58 Nixon Court Rezoning II

Environmental Assessment Statement

CEQR Number: 24DCP120K

Prepared For:
SGL Assets Inc.

Prepared By:
Environmental Studies Corporation

Lead Agency:
NYC Dept. of City Planning

April 16th, 2025

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Section I – EAS Form

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

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

Part I: GENERAL INFORMATION

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

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

2. *Project Name* 58 Nixon Court Rezoning II

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency) 24DCP120K	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable) 240375ZMK, 240376ZRK	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY New York City Dept. of City Planning			NAME OF APPLICANT SGL Assets INC		
NAME OF LEAD AGENCY CONTACT PERSON Stephanie Shellooe, AICP, Director			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Hiram Rothkrug, ESC, Inc.		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 55 Watermill 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	EMAIL hrothkrug@environmentalstudiescorp.com	

5. *Project Description*

SGL Assets Inc, (the "Applicant") seeks a zoning map amendment and a zoning text amendment to facilitate the development of Brooklyn Block 7237 Lots 61, 63, 64, and 65, located in in the Gravesend neighborhood of Brooklyn, Community District 13. The Applicant seeks a zoning map amendment to rezone an R5 district (within the Special Ocean Parkway District) to an R7A district with a C2-4 Overlay (within the Special Ocean Parkway 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"). The actions described above affect an area that is bound by Ocean Parkway to the east, Murdock Court to the north, a line 460 ft. to the east of West Street to the west, and the Shore Parkway to the south. The proposed project area consists of Brooklyn Block 7237, Lots 61, 63, 64, and 65 and Brooklyn Block 7238, Lot 115 (the "Project Area").

For the purposes of presenting a conservative analysis, this EAS analyzes a Proposed Project that is slightly larger than the Applicant's Proposed Project. Under the City of Yes for Housing Opportunity (CHO), the With-Action Condition analyzes a 115-foot-tall mixed-use building. Under the CHO With-Action Condition the building would have 19 dwelling units, of which 20-30% (4-6 units) would be permanently affordable dwelling units which would be reserved as affordable units at an average of 40-80% 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. With the adoption of CHO, MIH Option 3 can also be mapped by the City Council. The final compliance with MIH would be determined through the ULURP process. Compliance with MIH would increase the allowable developable floor area by 0.4 FAR. CHO would increase the maximum height for the proposed R7A district from 95 ft to 115ft (125 ft with bulkhead) and would increase the maximum base height from 55ft or 65ft to 85ft.

Project Location

BOROUGH	COMMUNITY DISTRICT(S)	STREET ADDRESS
Brooklyn	13	58 Nixon Court
TAX BLOCK(S) AND LOT(S) Brooklyn Block 7237, Lots 61, 63, 64, and 65 and Brooklyn Block 7238, Lot 115		ZIP CODE 11223, 11235

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Bounded by the Ocean Parkway to the east, Murdock Court to the north, a line 460 ft. to the east of West Street to the west, and the Shore Parkway to the south

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R5(OP) | ZONING SECTIONAL MAP NUMBER 28c

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

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

- ☐ CITY MAP AMENDMENT
- ☒ ZONING MAP AMENDMENT
- ☒ ZONING TEXT AMENDMENT
- ☐ SITE SELECTION—PUBLIC FACILITY
- ☐ HOUSING PLAN & PROJECT
- ☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
- ☐ ZONING CERTIFICATION
- ☐ ZONING AUTHORIZATION
- ☐ ACQUISITION—REAL PROPERTY
- ☐ DISPOSITION—REAL PROPERTY
- ☐ OTHER, explain:
- ☐ CONCESSION
- ☐ UDAAP
- ☐ REVOCABLE CONSENT
- ☐ FRANCHISE

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

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

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

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

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

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

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

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

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 40,624
Roads, buildings, and other paved surfaces (sq. ft.): 40,624
Waterbody area (sq. ft) and type:
Other, describe (sq. ft.):

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

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 18,842
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 18,842
HEIGHT OF EACH BUILDING (ft.): 105
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: 3,524

The total square feet not owned or controlled by the applicant: 37,100

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

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

AREA OF TEMPORARY DISTURBANCE: 3,524 sq. ft. (width x length) VOLUME OF DISTURBANCE: 35,240 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 3,524 sq. ft. (width x length)

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

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)	18,034	808		
Type (*e.g.,* retail, office, school)	16 units	Retail		

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

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 41 NUMBER OF ADDITIONAL WORKERS: 2

Provide a brief explanation of how these numbers were determined: 16 D.U. * 2.54 (Average household size of renter occupied units in the Gravesend NTA, 2015-2019 ACS Survey) ; 1 worker/ 425 sf incremental commercial retail area (808 sf)

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

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

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

9. *Analysis Year* CEQR Technical Manual Chapter 2

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

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

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

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

Part II: TECHNICAL ANALYSIS

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

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

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

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

	YES	NO
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): Proposed Development RWCDS: Residential: 656 Pounds/Week + 79 pounds per week (employees) = 735 Pounds		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): Proposed Development RWCDS: Residential: 0.344 BBTUs		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☒
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☒
○ Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry trips per project peak hour?	☐	☒
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☒
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop, or Citywide Ferry Service landing?	☐	☒
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☒	☐
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 114 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality;	☒	☐

	YES	NO
Hazardous Materials; Noise?		
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. The AQ Analysis presented in this EAS finds that the Proposed Actions would not result in significant adverse impacts.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☒	☐
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. In the With-Action Condition development on the Projected Development Site is anticipated. Construction activities are not anticipated to extend beyond 18 months. The length of construction activity on the Projected Development Site is not anticipated to result in significant adverse construction impacts as construction activity would not extend for longer than 24 months at any given point before the build year. Any potential impacts related to constuction noise, traffic or air quality would not be sustained for a duration long enough to be considered a significant adverse impact to the surrounding area or the occupants of the Projected Development Site.		

20. *APPLICANT'S CERTIFICATION*

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

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

APPLICANT/REPRESENTATIVE NAME	DATE
Kevin Corte, Environmental Studies Corp	4/16/25

SIGNATURE Kevin Corte

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

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

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

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

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

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

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

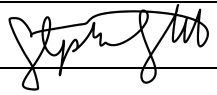
3. Check determination to be issued by the lead agency:

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

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

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

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

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY NYC Department of City Planning
NAME Stephanie Shellooe, AICP	DATE April 18, 2025
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, SGL Assets Inc, seeks a zoning map amendment to rezone an existing R5 district within the Special Ocean Parkway District to an R7A/C2-4 and R7A district on Block 7238, Lots 61, 63, 64, 65 and Lot 115 in the Gravesend neighborhood of Brooklyn Community District 13 (the "Project Area") and a zoning text amendment to map to establish a Mandatory Inclusionary Housing Area ("MIH") coterminous with the Project Area (together, the "Proposed Actions"). The Proposed Actions would facilitate the development of a 23,018 gross square foot ("gsf"), 11-story, 115 foot-tall mixed residential and commercial facility building on Block 7238, Lot 61, 63, 64, 65 (Projected Development Site). The building would include 20,818 gsf of residential floor area and 808 gsf of commercial floor area. The building would provide 19 dwelling units, 20%-30% (4-6 units) of which would be set aside as permanently affordable units pursuant to MIH and the building would contain 7 attended parking spaces. Brooklyn Block 7238, Lot 115 is not a projected development site, as it is not owned by the Applicant and is improved with a 12-story multi-family residential building containing approximately 186,630 gsf of residential floor area.

The analysis finds that the Proposed Actions would result in changes in zoning and public policy. The Proposed Actions would result in zoning changes at the Projected Development Site that would facilitate the development of the vacant site into a mixed-use multi-family residential and local commercial retail development, whilst the existing multi-family uses on Lot 115, comprising the remainder of the Project Area, would be maintained. As such, the Proposed Actions would not generate land uses that would be incompatible with surrounding uses, nor would they directly displace land uses in a way that would adversely affect surrounding land uses. The proposed R7A/C2-4 and R7A zoning districts would allow for greater bulk and taller building heights within the Project Area, which would increase zoning conformity in the Project Area that is predominantly zoned for medium-density residential buildings. As such, the Proposed Actions would not result in any significant adverse zoning impacts. The Proposed Actions would also be consistent with the goals of Where We Live NYC, as they would promote Goal 2 of the plan, which seeks to facilitate equitable housing development in NYC through the creation of new housing in an amenity rich neighborhood with access to public transportation. The Project Area is located within New York City's coastal zone and, is subject to review for its consistency with the City's Waterfront Revitalization Program ("WRP"). An assessment was conducted, and the development facilitated by the Proposed Actions was found to be consistent with the policies outlined in the WRP (# 23-085). Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning or public policy, and no further analysis is warranted.

Shadows

A detailed analysis of shadows is included in this EAS. The analysis finds that the Proposed Actions would result in new incremental shadows on portions of two sunlight sensitive resources, including landscaped areas associated with the Shore Parkway and pedestrian malls associated with the State and National Register (S/NR)-designated Ocean Parkway Historic Resource. Due to the location of these resources, a Tier 3 analysis was necessary and found that, with regard to Shore Parkway landscaping areas and Greenstreets along Ocean Parkway, incremental shadows produced by the Proposed Actions were of such a short duration that they would be inconsequential to the viability of their vegetation and/or the public's use and enjoyment of the resource. The detailed analysis found that shadows on the Ocean Parkway Pedestrian Malls during all analysis days would fall on relatively small portions of this resource, and despite the projected shadow conditions, those small portions of the Ocean Parkway Pedestrian Malls would still receive at least four to six hours of direct sunlight, such that the viability of vegetation would not be jeopardized. Overall, the Proposed Actions would not create significant adverse shadow impacts at any of the identified sunlight sensitive resources, as the viability of vegetation at these resources or the public's use and enjoyment of them would not be jeopardized, and further analysis is not warranted.

Disadvantaged Community Assessment

The Proposed Actions are located within a designated disadvantaged community according to the New York State Department of Environmental Conservation Disadvantaged Community Assessment Tool (DACAT) and an assessment of the Proposed Actions' potential effects on disadvantaged communities is included in this EAS. The Proposed Actions would not result in significant adverse impacts on the following technical areas analyzed in the EAS: land use, zoning, public policy; shadows, historic and cultural resources; urban design and visual resources; hazardous materials; air quality; noise; or neighborhood character. As such, the Proposed Actions would not disproportionately affect any disadvantaged communities, nor would it cause or increase a disproportionate pollution burden.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-803) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials, air quality, and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or noise.

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

Project Name: 58 Nixon Court Rezoning II
CEQR # 24DCP120K
SEQRA Classification: Unlisted

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 4/18/2025
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 4/21/2025
SIGNATURE	

Project Name: 58 Nixon Court Rezoning II
CEQR # 24DCP120K
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	Brooklyn	Block 7237, Lots 61, 63, 64 and 65

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-803**) would be established as part of approval of the proposed actions on the **Projected Development Site** as described below:

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

Hazardous Materials

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

Task 1-Sampling Protocol

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

Task 2-Remediation Determination and Protocol

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

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

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

Project Name: 58 Nixon Court Rezoning II
CEQR # 24DCP120K
SEQRA Classification: Unlisted

Air Quality

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

> ***Projected Development Site:*** *Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilating and air conditioning (HVAC) system(s) and hot water equipment stack is located at the building highest tier and at least 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:*** *In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on the facade facing Ocean Parkway, the facade facing Shore Parkway, the facade facing Nixon Court within 50 feet of Ocean Parkway, and the facade facing West Street within 21'-5" of Shore Parkway. 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, air conditioning.*

Section II - Project Description

Introduction

The Applicant, SLG Assets, Inc., seeks Zoning Map and Text Amendments (detailed below in Section 1.2) to facilitate the development of a 18,842 gross-square-foot (-gsf) mixed-use multi-family and ground floor commercial building at 58 Nixon Court in the Gravesend neighborhood of Brooklyn, Community District 13 (the "Proposed Project").

Proposed Actions

The Applicant is seeking the following discretionary actions:

A Zoning Map Amendment from the existing R5 (Ocean Parkway [OP]) zoning district to a R7A /C2-4 (OP) zoning district at Brooklyn Block 7237, Lots 61, 63, 64, and 65, located in Brooklyn Community District 13 of the Gravesend neighborhood of Brooklyn;

A Zoning Map Amendment from the existing R5 (OP) zoning district to a R7A (OP) zoning district at Brooklyn Block 7238, Lots 115, located in Brooklyn Community District 13 of the Gravesend neighborhood of Brooklyn;

A Zoning Text Amendment to modify ZR §23-933, Appendix F to designate the newly mapped R7A zoning districts as a Mandatory Inclusionary Housing (MIH) designated area. Collectively, these three actions are henceforth referred to as the "Proposed Actions."

Project Area

The Proposed Zoning Map and Text Amendments encompass Brooklyn Block 7237, Lots 61, 63, 64, and 65 and Brooklyn Block 7238, Lot 115 (see **EAS Figure 4, Tax Map**), bounded by the Ocean Parkway to the east, Murdock Court to the north, a line 460 ft. to the east of West Street to the west, and the Belt / Shore Parkway to the south (see **EAS Figure 5**, Site Location Map).

Projected Development Site (Brooklyn Block 7237, Lots 61, 63, 64, and 65)

The existing 3,524-sf Projected Development Site is entirely vacant with no development at any of the lots comprising the site, resulting in an overall FAR of 0.0. The existing R5 zoning does not permit commercial development and limits residential uses to a FAR of 1.25 and community facility development to a FAR of 2.0.

Non-Development Site (Brooklyn Block 7238, Lot 115)

This 37,100-sf part corner lot, part through lot located directly across the street to the north from the Projected Development Site along Ocean Parkway between Murdock Court to the north and Nixon Court to the south, is not owned / controlled by the Applicant. This lot is improved with a 12- story residential building containing approximately 186,630 sf of residential floor area (5.03 FAR).

Study Area

The surrounding area is predominantly residential in nature consisting of medium to higher density residential buildings and several community facility / institutional buildings. It reflects the Special Ocean Parkway District, which was created in part to limit the size of development in order to maintain the existing scale and character of the community. The immediate surrounding area is characterized by the Beach Haven Apartment Complex, which contains a series of 6-story apartment buildings that span from approximately West Street to the east, Shell Road to the west, Shore Parkway to the south and Avenue Z to the north. Notable community facility uses in the immediate surrounding area include Coney Island Hospital complex to the east of the Projected Development Site, Beach Haven Jewish Center to the north, and Abraham Lincoln High School to the south.

The surrounding area is also well-served by public transit. The New York City Transit (NYCT) "F" Train runs along Shell Road approximately 0.5 miles west of the Projected Development Site with stops at Avenue X and Neptune Avenues. The NYCT BI, B4 and B36 bus routes all stop right near the Projected Development Site on the corner of Ocean Parkway and Shore Parkway with service to multiple neighborhoods throughout Brooklyn and providing connections to the rest of New York City.

Proposed Project

With approval of the Proposed Actions, the Applicant intends to develop a 7-story (with cellar), 18,842 gross square feet (gsf) / 14,995 zoning-square-foot (zsf) (4.25 FAR) mixed-use multi-family residential building with ground floor retail space. The building would include approximately 18,034 gsf / 14,187 zsf (4.02 FAR) of residential floor area and 808 gsf / 808 zsf (0.23 FAR) of local retail space. The proposed new building would contain a total of 16 dwelling units. Both MIH Options 1 and 2 would be mapped on the Project Area. The Proposed Project would include 4 or 5 affordable units pursuant to either MIH Option 1 (which requires 25% affordable units) or MIH Option 2 (which requires 30% affordable units). The building would have a maximum height of approximately 75 feet (7 stories), with an additional 10-foot rooftop bulkhead (for a total height of 85 feet). The first floor would contain local retail uses in two separate spaces as well as a small mechanical / utility room. One curb cut would be provided along Nixon Court. Eleven attended, off-street parking spaces would be provided for the residential component of the project within the ground floor of the proposed building (no off-street parking is required or provided for the commercial portion of the project).

The NYC Department of City Planning proposed 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. This proposed zoning text amendment was adopted by the City Council on December 5, 2024.

It has been determined that this project is affected by the adopted zoning text amendment. As a result, the Proposed Project described above has been updated and a preliminary assessment of the effect of CHO on the Projected Development Site is provided in the Technical Memorandum.

Purpose and Need

The Proposed Actions are needed to facilitate the Proposed Project (described above). The current zoning does not allow for the development of moderate density residential developments on the Projected Development Site, nor does it require the development of affordable housing units pursuant to Mandatory Inclusionary Housing (MIH). The Proposed Project would introduce new affordable and market rate residential units to an area accessible to transit, furthering the goals of "Where We Live" and the "City of Yes" initiatives (particularly, Zoning for Housing Opportunity) introduced by Mayor Eric Adams. The creation of Transit Oriented Development (TOD) furthers the sustainability objectives laid out in the latest version of One NYC 2050.

Analysis Year

Based on an estimated duration of six months for the pre-certification process, a seven-month Uniform Land Use Review Procedure (ULURP) and a 18-month construction period, the Proposed Project is expected to be complete in 2026. 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 2026.

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"

Development Sites

As discussed above, the Proposed Actions would affect all of the lots within the Project Area. The Project Area includes all of Brooklyn Block 7237, Lots 61, 63, 64, and 65 and Brooklyn Block 7238, Lot 115 (see EAS Figure 4, Tax Map), bounded by the Ocean Parkway to the east, Murdock Court to the north, a line 460 ft. to the east of West Street to the west, and the Belt / Shore Parkway to the south (see EAS Figure 5, Site Location Map).

Projected Development Site (Brooklyn Block 7237, Lots 61, 63, 64, and 65)

The above lots are controlled by the applicant and the Proposed Project described above is expected to be built on the "Projected Development Site".

Non-Development Site (Brooklyn Block 7238, Lot 115)

The Applicant does not own this lot and development is not expected to occur on this lot.

Existing Condition

Projected Development Site (Brooklyn Block 7237, Lots 61, 63, 64, and 65)

The existing 3,524-sf Projected Development Site is entirely vacant with no development at any of the lots comprising the site, resulting in an overall FAR of 0.0. The existing R5 zoning does not permit commercial development and limits residential uses to a FAR of 1.50 and community facility development to a FAR of 2.0.

Non-Development Site (Brooklyn Block 7238, Lot 115)

This 37,100-sf part corner lot, part through lot located directly across the street to the north from the Projected Development Site along Ocean Parkway between Murdock Court to the north and Nixon Court to the south, is not owned / controlled by the Applicant. This lot is improved with a 12- story residential building containing approximately 186,630 sf of residential floor area (5.03 FAR).

No-Action Condition

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 R5/C1-2 zoning allows for low density commercial and residential uses. No 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.

With-Action Condition

In the future, if the Proposed Actions are approved (the With-Action Condition), the Proposed Project described above would be built on the Projected Development Site.

The With-Action Condition is the same as the Proposed Project except that the building height has been increased to the maximum allowable height in the R7A (OP) zoning district. The Proposed Project otherwise maximizes allowable bulk on the site and substantially maximizes allowable floor area. No development on the Projected Development Site would be able to reach the full 4.6 FAR allowable in the R7A district. The required 30 ft. setback area from Ocean Pkwy and the irregularity of the site makes for a smaller footprint to be efficient. Further, the site's flood elevation requires mechanical systems to be located above the ground level which therefore cannot be used

for residential and/or commercial floor area. Last, the sites contain a boundary condition with an R5 district that limits the height within 25 ft. of the boundary.

The With-Action Condition projects a 9-story (with cellar), 18,842 gross square feet (gsf) / 14,995 zoning-square-foot (zsf) (4.25 FAR) mixed-use multi-family residential building with ground floor retail space. The building would include approximately 18,034 gsf / 14,187 zsf (4.02 FAR) of residential floor area and 808 gsf / 808 zsf (0.23 FAR) of local retail space. The proposed new building would contain a total of 16 dwelling units. The dwelling unit size assumption is approximately 1,125 GSF per unit. This dwelling unit size assumption is consistent with local real estate trends in this area of South Brooklyn. Both MIH Options 1 and 2 would be mapped on the Project Area. The Proposed Project would include 4 or 5 affordable units pursuant to either MIH Option 1 (which requires 25% affordable units) or MIH Option 2 (which requires 30% affordable units). The building would have a maximum height of approximately 95 feet (9 stories), with an additional 10-foot rooftop bulkhead (for a total height of 105 feet). The first floor would contain local retail uses in two separate spaces as well as a small mechanical / utility room. One curb cut would be provided along Nixon Court. Eleven attended, off-street parking spaces would be provided for the residential component of the project within the ground floor of the proposed building (no off-street parking is required or provided for the commercial portion of the project).



1. View of the Development Site facing southeast from Nixon Court.



2. View of Nixon Court facing east (Development Site at right, Project Area at left).



3. View of the Development Site facing south from Nixon Court.

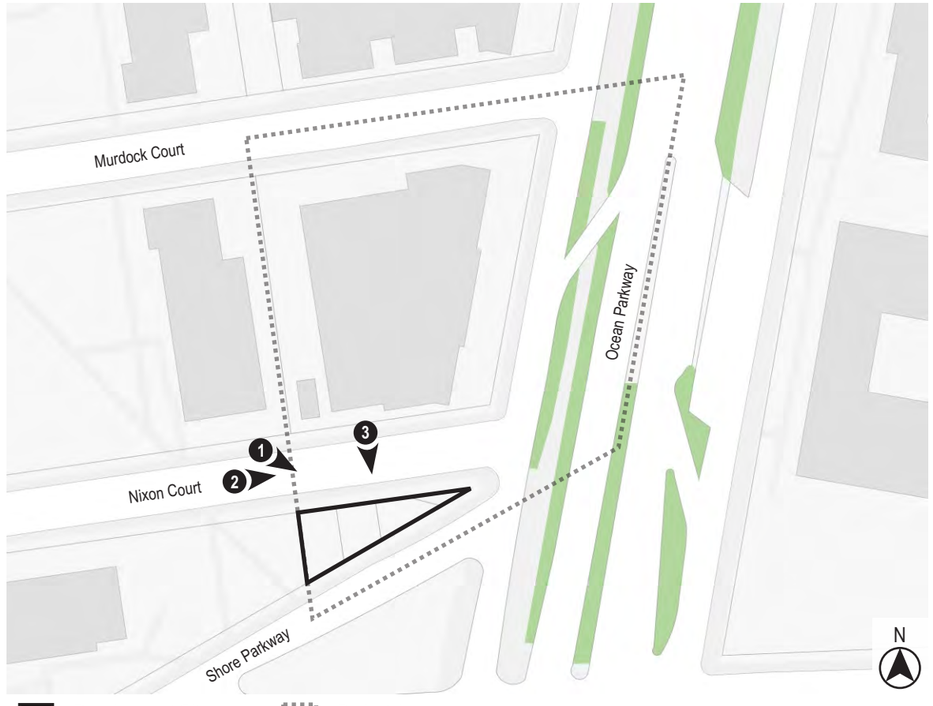


Figure 1-1: Nixon Court, Brooklyn

Urban Cartographics
Photographs Taken on August 18, 2023



4. View of the Development Site facing southwest from Nixon Court.



5. View of Ocean Parkway facing southwest from Nixon Court
(Development Site at right).



6. View of Nixon Court facing west from Ocean Parkway
(Development Site at left, Project Area at right).



Figure 1-2: Nixon Court, Brooklyn

Urban Cartographics
Photographs Taken on August 18, 2023



7. View of the Development Site facing west from Ocean Parkway.



8. View of Shore Parkway facing southwest from Ocean Parkway (Development Site at right).



9. View of Ocean Parkway facing northeast from Shore Parkway (Development Site at left).



Figure 1-3: Nixon Court, Brooklyn

Urban Cartographics
Photographs Taken on August 18, 2023



10. View of the Development Site facing northwest from Shore Parkway.



11. View of the Development Site facing northwest from Shore Parkway.



12. View of the Development Site facing northeast from Shore Parkway.

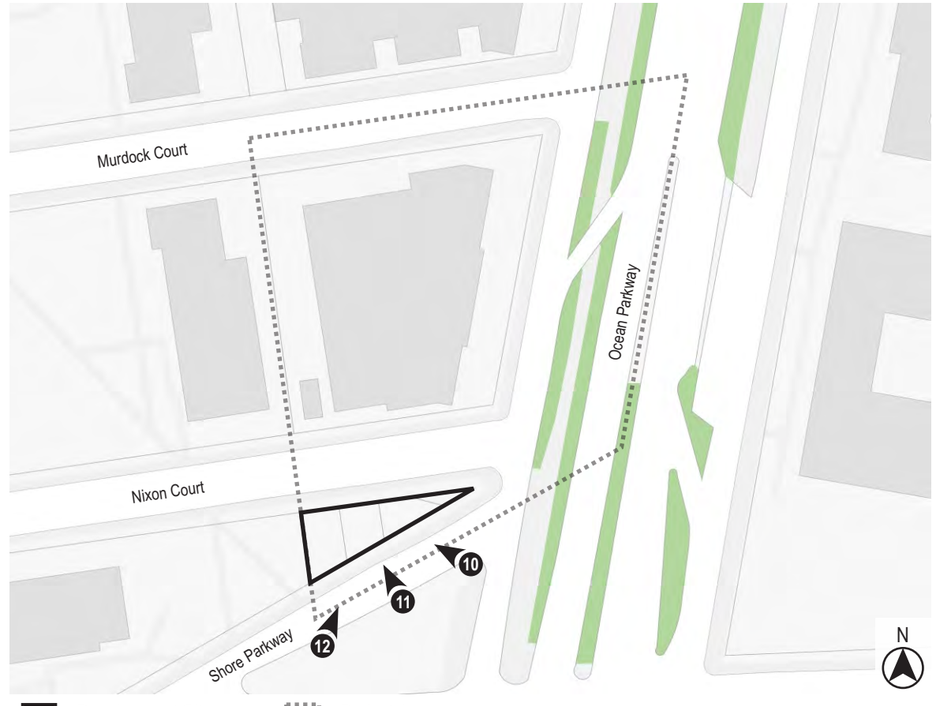


Figure: 1-4: Nixon Court, Brooklyn

Urban Cartographics
Photographs Taken on August 18, 2023



13. View of Shore Parkway facing northeast (Development Site at left).



14. View of the sidewalk along the north side of Shore Parkway facing northeast (Development Site at left).



15. View of the south side of Shore Parkway facing southwest from the Development Site.

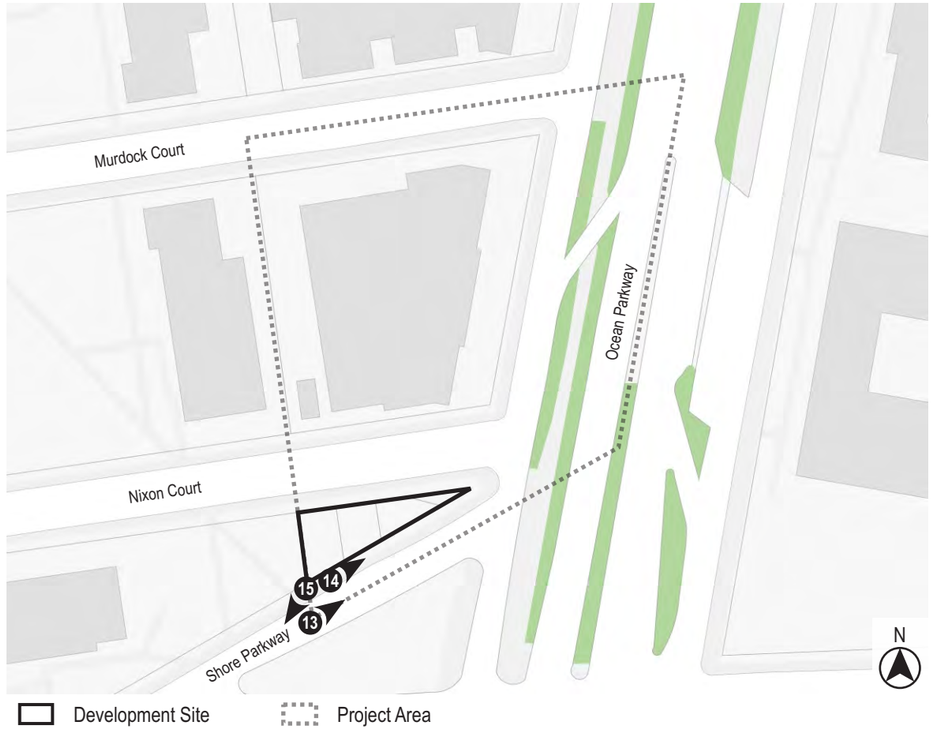


Figure 1-5: Nixon Court, Brooklyn

Urban Cartographics
Photographs Taken on August 18, 2023



16. View of the sidewalk along the north side of Shore Parkway facing southwest from Ocean Parkway (Development Site at right).



17. View of the east side of Ocean Parkway facing east from the Development Site.



18. View of the sidewalk along the south side of Nixon Court facing west from Ocean Parkway (Development Site at left).

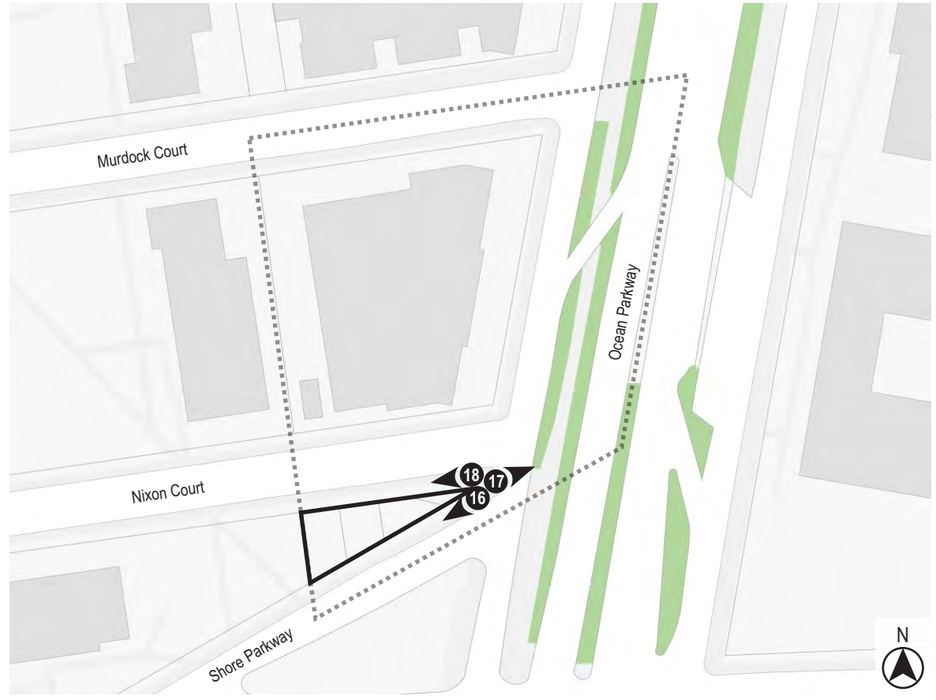


Figure 1-6: Nixon Court, Brooklyn

Urban Cartographics
Photographs Taken on August 18, 2023



19. View of the sidewalk along the south side of Nixon Court facing east (Development Site at right).



20. View of the north side of Nixon Court facing northwest from the Development Site.



21. View of the Project Area facing northeast from Nixon Court.

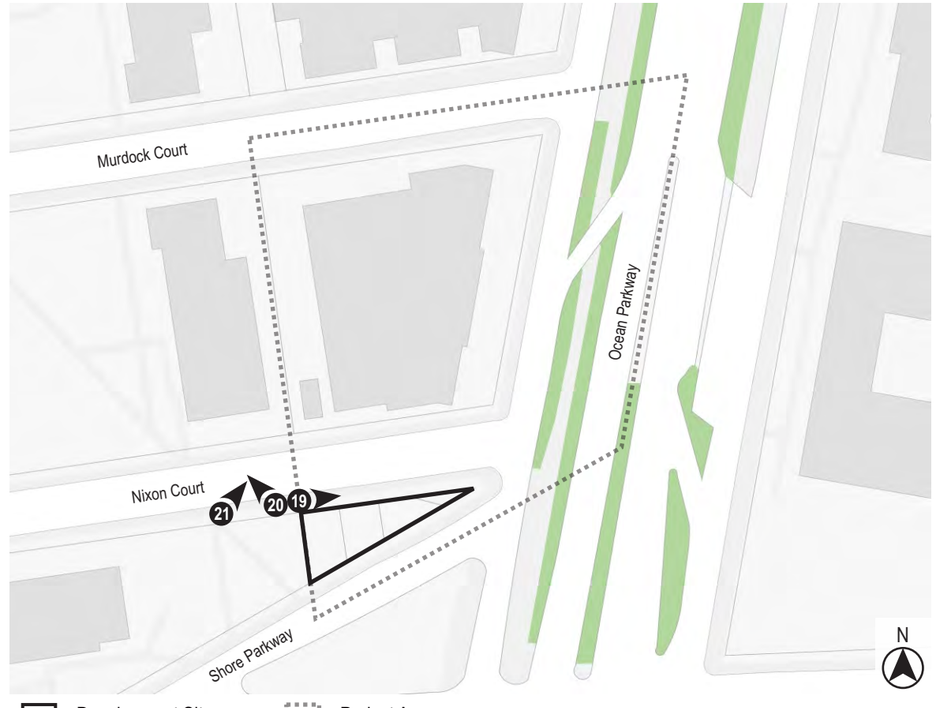


Figure 1-7: Nixon Court, Brooklyn

Urban Cartographics
Photographs Taken on August 18, 2023



22. View of the Project Area facing northwest from Nixon Court.



23. View of the sidewalk along the west side of Ocean Parkway facing northeast from Nixon Court (Project Area at left).



24. View of the Project Area facing northwest from the intersection of Ocean Parkway and Nixon Court.

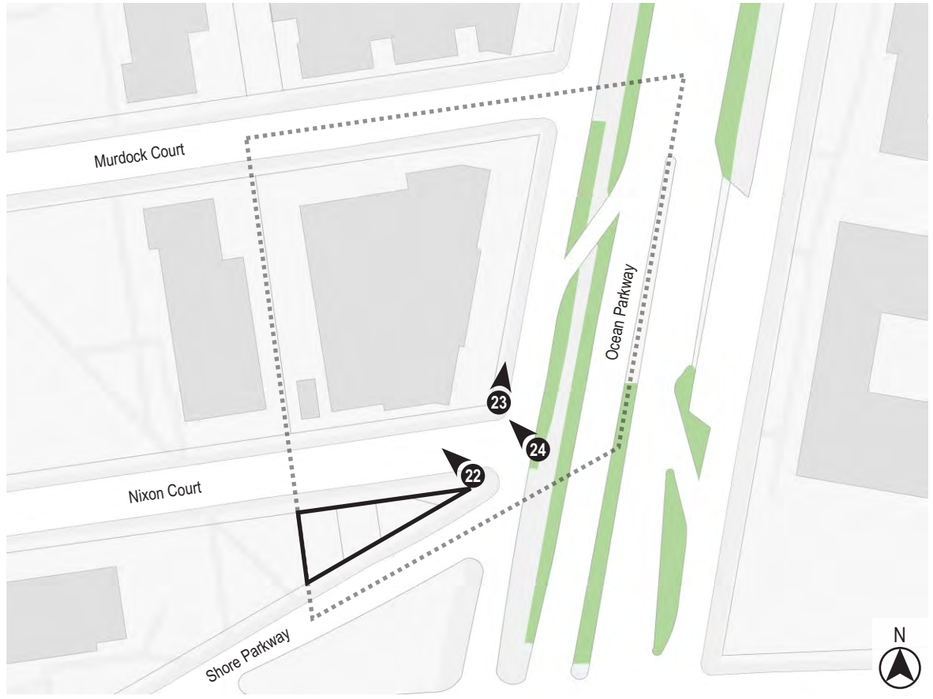


Figure 1-8: Nixon Court, Brooklyn

Urban Cartographics
Photographs Taken on August 18, 2023



25. View of Ocean Parkway facing northeast from Nixon Court (Project Area at left).



26. View of the Project Area facing southwest from the intersection of Ocean Parkway and Murdock Court.



27. View of Ocean Parkway facing southwest from Murdock Court (Project Area at right).

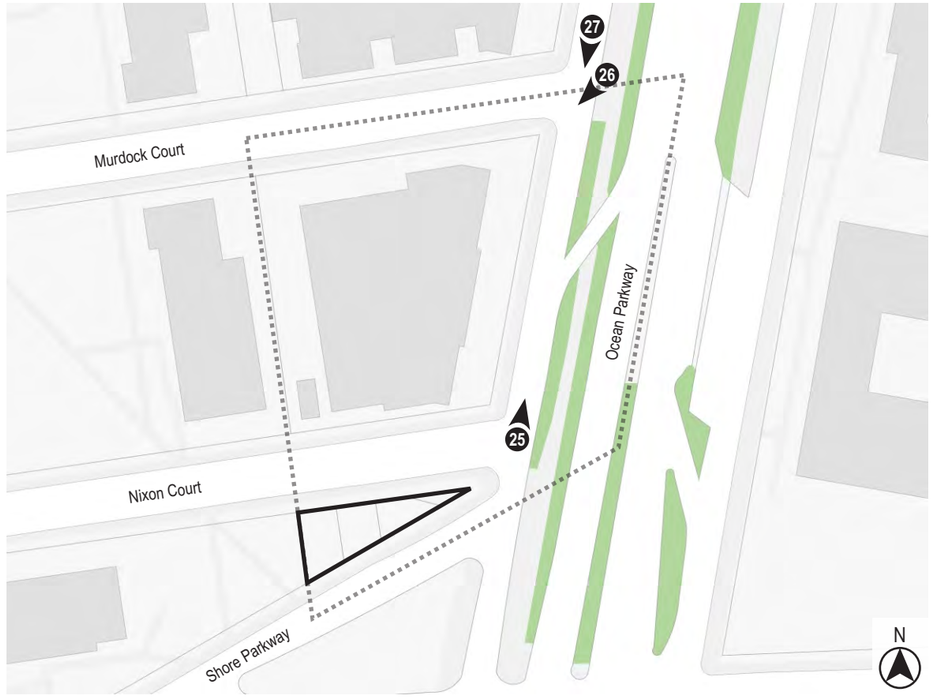


Figure 1-9: Nixon Court, Brooklyn

Urban Cartographics
Photographs Taken on August 18, 2023



28. View of Murdock Court facing west from Ocean Parkway (Project Area at left).



29. View of the sidewalk along the west side of Ocean Parkway facing southwest from Murdock Court (Project Area at right).



30. View of the sidewalk along the south side of Murdock Court facing west from Ocean Parkway (Project Area at left).

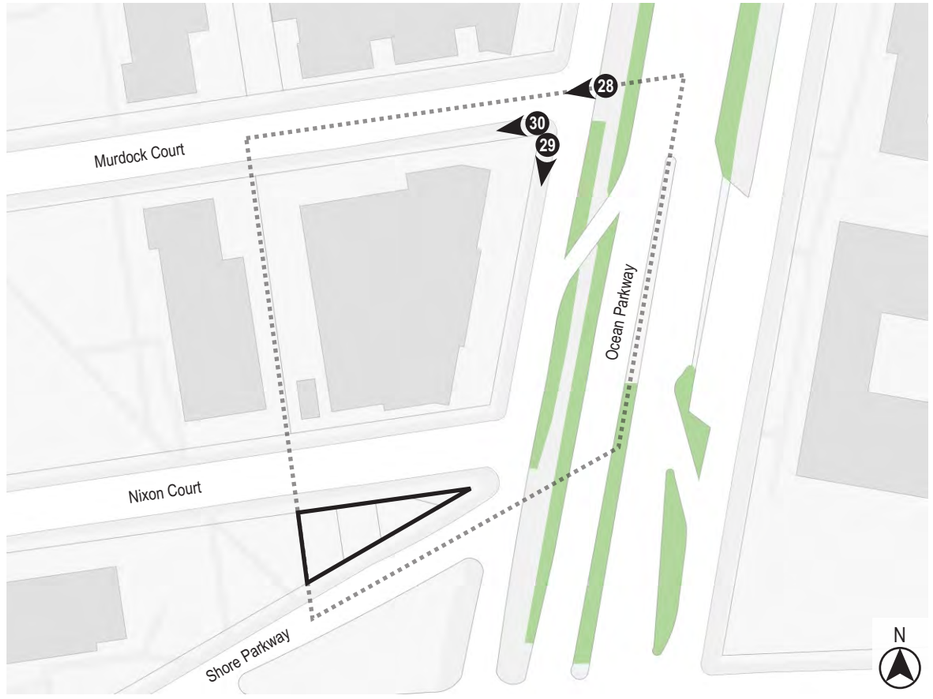


Figure 1-10: Nixon Court, Brooklyn

Urban Cartographics
Photographs Taken on August 18, 2023



31. View of the Project Area facing southwest from Murdock Court.



32. View of the Project Area facing southeast from Murdock Court.



33. View of Murdock Court facing east (Project Area at right).

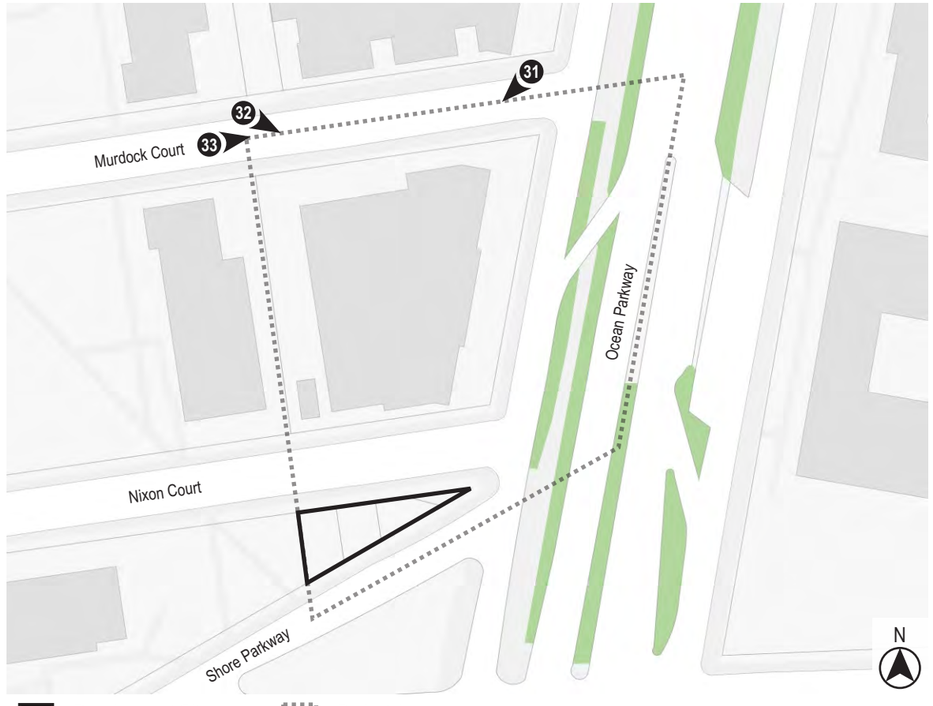


Figure 1-11: Nixon Court, Brooklyn

Urban Cartographics
Photographs Taken on August 18, 2023

Figure 2-1: Tax Map Nixon Court, Brooklyn

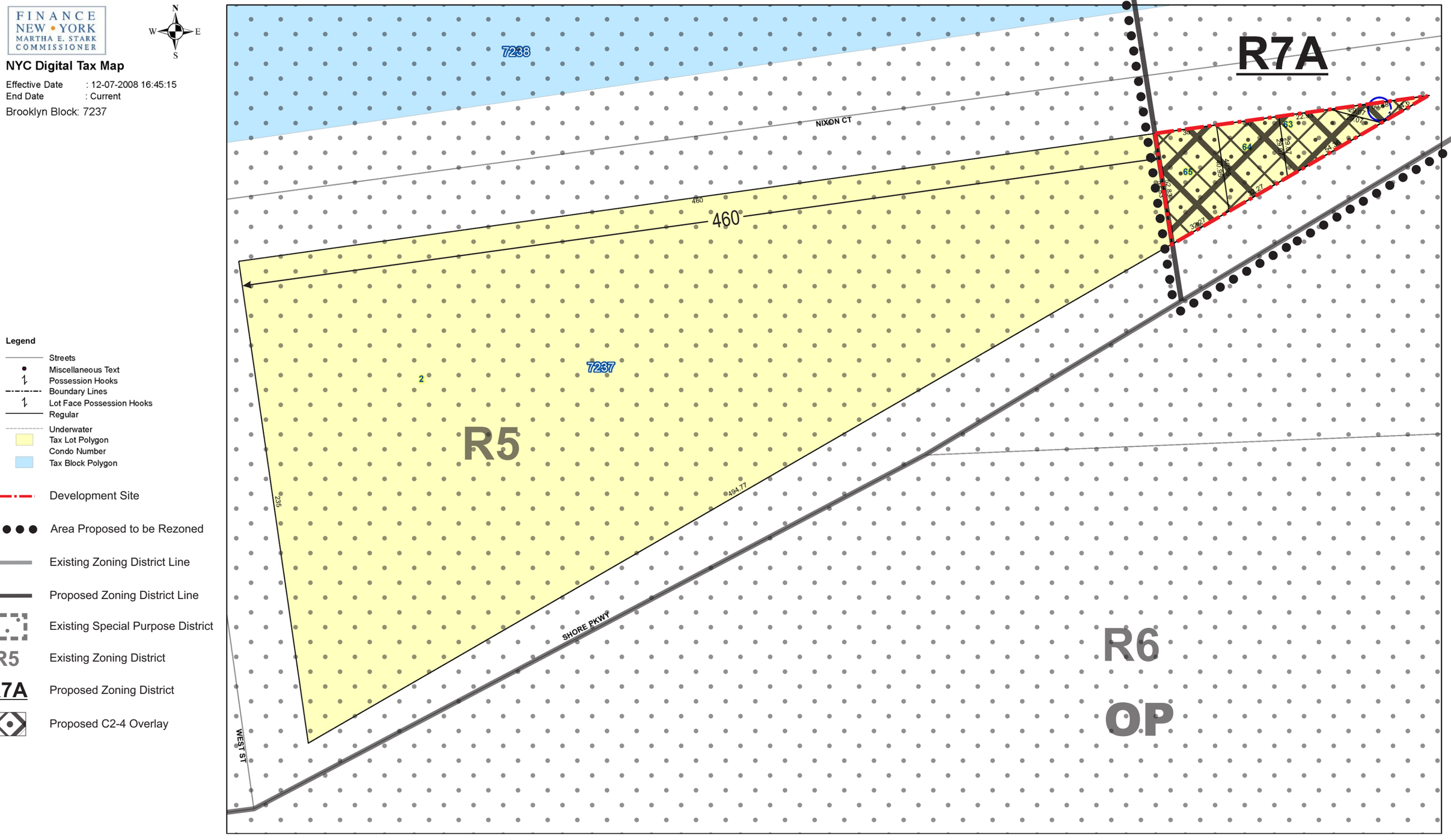


Figure 2-2: Tax Map Nixon Court, Brooklyn

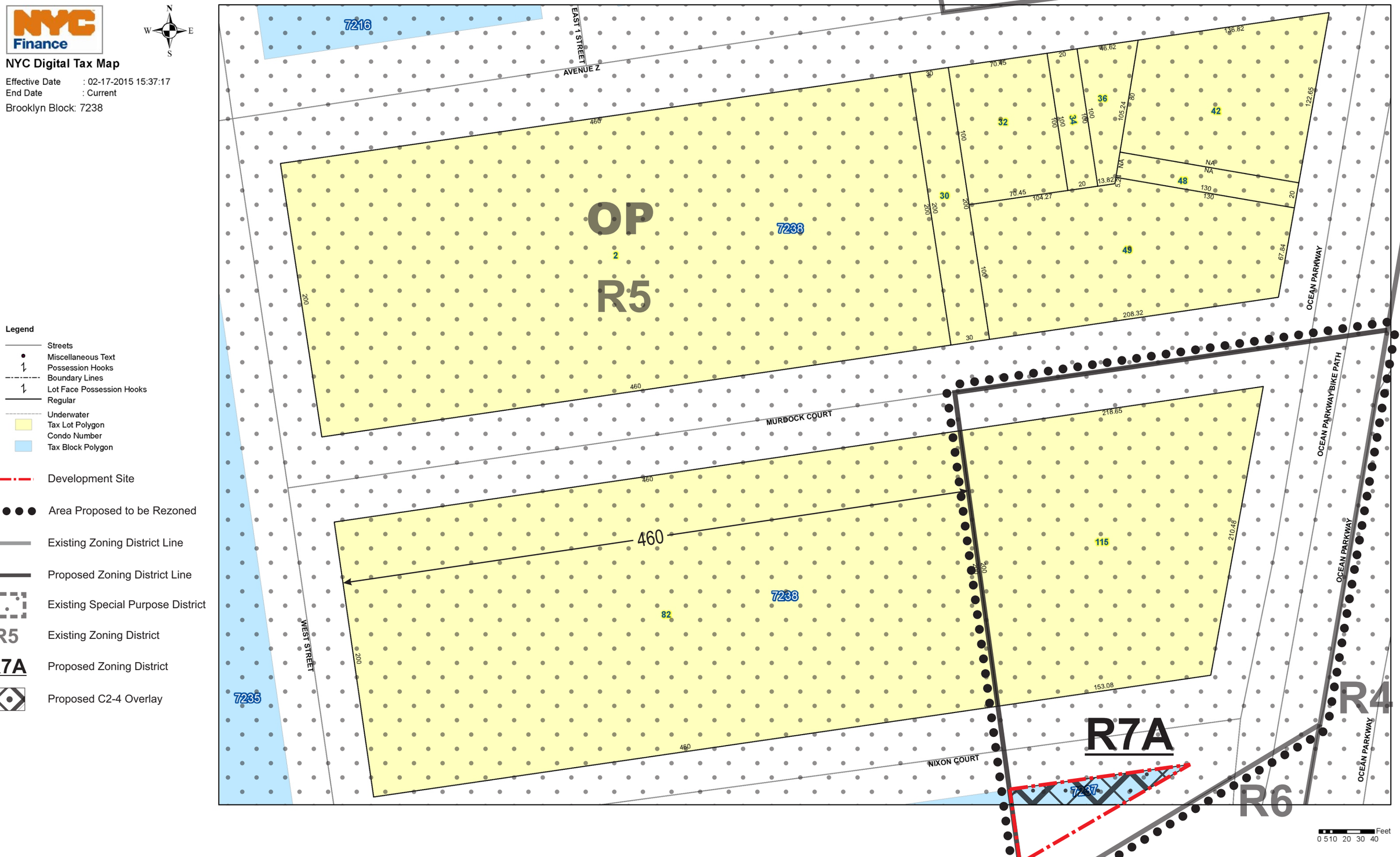


Figure 3: Area Map

Block: 7237, Lots: 61, 63, 64 & 65; Block: 7238, Lot: 115

Project Information

- 600' Radius
- Development Site
- Area Proposed to be Rezoned

Existing Commercial Overlays & Zoning Districts

C1-1	C2-1	Zoning Districts	
C1-2	C2-2	Special Districts	
C1-3	C2-3		
C1-4	C2-4		
C1-5	C2-5		

- Subway Entries
- 5037 Block Numbers
- Property Lines
- 5 Number of Floors

Land Uses

- One & Two Family Residential Buildings
- Multi-Family Residential Buildings (Walk-up)
- Multi-Family Residential Buildings (Elevator)
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- No Data/Other

January 2020

Urban Cartographics

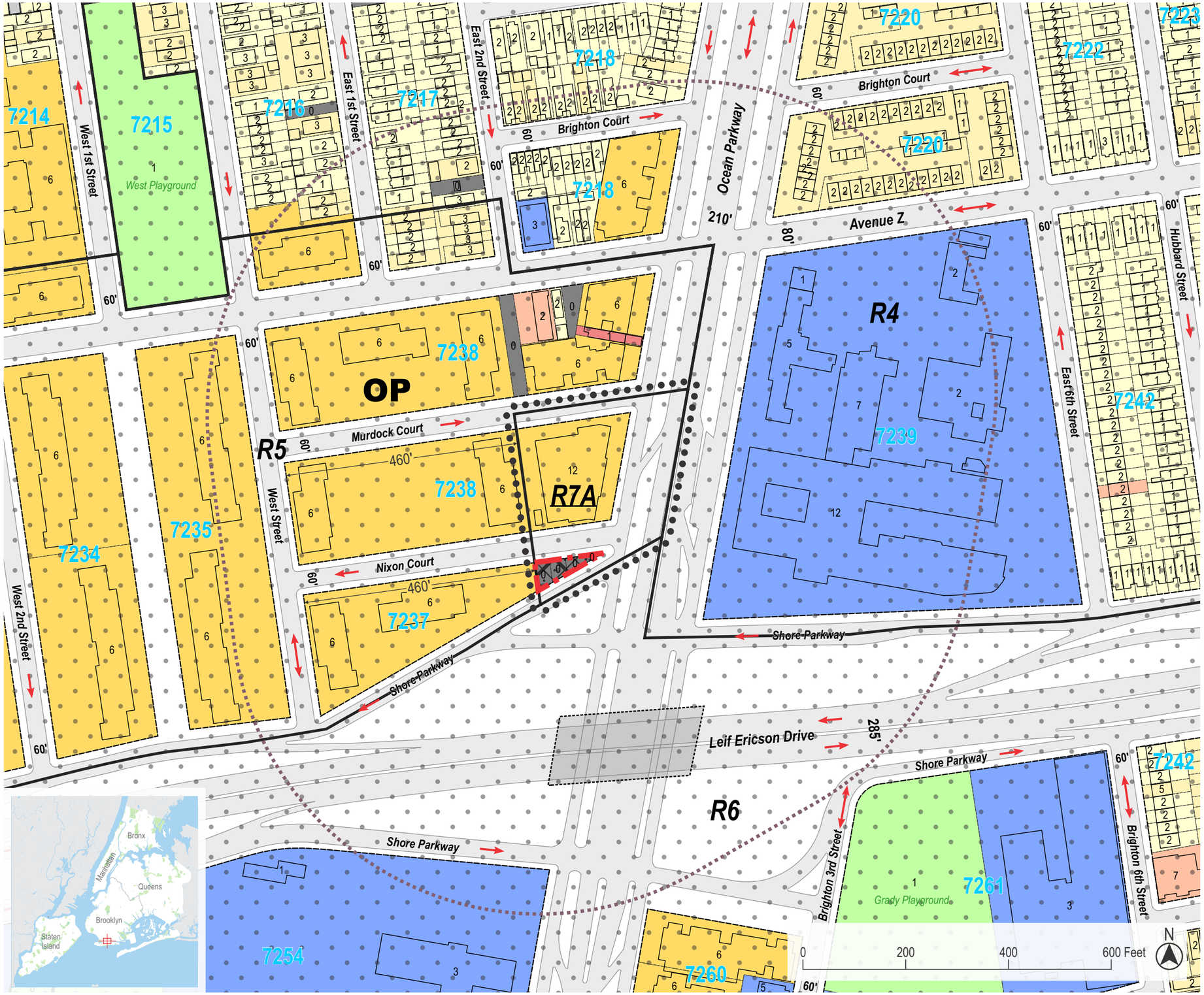


Figure 4: Zoning Map

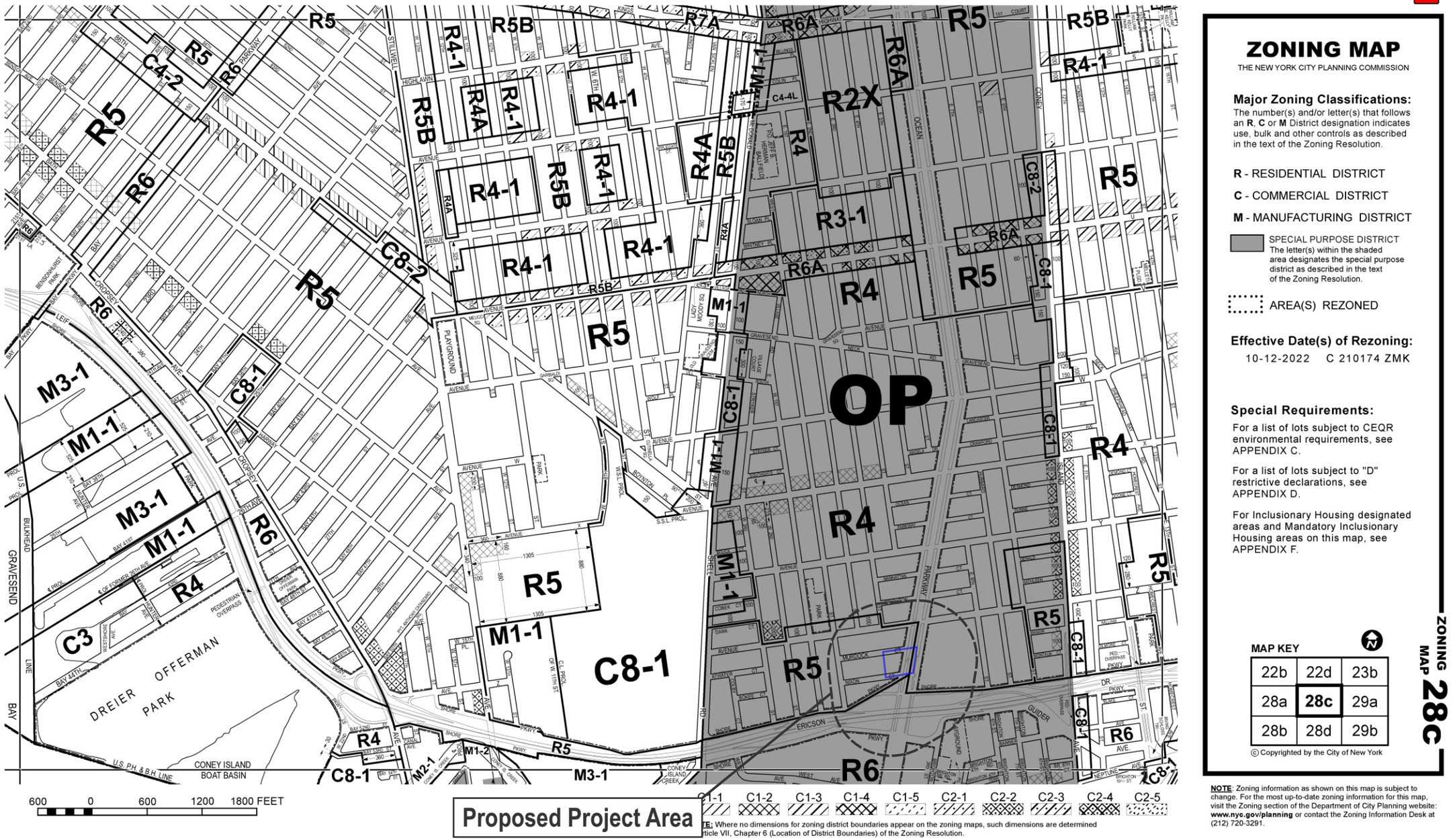
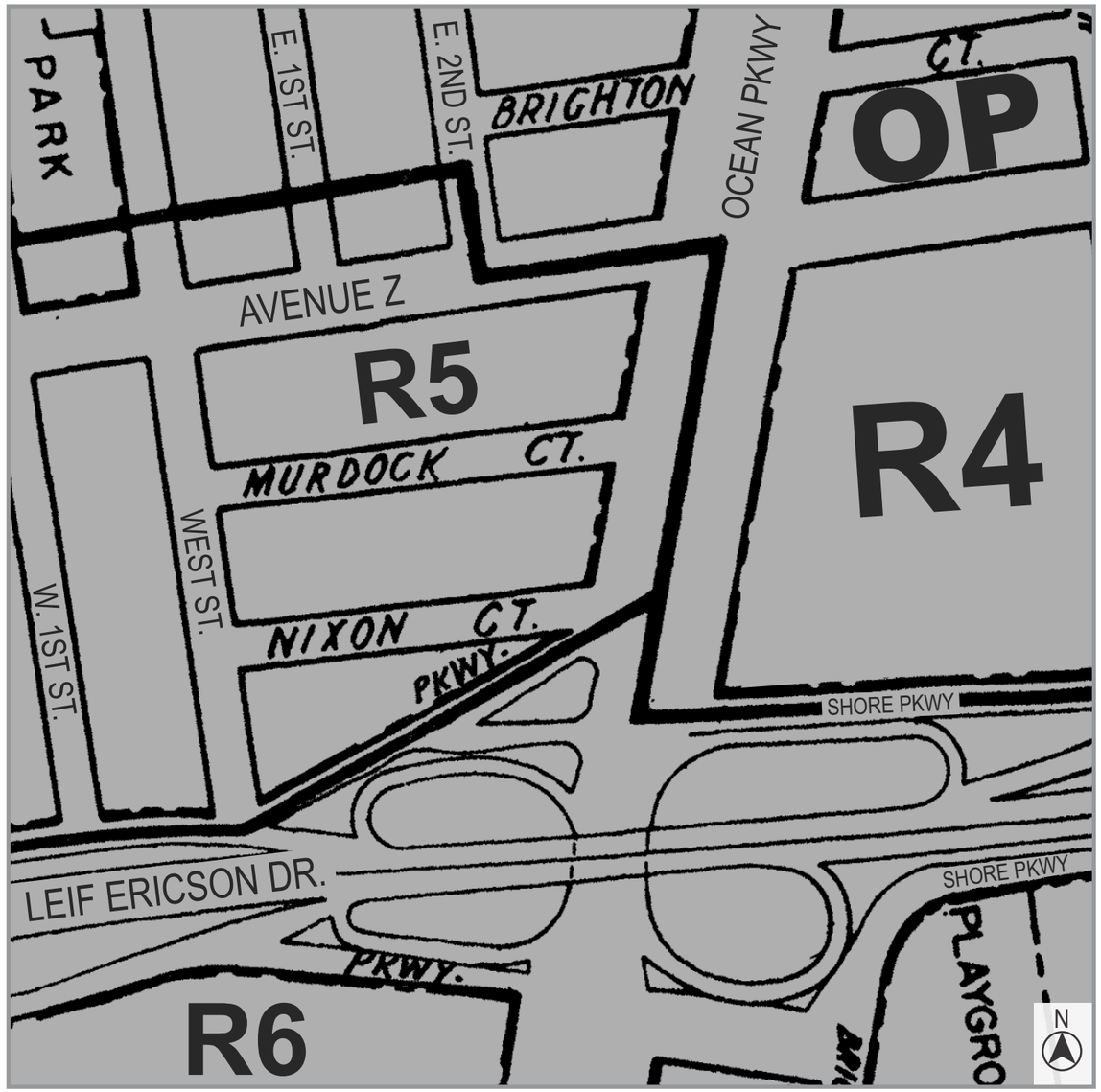
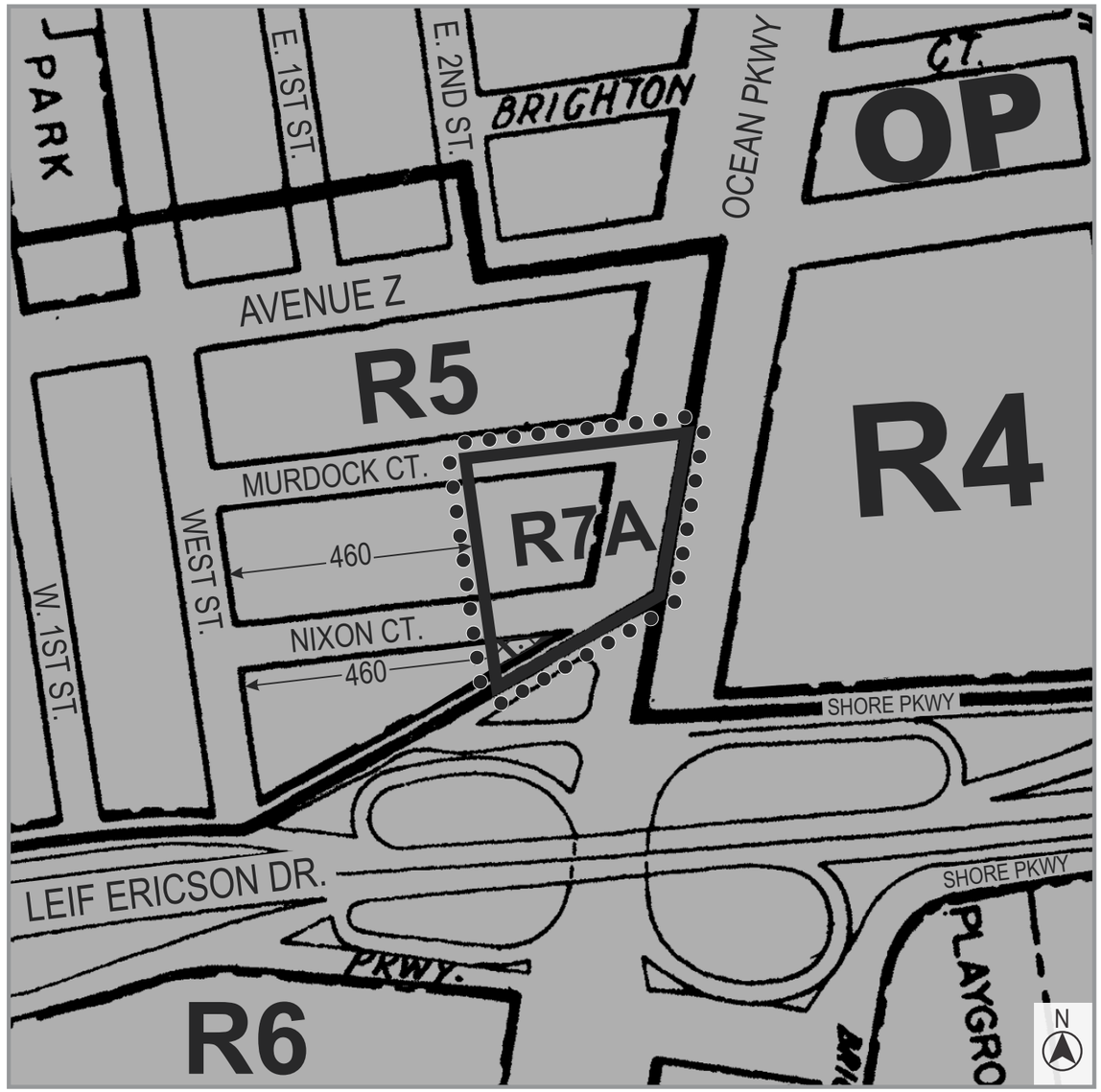


Figure 5: Zoning Change Map



Current Zoning Map (28c)



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

Rezoning from R5 (OP) to R7A (OP)
Rezoning from R5 (OP) to R7A/C2-4 (OP)

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.

Section III – Technical Analysis

- **Land Use, Zoning and Public Policy (Chapter 2)**
- **Shadows (Chapter 3)**
- **Historic and Cultural Resources (Chapter 4)**
- **Urban Design and Visual Resources (Chapter 5)**
- **Hazardous Materials (Chapter 6)**
- **Air Quality (Chapter 7)**
- **Noise (Chapter 8)**

2. Land Use, Zoning and Public Policy

Introduction

This analysis of land use, zoning and public policy follows the guidelines set forth in CEQR Technical Manual. It characterizes the existing conditions within and surrounding the Project Area and addresses potential impacts to land use, zoning, and public policy that would be associated with the Proposed Actions.

Methodology

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

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

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

According to the CEQR Technical Manual, the appropriate study area for a land use, zoning, and public policy analysis is related to the type and size of the project, as well as the location and context of the area that could be affected by the project. To assess the potential for project related impacts, the land use study area has been defined as the area located within a 400-foot radius of the Proposed Project. The 400-foot land use study area is generally bounded by Shore Parkway to the south, West Street to the west, mid-block between Avenue Z and Brighton Court to the north, and the Coney Island Hospital complex to the east (**see EAS Figure 3: Area Map**). 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

Existing Condition

Existing land uses are described within the Project Area as well as within the 400-foot land use study area.

Project Area

As discussed above the Project Area is comprised of Brooklyn Block 7237, Lots 61, 63, 64, and 65 and Brooklyn Block 7238, Lot 115 (see **EAS Figure 2-1 and 2-2 Tax Map**), bounded by the Ocean Parkway to the east, Murdock Court to the north, a line 460 ft. to the east of West Street to the west, and the Belt / Shore Parkway to the south (**see EAS Figure 3: Area Map**). Brooklyn Block 7237, Lots 61, 63, 64, and 65 comprise the Projected Development Site, while Brooklyn Block 7238, Lot 115 is a non-development site. The Existing Condition at these tax lots is described by development site type below (as well as visualized in **EAS Figure 3: Area Map**). All four tax lots comprising the 3,524-sf Projected Development Site area entirely vacant (with landscaping) featuring no development of any kind, resulting in an overall FAR of 0.0. This 37,100-sf part corner lot, part through lot located directly across the street to the north from the Applicant's development site along Ocean Parkway between Murdock Court to the north and Nixon Court to the south, is not owned / controlled by the Applicant. This lot is improved with a 12- story multi-family residential building containing approximately 186,630 gsf of residential floor area (5.03 FAR).

Study Area

The land use character within the 400-foot land use study area is generally defined by those uses east and west of the Ocean Parkway (see **EAS Figure 3: Area Map**). West of Ocean Parkway, land uses are defined by large, multi-family residential uses with several single-family residential uses to the north, with several vacant and mixed-use residential and groundfloor commercial uses and a local religious use (the Beach Haven Jewish Center). East of Ocean Parkway, land uses are defined entirely by the Coney Island Hospital complex, a large, institutional use. Beyond lot-based land uses, both the Ocean Parkway (bisecting the study area north-south) and Belt / Shore Parkway (bisecting the southern portion of the study area from west to east) are major automotive thoroughfares incorporating decorative landscaping (in the case of the Belt / Shore Parkway) and landscaped pedestrian malls (in the case of the Ocean Parkway).

No-Action Condition

Project Area

Absent the Proposed Actions it is assumed the Affected Area's existing R5 zoning would remain, and no new development would occur at either the Projected Development Site or Non-Development Site. Pursuant to information provided by the Applicant, there is no intention to develop the Projected Development Site absent the Proposed Actions. No known redevelopment actions are proposed at the Non-Development Site and, further, the existing building exceeds permitted area, bulk, and density regulations (previously permitted by the R5 zoning district until 1989) of the underlying R5 zoning district, such that redevelopment with a smaller, less

dense use is highly unlikely as such a scenario is not financially practical.

Study Area

Based on a review of the NYC Active Major Construction (AMC) database and NYC Zoning Application Search (ZAP) on April 25th, 2024, no No-Action Condition development projects were identified within the 400-foot land use study area. The Coney Island Hospital complex was recently expanded and renamed to South Brooklyn Health. Pursuant to the NYC Health and Hospital website, this building features a new emergency department, private patient rooms, surgical suite, and many other facilities completed in late 2023.

With-Action Condition

Project Area

As discussed above, the Proposed Actions would facilitate the development of a 9-story (with cellar), 18,842 gross square feet (gsf) / 14,995 zoning-square-foot (zsf) (4.25 FAR) mixed-use multi-family residential building with ground floor retail space on the Projected Development Site. The building would include approximately 18,034 gsf / 14,187 zsf (4.02 FAR) of residential floor area and 808 gsf / 808 zsf (0.23 FAR) of local retail space. The proposed new building would contain a total of 16 dwelling units. Both MIH Options 1 and 2 would be mapped on the Project Area. The Proposed Project would include 4 or 5 affordable units pursuant to either MIH Option 1 (which requires 25% affordable units) or MIH Option 2 (which requires 30% affordable units). The building would have a maximum height of approximately 95 feet (9 stories), with an additional 10-foot rooftop bulkhead (for a total height of 105 feet). The first floor would contain local retail uses in two separate spaces as well as a small mechanical / utility room. One curb cut would be provided along Nixon Court. Eleven attended, off-street parking spaces would be provided for the residential component of the project within the ground floor of the proposed building (no off-street parking is required or provided for the commercial portion of the project).

Under this With-Action Condition at the Non-Development Site, the permissible maximum FAR would be 4.6 (assuming participation in an inclusionary housing program) while featuring an existing FAR of 5.03, which would therefore not meet CEQR-specified soft site criteria for projected or potential development sites (i.e., the site would be more than 50 percent developed regarding permissible FAR under the Proposed Actions). Further, the building was constructed prior to 1974 (i.e., 1962) and features more than six residential dwelling units (i.e., 90) and therefore it is likely to contain rent-stabilized dwelling units. Further, the building is a cooperative (i.e., Co-Op) building. The Proposed Actions are therefore not expected to catalyze any redevelopment at the site as either a projected or potential development site under the With-Action Condition.

Study Area

As such, under the With-Action Condition, land uses at the Projected Development Site would transition from vacant to mixed-use multi-family residential and local commercial retail while those existing multi-family uses comprising the remainder of the Affected Area would be maintained. Those new residential and commercial uses would be consistent with the existing land use character of the neighborhood, which is exclusively multi-family residential in the immediate surrounding area west of Ocean Parkway. As such, the Proposed Actions would

catalyze development that reinforces existing land use patterns in the area.

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

Zoning

Existing Condition

Existing zoning conditions, including zoning districts, commercial overlays, special zoning districts, and historical zoning actions, within the Affected Area and land use study area, are discussed in detail below (and visualized in **EAS Figure 4: Zoning Map**).

Project Area

The entirety of the Project Area, including the Projected Development Site and the Non-Development Site, is situated within the R5 zoning district. The R5 district is a low-density general residence district that permits residential buildings up to 1.5 FAR for standard sites and 2.0 FAR for Qualifying Residential Sites. The maximum height of buildings within R5 districts is 45 feet and is increased to 55 feet with a Qualifying Residential Site. R5 districts require side yards of at least 8 feet and a 10-foot front yard. Parking is required for 35% of dwelling units in the Outer Transit Zone and is waived where 10 and fewer spaces are required. Parking is waived for qualifying affordable units and for Qualifying Residential Sites with 75 units or less.

It is noted that the entirety of the Project Area is located within the Ocean Parkway Special District (OP). Established in 1977, the purpose of this special district is to enhance the qualities of the Ocean Parkway corridor by preserving the existing scale and character of the surrounding area and require large front setbacks and landscaping for buildings along the parkway itself. Both the Projected Development Site and Non-Development Site front on Ocean Parkway to the east. As such, development at either of these sites is subject to special area and bulk provisions of the OP, notably 30-foot front yard setbacks with landscaping requirements (pursuant to NYC Zoning Resolution §113-12 and §113-30).

Study Area

Existing zoning within 400-foot land use study area included the R5 zoning district (to the north and west of the Affected Area) the R4 zoning district (to the east and far north of the Affected Area), and the R6 zoning district (to the south of the Affected Area) (see **EAS Figure 4: Zoning Map**).

The R4 zoning district is low-density, non-contextual residential zoning district with maximum permissible FARs 0.9 and 2.0 for residential and community facility uses, respectively. A 35-foot building height is permitted with a 25-foot maximum streetwall, with a 30-foot minimum rear yard and varying side yard requirements dependent on building typology (i.e., detached, semi- detached, or attached). A 45 percent maximum lot coverage is permitted, and parking is required for 100 percent of dwelling units.

The R6 zoning district is a Quality Housing district (which encourages development consistent with existing development character via permitted density bonuses) that permits FARs of 3.0 for residential up to 3.6 FAR for participation in inclusionary housing programs) and 4.8 for community facility uses. Maximum building heights within the R6 district include a maximum base height of 65 feet and a maximum overall height of 115 feet (assumes participation in inclusionary housing program, development on a wide street, and utilization of a qualifying ground floor), over a maximum of 11 stories. A minimum 30-foot rear yard is required with a maximum lot coverage ranging from 60 to 65 percent on interior lots (for narrow and wide streets for non-inclusionary housing projects, respectively) and 100 percent on corner lots.

With-Action Condition

Project Area

Under the With-Action Condition the Project Area would be rezoned. at Brooklyn Block 7237, Lots 61, 63, 64, and 65 (Projected Development Site) would be rezoned from an R5 (Ocean Parkway [OP]) district to an R7A /C2-4 (OP) zoning district. Brooklyn Block 7238, Lot 115 would be rezoned from an R5 (Ocean Parkway [OP]) district to an R7A (OP) zoning district.

Refer to **EAS Figure 5: Zoning Change Map** for a No-Action Condition at the Affected Area. These requested zoning actions are necessary in order to permit the Proposed Project to proceed. The existing R5 zoning mapped at the Projected Development Site typically produces three-story attached houses and small apartment buildings at a maximum residential FAR of 1.25. The Proposed Actions would permit the development of higher density residential development with accessory ground floor commercial spaces at the Projected Development Site. With regard to the identified Non-Development Site, the Proposed Actions would have the effect of making existing development at the site consistent with underlying zoning.

The R7A zoning district is a medium density contextual residential zoning district that permits residential and community facility uses up to FARs of 4.0 (with residential uses up to a FAR of 4.6 assuming participation in an inclusionary housing program). A base height between 40 and 75 feet is required, with a maximum permitted building height of 95 feet, with a maximum of 9 building stories permitted. The R7A district requires off-street parking for 50 percent of the total number of residential dwelling units. When mapped in conjunction with an R7A district, C2-4 commercial overlays permit a commercial FAR of 2.0 with a parking requirement of 1 space per 1,000 gsf of commercial space.

Study Area

The Proposed Actions would not result in any changes in zoning in the 400-foot land use study area as it is limited to the Affected Area only. Further, permitted development at the Projected Development Site under the Proposed Actions would be similar to those of existing development densities within the study area (which were previously permitted by the R5 zoning district until 1989). Based on the foregoing, the Proposed Actions are not expected to result in significant adverse zoning impacts. The actions would be limited to the Affected Area such that the area beyond the development site would not be impacted. As such, no further analysis is warranted.

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 site. Per the CEQR Technical Manual this area is coterminous with the land use study area.

Existing Condition

The Project Area is located in Gravesend which is within Brooklyn Community District 13. Existing public policies that could affect the Rezoning Area include:

- Housing New York 2.0
- 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 2.0: Building on the foundation laid through Housing New York, in November 2017 the DeBlasio Administration committed to completing the initial goal of 200,000 affordable homes two years ahead of schedule, by 2022, and generating an additional 100,000 homes over the following four years. To accomplish this accelerated and expanded plan, the DeBlasio administration launched Housing New York 2.0, a roadmap for how the city will help reach a new goal of 300,000 homes by 2026.

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. All of the 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 the Projected Development Site within the Project Area.

City of Yes

The Proposed Actions include a zoning text amendment to map a Mandatory Inclusionary Housing Area on the Project Area. The Proposed Actions include a zoning text amendment to map a Mandatory Inclusionary Housing Area on the Project Area. The Proposed Actions would include 16 units, 25-30% of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected. The creation of new market rate and affordable units is consistent with this public policy as it furthers the goal of expanding housing opportunity on an underutilized site.

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 Project would expand housing options in the Project Area through the creation of market rate and affordable housing.

The Food Retail Expansion to Support Health (FRESH) Program

The Applicant's Proposed Project does not include a supermarket nor is a supermarket anticipated to be constructed on the Projected Development Site in the With-Action Conditon. 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. There is a large supermarket within the Study Area currently in close proximity to the Project Area.

The NYC Waterfront Revitalization Program (WRP)

The Project Area is located within the boundaries of the Coastal Zone of New York City. A WRP Consistency is provided as an appendix to this EAS.

Conclusion

The Proposed Actions would advance several public policy objectives as they would result in the development of dense, mixed use, and mixed income, buildings. These are stated policy goals in both *Where we Live* and *City of Yes.* The Proposed Actions would not result in for significant adverse impacts to Public Policy. Further analysis of the potential for significant adverse impacts to Public Policy is not warranted.

3. Shadows

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

Introduction

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

As described above the With-Action Condition includes the development of a 105-foot building (including a 95-foot building height and 10-foot rooftop bulkhead) Project Site, which would represent a 105-foot incremental building height increase over the No-Action Condition. Further, the Project Site is adjacent to the State and National Register (S/NR)-designated Ocean Parkway, which contains sunlight sensitive features (as detailed below). The Project Site is also adjacent to Shore Parkway, an open space resource that contains sunlight sensitive features. Based on the foregoing, a preliminary shadows screening assessment is warranted.

Methodology

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

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

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

Tier 3 Screening: If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be

reached by new shadows by looking at specific representative days of the year and determining the maximum extent of shadow over the course of each representative day. For the Tier 3 screening, three-dimensional modeling software with the capacity to model shadows is used, and the Reasonable Worst-Case Development Scenario under the With-Action Condition that could be achieved as a result of the considered Proposed Actions are modeled and geo-located within the program. Terrain provided by the modeling software is also incorporated into the model to account for how changes in elevation throughout the study area can influence shadows that could be cast by a proposed project. The representative days are December 21 (winter solstice), June 21 (summer solstice), March 21 / September 21 (vernal/autumnal equinox), and May 6 / August 6 (halfway between summer solstice and the equinoxes). The modeling software is also used to approximate times that shadows cast from a proposed project could enter and exit a resource.

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

Preliminary Shadows Screening Assessment

Tiers 1 and 2 Screening Assessment

Figure 3-1: Tier 1 Screening Assessment illustrates the Tier 1 maximum shadow screening radius for the Proposed Project. The building's maximum height including the bulkhead is 105ft. For the purposes of presenting a conservative analysis, this section assumes a maximum structure height of 120ft. Based on a maximum structure height of 120 feet, the maximum shadow screening radius under the With-Action Condition is 516 feet (i.e., 120 feet multiplied by the CEQR Technical Manual specified factor of 4.3). As shown in **Figure 3-1**, there are two sunlight-sensitive resources within the maximum shadow screening radius for the Proposed Project, including landscaped areas associated with the Shore Parkway and landscaped pedestrian malls associated with the S/NR-designated Ocean Parkway, further described below.

Ocean Parkway Malls (Map Item No. 1): The Ocean Parkway is a S/NR-designated Historic Resource that is 210-feet wide, featuring two tree-lined malls each 20 feet wide, flanking a 70- foot wide central drive. The western mall, comprised of a concrete promenade, provides park benches, playing tables, and a bicycle path. The parkway's malls and adjacent properties are shaded by a canopy of various species of trees. Separated from the drive by the two malls are the flanking 25-foot-wide service roads and two 15-foot-wide sidewalks. Designed by Frederick Law Olmstead in 1866, the Ocean Parkway is architecturally and historically significant as the first parkway planned in the United States. The aforementioned 20-foot-wide tree-lined malls represent the only sunlight sensitive portion of this historic resource, as they feature landscaping (including grass and trees) and recreational (including bike and pedestrian paths) elements.

Shore Parkway Landscaping (Map Item No. 2): Four separate, non-contiguous portions of parkway landscaping associated with the Belt / Shore Parkway, totaling approximately 1.96 acres, are found within the southern portion of the maximum shadow screening radius for the Proposed Project. Though not publicly accessible for recreational purposes, the landscaping provides an aesthetically appealing natural buffer between the Shore Parkway automobile thoroughfare and the surrounding community and is therefore considered sunlight sensitive for the purposes of this analysis.

As illustrated in **Figure 3-2: Tier II Assessment**, portions of the Ocean Parkway Malls and Belt Parkway landscaping fall outside of that area that cannot be shaded by the Proposed Project (i.e., within 108 degrees of True North). Therefore, based on the foregoing, the Tiers 1 and 2 shadows screenings could not rule out the potential for significant adverse shadow impacts to portions of all two identified sunlight sensitive resources, which therefore warranted a Tier 3 analysis.

Tier 3 Screening Assessment

In accordance with the CEQR Technical Manual, a Tier 3 screening assessment was performed because the Tier 1 and Tier 2 assessments identified multiple sunlight-sensitive resources within the area of the longest shadow that could receive shadows from the Proposed Project. The Tier 3 screening assessment was performed for the four representative days of the year set forth in the CEQR Technical Manual: December 21, the winter solstice and shortest day of the year; March 21 / September 21, the equinoxes; May 6 / August 6, the midpoints between the summer solstice and the equinoxes; and June 21, the summer solstice and the longest day of the year.

In accordance with the CEQR Technical Manual, a model of the Proposed Project was developed in SketchUp three-dimensional modeling software. The model was geo-located and the surrounding terrain was imported into the model to account for differences in topography. As noted above, the Tier 3 shadow screening shows the shadows that could be cast as a result of the Proposed Project but does not account for existing buildings which may already cast shadows on the identified sunlight sensitive resources. **Figures 3-3 through 3-6: Tier III Assessment** (appended to the end of this section) illustrate the results of the Tier 3 analysis.

Ocean Parkway Pedestrian Malls (Map Item No. 1)

Projected Tier 3 shadows would fall on this resource during the December 21 analysis day for 1 hour, 12 minutes (from 1:41 PM to 2:53 PM). During the March 21 / September 21, May 6 / August 6, and June 21 analysis days projected Tier 3 shadows would fall on the Ocean Parkway Pedestrian Malls from 2:00 PM to 4:29 PM (2 hours, 29 minutes), 2:02 PM to 5:18 PM (3 hours, 16 minutes), and from 2:13 PM to 6:01 PM (3 hours, 48 minutes), respectively. Based on these projected durations and extent of coverages, detailed assessments are warranted for all analysis days.

Shore Parkway Landscaping (Map Item No. 2)

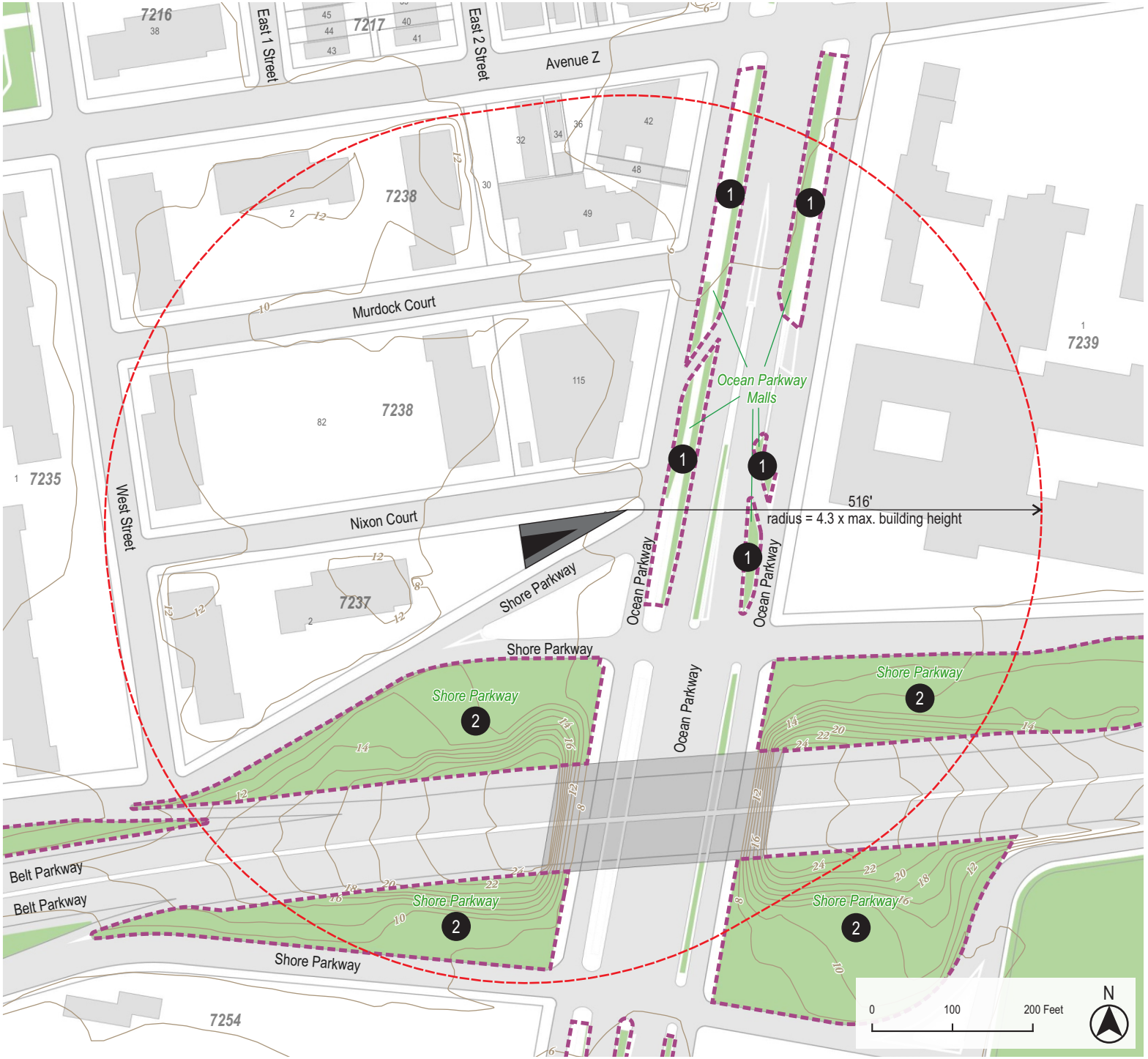
Projected Tier 3 shadows would fall on this resource during the June 21 analysis day from 5:52 PM to 6:01 PM (9 minutes) Based on these projected durations and extent of coverages, detailed assessments are warranted for all analysis days.

Based on the foregoing, both resources are of concern during the December 21, March 21 / September 21, May 6 / August 6, and June 21 analysis days, and a detailed analysis is necessary.

Nixon Court, Brooklyn

Figure 3-1: Tier 1 Screening Assessment

- Project Site
- Roof Above 7th Floor (75')
- Roof Above Bulkheads (120')
- Longest Shadow Study Area Boundary
- # Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource

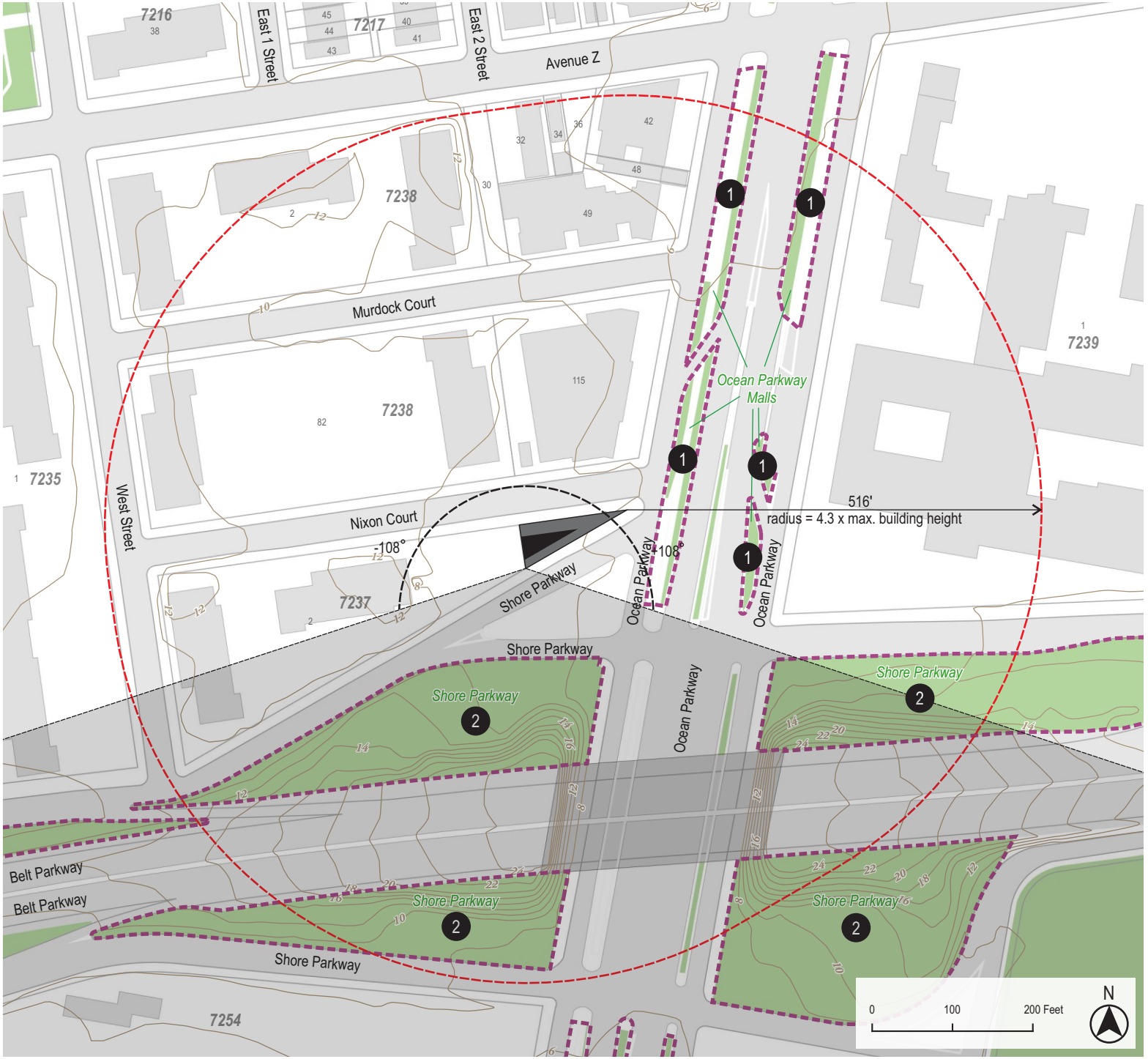


Urban Cartographics

Nixon Court, Brooklyn

Figure 3-2: Tier 2 Screening Assessment

- Project Site
- Roof Above 7th Floor (75')
- Roof Above Bulkheads (120')
- Longest Shadow Study Area Boundary
- # Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource
- Area That Cannot Be Shaded by the Proposed Building

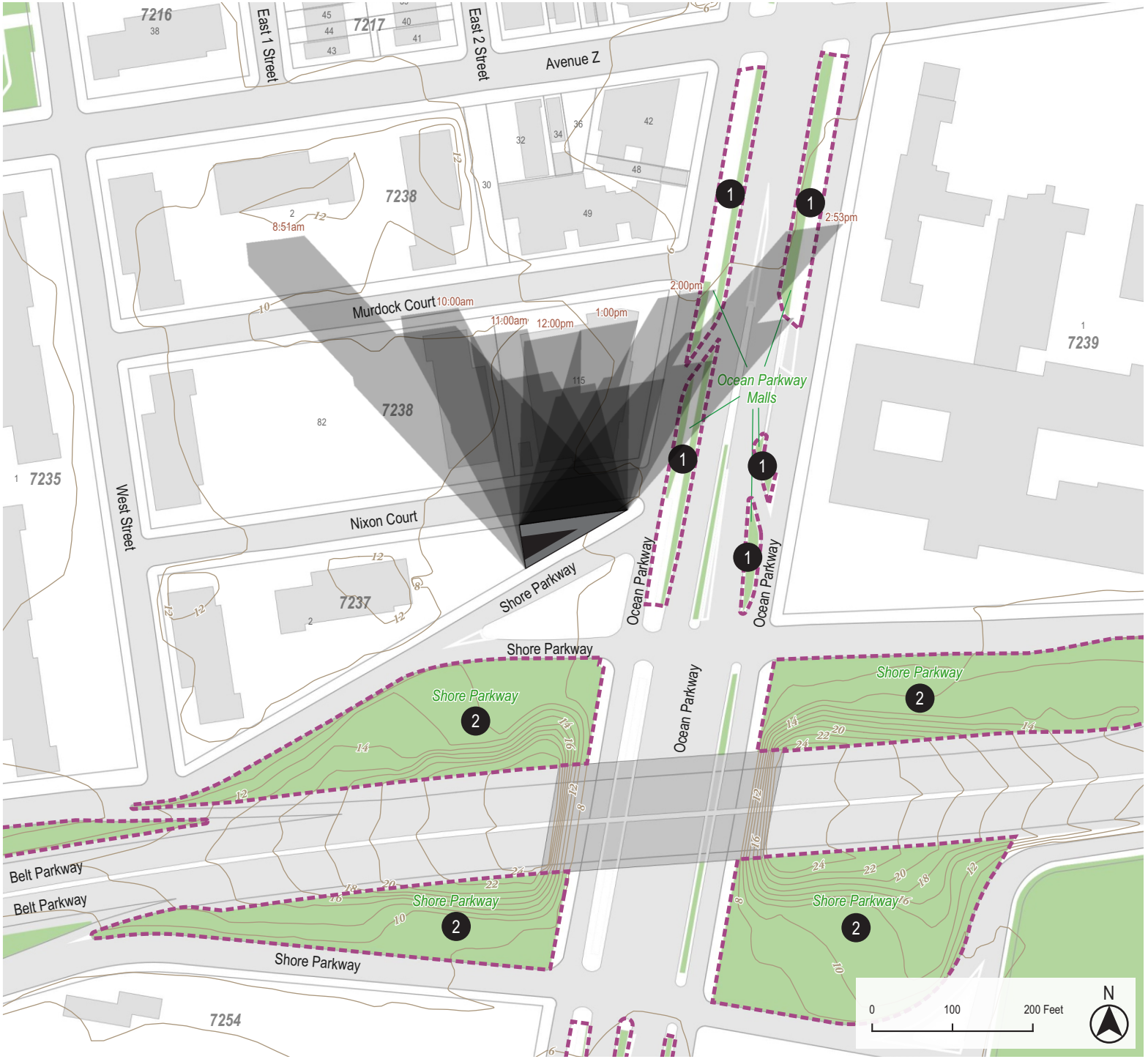


Urban Cartographics

Nixon Court, Brooklyn

Figure 3-3: Tier 3 Screening Assessment for the December 21 Analysis Day [39]

- Project Site
- Roof Above 7th Floor (75')
- Roof Above Bulkheads (120')
- 8:51am Shadow Cast/Analysis Time
- # Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource

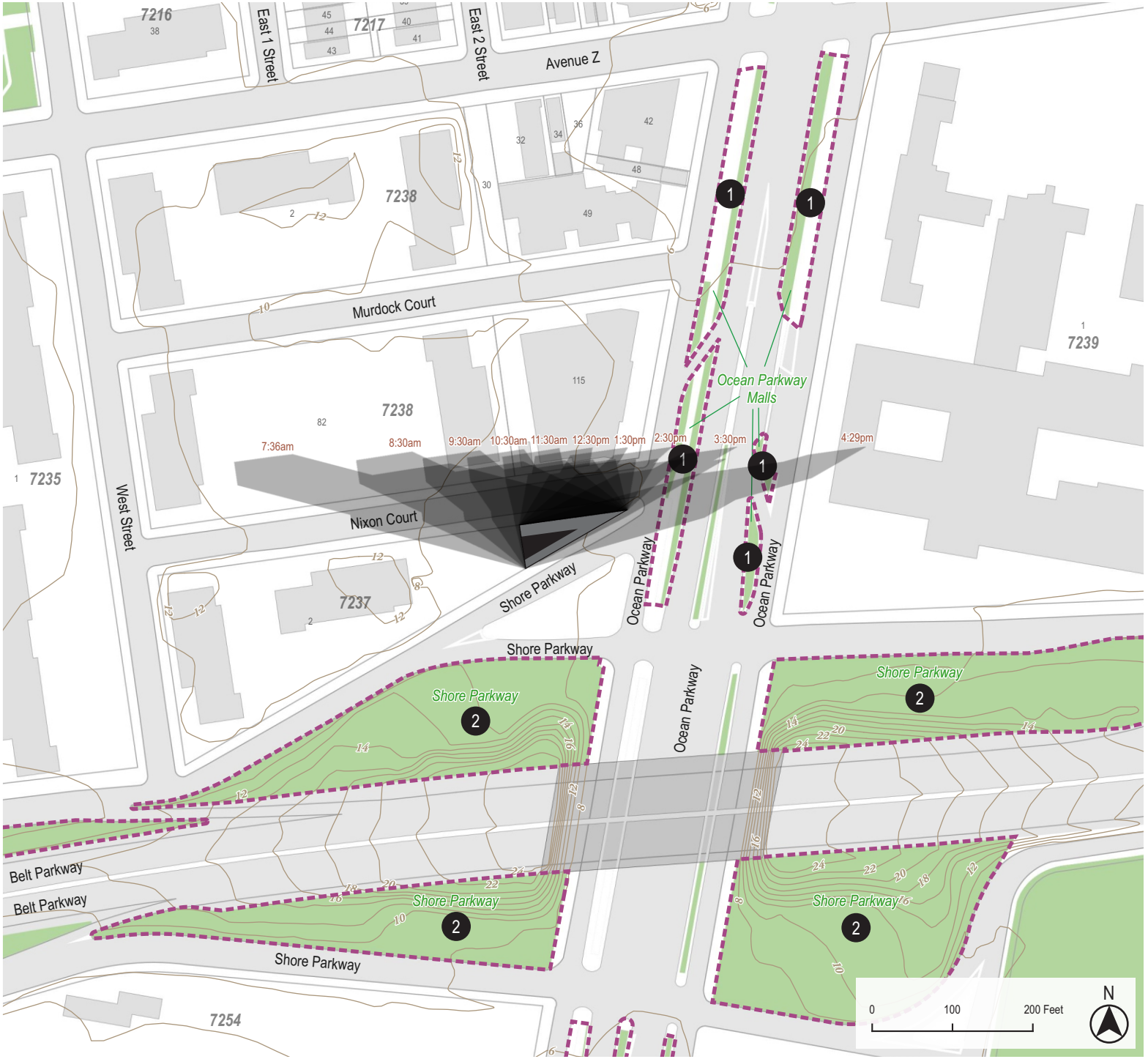


Urban Cartographics

Nixon Court, Brooklyn

Figure 3-4: Tier 3 Screening Assessment for the March 21 Analysis Day [39]

- Project Site
- Roof Above 7th Floor (75')
- Roof Above Bulkheads (120')
- 8:51am Shadow Cast/Analysis Time
- # Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource

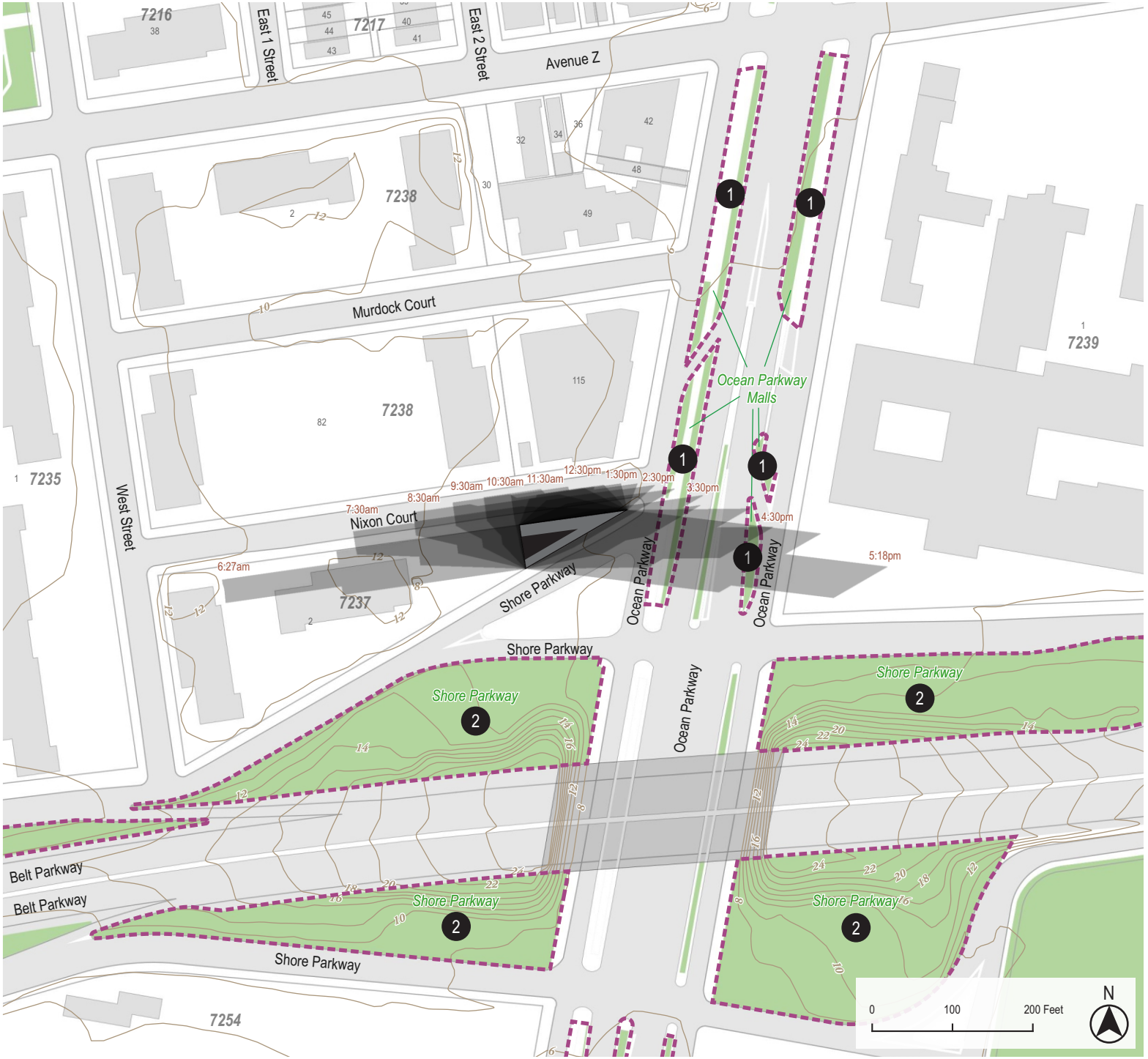


Urban Cartographics

Nixon Court, Brooklyn

Figure 3-5: Tier 3 Screening Assessment for the May 6 Analysis Day [39]

- Project Site
- Roof Above 7th Floor (75')
- Roof Above Bulkheads (120')
- 8:51am Shadow Cast/Analysis Time
- # Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource

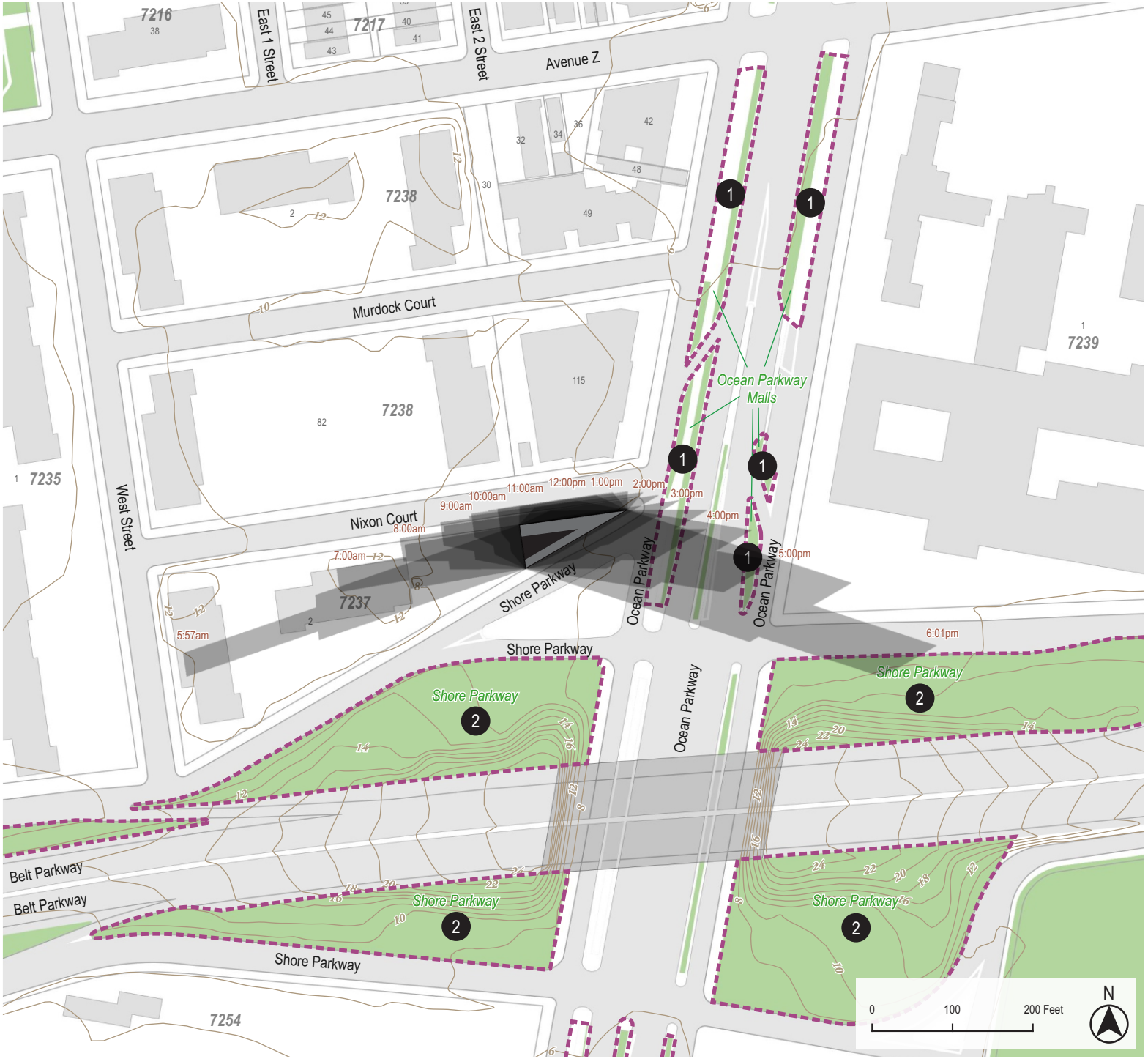


Urban Cartographics

Nixon Court, Brooklyn

Figure 3-6: Tier 3 Screening Assessment for the June 21 Analysis Day [39]

- Project Site
- Roof Above 7th Floor (75')
- Roof Above Bulkheads (120')
- 8:51am — Shadow Cast/Analysis Time
- # — Sunlight-Sensitive Open Space Resource
- Potentially Affected Open Space Resource



Urban Cartographics

Detailed Shadows Screening Assessment

For the detailed analysis, the three-dimensional model used in the Tier 3 assessment was used to compare No-Action Condition shadows versus the With-Action Condition at the Project Site to determine the new incremental shadow on the sunlight sensitive resources described above. **Figures 3-7 through 3-10: Detailed Shadows Analysis** visualize the extent of these new incremental shadows on this resource.

New incremental shadows would fall on the Ocean Parkway Pedestrian Mall from 1:41 PM to 2:53 PM (1 hour, 12 minutes) during the December 21 analysis period. At the end of the analysis day, when projected new incremental shadow coverage on this resource would be the greatest, new shadows would only cover approximately 0.09-acre (16.7 percent) of the 0.54-acre portion found within the area of the longest shadow for the Proposed Project.

New incremental shadows would fall on small portions of the Ocean Parkway Pedestrian Malls from 2:00 to 4:29 PM (2 hours, 29 minutes) during the March 21 / September 21 analysis day. At the end of the analysis day, when projected new incremental shadow coverage would be the greatest, new shadows would only cover 0.05-acre (9.3 percent) of the 0.54-acre portion found within the area of the longest shadow for the Proposed Project.

During the May 6 / August 6 analysis day, new incremental shadows would fall on small portions the Ocean Parkway Pedestrian Malls (a maximum of 0.07-acre [12.9 percent] of the 0.54-acre portion found within the area of the longest shadow for the Proposed Project) for 3 hours, 16 minutes (from 2:02 PM to 5:18 PM).

New incremental shadows would fall on the Ocean Parkway Pedestrian Malls for 3 hours, 48 minutes (from 2:13 PM to 6:01 PM) during the June 21 analysis day. The greatest new incremental shadow coverage would come towards the end of the analysis day, around 5:37 PM, with approximately 0.07-acre (12.9 percent) of the 0.54-acre portion covered in new incremental shadow.

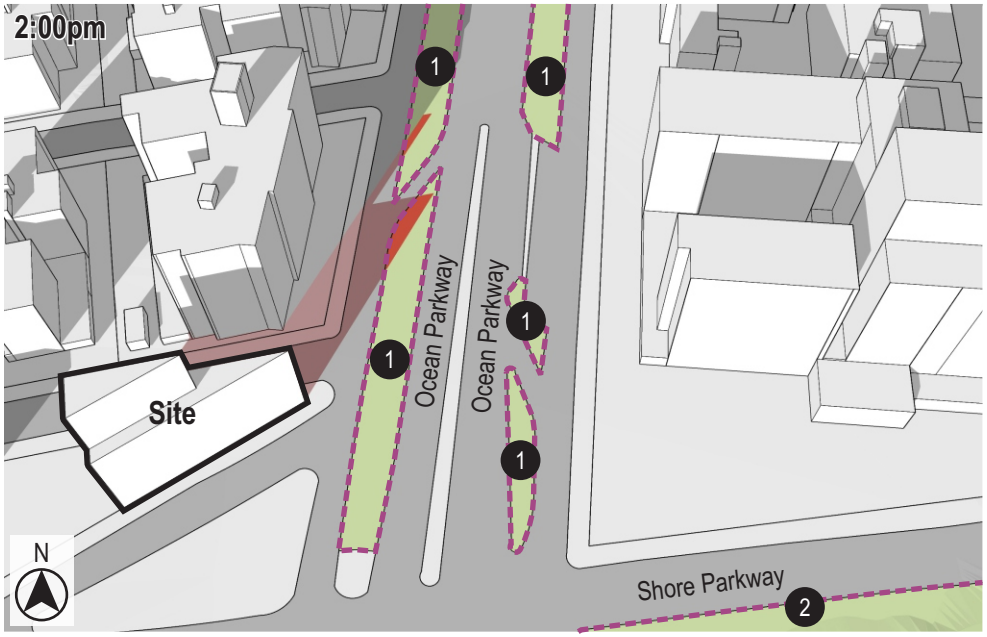
New incremental shadows would also fall on the Shore Parkway Landscaping for 9 minutes (from 5:52 PM to 6:01 PM) during the June 21 analysis day. The greatest new incremental shadow coverage would come towards the end of the analysis day, and cover less than 5% of the resource.

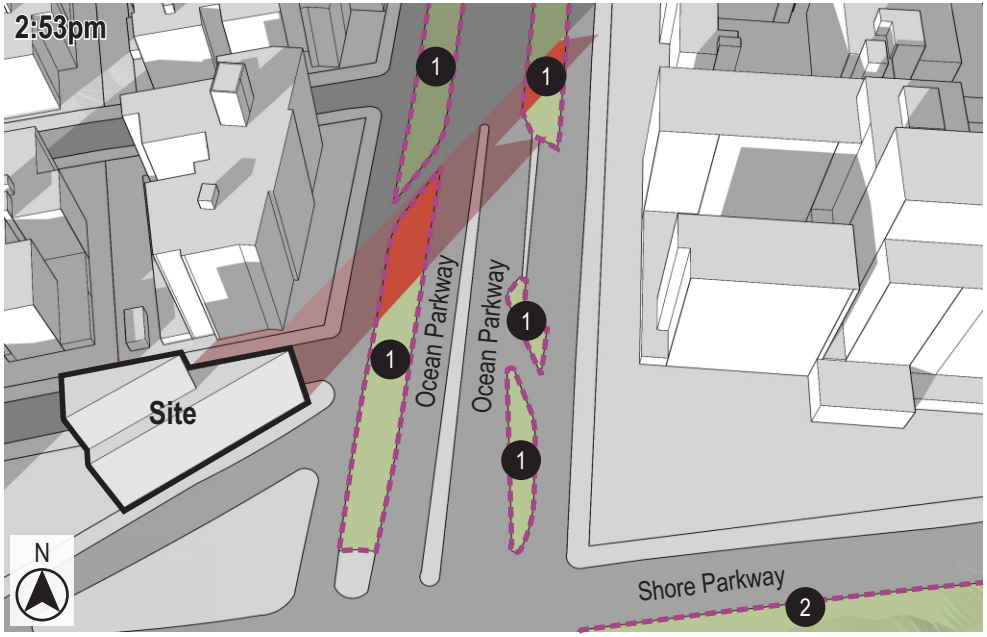
As indicated in the preceding analysis, while new incremental shadows would fall on the Ocean Parkway Pedestrian Malls and the Shore Parkway Landscaping, they would only cover small portions of the resources at their maximum. These shadows would only slightly augment the Future No-Action Condition shadows on the Ocean Parkway Pedestrian Malls such that it is not anticipated that they would impact use of the malls as a passive recreation resource. The Ocean Parkway Pedestrian Malls feature walking and biking paths as well as benches for seating, uses which are not dependent on direct sunlight (and those users desiring direct sunlight can easily walk to areas along the malls experiencing such sunlight during the timeframes of new incremental shadows). Further, much of this resource features a consistent tree canopy (both in the area of the Proposed Project and along the resource as a whole), such that these passive recreation amenities are already shaded. The incremental shadows on the Shore Parkway would not alter the resource in any way.

Nixon Court, Brooklyn

Figure 3-7: Detailed Analysis for the December 21 Analysis Day

Shadows Cast on Sunlight-Sensitive Resources 1 1:41pm – 2:53pm

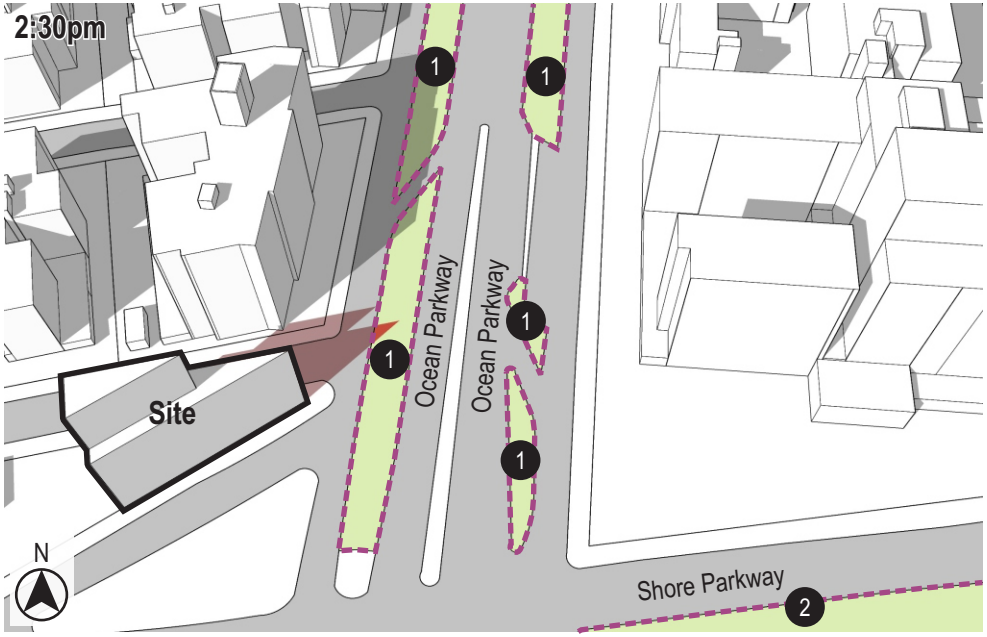


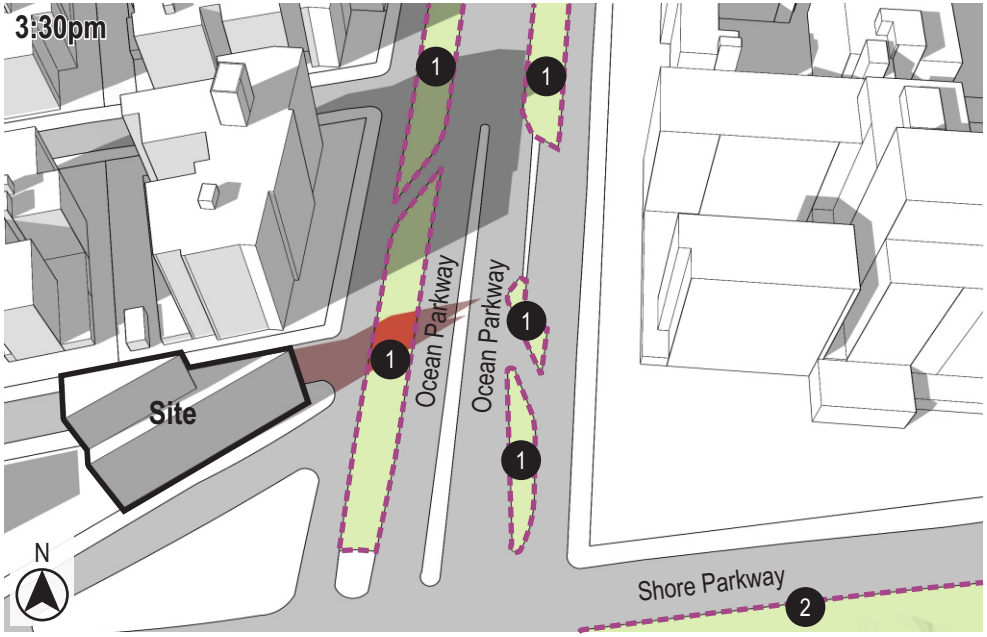


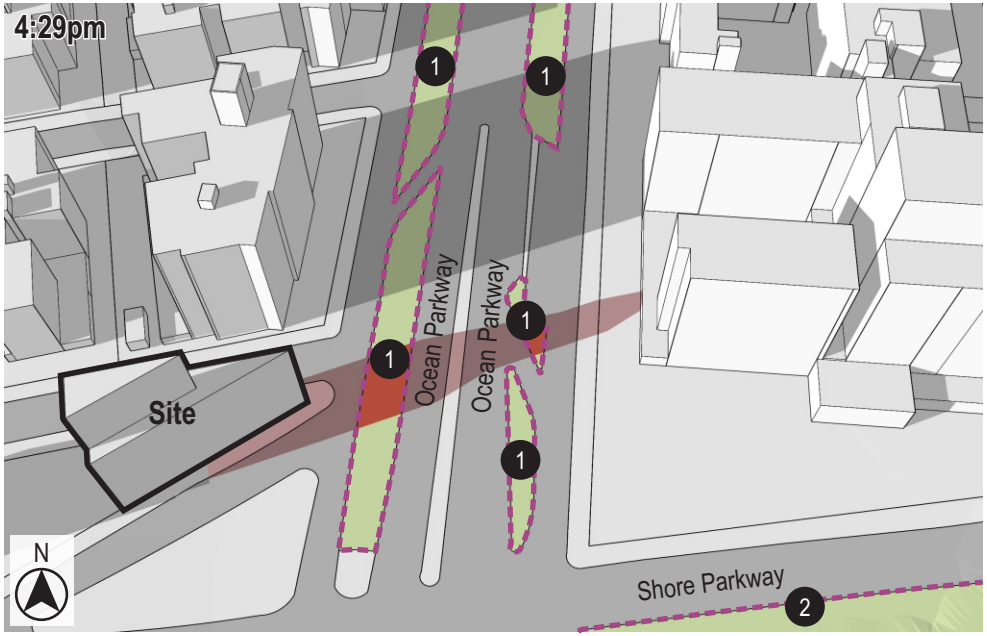
Nixon Court, Brooklyn

Figure 3-8: Detailed Analysis for the March 21 Analysis Day

Shadows Cast on Sunlight-Sensitive Resources 1 2:00pm – 4:29pm



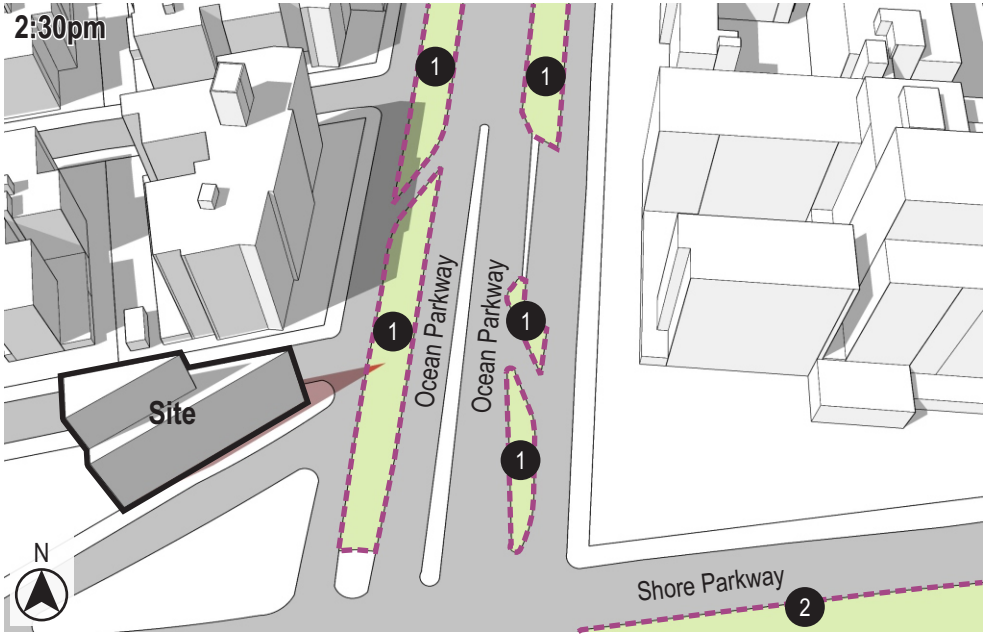


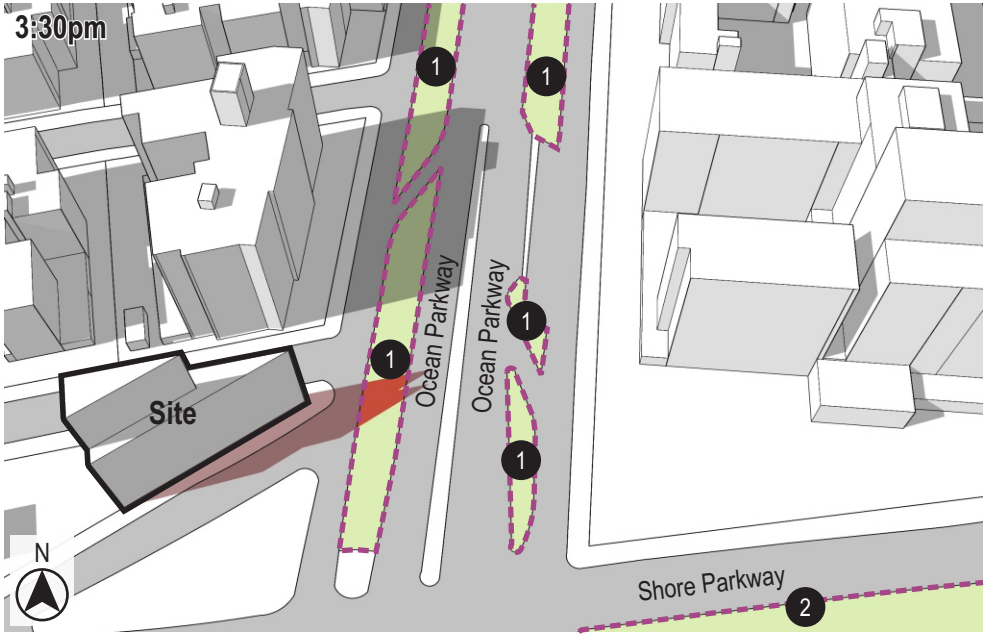


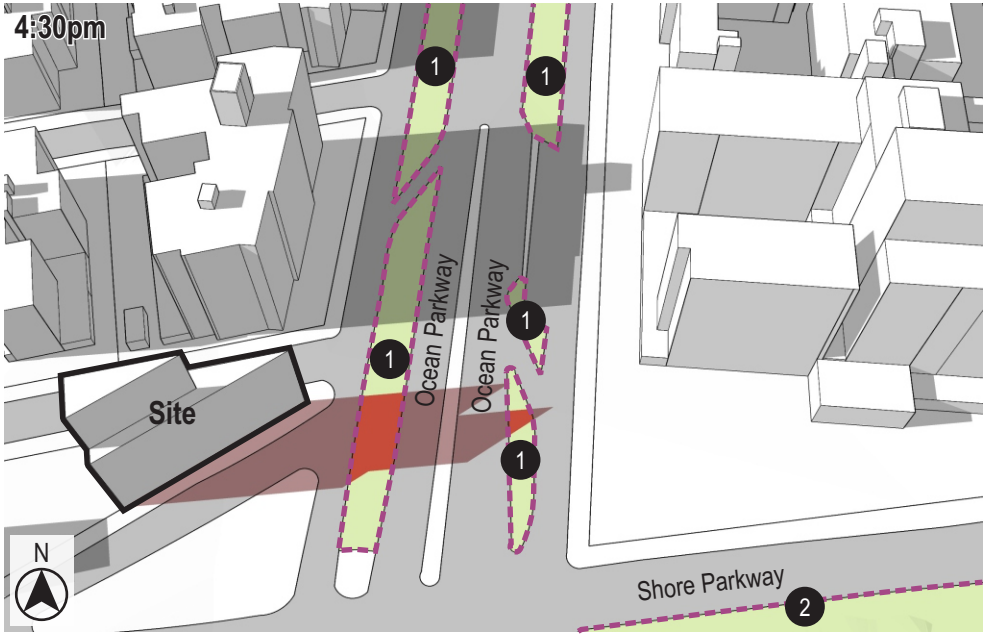
Nixon Court, Brooklyn

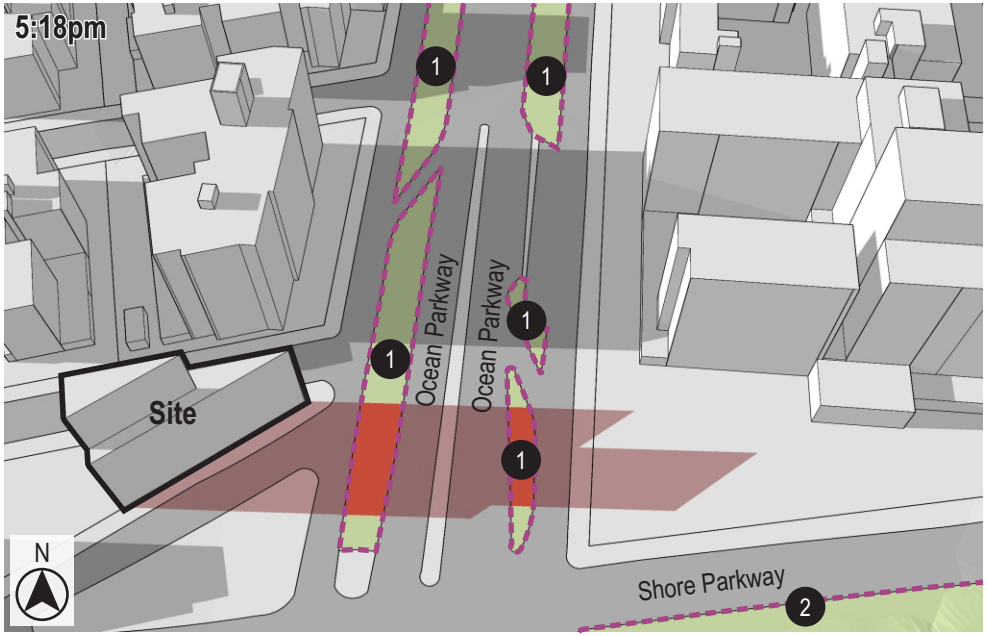
Figure 3-9: Detailed Analysis for the May 6 Analysis Day

Shadows Cast on Sunlight-Sensitive Resources 1 2:02pm – 5:18pm









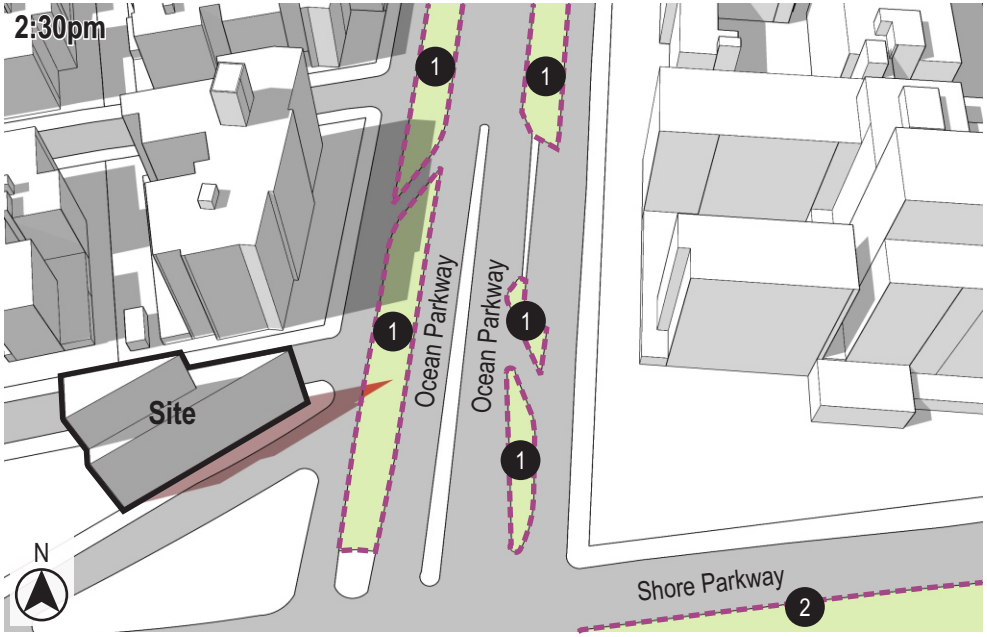
Nixon Court, Brooklyn

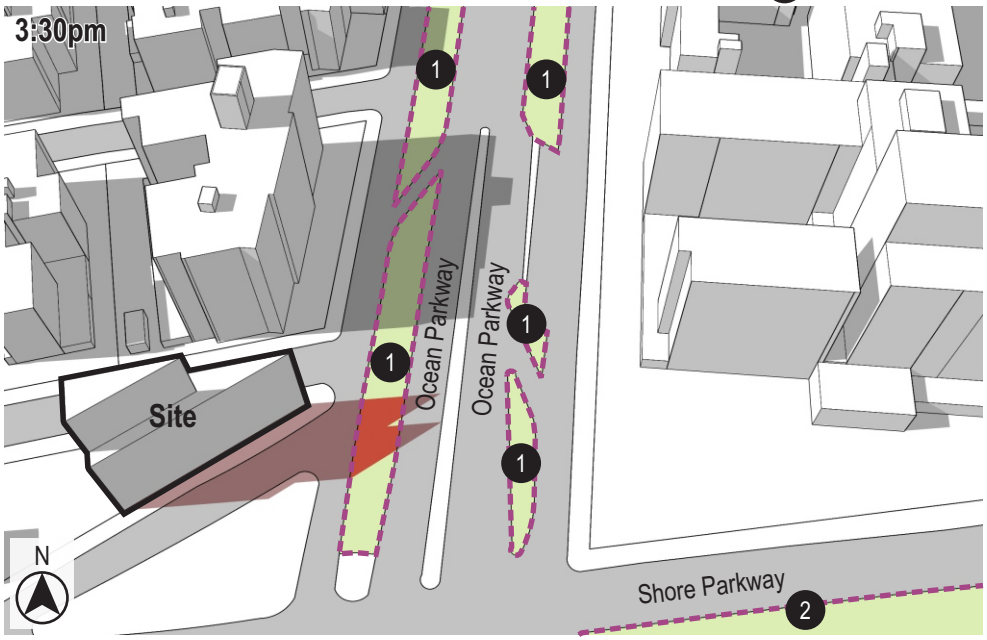
Figure 3-10: Detailed Analysis for the June 6 Analysis Day

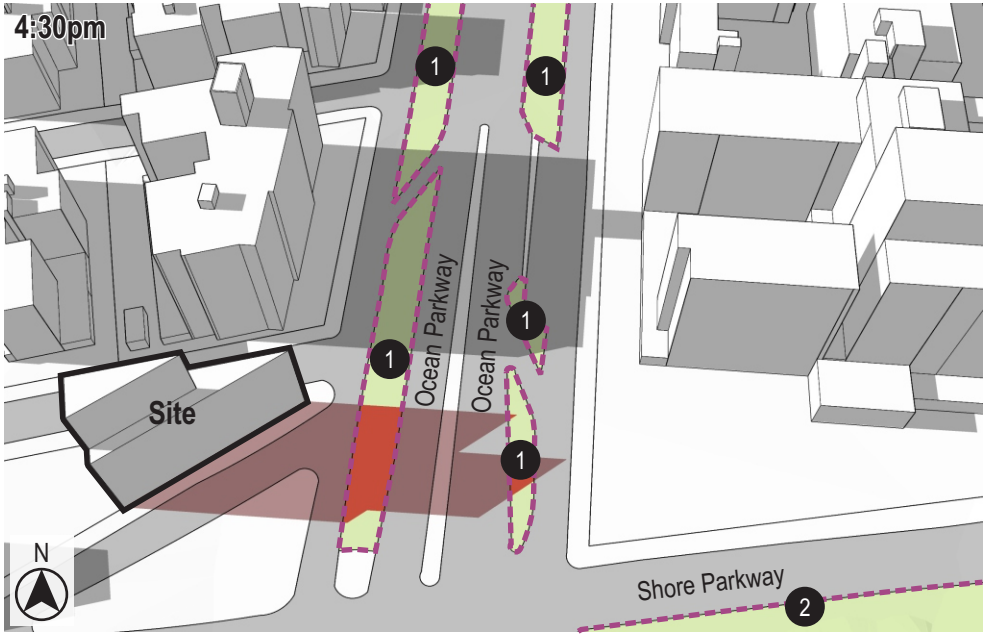
Shadows Cast on Sunlight-Sensitive Resources

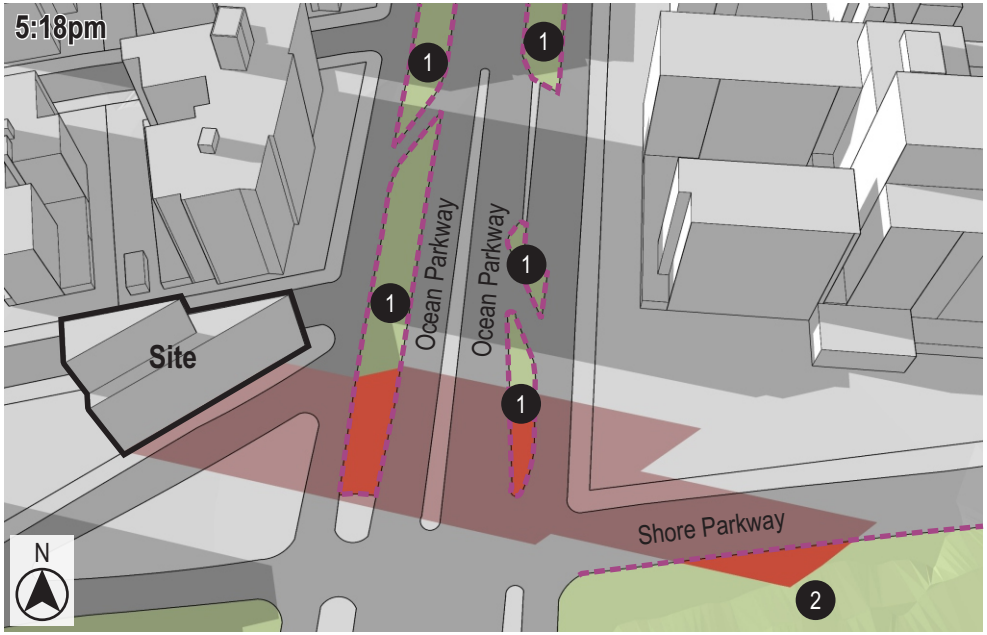
1 2:13pm – 6:01pm

2 5:52pm – 6:01pm









Urban Cartographics

Based on the same 3d modeling software employed in the Tier 3 and Detailed Analyses, all areas receiving new incremental shadows during the March 21 / September 21, May 6 / August 6, and June 21 analysis days are projected to receive at least 4 to 6 hours of direct sunlight outside of the identified respective new incremental shadow durations, such that minimum sun-lighting requirements for vegetation in these areas, including trees and grass, would be met and / or exceeded (the December 21 analysis day falls outside of the March through October growing season, as specified by the CEQR Technical Manual, such that a lack of direct sunlight during this period is not a cause for concern with respect to the viability of vegetation). It is noted that the current condition of landscaping in many of these areas is, at best, mixed, with grass coverage lacking in many areas.

New incremental shadows would not jeopardize the viability of vegetation or the public's use and enjoyment at those portions of the Ocean Parkway Pedestrian Malls with the maximum shadow screening radius for the Proposed Project. Those extremely small portions of the malls would still receive adequate direct sunlighting during each analysis day considered such that vegetation and usability and enjoyment would not experience significant adverse shadow impacts.

It is noted that, in a letter dated June 28, 2024, the New York City Landmarks Preservation Commission (NYC LPC), after a review of the shadows analysis contained herein, indicated that it had no additional concerns related to shadows on the Ocean Parkway Pedestrian Malls under the With-Action Condition (see the Historic and Cultural Resources Appendix).

Conclusion

The With-Action Condition at the Project Site would result in new potential shadow conditions at portions of two sunlight sensitive resources, including landscaped areas associated with the Shore Parkway and pedestrian malls associated with the S/NR-designated Ocean Parkway Historic Resource. Portions of these resources are situated within 108 degrees of True North within the maximum shadow screening radius for the Proposed Project, such that a Tier 3 analysis was necessary.

The Tier 3 analysis found that, with regard to Shore Parkway landscaping areas and Greenstreets facility along Ocean Parkway, projected shadows that did fall were of such a short duration that such future shadow conditions would be inconsequential to the viability of their vegetation and / or the public's use and enjoyment of the resource. Tier 3 shadows were projected to fall on the Ocean Parkway Pedestrian Malls during all analysis days such that a detailed analysis was necessary.

The detailed analysis found that shadows on the Ocean Parkway Pedestrian Malls during all of these analysis days would fall on relatively small portions of this resource, with the maximum coverage ranging in area from 9.3 to 16.7 percent of the total resource area within the maximum shadow screening radius for the Proposed Project. These new incremental shadows would only slightly augment the No- Action Condition shadow environment on the malls, such that use of the resource for passive recreation would not be jeopardized, including use of the walking and biking paths, as well as benches (which are already largely shaded due to the existing tree canopy at this resource).

Further, despite the projected shadow conditions, those small portions of the Ocean Parkway Pedestrian Malls would still receive at least 4 to 6 hours of direct sunlight, such that the viability of

vegetation would not be jeopardized. Additionally, after review of this shadows analysis contained herein, the NYC LPC determined it had no additional concerns related to shadows on the Ocean Parkway Pedestrian Malls under the With-Action Condition.

Overall, the Proposed Actions would not create significant adverse shadow impacts at any of the identified sunlight sensitive resources, as the viability of vegetation at these resources or the public's use and enjoyment of them would not be jeopardized, and further analysis is not necessary.

4. Historic and Cultural Resources

Introduction

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

As discussed above, the Proposed Actions would facilitate the development of a 9-story (with cellar), 18,842 gross square feet (gsf) / 14,995 zoning-square-foot (zsf) (4.25 FAR) mixed-use multi-family residential building with ground floor retail space on the Projected Development Site. The building would include approximately 18,034 gsf / 14,187 zsf (4.02 FAR) of residential floor area and 808 gsf / 808 zsf (0.23 FAR) of local retail space. The proposed new building would contain a total of 16 dwelling units. Both MIH Options 1 and 2 would be mapped on the Project Area. The Proposed Project would include 4 or 5 affordable units pursuant to either MIH Option 1 (which requires 25% affordable units) or MIH Option 2 (which requires 30% affordable units). The building would have a maximum height of approximately 95 feet (9 stories), with an additional 10-foot rooftop bulkhead (for a total height of 105 feet). The first floor would contain local retail uses in two separate spaces as well as a small mechanical / utility room. One curb cut would be provided along Nixon Court. Eleven attended, off-street parking spaces would be provided for the residential component of the project within the ground floor of the proposed building (no off-street parking is required or provided for the commercial portion of the project).

Preliminary Assessment

Pursuant to NYC LPC environmental review dated June 28, 2024 (see Appendix A), none of the tax lots subject to the proposed Zoning Map and Text Amendments (including Brooklyn Block 7237, Lots 61, 63, 64, and 65 and Brooklyn Block 7238, Lot 115) contain any architectural or archaeological significance. However, the Projected Development Site is adjacent to the LPC- and S/NR-designated Ocean Parkway.

Ocean Parkway

As previously discussed, the Ocean Parkway is 210-feet wide, featuring two tree-lined malls each 20 feet wide, flanking a 70-foot wise central drive. The western mall, composes of a concrete promenade, provides park benches, playing tables, and a bicycle path. The parkway's malls and adjacent properties are shaded by a canopy of various species of trees. Separated from the drive by the two malls are the flanking 25-foot-wide service roads and two 15-foot-wide sidewalks. Designed by

Frederick Law Olmstead in 1866, the Ocean Parkway is architecturally and historically significant as the first parkway planned in the United States. As such it established a new concept in road construction. Built in 1874-76 it was conceived as part of a network of parkways that incorporated tree-lined malls, walkways, pleasure drives, and service roads. Ocean Parkway was planned to link Prospect Park with Coney Island, bringing Greenery to the people of Brooklyn.

Conclusion

Based on the NYC LPC's environmental review, it is noted that Proposed Project would not result in adverse impacts to the Ocean Parkway Scenic Landmark. Further, the Shadows and Urban Design sections of this EAS have determined that the Proposed Actions would not result in significant adverse impacts.

Based on the above, the Proposed Actions would not result in any significant adverse impacts to historic or archaeological resources within the Affected Area or in the surrounding 400-foot study area and further analysis is not necessary.

5. Urban Design and Visual Resources

Introduction

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

An assessment of urban design and visual resources is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. This is the case for projects that permit the modification of yard, height, and setback requirements and projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the Proposed Actions.

As described above, the Proposed Actions include a Zoning Map Amendment from the existing R5 (Ocean Parkway [OP]) zoning district to a R7A / C2-4 (OP) zoning district at Brooklyn Block 7237, Lots 61, 63, 64, and 65, located in Brooklyn Community District 13 of the Gravesend neighborhood of Brooklyn and a Zoning Map Amendment from the existing R5 (OP) zoning district to a R7A (OP) zoning district at Brooklyn Block 7238, Lot 115, located in Brooklyn Community District 13 of the Gravesend neighborhood of Brooklyn. The Proposed Actions also include a Zoning Text Amendment to modify ZR §23-933, Appendix F to designate the newly mapped R7A zoning district as a Mandatory Inclusionary Housing (MIH) designated area.

The Proposed Actions would facilitate the development of a 9-story (with cellar), 18,842 gross square feet (gsf) / 14,995 zoning-square-foot (zsf) (4.25 FAR) mixed-use multi-family residential building with ground floor retail space on the Projected Development Site. The building would include approximately 18,034 gsf / 14,187 zsf (4.02 FAR) of residential floor area and 808 gsf / 808 zsf (0.23 FAR) of local retail space. The proposed new building would contain a total of 16 dwelling units. Both MIH Options 1 and 2 would be mapped on the Project Area. The Proposed Project would include 4 or 5 affordable units pursuant to either MIH Option 1 (which requires 25% affordable units) or MIH Option 2 (which requires 30% affordable units). The building would have a maximum height of approximately 95 feet (9 stories), with an additional 10-foot rooftop bulkhead (for a total height of 105 feet). A portion of the building, adjacent to the R5 District, will rise to a base height of 75 feet before rising to a total height of 95 feet after a setback. The first floor would contain local retail uses in two separate spaces as well as a small mechanical / utility room. One curb cut would be provided along Nixon Court. Eleven attended, off-street parking spaces would be provided for the residential component of the project within the ground floor of the proposed building (no off-street parking is required or provided for the commercial portion of the project).

Based on the foregoing, a preliminary urban design and visual resources screening assessment was conducted.

Methodology

Pursuant to the CEQR Technical Manual guidelines, the preliminary urban design and visual resources assessment analyzes a 400-foot radius study area where the Proposed Actions would be most likely to influence the built environment. The following preliminary urban design and visual resources assessment follows these guidelines and provides a characterization of existing conditions, a description of urban design under the No-Action and With-Action Conditions, and an analysis determining the extent to which physical changes resulting from the Proposed Actions would alter the pedestrian experience and visual resources.

Pursuant to the CEQR Technical Manual, the appropriate study area for an urban design and visual resources analysis is within a 400-foot radius of the proposed Affected Area. The 400-foot land use study area is generally bounded by Belt Parkway to the south, West Street to the west, mid-block between Avenue Z and Brighton Court to the north, and the Coney Island Hospital to the east.

Preliminary Assessment

Existing Condition

Existing urban design conditions within the Affected Area are described below on a site-by-site basis, including the Projected Development Site and the Non-Development Site, as well as for the 400-foot urban design study area.

Project Area

The 3,524-sf triangular Projected Development Site (Brooklyn Block 7237, Lots 61, 63, 64, and 65) is currently vacant and undeveloped (i.e., 0.0 built FAR and 0- foot building height). The surface of the site is covered by grass and there is one mature tree on the east side of the property. The property appeared to be neat and well maintained, with no debris or garbage on the site. The lot has continuous frontage long Nixon Court to the north, Ocean Parkway to the east, and Shore Parkway to the south.

This 37,100-sf rectangular Non-Development Site (Brooklyn Block 7238, Lot 115) lot is developed with a 12-story, 186,630-gsf multi-family residential building (5.03 built FAR), constructed in 1962. The building has small, landscaped setbacks from bounding streets to the north (Murdock Court), east (Ocean Parkway), and south (Nixon Court) has continuous frontage on Murdock Court to the north, Ocean Parkway to the east, and Nixon Court to the south, with an overall building height of 120 feet.

Study Area

Development patterns within the urban design study area are generally defined by development west and east of Ocean Parkway. West of the Ocean Parkway the urban design context of the study area is predominated by large multi-family residential buildings with relatively small, landscaped setbacks from the street interspersed with landscaped courtyard areas (see **Figure 5-1 through Figure 5-2**). Refer to EAS **Figures 1-1 through 1-11 and Figure 3 – Area Map** for photographs and an overview of site conditions that show the context of the study area as described, including major uses and view corridors, vehicular and pedestrian access, open spaces, community facilities, public transit corridors, bike paths and other elements of urban design that affect the pedestrian experience of the project study area.

Nixon Court, Brooklyn

Figure 5-1: Urban Design Diagram

No-Action Scenario

Shore Parkway facing northeast (Site ahead)



With-Action Scenario

Shore Parkway facing northeast (Site ahead)



Maximum Permitted Base Height (75')
Maximum Permitted Building Height (95')
Maximum Permitted Bulkhead Height (120')
Proposed Base Height
Proposed Building Height

Urban Cartographics

Nixon Court, Brooklyn

Figure 5-2: Urban Design Diagram

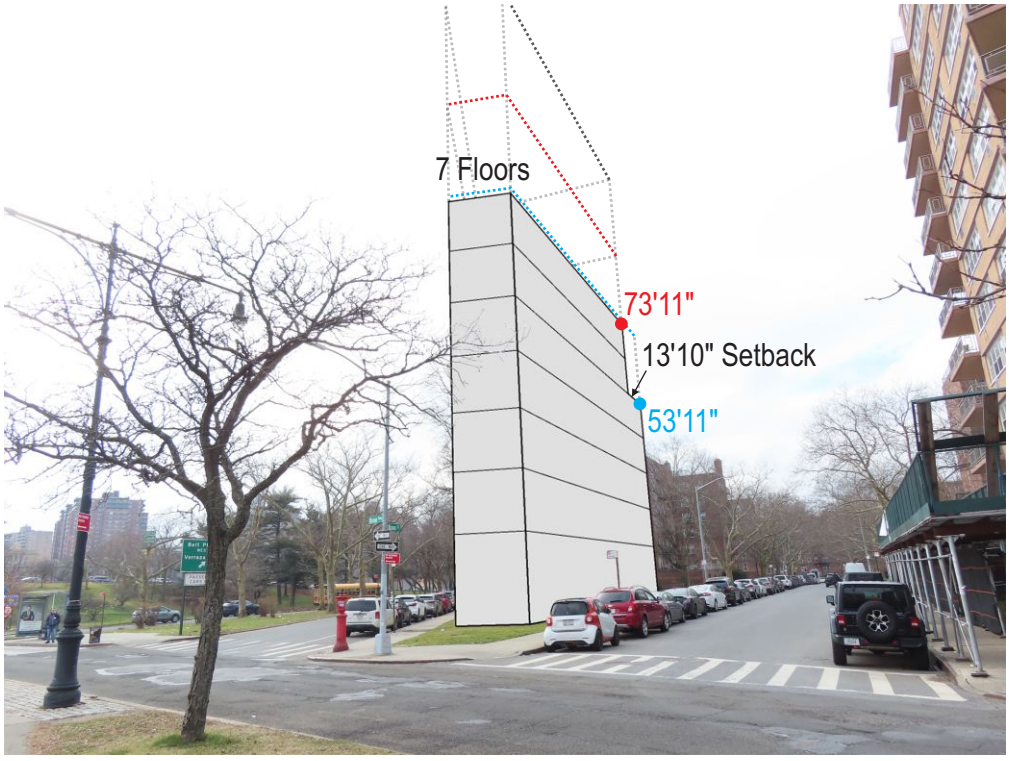
No-Action Scenario

Ocean Parkway facing southwest (Site ahead)



With-Action Scenario

Ocean Parkway facing southwest (Site ahead)



Maximum Permitted Base Height (75')
Maximum Permitted Building Height (95')
Maximum Permitted Bulkhead Height (120')
Proposed Base Height
Proposed Building Height

Urban Cartographics

These lot areas average approximately 51,826 sf (1.18 acres; ranging in size from 13,200 sf to 92,000 sf) with building heights averaging approximately 64 feet over 6 to 7 stories. Total built FARs on these lots range from 1.06 to 3.92 (a 2.47 built FAR average). However, individual building gsf are more representative of building density as multiple buildings are situated on single lots in this portion of the study area; building areas range from 51,800 to 169,632 gsf (for an average of approximately 110,500 gsf). The northwest portion of study area north of Avenue Z features smaller scale development on lots averaging approximately 2,633 sf and building sizes averaging 3,227 gsf (1.16 average built FAR) over two-to-three stories (with building heights ranging from approximately 24 to 30 feet for an average of 28 feet) (see Photograph No. 4). It is noted that all buildings within this western portion of the study area that front along Ocean Parkway feature a front yard setback from Ocean Parkway of at least 30 feet in compliance with the Ocean Parkway Special District regulations.

East of Ocean Parkway within the urban design study area, development is defined entirely by the Coney Island Hospital Complex, situated on a 455,333-sf (10.45-acre) lot featuring multiple institutional buildings ranging in height from 13 to 170 feet (with a maximum of 13 stories) (see Photograph No. 5). The overall built FAR for the property is 2.34. It is noted that a new medical facility within the hospital complex is currently under construction, as detailed in Section 2.1-3, "Land Use." Similar to the western portion of the study area, buildings associated with the hospital complex that front along Ocean Parkway feature a front yard setback from Ocean Parkway of at least 30 feet in compliance with the Ocean Parkway Special District regulations.

The street network within the study area is defined by two major automobile thoroughfares, the Ocean Parkway bisecting the study area north-to-south and the Belt / Shore Parkway bisecting the southern portion of the study area west-to-east (see Photograph Nos. 6 and 7). The Belt / Shore Parkway features coterminous landscaping running along its southern and northern perimeters creating an aesthetic visual buffer. The Ocean Parkway features landscaped pedestrian malls for an inviting pedestrian thoroughfare. Beyond this, the street network within the study area generally follows the standard NYC grid system. Avenue Z in the northern portion of the study area, running east-west, features one lane of traffic in each direction with curbside parking on either side of the street. Multiple one-way side streets provide one- way north or south and east or west automobile access as well as curbside parking. Pedestrian infrastructure, including sidewalks and crossing signals, are prevalent throughout the study area and are in good condition.

The Ocean Parkway represents the only visual resource within the urban design study area. The Ocean Parkway is NYC LPC-designated Scenic Resource as well as a S/NR- designated historic resource. Designed by Frederick Law Olmstead in 1866, the Ocean Parkway is architecturally and historically significant as the first parkway planned in the United States. As such it established a new concept in road construction. Built in 1874-76 it was conceived as part of a network of parkways that incorporated tree-lined malls, walkways, pleasure drives, and service roads. Ocean Parkway was planned to link Prospect Park with Coney Island, bringing Greenery to the people of Brooklyn. As discussed above, development along the Ocean Parkways is regulated by the OP, notably a 30-foot front yard setback requirement for properties fronting along the Parkway. As the Applicant's Development Site fronts along Ocean Parkway, this resource is visible from the development site and vice versa.

No other visual resources, including public parks, publicly accessible waterfront, and/or historic landmarks are found within the study area.

No-Action Condition

Project Area

As described above in the No-Action Condition, all properties within the Project Area would remain in their existing conditions such that no changes with regard to urban design would be realized.

Study Area

As discussed above, one No-Action Condition development project was identified within the study area, which is currently under construction. Pursuant to the NYC DOB BIS, a permit was issues on October 18, 2019 (Job No. 320911171) for a new hospital building at the hospital site. Pursuant to the NYC Health and Hospital website, this building would feature a new emergency department, private patient rooms, surgical suite, and other many other facilities to be completed and operational by 2026, which coincides with the Proposed Project's 2026 build year.

The identified No-Action Condition development at the Coney Island Hospital Complex would be constructed pursuant to the variance and / or building permits the development was granted. Further existing views to and from the Ocean Parkway would not change under the No-Action Condition. As such, no significant adverse impacts related to urban design or visual resources are projected under the No-Action Condition.

With-Action Condition

The Proposed Actions would allow for greater residential and commercial building area, bulk, and height within the Affected Area than is currently permitted by the current R5 zoning district.

Project Site

The permissible residential FAR at the Projected Development Site would increase by up to 3.35 (from 1.25 to 4.6), resulting in an increase in the development potential from 4,371 gsf to 16,210 gsf (a 11,839-gsf incremental increase), while permissible commercial development would increase of 0.0 FAR to 2.0 FAR (resulting in a permissible development density increase of 7,048 gsf of commercial space). The permissible building height would increase from 40 to 95 feet (a 65-foot increase). Additionally, the proposed R7A district is a contextual zoning district, which regulates the height and bulk of new buildings, their setback from the street line, and their width along the street frontage, to produce buildings that are consistent with existing neighborhood character.

While the permissible area, bulk, and dimensional regulations of the R7A/ C2-4 are greater than that of the surrounding R5 district, the area, bulk, and dimensions of the resultant Proposed Project at the Projected Development Site would be similar to that of existing surrounding development.

Study Area

Residential development in the western portion of the study area is generally 60 to 109 feet tall, or over 6 to 12 stories. The surrounding residential building areas range from 51,800 to 186,630 gsf (including the existing building at the Non-Development Site within the study area). Further, the neighboring Non-Development Site features an FAR of 5.03, similar to what is proposed at the

Projected Development Site under the With-Action Condition. Overall, the Projected Development Site would be redeveloped in a manner consistent with the existing urban design context in the western study area such that the project building would blend in with existing development to reinforce the urban design character. **Figures 5-1 and 5-2: Urban Design Diagram** are representative renderings of the Projected Development Site under the With-Action Condition in the context of the surrounding built environment.

Under the With-Action Condition, views of the Ocean Parkway historic architectural resource would not change significantly. Proposed Project at the Projected Development Site would feature a 30-foot front yard rear setback to create visual continuity with existing neighboring buildings also fronting along the Ocean Parkway. Views from the Ocean Parkway would be activated by new mixed- use residential and ground floor development at the Projected Development Site.

Detailed Analysis

In a letter dated June 28, 2024, the New York City Landmarks Preservation Commission (NYC LPC), after a review of the urban design analysis contained herein, indicated that it had no additional concerns related to urban design impacts on the Ocean Parkway historic architectural resource under the With-Action Condition (see the Historic and Cultural Resources Appendix).

It is noted that despite the development site's location within the coastal zone, a wind assessment was determined to not be necessary based on an assessment of the determining factors provided in the CEQR Technical Manual, as specified below. A wind assessment is needed if the location is exposed to high wind conditions, such as along west and northwest-facing waterfronts, or other locations at or in close proximity to waterfront sites where prevailing winds from the waterfront are not attenuated by buildings or natural features. The Projected Development Site is located approximately one-mile inland (i.e., it is not a waterfront site) such that prevailing waterfront winds do not significantly impact the site. Generally only projects of a substantial size have the potential to alter wind conditions. The Proposed Project is relatively small, consisting of a nine-story, multi-family residential and ground-floor commercial building. As such, this would not be considered a project of "substantial size."

As discussed previously in this Section, the Proposed Project, consisting of only one building, would be constructed and positioned in a manner that is consistent with the existing built character of the surrounding neighborhood, including its building height and density, as well as featuring a required 30- foot setback from Ocean Parkway. No pedestrian infrastructure in the vicinity of the development site would be removed or modified as part of the Proposed Project, including, but not limited to, sidewalks, crosswalks, street lights, and street trees / vegetation. As such, the Proposed Project would not result in the exacerbation of wind conditions due to channelization or downwash effects that could potentially affect pedestrian comfort and safety.

Conclusion

Per the CEQR Technical Manual, determining the significance of an urban design impact requires consideration of the degree to which a project would result in a change to the built environment's arrangement, appearance, or functionality and whether the change would negatively affect a pedestrian's experience of the area. As discussed above, the pedestrian experience of the surrounding area would not be affected in the With-Action Condition. The CEQR Technical

Manual considers that, "a project's context -- for example, the scale and use of surrounding buildings" should be used to access the potential for significant impacts.

As discussed above, the Proposed Actions would create additional density and allow a greater maximum height. The location and size of the affected area is appropriate, given the context of surrounding buildings and the construction of the nearby hospital on Coney Island Avenue.

Further, as clearly denoted on the comparative drawings of the No-Action and With-Action Conditions, the Proposed Project would not obstruct important visual resources. Furthermore, the Proposed Actions would not affect any natural resources or public view corridors to notable features or buildings in the immediate vicinity of the Rezoning Area. The Proposed Actions would not result in significant adverse impacts to Urban Design or Visual Resources.

6. Hazardous Materials

Introduction

A Phase I Environmental Site Assessment (ESA) of the subject property located at 58 Nixon Court, in the Borough of Brooklyn, New York City, New York was performed in December 2019. 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).

The information provided below represents a summary of the pertinent findings of the aforementioned Phase I ESA. The Phase I ESA in its entirety (including all back up data) can be found in the Hazardous Materials Appendix of this EAS.

Methodology

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

The goal of an ESA is to identify, to the extent feasible in accordance with ASTM E 1527-13, Recognized Environmental Conditions (RECs) in connection with the property. The term Recognized Environmental Condition means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not Recognized Environmental Conditions. The term de minimis condition means a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. The presence or likely presence of hazardous substances or petroleum products at a site includes any form, such as solid or liquid at the surface or subsurface, and vapor in the subsurface.

The Practice also defines two additional RECs; Controlled Recognized Environmental Conditions and Historical Recognized Environmental Conditions. The term Controlled Recognized Environmental Conditions means a Recognized Environmental Condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

The term Historical Recognized Environmental Condition means a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been

addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

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

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

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

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

Environmental Site Assessment

Site Description

The subject property at 58 Nixon Court, Brooklyn, New York consists of a 3,524 square foot, triangular, undeveloped lot. At the time of the site visit, the property was vacant. The surface of the site is covered by grass and there is one mature tree on the east side of the property. No building foundations, concrete slabs, or other visible indications of previous structures were noted. The property appeared to be neat and well maintained, with no debris or garbage on the site. No operations involving the storage or use of hazardous substances or petroleum products were present at the subject property during the site visit.

Site History

Research into the history of the project site shows that the property was undeveloped, vacant land in 1906. Given the residential and rural nature of the area in the early 1900s, it is considered unlikely that the project site would have contained a business or operation that stored or used hazardous substances or petroleum products prior to 1906. The project site also appears as vacant land on the 1924 aerial photograph. By 1930, the eastern one-third of the property was part of a larger gasoline filling station, and the 1930 Sanborn map shows a buried gasoline tank on the eastern part of the site.

It is not known how long the gasoline filling station existed; however, the 1950 Sanborn map shows the property in its current configuration, and the gasoline filling station is not shown. The project site has remained a vacant, undeveloped lot since the demolition of the gasoline filling station.

Gasoline filling stations are types of operations that involve the storage and use of hazardous substances and/or petroleum products. Any past spills, leaks or discharges of such materials would be a potential source of contamination to the subject property, including the potential for the encroachment of vapors to future buildings at the site.

Environmental Liens and Activity and Use Limitations

Based on a review of records from the New York City Department of Finance and the EDR Environmental Liens and AULs report, there is no indications of the presence of Environmental Liens or Activity and Use Limitations (AULs) found on file for the project site in the Department of Finance records reviewed.

Drainage Structures

There were not any floor drains, storm drains, trench drains, drywells, or other such drainage structures found at the project site.

Petroleum Storage Tanks

No aboveground storage tanks, or visible indications of the presence of underground storage tanks, such as tank fillports or tank vent lines, associated mechanical equipment, etc., were observed during the site visit. The property does not appear in the New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage (PBS) database, which lists all registered facilities with a total combined petroleum storage capacity in excess of 1,100 gallons. In addition, there are not any Oil Burner Applications on file for the site in the New York City Department of Buildings records reviewed.

As noted above, the 1930 Sanborn historical map shows that the eastern one-third of the property was part of a larger gasoline filling station. This map shows one buried gasoline tank at the site. Any underground tanks that were not removed from the site at the time the filling station was demolished may remain at the property. Any petroleum tanks discovered at the site during re-development should be property closed, or removed and disposed of, in accordance with all applicable New York City Fire Department (FDNY) and NYSDEC requirements.

Asbestos, Lead-Based Paints, and PCBs

No suspected asbestos-containing materials, lead-based paints or electrical equipment suspected of containing PCBs were observed at the project site.

Surrounding Land Uses

The project site is adjoined to the north by Nixon Court, beyond which is an apartment building. Adjacent and to the south of the site is the Shore Parkway service road, beyond which is an undeveloped, vacant lot. Adjacent and to the east is Ocean Parkway, beyond which is the Coney

Island Hospital. The site is adjoined to the west by an apartment building. Land uses in the immediate vicinity of the property (i.e., within approximately 500 feet of the site) are predominantly comprised of residential, commercial/retail, vacant lots, and institutional uses (e.g., schools, hospitals, etc.). There are not any heavy industrial uses or gasoline filling stations located within the immediate vicinity of the project site.

A review of Sanborn maps shows that land uses in the immediate vicinity of the subject property have been predominantly residential, commercial/retail, vacant lots, and institutional uses since at least the 1930s. There are not any gasoline filling stations or heavy industrial operations identified in the immediate vicinity of the project site on any of the Sanborn historical maps reviewed.

There were not any off-site, potential sources of contamination which are considered likely to have impacted the project site identified in the regulatory agency databases or historical information reviewed for this report.

Regulatory Agency Records Review

The development site is not identified in the USEPA's CERCLIS, RCRA Hazardous Waste Generator, Liens 2, and Brownfield databases, and in the NYSDEC Petroleum Bulk Storage and Chemical Bulk Storage databases. The property does not appear in the USEPA's Superfund or ERNS databases, the RCRA Hazardous Waste Treatment/Storage/Disposal Facilities list, or the NYSDEC's Spill Logs database, Solid Waste Facilities database, Brownfield site database, Voluntary Cleanup Program list or Registry of Inactive Hazardous Waste Disposal Sites.

Phase I ESA Conclusions

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of 58 Nixon Court, Brooklyn, N.Y., the property. Any exceptions to or deletions from this standard are described in section A of this report. 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 of Recognized Environmental Conditions in connection with the property, with the following exceptions:

The potential for contamination at the Projected Development Site from past gasoline filling station operations, including the potential for a vapor encroachment condition into any future buildings at the site; and

The potential for one or more underground storage tanks at the site which have not been closed or removed in accordance with NYSDEC and FDNY requirements.

NYC Department of Environmental Protection Phase I ESA Review and Recommendations

In a letter dated August 11, 2020, the NYC Department of Environmental Protection (DEP) indicated it had completed the review of the Phase I ESA (see the Hazardous Materials Appendix). Per that letter the NYC DEP offered the following comments and recommendations:

Based on the historical on-site and/or surrounding area land uses, a Phase II Environmental Site

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

Phase II

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the May 2022 Phase II Environmental Site Assessment (Phase II), the August 2022 Remedial Action Plan (RAP) and the August 2022 Construction Health and Safety Plan (CHASP) prepared by Environmental Studies Corporation., on behalf of SLG Assets, Inc., (applicant), for the above referenced project located between West Street and Ocean Parkway in the Gravesend neighborhood of Brooklyn Community District 13.

The soil analytical results revealed VOCs, pesticides and PCBs were either non-detect (ND) or below New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs). Eight SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, hexachlorobutadiene and indeno(1,2,3-cd)pyrene) and six metals (barium, copper, lead, nickel, mercury and zinc) were detected above NYSDEC Unrestricted Use and/or Restricted Residential Use SCOs. The groundwater analytical results revealed pesticides and PCBs were either ND or below NYSDEC Division of Water Technical Operational Guidance Series 1.1.1 Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations for Class GA standards (Water Quality Guidance Values). One VOC (benzene), two SVOCs, (benzo(a)anthracene and benzo(a)pyrene) and fifteen metals (antimony, arsenic, barium, beryllium, cadmium, chromium, copper, lead, magnesium, manganese, mercury, nickel, sodium, selenium and zinc) were detected above NYSDEC Water Quality Guidance Values. The soil vapor analytical results revealed several VOCs including 1,2,4-trimethylbenzene, 2-butanone, 2- hexanone, acetone, benzene, carbon disulfide, chloromethane, cyclohexane, dichlorodifluoromethane, ethylbenzene, methyl methacrylate, n-heptane, n-hexane, o-xylene, m/p- xylene, p-ethyltoluene, propylene, tetrachloroethylene, toluene, tetrahydrofuran and trichloroethylene were detected.

Conclusion

To ensure that the conditions of the CHASP and RAP are met, an (E) Designation will be placed on the applicant owned site.

Projected Development Site (Brooklyn Block 7237, Lots 61, 63, 64, and 65).

Task 1-Sampling Protocol

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

Task 2-Remediation Determination and Protocol

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

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

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

With this (E) designation in place, no significant adverse impacts related to hazardous materials would occur, and no further analysis is warranted.

7. AIR QUALITY

Introduction

Analysis Framework

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. Under CEQR, an air quality assessment determines both a proposed project's effects on ambient air quality as well as the effects of ambient air quality on the project. The analysis was conducted according to the *New York City Environmental Quality Review 2021 Technical Manual*.

Air Pollutants and Applicable Standards and Guidelines

Criteria Pollutants - National Air Quality Standards

The U.S. Environmental Protection Agency (EPA) has identified six pollutants, known as criteria pollutants, which are of concern nationwide. As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for the criteria pollutants by EPA, and New York State has adopted the NAAQS as the State ambient air quality standards. Background concentrations were obtained from the New York State Department of Environmental Conservation (NYSDEC) monitoring station(s) annual report for 2018. The criteria pollutants for which a detailed analysis(es) was conducted for, NAAQS and State threshold criteria, and background concentrations are presented in **Table 7-1.**

Table 7-1: Background Concentration at the NYSDEC Nearest Monitoring Station

Pollutant	Averaging Period	National and State Standards	Background Concentration	Monitoring Station
$PM_{2.5}$	24-Hour	35 µg/m³	19.2 µg/m³	Division Street
	Annual	12 µg/m³	9.0 µg/m³	
PM_{10}	24-Hour	150 µg/m³	40 µg/m³	
SO_2	1-Hour	196 µg/m³	14.8 µg/m³	Queens College
	Annual(1)	80 µg/m³	1.1 µg/m³	
NO_2	1-Hour	188 µg/m³	105.7 µg/m³	
	Annual	100 µg/m³	27.2 µg/m³	
CO	1-Hour	35 ppm	1.95 ppm	
	8-Hour	9 ppm	1.30 ppm	

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

NO_2 NAAQS

The 1-hour NO_2 NAAQS was promulgated in the United States in February 2010. This 1-hour standard is based on a percentile rank from the annual distribution of daily maximum 1-hour values, averaged across the number of years processed. The 1-hour NO_2 modeled design value is based on the 98th percentile, or 8th highest, of the daily maximum 1-hour values across the year. For typical multi-year modeling analysis based on 5 years of National Weather Service (NWS)

meteorological data, the modeled design value is the 5-year average of the 8th highest values for NO_2.

Nitrogen oxides (NOx) emissions from combustion consist predominantly of nitric oxide (NO) at the source. The NOx in these emissions is then gradually converted to NO_2. For determining compliance with the 1-hour standard, the EPA has developed a three-tiered modeling approach: a) Tier 1, the most conservative approach, assumes a full (100%) conversion of NOx to NO_2. b) Tier 2 is the Ambient Ratio Method 2 (ARM2) which assumes ambient equilibrium between NO and NO_2. AERMOD multiplies Tier 1 impacts with default ambient ratios, or source-specific NO_2/NO_x in-stack ratio (ISR) data (the national default minimum and maximum ambient ratios for the primary facility are 0.5 and 0.9, respectively.) c) Tier 3, which is the most precise approach, accounts for the chemical transformation of NO emitted from the stack to NO_2 within the source plume using hourly ozone background concentrations.

NYC Guidelines

In addition to the NAAQS, the *CEQR Technical Manual* requires that projects subject to CEQR apply a $PM_{2.5}$ and 8-hour CO averaging time significant impact criteria (based on concentration increments). These criteria, *de minimis*, are more stringent than the NAAQS and the state standards, as the *de minimis* thresholds set maximum increases of pollutants concentrations that are below the national standard. $PM_{2.5}$ significant impact concentrations for stationary sources were evaluated as follows:

- Predicted 24-hour maximum $PM_{2.5}$ concentration increase of more than half the difference between the 24-hour background concentration and the 24-hour standard; or
- Predicted annual average $PM_{2.5}$ concentration increments greater than 0.3 $\mu g/m^3$ at any receptor location for stationary sources.

The $PM_{2.5}$ stationary source *de minimis* threshold concentrations are: 24-hour $PM_{2.5}$ of 7.90 $\mu g/m^3$ and annual $PM_{2.5}$ of 0.3 $\mu g/m^3$.

Per the *CEQR Technical Manual*, CO significant impact concentration 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 CO *de minimis* threshold concentrations is 8-hour CO of 3.85 ppm.

Noncriteria Pollutants

In addition, the NYSDEC has established guidelines for maximum allowable concentration of "noncriteria pollutants," which are potentially toxic or carcinogenic pollutants. The maximum allowable guidelines set a maximum 1-hour and annual averaging time concentrations and are

published in the DAR-1 AGC/SGC Table, where AGC/SGC refers to Annual and Short-term Guideline Concentrations. The most recent DAR-1 guidelines were created on August 10, 2016. 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.

Screening Assessment

The Proposed Actions would not exceed the minimum development density that would require a transportation analysis, as shown in Table 16-1 of the transportation chapter of the *2021 CEQR Technical Manual*. As such, 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, particulate matter (PM) emissions would not exceed the *de minimis* thresholds referenced in the *2021 CEQR Technical Manual*.

The Projected Development Site features eleven attended off-street parking spaces for the residential component of the project within the ground floor of the proposed building (no off-street parking is required or provided for the commercial portion of the project). Considering the small number of accessory parking spaces, a significant adverse air quality impact is unlikely. In addition, the Projected Development Site is located more than 200 feet from the Belt Parkway (250 feet north of the Belt Parkway). Therefore, the Proposed Actions would not result in significant adverse air quality impact related to mobile sources.

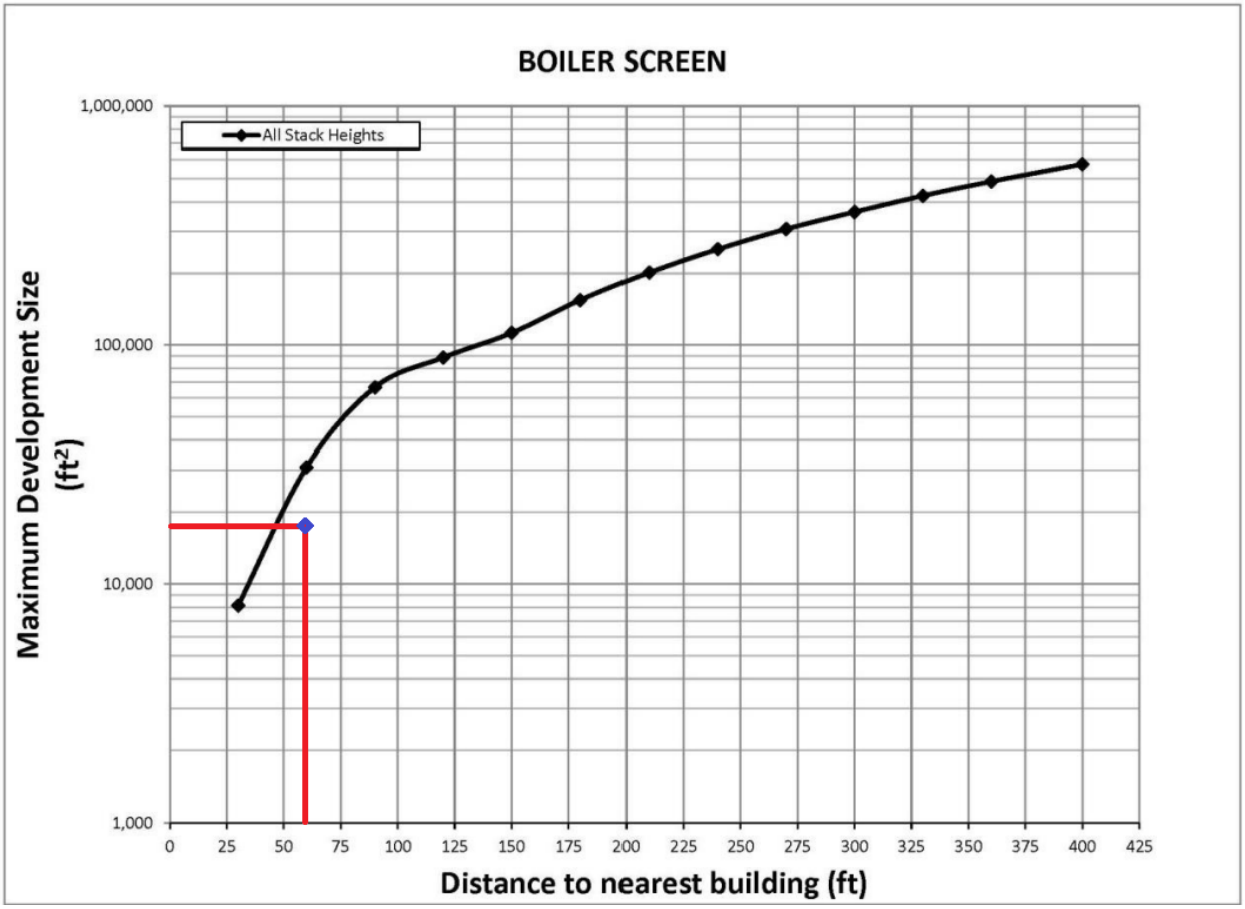
HVAC Systems

> The Proposed Actions would facilitate the development of the Projected Development Site. The Projected Development Site could have its own fossil fuel-fired HVAC system(s). The potential of the Projected Development Site's HVAC system(s) to significantly impact other land use in the area is evaluated in this section. Based on the *CEQR Technical Manual*, a preliminary screening assessment could be conducted as a first step to predict whether the potential impact of the heat and hot water system(s) boiler emissions can be significant. A detailed analysis is required if the screening assessment fails.

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. The Projected Development Site's Reasonable Worst Case Development Scenario (RWCDS) facilitates a 95-foot-tall building containing a total of 18,842 gsf while the Proposed Project will feature an approximately 75-foot-tall building with an additional 10-foot rooftop bulkhead (for a total height of 85 feet). The Proposed Project bulkhead height was considered for the screening assessment.

A distance of 60 feet was applied in the screening assessment, which is the distance between the Projected Development Site and the 12-story residential building located at 2650 Ocean Parkway (Block 7238, Lot 115) (the nearest building similar or greater in height). **Figure 7-1** (using Figure 17-3 of the *CEQR Technical Manual*) shows the screening analysis.

Figure 7-1: Projected Development Site on 2650 Ocean Parkway– HVAC Screen



As seen in **Figure 7-1**, the line corresponding to the Projected Development Site's gsf intersects the distance between the buildings below the curve for a fossil fuel-fired HVAC system. Therefore, the Proposed Actions pass the screening analysis. No additional development would be anticipated on Block 7238, Lot 115. Therefore, no HVAC screening analysis, nor detailed analysis, were required for this building within the scope of this analysis.

E-Designation

Projected Development Site (Block 7237, Lots 61, 63, 64 and 65): Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilating and air conditioning (HVAC) system(s) and hot water equipment stack is located at the building highest tier and at least 88 feet above grade to avoid any potential significant adverse air quality impacts.

Industrial Sources

Introduction

Per the *CEQR Technical Manual*, projects that would result in new uses (particularly schools, hospitals, parks, and residences) within 400 feet of manufacturing or processing facilities, or projects that would include operation(s) of manufacturing or processing facilities, may result in potentially significant adverse impacts related to stationary sources.

For existing sources, the analysis first determines if there are any existing manufacturing uses (in the 400-foot study area) with exhaust stacks, vents, or other emission sources that may have the potential to adversely affect the uses introduced by the project. An air dispersion analysis is then conducted for existing industrial sources located in the study area; otherwise no analysis is required.

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. The New York City Department of Environmental Protection (DEP) online Clean Air Tracking System (CATS) database, the NYS Department of Environmental Conservation[1] database, and satellite imagery were used to identify manufacturing processing emission sources.

The Coney Island Hospital was identified in the DEP CATS database as operating 4 engine generators. PB010002 and PB480503 are for No. 2 fueled generators with heat capacity greater than 10 million Btu/hr. PR000119 and PB001815 are for No. 2 fueled generators with heat capacities of 2.44 and 3.3 million Btu/hr, respectively. The Coney Island Hospital is a Title V facility (Permit ID: 2-6107-00012/00011). According to the Title V permit, the hospital operates a few exempt sources that include two (2) emergency diesel generators (no cdrp/plm participation) and one (1) laboratory fume hood. In addition, the hospital is undergoing construction of a new building. Zoning diagram (ZD1 Zoning Diagram) obtained from the NYC Department of Building, shows that the hospital powerhouse location. The powerhouse is located approximately in the middle of the Block 7239, Lot 1. The distance between the powerhouse and the Projected Development Site is 670 feet. As such, the processing emission sources were screened out (based on distance and the Title V permit).

Major and Large Sources

Introduction

Per the *CEQR Technical Manual*, projects that would introduce new uses near major sources, large sources, and odor producing facilities may result in potentially significant adverse air quality impacts. The study area considers major sources, large sources, and odor producing facilities within 1,000 feet of the proposed project. Major emission sources are identified as those sources located at Title V facilities that require Prevention of Significant Deterioration permits; large emission sources are identified as sources located at facilities which require a State facility permit. Solid waste or medical waste incinerators, asphalt and concrete plants, power generating plants, large boilers of large public facilities for example, and large industrial facilities are typical types

[1] https://gisservices.dec.ny.gov/gis/dil/

of sources requiring these permits. Odor producing facilities are operations that have the potential to cause discomfort, such as: solid waste management facilities, water pollution control plants (i.e., sewage treatment plants), and incinerators.

The Coney Island Hospital Title V facility (facility ID 2610700012) is located on Block 7239, Lot 1. Block 7239, Lot 1 is bounded by Avenue Z to the north, Ocean Parkway to the east, Shore Parkway to the south, and East 6 Street to the west. The emission point (stack) associated with the Coney Island Hospital Title V permit 2-6107-00012/00011, is located at the powerhouse. The emission sources associated with the hospital, Title V permit 2-6107-00012/00011, are three (3) identical cleaver brooks boilers each rated 20.412 MMbtu/hr. All three boilers fire natural gas and no. 2 fuel oil (as backup fuel). The emissions vent via a common stack. In addition, the hospital operates a few exempt sources that include two (2) emergency diesel generators (no cdrp/plm participation), one (1) laboratory fume hood, and seven (7) fuel oil tanks. As such, a detailed analysis was conducted for the three (3) 20.412 MMbtu/hr boilers. The 140-foot-tall common stack, seen in satellite imagery, is located above the powerhouse.

Per the permit 2-6107-00012/00011, the boilers could be fueled by natural gas or fuel Oil #2. The #2 fuel oil allowed at the facility is ULSD (ultra-low sulfur distillate oil #2), which contains 15 ppm or 0.0015% maximum sulfur by weight). The actual annual emissions of NOx, PM, CO, and SO_2 were obtained from the Permit Review Report 2-6107-00012/00011. Short-term emission rates were calculated based on emission factors published in the EPA AP-42 manual. As the emissions from all three boilers exit through a common stack, the combined emissions were calculated based on 61.24 MMBtu/hr boiler (the sum of the boilers heat capacities). **Table 7-2** shows the emission rates of the criteria pollutants of concern with the boilers operating at 100 percent capacity.

Table 7-2: Criteria Pollutants Emission Rates of the Boilers of the Coney Island Hospital Operating at 100 Percent Capacity

Pollutant Name	Natural Gas Short-Term Emission Rate		Natural Gas Annual Emission Rate		Oil #2 Short-Term Emission Rate		Oil #2 Annual Emission Rate	
	(lb/hr)	(g/s)	(lb/yr)	(g/s)	(lb/hr)	(g/s)	(lb/yr)	(g/s)
NOx	6.00	0.7564	21,024	0.3024	8.77	1.1054	21,024	0.3024
$PM_{2.5}$	0.456	0.0575	2,961	0.0426	0.934	0.1177	2,961	0.0426
PM_{10}	0.456	0.0575	2,961	0.0426	1.04	0.1315	2,961	0.0426
CO	5.04	0.6354	32,722	0.4707	2.19	0.2764	32,722	0.4707
SO_2	0.036	0.0045	32,964	0.474	0.093	0.0118	32,964	0.474

1. Emission Rates are based on the boilers operating at 100 percent capacities.

As seen in **Table 7-2**, the natural gas fuel boilers result in greater short-term CO emission than with the boilers fueled by fuel Oil #2. The other pollutants have greater emissions with the boilers fueled by fuel Oil #2. The analysis assumed the maximum emission for each pollutant independent of the fuel type used in the boilers.

Emissions from the stack were analyzed at 100, 75, and 50 percent operating capacities, based on the *CEQR Technical Manual* requirement. The stack's exit velocity was calculated based on natural

gas fuel dry volume of combustion components per unit of heat content (this results in slightly slower stack exit velocity compared with fuel Oil #2 fired boiler, which is a conservative approach), adjusted to stack exit temperature of 422 Kelvin, which is appropriate for boilers. The stack's emission rates and exit velocities with the boilers operating at 75% and 50% capacities were prorated from the boliers operating at 100% capacity.

Air Dispersion Analysis

A stationary source modeling was conducted to evaluate the potential impacts associated with the boilers' stacks emissions. Lakes Environmental MPI executable was used in the analysis. The MPI executable take advantage of computers with multiple processors, reducing run-time significantly. Lakes Environmental has adjusted the US EPA AERMOD source code and recompiled the model to parallelize the processing of receptors. The latest MPI executable (used in the analysis) modified the EPA's AERMOD latest executable model version 19191. The AERMOD model incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. The model was run with the regulatory default option and for both with and without downwash effect options, where the Building Profile Input Program (BPIP) was run with the downwash effect enabled. All analyses were conducted using the latest five consecutive years of meteorological data (2015-2019), obtained from the NYSDEC. Surface data used in the analysis is from JFK Airport, upper air data is from Brookhaven station, New York. According to the NYSDEC, the meteorological data was processed using the latest versions of AERMINUTE, AERSURFACE and AERMET. The meteorological data provided hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Population in Kings County, 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.
The 1-hour NO_2 concentrations were modeled as the 8th highest concentration (the NAAQS design value) and a Tier 1 approach. All other pollutants averaging times were modeled with a generic emission rate of 1 gram per second and 1st highest concentration. The predicted concentrations were multiplied by the combined boilers emissions to predict the pollutants concentrations.

The Projected Development Site was modeled as a 95-foot-tall building that covers its entire lot area (wall façade placed on the outer perimeter). Receptors on the receiving building were placed on all wall façade from ground floor to roof-top height in spaced intervals. Buildings in the surrounding area were specified in the model to account for the downwash effect on plum dispersion. The buildings comprising the Coney Island Hospital were modeled per the ZD1 Zoning Diagram.

The USGS National Elevation Dataset (NED) 1/3 arc-second resolution (GeoTIFF dataset), the terrain data set recommended by the EPA for use in the United States for regulatory purposes, was used to process buildings base elevations. The base elevations of receptors and stacks were set to their buildings base elevations. Roof heights of buildings in the area were obtained from the NYC Building Footprint database[2], and satellite imagery was consulted to identify building

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

that were constructed recently or are being developed.

Results of Dispersion Analyses

As previously mentioned, each pollutant averaging time was modeled twice—with building wake effect enabled/disabled. The predicted concentration is the highest concentration of these. The 8-hour CO and $PM_{2.5}$ predicted concentrations were evaluated with the NYC Guideline *de minimis* threshold. PM_{10}, NO_2, and SO_2 predicted concentrations were added to the background concentrations, and the results evaluated with the NAAQS. Results of the dispersion analysis are presented in **Table 7-3**.

Table 7-3. Criteria Pollutants Dispersion Analysis Results for the Coney Island Hospital

Pollutant	Averaging Time	Modeled Concentration	Background Concentration	Evaluated Concentration	Threshold Criterion	Unit
Coney Island Hospital Title V Boilers Operating at 100% Capacity						
NO_2	1-hour	21.6	105.7	**127.2**	**188**	($\mu g/m^3$)
	Annual	0.3	27.2	**27.5**	**100**	($\mu g/m^3$)
$PM_{2.5}$	24-hour	1.14	N.A.	**1.14**	**7.9**	($\mu g/m^3$)
	Annual	0.04		**0.04**	**0.3**	($\mu g/m^3$)
PM_{10}	24-hour	1.3	40	**41.3**	**150**	($\mu g/m^3$)
CO	1-hour	0.02	1.95	**1.97**	**35**	ppm
	8-hour	0.009	N.A.	**0.009**	**3.65**	ppm
SO_2	1-hour	0.5	14.8	**15.3**	**196**	($\mu g/m^3$)
	Annual (1)	0.4	1.1	**1.5**	**80**	($\mu g/m^3$)
Coney Island Hospital Title V Boilers Operating at 75% Capacity						
NO_2	1-hour	19.0	105.7	**124.7**	**188**	($\mu g/m^3$)
	Annual	0.2	27.2	**27.5**	**100**	($\mu g/m^3$)
$PM_{2.5}$	24-hour	0.98	N.A.	**0.98**	**7.9**	($\mu g/m^3$)
	Annual	0.03		**0.03**	**0.3**	($\mu g/m^3$)
PM_{10}	24-hour	1.1	40	**41.1**	**150**	($\mu g/m^3$)
CO	1-hour	0.017	1.95	**1.97**	**35**	ppm
	8-hour	0.007	N.A.	**0.007**	**3.65**	ppm
SO_2	1-hour	0.35	14.8	**15.2**	**196**	($\mu g/m^3$)
	Annual (1)	0.33	1.1	**1.4**	**80**	($\mu g/m^3$)
Coney Island Hospital Title V Boilers Operating at 50% Capacity						
NO_2	1-hour	13.9	105.7	**119.5**	**188**	($\mu g/m^3$)
	Annual	0.1	27.2	**27.4**	**100**	($\mu g/m^3$)
$PM_{2.5}$	24-hour	0.77	N.A.	**0.77**	**7.9**	($\mu g/m^3$)
	Annual	0.02		**0.02**	**0.3**	($\mu g/m^3$)
PM_{10}	24-hour	0.9	40	**40.9**	**150**	($\mu g/m^3$)
CO	1-hour	0.019	1.95	**1.97**	**35**	ppm
	8-hour	0.007	N.A.	**0.007**	**3.65**	ppm
SO_2	1-hour	0.40	14.8	**15.2**	**196**	($\mu g/m^3$)
	Annual (1)	0.35	1.1	**1.4**	**80**	($\mu g/m^3$)

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

As seen in **Table 7-3**, the predicted concentrations at Projected Development Site are within the NAAQS and are not exceeding the *de minimis* threshold criterions. Therefore, the emissions from the Coney Island Title V facility would not pose a significant adverse air quality to the Projected Development Site.

Conclusion

The increases in traffic volumes associated with the Proposed Actions would not result in any significant adverse air quality impacts. The Proposed Actions would not create a new stationary air quality source that would adversely affect the surrounding area. The Proposed Actions would not result in placement of sensitive receptors at location(s) adversely effected by stationary or mobile source(s) of emissions. Based on this assessment, the conditions associated with the Proposed Actions would not result in any significant adverse air quality impacts.

8. Noise

Environmental Studies Corp (ESC) conducted noise monitoring on Tuesday, June 22, 2021, in support of Zoning Map and Text Amendments to facilitate the development of a 18,842-gross- square-foot (-gsf) mixed-use multi-family and ground floor commercial building at 58 Nixon Court in the Gravesend neighborhood of Brooklyn, Community District 13.

The Proposed Zoning Map and Text Amendments encompass Brooklyn Block 7237, Lots 61, 63, 64, and 65 and Brooklyn Block 7238, Lot 115 (which is not owned or controlled by the Applicant, and not likely to be developed under Proposed Actions), bounded by the Ocean Parkway to the east, Murdock Court to the north, residential properties to the west, and the Belt / Shore Parkway to the south.

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

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

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

Sound is often measured and described in terms of its overall energy, taking all frequencies into account. However, the human hearing process is not the same at all frequencies. Humans are less sensitive to low frequencies (less than 250 Hz) than mid-frequencies (500 Hz to 1,000 Hz) and are most sensitive to frequencies in the 1,000- to 5,000-Hz range. Therefore, noise measurements are often adjusted, or weighted, as a function of frequency to account for human perception and sensitivities. The most common frequency weightings used are the A- and C-weightings. These weight scales were developed to allow sound level meters, which use filter networks to approximate

the characteristic of the human hearing mechanism, to simulate the frequency sensitivity of human hearing. The A-weighting is the most commonly used for environmental measurements, and sound levels measured using this weighting are denoted as 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 8-1: Noise Levels of Common Sources

Sound Source	SPL (dB(A))
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concerts (Rear Seats)	110
On Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night	40-50
Typical Rural Area at Night	30-40
Isolated Broadcast Studio	20
Audiometric (Hearing Testing) Booth	10
Threshold of Hearing	0
Notes: A change in 3dB(A) is a just noticeable change in SPL. A change in 10 dB(A)Is perceived as a doubling or halving in SPL.	
Source: 2020 CEQR Technical Manual	

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

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

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

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

added and subtracted to determine cumulative noise levels.

- 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 8-2 below, noise standards classify noise exposure into four categories based on noise level limits and land use, for vehicular traffic, rail, and aircraft noise sources: Acceptable, Marginally Acceptable, Marginally Unacceptable and Clearly Unacceptable, Table 19-3 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 8-2: Noise Exposure Guidelines for Use in City Environmental Impact Review

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

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 8-3 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 and office spaces/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.

Measurement Location and Equipment

Noise measurement was conducted during peak weekday vehicular travel periods (AM, Midday, PM) on a typical midweek day. The weather condition is normal with calm wind and is considered suitable for an ambient noise measurement.

A Type 1 sound level meter (Larson Davis 831) with wind shield was used to conduct the noise monitoring. The meter was calibrated prior to and following each monitoring session. The meter was placed on a tripod at a height of approximately five feet above the ground, away from any reflective surfaces.

The noise measurements were conducted at the following locations (as shown in Figures 8-1 through 8-4):

L1: Midblock of Murdock Court between Ocean Pkwy and West Street (Figure 8-1);

L2: Intersection of Ocean Pkwy and Nixon Court (Figure 8-2);

L3: Opposite to Lambros Triangle (Figure 8-3);

L4: Midblock of Nixon Court between Ocean Pkwy and West Street (Figure 8-4).

Measurement Conditions

Monitoring was conducted during typical midweek conditions, on June 22, 2021 (Tuesday). 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.



Figure 8-1: Meter Setup at Location 1



Figure 8-2: Meter Setup at Location 2



Figure 8-3: Meter Setup at Location 3



Figure 8-4: Meter Setup at Location 4

Table 8-4, 8-5, 8-6, and 8-7 below *contains the results for the measurements taken at the Project Sites:*

Table 8-4 *Noise Levels (dB) at Location 1*			
June 22, 2021 (Tuesday)			
Time	**7:20 am – 7:40 am**	**13:33 am – 13:53 pm**	**17:37 pm – 17:57 pm**
L_{eq}	60.0	57.3	57.0
L_{max}	70.5	70.8	72.3
L_{10}	**62.2**	59.6	58.3
L_{50}	58.7	55.8	55.1
L_{90}	57.6	54.2	52.8
L_{min}	56.4	53.3	51.1

Table 8-5 *Noise Levels (dB) at Location 2*			
June 22, 2021 (Tuesday)			
Time	**7:44 am – 8:04 am**	**12:44 pm – 13:04 pm**	**17:14 pm – 17:34 pm**
L_{eq}	66.4	66.1	67.4
L_{max}	88.0	81.2	76.5
L_{10}	67.7	68.4	70.7
L_{50}	62.8	64.4	65.6
L_{90}	60.2	61.8	59.8
L_{min}	58.1	59.7	56.2

Table 8-6 *Noise Levels (dB) at Location 3*			
June 22, 2021 (Tuesday)			
Time	**8:09 am – 8:29 am**	**12:20 pm – 12:40 pm**	**16:50 pm – 17:10 pm**
L_{eq}	62.3	65.4	66.9
L_{max}	77.7	82.4	77.6
L_{10}	65.0	67.4	70.4
L_{50}	59.9	63.9	65.0
L_{90}	57.6	62.3	59.9
L_{min}	56.1	60.3	56.5

Table 8-7 *Noise Levels (dB) at Location 4*			
June 22, 2021 (Tuesday)			
Time	**8:31 am – 8:51 am**	**13:08 pm – 13:28 pm**	**16:26 pm – 16:46 pm**
L_{eq}	58.8	63.0	60.4
L_{max}	74.9	77.2	79.7
L_{10}	60.8	**62.9**	60.6
L_{50}	57.4	60.5	58.0
L_{90}	56.0	59.3	55.7
L_{min}	54.6	56.9	53.4

Table 8-8, 8-9, 8-10 and 8-11 *below contains the traffic counts and vehicle classifications during each monitoring period:*

Table 8-8 ***Location 1:*** *Traffic volumes and vehicle classifications*			
Time	**7:20 am – 7:40 am**	**13:33 am – 13:53 pm**	**17:37 pm – 17:57 pm**
Car/ Taxi/ Van/SUV	21	12	11
Bus	0	0	0
Medium Truck	0	0	0
Heavy Truck	0	0	0
Motorcycle	0	0	0

Table 8-9 ***Location 2:*** *Traffic volumes and vehicle classifications*			
Time	**7:44 am – 8:04 am**	**12:44 pm – 13:04 pm**	**17:14 pm – 17:34 pm**
Car/ Taxi/ Van/SUV	300(357)	363(298)	312(378)
Bus	19(15)	7(8)	12(16)
Medium Truck	2(3)	3(3)	3(2)
Heavy Truck	0(0)	1(0)	0(0)
Motorcycle	0(1)	0(0)	0(0)

* Ocean Pkwy: South Bound Traffic Volume (North Bound Traffic Volume)

Table 8-10 ***Location 3:*** *Traffic volumes and vehicle classifications*			
Time	**8:09 am – 8:29 am**	**12:20 pm – 12:40 pm**	**16:50 pm – 17:10 pm**
Car/ Taxi/ Van/SUV	88(127)	109(110)	199(110)
Bus	1(3)	0(0)	0(0)
Medium Truck	0(0)	1(0)	1(0)
Heavy Truck	0(3)	0(1)	0(0)
Motorcycle	0(0)	0(0)	0(0)

*Shore Pkwy: Traffic Volume from Ocean Pkwy South Bound (Traffic Volume from Ocean Pkwy North Bound and Shore Pkwy)

Table 8-11 ***Location 4:*** *Traffic volumes and vehicle classifications*			
Time	**7:44 am – 8:04 am**	**13:08 pm – 13:28 pm**	**17:14 pm – 17:34 pm**
Car/ Taxi/ Van/SUV	31	22	9
Bus	0	0	0
Medium Truck	0	0	0
Heavy Truck	0	0	0
Motorcycle	0	0	0

Stationary Source

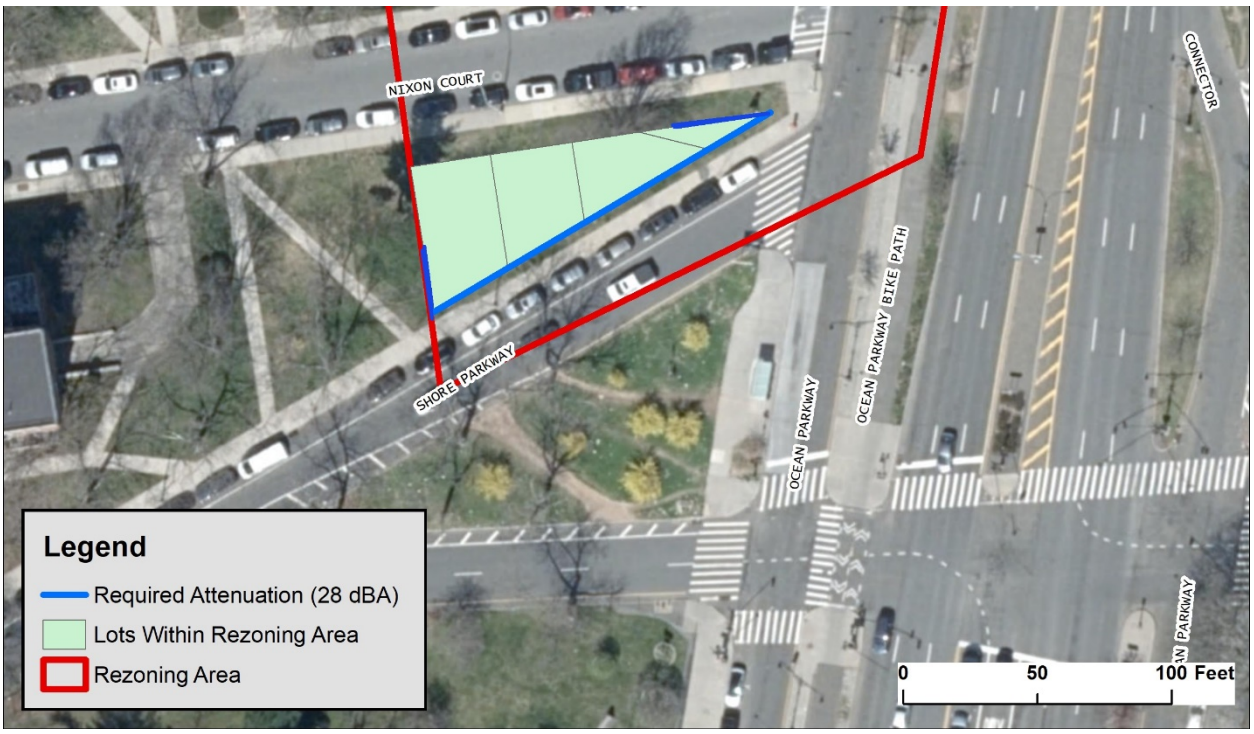
It is assumed that the building mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing levels that would result in any 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} lower than 65 dB(A) is identified as marginally acceptable general external exposure. An L_{10} of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure. An L_{10} of between 70 and 80 dB(A) is identified as marginally unacceptable general external exposure.

The highest recorded L_{10} at Location 1 was 62.2 dB(A) during the AM monitoring period. The highest recorded L_{10} at Location 2 was 70.7 dB(A) during the PM monitoring period. The highest recorded L_{10} at Location 3 was 70.4 dB(A) during PM monitoring period. The highest recorded L_{10} at Location 4 was 62.9 dB(A) during Midday monitoring period. Therefore, residential uses at Projected Development Site the With-Action Condition would experience general external noise exposure at a

Figure 8-5: Facades with Required Noise Attenuation



marginally unacceptable level.

As measured noise levels facing Ocean Pkwy and Shore Pkwy is between 70 and 73 dBA, 28 dBA attenuation would be required for the façade facing Ocean Pkwy or Shore Pkwy, as shown in Figure 8-5. As measured noise levels at Location 1 and 4 are both below 70 dBA, no noise mitigation would be required for other facades.

Conclusion

Based on the foregoing, it can be assumed that both the ambient noise environment in the vicinity of the Projected Development Site and its effect on development under the With-Action Condition requires noise attenuation.

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

Brooklyn Block 7237, Lots 61, 63, 64, and 65 (Projected Development Site)

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

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on the facade facing Ocean Parkway, the facade facing Shore Parkway, the facade facing Nixon Court within 50 feet of Ocean Parkway, and the facade facing West Street within 21'-5" of Shore Parkway. 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, air conditioning.

9. Neighborhood Character

Introduction

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

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

1. What are the defining features of the neighborhood?

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

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

Study Area

Per the CEQR Technical Manual, the study area for an assessment of neighborhood character resources is 400-foot radius around the Project Site.

Defining Neighborhood Features

The Study Area is generally defined by those uses east and west of the Ocean Parkway. West of Ocean Parkway, land uses are defined by large, multi-family residential uses with several single-family residential uses to the north, with several vacant and mixed-use residential and ground floor commercial uses and a local religious use (the Beach Haven

Jewish Center). East of Ocean Parkway, land uses are defined entirely by the Coney Island Hospital complex, a large, institutional use. Beyond lot- based land uses, both the Ocean Parkway (bisecting the study area north-south) and Belt / Shore Parkway (bisecting the southern portion of the study area from west to east) are major automotive thoroughfares incorporating decorative landscaping (in the case of the Belt / Shore Parkway) and landscaped pedestrian malls (in the case of the Ocean Parkway).

Preliminary Assessment

Land Use, Zoning, and Public Policy

As discussed above the Proposed Actions would not create a significant impact to Land Use, Zoning or Public Policy. The introduction of residential uses on the Premises is not anticipated to lead to additional land use changes in the Study Area. The Proposed Actions are not anticipated to result in significant adverse impacts to land use within the Study Area. The Proposed Actions would result in the development of a building that is similar in bulk and height to existing buildings in the Study Area. The introduction of new residential uses in this building remains compatible with the surrounding Study Area. Further, the Proposed Actions mirror past rezonings that allow for the introduction of medium density residential buildings at the edge of commercial and manufacturing districts. The Proposed Actions would advance several public policy objectives as they would result in the development of new dwelling units in an amenity rich neighborhood. These are stated policy goals in both *Where we Live* and *Housing New York*.

Shadows

As discussed above the Proposed Actions would not create a significant impact to Shadows. A Tier III Screening Assessment and further Detailed Assessment demonstrate that no sunlight sensitive resources would experience a significant shadow impact from the Proposed Project as a result of the Proposed Actions. No additional assessment is required.

Historic and Cultural Resources

Based on the NYC LPC's environmental review, it is noted that Proposed Project would not result in adverse impacts to the Ocean Parkway Scenic Landmark. Further, the Shadows and Urban Design sections of this EAS have determined that the Proposed Actions would not result in significant adverse impacts. The Proposed Project would not alter the defining neighborhood features identified above (specifically, Ocean Parkway). The Proposed Actions would not create any adverse impacts to historic and cultural resources.

Urban Design and Visual Resources

The Proposed Actions would not negatively impact existing building bulk, use, type, and arrangement. The Proposed Actions would not negatively impact block form, street pattern, and street hierarchy nor are the Proposed Actions anticipated to negatively impact streetscape elements within the Study Area. The defining neighborhood characteristics do not include the presence of significant visual resources in the Study Area. Therefore, the Proposed Actions would not affect any natural resources or public view corridors to notable features or buildings in the immediate vicinity of the Rezoning Area. No impacts to the urban design and/or visual resources of the area are expected, and further analysis is not warranted.

Hazardous Materials

A Phase II Environmental Site Assessment has been completed and submitted to DEP. With a Construction Health and Safety Plan (CHASP), Remedial Action Plan (RAP) in place, the Proposed Actions would not result in significant hazardous materials impacts.

Air Quality

An analysis of Air Quality determined that the Proposed Actions would not result in a significant adverse air quality impact from manufacturing processing emission sources. With an (E) Designation in place, defined below, the Proposed Actions is also not anticipated to result in any violations of the ambient air quality standards.

Noise

Based on the noise readings, window wall attenuation would be required. An (E) Designation would ensure that there would be no significant adverse impacts related to noise.

Conclusion

The Proposed Project, facilitated by the approval of the Proposed Actions, does not have the potential to significantly alter long established characteristics of a neighborhood. The Proposed Project does not have the potential to result in significant adverse impacts to the Study Area's land use, zoning, public policy, urban design, visual resources, historic resources, traffic, noise, nor socioeconomics. When considered cumulatively, the Proposed Project does not have the potential to result in an impact to neighborhood character as the Proposed Actions do not have the potential to result in an alteration in the context and feeling of the neighborhood.

10. Disadvantaged Communities Assessment

Methodology

The Disadvantaged Communities Assessment was conducted following the guidance provided by the New York State Department of Environmental Conservation (NYSDEC) and the City of New York's Environmental Justice (EJ) policies. The assessment is conducted pursuant to NYCDEC guidance for Project's requiring a CEQR EAS Short Form, and is structured as follows:

1. Identification of Disadvantaged Community Status

To determine whether the Project Site is within, or within ½ mile of a disadvantaged community, the following tools were used:

• New York State Disadvantaged Communities Assessment Tool (DACAT): This GIS-based tool identifies census tracts designated as disadvantaged communities (DAC) based on data from the Climate Justice Working Group (CJWG).

• Geospatial Analysis: The project location was mapped and measured for proximity to the nearest designated disadvantaged community, ensuring compliance with the ½-mile buffer analysis specified in the assessment requirements.

2. Assessment of Potential Impacts

If the Project Site is found to be within, or within ½ mile of a disadvantaged community, or if the Proposed Action(s) could affect a disadvantaged community, further assessment is required. If either of these conditions are met, potential direct and indirect impacts to nearby disadvantaged communities are evaluated to determine if the proposed project would create any new sources of pollution or increase pollution from existing sources in the following categories:

• Air Quality Impacts
• Noise Pollution
• Light Pollution
• Wastewater Treatment or Wastewater Discharges
• Stormwater and Flooding Considerations

• Solid and Hazardous Waste Management
• Odor Impacts

3. *Assessment of Magnitude of Impacts*

If a potential impact is identified, the magnitude of these impacts must be evaluated. Considerations for magnitude of impact (Small vs. Moderate to Large) are described below:

Small Impact:

• Air emissions will occur at a level that does not require a state air pollution control permit.

• Solid or hazardous waste will be generated in an amount easily transported to and handled at a permitted disposal facility.

• Wastewater discharges will not occur or expand.

• There will be no traffic associated with the project or the traffic generated is limited to non-truck traffic and will not increase to a level causing level of service impacts.

• The disadvantaged community is identified by the Disadvantaged Community Assessment Tool as having comparatively lower burdens or vulnerabilities.

Moderate to Large Impact:

• Air emissions will occur at a level that requires a state air pollution control permit.

• Solid or hazardous waste will be generated in an amount requiring substantial increase in truck traffic to transport to a permitted disposal facility.

• Solid or hazardous waste will be managed or disposed on site, requiring a state solid or hazardous waste management facility permit.

• Wastewater discharges will occur or expand, requiring a State Pollutant Discharge or safety impacts.

• The disadvantaged community is identified by the DACAT as having comparatively higher burdens or vulnerabilities.

• Proposed operations would potentially result in off-site pollution impacts.

• Traffic associated with the project will increase to a level or type causing level of service or safety impacts.

• The action involves a DEC permit application that requires preparation of an 'Existing Burden Report' analyzing potential pollutant impacts to a disadvantaged community.

4. *Evaluation of Moderate to Large Impacts*

Where moderate to large impacts are predicted, these impacts should be identified and assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope, and magnitude. The evaluation should consider the potential for cumulative impacts and whether impacts are expected to be short-term or long-term. Where potential impacts are identified, measures or design elements that have been included by the project sponsor to avoid or reduce impacts should be described.

Preliminary Assessment

With approval of the Proposed Actions, the Applicant intends to develop a 7-story (with cellar), 18,842 gross square feet (gsf) / 14,995 zoning-square-foot (zsf) (4.25 FAR) mixed-use multi-family residential building with ground floor retail space. The building would include approximately 18,034 gsf / 14,187 zsf (4.02 FAR) of residential floor area and 808 gsf / 808 zsf (0.23 FAR) of local retail space. The proposed new building would contain a total of 16 dwelling units. Of these units,

4 (25% of units) would be affordable to incomes averaging 60% AMI. The building would have a maximum height of approximately 75 feet (7 stories), with an additional 10-foot rooftop bulkhead (for a total height of 85 feet). The first floor would contain local retail uses in two separate spaces as well as a small mechanical / utility room. One curb cut would be provided along Nixon Court. Eleven attended, off-street parking spaces would be provided for the residential component of the project within the ground floor of the proposed building (no off-street parking is required or provided for the commercial portion of the project).

The Project Site is located at 58 Nixon Court within the Gravesend neighborhood of Brooklyn Community District 13. As shown in Figure 1 below, the Project Site is located within a disadvantaged community identified as having comparatively lower burdens and vulnerabilities (Census Tract ID 36047037401), within the area of Avenue X to the north, Ocean Parkway to the east, West Street to the west and Shore Parkway to the south. Accordingly, an assessment of potential impacts is provided below.

Figure 1



Based on the Phase I Environmental Site Assessment completed by Environmental Studies Corp in December 2019, a Phase II Environmental Site Assessment was required in multiple locations on the property to further evaluate the potential presence of hazardous materials on the Projected Development Site. Environmental Studies Corp produced a Phase II Environmental Site Assessment in May 2022. Further in August 2022, a Remedial Action Plan (RAP) and a Construction Health and Safety Plan (CHASP) were prepared by Environmental Studies Corporation.

To avoid the potential for significant adverse impacts an (E) Designation for hazardous materials has been placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution. This (E) Designation would ensure that appropriate testing and mitigation are conducted prior to any future development and/or soil disturbance.

If hazardous materials are identified, a Construction Health and Safety Plan (CHASP) would be required and implemented during excavation and construction activities. The CHASP would protect both workers and the surrounding community from potential exposure to contaminated soil, groundwater, and/or soil vapor. Given the expected volume of soil disturbance, if any solid or hazardous waste is encountered during remediation, it is anticipated to be minimal in quantity and would be handled in compliance with all applicable regulatory requirements. Therefore, the Proposed Action(s) would not result in significant hazardous waste impacts to surrounding disadvantaged communities.

The proposed project would not involve activities that would result in air quality impacts, noise pollution, light pollution, odor impacts or wastewater discharges. In addition, the proposed project would not involve any additional building construction at the Project Site and would therefore not result in increased stormwater runoff or potential flooding impacts. Lastly, any solid waste would be placed in appropriate containers and picked up. Therefore, the proposed mixed-use development would not result in adverse impacts or a combination of moderate effects that would cause or increase a disproportionate pollution burden to any disadvantaged communities.

Conclusion

The Project Site is located within and proximate to disadvantaged communities. However, as discussed above, the Proposed Actions would not contribute to environmental burdens that disproportionately affect such communities. Further, the residential, commercial and community facility uses will serve the local population, while maintaining compliance with environmental regulations and best practices. Accordingly, the Proposed Actions would not disproportionately affect disadvantaged communities and would not cause or increase a disproportionate pollution burden on disadvantaged communities.

Appendix A: Waterfront Revitalization Program

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

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

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

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

A. APPLICANT INFORMATION

Name of Applicant: _____

Name of Applicant Representative: _____

Address: _____

Telephone: _____ Email: _____

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

2. Purpose of activity

C. PROJECT LOCATION

Borough: _____ Tax Block/Lot(s): _____

Street Address: _____

Name of water body (if located on the waterfront): _____

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☐ Yes ☐ No

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

Board of Standards and Appeals ☐ Yes ☐ No

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

Other City Approvals

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

State Actions/Approvals/Funding

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

Federal Actions/Approvals/Funding

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

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

E. LOCATION QUESTIONS

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

   ☐ Significant Maritime and Industrial Area (SMIA) (*2.1*)

   ☐ Special Natural Waterfront Area (SNWA) (*4.1*)

   ☐ Priority Maritime Activity Zone (PMAZ) (*3.5*)

   ☐ Recognized Ecological Complex (REC) (*4.4*)

   ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

F. WRP POLICY ASSESSMENT

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

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

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

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

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

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

G. CERTIFICATION

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

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

Applicant/Agent's Name: _____

Address: _____

Telephone: _____ Email: _____

Applicant/Agent's Signature: _____

Date: _____

Submission Requirements

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

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

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

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

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

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

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

Applicant Checklist

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

58 Nixon Court Rezoning Explanation of Consistency with Waterfront Policies

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

WRP Policy 1 relates to the development of new residential, commercial, and community facility uses on the waterfront in order to revitalize derelict waterfront areas. Nevertheless, the development that would be facilitated by the Proposed Project would bring new residents, workers, and shoppers to the area resulting in new activity in the nearby waterfront area in an area developed with similar uses.

2. Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

The Projected Development Site is an appropriate location for the proposed development and meets the criteria of Policy 1.1 as described below.

A. *Criteria that should be considered to determine areas appropriate for reuse through public and private actions include: compatibility with the continued functioning of the designated Special Natural Waterfront Areas, the Arthur Kill Ecologically Sensitive Maritime and Industrial Area, or Significant Maritime and Industrial Areas, where applicable; the absence of unique or significant natural features or, if present, the potential for compatible development; the presence of substantial vacant or underused land; proximity to existing residential or commercial uses; the potential for strengthening upland residential or commercial areas and for opening up the waterfront to the public; transportation access; the maritime and industrial jobs potentially displaced or created; and the new opportunities created by redevelopment.*

Public actions – such as property disposition, urban renewal plans, and infrastructure provision – should facilitate redevelopment of underused property to promote housing and economic development and enhance the city's tax base, subject to consideration of Policy 2, where applicable.

Relative to Policy 1.1 A., Projected Development Site 1 is not designated either as a Special Natural Waterfront Area (SNWA) or as a Significant Maritime and Industrial Area (SMIA) nor is it in close proximity to any areas so designated. The development site is located inland and does not border the shoreline. The development site does not contain any unique and significant natural features. The 3,524-sf property is currently vacant and undeveloped, while the surrounding area is characterized by a mix of multi-family residential and institutional uses as well as transportation corridors (i.e., Shore and Ocean Parkways).

The Proposed Project would add to and strengthen the surrounding residential community while also providing local retail offerings and services to users / visitors of the surrounding residential and institutional development. Development of the Proposed Project would have no impact upon public access to the waterfront. As the Projected Development Site is vacant land, the projected 6 new jobs associated with the proposed retail component would not come at the expense of any existing businesses.

The Proposed Action would not involve any public actions, such as property disposition, Urban Renewal Plans, and infrastructure provision. However, the action would facilitate redevelopment of underutilized property to promote housing and economic development and would therefore enhance the city's tax base.

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

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

The Projected Development Site is located in an area with fully developed infrastructure with adequate capacity to serve the Proposed Project. The development site is bounded by Nixon Court to the north, Ocean Parkway to the east, a Belt / Shore Parkway service road to the south, and multi-family residential uses to the west. With nearby access to two major automobile thoroughfares in the Ocean and Belt / Shore Parkways, the development site is easily connected to the Borough of Brooklyn and the rest New York City. Further, access to the F subway line is available at two subway stop within 0.5-mile west of the site, including the Avenue X and Neptune Avenue stops. Multiple bus lines also serve the area in the immediate vicinity of the development site, including the B1 and B4 lines (connecting to western and central Brooklyn) and the B36 line (connecting southern Brooklyn).

The nearest public elementary school, P. S. 209 Margaret Mead located at 2609 E 7th Street approximately 0.30-mile east of the development site, serves grades pre-K through 8 (with special education programs as well). The most recent enrollment and capacity data from the NYC Department of Education indicates that in the 2018-2019 school year, the target capacity of P. S. 209 was 707 seats while 647 students were enrolled, representing a utilization rate of approximately 91.5 percent, indicating available capacity at the school.

As presented in the EAS Form, the Proposed Project does not have the potential to result in significant adverse impacts to Water and Sewer Infrastructure. The Proposed Project is located within the Combined Sewer Area and would result in significantly less than 1000 incremental residential units (the threshold for preliminary analysis of water and sewer infrastructure).

4. Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

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

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

   See the discussions under Policy 6.1 and Policy 6.2 below.

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

   Pursuant to the FEMA 2015 Preliminary Flood Insurance Rate Mapping, the entirety of the development site is situated within Zone AE with a base flood elevation of 10 feet and a 1 percent annual chance flood hazard. Zone AE is described as "Areas subject to inundation by the 100-year flood determined in a Flood Insurance Study by detailed methods. Base flood elevations (BFEs) are shown within these zones. Mandatory flood insurance purchase requirements apply." Such zones are not subject to high velocity wave action but are still considered high risk flooding areas. Accordingly, the Proposed Project would incorporate all New York State and New York City flooding and erosion requirements, including compliance with ZR Article VI, Chapter 4 "Special Regulations Applying in Flood Hazard Areas" and Appendix G of the Building Code. The Proposed Project would meet the standards which require that all spaces below the flood elevation, plus 2 feet for freeboard, are wet-floodproofed.

   The aforementioned building codes requires construction meets flood resistant construction standards. All development at the development site would be required to meet these standards which require that all spaces below the flood elevation, plus 2 feet for freeboard, are wet-floodproofed subject to applicable limitations on use.

7. Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.

The current 1 percent annual chance floodplain height at the Applicant's proposed development site is 10.0 feet. The property has a Design Flood Elevation (DFE) of 12.0 feet, which includes a 10-foot first floor elevation and an additional two-feet of freeboard. Due to the development's location in an AE flood zone, the proposed building on the Applicant's property has been designed to meet the requirements of the state and local building codes in order to minimize the effects of flooding. Thus, the Proposed Project, consistent with these regulations, would have a DFE of 12 feet, which includes a 10-foot first floor elevation and an additional two feet of freeboard, with building mechanical systems located below the DFE within the first floor of the building (refer to site plans in the Site Plan Appendix). As such, the proposed ground floor of the building, including mechanical rooms would be wet-floodproofed with a foundation wall around the perimeter of the building to an elevation of 12ft (2ft above BFE). Wet floodproofing is a technique designed to permit parts of the structure below the DFE to intentionally flood, by equalizing hydrostatic pressures and by relying on the use of flood damage-resistant materials.

The cellar level of the Proposed Project, accessed from the proposed residential lobby at the north central area of first floor, would be constructed subgrade below the 12-foot DFE. The cellar would only contain storage, a refuse room, and bicycle parking, and would be constructed of poured concrete and be wet-floodproofed. The residential lobby and mechanical rooms on the ground floor would also be below the 12-ft DFE. As such, these spaces would also be wet-floodproofed.

The cellar and lobby levels would be below the 1 percent flood elevation between now and the year 2100, the Proposed Project's lifespan, under all sea level rise projections. Potential consequences from flooding would include minor damage to the storage, bicycle parking, and refuse rooms of the development. This could result in minor damage to property and temporary displacement of the storage and bicycle parking facilities.

The development would be landscaped with saltwater proof plantings. Coastal storms could bring high winds in addition to the flood hazards described above. The site is not within a Coastal V zone. In summary, Projected Development Site 1 is currently within the 2015 preliminary FEMA 1 percent annual chance floodplain and is required to meet state and local building code requirements for flood resistant construction. The cellar level of the development has been designed so that the only uses below the DFE would be storage and bicycle parking. Other than the cellar level, all floors of the proposed building would be above 2020 1 percent annual chance floodplain. Beyond 2020 flood projections, adaptive measures to protect the development site from future flooding could include elevation of the site or the construction of a floodwall to protect the site from higher water levels. Although elevation of the development site may not be feasible, construction of a floodwall or installation of water barriers will be given ongoing consideration as water levels continue to rise. The building would comply with all applicable current and future flood zone building code requirements.

The Proposed Project would not make flooding on adjacent sites worse, nor would it conflict with other plans for flood protection on adjacent sites. Based on the foregoing, the Proposed Project is consistent with Policy 6.2. The proposed building has been designed to minimize the effects of flooding under present conditions, and potential losses resulting from higher high-water levels in the future can feasibly be managed by adaptive measures such as floodwalls.

Detailed Methodology

Step 1: Identifying Vulnerabilities and Consequences

(a): The completed Flood Elevation Worksheet is included below

(b): The analysis below is based on the charts shown in tab 4 of the Flood Elevation Worksheet. The current 1% flood elevation at the Applicant's proposed development site is 12.0 feet. The elevation of the Applicant's proposed development site will be below the 1% flood elevation by the 2050s under all sea level rise projections and will be for its lifespan under all sea level rise projections. The property has a Design Flood Elevation (DFE) of 12.0 feet (refer to site plans in the Site Plan Appendix). Therefore, the Proposed Development has a "Design Flood Elevation" of 12 feet.

The Projected Development's critical systems would be located in the lobby of the building. The residential lobby, and mechanical systems (at an elevation of 11 ft.) are above the elevation of the current 1% annual floodplain. However, they would be below the DFE of 12 ft. The lobby would be wet-floodproofed, to mitigate the potential for damage in a flooding event.

This would result in no loss of building services which could result in damage to property and temporary displacement of residents.

c): There are no building features that are expected to be below the elevation of Mean Higher High Water at some point over its lifespan under any projection of sea level rise.

(d): Coastal storms could bring high winds in addition to the flood hazards described above. The site is within a Coastal AE zone.

Step 2: Identify Adaptive Strategies

(a): The Proposed Development is designed to meet NYC Building Code standards for flood resistant construction standards, including wet-floodproofed walls, flood barriers at building openings, and a foundation system designed to resist hydrostatic pressure. As a result, the cellar level, and lobby level (described above) will be protected from flooding and the rest of the building will be floodproofed up the elevation of the current 1% annual chance floodplain plus 2 foot of freeboard (12' NAVD 88). If the elevation of the floodplain increases beyond that by the 2050s or 2080s, additional protection could be provided through temporary barriers, or subsequent retrofits to extend wet-floodproofed materials to higher elevations

(b): As discussed above, there are no building features that are expected to be below the elevation of Mean Higher High Water at some point over its lifespan under any projection of sea level rise.

(c): The Proposed Development would be required to meet NYC Building Code standards for wind loading.

(d): The project would not make flooding on adjacent sites worse, nor would it conflict with other plans for flood protection on adjacent sites.

Step 3: Assess Policy Consistency

A project or action would advance the policy when no new vulnerable, critical, or potentially hazardous features would be located within area flooded by current or future high tide, or current or future 1% annual chance flood, over the project's lifespan, or all new vulnerable, critical or potentially hazardous features would be protected through flood damage reduction elements or future adaptive measures within the timeframe that they would be needed.

As discussed above, the Proposed Project would introduce vulnerable features to an area currently located in a 1% annual chance flood zone. However, the Proposed Project would ensure that all newly introduced vulnerable features are protected through flood damage reduction elements (specifically wet-floodproofed perimeter wall and removable flood barriers) and does not preclude the possibility that future adaptive measures be installed within the timeframe that they would be needed.

8. Policy 7: Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety;

9. Policy 7-1: Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems;

10. Policy 7-2: Prevent and remediate discharge of petroleum products; and

11. Policy 7-3: Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

These policies largely pertain to hazardous waste sites and major petroleum storage and off-loading facilities, none of which would be included in the Proposed Project. In addition, as the new residential and commercial retail uses would likely utilize natural gas and electricity for their heating and hot water generation needs, oil storage tanks would not be located in these structures, thereby eliminating a potential source of petroleum contamination. Any businesses or other facilities using petroleum products would be required to handle, store and dispose of these products and to clean up any spills in accordance with current Federal, State, and City rules and regulations.

NYC Waterfront Revitalization Program - Policy 6.2 Flood Elevation Workhsheet

COMPLETE INSTRUCTIONS ON HOW TO USE THIS WORKSHEET ARE PROVIDED IN THE "CLIMATE CHANGE ADAPTATION GUIDANCE" DOCUMENT AVAILABLE AT www.nyc.gov/wrp

Enter information about the project and site in highlighted cells in Tabs 1-3. Tab 4, "Summary Charts" contains primary results. Tab 5, "0.2%+SLR" produces charts to be used for critical infrastructure or facilities. Tab 6, "Calculations" contains background computations. Appendix A contains tide elevations for station across the city to be used for the elevation of MHHW if a site survey is not available. Non-highlighted cells have been locked.

Background Information	
Project Name	58 Nixon Court Rezoning
Location	58 Nixon Court, Brooklyn, NY; Brooklyn Block 7237 Lots 61, 63, 64, and 65
Type(s)	☑ Residential, Commercial, Community Facility ☐ Parkland, Open Space, and Natural Areas ☐ Tidal Wetland Restoration ☐ Critical Infrastructure or Facilit ☐ Industrial Uses ☐ Over-water Structures ☐ Shoreline Structures ☐ Transportation ☐ Wastewater Treatment/Draina ☐ Coastal Protection
Description	For the purposes of presenting a conservative analysis, this EAS analyzes a Proposed Project that is slightly larger than the Applicant's Proposed Project. Under CHO, the With-Action Condition analyzes a 115-foot-tall mixed-use building. Under the CHO With-Action Condition the building would have 18 dwelling units, of which 25-30% (5-6 units) would be permanently affordable dwelling units. CHO's proposed Universal Affordability Preference ("UAP") would increase the allowable developable floor area by 0.4 FAR. CHO would increase the maximum height for the proposed R7A district from 95 ft to 115ft (125 ft with bulkhead) and would increase the maximum base height from 55ft or 65ft to 85ft. The EAS below analyzed 120ft in max height for shadows and UD for conservative analysis purposes
Planned Completion Date	2026
Expected Project Lifespan	100 Years

The New York City Waterfront Revitalization Program Climate Change Adaptation Guidance document was developed by the NYC Department of City Planning. It is a guidance document only and is not intended to serve as a substitute for actual regulations. The City disclaims any liability for errors that may be contained herein and shall not be responsible for any damages, consequential or actual, arising out of or in connection with the use of this information. The City reserves the right to update or correct information in this guidance document at any time and without notice.

For technical assistance on using this worksheet, email wrp@planning.nyc.gov, using the message subject "Policy 6.2 Worksheet."

Last update: Sept. 7, 2018

Establish current tidal and flood heights.

	FT (NAVD88)	Feet	Datum	Source
MHHW	2.46	**2.46**	**NAVD88**	*Appendix A*
1% flood height	10.00	**10.00**	**NAVD88**	*FEMA 2015 Preliminary Flood Mapping*
Design flood elevation	12.00	**12.00**	**NAVD88**	*Project Plans*
As relevant:				
0.2% flood height	-->			

Data will be converted based on the following datums:

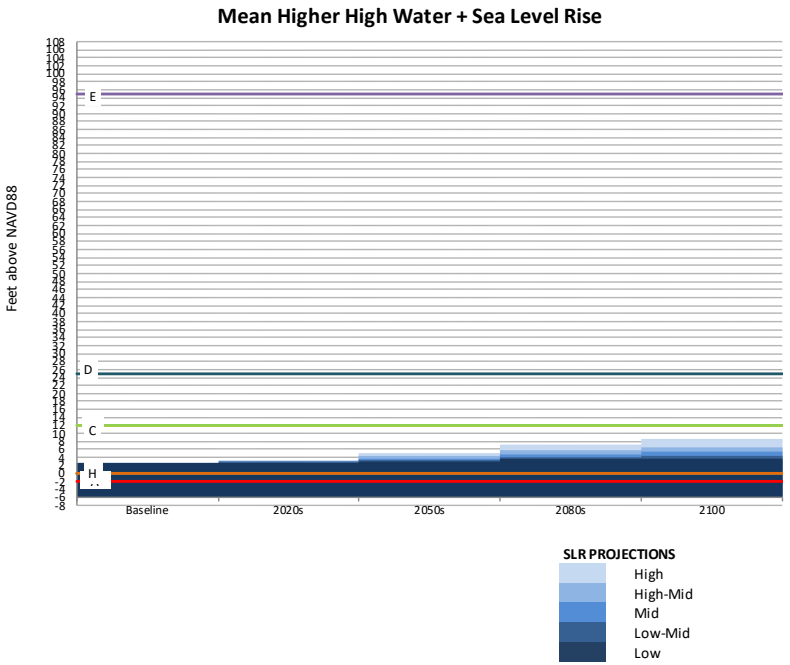
Datum	FT (NAVD88)
NAVD88	*0.00*
NGVD29	*-1.10*
Manhattan Datum	*1.65*
Bronx Datum	*1.51*
Brooklyn Datum (Sewer)	*0.61*
Brooklyn Datum (Highway)	*1.45*
Queens Datum	*1.63*
Richmond Datum	*2.09*

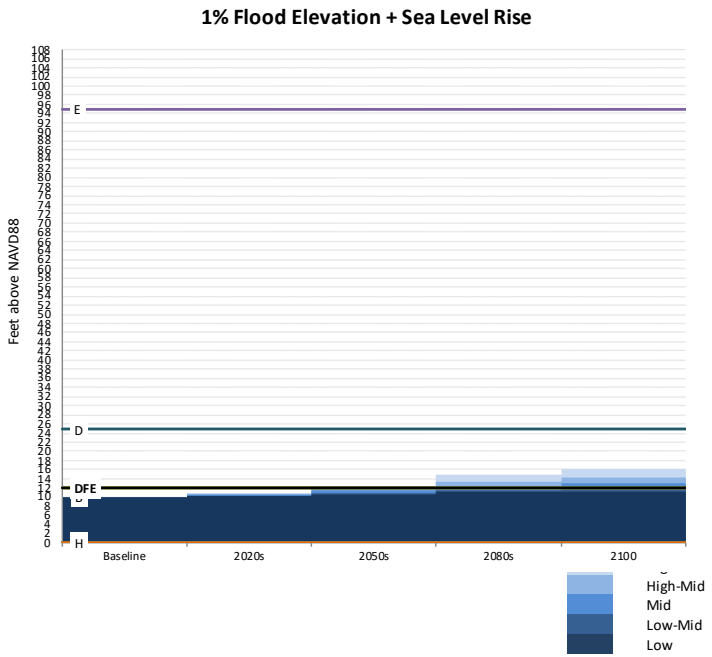


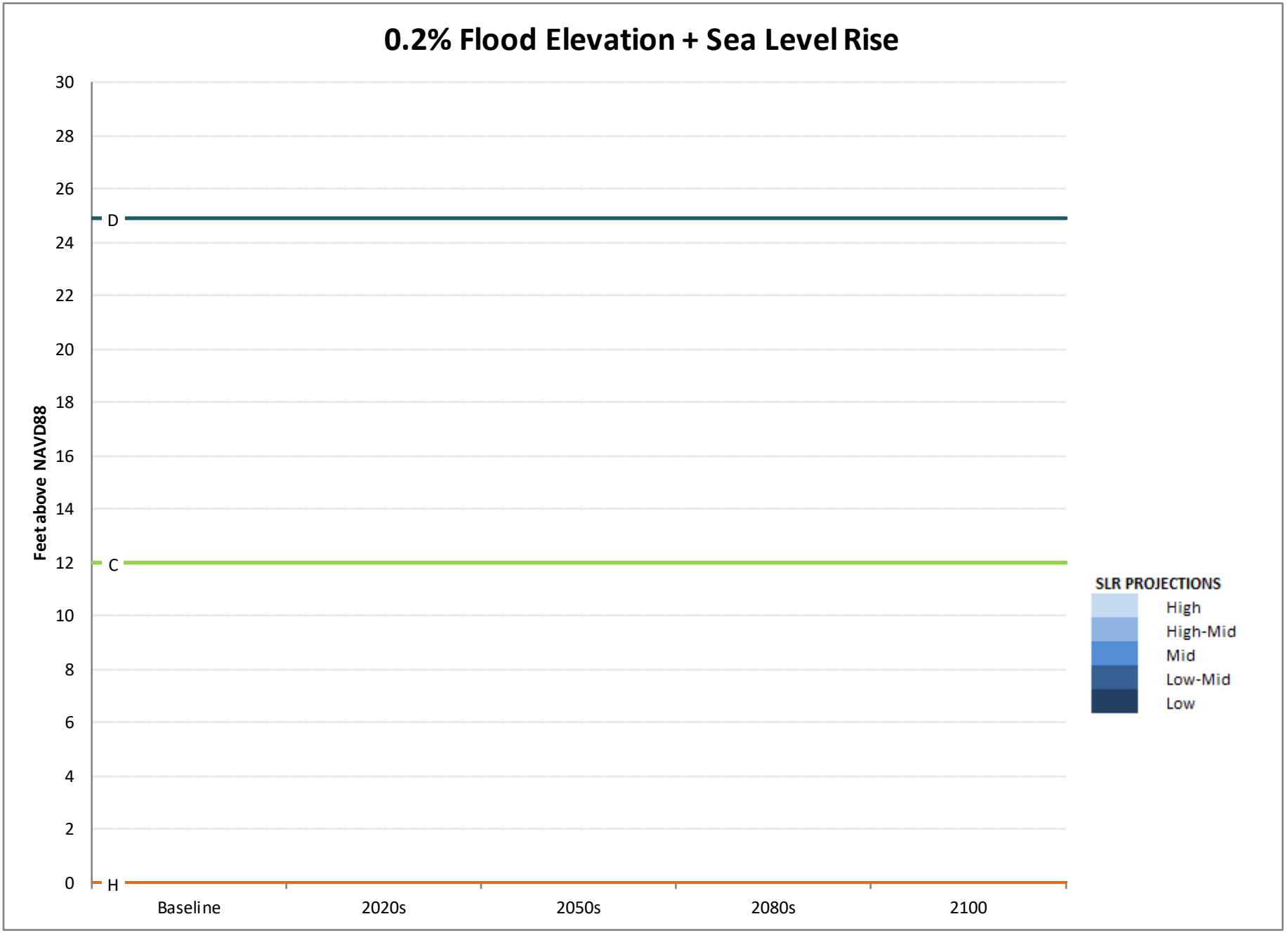
Describe key physical features of the project.

Feature *(enter name)*	Feature Category	Lifespan	Elevation	Units	Datum	Ft	Ft Above NAVD88	Ft Above MHHW	Ft Above 0.2% flood height
A	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2120	-2.0	Feet	NAVD88	-2.0	-2.0	-4.5	#VALUE!
Cellar Floor: Only the Eastern portion of the building's footprint includes a cellar level. The cellar would contain: Storage Room, Bike Room, Refuse Collection Room, and be accessed via elevator. The building's cellar will be wet-floodproofed as the cellar level will be located at an elevation of -2.0FT (8ft below BFE)									
B	☐ Vulnerable ☑ Critical ☐ Potentially Hazardous ☐ Other	2120	11.0	Feet	NAVD88	12.0	12.0	9.5	#VALUE!
First Floor: The building's first floor contains the Mechanical Room (containing critical infrastructure), Residential Lobby, Accessory Parking Spaces. The Mechanical Room and Residential Lobby, would be wet-floodproofed as it would be located below the DFE of 12ft									
C	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2120	12.0	Feet	NAVD88	12.0	12.0	9.5	#VALUE!
First floor : A perimeter wall that rises to 2ft above BFE or 12ft. Would be located at this level. As stated above the floor itself would be wet-floodproofed as it is below the DFE.									
D	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2120	24.9	Feet	NAVD88	24.9	24.9	22.4	#VALUE!
Floors 2-9: Residential uses.									
E	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2120	94.9	Feet	NAVD88	94.9	94.9	92.4	#VALUE!
Rooftop: Mechanical Bulkhead, Outdoor Recreation Area									
F	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other		0.0	Feet	NAVD88	0.0	0.0	-2.5	#VALUE!
Description of Planned Uses and Materials									
G	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other		0.0	Feet	NAVD88	0.0	0.0	-2.5	#VALUE!
Description of Planned Uses and Materials									
H	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other		0.0	Feet	NAVD88	0.0	0.0	-2.5	#VALUE!
Description of Planned Uses and Materials									

Assess project vulnerability over a range of sea level rise projections.






0.2% Flood Elevation + Sea Level Rise
Feet above NAVD88
30
28
26
24
22
20
18
16
14
12
10
8
6
4
2
0
D
C
H
Baseline
2020s
2050s
2080s
2100
SLR PROJECTIONS
High
High-Mid
Mid
Low-Mid
Low

SLR (ft)

	Low	Low-Mid	Mid	High-Mid	High
Baseline	0.00	0.00	0.00	0.00	0.00
2020s	0.17	0.33	0.50	0.67	0.83
2050s	0.67	0.92	1.33	1.75	2.50
2080s	1.08	1.50	2.42	3.25	4.83
2100	1.25	1.83	3.00	4.17	6.25

MHHW+SLR (ft above NAVD88)

	Low	Low-Mid	Mid	High-Mid	High
Baseline	2.46	2.46	2.46	2.46	2.46
2020s	2.63	2.79	2.96	3.13	3.29
2050s	3.13	3.38	3.79	4.21	4.96
2080s	3.54	3.96	4.88	5.71	7.29
2100	3.71	4.29	5.46	6.63	8.71

1%+SLR (ft above NAVD88)

	Low	Low-Mid	Mid	High-Mid	High
Baseline	10.00	10.00	10.00	10.00	10.00
2020s	10.17	10.33	10.50	10.67	10.83
2050s	10.67	10.92	11.33	11.75	12.50
2080s	11.08	11.50	12.42	13.25	14.83
2100	11.25	11.83	13.00	14.17	16.25

0.2%+SLR (ft above NAVD88)

	Low	Low-Mid	Mid	High-Mid	High
Baseline	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2020s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2050s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2080s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2100	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!

	0	1
A	-2	-2
B	12	12
C	12	12
D	24.9	24.9
E	94.9	94.9
F	0	0
G	0	0
H	0	0
DFE	12.00	12.00

	SLR (in)				
	Low	**Low-Mid**	**Mid**	**High-Mid**	**High**
2014	0	0	0	0	0
2020s	2	4	6	8	10
2050s	8	11	16	21	30
2080s	13	18	29	39	58
2100	15	22	36	50	75

NOAA Tide Station Data

(to be used only when a site survey is unavailable)

Station ID	*Station Name*	*Source MHHW (Feet, NAVD88)**	*Adjusted MHHW (Feet, NAVD88)**
8518687	Queensboro Bridge	2.27	2.60
8530095	Alpine	2.11	2.44
8516614	Glen Cove	3.72	4.05
8516990	Willets Point	3.72	4.05
8518639	Port Morris	3.33	3.66
8518699	Williamsburg Bridge	2.14	2.47
8518750	The Battery	2.28	2.61
8531680	Sandy Hook	2.41	2.74
8518490	New Rochelle	3.71	4.04
8531545	Keyport	2.66	2.99
8516891	Norton Point	2.08	2.41
8517201	North Channel	2.72	3.05
8517137	Beach Channel	2.10	2.43
8517756	Kingsborough	2.13	2.46
8519436	Great Kills	2.22	2.55
8531142	Port Reading	2.82	3.15
8519483	Bergen Point	2.56	2.89
8519050	USCG	2.28	2.61
8518902	Dyckman St	2.01	2.34
8517251	Worlds Fair Marina	3.59	3.92
8518668	Horns Hook	2.54	2.87
8518643	Randalls Island	2.60	2.93
8518526	Throggs Neck	3.68	4.01

* MHHW values include an addition 0.33 feet to account for changes in sea level since the 1983-2001 tidal

Source
NOAA Tides and Currents
NOAA Tides and Currents
NOAA Tides and Currents
NOAA Tides and Currents
NOAA Tides and Currents
NOAA Tides and Currents
NOAA Tides and Currents
NOAA Tides and Currents
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NOAA Tides and Currents

epoch.




Alpine
8530095
New
Rochelle
8518490
Dyckman St
8518902
Glen Cove
8516614
Randalls
Island
8518643
Port
Morris
8518639
Throggs
Neck
8518526
Willets
Point
8516990
Worlds Fair
Marina
8517251
Queensboro
Bridge
8518687
Horns Hook
8518668
Williamsburg
Bridge
8518699
The Battery
8518750
North
Channel
8507201
Norton
Point
8516891
USCG
8519050
Beach
Channel
8517137
Kingsborough
8517756
Sandy Hook
8531680

Appendix B: Landmarks Preservation Commission 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 / 24DCP120K
Project: 58 NIXON COURT REZONING II
Date Received: 6/28/2024

Properties with no Architectural or Archaeological significance:
1) SHORE PARKWAY, BBL: 3072370061
2) SHORE PARKWAY, BBL: 3072370063
3) SHORE PARKWAY, BBL: 3072370064
4) SHORE PARKWAY, BBL: 3072370065

Properties with Architectural significance adjacent to the site:
1) 2650 OCEAN PARKWAY, BBL: 3072380115, LPC FINDINGS: ADJACENT DESIGNATED LANDMARK, STATE/NATIONAL REGISTER FINDINGS: ADJACENT DESIGNATED NR LANDMARK, COMMENTS: OCEAN PARKWAY.

Gina Santucci 6/28/2024

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 34784_FSO_GS_06282024.docx

Appendix C:
Dept. of Environmental Protection Correspondence

Environmental Protection

Rohit T. Aggarwala
Commissioner

Angela Licata
Deputy Commissioner
Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

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

July 15, 2024

Ibrahim Jobe
Assistant Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: 58 Nixon Court Rezoning II
Block 7237, Lots 61, 63, 64, and 65 and Block 7238, Lot 115
CEQR # 24DCP120K

Dear Mr. Jobe:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the May 2024 Environmental Assessment Statement (EAS), the December 2019 Environmental Site Assessment (Phase I), and the May 2022 Phase II Environmental Site Assessment (Phase II), prepared by Environmental Studies Corporation, on behalf of SGL Assets Inc. (applicant) for the above referenced project. It is our understanding that the applicant seeks a zoning map amendment and a zoning text amendment from the New York City Department of City Planning (DCP) to facilitate the development of Block 7237, Lots 61, 63, 64, and 65 (Projected Development Site 1), located in the Gravesend neighborhood of Brooklyn Community District 13. The applicant seeks a zoning map amendment to rezone an R5 district (within the Special Ocean Parkway District) to an R7A district with a C2-4 Overlay (within the Special Ocean Parkway District) and a zoning text amendment pursuant to Appendix F to establish a Mandatory Inclusionary Housing Area coterminous to the area being rezoned. The actions affect an area that is bound by Ocean Parkway to the east, Murdock Court to the north, a line 460 feet to the east of West Street to the west, and the Shore Parkway to the south. The proposed project area consists of Block 7237, Lots 61, 63, 64, and 65 and Block 7238, Lot 115. The With-Action Condition projects a 9-story (with cellar), 18,842 gross square feet (gsf) mixed-use multi-family residential building with ground floor retail space. The building would include approximately 18,034 gsf of residential floor area and 808 gsf of local retail space. Development is not expected to occur on Block 7238, Lot 115.

The December 2019 Phase I report revealed that historical on-site and surrounding area land uses consists of residential, commercial, and institutional uses including a filling station, a hospital, schools, residential buildings, etc. Regulatory databases identified 15 spills within 1/8 mile; 27 underground storage tank sites and 8 aboveground storage tank sites within 1/4 mile; 25 leaking storage tank sites within 1/2 mile; and 2 manufactured gas plant sites within 1 mile of the subject property.

During the April 2022 fieldwork, Tri-State Drilling Technologies Inc. of Levittown, New York, installed four soil borings (B-1 through B-4), two temporary groundwater monitoring wells (GW-1 and GW-2), and three soil vapor probes (SV-1, SV-2, and SV-3) at the project site. Two soil samples were collected from each boring; one sample was collected from the 0-2 feet below grade surface (bgs) interval and the second sample was collected from the 10-12 feet bgs interval. Groundwater was encountered at a depth of 10 feet bgs. Soil and groundwater samples were collected and analyzed for volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds (SVOCs) by EPA Method 8270, pesticides by EPA Method 8081, polychlorinated biphenyls (PCBs) by EPA Method 8082, and Target Analyte List metals by EPA Method 6010 (total and dissolved for groundwater samples). Three soil vapor samples were collected and analyzed for VOCs by EPA Method TO-15.

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

The soil analytical results revealed that VOCs, pesticides, and PCBs were either non-detect (ND) or below New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs). Several SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene) and several metals (barium, copper, lead, nickel, mercury, and zinc) were detected above NYSDEC Unrestricted Use and/or Restricted Residential Use SCOs.

The groundwater analytical results revealed that pesticides and PCBs were either ND or below NYSDEC Division of Water Technical Operational Guidance Series 1.1.1 Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations for Class GA standards (Water Quality Guidance Values). One VOC (benzene), two SVOCs, (benzo(a)anthracene and benzo(a)pyrene), and several metals (antimony, arsenic, barium, beryllium, cadmium, chromium, copper, lead, magnesium, manganese, mercury, nickel, sodium, selenium, and zinc) were detected above NYSDEC Water Quality Guidance Values.

The soil vapor analytical results revealed that several VOCs (1,2,4-trimethylbenzene, 2-butanone, 2-hexanone, acetone, benzene, carbon disulfide, chloromethane, cyclohexane, dichlorodifluoromethane, ethyl benzene, methyl methacrylate, n-heptane, n-hexane, o-xylene, m/p-xylene, p-ethyltoluene, propylene, tetrachloroethylene, tetrahydrofuran, and toluene) were detected.

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

Block 7237, Lots 61, 63, 64, and 65 (Projected Development Site 1)

- Based on the contamination identified, DEP recommends that an (E) Designation for hazardous materials should be placed on the subject property pursuant to Section 11-15 of the New York City Zoning Resolution. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil

disturbance occurs, as well as to ensure the maintenance and oversight of any required engineering controls through oversight by the Mayor's Office of Environmental Remediation (OER). Further hazardous materials assessments should be coordinated through OER. OER may have additional requirements. The EAS should also be revised as appropriate to incorporate the placement of the (E) Designation.

Future correspondence and submittals related to this project should include the following CEQR # **24DCP120K**. If DCP has any questions, you may contact me at (718) 595-4358.

Sincerely,

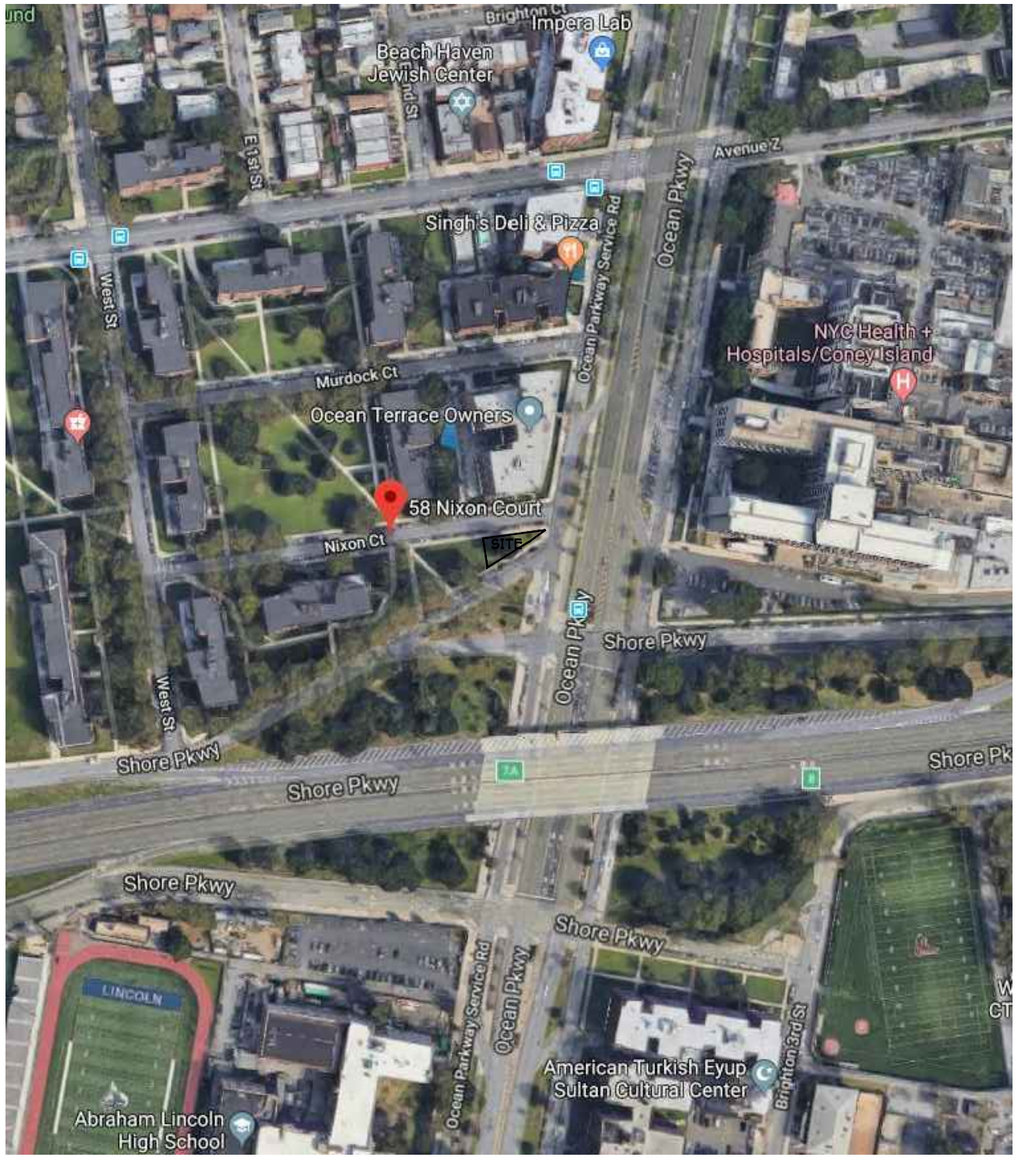
Wei Yu
Deputy Director, Hazardous Materials

c: R. Weissbard
T. Estesen
M. Wimbish
S. Shellooe – DCP
E. Ulker Kacar – DCP
M. Bertini – OER

Appendix D:
Illustrative Plans

ZONING ANALYSIS - R7A/C2-4 - COY

58 NIXON COURT
BROOKLYN, NY



AERIAL PHOTO



ZONING MAP No. 28c



AREA MAP

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DRAWING TITLE: ZONING ANALYSIS R7A/C2-4 - COY

PREMISES: 58 NIXON COURT BROOKLYN, NY

DRAWN BY:	N.M.H.
CHECKED BY:	GJC
JOB No:	19045
SCALE:	AS NOTED
DATE:	4-17-25

REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No: 1 OF 13

Z-001.00

Zoning Analysis - R7A/C2-4 - COY

Site Data			List of Required Actions	
Block(s)		7237	1. Zoning Map Amendment	
Lot(s)		61, 63, 64 & 65		
Street Address(es)		58 Nixon Court	2. Zoning Text Amendment to designate the	
Existing Zoning District		R5	site an MIH area.	
Proposed Zoning District		R7A/C2-4 - "Special Ocean Parkway District"		
Community District		313		
Zoning Section Map No.		28c		
Zoning Lot Area		3,524 sf		
Corner Lot portion		1,907.68 sf		
Interior/Through lot portion		1,616.32 sf		

Item	Zoning Section	Permitted/Required	Proposed	Compliance/Notes
Uses Permitted	22-00 & 113-00	1 thru 6	2 & 6	yes
Max. F.A.R.				
Commercial	33-121 & 113-01	2.00	0.23	yes
Community Facility	24-11 & 113-11	4.00		
Residential (MIH)	23-22 & 113-01	5.01	4.78	yes
Total F.A.R.		5.01	5.01	yes
Max. Floor Area				
Commercial		7,048 sf	808.48 sf	yes
Community Facility		14,096 sf		
Residential (MIH)		17,655.24 sf	*16,847.06 sf	yes
Total Floor Area		17,655.24 sf	*17,655.24 sf	yes
Max. Lot Coverage				
Percentage	23-362 & 113-01	corner lot portion 100% = 1,907.68 sf	1,731.37 sf - 91%	yes
Square feet		interior/through lot portion 65% = 1,293.06 sf	1,050.4 sf - 68%	yes
Yards				
Front	35-51 & 113-12	None	None	N.A.
Side	35-52	0 or 5'-0" min.	11'-2"	yes
Rear	23-344 & 35-53	None	N.A.	N.A.
Special yard adjacent to R5	33-291	8-0"	11'-2"	yes
Density	35-30 & 23-52 (b)	680		
Max. No. of D.U's		16,846.76 / 680 = 25	19 (**6 MIH + 13 Market rate)	yes
Max. Height & Setback				
Min. Base Height	23-432 & 35-632(b)	40'-0"	63'-11"	yes
Max. Base Height		85'-0"		
Max. Building Height		115'-0"	83'-11" (8 stories)	yes
Setback Narrow Street		15'-0"	N.A.	N.A.
Setback Wide Street		10'-0"	N.A.	N.A.
Special provisions applying adjacent to R1 - R6B	23-443(b)	w/in 15'-0" of boundary max. ht. = 65 ft. & beyond 15'-0" & w/in 25'-0" of boundary max. ht. = 85 ft.	65 ft.w/in 15 ft. of boundary	yes
Req'd. Parking - Outer Transit Zone	113-21			
Comm. / Comm. Fac. PRC A3	36-26 (c)	None	0	yes
Affordable Units (Option 1)	25-222 & 36-31	0	7	yes
Market Rate D.U.'s		15% x 13 = 2 spaces < 15 = 0		yes
Req'd. Loading	113-22			
Commercial	36-62	First 25,000 sf = none	0	N.A.
Req'd. Bicycle Parking				
Commercial / Comm. Fac.	36-711	1 per 10,000 = 0 spaces	0	Yes
Residential	25-80	1 per 2 D.U's = 10	10	yes

*Number shown is for Zoning Floor area after Quality Housing Deductions. Total gross floor area for entire project = 18,842.03 sf (including Cellar of 1,450.64 sf)

Total Residential gross floor area = 19,367.74 sf + 1450.64 Cellar = 20,818.38 sf and Total gross floor area for Retail = 808.48 sf

** Option 1: 30% of 19 units = 6 affordable units and 13 market rate

Note: As per 113-30 ZR - 30 ft. front yard required along Ocean Parkway will have landscaping in the form of grass, ground cover, trees or shrubs at natural grade level

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DRAWING TITLE: ZONING CALCULATIONS - R7A/C2-4 -COY FOR ILLUSTRATIVE PURPOSES

PREMISES: 58 NIXON COURT BROOKLYN, NY

DRAWN BY:	CHECKED BY:	JOB No:	SCALE:	DATE:
N.M.H.	GJC	19045	AS NOTED	4-17-25

SEAL: REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No: 2 OF 13

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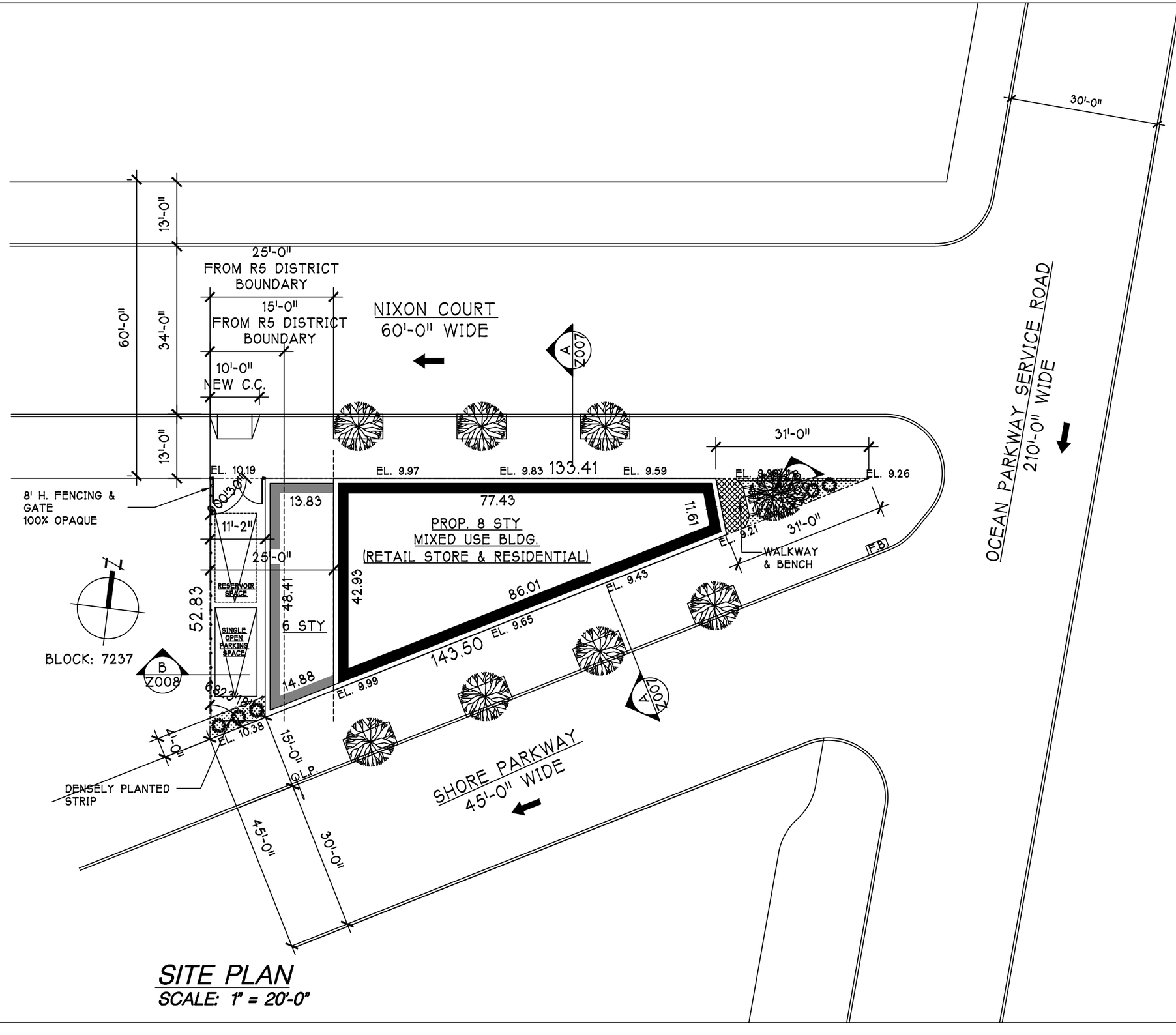

SITE PLAN
SCALE: 1" = 20'-0"

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DRAWING TITLE: SITE PLAN - C2-4 / R7A FOR ILLUSTRATIVE PURPOSES

PREMISES: 58 NIXON COURT BROOKLYN, NY

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CHECKED BY:	GJC	SCALE:	AS NOTED	
		DATE:	4-17-25	

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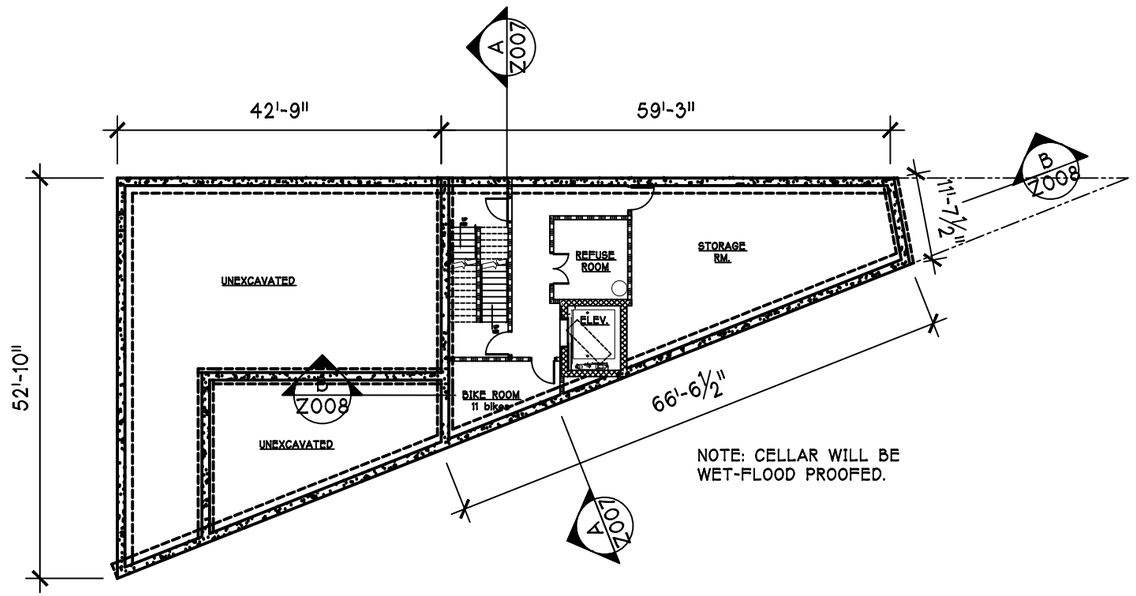
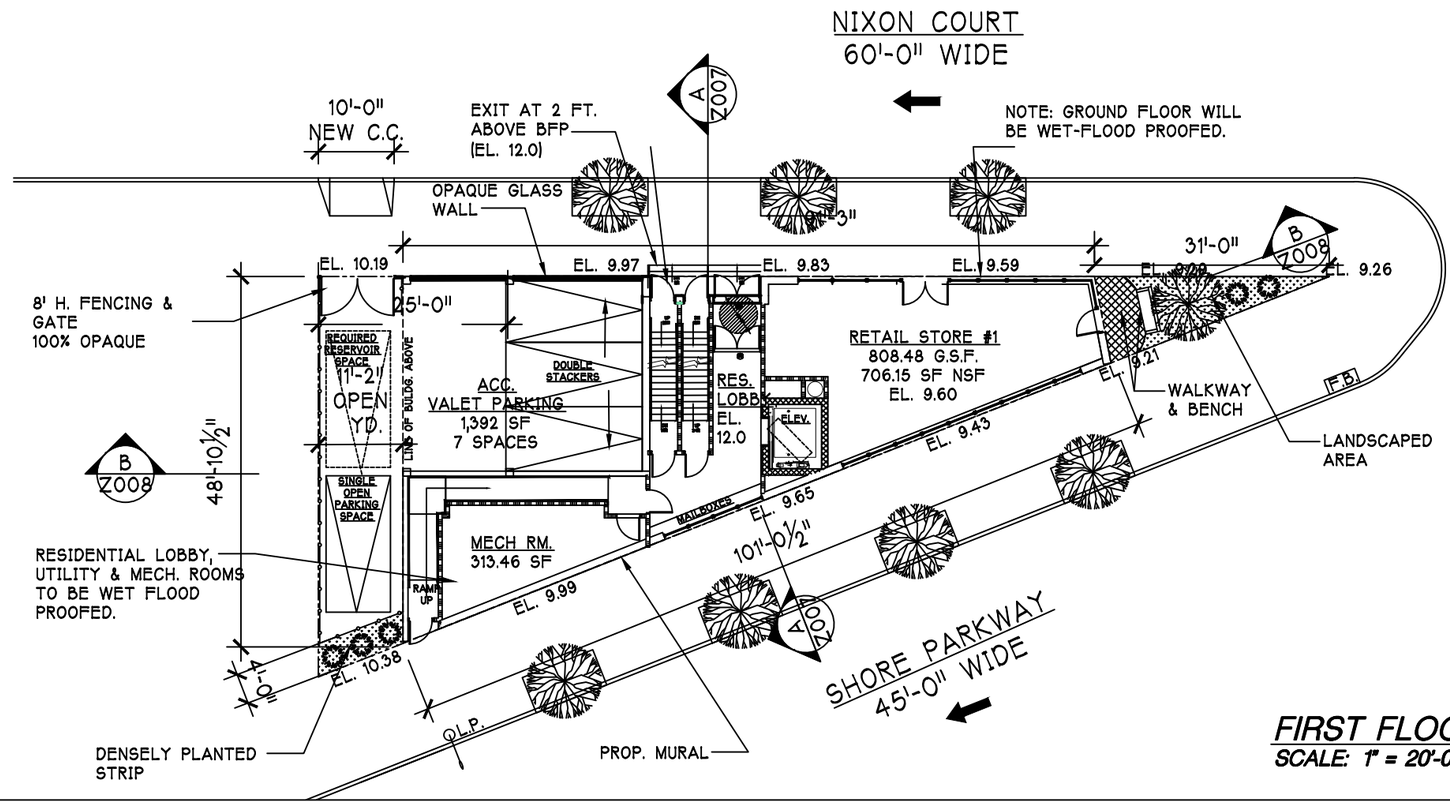
DRAWING No: 3 OF 13

Z-003.00



CELLAR FLOOR PLAN
SCALE: 1" = 20'-0"



FIRST FLOOR PLAN
SCALE: 1" = 20'-0"

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DRAWING TITLE: CELLAR & FIRST FLOOR PLAN FOR ILLUSTRATIVE PURPOSES

PREMISES: 58 NIXON COURT BROOKLYN, NY

DRAWN BY:	CHECKED BY:	JOB No:	SCALE:	DATE:
N.M.H.	GJC	19045	AS NOTED	4-17-25

SEAL: REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No.: 4 OF 13

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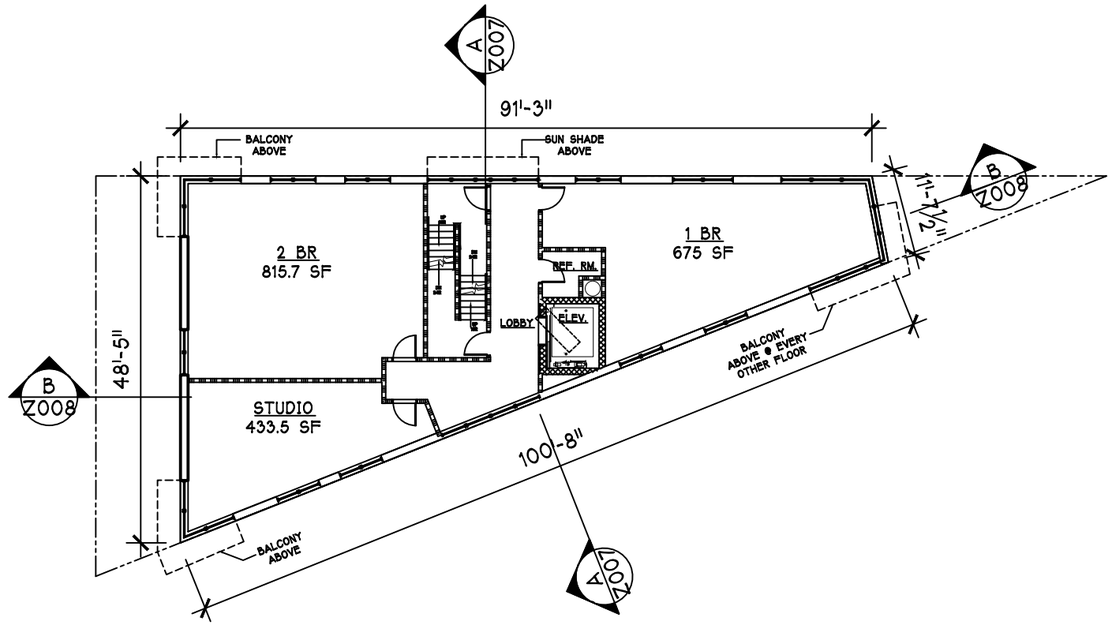
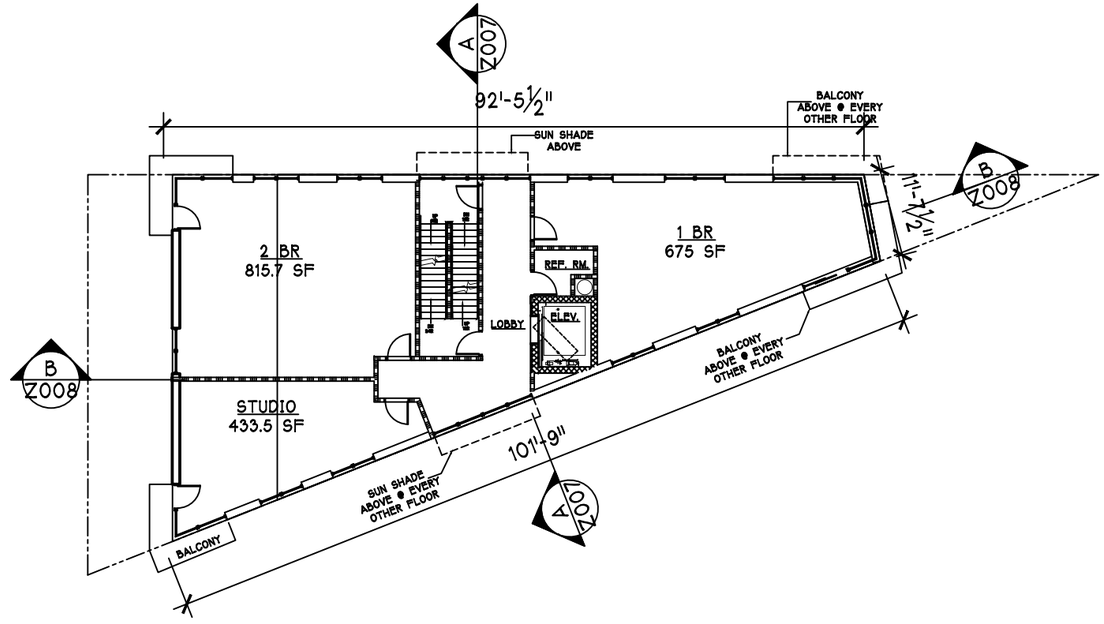


SECOND FLOOR PLAN
SCALE: 1" = 20'-0"



THIRD thru SIXTH FLOOR PLAN
SCALE: 1" = 20'-0"

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DRAWING TITLE: 2ND & 3RD - 6TH FLOOR PLAN FOR ILLUSTRATIVE PURPOSES

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DRAWN BY:	N.M.H.
CHECKED BY:	GJC
JOB No:	19045
SCALE:	AS NOTED
DATE:	4-17-25

SEAL: REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

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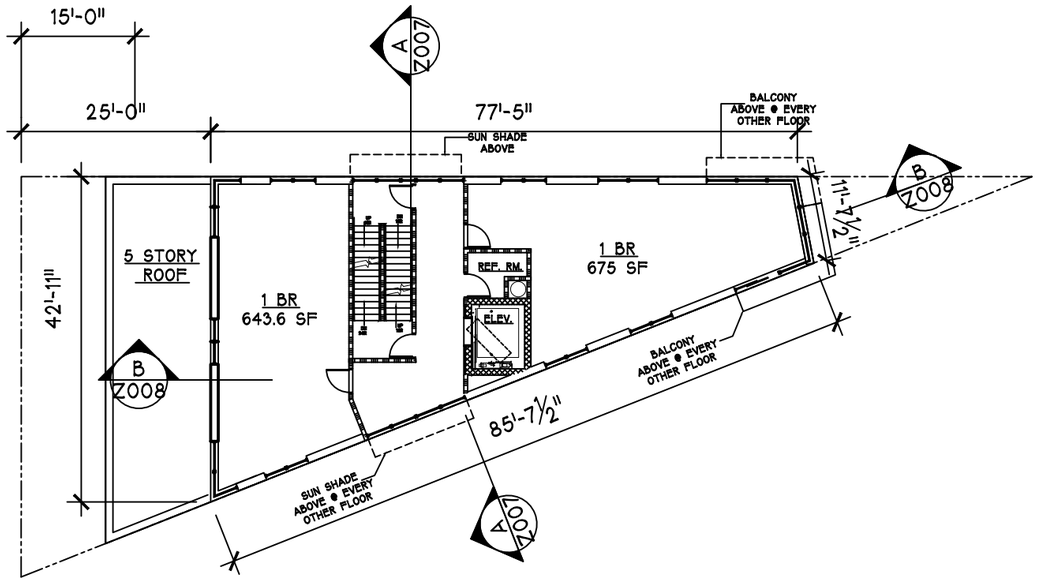
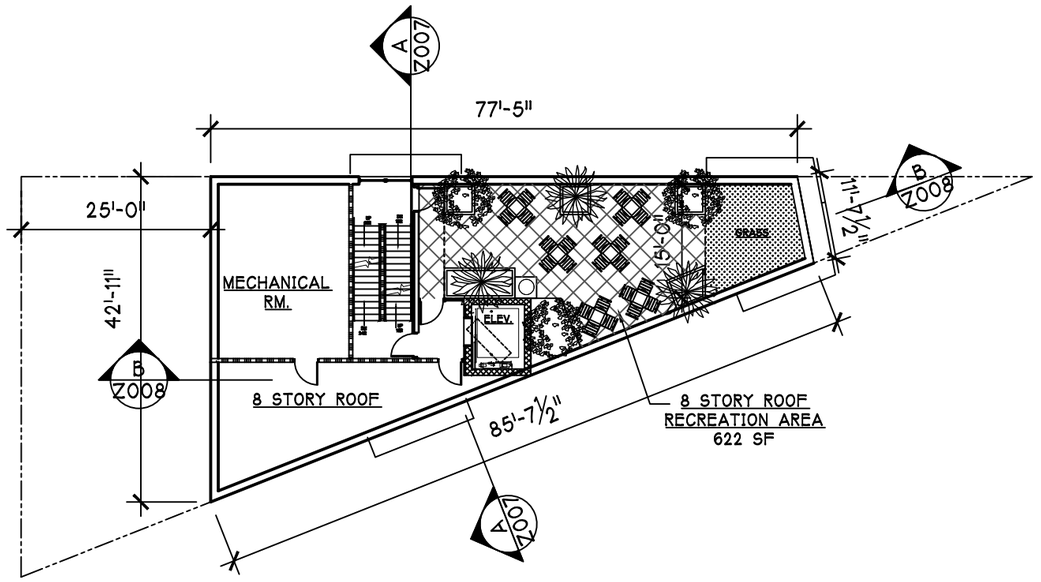


SEVENTH & EIGTH FLOOR PLAN
SCALE: 1" = 20'-0"



ROOF PLAN
SCALE: 1" = 20'-0"

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DRAWING TITLE: 7TH - 10TH FLOOR PLAN & ROOF FOR ILLUSTRATIVE PURPOSES

PREMISES: 58 NIXON COURT BROOKLYN, NY

DRAWN BY:	N.M.H.
CHECKED BY:	GJC
JOB No:	19045
SCALE:	AS NOTED
DATE:	4-17-25

SEAL: REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No.: 6 OF 13

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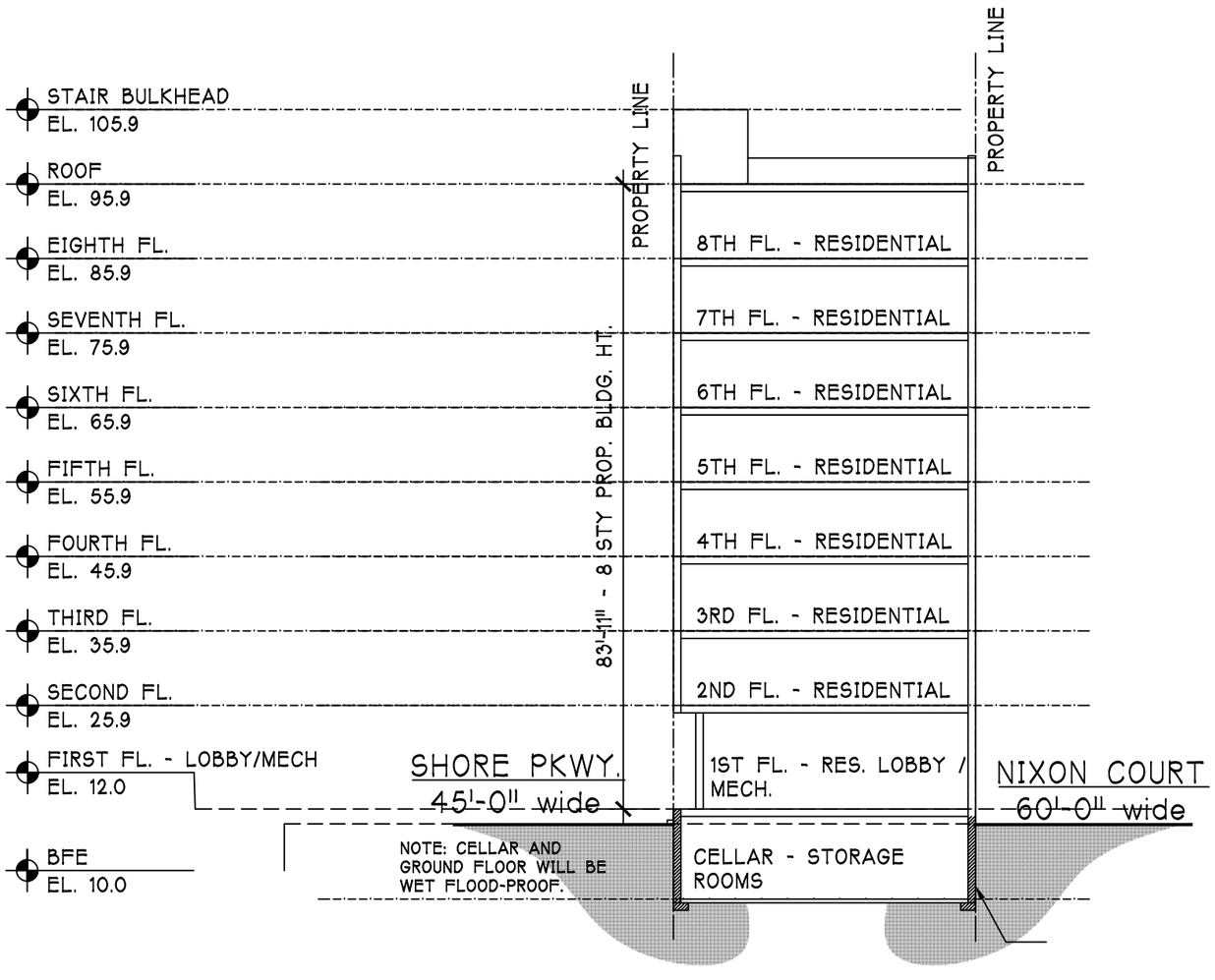

SCHEMATIC SECTION A-A

SCALE: 1" = 20'-0"

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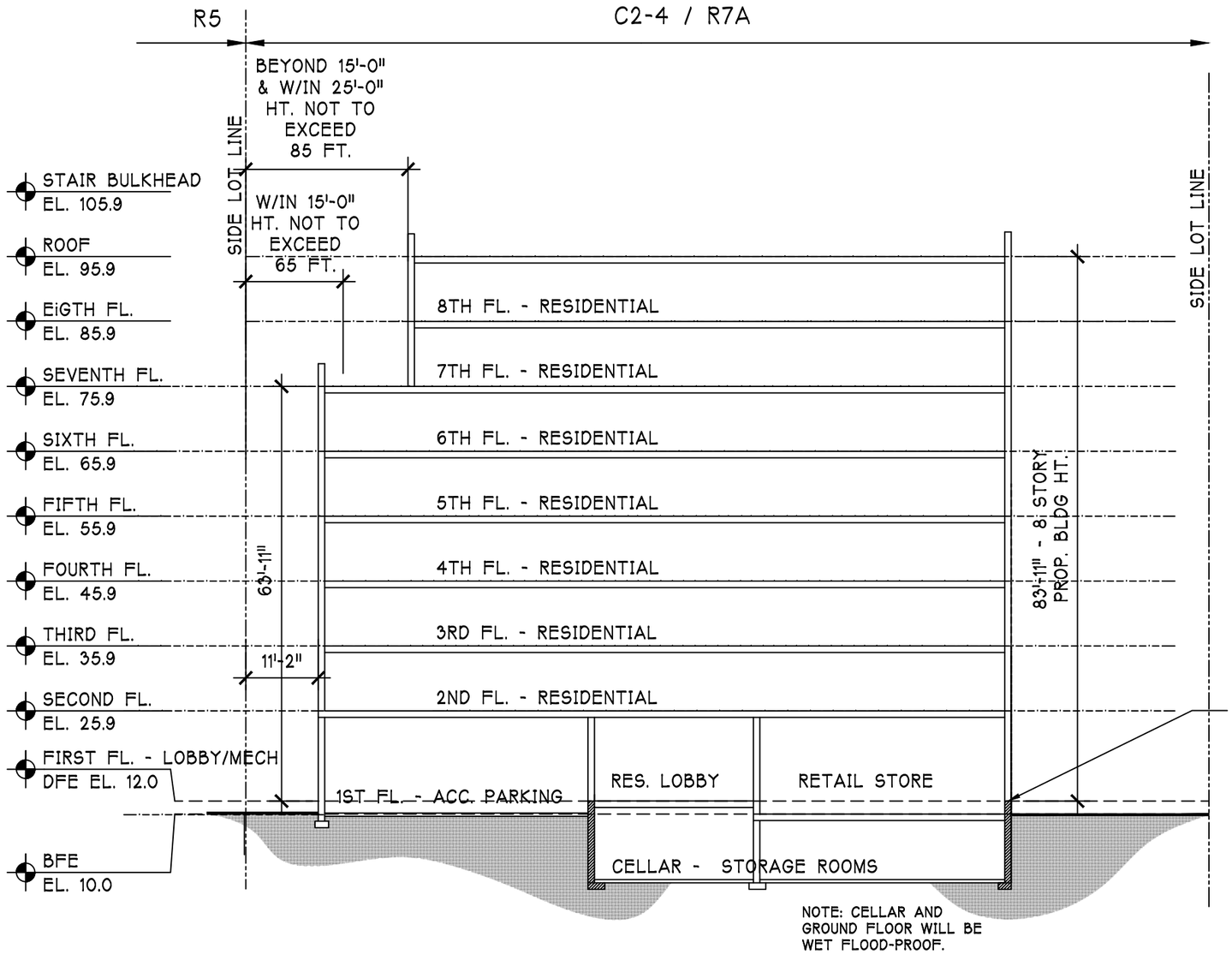
PREMISES: 58 NIXON COURT BROOKLYN, NY

DRAWN BY:	CHECKED BY:	JOB No:	SCALE:	DATE:
N.M.H.	GJC	19045	AS NOTED	4-17-25

SEAL: REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No: 7 OF 13

Z-007.00



SCHEMATIC SECTION B-B

SCALE: 1" = 20'-0"

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DRAWING TITLE: SECTION B-B FOR ILLUSTRATIVE PURPOSES

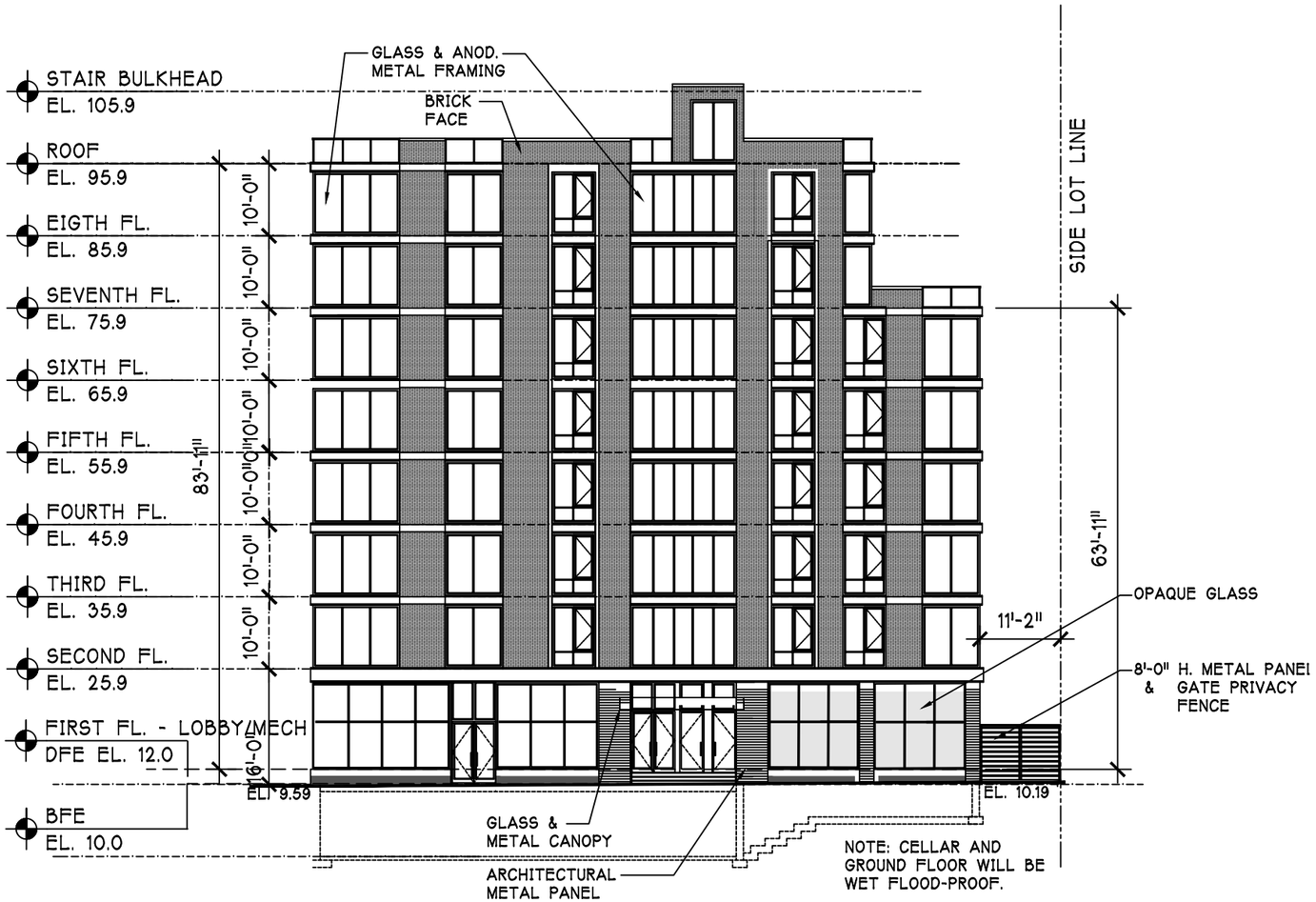
PREMISES: 58 NIXON COURT BROOKLYN, NY

DRAWN BY:	CHECKED BY:	JOB No:	SCALE:	DATE:
N.M.H.	GJC	19045	AS NOTED	4-17-25

SEAL: REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No: 8 OF 13

Z-008.00



NORTH (NIXON COURT) ELEVATION

SCALE: 1" = 20'-0"

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DRAWING TITLE: ELEVATIONS FOR ILLUSTRATIVE PURPOSES

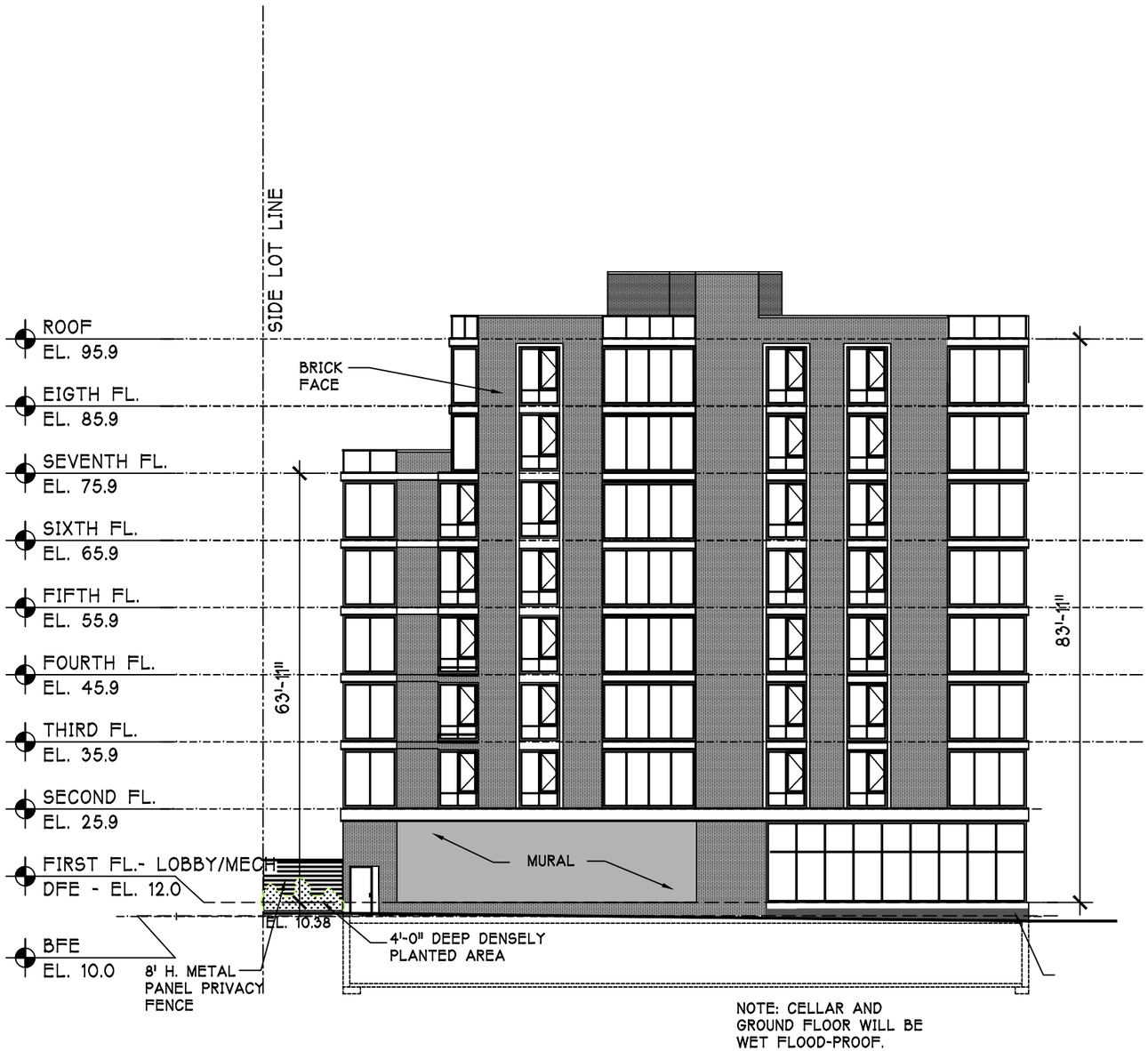
PREMISES: 58 NIXON COURT BROOKLYN, NY

DRAWN BY:	CHECKED BY:	JOB No:	SCALE:	DATE:
N.M.H.	GJC	19045	AS NOTED	4-17-25

SEAL: REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No.: 9 OF 13

Z-009.00



SOUTH (SHORE PKWY.) ELEVATION

SCALE: 1" = 20'-0"

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Gerald J. Caliendo, R.A., A.I.A.
Architect, P.C.

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SEAL: REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No.: 10 OF 13

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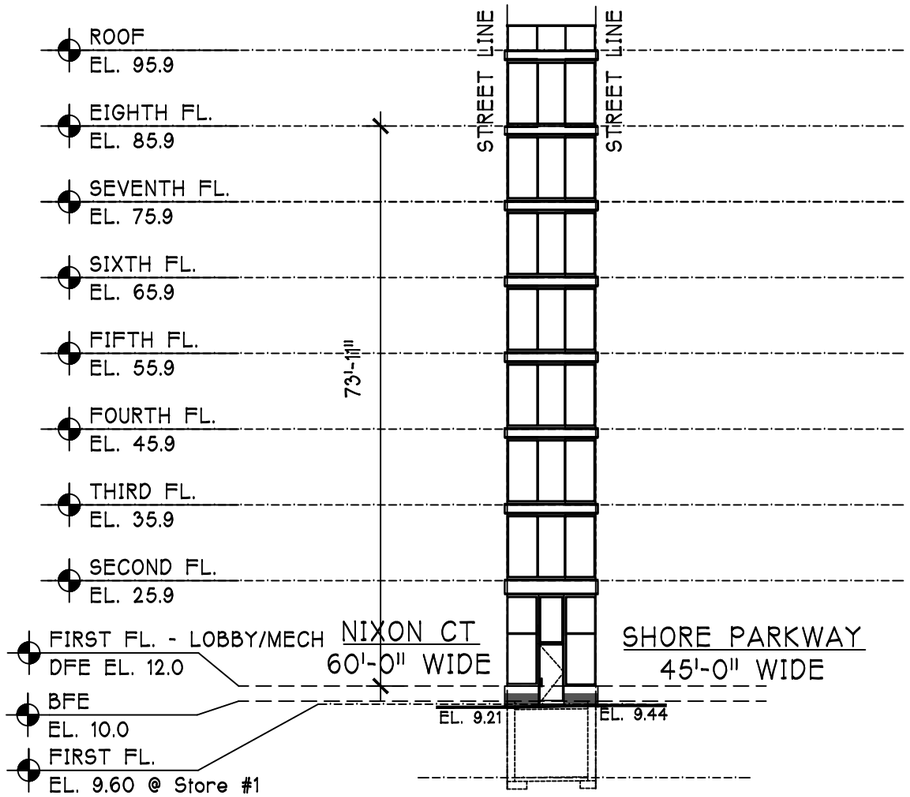
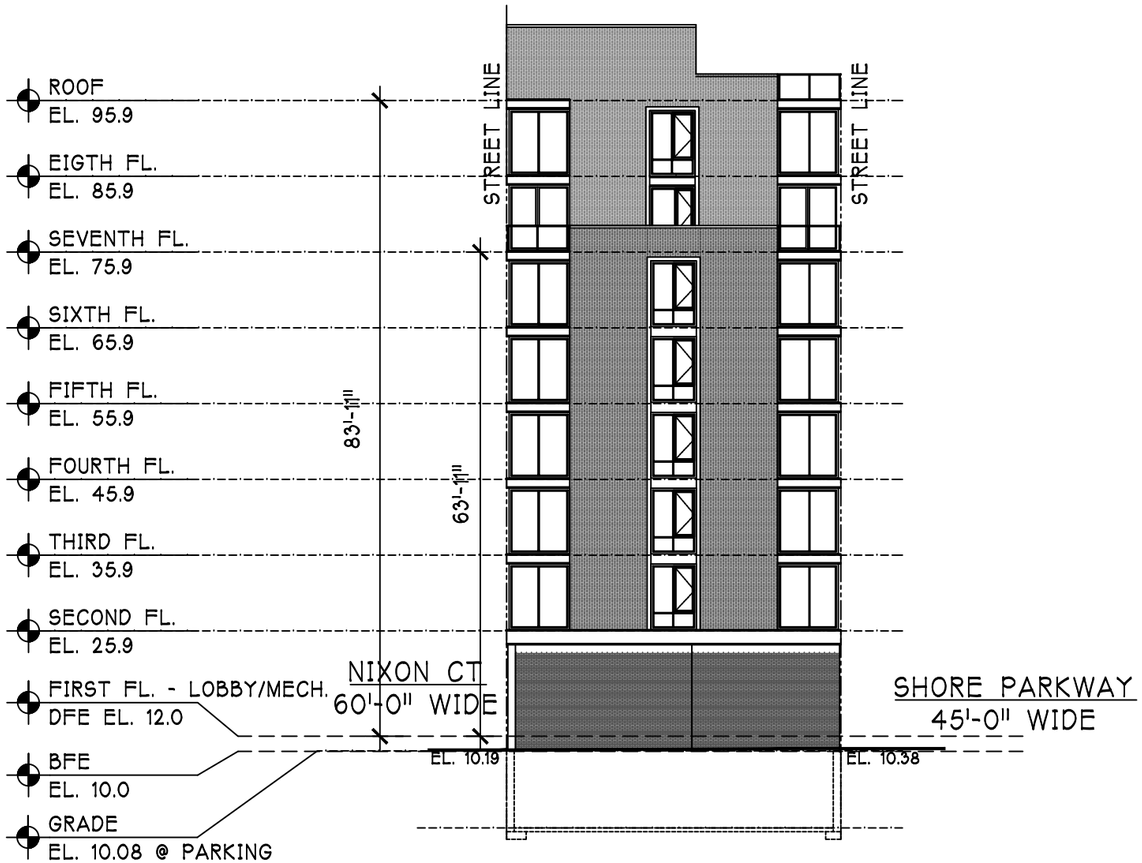


EAST ELEVATION

SCALE: 1" = 20'-0"



WEST ELEVATION

SCALE: 1" = 20'-0"

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DRAWING TITLE: ELEVATIONS FOR ILLUSTRATIVE PURPOSES

PREMISES: 58 NIXON COURT BROOKLYN, NY

DRAWN BY:	CHECKED BY:	JOB No:	SCALE:	DATE:
N.M.H.	GJC	19045	AS NOTED	4-17-25

SEAL: REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No.: 11 OF 13

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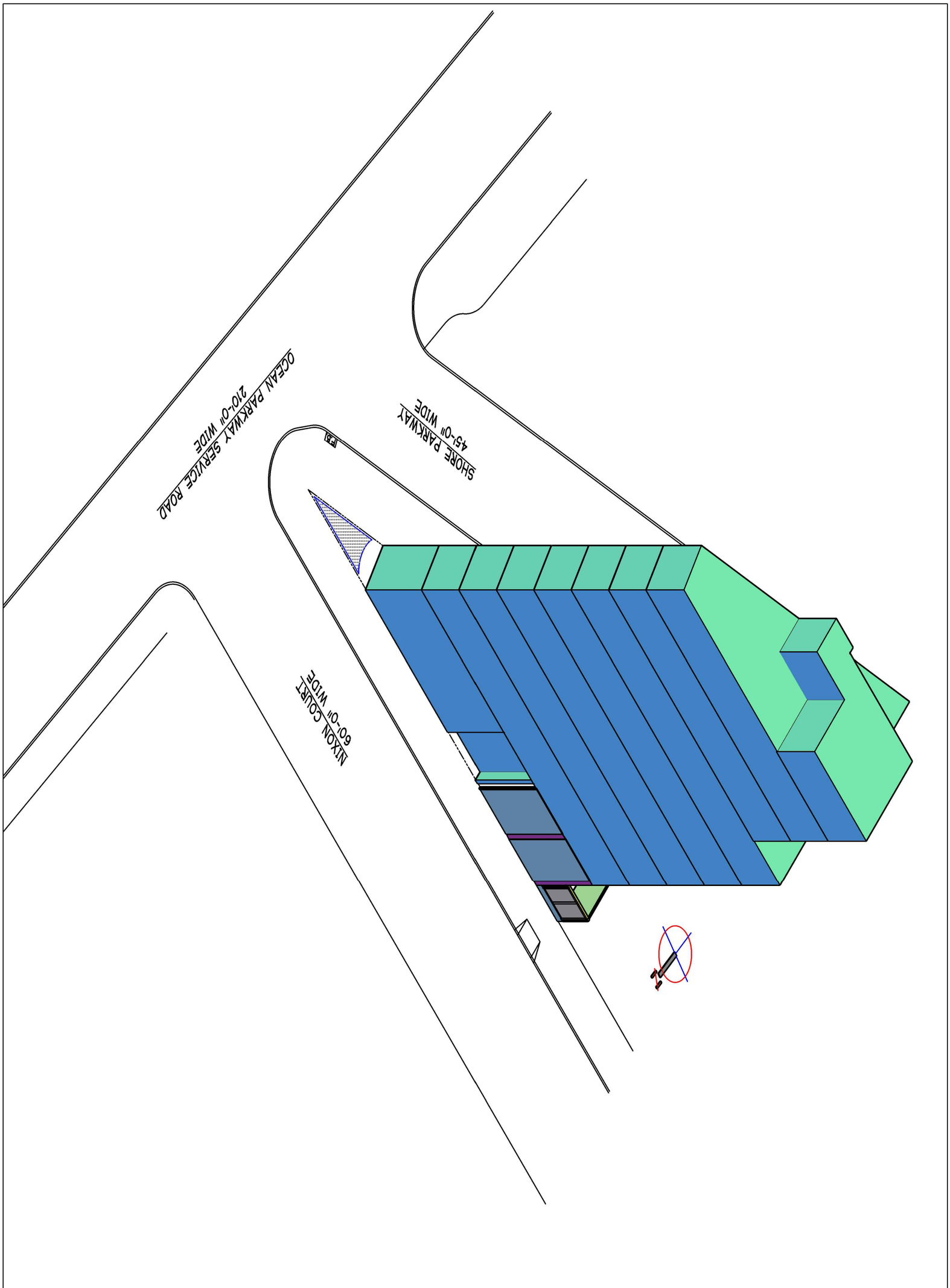

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SEAL: REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWN BY:	N.M.H.
CHECKED BY:	GJC
JOB No:	19045
SCALE:	AS NOTED
DATE:	4-17-25

DRAWING TITLE: MASSING DIAGRAM - C2-4 / R7A
FOR ILLUSTRATIVE PURPOSES

PREMISES:

58 NIXON COURT
BROOKLYN, NY

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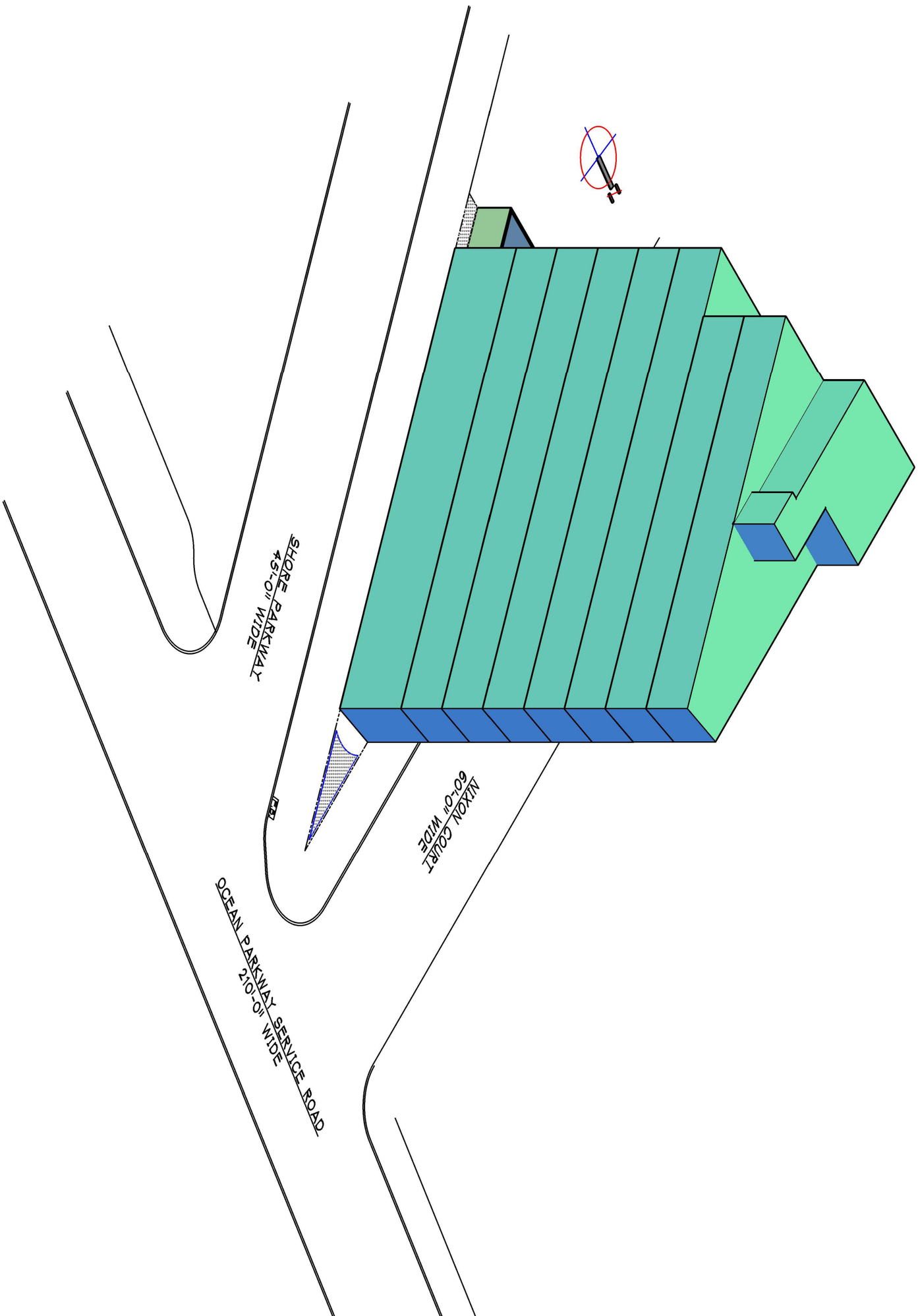

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SEAL: REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWN BY:	N.M.H.
CHECKED BY:	GJC
JOB No:	19045
SCALE:	AS NOTED
DATE:	4-17-25

DRAWING TITLE: MASSING DIAGRAM - C2-4 / R7A
FOR ILLUSTRATIVE PURPOSES

PREMISES:

58 NIXON COURT
BROOKLYN, NY

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Appendix E:
City of Yes for Housing Opportunity Technical Memorandum
(CHO Tech Memo)

City of Yes for Housing Opportunity

Introduction

The NYC Department of City Planning proposed 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. This proposed zoning text amendment was adopted by the City Council on December 5, 2024.

It has been determined that this project is affected by the recently adopted zoning text amendment and this technical memorandum assesses whether the analysis conclusion of the environmental review would by altered by CHO.

As discussed in the above EAS, SGL Assets Inc, (the "Applicant") seeks a zoning map amendment and a zoning text amendment to facilitate the development of Brooklyn Block 7237 Lots 61, 63, 64, and 65, located in in the Gravesend neighborhood of Brooklyn, Community District 13. The Applicant seeks a zoning map amendment to rezone an R5 district (within the Special Ocean Parkway District) to an R7A district with a C2-4 Overlay (within the Special Ocean Parkway 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"). The actions described above affect an area that is bound by Ocean Parkway to the east, Murdock Court to the north, a line 460 ft. to the east of West Street to the west, and the Shore Parkway to the south. The proposed project area consists of Brooklyn Block 7237, Lots 61, 63, 64, and 65 and Brooklyn Block 7238, Lot 115 (the "Project Area").

The Proposed Actions would facilitate a new 11-story (and cellar) building on the Projected Development Site with 21,626 gross square feet/ 17,655 zoning square feet (5.01 FAR; the "Proposed Project"). The Proposed Project would include approximately 20,818 gross square feet / 16,847 zoning square feet (4.78 FAR) of residential space and approximately 808 gross / zoning square feet (approximately 0.23 FAR) of local retail space on the ground floor. In addition, the ground floor would provide 7 attended parking spaces which would be made accessible through a single curb cut located in the rear of the building. The proposed new building would contain a total of 19 dwelling units, including 4-6 affordable units under MIH, depending on the ultimate MIH compliance.

To present a conservative environmental analysis, a preliminary assessment of the effects of CHO on the Proposed Project is provided. The City of Yes for

Housing Opportunity would change the allowable FAR for this project's proposed zoning district from of 4.6 to 5.01 in the R7A District. Also, the permitted maximum height increases from 95' to 115' (125' with bulkhead) under CHO for R7A Districts.

No-Action

In the No-Action Condition, no development would occur within the Projected Development Site. 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. Under the CHO With-Action Condition the building would have 19 dwelling units, of which 20-30% (4-6 units) would be permanently affordable dwelling units which would be reserved as affordable units at an average of 40-80% AMI pursuant to the requirements of Mandatory Inclusionary Housing (MIH). MIH Options 1, 2 and 3 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 MIH compliance would increase the allowable developable floor area by 0.41 FAR. CHO would increase the maximum height for the proposed R7A district from 95 ft to 115ft (125ft with bulkhead) and would increase the maximum base height from 55ft or 65ft to 85ft. The EAS above analyzed 120ft in max height for shadows and Urban Design for conservative analysis purposes.

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 the Projected Development Site (Block 7146, Lot 50). The "Proposed Project" is 9-story (with cellar), 18,842 gross square feet (gsf) / 14,995 zoning-square-foot (zsf) (4.25 FAR) mixed-use multi-family residential building with ground floor retail space. The building would include approximately 18,034 gsf / 14,187 zsf (4.02 FAR) of residential floor area and 808 gsf / 808 zsf (0.23 FAR) of local retail space.

As shown in **Table 1**, under the proposed CHO zoning text amendment, the maximum permitted FAR for residential uses in the proposed R7A district would increase from 4.6 to 5.01. Also, the permitted maximum height increases from 95' to 115' (125 ft with bulkhead) 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	5.01	+0.41
Building Height*	95’	115’	+20’

*As discussed above, for conservative analysis purposes, 120' 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 facilitate a new 11-story (and cellar) building on the Development Site with 23,018 gross square feet/ 17,655 zoning square feet (5.01 FAR; the “Proposed Development”). The Proposed Development would include approximately 20,818 gross square feet / 16,847 zoning square feet (4.78 FAR) of residential space and approximately 808 gross / zoning square feet (approximately 0.23 FAR) of local retail space on the ground floor. The building would also include 1,392 square feet of parking space on the ground floor (7 attended parking spaces) accessible via curb cut on Nixon Court.

Under the CHO With-Action Condition, the building would have 19 dwelling units, of which 20-30% (4-6 units) would be permanently affordable dwelling units which would be reserved as affordable units at an average of 40-80% AMI pursuant to the requirements of Mandatory Inclusionary Housing (MIH). MIH Options 1, 2, and 3 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. 20% of the units (4 units) would be affordable at or below 80% AMI for purposes of early childhood programs analysis.

The building height for the Projected Development Site would increase to 115 feet. Compared to the Proposed Project analyzed in the EAS, the Proposed Actions would result in an additional 1,976 gsf of residential uses (3 DUs) and 20-foot maximum building height. As discussed above, for conservative analysis purposes, 120' 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	CHO With-Action Condition	Increment
Residential GSF	18,034	20,818	+1,976
Residential DUs	16	19	+3
Building Height*	95'	115'	+20'

*As discussed above, for conservative analysis purposes, 120' 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 3 additional dwelling units to 19 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 0.41 FAR additional building bulk to 5.01 total FAR and an additional 20 feet of maximum building height for a total of 115 feet (125ft with bulkhead) 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, 120' 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 1,976 gsf of residential floor area, approximately 3 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. The addition of 3 residential dwelling units facilitated by MIH 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.

Shadows

As discussed above, under CHO the permitted maximum height in R7A Districts increases from 95' to 115' (125ft with bulkhead). 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 of 5 feet in total height because the above EAS analyzes shadows cast by a 120 ft building with a bulkhead. The Proposed Actions would cast new shadows on two sunlight-sensitive resources. The With-Action Condition enabled by CHO would result in a slightly larger shadows radius as presented in the EAS' Shadows analysis (537.5 ft radius in the CHO With-Action Condition compared to 516 ft presented in the EAS).

For the detailed analysis, the three-dimensional model used in the Tier 3 assessment was used to compare No-Action Condition shadows versus the With-Action Condition at the Project Site to determine the new incremental shadow on the sunlight sensitive resources described above. Figures 3-7 through 3-10: Detailed Shadows Analysis in the EAS above visualize the extent of these new incremental shadows on this resource. In the CHO With-Action Condition the building height would be 4.16% taller than what was analyzed in the EAS. Therefore, shadows would be cast for approximately 5% longer in the CHO With-Action Condition.

New incremental shadows would fall on the Ocean Parkway Pedestrian Mall from 1:41 PM to 2:57 PM (1 hour, 16 minutes) instead of from 1:41 PM to 2:53 PM (1 hour, 12 minutes) during the December 21 analysis period. At the end of the analysis day, when projected new incremental shadow coverage on this resource

would be the greatest, new shadows would only cover approximately 0.09-acre (16.7 percent) of the 0.54-acre portion found within the area of the longest shadow for the Proposed Project.

New incremental shadows would fall on small portions of the Ocean Parkway Pedestrian Malls from 2:00 to 4:36 PM (2 hours, 36 minutes) instead of from 2:00 to 4:29 PM (2 hours, 29 minutes) during the March 21 / September 21 analysis day. At the end ofthe analysis day, when projected new incremental shadow coverage would be the greatest, new shadows would only cover 0.05-acre (9.3 percent) of the 0.54-acre portion found within the area of the longest shadow for the Proposed Project.

During the May 6 / August 6 analysis day, new incremental shadows would fall on small portions the Ocean Parkway Pedestrian Malls (a maximum of 0.07-acre [12.9 percent] of the 0.54-acre portion found within the area of the longest shadow for the Proposed Project) for 3 hours, 26 minutes (from 2:02 PM to 5:28 PM) instead of 3 hours, 16 minutes (from 2:02 PM to 5:18 PM).

New incremental shadows would fall on the Ocean Parkway Pedestrian Malls for 3 hours, 59 minutes (from 2:13 PM to 6:12 PM) during the June 21 analysis day. The greatest new incremental shadow coverage would come towards the end of the analysis day, around 5:37 PM, with approximately 0.07- acre (12.9 percent) of the 0.54-acre portion covered in new incremental shadow.

New incremental shadows would also fall on the Shore Parkway Landscaping for 9 minutes (from 5:52 PM to 6:01 PM) during the June 21 analysis day. The greatest new incremental shadow coverage would come towards the end of the analysis day and cover less than 5% of the resource.

The detailed shadows assessment in the EAS concluded that there would be no significant adverse shadows impacts to the Ocean Parkway Malls 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 substantially similar, 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 1,410sf of residential floor area, approximately 2 additional residential dwelling units, and 20 additional feet of maximum building height. As the in-ground disturbance area would remain the same as the area analyzed in the EAS, the findings of the EAS would also remain the same.

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 expand slightly ,as described in "Shadows" above, but no additional historic or cultural resources would be included in the new area. 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 1,410sf of residential floor area, approximately 2 additional residential dwelling units, and 20 additional feet of maximum building 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 5.01 FAR.

To present a conservative analysis, the above EAS analyzes the effects to urban design and visual resources of a 105 ft building with a bulkhead. The height analyzed in the Urban Design analysis above is 10 ft less than the permitted height in the R7A district 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. The Proposed Actions 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 1,410sf of residential floor area, approximately 2 additional residential dwelling units, and 20 additional feet of maximum building height.

The changes 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. 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. An (E) Designation on the Proposed Development Site would ensure that no impacts to hazardous materials would occur.

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 1,410sf of residential floor area, approximately 2 additional residential dwelling units, and 20 additional feet of maximum building height.

The above EAS provides a detailed analysis of potential air quality impacts resulting from "mobile sources" generated in the with-action condition and "stationary sources". The EAS concluded that no significant adverse air quality impacts would result at intersections affected by the incremental vehicle trips generated in the with-action condition. 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 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. 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 1,410sf of residential floor area, approximately 2 additional residential dwelling units, and 20 additional feet of maximum building height 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.

In order to preclude the potential for significant adverse impacts the EAS establishes an (E) Designation (E-803) which states that in order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on the facade facing Ocean Parkway, the facade facing Shore Parkway, the facade facing Nixon Court within 50 feet of Ocean Parkway, and the facade facing West Street within 21'-5" of Shore Parkway. 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, air conditioning.

As discussed above, under CHO the permitted maximum height in R7A Districts 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-803) specifies window attenuation at locations 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. Under the CHO With-Action Condition the building would have 19 dwelling units, of which 20-30% (4-6 units) would be permanently affordable dwelling units which would be reserved as affordable units at an average of 40-80% AMI pursuant to the requirements of Mandatory Inclusionary Housing (MIH). MIH Options 1, 2, and 3 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 CHO zoning text amendment would increase the allowable developable floor area by 0.41 FAR. CHO would increase the maximum height for the proposed R7A district from 95 ft to 115ft and would increase the maximum base height from 55ft or 65ft to 85ft. The Tech Memo above analyzed 125ft in max height for shadows and UD for conservative analysis purposes. A total of 7 attended parking spaces would be provided on the ground floor accessible via a new curb cut on Nixon Court.

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.