2390 McDonald Avenue Rezoning
Environmental Assessment Statement

CEQR Number: 21DCP090K

Prepared For:
MTL Realty LLC

Prepared By:
Environmental Studies Corporation
April 1st, 2024

Section I – EAS Form

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

Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

PROJECT NAME 2390 McDonald Avenue

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
21DCP090K	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
210340ZMK; N21034ZRK	

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY NYC Department of City Planning			NAME OF APPLICANT MTL Realty LLC		
NAME OF LEAD AGENCY CONTACT PERSON Stephanie Shellooe, AICP, Director, Environmental Assessment and Review Division			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Hiram Rothkrug, ESC, Inc.		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 55 Water Mill Lane		
CITY New York	STATE NY	ZIP 10271	CITY Great Neck	STATE NY	ZIP 11021
TELEPHONE 212-720-3328	EMAIL sshellooe@planning.nyc.gov		TELEPHONE 718-343-0026	EMAIL hrothkrug@environmentalstudiescorp.com	

3. *Action Classification and Type*

SEQRA Classification

☒ UNLISTED ☐ TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):

Action Type (refer to CEQR Technical Manual Chapter 2, "Establishing the Analysis Framework" for guidance)

☐ LOCALIZED ACTION, SITE SPECIFIC ☒ LOCALIZED ACTION, SMALL AREA ☐ GENERIC ACTION

4. *Project Description*

The Applicant, MTL Realty LLC, is seeking a zoning map amendment to rezone Brooklyn Block 7146, Lot 50 and part of Lot 49, the "Project Area," from a C8-1 district to a C4-4L district and a zoning text amendment pursuant to Appendix F to establish a Mandatory Inclusionary Housing ("MIH") Area coterminous to the area being rezoned (the "Proposed Actions") from the City Planning Commission. The Proposed Actions would facilitate the development of a mixed-use building in Brooklyn Community District 15. With the approval of the Proposed Actions, the applicant intends to construct a mixed-use building on applicant owned Projected Development Site 1 (Block 7146, Lot 50). The "Proposed Development" is a 112,386 gross square foot (gsf) / 91,531 zoning square foot (zsf), 8-story mixed-use building. The building would have a total height of 85ft and contain 80 dwelling units (76,166 gsf/ 73,948 zsf of residential space). Of these units, 25-30% (20-24 units) would be affordable units at an average of 60-80% AMI pursuant to the requirements of Mandatory Inclusionary Housing (MIH). Both MIH Options 1 and 2 would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process. The Proposed Development would contain 18,110 gsf/ 17,582 zsf of Commercial Uses (local retail) on the ground floor. The Proposed Development would also contain 120 accessory parking spaces in an attended underground garage (18,110 gsf) accessible via an existing curb cut on Village Road South and then by car elevator.

For a conservative analysis, the EAS analyzes a reasonable worst case development scenario (RWCDS) consisting of a mixed-use building on Projected Development Site 1. The "Projected Development" is a 112,386 gross square foot (gsf) / 91,531 zoning square foot (zsf), 9-story building. The building would have a total height of 95ft and contain 84 dwelling units (76,166 gsf/ 73,948 zsf of residential space). The total number of dwelling units was estimated using a "dwelling unit factor" of 880 gsf per unit. Of these units, 25-30% (21-25 units) would be affordable units at an average of 60-80% AMI pursuant to the requirements of Mandatory Inclusionary Housing (MIH). Both MIH Options 1 and 2 would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process.

The Projected Development would contain 18,110 gsf/ 17,582 zsf of Commercial Uses (local retail) on the ground floor. The Projected Development would also contain 120 accessory parking spaces in an attended underground garage (18,110 gsf) accessible via an existing curb cut on Village Road South and then by car elevator.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 15	STREET ADDRESS 2390 McDonald Avenue
TAX BLOCK(S) AND LOT(S) Block 7146 Lot 50, Part of Lot 49		ZIP CODE 11223
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS McDonald Avenue and Village Road South		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C8-1		ZONING SECTIONAL MAP NUMBER 28c

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

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

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

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

Board of Standards and Appeals: ☐ YES ☒ NO

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

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

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

☐ LEGISLATION	☐ FUNDING OF CONSTRUCTION, specify:
☐ RULEMAKING	☐ POLICY OR PLAN, specify:
☐ CONSTRUCTION OF PUBLIC FACILITIES	☐ FUNDING OF PROGRAMS, specify:
☐ 384(b)(4) APPROVAL	☐ PERMITS, specify:
☐ OTHER, explain:	

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

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

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

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

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

☒ SITE LOCATION MAP	☒ ZONING MAP	☒ SANBORN OR OTHER LAND USE MAP
☒ TAX MAP	☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)	

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

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 25,316	Waterbody area (sq. ft.) and type:
Roads, buildings, and other paved surfaces (sq. ft.): 25,316	Other, describe (sq. ft.):

7. *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): 112,386

NUMBER OF BUILDINGS: 1 | GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 112,386

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

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

If "yes," specify: The total square feet owned or controlled by the applicant: 20,252

The total square feet not owned or controlled by the applicant: 5,064

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 disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)

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

8. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2025

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Single phase construction scenario.

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

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

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type of residential structures			Multifamily	
No. of dwelling units	0	0	84	84
No. of low- to moderate-income units	0	0	21-25	21-25
Gross floor area (sq. ft.)	0	0	76,166	76,166
Commercial	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Office, Auto	Office, Auto	Retail	Retail
Gross floor area (sq. ft.)	5,152 (Office UG 6, Vacant) 10,460 (Auto UG 16)	5,152 (Office UG 6, Vacant) 10,460 (Auto UG 16)	18,110 (Retail UG 6)	+18,110 (Retail UG 6) -10,460 (Auto UG 16)
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
Publicly Accessible Open Space	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
PARKING				
Garages	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces			120	120
Operating hours				
Attended or non-attended				
Lots	☒ YES ☐ NO	☒ YES ☐ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces	10	10	0	-10
Operating hours				
Other (includes street parking)	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
POPULATION				
Residents	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify number:			223	223

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Briefly explain how the number of residents was calculated:	Based on 2.66 persons per household in Brooklyn CD 15 per the 2020 Census			
Businesses	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. and type	1 Commerical Office (Vacant), 1 Automotive	1 Commerical Office (Vacant), 1 Automotive	Ground floor retail	
No. and type of workers by business	25	25	47	22
No. and type of non-residents who are not workers	N/A	N/A	N/A	N/A
Briefly explain how the number of businesses was calculated:	Workers calculated based on an assumption of 1 employee per 425 sq ft; 1 worker per 25 D.U.s			
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	C8-1	C8-1	C4-4L	
Maximum amount of floor area that can be developed	20,252 zsf	20,252 zsf	93,159 zsf Res; 81,008 zsf Commercial; 81,008 zsf Com Fac	+93,159 zsf Res; +60,756 zsf Commercial; +81,008 zsf Com Fac
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Automotive oriented commercial uses	Automotive oriented commercial uses	Multifamily Residential; Ground floor commerical (retail)	
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

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 Full 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.		
(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 more than 200 residential units *or* 200,000 square feet of commercial space?	☐	☒
▪ If "yes," answer *both* questions 2(b)(ii) and 2(b)(iv) below.		
○ Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
○ Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
○ Affect conditions in a specific industry?	☐	☒
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
○ If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	☐	☐
○ If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	☐	☐
ii. Indirect Residential Displacement		
○ Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
○ If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	☐	☐
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	☐	☐
○ If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	☐	☐
iii. Direct Business Displacement		
○ Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	☐	☐
○ Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	☐	☐

	YES	NO
enhance, or otherwise protect it?		
iv. Indirect Business Displacement		
○ Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
○ Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	☐	☐
v. Effects on Industry		
○ Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	☐	☐
○ Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	☐	☐
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, health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
i. Early Childhood Programs		
○ Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project result in a collective utilization rate of the Early Childhood Programs in the study area that is greater than 100 percent?	☐	☐
○ If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
ii. 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)	☐	☒
○ If "yes," would the project result in a utilization rate of the elementary or middle schools that is equal to or greater than 100 percent?	☐	☐
○ If "yes," would the project generate 100 or more elementary or middle school students past the 100% utilization rate?	☐	☐
○ If "yes," would the project result in a utilization rate of the high schools that is equal to or greater than 100 percent?	☐	☐
○ If "yes," would the project increase the high school utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iii. 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)	☐	☒
○ If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
○ If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iv. Health Care Facilities		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of fire or police protection in the area?	☐	☐
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Would the project generate more than 200 additional residents or 500 additional employees?	☒	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☒	☐
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☒	☐
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year. See Attached.		

	YES	NO
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.		
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?	☐	☒
(c) If "yes" to either of the above, please provide the information requested in Chapter 10. See Attached		
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 project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☒	☐
○ If "yes," complete the Jamaica Bay Watershed Protection Plan Project Tracking Form and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure?	☐	☒
(c) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(d) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in the Hazardous Materials Appendix (including nonconforming uses)?	☒	☐
(e) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☒	☐
(f) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☒	☐
(g) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(h) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(i) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☐	☒
(j) Based on the Phase I Assessment, is a Phase II Investigation needed?	☒	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒

	YES	NO
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
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): 223 Residents * 17lbs + 47 Workers * 79 lbs = 7,504 lbs		
○ 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?	☐	☒
○ If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	☐	☒
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): (18,110 sf *216.3) + (76,166*126.7) = 13.6 Million 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 appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☒
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry trips per project peak hour?	☐	☒
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☒	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, bus stop, or Citywide Ferry Service landing?	☒	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☒	☐
(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?	☐	☒
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
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) Would the proposed project result in the development of 350,000 square feet or more?	☐	☒
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?	☐	☐
○ If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	☐	☐
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 114 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed	☒	☐

	YES	NO
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?	☐	☒
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☒	☐
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. The EAS does not identify the potential for significant adverse impacts to the relevant analysis sections		
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. The EAS does not identify any significant adverse impacts to Land Use, Zoning, and Public Policy, Open Space, Historic and Cultural Resources, Urban Design and Visual Resources, Shadows, Transportation, nor Noise.		
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.

A preliminary construction analysis is not warranted as a Restrictive Declaration would be placed on Projected Development Site 1 (Lot 50) to ensure than prior to any in-ground disturbance a Work Plan be submitted to and approved by the New York City Landmarks Preservation Commission. This RD would be recorded in conjunction with the Proposed Actions. Construction Activity therefore would not result in any adverse construction impacts on the Historic and Cultural Resource adjacent to Projected Development Site 1 (Gravesend Cemetery). Although construction activities would be adjacent to McDonald Avenue which is a minor arterial roadway, the construction duration would be short term (less than 2 years. Further, the potential staging for the proposed project would require the closure of travel lanes. All closures would be temporary and require collaboration with NYCDOT Office of Construction Mitigation and Coordination. These measure would ensure that traffic would not be adversy affected by construction activities and the actions would not warrant a preliminary construction assessment.

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	SIGNATURE	DATE
Kevin Corte	Kevin Corte	02.15.24

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

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

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

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

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

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

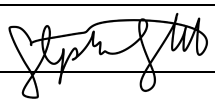
3. Check determination to be issued by the lead agency:

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

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

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

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

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	City Planning Commission
NAME: Stephanie Shellooe	DATE: 5/10/2024
SIGNATURE: 	

NEGATIVE DECLARATION

Statement of No Significant Effect

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

Reasons Supporting this Determination

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

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The Applicant, MTL Realty, LLC, is seeking a zoning map amendment to rezone Brooklyn Block 7146, Lot 50 and part of Lot 49 (the "Project Area") from a C8-1 zoning district to a C4-4L zoning district and a zoning text amendment pursuant to Appendix F of the NYC Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing ("MIH") area coterminous with the Project Area (the "Proposed Actions") in the Gravesend neighborhood of Brooklyn, Community District 15. The Project Area is generally bounded midblock between Gravesend Neck Road and Village Road South to the north, McDonald Avenue to the east, Village Road South to the south, and Gravesend Cemetery to the west. The Proposed Actions would facilitate the Applicant's proposed development of an 8-story 112,386 total gross square foot (GSF), 4.6 Floor Area Ratio (FAR) mixed-use building consisting of 76,166 GSF of residential use containing 80 total dwelling units (DUs), of which 25-30% (20-24 DUs) would be affordable at an average of 60-80% area median income (AMI) pursuant to MIH options 1 and 2, respectively, 18,110 GSF of commercial uses, and 18,110 GSF of cellar parking (120 spaces) on applicant-owned Block 7146, Lot 50 (Projected Development Site 1).
To present a conservative analysis in the EAS, the with-action condition for Projected Development Site 1 under the Reasonable Worst Case Development Scenario (RWCDS) analyzes a taller building with a smaller average dwelling unit size which is a 9-story 112,386 total GSF, 4.6 FAR mixed-use building containing 76,166 GSF of residential use consisting of 84 total DUs, of which 25-30% (21-25 units) would be affordable at an average of 60%-80% AMI pursuant to MIH options 1 and 2, respectively, 18,110 GSF of commercial use, and 18,110 GSF of cellar parking (120 spaces). The Proposed Actions are compatible with the land uses within the study area (400 ft radius from the Project Area) which include residential uses containing several multifamily residential buildings that are well-represented throughout the study area such as areas along Village Court, Village Road South, and Van Sicklen Street. The commercial retail use would be compatible with the existing commercial corridor (C8-1 zoning) along McDonald Avenue in the study area. Although the proposed C4-4L zoning district would permit a higher FAR and increased density than existing zoning, it is compatible with the commercial character of the C8-1 zoning district along McDonald Avenue, the residential zoning districts on either size of McDonald Avenue's commercial corridor, and is contextual with the adjacent elevated rail line on McDonald Avenue. Therefore, the Proposed Actions would not result in significant adverse impacts related to land use, zoning, or public policy.

Shadows

A detailed analysis related to shadows is included in the EAS. The analysis shows that the Proposed Actions would cast incremental shadows on a sunlight sensitive open space resource, Gravesend Cemetery (Block 7146, Lot 1), on December 21st, March 21st, May 6th, and June 21st analysis days for 6 hours and 2 minutes, 6 hours and 54 minutes, 4 hours and 51 minutes, and 5 hours and 18 minutes, respectively. Although the incremental shadows would be cast during the growing season, the shadows would move from west to east for approximately five to seven hours throughout the day. The majority of the shadows cast during the growing season are limited to the morning hours and as the morning progresses, the portion of the cemetery receiving project generated shadows reduces. The cemetery contains benches and paths under old growth trees for public use and enjoyment of which would remain in sunlight at different points throughout the day as shadows move across the cemetery. Mature trees, shrubs, and other plantings can likely tolerate partial sun, or four to six hours of direct sunlight per day which does not need to be continuous; a portion of the direct sun could be in the morning and balance in the afternoon as long as the periods of sunlight are full and unobscured. The incremental shadows would sweep across the cemetery for approximately five to seven hours throughout the day and reduce as the morning and early afternoon hours progress. Therefore, the Proposed Actions would not result in any significant adverse impacts related to shadows.

Historic and Cultural Resources

A detailed analysis related to historic and cultural resources is included in the EAS. The Project Area is adjacent to the Gravesend Cemetery and the New York City Landmarks and Preservation Commission (LPC) identified that the site has the potential to contain potentially significant Colonial-19th century archaeological resources including human remains and therefore finds that an archaeological Work Plan should be submitted to the LPC for review and approval before any field testing occurs including provisions to address any human remains that may be found such as consultation with the descendent communities as per the 2018 Guidelines for Archaeological Work in NYC. To ensure that an Archaeological Work Plan is submitted on all sites where inground construction will occur, a Restrictive Declaration would be placed on the applicant-owned Projected Development Site 1 (Lot 50) which would be recorded in conjunction with the approval of the Proposed Actions. With the placement of a Restrictive Declaration, any future development on Projected Development Site 1 (Lot 50) would be subject to field testing. Additionally, a Work Plan, reviewed and approved by LPC, would need to be submitted and finalized before in-ground construction work can commence. With this in place, the Proposed Actions would not result in significant adverse impacts to historic and cultural resources.

Air Quality, and Noise

An (E) designation (E-747) 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.

Project Name: 2390 McDonald Avenue Rezoning
CEQR # 21DCP090K
SEQRA Classification: Unlisted

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Erin Whitney at ewhitney@planning.nyc.gov.	
TITLE 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 5/10/2024
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 5/13/2024
SIGNATURE	

Project Name: 2390 McDonald Avenue Rezoning
CEQR # 21DCP090K
SEQRA Classification: Unlisted

Determination of Significance Appendix

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

Development Site	Borough	Block and Lot
Projected Development Site 1	Brooklyn	Block 7146, Lot 50

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to air quality noise an (E) designation (**E-747)** would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

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

Air Quality

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

> ***Projected Development Site 1*** *(Block 7146, Lot 50:) Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, and air conditioning (HVAC) system and hot water equipment stack is located at the building's highest level and at a minimum of 88 feet above grade to avoid any potential significant adverse air quality impacts.*

Noise

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

> ***Projected Development Site 1*** *(Block 7146, Lot 50): In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on the facades facing McDonald Avenue for floors below the rail line and the facades facing Gravesend Neck Rd within 50 feet of McDonald Avenue for floors below the rail line and the facades facing Village Rd S within 50 feet of McDonald Avenue for floors below the rail line, a minimum of 31 dBA window/wall attenuation on the facades facing McDonald Avenue for floors above the rail line and the facades facing Gravesend Neck Rd within 50 feet of McDonald Avenue for floors above the rail line and the facades facing Village Rd S within 50 feet of McDonald Avenue for floors above the rail line, and a minimum of 28 dBA window/wall attenuation on all remaining facades in order to maintain an interior noise level not greater than 45 dBA for residential use or not greater than 50 dBA for commercial office use as illustrated in the EAS. In order to maintain a closed window condition, an alternate mean of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.*

Section II - Project Description

Introduction

The Applicant, MTL Realty LLC, is seeking a zoning map amendment and a zoning text amendment to rezone Brooklyn Block 7146, Lot 50 and part of Lot 49, the "Project Area," from a C8-1 district to a C4-4L district and a zoning text amendment pursuant to Appendix F to establish a Mandatory Inclusionary Housing ("MIH") Area coterminous with the area being rezoned (the "Proposed Actions"). The Proposed Actions would affect an area that consists of Brooklyn Block 7146, Lot 50 and part of Lot 49 (the "Project Area") in the Gravesend section of Brooklyn Community District 15. With the approval of the Proposed Actions, the Applicant intends to develop an 8-Story (85 ft) mixed-use building containing a total 112,386 gross square feet (gsf)/ 91,531 zoning square feet (zsf) of residential and commercial space. The building would contain 80 Dwelling Units (76,166 gsf/73,948 zsf) of residential area. The average D.U. size would be 950 gsf. The building would also contain 18,110 gsf / 17,582 zsf of Commercial Uses (local retail) on the ground floor. The building would have a total Floor Area Ratio (FAR) of 4.6 consisting of 3.72 FAR of residential space and 0.88 FAR of commercial space. Of the dwelling units included in the Proposed Development, 25-30% (between 20-24 units) would be reserved as affordable at an average of 60-80% of the Area Median Income (AMI) pursuant to the requirements of Mandatory Inclusionary Housing (MIH). Both MIH Options 1 and 2 would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process. For the purposes of early childhood programs analysis, 20% (16 units) would be affordable at or below 80% AMI.

The Proposed Development would contain 120 accessory parking spaces (18,110 gsf) in an attended underground garage accessible via an existing 10-foot curb cut on Village Road South and then by car elevator. The Proposed Development includes more parking spaces than is required by zoning in response to comments and requests from Brooklyn Community Board 15. The Community Board has expressed a desire for an increase in publicly available parking spaces due to a perceived parking shortage in the surrounding area.

For the purposes of presenting a conservative analysis this EAS analyzes the impacts of a slightly larger development on the Applicant owned site. This is discussed in detail below (Reasonable Worst-Case Development Scenario- With Action).

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

Project Area

The actions necessary to facilitate the Proposed Development would affect an area that is bound by the Old Gravesend Cemetery and low-rise commercial buildings to the north, McDonald Avenue to the east, Village Road South to the south the Old Gravesend

Cemetery to the west. This area includes Brooklyn Block 7146, Lot 50 and part of Lot 49. The area described above is referred to as the "Project Area". The approval of the Proposed Actions would facilitate development in the Project Area.

The Applicant does not own Brooklyn Block 7146, Lot 49 although the southern portion of this lot (5,064 sf) is within the Project Area. The portion of the Project Area that is owned by the Applicant (Brooklyn Block 7146, Lot 50) is referred to as the "Projected Development Site 1".

Purpose and Need

The Proposed Actions are needed to facilitate the proposed development (described above). The current zoning does not allow residential uses which are included in the proposed development. The current C8-1 zoning allows for automobile oriented commercial spaces. The Proposed Actions would offer an opportunity to maximize the benefits of the MTA F Train station located two block away on Avenue U by introducing residential and local retail uses.

Lastly, the Proposed Actions also provide an opportunity to further the goal of creating new affordable housing units and promoting the creation of Transit Oriented Development (TOD).

Analysis Year

Based on an estimated duration of eighteen months for the pre-certification process, a seven-month Universal Land Use Review Procedure (ULURP) and an eighteen-month construction period, the proposed development is expected to be complete in 2025. The Build Year, or Analysis Year, used in this EAS reflects the date when all development expected to occur with the approval of the Proposed Actions is completed and occupied. The Build Year, or Analysis Year, used in this EAS is 2025.

Reasonable Worst-Case Development Scenario (RWCDS)

Discretionary actions sometimes permit a range of project characteristics, or development scenarios, to occur even though the action may be sought in order to facilitate a specific development. From the range of possible scenarios that are considered reasonable and likely, the scenario with the worst environmental consequences is chosen to present a conservative analysis. This development scenario is considered to be the Reasonable Worst-Case Development Scenario (RWCDS). By analyzing the potential for adverse impacts of the RWCDS the EAS ensures that, regardless of which scenario occurs, its impacts would be no worse than those considered in the environmental review. The EAS analyzes the incremental differences between the future with approval of the Proposed Actions (where the RWCDS occurs), the "With-Action condition" and the future without the approval of the Proposed Actions (where the RWCDS does not occur), the "No-Action condition."

There have been changes to the Proposed Actions that have changed the analysis framework of this EAS. The Proposed Actions have been modified in scope to change the boundary of the area to be rezoned. The most recent rezoning area covers only Brooklyn Block 7146, Lot 50 and part of Lot 49 as described above. The RWCDS therefore has been modified to project development on only one site (Projected Development Site 1) which is described in detail below.

Development Sites

As discussed above, the Proposed Actions would affect all of the lots within the Project Area. The Project Area includes Brooklyn Block 7146, Lot 50 and part of Lot 49. Lot 49 is not controlled by the applicant but will be affected by the Proposed Actions. Lot 50 (Projected Development Site 1) is controlled by the applicant and the proposed development described above is expected to be built on this site. No additional development is anticipated in the future with the Proposed Actions.

Existing Conditions

As discussed above the Project Area includes Brooklyn Block 7146, Lot 50 and part of Lot 49. All of the lots in the Project Area are currently occupied. The Project Area is bound by the Old Gravesend Cemetery and low-rise commercial buildings to the north, McDonald Avenue to the east, Village Road South to the south the Old Gravesend Cemetery to the west.

Projected Development Site 1

Block 7146, Lot 50 is currently occupied by a 15,612 gsf one-story mixed-use building on a 20,252 sq ft lot. The lot contains a one-story car wash (10,460 gsf) and an adjacent

commercial office (5,152 gsf) which is vacant. There is a surface parking lot at the rear of the building accessible via Village Road South.

Other Sites

Block 7146, Lot 49 is currently occupied by a 7,975 two-story mixed-use building on an 8,780 sq ft lot. Only the southern portion of this lot (5,064 sf) is within the Project Area. The building contains an auto repair shop on the ground floor and commercial office space on the second floor. There is a surface parking lot at the rear of the building accessible via Village Road South.

This information is summarized in **Table 1-Applicant Owned Properties** and **Table 2 - Non-Applicant Owned Properties** below.

Table 1 - Applicant Owned Properties

Block	Lot	Projected Development Site	Lot Area (sf)	Land Use	# of Floors	Gross FA (sf)	Res. Floor Area	Com. Floor Area	Manu-Indust. Floor Area	Res. Unit	FAR
7146	50	1	20,252	Commercial	1	15,612	0	15,612	0	0	0.77

Table 2 – Non-Applicant Owned Properties

Block	Lot	Projected Development Site	Lot Area (sf)	Land Use	# of Floors	Gross FA (sf)	Res. Floor Area	Com. Floor Area	Manu-Indust. Floor Area	Res. Unit	FAR
7146	49	N/A	8,780	Commercial	2	7,975	0	7,975	0	0	0.91

Future No Action

In the future, if the Proposed Actions are not approved (the No-Action condition), no development would occur anywhere in the Project Area. As discussed above in the purpose and need section, the current C8-1 zoning allows for commercial uses only and specifically allow for automotive services. Due to the lot size and permitted maximum FAR under C8-1 (1.0 FAR) limited expansion of the existing uses could occur on these sites. The existing zoning does not allow for enough additional FAR to warrant replacing the existing structures and uses. To present a conservative analysis, the No-Action condition is therefore the same as the Existing condition.

Future With-Action

In the future, if the Proposed Actions are approved (the With-Action condition), to present a conservative analysis, a building slightly larger than the Proposed Development (described above) is projected on Projected Development Site 1.

With the approval of the Proposed Actions, the RWCDS projects the development of a mixed-use building on **Projected Development Site 1**. The "Projected Development" is a 112,386 gross square foot (gsf) / 91,531 zoning square foot (zsf), 9-story building. The building would have a total height of 95ft and contain 84 dwelling units (76,116 gsf/ 73,948 zsf of residential floor area). The total number of dwelling units was estimated using a "dwelling unit factor" of 880 gsf per unit. The building would have a total Floor Area Ratio (FAR) of 4.6 consisting of 3.72 FAR of residential space and 0.88 FAR of commercial space. Of these units, 25-30% (21-25 units) would be reserved as affordable units at an average of 60-80% AMI pursuant to the requirements of Mandatory Inclusionary Housing (MIH). Both MIH Options 1 and 2 would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process. The Projected Development would contain 18,110 gsf/ 17,582 zsf of Commercial Uses (local retail) on the ground floor. The Projected Development would also contain 120 accessory parking spaces (18,110 gsf) in an attended underground garage accessible via an existing curb cut on Village Road South and then by car elevator. The Projected Development would also include more parking spaces than is required by zoning in response to comments and requests from Brooklyn Community Board 15. The Community Board has expressed a desire for an increase in publicly available parking spaces due to a perceived parking shortage in the surrounding area.

Analysis Framework

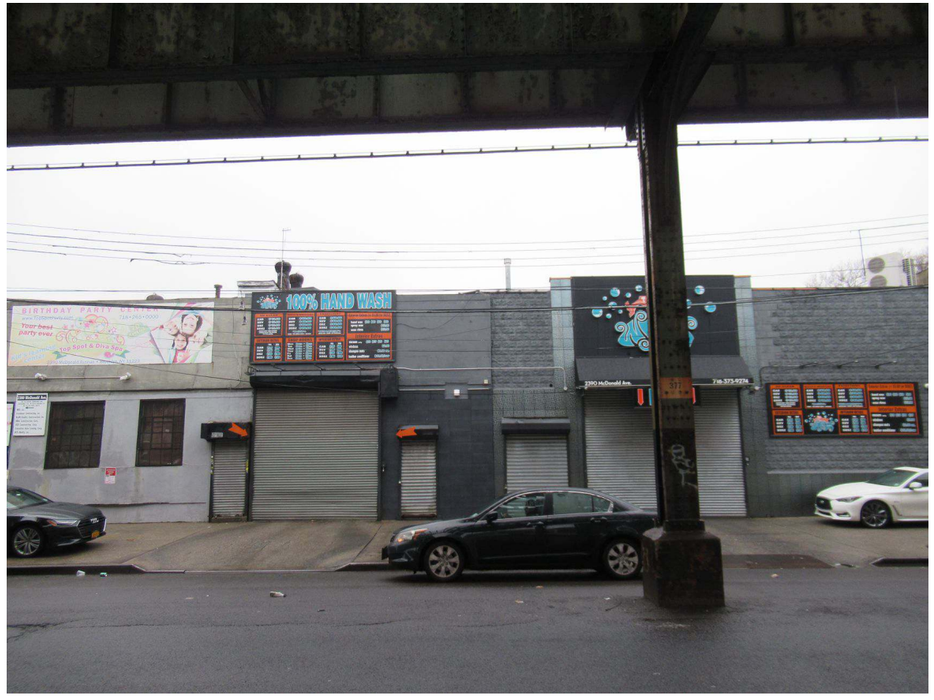
For the purposes of presenting a conservative analysis, the increment that will be analyzed in this EAS is 76,166 GSF of residential, 18,110 GSF of commercial (retail), 223 residents, 22 workers, and 120 parking spaces.

Building Heights

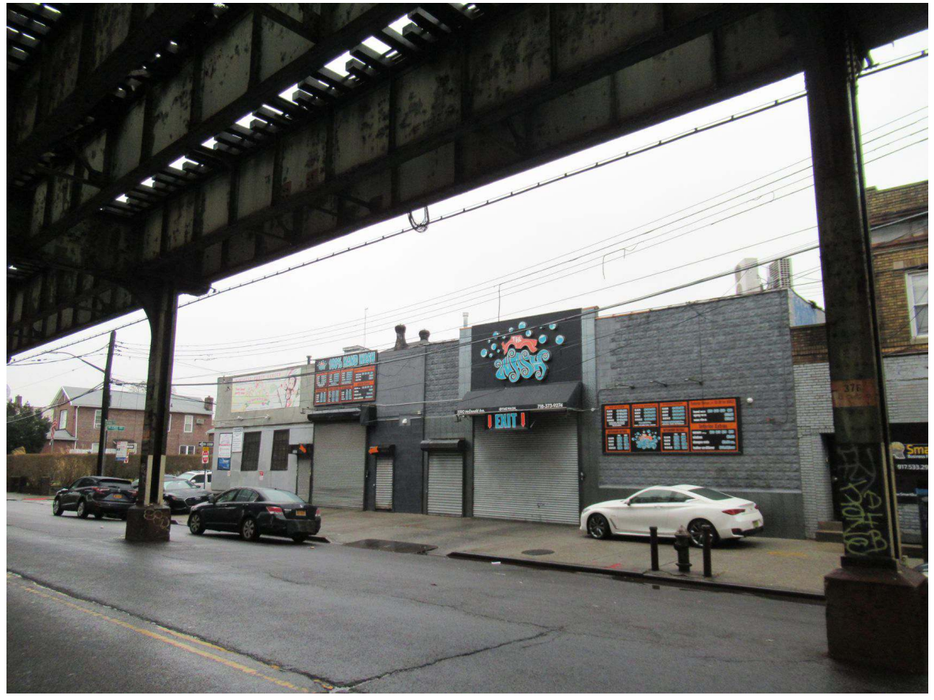
For assessments that consider building heights, the most conservative heights are assumed for their relevant sections with the maximum building envelope considered for assessments of Shadows and Urban Design. Both the proposed and RWCDS building heights are analyzed for Air Quality (Stationary Source). The building heights used for the relevant technical analyses are summarized in Table 3 below.

Table 3 – Building Heights and Height Analysis Framework

Building Height			
	Air Quality	**Shadows**	**Urban Design**
Projected Development Site 1	95ft (w/Bulkhead)	115ft 140ft (w/Bulkhead)	115ft



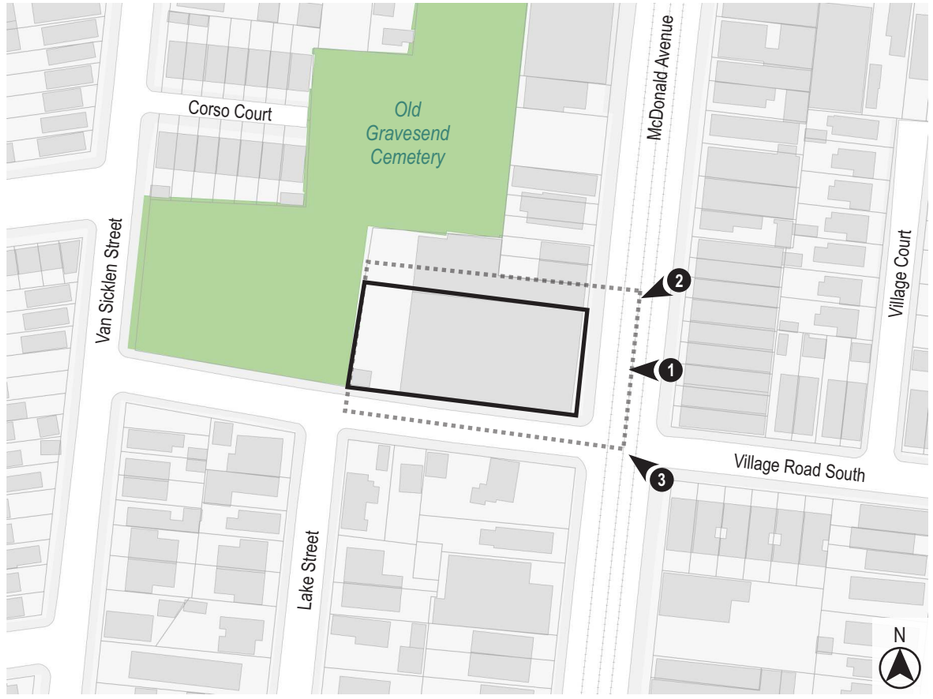
1. View of the Development Site facing west from McDonald Avenue.



2. View of the Development Site facing southwest from McDonald Avenue.



3. View of the Development Site facing northwest from the intersection of McDonald Avenue and Village Road South.



2390 McDonald Avenue, Brooklyn

Urban Cartographics
Photographs Taken on February 6, 2020



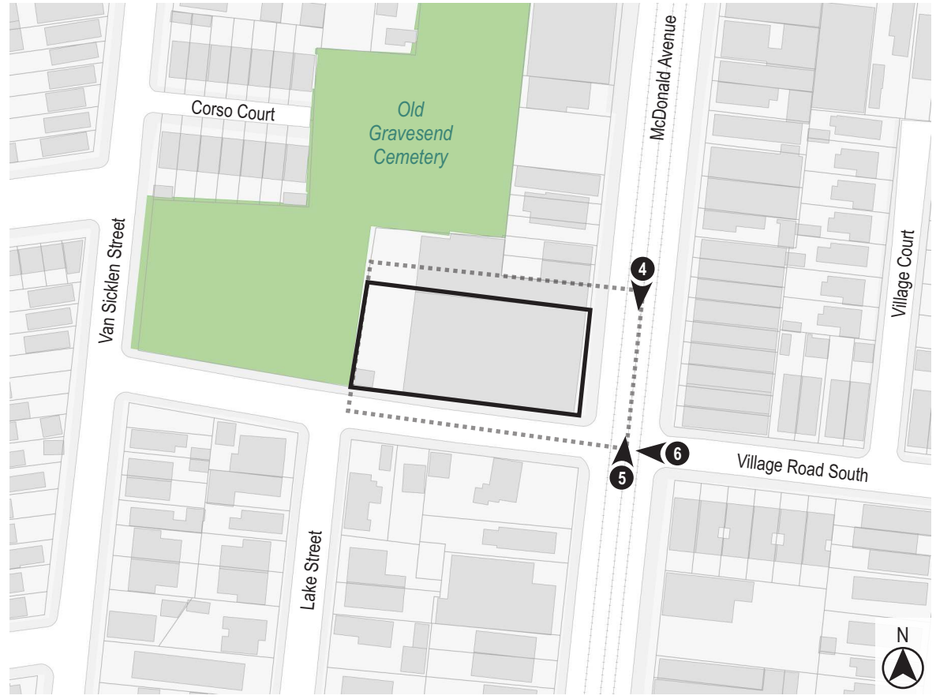
4. View of McDonald Avenue facing south toward Village Road South (Development Site at right).



5. View of McDonald Avenue facing north from Village Road South (Development Site at left).



6. View of Village Road South facing west from McDonald Avenue (Development Site at right).





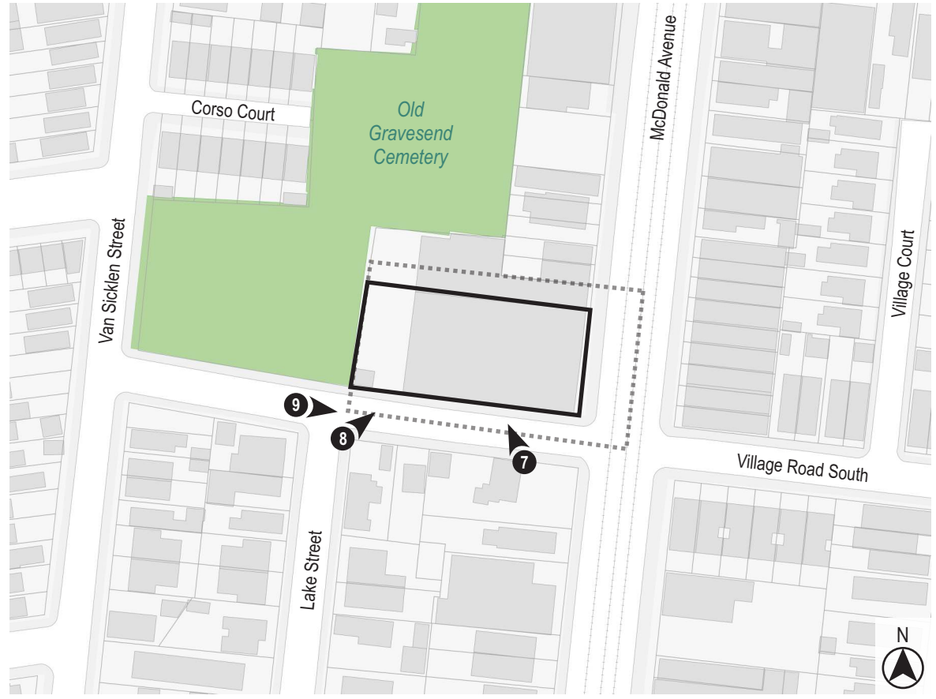
7. View of the Development Site facing northwest from Village Road South.



8. View of the Development Site facing northeast from Village Road South.



9. View of Village Road South facing east toward McDonald Avenue (Development Site at left).





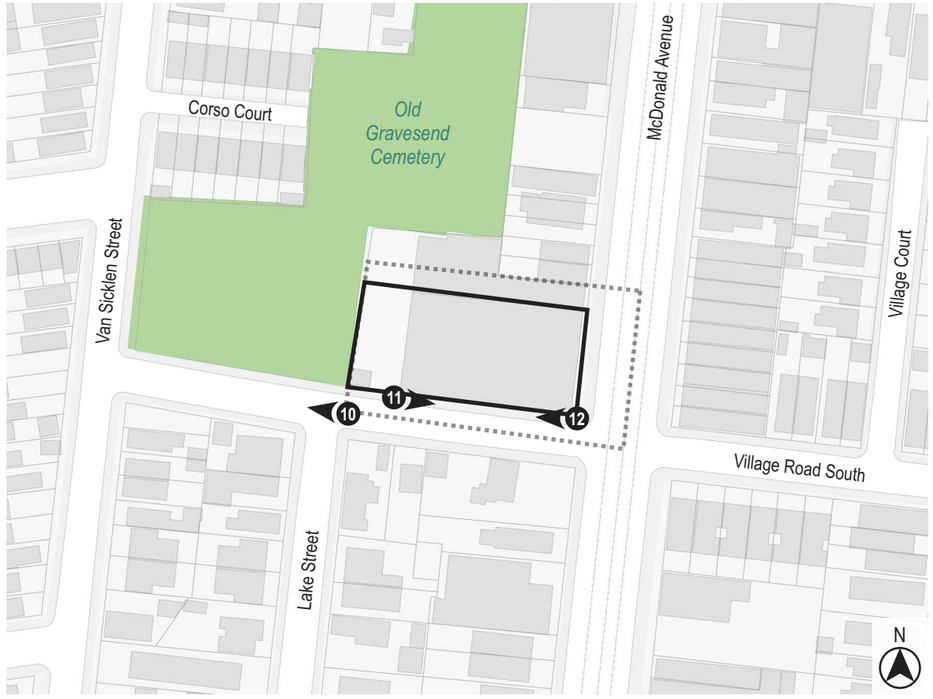
10. View of Village Road South facing west toward Lake Street.



11. View of the sidewalk along the north side of Village Road South facing east toward McDonald Avenue (Development Site at left).



12. View of the sidewalk along the north side of Village Road South facing west from McDonald Avenue (Development Site at right).





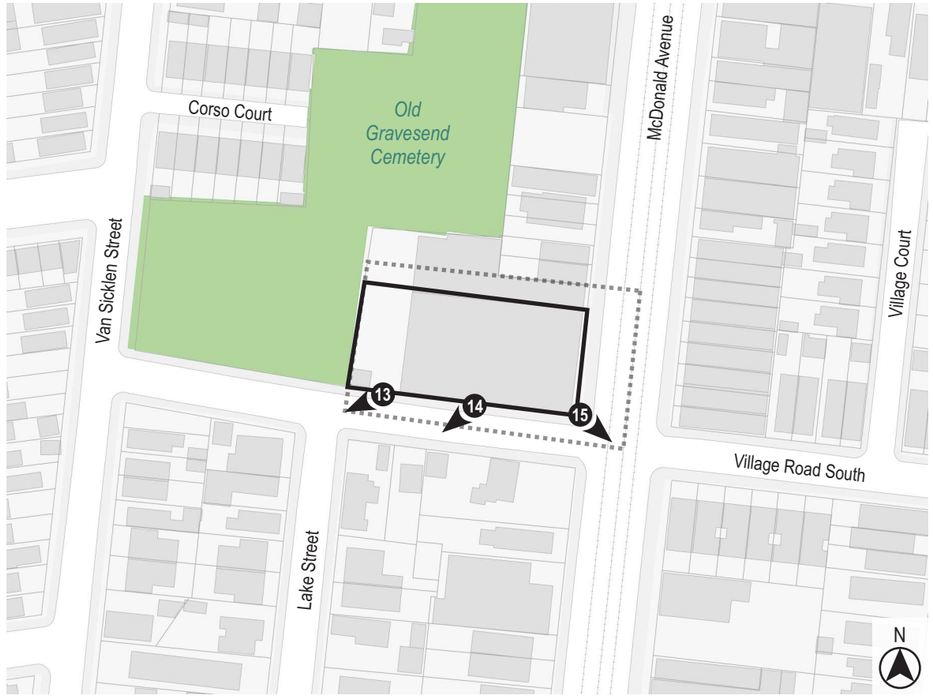
13. View of the south side of Village Road South facing southwest from the Development Site.



14. View of the south side of Village Road South facing southwest from the Development Site.



15. View of the intersection of McDonald Avenue and Village Road South facing southeast from the Development Site.





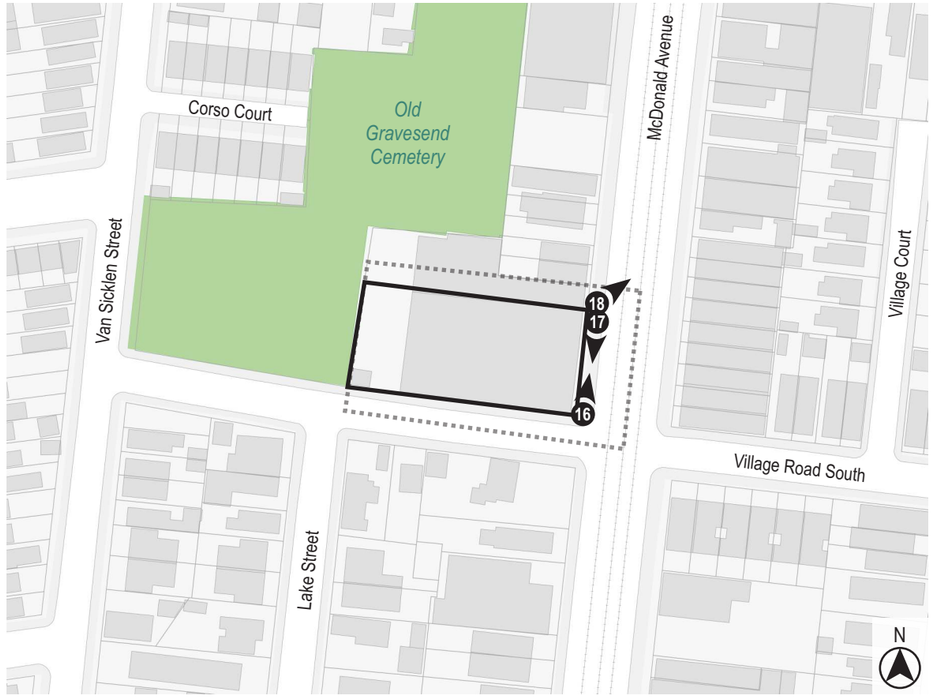
16. View of the sidewalk along the west side of McDonald Avenue facing north from Village Road South (Development Site at left).

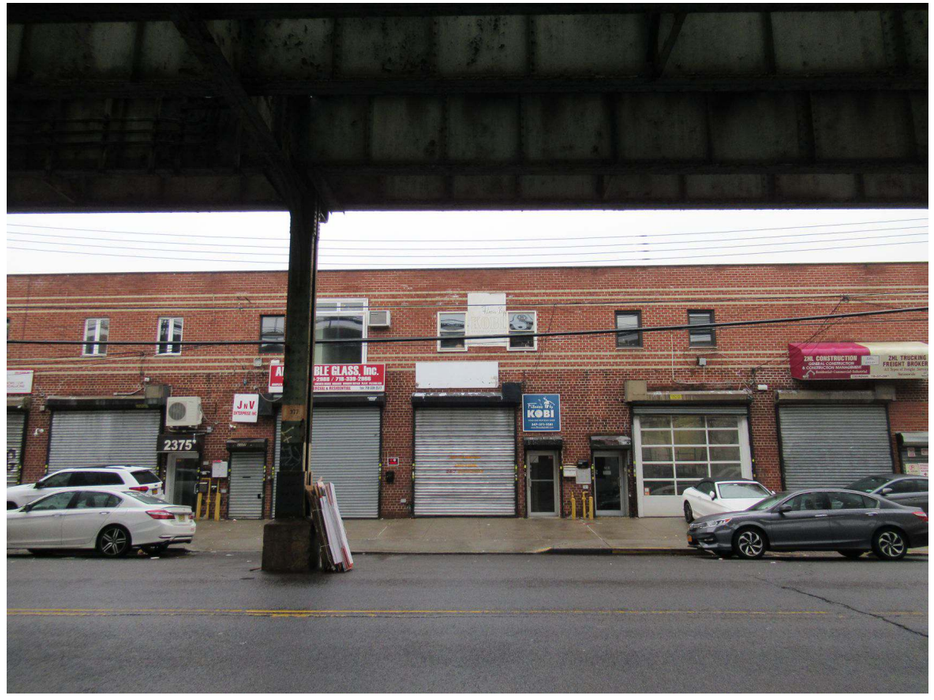


17. View of the sidewalk along the west side of McDonald Avenue facing south toward Village Road South (Development Site at right).



18. View of the east side of McDonald Avenue facing northeast from the Development Site.

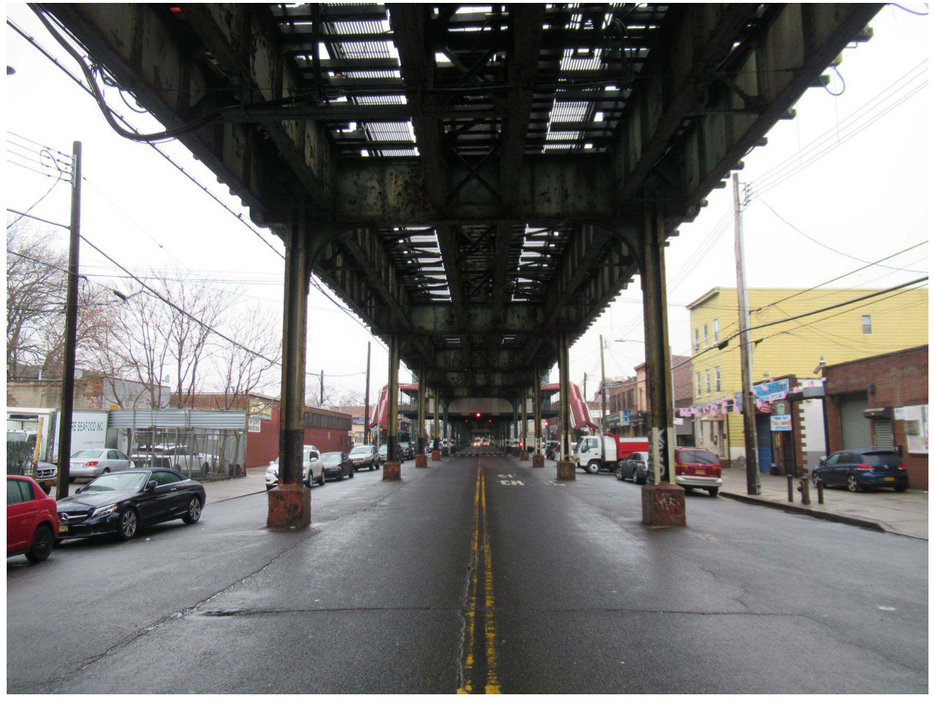




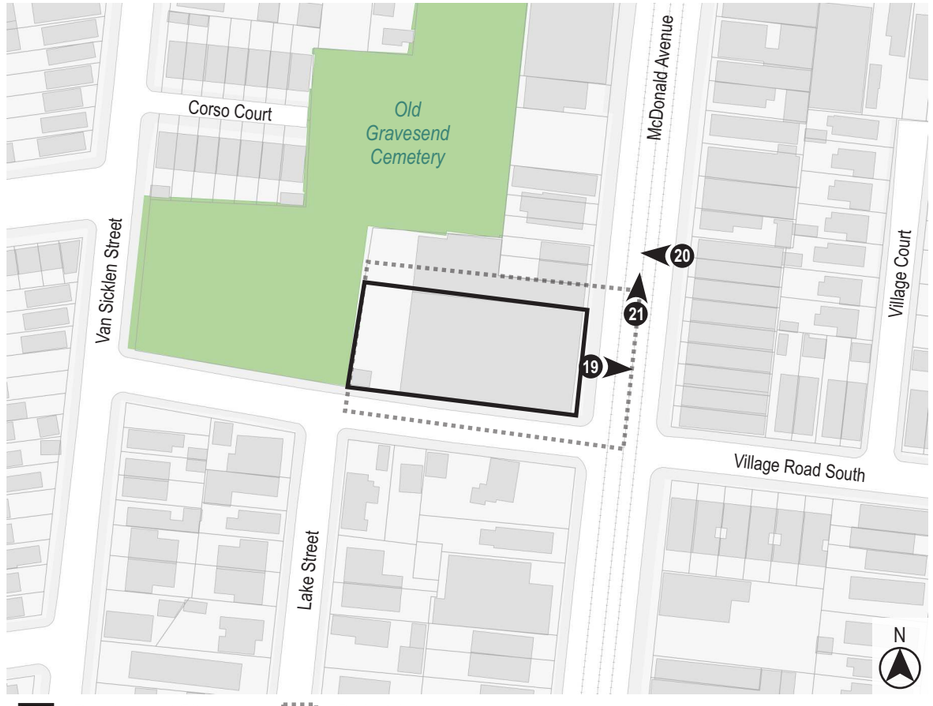
19. View of east side of McDonald Avenue facing east from the Development Site.



20. View of west side of McDonald Avenue facing west.



21. View of McDonald Avenue facing north toward Gravesend Neck Road.



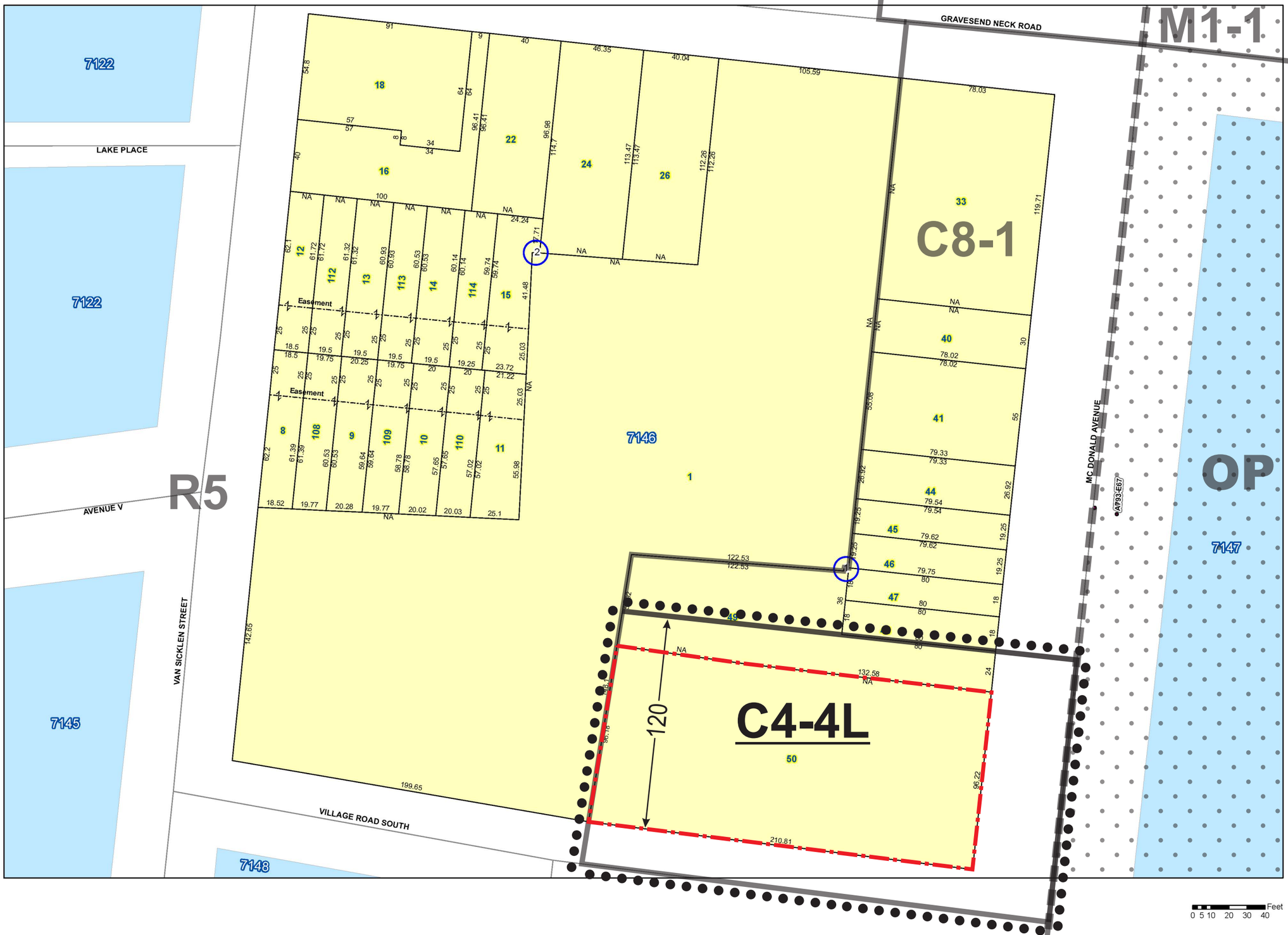
2390 McDonald Avenue, Brooklyn

NYC Finance

NYC Digital Tax Map

Effective Date : 03-14-2017 15:44:18
End Date : Current

Brooklyn Block: 7146



Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon
- Development Site
- Area Proposed to be Rezoned
- Existing Zoning District Line
- Proposed Zoning District Line
- Existing Special Purpose District
- C8-1 Existing Zoning District
- C4-4L Proposed Zoning District

Section III – Technical Analysis

- **Land Use, Zoning and Public Policy**
- **Community Facilities**
- **Open Space**
- **Shadows**
- **Historic and Cultural Resources**
- **Urban Design and Visual Resources**
- **Hazardous Materials**
- **Transportation**
- **Air Quality**
- **Noise**

1. Land Use, Zoning and Public Policy

The analysis of land use, zoning and public policy characterizes the existing conditions of the Project Area and the surrounding Study Area; anticipates and evaluates those changes in land use, zoning and public policy that are expected to occur independently of the proposed project; and identifies and addresses any potential impacts related to land use, zoning and public policy resulting from the project. Because the Proposed Actions would permit a building with larger bulk and wider range of uses than what is permitted under existing zoning regulations, a preliminary analysis of land use, zoning, and public policy is provided. 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.

Land Use

Study Area

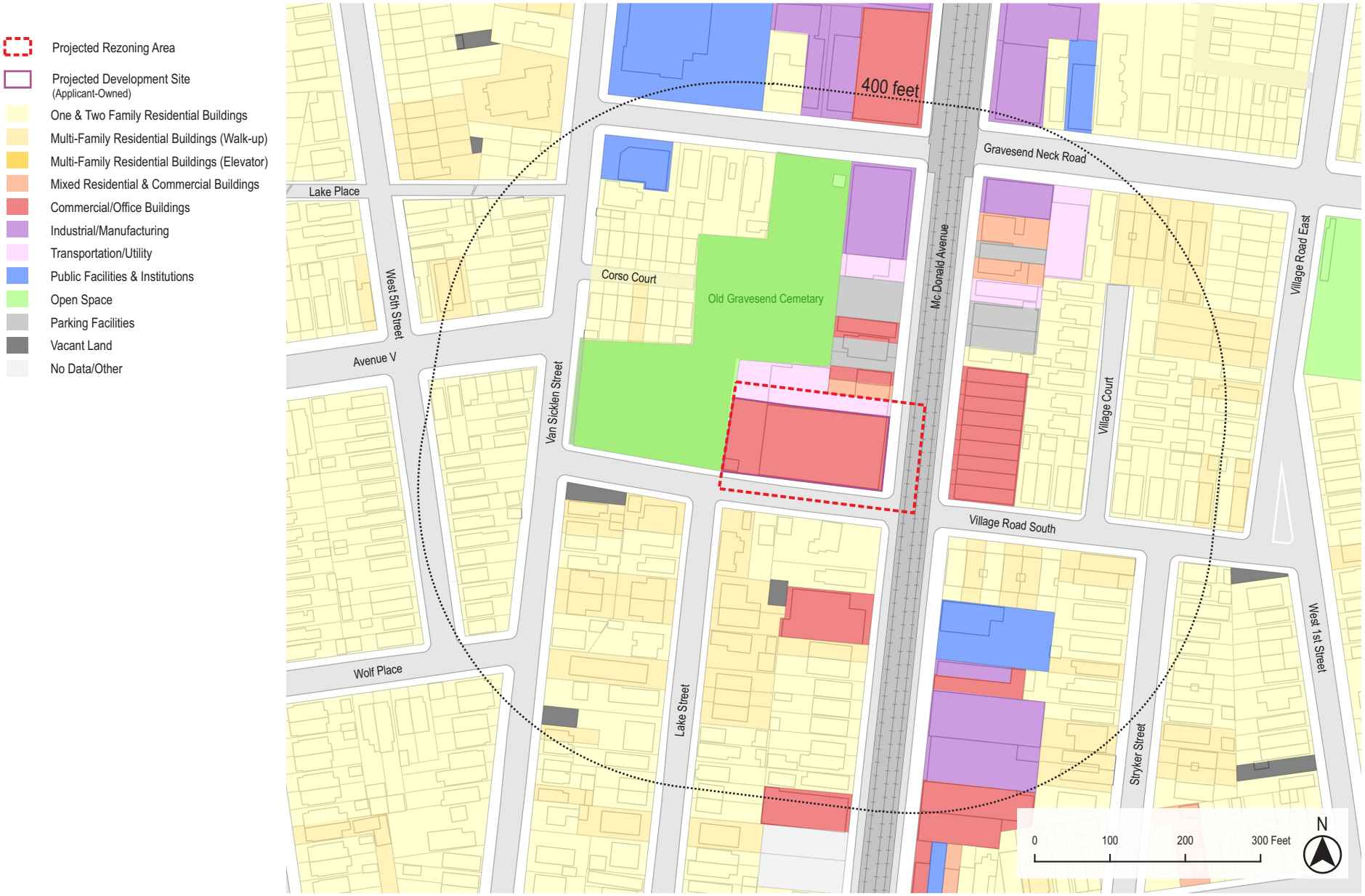
In order to assess the potential for project related impacts, the land use Study Area has been defined as the area located within a 400-foot radius of the Project Area, Block 7146, Lot 50 and part of Lot 49. Per the CEQR Technical Manual this is the area where land use and land use trends could be affected by the Proposed Development. This 400-foot radius is referred to as the "Study Area" and is generally bounded by the midblock beyond Gravesend Neck Road to the north; Village Road East to the east; Avenue W to the South; and West 6th Street to the west; (See Figure 3 – Land Use Map).

Existing Conditions

As discussed above the Project Area includes Brooklyn Block 7146, Lot 50 and part of Lot 49. These lots contain commercial offices and automotive uses (See RWCDS - Existing Uses). There are residential, commercial, community facility, light manufacturing and open space uses within the Study Area. The lots within the Study Area that have frontage on McDonald Avenue contain predominantly commercial and light manufacturing uses. Parking facilities, and some residential uses are also found on McDonald Avenue. The portions of the Study Area that are along Lake Street, Village Road South, Village Court, and Stryker Street, contain primarily residential uses. There are also a few community-facility uses located in the Study Area. These include: two churches (The First Korean Church of Brooklyn located at 14 Gravesend Neck Rd, Brooklyn, NY 11223, and the Pyeong Ahn Presbyterian Church located at 2407 McDonald Ave, Brooklyn, NY 11223), a Synagogue (Chesed Abraham Congregation located at 59 Gravesend Neck Rd, Brooklyn, NY 11223) and

2390 McDonald Avenue, Brooklyn

Figure 3: Land Use Map



Data Source: MapPLUTO 2020 v2.0, NYC DOF Digital Tax Map 2/10/2020

Urban Cartographics

a large public elementary school (P.S. 95 located at 345 Van Sicklen St, Brooklyn, NY 11223).

The Study Area contains a range of building types. Outside of the McDonald Avenue corridor, there are a mix of semi-detached and detached single, two, and multiple family residences. These can be found along Lake Street, Village Road South, Village Court, and Stryker Street. Generally, these do not exceed three floors and include side yards, and or front yards. The buildings on McDonald Avenue are also generally low-rise with most being single story commercial or light manufacturing buildings. Within the Study Area, the uses along McDonald Ave are automobile oriented.

The majority of lots within the Study Area are occupied though a few vacant lots can be seen in the residential areas surrounding McDonald Avenue. There are also a few parking lots along McDonald Avenue which periodically interrupt the continuous street-wall.

The Study area is bisected by McDonald Avenue (a two-lane roadway with an elevated railway track) which runs north-south. Gravesend Neck Road and Avenue W both run perpendicular to McDonald Avenue and provide east-west access through the Study Area. The remainder of the streets within the Study Area are more narrow local streets that provide access to the residential areas within the Study Area.

No-Action Condition

As discussed above, if the Proposed Actions are not approved no development is anticipated to occur within the Project Area. The lots within the Project Area are anticipated to remain in their existing condition of 10,460 GSF of auto use (UG 16) and 5,152 GSF of vacant office (UG 6) at an FAR of .77 with 10 parking spaces (including those lots not controlled by the Applicant) by the 2025 analysis year. As discussed above, the lots within the Study Area that have frontage on McDonald Avenue contain predominantly commercial and light manufacturing uses. As such there would be no change to the land use pattern within the Study Area.

With-Action Condition

With the approval of the Proposed Actions, the RWCDS projects the development of a mixed-use building on applicant-owned **Projected Development Site 1**. The "Projected Development" is a 112,386 gross square foot (gsf) / 91,531 zoning square foot (zsf), 9-story building (4.60 Total FAR). The building would have a total height of 95 ft. The building would contain 76,166 gsf/ 73,948 zsf of residential floor area, resulting in 84 dwelling units (3.72 Residential FAR). The total number of dwelling units was estimated using a "dwelling unit factor" of 900 gsf per unit. Of these units, 25-30% (21-25 units) would be reserved as moderate to low-income units at 60-80% AMI pursuant to the requirements of Mandatory Inclusionary Housing (MIH). Both MIH Options 1 and 2 would be mapped on the Project Area as part of the Proposed Actions. The final

compliance with MIH would be determined through the ULURP process. The Projected Development would contain 18,110 gsf/ 17,582 zsf of Commercial Uses (local retail) on the ground floor (0.88 Commercial FAR). The Projected Development would also contain 18,110 gsf of accessory parking space (120 spaces) in an attended underground garage accessible via an existing curb cut on Village Road South and then by car elevator.

The Proposed Actions do not introduce any land uses to the Study Area that are not already present in the existing condition. However, the Proposed Actions would introduce a mixed-use building to the Project Area (where no mixed-use buildings exist). There would be a transition from auto-oriented uses to local retail under the with-action condition. Although there are some residential and commercial mixed-use buildings in the Study Area, the Proposed Action would result in the development of a building that is larger than other existing mixed-use buildings. The mixed-use buildings within the Study Area are 2-3 Stories tall, the Projected Development would be 9-Stories. Currently there are no multifamily apartment buildings that exceed four floors within the 400ft Study Area. However, it should be noted that large six-story multifamily buildings are present immediately beyond the Study Area to the north (at 71 Village Rd N, Brooklyn, NY 11223) and three blocks to the east of the Study Area (at 2250 E 4th St #683, Brooklyn, NY 11223). About 0.5 miles north of the Project Area is the 2080 McDonald Avenue Rezoning (21DCP132K), which was approved in 2022. This facilitated the development of a 120,625 sf, eight-story, mixed-use building consisting of 97,889 square feet of residential space, comprised of 66 dwelling units, of which 22 (MIH program Option 2 or 30%) are proposed to be income-restricted, 18,783 square feet of commercial retail space and 3,953 square feet of community space.

Conclusion

Approval of the Proposed Actions is not anticipated to introduce land uses that are different from surrounding uses. The Proposed Actions would add 76,166 GSF of residential uses (84 D.U.s), 18,110 GSF of commercial (retail), and 120 parking spaces. The study area contains a variety of land uses, including some mixed-use commercial and residential buildings along McDonald Avenue. Development facilitated by the proposed actions would be consistent with the existing residential character within the study area as residential uses are well-represented throughout along Village Court, Village Road South and Van Sicklen Street, including several multifamily residential buildings. The Proposed Actions would, however, result in a greater concentration of residential use than is currently observed in the Study Area. The Proposed Actions would also generate new commercial retail space which would be consistent with the commercial corridor along McDonald Avenue in the study area. Although some local retail uses are already present on McDonald Avenue, the majority of commercial uses in the Study Area are automobile oriented. Additionally, there are some light industrial uses within the Study Area. The introduction of additional local retail space and residential uses would complement existing commercial uses along McDonald Avenue and not lead to land use changes in the Study Area and would therefore be compatible with the land uses and

ongoing land use trends within and just outside the Study Area. The Proposed Actions would not result in significant adverse impacts to land use within the Study Area.

Zoning

Study Area

In order to assess the potential for project related impacts, the zoning Study Area has been defined as the area located within a 400-foot radius of the Project Area. Per the CEQR Technical Manual this area is coterminous with the land use Study Area.

Existing Conditions

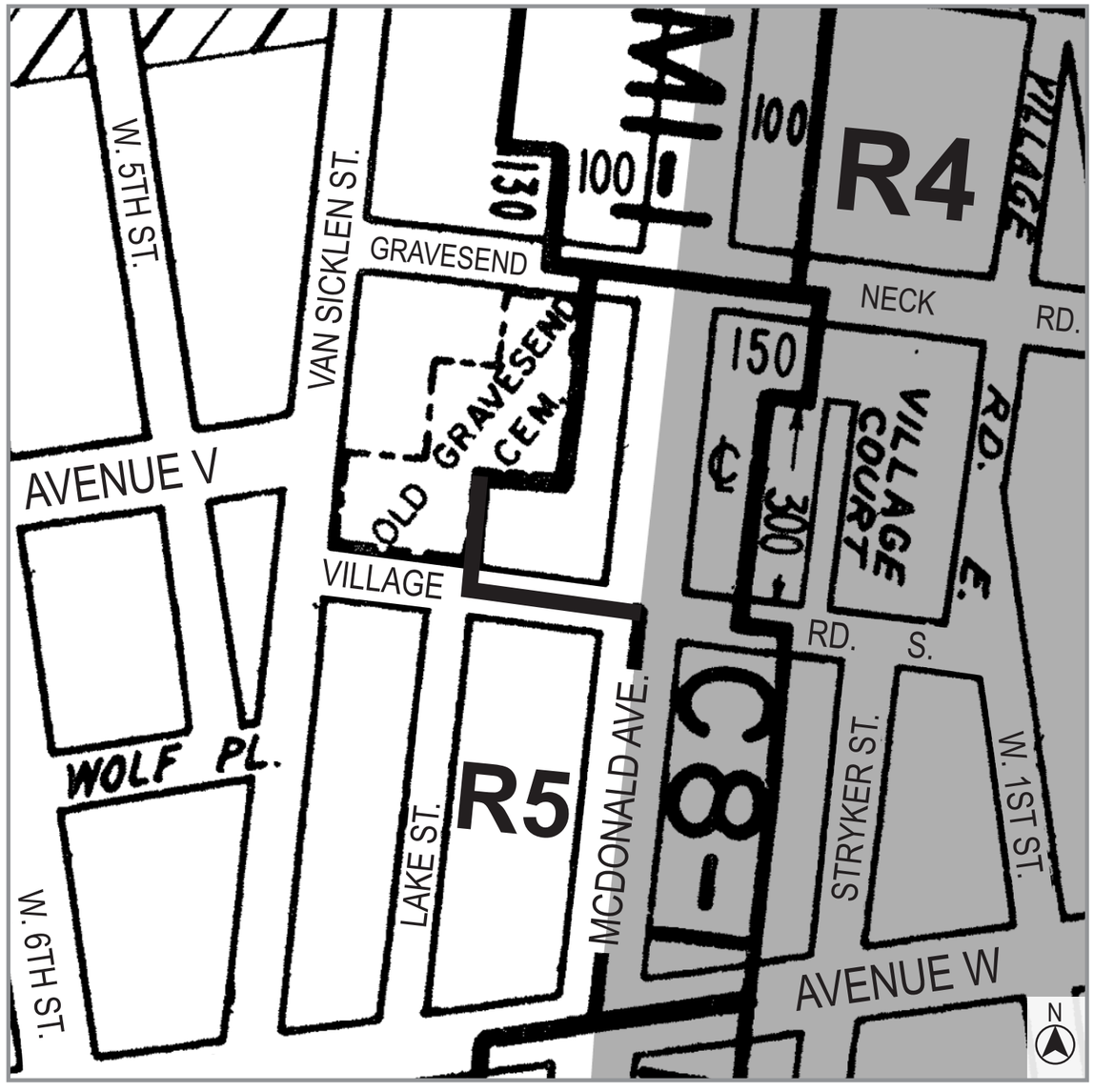
The Proposed Actions include a zoning map amendment and a zoning text amendment to rezone the Project Area from an C8-1 district to a C4-4L district. Both lots within the Project Area are located in this C8-1 district. There are however several different zoning districts within the Study Area. The C8-1 district extends along McDonald Avenue to the south of the Project Area. The northern portion of the Study Area along McDonald Avenue is zoned M1-1. There is an R5 district to the west of McDonald Avenue and an R4 district to the east of McDonald Avenue, both of these extend beyond the Study Area.

There has been no rezoning within the Study Area since the passage of the 1961 zoning resolution. However, rezonings have occurred immediately north of the Study Area. These include the Bensonhurst Rezoning in 2005 (05DCP055K), the Special Ocean Parkway District Rezoning in 1993 (93-013K), the 2080 McDonald Rezoning in 2022 (21DCP132K), and most recently a small local rezoning at 273 Avenue U in 2019 (18DCP104K).

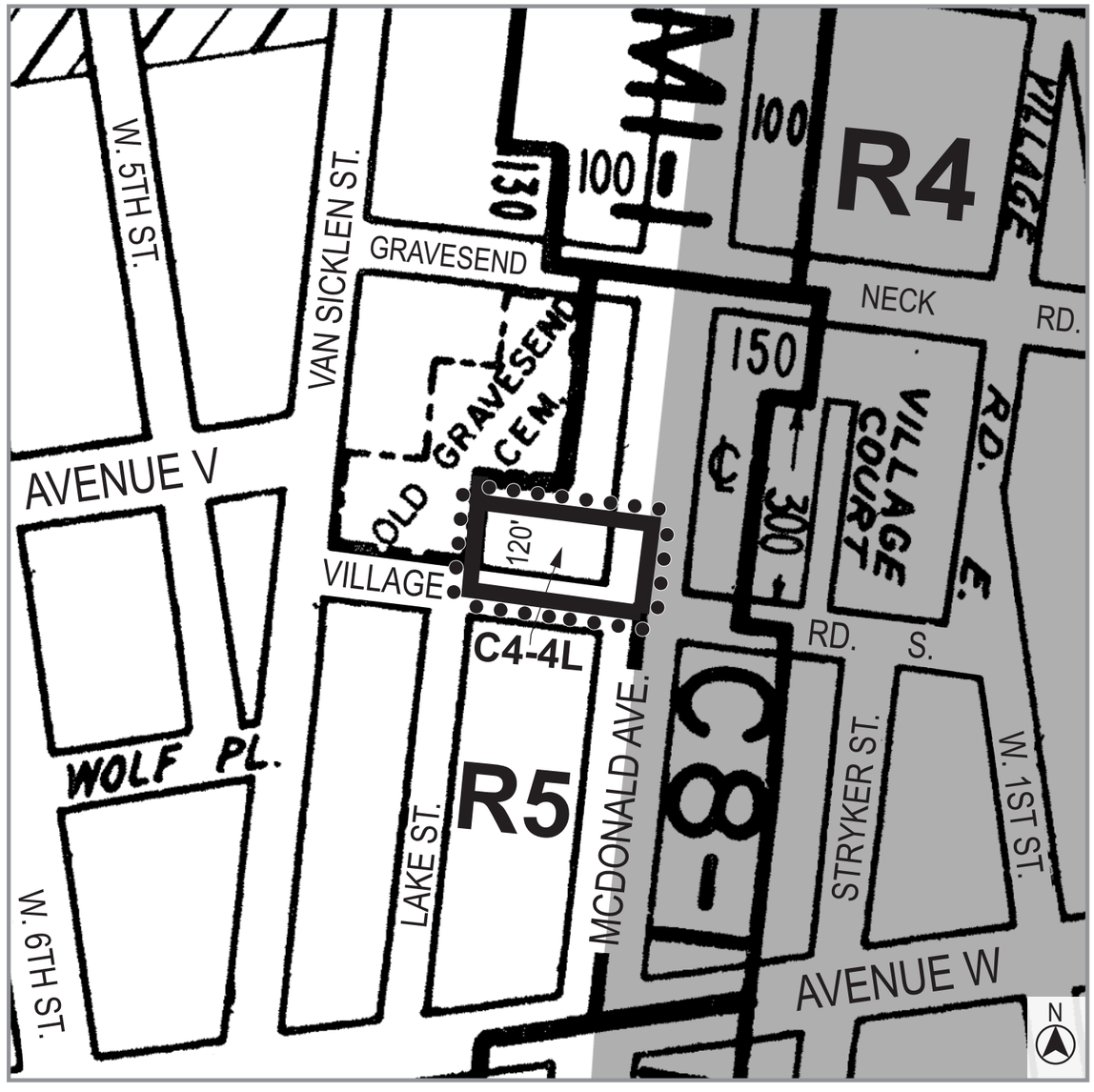
The stated goals of the Special Ocean Parkway District Rezoning were to encourage new development on wide streets and reduce capacity on mid-blocks and other residential areas. The rezoning mapped new contextual zones and changes rear and side-yard requirements to ensure that new development within the district would be contextual throughout the district. Similarly, the Bensonhurst Rezoning was intended to "promote development along underutilized corridors" and "protect areas that are unsuitable for continued large-scale residential development" through the mapping of new contextual zoning districts. The most recent of these rezonings rezoned two blocks along Avenue U (at the intersection of McDonald Avenue) from an R5B/C2-3 contextual district to an R6A/C2-3 contextual district to facilitate the development of a mixed-use building located at 273 Avenue U.

The **M1-1** district mapped within the Study Area extends for only one block along McDonald Avenue from Gravesend Neck Road to Village Road North. After being interrupted beyond the Study Area at Avenue U by R6A and R5 districts, another M1-1 district extends along McDonald Avenue for a half mile to Kings Highway. M1-1 districts

Zoning Change Map



Current Zoning Map (28c)



Proposed Zoning Map (28c) - Area being rezoned is outlined with dotted lines

Rezoning from C8-1 to C4-4L

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

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

permit light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. The maximum FAR in M1-1 districts is 1.0 for manufacturing uses. Building heights and setbacks are controlled by a sky exposure plane, although few buildings in M1-1 districts rise above two stories. One accessory parking space is required per 300sf. Most community facility and commercial uses are also permitted as-of-right with a maximum FAR of 2.4. Some uses like hotels and hospitals require a special permit.

The **C8-1** district mapped within the Study Area extends for only two blocks along McDonald Avenue from Gravesend Neck Road to Avenue W. After being interrupted beyond the Study Area at Avenue W by an M1-1 district, another C8-1 district extends along the western half of McDonald Avenue to the Belt Parkway. C8-1 districts bridge commercial, and manufacturing uses by providing for automotive and other heavy commercial services that often require large amounts of land. Residential uses are not permitted. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes—although all commercial uses (except large, open amusements) as well as certain community facilities are permitted in C8 districts. The maximum FAR in C8-1 districts is 1.0 although community facility uses are allowed a maximum FAR of 2.4. Building heights and setbacks are controlled by a sky exposure plane, although few buildings in C8-1 districts rise above two stories. One accessory parking space is required per 300sf.

The **R5** district mapped within the Study Area extends to the west and encompasses a large portion of southern Brooklyn. R5 districts are non-contextual districts that permit all housing types including garden apartments row houses, detached homes, and walk up apartment buildings. The maximum FAR is 1.25. Minimum lot width and lot area depend upon the housing configuration. Detached structures require a 40-foot lot frontage and 3,800 square feet lot area. All other building types require lots that are at least 18 feet wide with 1,700 square feet of lot area. The maximum building height is 40 feet. One parking space is required per dwelling unit or 85% of dwelling units if grouped. Community facilities are permitted at an FAR of 2.0.

The **R4** district mapped within the Study Area extends to the east and encompasses a large portion of southern Brooklyn. R4 districts are non-contextual districts that permit all housing types including detached or semi-detached homes and walk-up apartment buildings. The maximum FAR is 0.75. Minimum lot width and lot area depend upon the housing configuration. Detached structures require a 40-foot lot frontage and 3,800 square feet lot area. All other building types require lots that are at least 18 feet wide with 1,700 square feet of lot area. The maximum building height is 35 feet. One parking space is required per dwelling unit. Community facilities are permitted at an FAR of 2.0.

No-Action Condition

If the Proposed Actions discussed above are not approved, no changes would occur to the zoning on the Project Area. The Project Area would continue to be zoned C8-1. The Applicant-owned Lot 50 would remain at a Total FAR of 0.77. No changes are anticipated to occur within the Project Area or the surrounding Study Area within the Analysis year of 2025.

With-Action Condition

If the Proposed Actions discussed above are approved, the Project Area will be rezoned from an C8-1 district to an C4-4L district. The approval of the Proposed Actions will facilitate development on Projected Development Site 1 (Lot 50), consisting of 4.60 Total FAR, 3.72 Residential FAR, and 0.88 Commercial FAR. This development is described above (see RWCDS – With Action Scenario).

C4-4L zoning districts permit medium density mixed-use buildings. In C4-4L districts residential uses are permitted at a maximum floor area ratio (FAR) of 4.6 (5.01 FAR if providing Affordable Independent Residences for Seniors). Community Facility Uses are permitted at a maximum of 4.0 FAR. Commercial Uses are permitted at a maximum of 4.0 FAR. The combined maximum total FAR permitted under C4-4L is 4.0 (4.6 with Inclusionary Housing Program). The maximum height in C4-4L districts is 105ft or 115ft if providing a qualifying ground floor. Quality Housing regulations allow for 60-100% lot coverage based on the width of adjacent streets and the mapping of inclusionary housing areas. One parking space must be provided for every 2 dwelling units although parking for income-restricted units is not required.

Between the No-Action Condition (C8-1) and the With-Action Condition (C4-4L) The permitted maximum floor area ratio (FAR) would increase from 0.0 FAR under C8-1 to 4.6 FAR under C4-4L for residential uses), from 2.4 FAR under C8-1 to 4.0 FAR under C4-4L for community facility uses, and from 1.0 FAR under C8-1 to 4.0 FAR under C4-4L for commercial uses.

Conclusion

Approval of the Proposed Actions would change the underlying zoning district in the Project Area. The Proposed Actions change the zoning in the Project Area from C8-1 to C4-4L. Although there are commercial uses in the Study Area (as described above) these uses are primarily automobile services and other light industrial uses. The CEQR Technical manual states that an analysis of land use and zoning should," focus on the project's compatibility and consistency with surrounding uses and zoning as they would exist in the future without the project" and determine "whether the project would have the ability to generate land use change in the Study Area." The new zoning district introduced by Proposed Actions would not introduce any new uses to the Study Area.

Approval of the Proposed Actions would introduce new residential and local retail uses to the Project Area. The existing zoning within the Project Area does not allow for residential uses. The Proposed Actions would result in the development of a building that is taller and denser than the existing buildings in the Study Area. However, as discussed above the Study Area contains a mix of community facility, commercial and residential uses. The introduction of new residential and commercial uses in this building remains compatible with the zoning of the surrounding Study Area. Although a higher FAR would be permitted, the proposed C4-4L zoning would be consistent with the commercial character of the C8-1 zoning district along McDonald Avenue, as well as the residential character of the R4 and R5 districts to the east and west of the Project Area as both commercial and residential uses would be permitted under the rezoning. Further, the Proposed Actions mirror the stated objectives of past city sponsored rezonings just beyond the Study Area by adding ground floor retail and residential units to a currently underutilized transit corridor. The Proposed Actions would not result in significant adverse impacts related to zoning within the Study Area.

Public Policy

Study Area

Per the CEQR Technical Manual, assessment of public policy accompanies a land use assessment because such policies may help determine whether or where land uses might change as the result of a proposed project. In addition, some projects may affect other specific public planning efforts by changing land uses in the area.

In order to assess the potential for project related impacts, the public policy Study Area has been defined as the area located within a 400-foot radius of the Project Area. Per the CEQR Technical Manual this area is coterminous with the land use Study Area.

Existing Conditions

The Project Area is located in Gravesend which is within Brooklyn Community District 15. Existing public policies that could affect the Rezoning Area include:

- Housing New York: A Five-Borough, Ten-Year Plan
- Where We Live NYC
- Food Retail Expansion to Support Health (FRESH)
- One New York: The Plan for a Strong and Just City (OneNYC)
- NYC Waterfront Revitalization Program (WRP)

Housing New York: A Five-Borough, Ten-Year Plan is the plan under former Mayor Bill De Blasio to build or preserve 300,000 units of affordable housing in New York City

within ten years of the start of his mayoralty.

Where We Live NYC: An inclusive, comprehensive, and collaborative process for planning how to fight discrimination, confront segregation, and take action to advance opportunity for all, published under current Mayor Eric Adams.

The Food Retail Expansion to Support Health (FRESH) Program, designates areas where for zoning as well as tax incentives are available for the development of a grocery store that sells fresh fruits and vegetables.

One New York: The Plan for a Strong and Just City (OneNYC), is the City's strategic plan for inclusive growth and climate action. A major goal of the program is with the creation of new affordable dwelling units.

The NYC Waterfront Revitalization Program (WRP) applies to areas within the City's Coastal Zone Boundary. WRP is the City's principal Coastal Zone management tool and establishes a broad range of public policies for the City's coastal areas. The guiding principle of the WRP is to maximize the benefits derived from economic development, environmental conservation, and public use of the waterfront, while minimizing the conflicts among these objectives.

No other public policies relate to the Project Area or to the surrounding 400-foot radius Study Area. The Project Area is not located within a Federal Empowerment Zone or covered by any 197-a Community Development Plans, and is not located within a critical environmental area, a significant coastal fish and wildlife habitat, a wildlife refuge, or a special natural waterfront area.

No-Action Condition

As discussed above, if the Proposed Actions are not approved, no development is anticipated to occur anywhere within the Project Area. Both lots in the Project area are anticipated to remain in their current condition.

With-Action Condition

As discussed above, if the Proposed Actions are approved, development is expected to occur on Projected Development Site 1 within the Project Area.

Housing New York: A Five-Borough, Ten-Year Plan

The Proposed Actions include a zoning text amendment to map a Mandatory Inclusionary Housing Area on the Project Area. Of the 84 dwelling units included in the

Applicant's proposed development, up to 25 of these units would be affordable (subject to the MIH option selected during the ULURP process). The creation of these units is consistent with this public policy as it furthers the goal of developing affordable units.

Where We Live NYC

The Proposed Actions would promote Goal 2 of the plan: facilitate equitable housing development in NYC through the creation of new housing in an amenity rich neighborhood with access to public transportation. The Applicant's proposed development would expand housing options in the Project Area through the of market rate and affordable housing.

The Food Retail Expansion to Support Health (FRESH) Program

The Applicant's proposed development does not include a supermarket. The FRESH program aims to incentivize the construction of supermarkets in areas where access to fresh produce is limited. In the Project Area, zoning incentives from the FRESH Program are not available, however discretionary tax incentives could be offered. Projected Development Site 1 does not have sufficient lot size to reasonably accommodate a supermarket.

One New York: The Plan for a Strong and Just City (OneNYC)

The Proposed Actions would result in the creation of new residential units and ground floor local retail space. The development of dense, mixed use, and mixed income, residential developments further the housing objectives presented in OneNYC. Further, the Project Area is a Transit Oriented Development (TOD) located in a transit corridor which furthers the goals presented in OneNYC.

The NYC Waterfront Revitalization Program (WRP)

The Project Area is not located within the boundaries of the Coastal Zone of New York City. However, the Study Area encompasses an area that is in the Coastal Zone. A WRP Consistency form has not been produced for the Proposed Actions as one is not warranted. No part of the Study Area, including the area within the Coastal Zone is within a flood zone in the 2015 Preliminary Flood Insurance Rate Maps.

Conclusion

Approval of the Proposed Actions would not result in any significant adverse impacts related to public policy as they would result in the development of a dense, mixed use, and mixed income building. These are stated policy goals in both *OneNYC* and *Housing New York.* The Proposed Actions would also provide an opportunity to concentrate development in an existing transit corridor.

2. Community Facilities

Introduction

The community facilities and services considered under CEQR are public schools, public or publicly subsidized day care centers, public libraries, hospitals and other health care facilities, and police and fire protection services. Under the guidelines set forth in the *CEQR Technical Manual,* a detailed analysis is required only if a proposed action would displace or otherwise directly affect an existing community facility or if it would place significant new demands on facilities or services. Most of the demand for community facility services is generated by the introduction of new residents in an area.

Threshold Analysis

Direct Effects

The Proposed Actions would not physically displace or affect any existing community facilities and would therefore have no direct impact on any community facilities or services. Therefore, further assessment of direct impacts is not warranted.

Indirect Effects

The *CEQR Technical Manual* provides a set of thresholds to use in determining whether detailed studies of potentially significant adverse indirect impacts related to community facilities and services are warranted. The Proposed Actions would result in incremental development of 84 dwelling units in the Project Area.

The Proposed Actions include a text amendment mapping the project area as a MIH area. For CEQR purpose it is assumed that 20 percent of the units would be reserved as affordable to households with incomes not exceeding 80 percent of the AMI, or 17 dwelling units.

Libraries

According to the *CEQR Technical Manual*, a more than 5% increase in the ratio of residential units to library branches would warrant a detailed analysis. The minimum of residential units required in the Borough of the Brooklyn to trigger a detailed analysis is 734 dwelling units. The With-Action Scenario would produce 84 incremental dwelling units. As this number is below the threshold provided in the *CEQR Technical Manual,* no further analysis is required.

2390 McDonald Avenue, Brooklyn

Figure 2-1: Public Elementary and Intermediate Schools Within CSD 21, Sub-district 2

- Proposed Rezoning Area
- # Elementary Schools (see Table 1-1)
- # Elementary/Intermediate Schools (see Table 1-1)
- # Intermediate Schools (see Table 1-1)



Urban Cartographics

Police/ Fire and Health Care Facilities

According to the *CEQR Technical Manual*, a detailed analysis for police/fire services and health care services is only required if the With-Action Scenario would introduce a "sizeable new neighborhood, e.g. Hunter's Point South." The With-Action Scenario would introduce an incremental 84 dwelling units on two adjacent sites in an already built-up area and would not therefore create a "sizeable new neighborhood." As such, no further analysis is required.

Public Schools

The *CEQR Technical Manual* states that, in general, if a project would introduce more than 50 school-age children (elementary and intermediate grades), significant impacts on public schools may occur and further analysis of schools may be appropriate. The Project Area is located within Combined School District (CSD) 21, Subdistrict 2 as illustrated in **Figure 2-1: Public Schools within CSD 21 Subdistrict 2**.

Based on 2021 *CEQR Technical Manual* criteria (Table 6-1), the development of 84 dwelling units would result in the introduction of an estimated 12 elementary school aged children, 4 middle school aged children, and 4 high school aged children. This information is summarized in **Table 2-1: School Seat Multipliers**. The minimum number of total elementary and intermediate school aged children to warrant a detailed analysis is 50 children. The minimum number of high school aged children to warrant a detailed analysis is 150 children. As such, the Proposed Actions do not have the potential to introduce the minimum number of children necessary to warrant a detailed analysis of impacts to public elementary, middle, or high schools in Brooklyn School District 21.

Table 2-1: School Seat Multipliers

	Units	CDS 21 Multipliers	Total Students	Threshold
Elementary	84	0.14	12	50
Intermediate		0.05	4	
High School		0.05	4	150

Childcare

For the purposes of the childcare analysis, under the criteria in the CEQR Technical Manual (Table 6-1), the total dwelling units at or below 80% of AMI would need to exceed

the minimum number of 110 dwelling units in the Borough of Brooklyn to conduct a detailed analysis of impacts to publicly funded childcare. For CEQR purpose it is assumed that 20 percent of the units (17 Units) in the Projected Development would be reserved as affordable to households with incomes not exceeding 80 percent of the AMI. No further analysis is required.

Conclusion

The proposed project would not physically displace or alter a community facility or cause a change that could affect the service delivery of a community facility. In addition, the development would not create a demand that would overtax services or facilities. The Proposed Actions would not adversely affect public schools, hospitals and other health care facilities, public libraries, publicly subsidized child-care centers, and police and fire protection services. Therefore, the Proposed Actions would have no potentially significant adverse impacts related to community facilities and services and further assessment is not warranted.

3. Open Space

Introduction

This chapter assesses the potential impacts of the Proposed Actions on open space resources. Open space is defined by the City Environmental Quality Review (CEQR) Technical Manual as publicly accessible, publicly or privately-owned land that operates or is available for leisure, play, or sport, or serves to protect or enhance the natural environment. The CEQR Technical Manual guidelines indicate that an open space analysis should be conducted if an action would result in a direct effect, such as the physical loss or alteration of public open space, or an indirect effect, such as when a substantial new population could place added demand on an area's open spaces. The Proposed Actions would introduce new residential population to the Project Area that would create new demands for open space. Therefore, an open space assessment was conducted to determine if the Proposed Actions would significantly affect open space.

Threshold Analysis

Direct Effects

Per the CEQR Technical Manual, direct effects may occur when the Proposed Actions would encroach on, or cause a loss of, open space. Direct effects may also occur if the facilities within an open space would be so changed that the open space no longer serves the same user population. Limitation of public access and changes in the type and amount of public open space may also be considered direct effects. Other direct effects include the imposition of noise, air pollutant emissions, odors, or shadows on public open space that may alter its usability. The Proposed Actions would not remove or alter any existing publicly accessible open spaces. In addition, Study Area open spaces would not experience project-related significant adverse shadows, air quality, or operational noise impacts, as discussed in this EAS.

Indirect Effects

Per the CEQR Technical Manual, indirect effects may occur when the population generated by the Proposed Actions overtaxes the capacity of existing open spaces so that their service to the future population of the affected area would be substantially or noticeably diminished. For the majority of projects, an assessment is conducted if the Proposed Actions would generate more than 200 residents or 500 employees. However, the need for an open space assessment may vary in certain areas of the city that are considered either underserved or well-served by open space. Per the CEQR Technical Manual the Project Area is located in an area of the city is neither well served nor underserved. The Proposed Actions would introduce 84 units, with approximately 223 residents to the Project Area. 22 incremental workers are anticipated to be introduced to the Project Area with the approval of the Proposed Actions. As the Proposed Actions are

expected to result in the introduction of more than 200 residents to the Project Area a preliminary analysis is needed.

Preliminary Analysis

Per the CEQR Technical Manual, the first step in any open space analysis is to define and map a Study Area. Once the Study Area is defined, the next step is to determine which analysis is required through calculating the percentage change in the open space ratio between the No-Action condition and the future With-Action condition.

Study Area

Open space Study Areas are defined to allow analysis of both the nearby open spaces and the population using those open spaces. They are generally defined by a reasonable walking distance that users would travel to reach local open space and recreation areas—typically 0.5 mile for residential users and 0.25 mile from commercial projects with a worker population.

The Proposed Actions would introduce more than 200 residents to the Project Area. Per the CEQR Technical Manual it is necessary to examine the change in residential population in the Study Area relative to total, active, and passive publicly accessible open space in the area and to determine whether the increase in population would significantly impact the adequacy of open space resources in the Study Area. An assessment of the adequacy of open space for the nonresidential (worker) population is not needed.
As recommended in the CEQR Technical Manual, the open space Study Area comprises all census tracts that have at least 50 percent of their area located within a ½-mile of the Project Area, as shown in **Figure 3-1: Open Space Facilities and Census Tracts**.

Open Space Ratios

The quantitative assessment of open space is based on ratios of usable open space acreage to the Study Area populations (the "open space ratios"). In New York City, local open space ratios vary widely. The city's planning goal is a total of 2.5 acres of open space per 1,000 residents. This includes 0.50 acres of passive space and 2.0 acres of active open space per 1,000 residents.

Per the CEQR Technical Manual, if the open space ratio would increase or remain substantially the same in the With-Action condition compared to the No-Action condition, no further analysis of open space is needed (unless direct, qualitative changes to an open space may occur because of the project). Decreases in the open space ratio would generally warrant a more detailed analysis. **Table 3-1: Existing Open Space Ratios**, summarizes the total, active and passive open space ratios within the Study Area.

2390 McDonald Avenue, Brooklyn

Figure 3-1: Open Space Facilities and Census Tracts

- Proposed Rezoning Area
- Projected Development Site (Applicant-Owned)
- Projected Development Site (Non-Applicant-Owned)
- 1/2-Mile Study Area
- Census Tract Boundaries
- 123 — 50% or More of Census Tract Within Study Area
- 123 — Less Than 50% of Census Tract Within Study Area
- 1 — Open Space Resources (see Table 7-1)



Urban Cartographics

Table 3-1: Existing Open Space Ratios

	Existing Conditions	CEQR TM Guideline
Publicly Accessible Open Space (Acreage)	4.865	-
Study Area Population	29,293	-
Open Space Ratio (Acres/1,000 Residents)	0.166	2.5
Active Open Space Ratio (Acres/1,000 Residents)	0.100	2
Passive Open Space Ratio (Acres/1,000 Residents)	0.066	0.5

The CEQR Technical Manual states that in Study Areas where the OSR is 0.5 acres per 1,000 residents or less, a decrease in the OSR between the No-Action and With-Action condition exceeding 1%, is generally considered to be a substantial change warranting more detailed analysis. The Proposed Actions would result in a 0.62% decrease in the OSR of the Study Area. Per the CEQR TM, the Preliminary Assessment should also consider the presence of regional parks or other substantial open space resources to determine if a detailed assessment is warranted. This is especially relevant for projects that exceed the percentage change guidelines presented in the CEQR TM. There are three open space resources within the 0.25-mile Study Area (described in detail below) however these resources could not be considered regional parks.

Walk to a Park Initiative

New York City as part of the OneNYC 2050: Building a Strong and Fair City plan has put forth the goal for 85% of New York City residents living within a walking distance of a park by 2030. To help the city reach this goal, NYC parks has a "Walk to a Park" initiative that focuses on increasing access to parks and open spaces in areas of the city where residents live further than a walk to the park. The Walk to a Park Service Area (or areas of the city that are within a walking distance of a park) are shown in a map available on NYC Open Data and **Figure 3-2** below. The Project Area is located entirely within the Walk to a Park Service Area.

No Action Condition

As discussed above, if the Proposed Actions are not approved, no development is anticipated to occur anywhere within the Project Area. All of the lots in the Project Area are anticipated to remain in their existing condition. In the No-Action Scenario, the Study Area includes 29,883 residents to account for an assumed annual growth factor of 0.5% per year through the 2025 build year. The amount of open space would remain unchanged in the No-Action condition.

2390 McDonald Avenue, Brooklyn

Figure 3-2: Walk to Park Service Areas

- Proposed Rezoning Area
- Projected Development Sites (Applicant-Owned)
- 1/2-Mile Study Area
- Walk to Park Service Area



Urban Cartographics

With Action Condition

If the Proposed Actions are approved development is anticipated to occur on Projected Development Site 1. In total the Proposed Actions are expected to introduce 223 new residents to the Project Area. There are currently no new open space resources under construction in the Study Area. No additional open space resources are anticipated to be operational in the Study Area by the 2025 build year. The total open space ratios for the existing, no-action, and with-action conditions are summarized in **Table 3-2: Open Space Ratio Totals**, below.

Table 3-2: Open Space Ratio Totals

	Future No-Action	Future With-Action	CEQR TM Guideline	Percent Change
Publicly Accessible Open Space (Acreage)	4.865	4.865	-	-
Study Area Population	29,883	30,106	-	+0.75%
Open Space Ratio	**0.163**	**0.162**	**2.5**	**-0.61%**
Active Open Space Ratio	0.100	0.100	2	-0.0%
Passive Open Space Ratio	0.063	0.062	0.5	-1%

As per the CEQR Technical Manual, in Study Areas that have an OSR of .5 acres/1,000 residents or less, if the OSR decreases by more than 1% from the No-Action to the With-Action condition, a detailed Open Space analysis may be warranted. The Proposed Actions would result in a 0.61% decrease in the OSR of the Study Area. A detailed analysis of Open Space is not warranted.

Conclusion

The Proposed Actions would introduce new residents to an area that has a very low existing open space ratio (OSR). The Proposed Actions will reduce the OSR in the With-Action by less than 1%. The Proposed Development will include both indoor and outdoor recreational space for residents which will reduce the demand from building residents on nearby open space resources. Per the 2021 CEQR TM, the decrease in OSR between the No-Action and With-Action is not large enough to warrant detailed analysis. The Proposed Actions would not result in significant adverse impacts related to Open Space.

4. Shadows

Introduction

Per the CEQR Technical Manual, the purpose of a shadows analysis 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.

Sunlight sensitive resources of concern include Open Space Resources (see Open Space above), Architectural Resources (specifically features of landmark or historic structures that depend on direct sunlight), Natural Resources, and "Green-streets".

Threshold Assessment

Per the CEQR Technical Manual, a shadows assessment is required if Proposed Actions would lead to the development of a structure at least 50 feet tall. Shorter structures that might cast substantial new shadows on an adjacent park, historic resource, or an important natural resource also require an analysis. The tallest portion of the Proposed Development is 115 feet tall (140ft w/ bulkhead and parapet wall) and is adjacent to the Old Gravesend Cemetery (a historic landmark). A preliminary shadows assessment is required.

Preliminary Screening Assessment

Per the CEQR Technical Manual, a preliminary assessment of shadows impact, determines whether shadows from a proposed development could reach a sunlight sensitive resource.

Per the CEQR Technical Manual, the first step in conducting the screening assessment is to develop a base map that illustrates the proposed site location in relationship to the sunlight-sensitive resources. This base map is incorporated in **Figure 4-1: Tier I Screening Assessment** and demonstrates that the Proposed Development has the potential to cast shadows on a historic and open space resource (Gravesend Cemetery). The developments on Projected Development Site 1, is not anticipated to cast shadows on any other sunlight sensitive resources. A Tier I shadow assessment is required.

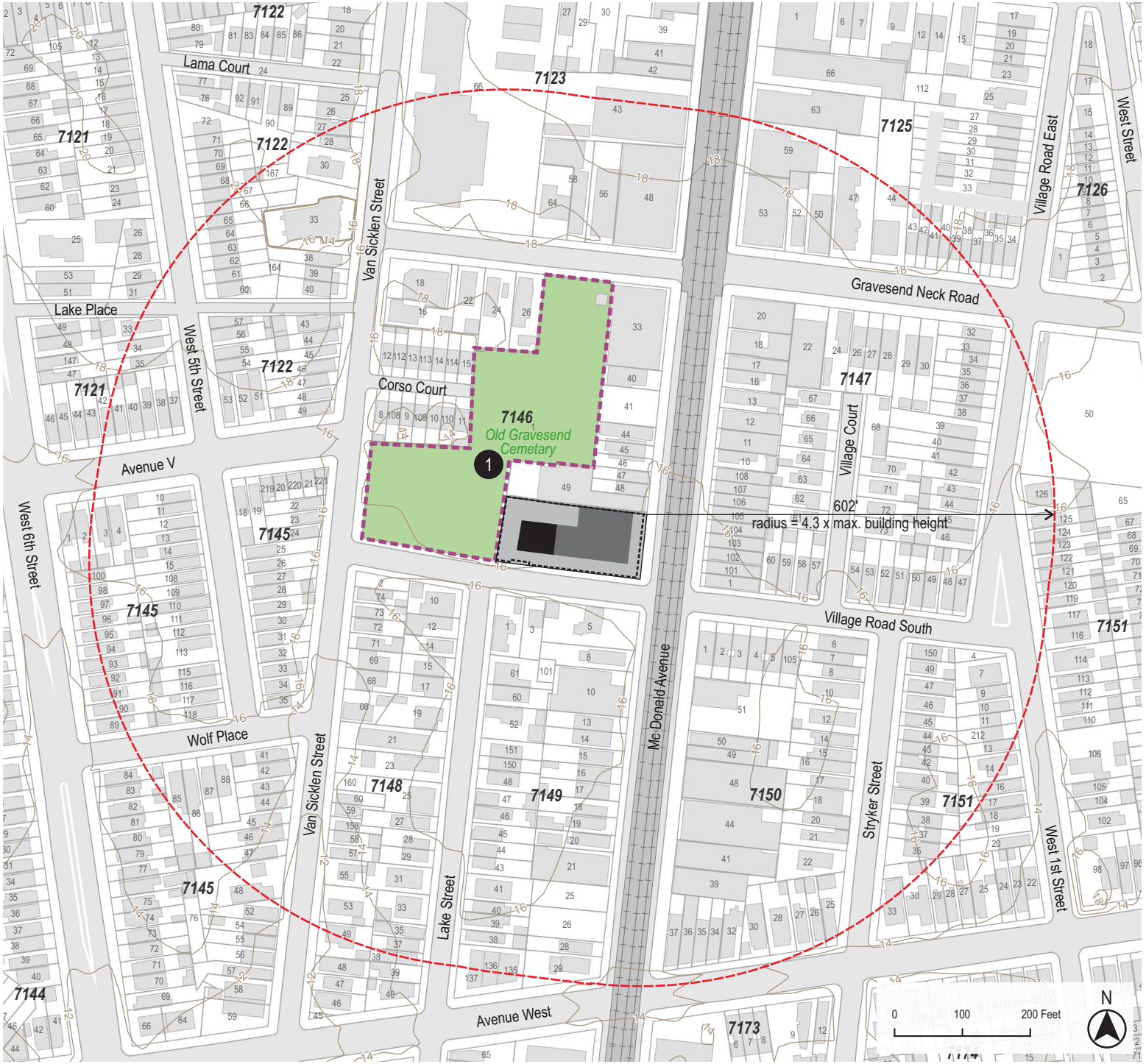
Tier I Assessment

Per the CEQR Technical Manual, a Tier I shadow assessment creates a longest shadow Study Area. The longest shadow Study Area encompasses the Project Area and a perimeter around the area's boundary with a radius equal to the longest shadow that could be cast by the proposed structure. The longest shadow cast by the Proposed Development is 4.3 times the height of the structure: 602 Feet. **Figure 4-1: Tier I Screening**

2390 McDonald Avenue, Brooklyn

Figure 4-1: Tier 1 Screening Assessment

- Project Site
- Projected Building Footprint
- Bulkhead Above 10th Floor (130')
- Bulkhead Above 11th Floor (140')
- Longest Shadow Study Area Boundary
- # Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource



Urban Cartographics

Assessment demonstrates that only one sunlight sensitive resources has the potential to receive shadows from the Proposed Development as a result of the Proposed Actions: Gravesend Cemetery. All of the sunlight-sensitive resources identified in the Preliminary Screening Assessment lay within the longest shadow study are. A Tier II assessment is required.

Tier II Assessment

Per the CEQR Technical Manual, because of the path that the sun travels across the sky in the northern hemisphere, no shadow can be cast in a triangular area between -108 and +108 degrees from true north of any given project site. **Figure 4-2: Tier II Screening Assessment** demonstrates that the sunlight sensitive resource identified above still has the potential to receive shadows as a result of the Proposed Actions. A Tier III assessment is required.

Tier III Assessment

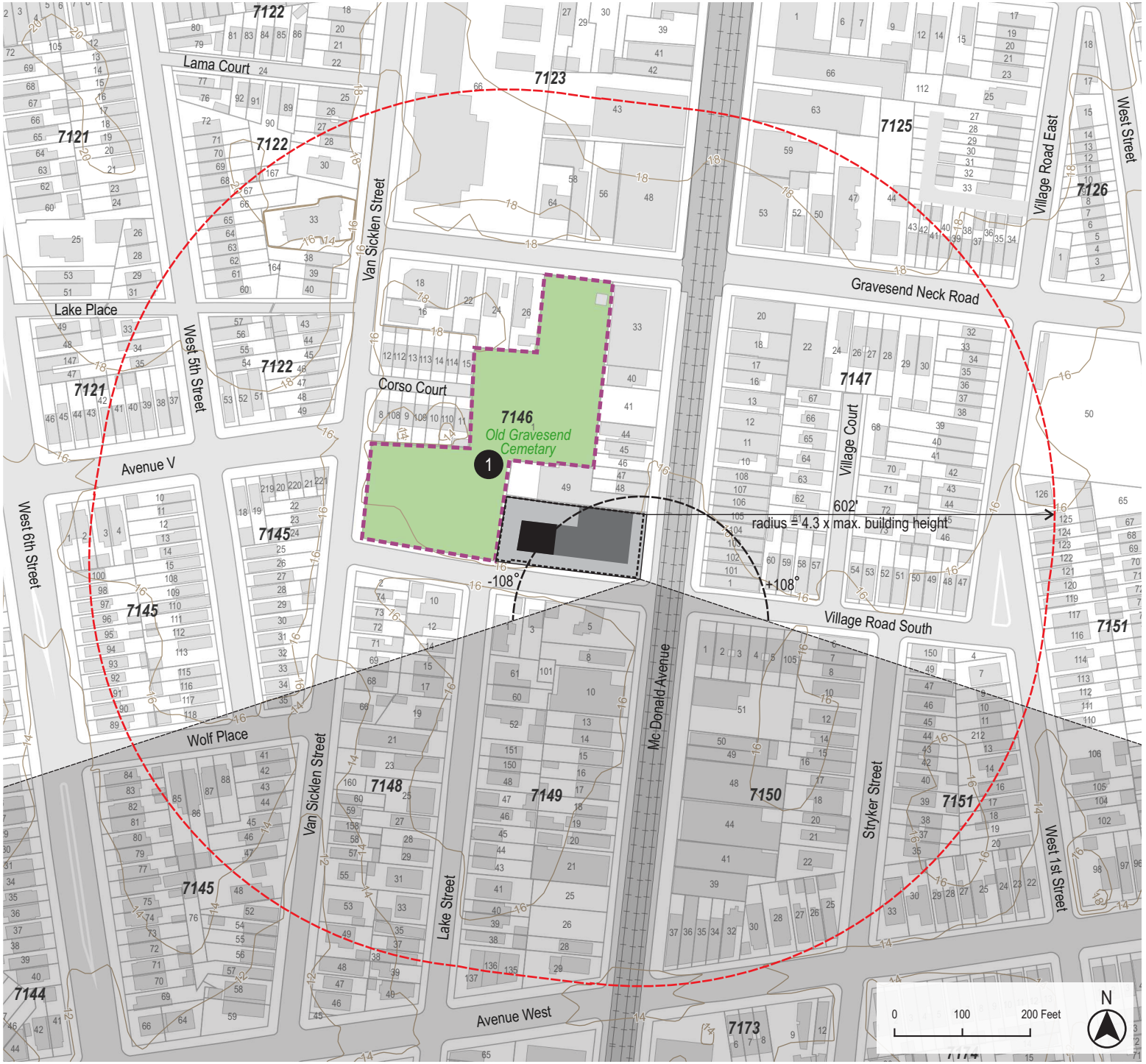
The Tier 3 screening assessment is used to determine whether shadows resulting from the proposed project can reach a sunlight-sensitive resource by introducing the use of three-dimensional computer modeling software with the capacity to accurately calculate shadow patterns. Because the sun rises in the east and travels across the southern part of the sky to set in the west, a project's earliest shadows would be cast almost directly westward. Throughout the day, they would shift clockwise (moving northwest, then north, then northeast) until sunset, when they would fall east. Also, because the direction and length of shadows vary throughout the course of the day and the time of the year, the assessment of shadows is focused on representative times of the year relevant to the use and function of the identified sunlight-sensitive resources.

Per the CEQR Technical Manual, the months of interest for an open space resource encompass the growing season (March through October) and one month between November and February (usually December) representing a cold-weather month. Representative days for the growing season are generally the March 21 vernal equinox (or the September 21 autumnal equinox, which is approximately the same), the June 21 summer solstice, and a spring or summer day halfway between the summer solstice and equinoxes such as May 6 or August 6 (which are approximately the same). For the cold weather months, the December 21 winter solstice is usually included to demonstrate conditions during cold weather when people who do use open spaces rely most heavily on available sunlight for warmth. Project shadows that reach a sunlight-sensitive resource during any of these months could be of concern. These months and days are also used for assessing shadows on historic or natural sunlight-sensitive resources as they represent the full range of possible shadows.

2390 McDonald Avenue, Brooklyn

Figure 4-2: Tier 2 Screening Assessment

- Project Site
- Projected Building Footprint
- Bulkhead Above 10th Floor (130')
- Bulkhead Above 11th Floor (140')
- Longest Shadow Study Area Boundary
- # Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource
- Area That Cannot Be Shaded by the Proposed Building



Urban Cartographics

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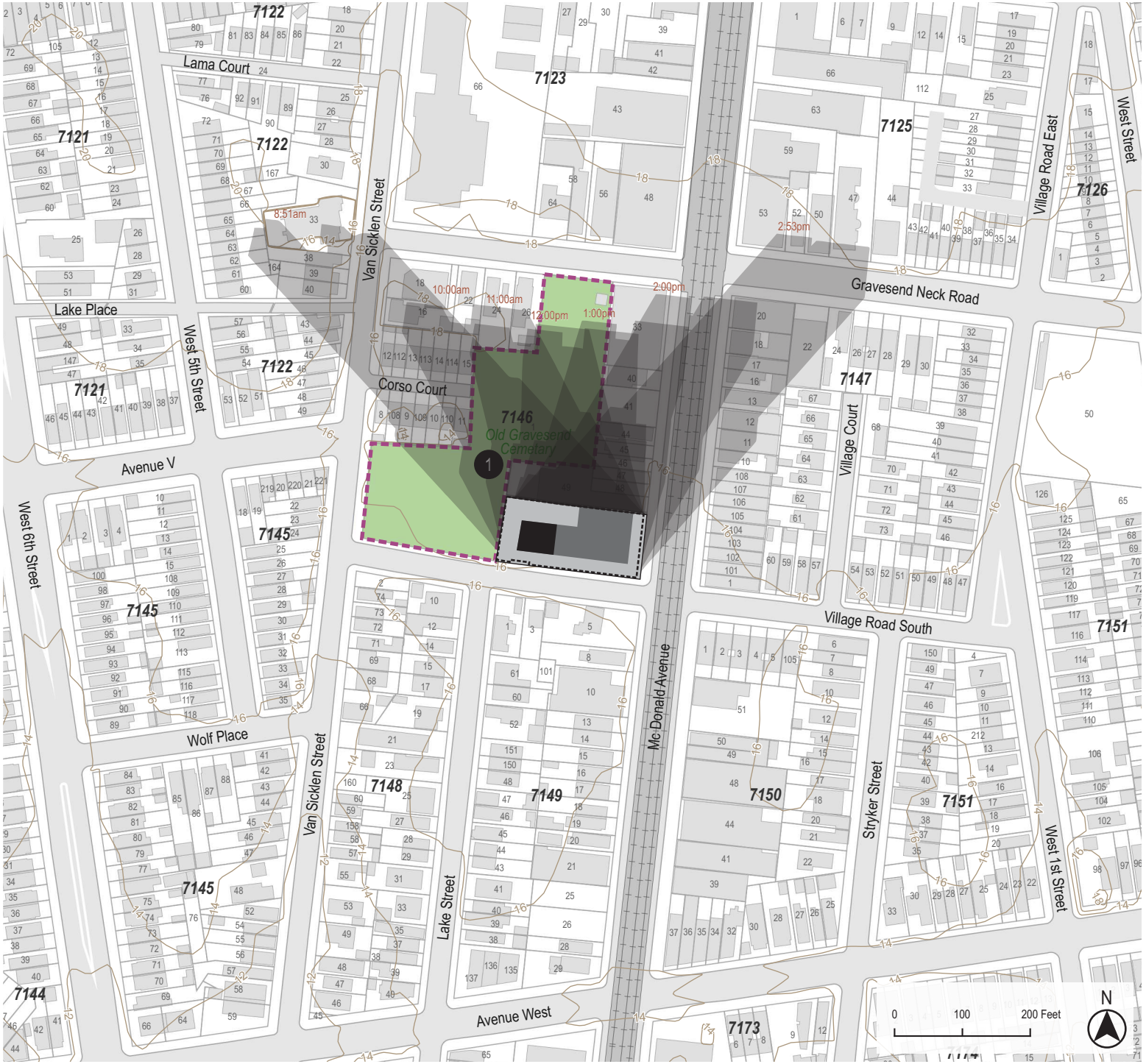
Figure 4-3:Tier 3 Screening Assessment for the December 21 Analysis Day

- Project Site
- Projected Building Footprint
- Bulkhead Above 10th Floor (130')
- Bulkhead Above 11th Floor (140')
- 8:51am Shadow Cast/Analysis Time
- # Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource

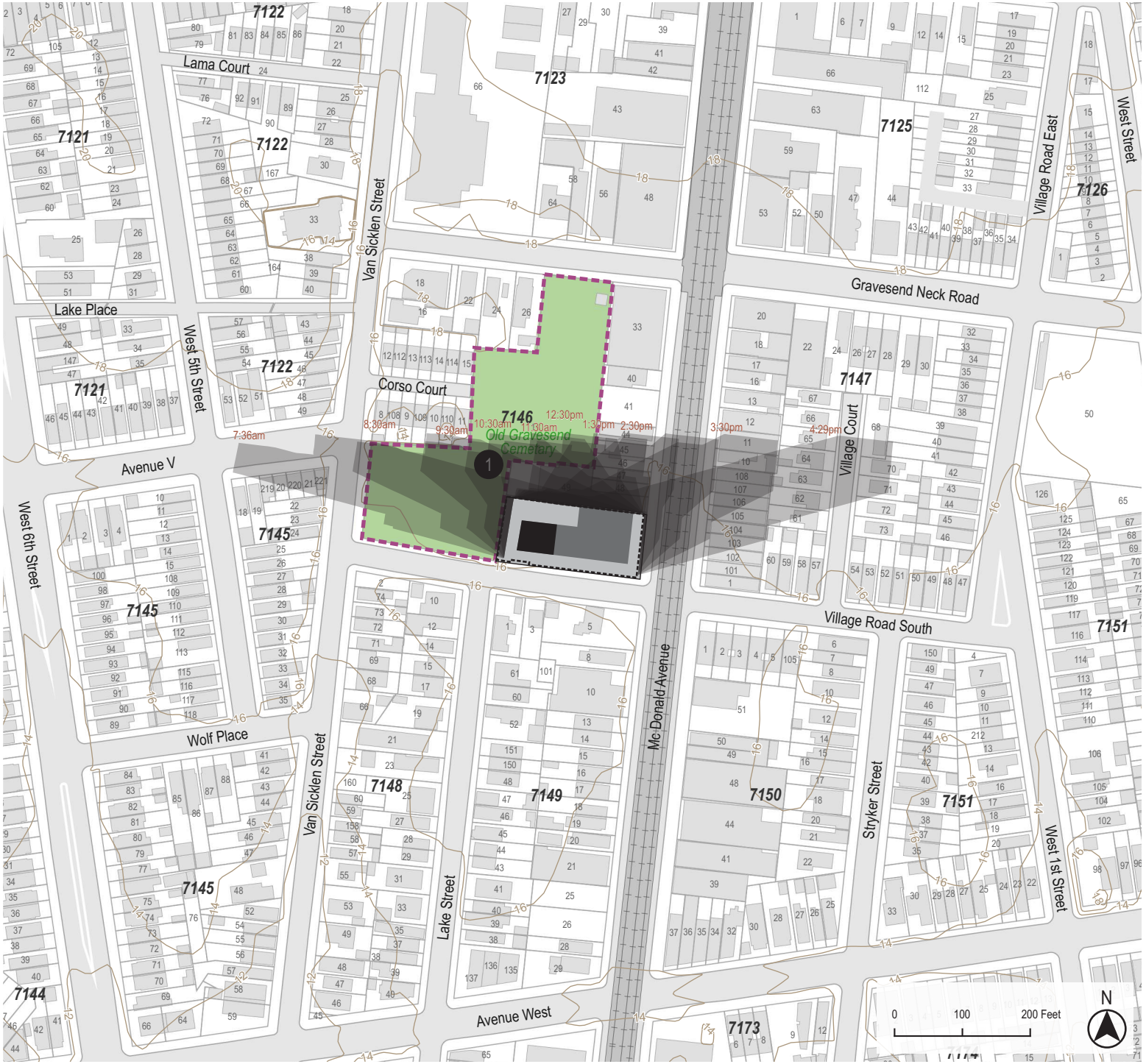


Urban Cartographics

2390 McDonald Avenue, Brooklyn

Figure 4-4:Tier 3 Screening Assessment for the March 21 Analysis Day

- Project Site
- Projected Building Footprint
- Bulkhead Above 10th Floor (130')
- Bulkhead Above 11th Floor (140')
- 8:51am Shadow Cast/Analysis Time
- # Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource

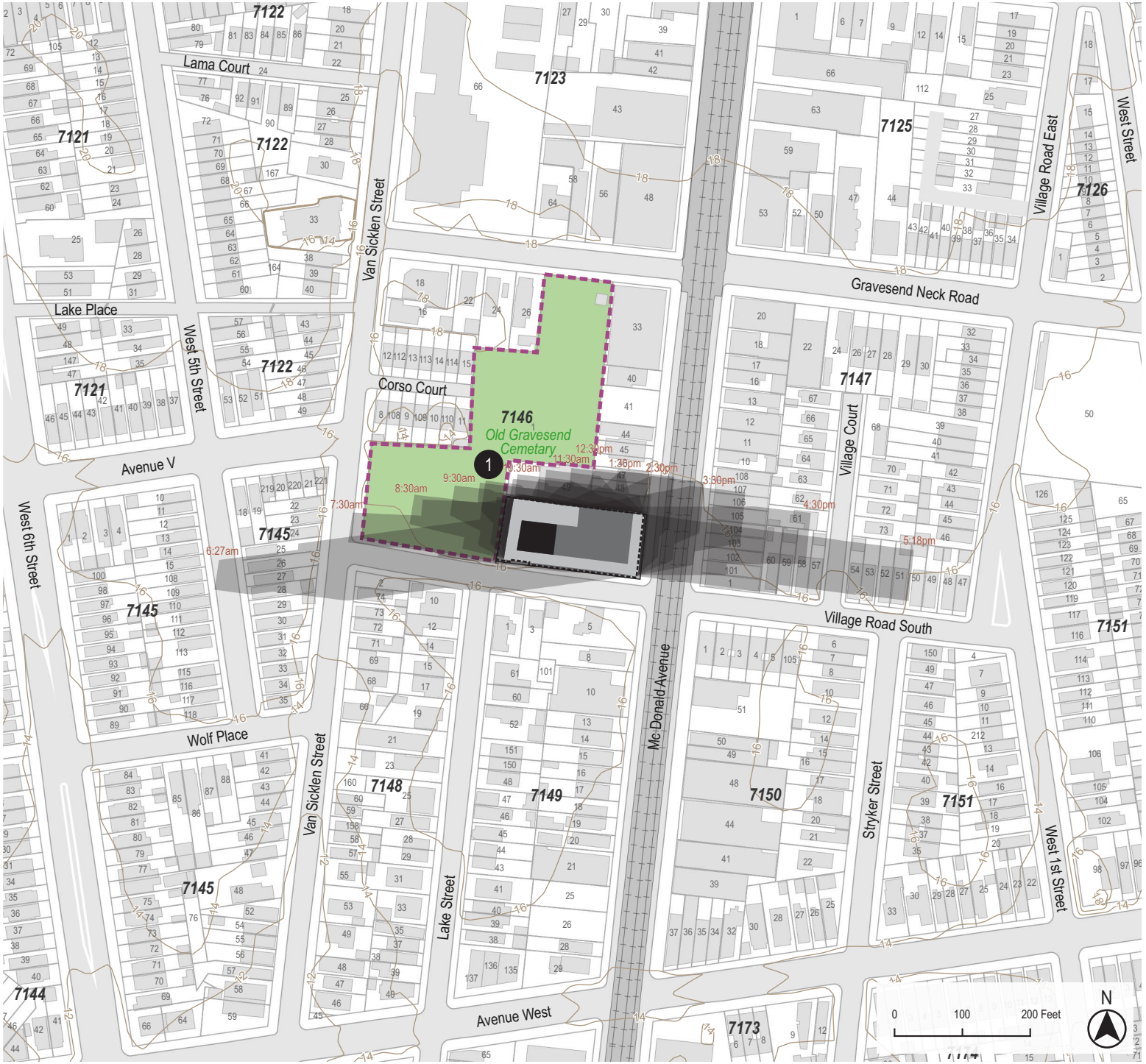


Urban Cartographics

2390 McDonald Avenue, Brooklyn

Figure 4-5: Tier 3 Screening Assessment for the May 6 Analysis Day

- Project Site
- Projected Building Footprint
- Bulkhead Above 10th Floor (130')
- Bulkhead Above 11th Floor (140')
- 8:51am Shadow Cast/Analysis Time
- # Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource



Urban Cartographics

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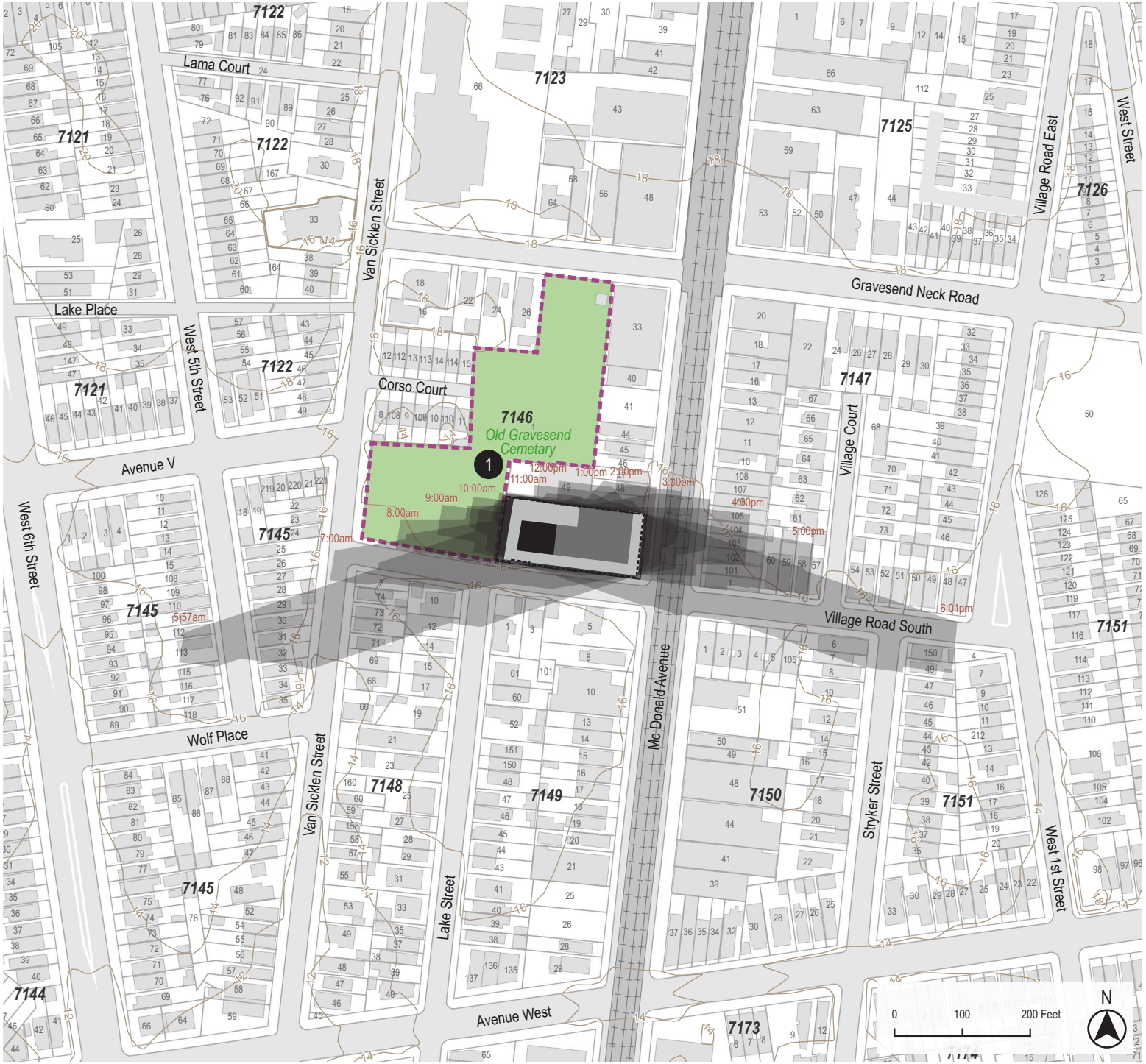
Figure 4-6:Tier 3 Screening Assessment for the June 21 Analysis Day

- Project Site
- Projected Building Footprint
- Bulkhead Above 10th Floor (130')
- Bulkhead Above 11th Floor (140')
- 8:51am Shadow Cast/Analysis Time
- # Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource



Urban Cartographics

The Proposed Actions would facilitate the development of the Applicant's proposed project. The following figures demonstrate the extent of the shadows cast by the Proposed Development throughout the year:

As demonstrated in **Figure 4-3: Tier III Screening Assessment for Dec. 21st**, the Proposed Development will cast shadows over 80% of the Gravesend Cemetery throughout the day.

As demonstrated in **Figure 4-4: Tier III Screening Assessment for Mar. 21st**, the Proposed Development will cast shadows over 70% of the Gravesend Cemetery throughout the day.

As demonstrated in **Figure 4-5: Tier III Screening Assessment for May. 6th**, the Proposed Development will cast shadows over 50% of the Gravesend Cemetery throughout the day.

As demonstrated in **Figure 4-6: Tier III Screening Assessment for Jun. 21st**, the Proposed Development will cast shadows over 40% of the Gravesend Cemetery throughout the day.

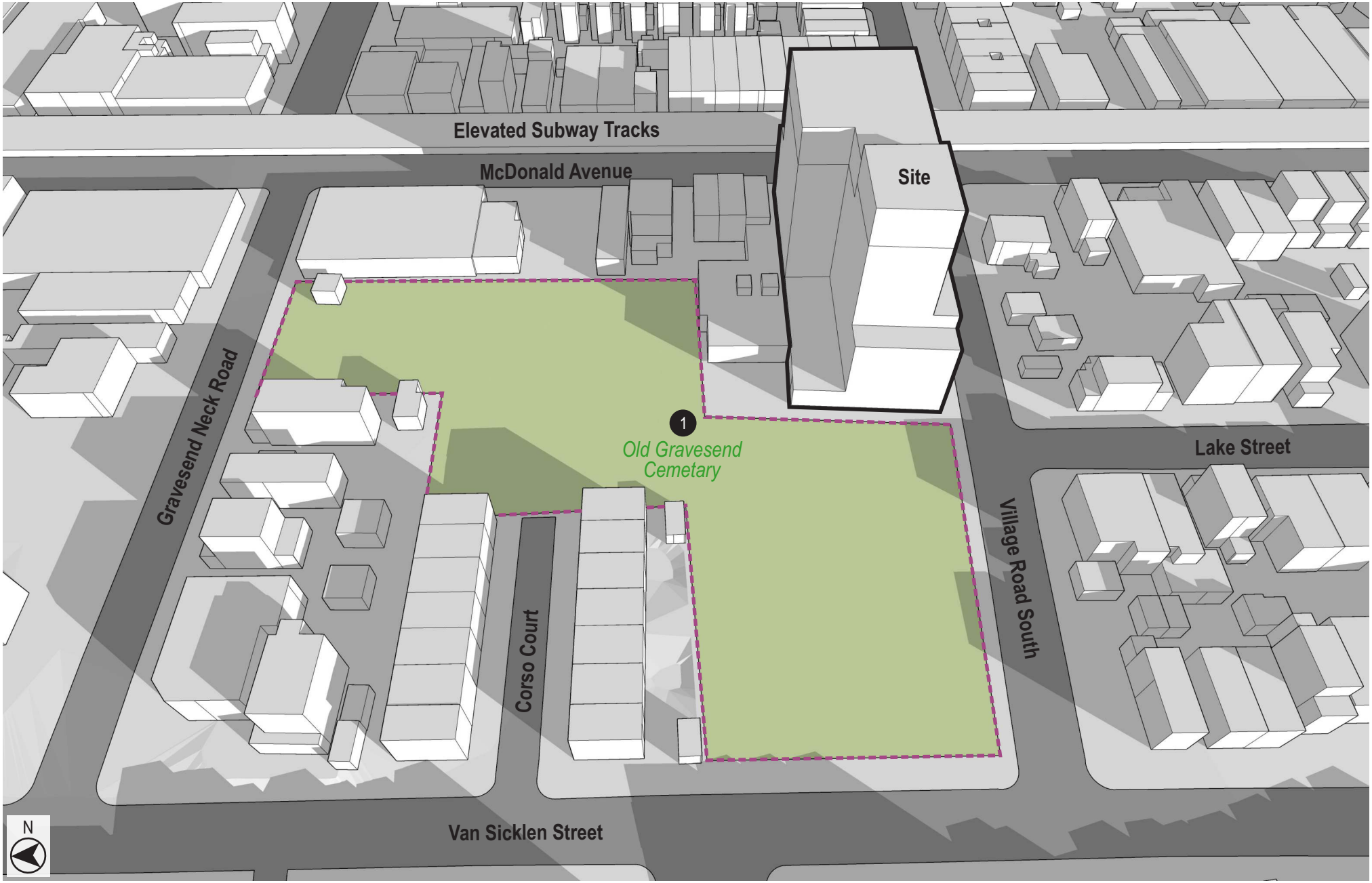
As the Proposed Development has the potential to cast shadows on one or more of the analysis days on the sunlight sensitive resource (Gravesend Cemetery) a detailed analysis of shadows is needed.

Detailed Analysis

Per the CEQR Technical Manual, a detailed shadow analysis is warranted when the screening analyses described above does not rule out the possibility that project-generated shadows would reach any sunlight-sensitive resources. The detailed shadow analysis establishes a baseline condition (future No-Action) that is compared to the future condition resulting from the proposed project (future With-Action) to illustrate the shadows cast by existing or future buildings and distinguish the additional (incremental) shadow cast by the project. The purpose of the detailed analysis is to determine the extent and duration of new incremental shadows that fall on a sunlight-sensitive resource as a result of the proposed project. To evaluate the extent and duration of new shadow that would be cast on a sunlight-sensitive resource as a result of the proposed project, shadows that would exist in the future without the proposed project are also defined. Because existing buildings may already cast shadows on a sun-sensitive resource (or a future building could be expected to cast shadows), the proposed project may not result in additional, or incremental, shadows upon that resource. **Figure 4-7: View of 3D model from west, including intervening structures** demonstrates the model used for this assessment.

2390 McDonald Avenue, Brooklyn

Figure 4-7: View of 3D model from west, including intervening structures



Urban Cartographics

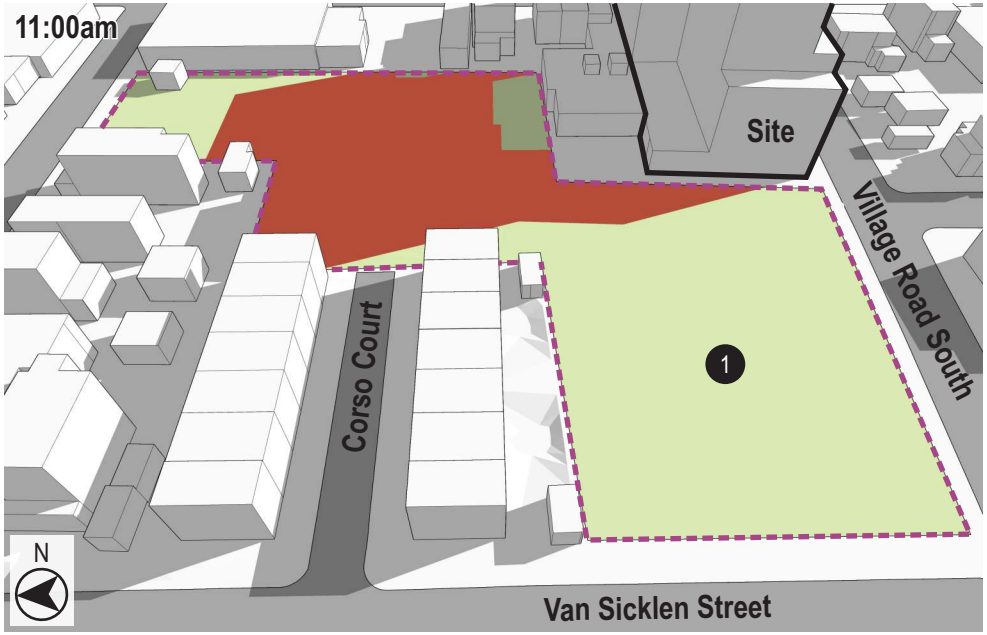
2390 McDonald Avenue, Brooklyn

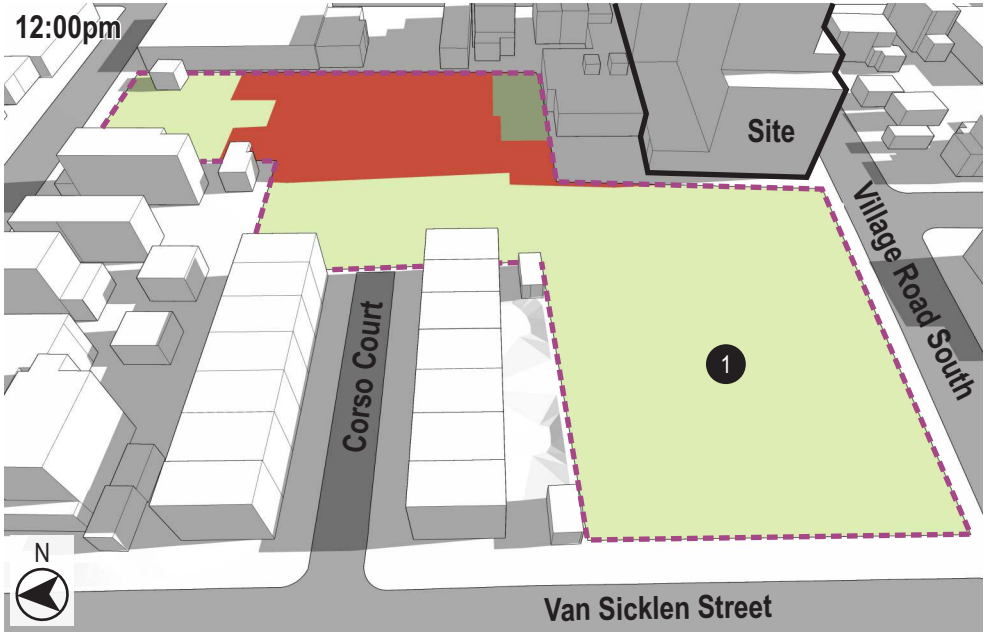
Figure 4-8: Detailed Analysis for the December 21 Analysis Day

Shadows Cast on Sunlight-Sensitive Resources 1 8:51am – 2:53pm







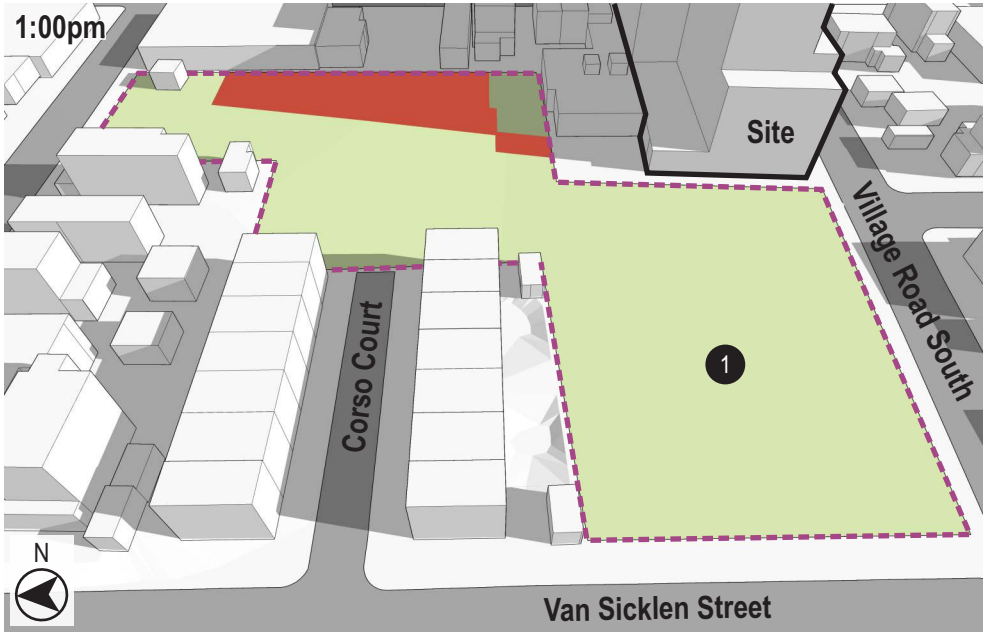


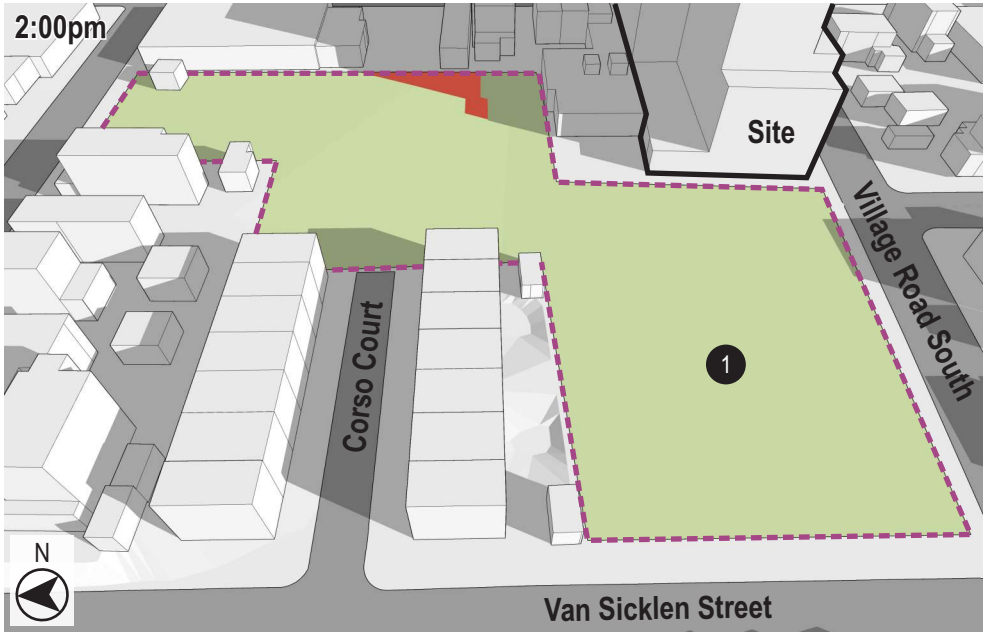
Urban Cartographics

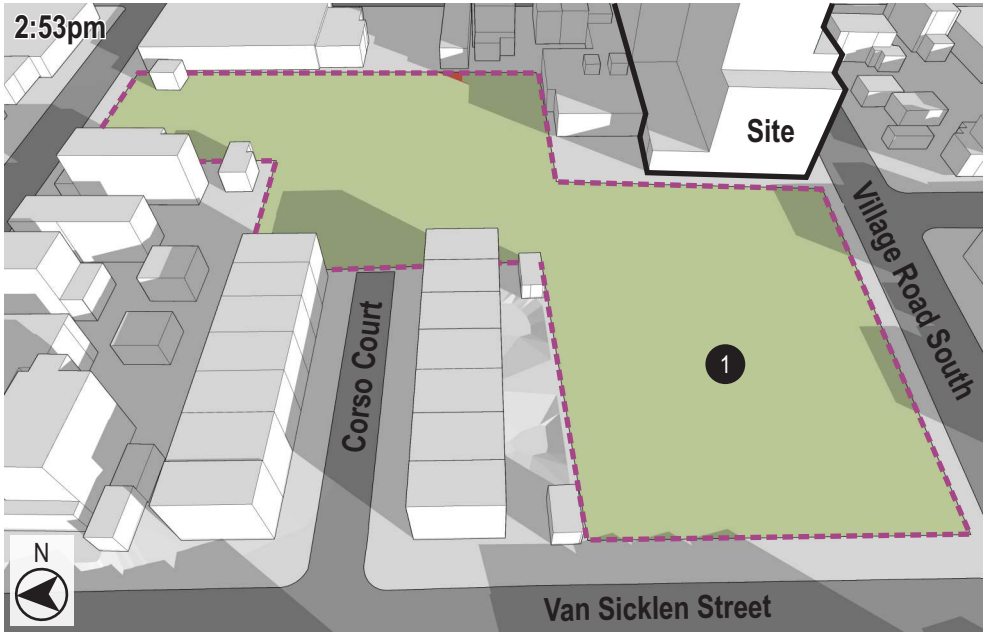
2390 McDonald Avenue, Brooklyn

Figure 4-9: Detailed Analysis for the December 21 Analysis Day

Shadows Cast on Sunlight-Sensitive Resources 1 8:51am – 2:53pm





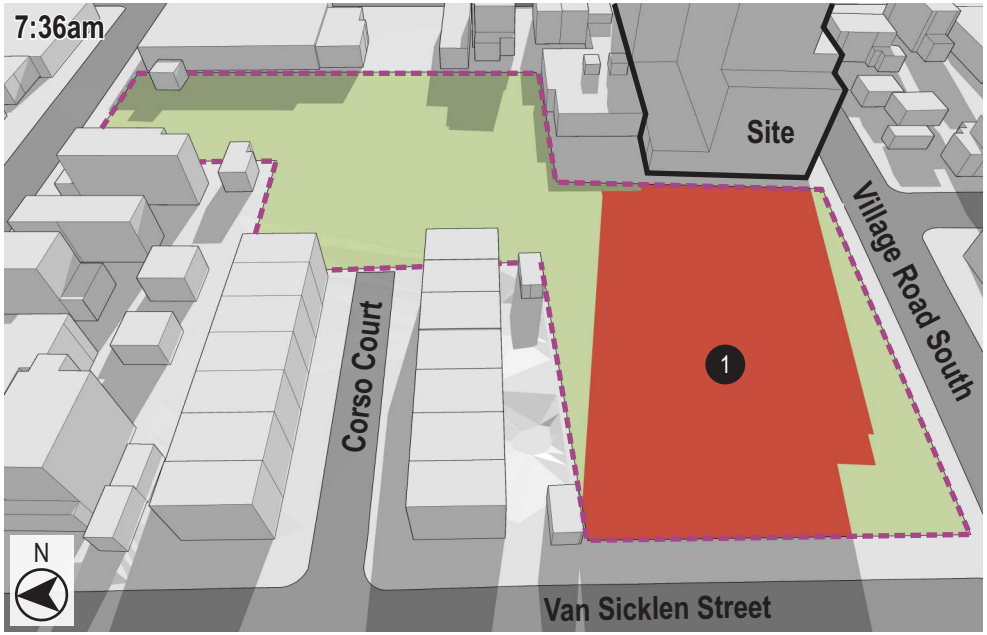


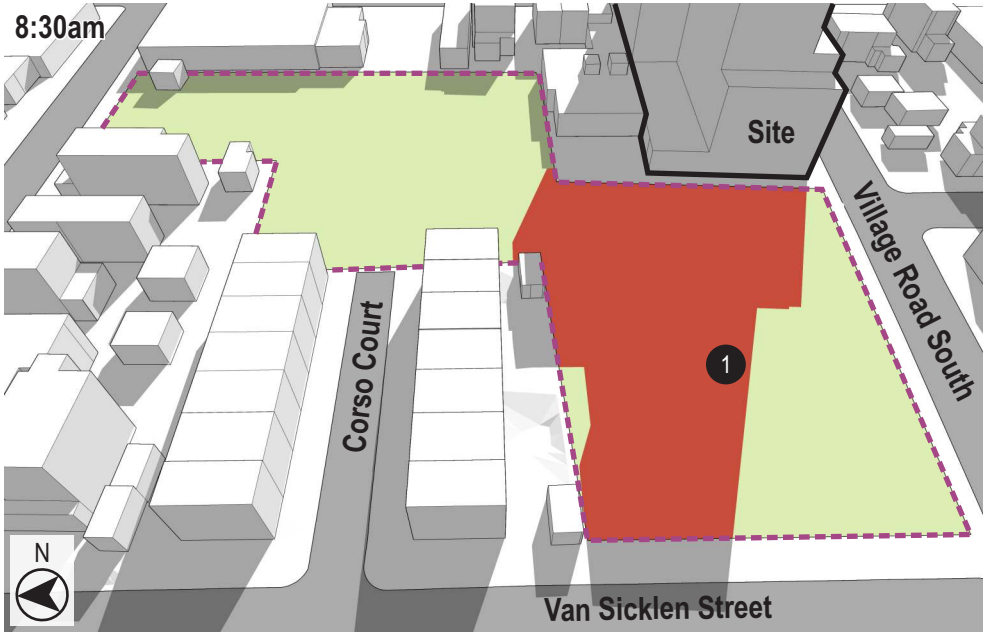
Urban Cartographics

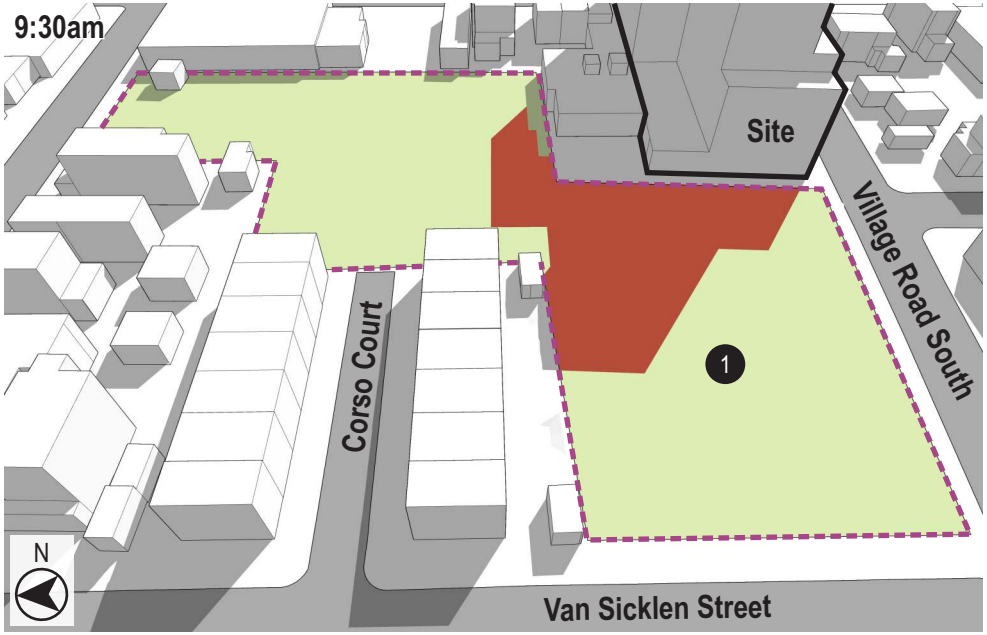
2390 McDonald Avenue, Brooklyn

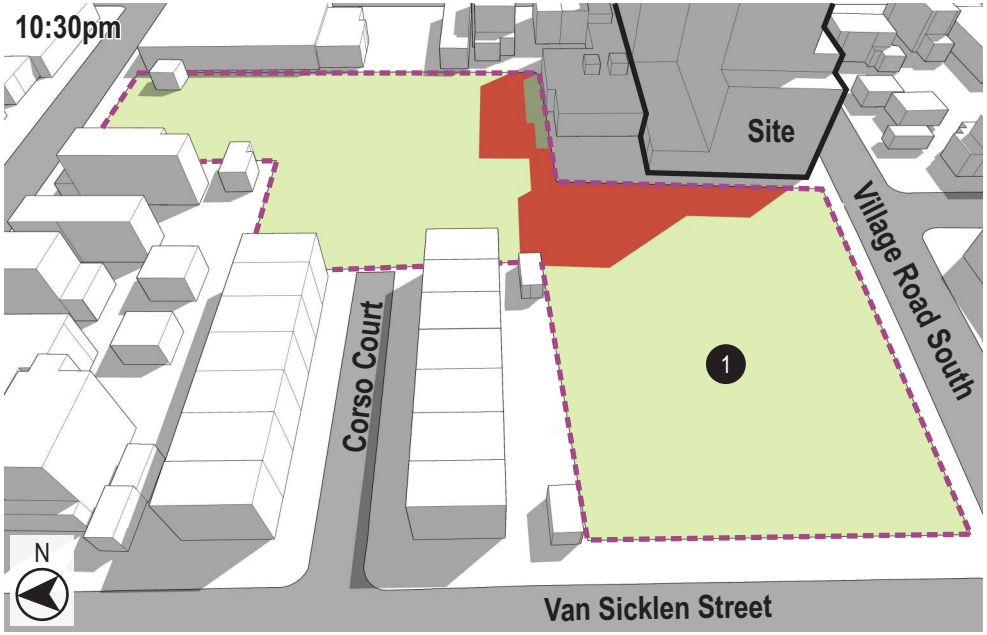
Figure 4-10: Detailed Analysis for the March 21 Analysis Day

Shadows Cast on Sunlight-Sensitive Resources 1 7:36am – 2:30pm







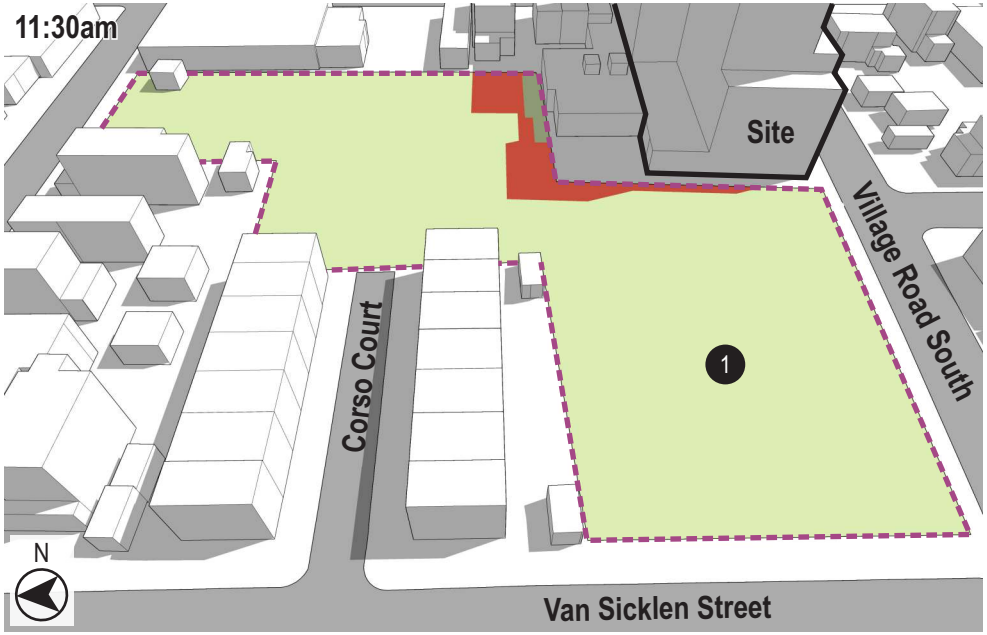


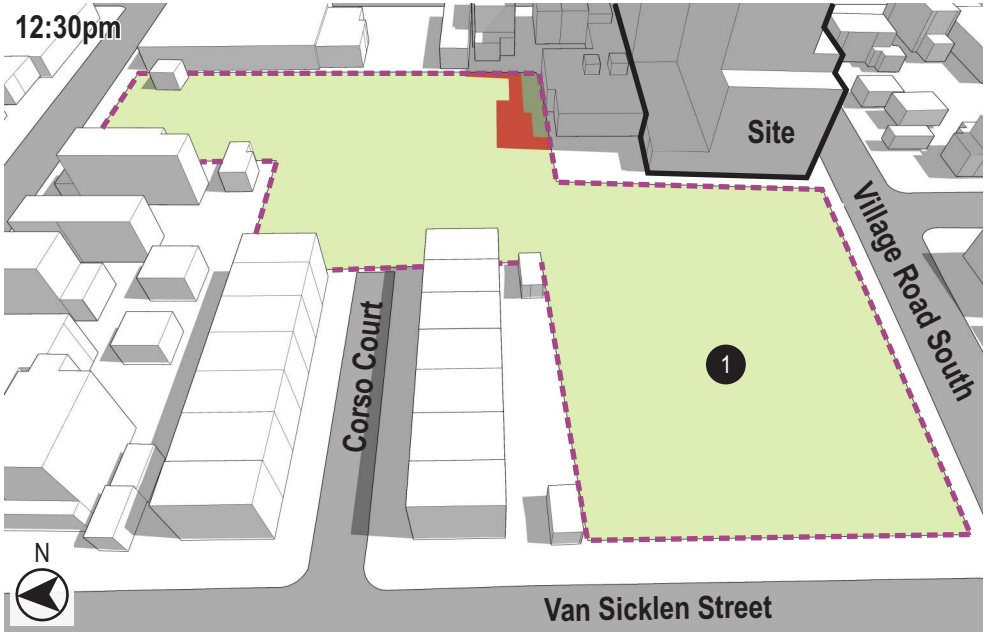
Urban Cartographics

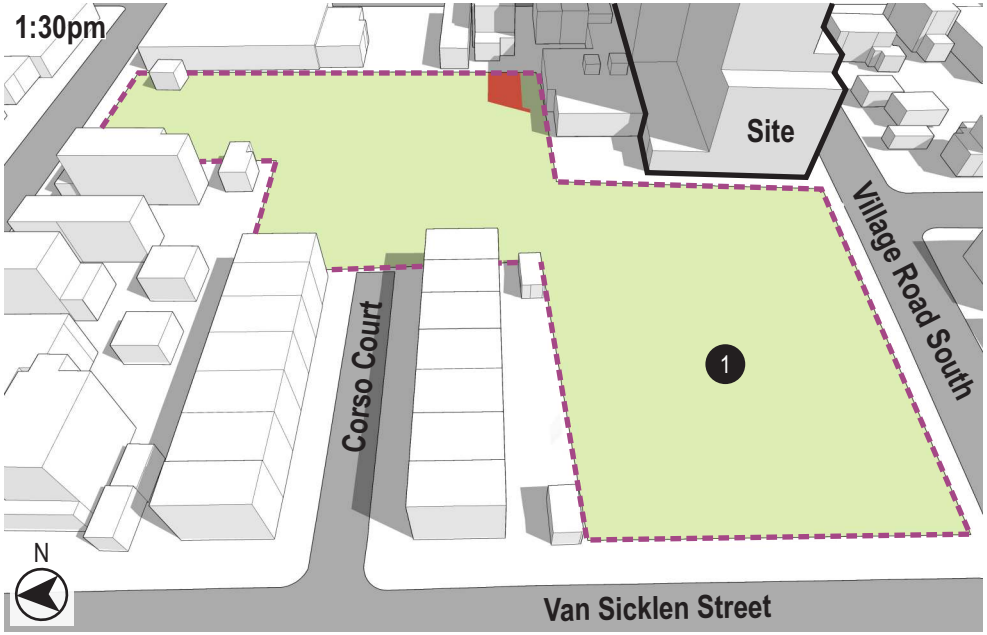
2390 McDonald Avenue, Brooklyn

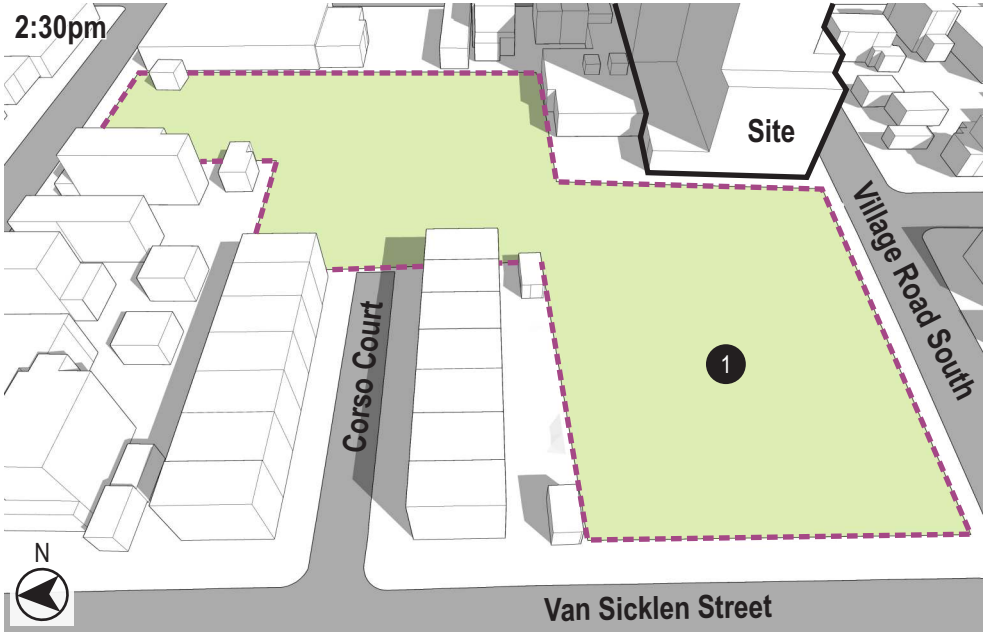
Figure 4-11: Detailed Analysis for the March 21 Analysis Day

Shadows Cast on Sunlight-Sensitive Resources 1 7:36am – 2:30pm







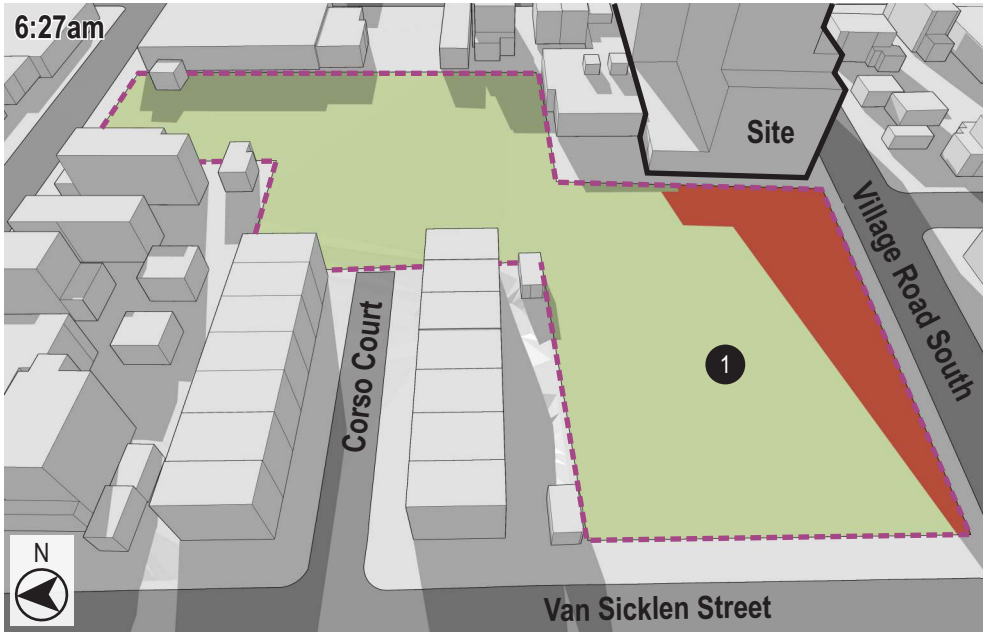


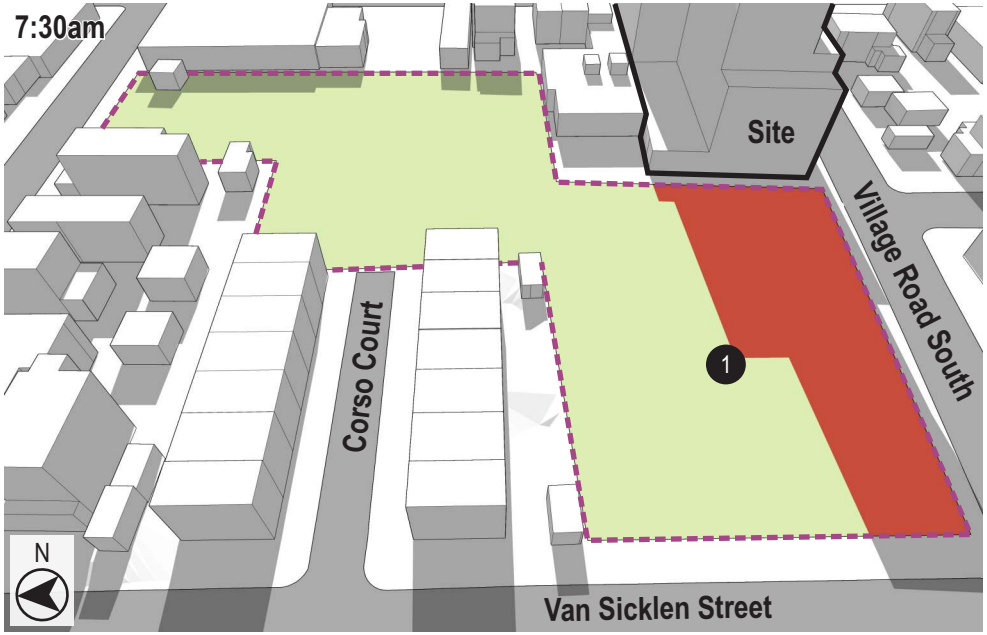
Urban Cartographics

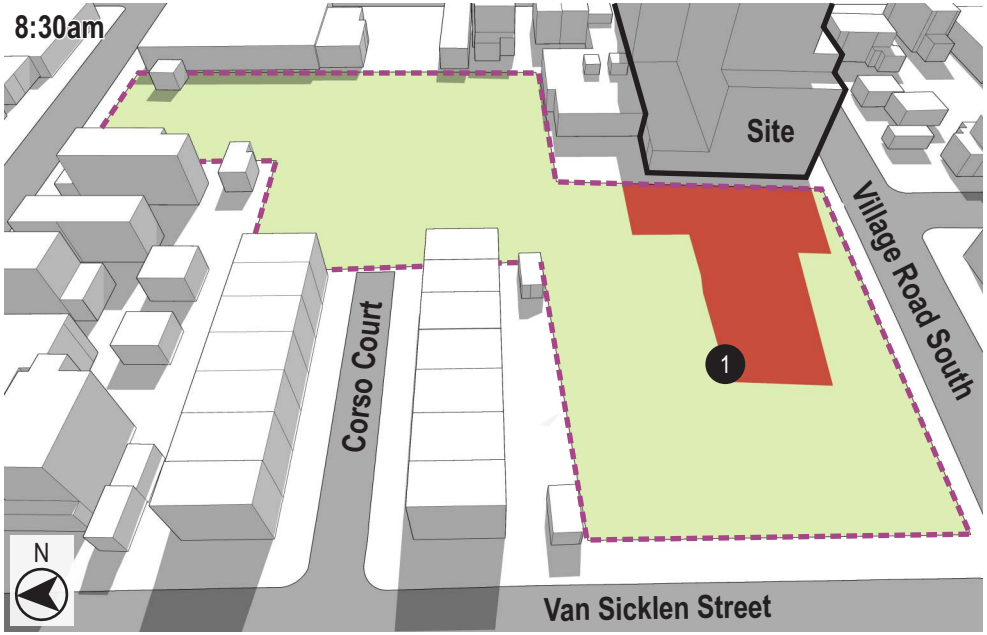
2390 McDonald Avenue, Brooklyn

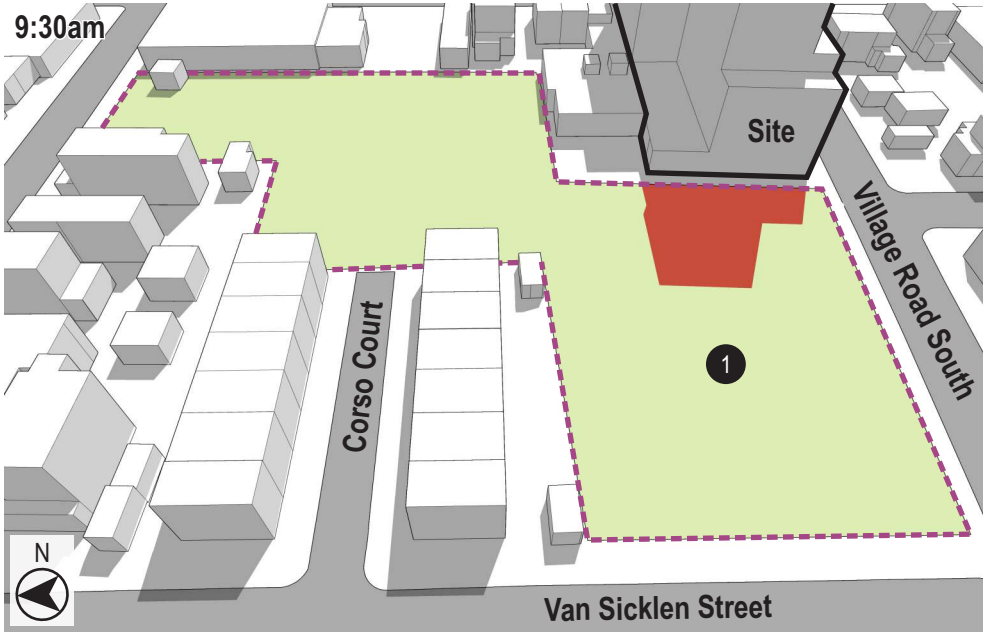
Figure 4-12: Detailed Analysis for the May 6 Analysis Day

Shadows Cast on Sunlight-Sensitive Resources 1 6:27am – 11:18am





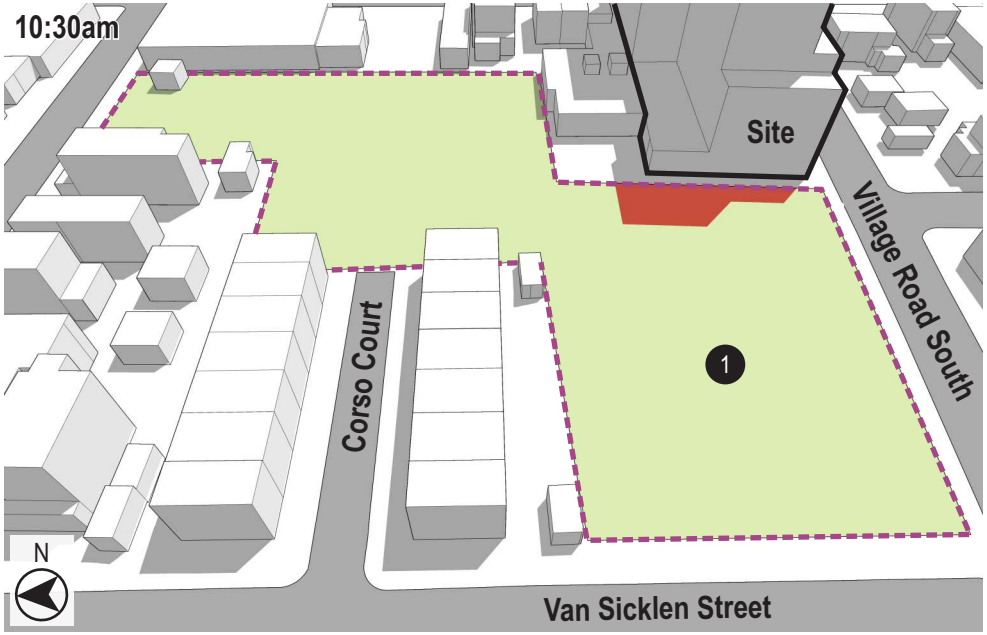




Urban Cartographics

2390 McDonald Avenue, Brooklyn

Figure 4-13: Detailed Analysis for the May 6 Analysis Day



Shadows Cast on Sunlight-Sensitive Resources

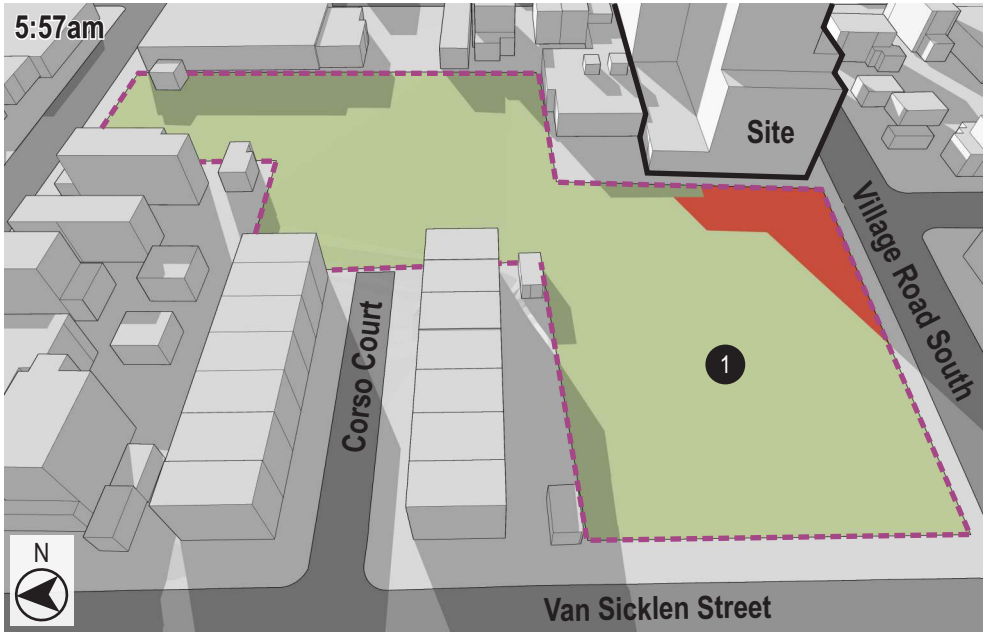
1 6:27am – 11:18am

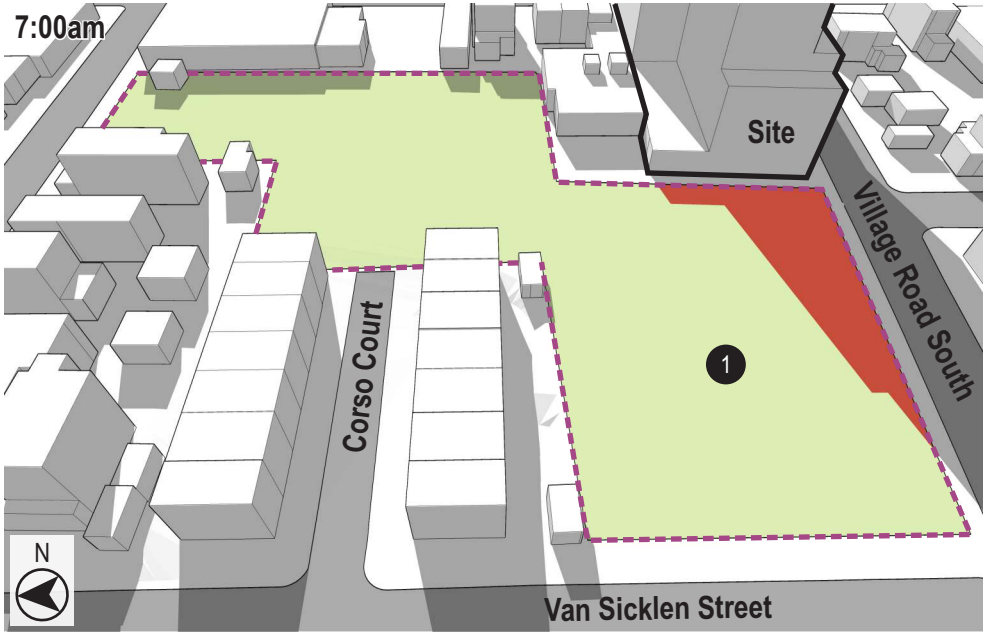
Urban Cartographics

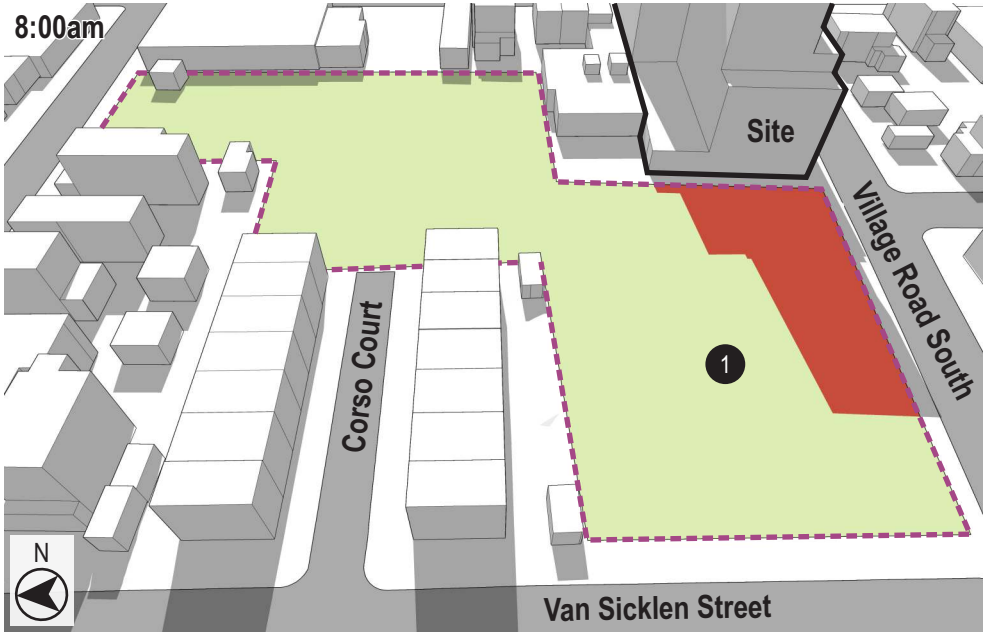
2390 McDonald Avenue, Brooklyn

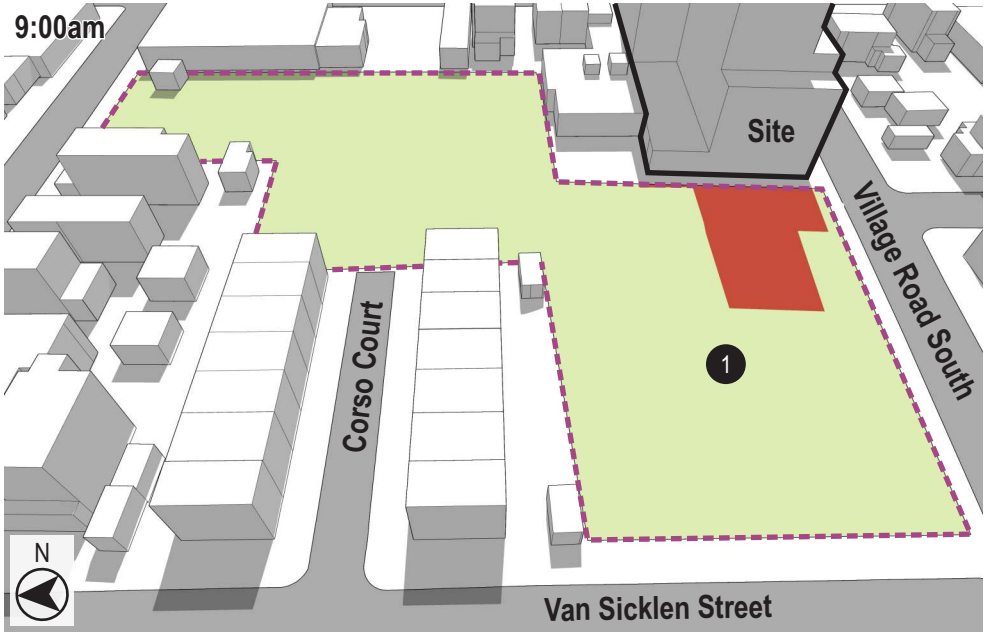
Figure 4-14: Detailed Analysis for the June 21 Analysis Day

Shadows Cast on Sunlight-Sensitive Resources 1 5:57am – 11:15am









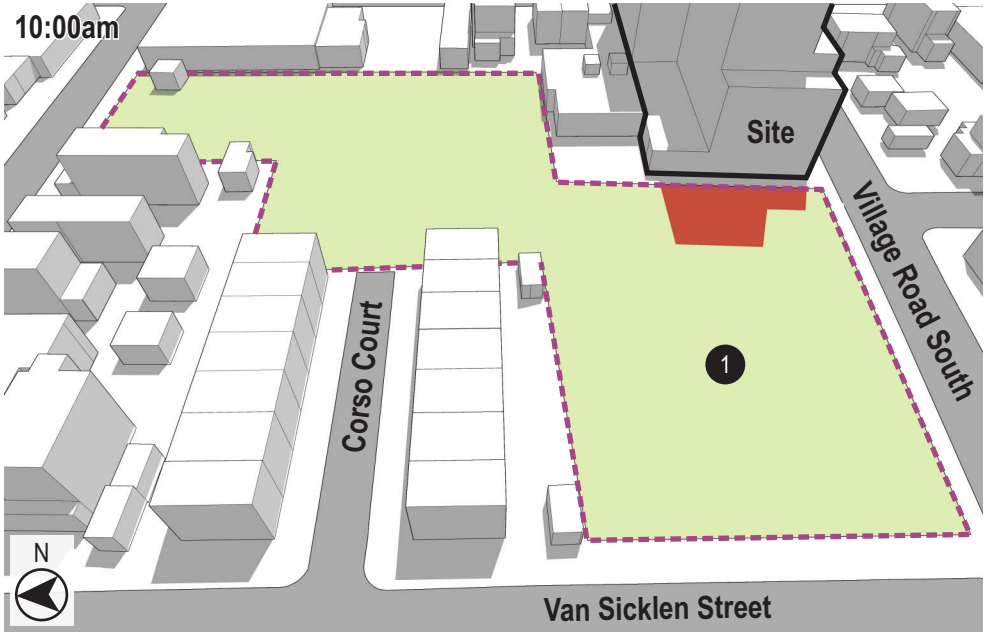
Urban Cartographics

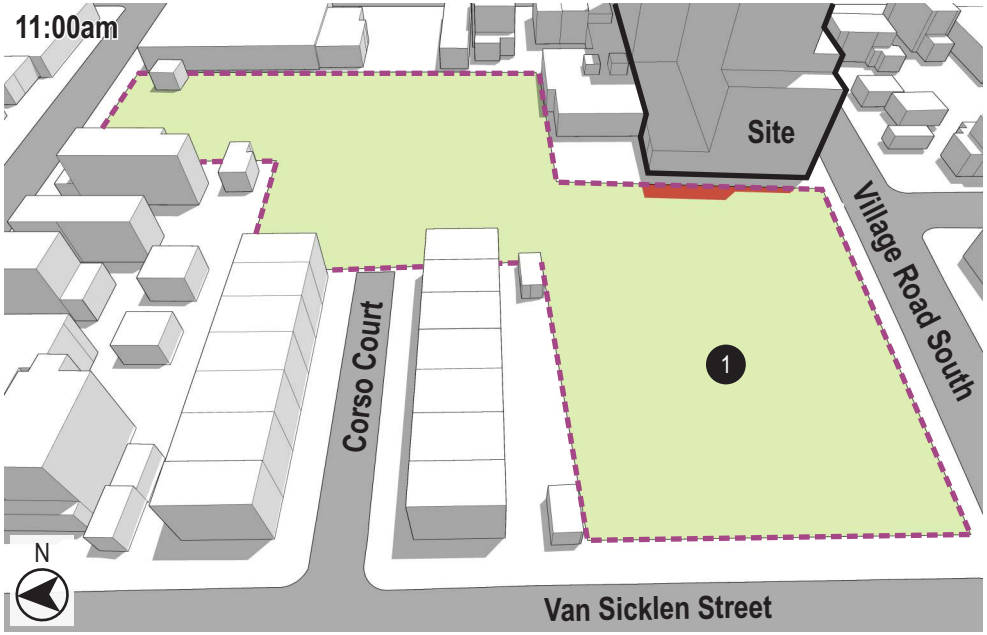
2390 McDonald Avenue, Brooklyn

Figure 4-15: Detailed Analysis for the June 21 Analysis Day

Shadows Cast on Sunlight-Sensitive Resources

1 5:57am – 11:15am





No Action Condition

As discussed above, if the Proposed Actions are not approved, no development is anticipated to occur anywhere within the Project Area. All of the lots in the Project Area are anticipated to remain in their existing conditions.

With Action Condition

If the Proposed Actions are approved, development is anticipated to occur on the applicant owned site within the Study Area (Projected Development Site 1). As demonstrated in the detailed analysis graphics there are currently no shadows on the cemetery other than those generated by the elevated MTA rail line on McDonald Avenue. For the purposes of presenting a conservative analysis these shadows are not considered in the No-Action scenario and therefore all shadows generated by the Proposed Actions are incremental.

As demonstrated in **Figure 4-8, and Figure 4-9: Detailed Analysis for the Dec. 21st Analysis Day,** the building on Projected Development Site 1 would cast shadows on Gravesend Cemetery. Shadows would enter the cemetery at 8:51am and remain on the cemetery until 2:53pm. Shadows would be cast on the cemetery for 6 hours and 2 minutes. These shadows would move from west to east throughout the day and cover 80% of the cemetery over the course of the day.

The shadows cast on December 21st would affect mainly the northern portion of the cemetery. This area of the cemetery has dense tree cover and the shadows generated from the Proposed Actions would cast shadows over planted areas in most of the cemetery. Further, shadows are expected to be cast on benches, walking paths, and other features of the cemetery which are used for passive recreation.

As demonstrated in **Figure 4-10, and Figure 4-11: Detailed Analysis for the March 21st Analysis Day**, the building on Projected Development Site 1 would cast shadows on Gravesend Cemetery. Shadows would enter the cemetery at 7:36am and remain on the cemetery until 2:30pm. Shadows would be cast on the cemetery for 6 hours and 54 minutes. These shadows would move from west to east throughout the day and cover 70% of the cemetery over the course of the day.

The shadows cast on March 21st would affect mainly the middle and southern portion of the cemetery. This area of the cemetery has open green space and large trees and the shadows generated from the Proposed Actions would cast shadows over planted areas in most of the cemetery. Further, shadows are expected to be cast on benches, walking paths, and other features of the cemetery which are used for passive recreation. Importantly, the shadows cast on these green spaces occur during the growing season.

As demonstrated in **Figure 4-12, and Figure 4-13: Detailed Analysis for the May 6th Analysis Day**, the building on Projected Development Site 1 would cast shadows on Gravesend Cemetery. Shadows would enter the cemetery at 6:27am and remain on the cemetery until 11:18am. Shadows would be cast on the cemetery for 4 hours and 51 minutes. These shadows would move from west to east throughout the day and cover 50% of the cemetery over the course of the day.

The shadows cast on May 6th would affect mainly the southern portion of the cemetery. This area of the cemetery has open green space and large trees and the shadows generated from the Proposed Actions would cast shadows over planted areas. Further, shadows are expected to be cast on benches, walking paths, and other features of the cemetery which are used for passive recreation. Importantly, the shadows cast on these green spaces occur during the growing season.

As demonstrated in **Figure 4-14, and Figure 4-15: Detailed Analysis for the June 21st Analysis Day**, the building on Projected Development Site 1 would cast shadows on Gravesend Cemetery. Shadows would enter the cemetery at 5:57am and remain on the cemetery until 11:15am. Shadows would be case on the cemetery for 5 hours and 18 minutes. These shadows would move from west to east throughout the day and cover 40% of the cemetery over the course of the day.

The shadows cast on June 21st would affect mainly the southern portion of the cemetery. This area of the cemetery has open green space and large trees and the shadows generated from the Proposed Actions would cast shadows over planted areas in most of the cemetery. Further, shadows are expected to be cast on benches, walking paths, and other features of the cemetery which are used for passive recreation.

Conclusion

As discussed above in the detailed analysis, the building on Projected Development Site 1 is expected to cast shadows on the Old Gravesend Cemetery. The shadows created by this building would cover between 80 and 40% of the cemetery for durations ranging from 5 hours to 7 hours. The historic landmark does not have sunlight sensitive architectural details such as stained-glass windows or carvings that rely on sunlight.

Although shadows will be cast on open green spaces and trees within the cemetery, these are not considered particularly sunlight sensitive plantings (i.e. planted gardens, flower beds, etc.). shadows generated by the Proposed Actions would not affect the green spaces and trees within the cemetery to such an extent that they affect public use and enjoyment of Gravesend Cemetery.

The Proposed Actions would generate shadows over this sunlight sensitive resource during the growing season. The figures above show that project generated shadows would sweep across the cemetery for approximately 5-7 hours during the day. Per the

CEQR Technical Manual, "mature trees, shrubs and other plantings…likely could tolerate partial sun, or four to six hours of direct sunlight a day". The shadows cast by the Proposed Actions are not expected to prevent direct sun exposure on the sunlight sensitive resource for more than seven hours a day. Per the CEQR Technical Manual, direct sunlight does not need to be continuous - a portion of the direct sun could be in the morning and the balance in the afternoon - but the periods of sunlight do need to be full and unobscured. The majority of shadows cast during the growing season are limited to the morning hours. As the morning progresses, the portion of the cemetery receiving project generated shadows reduces substantially, as demonstrated in the figures above.

Public use and enjoyment of the historic landmark includes the use of paths between gravestones and benches under old growth trees. These uses would not be affected by shadows cast over the cemetery. Further, shadows from Projected Development Site 1 will move across the cemetery throughout the day allowing portions to the cemetery to remain in sunlight at different points throughout the day. Approval of the Proposed Actions is would not result in significant adverse shadows impacts.

5. Historic and Cultural Resources

Introduction

Historic and cultural resources include both architectural and archaeological resources. The 2021 City Environmental Quality Review (CEQR) Technical Manual identifies historic and cultural 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 (NYCLPC); 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/architectural 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 this chapter, the Project Area contains no individual landmarks and eligible resources however it is located immediately adjacent to a historic landmark. Therefore, it is necessary to assess the potential impacts of the Proposed Actions on historic/architectural resources.

Archaeological resources are considered only in those areas where new excavation or ground disturbance is likely and would result in new in-ground disturbance compared to No-Action conditions; these are limited to any area that may be developed in the Project Area and include projected as well as potential development sites. Because the Proposed Actions would induce development that could result in new in-ground disturbance, they have the potential to affect archaeological resources, and therefore an assessment of the potential effects on archaeological resources is also provided in this chapter.

Study Area

According to CEQR Technical Manual guidance, impacts on historic architectural resources are considered on those sites affected by the Proposed Actions and in the area surrounding identified development sites. The historic resources study area is therefore defined as the area to be rezoned plus an approximate 400-foot radius around the Project Area, which is typically adequate for the assessment of historic architectural resources, in terms of physical, visual, and historical relationships. This 400-foot radius is referred to as the "Study Area" and is generally bounded by Gravesend Neck Road to the north; Village Road East to the east ; and the midblock past Village Road South to the south; and West 5th Street to the west.

Preliminary Assessment - Archeological Resources

Archaeological resources are the physical remnants, usually buried, of past activities on a site. They can include pre-contact archaeological resources associated with the Native American populations who used or occupied a site, or archaeological resources associated with the historic period, which began with the settlement of Europeans in the New York area beginning in the 17th century. In developed areas and in urban regions, archaeological resources are often disturbed or destroyed by grading, excavation, and the installation and improvement of infrastructure. However, some archaeological resources do survive in an urban environment and are often sealed beneath the surface and protected from further disturbance.

In accordance with CEQR Technical Manual guidance, archaeological resources are assessed only in areas where excavation is likely and would result in new in-ground disturbance. In-ground disturbance is any disturbance to an area not previously excavated, including new excavation that is deeper and/or wider than previous excavation on the same site. For projects that would result in new in-ground disturbance, assessment of both prehistoric and historic archaeological resources is appropriate.

Existing Conditions

Project Area

As discussed above, all lots within the Project Area are currently occupied. Block 7146, Lot 50 is currently occupied by a 15,612 gsf one-story mixed-use building on a 20,252 sq ft lot. Block 7146, Lot 49 is currently occupied by a 7,975 two-story mixed-use building on an 8,780 sq ft lot. Only a portion of Lot 49 will be rezoned with the approval of the Proposed Actions. The building contains an auto repair shop on the ground floor and commercial office space on the second floor.

Study Area

In a letter dated November 13th, 2020, The New York City Landmarks Preservation Commission (NYCLPC) was consulted to determine if archaeological sensitivity models, reports, and historic maps indicate the potential for the recovery of remains from Native American and possibly colonial and historic period occupation as a result of the Proposed Actions on the Development Site. LPC recommended that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review.

As described in detail below (Architectural Resources), the Old Gravesend Cemetery is immediately adjacent to the Project Area and therefore within the Study Area. There are no other known archeological resources within the Study Area.

No-Action Condition

Project Area

In the future without the Proposed Actions, no development is anticipated to occur within the Project Area. The No-Action condition is therefore the same as the Existing condition.

Study Area

In the future without the Proposed Actions, no development is anticipated to occur within the Study Area. The No-Action condition is therefore the same as the Existing condition.

With-Action Condition

Project Area

The Proposed Actions would result in development, and therefore incremental excavation, on Projected Development Site 1 (Lot 50). Projected Development Site 1 is located immediately adjacent to the Gravesend Cemetery (an Historic Landmark).

As discussed above, the Proposed Actions would facilitate construction on Projected Development Site 1 within the Study Area, resulting in new in-ground disturbance. As such, an assessment of archaeological resources is necessary for the Proposed Actions. As detailed in the CEQR Technical Manual, only the area of subsurface work for a project is considered the impact area for archaeological resources. Environmental review for archaeological resources is a predictive endeavor. For prehistoric resources, it is appropriate to determine whether there are known prehistoric archaeological resources within a half- mile radius of the site. For historic archaeological resources, it is appropriate to determine if there are known historic archaeological resources in the nearby area, such as on the present-day full tax lot or within the boundaries of the nearest adjacent mapped streets. A detailed assessment of potential adverse impacts to archeological resources is required and is provided below.

Study Area

In the future, with approval of the Proposed Actions, the RWCDS projects the development of a mixed-use building on **Projected Development Site 1**. The "Projected Development" is a 112,386 gross square foot (gsf) / 91,531 zoning square foot (zsf), 9-story building (4.60 Total FAR). The building would have a total height of 95 ft. The building would contain 76,166 gsf/ 73,948 zsf of residential floor area, resulting in 84 dwelling units (3.72 Residential FAR). The total number of dwelling units was estimated using a "dwelling unit factor" of 880 gsf per unit. Of these units, 25-30% (21-25 units)

would be reserved as moderate to low-income units at 60-80% AMI pursuant to the requirements of Mandatory Inclusionary Housing (MIH). Both MIH Options 1 and 2 would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process. The Projected Development would contain 18,110 gsf/ 17,582 zsf of Commercial Uses (local retail) on the ground floor (0.88 Commercial FAR). The Projected Development would also contain 18,110 gsf of accessory parking space (120 spaces) in an attended underground garage accessible via an existing curb cut on Village Road South and then by car elevator. No additional development is projected within the Study Area with the Proposed Actions.

Detailed Assessment – Archeological Resources

A Phase IA Archaeological Documentary Study titled "2390 McDonald Avenue Rezoning Brooklyn, New York 11223 Block 7146, Lots 47, 48, 49 and 50," was prepared by HPI, Inc and dated April 2021. The study concluded that the site has the potential to contain potentially significant Colonial-19th century archaeological resources--including human remains.

In a letter dated April 21st, 2021 LPC indicated that it was in receipt of the, "Phase IA Archaeological Documentary Study 2390 McDonald Avenue Rezoning Brooklyn, New York 11223 Block 7146, Lots 47, 48, 49 and 50,".

LPC concurred that the site has the potential to contain potentially significant Colonial-19th century archaeological resources--including human remains-- and, determined that an archaeological Work Plan should be submitted to the LPC for review and approval before any field testing occurs including provisions to address any human remains that may be found such as consultation with descendent communities as per the 2018 Guidelines for Archaeological Work in NYC.

In a letter dated November 28th, 2022 LPC indicated that it was in receipt of the revised EAS indicating that boundaries of the Project Area had changed and that Projected Development Site 2 was no longer be included in the analysis framework. LPC determined that where inground construction will occur, there is no change to previous findings: "Phase IA Archaeological Documentary Study 2390 McDonald Avenue Rezoning Brooklyn, New York 11223 Block 7146, Lots 47, 48, 49 and 50," prepared by HPI, Inc and dated April 2021. The LPC concurs that the site has the potential to contain potentially significant Colonial-19th century archaeological resources--including human remains-- and, therefore, finds that an archaeological Work Plan should be submitted to the LPC for review and approval before any field testing occurs including provisions to address any human remains that may be found such as consultation with descendent communities as per the 2018 Guidelines for Archaeological Work in NYC.

Further, the NYS Senate Bill S5701 "The Unmarked Burial Site Protection Act"; requires the cessation of all ground disturbing activities upon the discovery of a burial ground,

human remains or funerary objects; requires the reporting of such discovery to the local coroner; and provides that if such remains are more than 50 years old, the state archaeologist shall be notified.

To ensure that an Archeological Work Plan is submitted on all sites where inground construction will occur a Restrictive Declaration would be placed on the Applicant owned Projected Development Site 1 (Lot 50) which would be recorded in conjunction with the approval of the Proposed Actions.

Determination of Significance

With the placement of a Restrictive Declaration, any future development on the Applicant owned Projected Development Site 1 (Lot 50) would be subject to field testing. Additionally, a Work Plan, reviewed and approved by LPC, would need to be submitted and finalized before in-ground construction work can commence. With this in place, the Proposed Actions would not result in significant adverse impacts to archeological resources and no further assessment is warranted.

Preliminary Assessment-Architectural Resources

The NYCLPC designates historically significant properties in the City as NYCLs and/or Historic Districts, following the criteria provided in the Local Laws of the City of New York, NYC Charter, Administrative Code, Title 25, Chapter 3. Buildings, properties, or objects are eligible for landmark status when a part is at least 30 years old. Landmarks have a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation. There are four types of landmarks: individual landmark, interior landmark, scenic landmark, and historic district. Once the architectural resources in the Study Area were identified, the Proposed Actions were assessed for both direct physical impacts and indirect visual and contextual impacts on architectural resources.

Existing Condition

Project Area

As discussed above, all lots within the Project Area are currently occupied. Block 7146, Lot 50 is currently occupied by a 15,612 gsf one-story mixed-use building on a 20,252 sq ft lot. Block 7146, Lot 49 is currently occupied by a 7,975 two-story mixed-use building on an 8,780 sq ft lot. The building contains an auto repair shop on the ground floor and commercial office space on the second floor.

Study Area

In a letter dated November 28th, 2022, The New York City Landmarks Preservation Commission (NYCLPC) was consulted to determine if the Study Area contained historic/architectural resources such as New York City Landmarks (NYCL); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (NYCLPC); 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. In this letter the LPC identified four such resources within the Study Area. These are described below.

Old Gravesend Cemetery (LPC-Designated and S/NR Listed)

Along with several graves dating from the late 17th century to the early 20th century, Old Gravesend Cemetery is believed to be the final resting place of Lady Deborah Moody. Lady Deborah Moody (ca.1583-1659), a wealthy, Protestant widow, left England for America in 1639, and in 1645, settled in Brooklyn. She founded the town of Gravesend, naming it after her hometown in the Old World. Lady Moody became the first woman in the New World to receive a land patent and to write the first town charter in English in New Netherland. Furthermore, Gravesend's policy of religious freedom set it apart from most colonial settlements.

Lady Moody and her assemblage of Anabaptists landed in New England but met with a cold welcome from the Puritans who controlled the region. In 1643, she moved to New Amsterdam and, on December 19, 1645, Dutch Governor Willem Kieft granted Moody land in the south of what is now Brooklyn.

As the only English town in Brooklyn, Gravesend quickly developed an air of self-sufficiency from the five neighboring Dutch towns. Starting with a stockaded town square, Moody based the design of Gravesend on Kent, England. She founded the town hall government, started a school, and established a church. Gravesend's design was one of the earliest in the New World to employ a block grid system. McDonald Avenue and Gravesend Neck Road formed the crossroads of the old foursquare town (16 acres).

The outline of Gravesend's block formation can still be observed on a map within Village Road North, East, and South and Van Siclen Street. Lady Moody's grave is said to be located in the cemetery nearby on Gravesend Neck Road between Van Siclen Street and McDonald Avenue. Gravesend Avenue (renamed McDonald Avenue in 1933) ran from the heart of town to the City of Brooklyn, providing residents of Gravesend with a route for trade and travel throughout Kings County. Gravesend Cemetery is the only remaining visible landmark that dates from this period.

First Korean Church (S/NR Eligible)

The First Korean Church at 14 Gravesend Neck Road was initially constructed as the Coney Island Pentecostal church in 1937 from designs by R. T. Schaeffer, this structure, roughly square in plan, is built of reused granite street blocks, or Belgian pavers. Entrance is via a gable-roofed vestibule, located at the intersection of the two street elevations. Windows consist of segmented gothic-arched fixed sash with operable casements at the bottom. The parapet wall of this flat-roofed building is articulated as battlements and stepped gables.

An intact representative example of a small urban church, located on a corner lot. This structure remains essentially as constructed in 1937 and continues to be used for religious purposes. It is eligible for listing on the National Register under Criterion C.

P.S. 95 (S/NR Eligible)

P.S. 95 at 345 Van Sicklen Street in the Gravesend neighborhood of Brooklyn, Kings County, New York, is architecturally significant under Criterion C as an example of early-twentieth-century school design. The Collegiate Gothic style school was built in 1915 under the supervision of C. B. J. Snyder, architect in charge of school buildings in New York City. It also appears to possess historical significance under Criterion A for its association with the development and social history of the Gravesend. In 1939 an addition was added at the north end of the school which is compatible with the design of the original school building.

The four-story building exhibits characteristics typical of New York City schools of the period including masonry construction (brick and terra cotta), large window openings consisting of groups of multi-light double-hung sash, a central entrance, and decorative trim. The floor plan is U-shaped with classrooms and a corridor wrapping around a large rectangular auditorium on the second floor. The Collegiate Gothic style, based on English Gothic and Jacobean models, was popular for institutional buildings in the late nineteenth and early twentieth centuries. Characteristics and decorative features of the style displayed by P.S. 95 include the Tudor arched window openings with terra cotta mullions, drip molds, and quoin-like trim; the crenellated terra cotta parapet with its intricate openwork quatrefoil motifs; and the tower-like projecting end pavilions. The interior appears to retain a high degree of period integrity as demonstrated by the intact entrance lobby and the auditorium. The auditorium features a beamed ceiling supported by paneled columns with capitals, wood folding seats, and a platform with paneled wainscoting, leaded glass casement windows, and elaborate plasterwork.

Lady Moody-Van Sicklen House (LPC-Designated)

The Lady Moody-Van Sicklen House located at 27 Gravesend Neck Road, one of the oldest in the borough, is thought by some to have been constructed in the 17th century, but a c. 1700 construction date, or later, appears to be more plausible. Similarly, the house has gone by several historical names including the Lady Moody House, the Van Sicklen

house, and the Hicks-Platt house. The house, which has an inset porch extending across its south elevation and three gable-roofed dormers, has undergone many alterations over the years, including changes to its fenestration size and locations. It was landmarked in 2016 after having been nominated more than 50 years previously.

No-Action Condition

Project Area

In the future without the Proposed Actions, no development is anticipated to occur within the Project Area. The No-Action condition is therefore the same as the Existing condition.

Study Area

In the future without the Proposed Actions, no development is anticipated to occur within the Study Area. The No-Action condition is therefore the same as the Existing condition.

With-Action Condition

Project Area

The Proposed Actions would result in development, and therefore incremental excavation, and new construction on Projected Development Site 1 (Lot 50). Projected Development Site 1 is located immediately adjacent to the Gravesend Cemetery (an Historic Landmark). A detailed assessment of potential adverse impacts to architectural resources is required and is provided below.

Study Area

In the future with the Proposed Actions, no additional development is anticipated to occur within the Study Area.

Detailed Assessment-Architectural Resources

Direct (Physical) Impacts

Historic resources can be directly affected by physical destruction, demolition, damage, alteration, or neglect of all or part of a historic resource. For example, alterations, such as the addition of a new wing to a historic building or replacement of the resource's entrance could result in significant adverse impacts, depending on the design. Direct effects also include changes to an architectural resource that cause it to become a different visual entity, such as a new location, design, materials, or architectural features. The Proposed Actions would not result in any direct physical alterations to the Historic Landmark

adjacent to the Project Site. Further the Proposed Actions would not result in any direct physical alterations to the other resources identified within the Study Area.

Indirect (Contextual) Impacts

Contextual impacts may occur to architectural resources under certain conditions. According to the CEQR Technical Manual, possible impacts to architectural resources may include isolation of the property from, or alteration of, its setting or visual relationships with the streetscape. This includes changes to the resource's visual prominence so that it no longer conforms to the streetscape in terms of height, footprint, or setback; is no longer part of an open setting; or can no longer be seen as part of a significant view corridor. Significant indirect impacts can occur if the Proposed Actions would cause a change in the quality of a property that qualifies it for listing on the S/NR or for designation as a NYCL. As discussed in this EAS, the Proposed Actions would not result in significant adverse impacts relate to urban design, shadows, or neighborhood character.

After requests for review and additional information, in a letter dated February 8th, 2023, the LPC indicated that it had reviewed the Shadows section of this EAS, in relation to shadows being cast on Gravesend Cemetery, and had no further concerns.

When compared to the Existing and No-Action conditions, the Proposed Actions would not alter the cemetery's relationship with the surrounding streetscape. Further the Proposed Actions would not result in any indirect (contextual) impacts to the other resources identified within the Study Area. Although the proposed actions would permit a taller and larger development, the proposed actions would not introduce any incompatible visual, audible, or atmospheric elements to the landmark and architectural resource's settings within the study area as the study area is characterized by a mix of uses such as residential, industrial manufacturing, and commercial. Additionally, the historic resources within the study area would not be isolated from the streetscape and visual prominence would not be altered as the architectural resources are located away (beyond 90 ft) from the Project Area and would continue to be visible from study area vantage points along Gravesend Neck Road and Van Sicklen Street. Gravesend Cemetery would remain visible from nearby vantage points along McDonald Avenue, Van Sicklen Street, Village Road South, and Gravesend Neck Road. Therefore, the streetscape conformance of the historic resources would remain.

Construction Impacts

Any new construction taking place in the vicinity of historic landmarks has the potential to cause damage to contributing buildings from ground-borne construction vibrations. As noted above, the New York City Building Code provides some measure of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to NYCL-designated

and S/NR- listed historic resources located within 90 linear feet of a proposed construction site. For these structures, NYCDOB's TPPN #10/88 applies. TPPN #10/88 supplements the standard building protections afforded by the Building Code by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent NYCLPC designated or S/NR-listed resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed. Adjacent historic resources, as defined in the procedure notice, only include designated NYCLs and S/NR listed properties that are within 90 feet of a lot under development or alteration. They do not include S/NR-eligible, NYCL-eligible, potential, or unidentified architectural resources. P.S. 95, First Korean Church, and 27 Gravesend Neck Rd are all greater than 90 ft away from the project area. Construction period impacts on any designated historic resources would be minimized, and the historic structures would be protected, by ensuring that adjacent development projected as a result of the Proposed Actions adheres to all applicable construction guidelines and follows the requirements laid out in TPPN #10/88.

Further as discussed in detail above, an archaeological Work Plan will be submitted to the LPC for review and approval before any field testing occurs including provisions to address any human remains that may be found such as consultation with descendent communities as per the 2018 Guidelines for Archaeological Work in NYC. This will be enforced though a restrictive declaration on Projected Development Site 1 (Lot 50).

Further, the NYS Senate Bill S5701 "The Unmarked Burial Site Protection Act"; requires the cessation of all ground disturbing activities upon the discovery of a burial ground, human remains or funerary objects; requires the reporting of such discovery to the local coroner; and provides that if such remains are more than 50 years old, the state archaeologist shall be notified.

Conclusion

Excavations within the Project Area that occur as a result of the approval of the Proposed Actions will be conducted with the consultation of the New York City Landmarks Preservation Commission and include the submission of an Archeological Work Plan. The determinations and guidance of the NYCLPC will avoid the potential for impacts to archeological resources that may be located in the Project Area. To ensure that an Archeological Work Plan is submitted on the Applicant owned Projected Development Site 1, a Restrictive Declaration would be placed on Brooklyn Block 7146, Lot 50 (Projected Development Site 1). Further, no direct, indirect, or construction related architectural impacts would occur as a result of the approval of the Proposed Actions. The Proposed Actions would not result in significant adverse impacts to historic or cultural resources within the Study Area.

6. Urban Design and Visual Resources

Introduction

Per the CEQR Technical Manual, an urban design assessment considers whether and how a project may change the experience of a pedestrian in the project 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.

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.
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 discussed above in "Land Use, Zoning, and Public Policy", the Proposed Actions include zoning map and text amendments. These actions would both permit the modification of yard, height, and setback requirements and result in an increase in built floor area beyond what would be allowed 'as-of-right'.

The current C8-1 district bridges commercial and manufacturing uses by providing for automotive and other heavy commercial services that often require large amounts of land. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes—although all commercial uses (except large, open amusements) as well as certain community facilities are permitted in C8 districts. Residential uses are not allowed in C8-1 districts. The maximum FAR in C8-1 districts is 1.0 although community facility uses are allowed a maximum FAR of 2.4. Building heights and setbacks are controlled by a sky exposure plane, although few buildings in C8-1 districts rise above two stories. One accessory parking space is required per 300sf.

The Proposed Actions would rezone the Project Site to an C4-4L district. C4-4L districts permit medium density mixed-use buildings. The maximum floor area ratio (FAR) permitted in C4-4L zoning districts is 4.6 FAR for residential uses (5.01 FAR if providing Affordable Independent Residences for Seniors), 4.0 FAR for community facility uses, and 4.0 FAR for commercial uses. The maximum height in C4-4L districts is 105ft or 115ft if providing a qualifying ground floor. Quality Housing regulations allow for 60-100% lot coverage based on the width of adjacent streets and the mapping of inclusionary housing areas. One parking space must be provided for every 2 dwelling units although parking for income-restricted units is not required.

With the approval of the Proposed Actions, the RWCDS projects the development of a mixed-use building on **Projected Development Site 1**. The "Projected Development" is a 112,386 gross square foot (gsf) / 91,531 zoning square foot (zsf), 9-story building (4.60 Total FAR). The building would have a total height of 95 ft. The building would contain 76,166 gsf/ 73,948 zsf of residential floor area, resulting in 84 dwelling units (3.72 Residential FAR). The total number of dwelling units was estimated using a "dwelling unit factor" of 880 gsf per unit. Of these units, 25-30% (21-25 units) would be reserved as moderate to low-income units at 60-80% AMI pursuant to the requirements of Mandatory Inclusionary Housing (MIH). Both MIH Options 1 and 2 would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process. The Projected Development would contain 18,110 gsf/ 17,582 zsf of Commercial Uses (local retail) on the ground floor (0.88 Commercial FAR). The Projected Development would also contain 18,110 gsf of accessory parking space (120 spaces) in an attended underground garage accessible via an existing curb cut on Village Road South and then by car elevator.

For the purposes of presenting a conservative analysis, the Urban Design section of this EAS uses a taller height than what is included as part of the applicant's proposed development and a taller height than what is analyzed as the RWCDS in other sections of this EAS. The Urban Design section of this EAS analyzes the maximum building height of 115 feet. The applicant's proposed development would rise eight stories to a height of 85 feet. As the Proposed Development is anticipated to result in a different built form at the street level, an assessment of urban design and visual resources is warranted.

Study Area

According to CEQR Technical Manual guidance, impacts on urban design criteria are considered on those sites affected by the Proposed Actions and in the area surrounding identified development sites. The urban design and visual resources Study Area is therefore defined as the area to be rezoned plus an approximate 400-foot radius around the Project Area, which is typically adequate for the assessment of urban design and visual resources. This 400-foot radius is referred to as the "Study Area" and is generally bounded by Gravesend Neck Road to the north; Village Road East to the east ; and the midblock past Village Road South to the south; and West 5th Street to the west.

Urban Design

The Urban design characteristics of a neighborhood are composed of various components that define the character of the area: buildings, streets, open spaces, natural features, and visual resources.

2390 McDonald Avenue, Brooklyn
Figure 6-1: Urban Design Diagram

Photo Viewpoint Locations



2390 McDonald Avenue, Brooklyn

Figure 6-2: Urban Design Diagram

No-Action Scenario

McDonald Avenue facing south (Site at right)



With-Action Scenario

McDonald Avenue facing south (Site at right)



Maximum Permitted Base Height (55-65') Maximum Permitted Building Height (105-115') Maximum Permitted Bulkhead Height (130-140')

Proposed Base Height Proposed Building Height

Urban Cartographics

2390 McDonald Avenue, Brooklyn

Figure 6-3: Urban Design Diagram

No-Action Scenario

Village Road South facing west (Site at right)



With-Action Scenario

Village Road South facing west (Site at right)



Maximum Permitted Base Height (55-65')
Maximum Permitted Building Height (105-115')
Maximum Permitted Bulkhead Height (130-140')
Proposed Base Height
Proposed Building Height

Urban Cartographics

2390 McDonald Avenue, Brooklyn

Figure 6-4: Urban Design Diagram

No-Action Scenario

Village Road South facing east (Site at left)



With-Action Scenario

Village Road South facing east (Site at left)



Maximum Permitted Base Height (55-65') Maximum Permitted Building Height (105-115') Maximum Permitted Bulkhead Height (130-140')

Proposed Base Height Proposed Building Height

Urban Cartographics

2390 McDonald Avenue, Brooklyn

Figure 6-5: Urban Design Diagram

No-Action Scenario

Village Road South facing east (Site at left)



With-Action Scenario

Village Road South facing east (Site at left)



Maximum Permitted Base Height (55-65') Maximum Permitted Building Height (105-115') Maximum Permitted Bulkhead Height (130-140')

Proposed Base Height Proposed Building Height

Urban Cartographics

2390 McDonald Avenue, Brooklyn

Figure 6-6: Urban Design Diagram

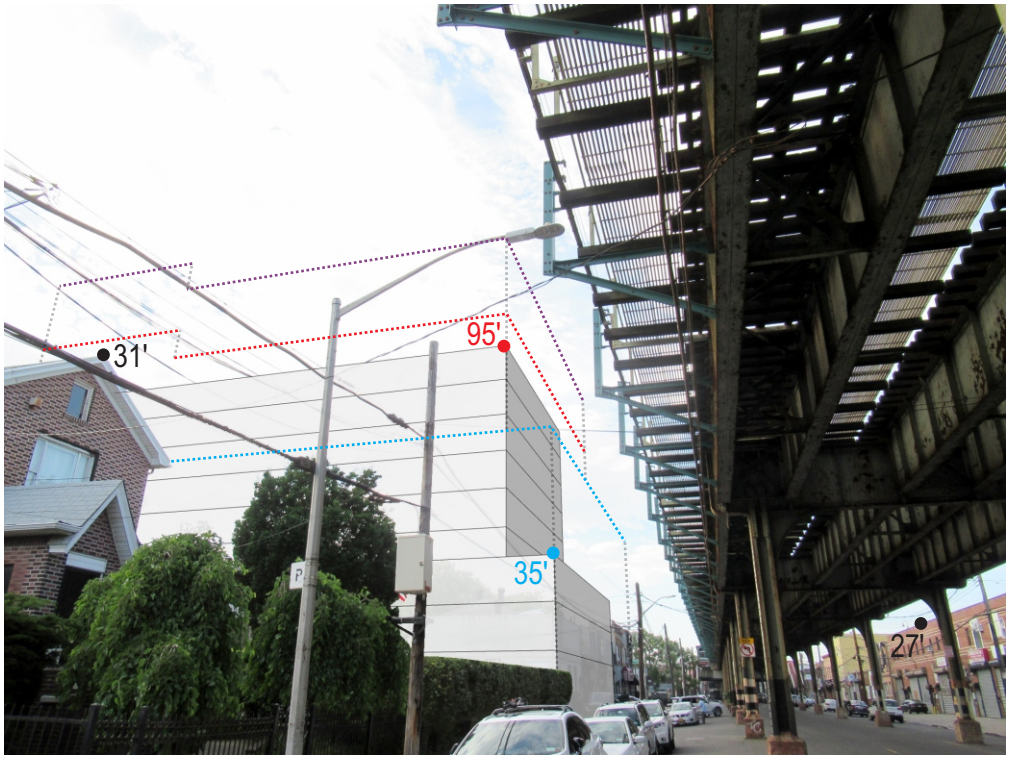
No-Action Scenario

McDonald Avenue facing north (Site at left)



With-Action Scenario

McDonald Avenue facing north (Site at left)



Maximum Permitted Base Height (55-65') Maximum Permitted Building Height (105-115') Maximum Permitted Bulkhead Height (130-140')

Proposed Base Height Proposed Building Height

Urban Cartographics

Existing Buildings

Project Area

The existing conditions on the Project Area are described in detail in the Project Description section of this EAS. The buildings within the Project Area are one-story and two-story, contain office and auto related uses, and have rear yards that are used as accessory parking.

Study Area

The Study Area contains a range of building types. Outside of the McDonald Avenue corridor, there are a mix of semi-detached and detached single, two, and multiple family residences. Generally, these do not exceed three floors and include side yards, and or front yards. The buildings on McDonald Avenue are also generally low-rise with most being single story commercial or light manufacturing buildings. The majority of lots within the Study Area are occupied though a few vacant lots can be seen in the residential areas surrounding McDonald Avenue. There are also a few parking lots along McDonald Avenue which periodically interrupt the continuous street-wall.

Building bulk, use, and type differs within the Study Area between those lots with frontage on McDonald Avenue and those lots in the residential areas to the east and west of McDonald Avenue. There are no buildings with more than three floors within the Study Area other than the P.S. 95 on Gravesend Neck Road. Because of the relatively high parking requirements in both the M1-1 and C8-1 districts mapped along McDonald Avenue, most buildings have less than 60% lot coverage to accommodate accessory parking spaces.

Future No-Action Buildings

Project Area

If Proposed Actions are not approved, the built form, use, type, and arrangement of the Project Area would remain unchanged as no new development is expected to occur within the Project Area.

Study Area

If Proposed Actions are not approved, the built form, use, type, and arrangement of the Study Area and surrounding area would remain unchanged as no new development is expected to occur within the Study Area.

Future With-Action Buildings

Project Area

The Proposed Actions would facilitate construction on Projected Development Site 1 consisting of 76,116 residential gsf, 18,110 commercial (local retail) gsf, and 18,110 gsf of parking (120 spaces). No development is projected on Lot 49. The bulk and height of this development is visualized in the context of the Project Area in **Figures 6-1 through Figures 6-6: Urban Design Diagram.** For the purposes of presenting a conservative analysis, the Urban Design section of this EAS uses a taller height than what is included as part of the applicant's proposed development. The Urban Design section of this EAS analyzes the maximum building height of 115 feet as discussed above. The applicant's proposed development would rise eight stories to a height of 85 feet. The building on Projected Development Site 1 in the with-action scenario would create a continuous street-wall with ground floor commercial uses.

Study Area

If the Proposed Actions are approved, the built form, use, type, and arrangement of the Study Area would remain unchanged. The building on Projected Development Site 1 would be taller and have a higher lot coverage than any mixed-use building in the Study Area.

Based on the above, the Proposed Actions would result in a higher density building than currently exists within the Study Area. This development would be consistent with the ongoing developments along McDonald Avenue. Further, previous rezonings to the north of the Study Area to encourage development on larger commercial corridors and discourage large developments from being constructed in the surrounding residential neighborhood, such as the 2080 McDonald Avenue Rezoning which was approved in 2022 and located 0.5 miles north of the Project Area and just beyond the Study Area. The larger mixed-use developments facilitated by the Proposed Actions are contextual with the surrounding commercial corridor and elevated rail line on McDonald Avenue. For an illustrative display of the building resulting from the Proposed Actions, as well as the newly permitted maximum permitted building envelopes, see **Figure 6-1** through **Figure 6-6 (Urban Design Diagrams)**. This building would rise nine stories or a maximum permitted height of 115 feet after 10 or 15-foot setbacks under the proposed C4-4L zoning districts with MIH. Street wall regulations would require that this new building would be aligned, forming a more uniform street wall compared to the existing development. Finally, the uses being proposed (residential and commercial) are consistent with existing land uses within the Study Area.

While this new building would be taller than adjacent properties and the No-Action Condition building, similar-sized developments are occurring in the surrounding area, as noted above, and would be consistent with the increasingly dense mixed-use character

just beyond the Study Area. Examples include the recently approved development at 273 Avenue U to the north of the Project Area, as well as the 2080 McDonald Avenue Rezoning to the north of the Project Area. The 273 Avenue U Rezoning facilitated the development of a mixed-use building with nine (9) dwelling units or approximately 11,900 sf of residential floor area and approximately 5,000 sf of ground floor commercial floor area. The 2080 McDonald Rezoning facilitated the development of a 120,625 sf, eight-story, mixed-use building consisting of 97,889 square feet of residential space, comprised of 66 dwelling units, of which 22 (MIH program Option 2 or 30%) are proposed to be income-restricted, 18,783 square feet of commercial retail space and 3,953 square feet of community space.

Existing Streets

Project Area

There are no street trees or other streetscape elements within the Project Area. The elevated railway is directly in front of the Project Area. Further, two curb cuts on McDonald Avenue allow for entry and exit of vehicles into the auto uses located within the Project Area.

Study Area

As discussed above, the Study Area is divided by McDonald Avenue (a two-lane roadway with an elevated rail track). Within the Study Area, Gravesend Neck Road and Avenue W are the only other larger roads that provide east -west access through the Study Area. Smaller roads in an irregular grid pattern provide access to the residential areas to the east and west of McDonald Avenue.

The Study Area includes some street trees, however due to the elevated railway, there are no trees located on McDonald Avenue. Generally, the residential area surrounding McDonald Avenue have a few street trees, as well as sidewalks in various states of repair. Gravesend Neck Road and Avenue W also have street trees and wide sidewalks. There are no bus shelters within the Study Area. Local buses run along Avenue U to the north of the Study Area and 86th Street to the west of the Study Area.

Larger streets within the Study Area (McDonald Avenue, Gravesend Neck Road, Avenue W) all have wide crosswalks that are clearly marked. Some of the neighboring residential streets also have crosswalks, though these are often less visible. There are many curb-cuts within the Study Area. Along McDonald Avenue, the automobile services and light manufacturing uses require wide loading docks and multiple garage entrances. On other streets, off-street parking requirements for residential uses create curb-cuts on most lots.

Future No-Action Streets

Project Area

The No-Action conditions are the same as the existing conditions as development is not expected to occur within the Project Area in the No-Action scenario. Therefore, the streetscape elements, such as curb cuts and road networks, are assumed to remain the same.

Study Area

If the Proposed Actions are not approved the block form, street pattern and street hierarchy will remain as per existing conditions. In the future without the Proposed Actions, the streetscape elements will remain. Development within the Study Area is not expected to occur without the approval of the Proposed Actions.

Future With-Action Streets

Project Area

If the Proposed Actions are approved the block form, street pattern and street hierarchy will remain as per existing conditions as the Proposed Actions would not result in any alterations to the surrounding road network. No new street will be built within the Project Area.

Study Area

If the Proposed Actions are approved the block form, street pattern and street hierarchy will remain as per existing conditions as the Proposed Actions would not result in any alterations to the surrounding road network. No new street will be built within the Study Area.

In the future with the Proposed Actions, the amount of street trees within the Study Area is expected to remain the same. No street infrastructure (such as benches, plazas, or bus shelters) would be removed as a result of the approval Proposed Actions. In total the Proposed Actions would not result in additional curb cuts on McDonald Avenue nor Village Road South. The remaining streetscape elements would otherwise remain.

The proposed C4-4L district and Projected Development Site 1 are anticipated to result in near continuous ground-floor commercial retail activity in the Future With-Action scenario (18,110 gsf of local retail commercial space), this will serve to further activate segments of McDonald Avenue within the Project Area when compared to the existing

and No-Action condition, which contains a limited amount of retail use with the remainder of the ground floor uses consisting of automotive and commercial office uses.

Existing Natural Features and Open Space

Project Area

There are no natural features in the Project Area. Therefore, no natural features are visible from the Rezoning Area.

As described in detail in the Open Space and Historic and Cultural Resources sections of this EAS, the Project Area is immediately adjacent to the Gravesend Cemetery. The cemetery is an open space (for the purposes of Urban Design and Visual Resources assessment).

Study Area

There are no natural features within the surrounding 400 feet. Therefore, no natural features are visible from the Study Area.

The Gravesend Cemetery described above, is located within the Study Area.

No-Action Natural Features and Open Space

Project Area

As development is not anticipated to occur in the No-Action scenario no changes are anticipated to the open space resources within the Project Area.

Study Area

There are no natural features within the surrounding 400 feet. Therefore, no natural features are visible from the Study Area.

The Gravesend Cemetery described above, is located within the Study Area and no changes are anticipated.

With-Action Natural Features and Open Space

Project Area

The Projected Development would not result in significant adverse open space or shadows impacts nor would adverse impacts to archeological or architectural resources

occur with the approval of the Proposed Actions. Although Projected Development Site 1 is adjacent to Gravesend Cemetery, there are no significant adverse impacts anticipated related to open space, shadows, archeological resources, or architectural resources. In the with-action condition, no other natural features or open space features are proposed in the project area.

Study Area

The pedestrian experience of users of the open space within the Study Area would not be diminished with the approval of the Proposed Actions. Although the approval of the Proposed Actions would facilitate development on Projected Development Site 1, the approval of such actions would not impact the pedestrian experience of the open space (Gravesend Cemetery) within the Study Area.

Visual Resources

The Proposed Actions would not block the view of any natural resources, as no natural resources are within vicinity of the Study Area. Furthermore, there are no notable features or buildings in the immediate vicinity of the Study Area. Therefore, based on the criteria in the *CEQR Technical Manual*, the Proposed Actions would not result in the obstruction of views of a natural or built visual resource. In this context, the Proposed Actions would not result in the significant alteration of views from streets. Therefore, no significant impacts related to visual resources would occur.

Conclusion

The Proposed Actions would create additional density by providing an incremental increase of 84 dwelling units and allow a greater maximum height (9-stories in the with-action compared to the one-story no-action) in an area along a commercial corridor with an elevated rail line. The pedestrian experience within the Study Area would not be diminished with the approval of the Proposed Actions. The C4-4L district is a contextual district that was specifically conceived for lots fronting elevated rail lines in commercial corridors. Furthermore, the Proposed Actions would not affect any natural resources or public view corridors to notable features or buildings in Study Area. Accordingly, no impacts would occur as a result of the Proposed Actions to urban design features such as streets, natural features, and open space, and buildings as discussed above.

7. Hazardous Materials

Introduction

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include but are not limited to, heavy metals, volatile and semivolatile organic compounds, methane, polychlorinated biphenyls, and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the CEQR Technical Manual, the potential for significant adverse impacts from hazardous materials can occur when: a) hazardous materials exist on a site and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

In accordance with the CEQR Technical Manual guidelines, an assessment was conducted to determine whether the proposed action could lead to increased exposure of people or the environment to hazardous materials and whether the increased exposure would result in significant adverse public health impacts or environmental damage.

The Project Area (Brooklyn Block 7146, Lot 50 and Part of 49) contains commercial and automotive uses in one and two-story buildings. Since the Proposed Actions are anticipated to result in increased ground disturbance in an area with a history of manufacturing and automotive use, an assessment of Hazardous Materials is required.

Analysis

Environmental Studies Corp. has performed a Phase I Environmental Site Assessment (ESA) of the subject property located at 2390 McDonald Avenue, in the Borough of Brooklyn, New York City, New York. This Phase I ESA was prepared in accordance with the latest ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-13).

Phase I

This assessment has revealed no evidence of Historical Recognized Environmental Conditions or Controlled Recognized Environmental Conditions in connection with the property. This assessment has revealed no evidence Recognized Environmental Conditions in connection with the property, with the following exceptions:

- The potential for contamination in and around the storm drain in the parking area on the west side of the project site from past spills, leaks or discharges of hazardous substances and/or petroleum products, from the adjoining auto body repair shop at 2376 McDonald Avenue.

- The potential for groundwater contamination in the area of the project site from historical off-site sources of contamination in the immediate vicinity of the subject property.

Based on the RECs noted above and due to the close proximity and similar uses contained on Projected Development Site 1, it is assumed that the site will contain similar RECs and the potential for contamination and potentially hazardous building materials. Phase II testing was conducted to further investigate the RECs and provide a Remedial Action Plan (RAP) and a Construction Health and Safety Plan (CHASP).

Phase II

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the May 2021 Phase II Environmental Site Assessment (Phase II), the May 2021 Remedial Action Plan (RAP) and the May 2021 Construction Health and Safety Plan (CHASP) prepared by Environmental Studies Corporation., on behalf of MTL Realty LLC, (applicant), for the above referenced project located at 2390 McDonald Avenue in the Gravesend neighborhood of Brooklyn Community District 15.

The soil analytical results revealed that VOCs, SVOCs, pesticides, 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 metals (copper, lead, nickel, mercury, and zinc) were detected above their NYSDEC Unrestricted Use SCOs and/or Restricted Residential Use SCOs.

The groundwater analytical results revealed that SVOCs 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. Two VOCs (tetrachloroethylene and trichloroethylene), two pesticides (chlordane and dieldrin), and several metals (chromium, lead, manganese, nickel, and sodium) 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 (1,1,1-trichloroethane, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,3-butadiene, 2-butanone, 4-methyl-2-pentanone, acetone, benzene, carbon tetrachloride, chloroform, chloromethane, cyclohexane, dichlorodifluoromethane, ethyl benzene, isopropanol, methyl methacrylate, n-heptane, n-hexane, o-xylene, p- & m- xylenes, p-ethyltoluene, propylene, styrene, tetrachloroethylene (PCE), toluene, trichloroethylene (TCE), and trichlorofluoromethane) were detected. PCE and TCE were detected above their air guideline values (September 2013 and August 2015 updates) in the New York State Department of Health's October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York.

The outdoor air analytical results revealed that several VOCs (1,2,4-trimethylbenzene, 1,3,5- trimethylbenzene, 2-butanone, 4-methyl-2-pentanone, acetone, benzene, carbon

tetrachloride, chloromethane, cyclohexane, dichlorodifluoromethane, ethyl benzene, isopropanol, methyl methacrylate, n-heptane, n-hexane, o-xylene, p- & m- xylenes, p-ethyltoluene, propylene, styrene, PCE, toluene, and trichlorofluoromethane) were detected.

Conclusion

DEP has found the May 2021 RAP and CHASP, which addresses worker and community health and safety during construction acceptable. At the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report will be submitted for DEP review and approval for the proposed project. Therefore, the Proposed Actions are not anticipated to result in significant adverse hazardous materials impacts. No further analysis is warranted.

8. Transportation

Introduction

In order to determine the potential for the Proposed Actions to result in significant adverse transportation impacts, trip generation (Level 1) and trip assignment (Level 2) screening analyses were performed pursuant to the methodologies identified in the *2021 CEQR Technical Manual.* Based on the proposed mixed-use development trip generation (Level 1) and trip assignment screening (Level 2) analyses results, it was determined that the Proposed Actions would not result in significant adverse impacts, as detailed and summarized below.

Project Area

The Project Area is located at 2390 McDonald Avenue, Brooklyn NY, within a block bound by Gravesend Neck Road, a one-way westbound roadway, on the north, Van Sicklen Street, a one-way southbound roadway, on the west, Village Road S, a one-way eastbound roadway, on the south and McDonald Avenue, a two-way northbound/southbound roadway, on the east in the Gravesend neighborhood of Brooklyn Community District #15.

The Project Area includes Brooklyn Block 7146, Lot 50, and part of Lot 49. The applicant does not own Brooklyn Block 7146, Lot 49 although this lot is within the Project Area. The portion of the Project Area that is owned by the applicant (Brooklyn Block 7146, Lot 50) is referred to as the Projected Development Site 1.

Existing Condition

The Projected Development Site 1 (Block 7146, Lot 50) is currently occupied by a 15,612 gsf one-story mixed-use building comprised of 10,462 gsf of auto repair/car wash space and 5,152 gsf of commercial office space (vacant).

No-Action Scenario

Absent the Proposed Actions, the No-Action Scenario conservatively assumes no change on the Projected Development Site 1.

With-Action (RWCDS) Scenario

Mixed-Use Development

With the approval of the Proposed Actions, the Projected Development Site 1 would include 76,166 gsf of residential floor area (84 dwelling units, with 21-25 affordable) and 18,110 gsf of commercial floor area located on the ground floor. There would be 120 parking spaces provided in the cellar level, accessed via a car elevator to be placed on

the southwest corner of the Proposed Development. The elevator would be accessed by an existing curb cut located on Village Road South, as illustrated in the Site Plan **Figure 1 (see Transportation Backup).**

Increment

The transportation analyses are based on the net difference between the Proposed Actions and no-action scenarios. The Proposed Actions would result in an increase of 84 net new residential dwelling units, net 18,110 gsf of local retail and net 110 accessory parking spaces, and a decrease of 10,460 gsf of auto repair/car wash space, as summarized in **Table 1**.

The increment between the Existing/No-Action and With-Action development scenarios are summarized in **Table 1**.

Table 1 – Existing/No-Action, With-Action Scenarios and Increment

Land Use	Existing/No-Action	With-Action	Increment
Residential D.U.	0 d.u.	84 d.u. (76,166 gsf)	+ 84 d.u. (76,166 gsf)
Local Retail gsf	0	18,110 gsf	+ 18,110 gsf
Auto Repair/Car Wash gsf	10,460 gsf	0	- 10,460 gsf
Office gsf	5,152 gsf (Vacant)	0	0
Accessory Parking Spaces	0	120	+ 120

Source: DCP approved RWCDS.

Principal Conclusions

The following detailed trip generation (Level-One) and trip assignments (Level-Two) screening analysis are conducted for the project increment, which is summarized and shown in **Table 1**.

Traffic and Parking

Based on the results of trip generation and trip assignment screening analyses, it is concluded that in the future with the Proposed Actions, none of the intersections in the Study Area would experience 50 or more peak hour vehicle trip-ends, as summarized, and shown in **Table 4** and **Figures 2 (2A, and 2B)** for the Saturday MD peak hour. Therefore, in accordance with the *CEQR Technical Manual* 50-vehicle trip-ends threshold, the vehicular trip-ends generated by the Proposed Actions would not result in any conditions warranted for a detailed assessment of traffic and parking impacts.

Parking

The Proposed Project would provide an on-site accessory-parking garage with a total of 120 spaces. The proposed on-site accessory parking garage would include one egress and ingress point via Village Road South, as shown in the Proposed Site Plan. The Proposed Project would screen for vehicular traffic as detailed below, and per the CEQR *Technical Manual,* no detailed parking assessment would be required.

Transit

Subway

Based on the results of trip generation screening analysis (Level One), the Proposed Actions, would generate fewer than 200 peak hour subway trip-ends, as summarized in **Table 3 (Transportation Backup)** during the AM, and PM peak hour periods, respectively. Therefore, in accordance with the *CEQR Technical Manual* 200-subway trip-ends threshold, the subway trip-ends generated by the Proposed Actions would not result in any conditions warranted for a detailed assessment of subway impacts.

Bus

Based on the results of trip generation screening analysis (Level-One), the Proposed Actions, would generate fewer than 200 bus trip-ends/50 peak hour bus trip-ends in one direction along a bus route during any peak hour, as summarized in **Table 3 (Transportation Backup)** for the AM, and PM peak hour periods, respectively. Therefore, in accordance with the *CEQR Technical Manual* 200-bus trip-ends threshold/50 or more peak hour bus trip-ends in one direction along a bus route during any peak hour, the bus trip-ends generated by the Proposed Actions would not result in any conditions warranted for a detailed assessment of bus impacts.

Pedestrian

Based on the trip generation results for the proposed development, as presented in **Table 3 (see Transportation Backup),** all peak hours pedestrian trip-ends would exceed the *CEQR 200-pedestrian peak hour trip-ends* threshold, and therefore, in accordance with the *CEQR Technical Manual criteria*, would trigger the need for a detailed assessment (Level-Two screening) of pedestrian impacts, as detailed below.

Build Year

The Build Year assumes a six-month pre-certification timeframe, a seven-month ULURP review and an 18-month construction period. Project is expected to be completed by 2025.

Preliminary Analysis Methodology and Screening Assessments

The *2021 CEQR Technical Manual* recommends a two-tier screening procedure for the preparation of a "preliminary analysis" to determine if quantified analyses of transportation conditions are warranted. As discussed below, the preliminary analysis begins with a trip generation analysis (Tier 1) to estimate the volume of person and vehicle trip-ends attributable to the Proposed Action. If the Proposed Action is expected

to result in fewer than 50 peak hour vehicle trip-ends and fewer than 200 peak hour transit or pedestrian trip-ends, further quantified analyses are not warranted. When these thresholds are exceeded, detailed trip assignments (Tier 2) are performed to estimate the incremental trip-ends at specific transportation elements and to identify potential locations for further analyses. If the trip assignments show that the Proposed Action would result in 50 or more peak hour vehicle trip-ends at an intersection, 200 or more peak hour subway trip-ends at a station, 50 or more peak hour bus trip-ends in one direction along a bus route, or 200 or more peak hour pedestrian trip-ends traversing a pedestrian element, then further quantified analyses may be warranted to assess the potential for significant adverse impacts on traffic, transit, pedestrians, and parking.

Transportation Planning Assumptions

Trip generation factors for the Proposed Actions were determined based on information from the *2021 City Environmental Quality Review (CEQR) Technical Manual*, recent U.S. Census Data, vehicle occupancy rates provided by NYCDCP/NYCDOT, and other approved EASs and EISs. The travel demand assumptions and trip generation sources are summarized in **Table 2 (Transportation Backup)**, and detailed below.

Residential Development

The 2021 CEQR TM, and the *2015-2019 American Community Survey (ACS) Journey-to Work (JTW) data for Census Tract #'s 386, 388, 396, 398, 400, and 402 in Brooklyn, NY* were utilized to estimate person, vehicular trips, and auto occupancy rate, as is estimated in **Exhibits A and B** and summarized in **Table 2 (Transportation Backup)** .

The estimated modal split data for residential use found that approximately 31.5% would travel by car, 0.2 percent would travel by taxi, 3.7% would travel by bus, 47.5% would travel by subway, 17.1% would travel by foot and other mode of travel, such as bicycle, as shown and summarized in **Exhibit A**. Auto occupancy rate is estimated at 1.125, based on the 2015-2019 American Community Survey (ACS) Journey-to Work (JTW) data for Census Tract #'s *386, 388, 396, 398, 400, and 402* in Brooklyn, NY, as shown and summarized in **Exhibit B.**

Commercial Local Retail Development

The 2021 CEQR TM for commercial local retail use in transit zone, was utilized to estimate person, vehicular trips, and vehicle occupancy rates were provided by *NYCDCP/NYCDOT*, as summarized in **Table 2 (Transportation Backup)**.

The estimated modal split data for commercial local use in transit zone found that approximately 11% would travel by car, zero (0) percent would travel by taxi, 2% would travel by bus, 3% would travel by subway, 84% would travel by foot and other mode of

travel, such as bicycle, as shown and summarized in **Table 2**. Vehicle occupancy rates are provided by *NYCDCP/NYCDOT*.

Automotive With Car Wash Facility

Future With-Action Scenario generated person and vehicular trips, including truck trips and vehicle occupancy rates are all based upon the trip generation information, provided in the recently approved Gowanus Neighborhood Rezoning and Related Actions *FEIS, Table 14-8* for auto repair use, as summarized in **Table 2 (see Transportation Backup)**.

The estimated modal split data for automotive with carwash use found that approximately 85% would travel by car, zero 5 percent would travel by taxi, 1% would travel by bus, 1% would travel by subway, 8% would travel by foot and other mode of travel, such as bicycle, as shown and summarized in **Table 2**.

Level 1 Screening Assessments

A Level 1 trip generation screening assessment was conducted for the Proposed Project increment, as summarized in **Table 1,** to estimate the numbers of person and vehicle trip-ends by mode generated by the Proposed Actions during the Weekday AM, midday, PM, and Saturday peak hours, as summarized in **Tables 2 through 4 (Transportation Backup)**. These trip estimates were then compared to the *CEQR Technical Manual* thresholds to determine if a Level 2 screening and/or quantified operational analyses would be warranted.

Person And Vehicular Trips

The Proposed Actions would generate a total of 251, 373, 516, and 611 net person trip-ends, 18 (1 inbound and 17 outbound), 27 (14 inbound and 13 outbound), 40 (22 inbound and 18 outbound), and 54 (28 inbound and 26 outbound) net vehicle trip-ends, 36, 29, 42, and 47 net subway trip-ends, 6, 8, 12, and 14 net bus trip-ends and 231, 342, 471, and 548 net pedestrian (subway, bus and walk/other) trip-ends, during the Weekday AM, Midday, PM and Saturday Midday peak hours, respectively, as summarized in **Tables 3 and 4 (Transportation Backup)**.

Level 2 Screening Assessments

A Level 2 screening assessment involves the distribution and assignment of projected trips to the transportation network and the determination of whether specific locations are expected to experience incremental trips exceeding *2021 CEQR Technical Manual* thresholds. Typically, if the results of this analysis show that the Proposed Action would result in 50 or more peak hour vehicle trip-ends through an intersection, 50 or more peak hour bus trip-ends on a bus route in a single direction, 200 or more peak hour subway trip-ends per station, or 200 or more peak hour pedestrian trip-ends per pedestrian

element, further quantified analyses may be warranted to evaluate the potential for significant adverse traffic, transit, pedestrian, and parking impacts. Per *2021 CEQR Technical Manual guidelines*, a Level-Two pedestrian screening assessment would be required for all peak hours, as described below.

Vehicular Trip-Ends

The Proposed Actions would generate a total of 18 (1 inbound and 17 outbound), 27 (14 inbound and 13 outbound), 40 (22 inbound and 18 outbound), and 54 (28 inbound and 26 outbound) net vehicle trip-ends, during the Weekday AM, Midday, PM and Saturday Midday peak hours, respectively, as shown in **Table 4**. Generated vehicle trip-ends during the Saturday Midday peak hour would exceed the 50-vehicle trips threshold, and per *2021 CEQR TM*, a Level-2 screening assessment was prepared for the Saturday Midday peak hour and shown in **Figures 2 (2A, and 2B)**.

Based on the results of trip generation, trip assignment and traffic networks in the Study Area, it is concluded that in the future with the Proposed Actions, none of the intersections in the Study Area would experience 50 or more peak hour vehicle trip-ends, during the Saturday Midday peak hour, as summarized in **Table 4** and **Figures 2 (2A, and 2B)**, as presented in the **Transportation Backup**. Therefore, in accordance with the *CEQR Technical Manual* 50-vehicle trip-ends threshold, the vehicular trip-ends generated by the Proposed Actions would not result in any conditions warranted for a detailed assessment of traffic and parking impacts.

Subway Trip-Ends

The Proposed Actions would generate a total of 36, 29, 42, and 47 net subway trip-ends during the Weekday AM, Midday, PM and Saturday Midday peak hour time periods, respectively, as summarized in **Table 3** (as presented in the **Transportation Backup**). Currently, there are two subway stations, Avenue U Station of Line F and Avenue U Station of Line N, in the Study Area. The Proposed Actions would generate fewer than 200-subway trip-ends, during any peak hour time period, and in accordance with the *CEQR Technical Manual* criteria, would not result in any conditions that would typically trigger the need for a detailed assessment of subway impacts.

Bus Trip-Ends

The Proposed Actions would generate a total of 6, 8, 12, and 14 net bus trip-ends during the Weekday AM, Midday, PM and Saturday Midday peak hour time periods, respectively, as summarized in **Table 3** (as presented in the **Transportation Backup**). Currently, there are three bus lines, bus line B3 is operating along Avenue U; bus line B1 is operating along Avenue X/86th Street; bus line B4 is operating along Shell Road/86th Street. The Proposed Actions would generate fewer than 50-bus trip-ends per direction

during any peak hour time, and in accordance with the *CEQR Technical Manual* criteria, would not result in any conditions that would typically trigger the need for a detailed assessment of bus impacts.

Pedestrians Trip-Ends

The Proposed Actions would generate a total of 231, 342, 471, and 548 pedestrian (transit, walk and other) trip-ends during the AM, Midday, PM, and Saturday Midday peak hour time periods, respectively. Based on the trip generation results for the proposed development, as presented in **Table 3 (see Transportation Backup),** all peak hours pedestrian trip-ends would exceed the *CEQR 200-pedestrian peak hour trip-ends* threshold, and therefore, in accordance with the *CEQR Technical Manual criteria*, would trigger the need for a detailed assessment (Level-Two screening) of pedestrian impacts, as detailed below.

Pedestrian Trip Assignments (Level-Two Screening)

AM Peak Hour
Weekday AM peak hour project generated pedestrian trip-ends were assigned to street networks, based on bus stop locations for bus and subway riders, and pedestrian destination for walking.

Based upon pedestrian trip-ends assignments to bus stops, nearby subway station, and McDonald Avenue retail shops, as shown in **Figure 3 (total assignment),** no pedestrian elements would exceed 200 trip-ends threshold and based upon the *CEQR Technical Manual* would warrant no detailed pedestrian assessment.

Midday Peak Hour
Weekday Midday peak hour project generated pedestrian trip-ends were assigned to street networks, based on bus stop locations for bus and subway riders, and pedestrian destination for walking.

Based upon pedestrian trip-ends assignments to bus stops, nearby subway station, and McDonald Avenue retail shops, as shown in **Figure 4 (total assignment),** no pedestrian elements would exceed 200 trip-ends threshold and based upon the *CEQR Technical Manual* would warrant no detailed pedestrian assessment.

PM Peak Hour
Weekday PM peak hour project generated pedestrian trip-ends were assigned to street networks, based on bus stop locations for bus and subway riders, and pedestrian destination for walking.

Based upon pedestrian trip-ends assignments to bus stops, nearby subway station, and McDonald Avenue retail shops, as shown in **Figure 5 (total assignment),** one (1)

pedestrian element, as listed below, would exceed 200 trip-ends thresholds, and based upon the *CEQR Technical Manual* would warrant detailed pedestrian assessment. (Detailed LOS analysis for the intersection of McDonald Avenue and Village Road South could not be performed because it is an unsignalized intersection)

- Village Rd. S. between McDonald Avenue and Van Sicklen Street: North Sidewalk (S1),

Saturday Midday Peak Hour

Saturday Midday peak hour project generated pedestrian trip-ends were assigned to street networks, based on bus stop locations for bus and subway riders, and pedestrian destination for walking.

Based upon pedestrian trip-ends assignments to bus stops, nearby subway station, and McDonald Avenue retail shops, as shown in **Figure 6 (total assignment),** two (2) pedestrian elements, as listed below, would exceed 200 trip-ends thresholds, and based upon the *CEQR Technical Manual* would warrant detailed pedestrian assessment. (Detailed LOS analysis for the intersection of McDonald Avenue and Village Road South could not be performed because it is an unsignalized intersection)

- Village Rd. S. between McDonald Avenue and Van Sicklen Street: North Sidewalk (S1),
- McDonald Avenue between Village Rd. S. and Gravesend Neck Rd: The south segment of West Sidewalk (S2),

Pedestrians Operational Analysis

Analysis Methodology Peak 15-minute pedestrian flow conditions during the weekday AM, midday, PM, and Saturday Midday peak hours are analyzed using the Highway Capacity Manual 2010 methodology and procedures outlined in the CEQR Technical Manual. Using this methodology, the congestion level of pedestrian facilities is determined by considering pedestrian volume, measuring the sidewalk or crosswalk width, determining the available pedestrian capacity, and developing a ratio of volume flows to capacity conditions. The resulting ratio is then compared with LOS standards for pedestrian flow, which define a qualitative relationship at a certain pedestrian traffic concentration level. The evaluation of street crosswalks and corners is more complicated as these spaces cannot be treated as corridors due to the time incurred waiting for traffic lights. To effectively evaluate these facilities a "time-space" analysis methodology is employed, which takes into consideration the traffic light cycle at intersections. LOS standards are based on the average area available per pedestrian during the analysis period, typically expressed as a 15-minute peak period. LOS grades from A to F are assigned, with LOS A representative of free flow conditions without pedestrian conflicts and LOS F depicting significant capacity limitations and inconvenience. The LOS criteria are shown below in **Table 5** for pedestrian crosswalk/corner area and sidewalk

conditions, as based on the *Highway Capacity Manual methodology*. The analysis of sidewalk conditions includes a "platoon" factor in the calculation of pedestrian flow to estimate the dynamics of walking more accurately. "Platooning" is the tendency of pedestrians to move in bunched groups or "platoons" once they cross a street where cross traffic required them to wait. Platooning generally results in an LOS one level poorer than that determined for average flow rates.

Table 5: Level of Service Criteria for Pedestrian Elements

LOS	Sidewalks			Corners Reservoirs and Crosswalks
		Non-Platoon Flow	Platoon Flow	
A	(Unrestricted)	> 60	> 530	> 60
B	(Slightly Restricted)	> 40 to 60	> 90 to 530	> 40 to 60
C	(Restricted but fluid)	> 24 to 40	> 40 to 90	> 24 to 40
D	(Restricted, necessary to continuously alter walking stride and direction)	> 15 to 24	> 23 to 40	> 15 to 24
E	(Severely restricted)	> 8 to 15	> 11 to 23	> 8 to 15
F	(Forward progress only by shuffling; no reverse movement possible)	<8	< 11	<8

Notes:

SEP: square feet per pedestrian.

Source: *CEQR Technical Manual*

2021 Existing Conditions

Pedestrian counts were collected on October 17 (Weekday), 13 (Saturday), and 20 (Saturday), 2021 for the Weekday Midday, PM, and the Saturday Midday peak periods, respectively. These pedestrian counts were used to develop balanced pedestrian networks for the Weekday PM peak hours (**Figure 8**), as well as the Saturday Midday peak hour (**Figure 12**), which are *4:45 to 5:45PM and 1:00 to 2:00 PM,* respectively.
The 2021 Existing pedestrian volumes for Weekday PM and Saturday Midday peak hours were adjusted for Covid, as shown in **Figures 9 and 13**, respectively. A COVID adjustment factor of 1.9 was adopted, as described in **Exhibit F (see Transportation Backup).**

Inventories of pedestrian elements geometry were recorded to provide appropriate inputs for the operational analyses, as shown in **Figure 7 (Transportation Backup)**. The Proposed Development in the Site Plan is expected to have 5 feet setback from the existing building line for both building frontage, which would lead to the widening of two sidewalk segments in front of the proposed building under future Build condition. The 5

feet widening of the north sidewalk of Village Road South and the west sidewalk of McDonald Avenue in front of the Proposed Actions were included and shown in **Figure 7 (Transportation Backup)**. Official signal timings were obtained from NYCDOT for use in the analysis of the Study Area signalized intersections.

Levels Of Service (LOS)

2021 Existing Pedestrian Volumes PM Peak Hour

A summary of the 2021 existing conditions pedestrian analysis results with details on average pedestrian space (sf/ped), level-of-service (LOS), and LOS adjusted for platoon are presented in **Tables 6.** The LOS analysis indicates all pedestrian elements are operating at LOS B (With platoon) for the PM analysis peak hour. The intersection of McDonald Avenue and Village Rd S is not signalized.

Saturday Midday Peak Hour

A summary of the 2021 existing conditions pedestrian analysis results with details on average pedestrian space (sf/ped), level-of-service (LOS), and LOS adjusted for platoon are presented in **Tables 7**. The LOS analysis indicates all pedestrian elements are operating at LOS B (With platoon) for the Saturday Midday analysis peak hour. The intersections of McDonald Avenue and Village Rd S is not signalized.

2021 Existing Weekday PM Peak (With COVID Adjustment):

Table 6 2021 Existing Pedestrian Levels of Service – Sidewalks

Sidewalk	Effective Width (ft)	Weekday PM Peak Hour		
		Volume (ped/hr)	Average Pedestrian Space (sf/ped)	Platoon ADJ LOS
Village Rd S between McDonald Ave and Van Sicklen St (north sidewalk)	2	135	189.6	B

*LOS analysis is not available for corners or crosswalks at un-signalized intersections.

2021 Existing Saturday MD Peak (With COVID Adjustment):

Table 7 2021 Existing Pedestrian Levels of Service – Sidewalks

Sidewalk	Effective Width (ft)	Saturday MD Peak Hour		
		Volume (ped/hr)	Average Pedestrian Space (sf/ped)	Platoon ADJ LOS
Village Rd S between McDonald Ave and Van Sicklen St (north sidewalk)	2	124	208.8	B
McDonald Ave between Village Rd S and Gravesend Neck Rd (west sidewalk south segment)	8	212	505.3	B

*LOS analysis is not available for corners or crosswalks at un-signalized intersections.

2025 No-Build Conditions

The 2025 no-build pedestrian volumes (**Figures 10 and 14**) are constructed by increasing the existing (Covid adjusted) pedestrian volumes (**Figures 9 and 13**) by 2.0 percent (1/2 percent per year per *CEQR TM* guidelines, **Table 16-4**). There are no developments, planned in the Study Area till the build year of 2025.

Figures 10 and 14 in **Transportation Backup** show the 2025 no-build pedestrian volumes for Weekday Midday, PM, and Saturday Midday Peak Hours, respectively.

Levels Of Service (LOS)

2025 No-Build Pedestrian Volumes PM Peak Hour

A summary of the 2025 no-build conditions pedestrian analysis results with details on average pedestrian space (sf/ped), level-of-service (LOS), and LOS adjusted for platoon are presented in **Tables 8.** The LOS analysis indicates all pedestrian elements would operate at LOS B (with platoon) for the PM analysis peak hour.

Saturday Midday Peak Hour

A summary of the 2025 no-build conditions pedestrian analysis results with details on average pedestrian space (sf/ped), level-of-service (LOS), and LOS adjusted for platoon are presented in **Tables 9**. The LOS analysis indicates all pedestrian elements would operate at LOS B (with platoon) for the Saturday Midday analysis peak hour.

2025 No Build Weekday PM Peak:

Table 8 2025 No Build Pedestrian Levels of Service – Sidewalks

Sidewalk	Effective Width (ft)	Weekday PM Peak Hour		
		Volume (ped/hr)	Average Pedestrian Space (sf/ped)	Platoon ADJ LOS
Village Rd S between McDonald Ave and Van Sicklen St (north sidewalk)	2	137	186.9	B

*LOS analysis is not available for corners or crosswalks at un-signalized intersections.

2025 No Build Saturday MD Peak:

Table 9 2025 No Build Pedestrian Levels of Service – Sidewalks

Sidewalk	Effective Width (ft)	Saturday MD Peak Hour		
		Volume (ped/hr)	Average Pedestrian Space (sf/ped)	Platoon ADJ LOS
Village Rd S between McDonald Ave and Van Sicklen St (north sidewalk)	2	126	205.5	B
McDonald Ave between Village Rd S and Gravesend Neck Rd (west sidewalk south segment)	8	217	493.6	B

*LOS analysis is not available for corners or crosswalks at un-signalized intersections.

2025 Build Conditions

The 2025 build pedestrian volumes (**Figures 11 and 15**) are constructed by adding the project generated pedestrian volumes (**Figures 5 and 6**) to no-build pedestrian volumes (**Figures 10 and 14**).

Figures 11 and 15 in **Transportation Backup** show the 2025 build pedestrian volumes for Weekday PM, and Saturday Midday Peak Hours, respectively.

The 5 feet widening of the north sidewalk of Village Road South and the west sidewalk of McDonald Avenue in front of the Proposed Actions under the 2025 Build condition are included and shown in **Tables 10 and 11.**

Levels Of Service (LOS)

2025 Build Pedestrian Volumes PM Peak Hour

A summary of the 2025 build conditions pedestrian analysis results with details on average pedestrian space (sf/ped), level-of-service (LOS), and LOS adjusted for platoon are presented in **Tables 10.** The LOS analysis indicates all pedestrian elements would operate at LOS B (with platoon) for the PM analysis peak hour.

Saturday Midday Peak Hour

A summary of the 2025 build conditions pedestrian analysis results with details on average pedestrian space (sf/ped), level-of-service (LOS), and LOS adjusted for platoon are presented in **Tables 11**. The LOS analysis indicates all pedestrian elements would operate at LOS B (with platoon) for the Saturday Midday analysis peak hour.

2025 Build Weekday PM Peak:

Table 10 2025 Build Pedestrian Levels of Service – Sidewalks

Sidewalk	Effective Width (ft)	Weekday PM Peak Hour		
		Volume (ped/hr)	Average Pedestrian Space (sf/ped)	Platoon ADJ LOS
Village Rd S between McDonald Ave and Van Sicklen St (north sidewalk)	10	360	355.9	B

*LOS analysis is not available for corners or crosswalks at un-signalized intersections.

2025 Build Saturday MD Peak:

Table 11 2025 Build Pedestrian Levels of Service – Sidewalks

Sidewalk	Effective Width (ft)	Saturday MD Peak Hour		
		Volume (ped/hr)	Average Pedestrian Space (sf/ped)	Platoon ADJ LOS
Village Rd S between McDonald Ave and Van Sicklen St (north sidewalk)	10	385	336.5	B
McDonald Ave between Village Rd S and Gravesend Neck Rd (west sidewalk south segment)	8	431	248.4	B

*LOS analysis is not available for corners or crosswalks at un-signalized intersections.

Overall, all the Study Area's pedestrian elements would operate at LOS B for the Weekday PM and Saturday Midday analysis peak hour periods.

Conclusion

In accordance with the threshold guidelines as detailed in the *2021 CEQR Technical Manual,* the Proposed Actions would not result in significant adverse impacts related to transportation. Specifically, the Proposed Actions would not have a significant effect on the neighborhood traffic, parking, transit, and pedestrian movements.

9. Air Quality

Ambient air quality, defined as pollutant levels in the surrounding environment to which the public has access, 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. The pollutants of concern include six criteria pollutants—known as "criteria" pollutants, and air toxics or toxic air pollutants known as noncriteria pollutants, which include hazardous air pollutants (HAPs) and many other pollutants. Under the City Environmental Review (CEQR), an air quality assessment determines a proposed project's effects on ambient air quality and the quality of the ambient air at the project. This analysis was conducted in accordance with the *2021 CEQR Technical Manual* methodology.

With the approval of the Proposed Actions, the Reasonable Worst Case Development Scenario (RWCDS) projects the development of a mixed-use building on Projected Development Site 1 (Block 7146, Lot 50). The "Projected Development" is a 112,386 gross square foot (gsf), of which 76,166 gsf are residential floor area, 18,110 gsf are commercial floor area, and 18,110 are accessory parking space. While the RWCDS would facilitate a 95-foot-tall building, the proposed eight-story plus cellar building would have a total height of 85 feet. The Projected Development would also contain 120 accessory parking spaces in an attended underground garage accessible via an existing curb cut on Village Road South and then by a car elevator.

Air Quality Standards, Regulations, and Benchmarks

Criteria Pollutants

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

Determination of significant impact related to criteria pollutants accounts for pollutants concentrations in the ambient air, including background concentrations. The New York State Department of Environmental Conservation (NYSDEC) measures air pollutant concentrations at more than 50 sites across the state. The primary NAAQS and

background concentrations of the pollutants that a detailed analysis was required for, from the nearest federally-mandated monitoring station(s), are presented in **Table 9-1.**

Table 9-1: NAAQS and Background Concentration

Pollutant	Averaging Period	National and State Standards	Background Concentration (1)	Monitoring Station
PM_{10}	24-Hour	150 µg/m^3	43 µg/m^3	Division Street
$PM_{2.5}$	24-Hour	35 µg/m^3	19.7 µg/m^3	Division Street
	Annual	12 µg/m^3	9.0 µg/m^3	
CO	8-Hour	8 ppm	1.10 ppm	Queens College

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

In addition to the NAAQS, the *CEQR Technical Manual* requires that projects subject to CEQR apply particulate with aerodynamic diameter of less than or equal to 2.5 microns ($PM_{2.5}$) and carbon monoxide (CO) significant impact criteria (based on concentration increments). The *CEQR Technical Manual de minimis* criteria set allowable incremental increases in CO and $PM_{2.5}$ concentrations that would result as a consequence of a proposed project. The *de minimis* for CO is:

- 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 the 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 µg/m^3 at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources; or for mobile sources, at a distance from a roadway corridor similar to the minimum distance defined for locating neighborhood scale monitoring stations).

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

Accordingly, 24-hour $PM_{2.5}$ *de minimis* is a concentration increment of 7.65 $\mu g/m^3$, and annual $PM_{2.5}$ concentration increments of 0.3 $\mu g/m^3$ for stationary source and 0.1 $\mu g/m^3$ for mobile source on a neighborhood scale. Eight-hour CO *de minimis* concentration increment is 3.95 parts per million (ppm).

Non-Criteria Pollutants

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

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

Mobile Source

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). Certain types of projects may require further analysis, including microscale analyses.

Based on the projected traffic volumes (see Chapter "Transportation"), the maximum projected hourly incremental traffic volumes generated by the Proposed Actions would be 18, 27, 40, and 54 vehicle trips during the AM, midday, PM, and Saturday midday peak hours, respectively. Therefore, the projected traffic volumes would not exceed the carbon monoxide (CO) screening threshold defined in the 2021 *CEQR Technical Manual* (170 peak-hour vehicle trips at an intersection in the study area). Considering the low levels of project-generated traffic during the AM, midday, and PM peak-hour periods, particulate matter (PM) emissions would not exceed the *de minimis* threshold referenced in the *CEQR Technical Manual*. A heavy-duty diesel vehicles (HDDVs) screen for the Saturday midday project increment traffic was conducted. Using the New York City Department of Environmental Protection's ("DEP's") Equivalent Truck Calculation Matrix, the $PM_{2.5}$ vehicular emission screening threshold ranges from 12 to 23 HDDVs depending on the type of roadway. All autos were assumed to be LDGT1 class vehicles

for analysis purposes, based on guidance from the New York City Department of City Planning (DCP) for similar projects under CEQR. To account for both roadways in an intersection (HDDV screening assessment is applicable to a single roadway), based on DCP methodology, the ratios of the equivalent truck calculation to the HDDV threshold for each roadway were added. If the aggregate ratio at an intersection (for each peak-hour period) is less than 1, the intersection passes the HDDV screen. **Table 9-2** shows the Saturday midday peak hour project increment volume at the most affected intersections and the *CEQR Technical Manual* Equivalent Truck Calculation Matrix results.

Table 9-2: Proposed Actions Saturday midday peak traffic demand and HDDVs Truck Calculation Matrix

Peak Hour	Auto Per Hour	Truck Per Hour	E-Truck	Auto Per Hour	Truck Per Hour	E-Truck	Combined E-Truck Ratio
	Intersection of Village Road South & McDonald Avenue						
	Village Road South			**McDonald Avenue**			
Midday	28	0	13.50	7	0	0.31	1.10
	Intersection of Village Road South & Lake Street						
	Village Road South			**Lake Street**			
Midday	26	0	12.53	4	0	1.93	1.16

Note:
1. Village Road South and Lake Street are local types of roadways (12 HDDVs), and McDonald Avenue is an arterial roadway (23 HDDVs).

Table 9-2 shows that the HDDV equivalent truck to HDDV threshold aggregate ratio is greater than 1 at both intersections. Therefore, the intersections fail the HDDV screen, and a detailed microscale analysis is required.

In addition, the Proposed Actions would not result in operable windows or air intakes within 200 feet of an atypical roadway, nor would it create a covered roadway or be affected by a covered roadway. The project would not create a new sensitive receptor adjacent to existing large parking facilities. The project would not significantly increase the vehicle miles traveled in a large area. Therefore, no further assessment of these criteria is warranted.

The Projected Development would provide an on-site accessory parking garage with a total of 120 spaces. Therefore, a parking garage detailed analysis is required.

Project-Generated Traffic Detailed Analysis

Village Road South and Lake Street intersection was selected for the detailed analysis based on the HDDV screen or its equivalent in $PM_{2.5}$ emission (see Table 9-2). A Tier I approach for the Saturday midday peak-hour period was applied in the analysis. The traffic count at Village Road North, obtained from the New York State Department of

Transportation (NYSDOT) station 025119, was used to derive the existing roadway traffic count. Existing vehicle classification was derived from the fieldwork data. Annual background growth rates obtained from the *CEQR Technical Manual* were used to project the No-Actions traffic. The project increment was added to the No-Actions traffic to project the With-Actions traffic. As a conservative measure, project increment incoming/outgoing vehicles on Village Road were assumed to overlap (Village Road South is a one-way roadway).

Vehicular emissions were compiled with the EPA Mobile Vehicle Emission Simulator (MOVES)[1] version 2014b.[2] The MOVES model is discussed in this Chapter's Parking Garage Detailed Analysis section. Fugitive dust emission was added to the MOVES output to predict the short-term $PM_{2.5}$ emission factors (annual fugitive dust emissions are negligible, based on similar types of analyses in the city). A 0.4 g/m^2 silt loading factor was obtained from the *CEQR Technical Manual*, and fugitive dust emissions were calculated using the procedure in the EPA's AP-42 manual.[3] In addition, a conservative assumption of "dry" road conditions was used for the short-term calculation (precipitation reduced silt loading).

Dispersion analysis was conducted with the EPA's CAL3QHCR[4] dispersion model version 13196. $PM_{2.5}$ concentrations were predicted with model-ready JFK Airport meteorology data obtained from the DCP for another project. The model specified settling and deposition velocities of 0 meters per second, 60-minute averaging time, and urban surface roughness of 108-centimeter (applicable to single-family residential land use). Links were modeled as free-flowing at grade links. Short-term receptors were placed in the middle of sidewalks at 1.8-meter height around the intersection and in spaced intervals. Annual receptors were placed 15 meters from the curbside at 1.8 meters height and in spaced intervals. Satellite imagery was used to spatially locate links and receptors. The satellite imagery is a map application built into Lakes Environmental, Inc. CALRoad application, a commercial version of CAL3QHC/R.

$PM_{2.5}$ increment concentrations were evaluated with the City's *de minimis*. **Table 9-3** shows the dispersion analysis results.

[1] EPA MOVES Model, Version MOVES2014a. Users Guide, EPA-420-B-15-095. November 2015
[2] MOVES2014b was the most current model at the time of the analysis
[3] EPA. *Compilation of Air Pollutant Emission Factors AP-42 Fifth Edition, Vol. 1: Paved Roads Chapter 13*: *Miscellaneous Sources* https://www3.epa.gov/ttn/chief/ap42. January 2011.
[4] EPA, User's Guide to CAL3QHCR. Addendum to the User's Guide to CAL3QHC Version 2.0. Office of Air Quality Planning, and Standards. Research Triangle Park, NC. epa.gov/ttn/scram/userg/regmod/cal3qhcrug.pdf

Table 9-3: Project-Generated With-Actions Traffic Dispersion Analysis Results

Pollutant and Averaging Time	Increment (Modeled) Concentration	Threshold Concentration	Threshold Standard
$PM_{2.5}$ 24-hour	1.33 µg/m^3	7.65 µg/m^3	*de minimis*
PM2.5 Annual Increment	0.006 µg/m^3	0.1 µg/m^3	*de minimis*

As seen in **Table 9-3**, the Proposed Actions $PM_{2.5}$ increment concentrations do not exceed the *de minimis* 24-hour or annual averaging times. Therefore, no significant adverse air quality impacts are expected at intersections affected by the Proposed Actions.

Parking Garage Detailed Analysis

Detailed dispersion analysis was conducted for the Projected Development 120 spaces parking garage, based on the parking accumulation (ingress and egress), provided by the transportation analysis for this project. The parking accumulation included the weekday and weekend traffic, which was used to calculate the maximum 24-hour and annual average traffic. The 1-hour traffic was based on the maximum number of cars exiting the parking facility. The parking garage would be located on the cellar level, accessed via a car elevator to be placed on the southwest corner of the Projected Development. Incoming/outgoing vehicles were assumed to travel half the width and two-third the length of the garage and cars were assumed to idle for 1-minute prior to traveling out of the parking facility, based on the *CEQR Technical Manual*. An additional 1-minute idle time per elevator ride was assumed.

The EPA's Mobile Vehicle Emission Simulator (MOVES) version 3 emission factor algorithm was used to calculate CO and $PM_{2.5}$ emissions. MOVES can be used to calculate emission rates of criteria air pollutants, greenhouse gas emissions, and some hazardous air pollutants for both on-road motor vehicles and non-road equipment. MOVES models calculate emissions at the national, county, or project level by using databases and by specifying the characteristics (Run Specification) of the modeled scenario. For project-level analyses, MOVES require site-specific input data of traffic volume and speed, vehicle types, fuel parameters, age distribution, and meteorology conditions. The county database for the MOVES model was obtained from the NYSDEC. The MOVES model accounted for seasonal variation.

On-street traffic emission was accounted for in the analysis. Existing traffic on Village Road South was based on traffic count at Village Road North data obtained from the New York State Department of Transportation (NYSDOT) for station 025119. Existing vehicle classification was derived from the fieldwork data (see Noise Chapter). Traffic annual background growth rates, obtained from the *CEQR Technical Manual,* were used to project the No-Action traffic. The peak-hour maximum project-increment (Saturday midday peak-hour period) was added to the No-Action traffic to project the With-Action traffic.

On-street fugitive dust emission was added to the MOVES output to predict the short-term $PM_{2.5}$ emission factors (annual fugitive dust emissions are negligible, based on similar types of analyses in the city under CEQR). Fugitive dust emission was calculated using the procedure in the EPA's AP-42 manual,[5] where an input silt loading factor of 0.4 g/m^2 for local roads, based on the *CEQR Technical Manual*, was applied. In addition, a conservative assumption of "dry" road conditions was used for the short-term calculation (precipitation reduces silt loading).

Dispersion analysis of the on-street traffic emissions was conducted using the EPA's CAL3QHCR dispersion model version 13196. One-hour CO concentration was predicted with the emulate CAL3QHC meteorology data, specifying 10-deg incremental wind vector direction, 1-meter per second wind speed, natural stability, 285.5 Kelvin, and 1,000-meter mixing height. A persistence factor of 1.0 was used to evaluate the 8-hour CO concentration. $PM_{2.5}$ concentrations were predicted with 5 years of meteorology data sets obtained from the New York City Department of City Planning (DCP) for another project. All models specified settling and deposition velocities of 0-meter per second, 60-minute averaging time, and urban surface roughness of 108-centimeter. Receptors were placed in the middle of the sidewalks on both sides of Village Road South.

The worksheet referenced in the *CEQR Technical Manual* was used to predict the parking garage vent 1-hour CO and $PM_{2.5}$ concentration contributions. Parameters applied in the worksheet calculation were obtained from the *CEQR Technical Manual* and its *Appendices*. A persistence factor of 1.0 was used to evaluate the 8-hour CO concentration. Persistence factors of 0.6 and 0.1 were used to evaluate the 24-hour and annual $PM_{2.5}$ concentration from the 1-hour concentration. Pollutant concentrations associated with on-street traffic were added to evaluate the cumulative concentrations across the street from the Projected Development. **Table 9-4** shows the parking garage dispersion analysis results.

Table 9-4: Parking facility dispersion analysis results

Pollutant	**Concentration**			***de minimis***	Concentration Unit
	Adjacent	**Across the Street (1)**	**Window Above**		
8-Hour CO	0.29	0.21	0.25	3.95	ppm
24-Hour $PM_{2.5}$	0.26	0.98	0.22	7.65	$\mu g/m^3$
Annual $PM_{2.5}$ (2)	0.04	0.05	0.03	0.3	$\mu g/m^3$

Note:
1. Concentration increments include on-street traffic emissions.
2. Annual $PM_{2.5}$ increment concentration was based on the With-Action traffic only.

As seen in **Table 9-4,** the 8-hour CO and $PM_{2.5}$ concentrations do not exceed the *de minims*. Therefore, no impact was predicted from emissions associated with the Proposed Actions parking facility.

[5] EPA. *Compilation of Air Pollutant Emission Factors AP-42 Fifth Edition, Vol. 1: Paved Roads Chapter 13*: *Miscellaneous Sources* https://www3.epa.gov/ttn/chief/ap42. January 2011.

Stationary Source

According to the *CEQR Technical Manual* guidelines, air quality analyses of stationary sources may be warranted if a project would (i) create new stationary sources of pollutants – such as emission stacks of industrial plants, hospitals, other large institutional uses, or even a building's boilers – that may affect surrounding uses; (ii) introduce certain new uses near existing or planned emissions stacks that may affect the use, or (iii) introduce structures near such stacks so that changes in the dispersion of emissions from the stacks may affect surrounding uses.

The Projected Development heating/hot water, ventilation, and air conditioning (HVAC) systems could be fueled by fossil fuel, and therefore, have the potential to significantly impact nearby sensitive land uses.

The Projected Development Site 1 is located within 400 feet of manufacturing processing facilities, which may result in a potentially significant adverse impact at the Proposed Development.

Heating and Hot Water Systems – Screening Analysis

The HVAC system analysis considers the potential for emissions from the HVAC system(s) of a proposed action(s) to result in development that significantly impacts other land uses in the area. Based on the *CEQR Technical Manual*, a preliminary screening assessment 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 a development size below which the action would not have a significant impact.

The *CEQR Technical Manual* Figure 17-3 nomograph was used for the screening assessment. The nomograph depicts the size of the development versus the distance below which the potential impact can occur and provides a conservative estimate of the threshold distance. A detailed analysis is required if the screening assessment failed. Based on the methodology above, the Projected Development was analyzed as an 85-foot-tall building (the proposed building height) containing 94,276 gsf (the RWCDS excluding the parking garage gsf). A distance of 400 feet was applied as no other building similar or greater in height is located within 400 feet of the Projected Development Site 1. **Figure 9-1** shows the existing building footprints and roof heights map, compiled from the NYC Building Footprint database.[6]

[6] City of New York, nyc-geo-metadata (May 03, 2016). data.cityofnewyork.us/Housing-Development/Building-Footprints/nqwf-w8eh

Figure 9-1: Existing Buildings Footprint and Height

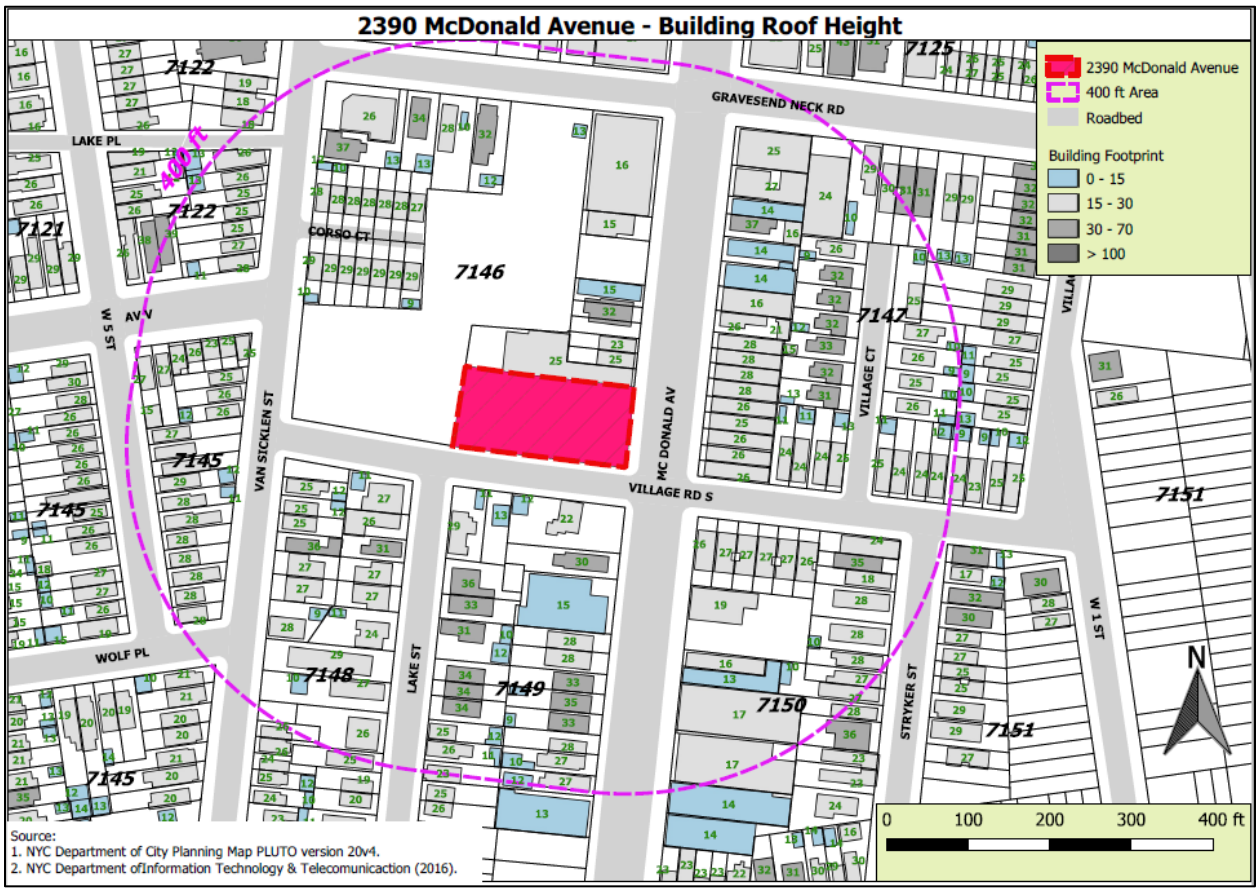
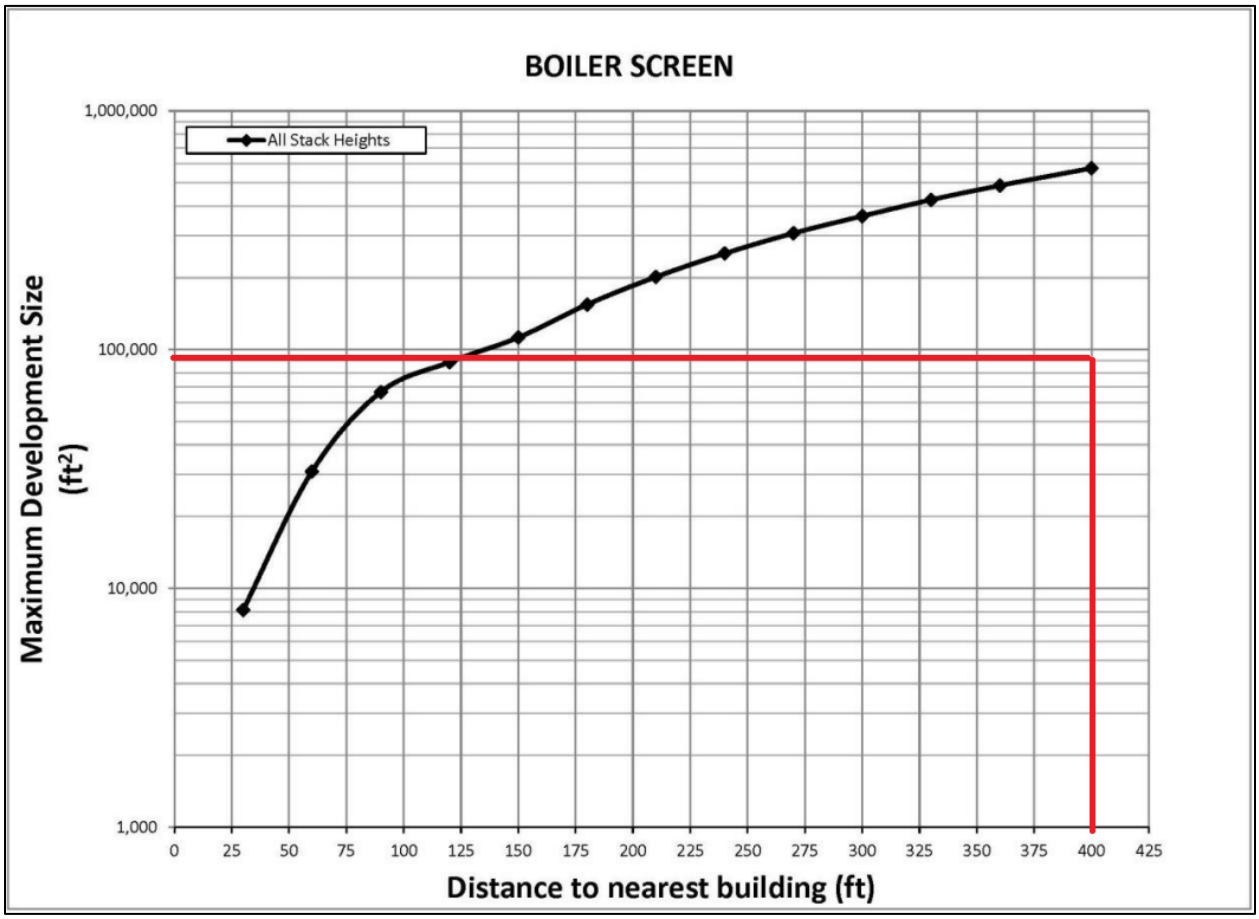


Figure 9-2 (using Figure 17-3 of the *CEQR Technical Manual)* shows the Projected Development HVAC screening nomograph.

Figure 9-2: Projected Development HVAC Screen



As seen in **Figure 9-2** (using Figure 17-3 of the *CEQR Technical Manual*), the line corresponding to the Projected Development gsf is below the curve for fossil fuel fired HVAC system. Therefore, the Proposed Actions passes the screening analysis on existing land uses. The HVAC environmental requirement placed on the property is specified in the (E) Designation E-747.

Existing Stationary Sources

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. 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.[7] The nearest major source is the NYC-TA Cony Island Yard Title V facility, which is located 1,450 feet south 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.

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. The analysis first determines if there are any existing manufacturing uses within the 400-foot study area containing exhaust stacks, vents, or other emission sources that may have the potential to adversely affect the uses introduced by the project. If warranted, an air dispersion analysis is then conducted for any existing industrial source(s) located in the study area.

Existing manufacturing uses with exhaust stacks, vents, or other emission sources that may have the potential to adversely affect the uses introduced by the project were identified by reviewing the DEP online Clean Air Tracking System (CATS) database, the NYSDEC online database (DECinfo Locator[8]), and through a fieldwork study. The field observation took place on July 2020.

The study area is characterized by a mixture of uses, including low density residential uses, low-to-medium density commercial uses, particularly along McDonald Avenue, institutional uses including churches and a public school, and the Gravesend Cemetery, a large area of open space which occupies the central part of Block 7146. The search of the DEP CATS database identified three commercial, industrial or processing facilities with DEP operational permits. An additional industrial emission source was identified in the fieldwork observation. The results of the land uses survey are presented here:

- EVC Auto Body: The facility is located at 2376 McDonald Avenue (Block 7146, Lot 49). Permit PB501203 was issued for an auto body spray booth that expires on 12/20/2022. The EVC Autobody also has an Air Facility Registration Certificate (Registration ID: 2-6107-00595/00001) with the NYSDEC, with no expiration date. A Freedom of Information Law (FOIL) request for permit PB501203 was filed with the DEP.

- Aces Auto Body: Permit PB005609, registered to Alex's Auto Body, located at 62 Gravesend Neck Road (Block 7147, Lot 22), was issued for an auto body spray booth. This permit expired on 1/22/2016. The building is currently occupied by Aces Auto Body. Aces Auto Body has a NYSDEC Air Facility Registration Certificate (Registration ID 2-6107-00706/00001) and this registration expires on 7/30/2025. Per

[7] NYSDEC, Access to DEC Air Permits. https://www.dec.ny.gov/chemical/32249.html, January and May, 2019; DECInfo Locator, https://gisservices.dec.ny.gov/gis/dil/, July, 2019.
[8] New York State Department of Environmental Conservation (2021). DECinfo Locator. <https://gisservices.dec.ny.gov/gis/dil/> (July 7, 2021).

certificate 2-6107-00706/00001, the facility is required to use a spray booth equipped with a $PM_{2.5}$ control measure with at least 98 percent filter efficiency, based on the certificate list of regulations in application. A FOIL request for permit PB005609 was filed with the DEP.

- Ridge Transport Systems, Inc.: The facility is located at 2371 McDonald Avenue (Block 7147, Lot 106). Permit PB500603 was issued to this business for an auto body spray booth. This permit expired on 1/16/2004. Ridge Transport Systems, Inc. is no longer in business. According to information in the New York State Department of State Business Entity Database, Ridge Transport Systems, Inc. is inactive (Dissolution by Proclamation/Annulment of Authority 10/26/16). There is also a business entity called Ridge Transport Systems, Inc. #2 identified in the database. This business is also inactive (Dissolution by Proclamation/Annulment of Authority 12/29/99). The building at 2371 McDonald Avenue contains a small warehouse area on the first floor, and office space on the second floor. At the time of the field survey there were not any business names or other identifying signs on the building that would indicate the occupant. However, no auto body repair or painting operations were observed, and no stacks, odors or emissions were noted at 2371 McDonald Avenue. Therefore, this permit is screened out and no analysis is required.

- 2347 McDonald Avenue: The building at 2347 McDonald Avenue (Block 7147, Lot 17) was identified as being occupied by an auto body repair shop with spray painting operations (the 4 Wheels NYC per google map). No DEP processing permit(s) was found for this location in the CATS database search. No NYSDEC Air Facility Registration Certificate(s) were found for this business in the NYSDEC databases. However, the facility was identified as an auto body repair facility in the fieldwork observation / site investigation. Therefore, the facility was included in the stationary source detailed analysis.

No other existing industrial sources were identified in the 400 feet study area during the field survey.

Industrial Source Detailed Analysis

Aces Auto Body: Per the DEP permit application PB005609, the auto body facility is active up to 6 hours per day and 250 days per year. Solids (New York Identification Number NY079-00-0), which is particulate matter, and solvents (NY Identification Number NY998-00-0), which are volatile organic compounds (VOC), are emitted into the outside air. The spray booth is equipped with a particulate matter (PM) filter with 80 percent control measure efficiency. The permit did not include the spray booth stack's height above the roof and its diameter. Based on satellite imagery, the stack is located close to the southern edge of the facility. **Table 9-5** shows the Aces Auto Body facility particulate and VOC emissions, as well as the facility's hour per day activity.

EVC Autobody: Per the DEP permit application PB501203, the auto body facility is active up to 6 hours per day and 250 days per year. Solids (New York Identification Number NY079-00-0) and solvents (NY Identification Number NY998-00-0) are emitted into the outside air. The spray booth is equipped with a PM filter with 90 percent control measure efficiency. The spray booth stack's location and parameters were included in the DEP permit. The stack is located at the back of the facility and approximately 30 feet from the Projected Development Site 1. The EVC Autobody facility was visited on September 14, 2023. According to the EVC Autobody's proprietor, a maximum of 22 ounces of coating compound is sprayed in an hour when spraying a double coat, and the weekly consumption rate is approximately 0.75 gallons. The Emission Worksheet in the DEP Permit PB501203 was used to prorate the emission to the actual coating compound consumption rate, based on guidance from the DCP. **Table 9-5** shows the EVC Autobody facility particulate and VOC emissions, as well as the facility's hour per day activity.

2347 McDonald Avenue (Auto Body Facility): The facility does not have an air state facility registration certificate with the NYSDEC. As such, the facility is permitted to paint small areas (nine square feet or less) and use no more than 55 gallons of coatings and cleaning solvents on an annual basis. This exemption also requires that the painting area be vented through a particulate filter. However, the analysis assumed no use of particulate filter. Particulate and VOC short-term emissions were based on a coating compound consumption rate of 0.125 gallons per hour during 4 hour per day activity, based on DCP guidance for analyses of similar type of facilities. Annual emission rates were based on a maximum of 55 gallon per year consumption rate. **Table 9-5** shows the auto Body facility particulate and VOC emissions, as well as the facility's hour per day activity.

Table 9-5: Autobody repair facilities particulate and VOC emissions

Facility	Particulate		VOC		Activity (hr/day)
	(lb/hr)	(lb/yr)	(lb/hr)	(lb/yr)	
Aces Auto Body	0.065	97.6	3.1	4.650	6
EVC Autobody	0.011	2.54	1.07	241.8	6
2347 McDonald Avenue	0.081	35.8	0.775	341	4

Particulate emissions shown in **Table 9-5** include PM, PM_{10} and $PM_{2.5}$ combined. Particle size distribution (PM_{10} and $PM_{2.5}$) associated with the spray-painting processing emission specified in the EPA *AP-42 Manual Appendix B.1-12, Automobile and Light-Duty Truck Surface Coating Operations: Automobile Spray Booths (Water-Base Enamel)* was used to derive the facilities' PM_{10} and $PM_{2.5}$ emissions. The facilities' hour per day activities were used to calculate the 24-hour average emission. **Table 9-6** shows the autobody repair facilities short-term and annual particulate emissions.

Table 9-6: Autobody repair facilities $PM_{2.5}$ and PM_{10} emissions

Facility	$PM_{2.5}$		PM_{10}
	(lb/day)	(lb/yr)	(lb/day)
Aces Auto Body	0.112	27.9	0.182
EVC Autobody	0.019	0.7	0.031
2347 McDonald Avenue	0.093	10.2	0.151

The chemicals that make up the VOCs group by percent weight listed in the DEP permit PW001217 was used to derive the autobody repair facilities representative, as-applied, coating compound VOC composition. DEP permit PW001217 is registered to the Alex's Auto Body facility located at 2250 McDonald Avenue (Block 7103, Lot 32) in Brooklyn, as well as two other buildings located at 2256 McDonald Avenue (Block 7103, Lot 56) and 2260 McDonald Avenue (Block 7103, Lot 36) for a total of 9,374 gsf facility. Emission associated with the DEP permit PW001217 is based on PPG paints, clear coats, reducer, and thinner (as applied coating compound) usage distribution. PPG is a major international coating compound manufacturer that many autobody facilities in New York City, based on general fieldwork observations, use their products. As such, the chemicals composition specified in the DEP permit PW001217 was deemed to be a good representative for the other autobody facilities. **Table 9-7** shows the autobody repair facilities chemicals that make up the VOC emission.

Table 9-7: Auto body repair facilities VOCs emissions

Chemical	CAS No.	Percent Weight	Aces Auto Body		EVC Autobody		2374 McDonald Avenue	
		(percent)	(lb/hr)	(lb/yr)	(lb/hr)	(lb/yr)	(lb/hr)	(lb/yr)
Isopropyl Alcohol	67-63-0	1.4%	0.04	66.6	0.015	3.5	0.011	4.9
Acetone	67-64-1	16.9%	0.53	787.9	0.181	41.0	0.131	57.8
Butanone	78-93-3	6.2%	0.19	288.5	0.066	15.0	0.048	21.2
Benyzl Butyl Phthalate	85-68-7	0.7%	0.02	33.3	0.008	1.7	0.006	2.4
Ethylbezene	100-41-4	0.7%	0.02	33.3	0.008	1.7	0.006	2.4
4-Methylpentan	108-10-1	0.5%	0.01	22.2	0.005	1.2	0.004	1.6
2-Methoxy-1-Methylethyl Acetate	108-65-6	3.6%	0.11	166.5	0.038	8.7	0.028	12.2
Methylcyclohexane	108-87-2	2.1%	0.07	99.9	0.023	5.2	0.017	7.3
Toluene	108-88-3	12.6%	0.39	588.2	0.135	30.6	0.098	43.1
Isopropyl Acetate	110-19-0	2.6%	0.08	122.1	0.028	6.3	0.020	9.0
Heptan-2-one	110-43-0	0.2%	0.01	11.1	0.003	0.6	0.002	0.8
N-Butyl Acetate	123-86-4	36.3%	1.12	1686.9	0.387	87.7	0.281	123.7
Heptane	142-82-5	6.2%	0.19	288.5	0.066	15.0	0.048	21.2
Ethyl 3-Ethoxypropionate	763-69-9	1.2%	0.04	55.5	0.013	2.9	0.009	4.1
Xylenes	1330-20-7	3.6%	0.11	166.5	0.038	8.7	0.028	12.2
Ligroine	8032-32-4	3.6%	0.11	166.5	0.038	8.7	0.028	12.2
2-(2H-Benzotriazol-2-yl)-4,6-Ditertpentylphenol	25973-55-1	0.5%	0.01	22.2	0.005	1.2	0.004	1.6
Solvent Naphtha	64742-89-8	1.0%	0.03	44.4	0.010	2.3	0.007	3.3

AERMOD was used to predict the pollutants concentrations, where Lakes Environmental MPI executable was used in the analysis. The MPI executable takes advantage of computers with multiple processors, reducing run-time significantly. Lakes Environmental has adjusted the EPA AERMOD source code and recompiled the model to parallelize the processing of receptors. The latest MPI executable (used in the analysis) modified the EPA's AERMOD executable version 22112. AERMOD incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. The model was run with the regulatory default option and for both with and without downwash effects options, where the Building Profile Input Program (BPIP) was run with the downwash effect enabled. All analyses were conducted using five consecutive years of meteorological data (2017-2021), obtained from the NYSDEC. Surface data used in the analysis is from John F. Kennedy Airport, upper air data is from Brookhaven station, New York. The meteorological data provided hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Population in Brooklyn, obtained from the U.S. Census Bureau (July 2019),

was specified to account for the effects of increased surface heating from an urban area on pollutant dispersion under stable atmospheric conditions.

EVC Autobody spray booth stack's location and parameters, specified in the DEP permit PB501203, were applied in the model. The Aces Auto Body stack temperature and flow rate were obtained from the DEP permit application PB005609; the stack diameter was estimated based on satellite imagery and stack diameters of other auto body facilities. The Projected Development was modeled based on 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 Projected Development were placed on all wall façade from 6 foot above grade to the roof-top height in spaced intervals, and 6 feet above elevated outdoor recreation areas. The USGS National Elevation Dataset (NED) 1/3 arc-second resolution (GeoTIFF dataset), the terrain data set recommended by the US EPA for use in the United States for regulatory purposes, was used to process building base elevations. The base elevations of receptors and stacks were set to their building base elevations. Roof heights of buildings in the area were obtained from the NYC Building Footprint database.[6]

Criteria pollutant concentrations were modeled with the actual emission rates. Noncriteria pollutant concentrations were modeled with generic emission rates of 1 gram per second and 1st highest output concentrations. The model was run twice; with building wake effect enabled/disabled. The predicted concentrations are the highest concentrations of these scenarios. The criteria pollutants cumulative results are presented in **Table 9-8**.

Table 9-8: Criteria pollutants cumulative dispersion analysis results

Criteria Pollutant	Increment (Modeled) Concentration ($\mu g/m^3$)	Background Concentration ($\mu g/m^3$)	Evaluated Concentration ($\mu g/m^3$)	NAAQS ($\mu g/m^3$)
$PM_{2.5}$ 24-Hour	0.29	19.7	20.0	35
$PM_{2.5}$ Annual	0.01	9.0	9.01	12
PM_{10} 24-Hour	0.94	43	44	150

As seen in **Table 9-8**, the criteria pollutant concentrations are within the NAAQS. **Table 9-9** shows the VOC cumulative air dispersion analysis results.

Table 9-9: Noncriteria pollutants cumulative dispersion analysis result

Contaminant	CAS No.	1-Hour	SGC	Annual	AGC
		(μg/m³)	(μg/m³)	(μg/m³)	(μg/m³)
Isopropyl Alcohol	67-63-0	64.6	98000.0	0.04	7000.0
Acetone	67-64-1	764.1	180000.0	0.4	30000.0
Butanone	78-93-3	279.8	13000.0	0.2	5000.0
Benyzl Butyl Phthalate ***	85-68-7	32.3	---	0.02	0.42
Ethylbezene ***	100-41-4	32.3	---	0.02	1000.0
4-Methylpentan ***	108-10-1	21.5	31000.0	0.01	3000.0
2-Methoxy-1-Methylethyl Acetate	108-65-6	161.4	36850.0	0.09	2000.0
Methylcyclohexane	108-87-2	96.9	---	0.06	3800.0
Toluene ***	108-88-3	570.3	37000.0	0.3	5000.0
Isopropyl Acetate	110-19-0	118.4	71300.0	0.07	565.0
Heptan-2-one	110-43-0	10.8	---	0.01	550.0
N-Butyl Acetate	123-86-4	1635.7	71300.0	1.0	565.0
Heptane	142-82-5	279.8	210000.0	0.2	3900.0
Ethyl 3-Ethoxypropionate ***	763-69-9	53.8	140.0	0.03	64.0
Xylenes ***	1330-20-7	161.4	22000.0	0.09	100.0
Ligroine	8032-32-4	161.4	---	0.09	900.0
2-(2H-Benzotriazol-2-yl)-4,6-	25973-55-1	21.5	---	0.01	---
Solvent Naphtha	64742-89-8	43.0	---	0.03	3200.0

Note:
*** Indicates a HAP or AGC equivalent to one in a million excess cancer risk.

As seen in **Table 9-9**, the noncriteria pollutant concentrations are within the SGC/AGC standard. In addition, the inhalation risk for the HAPs and/or carcinogen pollutants is 0.05 (less than 1), and the Hazardous Index is 0.002 (less than 1) for the non-carcinogenic pollutants.

Conclusion

Based on the analysis completed above, no significant impact was predicted in the HVAC screening analysis with the Projected Development HVAC stack located at least 88 feet above grade. No major/large source or odor-producing facility is located within 1,000 feet of the Projected Development Site 1, and therefore, no significant impact is predicted from these types of emission sources.

The project-increment traffic associated with the Proposed Actions will not result in a significant adverse air quality impact. No significant impact was predicted in the parking garage detailed analysis. Therefore, no significant impact is predicted from mobile source of emissions.

There are manufacturing processing facilities within 400 feet of Projected Development Site 1, for which an air toxics analysis was conducted. No significant adverse air quality impact was predicted in the air toxics analysis.

Based on the results of the analysis described above, the following (E) Designation (E-747) is specified:

E-747

Block 7146, Lot 50 (Projected Development Site 1): Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, and air conditioning (HVAC) system and hot water equipment stack is located at the building's highest level and at a minimum of 88 feet above grade to avoid any potential significant adverse air quality impacts.

10. Noise

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) 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 Actions would include a zoning map amendment to rezone the Project Area from C8-1 to C4-4L, as well as a zoning text amendment to map an MIH area that is coterminous with the rezoning area. The actions would facilitate development on Projected Development Site 1 (Brooklyn Block 7146, Lot 50). The "Projected Development" is a 112,386 gross square foot (gsf) / 91,531 zoning square foot (zsf), 9-story building. The building would have a total height of 95ft and contain 84 dwelling units (76,116 gsf/ 73,948 zsf of residential floor area). The Projected Development would also contain 18,110 gsf/ 17,582 zsf of Commercial Uses (local retail) on the ground floor and 120 accessory parking spaces (18,110 gsf) in an attended underground garage.

The Proposed Actions would thus result in new development, which could potentially generate either stationary or mobile source noise, and that would include noise-sensitive residences.

McDonald Avenue is a two-way street with two moving north-south bound lanes with curbside parking. Avenue S is a two-way street two moving east-west bound lanes with curbside parking. Lake Street is a one-way street with one moving north-bound lane with curbside parking. Local intersections are controlled by traffic signals and stop signs. An elevated rail line is located above McDonald Avenue.

An assessment of the potential for adverse effects on project occupants from ambient noise is warranted. The projected development would not create a significant stationary noise generator. Additionally, project-generated traffic would not double vehicular traffic on nearby roadways, and therefore would not result in a perceptible increase in vehicular noise. Therefore, this noise assessment is limited to an assessment of ambient noise that could adversely affect occupants of the development. The predominant noise source at the Affected Area is vehicular traffic on surrounding streets and rail movements.

Noise Readings

It is not uncommon nor unprecedented for an EAS to use the data collected from another (nearby) noise analysis to make determinations on the potential for significant adverse noise impacts. This EAS uses data from the recently approved 2080 McDonald Avenue EAS (CEQR No: 18DCP104K). Noise monitoring was conducted in April and December 2021 with sampling locations approximately 1,080 feet from the Project Area. Given the proximity of 2080 McDonald Avenue to the project area and the similarity of the two locations – both are adjacent to the elevated train tracks in McDonald Avenue and exhibit a mix of land uses – the 2021 data was applied to the project area.

Equity Environmental Engineering, LLC (Equity) conducted noise monitoring on Tuesday, April 6, 2021 and Tuesday, December 9, 2021 in support of zoning map amendment. The Project Site is bound by McDonald Avenue to the east, Avenue S to the south, and Lake Street to the west. The Project Area consists of Block 6680 Lots 39, 42, and Block 7087 Lots 1, and 5 within Brooklyn Community District 11.

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 10-1: Noise Levels of Common Sources

Sound Source	SPL (dB(A))
	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: 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.

- L_{max} is the highest SPL measured during a given period of time. It is useful in evaluating L_{eq}s for time periods that have an especially wide range of noise levels.

- $L_{eq(24)}$ 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.

Noise Standards and Guidelines

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

Table 10-2: Noise Exposure Guidelines for Use in City Environmental Impact Review

Receptor Type	Time Period	Acceptable General External Exposure	Airport[3] Exposure	Marginally Acceptable General External Exposure	Airport[3] Exposure	Marginally Unacceptable General External Exposure	Airport[3] Exposure	Clearly Unacceptable General External Exposure	Airport[3] Exposure
1.Outdoor area requiring serenity and quiet[2]		$L_{10} \leq 55$ dBA	Ldn ≤ 60 dBA		60 < Ldn ≤ 65 dBA		65 < Ldn ≤ 75 dBA		75 < Ldn dBA
2. Hospital, Nursing Home		$L_{10} \leq 55$ dBA		55<L_{10}≤65 dBA		65<L_{10}≤80 dBA		L_{10}>80dBA	
3. Residence, residential hotel or motel	7 am to 10 pm	L_{10}≤65dBA		65<L_{10}≤70 dBA		70<L_{10}≤80 dBA		L_{10}>80dBA	
	10 pm to 7 am	L10≤55dBA		55<L_{10}≤70 dBA		70<L_{10}≤80 dBA		L_{10}>80dBA	
4. School, museum, library, court house of worship, transient hotel or motel, public meeting room, auditorium, out-		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM- 10 PM)		Same as Residential Day (7 AM –10 PM)	
5. Commercial or office		Same as Residential Day (7 AM-10PM)		Same as Residential Day (7 AM-10PM)		Same as Residential Day (7 AM –10 PM)		Same as Residential Day (7 AM-10PM)	
6. Industrial, public areas only[4]	Note 4	Note 4		Note 4		Note 4		Note 4	

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

Notes:

(i) In addition, any new activity shall not increase the ambient noise level by 3 dBA or more;

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

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

3 One may use the FAA-approved L_{dn} contours supplied by the Port Authority, or the noise contours may be computed from the federally approved INM Computer Model using flight data supplied by the Port Authority of New York and New Jersey.

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

Table 10-3 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. Commercial office spaces and meeting rooms 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.

[2] Required attenuation values increase by 1 dB(A) increments for L_{10} values greater than 80 dBA.

Data Source

As discussed above, This EAS uses data from the recently approved 2080 McDonald Avenue EAS (CEQR No: 18DCP104K). Noise monitoring was conducted in April and December 2021 with sampling locations approximately 1,080 feet from the Project Area. Given the proximity of 2080 McDonald Avenue to the project area and the similarity of the two locations – both are adjacent to the elevated train tracks in McDonald Avenue and exhibit a mix of land uses – the 2021 data was applied to the project area.

Because the predominant noise sources in the area of the proposed project consist of vehicular traffic and rail movements, noise monitoring was conducted during peak weekday vehicular travel periods (AM, Midday, PM) on a typical midweek day. Therefore, the noise assessment is limited to an assessment of vehicular traffic and rail movement noise. Pursuant to CEQR Technical Manual Methodology, three measurements were conducted for 1-hour periods during each of the peak periods at each monitoring location at the Project Area: Location One (1) was at the frontage of Project Site along McDonald Avenue; Location Two (2) on the roof of the existing building at a height equal to the elevated rail line; and Location Three (3) was at the frontage of the Project Site along Avenue S. The noise monitoring locations are shown in Figure 10-1 and Photo 10-1, 10-2, and 10-3 below.

Noise monitoring was conducted using a using Type 1 Casella CEL-633 sound level meter with wind screen. The monitor was placed on a tripod at a height of approximately four feet above the ground, away from any other noise-reflective surfaces (Location Two was elevated to the height of the rail line). The monitor was calibrated prior to and following each monitoring session. Periods of peak vehicular traffic around the Project Area constitute a worst-case condition for noise. Noise meter calibration certification and back up data are provided in Appendix

Photo 10-1: ***Noise Monitoring Location One (1)***
McDonald Avenue



Photo 10-2: ***Noise Monitoring Location Two (2) Rooftop***



Photo 10-3: ***Noise Monitoring Location Three (3)***
Avenue S



Figure 10-1: Noise Monitoring Location (2080 McDonald Avenue)



Measurement Conditions
Monitoring was conducted during typical midweek conditions, on Tuesday, April 6, 2021 and Tuesday, December 9, 2021. The weather was dry and wind speeds were moderate during all monitoring periods. The sound meter was calibrated before and after each monitoring session.

Existing Conditions
Based on the noise measurements, the predominant source of noise is vehicular traffic.

Table 10-4, 10-5, and 10-6 below *contains the results for the measurements taken at the Project Site:*

Table 10-4
Noise Levels (dB) at Location 1

Tuesday, April 6, 2021

Time	**7:58 am – 8:58 am**	**12:23 pm – 1:23 pm**	**4:43 pm – 5:44 pm**
L_{max}	94.2	104.2	101.5
L_{10}	**79.0**	**79.0**	**77.5**
L_{eq}	**78.2**	**77.2**	**77.6**
L_{50}	65.0	65.5	62.5
L_{90}	58.5	58.5	56.0
L_{min}	53.2	53.5	50.0

Note: **Bold** denotes L_{10} or L_{eq} noise level exceedances, according to Table 19-2 of the CEQR Technical Manual

Table 10-5
Noise Levels (dB) at Location 2

Tuesday, April 6, 202 1and Tuesday, December 9, 2021

Time	**7:51 am – 8:51 am**	**12:00 pm – 1:00 pm**	**4:30 pm – 5:30 pm**
L_{max}	93.4	106.2	90.2
L_{10}	**76.0**	**74.5**	**73.2**
L_{eq}	**75.9**	**73.36**	**72.53**
L_{50}	64.0	60.6	60.1
L_{90}	59.5	56.1	54.9

Note: **Bold** denotes L_{10} or L_{eq} noise level exceedances, according to Table 19-2 of the CEQR Technical Manual

Table 10-6 *Noise Levels (dB) at Location 3*			
Tuesday, April 6, 2021			
Time	**7:58 am – 8:58 am**	**12:26 pm – 1:26 pm**	**4:39 pm – 5:39 pm**
L_{max}	88.4	90.0	92.7
L_{10}	**71.0**	**72.0**	**70.0**
L_{eq}	69.9	68.5	68.9
L_{50}	59.0	65.0	59.0
L_{90}	55.0	57.5	53.5
L_{min}	49.6	49.9	46.0

Note: **Bold** denotes L_{10} or L_{eq} noise level exceedances, according to Table 19-2 of the CEQR Technical Manual

Stationary Source

It is assumed that the building mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the Proposed Actions would not result in any significant adverse noise impacts related to building mechanical equipment.

Determination of Impacts/Building Attenuation Requirements

The *CEQR Technical Manual* Table 19-2 contains noise exposure guidelines. For a residential use such as would occur under the proposed action, an L_{10} of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure. An L_{10} of between 70 and 80 dB(A) is identified as marginally unacceptable general external exposure. The highest recorded L_{10} at Location One (1) of the subject property was 79.0 dB(A) during the AM and MD monitoring period. The highest recorded L_{10} at Location Two (2) of the subject property was 76.0 dB(A) during the AM monitoring period. The highest recorded L_{10} at Location Three (3) of the subject property was 72.0 dB(A) during the MD monitoring period.

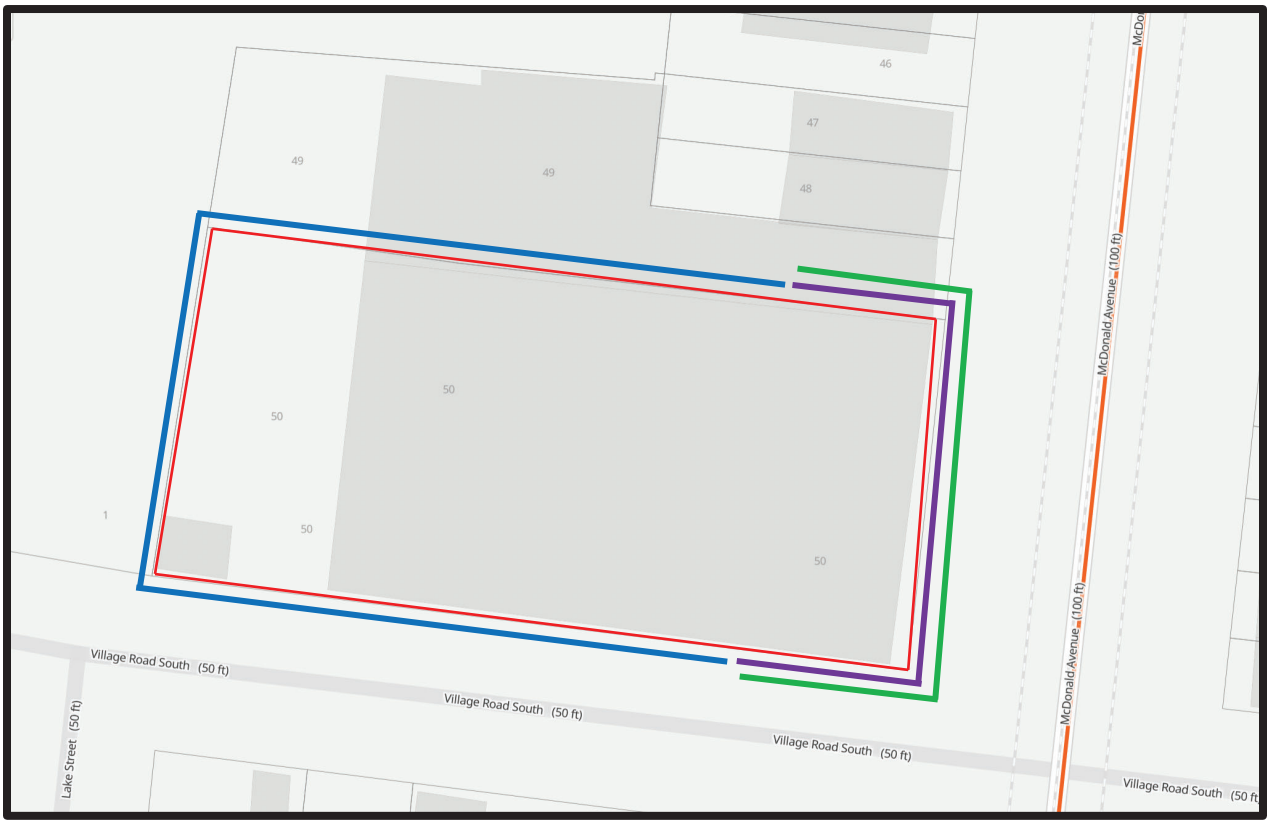
See **Figure 10-2** below for the attenuation requirements. With these levels of attenuation there would be no potential for adverse impacts related to ambient noise.

An E-Designation (E-747), will be placed on the project site assure that there is no potential for adverse impacts related to noise. The E-Designation is as follows:

Projected Development Site 1:

Projected Development Site 1 (Block 7146, Lot 50): In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on the facades facing McDonald Avenue for floors below the rail line and the facades facing Gravesend Neck Rd within 50 feet of McDonald Avenue for floors below the rail line and the facades facing Village Rd S within 50 feet of McDonald Avenue for floors below the rail line, a minimum of 31 dBA window/wall attenuation on the facades facing McDonald Avenue for floors above the rail line and the facades facing Gravesend Neck Rd within 50 feet of McDonald Avenue for floors above the rail line and the facades facing Village Rd S within 50 feet of McDonald Avenue for floors above the rail line, and a minimum of 28 dBA window/wall attenuation on all remaining facades in order to maintain an interior noise level not greater than 45 dBA for residential use or not greater than 50 dBA for commercial office use as illustrated in the EAS. In order to maintain a closed window condition, an alternate mean of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

Figure 10-2: Noise Attenuation Requirements



Legend

Projected Development Site 1

28 dB(A) Attenuation Requirement

31 dB(A) Attenuation Requirement (Above the Rail Line)

35 dB(A) Attenuation Requirement (Below the Rail Line)

Note: Window/wall attenuation requirements shown are for community facility uses only; commercial office uses would require 5 dBA less attenuation. Residential dwelling units must be provided 35 dBA window/wall attenuation per ZR 123-32." Please see Figure L-2 from 840 Atlantic Avenue Rezoning (20DCP162K) for reference.

Attachment A
Agency Correspondence

Landmarks Preservation Commission

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

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

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 21DCP090K
Project: 2390 MCDONALD AVENUE REZONING
Date Received: 11/28/2022

Properties with Architectural significance in the radius:

LPC DESIGNATED GRAVESEND CEMETERY, BOUNDED BY VILLAGE ROAD SOUTH, GRAVESEND NECK ROAD, MCDONALD AVENUE AND VAN SICKLEN AVENUE AND VAN SICKLEN HOUSE, 27 GRAVESEND NECK ROAD; S/NR LISTED OLD GRAVESEND CEMETERY, GRAVESEND NECK ROAD; S/NR ELIGIBLE PS 95, 345 VAN SICKLEN STREET AND FIRST KOREAN CHURCH, 14 GRAVESEND NECK ROAD WITHIN RADIUS.

Properties with Archaeological and No Architectural significance:
1) 2372 MCDONALD AVENUE, BBL: 3071460047, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American and 19th c
2) 2374 MCDONALD AVENUE, BBL: 3071460048, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American, Colonial and 19th c
3) 2376 MCDONALD AVENUE, BBL: 3071460049, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American, Colonial and 19th c
4) 2380 MCDONALD AVENUE, BBL: 3071460050, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American, Colonial and 19th c

Comments: The LPC is in receipt of the revised EAS indicating that the Projected development site 2 will no longer be included in the analysis framework. Regarding all locations where inground construction will occur, there is no change to previous findings: "Phase IA Archaeological Documentary Study 2390 McDonald Avenue Rezoning Brooklyn, New York 11223 Block 7146, Lots 47, 48, 49 and 50," prepared ~~by HPI, Inc and dated April 2021. The LPC concurs that the site has the poten~~tial to contain potentially significant Colonial-19th century archaeological resources--including human remains-- and, therefore, finds that an archaeological Work Plan should be submitted to the LPC for review and approval before any field testing occurs including provisions to address any human remains that may be found such as consultation with descendent communities as per the 2018 Guidelines for Archaeological Work in NYC. Please submit a hard-bound copy of the documentary report to the LPC."

Gina Santucci

12/5/2022

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35273_FSO_DNP_12052022.docx

Landmarks Preservation Commission

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ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 21DCP090K
Project: 2390 MCDONALD AVENUE REZONING
Date Received: 2/8/2023

Comments:

The LPC is in receipt of the Shadows Chapter dated 1/25/23. There are no concerns.

Gina Santucci

2/8/2023

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35273_FSO_GS_02082023.docx

Landmarks Preservation Commission

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ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 21DCP090K
Project: 2390 MCDONALD AVENUE REZONING
Date Received: 4/20/2023

Comments:

The LPC is in receipt of the revised Shadows Chapter dated 4/15/23. There are no concerns.

Gina Santucci 4/21/2023

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35273_FSO_GS_04212023.docx

Landmarks Preservation Commission

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ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 21DCP090K
Project: 2390 MCDONALD AVENUE REZONING
Date Received: 4/20/2023

Comments:

The LPC is in receipt of the EAS Historic Resources Chapter dated 4/20/23. The text pertaining to architectural and archaeological resources appears acceptable.

Gina Santucci 4/27/2023

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35273_FSO_ALS_04272023.docx

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ENVIRONMENTAL REVIEW

Final Sign-Off (Multiple Sites)

Project number: DEPARTMENT OF CITY PLANNING / 21DCP090K
Project: 2390 MCDONALD AVENUE REZONING
Date Received: 8/11/2023

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

Properties with Archaeological significance:
1) 2372 MCDONALD AVENUE, BBL: 3071460047, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American and 19th c
2) 2374 MCDONALD AVENUE, BBL: 3071460048, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American, Colonial and 19th c
3) 2376 MCDONALD AVENUE, BBL: 3071460049, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American, Colonial and 19th c
4) 2380 MCDONALD AVENUE, BBL: 3071460050, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American, Colonial and 19th c

Comments:

The LPC is in receipt of the Historic Resources Chapter and notes that the New York State "Unmarked Burial Site Protection Act," Part OO of New York State Senate Bill S04005 has done into effect and should be cited in the discussion about the potential discovery of human remains at this project site.

Gina Santucci 8/11/2023

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35273_FSO_ALS_08112023.docx

Landmarks Preservation Commission

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ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 21DCP090K
Project: 2390 MCDONALD AVENUE REZONING
Date Received: 10/19/2023

Properties with Archaeological significance:
1) 2372 MCDONALD AVENUE, BBL: 3071460047, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American and 19th c
2) 2374 MCDONALD AVENUE, BBL: 3071460048, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American, Colonial and 19th c
3) 2376 MCDONALD AVENUE, BBL: 3071460049, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American, Colonial and 19th c
4) 2380 MCDONALD AVENUE, BBL: 3071460050, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, TIME PERIOD: Native American, Colonial and 19th c

Comments: The LPC is in receipt of the revised Historic Resources Chapter and notes that the text has been amended to include the New York State "Unmarked Burial Site Protection Act," Part OO of New York State Senate Bill S04005 as per LPC's recommendations of 8/11/23. The text pertaining to archaeology is appropriate.

Gina Santucci

10/26/2023

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35273_FSO_ALS_10262023.docx

Environmental Protection

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

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November 5, 2021

Rachel Antelmi
Associate Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: 2390 McDonald Avenue
Block 7146, Lots 47, 48, 49 and 50
CEQR # 21DCP090K

Dear Ms. Antelmi:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the December 2020 Phase II Environmental Site Assessment (Phase II), and the May 2021 Remedial Action Plan (RAP) and May 2021 Construction Health and Safety Plan (CHASP) prepared by Environmental Studies Corporation, Inc. on behalf of MLT Realty, Inc., (applicant), for the above referenced project located on the corner of McDonald Avenue and Village Road South in the Gravesend neighborhood of Brooklyn Community District 15. It is our understanding that the applicant is seeking a zoning map amendment from the New York City Department of City Planning (DCP) to rezone Block 7146, Lots 47, 48, 49 and 50 from a C8-1 zoning district to a C4-4L zoning district and zoning text amendment to Appendix F of the Zoning Resolution to designate the project area as a Mandatory Inclusionary Housing Area. The proposed actions would facilitate the redevelopment of Block 7146, Lot 50 (Projected Development Site 1) with a new 10-story, 91,606 gross square feet (gsf), mixed-use building containing 73,923 gsf of residential space (78 dwelling units), 17,683 of commercial space and 310 parking spaces. In the Reasonable Worst-Case Development Scenario, it is assumed that Block 7146, Lots 47, 48 and 49 (Projected Development Site 2) which are not controlled by the applicant would be brought under single ownership and redeveloped.

Projected Development Site 1: Block 7146, Lot 50 (Site under the control or ownership of the applicant)

During the October 2020 fieldwork, six soil borings (B-1 through B-6) were advanced to approximately 16-20 feet below grade surface (bgs). Two soil samples were collected from each soil boring location. One soil sample was collected from the surface at a depth of 0-2 feet bgs and another deeper soil sample was collected at a depth of 10-12 feet bgs. Groundwater was encountered at depth of 26 feet bgs. Two temporary groundwater monitoring wells were installed (GW-1 and GW-2) and two groundwater samples were

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 (TAL) metals (total and dissolved for groundwater samples). Four soil vapor samples (SV-1 through SV-4) and one outdoor air sample (OA-1) were collected and analyzed for VOCs by EPA Method TO-15.

The soil analytical results revealed that VOCs, SVOCs, pesticides, 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 metals (copper, lead, nickel, mercury, and zinc) were detected above their NYSDEC Unrestricted Use SCOs and/or Restricted Residential Use SCOs.

The groundwater analytical results revealed that SVOCs 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. Two VOCs (tetrachloroethylene and trichloroethylene), two pesticides (chlordane and dieldrin), and several metals (chromium, lead, manganese, nickel, and sodium) 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 (1,1,1-trichloroethane, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,3-butadiene, 2-butanone, 4-methyl-2-pentanone, acetone, benzene, carbon tetrachloride, chloroform, chloromethane, cyclohexane, dichlorodifluoromethane, ethyl benzene, isopropanol, methyl methacrylate, n-heptane, n-hexane, o-xylene, p- & m- xylenes, p-ethyltoluene, propylene, styrene, tetrachloroethylene (PCE), toluene, trichloroethylene (TCE), and trichlorofluoromethane) were detected. PCE and TCE were detected above their air guideline values (September 2013 and August 2015 updates) in the New York State Department of Health's October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York.

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

It should be noted that the Phase II was conducted without DEP approval.

The May 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 in compliance with applicable local, State and Federal laws and regulations; if de-watering 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 20-mil Stego Wrap, or similar 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); installation of a passive sub-slab depressurization system (SSDS); and installation of 2 feet of imported certified clean soil in landscaped areas where not capped with asphalt or concrete. It should be noted that all proposed uses (underground accessory parking) in the below-grade level (cellar) of the building will be mechanically ventilated as per New York City Department of Buildings Codes.

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

Projected Development Site 1: Block 7146, Lot 50 (Site under the control or ownership of the applicant)

RAP

- Section 2.2 (Summary of Remedial Action) and Section 2.4 (Engineering Controls) discusses the placement of two feet of certified clean fill soil in landscaped areas. However, Appendix 5 (Soil/Materials Management Plan), Section 1.14 (Import of Clean Cover) states that import of clean cover soil will not be needed for this project. Therefore, DCP should instruct the applicant that for all areas, which will be landscaped or covered with grass (not capped), a minimum of two feet of DEP approved clean fill/top soil must be imported from an approved facility/source and graded across all landscaped/grass covered areas of the sites not capped with concrete/asphalt. The clean fill/top soil must be segregated at the source/facility, have qualified environmental personnel collect representative samples at a frequency of one (1) sample for every 250 cubic yards, analyze the samples for Target Compound List VOCs by EPA Method 8260, SVOCs by EPA Method 8270 pesticides by EPA Method 8081, PCBs by EPA Method 8082, and TAL metals by a New York State Department of Health Environmental Laboratory Approval Program certified laboratory, compared to NYSDEC 6 NYCRR Part 375 Environmental Remediation Programs. Upon completion of the clean fill/top soil investigation activities, the applicant should submit a detailed clean fill report for DEP review and approval prior to importation and placement on-site. The report should include, at a minimum, an executive summary, narrative of the field activities, laboratory data, and comparison of soil analytical results (i.e., NYSDEC 6 NYCRR Part 375 Environmental Remediation Programs).

DEP finds the May 2021 RAP and CHASP for the proposed project acceptable, as long as the aforementioned information is incorporated into the RAP. 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 local, state, and federal laws and regulations; two feet of DEP approved certified clean fill/top soil capping requirement in any landscaped/grass covered areas not capped with concrete/asphalt; installation of vapor barrier, installation of SSDS, etc.).

Projected Development Site 2: Block 7146, Lots 47, 48, and 49 (Site not under the control or ownership of the applicant)

- Based on prior on-site and/or surrounding area land uses which could result in environmental contamination, DEP concurs with the Environmental Assessment Statement recommendation that an (E) Designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject property. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. The applicant should be directed to coordinate further hazardous materials assessments through the Mayor's Office of Environmental Remediation.

Future correspondence and submittals related to this project should include the following CEQR **# 21DCP090K.** 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
M. Wimbish
R. Lucas
S. Shellooe – DCP

Attachment B

City of Yes for Housing Opportunity
Technical Memorandum Appendix

City of Yes for Housing Opportunity

Introduction

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

As discussed in the above EAS, the Applicant, MTL Realty LLC, is seeking a zoning map amendment and a zoning text amendment to rezone Brooklyn Block 7146, Lot 50 and part of Lot 49, the "Project Area," from a C8-1 district to a C4-4L district and a zoning text amendment pursuant to Appendix F to establish a Mandatory Inclusionary Housing ("MIH") Area coterminous with the area being rezoned (the "Proposed Actions"). The Proposed Actions would affect an area that consists of Brooklyn Block 7146, Lot 50 and part of Lot 49 (the "Project Area") in the Gravesend section of Brooklyn Community District 15.

As discussed in the EAS, the Applicant intends to develop an 8-Story (85 ft) mixed-use building containing a total 112,386 gross square feet (gsf)/ 91,531 zoning square feet (zsf) of residential and commercial space on Brooklyn Block 7146, Lot 50. The building would contain 80 Dwelling Units (76,166 gsf/73,948 zsf) of residential area. The average D.U. size would be 950 gsf. The building would also contain 18,110 gsf / 17,582 zsf of Commercial Uses (local retail) on the ground floor. The building would have a total Floor Area Ratio (FAR) of 4.6 consisting of 3.72 FAR of residential space and 0.88 FAR of commercial space. Of the dwelling units included in the Proposed Development, 25-30% (between 20-24 units) would be reserved as affordable at an average of 60-80% of the Area Median Income (AMI) pursuant to the requirements of Mandatory Inclusionary Housing (MIH). Both MIH Options 1 and 2 would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process. For the purposes of early childhood programs analysis, 20% (16 units) would be affordable at or below 80% AMI. The Proposed Development would contain 120 accessory parking spaces (18,110 gsf) in an attended underground garage accessible via an existing 10-foot curb cut on

Village Road South and then by car elevator.

For the purposes of presenting a conservative analysis the above EAS analyzes the impacts of a slightly larger development on the Applicant owned site.

With the approval of the Proposed Actions, the RWCDS analyzed in this EAS projects the development of a mixed-use building on Projected Development Site 1 (Block 7146, Lot 50). The "Projected Development" is a 112,386 gross square foot (gsf) / 91,531 zoning square foot (zsf), 9-story building. The building would have a total height of 95ft and contain 84 dwelling units (76,116 gsf/ 73,948 zsf of residential floor area). The total number of dwelling units was estimated using a "dwelling unit factor" of 880 gsf per unit. The building would have a total Floor Area Ratio (FAR) of 4.6 consisting of 3.72 FAR of residential space and 0.88 FAR of commercial space. Of these units, 25-30% (21-25 units) would be reserved as affordable units at an average of 60-80% AMI pursuant to the requirements of Mandatory Inclusionary Housing (MIH). Both MIH Options 1 and 2 would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process. The Projected Development would contain 18,110 gsf/ 17,582 zsf of Commercial Uses (local retail) on the ground floor. The Projected Development would also contain 120 accessory parking spaces (18,110 gsf) in an attended underground garage accessible via an existing curb cut on Village Road South and then by car elevator. For conservative analysis purposes, 115' was the maximum permitted height analyzed for Shadows and Urban Design in the above EAS.

To present a conservative environmental analysis, a preliminary assessment of the effects of CHO on the Projected Development is provided. The City of Yes for Housing Opportunity would change the allowable FAR for this project's proposed zoning district from 4.6 in C4-4L (R7A Equivalent, pursuant to Mandatory Inclusionary Housing) to 5.0 (pursuant to CHO's Proposed Universal Affordability Preference). Also, the permitted maximum height increases from 95' to 115' under CHO for R7A Districts.

No-Action

In the future without the Proposed Actions, no development would occur within the Affected Area. City of Yes for Housing Opportunity would not alter the No-Action Condition presented and analyzed in the above EAS. Under CHO, the no-action assumption of the affected area remains the same as what was analyzed in the above EAS.

With Action

Under CHO, the With-Action Condition analyzes a 115 foot-tall, mixed-use building with 104,298 gsf including 86,188 gsf of residential floor area and 18,110 gsf of commercial space. Under the CHO With-Action Condition, the building would have 11 additional dwelling units pursuant to CHO's Universal Affordability Preference as compared to the above EAS' with-action condition (95 total dwelling units under CHO). CHO's proposed Universal Affordability Preference ("UAP") would increase the allowable developable floor area by 0.4 FAR (9,730 zsf). CHO would increase the maximum height for the proposed C4-4L district from 95 ft to 115ft and would increase the maximum base height from 55ft or 65ft to 85ft. The EAS above analyzed 115ft in max height for shadows and UD for conservative analysis purposes. No parking spaces would be provided because CHO eliminates parking requirements for all new residential developments.

Analysis Framework

Pursuant to the RWCDS analyzed in the EAS for the Proposed Actions, no significant adverse impacts were identified.

The RWCDS analyzed in this EAS projects the development of a mixed-use building on Projected Development Site 1 (Block 7146, Lot 50). The "Projected Development" is a 112,386 gross square foot (gsf) / 91,531 zoning square foot (zsf), 9-story building. The building would have a total height of 95ft and contain 84 dwelling units (76,166 gsf/ 73,948 zsf of residential floor area). The Projected Development Site would maximize the available FAR.

As shown in **Table 1**, under the proposed CHO zoning text amendment, the maximum permitted FAR for residential uses in the proposed R7A district (residential equivalent of C4-4L) would increase from 4.6 in C4-4L (R7A Equivalent, pursuant to Mandatory Inclusionary Housing) to 5.0 (pursuant to CHO's Proposed Universal Affordability Preference). Also, the permitted maximum height increases from 95' to 115' under CHO for R7A Districts.

Table 1: Analysis Framework for CHO Zoning

	EAS With-Action Condition	CHO With-Action Condition	Increment
Maximum FAR	4.6	5.0	+0.4
Building Height*	95'	115'	+20'

*As discussed above, for conservative analysis purposes, 115' was the maximum permitted height analyzed for Shadows and Urban Design in the above EAS.

As shown in **Table 2** below, under the proposed zoning text amendment, the With-Action condition would consist of Projected Development Site 1 with 104,298 gsf including 86,188 gsf of residential floor area and 18,110 gsf of commercial space. Under the CHO With-Action Condition, the building would have 11 additional dwelling units pursuant to CHO's Universal Affordability Preference as compared to the above EAS' with-action condition (95 total dwelling units under CHO).

The building heights for the Projected Development Sites would increase to 115 feet. Compared to the currently proposed development program analyzed in the EAS, the proposed zoning text amendment would result in an additional 10,022 gsf of residential uses (11 DUs) and 20-foot maximum building height. As discussed above, for conservative analysis purposes, 115' was the maximum permitted height analyzed for Shadows and Urban Design in the above EAS.

Table 2: Analysis Framework for CHO Building Height and Residential Area

	EAS With-Action Condition		Increment
Residential GSF	76,166	86,188	+10,022
Residential DUs	84	95	+11
Building Height*	95'	115'	+20'

*As discussed above, for conservative analysis purposes, 115' was the maximum permitted height analyzed for Shadows and Urban Design in the above EAS.

This technical memorandum provides a preliminary assessment of the effects of CHO on the Proposed Actions and details how CHO would affect the analysis

and conclusions presented in this EAS.

The introduction of eleven additional dwelling units to 95 total units would not exceed the thresholds requiring analysis within the *CEQR Technical Manual* for Socioeconomic Conditions, Community Facilities, Water and Sewer Infrastructure, Solid Waste and Sanitation Services, Energy, or Construction. The conclusions presented in the EAS would not change and no further analysis related to these impact categories is necessary.

Changes facilitated by CHO including the introduction of 0.4 FAR additional building bulk to 5.0 total FAR and an additional 20 feet of maximum building height for a total of 115 feet similarly would not substantially alter the site-specific characteristics of the Rezoning Area and would not exceed the threshold in the *CEQR Technical Manual* requiring analysis for Natural Resources, Greenhouse Gas Emissions, or Public Health. The conclusions presented in the EAS would not change and no further analysis related to these impact categories is warranted. As discussed above, for conservative analysis purposes, 115' was the maximum permitted height analyzed for Shadows and Urban Design in the above EAS. The proposed (E) designations for Noise and Air Quality would remain the same as presented within the EAS to avoid significant adverse impacts to these technical areas. Therefore, the potential changes to the With-Action Condition facilitated by CHO would not alter the conclusions of the EAS related to Noise and Air Quality, and no further analysis is warranted. The assessment below reflects every technical area that was analyzed in the EAS to determine if significant adverse impacts would happen as a result of the proposed CHO zoning text amendment.

Land Use, Zoning and Public Policy

Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of a building with an additional 9,730 zsf (10,022 gsf) of residential floor area, approximately 11 additional residential dwelling units, and 20 additional feet of maximum building height. Changes facilitated by CHO would not alter the findings of the EAS as the proposal would continue to be a mixed-use residential and commercial building within the same proposed zoning district and use type as is analyzed in the EAS. The study area would not change as a result of CHO because the affected area remains the same.

The changes facilitated by CHO would continue to result in land uses that are compatible with the residential uses well represented throughout the 400 ft study area radius of the project area along Village Court, Village Road South, and Van Sicklen Street including several multifamily residential buildings. The proposed C4-4L (R7A equivalent) district would be consistent with commercial corridor on

McDonald Avenue (C8-1 zoning district), elevated rail line, and residential zoning districts on either size of McDonald Avenue's commercial corridor. The addition of 11 residential dwelling units facilitated by CHO's Universal Affordability Preference would be supportive of the City's housing goals as identified in Housing New York 2.0 and Housing Our Neighbors: A Blueprint for Housing and Homelessness. Therefore, the potential changes facilitated by CHO would not result in a significant adverse impact to Land Use, Zoning, and Public Policy and no further analysis is warranted.

Community Facilities

Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of a building with an additional 9,730 zsf (10,022 gsf) of residential floor area, approximately 11 additional residential dwelling units, and 20 additional feet of maximum building height. Changes facilitated by CHO would not require new analysis as the Proposed Actions with CHO would not directly eliminate, displace, or alter public or publicly funded community facilities. The increase in dwelling units (11 units) between the With-Action Condition used in the above EAS and the With-Action Condition with the CHO Text Amendment would not affect the conclusions of the Community Facilities section of the EAS. In the With-Action Condition with the CHO Text Amendment, the total number of residential units generated by the Proposed Actions increases from 84 to 95. The total number of estimated elementary school students increases from 12 to 13. The total number of estimated intermediary school students increases from 4 to 5. The combined total of 18 additional elementary and intermediary school students remains less than the threshold of 50 estimated students needed for detailed analysis. In the With-Action Condition with the CHO Text Amendment, the Proposed Actions are expected to generate 5 high school students. The threshold for detailed analysis of high schools is an additional 150 students. In the With-Action Condition with the CHO Text Amendment, the Proposed Actions are expected to generate 5 children eligible for early childhood programs. The threshold for detailed analysis of early childhood programs is 20 students. Therefore, the additional units enabled by CHO would not result in significant adverse impacts related to community facilities and no further analysis is warranted.

Open Space

Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of a building with an additional 9,730 zsf (10,022 gsf) of residential floor area, approximately 11 additional residential dwelling units, and 20 additional feet of maximum building height. Changes facilitated by CHO would not require new analysis as the Proposed Actions with CHO would not directly eliminate, displace, or alter

any public open space resources. The increase in dwelling units (11 units, 29 residents) between the With-Action Condition used in the above EAS and the With-Action Condition with the CHO Text Amendment would not affect the conclusions of the Open Space section of the EAS. In the With-Action Condition with the CHO Text Amendment, the No-Action Open Space Ratio (OSR) remains the same (0.163 acres per thousand residents) but the With-Action OSR decreases from 0.162 to 0.161 acres per thousand residents. Therefore, the decrease in Open Space Ratio between the No-Action condition and the With-Action Condition with the CHO Text Amendment is greater than the decrease shown in the above EAS. The decrease in overall OSR changes from -0.61% to -0.85%. The threshold for detailed analysis of Open Space is a decrease in OSR of greater than 1% in the Study Area. Detailed analysis of Open Space resources remains unwarranted under the CHO with-action scenario. Therefore, the additional residents enabled by CHO would not result in significant adverse impacts related to open space and no further analysis is warranted.

Shadows

As discussed above, under CHO the permitted maximum height in R7A Districts (C4-4L residential equivalent) increases from 95' to 115'. Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would not alter the findings of the EAS as the Projected Development with CHO would only see an increase in permitted base height, not in total height because the above EAS analyzes shadows cast by a 115 ft building with a bulkhead. The Proposed Actions would not cast new shadows on any sunlight-sensitive resource. The with-action condition enabled by CHO would result in the same shadows radius as presented in the EAS' Shadows analysis (140 ft tall bulkhead, 602 ft radius). The detailed shadows assessment in the EAS concluded that there would be no significant adverse shadows impacts to the open space resource of Gravesend Cemetery because, per the 2021 CEQR Tech Manual, direct sunlight does not need to be continuous - a portion of the direct sun could be in the morning and the balance in the afternoon; the majority of shadows cast during the growing season are limited to the morning hours - as the morning progresses, the portion of the cemetery receiving project generated shadows reduces. Additionally, there are no historic architectural sunlight-sensitive resources within the shadows radius. Therefore, the height analyzed in the above EAS' Shadows analysis and the potential height facilitated by CHO are the same, and would not result in significant shadow impacts, and no further analysis is necessary.

Historic and Cultural Resources

Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of a building with

an additional 9,730 zsf (10,022 gsf) of residential floor area and would not alter the findings of the EAS as the with-action under CHO would maintain the same in-ground disturbance area because the project area would remain the same as is analyzed in the EAS.

In the with-action condition under CHO, like the with-action condition in the above EAS, the archaeological RD would be recorded in conjunction with the proposed actions. The historic and cultural resources study area radius would not change for architectural resources as the project area would not change in the with-action condition under CHO. Further, the shadows radius analyzed in the above EAS would not change as described in "Shadows" above. Therefore, there would continue to be no historic resources with sunlight sensitive features in the radius under the CHO with-action condition. The changes enabled by CHO would not result in significant adverse impacts related to Historic and Cultural Resources and no further analysis is warranted.

Urban Design and Visual Resources

Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of a building with an additional 9,730 zsf (10,022 gsf) of residential floor area and would not alter the findings of the EAS as the Projected Development with CHO would only see an increase in permitted base height, not in total height. In the With-Action condition with the CHO Text Amendment the bulk of the projected development would be increased form 4.6 FAR to 5.0 FAR.

To present a conservative analysis, the above EAS analyzes the effects to urban design and visual resources of a 115 ft building with a bulkhead. The height analyzed in the Urban Design analysis above is the same as the height that would be permitted for C4-4L (R7A equivalent) districts with the CHO text amendment. The Urban Design analysis concluded that the pedestrian experience would not be negatively affected due to the Proposed Actions facilitating a uniform street wall with residential and commercial uses, and no visual resources would be obstructed. The increased bulk of the With-Action Condition with the CHO Text Amendment would be minimal and would result in only a negligible change in building appearance that would not negatively affect the pedestrian experience. Therefore, the height analyzed in the above EAS' Urban Design analysis and the potential height facilitated by CHO are the same, and therefore would not result in significant impacts to urban design or visual resources, and no further analysis is necessary.

Hazardous Materials

Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of a building with

an additional 9,730 zsf (10,022 gsf) of residential floor area and would not alter the findings of the EAS as the existing Phase I Environmental Site Assessment is site-specific and would remain because the project area is not changing under CHO. Further, the Department of Environmental Protection (DEP) reviewed and accepted the Phase II Environmental Site Assessment, Remedial Action Plan and Construction Health and Safety Plan completed in May 2021. The findings of the Phase II ESA and the protocols established in the RAP and CHASP would not change as the with-action under CHO would maintain the same in-ground disturbance area and because the project area would remain the same as is analyzed in the EAS and would therefore not result in significant impacts hazardous materials, and no further analysis is necessary.

Transportation

Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of a building with an additional 9,730 zsf (10,022 gsf) of residential floor area and would not require new analysis as the with-action condition under CHO would contain 95 units and this would not exceed the detailed analysis thresholds for vehicle trip ends, subway trip ends, or bus trip ends. The above EAS included a detailed analysis of pedestrian trips as the EAS with-action condition would generate more than 200 pedestrian trips (the threshold for detailed pedestrian analysis per the CEQR Technical Manual) for all peak hours. The detailed analysis identified two "pedestrian elements" or crossings that would see an increase of more than 200 pedestrian trip ends during a peak hour. The transportation analysis in the EAS above, identified *Village Rd. S. between McDonald Avenue and Van Sicklen Street: North Sidewalk (S1)* as seeing an increase above 200 trips during the PM Peak Hour and both *Village Rd. S. between McDonald Avenue and Van Sicklen Street: North Sidewalk (S1)* and *McDonald Avenue between Village Rd. S. and Gravesend Neck Rd: The south segment of West Sidewalk (S2),* as seeing an increase above 200 trips during the Saturday Peak Hour.

The detailed analysis in the above EAS concluded that the existing Level of Service (LOS) at these pedestrian elements would remain at "B" grade in both the no-action and with-action condition and therefore concluded that the Proposed Actions would not result in significant adverse impacts related to transportation. Specifically, the Proposed Actions would not have a significant effect on the neighborhood traffic, parking, transit, and pedestrian movements.

As stated above, the CHO with-action condition projects 11 incremental dwelling units compared to the with-action condition presented in the EAS. The increase in pedestrian trip-ends in the CHO with-action condition when compared to the with-action condition analyzed in the EAS would be marginal. The analysis conclusion of the detailed pedestrian analysis in the EAS, which concluded that the Proposed Actions would not have a significant effect on the neighborhood traffic, parking, transit, and pedestrian movements would also remain unchanged. Therefore, potential changes facilitated by the

CHO would not result in significant transportation impacts, and no further analysis is necessary.

Air Quality

Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of a building with an additional 9,730 zsf (10,022 gsf) of residential floor area and would not alter the findings of the EAS. The above EAS, provides a detailed analysis of potential air quality impacts resulting from "mobile sources" generated in the with-action condition. The EAS concluded that no significant adverse air quality impacts are expected at intersections affected by the incremental vehicle trips generated in the with-action condition. The EAS also analyzed the potential for air quality impacts resulting from the parking garage in the with-action condition. The detailed analysis concluded that no impact was predicted from emissions associated with the parking facility. The EAS also provides a detailed analysis of potential air quality impacts resulting from "stationary sources" both from the heating and hot water systems generated in the with-action condition and from existing stationary sources. The EAS identified four potential industrial sources within the study area that could be a source of pollutants and therefore lead to an impact to air quality on the Projected Development Site. The EAS concluded, through detailed dispersion analysis, that the sites did not have the potential to result in significant adverse impact to air quality. With regards to the projected development's own emissions from both heating and hot water systems, the EAS concluded that no significant impact would occur as long as the heating, ventilation, and air conditioning (HVAC) stack was located at least 88 feet above grade.

To ensure that no significant air quality impacts would occur in the with-action condition the EAS established an (E) Designation (E-747) which states that on Brooklyn Block 7146, Lot 50 (Projected Development Site 1): Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, and air conditioning (HVAC) system and hot water equipment stack is located at the building's highest level and at a minimum of 88 feet above grade to avoid any potential significant adverse air quality impacts.

As discussed above, under CHO the permitted maximum height in R7A Districts (C4-4L residential equivalent) increases from 95' to 115'. Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would not alter the findings of the EAS as the HVAC (E)-Designation (E-747) is most conservative with the building heights analyzed in the air quality analysis (95 ft) in the above EAS. Further, the industrial air quality detailed analysis in the above EAS is site-specific and not sensitive to changes to bulk and height and therefore would not be altered by the potential changes facilitated by CHO. Therefore, the conclusions of the Air Quality analysis in the above EAS would not be altered by potential changes facilitated by CHO and no further analysis is required.

Noise

Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of a building with an additional 9,730 zsf (10,022 gsf) of residential floor area and would not alter the findings of the EAS. The above EAS, provides a detailed analysis of potential noise impacts in the with-action condition. The EAS specifically analyses the potential for noise impacts from project generated vehicle traffic and the elevated MTA track adjacent to the project site.

In order to preclude the potential for significant adverse impacts the EAS establishes an (E) Designation (E-747) which states that on Brooklyn Block 7146, Lot 50 (Projected Development Site 1): In order to ensure an acceptable interior noise environment future residential / commercial uses must provide a closed window condition with a minimum of 35 dBA window wall attenuation on the facades facing McDonald Ave. for floors below the rail line and the facades facing Gravesend Neck Rd. within 50 feet of McDonald Ave. for floors below the rail line and the facades facing Village Rd. S within 50 feet of McDonald Ave. for floors below the rail line, a minimum of 31 DBA window wall attenuation on the facades facing McDonald Ave. for floors above the rail line and the facades facing Gravesend Neck Rd. within 50 feet of McDonald Ave. for floors above the rail line and the facades facing Village Rd. S within 50 feet of McDonald Ave. for floors above the rail line and a minimum of 28 dBA window wall attenuation on all remaining facades in order to maintain an interior noise level not greater than 45 dBA for residential use or not greater than 50 dBA for commercial use as illustrated in the EAS. In order 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 central air conditioning.

As discussed above, under CHO the permitted maximum height in R7A Districts (C4-4L residential equivalent) increases from 95’ to 115’. Compared to With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would not alter the findings of the EAS as the (E)-Designation (E-747) specifies window attenuation at locations above and below the elevated rail line irrespective of the total height of the Projected Development. Therefore, the conclusions of the Noise analysis in the above EAS are not altered by potential changes facilitated by CHO and no further analysis is required.

Summary Conclusion

As discussed above, under CHO, the With-Action Condition analyzes a 115 foot-tall, mixed-use building with 104,298 gsf including 86,188 gsf of residential floor area and 18,110 gsf of commercial space. Under the CHO With-Action Condition, the building would have 11 additional dwelling units pursuant to CHO's Universal Affordability Preference as compared to the above EAS' with-action condition (95 total dwelling units under CHO).

CHO's proposed Universal Affordability Preference ("UAP") would increase the allowable developable floor area by 0.4 FAR (9,730 zsf). CHO would increase the maximum height for the proposed C4-4L district from 95 ft to 115ft and would increase the maximum base height from 55ft or 65ft to 85ft. The EAS above analyzed 115ft in max height for shadows and UD for conservative analysis purposes. No parking spaces would be provided because CHO eliminates parking requirements for all new residential developments.

The CHO with-action condition projects development that is larger than the with-action condition analyzed in the EAS above. However, this technical memorandum concludes that the potential changes facilitated by CHO, would not exceed thresholds nor create conditions that require new analysis, nor would the proposed changes affect the conclusions presented within the EAS.