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* 252 Victory Boulevard Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
21DCP153R	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable)
210361ZMR N210362ZRR N210363ZAR N210364ZAR	(*e.g.*, legislative intro, CAPA) Project ID No.: P2018R026

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Department of City Planning (NYC DCP)			252 Victory Boulevard Realty, LLC		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Olga Abinader - Director, Environmental Assessment and Review Division			Eric Palatnik, P.C.		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 32 Broadway, Suite 114		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10004
TELEPHONE (212) 720-3493	EMAIL oabinad@planning.nyc.gov		TELEPHONE (212) 425-4343	EMAIL eric@ericpalatnikpc.com	

5. *Project Description*

The Applicant, 252 Victory Boulevard Realty, LLC, proposes Zoning Map and Text Amendments to rezone Staten Island Block 576, Lots 21 (partial R3-2/C1-3 and R3-2 zoning districts to complete R3-2/C1-3 zoning), 23 (from R3-2 to R3-2/C1-3), 25 (from R3-2 and R3X to R6B / C1-3), 38 (from R3-2 to R6B / C1-3), and 42 (from R3-2 to R6B). Additionally, those lots being rezoned to the R6B zoning district (I.e., 25, 38, and 42) would be designated as an Mandatory Inclusionary Housing (MIH) area. Additionally, several Zoning Authorizations are requested as well pursuant to the Special Hillsides Preservation District, including: (1) ZR 119-311: authorization of development on a steep slope; (2) ZR 119-312: authorization of certain uses and parking in excess of 30 spaces; (3) ZR 119-313: modification of grading controls; and (4) ZR 119-314: modification of lot coverage controls. Collectively, these actions are referred to as the "Proposed Actions."

The Proposed Actions would permit the development of the Applicant-owned Development Site (Staten Island Block 576, Lot 25) with a new 5-story, 55-foot mixed-use residential and commercial / community facility building (with qualifying ground floor). The building would contain 54,942 square feet of residential floor and 8,687 square feet of commercial / community facility space on the ground floor for total of 63,629 gsf (2.2 FAR). The R6B zoning would accommodate a maximum allowable FAR of 2.0. However, since the proposed development would participate in the inclusionary housing program, the proposed R6B (MIH) zoning would accommodate the maximum residential FAR of 2.2. The Proposed Project seeks to establish MIH pursuant to either Option 1 or Option 2. The building would contain 46 dwelling units, 12 of which would be permanently affordable to incomes averaging either 60 or 80 percent of AMI (or 25 percent of the proposed total units, pursuant to MIH Option 1). For the proposed R6B zoning, the NYC Quality Housing (QH) program requires parking for 50 percent of the market rate dwelling units and 25 percent of the inclusionary housing. The cellar of the proposed building would contain 61 parking spaces in compliance with QH program requirements.

Project Location

BOROUGH Staten Island	COMMUNITY DISTRICT(S) 1	STREET ADDRESS 252 Victory Boulevard
TAX BLOCK(S) AND LOT(S) Block 576, Lot 25		ZIP CODE 10301

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Applicant's Development Site is bounded by Victory Boulevard to the north, vacant and commercial properties to the east, residential properties to the south, and vacant and residential properties to the west.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R3-2 and R3X; within the Special Hillsides Preservation District (HS) | ZONING SECTIONAL MAP NUMBER 21c

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

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

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

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

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO If "yes," specify:

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: Dept of Buildings - Building Permit

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

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

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

- ☒ SITE LOCATION MAP
- ☒ TAX MAP
- ☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

- ☒ ZONING MAP
- ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)

- ☒ SANBORN OR OTHER LAND USE MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 30,267 | Waterbody area (sq. ft) and type: 0

Roads, buildings, and other paved surfaces (sq. ft.): 0 | Other, describe (sq. ft.): 30,267 (undeveloped land)

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): 63,629

NUMBER OF BUILDINGS: 1 | GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 63,629

HEIGHT OF EACH BUILDING (ft.): 55 | NUMBER OF STORIES OF EACH BUILDING: 5

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: 30,627

The total square feet not owned or controlled by the applicant: 11,814

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: 14,952 sq. ft. (width x length) VOLUME OF DISTURBANCE: 149,520 cubic ft. (width x length x

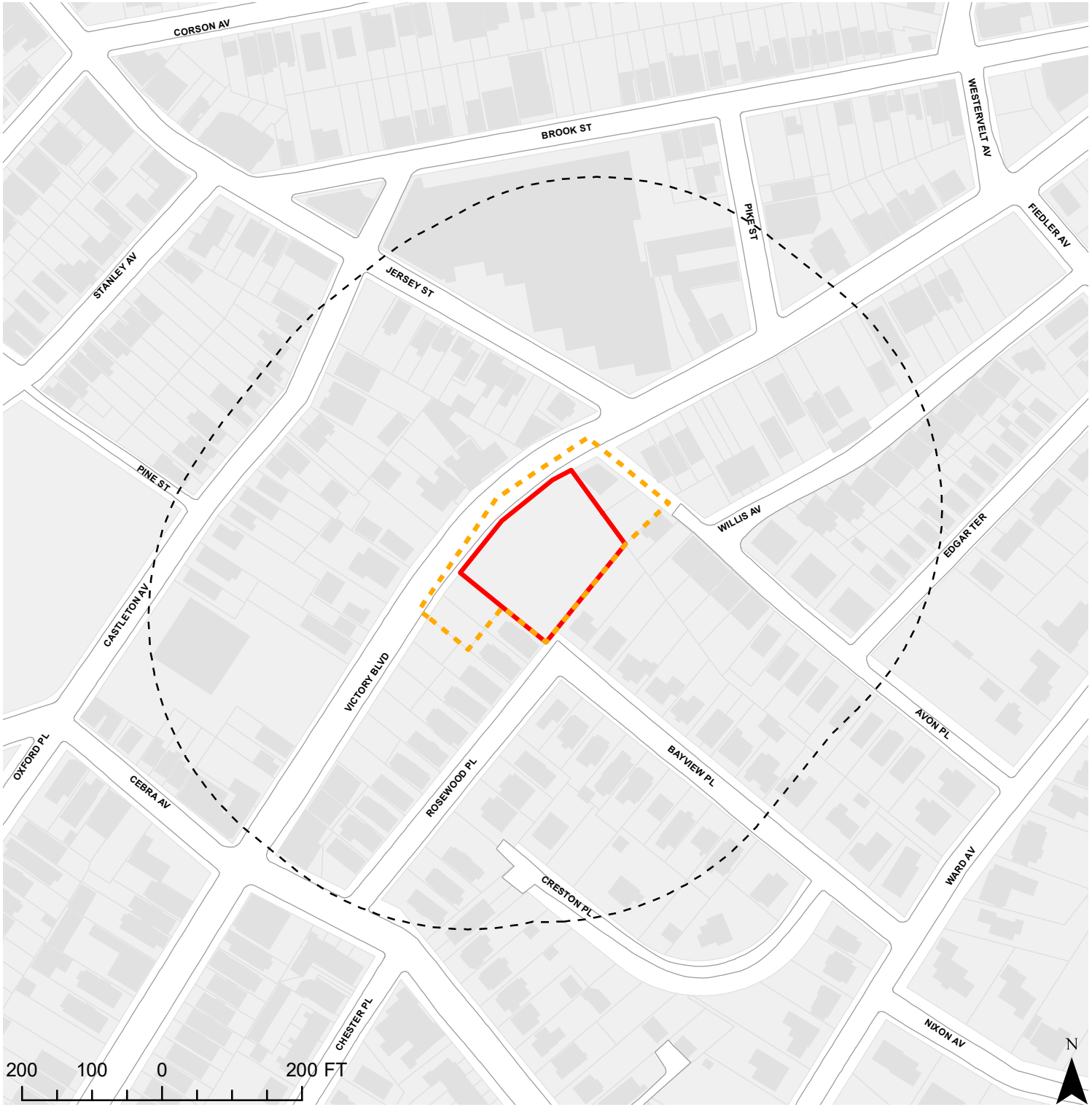
EAS Figure 1 - Site Location Map

Proposed Affected Area

Projected Development Site 1

Study Area Radius

Open Space and Recreation



Data Source(s):

(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) NYC Department of Information Technology and Telecommunications: NYC Street Centerlines;
(3) NYC Department of Information Technology and Telecommunications: Pavement Edge;
(4) NYC Department of Information Technology and Telecommunications: Building Footprints;
(5) NYC Department of Information Technology and Telecommunications: Open Space (Parks);
(6) NYC Department of Information Technology and Telecommunications: Hydrography;

Proposed Affected Area

1 Projected Development Site 1

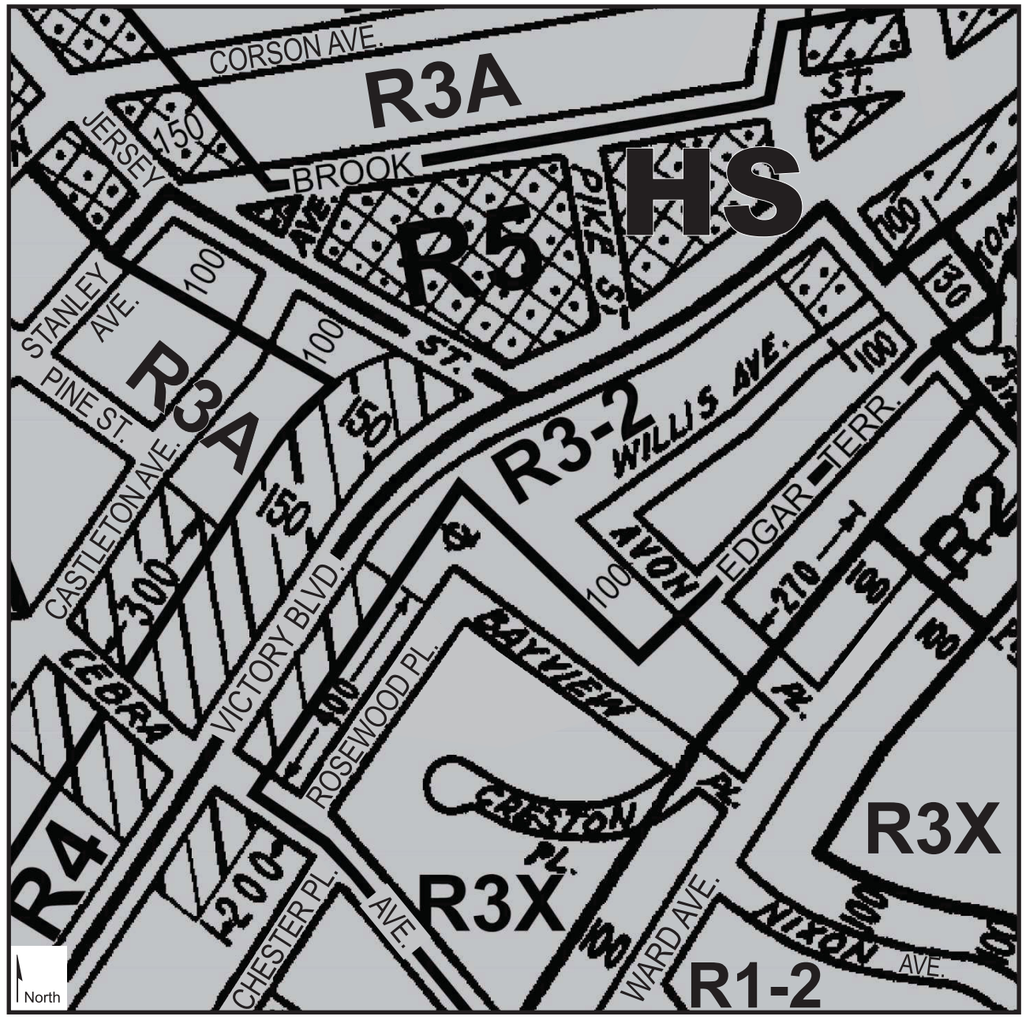
100 Project Block Tax Lot

Tax Block



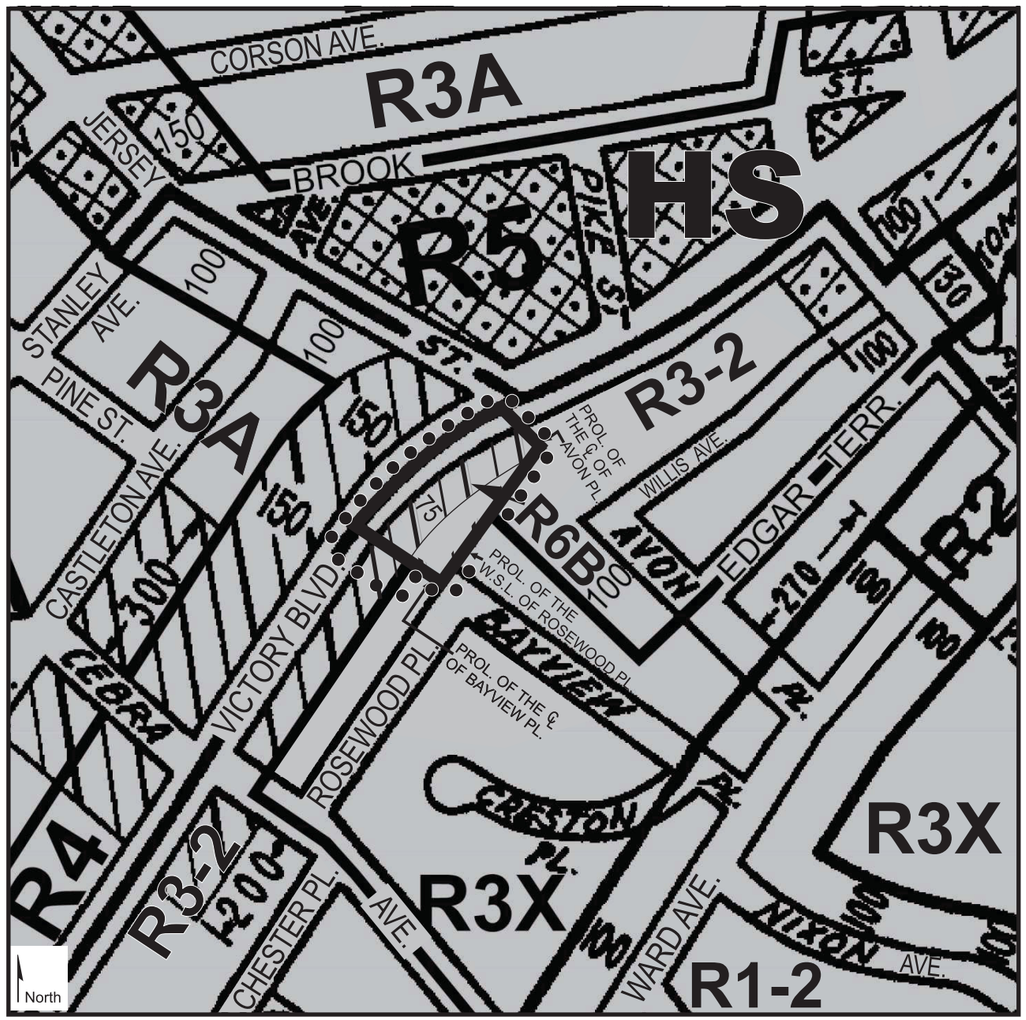
Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) NYC Department of Information Technology and Telecommunications: NYC Street Centerlines;
(3) NYC Department of Information Technology and Telecommunications: Pavement Edge;

Existing Zoning



Current Zoning Map (21c)

Proposed Zoning



Proposed Zoning Map (21c) - Area being rezoned is outlined with dotted lines

Rezoning from R3-2 (HS) to R6B/C1-3 (HS)
Rezoning from R3X (HS) to R6B/C1-3 (HS)
Rezoning from R3X (HS) to R6B (HS)
Rezoning from R3-2 (HS) to R3-2/C1-3 (HS)

EAS Figure 4 - Existing Land Use Map

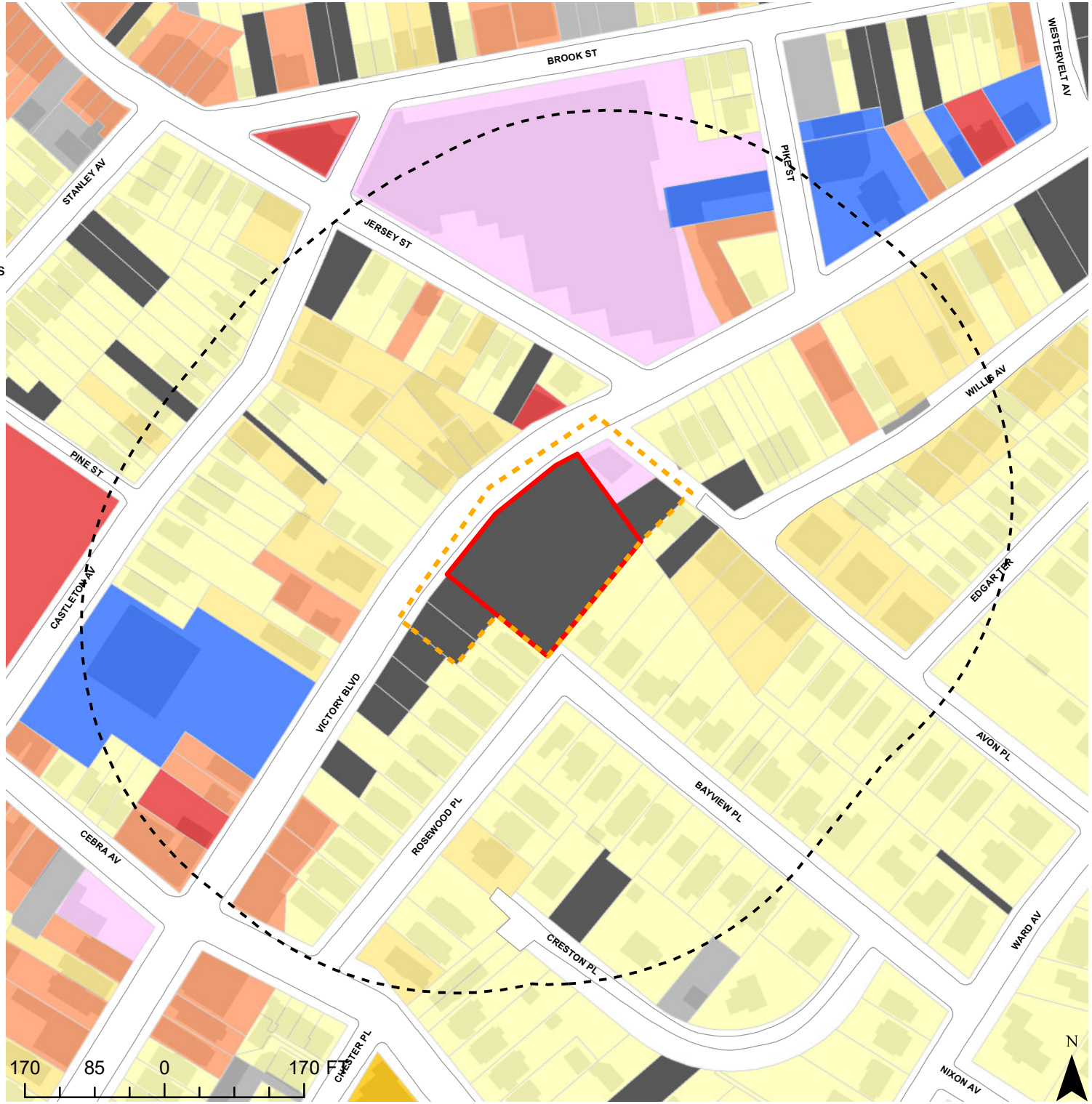
Projected Development Site 1

Proposed Affected Area

Study Area Radius

Land Use

- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial / Residential Buildings
- Commercial / Office Buildings
- Industrial / Manufacturing
- Transportation / Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data



Data Source(s):

(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) NYC Department of Information Technology and Telecommunications: NYC Street Centerlines;
(3) NYC Department of Information Technology and Telecommunications: Pavement Edge;
(4) NYC Department of Information Technology and Telecommunications: Building Footprints;
(5) NYC Department of Information Technology and Telecommunications: Hydrography;

Proposed Affected Area

Projected Development Site 1

Study Area Radius



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



Photograph No. 1



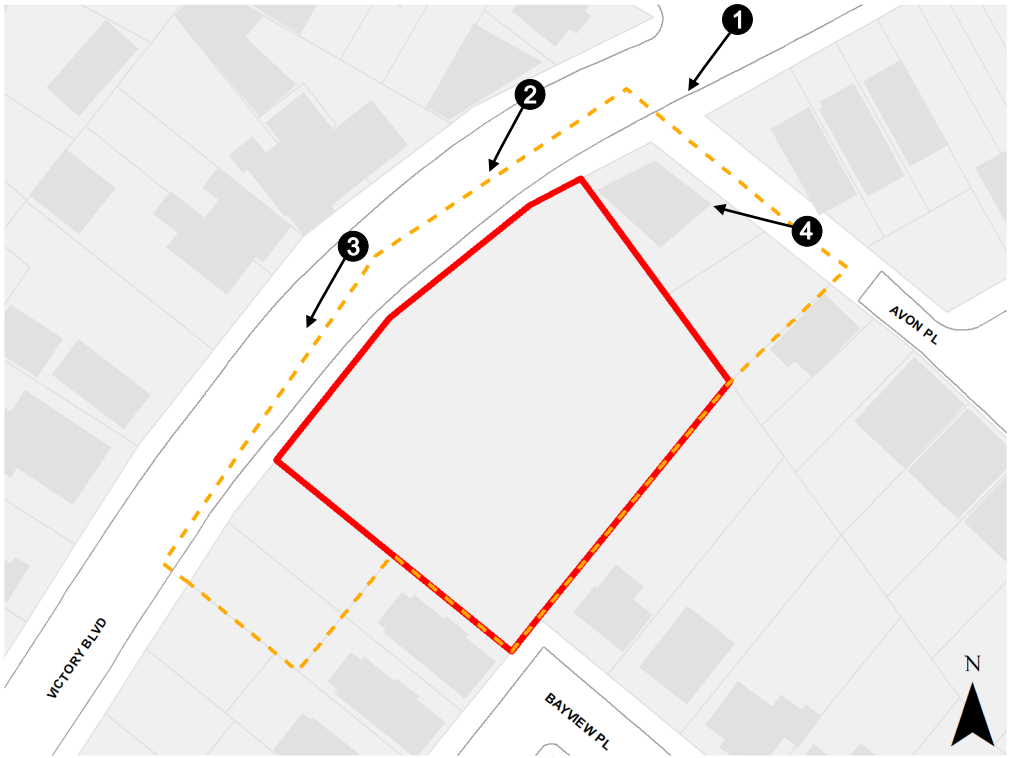
Photograph No. 2



Photograph No. 3



Photograph No. 4



All Photographs Taken 08/30/20

depth)

AREA OF PERMANENT DISTURBANCE: 14,952 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.)	54,942	1,187	7,500	0
Type (*e.g.,* retail, office, school)	46 units	Local Retail	Day Care	N/A

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

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 119 NUMBER OF ADDITIONAL WORKERS: 26

Provide a brief explanation of how these numbers were determined: The population estimate is based on an average household size of 2.57 persons in Staten Island Census Tract 17 (in which the development site is located) and 46 proposed residential units; the on-site worker estimate is based on 3 workers per 1,000 sf of community facility and retail space.

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): 2023

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 12 months

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: All development approvals (including ULURP and CEQR) would be obtained by early 2022 followed by a 12-month construction period.

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

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Vacant / Undeveloped; Transportation / Utility (Staten Island Dept. of Sanitation); Institutional (Religious Cultural Center)

Part II: TECHNICAL ANALYSIS

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

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

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☒	☐
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. See Attached		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(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		
○ **Child Care Centers:** 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)	☐	☒
○ **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)	☐	☒
○ **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)	☐	☒
○ **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 proposed project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒

	YES	NO
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		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Attached		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
○ If "yes," complete the Jamaica Bay Watershed 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) 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?	☐	☒
(c) 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 Appendix 1 (including nonconforming uses)?	☐	☒
(d) 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?	☐	☒
(e) 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)?	☒	☐
(f) 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?	☐	☒
(g) 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?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See Attached	☐	☒
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒

	YES	NO
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 2,371		
○ 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): 8.84 MBTUs		
(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 or bus 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) or 200 subway trips per station or line?	☐	☐
○ 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?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☒	☐
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) See Attached	☒	☐
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 124 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		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality;	☒	☐

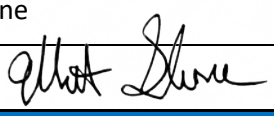
	YES	NO
Hazardous Materials; Noise?		
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. No significant adverse environmental impacts would result with respect to Air Quality, Noise, and / or Hazardous Materials - See Sections 2.5, 2.7, and 2.8 of this EAS.		
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.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. See Attached		

20. *APPLICANT'S CERTIFICATION*

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

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

APPLICANT/REPRESENTATIVE NAME	DATE
Matthew Sloane	January 26, 2021

SIGNATURE 

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

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

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

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

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

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

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

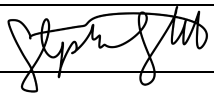
3. Check determination to be issued by the lead agency:

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

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

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

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

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	City Planning Commission
NAME: Stephanie Shellooe	DATE: April 30, 2021
SIGNATURE: 	

REVISED NEGATIVE DECLARATION – supersedes the Negative Declaration issued on May 3, 2021*

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 revised 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. This is a private application by Victory Boulevard Realty LLC requesting a zoning map amendment from R3-2 residential district to an R6B residential district with a C1-3 commercial overlay, a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to map the rezoning area as a Mandatory Inclusionary Housing (MIH) Area , and authorizations pursuant to ZR 119-311, ZR 119-312, and ZR 119-313 to facilitate the development of a five-story mixed-use building with residential, commercial, and community facility uses on a site located in the Tompkinsville neighborhood of Staten Island, Community District 1. The project area includes the applicant-owned development site (Block 576, Lot 25) and other adjacent sites (Block 576, Lots 21, 23, 38, and 42). The proposed rezoning action would permit an increase in FAR from 0.6 for residential and 1.0 for community facility to an FAR of 2.0 for residential uses (2.2 with Mandatory Inclusionary Housing), 2.0 for community facility uses, and 1.0 for commercial uses. The proposed authorization actions would modify steep slope area, allow for the development of a community facility use and a group parking facility with more than 30 spaces, and modify tree planting requirements. The proposed actions would facilitate the redevelopment of vacant land with contextual residential, community facility, and local retail uses along a major commercial and residential thoroughfare such that the proposed project would be consistent with the surrounding zoning and land use of the area. The authorizations would permit a building, lot coverage, and height that is consistent with the existing built form of the surrounding area. The proposed actions would be limited to the affected area and would be consistent with the applicable public policy goals, including supporting the creation of affordable housing. The project would not result in any significant adverse impacts to land use, zoning, or public policy.

Urban Design

The proposed project would redevelop vacant property to a new contextual, mixed-use building containing residential, commercial, and community facility uses. The proposed R6B zoning district would regulate the building's height, bulk, setback, and width along the street frontage to produce a building design consistent with the existing built context of the surrounding area and the Special Hillside Preservation District. The zoning authorizations would permit a building lot coverage and height consistent with the existing built form of the surrounding area and activate the site with uses appropriate to the surrounding area along a major thoroughfare. Based on the above, the project would not result in any significant adverse impacts to urban design.

Air Quality and Noise

An (E) designation (E-615) related to 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 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 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 revised 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 revised Negative Declaration, you may contact George Todorovic at gtodorovic@planning.nyc.gov.

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY 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 August 27, 2021
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE August 30, 2021
SIGNATURE	

*This Revised Negative Declaration (prepared in accordance with a Revised EAS) supersedes the Negative Declaration issued on May 3, 2021. Since certification of the project's land use application on May 3, 2021, the Applicant has revised the application to include a letter from DEP dated May 19, 2021 and stating that there is no objection to the proposed Remedial Action Plan (RAP) or Construction Health and Safety Plan (CHASP) included within the Phase II Report from April 2021. The Applicant has removed all reference to the previously issued E-designation related to hazardous materials, and the only reference to E-615 relates to Air Quality and Noise.

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
Development Site 1	SI	Block 576, Lot 25

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to air quality and noise an (E) designation (**E-615**) would be established as part of approval of the proposed actions on **Development Site 1** as described below:

Development Site	Air Quality	Noise
Development Site 1	X	X

Air Quality

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

> ***Development Site 1:*** *Any new residential, commercial, and/or community facility on the above-referenced property must ensure the heating, ventilating, and air conditioning (HVAC) systems and hot water equipment stack is located at the highest tier and at least 75 feet above grade, and must be located at least 80 feet from the southern lot line facing Cebra Avenue and at least 80 feet from the eastern lot line facing Ward Avenue to avoid any potential significant adverse air quality impacts.*

Noise

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

> ***Development Site 1:*** *To ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on all facades to maintain an interior noise level not greater than 45 dBA for residential and community facility uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*

1.0 PROJECT DESCRIPTION

1.1 INTRODUCTION

The Applicant, 252 Victory Boulevard Realty, LLC, seeks Zoning Map and Text Amendments and Zoning Authorizations (detailed below in **Section 1.6**) to the facilitate the development of a 63,629-gross-square-foot (-gsf) mixed-use multifamily and groundfloor commercial and community facility building at 252 Victory Boulevard in the Tompkinsville neighborhood of Staten Island Community District 1 (the "Proposed Project").

1.2 THE PROPOSED ACTIONS

The Applicant is seeking the following discretionary actions:

1. A Zoning Map Amendment from the existing R3-2(HS) to R6B (MIH)/C1-3(HS);

2. A Zoning Map Amendment from the existing R3X(HS) to R6B (MIH)/C1-3(HS);

3. A Zoning Map Amendment from the existing R3-2(HS) to R6B (MIH) (HS);

4. A Zoning Map Amendment from the existing R3-2(HS) to R3-2/C1-3(HS); and

5. A Zoning Text Amendment to modify ZR §23-933, Appendix F to designate the newly mapped R6B zoning district at Staten Island Block 576, Lots 25, 38, and 42 as an MIH designated area.

In addition to the proposed Zoning Map and Text Amendments, a series of Zoning Authorizations are required based on the presence of the Special HS District. This includes the following actions:

- ZR 119-311: authorization of development on a steep slope;
- ZR 119-312: authorization of certain uses and parking in excess of 30 spaces; and
- ZR 119-313: modification of landscaping, tree preservation and tree planting requirements

The first authorization pursuant to ZR 119-311 is required, as the site contains areas of "steep slope." The second authorization pursuant to ZR 119-312 is required as a community facility use is proposed and a group parking facility with over 30 spaces is required. The third authorization pursuant to ZR 119-313 is required as 68 trees must be removed, contrary to the Special HS District regulations. To satisfy this requirement, tree credits would be purchased.

Collectively, these proposed zoning map and text amendments and zoning authorizations are henceforth referred to as the "Proposed Actions."

1.3 DESCRIPTION OF THE SURROUNDING AREA

The Affected Area is situated along the southeastern side of Victory Boulevard between Cebra Avenue and Jersey Street in the Tompkinsville area of Staten Island Community District 1. Victory Boulevard is an arterial mixed-use corridor within Staten Island and is 100 feet in width, classifying the street as "wide"

pursuant to the NYC Zoning Resolution (ZR). Jersey Street and Cebra Avenue are "narrow" pursuant to the NYC ZR, at less than 75 feet in width (50 feet and 66 feet, respectively).

The location along Victory Boulevard corresponds to a mix of uses including commercial, residential, mixed-use (commercial retail with residential units above) and some community facility uses, vacant lots and utility / automotive related uses. Residential housing types consist of a mix of older detached and semi-detached one-and two-family homes and smaller multi-family apartment buildings. A cluster of mixed-use and commercial uses are situated around Cebra Avenue, with eating and drinking establishments, delis, tax preparation, groceries and other neighborhood retail uses present, often with residential units above. To the north at Jersey Avenue is another neighborhood mixed-use corridor, with a NYC Department of Sanitation facility present at the intersection of Jersey Street and Victory Boulevard.

In terms of community facility uses, notable uses to the south include an Albanian-Islamic Cultural Center at 307 Victory Boulevard in a three-story structure and a nursing home in four-stories at 100 Castleton Avenue. To the north includes a cluster of houses of worship along Victory Boulevard and Pike Street (Mount Sinai Church, and Staten Island Christian Church). There are no notable public open spaces in the surrounding area.

The area is well served by New York City Transit (NYCT) bus service, with the S46, S48, S61, and S62 making stops along Victory Boulevard, connecting the area with St. George and points south. Approximately a half-mile to the east is Tompkinsville Station of the Staten Island Railway, providing service along the South Shore of Staten Island between St. George and Tottenville in the south.

1.4 THE PROPOSED PROJECT

The Proposed Zoning Map and Text Amendments and Zoning Authorizations would facilitate the construction of a new 5-story, 55-foot mixed-use residential and commercial / community facility building (with qualifying ground floor). The building would contain 54,942 gsf of residential floor and 8,687 gsf of groundfloor area (including 7,500 gsf of community facility space for a day care and 1,187 gsf of local retail space) for a total of 63,629 gsf (2.2 FAR). The Proposed Project seeks to establish MIH pursuant to either Option 1 or Option 2. The building would contain 46 dwelling units, 12 of which would be permanently affordable to incomes averaging either 60 or 80 percent of AMI. For the proposed R6B zoning, the NYC Quality Housing program requires parking for 50 percent of the market rate dwelling units and 25 percent of the inclusionary housing. The cellar of the proposed building would contain 61 parking spaces in compliance with Quality Housing program requirements.

1.5 PROJECT PURPOSE AND NEED

The Proposed Project would redevelop the Applicant-owned development site with approximately 46 new housing units, including 12 affordable units in the Tompkinsville neighborhood of Staten Island on currently underutilized land. The Applicant seeks to develop the zoning lot with housing consistent with the standards of the Quality Housing Program and the MIH Program. The development of the building in part with affordable units is consistent with the expressed desires of the City's current mayoral administration to substantially increase the amount of affordable housing.

The Proposed Project cannot be developed under the current R3-2 and R3X split zoning at the development site, which permits a maximum residential FAR of 0.60 and does not permit commercial uses. The proposed Zoning Map and Text Amendments and Zoning Authorizations would serve to improve

this segment of Victory Boulevard, which is currently underdeveloped with a series of vacant parcels. The resulting development would activate this segment of Victory Boulevard with a new contextual mixed-use building and would also serve to encourage new mixed-use commercial buildings on remaining parcels in the Affected Area. This would serve to improve the vibrancy and pedestrian experience along this segment of the Victory Boulevard corridor, while providing new neighborhood services (daycare and neighborhood retail), as well much needed new dwelling units, including permanently affordable units, a demonstrated need in all areas of the city.

1.6 ANALYSIS FRAMEWORK

Existing Conditions

The proposed Zoning Map and Text Amendments encompass Staten Island Block 576, Lots 21, 23, 25, 38, and 42 (see **EAS Figure 2**), bounded by Victory Boulevard to the north, vacant and commercial properties to the east, residential properties to the south, and vacant and residential properties to the west (see **EAS Figure 1**). The existing conditions within the Affected Area are described on a lot-by-lot basis, below, and also includes brief histories of each lot.

- *Lot 21:* This 3,000-sf interior lot is entirely undeveloped / vacant (i.e., 0.0 floor area ratio [FAR]). The lot is zoned R3-2 with a partial C1-3 commercial overlay in the western / southwestern portion of the lot, permitting maximum residential and community facility FARs of 0.60 and 1.0, respectively, and a commercial FAR of 1.0. This lot has remained vacant and undeveloped since 1898;

- *Lot 23:* This 3,040-sf interior lot is entirely undeveloped / vacant (i.e., 0.0 FAR). The lot is zoned R3-2, permitting maximum residential and community facility FARs of 0.60 and 1.0, respectively, and does not permit commercial floor area. This lot has remained vacant and undeveloped since 1898;

- *Lot 25 (The Applicant-Owned Property):* This 30,267-sf interior lot is entirely undeveloped / vacant (i.e., 0.0 FAR). The lot is split-zoned between the R3-2 and R3X zoning districts, neither of which permit commercial floor area; both districts permit residential FARs up to 0.60 and community facility FARs up to 1.0. This lot was vacant and undeveloped from 1898 until 1917, at which point it was developed with nine contiguous single-story buildings until 1977. By 1981, the buildings were demolished and since then the property has remained vacant and undeveloped;

- *Lot 38:* This 3,454-sf lot is developed with a one-story, 1,450-gsf (0.42 FAR) commercial building occupied by an auto repair business (Use Group 16). The lot is within the R3-2 zoning district, permitting maximum residential and community facility FARs of 0.60 and 1.0, respectively, and does not permit commercial floor area (it is noted that, as previously discussed, the existing auto-repair use has been a lawful, non-conforming use since 1972).

  This lot formerly was associated with the property located in Lot 42 from 1898 until 1917. From 1930 until around 1972, the one-story commercial structure at the property was utilized as warehouse for farm products. In 1972, the building was granted a Certificate of Occupancy (NYC Certificate of Occupancy Document No. 42231-72) by the NYC DOB to be utilized as an auto-repair business. While this type of use is prohibited under the current R3-23 zoning district the

site is located within, that issued Certificate of Occupancy remains valid. As such, it operates as lawful, non-conforming use;

- *Lot 42:* This 2,320-sf lot is entirely undeveloped / vacant (i.e., 0.0 FAR). The lot is zoned R3-2, permitting maximum residential and community facility FARs of 0.60 and 1.0, respectively, and does not permit commercial floor area. This lot was occupied by a two-story detached residence from 1898 until 1987. By 1988, the building was demolished and the lot has remained vacant since then.

It is noted that the R3-2 zoning district mapped at all of the lots within the Affected Area was established by the 1961 zoning resolution. The R3X zoning district found at Lot 25 was established in 2003 as part of the North and Mid Staten Island Rezoning (CEQR Project No. 04DCP009R, ULURP No. 1196-2003). Details of the North and Mid Island Rezoning can be found in **Section 2.1-4 – Zoning**.

All lots within the Affected Area are located within the NYC Special Hillsides Preservation District (HS) and the Staten Island Lower Density Growth Management Area (LDGMA). The Special HS District guides development in the steep slope areas of Staten Island's Serpentine Ridge, an area of approximately 1,900 acres in the northeastern part of the borough. The purpose of the district is to reduce hillside erosion, landslides and excessive stormwater runoff by preserving the area's hilly terrain, trees and vegetation. The primary means of regulating development in the district is to control the amount of the lot that can be covered by a building. As the development site becomes steeper, permitted lot coverage decreases (although the permissible floor area remains the same). This may result in a taller building but less impact on steep slopes and natural features. There are special regulations for the removal of trees, grading of land, and construction of driveways and private roads.

LDGMAs are special zoning controls which aim to match future development to the capacity of supporting services and infrastructure in parts of the city experiencing rapid growth. Such zoning controls include parking, bulk, lot size, yard, open space, landscaping, private road, commercial development, and medical office and day care center requirements.

<u>The Future No-Action Condition</u>

Absent the Proposed Actions it is assumed the current mix of R3-2 (HS), R3-2 / C1-3 (HS), and R3X (HS) zoning districts would remain in the Affected Area. A review of property records reveals little to no redevelopment at any of the lots comprising the Affected Area; Lots 21 and 23 have remained vacant since 1898 while Lots 25 and 42 have remained vacant since 1981 and 1988, respectively. Lot 38 has been used as an autobody repair facility since 1975. Further, the current R3-2 zoning coupled with the Special HS District serves as an effective limitation to the redevelopment of this steep slope area by regulating the maximum allowable coverage at each lot, the removal of trees, regrading, and construction of permanent ground covers. Current R3-2 zoning within the Special HS District only allows for an average lot coverage of 22.5 percent and any modification of topography for the footprint foundation or grading around the footprint is not permitted to exceed two feet of cut or fill. As such, redevelopment under these conditions may be too prohibitive and too costly.

Therefore, it is projected that under the Future No-Action Condition the lots comprising the Affected Area would remain in their existing conditions.

The Future With-Action Condition

The Future With-Action Condition is equivalent to the Applicant's Proposed Project. For the purposes of analysis under this Future With-Action Condition, the Applicant's Development Site is referred to a Projected Development Site 1 (i.e., Lot 25) and would be rezoned to R6B (MIH)/C1-3, while Lots 21 and 23 to R3-2/C1-3, Lot 38 to R6B (MIH) /C1-3, and Lot 42 to R6B (MIH).

Redevelopment of all other lots within the Affected Area, as either Projected or Potential Development Sites is unlikely without site-specific zoning authorizations associated with the Special HS District similar to those requested as part of the Proposed Actions. Further, inherent topographical constraints at each of these lots further also make redevelopment impractical. Therefore, they have been excluded for redevelopment consideration in the Future With-Action Condition.

The Proposed Actions would facilitate the redevelopment of Projected Development Site 1 with a new five-story mixed-use building that will contain 54,942 gsf of residential space and 8,687 gsf of groundfloor area (including 7,500 gsf of community facility space for a day care and 1,187 gsf of local retail space) for a total of 63,629 gsf (2.2 FAR). The maximum building height would be 55 feet (with qualifying ground floor). The project development would provide 46 dwelling units and 61 parking spaces (within QH program required limits). Amendments to zoning text Appendix F of the Zoning Resolution would be made to accommodate for MIH area. Additional required authorizations are sought under the Special HS District, and include: 68 trees (6" caliper) to be planted, a tree credit to be purchased, 61 parking spots provided, and community facility use as a daycare. For the purposes of a conservative analysis pursuant to CEQR, this EAS assumes that 20 percent of the residential floor area would be reserved for affordable housing, resulting in 9 affordable units (and 37 market rate units) under the Future With-Action Condition.

Project Build Year and Phasing

It is assumed that the Proposed Actions and associated development approval requirements (including ULURP) would be granted by and construction activities would commence by early 2022. It would take approximately 12 months to construct the Proposed Project on the Applicant-owned Development Site. Therefore, it is assumed the Project Build Year would be 2023.

1.8 INCREMENT BETWEEN THE FUTURE NO-ACTION AND FUTURE WITH-ACTION SCENARIOS

Net increases from the Future No-Action Condition to the Future With-Action Condition at Projected Development Site 1 for selected development parameters are provided below in **Table 1-1**.

Table 1-1 – Development Increments between Future No-Action and Future With-Action Conditions, Projected Development Site 1

	Future No-Action Condition	Future With-Action Condition	Increment
Proposed Floor Area by Use (GSF)			
Residential	0	54,942	+54,942
Commercial	0	1,187	+1,187
Community Facility	0	7,500	+7,500
TOTAL:	**0**[1]	**63,629**	**+63,629**
Residential Dwelling Units			
Market Rate Dwelling Units	0	37	+37
Affordable Dwelling Units	0	9	+9
TOTAL:	**0**	**46**	**+46**
Floor Area Ratio (Ratio)	0.0	2.2	+2.2
Maximum Building Height (Feet)	0	55	+55
Accessory Parking (Count)	0	61	+61

Notes:
[1] – As previously discussed, Projected Development Site 1 is entirely vacant / undeveloped and would remain so under the Future No-Action Condition

2.1 LAND USE

2.1-1 - Introduction

This analysis of land use, zoning and public policy follows the guidelines set forth in the *New York City Environmental Quality Review 2020 Technical Manual* (hereinafter the *2020 CEQR Technical Manual*). It characterizes the existing conditions within and surrounding the Affected Area and addresses potential impacts to land use, zoning, and public policy that would be associated with the Proposed Action.

2.1-2 - Methodology

This preliminary analysis of land use, zoning, and public policy follows the guidelines set forth in the *2020 CEQR Technical Manual* for a preliminary assessment (Section 320). According to the *2020 CEQR Technical Manual*, a preliminary land use and zoning assessment includes a basic description of existing and future land uses and zoning information and describes any changes in zoning that could result in changes in land use. It also characterizes the land use development trends in the area surrounding a development site that might be affected by a proposed action and determines whether a proposed project is compatible with those trends or may affect them.

For public policy, the *2020 CEQR Technical Manual* stipulates that a preliminary assessment should identify and describe any public policies (formal plans, published reports) that pertain to the study area, and should determine whether a proposed project could alter or conflict with identified policies. If so, a detailed assessment should be conducted; otherwise, no further assessment is needed.

The following land use, zoning and public policy assessment follows this guidance and provides a description of existing conditions of within the Affected Area and its surroundings. This is followed by an assessment of the Future No-Action Condition and the Future With-Action Condition, and a determination that no further analysis is needed.

According to the *2020 CEQR Technical Manual*, the appropriate study area for a land use, zoning, and public policy analysis is related to the type and size of the project, as well as the location and context of the area that could be affected by the project. To assess the potential for project related impacts, the land use study area has been defined as the area located within a 400-foot radius of the proposed Affected Area. The 400-foot land use study area is generally bounded by Brook Street to the north, mid-block between Avon Place and Fielder Avenue to the east, Creston Plan to the south, and Castleton Avenue to the west (see **Figure 2.1-1**, appended to the end of this section, for a visualization of the land use study area). Various sources have been used to prepare a comprehensive analysis of land use, zoning, and public policy characteristics of the area, including field surveys, studies of the neighborhood, census data, and land use and zoning maps.

2.1-3 – Land Use

Existing Conditions

Existing land uses are described within the Affected Area (as established in **Section 1.0, "Project Description"**), below, as well as within the 400-foot land use study area.

The Affected Area

As discussed in **Section 1.0, "Project Description,"** the Affected Area is comprised of Staten Island 576, Lots 21, 23, 25, 38, and 42, bounded by Victory Boulevard to the north, vacant and commercial properties to the east, residential properties to the south, and vacant and residential properties to the west. The existing land use conditions within the Affected Area are described on a lot-by-lot basis, below.

- *Lot 21:* This 3,000-sf interior lot is entirely undeveloped / vacant (i.e., 0.0 FAR), a large majority of which features tree coverage;

- *Lot 23:* This 3,040-sf interior lot is entirely undeveloped / vacant (i.e., 0.0 FAR), a large majority of which features tree coverage;

- *Lot 25 (Projected Development Site 1):* This 30,267-sf interior lot is entirely undeveloped / vacant (i.e., 0.0 FAR), a large majority of which features tree coverage;

- *Lot 38:* This 3,454-sf lot is developed with a one-story, 1,450-gsf (0.42 FAR) commercial building occupied by an autobody repair business (New York City Use Group 16). It is noted that the existing autobody repair use has been a lawful, non-conforming use since 1967; and

- *Lot 42:* This 2,320-sf lot is entirely undeveloped / vacant (i.e., 0.0 FAR), a large majority of which features tree coverage.

400-Foot Land Use Study Area

The land use character within the 400-foot land use study area is generally defined by predominantly one- and two-family semi-detached and detached residential uses in all directions from the Affected Area, interspersed with several multi-family residential, mixed-use residential and commercial, institutional, and vacant / undeveloped uses throughout and one large utility use to the northeast (see **Figure 2.1-1**). These uses are generally clustered along Victory Boulevard (bisecting the land use study area southwest to northeast) and include an Albanian Cultural Center and a Mt. Sinai Church complex at the southwestern and northeastern corners of the study area and a NYC Department of Sanitation Facility in the northern-northeastern portion of the study area. Commercial uses along Victory Boulevard include eating and drinking establishments, delis, tax preparation, groceries and other neighborhood retail uses present, often with residential units above.

<u>Future No-Action Condition</u>

The Affected Area

Absent the Proposed Actions it is assumed the Affected Area's zoning would remain and no new development would occur at either Projected Development Site 1 or any other lots comprising the Affected Area. Pursuant to information provided by the Applicant, there is no intention to develop the Applicant-owned Projected Development Site 1 absent the Proposed Actions. Current zoning coupled with the Special HS District serves as an effective limitation to the redevelopment of this steep slope area by regulating the maximum allowable coverage at each lot, the removal of trees, regrading, and construction

of permanent ground covers. As such, redevelopment absent the Proposed Actions may be too prohibitive and too costly.

400-Foot Land Use Study Area

Based on a review of the NYC Active Major Construction (AMC) database and NYC Zoning Application Search (ZAP) on December 18, 2020, no significant new construction or land use actions would occur within the land use study area by the Proposed Project's 2023 build year such that land uses within the study area under the Future No-Action Condition would be the same as existing conditions.

It is noted that the NYC Department of Sanitation facility, located at 100 Brook Street directly northeast of Projected Development Site 1, was identified as a "disposition site" pursuant to the Bay Street Corridor Rezoning (16DCP156R) (i.e., land owned by NYC to be sold for redevelopment in accordance with its proposed rezoning). However, based on the most recently available property records and development data,[1] this land is still owned by the City of New York and no redevelopment plans have been initiated. As such, no Future No-Action Condition development at this property is expected by the Proposed Project's 2023 build year.

Based on foregoing, no significant adverse impacts to land use within the Affected Area or the land use study area are anticipated under the Future No-Action Condition.

Future With-Action Condition

The Affected Area

As described in **Section 1.0, "Project Description,"** under the Future With-Action Condition, Projected Development Site 1 (i.e., Lot 25) would be developed with a new five-story mixed-use building that would contain 54,942 gsf of residential space (for inclusionary housing) and 8,687 gsf of groundfloor commercial retail and child day care facility space under the Quality Housing program for a total of 63,629 gsf (FAR 2.2). The maximum building height would be 55 feet (with qualifying ground floor). The project development will provide 46 dwelling units (9 of which of which would be affordable housing pursuant to the MIH program) and 61 parking spaces.

Apart from Projected Development Site 1, none of the other lots within the Affected Area are projected to be developed (either as Projected or Potential Development Sites) under the Proposed Actions. There are currently no proposals for the redevelopment of Lots 21, 23, and 42, and none are anticipated due to topographical constraints. Lot 38 is anticipated to remain as a lawful, non-conforming commercial auto repair facility under the Proposed Actions.

Conclusions

As such, under the Future With-Action Condition, land uses at Projected Development Site 1 would transition from vacant / undeveloped to mixed-use multi-family residential, commercial retail and child care uses (i.e., NYC Use Groups 2 and 6). These proposed uses are consistent with the existing land use character of the surrounding area, which, as previously discussed, is defined by residential, commercial, and community facility uses, particularly along Victory Boulevard where the proposed uses would be

[1] Including the aforementioned AMC and ZAP databases as well as the NYC's Zoning and Land Use Map (https://zola.planning.nyc.gov/about/#9.72/40.7125/-73.733), accessed December 18, 2020.

located. A such, the Proposed Action and proposed development at Projected Development Site 1 would preserve and reinforce existing land use patterns in the area.

Based on the foregoing, the Proposed Actions are not anticipated to create significant adverse land use impacts at the Affected Area or within the 400-foot land use study area.

2.1-4 – Zoning

Existing Conditions

Existing zoning conditions, including zoning districts, commercial overlays, special zoning districts, and historical zoning actions, within the Affected Area and land use study area, are discussed in detail below.

The Affected Area

Existing zoning within the Affected Area includes the R3-2 zoning district, mapped at Staten Island Block 576, Lots 21, 23, p/o 25, 38 and 42 and the R3X zoning district, mapped at the remaining area of Lot 25 not within the R3-2 district. Additionally, a southwestern portion of Lot 21 features a C1-3 commercial overlay. Additionally, the entirety of the Affected Area is located both the Special HS District and the Staten Island LDGMA. See **Figure 2.1-2**, appended to the end of this Section, for an existing zoning at the Affected Area.

The R3-2 zoning district is a low-density non-contextual residence district, permitting residential FARs up to 0.60 and community facility FARs up to 1.0 and building heights up to 35 feet (with a 21-foot street / perimeter wall requirement). Yard requirements include 15-foot front yards, 8-foot side yards, and 30-foot rear yards. One parking spot per dwelling unit is required in the R3-2 zoning district.

The R3X zoning district is a low-density contextual zoning district, permitting residential and community facility FARs up to 0.60 and 1.00, respectively, and building heights up to 35 feet (with a 21-foot street / perimeter wall requirement). Yard requirements include a 10-foot front yard, 30-foot rear-yard, and 2-foot side yards. As a contextual district, it is intended to preserve the character of older neighborhoods characterized by detached, pitched-roof homes on average-sized lots. One parking spot per dwelling unit is required in the R3X zoning district.

In 1987 the Special HS District was approved, which encompasses the Affected Area and regulates development in areas of steep slope in Staten Island's Serpentine Ridge, an area of approximately 1,900 acres in the northeastern part of the borough. The purpose of the district is to reduce hillside erosion, landslides, and excessive stormwater runoff by preserving the area's hilly terrain, trees, and vegetation. The primary means of regulating development in the district is to control the amount of the lot that can be covered by a building. As the lot area becomes steeper, permitted lot coverage decreases while the permissible floor area remains the same. This generally results in taller buildings with less impact on steep slopes and natural features. There are also additional regulations for the removal of trees, grading of land, and construction of driveways and private roads. As such, the four guiding principles of the Special HS District in the NYC Zoning Resolution are as follows: (1) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain; (2) to preserve hillsides having unique aesthetic value to the public; (3) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas;

and (4) to promote the most desirable use of land and to guide future development in accordance with a comprehensive development plan, and to protect the neighborhood character of the district.

It is noted that the NYC DCP is proposing updates to the Special HS District, Special Natural Area District, and Special South Richmond Development District to provide a clear and consistent framework for natural resource preservation that balances development and ecological goals within these Special Districts (the "Staten Island Special Districts Update," CEQR No. 20DCP130R). The proposal would combine two of the existing Special Districts on Staten Island that share similar objectives today (Hillsides and Natural Areas) into one special district called the 'Special Hillsides and Natural Areas District' to create consistent natural resource preservation rules for properties containing steep slopes, and to protect, enhance and connect the most ecologically sensitive resources along the Serpentine Ridge. In addition, the proposal would amend specific regulations of the existing South Richmond district. A public scoping scheduled to be held on January 28, 2021 to solicit public input on the Draft Environmental Impact Statement; comments on that document will be accepted through March 1, 2021.

LDGMAs are special zoning controls which aim to match future development to the capacity of supporting services and infrastructure in parts of the city experiencing rapid growth. Such zoning controls include parking, bulk, lot size, yard, open space, landscaping, private road, commercial development, and medical office and day care center requirements. In the Staten Island LDGMA, where far less land is zoned for commercial use than elsewhere in the city, special rules prohibit residential-only development in the borough's commercial overlays and commercial districts. To encourage the retail stores and services needed by a growing population (and the traditional mixed-use arrangement of apartments located above shops at the street level) residences are not allowed on the ground floor in any C1 or C2 commercial overlay district or established town centers within C4 districts. On large sites in C4-1 districts, which typically contain regional shopping malls and commercial centers, any residential or mixed-use development requires a City Planning Commission special permit. Screening is required between residential and non-residential uses.

400-Foot Land Use Study Area

Existing zoning within the 400-foot land use study area includes the R3-2 zoning district (southwest and east of the Affected Area), the R3X zoning district (south of the Affected Area), the R4 zoning district (immediately west and north of the Affected Area), the R3A zoning district (at the northwestern extent of the study area), and the R5 zoning district (at the northern extent of the study area) (refer to **Figure 2.1-2** for a visualization of the zoning districts within the land use study area). There are two commercial overlays with the land use study area as well, including a C1-3 commercial overlay coterminous with the R4 district and western R3-2 district and C2-2 commercial overlay mapped with the R5 zoning district.

R3A zoning districts are low density contextual residence districts with maximum permissible residential and community facility FARs of 0.60 and 1.00, respectively, permitting a maximum building height of 35 feet (with a required 21-foot perimeter / street wall). Yard requirements include a 10-foot front yard, 30-foot rear yard, a one side yard up to 8 feet. One parking spot per dwelling unit is required with the R3A district. As a contextual district, it is intended to preserve the existing built character of the area through uniform height, bulk, and / or yard setback controls.

The R4 zoning district is low-density, non-contextual residential zoning district with maximum permissible FARs 0.9 and 2.0 for residential and community facility uses, respectively. A 35-foot building height is permitted with a 25-fot maximum streetwall, with a 30-foot minimum rear yard and varying side yard

requirements dependent on building typology (i.e., detached, semi-detached, or attached). Parking is required for 100 percent of dwelling units.

The R5 zoning district is a low-density general residence district that permits residential buildings up to a 1.25 FAR and community facility buildings up to 2.0 FAR. The maximum height of buildings within R5 zoning districts is 40 feet, with a maximum street wall height of 30 feet, as well as a 15-foot setback above the street wall. R5 zoning districts require side yards of at least 8 feet and a 10-foot front yard. Parking is required for 85 percent of dwelling units.

Within the R3-2 and R4 zoning districts the C1-3 commercial overlay permits local retail commercial uses (NYC Use Group 6) up to a FAR of 1.0 with an accessory parking requirement of 1 space per 400 gsf of commercial space. Within the R5 zoning district the C2-2 commercial overlay permits some expanded commercial uses (NYC Use Groups 5 through 9 and 14) up to a FAR of 1.0 with an accessory parking requirement of 1 space per 300 gsf of commercial space.

It is noted that in December 2003 the NYC City Planning Commission approved the North and Mid Staten Island Rezoning, which implemented rezonings in six separate areas throughout northern and midland portions of Staten Island. The overall purpose of this action was to address future development in these areas conforms to the character of the existing communities. The R3X zoning district found within the study area as well as at a portion of Lot 25 within the Affected Area was implemented as part of this rezoning.

The entirety of the 400-foot land use study area is situated within the Special HS District and the Staten Island LDGMA.

Future No-Action Condition

The Affected Area

Under the Future No-Action Condition absent the Proposed Actions, all lots comprising the Affected Area would continue to be governed by the R3-2 and R3X zoning districts as currently mapped, as well as the Special HS District and Staten Island LDGMA.

400-Foot Land Use Study Area

Based on a review of the NYC ZAP on August 27, 2020, there are no current or proposed land use applications within the land use study area, such that existing zoning would remain unchanged under the Future No-Action Condition.

Based on the foregoing, no significant adverse zoning impacts are anticipated in the Future No-Action Condition.

Future With-Action Condition

The Affected Area

Under the Future With-Action Condition the Applicant is seeking the following Zoning Map and Text Amendments:

1. A Zoning Map Amendment from the existing R3-2(HS) to R6B (MIH)/C1-3(HS);

2. A Zoning Map Amendment from the existing R3X(HS) to R6B (MIH)/C1-3(HS);

3. A Zoning Map Amendment from the existing R3-2(HS) to R6B (MIH) (HS);

4. A Zoning Map Amendment from the existing R3-2(HS) to R3-2/C1-3(HS); and

5. A Zoning Text Amendment to modify ZR §23-933, Appendix F to designate the newly mapped R6B zoning district at Staten Island Block 576, Lots 25, 38, and 42 as an MIH designated area.

Refer to **Figure 2.1-2** for a comparison of the Future No-Action and Future With-Action Condition zoning district at the Affected Area. The proposed Zoning Map Amendments are necessary to resolve split lot conditions present within the Affected Area which prevent new development consistent with the surrounding area. Projected Development Site 1 would be amended from a partially zoned R3-2 district (57.7 percent) and R3X district ((57.7 percent) to a full R6B (MIH)/C1-3. Lot 38 would also be amended from R3-2 to R6B (MIH)/C1-3 and Lot 42 would be amended from R3-2 to R6B (MIH). Lot 21 would be amended from a partial (16.9 percent) R3-2/C1-3 district and partial (83.1 percent) R3-2 district to full R3-2/C1-3 district, while Lot 23 would be entirely amended from R3-2 to R3-2/C1-3. These amendments are necessary to promote commercial use along Victory Boulevard, a neighborhood commercial arterial, as well as promote an increased level of density closer to Jersey Avenue, another neighborhood mixed-use corridor in proximity to R4 and R5 districts. Under these zoning map amendments all lots within the Affected Area would still be subject to the Special HS District and Staten Island LDGMA.

The R6B zoning district is a medium density contextual residence district that permits a FAR of 2.0 for residential and community facility uses (up to 2.2 for residential uses when participating in an inclusionary housing program). A maximum building height of 55 feet with a 45-foot base height is permitted over a maximum of five stories. A maximum lot coverage of 60 percent is permitted, with parking required for 50 percent of dwelling units. As a contextual district, it is intended to preserve the existing built character of the area through uniform height, bulk, and / or yard setback controls.

The proposed Zoning Text Amendment to modify ZR Section 23-933, Appendix F is necessary in order map the Affected Area as an MIH area. For the purposes of a conservative analysis pursuant the *2020 CEQR Technical Manual*, the Future With-Action Condition assumes that 20 percent of the residential floor area would be reserved as affordable to households with incomes at or below 80 percent of the AMI resulting in the development of 9 affordable units (based on 46 total residential units).

Table 2.1-1 below summarizes the major provisions of the Future No-Action Condition and Future With-Action Condition zoning districts as applicable to Projected Development Site 1.

Table 2.1-1 – Future No-Action and Future With-Action Zoning Districts, Selected Area and Bulk Provisions

	Projected Development Site 1		
	Existing	*Proposed*	*Increment*
Zoning District	R3-2 and R3X (HS)	R6B / C1-3 (MIH) (HS)	N/A
Maximum Permitted FAR	0.60 Res; 1.0 CF	2.2 Res; 2.0 CF; 1.0 Com	+1.6 Res; +1.0 CF; +1.0 Com
Maximum Permitted ZSF[1]	18,160 zsf Res; 30,267 zsf CF	66,587 zsf Res; 60,534 zsf CF; 30,267 zsf Com	+48,427 zsf Res; +30,267 zsf CF; +30,267 zsf Com
Maximum Building Height (FT)	35	55	+20
Permissible Use Groups	1, 2	1-4, 6	+3, 4, 6

Notes:
Res – Residential; Com - Commercial; CF – Community Facility
[1] – Based on the 30,267-sf lot area at Projected Development Site 1

The Proposed Project would be consistent with the Staten Island LDGMA as well. A C1-3 commercial overlay would be mapped along the Victory Boulevard frontage of Projected Development Site 1 in order to facilitate groundfloor local retail and community facility uses with residential uses on the floors above, as a scale and density that is appropriate for its location along a major residential and commercial thoroughfare.

In addition to those proposed Zoning Map and Text Amendments, a series of Zoning Authorizations are required based on the presence of the Special HS District. This includes the following authorizations:

- ZR 119-311: authorization of development on a steep slope;
- ZR 119-312: authorization of certain uses and parking in excess of 30 spaces; and
- ZR 119-313: modification of landscaping, tree preservation and tree planting requirements

The first authorization pursuant to ZR 119-311 is required, as the site contains areas of 'steep slope.' The second authorization pursuant to ZR 119-312 is required as a community facility use is proposed and a group parking facility with over 30 spaces is required. The third authorization pursuant to ZR 119-313 is required as 68 trees must be removed, contrary to the Special HS District regulations. To satisfy this requirement, tree credits would be purchased.

400-Foot Land Use Study Area

The Proposed Actions would not result in any changes in zoning in the 400-foot land use study area as it is limited to the Affected Area only. As such no impacts would result and no further analysis is warranted.

Conclusions

The Proposed Actions would facilitate the redevelopment of underutilized land with contextual residential, community facility, and local retail uses along a major commercial and residential thoroughfare (i.e., Victory Boulevard), such that the Proposed Project would be consistent with the surrounding character of the area. Further, the Zoning Authorizations associated with the Proposed Actions would be consistent with the intent and purpose of the Special HS District, including provisions for lot coverage, development on slopes, preservation of built character, and tree coverage and landscaping elements. The Zoning Authorizations would simultaneously activate an underutilized parcel with uses appropriate to the surrounding area and along a major thoroughfare, as well as permit a building coverage and height that is consistent with the existing built form of the surrounding area.

Based on the foregoing, the Proposed Actions are not anticipated to create significant adverse zoning impacts.

2.1-5 Public Policies

According to the *2020 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. Public policies applicable to the Affected Area and 400-foot radius project study area are discussed below.

Existing Conditions

With the exception of the Special HS District and LDGMA as described and analyzed above, no known public policies are applicable to the Affected Area or Projected Development Site 1, including the New York City Waterfront Revitalization Plan, the City's Food Retail Expansion to Support Health (FRESH) program, transit zones, inclusionary housing programs, 197-a Community Development Plans or Urban Renewal Area plans, historic districts or individually designated historic resources, and also are not within a critical environmental area, a significant coastal fish and wildlife habitat, a wildlife refuge, or a special natural waterfront area.

With the exception of the NYC FRESH program, no known public policies are applicable to the 400-foot land use stud area either. All portions of the study are north of Victory Boulevard within the study area are located within a NYC FRESH district. The City has established the FRESH program in response to the issues raised in neighborhoods that are underserved by grocery stores. FRESH provides zoning and financial incentives to promote the establishment and retention of neighborhood grocery stores in underserved communities throughout the five boroughs. The FRESH program is open to grocery store operators renovating existing retail space or developers seeking to construct or renovate retail space that will be leased by a full-line grocery store operator in FRESH-eligible areas that meet the following criteria:

- Provide a minimum of 6,000 sf of retail space for a general line of food and non-food grocery products intended for home preparation, consumption and utilization;
- Provide at least 50 percent of a general line of food products intended for home preparation, consumption and utilization;
- Provide at least 30 percent of retail space for perishable goods that include dairy, fresh produce, fresh meats, poultry, fish, and frozen foods; and
- Provide at least 500 sf of retail space for fresh produce.

Financial incentives are available to eligible grocery store operators and developers to facilitate and encourage FRESH Food Stores in the designated area. These incentives include real estate tax reductions, sales tax exemptions, floor area bonuses, and mortgage recording tax deferrals.

Future No-Action Condition

Absent the Proposed Action, no known policy changes or initiatives would pertain to the Affected Area or 400-foot study area by the project build year of 2023. In addition, no changes are anticipated to any public policy documents relating to the Affected Area or the surrounding study area by the project build year.

Future With-Action Condition

As part of the Mayor's Housing New York plan, the City Council has approved a citywide zoning text amendment to authorize a MIH program (ULURP # 160051ZRY). The purpose of the MIH program is to promote neighborhood economic diversity in locations where land use actions create substantial new housing opportunities. The text amendment will have no effect until mapped through subsequent discretionary actions of the CPC, each of which will be subject to a public review process and separate environmental review. As with zoning actions generally, MIH Areas may be applied through DCP-initiated actions or as part of private applications, including certain zoning map amendments, text amendments, and Special Permits that create opportunities for significant new housing development. The MIH program would require (through zoning) that when CPC actions create significant new housing capacity in medium and high-density areas, either 25 or 30 percent of new housing would be permanently affordable. Under the proposal, the CPC and ultimately the City Council would apply at least one of these requirements to each MIH area:

- 25 percent of residential floor area must be for affordable housing units for residents with incomes averaging 60 percent Area Median Income (AMI) ($46,620 for a family of three) with no unit targeted at a level exceeding 130 percent AMI; or

- 30 percent of residential floor area must be for affordable housing units for residents with incomes averaging 80 percent AMI with no unit targeted at a level exceeding 130 percent AMI.

In addition to the options above, the City Council and the CPC could decide to apply one or both of the following options:

- A deep affordability option, where:

    - 20 percent of the total residential floor area must be for housing units for residents with incomes averaging 40 percent AMI ($31,080 per year for a family of three);

    - No direct subsidies could be used for these units except where needed to support more affordable housing; or

- An additional, limited workforce option for markets where moderate-income development is marginally feasible without subsidy. Under this option:

    - 30 percent of the residential floor area must be for housing units for residents with incomes averaging 115 percent AMI ($104,895/year for a family of three);
    - No units could go to residents with incomes above 130 percent AMI ($101,010/year for a family of three);
    - No direct subsidies could be used for these affordable housing units; and
    - This option would not be available in Manhattan CDs 1-8, which extend south of 96th Street on the east side and south of 110th Street on the west side.

Requirements would apply to developments, enlargements and residential conversions of more than ten units. Developments between 11 and 25 units would have the optional alternative of making a payment into an affordable housing fund, to be used to support affordable housing within that Community District. As indicated, the Proposed Action include a Zoning Text Amendment to modify ZR Appendix F to designate the newly mapped MX(R7A/M1-4) district as an MIH area, with the Option 2 requirement applied to both

development scenarios considered in the With-Action Condition, which requires that 30 percent of the residential floor area must be for affordable housing units for residents with incomes averaging 80 percent AMI with no unit targeted at a level exceeding 130 percent of AMI. As previously discussed, for the purposes of a conservative analysis pursuant to CEQR it is assumed that 20 percent of the residential floor area be reserved for affordable housing under the Future With-Action Condition, resulting in 9 projected affordable units. It is noted that the final MIH Option ultimately applicable to the Proposed Project will be determined by the CPC.

Conclusions

Based on the above analyses, it has been determined that no potentially significant adverse impacts related to public policy are expected to occur as a result of the Proposed Action. The Proposed Project would meet the City's public policy goals as explained above as well as similar State and national public policy goals related to the provision of affordable housing. Overall, the Proposed Project would be an appropriate development in the Affected Area and would be a positive contribution to Staten Island Community District 1 and to the surrounding neighborhood. Therefore, further analysis of public policy is not warranted.

2.1-6 Conclusions

The Proposed Actions would result in the development of a mixed-use multi-family residential and groundfloor commercial retail and community facility building at a currently vacant property at a density and scale that would otherwise not be permitted by zoning regulations. However, the proposed uses and development density of the Proposed Project would be limited to Projected Development Site 1 and would be consistent with existing surrounding land uses and development densities. Further, the Proposed Actions would be limited to the Affected Area and would be consistent with applicable public policy goals (including affordable housing). As such, the analysis described above demonstrates the Proposed Project would not result in a significant adverse impact to land use, zoning, or public policy.

Figure 2.1-1 – Existing Land Use Map

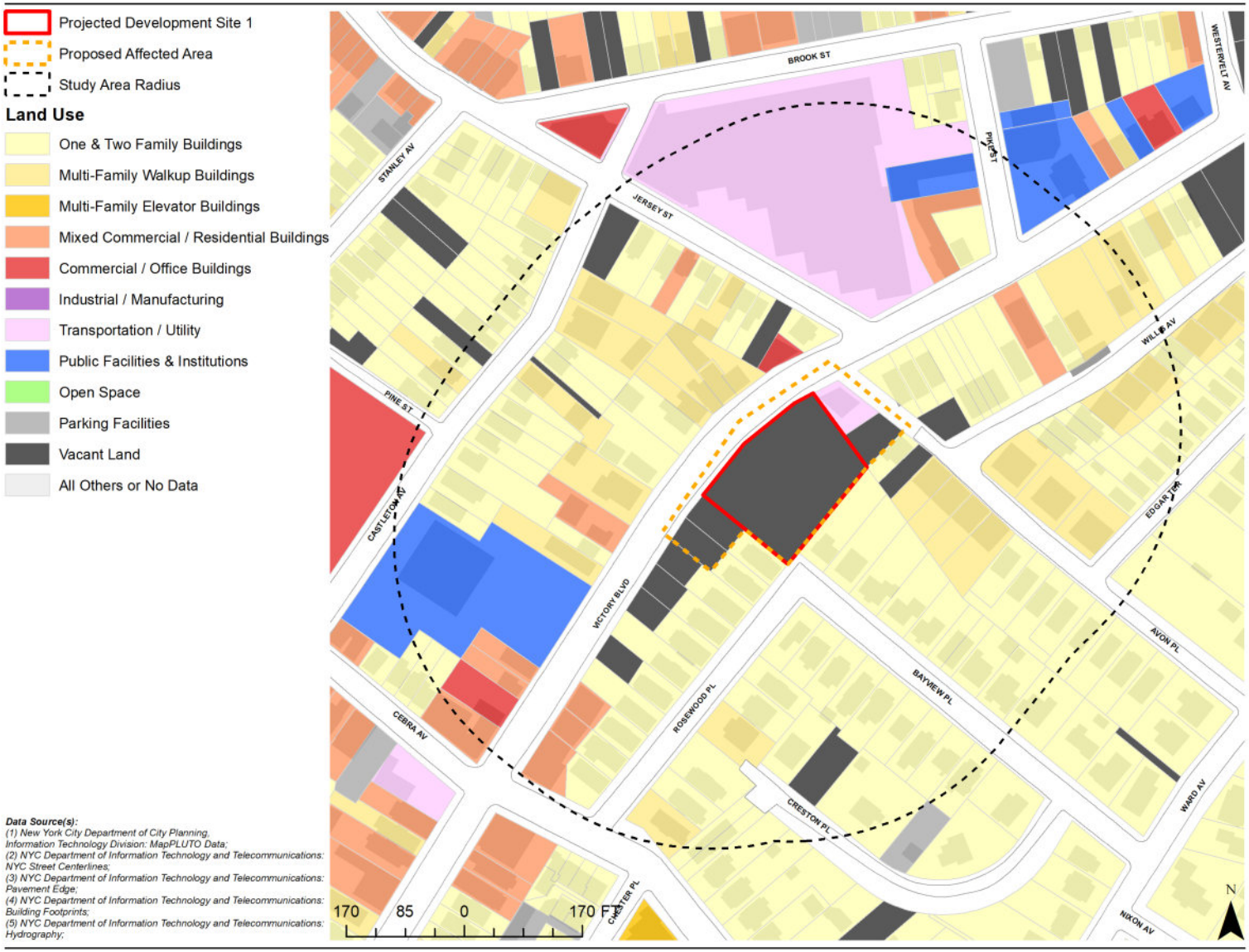
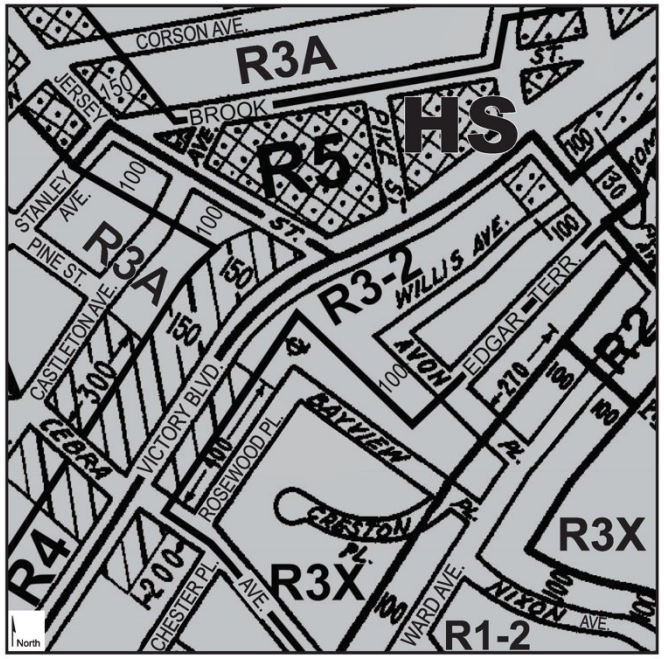


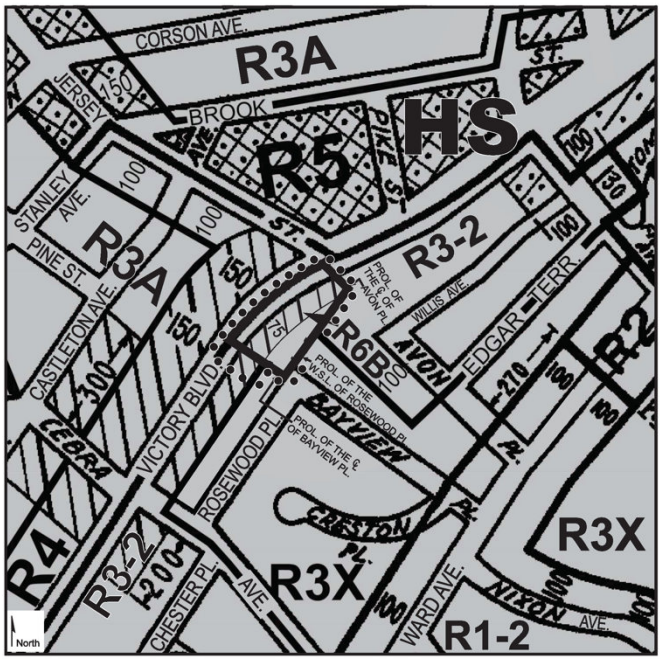
Figure 2.1-2 – Existing and Proposed Zoning Comparison Map

Existing Zoning



Current Zoning Map (21c)

Proposed Zoning



Proposed Zoning Map (21c) - Area being rezoned is outlined with dotted lines

Rezoning from R3-2 (HS) to R6B/C1-3 (HS)
Rezoning from R3X (HS) to R6B/C1-3 (HS)
Rezoning from R3X (HS) to R6B (HS)
Rezoning from R3-2 (HS) to R3-2/C1-3 (HS)

Urban Cartographics

2.2 - SHADOWS

2.2-1 - Introduction

A shadow is defined in the *2020 CEQR Technical Manual* as the condition that results when a building or other built structure blocks the sunlight that would otherwise directly reach a certain area, space, or feature. The purpose of this chapter is to assess whether new structures may cast shadows on sunlight sensitive publicly accessible resources or other resources of concern such as natural resources, and to assess the significance of their impact.

According to the *2020 CEQR Technical Manual*, a shadows assessment is required for projects that would result in new structures greater than 50 feet in height or located adjacent to, or across the street from, a sunlight-sensitive resource. Such resources include publicly-accessible open spaces, important sunlight-sensitive natural features, or historic resources with sun-sensitive features. A significant adverse shadow impact occurs when the incremental shadow added by a proposed project falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight exposure, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources.

As described in **Section 1.0, "Project Description,"** the Proposed Actions would result in the redevelopment of Projected Development Site 1 with a new mixed-use residential, retail, and community facility building. The overall structure height, including the rooftop stair bulkhead, would be 71 feet. As Projected Development Site 1 is undeveloped this Future With-Action Condition would result in a 71-foot incremental height increase at Projected Development Site 1, therefore requiring further shadows assessment.

2.2-2 - Methodology

In accordance with the *2020 CEQR Technical Manual*, a preliminary screening assessment is conducted to ascertain whether shadows resulting from a project could reach any sunlight-sensitive resource at any time of year. This preliminary screening assessment consists of three tiers of analysis:

- *Tier 1 Screening:* The first tier determines a radius around a proposed building representing the longest shadow that could be cast. The radius is calculated based on a factor of 4.3 times the proposed maximum building height (including bulkheads). If there are sunlight-sensitive resources within the radius, the analysis proceeds to the second tier;

- *Tier 2 Screening:* The second-tier analysis reduces the area that could be affected by project-generated shadows by accounting for a specific range of angles that can never receive shade in New York City due to the path of the sun in the northern hemisphere. According to the *2020 CEQR Technical Manual*, shadows cannot be cast within New York City outside of 108 degrees from True North;

- *Tier 3 Screening:* If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by new shadows by looking at specific representative days of the year and determining the maximum extent of shadow over the course of each representative day. For the Tier 3 screening, three-dimensional modeling software with the capacity to model shadows is used, and the maximum building envelope that could be achieved as a result of a proposed project is

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

If the Tier 3 screening indicates that, in the absence of intervening buildings, shadows from a proposed project would reach a sunlight sensitive resource on any of the representative analysis days, a detailed shadow analysis could be warranted. Because existing buildings may already cast shadows on a sun-sensitive resource (or a future building could be expected to cast shadows), a proposed project may not result in new incremental shadows upon that resource. The detailed shadow analysis models a baseline condition (the Future No-Action Condition) that is compared to the future condition resulting from a proposed project (the Future With-Action Condition) to illustrate the shadows cast by existing or future buildings and distinguish the new incremental shadow cast by the project. Like in the Tier 3 analysis, the detailed analysis considers the maximum building envelope that could be achieved as a result of the proposed project.

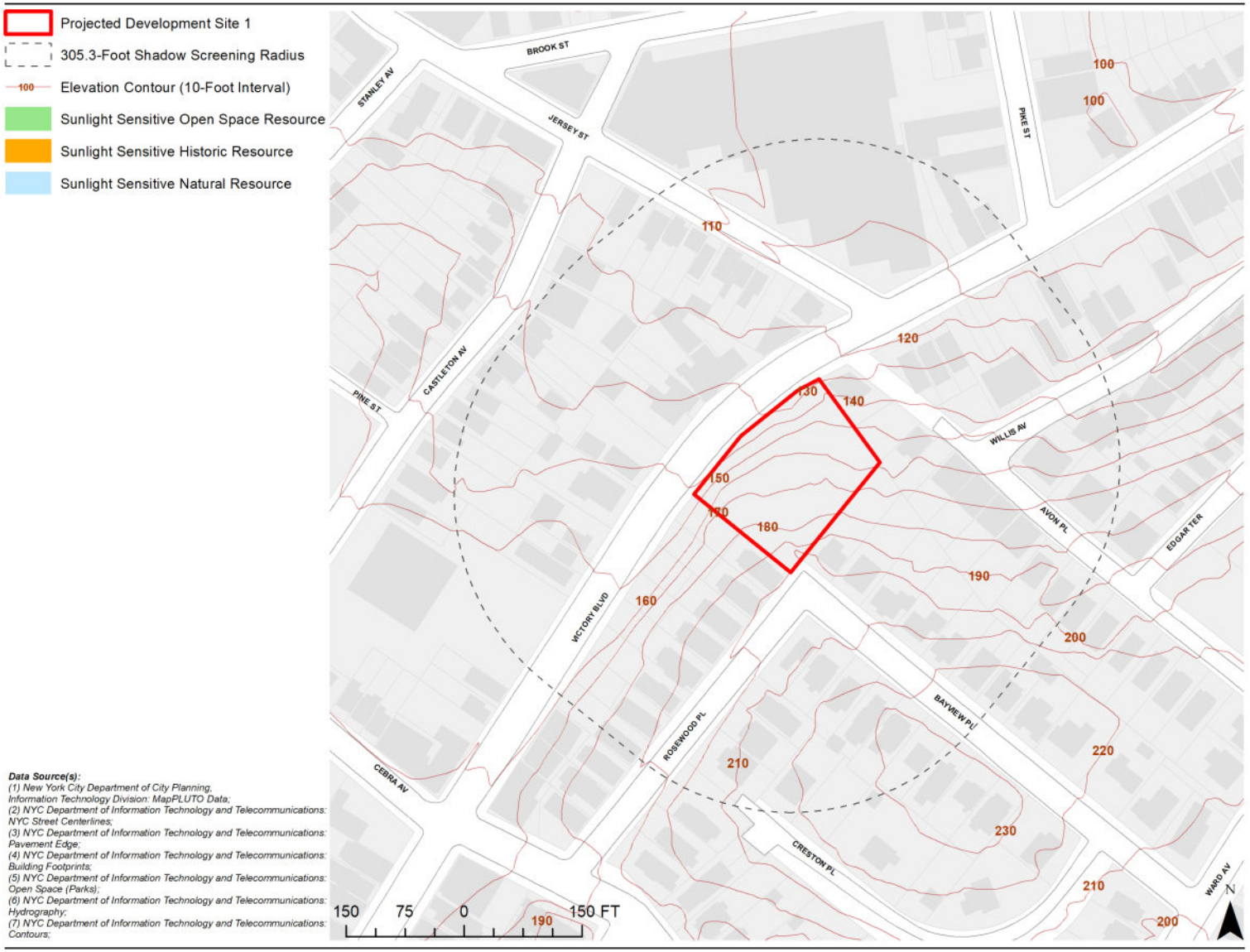
2.2-3 – Preliminary Shadows Screening Assessment

Tiers 1 Screening Assessment

Figure 2.2-1 (appended to the end of this Section), illustrates the 305.3-foot maximum shadow screening radius for Projected Development Site 1, based on an overall building height of 71 feet multiplied by the *2020 CEQR Technical Manual* specified factor of 4.3. It is noted that, for the purposes of a conservative analysis, the maximum shadow screening radius was extended from the property boundaries rather than the proposed development's building footprint.

As shown in **Figure 2.2-1**, there are no sunlight sensitive resources partially or wholly within the maximum shadow screening radius for the Proposed Project, including sunlight sensitive open space, historic, and / or natural resources as specified by the *2020 CEQR Technical Manual*. As such, the Proposed Actions would not generate significant adverse shadow impacts on sunlight sensitive resources and no further analysis is necessary.

Figure 2.2-1 – Tier 1 Shadows Screening Assessment



2.3 HISTORIC AND CULTURAL RESOURCES

The *2020 CEQR Technical Manual* identifies historic resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks (NYCL); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (NYC LPC); properties listed in the State/National Registers of Historic Places (S/NR) or contained within a district listed in or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHL); and properties not identified by one of the programs listed above, but that meet their eligibility requirements. An assessment of historic/archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures or within historic districts, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated.

As discussed in the **Section 1.0, "Project Description,"** the Applicant is seeking Zoning Map and Text Amendments encompassing Staten Island Block 576, Lots 21, 23, 25, 38, and 42 to facilitate the redevelopment of Lot 25 (i.e., Projected Development Site 1) with a new mixed-use residential, retail, and community facility building (see **Section 1.0, "Project Description"** for a complete discussion of the project geographies and details).

The Affected Area and the 400-foot study radius project study area are not within any Federal, State, or New York City designated Historic District and do not contain any individually designated historic resources. As such, a historic architectural analysis is not warranted for the Proposed Actions. The NYC LPC has determined that the Affected Area does not contain any resources of historic or archaeological significance (see the NYC LPCdetermination sheet dated DATE in the Historic and Archaeological Resources Appendix to this document.) Based on the above, the Proposed Actions would not result in any significant adverse impacts to historic or archaeological resources within the Affected Area or corresponding study area, and no further analysis is warranted

2.4 URBAN DESIGN AND VISUAL RESOURCES

An urban design and visual resources assessment pursuant to the *2020 CEQR Technical Manual* considers whether and how a project may change the experience of a pedestrian in the study area. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built environment.

2.4-1 - Introduction

An assessment of urban design is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following:

1. Projects that permit the modification of yard, height, and setback requirements; and

2. Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the Proposed Actions.

As described in **Section 1.0, "Project Description,"** the Applicant is requesting the following zoning actions:

1. A Zoning Map Amendment from the existing R3-2(HS) to R6B (MIH)/C1-3(HS);

2. A Zoning Map Amendment from the existing R3X(HS) to R6B (MIH)/C1-3(HS);

3. A Zoning Map Amendment from the existing R3-2(HS) to R6B (MIH) (HS);

4. A Zoning Map Amendment from the existing R3-2(HS) to R3-2/C1-3(HS); and

5. A Zoning Text Amendment to modify ZR §23-933, Appendix F to designate the newly mapped R6B zoning district at Staten Island Block 576, Lots 25, 38, and 42 as an MIH designated area.

As indicated in **Table 2.1-1**, the permissible residential and commercial FARs and building height at Projected Development Site 1 would increase under the Proposed Actions (from 0.60 up to 2.2 residential FAR, from a 0.0 up to a 1.0 commercial FAR, and from a 35-foot building height to a 55-foot building height). Based on the foregoing, a preliminary urban design assessment is warranted.

There are no visual resources at or in the vicinity of the Affected Area and associated 400-footstudy area, including views of the waterfront, public parks, landmark structures or district, distinct buildings or groups of buildings, or natural resources. As such, no further analysis regarding visual resources was undertaken.

2.4-2 - Methodology

Pursuant to the *2020 CEQR Technical Manual* guidelines, the preliminary urban design assessment analyzes a 400-foot radius study area where the Proposed Actions would be most likely to influence the built environment. The following preliminary urban design assessment follows these guidelines and provides a characterization of existing conditions, a description of urban design under the Future No-

Action and With-Action Conditions, and an analysis determining the extent to which physical changes resulting from the Proposed Actions would alter the pedestrian experience.

Pursuant to the *2020 CEQR Technical Manual*, the appropriate study area for an urban design is within a 400-foot radius of the proposed Affected Area. The 400-foot urban design study area is generally bounded by Brook Street to the north, mid-block between Avon Place and Fielder Avenue to the east, Creston Plan to the south, and Castleton Avenue to the west (see **Figure 2.4-1**, appended to the end of this section, for a visualization of the urban design study area).

2.4-3 – Preliminary Assessment

Existing Conditions

The Affected Area

The Affected Area includes Staten Island Block 576, Lots 21, 23, 25, 38, and 42, the existing urban design conditions for which are described on a lot-by-lot basis, below.

- *Lot 21:* This 3,000-sf interior lot is entirely undeveloped / vacant (i.e., 0.0 FAR; 0 percent lot coverage), a large majority of which features tree coverage;

- *Lot 23:* This 3,040-sf interior lot is entirely undeveloped / vacant (i.e., 0.0 FAR; 0 percent lot coverage), a large majority of which features tree coverage;

- *Lot 25 (i.e., Projected Development Site 1):* This 30,267-sf interior lot is entirely undeveloped / vacant (i.e., 0.0 FAR; 0 percent lot coverage), a large majority of which features tree coverage;

- *Lot 38:* This 3,454-sf lot is developed with a one-story, 1,450-gsf (0.42 FAR) commercial building (utilized as an autobody repair shop) with a maximum height of approximately 19 feet, constructed in 1931. The commercial building has approximately 34 feet of frontage along Victory Boulevard (setback approximately 10 feet from the thoroughfare), with an overall lot coverage of approximately 42.0 percent; and

- *Lot 42:* This 2,320-sf lot is entirely undeveloped / vacant (i.e., 0.0 FAR; 0 percent lot coverage), a large majority of which features tree coverage.

Overall, the urban design character of the Affected Area can be defined as underutilized, wooded land (with the exception of one small, one-story commercial building). Refer to the **EAS Photograph Log** for pictures of the above described urban design conditions within the Affected Area.

It is noted that Affected Area is located within the Special HS District and Staten Island LDGMA. As previously discussed, the guiding principles of the Special HS District are to: (1) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain; (2) to preserve hillsides having unique aesthetic value to the public; (3) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas; and (4) to promote the most desirable use of land and to guide future development in accordance with a comprehensive development plan, and to protect the neighborhood character of the district. LDGMAs are special zoning controls which aim to match future development to the capacity of

supporting services and infrastructure in parts of the city experiencing rapid growth. Such zoning controls include parking, bulk, lot size, yard, open space, landscaping, private road, commercial development, and medical office and day care center requirements. In the Staten Island LDGMA, where far less land is zoned for commercial use than elsewhere in the city, special rules prohibit residential-only development in the borough's commercial overlays and commercial districts.

400-Foot Urban Design Study Area

The urban design character of the urban design study area is generally defined as a low- to medium-density residential neighborhood bisected by the Victory Boulevard corridor from northeast to southwest. The street network within the study area follows a somewhat irregular pattern, with a number of two-way residential side streets traversing the study area (including Castleton Avenue, Pine Street, Jersey Street, Pike Street, Willis Avenue, Edgar Terrace, Avon Place, Bayview Place, Rosewood Place, and Creston Place), complemented with sidewalks, crosswalks, and other pedestrian infrastructure.

Development along Victory Boulevard is generally characterized by relatively smaller parcels (approximately 1,500 to 7,300-sf) featuring one- to three-story buildings (ranging in height from 13 to 41 feet) generally ranging in size from 1,100 gsf to 6,400 gsf (0.13 to 2.17 FAR) (see **Figure 2.4-1**, appended to the end of this Section, and correspond **Photograph Nos. 1 through 5**), with two notable exceptions. In the north-northeastern portion of the study area is large (14,535 gsf), one- to two-story NYC Department of Sanitation building at the corner of Victory Boulevard and Jersey Avenue (see **Photograph No. 6**). In the southwestern portion of the study area is a large Albanian-Islamic Cultural Center, a three-story building approximately 35,000 gsf in size rising to a height of 52 feet (see **Photograph No. 7**). Additionally, along the southside of Victory Boulevard immediately west of the Affected Area are a series of undeveloped parcels and undeveloped backyards associated with properties fronting along Rosewood Place, running parallel to Victory Boulevard to the south (see the left foreground of **Photograph No. 5**). Buildings along the Victory Boulevard corridor are generally older, constructed between 1900 and 1950, with several newer buildings constructed in 2005. In the central and northeastern portions of the Victory Boulevard corridor building typologies are generally residential in nature with slight setbacks from the street, whereas in the southwestern portion the buildings reflect a more commercial nature and front on the lot lines; this creates separate and distinctive street walls in these respective portions of the study area along Victory Boulevard (**see Photograph Nos. 1 through 5**).

Beyond the Victory Boulevard corridor, the urban design character of the study area is almost entirely residential in nature, consisting primarily of one- to three-story detached residential houses ranging from 500 to 6,120 gsf on lots ranging in size from approximately 1,430 to 21,879 sf (0.08 to 1.79 FAR) (**see Photograph Nos. 6 and 8 though 11**). Along the residential side streets residential structures are uniformly setback from the street creating consistent street walls. Residential structures north of Victory Boulevard were constructed between 1901 and 1925 while those residential structures south of southern boulevard were generally constructed between 1910 and 1975, with several newer structures between 1989 and 2010. It is noted that there is a cluster of several four- to five-story multifamily residential buildings southeast of the study area featuring FARs ranging from 1.25 to 1.79 (all four buildings have a 9,000 gsf building area situated on lots ranging in size from 5,040 to 6,132 sf in size). The height of these buildings ranges from approximately 63 to 65 feet (see **Photograph No. 12**).

It is noted that the entirety of the 400-foot land use study area is situated within the Special HS District and the Staten Island LDGMA.

Future No-Action Condition

The Affected Area

Absent the Proposed Actions it is assumed the Affected Area's zoning would remain and no new development would occur at either Projected Development Site 1 or any other lots comprising the Affected Area. Pursuant to information provided by the Applicant, there is no intention to develop the Applicant-owned Projected Development Site 1 absent the Proposed Actions. Current zoning coupled with the Special HS District serves as an effective limitation to the redevelopment of this steep slope area by regulating the maximum allowable coverage at each lot, the removal of trees, regrading, and construction of permanent ground covers. As such, redevelopment absent the Proposed Actions may be too prohibitive and too costly.

400-Foot Urban Design Study Area

Based on a review of the NYC Active Major Construction (AMC) database and NYC Zoning Application Search (ZAP) on August 27, 2020, no significant new construction or land use actions would occur within the study area by the Proposed Project's 2023 build year such that the urban design character within the study area under the Future No-Action Condition would be the same as existing conditions.

Based on foregoing, no significant adverse impacts to urban design within the Affected Area or the urban design study area are anticipated under the Future No-Action Condition.

Future With-Action Condition

The Applicant is seeking the following discretionary actions:

1. A Zoning Map Amendment from the existing R3-2(HS) to R6B (MIH)/C1-3(HS);

2. A Zoning Map Amendment from the existing R3X(HS) to R6B (MIH)/C1-3(HS);

3. A Zoning Map Amendment from the existing R3-2(HS) to R6B (MIH) (HS);

4. A Zoning Map Amendment from the existing R3-2(HS) to R3-2/C1-3(HS); and

5. A Zoning Text Amendment to modify ZR §23-933, Appendix F to designate the newly mapped R6B zoning district at Staten Island Block 576, Lots 25, 38, and 42 as an MIH designated area.

In addition to the proposed Zoning Map and Text Amendments, a series of Zoning Authorizations are required based on the presence of the Special HS District. This includes the following actions:

- ZR 119-311: authorization of development on a steep slope;
- ZR 119-312: authorization of certain uses and parking in excess of 30 spaces; and
- ZR 119-313: modification of landscaping, tree preservation and tree planting requirements

The first authorization pursuant to ZR 119-311 is required, as the site contains areas of "steep slope." The second authorization pursuant to ZR 119-312 is required as a community facility use is proposed and a group parking facility with over 30 spaces is required. The third authorization pursuant to ZR 119-313 is

required as 68 trees must be removed, contrary to the Special HS District regulations. To satisfy this requirement, tree credits would be purchased.

The Proposed Actions would facilitate the development of a new five-story, 63,629 gsf mixed-use residential and groundfloor commercial and community facility building at Projected Development Site 1 (i.e., Lot 25), including 54,942 gsf of residential space, and 8,687 gsf of groundfloor space, including 7,500 gsf of community facility space and 1,187 gsf of commercial space. The Proposed Project would feature and approximately 49 percent lot coverage as well as an overall FAR of 2.2 and maximum building height of 55 feet, the maximum permissible under the R6B district proposed at Projected Development Site 1 under the Future With-Action Condition. See **Figure 2.4-2** for a rendering of the Proposed Project at Projected Development Site 1 and **Figure 2.4-3** for a comparison of the streetscape under the Future No-Action and Future With-Action Conditions.

Apart from Projected Development Site 1, none of the other lots within the Affected Area are projected to be developed (either as Projected or Potential Development Sites) under the Proposed Actions. There are currently no proposals for the redevelopment of Lots 21, 23, and 42, and none are anticipated due to topographical constraints. Lot 38 is anticipated to remain as a one-story commercial building utilized as an auto repair facility.

While the Proposed Actions would permit greater residential, commercial, and community facility density and lot coverage than what is currently permitted 'as-of-right' within Affected Area under the Future No-Action Condition, no significant deviations from the urban design character of the study area would result. Specifically, buildings of comparable height and FAR to that which is proposed under the Future With-Action Condition exist within the study area immediately to the southeast of the Affected Area; as previously discussed, there is a cluster of several four- to five-story multifamily residential buildings southeast of the study area featuring FARs ranging from 1.25 to 1.79, ranging in height from approximately 63 to 65 feet. The maximum FAR of these buildings (1.79) and height (65 feet) is comparable to maximum permissible under the R6B zoning district (2.2 residential FAR and a 55-foot maximum building height, respectively).

Further, Victory Boulevard is a 'wide' mixed-use corridor with R4 and R5 districts present in close proximity, which permit four- and five-story buildings. The property at 150 Victory Boulevard (approximately 1000 feet northeast of the Affected Area long Victory Boulevard) contains a six-story apartment building with 40 dwelling units and an overall FAR of 1.97. Additionally, the Albanian Islamic Cultural Center approximately 350 feet southwest of the Affected Area within the urban design study area rises to an overall building height of 52 feet. The Proposed Actions (and resultant Proposed Project) would be consistent with this urban design character, as the R6B zoning district does not permit building in excess of five stories and 55 feet.

Additionally, the proposed R6B zoning district would be a contextual zoning district, which regulates the height and bulk of new buildings, their setback from the street line, and their width along the street frontage, to produce buildings that are consistent with existing neighborhood character.

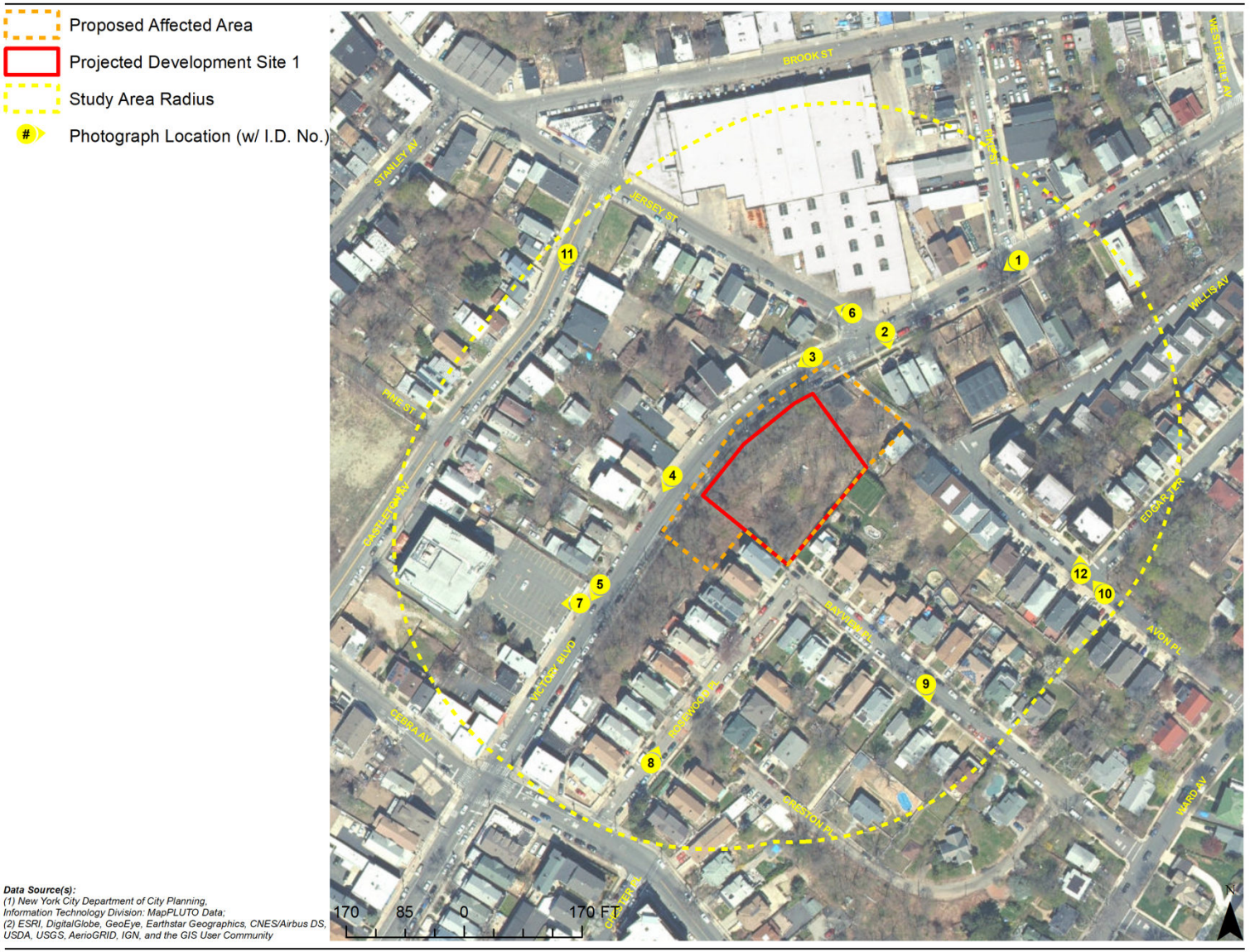
The proposed Zoning Authorizations associated with the Proposed Actions would be consistent with the intent and purpose of the Special HS District, including provisions for lot coverage, development on slopes, preservation of built character, and tree coverage and landscaping elements. The Zoning Authorizations would simultaneously activate an underutilized parcel with uses appropriate to the surrounding area and

along a major thoroughfare, as well as permit a building coverage and height that is consistent with the existing built form of the surrounding area.

Overall, the Proposed Project would redevelop underutilized and underbuilt property from to a new, contextual, mixed-use residential, commercial, and community facility building the design of which would be consistent with the existing built context of the surrounding neighborhood as well as the Special HS District. Further, the Proposed Actions would permit the development site to be redeveloped at increased residential densities that would help achieve the current Mayoral administration's affordable housing goals

Based on the foregoing, the Proposed Actions would not result in any significant adverse impacts to urban design, and no further analysis is warranted.

Figure 2.4-1 – Aerial Imagery and Photograph Key



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



Photograph No. 1: View along Victory Boulevard facing southwest from Pike Street



Photograph No. 2: View of residential buildings along Victory Boulevard, facing south from the intersection of Victory Boulevard and Pike Street.



Photograph No. 3: View of residential buildings along Victory Boulevard, facing southeast



Photograph No. 4: View of residential buildings along Victory Boulevard, facing southeast



Photograph No. 5: View of mixed-use commercial residential buildings along Victory Boulevard, facing southeast



Photograph No. 6: View of the NYC DOS facility along Jersey Street with residential uses to the west, facing north from Victory Boulevard

All photographs taken Sunday, August 30, 2020



Photograph No. 7: View of the Albanian-Islamic Cultural Center, facing north from Victory Boulevard



Photograph No. 8: View of the residential buildings along Rosewood Place, facing northeast.



Photograph No. 9: View of residential buildings along Bayview Place, facing southeast



Photograph No. 10: View of residential buildings along Avon Place, facing north



Photograph No. 11: View of residential buildings along Castleton Avenue, facing southwest from Jersey Street



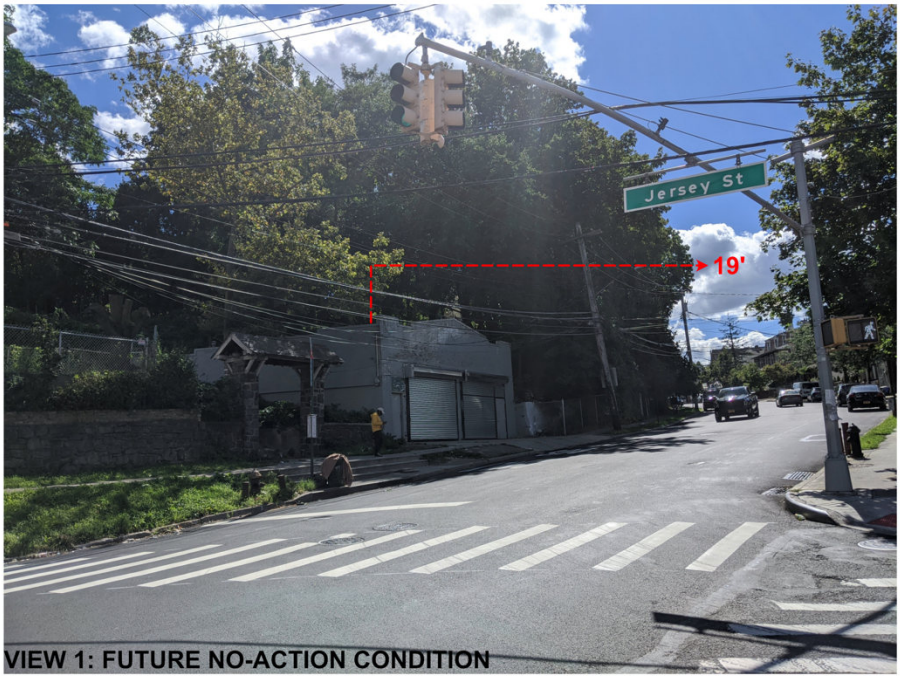
Photograph No. 12: View of multi-family residential buildings along Avon Place, facing north

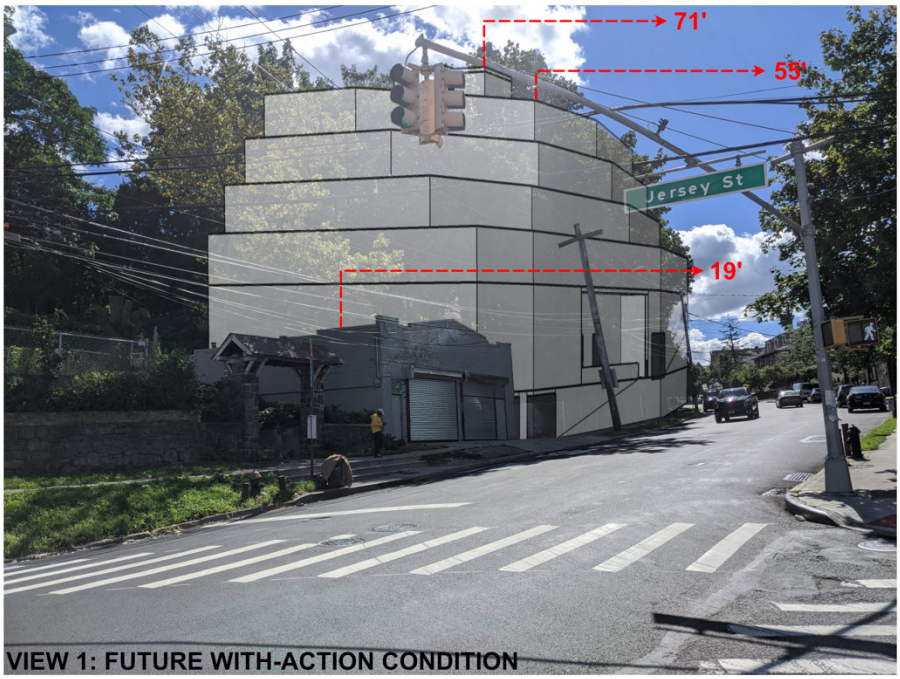
All photographs taken Sunday, August 30, 2020

Figure 2.4-2 – Rending of the Proposed Project at Projected Development Site 1 (Facing Southwest from Victory Boulevard)



Figure 2.4-3 – Future No-Action and Future With-Action Streetscape View





VIEW 1: LOOKING SOUTHWEST DOWN VICTORY BOULEVARD

2.5 HAZARDOUS MATERIALS

2.5-1 – Introduction

GZA GeoEnvironmental of New York (GZA) was retained by 252 Victory Blvd LLC (also referred to herein as "Client" or "User") to perform a Phase I Environmental Site Assessment (ESA) of the property located at 252 Victory Boulevard in Staten Island, New York (hereafter referred to as the "Site"). GZA performed this Phase I ESA in connection with the Client's planned development of Projected Development Site 1.

2.5-2 – Methodology

The Standard Practice E 1527-13 defines good commercial and customary practice for conducting an ESA of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and petroleum products. As such, the Practice is intended to permit a user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability (referred to as landowner liability protections or LLPs); that is, the practice that constitutes all appropriate inquiries into the previous ownership and uses of the property consistent with good commercial and customary practice.

The goal of an ESA is to identify, to the extent feasible in accordance with ASTM E 1527-13, *Recognized Environmental Conditions (RECs)* in connection with the property. The term *Recognized Environmental Condition* means 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. *De minimis* conditions are not *Recognized Environmental Conditions*. The term *de minimis* condition means a condition 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. The presence or likely presence of hazardous substances or petroleum products at a site includes any form, such as solid or liquid at the surface or subsurface, and vapor in the subsurface.

The Practice also defines two additional *RECs*; *Controlled Recognized Environmental Conditions* and *Historical Recognized Environmental Conditions*. The term *Controlled Recognized Environmental Conditions* means 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 a 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).

The term *Historical Recognized Environmental Condition* means a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

Recognized Environmental Conditions are identified through a review of pertinent records for the project site and nearby properties, a site reconnaissance and interviews. The records review includes a review of *Standard Historical Sources* of information to determine the history of the property. Such sources include historical aerial photographs, fire insurance maps such as those published by the Sanborn Map Company, reverse telephone directories, building department records such as Certificates of Occupancy, building and demolition permits, etc., property tax records, recorded land title records, previous environmental reports and others. The records review also includes regulatory agency lists and databases of documented hazardous waste sites, spill incidents, registered storage tanks and others.

The non-invasive site reconnaissance is performed to identify potential sources of contamination at the project site and in the immediate vicinity of the site. Such potential sources of contamination include operations involving the storage or use of hazardous substances or petroleum products, the presence of petroleum storage tanks, drainage structures, chemical/oil staining, dead or dying vegetation and others.

Interviews are conducted, whenever possible, with site owners, operators, tenants, local government officials, and others with knowledge of the site and information regarding potential RECs at a property. Finally, several ASTM "Non-Scope" items including asbestos-containing materials, lead-based paints, and radon are also discussed.

The following summarizes the findings, conclusions, and recommendations of the Phase I ESA.

2.5-3 – Environmental Site Assessment Findings

Site Description and History

Projected Development Sie 1 is identified on the New York City Tax Map as Staten Island Block 576, Lot 25. The approximately 30,000-square-foot lot is located in the northeast section of Staten Island, southeast of the intersection of Victory Boulevard and Jersey Street. Projected Development Site 1 is currently vacant and heavily wooded. Projected Development Site 1 is located on a hill that slopes steeply downward towards Victory Boulevard. In approximately 1924, Projected Development Site 1 was developed with a single building containing nine dwellings. As part of the initial 1924 development, four stairways and a retaining wall were constructed to for access to the Site from Victory Boulevard. Projected Development Site 1 has remained vacant land since 1981 when the last of the dwellings was demolished. Remnants of the stairways and retaining walls are still present on Projected Development Site 1.

Recognized Environmental Conditions (RECs)

No RECs were identified for Projected Development Site 1 during this Phase I ESA.

Historic Recognized Environmental Conditions (HRECs)

This Phase I ESA revealed the auto repair shop adjoining Projected Development Site 1 to the north at 250 Victory Boulevard as an HREC in connection with Projected Development Site 1. The adjoining property to the north of Projected Development Site 1 has been utilized as an auto repair shop from 1975 to the time of GZA's site reconnaissance. A closed NYSDEC spill was reported for the adjoining property on May3, 1988 when an unknown amount of waste oil was spilled on the soil and pavement and "pumped behind the shop", which is adjacent to Projected Development Site 1.

Controlled Recognized Environmental Conditions (CRECs)

No CRECs were identified for Projected Development Site 1 during this Phase I ESA.

De Minimis Conditions

This Phase I ESA revealed illicit dumping of solid waste on Projected Development Site 1.

Data Gaps and Their Significance

Projected Development Site 1 is overlain by dense vegetation and characterized by steep slopes. GZA could not access all areas of Projected Development Site 1 during site reconnaissance activities. This is a potentially significant data gap for Projected Development Site 1 given the illicit dumping observed in the areas that were accessible.

A file review has not been completed for the New York City (NYC) Department of Sanitation (DOS) Staten Island District 1 Garage located at 100 Brook Street, located approximately 100 feet northwest of Projected Development Site 1. On-going remediation of a 2003 petroleum spill at this facility has the potential to create a REC for Potential Development Site 1.

No land title records were provided to GZA for review. General information regarding the history of ownership was obtained through information in deeds made available at the New York City Department of Finance (NYCDOF), Office of the City Register online deeds search, and a limited Activity and Use Limitation (AUL) review conducted by Environmental Data Resources (EDR). In GZA's opinion, however, this is not a significant data gap.

Non-ASTM Evaluations

The Serpentine bedrock underlying Projected Development Site 1 is a Natural Occurring Asbestos (NOA) rock. Depth to rock is highly variable and is expected to range from elevations (El.) 100 feet to El. 200 feet. The weathered Serpentine bedrock extends to elevations ranging between approximately El. 102.9 feet and El. 55.1 feet. Laboratory testing of soil samples at Projected Development Site 1 indicated that chrysotile asbestos is present within the soil and presumed to originate from the weathering and degradation of the underlying Serpentine bedrock. Actions taken regarding the NOA must follow any applicable federal, state, and local regulators that may apply to the removal, handling, disposal, and contracting. Applicable regulations may include, but are not limited to, Occupational Safety and Health Administration (OSHA)29 Code of Federal Regulations (CFR)1910.1001,29 CFR1926.1101, 6 New York Codes, Rules and Regulations (NYCRR) Part 360–Solid Waste Management Facilities, and 6 NYCRR Part 364–Waste Transporter Permits.

2.5-4 – Phase I ESA Conclusions

A Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of 252 Victory Boulevard, Staten Island New York. This assessment has revealed no evidence of *Recognized Environmental Conditions* or *Controlled Recognized Environmental Conditions* in connection with the property. This assessment has revealed no evidence of *Historical Recognized Environmental Conditions* in connection with the property, with the following exceptions:

- This Phase I ESA revealed the auto repair shop adjoining Projected Development Site 1 to the north at 250 Victory Boulevard as an HREC in connection with Projected Development Site 1. The adjoining property to the north of Projected Development Site 1 has been utilized as an auto repair shop from 1975 to the time of GZA's site reconnaissance. A closed NYSDEC spill was reported for the adjoining property on May3, 1988 when an unknown amount of waste oil was spilled on the soil and pavement and "pumped behind the shop", which is adjacent to Projected Development Site 1.

Additionally, the potential for a *Recognized Environment Condition* was identified, as a file review has not been completed for the NYC DOS Staten Island District 1 Garage located at 100 Brook Street, located approximately 100 feet northwest of Projected Development Site 1. On-going remediation of a 2003 petroleum spill at this facility has the potential to create a *Recognized Environment Condition* for Potential Development Site 1.

2.5-5 – NYC Department of Environmental Protection Phase I ESA Review and Recommendations

In a letter dated October 19, 2020, the NYC Department of Environmental Protection (DEP) indicated it had completed the review of the Phase I ESA (see the **Hazardous Materials Appendix**). Per that letter the NYC DEP offered the following comments and recommendations:

- Based on the historical on-site and/or surrounding area land uses, a Phase II Environmental Site Assessment (Phase II) is necessary 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 from hazardous materials. A Phase II Investigation Protocol/Work Plan summarizing the proposed drilling, soil, groundwater, and soil vapor sampling activities should be developed in accordance with the *2020 CEQR Technical Manual* and submitted for DEP review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil, groundwater, and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health(NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory for the presence of volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method8260, semi-volatile organic compounds by EPA Method8270, pesticides by EPA Method 8081, polychlorinated biphenyls by EPA Method 8082, and Target Analyte List metals (filtered and unfiltered for groundwater samples). The soil vapor sampling should be conducted in accordance with the NYSDOH October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method TO-15. An Investigation Health and Safety Plan (HASP) should also be submitted for DEP review and approval.

- DCP should also instruct the applicant that the Phase II Work Plan and HASP should be submitted for DEP review and approval prior to the start of any fieldwork.

2.5-6 – NYC Department of Environment Protection Phase II ESA Review

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the March 2021 Phase II Environmental Site Assessment (Phase II), the April 2021 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP). In a letter dated May 19, 2021, DEP approved the submitted RAP and CHASP and accepted the findings of the Phase II.

Below are the findings of the Phase II, CHASP and RAP as summarized in the May. 2021 letter. This letter is included as an Appendix to this EAS.

Projected Development Site 1

- The soil analytical results revealed that VOCs, SVOCs, and PCBs were either non-detect (ND) or below their New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs). Several pesticides (4,4'-DDE, 4,4'-DDT, and dieldrin), and several metals (barium, cadmium, copper, lead, manganese, nickel, mercury, silver, and zinc) were detected above their NYSDEC Unrestricted Use SCOs, Restricted Residential Use SCOs and/or Commercial Use SCOs.
- The groundwater analytical results revealed that VOCs, SVOCs, pesticides, and PCBs were either ND or below their NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Class GA Ambient Water Quality Standards and Guidance Values. Several metals (chromium, magnesium, manganese, and nickel) were detected above their NYSDEC TOGS 1.1.1 Class GA Ambient Water Quality Standards and Guidance Values.
- The soil vapor analytical results revealed that several VOCs (1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 2-butanone, acetone, benzene, carbon disulfide, carbon tetrachloride, chloromethane, cyclohexane, dichlorodifluoromethane, ethyl benzene, isopropanol, methyl methacrylate, methylene chloride, n-heptane, n-hexane, o-xylene, p-&m- xylenes, p-ethyltoluene, propylene, tetrachloroethylene, toluene, and trichlorofluoromethane) were detected.
- The outdoor air analytical results revealed that several VOCs (2-butanone, acetone, benzene, carbon tetrachloride, chloromethane, dichlorodifluoromethane, isopropanol, methyl methacrylate, methylene chloride, n-heptane, n-hexane, o-xylene, toluene, and trichlorofluoromethane) were detected.
- DEP finds the April 2021 RAP and CHASP for the proposed project acceptable. DCP should instruct the applicant that at the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report should be submitted for DEP review and approval for the proposed project. The P.E. certified Remedial Closure Report should indicate that all remedial requirements have been properly implemented (i.e., transportation/disposal manifests for removal and disposal of soil in accordance with applicable federal, state and local laws and regulations; installation of vapor barrier; two feet of DEP approved certified clean fill/top soil capping requirement in any landscaped/grass covered areas not capped with concrete/asphalt, etc.).

2.5-7 – Conclusion

With the RAP and CHASP in place, no significant adverse impacts related to hazardous materials are expected, and no further analysis is warranted. Therefore, there is no potential for the Proposed Actions to result in significant adverse impacts related to hazardous materials on for Projected Development Site 1 (Block 576, Lot 25)

2.6 TRANSPORTATION

2.6-1 – Introduction

A screening analysis was conducted to determine if the proposed mixed-use development would require detailed analyses to identify possible significant adverse transportation impacts.

2.6-2 – The Future With-Action Condition

The transportation screening analysis, preformed for the Proposed Actions, is based on the Future With-Action Condition for Projected Development Site 1. The Future With-Action Condition includes the development of a total 46 dwelling units (54,942 gross square feet), 1,187 gsf of local retail, and 7,500 gsf of community facility space (utilized as a daycare facility), as is summarized below in **Table 2.6-1**.

Table 2.6-1 – Projected Development Site 1 Future With-Action Condition

Proposed Uses	Future With-Action Condition	Incremental Increase from Future No-Action Condition[1]
Residential (dwelling units)	46	+46
Local Retail (gsf)	1,187	+1,187
Community Facility (gsf)	7,500	+7,500

Notes: [1] Under the Future No-Action Condition Projected Development Site 1 would remain undeveloped / vacant

2.6-3 – Weight Average Screening Analysis

Individually, this level of development would not exceed the minimum development density potentially requiring a Weighted Average screening analysis, as detailed below by utilizing *Table 16-1* of the Transportation Chapter of the *2020 CEQR Technical Manual*. The applicable minimum development density for the location of the project site in Zone 4 is 200 new residential dwelling units, 10,000 additional gross square feet of commercial ground floor retail space, and 15,000 additional gross square feet of community facility space.

Based on the *2020 CEQR Technical Manual* **Table 16-1** Zone 4 threshold criteria, a weighted average screening is prepared as shown below (it is noted that as the 61 proposed parking spaces are accessory to the proposed residential, commercial, and community facility uses they are not considered in the weighted average screening). As shown below, the weighted average screening would result in a value less than 1. Therefore, the Future With-Action Condition would screen out for transportation impacts and would require no detailed transportation analyses, per CEQR Technical Manual Threshold.

Weighted Average Screening Analysis Calculation:

(46 dwelling units / 200 dwelling unit Zone 4 threshold) +
(1,187 gsf commercial space / 10,000 gsf commercial space Zone 4 threshold) +
(7,500 gsf community facility space / 15,000 gsf community facility space Zone 4 threshold)
= 0.8487 (i.e., less than 1.0)

2.6-4 – Conclusions

Resultant development from the Proposed Actions would not exceed minimum residential, local retail, and / or community facility density threshold requirements for a detailed transportation analysis. Therefore, significant adverse traffic impacts are not anticipated an no further analysis is necessary.

2.7 AIR QUALITY

2.7-1 – Introduction

Analysis Framework

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. Under CEQR, an air quality assessment determines both a proposed project's effects on ambient air quality as well as the effects of ambient air quality on the project. The analysis followed the *New York City Environmental Quality Review 2020 Technical Manual*.

Air Pollutants and Applicable Standards and Guidelines

Criteria Pollutants - National Air Quality Standards

The EPA has identified six pollutants, known as criteria pollutants, which are of concern nationwide. As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for the criteria pollutants by EPA, and New York State has adopted the NAAQS as the State ambient air quality standards. 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.

Background concentrations are not directly accounted for in the dispersion modeling. The background concentrations are added to the modeled concentrations to predict the cumulative concentrations. These background concentrations include pollutants that originated from distance sources. The New York State Department of Environmental Conservation (NYSDEC) measures air pollutants at more than 50 sites across the state using continuous and/or manual instrumentation. These sites are a mix of federally-mandated and supplemental monitoring networks. Based on the *CEQR Technical Manual,* the nearest federally-mandated background concentration monitoring site, for each pollutant independently, is considered a representative site. The NAAQS and background concentrations of the pollutants that detailed analyses were conducted for are presented in **Table 2.7-1**.

Table 2.7-1: NAAQS and Background Concentration Published in the NYSDEC 2019 Report

Pollutant	Averaging Period	National and State Standards	Background Concentration	Monitoring Station
$PM_{2.5}$	24-Hour	35 µg/m^3	19.3 µg/m^3	Port Richmond
	Annual	12 µg/m^3	7.5 µg/m^3	
NO_2	1-Hour	188 µg/m^3	103.6 µg/m^3	Queens College
	Annual	100 µg/m^3	26.8 µg/m^3	
SO_2	1-Hour	35 ppm	13.5 µg/m^3	
	8-Hour	9 ppm	1.0 µg/m^3	
Source: Background concentrations NYSDEC Ambient Air Quality Report for 2019				

1. 6 CRR-NY 257-2.3 for annual SO_2 standard: "During any 12 consecutive months, the annual average of the 24-hour average concentrations shall not exceed 0.03 ppm.

NO_2 NAAQS

The 1-hour NO_2 NAAQS was promulgated in the United States in February 2010. The 1-hour standard is based on a percentile rank from the annual distribution of daily maximum 1-hour values, averaged across

the number of years processed. The 1-hour NO_2 modeled design value is based on the 98th percentile, or 8th highest, of the daily maximum 1-hour values across the year. For typical multi-year modeling analysis based on 5 years of National Weather Service (NWS) meteorological data, the modeled design value is the 5-year average of the 8th highest values for NO_2.

Nitrogen oxide (NOx) emissions from combustion consist predominantly of nitric oxide (NO) at the source. The NOx in these emissions are then gradually converted to NO_2. For determining compliance with the 1-hour standard, the EPA has developed a three-tiered modeling approach: Tier 1, the most conservative approach, assumes a full (100%) conversion of NOx to NO_2; Tier 2 applies a conservative ambient NOx/NO_2 ratio of 80% to the NOx estimated concentrations; and Tier 3, which is the most precise approach, employs AERMOD's Plume Volume Molar Ratio Method (PVMRM) module. The PVMRM accounts for the chemical transformation of NO emitted from the stack to NO_2 within the source plume using hourly ozone background concentrations. In AERMOD's Tier 3 approach, the model generates 8th highest daily maximum 1-hour NO_2 concentrations or total 1-hour NO_2 concentrations if hourly NO_2 background concentrations are added within the model. The ozone and NO_2 hourly background concentrations are obtained from the NYSDEC.[2] Per the *CEQR Technical Manual*, a Tier 1 approach is initially applied, followed by a Tier 2 application. A less conservative Tier 3 approach is then applied if exceedances of the 1-hour NO_2 NAAQS were predicted.

NYC Guidelines

The City's *de minimis* criteria are used to determine the significance of the incremental increase in CO and $PM_{2.5}$ concentrations that would result as a consequence of the proposed project. The CO criteria set the minimum change in 8-hour average CO 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.

The following criteria are used for determination of significant adverse $PM_{2.5}$ incremental impacts for projects subject to CEQR:

- 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 $PM_{2.5}$ concentration increments greater than 0.1 $\mu g/m^3$ 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); or

[2] http://www.nyaqinow.net/

- Predicted annual average $PM_{2.5}$ concentration increments greater than 0.3 µg/m^3 at any receptor location for stationary sources.

Noncriteria Pollutants

The NYSDEC Department of Air Resources established short-term (one-hour) and annual concentrations standards for certain noncriteria pollutants. The standards are acceptable ambient levels for these pollutants, which are based on human exposure. The New York State standards for noncriteria pollutants are published in the DAR-1 guidance document (latest version dated August 10, 2016). DAR-1 presents Annual and Short-Term Guideline Concentrations (AGCs and SGCs, respectively) for contaminants that range in toxicity from high to low. The AGCs and SGCs are annual and 1-hour guideline concentrations, respectively, for potentially toxic or carcinogenic air contaminants. In addition, NYSDEC also regulates pollutants that produce discomfort due to odors, where significant discomfort is evaluated on quantity, characteristic, or duration.

2.7-2 Mobile Source Screen

Introduction

According to the *CEQR Technical Manual,* projects 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 (e.g., diesel trains, helicopters, boats), or add new uses near mobile sources (e.g., roadways, garages, parking lots). Detailed analyses are required to predict whether a proposed action could potentially result in significant adverse air quality impact if certain threshold criterions are met or exceeded. Proposed actions that do not meet or exceed the threshold criterions (screen out) are not expected to result in mobile source impacts.

Mobile Source Screen

Project-Generated Traffic

Screening analyses for the project's peak hour auto traffic and peak hour heavy-duty diesel vehicle (HDDVs) traffic were conducted. Per the *CEQR Technical Manual*, a detailed analysis for carbon monoxide (CO) is required if the generate peak hour auto traffic or diversion of existing peak hour traffic would result in an increment of 170 auto trips (in this area of the city). A detailed analysis for particles with an aerodynamic diameter of less than or equal to 2.5 micrometers ($PM_{2.5}$) is required if the generate peak hour HDDVs traffic or its equivalent in vehicular emissions, depending on the type of road, would be met or exceeded.

The Proposed Actions would not exceed the *CEQR Technical Manual Table 16-1* threshold criterions. As such, the project-generated peak hour auto traffic would not exceed 170 net vehicles trips at any given hour at any intersection during any peak hour.
The $PM_{2.5}$ equivalent truck calculation in vehicular emission screen depends on the type of road. Victory Boulevard is classified as a principal arterial roadway.[3] The *CEQR Technical Manual* threshold criterions for arterial roadway is 23 HDDVs. The NYC Department of City Planning (DCP) online CEQR App was used

[3] https://gis3.dot.ny.gov/html5viewer/?viewer=FC

to predict the project-generated traffic, where the CEQR App output is based on the *CEQR Technical Manual* planning factors. The HDDVs screen does not apply to passenger cars; however, the HDDVs screen assumed that all autos (passenger cars and passenger trucks combined) are LDGT1 class vehicles. The worst-case HDDVs or its equivalent in vehicular emissions would result in a maximum of 1 equivalent trucks. Table 17-2 shows the project-generated traffic (inbound and outbound combined) and the results of the *CEQR Technical Manual* Equivalent Truck Calculation for each peak-hour period.

Table 2.7-2: *CEQR Technical Manual* Equivalent Truck Calculations

Peak-Hour Period	Truck Per Hour	Auto Per Hour	Equivalent Truck Victory Boulevard
AM	0	20	1
MD	2	20	0
PM	0	20	1
Sat MD	0	18	1

As seen in **Table 2.7-2**, the Proposed Actions $PM_{2.5}$ equivalent truck calculation in vehicular emission does not exceed the HDDVs screening threshold criterion. Therefore, no detailed analysis was required. Therefore, the Proposed Actions peak hour auto traffic and peak hour HDDVs passed the CO and $PM_{2.5}$ screening analyses and no detailed analyses were required.

Parking Garage

Based on CEQR guidelines, the incremental capacity of parking facilities are evaluated with a threshold capacity to determine whether a detailed analysis is required. The threshold increment, per the NYC Department of City Planning (DCP), is an increment of 85 off-street parking spaces. A detailed analysis is required if the threshold is met or exceeded. Projected Development Site 1 would include 61 accessory parking spaces (representing an incremental increase of 61 accessory parking space over the Future With-Action Condition). Therefore, no detailed air quality analysis was required.

Existing Mobile Source of Pollutants

According to the *CEQR Technical Manual*, projects that would result in new sensitive uses within 200 feet of an atypical roadway or near other major mobile source of pollutant may result in significant adverse mobile source air quality impacts. The proposed project is not located near a highway or a very large parking facility. Therefore, no detailed analysis was required.

2.7-3 – HVAC Systems Analysis

Introduction

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 result in 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.

Screening Analysis

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, and the square footage of the development that would be served by the system. The *CEQR Technical Manual* provides a screening analysis based on these factors. If the actual distance between the source building and the affected building is greater than the threshold distance for a building size, then that building passes the screening analysis (and no significant impact is predicted). However, if the actual distance is less than the threshold distance for a building, then there is a potential for a significant impact, and a detailed analysis is required.

The future With-Action Scenario is predicted as the Proposed Development Site 1 (a single development). Therefore, only a project-on-existing screening analysis was required. In addition, according to 15 RCNY 2-15, no new boiler or burner installations may use No. 6 or No. 4 fuel oils. Therefore, the highest-emitting fuel that could be used is No. 2 fuel oil.

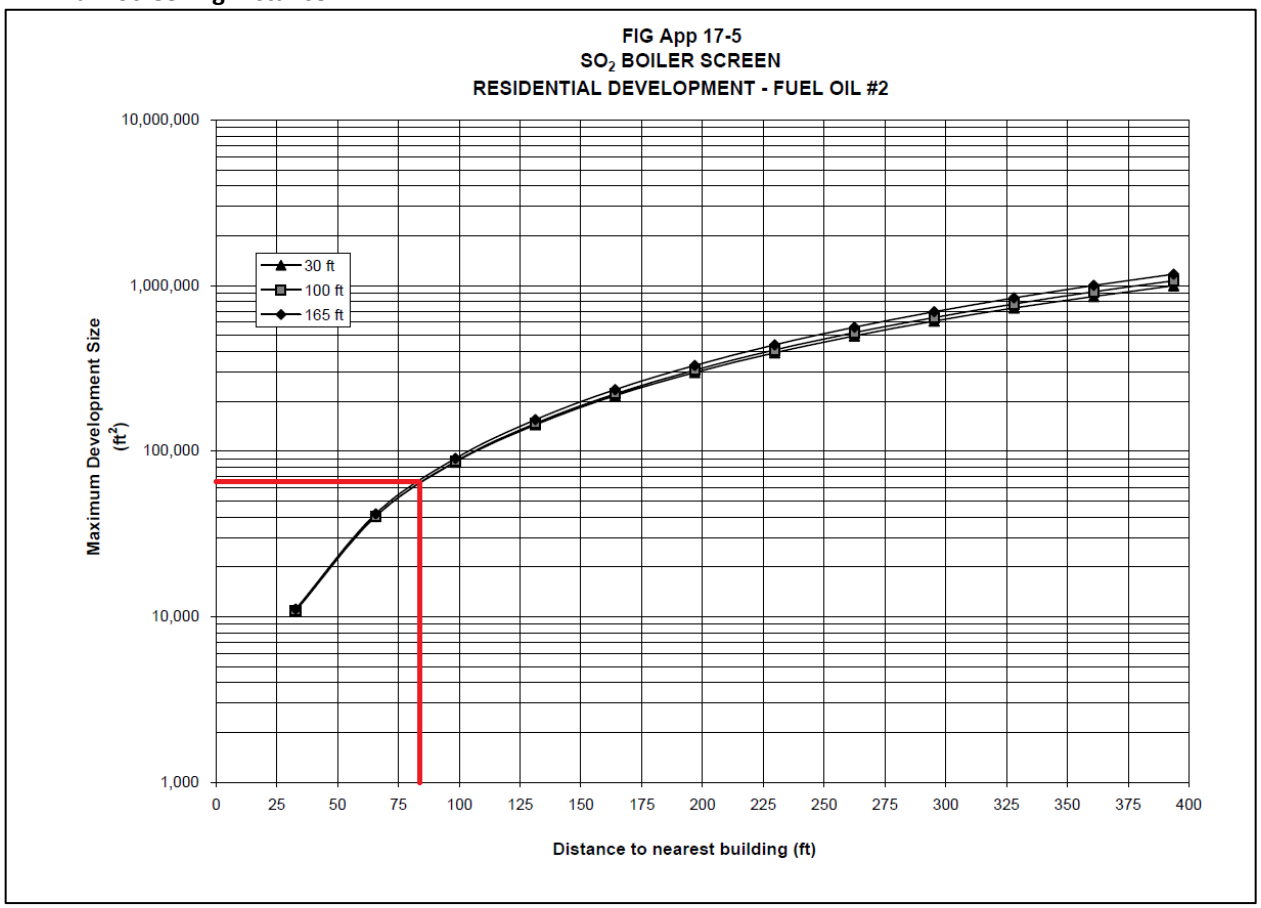
In the future With-Action, the Proposed Development Site 1 would be developed with a predominantly residential, mixed-use building. The building would contain 63,629 gross square feet (gsf) and it would rise to a height of 55 feet above the base plane elevation. Per the Site Plans, provided by the building architect for this project, the roof of the building would be at 196 feet elevation and the cellar and parking level would be at an elevation of 124 feet. The screening analysis was based on buildings' roof elevations metadata.[4]

The residential buildings located at 1 Bay View Place (Block 576, Lot 113) and 21 Rosewood Place (Block 576, Lot 120), which have roof elevations of 233 feet, are adjacent to the Proposed Development Site 1. Therefore, a detailed analysis was required for these buildings.

In addition to the adjacent buildings that failed the screening analysis, a screening analysis was conducted to determine the distance from the Proposed Development Site 1 where no impact would be predicted. **Figure 2.7-1** (using Figure 17-5 of the *CEQR Technical Manual Appendices*) shows the screening analysis.

[4] New York City Geo-Metadata, https://github.com/CityOfNewYork/nyc-geo-metadata/blob/master/Metadata/Metadata_BuildingFootprints.md. July 2017.

Figure 2.7-1: The Proposed Development Sites 1 Screening Analysis on Existing Land Uses to Predict the Minimum Screening Distance



As seen in the screening analysis **Figure 2.7-1** (using Figure 17-5 of the *CEQR Technical Manual Appendices*), a detailed analysis would be required for any building with a roof elevation of at least 196 feet and that the building is located less than 85 feet from the Proposed Development Site 1. In addition to the buildings located at 1 Bay View Place (Block 576, Lot 113) and 21 Rosewood Place (Block 576, Lot 120) that failed the screening analyses, the buildings located at 7 Bay View Place (Block 576, Lot 111), 19 Rosewood Place (Block 576, Lot 122), and 4 Bay View Place (Block 577, Lot 34), which have roof elevations greater than 196 feet, are located less than 85 feet from the Proposed Development Site 1. Therefore, detailed analysis was conducted for all these buildings.

Detailed Analysis

Methodology

A stationary source modeling was conducted to evaluate the potential impacts associated with the boilers stacks emissions. The EPA's AERMOD modeling system[5] version 19191 was used to predict pollutants' concentrations. The analysis was conducted assuming stack tip downwash and elimination of calms. The AERMOD model incorporates air dispersion based on planetary boundary layer turbulence structure and

[5] AMS/EPA Regulatory Model (AERMOD) User's Guide. EPA-454/B-19-027, August 2109.

scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. The Building Profile Input Program (BPIP) was run with the downwash effect enabled.

All analyses were conducted using the latest five consecutive years of meteorological data (2015-2019), obtained from the NYSDEC, Division of Air Resources, BAQAR, Impact Assessment and Meteorology Section. Surface data used in the analysis is from LGA Airport, upper air data is from Brookhaven station, New York. The meteorological data was processed using the latest versions of AERMINUTE, AERSURFACE and AERMET. These meteorological data provided hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period.

The pollutants of concern of oil No. 2 fueled boilers are $PM_{2.5}$, NO_2, and SO_2. Pollutants emission rates were calculated based on emission factors, obtained from the EPA's AP-42 manual for external combustion sources,[6] and the boiler's energy intensity. The boiler's energy intensity was calculated based on energy consumption rate, obtained from the *CEQR Technical Manual Appendices*, corresponding to residential use in the building. All fuel was assumed to be consumed during the 100-day (or 2,400 hour) heating season, based on the *CEQR Technical Manual*. Table 2.7-3 shows the boiler's energy intensity and the pollutants emission rates.

Table 2.7-3: RWCDS HVAC System Short-term and Annual Emission Rates

Site ID	Development Site RWCDS Floor Area (gsf)	Boiler's Energy Intensity (MMBtu); Fuel Used	Pollutant	Short-term Emission Rate (g/s)	Annual Emission Rate (g/s)
Proposed Development Site 1	63,629	1.6; Oil No. 2	NO_2	2.89E-02	7.91E-03
			$PM_{2.5}$	3.07E-03	8.42E-04
			SO_2	3.07E-04	8.42E-05

The boiler stack diameter and stack exit temperature 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)[7]. The stack exit velocity was calculated based on fuel oil No. 2 dry volume of combustion components per unit of heat content. The boiler stack was placed 3 feet above the roof and as close as possible to the receiving building(s); hence, a stack set back distance was specified if impact was predicted.

The Proposed Development Site 1 was modeled as a building that cover its entire lot area (the wall façade located on the outer lot lines) and rise to its RWCDS height. The Proposed Development Site 1 roof and base elevation were obtained from the site plans, provided by the building architect for this project. Buildings in the surrounding area were accounted for in the downwash effect on plums dispersions (BPIP). Receptors on the receiving building(s) were placed on all wall façade and on all floor levels. The base and roof elevations[8] of the surrounding buildings were accounted for in the AERMOD model.

Generic emission rate of 1 gram per second and 1st highest output concentrations were used to predicted the annual NO_2, $PM_{2.5}$, and SO_2 concentrations. The 1-hour NO_2 concentration was modeled with the calculated emission rate, 8th highest concentration (the NAAQS design value), and Tier 3 approach. The ozone and NO_2 background concentrations from the Queens College monitoring station was used in the Tier 3 approach.

[6] EPA. *Compilation of Air Pollutant Emission Factors AP-42 Fifth Edition, Vol. 1:* Chapter 1: External Combustion Sources, https://www3.epa.gov/ttn/chief/ap42/ch01/final/c01s04.pdf. July 1998.
[7] DEP "CA Permit" database obtained from the New York City Department of City Planning, February 2020.
[8] New York City Geo-Metadata, https://github.com/CityOfNewYork/nyc-geo-metadata/blob/master/Metadata/Metadata_BuildingFootprints.md. July 2017.

Results of Dispersion Analyses

Each pollutant averaging time was modeled twice; with building wake effect enabled/disabled. The predicted concentrations are the highest concentration of these. The NO_2 and SO_2 modeled concentrations were added to the background concentrations. The $PM_{2.5}$ modeled concentrations were evaluated with the NYC Guidelines threshold, *de minimis*, for stationary sources. The HVAC dispersions analysis results are shown in **Table 2.7-4**.

Table 2.7-4: HVAC Dispersion Analysis Results

Pollutant and Averaging Time	Modeled Concentration ($\mu g/m^3$)	Background Concentration ($\mu g/m^3$)	Evaluated Concentration ($\mu g/m^3$)	Threshold Concentration ($\mu g/m^3$)	Threshold Standard
1-hour NO_2	82.20[1]	103.59	**186**	**188**	NAAQS
Annual NO_2	1.19	26.8	**28**	**100**	NAAQS
24-hour $PM_{2.5}$	4.89	19.3	**4.9**	**7.85**	*de minimis*
Annual $PM_{2.5}$	0.13	7.5	**0.1**	**0.3**	*de minimis*
1-hour SO_2	1.4	13.5	**15**	**196**	NAAQS
Annual SO_2	0.01	1.0	**1**	**80**	NAAQS

[1] Concentration evaluated with a Tier 2 approach, applying a conservative ambient NO_x/NO_2 ratio of 80% to the NOx estimated concentrations.

The concentrations shown in **Table 2.7-4** were predicted with certain restrictions to ensure that no significant adverse air quality impact(s) would occur. The restrictions for the Proposed Actions are specified in the Air Quality E-Designations that would be placed on the Proposed Development Site 1. The E-Designation language related to the heating and hot water systems is as follows:

(E) Designation

Block 576, Lot 25 (Proposed Development Site 1): Any new residential, commercial, and/or community facility development or enlargement on the above-referenced property must ensure that the heating, ventilating, and air conditioning (HVAC) systems and hot water equipment stack is located at the highest tier and at least 75 feet above grade, and must be located at least 80 feet from the southern lot line facing Cebra Avenue and at 80 feet from the eastern lot line facing Ward Avenue to avoid any potential significant adverse air quality impacts.

2.7-4 - Existing Stationary Sources

Industrial Source

Search for Emission Sources

Per the *CEQR Technical Manual*, projects that would result in new uses (particularly schools, hospitals, parks, and residences) within 400 feet of manufacturing processing facilities, may result in potentially significant adverse impacts related to stationary sources. The analysis first determines if there are any existing manufacturing uses (in the 400 feet study area) with exhaust stacks, vents, or other emission sources that may have the potential to adversely affect the uses introduced by the project. An air dispersion analysis is then conducted for existing industrial source located in the study area; else no analysis is required.

No manufacturing uses emission sources that may have the potential to adversely affect the uses introduced by the project were identified in the New York City Department of Environmental Protection (DEP) online Clean Air Tracking System (CATS) database and the NYSDEC online database.[9] No other existing industrial source which is a likely toxic air emission source was identified in the 400 feet study area. As such, no analysis was warranted, and no significant adverse air quality impacts are predicted from this type of facilities.

Major and Large Source

Per the *CEQR Technical Manual*, projects that would introduce new uses near major sources, large sources, or odor producing facilities may result in potentially significant adverse air quality impacts. The study area considers major sources, large sources, and odor producing facilities within 1,000 feet of the proposed project. Major emission sources are identified as those sources located at Title V facilities; large emission sources are identified as sources located at facilities which require an Air State Facility permit. Solid waste or medical waste incinerators, asphalt and concrete plants, power generating plants, large boilers of large public facilities for example, and large industrial facilities are typical type of sources requiring these permits. Odor producing facilities are operations that have the potential to cause discomfort, such as: solid waste management facilities, water pollution control plants (i.e., sewage treatment plants), and incinerators.

No existing large combustion source(s), such as power plants, cogeneration facilities, etc., located within 1,000 feet of the proposed project, was identified in the database.[10] The nearest source is the NYC EDC - Staten Island Water Siphon Replacement facility, which is located 3,500 feet south-east of the proposed project. In addition, no odor producing facility was identified in the 1,000 feet study area. As such, no analysis was warranted, and no significant adverse air quality impacts are predicted from these types of facilities.

2.7-5 Conclusions

No significant adverse mobile or stationary source air quality impacts were predicted in the analysis. The increase in traffic volumes associated with the Proposed Actions would not result in any significant adverse air quality impacts. Existing stationary sources would not result in any significant adverse air quality impacts. The Proposed Actions would not create a new stationary air quality source that would adversely affect the surrounding area. Under the Proposed Actions, an (E) Designation (E-615) is proposed to avoid adverse air quality impacts on existing land uses with respect to heating systems sources.

Based on the assessment, there is no reason to believe that the conditions associated with the Proposed Actions would result in any significant adverse air quality impacts.

[9] NYSDEC, DECInfo Locator, https://gisservices.dec.ny.gov/gis/dil/, July, 2019.
[10] New York City Department of City Planning, "Air Quality: Light Industrial, NYS DEC Large, and Major Source," https://www.ceqr.app/data/air-quality, August 2020; and, DECInfo Locator, https://gisservices.dec.ny.gov/gis/dil/, July, 2019.

2.8 NOISE

2.8-1 – Introduction

The purpose of a noise assessment under CEQR is to determine whether an action would: (1) raise noise levels significantly at existing or anticipated sensitive noise receptors (such as residences or schools); and / or (2) introduce new sensitive uses (such residential buildings or schools) at locations subject to unacceptably high ambient noise levels.

The assessment is concerned with both mobile and stationary noise sources. Mobile sources are those that move in relation to a noise-sensitive receptor. They include automobiles, buses, trucks, aircraft, and trains. Stationary sources of noise do not move in relation to a noise-sensitive receptor. Typical stationary noise sources of concern include machinery or mechanical equipment associated with industrial and manufacturing operations; building heating, ventilating, and air conditioning (HVAC) systems; speakers for public address and concert systems; playground noise; and spectators at concerts or sporting events. An action could raise noise levels either by introducing new stationary noise sources (such as outdoor playgrounds or rooftop air conditioning compressors) or by increasing mobile source noise (generally by generating additional traffic). Similarly, an action could introduce new residences or other sensitive receptors that would be subject to noise from either stationary or mobile sources.

The Proposed Action would facilitate the development of the Applicant's Development Site with a five-story mixed-use multi-family residential, community facility and commercial building, including noise sensitive residential dwelling units on floors two through five and ground floor commercial and community facility uses. The Proposed Action would therefore result in new development which could potentially generate either stationary or mobile source noise and that would include noise-sensitive residences.

2.8-2 – 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 dBA. The letter "A" indicates that the sound has been filtered to reduce the strength of very low and very high frequency sounds, much as the human ear does. C-weighting gives nearly equal emphasis to sounds of most frequencies. Mid-range frequencies approximate the actual (unweighted) sound level, while the very low and very high frequency bands are significantly affected by C-weighting.

Table 2.8-1: Noise Levels of Common Sources

Sound Source	SPL (dB(A))
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concerts (Rear Seats)	110
On Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night	40-50
Typical Rural Area at Night	30-40
Isolated Broadcast Studio	20
Audiometric (Hearing Testing) Booth	10
Threshold of Hearing	0
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.	
Source: 2020 CEQR Technical Manual	

The following is typical of human response to relative changes in noise level:

- 3-dBA change is the threshold of change detectable by the human ear;
- 5-dBA change is readily noticeable; and
- 10-dBA change is perceived as a doubling or halving of the noise level.

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

- L_{eq} is the continuous equivalent sound level. The sound energy from the fluctuating SPLs is averaged over time to create a single number to describe the mean energy, or intensity, level. High noise levels during a measurement period will have a greater effect on the L_{eq} than low noise levels. L_{eq} has an advantage over other descriptors because L_{eq} values from various noise sources can be added and subtracted to determine cumulative noise levels.

- Lmax is the highest SPL measured during a given period of time. It is useful in evaluating Leqs for time periods that have an especially wide range of noise levels.

- $L_{eq(24)}$ is the continuous equivalent sound level over a 24-hour time period.

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.

The decrease in sound level caused by the distance from any single noise source normally follows the inverse square law (i.e., the SPL changes in inverse proportion to the square of the distance from the sound source). 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.

2.8-3 – Noise Standards and Guidelines

In 1983, the New York City Department of Environmental Protection (NYCDEP) adopted the City Environmental Protection Order-City Environmental Quality Review (CEPO-CEQR) noise standards at the exterior façade to achieve interior noise levels of 45 dB(A) or below. CEPO-CEQR Noise Standards classify noise exposure into four categories: Acceptable, Marginally Acceptable, Marginally Unacceptable and Clearly Unacceptable. As noted in the *2020 CEQR Technical Manual*, these standards are the basis for classifying noise exposure into the following categories based on the L_{10} measured directly outside the development site (see **Table 2.8-2** below)

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

	Marginally Unacceptable				Clearly Unacceptable
Noise Level with Proposed Project	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Attenuation[1]	(i) 28 dB(A)	(ii) 31 dB(A)	(iii) 33 dB(A)	(iv) 35 dB(A)	$36 + (L_{10} - 80)^2$ dB(A)

Source: New York City of Environmental Protection
Notes:
1 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 the above categories require a closed window situation
2 and hence an alternate means of ventilation.

2.8-4 – Impact Determinations

Potential for Additional Stationary Noise Source

The Proposed Actions would result in a new mixed-use residential and groundfloor local retail and community facility building at Projected Development Site 1 along Victory Boulevard in the Tompkinsville neighborhood of Staten Island Community District 1. Unlike playgrounds, truck loading docks, loudspeaker systems, car washes, stationary diesel engines, or similar uses, residential apartment buildings and groundfloor commercial retail and community facility uses are not considered substantial stationary noise sources (it is noted that the proposed community facility use, a day care, would not feature any outdoor recreational facilities [e.g., playgrounds, etc.]). It is assumed that the building mechanical systems (ie. HVAC systems) would be designed to meet all applicable noise regulations (ie. Subchapters 5 § 24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the Proposed Actions would not result in any significant adverse noise impacts related to building mechanical equipment

Potential for Traffic Noise Impacts

The Future With-Action Condition under the Proposed Actions projects 46 residential units, 7,500 gsf of community facility space (to be utilized as a day care), and 1,187 gsf of local retail space, which are below CEQR thresholds for a traffic impact assessment. With the relatively moderate to high numbers of vehicles in the immediate area of noise sensitive receptors, it can therefore be assumed that the additional traffic volumes would be too low to cause a 3 dBA increase in $L_{eq(1)}$ noise levels, which would require a doubling of PCE traffic volumes along an adjacent street. The Proposed Actions would therefore not have the potential to cause a significant adverse mobile source noise impact.

Potential for Existing Noise Levels to Adversely Affect New Residents

The predominant noise source in the area of the Proposed Project is automobile traffic associated with the surrounding roadway network. However, in response to the COVID-19 global pandemic, New York State has required all non-essential businesses across the state close under the "New York State on PAUSE" (effective March 20, 2020),[11] while New York City closed its public-school system for the remainder of the 2019-2020 academic year (as of April 1, 2020).[12] The closures and shutdowns have drastically reduced traffic volume both in the vicinity of the Affected Area, the borough of Staten Island, and New York City as a whole. As such, new noise monitoring readings cannot produce an accurate representation of the ambient noise environment at the Affected Area under standard traffic conditions. In lieu of project-specific noise monitoring readings, the noise assessment results from the *Bay Street Corridor Rezoning & Related Actions Final Environmental Impacts Statement* (hereinafter the *Bay Street Rezoning;* 16DCP156R - approved June 26, 2019) were used in order to project and characterize the noise environment at Projected Development Site 1 as noise monitoring locations associated with that EAS are located in close proximity to the Affected Area and Projected Development Site 1.

Bay Street Rezoning Project Background Summary

The Bay Street Rezoning was undertaken to create opportunities for housing, including affordable housing, commercial development, and improved public spaces and infrastructure within an approximately 20-block area in Downtown Staten Island (roughly defined as Tompkinsville, Stapleton, and St. George neighborhoods), Staten Island Community District 1. The actions associated with the *Bay Street Rezoning*, including various Zoning Map and Text Amendments, were projected to create a net increase of approximately 2,560 dwelling units (a substantial portion of which are expected to be affordable pursuant to the MIH program). Additionally, the rezoning was projected to result in a net increase of approximately 275,000 sf of commercial use (including local retail, restaurant and office) and a net increase of approximately 47,000 sf of community facility use. In total, 25 Projected Development Sites and 23 Potential Development Sites were identified (48 total development sites).

As new noise sensitive receptors were proposed, a noise study was undertaken as part of the *Bay Street Rezoning* to assess the ambient noise environment in the vicinity of the proposed new noise sensitive receptors to determine if noise mitigation measures were necessary (see the **Noise Appendix** for a complete copy of the noise assessment associated with the *Bay Street Rezoning* FEIS).

[11] https://abcnews.go.com/US/timeline-cuomos-trumps-responses-coronavirus-outbreak/story?id=69914641, accessed May 8, 2020
[12] https://www.nytimes.com/2020/04/11/nyregion/nyc-schools-closed.html, accessed May 8, 2020

Bay Street Rezoning Project Noise Assessment Summary

Existing noise levels in the project area of the *Bay Street Rezoning* were measured at twenty-two (22) receptor locations between October 18 and October 22, 2016. Of those 22 locations, one noise monitoring location (i.e., location no. 17) includes the intersection of Victory Boulevard and Pike Street, located approximately 350 feet northeast of Projected Development Site 1. Noise monitoring was undertaken at this location due to the presence of a *Bay Street Rezoning* projected development site in the area. As such, the noise monitoring results for this location were used to characterize the ambient noise environment at Projected Development Site 1. The results of the existing noise measurements for this monitoring location are summarized below in **Table 2.8-3**.

Table 2.8-3 – Bay Street Rezoning Noise Monitoring Results, Victory Boulevard and Pike Street

Measurement Location	Day	Time	L_{eq}	L_1	L_{10}	L_{50}	L_{50}
Victory Blvd and Pike St	Weekday	AM	72.3	80.3	76.2	69.2	57.1
		Mid-Day[1]	78.5	82.4	**78.5**	66.7	52.7
		PM	69.9	77.9	73.6	67.4	57.0
	Saturday	Mid-Day	9.3	68.6	62.4	55.9	53.1

[1] – Due to site specific circumstances at these locations and time periods, the L_{10} values where conservatively based on L_{eq} values; bold indicates the highest L_{10} value.

Table 2.8-2 above contains noise exposure guidelines and guidance as stated in of the *2020 CEQR Technical Manual*. For a residential, commercial, and community facility uses an L_{10} of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure while an L_{10} noise level of between 70 and 80 dB(A) is identified as marginally unacceptable. As indicated in **Table 2.8-3**, the Victory Boulevard and Pike Street noise monitoring location registered a maximum L_{10} value of 78.5 during the mid-day weekday monitoring period. Based on guidance provided in **Table 2.8-2**, for an L_{10} noise level between 78 and 80 dB(A) (the range in which the highest L_{10} noise level falls for that location), an attenuation value of 35 dB(A) is required. The complete noise monitoring results and conclusions for the *Bay Street Rezoning* can be viewed in the **Noise Appendix** of this EAS.

2.8-5 – Conclusions

Based on the foregoing, it can be assumed that the ambient noise environmental in the vicinity of Projected Development 1 under the Future With-Action Condition would be parallel to that of the noise levels at the noise monitoring location associated with the *Bay Street Rezoning* indicated in **Table 2.8-3**, above. As such, the Proposed Project would require a noise attenuation value of 35 dB(A).

To avoid any potential impacts associated with noise, the Proposed Actions will place an (E) designation (E-615) for noise on the following property:

Staten Island Block 576, Lot 25

The text of the (E) designation is as follows:

"In order to ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed window condition with a minimum of 35 dBA window / wall attenuation on all facades to maintain an interior noise level not greater than 45dBA for residential and community facility uses. To maintain a closed-window condition, an alternative means of ventilation must be provided. Alternate means of ventilation includes, but is not limited to, air conditioning."

The Applicant will record the above-referenced (E) designation related to noise with the Mayor's Office of Environmental Remediation (OER) prior to the City Planning Commission's approval of the Proposed Actions. With the implementation of this (E) designation, no significant adverse impacts related to noise would occur. Therefore, the Proposed Action would not result in any potentially significant adverse stationary or mobile source noise impacts, and further assessment is not warranted.

2.9 CONSTRUCTION

2.9-1 – Introduction

A preliminary construction analysis may be required because the Proposed Project would result in the following:

- *Construction activities would require closing, narrowing, or otherwise impeding moving lanes, roadways, key pedestrian facilities (e.g., sidewalks, crosswalks, corners/corner reservoirs), parking lanes and/or parking spaces in on-site or nearby parking lots and garages, bicycle routes and facilities, bus lanes or routes, or access points to transit.*

2.9-2 – Proposed Construction Schedule

The Proposed Project is comprised of one building that would be constructed at the Applicant-owned Projected Development Site 1. This development site is separated from existing development to north and west by Victory Boulevard, existing development to the south by yard setbacks and landscaping associated with those properties, and existing development to the east by a pedestrian path (with the exception of the commercial auto repair facility at Staten Island Block 576, Lot 38 within the Affected Area, which is adjacent to Projected Development Site 1 to the east. The Proposed Project would be constructed in one phase over a period of 12 months starting in early 2022 and lasting until early 2023. The Projected Build Year is therefore assumed to be 2023.

2.9-3 – Proposed Construction Activities

As Projected Development Site 1 is undeveloped / vacant, initial construction activities would include site preparation (including tree removal) and excavation before proceeding to construction of the building foundations, construction of the superstructure and building envelope, and interior fit-out work. The construction of the proposed development would include two months for site preparation and excavation, two months for the construction of the building foundations, six months for the construction of the structure and building envelopes, and two months for interior fit-out work. The total construction process would take 12 months or less.

Project construction activities are expected to be typical for building construction projects in New York City. Construction activities would predominantly occur Monday through Friday, although limited delivery of certain critical pieces of equipment (e.g., cranes) may be necessary on weekend days if required in order to minimize traffic disruptions. Any weekend work would be contingent upon any conditions that may be imposed by City agencies that approve and monitor construction activities such as the NYC Department of Buildings (DOB) and the NYC Department of Transportation (DOT). DOB also regulates the permitted hours of construction. In accordance with those regulations, typical construction activities in New York City begin no earlier than 7 AM during the week, and workers typically arrive and begin to prepare work areas between 6 and 7 AM. The standard weekday construction work day ends by 3:30 PM with an occasional extended shift until 6 PM.

2.9-3 – Potential Construction Impacts

In accordance with the *2020 CEQR Technical Manual*, the Proposed Project was reviewed to determine whether further analysis of the proposed construction activities is needed for any technical area, as follows.

Transportation

According to the *2020 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:

- *The project's construction activities would require closing, narrowing, or otherwise impeding moving lanes, roadways, key pedestrian facilities (e.g., sidewalks, crosswalks, corners/corner reservoirs), parking lanes and/or parking spaces in on-site or nearby parking lots and garages, bicycle routes and facilities, bus lanes or routes, or access points to transit.*

The Proposed Project would be located along Victory Boulevard, a major northeast-southwest thoroughfare in Staten Island. Construction of the Proposed Project may require the temporary closing of the sidewalks adjacent to the development site along the south side of Victory Boulevard. All of or portions of the sidewalks adjacent to the site are likely to be reconstructed and / or modified (e.g., for a curb cut), which may temporarily impact pedestrian flow and the availability of parking spaces along these streets.

However, changes to moving traffic lanes are not likely. The affected locations would not be particularly sensitive to such a closure as they are not areas with high pedestrian activity, and the sidewalks and roadways affected by the proposed construction would not be considered to be near capacity. Further, potential pedestrians along the Victory Boulevard sidewalk fronting along Projected Development Site 1 could utilize the sidewalk along the opposite side of the street which provides virtually identical pedestrian access to surrounding areas and would not be impacted by construction activities. Any potential closure of the sidewalks adjacent to the Proposed Project 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.

It should be noted that as Projected Development Site 1 is vacant / unused (and will continue to be so until construction activities commence), all construction equipment and supplies could therefore be stored onsite, which would limit disturbances to the surrounding transportation network.

2.9-4 - Conclusions

On the basis of the above analysis, the Proposed Actions would not generate any potentially significant adverse construction impacts, and further analysis would not be warranted.

2.10 Neighborhood Character

2.10.1- Introduction

According to the CEQR Technical Manual, an assessment of neighborhood character 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. The assessment focuses on how proposed project may have the potential to alter long established characteristics of a neighborhood. Per the CEQR Technical Manual, if a project has the potential to result in significant adverse impacts to a neighborhood's land use, zoning, public policy, urban design, visual resources, historic resources, traffic, noise, and or socioeconomics, it may have the potential to result in an impact to neighborhood character. An impact in any one of these categories, analyzed elsewhere in this EIS, does not automatically result in an impact to neighborhood character. This chapter will consider whether the potential for significant adverse impacts in the areas described above has the potential to result in an alteration in the context and feeling of a neighborhood.

The Proposed Zoning Map and Text Amendments and Zoning Authorizations would facilitate the construction of a new 5-story, 55-foot mixed-use residential and commercial / community facility building (with qualifying ground floor). The building would contain 54,942 gsf of residential floor and 8,687 gsf of groundfloor area (including 7,500 gsf of community facility space for a day care and 1,187 gsf of local retail space) for a total of 63,629 gsf (2.2 FAR). The Proposed Project seeks to establish MIH pursuant to either Option 1 or Option 2. The building would contain 46 dwelling units, 12 of which would be permanently affordable to incomes averaging either 60 or 80 percent of AMI. For the proposed R6B zoning, the NYC Quality Housing program requires parking for 50 percent of the market rate dwelling units and 25 percent of the inclusionary housing. The cellar of the proposed building would contain 61 parking spaces in compliance with Quality Housing program requirements.

As development on the Project Site would not be possible absent the Proposed Actions, the increment between the "No-Action" condition and the "With-Action" condition includes development that results in physical alteration, observable by a pedestrian at street level. As such, an assessment of urban design and visual resources is warranted for the Proposed Actions.

Principal Conclusions

No significant adverse impacts to neighborhood character are anticipated as a result of development facilitated by the approval of the Proposed Actions. As discussed above, the Proposed Actions would facilitate the development of a large mixed-use complex on a vacant lot in the Study Area. As discussed in the relevant sections of this EAS and below, the Proposed Actions are not expected to result in significant adverse land use, zoning, public policy, urban design, visual resources, historic resources, traffic, noise, or socioeconomic impacts. When considered cumulatively, the effects of the Proposed Actions do not alter the surrounding neighborhoods context or feeling.

2.10.2- Methodology

Per the CEQR Technical Manual, a preliminary assessment of the potential for the Proposed Actions to result in significant adverse impacts to neighborhood character will answer the following questions:

1. What are the defining features of the neighborhood?

2. Does the project have the potential to affect the defining features of the neighborhood, either through the potential for a significant adverse impact or a combination of moderate effects in relevant technical areas?

As described in the CEQR Technical Manual, a neighborhood's character is the result of the combination of various contributing elements. This chapter will identify the salient features of the neighborhood. This analysis will identify the major characteristics of the neighborhood and discuss how they relate to the area's overall character.

2.10.3 -Preliminary Assessment

Project Site

The Affected Area consists of Staten Island Block 576, Lots 21, 23, 25, 38 and 42. These lots are situated along the southeastern side of Victory Boulevard between Cebra Avenue and Jersey Street in the Tompkinsville area of Staten Island Community District 1. Victory Boulevard is an arterial mixed-use corridor within Staten Island and is 100 feet in width, classifying the street as "wide" pursuant to the NYC Zoning Resolution (ZR). Jersey Street and Cebra Avenue are "narrow" pursuant to the NYC ZR, at less than 75 feet in width (50 feet and 66 feet, respectively).

Study Area

Per the CEQR Technical Manual, the study area for an assessment of neighborhood character resources is 0.25 mile radius around the Project Site.

The location along Victory Boulevard corresponds to a mix of uses including commercial, residential, mixed-use (commercial retail with residential units above) and some community facility uses, vacant lots and utility / automotive related uses. Residential housing types consist of a mix of older detached and semi-detached one-and two-family homes and smaller multi-family apartment buildings. A cluster of mixed-use and commercial uses are situated around Cebra Avenue, with eating and drinking establishments, delis, tax preparation, groceries and other neighborhood retail uses present, often with residential units above. To the north at Jersey Avenue is another neighborhood mixed-use corridor, with a NYC Department of Sanitation facility present at the intersection of Jersey Street and Victory Boulevard.
The Projected Development Site (Lot 26) was vacant and undeveloped from 1898 until 1917, at which point it was developed with nine contiguous single-story buildings until 1977. By 1981, the buildings were demolished and since then the property has remained vacant and undeveloped.

Defining Neighborhood Features

The study area is generally defined as a low- to medium-density residential neighborhood bisected by the Victory Boulevard corridor from northeast to southwest. Development along Victory Boulevard is generally characterized by relatively smaller parcels (approximately 1,500 to 7,300-sf) featuring one- to three-story buildings. Along the southside of Victory Boulevard immediately west of the Affected Area are a series of undeveloped parcels and undeveloped backyards associated with properties fronting along Rosewood Place, running parallel to Victory Boulevard to the south. Buildings along the Victory Boulevard corridor are generally older, constructed between 1900 and 1950, with several newer buildings constructed in 2005. In the central and northeastern portions of the Victory Boulevard corridor building typologies are generally residential in nature with slight setbacks from the street. As discusses above the affected area is within both the Staten Island Special Hillsides District , and a Low Density Growth Management Area.

The assessment, continued below, will focus on how the impacts of the Proposed Actions in each of the areas listed below cumulatively affect the defining neighborhood features described above.

Land Use, Zoning Public Policy

Under the Future With-Action Condition, land uses at Projected Development Site 1 would transition from vacant / undeveloped to mixed-use multi-family residential, commercial retail and child-care uses (i.e., NYC Use Groups 2 and 6). These proposed uses are consistent with the existing land use character of the surrounding area, which, as previously discussed, is defined by residential, commercial, and community facility uses, particularly along Victory Boulevard where the proposed uses would be located. A such, the Proposed Action and proposed development at Projected Development Site 1 would preserve and reinforce existing land use patterns in the area.

The Proposed Actions would facilitate the redevelopment of underutilized land with contextual residential, community facility, and local retail uses along a major commercial and residential thoroughfare (i.e., Victory Boulevard), such that the Proposed Project would be consistent with the surrounding character of the area. Further, the Zoning Authorizations associated with the Proposed Actions would be consistent with the intent and purpose of the Special HS District, including provisions for lot coverage, development on slopes, preservation of built character, and tree coverage and landscaping elements. The Zoning Authorizations would simultaneously activate an underutilized parcel with uses appropriate to the surrounding area and along a major thoroughfare, as well as permit a building coverage and height that is consistent with the existing built form of the surrounding area.

The Proposed Project would meet the City's public policy goals as explained above as well as similar State and national public policy goals related to the provision of affordable housing. Overall, the Proposed Project would be an appropriate development in the Affected Area and would be a positive contribution to Staten Island Community District 1 and to the surrounding neighborhood.

Shadows

There are no sunlight sensitive resources partially or wholly within the maximum shadow screening radius for the Proposed Project, including sunlight sensitive open space, historic, and / or natural resources as specified by the 2020 CEQR Technical Manual.

Historic and Cultural Resources

There are no significant historic or cultural resources in the Study Area. As such, the defining neighborhood features in the Study Area are not defined by the presence of historical or architectural landmarks. The Proposed Development's impacts to historic and cultural resources therefore do not alter the defining neighborhood features identified above.

Urban Design and Visual Resources

Overall, the Proposed Project would redevelop underutilized and underbuilt property from to a new, contextual, mixed-use residential, commercial, and community facility building the design of which would be consistent with the existing built context of the surrounding neighborhood as well as the Special HS District. Further, the Proposed Actions would permit the development site to be redeveloped at increased residential densities that would help achieve the current Mayoral administration's affordable housing goals.

Transportation

Resultant development from the Proposed Actions would not exceed minimum residential, local retail, and / or community facility density threshold requirements for a detailed transportation analysis. Therefore, significant adverse traffic impacts are not anticipated an no further analysis is necessary.

2.10.4- Conclusion

The Proposed Development, facilitated by the approval of the Proposed Actions, does not have the potential to significantly alter long established characteristics of a neighborhood. The Proposed Project does not have the potential to result in significant adverse impacts to the Study Area's land use, zoning, public policy, urban design, visual resources, historic resources, traffic, noise, and or socioeconomics. When considered cumulatively, the Proposed Project does not have the potential to result in an impact to neighborhood character as the Proposed Actions do not have the potential to result in an alteration in the context and feeling of a neighborhood.

APPENDICES

HISTORIC AND CULTURAL RESOURCE APPENDIX

NOISE APPENDIX

CHAPTER 17: NOISE

A. INTRODUCTION

This chapter assesses the potential for the Proposed Actions to result in significant adverse noise impacts. The analysis determines both (i) a proposed project's potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable), and at open spaces; and (ii) the effects of ambient noise levels on new sensitive uses introduced by a proposed project. If significant adverse impacts are identified, CEQR requires such impacts to be mitigated or avoided to the greatest extent practicable.

B. PRINCIPAL CONCLUSIONS

The noise analysis was conducted to determine the level of building attenuation necessary to ensure that interior noise levels of With-Action buildings at the Projected and Potential Development Sites would satisfy applicable interior noise criteria. The Proposed Actions would not result in any predicted exceedances of *CEQR Technical Manual* incremental thresholds at any noise receptor locations. The noise analysis concludes that noise level increases of up to 1.4 dBA would be experienced as a result of increased traffic throughout the Project Area in the With-Action condition, which would not be considered a significant adverse noise impact.

The building attenuation analysis concludes that to meet CEQR interior noise level requirements, up to 43 dBA of building attenuation would be required for With-Action buildings. The requirement for these levels of façade attenuation as well as the requirement for an alternate means of ventilation will be included in an (E) designation for 46 of the 48 affected privately-held Projected and Potential Development Sites. Approximately 24 Projected Development Sites and 22 Potential Development Sites are expected to have an (E) designation for noise. The requirement for façade attenuation as well as the requirement for an alternate means of ventilation for four of the five City-owned sites (including Stapleton Waterfront Phase III Sites A and B1 and City Disposition Sites 1 and 2) will be required through disposition agreements or similar binding mechanisms between the City of New York and the future developer. Therefore, the Proposed Actions would not result in any significant adverse noise impacts related to building attenuation requirements.

C. NOISE STANDARDS AND CRITERIA

The *CEQR Technical Manual* provides attenuation requirements for buildings based on exterior noise levels (see Table 17-1, "Required Attenuation Values to Achieve Acceptable Interior Noise Levels"). Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower for residential uses and 50 dBA or lower for commercial uses and are determined based on exterior $L_{10(1)}$ noise levels.

Table 17- 1: Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Noise Level with Proposed Actions	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Attenuation[A]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	$36 + (L_{10} - 80)$[B] dB(A)

Source: New York City Department of Environmental Protection.
Notes:
[A] The above composite window-wall attenuation values are for residential dwellings. Retail uses would be 5 dB(A) less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation.
[B] Required attenuation values increase by 1 dB(A) increments for L_{10} values greater than 80 dB(A).

According to CEQR guidelines, an initial impact screening assessment considers whether a proposed project would (i) generate any mobile or stationary sources of noise; and/or (ii) be located in an area with existing high ambient noise levels. For a mobile source analysis to be triggered, a project must impact vehicular traffic noise, aircraft noise, and/or train noise. Because the Project Area includes areas with high existing ambient noise levels and would generate mobile sources of noise, an initial noise assessment on vehicular and train noise would be warranted. Based on the *CEQR Technical Manual*, an initial noise assessment on vehicular traffic noise is necessary if a proposed project would (i) generate or reroute traffic; or (ii) introduce a new receptor near a heavily trafficked thoroughfare. In order for a detailed analysis on train noise to be warranted the proposed project must (i) be located within 1,500 feet of existing rail activity and have a direct line of sight to that rail facility; or (ii) add rail activity to existing or new rail lines within 1,500 feet and have a direct line of sight to a receptor. Because portions of the Project Area will be within 1,500 feet of the existing rail line and Projected and Potential Development Sites would have a direct line of sight to the rail line, a detailed train noise assessment is warranted.

D. SELECTION OF NOISE RECEPTOR LOCATIONS

Noise survey locations were selected by examining the Project Area and the location of the dominant sources of ambient noise (ex: street traffic, Staten Island Railway [SIR]). Existing noise levels were determined at each location by performing field measurements. Measurements along the SIR were taken to conduct the Federal Transit Administration's (FTA's) analysis to determine contributions from the train. The measured noise levels and train noise assessment were used to determine minimum window/wall attenuation requirements to satisfy CEQR interior noise level criteria.

E. EXISTING NOISE LEVELS

Existing noise levels in the Project Area were measured at twenty-two (22) receptor locations as shown below in Table 17-2 (also see Figures 17-1, 17-2, and 17-3 for the receptor locations).

Table 17- 2: Receptor Locations

Noise Receptor Site	Duration	Projected Development Sites	Potential Development Sites	Location
A	24-hour	2	A	SIR between Victory Blvd and Hannah Street
B	24-hour	1, 3, 5, A (SSWD), B1 (SSWD)		SIR at Grant Street
C	24-hour	3, 4, B1 (SSWD)		SIR at Williams Street
1	1-hour	2, 8	A, H, I	Hannah St and Bay St
2	1-hour	1, 5, 11, 12, 14	K, L, M	Grant St and Bay St
3	1-hour	3, 6, 17	B, C, D, E, F, R, S	Wave St and Bay St
4	1-hour	2, 7		Minthorne St between Bay St and Victory Blvd
5	20-minute	9	G, H	Van Duzer St and Hannah St
6	20-minute	9, 10	J	Swan St and Bay St
7	20-minute	10	J, K, L	Van Duzer St and St Julian Pl
8	20-minute	4, 5, 15	N, P	Bay St and Baltic St
9	20-minute	16, 17	O, P, Q	William St and Van Duzer St
10	20-minute	13, 14	N	Clinton St between Van Duzer St and Bay St
11	20-minute	7		Victory Blvd and Bay St
12	20-minute	22		Canal St between Broad St and Water St
13	20-minute	25		Cedar St between Adele Ct and Broad St
14	20-minute	18, 19, 21		Broad St between Quinn St and Wright St
15	20-minute	18, 19, 20, 22, 24, 23, 25	T, U, V, W	Canal St between Broad St and Water St
16	1-hour	1 (Disposition)		Stuyvesant Pl between Hamilton Ave and Wall St
17	20-minute	2 (Disposition)		Victory Blvd and Pike St
18	1-hour	3 (Disposition)		Central Ave at Slosson Terrace
19	20-minute	3 (Disposition)		St Marks Pl between Hyatt St and Victory Blvd



FIGURE 17-1: BAY STREET CORRIDOR AND STAPLETON WATERFRONT PHASE III NOISE MONITORING LOCATIONS

BAY STREET CORRIDOR REZONING AND RELATED ACTIONS

0 250 500 1,000 Feet

N

Affected Lots

Bay Street Corridor Project Area

Projected Development Sites

Stapleton Waterfront Phase III Sites

Potential Development Sites

Monitoring Locations

STATEN ISLAND, NY

Map Reference: Basemap: ESRI; Shapefile: NYC Dept of City Planning, MapPLUTO Data.
Prepared by Langan



FIGURE 17-2: CANAL STREET CORRIDOR NOISE MONITORING LOCATIONS
BAY STREET CORRIDOR REZONING AND RELATED ACTIONS

STATEN ISLAND, NY

Map Reference: Basemap: ESRI; Shapefile: NYC Dept of City Planning, MapPLUTO Data. Prepared by Langan

0 75 150 300 Feet

N

- Canal Street Corridor Project Area
- Projected Development Sites
- Potential Development Sites
- Affected Lots
- Monitoring Locations



FIGURE 17-3 : CITY DISPOSITION SITES
NOISE MONITORING LOCATIONS
BAY STREET CORRIDOR
REZONING AND RELATED ACTIONS

City Disposition Sites
Projected Development Sites
Monitoring Locations

0 400 800 Feet

N

STATEN ISLAND, NY

Map Reference: Basemap: ESRI; Shapefile: NYC Dept of City Planning, MapPLUTO Data. Prepared by Langan

At Receptor Sites A, B, and C, 24-hour continuous noise level measurements were conducted. At Receptor Sites 1 through 4, 16, and18, noise levels were measured for 1-hour periods during three weekday peak periods – AM (7:15AM – 9:15AM), midday (12:00PM – 2:00PM), and PM (4:15PM – 6:15PM), as well as during a Saturday midday peak period – (1:45PM – 3:45PM). At Receptor Sites 5 through 15, 17, and 19 noise levels were measured for 20-minute periods during three weekday peak periods – AM (7:15AM – 9:15AM), midday (12:00PM – 2:00PM), and PM (4:15PM – 6:15PM), as well as during a Saturday midday peak period – (1:45PM – 3:45PM). Measurements were taken on between October 18, 2016 and October 22, 2016.

Measurements were performed using Larson David 831 and LxT sound level meters. The SLMs are a Type 1 instrument according to ANSI Standard S1.4-1983 (R2006). Microphone were mounted at a height of approximately 5 to 8 feet above the ground and was mounted at least approximately 5 feet away from any large reflecting surfaces. The SLM's calibration was field checked before and after readings. Measurements at each location were made on the A-scale (dBA). The data were digitally recording by the SLMs and displayed at the end of the measurement period in units of dB(A). Measured quantities included Leq, L1, L10, L50, L90, and 1/3 octave band levels. A windscreen was used during all sound measurements except for calibration.

The results of the existing noise level measurements are summarized in Table 17-3.

Table 17- 3: Existing Noise Levels (in dBA)

Receptor Location	Measurement Location	Day	Time	L_{eq}	L_1	L_{10}	L_{50}	L_{90}
A	SIR between Victory Blvd and Hannah Street	Weekday	AM[1]	74.1	87.7	74.1	61.3	53.2
			MD	65.0	77.2	65.0	58.1	53.0
			PM	73.2	85.6	75.5	52.7	49.3
		Saturday	MD	60.2	72.7	61.0	55.2	50.2
B	SIR at Grant Street	Weekday	AM[1]	71.6	76.0	71.6	54.6	51.1
			MD[1]	61.6	72.7	61.6	53.4	49.6
			PM[1]	67.3	81.9	67.3	55.2	49.7
		Saturday	MD[1]	62.6	73.0	62.6	56.6	53.1
C	SIR at Williams Street	Weekday	AM[1]	64.8	79.2	64.8	54.3	49.1
			MD[1]	59.5	71.3	59.5	52.4	48.0
			PM[1]	62.3	74.5	62.3	55.9	51.4
		Saturday	MD	59.8	72.2	60.1	55.5	51.1
1	Hannah St and Bay St	Weekday	AM	70.2	79.1	72.7	68.4	61.8
			MD	71.9	80.7	73.9	68.3	60.3
			PM	69.1	76.9	71.5	67.1	62.1
		Saturday	MD	68.2	76.4	71.3	65.7	59.4
2	Grant St and Bay St	Weekday	AM	69.4	78.6	72.3	65.8	55.1
			MD	69.1	79.7	71.5	64.4	55.9
			PM	70.2	79.8	72.6	66.2	56.5
		Saturday	MD	68.6	77.3	72.0	66.1	57.9

Table 17- 3: Existing Noise Levels (in dBA) (continued)

Receptor Location	Measurement Location	Day	Time	L_{eq}	L_1	L_{10}	L_{50}	L_{90}
3	Wave St and Bay St	Weekday	AM	71.0	80.0	72.3	66.5	59.0
			MD	71.3	82.8	73.4	65.8	59.5
			PM	69.1	78.9	70.9	65.7	61.1
		Saturday	MD	66.1	73.8	69.4	64.5	56.5
4	Minthorne St between Bay St and Victory Blvd	Weekday	AM	67.1	74.3	70.4	65.6	56.0
			MD[1]	70.8	76.7	70.8	65.0	57.4
			PM	62.5	75.3	64.3	57.7	53.8
		Saturday	MD	57.9	65.3	60.1	56.2	52.7
5	Van Duzer St and Hannah St	Weekday	AM	66.0	77.4	68.4	61.8	55.5
			MD	66.8	77.6	67.9	61.3	56.3
			PM	66.4	77.3	67.4	62.2	57.4
		Saturday	MD	63.9	73.9	65.7	60.6	55.3
6	Swan St and Bay St	Weekday	AM	69.6	78.9	73.0	66.6	57.6
			MD	69.2	79.8	72.2	62.8	55.5
			PM	71.6	81.2	73.1	65.3	57.5
		Saturday	MD	68.1	77.5	71.5	64.5	57.9
7	Van Duzer St and St Julian Pl	Weekday	AM	62.9	72.9	66.6	58.3	51.5
			MD	65.0	77.9	66.3	57.8	50.8
			PM	64.5	74.2	66.7	59.5	53.6
		Saturday	MD	63.9	72.9	67.5	59.9	54.3
8	Bay St and Baltic St	Weekday	AM	69.1	77.6	72.1	66.1	56.3
			MD	70.5	80.5	73.4	67.1	61.2
			PM	69.5	80.0	71.2	65.9	59.2
		Saturday	MD	68.6	76.2	72.8	66.1	58.1
9	William St and Van Duzer St	Weekday	AM	83.6	94.1	84.4	76.1	72.0
			MD	80.5	91.8	82.1	75.4	71.5
			PM	80.7	90.2	82.9	76.1	71.7
		Saturday	MD	71.5	73.6	73.2	71.3	69.1
10	Clinton St between Van Duzer St and Bay St	Weekday	AM	80.2	89.5	81.3	74.6	69.8
			MD	78.6	89.1	81.2	73.3	69.0
			PM	80.6	91.2	83.3	75.3	69.6
		Saturday	MD	79.7	89.8	82.4	75.9	71.7
11	Victory Blvd and Bay St	Weekday	AM	71.1	79.3	73.9	69.1	62.3
			MD[1]	73.9	82.0	73.9	65.3	61.2
			PM	69.3	77.6	72.4	67.3	60.7
		Saturday	MD	71.4	79.1	74.1	68.4	63.2
12	Canal St between Broad St and Water St	Weekday	AM	63.1	72.9	67.6	56.7	49.3
			MD	62.7	72.0	67.2	56.8	50.8
			PM	64.0	73.4	68.2	59.4	51.2
		Saturday	MD	63.7	73.5	67.9	58.3	51.1
13	Cedar St between Adele Ct and Broad St	Weekday	AM	56.9	67.7	58.1	51.8	48.8
			MD	56.5	66.8	57.2	52.1	49.4
			PM[1]	61.5	70.1	61.5	53.1	49.6
		Saturday	MD[1]	60.5	67.9	60.5	53.6	50.1
14	Broad St between Quinn St and Wright St	Weekday	AM	60.1	70.5	63.9	54.1	50.0
			MD	63.5	74.9	65.0	53.9	48.5
			PM	61.7	72.2	64.1	55.9	50.7
		Saturday	MD	61.6	71.3	64.9	58.4	50.9
15	Canal St between Broad St and Water St	Weekday	AM	65.9	75.1	70.1	59.0	49.7
			MD	65.1	74.8	69.2	60.1	50.6
			PM	66.6	75.3	70.3	62.1	51.7

Table 17- 3: Existing Noise Levels (in dBA) (continued)

Receptor Location	Measurement Location	Day	Time	L_{eq}	L_1	L_{10}	L_{50}	L_{90}
		Saturday	MD	66.5	75.1	71.0	62.1	52.5
16	Stuyvesant Pl between Hamilton Ave and Wall St	Weekday	AM	78.6	87.6	82.1	75.4	74.0
			MD	81.3	92.0	83.1	75.5	73.6
			PM	79.5	90.9	80.9	74.8	73.0
		Saturday	MD	65.8	74.1	70.1	60.1	54.5
17	Victory Blvd and Pike St	Weekday	AM	72.3	80.3	76.2	69.2	57.1
			MD[1]	78.5	82.4	78.5	66.7	52.7
			PM	69.9	77.9	73.6	67.4	57.0
		Saturday	MD	59.3	68.6	62.4	55.9	53.1
18	Central Ave at Slosson Terrace	Weekday	AM	62.0	72.2	64.4	58.6	55.4
			MD	62.3	70.3	62.4	57.1	54.0
			PM	61.2	70.0	64.2	58.7	55.5
		Saturday	MD	61.6	71.8	63.8	58.6	55.4
19	St Marks Pl between Hyatt St and Victory Blvd	Weekday	AM	63.0	73.4	66.5	55.6	52.0
			MD	59.5	69.3	62.7	54.4	50.2
			PM	61.4	69.9	65.3	57.7	52.7
		Saturday	MD	63.1	72.1	66.9	58.0	55.4

Note:
[1] Due to site-specific circumstances at these locations and time periods, the L_{10} values are conservatively based on Leq values.

At Receptor Locations A, B, and C, rail noise from SIR train was the dominant noise source. Vehicular traffic from along Front Street also contributed to the measured noise levels. At Receptor Location 10, activity at the adjacent auto body shop contributed to elevated noise levels. At Receptor Location 16, siren noise from the nearby police station contributed to elevated noise levels. At all other receptor locations, vehicular traffic was the dominant noise source. Measured levels range from moderately low (Receptor Location 13) to high (Receptor Locations 9, 10 and 16) and reflect the level of vehicular activity on the adjacent roadways, as well as rail activity from the SIR. In terms of the CEQR criteria, in accordance with *CEQR Technical Manual* guidelines, the existing noise levels at Receptor Locations 9, 10 and 16 are in the "clearly unacceptable" category, existing noise levels at Receptor Locations A, B, 1, 2, 3, 4, 8, 11, 15, and 17 are in the "marginally unacceptable" category, existing noise levels at Receptor Locations 5, 7, 12, and 19 are in the "marginally acceptable" category, and existing noise levels at Receptor Locations C, 13, 14, and 18 are in the "acceptable" category.

To account for activity from the SIR train an FTA analysis was performed for Receptor Locations A and B; additionally, an L_{DN} was calculated for Receptor Locations A, B, and C. Based on the measured values, the calculated LDN for Receptor Locations A, B, and C were 73 dB(A), 70 dB(A) and 66 dB(A), respectively.

The FTA analysis of the SIR resulted in an L_{DN} of 62 dB(A) at Receptor Locations A, B, and C , which are lower than calculated L_{DN} values based on the measured noise levels.

For Receptor Location A, the highest measured 1-hour L_{10} value is 75.5 dB(A). Since the highest measured L_{10} value is greater than the L_{DN} value, the L_{10} descriptor is used at Receptor Location A to determine building attenuation values at Receptor Location A. For Site B, the highest measured 1-hour L_{10} value is 71.6 dB(A). Since the highest measured L_{10} value is greater than the L_{DN} value, the L_{10} descriptor is used at Receptor Location B to determine building attenuation values at Receptor

Location B. For Receptor Location C, the highest measured 1-hour L_{10} value is 64.8 dB(A). Since the highest measured L_{10} value is greater than the L_{DN} value, the L_{10} descriptor is used at Receptor Location C to determine building attenuation values at Receptor Location C.

F. NOISE PREDICTION METHODOLOGY

GENERAL METHODOLOGY

Future noise levels were calculated using a proportional modeling technique, which was used as a screening tool to estimate changes in noise levels. The proportional modeling technique is an analysis methodology recommended for analysis purposes in the *CEQR Technical Manual*. The noise analysis examined the weekday AM, midday (MD), and PM, and Saturday midday (MD) peak hours. The selected time periods are when development facilitated by the Proposed Actions would be expected to produce the maximum traffic generation (based on the traffic studies presented in Chapter 14, "Transportation") and therefore result in the maximum potential for significant noise level increases. The methodologies used for the noise analyses are described below.

PROPORTIONAL MODELING

Proportional modeling was used to determine locations with the potential for having significant noise impacts. Proportional modeling is one of the techniques recommended in the *CEQR Technical Manual* for mobile source analysis. Using this technique, the prediction of future noise levels where traffic is the dominant noise source is based on a calculation using measured existing noise levels and predicted changes in traffic volumes to determine No-Action and With-Action noise levels. Vehicular traffic volumes are converted into Passenger Car Equivalent (PCE) values, for which one medium-duty truck (having a gross weight between 9,900 and 26,400 pounds) is assumed to generate the noise equivalent of 13 cars, and one heavy-duty truck (having a gross weight of more than 26,400 pounds) is assumed to generate the noise equivalent of 47 cars, and one bus (vehicles designed to carry more than nine passengers) is assumed to generate the noise equivalent of 18 cars.

Future noise levels are calculated using the following equation:

$$F\ NL - E\ NL = 10 * \log10\ (F\ PCE / E\ PCE)$$

where:

F NL = Future Noise Level
E NL = Existing Noise Level
F PCE = Future PCEs
E PCE = Existing PCEs

Sound levels are measured in decibels and therefore increase logarithmically with sound source strength. In this case, the sound source is traffic volumes measured in PCEs. For example, assume that traffic is the dominant noise source at a particular location. If the existing traffic volume on a street is 100 PCE and if the future traffic volume were increased by 50 PCE to a total of 150 PCE, the noise level would increase by 1.8 dBA. Similarly, if the future traffic were increased by 100 PCE, or doubled to a total of 200 PCE, the noise level would increase by 3.0 dBA.

G. FUTURE WITHOUT THE PROPOSED ACTIONS (NO-ACTION CONDITION)

Using the methodologies previously described, No-Action noise levels for the 2030 analysis year were calculated at the 22 receptor locations in the Project Area (Receptor Locations A, B, C, and 1 to 19). The projected No-Action values are shown in Table 17-4.

Table 17-4: 2030 No-Action Condition Noise Levels (in dBA)

Receptor Location	Measurement Location	Day	Time	Existing L_{eq}	No-Action L_{eq}	Leq Change	No-Action L_{10}
A	SIR between Victory Blvd and Hannah Street	Weekday	AM[1]	74.1	76.4	2.3	76.4
			MD	65.0	67.7	2.7	67.7
			PM	73.2	76.2	3.0	78.5
		Saturday	MD	60.2	63.5	3.3	64.4
B	SIR at Grant Street	Weekday	AM[1]	71.6	74.2	2.6	74.2
			MD[1]	61.6	64.7	3.1	64.7
			PM[1]	67.3	70.8	3.5	70.8
		Saturday	MD[1]	62.6	66.4	3.8	66.4
C	SIR at Williams Street	Weekday	AM[1]	64.8	67.3	2.5	67.3
			MD[1]	59.5	62.6	3.1	62.6
			PM[1]	62.3	65.9	3.6	65.9
		Saturday	MD	59.8	64.0	4.2	64.3
1	Hannah St and Bay St	Weekday	AM	70.2	71.5	1.3	74.0
			MD	71.9	74.6	2.7	76.6
			PM	69.1	71.8	2.7	74.3
		Saturday	MD	68.2	71.5	3.3	74.6
2	Grant St and Bay St	Weekday	AM	69.4	70.4	1.0	73.3
			MD	69.1	72.4	3.3	74.7
			PM	70.2	73.4	3.2	75.8
		Saturday	MD	68.6	72.3	3.7	75.8
3	Wave St and Bay St	Weekday	AM	71.0	72.1	1.1	73.3
			MD	71.3	74.3	3.0	76.5
			PM	69.1	72.0	2.9	73.8
		Saturday	MD	66.1	69.6	3.5	72.9
4	Minthorne St between Bay St and Victory Blvd	Weekday	AM	67.1	71.2	4.1	74.5
			MD[1]	70.8	74.6	3.8	74.6
			PM	62.5	66.2	3.7	68.0
		Saturday	MD	57.9	62.0	4.1	64.2
5	Van Duzer St and Hannah St	Weekday	AM	66.0	67.2	1.2	69.6
			MD	66.8	67.4	0.6	68.5
			PM	66.4	67.1	0.7	68.1
		Saturday	MD	63.9	64.4	0.5	66.2

Table 17-4: 2030 No-Action Condition Noise Levels (in dBA) (continued)

Receptor Location	Measurement Location	Day	Time	Existing L_{eq}	No-Action L_{eq}	L_{eq} Change	No-Action L_{10}
6	Swan St and Bay St	Weekday	AM	69.6	70.5	0.9	73.9
			MD	69.2	72.0	2.8	75.0
			PM	71.6	74.4	2.8	75.9
		Saturday	MD	68.1	71.5	3.4	74.9
7	Van Duzer St and St Julian Pl	Weekday	AM	62.9	63.4	0.5	67.2
			MD	65.0	66.0	1.0	67.3
			PM	64.5	65.2	0.7	67.4
		Saturday	MD	63.9	64.7	0.8	68.3
8	Bay St and Baltic St	Weekday	AM	69.1	70.1	1.0	73.1
			MD	70.5	73.7	3.2	76.6
			PM	69.5	72.6	3.1	74.3
		Saturday	MD	68.6	72.3	3.7	76.5
9	William St and Van Duzer St	Weekday	AM	83.6	84.1	0.5	84.9
			MD	80.5	81.5	1.0	83.1
			PM	80.7	81.5	0.8	83.7
		Saturday	MD	71.5	64.2	-7.3	65.9
10	Clinton St between Van Duzer St and Bay St	Weekday	AM	80.2	80.7	0.5	81.8
			MD	78.6	79.3	0.7	81.9
			PM	80.6	81.3	0.7	84.0
		Saturday	MD	79.7	80.3	0.6	83.1
11	Victory Blvd and Bay St	Weekday	AM	71.1	72.3	1.2	75.1
			MD[1]	73.9	77.4	3.5	77.4
			PM	69.3	72.4	3.1	75.6
		Saturday	MD	71.4	75.6	4.2	78.3
12	Canal St between Broad St and Water St	Weekday	AM	63.1	63.7	0.6	68.2
			MD	62.7	63.5	0.8	68.1
			PM	64.0	64.7	0.7	69.0
		Saturday	MD	63.7	64.4	0.7	68.6
13	Cedar St between Adele Ct and Broad St	Weekday	AM	56.9	59.5	2.6	60.7
			MD	56.5	58.7	2.2	59.4
			PM[1]	61.5	61.9	0.4	61.9
		Saturday	MD[1]	60.5	60.9	0.4	60.9
14	Broad St between Quinn St and Wright St	Weekday	AM	60.1	61.2	1.1	64.9
			MD	63.5	65.1	1.6	66.6
			PM	61.7	63.2	1.5	65.6
		Saturday	MD	61.6	62.7	1.1	66.1
15	Canal St between Broad St and Water St	Weekday	AM	65.9	66.5	0.6	70.7
			MD	65.1	66.0	0.9	70.1
			PM	66.6	67.3	0.7	71.1
		Saturday	MD	66.5	66.9	0.4	71.4
16	Stuyvesant Pl between Hamilton Ave and Wall St	Weekday	AM	78.6	80.6	2.0	84.2
			MD	81.3	84.3	3.0	86.2
			PM	79.5	83.3	3.8	84.7
		Saturday	MD	65.8	67.9	2.1	72.2

Table 17-4: 2030 No-Action Condition Noise Levels (in dBA) (continued)

Receptor Location	Measurement Location	Day	Time	Existing L_{eq}	No-Action L_{eq}	L_{eq} Change	No-Action L_{10}
17	Victory Blvd and Pike St	Weekday	AM	72.3	73.1	0.8	77.0
			MD[1]	78.5	80.8	2.3	80.8
			PM	69.9	71.9	2.0	75.6
		Saturday	MD	59.3	62.2	2.9	65.3
18	Central Ave at Slosson Terrace	Weekday	AM	62.0	62.1	0.1	64.5
			MD	62.3	62.0	-0.3	62.1
			PM	61.2	61.4	0.2	64.4
		Saturday	MD	61.6	55.2	-6.4	57.3
19	St Marks Pl between Hyatt St and Victory Blvd	Weekday	AM	63.0	63.5	0.5	67.0
			MD	59.5	60.0	0.5	63.3
			PM	61.4	61.9	0.5	65.8
		Saturday	MD	63.1	63.6	0.5	67.4

Note:
[1] Due to site-specific circumstances at these locations and time periods, the L_{10} values are conservatively based on L_{eq} values.

In 2030, the maximum increase in L_{eq} noise levels for the No-Action condition would be 4.2 dBA at Receptor Location C. Noise levels at Receptor Locations 9, 10 and 16 are categorized as "clearly unacceptable," noise levels at Receptor Locations A, B, 1, 2, 3, 4, 6, 8, 11, 15, and 17 are categorized as "marginally unacceptable," noise levels at Receptor Locations 5, 7, 12, 14, and 19 are categorized as "marginally acceptable," and noise levels at Receptor Locations C, 13, and 18 are categorized as "acceptable."

H. THE FUTURE WITH THE PROPOSED ACTIONS (WITH-ACTION CONDITION)

Using the methodologies previously described, With-Action noise levels were calculated at the 22 Receptor Locations for the 2030 analysis year. The projected With-Action noise levels are shown in Table 17-5. In 2030, the maximum increase in L_{eq} noise levels for the With-Action condition compared to the No-Action condition for all Receptor Locations would be 1.4 dBA. Changes of this magnitude would be imperceptible and would not be considered a significant noise impact based on the *CEQR Technical Manual* impact criteria. In terms of CEQR noise exposure guidelines, noise levels at Receptor Locations 10 and 16 are categorized as "clearly unacceptable," noise levels at Receptor Locations A, B, 1, 2, 3, 4, 6, 8, 11, 15, and 17 are categorized as "marginally unacceptable," noise levels at Receptor Locations C, 5, 7, 12, 14, 18, and 19 are categorized as "marginally acceptable," and noise levels at Receptor Location 13 are categorized as "acceptable."

Table 17-5: 2030 With-Action Condition Noise Levels (in DBA)

Receptor Location	Measurement Location	Day	Time	No-Action L_{eq}	With-Action L_{eq}	L_{eq} Change	With-Action L_{10}
A	SIR between Victory Blvd and Hannah Street	Weekday	AM[1]	76.4	76.8	0.4	76.8
			MD	67.7	68.2	0.5	68.2
			PM	76.2	76.7	0.5	79.0
		Saturday	MD	63.5	63.9	0.4	64.8
B	SIR at Grant Street	Weekday	AM[1]	74.2	74.6	0.4	74.6
			MD[1]	64.7	65.2	0.5	65.2
			PM[1]	70.8	71.3	0.5	71.3
		Saturday	MD[1]	66.4	66.8	0.4	66.8
C	SIR at Williams Street	Weekday	AM[1]	67.3	67.9	0.6	67.9
			MD[1]	62.6	63.2	0.6	63.2
			PM[1]	65.9	66.6	0.7	66.6
		Saturday	MD	64.0	64.5	0.5	64.8
1	Hannah St and Bay St	Weekday	AM	71.5	71.9	0.4	74.4
			MD	74.6	74.9	0.3	76.9
			PM	71.8	72.2	0.4	74.7
		Saturday	MD	71.5	71.8	0.3	74.9
2	Grant St and Bay St	Weekday	AM	70.4	70.7	0.3	73.6
			MD	72.4	72.6	0.2	74.9
			PM	73.4	73.7	0.3	76.1
		Saturday	MD	72.3	72.5	0.2	76.0
3	Wave St and Bay St	Weekday	AM	72.1	72.6	0.5	73.8
			MD	74.3	74.6	0.3	76.8
			PM	72.0	72.5	0.5	74.3
		Saturday	MD	69.6	69.9	0.3	73.2
4	Minthorne St between Bay St and Victory Blvd	Weekday	AM	71.2	72.1	0.9	75.4
			MD[1]	74.6	75.8	1.2	75.8
			PM	66.2	67.2	1.0	69.0
		Saturday	MD	62.0	62.5	0.5	64.7
5	Van Duzer St and Hannah St	Weekday	AM	67.2	67.3	0.1	69.7
			MD	67.4	67.7	0.3	68.8
			PM	67.1	67.5	0.4	68.5
		Saturday	MD	64.4	64.6	0.2	66.4
6	Swan St and Bay St	Weekday	AM	70.5	70.8	0.3	74.2
			MD	72.0	72.2	0.2	75.2
			PM	74.4	74.7	0.3	76.2
		Saturday	MD	71.5	71.7	0.2	75.1
7	Van Duzer St and St Julian Pl	Weekday	AM	63.4	63.5	0.1	67.3
			MD	66.0	66.1	0.1	67.4
			PM	65.2	65.3	0.1	67.5
		Saturday	MD	64.7	64.8	0.1	68.4
8	Bay St and Baltic St	Weekday	AM	70.1	70.5	0.4	73.5
			MD	73.7	73.9	0.2	76.8
			PM	72.6	73.0	0.4	74.7
		Saturday	MD	72.3	72.6	0.3	76.8

Table 17-5: 2030 With-Action Condition Noise Levels (in DBA)

Receptor Location	Measurement Location	Day	Time	No-Action L_{eq}	With-Action L_{eq}	L_{eq} Change	With-Action L_{10}
9	William St and Van Duzer St	Weekday	AM	84.1	84.3	0.2	85.1
			MD	81.5	81.6	0.1	83.2
			PM	81.5	82.0	0.5	84.2
		Saturday	MD	64.2	64.4	0.2	66.1
10	Clinton St between Van Duzer St and Bay St	Weekday	AM	80.7	81.1	0.4	82.2
			MD	79.3	79.4	0.1	82.0
			PM	81.3	81.6	0.3	84.3
		Saturday	MD	80.3	80.6	0.3	83.4
11	Victory Blvd and Bay St	Weekday	AM	72.3	72.6	0.3	75.4
			MD[1]	77.4	77.7	0.3	77.7
			PM	72.4	72.7	0.3	75.9
		Saturday	MD	75.6	75.8	0.2	78.5
12	Canal St between Broad St and Water St	Weekday	AM	63.7	63.8	0.1	68.3
			MD	63.5	63.5	0.0	68.1
			PM	64.7	64.8	0.1	69.1
		Saturday	MD	64.4	64.4	0.0	68.6
13	Cedar St between Adele Ct and Broad St	Weekday	AM	59.5	59.5	0.0	60.7
			MD	58.7	58.7	0.0	59.4
			PM[1]	61.9	61.9	0.0	61.9
		Saturday	MD[1]	60.9	60.9	0.0	60.9
14	Broad St between Quinn St and Wright St	Weekday	AM	61.2	62.0	0.8	65.7
			MD	65.1	65.6	0.5	67.1
			PM	63.2	64.3	1.1	66.7
		Saturday	MD	62.7	63.3	0.6	66.7
15	Canal St between Broad St and Water St	Weekday	AM	66.5	66.6	0.1	70.8
			MD	66.0	66.0	0.0	70.1
			PM	67.3	67.4	0.1	71.2
		Saturday	MD	66.9	66.9	0.0	71.4
16	Stuyvesant Pl between Hamilton Ave and Wall St	Weekday	AM	80.6	80.8	0.2	84.4
			MD	84.3	84.4	0.1	86.3
			PM	83.3	83.3	0.0	84.7
		Saturday	MD	67.9	67.9	0.0	72.2
17	Victory Blvd and Pike St	Weekday	AM	73.1	73.4	0.3	77.3
			MD[1]	80.8	81.0	0.2	81.0
			PM	71.9	72.2	0.3	75.9
		Saturday	MD	62.2	62.4	0.2	65.5
18	Central Ave at Slosson Terrace	Weekday	AM	62.1	62.8	0.7	65.2
			MD	62.0	63.4	1.4	63.5
			PM	61.4	62.6	1.2	65.6
		Saturday	MD	55.2	55.8	0.6	57.9
19	St Marks Pl between Hyatt St and Victory Blvd	Weekday	AM	63.5	63.5	0.0	67.0
			MD	60.0	60.1	0.1	63.4
			PM	61.9	62.0	0.1	65.9
		Saturday	MD	63.6	63.7	0.1	67.5

Note:
[1] Due to site-specific circumstances at these locations and time periods, the L_{10} values are conservatively based on Leq values.

I. ASSESSMENT

ATTENUATION REQUIREMENTS

As shown in Table 17-1, the *CEQR Technical Manual* has set noise attenuation requirements for building facades, based on exterior $L_{10(1)}$ noise levels. These recommended noise attenuation values are designed to maintain interior noise levels of 45 dB(A) or lower for residential, hotel, etc. uses and 50 dB(A) for commercial uses.

Table 17-6 lists the required building attenuation values for each of the Projected and Potential Development sites to meet *CEQR Technical Manual* requirements for internal noise levels. The With-Action L_{10} noise levels were calculated using the existing noise measurements and the traffic noise analysis.

The attenuation of a composite structure is a function of the attenuation provided by each of its component parts and how much of the area is made up of each part. Normally, a building façade consists of a wall, glazing, and any vents or louvers associated with the building mechanical systems in various ratios of area. The designs for the Projected and Potential Development Sites With-Action buildings would include acoustically rated windows and an alternate means of ventilation (i.e., air conditioning) that does not degrade the acoustical performance of the façade. The buildings, including these elements, would be designed to provide a composite Outdoor-Indoor Transmission Class (OITC) rating greater than or equal to the attenuation requirements listed in Table 17-6, along with an alternative means of ventilation in all habitable rooms of the residential units. By designing the Projected and Potential Development Sites With-Action buildings to provide a composite OITC rating greater than or equal to the attenuation requirements listed in Table 17-6 the future With-Action buildings would be expected to provide sufficient attenuation to achieve the CEQR interior noise level guideline of 45 dB(A) or lower for residential uses and 50 dB(A) or lower for commercial uses.

Table 17- 6: CEQR Building Attenuation Analysis Summary

Receptor Location	Location	Maximum L_{10}	Attenuation Requirement	Projected Development Sites	Potential Development Sites
A	SIR between Victory Blvd and Hannah Street	79.0	35	2	A
B[2]	SIR at Grant Street	74.6	31	1, 3, 5, A (SSWD), B1 (SSWD)	-
C	SIR at Williams Street	67.9	NA[1]	3, 4, B1 (SSWD)	-
1	Hannah St and Bay St	76.9	33	2, 8	A, H, I
2	Grant St and Bay St	76.1	33	1, 5, 11, 12, 14	K, L, M
3	Wave St and Bay St	76.8	33	3, 6, 17	B, C, D, E, F, R, S
4	Minthorne St between Bay St and Victory Blvd	75.8	31	2, 7	-
5	Van Duzer St and Hannah St	69.7	NA[1]	9	G, H
6	Swan St and Bay St	76.2	33	9, 10	J
7	Van Duzer St and St Julian Pl	68.4	NA[1]	10	J, K, L
8	Bay St and Baltic St	76.8	33	4, 5, 15	N, P
9	William St and Van Duzer St	85.1	42	16, 17	O, P, Q
10	Clinton St between Van Duzer St and Bay St	84.3	41	13, 14	N
11	Victory Blvd and Bay St	78.5	35	7	-
12	Canal St between Broad St and Water St	69.1	NA[1]	22	-
13	Cedar St between Adele Ct and Broad St	61.9	NA[1]	25	-
14	Broad St between Quinn St and Wright St	67.1	NA[1]	18, 19, 21	-
15	Canal St between Broad St and Water St	71.4	28	18, 19, 20, 22, 24, 23, 25	T, U, V, W
16	Stuyvesant Pl between Hamilton Ave and Wall St	86.3	43	1 (Disposition)	-
17[2]	Victory Blvd and Pike St	81.0	37	2 (Disposition)	-
18	Central Ave at Slosson Terrace	65.6	NA[1]	3 (Disposition)	-
19	St Marks Pl between Hyatt St and Victory Blvd	67.5	NA[1]	3 (Disposition)	-

Notes:
[1] Maximum L_{10} is below 70 dB(A). The *CEQR Technical Manual* does not contain guidance for noise levels that are less than 70 dB(A).
[2] Due to site-specific circumstances at these locations, the required attenuation values are conservatively based on L_{eq} values.

To implement the attenuation requirements shown in Appendix I, an (E) designation for noise would be applied to 46 of the 48 privately held Projected and Potential Development Sites specifying the appropriate amount of window/wall attenuation. The requirement for façade attenuation as well as the requirement for an alternate means of ventilation for four of the five City-owned sites (including Stapleton Waterfront Phase III Sites A and B1 and City Disposition Sites 1 and 2) will be required through disposition agreements or similar binding mechanisms between the City of New York and the future developer. The text of the Noise (E) designation for window/wall attenuation of 40 dBA or less would be as follows:

> To ensure an acceptable interior noise environment, the building façade(s) or future development must provide minimum composite building façade attenuation as shown in Appendix I of the *Bay Street Corridor Rezoning and Related Actions Environmental Impact Statement* in order to maintain an interior L_{10} noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. To maintain a closed-window condition in these areas, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building façade(s) must also be provided.

The text of the Noise (E) designation for window/wall attenuation greater than 40 dBA would be as follows:

> To ensure an acceptable interior noise environment, the building façade(s) or future development must provide minimum composite building façade attenuation as shown in Appendix I of the *Bay Street Corridor Rezoning and Related Actions Environmental Impact Statement* in order to maintain an interior L_{10} noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. To achieve up to 43 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specifically designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. To maintain a closed-window condition in these areas, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building façade(s) must also be provided.

With this (E) designation or other comparable mechanism in place at these sites, interior noise levels would meet *CEQR Technical Manual* guidance and no significant adverse noise impacts related to noise are expected, and no further analysis is warranted.

MECHANICAL SYSTEMS

The design of and specification for building mechanical systems at the Projected and Potential Development Sites, such as heating, ventilation, and air conditioning (HVAC) systems, would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Mechanical Code) to avoid producing levels that would result in any significant adverse noise impact related to mechanical equipment.

HAZARDOUS MATERIALS APPENDIX

Environmental Protection

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
Fax (718) 595-4422
alicata@dep.nyc.gov

October 19, 2020

George Todorovic
Associate Borough Planner
New York City Department of City Planning
Staten Island Office
130 Stuyvesant Place
Staten Island, NY 10301

Re: 252 Victory Boulevard
Block 576, Lots 21, 23, 25, 38, and 42
CEQR # 77DCP639R

Dear Mr. Todorovic:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the September 2020 Environmental Assessment Statement (EAS) prepared by Philip Habib & Associates and the March 2018 Phase I Environmental Site Assessment (Phase I) prepared by GZA GeoEnvironmental of New York on behalf of 252 Victory Boulevard Realty, LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking zoning map and text amendments from the New York City Department of City Planning (DCP) to rezone Block 576, Lots 21 (partial R3-2/C1-3 and R3-2 zoning districts to complete R3-2/C1-3 zoning), 23 (from R3-2 to R3-2/C1- 3), 25 (from R3-2 and R3X to R6B / C1-3), 38 (from R3-2 to R6B / C1-3), and 42 (from R3-2 to R6B). Additionally, those lots being rezoned to the R6B zoning district (Lots 25, 38, and 42) would be designated as a Mandatory Inclusionary Housing area. Additionally, several Zoning Authorizations are requested as well pursuant to the Special Hillsides Preservation District, including: (1) Zoning Resolution (ZR) 119-311: authorization of development on a steep slope; (2) ZR 119-312: authorization of certain uses and parking in excess of 30 spaces; (3) ZR 119-313: modification of grading controls; and (4) ZR 119-314: modification of lot coverage controls (proposed actions). The proposed actions would permit the development of the applicant-owned development site (Block 576, Lot 25; Projected Development Site 1) with a new 5-story, 55-foot mixed-use residential and commercial/community facility building (with qualifying ground floor). The building would contain 54,942 square feet (sf) of residential floor and 8,687 sf of commercial/ community facility space on the ground floor for total of 63,629 gross square feet. The building would contain 46 dwelling units, 12 of which would be permanently affordable. The cellar of the proposed building would contain 61 parking spaces. There are currently no proposals for the redevelopment of Lots 21, 23, and 42, and none are anticipated due to topographical constraints. Lot 38 is anticipated to remain as a lawful, non-conforming commercial auto repair facility under the proposed actions.

The March 2018 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential, commercial, and industrial uses including a vehicle collision repair shop, residential buildings, an electric company, a printing facility, a machine shop, paint shop, a car yard, lamp repair area, a bus garage and repair shop, a paint spray venetian blind manufacturer, a Department of Sanitation repair shop, auto repair shops, etc. Regulatory databases identified 17 spills, 5 historical auto sites, and 3 historical cleaner sites within 1/8 mile; 10 underground storage tank sites, 6 aboveground storage tank sites, and 2 dry cleaners within 1/4 mile; and 18 leaking storage tank sites within 1/2 mile of the subject property.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- DCP should inform the applicant that based on the historical on-site and/or surrounding area land uses, a Phase II Environmental Site Assessment (Phase II) is necessary 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 from hazardous materials. A Phase II Investigation Protocol/Work Plan summarizing the proposed drilling, soil, groundwater, and soil vapor sampling activities should be developed in accordance with the *City Environmental Quality Review Technical Manual* and submitted for DEP review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil, groundwater, and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory for the presence of volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds by EPA Method 8270, pesticides by EPA Method 8081, polychlorinated biphenyls by EPA Method 8082, and Target Analyte List metals (filtered and unfiltered for groundwater samples). The soil vapor sampling should be conducted in accordance with the NYSDOH October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method TO-15. An Investigation Health and Safety Plan (HASP) should also be submitted for DEP review and approval.

- DCP should also instruct the applicant that the Phase II Work Plan and HASP should be submitted for DEP review and approval prior to the start of any fieldwork.

Future correspondence and submittals related to this project should include the following CEQR # **77DCP639R**. If you have any questions, you may contact me at (718) 595-4358.

Sincerely,

Wei Yu

Wei Yu
Deputy Director, Hazardous Materials

c: R. Weissbard; T. Estesen; R. Lucas; M. Wimbish; O. Abinader - DCP

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
Fax (718) 595-4422
alicata@dep.nyc.gov

May 19, 2021

George Todorovic
Associate Borough Planner
New York City Department of City Planning
Staten Island Office
130 Stuyvesant Place
Staten Island, NY 10301

Re: 252 Victory Boulevard
Block 576, Lots 21, 23, 25, 38, and 42
CEQR # 21DCP153R

Dear Mr. Todorovic:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the March 2021 Phase II Environmental Site Assessment and the April 2021 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) prepared by Environmental Studies Corporation, Inc. on behalf of 252 Victory Boulevard Realty, LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking zoning map and text amendments from the New York City Department of City Planning (DCP) to rezone Block 576, Lots 21 (partial R3-2/C1-3 and R3-2 zoning districts to complete R3-2/C1-3 zoning), 23 (from R3-2 to R3-2/C1- 3), 25 (from R3-2 and R3X to R6B / C1-3), 38 (from R3-2 to R6B / C1-3), and 42 (from R3-2 to R6B). Additionally, those lots being rezoned to the R6B zoning district (Lots 25, 38, and 42) would be designated as a Mandatory Inclusionary Housing area. Additionally, several Zoning Authorizations are requested as well pursuant to the Special Hillsides Preservation District, including: (1) Zoning Resolution (ZR) 119-311: authorization of development on a steep slope; (2) ZR 119-312: authorization of certain uses and parking in excess of 30 spaces; (3) ZR 119-313: modification of grading controls; and (4) ZR 119-314: modification of lot coverage controls (proposed actions). The proposed actions would permit the development of the applicant-owned development site (Block 576, Lot 25; Projected Development Site 1) with a new 5-story, 55-foot mixed-use residential and commercial/community facility building (with qualifying ground floor). The building would contain 54,942 square feet (sf) of residential floor and 8,687 sf of commercial/ community facility space on the ground floor for total of 63,629 gross square feet. The building would contain 46 dwelling units, 12 of which would be permanently affordable. The cellar of the proposed building would contain 61 parking spaces. There are currently no proposals for the redevelopment of Lots 21, 23, and 42, and none are anticipated due to topographical constraints. Lot 38 is anticipated to remain as a lawful, non-conforming commercial auto repair facility under the proposed actions.

During the March 2021 fieldwork, six soil borings (B-1 through B-6) were advanced to a depths up to 55 feet below grade surface (bgs). Two soil samples were collected from each soil boring location. One soil sample was collected from 0 to 2 feet bgs and another deeper soil sample was collected at a depth (B-1, 38-40 feet; B-2, 34-36 feet; B-3, 26-28 feet; B-4, 34-36 feet; B-5, 34-36 feet; and B-6, 24-26 feet bgs) to match the proposed building foundation elevation. One temporary groundwater monitoring well (GW-1) was installed and one groundwater sample was collected. Soil and groundwater samples were analyzed for volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds (SVOCs) by EPA Method 8270, pesticides by EPA Method 8081, polychlorinated biphenyls (PCBs) by EPA Method 8082, and Target Analyte List metals (total and dissolved for groundwater samples). Four soil vapor samples (SV-1 through SV-4) and one outdoor ambient air sample (OA-1) were collected and analyzed for VOCs by EPA Method TO-15.

The soil analytical results revealed that VOCs, SVOCs, and PCBs were either non-detect (ND) or below their New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs). Several pesticides (4,4'-DDE, 4,4'-DDT, and dieldrin), and several metals (barium, cadmium, copper, lead, manganese, nickel, mercury, silver, and zinc) were detected above their NYSDEC Unrestricted Use SCOs, Restricted Residential Use SCOs and/or Commercial Use SCOs.

The groundwater analytical results revealed that VOCs, SVOCs, pesticides, and PCBs were either ND or below their NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Class GA Ambient Water Quality Standards and Guidance Values. Several metals (chromium, magnesium, manganese, and nickel) were detected above their NYSDEC TOGS 1.1.1 Class GA Ambient Water Quality Standards and Guidance Values.

The soil vapor analytical results revealed that several VOCs (1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 2-butanone, acetone, benzene, carbon disulfide, carbon tetrachloride, chloromethane, cyclohexane, dichlorodifluoromethane, ethyl benzene, isopropanol, methyl methacrylate, methylene chloride, n-heptane, n-hexane, o-xylene, p-&m- xylenes, p-ethyltoluene, propylene, tetrachloroethylene, toluene, and trichlorofluoromethane) were detected.

The outdoor air analytical results revealed that several VOCs (2-butanone, acetone, benzene, carbon tetrachloride, chloromethane, dichlorodifluoromethane, isopropanol, methyl methacrylate, methylene chloride, n-heptane, n-hexane, o-xylene, toluene, and trichlorofluoromethane) were detected.

The April 2021 RAP proposes the excavation, transportation and off-site disposal of soil in accordance with applicable laws and regulations; removal of underground storage tanks, if encountered, and closure of petroleum spills in compliance with applicable local, State and Federal laws and regulations; if dewatering into New York City sewer drains is anticipated during the proposed construction, a New York City Department of Environmental Protection Sewer Discharge Permit will be obtained; stockpiled soil will be covered with appropriately anchored plastic tarps; dust control; air monitoring; installation of a vapor barrier system consisting of a 20-mil Stego Wrap or similar vapor barrier beneath the building slab, on sub-grade foundation sidewalls and the elevator pit slab and sidewalls (if the type of vapor barrier is

changed an amendment must first be approved by DEP); and placement of 2-feet of certified clean soil in landscaped areas where not capped with asphalt or concrete. The April 2021 CHASP addresses worker and community health and safety during construction.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

DEP finds the April 2021 RAP and CHASP for the proposed project acceptable. DCP should instruct the applicant that at the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report should be submitted for DEP review and approval for the proposed project. The P.E. certified Remedial Closure Report should indicate that all remedial requirements have been properly implemented (i.e., transportation/disposal manifests for removal and disposal of soil in accordance with applicable federal, state and local laws and regulations; installation of vapor barrier; two feet of DEP approved certified clean fill/top soil capping requirement in any landscaped/grass covered areas not capped with concrete/asphalt, etc.).

Future correspondence and submittals related to this project should include the following CEQR **# 21DCP153R.** If you have any questions, you may contact Mohammad Khaja-Moinuddin at (718) 595-4445.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

c: R. Weissbard
M. Khaja-Moinuddin
T. Estesen
R. Lucas
M. Wimbish
O. Abinader - DCP