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*** 1377 Sutter Avenue Rezoning

3. ***Reference Numbers***

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
21DCP053K	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
210031ZMK, 210032ZRK	

4a. ***Lead Agency Information***			**4b.** ***Applicant Information***		
NAME OF LEAD AGENCY New York City Department of City Planning (NYC DCP)			NAME OF APPLICANT Almonte Lincoln LLC		
NAME OF LEAD AGENCY CONTACT PERSON Stephanie Shellooe, AICP, Deputy Director - Environmental Assessment and Review Division			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Lisa M. Orrentia and Steven M. Sinacori, Akerman LLP		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 666 Fifth Avenue		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10103
TELEPHONE 212.720.3328	EMAIL sshellooe@planning.nyc.gov		TELEPHONE 212.880.3800	EMAIL lisa.orrantia@akerman.com; steven.sinacori@akerman.com	

5. ***Project Description***

The Applicant, Almonte Lincoln LLC, is seeking approval of a Zoning Map Amendment to rezone an existing R5 zoning district to an R6A zoning district with C2-4 commercial overlay and a Zoning Text Amendment to modify New York City Zoning Resolution (ZR) §23-933, Appendix F to designate the newly mapped R6A zoning district with C2-4 commercial overlay as a MIH designated area. These actions are referred to in this EAS as the "**Proposed Actions**". The Proposed Actions would affect an area that is bounded by Lincoln Avenue to the east, Sutter Avenue to the south, Autumn Avenue to the west, and residential properties to the north in the East New York neighborhood of Brooklyn, Community District 5. This area includes the Applicant's property, Brooklyn Block 4254, Lots 39 and 41, as well as several other non-Applicant owned / controlled lots, including: Brooklyn Block 4254, Lots 1,4, 44, and 45. The area described above is referred to in this EAS as the "**Affected Area**". The Proposed Actions would facilitate the development on the Applicant-owned Development Site (Brooklyn Block 4254, Lots 39 and 41) with a five-story multi-family residential and ground-floor commercial building with cellar-grade parking. The proposed building would contain 40,047 gsf of total floor area and 31,564 zoning square feet (zsf) of floor area (3.6 FAR), comprised of 24,070 gsf of residential floor area featuring 28 dwelling units, 7,989 gsf of commercial floor area, and 7,989 gsf of cellar space with 10 residential accessory parking spaces and accessory space. The Applicant is seeking approval of financing from HPD under HPD's NCP to make the project a 100 percent affordable housing development. It is projected that 30 percent of the proposed residential units would be made affordable to those earning at or below 80 percent of the area median income (AMI) while the remaining 70 percent would be made affordable to those earning at or below 60 percent of AMI. No accessory parking is required for the affordable units as the Applicant's Development Site is located within a NYC Transit Zone. No parking would be provided for the commercial space pursuant to ZR Sections 36-21 and 36-232 (a) and (b) as parking can be waived if the amount of parking required is less than 40 spaces.

The Applicant is also seeking construction funding under the NYC Department of Housing Preservation and Development (HPD) Neighborhood Construction Program (NCP). Environmental review of the Proposed Actions will be coordinated with the NYC HPD (it is noted that this coordinated review is not required as the Proposed Actions are unlisted).

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 5	STREET ADDRESS 1377-1385 Sutter Avenue
TAX BLOCK(S) AND LOT(S) Brooklyn Block 4254, Lots 1,4,39,41,44,45		ZIP CODE 11208
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Bounded by Lincoln Avenue to the east, Sutter Avenue to the south, and residential properties to the west and north		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R5 Zoning District		ZONING SECTIONAL MAP NUMBER 18a

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: NYC HPD Neighborhood Construction Program
☐ 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.): 32,536
Roads, buildings, and other paved surfaces (sq. ft.): 32,536
Waterbody area (sq. ft) and type: 0
Other, describe (sq. ft.): 0

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): 81,201
NUMBER OF BUILDINGS: 4
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 40,047; 18,201; 11,343; 11,610
HEIGHT OF EACH BUILDING (ft.): 55 ft; 55ft; 55f; 55ft
NUMBER OF STORIES OF EACH BUILDING: 5; 5; 5;5

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant: 8,775
The total square feet not owned or controlled by the applicant: 23,761

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO
If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: 18,013 sq. ft. (width x length) VOLUME OF DISTURBANCE: 360,260 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 18,013 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.)	48,414	16,394	0	0
Type (*e.g.,* retail, office, school)	65 units	Local / Neignborhood Retail	N/A	N/A

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO
If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 184 NUMBER OF ADDITIONAL WORKERS: 96
Provide a brief explanation of how these numbers were determined: Based on an average household size of 3.22 persons for Brooklyn Census Tract 1200 (in which the Affected Area is located) and 57 proposed residential dwelling units and a factor of 3 employees per 1,000 sf of local retail space.

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

Has a No-Action scenario been defined for this project that differs from the existing condition? ☒ YES ☐ NO
If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: Absent the Proposed Action it is assumed that the Affected Area's existing R5 zoning would remain. Under the Future No-Action Condition for the Project Build Year of 2024 it is assumed that the Applicant's development site would be redeveloped with a four-story 26,301 gsf, 46-foot tall community facility (medical offices) building with 35 cellar level accessory parking spaces. It is assumed all other lots within the Affected Area would remain in their existing conditions under the Future No-Action Condition.

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? 1

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: It is assumed that the Proposed Actions and associated development approval requirements (including ULURP) would be granted by and construction activities (including demolition) would commence by mid-to-late 2021. It would take approximately 18 months to construct the Proposed Project on the Applicant's Development Site. For the purposes of a conservative analysis it assumed the Project Build Year would be 2024.

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

☒ RESIDENTIAL ☐ MANUFACTURING ☐ COMMERCIAL ☒ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Transportation (MTA Rail Yard)

Part II: TECHNICAL ANALYSIS

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

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

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☒	☐
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☐	☒
(c) Is there the potential to affect an applicable public policy?	☒	☐
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. See attached		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☐	☒
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **Child Care Centers:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒

	YES	NO
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See attached Historic and Cultural Resources section		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☒	☐
○ If "yes," complete the Jamaica Bay Watershed Form, and submit according to its instructions. See Appendix		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☐	☒
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☒	☐
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☒	☐
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See attached Hazardous Materials section.	☒	☐
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): 4,446		
○ 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): 6.95 MBTUs		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☒
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☒
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☒
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17?(Attach graph as needed) See attached Air Quality section.	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		

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

20. *APPLICANT'S CERTIFICATION*

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

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

APPLICANT/REPRESENTATIVE NAME	DATE
Kevin Corte	September 30, 2021

SIGNATURE Kevin Corte

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

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

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

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

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

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

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

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

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

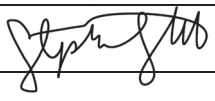
☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result.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

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

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

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	City Planning Commission
NAME	DATE
Stephanie Shellooe, AICP	October 1, 2021

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 actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

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

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The applicant, Almonte Lincoln LLC, seeks approval of a Zoning Map Amendment to rezone the affected area (Brooklyn Block 4254, Lots 1, 4, 39, 41, 44, and 45) from R5 to R6A/C2-4, and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing (MIH) area with MIH options 1 and 2 coterminous with the proposed rezoning area, in the East New York neighborhood of Brooklyn, Community District 5. The proposed actions would facilitate the redevelopment of the applicant-owned Projected Development Site 1 (Lots 39 and 41) with a 40,047 gross square foot (GSF), five-story, mixed-use building consisting of approximately 28 residential units (including approximately 8 affordable units pursuant to MIH), ground-floor retail, and parking in the cellar. The applicant is also expected to seek approval of financing from the New York City Department of Housing Preservation and Development (HPD) under HPD's Neighborhood Construction Program (NCP) to make the project a 100 percent affordable housing development. The proposed rezoning is expected to facilitate redevelopment of the remaining lots in the rezoning area, therefore the EAS considers a future with-action scenario that includes Projected Development Site 2 (Lots 1 and 4), and Potential Development Sites 1 and 2 (Lots 44 and 45, respectively), that are less likely to be developed. Projected Development Site 2 would be redeveloped with a 5-story mixed-use building containing 13 residential units (including 3 affordable units) and ground-floor retail; Potential Development Sites 1 and 2 each would be redeveloped with a 5-story mixed-use building with approximately 8 residential units and ground-floor retail. The proposed actions would establish a medium density residential district with a zoning overlay that permits local retail uses to serve existing and future residents, as well as mandatory affordable housing provisions, and would introduce and facilitate the creation of new housing, including affordable housing. The proposed actions also would bring existing non-conforming commercial uses into conformance and allow new as-of-right commercial uses. The proposed actions would result in land use similar compared to the No Action land use pattern along Sutter Avenue two blocks to the west and would not conflict with public policies. The analysis concludes that no significant adverse impacts are anticipated for land use, zoning, and public policy, and no further analysis is warranted.

Urban Design and Visual Resources

A detailed analysis related to Urban Design and Visual Resources is included in the EAS. Under the With-Action scenario, Projected Development Sites 1 and 2 and Potential Development Sites 1 and 2 each would be redeveloped with a 5-story (with cellar), mixed commercial and residential building, resulting in a total of four structures containing 65 residential units (48,414 GSF of residential floor area), 16,394 GSF of local retail use, and 16,394 GSF of cellar space. Each building would be approximately 55 feet in height, with local retail uses provided on the ground floor and residential units on the upper floors. (Projected Development Site 1 would also include 10 accessory parking spaces in the cellar.) The active ground floor uses in each building would maintain the pedestrian experience on the block, and the proposed developments would create a continuous street wall consistent with existing development in the surrounding area. Although the proposed actions would introduce additional building height, comparative massing diagrams depicting the possible development with and without the Proposed Actions were provided and showed that the development with the proposed actions would remain compatible with the scale and character of other buildings within the surrounding area. In addition, the With-Action scenario would not result in any adverse effects on visual resources. Therefore, the proposed actions would not result in significant adverse impacts with respect to urban design and visual resources, and no further analysis is warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-633) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials, air quality, and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Stacey Barron at +1 212-720-3419.

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME	DATE
Stephanie Shellooe, AICP	October 1, 2021
SIGNATURE	

Project Name: Sutter Avenue Rezoning
CEQR # 21DCP053K
SEQRA Classification: Unlisted

TITLE Chair, City Planning Commission	
NAME Anita Laremont	DATE October 4, 2021
SIGNATURE	

Project Name: Sutter Avenue Rezoning
CEQR # 21DCP053K
SEQRA Classification: Unlisted

Determination of Significance Appendix

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

Development Site	Borough	Block and Lot
Projected Development Site 1	Brooklyn	Block 4254, Lots 39 and 41
Projected Development Site 2	Brooklyn	Block 4254, Lots 1 and 4
Potential Development Site 1	Brooklyn	Block 4254, Lot 44
Potential Development Site 2	Brooklyn	Block 4254, Lot 45

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-633**) would be established as part of approval of the proposed actions on **Projected Development Site, Projected Development Site 2, Potential Development Site 1,**and **Potential Development Site 2,**as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1		X	X
Projected Development Site 2	X	X	X
Potential Development Site 1	X	X	X
Potential Development Site 2	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 2, Potential Development Site 1, and Potential Development Site 2,** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

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

Task 2-Remediation Determination and Protocol

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

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

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

Air Quality

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

Projected Development Site 1 (***Block 4254, Lots 39 and 41):*** *Any new residential and/or commercial development on the above-referenced property must ensure the HVAC systems and hot water equipment stack is located at the building's highest tier or at least 58 feet above grade, and at most 40 feet away from the eastern lot line facing Lincoln Avenue to avoid any potential significant adverse air quality impacts.*

Projected Development Site 2 (Block 4254, Lots 1 and 4): *Any new residential and/or commercial development on the above-referenced property must ensure that the HVAC stack is located at the building's highest level or at least 58 feet above grade to avoid any potential significant adverse air quality impacts.*

Potential Development Site 1 (Block 4254, Lot 44): *Any new residential and/or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, and ensure that the HVAC stack is located at the building's highest level or at least 58 feet above grade to avoid any potential significant adverse air quality impacts.*

Potential Development Site 2 (Block 4254, Lot 45): *Any new residential and/or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, and ensure that the HVAC stack is located at the building's highest level or at least 58 feet above grade to avoid any potential significant adverse air quality impacts.*

Noise

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

Projected Development Site 1 (***Block 4254, Lots 39 and 41):*** *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue, and 31 dBA of attenuation on the facades facing Autumn Avenue within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue, and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue, to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*

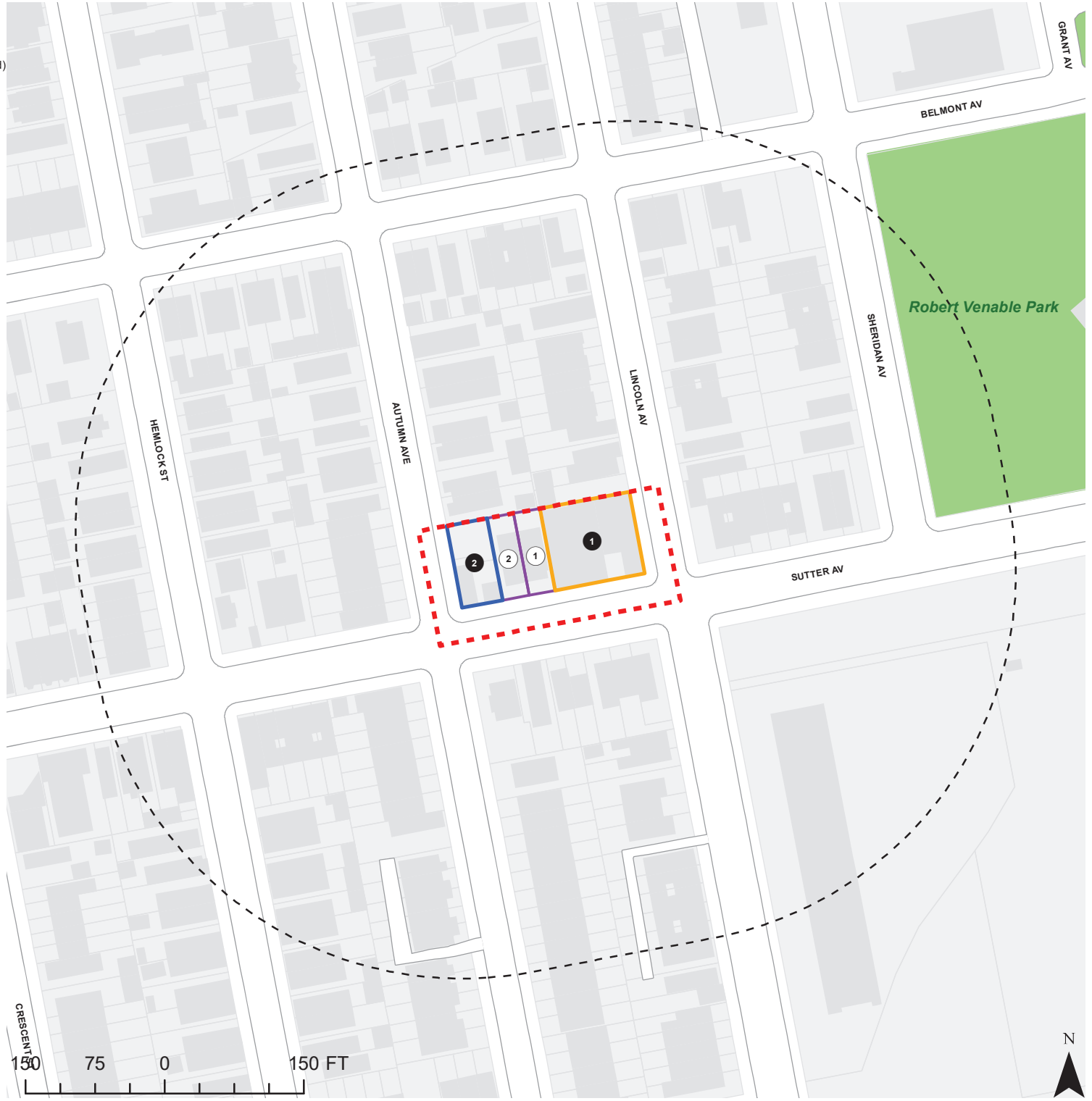
Projected Development Site 2 (Block 4254, Lots 1 and 4): *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue, and 31 dBA of attenuation on the facades facing Autumn Avenue within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue, and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue, to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning*

Potential Development Site 1 (Block 4254, Lot 44): *In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue, and 31 dBA of attenuation on the facades facing Autumn Avenue within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue, and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue, to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*

Potential Development Site 2 (Block 4254, Lot 45): *In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue, and 31 dBA of attenuation on the facades facing Autumn Avenue within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue, and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue, to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*

EAS Figure 1 - Site Location Map

- The Affected Area
- Projected Development Site 1 (Applicant-Owned)
- Projected Development Site 2 (Non-Applicant Owned / Controlled)
- Potential Development Site (Non-Applicant Owned / Controlled)
- 400-Foot Study Area Radius
- Open Space and Recreation



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

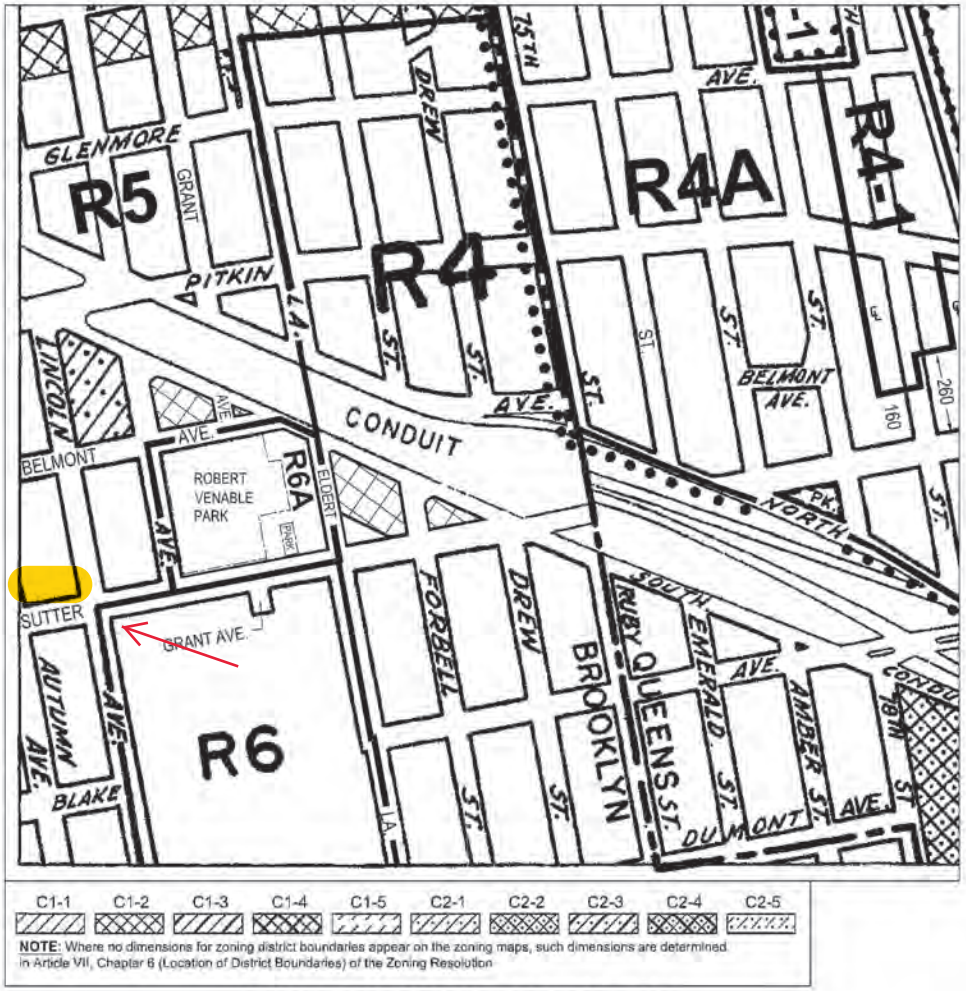
EAS Figure 2 - Tax Map

- The Affected Area
- 1 Projected Development Site 1 (Applicant-Owned)
- 2 Projected Development Site 2 (Non-Applicant Owned / Controlled)
- 1 Potential Development Site (Non-Applicant Owned / Controlled)
- 1 Project Block Tax Lot
- 100 Tax Block



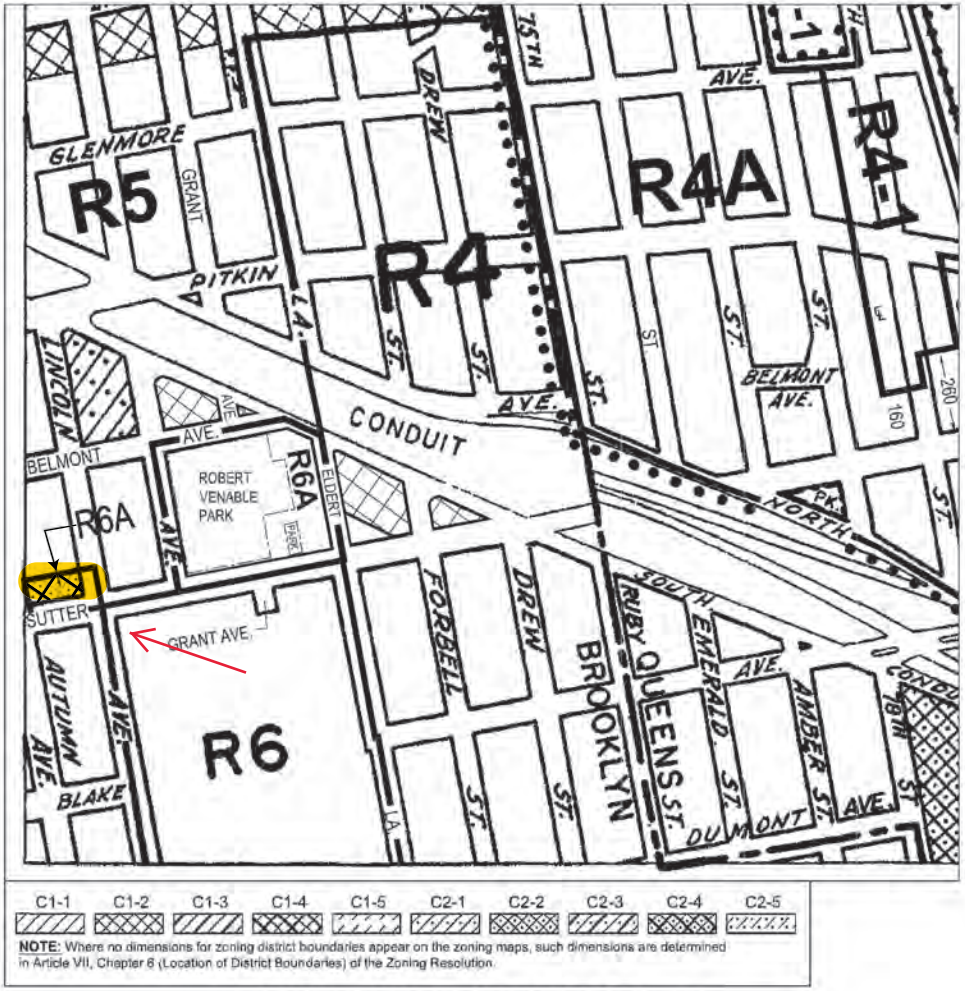
Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) NYC Department of Information Technology and Telecommunications: NYC Street Centerlines;
(3) NYC Department of Information Technology and Telecommunications: Pavement Edge;

Existing Zoning



EXISTING ZONING MAP No. 18a

Proposed Zoning



PROPOSED ZONING MAP No. 18a

EAS Figure 4 - Existing Land Use Map

- The Affected Area
- Projected Development Site 1 (Applicant-Owned)
- Projected Development Site 2 (Non-Applicant Owned / Controlled)
- Potential Development Site (Non-Applicant Owned / Controlled)
- 400-Foot Study Area Radius
- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial / Residential Buildings
- Commercial / Office Buildings
- Industrial / Manufacturing
- Transportation / Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data



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

EAS Figure 5 - Aerial Imagery and Photograph Key

- The Affected Area
- Projected Development Site 1 (Applicant-Owned)
- Projected Development Site 2 (Non-Applicant Owned / Controlled)
- Potential Development Site (Non-Applicant Owned / Controlled)
- 400-Foot Study Area Radius
- Photograph Location and Direction



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



Photograph No. 1



Photograph No. 2



Photograph No. 3



Photograph No. 4

All Photographs Taken February 1, 2021

1.0 PROJECT DESCRIPTION

1.1 INTRODUCTION

The Applicant, Almonte Lincoln LLC, is seeking approval of a Zoning Map Amendment to rezone an existing R5 zoning district to an R6A zoning district with C2-4 commercial overlay and a Zoning Text Amendment to modify ZR §23-933, Appendix F to designate the newly mapped R6A zoning district with C2-4 commercial overlay as a MIH designated area.These actions are referred to in this EAS as the "Proposed Actions". The Proposed Actions would affect an area that is bounded by Lincoln Avenue to the east, Sutter Avenue to the south, Autumn Avenue to the west, and residential properties to the north in the East New York neighborhood of Brooklyn, Community District 5. This area includes the Applicant's property, Brooklyn Block 4254, Lots 39 and 41, as well as several other non-Applicant owned / controlled lots, including Brooklyn Block 4254, Lots 1,4, 44, and 45. The area described above is referred to in this EAS as the "Affected Area". The Proposed Actions would facilitate the development on the Applicant-owned Development Site (Brooklyn Block 4254, Lots 39 and 41) with a five-story multi-family residential and ground-floor commercial building with cellar-grade parking. The proposed building would contain 40,047 gsf of total floor area and 31,564 zoning square feet (zsf) of floor area (3.6 FAR), comprised of 24,070 gsf of residential floor area featuring 28 dwelling units, 7,989 gsf of commercial floor area, and 7,989 gsf of cellar space with 10 residential accessory parking spaces and accessory space. The Applicant is seeking approval of financing from HPD under HPD's NCP to make the project a 100 percent affordable housing development. It is projected that 30 percent of the proposed residential units would be madeaffordable to those earning at or below 80 percent of the area median income (AMI) while the remaining 70 percent would be made affordable to those earning at or below 60 percent of AMI. No accessory parking is required for the affordable units as the Applicant's Development Site is located within a NYC Transit Zone. No parking would be provided for the commercial space pursuant to ZR Sections 36-21 and 36-232 (a) and (b) as parking can be waived if the amount of parking required is less than 40 spaces.

1.2 THE AFFECTED AREA

Projected Development Site 1

The Applicant-owned property has a lot area of approximately 8,775 sf and is developed with 6,935 gsf of floor area for an overall floor area ratio (FAR) of 0.79). The two lots comprising the development site feature the following development characteristics:

- Lot 39 – 3,600 sf lot developed with a one-story retail building totaling 1,760 gsf in floor area (0.49 FAR) with one retail tenant;

- Lot 41 – 5,175 sf lot developed with a one-story retail building totaling 5,175 gsf in floor area (1.0 FAR) and with three retail tenants.

It is noted that the commercial uses at both of these lots are non-conforming uses, as neither are permitted by the underlying R5 zoning district and associated applicable use regulations.

Other Lots

Lot 1 – A 2,354-sf lot contains a two-story, two-unit residential building and accessory garage building totaling 1,476-gsf of floor area (0.63 FAR); **Lot 4** – A 1,694-sf lot is used as an unlicensed parking lot and features no built structures (0.0 FAR); **Lot 44** – A 2,565-sf lot developed with a two-story, 1,840-gsf residential building (0.72 FAR) containing two dwelling units; and **Lot 45** – A 2,625-sf lot is developed with a two-story, 1,840-gsf residential building (0.70 FAR) containing two dwelling units.

1.3 DESCRIPTION OF THE SURROUNDING AREA

The Affected Area is located in the East New York neighborhood of Brooklyn Community District 5. The surrounding area is developed primarily with residential uses including one- and two-family and multi-family walk-up apartment buildings with scattered local retail shops located along Sutter and Belmont Avenues (it is noted that there is a consistent groundfloor commercial retail corridor along Pitkin Avenue to the north as a result of an existing C2-4 commercial overlay as well). The 2.94-acre Robert E. Venable Park is located one block east of the Affected Area. The superblock located immediately to the east of Lincoln Avenue and south of Sutter Avenue contains a large mixed-use housing and commercial development and the Metropolitan Transportation Authority (MTA) Pitkin Rail Yard, which contains storage and maintenance for trains not in use. The Euclid Avenue A and C subway stop is located approximately 0.3-mile northwest of the Affected Area., while the B14 bus line runs east-west along Sutter Avenue (with a number of other bus routes nearby, including the Q7, Q8, and B13). Both the Affected Area and a majority of the surrounding area are within the R5 zoning district with the R6 and R6A zoning districts mapped to the southeast and east, respectively.

1.4 THE PROPOSED PROJECT

The Proposed Actions would facilitate the development on the Applicant-owned non-conforming Development Site with a five-story multi-family residential and groundfloor commercial building with cellar-grade parking. The proposed building would contain 40,047 gsf of total floor area and 31,564 zoning square feet (zsf) of floor area (3.6 FAR), comprised of 24,070 gsf of residential floor area featuring 28 dwelling units, 7,989 gsf of commercial floor area, and 7,989 gsf of cellar space with 10 residential accessory parking spaces and accessory space. The Applicant is seeking approval of financing from HPD under HPD's NCP to make the project a 100 percent affordable housing development. It is projected that 30 percent of the proposed residential units would be made affordable (as MIH units) to those earning at or below 80 percent of the area median income (AMI) while the remaining 70 percent would be made affordable (as NCP units) to those earning at or below 60 percent of AMI. No accessory parking is required for the affordable units as the Applicant's Development Site is located within a NYC Transit Zone. No parking would be provided for the commercial space pursuant to ZR Sections 36-21 and 36-232 (a) and (b) as parking can be waived if the amount of parking required is less than 40 spaces.

1.5 PROJECT PURPOSE AND NEED

The Proposed Actions would permit the development of the Applicant-owned development site with approximately 28 new affordable housing units, including 20 dwelling units that would be reserved as affordable to households with incomes averaging at or below 60 percent of the Area Median Income (AMI) and 8 dwelling units that would be reserved for households with incomes averaging at or below 80 percent of AMI pursuant to MIH Option 2. The Proposed Actions, including the proposed rezoning from R5 to R6A/C2-4, is needed to allow the Proposed Project's commercial use on the ground floor, 3.6 FAR, and 55-foot height. Within the current R5 district, commercial uses are not allowed as-of-right, bulk for allowed uses is restricted to a FAR of 2.0, and building height is limited to 40 feet. The Applicant seeks to develop housing consistent with the standards of the Quality Housing Program as well as affordable units under the MIH Program zoning regulations. The development of the building with affordable units is consistent with the expressed desires of the City's current mayoral administration to substantially increase the amount of affordable housing. The Proposed Actions would also permit the development of the Applicant's Development Site with approximately 7,989 gsf of commercial space and 10 garage parking spaces accessory to the proposed residential uses.

The Proposed Actions would allow for the replacement of longstanding low-density commercial uses and an unlicensed parking lot with more viable development. The Applicant believes that the proposed increase in density is appropriate at this location because it is located along a collector street (Sutter Avenue) near public transit and is located diagonally across the Sutter/Lincoln Avenue intersection from the 1,525-unit Mitchell Lama Linden Plaza apartment and retail complex. The Linden Plaza complex and the remainder of the superblock on which it is located is zoned R6 while the block surrounding Robert E. Venable Park is zoned R6A. The proposed R6A/C2-4 zoning district would promote mixed-use development consistent with the C1-2 commercial overlays mapped further west along Sutter Avenue and to the north along both Belmont Avenue (as well as those commercial uses along Pitkin Avenue to the north permitted by the C2-4 commercial overlay) while expanding the range of permitted commercial uses as permitted in a C2 overlay. The proposed Zoning Text Amendment to Appendix F is required to develop affordable housing pursuant to the MIH program as part of the Proposed Actions. The Proposed Actions would promote new mixed-use development including affordable housing on properties the Applicant believes are suitable and underutilized.

The Proposed Actions would facilitate the creation of new housing, including affordable housing, in a community having a relatively low rate of rental vacancies and a relatively high percentage of rent-burdened households (according to NYC DCP's Community District 5 Profile, 48.7 percent of households spend 35 percent or more of their income on rent [indicating rent burden], which is higher than the percentage of rent-burdened households in both the entire Borough of Brooklyn (45.8 percent) and city-wide (44.5 percent). In addition, the Community District 5 Profile shows that 28.7 percent of residents have incomes below the poverty threshold (annual resources of $33,562 for a two-adult, two-child family in 2017), which is higher than the percentage for both the entire Borough of Brooklyn (20.9 percent) and citywide (19.8 percent). Data published by the New York University (NYU) Furman Center in the State of New York City's Housing and Neighborhoods report indicates a 5.1 percent rental vacancy rate in 2017. This indicator measures vacant habitable for-rent rental units as a percentage of all renter-occupied units together with vacant, habitable, for-rent units (a rental vacancy rate of 5.1 percent is relatively low and reflects a demand for additional rental housing). The proposed rezoning would allow as-of-right commercial uses to replace the existing non-conforming commercial uses in outmoded buildings. The local retail and service establishment uses would serve the occupants of new residential units in the proposed development as well as other residences in the neighborhood.

The Proposed Actions are consistent with the goals of the East New York Community Plan, which includes portions of Community District 5, for new housing, including affordable housing for low-income residents, active local retail corridors, and new commercial development opportunities to serve area residents. In addition, the creation of new affordable housing units will contribute towards the achievement of Mayor Bill de Blasio's Housing New York 2.0 plan to build and preserve a total of 300,000 affordable homes for New York families by 2026.

1.6 THE PROPOSED ACTIONS

The Applicant, Almonte Lincoln LLC, is seeking approval of a Zoning Map Amendment to rezone an existing R5 zoning district to an R6A zoning district with C2-4 commercial overlay;and a Zoning Text Amendment to modify ZR §23-933, Appendix F to designate the newly mapped R6A zoning district with C2-4 commercial overlay as a MIH designated area.These actions are referred to in this EAS as the "Proposed Actions". The Proposed Actions would affect an area that is bounded by Lincoln Avenue to the east, Sutter Avenue to the south, Autumn Avenue to the west, and residential properties to the north in the East New York neighborhood of Brooklyn, Community District 5.

This area includes the Applicant's property, Brooklyn Block 4254, Lots 39 and 41, as well as several other non-Applicant owned / controlled lots, including Brooklyn Block 4254, Lots 1,4, 44, and 45. The area described above is referred to in this EAS as the "Affected Area."

1.7 BUILD YEAR / PROJECT PHASING

It is assumed that the Proposed Actions and associated development approval requirements (including ULURP) would be granted by and construction activities (including demolition) would commence by early 2022. It would take approximately 18 months to construct the Proposed Project on the Projected Development Site 1. For the purposes of a conservative analysis it assumed the Project Build Year would be mid to late 2024.

1.8 ANALYSIS FRAMEWORK

For the purposes of analysis pursuant to the CEQR, the entirety of the Affected Area was assessed for its maximum redevelopment potential under the Proposed Actions. In coordination with both the Applicant and NYC DCP, several development sites were identified within the Affected Area, including Projected Development Site 1 (i.e., the Applicant's Development Site, Brooklyn Block 4254, Lots 39 and 41), Projected Development Site 2 (Brooklyn Block 4254, Lots 1 and 4), and Potential Development Sites 1 and 2 (Brooklyn Block 4254, Lots 44 and 45, respectively. The existing conditions at all lots comprising the Affected Area are described above in **Section 1.2, "The Affected Area."**

Future No-Action Condition

Absent the Proposed Actions it is assumed that the Affected Area's existing R5 zoning would remain. Under the Future No-Action Condition for the Project Build Year of 2024 it is assumed that Projected Development Site 1 would be redeveloped with a four-story 26,301 gsf, 46-foot tall community facility medical offices building (NYC Use Group 4) with 35 cellar level accessory parking spaces. It is assumed that the unlicensed parking lot on Projected Development Site 2 would discontinue operations and remain vacant and unused (while the existing residential building would remain as is), and that the existing development on Potential Development Sites 1 and 2 would remain as well.

The Future No-Action Condition has been determined based on the provisions of the existing R5 zoning, the size of the lots with the Affected Area, and the amount and type of development currently existing on the identified Projected and Potential Development Sites. Projected Development Site 1 is developed with commercial retail uses which are not permitted as-of-right under the current R5 zoning. It is assumed that this site would be developed with community facility uses permitted at a FAR of 2.0, the maximum allowed under the existing R5 zoning. The 4,048-sf Projected Development Site 2 contains an unlicensed parking lot use which is not permitted as-of-right under the current R5 zoning as well as a two-family residence built to approximately 50 percent of the permitted FAR of 1.25 on the individual lot on which it is located. As the unlicensed parking lot is not permitted, it is assumed that this use would be discontinued. Due to the small size of the lot (1,694 sf) it is not considered likely that any new development would occur on the property. The 2,565-sf Potential Development Site 1 and the 2,625-sf Potential Development Site 2 are relatively small lots and are both currently developed with two-family residences built to more than 55 percent of the maximum permitted residential FAR of 1.25.

The Future With-Action Condition

The Future With-Action Condition includes a Zoning Map Amendment to rezone Brooklyn Block 4254, Lots 1, 4, 39, 41, 44, and 45 (the Affected Area) from R5 to R6A/C2-4. The Proposed Actions also include a Zoning Text Amendment to ZR Appendix F to establish the Project Area as a MIH Area. The building would be built to a height of 55 feet which is below the maximum permitted height of 85 feet. The building has been designed using all of the available floor area with reasonable floor-to-floor heights. The height of the first floor commercial level would be 15' while 10' is proposed for the residential levels to provide reasonable ceiling heights while also keeping building construction costs manageable.

Under the Future With-Action Condition, the Applicant-owned **Projected Development Site 1 (Brooklyn Block 4254, Lots 39 and 41)** would be redeveloped with a 55-foot tall, 5-story (with cellar) building with groundfloor local retail uses (e.g., a barber shop, beauty parlor, drug store or coffee shop, etc.), which is the equivalent of the Applicant's Proposed Project. This development would contain 40,047 gsf of total floor area and 31,564 zsf of floor area (3.6 FAR) and would be comprised of 24,070 gsf/23,576 zsf of residential floor area (2.69 FAR), 7,989 gsf/zsf of commercial floor area (0.91 FAR), and 7,989 gsf of cellar space for 10 residential accessory parking spaces and building accessory uses. No parking would be provided for the commercial uses. There would be a 12-foot curb cut on the west side of Lincoln Ave 70 feet north of Sutter Ave providing access to a ramp down to the cellar parking. The building would contain 28 total residential dwelling units. For the purposes of a conservative analysis pursuant to CEQR, the EAS assumes that 20 percent of the residential floor area would be reserved as affordable to households with incomes at or below 80 percent of the AMI, resulting in 6 affordable units.

The Future With-Action Condition includes the redevelopment of the non-Applicant owned / controlled **Projected Development Site 2 (Brooklyn Block 4254, Lots 1 and 4)** with a 55-foot tall, 5-story and cellar building with commercial retail uses on the groundfloor, residential space on floors two through four, and storage and utility space in the cellar. The proposed development would contain 18,201 gsf of total floor area and 14,525 zsf of floor area (3.6 FAR), comprised of 10,849 gsf of residential floor area with 13 dwelling units, 3,676 gsf of commercial floor area, and 3,676 gsf of cellar space for building storage and utility space. No parking would be required or provided as part of this development. For the purposes of a conservative analysis pursuant to CEQR, the EAS assumes that 20 percent of the residential floor area would be reserved as affordable to households with incomes at or below 80 percent of the AMI, resulting in three affordable units.

The Proposed Actions could facilitate new development on two identified and non-Applicant owned / controlled potential development sites, **Potential Development Site 1 (Block 4254, Lot 44) and Potential Development Site 2 (Block 4254, Lot 45)**; however, these are considered less likely to be developed and are generally excluded from environmental analyses henceforth (unless otherwise noted). Potential Development Site 1 would be developed with a 55-foot tall, five-story mixed-use building containing 11,343 gsf of floor area comprised of 6,669 gsf of residential floor area for 8 dwelling units, 2,337 gsf of commercial floor area, and 2,337 gsf of cellar space for accessory storage and utilities. Potential Development Site 2 would be developed with a 55-foot tall, five-story mixed-use building containing 11,610 gsf of floor area comprised of 6,826 gsf of residential floor area for 8 dwelling units, 2,392 gsf of commercial floor area, and 2,392 gsf of cellar space for accessory storage and utilities.

1.9 INCREMENT BETWEEN NO-ACTION AND WITH-ACTION SCENARIOS

Net development increases from the Future No-Action Condition to Future With-Action Condition at the Projected Development Sites, Potential Development Sites, and combined Projected and Potential Development Sites are provided below in **Tables 1-1 through 1-3**.

Table 1-1 – Future No-Action and With-Action Condition Net Increase, Projected Development Sites

	No-Action Condition	With-Action Condition	Increment
Projected Development Site 1			
Proposed Floor Area by Use (GSF)			
Residential	0	24,070	+24,070
Commercial	0	7,989	+7,989
Community Facility	17,533	0	-17,533
Parking / Cellar	8,768	7,989	-779
TOTAL:	**26,301**	**40,047**	**13,746**
Residential Dwelling Units			
Market Rate Dwelling Units	0	22	+22
Affordable Dwelling Units	0	6	+6
TOTAL:	**0**	**28**	**+28**
Floor Area Ratio (Ratio)	2.0	3.6	+1.6
Maximum Building Height (Feet)	46	55	+9
Accessory Parking (Count)	35	10	-25
Projected Development Site 2			
Proposed Floor Area by Use (GSF)			
Residential	1,476	10,849	+9,373
Commercial	0	3,676	+3,676
Community Facility	0	0	0
Parking / Cellar	0	3,676	+3,676
TOTAL:	**1,476**	**18,201**	**+16,725**
Residential Dwelling Units			
Market Rate Dwelling Units	2	10	+8
Affordable Dwelling Units	0	3	+3
TOTAL:	**2**	**13**	**+11**
Floor Area Ratio (Ratio)	0.36	3.6	3.24
Maximum Building Height (Feet)	22	55	+33
Accessory Parking (Count)	0	0	0
Projected Development Sites, Total			
Proposed Floor Area by Use (GSF)			
Residential	1,476	34,919	+33,443
Commercial	0	11,665	+11,665
Community Facility	17,533	0	-17,533
Parking / Cellar	8,768	11,665	+2,867
TOTAL:	**27,777**	**58,249**	**+30,471**
Residential Dwelling Units			
Market Rate Dwelling Units	2	32	+30
Affordable Dwelling Units	0	9	+9
TOTAL:	**2**	**41**	**+39**
Floor Area Ratio (Ratio)	N/A	N/A	N/A
Maximum Building Height (Feet)	N/A	N/A	N/A
Accessory Parking (Count)	35	10	-25

Table 1-2 – Future No-Action and With-Action Condition Net Increase, Potential Development Sites

	No-Action Condition	With-Action Condition	Increment
Potential Development Site 1			
Proposed Floor Area by Use (GSF)			
Residential	1,840	6,669	+4,829
Commercial	0	2,337	+2,337
Community Facility	0	0	0
Parking / Cellar	0	2,337	+2,337
TOTAL:	**1,840**	**11,343**	**+9,503**
Residential Dwelling Units			
Market Rate Dwelling Units	4	12	+8
Affordable Dwelling Units	0	4	+4
TOTAL:	**4**	**16**	**+12**
Floor Area Ratio (Ratio)	0.72	3.51	+2.79
Maximum Building Height (Feet)	25	55	+30
Accessory Parking (Count)	0	0	0
Potential Development Site 2			
Proposed Floor Area by Use (GSF)			
Residential	1,840	6,826	+4,986
Commercial	0	2,392	+2,392
Community Facility	0	0	0
Parking / Cellar	0	2,392	+2,392
TOTAL:	**1,840**	**11,610**	**+9,770**
Residential Dwelling Units			
Market Rate Dwelling Units	2	6	+4
Affordable Dwelling Units	0	2	+2
TOTAL:	**2**	**8**	**+6**
Floor Area Ratio (Ratio)	0.70	3.51	+2.81
Maximum Building Height (Feet)	25	55	+30
Accessory Parking (Count)	0	0	0
Potential Development Sites, Total			
Proposed Floor Area by Use (GSF)			
Residential	3,680	13,495	+9,815
Commercial	0	4,729	+4,729
Community Facility	0	0	0
Parking / Cellar	0	4,729	+4,729
TOTAL:	**3,680**	**22,953**	**+19,273**
Residential Dwelling Units			
Market Rate Dwelling Units	6	18	+12
Affordable Dwelling Units	0	6	+6
TOTAL:	**6**	**24**	**+18**
Floor Area Ratio (Ratio)	N/A	N/A	N/A
Maximum Building Height (Feet)	N/A	N/A	N/A
Accessory Parking (Count)	0	0	0

Table 1-3 – Future No-Action and With-Action Condition Net Increase, All Development Sites

	No-Action Condition	With-Action Condition	Increment
Proposed Floor Area by Use (GSF)			
Residential	5,156	48,414	+43,258
Commercial	0	16,394	+16,394
Community Facility	17,533	0	-17,533
Parking / Cellar	8,768	16,394	+7,626
TOTAL:	**31,457**	**81,202**	**+49,745**
Residential Dwelling Units			
Market Rate Dwelling Units	8	50	+42
Affordable Dwelling Units	0	15	+15
TOTAL:	**8**	**65**	**+57**
Floor Area Ratio (Ratio)	N/A	N/A	N/A
Maximum Building Height (Feet)	N/A	N/A	N/A
Accessory Parking (Count)	35	10	-25

1.10 REQUIRED SUPPLEMENTAL ANALYSES

Based on the analysis and the screens contained in the Environmental Assessment Statement (EAS) Short Form for the Proposed Project as well as development increments between the Future No-Action and Future With-Action Conditions under the Proposed Actions, the following environmental review areas require additional screening analyses, listed by section number as follows:

- 2.1 – Land Use, Zoning, and Public Policy
- 2.2 – Historic and Cultural Resources
- 2.3 – Urban Design and Visual Resources
- 2.4 – Hazardous Materials
- 2.5 – Transportation
- 2.6 – Air Quality
- 2.7 – Noise
- 2.8 – Construction

2.1 LAND USE

2.1-1 - Introduction

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

2.1-2 - Methodology

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

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

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

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

2.1-3 – Land Use

Existing Condition

Existing land uses are described by lot within the Affected Area, including at the two Projected Development Sites and two Potential Development Sites, as well as within the 400-foot land use study area. Refer to **Figure 2.1-1** for a visualization of all land uses within the Affected Area.

Projected Development Site 1 (Lots 39 and 41, the Applicant's Development Site)

The Applicant-owned property has a lot area of approximately 8,775 sf and is developed with 6,935 gsf of commercial floor area for an overall floor area ratio (FAR) of 0.79). Existing land use conditions at the two lots comprising this development site are described as follows:

- Lot 39 – A 3,600-sf lot developed with a one-story retail building totaling 1,760 gsf in floor area (0.49 FAR) with one retail tenant, a dry cleaning establishing (NYC Use Group 6);

- Lot 41 – A 5,175-sf lot developed with a one-story retail building totaling 5,175 gsf in floor area (1.0 FAR) and with three retail tenants, including an automobile repair garage (NYC Use Group 16), a restaurant (NYC Use Group 6), and a hair salon (NYC Use Group 6).

Projected Development Site 2 (Lots 1 and 4, Non-Applicant Owned / Controlled)

This non-Applicant owned / controlled development site is approximately 4,048 sf in total lot area with 1,476 gsf of total floor area (0.36 overall FAR). Existing land use conditions at the two lots comprising this development site are described as follows:

- Lot 1 – A 2,354-sf lot featuring a two-story, two-unit residential building and accessory garage building (NYC Use Group 2) totaling 1,476-gsf of floor area (0.63 FAR); and

- Lot 4 – A 1,694-sf lot featuring an unlicensed parking lot (NYC Use Group 8) and features no built structures (0.0 FAR).

Potential Development Site 1 (Lot 44, Non-Applicant Owned / Controlled)

This development site consists of a 2,565-sf lot developed with a two-story, 1,840-gsf residential building (0.72 FAR) containing two dwelling units (NYC Use Group 2).

Potential Development Site 2 (Lot 45, Non-Applicant Owned / Controlled)

This 2,625-sf lot is developed with a two-story, 1,840-gsf residential building (0.70 FAR) containing two dwelling units (NYC Use Group 2).

400-Foot Land Use Study Area

The 400-foot land use study area is defined by one-, two-, and multi-family residential uses (NYC Use Groups 1 and 2) in all directions from the Affected Area, with several mixed-use multi-family residential and neighborhood commercial and retail uses, including grocery, day care, hair salon, and cellular phone retailers (NYC Use Groups 2 and 6). At the far eastern extent of the study area is the Robert Venable Park, a 2.94-acre neighborhood park featuring playground and fitness equipment as well as a skate park (NYC Use Group 4). At the far southeastern extent of the study area is the MTA Pitkin Rail Yard, a storage a maintenance facility for trains not in use. Refer to **Figure 2.1-1** for a visualization of land uses within the study area.

Future No-Action Condition

The Affected Area

Absent the Proposed Actions it is assumed that the Affected Area's existing R5 zoning would remain. Under the Future No-Action Condition for the Project Build Year of 2024 it is assumed that Projected Development Site 1 would be redeveloped with a four-story 26,301 gsf, 46-foot tall community facility medical offices building (NYC Use Group 4) with 35 cellar level accessory parking spaces. It is assumed that the unlicensed parking lot on Projected Development Site 2 would discontinue operations and remain vacant and unused (while the existing residential building would remain as is), and that the existing development on Potential Development Sites 1 and 2 would remain as well.

The Future No-Action Condition has been determined based on the provisions of the existing R5 zoning, the size of the lots with the Affected Area, and the amount and type of development currently existing on the identified Projected and Potential Development Sites. Projected Development Site 1 is developed with commercial retail uses which are not permitted as-of-right under the current R5 zoning. It is assumed that this site would be developed with community facility uses permitted at a FAR of 2.0, the maximum allowed under the existing R5 zoning. The 4,048-sf Projected Development Site 2 contains an unlicensed parking lot use which is not permitted as-of-right under the current R5 zoning as well as a two-family residence built to approximately 50 percent of the permitted FAR of 1.25 on the individual lot on which it is located. As the unlicensed parking lot is not permitted, it is assumed that this use would be discontinued. Due to the small size of the lot (1,694 sf) it is not considered likely that any new development would occur on the property. The 2,565-sf Potential Development Site 1 and the 2,625-sf Potential Development Site 2 are relatively small lots and are both currently developed with two-family residences built to more than 55 percent of the maximum permitted residential FAR of 1.25.

400-Foot Land Use Study Area

The following Future No-Action Condition developments were identified within the land use study area based on a review of the NYC Active Major Construction (AMC) database and NYC Zoning Application Search (ZAP) on June 30, 2021:

- *304 Sheridan Avenue, Brooklyn Block 4255, Lot 27 (NYC Department of Buildings [DOB] Job No. 320777192):* A proposed new three-story, two-dwelling residential building (NYC Use Group 2).

- *306 Sheridan Avenue, Brooklyn Block 4255, Lot 28 (NYC Department of Buildings [DOB] Job No. 320777192):* A proposed new three-story, two-dwelling residential building (NYC Use Group 2).

Both of these Future No-Action Condition projects are currently under construction and are located adjacent to one another in the northeastern portion of the study area. It is assumed that they would both be completed by the 2024 Project Build Year.

Future With-Action Condition

As described in Section 1.0, "Project Description," the Future With-Action Condition under the Proposed Actions considered two Projected Development Sites and two Potential Development Sites, described below.

Projected Development Site 1

Under the Future With-Action Condition this development site would feature a 55-foot tall, 5-story (with cellar) mixed-use multi-family residential (NYC Use Group 2) and groundfloor neighborhood commercial / retail (NYC Use Group 6) building. This development would contain 40,047 gsf / 31,564 zsf of floor area (3.6 FAR) and would be comprised of 24,070 gsf / 23,576 zsf of residential floor area with 28 dwelling units, 7,989 gsf / zsf of commercial floor area, and 7,989 gsf of cellar space for 10 residential accessory parking spaces and building accessory uses. No parking would be provided for the commercial uses. For the purposes of a conservative analysis pursuant to CEQR, the EAS assumes that 20 percent of the residential floor area would be reserved as affordable to households with incomes at or below 80 percent of the AMI, resulting in 6 affordable units.

Based on the foregoing, land uses at Projected Development Site 1 would transition from commercial and retail (NYC Use Groups 6 and 16) to multi-family residential and local commercial retail (NYC Use Groups 2 and 6).

Projected Development Site 2

Under the Future With-Action Condition this development site would feature a 55-foot tall, 5-story (with cellar) mixed-use multi-family residential (NYC Use Group 2) and groundfloor neighborhood commercial / retail (NYC Use Group 6) building. This development would contain 18,201 gsf / 14,525 zsf of floor area (3.6 FAR), comprised of 10,849 gsf of residential floor area with 13 dwelling units, 3,676 gsf of commercial floor area, and 3,676 gsf of cellar space for building storage and utility space. No parking would be required or provided as part of this development. For the purposes of a conservative analysis pursuant to CEQR, the EAS assumes that 20 percent of the residential floor area would be reserved as affordable to households with incomes at or below 80 percent of the AMI, resulting in three affordable units.

Based on the foregoing, land uses at Projected Development Site 2 would transition from two-family residential and a parking lot (NYC Use Groups 2 and 8) to multi-family residential and local commercial retail (NYC Use Groups 2 and 6).

Potential Development Sites 1 and 2

The Future With-Action Condition considers development at two non-Applicant owned / controlled potential development sites, sites that are considered less likely to be developed. Potential Development Site 1 would be developed with a 55-foot tall, five-story mixed-use building containing 11,343 gsf of floor area comprised of 6,669 gsf of residential floor area for 8 dwelling units, 2,337 gsf of commercial floor area, and 2,337 gsf of cellar space for accessory storage and utilities. Potential Development Site 2 would be developed with a 55-foot tall, five-story mixed-use building containing 11,610 gsf of floor area comprised of 6,826 gsf of residential floor area for 8 dwelling units, 2,392 gsf of commercial floor area, and 2,392 gsf of cellar space for accessory storage and utilities.

Based on the foregoing, land uses at Potential Development Sites 1 and 2 would transition from two-family residential (NYC Use Group 2) to multi-family residential and local commercial retail (NYC Use Groups 2 and 6).

Overall, all projected land uses within the Affected Area under the Future With-Action Condition are consistent with existing land uses within both the Affected Area and study area, Future No-Action Condition land uses within the Affected Area and study area, and Future With-Action Condition land uses in the study area. With regard to Projected Development Site 1 and 2, the Future With-Action Condition would replace non-conforming and uses currently not permitted by the existing R5 zoning district. As such, the Proposed Actions are not anticipated to create significant adverse land use impacts, and no further analysis is warranted.

2.1-4 – Zoning

Existing Conditions

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

The Affected Area

All properties within the Affected Area, including those comprising Projected Development Sites 1 and 2 as well as Potential Development Sites 1 and 2, are situated within the R5 zoning district (see **Figure 2.1-2**, appended to the end of this Section). The R5 zoning district permits residential and community facility uses up to FARs of 1.25 and 2.0, respectively. Development within the R5 district include a maximum lot coverage of 55 percent, and building height of 40 feet (with a maximum street wall height of 30 feet). Yard requirements include a minimum 10-foot front yard, 30-foot rear yard, and 8-foot side yards for detached buildings, with parking space provision requirements for 85 percent of dwelling units and 42.5 percent of income restricted housing units. The minimum dwelling unit square footage in R5 zoning districts is 760 sf.

400-Foot Land Use Study Area

Existing zoning within 400 feet of the Affected Area is predominantly the R5 district, with the R6 district mapped southeast of the Affected Area and the R6A district at the far eastern extent of the study area. Additionally, a C2-1 commercial overlay (mapped with an underlying R5 district) is found at the far northeastern extent of the study area (see **Figure 2.1-2**). When mapped with a R5 district, the C2-1 commercial overlay permits a commercial FAR up to 1.0 with a requirement of 1 parking spot per 300 sf of commercial space.

The R6 zoning district is a non-contextual district that permits development pursuant to Quality Housing (which encourages development consistent with existing development character via permitted density bonuses) and Height Factor (original to the 1961 Zoning Resolution) regulations. The Quality Housing regulations permit FARs of 3.0 for residential uses (up to 3.6 for participation in inclusionary housing programs) and 4.8 for community facility uses. Maximum building heights within the R6 district include a maximum base height of 65 feet and a maximum overall height of 85 feet (assumes participation in

inclusionary housing program, development on a wide street, and utilization of a qualifying groundfloor), over a maximum of 8 stories. A minimum 30-foot rear yard is required with a maximum lot coverage of 65 percent on interior lots and 100 percent on corner lots. Under Height Factor regulations, the R6 district permits residential FARs between 0.78 to 2.43 with community facility FARs up to 4.8, with height limited to a sky exposure plane starting at 60 feet. A maximum rear yard of 30 feet is required, with minimum lot areas and widths of 1,700 square feet and 18 feet, respectively.

The R6A zoning district is a contextual zoning district that permits FARs up to 3.0 for residential and community facility uses (with residential uses permitted up to a FAR of 3.6 for participation in an inclusionary housing program. Maximum building heights are limited to 85 feet with required base heights between 40 to 65 feet (with a maximum of 8 stories permitted). Interior and corner lots permit lot coverages of 65 and 100 percent, respectively, with a 30-foot rear yard setback required within the district. Parking is required for 50 percent of the dwelling units, with parking waived for income-restricted dwelling units in Transit Zones. As the R6A is a contextual district, its area, bulk, and dimensional regulations are designed to produce buildings at scales that reflect the existing built character of the existing neighborhood.

Future No-Action Condition

Under the Future No-Action Condition absent the Proposed Actions, the Affected Area would continue to be governed by the R5 zoning district. Further, based on a review of the NYC ZAP on June 30, 2021 no rezonings or land use applications are proposed within the land use study are for the Proposed Actions. Based on the foregoing, no significant adverse zoning impacts are anticipated in the Future No-Action Condition.

Future With-Action Condition

The Affected Area

The Applicant, Almonte Lincoln LLC, is seeking approval of a Zoning Map Amendment to rezone an existing R5 zoning district to an R6A zoning district with C2-4 commercial overlay;and a Zoning Text Amendment to modify ZR §23-933, Appendix F to designate the newly mapped R6A zoning district with C2-4 commercial overlay as a MIH designated area. These actions are referred to in this EAS as the "Proposed Actions". The Proposed Actions would affect an area that is bounded by Lincoln Avenue to the east, Sutter Avenue to the south, Autumn Avenue to the west, and residential properties to the north in the East New York neighborhood of Brooklyn, Community District 5.

This area includes the Applicant's property, Brooklyn Block 4254, Lots 39 and 41, as well as several other non-Applicant owned / controlled lots, including Brooklyn Block 4254, Lots 1,4, 44, and 45. The area described above is referred to in this EAS as the "Affected Area."

See **Figure 2.1-2**, appended to the end of this Section, for a comparison of zoning maps in the vicinity of the Affected Area under the Future No-Action and Future With-Action Conditions.

As previously discussed, the R6A zoning district is a contextual zoning district that permits FARs up to 3.0 for residential and community facility uses (with residential uses permitted up to a FAR of 3.6 for participation in an inclusionary housing program. Maximum building heights are limited to 85 feet with

required base heights between 40 to 65 feet (with a maximum of 8 stories permitted). Interior and corner lots permit lot coverages of 65 and 100 percent, respectively, with a 30-foot rear yard setback required within the district. As the R6A is a contextual district, its area, bulk, and dimensional regulations are designed to produce buildings at scales that reflect the existing built character of the existing neighborhood. Within an R6A district, a C2-4 commercial overlay permits a commercial FAR up to 2.0 and requires 1 accessory parking space per 1,000 sf of commercial development.

These requested zoning actions are necessary in order to permit the Proposed Project to proceed. The Applicant proposes rezoning the Affected Area with a R6A zoning district with C2-4 commercial overlay to develop a higher density residential development with accessory commercial space at Projected Development Site 1, which would not be allowed under the current zoning. The Proposed Actions, including the proposed rezoning is needed to allow the Proposed Project's commercial use on the ground floor, 3.6 FAR, and 55-foot height. Within the current R5 district, commercial uses are not allowed as-of-right, bulk for residential uses is restricted to a FAR of 1.25, and building height is limited to 40 feet.

The Proposed Actions would allow for the replacement of longstanding low-density commercial uses and an unlicensed parking lot with more viable development. The Applicant believes that the proposed increase in density is appropriate at this location because it is located along a collector street (Sutter Avenue) near public transit and is located diagonally across the Sutter/Lincoln Avenue intersection from the 1,525-unit Mitchell Lama Linden Plaza apartment and retail complex. The proposed R6A/C2-4 zoning district would promote mixed-use development consistent with the C1-2 commercial overlays mapped further west along Sutter Avenue and to the north along Belmont Avenue, as well as the C2-4 commercial overlay along Pitkin Avenue to the north, while expanding the range of permitted commercial uses as permitted in a C2 overlay. As previously discussed, the R6A zoning district is already mapped in the eastern portion of the study area such that the Proposed Actions would reinforce the existing zoning character of the surrounding community.

The proposed Zoning Text Amendment to modify ZR Section 23-933, Appendix F is necessary in order map the Affected Area as an MIH area. For the purposes of a conservative analysis pursuant the *CEQR Technical Manual*, the Future With-Action Scenario for Projected Development Sites 1 and 2 and Potential Development Sites 1 and 2 assumes that 20 percent of the residential floor area would be reserved as affordable to households with incomes at or below 80 percent of the AMI. As such, the Future With-Action Condition projects nine affordable units total between Projected Development Sites 1 and 2 and four affordable units between Potential Development Sites 1 and 2 (13 total affordable units between all development sites).

Table 2.1-1 below summarizes the major provisions of the Future No-Action and Future With-Action zoning districts as applicable to the Affected Area.

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

	The Affected Area[1]	
	Existing	*Proposed*
Zoning District	R5	R6A / C2-4
Maximum Permitted FAR	1.25 Res / 2.0 CF	3.0 Res (3.6 w/ Inclusionary Housing) / 3.0 CF / 2.0 Com
Maximum Floor Area Potential[2]	22,491 sf Res / 35,986 sf CF	53,979 sf Res (64,775 sf w/ Inclusionary Housing) / 53,979 sf CF / 35,986 sf Com
Maximum Building Height (FT)	40	85
Use Groups	1-4	1-9, 14

Notes:
Res – Residential; Com - Commercial; CF – Community Facility
[1] – Includes Projected Development Sites 1 and 2 and Potential Development Sites 1 and 2
[2] – Based on 17,993 sf of total lot area within the Affected Area

400-Foot Land Use Study Area

The Proposed Actions would not result in any changes in zoning in the 400-foot land use study area as it is limited to the Affected Area only.

Based on the foregoing, the Proposed Actions are not expected to result in significant adverse zoning impacts. The action would be limited to the Affected Area, such that the area beyond (i.e., the study area) would not be impacted. The proposed increase in density is appropriate at this location because it is located along a collector street (Sutter Avenue) near public transit and is located diagonally across the Sutter/Lincoln Avenue intersection from the 1,525-unit Mitchell Lama Linden Plaza apartment and retail complex. The proposed R6A/C2-4 zoning district would promote mixed-use development consistent with the C1-2 commercial overlays mapped further west along Sutter Avenue and to the north along Belmont Avenue while expanding the range of permitted commercial uses as permitted in a C2 overlay. As previously discussed, the R6A zoning district is already mapped in the eastern portion of the study area such that the Proposed Actions would reinforce the existing zoning character of the surrounding community. As such, no further analysis is warranted.

2.1-5 Public Policies

According to the *CEQR Technical Manual*, a project that would be located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. Public policies applicable to the Affected Area and 400-foot radius project study area are discussed below.

Existing Conditions

The Affected Area and 400-Foot Land Use Study Area

The Affected Area and the entire 400-foot radius study area are located within the boundaries of the City's Food Retail Expansion to Support Health (FRESH Program). The City has established the FRESH program in response to the issues raised in neighborhoods that are underserved by grocery stores. FRESH provides zoning and financial incentives to promote the establishment and retention of neighborhood grocery stores in underserved communities throughout the five boroughs. The FRESH program is open to grocery store operators renovating existing retail space or developers seeking to

construct or renovate retail space that will be leased by a full-line grocery store operator in FRESH-eligible areas that meet the following criteria:

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

Financial incentives are available to eligible grocery store operators and developers to facilitate and encourage FRESH Food Stores in the designated area. These incentives include real estate tax reductions, sales tax exemptions, floor area bonuses, and mortgage recording tax deferrals. Projected Development Site 1 and the 400-foot radius project study area are eligible for various tax incentives related to grocery store development and operation. Recently, the FRESH Update Text Amendment (CEQR #21DCP182Y) was introduced. The proposed zoning text amendment, FRESH II, will update the existing program under the NYC ZR 63-00 that provides incentives for neighborhood grocery stores to locate in under-served neighborhoods in the City. FRESH II will include an expansion of the program boundary, mechanism to prevent saturation of FRESH supermarkets, modification to the glazing requirement for conversions, changes to parking regulations, and zoning text clarifications.

The Affected Area and associated study area are also located entirely within a NYC Transit Zone, which waives parking requirements for income restricted units.

No other public policies would apply to the Proposed Actions, the Affected Area, or the surrounding 400-foot radius study area, as they are not located within the boundaries of any 197-a Community Development Plans or Urban Renewal Area plans, historic districts or individually designated historic resources, and also are not within a critical environmental area, a significant coastal fish and wildlife habitat, a wildlife refuge, or a special natural waterfront area.

Future No-Action Condition

Absent the Proposed Actions the Affected Area and associated study area would continue to be governed by existing public policies in effect in these areas, including the NYC FRESH Program and Transit Zones. No significant adverse impacts related to public policies are anticipated under the Future No-Action Condition.

Future With-Action Condition

The Affected Area

As part of the Mayor's Housing New York plan, the City Council has approved a citywide zoning text amendment to authorize a MIH program (ULURP # 160051ZRY). The purpose of the MIH program is to promote neighborhood economic diversity in locations where land use actions create substantial new housing opportunities. As with zoning actions generally, MIH Areas may be applied through DCP-initiated actions or as part of private applications, including certain zoning map amendments, text amendments, and Special Permits that create opportunities for significant new housing development. The MIH program would require (through zoning) that when CPC actions create significant new housing capacity in medium and high-density areas, either 25 or 30 percent of new housing would be

permanently affordable. Under the proposal, the CPC and ultimately the City Council would apply at least one of these requirements to each MIH area:

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

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

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

- A deep affordability option, where:

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

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

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

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

Requirements would apply to developments, enlargements and residential conversions of more than ten units. Developments between 11 and 25 units would have the optional alternative of making a payment into an affordable housing fund, to be used to support affordable housing within that Community District. As indicated, the Proposed Actions include a Zoning Text Amendment to modify ZR Appendix F to designate the newly mapped R6A zoning district as an MIH area, with the Option 2 requirement applied to both development scenarios considered in the With-Action Condition, which requires that 30 percent of the residential floor area must be for affordable housing units for residents with incomes averaging 80 percent AMI with no unit targeted at a level exceeding 130 percent of AMI. For the purposes of a conservative analysis pursuant the *CEQR Technical Manual*, the Future With-Action Scenario for Projected Development Sites 1 and 2 and Potential Development Sites 1 and 2 assumes that 20 percent of the residential floor area would be reserved as affordable to households with incomes at or below 80 percent of the AMI. As such, the Future With-Action Condition projects nine affordable units total between Projected Development Sites 1 and 2 and four affordable units between Potential Development Sites 1 and 2 (13 total affordable units between all development sites). It is noted that the final MIH Option ultimately applicable to the Proposed Project will be determined by the CPC.

400-Foot Land Use Study Area

As the Proposed Actions are limited to the extent of the Affected Area, it would not have any impact on the FRESH Program on NYC Transit Zone within the study area.

Conclusions

Based on the above analyses, it has been determined that no potentially significant adverse impacts related to public policy are expected to occur as a result of the Proposed Actions. The Proposed Project would meet the City's public policy goals as explained above as well as similar State and national public policy goals related to the provision of affordable housing. Overall, the Applicant believes that the Proposed Actions would be an appropriate development in the Affected Area and would be a positive contribution to Brooklyn Community District 5 and to the surrounding neighborhood. Therefore, further analysis of public policy is not warranted.

2.1-6 – Conclusions

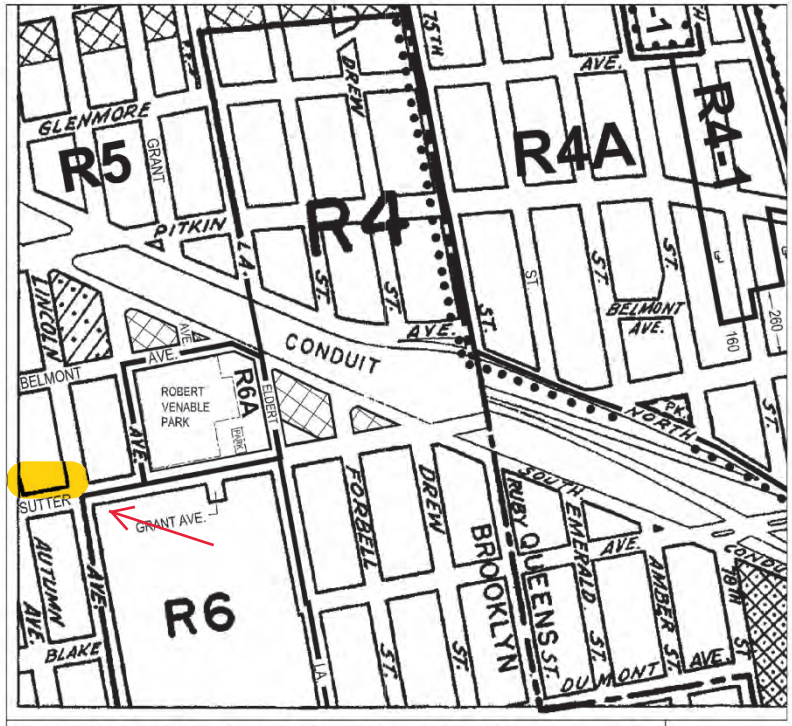
The Proposed Actions would result in the development of several mixed-use multi-family residential and groundfloor commercial building at a density and scale that would otherwise not be permitted by existing zoning regulations. However, the proposed uses and development density of the Proposed Project would be limited to the Affected Area and would be consistent with existing surrounding land uses, zoning districts, and development densities. Further, the Proposed Actions would be consistent with applicable public policy goals. As such, the analysis described above demonstrates the proposed project would not result in a significant adverse impact to land use, zoning, or public policy, and no further analysis is necessary.

Figure 2.1-1 – Land Use Map



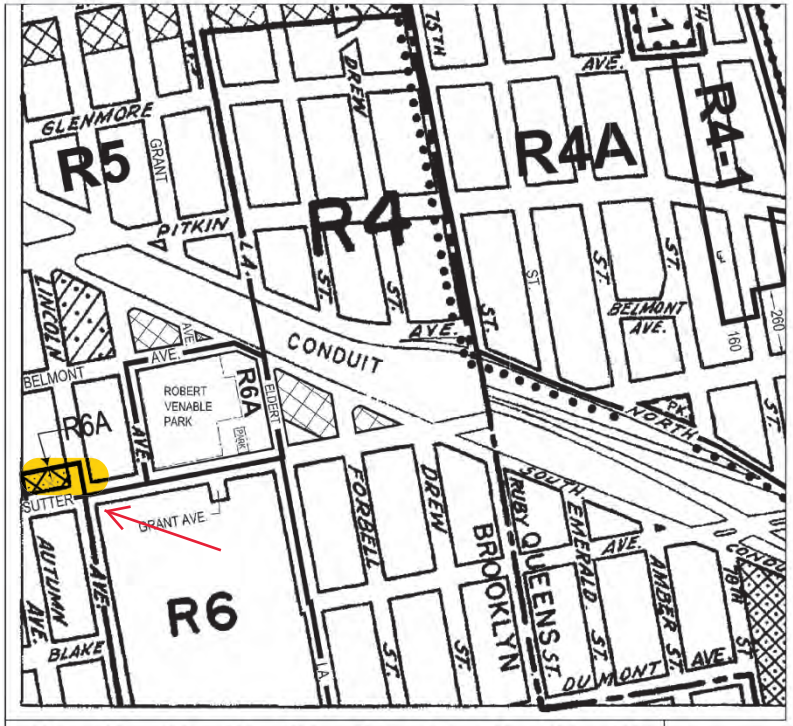
Figure 2.1-2 – Future No-Action and Future With-Action Zoning Comparison Figure

Existing Zoning



EXISTING ZONING MAP No. 18a

Proposed Zoning



PROPOSED ZONING MAP No. 18a

2.2 HISTORIC AND CULTURAL RESOURCES

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

As discussed in the Section 1.0, "Project Description," the Applicant is seeking Zoning Map and Text Amendments as well as NYC HPD NCP approval to facilitate the development of a 40,047-gsf mixed-use multi-family affordable residential and groundfloor commercial building at 1377 Sutter Avenue (Brooklyn Block 4254, Lots 39 and 41) in the East New York neighborhood of Brooklyn Community District 5 (i.e., the Proposed Project). Those Zoning Map and Text Amendments would apply to those lots at the southern end of Brooklyn Block 4254 along Sutter Avenue, including Lots 1, 4, 39, 41, 44, and 45. The Future With-Action Condition includes several additional development sites, including Projected Development Site 2 (Lots 1 and 4), Potential Development Site 1 (Lot 44) and Potential Development Site 2 (Lot 45).

The Affected Area and the 400-foot study radius project study area are not a Federal, State, or New York City designated Historic District and do not contain any individually designated historic resources. As such, a historic architectural analysis is not warranted for the Proposed Actions. The NYC LPC has determined that the Affected Area does not have any historic or archaeological significance (see the NYC LPC determination sheet dated August 20, 2020 in the Historic and Archaeological Resources Appendix to this document).

Based on the foregoing, the Proposed Actions would not result in any significant adverse historic or cultural resources impacts and no further analysis is necessary.

2.3 URBAN DESIGN AND VISUAL RESOURCES

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

2.3-1 - Introduction

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

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

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

The Applicant, Almonte Lincoln LLC, is seeking approval of a Zoning Map Amendment to rezone an existing R5 zoning district to an R6A zoning district with C2-4 commercial overlay;and a Zoning Text Amendment to modify ZR §23-933, Appendix F to designate the newly mapped R6A zoning district with C2-4 commercial overlay as a MIH designated area. These actions are referred to in this EAS as the "Proposed Actions". The Proposed Actions would affect an area that is bounded by Lincoln Avenue to the east, Sutter Avenue to the south, Autumn Avenue to the west, and residential properties to the north in the East New York neighborhood of Brooklyn, Community District 5.

This area includes the Applicant's property, Brooklyn Block 4254, Lots 39 and 41, as well as several other non-Applicant owned / controlled lots, including Brooklyn Block 4254, Lots 1,4, 44, and 45. The area described above is referred to in this EAS as the "Affected Area."

Under this proposed rezoning, the maximum permissible residential FAR and building height within the Affected Area would increase from 1.25 to 3.6 FAR and from 40 to 85 feet, respectively. Based on the foregoing, a preliminary urban design and visual resources screening assessment was conducted.

2.3-2 - Methodology

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

Pursuant to the *CEQR Technical Manual*, the appropriate study area for an urban design and visual resources analysis is within a 400-foot radius of the proposed Affected Area. The 400-foot urban design study area is generally bounded by the Robert Venable Park to the east, Belmont Avenue to the north,

mid-block between Hemlock Street and Crescent Street to the west, and mid-block between Sutter Avenue and Blake Avenue to the south (see **Figure 2.3-1**, appended to the end of the Section, for an illustration of the urban design study area).

2.3-3 – Preliminary Assessment

Existing Conditions

The Affected Area

Existing urban design conditions at all properties comprising the Affected Area are described below

- Lot 1 – A 2,354-sf lot featuring a two-story (21.5-foot height), two-unit residential building and a one-story (12.2-foot height) accessory garage building totaling 1,476-gsf of total floor area (0.63 FAR) built in year 1910. The lot features approximately 49 percent building lot coverage with 52.6 feet of frontage along Autumn Avenue and 42.5 feet of frontage along Sutter Avenue;

- Lot 4 – A 1,694-sf lot featuring an unlicensed, paved parking lot and features no built structures (0.0 FAR and 0 percent building lot coverage). The lot features approximately 37.4 feet of frontage along Autumn Avenue;

- Lot 39 – A 3,600-sf lot developed with a one-story (21-foot height) retail building totaling 1,760 gsf in floor area (0.49 FAR). The lot features an approximately 77.7 percent building lot coverage with 40.8 feet of frontage along Sutter Avenue and 90 feet of frontage along Lincoln Avenue;

- Lot 41 – A 5,175-sf lot developed with a one-story (22-foot height) retail building totaling 5,175 gsf in floor area (1.0 FAR), with an overall building lot coverage of approximately 96.2 percent as well as 57.5 feet of frontage along Sutter Avenue;

- Lot 44 – A 2,565-sf lot developed with a two-story (30-foot height), 1,840-gsf residential building (0.72 FAR). The lot features an approximate 50.8 percent building lot coverage and 28.6 feet frontage along Sutter Avenue; and

- Lot 45 – A 2,625-sf lot developed with a two-story (30-foot building height), 1,840-gsf residential building (0.70 FAR). The lot features an approximate 52.2 percent building lot coverage and 29.7 feet of frontage along Sutter Avenue.

Refer the **EAS Figure 5** and associated photographs for views of urban design conditions within the Affected Area.

400-Foot Urban Design Study Area

With the exception of its southeastern and far eastern portions, the urban design character of study area is defined by one- to three-story buildings (ranging in overall height from 8 to 42 feet, with an average height of 23 feet over 218 buildings within the study area [which includes both primary and accessory buildings on all lots]) situated on relatively smaller lots (ranging in size from approximately 1,600 sf to 8,433 sf, with an average lot area of 2,491 over 175 lots) (see **Photograph Nos. 1 through 4**

for representative photos of this existing urban design condition, keyed to **Figure 2.3-1**).[1] Those developed lots feature built FARs ranging from 0.24 to 2.03 (for an average built FAR of 0.97 over 175 developed lots in this portion of the study area). Generally, buildings are slightly setback from the street they front along, with setbacks ranging from 10 to 25 feet). Urban design character within the southeastern is defined by the Linden Plaza Complex, featuring a 20-story (180-foot building height) residential tower featuring a 4.19 built FAR, constructed in 1971 (see **Photograph No. 5**). Beyond this is the MTA Pitkin Rail Yard providing storage and maintenance facilities for out-of-service equipment, characterized with surface parking and rail yard infrastructure (see **Photograph No. 6**). At the far east of the study area is the Robert Venable Park, a 2.94-acre neighborhood park featuring playground and fitness equipment as well as a skate park (see **Photograph No. 7**).

The street network within the study area follows the standard New York City grid pattern. Sutter Avenue and Belmont Avenue bisect the study area west-east, with the former featuring one lane of traffic in each direction with each lane featuring curbside parking and the latter featuring one lane of eastbound traffic with curbside parking on either side. There are four streets bisecting the study area north-south, including Sheridan Avenue and Autumn Avenue / Kenneth S. Jackson Jr. Boulevard (featuring one lane of traffic running north with curbside parking on either side) and Lincoln Avenue and Hemlock Street (featuring one lane of traffic running south with curbside parking on either side). Standard pedestrian infrastructure was observed to be good condition throughout the study area, including sidewalks, crosswalks, and traffic lights at several intersections.

The aforementioned Robert Venable Park represents the only visual resource within the urban design study area, at its far eastern end (see **Photograph No. 7**). The 2.94-acre neighborhood park is owned and operated by the NYC DPR and features playground and fitness equipment as well as a skate park. This open space resource is not prominently visible from the Affected Area and vice versa. No other visual resources, including public parks, publicly accessible waterfront, and/or historic landmarks are found within the study area.

Future No-Action Condition

The Affected Area

As described in Section 1.0, "Project Description," absent the Proposed Actions (the Future No-Action Condition) the Affected Area's existing R5 zoning would remain. As such, existing development controls associated with the R5 zoning district would remain in place (e.g., maximum permissible FAR, building height, lot coverage, etc.). Per information provided by the Applicant, absent the Proposed Actions the Applicant would redevelop Projected Development Site 1 (i.e., Lots 39 and 41), with a four-story 26,301 gsf, 46-foot tall community facility (medical offices) building with 35 cellar level accessory parking spaces (compliant with the regulations of the R5 zoning district). It is assumed all of the remaining properties within the Affected Area would remain in their existing building condition. However, it assumed the unlicensed parking lot associated with Lot 4 within the Affected Ares would discontinue operations and become vacant / unused.

[1] All photographs were taken on Thursday, June 25, 2020.

400-Foot Urban Design Study Area

The following Future No-Action Condition developments were identified within the land use study area based on a review of the NYC Active Major Construction (AMC) database and NYC Zoning Application Search (ZAP) on June 30, 2021:

- *304 Sheridan Avenue, Brooklyn Block 4255, Lot 27 (NYC Department of Buildings [DOB] Job No. 320777192):* A proposed new three-story (31-foot building height), two-dwelling residential building with a 41 percent building lot coverage and 1.25 residential FAR.
- *306 Sheridan Avenue, Brooklyn Block 4255, Lot 28 (NYC Department of Buildings [DOB] Job No. 320777218):* A proposed new three-story (31-foot building height), two-dwelling residential building with a 41 percent building lot coverage and 1.25 residential FAR.

Both of these Future No-Action Condition projects are currently under construction and are located adjacent to one another in the northeastern portion of the study area. Both are being constructed pursuant to the R5 zoning district. It is assumed that they would both be completed by the 2024 Project Build Year.

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

Future With-Action Condition

The Proposed Actions would allow for greater residential, community facility, and commercial development density within the Affected Area than is permitted by the current R5 zoning district. The proposed R6A zoning district with C2-4 commercial overlay would permit a maximum building height of 85 feet (versus 40 feet under the R5 district), and maximum residential, community facility, and commercial FARs of 3.6, 3.0, and 2.0, respectively (versus 1.25, 2.0, and 0.0, respectively, under the R5 zoning district). Overall, the development potential within the Affected Area under the Proposed Actions includes 64,847 residential zsf (versus 22,516 under R5 zoning, a 42,331 zsf increase), 54,039 community facility zsf (versus 36,026 zsf under R5 zoning, an 18,013 zsf increase), and 36,026 commercial zsf (versus 0 zsf under R5 zoning, a 36,026 zsf increase).

These increased permitted development densities within the Affected Area would not be a significant deviation from development densities currently found within the 400-foot urban design study area. As previously discussed in **Section 2.1-4, "Zoning,"** the R6A zoning district is already mapped in the eastern portion of the study area, while the R6 zoning district, which permits development densities comparable or greater to the R6A zoning district, is mapped in the southeastern portion of study area. As such, development at the scale and density permitted under the Proposed Actions would reflect existing permitted development densities in the area immediately surrounding the Affected Area. Further, the proposed increase in development density is appropriate at the Affected Area specifically because it is located along a collector street (Sutter Avenue) near public transit and is located diagonally across the Sutter/Lincoln Avenue intersection from the 1,525-unit Mitchell Lama Linden Plaza apartment and retail complex.

Additionally, the proposed R6A zoning district would is a contextual zoning district, which regulates the height and bulk of new buildings, their setback from the street line, and their width along the street frontage, to produce buildings that are consistent with existing neighborhood character. Under the

Proposed Actions, projected development at all Projected and Potential Development Sites would extend to the street line to create a continuous street wall consistent with existing development in the surrounding area.

See **Figures 2.3-2 through 2.3-3** (appended to the end of this Section) for representative street level simulations of the Future With-Action Condition at all Projected and Potential Development Sites in the Affected Area, in the context of the surrounding built environment.

Overall, projected development under Proposed Actions would allow for the replacement of longstanding low-density commercial uses and an unlicensed parking lot with more viable development. Further, the Proposed Actions would permit the development site to be redeveloped at increased residential densities that would help achieve the current Mayoral administration's affordable housing goals by providing 28 new affordable dwelling units.

As the Robert E. Venable Park is not prominently visible from the Affected Area, the Proposed Actions would not result in obstruction of views of visual resource from the Affected Area (and vice versa).

Based on the foregoing, the Proposed Actions would not result in any significant adverse impacts to urban design or visual resources within the study area and further analysis is not necessary.

Figure 2.3-1 – Urban Design Study Area and Photograph Location Key



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

Urban Design Study Area Photographs #1



Photograph No. 1: View of existing development along Belmont Avenue, looking east from Hemlock Street.



Photograph No. 2: View of existing development along the Autumn Avenue, looking north from the Affected Area.



Photograph No. 3: View of existing development along Autumn Avenue, looking south from Sutter Avenue.



Photograph No. 4: View of existing development along Sutter Avenue, facing east from Hemlock Street.

Date of Photographs: February 1, 2021



Photograph No. 5: View of the Linden Plaza Complex, facing south from the intersection of Sutter and Lincoln Avenues.



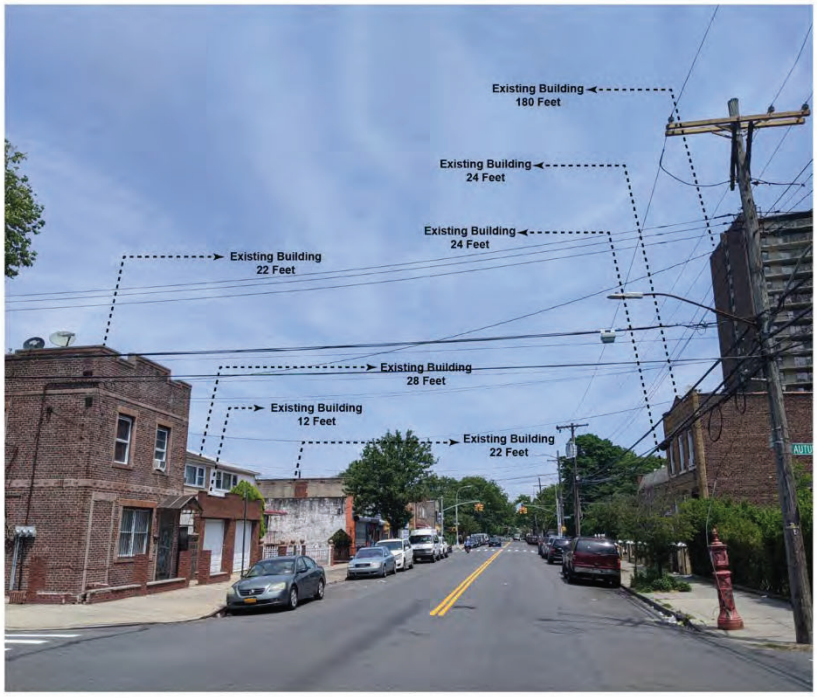
Photograph No. 6: View of the MTA Pitkin Yard facilities, facing southeast from Sutter Avenue.



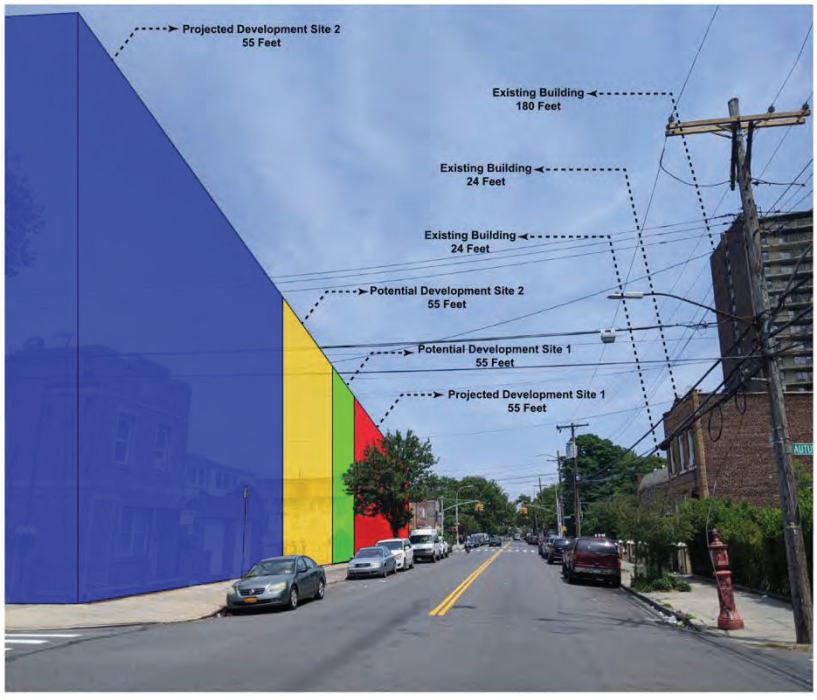
Photograph No. 7: View of the Robert Venable Park, facing east from Sheridan Avenue.

Date of Photographs: February 1, 2021

Figure 2.3-2 – Urban Design Renderings, View No. 1



Existing Condition, View No. 1: View of the Affected Area along Sutter Avenue, facing east from the intersection of Sutter Avenue and Autumn Avenue (June 10, 2020 Picture Date)



Future With-Action Condition, View No. 1: View of the Affected Area along Sutter Avenue, facing east from the intersection of Sutter Avenue and Autumn Avenue

Figure 2.3-3 – Urban Design Renderings, View No. 2



Existing Condition, View No. 2: View of the Affected Area along Sutter Avenue, facing west from the intersection of Sutter Avenue and Lincoln Avenue (June 10, 2020 Picture Date)



Future With-Action Condition, View No. 2: View of the Affected Area along Sutter Avenue, facing west from the intersection of Sutter Avenue and Lincoln Avenue

2.4 HAZARDOUS MATERIALS

2.4-1 – Introduction

Environmental Studies Corp. has performed a Phase I Environmental Site Assessment (ESA) of the subject property located at 1377-1385 Sutter Avenue (i.e., Projected Development Site 1), in the Borough of Brooklyn, New York City, New York. This Phase I ESA was prepared in accordance with the latest ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-13). Further in December 2020, a Phase II Environmental Site Assessment (Phase II), was conducted which included a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP).

The information provided below represents a summary of the pertinent findings of the aforementioned Phase I ESA and Phase 2 ESA. The Phase I ESA and Phase 2 ESA can be found in the Hazardous Materials Appendix of this EAS.

An E-Designation **(E-633)** has been placed on sites within the Study Area per DEP Guidelines to ensure that testing is conducted prior to disturbance on sites where soil testing has not occurred.

2.4-2 – Methodology

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

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

The Practice also defines two additional RECs; Controlled Recognized Environmental Conditions and Historical Recognized Environmental Conditions. The term Controlled Recognized Environmental Conditions means a Recognized Environmental Condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction

of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

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

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

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

Interviews are conducted, whenever possible, with site owners, operators, tenants, local government officials, and others with knowledge of the site and information regarding potential RECs at a property. Finally, several ASTM “Non-Scope” items including asbestos-containing materials, lead-based paints, and radon are also discussed. A detailed scope of work is included in Section D of this report.

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

2.4-3 – Environmental Site Assessment Summary

Site Description

The subject property at 1377-1385 Sutter Avenue, Brooklyn, New York consists of two adjoining tax lots with a total combined area of approximately 8,775 square feet. Lot 39 (1385 Sutter Avenue) is an approximate 3,600-sf rectangular shaped parcel. The north side of the lot contains a 1-story and mezzanine (on slab), 1,800-sf, masonry and steel-frame commercial building. Heat for the building is provided by a gas-fired system. This building is occupied by Borinquen Cleaners, a drop-off dry cleaner. The south side of the lot contains an asphalt-paved parking and

storage area. At the time of the site visit, two cars, one boat and two steel shipping containers were located on this part of the lot.

Lot 41 (1377-1383 Sutter Avenue) is a 5,175-sf rectangular shaped parcel. The lot is fully occupied by two, 1-story (on-slab) commercial buildings, both of which are heated by gas-fired systems. The building at 1377 Sutter Avenue is occupied by a beauty salon (Sister's Hair Salon & Barber Shop, Inc.), and a restaurant (Coco's Pizza and Restaurant). The building at 1381 Sutter Avenue is occupied by an auto body repair shop (Abubacar Auto Repair).

Site History

Research into the history of the project site shows that the property was vacant, undeveloped land in 1908, as shown on the Sanborn historical map for that year. Given the rural nature of the area in the early 1900s, it is considered unlikely that the project site would have been developed prior to 1908.

In 1924, a 2-story, 2-family dwelling was constructed on the southeast part of Lot 39. This structure remained at the site until its demolition in 1977. The existing 1-story commercial building was constructed on Lot 39 in 1977. The identified former occupants/uses in this building are GT Suraci & Son (use unknown), a discount tobacco business (Miller Discount Tobacco), a vending machine company (S&J Vending Corp.), and a drop-off dry cleaner (from 2018 to the present). The drop off dry cleaner sends all garments off site to be dry cleaned and no dry-cleaning operations have been performed in the building on Lot 39.

Lot 41 remained vacant and undeveloped until 1953, at which time the subject building at 1377 Sutter Avenue was constructed. The identified former occupants/uses in this building are a beer and soda distributor, restaurants, beauty salons, and grocery stores. The building at 1381 Sutter Avenue was constructed in 1977. The identified former occupants/uses in this building are beer and soda distributors, a restaurant, grocery stores, a barber shop, and an auto body shop (from 2018 to the present).

With the exception of the auto body shop at 1381 Sutter Avenue from 2018 to the present time, the identified former occupants/uses of the project site are not types of businesses or operations that typically involve the storage or use of hazardous substances or petroleum products. The auto body shop involves the use of small quantities of paints and thinners in their operations. Approximately 15 gallons of paints and thinners were present in the shop at the time of the site visit. No significant staining or other visible indications of recent spills, leaks or discharges of paints or thinners were observed. Given the observations made during the site visit, and that the shop has operated for less than two years, it is considered unlikely that the current auto body operations in the building at 1381 Sutter Avenue would have impacted the property.

Site Drainage

Typical lavatory drainage structures such as sinks and toilets were present in the buildings. It is likely that these structures discharge to the municipal sewer system. No staining or other indications of recent spills, leaks or discharges or hazardous substances or petroleum products were observed around any of the drainage structures at the property.

Petroleum Storage Tanks

There is a 275-gallon aboveground fuel tank located outside the south wall of the building on Lot 39. This tank was installed in 2018, and provides fuel for the steam boiler used by the dry cleaner to steam press garments. No staining or other indications of recent spills or leaks were observed around this tank.

There were not any additional aboveground storage tanks (ASTs), or indications of the presence of underground storage tanks (USTs) such as tank fillports, vent lines, associated mechanical equipment, etc., observed at the property during the site visit.

There was a 1,080-gallon underground fuel oil tank removed from the parking area on the south side of Lot 39 in July of 2018. This tank was used to provide fuel for the former oil-fired heating system in the building. The tank was removed from the site by Troy Cutters Corp. of Brooklyn, New York. A Fuel Oil

Storage Tank Abandonment and or Removal Certificate for the removal of the tank was submitted to the New York City Fire Department (FDNY). However, no tank tightness testing results or soil sampling results from around the tank were included in the documentation provided. Any past spills or leaks from underground tanks at the project site would be a potential source of contamination to the property.

It is not known how the former 2-family dwelling on Lot 39 was heated (e.g., oil, gas, electric, coal, etc.). Any petroleum storage tanks discovered during the re-development of the property should be properly removed in accordance with all applicable NYSDEC and New York City Fire Department regulations.

Asbestos, Lead-Based Paints, and PCBs

Given the age of the buildings (constructed in the 1950s and 1970), it is possible that they contain asbestos building materials and lead-based paints. Painted surfaces in the building were observed to be generally in good condition, with no large areas of chipped or peeling paint noted. No electrical transformers or other electrical equipment suspected of containing PCBs were observed at the project site.

Regulatory Agency Records Review

The subject property does not appear in the Federal or State environmental databases reviewed including the United States Environmental Protection Agency (USEPA's) Superfund, CERCLIS or ERNS databases, the RCRA Hazardous Waste Generators list or hazardous waste Treatment/ Storage/Disposal Facilities list, or the New York State Department of Environmental Conservation (NYSDEC's) Spill Logs or Petroleum Bulk Storage (PBS) database, Solid Waste Facilities database, or the Registry of Inactive Hazardous Waste Disposal Sites.

There were not any potential off-site sources of contamination, which are considered likely to have impacted the environmental condition of the subject property, identified in the regulatory agency database information reviewed.

Phase 1 ESA Conclusions

A Phase I Environmental Site Assessment was prepared in conformance with the scope and limitations of ASTM Practice E 1527-13 of 1377-1385 Sutter Avenue, Brooklyn, N.Y., the property. This assessment has revealed no evidence of Historical Recognized Environmental Conditions or Controlled Recognized Environmental Conditions in connection with the property. This assessment has revealed no evidence Recognized Environmental Conditions in connection with the property, with the following exceptions:

- The potential for contamination at the subject property from past spills or leaks from underground storage tanks; and

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

In a letter dated September 14, 2020 DEP instructed the applicant to perform a Phase II ESA based on historical land uses on surrounding sites and the site itself. DEP also instructed the Applicant to submit a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) with the necessary soil, groundwater, and soil vapor sampling activities.

2.4-4 – NYC Department of Environment Protection Phase II ESA Review

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the December 2020 Phase II Environmental Site Assessment (Phase II), the December 2020 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP). In a letter dated February 18, 2021, DEP recommended that the installation of a vapor barrier be included in the RAP. The letter also concluded that the December 2020 RAP and CHASP, which addresses worker and community health and safety during construction acceptable, as long as the aforementioned information is incorporated into the RAP. Finally, DEP indicated in this letter that "DCP should instruct the applicant that at the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report should be submitted for DEP review and approval for the proposed project." Below are the findings of the Phase II, CHASP and RAP as summarized in the Feb. 2021 letter.

Projected Development Site 1

- The soil analytical results revealed VOCs and PCBs were either non-detect (ND) or below New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs). Seven SVOCs (benzo(a)anthracene, benzo(a)pyrene,benzo(b)fluoranthene,benzo(k)fluoranthene,chrysene,dibenzo(a,h)anthracene and indeno(1,2,3-cd)pyrene), five metals (barium, copper, lead, mercury and zinc) and two pesticides (4,4'-DDE and 4,4'-DDT) were detected above NYSDEC Unrestricted Use and/or Restricted Residential Use SCOs. The groundwater

analytical results revealed VOCs, SVOCs, pesticides and PCBs were either ND or below NYSDEC Division of Water Technical Operational Guidance Series 1.1.1 Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations for Class GA standards (Water Quality Guidance Values). Four metals (chromium, manganese, nickel and sodium) were detected above NYSDEC Water Quality Guidance Values. The soil vapor analytical results revealed several VOCs including 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,3-butadiene, 2-butanone, 2-hexanone, acetone, benzene, carbon disulfide, carbon tetrachloride, chloroform, chloromethane, cyclohexane, dichlorodifluoromethane, ethyl acetate, ethylbenzene, methylene chloride, isopropanol, n-heptane, n-hexane, o-xylene, m/p-xylene, p-ethyltoluene, propylene, tetrachloroethylene, toluene, and trichlorofluoromethane were detected.

- DEP finds the December 2020 RAP and CHASP, which addresses worker and community health and safety during construction acceptable, as long as the aforementioned information (See Apendix) is incorporated into the RAP. DCP should instruct the applicant that at the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report should be submitted for DEP review and approval for the proposed project. The P.E. certified Remedial Closure Report should indicate that all remedial requirements have been properly implemented (i.e., transportation/disposal manifests for removal and disposal of soil in accordance with applicable federal, state and local laws and regulations; proof of installation of engineering control system; and two feet of DEP approved certified clean fill/top soil capping requirement in any landscaped grass covered areas not capped with concrete/ asphalt, etc.).

- DEP has provided sign-off on the Phase II, CHASP and RAP in the Feb. 2021 letter included as an appendix in this EAS.

An E-Designation (E-633) has been placed on sites within the Study Area per DEP Guidelines to ensure that testing is conducted prior to disturbance on sites where soil testing has not occurred. These sites are:

Projected Development Site 2 (Block 4254, Lots 1 & 4);

Potential Development Site 1 (Block 4254, Lot 44);

Potential Development Site 2 (Block 4254, Lot 45):

The E designation language would be as follows: **(E-633)**

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the remainder of the site's condition.

The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

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

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

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

2.4-5 – Conclusions

Based upon NYC DEP's review of the Phase I ESA, Phase II ESA, RAP and CHASP there is no potential for adverse impacts related to hazardous materials on Projected Development Site 1. DEP requires submission of a P.E. certified Remedial Closure Report after the ULURP process has been completed. For those sites where testing did not occur and an RAP and CHASP were not prepared (Projected Development Site 2 and Potential Development Sites 1 and 2) an E-Designation **(E-633)** will be placed to ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. This is in order to inform and disclose the measures necessary to avoid significant adverse impacts from hazardous materials.

2.5 TRANSPORTATION

2.5-1 – Introduction

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

2.5-2 – The Proposed Actions

The transportation screening analysis, preformed for the Proposed Actions, is based on the difference between the Future No-Action Condition and Future With-Action Condition. The Future With-Action Condition includes the development of 41 dwelling units, 11,665 gsf of local retail space, and 10 accessory parking spaces between Projected Development Sites 1 and 2. Under the Future No-Action Condition Projected Development Sites 1 and 2 would feature 2 dwelling units, 17,533 gsf of community facility space, and 35 accessory parking spaces. The development increments between the Future No-Action and Future With-Action Conditions is provided below in **Table 2.5-1**.

Table 2.5-1 – Incremental Increase between Future No-Action and Future With-Action Conditions

Proposed Uses	Future No-Action Condition	Future With-Action Condition	Incremental Increase from Future No-Action Condition[1]
Residential (dwelling units)	2	41	+39
Local Retail (gsf)	0	11,665	+11,665
Community Facility (gsf)	17,533	0	-17,533
Accessory Parking (count)	35	10	-25

2.5-3 – Weight Average Screening Analysis

This level of development would not exceed the minimum development density requiring a transportation analysis as shown in Table 16-1 of the Transportation Chapter of the *CEQR Technical Manual*. The applicable minimum development density for the location of the project site in Zone 3 is 200 new residential dwelling units, 15,000 additional gross square feet of local retail, 25,000 additional gross feet of community facility, or 80 new off-street parking spaces. Based on the *CEQR Technical Manual*, **Table 16-1**, Zone 3 threshold criteria and the result of weighted average screening analysis, as shown below, the Future With-Action Condition would screen for transportation analyses and would not require a detailed transportation analysis.

Weighted Average Screening Analysis:

(39 dwelling units / 200 dwelling units) + (11,665 gsf local retail /15,000 gsf local retail) – (17,533 gsf community facility / 25,000 gsf community facility)= 0.195 + 0.7777 - 0.70132 = 0.27138 (< 1)

2.5-4 – Conclusions

The Proposed Actions would not exceed minimum residential, commercial, and/or parking density threshold requirements for a detailed transportation analysis. Therefore, no further analysis is necessary.

2.6 AIR QUALITY

2.6-1 - INTRODUCTION

Analysis Framework

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. Under CEQR, an air quality assessment determines both a proposed project's effects on ambient air quality as well as the effects of ambient air quality on the project. The analysis followed the *New York City Environmental Quality Review 2014 Technical Manual*.

Air Pollutants and Applicable Standards and Guidelines

Criteria Pollutants - National Air Quality Standards

The U.S. Environmental Protection Agency (EPA) has identified six pollutants, known as criteria pollutants, which are of concern nationwide. As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for the criteria pollutants by EPA, and New York State has adopted the NAAQS as the State ambient air quality standards. Background concentrations were obtained from the New York State Department of Environmental Conservation (NYSDEC) monitoring station(s) annual report for 2018. The criteria pollutants, for which detailed analysis were required, NAAQS and State threshold criterions, and background concentrations are presented in **Table 2.6-1.**

Table 2.6-1: Background Concentration at the NYSDEC Nearest Monitoring Station

Pollutant	Averaging Period	National and State Standards	Background Concentration	Monitoring Station
$PM_{2.5}$	24-Hour	35 µg/m^3	17.7 µg/m^3	Queens College
	Annual	12 µg/m^3	7.0 µg/m^3	
SO_2	1-Hour	196 µg/m^3	14.8 µg/m^3	
	Annual(1)	80 µg/m^3	1.1 µg/m^3	
NO_2	1-Hour	188 µg/m^3	105.7 µg/m^3	
	Annual	100 µg/m^3	27.2 µg/m^3	

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

NO2 NAAQS

The 1-hour NO2 NAAQS was promulgated in the United States in February 2010. The 1-hour standard is based on a percentile rank from the annual distribution of daily maximum 1-hour values, averaged across the number of years processed. The 1-hour NO2 modeled design value is based on the 98th percentile, or 8th highest, of the daily maximum 1-hour values across the year. For typical multi-year modeling analysis based on 5 years of National Weather Service (NWS) meteorological data, the modeled design value is the 5-year average of the 8th highest values for NO2.

Nitrogen oxides (NOx) emissions from combustion consist predominantly of nitric oxide (NO) at the source. The NO in these emissions are then gradually converted to nitrogen dioxide (NO_2). For determining compliance with the 1-hour standard, the EPA has developed a three-tiered modeling approach: A first-tier approach, which is the most conservative approach, assumes a full (100%) conversion of NOx to NO_2; A second-tier approach assumes ambient equilibrium between NO and NO_2; A third-tier approach consist of several detailed screening techniques that account for ambient ozone and the relative amount of NO and NO_2 emitted from a source.

NYC Guidelines

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

- Predicted 24-hour maximum $PM_{2.5}$ concentration increase of more than half the difference between the 24-hour background concentration and the 24-hour standard; or

- Predicted annual average $PM_{2.5}$ concentration increments greater than 0.1 $\mu g/m^3$ at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources; or for mobile sources, at a distance from a roadway corridor similar to the minimum distance defined for locating neighborhood scale monitoring stations); or

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

The 24-hour maximum $PM_{2.5}$ *de minimis* threshold concentration is 24-hour $PM_{2.5}$ of 8.65 $\mu g/m^3$. Per

the *CEQR Technical Manual*, CO significant impact concentration is:

- An increase of 0.5 parts per million (ppm) or more in the maximum 8-hour average CO concentration at a location where the predicted No-Action 8-hour concentration is equal to 8 ppm or between 8 ppm and 9 ppm; or

- An increase of more than half the difference between baseline (i.e., No-Action) concentrations and the 8-hour standard, when No-Action concentrations are below 8 ppm.

The CO *de minimis* threshold concentrations is 8-hour CO concentration of 3.85 ppm.

Non-Criteria Pollutants

In addition, the NYSDEC has established guidelines for maximum allowable concentration of "noncriteria pollutants," which are potentially toxic or carcinogenic pollutants. The maximum allowable guidelines set a maximum 1-hour and annual averaging time concentrations and are published in the DAR-1 AGC/SGC Table, where AGC/SGC refers to Annual and Short-term Guideline Concentrations. The most recent DAR-1 guidelines were created on August 10, 2016.

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

2.6-2 MOBILE SOURCE

Introduction

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 the CEQR guidelines, a detailed analysis is required to predict whether a Proposed Actions could potentially have a significant adverse air quality impact if certain threshold criterions are met or exceeded. Proposed Actions that do not meet or exceed the threshold criterions (screen out) are not expected to have a mobile source impact. Projects that require a detailed analysis, model the ambient air CO and PM concentrations, the mobile source pollutants of concern.

Screening Analysis

Project-Generated Traffic

The Proposed Actions may result in significant mobile source air quality impacts due to increased traffic or redistribution of traffic. Screening analyses for CO and $PM_{2.5}$ were conducted to determine if the Proposed Actions would require further analyses (as the *CEQR Technical Manual* requires). Per the *CEQR Technical Manual*, the threshold volume for a detailed analysis of CO concentration, using MOVES2014 and CAL3QHC/R or AERMOD, is an increment of 170 vehicles; $PM_{2.5}$ threshold criterion is an increment of 13 to 23 heavy-duty diesel vehicles (HDDVs) or its equivalence depending on the road types.

The Proposed Actions would not exceed the *CEQR Technical Manual Table 16-1* thresholds criterions. As such, the maximum trip generation would not exceed the 170 net vehicles trips at any given hour at any intersection during any peak hour.

The project-generate peak hour HDDVs traffic or its equivalent in vehicular emission that would require a detailed $PM_{2.5}$ analysis depends on the type of road. The thresholds incremental traffic per road type ranges from 12 to 23 HDDVs. Per the NYS Department of Transportation (NYSDOT)[1], Autumn Avenue is classified as a local street (12 HDDVs threshold screen), which is paved road with 5,000 vehicles, and Lincoln Avenue and Sutter Avenue are major collector roadways (19 HDDVs threshold screen).

The NYC Department of City Planning (DCP) online CEQR App was used to predict the project-generated traffic, where the CEQR App output is based on the *CEQR Technical Manual* planning factors. These resulted, using the CEQR App, in a maximum peak hour increment of 8 autos and no (0) trucks during the AM and PM peak hour periods (see **Figure 1 in the Air Quality Appendix** for calculations). The HDDVs screen assumed that all autos are LDGT1 class vehicles. The worst-case HDDVs or its equivalent in vehicular emissions would result in a maximum of 4 equivalent trucks traveling on Autumn Avenue (see **Figure 2 in the Air Quality Appendix** for Calculations). As such, the Proposed Actions passes the $PM_{2.5}$ HDDVs screening analysis and no detailed analysis was required.

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

Parking Garage

Based on CEQR guidelines, the maximum capacity of a parking facility is evaluated with a threshold capacity to determine whether a detailed analysis is required. The threshold increment, per the NYC Department of City Planning (DCP), is 85 new off-street parking spaces. A detailed analysis is required if the threshold is met or exceeded. The Proposed Actions would facilitate an increment of 10 off-street parking spaces. Therefore, the parking facilities screen out, and no detailed air quality analysis was required.

Existing Mobile Source of Pollutants

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

2.6-3 HVAC SYSTEMS ANALYSIS

Introduction

Per the *CEQR Technical Manual*, the HVAC analysis considers the potential for emissions from the HVAC system of the proposed project to significantly impact existing land uses (project-on-existing), and the potential of the proposed project to significantly impact each other (project-on-project). Based on CEQR guidelines, a preliminary screening analysis is to be conducted as a first step to predict whether the potential impacts of the heat and hot water system boiler emissions can be significant. The screening analysis determines the threshold of development size below which the action would not have a significant impact. This CEQR screening procedure is applicable to buildings that are not less than 30 feet from the nearest building of similar or greater height. Otherwise, a detailed dispersion analysis is required.

Screening Analysis

The potential for the heat and hot water system(s) to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used by the HVAC system, the height of the stack venting the emissions, the distance to the nearest building of similar or greater height, the building's use, and the square footage of the development that would be served by the system. The *CEQR Technical Manual* provides a screening analysis based on these factors. If the actual distance between the source building and the affected building is greater than the threshold distance for a building size, then that building passes the screening analysis (and no significant impact is predicted). However, if the actual distance is less than the threshold distance for a building, then there is a potential for a significant impact, and a detailed analysis is required.

Screening analysis is only applicable to a single smokestack. For the purposes of a cumulative screening analysis, emissions from multiple stacks are combined in a single stack situated as close as possible to the receiving building. In addition, according to 15 RCNY 2-15, no new boiler or burner installations may use No. 6 or No. 4 fuel oils. Therefore, the highest-emitting fuel that could be used is No. 2 fuel oil.

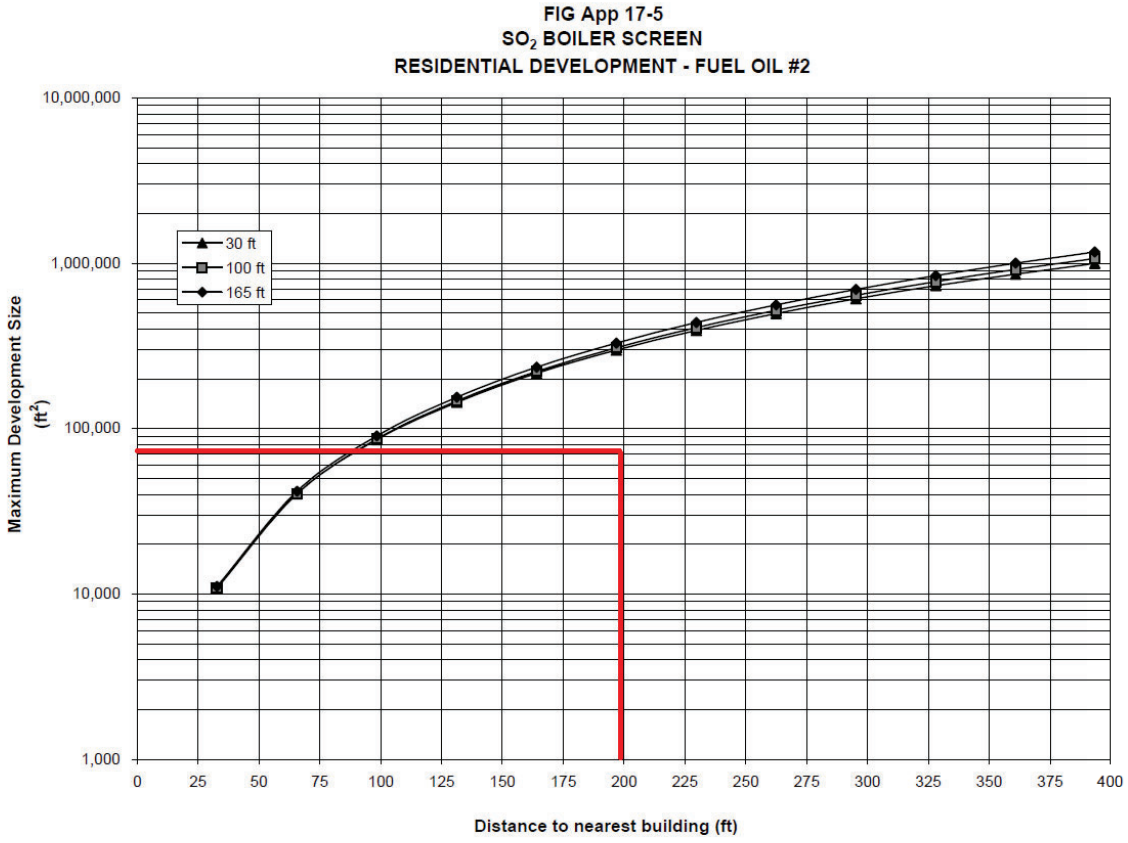
Project-on-Existing

The Projected Development Site 1 would facilitate a 55-foot tall, 32,059 gross square feet (gsf) building. The Projected Development Site 2 would facilitate a 55-foot tall, 18,201 gsf building. The

Potential Development Site 1 would facilitate a 55-foot tall, 11,343 gsf building. The Potential Development Site 2 would facilitate a 55-foot tall, 11,610 gsf building. The following project-on-existing screening analysis was conducted:

1. The proposed project on existing land uses: A hypothetical HVAC system serving a 73,213gsf of residential floor area building (the combined floor area of the Projected Development Sites 1 and 2 and Potential Development Sites 1 and 2), where fuel oil No. 2 would be the type of fuel used in the system and the stack would be located above the RWCDS height of 55-foot. A distance of 200 feet was applied, which is the distance between the Projected Development Site 1 and the building located at 671 Lincoln Avenue (Block 4271, Lot 5). Figure 2.6-1 (using Figure 17-5 of the *CEQR Technical Manual Appendices*) shows the screening analysis.

Figure 2.6-1: The Projected Development Sites 1 and 2 and Potential Development Sites 1 and 2 Screening Analysis on Existing Land Uses



As seen in the screening analysis Figure 2.6-1 (using Figure 17-5 of the *CEQR Technical Manual Appendices*), the line is below the curve. As such, the Proposed Actions passes the HVAC screening analysis on existing land uses.

Project-on-Project

The Development Sites are clustered together and are of equal heights. Therefore, the screening analysis was not applicable, and a detailed analysis was required for the project-on-project scenario.

Detailed Analysis

Methodology

The EPA's AERMOD modeling system version 19191 was used to predict pollutants' concentrations. In accordance with CEQR guidance, this analysis was conducted assuming stack tip downwash and elimination of calms. Models specified flat terrain, urban dispersion surface roughness, and population of 2,000,000. The Building Profile Input Program (BPIP) was run with the downwash effect enabled.

All analyses were conducted using the latest five consecutive years of meteorological data (2015-2019). Surface data was obtained from JFK Airport, upper air data was obtained from Brookhaven station, New York. The meteorology data, processed by Lakes Environmental Software, was processed using AERMET version 19191, AERMINUTE version 15272, and AERSURFACE version 13016. No data filling was conducted as the raw data quality was more than sufficient for the modeling purposes (99.37 percent of raw data). These meteorological data provided hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Meteorological data were combined to develop a 5-year set of meteorological conditions, which was used in the AERMOD modeling runs, and Anemometer height of 9.4 meters was specified per Lakes Environmental Software.

The pollutants of concern of oil #2 fueled boilers are SO_2, $PM_{2.5}$, and NO_2. The pollutants of concern of natural gas fueled boilers are $PM_{2.5}$ and NO_2. The Development Sites' boilers' energy intensities were calculated based on energy consumption rate obtained from the *CEQR Technical Manual Appendices*, corresponding to residential use buildings. Per the *CEQR Technical Manual*, all fuel was assumed to be consumed during the 100-day (or 2,400 hour) heating season. The boilers of Potential Development Sites 1 and 2 were modeled as Low NOx natural gas fueled boilers (these restrictions were specified in the E-Designation language). The NOx emission of 37.6 pound per million cubic feet of natural gas was obtained from Department of City Planning (DCP) on another project. The other pollutants emission rates were calculated based on emission factors from the EPA's AP-42 manual for external combustion sources. The *CEQR Technical Manual* default stack diameter and exhaust exit velocity were applied to all the RWCDS buildings. The stacks exit temperatures were assumed to be 300°F (423°K), which is appropriate for boilers. The boiler stacks were placed 3 feet above the roofline.

The Development Sites were modeled as buildings that cover their entire lot(s) area(s) (the wall façade located on the outer lot lines) and rise to their RWCDS heights. Buildings in the surrounding area were accounted for in the downwash effect on plums dispersions (BPIP). Receptors on the receiving building(s) were placed on all wall façade, in 10 feet horizontal increments all around the building envelope. Ground floor receptors were placed at a height of 6 feet above grade. Receptors on the second to top floors were placed 3 feet below each floor level, assuming 10-foot high floor levels (floor level above the ground floor).

Generic emission rate of 1 gram per second were used to predicted the annual NO_2, $PM_{2.5}$, and SO_2 concentrations. The generic concentration from each stack were multiplied by the source emission rate (for each pollutant), and the results added to evaluate the cumulative concentration. The 1-hour NO_2 cumulative concentrations at each development site were modeled with the calculated emission rates and 8th highest concentration (the NAAQS design value). The 1-hour NO_2 concentration at Potential Development Site 1 was evaluated with a Tier 2 approach.

Table 2.6-2 shows the RWCDS HVAC systems calculated emission rates, both short-term and annual.

Table 2.6-2: RWCDS Short-term and Annual Emission Rates

Site ID	Development Floor Area (gsf)	Boiler's Energy Intensity (MMBtu); Fuel Used	Pollutant	Short-term Emission Rate (g/s)	Annual Emission Rate (g/s)
Projected Development Site 1	32,059	0.81; Fuel Oil No. 2	NO_2	1.45E-02	3.98E-03
			$PM_{2.5}$	1.55E-03	4.24E-04
			SO_2	1.55E-04	4.24E-05
Projected Development Site 2	18,201	0.46; Fuel Oil No. 2	NO_2	8.25E-03	2.26E-03
			$PM_{2.5}$	8.79E-04	2.41E-04
			SO_2	8.79E-05	2.41E-05
Potential Development Site 1	11,343	0.28; Natural Gas Low NOx	NO_2	1.30E-03	3.57E-04
			$PM_{2.5}$	2.68E-04	7.33E-05
Potential Development Site 2	11,610	0.29; Natural Gas Low NOx	NO_2	1.34E-03	3.66E-04
			$PM_{2.5}$	2.74E-04	7.50E-05

Results of Dispersion Analyses

Each pollutant averaging time was modeled twice; with building wake effect enabled/disabled. The predicted concentration is the highest concentration of these. The NO_2 and SO_2 modeled concentrations were added to the background concentrations. The $PM_{2.5}$ modeled concentrations were evaluated with the NYC Guidelines threshold, *de minimis*, for stationary sources. The HVAC dispersions analysis results are shown in **Table 2.6-3**.

Table 2.6-3: HVAC Dispersion Analysis Results

Pollutant and Averaging Time	Modeled Concentration ($\mu g/m^3$)	Background Concentration ($\mu g/m^3$)	Evaluated Concentration ($\mu g/m^3$)	Threshold Concentration ($\mu g/m^3$)	Threshold Standard
Concentration at Projected Development Site 1					
1-hour NO_2	34.10	105.7	**140**	**188**	NAAQS
Annual NO_2	2.82	27.2	**30**	**100**	NAAQS
24-hour $PM_{2.5}$	2.27	N.A.	**2.27**	**8.65**	*de minimis*
Annual $PM_{2.5}$	0.11	N.A.	**0.11**	**0.3**	*de minimis*
1-hour SO_2	0.57	14.8	**15**	**196**	NAAQS
Annual SO_2	0.006	1.1	**1**	**80**	NAAQS
Concentration at Projected Development Site 2					
1-hour NO_2	51.42	105.7	**157**	**188**	NAAQS

Annual NO_2	2.11	27.2	**29**	**100**	NAAQS
24-hour $PM_{2.5}$	4.44	N.A.	**4.44**	**8.65**	*de minimis*
Annual $PM_{2.5}$	0.10	N.A.	**0.10**	**0.3**	*de minimis*
1-hour SO_2	0.74	14.8	**16**	**196**	NAAQS
Annual SO_2	0.004	1.1	**1**	**80**	NAAQS
Concentration at Potential Development Site 1					
1-hour NO_2	73.91 (1)	105.7	**180**	**188**	NAAQS
Annual NO_2	5.67	27.2	**33**	**100**	NAAQS
24-hour $PM_{2.5}$	4.93	N.A.	**4.93**	**7.55**	*de minimis*
Annual $PM_{2.5}$	0.18	N.A.	**0.18**	**0.3**	*de minimis*
1-hour SO_2	4.78	14.8	**20**	**196**	NAAQS
Annual SO_2	0.015	1.1	**1**	**80**	NAAQS
Concentration at Potential Development Site 2					
1-hour NO_2	63.70	105.7	**169**	**188**	NAAQS
Annual NO_2	5.35	27.2	**33**	**100**	NAAQS
24-hour $PM_{2.5}$	4.43	N.A.	**4.43**	**8.65**	*de minimis*
Annual $PM_{2.5}$	0.16	N.A.	**0.16**	**0.3**	*de minimis*
1-hour SO_2	2.27	14.8	**17**	**196**	NAAQS
Annual SO_2	0.015	1.1	**1**	**80**	NAAQS

1. Concentration evaluated with a Tier 2 approach.

As seen in **Table 2.6-3**, the NO_2 and SO_2 predicted concentrations do not exceed the NAAQS and the $PM_{2.5}$ concentrations do not exceed the NYC *de minimis*. Therefore, with (E) Designations in place, the HVAC emissions associated with the Proposed Actions are not predicted to pose significant adverse air quality impacts to other building(s) in the area.

(E) Designation

Block 4254, Lots 39 and 41 (Projected Development Site 1): Any new residential and/or commercial development on the above-referenced property must ensure the HVAC systems and hot water equipment stack is located at the building's highest tier or at least 58 feet above grade, and at most 40 feet away from the eastern lot line facing Lincoln Avenue to avoid any potential significant adverse air quality impacts.

Block 4254, Lots 1 and 4 (Projected Development Site 2): Any new residential and/or commercial development on the above-referenced property must ensure that the HVAC stack is located at the building's highest level or at least 58 feet above grade to avoid any potential significant adverse air quality impacts.

Block 4254, Lot 44 (Potential Development Site 1): Any new residential and/or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, and ensure that the HVAC stack is located at the building's highest level or at least 58 feet above grade to avoid any potential significant adverse air quality impacts.

Block 4254, Lot 45 (Potential Development Site 2): Any new residential and/or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, and ensure that the HVAC stack is located at the building's highest level or at least 58 feet above grade to avoid any potential significant adverse air quality impacts.

2.6-4 EXISTING STATIONARY SOURCES

Industrial Source

Search for Emission Sources

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

Existing manufacturing uses with exhaust stacks, vents, or other emission sources that may have the potential to adversely affect the uses introduced by the project were identified by reviewing the New York City Department of Environmental Protection (DEP) online Clean Air Tracking System (CATS) database, the NYS Department of Environmental Conservation map application (DECinfo Locator), and through field observation / site investigation. The field observation took place on May 7th, 2020.

The study area encompasses 1377 Sutter Avenue Rezoning Projected Development Sites 1 and 2 and Potential Development Sites 1 and 2, and includes all or part of Blocks 4236, 4237, 4238, 4252, 4253, 4254, 4255, 4256, 4268, 4269, 4270, and 4271. The project area is characterized by a mixture of uses, including low-density residential uses, high-density residential uses, low density commercial uses, parks, and the New York City Metropolitan Transportation Authority Pitkin Maintenance Yard. Only the extreme northwest corner of the Pitkin Maintenance Yard, consisting of parking areas and driveways, is located within the 400-foot study area.

There is an expired, 2004 DEP permit application (PB061601), registered to Sepilon Cleaners at 675 Lincoln Avenue (Block 4271, Lot 1), identified in the online CATS database. The permit expired in 2004. At the time of the field survey, the store formerly occupied by Sepilon Cleaners at 675 Lincoln Avenue was vacant. According to an employee at the adjacent Fine Fare Grocery Store, Sepilon Cleaners vacated the site in 2018 and no longer operates at the location. Therefore, this former dry cleaner is screened out and no analysis is required.

An active DEP permit application for an engine generator was identified in the DEP online CATS database. Permit application PR036618, registered to the Linden Plaza development, located at 675 Lincoln Avenue (Block 4271, lot 5), is for an engine-generator. The building on Block 4271, Lot 1 is located approximately 200 feet south-east of Projected Development Site 1. Therefore, a detailed analysis for this stationary source engine-generator was conducted.

No industrial uses were identified in the fieldwork observation, and no other industrial source was identified in the online databases.

Detailed Analysis - Lincoln Plaza Stationary Source (PR036618)

The Linden Plaza 675 Lincoln Avenue building operates a stationary micro turbine, associated with the DEP permit application PR036618. A Freedom of Information Law request with the DEP provided a copy of permit PR036618. The permit expires in Nov. 2021. Per the certificate, the building operates a stationary, natural gas fueled, 100 kW rated, micro turbine Tecogen model INV-100. The micro turbine consumes a maximum of 1,152 cubic foot per hour of natural gas, during a 23-hour day, 8,395 hour per year.

NOx and CO emission factors of the micro turbine were obtained from the Tecogen INV-100 engine specifications[2]. The $PM_{2.5}$, PM_{10}, and SO_2 emission factors were obtained from the EPA AP-42 manual for stationary gas turbines. **Table 2.6-4** shows the micro turbine emission rates.

Table 2.6-4: DEP Permit PR036618 Micro Turbine Emission Rates

Pollutant Name	Short-Term Emission Rate		Annual Emission Rate	
	(lb/hr)	(g/s)	(lb/yr)	(g/s)
NOx	0.0241	3.04E-03	203	2.91E-03
$PM_{2.5}$	0.00776	9.77E-04	65.11	9.36E-04
PM_{10}	0.00776	9.77E-04	65.11	9.36E-04
CO	0.069	8.69E-03	579	8.33E-03
SO_2	0.0040	5.03E-04	34	4.82E-04

As a first step in the analysis the *CEQR Technical Manual* recommends using a screening procedure. The CEQR screening procedure is relevant to predicting the concentrations from a single industrial emission source of toxic air pollutant(s). This procedure uses pre-tabulated pollutant concentration values based on a generic emission rate of 1 gram per second and distance of 30-400 feet from a source (*CEQR Technical Manual* Table 17-3, "Industrial Source Screen"). The distance between the 675 Lincoln Plaza building and the nearest Development Site is 200 feet. The CEQR pre-tabulated concentrations corresponding to 200 feet distance from a source, which is the distance less than or equal to the measured distance, were utilized. **Table 2.6-5** shows the dispersion analysis results.

Table 2.6-5: DEP Permit PR036618 Dispersion Analysis Results

Criteria Pollutant	Threshold Standard	Modeled Concentration	Background Concentration	Evaluated Concentration	Threshold Criteria
SO_2 1-Hour	NAAQS	1.7 $\mu g/m^3$	14.8 $\mu g/m^3$	**16.5 $\mu g/m^3$**	**196 $\mu g/m^3$**
SO_2 Annual	NAAQS	0.08 $\mu g/m^3$	1.1 $\mu g/m^3$	**1.2 $\mu g/m^3$**	**80 $\mu g/m^3$**
$PM_{2.5}$ 24-Hour	*de minimis*	1.15 $\mu g/m^3$	N.A.	**1.15 $\mu g/m^3$**	**8.65 $\mu g/m^3$**
$PM_{2.5}$ Annual	*de minimis*	0.16 $\mu g/m^3$	N.A.	**0.16 $\mu g/m^3$**	**0.3 $\mu g/m^3$**
PM_{10} 24-Hour	NAAQS	1.2 $\mu g/m^3$	38 $\mu g/m^3$	**39 $\mu g/m^3$**	**150 $\mu g/m^3$**

[2] https://www.tecogen.com/cogeneration/inverde

NO_2 1-Hour	NAAQS	10.1 $\mu g/m^3$	27.2 $\mu g/m^3$	**28 $\mu g/m^3$**	**188 $\mu g/m^3$**
NO_2 Annual	NAAQS	0.5 $\mu g/m^3$	105.7 $\mu g/m^3$	**116 $\mu g/m^3$**	**100 $\mu g/m^3$**
CO 1-Hour	NAAQS	0.025 ppm	1.95 *ppm*	**1.98 *ppm***	**35 *ppm***
CO 8-Hour	*de minimis*	0.017 ppm	N.A.	**0.02 *ppm***	**3.85 *ppm***

As seen in **Table 2.6-5**, the pollutants concentrations at the proposed project resulting from the emission source associated with DEP permit application PB036618 do not exceed the NYC Guideline, *de minimis*, or the NAAQS. Therefore, no significant adverse air quality impacts are predicted from this processing emission source.

Major and Large Source

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

No existing large combustion source(s), such as power plants, cogeneration facilities, etc., located within 1,000 feet of the proposed project, was identified in the database[3]. In addition, no odor producing facility was identified in the 1,000 feet study area. As such, no analysis was warranted, and no significant adverse air quality impacts are predicted from these types of facilities.

2.6-5 CONCLUSION

No significant adverse mobile or stationary source air quality impacts were predicted in the analysis. The increase in traffic volumes associated with the Proposed Actions would not result in any significant adverse air quality impacts. Existing stationary sources would not result in any significant adverse air quality impacts. The Proposed Actions would not create a new stationary air quality source that would adversely affect the surrounding area. Under the Proposed Actions, an (E) Designation (E-633) is proposed to avoid adverse air quality impacts on existing land uses with respect to heating systems sources.

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

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

2.7 NOISE

2.7-1 – Introduction

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

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

The Proposed Actions would facilitate the development of the Applicant's Development Site with a five-story multi-family residential and ground floor commercial building with cellar-grade parking. The Proposed Actions would therefore result in new development which could potentially generate either stationary or mobile source noise and that would include noise-sensitive residences.

2.7-2 – Framework of Noise Analysis

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

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

Sound is often measured and described in terms of its overall energy, taking all frequencies into account. However, the human hearing process is not the same at all frequencies. Humans are less sensitive to low frequencies (less than 250 Hz) than mid-frequencies (500 Hz to 1,000 Hz) and are most sensitive to frequencies in the 1,000- to 5,000-Hz range. Therefore, noise measurements are often adjusted, or weighted, as a function of frequency to account for human perception and sensitivities.

The most common frequency weightings used are the A- and C-weightings. These weight scales were developed to allow sound level meters, which use filter networks to approximate the characteristic of the human hearing mechanism, to simulate the frequency sensitivity of human hearing. The A-weighting is the most commonly used for environmental measurements, and sound levels measured using this weighting are denoted as dBA. The letter "A" indicates that the sound has been filtered to reduce the strength of very low and very high frequency sounds, much as the human ear does. C-weighting gives nearly equal emphasis to sounds of most frequencies. Mid-range frequencies approximate the actual (unweighted) sound level, while the very low and very high frequency bands are significantly affected by C-weighting.

Table 2.7-1: 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)ls perceived as a doubling or halving in SPL.

Source: 2020 CEQR Technical Manual

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

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

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

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

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

The sound level exceeded during a given percentage of a measurement period is the percentile-exceeded sound level (LX). Examples include L10, L50, and L90. L10 is the A-weighted sound level that is exceeded 10% of the measurement period.

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

2.7-3 – Noise Standards and Guidelines

In 1983, the New York City Department of Environmental Protection (NYCDEP) adopted the City Environmental Protection Order-City Environmental Quality Review (CEPO-CEQR) noise standards at the exterior façade to achieve interior noise levels of 45 dB(A) or below. CEPO-CEQR Noise Standards classify noise exposure into four categories: Acceptable, Marginally Acceptable, Marginally Unacceptable and Clearly Unacceptable. As noted in the *2020 CEQR Technical Manual*, these standards are the basis for classifying noise exposure into the following categories based on the L10 measured directly outside the development site (see **Table 2.7-2** below)

Table 2.7-2 - CEQR TM: Attenuation Values to Achieve Acceptable Interior Noise Levels

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

Source: New York City of Environmental Protection **Notes:**

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

2.7-4 – Impact Determinations

Potential for Additional Stationary Noise Source

The Proposed Actions would result in new residential and ground floor commercial retail development at two Projected Development Sites along Sutter Avenue in the East New York Neighborhood of Brooklyn Community District 5. Unlike playgrounds, truck loading docks, loudspeaker systems, car washes, stationary diesel engines, or similar uses, residential apartment buildings and groundfloor commercial retail uses are not considered substantial stationary noise sources. The design and specifications for the proposed building's mechanical equipment, such as heating, ventilation, and air conditioning, are not known at this time. As the project design advances, mechanical equipment would be selected that incorporates sufficient noise reduction to comply with applicable noise regulations and standards, including the standards contained in the revised New York City Noise Control Code. This will ensure that mechanical equipment does not result in any significant increases in noise levels by itself or cumulatively with other project noise sources. Therefore, the Proposed Actions do not have the potential to result in a significant adverse noise impact on existing receptors from stationary sources.

Potential for Project Generated Mobile Noise Source

The Future With-Action Condition under the Proposed Actions projects 41 residential units and 11,665 gsf of ground floor commercial space, which are below CEQR thresholds for a traffic impact assessment. With the relatively moderate to high numbers of vehicles in the immediate areas of noise sensitive receptors it ccan be assumed that the additional traffic volumes would be too low to cause a 3 dBA increase in $L_{eq(1)}$ noise levels, which would require a doubling of PCE traffic volumes along an adjacent street. The Proposed Actions would therefore not have the potential to cause a significant adverse mobile source noise impact.

Potential for Existing Noise Levels to Adversely Affect New Residents

The predominant noise source in the area of the Proposed Project is automobile traffic associated with the surrounding roadway network. However, in response to the COVID-19 global pandemic, New York State has required all non-essential businesses across the state close under the "New York State on PAUSE" (effective March 20, 2020), while New York City closed its public school system for the remainder of the 2019-2020 academic year (as of April 1, 2020).

The closures and shutdowns have drastically reduced traffic volume both in the vicinity of the Affected Area, the borough of Brooklyn, and New York City as a whole. As such, new noise monitori ng readings cannot produce an accurate representation of the ambient noise environment at the Affected Area under standard conditions. In lieu of project-specific noise monitoring readings, the noise assessment results from the *Linden Boulevard Rezoning EAS* (17DCP155K) were used in order to project and characterize the noise environment at the Applicant's Development Site.

Linden Boulevard Rezoning Project Background Summary

Zoning Map and Text Amendments were proposed in order to facilitate the development of four buildings totaling 589,809 gsf including 509,907 gsf of residential space (521 dwelling units), 17,214 gsf of commercial retail space, and 21,539 gsf of community facility space (medical office, recreation center and daycare). 100 accessory parking spaces would be provided at grade within 41,149 gsf. The buildings heights would range from 8- to 12stories. The four new buil dings would be within four new tax and zoning lots (Brooklyn Block 4496, Lots 1, 15, 29, and 48, located in the East New York neighborhood of Brooklyn Community District 5, approximately 0.5-mile southeast of the Affected Area). One projected residential building ("Building No. 2") would be situated on the western half of Brooklyn Block 4496 fronting along Emerald Street, a north-south automobile corridor featuring one lane of traffic in each direction.

As such, the proposed location and its surrounding noise environment of Building No. 2 on its tax block is comparable to that of projected development along Sutter Avenue under the Proposed Actions. As new noise sensitive receptors were proposed, a noise study was included in that project to assess the ambient noise environment in the vicinity of that project (including the potential for vehicular traffic to create unacceptable levels of ambient noise at Building 2) to determine if noise mitigation measures were necessary (see the Noise Appendix for a complete copy of the noise assessment associated with that EAS).

Linden Boulevard Rezoning Project Noise Assessment Summary

Noise monitoring was conducted during typical midweek conditions, on Wednesday, February 8, 2017. The weather was dry and sunny and wind speeds were moderate during all monitoring periods. Traffic volumes and vehicle classification were documented during the noise monitoring. The sound meters were calibrated before and after each monitoring session.

Four noise monitoring locations were established to characterize the noise environment during the morning (from approximately 7:30 AM to 9:00 AM), noon (from approximately 12:00 PM to 1:20 PM), and early evening (from approximately 4:30 PM to 6:00 PM) periods with traffic counts (including counts for cars/taxis, vans/light trucks/SUVs, heavy trucks, buses, and airplanes) at each of those locations undertaken as well. The results from noise monitoring and traffic counts locations 1 and 2, located at the intersection of Emerald Street and Loring Avenue and Emerald Street and Linden Boulevard, respectively (and thus the locations that would provide the most accurate depiction of the ambient noise environment in the vicinity of Building No. 2) are provided below. **Bold** denotes highest recorded L_{10} noise level at each location.

Table 2.7-3 – Linden Boulevard Rezoning EAS Noise Monitoring Results: Location 1

Wednesday, February 8, 2017			
	7:26 AM – 7:46 AM	**11:59 AM – 12:19 PM**	**4:22 PM – 4:42 PM**
L_{max}	78.0	82.5	79.4
L_{10}	67.6	66.5	**68.8**
L_{eq}	64.0	64.3	66.2
L_{50}	61.5	59.0	63.2
L_{90}	57.7	54.2	59.3
L_{min}	55.8	49.9	55.8

Table 2.7-4 – Linden Boulevard Rezoning EAS Noise Monitoring Results: Location 2

Wednesday, February 8, 2017			
	7:49 AM – 8:09 AM	**12:22 PM – 12:42 PM**	**4:44 PM – 5:04 PM**
L_{max}	89.3	81.2	90.1
L_{10}	**76.7**	75.0	73.7
L_{eq}	74.1	71.5	71.3
L_{50}	71.2	69.5	69.4
L_{90}	65.6	63.0	61.4
L_{min}	58.6	55.7	57.7

Table 2.7-5 – Linden Boulevard Rezoning EAS Traffic Count Results: Locations 1 and 2

	Monitoring Location 1			**Monitoring Location 2**		
	7:26 AM – 7:46 AM	**11:59 AM – 12:19 PM**	**4:22 PM – 4:42 PM**	**7:49 AM – 8:09 AM**	**12:22 PM – 12:42 PM**	**4:44 PM – 5:04 PM**
Cars / Taxis	72	39	78	26	56	56
Vans / Light Trucks / SUVs	60	46	120	31	50	54
Heavy Trucks	1	1	6	8	3	2
Buses	3	3	10	4	3	2
Trains	0	0	0	0	0	0

Table 19-2 of the *2020 CEQR Technical Manual* contains noise exposure guidelines. For a residential uses an L_{10} of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure while an L_{10} noise level of between 70 and 80 dB(A) is identified as marginally unacceptable. As indicated in **Tables 2.7-3 and 2.7-4**, only Noise Monitoring Location 2 experienced a marginally unacceptable L_{10} noise levels, of 76.7 dB(A), 75.0 dB(A), and 73.7 dB(A) during the morning, noon, and early evening periods, respectively. Based on guidance provided in Table 19-3 of the 2020 *CEQR Technical Manual*, for an L_{10} noise level between 76 and 78 dB(A) (the range in which the highest L_{10} noise level falls for that location), an attenuation value of 33 dB(A) is required. As such, the *Linden Boulevard Rezoning EAS* recommended that, at the third projected development site, a composite window-wall attenuation level of up to 33 dB(A) was required for future residential / commercial development along Emerald Street (where Noise Monitoring Locations 1 and 2 was positioned) facilitated by these actions.

This requirement was formally recommended in an (E) designation, worded in the Linden Boulevard Rezoning EAS as follows:

> *"In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 33 dBA window / wall attenuation for the windows along the Emerald Street façade to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternative means of ventilation must be provided."*

With this level of noise attenuation, no significant adverse impacts related to noise would result from the actions proposed within the *Linden Boulevard Rezoning EAS*.The complete noise monitoring results and conclusions for this project can be viewed in the **Noise Appendix** of this EAS. The Future With-Action Condition would result in the development of residential and commercial development along Sutter Avenue in an ambient noise environment similar to that of Building No. 2 along Emerald Street in the *Linden Boulevard Rezoning EAS*.

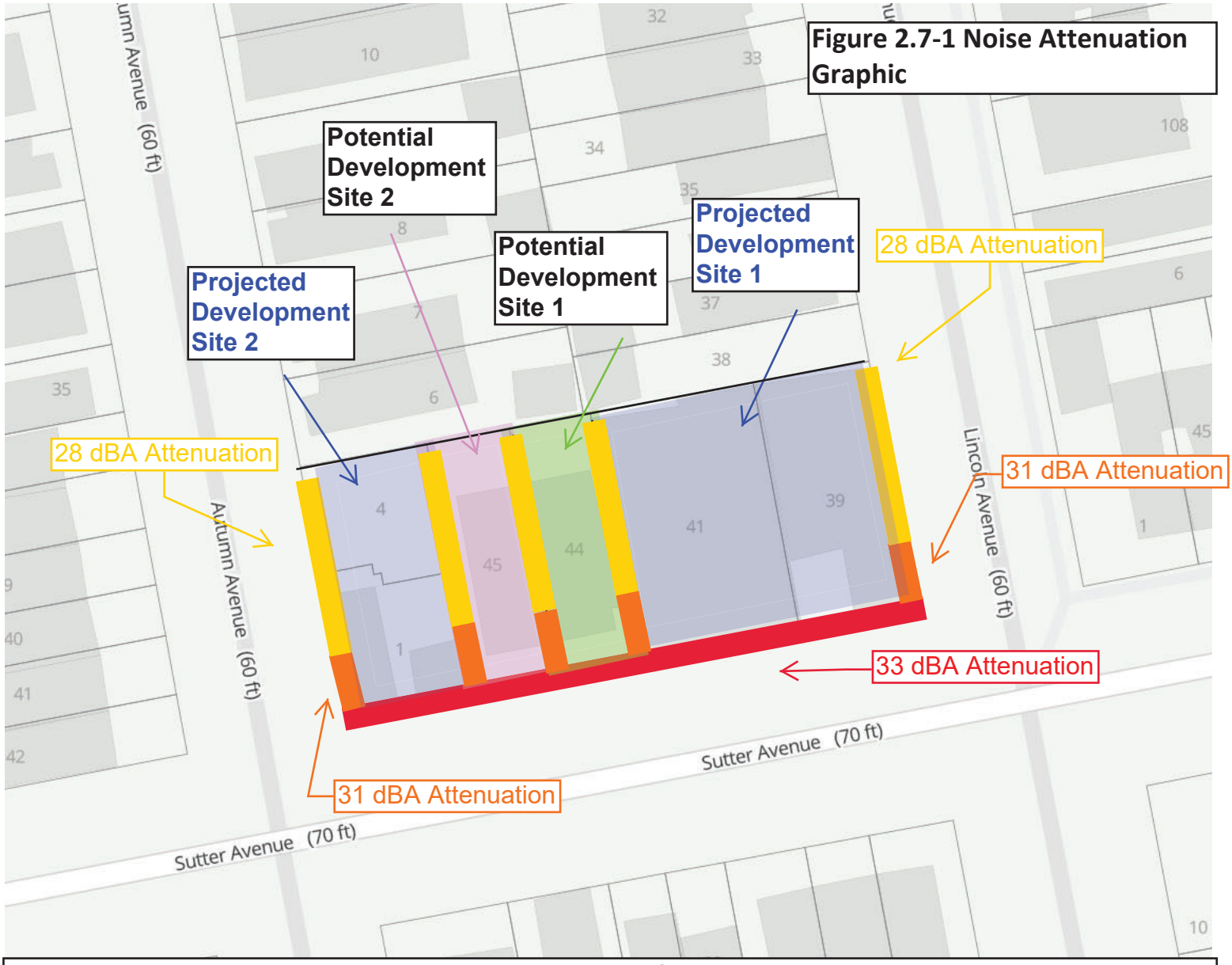
2.7-5 Conclusions

Based on the foregoing, it can be assumed that both the ambient noise environment in the vicinity of the Affected Area and its effect on development under the Future With-Action Condition parallels that of the Building No. 2 in the *Linden Boulevard Rezoning EAS*. As such, the (E) designation recommended for Building No. 2 in the *Linden Boulevard Rezoning EAS* is applicable to the Projected and Potential Development Sites within the Affected Area. **Figure 2.7-1: Noise Attenuation Graphic** below illustrates the conditions of the (E) Designation.

To avoid any potential impacts associated with noise, the Proposed Actions will place an (E) designation (E-633) for noise on the following properties:

Brooklyn Block 4254, Lots 39 and 41 (Projected Development Site 1)

"In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue and 31 dBA of attenuation on the facades facing Autumn Avenue Within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning."



Legend

33 dBA Attenuation on all facades facing Sutter Avenue

31 dBA Attenuation on all facades facing Autumn Avenue within 11ft of Sutter Avenue and all facades facing Lincoln Avenue within 11ft of Sutter Avenue

28 dBA Attenuation on all facades facing Autumn Avenue within 88ft of Sutter Avenue and all facades facing Lincoln Avenue within 88ft of Sutter Avenue

*Attenuation requirement for Commercial Office Uses would be 5dBA Less

Brooklyn Block 4254, Lots 1 and 4 (Projected Development Site 2)

"In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue and 31 dBA of attenuation on the facades facing Autumn Avenue Within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning."

Brooklyn Block 4254, Lot 44 (Potential Development Site 1)

"In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue and 31 dBA of attenuation on the facades facing Autumn Avenue Within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning."

Brooklyn Block 4254, Lot 45 (Potential Development Site 2)

"In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on the facades facing Sutter Avenue and 31 dBA of attenuation on the facades facing Autumn Avenue Within 11 feet of Sutter Avenue and the facades facing Lincoln Avenue within 11 feet of Sutter Avenue and 28 dBA of attenuation on the facades facing Autumn Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue and the facades facing Lincoln Avenue beyond 11 feet of Sutter Avenue and within 88 feet of Sutter Avenue to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning."

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

2.8 CONSTRUCTION

2.8-1 – Introduction

A preliminary construction analysis may be required because the Proposed Project would result in construction activities that would require closing, narrowing, or otherwise impeding moving lanes, roadways, key pedestrian facilities (e.g., sidewalks, crosswalks, corners/corner reservoirs), parking lanes and/or parking spaces in on-site or nearby parking lots and garages, bicycle routes and facilities, bus lanes or routes, or access points to transit.

2.8-2 – Proposed Construction Schedule

Under the Proposed Actions it is anticipated that construction of both Projected Development Sites 1 and 2 would commence upon receipt of all development approvals (including the Proposed Actions and ULURP) in early 2022. Projected development at both of these development sites would take place as a single phase and would last approximately 18 months, resulting in a build year of 2024 for both sites.

2.8-3 – Proposed Construction Activities

As both development sites as currently developed with existing uses (including commercial uses at Projected Development Site 1 and a residential apartment building at Projected Development Site 2), construction at activities at each site would begin with demolition activities followed by site preparation and excavation before proceeding to construction of the building foundations, construction of the structures and building envelopes, and fit-out work of the interiors. At both development sites the construction at the Projected Development Site would include two months for site demolition and site preparation / excavation, one months for construction of building foundations, nine months for construction of the structure and building envelope, and six months for interior fit-out work, resulting in an approximate 18-month construction process.

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

2.8-4 – Potential Construction Impacts

According to the *CEQR Technical Manual*, a number of factors should be considered before determining whether a preliminary assessment of the effect of construction on transportation is needed when construction activities would require closing, narrowing, or otherwise impeding moving lanes, roadways, key pedestrian facilities (e.g., sidewalks, crosswalks, corners/corner reservoirs), parking lanes and/or parking spaces in on-site or nearby parking lots and garages, bicycle routes and facilities, bus lanes or routes, or access points to transit.

Construction at Projected Development Site 1 would be located along Sutter Avenue and Lincoln Avenue while construction at Projected Development Site 2 would be located along Sutter Avenue and Autumn Avenue. Construction activities at both of these Projected Development Sites may require the temporary closing of the sidewalks adjacent to the development site along Sutter Avenue, Lincoln Avenue, and / or Autumn Avenue. All of or portions of the sidewalks adjacent to these sites are likely to be reconstructed and / or modified (e.g., for a curb cut), which may temporarily impact pedestrian flow and the availability of parking spaces along these streets.

However, changes to moving traffic lanes are not likely. The affected locations would not be particularly sensitive to such a closure as they are not areas with high pedestrian activity, and the sidewalks and roadways affected by the proposed construction would not be considered to be near capacity. Further, potential pedestrians along the Sutter, Lincoln, and Autumn Avenue sidewalks at these development sites could utilize sidewalk spaces on the opposite side of these streets, which provide virtually identical pedestrian access.

Any potential closure of the sidewalks adjacent to these development sites would be considered a routine closure that would be addressed by a permit and pedestrian access plan issued by NYC DOT Office of Construction Mitigation and Coordination at the time of closure. Therefore, no significant adverse transportation impacts are expected to result from the project.

2.8-5 - Conclusions

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

APPENDICES

HISTORIC AND CULTURAL RESOURCE APPENDIX

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: HOUSING PRESERVATION AND DEV. / LA-CEQR-K
Project: SUTTER AVENUE
Date Received: 8/20/2020

Properties with no Architectural or Archaeological significance:

1) 1363 SUTTER AVENUE, BBL: 3042540001
2) 615 AUTUMN AVENUE, BBL: 3042540004
3) 1385 SUTTER AVENUE, BBL: 3042540039
4) 1377 SUTTER AVENUE, BBL: 3042540041
5) 1373 SUTTER AVENUE, BBL: 3042540044
6) 1371 SUTTER AVENUE, BBL: 3042540045

Gina Santucci 8/26/2020

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35123_FSO_DNP_08262020.docx

AIR QUALITY APPENDIX

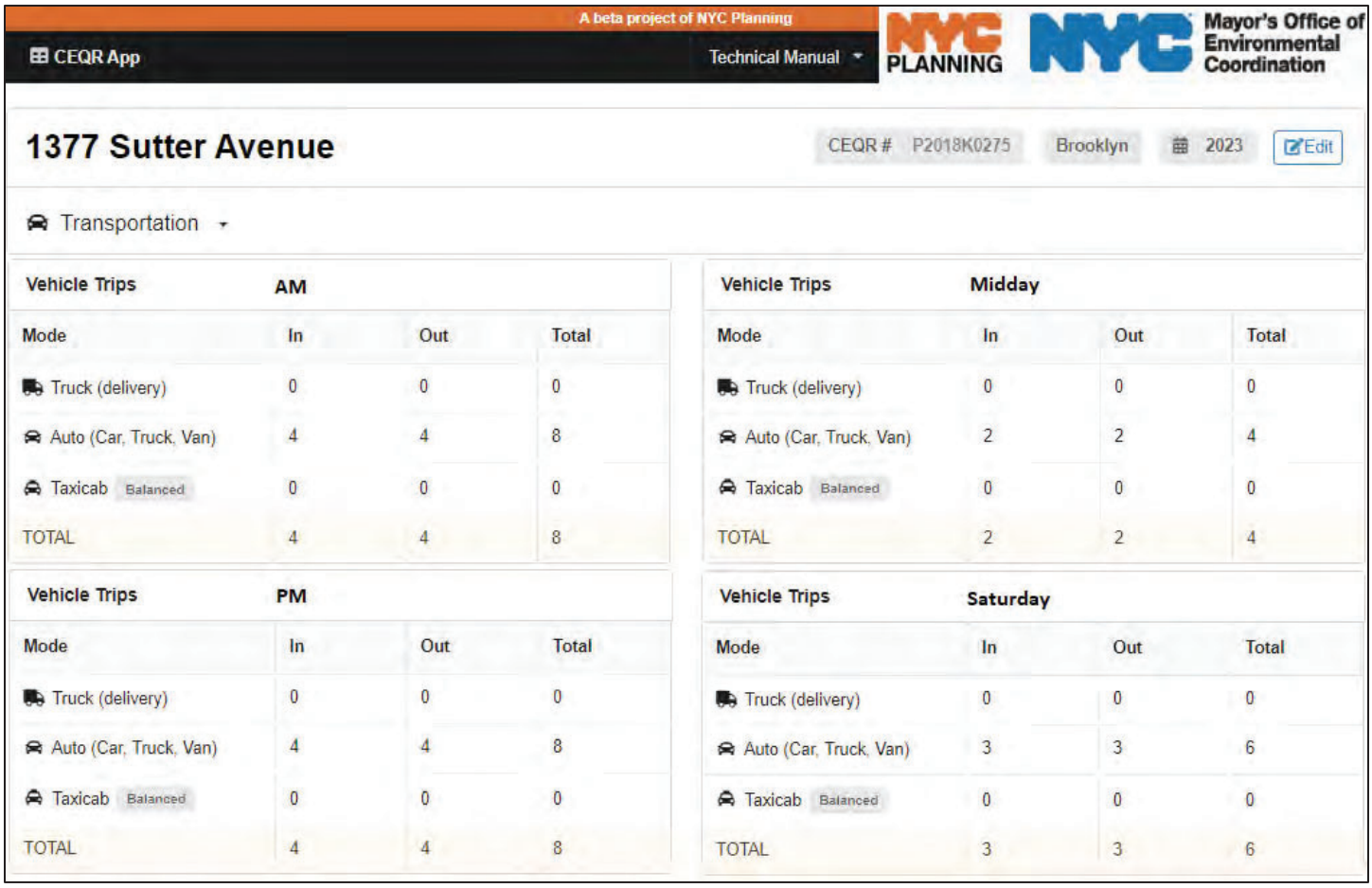
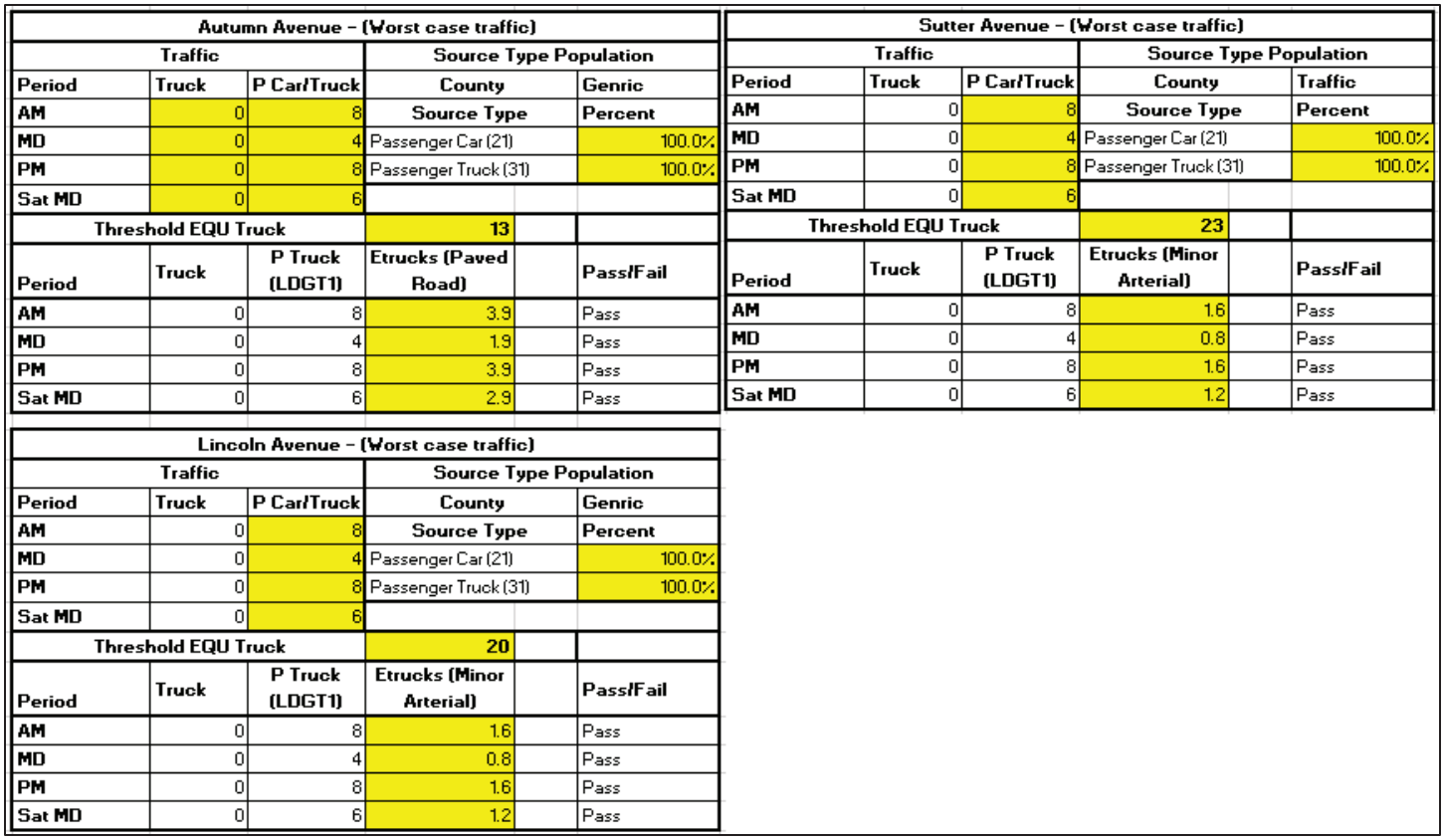


Figure 1: CEQR App – AM, MD, PM and Saturday Project-generated Traffic



Autumn Avenue – (Worst case traffic)				
Traffic			Source Type Population	
Period	Truck	P Car/Truck	County	Genric
AM	0	8	Source Type	Percent
MD	0	4	Passenger Car (21)	100.0%
PM	0	8	Passenger Truck (31)	100.0%
Sat MD	0	6		
Threshold EQU Truck			13	
Period	Truck	P Truck (LDGT1)	Etrucks (Paved Road)	Pass/Fail
AM	0	8	3.9	Pass
MD	0	4	1.9	Pass
PM	0	8	3.9	Pass
Sat MD	0	6	2.9	Pass

Sutter Avenue – (Worst case traffic)				
Traffic			Source Type Population	
Period	Truck	P Car/Truck	County	Traffic
AM	0	8	Source Type	Percent
MD	0	4	Passenger Car (21)	100.0%
PM	0	8	Passenger Truck (31)	100.0%
Sat MD	0	6		
Threshold EQU Truck			23	
Period	Truck	P Truck (LDGT1)	Etrucks (Minor Arterial)	Pass/Fail
AM	0	8	1.6	Pass
MD	0	4	0.8	Pass
PM	0	8	1.6	Pass
Sat MD	0	6	1.2	Pass

Lincoln Avenue – (Worst case traffic)				
Traffic			Source Type Population	
Period	Truck	P Car/Truck	County	Genric
AM	0	8	Source Type	Percent
MD	0	4	Passenger Car (21)	100.0%
PM	0	8	Passenger Truck (31)	100.0%
Sat MD	0	6		
Threshold EQU Truck			20	
Period	Truck	P Truck (LDGT1)	Etrucks (Minor Arterial)	Pass/Fail
AM	0	8	1.6	Pass
MD	0	4	0.8	Pass
PM	0	8	1.6	Pass
Sat MD	0	6	1.2	Pass

Figure 2: *CEQR Technical Manual* Equivalent Truck Calculations

JAMAICA BAY WATESHED FORM APPENDIX

Print Form

Jamaica Bay Watershed Protection Plan
Project Tracking Form

The Jamaica Bay Watershed Protection Plan, developed pursuant to Local Law 71 of 2005, mandates that the New York City Department of Environmental Protection (DEP) work with the Mayor's Office of Environmental Coordination (MOEC) to review and track proposed development projects in the Jamaica Bay Watershed (http://www.nyc.gov/html/oec/downloads/pdf/ceqr/Jamaica_Bay_Watershed_Map.jpg) that are subject to CEQR in order to monitor growth and trends. If a project is located in the Jamaica Bay Watershed, (the applicant should complete this form and submit it to DEP and MOEC. This form must be updated with any project modifications and resubmitted to DEP and MOEC.

The information below will be used for tracking purposes only. It is not intended to indicate whether further CEQR analysis is needed to substitute for the guidance offered in the relevant chapters of the CEQR Technical Manual.

A. GENERAL PROJECT INFORMATION

1. CEQR Number: 21DCP053K 1a. Modification ☐
2. Project Name: 1377 Sutter Avenue Rezoning
3. Project Description:

Zoning Map Amendment to rezone an existing R5 zoning district to an R6A zoning district with C2-4 commercial overlay and a Zoning Text Amendment to modify Appendix F to designate the newly mapped R6A zoning district with C2-4 commercial overlay as a MIH designated area.

4. Project Sponsor: New York City Department of City Planning
5. Required approvals: Zoning Text / Map Amendments; ULURP; HPD NCP
6. Project schedule (build year and construction schedule): 2024

B. PROJECT LOCATION:

1. Street address: 1363 and 1377 Sutter Avenue, Brooklyn, NY 11208
2. Tax block(s): Brooklyn Block 4254 Tax Lot(s): 1, 4, 39, 41
3. Identify existing land use and zoning on the project site: Residential and Commercial; R5 zoning distr
4. Identify proposed land use and zoning on the project site: Residential and Commercial
5. Identify land use of adjacent sites (include any open space): Residential
6. Describe existing density on the project site and the proposed density:

Existing Condition	Proposed Condition
1,476 gsf: One & Two-Family Residentia	34,919 gsf Multi-Family Residential; 11,665 gsf Commercial (Local Retail)

7. Is project within 100 or 500 year floodplain (specify)? ☐ 100 Year ☐ 500 Year ☒ No

C. GROUND AND GROUNDWATER

1. Total area of in-ground disturbance, if any (in square feet): 12,803 sf
2. Will soil be removed (if so, what is the volume in cubic yards)? 128,030 cubic feet
3. Subsurface soil classification:
   (per the New York City Soil and Water Conservation Board): Urban land-Flatbush complex, 0 to 3
4. If project would change site grade, provide land contours (**attach** map showing existing in 1' contours and proposed in 1' contours).
5. Will groundwater be used (list volumes/rates)? ☐ **Yes** ☒ **No**

   Volumes: Rates:
6. Will project involve dewatering (list volumes/rates)? ☐ **Yes** ☒ **No**

   Volumes: Rates:
7. Describe site elevation above seasonal high groundwater:

   The Affected Area is located in an area of complex topography, geology, and urban infrastructure, and precise geology and hydrology, including groundwater depths and flow directions, can only be determined through the installation of monitoring wells

D. HABITAT

1. Will vegetation be removed, particularly native vegetation? ☐ **Yes** ☒ **No**

   If YES,
   - **Attach** a detailed list (species, size and location on site) of vegetation to be removed (including trees >2" caliper, shrubs, understory planting and groundcover).
   - **List** species to remain on site.
   - **Provide** a detailed list (species and sizes) of proposed landscape restoration plan (including any wetland restoration plans).
2. Is the site used or inhabited by any rare, threatened or endangered species? ☐ **Yes** ☒ **No**
3. Will the project affect habitat characteristics? ☐ **Yes** ☒ **No**

   If YES, describe existing wildlife use and habitat classification using "Ecological Communities of New York State." at http://www.dec.ny.gov/animals/29392.html.
4. Will pesticides, rodenticides or herbicides be used during construction? ☐ **Yes** ☒ **No**

   If YES, estimate quantity, area and duration of application.
5. Will additional lighting be installed? ☒ **Yes** ☐ **No**

   If YES and near existing open space or natural areas, what measures would be taken to reduce light penetration into these areas?

   New lighting would not be located near any existing open spaces or natural areas

E. SURFACE COVERAGE AND CHARACTERISTICS

(describe the following for both the existing and proposed condition):

	Existing Condition	Proposed Condition
1. ***Surface area:***		
Roof:	8,936 sf	11,665 sf
Pavement/walkway:	3,867 sf	0 sf
Grass/softscape:	0 sf	1,138 sf (side yard area)
Other (describe):	0 sf	0 sf
2. ***Wetland*** (regulated or non-regulated) area and classification:	No Wetlands	No Wetlands
3. ***Water surface area:***	No water surface areas	No water surface areas

4. ***Stormwater management*** (describe):

Existing – how is the site drained?

On-site drainage systems that direct stormwater to the New York City combined sewer system

Proposed – describe, including any infrastructure improvements necessary off-site:

On-site drainage systems that direct stormwater to the New York City combined sewer system

HAZARDOUS MATERIALS APPENDIX

Environmental Protection

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

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

September 14, 2020

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

Re: 1377 Sutter Avenue Rezoning
Block 4254, Lots 1, 4, 39, 41, 44 and 45
CEQR # 77DCP595K

Dear Ms. Kenny:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the July 2020 Environmental Assessment Statement prepared by Matthew Sloane and the June 2020 Phase I Environmental Site Assessment (Phase I) prepared by Environmental Studies Corporation., on behalf of Almonte Lincoln, LLC., (applicant), for the above referenced project located between Lincoln Avenue and Autumn Avenue in the East New York neighborhood of Brooklyn Community District 5. It is our understanding that the applicant is seeking:

1. A zoning map amendment from the New York City Department of City Planning (DCP) to rezone Block 4254, Lots 1, 4, 39, 41, 44 and 45 from a R5 zoning district to a R6A/C2-4 zoning district.
2. A zoning text amendment to Appendix F of the Zoning Resolution to designate the project area as a Mandatory Inclusionary Housing Area.
3. Construction financing from the New York City Department of Housing Preservation and Development through its Neighborhood Construction Program.

The proposed actions would facilitate the development of Block 4254, Lots 39 and 41 (Projected Development Site 1) with a new 5-story, 40,047 gross square feet (gsf), mixed-use building containing 24,070 gsf of residential space (28 dwelling units), 7,989 gsf of commercial retail space, 7,989 gsf of cellar space and 10 residential accessory parking spaces. The applicant-owned Projected Development Site 1 is currently developed with two one-story retail buildings, while the remainder of the project area not controlled by the applicant, Projected Development Site 2 and Potential Development Sites 1 and 2 (Block 4254, Lots 1, 4, 44 and 45), is currently developed with three 2-story residential buildings. It should also be noted that in the Future-With Action Scenario, it is proposed that Projected Development Site 2 and Potential Development Sites 1 and 2 could each be redeveloped with a 5-story residential and commercial mixed-use building.

Projected Development Site 1: Block 4254, Lots 39 and 41

The June 2020 Phase I report revealed that historical on-site and surrounding area land uses consists of residential and commercial uses including Coco's Pizza and Restaurant, Abubacar Auto Repair Shop, a hair salon/barber shop, an air conditioning

repair shop, Miller Discount Tobacco, S&J Vending Corporation, a drop-off dry cleaner, a beer and soda distributor, as well as several residential buildings. Regulatory databases such as the New York State Department of Environmental Conservation SPILLS, Leaking Underground Storage Tank, Leaking Storage Tanks (LTANKS), Resource Conservation and Recovery Act Generators, and Petroleum Bulk Storage (PBS) Underground Storage Tanks (USTs) and PBS Aboveground Storage Tanks (ASTs) identified several sites in close proximity to the project site. The SPILLS database reported seven SPILLS within a 1/8-mile radius of the project site and the LTANKS database reported 17 LTANKS within a 1/2-mile radius of the project site. The PBS USTs and the PBS ASTs databases reported five USTs and nine ASTs within a 1/4-mile radius of the project site. The Phase I also reported one Historical Cleaner and two Historical Auto Stations within a 1/8-mile radius of the project site. Based on the age of the buildings that currently occupies the project site, asbestos containing materials and lead based paint could be present in the structures.

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

Projected Development Site 1: Block 4254, Lots 39 and 41 (Site under the control or ownership of the applicant)

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

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

Projected Development Site 2: Block 4254, Lots 1 and 4; Potential Development Site 1: Block 4254, Lot 44; and Potential Development Site 2: Block 4254, Lot 45 (Sites not under the control or ownership of the applicant)

- Based on prior on-site and/or surrounding area land uses which could result in environmental contamination, DEP recommends that an (E) Designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York

City Zoning Resolution for the subject properties. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. Further hazardous materials assessments should be coordinated through the Mayor's Office of Environmental Remediation.

Future correspondence and submittals related to this project should include the following CEQR # **77DCP595K**. If you have any questions, you may contact Ms. Cassandra Scantlebury at (718) 595-6756.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

cc: R. Weissbard
T. Estesen
C. Scantlebury
M. Wimbish
R. Lucas
O. Abinader – DCP
M. Bertini - OER

NYC Environmental Protection

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

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

February 18, 2021

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

Re: 1377 Sutter Avenue Rezoning
Block 4254, Lots 39 and 41 (Projected Development Site 1)
CEQR # 21DCP053K

Dear Ms. Kenny:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the December 2020 Phase II Environmental Site Assessment (Phase II), the December 2020 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP), prepared by Environmental Studies Corporation., on behalf of Almonte Lincoln, LLC., (applicant), for the above referenced project located between Lincoln Avenue and Autumn Avenue in the East New York neighborhood of Brooklyn Community District 5. It is our understanding that the applicant is seeking:

1. A zoning map amendment from the New York City Department of City Planning (DCP) to rezone Block 4254, Lots 1, 4, 39, 41, 44 and 45 from a R5 zoning district to a R6A/C2-4 zoning district.
2. A zoning text amendment to Appendix F of the Zoning Resolution to designate the project area as a Mandatory Inclusionary Housing Area.
3. Construction financing from the New York City Department of Housing Preservation and Development through its Neighborhood Construction Program.

The proposed actions would facilitate the development of Block 4254, Lots 39 and 41 (Projected Development Site 1) with a new 5-story, 40,047 gross square feet (gsf), mixed-use building containing 24,070 gsf of residential space (28 dwelling units), 7,989 gsf of commercial retail space, 7,989 gsf of cellar space and 10 residential accessory parking spaces. The applicant-owned Projected Development Site 1 is currently developed with two one-story retail buildings, while the remainder of the project area not controlled by the applicant, Projected Development Site 2 and Potential Development Sites 1 and 2 (Block 4254, Lots 1, 4, 44 and 45), is currently developed with three 2-story residential buildings. It should also be noted that in the Future-With Action Scenario, it is proposed that Projected Development Site 2 and Potential Development Sites 1 and 2 could each be redeveloped with a 5-story residential and commercial mixed-use building.

Projected Development Site 1: Block 4254, Lots 39 and 41

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

During the October 2020 fieldwork, five soil borings (B-1 through B-5), one temporary groundwater monitoring well (GW-1), four soil vapor probes (SV-1 through SV-4) and one outdoor air monitor (OA-1) were installed at the project site. Two soil samples were collected from each boring; one sample was collected from the 0-2 feet below grade surface (bgs) interval and the second sample was collected from the 10-12 feet bgs interval. Groundwater was also collected from a depth of 16 feet bgs. Ten soil samples and one groundwater sample were collected and analyzed for volatile organic compounds (VOCs) via United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds (SVOCs) via EPA Method 8270 BN, pesticides via EPA Method 8081, polychlorinated biphenyls (PCBs) via EPA Method 8082 and Target Analyte List metals via EPA Method 6010 (total and dissolved for groundwater samples). Four soil vapor samples and one outdoor air sample were also collected and analyzed for VOCs via EPA Method TO-15.

The soil analytical results revealed VOCs and PCBs were either non-detect (ND) or below New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs). Seven SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene and indeno(1,2,3-cd)pyrene), five metals (barium, copper, lead, mercury and zinc) and two pesticides (4,4'-DDE and 4,4'-DDT) were detected above NYSDEC Unrestricted Use and/or Restricted Residential Use SCOs. The groundwater analytical results revealed VOCs, SVOCs, pesticides and PCBs were either ND or below NYSDEC Division of Water Technical Operational Guidance Series 1.1.1 Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations for Class GA standards (Water Quality Guidance Values). Four metals (chromium, manganese, nickel and sodium) were detected above NYSDEC Water Quality Guidance Values. The soil vapor analytical results revealed several VOCs including 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,3-butadiene, 2-butanone, 2-hexanone, acetone, benzene, carbon disulfide, carbon tetrachloride, chloroform, chloromethane, cyclohexane, dichlorodifluoromethane, ethyl acetate, ethylbenzene, methylene chloride, isopropanol, n-heptane, n-hexane, o-xylene, m/p-xylene, p-ethyltoluene, propylene, tetrachloroethylene, toluene, and trichlorofluoromethane were detected.

The December 2020 RAP proposes proper handling, transportation and disposal of excavated materials from the site in accordance with applicable federal, state and local regulations; dust suppression procedures; air monitoring procedures; stockpiling of excavated soils on, at minimum, double layers of 6-mil sheeting and covered with anchored plastic tarps; a storm-water pollution prevention plan; all found underground storage tanks will be properly removed and closed in accordance with applicable federal, state and local regulations; dewatering, if necessary, conducted in accordance with a New York City Department of Environmental Protection Sewer Discharge Permit; the installation of a 20-mil Stego Wrap (or similar) vapor barrier membrane below the entire building slab and on all sub-grade foundation sidewalls; the installation of a 6-inch thick concrete foundation and building slab, as well as the installation of two feet of certified clean fill/top soil in any landscaped/grass covered areas of the site not capped with concrete/asphalt. The December 2020 CHASP addresses worker and community health and safety during redevelopment.

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

RAP

- DCP should instruct the applicant that the proposed vapor barrier system should be used unless an amendment is approved by DEP.

DEP finds the December 2020 RAP and CHASP, which addresses worker and community health and safety during construction acceptable, as long as the aforementioned information is incorporated into the RAP. DCP should instruct the applicant that at the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report should be submitted for DEP review and approval for the proposed project. The P.E. certified Remedial Closure Report should indicate that all remedial requirements have been properly implemented (i.e., transportation/disposal manifests for removal and disposal of soil in accordance with applicable federal, state and local laws and regulations; proof of installation of engineering control system; and two feet of DEP approved certified clean fill/top soil capping requirement in any landscaped/grass covered areas not capped with concrete/asphalt, etc.).

Future correspondence and submittals related to this project should include the following CEQR # **21DCP053K**. If you have any questions, you may contact Ms. Cassandra Scantlebury at (718) 595-6756.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

cc: R. Weissbard
T. Estesen
C. Scantlebury
M. Wimbish
R. Lucas
O. Abinader – DCP

PHASE I ENVIRONMENTAL SITE ASSESSMENT

A. INTRODUCTION

Environmental Studies Corp. has performed a Phase I Environmental Site Assessment (ESA) of the subject property located at 1377-1385 Sutter Avenue (A.K.A. 638 Lincoln Avenue), in the Borough of Brooklyn, New York City, New York. This Phase I ESA was prepared in accordance with the latest ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-13).

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

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

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

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

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

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

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

Sanborn atlases and other pertinent figures are included in Attachment A. Photographs are located in Attachment B. Regulatory agency database information from Environmental Data Resources, Inc. (EDR) is included in Attachment C. The City Directory Abstract report from EDR is included in Attachment D, and User provided information is included in Attachment E, including the User Questionnaire.

B. EXECUTIVE SUMMARY

Site Description

The subject property at 1377-1385 Sutter Avenue, Brooklyn, New York consists of two adjoining tax lots with a total combined area of approximately 8,775 square feet. Lot 39 (1385 Sutter Avenue) is a 3,600+/- square foot rectangular shaped parcel. The north side of the lot contains a 1-story and mezzanine (on slab), 1,800+/- square foot, masonry and steel-frame commercial building. Heat for the building is provided by a gas-fired system. This building is occupied by Borinquen Cleaners, a drop-off dry cleaner. The south side of the lot contains an asphalt-paved parking and storage area. At the time of the site visit, two cars, one boat and two steel shipping containers were located on this part of the lot.

Lot 41 (1377-1383 Sutter Avenue) is a 5,175 square foot rectangular shaped parcel. The lot is fully occupied by two, 1-story (on-slab) commercial buildings, both of which are heated by gas-fired systems. The building at 1377 Sutter Avenue is occupied by a beauty salon (Sister's Hair Salon & Barber Shop, Inc.), and a restaurant (Coco's Pizza and Restaurant). The building at 1381 Sutter Avenue is occupied by an auto body repair shop (Abubacar Auto Repair).

Site History

Research into the history of the project site shows that the property was vacant, undeveloped land in 1908, as shown on the Sanborn historical map for that year. Given the rural nature of the area in the early 1900s, it is considered unlikely that the project site would have been developed prior to 1908.

In 1924, a 2-story, 2-family dwelling was constructed on the southeast part of Lot 39. This structure remained at the site until its demolition in 1977. The existing 1-story commercial building was constructed on Lot 39 in 1977. The identified former occupants/uses in this building are GT Suraci & Son (use unknown), a discount tobacco business (Miller Discount Tobacco), a vending machine company (S&J Vending Corp.), and a drop-off dry cleaner (from 2018 to the present). The drop off dry cleaner sends all garments off site to be dry cleaned and no dry-cleaning operations have been performed in the building on Lot 39.

Lot 41 remained vacant and undeveloped until 1953, at which time the subject building at 1377 Sutter Avenue was constructed. The identified former occupants/uses in this building are a beer and soda distributor, restaurants, beauty salons, and grocery stores. The building at 1381 Sutter Avenue was constructed in 1977. The identified former occupants/uses in this building are beer and soda distributors, a restaurant, grocery stores, a barber shop, and an auto body shop (from 2018 to the present).

With the exception of the auto body shop at 1381 Sutter Avenue from 2018 to the present time, the identified former occupants/uses of the project site are not types of businesses or operations that typically involve the storage or use of hazardous substances or petroleum products. The auto body shop involves the use of small quantities of paints and thinners in their operations. Approximately 15 gallons of paints and thinners were present in the shop at the time of the site visit. No significant staining or other visible indications of recent spills, leaks or discharges of paints or thinners were observed. Given the observations made during the site visit, and that the shop has operated for less than two years, it is considered unlikely that the current auto body operations in the building at 1381 Sutter Avenue would have impacted the property.

Site Drainage

Typical lavatory drainage structures such as sinks and toilets were present in the buildings. It is likely that these structures discharge to the municipal sewer system. No staining or other indications of recent spills, leaks or discharges or hazardous substances or petroleum products were observed around any of the drainage structures at the property.

Petroleum Storage Tanks

There is a 275-gallon aboveground fuel tank located outside the south wall of the building on Lot 39. This tank was installed in 2018, and provides fuel for the steam boiler used by the dry cleaner to steam press garments. No staining or other indications of recent spills or leaks were observed around this tank.

There were not any additional aboveground storage tanks (ASTs), or indications of the presence of underground storage tanks (USTs) such as tank fillports, vent lines, associated mechanical equipment, etc., observed at the property during the site visit.

There was a 1,080-gallon underground fuel oil tank removed from the parking area on the south side of Lot 39 in July of 2018. This tank was used to provide fuel for the former oil-fired heating system in the building. The tank was removed from the site by Troy Cutters Corp. of Brooklyn, New York. A Fuel Oil Storage Tank Abandonment and or Removal Certificate for the removal of the tank was submitted to the New York City Fire Department (FDNY). However, no tank tightness testing results or soil sampling results from around the tank were included in the documentation provided. Any past spills or leaks from underground tanks at the project site would be a potential source of contamination to the property.

It is not known how the former 2-family dwelling on Lot 39 was heated (e.g., oil, gas, electric, coal, etc.). Any petroleum storage tanks discovered during the re-development of the property should be properly removed in accordance with all applicable NYSDEC and New York City Fire Department regulations.

Asbestos/Lead-Based Paints/PCBs

Given the age of the buildings (constructed in the 1950s and 1970), it is possible that they contain asbestos building materials and lead-based paints. Painted surfaces in the building were observed to be generally in good condition, with no large areas of chipped or peeling paint noted. No electrical transformers or other electrical equipment suspected of containing PCBs were observed at the project site.

Regulatory Agency Database Records

The subject property does not appear in the Federal or State environmental databases reviewed including the United States Environmental Protection Agency (USEPA's) Superfund, CERCLIS or ERNS databases, the RCRA Hazardous Waste Generators list or hazardous waste Treatment/Storage/Disposal Facilities list, or the New York State Department of Environmental Conservation (NYSDEC's) Spill Logs or Petroleum Bulk Storage (PBS) database, Solid Waste Facilities database, or the Registry of Inactive Hazardous Waste Disposal Sites.

There were not any potential off-site sources of contamination, which are considered likely to have impacted the environmental condition of the subject property, identified in the regulatory agency database information reviewed.

Conclusions

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of 1377-1385 Sutter Avenue, Brooklyn, N.Y., the property. Any exceptions to or deletions from this standard are described in section A of this report. This assessment has revealed no evidence of *Historical Recognized Environmental Conditions* or *Controlled Recognized Environmental Conditions* in connection with the property. This assessment has revealed no evidence *Recognized Environmental Conditions* in connection with the property, with the following exceptions:

- The potential for contamination at the subject property from past spills or leaks from underground storage tanks.
- The potential for one or more underground petroleum storage tanks at the subject property.

Environmental Professional Statement

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 312.1 of 40 CFR 312 and we have the specified qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquires in conformance with the standards and practices set forth in 40 CFR Part 312.

Respectfully Submitted,

_____

Hiram A. Rothkrug, Director
Environmental Studies Corp.

Phase II ESA Executive Summary

Environmental Studies Corporation (ESC) has performed this Phase 2 investigation to establish existing soil, soil vapor and ground water quality conditions and a comparison to relevant regulatory agency and standard practice guidelines and standards. A Phase 2 Environmental Investigation Work Plan and Health and Safety Plan (HASP) were prepared which outlined the means and methods of the subsurface investigation. All work was completed in accordance with ASTM E1903-97 Standard Guide for Environmental Site Assessments: Phase 2 Environmental Site Assessment Process.

The scope of work was implemented to determine whether the subsurface soil, water and soil vapor quality conditions at the subject property. The scope of work included the following elements:

- Completed a geophysical investigation which included an electromagnetic survey and ground penetrating radar (GPR) survey.
- Performed five (5) soil test borings (B-1, B-2, B-3, B-4, and B-5) and collected two soil samples from each soil boring location a surface (0 - 2ft) and a deeper sample from (10-12ft) to match the excavation depth of the proposed building.
- Installed one (1) temporary groundwater monitoring well (GW-1).
- Collected four soil vapor samples (SV-1, SV-2, SV-3 and SV-4) at a depth of the proposed building foundation depth.
- Prepared a written comprehensive report of findings.

Conclusions

Geophysical Survey

An Electromagnetic (EM) Magnetometer survey was conducted in an attempt to identify any possible unknown magnetic anomalies such as underground storage tanks (USTs) on the site. The results of the survey indicated no evidence of any magnetic anomalies indicative of USTs.

Soil Conditions

The results of this subsurface investigation have found urban fill soil with SVOC's and total metals above unrestricted and restricted use cleanup objectives at concentrations that can be found commonly in urban fill soils around the New York Metropolitan area. This contamination is not a result of historical spills, commercial or industrial process releases related to the prior site occupancy or uses. It is from historical fill placement and

demolished building structures and is limited in vertical extent to only the surface fill soil found onsite. The remaining underlying native soils are clean and meet NYSDEC Part 375 unrestricted soil cleanup standards.

Groundwater Quality

Groundwater was sampled from one central location on the property. Total metals were found above AWQ standards. Elevated total metal concentrations are likely a result of sediment turbidity from the temporary monitoring well grab samples collected. The samples which were laboratory filtered prior to metals analysis representing dissolved metal concentrations found Sodium above AWQ standards. Sodium is a common de-icing salt compound.

Soil Vapor Conditions

Results of the soil vapor investigation identified volatile organic compounds (VOCs) related to petroleum compounds above laboratory method detection limits. These VOC's are likely resulting from the urban fill materials and interchange with the ambient air surrounding the subject property and adjacent neighborhood. The soil vapor conditions found are common of what is usually measured in shallow soils in the metropolitan New York neighborhoods.

Recommendations

There are no recommendations for additional testing or remedial action being made at this time. Urban fill and native soil exported offsite should be transported and disposed in accordance with New York State Department of Environmental Conservation (NYSDEC) Part 365 regulations.

The new building construction should have an engineered polyethylene vapor barrier under occupied areas of the building. The vapor barrier should be a minimum thickness of 20 mils under the foundation slab and foundation sidewalls in order to prevent any potential vapor migration into the building structure.

A Remedial Action Plan (RAP) detailing the installation of a vapor barrier should be written describing the means and methods for the vapor barrier installation and excavation and disposal of impacted soils. A Construction Health and Safety Plan (CHASP) should be written in order to protect site workers and the community from potential exposure during foundation excavation activities.

1. Introduction

The purpose of this Phase 2 investigation was to establish existing soil, soil vapor and ground water quality conditions and a comparison to relevant regulatory agency and standard practice guidelines and standards. The June 2020 Phase 1 Environmental Site Assessment completed by Environmental Studies Corporation revealed historical on-site and surrounding area land uses which included Coco's Pizza Restaurant, Abubacar Auto Repair Shop, a hair salon an air conditioning repair shop, Miller Discount Tobacco, S&J Vending Corporation, a drop off dry-cleaner, a beer and soda distributor, as well as several residential buildings. The SPILLS database reported seven SPILLS within 1/8 mile radius of the subject property, 17 LTANKS within ½ mile radius, PBS USTs and PBS AST's reported five UST's and nine AST's within a ¼ mile radius and one historical drycleaner and two historical auto stations within 1/8 mile radius.

A Phase 2 Environmental Investigation Work Plan and Health and Safety Plan (HASP) were prepared which outlined the means and methods of the subsurface investigation. The purpose of this Phase 2 investigation was to establish existing soil, soil vapor and ground water quality conditions and disclose the measures needed to avoid impacts from hazardous materials. All work was completed in accordance with ASTM E1903-97 Standard Guide for Environmental Site Assessments: Phase 2 Environmental Site Assessment Process and the City Environmental Quality Review Technical Manual.

1.1 Property Description

The property is currently occupied by two one-story retail buildings and a small parking lot totaling approximately 8,767 square feet in area. The property is located on the northwest corner of Sutter and Lincoln Avenues in the East New York section of Brooklyn Community District 5.

1.2 Proposed Development

The proposed development will have 28 residential units, in a new 5-story 40,047 square foot 65 foot tall mixed use building with 24,070 square feet of residential area, 7,989 of commercial building space, a 7,989 square foot cellar and 10 accessory parking spaces. The commercial facility is on the first floor. Floors 2 through 5 will be residential apartments.

1.3 Health and Safety Plan (HASP)

ESC prepared a site specific Health and Safety Plan for this Phase II Environmental Subsurface Investigation. A copy of the HASP was present during the investigation. The HASP assigned responsibilities, established personal protection standards, recommended operating procedures, and provided for contingencies that may arose during performance of the assessment at the site. The protocols in the HASP apply to all personnel involved in the work activities, all outside subcontractors, client, or regulatory agencies present during the performance of the work.

2. Scope of Work

A subsurface investigation work plan was developed. The scope of work was implemented to determine subsurface soil, water and soil vapor quality at the subject property. The scope of work included the following elements:

- Completed a geophysical investigation which included an electromagnetic and ground penetrating radar (GPR) survey.
- Performed five (5) soil test borings (B-1, B-2, B-3, B-4 and B-5) and collected two soil samples from each soil boring location a surface (0-2ft) and a deeper sample from (10-12ft) to match the excavation depth of the proposed building.
- Installed one (1) temporary groundwater monitoring well (GW-1).
- Collected four (4) soil vapor samples (SV-1, SV-2, SV-3 and SV-4) at a depth of the proposed building foundation depth.
- Prepared a written comprehensive report of findings.

The sample collection locations are shown on **Figure 1.**

Photographs taken during the implementation of the scope of work are included as **Appendix A**.

2.1 Geophysical Survey

An Electromagnetic (EM) Magnetometer survey was conducted in an attempt to identify any possible unknown magnetic anomalies such as underground storage tanks (USTs) on the site. ESC used a Fisher TW-6 magnetometer in the inductive phase mode over the property accessible areas in an overlapping grid pattern. The results of the survey indicated no evidence of any magnetic anomalies indicative of USTs.

2.2 Soil Testing

A total of five soil test borings (B-1, B-2, B-3, B-4 and B-5) were completed on the subject property using a Geoprobe direct-push drilling rig. A total of ten soil samples were collected from the borings and sent to the laboratory for analysis. Two soil samples were collected from each soil boring location. One soil sample was collected from the surface at a depth of 0 to 2 feet, and another deeper soil sample was collected at a depth 10 to 12 feet below surface grade elevation. One temporary monitoring well piezometer was installed (GW-1) in a converted soil borehole. The boreholes were drilled into soil and

screened using 1-inch diameter machine slotted (0.20 slot) schedule 40 PVC screen and riser pipe.

Table 1 shows a summary of the analytical laboratory results and a comparison to NYSDEC Part 375 Soil Cleanup Objectives (SCOs). The analytical laboratory data results package is presented in **Appendix B**. **Figure 1** shows the location of the soil borings performed on the subject property. The soil boring and groundwater log reports which show the field observations found at each sample collection location is presented in **Appendix C.**

The soil was characterized and logged for potential impacts (e.g., odor, staining, anthropogenic materials and other observations) and screened for volatile organic vapors with a photoionization detector (PID). All soil samples were analyzed for the following parameters:

- Volatile Organic Compounds (VOCs) by United Stated Environmental Protection Agency (USEPA) Method 8260
- Semi-Volatile Organic Compounds by USEPA Method 8270 BN
- Pesticides/Polychlorinated Biphenyls (PCBs) using USEPA Method 8081/8082
- Target Analyte List (TAL) Metals

2.3 Groundwater Quality

In order to evaluate the groundwater quality underlying the site temporary groundwater monitoring well (GW-1) was installed. **Figure 1** presents the location of the groundwater sample. Groundwater was encountered at depth of 16 feet below surface grade elevation. **Table 2** shows a summary of the analytical laboratory results and a comparison to New York State Department of Environmental Conservation (NYSDEC) Ambient Water Quality Guidelines, Technical and Operational Guidance Series (T.O.G.S 1.1.1).

2.4 Soil Vapor Testing

Soil vapor probes (SV-1, SV-2, SV-3 and SV-4) were installed ranging in depth from 10 to 12 feet. One outdoor air (OA-1) was also collected to measure ambient air background readings of the same compounds. Soil vapor samples were collected via dedicated polyethylene tubing and Summa Canisters, tested for VOCs using USEPA TO-15 method parameters. Locations of soil vapor samples are indicated on **Figure 1. Table 3** shows a summary of the analytical laboratory results.

The soil vapor points were installed using 1-inch diameter steel drill rods advanced using direct-push drilling methods. The soil vapor probe consisted of a prefabricated 2-3 inch perforated steel vapor probe tip attached to 3/8-inch diameter low-density polyethylene

(LDPE) plastic riser tubing. Once driven to completion depth, the rods were removed leaving only the tip and the tubing. The vapor probe boreholes were backfilled with #2 morie well grade gravel. A surface seal was placed using an impermeable clay seal installed within the last six inches of the probe-hole annulus from surface grade level. The vapor wells were measured and purged using a PID prior to sampling. The soil vapor probe samples were connected for sampling to 6-liter Summa Canisters set to collect for a two-hour time period. Helium tracer gas was used before sampling and after the sampling event to confirm a proper surface seal of the vapor probes.

2.5 Field and Sampling Protocols

The field sampling techniques employed at the subject property were detailed in the standard operating procedures (SOPs) and work plan. All efforts were made to eliminate possible sample contamination and maximize the reliability of the analytical results. These efforts included the proper use and cleaning of sampling equipment and sample containers to eliminate sample contamination; the use of standardized sampling procedures including decontamination of equipment; and use of chain-of-custody procedures to track the samples from source to analysis and minimize the opportunity for tampering.

2.5.1 Decontamination Procedures

2.5.1.1 Sampling Equipment

All re-usable sampling equipment used for laboratory sample collection underwent a thorough decontamination process. Disposable equipment was used whenever possible. The following steps outline the field decontamination procedures: Non-phosphate soap and tap water wash, Tap water rinse, Dilute nitric acid rinse (for samples to be analyzed for metals), Tap water rinse. Methanol rinse, and a final distilled water rinse.

2.5.2 Sampling Methodology

All sample collection activities were conducted so as to obtain reliable information regarding subsurface conditions. Following sample collection, soil and groundwater sampling jars were immediately placed in a cooler and kept at 4°C until arrival at the laboratory.

2.5.3 Sample Custody

The purpose of monitoring the chain-of-custody of a sample is to ensure that proper sample handling requirements have been met for representative samples prior to their analysis, and to document the record of custody from the moment of sample collection

to analysis and sample disposal. The handling requirements, as set forth by New York State Department of Environmental Conservation (NYSDEC) and USEPA guidelines, such as sample preservation techniques and sample holding times.

As per the requirements of the Environmental Laboratory Approval Program (ELAP) certified laboratory and the NYSDEC, a Chain-of-Custody Record was maintained and accompanied the laboratory shuttle from the moment of the container dedication until the time of the corresponding analyses. A laboratory delivery of a sample container shuttle to the sampler, therefore, requires that a Chain-of-Custody Record is initiated by the authorized laboratory representative relinquishing the shuttle, and the time and date of the transfer documented. The record of this transfer is proof that the containers, which were used for sample storage, have been dedicated by the laboratory prior to their delivery, and in accordance with the quality controls governing the analyses of the collected samples.

After their collection and storage, the necessary field notes were recorded in the Chain-of Custody and were properly preserved in the shuttle until their transfer to the laboratory for analysis. The transfer was accompanied by the same Chain-of-Custody Record, which was completed to identify the sample ID numbers, quantities, and physical description of the samples, and the particular analyses requested. The name of the sampler who relinquished the shuttle, the time and date of the transfer, and the laboratory representative assuming responsibility for transporting the shuttle to the laboratory inspected the samples to document sample preservation, noted any discrepancies between the samples and chain-of-custody, and assigned a laboratory identification number and logged the laboratory number into the sample inventory system.

2.6 Laboratory Analysis

York Analytical Laboratories, Inc. (National Environmental Laboratory Accreditation Program [NELAP] Approved NY Lic. #10854), a New York State Department of Health (NYSDOH) approved laboratory was used for all analysis. The laboratory operates a QA/QC program that consists of proper laboratory practices (including the required chain-of-custody), an internal quality control program, and external quality control audits by New York State.

Laboratory QA/QC procedures include:

- Verification and/or validation of equipment according to National Institute of Standards and Technology (NIST).

- Regular calibrations and use of reference standards on instruments used for sample analysis.
- Adherence to sample acceptance policy; meaning, samples will not be analyzed if any of the following are encountered: damaged or leaking samples or samples improperly preserved (i.e., no preservative in sample if necessary and/or samples not kept at proper temperature if analysis requires).
- Prior to analysis, samples are to be stored according to SOPs.
- Analysis of Quality Control Samples including: laboratory control blanks, matrix spikes, method blanks and laboratory duplicate samples.

3. Findings

York Analytical Laboratories, Inc. prepared the results of analytical samples. The results can be found in the following tables:

Table 1 Soil Results Summary - presents the VOC, SVOC, Pesticide/PCB, and metals results for all soil samples collected and analyzed.

Table 2 Groundwater Results Summary - presents the VOC, SVOC, Pesticide/PCB, and metals (total and dissolved) results for the samples collected and analyzed.

Table 3 Soil Vapor Results Summary - presents the VOC results for all the soil vapor and ambient air samples collected and analyzed.

The chain-of-custody records, as well as the analytical laboratory data sheets, are presented in **Appendix B** to this report.

Geophysical Survey

The results of the survey indicated no evidence of any magnetic anomalies indicative of USTs.

Soil Quality Conditions

Urban fill disturbed soil and various fill materials such as red brick, concrete, stone fragments and a trace of coal cinders was found intermixed with fine to coarse sand throughout the property to an average depth of 5-6 feet. Below this fill layer is a native brown tan fine to coarse grained alluvial sand with some gravel. No petroleum type odors were observed in the fill materials or in any soil samples observed. Results of photoionization detector field screening readings which give an indication if any volatile organic compounds (VOC) are present generally did not detect readings above instrument detection levels. The soil boring log reports which show the field observations found at each sample collection location are presented in **Appendix C**.

Based on observations noted in the field (visual, olfactory and PID readings), No petroleum or chemical type impacts at the site were identified.

Laboratory analytical results for the soil samples are shown on **Table 1**. The samples were compared to NYSDEC Soil Cleanup Objectives (SCOs) 6 NYCRR Subpart 375-6.8

(a): Unrestricted Use SCOs.

- No Volatile organic compounds (VOCs) were identified above laboratory detection limitations or New York State Department of Environmental Conservation (NYSDEC) unrestricted, restricted residential soil cleanup guidelines (SCO's) in the soil samples collected.

- The semi-volatile organic PAH compounds benzo(a) anthracene (maximum 11.6 mg/kg), benzo(a) pyrene (10.6 mg/kg), benzo(b) flouranthene (maximum 8.49 mg/kg), benzo(k) flouranthene (8.07 mg/kg), chrysene (maximum 12.1 mg/kg) and Dibenzo(a,h) anthracene (maximum 2.3 mg/kg) were found above NYSDEC unrestricted and restricted residential SCO's.

- The pesticides 4,4'-DDD (maximum 0.037mg/kg and 4,4'-DDT (maximum 0.066 mg/kg) were found above NYSDEC unrestricted but below restricted residential SCO's.

- No Polyvinyl Chlorinated Bi-phenols (PCBs) were identified above the unrestricted, restricted residential or SCOs.

- Total metals exceeding the unrestricted SCOs included Barium (maximum 963 mg/kg), Copper (maximum 81.9 mg/kg), Lead (maximum 322 mg/kg), Mercury (0.244 mg/kg maximum) and Zinc (maximum 515 mg/kg). The concentration of Barium was also above the restricted residential use SCO's.

Groundwater

- No VOCs, SVOCs, Pesticides, or PCBs were found above the NYSDEC (T.O.G.S) ambient water quality (AWQ) standards.

- The following total metals were found above the AWQ standards; Chromium (390 ug/L), Manganese (479 ug/L), Nickel (199 ug/L), and Sodium (156,000 ug/L). The following dissolved metals were found above the AWQ standards : Sodium (157,000 ug/L).

Laboratory analytical results for groundwater are shown in **Table 2**.

Soil Vapor Sampling

Laboratory analytical results for the soil vapor are shown in **Table 3**. All samples were analyzed for VOCs using EPA Method TO-15.

The following compounds were found above laboratory method detection limitations in soil vapor samples collected: 1,2,4 Trimethylbenzene (200 ug/m3 maximum), 1,3,5 Trimethylbenzene (77 ug/m3 maximum), 2-Butanone (15 ug/m3 maximum), Acetone (100 ug/m3), Benzene (23 ug/m3 maximum), Carbon tetrachloride (0.54 ug/m3), Chloroform (25 ug/m3 maximum), Chloromethane (1.8 ug/m3 maximum), Cyclohexane (7.7 ug/m3 maximum), Dichlorodifluoromethane (maximum 2.7 ug/m3), Ethyl acetate (maximum 0.86 ug/m3), Ethyl Benzene (96 ug/m3 maximum), Isopropanol (maximum 33 ug/m3), Methyl Methacrylate (2 ug/m3), Methylene Chloride (3.1 ug/m3), n-Heptane (49 ug/m3 maximum), n-Hexane (57 ug/m3 maximum), o-xylene (140 ug/m3 maximum), p+m-xylenes (maximum 250 ug/m3), Styrene (0.7 ug/m3 maximum), Tetrachloroethlene (11 ug/m3 maximum), Toluene (220 ug/m3 maximum), and Trichlorofluoromethane (Freon) (2.1 ug/m3 maximum).

4. Conclusions and Recommendations

4.1 Conclusions

Geophysical Survey

An Electromagnetic (EM) Magnetometer survey was conducted in an attempt to identify any possible unknown magnetic anomalies such as underground storage tanks (USTs) on the site. ESC used a Fisher TW-6 magnetometer in the inductive phase mode over the property accessible areas in an overlapping grid pattern. The results of the survey indicated no evidence of any magnetic anomalies indicative of USTs.

Soil Conditions

The results of this subsurface investigation have found urban fill soil with SVOC's and total metals above unrestricted and restricted use cleanup objectives at concentrations that can be found commonly in urban fill soils around the New York Metropolitan area. This contamination is not a result of historical spills, commercial or industrial process releases related to the prior site occupancy or uses. It is from historical fill placement and demolished building structures and is limited in vertical extent to only the surface fill soil found onsite. The remaining underlying native soils are clean and meet NYSDEC Part 375 unrestricted soil cleanup standards.

Groundwater Quality

Groundwater was sampled from one central location on the property. Total metals were found above AWQ standards. Elevated total metal concentrations are likely a result of sediment turbidity from the temporary monitoring well grab samples collected. The samples which were laboratory filtered prior to metals analysis representing dissolved metal concentrations found Sodium above AWQ standards. Sodium is a common de-icing salt compound.

Soil Vapor Conditions

Results of the soil vapor investigation identified volatile organic compounds (VOCs) related to petroleum compounds above laboratory method detection limits. These VOC's are likely resulting from the urban fill materials and interchange with the ambient air surrounding the subject property and adjacent neighborhood. The soil vapor conditions found are common of what is usually measured in shallow soils in the metropolitan New York neighborhoods.

4.2 Recommendations

There are no recommendations for additional testing or remedial action being made at this time. Urban fill and native soil exported offsite should be transported and disposed in accordance with New York State Department of Environmental Conservation (NYSDEC) Part 365 regulations.

The new building construction should have an engineered polyethylene vapor barrier under occupied areas of the building. The vapor barrier should be a minimum thickness of 20 mils under the foundation slab and foundation sidewalls in order to prevent any potential vapor migration into the building structure.

A Remedial Action Plan (RAP) detailing the installation of a vapor barrier should be written describing the means and methods for the vapor barrier installation and excavation and disposal of impacted soils. A Construction Health and Safety Plan (CHASP) should be written in order to protect site workers and the community from potential exposure during foundation excavation activities.

NOISE APPENDIX

19. NOISE

Subject Site

Vehicular traffic is the predominant source of noise in the project vicinity, and therefore the proposed development warrants an assessment of the potential for adverse effects on project occupants from ambient noise. The proposed redevelopment of the property would not create a significant 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. This noise assessment is limited to an assessment of ambient noise that could adversely affect occupants of the development.

The subject site is bounded to the north by Linden Boulevard, the east by Amber Street, the west by Emerald Street, and the south by Loring Avenue. All intersections are controlled by stop signs. The subject site is currently a vacant lot, and is located within an area containing institutional, commercial, and residential uses.

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. The following Table 19-1 lists some noise levels for typical daily activities.

Table 19-1 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: CEQR Technical Manual

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 weighting networks used are the A- and C- weighting networks. 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-weighted network is the most commonly used, 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 19-2
Noise Exposure Guidelines For Use in City Environmental Impact Review[1]

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).

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

- 3-dBA change is the threshold of change detectable by the human ear;

- 5-dBA change is readily noticeable; and

- 10-dBA change is perceived as a doubling or halving of the noise level.

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

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

descriptors because L_{eq} values from various noise sources can be added and subtracted to determine cumulative noise levels.

- $L_{eq(24)}$ 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 (LX). Examples include L_{10}, L_{50}, and L_{90}. L_{10} is the A-weighted sound level that is exceeded 10% of the measurement period.

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

Table 19-3
Required Attenuation Values To Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Noise level with proposed project	$70<L_{10}\leq73$	$73<L_{10}\leq76$	$76<L_{10}\leq78$	$78<L_{10}\leq80$	$80<L_{10}$
Attenuation[A]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	$36 + (L_{10} - 80)$[B] dB(A)

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

Measurement Location and Equipment

Because the predominant noise source in the area of the proposed project is vehicular traffic, noise monitoring was conducted during peak vehicular travel periods, 7:30 – 9:00 AM, 12:00 -1:30 PM, and 4:30-6:00 PM. Pursuant to CEQR Technical Manual methodology, readings at all locations of the subject site were conducted for 20-minute periods during each peak time interval to account for vehicular noise. Noise monitoring was conducted using a Larson Davis Sound Track LxT2 sound meter, with windscreen. The monitor was placed on a tripod at a height of approximately three feet above the ground, away from any other surfaces. The monitor was calibrated prior to and following each monitoring session. Vehicular traffic constitutes the primary source for noise at the project site.

Monitoring Locations:

1. Location 1: Intersection of Loring Avenue and Emerald Street
2. Location 2: Intersection of Linden Boulevard and Emerald Street
3. Location 3: Intersection of Linden Boulevard and Amber Street
4. Location 4: Intersection of Loring Avenue and Amber Street



Figure 19-1: Intersection of Emerald Street and Loring Avenue monitoring location



Figure 19-2: Intersection of Emerald Street and Linden Boulevard monitoring location

Google Maps 2868 Linden Blvd Brooklyn, NY
Monitoring Locations



Imagery ©2017 Google, Map data ©2017 Google 100 ft



Figure 19-3: Intersection of Linden Boulevard and Amber Street monitoring location



Figure 19-4: Intersection of Amber Street and Loring Avenue monitoring location

Measurement Conditions

Monitoring was conducted during typical midweek conditions, on Wednesday, February 8, 2017. The weather was sunny and dry throughout the day and wind speeds were moderate. Neighboring properties were not a significant source of ambient noise. Traffic volumes and vehicle classification were documented during the noise monitoring. The sound meter was calibrated before and after each monitoring session.

Existing Conditions

Based on the noise measurements taken at the project site, the predominant source of noise at the site is vehicular traffic. The volume of traffic, and its corresponding level of noise, is moderate at the intersection of Emerald Street and Loring Avenue, moderate at the intersection of Emerald Street and Linden Boulevard, moderate at the intersection of Linden Boulevard and Amber Street, and low at the intersection of Amber Street and Loring Avenue. Table 19-4 contains the results for the measurements taken at the subject site.

Table 19-4 (1 of 4): Noise Levels at the intersection of Emerald St. and Loring Ave. (dB)

	Wednesday, February 8, 2017		
	7:26AM - 7:46AM	11:59AM – 12:19PM	4:22PM – 4:42PM
L_{max}	78.0	82.5	79.4
L_{10}	**67.6**	**66.5**	**68.8**
L_{eq}	64.0	64.3	66.2
L_{50}	61.5	59.0	63.2
L_{90}	57.7	54.2	59.3
L_{min}	55.8	49.9	55.8

Table 19-4 (2 of 4): Noise Levels at the intersection of Emerald St. and Linden Blvd. (dB)

	Wednesday, February 8, 2017		
	7:49AM – 8:09AM	12:2PM – 12:42PM	4:44PM – 5:04PM
L_{max}	89.3	81.2	90.1
L_{10}	**76.7**	**75.0**	**73.7**
L_{eq}	74.1	71.5	71.3
L_{50}	71.2	69.5	69.4
L_{90}	65.6	63.0	61.4
L_{min}	58.6	55.7	57.7

Table Noise-4 (3 of 4): Noise Levels at the intersection of Amber St. and Linden Blvd. (dB)

	Wednesday, February 8, 2017		
	8:12AM – 8:32AM	12:46PM –1:06PM	5:06PM – 5:27PM
L_{max}	85.8	91.3	95.5
L_{10}	**75.4**	**73.1**	**75.5**
L_{eq}	72.9	71.2	75.0
L_{50}	71.3	67.6	69.5
L_{90}	66.8	61.6	61.9
L_{min}	60.6	56.3	57.8

Table Noise-4 (4 of 4): Noise Levels at the intersection of Amber St. and Loring Ave. (dB)

	Wednesday, February 8, 2017		
	8:42AM – 9:02AM	1:13PM – 1:33PM	5:35PM – 5:56PM
L_{max}	75.2	72.3	73.1
L_{10}	**62.7**	**63.0**	**63.6**
L_{eq}	60.1	61.0	61.5
L_{50}	57.8	59.8	60.3
L_{90}	55.4	59.1	59.2
L_{min}	53.5	57.0	57.6

Table 19-5 (1 of 3): Morning Traffic Volumes and Vehicle Classifications
(vehicle counts for duration of the morning monitoring session)

	Emerald St. & Loring Ave.	Emerald St. & Linden Blvd.	Linden Blvd. & Amber St.	Loring Ave. & Amber St.
Car/ Taxi	72	26	19	5
Van/ Light Truck/SUV	60	31	31	10
Heavy Truck	1	8	6	2
Bus	3	4	4	0
Airplane	0	0	0	4

Table 19-5 (2 of 3): Midday Traffic Volumes and Vehicle Classifications
(vehicle counts for duration of the mid-day monitoring session)

	Emerald St. & Loring Ave.	Emerald St. & Linden Blvd.	Linden Blvd. & Amber St.	Loring Ave. & Amber St.
Car/ Taxi	38	56	54	9
Van/ Light Truck/SUV	46	50	49	11
Heavy Truck	1	3	4	1
Bus	3	3	3	0
Airplane	0	0	0	1

Table 19-5 (3 of 3): Evening Traffic Volumes and Vehicle Classifications
(vehicle counts for duration of the evening monitoring session)

	Emerald St. & Loring Ave.	Emerald St. & Linden Blvd.	Linden Blvd. & Amber St.	Loring Ave. & Amber St.
Car/ Taxi	78	56	61	12
Van/ Light Truck/SUV	120	54	58	8
Heavy Truck	6	2	4	0
Bus	10	2	2	0
Airplane	0	0	0	0

Conclusions

The *CEQR Technical Manual* Table 19-2 contains noise exposure guidelines. For a residential use such as would occur under the proposed action, an L_{10} of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure, and an L_{10} of between 70 and 80 dB(A) is identified as marginally unacceptable. The highest recorded L_{10} at the intersection of Emerald Street and Loring Avenue was 68.8 dB(A) during the evening period. The highest recorded L_{10} at the intersection of Emerald Street and Linden Boulevard was 76.7 dB(A) during the morning period. The highest recorded L_{10} at the intersection of Linden Boulevard and Amber Street was 75.5 dB(A) during the evening period. The highest recorded L_{10} at the intersection of Amber Street and Loring Avenue was 63.6 dB(A) during the evening period.

Because the L_{10} values on the intersection of Emerald St and Loring Ave and the intersection of Amber St. and Loring Ave do not exceed 70 dB(A), window-wall noise attenuation would not be required at these locations. Because the L_{10} values on the intersection of Emerald St. and Linden Blvd and the intersection of Amber St. and Linden Blvd exceed 70 dB(A), window-wall noise attenuation would be required to ensure an acceptable indoor noise level. Based on Table 19-3 of the CEQR Technical Manual, the required attenuation value to achieve acceptable interior noise levels at the intersection of Emerald St. and Linden Blvd and the intersection of Amber St. and Linden Blvd are **33 dB(A)** and **31 dB(A),** respectively. Provision of this level of window-wall attenuation would ensure that no adverse impacts related to noise occur.

Table 19-6: Required Window/wall attenuation

			Maximum Noise Level at Nearest Monitoring Site		CEQR Categories	Required Attenuation (dBA)
Site/Building	**Block**	**Lot**	**Leq(dBA)**	**L10(DBA)**		
Building 1	4496	29				
Facing North			74.1	76.7	Marginally Unacceptable	33 (All Floors)
Facing East			75	75.5	Marginally Unacceptable	31 (All Floors)
Facing West			74.1	76.7	Marginally Unacceptable	33 (All Floors)
Building 2	4496	15				
Facing West			74.1	76.7	Marginally Unacceptable	33 (All Floors)
Building 3	4496	1				
Facing South			66.2	68.8	Acceptable	None
Facing East			66.2	68.8	Acceptable	None
Facing West			61.5	63.6	Acceptable	None
Building 4	4496	48				
Facing East			75	75.5	Marginally Unacceptable	31 (All Floors)

The text for the E-designation (E-432) would be as follows for Block 4496, Lot 29 (Building 1)

"To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation for the windows along the Emerald Street and Amber Street facades and a minimum of 33 dBA window/wall attenuation for windows along the Linden Boulevard façade to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided.

The text for the E-designation (E-432) would be as follows for Block 4496, Lot 15 (Building 2)

"To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation for the windows along the Emerald Street facade to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided.

The text for the E-designation (E-432) would be as follows for Block 4496, Lot 48 (Building 4)

"To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dBA window/wall

attenuation for the windows along the Amber Street facade to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided.

With these measures included as part of the Proposed Actions, no significant adverse noise impacts would occur.