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ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) AND SUPPLEMENTAL STUDIES TO THE EAS

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

Prepared for:
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78-46 Metropolitan Avenue
Queens, NY, 11379

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April 18, 2022

78-46 Metropolitan Avenue Rezoning

Queens, NY 11379
Block 3776, Lots 30 and 31
Queens Community District 5

CEQR Reference No: 22DCP092Q

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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* 78-46 Metropolitan Avenue Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
22DCP092Q	N/A
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
220133ZMQ	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Department of City Planning			Dr. Robert Thomas		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Stephanie Shellooe, AICP, Director, Environmental Planning and Review Division			Kevin Williams, Equity Enivronmental Engineering		
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5. *Project Description*

The Applicant, Dr. Robert Thomas, requests approval of a zoning map amendment affecting Block 3776, Lots 30 and 31 ("The Proposed Rezoning Area") from the existing R5 zoning district to an R5D/C2-3 zoning district in the Middle Village neighborhood within Queens Community District 5. The Proposed Action would facilitate the alteration and enlargement of the existing building located at Projected Development Site 1 (Block 3776, Lot 31) with two additional stories and two dwelling units (one unit per floor). Under the zoning map amendment, the Proposed Development would have a total floor area of approximately 5,484 gross square feet (GSF) or 4,985 zoning square feet (ZSF) (1.93 FAR). The floor area would consist of approximately 2,679 GSF (2,435 ZSF) of UG 16/UG 6 Animal hospital/Veterinary medicine, as currently exists, and approximately 2,805 GSF (2,550 ZSF) of residential uses. The commercial use (animal hospital) would be on the ground floor with the two new dwelling units on the upper two floors for a total of three floors at the height of 33'9".

The zoning map amendment would bring the existing legal non-conforming ground floor Use Group 6 Veterinary Medicine use into conformance, and would also bring the existing legal non-conforming and noncomplying building on Lot 30 into conformance and compliance.

Project Location

BOROUGH Queens	COMMUNITY DISTRICT(S) 5	STREET ADDRESS 78-44/ 78-46 Metropolitan Avenue
TAX BLOCK(S) AND LOT(S) Block 3776, Lots 30 and 31		ZIP CODE 11379

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Rezoning Area is generally bounded by Metropolitan Avenue to the north, 79th Street to the east, 67th Road to the south, and 78th Street to the west.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R5	ZONING SECTIONAL MAP NUMBER 13D

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 If "yes," specify:

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.): 5,209 sf Waterbody area (sq. ft) and type: NA
Roads, buildings, and other paved surfaces (sq. ft.): NA Other, describe (sq. ft.): NA

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): 2,931 gsf
(2,805 gsf Res. and 126 gsf commercial)- expansion
NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 2,931 gsf expansion
HEIGHT OF EACH BUILDING (ft.): 45 Feet NUMBER OF STORIES OF EACH BUILDING: 4

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: 2,578
The total square feet not owned or controlled by the applicant: 2,631

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: 500 (area for utility connections as expansion will be on top of exsting commercial building) sq. ft. (width x length) VOLUME OF DISTURBANCE: 5,000 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 500 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.)	2,805 gsf	126 gsf	0	0

Type (*e.g.,* retail, office, school)	2 units	Animal Hospital		

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

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 4 NUMBER OF ADDITIONAL WORKERS: 1

Provide a brief explanation of how these numbers were determined: 2 units and 3 workers per 1,000 gsf of commercial floor area

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

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

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

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2024

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Factoring the Environmental Approval process and ULURP process of 18 months and an 18-month construction schedule for the Projected Development Site.

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

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

Part II: TECHNICAL ANALYSIS

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

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

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
o 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?	☐	☒
o If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	☐	☒
o Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
o Directly displace more than 500 residents?	☐	☒
o Directly displace more than 100 employees?	☐	☒
o Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o 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		
o **Child Care Centers:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
o **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)	☐	☒
o **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)	☐	☒
o **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
o If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
o If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒

	YES	NO
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See EAS Appendix B		
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 Form, and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☒	☐
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☒
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☒	☐
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: No RECs were identified in Phase I ESA	☐	☒
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	☐	☒

	YES	NO
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?	☐	☒
(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): 101 pounds per week		
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): 648,000 MBtu's		
(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 or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	☐	☐
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?	☐	☐
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)	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☐	☒
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to	☐	☒

	YES	NO
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 preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☐	☒
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
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 occur in a single-phase within 18 months, and pursuant to relevent DOT and DOB regulations.		

20. *APPLICANT'S CERTIFICATION*

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

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

APPLICANT/REPRESENTATIVE NAME	DATE
Kevin Williams, AICP, PP	April 18th 2022

SIGNATURE Kevin Williams

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

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

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

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

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

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

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

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

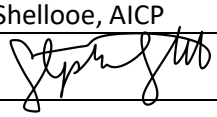
☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental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

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

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

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

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	City Planning Commission
NAME	**DATE**
Stephanie Shellooe, AICP	April 22, 2022

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 (CPC) 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 action 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 action sought before CPC 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, Dr. Robert Thomas, is seeking approval of a zoning map amendment to rezone Queens Block 3776, Lots 30 and 31 (the "proposed rezoning area") from the existing R5 zoning district to an R5D/C2-3 zoning district (the "Proposed Action") in the Middle Village neighborhood of Queens Community District 5. The Proposed Action would facilitate the alteration and enlargement of the existing single-story commercial building located at Block 3776, Lot 31 ("Projected Development Site 1"), currently used as an animal hospital, with two additional stories and two dwelling units (the "proposed project"). The proposed three-story mixed commercial and residential building would include the existing animal hospital on the ground floor, and residential use on the upper floors – one dwelling per floor—with a building height of 33'9". The Proposed Action would allow for commercial use, increase the permitted bulk and range of uses in the proposed rezoning area and result a modest increase the density of development along the commercial corridor of Metropolitan Avenue. The Proposed Action would not introduce any new uses that are not already located within the surrounding area and would bring the existing legal non-conforming ground floor veterinary medicine use into conformance, as well as the existing legal non-conforming and noncomplying building on Lot 30 into conformance and compliance. In addition, the proposed rezoning would not conflict with any relevant public policies. Therefore, the analysis concludes that no significant adverse impacts are anticipated for land use, zoning, and public policy, and no further analysis is required.

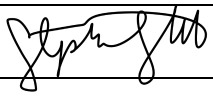
Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The with-action scenario assumes the existing one-story commercial building on Projected Development Site 1 would be enlarged and result in a three-story, 5,484 gross square foot (gsf) mixed-use building consisting of 2,679 gsf of existing animal hospital to remain on the ground floor, 2,805 gsf of residential use (two dwelling units) on upper floors, with a worst-case building height of 45 feet. The proposed rezoning would allow for the development of buildings that would be slightly taller and larger than existing buildings in the surrounding area; however, the proposed R5D zoning would be compatible with the surrounding area that is predominantly mapped as an R5 district. The proposed C2-3 commercial overlay would also be consistent with active local retail uses in the surrounding area and would reinforce the commercial character along this section of Metropolitan Avenue by creating a continuous commercial frontage and activating the streetscape. As demonstrated by the comparative massing diagrams depicting the proposed development under the no-action and with-action scenarios, the development with the Proposed Action would remain compatible with the scale and character of other buildings within the surrounding area. Furthermore, the Proposed Action would not adversely affect any visual resources. Therefore, the analysis concludes that the Proposed Action would not result in significant adverse impacts to urban design or visual resources, and no further analysis is required.

Air Quality, and Noise

An (E) designation (E-664) related air quality and noise would be established as part of the approval of the Proposed Actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The air quality and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to air quality or noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This 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 Stacey Barron at +1 212-720-3419.

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe	DATE April 22, 2022
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE April 25, 2022
SIGNATURE	

Project Name: 78-46 Metropolitan Avenue Rezoning
CEQR # 22DCP092Q
SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Action was 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	Queens	Block 3376, Lot 31

(E) Designation Requirements

To ensure that the Proposed Action would not result in significant adverse impacts related to air quality and noise an (E) designation (**E-664**) would be established as part of approval of the Proposed Action on **Projected Development Site 1** as described below:

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

Air Quality

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

> ***Projected Development Site 1:*** *Any new residential development on Block 3376, Lot 31 must ensure heating, ventilation, and air conditioning (HVAC) system and hot water equipment stack(s) is located at the highest tier and at least 36'9" above grade, to avoid any significant adverse air quality impacts.*

Noise

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

> ***Projected Development Site 1:*** *In order to ensure an acceptable interior noise environment, new residential/commercial development on the above referenced property must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on the facades facing Metropolitan Avenue (northern facade) to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but not limited to, central air conditioning or air conditioning sleeves containing air conditioners.*

Figure 1: Site Location Map

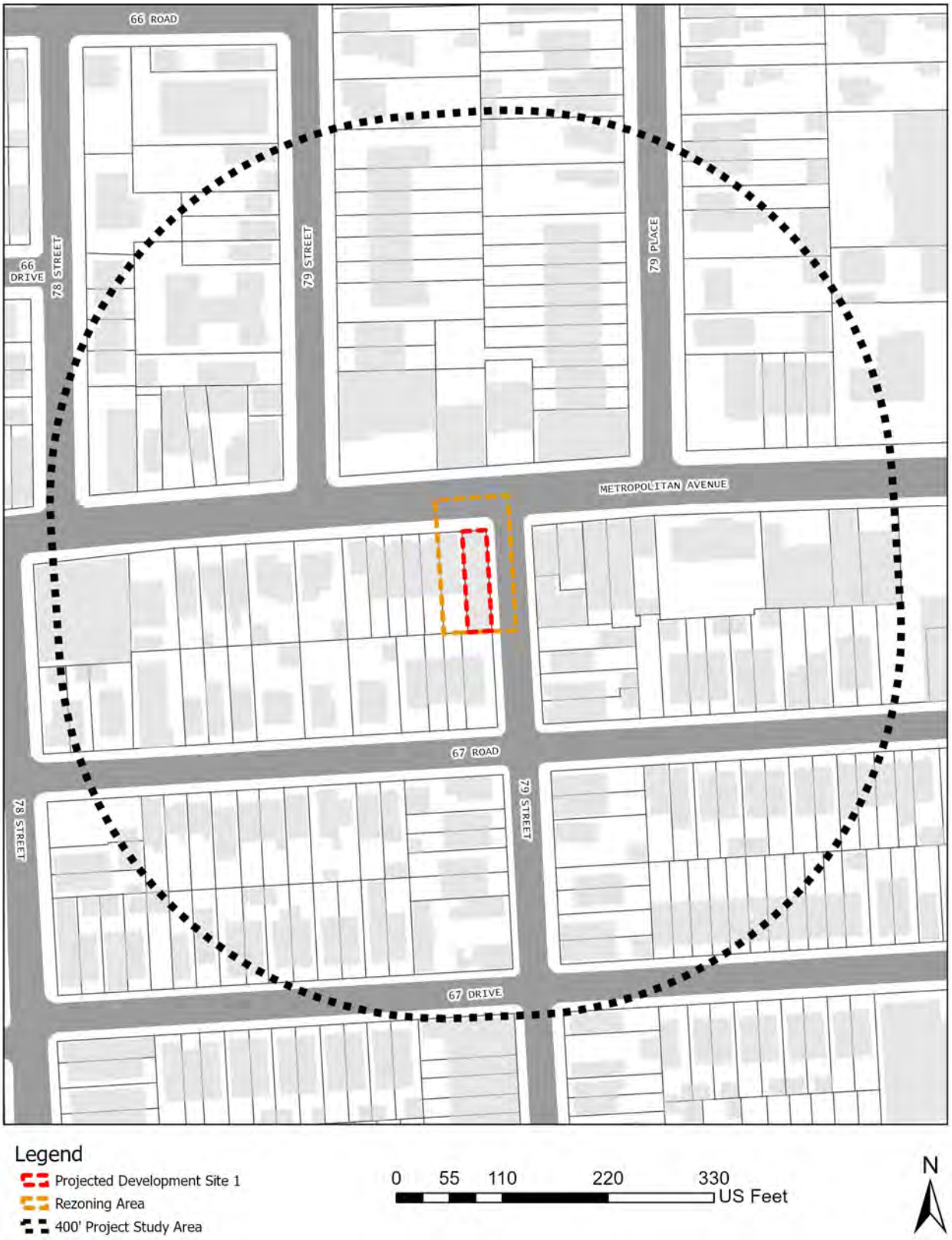


Figure 2: Existing Land Use Map

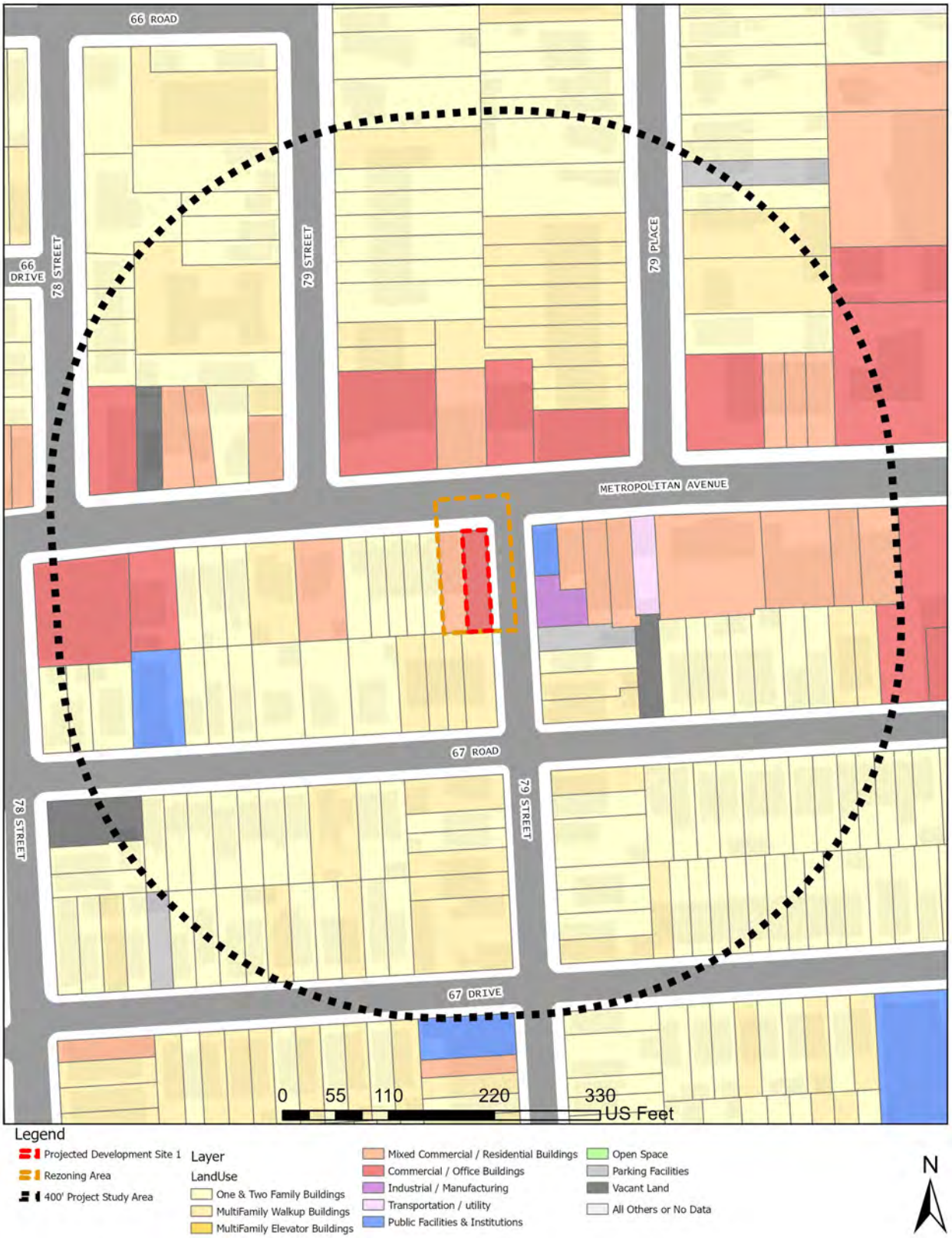


Figure 3: Zoning Map

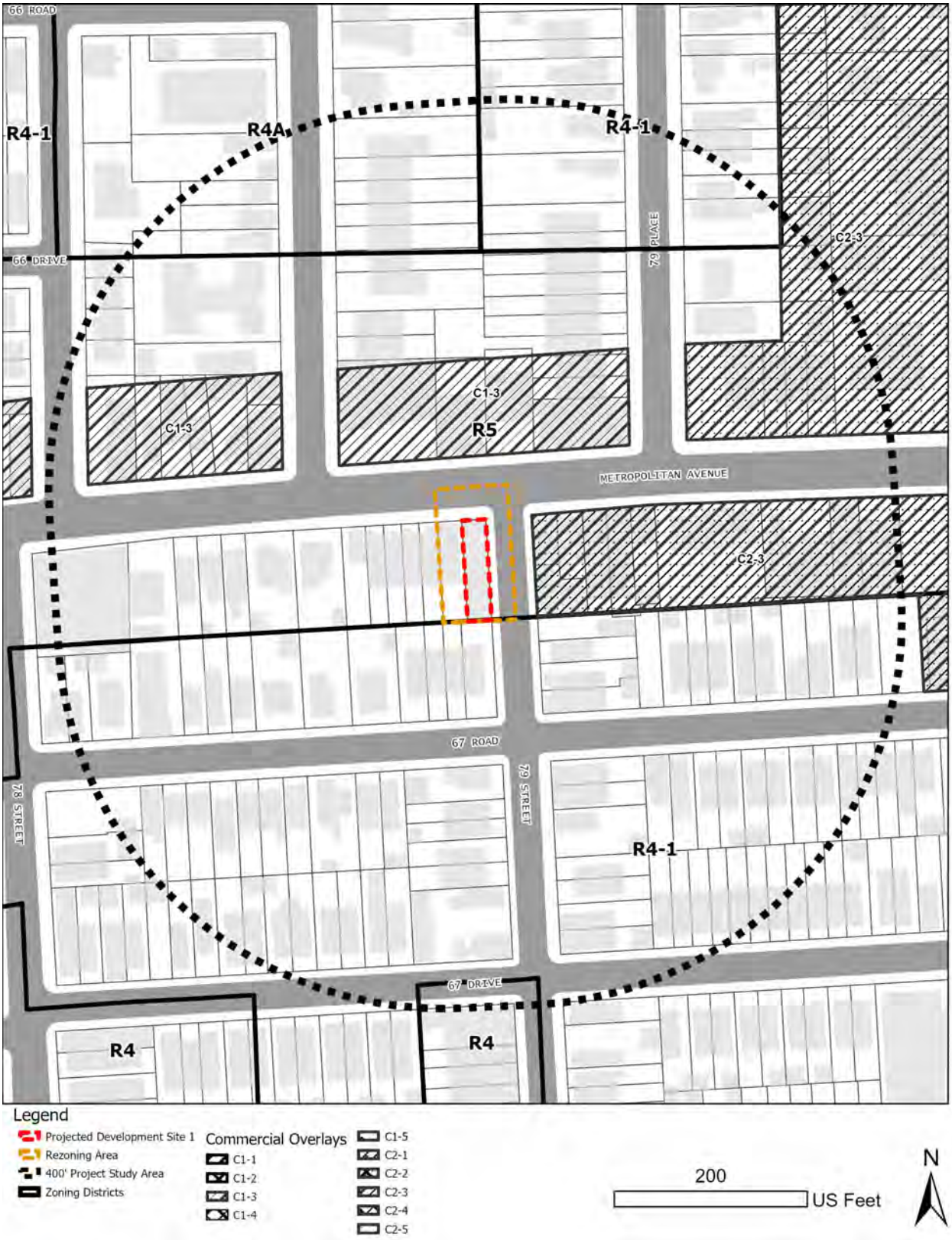


Figure 4: Zoning Change Map



d

Figure 5: Tax Map

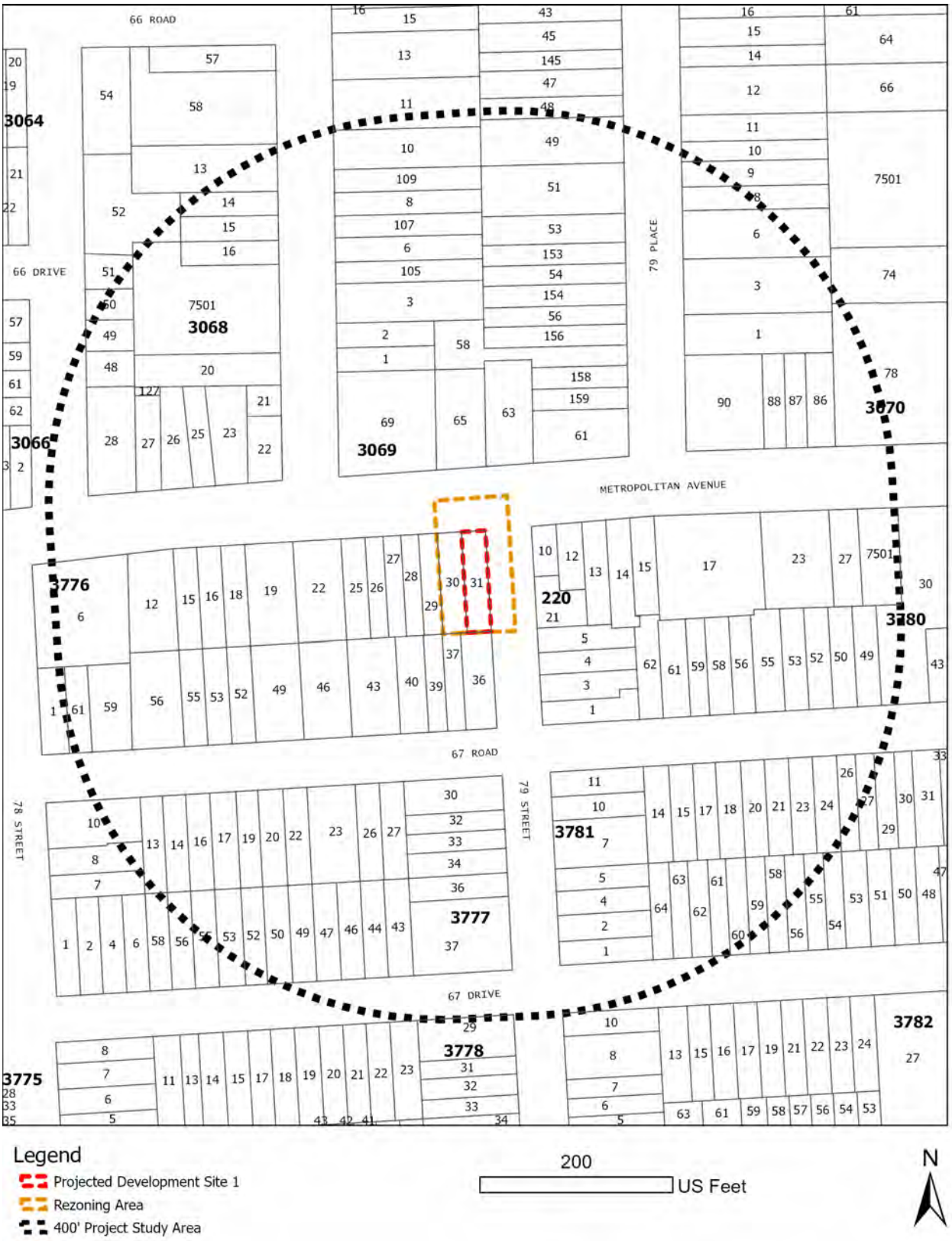


Figure 6-1: Site Photos



1 View of Project Area looking southeast on Metropolitan Avenue. Projected Site 1 is the building with the blue awning



2 View of Projected Development Site 1 (Block 3776, Lot 31)

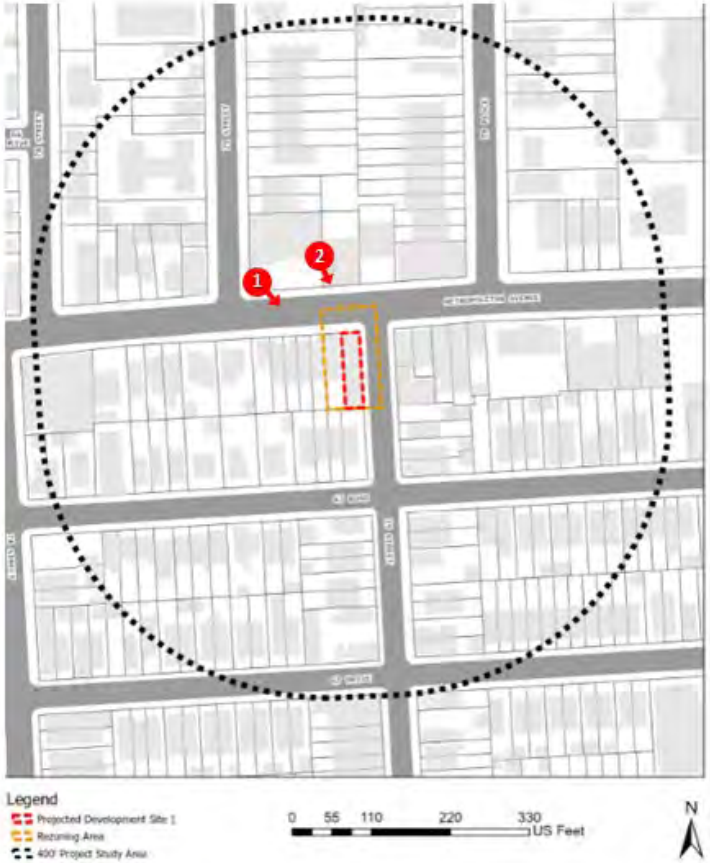


Photo Key

Figure 6-2: Site Photos



3 View of Residential Uses adjacent to Project Area on Metropolitan Avenue



4 View of Commercial uses on Metropolitan Avenue across 79th Street from Projected Development Site

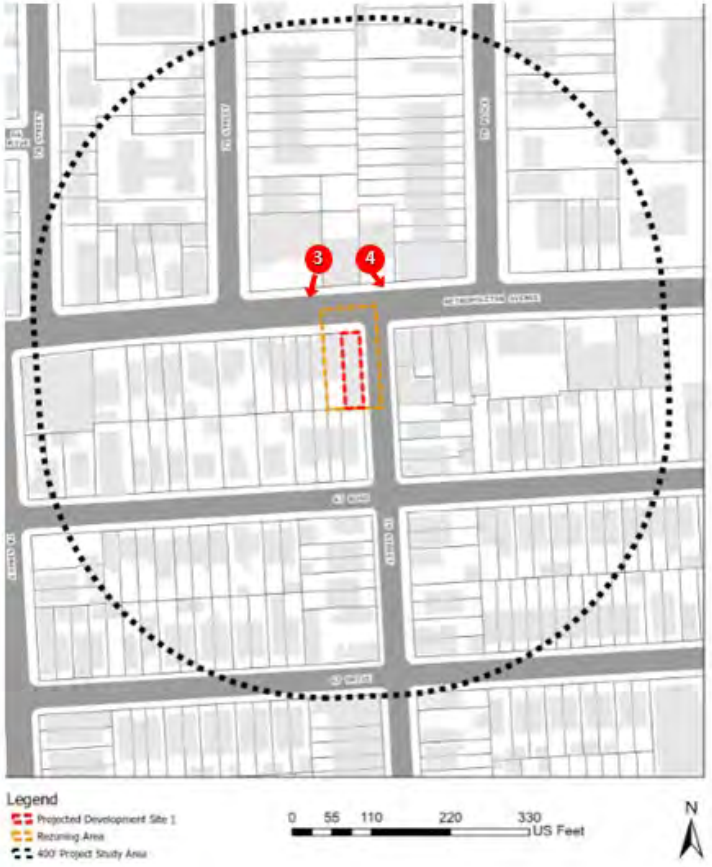


Photo Key

Figure 6-3: Site Photos



5 View of Commercial Uses on Metropolitan Avenue across from Project Area



6 View of Project Area and Projected Development Site 1 from 79th Street looking north

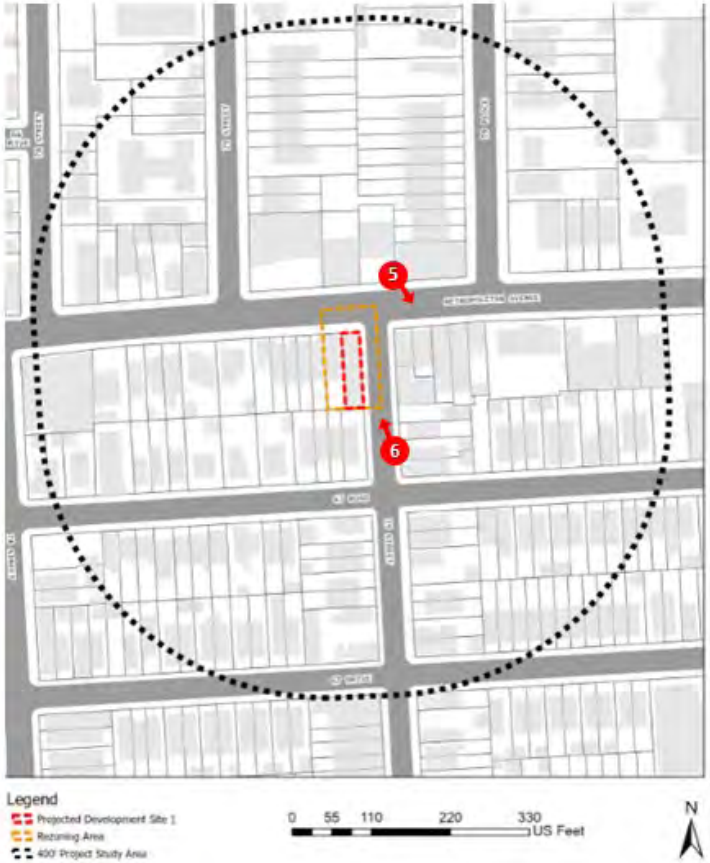


Photo Key

Figure 6-4: Site Photos



7 View of Commercial Uses on the north side of Metropolitan Avenue across from Project Area



8 View of Commercial Uses looking east on Metropolitan Avenue

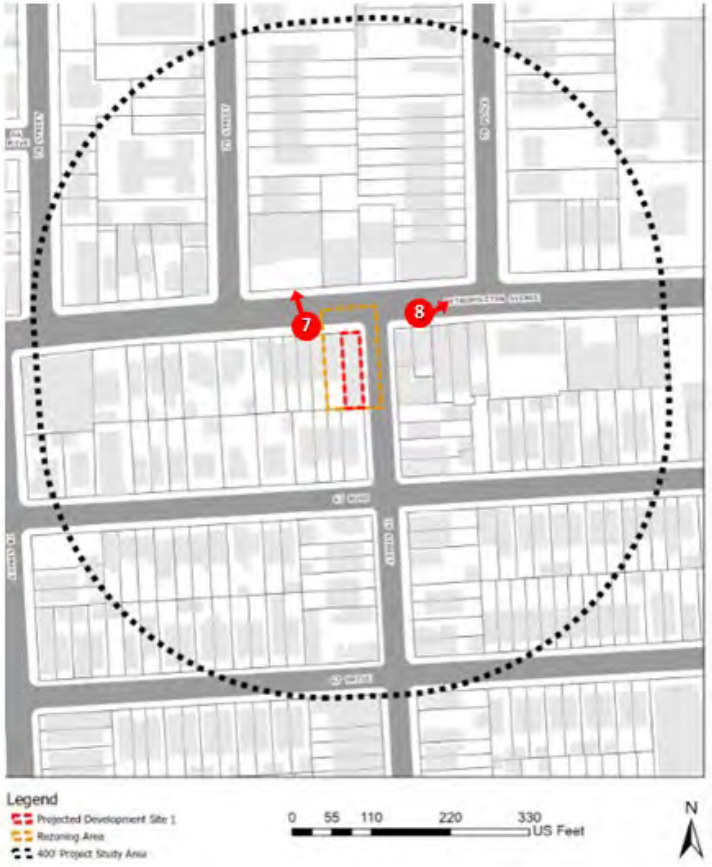


Photo Key

1.0 PROJECT DESCRIPTION

1.1 Introduction

The Applicant, Dr. Robert Thomas, requests approval of a zoning map amendment affecting Block 3776, Lots 30 and 31 ("The Proposed Rezoning Area") from the existing R5 zoning district to an R5D/C2-3 zoning district in the Middle Village neighborhood within Queens Community District 5. The Proposed Action would facilitate the alteration and enlargement of the existing building located at Projected Development Site 1 (Block 3776, Lot 31) with two additional stories and two dwelling units (one unit per floor). Under the zoning map amendment, the Proposed Development would have a total floor area of approximately 5,484 gross square feet (GSF) or 4,985 zoning square feet (ZSF) (1.93 FAR). The floor area would consist of approximately 2,679 GSF (2,435 ZSF) of UG 16/UG 6 Animal hospital/Veterinary medicine, as currently exists, and approximately 2,805 GSF (2,550 ZSF) of residential uses. The commercial use (animal hospital) would be on the ground floor with the two new dwelling units on the upper two floors for a total of three floors at the height of 33'9".

The zoning map amendment would bring the existing legal non-conforming ground floor Use Group 6 Veterinary Medicine use into conformance, and would also bring the existing legal non-conforming and noncomplying building on Lot 30 into conformance and compliance.

The Proposed Action is a discretionary action subject to environmental review. The NYC Department of City Planning is the lead agency on behalf of the City Planning Commission for environmental review under CEQR.

1.2 Background and Site History

The Proposed Rezoning Area has been mapped as an R5 zoning district since 1961. Block 3776, Lot 31 (Projected Development Site 1) is improved with a one-story, approximately 2,553 gross/zoning square-foot (0.99 FAR) legal non-conforming commercial building currently used as a UG 16 animal hospital (the Animal Clinic of Queens) according to a 1993 Certificate of Occupancy. According to historical Certificate of Occupancies issued from 1948-1971, Lot 31 was formerly used as a one-story manufacturing/storage/garage building prior to the animal hospital use. Block 3776, Lot 30 is improved with a three-story, approximately 4,670 gross/zoning square-foot (1.77 FAR) mixed-use building with ground floor commercial use (the Middle Village Medical Office) and four dwelling units above.

1.3 Description of the Surrounding Area

Existing land uses in the surrounding 400-foot area, also referred to as the Study Area, primarily consist of one- and two-family buildings, multi-family walk-up buildings, mixed commercial and residential buildings, and commercial and office buildings. Metropolitan Avenue, bounding the Proposed Rezoning Area to the north, is a main commercial corridor in the area and includes a range of local retail and service uses, as well as eating and drinking establishments. There are residential uses above many of the ground-floor commercial uses along Metropolitan Avenue.

Residential uses are characterized by 2- to 3-story buildings, used as one- and two-family dwelling buildings and multi-family walk-up buildings of three units, which typically are located along 67th Road and 67th Drive

to the south of the Proposed Rezoning Area and along 79th Street and 79th Place to the north of the Proposed Rezoning Area. The mixed commercial and residential buildings and commercial and office buildings are mostly 1- to 3-story buildings with local retail on the ground floor along Metropolitan Avenue. The commercial uses are mostly convenience stores, restaurants, banks, and spas, including well-known chain stores like Dollar Tree, 7-Eleven, and CVS.

Built form within the 400-foot surrounding area varies by use, and mainly consists of one- to three-story residential buildings, commercial buildings, and mixed commercial and residential buildings with commercial space on the ground floor.

The Middle Village/Metropolitan Avenue subway station, served by the M train, is located approximately 0.8 miles west of the Proposed Rezoning Area and the Q54, Q29, and Q47 bus lines run near the Proposed Rezoning Area. There are several large green spaces within the surrounding area, including St. John Cemetery, Middle Village Cemetery, Middle Village Playground, and Juniper Valley Park.

1.4 Description of the Proposed Rezoning Area

The Proposed Rezoning Area (Block 3776, Lots 31 and 30) is located in Community District 5 in the Middle Village neighborhood of Queens. The Proposed Rezoning Area is composed of portions at the northeast corner of Block 3776, which is bounded by Metropolitan Avenue to the north, 79th Street to the east, 67th Road to the south, and 78th Street to the west. Metropolitan Avenue is an east-west two-way wide road with one moving lane of traffic in each direction and curbside parking. 79th Street (south to north), 67th Road (east to west), and 78th Street (north to south) are narrow one-way roads with a single moving lane in each direction and curbside parking.

As shown above in Figures 1 through 6, the Proposed Rezoning Area is within an R5 zoning district. The R5 zoning districts allow residential development up to 1.25 FAR and community facility development up to 2.00 FAR. Commercial and manufacturing uses are not permitted in the R5 zoning districts.

There would be one Applicant-Owned Projected Development Site – Projected Development Site 1 (Block 3776, Lot 31) located on the northeast corner of Metropolitan Avenue and 79th Street. Projected Development Site 1 is improved with a one-story, approximately 2,553 gross/zoning square-foot (0.99 FAR) legal non-conforming commercial building currently used as a UG 16 animal hospital (the Animal Clinic of Queens) according to a 1993 Certificate of Occupancy. Lot 31 was formerly used as a one-story manufacturing/storage/garage building prior to the animal hospital use.

Immediately to the west of Projected Development Site 1, Block 3776, Lot 30 is improved with a three-story, approximately 4,670 gross/zoning square-foot (1.77 FAR) mixed-use building with ground floor commercial use (the Middle Village Medical Office) and four dwelling units above. Lot 30 is not owned by the Applicant and is not considered as a Projected Development Site.

1.5 Description of the Proposed Project

The Proposed Development includes the alteration and enlargement of the existing building located at Projected Development Site 1 (Block 3776, Lot 31) with two additional stories and two dwelling units (one unit per floor). The Proposed Development would have a total floor area of approximately 5,484 gross square

feet (GSF) or 4,985 zoning square feet (ZSF) (1.93 FAR). The floor area would consist of approximately 2,679 GSF (2,435 ZSF) of UG 16/UG 6 Animal hospital/Veterinary medicine, as currently exists, and approximately 2,805 GSF (2,550 ZSF) of residential uses. The proposed vertical expansion would be used for residential uses as the two dwelling units. The commercial use (animal hospital) would be on the ground floor with the two new dwelling units on the upper two floors for a total of three floors at the height of 33'9".

1.6 Action(s) Necessary to Facilitate the Project

One action is necessary to facilitate the Proposed Development:

1) A Zoning Map Amendment to rezone Block 3776, Lots 30 and 31 from an R5 zoning district to an R5D/C2-3 zoning district.

The Proposed Action would facilitate the development of two dwelling units at Projected Development Site 1, while maintaining the existing animal hospital/veterinary medicine use on the ground floor, and would also bring the existing legal non-conforming and noncomplying building located on Lot 30 into conformance and compliance.

1.7 Purpose and Need

The existing R5 zoning districts allow residential development up to 1.25 FAR and community facility development up to 2.00 FAR. Commercial and manufacturing uses are not permitted in the R5 zoning districts. The bulk restrictions in the R5 district include a height limit of 40 feet with a maximum street wall height of 30 feet, a setback of 15 feet that is required for any building with a building height over 30 feet, and a setback from a rear or side yard for any portion of a building that exceeds a height of 33 feet.

With the Proposed Action, although the total maximum FAR and the maximum community facility FAR would not change, the maximum residential FAR would increase from 1.25 in the existing R5 zoning district to 2.00 in the proposed R5D/C2-3 zoning districts. Within an R5D/C2-3 district, the maximum permitted building height is 40 feet (45 feet with a Qualifying Ground Floor) and a minimum front yard of 5 feet and a minimum rear yard of 30 feet are required. The proposed R5D/C2-3 district would also permit residential uses (Use Groups 1 and 2), community facility uses (Use Groups 3 and 4), and commercial uses (Use Groups 5 to 9, and 14), which would bring the ground-floor commercial uses within the Proposed Rezoning Area into conformance.

Therefore, the Applicant believes that mapping an R5D/C2-3 district would permit a mix of residential and commercial uses that would reflect and support Metropolitan Avenue's local commercial character, would bring conforming status to the existing residential and commercial uses within the Proposed Rezoning Area, would make the building heights more predictable using the R5D building envelope, and would allow a new mixed-use development of Projected Development Site 1 that is consistent with existing uses and bulk within the surrounding area.

1.8 Analysis Framework

For the purpose of the environmental analyses, the No-Action condition represents the future absent the proposed actions and serves as the baseline by which the proposed actions (or With-Action condition) are

compared to determine the potential for significant environmental impacts. The difference between the No-Action and With-Action conditions represents the increment to be analyzed in the CEQR process. 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 Proposed Rezoning Area. This environmental assessment considers the potential effects of the Proposed Actions compared to future conditions without the approvals sought by the project sponsor. This 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 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 the Reasonable Worst-Case Development Scenario (RWCDS), the use of which ensures that, regardless of which scenario 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 project in operation (With-Action Condition).

Build Year

Given environmental review, ULURP, financing, design, construction, and occupancy, a build year of 2024 is appropriate for this project. No other Projected Development Site, aside from the Applicant's Proposed Development are expected to occur as a result of the Proposed Actions.

Existing Conditions

The Proposed Rezoning Area is currently mapped as an R5 zoning district. Block 3776, Lot 31 (Projected Development Site 1) is improved with a one-story, approximately 2,553 gross/zoning square foot (0.99 FAR) legal non-conforming commercial building currently used as a UG 16 animal hospital (the Animal Clinic of Queens) according to a 1993 Certificate of Occupancy. Block 3776, Lot 30 (Non-Applicant owned) is improved with a three-story, approximately 4,670 gross/zoning square-foot (1.77 FAR) mixed-use building with ground floor commercial use (the Middle Village Medical Office) and four dwelling units above.

No-Action Condition

The existing zoning has been in place for nearly 60 years. Both lots within the Proposed Rezoning Area are in active use. The use on Projected Development Site 1 is a legal pre-existing non-conforming use that cannot be enlarged, under existing R5 zoning. The building on the other lot within the Proposed Rezoning Area is overbulk, and contains a non-conforming commercial use – the ground floor medical office use is identified as Use Group 6, while the cellar Medical Office is Use Group 4 community facility. It is assumed that these conditions would remain consistent with existing conditions under the No-Action scenario.

With-Action Condition

The Future With-Action condition under a Reasonable Worst-Case Scenario requires identification of the type, location, and extent of development anticipated as a result of a Proposed Action along with any potential

impacts that may arise from that future development. As directed by CEQR, this analysis requires that the Future With-Action Condition considers a scenario that maximizes the permitted FAR allowed under the proposed new zoning.

In general, the following factors are considered when evaluating whether some amount of development would likely be constructed by the build year on any nearby site. Known as Soft (or Projected/Potential Development) Sites, the criteria include the following:

- The uses and bulk allowed: Buildings built to substantially less than the maximum allowable FAR under the existing zoning are considered "soft" enough such that there would likely be sufficient incentive to develop in the future, depending on other factors specific to the area, listed below; and

- Size of the development site: Lots must be large enough to be considered "soft." Generally, lots with a small lot size are not considered likely to be redeveloped, even if currently built to substantially less than the maximum allowable FAR. A small lot is often defined for this purpose as 5,000 square feet or less, but the lot size criteria is dependent on neighborhood specific trends, and common development sizes in the Study Area should be examined prior to establishing this criterion.

If sites meet both criteria above, then the following factors are considered:

- The amount and type of recent as-of-right development in the Study area;
- Recent real estate trends in the Study area;
- Recent and expected future changes in residential population and employment in the Study area;
- Government policies or plans, such as a building on site being identified for a landmark designation, that may affect the development potential of a site or sites;
- Site specific conditions that make development difficult; and
- Issues relating to site control or site assemblage that may affect redevelopment potential.

Projected Development Site 1

Based on the above criteria, Block 3776, Lot 31 was identified as the only Projected Development Site. Data for the lots projected to develop within the Proposed Rezoning Area are shown in Table 1.8-1.

Projected Development Site 1 – Block 3776, Lot 31

The RWCDS for the With Action condition assumes that Projected Development Site 1 would be congruent to the Proposed Development with the exception of building height. Projected Development Site 1 would have a total floor area of 5,484 GSF (4,985 ZSF) and an FAR of 1.93, consisting of 2,679 GSF (2,435 ZSF) of UG 16/UG 6 Animal hospital/veterinary medicine to remain and 2,805 GSF (2,550 ZSF) of residential use. The remaining .07 FAR of development potential is approximately 159 sf, but would not be large enough to provide another dwelling unit on the upper floors. Because the Proposed Development would not maximize height permitted under the proposed R5D/C2-3 zoning district, Project Development Site 1 assumes a maximum allowable building height of 4 stories or 45'.

Table 1.8-1: Projected Development under the Proposed Rezoning (in GSF)

Site No.	Block	Lots	Lot Area	Existing Zoning	Existing FAR	Proposed Zoning	Projected Res. Floor Area	Projected Com Facility Floor Area	Projected Commercial Floor Area	Projected FAR	DUs	Height
1	3776	31	2,578	R5	0.99	R5D/C2-3	2,805	0	2,679	1.93	2	45 feet
Total							2,805	0	2,679	1.93	2	45 Feet

Sites Where Development Would Not Be Induced by the Proposed Action

Block 3776, Lot 30

Block 3776, Lot 30 is improved with a three story and cellar building containing medical offices in the cellar and first floor, and four dwelling units on the second and third floors. The building's 1.77 FAR is 88% of the allowable FAR under the proposed R5D, so there is only 605 square feet of additional zoning potential, making enlargement unlikely.

2.0 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 CEQR Technical Manual. If the proposed project was demonstrated not to meet or exceed the threshold, the 'NO' box in that section was checked; thus, additional analyses were not needed. If the proposed project was expected to meet or exceed the threshold, or if this was not able to be determined, the 'YES' box was checked on the EAS Short Form, resulting in a preliminary analysis to determine whether further analyses were needed. For those technical sections, the relevant chapter of the CEQR Technical Manual was consulted for guidance on providing additional analyses (and supporting information, if needed) to determine whether detailed analysis was needed.

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

- Land Use, Zoning and Public Policy
- Historic and Cultural Resources
- Urban Design and Visual Resources
- Hazardous Materials
- Air Quality
- Noise

2.1 LAND USE, ZONING, AND PUBLIC POLICY

The *CEQR Technical Manual* recommends procedures for analysis of land use, zoning, and public policy to ascertain the impacts of a project on the Surrounding Area. Land use, zoning, and public policy are described in detail below. This section considers existing conditions, development trends, zoning, and other public policies in relation to the Projected Development Site and the Surrounding Area as well as the larger area in which the Proposed Actions may have an effect. Because the Proposed Action would permit the development of a mixed-use building with a larger bulk and a wider range of uses than what is permitted under the existing zoning regulations, 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 PLUTOTM 20v4 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 the New York City Department of City Planning (NYCDCP) and other city agencies programs and documentation.

2.1.1 Land Use

Existing Conditions

The CEQR Technical Manual recommends a land use; zoning and public policy Study Area extending 400 feet from the site of a Proposed Action. This Study Area is generally bound by the midblock point between Metropolitan Avenue and 66th Road to the north, 80th Street to the east, 78th Street to the west, and 67th Drive to the south (Figure 2).

Existing Conditions in Study Area

The existing land uses in the 400-foot study area surrounding the Proposed Rezoning Area consist primarily of a mix of one-, two- and multi-family residential, mixed-use commercial and residential and commercial uses. Metropolitan Avenue, bounding the Proposed Rezoning Area to the north, is a main commercial corridor in the area and includes a range of local retail and service uses, as well as eating and drinking establishments. There are residential uses above many of the ground floor commercial uses of Metropolitan Avenue. The existing conditions of each tax lot in the Proposed Rezoning Area are described below.

Existing Conditions in The Proposed Rezoning Area

The Proposed Rezoning Area includes Queens Block 3776, Lots 30 and 31 in the Middle Village neighborhood of Queens Community District 5, which is currently zoned R5.

78-46 Metropolitan Avenue (Block 3776, Lot 31, Projected Development Site 1) has lot frontages of approximately 105 feet along 79th Street and approximately 25 feet along Metropolitan Avenue. Projected

Development Site 1 is improved with a one-story, approximately 2,553 gross/zoning square-foot (0.99 FAR) legal non-conforming commercial building currently used as a UG 16 animal hospital (the Animal Clinic of Queens) according to a 1993 Certificate of Occupancy.

78-44 Metropolitan Avenue (Block 3776, Lot 30) is a 2,631-sf lot with a lot frontage of 25 feet along Metropolitan Avenue, which is improved with a three-story, approximately 4,670 gross/zoning square-foot (1.77 FAR) mixed-use building with ground floor commercial use (the Middle Village Medical Office) and four dwelling units above. A field survey was conducted to determine the existing land use patterns and neighborhood characteristics of the 400- foot Study Area. The existing land uses in the area immediately surrounding the Proposed Rezoning Area are primarily residential buildings (UG 1 & 2) with a mix of commercial building and mixed residential and commercial buildings along Metropolitan Avenue. The western portion of the Study Area west is comprised is residential dwelling units (UG 1 & 2) which are generally 2-4 floors in height. These residential buildings are generally located along 66th Drive, 79th Street and 67th Road. There are some local retail (UG 6) uses along Metropolitan Avenue, including a Dollar Tree, a bank, and a bakery. There is one institutional use in the western portion of the Study Area; FDNY Engine 319 has its stationhouse on 67th Road, in the southwest portion of the Study Area. The eastern portion of the Study Area, like the western portion, is generally comprised residential uses that range in 2-4 floors in height, with commercial and mixed residential and commercial uses along Metropolitan Avenue. These local retail uses include a restaurant, a 7-Eleven, a CVS, and two banks. Residential uses are found on 67th Road, and 79th Place. The southern portion of the Study Area is mainly comprised of residential uses. The northern portion of the Study Area includes local retail (UG 6) uses along Metropolitan Avenue, as well as mixed residential and commercial buildings, and UG 1 and 2 residential uses north of Metropolitan Avenue, including along 79th Place and 79th Street.

Future No-Action Condition

The existing zoning has been in place for nearly 60 years. Both lots within the Proposed Rezoning Area are in active use. The use on the Projected Development Site is a legal pre-existing non-conforming use that cannot be enlarged, under existing R5 zoning. The building on the other lot within the Proposed Rezoning Area is overbulk, and contains a non-conforming commercial use – the ground floor medical office use is identified as Use Group 6, while the cellar Medical Office is Use Group 4 community facility. It is assumed that these conditions would remain consistent with existing conditions under the No-Action scenario.

Future With-Action Condition

<u>78-46 Metropolitan Avenue (Block 3776, Lot 31, Projected Development Site 1)</u>

Under the With-Action Scenario, the Proposed Action would facilitate the the Applicant's Proposed Development on Lot 31. Projected Development Site 1 would have a total floor area of 5,484 GSF (4,985 ZSF, 1.93 FAR), consisting of 2,679 GSF (2,435 ZSF) of UG 16/UG 6 Animal hospital/ Veterinary medicine to remain and 2,805 GSF (2,550 ZSF) of residential use. It is assumed for purposes of a conservative assessment that the building would have a height of 45 feet, which is the maximum height in an R5D zoning district.

78-44 Metropolitan Avenue (Block 3776, Lot 30)

78-44 Metropolitan Avenue (Block 3776, Lot 30) is improved with a three story and cellar building containing medical offices in the cellar and first floor, and four dwelling units on the second and third floors. The building's 1.77 FAR is 88% of the allowable FAR under the proposed R5D, so there is only 605 square feet of additional zoning potential, making enlargement unlikely.

Conclusion

The Proposed Action would not introduce any new or non-conforming land uses or Use Groups that are not already located within the Study Area. The With-Action Scenario would see denser development of one Projected Development Site along the commercial corridor of Metropolitan Avenue. It would also bring the adjacent building on Lot 30 into conformance with zoning. As such, no significant adverse impacts with respect to land use are expected and no further analysis is required

2.1.2 Zoning

The New York City Zoning Resolution dictates the use, density, and bulk of developments within New York City. Additionally, the Zoning Resolution provides required and permitted accessory parking regulations. The City has three basic zoning district classifications – residential (R), commercial (C), and manufacturing (M). These classifications are further divided into low-, medium-, and high-density districts.

Existing Conditions

Zoning designations within the Study Area are depicted in Figure 4 above, while Table 2.1-1 below summarizes use, floor area and parking requirements for the zoning districts in the Study Area.

Projected Development Site 1 is in an R5 zoning district that is mapped generally along 100 feet south of Metropolitan Avenue to the south, 73rd Place to the east, 100 feet north of Metropolitan Avenue to the north, and 80th Street to the west.

The northern portion of the Study Area contains R5, R4A and R4-1 zoning districts. The R5 district is mapped along Metropolitan Avenue and the R4A zoning district is mapped within the very northwest portion of the Study Area. The R4A zoning district starts 230 north of Metropolitan Avenue and is mapped in a northerly direction, along 78th Street to the west and 100 feet east of 79th Street to the east. The very northeastern portion of the Study Area contains a portion of an existing R4-1 zoning district. This R4-1 zoning district starts 230 north of Metropolitan Avenue and is mapped in a northerly direction along 79th Place. A C1-3 commercial overlay is mapped along the northern side Metropolitan Avenue directly across Projected Development Site 1.

The southern portion of the Study Area is generally made up of an existing R4-1 zoning district but at the very southern tip of the Study Area, an R4 zoning district is mapped, which begins at 67th Drive and runs in a southerly direction along 79th Street, extending 100 feet west of 79th Street. A C2-3 commercial overlay is mapped along the southern side Metropolitan Avenue directly across Projected Development Site 1 in an easterly direction.

Table 2.1-1: Summary of Existing Zoning Regulations

Zoning District	Type and Use Group (UG)	Floor Area Ratio (FAR)	Parking (Required Spaces)
R5*	Residential UGs 1 - 4	1.25 FAR for Residential 2.0 FAR for Community Facility	85 % of dwelling units
R4-1	Residential UGs 1 - 4	0.75 FAR Residential (0.9 with Attic Allowance) 2.0 FAR Community Facility	1 Per Dwelling Unit
R4A	Residential UGs 1 - 4	0.75 FAR Residential (0.9 with Attic Allowance) 2.0 FAR- Community Facility	1 Per Dwelling Unit
R4	Residential UGs 1 - 4	0.75 FAR Residential (0.9 with Attic Allowance) 2.0 FAR- Community Facility	1 Per Dwelling Unit
C1-3	Commercial Overlay UGs 1 – 6	1.0 FAR – Commercial in R1-R5 2.0 FAR – Commercial in R6-R10	Parking requirements vary by use
C2-3	Commercial Overlay UGs 1 – 9, 14	1.0 FAR – Commercial in R1-R5 2.0 FAR – Commercial in R6-R10	Parking requirements vary by use

Source: New York City Zoning Resolution
**Proposed Rezoning Area is within an R5 District*

The zoning regulations of the existing zoning districts in the surrounding area include:

R5
R5 district is a non-contextual residential district that permits a residential FAR of 1.25 and community facility FAR of 2.00. The bulk restrictions in this district include a height limit of 40 feet with a maximum street wall height of 30 feet, a setback of 15 feet that is required for any building with a building height over 30 feet, and a setback from a rear or side yard for any portion of a building that exceeds a height of 33 feet. Despite the bulk restrictions, R5 district produces a variety of housing types that include three- and four story attached houses in addition to small apartment buildings. This range of housing types that is found in R5 districts serves an important role in providing a transition between lower- and higher- density neighborhoods and ensure compatibility with neighborhood scale.

In addition to requiring off-street parking for 85 percent of the dwelling units, R5 district also require a minimum of 18 feet deep for front yards to prevent cars parked on-site from protruding onto the sidewalk. Parking is permitted in the side yard, rear yard, garage, or front yard within the side ribbon when the lot is wider than 35 feet.

R4
R4 districts are non-contextual residential districts that permit a residential FAR of 0.75, plus an attic allowance of up to 20% for inclusion of space under the pitched roof common to these districts, usually produces buildings with three stories instead of the two-story homes. To accommodate a potential third floor beneath a pitched roof, the perimeter wall in R4 districts may rise to 25 feet before being set back to the maximum building height of 35 feet. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to provide sufficient space for on-site parking. The maximum street wall length for a building on a single zoning lot is 185 feet. One off-street parking space is required for each dwelling unit. However, requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone.

R4-1

R4-1 districts are contextual residential district that is 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. Detached and semi-detached single- and two-family homes are permitted a maximum FAR of 0.75, (plus 20% for attic allowance) a maximum perimeter wall height of 25 feet and a maximum building height of 35 feet. These homes must have a minimum front yard of 10 feet and a minimum rear yard of 30 feet. Detached homes are required 1 side yard totaling 8 feet. Semi-detached homes are required 1 side yard at a minimum of 4 feet, totaling 4 feet. Off-street parking is required per dwelling unit, and 50% is require for income-restricted housing units (IRHU).

R4A

R4A districts are contextual districts that are often mapped to preserve or establish the character of older neighborhoods with pitched roof homes on smaller zoning lots. R4A districts allow for single- and two-family residences in detached homes. These homes are permitted a maximum FAR of 0.75, (plus 20% for attic allowance) a maximum street wall height of 21 feet and a maximum building height of 35 feet. These homes must have a minimum front yard of 10 feet, a minimum rear yard of 30 feet, and two side yards of at least 2 feet each totaling 10 feet. Off-street parking is required per dwelling unit, and 50% is required for Income Restricted Housing Units.

C1-3/ C2-3 Commercial Overlay

C1-3 and C2-3 districts are commercial overlays mapped within residence districts. Mapped along streets that serve local retail needs, they are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors. In mixed buildings, the commercial uses are limited to one or two floors and must always be located below the residential use. Compared to C1-3 districts, C2-3 districts permit a slightly wider range of uses, such as funeral homes and repair services.

When commercial overlays are mapped in R1 through R5 districts, the maximum commercial floor area ratio (FAR) is 1.0; when mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. Commercial buildings are subject to commercial bulk rules.

Overlay districts differ from other commercial districts in that residential bulk is governed by the residence district within which the overlay is mapped. All other commercial districts that permit residential use are assigned a specific residential district equivalent. Unless otherwise indicated on the zoning maps, the depth of overlay districts ranges from 100 to 200 feet.

Analysis

Future No-Action Condition

The existing zoning has been in place for nearly 60 years. Both lots within the Proposed Rezoning Area are in active use. The use on the Projected Development Site is a legal pre-existing non-conforming use that cannot be enlarged, under existing R5 zoning. The building on the other lot within the Proposed Rezoning Area is overbulk, and contains a non-conforming commercial use – the ground floor medical office use is identified as Use Group 6, while the cellar Medical Office is Use Group 4 community facility. It is assumed that these conditions would remain consistent with existing conditions under the No-Action scenario

Future With-Action Condition

In the Future With-Action Scenario, the zoning of Lots 30 and 31 would change from R5 to R5D/C2-3. The Proposed Action would facilitate the Applicant's Proposed Development on Lot 31. Projected Development Site 1 would have a total floor area of 5,484 GSF (4,985 ZSF, 1.93 FAR), consisting of 2,679 GSF (2,435 ZSF) of UG 16/UG 6 Animal hospital/ Veterinary medicine to remain and 2,805 GSF (2,550 ZSF) of residential use. It is assumed for purposes of a conservative assessment that the building would have a height of 45 feet, which is the maximum height in an R5D zoning district.

The Proposed Actions would not introduce any new or non-conforming land uses or Use Groups that are not already located within the Study Area. The With-Action Scenario would see denser development of one Projected Development Site along the commercial corridor of Metropolitan Avenue. It would also bring the existing legal non-conforming ground floor Use Group 6 Veterinary Medicine use into conformance, and would also bring the existing legal non-conforming and noncomplying building located on Lot 30 into conformance and compliance. While the R5D zoning allows for a slightly greater maximum height than the existing R5 zoning district, the maximum FAR is 2.0 in both zoning districts overall, so the proposed zoning map amendment would not introduce a new bulk that is not currently allowed as-of-right. As such, no significant adverse impacts with respect to zoning are expected and no further analysis is required. Table 2.1-2 shows Future With-Action Zoning Regulations.

Table 2.1-2: Summary of Future With-Action Zoning Regulations

Zoning District	Type and Use Group (UG)	Floor Area Ratio (FAR)	Parking (Required Spaces)
R5	Residential UGs 1 - 4	1.25 FAR for Residential 2.00 FAR for Community Facility	85% of dwelling units
R4-1	Residential UGs 1 - 4	0.75 FAR Residential (0.9 with Attic Allowance) 2.0 FAR Community Facility	1 Per Dwelling Unit
R4A	Residential UGs 1 - 4	0.75 FAR Residential (0.9 with Attic Allowance) 2.0 FAR- Community Facility	1 Per Dwelling Unit
R4	Residential UGs 1 - 4	0.75 FAR Residential (0.9 with Attic Allowance) 2.0 FAR- Community Facility	1 Per Dwelling Unit
R5D**	Residential UGs 1 - 4	2.0 FAR for Residential 2.0 FAR for Community Facility	66% of Dwelling Units
C1-3	Commercial Overlay UGs 1 – 6	1.0 FAR – Commercial in R1-R5 2.0 FAR – Commercial in R6-R10	Parking requirements vary by use
C2-3**	Commercial Overlay UGs 1 – 9, 14	1.0 FAR – Commercial in R1-R5 2.0 FAR – Commercial in R6-R10	Parking requirements vary by use

Source: New York City Zoning Resolution,
***Zoning Districts to be mapped in Proposed Rezoning Area with the Proposed Action*

2.1.3 Public Policy

The Proposed Rezoning Area is not part of, or subject to, an Urban Renewal Plan (URP), adopted community 197-a Plan, or a Solid Waste Management Plan. The Proposed Actions are also not a large publicly sponsored project, and as such, consistency with the City's PlaNYC 2050 for sustainability is not warranted.

Waterfront Revitalization Program

The Proposed Rezoning Area is not located within New York City's designated coastal zone boundary and therefore is not subject to review for its consistency with the City's Waterfront Revitalization Program.

Conclusion

While the Proposed Action would facilitate the development of a mixed-use building that would expand the permitted bulk and range of uses on the Development Site, the Projected Development is not expected to have any significant adverse impacts with regards to public policy and no further analysis is required.

2.2 HISTORIC AND CULTURAL RESOURCES

An assessment of historic and cultural resources is usually necessary for projects that are near 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.

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.

2.2.1 Architectural Resources

According to CEQR Technical Manual guidelines, impacts on historic resources are considered on those sites affected by the Proposed Actions and in the area surrounding identified development sites. The historic resources Study Area is therefore defined as the Affected Area plus an approximately 400-foot radius around the Affected Area.

The Projected Development Site is not designated local or S/NR historic resource or properties, nor is the Site part of any designated historic district. The LPC was contacted for their initial review of the project's potential to impact nearby historic and cultural resources, and a response was received on July 24th, 2020, in which the LPC verified that the projected development site has no architectural significance (see Appendix B).

In order to determine whether the projected development has the potential to affect nearby off-site historic or architectural resources, the Study Area was screened for historic and architectural resources. No historic or architectural resources were identified within the 400-foot Study Area. Therefore, no significant adverse impacts on historic or architectural resources are expected as a result of the Proposed Actions, and further assessment is not warranted.

2.2.2 Cultural and Archaeological Resources

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

The Proposed Rezoning Area has not been recently disturbed and no recent or distant cultural or archaeological significance have been attached to this area. Further, utilizing the NYS Office of Parks, Recreation and Historic Preservation's "Cultural Resource Information System" (CRIS) mapper, the Proposed Rezoning Area does not fall within an archaeologically sensitive area. Based on both current and historic

photoreconnaissance of the Proposed Rezoning Area, there is little potential for impact to any known or unknown resource due to development. The LPC was contacted for their initial review of the project's potential to impact nearby historic and cultural resources, and a response was received on July 24th, 2020, in which the LPC verified that the Projected Development Site has no archaeological significance (see Appendix B). Therefore, significant adverse impacts to archaeological resources are not expected as a result of the Proposed Actions, and further analysis is not warranted.

Conclusion

The Proposed Actions would facilitate the Applicant's plans to develop the proposed mixed-use building with a residential enlargement to the existing animal hospital. LPC was contacted for their initial review of the proposed project's potential to impact historic and cultural resources on or near the Proposed Rezoning Area. In a letter dated July 24th, 2020, LPC indicated that the Affected Area does not contain any sites or buildings of known architectural or archaeological significance (see Appendix B). Furthermore, a survey was conducted on sites or resources that have been designated as either listed or eligible for listing in the State and National Register (S/NR). Thus, the Proposed Project is not anticipated to result in significant adverse impacts to sensitive architectural or archaeological resources.

2.3 URBAN DESIGN AND VISUAL RESOURCES

According to the *CEQR Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. Elements that play an important role in the pedestrian's experience include streets, buildings, visual resources, open space, and natural features, as well as wind as it relates to channelization and downwash pressure from tall buildings. Furthermore, according to the CEQR Technical Manual, if a preliminary assessment determines that changes to the pedestrian environment are sufficiently significant to require greater explanation and further study, then a detailed urban design and visual resources analysis is appropriate. Detailed analyses are generally appropriate for all area-wide rezoning applications that include an increase in permitted floor area or changes in height and setback requirements, general large-scale developments, or projects that would result in substantial changes to the built environment of a historic district, or components of an historic building that contribute to the resource's historic significance. Conditions that merit consideration for further analysis of visual resources include when the project partially or totally blocks a view corridor or a natural or built rare or defining visual resource. Further conditions that merit consideration are when the project changes urban design features so that the context of a natural or built visual resource is altered, such as if a project alters the street grid so that the approach to the resource changes, or if a project changes the scale of surrounding buildings so that the context changes.

The *CEQR Technical Manual* notes an urban design assessment considers whether and how a project may change the experience of a pedestrian in the Proposed Rezoning Area. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built environment. In general, an assessment of urban design is needed when the project may have effects on one or more of the elements that contribute to the pedestrian experience (e.g., streets, buildings, visual resources, open space, natural features, wind, etc.). An urban design analysis is not warranted if a proposed project would be constructed within existing zoning envelopes and would not result in physical changes beyond the bulk and form permitted "as-of-right" with the zoning district.

As the Proposed Actions would result in the construction of a new building that is not allowed "as-of-right" under the existing zoning, a preliminary analysis was conducted.

2.3.1 Preliminary Analysis

As stated in the *CEQR Technical Manual*, the Study Area for urban design is the area where the project may influence land use patterns and the built environment and is generally consistent with the Study Area used for the land use analysis (i.e., 400 feet around the Affected Area). The purpose of the preliminary assessment is to determine whether any physical changes proposed by a project may raise the potential to affect elements of urban design significantly and adversely, which would warrant the need for a detailed urban design and visual resources assessment.

Existing Conditions

A photographic key map is provided and previously presented with ground-level photographs of the projected development site and the immediate surrounding area provided in the previously presented Figures 6-1 to 6-4.

The Proposed Rezoning Area is in the Middle Village neighborhood of Queens, within Community District 5 and is currently zoned R5. The Proposed Rezoning Area consists of 78-44 and 78-46 Metropolitan Avenue (Block 3776, Lots 31 and 30).

Block 3776, Lot 31 (Projected Development Site 1) is improved with a one-story, approximately 2,553 gross/zoning square-foot (0.99 FAR) legal non-conforming commercial building, currently used as a UG 16 animal hospital (the Animal Clinic of Queens) according to a 1993 Certificate of Occupancy. Prior to the animal hospital use, Lot 31 was formerly used as a one-story manufacturing/storage/garage building. Block 3776, Lot 30 is improved with a three-story, approximately 4,670 gross/zoning square-foot (1.77 FAR) mixed-use building with ground floor commercial use (the Middle Village Medical Office) and four dwelling units above.

A field survey was conducted to determine the existing land use patterns and neighborhood characteristics of the 400-foot Study Area. The existing land uses in the area immediately surrounding the Proposed Rezoning Area are primarily residential buildings (UG 1 & 2) with a mix of local retail and mixed residential and commercial uses.

Residential uses are characterized by 2- to 3-story buildings, used as one- and two-family dwelling buildings and multi-family walk-up buildings of three units, which typically are located along 67th Road and 67th Drive to the south of the Proposed Rezoning Area and along 79th Street and 79th Place to the north of the Proposed Rezoning Area. The mixed commercial and residential buildings and commercial and office buildings are mostly 1- to 3-story buildings with local retail on the ground floor along Metropolitan Avenue. The commercial uses are mostly convenience stores, restaurants, banks, and spas, including well-known chain stores like Dollar Tree, 7-Eleven, and CVS.

Built form within the 400-foot Study Area varies by use, and mainly consists of one- to three-story residential buildings, commercial buildings, and mixed commercial and residential buildings with commercial space on the ground floor.

The western portion of the Study Area is generally comprised of UG 1 and 2 residential uses that are generally 2-3 floors in height. These uses are found on the streets off Metropolitan Avenue like 79th Street, and 67th Road. Some of the buildings on Metropolitan Avenue have ground floor local retail uses with residential uses above. There is one vacant lot on Metropolitan Avenue, just east of 78th Street. On 67th Road, one block south of Metropolitan Avenue, stands the FDNY Engine 319 stationhouse, which was built in 1931.

The eastern portion of the Study Area resembles the western portion of the Study Area and is generally comprised of UG 1 and 2 residential uses that are generally 2-3 floors in height. These uses are found on the streets off Metropolitan Avenue like 79th Street, and 67th Road and 79th Place. Some of the buildings on Metropolitan Avenue have ground floor local retail uses with residential uses above. Mixed residential and commercial uses dominate the eastern portion of the Study Area along Metropolitan Avenue, with ground floor uses such as banks, and delis and residential uses on the upper floor(s). The northern and southern portions of the Study Area are almost exclusively dominated by 2-3 floor Use Group 1 and 2 residential buildings. The residential uses are not unformed in style and include detached and attached residential uses, along with single family and multi-family residential uses.

Metropolitan Avenue is a four lane (two parking lanes included), two-way street that runs west to east adjacent to the Proposed Rezoning Area just north of Projected Development Site 1. Metropolitan Avenue is

classified as a "Principal Arterial Other" by the New York State Department of Transportation. All the other roads within the Study Area are one-way streets. 67th Road runs in a westerly direction. 79th Place runs in a northerly direction. 79th Street runs in a southerly direction north of the Projected Development Site, but in a northerly direction south of the Projected Development Site. These roads all of parking on both sides and one lane of though traffic and are populated with residential Use Group 1 and 2 uses and are classified as "local roads" but the NYSDOT.

Most of the streets adjacent to the Proposed Rezoning Area contain street trees, which are generally located at irregular intervals. No other notable streetscape elements (e.g., benches, plazas) are located within the Study Area. The Study Area does not contain parks or open spaces. The Study Area does not contain historic resources and is generally void of visual resources.

Future No-Action Condition

The existing zoning has been in place for nearly 60 years. Both lots within the Proposed Rezoning Area are in active use. The use on the Projected Development Site is a legal pre-existing non-conforming use that cannot be enlarged, under existing R5 zoning. The building on the other lot within the Proposed Rezoning Area is overbulk, and contains a non-conforming commercial use – the ground floor medical office use is identified as Use Group 6, while the cellar Medical Office is Use Group 4 community facility. It is assumed that these conditions would remain consistent with existing conditions under the No-Action scenario through the build year of 2024.

No changes to the area's views would occur. Figure 2.3-2 highlights the Future No-Action Scenario for the two Projected Development Sites. Figure 2.3-1 provides an aerial view of the Proposed Rezoning Area and Urban Design Study Area.

Future With-Action Condition

As the Projected Development Site would be built within the existing lot footprint on the Projected Development Site, the development in the With-Action Scenario would not alter or disrupt the existing street grid or change the arrangement and orientation of streets in the area. Additionally, the Proposed Action would not permanently alter the existing sidewalks that border the Projected Development Site to the east and west. Furthermore, there would not be any changes to the existing sidewalk layout. Overall, the development in the Future With-Action would not alter with the existing streets, street grid, streetscape, and sidewalks.

Under the With-Action Scenario, the Proposed Actions would facilitate the enlargement of an existing animal clinic and create a new mixed residential and commercial building on Queens Block 3776, Lot 31, which would be 45 feet in height under a conservative analysis.

In the With-Action Scenario, Projected Development Site 1 (Block 3776, Lot 31) would have a total floor area of 5,484 GSF (4,985 ZSF, 1.93 FAR), consisting of 2,679 GSF (2,435 ZSF) of UG 16/UG 6 Animal hospital/ Veterinary medicine to remain and 2,805 GSF (2,550 ZSF) of residential use. It is assumed for purposes of a conservative assessment that the building would have a height of 45 feet, which is the maximum height in an R5D zoning district.

The development under the Future With-Action Scenario would result in a building that would be slightly larger in height than buildings in the surrounding Study Area. However, it would not be built to a larger FAR

than what is allowed as of right in the existing R5 zoning district. Furthermore, it would be approximately the same bulk and height as the building on Lot 30 (directly adjacent), which is currently overbuilt per current zoning laws. Projected Development Site 1 would be built to a height of 45 feet under a conservative assessment. Current R5 zoning allows for a building to be built to a height of 40 feet, so the R5D zoning district would allow for a building 5 feet taller than what is currently allowed.

The Projected Development under the With-Action Scenario would include retail uses on the ground floor and residential uses above. This is commonplace along this portion of Metropolitan Avenues. As such, the Proposed Action would contribute to and enhance the commercial corridor and view corridor along the streets adjacent to the Projected Development Site by further activating uses to the streetscape and promoting pedestrian activity.

The Proposed Action would not negatively affect urban design in the area. There are no architecturally significant buildings in the area, and the building would not significantly affect any views of the area. While Projected Development Site 1 would be a height of 45 feet, which is five feet more than 40-foot height limit in the existing R5 zoning district, significant adverse impacts to urban design and visual resources would not occur. The Proposed Actions would not result in any conditions that would merit further detailed assessment of urban design and visual resources. As indicated, the FAR allowed under the Proposed Action is the same FAR allowed as-of-right on the Projected Development Site now. The R5D zoning district allows for greater residential FAR than the R5 zoning but both zoning districts have a maximum FAR of 2.0. The maximum FAR is also 2.0 for the zoning districts in the Urban Design Study Area, so the With-Action Scenario would not be introducing a new maximum bulk that is not currently permitted in the Study Area. The Proposed Actions would also not block any view corridors or views to/from any natural areas with rare or defining features, as the proposed building is contained to the subject site. Therefore, the Proposed Actions are not expected to result in any significant adverse urban design or visual resource related impacts. Figures 2.3-2 and 2.3-3 highlight the future No-Action and With-Action Scenario of Projected Development Site 1 and no further analysis is required.

Conclusion

Based on the above analysis, the proposed development under the Future With-Action Scenario would be featured with similar bulk and building height that are slightly larger than those of the existing buildings in the surrounding Study Area, which would integrate with the existing context under the R5 zoning district. No significant adverse impacts with regards to urban design, visual resources, or wind are expected to occur on pedestrians in the With-Action Scenario. Therefore, the Proposed Action would not result in any significant adverse impact to the constituent elements of Urban Design, and a detailed analysis is not warranted.

Figure 2.3-1: Urban Design Map

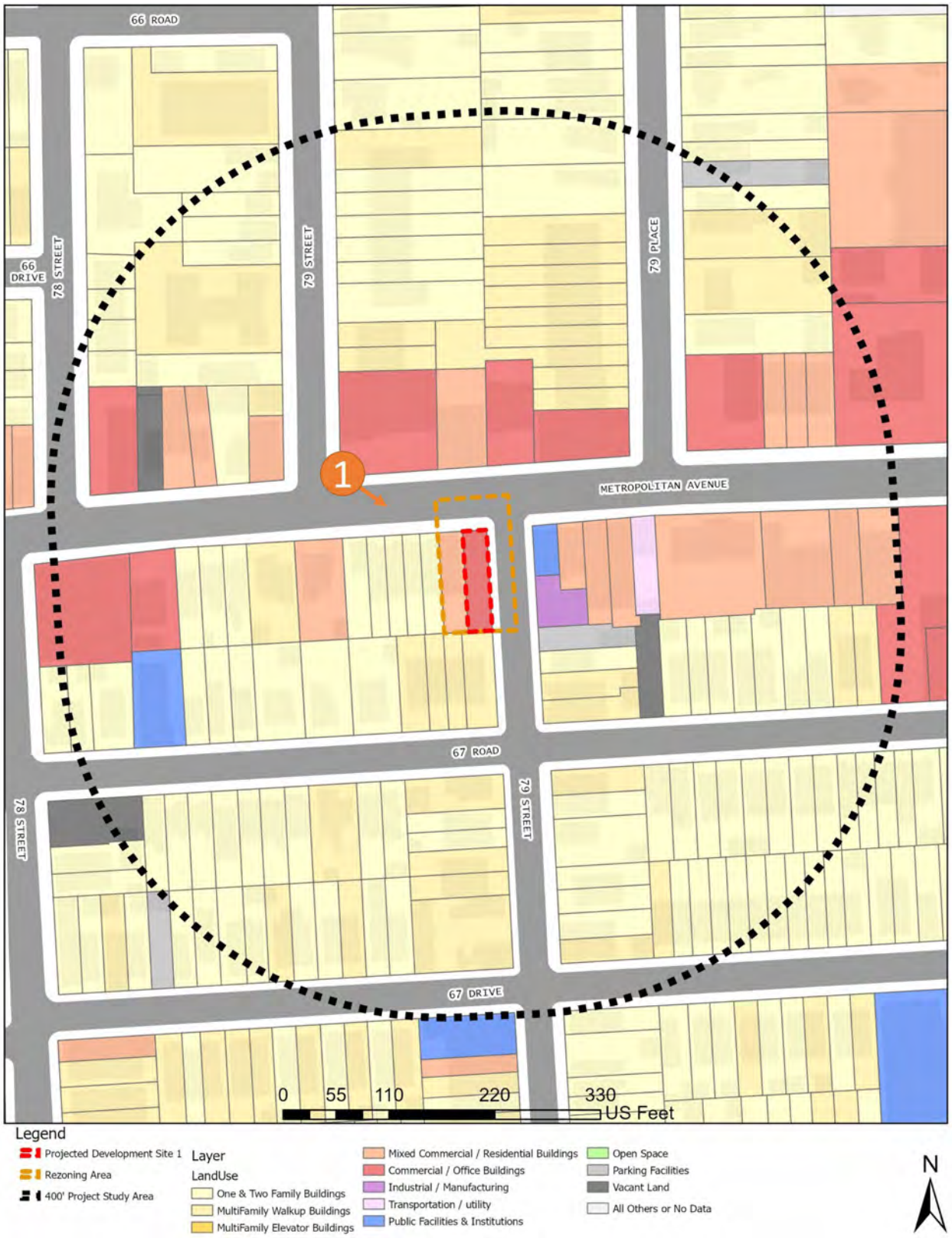
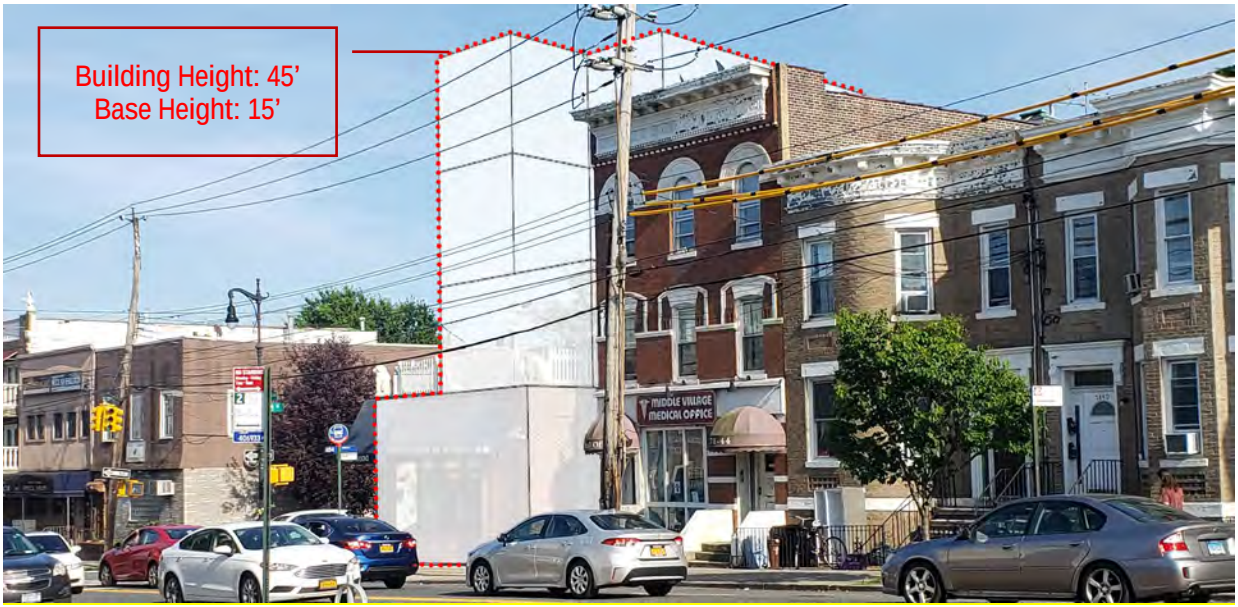


Figure 2.3-2: Future No-Action – Projected Development Site 1



View of Existing Projected Development Site 1 (building with blue awning)

Figure 2.3-3: Future With-Action – Projected Development Site 1



View of Projected Development Site 1 looking southeast to Metropolitan Avenue in the With-Action Scenario.

2.4 HAZARDOUS MATERIALS

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

Methodology

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

The hazardous materials assessment begins with a Phase 1 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 2020 *CEQR Technical Manual*, the Phase 1 ESA is conducted in accordance with the standards established by the current ASTM Phase 1 ESA Standard and includes research and field observations to determine whether the site may contain contamination from either past or present activities on the site or as a result of activities on adjacent or nearby properties.

The purpose of the Phase I ESA was to investigate and identify Recognized Environmental Conditions (RECs), including historical RECs (HRECs), controlled RECs (CRECs), and de minimis conditions (DMCs). A REC is defined by the ASTM standard as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment." The term includes hazardous substances or petroleum products even under conditions in compliance with laws. HRECs are a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls. CRECs are a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. DMCs are those situations that do not present a material risk of harm to public health or the environment and generally would not be subject to enforcement action if brought to the attention of the regulating authority.

If a potential REC 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.

The assessment is based on a review of existing conditions, reported pre-existing conditions, and observed operations at the subject property and adjacent properties. A copy of the Phase I ESA is provided in Appendix C. The Phase I ESA results are summarized below.

Analysis

Equity Environmental Engineering (Equity) completed the Phase I of the Subject Property in accordance with the scope and limitations of ASTM Practice 1527-13. Any exceptions to, or deletions from, this practice are noted in appropriate sections of this report. RECs are defined as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. Controlled Recognized Environmental Condition is a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). Historical RECs are RECs previously remediated to current unrestricted residential use applicable regulatory standards. De Minimis conditions are those that do not present a threat to human health or the environment, and would not be the subject of an enforcement action by a government agency. Data Gaps are a lack of, or inability to obtain information required by the practice that affects the ability of the environmental professional to identify RECs despite good faith efforts to gather the information.

A. Recognized Environmental Conditions (RECs)

No RECs were identified as a result of this assessment.

B. Controlled Recognized Environmental Conditions (CRECs)

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

C. Historical Recognized Environmental Conditions (HRECs)

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

D. Vapor Encroachment Concerns (VECs)

The EDR Vapor Encroachment database identified no VECs (Vapor Encroachment Conditions) of concern within 1/10 of a mile of the Subject Property. Based on these findings, a vapor encroachment condition can be ruled out. Details on the VECs can be found in Appendix C.

E. De Minimis Conditions

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

F. Data Gaps

Equity did not identify any significant data gaps that would affect its ability to identify RECs associated with the Subject Property.

Conclusion

Equity's review of available information and observations of the subject and surrounding properties indicates that no RECs, CRECs, VECs, Historical RECs, De Minimis conditions, or Data Gaps were identified as a result of this assessment. Based on the Phase I ESA findings, the proposed actions would not have the potential for significant adverse impacts with respect to hazardous materials and are screened from further analysis.

2.5 AIR QUALITY

Ambient air quality describes pollutant levels in the surrounding environment to which the public has access. The impact of air pollutants emitted by motor vehicles (mobile source) and by fixed facilities (stationary source) are analyzed to assess health hazards due to ambient air quality, where the effects of 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 *New York City Environmental Quality Review 2020 Technical Manual (CEQR TM)*. The potential air quality impacts of the resulting emissions are estimated following the procedures and methodologies prescribed in the *CEQR TM*:

- *The potential for changes in vehicular travel associated with Proposed Project activities to result in significant mobile source (vehicular related) air quality impacts.*
- *The potential for an atypical (e.g., not at-grade) source of vehicular pollutants to significantly impact the Proposed Project.*
- *The potential for emissions from the heating, ventilation, and air conditioning (HVAC) systems of the Proposed Project to significantly impact nearby planned and/or existing land uses.*
- *The potential for air toxic emissions released from existing industrial facilities to significantly impact the Proposed Project.*
- *The potential for significant air quality impacts from the emissions of facilities that require Prevention of Significant Deterioration permits (Title V), and facilities which require a state facility permit to significantly impact the Proposed Project.*
- *The potential for facilities' malodorous emissions to unreasonably interfere with the proposed project's occupant's comfortable enjoyment of life or their property.*

Project Description

Projected Development Site 1 would have a total floor area of 5,484 GSF (4,985 ZSF, 1.93 FAR), consisting of 2,679 GSF (2,435 ZSF) of UG 16/UG 6 Animal hospital/ Veterinary medicine to remain and 2,805 GSF (2,550 ZSF) of residential use. It is assumed for purposes of a conservative assessment that the building would have a height of 45 feet, which is the maximum height in an R5D zoning district.

Mobile Sources

Projects may result in significant mobile source impacts when they create mobile sources of pollutants, change traffic patterns, or add new uses near mobile sources of pollutants. Per CEQR guidelines, a detailed analysis is conducted to predict whether the Proposed Actions could potentially have a significant adverse air quality impact if certain threshold criteria are met or exceeded, while proposed projects that do not meet or exceed the threshold criteria (screen out) are not expected to have a mobile source impact. Projects that require a detailed analysis model the ambient air CO and PM_{10}/$PM_{2.5}$ concentrations—the mobile source pollutants of concern—and compare the modeled concentrations with the applicable air quality standard.

Mobile Source Screen

Project-Generated Traffic

Per the *CEQR TM*, localized increases in CO and $PM_{2.5}$ levels may result from increased vehicular traffic volumes and changed traffic patterns in the study area because of the Proposed Development. As such,

screening analyses for CO and $PM_{2.5}$ were carried out to determine whether the project-generated traffic has the potential to cause significant impact. The Proposed Actions do not trigger any threshold with regards to transportation. According to Table 16-1 in the 2020 CEQR Technical Manual, it is believed that the number of incremental vehicular trips from the Proposed Actions would be lower than the CEQR Technical Manual CO screening threshold of 170 vehicles per hour and the PM screening threshold of 12 HDDV per hour. Therefore, further assessment is not warranted.

Stationary Sources

According to CEQR, an action can result in stationary source air quality impacts when it creates new stationary sources of pollutants such as emission stacks for industrial plants, hospitals, or other large institutional uses, or even building boilers- that can affect surrounding uses, or when they introduce sensitive uses near existing (or planned future) emissions stacks, and the new uses might be affected by the emissions from the stack.

Project HVAC Systems Analysis

The HVAC analysis considers the potential for emissions from the HVAC systems of the proposed development to significantly impact existing land uses (*project-on-existing*) within 400 feet, and, if multiple buildings are proposed, the potential of each or all of the proposed developments to significantly impact each other (*project-on-project*).

As outlined in the *CEQR TM*, the analysis of buildings' HVAC systems follows stationary sources methodology; 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 boiler emissions can be significant. 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.

A new stationary source of emissions (HVAC System) would be introduced as a result of the Proposed Action. The Proposed Development would consist of a 3-story mixed-use building with a heat and hot water system. The ground floor would be occupied by an animal hospital/veterinarian. The second and third floor is used as a two-family residence. There is no need for a *project-on-project* analysis because the proposed action consists of a single building.

A screening (*project-on-existing)* analysis was performed for a residential use HVAC fueled by fuel oil #2 to determine if the proposed HVAC system has the potential for adverse stationary source impacts on adjacent receptors. Residential use and fuel oil #2 were specified for screening because it is a more conservative estimate than the non-residential use and/or natural gas screening.

Impacts from boiler emissions at the Projected Development Site 1 are a function of fuel oil type, stack height, the minimum distance from the source to the nearest building, and square footage of the development. The proposed 5,484 GSF development would be heated by a HVAC system, with a building height of approximately 33'9". Based on the RWCDS for this project, the maximum building height would be 45'. Therefore, the stack height would be either 36'9" as proposed or 48' at the tallest. Both stack heights fall along the same nomograph screening line, and only one nomograph is necessary for either scenario. The

Projected Development Site development size[1] was plotted on the nomograph for residential developments utilizing fuel oil #2 depicted in Figure 17-5 of the *CEQR Technical Manual Appendix* (***Figure 2.5-1*** below). This nomograph indicates the minimum distance between the projected development and buildings of a similar or greater height to avoid a potential air quality impact. Per the *CEQR Technical Manual*, the CEQR nomographs for a 30-foot stack height was applied as the 30-foot curve height is closest to, but not higher than, the proposed stack height of the proposed building.

The screening analysis Figure 2.5-1 nomograph shows that the developments size is below the curve. As a result, the Proposed Development is too small to have the potential for significant impact on the air quality of the surrounding buildings. To ensure that there are no significant adverse impacts related to emissions from the HVAC systems associated with the With-Action development onto existing buildings of similar or greater height, certain restrictions would be required regarding fuel type and/or exhaust stack location. The text of the (E) designation would be as follows:

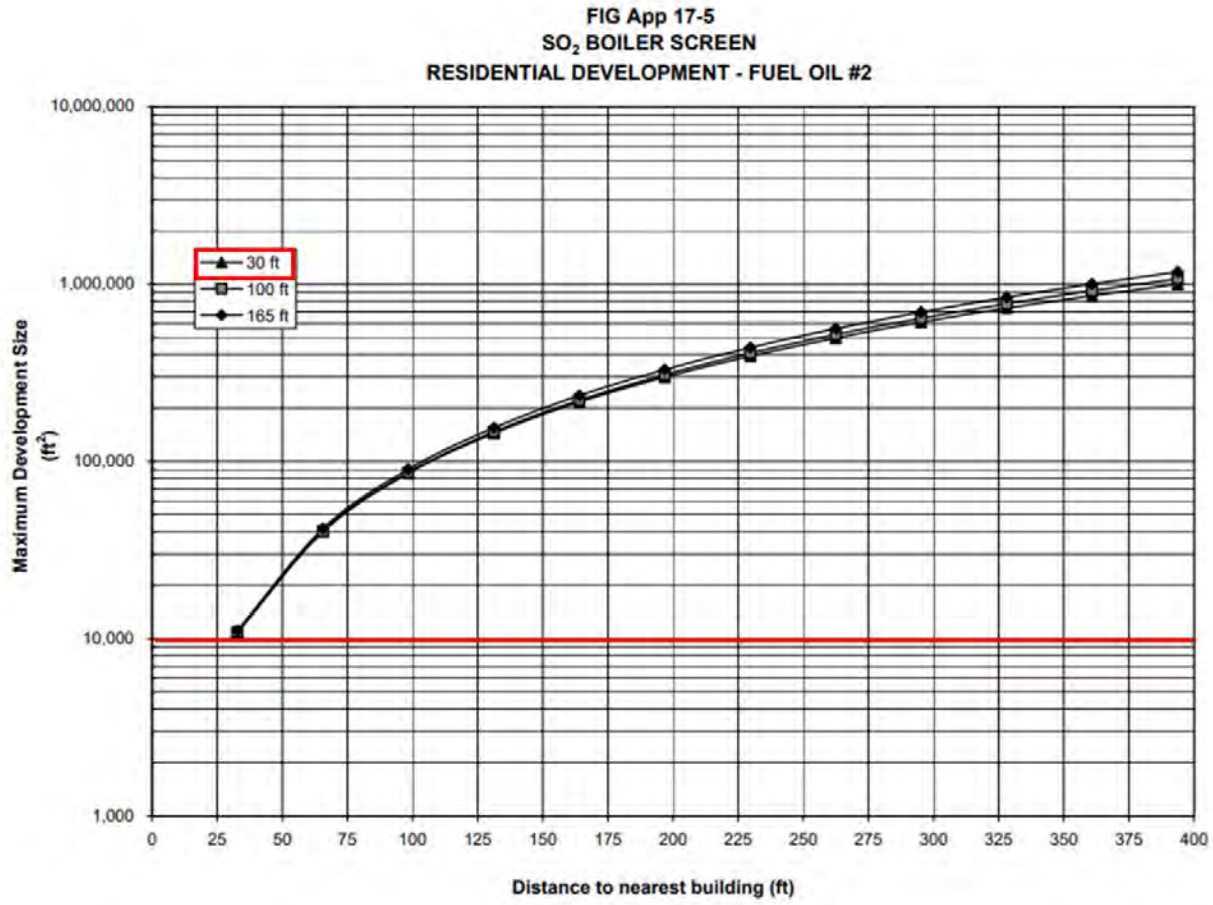
E-Designation (E-664)

Block 3776, Lot 31

Any new residential development on Block 3376, Lot 31 must ensure heating, ventilation, and air conditioning (HVAC) system and hot water equipment stack(s) is located at the highest tier and at least 36'9" above grade, to avoid any significant adverse air quality impacts.

[1] As the proposed maximum development size is smaller than 10,000 gsf, the analysis conservatively assumes it as 10,000 gsf building. Accordingly, the screening nomograph considers a 10,000 gsf building.

Figure 2.5-1: The Development Sites Minimum Distance – HVAC Screen Nomograph



Industrial Emissions Sources

Information regarding potential emissions of toxic air pollutants from existing industrial sources within 400 feet of the Projected Development Site, and emissions of air pollutants from existing major and large sources within 1,000 feet of the Projected Development Site were evaluated to ensure no adverse impact on project occupants as a result of industrial emissions sources.

400 Foot Study Area

A search of potential industrial sites was performed to identify any NYC DEP, and USEPA1 Air Quality Permits issued within 400 feet of the Proposed Rezoning Area. This Study Area and uses, preliminarily identified as manufacturing or industrial based on NYCDCP MAPPLUTO database. This search was performed to determine if hazardous air toxics would have the potential to impact the proposed development.

As shown in Figure 2.5-2 below, one site was identified as potentially manufacturing or industrial in nature. All sites within the 400-foot radius were additionally screened using the DEP CATS database to find any registered industrial permits.

No sites within the 400-Foot Study Area had active industrial permits that triggered or warranted an industrial emissions analysis. Therefore, no further analysis is needed, and no significant adverse impacts are expected.

1000 Foot Study Area

A search of the 1,000-foot Study Area was conducted to identify any major or large sources of air pollutants or odor-producing facilities using the NYS DEC info Locator. A search was also conducted using the EPA Envirofacts ICIS-AIR database and the Toxics Release Inventory (TRI). 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 sources of industrial emissions or odor-producing facilities within 1,000 feet of the Projected Site. As such, no further analysis of large emissions sources is warranted.

Conclusion

Based on the above analysis and permit search, no significant adverse impacts with regards to air quality are expected and no further analysis is required.

Figure 2.5-2: Air Toxics 400' and 1,000' Study Areas



2.6 NOISE

Equity Environmental Engineering, LLC (Equity) conducted Noise Monitoring in support of the Proposed Action. Vehicular traffic is the predominant source of noise in the area. Therefore, the Proposed Action warrants an assessment of the potential for adverse effects on project occupants from ambient noise. The Projected Development Site is surrounded by Metropolitan Avenue to the north and 79th Street to the east.

Metropolitan Avenue is a two-way east-west bound street with curbside parking. 79th Street is a one-way northbound street with curbside parking. Local intersections are controlled by stop signs and traffic signals.

The Proposed Action would allow noise-sensitive residential development in an area where such use is not permitted under existing zoning, as well as allowing commercial development. Therefore, an assessment of the potential for adverse effects on project occupants from ambient noise is warranted. The projected development would not create a significant stationary noise generator. Additionally, project-generated traffic would not double vehicular traffic on nearby roadways, and therefore would not result in a perceptible increase in vehicular noise. Therefore, this noise assessment is limited to an assessment of ambient noise that could adversely affect occupants of the development. The predominant noise source at the Proposed Rezoning Area is vehicular traffic on surrounding streets.

Framework of Noise Analysis

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

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

Sound is often measured and described in terms of its overall energy, taking all frequencies into account. However, the human hearing process is not the same at all frequencies. Humans are less sensitive to low frequencies (less than 250 Hz) than mid-frequencies (500 Hz to 1,000 Hz) and are most sensitive to frequencies in the 1,000- to 5,000-Hz range. Therefore, noise measurements are often adjusted, or weighted, as a function of frequency to account for human perception and sensitivities. The most common frequency weightings used are the A- and C-weightings. These weight scales were developed to allow sound level meters, which use filter networks to approximate the characteristic of the human hearing mechanism, to simulate the frequency sensitivity of human hearing. The A-weighting is the most 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 2.6-1: Noise Levels of Common Sources

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

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

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

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

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

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

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

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

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

In a large open area with no obstructive or reflective surfaces, it is a general rule that at distances greater than 50 feet, the SPL from a point source of noise drops off at a rate of 6 dB with each doubling of distance away from the source. For "line" sources, such as vehicles on a street, the SPL drops off at a rate of 3 dBA with each doubling of the distance from the source. Sound energy is absorbed in the air as a function of temperature, humidity, and the frequency of the sound. This attenuation can be up to 2 dB over 1,000 feet. The drop-off rate also would vary with both terrain conditions and the presence of obstructions in the sound propagation path.

Noise Standards and Guidelines

In 1983, the New York City Department of Environmental Protection (NYCDEP) adopted the City Environmental Quality Review (CEQR) noise exposure guidelines for exterior noise levels. As shown in Table 19-2 below, noise standards classify noise exposure into four categories based on noise level limits and land use, for vehicular traffic, rail, and aircraft noise sources: Acceptable, Marginally Acceptable, Marginally Unacceptable and Clearly Unacceptable, Table 19-3 of the *CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise exposure levels. Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA (L_{10} *or Ldn, depending on the source*) or below.

Table 2.6-2 (CEQR Table 19-2): 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	$L_{dn} \leq 60$ dBA		$60 < L_{dn} \leq 65$ dBA		(I) $65 < L_{dn} \leq 70$ dBA; (II) $70 \leq L_{dn}$		$L_{dn} \leq 75$ dBA
2. Hospital, nursing home		$L_{10} \leq 55$ dBA		$55 < L_{10} \leq 65$ dBA		$65 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
3. Residence, residential hotel, or motel	(7 AM to 10 PM)	$L_{10} \leq 65$ dBA		$65 < L_{10} \leq 70$ dBA		$70 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
	(10 PM to 7 AM)	$L_{10} \leq 55$ 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 not increase the ambient noise level by 3 dB(A) or more.

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

[2] Tracts of land where serenity and quiet are extraordinarily important and serve 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 L_{dn} contours supplied by the Port Authority, or the noise contours may be computed from the federally approved INM Computer Model using flight data supplied by the Port Authority of New York and New Jersey.

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

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

Table 2.6-3 (CEQR Table 19-3 CEQR TM): Attenuation Values to Achieve Acceptable Interior Noise Levels

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

Source: New York City of Environmental Protection

Notes:

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

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

Measurement Location and Equipment

Because the predominant noise sources in the area of the proposed project consist of vehicular traffic noise, monitoring was conducted during peak weekday vehicular travel periods (AM, Midday, PM) on a typical midweek day. Pursuant to CEQR Technical Manual Methodology, measurements were conducted for 20-minute periods during each of the peak periods at each monitoring location at the Proposed Rezoning Area: Location One (1) was on the Metropolitan Avenue frontage of the Projected Development Site; Location Two (2) was on the 79th Street frontage of the Projected Development Site. The noise monitoring locations are shown in Figure 2.6-1 and with ground level views in Figures 2.6-2 and 2.6-3.

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

Figure 2.6-1: Noise Monitoring Locations



Figure 2.6-2: Location 1 – Metropolitan Avenue



Figure 2.6-3: Location 2 – 79th Street



Measurement Conditions

Monitoring was conducted during typical midweek conditions, on Thursday, April 8, 2021. Wind speeds were mild during monitoring. Traffic volumes and vehicle classification were documented during the noise monitoring.

Existing Conditions

The predominant source of noise at the site is vehicular traffic.

Table 2.6-4: Noise (dB) Levels at Location 1

Thursday, April 8, 2021			
Time	8:09 am – 8:29 am	12:00 pm – 12:20 pm	4:30 pm – 4:50 pm
L_{max}	83.2	76.9	89.9
L_{10}	70.5	69.5	69.5
L_{eq}	67.9	66.1	67.9
L_{50}	64.5	63.0	63.5
L_{90}	57.5	57.0	57.0
L_{min}	55.8	54.8	55.3

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

Table 2.6-5: Noise (dB) Levels at Location 2

Thursday, April 8, 2021			
Time	835 am – 8:56 am	12:24 pm – 12:51 pm	4:55 pm – 5:15 pm
L_{max}	84.7	80.4	72.4
L_{10}	62.5	66.0	62.5
L_{eq}	63.0	62.4	59.4
L_{50}	57.0	58.0	58.0
L_{90}	52.5	55.0	53.5
L_{min}	47.2	52.4	48.0

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

Tables 2.6-6 through Table 2.6-7 contain the traffic volumes and vehicle classifications for the morning, noon, and evening monitoring sessions.

Table 2.6-6: Traffic Volumes and Vehicle Classifications – Location 1

	8:09 am – 8:29 am	12:00 pm – 12:20 pm	4:30 pm – 4:50 pm
Car	132	109	128
SUV	100	87	106
Medium Truck	15	12	17
Heavy Truck	3	1	2
Bus	9	4	4
Motorcycle	2	0	2

Table 2.6-7: Traffic Volumes and Vehicle Classifications – Location 2

	835 am – 8:56 am	12:24 pm – 12:51 pm	4:55 pm – 5:15 pm
Car	16	15	14
SUV	10	12	9
Medium Truck	0	1	2
Heavy Truck	0	0	0
Bus	1	1	1
Motorcycle	0	0	0

Stationary Source

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

Determination of Impacts/Building Attenuation Requirements

The 2020 *CEQR Technical Manual* Table 19-2 contains noise exposure guidelines. For a residential use such as would occur under the Proposed Action, an L_{10} of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure. An L_{10} of between 70 and 80 dB(A) is identified as marginally unacceptable general external exposure. The highest recorded L_{10} at Location 1 was 70.5 dB(A) during the AM period. The highest recorded L_{10} at Location 2 was 66.0 dB(A) during the midday period.

Based on the noise monitoring results above, the façade facing Metropolitan Avenue (northern façade) would require a 28 dB(A) window/wall attenuation. No other facades would require attenuation. With this level of attenuation, no significant adverse impacts related to noise are expected.

To preclude the potential for significant adverse impacts, an (E) Designation would be provided for 78-46 Metropolitan Avenue (Block 3776, Lot 31), the Projected Development Site. E-664 has been assigned to this project. The text of the (E) designation would be as follows:

E-664 (Block 3776, Lot 31):

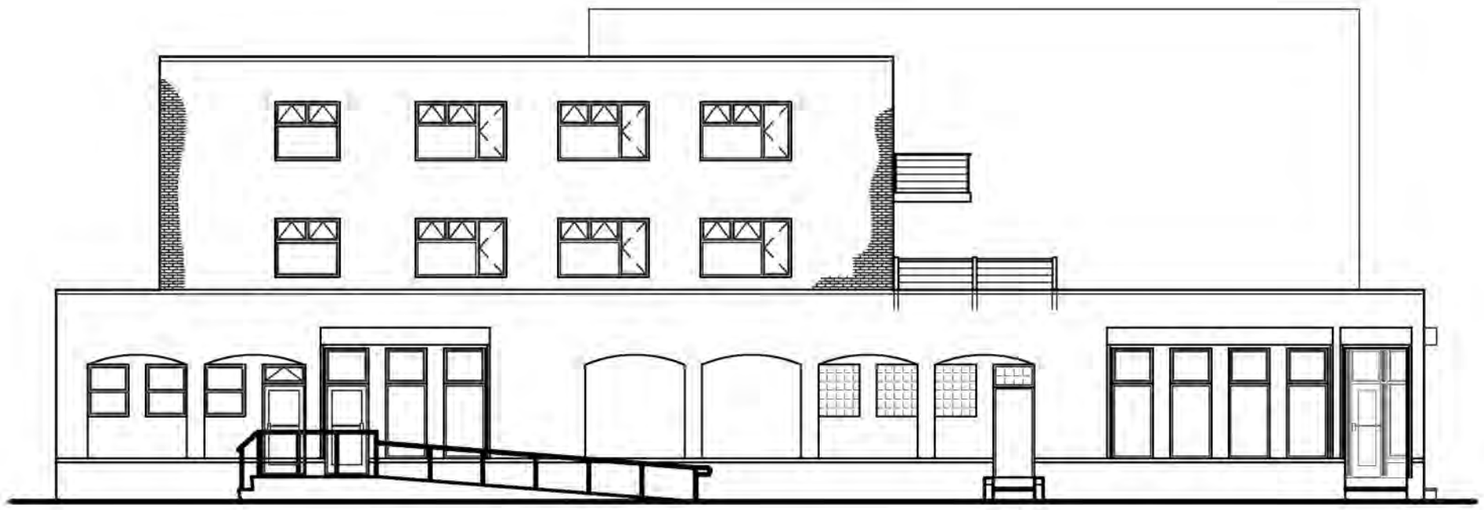
In order to ensure an acceptable interior noise environment, new residential/commercial development on the above referenced property must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on the facades facing Metropolitan Avenue (northern facade) to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

Conclusion

Based on the above analysis and with the (E) Designation in place, no significant adverse impacts related to noise are expected, and no further analysis is required.

APPENDIX A

ILLUSTRATIVE PLANS



OWNER: DR. ROBERT THOMAS

ADDRESS: 78-46 METROPOLITAN AVE.

DWG.	SHEET	DESCRIPTION
DRAWING LIST	**DRAWING LIST**	
1	T-001.00	COVER PAGE
2	Z-000.00	ZONING ANALYSIS
3	Z-001.00	SURVEY
4	Z-002.00	EXISTING & PROPOSED ZONING RESOLUTION CHART
5	Z-003.00	SITE PLAN
6	A-001.00	EXISTING 1ST. FLOOR PLAN
7	A-002.00	PROPOSED 2ND. FLOOR PLAN
8	A-003.00	PROPOSED 3RD FLOOR PLAN
9	A-004.00	ROOF PLAN
10	A-005.00	SECTION
11	A-006.00	ELEVATION
12	A-007.00	ELEVATION

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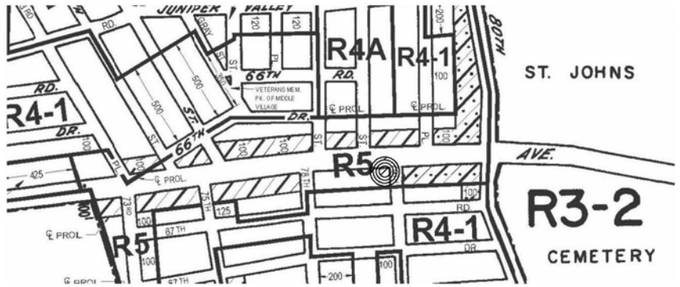
78-46 METROPOLITAN AVE MIDDLE VILLAGE, NY 11379

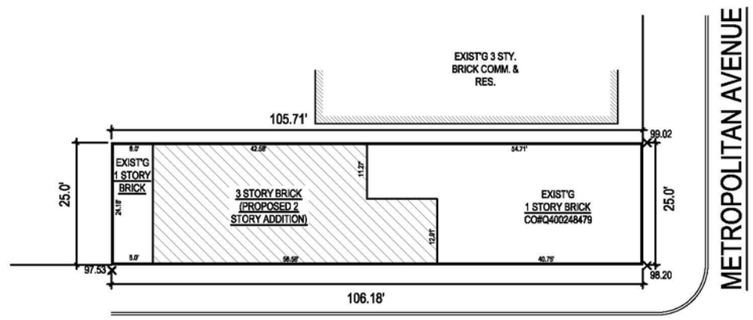
Project #	SHEET TITLE	
DRRT1901	COVER PAGE	
DATE: 2020	DRAWING No. T-001.00	SHEET No. 1 OF 12

BLOCK NUMBER	3776
LOT NUMBER	31
PROPOSED ZONING DISTRICT	R5D / C2-3
INCLUSIONARY HOUSING	NO
ZONING MAP	13D
HISTORIC DISTRICT	NO
QUALITY HOUSING	NO
LANDMARK BUILDING	NO
COMMUNITY DISTRICT	5
COMMUNITY BOARD	405
LITTLE 'E' DESIGNATION	NO
LANDMARK DESIGNATED BUILDING WITHIN 90'-0" RADIUS OF SITEM SUBJECT TO TPPN 10/88	NO, >200 FT. FROM SUBWAY
M.T.A. / AMTRAK APPROVAL	NO
LOT AREA	2575.8 SF PER SUVEY DATED 01/15/2010
TOTAL LOT AREA	2575.8 SF



Zoning Map: 13D

SCALE: N.T.S.



EXIST'G L.C.: 2568.75 / 2575.8 = .997 OR 100%

Zoning Diagram - Lot Coverage

SCALE: N.T.S.

LOT AREA: 2575.8 SF									
MAX F.A. (23-141C): 2575.8x1.65 = 4250 SF									
CONSTRUCTION FLOOR	CONSTRUCTED GROSS FLOOR (SF)		COMMERCIAL ZFA (SF)	RESIDENTIAL ZFA (SF)	TOTAL ZFA (SF)	1 BR	2 BR	TOTAL	
1ST FLOOR PLAN	2553.14		2435.34	117.8	2553.14			0	(PROPOSED)
2ND FLOOR PLAN	1215.8		-	1216	1215.8		1	1	(PROPOSED)
3RD FLOOR PLAN	1215.8		-	1216	1215.8		1	1	(PROPOSED)
ROOF FLOOR PLAN	-		-	-	-				
TOTAL DEDUCTION	-		-	-	-	TOTAL UNITS		2	(PROPOSED)
TOTAL GROSS SUBCELLAR TO EMR			-						
TOTAL GROSS ABOVE GROUND FLOOR AREA			4984.74						
ZFA PROVIDED:	4984.74								

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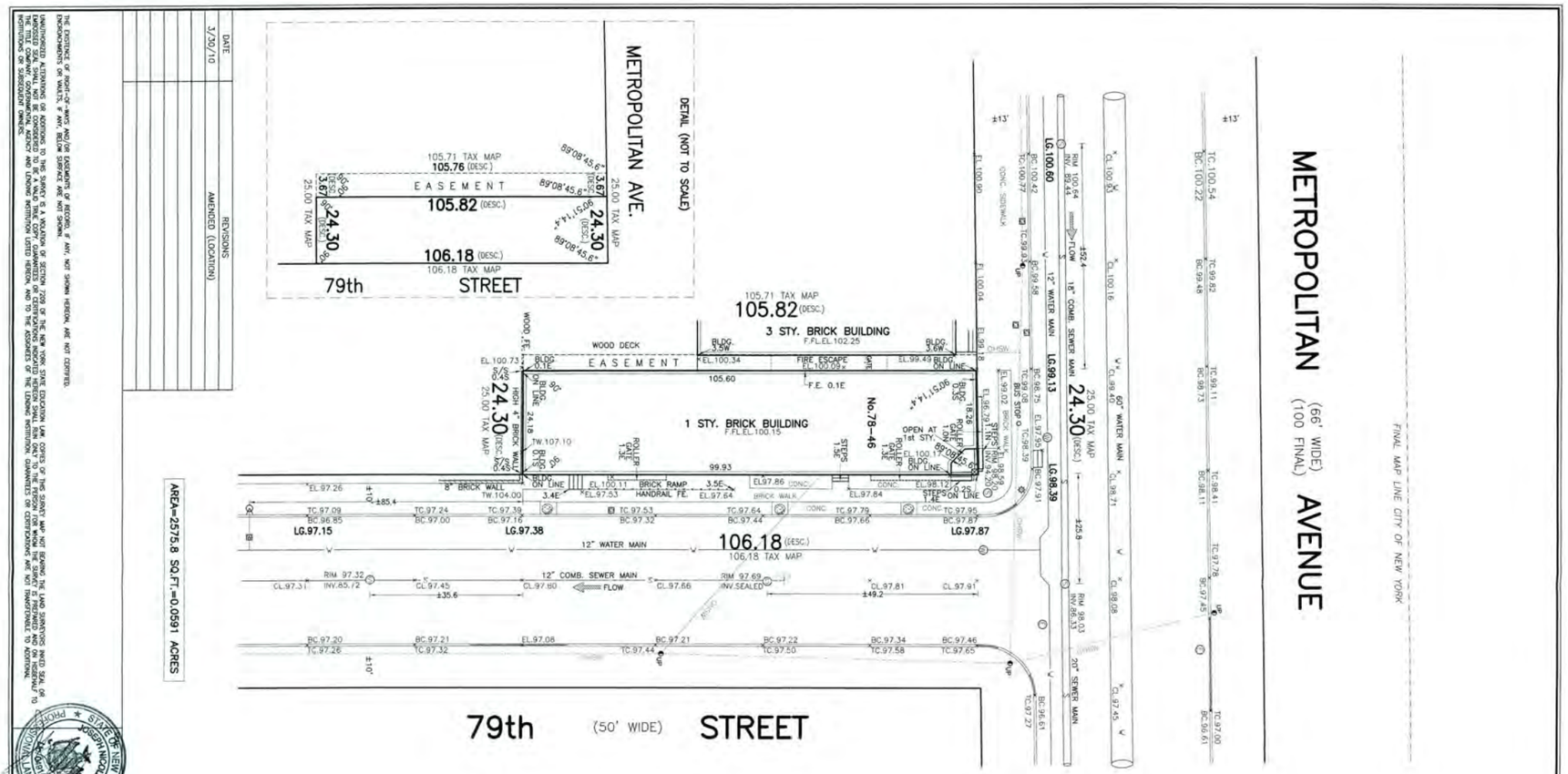
78-46 METROPOLITAN AVE MIDDLE VILLAGE, NY 11379

Project # DRRT1901	SHEET TITLE ZONING ANALYSIS		
DATE: 3/17/2020	DRAWING No. Z-000.00	SHEET No. 2 OF 12	

X:\DRRT (DR THOMAS)\DRRT1901\02-BIM-CADD\Con-Docs\arch\Z-000.00.dwg | ast Modified: Apr 17, 2020 - 9:25am By lmocniak
Plotted on: Apr 17, 2020 - 9:21am



THE EXISTENCE OF RIGHT-OF-WAYS AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN HEREON, ARE NOT CERTIFIED.

ENCROACHMENTS OR VAULTS, IF ANY, BELOW SURFACE, ARE NOT SHOWN.

UNLESS OTHERWISE NOTED, THIS SURVEY IS CERTIFIED TO THE NEW YORK STATE EDUCATION LAW, COPY(S) OF THIS SURVEY MAP MUST BEAR THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL. ELECTRONIC COPIES OF THIS SURVEY MAP MUST BE ACCOMPANIED BY A HARD COPY CERTIFIED TO THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEE OF THE LENDING INSTITUTION, GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

DATE	REVISIONS
3/30/10	AMENDED (LOCATION)

LEGEND:

PSE CC ..... PEDESTRIAN RAMP, CURB CUT
DR ..... DRAIN
..... CATCH BASIN
..... ELECTRIC MANHOLE
..... ELECTRIC VALVE
..... GAS MANHOLE
..... GAS VALVE
..... WATER MANHOLE
..... WATER VALVE
..... SEWER MANHOLE
..... TELEPHONE MANHOLE
..... TELEPHONE BOOTH
..... FIRE ALARM BOX
..... FIRE HYDRANT
..... PARKING METER
..... TRAFFIC SIGNS
..... TRAFFIC LIGHT
..... LIGHT POLE
..... UTILITY POLE
..... TREE AND DIAMETER
..... HANDICAPPED PARKING SPACE

NOTES:

1. ELEVATIONS AND LEGAL GRADES SHOWN HEREON REFER TO THE BOROUGH OF QUEENS HIGHWAY DATUM WHICH IS 2.725 FEET ABOVE SEA LEVEL, BASED ON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88) ESTABLISHED BY THE U.S. COAST AND GEODETIC SURVEY DATUM.
2. LEGAL GRADES ARE REFERRED TO THE TOP OF CURB. CONSULT WITH THE DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAY OPERATIONS OR THE DEPARTMENT OF BUILDINGS BEFORE THE CONSTRUCTION OF ANY IMPROVEMENTS IF LEGAL GRADES SHOWN VARY SUBSTANTIALLY FROM ACTUAL CONDITIONS.
3. THE INFORMATION GIVEN ON THIS SURVEY PERTAINING TO UTILITIES AND OR SUBSTRUCTURES IS NOT CERTIFIED TO ACCURACY OR COMPLETENESS.
4. SIZES AND TYPES OF SEWER SHOWN WERE TAKEN FROM THE BOROUGH OF QUEENS SEWER DEPARTMENT RECORDS OBTAINED FROM FIELD MEASUREMENTS.
5. SIZES AND TYPES OF WATER MAINS SHOWN WERE TAKEN FROM THE DEPARTMENT OF WATER SUPPLY BOROUGH OF QUEENS.
6. CONSULT WITH APPROPRIATE UTILITY COMPANY PRIOR TO DESIGNING IMPROVEMENTS.
7. THIS IS TO CERTIFY THAT THERE ARE NO STREAMS NOR NATURAL WATERCOURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.
8. ENCROACHMENTS OR VAULTS, IF ANY, BELOW SURFACE ARE NOT SHOWN.
9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.
10. THE EXISTENCE OF RIGHT-OF-WAYS AND OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN, ARE NOT CERTIFIED.

CALL BEFORE YOU DIG
PRIOR TO COMMENCEMENT OF CONSTRUCTION PHONE: 1-800-272-4480

ARCHITECTURAL SURVEY

TAX SECT.: 20 | TAX BLOCK: 3776 | TAX LOT(S): 31

MAP OF PROPERTY AT

MIDDLE VILLAGE

QUEENS COUNTY, NEW YORK

JOSEPH NICOLETTI ASSOCIATES
PROFESSIONAL LAND SURVEYORS, P.C.
499 JERICHO TURNPIKE, SUITE 201
MINEOLA, NEW YORK 11501
516-873-7278

DATE: 01/15/2010 | SCALE: 1"=16' | REF.NO.: 03776-002

DRAWN BY: AP

H2M architects + engineers
www.h2m.com

78-46 METROPOLITAN AVE MIDDLE VILLAGE, NY 11379

Project #	SHEET TITLE	
DRRT1901	SURVEY	
DATE: 2020	DRAWING No. Z-001.00	SHEET No. 3 OF 12

PROPOSED ZONING ANALYSIS - R5D/ C2-3 DISTRICT

SECTION		TITLE SECTION	ZONING REG.- SUMMARY	ALLOWED AND / OR REQUIRED	PROVIDED/ PROPOSED
USE GROUPS	ZR: 22-10 ZR: 32-15	USE GROUPS	PERMITTED USE GROUP 1, 2, 3, 4, & 6	SINGLE/MULTIPLE RESIDENCE. COMMUNITY FACILITIES	GROUP 2 RESIDENCIES. OK. GROUP 6 VETERINARY MEDICINE. OK.
LOT COVERAGE		OPEN SPACE AND FLOOR AREA REGULATIONS	THE MAXIMUM LOT COVERAGE FOR R5D SHOULD BE 80%	EXISTING LOT COVERAGE: 2568.75 / 2575.8 = .997 OR 100%	**PROPOSED FA. (RES.)** 1ST = 117.8 SF +2ND AND 3RD = 2432.0 SF 2549.8 SF **PROPOSED FA. (COMM.)** 1ST 2553.14 - 117.8 SF = 2435.34 SF **TOTAL PROPOSED F.A.** = 4984.74 SF
F.A.R.	ZR: 23-142 ZR: 33-121	MAXIMUM FLOOR AREA RATIO	R5D F.A.R. = 2.00	2X 2575.8 SF = 5151.00 SF	**PROPOSED F.A.R.** 4984.74/2575.8 = 1.94 F.A.R.
DENSITY	ZR: 23-22	MAXIMUM NUMBER OF DWELLING UNITS	MAX. NO. OF DWELLING UNITS (D.U.) EQUALS THE MAX ALLOWED RESIDENTIAL FLOOR AREA DIVIDED BY THE APPLICABLE DENSITY FACTOR R5D= FACTOR FOR MAX NUMBER OF DWELLING UNITS = 760	(5,151 SF - 2,435 SF) / 760 = 3.57 UNITS	PROPOSED 2 UNITS
MIN. LOT SIZE REQS.	ZR: 23-32	MIN. LOT AREA OR LOT WIDTH FOR RESIDENCES	(A) THE MINIMUM LOT WIDTH MUST BE 25 FEET IN A R5D DISTRICT (B) THE MINIMUM LOT AREA MUST BE 2,375 SF IN A R5D DISTRICT	LOT WIDTH: 25.00' LOT AREA: 2,648.00' SF	
BASIC REGULATION	ZR: 23-45 b 2 ZR: 23-451 ZR: 23-461 ZR: 35-52 ZR: 35-54	MIN REQ. FRONT YARDS PLANTING REQ. MIN. REQ. SIDE YARDS MODIF'T OF SIDE YARD REQ.	R5D: REQUIRED 1 @ 5' R5D: 20% OF FRONTAGE REQ. R5D: REQUIRED 1@ 20' C2: NO SIDE YARD REQ.		EXISTING FIRST FLOOR TO REMAIN
HEIGHT & SETBACK REG.	ZR: 23-631 f	HEIGHT AND SETBACK REGULATIONS	R5D: MAX HEIGHT 40 FEET		34.33 FEET PROPOSED
VEHICULAR PARKING	ZR:25-23 . ZR: 25-261	PARKING REQUIREMENTS FOR DEVELOPMENTS MAX. # OF SPACES WAIVED	R5D: PERCENT OF TOTAL DWELLING UNITS: 66% 1	2 X .66= 1.32 OR 1 ACCES. PARKING SPACES REQ. NO ACCES. PARKING SPACES REQ.	NONE PROPOSED

EXISTING ZONING ANALYSIS - R5 DISTRICT

SECTION		TITLE SECTION	ZONING REG.- SUMMARY	ALLOWED AND / OR REQUIRED	PROVIDED/ PROPOSED
USE GROUPS	ZR: 22-10	USE GROUPS	PERMITTED USE GROUP 1, 2, 3, & 4	SINGLE/MULTIPLE RESIDENCE. COMMUNITY FACILITIES	GROUP 2 RESIDENCIES. EXISTING NON-CONFORMING VET OFFICE
LOT COVERAGE	ZR: 23-142	OPEN SPACE AND FLOOR AREA REGULATIONS IN R1 THROUGH R5 DISTRICT	THE MAXIMUM LOT COVERAGE FOR R5 SHOULD BE 55%	EXISTING LOT COVERAGE: 2568.75 / 2575.8 = .99 OR 100%	EXISTING LOT COVERAGE: 2568.75 / 2575.8 = .99 OR 100% **NON COMPLYING**
F.A.R.	ZR: 23-142	MAXIMUM FLOOR AREA RATIO	R5 F.A.R. = 1.25	R5 F.A.R. = 1.25 CF = 2.0 COMMERCIAL = 0.0	EXISTING COMMERCIAL F.A.R. = 1.0 **NON COMPLYING**
DENSITY	ZR: 23-22	MAXIMUM NUMBER OF DWELLING UNITS	MAX. NO. OF DWELLING UNITS (D.U.) EQUALS THE MAX ALLOWED RESIDENTIAL FLOOR AREA DIVIDED BY THE APPLICABLE DENSITY FACTOR R5= FACTOR FOR MAX NUMBER OF DWELLING UNITS = MAX. ALLOWED RES. FLR. AREA- NON RESIDENTIAL FLR AREA/760	NONE EXISTING	NONE EXISTING
MIN. LOT SIZE REQS.					
BASIC REGULATION	ZR: 23-45 ZR: 23-451 ZR: 23-462	MIN REQ. FRONT YARDS PLANTING REQ. MIN. REQ. SIDE YARDS	R5: REQUIRED 1 @ 10' R5: 20% OF FRONTAGE REQ. R5: REQUIRED 2@ 20'	NONE EXISTING NONE EXISTING NONE EXISTING	NONE EXISTING NONE EXISTING NONE EXISTING
HEIGHT & SETBACK REG.	ZR: 23-631 d	HEIGHT AND SETBACK REGULATIONS	MAX. HT. PERMITTED = 30'-0"		EXISTING = 14.84'
VEHICULAR PARKING	ZR: 25-22a	REQUIREMENTS WHERE INDIVIDUAL PARKING FACILITIES ARE PROVIDED		NO ACCESSORY PARKING REQUIRED.	NONE PROVIDED

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78-46 METROPOLITAN AVE
MIDDLE VILLAGE, NY 11379

Project # DRRT1901

SHEET TITLE: EXISTING & PROPOSED ZONING RESOLUTION CHART

DATE: 3/17/2020

DRAWING No. Z-002.00

SHEET No. 4 OF 12

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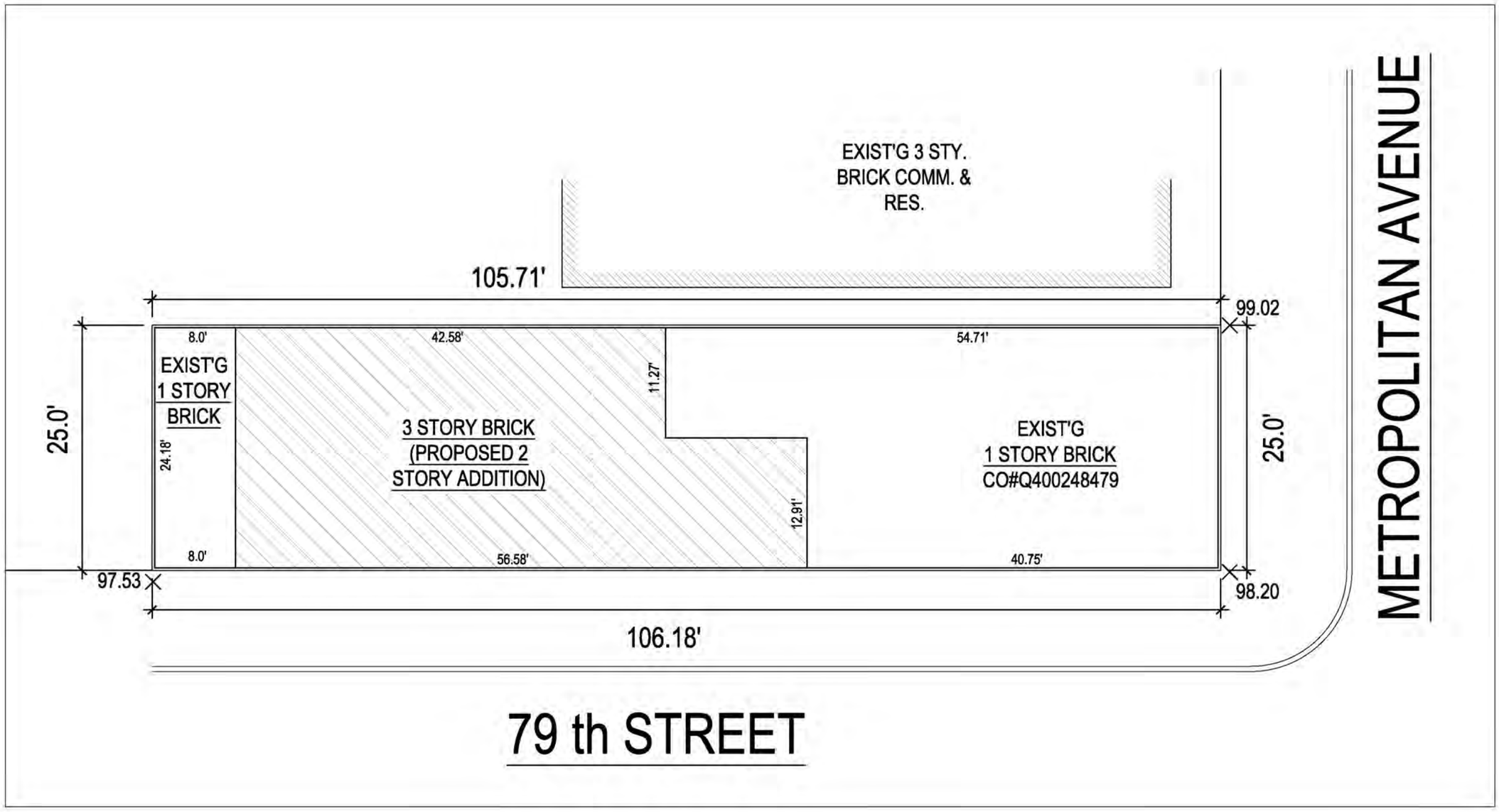

Site Plan

SCALE: 3/32" = 1'-0"

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78-46 METROPOLITAN AVE
MIDDLE VILLAGE, NY 11379

Project #	SHEET TITLE	
DRRT1901	SITE PLAN	
DATE: 3/17/2020	DRAWING No. Z-003.00	SHEET No. 5 OF 12

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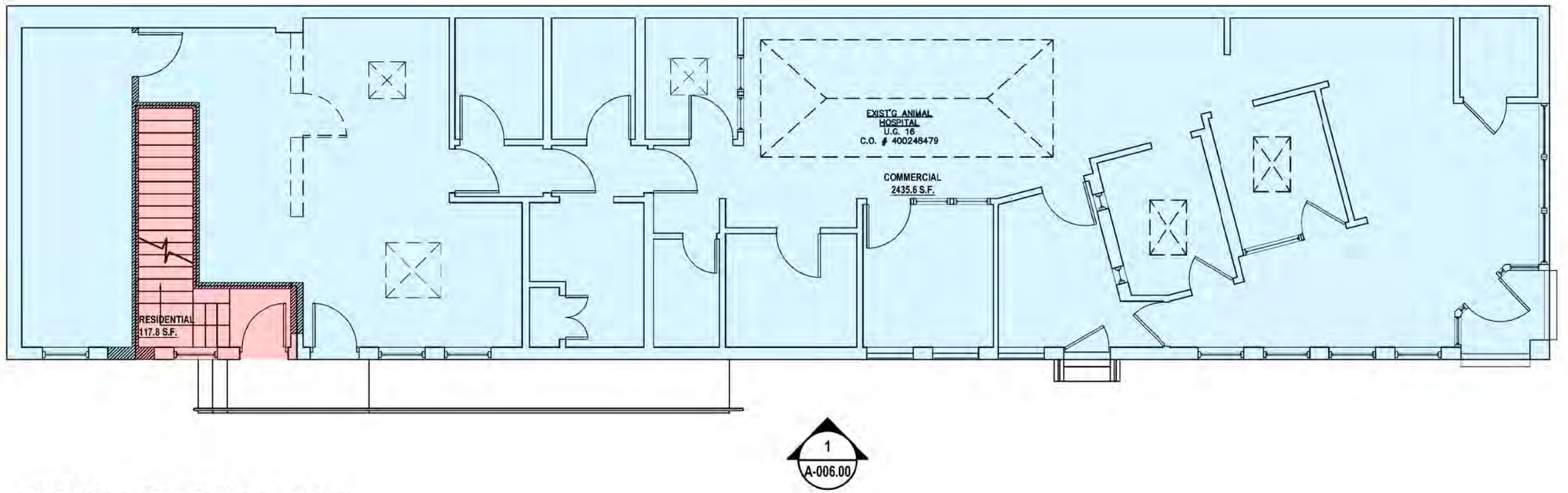

Existing First Floor Plan

SCALE: 1/8"=1'-0"

RESIDENTIAL

COMMERCIAL

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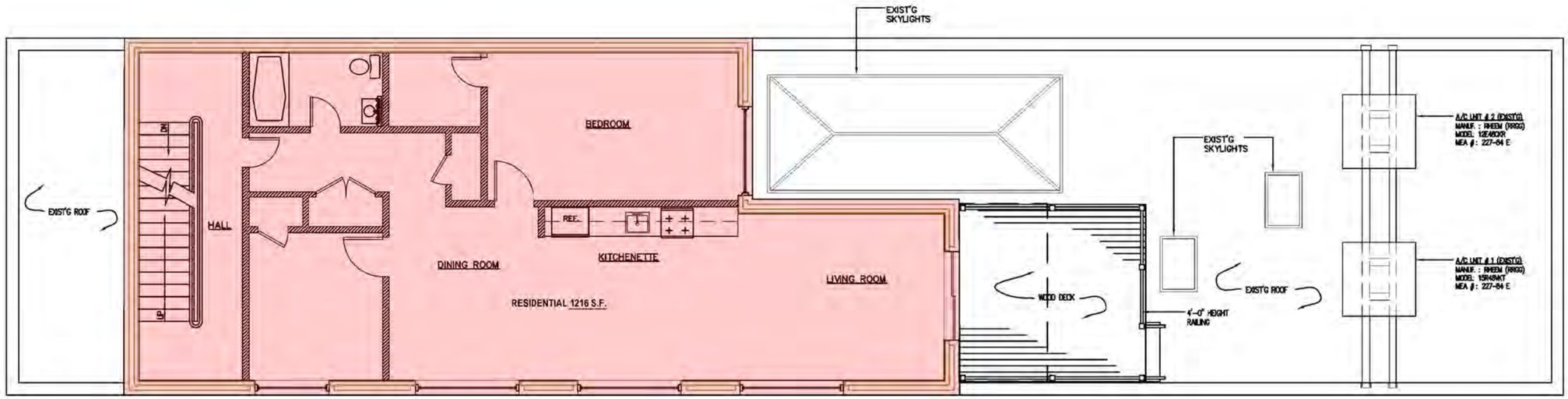
78-46 METROPOLITAN AVE
MIDDLE VILLAGE, NY 11379

Project # DRRT1901	SHEET TITLE EXISTING 1ST FLOOR PLAN	
DATE: 2020	DRAWING No. A-001.00	SHEET No. 6 OF 12



1
A-006.00

Proposed Second Floor Plan

SCALE: 1/8"=1'-0"

RESIDENTIAL

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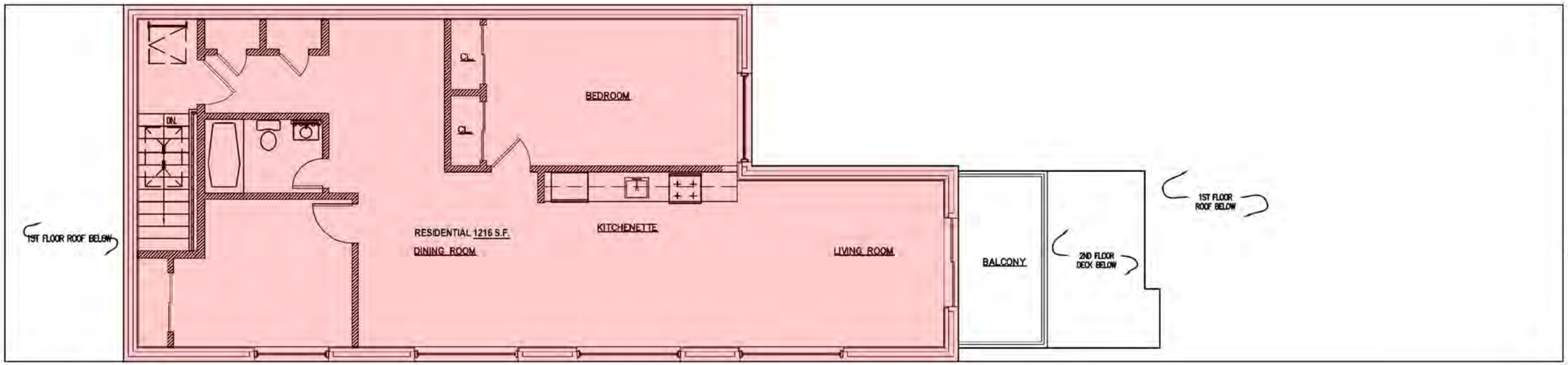
78-46 METROPOLITAN AVE MIDDLE VILLAGE, NY 11379

Project #	SHEET TITLE	
DRRT1901	PROPOSED 2ND FLOOR PLAN	
DATE: 2020	DRAWING No. A-002.00	SHEET No. 7 OF 12



Proposed Third Floor Plan

SCALE: 1/8"=1'-0"

1
A-006.00

RESIDENTIAL

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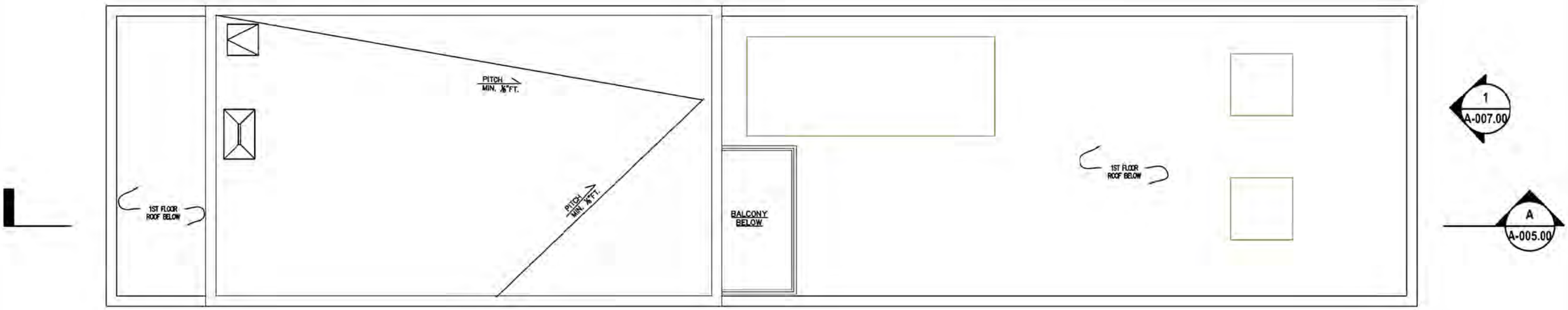
78-46 METROPOLITAN AVE MIDDLE VILLAGE, NY 11379

Project #	SHEET TITLE	
DRRT1901	PROPOSED 3RD FLOOR PLAN	
DATE: 2020	DRAWING No. A-003.00	SHEET No. 8 OF 12



Proposed Roof Plan

SCALE: 1/8"=1'-0"

1
A-006.00

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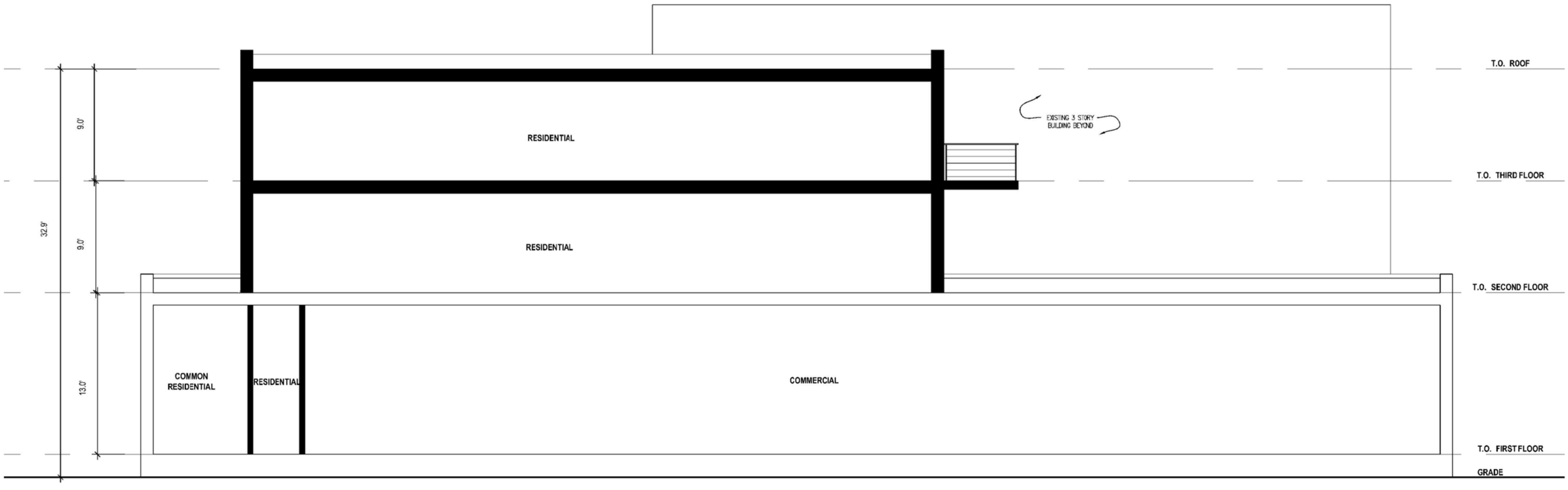
78-46 METROPOLITAN AVE
MIDDLE VILLAGE, NY 11379

Project #	SHEET TITLE	
DRRT1901	ROOF PLAN	
DATE: 2020	DRAWING No. A-004.00	SHEET No. 9 OF 12



A Sections

SCALE: 1/8"=1'-0"

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78-46 METROPOLITAN AVE
MIDDLE VILLAGE, NY 11379

Project #	SHEET TITLE	
DRRT1901	SECTION	
DATE: 2020	DRAWING No. A-005.00	SHEET No. 10 OF 12



1 Side Elevation @ 79th Street

SCALE: 1/8"=1'-0"

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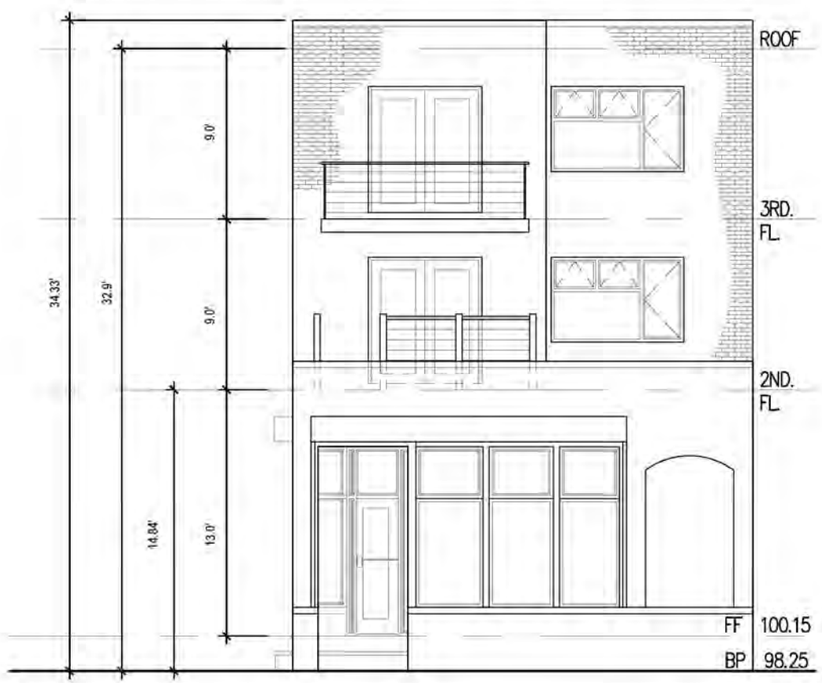
78-46 METROPOLITAN AVE
MIDDLE VILLAGE, NY 11379

Project # DRRT1901	SHEET TITLE ELEVATION	
DATE: 2020	DRAWING No. A-006.00	SHEET No. 11 OF 12



1 Front Elevation @ Metropolitan Ave

SCALE: 1/8"=1'-0"

H2M architects + engineers www.h2m.com	**78-46 METROPOLITAN AVE MIDDLE VILLAGE, NY 11379**	Project # DRRT1901	SHEET TITLE ELEVATION		
		DATE: 2020	DRAWING No. A-007.00	SHEET No. 12 OF 12	

APPENDIX B

AGENCY CORRESPONDENCE

Landmarks Preservation Commission

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

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

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-Q
Project: METROPOLITAN
Date Received: 7/22/2020

Properties with no Architectural or Archaeological significance:

1) 78-44 METROPOLITAN AVENUE, BBL: 4037760030
2) 78-46 METROPOLITAN AVENUE, BBL: 4037760031

Gina Santucci 7/24/2020

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35066_FSO_GS_07242020.docx

APPENDIX C

PHASE I ENVIRONMENTAL SITE ASSESSMENT

PHASE I ENVIRONMENTAL SITE ASSESSMENT



78-46 Metropolitan Avenue
Queens, New York 11379

August 2021

Prepared for:

Animal Clinic of Queens
78-46 Metropolitan Avenue
Middle Village, NY 11379

Prepared by:

EQUITY ENVIRONMENTAL ENGINEERING, LLC

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

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PHASE I ENVIRONMENTAL SITE ASSESSMENT

EXECUTIVE SUMMARY

Equity Environmental Engineering, LLC (Equity) was retained by the Animal Clinic of Queens. to conduct a Phase I Environmental Site Assessment (Phase I) to identify Recognized Environmental Conditions (RECs) associated with current and prior site use at the property identified as 78-46 Metropolitan Avenue in Queens, New York 11379. Equity conducted the assessment in accordance with the requirements of ASTM International Standard E1527-13, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and good professional practices.

Site Overview

The Subject Property is as follows:

Property Designation	78-46 Metropolitan Avenue
Property Address	78-46 Metropolitan Avenue, Queens, New York 11379
Parcel ID	Block 3776 / Lot 31
Parcel Size	2,648 Square Feet
Number of Buildings	One (1)
Number of Stories	One (1)
Finished Area (SF)	2,648 Square Feet
Date Constructed	1961
Construction Type	Brick and mortar with a concrete foundation
Property Usage	Animal Hospital
Inspection Date	August 2, 2021
Weather Conditions	Sunny 70° F
Site Contact/Title	Dr. Robert Thomas/Property owner
Site Contact Phone	917-648-2337

Definitions

The ASTM International Phase I Standard defines environmental conditions as follows:

- ***Recognized Environmental Conditions (RECs)***

  The term "Recognized Environmental Condition" means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

- ***Controlled Recognized Environmental Conditions (CRECs)***

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

- ***Historical Recognized Environmental Conditions (HRECs)***

  The term "Historical Recognized Environmental Condition" is a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls, such as property use restrictions or activity and use limitations (AULs, which include both institutional controls and engineering controls).

- ***Vapor Encroachment Conditions (VECs)***

  The term "Vapor Encroachment Condition" is a condition where the presence or likely presence of chemicals of concern vapors in the subsurface of the target property caused by the release of vapors from contaminated soil and/or groundwater either on or near the target property.

- ***De Minimis Conditions***

  The term "De Minimis Condition" is a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

- ***Data Gaps***

  The term "Data Gap" is a lack of or inability to obtain information required by this practice despite good faith efforts by the environmental professional to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to site reconnaissance (for example, an inability to conduct the site visit), and interviews (for example, an inability to interview the key site manager, regulatory officials, etc.).

- ***Non-Scope Considerations***

  Consideration of business environmental risk issues some of which are identified in Section 13 and Appendix XI of ASTM International E1528-14e1 (e.g., asbestos, ecological resources, mold, radon, wetlands, regulatory compliance et. Al.).

Findings

The following environmental conditions were identified:

A. Recognized Environmental Conditions (RECs)

No RECs were identified as a result of this assessment.

B. Controlled Recognized Environmental Conditions (CRECs)

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

C. Historical Recognized Environmental Conditions (HRECs)

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

D. Vapor Encroachment Conditions (VECs)

The EDR Vapor Encroachment database identified no VECs (Vapor Encroachment Conditions) of concern within 1/10 of a mile of the Subject Property. Based on these findings, a vapor encroachment condition can be ruled out. Details on the VECs can be found in Appendix C.

E. De Minimis Conditions

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

F. Data Gaps

Equity did not identify any significant data gaps that would affect its ability to identify RECs associated with the Subject Property.

Conclusions

Equity's review of available information and observations of the subject and surrounding properties indicates that no RECs, CRECs, Historical RECs, VECs, De Minimis conditions, or Data Gaps were identified as a result of this assessment.

PHASE I ENVIRONMENTAL SITE ASSESSMENT

I. INTRODUCTION

A. Purpose

Equity Environmental Engineering, LLC (Equity) was contracted by the Animal Clinic of Queens to perform a Phase I Environmental Site Assessment of the referenced property in accordance with the ASTM International Standard E1527-13, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. The ASTM International Standard satisfies the requirements of the United States Environmental Protection Agency's (USEPA) All Appropriate Inquiry Standard, 40 CFR Part 312, which is required to qualify for certain landowner liability protections under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The ASTM International Standard constitutes "all appropriate inquiry into previous ownership and uses of the property consistent with good commercial or customary practice." The investigation was conducted to identify Recognized Environmental Conditions (RECs), which are identified as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

It is Equity's understanding that the Phase I is being conducted as part of the documentation for the expansion of the building.

The Phase I consisted of the following components:

1. review of environmental and historical records
2. site reconnaissance
3. interviews
4. report preparation

The environmental assessment is non-invasive and does not include any testing or sampling of materials, such as soil, water, air or building materials. The environmental assessment included a non-invasive (no sampling) evaluation of the potential for asbestos-containing materials, lead-based paint, and lead in drinking water.

C. Significant Assumptions, Limitations and Exceptions

Unless noted, Equity assumes that the information obtained through the records review, site inspection, and interviews is correct. Equity does not warrant the accuracy of this information or warrant that any RECs that were not identified through the Phase I process do not exist on the property. RECs do not include De Minimis conditions that do not present a threat to human health or the environment, and that would not be subject to an enforcement action by government agencies.

D. Special Terms and Conditions

No Special Terms or Conditions apply to this project.

E. Reliance

This report is for the use and benefit of Animal Clinic of Queens and any of their respective affiliates, agents and advisors.

II. SITE DESCRIPTION

A. Location and Description

The Subject Parcel is identified 78-46 Metropolitan Avenue, Queens, New York 11379. Title to the property is vested in Thomas Robert. The Subject Property is identified as Block 3776/Lot 31 on the New York City Tax Map. The Subject Parcel is a rectangular shaped lot on the corner of Metropolitan Avenue and 79th Street. The Subject Property is located in the Middle Village neighborhood of Queens. A USGS Site Location Map and Site Boundary Map are included as Figures 1 and 2 and Appendix A.

B. Site and Vicinity Characteristics

The Subject Property is located in a n R5 zoning district surrounded by residential and commercial properties (primarily medical related offices). R5 is a residential zoning district in NYC that allows for one family and two family as well as small multifamily residential building. In certain R5 Zoning areas you may be able to apply the optional zoning codes for R5 Infill housing in Predominantly Built Up Areas.

C. Current Use of the Property

The Subject Property is currently an animal hospital. The building is approximately 60 years old.

D. Description of Structures, Improvements and Utilities

The existing building is constructed of brick and mortar with a concrete foundation. Utilities at the property include the following:

1. Electricity

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

2. Water

Potable water is supplied by the City of New York. No groundwater drinking wells were reported or identified as a result of this assessment.

3. Sewers

Sanitary wastewater is discharged to the City of New York sewer system.

4. Heat

The building is heated with natural gas. The natural gas is provided by National Grid.

E. Current Uses of Adjoining Properties

The following sites adjoin the parcel:

- North – Medical offices and banks
- East – Knights of Columbus and J.R.D. Electric Contractor offices
- South – Residential
- West – Medical offices and residential

III. USER-PROVIDED INFORMATION

The ASTM International Standard defines the "User" as the person on whose behalf the Phase I is being conducted. The ASTM International Standard requires the User to provide site information for the Phase I. ESI was not provided with the following information.

- Environmental liens (i.e., legal, deed notice) or Activity and Use Limitations (i.e., engineering controls, etc.) were identified.

- Specialized knowledge or commonly known information regarding current or historical hazardous material use on the Subject Property or adjoining properties, which would be considered a REC, were identified.

- There were no indications that the fair market value of the property was reduced due to environmental concerns.

IV. RECORDS REVIEW

A. Standard Environmental Record Sources

EDR was contracted by Equity to prepare an environmental database survey for the subject site and surrounding areas. A copy of the EDR report, which summarizes the environmental concerns presented by nearby sites, is attached as Appendix C. The listing of a site on any of these databases is, in itself, not indicative of an existing environmental concern. Distance, geology, and groundwater flow gradient are the factors that determine the importance of a listed site to the soil and groundwater quality on the Subject Property. Equity has relied on distance from the listed site and topographical gradient to judge whether that site has the potential to affect the Subject Property.

According to the EDR environmental database search, the Target Property was not identified on any of the searched databases. The surrounding properties were identified in the federal and state databases within a one-mile search radius of the Subject Property and are identified as follow:

Database	Target Property	0-1/8 Mile	1/8 – 1/4 Mile	1/4 – 1/2 Mile	1/2 – 1 Mile
RCRA-LQG	0	0	1	-	-
RCRA-SQG	0	0	3	-	-
RCRA-VSQG	0	1	0	-	-
RCRA-NonGen/NLR	0	5	8	-	-
NY Spills	0	3	-	-	-
NY Manifest	0	11	17	-	-
NY Drycleaners	0	0	2	-	-
NJ Manifest	0	1	1	-	-
NY AST	0	2	2	-	-
NY UST	0	1	3	-	-
NY Vapor Reopened	0	0	0	1	-
NY L Tanks	0	0	0	6	-
PA Manifest	0	1	0	-	-
RI Manifest	0	0	1	-	-
NY VCP	0	0	0	1	-
EDR HIST AUTO	0	0	0	0	-
NY SWF/LF	0	1	-	-	-
NY Brownfields	0	0	0	2	-
NY SHWS	0	0	1	3	-
NY ENG Controls	0	0	0	1	-
NY INST Controls	0	0	0	1	-
NY DEL SHWS	0	0	0	1	-

Additional information regarding each of the individual properties identified in the databases listed above is provided in **Appendix C**.

B. Orphans Summary

The EDR Orphan Summary lists fourteen (14) properties that were included in certain federal or state environmental databases but were reported by EDR to be unmapped due to insufficient address information. The listing of orphan sites within the database search was reviewed, cross-referencing available address information with facility names. Upon review, it was determined that no orphan site appear to be associated with the subject or adjoining properties. Additional information regarding the EDR Orphan Summary Report can be found in **Appendix C.**

C. City Environmental Quality Review "E" Designation

EDR was contracted by Equity to prepare an environmental database survey for the subject site and surrounding areas. A copy of the EDR report, includes City Planning Commission

approved amendments to the New York City Zoning Map - which may include environmental designations of certain tax lots that have physical or historical evidence of uses related to hazardous materials. The "E" designations shown on the zoning maps function as indicators of the environmental review that must be conducted when the lots are developed in accordance with the regulations of the rezoned district. Based upon a review of the NYCDEP "E" Designation database on June 29, 2020, the Subject Property was not identified.

D. Physical Setting Source

The Subject Property is located in Queens, New York and surrounded by residential commercial, and industrial properties. The ground surface at the site is predominantly level. Ground cover consists primarily of concrete sidewalk and the building. The Subject Property is accessed from the north west via Metropolitan Avenue. Based on a review of the 2013 USGS Jamaica and Brooklyn, 7.5-minute topographic maps for the area, groundwater is inferred to flow to the north east toward Meadow Lake.

Based on the soil survey maps published by the USDA Soil Conservation Service (1994) and information provided in the EDR Report, the subsurface soils expected at the site include Urban Land, which is variable in texture and does not qualify as hydric soil. Urban land soils are those which have lost original characteristics due to human activity (construction, development, demolition, debris, etc.). The geologic age identification of the rock at the Subject Property is of the Mesozoic Era, Cretaceous System, Upper Cretaceous Series, (Code uK). No settling ponds, lagoons, surface impoundments, wetlands or natural catch basins were observed on the Subject Property during this investigation.

E. Historical Use Information on the Property

The historical sources reviewed indicate that the property was developed in 1949.

1. Sanborn Fire Insurance Maps

Equity reviewed digital Sanborn Fire Insurance Maps ranging from 1902 to 2006 provided by EDR, Inc. Copies are provided in Appendix D.

Year	Subject Property	Surrounding Area
1902	The Subject Property is undeveloped	The surrounding area is primarily undeveloped but also depicts a wood working facility, feed storage yard, a painting facility, a stone works facility, fertilizer storage, residential dwelling units, and store fronts.
1914	The Subject Property is undeveloped	The surrounding area is developed with residential dwelling units, a florist, a stone works facility, fertilizer storage, offices, and store fronts.

Year	Subject Property	Surrounding Area
1936	The Subject Property is developed with an office building.	The surrounding area is only partially depicted and is developed with residential dwelling units, multiple stone cutting facilities, and a fire department.
1950	The Subject Property is developed with store front.	The surrounding area is developed with residential dwelling units, multiple green houses, multiple stone cutting facilities, a beer depot, and a fire department.
1980	The Subject Property is developed with store front.	The surrounding area is only partially depicted and is developed with residential dwelling units, offices, commercial buildings, a stone company, and a fire department.
1982	Unchanged.	The surrounding area is only partially depicted and is developed with residential dwelling units, offices, commercial buildings, a stone company, and a fire department.
1985	Unchanged.	The surrounding area is only partially depicted and is developed with residential dwelling units, offices, commercial buildings, a stone company, and a fire department.
1986, 1988, 1990	Unchanged.	The surrounding area is developed with residential dwelling units, offices, commercial buildings, a stone company, a parking facility, an auto repair shop, and a fire department.
1991, 1992	The Subject Property is developed with store front.	The surrounding area is developed with residential dwelling units, offices, commercial buildings, a stone company, a parking facility, an auto repair shop, and a fire department.
1993, 1994, 1995, 1996, 1999, 2001, 2002, 2003, 2004, 2005, 2006	The Subject Property is developed with a commercial building.	The surrounding area is developed with residential dwelling units, offices, commercial buildings, a stone company, and a fire department.

2. USGS Topographic Maps

Equity reviewed a total of nine (9) historical Topographic Maps from 1897 to 2013 provided by EDR, Inc. The St John's and Lutheran Cemeteries are shown from 1897 to 2013. No other pertinent information could be obtained from these maps. Copies are provided in **Appendix E**.

3. Historic Aerial Photographs

Equity reviewed a total of fourteen (14) aerial photographs spanning from 1924 to 2017. The Subject Property depicted in aerials from 1924 to 2017 are consistent with the historical sources reviewed indicating the Subject Property. Copies are provided in **Appendix F**.

4. City Directory

Equity reviewed local city directory listings provided by EDR, Inc. for the subject and adjacent properties ranging from 1934 through 2017. The area is characterized primarily by residential and commercial listings. The City Directory report is included in **Appendix G**.

The listings for 78-46 Metropolitan Avenue are commercial from 1967 through 2017 including a handkerchief importing company in 1967, 1970, and 1976; Jacquard Patterns Inc in 1983; and an animal clinic in 1994, 1999, 200, 2004, 2005, 2009, 2014, and 2017 which is the current use of the Subject Property.

The adjoining properties are largely residential. There was an electric shop on 79th Street and a medical facility on Metropolitan Ave.

5. Regulatory File Review

Equity reviewed title information for the Subject Property contained in the New York City Zola database. Title to the property is vested in Thomas Robert. The Subject Property is identified as Block 3776/Lot 31.

According to the New York City Department of Buildings (DOB) website, three complaints, one violation, five jobs, and twenty actions have been identified at 78-46 Metropolitan Avenue. The complaints are in relation to construction, permitting, and an unstable roof structure. The violation was in relation to construction and has been resolved. The jobs are in relation to post approval amendments, a building conversion, and a building addition. The actions are in relation to building alterations, certification of occupancy, and a new building.

Equity submitted a Freedom of Information Law (FOIL) request to the New York City Department of Environmental Protection (NYCDEP) on July 1, 2020. A response was never received.

Regulatory records are included in **Appendix H**.

6. Prior Environmental Assessments and Reports

Equity was not provided with any prior environmental assessments or reports.

F. Historical Use Information on Adjoining Properties

The following information summarizes the historical use of properties adjoining the site based on a review of the Sanborn Fire Insurance Maps and Historic Aerial Photographs.

- North – Mixed residential and commercial
- East – Industrial and public facilities and institutions
- South – Residential
- West – Mixed residential and commercial

V. SITE RECONNAISSANCE

A. Methodology and Limiting Conditions

Robert Jackson, P.E./Managing Director at Equity Environmental, conducted the Phase I site inspection on August 2, 2021. Dr. Robert Thomas, who is the property owner lead the walkthrough of the building. No limiting conditions such as weather or inaccessible areas were encountered during the completion of this assessment.

B. On-Site Operations/Manufacturing

The 1-story veterinarian office building conducts the treatment of domestic pets including surgery. There is a waiting room, reception area with files, several examination rooms, a surgical room, dry and cold storage of various drugs, kennels that were empty and general storage for equipment, compressed gas cylinders, bio-hazard containers, general material for the office, and gym equipment. There is evidence of water damage on the drop ceilings as well as portions of the ceiling cut out for new piping/wiring, etc. All X-rays are done digitally.

Photographs of the building's interior and exterior are provided in **Appendix B**.

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

The office is an active veterinarian's office and as such, there is storage of multiple drugs, chemicals, surgical equipment for the treatment of patients. The drugs are stored on shelves and in refrigerators in the office. There are several cylinders of compressed oxygen in the building for the delivery of oxygen during surgery. No USTs, ASTs, or suspect containers were observed at the Subject Property during the site reconnaissance.

D. Solid and Hazardous Waste

The solid waste generated on-site is disposed of by Mr. T Carting. Bio-medical waste and carcasses of deceased animals are transported by All Care Waste Services and disposed of

by Curtis Bay Medical Waste Services in Baltimore, Maryland. No drugs or chemicals are flushed down the drain.

E. Releases or Spills

No staining or spills were observed during the site reconnaissance, and Dr. Thomas was not aware of any past spills at the site.

F. Groundwater Wells

No potable, production, irrigation or monitoring wells were observed or determined through the assessment.

G. Surface Water, Stormwater Drainage and Wastewater Discharge

Roof drains were not observed at the Subject Property.

Equity reviewed National Wetland Inventory maps included as a layer within the EDR Radius Map Report. No wetlands were identified within the Subject Property. The report is provided in **Appendix C.**

I. Polychlorinated Biphenyls (PCBs)

No equipment likely to contain PCBs were observed during the site reconnaissance.

J. Drains and Sumps

Several floor drains were observed throughout the inside of the Subject Property. All drains are assumed to discharge into the New York City sewer system. No other drains were observed during the site reconnaissance.

K. Vapor Migration/Encroachment

A Vapor Encroachment Screening in accordance with ASTM International E2600-15 was performed by Equity. The EDR Vapor Encroachment database identified no VECs (Vapor Encroachment Conditions) of concern within 1/10 of a mile of the Subject Property. Based on these findings, a vapor encroachment condition can be ruled out. Details on the VECs can be found in Appendix C.

L. Other Environmental Considerations

Asbestos Containing Materials

The EPA banned several types of asbestos in the late 1970s, but its use continued in some building applications through the 1980s. Asbestos was not observed during the site reconnaissance.

Drinking-Water

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

Lead-Based Paint

In 1978, EPA banned the manufacture and use of lead-based paint and lead-based paint products. A lead-based paint study was not performed as part of this study.

M. Off-Site Concerns

There were no offsite concerns.

VI. INTERVIEWS

As part of the Phase I of the property, Equity interviewed Dr. Robert Thomas, the property owner, during the site reconnaissance. Dr. Thomas was not aware of any previous environmental or maintenance issues related to the property.

VII. RECOGNIZED ENVIRONMENTAL CONDITIONS (RECs)

Equity completed the Phase I of the Subject Property in accordance with the scope and limitations of ASTM International Practice 1527-13. Any exceptions to, or deletions from, this practice are noted in appropriate sections of this report. RECs are defined as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. Controlled Recognized Environmental Condition is a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). Historical RECs are RECs previously remediated to current unrestricted residential use applicable regulatory standards. De Minimis conditions are those that do not present a threat to human health or the environment and would not be the subject of an enforcement action by a government agency. Data Gaps are a lack of or inability to obtain information required by the practice that affects the ability of the environmental professional to identify RECs despite good faith efforts to gather the information.

A. Recognized Environmental Conditions (RECs)

No RECs were identified as a result of this assessment.

B. Controlled Recognized Environmental Conditions (CRECs)

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

C. Historical Recognized Environmental Conditions (HRECs)

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

D. Vapor Encroachment Concerns (VECs)

The EDR Vapor Encroachment database identified no VECs (Vapor Encroachment Conditions) of concern within 1/10 of a mile of the Subject Property. Based on these findings, a vapor encroachment condition can be ruled out. Details on the VECs can be found in Appendix C.

E. De Minimis Conditions

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

F. Data Gaps

Equity did not identify any significant data gaps that would affect its ability to identify Recognized Environmental Concerns (RECs) associated with the Subject Property.

Conclusions

Equity's review of available information and observations of the subject and surrounding properties indicates that no RECs, CRECs, VECs, Historical RECs, De Minimis conditions, or Data Gaps were identified as a result of this assessment.

VIII. DEVIATIONS

Equity did not deviate from the scope of service outlined in Section I of this report.

IX. REFERENCES

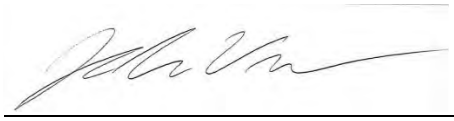
The following references were used in the preparation of this report:

1. EDR Environmental Databases
2. Sanborn Fire Insurance Maps
3. Aerial Photographs
4. City Directory
5. Historical Topographic Maps
6. City Databases
7. New York City Department of Buildings Website
8. New York City Zola Database

X. SIGNATURE(S) OF ENVIRONMENTAL PROFESSIONALS

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional, as defined in the USEPA All Appropriate Inquiry Standard, 40 CFR, Part 312.10. We have the specific qualifications based on education, training, and experiences to assess a property of the nature, history, and setting of the Subject Property. We have developed and performed all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR, Part 312.

Assessor:



John Vrabel
Project Scientist

Environmental Professional:



Robert Jackson
Managing Director, P.E.

XI. QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

Qualifications of the Environmental Professionals are provided in **Appendix I**.

APPENDIX D

NOISE FIELD SHEETS AND BACKUP

Noise Job Field Sheet

Name of Project: 2020056 Metropolitan

Project Address: 78-46 Metropolitan Avenue Queens, NY

Date(s) of Field Work: 4/8/21

Personnel: John Vrabel

Project Specific Scope of Work:

2 x 20-minute locations AM, Midday, PM

Maximum Billable Hours for the Day: 15

I. Start of Noise Monitoring Day

Departure Time: 6:15 Arrival Time: 7:50

Weather Conditions (temp, wind speed, precipitation): sunny, low wind, dry 50's

Meter Type: Casella Meter Serial #: 4278006 Meter Location: 1 +2
Meter Type: _____ Meter Serial #: _____ Meter Location: _____
Meter Type: _____ Meter Serial #: _____ Meter Location: _____
*If more locations are needed for a project use a second Field Sheet

Calibrator Serial #: 1090499 Meters used on: 1 +2 (4278006)
Calibrator Serial #: _____ Meters used on: _____
Calibrator Serial #: _____ Meters used on: _____
Were Photos Taken of Each Location? Y / N *Discuss specific photo instructions w/ Project Manager

**On a separate sheet of paper (field book) make a sketch of the noise meter locations and the distances to nearest wall, fence, building, or other solid surfaces.*

III. Midday Session 12:00 PM – 1:30 PM

Before Measurement:

Meter Serial #: 4278006 Time: 12:00 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: " " Time: 12:24 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N

After Measurement:

Meter Serial #: 4278006 Time: 12:20 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: " " Time: 12:44 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N
*If more locations are needed for a project use a second Field Sheet

Location #	Start Time	End Time
1	12:00	12:20
2	12:24	12:44

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

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	Train
1	109	87	12	1	4	—
2	15	12	1	0	1	—

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

Noise Source: please note any loud noises here and time (sirens, garbage truck, etc):
12:36 saw cutting on north side of Metropolitan Ave across from subject Property occurs periodically until end of session

Please place noise meters in their respective cases between sessions to avoid damage.

IV. Evening Session 4:30 PM – 6:00 PM

Before Measurement:

Meter Serial #: 4278006 Time: 16:30 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: " Time: 16:55 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N

After Measurement:

Meter Serial #: 4278006 Time: 16:50 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: " Time: 17:15 Calibration Passed at 114 dB? (Y) / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N
*If more locations are needed for a project use a second Field Sheet

Location #	Start Time	End Time
1	16:30	16:50
2	16:55	17:15

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

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	~~Train~~ motorcycle
1	128	106	17	2	4	2
2	14	9	2	0	1	—

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

Noise Source: please note any loud noises here and time (sirens, garbage truck, etc):

_____

_____

_____

**Please place noise meters in their respective cases between sessions to avoid damage.*

II. Morning Session 7:30 AM – 9:00 AM

Before Measurement:

Meter Serial #: 4278006 Time: 8:08 Calibration Passed at 114 dB? Y / N
Meter Serial #: " Time: 8:35 Calibration Passed at 114 dB? Y / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N

After Measurement:

Meter Serial #: 4278006 Time: 8:30 Calibration Passed at 114 dB? Y / N
Meter Serial #: " Time: 8:55 Calibration Passed at 114 dB? Y / N
Meter Serial #: _____ Time: _____ Calibration Passed at 114 dB? Y / N

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

Location #	Start Time	End Time
1	8:10	8:30
2	8:35	8:55

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

motorcycle

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	~~Train~~
1	132	100	15	3	9	2
2	16	10	0	0	1	—

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

Noise Source: please note any loud noises here and time (sirens, garbage truck, etc):

_____

_____

_____

Please place noise meters in their respective cases between sessions to avoid damage.

V. End of Noise Monitoring Day

- Please return all noise meters to their cases.
- Do not return dead batteries to the cases, throw them out.
- Did you take photos? (Y) / N
- Did you complete the site sketch? Y / N
- If a meter(s) was rented, please scan in calibration documents.

Anything of note/concern for the day: _____

_____

_____

Departure Time: 17:30 Arrival Time: 19:30

Total Time to Be Billed: 1.5



Legend

Projected Development Site 1

Rezoning Area

Noise Monitoring Locations

50

US Feet

N

Casella CEL Ltd.

Report On CEL-63X

Instrument Model	**CEL-633C**			
Serial Number	4278006	LAS 10%	70.5 dB	Result
LASmax	83.2 dB	LAS 50%	64.5 dB	
LASmin	55.8 dB	LAS 90%	57.5 dB	
Start Date & Time	4/8/2021 8:09:27 AM	Calibration (Before) Date	4/8/2021 8:08:53 AM	
Duration	00:20:03 HH:MM:SS	Calibration (After) Date	4/8/2021 8:29:57 AM	
LAeq	67.9 dB	Calibration Drift	0.1 dB	
End Date & Time	4/8/2021 8:29:30 AM	Battery Low	No	
Notes				

Instrument Model	CEL-633C			
Serial Number	4278006	LAS 10%	69.5 dB	Result
LASmax	89.9 dB	LAS 50%	63.5 dB	
LASmin	55.3 dB	LAS 90%	57 dB	
Start Date & Time	4/8/2021 4:30:46 PM	Calibration (Before) Date	4/8/2021 4:30:40 PM	
Duration	00:20:04 HH:MM:SS	Calibration (After) Date	4/8/2021 4:51:09 PM	
LAeq	67.9 dB	Calibration Drift	0.0 dB	
End Date & Time	4/8/2021 4:50:50 PM	Battery Low	No	
Notes				

Instrument Model	CEL-633C			
Serial Number	4278006	LAS 10%	69.5 dB	Result
LASmax	76.9 dB	LAS 50%	63 dB	
LASmin	54.8 dB	LAS 90%	57 dB	
Start Date & Time	4/8/2021 12:00:31 PM	Calibration (Before) Date	4/8/2021 12:00:22 PM	
Duration	00:20:07 HH:MM:SS	Calibration (After) Date	4/8/2021 12:20:53 PM	
LAeq	66.1 dB	Calibration Drift	-0.1 dB	
End Date & Time	4/8/2021 12:20:38 PM	Battery Low	No	
Notes				

Casella CEL Ltd.

Report On CEL-63X

Instrument Model	**CEL-633C**			
Serial Number	4278006	LAS 10%	62.5 dB	Result
LASmax	72.4 dB	LAS 50%	58 dB	
LASmin	48 dB	LAS 90%	53.5 dB	
Start Date & Time	4/8/2021 4:55:31 PM	Calibration (Before) Date	4/8/2021 4:55:25 PM	
Duration	00:20:09 HH:MM:SS	Calibration (After) Date	4/8/2021 5:15:51 PM	
LAeq	59.4 dB	Calibration Drift	0.0 dB	
End Date & Time	4/8/2021 5:15:40 PM	Battery Low	No	
Notes				

Instrument Model	CEL-633C			
Serial Number	4278006	LAS 10%	62.5 dB	Result
LASmax	84.7 dB	LAS 50%	57 dB	
LASmin	47.2 dB	LAS 90%	52.5 dB	
Start Date & Time	4/8/2021 8:35:47 AM	Calibration (Before) Date	4/8/2021 8:35:41 AM	
Duration	00:20:24 HH:MM:SS	Calibration (After) Date	4/8/2021 8:56:23 AM	
LAeq	63 dB	Calibration Drift	0.1 dB	
End Date & Time	4/8/2021 8:56:11 AM	Battery Low	No	
Notes				

Instrument Model	**CEL-633C**			
Serial Number	4278006	LAS 10%	66 dB	Result
LASmax	80.4 dB	LAS 50%	58 dB	
LASmin	52.4 dB	LAS 90%	55 dB	
Start Date & Time	4/8/2021 12:24:49 PM	Calibration (Before) Date	4/8/2021 12:24:43 PM	
Duration	00:20:02 HH:MM:SS	Calibration (After) Date	4/8/2021 12:45:07 PM	
LAeq	62.4 dB	Calibration Drift	-0.4 dB	
End Date & Time	4/8/2021 12:44:51 PM	Battery Low	No	
Notes				