combustion sources. All fuel was assumed to be consumed during the 100-day (or 2,400 hour) heating season. **Table 2.7-2** shows the project increment building's HVAC systems short-term and annual emission rates.

Table 2.7-2: Project increment buildings HVAC Systems Short-term and Annual Emission Rates

Site ID	Floor Area Served by the HVAC System (gsf), and Building Height (ft)	Boiler Heat Input (MMBtu/hr); Fuel used	Pollutant	Averaging Time	Emission Rate (g/s)
Projected Development Site 1	61,372 gsf; 90 ft	1.5; Natural Gas low-NOx (15 ppm)	NO_2	1-hour	3.54E-03
				Annual	9.70E-04
			$PM_{2.5}$	24-hour	1.45E-03
				Annual	3.97E-04
Projected Development Site 2	66,265 gsf; 115 ft	1.5; Oil No. 2	NO_2	1-hour	2.64E-02
				Annual	7.24E-03
			$PM_{2.5}$	24-hour	2.82E-03
				Annual	7.71E-04
			SO_2	24-hour	2.82E-04
				Annual	7.71E-05

The boilers stacks' diameters and stack exit temperatures were estimated based on values obtained from the New York City Department of Environmental Protection (DEP) "CA Permit" database for the corresponding boiler sizes (i.e., rated heat input or million Btu per hour).[12] Boiler stacks were initially placed 3 feet above the roofline and as close as possible to the receiving building. A stack set back distance and/or raising the stack was specified if impact was predicted.

The Development Sites were modeled as buildings that cover their entire lot area(s) (wall façade placed on the outer lot line(s)) and raise to the heights shown in **Table 2.7-2**. Buildings in the surrounding area were accounted for in the downwash effect on plume dispersions (BPIP).

[11] Energy Information Administration (2022). "Table US1. Total Energy Consumption, Expenditures, and Intensities, 2005 Part 1: Housing Unit Characteristics and Energy Usage Indicators." *2005 Residential Energy Consumption Survey: Energy Consumption and Expenditures Tables.*

[12] DEP "CA Permit" database obtained from the New York City Department of City Planning, February 2020.

Receptors on the receiving building were placed on all wall façade from the ground floor to the roof-top height in spaced intervals. For the project-on-existing scenario, receptors were placed on the 115-foot-tall developments (developments within 155 feet of the Projected Development Sites 1 and 2) associated with the CEQR actions 703 Myrtle Avenue (CEQR No. 21DCP203K) and 723-733 Myrtle Avenue (CEQR No. 16DCP177K).

The U.S. Geological Service (USGS) National Elevation Dataset (NED) 1/3 arc-second resolution (GeoTIFF dataset) was used to process buildings' base elevations. The base elevations of receptors and stacks were set to their buildings' base elevations. Existing buildings in the area were accounted for in the model.

One-hour NO_2 was predicted using a Tier 1 or Tier 2 approaches. For determining compliance with the 1-hour NO_2 standard, the EPA has developed a three-tiered modeling approach. Tier 1 approach assumes a full conversion of NOx to NO_2, which is the most conservative approach. Tier 2 Ambient Ratio Method 2 (ARM 2) assumes ambient equilibrium between NO and NO_2. ARM 2 adjusts the modeled NOx concentrations based on an empirical relationship between ambient NOx and ambient NO_2 concentrations. Tier 3, which is the most precise approach, accounts for the chemical transformation of NO emitted from the stack to NO_2 within the source plume using hourly ozone background concentrations. For the Tier 2 approach, the default minimum and maximum ambient of 0.5 and 0.9, respectively, were applied.

NO_2 and SO_2 modeled concentrations were added to the background concentrations, and the results evaluated with the NAAQS. $PM_{2.5}$ modeled concentrations were evaluated with the *de minimis* for stationary source. The HVAC dispersions analysis results are shown in **Table 2.7-3.**

Table 2.7-3: HVAC Dispersion Analysis Results

Pollutant	Modeled Concentration ($\mu g/m^3$)	Background Concentration ($\mu g/m^3$)	Evaluated Concentration ($\mu g/m^3$)	Threshold Concentration ($\mu g/m^3$)	Standard
Project-on-Project: Projected Development Site 1 on Projected Development Site 2					
1-hour NO_2	70.3	103.59	173.9	188	NAAQS
Annual NO_2	0.70	26.8	27	100	NAAQS
24-hour $PM_{2.5}$	7.60	18.7	7.6	8.15	*de minimis*
Annual $PM_{2.5}$	0.27	7.6	0.27	0.3	*de minimis*
Project-on-Existing: Cumulative at the CEQR actions 703 Myrtle Avenue (CEQR No. 21DCP203K) and 723-733 Myrtle Avenue (CEQR No. 16DCP177K)					
1-hour NO_2	80.18	103.59	183.8	188	NAAQS
Annual NO_2	1.81	26.8	29	100	NAAQS
24-hour $PM_{2.5}$	3.62	18.7	3.6	8.15	*de minimis*
Annual $PM_{2.5}$	0.20	7.6	0.20	0.3	*de minimis*
1-hour SO_2	1.0	15.4	16.4	196	NAAQS
Annual SO_2	0.020	1.0	1	80	NYS

As seen in **Table 2.7-3**, NO_2 and SO_2 predicted concentrations are within the NAAQS and $PM_{2.5}$ concentrations do not exceed the *de minimis*. These results were predicted with certain restrictions to ensure that no impact would occur. The stacks' restrictions, specified in the E-Designation language below, is as follows:

(E) Designation (E-731)

Block 1751, Lots 21, 23, and 24 (Projected Development Site 1): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) system and hot water equipment and must be fitted with low NOx (15 ppm) burners, ensure the HVAC system and hot water equipment stack is located at the building's highest level and at a minimum of 93 feet above grade, and that the stack is located at least 45 feet from the eastern lot line of Block 1751, Lot 24 to avoid any potential significant adverse air quality impacts.

Block 1751, Lot 25 (Projected Development Site 2): Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning (HVAC) system and hot water equipment stack is located at the building's highest level and at a minimum of 118 feet above grade to avoid any potential significant adverse air quality impacts.

Conclusion

With the above E-Designation in place, the Proposed Actions HVAC systems would not result in any violations of the ambient air quality standards. Therefore, there is no reason to believe that the Proposed Actions HVAC systems would potentially cause significant adverse air quality impacts, and further assessment is not warranted.

2.7.2.2 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. Industrial sources were identified through a site visit within a 400-foot study area and the DEP CATS and NYSDEC databases search.

The Affected Area is located within an M1-2 zoning district, and the Surrounding Area features predominantly manufacturing, one- and two-family buildings, multifamily buildings, commercial buildings, public facilities, mixed-use residential and commercial buildings, vacant land, and parking facilities.

Industrial Facilities

Preliminary Screening

The 400-foot radius was screened for potential sources of industrial emissions and is shown below in **Figure 2.7-3** and **Table 2.7-4**. The preliminary screening of the 400-foot study area included a review of NYC DEP and USEPA[13] Air Quality Permits issued within 400 feet of the Affected Area, as well as a field observation and desktop review to affirm the uses present at each site and identify any sites with the potential for unpermitted industrial process emissions.

As shown in **Table 2.7-4** and further discussed below, of the twenty-eight (28) sites evaluated as part of the initial industrial source screening, four (4) sites were identified for detailed analysis.

[13] Sources of information reviewed included the USEPA's Envirofacts database[1], EPA, Envirofacts Data Warehouse, http://oaspub.epa.gov/enviro/ef_home2.air

Figure 2.7-3: Industrial Emissions Screening



Table 2.7-4: Industrial Screening - 400 Foot Study Area

Site ID	Block	Lot	Address	Owner Name	Land Use	Active Industrial Permits	Expired Industrial Permits	Active Permit Owners	Expired Permit Owners	Current Use	Notes
1	1751	35	156 WALWORTH ST	M & S TRADING CORP	Industrial & Manufacturing	Na	Na	Na	Na	Warehouse	Screens Out
2	1751	41	168 WALWORTH ST	WALWORTH BH LLC	Transportation & Utility	PB017407, PB013906	Na	KINGS COUNTY AUTO BODY, INC.	Na	Kings County Auto Body	Potential Emissions Source
3	1751	43	409 WILLOUGHBY AVE	WALWORTH MKL REALTY LLC	Industrial & Manufacturing	Na	Na	Na	Na	Drafting service, Travel agency, Institute of technology	Screens Out
4	1752	18	139 WALWORTH ST	MARC SCOT REALTY CORP	Industrial & Manufacturing	Na	Na	Na	Na	Warehouse (Power Shine Lighting and Design)	Screens Out
5	1752	13	145 WALWORTH ST	VAN BLARCOM CLOSURES	Industrial & Manufacturing	Na	Na	Na	Na	VBC, Industrial Equipment manufacturing	Screens Out
6	1752	11	153 WALWORTH ST	VAN BLARCOM CLOSURES INC	Industrial & Manufacturing	Na	Na	Na	Na	Warehouse	Screens Out
7	1752	9	157 WALWORTH ST	VAN BLARCOM CLOSURES INC.	Industrial & Manufacturing	Na	Na	Na	Na	Warehouse	Screens Out
8	1752	7	161 WALWORTH ST	VAN BLARCOM CLOSURES INC	Industrial & Manufacturing	Na	Na	Na	Na	Warehouse	Screens Out
9	1752	1	170 SANFORD ST	VAN BLARCOM CLOSURES INC	Industrial & Manufacturing	Na	Na	Na	Na	Light Manufacturing	Screens Out
10	1752	35	156 SANDFORD ST	VAN BLARCOM CLOSURES INC	Industrial & Manufacturing	PB011913	PR012717	VAN BLARCOM CLOSURES, INC.	VINCENT SCUDERI	Warehouse, Manufacturing Plastic Products & Metal Stamping & Extruction.	Potential Emissions Source
11	1753	4	151 SANDFORD ST	VAN BLARCOM CLOSURES INC	Industrial & Manufacturing	Na	Na	Na	Na	Warehouse	Screens Out
12	1736	50	109 WALWORTH ST	WALWORTH REALTY CORP	Industrial & Manufacturing	PA166773, PA031197, PA166873	Na	PA166773: NANCY ZAPATA PA031197, PA166873: CONTROL ELECTROPOLISHING CORP CR063118: WALWORTH REALTY II CORP.	Na	Metal Processing	Potential Emissions Source
13	1736	54	103 WALWORTH ST	WALWORTH PROJECT LLC	Industrial & Manufacturing	Na	PA003999	Na	AMERICAN ALMOND PRODUCTS	Warehouse	Screens Out – American Almond Products moved to another location
14	1736	23	102 SANDFORD ST	102 SANDFORD LLC	Industrial & Manufacturing	Na	PA003999, PA004099, PA035374	Na	AMERICAN ALMOND PRODUCTS	Warehouse	Screens Out - American Almond Products moved to another location
15	1735	45	111 SPENCER ST	111-113 SPENCER LLC	Industrial & Manufacturing	Na	Na	Na	Na	Clothing Store	Screens Out
16	1735	32	124 WALWORTH ST	DEMBAR, SETH	Industrial & Manufacturing	Na	Na	Na	Na	Warehouse	Screens Out
17	1734	33	116 SPENCER ST	BEDFORD SPENCER LLC	Industrial & Manufacturing	Na	Na	Na	Na	Ateres Publishing	Potential Emissions Source
18	1750	10	881 BEDFORD AVE	881 BEDFORD AVENUE REAL PROPERTY INC	Industrial & Manufacturing	Na	Na	Na	Na	A & R Kitchen & Bath, supply store	Screens Out
19	1750	9	883 BEDFORD AVE	JADABE PROPERTIES INC	Transportation & Utility	Na	Na	Na	Na	CNT auto repair shop	No autobody repair service - Screens Out
20	1750	1	895 BEDFORD AVE	895 BEDFORD AVENUE REALTY LLC	Transportation & Utility	Na	Na	Na	Na	Shell Gas Station	Screens Out
21	1735	151	97 SPENCER ST	DUPCO REALTY CORP	Industrial & Manufacturing	Na	Na	Na	Na	Warehouse, Fine Printing paper - Double U Paper Co	Screens Out
22	1737	35	743 MYRTLE AVE	743 LLC	Industrial & Manufacturing	Na	Na	Na	Na	Price Stone - Tile store	Screens Out
23	1737	47	117 SANDFORD ST	117 SANFORD LLC	Transportation & Utility	Na	Na	Na	Na	Warehouse	Screens Out
24	1737	50	115 SANDFORD ST	SANFORD ESTATES 2 LLC	Transportation & Utility	Na	Na	Na	Na	Garage	Screens Out
25	1737	52	109 SANDFORD ST	CONGREGATION BARUCH TAAM, INC.	Industrial & Manufacturing	Na	Na	Na	Na	Warehouse, Dy Realty Services, Llc	Screens Out
26	1914	39	910 BEDFORD AVE	910-912 BEDFORD LLC	Industrial & Manufacturing	Na	Na	Na	Na	Custom Plastics Inc	Screens Out
27	1750	11	873 BEDFORD AVE	144 SPENCER REALTY CORP.	Commercial & Office Buildings	Na	Na	Na	Na	Ice cream shop, Laundromat	Screens Out
28	1750	44	391 WILLOUGHBY AVE	389 WILLOUGHBY LLC	Commercial & Office Buildings	Na	Na	Na	Na	Office building	Screens Out
29	1735	143	113 SPENCER ST	111-113 SPENCER LLC	Commercial & Office Buildings	Na	Na	Na	Na	Glauber's Clothiers, Men's clothing store	Screens Out
30	1736	56	99 WALWORTH ST	WALWORTH BSD LLC	Commercial & Office Buildings	Na	Na	Na	Na	Residential building, storage	Screens Out

Site 2: 168 Walworth Street (Block 1751, Lot 41)

According to NYC's Zoning and Land Use Map (ZoLa), this property is owned by Walworth BH LLC and is classified as an Auto Body/Auto Repair shop. DEP CATS database indicates that this site is currently under two industrial permits for paint spray booths for automobiles (PB013906 and PB017407). These permits include industrial uses and an autobody spray booth, and was submitted on April 25th, 2022. The dispersion analysis was conducted with the provided information for all chemicals of concern covered under the permits.

Photo 2.7-1: Kings County Auto Body Inc.



Sites Van Blarcom Closures, Inc. Sites 5-11

According to NYC's Zoning and Land Use Map (ZoLa), this property is owned by Van Blarcom Closures, Inc. and is classified as a Light Manufacturing facility. The Van Blarcom Closures, Inc. owns and operates on Block 1752 / Lots 1, 7, 9, 11, 13, and 35 and Block 1753 / Lot 4. DEP CATS database indicate that this site is currently under two Industrial Permits for industrial combustion engines generators (PB011913 and PR012717) and a few cancelled permits for industrial processing. The generators are small combustion installations, which are exempt, and therefore, no analysis is required.

Site 12: 109 Walworth Street (Block 1736, Lot 50)

According to NYC's Zoning and Land Use Map (ZoLa), this property is owned by Walworth Realty Corp and is classified as a Light Manufacturing facility. Based upon review of the DEP CATS database and Air Permit Requests Services, the active permits related to 109 Walworth Street are PA031197, PA166773, and PA166873. These permits include industrial uses for electro polishing and metal processing. A dispersion analysis was conducted with the provided

information for all chemicals of concern covered under the permits. **Photo 2.7-2** shows the facility.

Photo 2.7-2: Site 12



Site 13/14: American Almond Products

Block 1736, lots 54 and 23 have expired industrial permits (PA003999, PA004099 and PA035374) registered to American Almond Products. American Almond Products is no longer occupied within these sites. Based on information obtained online[14], in June 2015, American Almond was acquired by Barry Callebaut. The new facility is located in Pennsauken, New Jersey. Accordingly, no further analysis of this site is warranted.

Site 17: 116 Spencer Street (Block 1734, Lot 33)

The building at 116 Spencer Street (A.K.A. 845 Bedford Avenue) is occupied by Ateres Publishing, a publishing and printing business. There were two stacks visible protruding from the roof on the east side of the building. However, no emissions or odors were observed from these stacks. Two printing presses were observed inside the building during the field survey. The analysis for this facility is presented below.

Site 19: 883 Bedford Avenue (Block 1750, Lot 9)

Site 19 is occupied by CNT auto repair shop. There are no active or expired industrial air quality permits at this location. The facility was contacted by phone, and indicated that CNT does not provide auto body repair services. Therefore, no further analysis of this site is warranted.

[14] https://www.barry-callebaut.com/en-US/artisans/american-almond/about-american-almond

Detailed Analysis

Control Electropolishing Corp. Air Toxics Dispersion Analysis

Control Electropolishing Corp., located at 109 Walworth Avenue (Block 1736, Lot 50), has 3 active operational certificates from the DEP. PA031197 certificate is for cleaning, pickling and electropolishing of metal parts. The contaminants listed in the certificate are: Sodium Hydroxide, Nitric Acid, Hydrochloric Acid, and water vapors. PA166773 certificate is for process which includes electro-polishing, pickling, and cleaning of metal parts. The contaminants listed in the certificate are: Phosphoric acid, Sulfuric Acid, and water vapors, or alkaline mist. The alkaline mist was assumed to be Sodium Hydroxide, based on DEP permit PA0166873. PA166873 certificate is for process which includes electro-polishing, pickling, and cleaning of metal parts. The contaminant listed in the certificate is: Alkaline Mist with a New York identification number NY-104-00-0. This identification number is a general number used to identify groups of contaminants. Another page in the certificate identifies the alkaline mist as Sodium Hydroxide. **Table 2.7-5** shows the contaminants, their Chemical Abstract Service (CAS) numbers, and emission rates.

Table 2.7-5: Control Electropolishing Emission Rates.

Certificate ID	Contaminant	CAS Number	Emission Rate (lb/hr)	Emission Rate (lb/yr)
PA031197	Sodium Hydroxide	1310-73-2	0.001	1.6
	Nitric Acid	7697-37-2	0.001	1.6
	Hydrochloric Acid	7647-01-0	0.001	1.6
	Water vapor	7732-18-5	0.001	1.6
PA166773	Phosphoric Acid	7664-38-2	0.112	80
	Sulfuric Acid	7664-93-9	0.028	45
	Sodium Hydroxide (1)	1310-73-2	0.125	200 (1)
PA166873	Sodium Hydroxide (2)	1310-73-2	0.125	200

Note:
1. Alkaline mist was interpreted as Sodium Hydroxide; annual emission rate corresponds with 1,600 hour per year activity rate specified in the DEP permit.
2. Alkaline mist as Sodium Hydroxide, based on DEP certificate.

The *CEQR Technical Manual* Industrial Source Screen methodology was used to predict maximum short-term(s) and annual average concentrations. This methodology can be used to predict pollutant concentration emitted from a single source at various distances (from 30 to 400 feet). The facility is located 260 feet from the Development Sites. The *CEQR Technical Manual* Industrial Source Screen distance of 240 feet was used in the analysis. **Table 2.7-6** shows the noncriteria pollutants dispersion analysis results, using the *CEQR Technical Manual* Industrial Source procedure, and the SGC/AGC standards.

Table 2.7-6: Electro Polishing Corp. DEP Permits PA031197, PA166773, PA166873 Dispersion Analysis Results

Pollutant	CAS No.	Short-Term		Annual	
		Conc.	SGC	Conc.	AGC
		($\mu g/m^3$)	($\mu g/m^3$)	($\mu g/m^3$)	($\mu g/m^3$)
Sodium Hydroxide	1310-73-2	0.3	200.0	0.003	---
Nitiric Acid	7697-37-2	0.3	86.0	0.003	12.3
Hydrochloric Acid (1)	7647-01-0	0.3	2100.0	0.003	20.0
Water Vapor	7732-18-5	0.3	---	0.003	---
Phosphoric Acid	7664-38-2	28.8	300.0	0.1	10.0
Sulfuric Acid	7664-93-9	7.2	120.0	0.07	1.0
Alkaline Mist as Sodium Hydroxide	1310-73-2	32.1	200.0	0.3	---
Alkaline Mist NY104-00-0 as Sodium Hydroxide	1310-73-2	32.1	200.0	0.3	---

Note:
1. Hydrochloric Acid is a Hazardous Air Pollutants (HAP).

As seen in **Table 2.7-6**, pollutants concentrations are within the SGC/AGC design values.

Kings County Auto Body Air Toxics Dispersion Analysis

Kings County Auto Body, located at 168 Walworth Avenue (Block 1751, Lot 41), has 2 active operational certificates from the DEP (PB013906 and PB017407). PB017407 certificate is for a spray booth equipment where cars are prepared for painting. Contaminant listed in permit PB017407 is dust with the NY identification number NY075-00-0, which is particulates PM, PM_{10}, and $PM_{2.5}$ combined. PB013906 is for a spray booth where cars are painted. Contaminants listed in permit PB013906 are solids NY079-00-0, which is particulates PM, PM_{10}, and $PM_{2.5}$ combined, and solvents NY998-00-0. The mixture of different compounds, identified collectively as VOC NY998-00-0, have no guideline values in the NYSDEC DAR-1 database. The mixture comprises of compounds of varying toxicities. A representative composition of the VOC by percent weight was obtained from the DCP for a similar analysis of auto-body facility where the chemical composition of the coating compound is not known. The ingredients that make up the representative paint, along with their Chemical Abstract Service (CAS) number, by percent weight, and the hourly and annual emission rates are presented in **Table 2.7-7**.

Table 2.7-7: Kings County Auto Body Facility (DEP Permit PB013906 and PB017407) Contaminants Short-term and Annual Emission Rates

Contaminant	CAS No.	Percent Weight	Short-Term	Annual
			lb/hr	lb/yr
Contaminants Associated with DEP Permit PB013906				
Acetone	67-64-1	43%	1.3330	1999.5
Aromatic Petroleum Distillate	64742-94-5	5%	0.1550	232.5
Naphtha Light Aliphatic	64742-89-8	10%	0.3100	465.0
Butane	106-97-8	11%	0.3410	511.5
Ethanol	64-17-5	2%	0.0620	93.0
Ethyl 3-Ethoxypropionate	763-69-9	9%	0.2790	418.5
Ethylbenzene	100-41-4	5%	0.1550	232.5
Methyl Ethyl Ketone	78-93-3	8%	0.2480	372.0
N-Butyl Acetate	123-86-4	5%	0.1550	232.5
Propane	74-98-6	11%	0.3410	511.5
Stoddard Solvent	8052-41-3	10%	0.3100	465.0
Toluene	108-88-3	10%	0.3100	465.0
Xylene	1330-20-7	10%	0.3100	465.0
PM (solids)	NY079-00-0		0.0650	97.6
Contaminants Associated with DEP Permit PB017407				
PM (dust)	NY075-00-0		0.0400	80.0

The *CEQR Technical Manual* Industrial Source Screen methodology was used to predict maximum short-term(s) and annual average concentrations. A distance of 180 feet was used in the screening analysis (the facility distance to the Development Sites is200 feet).

Particulate matter PM_{10} and $PM_{2.5}$ were evaluated with the NAAQS. The particle size distribution ($PM_{10}/PM_{2.5}$) from the spray-painting processing emission was obtained from the EPA *AP-42 Manual Appendix B.1-12, Automobile and Light-Duty Truck Surface Coating Operations: Automobile Spray Booths (Water-Base Enamel)*. The particle size distribution associated with the preparation station was obtained from the EPA AP-42 manual Appendix B.2.2 for corresponding to mechanically generated (Category 4). In addition, the facility hour par day activity was used to calculate the 24-hour average emission. **Table 2.7-8** shows the criteria pollutant dispersion analysis results, using the *CEQR Technical Manual* Industrial Source procedure, and the applicable *de minimis*.

Table 2.7-8: Kings Auto Body Particulate Dispersion Analysis Results for DEP Permits PB013906 and PB017407

Criteria Pollutant	Threshold Standard	Increment (Modeled) Conc. (µg/m³)	Background Conc. (µg/m³)	Ambient Air Conc. (µg/m³)	Threshold Standard Conc.	Conc. Unit
$PM_{2.5}$ 24-Hour	NAAQS	1.52	18.7	20.2	35	µg/m³
$PM_{2.5}$ Annual	NAAQS	0.14	7.6	7.7	12	µg/m³
PM_{10} 24-Hour	NAAQS	3.3	24	27.3	150	µg/m³

As seen in **Table 2.7-8**, PM_{10} and $PM_{2.5}$ predicted concentrations are within the NAAQS.

Table 2.7-9 shows the noncriteria pollutants dispersion analysis results, using the *CEQR Technical Manual* Industrial Source procedure, and the SGC/AGC standards.

Table 2.7-9: Kings County Auto Body DEP Permits PB013906 and PB017407 Noncriteria Pollutants Dispersion Analysis Results

Pollutant	CAS No.	1-Hour		Annual	
		Conc. (µg/m³)	SGC (µg/m³)	Conc. (µg/m³)	AGC (µg/m³)
Acetone	67-64-1	589.5	180000.0	5.21	30000.0
Aromatic Petroleum Distillate	64742-94-5	68.6	---	0.61	100.0
Naphtha Light Aliphatic	64742-89-8	137.1	---	1.21	3200.0
Butane	106-97-8	150.8	---	1.33	---
Ethanol	64-17-5	27.4	---	0.24	45000.0
Ethyl 3-Ethoxypropionate (1)	763-69-9	123.4	140.0	1.09	64.0
Ethylbenzene (1)	100-41-4	68.6	---	0.61	1000.0
Methyl Ethyl Ketone	78-93-3	109.7	13000.0	0.97	5000.0
N-Butyl Acetate	123-86-4	68.6	71300.0	0.61	565.0
Propane	74-98-6	150.8	---	1.33	---
Stoddard Solvent	8052-41-3	137.1	---	1.21	900.0
Toluene (1)	108-88-3	137.1	37000.0	1.21	5000.0
Xylene (1)	1330-20-7	137.1	22000.0	1.21	100.0

Note:
1. Ethyl 3-Ethoxypropionate, Ethylbenzene, Toluene, and Xylene are Hazardous Air Pollutants (HAP).

As seen in **Table 2.7-9**, pollutants concentrations are within the SGC/AGC design values.

Ateres Publishing Air Toxics Dispersion Analysis

The Ateres Publishing was identified as an offset printing service facility. The facility is located on the east side of Spencer Street and approximately 195 feet from Projected Development Site 1. The facility does not have a DEP or NYSDEC certificate to operate. Therefore, a representative

short-term (maximum 1-hour) emission profile was obtained from the DEP permit application PA038699 for a large off-set printing facility. **Table 2.7-10** shows the Ateres Publishing emission profile.

Table 2.7-10: Ateres Publishing Facility - Emission Profile

Pollutant Name	CAS No.	Emission	
		(lb/hr)	(lb/yr) [1]
Butoxyethanol, 2	111-76-2	0.405	1620
Acetic Acid	64-19-7	0.026	104
Naphtha (Petroleum), Heavy Straight-Run	64741-41-9	0.928	3710
Poly(Oxy-Ethanediyl)(Nonylphenyl) Hydroxy	9016-45-9	0.115	460
Methoxypropylacetate	108-65-6	0.012	4.69
Naphtha Hydrotreated Heavy	64742-48-9	0.119	474
Naphtha Light Aromatic	64742-95-6	0.909	3630
Isopropyl Alcohol	67-63-0	0.249	994
Naphtha Medium Aliphatic	64742-88-7	0.052	206
Naphtha Heavy Aromatic	64742-94-5	0.014	5.62
9-Octadecenamide,N,N-Bis(2-Hydroxgethyl)-	93-83-4	0.014	5.62
Triethanolamine Benzene	1886-81-3	0.005	1.87
Acetone	67-64-1	0.486	1940
Aliphatic Petrol Distill	64742-89-8	0.398	1590
Dichloromethane [1]	75-09-2	0.087	346
Xylene, M, O & P Mixture [1]	1330-20-7	0.019	7.41

Note:
1. Dichloromethane and Xylene are HAPs.

The *CEQR Technical Manual* Industrial Source Screen methodology was used to predict maximum short-term(s) and annual average concentrations. A distance of 180 feet was used in the screening analysis (the facility distance to the Development Sites is 195 feet). **Table 2.7-11** shows the noncriteria pollutants dispersion analysis results, using the *CEQR Technical Manual* Industrial Source procedure, and the SGC/AGC standards.

Table 2.7-11: Ateres Publishing - Noncriteria Pollutants Dispersion Analysis Result

Contaminant name	CAS No.	1-Hour	SGC	Annual	AGC
		(µg/m³)	(µg/m³)	(µg/m³)	(µg/m³)
Butoxyethanol, 2	111-76-2	179.1	4700.0	4.2	1600.0
Acetic Acid	64-19-7	11.5	3700.0	0.3	60.0
Naphtha (Petroleum), Heavy Straight-Run	64741-41-9	410.4	---	9.7	---
Poly(Oxy-Ethanediyl)(Nonylphenyl) Hydroxy	9016-45-9	50.9	---	1.2	---
Methoxypropylacetate	108-65-6	5.3	36850.0	0.01	2000.0
Naphtha Hydrotreated Heavy	64742-48-9	52.6	---	1.2	900.0
Naphtha Light Aromatic	64742-95-6	402.0	---	9.5	100.0
Isopropyl Alcohol	67-63-0	110.1	98000.0	2.6	7000.0
Naphtha Medium Aliphatic	64742-88-7	23.0	---	0.5	3200.0
Naphtha Heavy Aromatic	64742-94-5	6.2	---	0.01	100.0
9-Octadecenamide,N,N-Bis(2-Hydroxgethyl)-,(Z)-	93-83-4	6.2	---	0.01	---
Triethanolamine Benzene	1886-81-3	2.2	---	0.005	---
Acetone	67-64-1	214.9	180000.0	5.1	30000.0
Aliphatic Petrol Distill	64742-89-8	176.0	---	4.1	3200.0
Dichloromethane	75-09-2	38.5	14000.0	0.9	46.0
Xylene, M, O & P Mixture	1330-20-7	8.4	22000.0	0.02	100.0

As seen in **Table 2.7-11**, the pollutants concentrations are within the SGC/AGC design values.

Air Toxics Cumulative Dispersion Analysis

In addition to evaluating each noncriteria pollutant concentration with its AGC/AGC guideline, cumulative risk assessments for both carcinogen and no-carcinogens contaminants were evaluated. **Table 2.7-12** shows the cumulative dispersion analysis result for each pollutant.

Table 2.7-12: Noncriteria Pollutants – Cumulative Dispersion Analysis Result

Contaminant name	CAS No.	1-Hour	SGC	Annual	AGC
		(µg/m³)	(µg/m³)	(µg/m³)	(µg/m³)
Ethanol	64-17-5	27.4	---	0.2	45000.0
Acetic Acid	64-19-7	11.5	3700.0	0.3	60.0
Isopropyl Alcohol	67-63-0	110.1	98000.0	2.6	7000.0
Acetone	67-64-1	804.5	180000.0	10.3	30000.0
Propane	74-98-6	150.8	---	1.3	---
Dichloromethane (1)	75-09-2	38.5	14000.0	0.9	46.0
Methyl Ethyl Ketone	78-93-3	109.7	13000.0	1.0	5000.0
9-Octadecenamide,N,N-Bis(2-Hydroxgethyl)-,(Z)-	93-83-4	6.2	---	0.01	---
Ethylbenzene (1)	100-41-4	68.6	---	0.6	1000.0
Butane	106-97-8	150.8	---	1.3	---
Methoxypropylacetate	108-65-6	5.3	36850.0	0.01	2000.0
Toluene (1)	108-88-3	137.1	37000.0	1.2	5000.0
Butoxyethanol, 2	111-76-2	179.1	4700.0	4.2	1600.0
N-Butyl Acetate	123-86-4	68.6	71300.0	0.6	565.0
Ethyl 3-Ethoxypropionate (1)	763-69-9	123.4	140.0	1.1	64.0
Sodium Hydroxide	1310-73-2	64.5	200.0	0.6	---
Xylene (1)	1330-20-7	145.5	22000.0	1.2	100.0
Triethanolamine Benzene	1886-81-3	2.2	---	0.005	---
Hydrochloric Acid (1)	7647-01-0	0.3	2100.0	0.003	20.0
Phosphoric Acid	7664-38-2	28.8	300.0	0.1	10.0
Sulfuric Acid	7664-93-9	7.2	120.0	0.1	1.0
Nitiric Acid	7697-37-2	0.3	86.0	0.003	12.3
Water Vapor	7732-18-5	0.3	---	0.003	---
Stoddard Solvent	8052-41-3	137.1	---	1.2	900.0
Poly(Oxy-Ethanediyl)(Nonylphenyl) Hydroxy	9016-45-9	50.9	---	1.2	---
Naphtha (Petroleum), Heavy Straight-Run	64741-41-9	410.4	---	9.7	---
Naphtha Hydrotreated Heavy	64742-48-9	52.6	---	1.2	900.0
Naphtha Medium Aliphatic	64742-88-7	23.0	---	0.5	3200.0
Aliphatic Petrol Distill	64742-89-8	313.1	---	5.4	3200.0
Naphtha Heavy Aromatic	64742-94-5	74.7	---	0.6	100.0
Naphtha Light Aromatic	64742-95-6	402.0	---	9.5	100.0

Note:
1. Hazardous Air Pollutants (HAP).

As seen in **Table 2.7-12**, the noncriteria pollutants concentrations are within the SGC/AGC standard. In addition, the cumulative inhalation cancer risk for the HAPs (and the other carcinogenic contaminant if any) is 0.05 (less than 10), and the multi contaminant Hazardous Index is 0.2 (less than 2) for the non-carcinogenic pollutants. Therefore, no adverse air quality impact is predicted at the project increment buildings from existing industrial source emissions in the study area.

Conclusion

As indicated above, no significant adverse air quality impact was predicted from existing industrial sources in the study area. Therefore, there does not appear to be any potentially significant impact associated with existing air toxics on project occupants. Therefore, no adverse air quality impact is predicted from industrial sources in the study area.

Major and Large Sources

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.

2.7.3 Conclusion

No significant adverse air quality impact was predicted in the analysis. The HVAC refined analysis indicates that there would be no potential for significant adverse air quality impact(s) from the HVAC systems with the requirements specified in the (E) Designation for the Projected Development Sites adhered to.

Air toxics concentrations emitted from existing industrial sources operating within 400 feet of the Development Sites would be below the threshold criteria (NAAQS, SGC/AGC and cumulative risk assessments). Additionally, there is no evidence present to conclude that there are illegal unpermitted air emissions present in the study area. Hence, no significant adverse impacts are anticipated due to air toxics emissions from industrial sources operating within 400 feet of the Development Sites.

In addition, the Proposed Actions would not result in any significant adverse mobile source air quality impacts and no major/large source is located within 1,000 feet of the Development Sites.

2.8 Noise

Introduction

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 a sound pressure 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 dB(A). 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 2.8-1: Noise Levels of Common Sources[15]

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 is typical of human response to relative 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) change is perceived as a doubling or halving 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.

- 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

[15] Source: *2021 CEQR Technical Manual*

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.
- L_{max} is the highest SPL measured during a given period of time. It is useful in evaluating L_{eq}s 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 L_{eq} 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 City Environmental Quality Review (CEQR) noise exposure guidelines for exterior noise levels. As shown in **Table 2.8-2** 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 2.8-3** below 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) (*L_{10} or L_{dn}, depending on the source*) or below.

Table 2.8-2: 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 2.8-3: Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Vehicular Traffic	70 10 73	73 10 76	76 < 10 7	7 10 0	80 < L10
Aircraft[A]	65 DN 6	6 DN 71	71 DN 73	73 DN 75	75 < DNL
Train	65 6	6 71	71 73	73 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)

Measurement Location and Equipment

Noise readings were collected directly across the street from the Affected Area as part of the 703 Myrtle Avenue Rezoning (CEQR # 21DCP203K) in 2021. Due to their close proximity, these readings will be applied to the Projected Development Sites.

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. Pursuant to *CEQR Technical Manual* Methodology, three (3) measurement were collected for 20-minute periods: Location One (1) was collected along Spencer Street, north of Myrtle Avenue, Location Two (2) was collected along Myrtle Avenue between Walworth Street and Spencer Street, and Location Three (3) was collected along Walworth Street north of Myrtle Avenue. The noise monitoring locations are shown in **Figure 2.8-1** through **Figure 2.8-4** below.

Noise monitoring was conducted using a using Type 1 Casella CEL- 633 sound level meter with wind screen. The monitor was placed on a tripod at a height of approximately five feet above the ground, away from any other noise-reflective surfaces. The monitor was calibrated prior to and following each monitoring session. Periods of peak vehicular traffic around the Affected Area constitute a worst-case condition for noise.

Figure 2.8-1: Noise Monitoring Locations



Figure 2.8-2: Noise Monitoring Location One (1)
Spencer Street



Figure 2.8-3: Noise Monitoring Location Two (2)
Myrtle Avenue



Figure 2.8-4: Noise Monitoring Location Three (3)
Walworth Street



Measurement Conditions

Monitoring was conducted during typical midweek conditions, on Wednesday November 17, 2021. The weather was dry and wind speeds were moderate during all monitoring periods. The sound meter was calibrated before and after each monitoring session.

Existing Conditions

Based on the noise measurements, the predominant source of noise is vehicular traffic. **Table 2.8-4** through **2.8-6** below contains the results for the measurements taken at the Project Site:

Table 2.8-4: Noise Levels (dB) at Location 1

Wednesday, November 17, 2021			
Time	**8:13 am – 8:34 am**	**12:43 pm – 1:03 pm**	**5:14 pm – 5:34 pm**
L_{max}	92.3	86.3	89.9
L_{10}	**71.5**	65.0	64.0
L_{eq}	68.3	62.9	64.0
L_{50}	58.0	59.0	57.5
L_{90}	52.5	51.5	53.5
L_{min}	50.4	51.6	51.5

Note: **Bold** denotes L_{10} or L_{eq} noise level exceedances according to the CEQR Technical Manual

Table 2.8-5: Noise Levels (dB) at Location 2

Wednesday, November 17, 2021			
Time	**7:52 am – 8:12 am**	**12:21 pm – 12:41 pm**	**4:52 pm – 5:12 pm**
L_{max}	91.3	85.7	85.7
L_{10}	**72.0**	69.5	69.0
L_{eq}	69.8	66.5	66.3
L_{50}	64.5	63.0	62.0
L_{90}	58.5	58.5	58.0
L_{min}	64.1	54.2	53.2

Note: **Bold** denotes L_{10} or L_{eq} noise level exceedances according to the CEQR Technical Manual

Table 2.8-6: Noise Levels (dB) at Location 3

Wednesday, November 17, 2021			
Time	**7:30 am – 7:50 am**	**12:00 pm – 12:20 pm**	**4:30 pm – 4:50 pm**
L_{max}	82.4	76.5	95.5
L_{10}	65.5	66.0	66.5
L_{eq}	62.5	62.5	69.2
L_{50}	57.5	58.0	59.5
L_{90}	52.5	54.0	55.0
L_{min}	49.8	51.9	52.3

Note: **Bold** denotes L_{10} or L_{eq} noise level exceedances according to the CEQR Technical Manual

Table 2.8-7 through **2.8-9** below contains the traffic counts and vehicle classifications during each monitoring period for 20 minutes:

Table 2.8-7: Location 1 Traffic volumes and vehicle classifications

	8:13 am – 8:34 am	12:43 pm – 1:03 pm	5:14 pm – 5:34 pm
Car/ Taxi	8	13	20
Van/Light Truck/SUV	11	16	18
Medium Truck	4	4	4
Heavy Truck	0	0	0
Bus	8	1	0
Train	0	0	0

Table 2.8-8: Location 2 Traffic volumes and vehicle classifications

	7:52 am – 8:12 am	12:21 pm – 12:41 pm	4:52 pm – 5:12 pm
Car/ Taxi	55	70	80
Van/Light Truck/SUV	53	65	49
Medium Truck	24	22	17
Heavy Truck	4	3	0
Bus	20	4	14
Train	0	0	0

Table 2.8-9: Location 3 Traffic volumes and vehicle classifications

	7:30 am – 7:50 am	12:00 pm – 12:20 pm	4:30 pm – 4:50 pm
Car/ Taxi	17	8	12
Van/Light Truck/SUV	26	22	16
Medium Truck	5	3	2
Heavy Truck	1	0	0
Bus	1	1	1
Train	0	0	0

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 would occur under the Proposed Actions, 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 One (1) was 71.5 dB(A) during the morning monitoring period;

- The highest recorded L_{10} at Location Two (2) was 72.0 dB(A) during the morning monitoring period;
- The highest recorded L_{10} at Location Three (3) was 66.5 dB(A) during the evening monitoring period.

To ensure that no significant adverse impacts related to noise occur as a result of the Proposed Actions, the following E-Designation would be placed on the Projected Development Sites:

E-Designation (E-731)

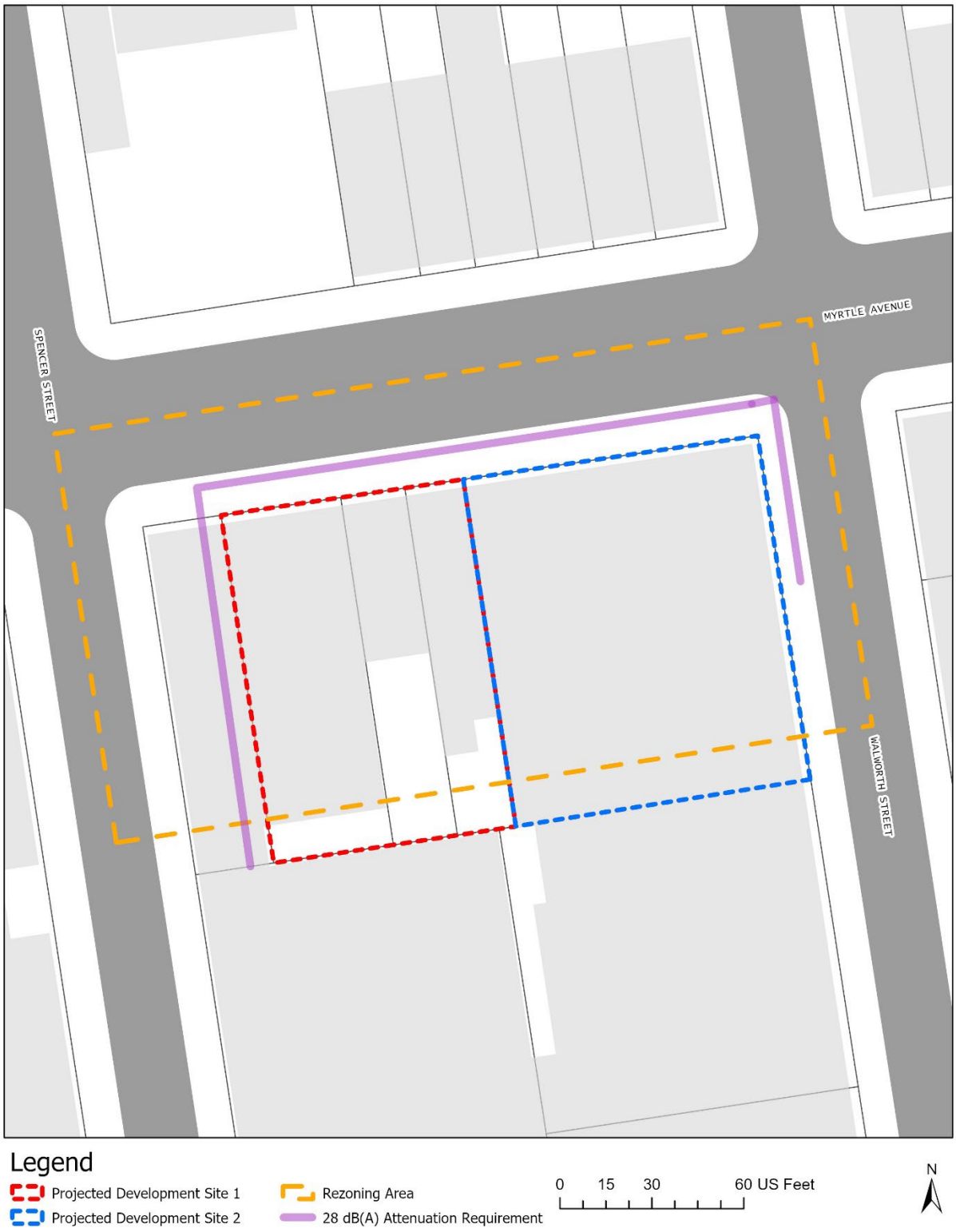
Projected Development Site 1: Block 1751, Lots 21, 23 and 24 (Applicant-Controlled) & Projected Development Site 2: Block 1751, Lot p/o 25 (Non-Applicant-Controlled)

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation on the northern (Myrtle Avenue), western (Spencer Street) facades, and the eastern (Walworth) facade within 50 feet of Myrtle Ave to maintain an interior noise level of 45 dB(A). No other facades require attenuation. To maintain a closed-window condition, an alternate means of ventilation must be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

The facade attenuation requirements above are detailed in **Figure 2.8-5** below.

With this level of attenuation, there would be no potential for adverse impacts related to ambient noise.

Figure 2.8-5: Attenuation Requirements[16]



[16] Attenuation requirements are for residential or community facility uses. Commercial office uses would require attenuation 5 dBA less.

2.9 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.

2.9.1 Preliminary Analysis

Existing Conditions

The Affected Area is located within the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 and includes the northern portion of Block 1751, at a depth of 100 feet, including portions of lots 20, 21, 23, 24, and 25, which are described in detail in **Sections 1.4** and **2.1**. The Affected Area is partially bounded by Myrtle Avenue to the north, Spencer Street to the west, and Walworth Street to the east.

The existing land uses in the 400-foot Surrounding Area primarily consist of manufacturing, one- and two-family buildings, multifamily buildings, commercial buildings, public facilities, mixed-use residential and commercial buildings, vacant land, and parking facilities. The predominant land uses in the surrounding area are light industrial, residential and mixed residential and commercial uses. Residential buildings range from two-story One- & Two-Family Buildings to six-story Multifamily Elevator Buildings. Mixed residential and commercial buildings typically feature three to five floors. Industrial buildings primarily consist of one- to four-story structures and are mostly concentrated to the north and to the west of the Affected Area. Community facility uses within the 400-foot Study Area include a one-story synagogue and a four-story school (Bnos Square of Williamsburg). Myrtle Avenue is predominantly developed with mixed-use residential and commercial uses in the vicinity of the Affected Area with the significant amount of vacant land. Spencer Street features a mix of uses including residential, mixed-use commercial and residential, as well as industrial, community facility, commercial uses, and vacant land. Walworth Street is predominantly developed with Manufacturing uses with more residential uses to the north of Myrtle Avenue.

The Applicant-Owned Projected Development Site 1, located at 708-714 Myrtle Avenue includes Block 1751, Lots 21, 23 and 24:

- Lot 21 is a 4,529 SF interior lot with 40.5 feet of frontage on Myrtle Avenue. The lot is currently improved with a 17-foot-tall, one-story commercial building of 4,000 GSF

constructed in 1931 and altered in 2013. The building is currently used as a catering facility.

- Lot 23 is a 2,181 SF interior lot with 19.5 feet of frontage on Myrtle Avenue. The lot is currently improved with a 36-foot-tall, three-story mixed residential and commercial building of 2,940 GSF constructed in 1931. The first floor is currently used as an interior designer's office. The upper floors include two residential units.
- Lot 24 is a 2,237 SF interior lot with 20 ft of frontage on Myrtle Avenue. The lot is currently improved with a 34-foot-tall, three-story mixed residential and commercial Building of 3,240 GSF constructed in 1931. The first floor is currently used as an office space. The upper floors include two residential units.

The non-Applicant-Owned Projected Development Site 2 includes an approximately 11,100-SF portion of the non-Applicant-controlled Block 1751, Lot 25. Lot 25 is a 20,550 SF corner lot with 95 feet of frontage on Myrtle Avenue and 211 feet of frontage on Walworth Street. The total existing floor area on the portion of Lot 25 within the Affected Area is approximately 29,559 SF. Lot p/o 25 is currently improved with an assemblage of buildings including two mixed residential and commercial buildings at 716 and 718 Myrtle Ave and a mixed community facility and commercial Building at 720 Myrtle Ave merged with a community facility building at 722 Myrtle Ave.

Another lot in the Affected Area is a non-Applicant-controlled Lot 20. Lot 20 is a 2,796 SF corner lot with 20 feet of frontage on Myrtle Avenue and 111.83 feet of frontage on Spencer Street. The lot is currently improved with a 32-foot-tall, three-story mixed residential and commercial building of 7,075 GSF constructed in 1931. The first floor is a currently vacant commercial space. The upper floors include six residential units.

The Surrounding Area features a regular traffic grid. The Affected Area is located on Myrtle Avenue, a major commercial corridor in the area extending to the east and to the west of the Affected Area. Other closest commercial corridors are located along Dekalb Avenue and Marcy Avenue. The area is well served by transit. The Myrtle - Willoughby Avenues subway station with service from the G-train is located approximately 1,580 feet from the Affected Area at the intersection of Myrtle Avenue and Marcy Avenue. The G-train operates between the intersection of Church Avenue and McDonald Street in Brooklyn and the Court Square subway station near the intersection of 21st Street and 44th Drive in Long Island City, Queens. There are three bus lines (B44/B48/B54) that are accessible to users in the area. Buses B44 and B54 have stops within one block of the Affected Area. Bus B48 has stops on Franklin Avenue. The B54 bus operates between Sheepshead Bay and Williamsburg via Nostrand Avenue. The B44 bus operates between Downtown Brooklyn and Ridgewood via Bedford Avenue and Nostrand Avenue. The B48 bus operates between Greenpoint and Prospect Park via Franklin Avenue.

Sidewalks, ranging from 15 feet to 20 feet wide, are in fair condition with paved surface, sufficient street trees, and regular streetlights throughout the Study Area. All the intersections are under good control with properly functioning traffic lights and clear crossing markings.

Future No-Action Condition

The No-Action Condition for the Affected Area would be the same as existing conditions. There are no records of building work permits on the DOB website. As such, it is conservatively assumed that under the No-Action Scenario, existing conditions would continue on both the Applicant-Owned Projected Development Site 1 (Block 1751, Lots 21, 23, 24) and non-Applicant-owned Projected Development Site 2 (Block 1751, Lot p/o 25). Another non-Applicant-controlled lot 20 is not considered likely to be redeveloped under No-Action Conditions and would remain as it exists.

There are no active construction permits within the 400-foot Study Area. However, two recent rezonings were approved in the 400-foot Study Area that indicates incremental changes to the land use composition in the immediate neighborhood:

In 2017, the 723-733 Myrtle Avenue Rezoning (C 170025 ZMK, effective November 30, 2017) affected entire or portions of 22 lots across three blocks (including Block 1736 northeast of the Affected Area across Sanford Street in addition to Blocks 1737 and 1753). The rezoning resulted in a zoning map amendment from M1-1 and M1-2 zoning districts to an R7D/C2-4 zoning district. This rezoning is expected to induce the development of four Projected Development Sites:

- Site 1 (Block 1736, Lots 35, 37, 137, 38, and 39) under the worst-case development scenario is assumed to be developed with 82,152 zoning square feet (90,367 gross square feet) of total floor area of which, 14,670 ZSF (16,137 GSF) would be community facility floor area, and 67,482 ZSF (74,230 GSF) would be residential floor area. It is assumed the building would be built to the maximum allowable height of 115 feet with a qualifying ground floor within an R7D district.
- Site 2 (Block 1737, Lot 35) under the With-Action Scenario is assumed to be developed with 15,775 ZSF (17,353 GSF) of ground floor commercial floor area, 15,775 ZSF (17,353 GSF) of community facility floor area (medical office) and 56,790 ZSF (62,469 GSF) of residential floor area. It is also assumed that the building would be constructed to the maximum allowable height, which is 115 feet, with a qualifying ground floor in an R7D district.
- Site 3 (Block 1737, Lot 41) under the With-Action Scenario is assumed to be developed with 3,233 ZSF (3,556 GSF) of commercial floor area, 3,233 ZSF (3,556 GSF) of community facility floor area and 11,639 ZSF (12,803 GSF) residential floor area. It is also assumed that the building would be constructed to the maximum allowable height, which is 115 feet, with a qualifying ground floor in an R7D district.
- Site 4 (Block 1737 Lot 42) under the With-Action Scenario is assumed to be developed with 4,375 ZSF (4,812 GSF) of commercial floor area, 4,375 ZSF (4,812 GSF) of community

facility floor area and 15,750 ZSF (17,325 GSF) of residential floor area. It is also assumed that the building would be constructed to the maximum allowable height, which is 115 feet with a qualifying ground floor in an R7D district.

In 2019, the 895 Bedford Avenue Rezoning (C 180229 ZMK, effective February 13, 2019) changed Block 1750, Lots 44, 46, 47, 49, p/o 1, p/o 24, and p/o 48 from M1-2 to R7A with a C2-4 commercial overlay. This rezoning Is expected to induce the development of two Projected Development Sites:

- Site 1 (Lots 1 and 49) would be redeveloped with the proposed development consisting of a seven-story residential building with ground floor commercial space, containing 46,608 GSF (38,427 ZSF, FAR 4.59).
- Site 2 (Lots 46 and 47) under the With-Action Scenario is assumed to be developed with an 8-story (95-foot-high) building containing 15,787 GSF (14,352 ZSF), of which 1,500 GSF (1,500 ZSF) would be commercial space and 14,287 GSF (12,852 ZSF) would be residential. The building height is assumed to be 95 feet, the maximum height permitted under zoning.

Future With-Action Condition

The Proposed Actions would rezone Block 1751, Lots p/o 20, p/o 21, p/o 23, p/o 24, and p/o 25 from an existing M1-1 zoning district to an R7D/C2-4 zoning district.

Under the With-Action condition, the proposed R7D/C2-4 zoning district would permit a maximum of 5.60 FAR for residential uses (MIH area), 2.00 FAR for commercial uses, and 4.20 for community facility uses. The maximum building height within the R7D/C2-4 district would be 115 feet after a setback from the base height of up to 95 feet. Buildings within the proposed zoning district must have a 10-foot setback above the maximum base height on a wide street and a 15-foot setback on a narrow street before rising to a maximum of 11 floors. Per ZR 25-23, off-street parking is required for 50 percent of the residential dwelling units in R7D zoning districts but is not required for income-restricted housing units within the Transit Zone. This requirement is reduced to 30% for small lots under 10,000 sf per ZR 25-241. Further, per ZR 25-261, parking may be waived for buildings requiring under 15 spaces in an R7D district.

In comparison with the existing M1-2 zoning districts currently mapped in the Affected Area, the proposed R7D/C2-4 zoning district would allow for residential uses, larger FAR, and increased building heights within the Affected Area.

Under Future With-Action conditions, two Projected Development Sites were identified within the Affected Area:

The Applicant-controlled Projected Development Site 1 would be developed with a single 61,372 GSF (49,848 ZSF, 5.57 FAR) mixed residential and UG 6 commercial building with 65% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar and a 10-foot setback on Myrtle Ave at the height of 95 feet. The development would contain 7,918.9 GSF of

ground-floor UG 6 retail and 53,453 GSF (41,929 ZSF) of residential use. The Projected Development would include 63 dwelling units (assuming 850 GSF/DU), 25-30% (16-19 units) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected. For the proposed 63 dwelling units, 32 bicycle parking spots would be provided. No accessory parking would be required as described in **Section 1.1**. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

The non-Applicant-controlled Projected Development Site 2 would be developed with a single 78,865 GSF (62,160 ZSF, 5.60 FAR) mixed residential and commercial building with the maximum 100% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar. The building would have a 10-foot setback on Myrtle Ave and a 15-foot setback on Walworth Street at the height of 95 feet. The development would contain 8,550 GSF of ground-floor local retail, 57,715 GSF (53,939 ZSF) of residential use on the upper floors, and 12,600 SF of underground parking with a ramp. The Projected Development would include 68 dwelling units (assuming 850 GSF/DU), 25-30% (17-21 units) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected. The underground parking would include 27 residential parking spaces (required 50% of market-rate residential units) and would require construction of a new curb cut. For the proposed 68 dwelling units, 34 bicycle parking spots would be provided. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

The density and uses permitted by the Proposed Actions would be appropriate for the location on a wide street and consistent with the recent land use trends in the surrounding area. The proposed development would also improve the pedestrian experience by renovating sidewalks and providing ground floor local retail on Myrtle Avenue.

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 rezoning would allow for residential uses, larger FAR, and increased building heights within the Affected Area. The density and uses permitted by the Proposed Actions would be appropriate for the location on a wide street and consistent with the recent land use trends in the surrounding area. 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 adversely impact the neighborhood in terms of land use, zoning, or public policy. Accordingly, the Proposed Action would not alter the overall land use patterns in the area or jeopardize the intent of the zoning resolution.

- **Open Space:** The Proposed Actions would result in a decrease of the OSR within the Study Area from 0.291 acres per 1,000 residents in the Future No-Action Condition to 0.291 in the Future With-Action Condition, a decrease of approximately 0.41 percent. Pursuant to the *2021 CEQR Technical Manual*, the OSR of 0.50 or less can tolerate up to a one-percent decrease in the OSR between the Future No-Action and Future With-Action Condition without warranting additional analyses. The Affected Area is also within a Walk to a Park service area, indicating all future projected residents are within a reasonable walking distance to public Open Spaces. Therefore, the Proposed Actions would not result in a significant adverse impact to Open Space within the Study Area.

- **Shadows:** The shadows derived from the Projected Development Sites associated with the Proposed Actions would not reach any sunlight-sensitive resources. Since there are no sunlight-sensitive resources within the longest action-induced shadow, no further analysis is warranted.

- **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 May 3, 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, significant adverse impacts to architectural and archaeological resources are not expected 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:** Based on the findings of the Phase 1 ESA, 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. However, Phase II investigative work is not feasible at this time, and an E-Designation is required to undertake Phase II work once the property is vacated, demolished, and cleared, following approval of the Proposed Actions. The (E) Designation will ensure that testing and mitigation will be performed as necessary before any future development and/or soil disturbance. Further hazardous materials assessments would be coordinated through the Mayor's Office of Environmental

Remediation (OER). With this E-Designation in place, no significant adverse impacts related to hazardous materials are expected, and no further analysis is warranted.

- **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. The HVAC refined analysis indicates that there would be no potential for significant adverse air quality impact(s) from the HVAC systems with the requirements specified in the (E) Designation for the Projected Development Sites adhered to. Air toxics concentrations emitted from existing industrial sources operating within 400 feet of the Development Sites would be below the threshold criteria (NAAQS, SGC/AGC and cumulative risk assessments). Additionally, there is no evidence present to conclude that there are illegal unpermitted air emissions present in the study area. Hence, no significant adverse impacts are anticipated due to air toxics emissions from industrial sources operating within 400 feet of the Development Sites. In addition, the Proposed Actions would not result in any significant adverse mobile source air quality impacts and no major/large source is located within 1,000 feet of the Development Sites.
- **Noise:** The Proposed Actions would result in two mixed-use developments composed of residential and commercial uses that may be impacted by the ambient noise. A composite window-wall attenuation of 28 dB(A) would be required along Myrtle Avenue and Spencer Street for residential and commercial uses. No attenuation is required on the remainder of the façades. With this level of attenuation, there would be no potential for adverse impacts related to ambient 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.

2.9.2 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 have cumulative effects of two or more of the above technical areas have any significant impacts on the 400-foot Study Area.

2.10 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 Framework

Future No-Action Condition

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

Future With-Action Condition

Projected Development Site 1 (Block 1751, Lots 21, 23, 24)

Under Future With-Action conditions, the Applicant-controlled Projected Development Site 1 would be developed with a single 61,372 GSF (49,848 ZSF, 5.57 FAR) mixed residential and UG 6 commercial building with 65% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar and a 10-foot setback on Myrtle Ave at the height of 95 feet. The development would contain 7,918.9 GSF of ground-floor UG 6 retail and 53,453 GSF (41,929 ZSF) of residential use. The Projected Development would include 63 dwelling units (assuming 850 GSF/DU). For the proposed 63 dwelling units, 32 bicycle parking spots would be provided. No accessory parking would be required as described in **Section 1.1**. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

Projected Development Site 2 (Block 1751, Lot p/o 25)

Under Future With-Action conditions, the non-Applicant-controlled Projected Development Site 2 would be developed with a single 78,865 GSF (62,160 ZSF, 5.60 FAR) mixed residential and commercial building with the maximum 100% lot coverage. The building would be a 115-foot-tall, 11-story structure with a cellar. The building would have a 10-foot setback on Myrtle Ave and a 15-foot setback on Walworth Street at the height of 95 feet. The development would contain 8,550 GSF of ground-floor local retail, 57,715 GSF (53,939 ZSF) of Residential use on the upper floors, and 12,600 SF of underground parking with a ramp. The Projected Development would include 68 dwelling units (assuming 850 GSF/DU). The underground parking would include 27 residential parking spaces (required 50% of market-rate residential units) and would require construction of a new curb cut. For the proposed 68 dwelling units, 34 bicycle parking spots would be provided. A 10-foot mechanical bulkhead would be assumed for the development site for a conservative shadows analysis under CEQR.

Build Year

The build year for the analysis is anticipated to be 2026 in consideration of an 18-month CEQR review period and a 7-month ULURP process. The proposed construction schedules for each site can be found in **Appendix G**.

Construction Schedule

- Projected Development Site 1 is anticipated to begin with demolition and site clearance in August 2024 and complete with interior fit-out in February of 2026 for a construction duration of 18 months. Lastly, Final Certificate of Occupancy is anticipated by March 2026 when occupancy is assumed.
- Projected Development Site 2 is anticipated to lag the Applicant development of Projected Development Site 1 by about five months, with demolition and site clearance beginning in January 2025 and interior fit-out to be completed by July of 2026 for a construction duration of 18 months. Lastly, Final Certificate of Occupancy is anticipated by August 2026 when occupancy is assumed.

While a small period of exposure of Projected Development Site 2 construction on Projected Development Site 1 would occur, this period is forecast to only extend for approximately 13 months. Beginning with demolition and clearance on Projected Development Site 1 in August 2024, and ending with interior finishes and fit out on Projected Development Site 2 in July 2026, the total duration of construction is anticipated to be 23 months. Because the construction activities would last for fewer than 24 months, the Proposed Actions are not expected to result in significant impacts to the adjacent community.

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.

Both Projected Development Sites 1 and 2 have frontages along Myrtle Avenue (classified as Principal Arterial Other), while Projected Development Site 2 also has a frontage on Walworth Street. The construction of the development sites may require the temporary closing of the sidewalks adjacent to Projected Development Sites 1 and 2. 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, changes to moving traffic lanes are not expected.

Community facilities located within a 400-foot radius of the Projected Development Sites include an orthodox synagogue, yeshiva, and school. However, the affected facility would not be particularly sensitive to such a closure as the sidewalks and roadways affected by the proposed construction would not be considered to be near capacity. Nearby residential, commercial, and industrial uses would not be particularly sensitive to such sidewalk closures as they are not in an area with high pedestrian activity, and the sidewalks and roadways affected by the proposed construction would not be considered to be near capacity. Any potential closure of the sidewalks adjacent to the Projected Development Sites would be considered a routine closure that would be addressed by a permit and pedestrian access plan issued by NYC DOT Office of Construction Mitigation and Coordination at the time of closure.

Although the project would involve construction on two development sites on different blocks with some overlapping activities, the overall construction of the two development sites would be considered short term (less than two years) overall.

Considering the above, construction of the development sites would not be expected to 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 and would take approximately 5.3 months for Projected Development Site 1 (beginning in August 2024, and ending in February 2025), and 5.3 months for Projected Development Site 2 (beginning in January 2025, and ending in July 2026). These activities would be spread out over two locations and would mostly not overlap. In addition, any heavy equipment associated with the construction of the buildings (such as a crane) would operate from at least two different locations during construction.

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 23 months. In addition, as discussed above, demolition, excavation, and foundation activities, and superstructure activities, which are the noisiest construction activities, would be temporary and limited in duration and would take approximately 9 months for Projected Development Site 1 (beginning in August 2024, and ending in May 2025), and 9 months for Projected Development Site 2 (beginning in January 2025, and ending in October of 2025).

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, no significant noise impacts are expected to occur as a result of the project construction.

Historic and Cultural Resources

As discussed in **Section 2.4**, 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, no significant adverse construction-related impacts to historic and cultural resources are expected.

2.10.1 Conclusion

Construction activities at the Development Sites would be completed in 23 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

Final Sign-Off (Multiple Sites)

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-K
Project: 712 MYRTLE AVENUE
Date Received: 4/28/2022

Properties with no Architectural or Archaeological significance:

1) 706 MYRTLE AVENUE, BBL: 3017510020
2) 708 MYRTLE AVENUE, BBL: 3017510021
3) 712 MYRTLE AVENUE, BBL: 3017510023
4) 714 MYRTLE AVENUE, BBL: 3017510024
5) 716 MYRTLE AVENUE, BBL: 3017510025

Gina Santucci

5/3/2022

SIGNATURE DATE

Gina Santucci, Environmental Review Coordinator

File Name: 36192_FSO_DNP_05032022.docx

APPENDIX B

ILLUSTRATIVE ARCHITECTURAL PLANS



PROPOSED 9 STORY AND CELLAR MIXED USE BUILDING

708 MYRTLE AVENUE BROOKLYN NY 11205

DRAWING LIST

1. T-001 COVER SHEET
2. Z-001 PLOT PLAN, ZONING ANALYSIS
3. A-100 CELLAR PLAN
4. A-101 FIRST FLOOR PLAN
5. A-102 SECOND - EIGHTH FLOOR PLAN
6. A-103 NINTH FLOOR PLAN
7. A-108 ROOF PLAN
8. A-200 FRONT AND REAR ELEVATIONS
9. A-300 LONGITUDINAL & CROSS SECTIONS

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

COVER SHEET

PE'S APPROVAL

DOB SCAN

DATE 1/8/2024

DRAWING BY Chaim kohl

SEAL AND SIGNATURE

DRAWING NO.

T-001.00

SHEET NO.

01 OF 9

PROJECT INFORMATION

708 MYTLE AVENUE
BROOKLYN NY 11205

BOROUGH: BROOKLYN
BLOCK: 1751 **LOT**: 21
ZONING: R7D
COMMERCIAL OVERLAY: C2-4
ZONING MAP: 13b

COMMUNITY BOARD :316
USE GROUP: 2
OCCUPANCY GROUP: R-2
CONSTRUCTION CLASS: I-B
M.D.L CLASSIFICATION : HAEA

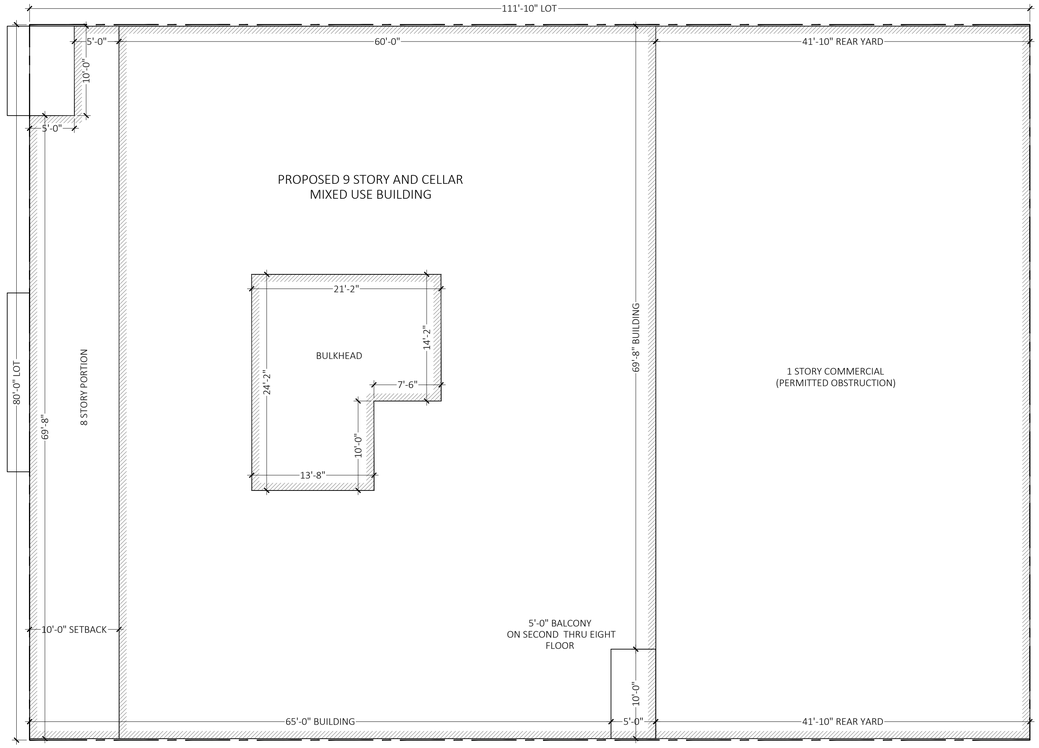
SCOPE OF WORK:
PROPOSED 9 STORY MIXED USE BUILDING
TOTAL OF 62 DWELLING UNITS.

- TOTAL LOT AREA **8,947 SF**
- TOTAL CONSTRUCTION FLOOR AREA **61,372 SF**
- TOTAL ZONING FLOOR AREA **49,848 SF**

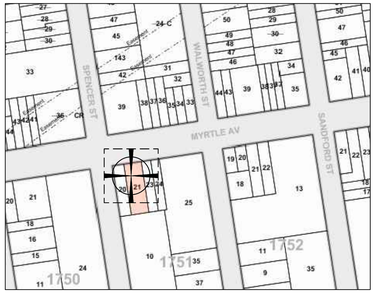
TOTAL RESIDENTIAL FLOOR AREA			
	GROSS FLOOR AREA	DEDUCTIONS	TOTAL NET
CELLAR	8909.4 SF.		
1ST FLOOR	990.5 SF.	294.4 SF.	696.1 SF.
2ND FLOOR	5476.7 SF.	266.4 SF.	5210.3 SF.
3RD FLOOR	5476.7 SF.	266.4 SF.	5210.3 SF.
4TH FLOOR	5476.7 SF.	266.4 SF.	5210.3 SF.
5TH FLOOR	5476.7 SF.	266.4 SF.	5210.3 SF.
6TH FLOOR	5476.7 SF.	266.4 SF.	5210.3 SF.
7TH FLOOR	5476.7 SF.	266.4 SF.	5210.3 SF.
8TH FLOOR	5476.7 SF.	266.4 SF.	5210.3 SF.
9TH FLOOR	4780.0 SF.	266.4 SF.	4513.6 SF.
BULKHEAD	436.5 SF.	189.3 SF.	247.2 SF.
TOTAL RESIDENTIAL	53453.1 SF.	2614.7 SF.	41929.0 SF.
COMMERCIAL	7918.9 SF.		7918.9 SF.
TOTAL BUILDING	61372.0 SF.		49847.9 SF.

ZONING ANALYSIS:			
	ITEM	PERMITTED / REQUIRED	PROPOSED
ZR 22-10	USE PERMITTED	USE GROUP 2,6	USE GROUP 2,6
ZR 23-154	MAX F.A. R7D INCLUSINARY	5.60: 8,946.6 x 5.60 = 50,101 SF	41,929 SF
ZR 33-121	MAX F.A. COMMERCIAL	2.00: 8,946.6 x 2.00 = 17,893 SF	7,919 SF
ZR 23-22 ZR 35-40	DENSITY	MAX PERMITTED FOR ZONING LOT: 5.60 = 50,101 SF. TOTAL USED FOR COMMERCIAL: 7,919 SF. 50,101 - 7,919 = 42,182 / 680 = 62 D.U.	41 UNITS
ZR 23-153	LOT COVERAGE	65% 8,946.6 x 0.65 = 5,815 SF	80'-0" X 111'-10" = 8,947 SF
ZR 23-32	MINIMUM LOT AREA	1,700 SF	8,947
ZR 23-32	MINIMUM LOT WIDTH	18 FT	80'-0"
YARDS			
ZR 23-45	FRONT YARD	NOT REQUIRED	0'-0"
ZR 23-462	SIDE YARD	0'-0" OR 8'-0"	0'-0"
ZR 23-541	REAR YARD	30'-0"	41'-10"
HEIGHT AND SETBACK			
ZR 23-661	STREET WALL LOCATION	The street wall shall be located no closer to the street line than the closest street wall, nor further to the street line than the furthest street wall, of an existing adjacent building on the same or adjoining zoning lot located on the same street frontage that is both within 15 feet of the street line and within 25 feet of such a building	STREET WALL IS LOCATED AT STREET LINE
ZR 23-662 (b)	MINIMUM BASE HEIGHT	60'-0"	85'-0"
	MAX. BASE HEIGHT	95'-0"	
	MAX. BUILDING HEIGHT	110'-0"	95'-0"
ZR 23-662 (c)(1)(2)	SETBACK ABOVE MAX BASE HT. (WIDE STREET)	10'-0"	10'-0"
PARKING REQUIREMENTS			
ZR 25-241	REDUCED PARKING REQUIREMENTS FOR LOTS LESS THEN 10,000 SF	LOT IS: 8,947 SF. NONE REQUIRED	NONE
ZR 25-811	BICYCLE PARKING	50% OF DWELLING UNITS: 62 UNITS X .50 = 29	31 BICYCLES PROPOSED IN CELLAR
ZR 25-03	STREET TREE PLANTING	1 PER 25' OF STREET FRONTAGE: 80'-0" / 25'-0" = 3 TREE REQ'D	3 TREES TO BE PAID INTO TREE FUND

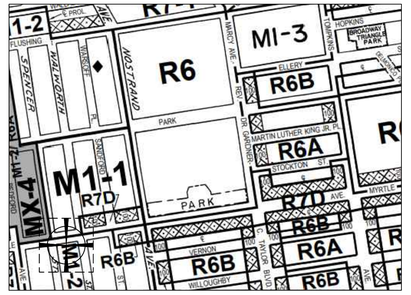
ZR 28-00 QUALITY HOUSING REQUIREMENTS :		
	REGULATIONS	**CONFIRMING CONDITIONS**
ZR 28-11	ELEVATED GROUND FLOOR UNITS	NOT APPLICABLE
ZR 28-12	REFUSE DISPOSAL ROOM - REQ'D FOR 9 UNIT AND MORE	62 UNITS PRO'D. REFUSE STORAGE AND DISPOSAL ROOM PROVIDED
	REFUSE STORAGE - 2.9 CF. PER DWELLING UNIT: 62 X 2.9 = 180 CF.	REFUSE STORAGE PROVIDED IN CELLAR 12'-0 x 7'-0" x 9' = 756 CU FT.
	REFUSE DISPOSAL ROOM - 12 SF. PER STORY WITH NO DIMENSION LESS THEN 3'-0"	REFUSE ROOM OF 12 SF WITH NO DIM. LESS THEN 3' PROVIDED ON EACH FLOOR
ZR 28-13	LAUNDRY FACILITY: 1 WASHING PER 20 UNITS, 1 DRYER PER 40 UNITS	62 UNITS PROPOSED, 3 WASHER AND 3 DRYER PROVIDED IN CELLAR
ZR 28-14	DAYLIGHT IN CORRIDORS	FIFTY PERCENT OF THE SQUARE FOOTAGE OF A CORRIDOR MAY BE EXCLUDED FROM F.A. IF A WINDOW IS PROVIDED
ZR 28-21	REQUIRED RECREATION SPACE OF 3.3% OF RESIDENTIAL FLOOR AREA WITH NINE OR MORE DWELLING UNITS	PROPOSED RESIDENTIAL F.A: 41,929 SF x 0.03% = 1,384 SF REQUIRED 3,635 SF. PROVIDED IN CELLAR
ZR 28-22	STANDARDS FOR RECREATION SPACE: MIN DIMENSION SHALL BE 15'-0", MIN 225 SF. FOR INDOOR RECREATION	3,635 SF. INDOOR RECREATION WITH NO DIM. LESS THEN 15' PROVIDED IN CELLAR
ZR 28-23	PLANTING AREA - BETWEEN STREET LINE AND STREET WALL OF BUILDING	NOT REQUIRED BUILDING IS AT PROPERTY LINE
ZR 28-31	DENSITY PER CORRIDOR - 11 UNITS PER CORRIDOR FIFTY PERCENT OF THE SQUARE FOOTAGE OF A CORRIDOR MAY BE EXCLUDED FROM F.A. IF NOT EXCEEDING THE MAX.	CORRIDORS ARE SERVING LESS THAN 11 UNITS PER FLOOR
ZR 28-50	PARKING FOR QUALITY HOUSING	NOT REQUIRED



1 PLOT PLAN
1/8" = 1'-0"



2 TAX MAP



3 ZONING MAP

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

PLOT PLAN,
ZONING ANALYSIS

PE'S APPROVAL

DOB SCAN

DATE 1/8/2024
DRAWING BY Chaim kohl

SEAL AND SIGNATURE

DRAWING NO.

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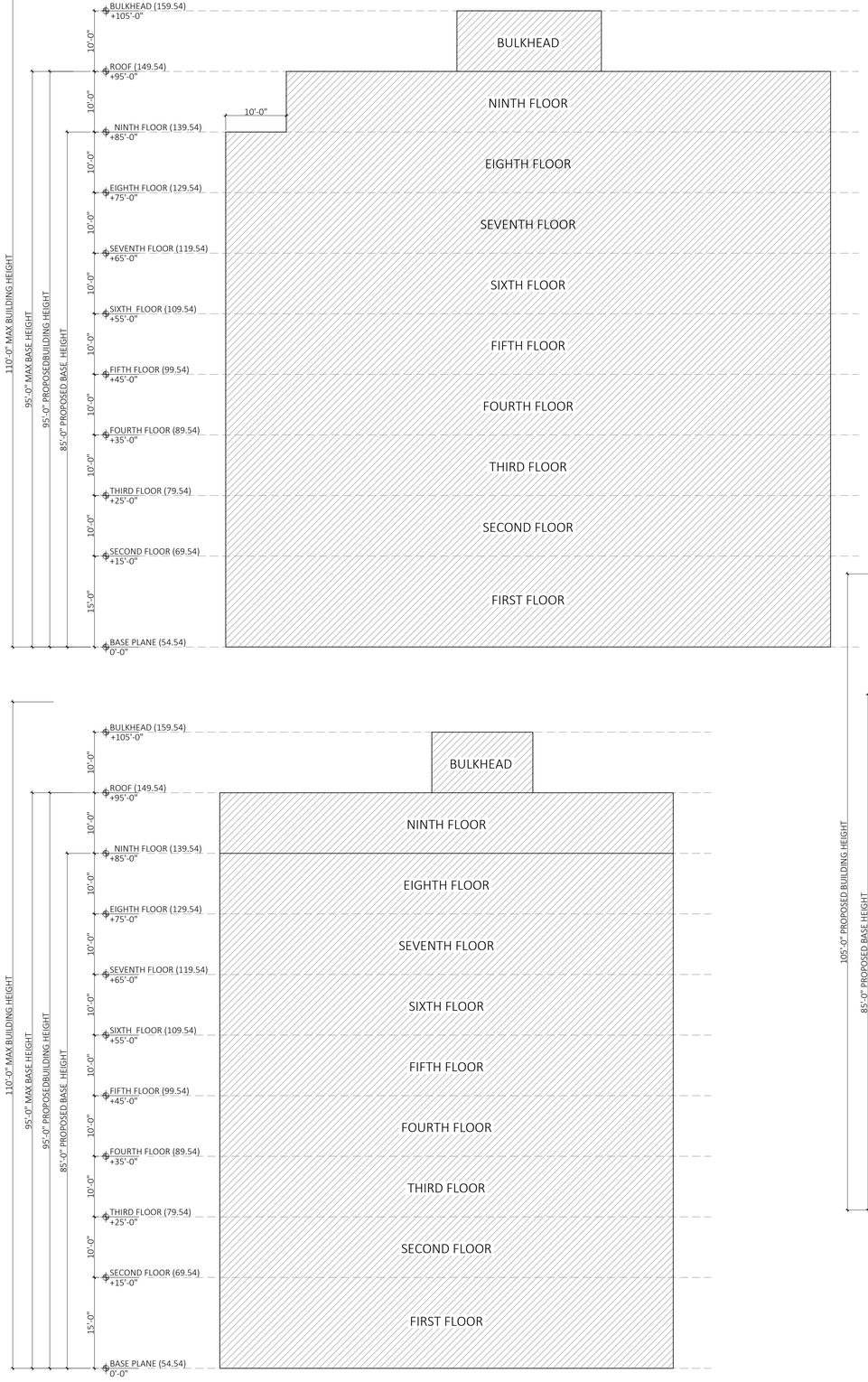
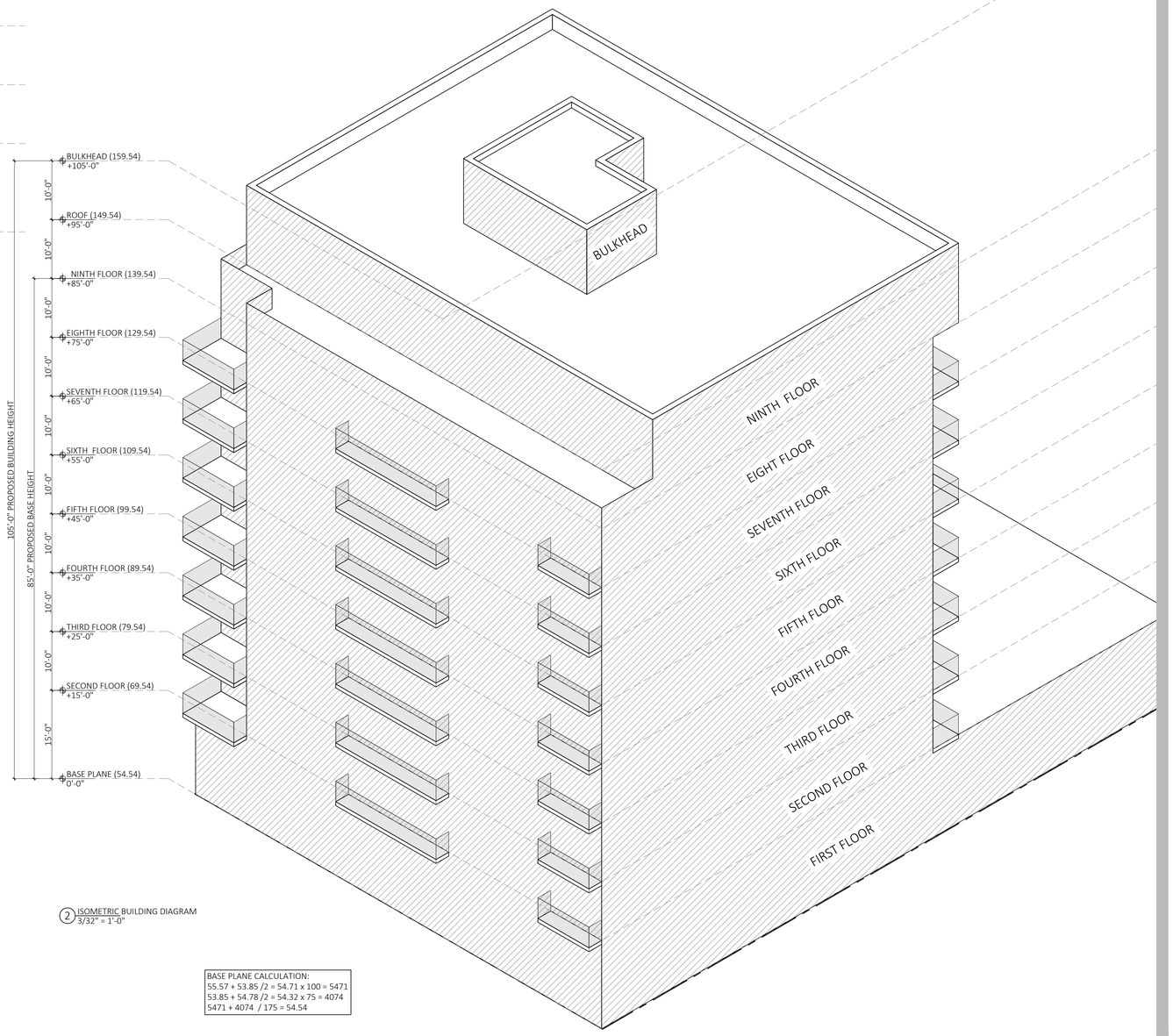
02 OF 9



1 BASE HEIGHT AND SETBACK DIAGRAMS
3/32" = 1'-0"



2 ISOMETRIC BUILDING DIAGRAM
3/32" = 1'-0"

BASE PLANE CALCULATION:
55.57 + 53.85 /2 = 54.71 x 100 = 5471
53.85 + 54.78 /2 = 54.32 x 75 = 4074
5471 + 4074 / 175 = 54.54

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

BUILDING HEIGHT AND SETBACK DIAGRAMS

PE'S APPROVAL

DOB SCAN

DATE 1/8/2024

DRAWING BY Chaim kohl

SEAL AND SIGNATURE

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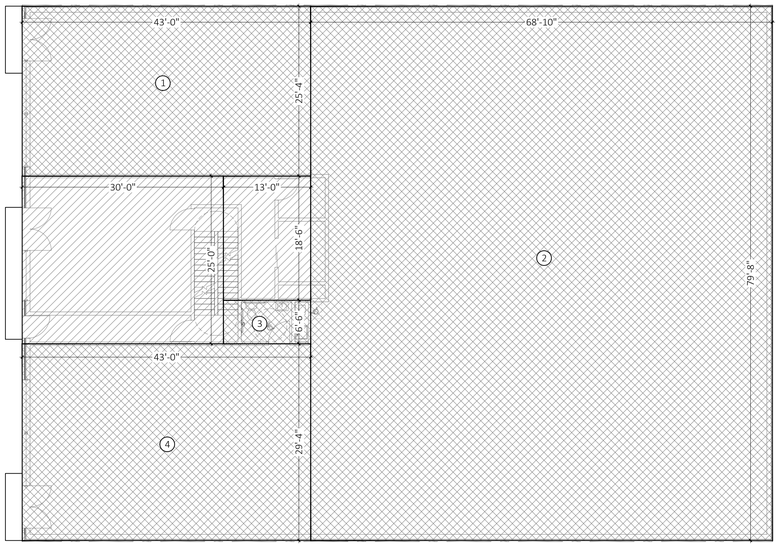
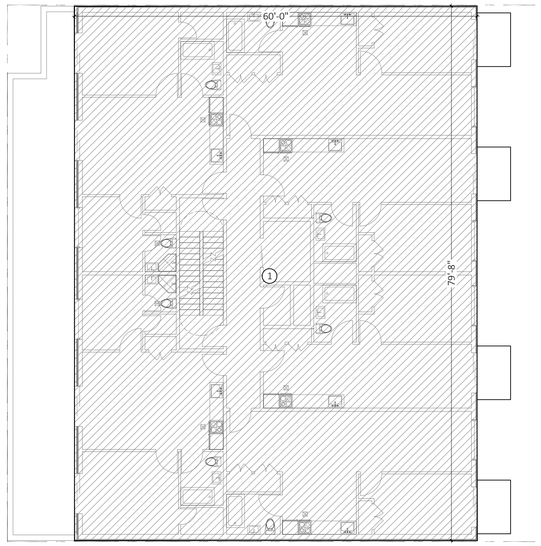
SHEET NO.

03 OF 9



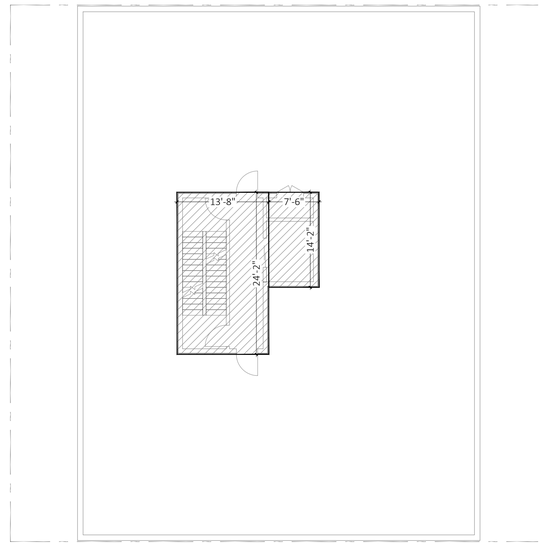
2 FIRST FLOOR GROSS AREA
3/32" = 1'-0"

FIRST FLOOR GROSS AREA		
1	43'-0" * 25'-4"	1089.3 SF.
2	68'-10" * 79'-8"	5483.7 SF.
3	13'-0" * 6'-6"	84.5 SF.
4	43'-0" * 29'-4"	1261.3 SF.
TOTAL COMMERCIAL		7918.9 SF.
5	30'-0" * 25'-0"	750.0 SF.
6	13'-0" * 18'-6"	240.5 SF.
TOTAL RESIDENTIAL		990.5 SF.
TOTAL FLOOR AREA		8909.4 SF.



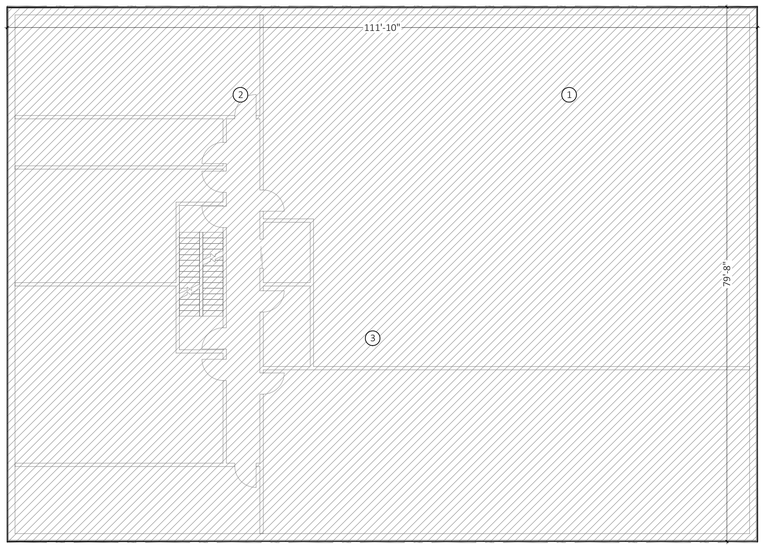
4 NINTH FLOOR GROSS AREA
3/32" = 1'-0"

9TH FLOOR GROSS AREA		
2	60'-0" * 79'-8"	4780.0 SF.
TOTAL		4780.0 SF.



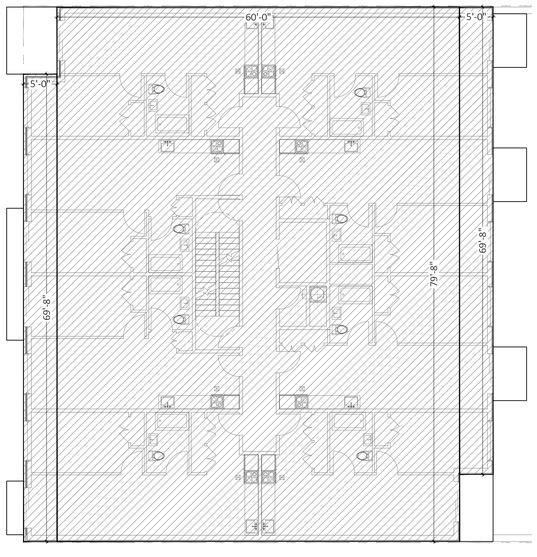
4 BULKHEAD GROSS AREA
3/32" = 1'-0"

ROOF FLOOR GROSS AREA		
1	13'-8" * 24'-2"	330.3 SF.
2	7'-6" * 14'-2"	106.2 SF.
TOTAL		436.5 SF.



1 CELLAR GROSS AREA
3/32" = 1'-0"

CELLAR GROSS AREA		
1	111'-10" * 79'-8"	8909.4 SF.
TOTAL		8909.4 SF.



4 SECOND - EIGHTH FLOOR GROSS AREA
3/32" = 1'-0"

2ND - 8TH FLOOR GROSS AREA		
1	5'-0" * 69'-8"	348.3 SF.
2	60'-0" * 79'-8"	4780.0 SF.
3	5'-0" * 69'-8"	348.3 SF.
TOTAL		5476.7 SF.

TOTAL GROSS FLOOR AREA		
	COMMERCIAL	RESIDENTIAL
CELLAR FLOOR		8909.4 SF.
FIRST FLOOR	7918.9 SF.	990.5 SF.
SECOND FLOOR		5476.7 SF.
THIRD FLOOR		5476.7 SF.
FOURTH FLOOR		5476.7 SF.
FIFTH FLOOR		5476.7 SF.
SIXTH FLOOR		5476.7 SF.
SEVENTH FLOOR		5476.7 SF.
EIGHTH FLOOR		5476.7 SF.
NINTH FLOOR		4780.0 SF.
BULKHEAD		436.5 SF.
TOTAL	7918.9 SF.	53453.1 SF.

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

GROSS FLOOR AREA
DIAGRAMS

PE'S APPROVAL

DOB SCAN

DATE 1/8/2024

DRAWING BY Chaim kohl

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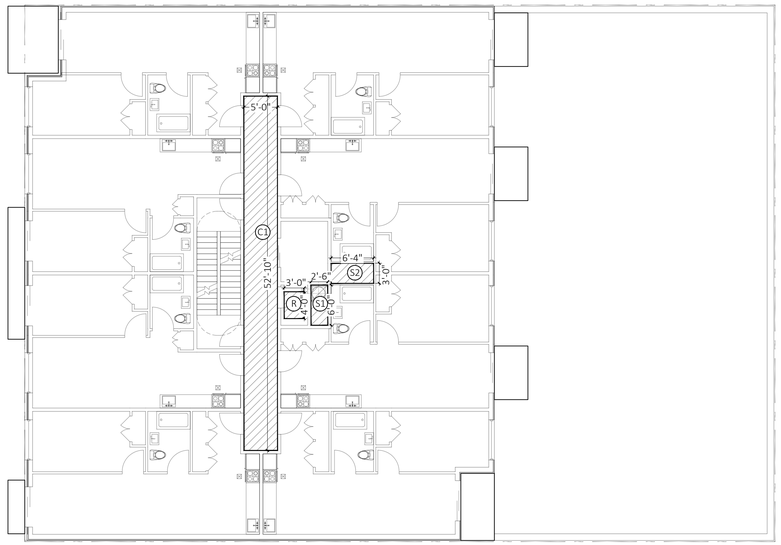
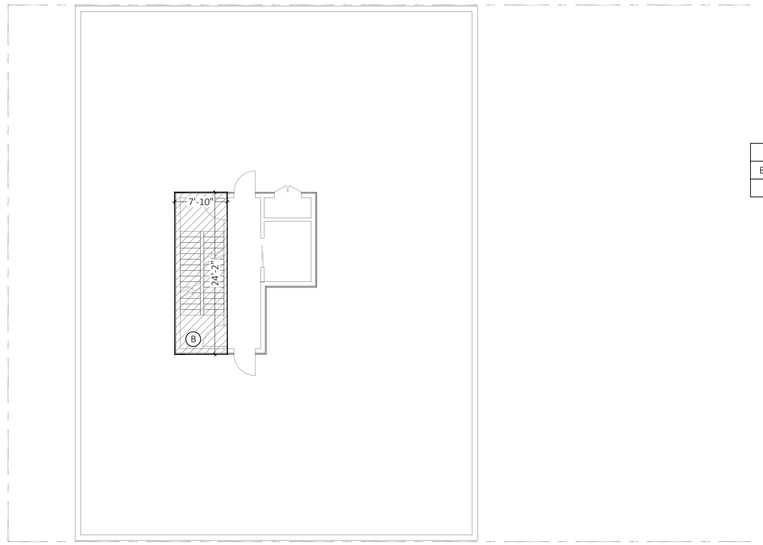
04 OF 9



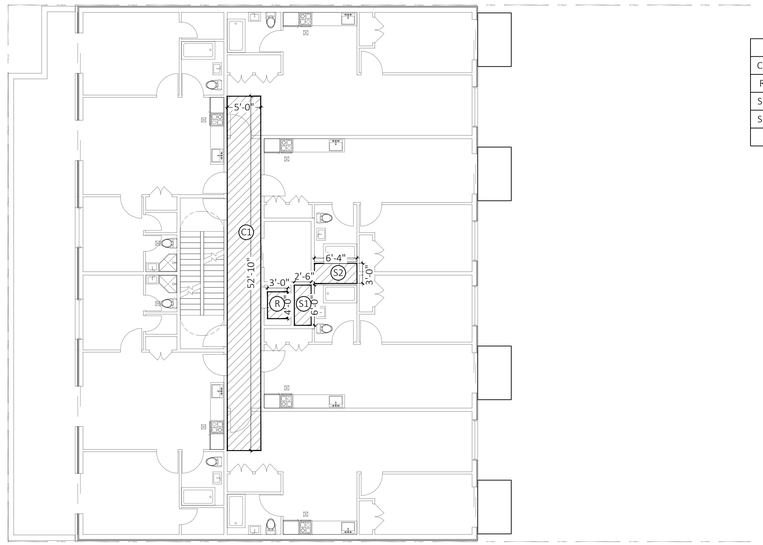
2 SECOND - EIGHT FLOOR DEDUCTIONS
3/32" = 1'-0"

2ND - 8TH FLOOR DEDUCTIONS		
C1	21'-6" * 20'-6" /2	220.4 SF.
R	3'-0" * 4'-0"	12.0 SF.
S1	2'-6" * 6'-0"	15.0 SF.
S2	3'-0" * 6'-4"	19.0 SF.
TOTAL DEDUCTIONS		266.4 SF.



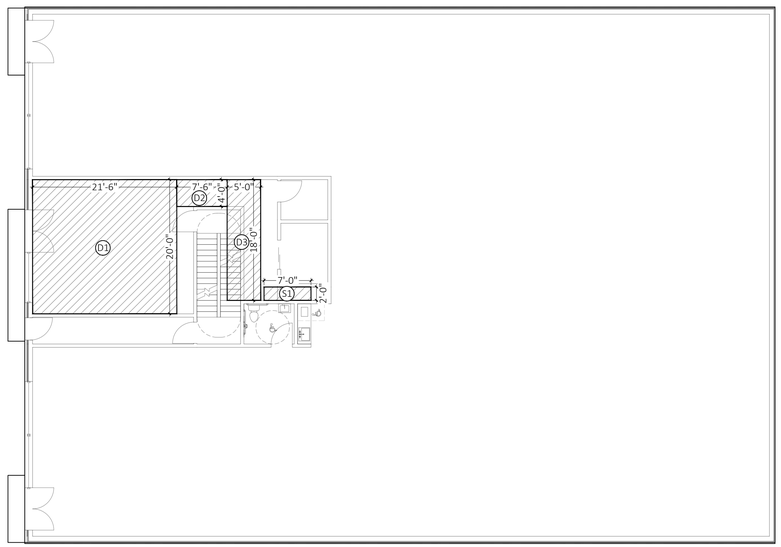
4 ROOF FLOOR DEDUCTIONS
3/32" = 1'-0"

ROOF FLOOR DEDUCTIONS		
B	7'-10" * 24'-2"	189.3 SF.
TOTAL DEDUCTIONS		189.3 SF.



3 NINTH FLOOR DEDUCTIONS
3/32" = 1'-0"

9TH FLOOR DEDUCTIONS		
C1	21'-6" * 20'-6" /2	220.4 SF.
R	3'-0" * 4'-0"	12.0 SF.
S1	2'-6" * 6'-0"	15.0 SF.
S2	3'-0" * 6'-4"	19.0 SF.
TOTAL DEDUCTIONS		266.4 SF.



1 FIRST FLOOR DEDUCTIONS
3/32" = 1'-0"

FIRST FLOOR DEDUCTIONS		
D1	21'-6" * 20'-6" /2	220.4 SF.
D2	7'-6" * 4'-0" /2	15.0 SF.
D3	5'-0" * 18'-0" /2	45.0 SF.
S1	2'-0" * 7'-0"	14.0 SF.
TOTAL DEDUCTIONS		294.4 SF.

TOTAL RESIDENTIAL FLOOR AREA CALCULATIONS

	GROSS FLOOR AREA	CORRIDOR DENSITY/DAYLIGHT	REFUSE	SHAFTS	TOTAL DEDUCTIONS	NET FLOOR AREA
CELLAR	8909.4 SF.					
FIRST FLOOR	990.5 SF.	280.4 SF.		14.0 SF.	294.4 SF.	696.1 SF.
SECOND FLOOR	5476.7 SF.	220.4 SF.	12.0 SF.	34.0 SF.	266.4 SF.	5210.3 SF.
THIRD FLOOR	5476.7 SF.	220.4 SF.	12.0 SF.	34.0 SF.	266.4 SF.	5210.3 SF.
FOURTH FLOOR	5476.7 SF.	220.4 SF.	12.0 SF.	34.0 SF.	266.4 SF.	5210.3 SF.
FIFTH FLOOR	5476.7 SF.	220.4 SF.	12.0 SF.	34.0 SF.	266.4 SF.	5210.3 SF.
SIXTH FLOOR	5476.7 SF.	220.4 SF.	12.0 SF.	34.0 SF.	266.4 SF.	5210.3 SF.
SEVENTH FLOOR	5476.7 SF.	220.4 SF.	12.0 SF.	34.0 SF.	266.4 SF.	5210.3 SF.
EIGHTH FLOOR	5476.7 SF.	220.4 SF.	12.0 SF.	34.0 SF.	266.4 SF.	5210.3 SF.
NINTH FLOOR	4780.0 SF.	220.4 SF.	12.0 SF.	34.0 SF.	266.4 SF.	4513.6 SF.
BULKHEAD	436.5 SF.				189.3 SF.	247.2 SF.
TOTAL	53453.1 SF.	2043.4 SF.	96.0 SF.	286.0 SF.	2614.7 SF.	41929.0 SF.

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

DEDUCTION DIAGRAMS

PE'S APPROVAL

DOB SCAN

DATE 1/8/2024

DRAWING BY Chaim kohl

SEAL AND SIGNATURE

DRAWING NO.

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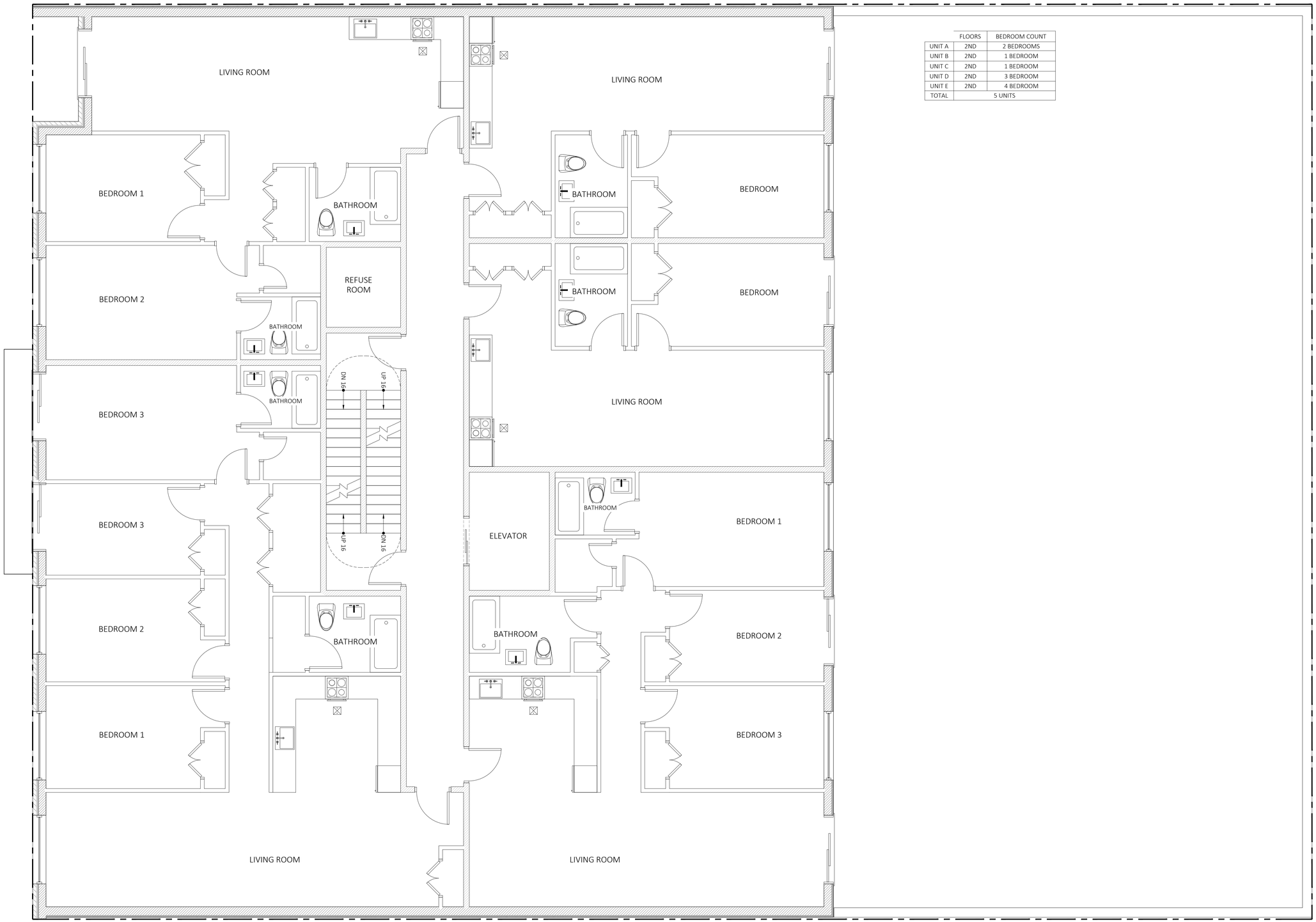


	FLOORS	BEDROOM COUNT
UNIT A	2ND	2 BEDROOMS
UNIT B	2ND	1 BEDROOM
UNIT C	2ND	1 BEDROOM
UNIT D	2ND	3 BEDROOM
UNIT E	2ND	4 BEDROOM
TOTAL	5 UNITS	

1 SECOND FLOOR PLAN
Scale:1/4" = 1'-0"

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

SECOND FLOOR PLAN

PE'S APPROVAL

DOB SCAN

DATE 1/26/2022

DRAWING BY Chaim kohl

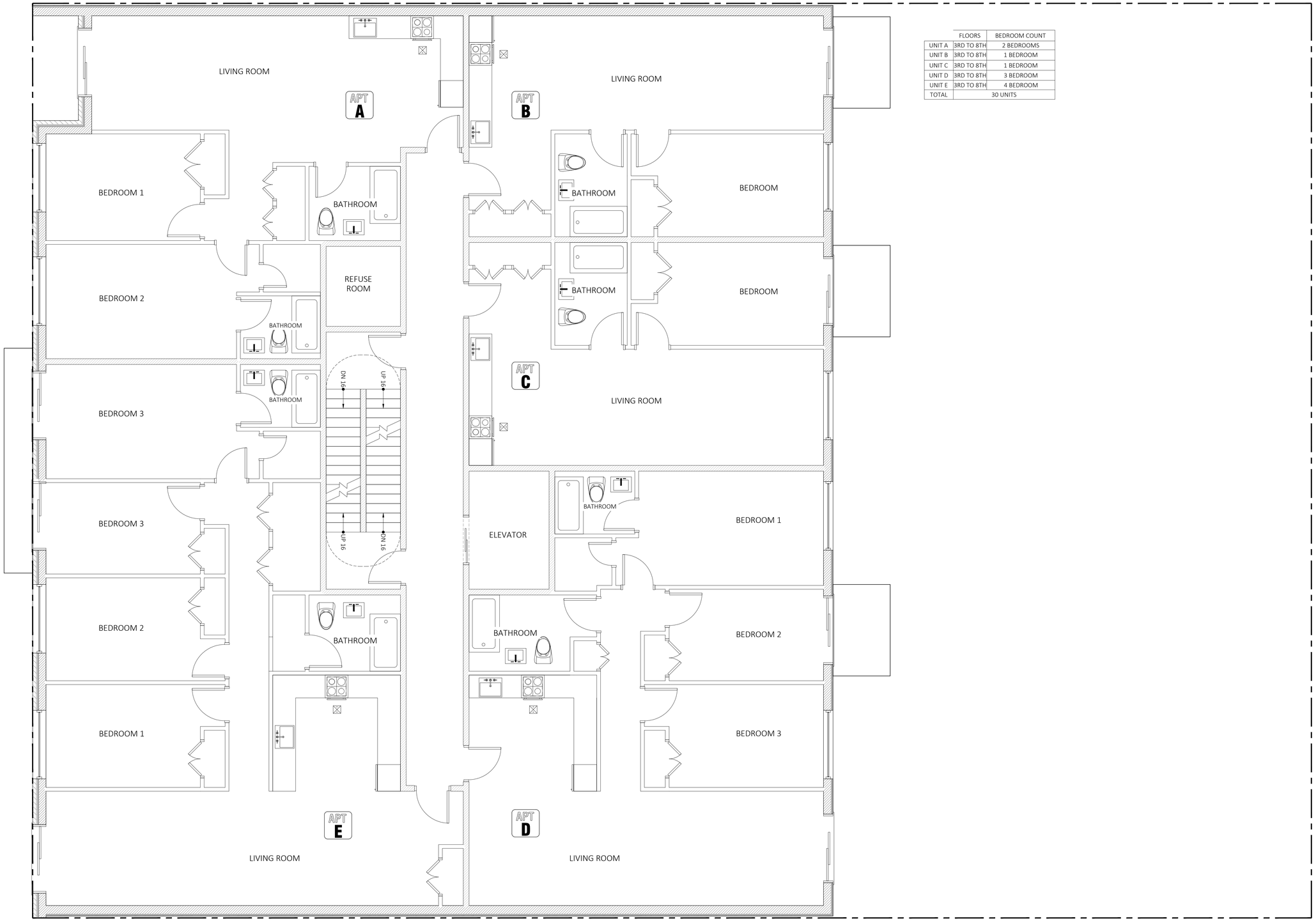
SEAL AND SIGNATURE

DRAWING NO.

A-102.00

SHEET NO.

05 OF 9



	FLOORS	BEDROOM COUNT
UNIT A	3RD TO 8TH	2 BEDROOMS
UNIT B	3RD TO 8TH	1 BEDROOM
UNIT C	3RD TO 8TH	1 BEDROOM
UNIT D	3RD TO 8TH	3 BEDROOM
UNIT E	3RD TO 8TH	4 BEDROOM
TOTAL	30 UNITS	

1 THIRD - EIGHTH FLOOR PLAN
Scale:1/4" = 1'-0"

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

THIRD - EIGHTH FLOOR PLAN

PE'S APPROVAL

DOB SCAN

DATE 1/28/2022

DRAWING BY Chaim kohl

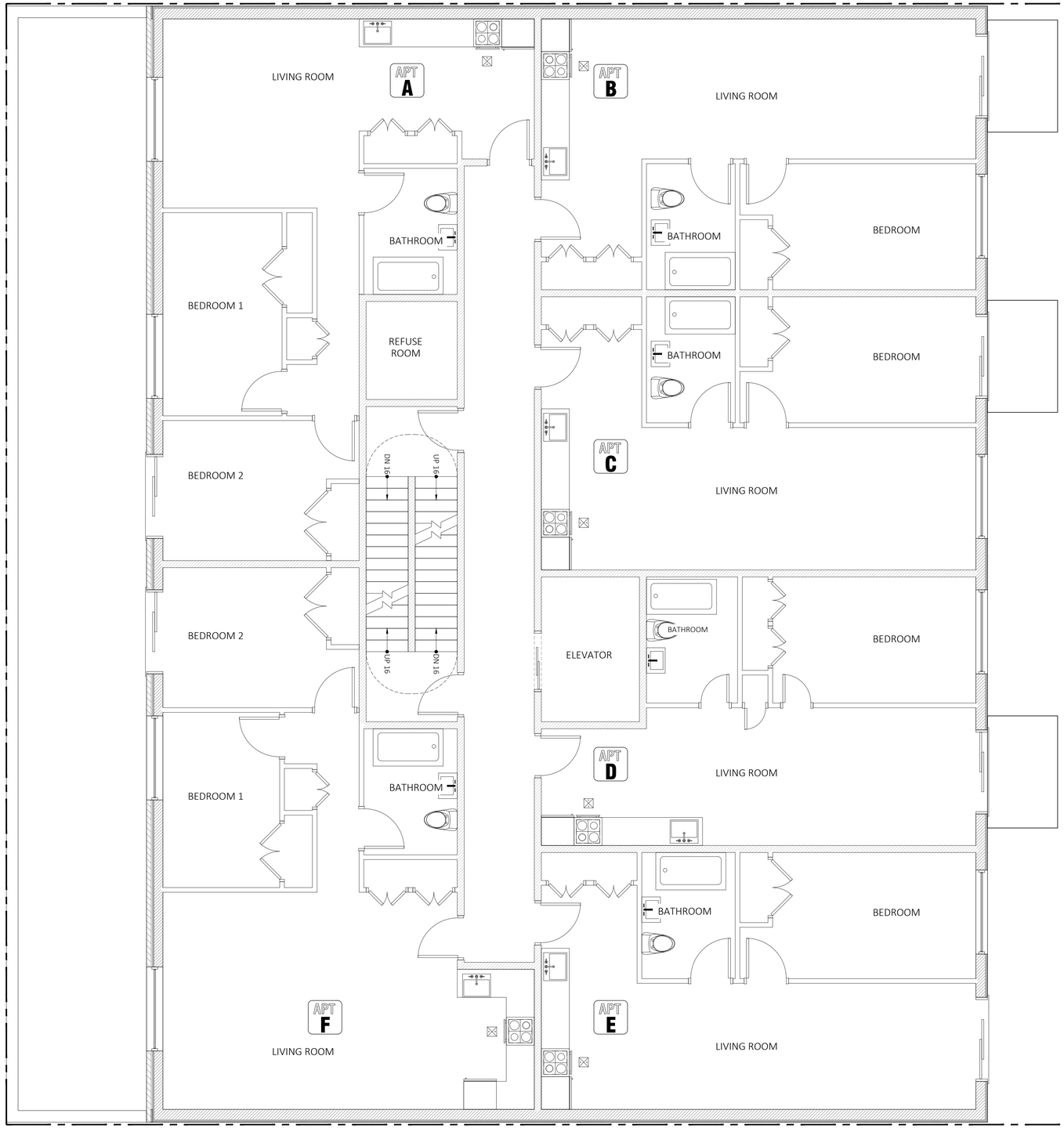
SEAL AND SIGNATURE

DRAWING NO.

A-103.00

SHEET NO.

05 OF 9



	FLOORS	BEDROOM COUNT
UNIT A	9TH	2 BEDROOMS
UNIT B	9TH	1 BEDROOM
UNIT C	9TH	1 BEDROOM
UNIT D	9TH	1 BEDROOM
UNIT E	9TH	1 BEDROOM
UNIT F	9TH	2 BEDROOMS
TOTAL	6 UNITS	

1 NINTH FLOOR PLAN
Scale:1/4" = 1'-0"

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

NINTH FLOOR PLAN

PE'S APPROVAL

DOB SCAN

DATE 1/28/2022

DRAWING BY Chaim kohl

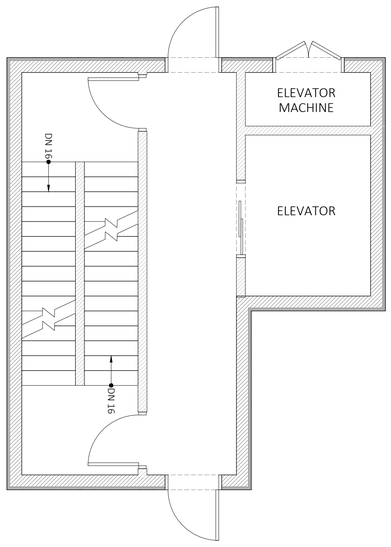
SEAL AND SIGNATURE

DRAWING NO.

A-104.00

SHEET NO.

06 OF 9



1 ROOF PLAN
Scale:1/4" = 1'-0"

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

ROOF PLAN

PE'S APPROVAL

DOB SCAN

DATE 1/26/2022

DRAWING BY Chaim kohl

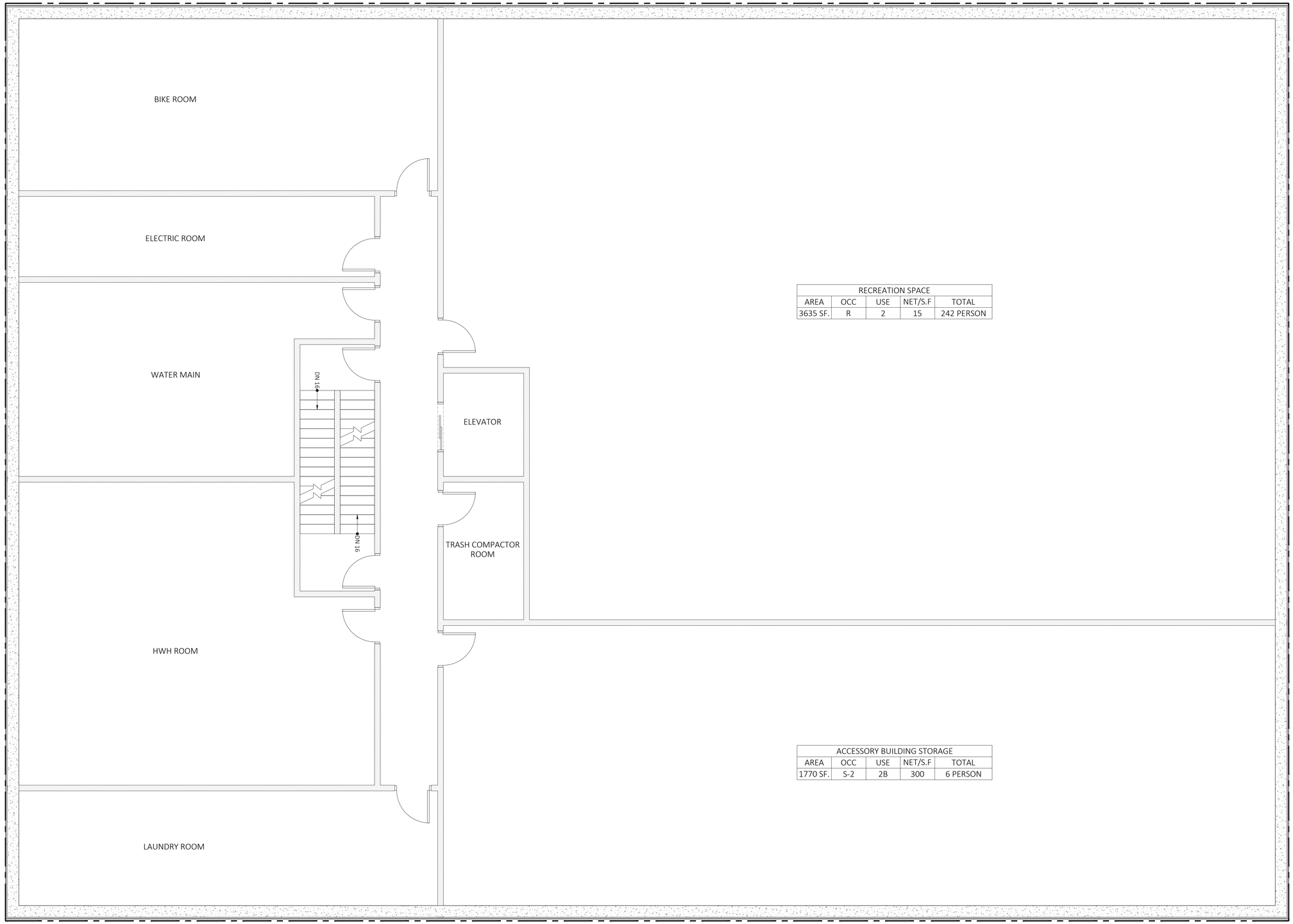
SEAL AND SIGNATURE

DRAWING NO.

A-105.00

SHEET NO.

07 OF 9



RECREATION SPACE				
AREA	OCC	USE	NET/S.F	TOTAL
3635 SF.	R	2	15	242 PERSON

ACCESSORY BUILDING STORAGE				
AREA	OCC	USE	NET/S.F	TOTAL
1770 SF.	S-2	2B	300	6 PERSON

1 CELLAR PLAN
Scale:1/4" = 1'-0"

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

CELLAR FLOOR PLAN

PE'S APPROVAL

DOB SCAN

DATE 1/26/2022

DRAWING BY Chaim kohl

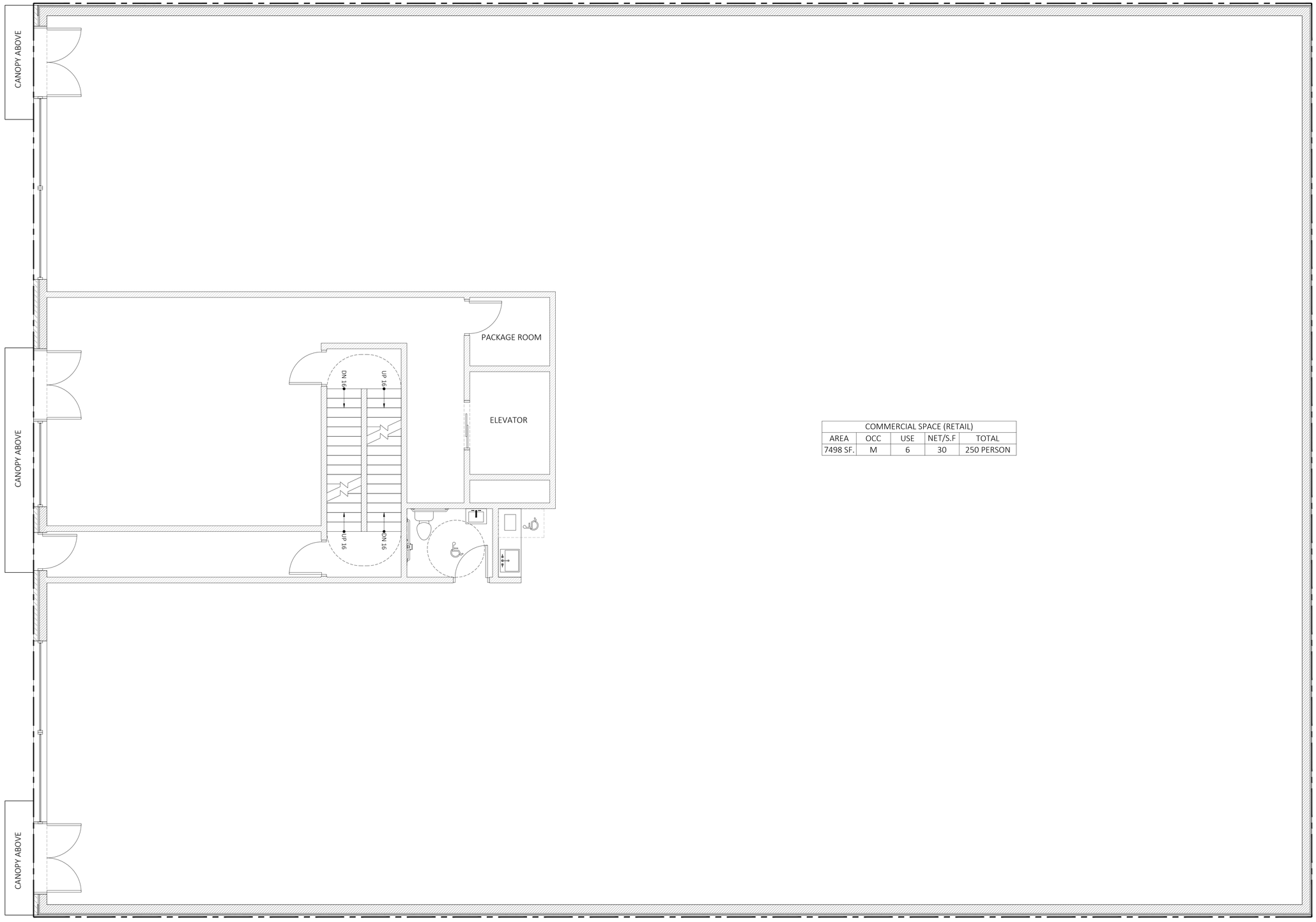
SEAL AND SIGNATURE

DRAWING NO.

A-100.00

SHEET NO.

03 OF 9



COMMERCIAL SPACE (RETAIL)				
AREA	OCC	USE	NET/S.F	TOTAL
7498 SF.	M	6	30	250 PERSON

1 FIRST FLOOR PLAN
Scale:1/4" = 1'-0"

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

FIRST FLOOR PLAN

PE'S APPROVAL

DOB SCAN

DATE 1/26/2022

DRAWING BY Chaim kohl

SEAL AND SIGNATURE

DRAWING NO.

A-101.00

SHEET NO.

04 OF 9



1 FRONT ELEVATION
Scale:1/8" = 1'-0"

2 REAR ELEVATION
Scale:1/8" = 1'-0"

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

FRONT ELEVATIONS

PE'S APPROVAL

DOB SCAN

DATE 1/28/2022

DRAWING BY Chaim kohl

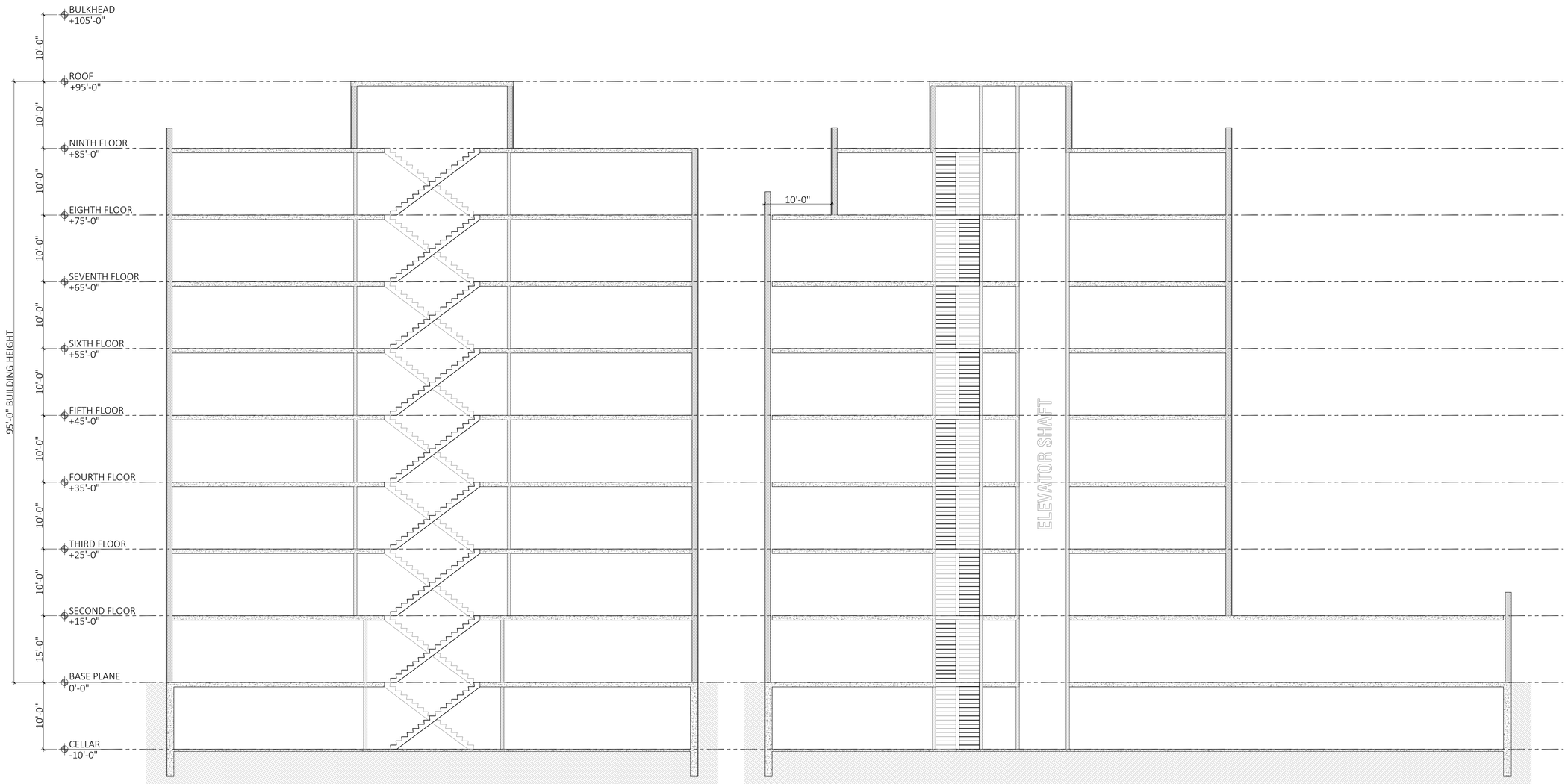
SEAL AND SIGNATURE

DRAWING NO.

A-200.00

SHEET NO.

08 OF 9



1 CROSS SECTION
Scale:1/8" = 1'-0"

2 LONGITUDINAL SECTION
Scale:1/8" = 1'-0"

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE.
BROOKLYN N.Y. 11205

DRAWING TITLE

BUILDING SECTION CUTS

PE'S APPROVAL

DOB SCAN

DATE 1/25/2022

DRAWING BY Chaim kohl

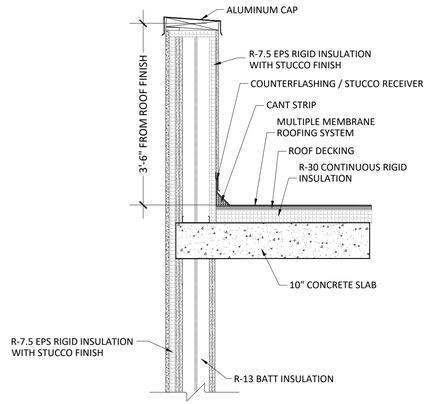
SEAL AND SIGNATURE

DRAWING NO.

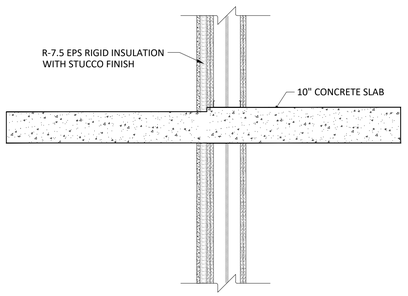
A-300.00

SHEET NO.

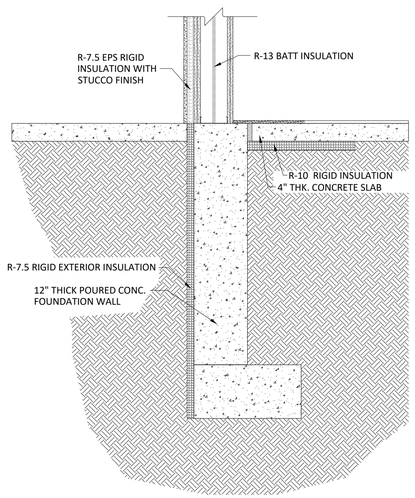
09 OF 9



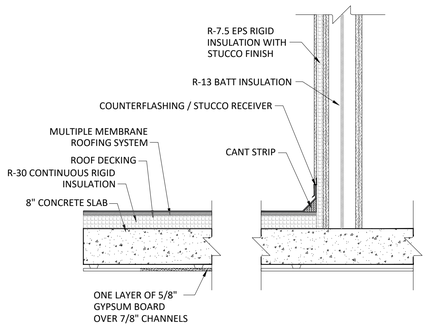
3 ROOF PARAPET DETAIL
Scale: 3/4"=1'-0"



2 BALCONY DETAIL
Scale: 3/4"=1'-0"



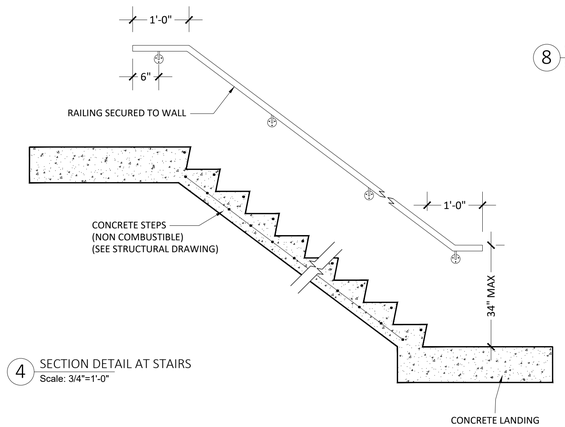
1 FOUNDATION DETAIL (UNEXCEVATED)
Scale: 3/4"=1'-0"



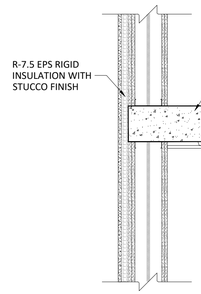
5 ROOF ASSEMBLY
Scale: 3/4"=1'-0"

6 ROOF EDGE
Scale: 3/4"=1'-0"

7 CEILING ASSEMBLY
Scale: 3/4"=1'-0"



4 SECTION DETAIL AT STAIRS
Scale: 3/4"=1'-0"

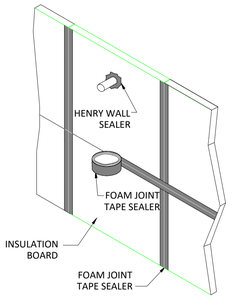


8 WALL DETAIL
Scale: 3/4"=1'-0"

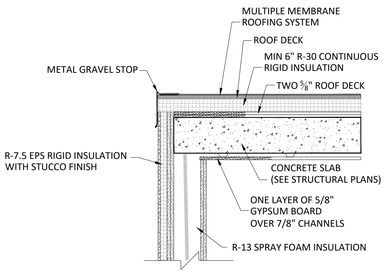
AIR BARRIER JOINTS AND SEAMS SHALL BE SEALED, INCLUDING SEALING TRANSITIONS IN PLACES AND CHANGES IN MATERIALS.AIR BARRIER PENETRATIONS SHALL BE SEALED IN ACCORDANCE WITH SECTION C402.4.2.THE JOINTS AND SEALS SHALL BE SECURELY INSTALLED IN OR ON THE JOINT FOR ITS ENTIRE LENGTH SO AS NOT TO DISLODGE, LOOSEN OR OTHERWISE IMPAIR ITS ABILITY TO RESIST POSITIVE AND NEGATIVE PRESSURE FROM WIND, STACK EFFECT AND MECHANICAL VENTILATION

ALL VENT AND FLUES TO BE THERMALLY SEALED WITH Henry roof coating (or equivalent) ASTM D2370

ALL INSULATION BOARD JOINT AND SEAMS TO BE SEALED WITH Owens Corning™ JointSealR™ Foam Joint Tape SEALER



10 INSULATION DETAIL
Scale: 3/4"=1'-0"



9 ROOF EDGE DETAIL
Scale: 3/4"=1'-0"

JAY ARCHITECT
& ENGINEERING

NO.	DATE	ISSUE OR REVISION

SITE MAP



LOCATION

708 MYRTLE AVE. BROOKLYN N.Y. 11205

DRAWING TITLE

SECTION CUT DETAILS

PE'S APPROVAL

DOB SCAN

DATE 1/25/2022

DRAWING BY Chaim kohl

SEAL AND SIGNATURE

DRAWING NO.

A-301.00

SHEET NO.

09 OF 9

APPENDIX C

NYC HOUSING DATABASE BUILDING PERMITS

Completed DOB Permits Within 1/2-mile Study Area Since 2020

ID	Census Tract	Address	Job Type	Permit Year	Complete Year	Class A Initial Units	Class A Proposed Units	Class A Net Units	Ownership
1	261	739 Dekalb Avenue	Alteration	2007	2021	3	8	5	Private For-Profit: Individual
2	261	824 Dekalb Avenue	Alteration	2010	2020	2	4	2	Private For-Profit: Partnership
3	235	199 Skillman Street	New Building	2008	2022	0	8	8	Private For-Profit: Corporation
4	233	385 Classon Avenue	New Building	2008	2021	0	8	8	Private For-Profit: Individual
5	233	130 Clifton Place	Alteration	2010	2021	2	1	-1	Private For-Profit: Individual
6	191	94 Ryerson Street	New Building	2012	2020	0	6	6	Private For-Profit: Individual
7	191	125 Clinton Avenue	Alteration	2012	2021	4	2	-2	Private For-Profit: Individual
8	235	221 Skillman Street	New Building	2012	2021	0	2	2	Private For-Profit: Individual
9	241	382 Willoughby Avenue	Alteration	2017	2022	50	50	0	Private For-Profit: Partnership
10	233	1044 Bedford Avenue	New Building	2015	2020	0	24	24	Private For-Profit: Individual
11	243	348 Nostrand Avenue	New Building	2015	2020	0	28	28	Private For-Profit: Partnership
12	191	306 Park Avenue	New Building	2017	2022	0	3	3	Private For-Profit: Partnership
13	191	308 Park Avenue	New Building	2017	2022	0	2	2	Private For-Profit: Partnership
14	191	314 Park Avenue	New Building	2017	2022	0	3	3	Private For-Profit: Partnership

ID	Census Tract	Address	Job Type	Permit Year	Complete Year	Class A Initial Units	Class A Proposed Units	Class A Net Units	Ownership
15	191	310 Park Avenue	New Building	2017	2022	0	3	3	Private For-Profit: Partnership
16	191	312 Park Avenue	New Building	2017	2022	0	2	2	Private For-Profit: Partnership
17	233	271 Skillman Street	Alteration	2018	2020	2	3	1	Private For-Profit: Individual
18	253	253 Nostrand Avenue	New Building	2015	2020	0	10	10	Private For-Profit: Partnership
19	233	200 Clifton Place	New Building	2016	2020	0	8	8	Private For-Profit: Individual
20	261	701 Lafayette Avenue	New Building	2018	2020	0	8	8	Private For-Profit: Corporation
21	233	181 Lexington Avenue	Alteration	2019	2021	1	2	1	Private For-Profit: Partnership
22	1237	744 Bedford Avenue	New Building	2015	2020	0	88	88	Private For-Profit: Partnership
23	253	641 Dekalb Avenue	New Building	2015	2022	0	5	5	Private For-Profit: Partnership
24	259.01	948 Myrtle Avenue	New Building	2015	2021	0	101	101	Private For-Profit: Corporation
25	531.01	53 Lynch Street	Demolition	2021	2021	3	0	-3	Private For-Profit: Partnership
26	257	92 Stockton Street	New Building	2015	2020	0	39	39	Private For-Profit: Individual
27	257	569 Marcy Avenue	New Building	2015	2020	0	40	40	Private For-Profit: Individual
28	257	869 Myrtle Avenue	New Building	2015	2021	0	59	59	Private For-Profit: Individual

ID	Census Tract	Address	Job Type	Permit Year	Complete Year	Class A Initial Units	Class A Proposed Units	Class A Net Units	Ownership
29	233	436 Lafayette Avenue	New Building	2017	2020	0	8	8	Private For-Profit: Partnership
30	531.01	97 Lynch Street	New Building	2018	2021	0	2	2	Private For-Profit: Partnership
31	241	212 Walworth Street	New Building	2015	2022	0	2	2	Private For-Profit: Partnership
32	241	218 Walworth Street	New Building	2015	2020	0	2	2	Private For-Profit: Partnership
33	253	19 Hart Street	Alteration	2018	2021	3	4	1	Private For-Profit: Partnership
34	235	944 Bedford Avenue	Alteration	2017	2020	0	0	0	Private Non-Profit: Corporation
35	233	263 Franklin Avenue	New Building	2019	2020	0	18	18	Private For-Profit: Corporation
36	243	1019 Bedford Avenue	Alteration	2017	2021	4	6	2	Private For-Profit: Partnership
37	243	194 Lexington Avenue	New Building	2018	2020	0	8	8	Private Non-Profit: Corporation
38	243	325 Gates Avenue	New Building	2018	2020	0	48	48	Private For-Profit: Partnership
39	261	289 Kosciuszko Street	New Building	2019	2022	0	4	4	Private For-Profit: Individual
40	241	547 Lafayette Avenue	Alteration	2018	2020	2	4	2	Private For-Profit: Partnership
41	235	610 Myrtle Avenue	New Building	2018	2020	0	20	20	Private For-Profit: Corporation
42	261	825 Dekalb Avenue	New Building	2020	2022	0	39	39	Private For-Profit: Corporation

ID	Census Tract	Address	Job Type	Permit Year	Complete Year	Class A Initial Units	Class A Proposed Units	Class A Net Units	Ownership
43	233	157 Lexington Avenue	New Building	2018	2020	0	4	4	Private For-Profit: Partnership
44	235	221 Franklin Avenue	New Building	2018	2020	0	2	2	Private For-Profit: Partnership
45	243	349a Gates Avenue	Alteration	2016	2020	2	2	0	Private For-Profit: Individual
46	1237	687 Myrtle Avenue	New Building	2017	2021	0	6	6	Private For-Profit: Individual
47	235	149 Skillman Street	New Building	2018	2020	0	2	2	Private For-Profit: Partnership
48	243	548 Lafayette Avenue	New Building	2017	2020	0	8	8	Private For-Profit: Corporation
49	261	697 Dekalb Avenue	Alteration	2019	2021	4	8	4	Private For-Profit: Corporation
50	253	577 Lafayette Avenue	Alteration	2016	2020	2	3	1	Private For-Profit: Corporation
51	1237	814 Bedford Avenue	New Building	2017	2020	0	17	17	Private For-Profit: Individual
52	235	167 Taaffe Place	Alteration	2016	2021	3	7	4	Private For-Profit: Individual
53	235	978 Kent Avenue	New Building	2020	2022	0	12	12	Private For-Profit: Individual
54	243	206 Lexington Avenue	Alteration	2017	2022	2	4	2	Private For-Profit: Corporation
55	1237	378 Flushing Avenue	New Building	2020	2021	0	122	122	Private For-Profit: Corporation
56	1237	33 Little Nassau Street	New Building	2020	2022	0	86	86	Private For-Profit: Corporation
57	241	541 Lafayette Avenue	Alteration	2018	2021	3	3	0	Private For-Profit: Corporation

ID	Census Tract	Address	Job Type	Permit Year	Complete Year	Class A Initial Units	Class A Proposed Units	Class A Net Units	Ownership
58	243	495 Greene Avenue	Alteration	2019	2021	4	6	2	Private For-Profit: Individual
59	191	66 Steuben Street	Alteration	2019	2022	6	6	0	Private For-Profit: Corporation
60	243	1021 Bedford Avenue	New Building	2019	2022	0	15	15	Private For-Profit: Corporation
61	261	238 Tompkins Avenue	Alteration	2019	2020	3	9	6	Private For-Profit: Corporation
62	233	275 Skillman Street	New Building	2017	2020	0	5	5	Private For-Profit: Individual
63	253	28 Pulaski Street	Alteration	2017	2021	2	2	0	Private For-Profit: Individual
64	1237	91 Franklin Avenue	New Building	2018	2021	0	8	8	Private For-Profit: Corporation
65	235	183 Skillman Street	Alteration	2018	2020	2	2	0	Private For-Profit: Individual
66	531.01	95 Lynch Street	New Building	2018	2020	0	3	3	Private For-Profit: Partnership
67	235	986 Bedford Avenue	Alteration	2018	2021	2	2	0	Private For-Profit: Corporation
68	191	507 Myrtle Avenue	Alteration	2020	2021	4	4	0	Private For-Profit: Corporation
69	1237	436 Flushing Avenue	New Building	2017	2021	0	5	5	Private For-Profit: Partnership
70	1237	801 Bedford Avenue	New Building	2017	2020	0	18	18	Private For-Profit: Corporation
71	233	125 Clifton Place	Alteration	2018	2020	3	6	3	Private For-Profit: Individual
72	243	176 Quincy Street	Alteration	2020	2021	3	8	5	Private For-Profit: Corporation

ID	Census Tract	Address	Job Type	Permit Year	Complete Year	Class A Initial Units	Class A Proposed Units	Class A Net Units	Ownership
73	253	30 Vernon Avenue	Alteration	2020	2021	2	2	0	Private For-Profit: Corporation
74	193	598 Myrtle Avenue	Alteration	2020	2022	2	8	6	Private For-Profit: Partnership
75	243	197 Quincy Street	New Building	2020	2021	0	10	10	Private For-Profit: Corporation
76	253	33 Pulaski Street	Alteration	2018	2020	2	3	1	Private For-Profit: Individual
77	191	120 Hall Street	Alteration	2018	2020	2	2	0	Private For-Profit: Corporation
78	1237	853 Kent Avenue	New Building	2020	2022	0	2	2	Private For-Profit: Corporation
79	233	473 Lafayette Avenue	Alteration	2018	2021	3	2	-1	Private For-Profit: Corporation
80	243	478 Greene Avenue	Alteration	2018	2022	2	2	0	Private For-Profit: Individual
81	259.01	172 Vernon Avenue	Alteration	2018	2020	6	5	-1	Private For-Profit: Corporation
82	261	232 Tompkins Avenue	Alteration	2019	2021	3	10	7	Private For-Profit: Individual
83	253	29 Pulaski Street	Alteration	2018	2020	2	1	-1	Private For-Profit: Individual
84	241	226 Spencer Street	Alteration	2019	2020	2	1	-1	Private For-Profit: Individual
85	255	492 Marcy Avenue	Alteration	2018	2020	64	64	0	Government, City: NYCHA/HHC
86	257	104 Martin Luther King Place	New Building	2018	2020	0	10	10	Private For-Profit: Partnership
87	233	154 Clifton Place	Alteration	2018	2020	2	2	0	Private For-Profit: Corporation

ID	Census Tract	Address	Job Type	Permit Year	Complete Year	Class A Initial Units	Class A Proposed Units	Class A Net Units	Ownership
88	261	189 Hart Street	Alteration	2018	2020	2	6	4	Private For-Profit: Partnership
89	241	208 Nostrand Avenue	Demolition	2020	2020	2	0	-2	Private For-Profit: Corporation
90	233	287 Franklin Avenue	Alteration	2018	2022	2	3	1	Private For-Profit: Partnership
91	243	378 Nostrand Avenue	Alteration	2018	2020	2	4	2	Private For-Profit: Partnership
92	261	735 Lafayette Avenue	New Building	2019	2021	0	7	7	Private For-Profit: Corporation
93	243	228 Quincy Street	Alteration	2019	2021	2	6	4	Private For-Profit: Corporation
94	261	190 Pulaski Street	Alteration	2018	2020	2	4	2	Private For-Profit: Individual
95	235	288 Willoughby Avenue	New Building	2019	2022	0	12	12	Private For-Profit: Partnership
96	537	85 Rutledge Street	New Building	2019	2020	0	10	10	Private For-Profit: Corporation
97	233	115 Clifton Place	New Building	2019	2020	0	9	9	Private For-Profit: Partnership
98	233	119 Clifton Place	New Building	2019	2020	0	8	8	Private For-Profit: Partnership
99	233	123 Clifton Place	New Building	2019	2020	0	8	8	Private For-Profit: Partnership
100	241	748 Myrtle Avenue	Alteration	2020	2022	2	2	0	Private For-Profit: Individual
101	259.01	179 Vernon Avenue	Alteration	2020	2020	1	1	0	Private For-Profit: Individual

ID	Census Tract	Address	Job Type	Permit Year	Complete Year	Class A Initial Units	Class A Proposed Units	Class A Net Units	Ownership
102	531.01	98 Heyward Street	Alteration	2019	2021	3	2	-1	Private For-Profit: Individual
103	253	39 Hart Street	Alteration	2019	2021	3	3	0	Private For-Profit: Corporation
104	243	466 Greene Avenue	Alteration	2019	2021	2	2	0	Private For-Profit: Corporation
105	241	716 Myrtle Avenue	Alteration	2021	2022	2	2	0	Private For-Profit: Corporation
106	243	197 Quincy Street	Demolition	2020	2020	2	0	-2	Private For-Profit: Individual
107	235	214 Skillman Street	Demolition	2021	2021	1	0	-1	Private For-Profit: Individual
108	235	212 Skillman Street	Demolition	2021	2021	1	0	-1	Private For-Profit: Individual
109	261	175 Kosciusko Street	Alteration	2021	2022	2	2	0	Private For-Profit: Individual
110	241	554 Dekalb Avenue	Alteration	2020	2021	6	9	3	Private For-Profit: Individual
111	261	727 Dekalb Avenue	Demolition	2020	2020	3	0	-3	Private For-Profit: Individual
112	233	321 Franklin Avenue	Demolition	2022	2022	1	0	-1	Private For-Profit: Corporation
113	257	763 Park Avenue	Demolition	2021	2021	2	0	-2	Private For-Profit: Partnership
114	261	679 Marcy Avenue	Demolition	2021	2021	2	0	-2	Private For-Profit: Individual
115	257	698 Flushing Avenue	Alteration	2019	2021	4	8	4	Private For-Profit: Individual

ID	Census Tract	Address	Job Type	Permit Year	Complete Year	Class A Initial Units	Class A Proposed Units	Class A Net Units	Ownership
116	235	952 Bedford Avenue	Demolition	2020	2020	3	0	-3	Private For-Profit: Corporation
117	1237	844 Bedford Avenue	Demolition	2022	2022	2	0	-2	Private For-Profit: Individual
118	233	317 Rear Franklin Avenue	Demolition	2021	2021	1	0	-1	Private For-Profit: Individual
119	233	317 Franklin Avenue	Demolition	2022	2022	5	0	-5	Private For-Profit: Individual
120	193	218 Classon Avenue	Demolition	2022	2022	2	0	-2	Private For-Profit: Partnership
121	1237	794 Bedford Avenue	Demolition	2022	2022	5	0	-5	Private For-Profit: Individual
122	537	85 Rutledge Street	Alteration	2020	2021	10	10	0	Private For-Profit: Corporation
123	233	105 Clifton Place	Alteration	2021	2021	2	2	0	Private For-Profit: Individual
124	531.02	565 Flushing Avenue	Alteration	2021	2021	14	15	1	Private For-Profit: Individual

APPENDIX D

PHASE I ENVIRONMENTAL SITE ASSESSMENT

PHASE I ENVIRONMENTAL SITE ASSESSMENT



708-714 Myrtle Avenue
Brooklyn, NY 11205

March 23, 2022

Prepared for:

Naftoly Weber
129 South 8th Street
Brooklyn, NY 11211

Prepared by:

EQUITY ENVIRONMENTAL ENGINEERING, LLC

500 International Drive, Suite 150
Mount Olive, New Jersey 07828
(973) 527-7451

EXECUTIVE SUMMARY 1
I. INTRODUCTION 5
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PHASE I ENVIRONMENTAL SITE ASSESSMENT

EXECUTIVE SUMMARY

Equity Environmental Engineering, LLC (Equity) was retained by Naftoly Weber to conduct a Phase I Environmental Site Assessment (Phase I) to identify Recognized Environmental Conditions (RECs) associated with current and prior site use at the property identified as 708-714 Myrtle Avenue, Brooklyn, NY, 11205. Equity conducted the assessment in accordance with the requirements of the American Society for Testing and Materials (ASTM) Standard E1527-21, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and good professional practices.

Site Overview

The Subject Property is as follows:

Property Designation	712 Myrtle Avenue
Property Address	708-714 Myrtle Avenue, Brooklyn, New York 11205
Parcel ID	Block 1751/Lots 21, 23, and 24
Parcel Size	1,902 Square Feet
Number of Buildings	Three
Number of Stories	708 is 1-story 712 and 714 are 3-stories
Finished Area (SF)	708 is 4,529 Square Feet 712 is 2,181 Square Feet 714 is 2,327 Square Feet
Date Constructed	708 originally 1931, renovated in 2013 712 – Built 1931, renovated in 2018 714 – Built 1931, renovated in 2018
Construction Type	Masonry with stone foundation
Property Usage	708 – Catering Hall 712 and 714 – first floor commercial and residential on the floors 2 and 3
Inspection Date	March 23, 2022
Weather Conditions	45°F, Overcast
Site Contact/Title	708 – Mario Najera/Maintenance Staff 712 - Allan Dyckman/Property Manager 714 – Juan Masoller/Maintenance Staff
Site Contact Phone	(347)-484-0909

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 target property caused by the release of vapors from contaminated soil and/or groundwater either on or near the target 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.).

- ***Non-Scope Considerations***

  Consideration of business environmental risk issues some of which are identified in Section 13 and Appendix XI of ASTM E1527-14 (e.g., asbestos, ecological resources, mold, radon, wetlands, regulatory compliance et. Al.).

- ***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.

Findings

The following environmental conditions were identified:

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)

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

D. 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, including three on the Subject Property. The VECs listed on the Subject Property include three OARs (Other Ascertainable Records at 714 Myrtle Avenue, Brooklyn, NY. The first OAR recorded under the NY Manifest database lists details about a 1000-pound quantity shipment of a waste from Con Edison on June 11, 2015 (waste code D008). The manifest tracking number is 014467976JJK. The second OAR recorded under the NJ Manifest database refers to the previous manifest

above, as it has the same manifest ID. The last OAR record under the RCRA NonGen/NLR (Non-Generators/ No Longer Regulated), FINDS (Facility Index System/Facility Registry System), and ECHO (Enforcement and Compliance History Information) databases list limited details about a large quantity waste generator. No NAICS codes, facility violations, or evaluations action summaries were found. The FINDS registry ID is 110069688813. The ECHO Envid is 1019904068.

The VEC listings offsite within 1/10 of a mile include results from the EDR Hist Auto, Drycleaners, LTANKS (Leaking Storage Tanks), Spills, VCP NYC (Voluntary Cleanup Program), CBS (Chemical Bulk Storage), AST (Above Ground Storage Tank), RCRS NonGen/NLR, FINDS, and ECHO databases. Most notably, gas stations existed at 146 Spencer Street (2011-2013), and 895 Bedford Avenue (1969-1998). Auto repair shops existed at 847 Bedford Avenue (1994-2001), 879 Bedford Avenue (1979-1990), and 895 Bedford Avenue (1998-2011). Drycleaners existed at 873 Bedford Avenue, and 509 De Kalb Ave.

Also, storage tank leaks were recorded at 865 Beford & Remsen, 169 Spencer Street, 913 Bedford Avenue, and 45 Kosciusko Street. Based on these findings, a possible vapor encroachment cannot be ruled out. Details on the VECs can be found in Appendix H.

E. De Minimis Conditions

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

F. Data Gaps

The following data gaps were identified:

1. The first floor office space for 714 Myrtle Avenue could not be accessed and inspected.
2. Because of the Covid virus, the residential units were not inspected.

Conclusions

Equity's review of available information and observations of the Subject Property and surrounding properties indicates that no RECs, CRECs, HRECs, or De Minimis Conditions, were identified as a result of this assessment. VECs could not be ruled out. There was one data gap which was the lack of access to the first floor office space at 714 Myrtle Ave.

PHASE I ENVIRONMENTAL SITE ASSESSMENT

I. INTRODUCTION

A. Purpose

Equity Environmental Engineering, LLC (Equity) was contracted by Naftoly Weber to perform a Phase I Environmental Site Assessment of the referenced property in accordance with the American Society for Testing and Materials (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 United States Environmental Protection Agency's (USEPA) All Appropriate Inquiry Standard, 40 CFR Part 312, which is required to qualify for certain landowner liability protections under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The ASTM Standard constitutes "all appropriate inquiry into previous ownership and uses of the property consistent with good commercial or customary practice." The investigation was conducted to identify Recognized Environmental Conditions (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 proposed Project is part of a zoning map amendment to rezone the existing M1-2 zoning to a R7D/C2-4 zoning district. In-ground disturbance is proposed. The proposed development would include the construction of a new building with 48 dwelling units.

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 Naftoly Weber and any of their respective affiliates, agents, and advisors.

Site Reconnaissance: Methodology—The environmental professional (or the person under the supervision or responsible charge of the environmental professional) shall establish a method for observation of the subject property to satisfy the objective of the assessment (for example, grid patterns or other systematic approaches used for large properties). Such methodology shall be documented in the report.

II. SITE DESCRIPTION

A. Location and Description

The Subject Property is identified as 708-714 Myrtle Avenue, Brooklyn, NY 11205. Title to the Subject Property is vested as follows:

- 708 Myrtle is owned by BFM Realty, Inc.
- 712 Myrtle is owned by 7812 Myrtle LLC
- 714 Myrtle is owned by Walworth Gardens LLC

The Subject Property is identified as Block 1751/Lots 21, 23, and 24 on the New York City Tax Map. The Subject Properties make up a rectangular shaped group of lots on Myrtle Avenue. The Subject Property is located in the Bedford-Stuyvesant Neighborhood of Brooklyn.

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 a M1-2 zoning district surrounded by mostly residential, and commercial uses. This is a light manufacturing zone which may include manufacturing, commercial and community facility use.

C. Current Use of the Property

The Subject Properties are used as follows:

- 708 is used as a catering hall with a full kitchen and cold storage in the basement. There is a narrow courtyard behind the building.
- 712 is used for two floors of residential units and Classic Image, a graphic design shop on the ground floor. There is a basement for storage and a courtyard behind the building.
- 714 is used for two floors of residential units and office space on the first floor. The name on the entry pad read "Primaview LLC".

The buildings are approximately 91 years old. All three buildings have had renovations done.

D. Description of Structures, Improvements and Utilities

The existing buildings are constructed of masonry with a stone foundation.

Utilities at the property include the following:

1. Electricity

Electricity is provided by Consolidated Edison of New York (Con Edison). There are no emergency generators located on the subject property.

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 City of New York sewer system.

4. Heat

The building is heated by natural gas fired units in the basement. The natural gas is provided by National Grid.

E. Current Uses of Adjoining Properties

The land use surrounding the properties are mixed use residential and commercial with most of the buildings having commercial use on the ground floor and residential use above. The Bedford Stuyvesant Alcoholism Treatment Center is located at 720 Myrtle Ave at the eastern end of the block.

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 not identified on any 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	0-1/8 Mile	1/8 – 1/4 Mile	1/4 – 1/2 Mile	1/2 – 1 Mile
SEMS - Archive	NR	1	1	NR
CORRACTS	NR	NR	1	1
RCRA -Large	7	10	NR	NR
RCRA – Small	0	2	NR	NR
RCRA -VSQG	2	2	NR	NR
NY-SHWS	NR	NR	4	3
NT LTANKS	5	10	31	NR
NY UST	6	13	NR	NR
NY AST	10	10	NR	NR
NY ENG CONTROLS	NR	NR	2	NR
NY INST CONTROLS	NR	NR	2	NR
NY VCP	4	4	17	NR
NY BROWNFIELDS	NR	1	10	NR
NY SWRCY	NR	1	NR	NR
NY SPILLS	24	NR	NR	NR
RCRA NonGen/NLR	34	NR	NR	NR
FUDS	NR	NR	1	2
Finds	1	NR	NR	NR
ECHO	1	NR	NR	NR
NY DRYCLEANERS	1	2	NR	NR
NY E DESIGNATION	34	NR	NR	NR
NY HSWDS	NR	1	NR	NR
NY MANIFEST	46	83	NR	NR
PA MANIFEST	NR	3	NR	NR
NJ MANIFEST	15	25	NR	NR
EDR MGP	NR	1	2	1
EDR HIST AUTO	5	NR	NR	NR
EDR HIST CLEANER	2	NR	NR	NR

The Subject Properties are surrounded by numerous leaking tank and spill sites and sites that have New York City E designations on them. There are also a number of historic auto shops and drycleaners within 1/8-mile of them.

There is a discrepancy in the database report which lists a Consolidated Edison facility at 714 Myrtle Ave. The listing is for a RCRA non generating facility that also shipped waste to a New Jersey treatment, storage, and disposal facility (TSDF) in 2015. This is most likely from a utility manhole in front of the building. 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 18 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.

Davidson Pipe Supply Co.	Brooklyn Model City – Dekalb Ave/W
North of Cornish Knit Goods	Keap St. Station
Peoples Works (twice)	Kent Terminal
McCarren Comfort Station	NYCT Myrtle & Willoughby Avenue St. (twice)
MTA NYCT – Myrtle Avenue Line 1	Rutledge Station
K-Scholes St. Station	Skillman Station
12 Spencer Street/735 Bedford Ave	Basement
Wythe Ave (Berry St.) Station	207889;657 Myrtle Ave, Bet. Frank

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 March 23, 2022, the Subject Property was not identified.

D. Physical Setting Source

The Subject Property is located in Brooklyn and surrounded by primarily mixed residential and commercial use. The ground surface at the site is predominantly level. Ground cover consists primarily of concrete sidewalks and the buildings. The Subject Properties are accessed from the north via Myrtle Avenue. Based on a review of the 2019 Brooklyn USGS topographic map for the area, groundwater is inferred to flow to the northwest toward the East River.

Based on the 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 Mesozoic Era, Cretaceous System, Upper Cretaceous Series, (Code uK). 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 undeveloped land prior to the construction of the buildings in 1918. This conflicts with other information that states the buildings were constructed in 1931.

1. Sanborn Fire Insurance Maps

Equity reviewed 28 of digital Sanborn Fire Insurance Maps from 1887 to 2007 provided by EDR, Inc. Information derived from these maps is as follows:

Year	Subject Property	Surrounding Area
1887	The properties are shown as undeveloped separate lots.	The surrounding area is well developed. There is an American Cocoa Mattings Co to the south of the properties.
1904	Unchanged	There is a Dangler Pork Packing facility on the east end of the block and People's Coal Co west across Spencer St.
1918	Buildings are shown on the Subject properties	The coal company is now a Barrel Storage facility.
1935	Lot 21 is shown with a plumbing and lead burning facility in the rear of the lot.	There is a leather shop and electrical equipment manufacturer to the south of the Subject Properties.
1947, 1950, 1965	Unchanged	Dangler Packing is now Miller Packing Co. Inc. The barrel storage facility is now E.A. Laboratories Auto Equipment.
1977, 1979, 1980, 1981, 1982, 1984, 1986, 1987, 1989, 1991, 1992, 1993, 1995, 1996, 2001	Unchanged	There is some underground structure shown in Walworth St to the east. The lot with E.A. Laboratories is unlabeled. Miller Packing is no longer shown and the various lots are separated.
2002, 2003, 2004, 2005, 2006, 2007	Unchanged	There is a Marble Works across Myrtle Ave.

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 maps do not provide details specific to the Subject

Properties. The general area is shown as developed since 1897. Copies of the USGS Topographic Maps are provided as Appendix E.

3. Historic Aerial Photographs

Equity reviewed a total 15 of aerial photographs depicting the Subject Properties spanning from 1924 to 2017 provided by EDR, Inc. The Subject Properties are shown as developed since 1924. There are no land use or other activities shown that would have impacted the Subject properties. 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 by commercial and residential listings. The Subject Properties include residential listings and previously listings for a pharmacy, a food shop, electrical contractor, lead burners, a tabernacle, bakery, locksmiths' shop, pet shop, and dressmakers. 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. The Subject Properties are identified as Block 1751/Lots 21, 23, and 24. Title to the Subject Properties are as follows:

- 708 Myrtle is owned by BFM Realty, Inc.
- 712 Myrtle is owned by 7812 Myrtle LLC
- 714 Myrtle is owned by Walworth Gardens LLC

According to the New York City Department of Buildings (DOB) website, the following information was obtained for the separate properties:

708 Myrtle
Seven complaints, 10 violations, 15 jobs, and zero actions have been identified. The complaints are in relation to illegal after-hours construction, and no permitting for various construction projects. The violations are in relation to failure to certify correction on immediately hazardous (Class 1) ECB violation, failure to comply with the commissioner's order to file a certificate of correction with the Department of Buildings, and the operation of a place of assembly without a current certificate of operation. The one ARA/LAA job is plumbing related. The other 14 jobs are in relation to façade repair, installation of smoke detector and sprinkler system, renovations to the existing eating and drinking establishment, plumbing (gas shut-off valve), filing for Ansel system, and filing for mechanical work-type with job.

712 Myrtle
There were zero complaints, 17 violations, 1 job, and 11 actions have been identified. The violations are in relation to boilers, and failure to file the annual boiler 2011, 2012, 2013, 2014, 2015, and 2016 inspection report. The jobs are in relation to oil to gas conversion, a gas fired boiler was installed. The actions are in relation to alterations, certificate of occupancy, electric signs, building notices, oil burner applications, and various DOB violations.

714 Myrtle
There were 19 complaints, 26 violations, 10 jobs, and 26 actions have been identified. The complaints are in relation to construction after-hours, no construction permits, illegal building conversion, failure to correct hazardous site conditions, and failure to file a certificate of correction. The violations are in relation to boilers, working without permits, failure to certify correction on immediately hazardous (Class 1) ECB violation, and failure to file annual boiler 2010, 2011, 2012, 2013, 2014, and 2015 inspection reports. The one ARA/LAA job is in relation to the installation of an oil burner and 275-gallon oil tank. The other nine jobs are in relation to the installation of a plywood fence, proposed installation of heavy-duty sidewalk, installation of interior partitions with minor plumbing work, and site preparation with demolition of interior non-bearing partitions. The actions are in relation to alterations, building notices, the fire escape, letter of no objection, plumbing, plumbing repair slip, vacate, various ECB violations, and various DOB violations.

Equity submitted a Freedom of Information Law (FOIL) request to the New York State Department of Environmental Conservation (DEC), New York City Department of Environmental Protection (DEP), and NY fire Department on March 24, 2022. A response was 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 – Commercial/Industrial including a marble factory.
- East – Residential/Commercial including a meat packing facility at the east end of the block.
- South – Commercial/industrial including a leather shop and electrical equipment manufacturer
- West – Residential/Commercial

V. SITE RECONNAISSANCE

The Phase I Questionnaire completed for the Subject Properties in provided in Appendix J.

A. Methodology and Limiting Conditions

Robert Jackson, P.E., Managing Director of Equity Environmental conducted the Phase I site inspection on March 23, 2022. Site representatives were as follows:

708 Myrtle – Mr. Mario Najera
712 Myrtle – Mr. Allan Dyckman
714 Myrtle – Mr. Juan Masoller

The office space in 714 Myrtle Avenue was not accessible during the completion of this assessment.

B. On-Site Operations/Manufacturing

708 Myrtle is known as Le Chateau and is a catering hall. It is a 1-story building with a basement level full-service kitchen and cold storage facility. There is a courtyard behind the hall which had some trash and debris in it.

712 Myrtle is a commercial/residential building. The first floor contains Classic Image, a graphic design studio. The upper 2-floors are residential. The basement is used for storage and the building hot water and heating units. There is what appeared to be a radon fan that has been disconnected near the exit door of the basement leading to the courtyard. This was reportedly used to ventilate the basement during renovations. The courtyard behind the building that had trash and debris in it.

714 Myrtle is also a commercial/residential building. The upper 2-floors are residential. The ground floor has an office space that could not be entered during the inspection. The basement is used for storage by the tenants and building owner. It appears that major plumbing repairs were done recently as there are trenches in the floor and what appears to be new vertical piping along each side of the basement. The trenches have been filled with concrete.

All three buildings have flat roofs with air conditioning units on them. Photographs of the building interior and exterior are provided in Appendix B.

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

708 Myrtle contained typical cleaning supplies and cooking oil. 712 and 714 Myrtle contained paints and building material such as drywall compounds in the basement. No tanks or other chemicals were observed to be stored on-site.

D. Solid and Hazardous Waste

Solid waste generated on-site is disposed of via the New York City Department of Sanitation trash removal services. Debris and trach were observed behind both 708 and 712 Myrtle Avenue.

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

Gutters were observed on the roof of the Subject Property. They are assumed to drain into the municipal sewer system.

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

Several drains were observed in the basement of 708 Myrtle Avenue in the kitchen area. A large sump was observed in the basement of 714 Myrtle Avenue. It appeared to be for the main sewer line in the building.

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, including three on the Subject Property. The VECs listed on the Subject Property include three OARs (Other Ascertainable Records at 714 Myrtle Avenue, Brooklyn, NY. The first OAR recorded under the NY Manifest database lists details about a 1000-pound quantity shipment of a waste from Con Edison on June 11, 2015 (waste code D008). The manifest tracking number is 014467976JJK. The second OAR recorded under the NJ Manifest database refers to the previous manifest above, as it has the same manifest ID. The last OAR record under the RCRA NonGen/NLR (Non-Generators/ No Longer Regulated), FINDS (Facility Index System/Facility Registry System), and ECHO (Enforcement and Compliance History Information) databases list limited details about a large quantity waste generator. No NAICS codes, facility violations, or evaluations action summaries were found. The FINDS registry ID is 110069688813. The ECHO Envid is 1019904068. No further details were provided in the VEC Report.

The VEC listings offsite within 1/10 of a mile include results from the EDR Hist Auto, Drycleaners, LTANKS (Leaking Storage Tanks), Spills, VCP NYC (Voluntary Cleanup Program), CBS (Chemical Bulk Storage), AST (Above Ground Storage Tank), RCRS NonGen/NLR, FINDS, and ECHO databases. Most notably, gas stations existed at 146 Spencer Street (2011-2013), and 895 Bedford Avenue (1969-1998). Auto repair shops existed at 847 Bedford Avenue (1994-2001), 879 Bedford Avenue (1979-1990), and 895 Bedford Avenue (1998-2011). Drycleaners existed at 873 Bedford Avenue, and 509 De Kalb Ave.

Also, storage tank leaks were recorded at 865 Beford & Remsen, 169 Spencer Street, 913 Bedford Avenue, and 45 Kosciusko Street. Based on these findings, a possible vapor encroachment cannot be ruled out.

Details on the VECs can be found in Appendix H.

L. Other Environmental Considerations

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 apparent asbestos was observed within any of the three buildings. A formal asbestos survey was not performed as part of this study.

Drinking Water

Potable water is supplied by the City of New York. A drinking water assessment was not performed as part of this study.

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.

Mold

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

M. Off-Site Concerns

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

VI. INTERVIEWS

As part of the Phase I of the property, Equity interviewed:

The following people were interviewed and had no further knowledge of any previous or existing environmental conditions or concerns:

708 Myrtle – Mr. Mario Najera
712 Myrtle – Mr. Allan Dyckman
714 Myrtle – Mr. Juan Masoller

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)

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

G. 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, including three on the Subject Property. The VECs listed on the Subject Property include three OARs (Other Ascertainable Records at 714 Myrtle Avenue, Brooklyn, NY. The first OAR recorded under the NY Manifest database lists details about a 1000-pound quantity shipment of a waste from Con Edison on June 11, 2015 (waste code D008). The manifest tracking number is 014467976JJK. The second OAR recorded under the NJ Manifest database refers to the previous manifest above, as it has the same manifest ID. The last OAR record under the RCRA NonGen/NLR (Non-Generators/ No Longer Regulated), FINDS (Facility Index System/Facility Registry System), and ECHO (Enforcement and Compliance History Information) databases list limited details about a large quantity waste generator. No NAICS codes, facility violations, or evaluations action summaries were found. The FINDS registry ID is 110069688813. The ECHO Envid is 1019904068. No further details were provided in the VEC Report.

The VEC listings offsite within 1/10 of a mile include results from the EDR Hist Auto, Drycleaners, LTANKS (Leaking Storage Tanks), Spills, VCP NYC (Voluntary Cleanup Program), CBS (Chemical Bulk Storage), AST (Above Ground Storage Tank), RCRS NonGen/NLR, FINDS, and ECHO databases. Most notably, gas stations existed at 146 Spencer Street (2011-2013), and 895 Bedford Avenue (1969-1998). Auto repair shops existed at 847 Bedford Avenue (1994-2001), 879 Bedford Avenue (1979-1990), and 895 Bedford Avenue (1998-2011). Drycleaners existed at 873 Bedford Avenue, and 509 De Kalb Ave.

Also, storage tank leaks were recorded at 865 Beford & Remsen, 169 Spencer Street, 913 Bedford Avenue, and 45 Kosciusko Street. Based on these findings, a possible vapor encroachment cannot be ruled out.

Details on the VECs can be found in Appendix H.

H. De Minimis Conditions

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

E. Data Gaps

The following data gaps were identified:

1. The first floor office space for 714 Myrtle Avenue could not be accessed and inspected.
2. Because of the Covid virus, the residential units were not inspected.

Conclusions

Equity's review of available information and observations of the Subject Property and surrounding properties indicates that no RECs, CRECs, HRECs, or De Minimis Conditions. VECs could not be ruled out. There was one data gap which was the lack of access to the first floor office space at 714 Myrtle Ave.

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 – March 15, 2022
2. Sanborn Fire Insurance Maps
3. Historical Topographic Maps
4. Aerial Photographs
5. City Directory
6. New York City Department of Buildings Website
7. New York City Zola Database
8. 2019 Brooklyn Regional Topographical Map

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 :

Christian DiGennaro
Junior Scientist

Environmental Professional:

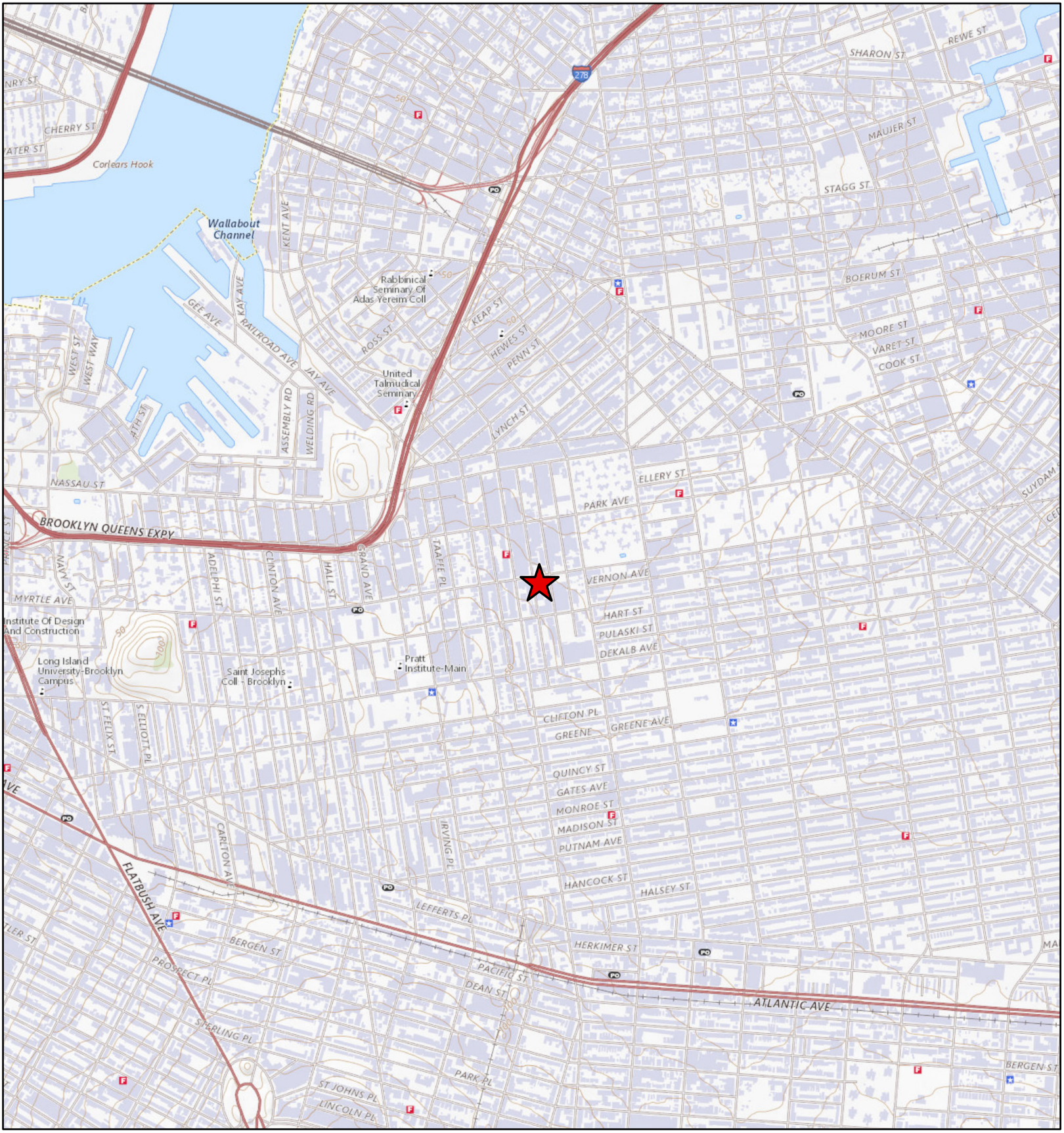
Robert Jackson
Managing Director

XI. QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

Qualifications of the Environmental Professionals are provided as Appendix J.

Appendix A

Figures



Legend

712 Myrtle Avenue

N

0 0.15 0.3 0.6 Miles

Figure 1
Phase I ESA
USGS Site Location Map

712 Myrtle Avenue
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/2.16.22		2022004-01



Legend

712 Myrtle Avenue

N

0 12.5 25 50 US Feet

Figure 2
Phase I ESA
Site Boundary Map

712 Myrtle Avenue
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/2.16.22		2022004-02

Appendix B

Site Photographs



01 Facing south looking at entrance to 708 Myrtle Ave.



02 Main Hall at 708 Myrtle Ave.



03 708 Myrtle Ave. courtyard.



04 708 Myrtle Ave. basement kitchen.



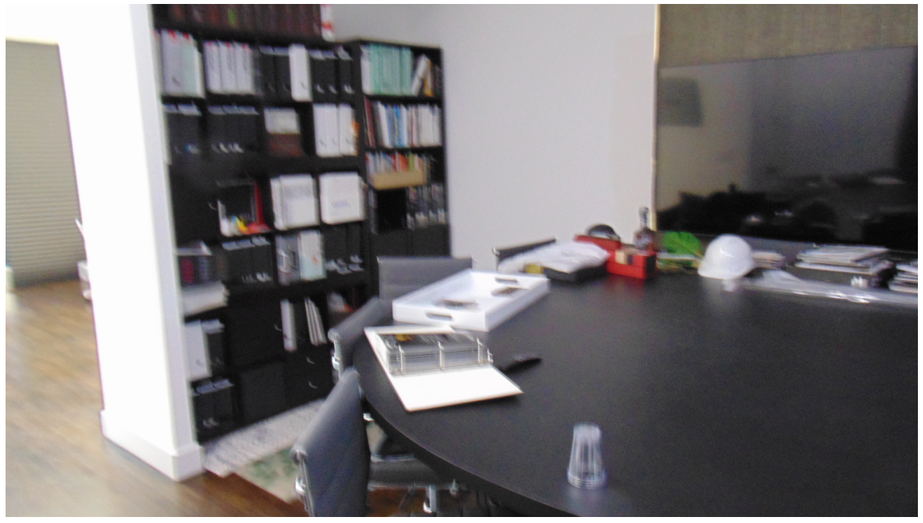
05 08 Myrtle Ave. kitchen storage.



06 708 Myrtle Ave., one of several floor drains.



07 712 Myrtle Ave. façade.



08 Classic Image office space in 712 Myrtle Ave.



09 712 Myrtle Ave. courtyard behind the building.



10 Rear of 712 Myrtle Ave. facing north.



11 Debris in the 712 Myrtle Ave. courtyard.



12 712 Myrtle Ave. basement storage.



13 712 Myrtle Ave. boiler unit in basement.



14 What appears to be a radon fan in the basement of 712 Myrtle Ave. The exhaust duct exits the building above the read door.



15 714 Myrtle Ave. façade looking south.



16 714 Myrtle Ave. basement.



17 Trenching in 714 Myrtle Ave. basement. New piping against the wall.



18 Building materials stored in the basement of 714 Myrtle Ave.



19 Lage sump in the basement of 714 Myrtle Ave. Appears to be for the main sewer connection.



20 Hot water tanks for the residential units at 714 Myrtle Ave.



21 Roof for all three buildings looking south.



22 Roof for all three buildings looking west.

January 17, 2023

Sean O'Rourke
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

712 Myrtle Avenue Rezoning
Block 1751, Lots 20, 21, 23, 24
Brooklyn, New York
CEQR# Pending

Mr. O'Rourke,

The New York City Department of Environmental Protection is now requesting a detailed, comprehensive rationale for proposed Hazardous Materials E-Designations. Equity Environmental Engineering, LLC completed a Phase I Environmental Assessment (ESA) on March 23, 2022. The Phase I determined that a Vapor Encroachment Condition (VEC) could not be ruled out due to a number of spills, a historic automotive repair shop, and a historic dry cleaner in the area.

The Applicant controls the property known as Projected Development Site 1 (Block 1751 / Lots 21, 23, 24). This rationale only applies to the Applicant controlled site. As the other sites in the rezoning area are privately owned, a Hazardous Materials E-Designation will be placed on those sites.

Projected Development Site 1 is currently developed with a three-story building with ground floor commercial use and residential use on the second and third floors and a one-story catering hall

The basement of the catering hall is currently utilized as a kitchen. Site Investigation work inside a kitchen is unpracticable. There is a large amount of equipment that would need to be moved. In addition, once the investigation is completed, there would need to be extensive cleaning to assure that the kitchen is clean enough for food preparation. This is a financial burden on the catering hall.

The basement of the commercial/residential building is extremely small. It is also filled with mechanical uses and storage. Getting the equipment inside the basement would be extremely difficult and the entire basement cannot be accessed. A Site Investigation inside the basement is not feasible.

As such, Phase II investigative work is not feasible at this time and an E-Designation is required to undertake Phase II work once the property is vacated, demolished, and cleared, following approval of the Proposed Actions.

If you have any questions or need anything further to complete your review, I can be reached at kevin.williams@equityenvironmental.com; 917-664-8667 or gene.bove@equityenvironmental.com; 973-527-7451 x104.

Thank you,

equity environmental engineering

By: Kevin Williams, AICP, PP
Managing Director

APPENDIX E

AIR QUALITY BACKUP

APPENDIX F

NOISE BACKUP

Casella CEL Ltd.

Report On CEL-63X

Instrument Model	**CEL-633C**			
Serial Number	1488256	LAS 10%	71.5 dB	Result
LASmax	92.3 dB	LAS 50%	58 dB	
LASmin	50.4 dB	LAS 90%	52.5 dB	
Start Date & Time	11/17/2021 8:13:55 AM	Calibration (Before) Date	11/17/2021 7:17:56 AM	
Duration	00:20:09 HH:MM:SS	Calibration (After) Date	11/17/2021 8:41:34 AM	
LAeq	68.3 dB	Calibration Drift	-0.1 dB	
End Date & Time	11/17/2021 8:34:04 AM	Battery Low	No	
Notes				

Instrument Model	**CEL-633C**			
Serial Number	1488256	LAS 10%	64 dB	Result
LASmax	89.9 dB	LAS 50%	57.5 dB	
LASmin	51.5 dB	LAS 90%	53.5 dB	
Start Date & Time	11/17/2021 5:14:45 PM	Calibration (Before) Date	11/17/2021 5:14:24 PM	
Duration	00:20:04 HH:MM:SS	Calibration (After) Date	11/17/2021 5:35:27 PM	
LAeq	64 dB	Calibration Drift	0.0 dB	
End Date & Time	11/17/2021 5:34:49 PM	Battery Low	No	
Notes				

Instrument Model	**CEL-633C**			
Serial Number	1488256	LAS 10%	65 dB	Result
LASmax	86.3 dB	LAS 50%	59 dB	
LASmin	51.6 dB	LAS 90%	54.5 dB	
Start Date & Time	11/17/2021 12:43:38 PM	Calibration (Before) Date	11/17/2021 12:42:12 PM	
Duration	00:20:07 HH:MM:SS	Calibration (After) Date	11/17/2021 1:34:38 PM	
LAeq	62.9 dB	Calibration Drift	-0.1 dB	
End Date & Time	11/17/2021 1:03:45 PM	Battery Low	No	
Notes				

Casella CEL Ltd.

Report On CEL-63X

Instrument Model	**CEL-633C**				
Serial Number	1488256	LAS	10%	69.5 dB	Result
LASmax	85.7 dB	LAS	50%	63 dB	
LASmin	54.2 dB	LAS	90%	58.5 dB	
Start Date & Time	11/17/2021 12:21:42 PM	Calibration (Before) Date		11/17/2021 12:20:35 PM	
Duration	00:20:08 HH:MM:SS	Calibration (After) Date		11/17/2021 12:42:12 PM	
LAeq	66.5 dB	Calibration Drift		-0.1 dB	
End Date & Time	11/17/2021 12:41:50 PM	Battery Low		No	
Notes					

Instrument Model	**CEL-633C**			
Serial Number	1488256	LAS 10%	72 dB	Result
LASmax	91.3 dB	LAS 50%	64.5 dB	
LASmin	54.1 dB	LAS 90%	58.5 dB	
Start Date & Time	11/17/2021 7:52:00 AM	Calibration (Before) Date	11/17/2021 7:17:56 AM	
Duration	00:20:03 HH:MM:SS	Calibration (After) Date	11/17/2021 8:41:34 AM	
LAeq	69.8 dB	Calibration Drift	-0.1 dB	
End Date & Time	11/17/2021 8:12:03 AM	Battery Low	No	
Notes				

Instrument Model	**CEL-633C**			
Serial Number	1488256	LAS 10%	69 dB	Result
LASmax	85.7 dB	LAS 50%	62 dB	
LASmin	53.2 dB	LAS 90%	58 dB	
Start Date & Time	11/17/2021 4:52:07 PM	Calibration (Before) Date	11/17/2021 4:51:56 PM	
Duration	00:20:04 HH:MM:SS	Calibration (After) Date	11/17/2021 5:14:24 PM	
LAeq	66.3 dB	Calibration Drift	0.0 dB	
End Date & Time	11/17/2021 5:12:11 PM	Battery Low	No	
Notes				

Casella CEL Ltd.

Report On CEL-63X

Instrument Model	**CEL-633C**			
Serial Number	1488256	LAS 10%	66 dB	Result
LASmax	76.5 dB	LAS 50%	58 dB	
LASmin	51.9 dB	LAS 90%	54 dB	
Start Date & Time	11/17/2021 12:00:08 PM	Calibration (Before) Date	11/17/2021 11:52:37 AM	
Duration	00:20:15 HH:MM:SS	Calibration (After) Date	11/17/2021 12:20:35 PM	
LAeq	62.5 dB	Calibration Drift	0.3 dB	
End Date & Time	11/17/2021 12:20:23 PM	Battery Low	No	
Notes				

Instrument Model	CEL-633C			
Serial Number	1488256	LAS 10%	65.5 dB	Result
LASmax	82.4 dB	LAS 50%	57.5 dB	
LASmin	49.8 dB	LAS 90%	52.5 dB	
Start Date & Time	11/17/2021 7:30:14 AM	Calibration (Before) Date	11/17/2021 7:17:56 AM	
Duration	00:20:09 HH:MM:SS	Calibration (After) Date	11/17/2021 8:41:34 AM	
LAeq	63.5 dB	Calibration Drift	-0.1 dB	
End Date & Time	11/17/2021 7:50:23 AM	Battery Low	No	
Notes				

Instrument Model	**CEL-633C**			
Serial Number	1488256	LAS 10%	66.5 dB	Result
LASmax	95.5 dB	LAS 50%	59.5 dB	
LASmin	52.3 dB	LAS 90%	55 dB	
Start Date & Time	11/17/2021 4:30:32 PM	Calibration (Before) Date	11/17/2021 4:27:10 PM	
Duration	00:20:03 HH:MM:SS	Calibration (After) Date	11/17/2021 4:51:56 PM	
LAeq	69.2 dB	Calibration Drift	0.0 dB	
End Date & Time	11/17/2021 4:50:35 PM	Battery Low	No	
Notes				

Certificate of Conformity and Calibration



Instrument Model:-	**CEL-633C**		
Serial Number	1488256		
Firmware revision	V006-05		
Microphone Type:-	**CEL-251**	**Preamplifier Type:-**	**CEL-495**
Serial Number	3796	Serial Number	004208
Instrument Class/Type:-	1		

Applicable standards:-

IEC 61672: 2002 / 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:-	21 °C	**Test Engineer:-**	Paul Blackwell
	41 %RH	**Date of Issue:-**	July 28, 2021
	1002 mBar		

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.

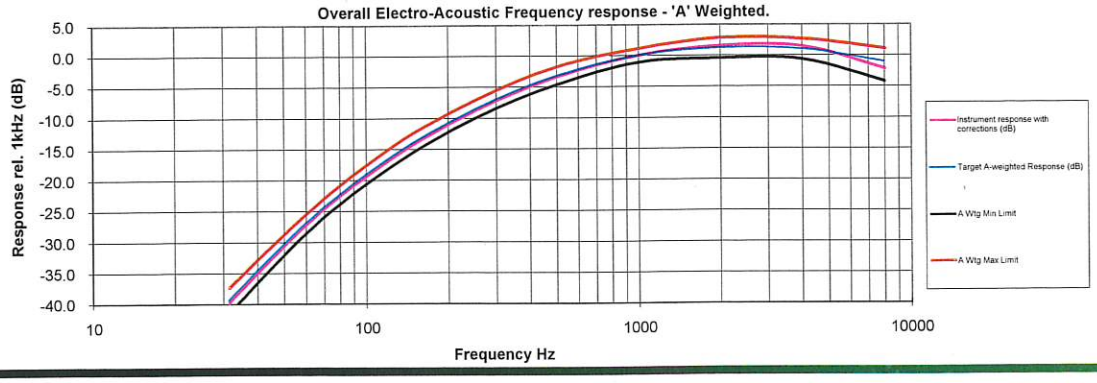
Test Summary:-

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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Telephone: +86-21-31263188
Email: info@casellasolutions.cn

equity environmental engineering

WORKING TOGETHER TO DESIGN SOLUTIONS

Bill To 2020.0055

Noise Job Field Sheet

Name of Project: 703 Myrtle - 2020060

Project Address: 703 Myrtle Avenue Brooklyn, NY

Date(s) of Field Work: 11/18/21

Personnel: John Vrabel, Josh Koh

Project Specific Scope of Work:

3 x 20-minute locations AM, Midday, PM

I. Start of Noise Monitoring Day

Departure Time: _____ Arrival Time: 7:15am

Weather Conditions (temp, wind speed, precipitation): Clear, 45°

Meter Type: Casella Meter Serial #: 1488256 Meter Location: 3
Meter Type: " " Meter Serial #: " " Meter Location: 2
Meter Type: " " Meter Serial #: " " Meter Location: 1
*If more locations are needed for a project use a second Field Sheet

Calibrator Serial #: 2045304 Meters used on: 1488256
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.*

500 International Drive, Suite 150, Mount Olive, NJ 07828
973-527-7451(v) 973-858-0280(f)
www.equityenvironmental.com

II. Morning Session 7:30 AM – 9:00 AM

Before Measurement:

Meter Serial #: 1488256 Time: 7:29 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: " " Time: 7:50 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: " " Time: 8:12 Calibration Passed at 114 dB? (Y) / N

After Measurement:

Meter Serial #: 1488256 Time: 7:50 Calibration Passed at 114 dB? Y / N
Meter Serial #: " " Time: 8:13 Calibration Passed at 114 dB? Y / N
Meter Serial #: " " Time: 8:30 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
3	7:30	7:50
2	7:51	8:12
1	8:14	8:34

*If more locations are needed for a project use a second Field Sheet

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	Train
3	17	26	5	1	1	0
2	55	53	24	4	20	0
1	8	11	4	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):

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 #: 1488256 Time: Noon Calibration Passed at 114 dB? (Y) / N
Meter Serial #: " " Time: 12:21 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: " " Time: 12:42 Calibration Passed at 114 dB? (Y) / N

After Measurement:

Meter Serial #: 1488256 Time: 12:20 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: " " Time: 12:41 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: " " Time: 1:05 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
3	Noon	12:20
2	12:21	12:42
1	12:43	1:03

*If more locations are needed for a project use a second Field Sheet

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	Train
3	8	22	3	0	1	0
2	70	65	22	3	4	0
1	13	16	4	0	1	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):

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 #: " " Time: 425 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: _____ Time: 452 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: _____ Time: 513 Calibration Passed at 114 dB? Y / N

After Measurement:

Meter Serial #: " " Time: 450. Calibration Passed at 114 dB? (Y) / N
Meter Serial #: _____ Time: 513 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: _____ Time: 540 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
3	430	450
2	452	512
1	514	

*If more locations are needed for a project use a second Field Sheet

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	Train
3	12	16	2	0	1	0
2	80	49	17	9	14	0
1	20	18	4	8	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):

Loc 3: siren @ 15:30

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: _____ Arrival Time: _____

Total Time to Be Billed: _____



Legend

- Projected Development Site 1
- Projected Development Site 2
- Rezoning Area
- Noise Monitoring Locations

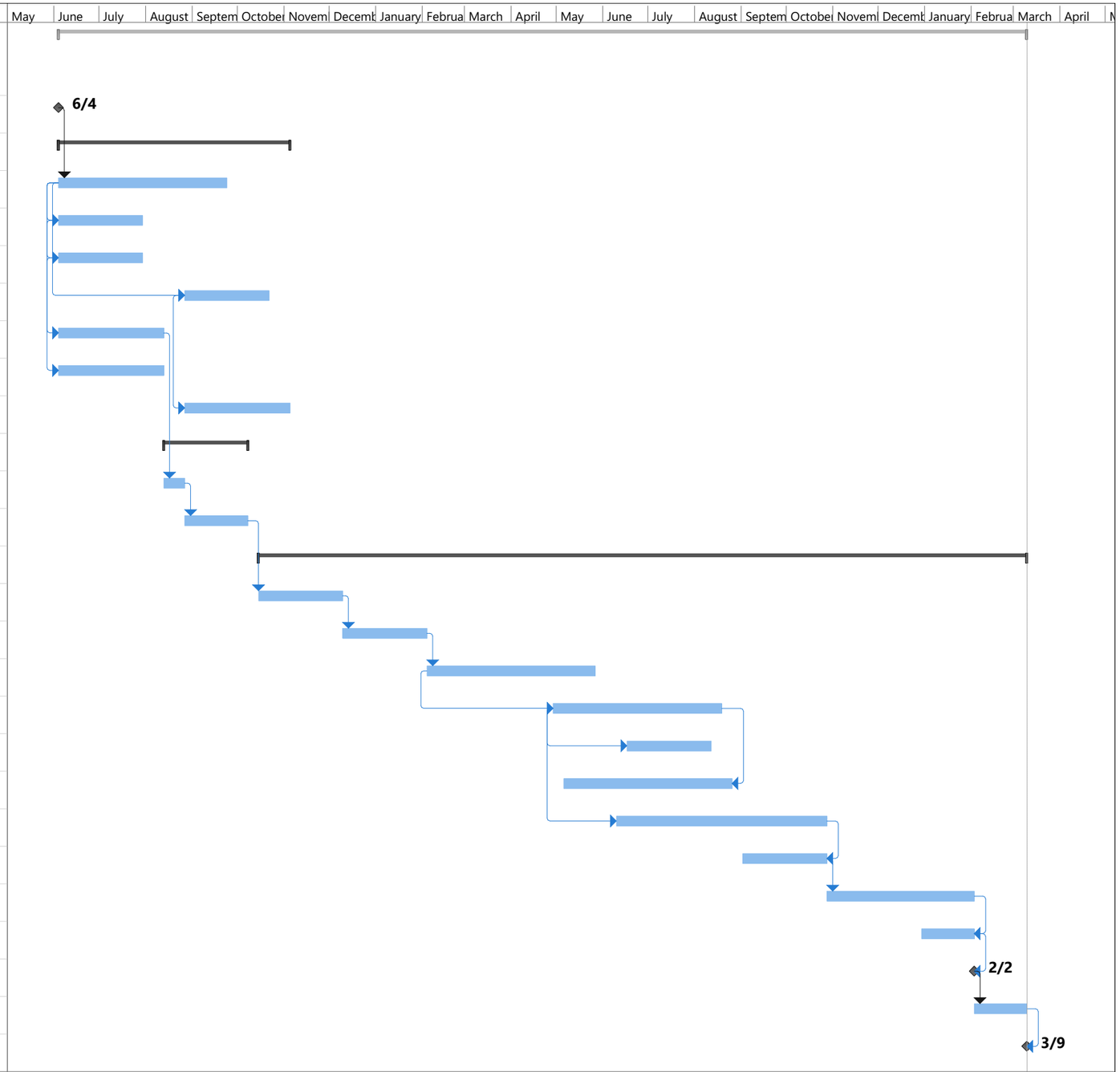
0 25 50 100 150 US Feet

N

APPENDIX G

CONSTRUCTION SCHEDULE

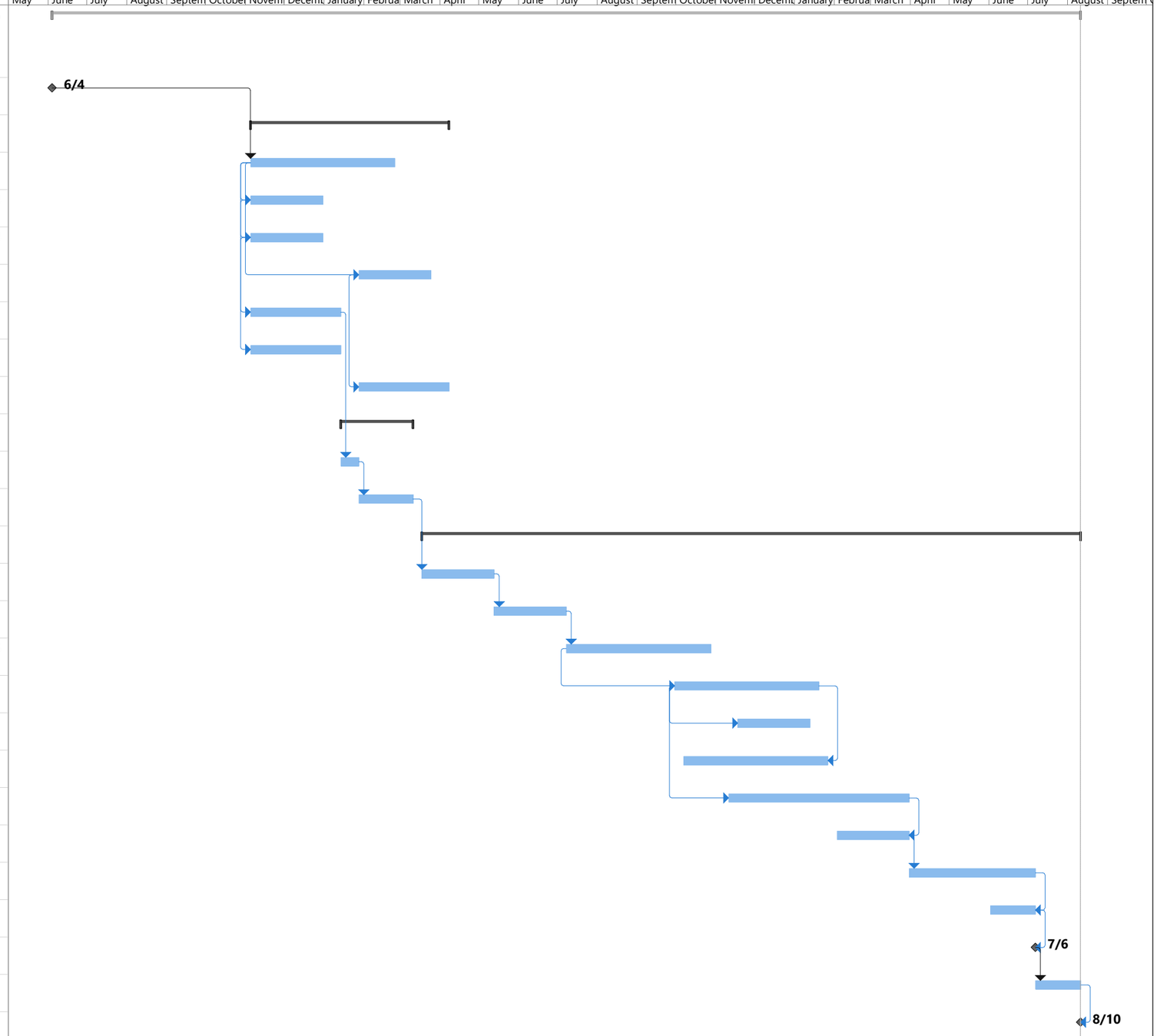
ID	Task Name	Duration	Start	Finish
0	**Projected Development Site 1 Construction Schedule**	**460 days**	**6/4/2024**	**3/9/2026**
1	ULURP Approvals	0 days	6/4/2024	6/4/2024
2	**Pre Construction Activities**	**110 days**	**6/4/2024**	**11/4/2024**
3	Schematic - Construction Documents	80 days	6/4/2024	9/23/2024
4	BID & Award - Demolition	40 days	6/4/2024	7/29/2024
5	BID & Award - Foundation	40 days	6/4/2024	7/29/2024
6	BID & Award - Full Building	40 days	8/27/2024	10/21/2024
7	DOB Approval - Demolition	50 days	6/4/2024	8/12/2024
8	DOB Approval - Foundation	50 days	6/4/2024	8/12/2024
9	DOB Approval - Full Building	50 days	8/27/2024	11/4/2024
10	**Demolition and Site Clearance**	**40 days**	**8/13/2024**	**10/7/2024**
11	Mobilization/ Building Protection/Temp Facilit	10 days	8/13/2024	8/26/2024
12	Demolition & Site Clearing	30 days	8/27/2024	10/7/2024
13	**Construction**	**365 days**	**10/15/2024**	**3/9/2026**
14	Excavation and Support of Excavation	40 days	10/15/2024	12/9/2024
15	Foundation	40 days	12/10/2024	2/3/2025
16	Superstructure	80 days	2/4/2025	5/26/2025
17	Façade Enclosure	80 days	4/29/2025	8/18/2025
18	Roofing and Waterproofing	40 days	6/17/2025	8/11/2025
19	Elevator	80 days	5/6/2025	8/25/2025
20	Interior Core and Shell	100 days	6/10/2025	10/27/2025
21	DOB Inspection Core and Shell	40 days	9/2/2025	10/27/2025
22	Interior Finishes & Fitout	70 days	10/28/2025	2/2/2026
23	Fire Inspection Approval	25 days	12/30/2025	2/2/2026
24	Obtain TCO	0 days	2/2/2026	2/2/2026
25	Final Punchlist & Cleaning	25 days	2/3/2026	3/9/2026
26	Certificate of Occupancy	0 days	3/9/2026	3/9/2026



Project: Projected Developmen
Date: 12/28/2022

Task	Project Summary	Manual Task	Start-only	Deadline	
Split	Inactive Task	Duration-only	Finish-only	Progress	
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress	
Summary	Inactive Summary	Manual Summary	External Milestone		

ID	Task Name	Duration	Start	Finish
0	**Projected Development Site 2 Construction Schedule**	**570 days**	**6/4/2024**	**8/10/2026**
1	ULURP Approvals	0 days	6/4/2024	6/4/2024
2	**Pre Construction Activities**	**110 days**	**11/5/2024**	**4/7/2025**
3	Schematic - Construction Documents	80 days	11/5/2024	2/24/2025
4	BID & Award - Demolition	40 days	11/5/2024	12/30/2024
5	BID & Award - Foundation	40 days	11/5/2024	12/30/2024
6	BID & Award - Full Building	40 days	1/28/2025	3/24/2025
7	DOB Approval - Demolition	50 days	11/5/2024	1/13/2025
8	DOB Approval - Foundation	50 days	11/5/2024	1/13/2025
9	DOB Approval - Full Building	50 days	1/28/2025	4/7/2025
10	**Demolition and Site Clearance**	**40 days**	**1/14/2025**	**3/10/2025**
11	Mobilization/ Building Protection/Temp Facilit	10 days	1/14/2025	1/27/2025
12	Demolition & Site Clearing	30 days	1/28/2025	3/10/2025
13	**Construction**	**365 days**	**3/18/2025**	**8/10/2026**
14	Excavation and Support of Excavation	40 days	3/18/2025	5/12/2025
15	Foundation	40 days	5/13/2025	7/7/2025
16	Superstructure	80 days	7/8/2025	10/27/2025
17	Façade Enclosure	80 days	9/30/2025	1/19/2026
18	Roofing and Waterproofing	40 days	11/18/2025	1/12/2026
19	Elevator	80 days	10/7/2025	1/26/2026
20	Interior Core and Shell	100 days	11/11/2025	3/30/2026
21	DOB Inspection Core and Shell	40 days	2/3/2026	3/30/2026
22	Interior Finishes & Fitout	70 days	3/31/2026	7/6/2026
23	Fire Inspection Approval	25 days	6/2/2026	7/6/2026
24	Obtain TCO	0 days	7/6/2026	7/6/2026
25	Final Punchlist & Cleaning	25 days	7/7/2026	8/10/2026
26	Certificate of Occupancy	0 days	8/10/2026	8/10/2026



Project: Projected Developmen
Date: 12/28/2022

Task	Summary	Inactive Milestone	Duration-only	Start-only	External Milestone	Manual Progress
Split	Project Summary	Inactive Summary	Manual Summary Rollup	Finish-only	Deadline	
Milestone	Inactive Task	Manual Task	Manual Summary	External Tasks	Progress	

APPENDIX H

TECHNICAL MEMORANDUM FOR CITY OF YES FOR HOUSING OPPORTUNITY

TECHNICAL MEMORANDUM
712 Myrtle Avenue Rezoning
CEQR No. 23DCP128K

February 15, 2024

I. INTRODUCTION

The New York City Department of City Planning is proposing a citywide zoning text amendment, the City of Yes for Housing Opportunity ("CHO") (CEQR No. 24DCP033Y) to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City. It is anticipated that this proposed zoning text amendment would be referred into public review in Spring 2024. This project may be affected by the proposals included in the text amendment, and in order to present a conservative environmental analysis, this Technical Memorandum examines whether the analysis conclusion of the EAS proposed would be altered by CHO.

The Applicant, 712 Myrtle Rezoning LLC, is seeking the approval of a zoning map amendment from an M1-2 to an R7D/C2-4 zoning district, and a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a Mandatory Inclusionary Housing (MIH) area (the "Proposed Actions"). The Proposed Actions would affect the northern portion of Block 1751, at a depth of 100 feet, including portions of Lots 20, 21, 23, 24, and 25 (the "Affected Area"), in the Bedford Stuyvesant neighborhood of Brooklyn, Community District 3.

The Proposed Actions would facilitate a proposal by the Applicant to develop a new 61,372 gross square foot (gsf), mixed-use building with 53,453 gsf of residential use containing 41 dwelling units (10-12 of which would be affordable pursuant to MIH) and 7,919 gsf of commercial use on Projected Development Site 1, located at 712 Myrtle Avenue (Block 1751, Lots 21, 23 and 24). No parking would be required and none is proposed.

For the purposes of presenting a conservative analysis, the EAS analyzed an 11-story, 115-foot-tall building on Projected Development Site 1 (with the same floor area use program described above), containing 63 dwelling units, approximately 16-19 units of which would be income-restricted pursuant to MIH, thus maximizing the allowable building envelope in the proposed R7D zoning district. In addition, one other projected development site was identified and analyzed in the EAS. A new 11-story, 115-foot-tall, 78,865 gsf mixed-use building containing approximately 57,715 gsf of residential use on Block 1751, part of Lot 25 ("Projected Development Site 2"), containing 68 dwelling units, approximately 17-21 of which would be income-restricted pursuant to MIH. The building would contain approximately 8,550 gsf of ground floor commercial use, while providing 27 accessory parking space in the cellar level. The total incremental floor area used for analysis in the With-Action scenario includes the addition of 100,498 total gsf of floor area and approximately 123 additional dwelling units (33-40 of which would be affordable pursuant to MIH).

II. DESCRIPTION OF CITY OF YES FOR HOUSING OPPORTUNITY

The proposed Housing Opportunity text amendment seeks to enable more housing and wider variety of housing types in all neighborhoods citywide, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City. The proposed text amendment comprises project components in four broad categories: Medium- and High-Density proposals in R6-R10 districts and equivalents; Low-Density proposals in R1-R5 districts and equivalents; Parking proposals, which span the full range of districts and densities; and assorted other changes in line with project goals. In general, these

changes will apply in underlying zoning districts, Special Districts, and other geographies that modify underlying zoning, with limited adjustments to reflect planning goals in specific areas.

To create more housing and more types of housing, the proposed text amendment includes components that fall into four major proposal areas—1: Medium- and High-Density Districts, 2: Low-Density Districts, 3: Parking, and 4: Other Initiatives that are miscellaneous, citywide in nature, and align with overall project goals. Because the Proposed Actions would result in an R7D district, it would fall into the medium- and high-density district category.

Medium- and high-density districts (R6 through R10) are typically mapped in areas where transit access, job access, infrastructure, and other factors make such densities appropriate. Housing in these areas generally consists of multifamily housing that includes income-restricted affordable housing, rent-regulated housing, and market-rate housing that ranges from modest and relatively inexpensive to some of the most expensive housing in the world. The proposed text amendment would increase housing opportunities in these areas by increasing affordable and supportive floor area ratios (FARs) in all medium- and high-density districts; expanding eligibility for the City's adaptive reuse regulations to a broader range of buildings, such as struggling office districts; enabling small and shared apartment models to take pressure off family-sized units; and simplifying infill regulations for campuses and other zoning lots with existing buildings. Where necessary, the proposed text amendment would also adjust building envelopes to ensure that typical sites can accommodate the additional floor area provided for affordable and supportive housing. This incremental increase in capacity would only be available for affordable and supportive housing.

As discussed in detail in the City of Yes for Housing Opportunity Draft Scope of Work, the proposed zoning text amendment would not change the allowable FAR for this project's proposed zoning district from 5.6 in R7D districts (pursuant to Mandatory Inclusionary Housing). CHO's proposed Universal Affordability Preference ("UAP") would not increase the allowable developable floor area for the proposed project. However, CHO would change the maximum height analyzed for the proposed R7D district from 115 feet to 125 feet, permit a 10-foot increase. [1]

III. ANALYSIS FRAMEWORK

Pursuant to the reasonable worst-case development scenario (RWCDS) analyzed in the EAS for the Proposed Actions, no significant adverse impacts were identified. The RWCDS analyzed in the EAS consists of the Projected Development Site 1, a 115-foot-tall, approximately 61,372 gsf mixed-use, predominantly residential building and Projected Development Site 2, a 115-foot tall, 78,865 gsf mixed-use, predominantly residential building. Both Projected Development Sites would maximize the available FAR. As shown in **Table 1**, under the proposed zoning text amendment, the maximum permitted building height in the proposed R7D district would increase from 115 feet to 125 feet. No changes to the maximum permitted FAR in R7D districts would occur as a result of the proposed zoning text amendment.

Table 1. Comparison of Existing, Proposed, and Potential Zoning

	EXISTING	PROPOSED	POTENTIAL CHO ZONING TEXT AMENDMENT
	M1-2	**R7D/C2-4**	**R7D/C2-4**
Use Groups	4-14; 16-17	1-4; 1-9, 14	1-4; 1-9, 14
Maximum FAR	2.0 Manufacturing 2.0 Commercial 4.8 Community Facility	5.6 Residential 4.2 Community Facility 2.0 Commercial	5.6 Residential 4.2 Community Facility 2.0 Commercial
Maximum Building Height	Sky Exposure Plane	115 feet	125 feet

[1] *City of Yes for Housing Opportunity Draft Scope of Work (CEQR No. 24DCP033Y).* September 29, 2023.

As shown in **Table 2**, under the proposed zoning text amendment, the With-Action condition would include a total of approximately 111,168 gsf of residential uses (131 DUs of which 33-38 DUs would be affordable) and approximately 16,469 gsf of commercial uses. The building heights for the Projected Development Sites would increase to 125 feet. Compared to the currently proposed development program analyzed in the EAS, the proposed zoning text amendment would result in an additional 10-foot maximum building height. There would be no change to the maximum residential or commercial floor areas.

Table 2. Comparison of the permitted floor area and maximum building height

	ANALYZED IN THE WITH ACTION CONDITION	PROPOSED CHO ZONING TEXT AMENDMENT MODIFICATIONS	NET DIFFERENCE
Residential gsf	111,168	111,168	**No change**
Commercial gsf	16,469	16,469	**No change**
Building Height	115 feet	125 feet	**+10 feet**

For environmental analysis purposes, this Technical Memorandum will compare the RWCDS program analyzed in the EAS with the future conditions under the proposed CHO zoning text amendment. As the proposed CHO zoning text amendment would not result in additional permitted FAR in R7D districts, the conclusions for the density related impact categories (e.g. open space) analyzed in the EAS would remain unchanged. Therefore, the proposed zoning text amendment would not result in any new impacts in those technical areas. For site specific impacts related to hazardous materials, air quality, and noise, the same proposed (E) designation requirements identified for the Projected Development Sites would be warranted under the proposed zoning text amendment to eliminate potential impacts associated with those issues if the Projected Development Sites were to be redeveloped for commercial/residential uses. For technical analyses reliant on building bulk and height, such as shadows and urban design and visual resources, the proposed developments analyzed in the EAS would have a lower maximum building and streetwall heights than what would be permitted under the proposed CHO zoning text amendment.

Therefore, the assessment in Section IV below focuses on the technical areas with the greatest potential for new impacts as a result of the proposed CHO zoning text amendment.

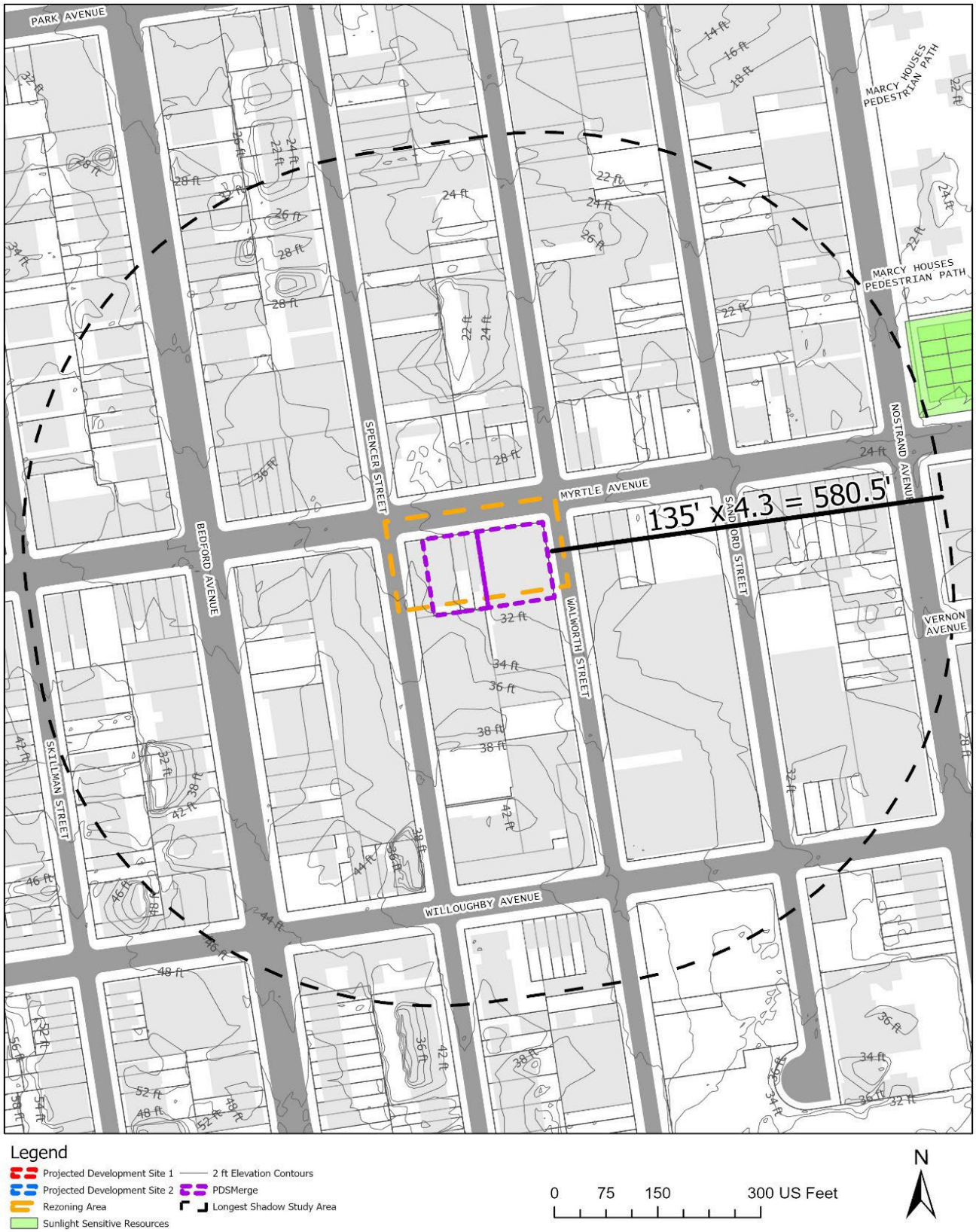
IV. ASSESSMENT OF POTENTIAL IMPACTS

The RWCDS was assessed for the massing-related technical areas of shadows and urban design and visual resources. As outlined in the EAS, no significant adverse impacts would occur in these technical areas as a result of the Proposed Actions.

Shadows

With the proposed zoning text amendment, the maximum building height could be 125-feet (135-feet with assumed bulkhead), increasing the maximum shadow radius from the 537.5 feet analyzed in the EAS to approximately 580.5 feet. A Tier 1 screening assessment provided in the Shadows section of the EAS did not identify sunlight-sensitive resources with a 537.5-foot analysis area. The additional 10 feet of maximum building height potentially enabled by CHO would result in the expansion of this analysis area to 580.5 feet. As shown in **Figure 1**, Marcy Playground would fall within the 580.5-foot analysis area. While shadows could potentially be cast on this open space resource, they would only be cast on a very small sliver of the southwestern edge(approximately 350 sf), where handball courts are located and does not contain any vegetation. Therefore, the additional height enabled by CHO would not result in significant adverse impacts related to shadows and no further analysis is warranted.

Figure 1: Tier 1 Shadows Screening Assessment



Urban Design and Visual Resources

The urban design and visual resources assessment provided in the EAS analyzed the 115-foot-tall buildings on the Projected Development Sites and concluded that the Proposed Actions would not result in significant adverse impacts. The proposed zoning text amendment would not allow for any additional FAR for inclusionary housing in R7D districts, however, it would allow an additional 10 feet of maximum height from 115 feet to 125 feet.

The additional height facilitated by CHO would result in a negligible change in building appearance that would not result in a different pedestrian experience. The additional building height would not obstruct any important visual resources. The potential change in building height facilitated by CHO would not result in any significant adverse impacts to urban design and visual resources and therefore no further analysis is warranted.