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9201 4th Avenue Rezoning

Environmental Assessment Statement

Address: 9201 4th Ave, Brooklyn, NY 11209

Block 6108, Lot 22

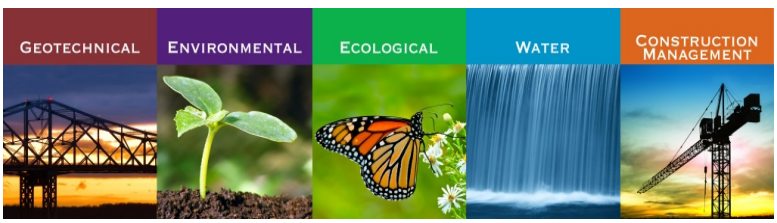
CEQR Reference: 25DCP078K

ULURP Reference: 260048ZMK, 260049ZRK

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

Prepared for:
9201 LLC

Prepared by:
GZA GeoEnvironmental, Inc



Date Submitted:
October 31, 2025

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EAS SHORT FORM

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

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

Part I: GENERAL INFORMATION

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

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

2. *Project Name* 9201 4th Avenue Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
25DCP078K	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
260048ZMK, 260049ZRK	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY New York CIty Department of City Planning (DCP)			NAME OF APPLICANT 9201 LLC		
NAME OF LEAD AGENCY CONTACT PERSON Stephanie Shellooe, Director, Environmental Assessment and Review Division			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Maxim Gladkiy GZA GeoEnvironmental, Inc.		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 104 W 29th St, New York		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10001
TELEPHONE 212-720-3328	EMAIL sshellooe@planning.nyc.gov		TELEPHONE 917-215-2975	EMAIL maxim.gladkiy@gza.com	

5. *Project Description*

The "Applicant," 9201 LLC, seeks a Zoning Map Amendment from C8-2 to C4-4D that would affect a portion of Block 6108 in the Bay Ridge neighborhood of Brooklyn, Community District 10. The "Affected Area" includes a 100-foot-deep section of Lot 22, measured from 92nd Street. The Zoning Map Amendment would rezone the Affected Area from a C8-2 zoning district to a C4-4D zoning district. The Applicant is also proposing a Zoning Text Amendment to Appendix F to add a Mandatory Inclusionary Housing (MIH) area coterminous with the Affected Area. The Zoning Map Amendment and Zoning Text Amendments constitute the "Proposed Actions."

The Proposed Actions are sought to facilitate the Applicant's development ("the Proposed Development") at 9201 4th Avenue, located on Block 6108, Lot 22. The Proposed Development is a new mixed-use building with a total of 176,077 gross square feet (GSF), 129,222 zoning square feet (ZSF) with a floor area ratio (FAR) of 7.2 on the Applicant-owned Block 6108, Lot 22 (Projected Development Site 1) containing 18,547 GSF (18,547 ZSF, 1.04 FAR) of ground floor and mezzanine local retail and 121,514 GSF (110,657 ZSF, 6.15 FAR) of residential uses. The Proposed Development would result in 97 units. The Applicant intends to map MIH Options 1 and 2, which would result in 24-29 affordable units at an average of 60-80% AMI. A below-grade parking garage would contain approximately 52 spaces. The building would be eleven stories tall and rise to 130 feet with a base height of 86 feet. At the base height of 86 feet, there would be a 15-foot setback on 92nd Street and 10-foot setbacks on 4th Avenue and 5th Avenue. No new curb cuts would be proposed.

For the purposes of a Reasonable Worst Case Development Scenario (RWCDS), the Applicant-owned Projected Development Site 1 was analyzed. The RWCDS is consistent with the Applicant's proposal in terms of the proposed uses. For the purposes of a conservative analysis, the RWCDS maximizes the permitted floor area ratio and building height, as well as adopts a dwelling unit factor of 850 GSF per dwelling unit (DU).

Under the With-Action Scenario, the existing vacant commercial building on Projected Development Site 1 (Block 6108, Lot 22) would be demolished. The site would be developed with a single 176,077 GSF (129,222 ZSF, 7.2 FAR) mixed residential and commercial building containing approximately 121,514 GSF (110,657 ZSF, 6.15 FAR) of residential uses, 18,547 GSF (18,547 ZSF, 1.04 FAR) of commercial uses, and 36,016 GSF of underground parking. There would be

approximately 143 dwelling units (assuming 850 GSF per dwelling unit on average), 20-30% (29-43 units) of which would be affordable at an average of 40-80% AMI pursuant to MIH Option 1, 2 or 3. For the purposes of Early Childhood Programs analysis, 20% of residential floor area (29 units) is assumed to be affordable at or below 80% AMI. The building would have 14 stories and rise to 145 feet. The underground parking would contain 52 parking spaces. No new curb cuts would be proposed.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 10	STREET ADDRESS 9201 4th Avenue
TAX BLOCK(S) AND LOT(S) Block 6108, Lot 22		ZIP CODE 11209

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Affected Area is bounded by 4th Avenue to the west, 92nd Street to the north, and 5th Avenue to the east.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C8-2 (BR)	ZONING SECTIONAL MAP NUMBER 22b

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

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

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

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

Board of Standards and Appeals: ☐ YES ☒ NO

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

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

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

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

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

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

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

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.): 18,008	Waterbody area (sq. ft) and type: -
Roads, buildings, and other paved surfaces (sq. ft.): 18,008	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): 176,077

NUMBER OF BUILDINGS: 1	GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 176,077

HEIGHT OF EACH BUILDING (ft.): 145 NUMBER OF STORIES OF EACH BUILDING: 14

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: 18,008

The total square feet not owned or controlled by the applicant: -

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

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

AREA OF TEMPORARY DISTURBANCE: 18,008 sq. ft. (width x length) VOLUME OF DISTURBANCE: 432,192 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 18,008 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.)	121,514	18,547		
Type (*e.g.,* retail, office, school)	143 units	Local Retail		

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

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 369 NUMBER OF ADDITIONAL WORKERS: -186

Provide a brief explanation of how these numbers were determined: The number of additional residents was determined based on the number of incremental units in the With-Action Scenario and the average household size (2.58) in Community District 10, Brooklyn (2020 Census data). The number of additional workers was determined based on the incremental sq. footage of the proposed uses considering the following worker density: 1 employee per 25 dwelling units, 333.3 GSF of retail, and 250 GSF of office and medical office.

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: The existing building, which is currently vacant, would remain on Projected Development Site 1 but would be re-tenanted to include commercial and community facility uses.

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2029

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 20

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: The analysis year for the Proposed Actions is based on a projected 18-month CEQR review period starting with the approval of RWCDS, a 7-month ULURP process, 6-months of design development and permitting, and a 20-month single phase construction schedule for the Applicant-controlled Projected Development Site 1.

The 20-month construction schedule assumes approximately 3.5 months for pre-construction activities, 2 months for demolition and site cleaning, 1.5 months for excavation, 5 months for foundation and superstructure, 6 months for facade enclosure, roofing, interior finishes, and fit out, and 2 months for fire inspection and certificate of occupancy.

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

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

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 Section 2.5 and Appendix A		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
o 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?	☐	☒
o 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?	☒	☐
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: REC and HRECs identified	☒	☐
(j) Based on the Phase I Assessment, is a Phase II Investigation needed? See Section 2.7 and Appendix D	☒	☐
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): 10,129		
o 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): 18,885,965.00		
(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:		
o 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.*	☐	☐
o 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?	☐	☐
o 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?	☒	☐
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) See EAS Section 2.8	☐	☒
(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; 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		

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

20. *APPLICANT'S CERTIFICATION*

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

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

APPLICANT/REPRESENTATIVE NAME	DATE
Maxim Gladkiy, GZA GeoEnvironmental, Inc.	10/31/2025

SIGNATURE Maxim Gladkiy

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

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

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

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

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

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

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

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

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

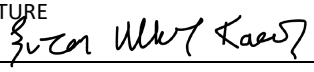
☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result.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

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

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

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	City Planning Commission
NAME	DATE
Evren Ulker-Kacar, AICP	November 14, 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, 9201 LLC, is seeking a Zoning Map Amendment to rezone an existing C8-2 zoning district to a C4-4D zoning district on a 100-foot-deep section of Block 6108, Lot 22 as measured from 92nd Street in the Bay Ridge neighborhood of Brooklyn Community District 10 (the "Affected Area") and a Zoning Text Amendment to Appendix F to add a Mandatory Inclusionary Housing (MIH) area coterminous with the Affected Area (the "Proposed Actions"). The Proposed Actions would facilitate the development of a 14-story, 145-foot-tall mixed-use building totaling approximately 176,077 gross square feet (GSF), including 121,514 GSF of residential use, 18,547 GSF of commercial use, and 36,016 GSF of underground parking. There would be approximately 143 dwelling units, 20-30% (29-43 units) of which would be affordable at an average of 40-80% AMI pursuant to MIH Option 1, 2 or 3. The underground parking would contain 52 parking spaces. The analysis finds that the Proposed Actions would result in changes in land use and zoning. Although the Proposed Actions would permit residential uses within the Affected Area, which are currently not allowed under the existing C8-2 zoning, the proposed C4-4D commercial district with residential uses permitted would be consistent with the existing R6B/C2-3 district to the east and R6A/C2-3 district to the west of the Affected Area and would be consistent with the 9114 5th Avenue Rezoning which resulted in a R7A/C2-4 district north of the Affected Area. Furthermore, the Proposed Actions would allow for the development of permanently affordable housing and would be supportive of City policies including Housing New York 2.0, Get Stuff Built, or Housing Our Neighbors: A Blueprint for Housing and Homelessness that aim to address the city's affordable housing crisis and retain the diversity and vitality of its neighborhoods. 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 the EAS. The Proposed Actions would result in incremental shadows on the P.S./I.S. 104 School Yard. In the March 21st/September 21st analysis period, the incremental shadow would cover approximately 25 square feet of the P.S./I.S. 104 School Yard from 4:19 pm to 4:29 pm. The shadow covers a portion of the paved bench area in the eastern portion of the school yard. Since the new shadows created by the Projected Development cover a small fraction of the school yard for a limited amount of time, the incremental shadows resulting from the Proposed Actions would not significantly alter the public's utility or enjoyability of the sunlight-sensitive resource. Therefore, the Proposed Actions would not affect the vitality or usage of the sunlight-sensitive resources identified within the Study Area and significant adverse impacts from shadows would not result from the Proposed Actions.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-873) 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.

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Evren Ulker-Kacar, AICP	DATE 11/14/2025
SIGNATURE Evren Ulker Kacar	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 11/17/2025
SIGNATURE	

Project Name: 9201 4th Ave Rezoning
CEQR # 25DCP078K
SEQRA Classification: Unlisted

Determination of Significance Appendix

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

Development Site	Borough	Block and Lot
Projected Development Site 1	Brooklyn	Block 6108, Lot 22

(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-873**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

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

Hazardous Materials

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

Task 1-Sampling Protocol

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

Task 2-Remediation Determination and Protocol

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

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

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

Project Name: 9201 4th Ave Rezoning
CEQR # 25DCP078K
SEQRA Classification: Unlisted

Air Quality

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

> ***Projected Development Site 1:*** *Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilating, and air conditioning (HVAC) system and hot water equipment's stack is located at the highest tier and at least 148 feet above grade to avoid any potential significant adverse air quality impact.*

Noise

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

> ***Projected Development Site 1:*** *In order to ensure an acceptable interior noise environment, future residential and/or commercial office uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the eastern, northern, and western façades for all floors and for 50' on the southern façade from the east and west as illustrated in the EAS Figure 2.8-6 to maintain an interior noise level not greater than 45 dBA for residential uses and not greater than 50 dBA for commercial office uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.*

Figure 1.1-1: Site Location Map



Figure 1.1-2: Existing Land Use Map

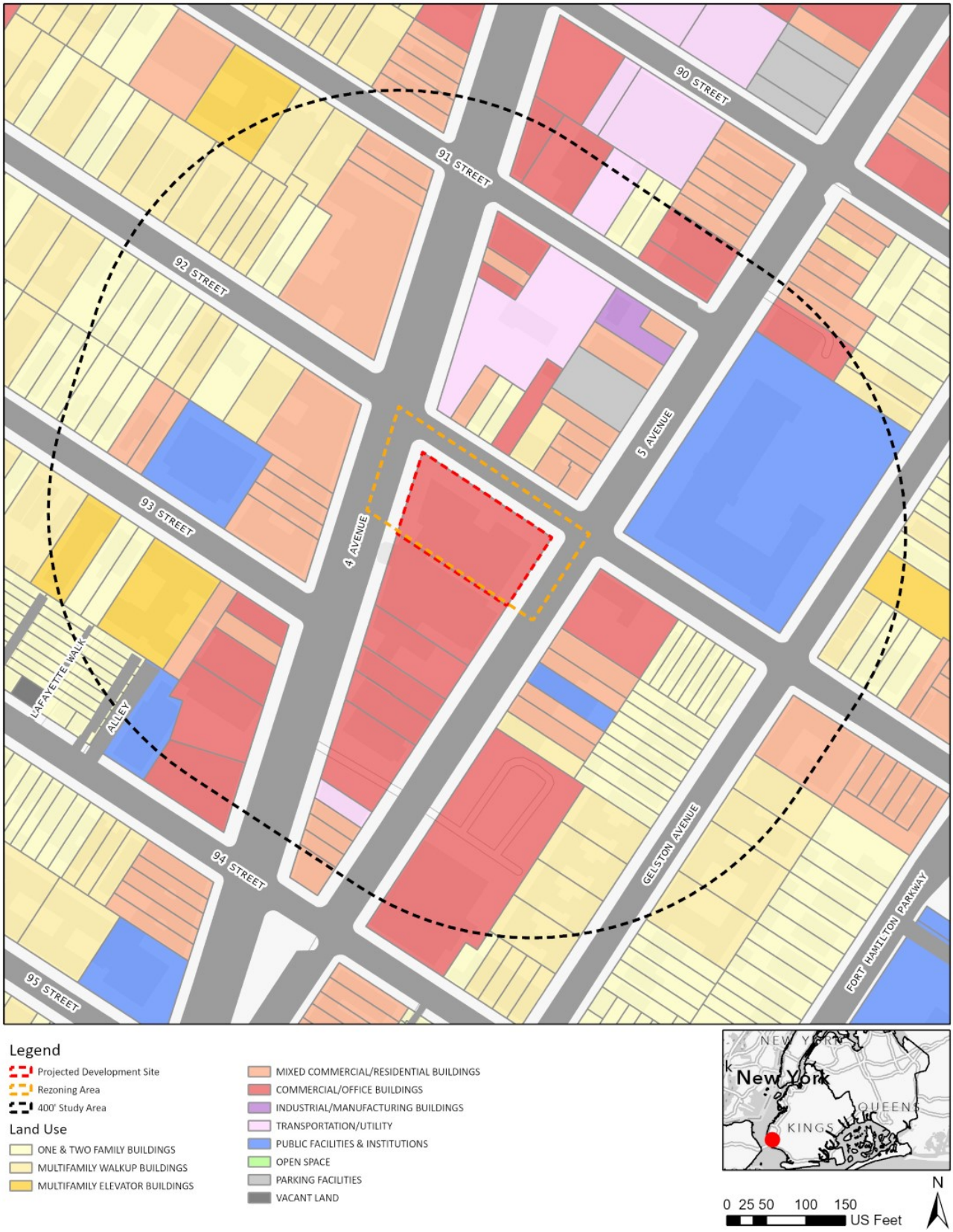


Figure 1.1-3: Zoning Sectional Map

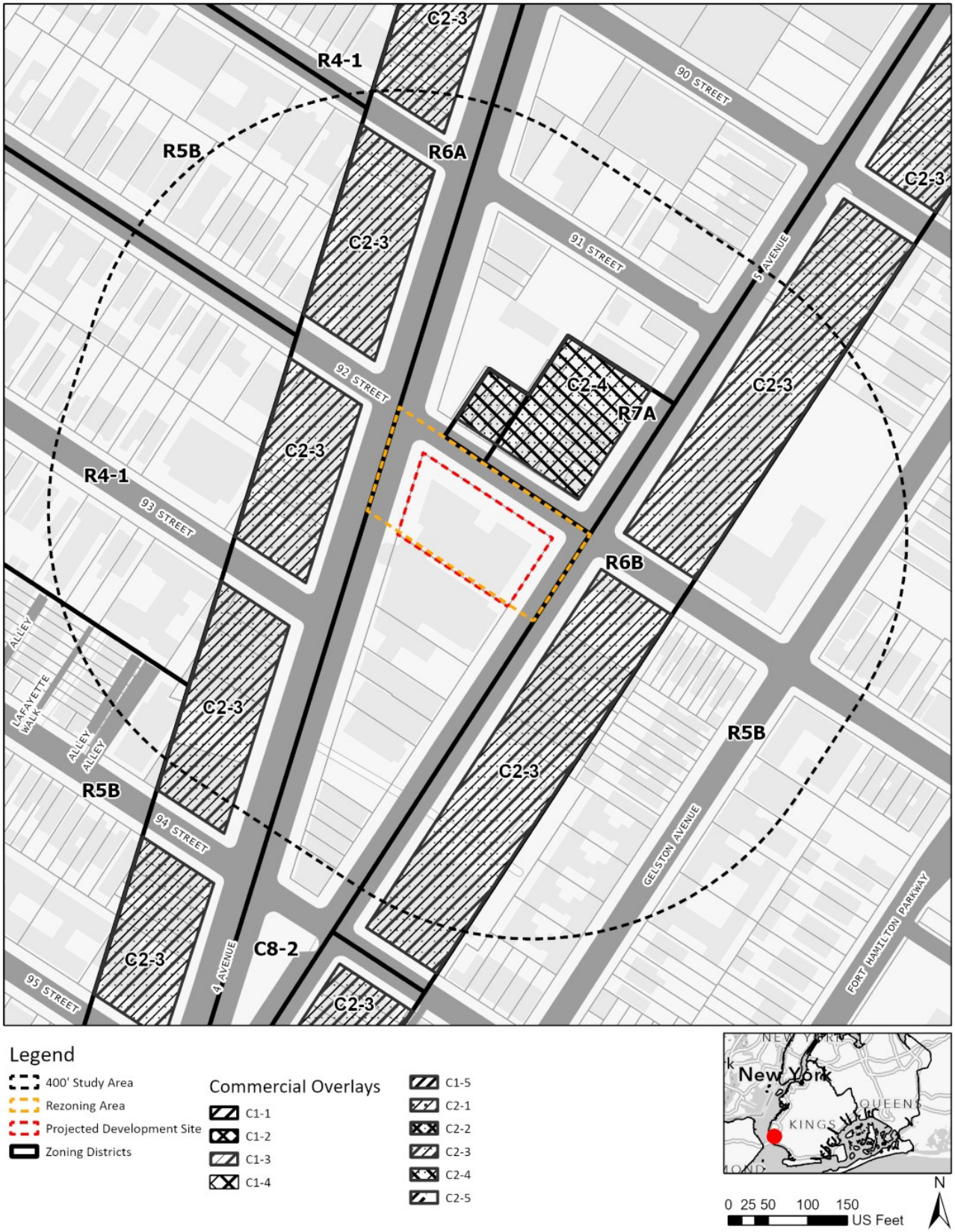


Figure 1.1-4: Zoning Change Map

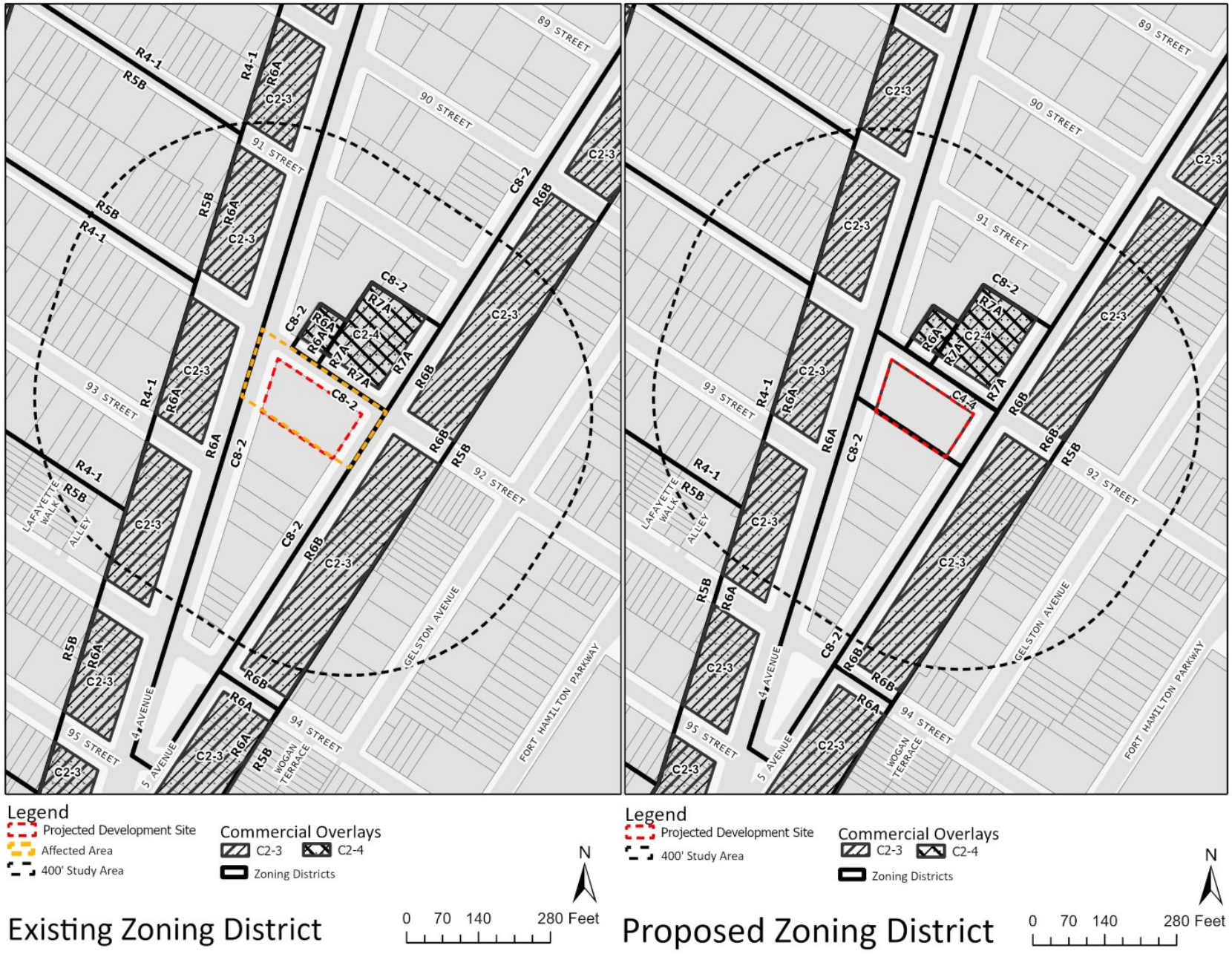


Figure 1.1-5: Tax Map



Figure 1.1-6: Site Photos (1)



1 View of Project Development Site from 92nd Street facing north-west



Project Site Photo Key



2 View of Project Development Site from 4th Avenue facing south-east



3 View of 4th Avenue facing northeast

Photographs taken on November 14, 2024

Figure 1.1-7: Site Photos (2) - dated November 14, 2024



4 View of 4th Avenue facing southwest



Project Site Photo Key



5 View of Project Development Site from 5th Avenue facing south-west



6 View of Project Development Site from 5th Avenue facing north-west

Photographs taken on November 14, 2024

Figure 1.1-8: Site Photos (3) - dated November 14, 2024



7 View of Project Development Site from 5th Avenue facing north



Project Site Photo Key



8 View of 5th Avenue facing northeast



9 View of 94th Street facing southeast

Photographs taken on November 14, 2024

Figure 1.1-9: Site Photos (4) - dated November 14, 2024



10 View of Project Development Site from 4th Avenue facing north-east



Project Site Photo Key



11 View of Project Development Site from 92nd Street facing south-east



12 View of Project Development Site from 92nd Street facing southeast

Photographs taken on November 14, 2024

1 PROJECT DESCRIPTION

1.1 Introduction

The “Applicant,” 9201 LLC, seeks a Zoning Map Amendment from C8-2 to C4-4D that would affect a portion of Block 6108 in the Bay Ridge neighborhood of Brooklyn, Community District 10. The "Affected Area" includes a 100-foot-deep portion of Lot 22, measured from 92nd Street. The Zoning Map Amendment would rezone the Affected Area from a C8-2 zoning district to a C4-4D zoning district. The Applicant is also proposing a Zoning Text Amendment to Appendix F to add a Mandatory Inclusionary Housing (MIH) area coterminous with the Affected Area. The Zoning Map Amendment and Zoning Text Amendments constitute the “Proposed Actions.”

The proposed text amendment of Zoning Resolution (ZR) Appendix F is necessary to establish an MIH Area, which would require new developments to set aside 20-30 percent of the residential floor area for affordable housing. MIH Option 1 requires an affordable housing set aside of 25 percent of the residential floor area at an average of 60 percent of AMI with 10 percent at 40 percent AMI. MIH Option 2 requires an affordable housing set aside of 30 percent of the residential floor area at an average of 80 percent AMI. MIH Option 3 requires an affordable housing set aside of 20 percent of the residential floor area at an average of 40 percent AMI. The Applicant proposes mapping MIH Options 1 and 2 within the Affected Area.

The Proposed Actions are sought to facilitate the Applicant’s development (“the Proposed Development”) at 9201 4th Avenue, located on Block 6108, Lot 22. The Proposed Development would be a new 176,077 GSF (129,222 ZSF, 7.2 FAR) residential building on the Applicant-owned Block 6108, Lot 22 (Projected Development Site 1) containing 18,547 GSF (18,547 ZSF, 1.04 FAR) of ground floor and mezzanine local retail and 121,514 GSF (110,657 ZSF, 6.15 FAR) of residential uses. The Proposed Development would result in 97 units, 25-30% (24-29 units) of which would be affordable pursuant to MIH Options 1 or 2. A below-grade parking garage would contain approximately 52 spaces. The building would be eleven stories tall and rise to 130 feet with a base height of 86 feet. At the base height of 86 feet, there would be a 15-foot setback on 92nd Street and 10-foot setbacks on 4th Avenue and 5th Avenue. No new curb cuts would be proposed.

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

1.2 Background and Site History

The Affected Area is located in the Bay Ridge neighborhood of Brooklyn, Community District 10. It was originally zoned C8-1 with the enactment of the 1961 Zoning Resolution. In 1978, the Affected Area became a part of the Special Bay Ridge District (BR) established by the City of New

York to maintain the neighborhood's existing scale in conjunction with contextual and lower-density zoning districts mapped throughout the district. The Special District preserves the neighborhood's streetscape by limitations on the maximum permitted floor area ratio (FAR) and the height of community facilities, which is limited to 32 feet in contextual zoning districts. These regulations preserve the low-rise character of one- to three-family homes on the midblocks and encourage five- to eight-story apartment houses with ground floor stores along the avenues. In 2005, the Affected Area was rezoned to C8-2 and has not been rezoned since then. The building was constructed in 1965.

There are several records of Certificates of Occupancy (COs) for the existing building within the Affected Area:

- The Certificate of Occupancy dated August 9, 2006 specified attended parking spaces on parking levels 1 and 2; mercantile, offices, eating, and drinking establishments in the cellar; medical offices, offices, mechanical, and meter rooms on the mezzanine level; offices for non-profit institutions without sleeping accommodations on floors 1 through 6.
- The Certificate of Occupancy dated May 16, 1997 specified the following uses: attended parking spaces on cellar levels 1 and 2; mercantile, offices, eating, and drinking establishments in the cellar; medical offices on the first floor; medical offices, offices, mechanical, and meter rooms on the mezzanine level; offices for non-profit institutions without sleeping accommodations on floors 4 and 5; and mechanical room, elevator penthouse, and water tank on the roof level.
- The Certificate of Occupancy dated November 10, 1966 specified the following uses: utility room, toilet, locker room and storage in the cellar, and eating and drinking place on the first floor with parking on open portion of the lot for more than 10 vehicles.
- The Certificate of Occupancy dated January 8, 1946 specified the following uses: office for attendant on the first floor and parking and storage for more than 5 motor vehicles.

In addition, there is a recent rezoning, 9114 5th Avenue Rezoning (C190447ZMK, N190448ZRK, effective March 18, 2021), across 92nd Street from the Affected Area. The zoning map amendment rezoned 9108-9128 5th Avenue and 405-419 92nd Street (Block 6087, Lots 23, 26, 27, 28, 29, 129, 30, 31, 32, 33, 34, and p/o 1) from a C8-2 zoning district in the Special Bay Ridge District (SBRD) to an R7A/C2-4 and R6A/C2-4 zoning districts with MIH to facilitate the construction of a new 9-story plus cellar mixed-use building with approximately 50 dwelling units and first-floor commercial uses on the applicant-owned lots 23 and 31.

The Affected Area is not subject to any restrictive declarations, easements, Mitchell Lama site controls, or any e-designations or other designations or site controls.

There are no other recent rezonings in the surrounding area. There are no existing e-designations, historical, or other designations within the Affected Area. The Affected Area is not

within the Coastal Zone or a floodplain pursuant to Preliminary Flood Insurance Rate Maps (PFIRMs).

1.3 Description of the Surrounding Area

The Affected Area is located in the Bay Ridge neighborhood of Brooklyn, Community District 10. The area is bounded by 4th Avenue to the west, 92nd Street to the north, and 5th Avenue to the east. Fourth Avenue is a 100-foot-wide road classified as Principal Arterial Other by the New York State Department of Transportation (NYS DOT) with two moving lanes of traffic in each direction and curbside parking on both sides. 92nd Street is a 60-foot-wide road classified as Minor Arterial by the NYS DOT with one moving lane of traffic in each direction and no curbside parking. Fifth Avenue is a 75-foot-wide road classified as Minor Arterial by the NYS DOT with one moving lane of traffic in each direction and curbside parking on both sides.

Existing land uses within a 400-foot buffer around the Affected Area ("the surrounding area") primarily consist of multi-family residential buildings, one-and two-family residential buildings, mixed residential and commercial buildings, commercial buildings, public facilities, and transportation and utility uses. The residential buildings include two-story one- and two-family homes, as well as multifamily apartment buildings ranging from three to six stories in height. The commercial buildings are primarily one to three stories tall. Public facilities range from one to four stories in height. Transportation and utility uses include a gas station located on the adjacent Block 6087.

The existing zoning of the surrounding 400-foot Study Area includes C8-2, R4-1, R5B, R7A, R6A, and R6B districts, as well as C2-3 and C2-4 Commercial Overlays. The Affected Area is within a C8-2 zoning district that generally extends to the north and south of the Affected Area between 4th Avenue and 5th Avenue. West of the Affected Area is mapped with R6A, R4-1 and R5B districts with C2-3 Commercial Overlays along 4th Avenue. East of the Affected Area is mapped with R6B and R5B districts with C2-3 Commercial Overlays along 5th Avenue. 4th Avenue and 5th Avenue are major commercial corridors in the area along with 3rd Avenue to the west of the 400-foot Study Area. In addition, there are R7A/C2-4 and R6A/C2-4 zoning districts with MIH area mapped within Block 6087 across 92nd Street from the Affected Area as a result of the recent 9114 5th Avenue Rezoning (C190447ZMK, N190448ZRK, effective March 18, 2021).

The area is well-served by transit. The Bay Ridge-95 St subway station with service from the R train is located approximately 175 feet south of the Affected Area on 4th Avenue. The subway station provides full-time connecting service to Downtown Brooklyn, Downtown and Midtown Manhattan, and Queens.

There are six bus lines (B63/B8/B70/ S53/S79-SBS/S93) that are accessible to users in the area. The B63 bus, which connects Bay Ridge with Downtown Brooklyn, has stops in both directions at the intersection of 92nd Street and Fifth Avenue. The B8 bus, which connects Bay Ridge with other Brooklyn neighborhoods such as Kensington, Flatbush, and East Flatbush, has a stop at the

intersection of 92nd Street and Fourth Avenue. The B70 bus, which connects Bay Ridge with the Sunset Park neighborhood, has a stop at the intersection of 92nd Street and Fort Hamilton Parkway. The S53, S79-SBS, and S93 buses, which connect Bay Ridge with Staten Island neighborhoods, have stops at the intersection of 92nd Street and Fort Hamilton Parkway.

1.4 Description of the Affected Area

The Proposed Actions would affect a 100-foot-deep portion of Block 6108, Lot 22, measured from 92nd Street (the Affected Area) in the Bay Ridge neighborhood of Brooklyn, Community District 10. The Affected Area contains approximately 18,008 SF of lot area within Block 6108. The Affected Area is located within a C8-2 zoning district and is bounded by 4th Avenue to the west, 92nd Street to the north, and 5th Avenue to the east.

Projected Development Site 1 includes Applicant-controlled Block 6108, Lot 22. Lot 22 is a 18,008-SF lot with 105 feet of frontage along 4th Avenue, 192 feet of frontage along 92nd Street, and 101 feet of frontage along 5th Avenue. Projected Development Site 1 is currently improved with a 7-story, 100,400-GSF (53,640-ZSF, 2.98-FAR) commercial/community facility office building constructed in 1965. The building is currently vacant.

1.5 Description of the Proposed Project

The Proposed Development would be a new 176,077 GSF (129,222 ZSF, 7.2 FAR) residential building on Projected Development Site 1 containing 18,547 GSF (18,547 ZSF, 1.04 FAR) of ground floor and mezzanine local retail and 121,514 GSF (110,657 ZSF, 6.15 FAR) of residential uses. The Proposed Development would result in 97 units, 25-30% (24-29 units) of which would be affordable pursuant to MIH Options 1 or 2. A below-grade parking garage would contain approximately 52 spaces. The building would be eleven stories tall and rise to 130 feet with a base height of 86 feet. At the base height of 86 feet, there would be a 15-foot setback on 92nd Street and 10-foot setbacks on 4th Avenue and 5th Avenue. No new curb cuts would be proposed.

1.6 Action(s) Necessary to Facilitate the Project

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

(1) a Zoning Map Amendment to map a C4-4D zoning district in the Affected Area currently zoned as C8-2;

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

1.7 Purpose and Need

The proposed rezoning from the existing C8-2 district to a C4-4D zoning district would facilitate residential development within the Affected Area, which is currently not permitted under the

existing C8-2 zoning. The Proposed Actions would permit the construction of a new eleven-story mixed residential and commercial building on Block 6108, Lot 22. The Proposed Actions would be consistent with the recent 9114 5th Avenue Rezoning which resulted in a R7A/C2-4 district across 92nd Street from the Affected Area. In addition, the proposed C4-4D residential district would be consistent with the existing R6B/C2-3 district to the east and R6A/C2-3 district to the west of the Affected Area.

The Proposed Development would be consistent with the existing mixed-use residential and commercial uses prevalent in the surrounding area. Projected Development Site 1 is currently underutilized and is ideally suited to support growth for the neighborhood. Projected Development Site 1 is predominantly surrounded by residential districts and located close to public transit. The proposed Zoning Text Amendment to Appendix F, which includes a MIH provision, would promote residential growth and support the development of affordable housing in an area well-served by transit, recreational facilities, and supportive commercial and community facility uses. Therefore, the Proposed Actions would be supportive of the City's housing goals. Given that the underlying C8-2 zoning district does not permit residential uses, the Proposed Actions would rezone the Projected Development Site to a C4-4D district so that the Applicant could redevelop the site with residential and commercial uses.

1.8 Analysis Framework

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

Reasonable Worst-Case Development Scenario

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

The *2021 CEQR Technical Manua*l categorizes soft sites as either "projected" or "potential" development sites. Projected development sites are defined as those sites that are more likely to be developed as a result of the proposed project. Potential sites are defined as sites that could

be developed but have been determined to have less development potential than the projected development sites, based on observed historic and current market conditions, location, site configuration, proximity to transit, infrastructure and other facilities, and other factors that affect the likelihood that they would be developed under the Proposed Actions. Projected Development Sites are analyzed for both site-specific and density-related effects, whereas potential development sites are only analyzed for site-specific effects.

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

Build Year

The build year for the analysis is anticipated to be 2029 in consideration of a projected 18-month CEQR review period starting with the approval of RWCDS and a 7-month ULURP process.

Projected Development Site 1 is anticipated to commence with demolition and site clearance in July 2027, with exterior work expected to be completed by October 2028. Major construction activities, including elevator installation and the interior shell and core, are projected to conclude by December 2028. All construction-related activities would be completed with the interior fit-out in March 2029, resulting in a total construction duration of 20 months. Lastly, a Temporary Certificate of Occupancy (TCO) is anticipated by April 2029. As the construction duration would be less than 24 months, the Proposed Actions are not expected to result in significant impacts on the adjacent community.

Future Without the Proposed Actions (No-Action Condition)

Under the No-Action Condition, the existing vacant building would remain on Projected Development Site 1 but would be renovated and re-tenanted to include commercial and community facility uses.

Under the No-Action Condition, Projected Development Site 1 would consist of the existing 100,400-GSF (53,640-ZSF, 2.98-FAR) building and would include 32,206 GSF (26,820 ZSF, 1.49 FAR) of commercial uses (local retail and office), 32,206 GSF (26,820 ZSF, 1.49 FAR) of community facility uses (medical office), and a 35,988-GSF below grade attended parking garage for 178 parking spaces. The existing parking garage curb cut along 4th Avenue would remain under the No-Action Condition.

Future With the Proposed Actions (With-Action Condition)

Projected Development Site 1 (Block 6108, Lot 22; Applicant-Owned Lot)

Under the With-Action Condition, the existing vacant commercial building on Projected Development Site 1 (Block 6108, Lot 22) would be demolished. The site would be developed with a single 176,077 GSF (129,222 ZSF, 7.2 FAR) mixed residential and commercial building containing approximately 121,514 GSF (110,657 ZSF, 6.15 FAR) of residential uses, 18,547 GSF (18,547 ZSF, 1.04 FAR) of commercial uses, and 36,016 GSF of underground parking. There would be approximately 143 dwelling units (assuming 850 GSF per dwelling unit on average), 20-30% (29-43 units) of which would be affordable at an average of 40-80% AMI pursuant to MIH Option 1, 2 or 3. For the purposes of Early Childhood Programs analysis, 20% of residential floor area (29 units) is assumed to be affordable at or below 80% AMI. The building would have 14 stories and rise to 145 feet. The underground parking would contain 52 parking spaces. No new curb cuts would be proposed.

The Projected Development Site is shown in **Figure 1.1-1**.

Only Projected Development Site 1 is considered in the increment between the No-Action and With-Action Conditions. This incremental development would consist of 143 dwelling units – 100 market rate and 43 affordable. The net residential square footage would equal 121,514 GSF or 110,657 ZSF and the net commercial square footage would equal 18,547 GSF/ZSF.

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

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

Site Info				Existing Condition							No-Action Condition							With-Action Condition							
Site ID	**Block**	**Lot**	**Lot Area**	**Zoning**	**Com. (gsf)**	**CF (gsf)**	**Res. (gsf)**	**Total gsf**	**Afford. DU**	**Total DU**	**Zoning**	**Com. (gsf)**	**CF (gsf)**	**Res. (gsf)**	**Total gsf**	**Afford. DU**	**Total DU**	**Zoning**	**Com. (gsf)**	**CF (gsf)**	**Res. (gsf)**	**Parking**	**Total gsf**	**Afford. DU**	**Total DU**
Projected Site 1	6108	22	18,008	C8-2, BR	32,206	32,206		100,400			C8-2, BR	32,206	32,206		100,400			C4-4D, BR	18,547		121,514	36,016	173,734	43	143
Total				**-**	**32,206**	**32,206**		**100,400**			**-**	**32,206**	**32,206**		**100,400**			**-**	**18,547**		**121,514**	**36,016**	**176,077**	**43**	**143**

DU = Dwelling Units

gsf = gross square feet

Res. = Residential

Com. = Commercial

Mf = Manufacturing

CF = Community Facility

Afford. = Affordable

Table 1.8-2: RWCDS Incremental Analysis Table

Use	No-Action Condition	With-Action Condition	Increment
Commercial GSF	32,206	18,547	-13,659
Manufacturing GSF	-	-	-
Community Facility GSF	32,206	-	-32,206
Residential GSF	-	121,514	+121,514
Total GSF	100,400	176,077	+76,677
Residential DUs	0	0	+143
Residents[1]	0	369	+369
Workers[2]	242	56	-186

1: Assumes 2.58 residents per household average - 2020 Census Brooklyn CD 10

2: Assumes 3 employees per 1,000 sf

2 ENVIRONMENTAL REVIEW

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

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

- Land Use, Zoning, and Public Policy
- Socioeconomic Conditions
- Open Space
- Shadows
- Historic and Cultural Resources
- Urban Design and Visual Resources
- Hazardous Materials
- Air Quality
- Noise
- Construction

2.1 Land Use, Zoning, and Public Policy

The *2021 CEQR Technical Manual* recommends procedures for analysis of land use, zoning and public policy to ascertain the impacts of a project on a study area. This section considers existing conditions, development trends, zoning, and public policies in relation to the Affected Area and the Study Area, as well as the larger area in which the Proposed Actions may have an effect. Because the Proposed Actions would affect land use, would change the zoning in the Affected Area, and are within an area governed by public policies, a preliminary assessment of Land Use, Zoning, and Public Policy is provided.

Methodology

Existing land uses were determined by reference to the New York City Zoning and Land Use (Zola) database and PLUTO 23v2 shapefiles. These uses were then confirmed through site visits. The evaluation of lots within the 400-foot Study Area was performed with reference to New York City Zoning Maps and the Zoning Resolution of the City of New York and served as the basis for the zoning evaluation of the Future No-Action and Future With-Action Conditions. Public Policy research was performed through an evaluation of New York City Department of City Planning (DCP) and other city agencies' programs and documentation.

2.1.1 Land Use

The *2021 CEQR Technical Manual* suggests that a land use, zoning, and public policy Study Area should generally extend 400 feet from the Affected Area. Existing land uses within approximately 400 feet of the Affected Area are presented in **Figure 1.1-2**.

Existing Conditions

Land Use Study Area

As shown in **Figure 1.1.-2** and stated in **Section 1.3**, the Study Area primarily consist of multi-family residential buildings, one-and two-family residential buildings, mixed residential and commercial buildings, commercial buildings, public facilities, and transportation and utility uses. The residential buildings include two-story one- and two-family homes, as well as multifamily apartment buildings ranging from three to six stories in height. The commercial buildings are primarily one to three stories tall. Public facilities range from one to four stories in height. Transportation and utility uses include a gas station located on the adjacent Block 6087. Fourth Avenue and Fifth Avenue are major commercial corridors in the area along with 3rd Avenue to the west of the Study Area.

Among recent rezonings affecting the land use within the 400-foot Study Area is 9114 5th Avenue Rezoning (C190447ZMK, N190448ZRK, effective March 18, 2021), across 92nd Street from the Affected Area. The zoning map amendment rezoned 9108-9128 5th Avenue and 405-419 92nd Street (Block 6087, Lots 23, 26, 27, 28, 29, 129, 30, 31, 32, 33, 34, and p/o 1) from a C8-2 zoning

district in the Special Bay Ridge District (SBRD) to an R7A/C2-4 and R6A/C2-4 zoning districts with MIH.

Affected Area

The Affected Area is a 100-foot-deep portion of Block 6108, Lot 22, measured from 92nd Street in the Bay Ridge neighborhood of Brooklyn, Community District 10. The Affected Area contains approximately 18,008 SF of lot area.

Projected Development Site 1 includes Applicant-controlled Block 6108, Lot 22. Lot 22 is a 18,008-SF lot with 105 feet of frontage along 4th Avenue, 192 feet of frontage along 92nd Street, and 101 feet of frontage along 5th Avenue. Projected Development Site 1 is currently improved with a 7-story, 100,400-GSF (53,640-ZSF, 2.98-FAR) commercial/community facility office building constructed in 1965. The building is currently vacant.

Future No-Action Condition

Land Use Study Area

There are two active construction permits in the 400-foot Study Area, accounting for 7,757 GSF of development and 4 incremental dwelling units. In addition, there is a recent rezoning, 9114 5th Avenue Rezoning (C190447ZMK, N190448ZRK, effective March 18, 2021), across 92nd Street from the Affected Area. The zoning map amendment rezoned 9108-9128 5th Avenue and 405-419 92nd Street (Block 6087, Lots 23, 26, 27, 28, 29, 129, 30, 31, 32, 33, 34, and p/o 1) from a C8-2 zoning district in the Special Bay Ridge District (SBRD) to an R7A/C2-4 and R6A/C2-4 zoning districts with MIH to facilitate the construction of a new 9-story plus cellar mixed-use residential and commercial building on the applicant-owned lots 23 and 31 (analyzed as Projected Development Site 1 in 9114 5th Avenue Rezoning EAS).

In 9114 5th Avenue Rezoning EAS, projected development site 1 (applicant-owned Block 6087, Lots 23 and 31) was assumed to be developed with a 58,285-GSF (45,238-ZSF) 9-story, 95-foot-tall building. The building would include 38,813 GSF (35,938 ZSF) of residential floor area located on floors 2-9 with 50 dwelling units (up to 10 MIH units). The ground floor would have 9,672 GSF (9,300 ZSF) of commercial use, and a 9,800 GSF cellar would be used for utilities and commercial storage. No parking would be required for the projected building.

Since the adoption of "City of Yes for Housing Opportunity" (CHO) zoning text amendment by the New York City Council on December 5, 2024, the R7A district mapped over the site expected to be developed as the result of 9114 5th Avenue Rezoning (Block 6087, Lots 23 and 31) would permit increased FAR (5.01 instead of 4.6) and building height (115 ft instead of 95 ft). Therefore, under the current zoning regulation, projected development site 1 (applicant-owned Block 6087, Lots 23 and 31) could be developed with a 62,751-GSF (49,374-ZSF) building. The building would include 43,279 GSF (40,074 ZSF) of residential floor area located on floors 2-11 with 56 dwelling units. The ground floor would have 9,672 GSF (9,300 ZSF) of commercial use, and a 9,800 GSF cellar would be used for utilities and commercial storage. The building would have 11 stories and

rise to 115 feet. At the height of 85 feet, there would be a 15-foot setback on 92nd Street and a 10-foot setback on 5th Avenue.

The No-Action Developments are shown below in **Table 2.1-1**.

Table 2.1-1: No-Action Developments

Address	Job type	Incremental DUs	Incremental Residents	Source
372 92 STREET	New Building	2	5	NYCDOB Active Construction
368 92 STREET	New Building	2	5	NYCDOB Active Construction
Total DUs/Residents - Active Major Construction		**4 DUs**	**10 Residents**	**-**
9114 5th Avenue Rezoning		56	144	Approved Rezoning
Total DUs/Residents - Approved Rezoning Projects		**56 DUs**	**144 Residents**	**-**
Total DUs/Residents		**60 DUs**	**154 Residents**	-

gsf = Gross Square Feet

Affected Area

Under the No-Action Condition, the existing vacant building would remain on Projected Development Site 1 but would be renovated and re-tenanted to include commercial and community facility uses.

Under the No-Action Condition, Projected Development Site 1 would consist of the existing 100,400-GSF (53,640-ZSF, 2.98-FAR) building and would include 32,206 GSF (26,820 ZSF, 1.49 FAR) of commercial uses (local retail and office), 32,206 GSF (26,820 ZSF, 1.49 FAR) of community facility uses (medical office), and a 35,988-GSF below grade attended parking garage for 178 parking spaces. The existing parking garage curb cut along 4th Avenue would remain under the No-Action Condition.

Future With-Action Condition

Land Use Study Area

In the Future With-Action Condition, land use and development patterns in the Study Area are anticipated to remain the same as in the Future No-Action Condition. Any new development in the surrounding area would be consistent with the underlying zoning regulations.

Affected Area

Projected Development Site 1

Under the With-Action Condition, the existing vacant commercial building on Projected Development Site 1 (Block 6108, Lot 22) would be demolished. The site would be developed with a single 176,077 GSF (129,222 ZSF, 7.2 FAR) mixed residential and commercial building containing approximately 121,514 GSF (110,657 ZSF, 6.15 FAR) of residential uses, 18,547 GSF (18,547 ZSF, 1.04 FAR) of commercial uses, and 36,016 GSF of underground parking. There would be approximately 143 dwelling units (assuming 850 GSF per dwelling unit on average), 20-30% (29-43 units) of which would be affordable at an average of 40-80% AMI pursuant to MIH Option 1, 2 or 3. For the purposes of Early Childhood Programs analysis, 20% of residential floor area (29 units) is assumed to be affordable at or below 80% AMI. The building would have 14 stories and rise to 145 feet. The underground parking would contain 52 parking spaces. No new curb cuts would be proposed.

Conclusion

The Proposed Actions would permit residential uses within the Affected Area, which are currently not allowed under the existing C8-2 zoning. The density and uses permitted by the Proposed Actions would facilitate the increased utilization of the lots within the Affected Area. The Proposed Development would be consistent with a mixed-used development planned across 92nd Street from the Affected Area (Block 6087, Lots 23 and 31) as a result of 9114 5th Avenue Rezoning. The Proposed Development would also be consistent with the existing mixed-use residential and commercial uses prevalent in the surrounding area. Projected Development Site 1 is currently underutilized and is ideally suited to support growth for the neighborhood. Projected Development Site 1 is predominantly surrounded by residential districts and located close to public transit. Moreover, the proposed Zoning Text Amendment to Appendix F to add MIH to the Affected Area would facilitate the development of new permanently affordable housing. Therefore, no potentially significant adverse impacts related to land use would occur as a result of the Proposed Actions, and further analysis of land use is not warranted.

2.1.2 Zoning

The *2021 CEQR Technical Manual* suggests that a zoning Study Area should extend 400 feet from the Affected Area. The proposed zoning map amendment from the C8-2 district to the C4-4D district would affect a 100-foot-deep portion of Block 6108, Lot 22, measured from 92nd Street. Existing zoning districts within approximately 400 feet of the Affected Area are presented in **Figure 1.1-3**.

Existing Conditions

Zoning Study Area

The zoning districts within 400 feet of the Affected Area are C8-2, R4-1, R5B, R7A, R6A, and R6B districts, as well as C2-3 and C2-4 Commercial Overlays, as illustrated in **Table 2.1-2**.

Existing zoning districts in the surrounding area include:

C8-2

C8-2 districts are general service commercial zoning districts that bridge the commercial and manufacturing uses and provide for automotive and other heavy commercial services that often require large amounts of land. They are mapped mainly along major traffic arteries where concentrations of automotive uses have developed. Typical uses are automobile showrooms and repair shops, warehouses, gas stations, and car washes, although all commercial uses (except large, open amusements) as well as certain community facilities are permitted in C8 districts. Housing is not permitted in C8-2 districts and performance standards are imposed for certain semi-industrial uses. R8-3 districts permit the following Use Groups: UGs I, III(A), III(B), IV(A), IV(B), IV(C), V, VI, VII, VIII, IX(A), IX(C), and X. C8-2 districts allow for a maximum FAR of 2.00 for commercial uses and 4.80 for community facility uses. Off-street parking requirements vary by use and size of the establishment.

R4-1

R4-1 districts are contextual residential districts that are designed for neighborhoods with a slightly wider range of housing types than might be found in other contextual neighborhoods. This district allows slightly larger single- or two-family detached and semi-detached residences than might be found in R3-1 districts. R4-1 districts permit the following Use Groups: UGs I, II, III(A), III(B), IV(B), and IV(C). The FAR in R6A districts is 1.0 for standard residences and 2.0 for community facility use. For buildings participating in the UAP program, a maximum residential FAR of 1.5 (for qualifying affordable or senior housing) is permitted, so long as any residential floor area exceeding the standard FAR is permanently income-restricted to an average of 60% AMI. The maximum base height is 35 feet, and the maximum building height is 45 feet (for qualifying affordable or senior housing).

Parking requirements vary depending on the use and transit zone designation. In the Inner Transit Zone, off-street parking space is required for 100% of standard market dwelling units, while no parking is required for income-restricted housing or qualifying senior units. Parking can be waived if only one parking space is required. In the Outer Transit Zone, parking is required for 50% of all standard market dwelling units, while no parking is required for income-restricted housing or qualifying senior units. Beyond the Greater Transit Zone, parking is required for 100% of market rate dwelling units, 50% of affordable dwelling units, and 10% of qualifying senior units. Further, no parking is required for zoning lots existing on December 5, 2024, where the lot width is 25 feet or less in the Outer Transit Zone/Beyond the Greater Transit Zone.

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

Zoning District	Type and Use Group[2]	Floor Area Ratio (FAR)
C8-2	General Service District	2.00 - Commercial 4.80 - Community Facility
	UGs I, III(A), III(B), IV(A), IV(B), IV(C), V, VI, VII, VIII, IX(A), IX(C), X	
R4-1	General Non-Contextual Residential District	1.0 – Residential Standard 1.5 – Residential Qualifying 2.0 – Community Facility
	UGs I, II, III(A), III(B), IV(B), IV(C)	
R5B	General Contextual Residential District	1.5 – Residential Standard 2.0 – Residential Qualifying 2.0 – Community Facility
	UGs I, II, III(A), III(B), IV(B), IV(C)	
R7A	General Contextual Residential District	4.00 – Residential (Standard) 5.01 – Residential (Qualifying Affordable or Senior) 4.00 – Community Facility
	UGs I, II, III(A), III(B), IV(B), IV(C)	
R6A	General Contextual Residential District	3.0 – Residential (Standard) 3.9 – Residential (Qualifying Affordable or Senior) 3.0 – Community Facility
	UGs I, II, III(A), III(B), IV(B), IV(C)	
R6B	General Contextual Residential District	2.0 – Residential (Standard) 2.4 – Residential (Qualifying Affordable or Senior) 2.0 – Community Facility
	UGs I, II, III(A), III(B), IV(B), IV(C)	
C1-2 Commercial Overlay	Local Non-Contextual Commercial District	Varies by underlying residential district (Z.R. 33-121)
	UGs I, II, III(A), III(B), IV(A), IV(B), IV(C), V, VI, VII, VIII, IX(A), IX(C), X	
C2-3 Commercial Overlay	Local Non-Contextual Commercial District	Varies by underlying residential district (Z.R. 33-121)
	UGs I, II, III(A), III(B), IV(A), IV(B), IV(C), V, VI, VII, VIII, IX(A), IX(C), X	

DU = Dwelling Unit;

[1] New York City Zoning Resolution

[2] Commercial Use: Any use listed in the following use groups depending on the district type (Commercial Districts – IV, V, VI, VII, VIII, IX, X; Manufacturing Districts – IV, V, VI, VII, VIII, IX). Community Facility Use: Any use listed in the following use groups depending on the district type (Residence Districts – I, III, IV; Commercial Districts – I, III; Manufacturing Districts - I, III). Manufacturing Use: Any use listed in the following use groups depending on the district type (Manufacturing Districts – X). Residential use: any use listed in Use Group II.

R5B

Although an R5B contextual district permits detached and semi-detached buildings, it is primarily a three-story rowhouse district typical of such neighborhoods as Windsor Terrace and Bay Ridge in Brooklyn. The traditional quality of R5B districts is reflected in the district's height and setback, front yard and curb cuts regulations that maintain the character of the neighborhood. R5B districts permit the following Use Groups: UGs I, II, III(A), III(B), IV(B), IV(C). The FAR in R5B districts is 1.5 for standard residences and 2.0 for community facility use. For buildings participating in the UAP program, a maximum residential FAR of 2.0 (for qualifying affordable or senior housing) is permitted, so long as any residential floor area exceeding the standard FAR is permanently income-restricted to an average of 60% AMI. The maximum base height is 45 feet, and the maximum building height is 55 feet (for qualifying affordable or senior housing).

Parking requirements vary depending on the use and transit zone designation. In the Inner Transit Zone, off-street parking space is required for 85% of standard market dwelling units, while no parking is required for income-restricted housing or qualifying senior units. The parking requirement can be waived if only one parking space is required. In the Outer Transit Zone, parking is required for 25% of all standard market dwelling units, while no parking is required for income-restricted housing or qualifying senior units. The parking requirement can be waived if ten spaces or fewer are required. Beyond the Greater Transit Zone, parking is required for 50% of market rate dwelling units, 25% of affordable dwelling units, and 10% of qualifying senior units. The parking requirement can be waived if five spaces or fewer are required.

R7A

R7A is a contextual district widely mapped in built-up, medium-density areas. These districts are designed to provide for residential buildings and also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment. Designed to be compatible with older buildings found in medium-density neighborhoods, R7A districts are mapped along Prospect Park South and Ocean Parkway in Brooklyn, Jackson Heights in Queens, and in Harlem and along the avenues in the East Village in Manhattan. R7A districts permit the following Use Groups: UGs I, II, III(A), III(B), IV(B), IV(C).

The residential FAR in R7A districts is 4.0 for standard residences and community facility use. For buildings participating in the UAP program, a maximum residential FAR of 5.01 (for qualifying affordable or senior housing) is permitted, so long as any residential floor area exceeding the standard FAR is permanently income-restricted to an average of 60% AMI.
The minimum base height is 40 feet. The maximum base height is 75 feet, and the maximum building height is 85 feet (for standard residences). The maximum base height is 85 feet, and the maximum building height is 115 feet (for qualifying affordable or senior housing). Where a zoning lot located in an R6 through R12 District abuts a zoning lot located within an R1 through R5 District, the height of a building within a transition area measured parallel to the district

boundary shall not exceed the maximum heights outlined in ZR Section 23-443, depending on the zoning district adjacency, the adjacent zoning lot condition, and the width of the zoning lot.

Parking requirements vary depending on the use and transit zone designation. In the Inner Transit Zone, off-street parking space is required for 50% of standard market dwelling units within multiple dwellings, while no parking is required for income-restricted housing or qualifying senior units, and can be waived if 25 spaces or fewer are required. In the Outer Transit Zone, parking is required for 15% of all standard market dwelling units, while no parking is required for income-restricted housing or qualifying senior units, and can be waived if 15 spaces or fewer are required. Beyond the Greater Transit Zone, parking is required for 50% of market rate dwelling units, 12% of affordable dwelling units, and 10% of qualifying senior units; here, parking can be waived if fewer than 15 spaces are required. The parking requirement per standard dwelling unit shall be reduced to 30 percent where the lot area is 10,000 square feet or less beyond the Greater Transit Zone. Further, no parking is required for zoning lots existing on December 5, 2024, where the lot width is 25 feet or less in the Outer Transit Zone/Beyond the Greater Transit Zone.

R6A

R6A is a contextual district widely mapped in built-up, medium-density areas. These districts are designed to provide for residential buildings and also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment. R6A districts permit the following Use Groups: UGs I, II, III(A), III(B), IV(B), IV(C).

The FAR in R6A districts is 3.0 for standard residences and community facility use. For buildings participating in the UAP program, a maximum residential FAR of 3.9 (for qualifying affordable or senior housing) is permitted, so long as any residential floor area exceeding the standard FAR is permanently income-restricted to an average of 60% AMI. The minimum base height is 40 feet. The maximum base height is 65 feet, and the maximum building height is 75 feet (for standard residences). The maximum base height is 65 feet, and the maximum building height is 95 feet (for qualifying affordable or senior housing).

Parking requirements vary depending on the use and transit zone designation. In the Inner Transit Zone, off-street parking is required for 50% of standard market dwelling units within multiple dwellings, while no parking is required for income restricted housing or qualifying senior units, and can be waived if 5 spaces or fewer are required. In the Outer Transit Zone, parking is required for 25% of all standard market dwelling units, while no parking is required for income restricted housing or qualifying senior units, and can be waived if 15 spaces or fewer are required. Beyond the Greater Transit Zone, parking is required for 50% of market rate dwelling units, 25% of affordable dwelling units, and 10% of qualifying senior units; parking can be waived if fewer than 10 spaces are required. Further, no parking is required for zoning lots existing on December 5, 2024, where the lot width is 25 feet or less in the Outer Transit Zone/Beyond the Greater Transit Zone.

R6B

R6B is a contextual district widely mapped in built-up, medium-density areas, with a lower-scale built form than R6A. These districts are designed to provide for residential buildings and also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment. R6B districts permit the following Use Groups: UGs I, II, III(A), III(B), IV(B), IV(C).

The maximum FAR in R6B districts is 2.0 for standard residences and community facility use. For buildings participating in the UAP program, a maximum residential FAR of 2.40 (for qualifying affordable or senior housing) is permitted, so long as any residential floor area exceeding the standard FAR is permanently income-restricted to an average of 60% AMI. The minimum base height is 30 feet. The maximum base height is 45 feet, and the maximum building height is 55 feet (for standard residences). The maximum base height is 45 feet, and the maximum building height is 65 feet (for qualifying affordable or senior housing).

Parking requirements vary depending on the use and transit zone designation. In the Inner Transit Zone, off-street parking is required for 50% of standard market dwelling units within multiple dwellings, while no parking is required for income restricted housing or qualifying senior units, and can be waived if 5 spaces or fewer are required. In the Outer Transit Zone, parking is required for 25% of all standard market dwelling units, while no parking is required for income restricted housing or qualifying senior units, and can be waived if 15 spaces or fewer are required. Beyond the Greater Transit Zone, parking is required for 50% of market rate dwelling units, 25% of affordable dwelling units, and 10% of qualifying senior units; parking can be waived if fewer than 10 spaces are required. Further, no parking is required for zoning lots existing on December 5, 2024, where the lot width is 25 feet or less in the Outer Transit Zone/Beyond the Greater Transit Zone.

C2-3 and C2-4 Commercial Overlays

C2 districts are commercial overlays mapped within residential districts. Mapped along streets that serve local retail needs, they are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors. Unless otherwise indicated on the zoning maps, the depth of overlay districts ranges from 100 to 200 feet.

Overlay districts differ from other commercial districts in that residential bulk is governed by the residence district within which the overlay is mapped. All other commercial districts that permit residential use are assigned a specific residential district equivalent. The maximum commercial or community facility floor area ratio (FAR) is also determined by the residence district, per Section 33-121 of the NYC Zoning Resolution

Affected Area

The Affected Area is zoned C8-2, which permits heavy commercial uses at 2.00 FAR along with community facility uses at 4.80 FAR.

Future No-Action Condition

Zoning Study Area and Affected Area

There are no proposed rezonings within the 400-foot zoning Study Area. No changes to zoning would occur in the future without the Proposed Actions in the Affected Area. Existing zoning patterns would remain, and the Affected Area would continue to be subject to C8-2 zoning regulations.

Future With-Action Condition

Zoning Study Area

Changes to zoning would only occur in the Affected Area in the future with the Proposed Actions.

Affected Area

The Proposed Actions would rezone a 100-foot-deep portion of Lot 22, measured from 92nd Street from C8-2 to C4-4D zoning district. The Proposed Actions also include a Zoning Text Amendment to Appendix F (Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas) to add a Mandatory Inclusionary Housing (MIH) area coterminous with the Affected Area.

Under the With-Action condition, the proposed C4-4D district would permit a maximum of 7.20 FAR for residential use, 3.40 FAR for commercial uses, and 6.50 for community facility uses. The maximum building height within the C4-4D zoning district is 145 feet after a setback from the base height of up to 105 feet. Buildings within the proposed zoning district must have a 10-foot setback above the maximum base height on a wide street and a 15-foot setback on a narrow street before rising to a maximum of 14 floors.

In comparison with the existing C8-2 zoning district currently mapped over the Affected Area, the proposed C4-4D zoning district would allow for residential uses, increased commercial and community facility FAR, and increased building heights.

Conclusion

The Proposed Actions would permit residential uses within the Affected Area, which are currently not allowed under the existing C8-2 zoning. The density and uses permitted by the Proposed Actions would facilitate the increased utilization of the Applicant's site. The Proposed Actions would be consistent with the recent 9114 5th Avenue Rezoning which resulted in a R7A/C2-4 district across 92nd Street from the Affected Area. In addition, the proposed C4-4D commercial district with residential uses permitted would be consistent with the existing R6B/C2-3 district to

the east and R6A/C2-3 district to the west of the Affected Area. Moreover, the proposed Zoning Text Amendment to Appendix F to add Mandatory Inclusionary Housing (MIH) would facilitate the development of new permanently affordable housing. Therefore, no significant adverse impacts related to zoning would occur as a result of the Proposed Actions, and further analysis of zoning is not warranted.

2.1.3 Public Policy

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

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

The relevant public policies analyzed in this section include:

- Housing New York 2.0
- Get Stuff Built
- Housing Our Neighbors: A Blueprint for Housing and Homelessness

Existing Conditions

Housing New York 2.0

Facilitated by the Department of Housing Preservation and Development (HPD), *Housing New York 2.0* is the City's plan to build or preserve 300,000 affordable homes by 2026. The plan outlines a comprehensive set of policies and programs to address the city's affordable housing crisis and retain the diversity and vitality of its neighborhoods.

Get Stuff Built

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

Housing Our Neighbors: A Blueprint for Housing and Homelessness

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

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

Future No-Action Condition

No changes to *Housing New York 2.0*, *Get Stuff Built, or Housing Our Neighbors: A Blueprint for Housing and Homelessness* are anticipated under Future No-Action Conditions.

Future With-Action Condition

Housing New York 2.0

The Proposed Actions support the goal of Housing New York 2.0 to provide 100,000 more affordable homes by 2026, in addition to the 200,000 affordable homes provided by 2022 under the original Housing New York Plan. The Proposed Actions would establish an MIH area over the Affected Area and facilitate the development of 143 dwelling units, 20-30% (29-43 units) of which would be affordable at an average of 40-80% AMI pursuant to MIH Option 1, Option 2, or Option 3. The affordable units would contribute to fostering diverse and livable neighborhoods and preserving the affordability and quality of the housing stock.

Get Stuff Built

The Proposed Actions would facilitate the construction of 143 incremental dwelling units, 20-30% (29-43 units) of which would be affordable at an average of 40-80% AMI pursuant to MIH Option 1, Option 2, or Option 3. The units that would be provided pursuant to the Proposed Actions would help address affordable housing crisis and contribute to the goal of 500,000 new homes expressed in the “Get Stuff Built” strategy.

Housing Our Neighbors: A Blueprint for Housing and Homelessness

The Proposed Actions would facilitate the construction of 143 incremental dwelling units, 20-30% (29-43 units) of which would be affordable at an average of 40-80% AMI pursuant to MIH Option 1, Option 2, or Option 3. By creating the affordable housing, the Proposed Actions would

contribute to the goal of getting New Yorkers into safe, high-quality, affordable homes expressed in “Housing Our Neighbors: A Blueprint for Housing and Homelessness”.

Conclusion

The Proposed Actions would allow for the development of permanently affordable housing and would be supportive of City policies such as *Housing New York 2.0, Get Stuff Built, or Housing Our Neighbors: A Blueprint for Housing and Homelessness* that aim to address the city's affordable housing crisis and retain the diversity and vitality of its neighborhoods. The Proposed Actions would not result in significant material changes to existing regulations or policy. Therefore, no significant adverse impacts on public policies would occur, and no further analysis is warranted.

2.2 Socioeconomic Conditions

According to the *2021 CEQR Technical Manual*, a socioeconomic analysis should be conducted if a project would: (a) directly displace more than 500 residents; (b) directly displace more than 100 employees; (c) result in the development of more than 200 residential units or more than 200,000 sf of commercial uses; (d) result in the development of 200,000 sf or more of retail on a single development site; and/or (e) affect conditions within a specific industry. As indicated in the EAS Form, the Proposed Actions would not exceed the analysis thresholds for direct or indirect residential displacement, indirect business displacement, or effects on specific industries. Additional screening for direct business displacement is provided below.

Direct Business Displacement

The Proposed Actions would not result in the direct displacement of any existing employees. Projected Development Site 1 contains a 7-story vacant commercial building. As such, the Proposed Actions would not result in direct displacement of existing workers.

In comparison to the No-Action Condition established for the RWCDS, the With-Action Condition would result in fewer employees. This theoretical reduction reflects conservative CEQR analysis assumptions, under which the No-Action Condition assumes that the currently vacant commercial building would be occupied by commercial office and community facility uses that would result in a total of 242 workers under the RWCDS No-Action Condition. Under the With-Action Condition, the commercial office space and community facility uses would never occur, resulting in a reduction of future commercial office and community facility workers compared to the No-Action Condition.

As described in the *2021 CEQR Technical Manual*, an assessment of direct business displacement considers whether displaced businesses provide products or services essential to the local economy that would no longer be available due to the difficulty of either relocating the businesses or establishing new, comparable businesses, and whether comparable goods and services may not be found within the study area. As Projected Development Site 1 is located in the Bay Ridge neighborhood of Brooklyn Community District (CD) 10, which features a market for both commercial office and community facility space, as well as short commutes into central business districts in Manhattan, Brooklyn, and Staten Island. It is expected that commercial office businesses and community facilities/medical offices that could locate on Projected Development Site 1 under the No-Action Condition could easily locate elsewhere within the area or within a broader trade area for area residents and businesses. Therefore, no significant adverse direct business displacement impacts would occur as a result of the Proposed Actions, and no further analysis of direct business displacement is warranted.

2.3 Open Space

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

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

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

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

Methodology

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

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

Direct Effects

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

Indirect Effects

Pursuant to the *2021 CEQR Technical Manual*, the threshold for assessment of the potential for indirect impacts is 200 new residents or 500 additional employees. As indicated in **Table 1.8-2,** the Future With-Action Condition at the Affected Area is projected to generate 369 new incremental residents. Accordingly, a preliminary residential Open Space assessment for indirect effects is warranted. The Future With-Action Condition is projected to result in a decreasing of 188 employees in the Affected Area. Accordingly, a preliminary commercial Open Space assessment for indirect effects is not warranted.

2.3.1 Preliminary Residential Open Space Assessment for Indirect Effects

As previously discussed, the Proposed Actions are projected to result in the incremental development of 143 new dwelling units within the Affected Area. Assuming an average household size of 2.58 people based on Brooklyn Community District 10 (based on 2020 United States Decennial Census Data), the incremental residential population increase in the Affected Area would be approximately 369 persons (2.58 x 143 = 369).

Study Area Definition

In accordance with the guidelines established in the City's *2021 CEQR Technical Manual*, the Open Space Study Area is defined to analyze both the nearby Open Spaces and the population using those Open Space resources. The Study Area is generally defined by a reasonable walking distance that users would travel to reach local Open Spaces and recreational areas. Pursuant to the *2021 CEQR Technical Manual*, the Open Space Study Area includes all U.S. Census Tracts that have 50 percent or more of their area within a half-mile radius of the Affected Area for residential users. As shown in **Figure 2.2-1**, there are thirteen census tracts with 50 percent or more of their area within the Generalized Open Space Study Area, including Brooklyn Census Tracts 58, 60, 62, 138, 142, 152, 160, 162, 52.01, 52.02, 54, 56.01,56.02.

Existing Condition

Based on census tract-level population data provided in the 2020 United States Decennial Census, the 1/2-mile Study Area had a total population of 37,589 persons. According to the Project-Level DCP Housing Database, twenty-four (24) building permits were completed within the thirteen census tracts comprising the Study Area since January 1, 2020 (see **Appendix C**). Four of these permits were issued for new building construction. The twenty-four permits ultimately resulted in 66 net residential dwelling units which multiplied by the average household size (2.58) for Brooklyn Community District 10 (2020 Census) came out to 170 additional residents. Therefore, the Study Area population under the Existing Conditions is estimated to be 37,759 persons.

Future No-Action Condition

A review of active major construction projects[3] and approved BSA applications and ULURP actions was undertaken to determine known developments within 1/2-mile Study Area. Based on this review, there are 6 active permits for alteration and/or demolition of existing buildings and construction of new buildings that would result in a net gain of 4 residential dwelling units by the 2029 Project Build Year.

In addition, 5th Avenue Rezoning (C 190447 ZMK, N 190448 ZRK) and 250 86th Street Rezoning (C 230354 ZMK, N 230355 ZRK) were identified as a land use and/or zoning actions with the potential to generate new residential dwelling units within the 1/2-mile Study Area.

In 9114 5th Avenue Rezoning EAS, projected development site 1 (applicant-owned Block 6087, Lots 23 and 31) was assumed to be developed with a 52,285-GSF (45,238-ZSF) 9-story, 95-foot-tall building. The building would include 38,813 GSF (35,938 ZSF) of residential floor area located on floors 2-9 with 50 dwelling units (up to 10 MIH units). The ground floor would have 9,672 GSF (9,300 ZSF) of commercial use, and a 9,300 GSF cellar would be used for utilities and commercial storage. No parking would be required for the projected building. Since the adoption of "City of Yes for Housing Opportunity" (CHO) zoning text amendment by the New York City Council on

[3] https://nycdob.github.io/DOB_Dashboards/layouts/two-and-one/Active_ConstructionTM_withGraphs, Accessed February 25, 2025

December 5, 2024, the R7A district mapped over the site expected to be developed as the result of 9114 5th Avenue Rezoning (Block 6087, Lots 23 and 31) would permit increased FAR (5.01 instead of 4.6) and building height (115 ft instead of 95 ft). Therefore, under the current zoning regulation, projected development site 1 (applicant-owned Block 6087, Lots 23 and 31) could be developed with a 62,751-GSF (49,374-ZSF) building with 56 dwelling units.

The 250 86th Street Rezoning would facilitate the conversion of the existing two-story residential building with a basement to include a 2,060-GSF community facility (a medical office or ambulatory diagnostic/treatment facility) on the basement and first floor, with one residential unit on the second floor. This would result in a net decrease of one residential unit.

In total, the No-Action construction projects would introduce 59 incremental dwelling units into the 1/2-mile Study Area as shown in **Table 2.2-1**. Considering the average household size of 2.58 for Brooklyn Community District 10 (2020 Census), the No-Action construction projects would generate 152 additional residents, which would result in a total No-Action population of 37,911 residents as shown in **Table 2.2-2**.

Table 2.3-1: No-Action Developments within Census Tracts 58, 60, 62, 138, 142, 152, 160, 162, 52.01, 52.02, 54, 56.01,56.02

Address	Project type	Incremental DUs	Stories	Source
437 88 Street Brooklyn	Alteration	0	5	NYCDOB Active Construction
650 86th Street Brooklyn	New Building	0	5	NYCDOB Active Construction
9412 4th Avenue Brooklyn	Alteration	0	2	NYCDOB Active Construction
141 96 Street Brooklyn	Alteration	0	2	NYCDOB Active Construction
372 92 Street Brooklyn	New Building	2	3	NYCDOB Active Construction
368 92 Street Brooklyn	New Building	2	3	NYCDOB Active Construction
Total DUs/Residents - Active Major Construction		**4 DUs**	**-**	**-**
9114 5th Avenue Rezoning	New Building	56	11	Approved Rezoning
250 86th Street Rezoning	Alteration	-1	2	Approved Rezoning
Total DUs/Residents - Approved Rezoning Projects		**55 DUs**	**-**	**-**
Total DUs/Residents		**59 DUs**	**-**	**-**

Future With-Action Condition

Compared to No-Action Conditions, the Proposed Actions would introduce 143 more dwelling units. Assuming an average household size of 2.58 persons, there would be 369 incremental residents resulting from the Proposed Actions. The Future With-Action population, then, would be 38,280 residents as shown in **Table 2.2-2**.

Table 2.3-2: Existing, No-Action, and With-Action Populations

Existing	No-Action	With-Action
37,759	37,911	38,280

2.3.2 Open Space Resources

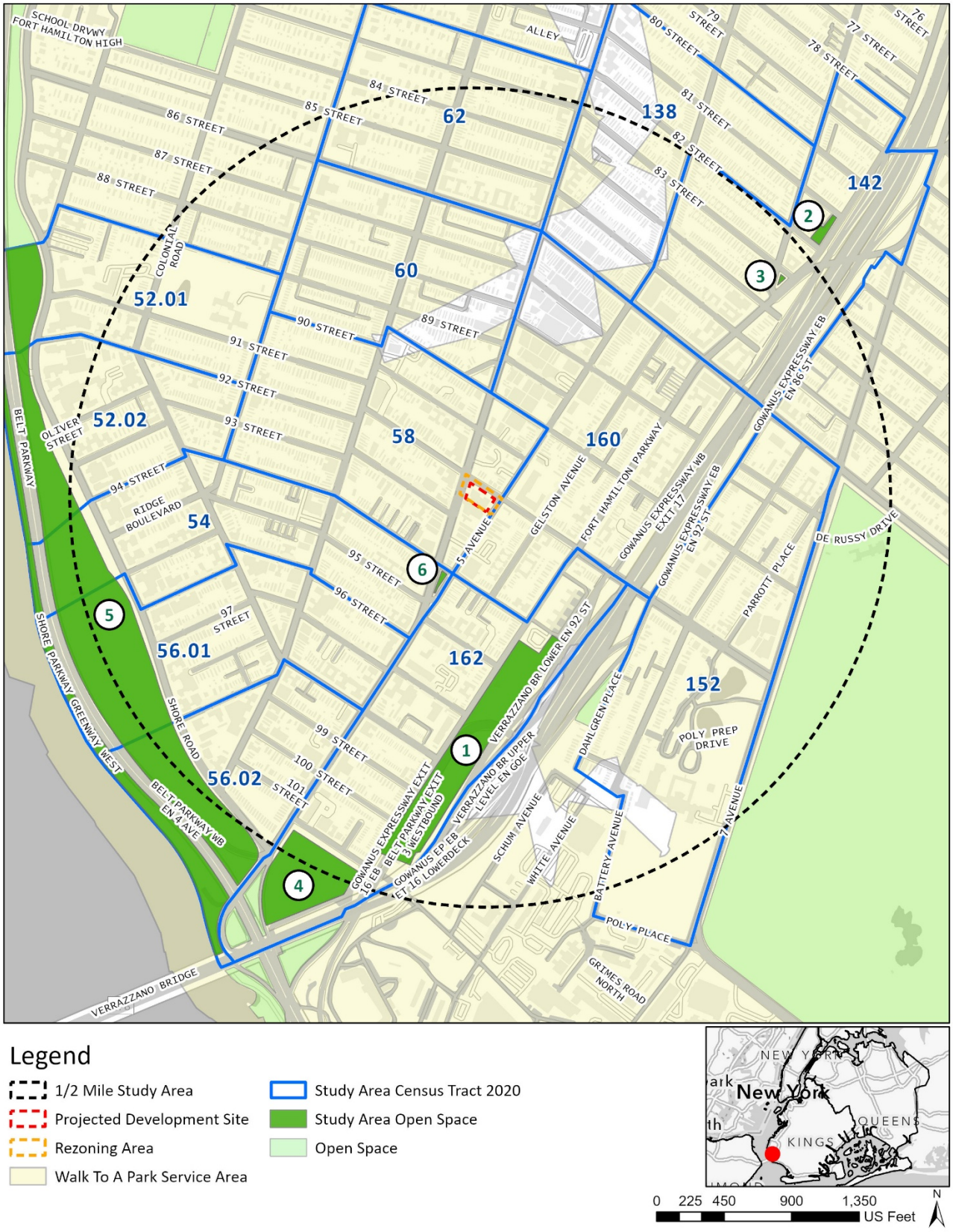
There are 6 Open Space resources with regular open access to the public identified within the Study Area as shown in **Table 2.2-3**. There are 51.05 acres of Open Spaces resources in the Study Area – 33.90 are considered active, and 17.15 are considered passive based on field visits and a review of Open Space site plans. The location of these resources, as well as community gardens present in the Study Area, are shown in **Figure 2.2-1**. Community gardens are not considered Open Space resources under many circumstances given their small size and limited public accessibility; therefore, community gardens are not included in the analysis.

Table 2.3-3: Open Space Resources

Map ID	Name	Park ID Number	Property Type	Responsible Agency	Acreage	% Active	% Passive	Active Acres	Passive Acres	Features
1	John J Carty Park	B210W	Neighborhood Park	DPR	8.565	65%	35%	5.57	3.00	BC, HC, ML, PC, PR, RC, TC
2	Dan Ross Playground	B210P	Playground	DPR	0.257	60%	40%	0.15	0.10	PG
3	Tom McDonald Triangle	B338	Triangle/Plaza	DPR	0.032	0%	100%	0.00	0.03	-
4	John Paul Jones Park (Cannonball Park)	B035	Neighborhood Park	DPR	5.316	10%	90%	0.53	4.78	DFA
5	Shore Road Park	B082	Community Park	DPR/CDOT	36.861	75%	25%	27.65	9.22	BF, BC, DFA, HC, PG, PR, SF, SS, TC
6	Fort Hamilton Triangle	B033	Triangle/Plaza	DPR	0.020	0%	100%	0.00	0.02	-
	Totals with Action				**51.05**	**-**	**-**	**33.90**	**17.15**	**-**

SS = Spray Showers; Pg = Playgrounds; BC = Basketball Courts; HC = Handball Courts; BF = Baseball Fields; DFA = Dog Friendly Areas; ML = Media Labs; SF = Soccer Fields; RC = Recreation Centers; PR = Public Restrooms; PC = Pickleball Court, TC = Tennis Court

Figure 2.3-1: Open Space Study Area Boundary, Census Tracts, and Open Spaces



Existing Condition

The Study Area has 51.05 acres of Open Space and an existing residential population of 37,759. The Open Space Ratio (OSR) under existing conditions is 1.352 acres per thousand residents.

Future No-Action Condition

In the future, without the Proposed Actions, the population within the Study Area in the 2029 build year is projected to be 37,911 persons. As no new open spaces are planned within the Study Area by the 2029 build year, the existing conditions, with a total of 51.05 acres of Open Space serving the Study Area, would remain unchanged in the Future No-Action Condition. Therefore, as shown in **Table 2.2-4**, the OSR under the Future No-Action Condition would be 1.347.

Table 2.3-4: **Study Area Open Space Ratio**

	Population	Open Space Acreage			OSR		
		Total	Active	Passive	Overall	Active	Passive
Planning Goal/ CEQR Guideline					2.5	2.0	0.5
Existing Conditions	37,759	51.05	33.90	17.15	1.352	0.898	0.454
Future No-Action Condition	37,911				1.347	0.894	0.452
Future With-Action Condition	38,280				1.334	0.886	0.448
Percent reduction from Future No-Action to With-Action					0.96%	0.96%	0.96%

Future With-Action Condition

The Proposed Actions would result in an increase in the Future No-Action population of 369 residents by the 2029 build year, resulting in a total Future With-Action Condition population of 38,280 persons within the Study Area. The Proposed Actions would not facilitate the development of any new publicly accessible Open Spaces within the Affected Area. Accordingly, the Future No-Action Condition total of 51.05 acres of open space serving the Study Area would remain unchanged in the Future With-Action Condition. Therefore, as shown in **Table 2.2-4**, the OSR under the Future With-Action Condition would be 1.334 acres per 1,000 residents.

The decrease in the OSR from 1.347 in the Future No-Action Condition to 1.334 in the Future With-Action Condition constitutes a 0.96 percent decrease in the Study Area's OSR. Pursuant to

the *2021 CEQR Technical Manual*, when the OSR range falls between 1.01 and 1.50, a maximum decrease of three percent in Open Space Ratio between the Future No-Action and Future With-Action Conditions does not require further analysis. As the projected OSR decrease of 0.96 percent under the Future With-Action Condition is below the 3 percent threshold, the Proposed Actions do not warrant a detailed analysis of Open Space.

2.3.3 NYC Parks Walk to a Park Initiative

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

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

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

2.3.4 Conclusion

The Future With-Action Condition would result in the development of 143 additional dwelling units over the Future No-Action Condition, projected to generate an additional population of 369 new residents. This would result in a decrease of the OSR within the Study Area from 1.347 acres per 1,000 residents in the Future No-Action Condition to 1.334 in the Future With-Action Condition, a decrease of approximately 0.96 percent. Pursuant to the *2021 CEQR Technical Manual*, OSR range between 1.01 and 1.50 can tolerate up to a three percent decrease in the OSR between the Future No-Action and Future With-Action Condition without warranting additional analyses. Further, the Affected Area is within a Walk to a Park service area, indicating all future projected residents are within a reasonable walking distance to public Open Spaces. Therefore, the Proposed Actions would not result in a significant adverse impact on Open Space within the Study Area, and further analysis is not warranted.

2.4 Shadows

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

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

The *2021 CEQR Technical Manual* states that a shadow assessment considers projects that result in new shadows long enough to reach a sunlight-sensitive resource. Therefore, a shadow assessment is warranted only if the project would either result in: (a) new structures (or additions to existing structures, including the addition of rooftop mechanical equipment) of 50 feet or more; or, (b) be located adjacent to, or across the street from, a sunlight-sensitive resource. However, a project located adjacent to or across the street from a sunlight-sensitive open space resource (which is not a designated New York City Landmark or listed on the State/National Registers of Historic Places, or eligible for these programs) may not require a detailed shadow assessment if the project's height increase is ten feet or less.

The sunlight-sensitive resources of concern are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity, including public open space, architectural resources and natural resources. In general, shadows on city streets and sidewalks or on other buildings are not considered significant. Additionally, it is generally not necessary to assess resources located to the south of projected development sites, as shadows cast by the action-generated development would not be cast in the direction of these resources. Furthermore, shadows occurring within one and one-half hour of sunrise or

sunset generally are not considered significant in accordance with *2021 CEQR Technical Manual* guidance.

Analysis Framework

Projected Development Site 1 (Block 6108, Lot 22; Applicant-Owned Lot)

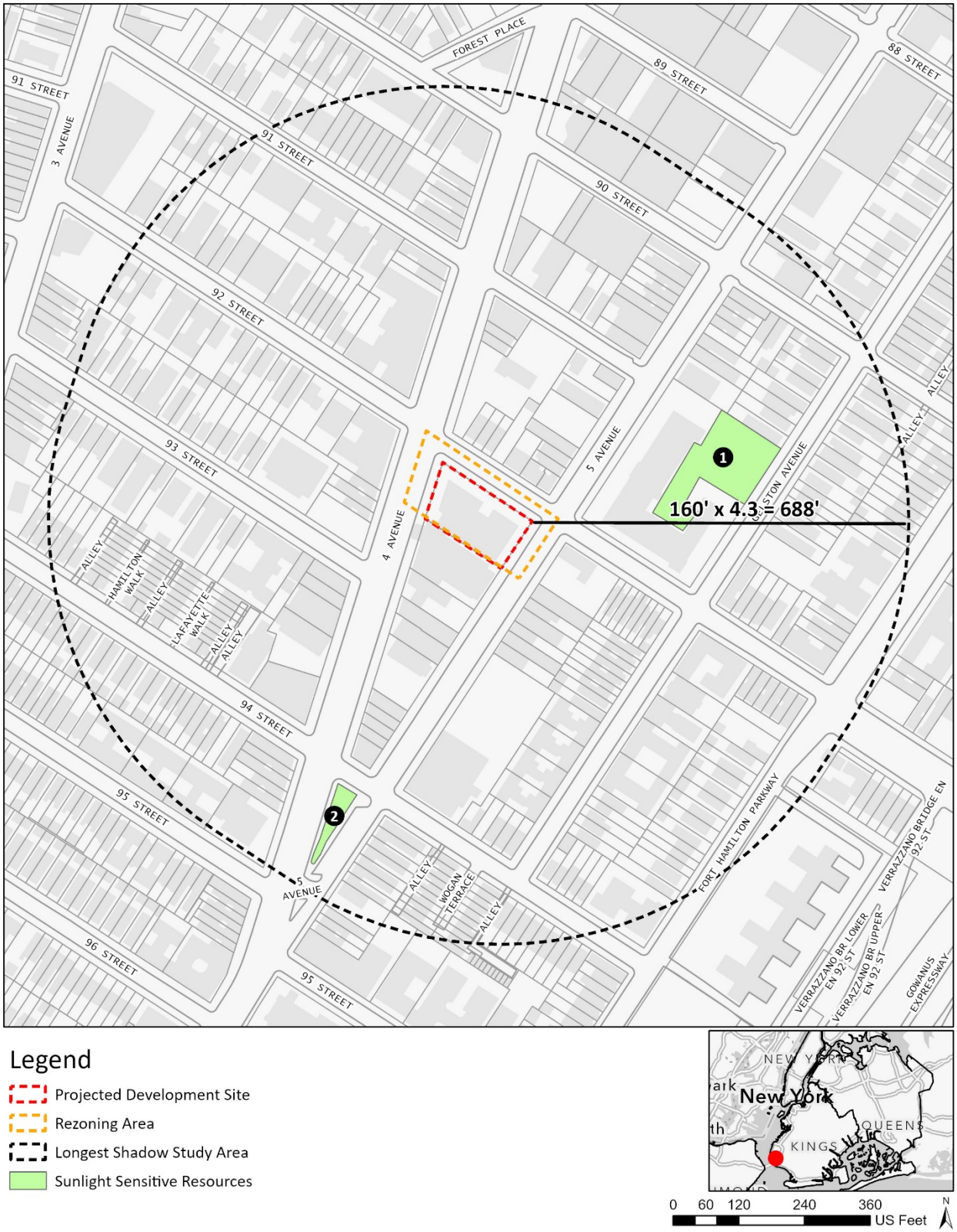
Under the With-Action Condition, the site would be developed with a single mixed residential and commercial building. The building would have 14 stories and rise to 145 feet. Additionally, the development would be expected to exceed the maximum building height by 15 feet to accommodate rooftop mechanical space, which would result in a total potential building height of 160 feet. Since Projected Development Site 1 is currently developed with a 7-story, 81.76-foot-tall building, the Proposed Actions would result in an incremental change in height greater than 50 feet, and a preliminary assessment for shadows is warranted.

2.4.1 Tier 1 Shadow Screening Assessment

Under the Future With-Action Condition, the Projected Development Site (Block 6108, Lot 22) could be developed with a new building having a maximum height of 160 feet and the longest action-induced shadow would be approximately 688 feet (4.3 x 160 feet) in length. The first step in a shadow analysis is to determine whether there are any sunlight-sensitive resources located within the length of the radius equal to the longest action-induced shadow length for the Site.

As shown in **Figure 2.3-1** below, there are two sunlight sensitive resources within the longest Shadow Study Area. These resources include the P.S./I.S. 104 School Yard (Resource 1) and Fort Hamilton Triangle (Resource 2). Accordingly, a Tier 2 screening assessment is required.

Figure 2.4-1: Tier 1 Shadow Screening Assessment



2.4.2 Tier 2 Shadow Screening Assessment

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

As shown in **Figure 2.3-2**, the Tier 2 screening assessment shows that Fort Hamilton Triangle (Resource 2) is within the -108/+108-degree area (area that cannot be shaded), but P.S./I.S. 104 School Yard (Resource 1) is not within the -108/+108-degree area.

2.4.3 Tier 3 Shadow Screening Assessment

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

Three-dimensional computer modeling was used for the Tier 3 screening assessment. At this stage of the assessment, the surrounding buildings were not included in the model to determine whether shadows from the proposed project would reach the sunlight-sensitive resource.

The following representative days were included in the modeling:

- December 21 (Winter Solstice),
- March 21 / September 21 (Vernal Equinox/Autumnal Equinox),
- June 21 (Summer Solstice),
- May 6 / August 6 (halfway between the Summer Solstice and Equinoxes).

As shown in **Figure 2.3-2**, the Tier 2 screening assessment shows that Fort Hamilton Triangle (Resource 2) is within the -108/+108-degree area (area that cannot be shaded), but P.S./I.S. 104 School Yard (Resource 1) is not within the -108/+108-degree area. As shown in **Figure 2.3-3** to

Figure 2.3-6 below, shadows from the projected development would reach the sunlight-sensitive resource, the P.S./I.S. 104 School Yard (Resource 1), on March 21st / September 21st (Vernal and Autumnal Equinox), and May 6th / August 6th. Therefore, a detailed shadow analysis is required to determine the impacts on the P.S./I.S. 104 School Yard (Resource 1).

2.4.4 Detailed Shadow Analysis

The P.S./I.S. 104 School Yard (Resource 1) is an approximately 0.41-acre yard featured with a basketball court, tennis court, playground equipment, running track and benches. **Figure 2.3-7** shows an aerial view of the P.S./I.S. 104 School Yard (Resource 1).

The purpose of the detailed analysis is to determine the extent and duration of shadows that fall on a sunlight-sensitive resource due to the proposed project. In order to carry out the detailed shadow analysis, the three-dimensional computer model used for the previous screening assessment was augmented by adding the existing and future buildings near the Projected Development Sites that could cast shadows on any of the sunlight-sensitive resources.

The results of the detailed shadow analysis on the identified resources of concern are summarized in **Table 2.3-1**. The incremental shadows cast by the Projected Development Sites are shown below in **Figure 2.3-8** and **Figure 2.3-9**.

Based on the findings of the Detailed Shadow Analysis, the Proposed Actions would only result in incremental shadows on the P.S./I.S. 104 School Yard (Resource 1) during the March 21st / September 21st analysis period (see **Figure 2.3-8**). Shadows cast from the Projected Development Site 1 during the representative day in March / September enter the P.S./I.S. 104 School Yard Playground at 4:19 pm and leave the playground at 4:29 pm. The total Incremental Shadow Duration on March 21st / September 21st therefore is 10 minutes.

Table 2.4-1: Detailed Shadow Analysis Results

Analysis Day	**21-Dec**	**March 21 / September 21**	**May 6 / August 6**	**21-Jun**
Timeframe Window	**8:51 a.m. - 2:53 p.m.**	**7:36 a.m. - 4:29 p.m.**	**6:27 a.m. - 5:18 p.m.**	**5:57 a.m. - 6:01 p.m.**
Sunlight Sensitive Resource 1	**P.S./I.S. 104 School Yard Playground**			
Shadow enter - exit times	-	4:19 pm - 4:29 pm	-	-
Incremental Shadow Duration	-	10 min	-	-
Note: Daylight savings time not used				

Figure 2.4-2: Tier 2 Shadow Screening Assessment

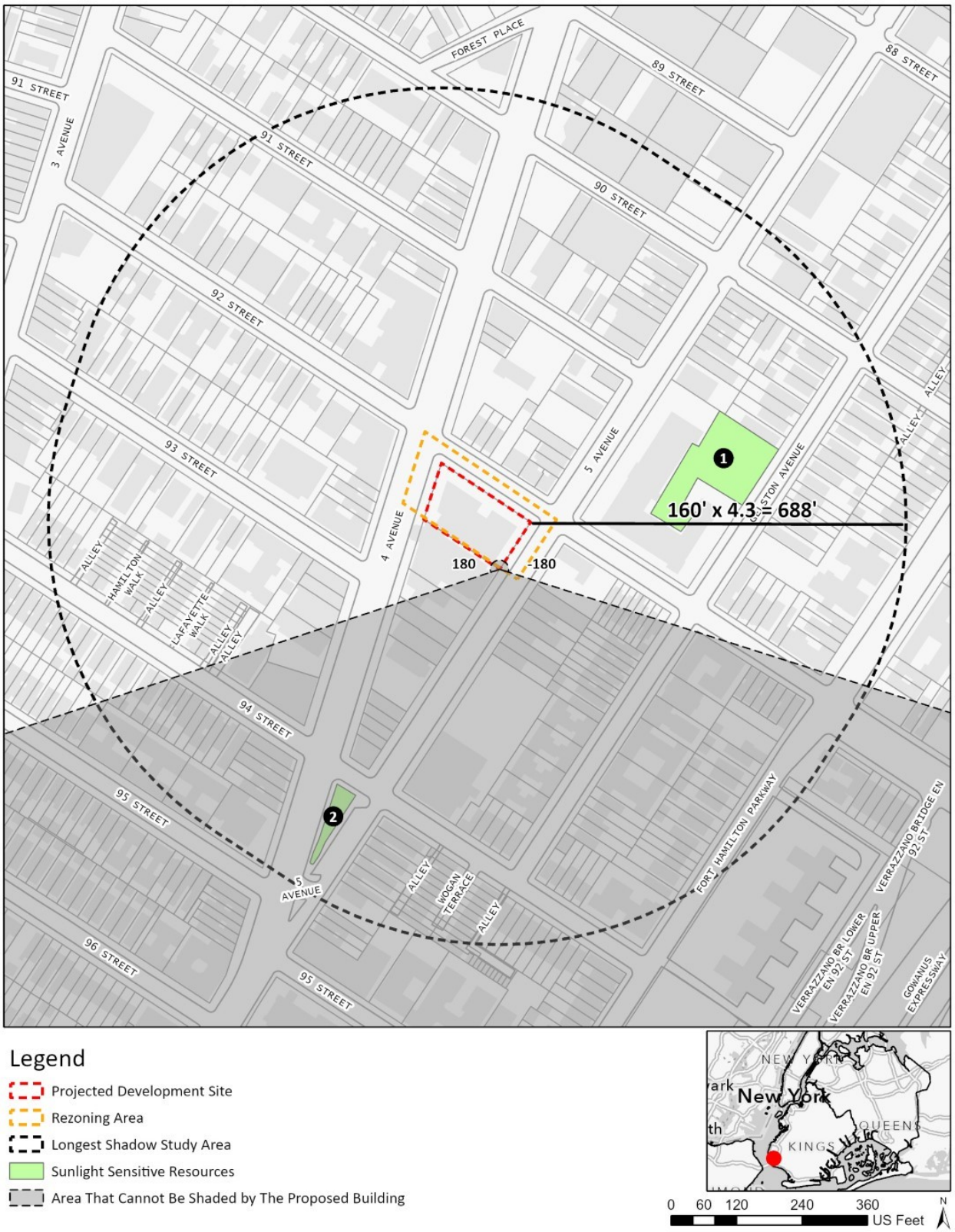


Figure 2.4-3: Tier 3 Shadow Screening December 21st (Winter Solstice)

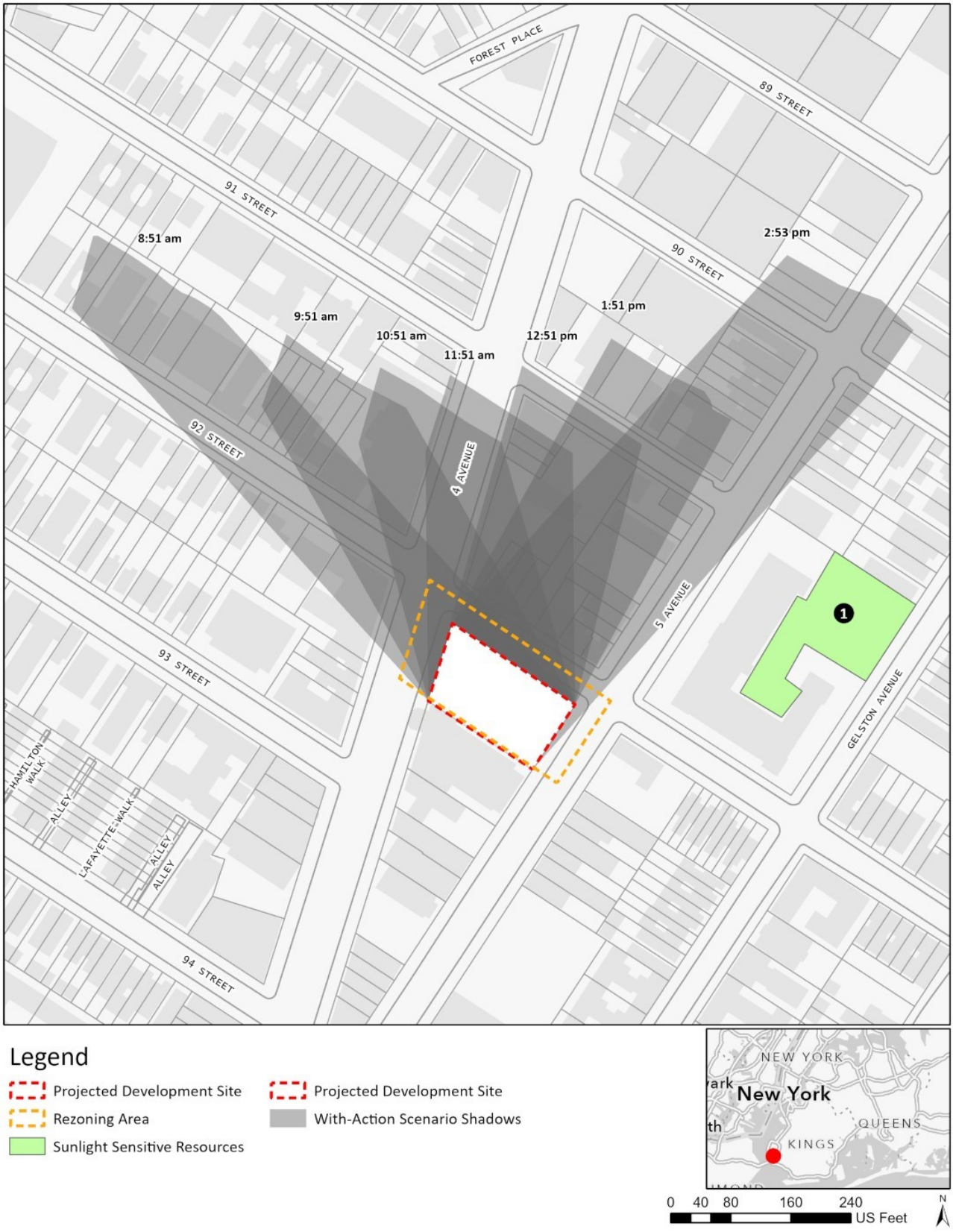


Figure 2.4-4: Tier 3 Shadow Screening March 21st/September 21st (Vernal and Autumnal Equinox)



Figure 2.4-5: Tier 3 Shadow Screening May 6th/August 6th



Figure 2.4-6: Tier 3 Shadow Screening June 21st (Summer Solstice)



Figure 2.4-7: P.S./I.S. 104 School Yard (Resource 1)



Figure 2.4-8: Incremental Shadows March 21st / September 21st, 7:36 a.m.



Figure 2.4-9: Incremental Shadows May 6th / August 6th, 6:27 a.m.



2.4.5 Determination of Impacts

The *2021 CEQR Technical Manual* states that the determination of significance of shadow on a sunlight-sensitive resource is based on: (1) the information resulting from the detailed shadow analysis describing the extent and duration of incremental shadows; and (2) an analysis of the resource's sensitivity to reduced sunlight.

Where the incremental shadows induced by a Proposed Action fall on sunlight-sensitive features or uses, the analysis assesses the loss of sunlight relative to sunlight that would be available without the project. The determination of impact under CEQR considers the extent and duration of the incremental shadows, the specific context in which the impact occurs, and the types of sunlight-sensitive features within the identified sunlight-sensitive resource(s) being analyzed, as described below.

- Open Space and Natural Resources

  For open space and natural resources, the uses and features of a resource is an indicator of its sensitivity to shadows. This sensitivity is assessed for warm-weather-dependent features such as vegetation that could be affected by a loss of sunlight during the growing season and warm-weather-dependent open space features such as pools, and sandboxes. Shadows occurring during the cold-weather months generally do not affect the growing season of outdoor vegetation. However, if an area potentially affected by shadows has evergreen trees present, it may be warranted to assess the potential for shadow impacts during all seasons as evergreen trees photosynthesize when the environment allows, including during the winter months. In addition, the detailed shadows analysis should consider the potential impact on open space features such as benches, that could be affected by a loss of winter sunlight.

  Pursuant to the *2021 CEQR Technical Manual*, plantings and vegetation such as grass lawns, planted annuals, or areas used for a relatively substantial amount of food production need six to eight hours of direct sunlight. However, some plantings and vegetation, such as established tree canopies, shrubs and perennials, can tolerate partial sun, with a reduced minimum requirement of four to six hours of direct sunlight. Direct sunlight does not need to be continuous. For example, a portion of the direct sun could be in the morning and the balance in the afternoon. However, the periods of sunlight need to be full and unobscured.

- Historic Resources

  The sensitivity to shadows for sunlight-sensitive features of a historic structure depends on its design and setting, and whether or not any of the characteristics or elements that make the resource historically significant depend on sunlight. The assessment focuses only on sunlight-sensitive features or portions of the historic resource that can be enjoyed by the public.

As stated in the *2021 CEQR Technical Manual*, to determine impact significance, an incremental shadow is generally not considered significant when its duration is no longer than 10 minutes at any time of year and the resource continues to receive substantial direct sunlight. A significant shadow impact generally occurs when an incremental shadow of 10 minutes or longer falls on a sunlight-sensitive resource and results in one or more of the following:

- Vegetation
    - A substantial reduction in sunlight available to a sunlight-sensitive feature of the resource to less than the minimum time necessary for its minimum sunlight needs (as defined above)
    - A reduction in direct sunlight exposure where the sunlight-sensitive feature of the resource is already subject to substandard sunlight
- Open Space Utilization
    - A substantial reduction in the usability of open space as a result of increased shadows.
- Historic and Cultural Resources
    - A substantial reduction in sunlight available for the enjoyment or appreciation of the sunlight-sensitive features of a historic or cultural resource.
- For Any Sunlight-Sensitive Feature of a Resource
    - A complete elimination of all direct sunlight on the sunlight-sensitive feature of the resource, when the complete elimination results in substantial effects on the survival, enjoyment, or, in the case of open space or natural resources, the use of the resource.

The determination of significant shadow impacts for the identified sunlight-sensitive resources evaluated as part of the Detailed Shadow Analysis are presented below.

The P.S./I.S. 104 School Yard (Resource 1)

The P.S./I.S. 104 School Yard (Resource 1) is an approximately 0.41-acre playground featured with a basketball court, tennis court, playground equipment, running track and benches.

The incremental shadow cast from the Projected Development during the March 21st / September 21st analysis period would enter the playground at 4:19 pm and exit the playground at 4:29 pm. The total incremental shadow on March 21st / September 21st would last for 10 minutes and cover a negligible portion of the school yard (approximately 25 SF of the paved bench area). Therefore, no adverse impacts on the Open Space Utilization would be expected for the March 21st/September 21st analysis period.

2.4.6 Conclusion

The Proposed Actions would not affect the vitality or usage of the sunlight-sensitive resources identified within the Study Area, and significant adverse impacts from shadows would not result from the Proposed Actions. The projected development with a height of 160 feet on Projected Development Site 1 was analyzed. Based on the findings of the Detailed Shadow Analysis, the Proposed Actions would result in incremental shadows on the P.S./I.S. 104 School Yard. In the March 21st/September 21st analysis period, the incremental shadow covers an approximately 25-SF of the P.S./I.S. 104 School Yard from 4:19 pm to 4:29 pm. The shadow covers a portion of the paved bench area in the eastern portion of the school yard. Since the new shadows created by the Projected Development covers a small fraction of the school yard for a limited amount of time, the incremental shadows resulting from the Proposed Actions would not significantly alter the public's utility nor enjoyability of the sunlight-sensitive resource.

2.5 Historic and Cultural Resources

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

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

Methodology

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

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

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

2.5.1 Architectural Resources

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

According to the *CEQR Technical Manual*, significant adverse impacts to historic and cultural resources could potentially result if a proposed action affects those characteristics that make a resource eligible for LPC designation or S/NR listing. This section assesses the potential for the proposed action to result in significant adverse impacts on identified historic and cultural resources. **Table 2.4-1** below provides information about possible direct, indirect and construction-related impacts on historic and cultural resources. Generally, architectural resources should be surveyed and assessed if the proposed project would result in any of the following, whether or not any known historic resources are located near the site of the project:

Table 2.5-1: Possible Impacts to Historic and Cultural Resources

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

Direct Impacts

Historic resources could be directly affected by physical destruction, demolition, damage, alteration, or neglect of all or part of a historic resource. For example, alterations, such as the addition of a new wing to a historic building could result in significant adverse impacts, depending on the design. Direct impacts also include changes to an architectural resource that cause it to become a different visual entity, such as a new location, design, materials, or architectural features.

NR-listed and eligible resources are given a measure of protection from the effects and impacts of projects sponsored, assisted, or approved by federal agencies under Section 106 of the National Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process. S/NR-listed and eligible resources are similarly protected against impacts resulting from projects sponsored, assisted, or approved by State agencies under the State Historic Preservation Act. However, private owners of S/NR-listed and eligible resources using private funds can alter or demolish their properties without such a review process. Privately owned properties that are NYCLs, in LPC-designated historic districts, or pending designation as Landmarks by LPC are protected under the New York City Landmarks Law. The law requires LPC review and approval before any alteration or demolition occurs, regardless of whether the project is publicly or privately funded. Publicly owned resources are also subject to review and advisement by LPC before project implementation.

Construction Impacts

The assessment of construction impacts on historic and cultural resources considers the possibility of physical damage to any architectural or archaeological resources identified in the project's historic and cultural resources assessment.

Pursuant to Chapter 22, Section 300 of the *2021 CEQR Technical Manual*, if a project's construction activities are located within 400 feet of a historic or cultural resource, potential hazards should be assessed, such as whether certain character-defining elements of a structure, including but not limited to rooftops or stained-glass windows, could be impacted by falling objects from an adjacent construction site.

The City has two procedures for avoidance of damage to historic structures from adjacent construction.

1. All buildings are provided some protection from accidental damage through New York City Department of Buildings (DOB) controls that govern the protection of any adjacent properties from construction activities, under Building Code Section 27-166 (C26-112.4). For all construction work, Building Code section 27-166 (C26-112.4) serves to protect buildings by requiring that all lots, buildings, and service facilities adjacent to foundation

and earthwork areas be protected and supported in accordance with the code requirements.

2. The second protective measure applies only to designated NYCL and S/NR listed historic buildings that are located within 90 linear feet of a proposed construction site. For these structures, the DOB's Technical Policy and Procedure Notice (TPPN) #10/88 is applicable. The DOB's TPPN 10/88 supplements the standard building protections afforded by the Building Code C26-112.4 by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent LPC-designated or S/NR-listed resources (within 90 feet), and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

If the project is not located within 90 feet of a historic or cultural resource that is NYC-landmark eligible, eligible for the State and National Register of Historic Places, or within an eligible New York City Historic District, then no special protections apply. Therefore, the potential for physical disturbance and adverse impacts on those historic and cultural resources should be disclosed.

Indirect Impacts

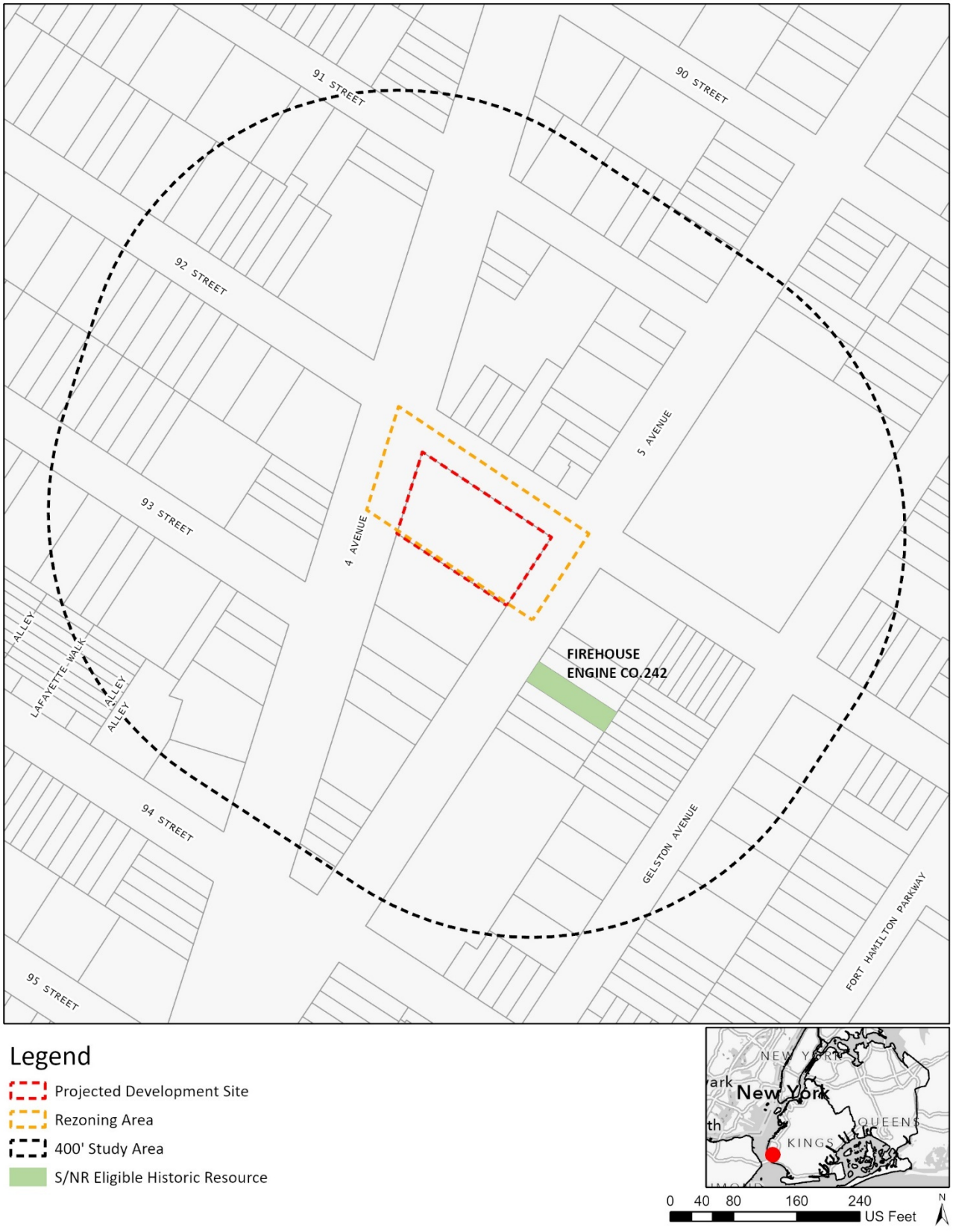
As per the *CEQR Technical Manual*, visual and contextual impacts on historic resources can include: the isolation of a property from or alteration of its setting or visual relationship with the streetscape; introduction of incompatible visual, audible, or atmospheric elements to a resource's setting; elimination or screening of publicly accessible views of a resource; or introduction of significant new shadows, over a historic landscape or on a historic structure (if the features that make the resource significant depend on sunlight) to the extent that the architectural details that distinguish that resource as significant are obscured.

Architectural Resources within the Study Area

To determine whether the Proposed Actions have the potential to affect nearby off-site historic or architectural resources, the Study Area was screened for historic and architectural resources.

The LPC was contacted for their initial review of the project's potential to impact historic or architectural resources, and by letter dated January 7, 2025 indicated that no properties within the Affected Area have architectural significance (see **Appendix A**). However, the letter indicated an S/NR eligible Firehouse Engine 242 within the 400-foot Study Area at 9219 5 Avenue.

Figure 2.5-1: Historic Resources Within 400-Foot Study Area



Existing Condition

According to the LPC letter dated January 7, 2025 no properties within the Affected Area have architectural significance. However, the letter indicated an S/NR eligible Firehouse Engine 242 within the 400-foot Study Area at 9219 5 Avenue.

The Firehouse Engine 242 is an exemplar of Neo-Renaissance architecture. Designed by the architectural firm of C.L. Johnson & Co., the two-story firehouse was constructed in 1896. The building's façade showcases typical Neo-Renaissance elements, including symmetrical proportions and classical detailing. The use of brick and stone materials, along with decorative cornices and window lintels, contributes to its architectural significance. The firehouse is located approximately 80 feet from the Projected Development Site 1.

Future No-Action Condition

Without the Proposed Actions, the existing conditions would remain within the Affected Area and within the S/NR eligible historic resource. In the No-Action Condition, the S/NR eligible property within the Study Area would remain unchanged.

Future With-Action Condition

The potential for significant adverse impacts on historic resources under Future With-Action Conditions was assessed following **Table 2.4-1** above to determine (a) whether there would be a physical change to any designated resource or its setting, and (b) if so, is the change likely to diminish the qualities of the resource that make it important (including non-physical changes such as context or visual prominence).

Direct impacts

In the future, with the Proposed Actions, it is expected that the existing Architectural Resources within the Study Area would be the same as the existing conditions. There are no existing Architectural Resources within the Affected Area (LPC letter dated May 18, 2021). As such, no direct impacts on architectural resources are anticipated.

Construction impacts

Projected Development Site 1 is within 90 feet of S/NR eligible Firehouse Engine 242 at 9219 5 Avenue. Firehouse Engine 242 is a 2-story brick building constructed in 1896 and located about 80 feet away from Projected Development Site 1. To mitigate any possible construction impact on S/NR-listed properties within a 90-foot radius, a special protective measure TPPN #10/8 applies. TPPN #10/88 requires a monitoring program to reduce the likelihood of construction damage to adjacent NYCLs and NR-listed properties (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed. Therefore, no construction impacts from Projected Development Site 1 to S/NR eligible Firehouse Engine 242 would not occur.

Indirect impacts

The Proposed Actions would not result in any types of visual and contextual impacts to the known historic resources within the Study Area, as the new buildings that could be developed under the Proposed Actions would be consistent with urban design features of the Surrounding Area. The Proposed Actions would not introduce any incompatible visual, audible, or atmospheric elements to the settings of the identified historic resources. As discussed in **Section 2.5**, Urban Design and Visual Resources, the building effectuated by the Proposed Actions would be designed to be visually compatible and consistent with existing developments, but would not be replicated so as to create a false historical appearance.

Publicly accessible views of the identified historic architectural resources would not be blocked, because the new development would occur on existing blocks and lots. In addition, none of the identified historic resources feature sunlight-sensitive physical characteristics based on the *CEQR Technical Manual*:

- The buildings do not contain design elements that are part of a recognized architectural style that depends on the contrast between light and dark design elements.
- The buildings are not distinguished by elaborate, highly carved ornamentation.
- The buildings do not have stained glass windows.
- The buildings do not contain exterior materials and color that depend on direct sunlight for visual character.
- The buildings do not include a historic landscape, such as scenic landmarks including vegetation recognized as a historic feature of the landscape.
- The buildings do not include features where the effect of direct sunlight is described as playing a significant role in the structure's significance as an historic landmark.

Therefore, no sunlight sensitive historic resources would be affected by incremental shadows as a result of the Proposed Actions.

The Development of the Projected Development Sites would also not pose any changes to the setting or context of historic resources. Since the identified S/NR eligible architectural resource is located less than 400 feet from the Affected Area, the construction activity happening on Projected Development Site 1 may induce some temporary changes to the environment surrounding the architectural resources. However, the construction activity is expected to last for approximately 20 months, of which the major exterior construction that may have an impact on the architectural resources would last no more than 12 months. In addition, temporary changes resulting from construction would be relatively minor due to intervening 5th Avenue, which would serve as natural barriers between the construction site and the historic architectural resource. Therefore, no significant indirect impacts on architectural resources are anticipated as a result of the Proposed Actions.

2.5.2 Archaeological Resources

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

The Proposed Actions would result in new in-ground construction on the Projected Development Sites. As noted, the LPC was contacted for their initial review of the project's potential to impact nearby cultural or archaeological resources, and a response was received on January 7, 2025 (see **Appendix A**). The LPC has indicated that no cultural resources of archaeological significance are associated with the Projected Development Site 1. Therefore, significant adverse impacts on archaeological resources are not expected because of the Proposed Actions, and further analysis is not warranted.

2.5.3 Conclusion

According to the *CEQR Technical Manual*, significant adverse impacts to historic and cultural resources could potentially result if a Proposed Action affects those characteristics that make a resource eligible for LPC designation or S/NR listing. Based on the above analysis, the Proposed Actions would not introduce significant adverse impacts to architectural resources within the 400-foot Study Area. In addition, no archeological significance is associated with the Projected Development Site. Accordingly, no further analysis is warranted.

2.6 Urban Design and Visual Resources

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

The proposed rezoning of the Affected Area from C8-2 to C4-4D would alter permitted uses, bulk, and height within the Affected Area. Therefore, further analysis is warranted. The differences between existing and proposed zoning, with regards to those aspects of zoning affecting urban design, are presented in the following **Table 2.5-1**.

Table 2.6-1: No-Action and With-Action Zoning

	No-Action	With-Action
Zoning	C8-2	C4-4D
Permitted Uses	Com., CF	Res., Com., CF
Maximum FAR	Com.: 2.00 CF: 4.80	Res.: 7.20 Com: 3.40 CF: 6.50
Maximum Height	4 stories + Sky Exposure Plane	Base Height: 105 feet
		Building Height: 145 feet (w/QGF)
Lot Coverage (corner lot)	100%	100%

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

2.6.1 Existing Conditions

The Affected Area is a 100-foot-deep portion of Block 6108, Lot 22, measured from 92nd Street, in the Bay Ridge neighborhood of Brooklyn, Community District 10, which is described in detail in **Sections 1.4** and **2.1**.

The existing land uses in the 400-foot Study Area primarily consist of multi-family residential buildings, one-and two-family residential buildings, mixed residential and commercial buildings, commercial buildings, public facilities, and transportation and utility uses. The residential buildings include two-story one- and two-family homes, as well as multifamily apartment buildings ranging from three to six stories in height. The commercial buildings are primarily one to three stories tall. Public facilities range from one to four stories in height. Transportation and utility uses include a gas station located on the adjacent Block 6087. Fourth Avenue and Fifth Avenue are major commercial corridors in the area along with 3rd Avenue to the west of the 400-foot Study Area. The eastern and western portions of the 400-foot Study Area are predominantly residential in character.

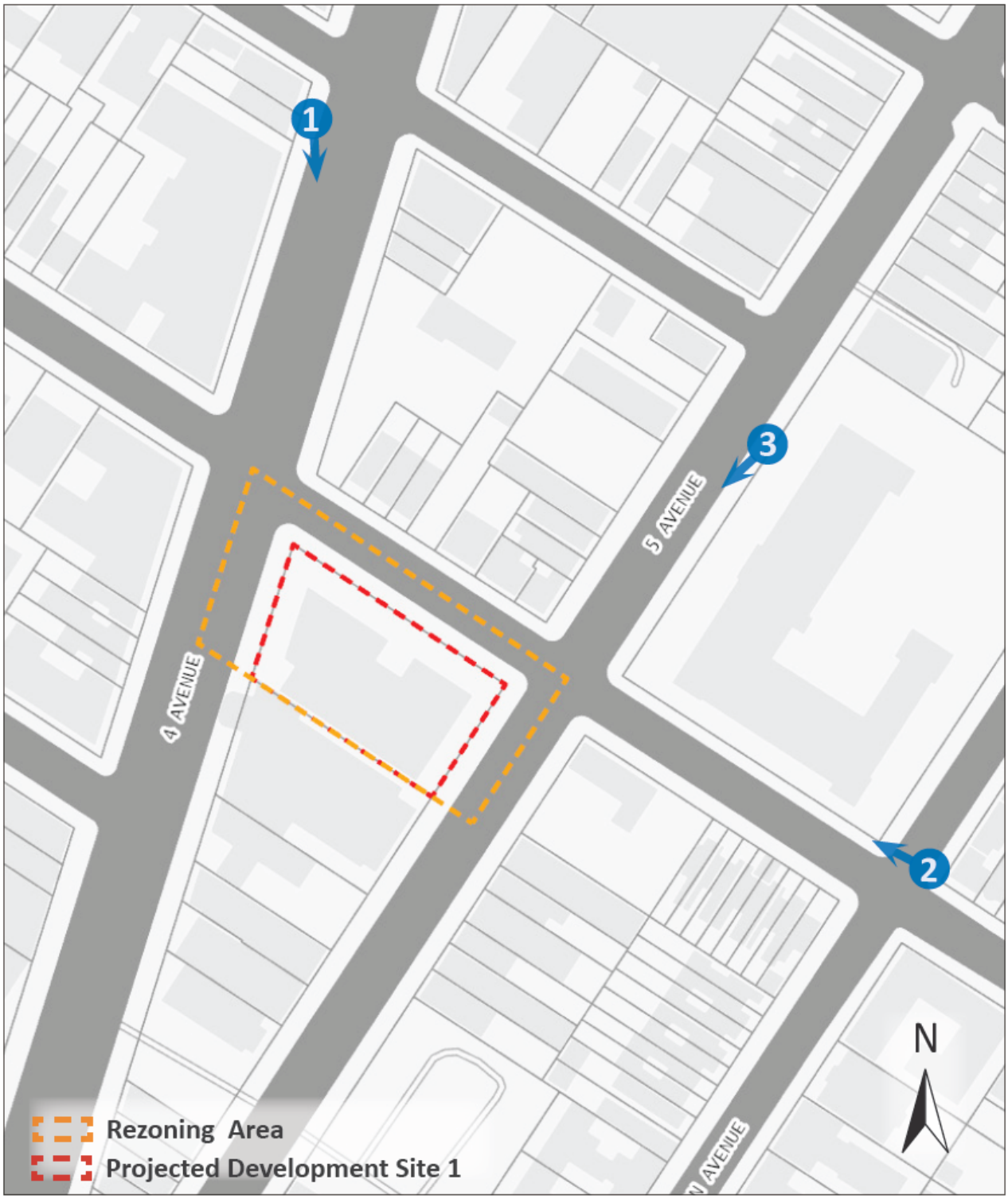
The Applicant-owned Projected Development Site 1 includes Applicant-controlled Block 6108, Lot 22. Lot 22 is a 18,008-SF lot with 105-feet of frontage along 4th Avenue, 192-feet of frontage along 92nd Street, and 101-feet of frontage along 5th Avenue. Projected Development Site 1 is currently improved with a 7-story, 100,400-GSF (53,640-ZSF, 2.98-FAR) commercial/community facility office building constructed in 1965. The building is currently vacant.

The Study Area features an irregular traffic grid to the west of Fifth Avenue due to Fourth Avenue converging with Fifth Avenue. To the east of Fifth Avenue, the traffic grid is regular with intersections forming right angles. The area is well-served by transit. The Bay Ridge-95 St subway station with service from the R train is located approximately 175 feet south of the Affected Area on 4th Avenue. The subway station provides full-time connecting service to Downtown Brooklyn, Downtown and Midtown Manhattan, and Queens. There are six bus lines (B63/B8/B70/ S53/S79-SBS/S93) that are accessible to users in the area. The B63 bus, which connects Bay Ridge with Downtown Brooklyn, has stops in both directions at the intersection of 92nd Street and Fifth Avenue. The B8 bus, which connects Bay Ridge with other Brooklyn neighborhoods such as Kensington, Flatbush, and East Flatbush, has a stop at the intersection of 92nd Street and Fourth Avenue. The B70 bus, which connects Bay Ridge with the Sunset Park neighborhood, has a stop at the intersection of 92nd Street and Fort Hamilton Parkway. The S53, S79-SBS, and S93 buses, which connect Bay Ridge with Staten Island neighborhoods, have stops at the intersection of 92nd Street and Fort Hamilton Parkway.

Sidewalks in the Study Area, ranging from 7 to 20 feet wide, are in good condition with paved surfaces, sufficient street trees, and regularly spaced streetlights. Most intersections are controlled by properly functioning traffic lights and clearly marked pedestrian crossings, except for the intersection of 91st Street and 5th Avenue, which is controlled by stop signs.

A photo key for all urban design figures is shown below in **Figure 2.5-1**. The urban design figures with the existing conditions are shown in **Figure 2.5-2** to **Figure 2.5-4** below.

Figure 2.6-1: Locations of Urban Design Figures



Urban Design Photos

Figure 2.6-2: Urban Design View 1 - Existing Conditions



1 Looking south along 4th Avenue toward the Affected Area

Figure 2.6-3: Urban Design View 2 - Existing Conditions



2 Looking northwest along 92nd Street toward the Affected Area

Figure 2.6-4: Urban Design View 3 - Existing Conditions



3 Looking southwest along 5th Avenue toward the Affected Area

2.6.2 Future No-Action Condition

Affected Area

There are no records of building work permits submitted by the Applicant. Therefore, it is conservatively assumed that under the No-Action Condition, the existing vacant building would remain on Projected Development Site 1 but would be renovated and re-tenanted to include commercial and community facility uses.

Urban Design Study Area

There are two active construction permits in the 400-foot Study Area, accounting for 7,757 GSF of development and 4 incremental dwelling units. The first construction permit is for a two-story two-family building at 372 92 Street; the second construction permit is for a two-story two-family building at 368 92 Street. In addition, there is a recent rezoning at 9114 5th Avenue Rezoning (C190447ZMK, N190448ZRK, effective March 18, 2021), across 92nd Street from the Affected Area.

As part of 9114 5th Avenue Rezoning EAS, Projected development site 1 (applicant-owned Block 6087, Lots 23 and 31) was assumed to be developed with a 58,285-GSF (45,238-ZSF) 9-story, 95-foot-tall building. The building would include 38,813 GSF (35,938 ZSF) of residential floor area located on floors 2-9 with 50 dwelling units (up to 10 MIH units). The ground floor would have 9,672 GSF (9,300 ZSF) of commercial use, and a 9,800 GSF cellar would be used for utilities and commercial storage. No parking would be required for the projected building.

Since the adoption of "City of Yes for Housing Opportunity" (CHO) zoning text amendment by the New York City Council on December 5, 2024, the R7A district mapped over the site expected to be developed as the result of 9114 5th Avenue Rezoning (Block 6087, Lots 23 and 31) would permit increased FAR (5.01 instead of 4.6) and building height (115 ft instead of 95 ft). Therefore, under the current zoning regulation, projected development site 1 (applicant-owned Block 6087, Lots 23 and 31) could be developed with a 62,751-GSF (49,374-ZSF) building. The building would include 43,279 GSF (40,074 ZSF) of residential floor area located on floors 2-11 with 56 dwelling units. The ground floor would have 9,672 GSF (9,300 ZSF) of commercial use, and a 9,800 GSF cellar would be used for utilities and commercial storage. The building would have 11 stories and rise to 115 feet. At the height of 85 feet, there would be a 15-foot setback on 92nd Street and a 10-foot setback on 5th Avenue.

Pedestrian activity within the Study Area under Future No-Action Conditions would not experience significant changes compared to existing conditions. The sidewalks would be expected to remain in existing good condition with street trees and lights. Built form in the Study Area would remain, except for the development expected on Block 6087 as the result of 9114 5th Avenue Rezoning.

The urban design figures under the No-Action Condition are shown in **Figure 2.5-5** through **Figure 2.5-7**. The No-Action views include the building envelopes of the sites expected to be redeveloped as a result of 9114 5th Avenue Rezoning. The envelopes are illustrated in white.

2.6.3 Future With-Action Condition

Projected Development Site 1 (Block 6108, Lot 22; Applicant-Owned Lot)

Under the With-Action Condition, the existing vacant commercial building on Projected Development Site 1 (Block 6108, Lot 22) would be demolished. The site would be developed with a single 176,077 GSF (129,222 ZSF, 7.2 FAR) mixed residential and commercial building containing approximately 121,514 GSF (110,657 ZSF, 6.15 FAR) of residential uses, 18,547 GSF (18,547 ZSF, 1.04 FAR) of commercial uses, and 36,016 GSF of underground parking. The building would have 14 stories and rise to 145 feet. The underground parking would contain 52 parking spaces. No new curb cuts would be proposed.

The Proposed Actions would introduce development that is larger in scale compared to the existing surrounding buildings but features similar commercial and residential uses. The density and uses permitted by the Proposed Actions would facilitate the increased utilization of the lots within the Affected Area. The Proposed Development would be consistent with the existing mixed-use residential and commercial uses prevalent in the surrounding area. The Proposed Development would also be consistent with the new 9-story mixed residential and commercial developments expected to be effectuated as a result of 9114 5th Avenue Rezoning (C190447ZMK, N190448ZRK, effective March 18, 2021), across 92nd Street from the Affected Area.

Under the Future With-Action Condition, the street conditions would be improved. The Applicant-proposed Development along with the development expected to be facilitated by 9114 5th Avenue Rezoning with ground floor commercial uses would enhance the pedestrian experience and provide locally serving retail uses.

The urban design conditions under the With-Action condition in comparison to No-Action condition are shown in **Figure 2.5-5** through **Figure 2.5-7**. The building projected to be developed as the result of the Proposed Actions on the Applicant-owned site is shown in red, whereas the building envelopes of the sites expected to be redeveloped as a result of 9114 5th Avenue Rezoning are illustrated in white.

Figure 2.6-5: View 1. Illustrative Comparison of the No-Action and With-Action Conditions

No-Action Condition



With-Action Condition



1 Looking south along 4th Avenue toward the Affected Area

Figure 2.6-6: View 2. Illustrative Comparison of the No-Action and With-Action Conditions

No-Action Condition



With-Action Condition



2 Looking northwest along 92nd Street toward the Affected Area

Figure 2.6-7: View 3. Illustrative Comparison of the No-Action and With-Action Conditions

No-Action Condition



With-Action Condition



3 Looking southwest along 5th Avenue toward the Affected Area

2.6.4 Conclusion

The development facilitated by the Proposed Actions would not adversely impact any of the constituent urban design elements or the overall character of the neighborhood. The Proposed Actions would not adversely change the pedestrian experience or negatively affect the vitality, walkability, or the visual character of the area. The mixed-use residential development with ground-floor commercial uses would improve the pedestrian experience and increase the vitality of the area. There are no view corridors within the study area. The Proposed Development would be located within an existing block. No publicly accessible views of the historic architectural resources would be blocked. Therefore, the Proposed Actions would not result in significant adverse impacts and no further analysis is required.

2.7 Hazardous Materials

According to the *2021 CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: (a) hazardous material exists on a site, and (b) an action would increase pathways to their exposure, or (c) an action would introduce new activities or processes using hazardous materials.

Methodology

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

Analysis

Projected Development Site 1 includes Applicant-controlled Block 6108, Lot 22. Lot 22 is an 18,008-SF lot with 105 feet of frontage along 4th Avenue, 192 feet of frontage along 92nd Street, and 101 feet of frontage along 5th Avenue. Projected Development Site 1 is currently improved with a 7-story, 100,400-GSF (53,640-ZSF, 2.98-FAR) commercial/community facility office building constructed in 1965. The building is currently vacant.

The proposed rezoning from C8-2 to C4-4D zoning district would allow for residential uses, increased commercial and community facility FAR, and increased building heights within the Affected Area. Accordingly, a Phase I Environmental Site Assessment (ESA) was conducted for the Applicant-owned Projected Development Site 1 by GZA GeoEnvironmental, Inc. on November 14, 2024.

2.7.1 Phase I Environmental Site Assessment Summary

The purpose of a Phase I ESA is to determine whether any type of environmental hazard exists within or adjacent to the project site. Environmental hazards may include, but are not limited to, hazardous/toxic wastes or raw chemicals stored, dumped, or spilled on the site, underground and above ground storage of petroleum or hazardous materials; asbestos within the building materials/structures; and identification of potential off-site sources of hazardous waste contamination, such as industrial facilities adjacent to the subject property.

Recognized Environmental Conditions (RECs) are defined as the presence or likely presence of any hazardous substances or petroleum products under conditions that indicate an existing

release, past release, or a material threat of a release into structures on the property or into the ground, groundwater or surface waters of the property. De minimis RECs are those that do not present a threat to health or the environment and would not be the subject of an enforcement action by a government agency. All RECs, excluding de minimis RECs, were considered in the Phase I.

GZA performed a Phase I ESA on November 14, 2024 in conformance with the scope and limitations of ASTM Practice E 1527-21. The following conditions were observed:

- Recognized Environmental Condition (RECs): The Phase I ESA revealed evidence of one REC in connection with Projected Development Site 1. Staining was observed in the boiler room of the basement adjacent to a floor drain. The staining is suspected to be generated from the grease trap in the boiler room.

- Controlled Recognized Environmental Condition (CRECs): There are no CRECs associated with the Projected Development 1.

- Historical Recognized Environmental Condition (HRECs): The Phase I ESA revealed evidence of one HREC in connection with the Projected Development Site 1. According to the Third-Party Database Report, a spill on the Projected Development Site 1 occurred on September 9, 2004 (Spill Number 0406318). A housekeeping issue resulted in the spill of an unspecified material in the medical center. According to the DEC memo and remarks provided in the Third-Party Database Report, the spill was left open for several days and the spill notifier stated that there was a terrible odor coming through the vents, which resulted in the occupants to get headaches and feel ill. The spill case was closed on November 11, 2004.

- De Minimis Conditions: The Phase I ESA revealed evidence of De Minimis Conditions in connection with Projected Development Site 1. A suspected oil stain was observed on the top level of the parking garage. A stain was also observed in the former cleaning closet on the first floor. Neither of these spills present a threat to human health or the environment.

- Significant Data Gaps: The Phase I ESA revealed two significant data gaps that affected the ability to identify RECs, CRECs, or HRECs at Projected Development Site 1. An unknown room in the garage was inaccessible at the time of the Phase I ESA and a closet on the second floor was inaccessible at the time of the Phase I ESA.

- Business Environmental Risks (BERs):

    - Potential Vapor Encroachment Conditions (VECs) of concern to Projected Development 1 have been identified from petroleum products-related spills at 4th Avenue and 92nd Street, and 92nd Street and 5th Avenue; spill of unspecified material on Projected Development Site 1; former gasoline service stations at

9111 4th Avenue and 9114 4th Avenue; E-Designations on multiple lots; and former drycleaners on 9227 4th Avenue and 9216 4th Avenue.

- Pesticide regulations were violated during the application of pesticides on Projected Development Site 1.
- Potential sources of historical fill could be observed during the redevelopment process.
- Large quantities of mold were observed throughout the building, specifically on the fifth and sixth floors.

Based on the findings of the Phase I ESA, one REC, two Significant Data Gaps, and several Business Environmental Risks were identified related to Projected Development Site 1. Therefore, the development of Projected Development Site 1 under the Proposed Actions may have the potential for adverse impacts associated to hazardous materials, and a Phase II ESA is warranted to further investigate the RECs identified in Phase I ESA.

As the Applicant intends to preserve the existing below-grade parking structure as part of the proposed residential development to be constructed above and because the proposed development depends on complex structural modifications to the existing substructure, a full Phase II intrusive subsurface investigation would be premature and potentially disruptive at this stage. Structural reinforcement plans have not yet been developed, and access to subsurface areas may change based on final engineering determinations. As such, the Phase II investigation is more appropriately conducted during site preparation, when structural plans are finalized and safe, coordinated access for environmental testing can be ensured, following approval of the Proposed Actions. Further, the Applicant currently does not have access to the building due to tenant bankruptcy proceedings, and therefore is unable to perform a Phase II investigation at this time and in the foreseeable future.

2.7.2 Conclusion

Based on the findings of the Phase I ESA, one REC, two Significant Data Gaps, and several BERs were identified related to Projected Development Site 1. The identified REC is associated with historical site uses and potential subsurface contamination. As the Applicant currently does not have access to the building, the Phase II investigation cannot be conducted at this time. Therefore, the development of Projected Development Site 1 under the Proposed Actions may have the potential for adverse impacts related to hazardous materials, and an E-Designation for Hazardous Materials would be mapped on the Affected Area.

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

E-Designation (E-873)

Projected Development Site 1: Block 6108, Lot 22 (Applicant-controlled)

Task 1-Sampling Protocol

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

Task 2-Remediation Determination and Protocol

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

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

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

2.8 Air Quality

When assessing the potential for air quality significant impacts, the *2021 CEQR Technical Manual* seeks to determine a proposed action's effect on ambient air quality, or the quality of the surrounding air. Ambient air can be affected by motor vehicles, referred to as "mobile sources," or by fixed facilities, referred to as "stationary sources." This can occur during operation and/or construction of a project being proposed. The pollutants of most concern are carbon monoxide, lead, nitrogen dioxide, ozone, relatively coarse inhalable particulates (PM_{10}), fine particulate matter ($PM_{2.5}$), and sulfur dioxide. The *2021 CEQR Technical Manual* generally recommends an assessment of the potential impact of mobile sources on air quality when an action increases traffic or causes a redistribution of traffic flows, creates any other mobile sources of pollutants (such as diesel train usage), or adds new uses near mobile sources (e.g., roadways, parking lots, garages). The *2021 CEQR Technical Manual* generally recommends assessments when new stationary sources of pollutants are created, when a new use might be affected by existing stationary sources, or when stationary sources are added near existing sources and the combined dispersion of emissions would impact surrounding areas.

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

2.8.1 Mobile Sources

According to the *2021 CEQR Technical Manual*, projects, whether site- specific or generic, may result in significant mobile source air quality impacts when they increase or cause a redistribution of traffic; create any other mobile sources of pollutants (such as diesel trains, helicopters etc.); or add new uses near mobile sources (roadways, garages, parking lots, etc.). Projects requiring further assessment include:

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

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

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

The Proposed Actions would not result in operable windows or air intakes within 200 feet of an atypical roadway. It would not result in creation of a covered roadway or affect any covered roadway. Peak hour trip generation is expected to be far below the 170-car threshold for CO emission, as the project is below the relevant density warranting further transportation analysis (see EAS Short Form screen). Peak hour incremental trip generation or its equivalent HDDV trips is also expected to be below the *2021 CEQR Technical Manual* screening thresholds for PM2.5 emission. The project would not create a new sensitive receptor adjacent to large parking facilities. The project would not result in any other mobile sources of pollution and would not significantly increase vehicle miles traveled in a large area. The Proposed Actions would result in 52 parking spaces. Therefore, no further assessment of the potential for mobile source air quality impacts is warranted.

2.8.2 Stationary Sources

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

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

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

Analysis Framework

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

Projected Development Site 1 (Block 6108, Lot 22)

Under the With-Action Condition, the existing vacant commercial building on Projected Development Site 1 (Block 6108, Lot 22) would be demolished. The site would be developed with a single 176,077 GSF (129,222 ZSF, 7.20 FAR) mixed residential and commercial building containing approximately 121,514 GSF (110,657 ZSF, 6.15 FAR) of residential uses, 18,547 GSF (18,547 ZSF, 1.04 FAR) of commercial uses, and 36,016 GSF of underground parking. The building would have 14 stories and rise to 145 feet.

2.8.2.1 Heating and Hot Water Systems

Per the *CEQR Technical Manual*, the HVAC analysis considers the potential for emissions from the HVAC system of the proposed project to significantly impact existing land uses (project-on-existing), and the potential of the proposed project to significantly impact each other (project-on-project). Based on CEQR guidelines, a preliminary screening analysis is to be conducted as a first step to predict whether the potential impacts of the heat and hot water system(s) boiler emissions can be significant. The screening analysis determines the threshold of development size below which the action would not have a significant impact. This CEQR screening procedure

is applicable to buildings that are not less than 30 feet from the nearest building of similar or greater height. Otherwise, a detailed dispersion analysis is required.

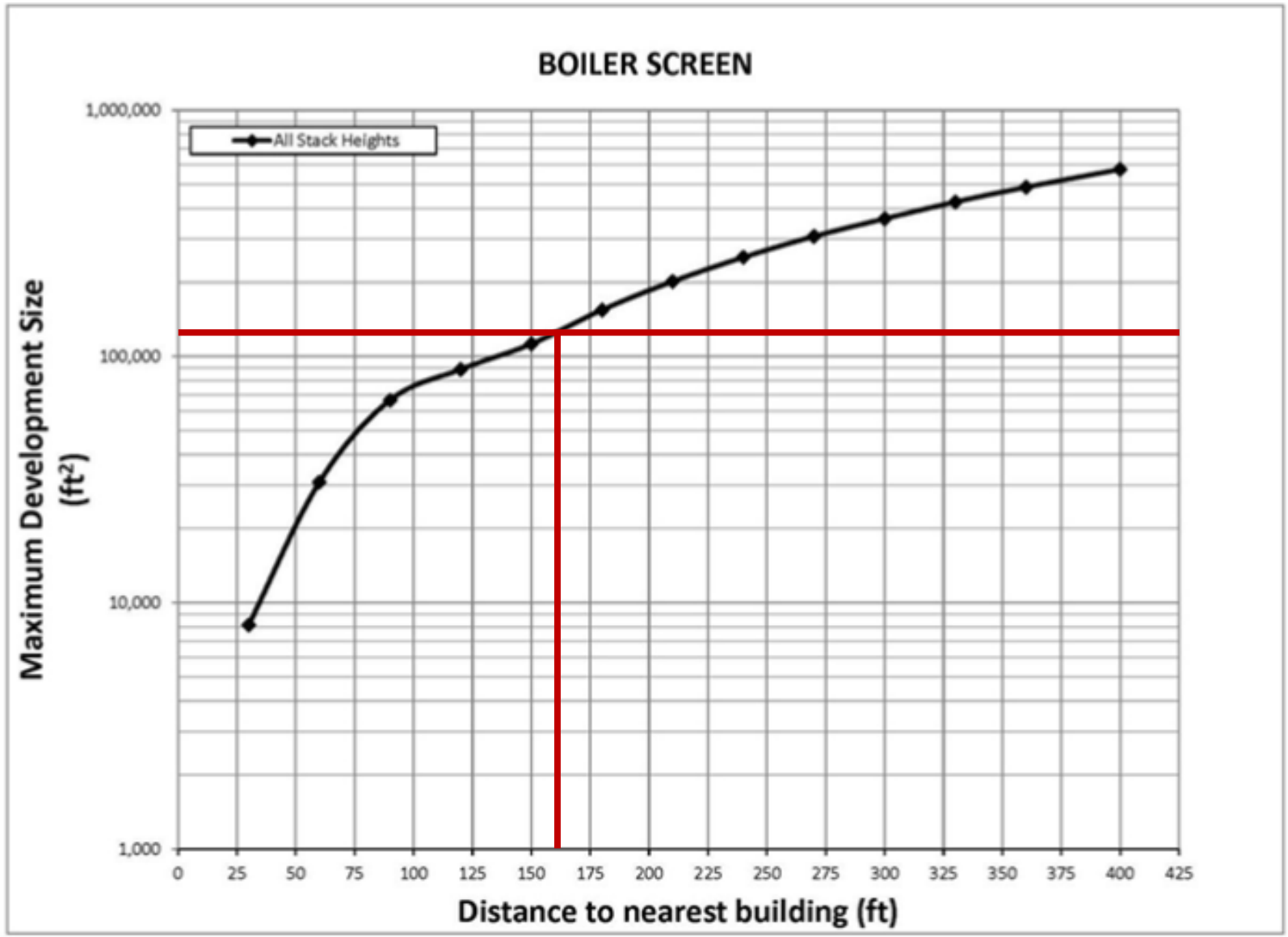
Since there would only be one single building on Projected Development Site 1, the project-on-project screening is not warranted for the Proposed Actions. Accordingly, the screening assessment below focuses on project-on-existing only.

Screening Assessment

The potential for the heat and hot water system(s) to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used by the HVAC system, the height of the stack venting the emissions, the distance to the nearest building of similar or greater height, the building's use which effects the emissions, and the square footage of the development that would be served by the system. The *CEQR Technical Manual* screening analysis is based on these factors. A detailed analysis is required if the screening analysis fails. To get the worst-case scenario analysis results, fuel oil #2 is assumed to be the type of fuel used in the Projected Development Site 1 HVAC systems.

A hypothetical HVAC system serving a 140,061 GSF residential/commercial building (RWCDS floor area of Projected Development Site 1, excluding parking facilities GSF). Fuel oil #2 would be the type of fuel used in the system and the stack would be located above the RWCDS height of 145 feet. As shown in **Figure 2.7-1** (using Figure 17-7 of the *CEQR Technical Manual* Appendices), a detailed analysis is warranted if any building with similar or greater height is located within 160 feet of Projected Development Site 1. Since no future known development, including the projected development at 9114 5th Avenue, within the 400-foot area is taller than the proposed 145-foot-tall building, Project Development Site 1 passes the HVAC screening analysis on existing land uses.

Figure 2.8-1: Project Development Site 1 Screening Analysis on Existing Land Uses



Stationary Sources Conclusion

Based on the analysis, conditions associated with the Proposed Actions HVAC systems would not result in any violations of the ambient air quality standards. Therefore, there is no reason to believe that the Proposed Actions HVAC systems would potentially cause any significant adverse air quality impacts, and further assessment is not warranted.

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

The text for E-Designation would be as follows:

E-873

Block 6108, Lot 22 (Projected Development Site 1): Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilating, and air conditioning (HVAC) system and hot water equipment's stack is located at the highest tier and at least 148 feet above grade to avoid any potential significant adverse air quality impact.

2.8.2.2 Industrial Emissions

The Proposed Actions would introduce a sensitive land use into the area. Accordingly, a preliminary screening was conducted to determine if there are any potential sources of industrial process emissions that could affect project occupants. Industrial sources were identified through a site visit within a 400-foot Study Area and the DEP CATS search.

400-Foot Study Area

The Affected Area is located within a C8-2 zoning district, and the surrounding area is primarily a mixture of residential, commercial, public facility, and transportation and utility properties. The 400-foot radius was screened for potential sources of industrial emissions and is shown below in **Figure 2.7-2** and **Table 2.7-1**.

Based on field observations and reviews of DCP land use maps, 63 sites were identified as non-residential land uses. Based on the review of the DEP CATS database, two expired permits were identified at Site 47, which is Projected Development Site 1. Thus, no further analysis is required on the Site 47.

However, the desktop research and field observations identified that there is an auto repair shop (Shurway Auto Repair) at Site 62, which has a spray paint icon on the sign. Per the aerial map in **Figure 2.7-3**, Site 62 (Block 6082, Lot 33) is used as a parking lot for the car repair business and the adjacent Block 6082 Lot 14 on the north of Site 62 fronting 90th Street is the major building of the car repair activities. Furthermore, four active CATS permits (PA104488, PA104588, PA104688, and PA104988, all with an expiration date on 08/01/2025) related to autobody spray

booth were identified on Lot 14. Since the building where the auto spray repair takes place falls outside of the 400-foot study area, this industrial emission source would not have significant adverse impacts on the proposed building on Projected Development Site 1 and further analysis is not required.

Figure 2.8-2: Industrial Emissions Screening – Nonresidential Uses

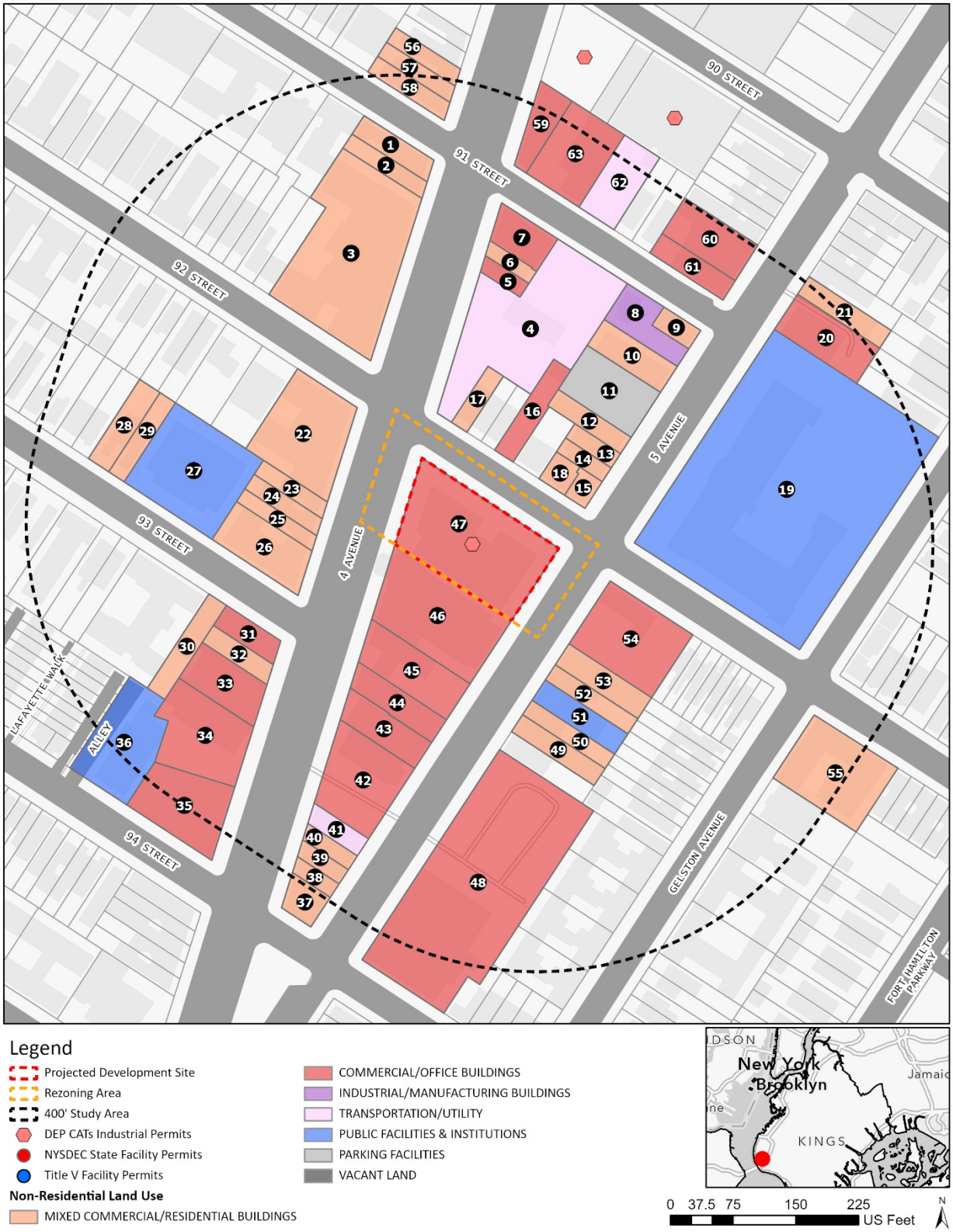


Figure 2.8-3: Site 62 Aerial Map



Table 2.8-1: Non-Residential Uses within 400 feet of the Affected Area

Site ID	Block	Lot	Address	Land Use	Industrial Permit	Permit Facility/Owner Name	Permit Expiration	Current Use Desktop Reconciliation	Current Use Field Reconciliation	Notes
1	6086	43	9102 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Aquarius Hair Stylist on 91st Street, vacant building on 4th Avenue	Aquarius Hair Stylist on 91st Street, vacant building on 4th Avenue	No further analysis needed
2	6086	44	9104 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Accountant	Ali, Scotto & Associates - Account and Tax Services	No further analysis needed
3	6086	45	9106 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Kickboxing Gym, Bicycle shop, car service office, TLC license brokerage, deli	Kickboxing Gym, Bicycle shop, car service office, TLC license brokerage, deli, vacant commercial space	No further analysis needed
4	6087	1	9111 4 Ave	Transportation/Utility	NA	NA	NA	Gas Station, Auto Repairs & Inspection, Parking Lot	BP gas station, auto repairs & Inspection, Parking Lot	No spray booth and no further analysis needed
5	6087	9	9107 4 Ave	Commercial/Office	NA	NA	NA	Bank, Offices	DIME, commercial building	No further analysis needed
6	6087	10	9105 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Pizza Restaurant	Domino's	No further analysis needed
7	6087	11	9101 4 Ave	Commercial/Office	NA	NA	NA	Medical Offices	Medical Arts Building	No further analysis needed
8	6087	17	9104 5 Ave	Industrial/Manufacturing	NA	NA	NA	Wine Wholesale/Import, Storage for adjacent Windows Business	Storage, parking lot for Windows We Are	No further analysis needed
9	6087	19	9102 5 Ave	Mixed Commercial/Residential	NA	NA	NA	Veterinary Office	Fifth Avenue Veterinary Hospital	No further analysis needed
10	6087	21	9108 5 Ave	Mixed Commercial/Residential	NA	NA	NA	Windows Business	Windows We Are	No further analysis needed
11	6087	23	9114 5 Ave	Parking	NA	NA	NA	Surface parking lot	Parking lot for Windows We Are	No further analysis needed
12	6087	26	9118 5 Ave	Mixed Commercial/Residential	NA	NA	NA	Attorney's Office	Georgakis & Mallas Attorney at Law	No further analysis needed
13	6087	27	9122 5 Ave	Mixed Commercial/Residential	NA	NA	NA	Tire Shop	Tire Amigos Tire Shop	No further analysis needed
14	6087	28	9126 5 Ave	Mixed Commercial/Residential	NA	NA	NA	Community Center	Bay Ridge Islamic Center	No further analysis needed
15	6087	29	9128 5 Ave	Mixed Commercial/Residential	NA	NA	NA	Restaurant	Campo Bello Restaurant 2	No further analysis needed
16	6087	31	411 92 St	Commercial/Office	NA	NA	NA	Vacant lot	Vacant	No further analysis needed

17	6087	34	405 92 St	Mixed Commercial/Residential	NA	NA	NA	Spa	Best Chinese Qi Gong Tui-Na - Spa	No further analysis needed
18	6087	129	419 92 St	Mixed Commercial/Residential	NA	NA	NA	Laundromat	Bright Laundromat 67 Inc.	No further analysis needed
19	6088	1	9021 5 Ave	Public Facilities/Institutions	NA	NA	NA	P.S./I.S. 104 The Fort Hamilton School	Fort Hamilton School	No further analysis needed
20	6088	13	9017 5 Ave	Commercial/Office	NA	NA	NA	Security Systems Business	ENS Security	No further analysis needed
21	6088	15	9015 5 Ave	Mixed Commercial/Residential	NA	NA	NA	Medical Offices	Medical office	No further analysis needed
22	6103	31	380 92 St	Mixed Commercial/Residential	NA	NA	NA	Bank, Subway Sandwich Shop, Sushi Restaurant, Realtor, Chinese Restaurant	Bank, Subway Sandwich Shop, Sushi Restaurant, Realtor, Chinese Restaurant, residential use above all businesses	No further analysis needed
23	6103	36	9216 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Pharmacy	New Victory Pharmacy	No further analysis needed
24	6103	37	9218 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Restaurant	First Oasis Restaurant	No further analysis needed
25	6103	38	9220 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Nail Salon	Sadinday Nail Spa	No further analysis needed
26	6103	39	9224 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Restaurant, Flower Shop	Flower Boutique, Daddy O's BBQ	No further analysis needed
27	6103	42	381 93 St	Public Facilities/Institutions	NA	NA	NA	Kindergarten	School/daycare	No further analysis needed
28	6103	48	353 93 St	Mixed Commercial/Residential	NA	NA	NA	Medical Offices	Medical office, Acupuncture Clinic	No further analysis needed
29	6103	7501	355 93 St	Mixed Commercial/Residential	NA	NA	NA			
30	6107	33	378 93 St	Mixed Commercial/Residential	NA	NA	NA	NY City Marshal Office	NY City Marshal Office	No further analysis needed
31	6107	34	9302 4 Ave	Commercial/Office	NA	NA	NA	Vacant Store	Vacant Store	No further analysis needed
32	6107	35	9306 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Physical Therapy Office	Sensory Freeway	No further analysis needed
33	6107	36	9310 4 Ave	Commercial/Office	NA	NA	NA	Supermarket	Fresh Market	No further analysis needed
34	6107	38	9316 4 Ave	Commercial/Office	NA	NA	NA	Restaurant	Fushimi - Restaurant	No further analysis needed
35	6107	41	9326 4 Ave	Commercial/Office	NA	NA	NA	BMW Dealership	BMW of Brooklyn	Showroom only, no spray booth and no further analysis needed
36	6107	46	367 94 St	Public Facilities/Institutions	NA	NA	NA	Church	Church	No further analysis needed
37	6108	1	9265 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Auto Leasing Office	Signature Auto Group	No further analysis needed

38	6108	3	9261 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Restaurant	Kelly's Tavern	No further analysis needed
39	6108	4	9259 4 Ave	Mixed Commercial/Residential	NA	NA	NA			
40	6108	5	9257 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Convenience Store (4th Ave), Restaurant (5th Ave)	AR Convenience Inc., Taquitos Y Cafe	No further analysis needed
41	6108	6	9253 4 Ave	Transportation/Utility	NA	NA	NA	Auto Repair Shop	Universal Diagnostics of Bay Ridge - Auto Repairs	No spray booth and no further analysis needed
42	6108	7	9243 4 Ave	Commercial/Office	NA	NA	NA	Dunkin Donuts, Parking Lot	Dunkin Donuts, Parking Lot	No further analysis needed
43	6108	12	9235 4 Ave	Commercial/Office	NA	NA	NA	UFCW Union Office	UFCW Union Office	No further analysis needed
44	6108	14	9233 4 Ave	Commercial/Office	NA	NA	NA	Car Wash	Car Wash	No further analysis needed
45	6108	15	9227 4 Ave	Commercial/Office	NA	NA	NA	BMW Pre-Owned Car Lot	BMW Pre-Owned Car Lot	No further analysis needed
46	6108	17	9215 4 Ave	Commercial/Office	NA	NA	NA	Fitness Studio	Harbor Fitness	No further analysis needed
47	6108	22	9201 4 Ave	Commercial/Office	PB031805 (expired) PB028715 (expired)	SPL ASSOCIATES	08/18/2014 11/13/2018	Projected Development Site 1	Vacant office building and restaurant, 2-level parking garage below	Projected Development Site - Screens Out
48	6109	1	9305 5 Ave	Commercial/Office	NA	NA	NA	Staples Office Supply Store	Staples	No further analysis needed
49	6109	16	9225 5 Ave	Mixed Commercial/Residential	NA	NA	NA	Cigar Store	Optimo Cigars and residential use	No further analysis needed
50	6109	18	9221 5 Ave	Mixed Commercial/Residential	NA	NA	NA	Bar	Lock Yard - Bar	No further analysis needed
51	6109	19	9219 5 Ave	Public Facilities/Institutions	NA	NA	NA	Engine 242 Fire Station	Engine 242 Fire Station	No further analysis needed
52	6109	20	9217 5 Ave	Mixed Commercial/Residential	NA	NA	NA	Insurance Office	Marchetti & Sabatelli Insurance	No further analysis needed
53	6109	21	9213 5 Ave	Mixed Commercial/Residential	NA	NA	NA	Clothing Store	Panda Sport	No further analysis needed
54	6109	23	9201 5 Ave	Commercial/Office	NA	NA	NA	Vacant building, parking lot	Vacant building, parking lot	No further analysis needed
55	6110	20	159 Gelston Ave	Mixed Commercial/Residential	NA	NA	NA	Deli	Deli and Grocery	No further analysis needed
56	6081	71	9018 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Tax Services Office	Jackson Hewitt Tax Services	No further analysis needed
57	6081	72	9022 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Hair & Cosmetics Salon	Flirt Salon Inc.	No further analysis needed
58	6081	73	9024 4 Ave	Mixed Commercial/Residential	NA	NA	NA	Tanning Salon	Bronze Beauty Tanning	No further analysis needed

59	6082	1	9013 4 Ave	Commercial/Office	NA	NA	NA	Hyundai Car Dealership	Hyundai Car Dealership	Showroom only, no spray booth and no further analysis needed needed
60	6082	27	9020 5 Ave	Commercial/Office	NA	NA	NA	Medical Offices	New York Ear and Eye Infirmary, Hamilton Professional Building, Brooklyn Orthodontics	No further analysis needed
61	6082	29	9024 5 Ave	Commercial/Office	NA	NA	NA			
62	6082	33	411 91 St	Transportation/Utility	NA	NA	NA	Auto Center, Full collision, has spray paint icon on the sign, extends to 90th Street	Shurway Auto Repair	Lot 33 is used for parking only and the adjacent Lot 14 fronting 90th Street is where spraying work is done, which is outside of the 400-foot area. No further analysis needed
63	6082	35	405 91 St	Commercial/Office	NA	NA	NA	Medical Offices	Lenox Hill Radiology	No further analysis needed

1,000-Foot Study Area

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

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

Industrial Emissions Conclusion

As indicated above in **Table 2.7-1**, there are only two expired industrial emissions permits identified on Projected Development Site 1 within 400-foot Study Area, which doesn't require detailed analysis. In addition, one other site (Site 62; Block 6082, Lot 33) is identified as an auto repair shop with auto spray services, which could potentially impact the proposed buildings. However, per the aerial map, Site 62 is used as a parking lot for the car repair business and the adjacent Block 6082 Lot 14 on the north of Site 62 fronting 90th Street is the major building of the car repair activities. Since the building where the auto spray repair takes place falls outside of the 400-foot study area, this industrial emission source would not have significant adverse impacts on the proposed building on Projected Development Site 1. Furthermore, no large or major industrial emission sources were identified within the 1,000-foot Study Area. Additionally, there is no evidence present to conclude that there are illegal unpermitted air emissions present in the Study Area. Therefore, there does not appear to be any potentially significant impact in terms of air toxics to project occupants.

2.9 Noise

Introduction

This Noise Analysis was conducted to assess the potential for adverse noise impacts related to the proposal for a zoning map amendment to map C4-4D zoning district in the Affected Area currently zoned as C8-2.

The Affected Area is a 100-foot-deep portion of Block 6108, Lot 22, measured from 92nd Street in the Bay Ridge neighborhood of Brooklyn, Community District 10. The area is bounded by 4th Avenue to the west, 92nd Street to the north, and 5th Avenue to the east. Fourth Avenue is a 100-foot-wide road classified as Principal Arterial Other by the New York State Department of Transportation (NYS DOT) with two moving lanes of traffic in each direction and curbside parking on both sides. 92nd Street is a 60-foot-wide road classified as Minor Arterial by the NYS DOT with one moving lane of traffic in each direction and no curbside parking. Fifth Avenue is a 75-foot-wide road classified as Minor Arterial by the NYS DOT with one moving lane of traffic in each direction and curbside parking on both sides.

This noise analysis is limited to an assessment of ambient noise that could adversely affect building occupants of the Proposed Development.

Framework of Noise Analysis

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

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

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

frequency sensitivity of human hearing. The A-weighting is the most commonly used for environmental measurements, and sound levels measured using this weighting are denoted as dBA. The letter "A" indicates that the sound has been filtered to reduce the strength of very low and very high-frequency sounds, much as the human ear does. C-weighting gives nearly equal emphasis to sounds of most frequencies. Mid-range frequencies approximate the actual (unweighted) sound level, while the very low and very high-frequency bands are significantly affected by C-weighting. **Table 2.8-1** notes the decibel levels of common noise sources.

Table 2.9-1: Noise Levels of Common Sources[4]

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

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

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

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

[4] Source: *2021 CEQR Technical Manual*

also will vary with both terrain conditions and the presence of obstructions in the sound propagation path.

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

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

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

Noise Standards and Guidelines

In 1983, the New York City Department of Environmental Protection (NYCDEP) adopted the CEQR noise exposure guidelines for exterior noise levels. As shown in **Table 2.8-2** 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 *2021 CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise exposure levels. Recommended noise attenuation values for buildings are designed to maintain interior L_{10} noise levels of 45 dB(A) or below or interior Ldn noise levels of 40 dB(A) or below depending on the noise source, as shown below in **Table 2.8-3**.

Table 2.9-2: Noise Exposure Guidelines for Use in City Environmental Impact Review

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

Notes:

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

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

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

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

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

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

Table 2.9-3: Attenuation Values to Achieve Acceptable Interior Noise Levels

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

Note:

A. DNL descriptor based on average values of Ldn over a year period.

B. The above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dB(A) less in each category. All of the above categories require a closed window situation and hence an alternate means of ventilation.

C. The required attenuation value is the difference between Lbuild and Linterior, using the appropriate noise descriptor Where:
Lbuild is the projected noise level under the build condition rounded up to the whole number
Linterior is the designed interior noise level (45 dB(A) for vehicular noise, 40 dB(A) for aircraft and train noise)

2.9.1 Initial Impact Screening

Future No-Action Condition

Under the No-Action Condition, the existing vacant building within the Affected Area would remain but would be renovated and re-tenanted to include commercial and community facility uses.

Under the No-Action Condition, Projected Development Site 1 would consist of the existing 100,400-GSF (53,640-ZSF, 2.98-FAR) building and would include 32,206 GSF (26,820 ZSF, 1.49 FAR) of commercial uses (local retail and office), 32,206 GSF (26,820 ZSF, 1.49 FAR) of community facility uses (medical office), and a 35,988-GSF below grade attended parking garage for 178 parking spaces. The existing parking garage curb cut along 4th Avenue would remain under the No-Action Condition.

Future With-Action Condition

The Proposed Actions would rezone the Affected Area from a C8-2 zoning districts to a C4-4D zoning district and facilitate the construction of a mixed-use residential and commercial building on Proposed Development Site 1.

Projected Development Site 1 (Block 6108, Lot 22; Applicant-Owned Lot)

Under the With-Action Condition, the existing vacant commercial building on Projected Development Site 1 (Block 6108, Lot 22) would be demolished. The site would be developed with a single 176,077 GSF (129,222 ZSF, 7.20 FAR) mixed residential and commercial building containing approximately 121,514 GSF (110,657 ZSF, 6.15 FAR) of residential uses, 18,547 GSF (18,547 ZSF, 1.04 FAR) of commercial uses, and 36,016 GSF of underground parking. The building would have 14 stories and rise to 145 feet.

Stationary Sources

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

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

Mobile Sources

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

For Mobile Sources, an initial noise assessment may be appropriate if a proposed action would generate additional project-generated vehicular traffic in an area where roadways currently carry

no or very low traffic volumes, or where a nearby receptor would potentially be impacted by high ambient noise levels.

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

2.9.2 Noise Monitoring Results

Measurement Location and Equipment

Because the predominant noise sources in the area of the proposed project consist of vehicular traffic, noise monitoring was conducted during peak weekday vehicular travel periods (AM, Midday, PM) on a typical midweek day for 20-minute periods. Noise Monitoring Location One (1) was located at the street level 4th Avenue frontage of the Projected Development Site; Noise Monitoring Location Two (2) was located at the street level 92nd Street frontage of the Projected Development Site; and Noise Monitoring Location Three (3) was located at the street level 5th Avenue frontage of the Projected Development Site. The noise monitoring locations are shown in **Figure 2.8-1** below.

An additional 20-minute noise reading was conducted on September 10, 2025 at the intersection of 92nd Street and 5th Avenue during the school pick-up hour to measure the existing noise levels due to the traffic. This is being considered as Noise Monitoring Location Four (4).

Noise monitoring was conducted using a Type 1 Casella CEL-633 and a Larson Davis 821 SoundExpert sound level meter with wind screen. The monitor was placed on a tripod at a height of approximately five feet above the ground, away from any other noise-reflective surfaces. The monitor was calibrated prior to and following each monitoring session. Periods of peak vehicular around the Affected Area constitute a worst-case condition for noise at the project site.

Figure 2.9-1: Noise Monitoring Locations



Figure 2.9-2: Location 1 – Noise Monitor Location Photos (4th Avenue Frontage)



Figure 2.9-3: Location 2 – Noise Monitor Location Photos (92nd Street Frontage)



Figure 2.9-4: Location 3 – Noise Monitor Location Photos (5th Avenue Frontage)



Figure 2.9-5: Location 4 – Noise Monitor Location Photos (Corner of 92nd Street and 5th Avenue)



Existing Conditions

Monitoring was conducted during typical midweek conditions, on Thursday, November 14, 2024 for Location 1 through Location 3. Monitoring at Location 4 was conducted during typical midweek conditions on Wednesday, September 10, 2025. The weather was dry and wind speeds were moderate during all monitoring periods. **Table 2.8-4** to **Table 2.8-7** below contains the results for the measurements taken at Location 1 through Location 3, respectively.

Table 2.9-4: Noise Levels in dBA at Location 1

Thursday, November 14, 2024			
Time	**8:29 am – 8:49 am**	**1:04 pm – 1:24 pm**	**5:15 pm – 5:35 pm**
L_{max}	90.1	93.2	79.4
L_{10}	70.5	68.0	66.0
L_{eq}	67.6	66.2	62.9
L_{50}	63.0	60.0	61.0
L_{90}	57.0	55.5	56.0
L_{min}	48.9	50.8	52.0

Table 2.9-5: Noise Levels in dBA at Location 2

Thursday, November 14, 2024			
Time	**8:07 am – 8:27 am**	**12:43 pm – 1:03 pm**	**4:54 pm – 5:14 pm**
L_{max}	94.1	91.5	94.7
L_{10}	70.5	69.0	71.5
L_{eq}	69.1	67.3	68.5
L_{50}	63.0	61.5	63.5
L_{90}	57.5	55.5	58.0
L_{min}	51.2	50.7	52.7

Table 2.9-6: Noise Levels in dBA at Location 3

Thursday, November 14, 2024			
Time	**7:46 am – 8:06 am**	**12:21 pm – 12:41 pm**	**4:33 pm – 4:53 pm**
L_{max}	86.4	98.1	82.7
L_{10}	67.5	69.5	66.0
L_{eq}	65.0	67.4	63.5
L_{50}	60.5	61.0	60.5
L_{90}	56.5	56.0	57.0
L_{min}	51.0	51.3	50.6

Table 2.9-7: Noise Levels in dBA at Location 4

Wednesday, September 10, 2025	
Time	**2:35 pm – 2:55 pm**
L_{max}	88.6
L_{10}	74.3
L_{eq}	71.9
L_{50}	66.8
L_{90}	62.1
L_{min}	56.0

The traffic volumes (vehicle counts) and vehicle classifications collected during peak vehicular travel periods [morning (AM), noon (MD), and evening (PM)] concurrent with noise monitoring at Location 1 through Location 3 are shown below in **Table 2.8-8** through **Table 2.8-11.**

Table 2.9-8: Traffic Volumes and Vehicle Classifications Noise Location 1

	8:29 am – 8:49 am	**1:04 pm – 1:24 pm**	**5:15 pm – 5:35 pm**
Car/ Taxi	72	67	81
Van/Light Truck/SUV	131	89	110
Medium Truck	6	4	2
Heavy Truck	0	1	0
Bus	6	4	4

Table 2.9-9: Traffic Volumes and Vehicle Classifications Noise Location 2

	8:07 am – 8:27 am	**12:43 pm – 1:03 pm**	**4:54 pm – 5:14 pm**
Car/ Taxi	49	53	50
Van/Light Truck/SUV	93	80	93
Medium Truck	2	5	0
Heavy Truck	1	0	0
Bus	10	10	9

Table 2.9-10: Traffic Volumes and Vehicle Classifications Noise Location 3

	7:46 am – 8:06 am	**12:21 pm – 12:41 pm**	**4:33 pm – 4:53 pm**
Car/ Taxi	37	26	47
Van/Light Truck/SUV	53	57	67
Medium Truck	1	3	1
Heavy Truck	0	0	0
Bus	6	4	3

Table 2.9-11: Traffic Volumes and Vehicle Classifications Noise Location 4

	2:35 pm – 2:55 pm
Car/ Taxi	110
Van/Light Truck/SUV	40
Medium Truck	6
Heavy Truck	3
Bus	15

2.9.3 Conclusion

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

The highest recorded L_{10} at Location 1 was 70.5 dB(A) during the morning period. The highest recorded L_{10} at Location 2 was 71.5 dB(A) during the evening period. The highest recorded L_{10} at Location 3 was 69.5 dB(A) during the midday period. The highest recorded L_{10} at Location 4 was 74.3 dB(A) during the school dismissal period reading from 2:35 pm – 2:55 pm.

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

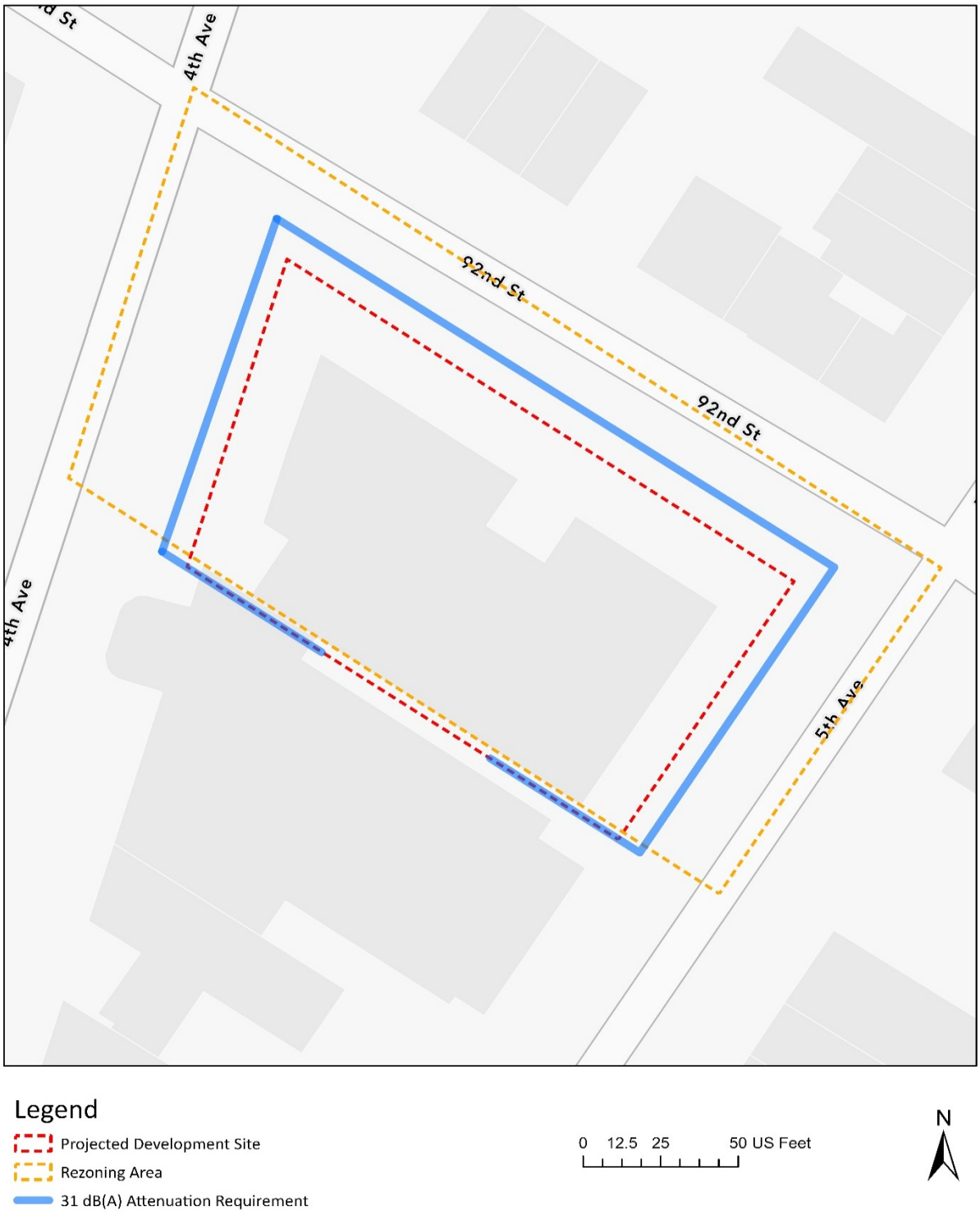
The text for E-Designation would be as follows:

E-873

Block 6108, Lot 22 (Projected Development Site): In order to ensure an acceptable interior noise environment, future residential and/or commercial office uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the eastern, northern, and western façades for all floors and for 50’ on the southern façade from the east and west as illustrated in the **EAS Figure 2.8-6** to maintain an interior noise level not greater than 45 dBA for residential uses and not greater than 50 dBA for commercial office uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

The facade attenuation requirements above are detailed in **Figure 2.8-6** below.

Figure 2.9-6: Noise Attenuation Requirements*



*Attenuation Requirements are for residential/community facility only. Commercial office receives a 5 dB(A) reduction.

2.10 Construction

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

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

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

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

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

Analysis Framework

Future No-Action Condition

Under the No-Action Condition, the existing vacant building within the Affected Area would remain but would be renovated and re-tenanted to include commercial and community facility uses.

Under the No-Action Condition, Projected Development Site 1 would consist of the existing 100,400-GSF (53,640-ZSF, 2.98-FAR) building and would include 32,206 GSF (26,820 ZSF, 1.49 FAR) of commercial uses (local retail and office), 32,206 GSF (26,820 ZSF, 1.49 FAR) of community facility uses (medical office), and a 35,988-GSF below grade attended parking garage for 178 parking spaces. The existing parking garage curb cut along 4th Avenue would remain under the No-Action Condition.

Future With-Action Condition

The Proposed Actions would rezone the Affected Area from a C8-2 zoning districts to a C4-4D zoning district and facilitate the construction of a mixed-use residential and commercial building on Proposed Development Site 1.

Projected Development Site 1 (Block 6108, Lot 22; Applicant-Owned Lot)

Under the With-Action Condition, the existing vacant commercial building on Projected Development Site 1 (Block 6108, Lot 22) would be demolished. The site would be developed with a single 176,077 GSF (129,222 ZSF, 7.20 FAR) mixed residential and commercial building containing approximately 121,514 GSF (110,657 ZSF, 6.15 FAR) of residential uses, 18,547 GSF (18,547 ZSF, 1.04 FAR) of commercial uses, and 36,016 GSF of underground parking. building would have 14 stories and rise to 145 feet. The underground parking would contain 52 parking spaces. No new curb cuts would be proposed.

Build Year

The build year for the analysis is anticipated to be 2029 in consideration of a projected 18-month CEQR review period starting with the approval of RWCDS and a 7-month ULURP process.

Construction Schedule

Projected Development Site 1 is anticipated to commence with demolition and site clearance in July 2027, with exterior work expected to be completed by October 2028. Major construction activities, including elevator installation and the interior shell and core, are projected to conclude

by December 2028. All construction-related activities would be completed with the interior fit-out in March 2029, resulting in a total construction duration of 20 months. Lastly, a Temporary Certificate of Occupancy (TCO) is anticipated by April 2029. As the construction duration would be less than 24 months, the Proposed Actions are not expected to result in significant impacts on the adjacent community.

Analysis

Transportation

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

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

Projected Development Site 1 has frontages on 4th Avenue, 92nd Street, and 5th Avenue. Fourth Avenue is classified as Principal Arterial Other by the New York State Department of Transportation (NYS DOT). 92nd Street is classified as Minor Arterial by the NYS DOT. Fifth Avenue is classified as Minor Arterial by the NYS DOT.

The construction of the development site may require the temporary closing of the sidewalks adjacent to Projected Development Site 1. Any potential closure of the sidewalks adjacent to the Projected Development Site would be considered a short-term routine closure that would be addressed by a permit and pedestrian access plan issued by the NYC DOT Office of Construction Mitigation and Coordination at the time of closure. Changes to moving traffic lanes are not expected.

There is a school (The Fort Hamilton School, P.S./I.S. 104), a kindergarten (District 20 Pre-K Center), and a fire station (FDNY Engine 242) within the 400-foot radius of the Projected Development Site 1. However, the current pavement markings for crosswalks leading to and from the surrounding community facility uses would facilitate the avoidance of the potentially impacted sidewalk segments around the Affected Area. Other nearby uses, such as residential, and commercial uses would not be particularly sensitive to the potential sidewalk closures as they are not in an area with high pedestrian activity, and the sidewalks and roadways affected by

the proposed construction would not be considered to be near capacity. Therefore, the Proposed Actions would not disrupt the flow of pedestrians.

Considering the above, construction of the Development Sites would not be expected to result in significant adverse impacts on transportation.

Air Quality

Demolition, excavation, and foundation activities, which often generate the highest levels of air emissions, would be temporary and limited in duration and would take approximately 6 months for Projected Development Site 1 (beginning in July 2027, and ending in January 2028).

As with most construction projects in the city, the proposed project would require the operation of several pieces of diesel equipment at one time during the heavier periods of construction, such as demolition and excavation. However, as stated in the *CEQR Technical Manual*, all the necessary measures would be implemented to ensure compliance with the NYC Air Pollution Control Code regulating construction-related dust emissions. Based on the project size and the construction work involved, construction activities for the Proposed Actions would not be considered out of the ordinary or exceptional in terms of intensity and would be of a relatively short duration (less than 2 years). Therefore, based on the above and with the implementation of emissions control measures that are required by local law, the construction of the development sites would not result in any significant adverse impacts on air quality.

Noise

While increases in ambient noise levels due to construction exceeding the CEQR impact criteria for two years or less may be noisy and intrusive, they are not considered to be significant adverse noise impacts. As described above, construction of the development site would occur over a relatively short time period of approximately 20 months. In addition, as discussed above, demolition, excavation, and foundation activities, and superstructure activities, which are the noisiest construction activities, would be temporary and limited in duration and would take approximately 13 months for Projected Development Site 1 (beginning in July 2027, and ending in August 2028).

Construction noise is regulated by the NYC Noise Control Code and by EPA's noise emission standards for construction equipment. These local and federal requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emission standards; that construction activities be limited to weekdays between the hours of 7AM and 6PM; and that construction materials be handled and transported in such a manner as not to create unnecessary noise. If weekend or after hour work is necessary, permits would be required to be obtained, as specified in the NYC Noise Control Code. Therefore, no significant noise impacts would occur as a result of the project construction.

Historic and Cultural Resources

The assessment of construction impacts on historic and cultural resources considers the possibility of physical damage to any architectural or archaeological resources identified in the project's historic and cultural resources assessment.

Pursuant to Chapter 22, Section 300 of the *2021 CEQR Technical Manual*, if a project's construction activities are located within 400 feet of a historic or cultural resource, potential hazards should be assessed, such as whether certain character-defining elements of a structure, including but not limited to rooftops or stained-glass windows, could be impacted by falling objects from an adjacent construction site.

The City has two procedures for avoidance of damage to historic structures from adjacent construction:

1. All buildings are provided some protection from accidental damage through New York City Department of Buildings (DOB) controls that govern the protection of any adjacent properties from construction activities, under Building Code Section 27-166 (C26-112.4). For all construction work, Building Code section 27-166 (C26-112.4) serves to protect buildings by requiring that all lots, buildings, and service facilities adjacent to foundation and earthwork areas be protected and supported in accordance with the code requirements.
2. The second protective measure applies only to designated NYCL and S/NR listed historic buildings that are located within 90 linear feet of a proposed construction site. For these structures, the DOB's Technical Policy and Procedure Notice (TPPN) #10/88 is applicable. The DOB's TPPN 10/88 supplements the standard building protections afforded by the Building Code C26-112.4 by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent LPC-designated or S/NR-listed resources (within 90 feet), and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

If the project is not located within 90 feet of a historic or cultural resource that is NYC-landmark eligible, eligible for the State and National Register of Historic Places, or within an eligible New York City Historic District, then no special protections apply. Therefore, the potential for physical disturbance and adverse impacts on those historic and cultural resources should be disclosed.

The LPC letter dated January 7, 2025, indicated an S/NR eligible Firehouse Engine 242 within the 400-foot Study Area at 9219 5 Avenue. Therefore, an analysis on the potential impacts of the Proposed Actions on the identified architectural resource related to construction is warranted and is discussed below (see also **Section 2.4.1**).

S/NR eligible Firehouse Engine 242

Projected Development Site 1 is within 90 feet of S/NR eligible Firehouse Engine 242 at 9219 5 Avenue. Firehouse Engine 242 is a 2-story brick building constructed in 1896 and located about 80 feet away from Projected Development Site 1. To mitigate any possible construction impact on S/NR-listed properties within a 90-foot radius, a special protective measure TPPN #10/8 applies. TPPN #10/88 requires a monitoring program to reduce the likelihood of construction damage to adjacent NYCLs and NR-listed properties (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed. Therefore, no construction impacts from Projected Development Site 1 to S/NR eligible Firehouse Engine 242 would not occur.

2.10.1 Conclusion

As was discussed above, construction of Projected Development Site 1 would not be expected to result in significant adverse impacts on each of the relevant technical areas. Construction activities at the Development Site would be completed in a relatively short time period of approximately 20 months and would be performed subject to relevant EPA, DEP, DOT and DOB codes and regulations. With these construction control and protective measures, no impacts to Transportation, Air Quality, Noise, or Historic and Cultural Resources would occur. Therefore, the Proposed Actions would not have any significant adverse construction impacts, and further analysis is not required.

2.11 Disadvantaged Communities Assessment

Effective December 30, 2024, Section 8-0109(2)(k) of the New York State Environmental Conservation Law requires that this Environmental Assessment Statement (EAS) include a statement of the effects of the Proposed Actions on disadvantaged communities, including whether the action may cause or increase a disproportionate pollution burden. The *2021 CEQR Technical Manual* does not provide guidance regarding the scope of this analysis. On January 29, 2025, the New York State Department of Environmental Conservation (NYSDEC) proposed a rule that provides additional considerations regarding this new statutory provision. This assessment of effects on disadvantaged communities considers the impacts that have been assessed using the *CEQR Technical Manual* guidance.

Methodology

Disadvantaged communities (DAC) in New York State were identified based on criteria adopted in 2023 by the Climate Justice Working Group (CJWG), a group composed of representatives from State Agencies and Environmental Justice groups across the State. The CJWG used 45 indicators to identify 35 percent of Census Tracts within New York State as DACs. The criteria include multiple indicators that represent the environmental burdens or climate change risks within a community, or population characteristics and health vulnerabilities that can contribute to more severe adverse effects of climate change. Each Census Tract was scored based on relative burden, risk, vulnerability, or sensitivity. Specifically, the percentile ranks of the indicators for each Census Tract were combined to produce a value measuring a Census Tract's relative level of "Environmental Burdens and Climate Change Risks" as well as "Population Characteristics and Health Vulnerabilities" relative to other Census Tracts. Census Tracts with higher scores relative to other Census Tracts statewide or to their region (i.e., New York City) were identified as DACs, using NYSDEC's Disadvantaged Community Assessment Tool (DACAT).

2.11.1 Preliminary Assessment

The Proposed Actions would permit the construction of a new 11-story, 173,734-GSF mixed-use commercial, and residential building with approximately 143 dwelling units, 20-30% (29-43 units) of which would be affordable.

The Proposed Development is located at 9201 4th Avenue in the Bay Ridge neighborhood of Brooklyn, Community District 10. As shown in **Figure 2.12-1** below, the Proposed Development is not located within or near a DAC, with the nearest DAC located well over half a mile away from the Project Site. Therefore, the proposed mixed-use development would not result in adverse impacts to any disadvantaged communities and no further analysis is warranted.

Figure 2.11-1: Disadvantaged Communities Map



Source: EJNYC Mapping Tool

APPENDIX A

AGENCY 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

June 20, 2025

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

Re: 9201 4th Avenue Rezoning
Block 6108, Lot 22
CEQR # 25DCP078K

Dear Mr. Jobe:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the May 2025 Environmental Assessment Statement (EAS) and the March 2025 Phase I Environmental Site Assessment (Phase I), prepared by GZA GeoEnvironmental, Inc. on behalf of 9201 LLC (applicant) for the above referenced project. It is our understanding that the applicant seeks a zoning map amendment from the New York City Department of City Planning (DCP) from C8-2 to C4-4D that would affect a portion of Block 6108 in the Bay Ridge neighborhood of Brooklyn Community District 10. The Affected Area includes a 100-foot-deep section of Lot 22, measured from 92nd Street. The zoning map amendment would rezone the Affected Area from a C8-2 zoning district to a C4-4D zoning district. The applicant is also proposing a zoning text amendment to appendix F to add a Mandatory Inclusionary Housing (MIH) area coterminous with the Affected Area. The zoning map amendment and zoning text amendments constitute the Proposed Actions. The Proposed Actions are sought to facilitate the development (Proposed Development) of a new mixed-use building with a total of 167,198 gross square feet (gsf) on the applicant-owned Block 6108, Lot 22 (Projected Development Site 1) containing 16,039 gsf of ground floor local retail and 115,144 gsf of residential uses. The Proposed Development would result in 115 units, 20-30% (23-35 units) of which would be affordable pursuant to MIH Option 1, Option 2, or Option 3. The applicant intends to pursue MIH Option 1, which would result in 29 affordable units at an average of 60% Area Median Income (AMI). A below-grade parking garage would contain approximately 178 spaces. The building would be nine stories tall and rise to 119 feet with a base height of 86 feet. At the base height of 86 feet, there would be a 15-foot setback on 92nd Street and 10-foot setbacks on 4th Avenue and 5th Avenue. No new curb cuts would be proposed. The Reasonable Worst Case Development Scenario maximizes the permitted floor area ratio and building height, as well as adopts a dwelling unit factor of 850 gsf per dwelling unit. Under the With-Action Scenario, the existing vacant commercial building on Projected Development Site 1 would be demolished. The site would be developed with a

single 173,734-gsf mixed residential and commercial building containing approximately 121,679 gsf of residential uses, 16,039 gsf of commercial uses, and 36,016 gsf of underground parking. There would be approximately 143 dwelling units, 20-30% (29-43 units) of which would be affordable at an average of 40-80% AMI pursuant to MIH Option 1, 2 or 3. For the purposes of Early Childhood Programs analysis, 20% of residential floor area (29 units) is assumed to be affordable at or below 80% AMI. The building would have 14 stories and rise to 145 feet. The underground parking would contain 178 parking spaces. No new curb cuts would be proposed.

The March 2025 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial uses including an office building, filling stations, auto repair, dwellings, a hen house, a school, a painter, wagon house, a bowling alley, painter, a church, a carpenter, a fire department engine, a post office, auto laundry, a used car lot, etc. Regulatory databases identified 18 spills, 5 historical auto sites, and 6 historical cleaner sites within 1/8 mile; 18 underground storage tank sites, 49 aboveground storage tank sites, and 11 dry cleaner sites within 1/4 mile; 39 leaking storage tank sites and 1 brownfield site within 1/2 mile; and 2 manufactured gas plant sites within 1 mile of the subject property.

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

- DCP should inform the applicant that based on the historical on-site and/or surrounding area land uses, a Phase II Environmental Site Assessment (Phase II) is necessary to adequately identify/characterize the surface and subsurface soils, groundwater, and soil vapor of the subject property, and to inform and disclose the measures necessary to avoid impacts from hazardous materials. A Phase II Investigation Protocol/Work Plan summarizing the proposed drilling, soil, groundwater, and soil vapor sampling activities should be developed in accordance with the City Environmental Quality Review (CEQR) Technical Manual and submitted for DEP review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil, groundwater, and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory for the presence of volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) 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. A site-specific Health and Safety Plan (HASP) should also be submitted for DEP review and approval.

- DCP should instruct the applicant that a minimum of eight soil borings, four groundwater wells and seven soil vapor probes should be installed. Sampling locations should be spread to ensure that there is proper coverage of the site.

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

- DCP should inform the applicant that the EAS should be revised/updated as appropriate as the hazardous materials assessment progresses.

Future correspondence and submittals related to this project should include the following CEQR # **25DCP078K**. If DCP has any questions, you may contact me at weiy@dep.nyc.gov.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

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

NYC 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: LA-CEQR-K (DEPARTMENT OF CITY PLANNING)
Project:
Address: 9201 4 AVENUE BBL: 3061080022
Date Received: 1/6/2025

[X**] No architectural significance**

[X**] No archaeological significance**

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[ ] May be archaeologically significant; requesting additional materials

Comments: S/NR ELIGIBLE FIREHOUSE ENGINE CO.242, 9219 5 AVENUE WITHIN RADIUS.

Gina Santucci 1/7/2025

SIGNATURE DATE

Gina Santucci, Environmental Review Coordinator

File Name: 37540_FSO_DNP_01062025.docx

APPENDIX B

ILLUSTRATIVE ARCHITECTURAL PLANS

9201 4 AVENUE, BROOKLYN, NY 11209

ARCHITECT OF RECORD: JORGE FONTAN AIA

BUILDING INFORMATION	
ADDRESS:	9201 4 AVENUE, BROOKLYN, NY, 11209
BLOCK:	6108
LOT:	22
COMMUNITY BOARD:	10
LANDMARK STATUS:	NO
FIRE DISTRICT:	YES
ZONING DISTRICT:	EXISTING: C8-2 BR, PROPOSED: C4-4D BR, MIH
MAP NUMBER:	22b
PROPOSED BUILDINGS ON SITE:	1
LOT AREA:	18,008 SF
TRANSIT ZONE:	OUTER TRANZIT ZONE

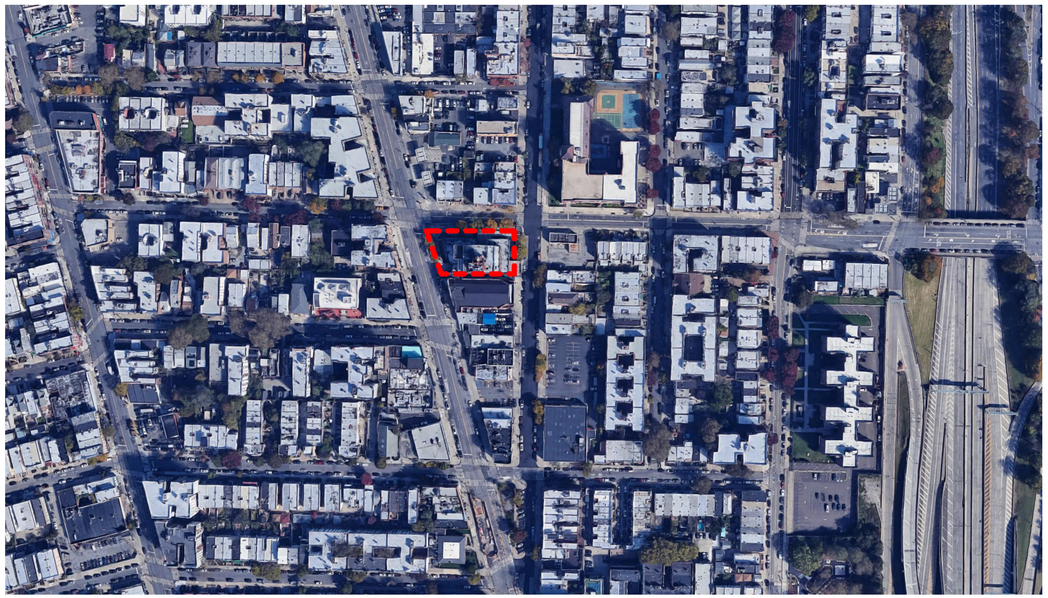
NEW BUILDING SCOPE OF WORK

WE PROPOSE A REZONING TO C4-4D FROM C8-2.

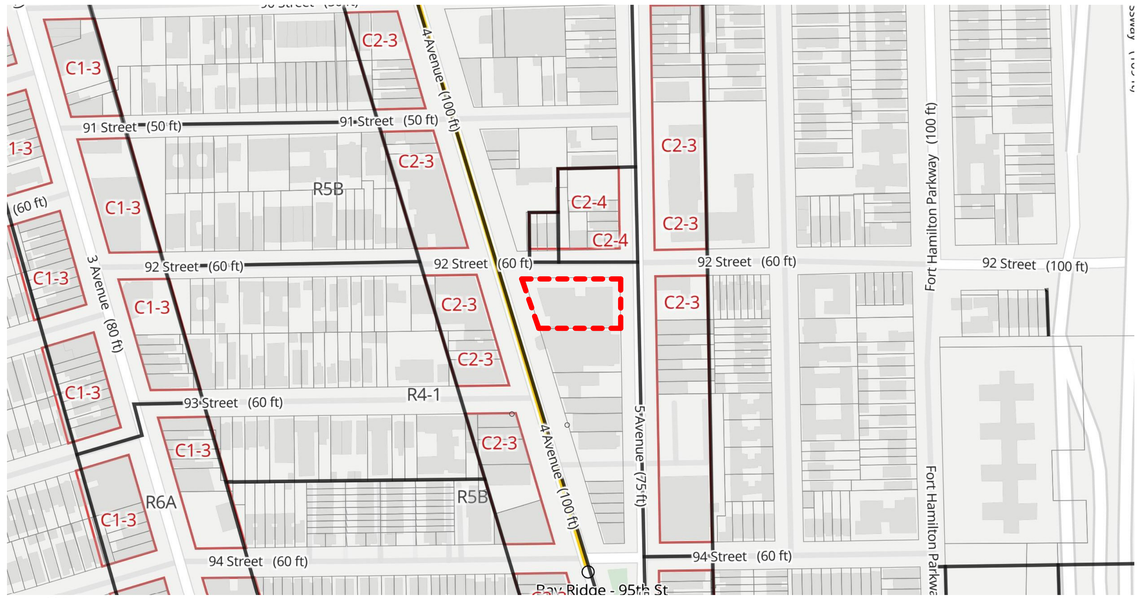
Sheet List

Sheet Number	Sheet Name	Sheet Order
T-100.00	Title Sheet	1
Z-001.00	Site Plan	2
Z-002.00	Zoning Information	3
Z-003.00	Soft Site Analysis	4
A-100.00	Ground Floor Schematic Plan	5
A-101.00	Mezzanine Floor Schematic Plan	6
A-102.00	Second FloorPlan	7
A-103.00	3rd - 5th Floors Typical Plan	8
A-104.00	6th Floors Typical Plan	9
A-105.00	7th Floor Typical Plan	10
A-106.00	Parking 1 Floor Plan	11
A-107.00	Parking 2 Floor Plan	12
A-200.00	Building Elevation from 4th Avenue	13
A-201.00	Building Elevation from 92nd Street	14
A-202.00	Building Elevation from 5th Avenue	15
A-203.00	Building Elevation Towards 92nd Street	16
A-300.00	Longitudinal Building Section	17
A-400.00	Perspective View from 4th Avenue	18
A-401.00	Perspective View from Corner of 5th Ave & 92nd Street	19
A-402.00	Perspective View from 5th Ave	20





GOOGLE MAP



ZOLA MAP

FONTAN ARCHITECTURE

FONTAN ARCHITECTURE
JORGE FONTAN AIA 212 321 0194
28 W 27TH ST, # 606 NEW YORK, NY 10001
WWW.JORGEFONTAN.COM INFO@JORGEFONTAN.COM

DOB JOB NUMBER
N/A

PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE, BROOKLYN, NY, 11209

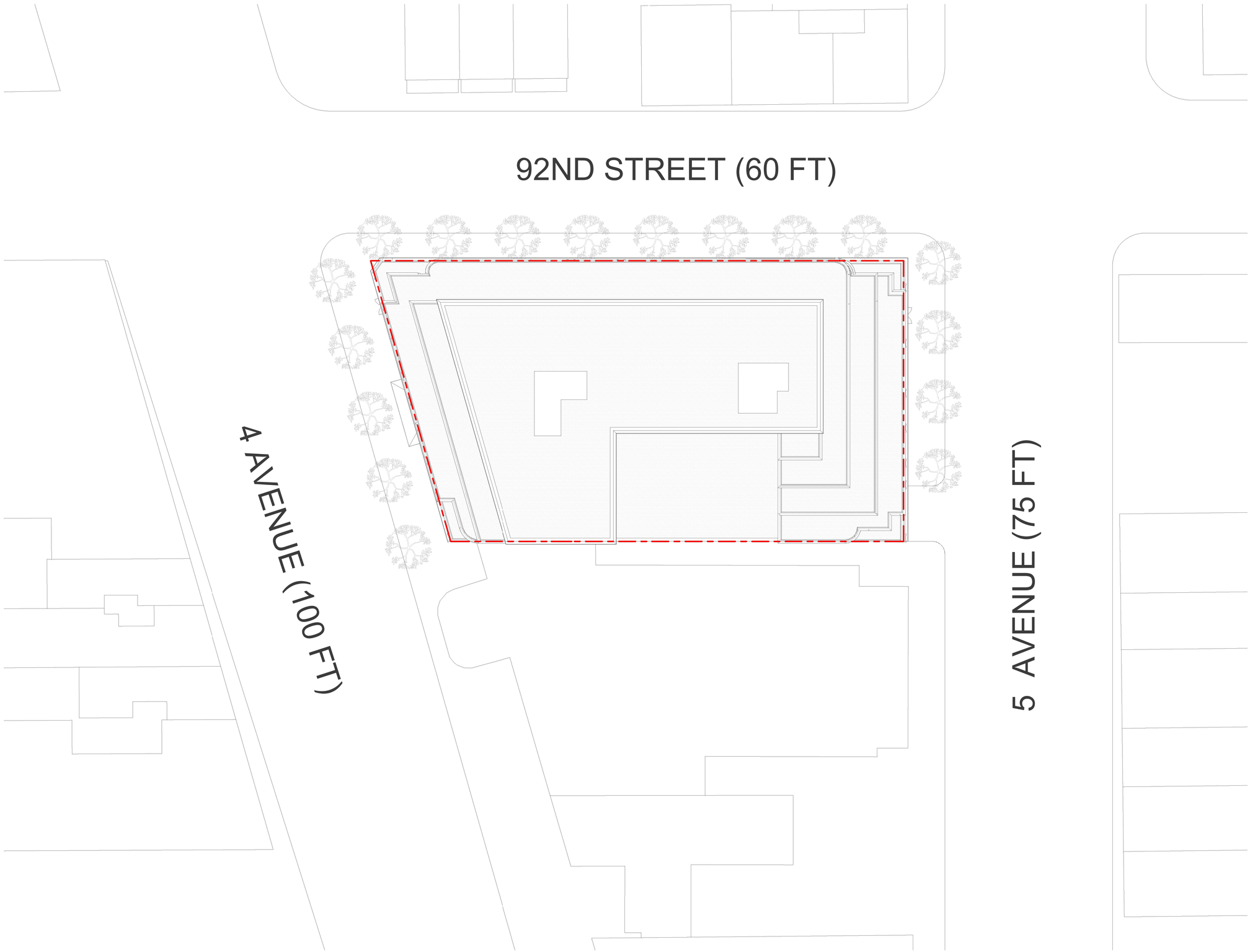
PROPERTY OWNER
TIM ZISS

Title Sheet

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
Checked by JF

DRAWING NUMBER
T-100.00
of



1 Site Plan
1/16" = 1'-0"

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Site Plan

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
Checked by JF

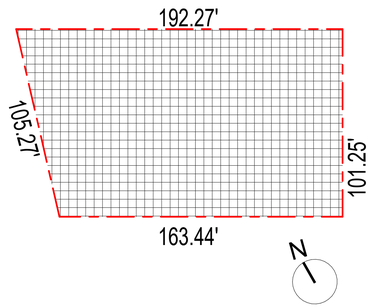
DRAWING NUMBER
Z-001.00
of

ZONING INFORMATION

ADDRESS: 9201 4 AVENUE, BROOKLYN, NY, 11209

BLOCK: 6108

LOT: 22



ZONING MAP: 22b

ZONE: C4-4D PROPOSED REZONING REQUEST

BLOCK AREA: 18,008 SQUARE FEET

C4-4D Residential Equivalent is R8A
R8A FAR = 6.02
R8A w/ Housing Opportunity FAR = 7.20
Special Bay Ridge District (BR)

Combined Lot Area X FAR = Zoning Floor Area
18,008 X 7.2 = 129,657.6 SF

Proposed Zoning Floor Area = 129, 222 SF

ZONING AND DEVELOPMENT ANALYSIS	
Block	6108
Zoning Lot	22
Zoning Map 22b	Brooklyn, NY
Tax Lot 22	18,008 SF
Total Lot Area	18,008 SF
ZONING AND COMMUNITY DISTRICT	
EXISTING: C8-2/ PROPOSED: C4-4D BR	
Mandatory Inclusionary Housing	
Brooklyn Community District 10	
Special Bay Ridge District	
MANDATORY INCLUSIONARY HOUSING	
25% Affordable	
STREET FRONTAGE	
4 Avenue	100' Wide Street
5 Avenue	75' Wide Street
92 street	60' Narrow Street
TREES PLANATING	
1 Tree Every 25'	
17 Trees Provided	

ZONING ANALYSIS				
ZR Section	Applicability of Residence District Bulk Regulations			
34-112	C4-4D Residential Equivalent is R8A			
ZR Section	Bulk Regulations: Permitted Development Floor Area (Zoning Floor Area)			
		Permitted FAR	Lot Area	Total Zoning Floor Area
23-22	Proposed Use	7.2	18,008 SF	129, 222.0 SF
	Commercial Floor Area			18, 547.0 SF
	Residential Floor Area			110, 675.0 SF
ZR Section	Bulk Regulations:Yards, Court and Open Areas			
23-322	Front Yard Regulations		Not Required	
23-334	Side Yard Regulations		Not Required	
23-352 (a)	Inner Court Regulations (legally required windows facing inner court)			
	Exceeds 800sf in area at/below Height of 75'		Inner Court Area = 2,400 sf	
	Exceeds 1200 sf in area above Height of 75'			
ZR Section	Bulk Regulations: Lot Coverage			
23-36	Corner Lot	100%		
	Through Lot	80%		
ZR Section	Bulk Regulations: Height and Setback			
23-434	Minimum Base Height	60' (86' Proposed)		
	Maximum Base Height	105' (86' Proposed)		
	Maximum Building Height	145' (130' Proposed)		
23-433	Setback along Narrow Street		15' (15' Proposed)	
	Setback along Wide Street		10' (10' Proposed)	
ZR Section	Required Parking in the Outer Transit Zone			
25-222	12 % of Number Standard Dwelling Unit 0% of Number of Affordable Units			
	12% x 73 Standard Units = 9 Parking Places		0 Parking Places Required	
	30 Parking Spaces can be Waived		52 Parking Places Proposed	

USE REGULATIONS	
Permited Use Groups: II, VI	
Proposed Occupancy Group: R2	
DENSITY REGULATIONS	
Dwelling Unit (D.U.) Factor	680 SF
Maximum D.U. allowed	166

ZONING FLOOR TABULATION					
Floor Level	**Gross Floor Area**			**Floor Area Deductions**	**Total Zoning Floor Area**
		Commercial	**Residential**		
Cellar 2	18,007.82 SF			18,007.82 SF	0 SF
Cellar 1	18,007.82 SF			18,007.82 SF	0 SF
Ground Floor		14,033 SF	1,951 SF		15,984 SF
Mezzanine		4,514SF			4,514 SF
2 Floor			14, 996 SF	5,019 SF	9,977 SF
3 Floor			14, 996 SF	982 SF	14,014 SF
4 Floor			14, 996 SF	982 SF	14,014 SF
5 Floor			14, 996 SF	982 SF	14,014 SF
6 Floor			13, 862 SF	958 SF	12,904 SF
7 Floor			12, 752 SF	962 SF	11,790 SF
8 Floor			8, 830 SF	461 SF	8,369 SF
9 Floor			8, 683 SF	357 SF	8,326 SF
10 Floor			7, 786SF	357 SF	7,429 SF
11 Floor			7, 786SF	357 SF	7,429 SF
Roof	7, 786 SF			7, 786 SF	0 SF
Total					**129, 222.0 SF**

APARTMENT TABULATION				
TOTAL NUMBER OF UNITS	**NUMBER OF AFFORDABLE UNITS**	**NUMBER OF 1-BEDROOM UNITS**	**NUMBER OF 2 - BEDROOM UNITS**	**NUMBER OF 3-BEDROOM UNITS**
97	**24**	**19**	**62**	**16**

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Zoning Information

SIGN & SEAL

DATE: 10/10/2025
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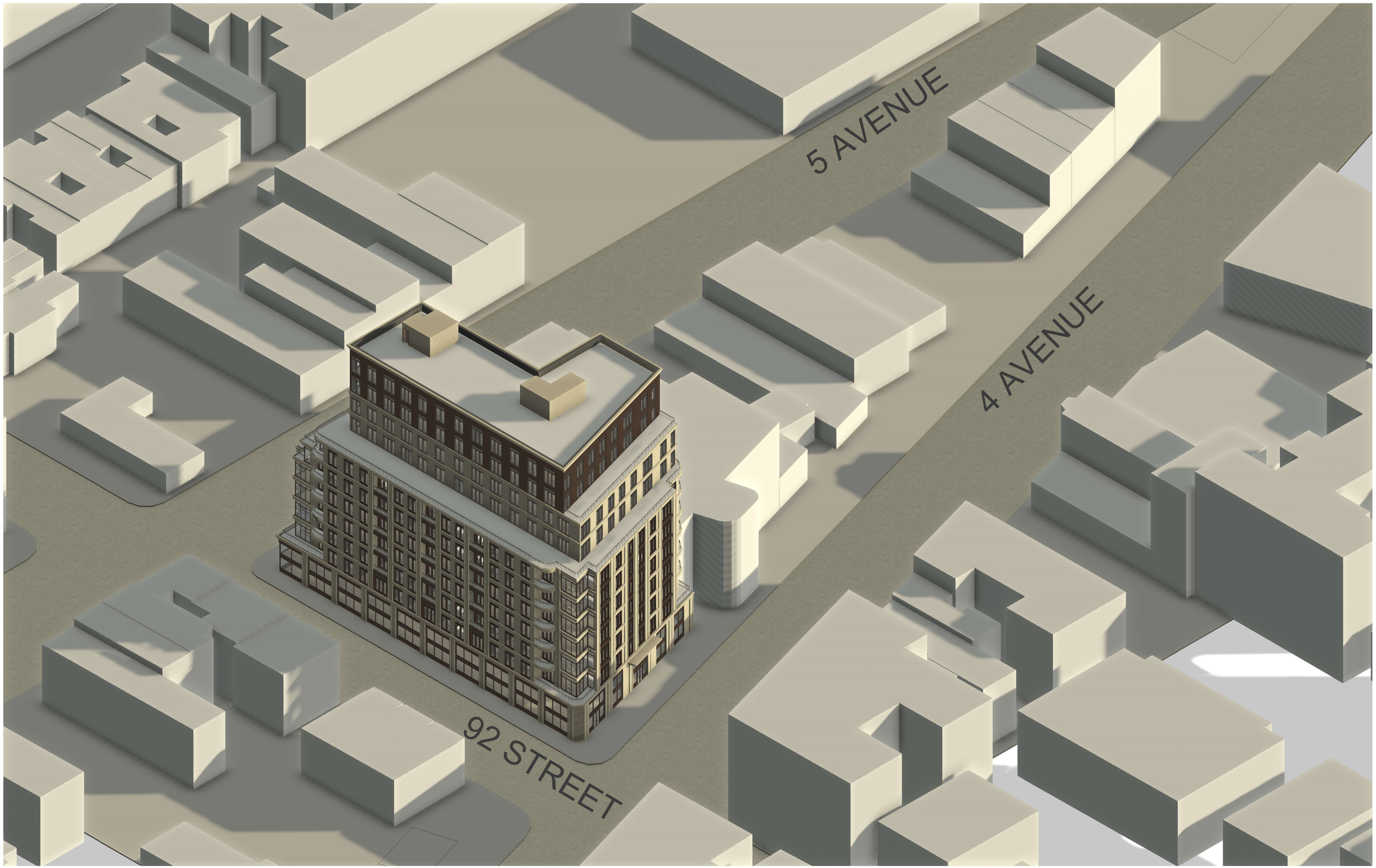
Z-002.00
of

RE-ZONING DEVELOPMENT SOFT SITES

BLOCK	LOT	LOT AREA	FAR	ZONING FLOOR AREA	PROPOSED FLOOR AREA	BASE HEIGHT	BUILDING HEIGHT
6108	22	18,008 SF	7.2	129,657.6 SQFT	129, 222 SQFT	60'(MIN) - 105'(MAX)	11 FLOORS (130' - 0")



FONTAN ARCHITECTURE
JORGE FONTAN AIA 212 321 0194
28 W 27TH ST, # 606 NEW YORK, NY 10001
WWW.JORGEFONTAN.COM INFO@JORGEFONTAN.COM

DOB JOB NUMBER
N/A

PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE,
BROOKLYN, NY, 11209

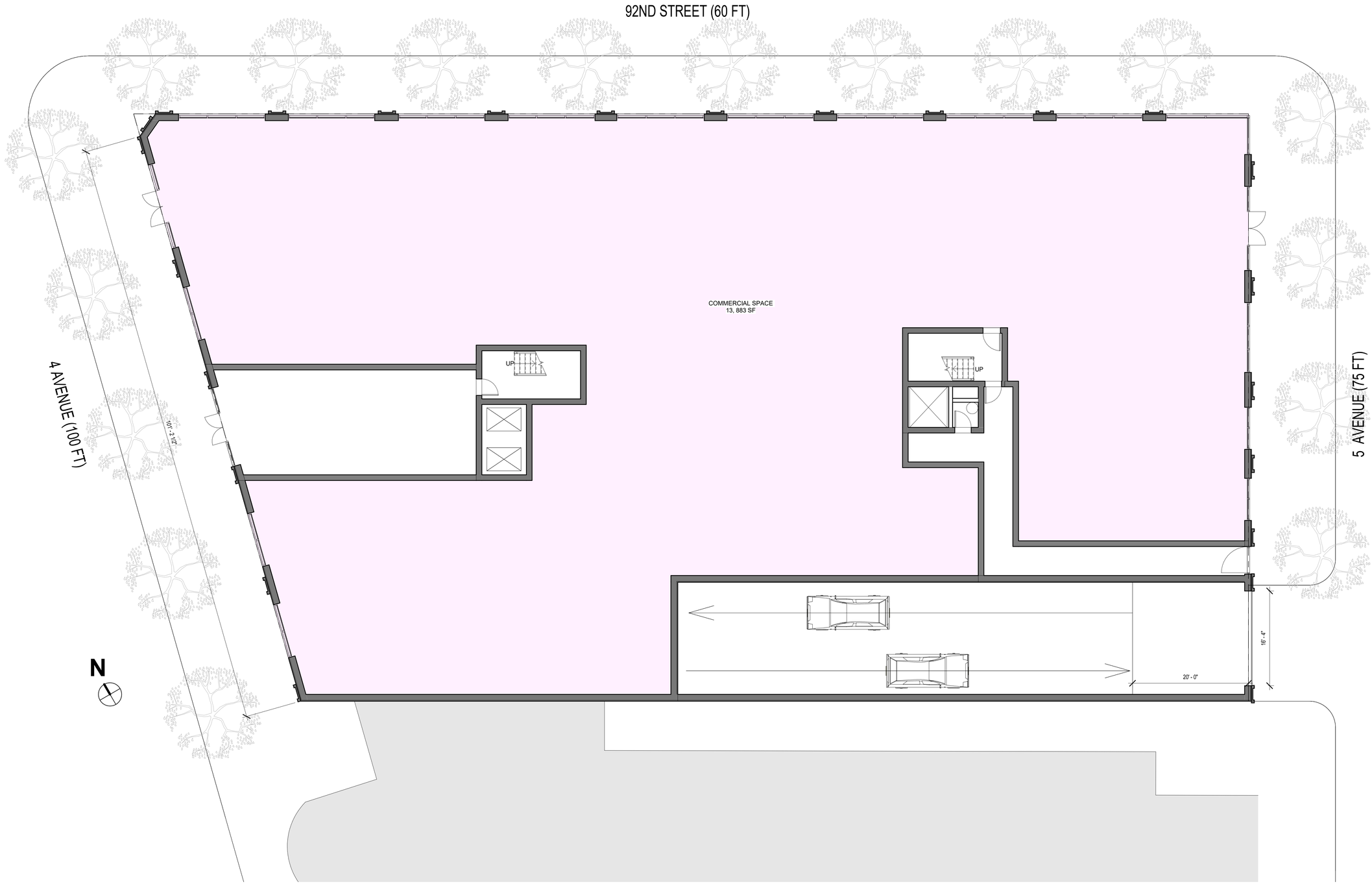
PROPERTY OWNER
TIM ZISS

Soft Site Analysis

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
Checked by JF

DRAWING NUMBER
Z-003.00
of



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DOB JOB NUMBER
N/A

PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE,
BROOKLYN, NY, 11209

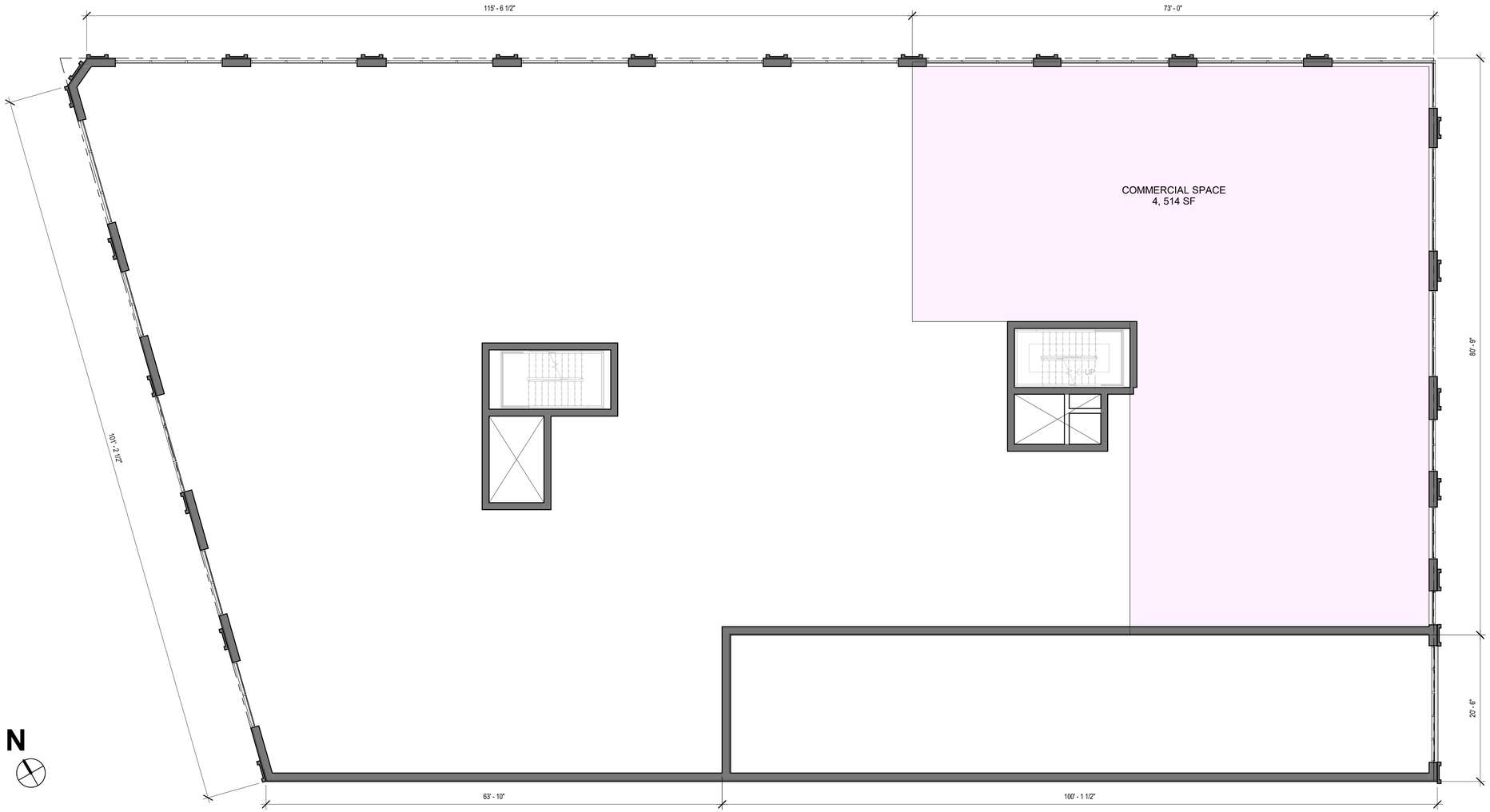
PROPERTY OWNER
TIM ZISS

Ground Floor Schematic Plan

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
Checked by JF

DRAWING NUMBER
A-100.00
of



1 Mezzanine Schematic Plan
1/8" = 1'-0"

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DOB JOB NUMBER
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PROJECT NAME
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PROPERTY OWNER
TIM ZISS

Mezzanine Floor Schematic Plan

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DATE: 10/10/2025
Project number 20240021
Drawn by KG
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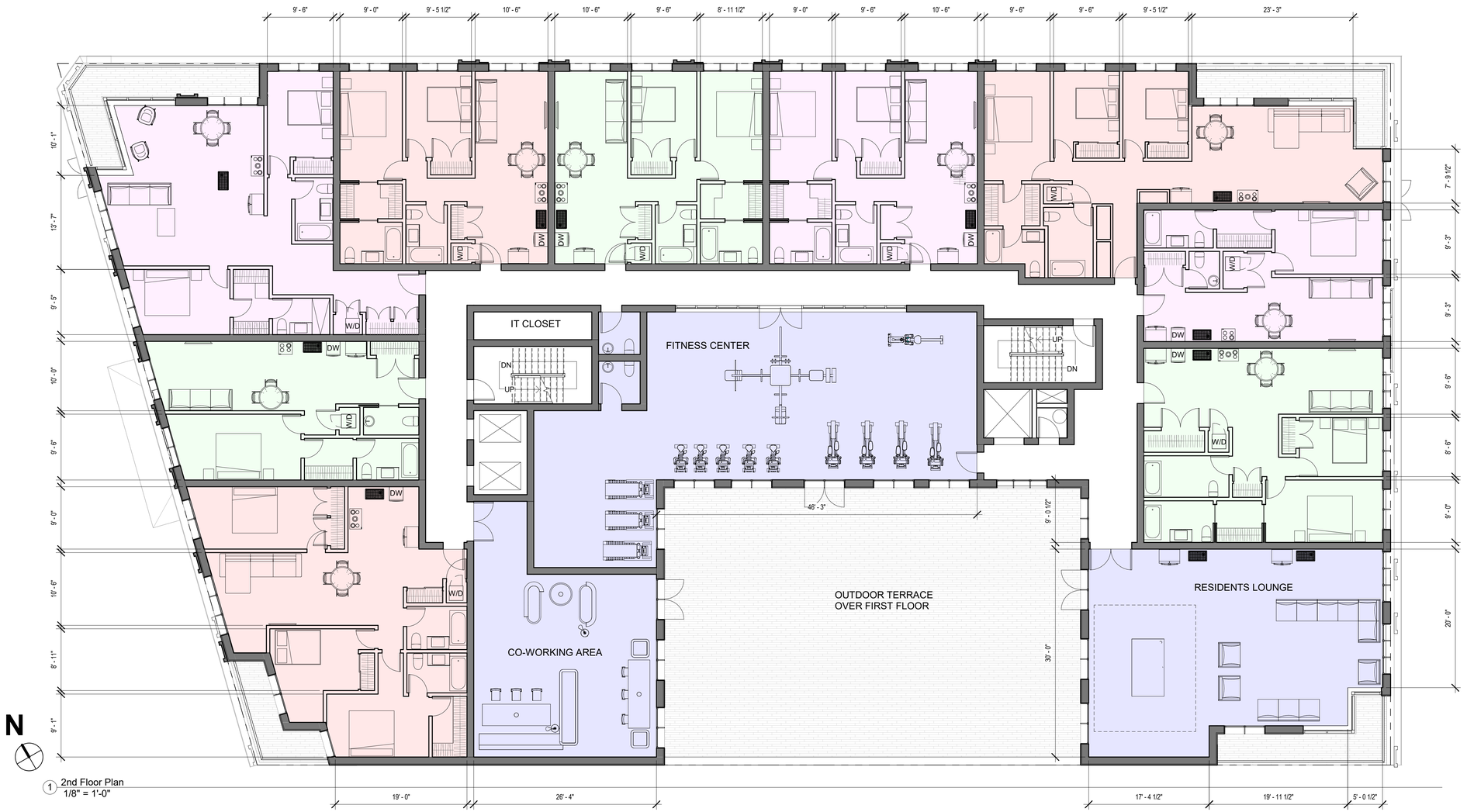

1 2nd Floor Plan
1/8" = 1'-0"

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DOB JOB NUMBER
N/A

PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE,
BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

Second FloorPlan

SIGN & SEAL

DATE:	10/10/2025
Project number	20240021
Drawn by	KG
Checked by	JF

DRAWING NUMBER
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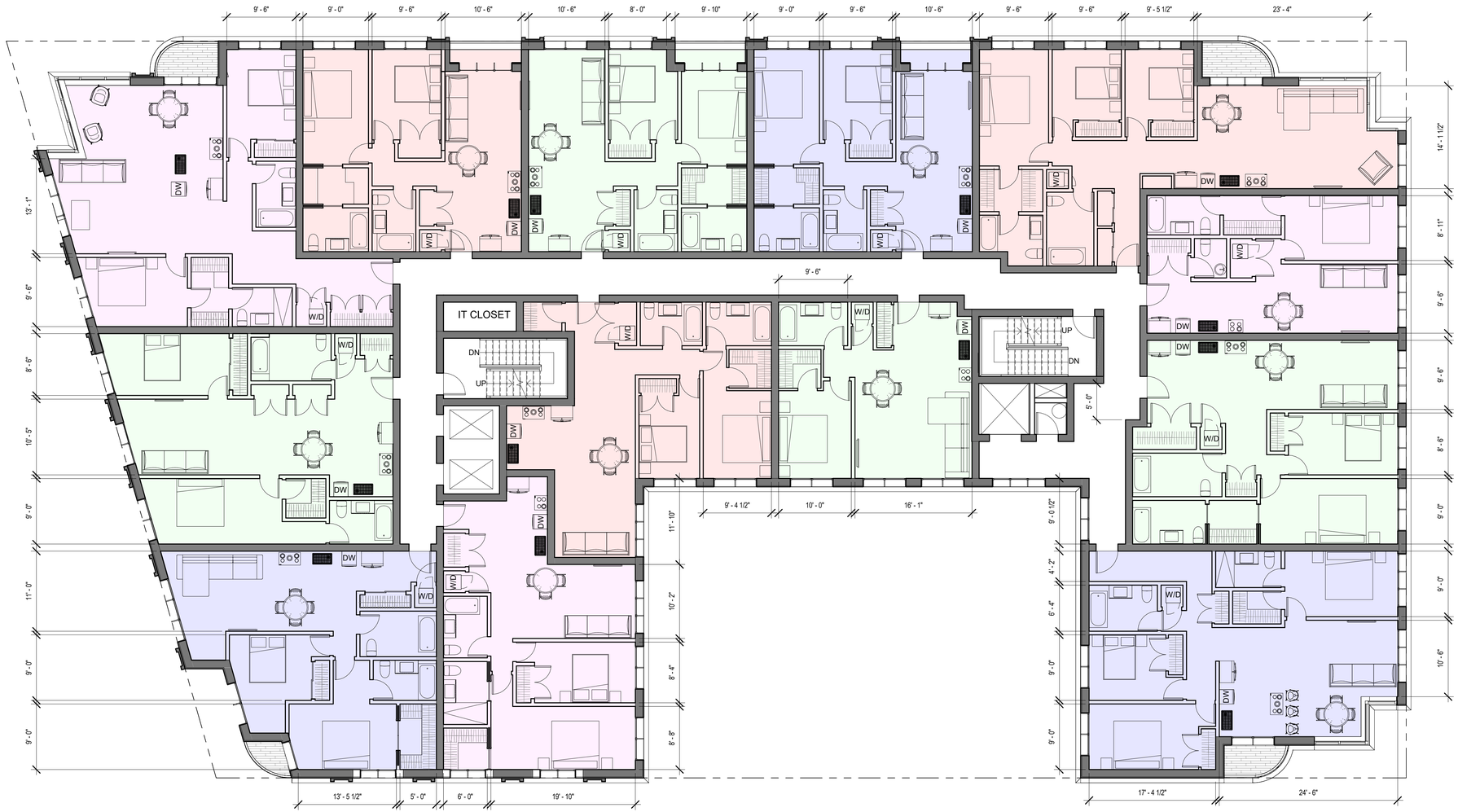
of



1 3rd - 5th Floors Typical Plan
1/8" = 1'-0"

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DOB JOB NUMBER
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PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
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BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

3rd - 5th Floors Typical Plan

SIGN & SEAL

DATE:	10/10/2025
Project number	20240021
Drawn by	KG
Checked by	JF

DRAWING NUMBER
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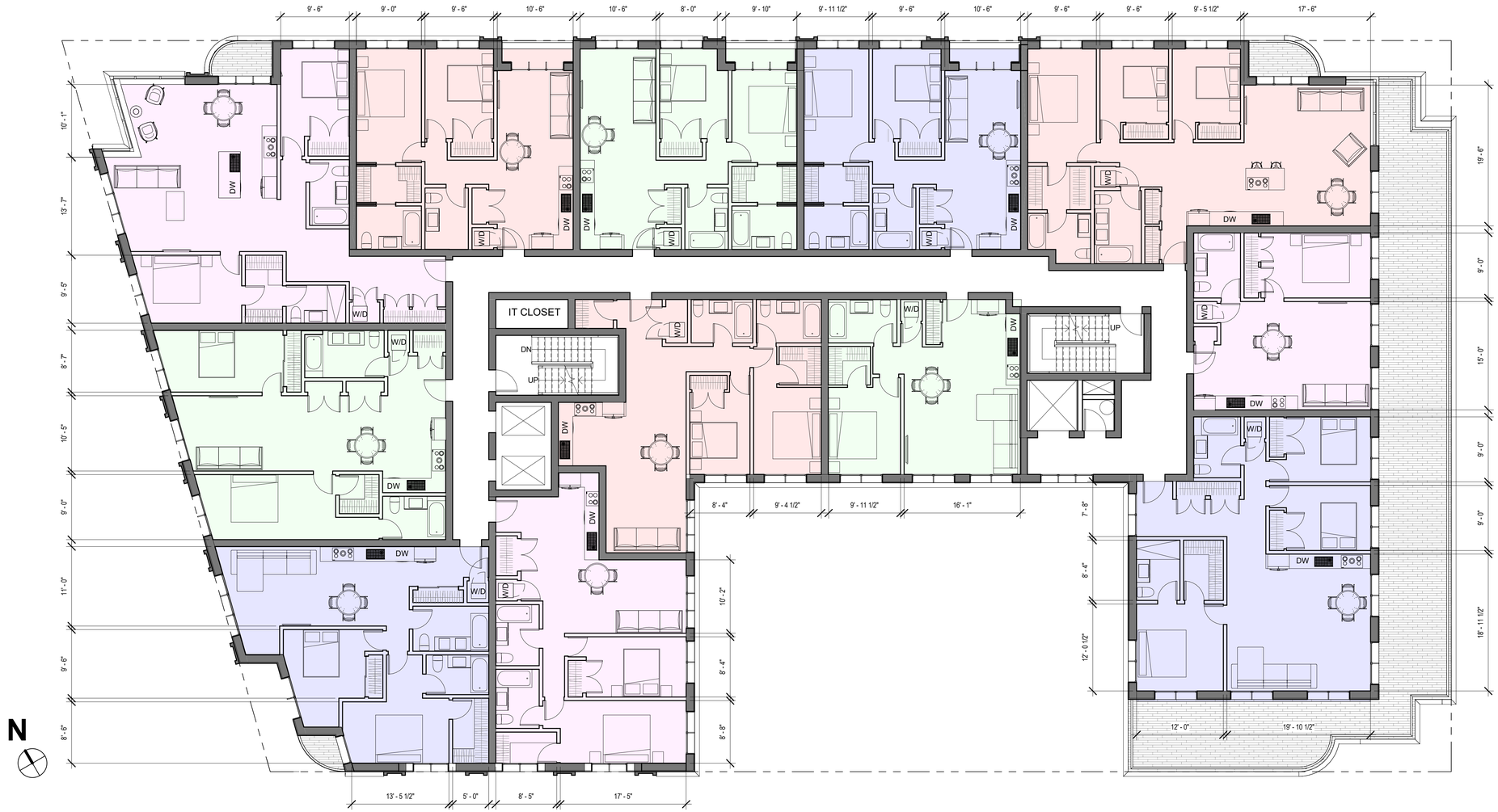

1 6th Floor Plan
1/8" = 1'-0"

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DOB JOB NUMBER
N/A

PROJECT NAME
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PROJECT ADDRESS
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PROPERTY OWNER
TIM ZISS

6th Floors Typical Plan

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
Checked by JF

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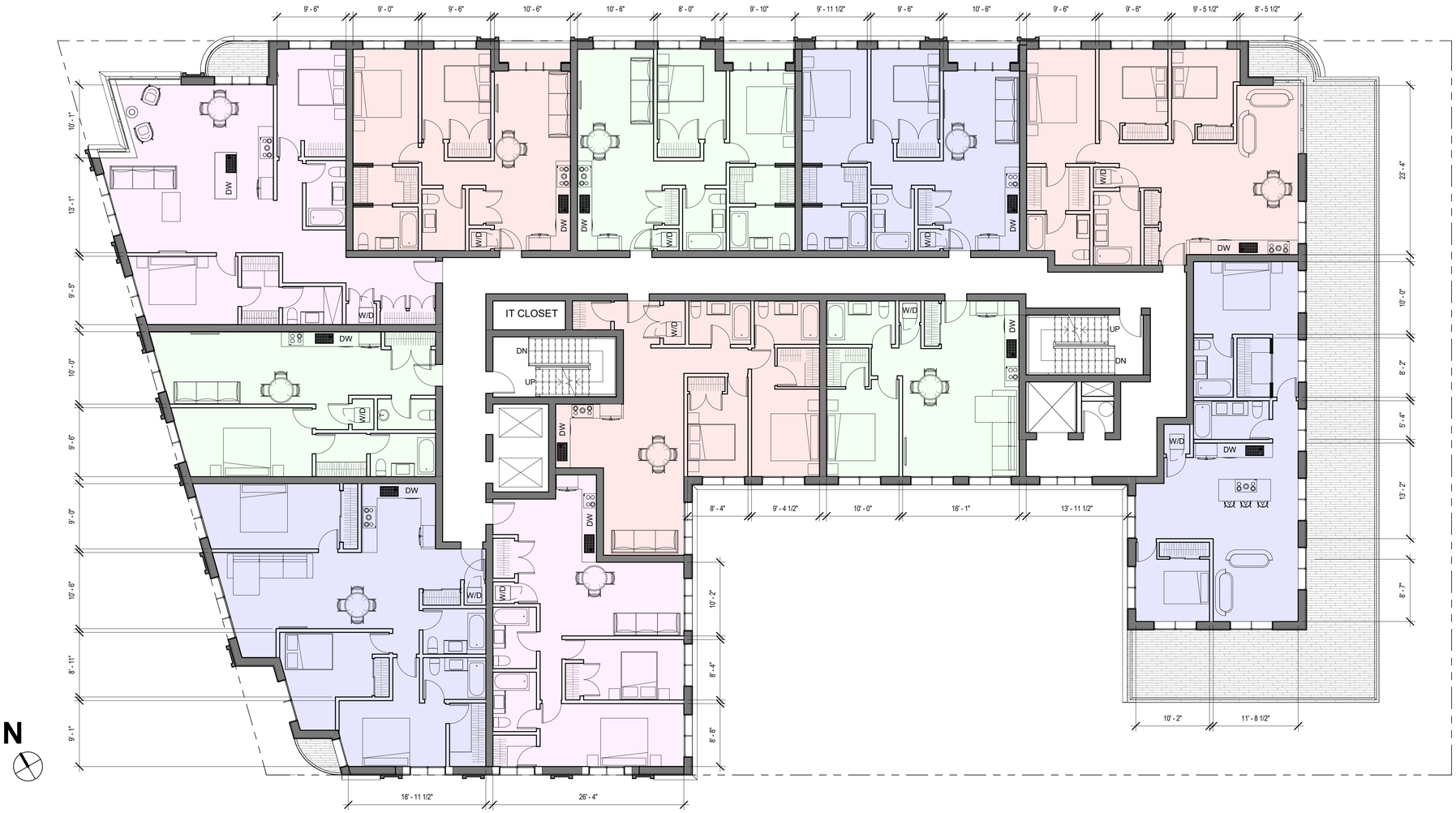

1 7th Floor Plan
1/8" = 1'-0"

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DOB JOB NUMBER
N/A

PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE,
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PROPERTY OWNER
TIM ZISS

7th Floor Typical Plan

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
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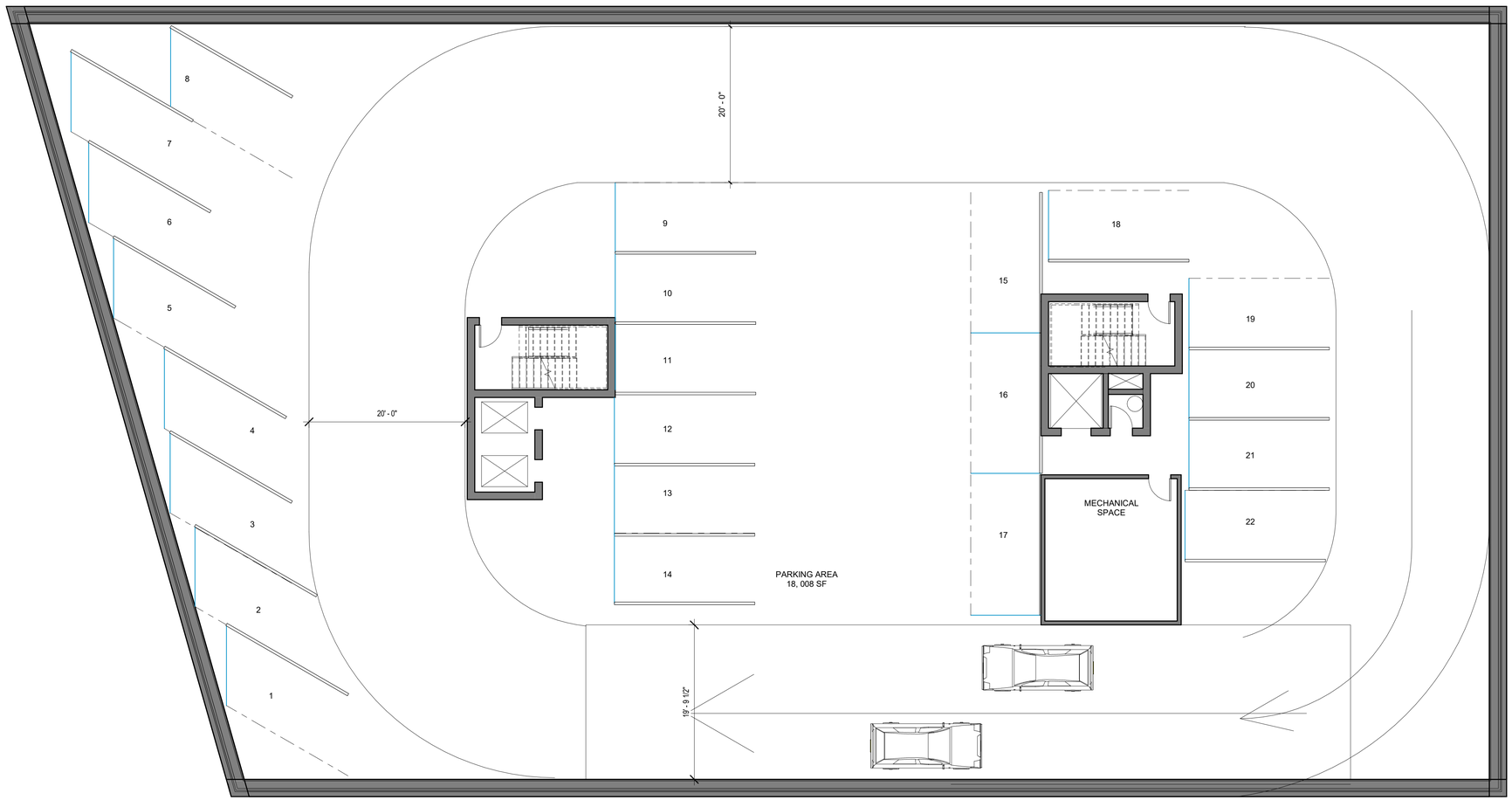

1 Existing Parking 1
1/8" = 1'-0"

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9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE,
BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

Parking 1 Floor Plan

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
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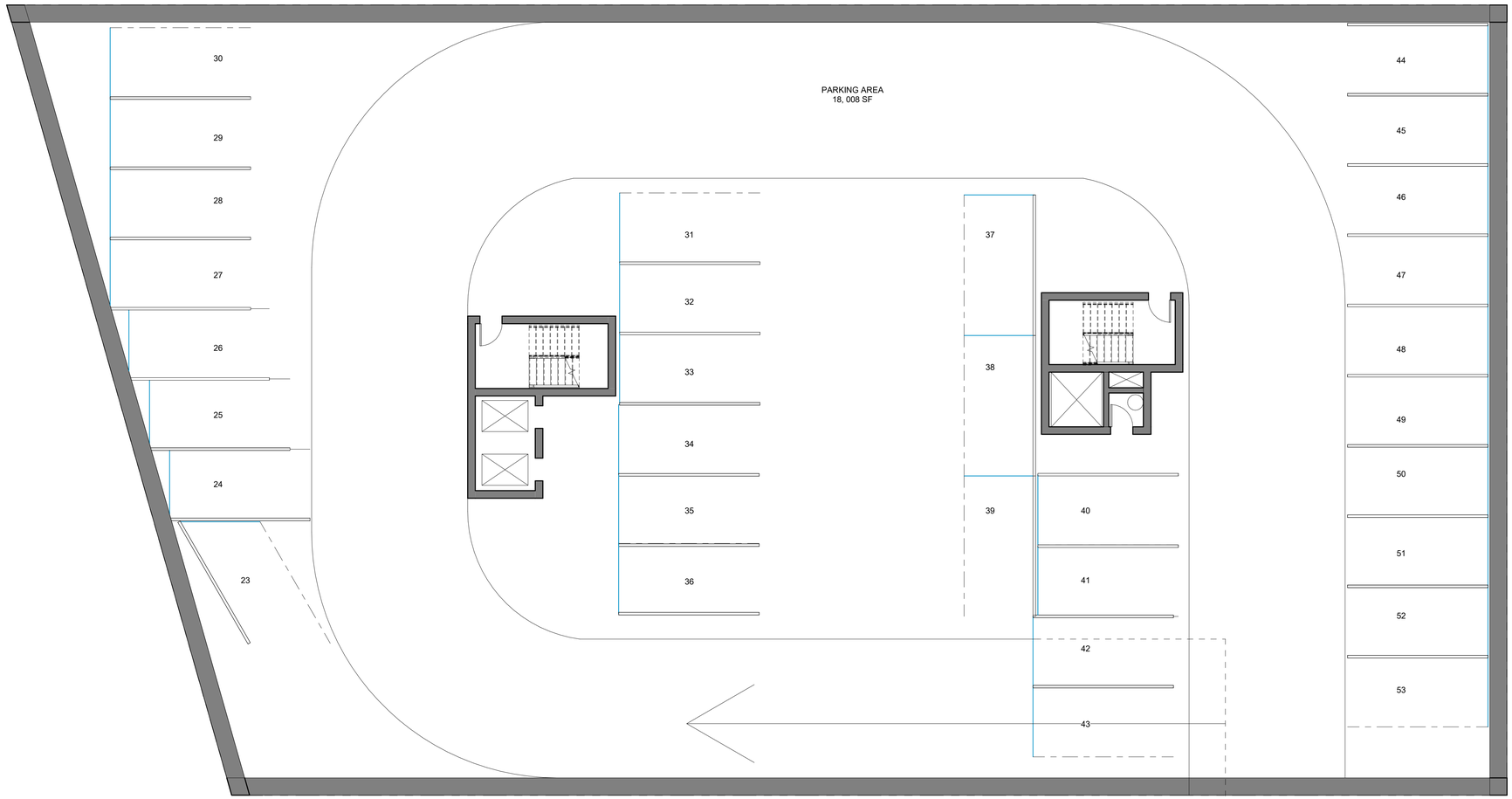

1 Existing Parking 2
1/8" = 1'-0"

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DOB JOB NUMBER
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PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
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BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

Parking 2 Floor Plan

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
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1 Building Elevation from 4th Avenue1
1/8" = 1'-0"

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9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE, BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

Building Elevation from 4th Avenue

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
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1 Building Elevation from 92nd Street
1/8" = 1'-0"

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DOB JOB NUMBER
N/A

PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE, BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

Building Elevation from 92nd Street

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
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1 Building Elevation from 5th Avenue
1/8" = 1'-0"

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N/A

PROJECT NAME
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PROJECT ADDRESS
9201 4 AVENUE, BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

Building Elevation from 5th Avenue

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
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DRAWING NUMBER
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1 Building Elevation Towards 92nd Street
1/8" = 1'-0"

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BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

Building Elevation Towards 92nd Street

SIGN & SEAL

DATE: 10/10/2025
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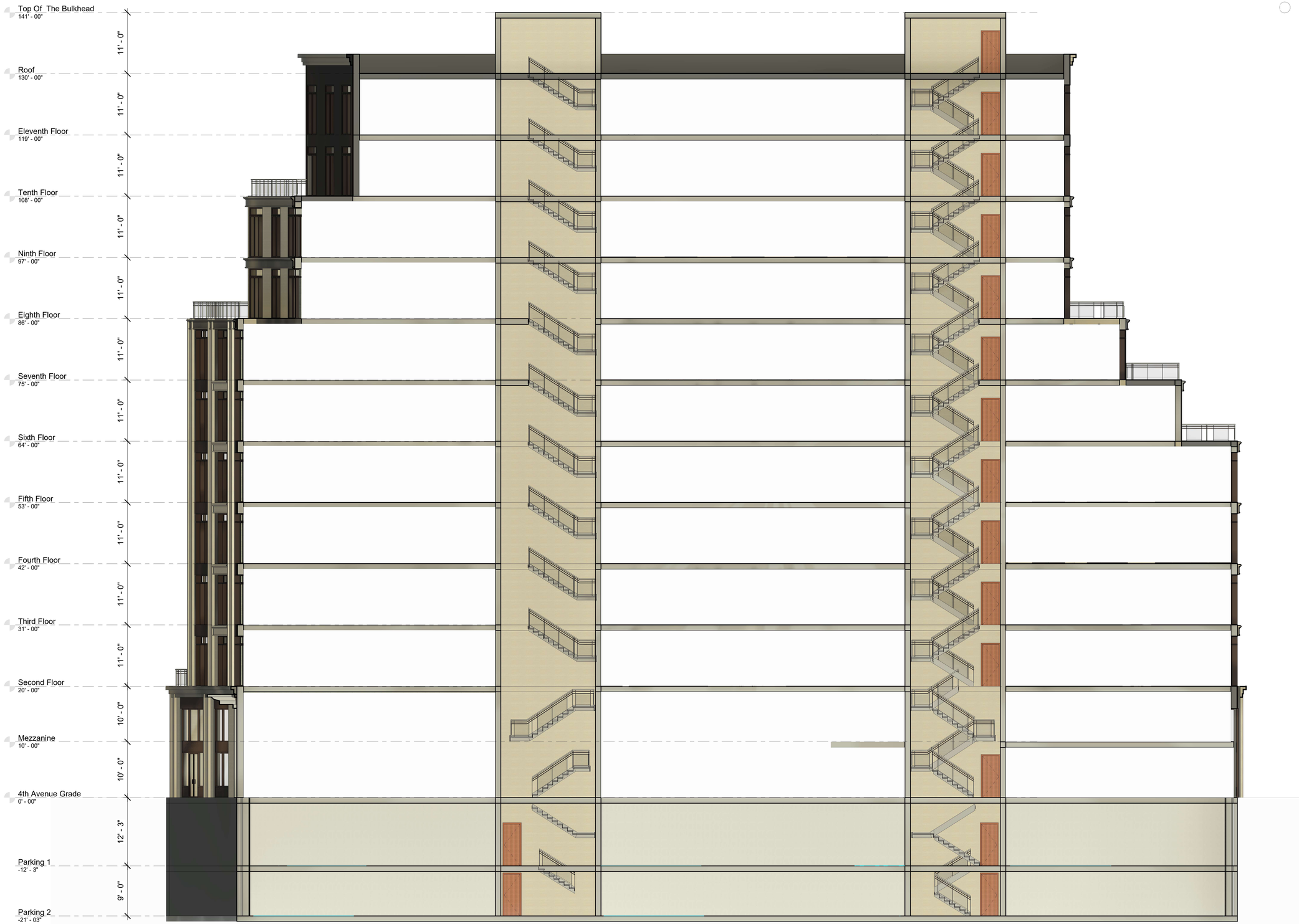

1 Building Section
1/8" = 1'-0"

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DOB JOB NUMBER
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PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE,
BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

Longitudinal Building Section

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
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DRAWING NUMBER
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of



1 3D View from 4th Avenue

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DOB JOB NUMBER
N/A

PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE,
BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

Perspective View from 4th Avenue

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
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A-400.00
of



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28 W 27TH ST, # 606 NEW YORK, NY 10001
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DOB JOB NUMBER
N/A

PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE, BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

Perspective View from Corner of 5th Ave & 92nd Street

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
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28 W 27TH ST, # 606 NEW YORK, NY 10001
WWW.JORGEFONTAN.COM INFO@JORGEFONTAN.COM

DOB JOB NUMBER
N/A

PROJECT NAME
9201 4 AVENUE (BAY RIDGE REZONING)

PROJECT ADDRESS
9201 4 AVENUE,
BROOKLYN, NY, 11209

PROPERTY OWNER
TIM ZISS

Perspective View from 5th Ave

SIGN & SEAL

DATE: 10/10/2025
Project number 20240021
Drawn by KG
Checked by JF

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A-402.00
of

APPENDIX C

DCP HOUSING DATABASE BACKUP

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

ID	Census Tract	Address	Job Type	Permit Year	Complete Year	Class A Initial Units	Class A Proposed Units	Class A Net Units	Ownership
1	160	8915 Fifth Avenue	Alteration	2018	2020	6	6	0	Private For-Profit: Corporation
2	60	8901 3 Avenue	Alteration	2017	2022	6	6	0	Private For-Profit: Individual
3	138	8315 4 Avenue	Alteration	2015	2021	70	70	0	Private For-Profit: Corporation
4	58	9107 4 Avenue	Alteration	2019	2021	2	0	-2	Private For-Profit: Partnership
5	142	618 79 Street	Alteration	2017	2020	2	2	0	Private For-Profit: Individual
6	56.01	312 97 Street	New Building	2019	2020	0	15	15	Private For-Profit: Corporation
7	52.02	60 92 Street	New Building	2018	2020	0	14	14	Private For-Profit: Corporation
8	162	9419 5 Avenue	Alteration		2021	1	0	-1	Private For-Profit: Corporation
9	152	265 Battery Avenue	Alteration	2019	2020	1	2	1	Private For-Profit: Individual
10	60	222 89 Street	Alteration	2018	2021	2	1	-1	Private For-Profit: Individual
11	152	101 Battery Avenue	New Building	2018	2021	0	3	3	Private For-Profit: Corporation
12	62	263 83 Street	Alteration	2021	2022	2	1	-1	Private For-Profit: Individual
13	152	97 Battery Avenue	New Building	2018	2021	0	3	3	Private For-Profit: Corporation
14	56.02	9952 3 Avenue	Demolition	2020	2020	1	0	-1	Private For-Profit: Corporation
15	56.02	9956 3 Avenue	Demolition	2020	2020	1	0	-1	Private For-Profit: Corporation
16	56.02	9960 3 Avenue	Demolition	2020	2020	1	0	-1	Private For-Profit: Corporation
17	52.02	33 93 Street	Alteration	2020	2023	1	1	0	Private For-Profit: Individual
18	56.02	9964 3 Avenue	Demolition	2020	2020	1	0	-1	Private For-Profit: Individual
19	62	305 83 Street	Alteration	2021	2022	2	2	0	Private For-Profit: Individual
20	56.02	9956 3 Avenue	New Building	2020	2022	0	40	40	Private For-Profit: Corporation
21	162	415 Garage 99 Street	Demolition	2023	2023	1	0	-1	Private For-Profit: Corporation
22	56.01	142 96 Street	Alteration	2021	2021	2	2	0	Private For-Profit: Individual
23	60	275 90 Street	Alteration	2021	2022	4	4	0	Private For-Profit: Individual
24	152	104 Battery Avenue	Alteration	2021	2023	1	1	0	Private For-Profit: Individual