equity environmental engineering
A Division of GZA

817 Avenue H Rezoning

Environmental Assessment Statement

Address: 817 Avenue H, Brooklyn, New York 11230

Block 6496, Lots p/o 36, 37, 39, 45, 47, 49 and p/o 50

CEQR Reference: 23DCP094K

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

Prepared for:
Agudist Council of Greater New York

Prepared by:
Equity Environmental Engineering *a Division of GZA*

Date Submitted:
March 15, 2024

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* This Revised Environmental Assessment Statement (EAS) supersedes the EAS dated October 27, 2023. The Revised EAS incorporates a Technical Memorandum that assesses whether the analysis conclusions of the Environmental Assessment Statement dated October 27, 2023 would be altered by the proposed City of Yes for Housing Opportunity (CHO) (CEQR No. 24DCP033Y) citywide text amendment. As described in the Technical Memorandum contained in Appendix E of the Revised EAS, the conclusions of the original environmental review presented in the EAS dated October 27, 2023, which found no significant adverse impacts, would not change.

EAS SHORT FORM

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

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

Part I: GENERAL INFORMATION

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

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

2. *Project Name* 817 Avenue H Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
23DCP094K	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
230323ZMK, N230324ZRK	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Department of City Planning			Agudist Council of Greater New York		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Stephanie Shellooe, AICP, Director of EARD			Qianyu Xiang		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 55 Lane Road		
CITY New York	STATE NY	ZIP 10271	CITY Fairfield	STATE NJ	ZIP 07004
TELEPHONE 212-720-3328	EMAIL sshellooe@planning.nyc.gov		TELEPHONE 917-470-3077	EMAIL qianyu.xiang@gza.com	

5. *Project Description*

The Applicant, Agudist Council of Greater New York, requests approval of a zoning map amendment and a zoning text amendment (the "Proposed Actions") of approximately 28,000 square feet (sf) comprising Block 6496, Lots p/o 36, 37, 39, 45, 47, 49, and p/o 50 (the "Affected Area") bounded by Foster Avenue to the north, East 9th Street to the east, Avenue H to the south, and East 8th Street to the west in the Midwood neighborhood within Brooklyn Community District 14.

The zoning map amendment would rezone Block 6496 Lots 39, 45, and 47 from an R5/C1-3 zoning district to an R7A/C2-4 zoning district and Block 6496 Lots p/o 36, 37, 49, and p/o 50 from R5/C1-3 to R5. The zoning text amendment would modify Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 14, Brooklyn to establish an MIH Area coterminous with Block 6496 Lots 39, 45, and 47. The Applicant proposes mapping both MIH Option 1 and Option 2 to provide maximum flexibility for future development of the non-Applicant-controlled sites.

The Proposed Actions would facilitate the development of a 69,275 GSF (55,169 ZSF; 4.60 FAR), 9-story plus cellar, 95-foot-tall mixed residential and community facility building on the Applicant-owned Projected Development Site 1 (Block 6496, Lot 39). In addition to the Applicant-owned lot, a second Projected Development Site was identified and analyzed for the purpose of a conservative CEQR analysis. Projected Development Site 2 projects an assemblage of Block 6496, Lot 45 (owned by Leon Richter) and Lot 47 (owned by Fisch Edith) and is analyzed as a new 9-story-plus-cellar, 95-foot-tall, 41,184 GSF (36,800 ZSF; 4.60 FAR) mixed residential and commercial building of 8,656 GSF (6,400 ZSF; 0.80 FAR) of retail space and 32,528 GSF (30,400 ZSF; 3.80 FAR) of residential space on a combined 8,000-SF lot.

The Proposed Actions are discretionary actions subject to environmental review. The NYC Department of City Planning is the lead agency on behalf of the City Planning Commission for environmental review under CEQR.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 14	STREET ADDRESS 801/ 807/ 817 Avenue H; 807/ 811 East 8th Street; 782/ 784 East 9th Street
TAX BLOCK(S) AND LOT(S) Block 6496, Lots p/o 36, 37, 39, 45, 47,		ZIP CODE 11230

49, and p/o 50

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Affected Area is bounded by Foster Avenue to the north, East 9th Street to the east, Avenue H to the south, and East 8th Street to the west.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R5/C1-3

ZONING SECTIONAL MAP NUMBER 22c

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

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

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

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

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

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

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

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

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

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

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 28,000

Waterbody area (sq. ft) and type:

Roads, buildings, and other paved surfaces (sq. ft.):

Other, describe (sq. ft.):

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

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 110,459

NUMBER OF BUILDINGS: 2

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): Projected Site 1 - 69,275 Projected Site 2 - 41,184

HEIGHT OF EACH BUILDING (ft.): Projected Site 1 - 95 Projected Site 2 - 95

NUMBER OF STORIES OF EACH BUILDING: Projected Site 1 - 9 Projected Site 2 - 9

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

If "yes," specify: The total square feet owned or controlled by the applicant: 12,000

The total square feet not owned or controlled by the applicant: 16,000

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: 20,000 sq. ft. (width x length) VOLUME OF DISTURBANCE: 200,000 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 20,000 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.)	73,876	8,656	22,149	
Type (*e.g.,* retail, office, school)	109 units	UG 6 - Local Retail	UG 4- House of Worship UG 4- General Community Facility (Senior Center)	

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

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 294 NUMBER OF ADDITIONAL WORKERS: 63

Provide a brief explanation of how these numbers were determined: 2.74 persons per DU in Brooklyn CD 14 as per 2020 decennial census; 3 employees per 1,000 GSF of local retail; 1 employee per 333 GSF of community facility uses.

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

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

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

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2028

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 30 months (18 for Projected Site 1, 12 for Projected Site 2)

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☐ YES ☒ NO IF MULTIPLE PHASES, HOW MANY? 2

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Assuming 12 months for technical review/environmental review, 7 months for the ULURP process, and 18 months for construction, a build year of 2026 is assumed for Projected Development Site 1. Given that the two lots within Projected Development Site 2 are owned by separate private owners, construction activities on Projected Development Site 2 would begin 12 months after the completion of development on Projected Development Site 1 with an expected construction period of 12 months. As a result, the final build year of 2028 is determined.

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

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

Part II: TECHNICAL ANALYSIS

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

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

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

	YES	NO
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Section 2.4		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☒	☐
○ If "yes," complete the Jamaica Bay Watershed Protection Plan Project Tracking Form, and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure?	☐	☒
(c) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(d) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in the Hazardous Materials Appendix (including nonconforming uses)?	☐	☒
(e) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☒
(f) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(g) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(h) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(i) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: While no RECs were identified, a Vapor Encroachment Condition could not be ruled out.	☐	☒
(j) Based on the Phase I Assessment, is a Phase II Investigation needed? See Section 2.6	☒	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒

	YES	NO
(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): 7,385 = (41 * 109) + (13 * 67) + (79 * 25)		
○ 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): 16,785,136 = (126.7 * 73,876) + (250.7 * 22,149) + (216.3 * 8,656)		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☒	☐
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☒	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☒
○ Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry trips per project peak hour?	☐	☒
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☒	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop, or Citywide Ferry Service landing?	☐	☒
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) See Section 2.8	☒	☐
(c) Does the proposed project involve multiple buildings on the project site?	☒	☐
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 114 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒

	YES	NO
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☒	☐
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. The proposed project does not have the potential for significant adverse impacts in the technical areas above as noted in the attached Supplemental Analyses. In addition, the project would not result in the combination of moderate adverse impacts in the technical areas to have the potential to significantly affect public health. Therefore, an assessment of public health is not warranted.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. An assessment of neighborhood character is generally recommended when a proposed project has the potential to result in significant adverse impacts in any technical area presented above, or when the project may have moderate effects on several of the elements that define a neighborhood's character. There would be no significant impacts to any of the constituent elements of Neighborhood Character.		
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 Section 2.10		

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
Qianyu Xiang	3/15/2024

SIGNATURE QIANYU XIANG

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.

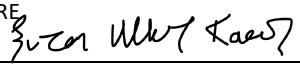
3. Check determination to be issued by the lead agency:

☐ **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 Evren Ulker-Kacar, AICP	March 15, 2024
SIGNATURE 	

NEGATIVE DECLARATION – supersedes the Negative Declaration issued October 30, 2023*

Statement of No Significant Effect

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

Reasons Supporting this Determination

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

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The applicant, Agudist Council of New York, seeks a zoning map amendment to rezone Brooklyn Block 6496 Lots 39, 45, and 47 from R5/C1-3 to R7A/C2-4 and Lots 36 (p/o), 37, 49, and 50 (p/o) (the "Affected Area") from R5/C1-3 to R5, and a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to designate Block 6496 Lots 39, 45, and 47 a Mandatory Inclusionary Housing (MIH) area (the "Proposed Actions"). The Proposed Actions would facilitate the development of a new 69,275 gross square foot (gsf), nine-story, 95-foot-tall mixed-use building consisting of 42 residential dwelling units, including approximately 13 permanently affordable dwelling units pursuant to MIH, and 18,618 gsf of community facility floor area (the "Proposed Project"). For the purpose of presenting a conservative CEQR analysis, a second development site was identified and analyzed. Projected Development Site 2 analyzes the assemblage of the non-applicant-owned Block 6496 Lots 45 and 47 and the development of a 95-foot-tall, nine-story, 41,184 gsf mixed-use building consisting of 48 residential dwelling units, including approximately 14 permanently affordable dwelling units pursuant to MIH, and 8,656 gsf of commercial retail floor area.

The Proposed Actions would not result in significant adverse impacts to Land Use, Zoning, and Public Policy. The development facilitated by the Proposed Actions would be consistent with the medium-density residential buildings found along Avenue H and in the surrounding area. The community facility use proposed by the applicant is similar to the community facility use currently in operation within Projected Development Site 1. Commercial uses that would be allowed within the proposed C2-4 overlay would be similar to the neighborhood retail commercial uses that are currently in operation within the applicant-owned Block 6496 Lot 39. The proposed R7A district is mapped consistently throughout the surrounding area including to the west and directly to the south and east of the Affected Area. The Proposed Actions would be compatible and consistent with public policies that currently apply to the Affected Area, including those supporting the City's goals for facilitating the development of permanently affordable dwelling units. Therefore, the analysis concludes that the Proposed Actions would not result in significant adverse impacts related to Land Use, Zoning, and Public Policy.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-734) related to hazardous materials and air quality 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 and air quality analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials or air quality.

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 Sean O'Rourke at sorourke@planning.nyc.gov.

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3493
NAME Evren Ulker-Kacar, AICP	DATE 3/15/2024
SIGNATURE Evren Ulker Kacar	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 3/18/2024
SIGNATURE	

* This Revised Negative Declaration (prepared in accordance with a Revised Environmental Assessment Statement dated March 15, 2024) supersedes the Negative Declaration issued on October 30, 2023. A Revised Environmental Assessment (EAS) has been prepared to incorporate a Technical Memorandum that assesses whether the analysis conclusions of the EAS dated October 27, 2023 would be altered by the proposed City of Yes for Housing Opportunity (CHO) (CEQR No. 24DCP033Y) citywide text amendment. As described in the Technical Memorandum included in Appendix E of the Revised EAS, the conclusions of the original environmental review presented in the EAS dated October 27, 2023, which found no significant adverse impacts, would not change.

Project Name: 817 Avenue H Rezoning
CEQR # 23DCP094K
SEQRA Classification: Unlisted

Determination of Significance Appendix

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

Development Site	Borough	Block and Lot
Projected Development Site 1	Brooklyn	Block 6496 Lot 39
Projected Development Site 2	Brooklyn	Block 6496 Lots 45 and 47

(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-734**) would be established as part of approval of the proposed actions on **Projected Development Sites 1 and 2** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1 and 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.

Project Name: 817 Avenue H Rezoning
CEQR # 23DCP094K
SEQRA Classification: Unlisted

Air Quality

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

> ***Projected Development Site 1:*** *Any new residential or community facility development on the above-referenced property must ensure that the stack is located at the building's highest level and at a minimum of 102 feet above grade, and that the stack is located at least 30 feet from the western lot line facing East 8th Street to avoid any potential significant adverse air quality impacts.*
>
> ***Projected Development Site 2:*** *Any new residential or commercial development on the above-referenced property must ensure that the stack is located at the building's highest level and at a minimum of 100 feet above grade, and that the stack is located at least 30 feet from the eastern lot line of Lot 45 facing East 9th Street to avoid any potential significant adverse air quality impacts.*

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Appendix A: Agency Correspondence

Appendix B: Illustrative Architectural Plans

Appendix C: Phase I ESA

Appendix D: Noise Backup

Appendix E: CHO Technical Memorandum

Figure 1.1-1: Site Location Map



Figure 1.1-2: Land Use Map

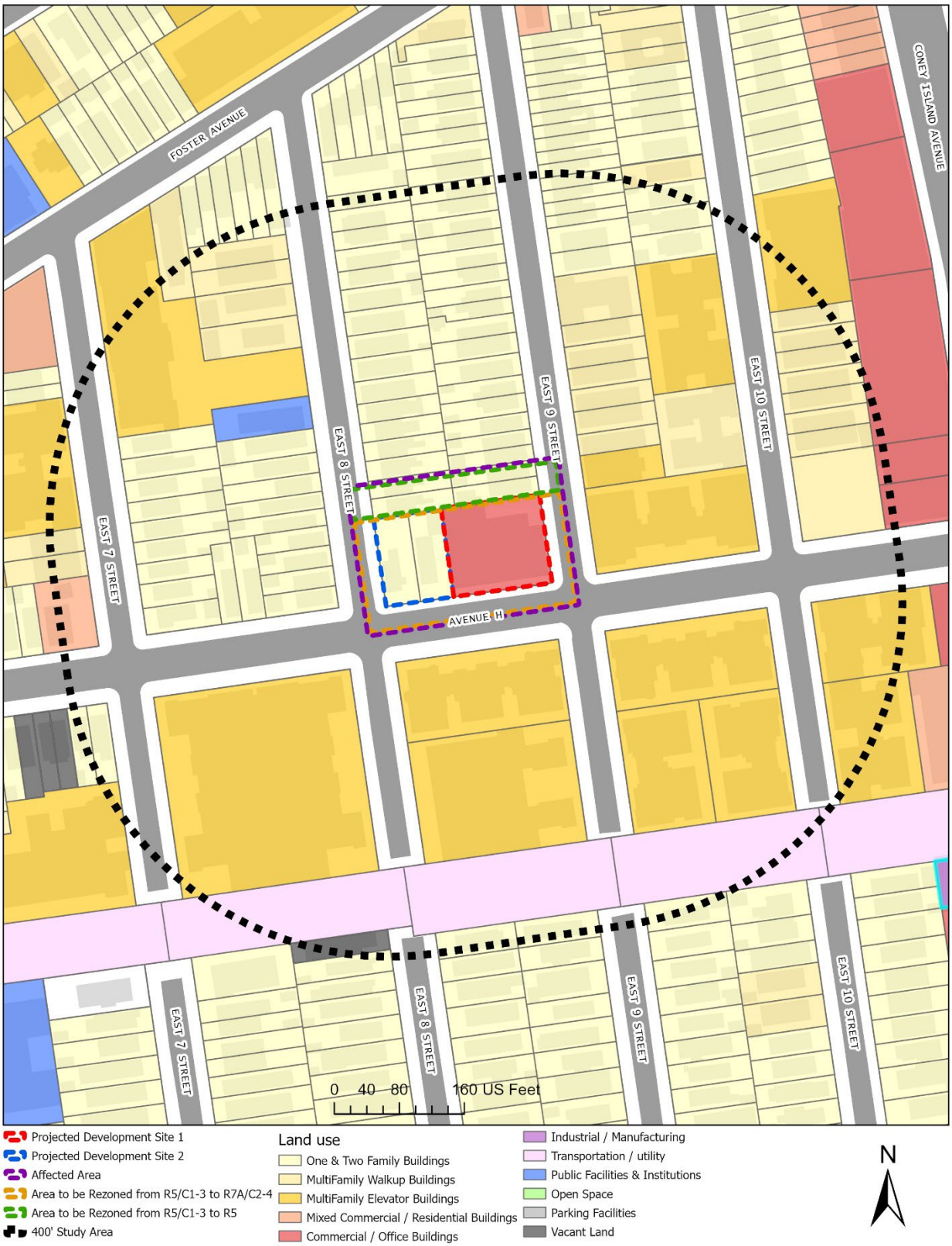


Figure 1.1-3: Tax Map



Figure 1.1-4: Zoning Map

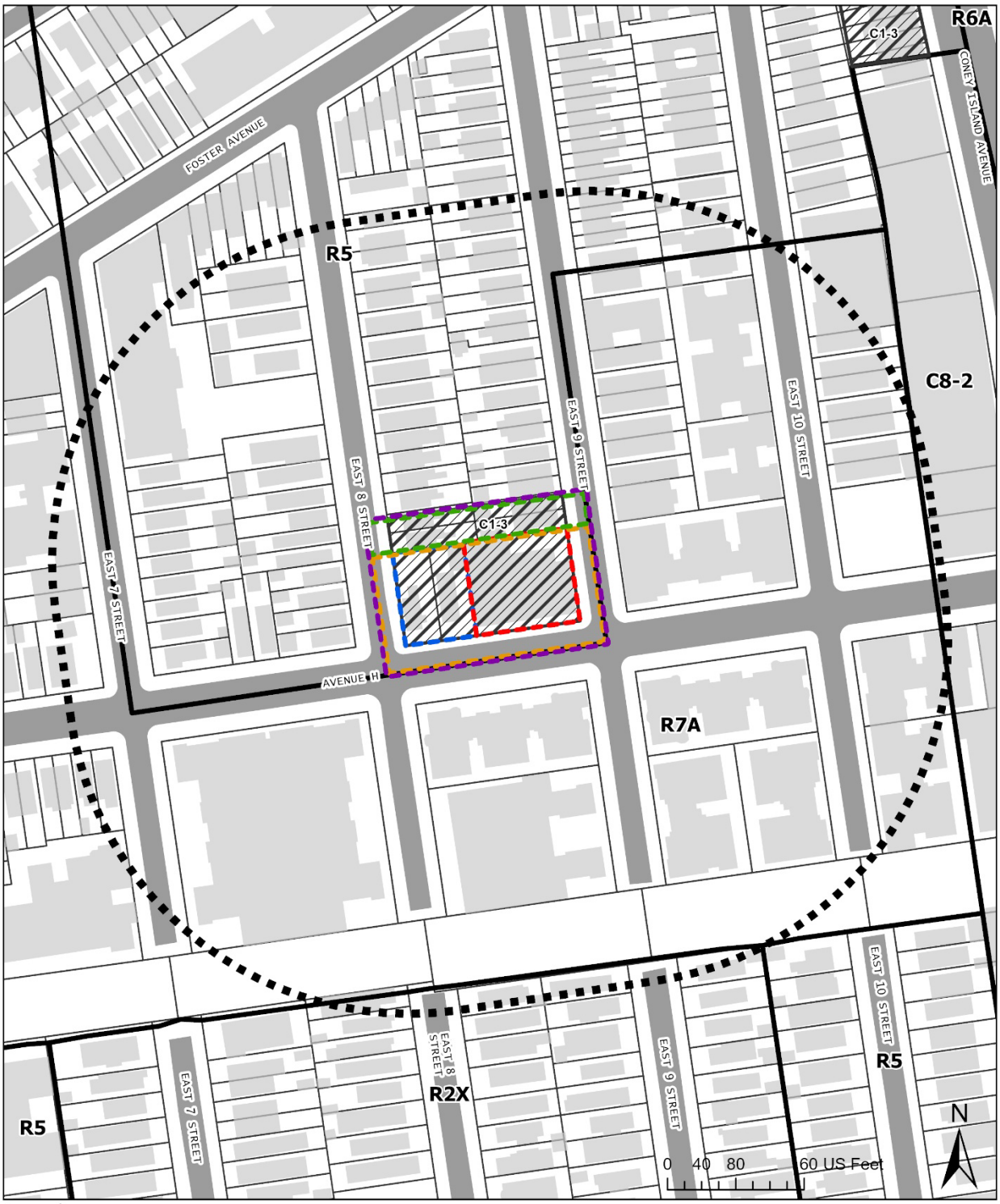
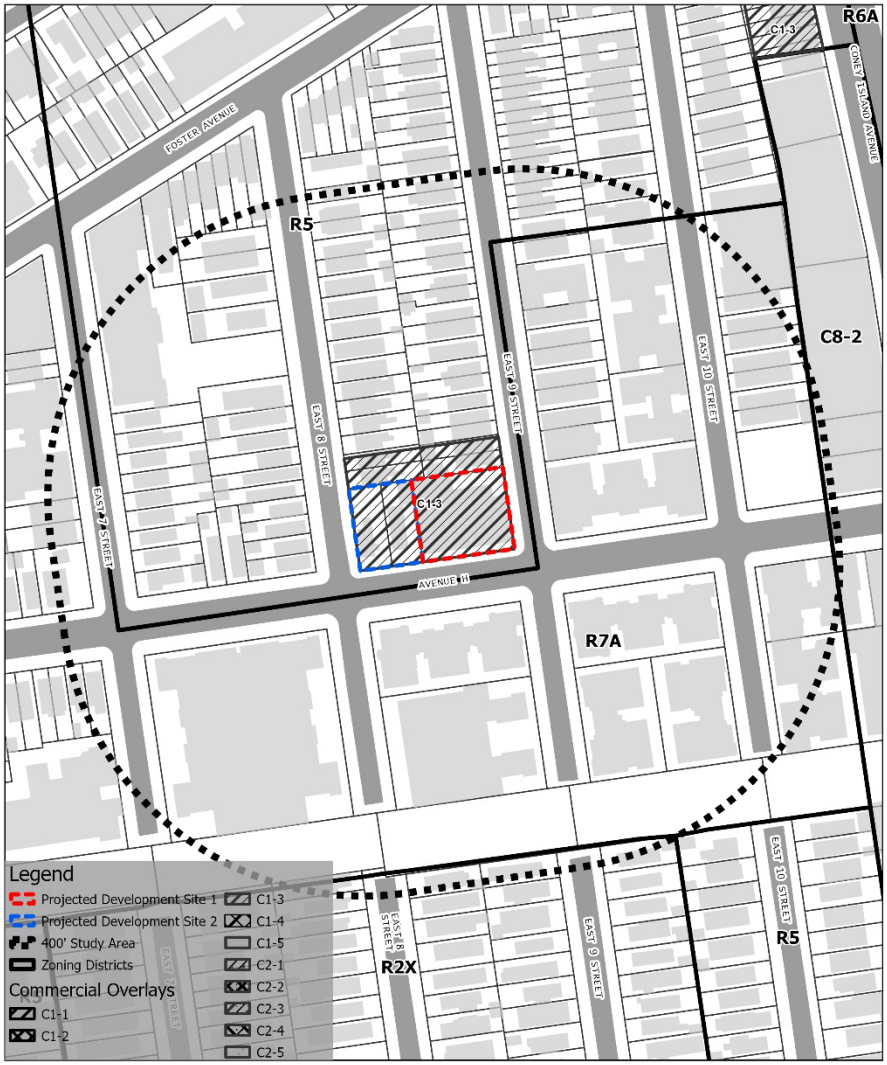
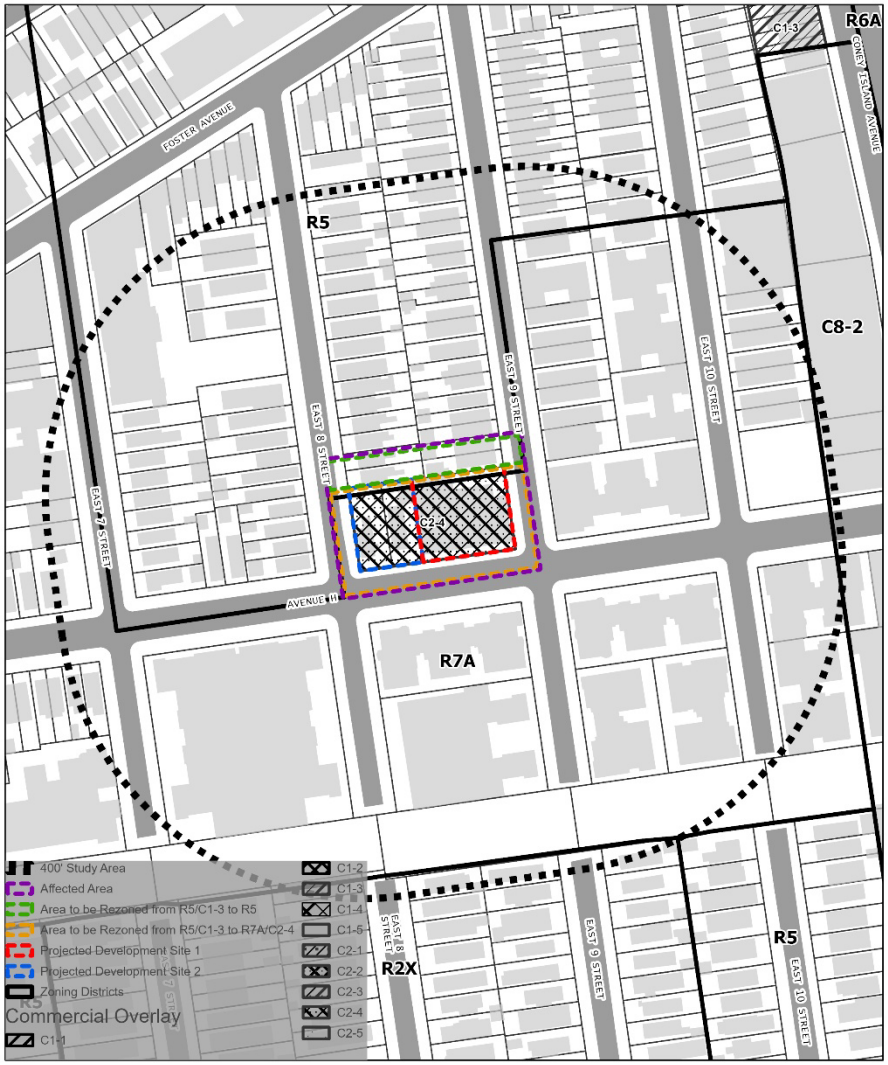


Figure 1.1-5: Zoning Change Map



Existing R5/C1-3 Zoning District



Proposed R7A/C2-4 and R5

Figure 1.1-6: Site Photos (1)

817 Avenue H — Photos #1-3

01 View of the Site looking north.



02 View from the Site looking south.



03 View of Avenue H looking west from the Site.



Photo Key

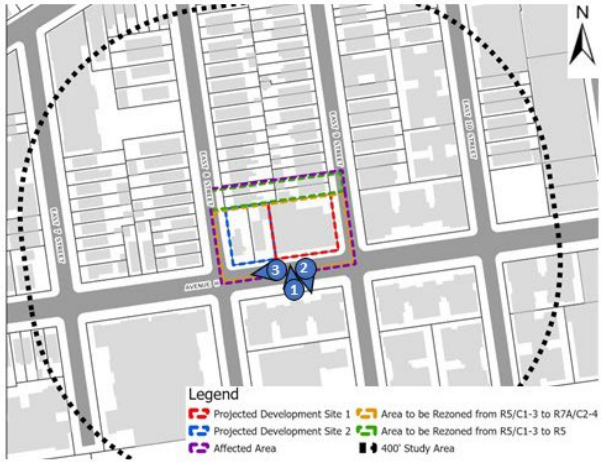


Figure 1.1-7: Site Photos (2)

817 Avenue H — Photos #4-6

04 View of Avenue H looking east from the Site.



05 View of Avenue H looking west.



06 View of Avenue H looking east beyond the Site.



Photo Key

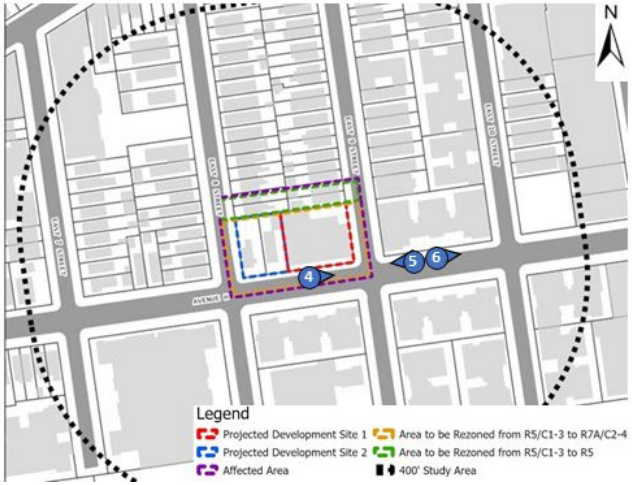


Figure 1.1-8: Site Photos (3)

817 Avenue H — Photos #7-9

07 View of Avenue H looking west toward the Site.



08 View of East 9th Street looking north.



09 View of East 9th Street looking south.



Photo Key

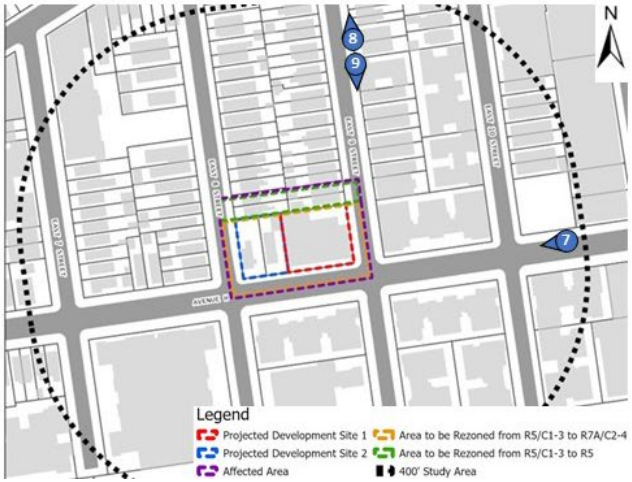


Figure 1.1-9: Site Photos (4)

817 Avenue H — Photos #10-12

10 View of East 8th Street looking north.



11 View of East 8th Street looking south.



12 View of Avenue H looking east toward the Site.



Photo Key

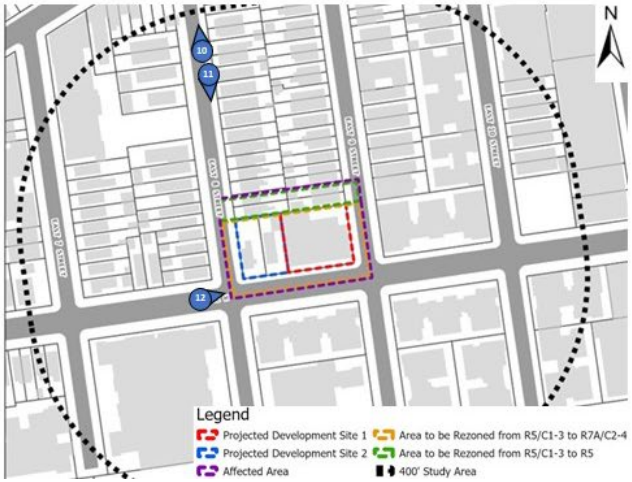


Figure 1.1-10: Site Photos (5)

817 Avenue H — Photos #13-15

13 View of Avenue H looking east toward the Site.



14 View of Avenue H looking west beyond the Site.



15 View of East 8th Street looking south.



Photo Key

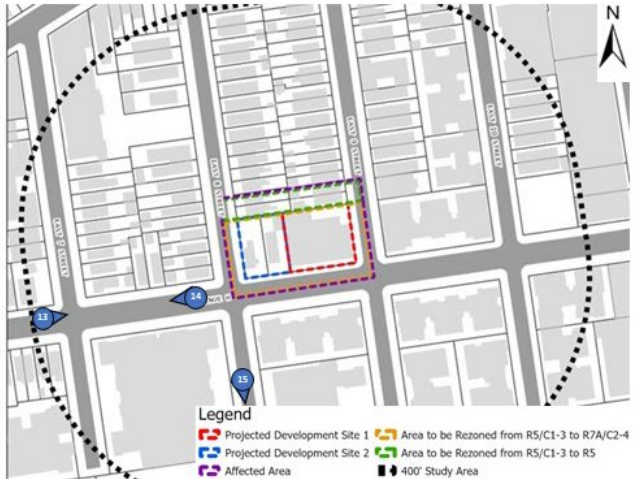


Figure 1.1-11: Site Photos (6)

817 Avenue H — Photos #16-18

16 View of East 8th Street looking north toward the Site.



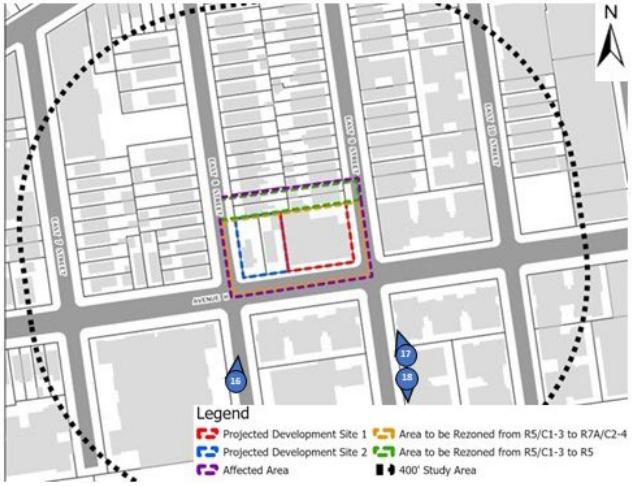
17 View of East 9th Street looking north toward the Site.



18 View of East 9th Street looking south.



Photo Key



1 Project Description

1.1 Introduction

The Applicant, Agudist Council of Greater New York, requests approval of a zoning map amendment and a zoning text amendment (the "Proposed Actions") of approximately 28,000 square feet (sf) comprising Block 6496, Lots p/o 36, 37, 39, 45, 47, 49, and p/o 50 (the "Affected Area"), which is bounded by Foster Avenue to the north, East 9th Street to the east, Avenue H to the south, and East 8th Street to the west in the Midwood neighborhood within Brooklyn Community District 14. It should be noted that while the proposed zoning map amendment area includes Block 6496, Lots p/o 36, 37, 39, 45, 47, 49, and p/o 50, the proposed zoning text amendment area only contains Block 6496 Lots 39, 45, and 47.

The zoning map amendment would rezone Block 6496, Lots 39, 45, and 47 from an R5/C1-3 zoning district to an R7A/C2-4 zoning district and Block 6496, Lots p/o 36, 37, 49, and p/o 50 from an R5/C1-3 zoning district to an R5 zoning district. The zoning text amendment would modify Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 14, Brooklyn, to establish an MIH Area coterminous with Block 6496 Lots 39, 45, and 47. The Applicant proposes mapping both MIH Option 1 and Option 2 to provide maximum flexibility for the future development of the non-Applicant-controlled sites.

The Proposed Actions would facilitate the development of a 69,275 GSF (55,168 ZSF; 4.60 FAR), 9-story-plus-cellar, 95-foot-tall mixed residential and community facility building on the Applicant-owned Projected Development Site 1 (Block 6496, Lot 39).

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

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

1.2 Background and Site History

The Affected Area is located at the northern edge of the Midwood neighborhood of Brooklyn, Community District 14, which was originally zoned R7-1/C1-3 in the 1961 zoning ordinance. In 1977, the Special Ocean Parkway District (OP) was established in Zoning Resolution 113-00, which covered and rezoned the Affected Area from the R7-1/C1-3 zoning district established in 1961 to an R5/C1-3 zoning district. In 1993, the R7-1 zoning district that abuts the Affected Area to the west and south was rezoned to R7A by the Special Ocean Parkway District Rezoning (930183 ZMK, effective August 3, 1993).

There are two large-scale rezonings in the proximity of the Affected Area since 2006, which have exerted great impact on the existing zoning in the proximity of the Affected Area.

The Flatbush Rezoning (090336 ZMK, effective July 29, 2009) was proposed by the Department of City Planning to the northeast of the Affected Area. The 2009 Flatbush Rezoning eliminated C1-3 and C2-3 districts from within existing R3-1, R6, and R7-1 districts, changed R3-1, R3-2, R4, R5, R6, R7-1, C4-2, C4-3 districts to R1-2, R3X, R4A, R5B, R5D, R6A, R6B, R7A, C4-4A districts, and established C2-4 districts in adopted R3X, R5B, R5D, R6A, R6B and R7A districts. The Flatbush Rezoning aims to protect and preserve existing built character by mapping lower density and contextual zoning districts to preserve the scale of detached home, row house, and apartment building neighborhoods, provide incentives for affordable housing along certain corridors that are well served by transit and maintain opportunities for commercial growth and re-investment in commercial areas.

Further, in 2006, the Midwood Rezoning (060130 ZMK, effective April 5, 2006) was proposed by the Department of City Planning to change the zoning for approximately 80 blocks located to the southeast of the Affected Area. The area for this rezoning is predominantly residential and is rezoned by eliminating a C2-3 district within an existing R6 district, changing from R6, C4-3 and C8-2 districts to R2, R4-1, R5, R5B, R6A, R7A, and C4-4A districts, and establishing C1-3 and C2-3 districts within adopted R5 and R7A districts. It is believed that the Midwood Rezoning could reinforce established built contexts and prevent out-of-character development by rezoning the area to contextual districts that do not allow buildings with community facilities to be larger than others in the district. Meanwhile, it could limit new construction along Avenue K, Ocean Avenue, and Kings Highway to maintain the existing street wall character while allowing the construction of new apartment buildings with a maximum height of 80 feet along Avenue J, Coney Island Avenue, and the Avenue M commercial corridor.

The Applicant-owned property (Block 6496, Lot 39) was developed with the present building in 1950. A 1950 Certificate of Occupancy was identified for the lot to permit the use of the building as store. Another 1974 Certificate of Occupancy was also identified for the lot, which approves the uses of the building as meeting room and stores.

Block 6496, Lots 36, 37, 45, 47, 49, and 50 were all developed with the present residences in approximately 1925. A 1949 Certificate of Occupancy for Lot 37 and a 1974 Certificate of Occupancy for Lot 49 were identified that permit the use of the buildings as two-family residences. No Certificate of Occupancy was identified for Lots 36, 45, 47, or 50.

1.3 Description of the Surrounding Area

The surrounding area is predominantly one- and two-family residences, multi-family walk-up buildings, and multi-family elevator buildings. To a lesser degree, commercial and office buildings, transportation and utility uses, and public facilities and institutions are present. Coney Island Avenue is a major thoroughfare located to the east of the area, along which there are a mix of commercial, mixed residential and commercial, and community facility uses. Avenue H is another wide street where medium-density multi-family elevator buildings are located.

Built form in the area varies by use, and generally consists of low- to mid-rise residential and mixed-use commercial and residential uses as well as multi-family residential buildings. The residential buildings range from two to eight stories in height and the commercial buildings are mostly one story in height, which are used as retail stores, but occasionally range from two to four stories to be used as office buildings with ground floor retail stores. There is only one three-story community facility building in the area that is occupied by a social services organization called Women's League Community Residence.

The Affected Area is within an R5/C1-3 zoning district that is surrounded by a mix of low- and medium-density residential zoning districts, as well as commercial zoning districts and commercial overlays along the major corridor, Coney Island Avenue. The R5 district housing all of the Affected Area generally extends to the north. Along Avenue H and Ocean Parkway, the L-shape area is generally zoned R7A to the south and west of the R5 district. East of the R5 district is a mix of small commercial and residential districts with commercial overlays, including C8-2, R5/C1-3, and R2/C2-4. Coney Island Avenue is the only major commercial corridor in the vicinity running north-to-south to the east of the Affected Area.

The area is well served by transit. The 18th Avenue subway station with services of the F train is located approximately six blocks west of the Affected Area and the Avenue H subway station with services of the Q train is located approximately seven blocks east of the Affected Area. The nearest transfer station to another subway line is one stop away from Avenue H station to Newkirk Plaza station located approximately 2,500 feet to the northeast of the Affected Area, which provides services of B and Q trains. MTA bus lines in the vicinity include the B8, B11, and B68 bus lines. B8 runs north/south along Coney Island Avenue and east/west along Foster Avenue to the northeast of the Affected Area, while B11 runs east/west along Avenue I to the south of the Affected Area. B68 runs north/south along Coney Island Avenue to the east of the Affected Area.

1.4 Description of the Affected Area

The Affected Area is in Brooklyn Community District 14 on the southern portion of Block 6496. The lots within the Affected Area are a mix of residential, community facility/religious facilities, and commercial uses. Blocks 6496 is bounded by Foster Avenue to the north, East 9th Street to the east, Avenue H to the south, and East 8th Street to the west. Foster Avenue is a northeast-southwest, 60-foot-wide, two-way narrow street classified as a major collector road by the NYSDOT with one moving lane of traffic and curbside parking in each direction. East 9th Street is a southbound, 60-foot-wide, one-way narrow street classified as a local road with one moving lane of traffic and curbside parking. Avenue H is an east-west, 80-foot-wide, two-way wide street classified as a major collector road with one moving lane of traffic and curbside parking in each direction. East 8th Street is a northbound, 60-foot-wide, one-way narrow street classified as a local road with one moving lane of traffic and curbside parking.

The Affected Area contains approximately 28,000 SF of lot area within Block 6496, which is currently zoned R5/C1-3. There would be two Projected Development Sites – one is owned and controlled by the Applicant, and the other is not owned and controlled by the Applicant.

Applicant-Owned Projected Development Site 1

The Applicant-controlled lot for Projected Development Site 1 is Block 6496, Lot 39. Lot 39 is a 12,000-square-foot lot with 120 feet of frontage on Avenue H and 100 feet of frontage on East 9th Street. The lot is occupied by a 9,762 GSF, one-story community facility building, which is used as a house of worship by the project sponsor and contains space leased to a senior center for weekday use. There are three small commercial storefronts at the southwest corner of the building totaling 1,200 GSF of floor area. The lot has a curb cut on East 9th Street, providing access to a parking and loading area.

Non-Applicant-Owned Projected Development Site 2

The non-Applicant-controlled lots for Projected Development Site 2 on Block 6496 are Lots 45 and 47 and are summarized below:

- Lot 45 is a 4,000-square-foot lot with 40 feet of frontage on Avenue H. It is occupied by a 2,044 GSF, two-story, single-family residence. The lot has a curb cut on Avenue H. Lot 45 was developed with the present residence in approximately 1925. A second story on the garage at the rear was erected in the early 2000s.
- Lot 47 is a 4,000-square-foot lot with 40 feet of frontage on Avenue H and 100 feet of frontage on East 8th Street. It is occupied by a 1,518 GSF, two-story, single-family residence. The lot has a curb cut on East 8th Street.

Other Non-Applicant-Controlled Sites

The non-Applicant-controlled lots on Block 6496, on which redevelopment is not anticipated, are Lots 36, 37, 49, and 50 and are summarized below:

- Lot 36 is a 1,933-square-foot lot with 19.33 feet of frontage on East 9th Street. It is occupied by a 1,718 GSF (0.89 FAR), 2.5-story, single-family residence. The lot has a curb cut on East 9th Street.
- Lot 37 is a 2,275-square-foot lot with 22.75 feet of frontage on East 9th Street. It is occupied by a 1,718 GSF (0.76 FAR), 2.5-story, single-family residence. The lot has a curb cut on East 9th Street.
- Lot 49 is a 2,333-square-foot lot with 23.33 feet of frontage on East 8th Street. It is occupied by a 1,730 GSF (0.74 FAR), 2.5-story, single-family residence. The lot has a curb cut on East 8th Street.
- Lot 50 is a 2,333-square-foot lot with 23.33 feet of frontage on East 8th Street. It is occupied by a 1,730 GSF (0.74 FAR), 2.5-story, single-family residence. The lot has a curb cut on East 8th Street.

1.5 Description of the Proposed Development

The Proposed Development would construct a new mixed residential and community facility building on Block 6496, Lot 39 (Projected Development Site 1).

The Applicant-Owned lot would have a projected lot size of 12,000 SF, and would be developed with a 9-story-plus-cellar, 95-foot-tall, 69,275 GSF (55,169 ZSF; 4.60 FAR) mixed residential and community facility building. There would be 4,859 GSF of residential accessory parking and 4,450 GSF of building storage and mechanical space at the cellar level, 18,618 GSF (15,758 ZSF; 1.31 FAR) of community facility uses on the ground floor and the second floor, and 41,348 GSF (39,411 ZSF; 3.29 FAR) of residential uses on the third through the ninth floor. The community facility space would be used similarly to the existing use on the site for religious worship and community center.

The Applicant's Proposed Development on Projected Development Site 1 would include 42 units. Since Projected Development Site 1 would be located within the proposed MIH area, the Proposed Development would be required to set aside 25-30% (11-13 units) of the residential floor area for affordable housing at an average of 60-80% AMI per MIH Options 1 or 2. For the purposes of Early Childhood Programs analysis, 20% (8 units) of residential floor area is assumed to be affordable at or below 60% AMI.

Given that Avenue H (80 feet wide) is a wide street and East 9th Street (60 feet wide) is a narrow street, the Proposed Development would reach the maximum building height of 95 feet after a 10-foot setback on Avenue H and a 15-foot setback on East 9th Street above the maximum base height of 75 feet. 20 residential accessory parking spaces would be provided in the enclosed

garage at the cellar level, which would be served by a curb cut on East 9th Street at the same location as the site's current curb cut.

1.6 Action(s) Necessary to Facilitate the Project

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

- a Zoning Map Amendment to rezone Block 6496, Lots 39, 45, and 47 from an R5/C1-3 zoning district to an R7A/C2-4 zoning district and Block 6496, Lots p/o 36, 37, 49, and p/o 50 from an R5/C1-3 zoning district to an R5 zoning district;
- a Zoning Text Amendment to amend Brooklyn Community District 14, Map 22c in Appendix F: Inclusionary Housing Designated Area to establish Block 6496, Lots 39, 45, and 47 as an MIH Area.

1.7 Purpose and Need

The Affected Area is currently zoned R5 with a C1-3 overlay within the Special Ocean Parkway District. The Proposed Actions would rezone the Affected Area within 100 feet of Avenue H to R7A with a C2-4 overlay. The area beyond 100 feet from Avenue H would remain to be zoned R5, but the existing C1-3 overlay would be removed.

The Proposed Actions would extend the existing R7A district that is mapped to the east and the south of the Affected Area. It would facilitate redevelopment of the Applicant-owned Projected Development Site 1 (Block 6496, Lot 39) for a mixed community facility and residential development at a scale and bulk consistent with the surrounding built form and would provide needed housing opportunities, including permanently affordable units pursuant to Mandatory Inclusionary Housing. Meanwhile, eliminating the C1-3 overlay beyond 100 feet from Avenue H would preclude the introduction of commercial uses on the residential side streets, which could help maintain the consistency of the built environment of the residential areas.

1.8 Analysis Framework

The analysis framework compares the incremental difference between the proposed and potential development under the Proposed Actions (With-Action) and the development which could occur under the existing zoning (No-Action). This EAS studies the potential for individual and cumulative environmental impacts related to the Proposed Actions occurring in a study area of approximately 400 feet around the Affected Area. This environmental assessment considers the potential effects of the Proposed Actions compared to future conditions without the approvals sought by the Applicant. This analysis framework is described below:

Reasonable Worst-Case Development Scenario

Discretionary actions sometimes permit a range of project characteristics, or development scenarios, to occur even though the action may be sought in order to facilitate a specific

development. From the range of possible scenarios that are considered reasonable and likely, the scenario with the worst environmental consequences is chosen for analysis. This is considered to be the Reasonable Worst-Case Development Scenario (RWCDS), the use of which ensures that, regardless of which scenario actually occurs, its impacts would be no worse than those considered in the environmental review. The environmental assessment examines the incremental differences between the RWCDS of the future without the project in place (No-Action Scenario) and the future with the project in operation (With-Action Scenario).

Build Year

Assuming 12 months for technical review/environmental review, 7 months for the ULURP process, and 18 months for construction, a build year of 2026 is assumed for Projected Development Site 1. Given that the two lots within Projected Development Site 2 are owned by separate private owners, construction activities on Projected Development Site 2 would begin 12 months after the completion of development on Projected Development Site 1 with an expected construction period of 12 months. As a result, the final build year of 2028 is determined.

Future Without the Proposed Actions (No-Action Scenario)

The No-Action Scenario for the Affected Area would be the same as existing conditions. Redevelopment is not considered likely in the Future No-Action Scenario on lots within the Affected Area because existing buildings are about to reach the maximum bulk, density, or number of units that the underlying R5/C1-3 zoning district would allow.

Future With the Proposed Actions (With-Action Scenario)

Projected Development Site 1 (Block 6496, Lot 39; Applicant-Owned)

A new 9-story-plus-cellar, 95-foot-tall, 69,275 GSF (55,168 ZSF; 4.60 FAR) mixed residential and community facility building would be developed on a 12,000-SF lot. The proposed building would contain 5,778 GSF of residential accessory parking at the cellar level, 22,149 GSF (17,128 ZSF; 1.43 FAR) of community facility uses at the cellar level through the second floor, and 41,348 GSF (38,040 ZSF; 3.50 FAR) of residential uses with 61 dwelling units (680 GSF per unit) on the third through the ninth floor. The community facility space would be used similarly to the existing use on the site for religious worship and community center.

Since Projected Development Site 1 would be located within the proposed MIH area, the Proposed Development would be required to set aside 25-30% (15-18 units) of the residential floor area for affordable housing at an average of 60-80% AMI per MIH Options 1 or 2. The Applicant is proposing MIH Option 1, and as a result, 15 units would be set aside as permanently affordable units for households with incomes averaging 60% AMI. For the purposes of Early Childhood Programs analysis, 20% (12 units) of residential floor area is assumed to be affordable at or below 60% AMI.

Given that Avenue H (80 feet wide) is a wide street and East 9th Street (60 feet wide) is a narrow street, the Proposed Development would reach the maximum building height of 95 feet after a 10-foot setback on Avenue H and a 15-foot setback on East 9th Street above the maximum base height of 75 feet. 23 residential accessory parking spaces would be provided in the enclosed garage at the cellar level, which would be served by a curb cut on East 9th Street at the same location as the site's current curb cut.

Projected Development Site 2 (Block 6496, Lots 45 and 47; Non-Applicant-Owned)

Projected Development Site 2 projects an assemblage of Lot 45 (owned by Leon Richter) and Lot 47 (owned by Fisch Edith), which would be developed with a new 9-story-plus-cellar, 95-foot-tall, 41,184 GSF (36,800 ZSF; 4.60 FAR) mixed residential and commercial building on a combined 8,000-SF lot. The building is assumed to contain 8,656 GSF (6,400 ZSF; 0.80 FAR) of ground floor retail space and 32,528 GSF (30,400 ZSF; 3.80 FAR) of residential space on the 1st (residential lobby) to 9th floors. 48 total dwelling units would be provided (assuming 680 GSF per unit), of which 25-30% (12-14 units) would be affordable pursuant to MIH Options 1 and 2 at an average of 60-80% AMI depending on the Option selected. For the purposes of Early Childhood Programs analysis, 20% (10 units) of residential floor area is assumed to be affordable at or below 60% AMI.

Parking would be waived for residential uses as the assembled lots would be under 10,000-sf allowing a reduction to 30% of dwelling units per ZR 25-241, which would result in a parking requirement of 11 spaces for market-rate units. As per ZR 25-261, the parking requirement can be waived as there is under 15 spaces required. Further, no parking for commercial uses is assumed, pursuant to ZR 25-33, non-residential parking spaces are waived if under 40 would be required.

Given that Avenue H (80 feet wide) is a wide street and East 8th Street (60 feet wide) is a narrow street, the Proposed Development would reach the maximum building height of 95 feet after a 10-foot setback on Avenue H and a 15-foot setback on East 8th Street above the maximum base height of 75 feet.

In total, Projected Development Sites 1 and 2 would contain 109 dwelling units, 27 of which would be set aside as affordable housing units.

Other Affected Lots (Block 6496, Lots 36, 37, 49, and 50; Non-Applicant-Owned)

The non-Applicant-controlled sites on Block 6496 include Lots 36, 37, 49, and 50. Lot 36 is a 1,933-square-foot lot that is improved with a 1,718 GSF (0.89 FAR), 2.5-story, single-family residence; Lot 37 is a 2,275-square-foot lot that is improved with a 1,718 GSF (0.76 FAR), 2.5-story, single-family residence; Lot 49 is a 2,333-square-foot lot that is improved with a 1,730 GSF (0.74 FAR), 2.5-story, single-family residence; Lot 50 is a 2,333-square-foot lot that is improved with a 1,730 GSF (0.74 FAR), 2.5-story, single-family residence.

Though the Proposed Actions would rezone these sites from R5/C1-3 to R5, eliminating the existing C1-3 commercial overlay on these side street lots, it would not affect the residential

development potential of the lots, which has no impacts on the existing residential buildings. Therefore, given the development patterns in the surrounding area, redevelopment is less likely. As such, the existing conditions of the lots listed above on Block 6496 are projected to persist under the Future With-Action Conditions.

Increment of Analysis

Because only Projected Development Site 1 and 2 are considered in the increment between the No-Action and With-Action development scenarios, Other Affected Sites will not be considered in the analysis of density-related aspects of the environmental review (such as community facility and open space conditions). The net residential square footage would increase 70,314 GSF (107 dwelling units), the net community facility square footage would increase 7,456 GSF, and the net community facility square footage would increase 13,587 GSF. It should also be noted the net affordable units would increase 27 units, accounting for 25% of the total dwelling units per MIH Option 1.

The Projected Development Sites and Other Affected Sites are shown in **Figure 1.1-1**, while the RWCDS Analysis Framework is shown below in **Table 1.8-1**. The Existing, No-Action, and With-Action Scenarios on the lots within the Affected Area are presented in **Table 1.8-2**.

Table 1.8-1: RWCDS Analysis Framework - No-Action and With-Action Calculations

	Site Information			No-Action Condition					With-Action Condition					Increment			
	Block	Lot	Lot Area	Zoning	Res. (GSF)	DU	Com. (GSF)	CF (GSF)	Zoning	Res. (GSF)	DU	Com. (GSF)	CF (GSF)	Res. (GSF)	DU	Com. (GSF)	CF (GSF)
Site 1	6496	39	12,000	R5/C1-3	0	0	1,200	8,562	R7A/C2-4	41,348	61	0	22,149	41,348	61	-1,200	13,587
Site 2		45	4,000	R5/C1-3	3,562	2	0	0	R7A/C2-4	32,528	48	8,656	0	28,966	46	8,656	0
		47	4,000														
Total			**20,000**		**3,562**	**2**	**1,200**	**8,562**		**73,876**	**109**	**8,656**	**22,149**	**70,314**	**107**	**7,456**	**13,587**

GSF = Gross Square Feet
Res. = Residential
DU = Dwelling Unit
Com. = Commercial
CF = Community Facility

Table 1.8-2: RWCDS Incremental Analysis Table

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Land Use				
Residential	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify the following:				
Describe type of residential structures	single family detached	single family detached	multi-family	
No. of dwelling units	2	2	109	107
No. of low- to moderate-income units			27	27
Gross floor area (sq. ft.)		3,562	73,876	70,314
Commercial	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify the following:				
Describe type (retail, office, other)	local retail	local retail	local retail	
Gross floor area (sq. ft.)	1,200	1,200	8,656	7,456
Manufacturing/Industrial				
If "yes," specify the following:				
Type of Use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any enclosed activities, specify:				
Community Facility	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify the following:				
Type of Use	house of worship, senior center	house of worship, senior center	house of worship, senior center	
Gross floor area (sq. ft.)	8,562	8,562	22,149	13,587
Vacant Land	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes", describe:	N/A	N/A	N/A	
Publicly Accessible Open Space	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," specify type (mapped City, State, or Federal Parkland, wetland-mapped or otherwise known, other):	N/A	N/A	N/A	
Other Land Uses	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," describe:	N/A	N/A	N/A	
Parking				
Garages	☐ Yes ☑ No	☐ Yes ☑ No	☑ Yes ☐ No	
If "yes," specify the following:				
No. of public spaces	N/A	N/A		
No. of accessory spaces	N/A	N/A	23	23
Operating hours	N/A	N/A		
Attended or non-attended	N/A	N/A		
Lots	☑ Yes ☐ No	☑ Yes ☐ No	☐ Yes ☑ No	
If "yes," specify the following:				
No. of public spaces			N/A	
No. of accessory spaces	14	14	N/A	-14
Operating hours			N/A	
Other (includes street parking)	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," describe:	N/A	N/A	N/A	

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Population				
Residents	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify number:	5	5	299	294
Briefly explain how the number of residents was calculated:	Based on Brooklyn Community District 14 average household size of 2.74 persons per household - 2020 Decennial Census Data			
Businesses	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify the following:				
No. and type	local retail	local retail	local retail	
No. and type of workers by business	29	29	92	63
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:	3 employees per 1,000 SF for local retail; 1 employee per 333 SF for general Community Facility			
Other (students, visitors, concert-goers, *etc*.)	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If any, specify type and number:	N/A	N/A	N/A	
Briefly explain how the number was calculated:				
Zoning				
Zoning classification	R5/C1-3	R5/C1-3	R7A/C2-4	
Maximum amount of floor area that can be developed	1.25 Res.; 2.0 CF; 1.0 Com.	1.25 Res.; 2.0 CF; 1.0 Com.	4.6 Res.; 4.0 CF; 2.0 Com.	
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project				
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

2 Environmental Review

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

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

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

2.1 Land Use, Zoning, and Public Policy

The *2021 CEQR Technical Manual* recommends procedures for analysis of land use, zoning and public policy to ascertain the impacts of a project on the Surrounding Area. Land use, zoning, and public policy are described in detail below. This section considers existing conditions, development trends, and zoning and other public policies in relation to the Projected Development Sites and the Surrounding Area as well as the larger area in which the Proposed Actions may have an effect. Because the Proposed Actions would permit the development of multiple family residential uses with a larger bulk and would also reduce the parking requirements for commercial uses compared to existing zoning regulations, a preliminary assessment of Land Use, Zoning, and Public Policy is provided.

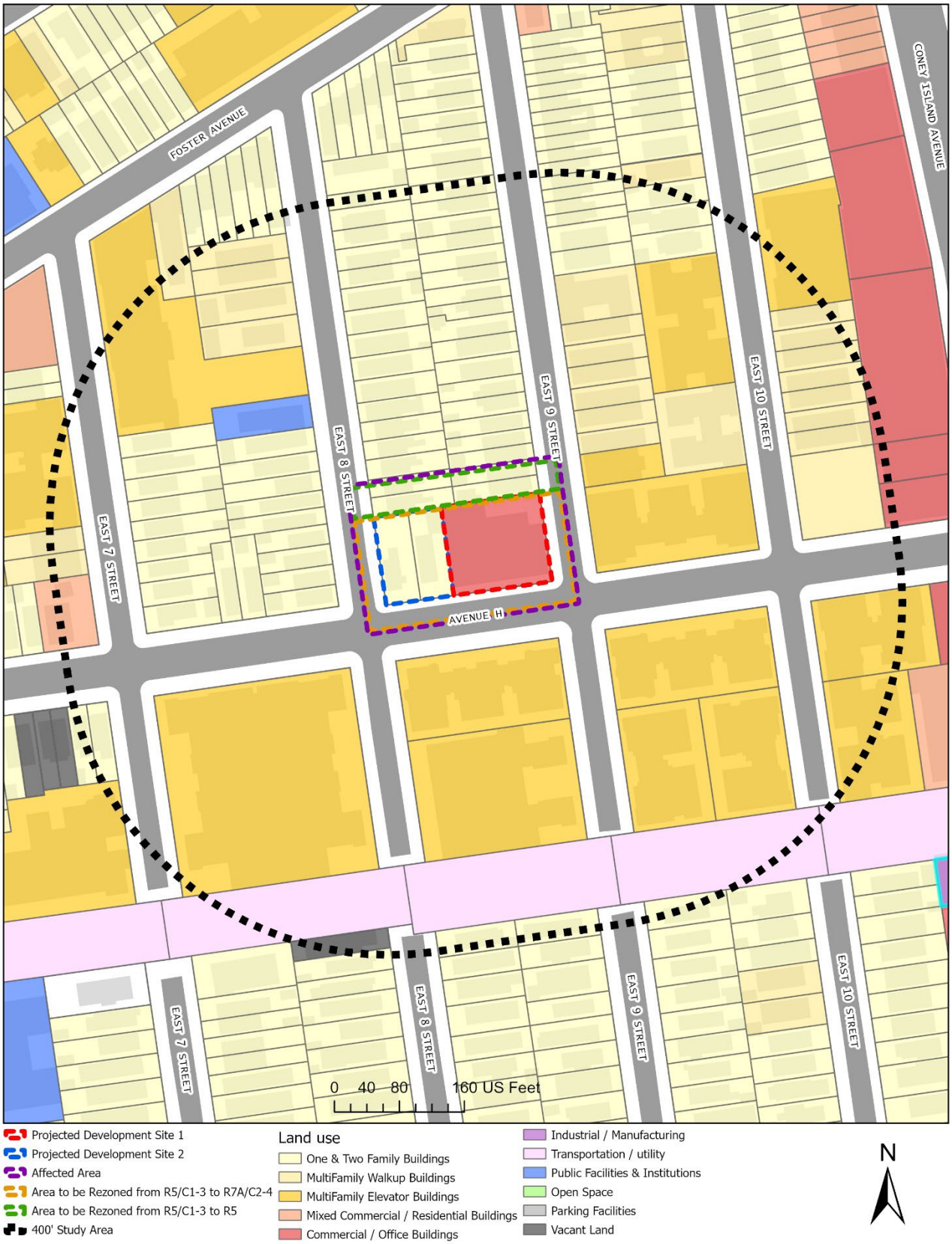
Methodology

Existing land uses were determined by reference to the New York City Zoning and Land Use (Zola) database and PLUTOTM 22v1 shapefiles. These uses were then confirmed through site visits. The evaluation of lots within the 400-foot Study Area was performed with reference to New York City Zoning Maps and the Zoning Resolution of the City of New York and served as the basis for the zoning evaluation of the Future No-Action and Future With-Action Conditions. Public Policy research was performed through an evaluation of New York City Department of City Planning (NYCDCP) and other city agencies programs and documentation.

2.1.1 Land Use

The *2021 CEQR Technical Manual* suggests that a land use, zoning, and public policy study area should generally extend 400 feet from the Affected Area. Existing land uses within approximately 400 feet of the Affected Area are presented in **Figure 2.1-1**.

Figure 2.1-1: Land Use Map



Existing Conditions

Land Use Study Area

As shown in **Figure 2.1-1** and stated in **Section 1.3**, the surrounding area is predominantly one- and two-family residences, multi-family walk-up buildings, and multi-family elevator buildings. To a lesser degree, commercial and office buildings, transportation and utility uses, and public facilities and institutions are present. Coney Island Avenue is a major thoroughfare located to the east of the area, along which there are a mix of commercial, mixed residential and commercial, and community facility uses. Avenue H is another wide street where medium-density multi-family elevator buildings are located.

Built form in the area varies by use, and generally consists of low- to mid-rise residential and mixed-use commercial and residential uses as well as multi-family residential buildings. The residential buildings range from two to eight stories in height and the commercial buildings are mostly one story in height, which are used as retail stores, but occasionally range from two to four stories to be used as office buildings with ground floor retail stores. There is only one three-story community facility building in the area that is occupied by a social services organization called Women's League Community Residence.

Affected Area

Applicant-Owned Projected Development Site 1

The Applicant-controlled lot for Projected Development Site 1 is Block 6496, Lot 39. Lot 39 is a 12,000-square-foot lot with 120 feet of frontage on Avenue H and 100 feet of frontage on East 9th Street. The lot is occupied by a 9,762 GSF, one-story community facility building, which is used as a house of worship by the project sponsor and contains space leased to a senior center for weekday use. There are three small commercial storefronts at the southwest corner of the building totaling 1,200 GSF of floor area. The lot has a curb cut on East 9th Street providing access to a parking and loading area.

Non-Applicant-Owned Projected Development Site 2

The non-Applicant-controlled lots for Projected Development Site 2 on Block 6496 are Lots 45 and 47 and are summarized below:

- Lot 45 is a 4,000-square-foot lot with 40 feet of frontage on Avenue H. It is occupied by a 2,044 GSF, two-story, single-family residence. The lot has a curb cut on Avenue H. Lot 45 was developed with the present residence in approximately 1925. A second story on the garage at rear was erected in the early 2000s.
- Lot 47 is a 4,000-square-foot lot with 40 feet of frontage on Avenue H and 100 feet of frontage on East 8th Street. It is occupied by a 1,518 GSF, two-story, single-family residence. The lot has a curb cut on East 8th Street.

Other Non-Applicant-Controlled Sites

The non-Applicant-controlled lots on Block 6496, on which redevelopment is not anticipated, are Lots 36, 37, 49, and 50 and are summarized below:

- Lot 36 is a 1,933-square-foot lot with 19.33 feet of frontage on East 9th Street. It is occupied by a 1,718 GSF (0.89 FAR), 2.5-story, single-family residence. The lot has a curb cut on East 9th Street.
- Lot 37 is a 2,275-square-foot lot with 22.75 feet of frontage on East 9th Street. It is occupied by a 1,718 GSF (0.76 FAR), 2.5-story, single-family residence. The lot has a curb cut on East 9th Street.
- Lot 49 is a 2,333-square-foot lot with 23.33 feet of frontage on East 8th Street. It is occupied by a 1,730 GSF (0.74 FAR), 2.5-story, single-family residence. The lot has a curb cut on East 8th Street.
- Lot 50 is a 2,333-square-foot lot with 23.33 feet of frontage on East 8th Street. It is occupied by a 1,730 GSF (0.74 FAR), 2.5-story, single-family residence. The lot has a curb cut on East 8th Street.

Future No-Action Condition

Land Use Study Area

There are two active construction permits in the surrounding 400-foot study area, accounting for approximately 77,354 square feet of residential land uses comprised of approximately 73 units. One development is located at 900 East 7th Street (Block 6494, Lot 32), which is a new 29,722 GSF mixed residential and community facility building rising to 80 feet or seven stories tall. The other development is located at 618 Avenue H (Block 6509, Lot 7), which is a new 47,632 GSF residential building rising to 80 feet or eight stories tall. There are no proposed rezonings within the 400-foot Study Area. No-Action Developments within 400-foot area are shown below in **Table 2.1-1**.

Table 2.1-1: No-Action Developments

Address	Type	Land Use	GSF	Dwelling Units	Story
900 East 7th Street	New Building	Residential/ Community Facility	29,722	30	7
618 Avenue H	New Building	Residential	47,632	43	8

GSF = Gross Square Feet

Affected Area

The No-Action Scenario for the Affected Area would be the same as existing conditions. Redevelopment is not considered likely in the Future No-Action Scenario on lots within the Affected Area because existing buildings are about to reach the maximum bulk, density, or number of units that the underlying R5/C1-3 zoning district would allow.

Future With-Action Condition

Land Use Study Area

Land use and development patterns in the study area are anticipated to remain unchanged in the future with the Proposed Actions except the proposed rezoning within the Affected Area. Any new development in the surrounding area except the Affected Area would be consistent with the underlying zoning regulations.

Affected Area

Projected Development Site 1 (Block 6496, Lot 39)

A new 9-story-plus-cellar, 95-foot-tall, 69,275 GSF (55,168 ZSF; 4.60 FAR) mixed residential and community facility building would be developed on a 12,000-SF lot. The proposed building would contain 5,778 GSF of residential accessory parking at the cellar level, 22,149 GSF (17,128 ZSF; 1.43 FAR) of community facility uses at the cellar level through the second floor, and 41,348 GSF (38,040 ZSF; 3.50 FAR) of residential uses with 61 dwelling units (680 GSF per unit) on the third through the ninth floor. The community facility space would be used similarly to the existing use on the site for religious worship and community center.

Since Projected Development Site 1 would be located within the proposed MIH area, the Proposed Development would be required to set aside 25-30% (15-18 units) of the residential floor area for affordable housing at an average of 60-80% AMI per MIH Options 1 or 2. The Applicant is proposing MIH Option 1, and as a result, 15 units would be set aside as permanently affordable units for households with incomes averaging 60% AMI. For the purposes of Early Childhood Programs analysis, 20% (12 units) of residential floor area is assumed to be affordable at or below 60% AMI.

Given that Avenue H (80 feet wide) is a wide street and East 9th Street (60 feet wide) is a narrow street, the Proposed Development would reach the maximum building height of 95 feet after a 10-foot setback on Avenue H and a 15-foot setback on East 9th Street above the maximum base height of 75 feet. 23 residential accessory parking spaces would be provided in the enclosed garage at the cellar level, which would be served by a curb cut on East 9th Street at the same location as the site's current curb cut.

Projected Development Site 2 (Block 6496, Lots 45 and 47)

Projected Development Site 2 projects an assemblage of Lot 45 (owned by Leon Richter) and Lot 47 (owned by Fisch Edith), which would be developed with a new 9-story-plus-cellar, 95-foot-tall, 41,184 GSF (36,800 ZSF; 4.60 FAR) mixed residential and commercial building on a combined 8,000-SF lot. The building is assumed to contain 8,656 GSF (6,400 ZSF; 0.80 FAR) of ground floor retail space and 32,528 GSF (30,400 ZSF; 3.80 FAR) of residential space on the 1st (residential lobby) to 9th floors. 48 total dwelling units would be provided (assuming 680 GSF per unit), of which 25-30% (12-14 units) would be affordable pursuant to MIH Options 1 and 2 at an average

of 60-80% AMI depending on the Option selected. For the purposes of Early Childhood Programs analysis, 20% (10 units) of residential floor area is assumed to be affordable at or below 60% AMI.

Parking would be waived for residential uses as the assembled lots would be under 10,000-sf allowing a reduction to 30% of dwelling units per ZR 25-241, which would result in a parking requirement of 11 spaces for market-rate units. As per ZR 25-261, the parking requirement can be waived as there is under 15 spaces required. Further, no parking for commercial uses is assumed, pursuant to ZR 25-33, non-residential parking spaces are waived if under 40 would be required.

Given that Avenue H (80 feet wide) is a wide street and East 8th Street (60 feet wide) is a narrow street, the Proposed Development would reach the maximum building height of 95 feet after a 10-foot setback on Avenue H and a 15-foot setback on East 8th Street above the maximum base height of 75 feet.

In total, Projected Development Sites 1 and 2 would contain 109 dwelling units, 27 of which would be set aside as affordable housing units.

Conclusion

The density and uses permitted by the Proposed Actions would be consistent with nearby medium-density residential and mixed-use buildings. The Proposed Actions would be compatible with the surrounding land uses, which are predominantly residential uses (one- and two-family residences, multi-family walk-up buildings, and multi-family elevator buildings). In addition, commercial uses (local retail stores and office buildings with ground floor retail stores) are mostly located along Coney Island Avenue at the east boundary of the study area. Only one site is occupied by community facility uses, which is a social services organization called Women's League Community Residence.

As such, the Proposed Actions would not alter the development patterns in the area. Rather, the Proposed Actions would bring the Affected Area into greater alignment with the surrounding area, which is comprised of residential, commercial, and community facility uses as described above. With the Proposed Actions, Projected Development Site 1 would be improved with a residential and community facility building and Projected Development Site 2 would be improved with a residential and commercial building, which would both reach a building height of 95 feet or 9 stories at an FAR of 4.60. Specifically, the community facility space on the Applicant-owned Projected Development Site 1 would be used similarly to the existing use on the site for religious worship and community center. Therefore, there would be no adverse impacts to land use as a result of the Proposed Actions, and further analysis is not required.

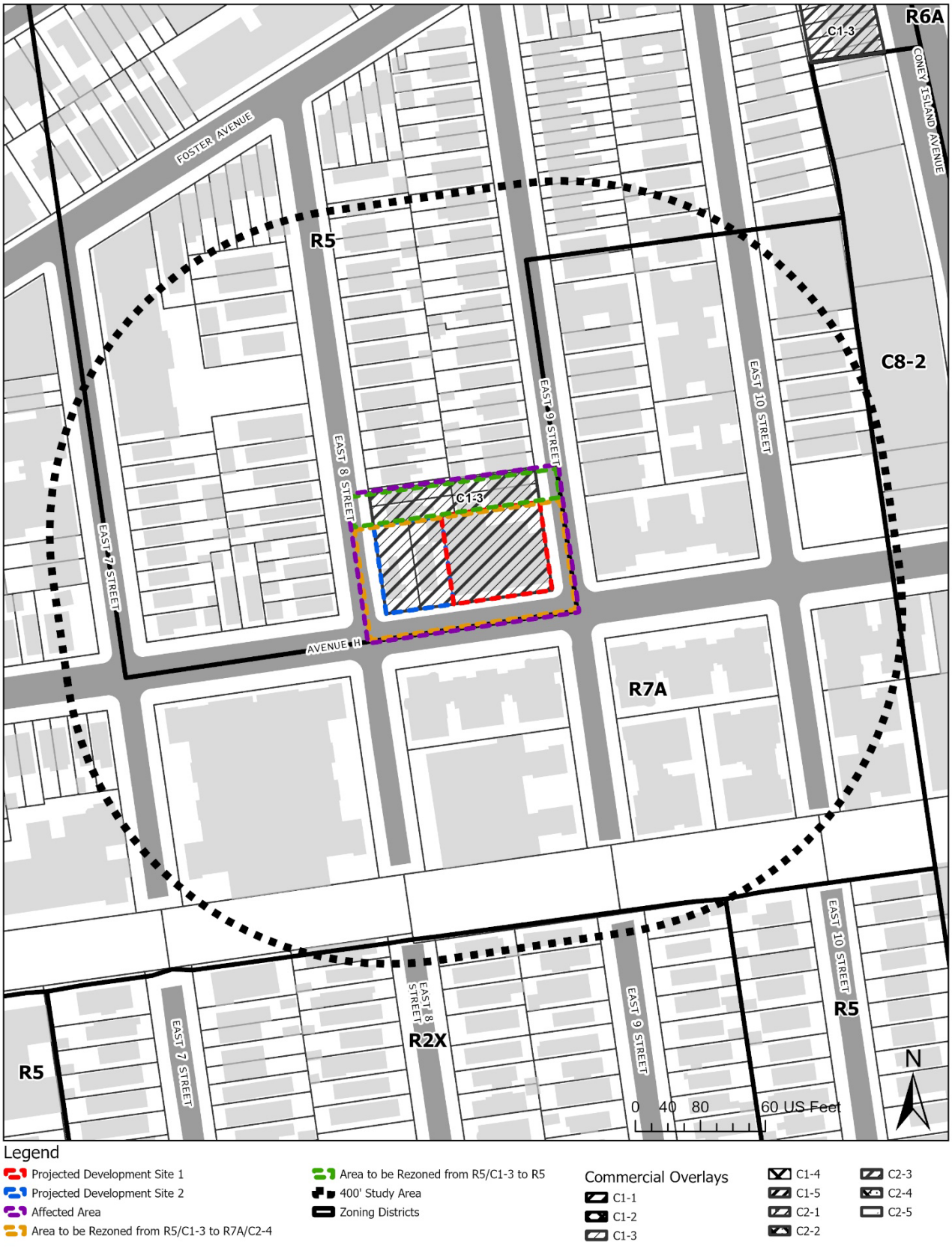
2.1.2 Zoning

The *2021 CEQR Technical Manual* suggests that a zoning study area should extend 400 feet from the Affected Area. The proposed zoning map amendment would affect the following lots: Block 6496, Lots p/o 36, 37, 39, 45, 47, 49, and p/o 50. The actions necessary to facilitate the construction of the Proposed Development are approvals of:

- a Zoning Map Amendment to rezone Block 6496, Lots 39, 45, and 47 from an R5/C1-3 zoning district to an R7A/C2-4 zoning district and Block 6496, Lots p/o 36, 37, 49, and p/o 50 from an R5/C1-3 zoning district to an R5 zoning district;
- a Zoning Text Amendment to amend Brooklyn Community District 14, Map 22c in Appendix F: Inclusionary Housing Designated Area to establish Block 6496, Lots 39, 45, and 47 as an MIH Area.

Existing zoning districts within approximately 400 feet of the Affected Site are presented in **Figure 2.1-2**.

Figure 2.1-2: Area to be Rezoned Overlaid Existing Zoning Map



Existing Conditions

Zoning Study Area

As shown in **Figure 2.1-2** above and summarized in **Table 2.1-2** below, the zoning districts within 400 feet of the Affected Area are R5, R7A, and C1-3 Commercial Overlays.

Existing zoning districts in the 400-foot Study Area include:

R5

R5 districts are low-density non-contextual zoning districts intended for neighborhoods with an assortment of housing types at densities higher than those found in R3-2 or R4 districts, and are often transition districts between medium and lower density areas. The floor area ratio (FAR) of 1.25 typically produces three-and four-story attached houses and small apartment houses. With a height limit of 40 feet, R5 districts provide a transition between lower- and higher-density neighborhoods and permit Use Groups 1-4.

To ensure compatibility with the neighborhood scale, the maximum street wall height of a new building is 30 feet, and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building; in addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight-foot-wide side yard. Apartment houses need two side yards, each at least eight feet wide. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to prevent cars parked on-site from protruding onto the sidewalk. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon; parking is also allowed within the front yard when the lot is wider than 35 feet. Off-street parking is required for 85% of the dwelling units in the building, 42.5% of IRHU (inclusionary residential housing) units (outside transit zone) and 10% of AIRS (affordable independent residences for seniors) units (outside transit zone). Parking is not required for IRHU/AIRS units within a transit zone.

R7A

R7A is a contextual district where the Quality Housing bulk regulations are mandatory. These regulations utilize height limits to produce high lot coverage, seven- to nine- -story apartment buildings set at or near the street line. Designed to be compatible with older buildings found in medium-density neighborhoods, R7A districts are mapped along Prospect Park South and Ocean Parkway in Brooklyn, Jackson Heights in Queens, and in Harlem and along the avenues in the East Village in Manhattan.

The basic residential FAR in R7A districts is 4.0. Above a base height of 40 to 65 feet, or 75 feet if providing a qualifying ground floor, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 80 feet, or 85 feet if

providing a qualifying ground floor. Higher maximum FAR and heights are available for buildings participating in the Inclusionary Housing Program or that provide certain senior facilities.

Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units (IRHU) and are further modified in certain areas, such as within the Transit Zone and the Manhattan Core, or for lots 10,000 square feet or less. Off-street parking requirements can be waived if 15 or fewer parking spaces are required.

C1-3 Commercial Overlay

C1-3 districts are commercial overlays mapped within residence districts. Mapped along streets that serve local retail needs, they are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts.

Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use.

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

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

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

Zoning District	Type and Use Group	Floor Area Ratio (FAR)	Parking
R5	Residential	1.25 for Residential; 2.0 for Community Facility	85% of DU; 42.5% for IRHU
	UGs 1-4		
R7A	Contextual Residential	4.6 for Residential; 4.0 for Community Facility	50% of DU; 0 for IRHU
	UGs 1-4		
C1-3 Commercial Overlay	Local Retail	1.0 FAR - Commercial (R1-R5B)	1 per 400 sf
	UGs 1-9, 14	2.0 FAR - Commercial (R5B - R10X)	

It should be noted that the Study Area is also located within the Special Ocean Parkway District, which encompasses a band of blocks east and west of the parkway between Prospect Park and Brighton Beach, aiming to enhance the qualities of this broad landscaped road designated a scenic landmark. All new developments fronting on Ocean Parkway are required to have a 30-foot-deep landscaped front yard unobstructed by porches, canopies, or stairs. Only driveways or

[1] Zoning Handbook, New York City Department of City Planning, 2019

walkways may be paved. Accessory off-street parking must be completely enclosed, and any new community facility development or enlargement is limited to the residential bulk regulations of the underlying zoning district, except by City Planning Commission certification. The district also preserves the character of the large, detached and semi-detached, one- and two-family homes in the areas east and west of the Parkway.

Affected Area

The Affected Area is zoned R5/C1-3, which permits low-density residential developments along with commercial or community facility uses. The Affected Area is completely located within the Special Ocean Parkway District but is not directly fronting Ocean Parkway. Accordingly, accessory off-street parking in the Affected Area must be completely enclosed, and any new community facility development or enlargement is limited to the residential bulk regulations of the underlying zoning district, except by City Planning Commission certification.

Future No-Action Condition

Zoning Study Area and Affected Area

No changes to zoning would occur in the future without the Proposed Actions in the 400-foot zoning study area or the Affected Area. Existing zoning patterns would remain under the No-Action Condition. The 400-foot zoning study area and the Affected Area would continue to be subject to the underlying zoning regulations.

Future With-Action Condition

Zoning Study Area

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

Affected Area – R7A/C2-4 and R5

Block 6496, Lots 39, 45, and 47 would be rezoned from an R5/C1-3 zoning district to an R7A/C2-4 zoning district, while Block 6496, Lots p/o 36, 37, 49, and p/o 50 would be rezoned from an R5/C1-3 zoning district to an R5 zoning district. Meanwhile, there is a zoning text amendment establishing Block 6496 Lots 39, 45, and 47 as an MIH area.

Under the With-Action condition, the proposed R7A district would permit a maximum FAR of 4.0 for basic residential, and 4.60 for inclusionary residential uses. Above a base height of 40 to 65 feet, or 75 feet if providing a qualifying ground floor, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 80 feet, or 85 feet if providing a qualifying ground floor. Higher maximum building heights (95 feet) are available for buildings participating in the Inclusionary Housing Program or that provide certain senior facilities. To preserve the traditional streetscape, the street wall of a new building can be no closer to the street line than any adjacent street wall, but need not be farther than 10

feet. The area between a building's street wall and the street line must be planted. R7A buildings must have interior amenities for the residents pursuant to the Quality Housing Program.

Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units (IRHU) and are further modified in certain areas, such as within the Transit Zone and the Manhattan Core, or for lots less than 10,000 square feet. Parking can be waived if 15 or fewer spaces are required. Off-street parking is not allowed in front of a building.

Assessment

Like the underlying C1-3 commercial overlays, the proposed C2-4 commercial overlay would permit typical retail uses, including neighborhood grocery stores, restaurants, and beauty parlors, at a maximum FAR of 2.0 when mapped in R6 through R10 districts. C2-4 districts permit a slightly wider range of commercial uses, such as funeral homes and repair services, which are not allowed in the C1-3 commercial overlays. Also, the C2-4 commercial overlay would have a parking requirement of one parking space per 1,000 sf, which is less compared to the one parking space per 400 sf under the C1-3 commercial overlays.

It should be noted that R7A is already mapped extensively on the south and east boundaries of the Affected Area throughout the 400-foot study area. The contrast of the proposed R7A/C2-4 zoning district with the existing R5/C1-3 zoning district indicates that R7A/C2-4 would allow for a much larger residential FAR (4.0/4.6 vs 1.25), lowered residential parking requirements (50% of dwelling units, 15% for IRHU vs 85% and 42.5%, respectively), a wider range of retail types, and lowered commercial parking requirements (1 per 1,000 sf vs 1 per 400 sf). These larger bulk regulations would allow the development of contextually scaled buildings, given the predominately R7A districts and residential land uses in the surrounding area.

In addition, the Proposed Actions would be compliant with the zoning requirements for new developments in the Special Ocean Parkway District, where accessory off-street parking must be completely enclosed, and any new community facility development or enlargement is limited to the residential bulk regulations of the underlying zoning district, except by City Planning Commission certification.

Conclusion

The Proposed Actions would induce development with a consistent bulk of the nearby mid-rise multi-family elevator buildings along Avenue H and a compatible mix of residential, community facility, and commercial uses that are mapped to the east along Coney Island Avenue. The rezoning would not adversely affect surrounding land uses, nor would it be incompatible with those land uses, given that the Affected Area is adjacent to an existing R7A district that is mapped across Avenue H and across East 9th Street, which is equivalent to the proposed R7A/C2-4 district. Therefore, no significant adverse impacts are anticipated to zoning, and further analysis is not warranted.

2.1.3 Public Policy

The project site is not part of, or subject to, an Urban Renewal Plan (URP), adopted community 197-a Plan, Solid Waste Management Plan, Business Improvement District (BID), Industrial Business Zone (IBZ), the New York City Landmarks Law, Coastal Zone, or Waterfront Access Plan. The Proposed Actions are also not a large publicly sponsored project. Therefore, consistency analyses with the NYC Waterfront Revitalization Program (WRP) and the City's PlaNYC 2050 for sustainability are not warranted.

The Proposed Actions include a Zoning Text Amendment to amend Brooklyn Community District 14, Map 22c in Appendix F: Inclusionary Housing Designated Area to establish Block 6496, Lots 39, 45, and 47 as an MIH Area. As a result, an analysis of the Proposed Development's alignment with *Housing New York* and *Where We Live NYC/Fair Housing Together Plan* is warranted.

Housing New York

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

Where We Live NYC/Fair Housing Together Plan

The Where We Live NYC Plan is a city-led planning process developed with the goal of more integrated, equitable, and inclusive neighborhoods and the elimination of barriers that impede fair housing. The Plan is a collaborative approach designed to ensure that the voices of residents and community leaders directly informed the City's analysis, planning, and the creation of goals and strategies.

Future No-Action Condition

The individual lots making up Projected Development Sites 1 and 2 are described in detail above in **Section 1.4**. Under Existing conditions, two market-rate dwelling units are located within the two single-family residences on Projected Development Site 2 (Block 6496, Lots 45 and 47). Block 6496, Lot 39 contains approximately 1,200 GSF of commercial uses and 8,562 GSF of community facility uses.

The No-Action Scenario for the Affected Area would be the same as existing conditions. Redevelopment is not considered likely in the Future No-Action Scenario on lots within the Affected Area because existing buildings are about to reach the maximum bulk, density, or number of units that the underlying R5/C1-3 zoning district would allow.

Assessment

As no changes would happen in the future without the Proposed Actions, *Housing New York* and *Where We Live NYC/Fair Housing Together Plan* policies would neither be promoted nor be hindered under the No-Action Condition.

Future With-Action Condition

Projected Development Site 1 (Block 6496, Lot 39; Applicant-Owned)

The Applicant-owned lot would have a projected lot size of 12,000 SF, and would be developed with a 69,275 GSF (55,168 ZSF; 4.60 FAR) residential and community facility building of 9 stories. There would be 5,778 GSF of residential accessory parking at the cellar level, 22,149 GSF (17,128 ZSF; 1.43 FAR) of community facility uses at the cellar level through the second floor, and 41,348 GSF (38,040 ZSF; 3.50 FAR) of residential uses on the third through the ninth floor. There would be a total of 61 dwelling units (680 GSF per unit), with 15 units being permanently affordable units, as the Applicant is proposing MIH Option 1 on the site.

Projected Development Site 2 (Block 6496, Lots 45 and 47; Non-Applicant-Owned)

The non-Applicant-owned lots would assemble and have a projected lot size of approximately 8,000 SF, and would be developed with a 9-story mixed residential and commercial building of 41,184 GSF (36,800 ZSF; 4.60 FAR). There would be 8,656 GSF (6,400 ZSF; 0.80 FAR) of ground floor retail space and 32,528 GSF (30,400 ZSF; 3.80 FAR) of residential space on the 1st (residential lobby) to 9th floors. Forty-eight (48) total dwelling units would be provided (assuming 680 GSF per unit), of which 25-30% (12-14 units) would be affordable pursuant to MIH Options 1 and 2 at an average of 60-80% AMI depending on the Option selected.

Assessment

In the future with the Proposed Actions, the Proposed Developments on Projected Development Sites 1 and 2 would add 109 dwelling units, approximately 27 of which would be set aside as permanently affordable units. In addition, an additional 22,149 GSF (17,128 ZSF) of community facility uses would be provided on Projected Development Site 1. The developments would help foster diverse and livable neighborhoods with the mixed-use buildings consisting of residential, commercial, and community facility uses in an underutilized area. The Proposed Actions would ensure that the housing supply increases in an equitable way, building new affordable housing units for the local community.

The Proposed Actions are consistent with the goals of *Housing New York* and *Where We Live NYC/Fair Housing Together Plan* as an MIH area would be established over two Projected Development Sites that would facilitate the development of affordable residential units in the area. The Proposed Developments on Projected Development Sites 1 and 2 would provide a total of 109 dwelling units and would create 27-33 dwelling units as permanently affordable units for households pursuant to MIH. The affordable units provided on the Projected Development Sites would foster diverse and livable neighborhoods, preserve the affordability and quality of the housing stock, and build new affordable housing.

Conclusion

The Proposed Development that is projected as a result of the Proposed Actions would not create a land use conflict, nor would itself conflict with public policies and plans for the site or surrounding area. The Proposed Actions would also not result in significant material changes to existing regulations or policy. Instead, the Proposed Actions would introduce more affordable residential units to the area as a result of the establishment of the proposed MIH area, which is supportive to *Housing New York* and *Where We Live NYC/Fair Housing Together Plan*. Therefore, no significant adverse impacts are anticipated to public policies and no further analysis is warranted.

2.2 Open Space

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

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

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

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

Methodology

According to the guidelines of the City's *CEQR Technical Manual* for analysis of residential development, census tracts with at least half of their geographic area within a one-half mile radius of the Affected Area comprise the open space Study Area. Using current population figures, an open space ratio is calculated for both the future no-action and future with-action conditions, expressed as the amount of open space acreage per 1,000 user population. Typically, a comparison is made to the median open space ratio, which is 1.50 acres per 1,000 residents, and the city's planning goal of 2.50 acres per 1,000 residents.

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

2.2.1 Preliminary Open Space Assessment

Direct Effects

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

Indirect Effects

The threshold for assessment of the potential for indirect impacts within the Affected Area is 200 new residents or 500 additional employees. The Proposed Actions would result in an incremental of approximately 294 new residents in 107 additional dwelling units, based on an average of 2.74 persons per unit from the 2020 Decennial Census data for Brooklyn Community District 14. The addition of approximately 294 residents is above the *2021 CEQR* preliminary screening threshold level, and a preliminary analysis of open space impacts due to new residents is warranted. Additionally, Projected Development Sites 1 and 2 would add approximately 63 new workers (22 workers for local retail and 41 workers for general community facility), which is below the *2021 CEQR* preliminary screening threshold level of 500 employees. As such, only the potential impact resulting from the increased residential population resulting from the Proposed Actions will be analyzed.

Study Area Definition

In accordance with the guidelines established in the City's *2021 CEQR Technical Manual*, the open space Study Area is defined to analyze both the nearby open spaces and the population using those open space resources. It is generally defined by a reasonable walking distance that users would travel to reach local open spaces and recreational areas. Pursuant to the *2021 CEQR Technical Manual*, the open space Study Area includes all U.S. Census Tracts that have 50 percent or more of their area within a half-mile radius of the Affected Area for residential users. As shown in **Figure 2.2-1**, the Census Tracts with 50% or more of their area within the 1/2-mile Study Area are Brooklyn Census Tracts 456, 458, 460, 462.01, 462.02, 480, 482, 484, 526, 528, 530, and 532.

The open space resources located within the 1/2-mile study area are shown below in **Figure 2.2-2** and the acreage of these open space resources are summarized in **Table 2.2-1**. It should be noted that one of the identified open space resources (Ocean Parkway Malls) has the majority of its acreage outside of the 0.5-mile buffer of the Affected Area. For resources partially contained within the Study Area, the acreage contained within the Study Area will be used for OSR calculations, with the remainder excluded. In addition, only the open space resources that have a reasonable size for people to enjoy outdoor activities and are accessible to the residents regularly will be included in the OSR calculations. As a result, though multiple green streets are located to the northeast of the Affected Area along Glenwood Road and East 17th Street, these green streets are excluded due to their limited size and insufficient outdoor features.

Figure 2.2-1: Open Space Study Area

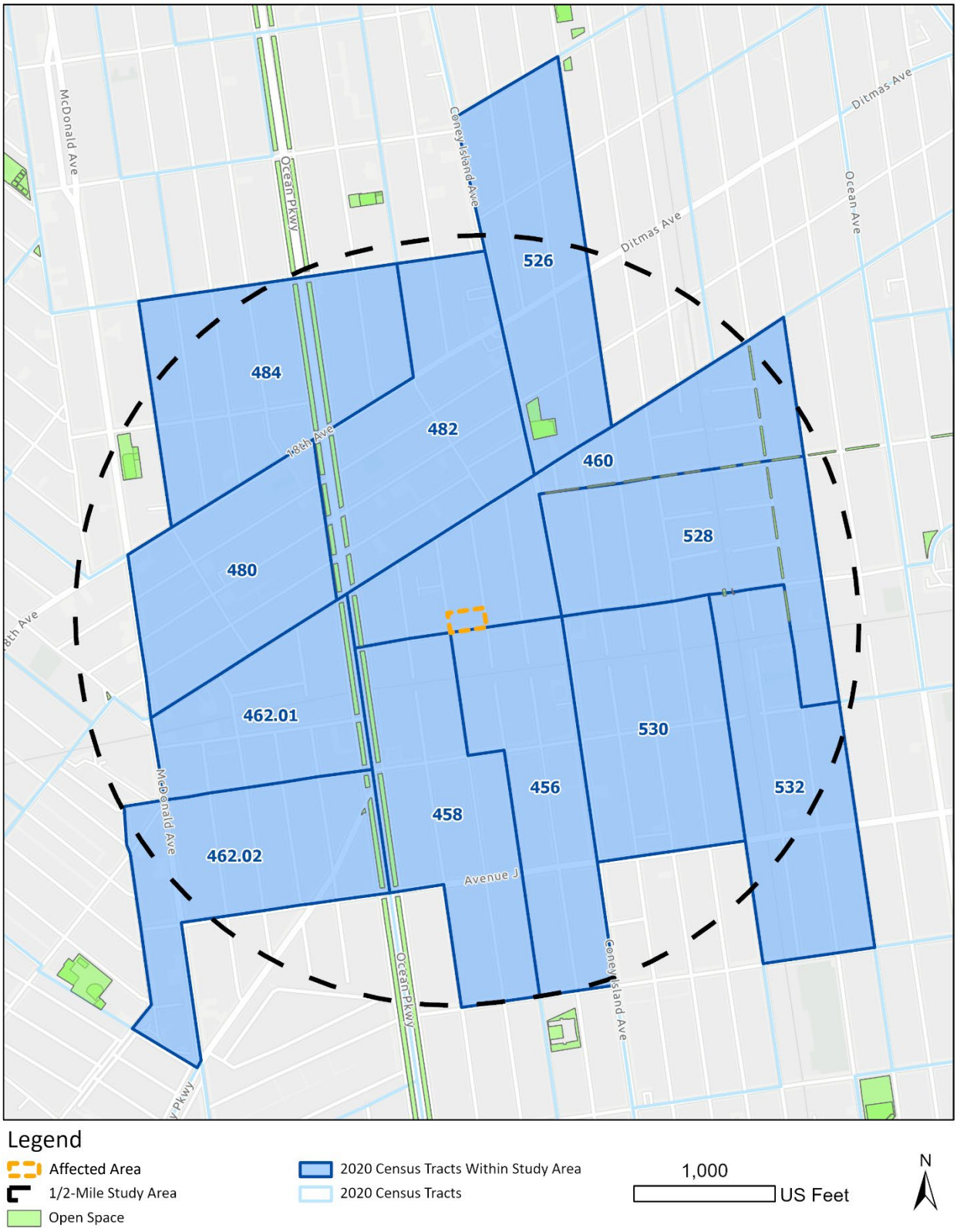


Figure 2.2-2: Open Space Resources within the Study Area

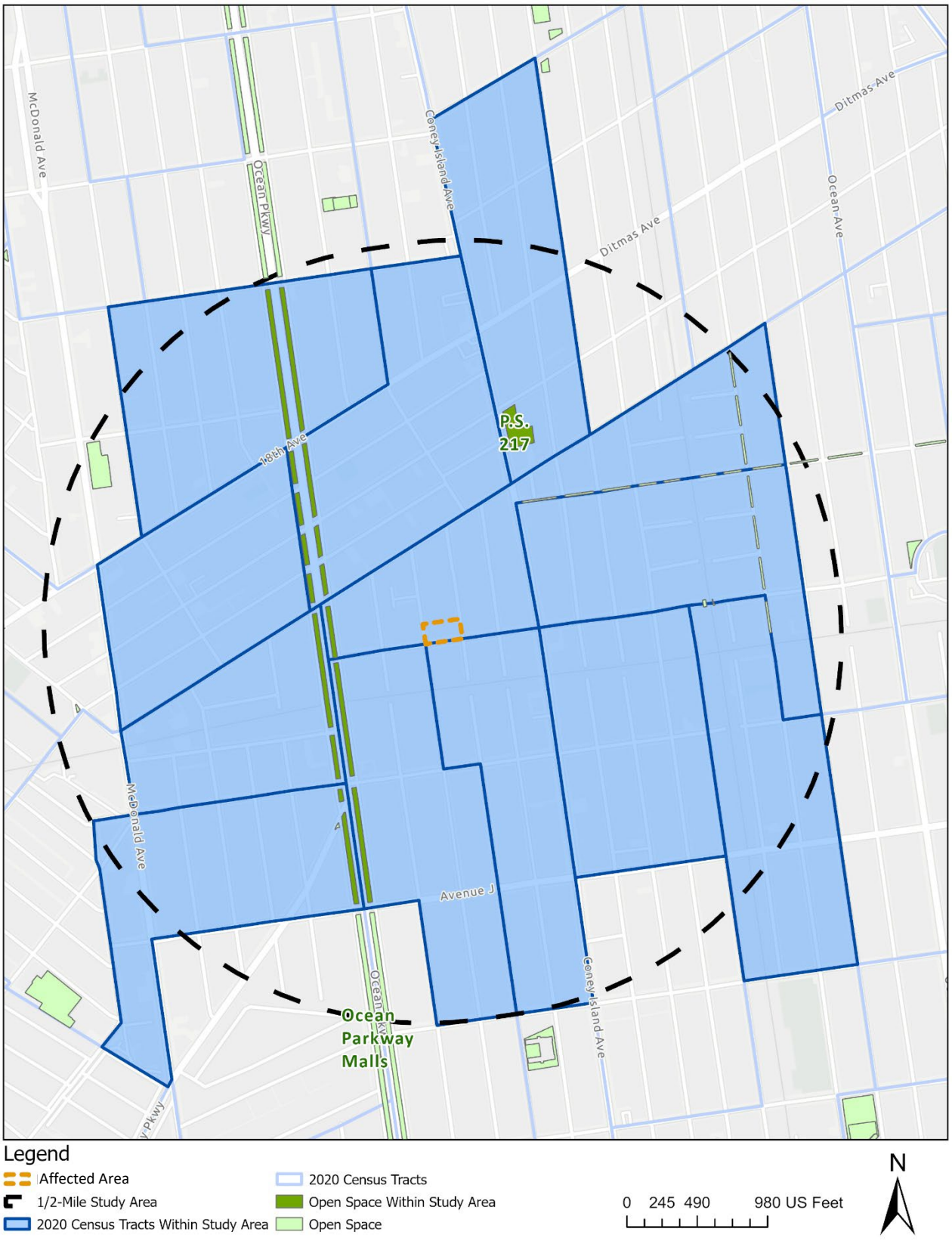


Table 2.2-1: Open Space Resource Summary

Name	Use	Acreage	Active		Passive		Features
			Acres	%	Acres	%	
Ocean Parkway Mall	Parkway	6.90	5.18	75%	1.73	25%	Bi, GW
P.S. 217 Playground	School Yard to Playground	0.76	0.57	75%	0.19	25%	RT, Pg
Total		**7.66**	**5.75**		**1.92**		

Bi = Bicycling; Pg = Playgrounds; RT = Running Tracks; GW = Greenways

Existing Conditions

According to US Census Bureau, 2016-2020 ACS 5-Year data for Brooklyn Census Tracts 456, 458, 460, 462.01, 462.02, 480, 482, 484, 526, 528, 530, and 532, the current residential population of the study area is approximately 37,353 as shown in **Table 2.2-2** below. The Study Area contains a total of two (2) open space resources, as depicted in **Figure 2.2-2** and listed in **Figure 2.2-2** above. All these resources are accessible to the public on a constant and regular basis and, as such, have been factored into the quantitative open space assessment (i.e., the open space ratio calculation). These two (2) resources provide a total of approximately 7.66 acres of open space (both active and passive); this results in an Existing Conditions OSR of 0.205.

Table 2.2-2: Existing Study Area Population[2]

Tract	Residents
Census Tract 456, Kings County, New York	2,183
Census Tract 458, Kings County, New York	1,215
Census Tract 460, Kings County, New York	3,104
Census Tract 462.01, Kings County, New York	2,050
Census Tract 462.02, Kings County, New York	1,894
Census Tract 480, Kings County, New York	3,447
Census Tract 482, Kings County, New York	4,955
Census Tract 484, Kings County, New York	5,566
Census Tract 526, Kings County, New York	4,521
Census Tract 528, Kings County, New York	1,800
Census Tract 530, Kings County, New York	3,862
Census Tract 532, Kings County, New York	2,756
Total	**37,353**

No-Action Condition

The No-Action Condition for the 1/2-Mile Study Area, projecting to the 2028 build year, is based on the household size and known developments within the 1/2-Mile Study Area. A review of construction projects, DOB permits, approved or pending BSA applications, and approved or pending ULURP actions were undertaken to determine known developments in the area.

In the future without the Proposed Actions, the Projected Development Sites are not expected to undergo any changes or development. However, there are known developments within the Open Space Study Area that would increase the population absent the Proposed Actions. **Table 2.2-3** shows the No-Action developments within the Open Space Study Area.

[2] 2016 - 2020 5-Year ACS Table S0101

Table 2.2-3: No-Action Developments in Open Space Study Area[3]

Address	Type	Square Footage	Dwelling Units	Residents
181 Webster Avenue	ALT 1 Enlargement	3,333	1	3
706 Ocean Parkway	New Building	18,204	24	66
312 Parkville Avenue	ALT 1 Enlargement	3,485	2	5
54 Webster Ave	New Building	9,280	2	5
1117 East 5 Street	ALT 1 Enlargement	4,919	1	3
900 East 7 Street	New Building	26,769	38	104
874 East 9 Street	New Building	9,744	1	3
1088 East 3 Street	ALT 1 Enlargement	3,637	1	3
1104 East 4 Street	ALT 1 Enlargement	6,803	1	3
1060 East 5Th Street	ALT 1 Enlargement	3,139	1	3
1039 East 5Th Street	ALT 1 Enlargement	3,598	1	3
720 Avenue I	ALT 1 Enlargement	4,716	1	3
965 East 8Th Street	ALT 1 Enlargement	5,911	1	3
1169 East 7 Street	New Building	7,116	1	3
1151 East 7 Street	New Building	7,489	1	3
1417 Avenue J	ALT 1 Enlargement	19,336	17	47
422 Avenue J	ALT 1 Enlargement	7,430	1	3
928 Coney Island Ave	New Building	24,648	67	184
611 Avenue I	New Building	5,288	1	3
891 Ocean Parkway	New Building	12,553	2	5
319 Elmwood Avenue	New Building	17,199	30	82
900 Coney Island Avenue	ALT 1 Enlargement	5,830	0	0
733 Ocean Parkway	New Building	29880	30	82
571 Ocean Pkway	New Building	24510	29	79
975 Ocean Parkway	New Building	14383	1	3
607 Avenue K	New Building	9636	0	0
1036 Ocean Parkway	New Building	31,724	0	0
Total		**320,560**	**255**	**699**

The Existing Condition's population of 37,353 would grow under the 2028 Future No-Action Condition, using guidelines outlined in the *2021 CEQR Technical Manual* to which the known development population described above in **Table 2.2-3** are added. This results in a Future No-Action Condition population of approximately 38,052. As there are no known or projected open space developments in the Study Area during this time period, the Existing Conditions total

[3] NYC Construction Dashboard; 2.74 residents per Dwelling Unit as per 2020 decennial census data for Brooklyn Community District 14.

acreage of 7.66 would continue into the Future No-Action Conditions. This results in a No-Action Condition OSR of 0.201.

With-Action Condition

The Proposed Actions would introduce 107 new dwelling units. With an average household size of 2.74, the Proposed Actions would result in a total of 294 additional residents in the Study Area. Therefore, the Future With-Action Scenario Population in the Study Area would be approximately 38,346; this results in a With-Action OSR of 0.200.

The change in population and OSR from Existing to No-Action and No-Action to With-Action are shown below in **Table 2.2-4**.

Table 2.2-4: Existing, No-Action, and With-Action Population and OSR

	Existing	No-Action	With-Action
Residents	37,353	38,052	38,346
Acreage	7.66	7.66	7.66
Resident OSR	**0.205**	**0.201**	**0.200**
		% Change	**-0.76%**

Pursuant to the *2021 CEQR Technical Manual*, projects expected to result in a decrease in the open space ratio should consider the following to determine if a more detailed analysis is warranted:

- Projects in study areas where the open space ratio approaches or exceeds the City's planning goal of 2.5 acres per 1,000 residents, may generally tolerate up to a five percent decrease of the open space ratio before considering the need for more detailed analysis.
- For projects in study areas where the open space ratio is not near the City's planning goal of 2.5 acres per 1,000 residents, the percentage decrease in open space ratio is weighed against how the open space ratio of the study area compares to the City's planning goal for open space. Table 7-1 of the *2021 CEQR Technical Manual* (**Table 2.2-5** below) provides general guidelines for ranges of open space ratios and acceptable percentage changes.
- Projects that have an effect on a nonresidential population's use of passive open space would not follow the guidelines presented in the below table, and should consider the need for a detailed assessment based on a comparison of the open space ratio to the optimal ratio of 0.15 acres of passive space per 1,000 nonresidents. Projects that lead to the non-residential open space ratio to drop below the optimal ratio of 0.15 acres of passive open space per 1,000 non-residents may warrant a more detailed assessment.

Under the No-Action and With-Action Conditions, the overall residential OSR in the area would be below 2.5 acres per thousand residents, which is the planning goal in NYC. Under Future With-

Action Condition, the OSR would be 0.200 acres per 1,000 residents, or a 0.76 percent reduction from the No-Action OSR. Using **Table 2.2-5** below, the Proposed Actions would not warrant a detailed analysis of open space as the decrease in OSR under the With-Action Condition would not exceed 1%.

Table 2.2-5: Preliminary Assessment Guidance for Percentage Change in Open Space Ratio

Open Space Ratio Range	Percentage Change in Open Space Ratio
2.01 to 2.50* or greater	5%
1.51 to 2.00	4%
1.01 to 1.50	3%
0.51 to 1.00	2%
0.50 or Less	1%
*2.5 OSR is the planning goal in NYC	

Nearby Open Space Resources Outside of the Study Area

In the future with the Proposed Actions, the Proposed Development would not cause increased shadows, noise, or air pollutant emissions that would affect the usefulness of any open space in the study area, whether on a permanent or temporary basis. Furthermore, the Proposed Actions would not change the use of a publicly accessible open space so that it no longer serves the same user population, nor would it limit public access to any open spaces.

While not included in the calculation of OSR in the analysis above, there are some open space resources located beyond the 1/2-mile study area but within 3/4-mile distance from the Projected Development Sites.

- Friends Field is a 6.7-acre community park located on Avenue L, East 4th Street, McDonald Avenue, and Avenue M. The park is approximately 0.75 miles to the southwest of the site (approximately 15-minute walk). The park has baseball fields, dog-friendly areas, football fields, playgrounds, soccer fields, and tennis courts.
- I.S. 62 Playground is a 0.41-acre schoolyard to playground that is generally bounded by Cortelyou Road, East 7th Street, and East 8th Street. The park is approximately 0.57 miles to the north of the site (approximately 12-minute walk). The playground includes a running track, playground equipment, soccer fields, and basketball courts.
- Lt. Federico Narvaez Tot Lot is a 0.12-acre playground located on Argyle Road and Cortelyou Road. The playground is approximately 0.75 miles to the northeast of the site (approximately 15-minute walk). The playground is featured with play equipment and spray showers designed for younger children.
- P.S. 99 Playground is a 0.23-acre schoolyard to playground that is generally bounded by Avenue K, East 9th Street, and East 10th Street. The park is approximately 0.56 miles to the

south of the site (approximately 11-minute walk). The playground includes a running track, playground equipment, and basketball courts.

Given the relatively acceptable distance from the Projected Development Sites to these additional open space resources, it is reasonable to assume that these open space resources could provide the residents of the study area as well as those who would reside in the future Proposed Development with a high-quality open space for both active and passive outdoor activities.

It should also be noted that the proposed contextual R7A/C2-4 zoning districts would require that any new residential development adheres to the Quality Housing Program regulations. The Quality Housing Program regulations require that the residential developments include open space amenities such as tree plantings, landscaping, and recreational spaces. These amenities would improve open space quality and conditions on the Projected Development Sites and help alleviate future open space shortfalls.

NYC Parks Walk to a Park Initiative

As part of the OneNYC 2050 Building a Strong and Fair City Plan, the City has identified a goal of 85% of NYC residents living within walking distance of a park by 2030. NYC Parks has a Walk to a Park Initiative focusing on increasing access to parks and open space in areas of the City where residents are not within walking distance to such resources. Areas that are not covered by a Walk to a Park Service Area are considered “walk gaps”, or areas not within walking distance to a park. The *2021 CEQR Technical Manual* suggests that a Project Site (or Project Area) is within a “walk gap”, there is a need for detailed analysis to determine if the project may further exacerbate a condition of residents living in areas of the city with inadequate park access. The focus of the Walk to a Park Initiate is on residents. However, projects that create a non-residential population (new workers) should also be considered if the project is located within a known walk gap to determine if the project would generate a new non-residential population within areas of the city with inadequate access to open space resources.

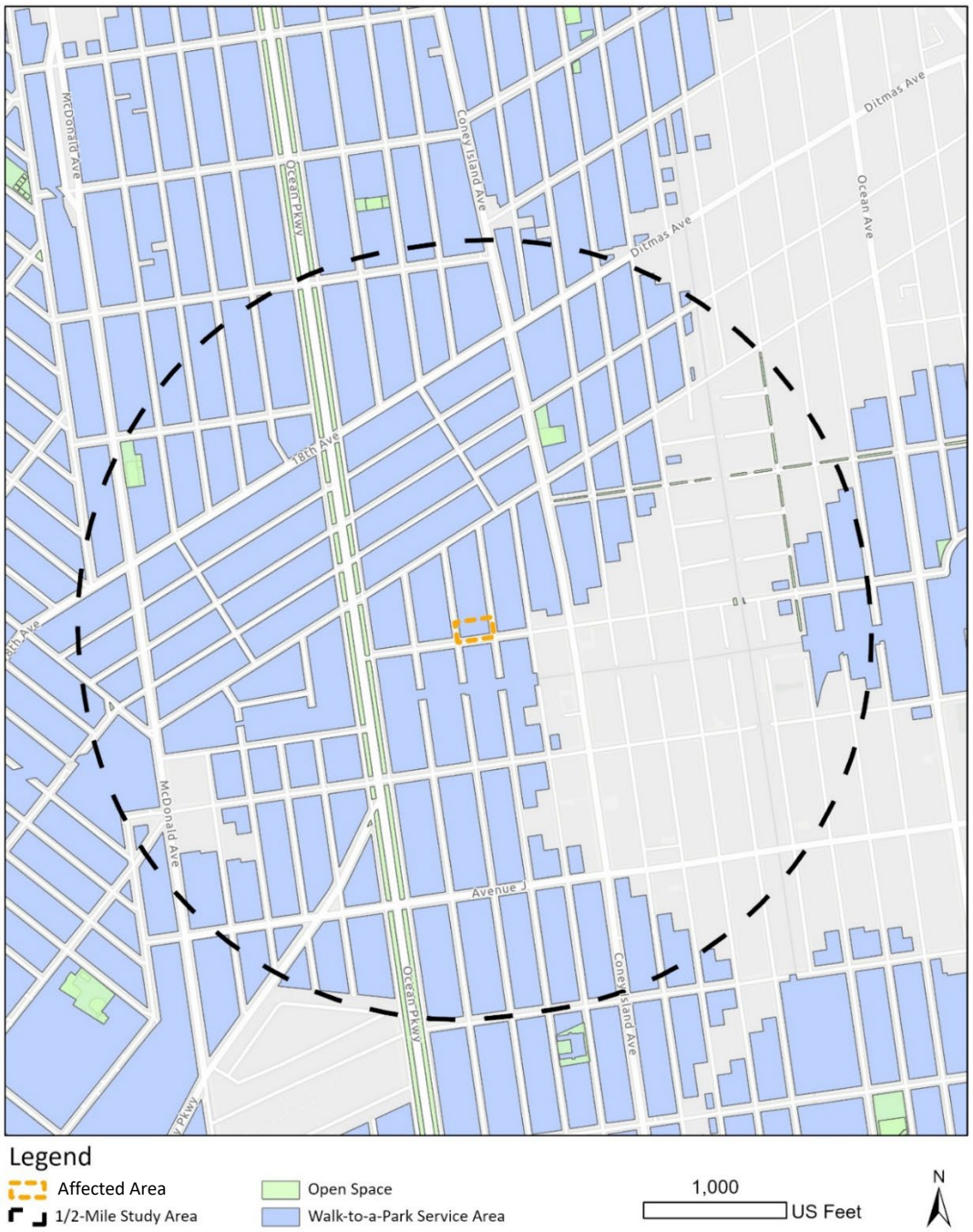
As shown below in **Figure 2.2-3**, the Affected Area is located within a Walk to Park Service Area and is therefore not identified as a walk gap area.

2.2.2 Conclusion

Under the existing, No-Action, and With-Action conditions, the OSR in the area would be below the city’s planning goal of 2.5 acres per thousand residents. Pursuant to Table 7-1 of the *2021 CEQR Technical Manual*, an area with an OSR of 0.50 or less can tolerate up to a 1 percent decrease in the OSR between the Future No-Action and Future With-Action Condition without warranting additional analyses. As discussed above, although the area has a relatively low OSR of 0.200 under the With-Action Condition, the OSR decrease induced by the Proposed Actions would be 0.76%, which is lower than the CEQR threshold for areas with an OSR of 0.50 or less (see **Table 2.2-5** above). In addition, there are additional open space resources located within

walking distance of the Affected Area, which are available to residents within the study area. Also, the Affected Area is located within a Walk to Park Service Area, and is therefore not identified as a walk gap area. As a result, the Proposed Actions would not have significant adverse impacts on open space resources, and further open space analysis is not warranted.

Figure 2.2-3: Walk-to-a-Park Service Area



2.3 Shadows

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

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

The *2021 CEQR Technical Manual* states that a shadow assessment considers projects that result in new shadows long enough to reach a sunlight-sensitive resource. Therefore, a shadow assessment is warranted only if the project would either result in: (a) new structures (or additions to existing structures including the addition of rooftop mechanical equipment) of 50 feet or more; or, (b) be located adjacent to, or across the street from, a sunlight-sensitive resource.

The sunlight-sensitive resources of concern are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity, including public open space, architectural resources and natural resources. In general, shadows on city streets and sidewalks or on other buildings are not considered significant. Some open spaces also contain facilities that are not sensitive to sunlight. These are usually paved such as handball or basketball courts, places containing no seating areas and no vegetation, no unusual or historic plantings, or containing only unusual or historic plantings that are shade tolerant. These types of facilities do not need to be analyzed for shadow impacts. Additionally, it is generally not necessary to assess resources located to the south of projected development sites, as shadows cast by the action-generated development would not be cast in the direction of these resources. Furthermore, shadows occurring within one and one-half hour of sunrise or sunset

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

Methodology

This preliminary analysis of shadows follows the guidelines set forth in the *2021 CEQR Technical Manual* for a preliminary assessment (Section 310). According to the *2021 CEQR Technical Manual*, a preliminary shadow assessment includes the development of a base map showing the site location in relationship to any sunlight-sensitive resources as per guidelines provided in the *2021 CEQR Technical Manual*. Following these guidelines, the longest shadow study area is determined, and a Tier 1 screening assessment is conducted to determine if any sunlight-sensitive resources fall within the study area. If no resources are identified, no further analysis would be required. If sunlight-sensitive resources lay within the longest shadow study area, the next tier of screening assessment should be conducted. This preliminary assessment includes a basic description of the proposed development that would be facilitated by the Proposed Actions in order to determine whether a more detailed assessment would be appropriate.

Analysis Framework

Projected Development Site 1 (Block 6496, Lot 39)

A new 9-story-plus-cellar, 69,275 GSF (55,168 ZSF; 4.60 FAR) mixed residential and community facility building would be developed on a 12,000-SF lot on the southeastern portion of Block 6496. The proposed building would have a height of 95 feet after a 10-foot setback on Avenue H above the base height of 75 feet.

Projected Development Site 2 (Block 6496, Lots 45 and 47)

A new 9-story-plus-cellar, 41,184 GSF (36,800 ZSF; 4.60 FAR) mixed residential and commercial building would be developed on a combined 8,000-SF lot on the southwestern portion of Block 6496. The proposed building would have a height of 95 feet after a 10-foot setback on Avenue H above the base height of 75 feet.

No other lots are anticipated to be developed as a result of the Proposed Actions.

2.3.1 Tier 1 Shadow Screening Assessment

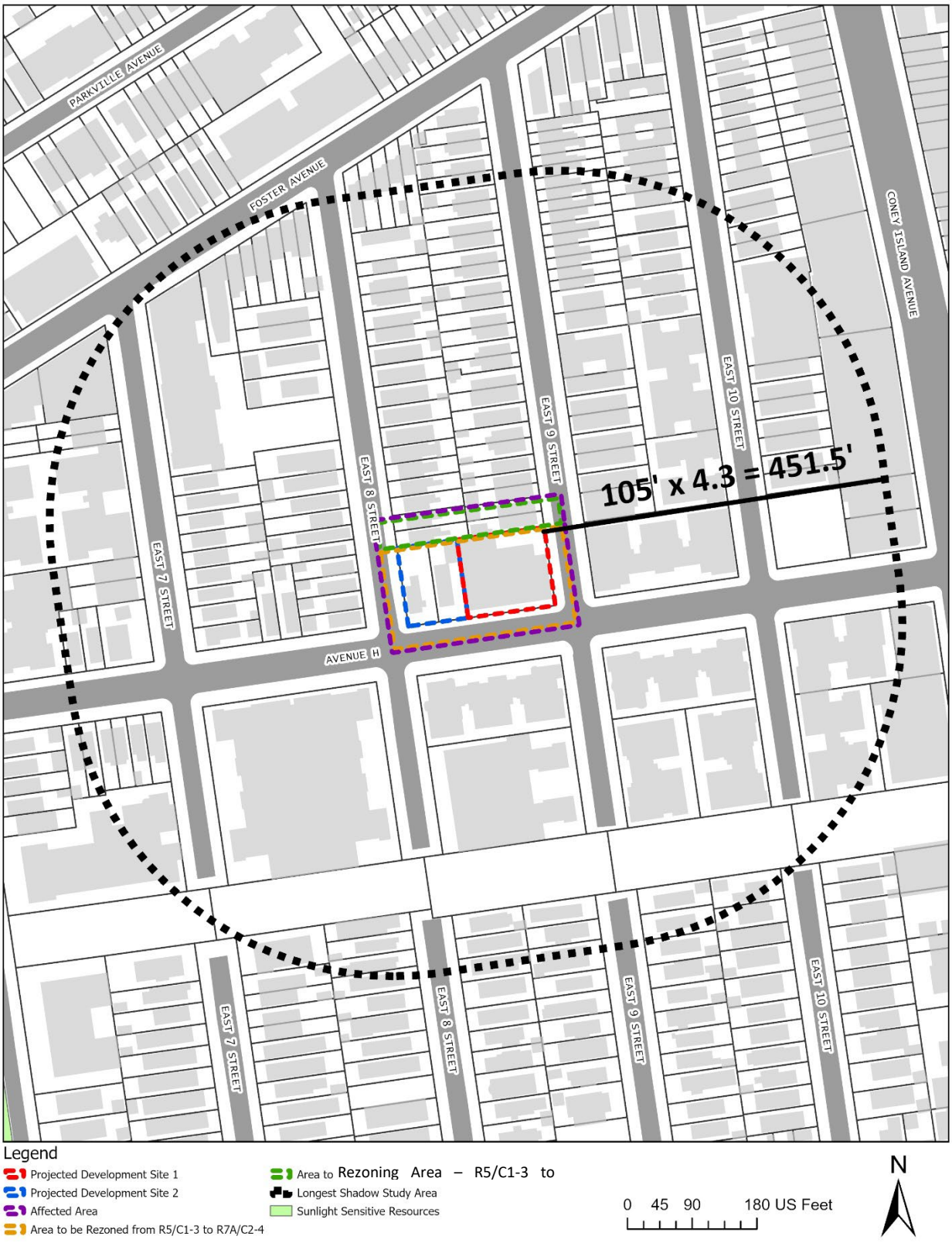
Under the Future With-Action Condition, Projected Development Site 1 and Projected Development Site 2 could each be developed with a new building having a maximum height of 95 feet with a qualifying ground floor and a 10-foot setback upon a base height of 75 feet. Assuming 10-foot-tall bulkheads for the proposed buildings, the maximum building height inclusive of mechanical bulkheads would be 105 feet, for the purpose of a conservative shadows analysis. As such, the maximum shadow length of these structures would be approximately 451.5 feet in length (4.3 x 105 feet). The first step in a shadow analysis is to determine whether any sunlight-sensitive resources are located within the length of the 451.5-foot radius.

As **Figure 2.3-1** shows below, no sunlight-sensitive resources are identified within the longest shadow study area. As a result, the Proposed Actions would not have any adverse impact on any sunlight-sensitive resources and further analysis is not warranted.

2.3.2 Conclusion

As per the Tier 1 shadow screening assessment results, no sunlight-sensitive resources were identified within the longest shadow extent of the Proposed Developments induced by the Proposed Actions. As a result, the shadows cast by the Proposed Developments would not reach any sunlight-sensitive resources. Therefore, no significant impact due to shadows is projected due to the Proposed Actions, and no further analysis is warranted.

Figure 2.3-1: Tier 1 Shadow Screening Assessment



2.4 Historic and Cultural Resources

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

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

Methodology

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

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

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

2.4.1 Architectural Resources

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

To determine whether the projected development has the potential to affect nearby off-site historic or architectural resources, the study area was screened for historic and architectural resources. No architectural resources were found in the Affected Area that were considered historic or significant.

The LPC was contacted for their initial review of the project's potential to impact nearby historic and cultural resources, and by letter dated October 11, 2022, indicated that the study area does not contain any sites of buildings of known architectural significance (see **Appendix A**). Therefore, significant adverse impacts to architectural resources are not expected because of the Proposed Actions, and further analysis is not warranted.

2.4.2 Archaeological Resources

Unlike the architectural evaluation of a study area that extends beyond the footprint of a project's block and lot lines, the analysis of potential and/or projected impacts to archaeological resources is controlled by the actual footprint of the limits of soil disturbance. Archeological resources are physical remains, usually subsurface, of the prehistoric and historic periods such as burials, foundations, artifacts, wells and privies. The *2021 CEQR Technical Manual* requires a detailed evaluation of a project's potential effect on the archeological resources if it would potentially result in an in-ground disturbance to an area not previously excavated.

The Proposed Actions would result in new in-ground construction on Projected Development Site 1 and Projected Development Site 2. As noted, the LPC was contacted for their initial review of the project's potential to impact nearby cultural or archaeological resources, and a response was received on October 11, 2022 (see **Appendix A**). The LPC has indicated that no cultural resource of archaeological significance is associated with the study area. Therefore, significant adverse impacts to archaeological resources are not expected because of the Proposed Actions, and further analysis is not warranted.

2.4.3 Conclusion

As described above, the Projected Development Sites do not contain any historic architectural or cultural archaeological resources. They are not adjacent to or within 400 feet of any identified historic architectural resources. Therefore, significant adverse impacts to architectural or archaeological resources will not result from the Proposed Actions, and further analysis is not warranted.

2.5 Urban Design and Visual Resources

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

The proposed rezoning of the Affected Area from R5/C1-3 to R7A/C2-4 would alter permitted use, bulk, and height within the Affected Area. Therefore, further analysis is warranted. The differences between existing and proposed zoning, with regards to those aspects of zoning affecting urban design, are presented in the following **Table 2.5-1**.

Table 2.5-1: No-Action and With-Action Zoning

	No-Action	With-Action
Zoning	R5/C1-3	R7A/C2-4
Permitted Uses	Residential, Commercial, Community Facility	Residential, Commercial, Community Facility
Maximum Residential FAR	1.25	4.0 Basic; 4.6 Inclusionary
Maximum Commercial FAR	1.0	2.0
Maximum Base Height	30 feet	65 feet (75 feet with QGF) Basic; 75 feet Inclusionary
Maximum Building Height	40 Feet	80 feet (85 feet with QGF) Basic; 90 feet (95 feet with QGF) Inclusionary
Lot Coverage (corner lot)	55%	100% Corner; 65% Other

2.5.1 Existing Conditions

The Affected Area consists of multiple lots in Block 6496 in the Midwood neighborhood, Brooklyn, which is described in detail in **Sections 1.4** and **Section 2.1.**

The surrounding area is predominantly one- and two-family residences, multi-family walk-up buildings, and multi-family elevator buildings. To a lesser degree, commercial and office buildings, transportation and utility uses, and public facilities and institutions are present. Coney Island Avenue is a major thoroughfare located to the east of the area, along which there are a mix of commercial, mixed residential and commercial, and community facility uses. Avenue H is another wide street where medium-density multi-family elevator buildings are located.

Built form in the area varies by use, and generally consists of low- to mid-rise residential and mixed-use commercial and residential uses as well as multi-family residential buildings. The residential buildings range from two to eight stories in height and the commercial buildings are mostly one story in height, which are used as retail stores, but occasionally range from two to four stories to be used as office buildings with ground floor retail stores. There is only one three-story community facility building in the area that is occupied by a social services organization called Women's League Community Residence.

The Affected Area is within an R5/C1-3 zoning district that is surrounded by a mix of low- and medium-density residential zoning districts, as well as commercial zoning districts and commercial overlays along the major corridor, Coney Island Avenue. The R5 district housing all of the Affected Area generally extends to the north. Along Avenue H and Ocean Parkway, the L-shape area is generally zoned R7A to the south and west of the R5 district. East of the R5 district is a mix of small commercial and residential districts with commercial overlays, including C8-2, R5/C1-3, and R2/C2-4. Coney Island Avenue is the only major commercial corridor in the vicinity running north-to-south to the east of the Affected Area.

The Affected Area is in Brooklyn Community District 14 on the southern portion of Block 6496. The lots within the Affected Area are a mix of residential, community facility/religious facilities, and commercial uses. Blocks 6496 is bounded by Foster Avenue to the north, East 9th Street to the east, Avenue H to the south, and East 8th Street to the west. Foster Avenue is a northeast-southwest, 60-foot-wide, two-way narrow street classified as a major collector road by the NYSDOT with one moving lane of traffic and curbside parking in each direction. East 9th Street is a southbound, 60-foot-wide, one-way narrow street classified as a local road with one moving lane of traffic and curbside parking. Avenue H is an east-west, 80-foot-wide, two-way wide street classified as a major collector road with one moving lane of traffic and curbside parking in each direction. East 8th Street is a northbound, 60-foot-wide, one-way narrow street classified as a local road with one moving lane of traffic and curbside parking.

The Affected Area contains approximately 28,000 SF of lot area within Block 6496, which is currently zoned R5/C1-3. There would be two Projected Development Sites – one is owned and controlled by the Applicant, and the other is not owned and controlled by the Applicant. Individual block and lot descriptions are included above in **Section 1.4**.

Sidewalks, ranging from 10 feet to 15 feet wide, are in fair condition with paved surface, sufficient street trees, and regular street lights throughout the study area. All the intersections along are under good control with properly functioning traffic lights, stop signs, or clear crossing markings, securing the safety of the pedestrians when crossing the streets.

2.5.2 Future No-Action Condition

The No-Action Scenario for the Affected Area would be the same as existing conditions. Redevelopment is not considered likely in the Future No-Action Scenario on lots within the Affected Area because the existing buildings almost reach the maximum permitted bulk, density, or number of units within the underlying R5/C1-3 zoning district.

2.5.3 Future With-Action Condition

Projected Development Site 1 (Block 6496, Lot 39)

A new 9-story-plus-cellar, 69,275 GSF (55,168 ZSF; 4.60 FAR) mixed residential and community facility building would be developed on a 12,000-SF lot on the southeastern portion of Block 6496. Given that Avenue H (80 feet wide) is a wide street and East 9th Street (60 feet wide) is a narrow street, the Proposed Development would reach the maximum building height of 95 feet after a 10-foot setback on Avenue H and a 15-foot setback on East 9th Street above the maximum base height of 75 feet.

Projected Development Site 2 (Block 6496, Lots 45 and 47)

A new 9-story-plus-cellar, 41,184 GSF (36,800 ZSF; 4.60 FAR) mixed residential and commercial building would be developed on a combined 8,000-SF lot on the southwestern portion of Block 6496. Given that Avenue H (80 feet wide) is a wide street and East 8th Street (60 feet wide) is a narrow street, the Proposed Development would reach the maximum building height of 95 feet after a 10-foot setback on Avenue H and a 15-foot setback on East 8th Street above the maximum base height of 75 feet. No other lots are anticipated to be developed as a result of the Proposed Actions.

A photo key for all images is shown below in **Figure 2.5-1**. Ground-level photographs of the Study Area under Existing/Future No-Action Conditions comparted to Future With-Action Conditions are shown in **Figure 2.5-2** to **Figure 2.5-9** below.

2.5.4 Conclusion

The development facilitated by the Proposed Actions would not adversely impact any of the constituent urban design elements or impact the overall character of the neighborhood. It would not significantly change the pedestrian experience, nor would it disturb the vitality, walkability, or the visual character of the area. In addition, no visual resources would be impacted from the Proposed Actions. Instead, with affordable housing and community facility service provided on-site, the Proposed Development would improve the pedestrian experience in the area. Therefore, the Proposed Actions would not result in any significant adverse impact on the constituent elements of Urban Design, and a detailed analysis is not warranted.

Figure 2.5-1: Urban Design Study Area – Photomontage Locations



Figure 2.5-2: Existing/ No-Action Condition 1 - East 9th Street and Avenue H Looking North



Figure 2.5-3: With-Action Condition 1 - East 9th Street and Avenue H Looking North

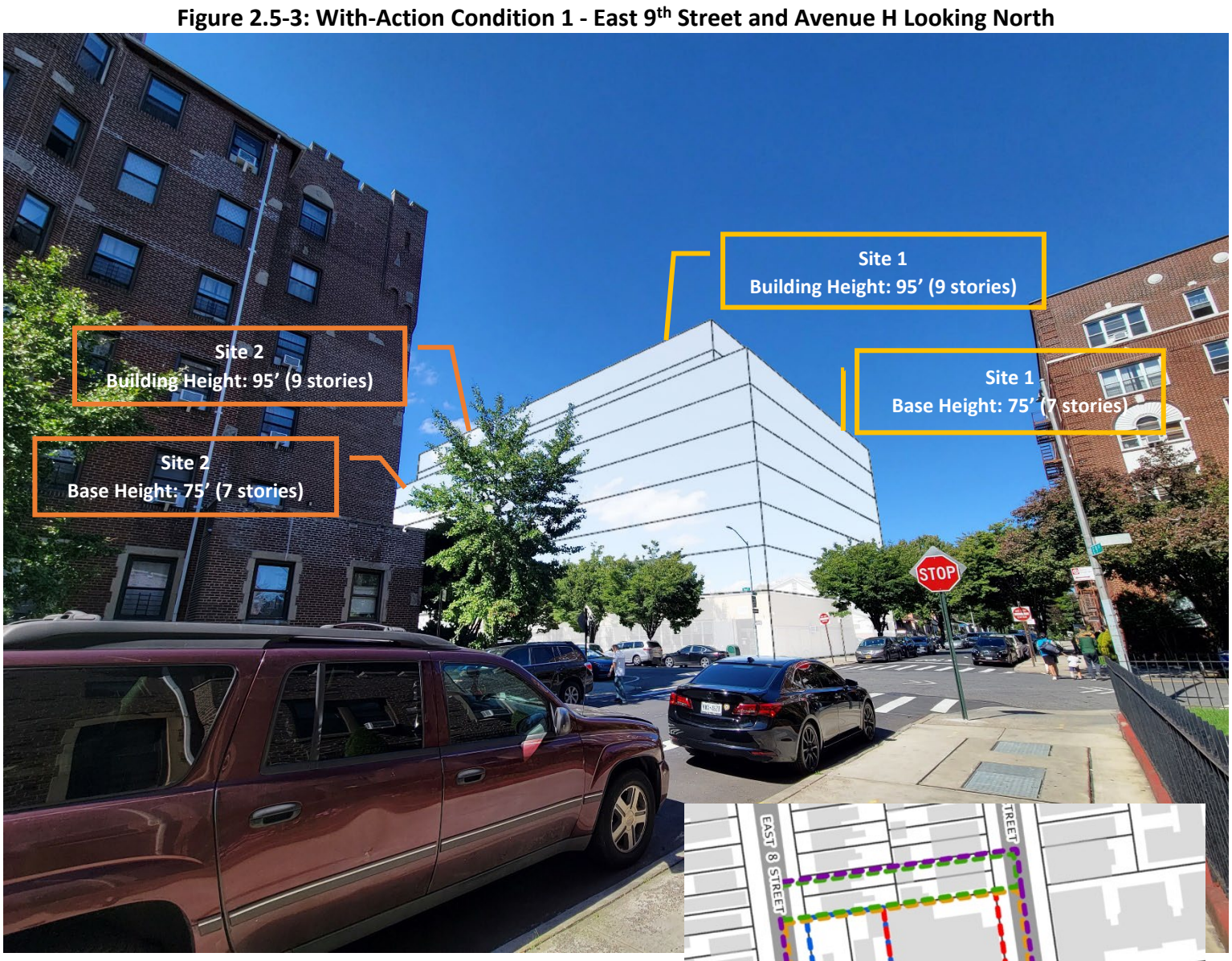
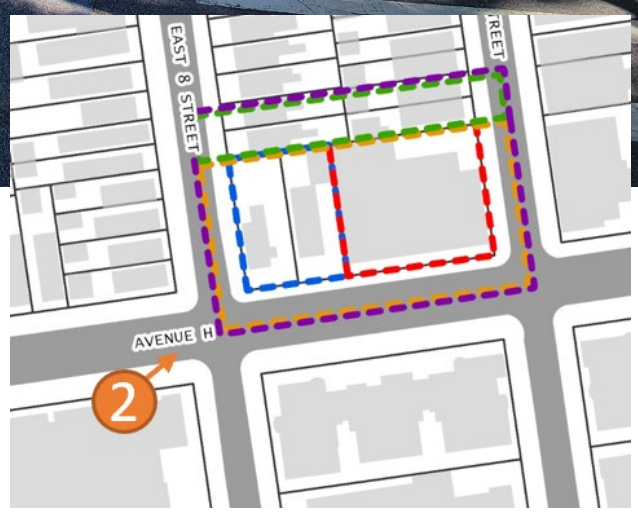


Figure 2.5-4: Existing/No-Action Condition 2 - East 8th Street and Avenue H Looking Northeast



Figure 2.5-5: With-Action Condition 2 - East 8th Street and Avenue H Looking Northeast





Legend

- Projected Development Site 1
- Projected Development Site 2
- Affected Area
- Area to be Rezoned from R5/C1-3 to R7A/C2-4
- Area to be Rezoned from R5/C1-3 to R5
- 400' Study Area

N

Figure 2.5-6: Existing/No-Action Condition 3 - East 9th Street looking South



Figure 2.5-7: With-Action Condition 3 - East 9th Street looking South

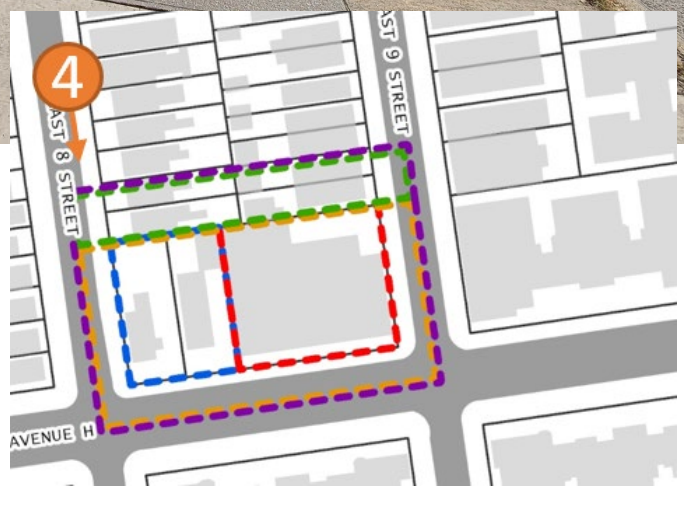


Figure 2.5-8: Existing Condition 4 - East 8th Street looking South



Figure 2.5-9: With-Action Condition 4 - East 8th Street looking South





Legend

- Projected Development Site 1
- Projected Development Site 2
- Affected Area
- Area to be Rezoned from R5/C1-3 to R7A/C2-4
- Area to be Rezoned from R5/C1-3 to R5
- 400' Study Area

N

2.6 Hazardous Materials

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

Methodology

The hazardous materials assessment begins with a Phase 1 ESA, which is a qualitative evaluation of the environmental conditions present at a site, based on a review of available information, site observations, and interviews. Pursuant to the *2021 CEQR Technical Manual*, the Phase 1 ESA is conducted in accordance with the standards established by the current ASTM Phase 1 ESA Standard and includes research and field observations to determine whether the site may contain contamination from either past or present activities on the site or as a result of activities on adjacent or nearby properties. If a potential Recognized Environmental Conditions (RECs) is identified during this assessment, then building any subsurface investigations are usually conducted as part of a Phase II ESA to confirm the presence and extent of the contamination.

Analysis

A detailed breakdown of the Affected Area is described above in **Section 1.4**. Development is anticipated on Projected Development Sites 1 and 2 as such:

Projected Development Site 1 (Block 6496, Lot 39)

A new 9-story-plus-cellar, 69,275 GSF (55,168 ZSF; 4.60 FAR) mixed residential and community facility building would be developed on a 12,000-SF lot on the southeastern portion of Block 6496. The proposed building would have a height of 95 feet after a 10-foot setback on Avenue H above the base height of 75 feet.

Projected Development Site 2 (Block 6496, Lots 45 and 47)

A new 9-story-plus-cellar, 41,184 GSF (36,800 ZSF; 4.60 FAR) mixed residential and commercial building would be developed on a combined 8,000-SF lot on the southwestern portion of Block 6496. The proposed building would have a height of 95 feet after a 10-foot setback on Avenue H above the base height of 75 feet.

The Proposed Actions would allow for residential, commercial, and community facility uses to be built with a higher FAR in the proposed R7A/C2-4 district. Accordingly, a Phase I Environmental Site Assessment (ESA) was conducted for the Applicant-owned Projected Development Site 1 by Equity on September 1, 2022. A copy of the report is included as an Attachment. The Phase I ESA will be reviewed by the Department of Environmental Protection.

2.6.1 Phase I Environmental Site Assessment

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

Recognized Environmental Conditions (RECs) are defined as the presence or likely presence of any hazardous substances or petroleum products under conditions that indicate an existing release, past release, or a material threat of a release into structures on the property or into the ground, groundwater or surface waters of the property. De minimis RECs are those that do not present a threat to health or the environment and would not be the subject of an enforcement action by a government agency. All RECs, excluding de minimis RECs, were considered in the Phase I.

Equity has performed a Phase I Environmental Site Assessment on August 10, 2022 in conformance with the scope and limitations of ASTM Practice E 1527-21. The following conditions were observed:

- Recognized Environmental Condition (RECs)

  There are no RECs associated with the Subject Property.

- Controlled Recognized Environmental Condition (CRECs)

  There are no CRECs associated with the Subject Property.

- Historical Recognized Environmental Condition (HRECs)

  There are no HRECs associated with the Subject Property.

- Vapor Encroachment Conditions (VECs)

  According to the EDR Vapor Encroachment database, three VEC records were identified at the Subject Property. The three records identified at the Subject Property include a historical drycleaner listed from 1974 to 2012, an active laundromat/drycleaner, and records listed under the NY Manifest, ECHO, FINDS, and RCRA NonGen/NLR databases relating to the drycleaner on the Subject Property. The waste descriptions listed in the VEC Report are drycleaner-related.

  The EDR Vapor Encroachment database also identified multiple VECs (Vapor Encroachment Conditions) within 1/10 of a mile of the Subject Properties that are related to related to numerous Con Edison Manifest sites, which do not pose a VEC threat. There is a 3,000-gallon fuel oil AST and closed spill case at 800 Avenue H. The 100-gallon spill

due to equipment failure was closed on December 26, 2002. The AST is still in service. Two small quantity manhole-related spills are listed within 0.03 miles of the Subject Property. Both spills are closed. Also in the VEC Report, there is an active 3,000-gallon fuel oil tank at 900 Avenue H, and an active 4,000-gallon AST at 901 Avenue H. There is an in service 20,000-gallon fuel oil UST is located at 840 East 8th Street. At 1001 Avenue H, there is an in service 5000-gallon fuel oil AST. The same 5000-gallon tank had a 400-gallon spill due to a tank overfill in 1990, but the spill case closed on January 29, 2007. There is a drycleaner listed at 1013 Avenue H, and a historical gas station is listed at 1140 Coney Island from 1973 to 1983. Two other historical gas stations are also listed in the VEC Report. The drycleaners and gas stations are too distant from the Subject Property to be considered a VEC threat. Within the 1/10th of a mile from the Subject Property, there are several other ASTs, USTs, spill records, and manifest sites listed. Based on these findings, a possible vapor encroachment could not be ruled out.

Based on the findings of the Phase I ESA, VECs were identified related to the Subject Property. Therefore, the development of Projected Development Site 1 under the Proposed Actions may have the potential for adverse impacts related to hazardous materials and a Phase II ESA should be undertaken, collecting original samples of soil, groundwater or building materials to analyze for quantitative values of various contaminants.

However, a Phase II ESA cannot be performed currently as the intrusive investigation through the Phase II process is not practical on the site where the building on Block 6496, Lot 39 is not evacuated. The building is currently occupied by a Laundromat (The Urban Wash), a notary public store (Flash Document), a medical supply store (Horizon Ortho Supply Corp.), and a senior citizen center (Brookdale Senior Citizen Center).

Phase II ESA testing will require site investigation work in multiple locations on the property, including the drilling of multiple borings into pavement area. No area of the property is undeveloped with exposed earth and the only open area on the property is the active egress area associated with the vehicle drive-in at the back of the building.

Phase II ESA requires multiple borings (typically 2-3) deep into the ground to capture subsurface conditions for the entire property, with a rig powerful enough to penetrate pavement. It should be noted these rigs are large enough to prevent drive-through access. Based on previous experience, these tests take approximately a half-day to complete, with some additional time to patch the borings.

As the Applicant rents the Development Site to multiple active tenants, it is not practical to conduct testing with the active businesses on site. In addition, since the property is located within a predominantly residential area, the high level of noise from the drilling machines further restricts the time for Phase II site investigation, which cannot be conducted in the evening after business hours or on weekends. As such, Phase II investigative work is not feasible at this time,

and an (E) Designation is required to undertake Phase II work once the property is vacated, demolished, and cleared, following approval of the Proposed Actions.

2.6.2 Conclusion

Based on the findings and conclusions of the Phase I ESA, it is recommended that in the event any future excavation/construction activities are proposed, further assessment of the historic fill material should be conducted.

As a result, an E-Designation is proposed to be mapped on the Affected Area. The proposed E-Designation language related to Hazardous Materials is as follows:

E-Designation (E-734)

Block 6496, Lot 39 (Projected Development Site 1) and Block 6496, Lots 45 and 47 (Projected Development Site 2)

An E-Designation should be placed on the site to assure that testing and mitigation will be performed, 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 (OER).

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

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The Applicant must complete such

remediation as determined necessary by OER. The Applicant should then provide proper documentation that the work has been satisfactorily completed.

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

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

2.7 Transportation

Pursuant to *2021 CEQR Technical Manual* methodology, a transportation assessment may be necessary when a proposed action would alter the transportation network by closing, opening, or realigning an element of the transportation system such as a roadway, pedestrian way, or transit route, or if it would generate new trips on the transportation network. The objective of the transportation analyses is to determine whether a proposed project may have a potential significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, bicyclists and vehicles), on- and off-street parking, or goods movement.

Analysis

Future No-Action Condition

Block 6496 Lot 39 (Projected Development Site 1) as well as Block 6496 Lots 45 and 47 (Projected Development Site 2), would remain unchanged under the No-Action Condition with a combined 13,324 GSF, consisting of 3,562 GSF of residential use (2 units), 1,200 GSF commercial use (local retail), and 8,562 GSF community facility use (community center and worship space). It would provide 10 residential accessory parking spaces and 4 community facility accessory parking spaces on site.

Future With-Action Condition

Pursuant to the Proposed Actions, Projected Development Site 1 (Block 6496, Lot 39) would be developed under RWCDS with a 69,275 GSF (55,168 ZSF; 4.60 FAR) mixed residential and community facility building. The proposed building would contain 5,778 GSF of residential accessory parking at the cellar level, 22,149 GSF (17,128 ZSF; 1.43 FAR) of community facility uses at the cellar level through the second floor, and 41,348 GSF (38,040 ZSF; 3.50 FAR) of residential uses on the third through the ninth floor. The community facility space would be used similarly to the existing use on the site for religious worship and community center.[4] There would be 61 total dwelling units (1 unit per 680 GSF), with 46 being market rate and 15 being permanently affordable per MIH Option 1. 23 residential accessory parking spaces would be provided in the enclosed garage at the cellar level, which would be served by a curb cut on East 9th Street at the same location as the site's current curb cut.

Meanwhile, Projected Development Site 2 (Block 6496, Lots 45 and 47) would assemble and have a projected lot size of approximately 8,000 SF, and would be developed with a 41,184 GSF (36,800 ZSF; 4.60 FAR) mixed residential and commercial building. The building is assumed to contain 8,656 GSF (6,400 ZSF; 0.80 FAR) of ground floor retail space and 32,528 GSF (30,400 ZSF; 3.80 FAR) of residential space on the 1st (residential lobby) to 9th floors. 48 total dwelling units would be provided (assuming 680 GSF per unit), with 36 market rate units and 12 permanently

[4] The senior center was conservatively modeled as medical office use for the purposes of the traffic analysis.

affordable units pursuant to MIH Option 1. Parking would be waived for residential uses as the assembled lots would be under 10,000-sf allowing a reduction to 30% of dwelling units per ZR 25-241, which would result in a parking requirement of 11 spaces for market-rate units. As per ZR 25-261, the parking requirement can be waived as there is under 15 spaces required.

As shown in **Table 2.7-1** below, in total, there would be an addition of 107 incremental dwelling units, 7,456 GSF of local retail space, and 13,587 GSF of community facility space as a result of the demolition of the existing buildings and the construction of the new buildings on the two development sites.

Table 2.7-1: Increment of Transportation Analysis

Use	Site	No-Action Condition	With-Action Condition	Increment
Commercial (gsf)	Site 1	1,200	0	-1,200
	Site 2	0	8,656	8,656
	Total	**1,200**	**8,656**	**7,456**
Community Facility[5] (gsf)	Site 1	8,562	22,149	13,587
	Site 2	0	0	0
	Total	**8,562**	**22,149**	**13,587**
Residential DU	Site 1	0	61	61
	Site 2	2	48	46
	Total	**2**	**109**	**107**

2.7.1 Preliminary Assessment

Based on the Affected Area's location, it is within Traffic Zone 2. According to Table 16-1 of the *2021 CEQR Technical Manual*, a residential development of fewer than 200 residential units, 15,000 square feet of local retail, or 25,000 square feet of community facility space, or a weighted average below 1.00 of any of the above, typically does not warrant further assessment of the potential for adverse effects on Transportation. Incremental development under the Proposed Actions, compared to No-Action conditions, would consist of 107 more residential dwelling units (0.54 weighted average) and an increase of 7,456 GSF of local retail space (0.50 weighted average) and 13,587 GSF of community facility space (0.54 weighted average), which results in a weighted average of 1.58 for the Proposed Actions. Therefore, a Tier 1 trip generation is required.

[5] Community facility use was conservatively modeled as medical office for the purposes of the traffic analysis

2.7.2 Level 1 Trip Generation Screening

Methodology

The *2021 CEQR Technical Manual* states that a preliminary trip generation assessment should be prepared to determine whether a quantified analysis of any technical areas of the transportation system is necessary. Except in unusual circumstances, a further quantified analysis would typically not be needed for a technical area if the proposed development would result in fewer than the following increments:

- 50 peak hour vehicle trips;
- 200 peak hour subway/rail or bus transit riders (or 50 bus trips in a single direction on a single route during a peak hour);
- 50 peak hour CWFS Ferry Trips; or
- 200 peak hour pedestrian trips.

The *CEQR Technical Manual* also states that if the threshold for traffic is surpassed, a parking assessment may also be warranted.

Transportation Planning Assumptions

The Level 1 Trip Generation assumptions were obtained from *2021 CEQR Technical Manual*, East New York FEIS, Flatbush Rezoning EAS, American Community Survey 2015-2019 data for Brooklyn census tracts 456, 458, 460, 462.01, 482, 518, 520, 526, 528, 530, and 764, as well as data provided by NYCDOT.

Figure 2.7-1 shows the transportation analysis study area that are comprised of the project site tract and each contiguous tract. **Table 2.7-3** and **Table 2.7-4** show the person trips, vehicular trips, and pedestrian trips generated from the trip factors in **Table 2.7-2**.

Figure 2.7-1: Transportation Analysis Study Area

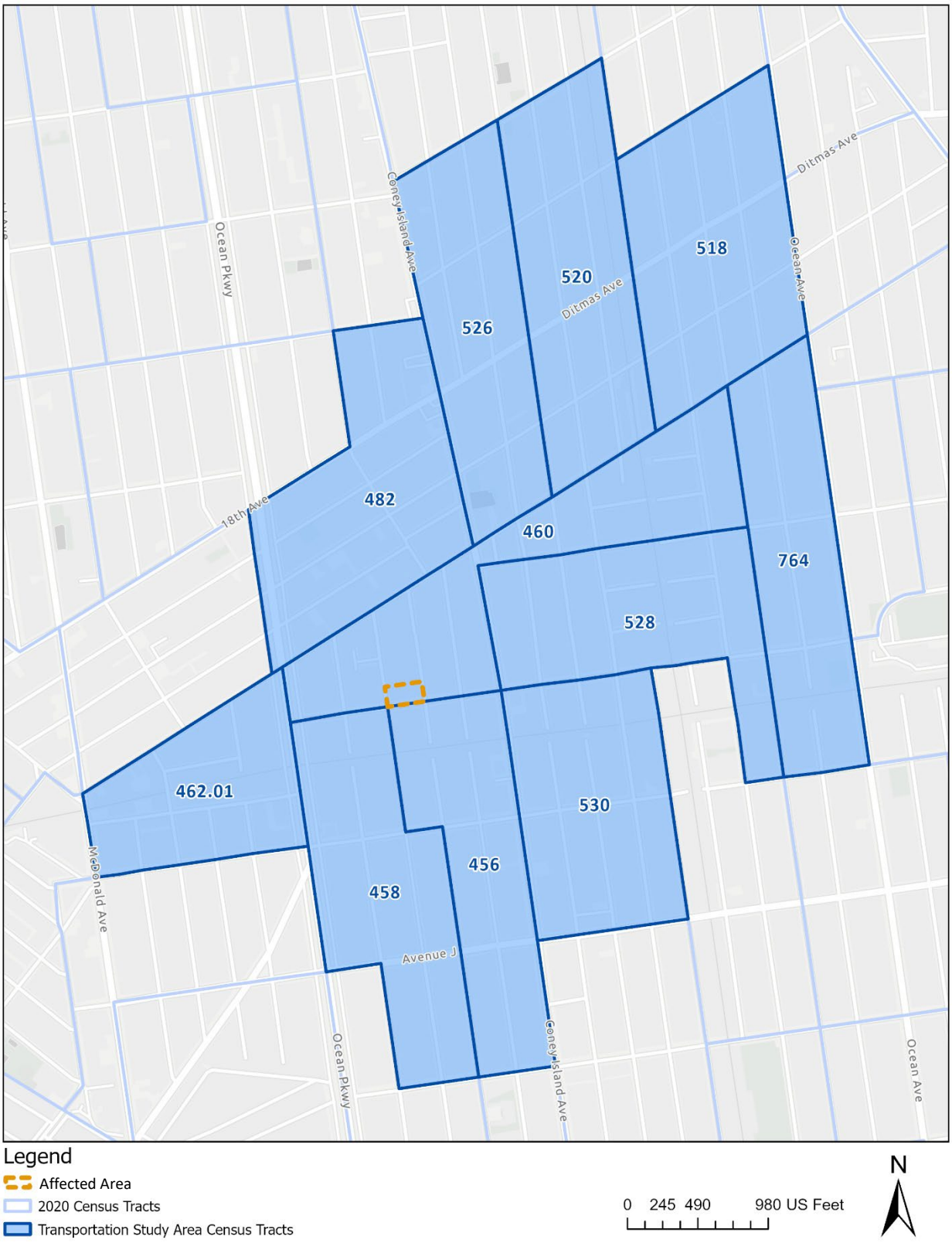


Table 2.7-2: Travel Demand Factors

	Local Retail		Residential		Medical Office	
Trip Generation	(1)		(1)		(1)	
Weekday	329		8.18		74.6	
Saturday	358		9.08		37	
	per 1,000 sf		per DU		per 1,000 sf	
Temporal Distribution	(1)		(1)		(1)	
AM	4.80%		9.30%		11.00%	
MD	8.00%		5.60%		12.60%	
PM	10.90%		8.50%		8.50%	
Sat MD	11.70%		8.40%		16.60%	
Modal Splits	(1)		(3)		(1)	
Auto	11.00%		25.67%		22.00%	
Taxi	0.00%		0.86%		4.00%	
Bus	2.00%		9.62%		13.00%	
Subway	3.00%		52.71%		13.00%	
Walk/Other	84.00%		11.13%		48.00%	
In/Out Splits	In (1)	Out (1)	In (1)	Out (1)	In (1)	Out (1)
AM	52%	48%	22%	78%	62%	38%
MD	50%	50%	50%	50%	53%	47%
PM	50%	50%	62%	38%	39%	61%
Sat MD	50%	50%	55%	45%	54%	46%
Vehicle Occupancy	(4)		(3)(5)		Weekday (2)	Sat (2)
Auto	1.20		1.09		1.50	2.60
Taxi	1.20		1.20		1.50	2.60
Truck Trip Generation	(1)		(1)		(2)	
Weekday	0.35		0.06		0.29	
Saturday	0.04		0.02		0.29	
Temporal Distribution	(1)		(1)		(2)	
AM	8.00%		12.00%		3.00%	
MD	11.00%		9.00%		11.00%	
PM	2.00%		2.00%		1.00%	
Saturday	11.00%		9.00%		0.00%	
In/Out Splits	In (1)	Out (1)	In (1)	Out (1)	In (1)	Out (1)
AM/MD/PM/Sat	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%

1 = 2021 CEQR TM
2 = East New York EIS
3 = ACS 5yr JTW (2015-2019) Brooklyn CT# 456, 458, 460, 462.01, 482, 518, 520, 526, 528, 530, and 764
4 = NYCDOT Local Retail data for Brooklyn
5 = Flatbush Rezoning EAS

Table 2.7-3: Estimated Incremental Person/Vehicular Trips

	Local Retail		Residential		Medical Office		Total		
Size/Units	7,456 gsf		107 DU		13,587 gsf				
Peak Hour Trips									
AM	118		81		111		311		
MD	196		49		128		373		
PM	267		74		86		428		
Sat MD	312		82		83		477		
Person Trips									
AM	In	Out	In	Out	In	Out	In	Out	In/Out
Auto	7	6	5	16	15	9	27	32	58
Taxi	0	0	0	1	3	2	3	2	5
Bus	1	1	2	6	9	6	12	13	25
Subway	2	2	9	33	9	6	20	41	61
Walk/Other	51	47	2	7	33	20	87	75	161
Total	61	57	18	63	69	42	148	162	311
MD	In	Out	In	Out	In	Out	In	Out	In/Out
Auto	11	11	6	6	15	13	32	30	62
Taxi	0	0	0	0	3	2	3	3	6
Bus	2	2	2	2	9	8	13	12	25
Subway	3	3	13	13	9	8	25	24	48
Walk/Other	82	82	3	3	32	29	118	114	232
Total	98	98	25	25	68	60	190	183	373
PM	In	Out	In	Out	In	Out	In	Out	In/Out
Auto	15	15	12	7	7	12	34	34	67
Taxi	0	0	0	0	1	2	2	2	4
Bus	3	3	4	3	4	7	11	12	24
Subway	4	4	24	15	4	7	33	26	58
Walk/Other	112	112	5	3	16	25	134	141	274
Total	134	134	46	28	34	53	213	215	428
Saturday	In	Out	In	Out	In	Out	In	Out	In/Out
Auto	17	17	12	9	10	8	39	35	74
Taxi	0	0	0	0	2	2	2	2	4
Bus	3	3	4	4	6	5	13	12	25
Subway	5	5	24	19	6	5	34	29	63
Walk/Other	131	131	5	4	22	18	158	154	311
Total	156	156	45	37	45	38	246	231	477
Vehicle Trips									
AM	In	Out	In	Out	In	Out	In	Out	In/Out
Auto	6	5	4	15	10	6	20	26	46
Taxi	0	0	0	0	2	1	2	2	4
Taxi Balanced	0	0	0	1	4	2	4	3	7
Truck	0	0	0	0	0	0	1	1	1
Total	6	5	5	16	14	9	24	30	55
MD	In	Out	In	Out	In	Out	In	Out	In/Out
Auto	9	9	6	6	10	9	25	24	48
Taxi	0	0	0	0	2	2	2	2	4
Taxi Balanced	0	0	0	0	4	3	4	4	8
Truck	0	0	0	0	0	0	1	1	1
Total	9	9	6	6	14	12	29	28	57
PM	In	Out	In	Out	In	Out	In	Out	In/Out
Auto	12	12	11	7	5	8	28	27	55
Taxi	0	0	0	0	1	1	1	2	3
Taxi Balanced	0	0	1	0	2	3	2	3	6
Truck	0	0	0	0	0	0	0	0	0
Total	12	12	12	7	7	11	31	30	61
Saturday	In	Out	In	Out	In	Out	In	Out	In/Out
Auto	14	14	11	9	4	3	29	26	55
Taxi	0	0	0	0	1	1	1	1	2
Taxi Balanced	0	0	1	1	1	1	2	2	4
Truck	0	0	0	0	0	0	0	0	0
Total	14	14	11	9	5	4	31	28	59

Table 2.7-4: Estimated Incremental Pedestrian Trips

	Local Retail		Residential		Senior Center		Total		
Pedestrian Trips									
AM	In	Out	In	Out	In	Out	Total In	Total Out	Total In/Out
Bus	1	1	2	6	9	6	12	13	25
Subway	2	2	9	33	9	6	20	41	61
Walk/Other	51	47	2	7	33	20	87	75	161
Total	54	50	13	47	51	31	119	128	247
MD	In	Out	In	Out	In	Out	Total In	Total Out	Total In/Out
Bus	2	2	2	2	9	8	13	12	25
Subway	3	3	13	13	9	8	25	24	48
Walk/Other	82	82	3	3	32	29	118	114	232
Total	87	87	18	18	50	44	155	150	305
PM	In	Out	In	Out	In	Out	Total In	Total Out	Total In/Out
Bus	3	3	4	3	4	7	11	12	24
Subway	4	4	24	15	4	7	33	26	58
Walk/Other	112	112	5	3	16	25	134	141	274
Total	119	119	34	21	25	39	178	179	356
Saturday	In	Out	In	Out	In	Out	Total In	Total Out	Total In/Out
Bus	3	3	4	4	6	5	13	12	25
Subway	5	5	24	19	6	5	34	29	63
Walk/Other	131	131	5	4	22	18	158	154	311
Total	139	139	33	27	33	28	205	194	400

Level 1 Trip Generation Conclusion

The increments induced by the Proposed Actions are calculated through the traffic generation model. As **Table 2.7-5** shows, the number of incremental project-generated trips wouldn't exceed the thresholds for subway or MTA bus. However, the number of pedestrian trips, including not only "walk-only" trips, but also trips of other modes that have a pedestrian component, is expected to exceed the threshold during the AM, Midday, PM, and Saturday Midday peak hour, respectively. The number of incremental vehicular trips is expected to exceed the 50 vehicular trip threshold during the AM, Midday, PM, and Saturday Midday peak hour, respectively. Therefore, a Level 2 trip assignment for pedestrian and vehicular trip-ends is warranted for the peak hour exceedances referenced above and shown below.

Table 2.7-5: Traffic Increments of Proposed Development Compared with CEQR Thresholds

Peak Hour	AM Peak Hour	Midday Peak Hour	PM Peak Hour	Saturday Peak Hour
Total Walk-Only Trip-Ends	161	**232**	**274**	**311**
Walk-Only Threshold	200	200	200	200
Total Subway Trip-Ends	61	48	58	63
Subway Threshold	200	200	200	200
Total MTA Bus Trip-Ends	25	25	24	25
MTA Bus Threshold	200	200	200	200
Total Pedestrian Trip-Ends	**247**	**305**	**356**	**400**
Pedestrian Threshold	200	200	200	200
Vehicular Trip-Ends	**55**	**57**	**61**	**59**
Vehicular Threshold	50	50	50	50

*Note: Areas highlighted **yellow** denote exceedances to the applicable pedestrian and vehicular **thresholds** per Chapter 16 Section 313 of the 2021 CEQR Technical Manual*

2.7.3 Level 2 Trip Assignment

A Level 2 Screening Assessment assigns project-generated vehicular and pedestrian trips to specific intersections, bus routes, subway lines, CWFS ferry routes, or parking facilities.

If the results of the analysis concludes that the Proposed Action(s) would result in intersections with 50 or more vehicle trips, pedestrian elements with 200 or more pedestrian trips, 50 or more bus trips in a single direction on a single route, 25 or more passenger ferry trips in a single direction on a single route, 50 or more passengers at a ferry landing, or 200 or more passengers at a subway station or on a subway line during any analysis peak hour, further detailed analysis may be needed for a particular technical area.

Assignment Assumptions

Vehicular Assumptions

The most likely travel routes to and from the Projected Development Sites, prevailing travel patterns, commuter origin-destination (O-D) summaries from the most recent census data, the configuration of the roadway network, and the anticipated locations of site access and egress by site and land use were examined and utilized to perform vehicular trip assignments.

The vehicular trip assignment O-D patterns are based on the Journey-to-Work (JTW) data for residential uses and reverse Journey-to-Work (RJTW) data for senior center and commercial uses, which were extracted from Table A302103: Means of Transportation for Workers 16 years and over of 2012-2016 Census Transportation Planning Products (CTPP). For residential uses, 48% of the vehicular trips would derive from the north, 19% would derive from the east, 17% would derive from the south, and 15% would derive from the west. For senior center and commercial uses, 24% of the vehicular trips would derive from the north, 29% would derive from the east, 21% would derive from the south, and 27% would derive from the west.

Access and egress to Projected Development Site 1 for all residential auto trips was assumed to occur at the entrance/exit to the proposed parking garage, which would be located on East 9th Street (see **Appendix B**: Architectural Plans). Projected Development Site 2 is anticipated to mirror Projected Development Site 1, with access to the residential parking assumed to be provided on East 8th Street.

The developments on the two Projected Development Sites would only provide accessory parking spaces for residential uses. As such, trips generated by the non-residential uses on site, including commercial and community facility uses, would need to be accommodated by the available parking stalls off-site within the surrounding area. The closest parking garage near the Projected Development Sites is located at 1268 East 14th Street (Ohel Garage- Propark), which is approximately 1 mile, or 20-minute walking distance, to the south of the Affected Area. As a result, the vehicular trips induced by the non-residential uses of the Proposed Developments are assumed to be directed to the streets bounding each Projected Development Site to simulate a more conservative condition.

The vehicular trip assignments are shown below in **Figure 2.7-4** through **Figure 2.7-19**.

Pedestrian Assumptions

The pedestrian trip assignment assumptions are based on the population distribution based on the 2016-2020 5-year American Community Survey Data for the census tracts within ¼ mile of the Affected Area shown in **Figure 2.7-2** and the transit access points identified in **Figure 2.7-3** below.

Pedestrians were assigned to specific frontages based on their trip purpose. Projected Development Site 1 would provide pedestrian ingress/egress to the proposed residential lobby along East 9th Street and non-residential ingress/egress along Avenue H (see **Appendix B: Architectural Plans**). Projected Development Site 2 is anticipated to mirror Projected Development Site 1, with ingress/egress to the residential lobby assumed to be provided on East 8th Street and non-residential ingress/egress along Avenue H.

Given the convenient location of the Projected Development Sites, which are situated on a major collector roadway with connection between Coney Island Avenue and Ocean Parkway, in addition to the surrounding density, and the sites, the surrounding residential density, and the adjacency to transit, a 5% pass-by credit[6] was applied to the local retail use.

The pedestrian trip assignments detailing the total inbound and outbound peak hour pedestrian trip ends by peak hour are shown below in **Figure 2.7-20** through **Figure 2.7-27**.

[6] The applied 5% pass-by-credit is a conservative estimate. Calculations show that 50 percent of the trips generated by other uses would result in 51%, 23%, 14%, and 23% of the local retail pedestrian trips during the AM, MD, PM, and Saturday MD peak hours, respectively.

Figure 2.7-2: Pedestrian Transportation Census Tract Study Area

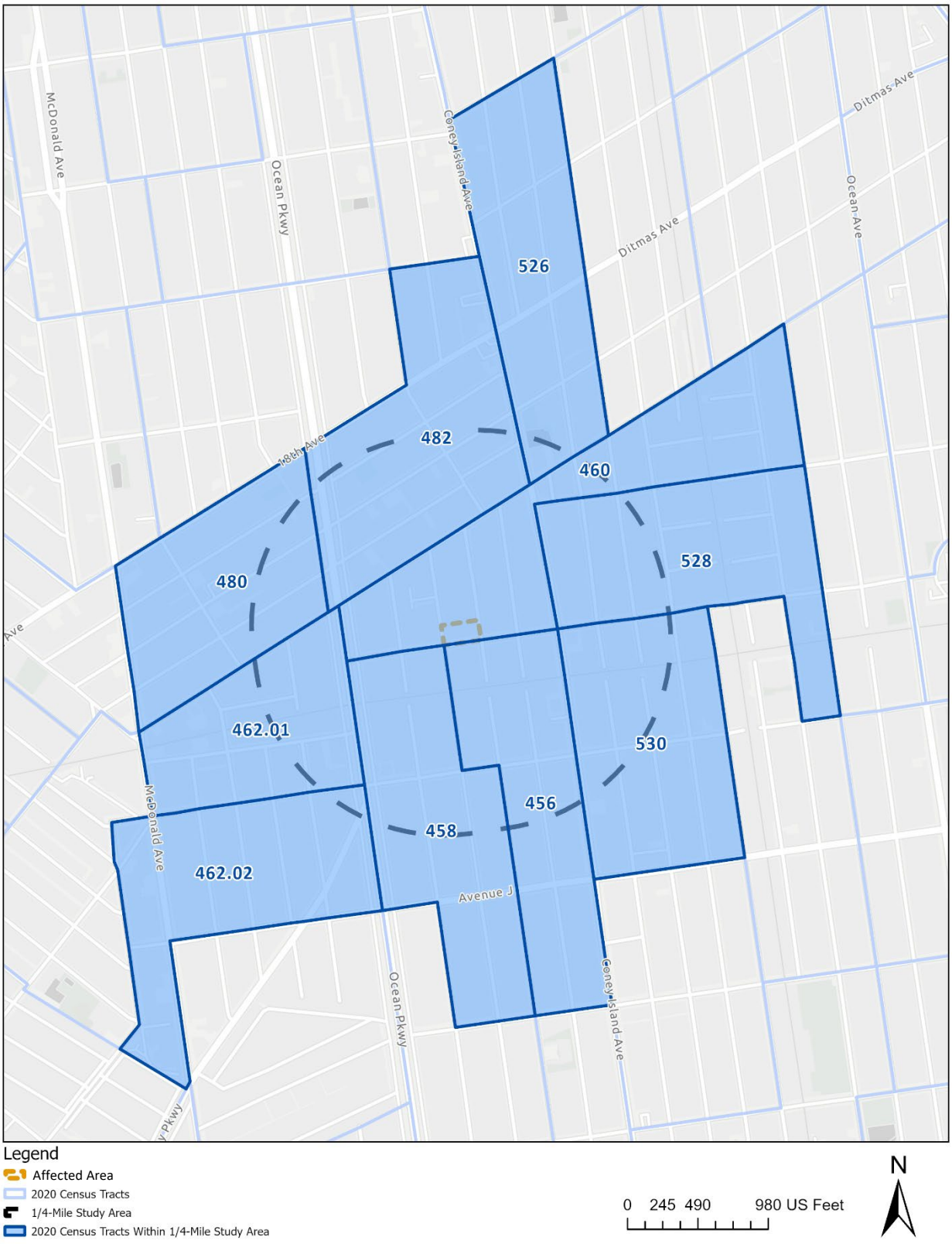
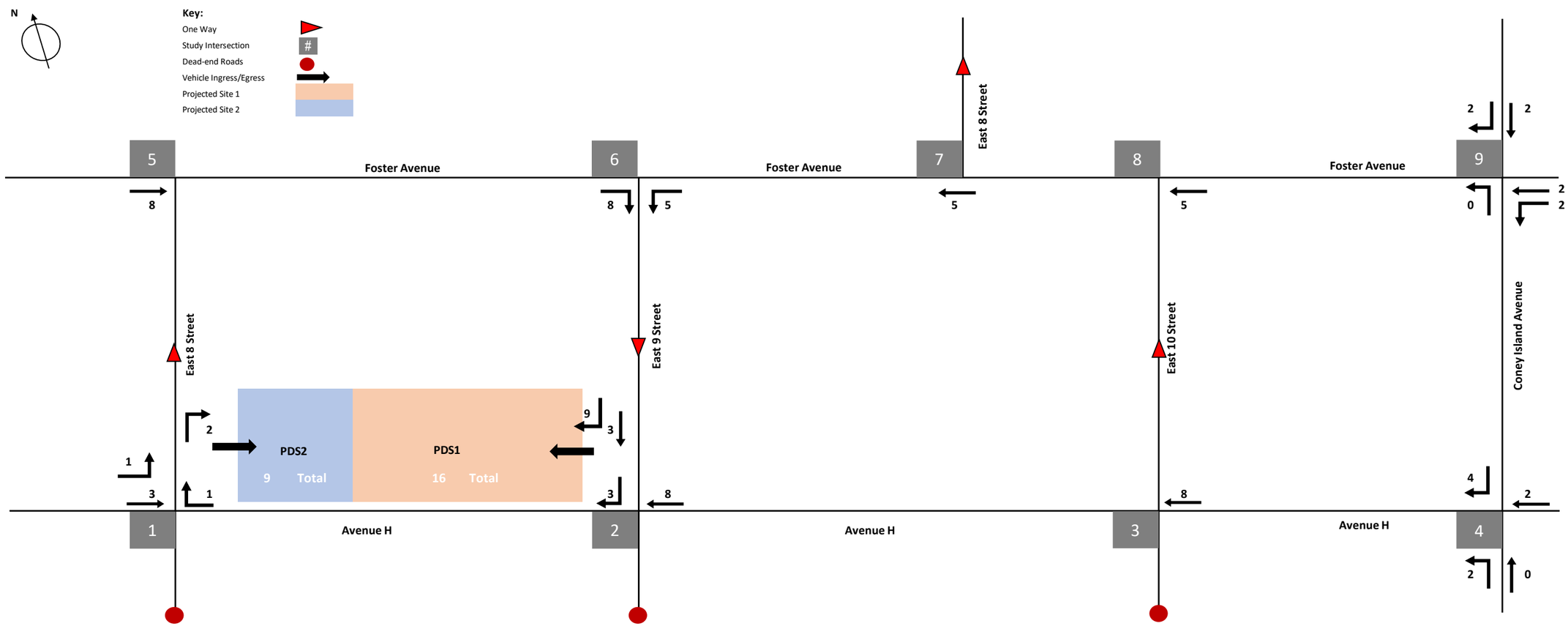


Figure 2.7-3: Pedestrian Transportation Study Area – Public Transit Distribution



Figure 2.7-4: Weekday AM Peak Hour Vehicular Trip Assignment (1 of 4)

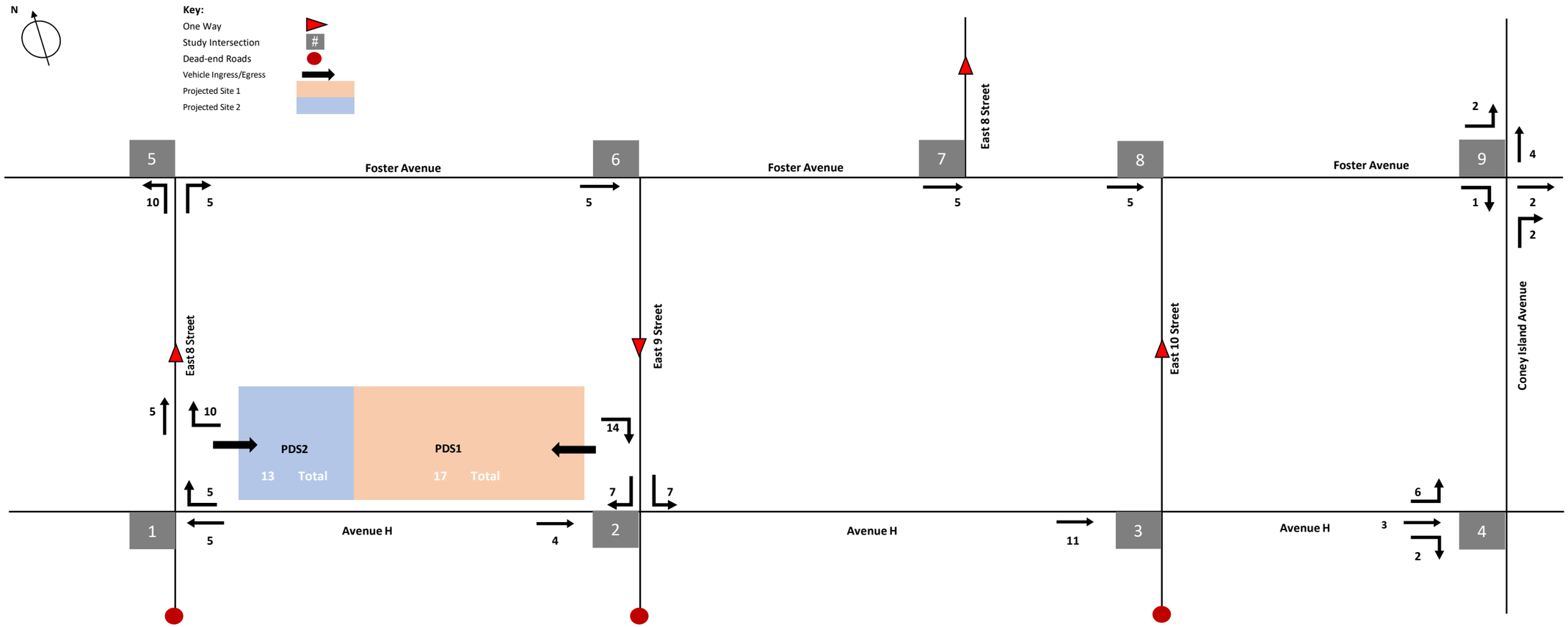
AM Total Inbound Vehicular Assignment



Residential	5	South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.
Non-Residential	20	
Total	**24**	

Figure 2.7-5: Weekday AM Peak Hour Vehicular Trip Assignment (2 of 4)

AM Total Outbound Vehicular Assignment

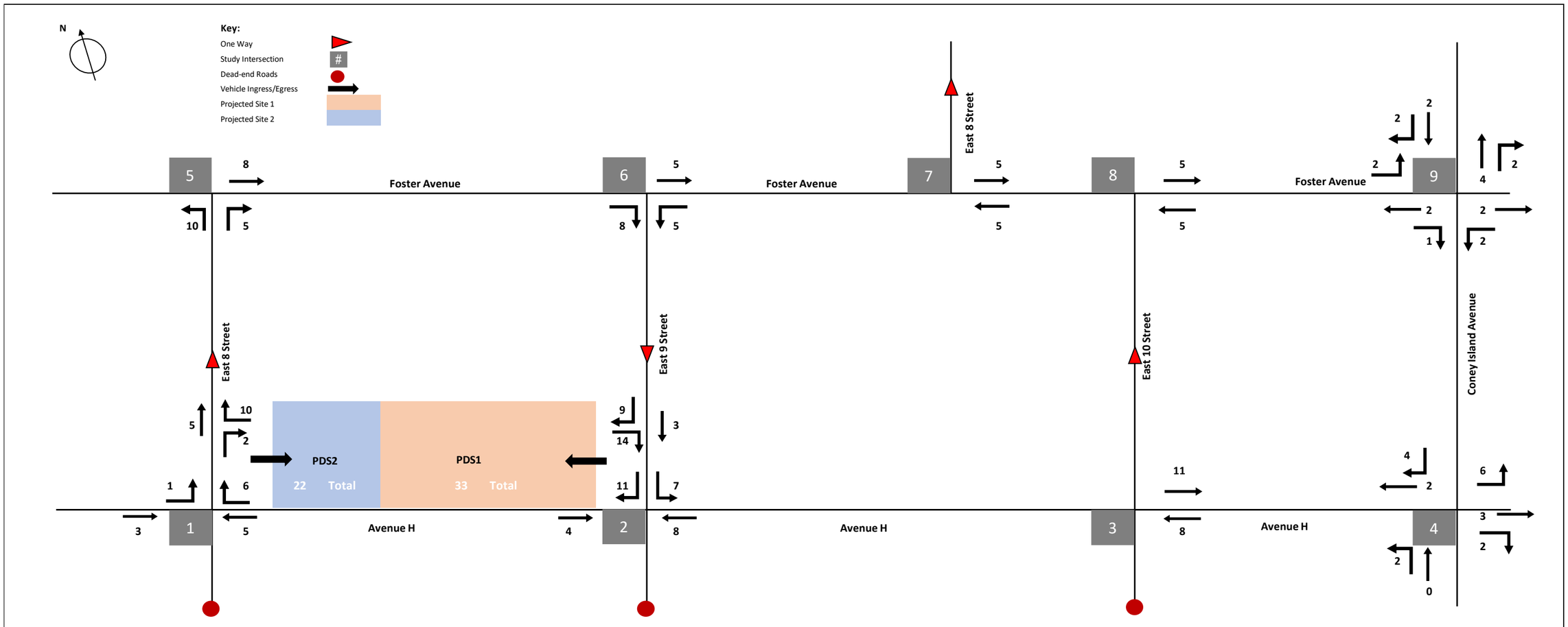


Residential	16
Non-Residential	14
Total	**30**

South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.

Figure 2.7-6: Weekday AM Peak Hour Vehicular Trip Assignment (3 of 4)

AM Total Vehicular Assignment



Residential	21	South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.
Non-Residential	33	
Total	**55**	

Figure 2.7-7: Weekday AM Peak Hour Vehicular Trip Assignment (4 of 4)

AM Intersection Summary

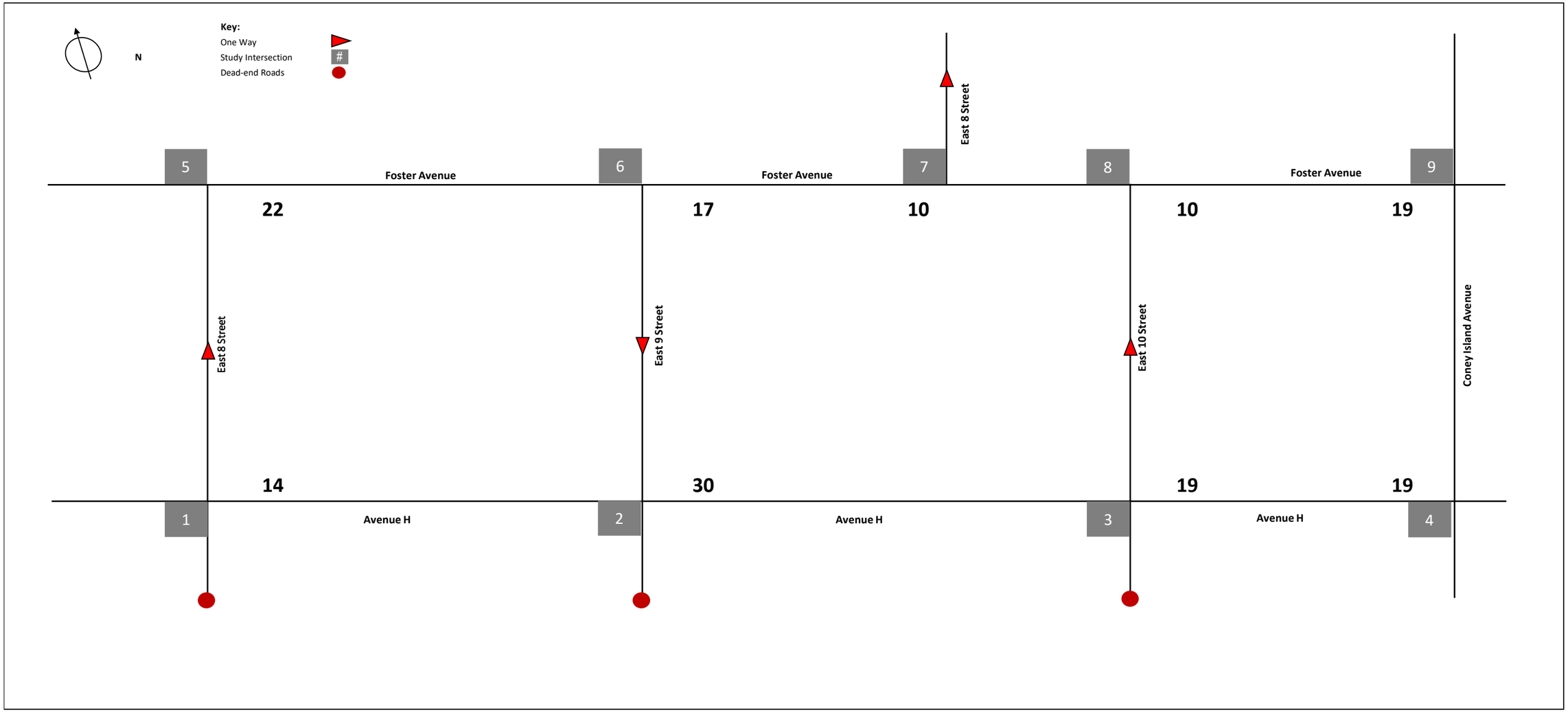
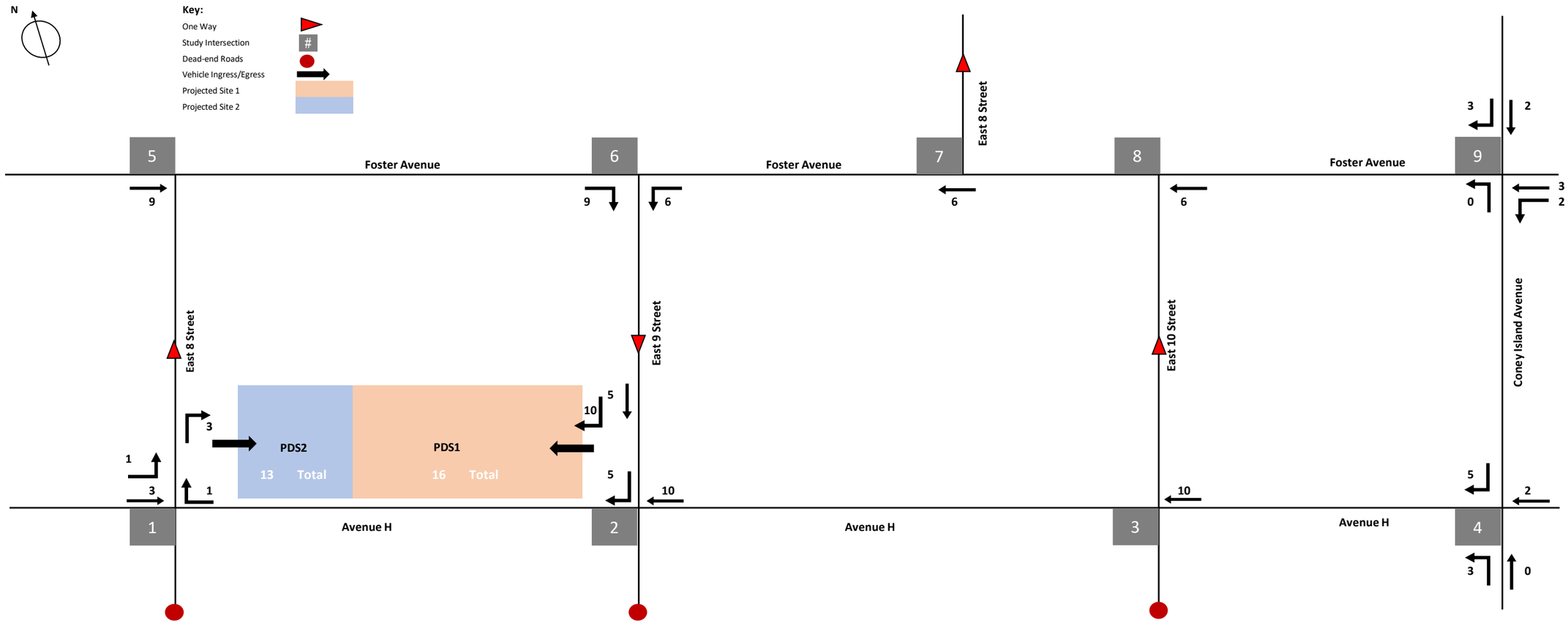


Figure 2.7-8: Weekday MD Peak Hour Vehicular Trip Assignment (1 of 4)

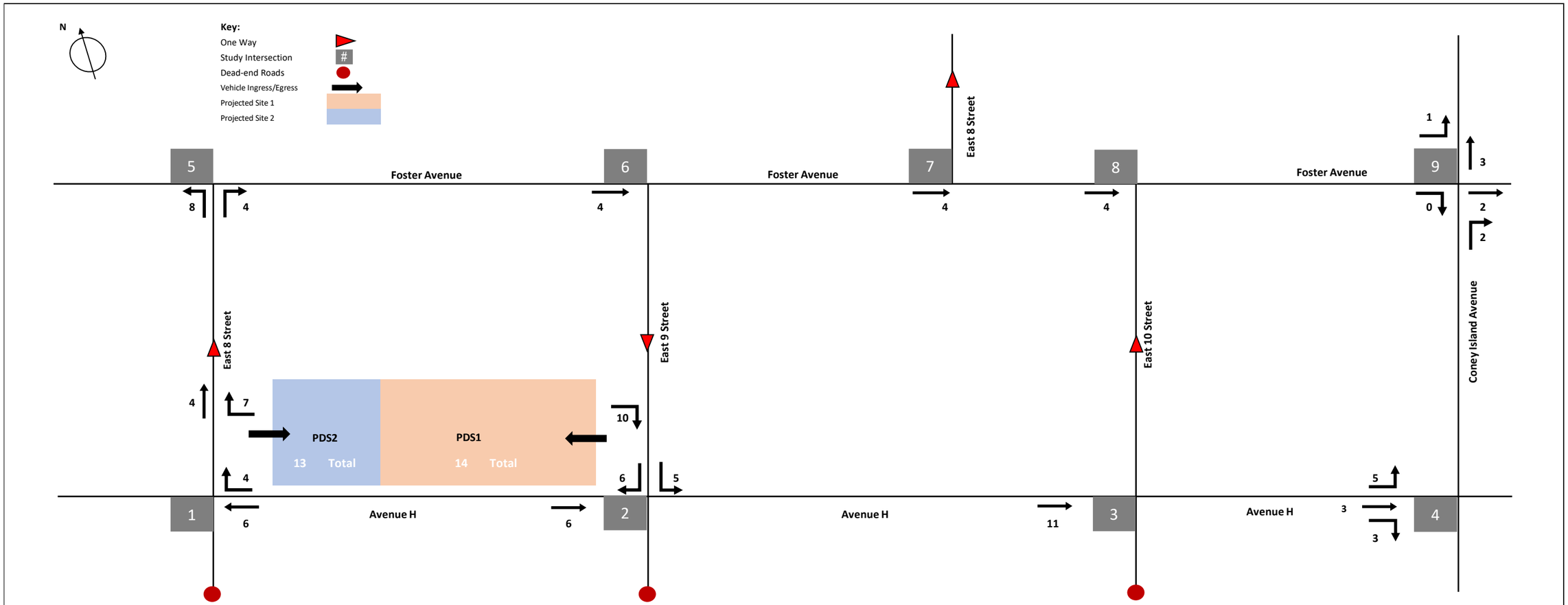
MD Total Inbound Vehicular Assignment



Residential	6	South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.
Non-Residential	23	
Total	**29**	

Figure 2.7-9: Weekday MD Peak Hour Vehicular Trip Assignment (2 of 4)

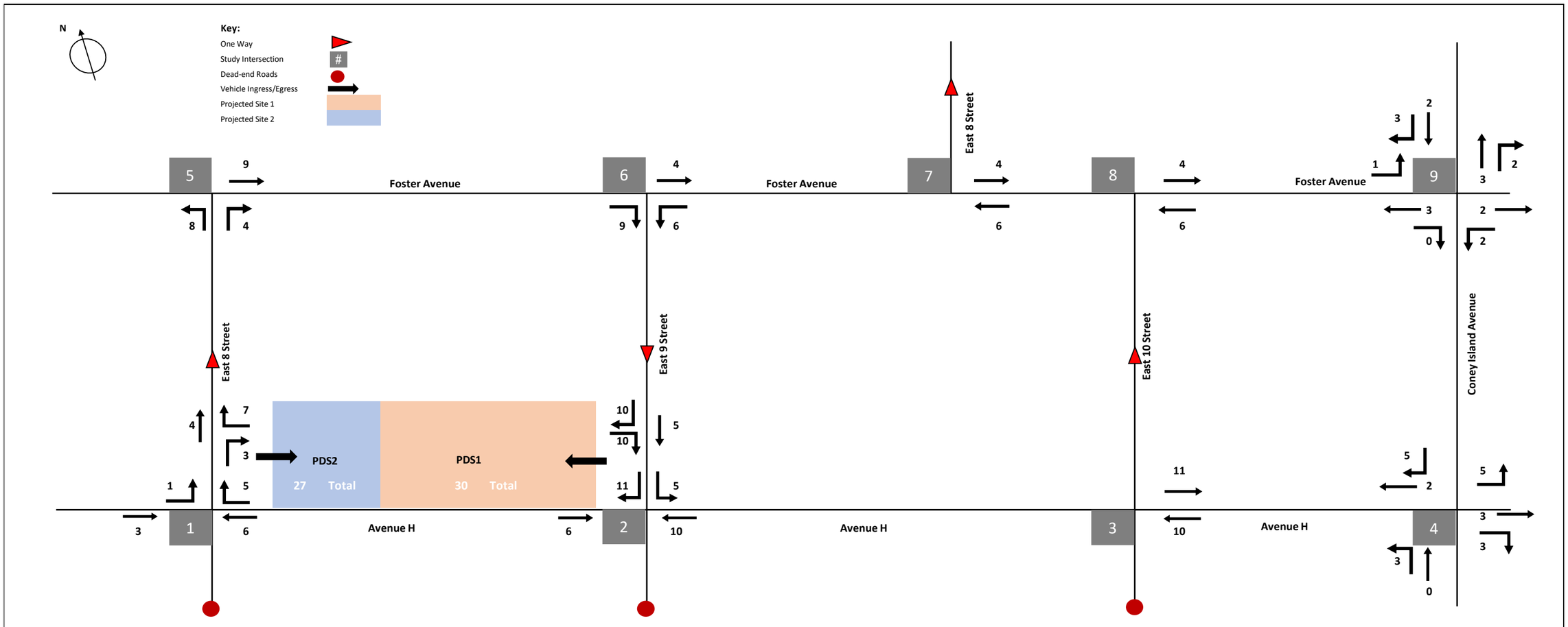
MD Total Outbound Vehicular Assignment



Residential	6	South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.
Non-Residential	21	
Total	**28**	

Figure 2.7-10: Weekday MD Peak Hour Vehicular Trip Assignment (3 of 4)

MD Total Vehicular Assignment



Residential	13	South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.
Non-Residential	44	
Total	**57**	

Figure 2.7-11: Weekday MD Peak Hour Vehicular Trip Assignment (4 of 4)

MD Intersection Summary

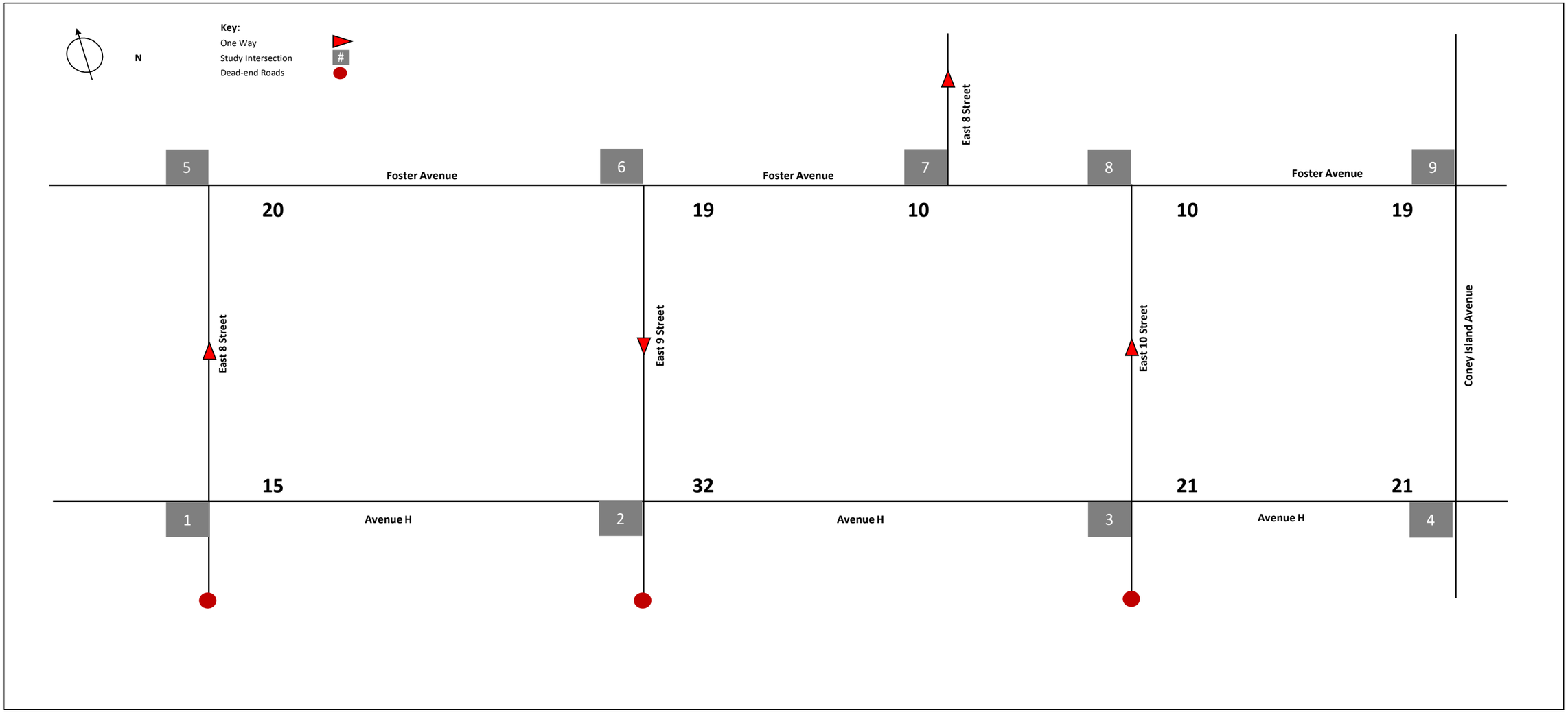
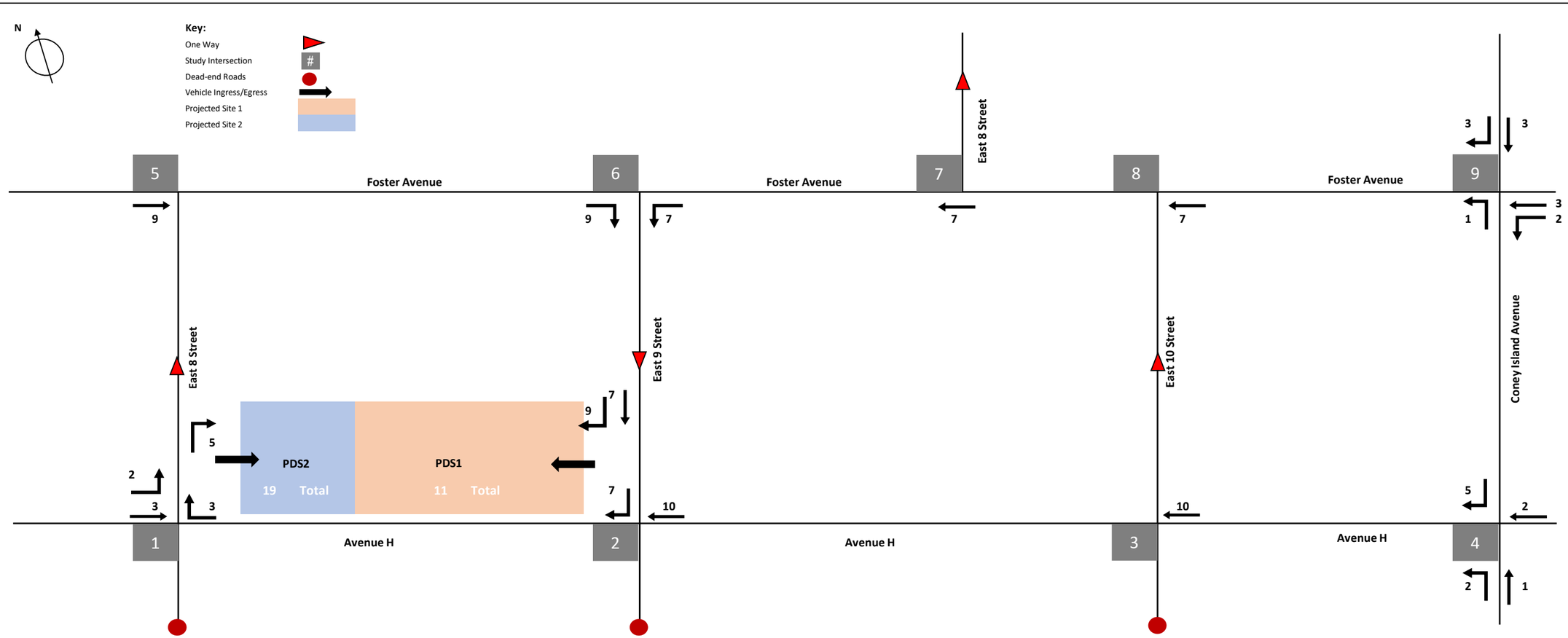


Figure 2.7-12: Weekday PM Peak Hour Vehicular Trip Assignment (1 of 4)

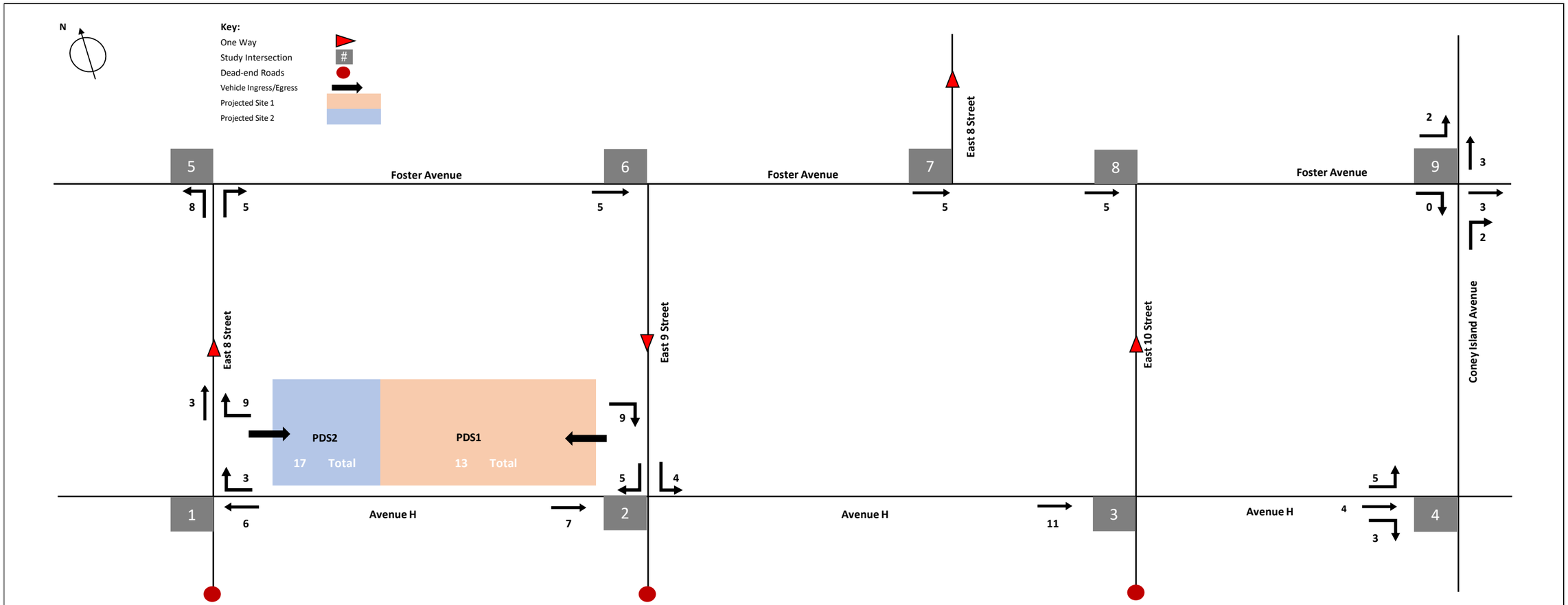
PM Total Inbound Vehicular Assignment



Residential	12	South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.
Non-Residential	19	
Total	**31**	

Figure 2.7-13: Weekday PM Peak Hour Vehicular Trip Assignment (2 of 4)

PM Total Outbound Vehicular Assignment

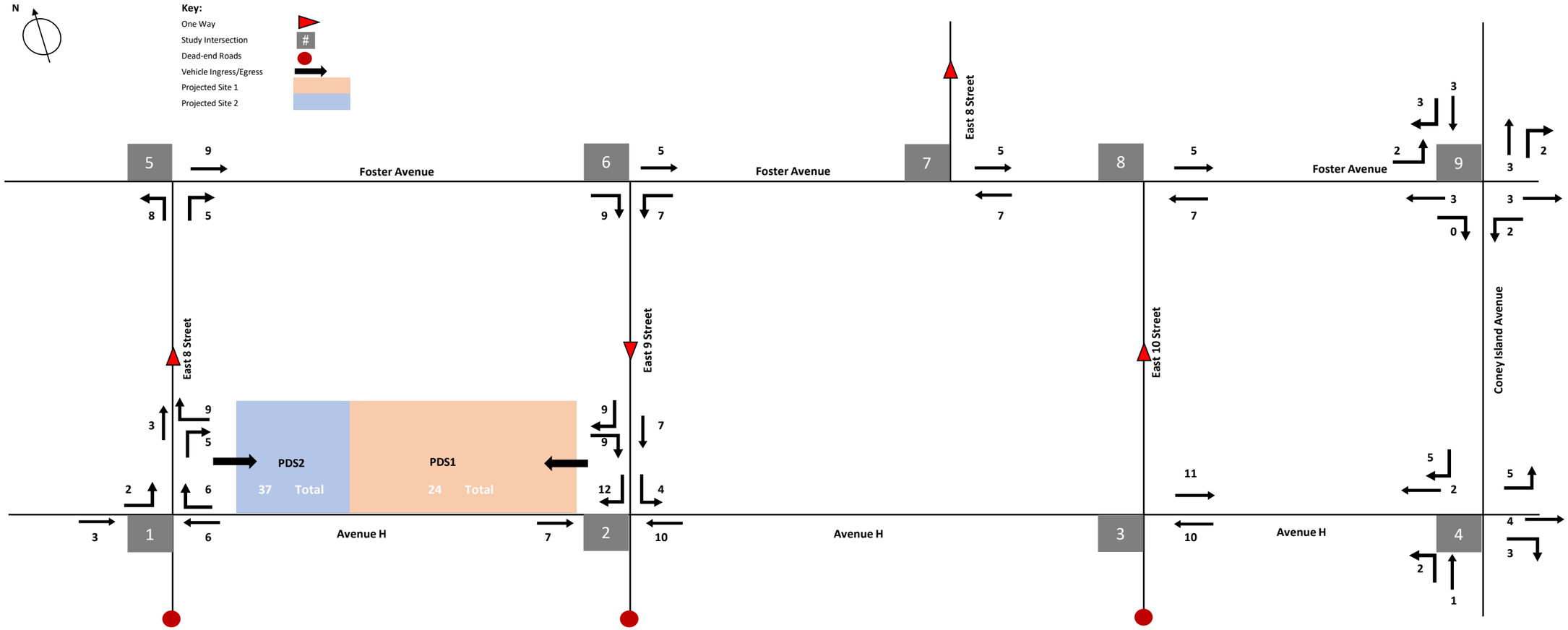


Residential	7
Non-Residential	23
Total	**30**

South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.

Figure 2.7-14: Weekday PM Peak Hour Vehicular Trip Assignment (3 of 4)

PM Total Vehicular Assignment



Residential	19	South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.
Non-Residential	42	
Total	**61**	

Figure 2.7-15: Weekday PM Peak Hour Vehicular Trip Assignment (4 of 4)

PM Intersection Summary

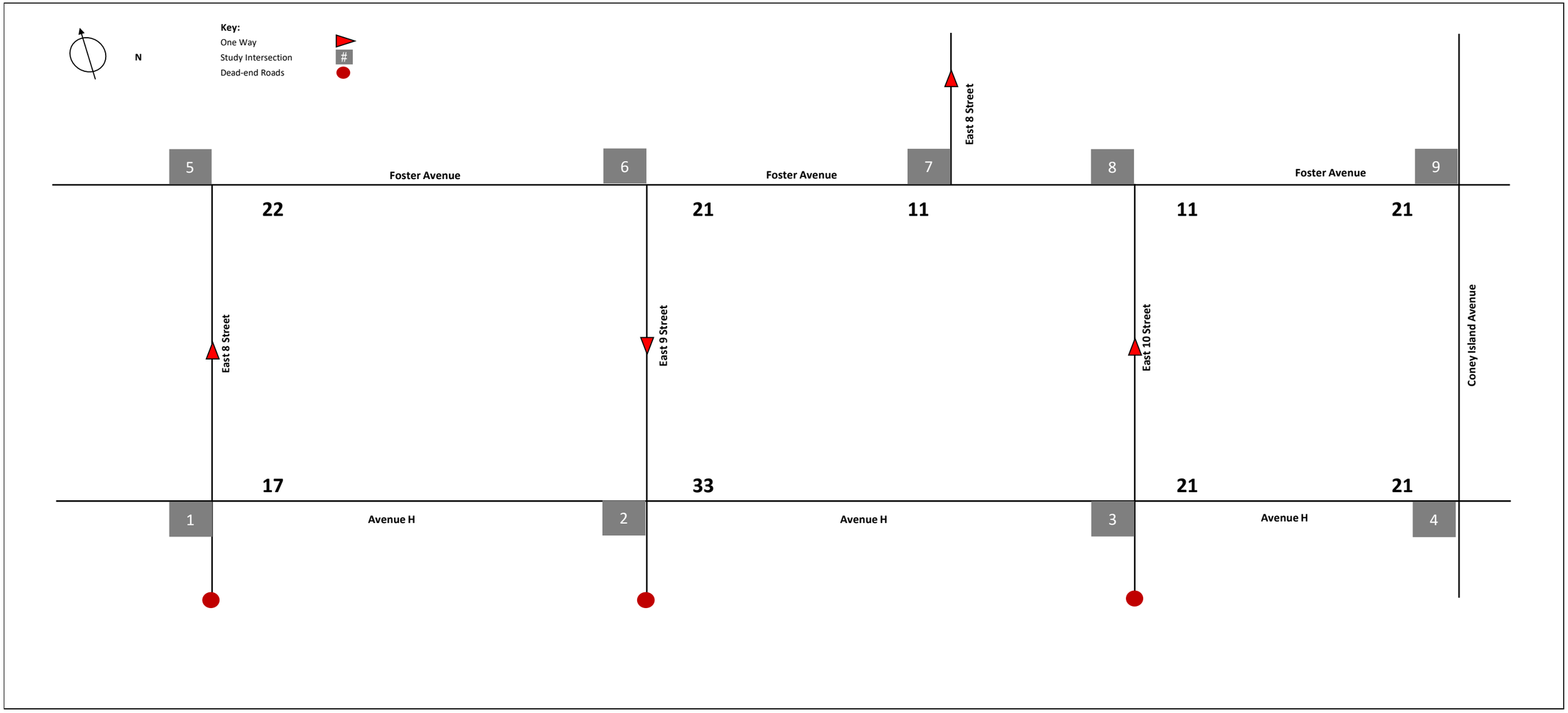
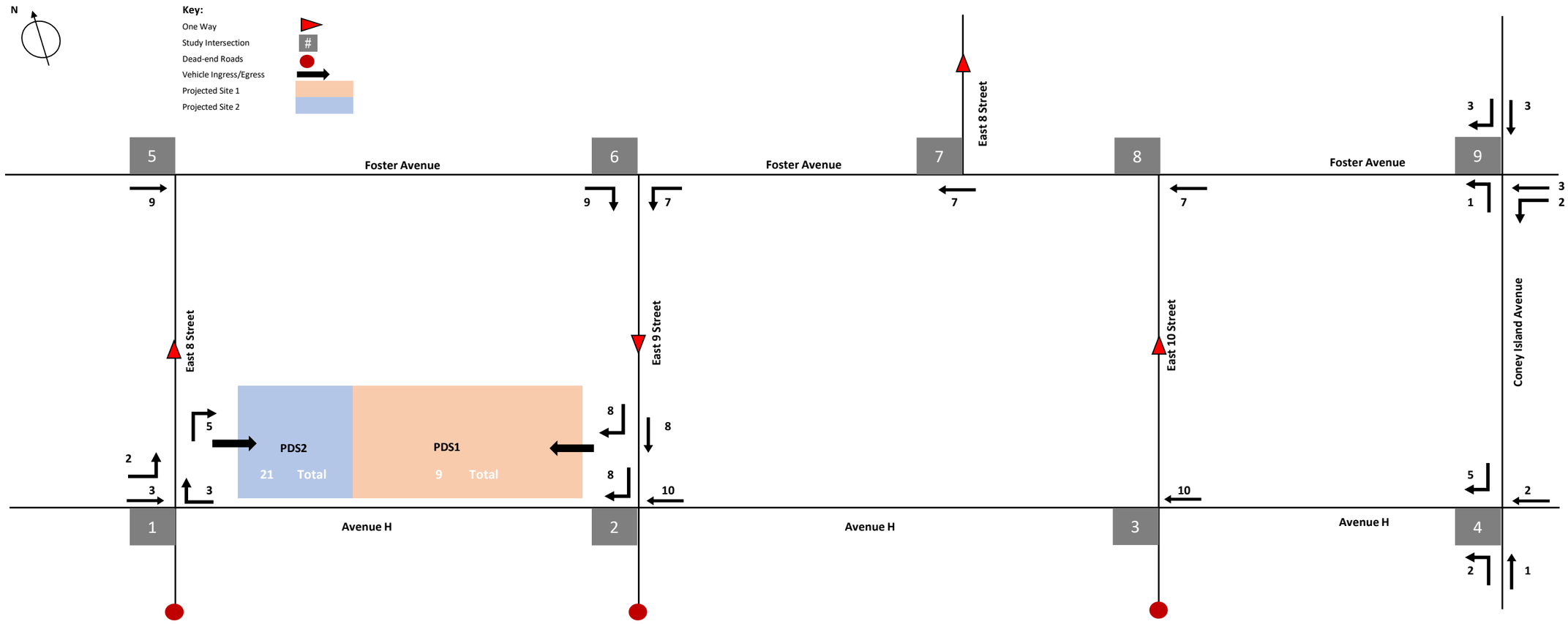


Figure 2.7-16: Saturday MD Peak Hour Vehicular Trip Assignment (1 of 4)

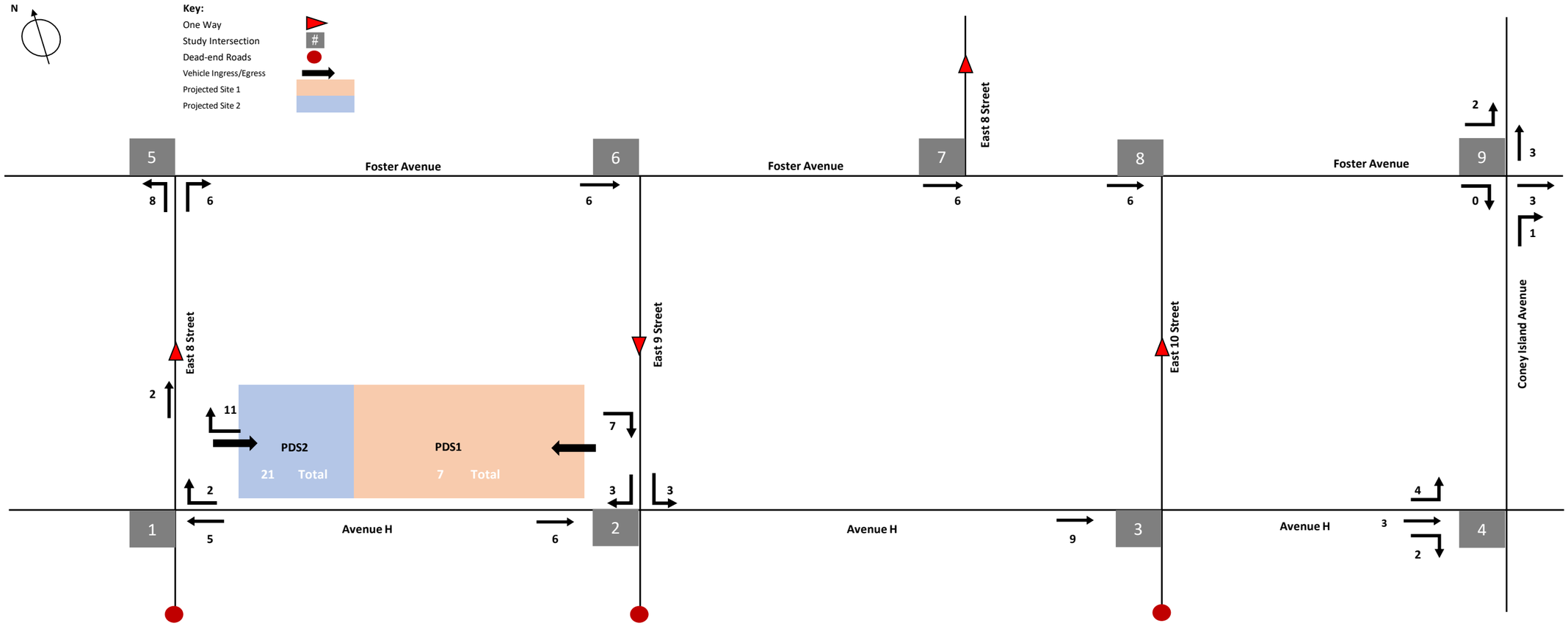
Saturday MD Total Inbound Vehicular Assignment



Residential	11	South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.
Non-Residential	20	
Total	**31**	

Figure 2.7-17: Saturday MD Peak Hour Vehicular Trip Assignment (2 of 4)

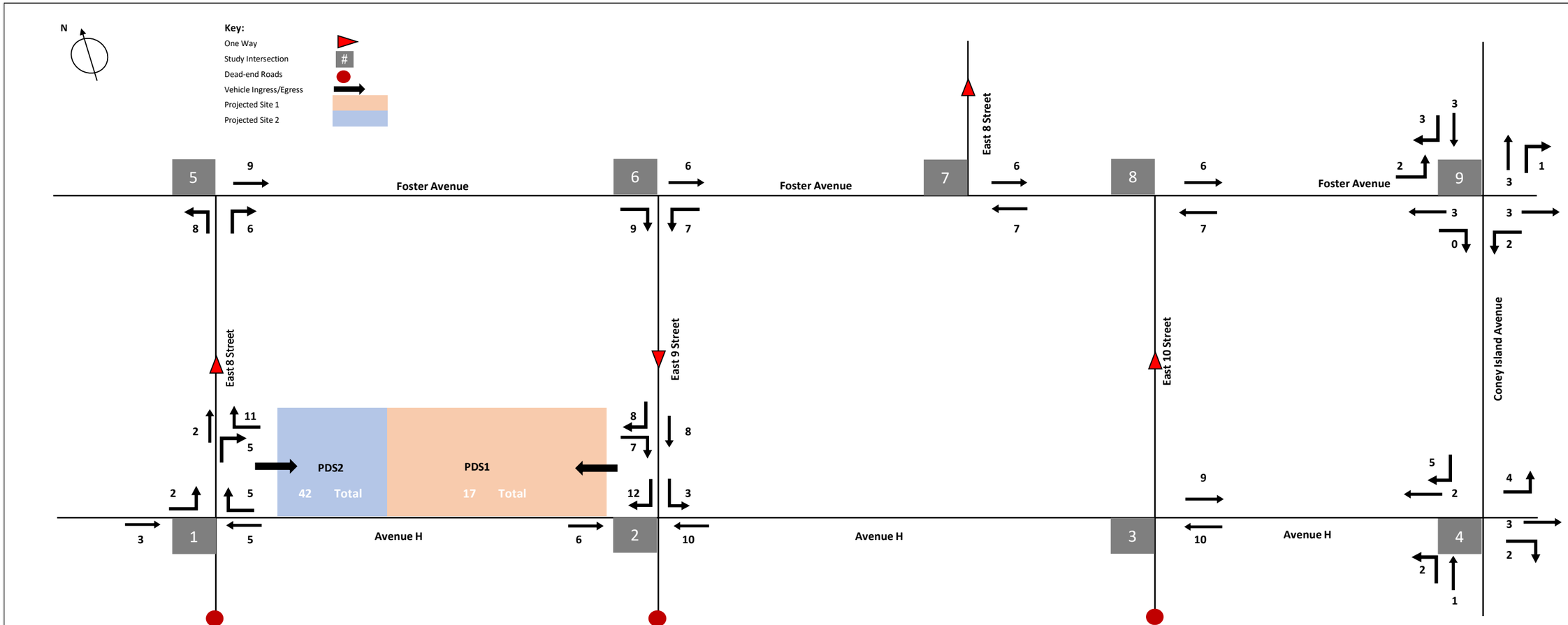
Saturday MD Total Outbound Vehicular Assignment



Residential	9	South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.
Non-Residential	19	
Total	**28**	

Figure 2.7-18: Saturday MD Peak Hour Vehicular Trip Assignment (3 of 4)

Saturday MD Total Vehicular Assignment



Residential	21	South-bound trips will be directed to head south along Ocean Parkway to the west of the site and Coney Island Avenue to the east of the site.
Non-Residential	38	
Total	**59**	

Figure 2.7-19: Saturday MD Peak Hour Vehicular Trip Assignment (4 of 4)

Saturday MD Intersection Summary

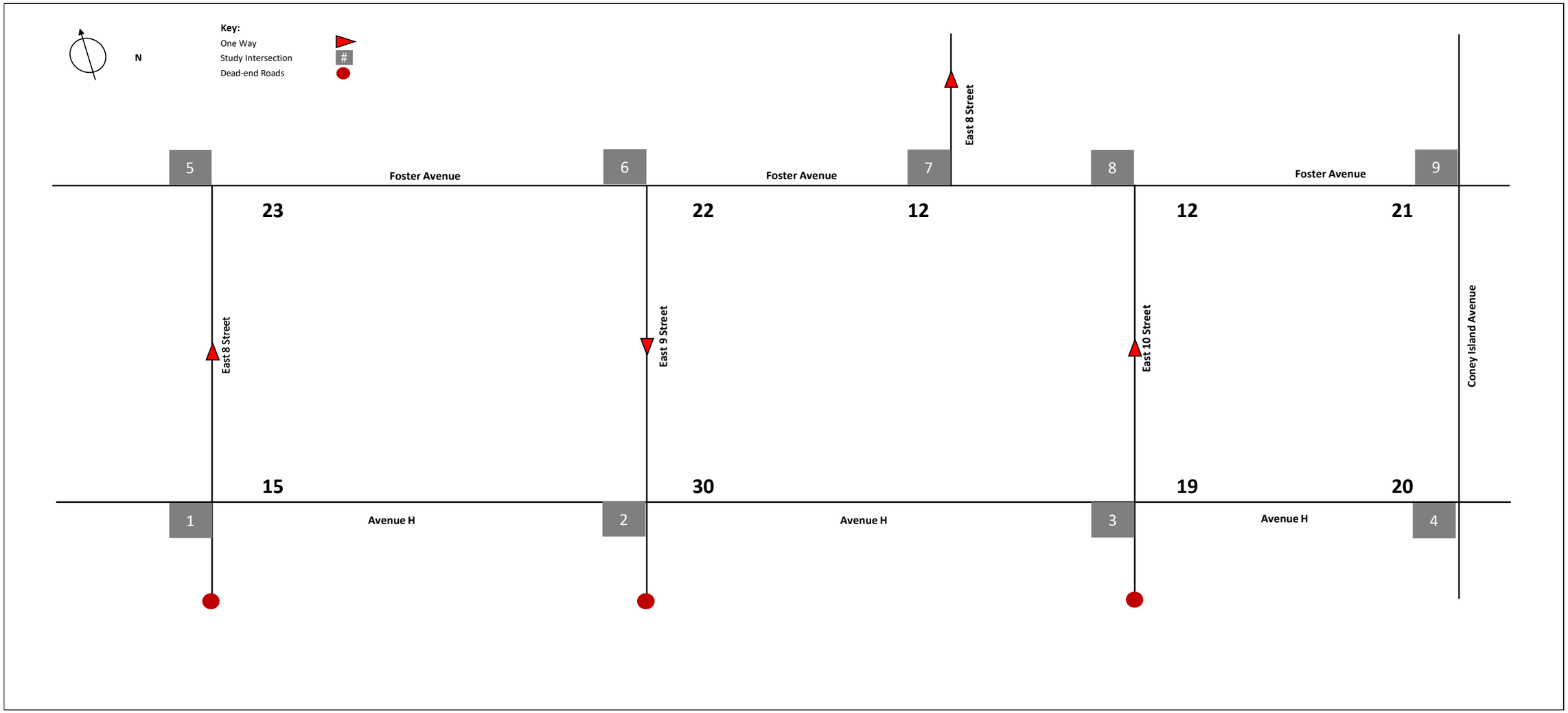


Figure 2.7-20: AM Peak Hour Pedestrian Trip Assignment (1 of 2)

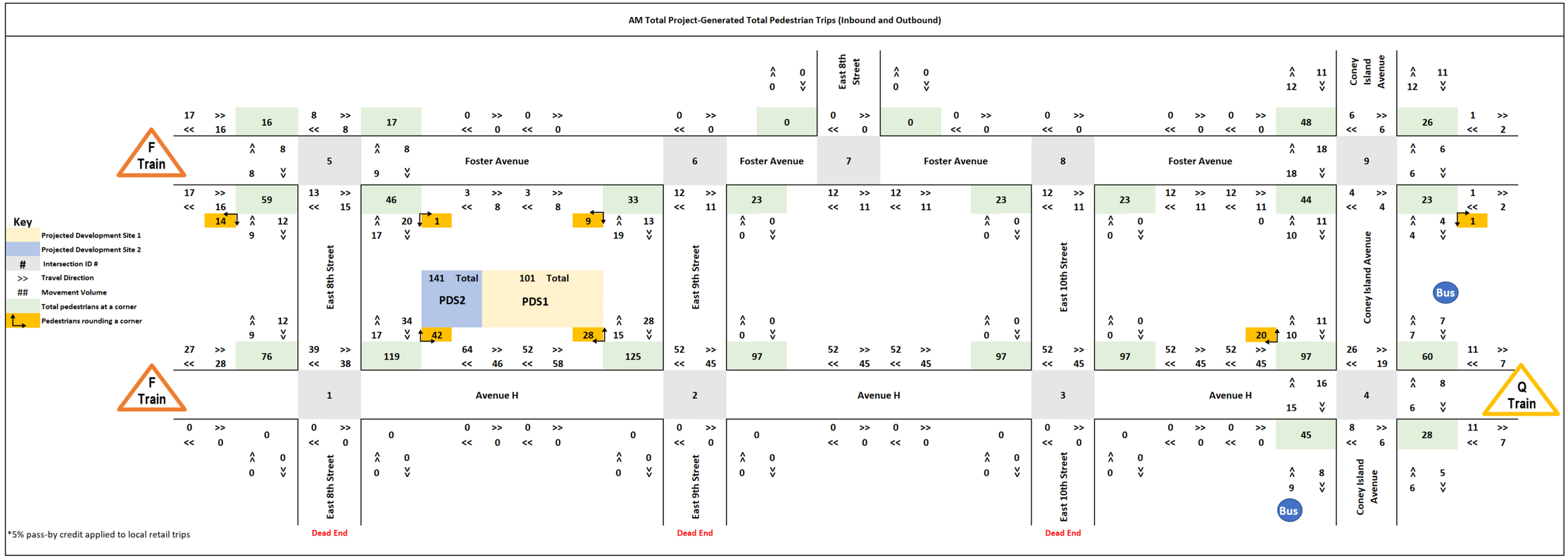


Figure 2.7-21: AM Peak Hour Pedestrian Trip Assignment (2 of 2)

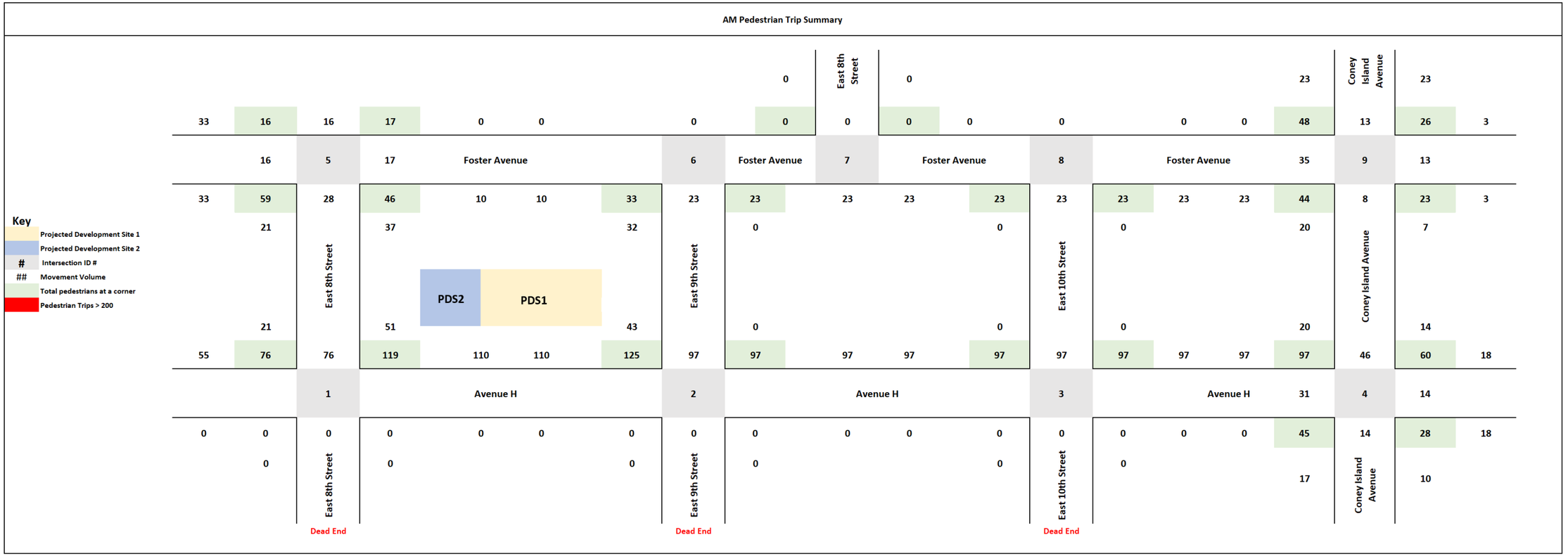


Figure 2.7-22: MD Peak Hour Pedestrian Trip Assignment (1 of 2)

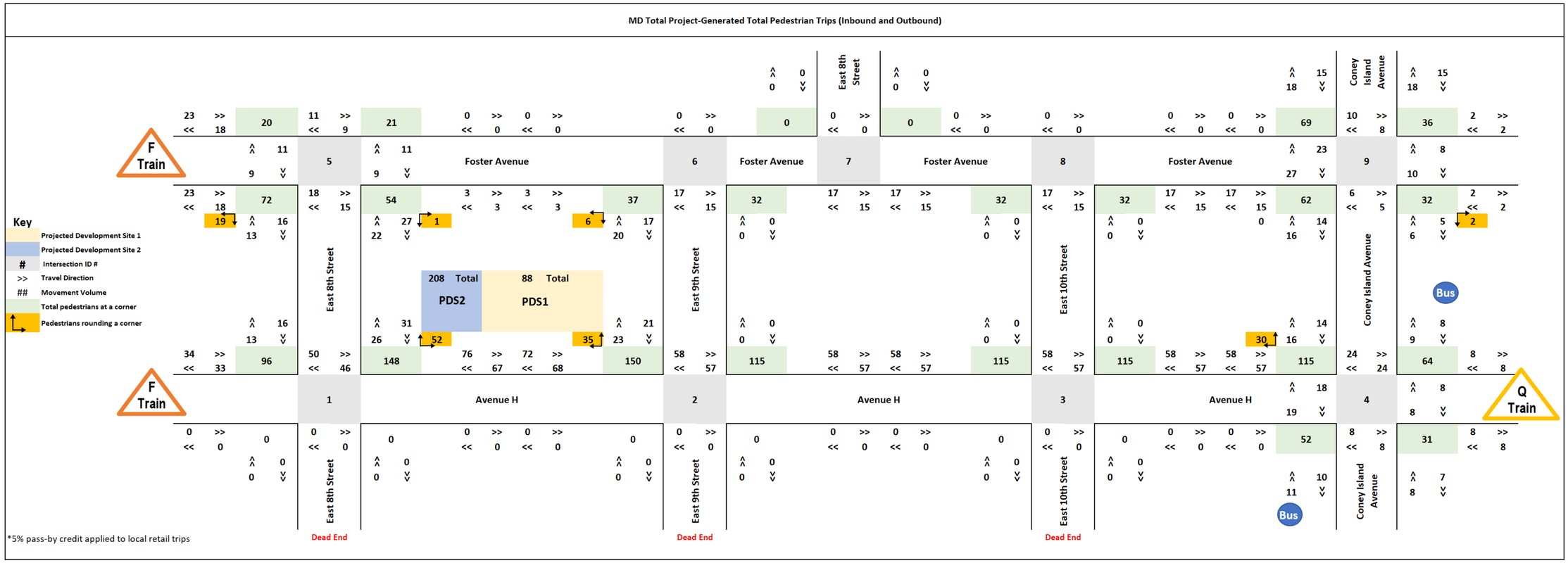


Figure 2.7-23: MD Peak Hour Pedestrian Trip Assignment (2 of 2)

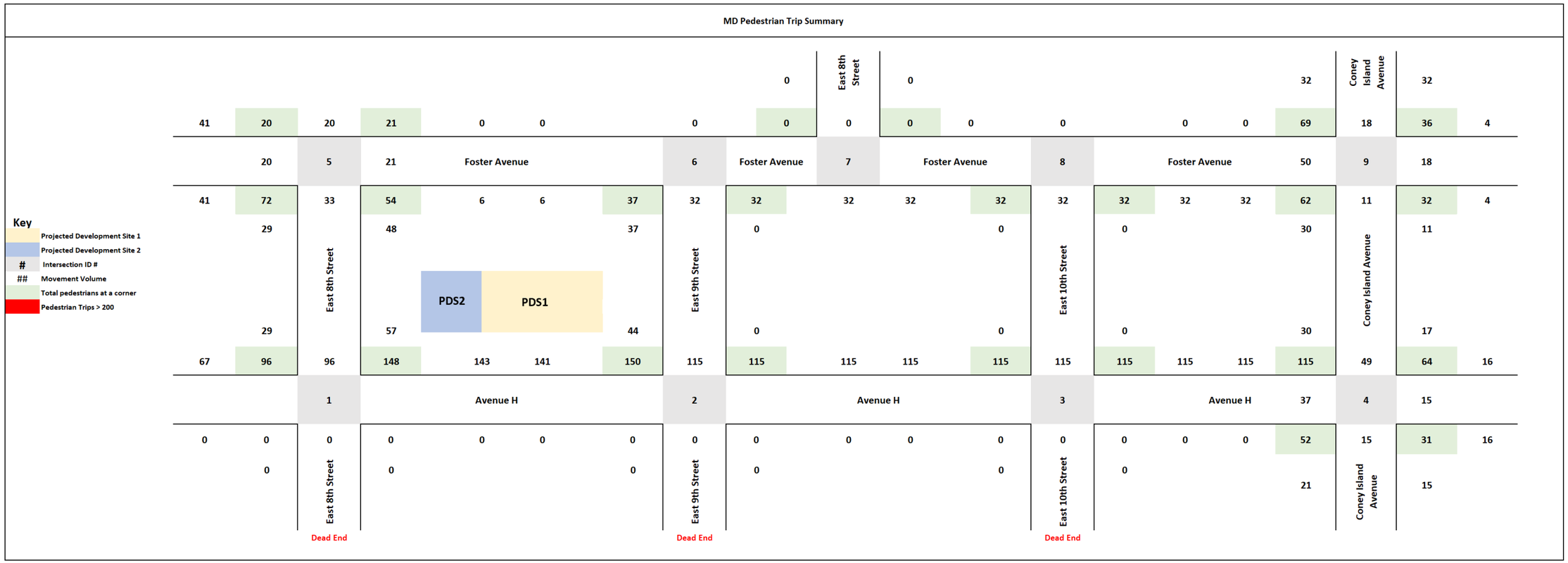


Figure 2.7-24: PM Peak Hour Pedestrian Trip Assignment (1 of 2)

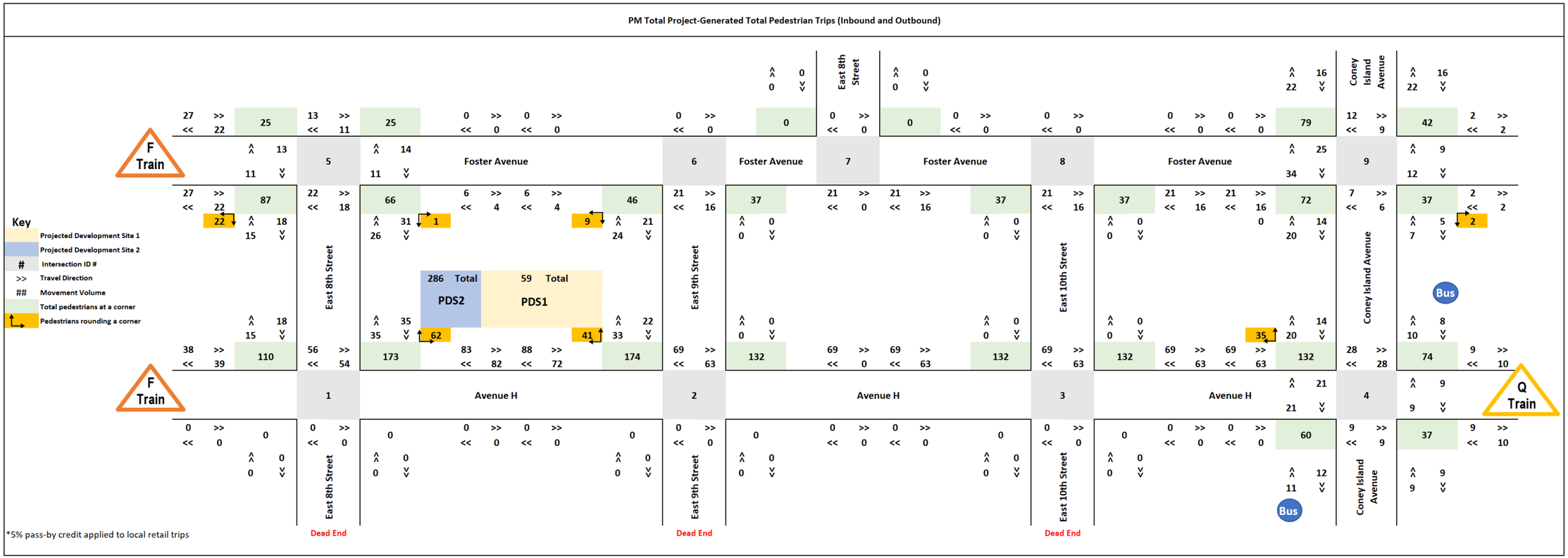


Figure 2.7-25: PM Peak Hour Pedestrian Trip Assignment (2 of 2)

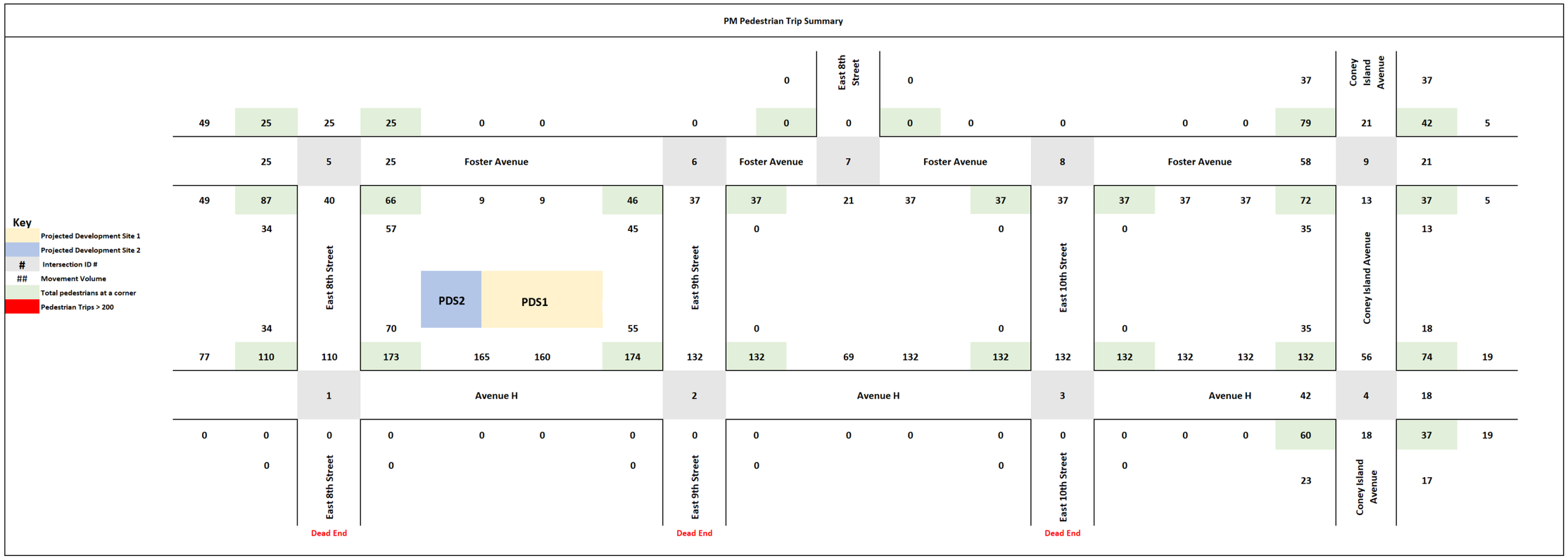


Figure 2.7-26: Saturday Midday Peak Hour Pedestrian Trip Assignment (1 of 2)

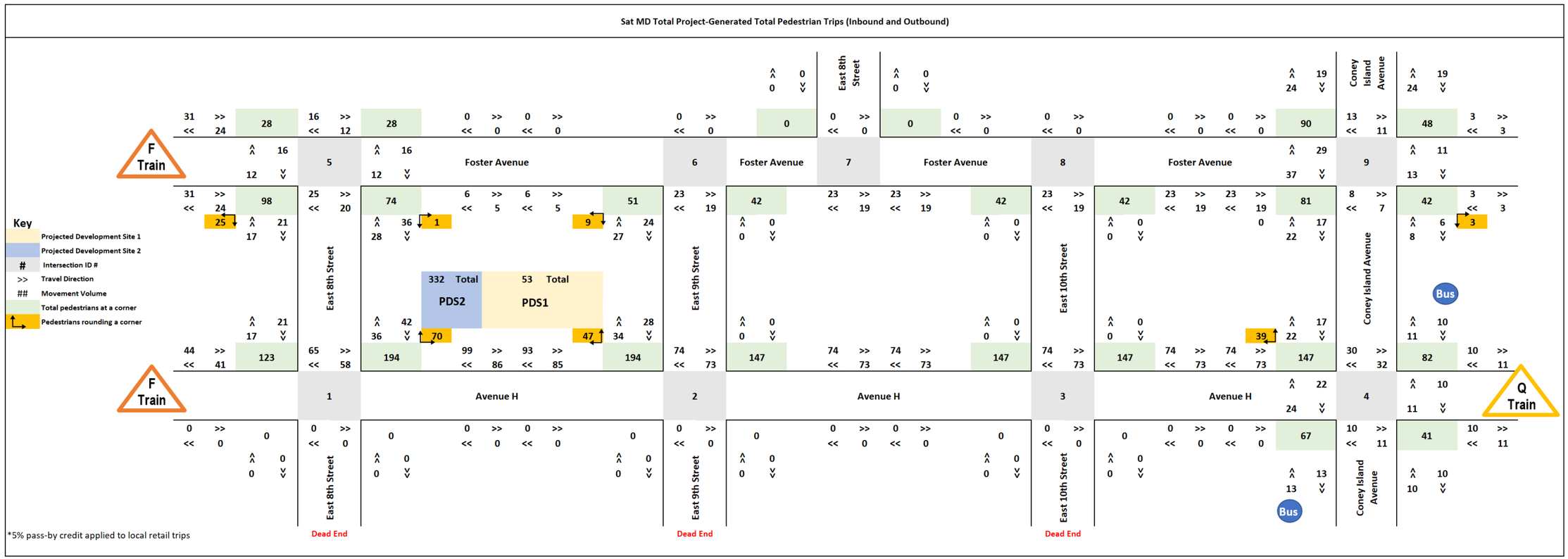
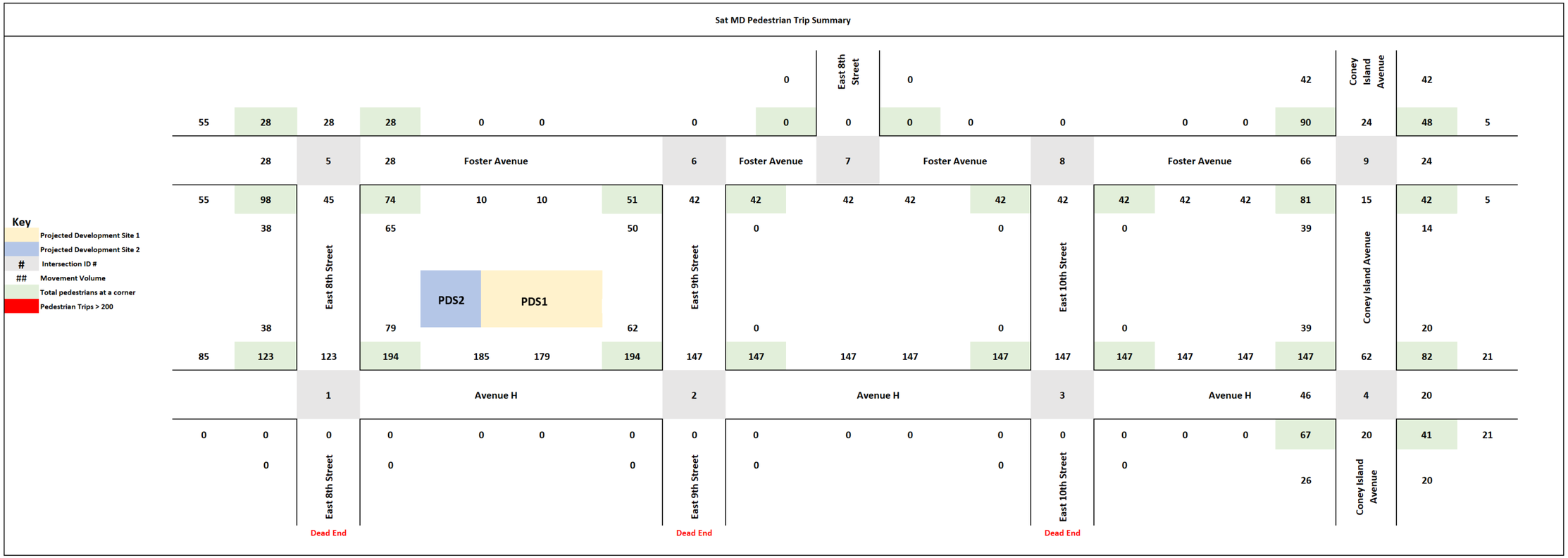


Figure 2.7-27: Saturday Midday Peak Hour Pedestrian Trip Assignment (2 of 2)



Tier 2 Project Generated Trip Assignment Conclusion

Based on the *Tier 2 Project Generated Trip Assignment,* this section identifies where exceedances to the applicable *Tier 2 CEQR thresholds* occur and concludes where further assessment or mitigation is warranted.

Vehicular Trip Assignment Findings

As shown in **Figure 2.7-4** through **Figure 2.7-19** above, no study intersection would exceed 50 vehicular trips. Accordingly, no further analysis of any study intersection is warranted.

Pedestrian Trip Assignment Findings

As shown in **Figure 2.7-20** through **Figure 2.7-27** above, no pedestrian elements would exceed Level 2 Screening thresholds. Accordingly, no further analysis is warranted.

2.8 Air Quality

When assessing the potential for air quality significant impacts, the *2021 CEQR Technical Manual* seeks to determine a Proposed Action's effect on ambient air quality, or the quality of the surrounding air. Ambient air can be affected by motor vehicles, referred to as "mobile sources," or by fixed facilities, referred to as "stationary sources." This can occur during operation and/or construction of a project being proposed. The pollutants of concern include six criteria pollutants, which are the most common pollutants, and hazardous air pollutants (HAPs), air toxics or toxic air pollutants known as noncriteria pollutants.

The *2021 CEQR Technical Manual* generally recommends an assessment of the potential impact of mobile sources on air quality when an action increases traffic or causes a redistribution of traffic flows, creates any other mobile sources of pollutants (such as diesel train usage), or adds new uses near mobile sources (e.g., roadways, parking lots, garages). The *CEQR Technical Manual* generally recommends assessments when new stationary sources of pollutants are created, when a new use might be affected by existing stationary sources, or when stationary sources are added near existing sources and the combined dispersion of emissions would impact surrounding areas.

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

Air Pollutants and Applicable Standards/Guidelines

Criteria Pollutants

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

A detailed air dispersion analysis for the project-increment buildings' heat/hot water, ventilation, and air conditioning (HVAC) systems was required, where natural gas will be the type of fossil fuel, if any, that will be used in HVAC systems. Nitrogen dioxide (NO_2) and particulate matter with

aerodynamic diameter less than or equal to 2.5 microns (PM2.5) background concentrations, the pollutants that an analysis was required for, are presented in **Table 2.8-1.**

Table 2.8-1: NAAQS and Background Concentration

Pollutant	Averaging Period	National and State Standards	Background Concentration	Monitoring Station
NO_2	1-Hour	188 µg/m^3	99.8 µg/m^3	Queens College
	Annual	100 µg/m^3	23.5 µg/m^3	
$PM_{2.5}$	24-Hour	35 µg/m^3	19.2 µg/m^3	Division Street
	Annual	12 µg/m^3	9.1 µg/m^3	

Note:
1. NYSDEC (2020). New York State Ambient Air Quality Report for 2020, <https://www.dec.ny.gov/chemical/8406.html#Quality>.
2. µg/m^3 – microgram per meter cube; ppm – parts per million.

In addition to the NAAQS, the *2021 CEQR Technical Manual* requires that projects subject to the CEQR apply a $PM_{2.5}$ significant impact criteria ("*de minimis*" criteria), which are based on concentration increments (the *de minimis* also applies to carbon monoxide (CO) from mobile source emission; however, the Proposed Actions mobile source screened out). The *de minimis* are more stringent than the NAAQS and the state standards as they set a maximum increase of pollutant concentration that is below the national standard. The following *de minimis* criteria are applicable to stationary sources:

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

Accordingly, 24-hour $PM_{2.5}$ *de minimis* is an increment of 7.9 µg/m^3, and annual $PM_{2.5}$ concentration increment of 0.3 µg/m^3 for stationary source.

Non-Criteria Pollutants

As mentioned, New York State has adopted the national standard, NAAQS. In addition, the NYSDEC has established guidelines for maximum allowable concentration of "noncriteria pollutants," which are potentially toxic or carcinogenic pollutants. These include 185 hazardous air pollutants (HAPs) which are also regulated by the EPA. 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 published on February 12, 2021.

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

2.8.1 Mobile Sources

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

- Projects that would result in placement of operable windows, balconies, air intakes or intake vents generally within 200 feet of an atypical source of vehicular pollutants.
- Projects that would result in the creation of a fully or partially covered roadway, would exacerbate traffic conditions on such a roadway, or would add new uses near such a roadway.
- Projects that would generate peak hour auto traffic or divert existing peak hour traffic of 170 or more auto trips in this area of the City.
- Projects that would generate peak hour heavy- duty diesel vehicle traffic or its equivalent in vehicular emissions resulting from 12 or more heavy-duty diesel vehicles (HDDVs) for paved roads with average daily traffic of fewer than 5,000 vehicles, 19 or more HDDVs for collector roads, 23 or more HDDVs for principal and minor arterials, or 23 or more HDDVs for expressways and limited-access roads.
- Projects that would result in new sensitive uses (e.g., schools or hospitals) adjacent to large existing parking facilities or parking garage exhaust vents.
- Projects that would result in parking facilities or applications requesting the grant of a special permit or authorization for parking facilities; or projects that would result in a sizable number of other mobile sources of pollution (e.g., a heliport or a new railroad terminal).
- Projects that would substantially increase the vehicle miles traveled in a large area.

The Proposed Actions would not result in operable windows or air intakes within 200 feet of an atypical roadway. It would not result in creation of a covered roadway or affect any covered roadway. The project would not create a new sensitive receptor adjacent to large parking facilities. Since the Projected Development Sites would only introduce 23 incremental indoor parking spaces, which would not exceed the threshold of an increment of 85 or more parking spaces for a detailed parking garage analysis, further analysis on parking garage is not required.

The proposed project would generate vehicular traffic. Accordingly, a preliminary HDDV screening was conducted to determine if the project would generate an HDDV equivalent traffic volume of more than 12-23 per hour, depending on the road type.

HDDV Screening Assessment

The vehicular assignments provided in **Section 2.7: Transportation** were referenced to complete the HDDV screening analysis.

The intersections, listed by their respective New York State Department of Transportation Functional Classifications, where the highest concentrations of peak-hour project-generated automobiles and trucks are anticipated to traverse include the following:

- Study Intersection 1: East 8th Street (Local Roadway) and Avenue H (Major Collector)
- Study Intersection 2: East 9th Street (Local Roadway) and Avenue H (Major Collector)
- Study Intersection 3: East 10th Street (Local Roadway) and Avenue H (Major Collector)
- Study Intersection 4: Coney Island Avenue (Principal Arterial) and Avenue H (Major Collector)
- Study Intersection 5: East 8th Street (Local Roadway) and Foster Avenue (Major Collector)
- Study Intersection 6: East 9th Street (Local Roadway) and Foster Avenue (Major Collector)
- Study Intersection 7: East 8th Street (Local Roadway) and Foster Avenue (Major Collector) (2)
- Study Intersection 8: East 10th Street (Local Roadway) and Foster Avenue (Major Collector)
- Study Intersection 9: Coney Island Avenue (Principal Arterial) and Foster Avenue (Major Collector)

Using the worksheet provided in the *2021 CEQR Technical Manual*, project-generated auto and truck trips were screened referencing the vehicular trip generation and vehicular trip assignments at the surrounding Study Area intersections. All autos were assumed to be LDGT1 class vehicles, based on guidance from the Department of City Planning (DCP) on similar projects. **Table 2.8-2** shows the project-generated Auto and Truck Trips at each Study Area intersection and the results of the *CEQR Technical Manual* Equivalent Truck Calculation for each peak-hour period.

Conclusion

As shown below in **Table 2.8-2**, no study intersection fails the HDDV screening thresholds during any peak hour of analysis. Accordingly, no further analysis is warranted.

Table 2.8-2: HDDV Screening Results AM Peak Hour

Study Intersection	Road 1							Road 2							Combined		
	Road	HDDV Threshold	Vehicle Trips	Truck Trips	Total Trips	E-Trucks	E-Trucks Ratio	Road	HDDV Threshold	Vehicle Trips	Truck Trips	Total Trips	E-Trucks	E-Trucks Ratio	E-trucks	E-Trucks Ratio	Pass/Fail
1	East 8th Street	12	6.75	0.25	6.99	3.46	0.278	Avenue H	19	7.40	0.10	7.50	1.54	0.08	5.00	0.358	Pass
2	East 9th Street	12	16.98	0.31	17.28	8.44	0.677	Avenue H	19	12.10	0.20	12.30	2.55	0.13	10.99	0.810	Pass
3	East 10th Street	12	0.00	0.00	0.00	0.00	0.000	Avenue H	19	18.72	0.32	19.04	3.96	0.21	3.96	0.206	Pass
4	Coney Island Ave	23	6.40	0.13	6.54	0.38	0.016	Avenue H	19	12.53	0.21	12.74	2.65	0.14	3.02	0.154	Pass
5	East 8th Street	12	14.27	0.30	14.57	7.13	0.572	Foster Avenue	19	7.41	0.16	7.57	1.59	0.08	8.72	0.655	Pass
6	East 9th Street	12	12.11	0.30	12.41	6.09	0.489	Foster Avenue	19	4.86	0.11	4.98	1.05	0.05	7.14	0.543	Pass
7	East 8th Street	12	0.00	0.00	0.00	0.00	0.000	Foster Avenue (2)	19	9.56	0.25	9.82	2.09	0.11	2.09	0.109	Pass
8	East 10th Street	12	0.00	0.00	0.00	0.00	0.000	Foster Avenue	19	9.56	0.25	9.82	2.09	0.11	2.09	0.109	Pass
9	Coney Island Ave	23	9.64	0.21	9.86	0.58	0.025	Foster Avenue	19	9.23	0.20	9.44	1.99	0.10	2.56	0.128	Pass

MD Peak Hour

Study Intersection	Road 1							Road 2							Combined		
	Road	HDDV Threshold	Vehicle Trips	Truck Trips	Total Trips	E-Trucks	E-Trucks Ratio	Road	HDDV Threshold	Vehicle Trips	Truck Trips	Total Trips	E-Trucks	E-Trucks Ratio	E-trucks	E-Trucks Ratio	Pass/Fail
1	East 8th Street	12	6.43	0.23	6.66	3.29	0.264	Avenue H	19	8.68	0.16	8.84	1.85	0.10	5.14	0.360	Pass
2	East 9th Street	12	15.16	0.37	15.53	7.62	0.611	Avenue H	19	15.79	0.30	16.09	3.37	0.17	10.98	0.786	Pass
3	East 10th Street	12	0.00	0.00	0.00	0.00	0.000	Avenue H	19	20.27	0.44	20.71	4.36	0.23	4.36	0.226	Pass
4	Coney Island Ave	23	7.64	0.17	7.81	0.45	0.020	Avenue H	19	12.93	0.28	13.21	2.78	0.14	3.24	0.164	Pass
5	East 8th Street	12	10.99	0.30	11.29	5.55	0.445	Foster Avenue	19	8.84	0.19	9.04	1.90	0.10	7.45	0.544	Pass
6	East 9th Street	12	14.57	0.34	14.91	7.31	0.587	Foster Avenue	19	3.67	0.10	3.78	0.81	0.04	8.12	0.629	Pass
7	East 8th Street	12	0.00	0.00	0.00	0.00	0.000	Foster Avenue (2)	19	9.40	0.25	9.65	2.06	0.11	2.06	0.107	Pass
8	East 10th Street	12	0.00	0.00	0.00	0.00	0.000	Foster Avenue	19	9.40	0.25	9.65	2.06	0.11	2.06	0.107	Pass
9	Coney Island Ave	23	9.76	0.25	10.01	0.60	0.026	Foster Avenue	19	8.88	0.21	9.09	1.93	0.10	2.53	0.126	Pass

PM Peak Hour

Study Intersection	Road 1							Road 2							Combined		
	Road	HDDV Threshold	Vehicle Trips	Truck Trips	Total Trips	E-Trucks	E-Trucks Ratio	Road	HDDV Threshold	Vehicle Trips	Truck Trips	Total Trips	E-Trucks	E-Trucks Ratio	E-trucks	E-Trucks Ratio	Pass/Fail
1	East 8th Street	12	8.41	0.04	8.45	4.09	0.328	Avenue H	19	8.70	0.02	8.72	1.75	0.09	5.84	0.419	Pass
2	East 9th Street	12	16.31	0.06	16.37	7.91	0.635	Avenue H	19	16.39	0.05	16.43	3.29	0.17	11.21	0.806	Pass
3	East 10th Street	12	0.00	0.00	0.00	0.00	0.000	Avenue H	19	20.63	0.07	20.70	4.15	0.22	4.15	0.215	Pass
4	Coney Island Ave	23	7.90	0.03	7.93	0.37	0.016	Avenue H	19	13.30	0.04	13.34	2.68	0.14	3.04	0.155	Pass
5	East 8th Street	12	12.70	0.06	12.76	6.17	0.495	Foster Avenue	19	9.20	0.03	9.23	1.85	0.10	8.02	0.591	Pass
6	East 9th Street	12	15.90	0.06	15.95	7.71	0.619	Foster Avenue	19	4.72	0.02	4.74	0.95	0.05	8.67	0.669	Pass
7	East 8th Street	12	0.00	0.00	0.00	0.00	0.000	Foster Avenue (2)	19	11.42	0.05	11.47	2.31	0.12	2.31	0.120	Pass
8	East 10th Street	12	0.00	0.00	0.00	0.00	0.000	Foster Avenue	19	11.42	0.05	11.47	2.31	0.12	2.31	0.120	Pass
9	Coney Island Ave	23	10.46	0.04	10.50	0.49	0.021	Foster Avenue	19	10.06	0.04	10.10	2.03	0.11	2.52	0.127	Pass

Sat MD Peak Hour

Study Intersection	Road 1							Road 2							Combined		
	Road	HDDV Threshold	Vehicle Trips	Truck Trips	Total Trips	E-Trucks	E-Trucks Ratio	Road	HDDV Threshold	Vehicle Trips	Truck Trips	Total Trips	E-Trucks	E-Trucks Ratio	E-trucks	E-Trucks Ratio	Pass/Fail
1	East 8th Street	12	7.03	0.06	7.08	3.44	0.276	Avenue H	19	8.01	0.02	8.02	1.60	0.08	5.04	0.359	Pass
2	East 9th Street	12	14.72	0.06	14.78	7.15	0.574	Avenue H	19	15.67	0.03	15.70	3.14	0.16	10.29	0.736	Pass
3	East 10th Street	12	0.00	0.00	0.00	0.00	0.000	Avenue H	19	18.92	0.06	18.98	3.81	0.20	3.81	0.198	Pass
4	Coney Island Ave	23	7.98	0.03	8.01	0.37	0.016	Avenue H	19	11.49	0.04	11.53	2.31	0.12	2.68	0.136	Pass
5	East 8th Street	12	13.41	0.07	13.47	6.52	0.523	Foster Avenue	19	9.28	0.03	9.31	1.87	0.10	8.39	0.620	Pass
6	East 9th Street	12	15.98	0.06	16.05	7.76	0.623	Foster Avenue	19	5.72	0.03	5.75	1.16	0.06	8.92	0.683	Pass
7	East 8th Street	12	0.00	0.00	0.00	0.00	0.000	Foster Avenue (2)	19	12.42	0.06	12.48	2.51	0.13	2.51	0.130	Pass
8	East 10th Street	12	0.00	0.00	0.00	0.00	0.000	Foster Avenue	19	12.42	0.06	12.48	2.51	0.13	2.51	0.130	Pass
9	Coney Island Ave	23	9.39	0.05	9.44	0.45	0.019	Foster Avenue	19	11.12	0.04	11.16	2.24	0.12	2.69	0.136	Pass

2.8.2 Stationary Sources

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

- New stationary sources of pollutants are created (e.g., emission stacks for industrial plants, hospitals, and other large institutional uses).
- Certain new uses near existing (or planned future) emissions stacks are introduced that may affect the use.
- Structures near such stacks are introduced so that the structures may change the dispersion of emissions from the stacks so that surrounding uses are affected.
- Fossil fuels (fuel oil or natural gas) for heating/hot water, ventilation, and air conditioning systems are used.
- Large emission sources are created (e.g., solid waste or medical-waste incinerators, cogeneration facilities, asphalt/concrete plants, or power-generating plants, etc.).
- New sensitive uses are located near a large emission source.
- Medical, chemical, or research labs are created or result in new uses being located near them.
- Operation of manufacturing or processing facilities is created.
- New sensitive uses created within 400 feet of manufacturing or processing facilities.
- New uses created within 400 feet of a stack associated with commercial, institutional, or residential developments (and the height of the new structures would be similar to or greater than the height of the emission stack).
- Potentially significant odors are created.
- New uses near an odor-producing facility are created.
- “Non-point” sources that could result in fugitive dust are created.
- New uses near nonpoint sources are created.
- A generic or programmatic action is introduced that would change or create a stationary source or that would expose new populations to such a station.

Heating and Hot Water Systems

The project increment buildings associated with the Proposed Actions could potentially include fossil fuels (fuel oil or natural gas) for heating/hot water, ventilation, and air conditioning systems. Therefore, the project increment buildings' HVAC systems potential for significant adverse air quality impact on exiting land uses (project-on-existing), as well as on each other (project-on-project) were evaluated.

The proposed rezoning would allow for development on two sites as further discussed below:

The Applicant's Proposed Development Site (Block 6496, Lot 39) is identified as Projected Development Site 1. The With-Action Reasonable Worst Case Development Scenario (RWCDS) would permit development of a 9-story-plus-cellar, 95-foot-tall, 69,275 gross square feet (gsf), mixed-use residential and community facility building, including 41,348 gsf of residential uses, 22,149 gsf of community facility use, and 5,778 gsf of residential accessory parking at the cellar level.

Projected Development Site 2, located at Block 6496, Lots 45 and 47, RWCDS would facilitate a mixed-use, predominantly residential, nine-story, 95 feet high, building. The RWCDS building would contain 41,184 gsf of floor area, of which 32,528 gsf are residential floor area and 8,656 gsf are commercial ground floor area.

Screening Assessment

The potential for the heat and hot water system(s) to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used by the HVAC system, the height of the stack venting the emissions, the distance to the nearest building of similar or greater height, and the building's use and the square footage of the development that would be served by the system, both of which effect the amount of fossil fuel consumed. The *2021 CEQR Technical Manual* screening assessment is based on these factors. In addition, the CEQR screening procedure is applicable to buildings that are not less than 30 feet from the nearest building of similar or greater height. A detailed analysis is required if the screening assessment failed.

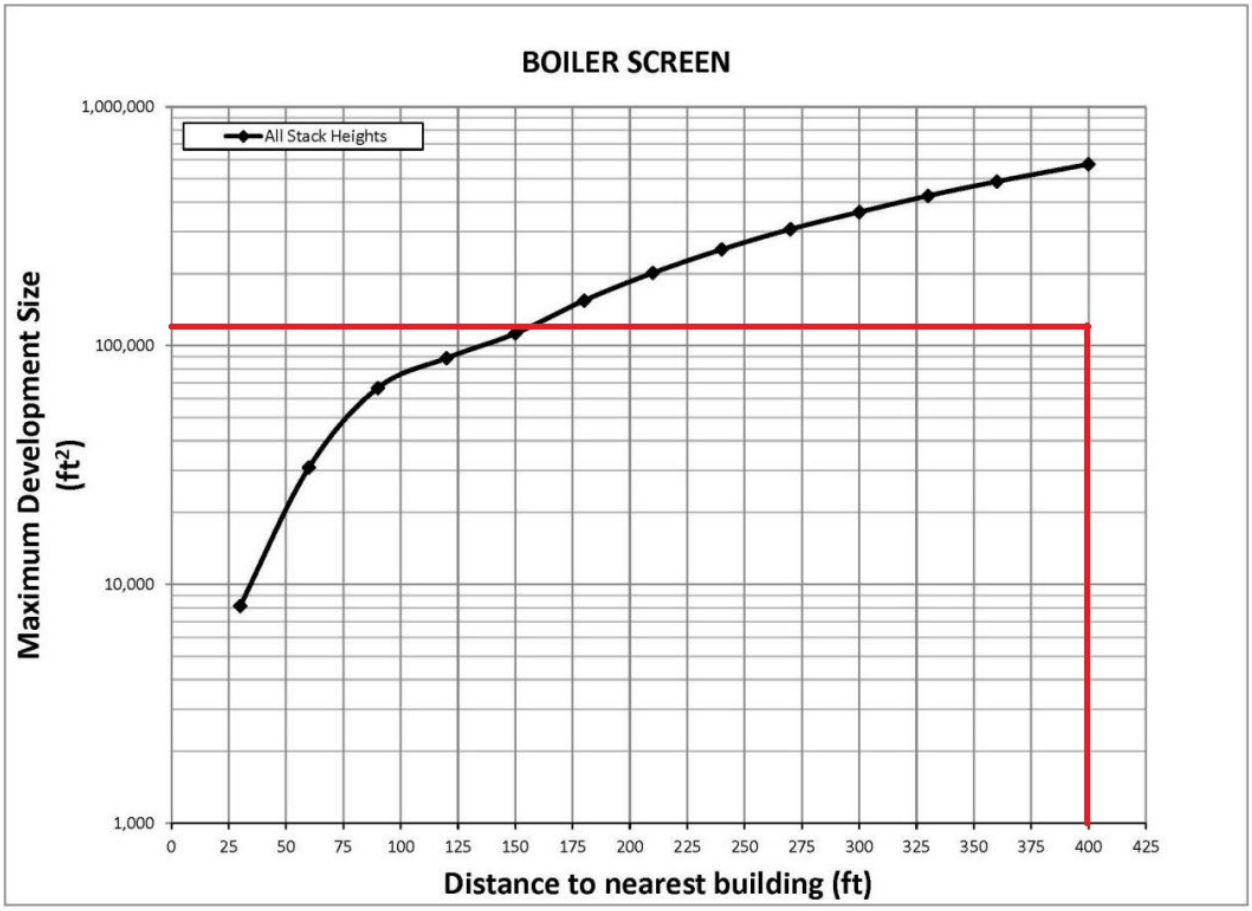
The *2021 CEQR Technical Manual* Figure 17-3 nomograph was used for the screening assessment. The nomograph depicts the size of the development versus the distance below which the potential impact can occur and provides a conservative estimate of the threshold distance. In addition, as screening analysis is only applicable to a single smokestack, for the purposes of a cumulative screening analysis emissions from multiple stacks were combined in a single stack situated as close as possible to the receiving building.

Project-on-Existing

For the project-on-existing screening analysis, the project increment buildings were analyzed as a single 110,459 gsf building, which is the floor areas of Projected Development Site 1 and Projected Development Site 2 RWCDSs combined floor areas. A height of 95 feet was assumed,

which is the Projected Development Sites 1 and/or 2 proposed and RWCDS building heights. A distance of 400 feet was applied in the screening assessment as no other building 95 feet or taller is located within 400 feet of the Projected Development Sites 1 or 2. **Figure 2.8-1** (using Figure 17-3 of the *2021 CEQR Technical Manual*) shows the project-on-existing screening analysis.

Figure 2.8-1: Project-on-Existing Minimum Distance Screening Nomograph



As seen in **Figure 2.8-1**, the line corresponding to the Projected Development Sites 1 and 2 combined gsf is below the curve. Therefore, the project-increment buildings' HVAC systems passes the screening assessment on existing land uses, and detailed analysis is not required.

Project-on-Project

As the Development Sites are located less than 30 feet from each other, a detailed analysis is required (screening analysis is applicable to distance greater than 30 feet).

Air Dispersion Analysis

Lakes Environmental, Inc. MPI version 22112 executable was used in the AERMOD detailed analysis. The MPI executable takes advantage of computers with multiple processors, reducing run-time significantly. Lakes Environmental, Inc. adjusted the US EPA AERMOD source code and

recompiled the model to parallelize the processing of receptors. The latest MPI executable (used in the analysis) modified EPA's AERMOD latest executable model version 22112. AERMOD model incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. The model was run with the regulatory default option, where applicable, and for both with and without downwash effects options, where the Building Profile Input Program (BPIP) was run with the downwash effect enabled. All analyses were conducted using five consecutive years of meteorological data (2016-2020), obtained from the NYSDEC. Surface data used in the analysis is from John F. Kennedy Airport, upper air data is from Brookhaven station, New York. The meteorological data provided hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Population in Kings County, obtained from the New York City Department of City Planning (DCP) 2020 annual report, was specified to account for the effects of increased surface heating from an urban area on pollutant dispersion under stable atmospheric conditions.

Natural gas would be the type of fossil fuel used in the project increment buildings' HVAC systems. The pollutants of concern of natural gas-fueled boilers are NO_2 and $PM_{2.5}$, based on the *CEQR Technical Manual*. The developments HVAC systems' total energy capacities were calculated based on their building gsf and an energy consumption rate of 52.8 thousand Btu per gsf, obtained from the *2021 CEQR Technical Manual Appendices*, corresponding to residential use in the buildings. Nitrogen oxides (NOx) and $PM_{2.5}$ emission factors were obtained from the EPA AP-42 manual for external combustion sources. All fuel was assumed to be consumed during the 100-day (or 2,400 hour) heating season. **Table 2.8-3** shows the HVAC systems short-term and annual emission rates.

Table 2.8-3: Project increment buildings HVAC systems short-term and annual emission rates

Site ID	Floor Area Served by the HVAC System (gsf), and Building Height (ft)	Boiler Heat Input (MMBtu/hr); Fuel used	Pollutant	Averaging Time	Emission Rate (g/s)
Projected Development Site 1	69,275 gsf; 95 ft	1.6; Natural Gas	NO_2	1-hour	1.92E-02
				Annual	5.26E-03
			$PM_{2.5}$	24-hour	1.46E-03
				Annual	4.00E-04
Projected Development Site 2	41,184 gsf; 95 ft	1.0; Natural Gas	NO_2	1-hour	1.22E-02
				Annual	3.36E-03
			$PM_{2.5}$	24-hour	9.31E-04
				Annual	2.55E-04

The boilers stacks' diameters and exit temperatures were estimated based on values obtained from the New York City Department of Environmental Protection (DEP) "CA Permit" database for the corresponding boiler sizes (i.e., rated heat input or million Btu per hour).[7] Boiler stacks were initially placed 3 feet above the roofline and as close as possible to the receiving building. A stack set back distance and/or raising the stack was specified if impact was predicted.

The Development Sites were modeled as buildings that cover their entire lot area(s) (wall façade placed on the outer lot line(s)) and raise to the heights shown in **Table 2.8-3**. Buildings in the surrounding area were accounted for in the downwash effect on plume dispersions (BPIP), where the roof height of the existing buildings in the area were obtained from the NYC Building Footprint database[8] or the New York City Department of Building (DOB) database for newly constructed buildings. Receptors on the receiving building were placed on all wall façade from the ground floor to the roof-top height in spaced intervals.

The U.S. Geological Service (USGS) National Elevation Dataset (NED) 1/3 arc-second resolution (GeoTIFF dataset) was used to process buildings' base elevations. The base elevations of receptors and stacks were set to their buildings' base elevations.

One-hour NO_2 was predicted using Tier 2 approach. For determining compliance with the 1-hour NO_2 standard, the EPA has developed a three-tiered modeling approach. Tier 1 approach assumes a full conversion of NOx to NO_2, which is the most conservative approach. Tier 2 Ambient Ratio Method 2 (ARM 2) assumes ambient equilibrium between NO and NO_2. ARM 2 adjusts the modeled NOx concentrations based on an empirical relationship between ambient NOx and ambient NO_2 concentrations. Tier 3, which is the most precise approach, accounts for the chemical transformation of NO emitted from the stack to NO_2 within the source plume using hourly ozone background concentrations. For the Tier 2 approach, the national default in-stack and ambient ratios of 0.5 and 0.9, respectively, were applied.

The NO_2 modeled concentrations were added to the background concentrations, and the result evaluated with the NAAQS. $PM_{2.5}$ modeled concentrations were evaluated with the *de minimis* for stationary source. The HVAC dispersions analysis results are shown in **Table 2.8-4**.

[7] DEP "CA Permit" database obtained from the New York City Department of City Planning, February 2020.
[8] City of New York, nyc-geo-metadata (May 03, 2016); https://data.cityofnewyork.us/Housing-Development/Building-Footprints/nqwf-w8eh

Table 2.8-4: HVAC dispersion analysis results

Pollutant	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	80.55	99.83	180.4	188	NAAQS
Annual NO_2	0.78	23.5	24	100	NAAQS
24-hour $PM_{2.5}$	1.19	19.2	1.2	7.90	*de minimis*
Annual $PM_{2.5}$	0.06	9.1	0.06	0.3	*de minimis*
Concentration at Projected Development Site 2					
1-hour NO_2	79.68	99.83	180	188	NAAQS
Annual NO_2	0.79	23.5	24	100	NAAQS
24-hour $PM_{2.5}$	1.19	19.2	1.2	7.90	*de minimis*
Annual $PM_{2.5}$	0.07	9.1	0.07	0.3	*de minimis*

Conclusion

As seen in **Table 2.8-4**, the NO_2 predicted concentrations are within the NAAQS and $PM_{2.5}$ concentrations do not exceed the *de minimis*. These results were predicted with certain restrictions to ensure that no impact would occur. The stacks' restrictions, specified in the E-Designation (E-734) language below, is as follows:

Block 6496, Lot 39 (Projected Development Site 1): *Any new residential or community facility development on the above-referenced property must ensure that the stack is located at the building's highest level and at a minimum of 102 feet above grade, and that the stack is located at least 30 feet from the western lot line facing East 8th Street to avoid any potential significant adverse air quality impacts.*

Block 6496, Lots 45 and 47 (Projected Development Site 2): *Any new residential or commercial development on the above-referenced property must ensure that the stack is located at the building's highest level and at a minimum of 100 feet above grade, and that the stack is located at least 30 feet from the eastern lot line of Lot 45 facing East 9th Street to avoid any potential significant adverse air quality impacts.*

2.8.3 Industrial Emissions

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

400-Foot Study Area

The Affected Area is located within an R5/C1-3 zoning district, and the surrounding area is a mixture of residential, commercial, and community facility properties. The 400-foot radius was screened for potential sources of industrial emissions and is shown below in **Figure 2.8-2** and **Table 2.8-5**. Based on field observations and reviews of DCP land use maps and DEP CATS database, four sites were identified as transportation/utility land uses and one DEP CATS permit was identified. Based on review of the DEP CATS database, there is one expired permit (PA040088) identified at 1148 Coney Island Avenue to the east of the Affected Area on a non-industrial site. The results of the search were verified by DEP via the Air Permits email.

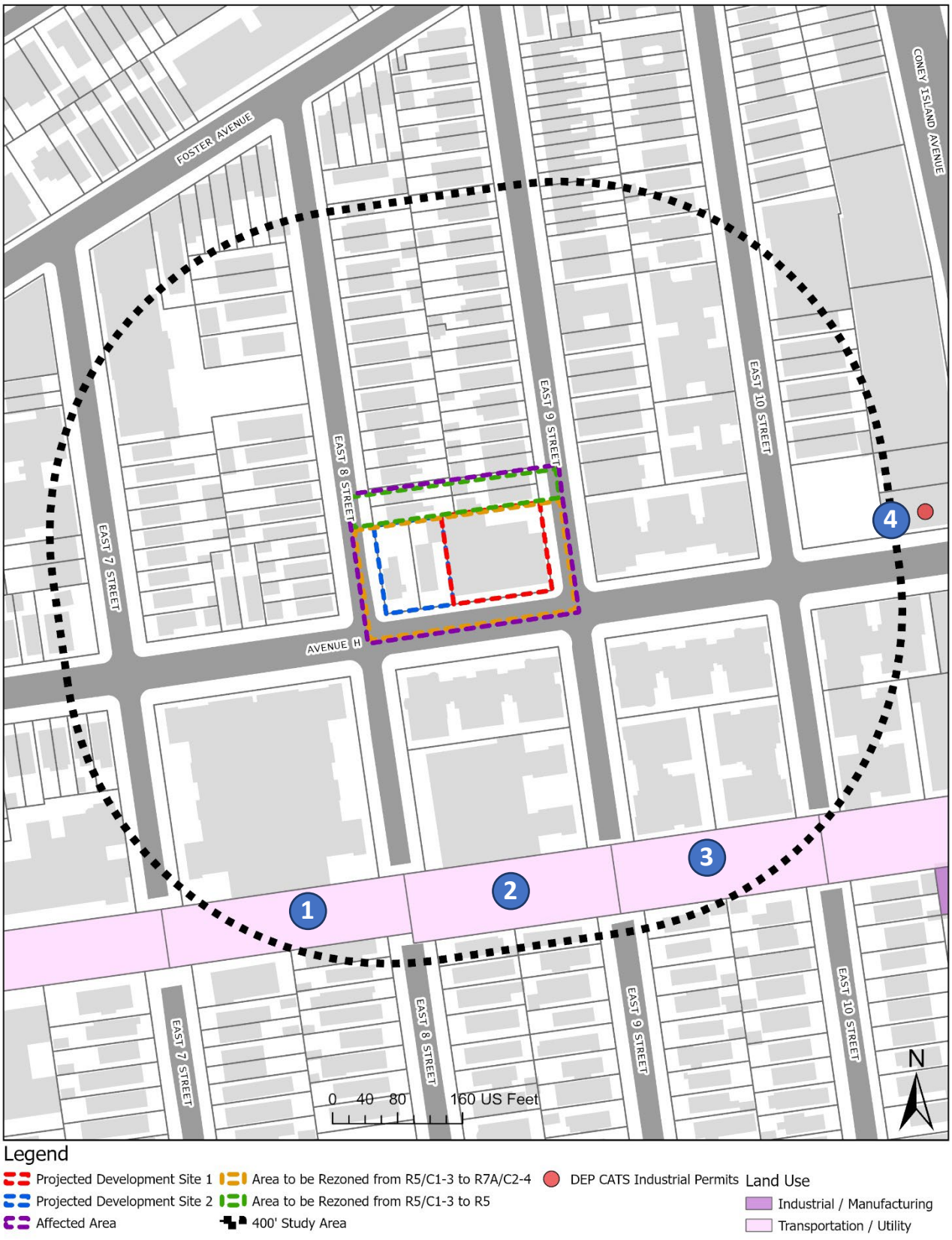
Table 2.8-5: Potential Industrial Emission Land Uses within 400 feet of the Affected Area

ID	Block	Lot	Address	Current Use	Industrial Permit Search
1	6510	21	East 8th St	Utility Bureau Properties - Transportation(U7)	-
2	6511	19	East 9th St	Utility Bureau Properties - Transportation(U7)	-
3	6512	19	East 10th St	Utility Bureau Properties - Transportation(U7)	-
4	6498	52	1148 Coney Island Ave	One Story Retail Building (K1)	PA040088 Expired on 9/14/2000

Site 4: 1148 Coney Island Avenue (Block 6498, Lot 52)

According to NYC's Zoning and Land Use Map (ZoLa), this property is owned by Anne Wasserman and is classed as one-story retail building. Based upon the review of the DEP CATS database and Air Permit Request Services, the permit related to 1148 Coney Island Avenue is PA040088. This permit included dry cleaning business, and expired on 9/14/2000. Equity conducted a site investigation through Google Street View to see the current use of the property. Based on images from July 2022, the building is occupied by a group of different local retail stores, including three restaurants, a barber shop, and a convenience store. Given that the permit was expired more than two decades ago and there is no sign of potential air toxic emissions on the site, further investigation is not warranted.

Figure 2.8-2: Industrial Emissions Screening



1,000-Foot Study Area

As outlined in the *2021 CEQR Technical Manual*, projects that would introduce new uses near major sources, large sources, and odor-producing facilities may result in potentially significant adverse air quality impacts. The study area considers major sources, large sources, and odor-producing facilities within 1,000 feet of the Affected Area. Major emission sources are identified as those sources located at Title V facilities that require Prevention of Significant Deterioration permits; large emission sources are identified as sources located at facilities which require a State facility permit. Solid waste or medical waste incinerators, asphalt and concrete plants, power generating plants, large boilers of large public facilities for example, and large industrial facilities are typical 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.

A search using the EPA's Envirofacts database was conducted for large source emissions. No existing large or major combustion sources, such as power plants, cogeneration facilities, etc. are located within 1,000 feet of the Project Area were identified. As such, no analysis was warranted.

Conclusion

According to the preliminary screening for industrial emission sources, an expired industrial emission permit was identified within 400-foot study area. The permit was registered to a dry-cleaning business and was expired on 9/14/2000. Given that the permit was expired more than two decades ago and there is no sign of potential air toxic emissions on the site, further investigation is not warranted on the site. No large or major industrial emission sources were identified within the 1,000-foot study area. Additionally, there is no evidence present to conclude that there are illegal unpermitted air emissions present in the study area. Therefore, there does not appear to be any potentially significant impact in terms of air toxics to project occupants.

2.9 Noise

Introduction

Equity Environmental Engineering, LLC (Equity) conducted Noise Monitoring in support of the Proposed Actions. Vehicular traffic is the predominant sources of noise in the area. Therefore, the Proposed Actions warrant an assessment of the potential for adverse effects on project occupants from ambient noise.

The purpose of the noise assessment under CEQR is to determine: (1) if new noise receptors that would be introduced by the proposed actions would be in an acceptable ambient sound level environment; and (2) if the proposed actions would significantly increase sound levels from mobile and stationary sources at existing noise receptors adjacent to the Affected Area.

This noise analysis is limited to an assessment of ambient noise that could adversely affect building occupants of the Proposed Developments, as well as an evaluation of the potential impact associated with project-generated Noise Passenger Car Equivalents (PCEs) on adjacent receptors.

2.9.1 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 an acoustic energy that is 10 times higher. However, humans do not perceive a 10-dB increase as 10 times louder. Instead, they perceive it as twice as loud.

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

dBA. The letter "A" indicates that the sound has been filtered to reduce the strength of very low and very high-frequency sounds, much as the human ear does. C-weighting gives nearly equal emphasis to sounds of most frequencies. Mid-range frequencies approximate the actual (unweighted) sound level, while the very low and very high-frequency bands are significantly affected by C-weighting. **Table 2.9-1** notes the decibel levels of common noise sources.

Table 2.9-1: Noise Levels of Common Sources[9]

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

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

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

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

[9] Source: *2021 CEQR Technical Manual*

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

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

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

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

2.9.2 Noise Standards and Guidelines

In 1983, the New York City Department of Environmental Protection (NYCDEP) adopted the City Environmental Quality Review (CEQR) noise exposure guidelines for exterior noise levels. As shown in **Table 2.9-2** below, noise standards classify noise exposure into four categories based on noise level limits and land use, for vehicular traffic, rail, and aircraft noise sources: Acceptable, Marginally Acceptable, Marginally Unacceptable and Clearly Unacceptable, Table 19-3 of the *2021 CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise exposure levels. Recommended noise attenuation values for residential buildings are designed to maintain interior L_{10} noise levels of 45 dB(A) or below or interior Ldn noise levels of 40 dB(A) or below depending on the noise source, as shown in **Table 2.9-3**.

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

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

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

Notes:

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

1. Measurements and projections of noise exposures are to be made at appropriate heights above site boundaries as given by American National Standards Institute (ANSI) Standards; all values are for the worst hour in the time period.
2. Tracts of land where serenity and quiet are extraordinarily important and serve as important public need, and where the preservation of these qualities is essential for the area to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, or open spaces dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet. Examples are grounds for ambulatory hospital patients and patients and residents of sanitariums and nursing homes.
3. One may use the FAA-approved DNL contours supplied by the Port Authority of New York and New Jersey (PANYNJ), or the noise contours may be computed from the federally approved Aviation Environmental Design Tool (AEDT) Computer Model using flight data supplied by the PANYNJ.
4. External Noise Exposure standards for industrial areas of sounds produced by industrial operations other than operating motor vehicles or other transportation facilities are spelled out in the New York City Zoning Resolution, Sections 42-20 and 42-21. The referenced standards apply to M1, M2, and M3 manufacturing districts and to adjoining residence districts (performance standards are listed by octave bands).

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

	Marginally Unacceptable				Clearly Unacceptable
Vehicular Traffic	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Aircraft [A]	$65 < DNL \leq 68$	$68 < DNL \leq 71$	$71 < DNL \leq 73$	$73 < DNL \leq 75$	$75 < DNL$
Train	$65 < L_{dn} \leq 68$	$68 < L_{dn} \leq 71$	$71 < L_{dn} \leq 73$	$73 < L_{dn} \leq 75$	$75 < L_{dn}$
Attenuation [B]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	See note [C]

Source: New York City of Environmental Protection

Notes:

A. DNL descriptor based on average values of L_{dn} over a year period.

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

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

2.9.3 Initial Impact Screening

Stationary Sources

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

It is assumed that the building mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations and standards (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) to avoid producing levels that would result in any significant increase in ambient noise levels.

Mobile Sources

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

For Mobile Sources, an initial noise assessment may be appropriate if a proposed action would generate or reroute vehicular traffic or introduce a new receptor near a heavily trafficked thoroughfare.

Vehicular traffic is the predominant sources of noise in the area. Therefore, the Proposed Actions warrant an assessment of the potential for adverse effects on project occupants from ambient noise. In addition, an assessment of the potential impact from project-generated mobile noise sources is provided below.

2.9.4 Noise Monitoring Results

Measurement Location and Equipment

Because the predominant noise sources in the area of the Proposed Project consist of vehicular traffic, noise monitoring was conducted during peak weekday vehicular travel periods (AM, Midday, PM) on a typical midweek day for a 24-hour period and 20-minute periods on October 26th through October 27th, 2022. The weather condition was normal with calm wind and is considered suitable for an ambient noise measurement. The noise monitoring locations are shown in **Figure 2.9-1** to **Figure 2.9-4** below.

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

Figure 2.9-1: Noise Monitoring Locations

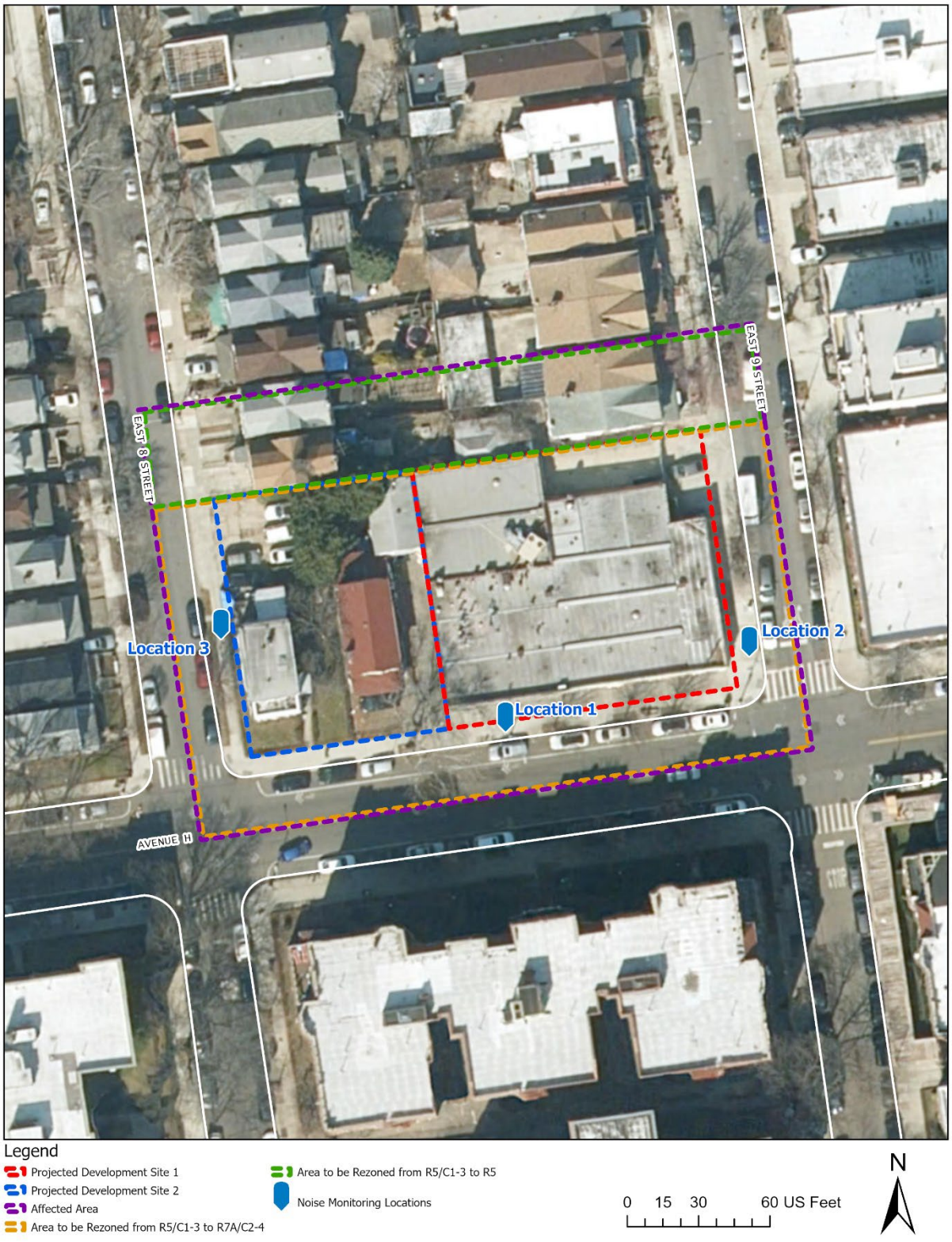


Figure 2.9-2: Noise Monitoring Location (1)



Figure 2.9-3: Nosie Monitoring Location (2)



Figure 2.9-4: Noise Monitoring Location (3)



Existing Conditions

Table 2.9-4 to **Table 2.9-6** below contains the results for the noise measurements taken at Location 1 to Location 3, respectively.

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

Noise Metric	Wednesday, October 26, 2022		
	7:59 am – 8:19 am	12:24 pm – 12:44 pm	4:52 pm – 5:12 pm
L_{max}	81	85.2	76.6
L_{10}	65.5	64	65
L_{eq}	62.5	61.8	62.3
L_{50}	58.5	57	59
L_{90}	51	50	56
L_{min}	46.7	48.3	49.5

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

Noise Metric	Wednesday, October 26, 2022		
	7:37 am – 7:57 am	12:03 pm – 12:23 pm	5:14 pm – 5:34 pm
L_{max}	72.3	86.8	93.6
L_{10}	61	64.5	64
L_{eq}	57.8	64.6	69.4
L_{50}	53	53.5	55.5
L_{90}	47.5	48	48.5
L_{min}	43.6	46.1	45.7

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

Noise Metric	Wednesday, October 26, 2022		
	8:22 am – 8:42 am	12:48 pm – 1:08 pm	4:30 pm – 4:50 pm
L_{max}	80.7	67.8	77.6
L_{10}	63	57.5	59.5
L_{eq}	60.8	54	57.1
L_{50}	53.5	51.5	52
L_{90}	46.5	47	45
L_{min}	41.9	43.4	41

The traffic volumes (vehicle counts) and vehicle classifications taken at the Project Site during peak vehicular travel periods [morning (AM), noon (MD), and evening (PM)] concurrent with noise monitoring at Location 1 through 3 are shown below in **Table 2.9-7** to **Table 2.9-9.**

Table 2.9-7: Traffic Volumes and Vehicle Classifications Noise Location 1

October 26, 2022			
	7:59 am – 8:19 am	12:24 pm – 12:44 pm	4:52 pm – 5:12 pm
Car/ Taxi	35	23	30
Van/Light Truck/SUV	47	29	42
Medium Truck	1	3	3
Heavy Truck	1	0	0
Bus	2	0	2

Table 2.9-8: Traffic Volumes and Vehicle Classifications Noise Location 2

October 26, 2022			
	7:37 am – 7:57 am	12:03 pm – 12:23 pm	5:14 pm – 5:34 pm
Car/ Taxi	5	3	8
Van/Light Truck/SUV	8	5	12
Medium Truck	0	1	1
Heavy Truck	0	0	0
Bus	0	0	1

Table 2.9-9: Traffic Volumes and Vehicle Classifications Noise Location 3

October 26, 2022			
	8:22 am – 8:42 am	12:48 pm – 1:08 pm	4:30 pm – 4:50 pm
Car/ Taxi	13	12	14
Van/Light Truck/SUV	20	12	16
Medium Truck	0	1	1
Heavy Truck	0	0	0
Bus	5	2	2

2.9.5 Preliminary Noise Passenger Car Equivalent (PCE) Screening Analysis

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

For Mobile Sources, an initial noise assessment may be appropriate if a proposed action would generate or reroute vehicular traffic or introduce a new receptor near a heavily trafficked thoroughfare. Receptors are generally the subject of most noise impact analyses. A noise-sensitive location (known as a "receptor") is usually defined as an area where human activity may be adversely affected when noise levels exceed predefined thresholds of acceptability or when noise levels increase by an amount exceeding predefined thresholds of change. If the proposed action would include noise-sensitive use, then the Development Site itself should also be considered a receptor. Pursuant to Section 332.1 of the *2021 CEQR Technical Manual*, the below values can be used to calculate vehicular noise using projections:

- Each Automobile or Light Truck: 1 Noise PCE
- Each Medium Truck: 13 Noise PCEs
- Each Bus: 18 Noise PCEs
- Each Heavy Truck: 47 Noise PCEs

A preliminary Noise PCE screening was conducted to determine if the Proposed Actions would result in an increase to existing Noise PCE values by 100 percent or more. This screening assesses the Noise PCE values of the vehicles and trucks projected to arrive on-site during AM, Midday, and PM peak hours, compared to the Noise PCE values of existing background traffic recorded during noise monitoring at Location 1, Location 2, and Location 3, where project-generated vehicles are expected to traverse. This screening analysis was performed based on the project-generated Auto/Taxi and Truck vehicle assignments for the weekday AM, MD and PM peak hours shown in Section 2.7.3. For the purposes of this screening analysis, all project-generated trucks were assumed to be medium. The existing 20-minute traffic volumes at Locations 1, 2, and 3, shown in **Table 2.9-7** to **Table 2.9-9** above were multiped by 3 to reflect a one-hour period.

<u>Preliminary Noise PCE Screening Conclusion</u>

As indicated below in **Table 2.9-10** through **Table 2.9-15**, the Proposed Action(s) would not increase existing Noise PCE values by greater than 100% at Locations 1, 2, or 3 during the weekday AM, MD, and PM peak hours. Accordingly, the Proposed Actions would not result in significant adverse noise impacts on surrounding receptors associated with project-generated vehicles, and no further analysis is warranted.

Table 2.9-10: Location 1 Noise PCE Screening[10]

With Action Noise PCE Value									
	AM Existing Vehicle Counts (1 hour)	AM Project Generated Vehicle Trip-Ends	With-Action AM Noise PCE Value	MD Existing Vehicle Counts (1 hour)	MD Project Generated Vehicle Trip-Ends	With-Action MD Noise PCE Value	PM Existing Vehicle Counts (1 hour)	PM Project Generated Vehicle Trip-Ends	With-Action PM Noise PCE Value
Car/Taxi	105	105	69	69	90	90	105	105	69
Van/Light Truck/SUV	141	141	87	87	126	126	141	141	87
Medium Truck	3	39	9	117	9	117	3	39	9
Heavy Truck	3	141	0	0	0	0	3	141	0
Bus	6	108	0	0	6	108	6	108	0
Total Noise PCE	-	**534**	-	**273**	-	**441**	-	**534**	-

Table 2.9-11: Location 1 Noise PCE Screening Results

Peak Hour	No-Action/Existing	With Action	Increment	% Increase
AM Noise PCE	534	567	33	6%
MD Noise PCE	273	315	42	15%
PM Noise PCE	441	478	37	8%

[10] Decimal values were displayed as rounded values.

Table 2.9-12: Location 2 Noise PCE Screening[11]

With Action Noise PCE Value									
	AM Existing Vehicle Counts (1 hour)	AM Project Generated Vehicle Trip-Ends	With-Action AM Noise PCE Value	MD Existing Vehicle Counts (1 hour)	MD Project Generated Vehicle Trip-Ends	With-Action MD Noise PCE Value	PM Existing Vehicle Counts (1 hour)	PM Project Generated Vehicle Trip-Ends	With-Action PM Noise PCE Value
Car/Taxi	15	29	44	9	31	40	24	33	57
Van/Light Truck/SUV	24	0	24	15	0	15	36	0	36
Medium Truck	0	1	7	3	1	48	3	0	40
Heavy Truck	0	0	0	0	0	0	0	0	0
Bus	0	0	0	0	0	0	3	0	54
Total Noise PCE	-	-	**75**	-	-	**103**	-	-	**187**

Table 2.9-13: Location 2 Noise PCE Screening Results

Peak Hour	No-Action/Existing	With Action	Increment	% Increase
AM Noise PCE	39	75	36	91%
MD Noise PCE	63	103	40	63%
PM Noise PCE	153	187	34	22%

[11] Decimal values were displayed as rounded values.

Table 2.9-14: Location 3 Noise PCE Screening[12]

With Action Noise PCE Value									
	AM Existing Vehicle Counts (1 hour)	AM Project Generated Vehicle Trip-Ends	With-Action AM Noise PCE Value	MD Existing Vehicle Counts (1 hour)	MD Project Generated Vehicle Trip-Ends	With-Action MD Noise PCE Value	PM Existing Vehicle Counts (1 hour)	PM Project Generated Vehicle Trip-Ends	With-Action PM Noise PCE Value
Car/Taxi	39	16	55	36	14	50	42	18	60
Van/Light Truck/SUV	60	0	60	36	0	36	48	0	48
Medium Truck	0	0	6	3	0	44	3	0	40
Heavy Truck	0	0	0	0	0	0	0	0	0
Bus	15	0	270	6	0	108	6	0	108
Total Noise PCE	-	-	**391**	-	-	**238**	-	-	**256**

Table 2.9-15: Location 3 Noise PCE Screening Results

Peak Hour	No-Action/Existing	With Action	Increment	% Increase
AM Noise PCE	369	391	22	6%
MD Noise PCE	219	238	19	9%
PM Noise PCE	237	256	19	8%

[12] Decimal values were displayed as rounded values.

2.9.6 Conclusion

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

- The highest recorded L_{10} at Location 1 was 65.5 dB(A) during the AM monitoring period.
- The highest recorded L_{10} at Location 2 was 64.5 dB(A) during the midday monitoring period.
- The highest recorded L_{10} at Location 3 was 63.0 dB(A) during the AM monitoring period.

Since the highest recorded L_{10} at all the noise monitoring locations would not exceed 70 dB(A), the Proposed Actions would not result in significant adverse impacts on project occupants due to noise exposure.

2.10 Construction

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

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

A preliminary construction analysis may be required because the proposed development would result in the following:

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

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

Analysis

Future No-Action Scenario

The No-Action Scenario for the Affected Area would be the same as existing conditions. Redevelopment is not considered likely in the Future No-Action Scenario on lots within the Affected Area because existing buildings are about to reach the maximum bulk, density, or number of units that the underlying R5/C1-3 zoning district would allow.

Future With-Action Scenario

Projected Development Site 1 (Block 6496, Lot 39; Applicant-Owned)

Pursuant to the Proposed Action, a new 9-story-plus-cellar, 95-foot-tall, 69,275 GSF (55,168 ZSF; 4.60 FAR) mixed residential and community facility building would be developed on Projected Development Site 1. The proposed building would contain 5,778 GSF of residential accessory parking at the cellar level, 22,149 GSF (17,128 ZSF; 1.43 FAR) of community facility uses at the cellar level through the second floor, and 41,348 GSF (38,040 ZSF; 3.50 FAR) of residential uses with 61 dwelling units (680 GSF per unit) on the third through the ninth floor. The community facility space would be used similarly to the existing use on the site for religious worship and community center. 23 residential accessory parking spaces would be provided in the enclosed garage at the cellar level, which would be served by a curb cut on East 9th Street at the same location as the site's current curb cut.

Projected Development Site 2 (Block 6496, Lots 45 and 47; Non-Applicant-Owned)

Projected Development Site 2 projects an assemblage of Lot 45 (owned by Leon Richter) and Lot 47 (owned by Fisch Edith), which would be developed with a new 9-story-plus-cellar, 95-foot-tall, 41,184 GSF (36,800 ZSF; 4.60 FAR) mixed residential and commercial building on a combined 8,000-SF lot. The building is assumed to contain 8,656 GSF (6,400 ZSF; 0.80 FAR) of ground floor retail space and 32,528 GSF (30,400 ZSF; 3.80 FAR) of residential space on the 1st (residential lobby) to 9th floors. 48 total dwelling units would be provided (assuming 680 GSF per unit). Parking would be waived for residential uses as the assembled lots would be under 10,000-sf allowing a reduction to 30% of dwelling units per ZR 25-241, which would result in a parking requirement of 11 spaces for market-rate units. As per ZR 25-261, the parking requirement can be waived as there is under 15 spaces required. Further, no parking for commercial uses is

assumed, pursuant to ZR 25-33, non-residential parking spaces are waived if under 40 would be required.

Build Year

Assuming 12 months for technical review/environmental review, 7 months for ULURP process, and 18 months for construction, a build year of 2026 is assumed for Projected Development Site 1. Given that the two lots within Projected Development Site 2 are owned by separate private owners, construction activities on Projected Development Site 2 would begin after 12 months of the completion of development on Projected Development Site 1 with an expected construction period of 12 months. As a result, the final build year of 2028 is determined.

Major exterior construction activities at Projected Development Site 1 would be completed in 8 months from August 2024 until April 2025, with interior fit-outs and inspection activities lasting until February 2026. Meanwhile, the development of Projected Development Site 2 would be expected to begin in March 2027 with the completion of exterior work in August 2027 and interior fit-outs and inspection activities completion by April 2028.

Transportation

According to the *2021 CEQR Technical Manual*, a number of factors should be considered before determining whether a preliminary assessment of the effect of construction on transportation is needed including:

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

Projected Development Site 1 has frontages along Avenue H (major collector road) and East 9th Street (local road), while Projected Development Site 2 has frontages along Avenue H (major collector road) and East 8th Street (local road). The construction of the development sites may require the temporary closing of the sidewalks adjacent to Projected Development Sites 1 and 2. As part of the Proposed Actions, the sidewalks will be reconstructed and widened, which may temporarily impact pedestrian flow and the availability of parking spaces along these streets. However, changes to moving traffic lanes are not expected.

There are no significant community facilities located within the 400-foot radius of the Projected Development Sites, and therefore sidewalk closures would have minimal effects on the surrounding area. Nearby residential and commercial uses would not be particularly sensitive to

such sidewalk closures as they are not in an area with high pedestrian activity, and the sidewalks and roadways affected by the proposed construction would not be considered to be near capacity. Any potential closure of the sidewalks adjacent to construction activities 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.

Although the project would involve construction on multiple development sites on the same block, the overall construction of the development sites would be considered short term (less than two years each), with a 12 month gap between the completion of Projected Development Site 1 and the start of construction at Projected Development Site 2.

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

Air Quality and Noise

According to the *2021 CEQR* Technical Manual, an assessment of air quality and noise for construction activities is likely not warranted if the project's construction activities:

- Are considered short-term (less than two years);
- Are not located near sensitive receptors; and
- Do not involve construction of multiple buildings where there is a potential for on-site receptors on buildings to be completed before the final build-out.

The development sites are located near sensitive receptors as they all adjoin or are very close to existing residential development. The proposed development would result in the construction of multiple buildings on the same block, and there is potential for on-site receptors within the new building on Projected Development Site 1 while the new building on Projected Development Site 2 is to be completed before the final build-out.

The *2021 CEQR Technical Manual* states that if a project meets one or more of the criteria above, a preliminary air quality or noise assessment is not automatically required. Instead, various factors should be considered, such as the types of construction equipment (e.g., gas, diesel, electric), the nature and extent of any commitment to use the Best Available Technology (BAT) for construction equipment, the physical relationship of the project site to nearby sensitive receptors, the type of construction activity, and the duration of any heavy construction activity. These measures are discussed below.

Demolition, excavation, and foundation activities, which often generate the highest levels of air emissions, would be temporary and limited in duration and would take approximately 8 months on Projected Development Site 1 and 5 months on Projected Development Site 2. These activities would be spread out over separate locations on the block and would not overlap. In addition, any

heavy equipment associated with the construction of the buildings (such as a crane) would operate from at least three different locations during construction.

Air Quality

The project would make use of the Best Available Technology to minimize impacts to the residential buildings, public high school, and the museum in the vicinity of the Projected Development Sites as further discussed below.

As with most construction projects in the City, the proposed project would require the operation of several pieces of diesel equipment at one time during the heavier periods of construction, such as demolition and excavation. The Applicant would implement the following measures that would minimize air quality and noise impacts on the surrounding community.

- *Diesel Equipment Reduction:* Construction of the proposed project would minimize the use of diesel engines and use electric engines, to the extent practicable. This would reduce the need for on-site generators, and require the use of electric engines in lieu of diesel where practicable.
- *Clean Fuel:* To the extent practicable, ultra-low sulfur diesel (ULSD) would be used for diesel engines on the development sites.
- *Best Available Tailpipe Reduction Technologies:* To the extent practicable, non-road diesel engines with a power rating of 50 horsepower (hp) or greater would utilize the best available tailpipe (BAT) technology for reducing diesel particulate matter (DPM) emissions. Diesel particle filters (DPF) have been identified as being the tailpipe technology currently proven to have the highest PM reduction capability.
- To the extent practicable, construction contracts would specify that all diesel non-road engines rated at 50 hp or greater would utilize DPFs, either installed on the engine by the original equipment manufacturer (OEM) or retrofit with a DPF verified by EPA or the California Air Resources Board, and may include active DPFs if necessary; or other technology proven to reduce DPM by at least 90 percent.
- *Utilization of Newer Equipment:* To the extent practicable, all non-road construction equipment in the project would meet at least the Tier 2 emissions standard, and construction equipment meeting Tier 3 and/or Tier 4 emissions standards would be used where conforming equipment is widely available, and the use of such equipment is practicable.
- *Dust Control:* Fugitive dust control plans will be implemented as part of the construction process. For example, stabilized truck exit areas would be established for washing off the wheels of all trucks that exit the construction sites. Truck routes within the sites would be watered as needed to avoid the re-suspension of dust. All trucks hauling loose material will be equipped with tight fitting tailgates and their loads securely covered prior to

leaving the sites. In addition to regular cleaning by the City, streets adjacent to the site would be cleaned as frequently as needed by the construction contractor. Water sprays will be used for all transfer of spoils to ensure that materials are dampened as necessary to avoid the suspension of dust into the air.

- *Restrictions on Vehicle Idling:* In addition to adhering to local laws restricting unnecessary idling on roadways, on-site vehicle idle time will also be restricted to three minutes, to the extent practicable, for all equipment and vehicles that are not using their engines to operate a loading, unloading, or a processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine.

Overall, these air emission controls would significantly reduce DPM emissions to a level otherwise achieved by applying the currently defined best available control technologies under NYC Local Law 77. In addition, as stated in the *2021 CEQR Technical Manual*, all the necessary measures would be implemented to ensure compliance with the NYC Air Pollution Control Code regulating construction-related dust emissions. Based on the project size and the construction work involved, construction activities for the Proposed Actions would not be considered out of the ordinary or exceptional in terms of intensity and would be of a relatively short duration (less than 2 years). Therefore, based on the above and with the implementation of emissions control measures that are required by local law, the construction of the Development Sites would not result in any significant adverse impacts on air quality.

Noise

While increases in ambient noise levels due to construction for two years or less may be noisy and intrusive, detailed construction noise analysis is not always required. As described above, construction of the development sites would occur over a relatively short time period. In addition, demolition, excavation, and foundation activities, and superstructure activities, which are the noisiest construction activities, would be temporary and limited in duration and would take approximately 8 months at each development site. These activities would be spread out over separate locations on the block.

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

<u>Historic and Cultural Resources</u>

As discussed in **Chapter 2.4 Historic and Cultural Resources**, the Landmarks Preservation Commission has determined that the Projected Development Sites do not contain any historic architectural or cultural archaeological resources and is not adjacent to or within 400 feet of any identified historic architectural resources. Therefore, construction protection measures related to avoidance of damage to historic structures from adjacent construction are not applicable, and no significant adverse construction-related impacts to nearby historic and cultural resources are expected.

2.10.1 Conclusion

Major exterior construction activities at Projected Development Site 1 would be completed in 8 months from August 2024 until April 2025, with interior fit-outs and inspection activities lasting until February 2026. Meanwhile, the development of Projected Development Site 2 would be expected to begin in March 2027 with the completion of exterior work in August 2027 and interior fit-outs and inspection activities completion by April 2028.

Construction would be performed subject to relevant EPA, DEP, DOT and DOB codes and regulations to ensure minimal construction impacts. With the construction control and protective measures identified above, no impacts to transportation, air quality, noise, or historic buildings would occur.

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

APPENDIX A

AGENCY CORRESPONDENCE

Landmarks Preservation Commission

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

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

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-K
Project: 815 AVENUE H
Date Received: 10/4/2022

Properties with no Architectural or Archaeological significance:

1) 817 AVENUE H, BBL: 3064960039
2) 807 AVENUE H, BBL: 3064960045
3) 801 AVENUE H, BBL: 3064960047

Gina Santucci

10/11/2022

SIGNATURE DATE

Gina Santucci, Environmental Review Coordinator

File Name: 36663_FSO_DNP_10112022.docx

APPENDIX B

ILLUSTRATIVE ARCHITECTURAL PLANS

817 AVENUE H

DRAWING LIST
A-1 TITLE SHEET & RENDERING
A-2 AERIAL PHOTOGRAPH
A-3 LAND USE MAP
A-4 SITE & AREA PHOTOS
A-5 TAX MAP
A-6 ZONING MAP
A-7 ZONING ANALYSIS- CHART
A-8 SITE PLAN & BUILDING ENVELOPE
A-9 BUILDING ENVELOPE - ZONING AXON
A-10 FLOOR PLANS



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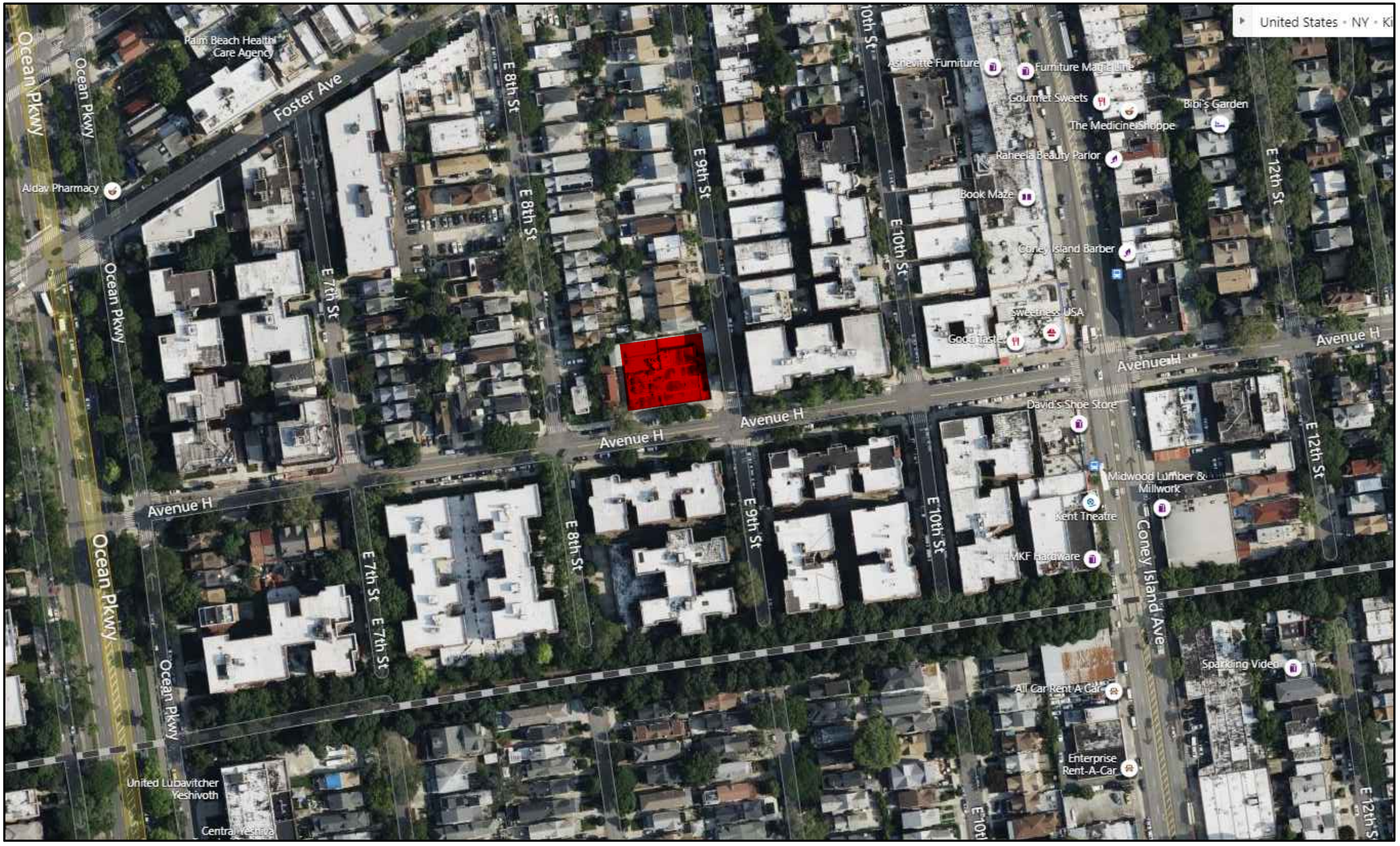
TITLE SHEET
817 AVENUE H, BROOKLYN, NY 11230

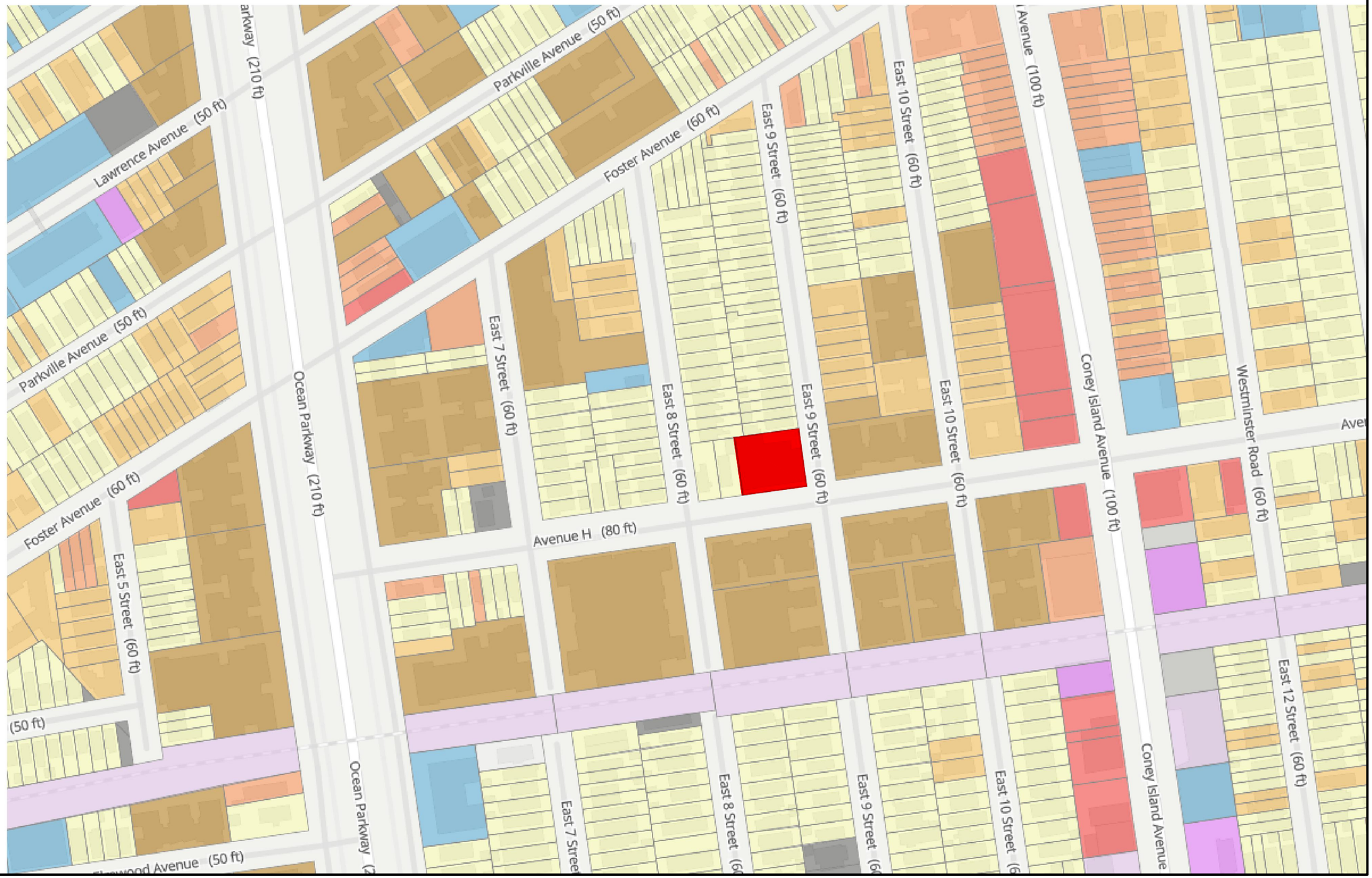
PRE-APPLICATION STATEMENT

DATE: 06/14/222
SCALE: N.T.S.
SHEET 1 OF 10

A-1



BIENENFELD ARCHITECTURE RICHARD BIENENFELD ARCHITECT, P.C. 271 North Avenue, suite 613 · New Rochelle, NY 10801 T: 914.636.3800 · F: 914.636.4220 · www.bienenfeld.com	AERIAL PHOTOGRAPH 817 AVENUE H, BROOKLYN, NY 11230	PRE-APPLICATION STATEMENT	DATE: 12/17/21 SCALE: AS NOTED SHEET 2 OF 10	A-13



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LAND USE MAP

817 AVENUE H, BROOKLYN, NY 11230

PRE-APPLICATION STATEMENT

DATE: 12/17/21
SCALE: AS NOTED
SHEET 3 OF 10

A-3



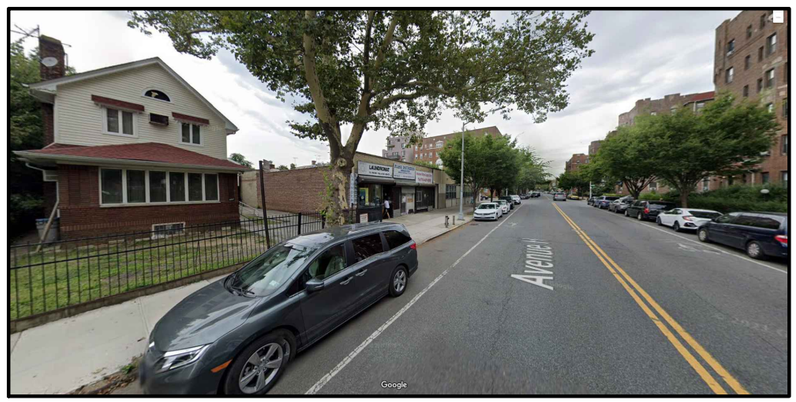
4 KEY PLAN



1 INTERSECTION OF AVENUE H & E 9th STREET



2 VIEW FROM E 9th STREET



3 VIEW FROM E 8th STREET

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SITE & AREA PHOTOS

817 AVENUE H, BROOKLYN, NY 11230

PRE-APPLICATION STATEMENT

DATE: 12/17/21
SCALE: N.T.S.
SHEET 4 OF 10

A-4

FINANCE NEW YORK
MARTHA E. STARK
COMMISSIONER

N
W E
S

NYC Digital Tax Map

Effective Date : 12-07-2008 08:50:09
End Date : Current

Brooklyn Block: 6496

Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon



Feet
048 162432

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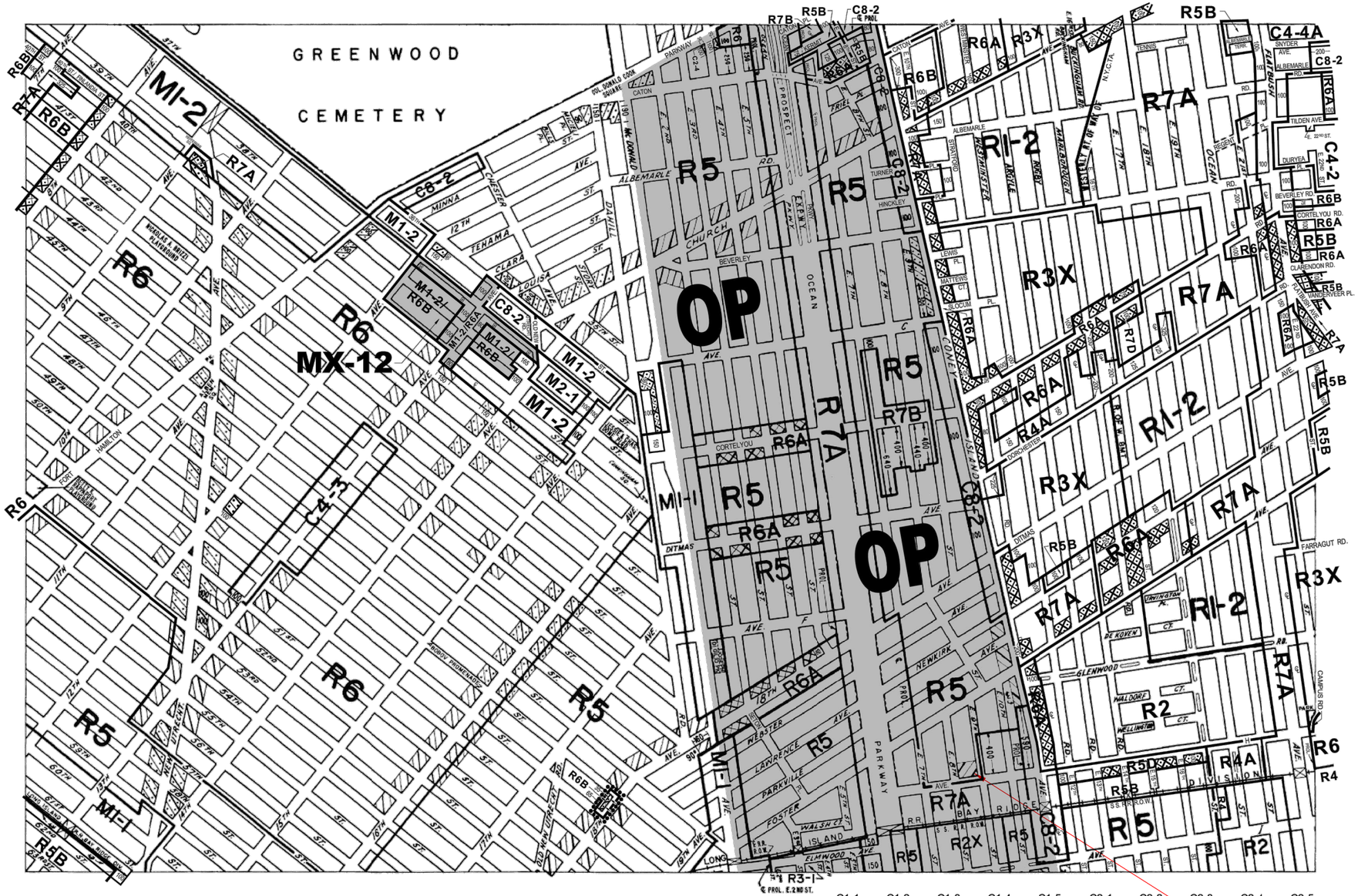
TAX MAP

817 AVENUE H, BROOKLYN, NY 11230

PRE-APPLICATION STATEMENT

DATE: 12/17/21
SCALE: AS NOTED
SHEET 5 OF 10

A-5



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an **R**, **C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

11–10–2021 C 200296 ZMK

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

N

MAP KEY

16b	16d	17b
22a	**22c**	23a
22b	22d	23b

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ZONING MAP 22c

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

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

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: **www.nyc.gov/planning** or contact the Zoning Information Desk at (212) 720-3291.

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ZONING MAP

817 AVENUE H, BROOKLYN, NY 11230

PRE-APPLICATION STATEMENT

DATE: 12/17/21
SCALE: AS NOTED
SHEET 6 OF 10

A-6

Location	817 Avenue H Brooklyn NY		Transit Zone
Block	6496		
Lots	39		
Map Number	22c		
Zoning District	R7A, OP[1], C2-4 Overlay		
Lot Area	**12,000.0 SF**	**(100 FT x 120 FT)**	
Corner Lot Portion	**10,000.0 SF**	**(100 FT x 100 FT)**	
Interior Lot Portion	**2,000.0 SF**	**(20 FT x 120 FT)**	

	ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	PROPOSED
USE				
Uses Permitted As-of-Right	22-10, 32-10	1, 2, 3, 4, 5, 6, 7, 8, 9, 14		2,4
FLOOR AREA				
FAR		**4.60**		4.60
Floor Area		**55,200.0 SF**		55,169 SF
FAR - Residential - MIH	23-154(d)	4.6		3.28
Floor Area		55,200.0 SF		39,411 SF
FAR - Community Facility	24-11	4.0		1.31
Floor Area		48,000 SF		15,758 SF
LOT COVERAGE[2]				
Residential & Community Facility[3]	23-153, 23-156(b)(2), 24-11, 24-165			
Lot Coverage (%) - Corner Lot Portion		100%		83%
Lot Coverage (SF)		10,000.0 SF		8,265 SF
Lot Coverage (%) - Interior Lot Portion		100%		52%
Lot Coverage (SF)		2,000.0 SF		1,044 SF
DENSITY				
Density per Dwelling Unit (factor)	23-22		680 SF	
Allowable Dwelling Units[6]		58		42
Estimated MIH Apartments		25%		11
Estimated Market Apartments		75%		31
YARDS				
Side Yard - Avenue H	24-35(a)		None	8 FT
Side Yard - East 9th[4]	24-351		8 FT	8 FT
Rear Yard - Beyond 100' of a Street Line[5]	23-471(c), 24-361(c)		None	None
Front Yard			None	5 FT
HEIGHT & SETBACK				
Street Wall Location[7]	23-661, 24-50		Adjacent Street Wall	Yes
Base Height	23-664(b), 24-50, 35-654	75 FT	40 FT	75 FT
Building Height		90 FT		
Base Height - w/ Qualifying Ground Floor[8]		75 FT	40 FT	75 FT
Building Height - w/ Qualifying Ground Floor		95 FT/ 9 Stories		95 FT
Setback - East 9th (Narrow Street)	23-662(c)(1), 24-50		15 FT	15 FT
Setback - Ave H (Wide Street)			10 FT	10 FT
Building Height - Within 25' Adjacent to R5 District	23-693, 24-50	55 FT		55 FT
PARKING				
Residential - Inclusionary[9]	25-251		None	20 Spaces
Residential	25-23		50% of Units	
Community Facility - House of Worship			None	

Notes:

1) As per ZR 113-11(b) In Residence Districts and Commercial Districts with residential equivalents, all community facility buildings, and portions of buildings containing community facility uses, shall be subject to the applicable underlying district bulk regulations of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), except as provided below:... in R6 or R7 Districts with a letter suffix, the applicable bulk regulations set forth in Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts) shall apply.

2) As per 23-156(b)(2), whenever a front lot line of an interior or through lot coincides with all or part of a street line measuring less than 230 feet in length between two intersecting streets, the maximum lot coverage for such zoning lot, or portion thereof, shall be 100 percent within 100 feet of such front lot line.

3) As per ZR 24-165 Where different maximum percentages of lot coverage apply to residential and community facility uses, the higher lot coverage shall be applied to any level containing both such uses. Furthermore, the maximum percent of lot coverage for community facility uses located below the level of residential uses need not be lower than the maximum percent of lot coverage permitted for such residential uses.

4) As per ZR 24-351 if the boundary of an adjoining R1, R2, R3, R4 or R5 District coincides with a side lot line of a zoning lot, a side yard at least eight feet wide shall be provided along such boundary.

5) As per 23-471(c), 24-361(c) In R6 through R10 Districts, no rear yard shall be required where such rear lot line coincides with a side lot line of an adjoining zoning lot. In additon, as per ZR 23-542 & 24-392 whenever a front lot line of a zoning lot coincides with all or part of a street line measuring less than 230 feet in length between two intersecting streets, no rear yard shall be required within 100 feet of such front lot line. The dimension of the block along Ave H is 200' and therfore, no rear yard is required.

6) As per ZR 23-24 for zoning lots with buildings containing multiple uses or multiple buildings with different uses, the maximum number of dwelling units permitted on the zoning lot shall equal the maximum residential floor area permitted on the zoning lot, divided by the applicable factor in Section 23-22. For the purposes of such calculation, the maximum residential floor area permitted on the zoning lot shall equal the applicable total floor area permitted on the zoning lot, minus the amount of non-residential floor area and floor area allocated to affordable independent residences for seniors. Where floor area in a building is shared by multiple uses, the floor area for such shared portion shall be attributed to each use proportionately, based on the percentage each use occupies of the total floor area of the zoning lot, less any shared floor area.

7) As per 23-661(a) The street wall shall be located no closer to the street line than the closest street wall , or portion thereof, of an existing adjacent building on the same or an adjoining zoning lot located on the same street frontage, that is both within 10 feet of the street line and within 25 feet of such Quality Housing building. Where such existing adjacent building, or portion thereof, has street walls located at varying depths, the street wall shall not be located closer to the street line than the furthest portion of such existing adjacent street wall that is at least five feet in width. On corner lots, the street wall location provisions of paragraph (a)(1) shall apply along only one street line.

8) See ZR 23-662(b)(2) or additional ground floor provisions for Qualifying Ground Floors including restrictions on ground floor uses.

9) As per ZR 25-251 for within the Transit Zone no accessory off-street parking spaces shall be required for income-restricted housing units

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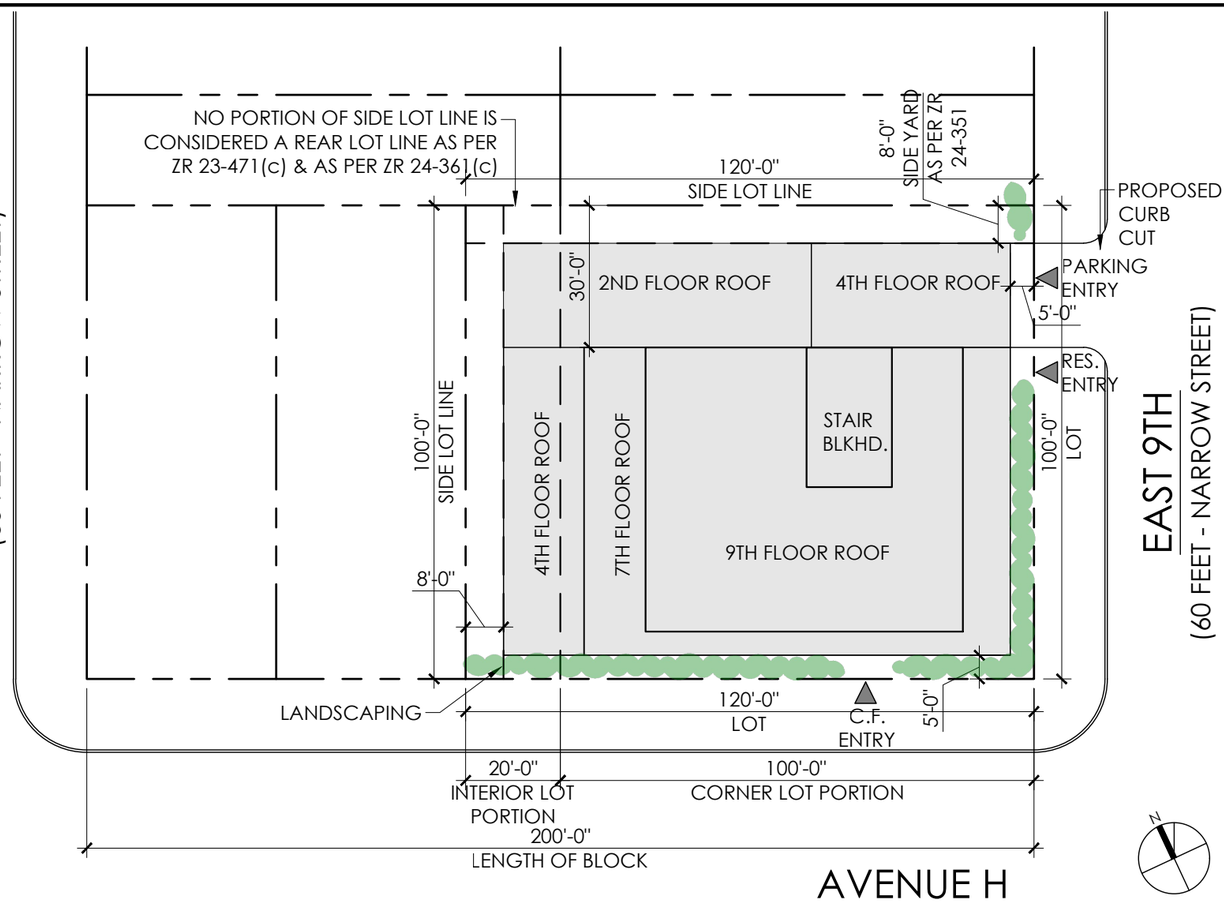
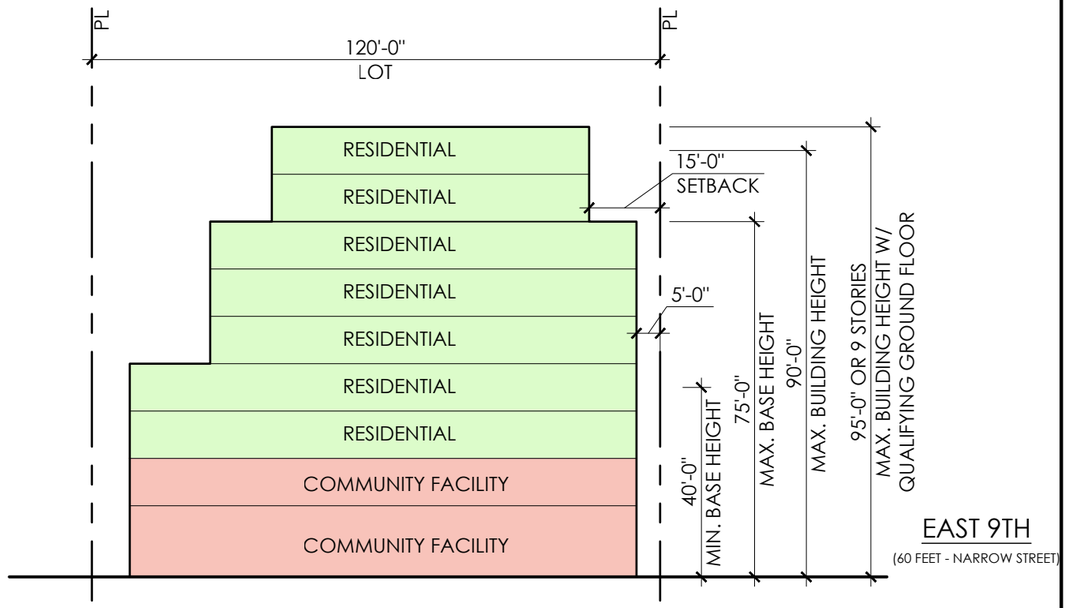
ZONING ANALYSIS - CHART

817 AVENUE H, BROOKLYN, NY 11230

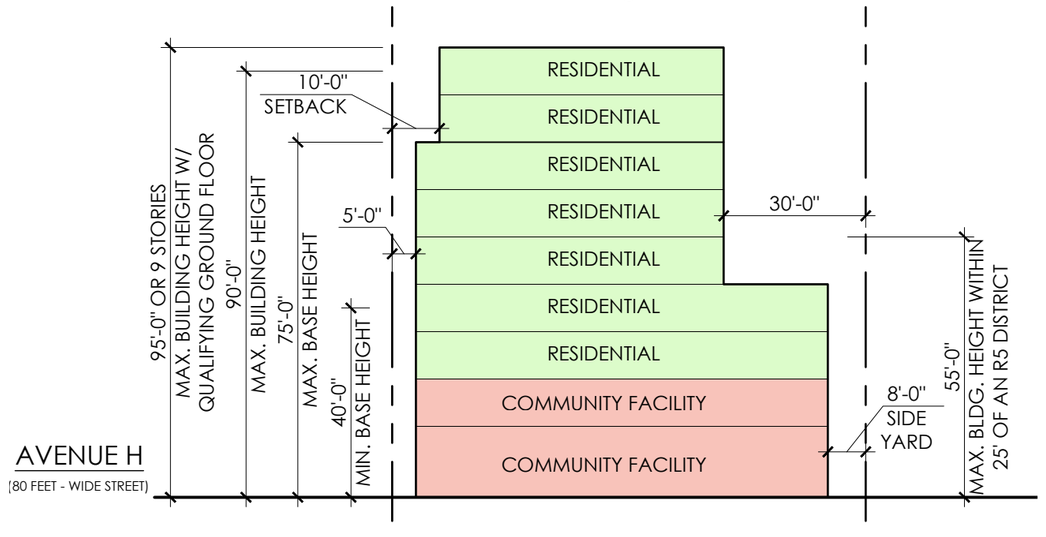
PRE-APPLICATION STATEMENT



1 SITE PLAN
SCALE: 1/32" = 1'-0"



2 AVENUE H - ELEVATION DIAGRAM
SCALE: 1/32" = 1'-0"



3 E 9TH STREET- ELEVATION DIAGRAM
SCALE: 1/32" = 1'-0"

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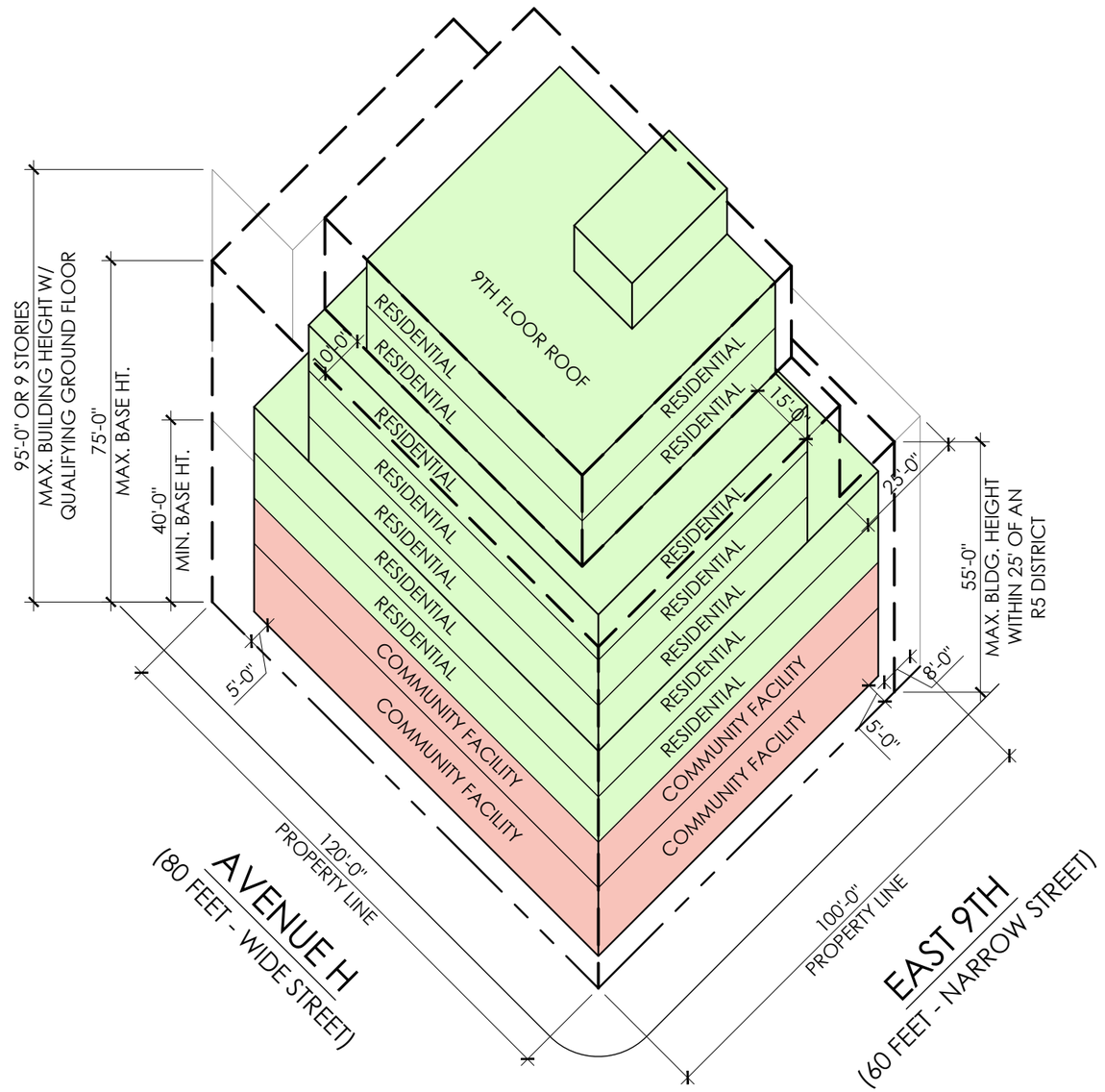
SITE PLAN & BUILDING ENVELOPE
817 AVENUE H, BROOKLYN, NY 11230

PRE-APPLICATION STATEMENT

DATE: 11/10/22
SCALE: AS NOTED
SHEET 8 OF 10

A-8



1 BUILDING ENVELOPE - AXONOMETRIC
SCALE: 1/32" = 1'-0"

	Proposed Floor Area			
	Floor	Gross Floor Area	Approx Deductions 8%	Zoning Floor Area
	Cellar	9,309 SF	n/a	n/a
Community Facility	1st Floor	9,309 SF	745 SF	8,564 SF
	2nd Floor	9,309 SF	745 SF	8,564 SF
Res.	3rd Floor	7,879 SF	630 SF	7,249 SF
	4th Floor	7,879 SF	630 SF	7,249 SF
	5th Floor	5,850 SF	468 SF	5,382 SF
	6th Floor	5,850 SF	468 SF	5,382 SF
	7th Floor	5,850 SF	468 SF	5,382 SF
	8th Floor	4,020 SF	322 SF	3,698 SF
	9th Floor	4,020 SF	322 SF	3,698 SF
	TOTAL	69,275 SF	4,797 SF	**55,169 SF**

2 PROPOSED FAR

Proposed Unit Matrix Chart					
Floor	0 BR	1 BR	2 BR	3 BR	Total per floor
Cellar	n/a	n/a	n/a	n/a	0
1st Floor	n/a	n/a	n/a	n/a	0
2nd Floor	n/a	n/a	n/a	n/a	0
3rd Floor	1	2	3	2	8
4th Floor	1	2	3	2	8
5th Floor	1	2	2	1	6
6th Floor	1	1	3	1	6
7th Floor	1	1	3	1	6
8th Floor	0	1	2	1	4
9th Floor	0	1	2	1	4
					0
					0
TOTAL	5	10	18	9	42

3 PROPOSED UNIT TYPE MATRIX

Proposed MIH / Market Apartments & Parking			
Total Number of Apartments	Estimated MIH Apartments (25%)	Estimated Market Apartments (75%)	Required Parking Spaces (50% Market)
42	11	31	16

4 PROPOSED MIH / MARKET APARTMENTS & PARKING

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BUILDING ENVELOPE ZONING AXONOMETRIC

817 AVENUE H, BROOKLYN, NY 11230

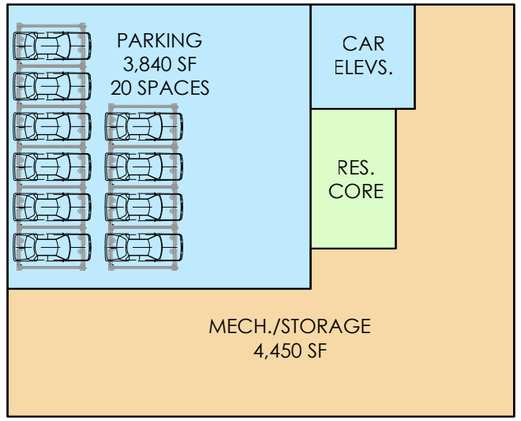
PRE-APPLICATION STATEMENT

DATE: 10/24/22
SCALE: AS NOTED
SHEET 9 OF 10

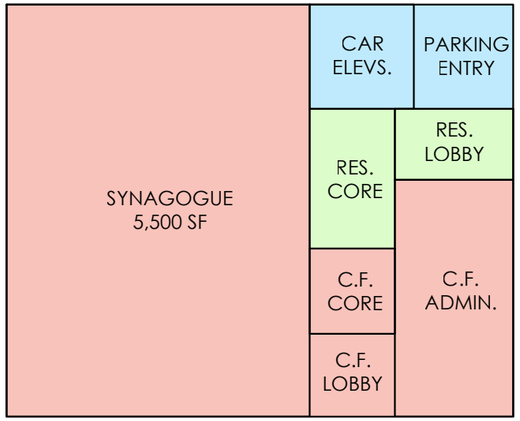
A-9

LEGEND

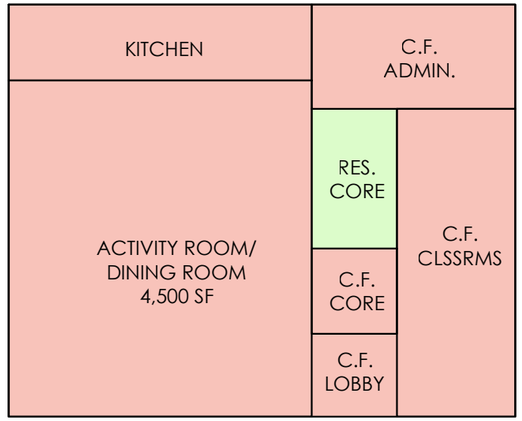
- COMMUNITY FACILITY
- RESIDENTIAL
- PARKING
- MECH./STORAGE



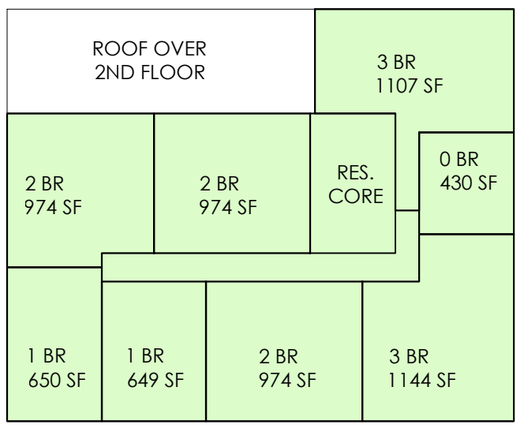
1 CELLAR FLOOR PLAN (9,309 SF)
SCALE: 1/32" = 1'-0"



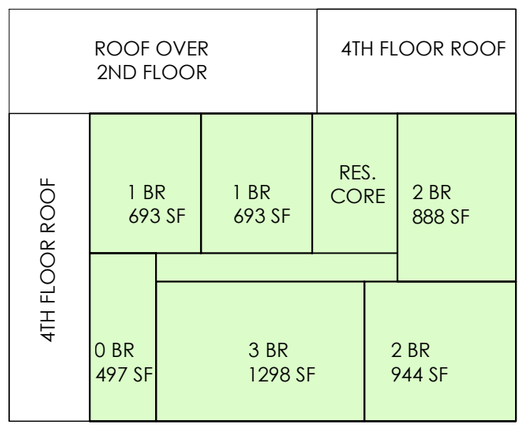
2 FIRST FLOOR PLAN (9,309 SF)
SCALE: 1/32" = 1'-0"



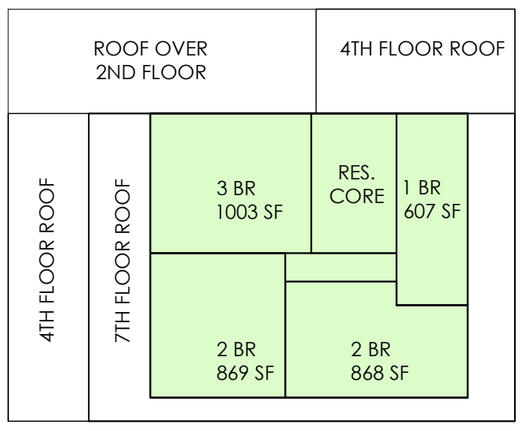
3 SECOND FLOOR PLAN (9,309 SF)
SCALE: 1/32" = 1'-0"



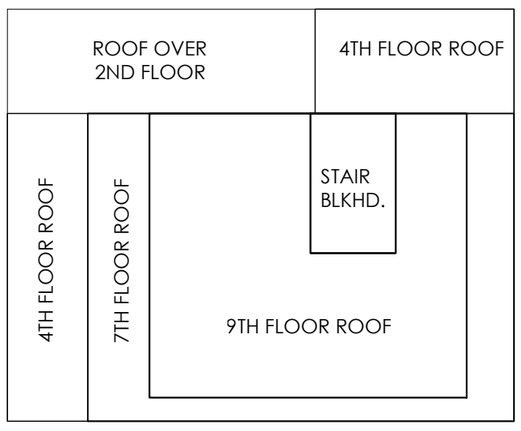
4 THIRD THROUGH FOURTH FLOOR PLANS (7,879 SF)
SCALE: 1/32" = 1'-0"



5 FIFTH THROUGH SEVENTH FLOOR PLANS (5,850 SF)
SCALE: 1/32" = 1'-0"



6 EIGHTH & NINTH FLOOR PLANS (4,020 SF)
SCALE: 1/32" = 1'-0"



7 ROOF PLAN
SCALE: 1/32" = 1'-0"

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FLOOR PLANS

817 AVENUE H, BROOKLYN, NY 11230

PRE-APPLICATION STATEMENT

DATE: 10/24/22
SCALE: AS NOTED
SHEET 10 OF 10

A-10

APPENDIX C

PHASE I ESA



PHASE I ENVIRONMENTAL SITE ASSESSMENT

817 Avenue H, Brooklyn, New York 11230
September 1, 2022

Prepared for:

Rabbi Shai Markowitz
Agudist Council of Greater New York

Prepared by:

equity environmental engineering

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

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EXECUTIVE SUMMARY

Equity (Equity Environmental Engineering, LLC.) was retained by Phillips Nizer LLP to conduct a Phase I Environmental Site Assessment to identify RECs (Recognized Environmental Conditions) associated with the current and prior site use at the Subject Property identified as 817 Avenue H, Brooklyn, NY 11230. Equity conducted the assessment in accordance with the requirements of the ASTM (American Society for Testing and Materials) Standard E1527-21, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and good professional practices.

A. Site Overview

The Subject Property is as follows:

Property Designation	817 Avenue H
Property Address	817 Avenue H, Brooklyn, NY 11230
Parcel ID	Block 6496, Lot 39
Parcel Size	12,000
Number of Buildings	One
Property Usage	Commercial – senior center, laundromat, two inactive businesses
Inspection Date	August 10, 2022
Weather Conditions	80s, partly cloudy
Site Contact/Title	Rabbi Heineman
Site Contact Phone	(718)-434-8670

B. Definitions

The ASTM Phase I Standard defines environmental conditions as follows:

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

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

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

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

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

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

- **Non-Scope Considerations**
  Consideration of business environmental risk issues some of which are identified in Section 13 and Appendix XI of ASTM E1527-14 (e.g., asbestos, ecological resources, mold, radon, wetlands, regulatory compliance et. Al.).

- **Key Site Manager**

A key site manager is the person identified by the owner or operator of a Subject Property as having good knowledge of the uses and physical characteristics of the Subject Property.

C. Findings

The following environmental conditions were identified:

- **Recognized Environmental Conditions (RECs)**
  No RECs were identified as a result of this assessment.

- **Controlled Recognized Environmental Conditions (CRECs)**
  No Controlled RECs were identified as a result of this assessment.

- **Historical Recognized Environmental Conditions (HRECs)**
  No Historic RECs were identified as a result of this assessment.

- **Vapor Encroachment Conditions (VECs)**
  According to the EDR Vapor Encroachment database, three VEC records were identified at the Subject Property. The three records identified at the Subject Property include a historical drycleaner listed from 1974 to 2012, an active laundromat/drycleaner, and records listed under the NY Manifest, ECHO, FINDS, and RCRA NonGen/NLR databases relating to the drycleaner on the Subject Property. The waste descriptions listed in the VEC Report are drycleaner-related.

  The EDR Vapor Encroachment database also identified multiple VEC records within 1/10th of a mile of the Subject Property related to numerous Con Edison Manifest sites, which do not pose a VEC threat. There is a 3,000-gallon fuel oil AST and closed spill case at 800 Avenue H. The 100 gallon spill due to equipment failure was closed on December 26, 2002. The AST is still in service. Two small quantity manhole-related spills are listed within 0.03 miles of the Subject Property. Both spills are closed. Also in the VEC Report, there is an active 3,000 gallon fuel oil tank at 900 Avenue H, and an active 4,000-gallon AST at 901 Avenue H. There is an in service 20,000-gallon fuel oil UST is located at 840 East 8th Street. At 1001 Avenue H, there is an in service 5000-gallon fuel oil AST. The same 5000-gallon tank had a 400 gallon spill due to a tank overfill in 1990, but the spill case closed on January 29, 2007. There is a drycleaner listed at 1013 Avenue H, and a historical gas station is listed at 1140 Coney Island from 1973 to 1983. Two other historical gas stations are also listed in the VEC Report. The drycleaners and gas stations are too distant from the Subject Property to be considered a VEC threat. Within the 1/10th of a mile from the Subject Property, there are several other ASTs, USTs, spill records, and manifest sites listed. Based on these findings, a possible VEC cannot be ruled out for the Subject Property.

  Additional details about each VEC can be found in the VEC Report in Appendix C.

- **De Minimis Conditions**

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

- **Data Gaps**
  Equity identified a significant data gap that would affect its ability to identify RECs associated with the Subject Property. Two inactive businesses at the Subject Property were not accessible at the time of inspection.

D. Conclusions

Equity's review of available information and observations of the Subject Property and surrounding properties indicates that no RECs, CRECs, HRECs, or De Minimis conditions, were identified as a result of this assessment. However, one data gap was identified and potential VECs could not be ruled out.

I. INTRODUCTION

A. Purpose

Equity was contacted by Phillips Nizer LLP, to perform a Phase I Environmental Site Assessment of the referenced property in accordance with the ASTM International Standard E1527-21, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. The ASTM International Standard satisfies the requirements of the USEPA's (United States Environmental Protection Agency's) All Appropriate Inquiry Standard, 40 CFR Part 312, which is required to qualify for certain landowner liability protections under the Comprehensive Environmental Response, CERCLA (Compensation and Liability Act). The ASTM Standard constitutes, all appropriate inquiry into previous ownership and uses of the property consistent with good commercial or customary practice". The investigation was conducted to identify RECs, which are identified as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

It is Equity's understanding that the phase I is required as part of the rezoning process for the Subject Property from the current R5 district with a C1-3 commercial overlay to an R7A district. Additionally, the proposed Zoning Map Amendment will establish the rezoned area as a MIHA (Mandatory Inclusionary Housing Area) within Community District 14.

B. Scope-of-Services

The Phase I consisted of the following components:

1. Review of environmental and historical records
2. Site reconnaissance
3. Interviews
4. Report preparation

The environmental assessment is non-invasive and does not include any testing or sampling of materials, such as soil, water, air or building materials. The environmental assessment included a non-invasive evaluation of the potential for asbestos-containing materials, lead-based paint, and lead in drinking water.

C. Significant Assumptions, Limitations and Exceptions

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

D. Special Terms and Conditions

No Special Terms or Conditions apply to this project.

E. Reliance

This report is for the use and benefit of Phillips Nizer LLP, and any of their respective affiliates, agents, and advisors.

II. SITE DESCRIPTION

A. Location and Description

The Subject Property is identified as 817 Avenue H, Brooklyn, NY 11230. Title to the Subject Property is vested in Agudist Council of Greater New York.

The Subject Property is identified as Block 6496/Lot 39 on the New York City Tax Map. The Subject Property includes one square shaped lot on Avenue H. The Subject Property is located in the Midwood neighborhood of Brooklyn. A USGS Site Location Map and Site Boundary Map are included as Figures 1 and 2 in Appendix A. Photographs of the Subject Property are provided in Appendix B.

B. Site and Vicinity Characteristics

The Subject Property is located in the R5, OP, and C1-3 zoning districts surrounded by primarily residential uses. R5 zoning districts allow housing at a higher density. The usual three-and four-story apartments/houses have a FAR (floor area ratio) of 1.25. OP (Special Ocean Parkway) districts enclose blocks to the east and west of the OP between Prospect Park and Brighton Beach, and amplifies the attributes of the parkway designated a scenic landmark. C1-3 districts are commercial overlays mapped within a residential district. For C1-1 to C1-5 districts, the lower the numerical suffix, the more off-street parking is required.

C. Current Use of the Property

At the time of the inspection, the 12,000 square-foot building is separated into four different uses. The majority of the building is a Senior Center, which extends to the southern boundary of the Subject Property. West of the senior center are three other uses. The first business to the west is Horizon Ortho. Supply Corp., the next business is Flash Documents Immigration, and the final business along the western boundary of the Subject Property is the Urban Wash Laundromat. The Urban Wash Laundromat is an active business that provides washing, folding, and dry cleaning services. The other two businesses west of the senior center are not active.

D. Description of Structures, Improvements and Utilities

The existing building is constructed of brick.

Utilities at the property include the following:

1. Electricity

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

2. Water

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

3. Sewers

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

4. Heat

The senior center and laundromat are heated by natural gas fired boilers. The natural gas is provided by Con Edison. The heating source for the other two businesses is unknown, as both businesses were inaccessible at the time of inspection. There are seven total ASTs between the four property uses.

E. Current Uses of Adjoining Properties

The following land uses are present at properties adjoining the Subject Property:

- North – Residential
- East – East 9th Street, residential beyond that
- South – Avenue H, residential beyond that
- West – Residential

III. USER PROVIDED INFORMATION

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

- Environmental liens (i.e., legal, deed notice) or Activity and Use Limitations (i.e., engineering controls, etc.).
- Specialized knowledge or commonly known information regarding current or historical hazardous material use on the Subject Property or adjoining properties, which would be considered a REC.
- Indications that the fair market value of the Subject Property was reduced due to environmental concerns.

IV. RECORDS REVIEW

A. Standard Environmental Record Sources

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

According to the EDR environmental database search, the Subject Property at 817 Avenue H was identified in six of the Environmental Record Databases. The records found within the six databases include a historical drycleaner listed from 1974 to 2012, a non-historic drycleaner, and records listed under the NY Manifest, ECHO, FINDS, and RCRA NonGen/NLR databases relating to the drycleaner on the Subject Property. The wastes listed within the description are drycleaner-related. The surrounding properties were identified in the federal and state databases within a one-mile search radius of the Subject Property and are identified as follows:

Database	Target Property	0-1/8 Mile	1/8 – 1/4 Mile	1/4 – 1/2 Mile	1/2 – 1 Mile
RCRA-LQG	0	2	3	NR	NR
NY LTANKS	0	7	13	24	NR
NY UST	0	7	19	NR	NR
NY AST	0	16	29	NR	NR
NY VCP	0	0	2	1	NR
US BROWNSFIELDS	0	1	1	0	NR
NY Spills	0	22	NR	NR	NR
RCRA NonGen/NLR	1	12	43	NR	NR
FINDS	1	0	NR	NR	NR
ECHO	1	0	NR	NR	NR
NY DRYCLEANERS	1	1	1	NR	NR
NY E DESIGNATION	0	1	NR	NR	NR
NY Manifest	1	19	65	NR	NR
NJ Manifest	0	4	13	NR	NR
EDR Hist Auto	0	5	NR	NR	NR
EDR Hist Cleaner	1	1	NR	NR	NR

There are 98 records identified within 1/8 mile of the Subject Property. Equity's review focused on the Subject Property and the sites most likely to impact the Subject Property. The records identified within 1/8 mile of the Subject Property were found in 14 different databases.

The most notable records within 1/8 of a mile of the Subject Property include a 3,000-gallon fuel oil AST and spill case relating to that tank at 800 Avenue H. The 100 gallon spill due to equipment failure was closed on December 26, 2002. The AST is still in service. There is an active 3,000 gallon fuel oil tank at 900 Avenue H, and an active 4,000-gallon AST at 901 Avenue H. Also listed in the Database Report, there is an E Designation site at 717 Avenue H with a description that says "Underground Gasoline Storage Tanks* Testing Protocol." There is an in service 20,000-gallon fuel oil UST located at 840 East 8th Street. At 1001 Avenue H, there is an in service 5000-gallon fuel oil AST. The 5000-gallon tank at 1001 Avenue H had a 400 gallon spill due to a tank overfill in 1990, but the spill case closed on January 29, 2007. Elite cleaners is listed in the Database Report at 1013 Avenue H under the historic cleaners database and non-historic drycleaners database. A historical gas station is listed at 1140 Coney Island from 1973 to 1983. Within the 1/8 of a mile from the Subject Property in the Database Report, there are several other ASTs, USTs, spill records, manifest sites, and two other historical gasoline service stations listed. Additional information regarding each of the individual records identified in the databases listed above is provided in Appendix C.

B. Orphans Summary

The EDR Orphan Summary lists 36 sites that were included in certain federal or state environmental databases, but were reported by EDR to be unmapped due to insufficient address information. The listing of orphan sites within the database search was reviewed, cross referencing available address information with facility names. Upon review, it was determined that no orphan sites appear to be associated with the Subject Property or adjoining properties.

Additional information regarding the EDR Orphan Summary Report can be found in Appendix C.

C. City Environmental Quality Review "E" Designation

The "E" designations shown on the zoning maps function as indicators of the environmental review that must be conducted when the lots are developed in accordance with the regulations of the rezoned district. The City Planning Commission's rezoning actions, including environmental designations, were made effective upon the City Council's approval of the Zoning Map Amendment. Based upon a review of the NYCDEP "E" Designation database on June 29, 2022, the Subject Property was not identified.

D. Physical Setting Source

The Subject Property is located in Brooklyn, New York, and is surrounded by primarily residential uses. The ground surface at the site is predominantly level. Ground cover consists of concrete sidewalks, the four buildings, and the concrete parking area. The Subject Property is accessed from the south via Avenue H Street and from the east via East 9th Street. Based on the review of historical documents, groundwater is inferred to flow to the north towards Prospect Park Lake.

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

E. Historical Use Information on the Property

The historical sources reviewed indicate that the Subject Property was initially undeveloped land prior to the construction of the building in 1926.

1. Sanborn Fire Insurance Maps

   Equity reviewed 27 digital Sanborn Fire Insurance Maps from 1893 to 2007 provided by EDR, Inc. Information derived from these maps is as follows:

Year	Subject Property	Surrounding Area
1893	Vacant	A few dwellings exist to the east and northwest.
1906	A rectangular lot extends along the eastern Subject Property boundary, by East 9th Street.	Additional dwellings exist to the north, northeast, and within the same block to the west. A lumber yard exists to the southeast.
1930	Two dwellings, three garages, and a shed exist on the Subject Property.	Dwellings exist at the adjacent lot to the north and west. Overall development greatly increases in the surrounding area compared to the 1906 Sanborn Map. Brooklyn Edison Co. Inc. exists to the southwest. The lumber yard extends to the west, with several lumber piles to the south of the Subject Property. A railway exists to the south of the Subject Property, just south of the lumber yard. Additionally, several flats exist to the east.
1950	The dwellings, garages, and the shed no longer exist in the Subject Property. Six stores extend across the southern property boundary, along Avenue H.	A large portion of the lumber yard has been replaced with several apartment complexes to the east, southeast, and south. Harold Kushel Bros. Paper Warehouse exists to the southeast at the same location as the former Brooklyn Edison Co.
1969	Unchanged	Two parking areas exist to the northwest. Two auto service properties and an auto storage area exist to the east.

Year	Subject Property	Surrounding Area
1977, 1979, 1980, 1981, 1983, 1986	The six stores on the Subject Property no longer exist. Three buildings with commercial labels and one senior citizen center now exists on the Subject Property. The buildings are configured similar to how they are present day.	A parking lot exists to the east, east of the auto service building.
1987, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996	Unchanged	The auto service and auto storage properties to the east are now a lumber yard and lumber storage. The smaller auto service property to the east remains.
2001, 2002, 2003, 2004, 2005, 2006, 2007	Unchanged	The auto service business no longer exists to the east

Copies of the Sanborn Fire Insurance Maps are provided as Appendix D.

2. USGS Topographic Maps

Equity reviewed a total of 11 historical Topographic Maps from 1897 to 2019 provided by EDR, Inc. The Subject Property is shown approximately 0.1 miles away from a railroad to the north and 0.5 miles away from a railroad to the west. The Subject Property sits at an approximate elevation of 40 feet above sea level. The closest water bodies are shown to the north and northeast, approximately 2.0 miles away. The surrounding area is not heavily developed until 1947. The Topographic Maps do not provide details specific to the Subject Property. No significant topographical changes associated with the Subject Property were seen on the maps. Copies of the USGS Topographic Maps are provided as Appendix E.

3. Historic Aerial Photographs

Equity reviewed a total 14 of aerial photographs depicting the Subject Property spanning from 1924 to 2017 provided by EDR, Inc. Development on the Subject Property was first shown in 1924 according to the aerial photographs. The Subject Property is first shown in its current state in the 1974 aerial photograph. Based on the aerial photographs, there are no land use or other activities shown that may have impacted the Subject Property. Copies of the aerial photographs are provided as Appendix F.

4. City Directory

Equity reviewed local city directory listings provided by EDR, Inc. for the Subject Property and adjacent properties from 1928 to 2017. The area is characterized primarily by residential listings and some commercial listings. The most notable properties in the surrounding area

include a laundromat at 811 Avenue H listed from 1985 to 2017, and a drycleaner at 815 Avenue H listed from 1960 to 2009. Some other commercial properties listed in the City Directory Report include a food market, bank, and a bakery. The Subject Property was residential from 1934 to 2017, it was a senior center from 1976 to 2017. The City Directory report is included as Appendix G.

5. Regulatory File Review

Equity reviewed title information for the Subject Property contained in the NYC ZoLa database. The Subject Property is identified as Block 6496/Lot 39. Title to the Subject Property is vested in the NYC Housing Preservation and Development.

According to the New York City DOB (Department of Buildings) website, the following information was obtained regarding the Subject Property:

One complaint, 53 violations, three jobs, and 47 actions have been identified. The one complaint was related to excessive construction debris/dust. Most of the violations are dismissed/closed. The 10 active violations are related to boilers/ failing to file annual boiler reports. The three jobs are related to a boiler replacement, plumbing installation, and legalization of one air conditioning unit on the first floor roof. The 47 actions are related to various alterations, building notices, certificates of occupancy, demolition permits, electric signs, a docket, an oil permit application, a new building, plumbing and drainage, public assembly, plumbing repair slips, sprinklers, special reports, and DOB violations.

Equity submitted a FOIL (Freedom of Information Law) request to the NYDEC (New York State Department of Environmental Conservation), NYDEP (New York City Department of Environmental Protection), and the FDNY (New York City Fire Department) on July 1, 2022. A response was received from the FDNY on July 6, 2022. In response to the Violation Special Report, the FDNY produced a record with one violation notice and several permit accounts. The violation notice was issued in 2006 for the failure to provide a required affidavit/plan (Rule 19).

Regulatory records are included in Appendix H.

6. Prior Environmental Assessments and Reports

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

F. Historical Use Information on Adjoining Properties

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

- North – Residential
- East – East 9th Street, residential beyond that
- South – Avenue H, lumber yard in 1930 and residential from 1950 to present day
- West – Residential

V. SITE RECONNAISSANCE

The Phase I Questionnaire completed for the Subject Property is provided in Appendix I.

A. Methodology and Limiting Conditions

Christian DiGennaro, Junior Scientist of Equity Environmental conducted the Phase I site inspection on August 10, 2022. One representative, Rabbi Heineman lead the senior center and basement walkthrough.

No limiting conditions were encountered during the completion of this assessment.

B. On-Site Operations/Manufacturing

The south side of the building is a senior center. The first floor of the senior center has a main lobby/commune area, three offices, two restrooms, conference room, janitor's closet, cafeteria, storage room, kitchen, and a kitchen storage room. The senior center has a basement used primarily for storage. The large storage area contains senior center related equipment, many shelves with food and other tangible items such as utensils and napkins. There are also two demolished bathrooms in the southeastern corner of the basement. There is a storage room on the left side of the large storage area. There is a doorway on the east side of the large storage area that connects the basements of the other properties. There are four rooms on each side of the hallway that include four storage rooms, three boiler rooms, and a room with laundromat system. On the west side of the hallway there is another hallway that leads to a staircase to the sidewalk along Avenue H.

On the east side of the Subject Property there is a parking lot behind the building. There are two staircases that lead to different entrances to the basement. The first business to the west is Horizon Ortho. Supply Corp., the next business is Flash Documents Immigration, and the final business along the western boundary of the Subject Property is a laundromat. Horizon Ortho. Supply Corp. and Flash Documents Immigration are both inactive businesses. The first floors for both businesses were not accessible at the time of inspection.

The Urban Wash Laundromat is an active business. The laundromat has two rows of coin slot washers and dryers on each side of the business. The laundromat also provides washing and folding, and dry cleaning pick-up.

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

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

At the senior center, there is a janitor's closet on the first floor. The closet contains typical cleaning chemicals such as Kitchen Klenzer, Raid, Windex, bleach, detergent, soaps, and other typical cleaning chemicals. Before the entrance into the basement, there are several gallons of paint stacked in the hallway. In the large storage area in the senior center basement, there are several gallons of Z-Strip floor care products, fabric softeners, paints, and an inactive heating oil AST in the northeastern corner of the large storage area. On the west side of the basement, there is an there is an approximately 200-gallon fuel/heating oil AST that is inactive.

On the east side of the basement, there is a hallway that connects the basements of the other three properties. In the hallway, there is a stack of Tide and Downy cleaners, and paints. Between the four storage rooms in the connected basement, there are several 55-gallon drums filled with unknown substances. Also, in the connected basement, there are five total heating oil ASTs.

It is unclear what chemicals were used in the two businesses west of the senior center because they were inaccessible at the time of inspection. However, the laundromat was accessible at the time of inspection. The laundromat has several laundromat-related chemicals such as detergents, bleaches, and fabric softeners. The laundromat includes dry cleaning services, delivery, and pickup.

D. Solid and Hazardous Waste

Solid waste generated on-site is disposed of via the New York City Department of Sanitation trash removal services.

E. Releases or Spills

Staining was observed on the exterior of a few of the ASTs and on the ground by the AST in the third storage room on the left side of the connected basements hallway. A stain was also observed on the sidewalk on the east side of the building next to a fire hydrant.

F. Groundwater Wells

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

G. Surface Water, Stormwater Drainage and Wastewater Discharge

A stormwater catch basin was identified in the northwestern portion of the Subject Property in the back parking lot. The catch basin is assumed to drain into the municipal sewer system.

H. Wetlands

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

I. Polychlorinated Biphenyls (PCBs)

Old fluorescent light bulbs likely containing PCB ballasts were observed in the basement.

J. Drains and Sumps

Four floor drains, one stormwater drain, and three sump pumps were identified during the inspection. There is one floor drain in each of the two first floor restrooms in the senior center. There is also a floor drain in the northwest corner of the large storage area in the basement of the senior center. In the connected basement portion of the Subject Property, there is a floor drain in the furthest boiler room on the east side of the hallway. The stormwater drain was identified outside in the back parking lot of the Subject Property.

Two of the sump pumps identified during the site assessment are in the large storage area. One is near the center of the large storage area, and the other is near the northeastern corner. Both of these sump pumps are active. The sump pump in the center of the large storage area has a hose

attached to it that pumps the water out to the exterior of the building when the city sewer system cannot handle the flooding. The last sump pump is in the storage room, west of the large storage area. This inactive sump pump is next to an inactive AST.

K. Vapor Migration/Encroachment

According to the EDR Vapor Encroachment database, three VEC records were identified at the Subject Property. The three records identified at the Subject Property include a historical drycleaner listed from 1974 to 2012, an active laundromat/drycleaner, and records listed under the NY Manifest, ECHO, FINDS, and RCRA NonGen/NLR databases relating to the drycleaner on the Subject Property. The waste descriptions listed in the VEC Report are drycleaner-related.

The EDR Vapor Encroachment database also identified multiple VEC records within 1/10th of a mile of the Subject Property related to numerous Con Edison Manifest sites, which do not pose a VEC threat. There is a 3,000-gallon fuel oil AST and closed spill case at 800 Avenue H. The 100 gallon spill due to equipment failure was closed on December 26, 2002. The AST is still in service. Two small quantity manhole-related spills are listed within 0.03 miles of the Subject Property. Both spills are closed. Also in the VEC Report, there is an active 3,000 gallon fuel oil tank at 900 Avenue H, and an active 4,000-gallon AST at 901 Avenue H. There is an in service 20,000-gallon fuel oil UST is located at 840 East 8th Street. At 1001 Avenue H, there is an in service 5000-gallon fuel oil AST. The same 5000-gallon tank had a 400 gallon spill due to a tank overfill in 1990, but the spill case closed on January 29, 2007. There is a drycleaner listed at 1013 Avenue H, and a historical gas station is listed at 1140 Coney Island from 1973 to 1983. Two other historical gas stations are also listed in the VEC Report. The drycleaners and gas stations are too distant from the Subject Property to be considered a VEC threat. Within the 1/10th of a mile from the Subject Property, there are several other ASTs, USTs, spill records, and manifest sites listed. Based on these findings, a possible VEC cannot be ruled out for the Subject Property.

Additional details about each VEC can be found in the VEC Report in Appendix C.

L. Other Environmental Considerations

1. Asbestos Containing Materials

   Possible asbestos wrapped pipes were observed in one the boiler rooms on the right side of the connected basements hallway. According to the site representative, he has no idea if asbestos exists in this room. A formal asbestos inspection was not performed as part of this study.

2. Drinking Water

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

3. Lead-Based Paint

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

4. Mold

Several visual signs of mold were identified throughout the basement during the site reconnaissance, a formal mold assessment was not performed as part of this study.

M. Off-Site Concerns

There were no offsite concerns, other than the VECs identified in Section K.

VI. INTERVIEWS

As part of the Phase I, Equity interviewed Rabbi Heineman, the site representative at the senior center. He provided information on the operations at the senior center. He was not aware of any past environmental issues on the Subject Property, or any portions of the connected basement that was not associated with the senior center.

VII. RECOGNIZED ENVIRONMENTAL CONDITIONS (RECS)

Equity completed the Phase I of the Subject Property in accordance with the scope and limitations of ASTM Practice 1527-21. Any exceptions to, or deletions from, this practice are noted in appropriate sections of this report. RECs are defined as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. A CREC is a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of an NFA, 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). HRECs are RECs previously remediated to current unrestricted residential use applicable to regulatory standards. De Minimis Conditions are those that do not present a threat to human health or the environment, and would not be the subject of an enforcement action by a government agency. Data Gaps are a lack of, or inability to obtain information required by the practice that affects the ability of the environmental professional to identify RECs despite good faith efforts to gather the information.

A. Recognized Environmental Conditions (RECs)

No RECs were identified as a result of this assessment.

B. Controlled Recognized Environmental Conditions (CRECs)

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

C. Historical Recognized Environmental Conditions (HRECs)

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

D. Vapor Encroachment Concerns (VECs)

According to the EDR Vapor Encroachment database, three VEC records were identified at the Subject Property. The three records identified at the Subject Property include a historical drycleaner listed from 1974 to 2012, an active laundromat/drycleaner, and records listed under the NY Manifest, ECHO, FINDS, and RCRA NonGen/NLR databases relating to the drycleaner on the Subject Property. The waste descriptions listed in the VEC Report are drycleaner-related.

The EDR Vapor Encroachment database also identified multiple VEC records within 1/10th of a mile of the Subject Property related to numerous Con Edison Manifest sites, which do not pose a VEC threat. There is a 3,000-gallon fuel oil AST and closed spill case at 800 Avenue H. The 100 gallon spill due to equipment failure was closed on December 26, 2002. The AST is still in service. Two small quantity manhole-related spills are listed within 0.03 miles of the Subject Property. Both spills are closed. Also in the VEC Report, there is an active 3,000 gallon fuel oil tank at 900 Avenue H, and an active 4,000-gallon AST at 901 Avenue H. There is an in service 20,000-gallon fuel oil UST is located at 840 East 8th Street. At 1001 Avenue H, there is an in service 5000-gallon fuel oil AST. The same 5000-gallon tank had a 400 gallon spill due to a tank overfill in 1990, but the spill case closed on January 29, 2007. There is a drycleaner listed at 1013 Avenue H, and a historical gas station is listed at 1140 Coney Island from 1973 to 1983. Two other historical gas stations are also listed in the VEC Report. The drycleaners and gas stations are too distant from the Subject Property to be considered a VEC threat. Within the 1/10th of a mile from the Subject Property, there are several other ASTs, USTs, spill records, and manifest sites listed. Based on these findings, a possible VEC cannot be ruled out for the Subject Property.

Additional details about each VEC can be found in the VEC Report in Appendix C.

E. De Minimis Conditions

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

F. Data Gaps

Equity identified a significant data gap that would affect its ability to identify RECs associated with the Subject Property. Two inactive businesses at the Subject Property were not accessible at the time of inspection.

Conclusions

Equity's review of available information and observations of the Subject Property and surrounding properties indicates that no RECs, CRECs, HRECs, or De Minimis conditions, were identified as a result of this assessment. However, one data gap was identified and potential VECs could not be ruled out.

VIII. DEVIATIONS

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

IX. REFERENCES

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

1. EDR Environmental Databases – June 27, 2022
2. Sanborn Fire Insurance Maps – June 28, 2022
3. Historical Topographic Maps – June 27, 2022
4. Aerial Photographs – June 27, 2022
5. City Directory – June 28, 2022
6. New York City Department of Buildings Website
7. New York City Zola Database

X. SIGNATURE(S) OF ENVIRONMENTAL PROFESSIONALS

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

Assessor :



Christian DiGennaro
Junior Scientist

Environmental Professional:



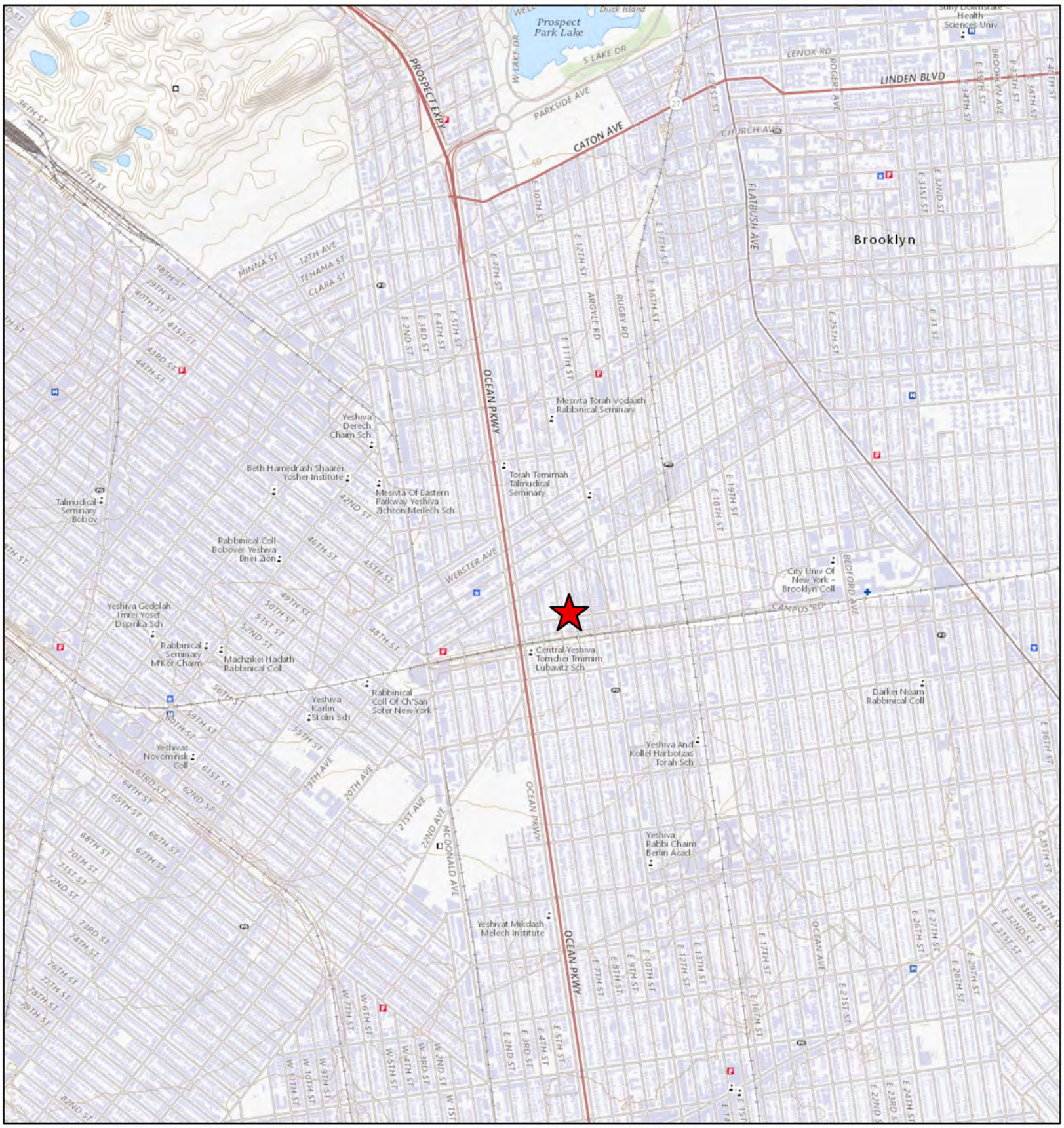
Robert Jackson
Managing Director

XI. QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

Qualifications of the Environmental Professionals are provided as Appendix J

Appendix A

FIGURES



Legend

817 Avenue H

N

0 0.13 0.25 0.5 Miles

Figure 1
Phase I ESA
USGS Site Location Map

817 Avenue H
Brooklyn. New York

equity environmental engineering
500 International Drive, Suite 150, Mount Olive, NJ 07828
Office: (973) 527-7451 / Fax: (973) 858-0280

DRAWN BY / DATE	REV / DATE	DRAWING NUMBER
GB/7.25.22		2022058-01



Legend

817 Avenue H

N

0 15 30 60 US Feet

Figure 2
Phase I ESA
Site Boundary Map

817 Avenue H
Brooklyn. New York

equity environmental engineering
500 International Drive, Suite 150, Mount Olive, NJ 07828
Office: (973) 527-7451 / Fax: (973) 858-0280

DRAWN BY / DATE	REV / DATE	DRAWING NUMBER
GB/7.25.22		2022058-02

APPENDIX B

SITE PHOTOGRAPHS



01 Building façade of the senior center on the corner of Avenue H and East Ninth Street.



02 Exterior view of the three businesses west of the senior center.



03 South side of the building, sidewalk extending along East 9th Street.



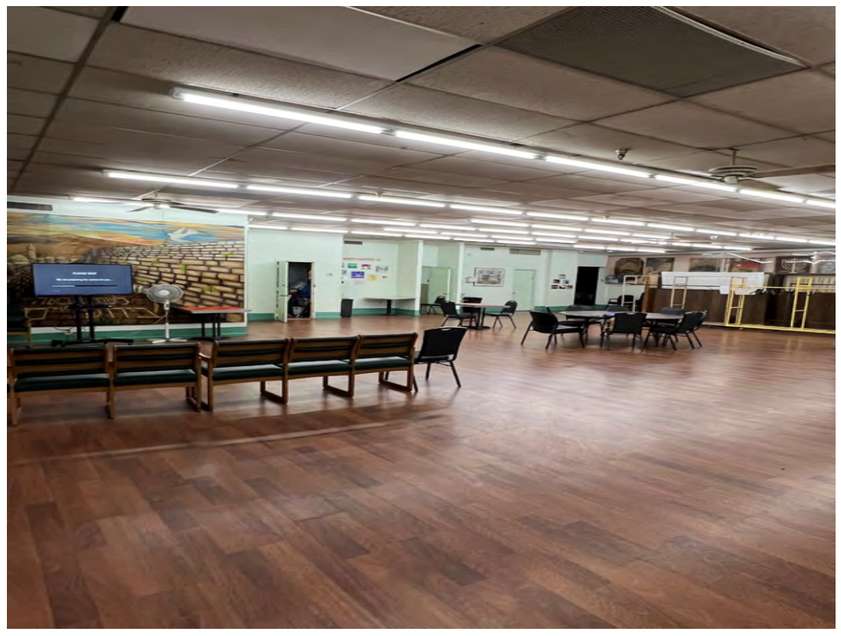
04 Staining observed on the east side of the building next to the fire hydrant..



05 Fill ports and vent pipes identified on the sidewalk along Avenue H.



06 Safety fire sprinkler on the southern exterior of the senior center.



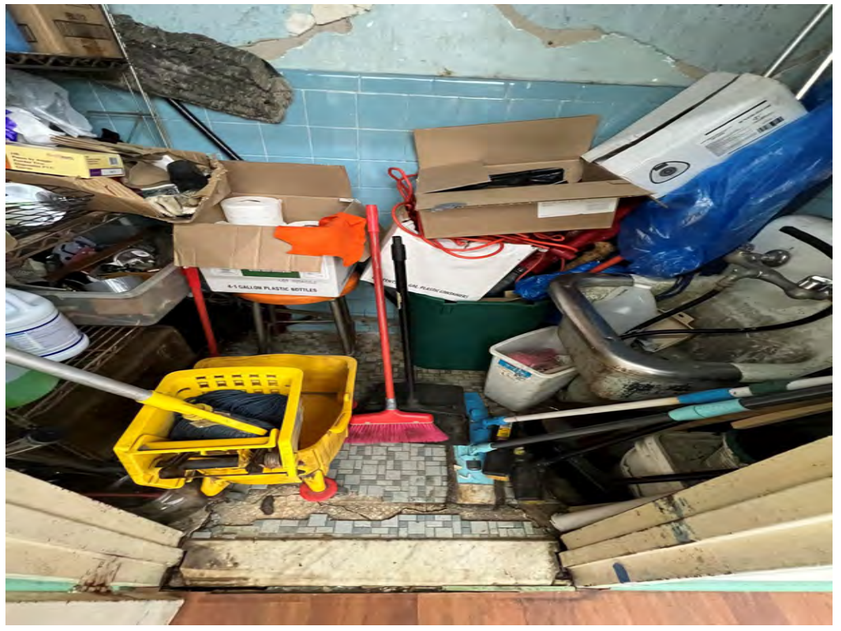
07 Senior center lobby.



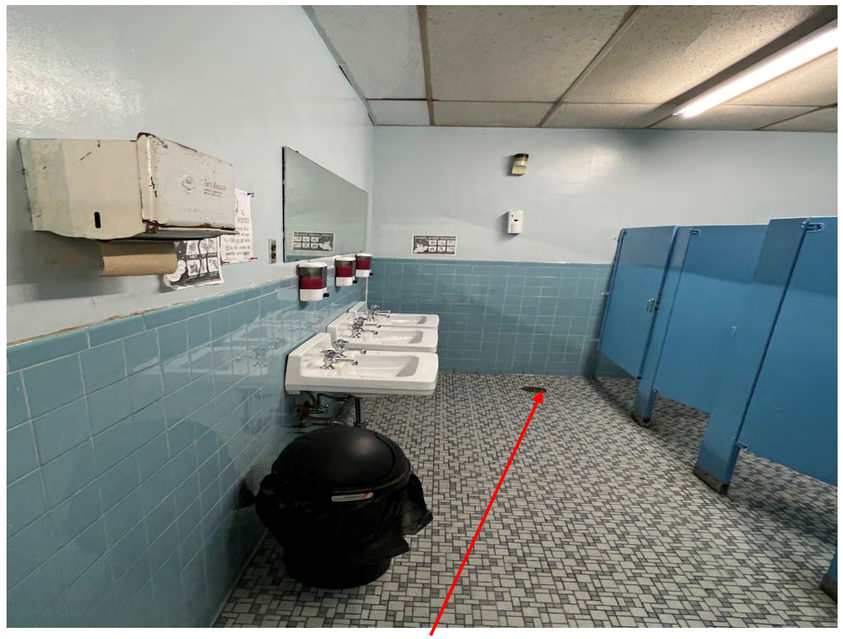
08 Unknown pipe observed in the southwestern corner of the lobby.



09 Conference room on the southern portion of the senior center.



10 Janitor’s closet on the first floor that contains typical cleaning chemicals.



11 Men’s restroom on the first floor. A floor drain was identified.



12 Women’s bathroom on the first floor. A floor drain was identified.



13 Exit to the parking lot, piping coming from the basement on each side of the doorway.



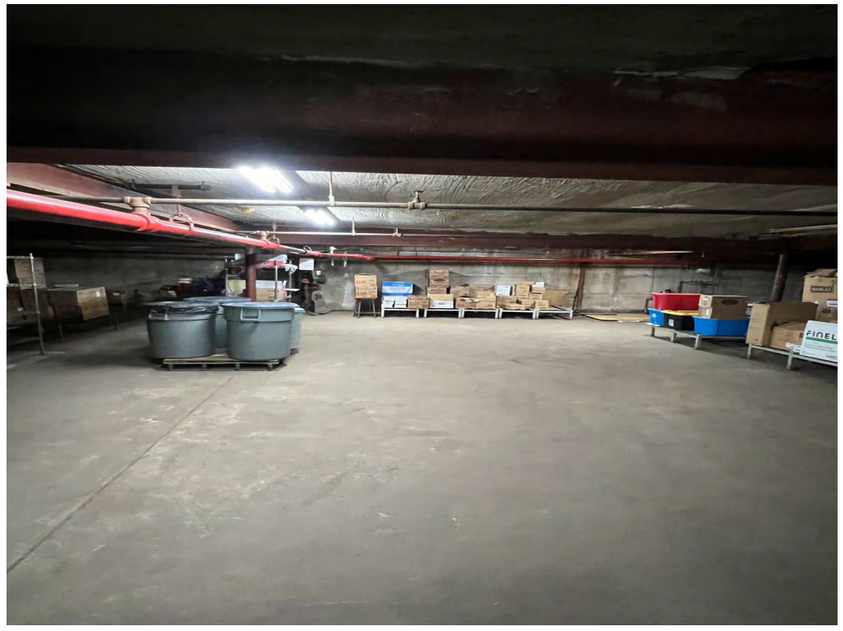
14 Senior center cafeteria.



15 Senior center kitchen.



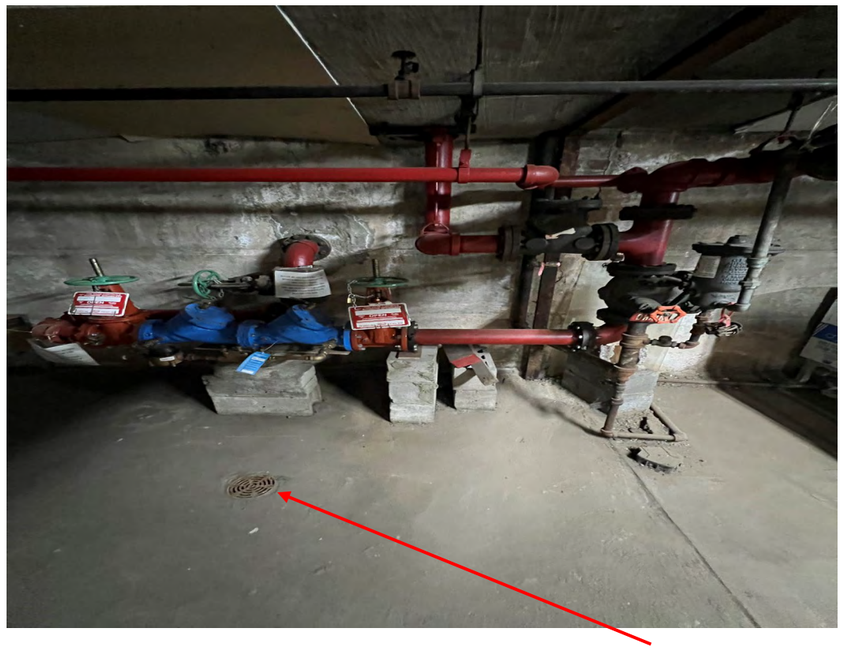
16 Senior center office space.



17 Large storage area in the basement of the senior center. Various food, equipment, and other tangible items stored on shelves.



18 Sump pump near the center of the large storage area.



19 Piping on the north side of the large storage area. A floor drain was idnetified.



20 Grease trap in the basement that is connected to the two kitchen sinks on the first floor.



21 Sump pump in the northeastern corner of the large storage area.



22 Inactive AST in the northeastern corner of the large storage area.



23 Side storage room on the west side of the basement, clutter present.



24 One of several areas of mold observed in the basement



25 An inactive AST in the side storage room.



26 Inactive sump pump next to the AST.



27 Old industrial air conditioning unit



28 Tube from the sump pump near the center of the large storage area that pumps to the exterior of the building when the sewer system cannot handle the flooding.



29 First room on the right in the connected basements hallway, east of the large storage area in the senior center basement. Natural gas boiler for the senior center.



30 Second room on the right side of the connected basements hallway. A system that receives water from the laundromat and from there leaves the building.



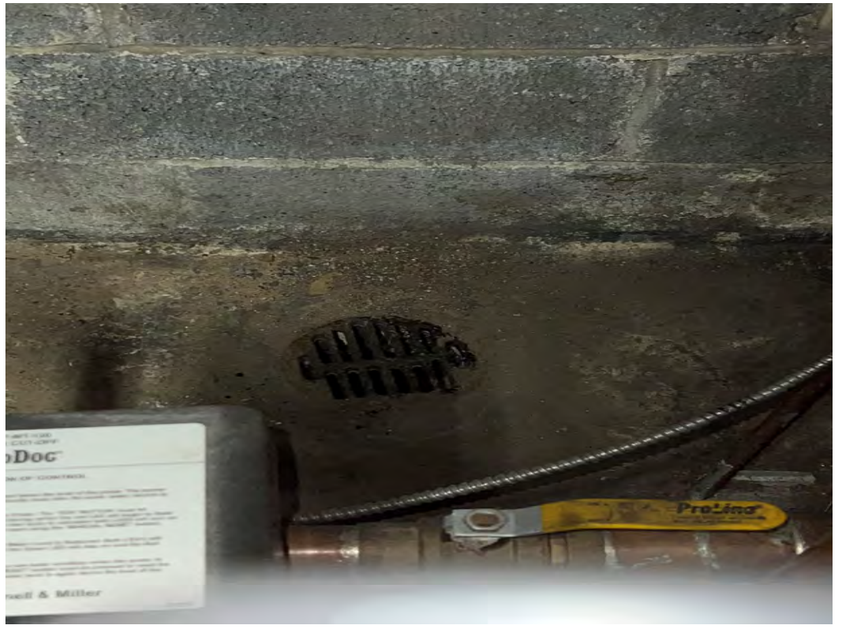
31 Old industrial boiler in the third room on the right. The pipes may be wrapped with asbestos containing material. A formal asbestos survey was not completed as part of this assessment.



32 Old industrial water heater.



33 Boiler room in the fourth room on the right side of the connected basements hallway. The boiler is active for the laundromat.



34 Floor drain in the boiler room.



35 First storage room on the left side of the hallway. Two inactive ASTs were observed, and a barrel filled with a few gallons of unknown material.



36 Second storage room on the left side of the hallway. Two ASTs were observed.



37 Unknown industrial machinery observed in the second storage room.



38 55-gallon drum filled with an unknown substance in the second storage room.



39 Chemicals and paint observed in the hallway.



40 Third storage room on the left side of the hallway, clutter present.



41 55-gallon steel drum filled with an unknown substance.



42 AST observed on the far side of the third storage room.



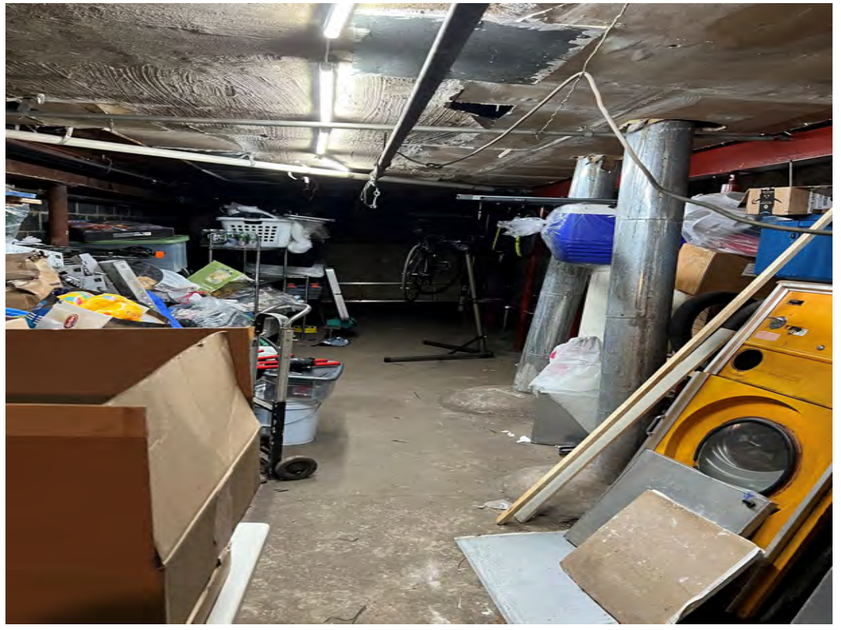
43 Staining present on the east side of the AST.



44 General conditions in each storage room.



45 Hallway leading to street level access, the exit is next to the laundromat.



46 Fourth storage room on the left.



47 The two businesses to the west were not accessible at the time of inspection.



48 Unknown white substance observed in a 55-gallon steel drum in the back parking lot.



49 Back parking lot, floor drain identified.



50 Catch basin.



51 Urban Wash Laundromat on the far west side of the Subject Property.
The laundromat includes drycleaning services.



52 Interior view of the laundromat.

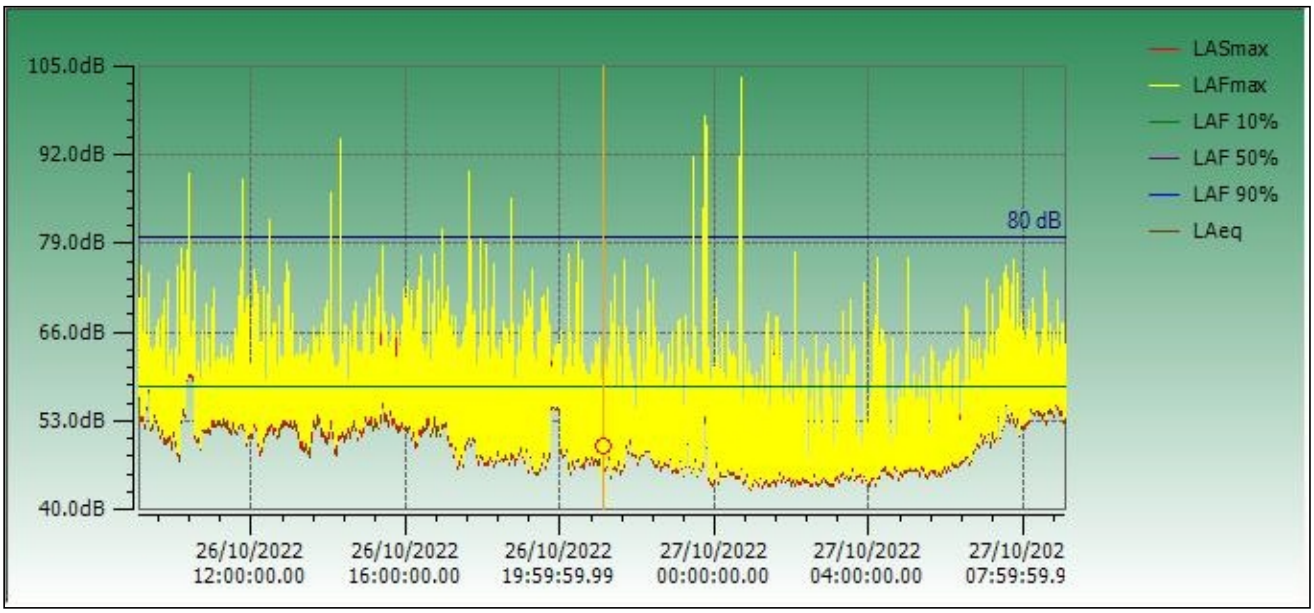
APPENDIX D

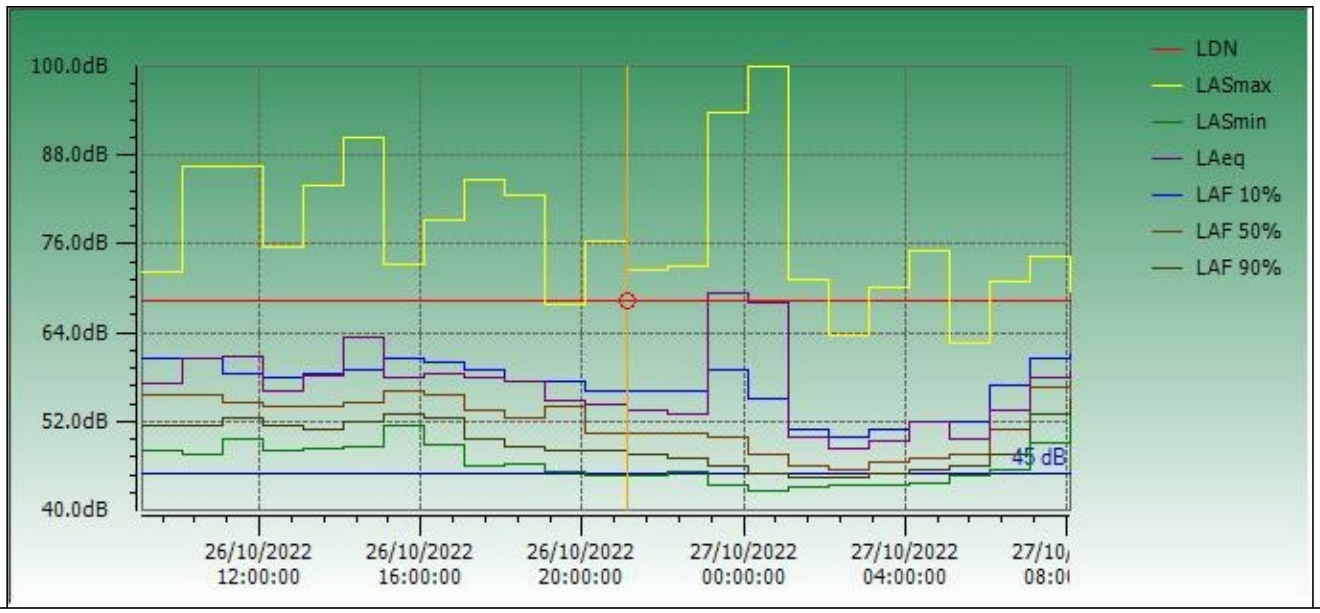
NOISE BACKUP

Casella CEL Ltd.

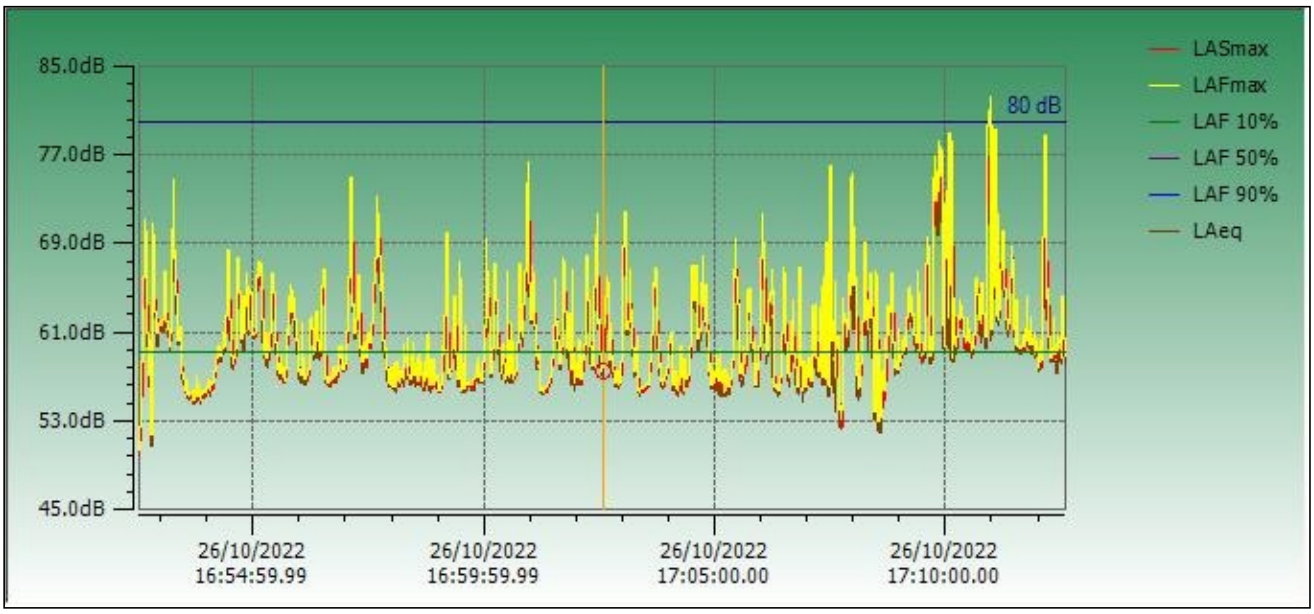
Report On CEL-63X

Instrument Model	**CEL-633C**		
Serial Number	1488256	LAS 10%	N/A
LDN	68.4	LAS 50%	N/A
LASmax	99.9 dB	LAS 90%	N/A
LASmin	42.7 dB	Calibration (Before) Date	10/26/2022 8:52:20 AM
Start Date & Time	10/26/2022 9:05:42 AM	Calibration (After) Date	10/27/2022 4:14:29 PM
Duration	24:00:00 HH:MM:SS	Calibration Drift	0.3 dB
LAeq	60.4 dB	Battery Low	No
End Date & Time	10/27/2022 9:05:42 AM	Result	Period
Notes			

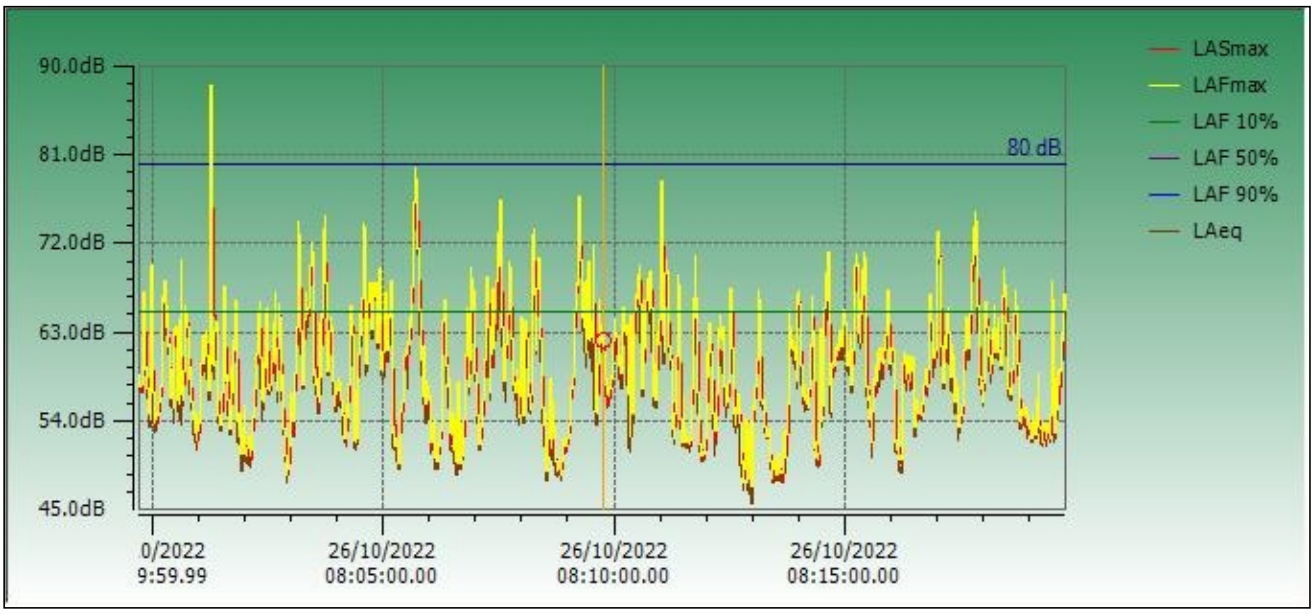




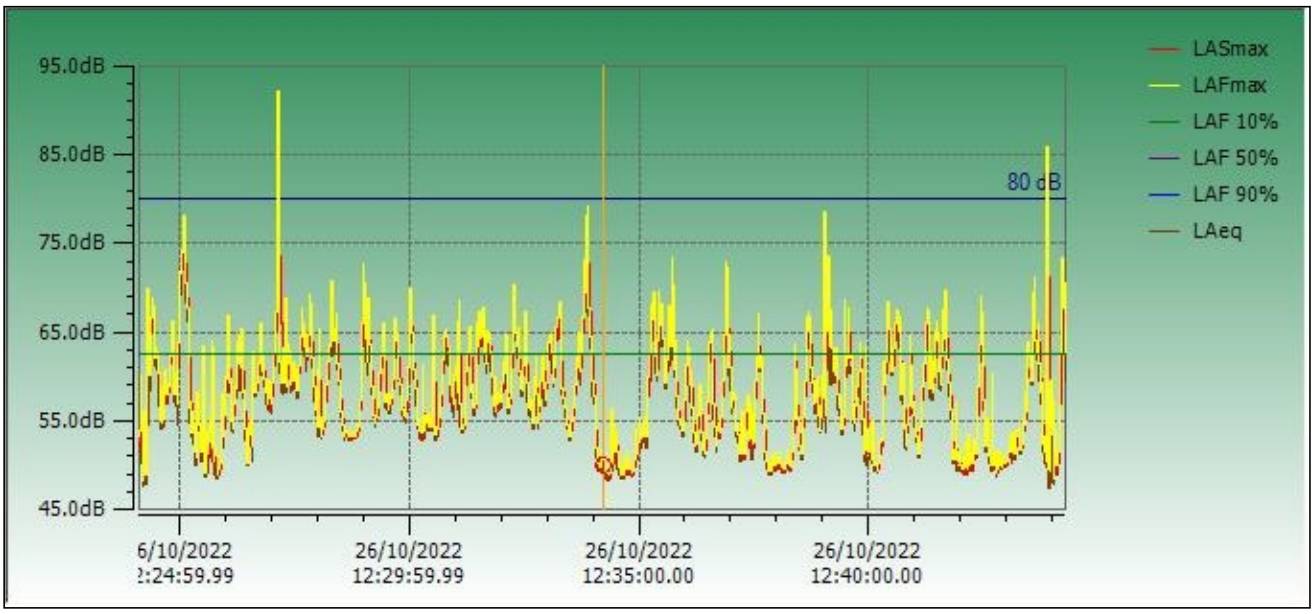
Instrument Model	**CEL-633C**			
Serial Number	2670911	LAS	10%	65 dB
LDN	0	LAS	50%	59 dB
LASmax	76.6 dB	LAS	90%	56 dB
LASmin	49.5 dB	Calibration (Before) Date		10/26/2022 4:50:34 PM
Start Date & Time	10/26/2022 4:52:32 PM	Calibration (After) Date		10/26/2022 5:12:47 PM
Duration	00:20:04 HH:MM:SS	Calibration Drift		-0.2 dB
LAeq	62.3 dB	Battery Low		No
End Date & Time	10/26/2022 5:12:36 PM	Result		Cumulative
Notes				



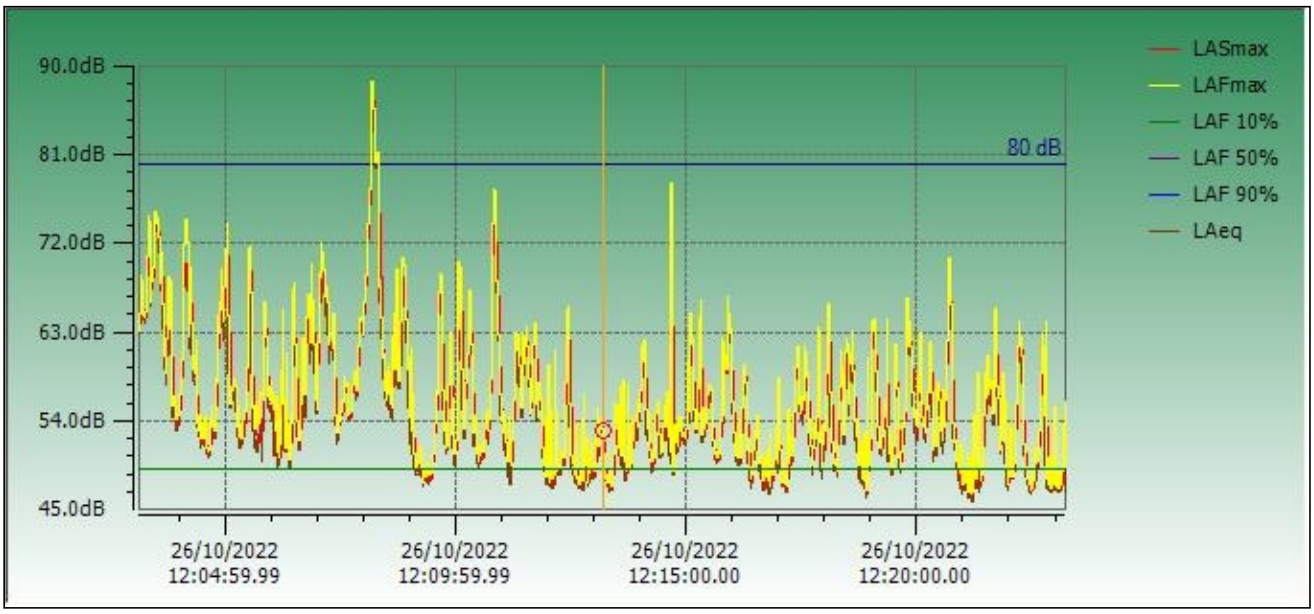
Instrument Model	**CEL-633C**			
Serial Number	2670911	LAS	10%	65.5 dB
LDN	0	LAS	50%	58.5 dB
LASmax	81 dB	LAS	90%	51 dB
LASmin	46.7 dB	Calibration (Before) Date		10/26/2022 7:58:05 AM
Start Date & Time	10/26/2022 7:59:43 AM	Calibration (After) Date		10/26/2022 8:20:05 AM
Duration	00:20:04 HH:MM:SS	Calibration Drift		-0.2 dB
LAeq	62.5 dB	Battery Low		No
End Date & Time	10/26/2022 8:19:47 AM	Result		Cumulative
Notes				



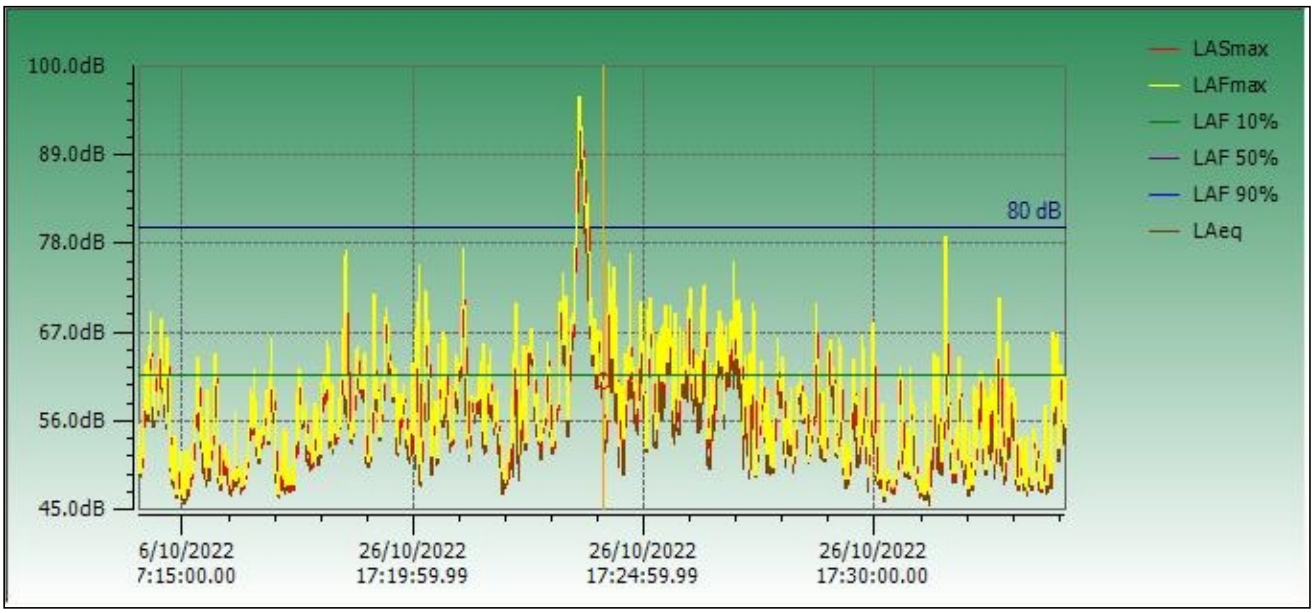
Instrument Model	**CEL-633C**		
Serial Number	2670911	LAS 10%	64 dB
LDN	0	LAS 50%	57 dB
LASmax	85.2 dB	LAS 90%	50 dB
LASmin	48.3 dB	Calibration (Before) Date	10/26/2022 12:23:40 PM
Start Date & Time	10/26/2022 12:24:07 PM	Calibration (After) Date	10/26/2022 12:44:47 PM
Duration	00:20:10 HH:MM:SS	Calibration Drift	0.4 dB
LAeq	61.8 dB	Battery Low	No
End Date & Time	10/26/2022 12:44:17 PM	Result	Cumulative
Notes			



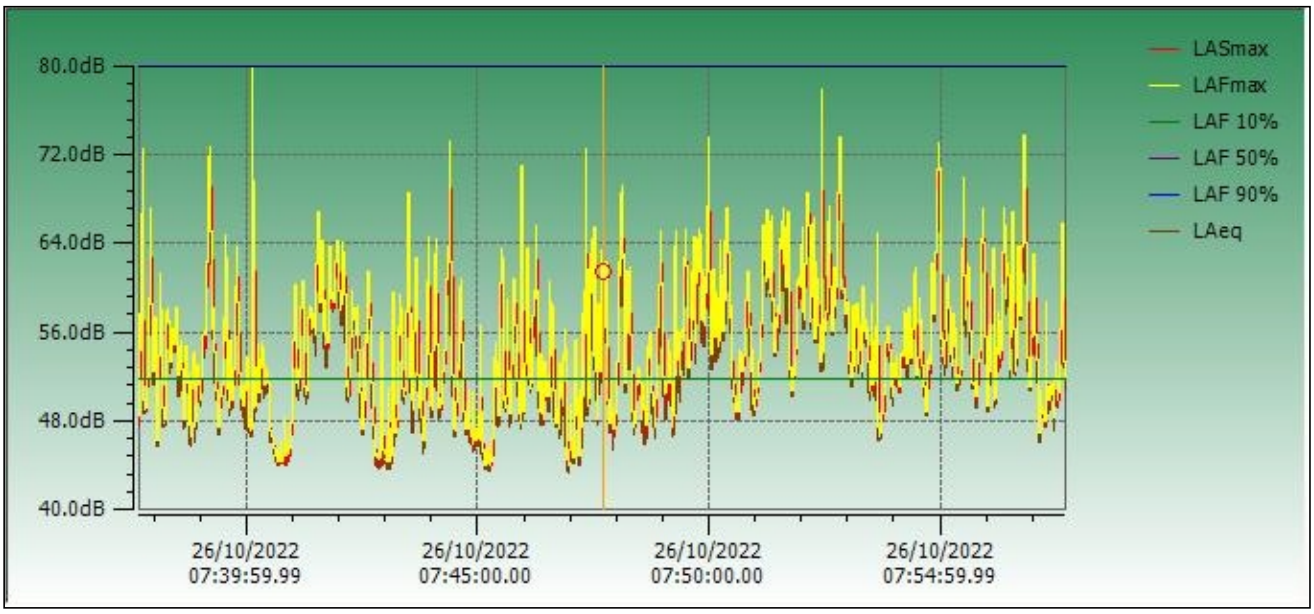
Instrument Model	**CEL-633C**		
Serial Number	2670911	LAS 10%	64.5 dB
LDN	0	LAS 50%	53.5 dB
LASmax	86.8 dB	LAS 90%	48 dB
LASmin	46.1 dB	Calibration (Before) Date	10/26/2022 12:00:06 PM
Start Date & Time	10/26/2022 12:03:08 PM	Calibration (After) Date	10/26/2022 12:23:31 PM
Duration	00:20:05 HH:MM:SS	Calibration Drift	-0.2 dB
LAeq	64.6 dB	Battery Low	No
End Date & Time	10/26/2022 12:23:13 PM	Result	Cumulative
Notes			



Instrument Model	**CEL-633C**			
Serial Number	2670911	LAS	10%	64 dB
LDN	0	LAS	50%	55.5 dB
LASmax	93.6 dB	LAS	90%	48.5 dB
LASmin	45.7 dB	Calibration (Before) Date		10/26/2022 5:12:55 PM
Start Date & Time	10/26/2022 5:14:04 PM	Calibration (After) Date		10/26/2022 5:34:21 PM
Duration	00:20:04 HH:MM:SS	Calibration Drift		0.2 dB
LAeq	69.4 dB	Battery Low		No
End Date & Time	10/26/2022 5:34:08 PM	Result		Cumulative
Notes				

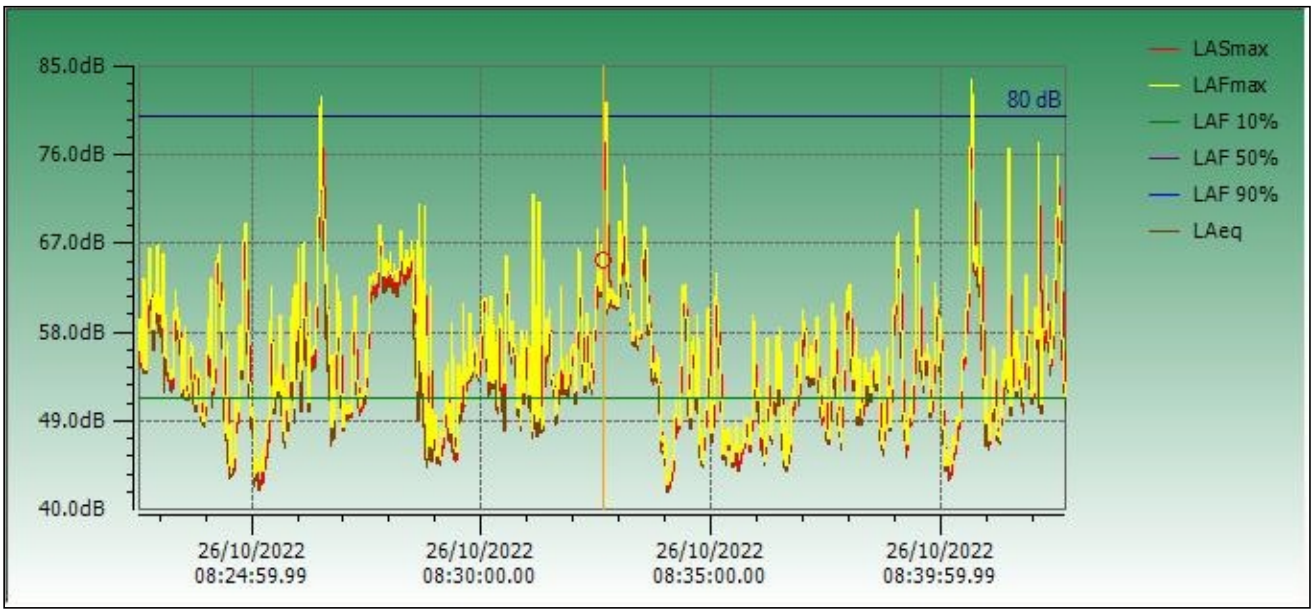


Instrument Model	**CEL-633C**		
Serial Number	2670911	LAS 10%	61 dB
LDN	0	LAS 50%	53 dB
LASmax	72.3 dB	LAS 90%	47.5 dB
LASmin	43.6 dB	Calibration (Before) Date	10/26/2022 7:35:14 AM
Start Date & Time	10/26/2022 7:37:40 AM	Calibration (After) Date	10/26/2022 7:57:57 AM
Duration	00:20:02 HH:MM:SS	Calibration Drift	0.5 dB
LAeq	57.8 dB	Battery Low	No
End Date & Time	10/26/2022 7:57:42 AM	Result	Cumulative
Notes			



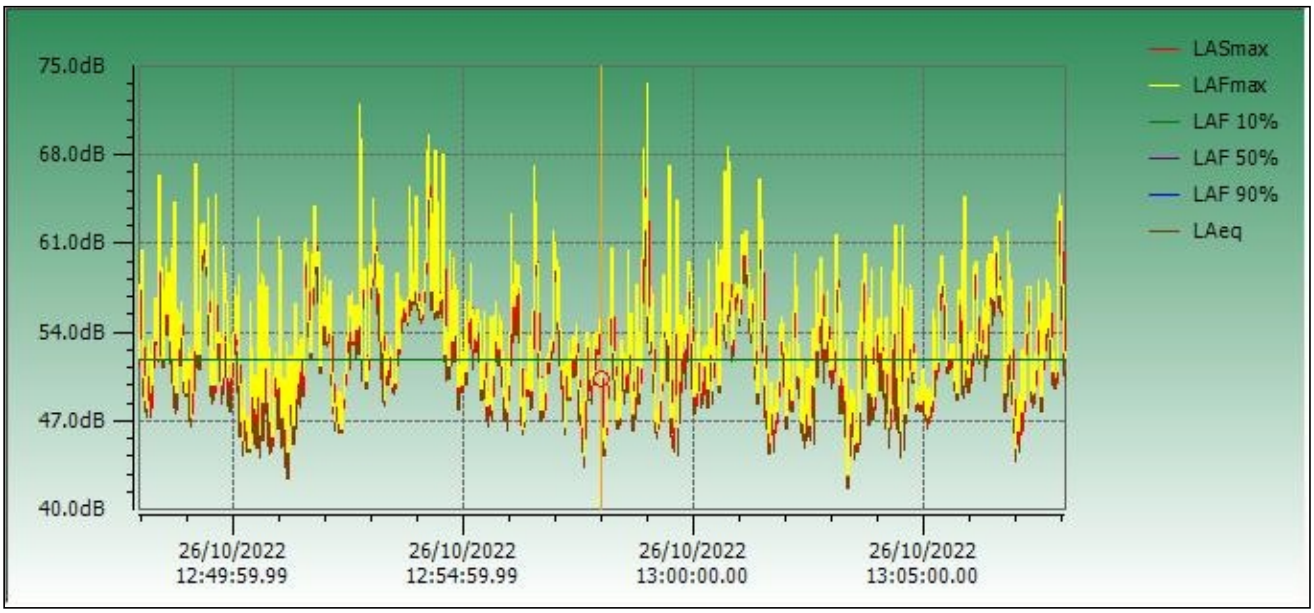
Instrument Model	**CEL-633C**
Serial Number	2670911
LDN	0
LASmax	80.7 dB
LASmin	41.9 dB
Start Date & Time	10/26/2022 8:22:33 AM
Duration	00:20:09 HH:MM:SS
LAeq	60.8 dB
End Date & Time	10/26/2022 8:42:42 AM
Notes	

LAS	10%	63 dB
LAS	50%	53.5 dB
LAS	90%	46.5 dB
Calibration (Before) Date		10/26/2022 8:20:17 AM
Calibration (After) Date		10/26/2022 8:42:58 AM
Calibration Drift		-0.2 dB
Battery Low		No
Result		Cumulative

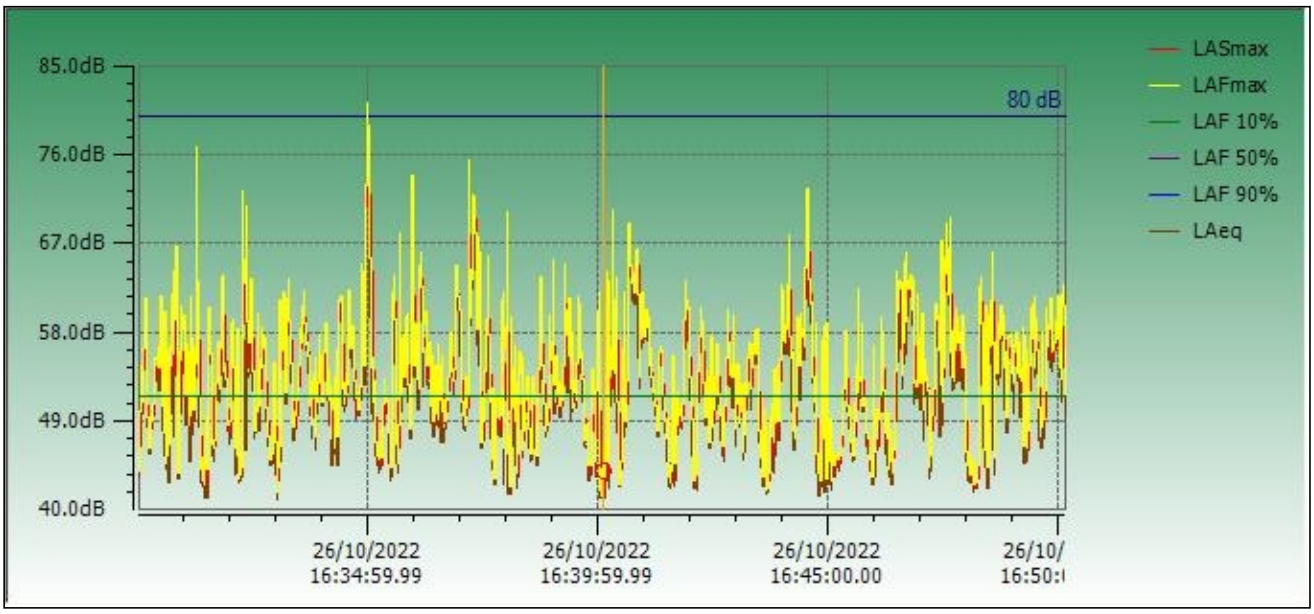


Instrument Model	**CEL-633C**
Serial Number	2670911
LDN	0
LASmax	67.8 dB
LASmin	43.4 dB
Start Date & Time	10/26/2022 12:47:56 PM
Duration	00:20:08 HH:MM:SS
LAeq	54 dB
End Date & Time	10/26/2022 1:08:04 PM
Notes	

LAS	10%	57.5 dB
LAS	50%	51.5 dB
LAS	90%	47 dB
Calibration (Before) Date		10/26/2022 12:44:57 PM
Calibration (After) Date		10/26/2022 1:08:31 PM
Calibration Drift		0.1 dB
Battery Low		No
Result		Cumulative



Instrument Model	**CEL-633C**		
Serial Number	2670911	LAS 10%	59.5 dB
LDN	0	LAS 50%	52 dB
LASmax	77.6 dB	LAS 90%	45 dB
LASmin	41 dB	Calibration (Before) Date	10/26/2022 4:29:42 PM
Start Date & Time	10/26/2022 4:30:02 PM	Calibration (After) Date	10/26/2022 4:50:26 PM
Duration	00:20:08 HH:MM:SS	Calibration Drift	-0.2 dB
LAeq	57.1 dB	Battery Low	No
End Date & Time	10/26/2022 4:50:10 PM	Result	Cumulative
Notes			



Certificate of Conformity and Calibration



Instrument Model:-	**CEL-633C**		
Serial Number	2670911		
Firmware revision	V006-05		
Microphone Type:-	**CEL-251**	**Preamplifier Type:-**	**CEL-495**
Serial Number	3679	Serial Number	004744
Instrument Class/Type:-	**1**		

Applicable standards:-

IEC 61672: 2013 / EN 60651 (Electroacoustics - Sound Level Meters)
IEC 60651 1979 (Sound Level Meters), ANSI S1.4: 1983 (Specifications For Sound Level Meters)

Note:- The test sequences performed in this report are in accordance with the current Sound level meter *Standard - IEC61672. The combination of tests performed are considered to confirm the products electro-acoustic performance to all applicable standards including superceeded Sound Level Meter Standards - IEC60651 and IEC60804.*

Test Conditions:-	25 °C	**Test Engineer:-**	Paul Blackwell
	38 %RH	**Date of Issue:-**	July 27, 2022
	1015 mBar		

Declaration of conformity:-

This test certificate confirms that the instrument specified above has been successfully tested to comply with the manufacturer's published specifications. Tests are performed using equipment traceable to national standards in accordance with Casella's ISO 9001:2015 quality procedures. This product is certified as being compliant to the requirements of the CE Directive.

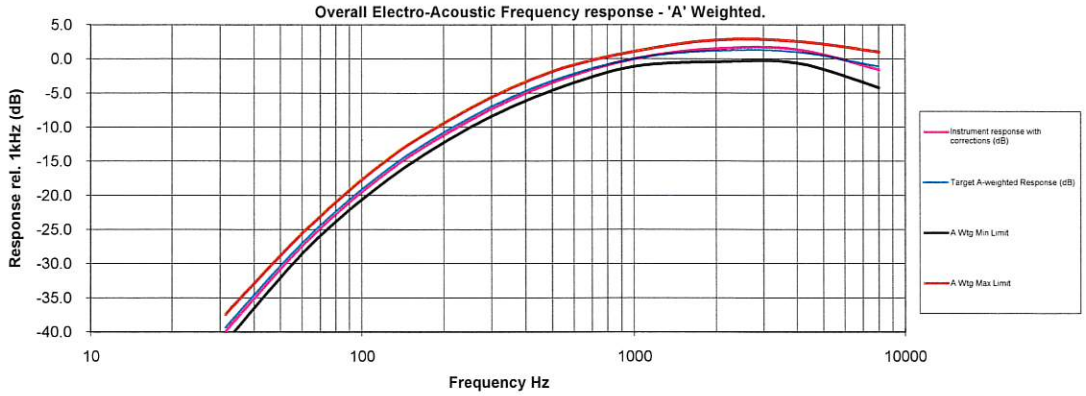
Test Summary:-

Self Generated Noise Test	**All Tests Pass**
Electrical Signal Test Of Frequency Weightings	**All Tests Pass**
Frequency & Time Weightings At 1 kHz	**All Tests Pass**
Level Linearity On The Reference Level Range	**All Tests Pass**
Toneburst Response Test	**All Tests Pass**
C-peak Sound Levels	**All Tests Pass**
Overload Indication	**All Tests Pass**
Acoustic Tests	**All Tests Pass**

Combined Electro-Acoustic Frequency Response - A Weighted

Combined Electro-Acoustic Frequency Response - A Weighted (IEC 61672-3:2006)

The following A-Weighted frequency response graph shows this instruments overall frequency response based upon the application of multi-frequency pressure field calibrations. The microphones Pressure to Free field correction coefficients are applied to pressure response. Reference level taken at 1kHz.



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Fax: +86-21-61605906
Email: info@casellasolutions.cn

Tested to CEL-63X test sheet TP444 revision 02-00

Certificate of Conformity and Calibration



Instrument Model:-	**CEL-633C**		
Serial Number	1488256		
Firmware revision	V006-05		
Microphone Type:-	CEL-251	Preamplifier Type:-	CEL-495
Serial Number	3796	Serial Number	004208
Instrument Class/Type:-	1		

Applicable standards:-

IEC 61672: 2013 / EN 60651 (Electroacoustics - Sound Level Meters)
IEC 60651 1979 (Sound Level Meters), ANSI S1.4: 1983 (Specifications For Sound Level Meters)

Note:- The test sequences performed in this report are in accordance with the current Sound level meter *Standard - IEC61672. The combination of tests performed are considered to confirm the products electro-acoustic performance to all applicable standards including superceeded Sound Level Meter Standards - IEC60651 and IEC60804.*

Test Conditions:-	25 °C	**Test Engineer:-**	Paul Blackwell
	38 %RH	**Date of Issue:-**	July 27, 2022
	1015 mBar		

Declaration of conformity:-

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Test Summary:-

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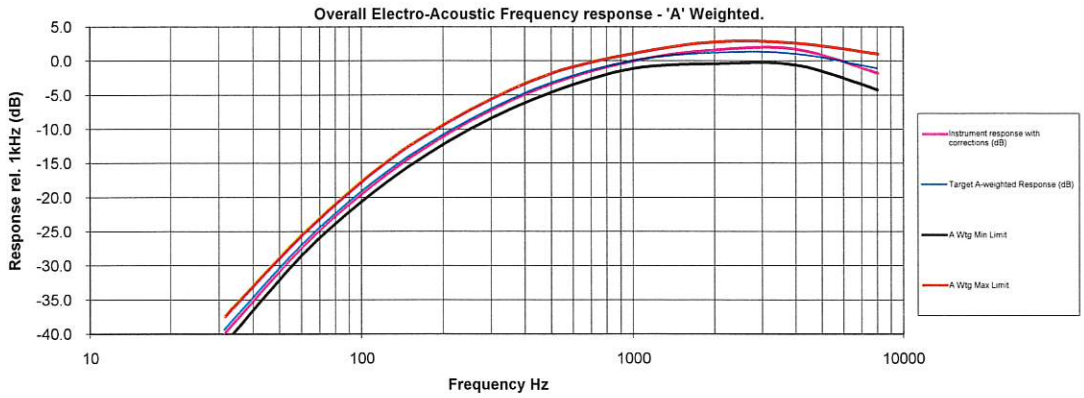
Toneburst Response Test	**All Tests Pass**
C-peak Sound Levels	**All Tests Pass**
Overload Indication	**All Tests Pass**
Acoustic Tests	**All Tests Pass**

Combined Electro-Acoustic Frequency Response - A Weighted

Combined Electro-Acoustic Frequency Response - A Weighted (IEC 61672-3:2006)

The following A-Weighted frequency response graph shows this instruments overall frequency response based upon the application of multi-frequency pressure field calibrations. The microphones Pressure to Free field correction coefficients are applied to pressure response. Reference level taken at 1kHz.



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Tested to CEL-63X test sheet TP444 revision 02-00

FIELD SHEET COVER PAGE

Name of Project: 817 Avenue H Rezoning

Project Address: 817 Avenue H, Brooklyn, NY

Affected Area: Block 6496, Lots p/o 36, 37, 39, 45, 47, 49, and p/o 50

Projected Development Sites: Projected Site 1 - Block 6496, Lot 39 (Applicant-Owned); Projected Site 2 - Block 6496, Lots 47 and 45

Date(s) of Field Work: 10/26 – 10/27

Personnel: John Vrabel

Project Specific Scope of Work:

- 1 x 24 hour rooftop noise monitoring location
- 3 x 20-minute noise monitoring locations exterior at-grade

Site Contact – Rabbi Heineman 9 am building access

817 Avenue H Rezoning
Field Notes

NOISE FIELD SHEET

I. Start of Noise Monitoring Day

Depart / Arrival Time: 5:00 / 7:10

Weather Conditions (temp, wind speed, precipitation):

Were Photos Taken of Each Location?

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

II. Morning Session 7:30 AM – 9:00 AM

Meter Type: Casella Meter Serial #: 2670411 Meter Location: 2, 3, 4

Before Measurement:

Meter Serial #: 2670411 Time: 7:35 Calibration Passed at 114 dB? Y
Meter Serial #: " Time: 7:57 Calibration Passed at 114 dB? Y
Meter Serial #: " Time: 8:19 Calibration Passed at 114 dB? Y

After Measurement:

Meter Serial #: " Time: 7:57 Calibration Passed at 114 dB? Y
Meter Serial #: " Time: 8:19 Calibration Passed at 114 dB? Y
Meter Serial #: " Time: 8:42 Calibration Passed at 114 dB? Y

Location #	Start Time	End Time
3	7:37	7:57
2	7:57	8:19
4	8:22	8:42

61
65.5
63

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	Train
3	5	8	0	0	0	0
2	35	47	1	1	2	0
4	15	25	0	0	5	0

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

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

Meter Type: Quest Meter Serial #: 2672411 Meter Location: 2, 3, 4

Before Measurement:

Meter Serial #: 2672411 Time: 12:00 Calibration Passed at 114 dB? Y
Meter Serial #: " Time: 12:23 Calibration Passed at 114 dB? Y
Meter Serial #: " Time: 12:44 Calibration Passed at 114 dB? Y

After Measurement:

Meter Serial #: " Time: 12:23 Calibration Passed at 114 dB? Y
Meter Serial #: " Time: 12:44 Calibration Passed at 114 dB? Y
Meter Serial #: " Time: 13:09 Calibration Passed at 114 dB? Y

Location #	Start Time	End Time
3	12:03	12:23
2	12:24	12:44
4	12:48	13:08

64.5
64
57.5

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	Train
3	3	5	1	0	0	0
2	23	29	3	0	0	0
4	12	12	1	0	2	0

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

Street cleaner @ 12:38 (Loc. 3)

IV. Evening Session 4:30 PM – 6:00 PM

Meter Type: 267091 Meter Serial #: Meter Location: 2,3,4
Meter Type: Casella Meter Serial #: Meter Location:

Before Measurement:

Meter Serial #: 267091 Time: 16:29 Calibration Passed at 114 dB? Y
Meter Serial #: Time: 16:50 Calibration Passed at 114 dB? Y
Meter Serial #: Time: 17:12 Calibration Passed at 114 dB? Y

After Measurement:

Meter Serial #: Time: 16:50 Calibration Passed at 114 dB? Y
Meter Serial #: Time: 17:12 Calibration Passed at 114 dB? Y
Meter Serial #: Time: 17:34 Calibration Passed at 114 dB? Y

Location #	Start Time	End Time
4	16:30	16:50
2	16:52	17:12
3	17:14	17:34

565
65

Location #	Car	SUV	Medium Truck	Heavy Truck	Bus	Train
4	14	16	1	0	2	0
2	30	42	3	0	2	0
3	7	12	1	0	1	0

Noise Source: please note any loud noises here and time (sirens, garbage truck, etc):
[redacted] 17:23 - police siren @ Loc. 3

V. 24-Hour Monitoring Session

Meter Type: Casella **Meter Serial #:** 148825 6 **Meter Location:** 1

Before Measurement:

Meter Serial #: 148825 6 Time: 852 Calibration Passed at 114 dB? Y 10/26

After Measurement:

Meter Serial #: " " Time: 16:14 Calibration Passed at 114 dB? Y 10/27

Begin: 9:05 10/26/22 End: 9:25 10/27/22

VI. End of Noise Monitoring Day

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

Anything of note/concern for the day:

Departure / Return Time:

Noise Monitoring Location Map



Legend

- Projected Development Site 1
- Projected Development Site 2
- Rezoning Area - R5/C1-3 to R7A/C2-4
- Area to be Demapped - Remove C1-3
- Noise Monitoring Locations

0 15 30 60 US Feet

N

APPENDIX E

CHO TECHNICAL MEMORANDUM

817 Avenue H Rezoning
City of Yes for Housing Opportunity Technical Memorandum
CEQR No. 23DCP094K

March 15, 2024

I. INTRODUCTION

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

The Applicant, Agudist Council of Greater New York, is seeking approval of a zoning map amendment and a zoning text amendment (the "Proposed Actions") of approximately 28,000 square feet (sf) comprising Block 6496, Lots p/o 36, 37, 39, 45, 47, 49, and p/o 50 (the "Affected Area"), which is bounded by Foster Avenue to the north, East 9th Street to the east, Avenue H to the south, and East 8th Street to the west in the Midwood neighborhood within Brooklyn Community District 14. It should be noted that while the proposed zoning map amendment area includes Block 6496, Lots p/o 36, 37, 39, 45, 47, 49, and p/o 50, the proposed zoning text amendment area only contains Block 6496 Lots 39, 45, and 47.

The zoning map amendment would rezone Block 6496, Lots 39, 45, and 47 from an R5/C1-3 zoning district to an R7A/C2-4 zoning district and Block 6496, Lots p/o 36, 37, 49, and p/o 50 from an R5/C1-3 zoning district to an R5 zoning district. The zoning text amendment would modify Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 14, Brooklyn, to establish an MIH Area coterminous with Block 6496 Lots 39, 45, and 47. The Applicant proposes mapping both MIH Option 1 and Option 2 to provide maximum flexibility for the future development of the non-Applicant-controlled sites.

The Proposed Actions would facilitate the development of a 69,275 gross square feet ("GSF") (55,168 zoning square feet ("ZSF"); 4.60 FAR), 9-story-plus-cellar, 95-foot-tall mixed residential and community facility building on the Applicant-owned Projected Development Site 1 (Block 6496, Lot 39). There would be 4,859 GSF of residential accessory parking and 4,450 GSF of building storage and mechanical space at the cellar level, 18,618 GSF (15,758 ZSF; 1.31 FAR) of community facility uses on the ground floor and the second floor, and 41,348 GSF (39,411 ZSF; 3.29 FAR) of residential uses on the third through the ninth floor. The community facility space would be used similarly to the existing use on the site for religious worship and community center.

The Applicant's Proposed Development on Projected Development Site 1 would include 42 units. Since Projected Development Site 1 would be located within the proposed MIH area, the Proposed Development would be required to set aside 25-30% (11-13 units) of the residential floor area for affordable housing at an average of 60-80% AMI pursuant to MIH Option 1 or 2, respectively. For the purposes of Early Childhood Programs analysis, 20% (8 units) of residential floor area is assumed to be affordable at or below 80% AMI.

Discretionary actions sometimes permit a range of project characteristics, or development scenarios, to occur even though the action may be sought in order to facilitate a specific development. From the range

of possible scenarios that are considered reasonable and likely, the scenario with the worst environmental consequences is chosen for analysis. This is considered to be the Reasonable Worst-Case Development Scenario (RWCDS), the use of which ensures that, regardless of which scenario actually occurs, its impacts would be no worse than those considered in the environmental review. The environmental assessment statement (EAS) examines the incremental differences between the RWCDS of the future without the project in place (No-Action Condition) and the future with the project in operation (With-Action Condition).

The No-Action Condition for the Affected Area analyzed in the October 2023 EAS is the same as existing conditions. Redevelopment is not considered likely in the No-Action Condition because existing buildings are about to reach the maximum bulk, density, or number of units that the underlying R5/C1-3 zoning district would allow. Currently, the Applicant-owned Projected Development Site 1 (Block 6496, Lot 39) is occupied by a 9,762 GSF, one-story community facility building, which is used as a house of worship by the Applicant and contains space leased to a senior center for weekday use. There are three small commercial storefronts at the southwest corner of the building totaling 1,200 GSF of floor area.

In addition to the Applicant-owned Proposed Building described above, the EAS analyzes an additional non-Applicant-owned Projected Development Site as part of the RWCDS. The non-Applicant-controlled lots for Projected Development Site 2 on Block 6496 are Lots 45 and 47. Lot 45 is occupied by a 2,044 GSF, two-story, single-family residence. Lot 47 is occupied by a 1,518 GSF, two-story, single-family residence.

In the With-Action Condition of the RWCDS, the Proposed Actions would facilitate the development of a new 9-story-plus-cellar, 95-foot-tall, 69,275 GSF (55,168 ZSF; 4.60 FAR) mixed residential and community facility building on the Applicant-owned Projected Development Site 1. The proposed building would contain 5,778 GSF of residential accessory parking at the cellar level, 22,149 GSF (17,128 ZSF; 1.43 FAR) of community facility uses at the cellar level through the second floor, and 41,348 GSF (38,040 ZSF; 3.50 FAR) of residential uses with 61 dwelling units (680 GSF per unit) on the third through the ninth floor. The community facility space would be used similarly to the existing use on the site for religious worship and community center. The Proposed Development would be required to set aside 25-30% (15-18 units) of the residential floor area for affordable housing at an average of 60-80% AMI pursuant to MIH Option 1 or 2, respectively. The Applicant is proposing MIH Option 1, and as a result, 15 units would be set aside as permanently affordable units for households with incomes averaging 60% AMI. For the purposes of Early Childhood Programs analysis, 20% (12 units) of residential floor area is assumed to be affordable at or below 80% AMI. 23 residential accessory parking spaces would be provided in the enclosed garage at the cellar level.

Meanwhile, the non-Applicant-owned Projected Development Site 2 (Block 6496, Lots 45 and 47) is assumed to be developed with a new 9-story-plus-cellar, 95-foot-tall, 41,184 GSF (36,800 ZSF; 4.60 FAR) mixed residential and commercial building on a combined 8,000-SF lot. The building is assumed to contain 8,656 GSF (6,400 ZSF; 0.80 FAR) of ground floor retail space and 32,528 GSF (30,400 ZSF; 3.80 FAR) of residential space on the 1st (residential lobby) to 9th floors. 48 total dwelling units would be provided (assuming 680 GSF per unit), of which 25-30% (12-14 units) would be affordable at an average of 60-80% AMI pursuant to MIH Option 1 or 2, respectively. For the purposes of Early Childhood Programs analysis, 20% (10 units) of residential floor area is assumed to be affordable at or below 80% AMI. Parking would be waived for residential uses per ZR 25-241 and ZR 25-261.

For technical analysis purposes, as shown in **Table 1**, the incremental difference on the two Projected Development Sites between the No-Action Condition and the With-Action Condition in RWCDS analyzed in the October 2023 EAS includes 70,314 GSF of residential uses, 7,456 GSF of commercial uses (local retail), and 13,587 GSF of community facility uses. A total increment of 107 dwelling units would be provided, 25-30% (27-33 units) of which would be affordable at an average of 60-80% AMI pursuant to MIH Option 1 or 2, respectively. 20% of the units (22 units) would be affordable at or below 80% AMI for purposes of early childhood programs analysis.

Table 1. RWCDS Analysis Framework - No-Action and With-Action Calculations Analyzed in October 2023 EAS

	Site Information			No-Action Condition					With-Action Condition					Increment			
	Block	Lot	Lot Area	Zoning	Res. (GSF)	DU	Com. (GSF)	CF (GSF)	Zoning	Res. (GSF)	DU	Com. (GSF)	CF (GSF)	Res. (GSF)	DU	Com. (GSF)	CF (GSF)
Site 1	6496	39	12,000	R5/ C1-3	0	0	1,200	8,562	R7A/ C2-4	41,348	61	0	22,149	41,348	61	-1,200	13,587
Site 2		45	4,000		3,562	2	0	0		32,528	48	8,656	0	28,966	46	8,656	0
		47	4,000														
Total			**20,000**		**3,562**	**2**	**1,200**	**8,562**		**73,876**	**109**	**8,656**	**22,149**	**70,314**	**107**	**7,456**	**13,587**

II. DESCRIPTION OF CITY OF YES FOR HOUSING OPPORTUNITY

The proposed Housing Opportunity text amendment seeks to enable more housing and wider variety of housing types in all neighborhoods citywide, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City. The proposed text amendment comprises project components in four broad categories: Medium- and High-Density proposals in R6-R10 districts and equivalents; Low-Density proposals in R1-R5 districts and equivalents; Parking proposals, which span the full range of districts and densities; and assorted other changes in line with project goals. In general, these changes will apply in underlying zoning districts, Special Districts, and other geographies that modify underlying zoning, with limited adjustments to reflect planning goals in specific areas.

To create more housing and more types of housing, the proposed text amendment includes components that fall into four major proposal areas—1: Medium- and High-Density Districts, 2: Low-Density Districts, 3: Parking, and 4: Other Initiatives that are miscellaneous, citywide in nature, and align with overall project goals. Because the Proposed Actions would result in an R7A/C2-4 district, it would fall into the medium- and high- density district category.

Medium- and high-density districts (R6 through R10) are typically mapped in areas where transit access, job access, infrastructure, and other factors make such densities appropriate. Housing in these areas generally consists of multifamily housing that includes income-restricted affordable housing, rent-regulated housing, and market-rate housing that ranges from modest and relatively inexpensive to some of the most expensive housing in the world. The proposed text amendment would increase housing opportunities in these areas by increasing affordable and supportive floor area ratios (FARs) in all medium- and high-density districts; expanding eligibility for the City's adaptive reuse regulations to a broader range of buildings, such as struggling office districts; enabling small and shared apartment models to take pressure off family-sized units; and simplifying infill regulations for campuses and other zoning lots with existing buildings. Where necessary, the proposed text amendment would also adjust building envelopes to ensure that typical sites can accommodate the additional floor area provided for affordable and supportive housing. This incremental increase in capacity would only be available for affordable and supportive housing.

As discussed in detail in the City of Yes for Housing Opportunity Draft Scope of Work, CHO's proposed Universal Affordability Preference ("UAP") would increase the maximum allowable residential FAR for the proposed R7A/C2-4 zoning district from 4.60 (pursuant to Mandatory Inclusionary Housing) to 5.00. In addition, CHO would change the maximum height analyzed for the proposed R7A/C2-4 district from 95 feet to 115 feet, which would permit a 20-foot increase. [1]

III. ANALYSIS FRAMEWORK

Pursuant to the RWCDS analyzed in the October 2023 EAS for the Proposed Actions, no significant adverse impacts were identified. The RWCDS analyzed in the October 2023 EAS consists of Projected Development Site 1, a 95-foot-tall, approximately 69,275 GSF mixed residential and community facility building and Projected Development Site 2, a 95-foot tall, 41,184 GSF mixed residential and commercial building. Both Projected Development Sites would maximize the available 4.60 FAR. As shown in **Table 2**, under the proposed CHO zoning text amendment, the maximum permitted FAR for residential uses in the proposed R7A/C2-4 district would increase from 4.60 to 5.00, with the 0.40 FAR increment designated for income-restricted dwelling units. The maximum building height in the proposed R7A/C2-4 district would increase from 95 feet to 115 feet.

[1] *City of Yes for Housing Opportunity Draft Scope of Work (CEQR No. 24DCP033Y).* September 29, 2023.

Table 2. Comparison of Existing/No-Action, With-Action, and With-Action with CHO

	EXISTING/NO-ACTION	WITH-ACTION	WITH-ACTION WITH CHO
	R5/C1-3	R7A/C2-4	R7A/C2-4
Use Groups	1-9, 14	1-9, 14	1-9, 14
Maximum FAR	1.25 Residential 2.0 Community Facility 1.0 Commercial	4.60 Residential 4.0 Community Facility 2.0 Commercial	5.00 Residential 4.0 Community Facility 2.0 Commercial
Maximum Building Height	40 feet	95 feet	115 feet

No-Action Condition

In the future without the Proposed Actions, no development would occur within the Affected Area. City of Yes for Housing Opportunity would not alter the No-Action Condition presented within the October 2023 EAS.

With-Action Condition with CHO

With the proposed CHO zoning text amendment, the maximum permitted FAR for residential uses in the proposed R7A/C2-4 district would increase from 4.60 to 5.00, with the 0.40 FAR increment designated for income-restricted dwelling units. The maximum building height in the proposed R7A/C2-4 district would increase from 95 feet to 115 feet. As a result, the With-Action development scenarios with the CHO zoning text amendment are detailed as follows.

Projected Development Site 1 (Block 6496, Lot 39; Applicant-Owned)

A new 11-story-plus-cellar, 115-foot-tall, 74,527 GSF (60,000 ZSF; 5.00 FAR) mixed residential and community facility building would be developed on a 12,000-SF lot. The proposed building would contain 5,778 GSF of residential accessory parking (23 spaces) at the cellar level, 22,149 GSF (17,128 ZSF; 1.43 FAR) of community facility uses at the cellar level through the second floor, and 46,600 GSF (42,872 ZSF; 3.57 FAR) of residential uses with 68 dwelling units (680 GSF per unit) on the third through the eleventh floor. The community facility space would be used similarly to the existing use on the site for religious worship and community center.

The Projected Development on Projected Development Site 1 would set aside 25-30% (15-18 units) of the original 61 residential units for affordable housing at an average of 60-80% AMI per MIH Options 1 or 2. The Applicant is proposing MIH Option 1, and as a result, 15 units would be set aside as permanently affordable units for households with incomes averaging 60% AMI. The proposed CHO would add 7 income-restricted dwelling units to Projected Development Site 1, reaching a total of 22 income-restricted dwelling units. For the purposes of Early Childhood Programs analysis, a total of 19 units, including 20% (12 units) of the original 61 residential units and the additional 7 income-restricted dwelling units facilitated by CHO, are assumed to be affordable at or below 80% AMI.

Projected Development Site 2 (Block 6496, Lots 45 and 47; Non-Applicant-Owned)

Projected Development Site 2 projects an assemblage of Lot 45 (owned by Leon Richter) and Lot 47 (owned by Fisch Edith), which would be developed with a new 11-story-plus-cellar, 115-foot-tall, 44,608 GSF (40,000 ZSF; 5.00 FAR) mixed residential and commercial building on a combined 8,000-SF lot. The building is assumed to contain 8,656 GSF (6,400 ZSF; 0.80 FAR) of ground floor retail space and 35,952 GSF (33,600 ZSF; 4.20 FAR) of residential space on the 1st (residential lobby) to 11th floors. 53 total dwelling units would be provided (assuming 680 GSF per unit).

The Projected Development on Projected Development Site 2 would set aside 25-30% (12-14 units) of the original 48 residential units for affordable housing at an average of 60-80% AMI per MIH Options 1 or 2. The proposed CHO would add 5 income-restricted dwelling units to Projected Development Site 2,

reaching a total of 17 affordable units. For the purposes of Early Childhood Programs analysis, a total of 15 units, including 20% (10 units) of the original 48 residential units and the additional 5 income-restricted dwelling units facilitated by CHO, are assumed to be affordable at or below 80% AMI.

In total, Projected Development Sites 1 and 2 would contain 121 dwelling units, 39 of which would be set aside as affordable housing units.

Incremental Difference between No-Action and With-Action Conditions

As shown in **Table 3**, under the proposed CHO zoning text amendment, the modified With-Action Condition would include a total of approximately 22,149 GSF (17,128 ZSF) of community facility uses, 8,656 GSF (6,400 ZSF) of commercial uses (local retail), and 82,552 GSF (76,472 ZSF) of residential uses. The revised buildings would provide a total of 121 DUs, including the additional 12 income-restricted dwelling units facilitated by CHO and 27-33 units of the original 109 units analyzed in the October 2023 EAS as affordable units at an average of 60-80% AMI pursuant to MIH Options 1 or 2, respectively. The additional 12 income-restricted dwelling units facilitated by CHO and 20% (22 units) of the original 109 units analyzed in the October 2023 EAS for a total of 34 units would be affordable at or below 80% AMI for purposes of early childhood programs analysis. The building heights for the Projected Development Sites would increase to 115 feet. Compared to the No-Action Condition analyzed in the October 2023 EAS, the With-Action Condition with CHO would result in a total increment of 119 dwelling units, including 39 income-restricted dwelling units, 13,587 GSF of community facility uses, 7,456 GSF of commercial uses. The maximum building height would reach 115 feet.

Table 3. Comparison of the Permitted Floor Area and Maximum Building Height

	NO-ACTION CONDITION	WITH-ACTION CONDITION WITH CHO	NET INCREMENT WITH CHO
Residential GSF	3,562	82,552	+78,990
Residential DUs	2	121	+119
Income-Restricted DUs	*0*	*39*	*+39*
Community Facility GSF	8,562	22,149	+13,587
Commercial GSF	1,200	8,656	+7,456
Building Height	12-30 feet*	115 feet	

* Three existing buildings on the Projected Development Sites would remain, with a building height of 12 feet, 25 feet, and 30 feet, respectively.

This Technical Memorandum provides a preliminary assessment of the effects of CHO on the Proposed Actions and details how CHO would affect the analysis and conclusions presented in the EAS. CHO's proposed Universal Affordability Preference ("UAP") would increase the allowable developable floor area by 0.40 FAR, or 8,676 GSF (8,032 ZSF) for income-restricted dwelling units, reaching a total of 5.00 FAR, or 82,552 GSF (76,472 ZSF) of residential uses. CHO would also change the maximum height analyzed in the EAS for the proposed R7A/C2-4 district from 95 feet to 115 feet. No parking spaces would be required because CHO proposes to eliminate parking requirements for new residential developments.

IV. SUPPLEMENTAL SCREENING

As presented in the October 2023 EAS, compared to the No-Action Condition, which would be the same as the existing conditions with 3,562 GSF of residential uses (2 dwelling units), 1,200 GSF of commercial uses (local retail), and 8,562 GSF of community facility uses, the With-Action Condition analyzed in the EAS would include a total of 73,876 GSF of residential uses (109 dwelling units), 8,656 GSF of commercial uses (local retail), and 22,149 GSF of community facility uses. As a result, the increments analyzed in the October 2023 EAS consists of 70,314 GSF of residential uses (107 dwelling units), 7,456 GSF of commercial uses (local retail), and 13,587 GSF of community facility uses.

In the future With-Action condition with the proposed CHO text amendment, the introduction of 12 additional income-restricted dwelling units to the incremental 107 units analyzed in the October 2023 EAS

would result in a total of 119 incremental dwelling units, including approximately 39 income-restricted dwelling units. The increased number of total residential units and income-restricted dwelling units would not exceed the thresholds requiring analysis within the *CEQR Technical Manual* for Socioeconomic Conditions, Community Facilities, Water and Sewer Infrastructure, Solid Waste and Sanitation Services, or Energy. The conclusions presented in the EAS would not change and no further analysis related to these impact categories is necessary. Similarly, changes facilitated by CHO including the introduction of 0.40 additional residential FAR for income-restricted dwelling units to the 4.60 FAR building bulk analyzed in the October 2023 EAS for a total of 5.00 FAR and an additional 20 feet of maximum building height for a total of 115 feet would not substantially alter the site-specific characteristics of the Affected Area and would not exceed the thresholds in the *CEQR Technical Manual* requiring analysis for Natural Resources, Greenhouse Gas Emissions, or Public Health. The conclusions presented in the EAS would not change and no further analysis related to these impact categories is warranted.

The proposed (E) designations for Hazardous Materials and Air Quality would remain the same as presented within the October 2023 EAS to avoid significant adverse impacts to these technical areas. Therefore, the potential changes to the With-Action Condition facilitated by CHO would not alter the conclusion of the EAS related to Hazardous Materials and Air Quality, and no further analysis is warranted.

The CHO zoning text amendment would allow for a building up to 20 feet taller than the With-Action Condition analyzed in the October 2023 EAS, with an increase in the developable floor area for income-restrictive dwelling units. The increase in height would allow emissions to be released potentially 20 feet higher than the scenario analyzed in the EAS. As a result, the CHO zoning text amendment would not result in any significant air quality impacts from project-generated sources. Therefore, the potential changes to the With-Action Condition facilitated by CHO would not alter the conclusions of the EAS related to Air Quality, and no further analysis is warranted.

The assessment in Section V below reflects every technical area that was analyzed in the October 2023 EAS to determine if significant adverse impacts would occur as a result of the proposed CHO zoning text amendment.

V. ASSESSMENT OF POTENTIAL IMPACTS

The RWCDS with CHO was assessed for density-related and site-specific conditions for each technical area that was included in the EAS (Land Use, Zoning, and Public Policy, Open Space, Shadows, Historic and Cultural Resources, Urban Design and Visual Resources, Transportation, Noise, and Construction). As outlined in the EAS, no significant adverse impacts would occur in any technical areas as a result of the Proposed Actions.

Land Use, Zoning, and Public Policy

Compared to the With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of two mixed-use Projected Development Sites with an additional 8,676 GSF (8,032 ZSF) of residential uses, approximately 12 additional income-restricted residential dwelling units (resulting in a total of 119 incremental dwelling units including 39 income-restricted dwelling units), and 20 additional feet of maximum building height at the two Projected Development Sites.

The changes that would be facilitated by CHO would not require new analysis nor change the conclusion of the Land Use, Zoning, and Public Policy section analyzed within the EAS. The changes induced by CHO would continue to facilitate the development of the Projected Development Sites with mixed residential, community facility, and commercial uses, which are similar to the existing land uses within 400 feet of the Affected Area. The modified building height and bulk of the Projected Development Sites are also similar to the medium-density residential and mixed-use buildings within 400 feet of the Affected Area. The proposed R7A/C2-4 district would be compatible with medium-density residential zoning districts (R5 and R7A) and commercial zoning overlays (C1-3) found within 400 feet of the Affected Area. The addition of 12 income-restricted residential dwelling units facilitated by CHO's Universal Affordability Preference,

resulting in a total of 119 incremental dwelling units including 39 income-restricted dwelling units, would be supportive of the City's housing goals as identified in *Housing New York 2.0* and *Housing Our Neighbors: A Blueprint for Housing and Homelessness*. The incorporation of changes to the With-Action Condition facilitated by CHO would not result in a significant adverse impact to Land Use, Zoning, and Public Policy and no further analysis is warranted.

Open Space

Compared to the With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of two mixed-use Projected Development Sites with an additional 8,676 GSF (8,032 ZSF) of residential uses, approximately 12 additional income-restricted residential dwelling units (resulting in a total of 119 incremental dwelling units including 39 income-restricted dwelling units), and 20 additional feet of maximum building height at the two Projected Development Sites.

As analyzed in the EAS, the Open Space Ratios (OSR) in the Open Space Study Area would be 0.205, 0.201, and 0.200 under the existing, No-Action, and With-Action Conditions, respectively. Accordingly, there would be a 0.76 percent reduction from the No-Action OSR to the With-Action OSR. Referencing to Table 7-1 of the *2021 CEQR Technical Manual*, an area with an OSR of 0.50 or less can tolerate up to a 1 percent decrease in the OSR between the Future No-Action and Future With-Action Condition without warranting additional analyses. As a result, the EAS concludes that the Proposed Actions would not have significant adverse impacts on open space resources.

With the 12 additional income-restricted residential dwelling units as potentially enabled by CHO and an average household size of 2.74 residents per dwelling unit per 2020 decennial census data for Brooklyn Community District 14, the With-Action population would increase by approximately 33 residents, resulting in a total of 38,379 residents under the With-Action Condition in the Study Area. Assuming the total open space acreage of 7.66 under the existing Conditions would continue into the With-Action Condition, the OSR in the With-Action Condition under CHO would be 0.200 acres per 1,000 residents, resulting in a 0.85 percent reduction from the No-Action 0.201 OSR. With the changes facilitated by CHO, the decrease in the OSR between the Future No-Action and Future With-Action Condition would remain below 1 percent. In addition, the Affected Area is located within a Walk to Park Service Area and is therefore not identified as a walk gap area.

As analyzed above, the additional 12 dwelling units enabled by CHO, resulting in a total of 119 incremental dwelling units including 39 income-restricted dwelling units, would not alter the conclusion of the EAS, as the changes would not result in significant adverse impacts related to Open Space. As such, no further analysis is warranted.

Shadows

With the proposed zoning text amendment, the maximum building height for shadows analysis could be 125 feet (115 feet with assumed 10-foot-tall bulkhead), increasing the maximum shadow radius from the 451.5 feet analyzed in the EAS to approximately 537.5 feet.

A preliminary shadows assessment provided in the Shadows section of the EAS showed that no sunlight-sensitive resources are identified within the 451.5-foot longest shadow study area. The additional 20 feet of maximum building height, as potentially enabled by CHO, plus the assumed 10-foot bulkhead would result in the expansion of this analysis area to 537.5 feet. Therefore, a preliminary analysis of how the increase in height would affect shadows analysis results is warranted and provided below. As shown in **Figure 1,** no sunlight sensitive resources would be affected as a result of the proposed text amendment.

As analyzed above, the additional height enabled by CHO would not alter the conclusion of the EAS, as the changes would not result in significant adverse impacts related to Shadows. As such, no further analysis is warranted.

Figure 1: Preliminary Shadows Screening



Historic and Cultural Resources

Compared to the With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of two mixed-use Projected Development Sites with an additional 8,676 GSF (8,032 ZSF) of residential uses, approximately 12 additional income-restricted residential dwelling units (resulting in a total of 119 incremental dwelling units including 39 income-restricted dwelling units), and 20 additional feet of maximum building height at the two Projected Development Sites.

As analyzed in the With-Action Condition within the EAS, the development of the Projected Development Sites would require in-ground disturbance to an area not previously excavated. In the future with the CHO, the development with taller building heights would still require in-ground disturbance, but within the same scale, which would not result in additional in-ground disturbance compared to the With-Action Condition within the EAS. The Projected Development Sites do not contain any historic architectural or cultural archaeological resources. They are not adjacent to or within 400 feet of any identified historic architectural resources. Therefore, there would not be any direct impacts on historic and cultural resources. The potential changes enabled by CHO would not alter the conclusion of the EAS, as the changes would not result in significant adverse impacts related to historic and cultural resources. As such, no further analysis is warranted.

Urban Design and Visual Resources

The urban design and visual resources assessment provided in the EAS analyzed the 95-foot-tall buildings on the Projected Development Sites and concluded that the Proposed Actions would not result in significant adverse impacts on urban design and visual resources. The proposed CHO zoning text amendment would allow for an additional 0.40 FAR for income-restricted residential units in the proposed R7A/C2-4 district. In addition, the proposed CHO zoning text amendment would also allow an additional 20 feet of maximum height from 95 feet to 115 feet.

The additional height and bulk facilitated by CHO would result in a negligible change in building appearance that would not result in a negative pedestrian experience. The building height with CHO would not obstruct any important visual resources. The potential change in building height facilitated by CHO would not result in any significant adverse impacts to urban design and visual resources and therefore no further analysis is warranted.

Transportation

Compared to the With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of two mixed-use Projected Development Sites with an additional 8,676 GSF (8,032 ZSF) of residential uses, approximately 12 additional income-restricted residential dwelling units (resulting in a total of 119 incremental dwelling units including 39 income-restricted dwelling units), and 20 additional feet of maximum building height at the two Projected Development Sites.

As analyzed in the EAS, the number of incremental vehicular trips resulting from the Proposed Actions is expected to be 55, 57, 61, and 59 during the AM, Midday, PM, and Saturday Midday peak hour respectively, which would exceed the 50-vehicular-trip threshold. The number of incremental project-generated trips would not exceed the thresholds for subway or MTA bus. However, the number of pedestrian trips resulting from the Proposed Actions, including trips of other modes that have a pedestrian component, is expected to be 247, 305, 356, and 400 during the AM, Midday, PM, and Saturday Midday peak hour respectively, which would exceed the 200-pedestrian-trip threshold. As concluded in the project generated trip assignment, no study area intersection or pedestrian element would exceed Level 2 Screening thresholds. Accordingly, further analysis of transportation was not warranted.

With the 12 additional income-restricted residential dwelling units resulting from the CHO text amendment, the incremental vehicular trips would be 57, 59, 63, and 61 during the AM, Midday, PM, and Saturday Midday peak hour, respectively. Meanwhile, the incremental pedestrian trips would be 254, 309, 363, and 407 during the AM, Midday, PM, and Saturday Midday peak hour, respectively.

The increase of incremental vehicular and pedestrian trips facilitated by CHO would be no more than 2 vehicular trips and 7 pedestrian trips during all analysis peak hours. With the slight increase in traffic and pedestrian volumes, the proposed CHO zoning text amendment would result in a negligible change in traffic and pedestrian conditions under the With-Action Condition. Therefore, the conclusions of the EAS are not affected by the potential change in the number of residential dwelling units facilitated by CHO, as the changes would not result in significant adverse impacts related to transportation. As such, no further analysis is required.

Noise

Compared to the With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of two mixed-use Projected Development Sites with an additional 8,676 GSF (8,032 ZSF) of residential uses, approximately 12 additional income-restricted residential dwelling units (resulting in a total of 119 incremental dwelling units including 39 income-restricted dwelling units), and 20 additional feet of maximum building height at the two Projected Development Sites. The potential changes facilitated by CHO would not affect the With-Action Condition noise projections presented in the EAS. Noise levels would continue to be below the level requiring additional window and wall attenuation to maintain interior noise levels of 45 dB(A) or lower. Therefore, the conclusions of the EAS are not affected by potential changes facilitated by CHO, as the changes would not result in significant adverse impacts related to noise. As such, no further analysis is required.

Construction

Compared to the With-Action Condition analyzed within the EAS, the potential changes facilitated by CHO would allow for the development of two mixed-use Projected Development Sites with an additional 8,676 GSF (8,032 ZSF) of residential uses, approximately 12 additional income-restricted residential dwelling units (resulting in a total of 119 incremental dwelling units including 39 income-restricted dwelling units), and 20 additional feet of maximum building height at the two Projected Development Sites. The potential changes facilitated by CHO would produce a negligible change to the With-Action Condition construction schedule, which would not affect the conclusions presented in the EAS. Therefore, the conclusions of the EAS are not affected by potential changes facilitated by CHO as the changes would not result in significant adverse impacts related to construction. As such, no further analysis is required.

Summary Conclusion

This Technical Memorandum assesses how the CHO proposal would potentially alter the analysis of the Proposed Actions and conclusions presented in the corresponding EAS. The CHO proposal as presented in the Draft Scope of Work would change the allowable FAR for this project's proposed R7A/C2-4 zoning district from 4.60 (pursuant to MIH) to 5.00 (pursuant to CHO's proposed UAP). CHO's proposed UAP would increase the allowable residential floor area by 0.40 FAR, or 8,676 GSF (8,032 ZSF) for income-restricted residential units. CHO would change the maximum height analyzed in the EAS for the proposed R7A/C2-4 district from 95 feet to 115 feet. No parking spaces would be required because CHO proposes to eliminate parking requirements for new residential developments.

This Technical Memorandum concludes that the potential changes facilitated by CHO would not exceed thresholds nor create conditions that require new analysis, nor would the proposed changes affect the conclusions presented within the EAS.