



**City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM**

Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION

PROJECT NAME 265 Front Street Rezoning

1. Reference Numbers

| | |
|--|--------------------------------------|
| CEQR REFERENCE NUMBER (to be assigned by lead agency) 15DCP207K | BSA REFERENCE NUMBER (if applicable) |
|--|--------------------------------------|

| | |
|--|--|
| ULURP REFERENCE NUMBER (if applicable) 150178ZMK and N 180178 ZRK | OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA) |
|--|--|

2a. Lead Agency Information

NAME OF LEAD AGENCY
NYC Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON
Olga Abinader, EARD

ADDRESS 120 Broadway, 31st floor

| | | | | | |
|---------------|----------|-----------|-----------------|----------|-----------|
| CITY New York | STATE NY | ZIP 10271 | CITY Great Neck | STATE NY | ZIP 11021 |
|---------------|----------|-----------|-----------------|----------|-----------|

| | | | |
|------------------------|-----------------------------------|------------------------|---|
| TELEPHONE 212-720-3493 | EMAIL oabinad@planning.nyc.gov | TELEPHONE 718-343-0026 | EMAIL hrothkrug@environmentalstudiescorp.com |
|------------------------|-----------------------------------|------------------------|---|

2b. Applicant Information

NAME OF APPLICANT
Michael Spinard

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
Hiram Rothkrug, Environmental Studies Corp.

3. Action Classification and Type

SEQRA Classification

UNLISTED TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 617.4(b)(9)

Action Type (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC LOCALIZED ACTION, SMALL AREA GENERIC ACTION

4. Project Description

The Applicant, Michael Spinard, seeks a zoning map amendment to the New York City Zoning Map, sectional map 12d, from an M1-2 to an R6A/C2-4 zoning district on a portion of a block located in the Vinegar Hill neighborhood of Brooklyn Community District 2. The M1-2 zone is a manufacturing district that permits commercial, light industrial, and some community facility uses, but not residential use. It permits an FAR of 2.0 for industrial or commercial uses and 4.8 for Use Group 4 community facility uses. The R6A zone is a medium-density contextual residential district that allows residential and community facilities but excludes commercial and industrial uses. The maximum allowable FAR in an R6A district is 3.0 for community facility or residential uses. A C2-4 overlay permits ground-floor commercial uses in otherwise residential or community facility buildings, as well as freestanding commercial buildings of up to two stories. The maximum permitted commercial FAR for a C2-4 overlay in an R6 district is 2.0. The rezoning area (Block 43, Lot 1 and p/o Lot 41) is the southeast corner of the block bounded by Front Street to the south, Gold Street to the west, Water Street to the north, and Hudson Avenue to the east. The proposed action would extend an existing R6A district, map a new C2-4 overlay over the rezoning area, and add a Zoning Text Amendment to Appendix F of the Zoning Resolution establish a Mandatory Inclusionary Housing area coterminous with the rezoning area. The proposed action would facilitate a proposal by the Applicant to develop a mixed use building containing nine proposed residential units and approximately 9,500 sf of ground floor retail space on Block 43, Lot 1. Parking space requirements have been waived pursuant to ZR Section 25-261.

Project Location

| | | |
|------------------|-------------------------|---------------------------------|
| BOROUGH Brooklyn | COMMUNITY DISTRICT(S) 2 | STREET ADDRESS 265 Front Street |
|------------------|-------------------------|---------------------------------|

| | |
|--|----------------|
| TAX BLOCK(S) AND LOT(S) Block 43, Lot 1 and p/o lot 41 | ZIP CODE 11201 |
|--|----------------|

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Northeast corner of the intersection of Front and Gold Streets

| | |
|--|---------------------------------|
| EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY M1-2 | ZONING SECTIONAL MAP NUMBER 12d |
|--|---------------------------------|

5. 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 **Appendix F**

Board of Standards and Appeals: YES NO

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Department of Environmental Protection: YES NO If "yes," specify:

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

- LEGISLATION
- 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: NYC Dept. of Buildings building permit

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:

6. 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.): 7,000 Waterbody area (sq. ft.) and type: 0
 Roads, buildings, and other paved surfaces (sq. ft.): 7,000 Other, describe (sq. ft.): 0

7. 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): 24,500
 NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 24,500
 HEIGHT OF EACH BUILDING (ft.): 70 feet NUMBER OF STORIES OF EACH BUILDING: 6

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: 6,502
 The total square feet not owned or controlled by the applicant: 498

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 disturbance (if known):
 AREA OF TEMPORARY DISTURBANCE: N/A sq. ft. (width x length) VOLUME OF DISTURBANCE: up to 65,020 cubic ft. (width x length x depth)
 AREA OF PERMANENT DISTURBANCE: up to 6,502 sq. ft. (width x length)

8. Analysis Year [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2021

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

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

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

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

| | EXISTING CONDITION | NO-ACTION CONDITION | WITH-ACTION CONDITION | INCREMENT |
|---|--|--|--|--|
| LAND USE | | | | |
| Residential | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |
| If "yes," specify the following: | | | | |
| Describe type of residential structures | | | apartment building | Note: the square footage numbers differ from the actual development but are used for conservative analysis purposes. |
| No. of dwelling units | | | 19 | +19 |
| No. of low- to moderate-income units | | | 0 | |
| Gross floor area (sq. ft.) | | | 19,500 | +19,500 |
| Commercial | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |
| If "yes," specify the following: | | | | |
| Describe type (retail, office, other) | | | Retail | |
| Gross floor area (sq. ft.) | | | 9,500 | +9,500 |
| Manufacturing/Industrial | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |
| If "yes," specify the following: | | | | |
| Type of use | Warehouse | Warehouse | Warehouse | |
| Gross floor area (sq. ft.) | 536 sf of an 11,389 gsf building on adjacent non-applicant property within rezoning area | 536 sf of an 11,389 gsf building on adjacent non-applicant property within rezoning area | 536 sf of an 11,389 gsf building on adjacent non-applicant property within rezoning area | No change |
| Open storage area (sq. ft.) | | | | |
| If any unenclosed activities, specify: | | | | |
| Community Facility | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| If "yes," specify the following: | | | | |
| Type | | | | |
| Gross floor area (sq. ft.) | | | | |
| Vacant Land | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| If "yes," describe: | Vacant 2-story building and surface parking lot | Vacant 2-story building with surface parking lot | | -6,502 sf vacant lot (with vacant building) |
| Publicly Accessible Open Space | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other): | | | | |
| Other Land Uses | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| If "yes," describe: | | | | |
| PARKING | | | | |
| Garages | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| If "yes," specify the following: | | | | |
| No. of public spaces | | | | |
| No. of accessory spaces | | | | |
| Operating hours | | | | |
| Attended or non-attended | | | | |
| Lots | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |
| If "yes," specify the following: | | | | |
| No. of public spaces | 0 | 0 | 0 | 0 |
| No. of accessory spaces | 3 | 3 | 10 | +7 |

| | EXISTING CONDITION | NO-ACTION CONDITION | WITH-ACTION CONDITION | INCREMENT |
|---|---|--|--|-----------------------|
| Operating hours | 24 hours | 24 hours | 24 hours | |
| Other (includes street parking) | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |
| If "yes," describe: | +/- 3 curbside spaces | +/- 3 curbside spaces | +/- 5 curbside spaces | +/- 2 curbside spaces |
| POPULATION | | | | |
| Residents | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |
| If "yes," specify number: | | | 40 | +40 |
| Briefly explain how the number of residents was calculated: | Number of dwelling units multiplied by 2.14, the average household size per the 2010 Census in Brooklyn Census Tract 21, which includes the project site. | | | |
| Businesses | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |
| If "yes," specify the following: | | | | |
| No. and type | | | 2 retail stores (occupying 9,500 sf of a mixed-use building) | 9,500 sf |
| No. and type of workers by business | | | 29 retail employees | 29 employees |
| No. and type of non-residents who are not workers | | | 100 shoppers per day | 100 visitors |
| Briefly explain how the number of businesses was calculated: | Based on floor area. Number of employees estimated based on 3 retail employees per 1,000 square feet of floor area. | | | |
| Other (students, visitors, concert-goers, etc.) | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| If any, specify type and number: | | | | |
| Briefly explain how the number was calculated: | | | | |
| ZONING | | | | |
| Zoning classification | M1-2 | M1-2 | R6A with C2-4 overlay | |
| Maximum amount of floor area that can be developed | 13,004 zsf (2.00 x 6,502) | 13,004 zsf (2.00 x 6,502) | 23,407 zsf residential (6,502 x 3.60) or 13,004 sf commercial (6,502 x 2.00) | +6,502 sf |
| Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project | Residential, commercial, industrial, transportation/facilities. Mx(M1-4/R7A), M1-2, R6A, R6B | Residential, commercial, industrial, transportation/facilities. Mx(M1-4/R7A), M1-2, R6A, R6B | Residential, commercial, industrial, transportation/facilities. Mx(M1-4/R7A), M1-2, R6A, R6B | |
| 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. | | | | |

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 Full 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? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Would the proposed project result in a change in zoning different from surrounding zoning? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) Is there the potential to affect an applicable public policy? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach. Attached | | |
| (e) Is the project a large, publicly sponsored project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o If “yes,” complete a PlaNYC assessment and attach. | | |
| (f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| o If “yes,” complete the Consistency Assessment Form . Attached | | |
| 2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5 | | |
| (a) Would the proposed project: | | |
| o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ If “yes,” answer both questions 2(b)(ii) and 2(b)(iv) below. | | |
| o Directly displace 500 or more residents? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below. | | |
| o Directly displace more than 100 employees? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below. | | |
| o Affect conditions in a specific industry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ If “yes,” answer question 2(b)(v) below. | | |
| (b) If “yes” to any of the above, attach supporting information to answer the relevant questions below. If “no” was checked for each category above, the remaining questions in this technical area do not need to be answered. | | |
| i. Direct Residential Displacement | | |
| o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population? | <input type="checkbox"/> | <input type="checkbox"/> |
| o If “yes,” is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population? | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. Indirect Residential Displacement | | |
| o Would expected average incomes of the new population exceed the average incomes of study area populations? | <input type="checkbox"/> | <input type="checkbox"/> |
| o If “yes:” | | |
| ▪ Would the population of the primary study area increase by more than 10 percent? | | |
| ▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents? | | |
| o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected? | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. Direct Business Displacement | | |
| o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project? | <input type="checkbox"/> | <input type="checkbox"/> |
| o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, | <input type="checkbox"/> | <input type="checkbox"/> |

| | YES | NO |
|--|-------------------------------------|-------------------------------------|
| enhance, or otherwise protect it? | | |
| iv. Indirect Business Displacement | | |
| o Would the project potentially introduce trends that make it difficult for businesses to remain in the area? | <input type="checkbox"/> | <input type="checkbox"/> |
| o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets? | <input type="checkbox"/> | <input type="checkbox"/> |
| v. Effects on Industry | | |
| o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area? | <input type="checkbox"/> | <input type="checkbox"/> |
| o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6 | | |
| (a) Direct Effects | | |
| o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Indirect Effects | | |
| i. Child Care Centers | | |
| o 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) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent? | <input type="checkbox"/> | <input type="checkbox"/> |
| o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario? | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. Libraries | | |
| o 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) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels? | <input type="checkbox"/> | <input type="checkbox"/> |
| o If "yes," would the additional population impair the delivery of library services in the study area? | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. Public Schools | | |
| o 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) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent? | <input type="checkbox"/> | <input type="checkbox"/> |
| o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario? | <input type="checkbox"/> | <input type="checkbox"/> |
| iv. Health Care Facilities | | |
| o Would the project result in the introduction of a sizeable new neighborhood? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o If "yes," would the project affect the operation of health care facilities in the area? | <input type="checkbox"/> | <input type="checkbox"/> |
| v. Fire and Police Protection | | |
| o Would the project result in the introduction of a sizeable new neighborhood? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o If "yes," would the project affect the operation of fire or police protection in the area? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. OPEN SPACE: CEQR Technical Manual Chapter 7 | | |
| (a) Would the project change or eliminate existing open space? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) If "yes," would the project generate more than 50 additional residents or 125 additional employees? | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) If "yes," would the project generate more than 350 additional residents or 750 additional employees? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following: | | |
| o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent? | <input type="checkbox"/> | <input type="checkbox"/> |
| o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | YES | NO |
|--|-------------------------------------|-------------------------------------|
| percent? | | |
| <ul style="list-style-type: none"> o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify: | <input type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year. Attached | | |
| 6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9 | | |
| (a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (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. Attached | | |
| 7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10 | | |
| (a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) If "yes" to either of the above, please provide the information requested in Chapter 10 . Attached | | |
| 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 ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources. | | |
| (b) Is any part of the directly affected area within the Jamaica Bay Watershed ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions . | | |
| 9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12 | | |
| (a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (h) Has a Phase I Environmental Site Assessment been performed for the site? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (i) Based on the Phase I Assessment, is a Phase II Investigation needed? No further testing was recommended by the Phase I but DEP requested a Phase II Investigation. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | YES | NO |
|--|-------------------------------------|-------------------------------------|
| (c) If the proposed project located in a separately sewered area , would it result in the same or greater development than that listed in Table 13-1 in Chapter 13 ? | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (f) Would the proposed project be located in an area that is partially sewered or currently unsewered? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation. | | |
| 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): 3,029 | | |
| o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o If "yes," would the proposed project comply with the City's Solid Waste Management Plan? | <input type="checkbox"/> | <input type="checkbox"/> |
| 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): 4,099,028 | | |
| (b) Would the proposed project affect the transmission or generation of energy? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. TRANSPORTATION: CEQR Technical Manual Chapter 16 | | |
| (a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions: | | |
| o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour? | <input type="checkbox"/> | <input type="checkbox"/> |
| If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**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.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour? | <input type="checkbox"/> | <input type="checkbox"/> |
| If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line? | <input type="checkbox"/> | <input type="checkbox"/> |
| o Would the proposed project result in more than 200 pedestrian trips per project peak hour? | <input type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. AIR QUALITY: CEQR Technical Manual Chapter 17 | | |
| (a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) Does the proposed project involve multiple buildings on the project site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. Attached | | |
| 15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18 | | |
| (a) Is the proposed project a city capital project or a power generation plant? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Would the proposed project fundamentally change the City's solid waste management system? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) Would the proposed project result in the development of 350,000 square feet or more? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18 ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | YES | NO |
|--|-------------------------------------|-------------------------------------|
| <ul style="list-style-type: none"> o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation. | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. NOISE: CEQR Technical Manual Chapter 19 | | |
| (a) Would the proposed project generate or reroute vehicular traffic? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. | | |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary. | | |
| 18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21 | | |
| (a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary. | | |
| 19. CONSTRUCTION: CEQR Technical Manual Chapter 22 | | |
| (a) Would the project's construction activities involve: | | |
| o Construction activities lasting longer than two years? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o Construction activities within a Central Business District or along an arterial highway or major thoroughfare? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o The operation of several pieces of diesel equipment in a single location at peak construction? | <input type="checkbox"/> | <input type="checkbox"/> |
| o Closure of a community facility or disruption in its services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o Activities within 400 feet of a historic or cultural resource? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| o Disturbance of a site containing or adjacent to a site containing natural resources? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (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. | | |

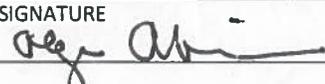
20. APPLICANT'S CERTIFICATION

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 Brian Kintish, Environmental Studies Corp. | SIGNATURE <i>Brian Kintish</i> | DATE 1/16/2020 |
|---|-----------------------------------|-------------------|

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. | Potentially Significant Adverse Impact | |
| | YES | NO |
| IMPACT CATEGORY | | |
| Land Use, Zoning, and Public Policy | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Socioeconomic Conditions | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Community Facilities and Services | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Open Space | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Shadows | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Historic and Cultural Resources | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Urban Design/Visual Resources | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Natural Resources | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Hazardous Materials | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Water and Sewer Infrastructure | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Solid Waste and Sanitation Services | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Energy | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Transportation | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Air Quality | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Greenhouse Gas Emissions | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Noise | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Public Health | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Neighborhood Character | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Construction | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? 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. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Check determination to be issued by the lead agency: | | |
| <input type="checkbox"/> 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 <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS). | | |
| <input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (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. | | |
| <input checked="" type="checkbox"/> 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 <i>Negative Declaration</i> . The <i>Negative Declaration</i> may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page. | | |
| 4. LEAD AGENCY'S CERTIFICATION | | |
| TITLE Director, Environmental Assessment and Review Division | LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission | |
| NAME Olga Abinader | DATE January 17, 2020 | |
| SIGNATURE  | | |

NEGATIVE DECLARATION (Use of this form is optional)

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 project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project 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 that finds the proposed project and related actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this Determination are noted below.

1. **Hazardous Materials, Air Quality:** To ensure that the Proposed Actions would not result in significant adverse hazardous materials or air quality impacts, an (E) designation (E-560) 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 determined that with the (E) designation requirements in place, the Proposed Actions would not result in significant adverse impacts related to hazardous material or air quality.

2. **Land Use, Zoning and Public Policy:** The Proposed Actions include a zoning map amendment to rezone the project site from an M1-2 district to an R6A/C2-4 district as well as a zoning text amendment to Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing within with the rezoning area. The rezoning area is identified as Block 43, Lots 1 and part of 41 within the Vinegar Hill neighborhood of Brooklyn, Community District 2. The Land Use, Zoning, and Public Policy analysis finds that the Proposed Actions would not introduce new land uses not already present in the study area. Though the maximum FAR under the Proposed Actions would increase to 3.0 from 2.0 in the existing conditions, the greater bulk permitted at the Project Site would align with the bulk of surrounding developments within the study area. Additionally, as the project site is located within the Coastal Zone, a WRP assessment (WRP No. 13-095) was included in this EAS, and found the proposed development to be consistent with the policies set forth in the WRP. Based on the above, the Land Use, Zoning and Public Policy analysis concludes that the proposed actions would not have a significant adverse impact on land use, zoning, or public policy.

3. **Shadows:** The detailed shadows analysis notes one sunlight-sensitive resource within the longest shadow study area, the playground of P.S. 307. Though the project site is adjacent to the Vinegar Hill Historic District, none of the architectural features of the district are sunlight-sensitive. The shadows analysis determines that incremental shadow would reach the P.S. 307 playground on the June 21st analysis day, but no incremental shadow would reach the playground on the December 21st, March 21st, or May 6th analysis days. The analysis further notes that incremental shadow would only reach a small portion of the play area, and shadows would fall outside of peak use of the playground: after 6 pm in mid-to-late summer. For the reasons stated above, the analysis concludes that the proposed actions would not have a significant adverse impact on shadows.

4. **Historic and Cultural Resources:** A detailed Historic and Cultural Resources analysis is included in this EAS. Regarding architectural resources, the project site is located adjacent to Area II of the Vinegar Hill Historic District. In order to protect the structural integrity of the surrounding contributing architectural resources within the historic district, the Applicant will follow the guidelines of the Department of Building's Technical Policy and Procedure Notice (TPPN #10/88) which supplements the standard building protections afforded by the Building Code by requiring a monitoring program to reduce the likelihood of construction damage to adjacent historic resources. The plan will be implemented prior to any construction on the project site to assure that there would be no significant adverse impacts to architectural resources. Regarding archaeological resources, a Phase I archaeological documentary study determined the potential for archaeological resources at the project site. The applicant has entered into a Restrictive Declaration (CFRN 2016000378122) committing to prepare the recommended archaeological documentary study at the project site. The work will be conducted prior to any construction on the project site to assure there would be no significant adverse impacts related to archaeological resources. Based on the above, the analysis concludes that the Proposed Actions would not have a significant adverse impact related to historic and cultural resources.

5. **Urban Design and Visual Resources:** A detailed Urban Design and Visual Resources analysis is included in this EAS. The analysis determines the proposed actions would not affect the topography, street system, block forms, or building arrangements within the area including and surrounding the project site. The area's urban design context is marked by contrasts in building heights, types, and dimensions. Thus, the new building would not disrupt a consistent neighborhood scale. Based on the above, the analysis concludes that the Proposed Actions would not have a significant adverse impact related to urban design and visual resources.

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, please contact Anthony Howard at 212-720-3422.

| | |
|--|--|
| TITLE Director, Environmental Assessment and Review Division | LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission 120 Broadway, 31 st Floor New York, NY 10271 |
| NAME Olga Abinader | DATE January 17, 2020 |
| SIGNATURE  | |

| | |
|---|--------------------------|
| TITLE Chair, Department of City Planning | |
| NAME Marisa Lago | DATE January 21, 2020 |
| SIGNATURE | |

Project Name: 265 Front Street Rezoning
CEQR No.: 15DCP207K
SEQRA Classification: Type I

Determination of Significance Appendix: (E) Designation

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials or air quality, an (E) designation (E-560) would be established as described below:

Hazardous Materials

The (E) designation requirements for hazardous materials would apply to the project site, Brooklyn **Block 43, Lot 1** 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 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.

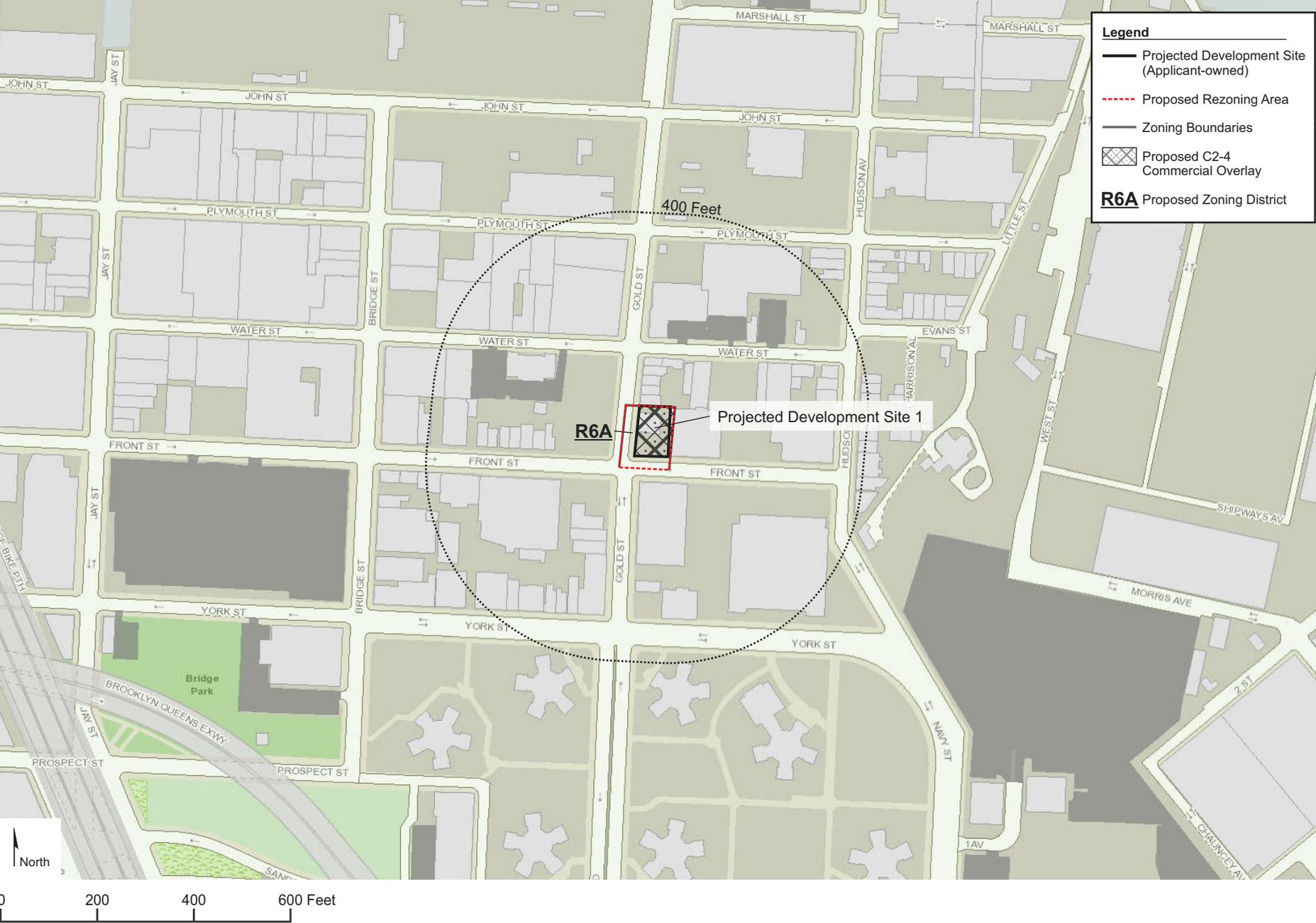
If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

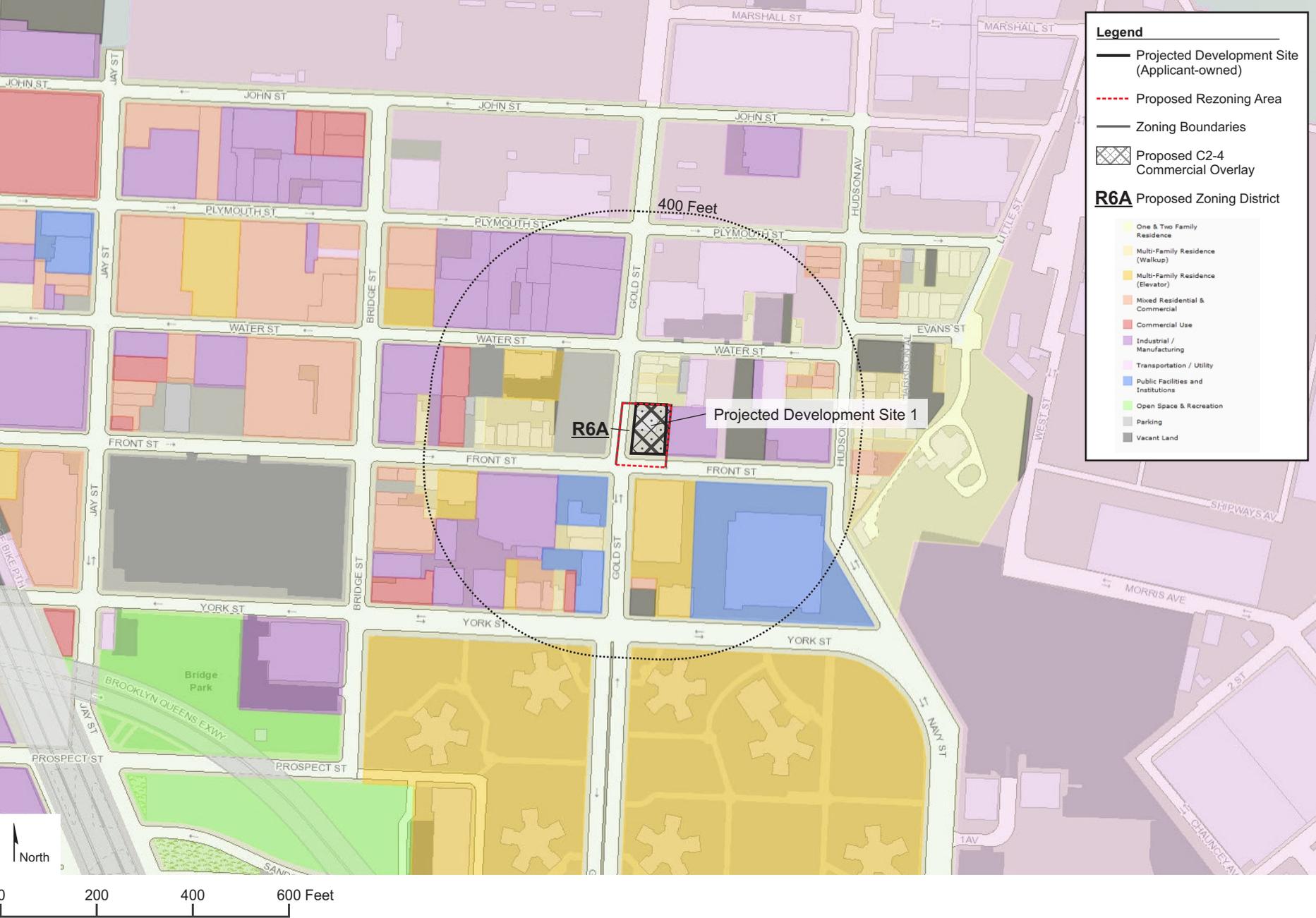
A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan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

Air Quality

Block 43, Lot 1: Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC)

systems and hot water systems, ensure that the stack(s) is located at the highest tier and at least 73 feet above grade to avoid any potential significant air quality impacts.







265 Front Street Rezoning Project Description

Proposed Action

The Applicant, Michael Spinard, is seeking a zoning map amendment and a zoning text amendment (the “Proposed Actions”) to facilitate the construction of a mixed-use building located in the Vinegar Hill neighborhood of Brooklyn Community District 2.

The rezoning area consists of Block 43, Lot 1, and a small portion of adjacent Lot 41. The proposed rezoning is intended to facilitate the development of a four-story, approximately 24,500 gross square foot (gsf) feet mixed-use building that will contain nine dwelling units and a ground floor commercial space.¹ The development would require the demolition of the vacant warehouse building currently located on the project site. In conjunction with the proposed zoning map amendment, the applicant seeks a zoning text amendment to amend Appendix F of the Zoning Resolution to establish the Rezoning Area as a Mandatory Inclusionary Housing (MIH) Area.

Existing Conditions

Description of the Surrounding Area

Vinegar Hill is a small, lower-scale neighborhood located between DUMBO to the west and the Brooklyn Navy Yard to the east. The entire neighborhood’s waterfront in the north is occupied by Con Edison’s substation and DEP’s wastewater treatment plant. York Street and New York City Housing Authority’s Farragut Houses complex defines the southern boundary of the neighborhood. The neighborhood is typically developed with two- to four-story walkup residential buildings and one- to two-story industrial and semi-industrial buildings. There are a few high lot coverage loft buildings that are significantly over-built under the existing zoning regulations.

The neighborhood is becoming increasingly residential, including residential development facilitated by the 2009 MX-2 DUMBO Special Mixed Use District rezoning, the eastern border of which is one block west of the subject block. The 2009 rezoning of the section of DUMBO east of the Manhattan Bridge was designed to allow residential conversion of existing loft buildings and foster new mixed-use construction while providing predictability and height limits that reflect the area’s historic character. It also provided zoning incentives for the creation of affordable housing in new construction.

Description of the Vinegar Hill Historic District

According to the Vinegar Hill Historic District Designation Report prepared by the New York City Landmarks Preservation Commission (LPC) in 1997, the Vinegar Hill Historic District, which is comprised of three separate small groups of brick, Greek-Revival row houses, is a residential remnant of the early nineteenth-century neighborhood that occupied the blocks between the Brooklyn Bridge and the Brooklyn Navy Yard. The northernmost building, 69 Gold Street, is a four-story Greek revival row house, with a later rear addition on Water Street. The next three buildings, 71, 73, and 75 Water Street, are identical Greek Revival row houses with three stories

¹A Reasonable Worst Case Development Scenario was established for analysis purposes, as described under *Reasonable Worst Case Development Scenario*.

and a basement. The southernmost building, 77 Gold Street, is directly adjacent to the project site. It is a four-story Greek Revival/Italianate row house with a ground floor store.

By the late nineteenth century, the large number of Irish residents had given the neighborhood the popular name 'Irishtown,' although other ethnic groups also lived in the area. Industrial expansion and transportation improvements in the early twentieth century resulted in the demolition of many of the original structures. The groups of houses that survive within the Vinegar Hill Historic District retain their historic architectural character and create a distinct sense of place, recalling a significant era in Brooklyn's history.

Description of the Project Site

The project site is identified as 265 Front Street (Block 43, Lot 1), located at the northeast corner of Front and Gold Streets in the Vinegar Hill neighborhood of Brooklyn Community District 2. The project site is located within the western Vinegar Hill neighborhood, just east of the DUMBO neighborhood. The project site has an area of approximately 6,502 square feet (sf), with approximately 67 feet of frontage along Front Street and approximately 100 feet along Gold Street. The project site is developed with a small, vacant, two-story warehouse building that covers about half of the lot; the remainder of the lot is used for parking and open storage.

The project site is currently zoned M1-2, an industrial district that permits commercial, light industrial, and some community facility uses, but not residential use. Typical M1 uses include repair shops and wholesale service and storage facilities; offices, and most retail uses are also permitted. The maximum permitted floor area ratio (FAR) in an M1-2 district is 2.00 for industrial or commercial uses and 4.80 for Use Group 4 community facility uses. A side yard is required along district boundaries, and a 20-foot rear yard is required for lots not within 100 feet of a corner. M1 districts are often buffers between M2 or M3 districts and residential or commercial districts, but in the case of the project area, the M1-2 district covers the southern half of the subject block and is otherwise surrounded by R6A and R6B residential districts.

The proposed rezoning area consists of approximately 7,000 sf of land area, extending 70 feet from the Gold Street street line and 100 feet from the Front Street street line. The boundaries of the proposed rezoning area extend beyond the project site described above and include a portion of another, non-Applicant owned site (Block 43, Lot 41)². Therefore, a sliver measuring 2.7 feet in width at the southern edge of the rezoning area and 7 feet in width at the northern edge of the rezoning area will also be affected by the Proposed Action. This area covers approximately 498 sf of Block 43, Lot 41, and would be rezoned from M1-2 to R6A/C2-4 along with the project site. This area represents less than five percent of Lot 41, which has an area of 10,575 sf and is fully developed with a one-story (with mezzanine) occupied warehouse. Although this small portion of Lot 41 is proposed to be rezoned to R6A with a C2-4 overlay along with the Applicant's property, pursuant to ZR Sections 77-11 and 77-211, the M1-2 use and bulk regulations would continue to apply to the entirety of this property as more than 50% of the lot would remain zoned M1-2.

² The project site is not perfectly rectangular because Front and Gold Streets do not intersect at right angles. The project site extends 67.3 feet from the Front Street street line at the property's southern edge and 63 feet from the Front Street street line at its northern edge. The proposed rezoning area extends 70 feet from the Front Street street line.

The project site along Gold Street is located directly adjacent to buildings within the Vinegar Hill Historic District, so the Proposed Actions are thus considered as a Type I action. Other land uses within a 400-foot radius of the project site include one- and two-family homes, multi-story apartment buildings, mixed residential/commercial buildings, industrial/manufacturing buildings, transportation/facility uses, and an elementary school (P.S. 307).

Project Description

The Proposed Actions are the rezoning of the project area described above to R6A with a C2-4 overlay and the mapping of a MIH area coterminous with the project area. R6A is a medium-density contextual residential district that allows residential and community facilities but excludes commercial and industrial uses. It is designed to be compatible with existing buildings found in older neighborhoods, such as those found in the Vinegar Hill Historic District. In R6A districts, the Quality Housing program is mandatory. The maximum allowable FAR in an R6A district is 3.0 for community facility or residential uses. The maximum street wall height is 60 feet and the maximum building height is 70 feet. Above 60 feet, there must be setback of at least 10 feet on a wide street or 15 feet on a narrow street before rising to the maximum height. The street wall of a new building can be no closer to the street line than that of any existing building within 150 feet on the same block. Maximum lot coverage is 80 percent on a corner lot (such as the project site) or 65 percent on an interior or through lot. Off-street parking is required for 50% of a building's dwelling units, though, as noted above, the parking requirement can be waived if five or fewer spaces are required. Parking is permitted only within or to the side of a building, and never between the street wall and the street line. A C2-4 overlay permits ground-floor commercial uses in otherwise residential or community facility buildings, as well as freestanding commercial buildings of up to two stories. The maximum permitted commercial FAR for a C2-4 overlay in an R6 district is 2.00.

The Proposed Development is a four-story 16,927 zoning square foot (zsf) mixed-use building with a cellar (approximately 24,500 gsf). The building will contain nine residential units within 11,932 square feet of residential floor area and 4,995 square feet of commercial floor area on the ground floor. The proposed building height is approximately 51 feet.

Although the Proposed Development would contain approximately 11,932 square feet of residential floor area, the space would be configured into nine residential units because of constraints regarding the difficulty of providing accessory off-street parking. Pursuant to ZR Section 25-261, the accessory off-street parking requirement is waived if the required number of spaces is five or fewer, which is the case in this instance as the number of dwelling units is less than ten. Hence, the Proposed Development has been arranged to provide for nine dwelling units.

The proposed text amendment would provide an FAR bonus (0.6 FAR) for the provision of the affordable housing units, pursuant to the Mandatory Inclusionary Housing Program. Since the Proposed Development will provide nine (9) dwelling units, the proposed building will not be required to provide inclusionary housing units since fewer than ten (10) units are provided. Inclusionary housing units are required where ten (10) or more total units and not more than or 12,500 square feet of residential floor area is provided. In addition, the Applicant will not be allowed to use the FAR bonus of 0.6 FAR since only nine (9) units will be provided, thus the maximum permitted FAR of the Proposed Development would be 3.0 FAR.

Under R6A (MIH), the maximum base height is 65 feet, and the maximum building height is 85 feet (with a qualifying ground floor). However, since MIH is not being utilized, the maximum height of the Proposed Development is limited to the base R6A requirements, with a maximum base height of 40 feet and a maximum building height of 7 stories or 75 feet (with a qualifying ground floor). The height of the proposed building is four stories and approximately 51 feet. However, for RWCDs purposes, a base height of 65 feet and rooftop height of 85 feet is considered in this EAS.

Reasonable Worst Case Development Scenario

Future No-Action Scenario

The project site is developed with a small, vacant, two-story warehouse building that covers about half of the lot and has a height of approximately 25 feet. The remainder of the lot is used for parking and open storage. The vacant building has a floor area of 1,800 zsf, for an FAR of 0.3 and the paved areas can accommodate approximately 15 parked cars.

In the future without the Proposed Actions, it is conservatively assumed that no development or change in land use would occur in the proposed rezoning area.

Future With-Action Scenario

In the future with the Proposed Actions, redevelopment of the project site would be governed by the provisions of the proposed R6A/C2-4 and by the Mandatory Inclusionary Housing (MIH) program. R6A is a medium-density contextual residential district that allows residential and community facilities but excludes commercial and industrial uses. It is designed to be compatible with existing buildings found in older neighborhoods, such as those found in the Vinegar Hill Historic District. The Quality Housing program is mandatory. The maximum allowable FAR in an R6A (MIH) district is 3.6 for community facility or residential uses. The maximum permitted building height is 85 feet or 8 stories. A C2-4 overlay permits ground-floor commercial uses in otherwise residential or community facility buildings, as well as freestanding commercial buildings of up to two stories. The maximum permitted commercial FAR for a C2-4 overlay in an R6 district is 2.00.

The proposed zoning would facilitate a proposal by the Applicant to develop a mixed use, approximately 24,500 gsf building containing nine residential units and approximately 5,500 gsf of ground floor retail space. However, the RWCDs conservatively assumes a full buildout on the Applicant-controlled site, in which a 29,000 gsf new building would be developed on the project site; the proposed building would include 9,500 gsf of commercial space and 19,500 gsf of residential space. The RWCDs FAR would be 3.6 (commercial FAR 1.6, residential FAR 2.0), the maximum permitted under the proposed zoning, and the rooftop height would be 85 feet, the maximum permitted under the proposed zoning. Assuming approximately one residential unit per 1,000 gsf of residential floor area, the building would contain 19 market rate residential units. Ten surface accessory parking spaces would be provided.

In the future with the Proposed Action, it is assumed that rezoning would not lead to any new development or other land use change on Lot 41. The portion of the lot that would be rezoned represents less than five percent of Lot 41. Although this small portion of Lot 41 is proposed to be rezoned to R6A with a C2-4 overlay along with the Applicant's property, pursuant to ZR

Sections 77-11 and 77-211, the M1-2 use and bulk regulations would continue to apply to the entirety of this property as more than 50% of the lot would remain zoned M1-2.

Based on an estimated one-year approval process and an 18-month construction period, the Build Year is assumed to be 2021.

Purpose and Need

The Proposed Actions would facilitate the development of residential uses in an area that would otherwise not permit residential uses as-of-right. The Proposed Actions would continue the trend of the development of residential uses within the Vinegar Hill neighborhood and surrounding study area of Brooklyn, Community District 2. The existing M1-2 zone mapped in the rezoning area is an industrial district that permits commercial, light industrial, and some community facility uses, but not residential use. As the proposed residential uses on the project site are not permitted under the property's current M1-2 zoning, it is proposed to rezone the area to R6A with a C2-4 commercial overlay. The R6A zone is a medium-density contextual residential district that allows residential and community facilities but excludes commercial and industrial uses. The maximum allowable FAR in an R6A district is 3.0 for community facility or residential uses, with a 0.6 FAR bonus available in MIH areas. A C2-4 overlay permits ground-floor commercial uses in otherwise residential or community facility buildings, as well as freestanding commercial buildings of up to two stories. The maximum permitted commercial FAR for a C2-4 overlay in an R6A district is 2.0.

The Proposed Actions would facilitate a proposal by the Applicant to develop a mixed use building containing nine residential units and approximately 5,500 gsf/zsf of ground floor retail space on the Applicant's property. The proposed development would have a residential FAR of approximately 2.0, a commercial FAR of 0.84, and a total FAR of 2.84 and would therefore comply with the FAR provisions of the proposed R6A/C2-4 zone.

The Applicant feels the proposed rezoning of the project site to R6A with a C2-4 commercial overlay is consistent with development trends in the project area, including the 2009 MX-2 DUMBO Special Mixed Use District rezoning, which mapped contextual residential districts (while preserving the original manufacturing districts) to encourage new development that would reflect the area's historic character.

The Proposed Actions would enable the Applicant to develop the parcel with residential and local retail space. The Applicant feels that the proposed development would be consistent with the historical residential character of the neighborhood and the new residential developments of the area.

Required Approvals

The Proposed Actions require the approval of a Zoning Map Amendment to rezone the project area from its existing M1-2 zoning designation to an R6A/C2-4 district and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area coterminous with the proposed rezoning area. The granting of a Zoning Map or Text Amendment is a discretionary action that is subject to both the Uniform Land Use Review Procedure, as well as City Environmental Quality Review (CEQR). ULURP is a process that allows public review of the Proposed Actions at four levels: the Community Board; the Borough President; the City Planning Commission; and, if

applicable, the City Council. CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment.

265 FRONT STREET REZONING ENVIRONMENTAL ASSESSMENT

INTRODUCTION

Based on the analysis and screens contained in the Environmental Assessment Statement (EAS) Full Form, the following analysis areas require further examination: land use, zoning, and public policy; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; air quality; noise; and construction impacts. These analysis areas are further discussed below. The subject headings are numbered to correlate with the relevant chapters of the 2014 *CEQR Technical Manual*.

4. LAND USE, ZONING, AND PUBLIC POLICY

Introduction

A land use analysis characterizes the uses and development trends in the area that may be affected by the action to determine whether a Proposed Action is compatible with those conditions or whether it may adversely affect them. The analysis also considers the proposed project's compliance with, and effect on, the area's zoning and other applicable public policies.

According to the *CEQR Technical Manual*, a preliminary assessment that includes a basic description of existing and future land uses, as well as basic zoning information, is provided for most projects, regardless of their anticipated effects. Regarding public policy, the *CEQR Technical Manual* states that "large, publicly-sponsored projects are assessed for their consistency with PlaNYC, the City's sustainability plan." An assessment of an action's consistency with the Waterfront Revitalization Plan is required if an action would occur within the designated Coastal Zone. Public policy assessments are also required if an action would occur within an area covered by an Urban Renewal Plan or a 197-A Plan.

A land use and zoning assessment is appropriate for the Proposed Actions, which are the zoning map amendment that would result in the development of residential and retail uses on a site that is currently zoned for light industrial use and the establishment of the project area as a MIH area. The proposed project is neither large nor publicly sponsored, so no PlaNYC consistency assessment is necessary. No portion of the project site is within an area covered by an Urban Renewal Plan or a 197-A plan, but the project site is within the Coastal Zone. The preliminary assessment therefore focuses on land use, zoning, and consistency with the Waterfront Revitalization Program.

Study Area

According to the *CEQR Technical Manual*, the appropriate study area for a land use, zoning, and public policy assessment is based on the type and size of the Proposed Actions, as well as the location and context of the area that could be affected by the project. Study area size varies according to these factors, with suggested study areas ranging from a radius of 400 feet around the affected area for a small project to 0.5 miles for a very large project.

The land use, zoning, and public policy assessment for the Proposed Actions considers a study area extending 400 feet around the project site. The study area boundaries roughly coincide

with the north side of Plymouth Street to the north, the east side of Hudson Avenue to the east, the south side of York Street to the south, and the east side of Bridge Street to the west.

Land Use

The 400-foot radius study area contains all or part of 10 tax blocks. The project site is located on the southwestern corner of Block 43 and has frontage on Gold and Front Streets (see Figure 1 – Site Location and Figure 2 – Tax Map). The property is developed with a two-story warehouse building that is currently vacant, and a surface parking lot (see Figure 3 – Land Use). According to the Phase I Environmental Site Assessment prepared for the project site in September 2014, the building on the property is a temporary steel prefabricated structure built on slab with no basement. The building was constructed around 1985. The building was being used to park dump trucks for the current owners’ trucking business. Some light maintenance was also performed on the trucks in the building. A majority of the building was open space with a small framed out office area. Prior to this the property was vacant from about 1950 to 1985 and was used as a parking lot for a paper factory across the street. Earliest indications were that the subject property was occupied by residential homes from the late-1800s through the mid-1900s.

The remainder of the subject block, which is bounded by Water Street, Hudson Avenue, Front Street, and Gold Street, contains a variety of land uses. A row of low-rise nineteenth century residential buildings occupies the Gold Street frontage directly north of the project site. Another cluster of low-rise nineteenth century residential buildings is located near the corner of Water and Hudson Streets. The midblock along Water Street contains a one-story parking garage and an auto repair shop, which flank a vacant lot owned by Con Edison that extends through the middle of the block to Front Street. The remainder of the Front Street side of the block contains a one-story light industrial building and a seven-story industrial building that extends to the Hudson Street frontage.

A Con Edison transformer station, the Hudson Avenue Station, occupies the block directly to the north (Block 33, bounded by Hudson Avenue and Plymouth, Water, and Bridge Streets) and two contiguous blocks to the north (Blocks 21 and 22, bounded by Hudson Avenue and John, Plymouth, and Bridge Streets). The only other uses on these blocks are an auto repair shop at the northeast corner of Bridge and Plymouth Streets and a 10-story self-storage facility on John Street midway between Gold and Hudson Streets.

Continuing clockwise through the study area, Block 32, bounded by Hudson Avenue and Evans, Little, and Plymouth Streets, is developed with low-rise residential buildings and one-story freestanding garages used for private residential parking. There is one vacant lot located midblock on Plymouth Street that is used as a private open space. Block 44 to the south is developed similarly with three- to five-story residential buildings, though with several vacant lots along the northern and eastern portions of the block.

Block 56, bounded by Front, Navy, York, and Gold Streets, contains only four properties. Two seven-story residential buildings and a two-story building with dwelling units over commercial space occupy the Gold Street frontage, and an elementary school occupies the remainder of the block.

The Farragut Houses, a New York City Housing Authority property, occupies Lot 71 in the study area, bounded by York, Navy, Sands, and Gold Streets.

A small Buddhist center is located across Front Street from the project site, at the southwest corner of Front and Gold Streets on Block 55, which is bounded by Front, Gold, York, and Bridge Streets. To its west along Front Street, extending to Bridge Street, are a one-story light industrial building, then a seven-story industrial building, then four two- and three-story buildings that are all either residential or residential above commercial space. A one-story industrial building occupies the Gold Street midblock, and a three-story halfway house occupies the corner of Gold and York Streets. A mix of one-story commercial buildings, one-story industrial buildings, and two- and six-story buildings with dwelling units above commercial space occupies the remainder of the York Street frontage. Two- and six-story buildings with dwellings above commercial space and a one-story industrial building occupy the Bridge Street midblock.

Block 42 is bounded by Water, Gold, Front, and Bridge Streets. The lot on the eastern end of the block, opposite the project site's Gold Street frontage, is used as a commercial parking lot. The Water Street frontage is occupied by a five-story apartment building, a vacant lot, two warehouses (one of which is on a through lot with frontage on Front Street), and a vacant former paint factory. The Bridge Street frontage contains a 12-story industrial building, which is now vacant. The Front Street frontage contains three-story residential buildings and the industrial through lot described above.

Block 32, bounded by Plymouth, Gold, Water, and Bridge Streets is entirely light industrial except at its western end along Bridge Street. The Water Street frontage contains two-story bakery and industrial buildings that range from one to five stories. There is a vacant lot at the northeast corner of Water and Bridge Streets. A seven-story residential building with ground floor commercial space occupies the southeast corner of Bridge and Plymouth Streets.

The neighborhood is becoming increasingly residential, including residential development facilitated by the 2009 MX-2 DUMBO Special Mixed Use District rezoning. The 2009 rezoning of the section of DUMBO east of the Manhattan Bridge was designed to allow residential conversion of existing loft buildings and foster new mixed-use construction while providing predictability and height limits that reflect the area's historic character. It also provided zoning incentives for the creation of affordable housing in new construction.

Future Conditions without the Proposed Action

In the absence of the Proposed Actions, redevelopment on the project site would not occur, and current conditions would prevail within the rezoning area.

No land use changes are anticipated within the land use study area by the project build year of 2021.

Future Conditions with the Proposed Action

In the future with the Proposed Actions, the project site would be rezoned to an R6A district with a C2-4 commercial overlay and redeveloped with a new mixed-use residential and commercial retail building with heights ranging up to six stories, or approximately 60 feet. The reasonable worst-case development scenario includes a 29,000 gsf building on the project site, which would include 9,500 gsf of commercial space and 19,500 gsf of residential space. Assuming approximately one residential unit per 1,000 gsf of residential floor area, the building

would contain 19 market rate residential units. Ten accessory surface parking spaces would be provided.

The Proposed Actions would not introduce new land uses to the study area, which is developed with a mix of residential, commercial, and industrial uses. The neighborhood is becoming increasingly residential, including residential development facilitated by the 2009 MX-2 DUMBO Special Mixed Use District rezoning. The Proposed Actions would allow the development of a mixed-use building on a site that is currently vacant and the commercial overlay would bring new commercial uses to the area. The MIH designation would encourage the development of permanently-affordable residential units. The Proposed Actions would not have a significant adverse impact on land use.

Zoning

Existing Conditions

The project site is currently zoned M1-2, a light industrial district that permits commercial, light industrial, and some community facility uses but not residential use (see Figure 4 – Zoning). Typical M1 uses include repair shops and wholesale service and storage facilities; offices, hotels, and most retail uses are also permitted. The maximum permitted floor area ratio (FAR) in an M1-2 district is 2.00 for industrial or commercial uses and 4.80 for Use Group 4 community facility uses. A side yard is required along district boundaries, and a 20-foot rear yard is required for lots not within 100 feet of a corner. M1 districts are often buffers between M2 or M3 districts and residential or commercial districts, but in the case of the project area, the M1-2 district covers the southern half of the subject block and is otherwise surrounded by R6A and R6B residential districts.

The northern half of the subject block is covered by an R6B district that extends over most of Block 42 to the west, the block to the east (Block 44), and the eastern end of Block 33 to the north. R6B is a medium-density residential district that permits residential and community facility uses. The maximum permitted FAR under R6B is 2.00 for residential or community facility use. R6B is a contextual district with regulations that establish a maximum base (street wall) height, at which a setback from the front lot line is required, and a maximum building height. The maximum street wall height is 40 feet and the maximum building height is 50 feet, or approximately five stories. A 30 foot deep rear yard is required; no side yard is required.

The two blocks south of the project site, Blocks 55 and 56, are covered by an R6A district, with a C2-4 commercial overlay along York and Bridge Streets. R6A is a medium-density contextual residential district that allows residential and community facilities but excludes commercial and industrial uses. It is designed to be compatible with existing buildings found in older neighborhoods, such as those found in the Vinegar Hill Historic District. The Quality Housing program is mandatory in R6A districts. The maximum allowable FAR in an R6A district is 3.0 for community facility or residential uses. The maximum street wall height is 60 feet and the maximum building height is 70 feet. Above 60 feet, there must be setback of at least 10 feet on a wide street or 15 feet on a narrow street before rising to the maximum height. The street wall of a new building can be no closer to the street line than that of any existing building within 150 feet on the same block. Maximum lot coverage is 80 percent on a corner lot or 65 percent on an interior or through lot. Off-street parking is required for 50 percent of a building's dwelling units, though the parking requirement can be waived if five or fewer spaces are required.

Parking is permitted only within or to the side of a building, and never between the street wall and the street line. The C2-4 overlay permits ground-floor commercial uses in otherwise residential or community facility buildings, as well as freestanding commercial buildings of up to two stories. The maximum permitted commercial FAR for a C2-4 overlay in an R6 district is 2.00.

An R6 district is located at the southern edge of the study area (Block 71). R6 is a medium-density non-contextual residential district that allows residential and community facility uses. The maximum permitted FAR for residential and community facility uses is 2.43, or up to 3.00 for Quality Housing developments on wide streets. The permitted building height for the front 20 feet of the lot is 60 feet or six stories. On the interior of the lot, height factor regulations allow for tall buildings that are set back from the street and are governed by a sky exposure plane, with the 60 foot maximum height increasing by 2.7 feet for every one foot of horizontal distance from the front lot line.

The block at the southeastern edge of the study area (Block 68) is covered by an M1-2/R6 district, both components of which are discussed above. Both zoning districts would be allowed on this block.

North of the project site and the R6B district, an M1-2 district is mapped along portions of Blocks 32 and 33 along Water Street. Northern portions of these two blocks are covered by an M3-1 district, which also extends north to cover blocks 21 and 22. M3-1 is a heavy industrial district intended for uses that generate noise, traffic, or pollutants. M3 districts are generally located near the waterfront and buffered from residential areas. (For example, the M1-2 district on Blocks 32 and 33 acts as a buffer to the residential zoning on the northern half of the subject block.) The maximum permitted FAR for industrial, commercial, and retail uses in an M3-1 district is 2.00. Parking and a rear yard are required.

The MX-2 DUMBO Special Mixed Use District is found in the western edge of the study area near the Bridge Street frontage of Blocks 32 and 42. This district was established in 2009 and intended to protect existing industrial uses while allowing residential conversions and new development. The special district is designated as an Inclusionary Housing area, which encourages the creation of affordable housing. The portion of the MX-2 district in the study area is designated M1-4/R7A. This district permits residential and community facility uses, a range of commercial uses, and light industrial uses. Under R7A, the maximum permitted FAR for community facility is 4.00. In Inclusionary Housing designated areas, the base residential FAR for an R7A district is 3.45 if no affordable housing is included or a maximum of 4.60 if 20 percent of the residential floor area is used for affordable housing. Under M1-4 the maximum permitted commercial and manufacturing FAR is 2.00. For residential or community facility development, the maximum street wall height is 65 feet and the maximum permitted building height is 80 feet. For commercial or manufacturing uses, the maximum street wall height is 60 feet, with additional building height governed by a sky exposure plane. A rear yard is required, but front and side yards are not.

Future Conditions without the Proposed Action

In the future without the proposed actions, the project site would not be rezoned and the existing zoning conditions would remain. No zoning changes are anticipated in the study area by the project build year of 2021.

Future Conditions with the Proposed Action

In the future with the Proposed Actions, the project site would be rezoned from its existing M1-2 zoning designation to an R6A district with a C2-4 commercial overlay. A Mandatory Inclusionary Housing (MIH) area would be established over the proposed rezoning area. The Proposed Actions would extend the R6A district north to include the project site in an area that is 100 feet deep (measured north from the Front Street frontage) and 70 feet wide (measured east from the Gold Street frontage). The R6A district would thus cover Blocks 55 and 56 as well as the southwest corner of Block 13. The applicant also proposes to map a C2-4 commercial overlay over the 100 by 70 foot area that would be covered by the extended R6A district.

The Proposed Actions would not introduce new land uses to the study area but would instead extend an existing residential district and then add a C2-4 commercial overlay that is also mapped over an R6A residential district one block south of the subject block. A C2-4 overlay allows use groups 3 through 9, and 14. Typical uses include neighborhood grocery stores, restaurants, and beauty parlors. Other permitted uses include repair services, public service establishments, and bicycle shops. Though the maximum FAR under the proposed rezoning is 3.00 as opposed to the existing 2.00, it is the Applicant's position that the greater bulk permitted by the zoning change would be appropriate in this location considering the surrounding development and zoning districts. Further, the proposed zoning is identical to the zoning districts mapped in the study area on York Street between Navy and Bridge Streets and on Bridge Street between York and Front Streets.

Based on the discussion above, the Proposed Actions would not have a significant adverse impact related to zoning.

Public Policy (Waterfront Revitalization Program)

As is noted above in the introduction to this section, the only public policy consideration pertinent to the Proposed Actions is consistency with the Waterfront Revitalization Program (WRP) policies. The proposed rezoning area is within the Coastal Zone.

The federal Coastal Zone Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of the waterfront and to set forth standard policies for reviewing proposed development projects along coastlines. The program responded to city, state, and federal concerns about the deterioration and inappropriate use of the waterfront. The CZMA emphasizes the primacy of state decision-making regarding the coastal zone. In accordance with the CZMA, New York State adopted its own Coastal Management Program (CMP), designed to balance economic development and preservation by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, public access to the shoreline, and farmland; and minimizing adverse changes to ecological systems, and erosion and flood hazards. The New York State CMP provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City. The New York City WRP is the city's principal coastal zone management tool. The WRP was originally adopted in 1982 and approved by the New York State Department of State (NYSDOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. NYSDOS administers the program at the state level, and DCP administers it in the city. The WRP was

revised and approved by the City Council in October 1999, and was approved by NYSDOS and the U.S. Secretary of Commerce in the summer of 2002.

A New York City Waterfront Revitalization Program Consistency Assessment Form was prepared for the proposed project. For all “yes” responses given on the Form, this section provides the relevant section of the WRP and examines the effects of the Proposed Actions on the policies or standards.

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

1.1 Encourage commercial and residential redevelopment in appropriate coastal zone areas.

- A. Criteria to determine areas appropriate for reuse through public and private actions include: the lack of importance of the location to the continued functioning of the designated Special Natural Waterfront Areas or Significant Maritime and Industrial Areas; the absence of unique or significant natural features or, if present, the potential for compatible development; the presence of substantial vacant or underused land; proximity to residential or commercial uses; the potential for strengthening upland residential or commercial areas and for opening up the waterfront to the public; and the number of jobs potentially displaced balanced against the new opportunities created by redevelopment.*
- B. Public actions, such as property disposition, Urban Renewal Plans, and infrastructure provision, should facilitate redevelopment of underused property to promote housing and economic development and enhance the city’s tax base.*

The Proposed Actions would encourage residential and commercial development. The project site is not located within a designated Special Natural Waterfront Area nor a Significant Maritime and Industrial Area, and it is located in a well-developed area devoid of natural features. The Proposed Actions would provide for productive use of a property that has been underutilized for more than 50 years, and would help enliven the waterfront area. The project site is located in an area where public facilities and infrastructure are adequate. The Proposed Actions are consistent with Policy 1.1A.

The proposed project would not involve public actions such as property disposition or Urban Renewal Plans as noted above under Policy 1.1 B. The proposed project would occur on land that is currently underdeveloped and underutilized, and the proposed residential and retail project would fully develop the site and return it to active use. The development would serve to enhance the City’s tax base by contributing significantly higher tax revenues than the current uses on the property. Therefore, the Proposed Actions would meet the goals of this policy.

Policy 10: Protect, preserve and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

10.1 Retain and preserve designated historic resources significant to the coastal culture of New York City.

- A. Protect designated historic resources, including those structures, landscapes, districts, areas, sites, or underwater structures that are listed or designated as follows:*
 - any historical resource in a federal, state, or city park established, solely or in part, to protect and preserve the resource;*
 - any resource listed on the National or State Register of Historic Places;*

- *any resource designated as a New York City landmark or historic district; and*
 - *any resource that is a significant component of the New York City Urban Cultural Park.*
- B. *Protect resources, including those not listed in 10.1A, which are related to the historical use and development of the waterfront, including shipwrecks, lighthouses and other aids to maritime navigation, points of entry and embarkation, and structures related to the defense of the Port of New York.*
- C. *Foster efficient and compatible use of historic resources to maximize retention of the historic character and minimize their alteration.*

10.2 *Protect and preserve archaeological resources and artifacts.*

- A. *Minimize potential adverse impacts to significant archaeological resources by redesigning the project, reducing the direct impacts on the resource, or recovering data prior to construction.*
- B. *Conduct a cultural resource investigation when an action is proposed on an archaeological site fossil bed or in an area identified as potentially sensitive for archaeological resources.*

New York City Landmarks Preservation Commission (LPC) review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century occupation on the project site (Block 43, Lot 1; 265 Front Street) and on an adjacent property (Block 43, Lot 41; 275 Front Street). Accordingly, the Commission recommends that an archaeological documentary study be performed for these sites to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary. In addition, LPC indicates that the project site and the adjacent site are directly adjacent to Area II of the LPC designated and State and National Register eligible Vinegar Hill Historic District. A construction protection plan for 69 through 77 Gold Street is required for LPC review and comment.

The Applicant will enter into a Restrictive Declaration in which he will commit to preparing the recommended archaeological documentary study for the project site and the adjacent property identified above as well as the construction protection plan for 69 through 77 Gold Street. This work will be conducted prior to any construction on the project site to assure that there would be no significant adverse impacts to historic and archaeological resources and the proposed actions would be consistent with this policy.

In summary, the Proposed Actions would be consistent with all applicable WRP policies, and a significant adverse public policy impact is not anticipated.

8. SHADOWS

A detailed shadow analysis is generally required only if the project would either (a) result in 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. Resources of concern include public open spaces, greenstreets, natural resources (if the introduction of shadows may alter their condition or microclimate), and historic resources that depend on direct sunlight for appreciation by the public. The *CEQR Technical Manual* explains sun-sensitive historic resources as follows:

- “Buildings containing design elements that are part of a recognized architectural style that depends on the contrast between light and dark design elements (*e.g.* deep recesses or voids such as open galleries, arcades, recessed balconies, deep window reveals, and prominent rustication).
- “Buildings distinguished by elaborate, highly carved ornamentation.
- “Buildings with stained glass windows.
- “Exterior materials and color that depend on direct sunlight for visual character (*e.g.* the polychromy (multicolored) features found on Victorian Gothic Revival or Art Deco facades).
- “Historic landscapes, such as scenic landmarks including vegetation recognized as an historic feature of the landscape (*e.g.* weeping beeches or pansy beds).
- “Features in structures where the effect of direct sunlight is described as playing a significant role in the structure’s significance as an historic landmark. Examples include the William Lescaze House and Office, 211 E. 48 St. in Manhattan, significant as the first modern (1933) rowhouse in New York, noted for its early use of glass block, glass bricks, and ribbon windows (LPC and S/NR listed), and LPC designated housing projects such as the Williamsburg Houses in Brooklyn and the Cherokee Apartments in Manhattan, both of which were planned to maximize light by use of site planning and architectural features, such as open stair towers and balconies.” (*CEQR Technical Manual*, 2014.)

Because the Proposed Actions would result in a new structure greater than 50 feet, a preliminary screening assessment is required. Shadow lengths vary by day, being longest in early morning and late afternoon and shortest at noon, and by time of year, being longest at the winter solstice and shortest at summer solstice. According to the *CEQR Technical Manual*, the longest shadow cast by a building is 4.3 times the building’s height. The proposed zoning would permit buildings up to 85 feet in height. The longest shadow cast by a building resulting from the Proposed Actions would thus be 365 feet in length.

Tier 1 Screening Assessment

As shown in Figure 8-1, Tier I Shadow Screening Analysis, there is one sunlight-sensitive resource within the maximum shadow distance from the Development Site: the PS 307 outdoor playground. Buildings within the Vinegar Hill Historic District, which consist of brick Greek-Revival row houses, do not satisfy the above criteria and are therefore not considered sunlight sensitive.

Due to the proximity of the Project Site to the PS 307 playground, potential shadow impacts could occur from the projected development on this open space resource.

Tier 2 Screening Assessment

Based on the Tier 1 assessment, which showed the potential for the longest shadow to reach a sunlight-sensitive open space resource, a Tier 2 assessment was prepared. A Tier 2 assessment located the area south of an area that cannot be cast in shadow. This area in New York City is between -108 and +108 degrees from true north.

The attached Tier 2 screening assessment (Figure 8-2) shows the area south of the Project Site that cannot be shadowed by the projected development. As illustrated in the figure, a the playground falls within the area that could be affected by project-generated shadows. Therefore, a Tier 3 assessment was prepared.

Tier 3 Screening Assessment

A Tier 3 screening assessment was prepared for the four representative days of the year set forth in the *CEQR Technical Manual*: December 21, the winter solstice and shortest day of the year; March 21/September 21, the equinoxes; May 6, the midpoint between the summer solstice and the equinox (and equivalent to August 6); and June 21, the summer solstice and the longest day of the year. (See Figure 8-3i through 8-3iv) The *CEQR Technical Manual* defines the temporal limits of a shadow analysis period to fall from an hour and a half after sunrise to an hour and a half before sunset. In accordance with the *CEQR Technical Manual*, surrounding buildings are not included in the Tier 3 shadow assessment model.

As shown on the attached Tier 3 assessment, project-generated shadows would reach the playground on all the June 21 analysis day. The Tier 3 incremental screening assessment (Figure 8-3iv) shows the time and durations of new shadows that would be cast by project-generated development on the playground (not accounting for shadows generated by existing buildings or tree plantings).

New shadows would be cast by the proposed development on the northern edge of the PS 307 playground during the evening (around 6pm) on the June 21 analysis day.

Significance of Shadow Impacts

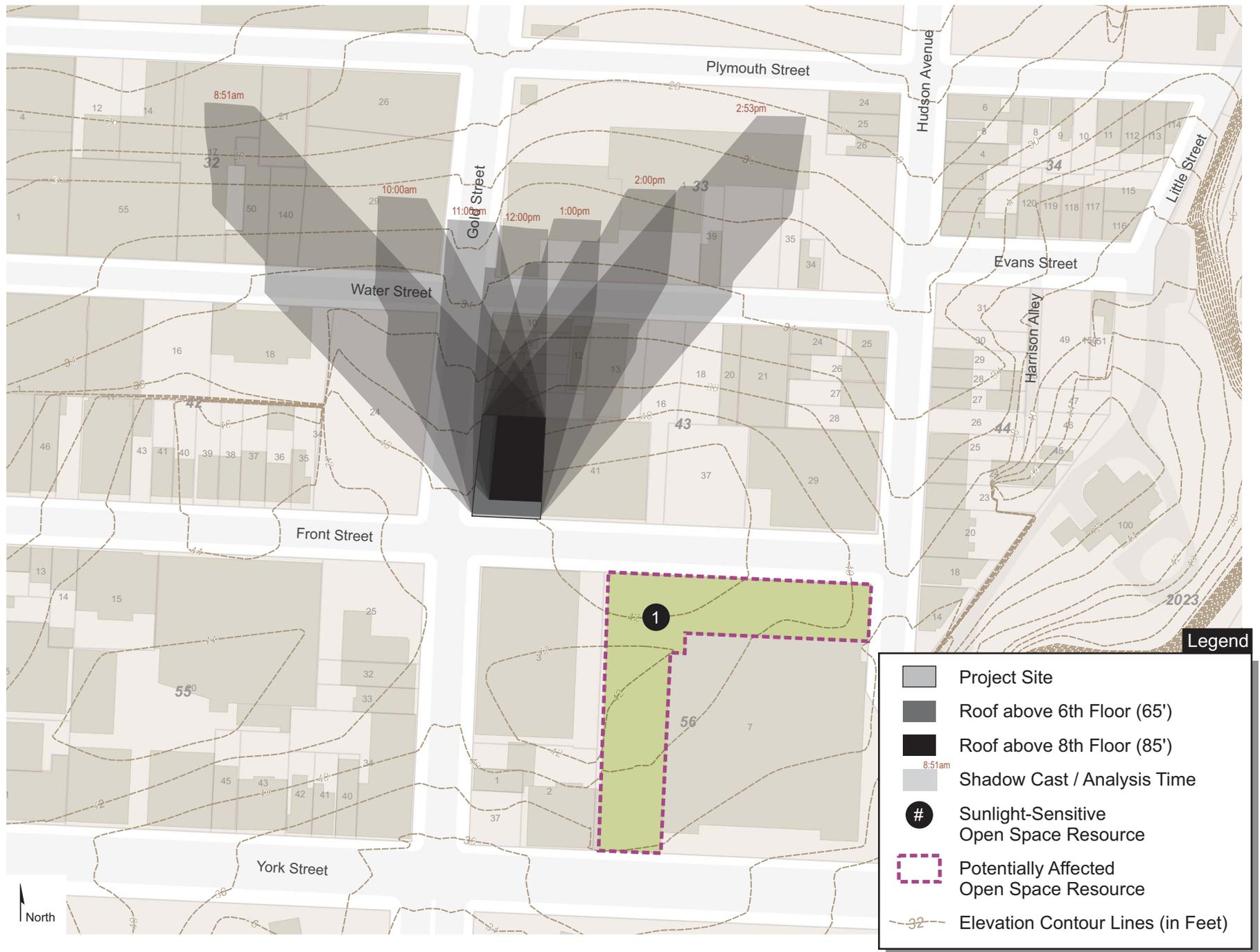
Based on *CEQR Technical Manual* criteria and as shown in the Tier 3 incremental impact screening impact assessment diagrams, shadows from the proposed building would fall on the PS 307 playground beginning around 6pm in the mid- to late- summer. As shown in Figure 8-6, the shadow would cover only the edge of the northern portion of the playground. The majority of the playground would not be affected, and shadows would occur at an hour when most playground users have returned home.

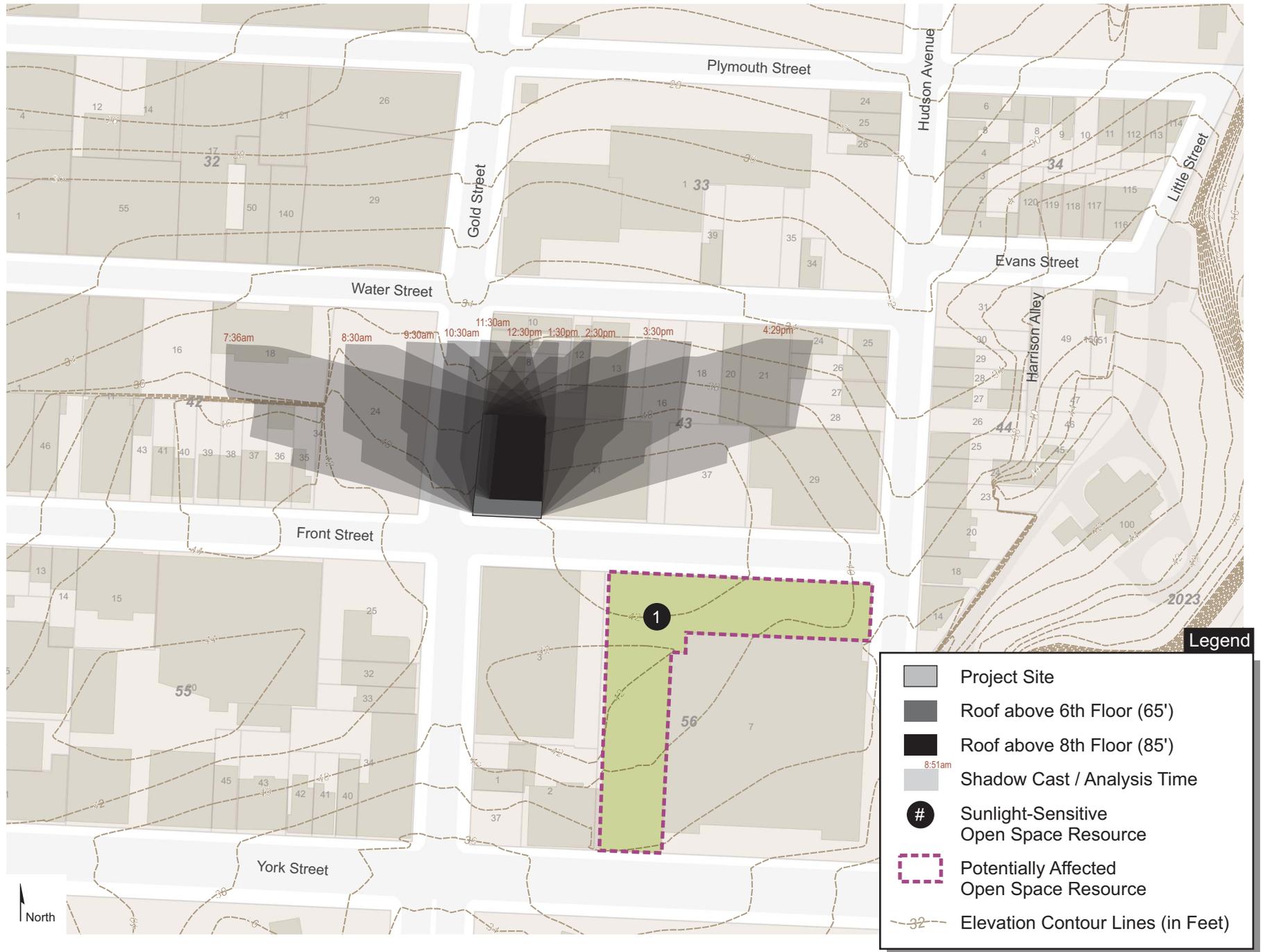
Conclusion

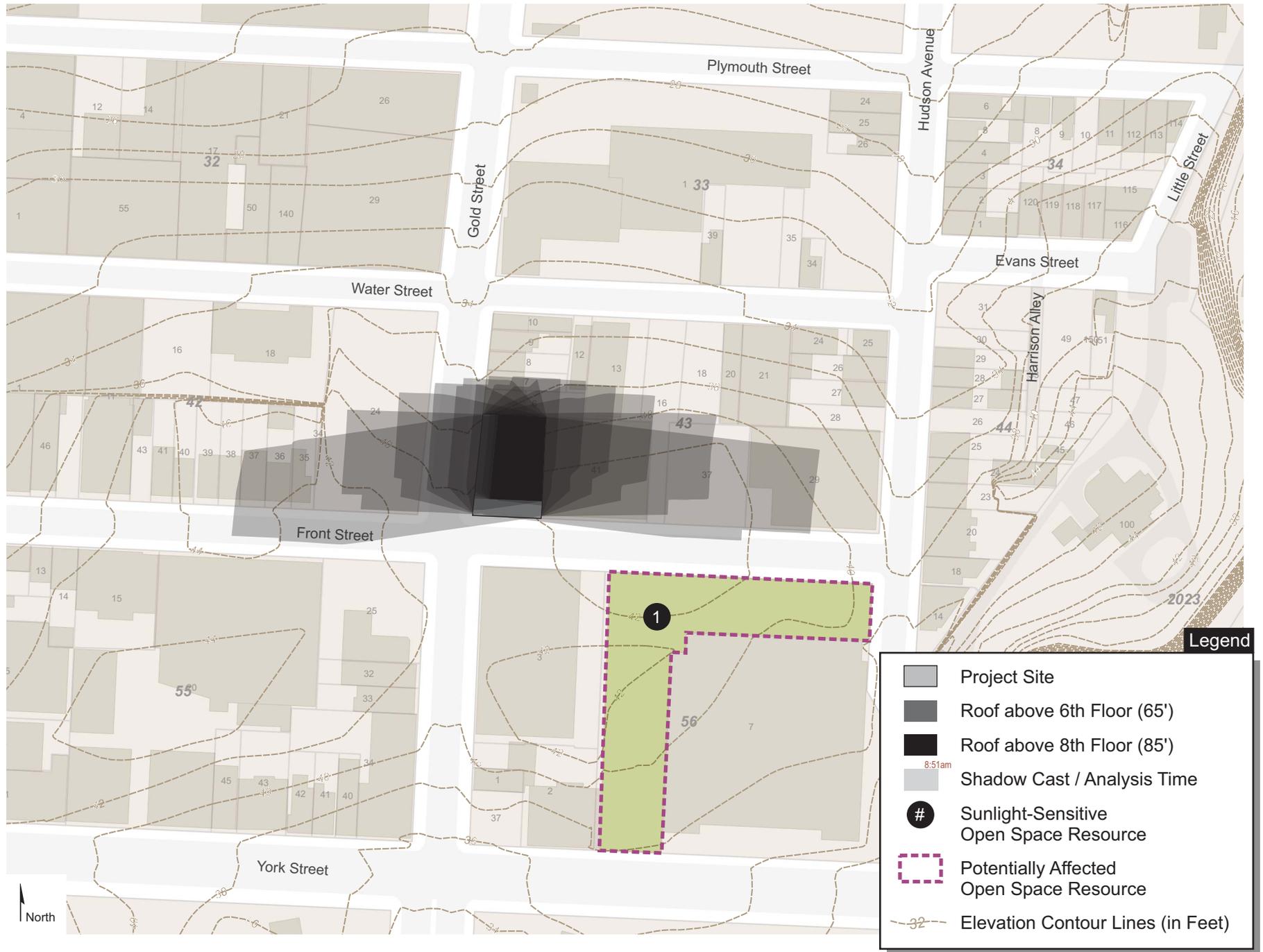
The proposed building on the Project Site would cast new shadows on portions of the PS 307 playground in mid- to late summer. As explained above, shadows would affect only a small portion of the play area, and shadows would fall outside of peak use hours at the playground - in the evening, after 6pm. No other open space on sunlight-sensitive resource would be affected by shadows generated by the proposed actions. Therefore, the Proposed Actions would not result in significant shadow impacts, and no further analysis is necessary.

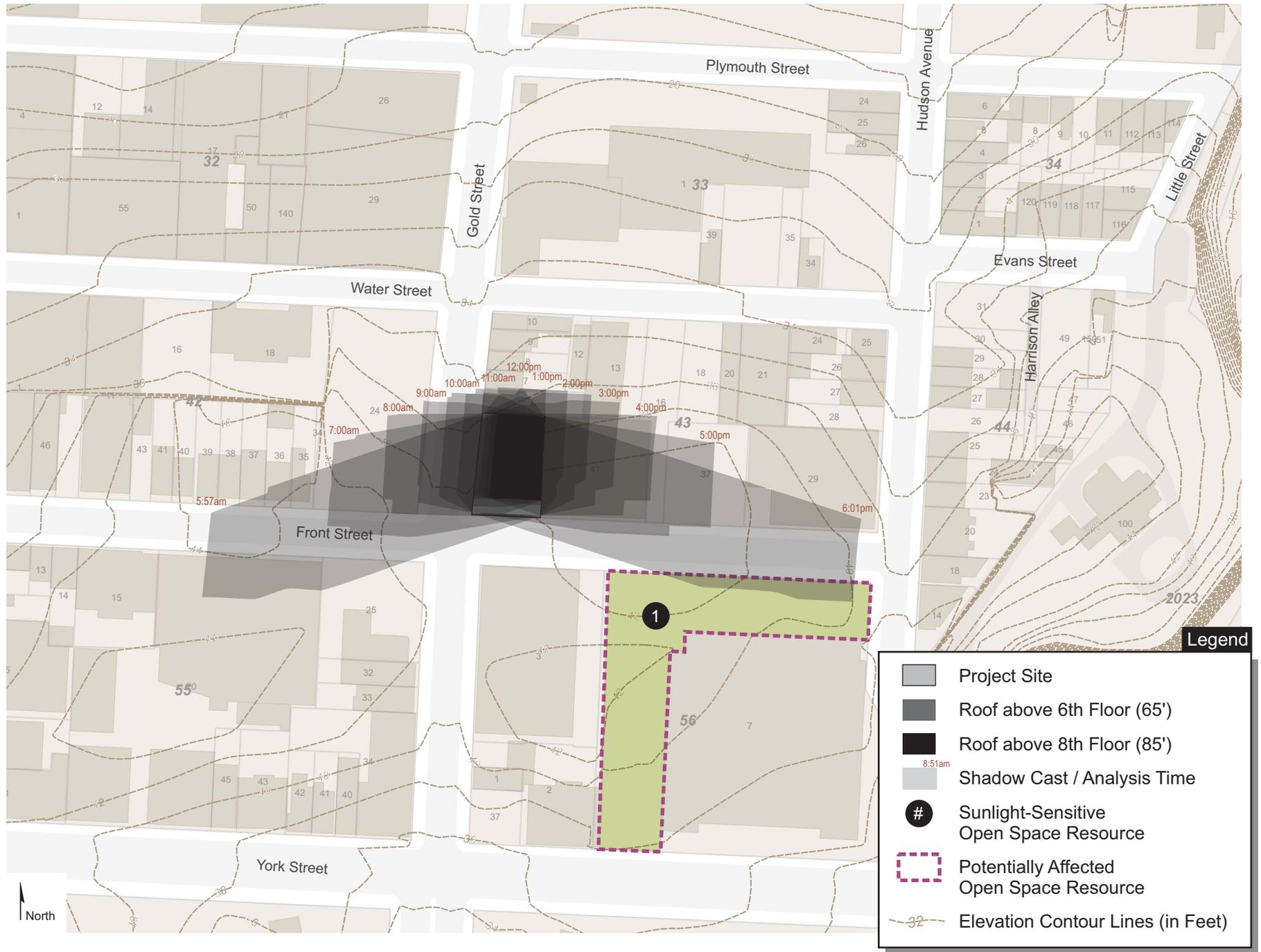


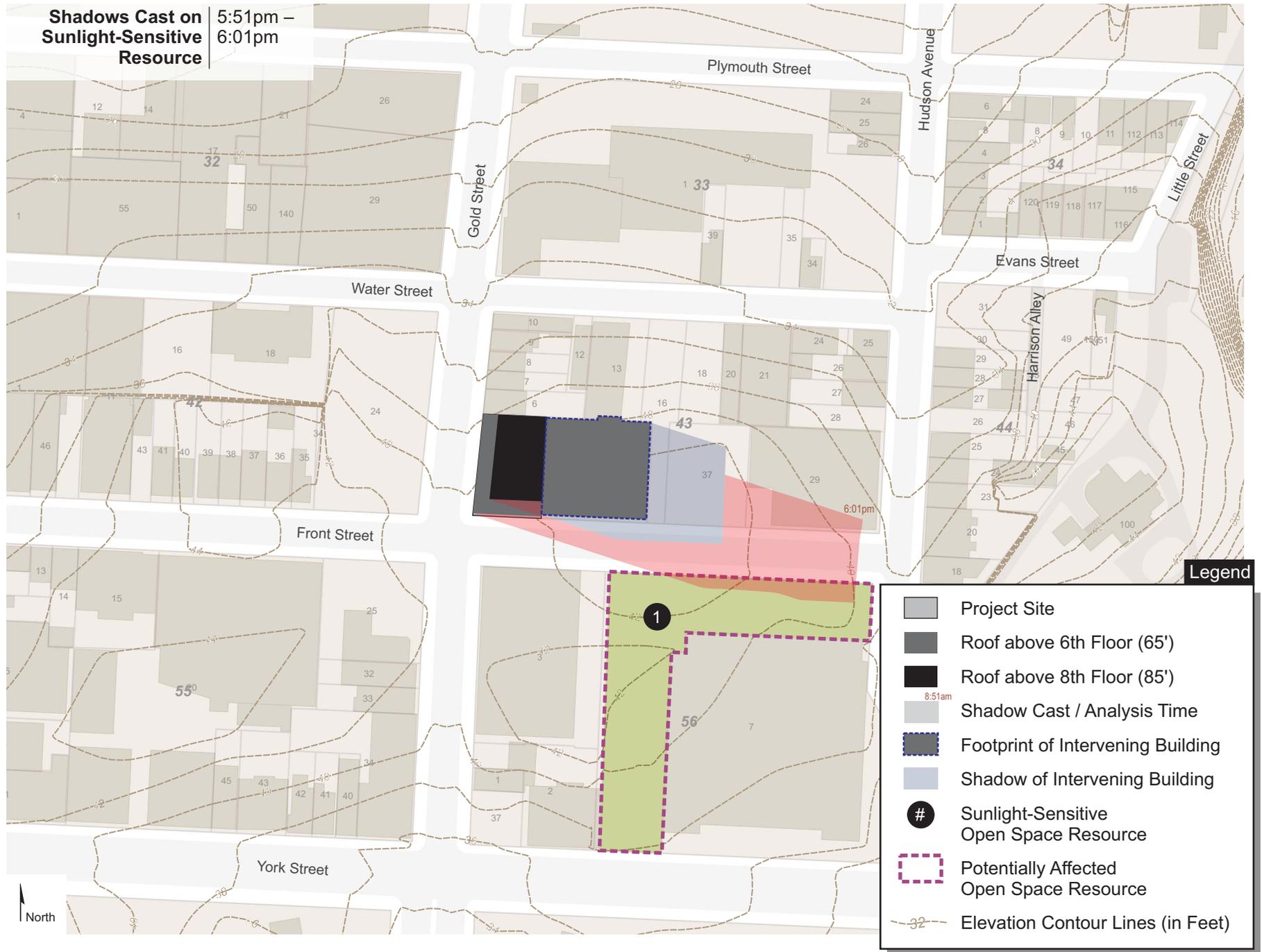












9. HISTORIC AND CULTURAL RESOURCES

Introduction

This section considers the Proposed Action's potential impact on archaeological and architectural resources. Archaeological resources are artifacts or other remains, from either the prehistoric (Native American) or the historic (colonial or post-colonial) period that might provide information about the period from which they date or the society that produced them. Architectural resources include designated New York City landmarks, buildings within a designated New York City historic district, properties calendared for consideration by the New York City Landmarks Preservation Commission (LPC), properties listed on or determined to be eligible for listing on the State or National Register of Historic Places, National Historic Landmarks, and other properties that meet the eligibility criteria for such designations.

According to the *CEQR Technical Manual*, archaeological resources generally need to be assessed for any project 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. Examples of projects that typically require assessment are:

- Above-ground construction resulting in-ground disturbance, including construction of temporary roads and access facilities, grading, or landscaping.
- Below-ground construction, such as installation of utilities or excavation, including that for footings or piles.

For any projects that would result in new ground disturbance (as described above), assessment of both prehistoric and historic archaeological resources is appropriate.

The proposed project would include excavation for the new buildings' foundations. The RWCDS assumes that a 29,000 gsf new building would be developed on the project site; the proposed building would include 9,500 gsf of commercial space and 19,600 gsf of residential space. Assuming approximately one residential unit per 1,000 gsf of residential floor area, the building would contain 19 market rate residential units. Ten surface accessory parking spaces would be provided. The development would require the demolition of the existing warehouse building on the project site. An archaeological assessment therefore may be required for the Proposed Action.

According to the *CEQR Technical Manual*, architectural resources should generally be surveyed and assessed if the proposed project would result in any of the following, whether or not any known historic resources are located near the site of the project:

- "New construction, demolition, or significant physical alteration to any building, structure, or object.
- "A change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature. Visual prominence is generally the way in which a building, structure, object, or landscape feature is viewed. For example, a building may be part of an open setting, a tower within a plaza, or conforming or not conforming to the street wall in terms of its height, footprint, and/or setback. Visual context is the character of the surrounding built or natural environment. This may include the following: the

architectural components of an area's buildings (*e.g.*, height, scale, proportion, massing, fenestration, ground-floor configuration, style), streetscapes, skyline, landforms, vegetation, and openness to the sky.

- “Construction, including but not limited to, excavating vibration, subsidence, dewatering, and the possibility of falling objects.
- “Additions to or significant removal, grading, or replanting of significant historic landscape features.
- “Screening or elimination of publicly accessible views.
- “Introduction of significant new shadows or significant lengthening of the duration of existing shadows on an historic landscape or on an historic structure if the features that make the structure significant depend on sunlight. For example, stained glass windows that cannot be seen without sunlight, or buildings containing design elements that are part of a recognized architectural style that depends on the contrast between light and dark design elements, such as deep window reveals and prominent rustication.” (*CEQR Technical Manual*, 2014.)

The Proposed Action would result in the demolition of an existing building and the construction of a new building on the project site. An architectural assessment therefore may be required for the Proposed Action.

Archaeological Resources

A Phase I Environmental Site Assessment prepared for the project site in September 2014 revealed that the property was developed with residential buildings with basements from as early as 1887 until sometime between 1938 and 1950. It is likely that this activity would have disturbed any archaeological resources that would otherwise have been present on the project site.

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century occupation on the project site (Block 43, Lot 1; 265 Front Street) and on an adjacent property (Block 43, Lot 41; 275 Front Street). Accordingly, the Commission recommends that an archaeological documentary study be performed for these sites to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary. See 6/25/15 LPC letter in Historic and Archaeological Resources Appendix.

Future No-Action Scenario

In the future without the Proposed Action, it is conservatively assumed that no development or change in land use would occur on the project site or on the non-Applicant owned site that falls within the proposed rezoning area. Therefore, no disturbance to potential archaeological resources on these properties would occur.

Future With-Action Scenario

The RWCDs assumes that a 29,000 gsf new building would be developed on the project site; the proposed building would include 9,500 gsf of commercial space and 19,500 gsf of residential space. Assuming approximately one residential unit per 1,000 gsf of residential floor area, the building would contain 19 market rate residential units. Ten surface accessory parking spaces would be provided. The development would require the demolition of the existing warehouse

building on the project site. Therefore, there is the potential for disturbance to potential archaeological resources on the Applicant owned property to occur.

In the future with the Proposed Action, it is assumed that rezoning would not lead to any new development or other land use change on Lot 41. The portion of the lot that would be rezoned is too narrow to accommodate new development. Therefore, no disturbance to potential archaeological resources on Lot 41 would occur.

Archaeological Documentary Study and Restrictive Declaration

A Phase I archaeological documentary study has been prepared for the property and was reviewed by the LPC. LPC recommended that the site should be observed during excavation activities.

The Applicant has entered into a Restrictive Declaration (1) committing the Applicant to the preparation of an LPC-approved archaeological documentary study for the project site and the adjacent property and (2) establishing that the Applicant will not seek, and that the NYC Department of Buildings (DOB) will not issue, any permit for the site that would result in soil disturbance until LPC has issued to DOB, as applicable, a Notice of No Objection, Notice to Proceed, Notice of Satisfaction, or Final Notice of Satisfaction. All work required by LPC (including the documentary study and, if requested, field testing and any mitigation) will be conducted to LPC's satisfaction prior to any construction on the project site to assure that there would be no significant adverse impacts to archaeological resources. After being reviewed and approved by LPC, the Restrictive Declaration was signed and notarized on August 24, 2016.

Architectural Resources

The project site is currently developed with a small, utilitarian, two-story building that does not constitute an architectural resource. The project site is nonetheless an architecturally sensitive location because on its northern edge it abuts Area II of the Vinegar Historic District. Area II consists of the five adjacent buildings located at 69 to 77 Gold Street.

According to the Vinegar Hill Historic District Designation Report prepared by the LPC for the Historic District,

“The Vinegar Hill Historic District, which is comprised of three separate small groups of brick, Greek-Revival row houses, is a residential remnant of the early nineteenth-century neighborhood that occupied the blocks between the Brooklyn Bridge and the Brooklyn Navy Yard. By the late nineteenth century, the large number of Irish residents had given the neighborhood the popular name ‘Irishtown,’ although other ethnic groups also lived in the area. Industrial expansion and transportation improvements in the early twentieth century resulted in the demolition of many of the original structures. The groups of houses that survive within the Vinegar Hill Historic District retain their historic architectural character and create a distinct sense of place, recalling a significant era in Brooklyn's history.” (*Vinegar Hill Historic District Designation Report*. New York City LPC, 1997.)

According to the report, the five buildings within Area II of the Historic District were built sometime between 1841 and 1852. The northernmost building, 69 Gold Street, is a four-story Greek revival row house, with a later rear addition on Water Street. The next three buildings,

71, 73, and 75 Water Street, are identical Greek Revival row houses with three stories and a basement. The southernmost building, 77 Gold Street, is directly adjacent to the project site. It is a four-story Greek Revival/Italianate row house with a ground floor store.

The project site is approximately 550 feet from the easternmost edge of the DUMBO Historic District. Because of the greater distance and intervening development between the project site and the DUMBO Historic District, the Proposed Action would not have a significant adverse impact on the DUMBO Historic District.

According to the DUMBO Historic District Designation Report prepared by the LPC for the Historic District,

“The DUMBO area was essential to Brooklyn’s rise as a major American industrial center and was the home of some of the most important industrial firms in late nineteenth and early twentieth century America including Arbuckle Brothers (coffee and sugar), J. W. Masury & Son (paint), Robert Gair (paper boxes), E. W. Bliss (machinery), and Brillo (steel wool). The buildings in the district reflect the extraordinary diversity of Brooklyn’s industrial development, with manufactured and processed goods including coffee, tea, sugar, machinery, paint, varnish, paper boxes, shoes, soap, ale, and steel wool. By the early twentieth century, Brooklyn was the fourth largest manufacturing center in the entire country and a significant portion of this manufacturing was done in DUMBO. The approximately 91 buildings in the historic district reflect important trends in the development of industrial architecture in the United States during the nineteenth and twentieth centuries, and embody an important era of Brooklyn and New York City history.”

Future No-Action Scenario

In the future without the Proposed Action, it is conservatively assumed that no development or change in land use would occur on the project site or on the non-Applicant owned site that falls within the proposed rezoning area. Therefore, no disturbance to architectural resources on these properties would occur.

Future With-Action Scenario

The RWCDs assumes that a 29,000 gsf new building would be developed on the project site; the proposed building would include 9,500 gsf of commercial space and 19,500 gsf of residential space. Assuming approximately one residential unit per 1,000 gsf of residential floor area, the building would contain 19 market rate residential units. Ten surface accessory parking spaces would be provided. The development would require the demolition of the existing warehouse building on the project site. Based on the LPC determination discussed below, the proposed development on the Applicant owned property would not have an adverse impact on architectural resources provided that a construction protection plan to be approved by LPC is adhered to.

In the future with the Proposed Action, it is assumed that rezoning would not lead to any new development or other land use change on Lot 41. The portion of the lot that would be rezoned is too narrow to accommodate new development. Therefore, no disturbance to architectural resources would occur.

Construction Protection Plan

LPC indicates that the project site (Block 43, Lot 1; 265 Front Street) and the adjacent property (Block 43, Lot 41; 275 Front Street) are directly adjacent to Area II of the LPC designated Vinegar Hill Historic District. See 6/25/15 LPC letter in Historic and Archaeological Resources Appendix. A construction protection plan for 69 through 77 Gold Street is required for LPC review and comment. Construction will be required to comply with all applicable construction regulations to protect nearby historic resources. These regulations include the NYC Department of Buildings (DOB) Technical Policy and Procedure Notice (TPPN) #10/88, which supplements the standard building protections afforded by the Building Code C26.112.4 by requiring a monitoring program to reduce the likelihood of construction damage to adjacent architectural resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed. Under TPPN 10/88, a construction protection plan (CPP) must be provided to LPC for review and approval prior to construction. When required, a CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

10. URBAN DESIGN AND VISUAL RESOURCES

Introduction

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

- Projects that permit the modification of yard, height, and setback requirements;
- Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project.

A preliminary urban design and visual resources assessment is required because the Proposed Action consists of a zoning map change and zoning text amendment that would alter the rules regulating development within the proposed rezoning area, which would allow the construction of buildings that are different in scale both from those that would be allowed under existing zoning regulations. The proposed zoning change is the extension of an existing R6A zoning district and the mapping of a C2-4 overlay over what is now part of an adjacent M1-2 district. On the project site, which is the only lot that would be affected by the Proposed Action, the permitted FAR would increase from 2.00 to 3.00 (or 3.6 with MIH bonus). The maximum permitted street wall height would be 60 feet and the maximum building height would be 50 feet.

Pedestrian Wind Conditions

The *CEQR Technical Manual* calls for a separate preliminary assessment to determine whether an analysis of pedestrian wind conditions is appropriate, since the construction of large buildings at locations that experience high wind conditions may result in channelization or downwash effects that could affect pedestrian safety.

The project site is not subject to unusual wind conditions. It is not in an exposed area fronting on the waterfront, and it is not on high ground or on the upper portion of an exposed slope. It is within a fully developed area with a relatively flat topography that is more than two blocks and more than 1,000 feet inland.

The Proposed Action would facilitate the construction of a building up to 85 feet in height. The resulting new construction would be oriented to the existing streets and would be built to the street line. Development would not include a freestanding tower of a scale that could cause pedestrian level vortex effects.

For these reasons, the Proposed Action would not have a significant adverse impact on pedestrian wind conditions, and a detailed wind conditions assessment is not required.

Existing Conditions

Urban Design

The project site is located within the western Vinegar Hill neighborhood, just east of the DUMBO neighborhood. There are no maintained public open spaces with landscaping or natural vegetation in the 400-foot study area, and there are no significant natural features. The topography of the area is fairly flat, with no significant topographic features. There is a slight

downward slope towards the East River to the north. Streets within the study area are narrow, generally 40 to 60 feet in width. Block dimensions are 200 feet north to south and 500 feet east to west. An aerial photograph of the project site and its immediate context appears as Figure 10-1.

Figure 10-1: Aerial View of Project Site



The project site is located on a block that fits this pattern, with approximately 400 feet of frontage along Water Street to the north and Front Street to the south, and approximately 200 feet of frontage along Navy Street to the east and Gold Street to the west. The project site consists of a single tax lot located at the northeastern corner of Front and Gold Streets (see attached photos and photo key map). The site measures 67.3 feet along Front Street and 100.4 feet along Gold Street. It is not perfectly rectangular, as Gold Street runs slightly skewed rather than at a right angle to Front Street.

Buildings in the study area are a mix of historic row houses and loft buildings that are arranged linearly along block fronts, generally forming continuous street walls with few setbacks or side yards. There are several holes in this urban fabric, such as the project site and the lot opposite the project site on Gold Street, both of which are underdeveloped and used primarily for vehicle parking and storage. There is little consistency to the development pattern on the blocks within the study area. Building types and uses, including building footprints and dimensions, vary substantially throughout the area. Large-scale current or former manufacturing and warehouse buildings (a number of which have been converted to residential or commercial use) are interspersed with foundries, garages, and other small, nondescript industrial buildings; nineteenth century row houses; and more recent apartment buildings. Building heights vary from one to 14 stories. The southern edge of the study area includes the 14-story towers of the New York City Housing Authority's Farragut Houses. The northern part of the study area includes a large Con Edison substation, with acres of exposed transformers, separating the Vinegar Hill neighborhood from the East River waterfront.

Visual Resources

The most important visual resources in the immediate vicinity of the project site are the historic buildings within the Vinegar Hill Historic District. The Historic District contains low-rise row houses from the mid-nineteenth century and consists of three separate areas: Area I, which includes portions of the block west of the project site; Area II, which is adjacent to the project site to the north; and Area III, which is located at the southeast corner of Water and Hudson Streets.

The East River waterfront and the Manhattan Bridge are important visual resources in the area, but at more than 1,000 feet away, they are too far from the project site to be visible. There are no significant view corridors towards these resources or any others from the project area.

Future Conditions without the Proposed Action

In the future without the Proposed Action, no change is anticipated on the project site.

There are no changes anticipated on the project site in the future without the Proposed Action. On the block west of the project site, two residential buildings of up to eight stories each are proposed. Additionally, a seven-story residential building will be built on the vacant lot at the northeast corner of Bridge and Water Streets. No other changes to the urban design or visual resources are anticipated.

Future Conditions with the Proposed Action

The Proposed Action is a zoning map change that would allow residential development at a higher FAR and with a higher maximum height than that currently permitted on the project site, which is currently zoned for light industrial use. The permitted FAR would increase from 2.00 to 3.60; the permitted street wall height would be 60 feet rather than being governed by a sky exposure plane; and the maximum permitted building height would increase to 85 feet.

The reasonable worst case development scenario on the project site includes a full build out of the site and considers the presence of both residential and commercial retail use. The building analyzed in this EAS contains 29,000 gsf of floor area, of which 9,500 gsf would be retail space and 19,500 gsf would contain 19 market rate residential units.

Table 10-1 summarizes conditions under the existing, no-action, and reasonable worst case development (action) scenarios.

Table 10-1: Development Scenarios

| Item | Existing Condition | No-Action Condition | Reasonable Worst Case Development Scenario |
|-------------------------------------|--|--|---|
| Development Scenario | One vacant two-story building, surface parking | One vacant two-story building, surface parking | One residential building with ground-floor retail space |
| Gross/(Net) Bldg. Floor Area | 1,800 gsf | 1,800 gsf | 29,000 gsf (of which 9,500 gsf would be commercial and 19,500 gsf would be residential) |
| Lot Coverage | 900 sf (14%) | 900 sf (14%) | 80% |
| Building Heights | 2 stories | 2 stories | 85 feet |

Urban Design

The Proposed Action would not affect the topography, street system, block forms, or building arrangements within the area including and surrounding the project site. The Proposed Action would facilitate the redevelopment of the project site, which would fill a hole in the overall development pattern of the area. Although the new building on the project site would be taller than the adjacent buildings, it would conform to the height and setback regulations of the R6B district that already covers the northern half of the subject block (including the portion of the block that is within the Vinegar Hill Historic District). As discussed above under Existing Conditions, the area's urban design context is marked by contrasts in building heights, types, and dimensions. The new building thus would not disrupt a consistent neighborhood scale. In summary, the Proposed Action would not result in a significant adverse urban design impact.

Visual Resources

The Vinegar Hill Historic District consists of small clusters of intact mid-nineteenth century low-rise buildings set amidst later, more divergent, and often larger scale development, rather than a single, larger collection of historic buildings that define the scale and other urban design characteristics of a neighborhood. The immediate visual context already includes buildings as tall as 12 stories, as well as surface parking lots and Con Edison transformer stations. Neighbors of the district's three areas include factory buildings, warehouses, and an auto repair shop. The new development resulting from the Proposed Action would not significantly damage the integrity and visual setting of the historic buildings.

Because no significant view corridors have been identified, the new development would not block any such view corridors.

In summary, the Proposed Action would not result in a significant adverse impact to visual resources.



1. View of the Site facing northeast from the intersection of Front Street and Gold Street.



2. View of the Site facing north from Front Street.



3. View of the Site facing east from Gold Street.

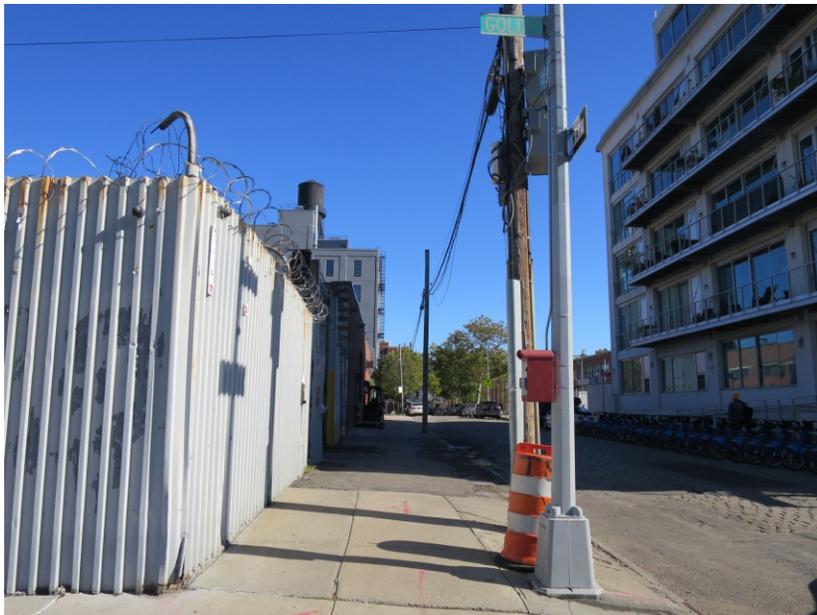




4. View of the Site facing northwest from Front Street.



5. View of the sidewalk along the north side of Front Street facing east toward Gold Street (Site at right).

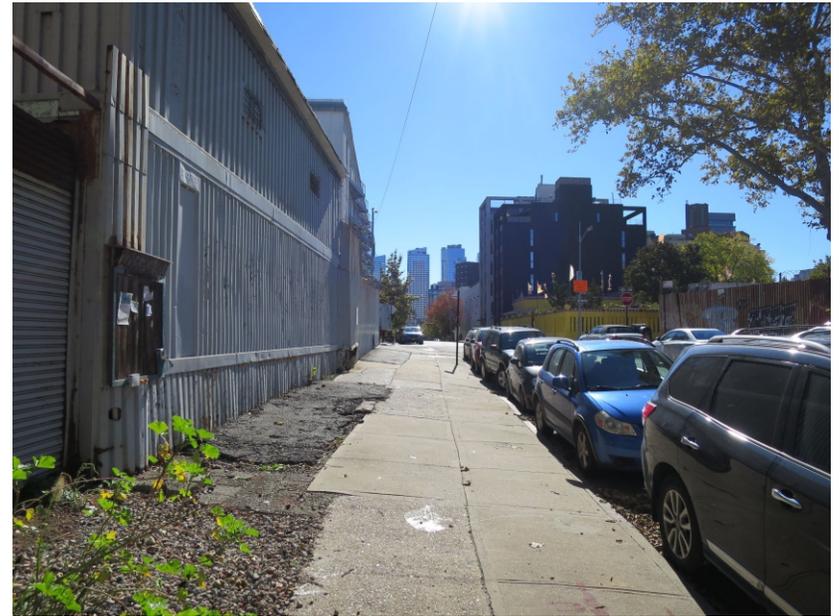


6. View of the sidewalk along the north side of Front Street facing west from Gold Street (Site at left).





7. View of the Site facing southeast from Gold Street.



8. View of the sidewalk along the east side of Gold Street facing south toward Front Street (Site at left).



9. View of the sidewalk along the east side of Gold Street facing north from Front Street (Site at right).





10. View of the south side of Front Street facing southeast from the Site.



11. View of the intersection of Front Street and Gold Street facing southwest from the Site.



12. View of the west side of Gold Street facing northwest from the Site.





13. View of Front Street facing west toward Gold Street (Site at right).



14. View of Front Street facing east from Gold Street (Site at left).



15. View of Gold Street facing north from Front Street (Site at right).





16. View of Gold Street facing south toward Front Street (Site at left).



Front Street facing east (Site at left)



No-Action Scenario

Front Street facing east (Site at left)



With-Action Scenario

- Maximum Permitted Base Height (65')
- Maximum Permitted Building Height (85')
- Proposed Building Height (51.5')

Front Street facing west (Site at right)



No-Action Scenario

Front Street facing west (Site at right)



With-Action Scenario

- Maximum Permitted Base Height (65')
- Maximum Permitted Building Height (85')
- Proposed Building Height (51.5')

Gold Street facing south (Site at left)



No-Action Scenario

Gold Street facing south (Site at left)



With-Action Scenario

- Maximum Permitted Base Height (65')
- Maximum Permitted Building Height (85')
- Proposed Building Height (51.5')

12. HAZARDOUS MATERIALS

Introduction

AVT Engineering PLLC performed a Phase I Environmental Site Assessment (ESA) for the project site (265 Front Street, Brooklyn Block 43, Lot 1), dated September 4, 2014. The ESA was prepared in accordance with the ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E-1527-05).

The purpose of the ESA is to identify, to the extent feasible in accordance with ASTM E-1527-05, recognized environmental conditions in connection with the site with regard to hazardous materials as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and petroleum products. Additionally, several ASTM “non-scope” items including asbestos-containing materials, lead-based paints, and radon are also discussed. Recognized Environmental Conditions are identified through research into the history and uses of the site and surrounding area, an inspection of the subject property and a survey of adjoining and nearby uses, and a review of available regulatory agency records and environmental databases.

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

Site Description

The subject site is rectangular in shape, measuring approximately 67 feet wide by 100 feet deep. There is one building on the property, which covers approximately 50 percent of the lot; the remainder of the lot is used for parking and open storage. The building is a temporary metal prefabricated single-story warehouse-style building that was built around 1985. It is built on slab with no basement. The building uses municipal water and sewer systems, and Con Edison provides electricity. The building’s heat and hot water systems are powered by electricity.

Site History

Research into the history of the property indicates that the site was occupied by five residential row houses (four fronting on Gold Street and one fronting on Front Street, all with basements) and one store (with frontage on both Gold and Front Streets) as early as 1887. All six buildings were demolished sometime between 1938 and 1950. In 1957, a Certificate of Occupancy was issued for the site’s use as a private parking lot for employees of 99 Gold Street. The warehouse building on the property was constructed sometime between 1985 and 1986.

Site Inspection

The site inspection revealed no signs of distressed vegetation, floor drains, exterior storm drains, or evidence of dumping or excavation.

No aboveground storage tanks (ASTs) were observed on the property during the site visit. There were no visible indications of the presence of underground storage tanks (USTs).

No signs of friable asbestos-containing materials were observed on the property. Linoleum and floor tiles were observed that may contain non-friable asbestos-containing materials, and thus an asbestos survey must be performed before any renovations can take place.

No lead-based paints were identified during the site visit, but the Phase I ESA recommended that testing be performed on any painted surfaces prior to demolition or renovation.

Fluorescent light fixtures were noted on the property. It is possible that the ballasts in these fixtures contain PCBs, and should be properly disposed of in accordance with state regulations.

Regulatory Agency Database Findings

The project site does not appear in any of the federal or state databases that were reviewed, including the federal Environmental Protection Agency's (EPA's) National Priorities List, CERCLIS, Toxic Release Inventory, or ERNA databases, the RCRA hazardous waste generator and hazardous materials treatment/storage/disposal facilities list; or the New York State Department of Environmental Conservation's (DEC's) Solid Waste Disposal Facilities database, chemical and petroleum bulk storage database, or leaking underground storage tanks database.

Off-Site Findings

The review of regulatory agency databases did not identify any potential off-site sources of contamination that are considered likely to have impacted the environmental quality of the project site.

A review of historical land uses using Sanborn maps shows that the area surrounding the project site has historically contained residential, commercial, automotive, and industrial uses (including a printing company, a white lead company, and a gas company with several large gas storage tanks). According to the Phase I ESA, problems arising from adjacent and neighboring properties are not significant hazards in terms of health and human safety.

Several sites in the area are listed in one or more of the databases searched, including several sites that are listed as participating in the bulk storage programs or as generating or transporting hazardous waste, and several spills of fuel products were reported within the search radius. The Phase I ESA stated that nearby commercial and multi-family housing developments were likely the properties involved in bulk storage or the generation or transportation of hazardous waste. Regarding the fuel oil spills, the Phase I ESA concluded that the quantities, distance from the subject site, and nature of the product pose minimal risk of migration to the project site.

Phase I ESA Conclusions

The Phase I report concludes that the ESA indicates no evidence that the project site was the generator or recipient of any Recognized Environmental Conditions, but that problems arising from neighboring properties could have future impacts on the project site. Though there are neighboring sites that are listed in one or more of the databases searched, the ESA did not identify any specific concerns related to these sites. The report makes no recommendations regarding the advisability of Phase II testing or other additional investigations.

NYC Department of Environmental Protection Review

In a letter to DCP dated July 8, 2015, the NYC Department of Environmental Protection (DEP) indicates that based upon their review of the EAS and related materials, DEP has the following comments and recommendations to DCP:

Site under the control or ownership of the applicant -Block 43, Lot 1

DCP should inform the applicant that based on the historical on-site and/or surrounding area land uses, a Phase II Environmental Site Assessment (Phase II) is necessary to adequately identify/characterize the surface and subsurface soils of the subject parcel. A Phase II

Investigative Protocol/Work Plan summarizing the proposed drilling, soil, groundwater, and soil vapor sampling activities should be submitted to DEP for review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil, groundwater, and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory for the presence of volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds by EPA Method 8270, pesticides by EPA Method 8081, PCBs by EPA Method 8082, and Target Analyte List metals (filtered and unfiltered for groundwater samples). The soil vapor sampling should be conducted in accordance with NYSDOH's October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method T0-15. An Investigative Health and Safety Plan (HASP) should also be submitted to DEP for review and approval.

DCP should inform the applicant that ACM, LBP, and suspected PCB containing materials may be present in the on-site structure. These materials should be properly removed and/or managed prior to the start of any construction activities and disposed of in accordance with all federal, state, and local regulations.

Site not under the control or ownership of the applicant –Block 43, Lot 41

Based on prior on-site and/or surrounding area land uses which could result in environmental contamination, DEP recommends that an "E" designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject property. The "E" designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance.

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

Conclusion

In lieu of a Phase II workplan, an "E" designation for hazardous materials will be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject property. The "E" designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance on the property. The Applicant will be directed to coordinate further hazardous materials assessments through the Mayor's Office of Environmental Remediation.

Pursuant to DEP's guidance, an "E" designation will also be placed on Lot 41 to ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance.

Therefore, in order to avoid any potential impacts associated with hazardous materials, an (E) designation for hazardous materials will be placed on the following properties:

Block 43, Lots 1 and 41

The text for the (E) designation (E-560) related to hazardous materials is 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 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. Therefore, there is no potential for the Proposed Actions to result in significant adverse impacts related to hazardous materials in the proposed rezoning area.

17. AIR QUALITY

Introduction

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 frame work, as mandated by the State Environmental Review Act, follows the *New York City Environmental Quality Review 2014 Technical Manual*. The potential air quality impacts of the following emissions are estimated following the procedures and methodologies prescribed in the *CEQR Technical Manual*:

- Vehicular emission resulting from increased vehicular traffic and/or changes to traffic pattern.
- Vehicular emission associated with off-street parking facilities.
- Vehicular emission generated at an atypical (*e.g.*, not at-grade) roadway.
- Emission from the burning of fossil fuels in the heating, ventilation and air conditioning (HVAC) equipment of the proposed developments.
- Air toxics emission released from industrial or manufacturing facilities.
- Stationary source emission of facilities that require Prevention of Significant Deterioration permits (Title V), and facilities which require a state facility permit.
- Facilities' malodorous emissions to unreasonably interfere with the proposed project's occupant's comfortable enjoyment of life or their property.

Project Description

The Affected Area

The proposed rezoning area consists of approximately 7,000 sf of land area, extending 70 feet from the Gold Street line and 100 feet from the Front Street line. The boundaries of the proposed rezoning area extend beyond the project site described above and include a portion of another, non-Applicant owned site (Block 43, Lot 41)¹. Therefore, a sliver measuring 2.7 feet in width at the southern edge of the rezoning area and 7 feet in width at the northern edge of the rezoning area will also be affected by the proposed action. This area covers approximately 498 sf of the property identified as Block 43, Lot 41, and would be rezoned under the proposed action from M1-2 to R6A/C2-4. This area represents less than five percent of Lot 41, which has an area of

¹ The project site is not perfectly rectangular because Front and Gold Streets do not intersect at right angles. The project site extends 67.3 feet from the Front Street line at the property's southern edge and 63 feet from the Front Street line at its northern edge. The proposed rezoning area extends 70 feet from the Front Street line.

10,575 sf and is fully developed with a one-story (with mezzanine) warehouse. The project Build Year is 2021.

Future No-Action and With-Action Conditions

In the future without the proposed action, it is conservatively assumed that no development or change in land use would occur on the project site or on the non-Applicant owned site that falls within the proposed rezoning area.

In the future with the proposed action, the project site would be developed with a mixed use, approximately 24,500 gsf, 70 feet tall building. The Reasonable Worst case Development Scenario (RWCDs) would facilitate an 85 feet tall building containing 29,000 gross square feet (gsf) of floor area. The worst-case scenario (for one building projects) in terms of the air quality analysis is a lower building and maximum gsf of floor area. As such, a 70 feet tall building containing 29,000 gsf was assumed for the air quality analysis. In addition, the development would include ten surface accessory parking spaces.

Air Pollutants and Applicable Standards and Guidelines

Criteria Pollutants

The EPA has identified six pollutants, known as criteria pollutants which are of concern nationwide, and established threshold concentrations for these pollutants based upon their adverse effects on human health. As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for the criteria pollutants by EPA, and New York State has adopted the NAAQS as the State ambient air quality standards.

In addition to the NAAQS, the *CEQR Technical Manual* requires that projects subject to CEQR apply a PM_{2.5} and 8-hour CO averaging time significant impact criteria (based on concentration increments). These criteria are called *de minimis* and they are more stringent than the NAAQS and the state standards, as the criteria set a maximum increase of pollutant concentration that is below the national standard. If the estimated impacts of a proposed project are less than the *de minimis* criteria, the impacts are not considered to be significant. PM_{2.5} significant impact concentrations are evaluated as follows:

- Predicted 24-hour maximum PM_{2.5} concentration increase of more than half the difference between the 24-hour background concentration and the 24-hour standard; or
- Predicted annual average PM_{2.5} concentration increments greater than 0.1 µg/m³ at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources; or for mobile sources, at a distance from a roadway corridor similar to the minimum distance defined for locating neighborhood scale monitoring stations); or
- Predicted annual average PM_{2.5} concentration increments greater than 0.3 µg/m³ at any receptor location for stationary sources.

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

- An increase of 0.5 parts per million (ppm) or more in the maximum 8-hour average CO concentration at a location where the predicted No-Action 8-hour concentration is equal to 8 ppm or between 8 ppm and 9 ppm; or
- An increase of more than half the difference between baseline (i.e., No-Action) concentrations and the 8-hour standard, when No-Action concentrations are below 8 ppm.

Determination of significant impact criteria is evaluated by adding the background concentrations at the nearest NYSDEC monitoring station to the concentrations of criteria pollutants in the ambient air of the existing and planned land uses. Table 17-1 shows the background concentrations at the nearest NYSDEC monitoring station (or the greatest background concentrations of pollutants where distances to monitoring stations are approximately similar) and the NAAQS.

Table 17-1: The NAAQS and Background Concentrations at the Nearest NYSDEC Monitoring Stations

| Pollutant | Averaging Period | National and State Standards | Background Concentration | Monitoring Station |
|-------------------|---------------------------------------|------------------------------------|-------------------------------------|--------------------|
| NO ₂ | 1-Hour concentration | 188 µg/m ³ | 117.2 µg/m ³ | IS52 |
| | Annual arithmetic mean | 100 µg/m ³ | 38.0 µg/m ³ | |
| SO ₂ | 1-Hour concentration | 196 µg/m ³ | 20.7 µg/m ³ | IS52 |
| | Annual arithmetic mean | 80 µg/m ³ | 4.9 µg/m ³ | |
| PM _{2.5} | 24-Hour concentration | 35 µg/m ³ | 20.7 µg/m ³ | Division Street |
| | Average of 3 consecutive annual means | 12 µg/m ³ | 9.3 µg/m ³ | |
| PM ₁₀ | 24-hour concentration | 150 µg/m ³ | 35 µg/m ³ | |
| CO | 1-hour | 35 ppm (40,000 µg/m ³) | 1.78 ppm (2,034 µg/m ³) | Queens College 2 |
| | 8-hour | 9 ppm (10,000 µg/m ³) | 0.90 ppm (1,000 µg/m ³) | |

The concentrations increments calculated in accordance with the NYC Guidelines, *de minimis*, for CO and PM_{2.5} are presented below:

- 24-hour PM_{2.5} 7.15 µg/m³
- Annual PM_{2.5} 0.3 µg/m³ (for stationary source)
- CO 8-hour 4.05 ppm (4,500 µg/m³)

NO₂ NAAQS

Nitrogen oxide (NO_x) emissions from gas combustion consist predominantly of nitric oxide (NO) at the source. The NO_x in these emissions are then gradually converted to NO₂, which is the pollutant of concern, in the atmosphere (in the presence of ozone and sunlight as these emissions travel downwind of a source).

The 1-hour NO₂ NAAQS standard of 0.100 ppm (188 ug/m³) is the 3-year average of the 98th percentile (8th Highest) of daily maximum 1-hour average concentrations in a year. For determining compliance with this standard, the EPA has developed a modeling approach for estimating 1-hour NO₂ concentrations that is comprised of 3 tiers: Tier 1, the most conservative approach, assumes a full (100%) conversion of NO_x to NO₂; Tier 2 applies a conservative ambient NO_x/NO₂ ratio of 80% to the NO_x estimated concentrations; and Tier 3, which is the most precise approach, employs AERMOD's PVMRM module. The PVMRM accounts for the chemical transformation of NO emitted from the stack to NO₂ within the source plume using hourly ozone background concentrations. When Tier 3 is utilized, AERMOD generates 8th highest daily maximum 1-hour NO₂ concentrations or total 1-hour NO₂ concentrations if hourly NO₂ background concentrations are added within the model.

Per the *CEQR TM*, a Tier 1 approach is initially applied, followed by a Tier 2 application of NO_x/NO₂ ratio of 80% to the NO_x modeled concentration to determine whether violation of the NAAQS is likely to occur. A less conservative Tier 3 approach is then applied if exceedances of the 1-hour NO₂ NAAQS were estimated.

Non-Criteria Pollutants

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

Toxic air pollutants can be grouped into two categories: carcinogenic air pollutants, and non-carcinogenic air pollutants. These include hundreds of pollutants, ranging from high to low toxicity. While no federal standards have been promulgated for toxic air pollutants, the US Environmental Protection Agency (EPA) and the New York state Department of Environmental Conservation (NYSDEC) in its "Guidelines for the Control of Toxic Ambient Air Contaminants" DAR-1 have issued guidelines that establish acceptable ambient levels for these pollutants based on human exposure criteria.

In order to evaluate short-term and annual impacts of the non-carcinogenic and carcinogenic toxic air pollutants, the NYSDEC has established short-term ambient guideline concentrations (SGCs) and ambient annual-average-based guideline concentrations (AGCs) for exposure limits. These are maximum allowable 1-hour and annual guideline concentrations, respectively, that are considered acceptable concentrations below which there should be no adverse effects on the health of the general public.

In accordance with established procedure to estimate impact of toxic pollutants using the DAR-1-based approach, ratios of 1-hour and annual concentrations of each pollutant to their respective SGCs or AGCs have to be developed (e.g., concentration-to-guideline values). These ratios are used to determine whether concentration of each pollutant exceeds its applicable guideline value. If no exceedances are found (i.e., ratios are less than 1), no adverse health effects would occur. If

concentration of any pollutant exceeds its applicable guideline value (either SGC or AGC), more detailed analysis would be required.

Mobile Source Analysis

Introduction

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

Mobile Source Screen

Project-Generated Traffic

Per the *CEQR Technical Manual*, localized increases in CO and PM_{2.5} levels may result from increased vehicular traffic volumes and changed to traffic patterns in the study area as a consequence of the proposed project. For this area of the City, the threshold volume for a detailed analysis of CO concentration, using MOVES2014 and CAL3QHC or AERMOD, is an increment of 170 vehicles. PM_{2.5} threshold criterion is an increment of applies heavy-duty diesel vehicles (HDDVs) screen.

According to the transportation screening analysis for this project, the proposed action would not exceed the *CEQR Technical Manual Table 16-1* thresholds criterions. As such, the maximum trip generation would not exceed the 170 net vehicles trips at any given hour and at most 50 net peak hour vehicle trip ends at any intersection during any peak hour.

For this area of the City, the threshold volume for a detailed analysis of CO concentration, using MOVES2014 and CAL3QHC or AERMOD, is an increment of 170 vehicles. PM_{2.5} threshold criterion is an increment of applies heavy-duty diesel vehicles (HDDVs) screen.

As previously mentioned, the maximum trip generation increment between the Future With No-Action and the Future With Action does not exceeds the threshold of 170 vehicular trip generation.

According to *CEQR Technical Manual*, PM_{2.5} detailed analysis is required if a threshold criterion, determined by project-generate peak hour HDDVs traffic or its equivalent in vehicular emission, is exceeded. The threshold criteria depend on the type of road and the incremental vehicular traffic as follows:

- 12 or more HDDV for paved roads with 5,000 vehicles;
- 19 or more HDDV for collector roads;
- 23 or more HDDV for principal and minor arterials; or

- 23 or more HDDV for expressways and limited access roads.

Considering that Level I traffic screening analysis is not required for the proposed development, it is not expected to have significant adverse air quality impacts from the project generated mobile sources.

Parking Garage

Based on CEQR guidelines, the maximum capacity of a parking garage is evaluated against a threshold criterion to predict whether the potential impacts associated with mobile source emissions are significant. The threshold criteria level, per CEQR guidelines, is 85 new off-street parking spaces. If the threshold is met or exceeded, a detailed analysis is warranted.

The proposed project would result in a 10 new off-street parking spaces. Therefore, no detailed air quality analysis is required, and no significant adverse mobile source air quality impacts are expected from vehicular emission generated at the proposed project's off-street parking space.

Atypical Roadway

According to *CEQR Technical Manual*, projects that would result in new sensitive uses within 200 feet of an atypical roadways may result in significant adverse mobile source air quality impacts. These impacts are estimated at sensitive receptors located at air intakes, operable windows, and terraces of the receiving building.

The project site is located approximately 1,000 feet north of the Manhattan Bridge elevated traveling lanes and the Brooklyn Queens Expressway. Therefore, no detailed analysis was required, and no significant adverse mobile source air quality impacts are expected from this type of sources.

Project HVAC System Analysis

Introduction

Per *CEQR Technical manual*, the HVAC analysis considers the potential for emissions from the HVAC systems of proposed developments to significantly impact existing land uses (project-on-existing), and the potential of the Proposed Action to significantly impact each other (project-on-project). As the proposed project is a single development, the project-on-existing scenario was analyzed, and project-on-project analysis was not required.

Buildings' HVAC systems are defined as stationary sources. Accordingly, and based on CEQR guidelines, a preliminary screening analysis is to be conducted as a first step to predict whether the heat and hot water system boiler emissions would result in a significant adverse impact. This CEQR screening procedure is applicable to buildings that are not less than 30 feet from the nearest building of similar or greater height. Otherwise, a detailed dispersion analysis is required.

Screening Analysis

As outlined in the *CEQR Technical Manual*, the potential for stationary source emissions from heat and hot water systems to have a significant adverse impact on nearby receptors depends on the

type of fuel that would be used, the building's residential or non-residential use, the square footage of the development that would be served by the system, the height of the building served by the HVAC system and the distance to the nearest building whose height is at least as great as the building served by the HVAC system. The *CEQR Technical Manual* provides a screening analysis based on these factors, which was utilized to determine the potential for significant impacts from the projected building's HVAC system(s).

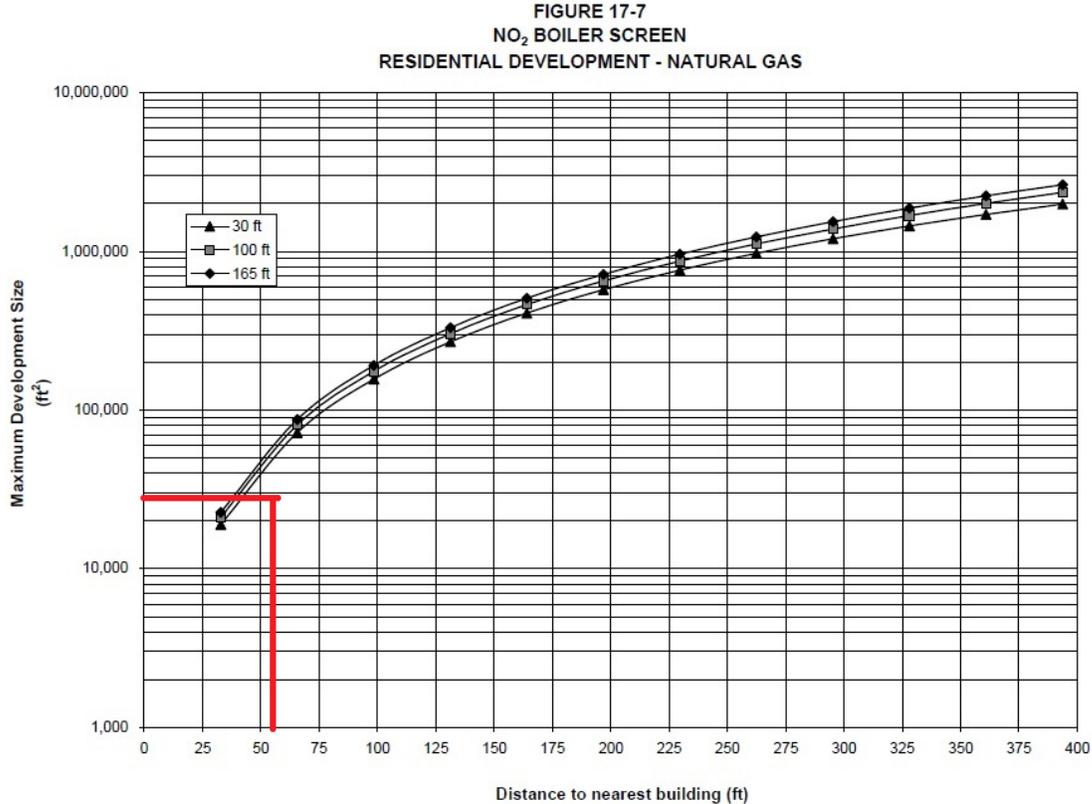
If the actual distance between a stack and the affected building is greater than the threshold distance for a building size, then that building passes the screening analysis (and no significant impact is predicted). However, if the actual distance is less than the threshold distance for a building, then there is a potential for a significant impact and a detailed analysis would be required.

The nearest building of equal or greater height would be the seven-story residential building opposite the project site on the south side of Front Street, approximately 55 feet away (99 Front Street). Therefore, a project-on-existing screening analysis was performed for this building.

The proposed project is a single development. The worst-case scenario, in terms of the screening analysis, is the greatest floor area and lowest stack height. As such, the RWCDs floor area of 29,000 gsf and the proposed building height of 70 feet was applied in the screening analysis. Natural gas was assumed to be the type of fuel used in the HVAC system of the proposed development, and an E-Designation to that affect was specified.

As the HVAC system of the proposed development would be fueled by natural gas and the building would be primarily residential, the CEQR nomograph depicted on Figure 17-7 of the *CEQR Technical Manual Appendices* was used in the screening analysis. This nomograph depicts the size of the development versus distance below which a potential impact can occur and provides a conservative estimate of the threshold distance. Figure 17-1 shows the screening analysis nomograph.

Figure 17-1: The Proposed Project Stationary Source Screen Nomograph



As seen in Figure 17-1, the line corresponding to the RWCDs and the distance to the building of similar or greater height is below the curve. Therefore, no significant adverse air quality impact is expected from the proposed project HVAC system(s).

(E) Designation

The HVAC analysis for the proposed action concluded that fuel would need to be restricted to the exclusive use of natural gas in its HVAC system.

The (E) designation (E-560) language is as follows:

Block 43, Lot 1: Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) systems and hot water systems, ensure that the stack(s) is located at the highest tier and at least 73 feet above grade to avoid any potential significant air quality impacts.

Industrial Source

Introduction

As outlined in the *CEQR Technical Manual*, projects that would introduce new uses near industrial sources may result in potentially significant adverse air quality impacts. The study area considers industrial sources within 400 feet of the proposed project. Industrial sources are categorized as the operation of manufacturing or processing facilities, or medical, chemical, or research labs. The analysis first determines if there are any existing industrial sources located in the study area. An air dispersion analysis is then performed for any existing industrial source that is in the study area. Otherwise no analysis is required. This analysis was conducted following the procedures and methodologies provided in the *New York City Environmental Quality Review Technical Manual (CEQR Technical Manual)*.

Information regarding emissions from these existing industrial sources was developed based on a site visit and a review of existing land uses using New York City's Open Accessible Space Information System (OASIS) mapping and data analysis application and an aerial photograph via Google Earth imaging software.

One facility, the Damascus Bakery ("Bakery"), located at 56 Gold Street (Block 32, Lot 29), with one NYC Department of Environmental Protection (DEP) emission permits, was identified as being within 400 feet of the proposed development site. A formal request for the relevant information, with blocks and lot numbers, was submitted to the DEP, and, based on the information received, permits for the five oven operations associated with the Bakery were identified as operating in 2015. These permits (PA0069-93N, PA0070-93M, PA0071-93J, PA0072-93R and PA0073-93Y) are all for the same address - 56 Gold Street (Block 32 Lot 29) -- under the title of Damascus Bakery, Inc. The DEP online Clean Air Tracking System (CATS) was consulted on December 2018 to determine the status of these permits. The DEP CATS database shows that permit application PA0069-93N has an expired status and all other processing type permits were cancelled. As the Damascus Bakery currently resides in 56 Gold Street, the permit application PA0069-93N was considered active. However, all other permit applications were cancelled, and therefore, considered inactive.

Permit and Pollutants (PA0069-93N)

Permits PA0069-93N is for an oven operation involved in the baking of pita bread, and most of the toxic emissions emitted are the result of natural gas combustion to provide heat to the baking process in a tunnel oven. There are also process emissions represented by ethyl alcohol released from the baking operations.

The data received from DEP contained in the permit application was reviewed to determine the type of operation and pollutants' emission rates and served as the primary basis of emission data for this analysis. The emitted pollutants are shown in Table 17-2.

Table 17-2: Damascus Bakery PA0069-93N – Contaminants and Emission Rates

| Pollutant | CAS No. | Emission | |
|--------------------------------|------------|----------------|----------------|
| | | Hourly (lb/hr) | Annual (lb/yr) |
| Particulates | NY075-00-0 | 0.005 | 12.2 |
| Sulfur Dioxide | 7446-09-5 | 0.001 | 2.4 |
| Nitrogen Dioxide | 10102-44-0 | 0.150 | 366.4 |
| Carbon Monoxide | 630-08-0 | 0.030 | 73.3 |
| Total Non-Methane Hydrocarbons | NY519-00-0 | 0.008 | 19.5 |
| Total Hydrocarbons as Methane | 74-82-8 | 0.004 | 9.80 |
| Ethyl Alcohol | 64-17-5 | 0.625 | 3054 |

Among pollutants listed in the permit from natural gas combustion are four criteria pollutants i.e., pollutants for which the USEPA has established air quality standards – nitrogen dioxide (NO₂), sulfur dioxide (SO₂), carbon monoxide (CO), and particulate matter. Particulate matter (New York Identification Number NY075-00-0) is for PM_{2.5} and PM₁₀ combined. The analysis assumed that all the particulates are PM_{2.5}. Concentrations of criteria pollutants were evaluated with the DAR-1 SGC/ AGC guidelines, the NAAQS (with background concentration added), and the NYC Guidelines for 8-hour CO and PM_{2.5}.

In addition to criteria pollutants, the permit identify emissions of three non-criteria pollutants - total non-methane hydrocarbons (NY Identification Number NY519-00-0), total hydrocarbons as methane (CAS #74-82-8), which is representative of the group of “total hydrocarbons as methane;” and ethyl alcohol as a product of process emissions. The chemical with CAS #74-82-8 in DAR-1 database is methane so it is the actual representative of the group of “total hydrocarbons as methane.” Air toxics impact analysis is not required for HAPs generated from combustion. Therefore, no analysis was required for the total non-methane hydrocarbon (NY519-00-0) pollutants.

The Damascus Bakery, Inc. facility, under PA0069-93N, operates a 33-foot universal tunnel oven (No.1) for 18 hours a day and 300 days a year. The permit lists six pollutants as being emitted from its baking operations as product of combustion of natural gas - particulates (NY075-00-0), SO₂ (CAS # 7446-09-5), NO₂ (CAS # 10102-44-0), CO (CAS # 630-08-0), total hydrocarbons as methane (CAS # 74-82-8), and total non-methane hydrocarbons (NY519-00-0); and ethyl alcohol as product of process emissions. As mentioned above, for total hydrocarbons as a methane group (with methane being representative), the AGC for methane of 1,600 ug/m³ was used. Emission rates of all pollutants were directly obtained from the permit application for this facility (as shown in Table 17-3).

CEQR Screening Analysis

For estimating potential impacts from industrial emission sources of toxic air pollutants, *CEQR Technical Manual* recommends using a screening procedure as a first step in an analysis. This procedure is based on using pre-tabulated pollutant concentration values based on a generic emission rate of 1 gram per second from Table 17-3, “Industrial Source Screen,” of the *CEQR Technical Manual* for the applicable averaging time periods. This approach, which can be used to

estimate maximum short-term and annual average concentration values at various distances (from 30 to 400 feet) from an emission source, was utilized to assess the potential impacts of the emissions from the facility (DEP permit PA0069-93N).

The distance from the stack associated with PA0069-93N (stack location shown in the permit) to the proposed development was determined and used in screening analysis. The estimated distance from stack to the lot line of the 265 Front Street building is approximately 230 feet. Therefore, the analysis assumed a distance of 230 feet, which is the *CEQR Technical Manual* Table 17-3 distance of less than or equal to the distance between a stack and the receptor building. At this distance, based on a 1 gram per second emission rate (using Table 17-3), the maximum 1-hour, 8-hour, 24-hour, and annual concentrations are 2,657, 1,720, 924, and 131 $\mu\text{g}/\text{m}^3$, respectively.

All values obtained from Table 17-3 of the *CEQR Technical Manual* for an emission rate of 1 gram per second were multiplied by the actual emission rates of each pollutant under the permit to estimate actual pollutant concentrations. These values are provided in Tables 17-3 and 17-4. Particulates, NY-075-00-0, was analyzed as $\text{PM}_{2.5}$.

Table 17-3: Estimated Emission Rates under PA0069-93N and the *CEQR Technical Manual*
Table 17-3 Generic Concentrations at Distance of 230 feet from the Source

| Pollutant Name | CAS No. | Pollutant Emission Rates | | | | Conc. for 1 g/sec | | | |
|-----------------------------------|------------|--------------------------|---------|--------|--------|--------------------------|--------------------------|------------------------|--------------------------|
| | | Hourly | Annual | Hourly | Annual | 1-hr | 8-hr | 24-hr | Annual |
| | | lb/hr | lb/year | g/sec | g/sec | $\mu\text{g}/\text{m}^3$ | $\mu\text{g}/\text{m}^3$ | $\mu\text{g}/\text{m}$ | $\mu\text{g}/\text{m}^3$ |
| Particulates as $\text{PM}_{2.5}$ | NY075-00-0 | 0.005 | 12.2 | 0.0006 | 0.0002 | 2,657 | 1,720 | 924 | 131 |
| Sulfur Dioxide | 7446-09-5 | 0.001 | 2.4 | 0.0001 | 0.0000 | | | | |
| Nitrogen Dioxide | 10102-44-0 | 0.150 | 366.4 | 0.0189 | 0.0053 | | | | |
| Carbon Monoxide | 630-08-0 | 0.030 | 73.3 | 0.0038 | 0.0011 | | | | |
| Methane | 74-82-8 | 0.004 | 9.80 | 0.0005 | 0.0001 | | | | |
| Ethyl Alcohol | 64-17-5 | 0.625 | 3054 | 0.0787 | 0.0439 | | | | |

As previously mentioned, impact concentrations of the criteria pollutants were evaluated with the NAAQS and NYC Guidelines (NYC Guidelines where applicable) threshold standards. Table 17-4 shows the results of the criteria pollutants.

Table 17-4: Criteria Pollutants - CEQR Dispersion Analysis Results

| Criteria Pollutant | Threshold Standard | Predicted Concentration ($\mu\text{g}/\text{m}^3$) | Background Concentration ($\mu\text{g}/\text{m}^3$) | Total Concentration ($\mu\text{g}/\text{m}^3$) | Threshold Criteria ($\mu\text{g}/\text{m}^3$) |
|---------------------------|--------------------|--|---|--|---|
| $\text{PM}_{2.5}$ 24-Hour | <i>de minimis</i> | 0.58 | <i>de minimis</i> | 0.58 | 7.15 |
| $\text{PM}_{2.5}$ Annual | <i>de minimis</i> | 0.02 | <i>de minimis</i> | 0.02 | 0.3 |
| SO_2 1-hour | NAAQS | 0.33 | 20.7 | 21 | 196 |
| SO_2 Annual | NAAQS | 0.005 | 2.0 | 2.0 | 80 |
| NO_2 1-hour | NAAQS | 50.2 | 117.3 | 168 | 188 |
| NO_2 Annual | NAAQS | 0.69 | 38.0 | 38.7 | 100 |
| CO 1-hour | NAAQS | 10 | 2034 | 2044 | 40000 |
| CO 8-hour | <i>de minimis</i> | 6.5 | <i>de minimis</i> | 7 | 4500 |

As displayed in Table 17-4, the PM_{2.5} and 8-hour CO predicted concentrations do not exceed the *de minimis* threshold criteria, and all other pollutants' predicted concentrations with the background concentrations added are less than the NAAQS.

The VOC predicted concentrations were compared with the NYSDEC SGC/AGC guidelines. The air dispersion results of the non-criteria pollutants are displayed in Table 17-5.

Table 17-5: Non- Criteria Pollutants – CEQR Dispersion Analysis Results

| Contaminant Name | CAS No. | 1-Hour | SGC | 1-hour Ratio | Annual | AGC | Annual Ratio |
|------------------|---------|-------------------|---------------------|---------------------|-------------------|-------------------|--------------|
| | | µg/m ³ | µg/m ³ | | µg/m ³ | µg/m ³ | |
| Methane | 74-82-8 | 1.3 | N.A. ⁽¹⁾ | N.A. ⁽¹⁾ | 0.02 | 1600.0 | 1.2E-05 |
| Ethyl | 64-17-5 | 209.4 | N.A. ⁽¹⁾ | N.A. ⁽¹⁾ | 5.8 | 45000.0 | 1.3E-04 |

1. Methane and Ethyl Alcohol have no assigned SGC values in DAR-1. Therefore, 1-hour ratio is not applicable.

As seen in Table 17-5, the predicted 1-hour and annual concentrations are less than the SGA/AGC guideline criteria and the concentrations-to-guideline ratios are less than 1.

Conclusion of Air Toxics Analysis

The result of the toxic analysis is that emissions from the existing industrial source of the toxic air pollutants currently operating in the study area would not cause exceedances of the SGCs, AGCs, and applicable NAAQS and NYC Guidelines and, as such, would not significantly impact the proposed development at 265 Front Street.

Major Source

Introduction

As outlined in the *CEQR Technical Manual*, projects that would introduce new uses near major sources, large sources, and odor producing facilities may result in potentially significant adverse air quality impacts. The study area considers major sources, large sources, and odor producing facilities within 1,000 feet of the 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.

The NYSDEC online database² was reviewed on May 2019 to identify Title V or Air State facilities in the study area (both issued and draft permits). The Con Edison Hudson Avenue Station is located in the 1,000 feet study area. The facility is both a Title V facility (Permit ID 2-6101-00042/00011) and an Air State facility (Permit ID 2-6101-00042/00044).

² <http://www.dec.ny.gov/chemical/32249.html>

The Air State facility permit 2-6101-00042/00044 is for the permanent shutdown of four (4) very large combustion engineering boilers. No other emission source is associated with the Air State facility permit. Therefore, no analysis was warranted for the Con Edison Hudson Avenue Station Air State facility.

The Title V facility permit 2-6101-00042/00011 is for the operation of three (3) simple cycle combustion turbines (Figure 17-2), which generate electricity. The three emission points are located 816 feet north of the proposed development site. Therefore, an analysis was required to determine whether the potential impacts of these emissions could be significant.

Con Edison Transformer Station

Emissions from Con Edison’s Hudson Avenue Station (at 1 Hudson Avenue), which is a nearby “major” emission source (see Figures 17-2 and 17-3), could impact the proposed development. Therefore, an analysis was conducted to determine whether the potential impacts of these emissions could be significant.

Figure 17-2: Con Edison’s Hudson Avenue Station Stacks

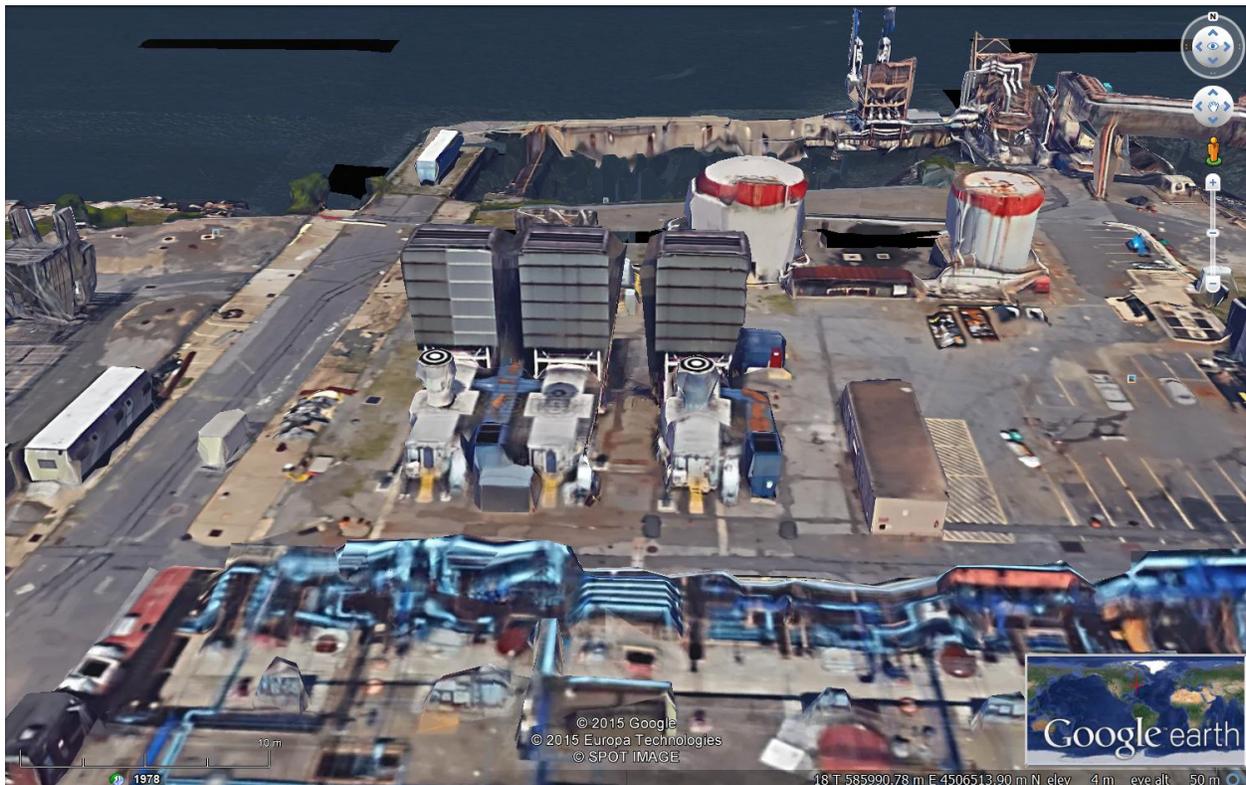


Figure 17-3: Con Edison's Hudson Avenues Stacks in Relation to the Proposed Development



Emissions from the Con Edison Hudson Avenue Station

The Con Edison Hudson Avenue Station facility is an Air Title V Facility (Permit ID #2-6101-00042/01011), located 816 feet north of the proposed development site. Although the Con Edison Hudson Avenue Station facility is a “peaking plant that is used to provide electricity only during periods of peak energy demand, it was conservatively assumed, for the purpose of estimating potential short-term (1-hour, 8-hour, and 24-hour) impacts, that the facility operates 24 hours per day, 365 days per year. For the purpose of estimating potential annual impacts, however, the hours of plant operation that are limited by the facility’s air quality permit was applied.

The facility operates three (3) simple cycle combustion turbines (Figure 1), which generate electricity. Each of these combustion turbines is rated at 235 million Btu per hour. The three combustion turbines burn distillate fuel oil only and began operation on July 1, 1970. The emissions from combustion turbines exhaust through each turbine's separate stack, identified in Permit as three emission points (GT003, GT004 and GT005, respectively). Sulfur content in oil is restricted to 15 ppm (0.0015%).

The facility also operates other sources which are considered exempt from permitting in accordance with 6 NYCRR 201-3.2(c), including three (3) emergency power generators and three (3) distillate and residual fuel oil storage tanks. The potential air quality impact from emergency generators would not be significant since they are used for short periods of time -- in case of an actual emergency. In addition, the four low pressure very large Combustion Engineering boilers

at this facility were permanently shut down and ceased operation on February 7, 2011.

The permit requires the facility to implement Reasonably Available Control Technology (RACT) to limit NO_x and VOCs emissions for the purpose of attaining the ozone air quality standard. RACT establishes the emission limit for NO_x for three combustion turbines at a level of 0.618 pounds per million Btu (159 ppmvd corrected to 15 % O₂ when burning oil) and restricts the facility's operation to 764 hours per year per turbine on an annual basis, which corresponds to a PTE of 435.69 pounds per hour and 322,867 pounds per year.

As interpreted from Google Earth's 3-dimensional view of the Hudson Station layout, the facility has three stacks (GT003, GT004 and GT005). The coordinates of these stacks, as determined from Google Earth and permit information, are as follows: Stack No.1 585996E/4506514N; Stack No.2 585986E/ 4506514N; and Stack No.3 585976E/4506514N. Based on these coordinates and proposed building location, the distance from the stacks to the project site lot line is estimated to be 861 feet.

The permit also lists stacks as being 47 feet tall. However, no data on stack diameter, exit velocity, or temperature are available from the permit.

Emission Rates

- Short-term emission rates of SO₂, PM₁₀, and PM_{2.5} for the Con Edison Hudson Station emissions were calculated based on the EPA AP-42 emission factors for distillate oil-fired combustion turbines and heat input of 235 MMBtu/hour (turbine operating at 100 percent capacity) per turbine. Annual emission rates were adjusted to account for the fact that each turbine operates a maximum of 764 hours per year.
- AP-42 PM_{2.5} emission factor for distillate fuel for stationary combustion turbines is 0.012 pounds (lb)/MMBtu that includes filterable and condensable particles (e.g., filterable 4.3E-03 lb/MMBtu and condensable 7.2.E-03 lb/MMBtu), EPA AP-42, Stationary Distillate Oil-fired Turbines, Table 3.1-2a).
- AP-42 emission factor for SO₂ (in lb/MMBtu) was calculated using equation 1.01(S) where S is sulfur content in fuel oil (e.g., 0.0015%); and
- PM₁₀ emission factor is 1.2E-02 lb/MMBtu (Table 3.1-2a).
- NO_x emission rates were calculated based on heat input for each turbine and emission factor of 0.618 lb/MMBtu which is listed in the permit.

Data obtained from the EPA AP-42 tables and equations used to calculate emission rates with the turbines operating at 100 percent capacity. The emission rates with the turbines operating at 75 percent capacity was calculated as the 75 percentiles of the 100 percent capacity emission rates. The emission rates are specified in Table 17-7.

Table 17-7: Estimated Pollutant Emission Rates With the Turbines Operating at 100 Percent Capacity Under the Con Edison-Hudson Station Permit ⁽¹⁾ For Dispersion Analysis

| Pollutants Emission Factors | Turbine Heat Input ⁽²⁾ MMBtu/hour | Peak Short-term Emission | | Annual Emission | |
|-----------------------------------|--|-----------------------------|-------|--------------------|-------|
| | | Rate per Turbine | | Rate per Turbine | |
| | | lb/hour | g/sec | lb/year | g/sec |
| PM_{2.5} Emissions | | | | | |
| 0.012 ⁽³⁾ | 235 | 2.82 | 0.355 | 2,154 | 0.031 |
| NO₂ Emissions | | | | | |
| 0.618 ⁽⁴⁾ | 235 | 145.2 | 18.3 | 110,956 | 1.596 |
| SO₂ Emissions | | | | | |
| 0.002 ⁽⁵⁾ | 235 | 0.47 | 0.044 | 272 | 0.004 |
| PM₁₀ Emissions | | | | | |
| 0.012 ⁽⁶⁾ | 235 | 2.82 | 0.355 | 2,154 | 0.031 |

Notes:

1. Title V Permit DC ID #2-6101-00042.
2. Turbine heat input of 235 MMBtu/hour.
3. PM_{2.5} emission factor for combustion distillate oil-fired turbines is 0.012 lb/MMBtu, which includes filterable PM_{2.5} (4.3E-02 lb/MMBtu) and condensable PM_{2.5} (7.2E-03 lb/MMBtu) particulate (Table 3.1-2a).
4. NO_x emission factor of 0.618 MMBtu/hour, as listed in permit.
5. AP-42 SO₂ emission factor of 1.01(S) for combustion distillate oil-fired turbines, where S is sulfur content in fuel oil #2 (0.0015%): 1.01 × 0.0015 = 0.0015 lb/MMBtu (Table 3.1-2a).
6. AP-42 PM₁₀ emission factor for combustion distillate oil-fired turbines is 0.012 lb/MMBtu (Table 3.1-2a).

Emission Parameters

Because stacks parameters were not available from the permit, these values were estimated from data for similar facilities utilizing combustion turbines of similar capacity (NYPA Power Plant Title V Facility Permit 2-6101-01777, Domino Sugar Rezoning 2007 EIS and 2013 FEIS): stack diameter, 12 feet (3.657 m) and exit temperature of 719-deg Fahrenheit (654.81°K). The stacks exit velocities were calculated according to the EPA Method 19, and the stacks exit velocities were adjusted to exit temperature of 719-deg Fahrenheit.

These parameters were applied to each stack associated with each turbine. All three stacks were modeled in one modeling run. The stacks exit velocities with the turbines operating at 75 percent capacity were calculated as the 75 percentiles of the exit flow rates with the turbines operating at 100 percent capacities.

Air Dispersion Analysis

Dispersion modeling analyses were conducted using the latest version of EPA’s AERMOD dispersion model version 18081. In accordance with CEQR guidance, these analyses were conducted assuming stack tip downwash, urban dispersion surface, elimination of calms, population of 2,000,000, and models were run with and without downwash effect on plume dispersion. AERMOD’s Plume Volume Molar Ratio Method (PVMRM) module was utilized for 1-hour NO₂ analysis -- to account for NO_x to NO₂ conversion.

NO₂ 1-hour were modeled with a Tier 3 approach with NO₂ and ozone background concentrations. The project site is located at approximately similar distances from the Queens College and IS52 NYSDEC monitoring stations. As such, two analyses were performed; one with NO₂ and ozone background concentration from Queens College; the other with NO₂ background concentrations from IS52 and ozone background concentrations from the Bronx Botanical Garden monitoring stations. 2013-2017 Ozone hourly background concentrations were obtained from the NYSDEC³. The maximum ozone hourly concentration was filled for missing values. 2015-2017 NO₂ hourly background concentrations were obtained from the NYSDEC. The 3-year of data was compiled, and a 5-year of hourly background concentrations file created following the EPA March 2011 Memorandum (Page 17)⁴.

All analyses were conducted using the latest five consecutive years of meteorological data (2013-2017). Surface data from La Guardia Airport and upper air data from Brookhaven station, New York were utilized. Data was processed by Lakes Environmental Software, Inc. using the current EPA AERMET version (14134) and EPA procedures. These meteorological data provide hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Meteorological data were combined to develop a 5-year set of meteorological conditions, which was used for the AERMOD modeling runs and Anemometer height of 9.4 meters was specified per Lakes Environmental Software Inc.

AERMOD calculates concentrations according to the dispersion option, pollutant and averaging time, and output specified in the model, where the model is capable of handling multiple sources and groups in a single run. Each pollutant was modeled separately, and twelve stacks were specified in each run (except the PM₁₀ modeling which had six stacks as it does not have a long-term standard). The twelve stacks were one for each actual stack, one with the turbines operating at 100 capacity, one with the turbines operating at 75 percent capacity, one for the short-term, and another for the annual averaging times. All models were run with their respective emission rates.

The receiving building was modeled as an 85 feet high rectangular prism. Receptors around the receiving building were placed around the building envelope in 10-foot increments and at heights of 6 feet and 21-81 feet every 10 feet. The AERMOD receptors group names is the receptor height in feet above grade. Numerous other buildings in the area where specified in the models to account for the downwash effect on plum dispersion.

Results of Dispersion Analyses

Potential impacts of the PM_{2.5}, NO₂, SO₂, and PM₁₀ emissions from Con Edison's Hudson Avenue Station on the proposed development were estimated and compared with the 24-hour/annual PM_{2.5} CEQR significant impact criteria, and the 1-hour/annual NO₂, 1-hour/annual SO₂, and 24-hour PM₁₀ NAAQS.

As previously mentioned, each pollutant averaging time was modeled twice—with building wake effect enabled/disabled. The predicted concentration is the highest concentration of these. The results of the dispersion analyses were compared with the NAAQS; 24-hour and annual PM_{2.5}

³ <http://www.nyaqinow.net/>

⁴ https://www.epa.gov/sites/production/files/2015-07/documents/appwno2_2.pdf

predicted concentrations were compared with the NYC Guidelines thresholds (*de minimis*). Table 17-8 displays the fuel oil #2 results.

Table 17-8: Criteria Pollutants Dispersion Analysis Results - Major Sources

| Pollutant | Averaging Time | Modeled Concentration ⁽¹⁾ (µg/m ³) | Background Concentration (µg/m ³) | Evaluated Concentration (µg/m ³) | Threshold Criterion (µg/m ³) |
|-------------------|----------------|---|---|--|--|
| NO ₂ | 1 hour | 176.2 ⁽²⁾ | | 176 | 188 |
| | Annual | 0.4 | 38.0 | 38.4 | 100 |
| PM _{2.5} | 24-hour | 1.75 | N.A. | 1.75 | 7.15 |
| | Annual | 0.007 | | 0.007 | 0.3 |
| PM ₁₀ | 24-hour | 1.4 | 35 | 36 | 150 |
| SO ₂ | 1 hour | 0.6 | 20.7 | 21 | 196 |
| | Annual | 0.001 | 4.9 | 4.9 | 80 |

Notes:

1. Concentrations are the highest results obtained with and without downwash effects.
2. 1-hour NO₂ using a Tier 3 approach, with background concentrations added to estimated impacts on an hour-by-hour basis within the dispersion model. Maximum predicted impact concentration with NO₂ background concentrations from IS52 monitoring station and turbines operating at 75 percent capacity.

As seen in Table 17-8, the predicted concentrations at the proposed development are below the NAAQS and *de minimis* threshold criteria. Therefore, the emissions from the Con Edison's Hudson Avenue facility would not significantly impact the proposed development.

Conclusion

The air quality analyses addressed mobile sources, stationary HVAC systems, air toxics, and major sources. The results of the analyses are summarized below.

- Emissions from project-related vehicle trips would not cause significant adverse air quality impacts to receptors at the local or neighborhood scale;
- Emission from the parking garage would not cause significant adverse air quality impacts to receptors at the local scale;
- No significant air quality impacts are anticipated to the proposed project from the emissions of the Con Edison's Hudson Avenue facility;
- No significant adverse air quality impacts are anticipated to the proposed project from industrial sources;
- No significant adverse air quality impacts are anticipated to the proposed project from odor producing facilities; and,
- No significant adverse air quality impacts are predicted to receptors at the local scale with the project exclusively use of natural gas as the type of fuel for its heating, ventilating, air conditioning (HVAC) and hot water system(s).

18. NOISE

Introduction

The purpose of a CEQR noise assessment is to determine whether an action would raise noise levels significantly at existing or anticipated sensitive noise receptors (such as residences or schools), or introduce sensitive new uses (such as residences or schools) at locations subject to unacceptably high ambient noise levels.

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

The Proposed Action consists of a zoning map amendment to extend an existing R6A district and map a new C2-4 commercial overlay over what is currently a portion of an M1-2 district. The project site affected by the Proposed Action is Lot 1 of Brooklyn Block 43, located at the northeast corner of the intersection of Gold and Front Streets. The existing building on the project site would be demolished and a new residential building with ground floor commercial space would be constructed in its place. The Proposed Action would thus result in additional development, which could potentially generate stationary or mobile source noise, as well as additional noise-sensitive residences.

Noise Fundamentals

Noise is measured in sound pressure level (SPL), which is converted to a decibel scale. The decibel is a relative measure of the sound level pressure with respect to a standardized reference quantity. Decibels on the A-weighted scale are termed "dB(A)." The A-weighted scale is used for evaluating the effects of noise in the environment because it most closely approximates the response of the human ear. On this scale, the threshold of discomfort is 120 dB, and the threshold of pain is about 140. Table 18-1 shows the range of noise levels for a variety of indoor and outdoor noise levels.

Table 18-1: Sound Pressure Level and Loudness of Typical Noises in Indoor and Outdoor Environments

| Noise Level dB(A) | Subjective Impression | Typical Sources | | Relative Loudness (Human Response) |
|-------------------|-----------------------|---|--|------------------------------------|
| | | Outdoor | Indoor | |
| 120-130 | Uncomfortably Loud | Air raid siren at 50 feet (threshold of pain) | Oxygen torch | 32 times as loud |
| 110-120 | Uncomfortably Loud | Turbo-fan aircraft at take-off power at 200 feet | Riveting machine Rock band | 16 times as loud |
| 100-110 | Uncomfortably Loud | Jackhammer at 3 feet | | 8 times as loud |
| 90-100 | Very Loud | Gas lawn mower at 3 feet Subway train at 30 feet Train whistle at crossing Wood chipper shredding trees Chain saw cutting trees at 10 ft. | Newspaper press | 4 times as loud |
| 80-90 | Very Loud | Passing freight train at 30 feet Steamroller at 30 feet Leaf blower at 5 feet Power lawn mower at 5 feet | Food blender Milling machine Garbage disposal Crowd noise at sports event | 2 times as loud |
| 70-80 | Moderately Loud | NJ Turnpike at 50 feet Truck idling at 30 feet Traffic in downtown urban area | Loud stereo Vacuum cleaner Food blender | Reference loudness (70 dBA) |
| 60-70 | Moderately Loud | Residential air conditioner at 100 feet Gas lawn mower at 100 feet Waves breaking on beach at 65 feet | Cash register Dishwasher Theater lobby Normal speech at 3 feet | 2 as loud |
| 50-60 | Quiet | Large transformers at 100 feet Traffic in suburban area | Living room with TV on Classroom Business office Dehumidifier Normal speech at 10 feet | 1/4 as loud |
| 40-50 | Quiet | Bird calls, Trees rustling, Crickets, Water flowing in brook | Folding clothes Using computer | 1/8 as loud |
| 30-40 | Very quiet | | Walking on carpet Clock ticking in adjacent room | 1/16 as loud |
| 20-30 | Very quiet | | Bedroom at night | 1/32 as loud |
| 10-20 | Extremely quiet | | Broadcast and recording studio | |
| 0-10 | Threshold of hearing | | | |

Sources: *Noise Assessment Guidelines Technical Background*, by Theodore J. Schultz, Bolt Beranek and Newman, Inc., prepared for the US Department of Housing and Urban Development, Office of Research and Technology, Washington, D.C., undated; Sandstone Environmental Associates, Inc.; *Highway Noise Fundamentals*, prepared by the Federal Highway Administration, US Department of Transportation, September 1980; *Handbook of Environmental Acoustics*, by James P. Cowan, Van Nostrand Reinhold, 1994.

Because the scale is logarithmic, a relative increase of 10 decibels represents a sound pressure level that is 10 times higher. However, humans don't perceive a 10 dBA increase as 10 times or louder; they perceive it as twice as loud. The following is typical of human response to relative changes in noise level:

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

The sound pressure level (SPL) that humans experience typically varies from moment to moment. Therefore, a variety of descriptors are used to evaluate environmental noise levels over time. Some typical descriptors are defined below:

- L_{eq} is the continuous equivalent sound level. The sound energy from the fluctuating sound pressure levels is averaged over time to create a single number to describe the mean energy or intensity level. High noise levels during a monitoring period will have greater effect on the L_{eq} than low noise levels. The L_{eq} has an advantage over other descriptors because L_{eq} values from different noise sources can be added and subtracted to determine cumulative noise levels.
- L_{max} is the highest SPL measured during a given period of time. It is useful in evaluating L_{eq} s for time periods that have an especially wide range of noise levels.
- L_{10} is the SPL exceeded 10% of the time. Similar descriptors are the L_{50} , L_{01} , and L_{90} .
- L_{dn} is the day-night equivalent sound level. It is similar to a 24-hour L_{eq} , but with 10 dBA added to SPL measurements between 10 pm and 7 am to reflect the greater intrusiveness of noise experienced during these hours. L_{dn} is also termed DNL.

Although the SPL heard in the environment typically is composed of many different frequencies, it can be broken down into the numerous individual frequencies. These frequencies are grouped into octave bands. An octave band is a group of frequencies in the interval between a given frequency (such as 350 Hz) and twice that frequency (e.g., 710 Hz). The standard octave bands are each named by their center frequencies. Thus, each octave band will be represented by a single SPL. When the representative SPLs from the individual octave bands are added together, they are weighted so that the resulting total SPL will represent dBA. Octave bands are used in some noise models because the different components of a noise source will have different frequencies. For example, a truck traveling downhill will have a different set of frequencies than a truck traveling uphill.

For mobile source noise from vehicular traffic, passenger car equivalents (PCEs) are the number of autos that would generate the same noise level as the observed vehicular mix of autos, medium trucks, and heavy trucks. PCEs are useful for comparing the effects of traffic noise on different roadways or for different future scenarios. The *CEQR Technical Manual* uses the following formulas for converting motor vehicles into PCEs:

- auto and light trucks = 1 passenger car;
- medium trucks = 13 passenger cars;

- heavy trucks = 47 passenger cars; and
- buses = 18 passenger cars.

Impact Determination and Noise Standards and Guidelines

In 1983 the New York City Department of Environmental Protection (DEP) adopted the City Environmental Protection Order-City Environmental Quality Review (CEQR) noise standards for exterior noise levels. These standards are the basis for classifying noise exposure into four categories based on the L_{10} : Acceptable, Marginally Acceptable, Marginally Unacceptable, and Clearly Unacceptable, as shown in Table 18-2.

Table 18-2
CEQR Noise Exposure Guidelines for use in City Environmental Impact Review¹

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

Notes:

- (i) In addition, any new activity shall not increase the ambient noise level by 3 dBA or more;
 - 1 Measurements and projections of noise exposures are to be made at appropriate heights above site boundaries as given by American National Standards Institute (ANSI) Standards; all values are for the worst hour in the time period.
 - 2 Tracts of land where serenity and quiet are extraordinarily important and serve an important public need and where the preservation of these qualities is essential for the area to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks or open spaces dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet. Examples are grounds for ambulatory hospital patients and patients and residents of sanitariums and nursing homes.
 - 3 One may use the FAA-approved L_{dn} contours supplied by the Port Authority, or the noise contours may be computed from the federally approved INM Computer Model using flight data supplied by the Port Authority of New York and New Jersey.
 - 4 External Noise Exposure standards for industrial areas of sounds produced by industrial operations other than operating motor vehicles or other transportation facilities are spelled out in the New York City Zoning Resolution, Sections 42-20 and 42-21. The referenced standards apply to M1, M2, and M3 manufacturing districts and to adjoining residence districts (performance standards are octave band standards).

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





TS
Container Service
Rubbish removal
Demo
Clean outs
Scrap metal removal
Lot cleaning
718-596-3573

TS
Container Service
Rubbish removal
Demo
Clean outs
Scrap metal removal
Lot cleaning
718-596-3573

NO PARKING
ANY TIME
ANY DAY



For sensitive receptors introduced by the Proposed Action, Action condition noise levels in dB(A) $L_{10(1)}$ are compared with the values contained in the Noise Exposure Guidelines. If these noise levels would exceed the Marginally Acceptable levels, a significant impact would occur unless the building design provides a composite building attenuation that would be sufficient to reduce these levels to an acceptable interior noise level. These values are shown in Table 18-3.

**Table 18-3
Required Attenuation Values to Achieve Acceptable Interior Noise Levels**

| | Marginally Unacceptable | | | | Clearly Unacceptable |
|----------------------------------|-------------------------|-----------------------|-----------------------|-----------------------|----------------------------|
| Noise level with Proposed Action | $70 < L_{10} \leq 73$ | $73 < L_{10} \leq 76$ | $76 < L_{10} \leq 78$ | $78 < L_{10} \leq 80$ | $80 < L_{10}$ |
| Attenuation ^A | (I) 28 dBA | (II) 31 dBA | (III) 33 dBA | (IV) 35 dBA | $36 + (L_{10} - 80)^B$ dBA |

Note: ^AThe above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dBA less in each category. All the above categories require a closed window situation and hence alternate means of ventilation.

^BRequired attenuation values increase by 1 dBA increments for L_{10} values greater than 80 dBA.

Source: New York City Department of Environmental Protection, 2012.

For noise increases caused by project-induced traffic, or for stationary noise sources introduced by the Proposed Action, if the No-Action levels are less than 60 dB(A) $L_{eq(1)}$ and the analysis period is not at nighttime, an increase of 5 dB(A) $L_{eq(1)}$ or more in the future with the project would be considered a significant impact. In order for the 5 dB(A) threshold to be valid, the resultant action condition noise level would have to be equal to or less than 65 dB(A). If the No-Action noise level is equal to or greater than 62 dB(A) $L_{eq(1)}$, or if the analysis period is a nighttime analysis period, the incremental significant impact threshold would be 3 dB(A) $L_{eq(1)}$. If the No-Action noise level is 61dB(A) $L_{eq(1)}$, the maximum incremental increase would be 4 dB(A), since an increase higher than this would result in a noise level higher than the 65 dB(A) $L_{eq(1)}$ threshold and be considered significant.

Potential for Additional Stationary Source Noise

The Proposed Action would result in additional residential and retail development. Unlike playgrounds, truck loading docks, loudspeaker systems, car washes, stationary diesel engines, or similar uses, residential apartment buildings are not substantial stationary noise sources. All rooftop mechanical equipment, including air conditioner compressors, would be enclosed and would comply with New York City Noise Code requirements, which limit noise levels generated by such equipment to 65 dBA during the daytime (7 AM to 10 PM) and 55 dBA during the nighttime. The Proposed Action would therefore not cause a significant adverse stationary source noise impact.

Potential for Additional Mobile Source Noise

The anticipated action-induced development is below the CEQR threshold for a traffic impact assessment. It can therefore be assumed that the additional traffic volumes would be too low to result in a significant adverse mobile source noise impact.

Potential for Existing Noise Levels to Adversely Affect New Residents

An ambient noise study was conducted on May 14, 2015. A secondary study was conducted in October 2019 to determine whether the noise environment had changed over the past four years.

2015 Noise Study

On May 14, 2015, the weather was dry and wind speeds were moderate throughout the day. Because the predominant noise source in the area of the proposed project is vehicular traffic, noise monitoring was conducted during peak vehicular travel periods, 8:00-9:00 AM, 12:00-1:00 PM, and 5:00-6:00PM. Pursuant to *CEQR Technical Manual* methodology, readings were conducted for 20-minute periods during each peak hour. Noise monitoring was conducted using a Type 2 Larson-Davis LxT2 sound meter with wind screen. The monitor was placed on a tripod at a height of approximately three feet above the ground, away from any other surfaces. The monitor was calibrated prior to and following each monitoring session.

Although noise monitoring was conducted four years prior to this writing, only one land use change was identified within 400 feet of the project site. The former commercial building at 47 Bridge Street in the southwest portion of the study area was demolished and a seven-story residential building stands in its place. There have not been any major developments outside of the immediate project area that would likely affect traffic volumes or noise levels on the project site. Thus, it can be assumed that noise levels in the study area have not changed significantly between May 2015 and May 2019.

Because the site is a corner lot with two frontages, monitoring was conducted on the Front Street frontage as well as on the Gold Street frontage of the subject site. Security helicopters flying above the subject site constitute a worst-case condition for noise at the project site. Public School 307's playground is located east of the project site at 209 York Street, and playground noise was not a significant source of ambient noise. Traffic volumes and vehicle classification were documented during the noise monitoring.

Noise levels measured at the two monitoring locations are shown in Tables 18-4 and 18-5.

Table 18-4: Front Street Noise Levels (dB(A))

| | L₁₀ | L₉₀ | L_{max} |
|---------------|-----------------------|-----------------------|------------------------|
| AM | 65.3 | 53.3 | 81.5 |
| Midday | 63.0 | 54.8 | 73.8 |
| PM | 66.6 | 57 | 80.6 |

Table 18-5: Gold Street Noise Levels (dB(A))

| | L ₁₀ | L ₉₀ | L _{max} |
|---------------|-----------------|-----------------|------------------|
| AM | 65.4 | 53.5 | 78.5 |
| Midday | 59.5 | 51.2 | 77.9 |
| PM | 59.3 | 51.5 | 76.4 |

Noise exposure guidelines in the *CEQR Technical Manual* state that for a residential use such as would occur under the Proposed Action, an L₁₀ of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure. (See Table 18-2.) The highest recorded L₁₀ was 66.6 dB(A) at the Front Street frontage of the subject property during the evening period. Therefore, no window-wall noise attenuation would be required, and there would be no adverse impacts related to noise.

2019 Noise Study

At the request of New York City Department of City Planning (DCP), twenty-minute noise monitoring sessions were conducted during the AM peak period to confirm the 2015 readings still represent the worst-case scenario. Noise Monitoring was conducted on Thursday, October 23rd, 2019. Table 18-6 and 18-7 below are the Noise levels measured during this monitoring session.

Table 18-5: Front Street Noise Levels (dB(A))

| | L ₁₀ | L _{eq} | L ₅₀ | L ₉₀ | L _{max} | L _{min} |
|--------------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|
| 8:01 am – 8:21 am | 62.5 | 60.2 | 57.0 | 55.5 | 73.2 | 54.2 |

Table 18-6: Gold Street Noise Levels (dB(A))

| | L ₁₀ | L _{eq} | L ₅₀ | L ₉₀ | L _{max} | L _{min} |
|--------------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|
| 8:22 am – 8:42 am | 65.0 | 62.3 | 59.5 | 56.5 | 75.7 | 54.9 |

Table 18-8 and 18-9 below are the traffic volumes and vehicle classifications collected during the 20-minute noise monitoring period.

Table 18-7: Front Street Traffic Volumes and Vehicle Classifications

| | 8:01 am – 8:21 am |
|----------------------------|--------------------------|
| Car/ Taxi | 1 |
| Van/Light Truck/SUV | 4 |
| Medium Truck | 0 |
| Heavy Truck | 0 |
| Bus | 0 |
| Train | 0 |

Table 18-8: Gold Street Traffic Volumes and Vehicle Classifications

| | 8:22 am - 8:42 am |
|----------------------------|------------------------------|
| Car/ Taxi | 2 |
| Van/Light Truck/SUV | 3 |
| Medium Truck | 4 |
| Heavy Truck | 0 |
| Bus | 0 |
| Train | 0 |

The noise readings and traffic count collected in 2019 are consistent with the noise readings and traffic count collected in 2015. Therefore, no window-wall attenuation would be required, and there would be no adverse impacts related to noise.

22. CONSTRUCTION

Construction impacts, although temporary, can sometimes result in significant adverse impacts. Determination of significance is generally based on the duration and magnitude of the effects. Construction impacts are generally important when construction activity would affect traffic conditions, archaeological resources, the integrity of historic resources, community noise patterns, or air quality conditions.

Construction impact assessments are not necessarily required for all actions that would involve or induce construction, and different assessments may be appropriate for different projects. The *CEQR Technical Manual* provides criteria for determining whether construction impact analyses are required.

A transportation analysis is generally required if construction would (1) occur within a central business district or along an arterial or major roadway, (2) impede movement along a roadway or sidewalk, or (3) occur simultaneously at multiple sites within the same geographic area. The development projects anticipated under the reasonable worst-case development scenario would not meet any of these criteria.

According to the *CEQR Technical Manual*, air quality and noise analyses are generally not required if a transportation analysis is not needed.

A hazardous materials analysis is generally required if construction would occur at a site with soil or groundwater contamination. As discussed in Section 12, Hazardous Materials, "E" designations will be places on the properties affected by the proposed rezoning to ensure that any potential hazardous materials impacts are addressed appropriately.

A natural resources analysis is required if construction would occur on or near a site containing natural resources. The proposed rezoning area does not satisfy this criterion.

Open space, socioeconomic conditions, community facilities, land use and public policy, neighborhood character, and infrastructure analyses are needed only if construction activities would be long-term (lasting more than two years) or if construction would directly affect a technical area, such as by impeding access to a community facility. Neither is true in the case of the Proposed Action.

A cultural and historic resources analysis is required if in-ground disturbances or vibrations associated with project construction could undermine the foundation or structural integrity of nearby structures of cultural or historic significance. In the case of the Proposed Action, the project site is adjacent to one row house within the Vinegar Hill Historic District.

Damage to adjacent historic structures can be avoided through the formulation and implementation of a construction protection plan, which would be done for construction at the project site. Furthermore, if a construction project is located within 90 feet of an individual landmark designated by the New York City Landmarks Preservation Commission (LPC), any structure within a historic district designated by the LPC, or any property listed on the National Register, the New York City Department of Buildings (DOB) requires that the project comply with DOB Technical Policy and Procedure Notice 10/88, Procedures for the Avoidance of Damage to Historic Structures Resulting from Adjacent Construction When Subject to

Controlled Inspection by Section 27-724 and for Any Existing Structure Designated by the Commissioner, which supplements the standard building protections afforded by Building Code C26-112.4. The specified procedures include establishment of criteria for maximum drilling velocity and movement criteria for the historic building walls and foundations. They include a monitoring program for the effects of vibrations, excavation, and drawdown of the water table. A licensed surveyor must be retained to monitor (through measurements made at least twice a week) any movement or tilting of the historic buildings and of any temporary retaining walls or other building support system, as well as settlements of the street and selected points on the ground. Any existing cracks in the walls of the historic buildings must be monitored. Groundwater levels are to be monitored through observation wells. Vibration from pile driving is to be monitored through the use of a seismograph placed adjacent to the closest historic building. Monitoring records must be kept and incorporated into inspection reports submitted to DOB within 30 days of the completion of excavation. The specified procedures should prevent any construction-related damage to the nearby historic resources.

It is therefore not anticipated that the proposed project would result in any significant adverse construction impacts.

**HISTORIC RESOURCES ATTACHMENT:
RESTRICTIVE DECLARATION
AND RELATED DOCUMENTATION**



**Landmarks Preservation
Commission**

Meenakshi Srinivasan
Chair

Amanda Sutphin
Director of Archaeology
asutphin@lpc.nyc.gov

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

**212 669-7823 tel
212 669-7818 fax**

January 11, 2017

Ira Gluckman, R.A.
Borough Commissioner
Brooklyn Borough Office
Department of Buildings
210 Joralemon Street, 8th Floor
Brooklyn, NY 11201

Re: Final Notice of Satisfaction for 265 Front Street, Block 43 Lot 1

Dear Borough Commissioner Gluckman:

The Landmarks Preservation Commission, ("LPC"), reviewed an archaeological testing report for the above referenced lot as set forth in the Restrictive Declaration, executed by Eric Palatnick PC on behalf of Michael Spinard and recorded on October 26, 2016 with CRFN 2016000378122. We no longer have any archaeological concerns for this site and are issuing this Final Notice for 265 Front Street, Block 43 Lot 1.

If you have any questions, I may be reached at the number above.

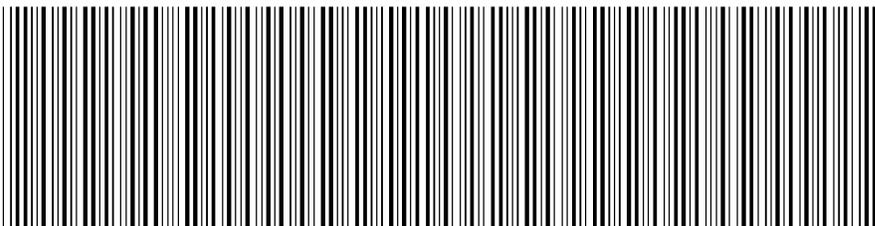
Sincerely,

Amanda Sutphin

Cc: John Mangin, DCP
Michael Nacmias
Mark Silberman, LPC

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2016092200461001002EB192

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 11

Document ID: 2016092200461001
Document Type: SUNDRY AGREEMENT
Document Page Count: 10

Document Date: 08-24-2016

Preparation Date: 10-26-2016

PRESENTER:

ERIC PALATNIK PC
32 BROADWAY SUITE 114
NEW YORK, NY 10004
212-425-4343
eric@ericpalatnikpc.com

RETURN TO:

ERIC PALATNIK PC
32 BROADWAY SUITE 114
NEW YORK, NY 10004
212-425-4343
eric@ericpalatnikpc.com

PROPERTY DATA

| Borough | Block | Lot | Unit | Address |
|-----------------------------|-------|-----|------------|------------------|
| BROOKLYN | 43 | 1 | Entire Lot | 265 FRONT STREET |
| Property Type: OTHER | | | | |

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

PARTY 1:
MICHAEL SPINARD
265 FRONT STREET
BROOKLYN, NY 11201

FEES AND TAXES

Mortgage :

| | | |
|-------------------------------|----|-------|
| Mortgage Amount: | \$ | 0.00 |
| Taxable Mortgage Amount: | \$ | 0.00 |
| Exemption: | | |
| TAXES: County (Basic): | \$ | 0.00 |
| City (Additional): | \$ | 0.00 |
| Spec (Additional): | \$ | 0.00 |
| TASF: | \$ | 0.00 |
| MTA: | \$ | 0.00 |
| NYCTA: | \$ | 0.00 |
| Additional MRT: | \$ | 0.00 |
| TOTAL: | \$ | 0.00 |
| Recording Fee: | \$ | 87.00 |
| Affidavit Fee: | \$ | 0.00 |

Filing Fee:

| | | |
|---------------------------------|----|------|
| Filing Fee: | \$ | 0.00 |
| NYC Real Property Transfer Tax: | \$ | 0.00 |
| NYS Real Estate Transfer Tax: | \$ | 0.00 |

**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE**

CITY OF NEW YORK
Recorded/Filed 10-26-2016 13:29
City Register File No.(CRFN):
2016000378122



Annette McMill

City Register Official Signature

DECLARATION

This DECLARATION made as of the 24 day of August, 2016 by Michael Spinard, the Owners of property more fully described below, with an address at 265 Front Street, Brooklyn, New York 11201 (hereinafter referred to as "Declarant");

WITNESSETH

WHEREAS, Declarant is the fee owner of certain real property located in Kings County, City and State of New York, designated for real property tax purposes as Tax Block 43, Lot 1, and commonly known as 265 Front Street, Brooklyn, New York 11201, (the "Project Site") on the Tax Map of the City of New York and are more particularly described in Exhibit A, annexed hereto and made part hereof; and

WHEREAS, an application designated ULURP No. 150178ZMK was submitted by Declarants to the Department of City Planning ("DCP"), for approval by City Planning Commission ("CPC") for a zoning map amendment (the "Application") and

WHEREAS, the Application would facilitate the development of the Project Site; and

WHEREAS, an environmental assessment statement concerning the Project Site prepared pursuant to the City Environmental Quality Review (the "CEQR") is under review in connection with the Application (CEQR No. 15DCP207K) and, pursuant to CEQR, the Landmarks Preservation Commission (the "LPC"), among others, has reviewed the environmental assessment, including the historic land use of the Project Site; and

WHEREAS, the Declarants will consent to the LPC Archaeological Review Process, including the preparation of an Archaeological Documentary Study, which may conclude that the conduct of Archaeological Field Testing and preparation of a surface survey may be warranted; and

WHEREAS, Declarants desire to identify the existence of any potential archaeological resources and mitigate any potential damage to any such archaeological resources found in connection with the development or redevelopment of the Subject Property and, in the event the LPC Archeological Review Process warrants it necessary, will agree to follow and adhere to all requirements for archaeological identification, investigation and mitigation set forth in the CEQR Technical Manual and LPC's Guidelines for Archaeological Work in NYC, including without limitation, the completion of Phase 1B archaeological field testing (the "Field Work") in accordance with an LPC-approved "Field Testing Plan" and a surface survey, as well as any excavation, mitigation and curation of archaeological resources required by the LPC (collectively, the "Archaeological Work"); and

WHEREAS, Declarants agree to restrict the manner in which the Project Site may be developed or redeveloped by having implementation of the Archaeological Work, performed to the satisfaction of the LPC, as evidenced by writings described and set forth herein, be a condition precedent to any soil disturbance for any such development or redevelopment (other than soil disturbance necessitated by Declarants' performance of the Archaeological Work); and

WHEREAS, Declarants intend this Declaration to be binding upon all successors and assigns; and

WHEREAS, the Declarants intend this Declaration to benefit all land owners and tenants including the City of New York ("the City") and consents to the enforcement of this Declaration by the City.

NOW, THEREFORE, Declarants do hereby declare and agree that the Subject Project shall be held, sold, transferred, and conveyed, subject to the restrictions and obligations which are for the purpose of protecting the value and desirability of the Project Site and which shall run with the land, binding the successors and assigns of Declarant so long as they have any right, title or interest in the Project Site or any part thereof:

1. Declarants covenant and agree that no application for grading, excavation, foundation, alteration building or other permit respecting the Subject Property which permits soil disturbance shall be submitted to or accepted from the Department of Buildings (the "DOB") by the Declarant until LPC has issued to DOB, as applicable, either a Notice of No Objection, as set forth in Paragraphs 2(a) and 2(c), a Notice to Proceed, as set forth in Paragraph 2(b), a Notice of Satisfaction, as set forth in Paragraph 2(d), or a Final Notice of Satisfaction, as set forth in Paragraph 2(e). Declarants shall submit a copy of the Notice of No Objection, Notice to Proceed, Notice of Satisfaction or Final Notice of Satisfaction, as the case may be, to the DOB at the time of filing of any application set forth in this Paragraph 1.

2. (a) Notice of No Objection – LPC shall issue a Notice of No Objection after the Declarants have completed the work set forth in an LPC-approved Archaeological Documentary Study and LPC has determined that the results of such assessment demonstrate that the site does not contain potentially significant archaeological resources.

(b) Notice to Proceed with LPC-Approved Field Testing and/or Mitigation – LPC shall issue a Notice to Proceed after it approves a Field Testing Plan and, if necessary, a Mitigation Plan. Issuance of a Notice to Proceed shall enable the Declarants to obtain a building permit solely to perform excavation or other work necessary to implement the Field Testing and/or Mitigation Plan. The LPC shall review and approve the scope of work in all permits prior to field testing or mitigation work commencing on the Subject Property.

(c) Notice of No Objection After Field Work – LPC shall issue a Notice of No Objection After Field Work if Declarants have performed required LPC-approved field testing and, as a result of such testing, the LPC determines that the Subject Property does not contain potentially significant archaeological resources. The notices described in subparagraphs (a) and (c) of this paragraph shall each hereafter be referred to as a “Notice of No Objection.” Issuance of a Notice of No Objection shall be sufficient to enable Declarants to obtain a full building permit for the performance of excavation or construction on the Subject Property.

(d) Notice of Satisfaction – LPC shall issue a Notice of Satisfaction after the Mitigation Plan has been prepared and accepted by LPC and LPC has determined in writing that all significant identified and archaeological resources have been documented and removed from the Subject Property. Issuance of a Notice of Satisfaction shall enable Declarants to obtain a building permit for excavation and construction on the Subject Property.

(e) Final Notice of Satisfaction – LPC shall issue a Final Notice of Satisfaction after the mitigation has been completed and the LPC has set forth in writing that the Mitigation Plan, including but not limited to the Final Archaeological Report and a curation plan for any archaeological resources found on the Subject Property, has been completed to the satisfaction of LPC.

3. No temporary certificate of occupancy (“TCO”) or permanent certificate of occupancy (“PCO”) shall be issued by the Buildings Department or accepted by Declarants until the Chairperson of the LPC shall have issued a Final Notice of Satisfaction or a Notice of No Objection.

4. The Director of Archaeology of the LPC shall issue all notices required to be issued hereunder reasonably promptly after Declarants have made written request to the LPC and has provided documentation to support each such request, and the Director of Archaeology of the LPC shall in all events endeavor to issue such written notice to the DOB, or inform Declarants in writing of the reason for not issuing said notice, within thirty (30) calendar days after Declarants have requested such written notice.

5. Declarants represent and warrant with respect to the Subject Property that no restrictions of record, nor any present or presently existing estate or interest in the Subject Property nor any lien, encumbrance, obligation, covenant of any kind preclude, presently or potentially, the imposition of the obligations and agreements of this Declaration.

6. Declarants acknowledge that the City is an interested party to this Declaration and consents to the enforcement of this Declaration solely by the City, administratively or at law or at equity, of the obligations, restrictions and agreements pursuant to this Declaration.

7. The provisions of this Declaration shall inure to the benefit of and be binding upon the respective successors and assigns of the Declarants, and references to the Declarants shall be deemed to include such successors and assigns as well as successors to their interest in the Subject Property. References in this Declaration to agencies or instrumentalities of the City shall be deemed to include agencies or instrumentalities succeeding to the jurisdiction thereof.

8. Declarants shall be liable in the performance of any term, provision, or covenant in this Declaration, except that the City and any other party relying on this Declaration will look solely to the fee estate interest of the Declarants in the Subject Property for the collection of any money judgment recovered against Declarants, and no other property of the Declarants shall be subject to levy, execution, or other enforcement procedure for the satisfaction of the remedies of the City or any other person or entity with respect to this Declaration. The Declarants shall have no personal liability under this Declaration.

9. The obligations, restrictions and agreements herein shall be binding on the Declarants or other parties in interest only for the period during which the Declarants and any such Party-in-Interest holds and interest in the Subject Property; provided; however, that the obligations, restrictions and agreements contained in this Declaration may not be enforced against the holder of any mortgage unless and until such holder succeeds to the fee interest of the Declarants by way of foreclosure or deed in lieu of foreclosure.

10. Declarants shall indemnify the City, its respective officers, employees and agents from all claims, actions or judgments for loss, damage or injury, including death or property damage of whatsoever kind or nature, arising from Declarants' performance of its obligations under this Declaration, including without limitation, the negligence or carelessness of the Declarants, their agents, servants or employees in undertaking such performance; provided, however, that should such a claim be made or action brought, Declarants shall have the right to defend such claim or action with attorneys reasonably acceptable to the City and no such claim or action against the City shall be settled without the written consent of the City.

11. If Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Declaration, and such finding is upheld on a final appeal by a court of competent jurisdiction or by other proceeding or the time for further review of such finding or appeal has lapsed, Declarants shall indemnify and hold harmless the City from and against all reasonable legal and

administrative expenses arising out of or in connection with the enforcement of Declarants' obligations under this Declaration as well as any reasonable legal and administrative expenses arising out of or in connection with the enforcement of any judgment obtained against the Declarants, including but not limited to the cost of undertaking the Mitigation Plan, if any.

12. Declarants shall cause every individual or entity that between the date hereof and the date of recordation of this Declaration, becomes a Party-in-Interest (as defined in subdivision (c) of the definition of "zoning lot" set forth in Section 12-10 of the Zoning Resolution of the City of New York) to all or a portion of the Subject Property to waive its right to execute this Declaration and subordinate its interest in the Subject Property to this Declaration. Any mortgage or other lien encumbering the Subject Property in effect after the recording date of this Declaration shall be subject and subordinate hereto as provided herein. Such waivers and subordination shall be attached to this Declaration as Exhibits and recorded in the Office of the County or City Register.

13. This Declaration and the provisions hereof shall become effective as of the date of this Declaration. Declarants shall record or shall cause this Declaration to be recorded in the Office of the County or City Register, indexing it against the Project Site within five (5) business days of the date hereof and shall promptly deliver to the LPC and the CPC proof of recording in the form of an affidavit of recording attaching a copy of the filing receipt and a copy of the Declaration as submitted for recording. Declarants shall also provide a certified copy of this Declaration as recorded to LPC and CPC as soon as a certified copy is available.

14. This Declaration may be amended or modified by Declarants only with the approval of LPC or the agency succeeding to its jurisdiction and no other approval or consent shall be required from any other public body, private person or legal entity of any kind. A statement signed by the Chair of the LPC, or such person as authorized by the Chair, certifying approval of an amendment or modification of this Declaration shall be annexed to any instrument embodying such amendment or modification.

15. Any submittals necessary under this Declaration from Declarant to LPC shall be addressed to the Director of Archaeology of LPC, or such other person as may from time to time be authorized by the Chair of the LPC to receive such submittals. As of the date of this Declaration, LPC's address is:

Landmarks Preservation Commission, 1 Centre Street, 9N
New York, New York 10007

Any notices sent to Declarants shall be sent by personal delivery, delivery by reputable overnight carrier or by certified mail to the attention of:

Eric Palatnik, Esq.
Eric Palatnik, P.C.

32 Broadway, Suite 114
New York, New York 10004

16. Declarants expressly acknowledge that this Declaration is an essential element of the environmental review conducted in connection with the Applications and, as such, the filing and recordation of this Declaration may be a precondition to the determination of significance pursuant to CEQR, which implements the State Environmental Quality Review Act ("SEQRA") and the SEQRA Regulations, Title 6 New York Code of Rules and Regulations ("NYCRR") Part 617.7 within the City of New York.

17. Declarants acknowledge that the satisfaction of the obligations set forth in this Declaration does not relieve Declarants of any additional requirements imposed by Federal, State or Locals laws.

18. This Declaration shall be governed by and construed in accordance with the laws of the State of New York.

19. Wherever in this Declaration, the certification, consent, approval, notice or other action of Declarants, LPC or the City is required or permitted, such certification, consent, approval, notice or other action shall not be unreasonably withheld or delayed.

20. In the event that any provision of this Declaration is deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severable and the remainder of this Declaration shall continue to be in full force and effect.

21. This Declaration and its obligations and agreements are in contemplation of Declarants receiving approvals or modified approvals of the Applications. In the event that the Declarants withdraw the Applications before a final determination or the Applications are not approved, the obligations and agreements pursuant to this Declaration shall have no force and effect and Declarants may request that LPC issue a Notice of Cancellation upon the occurrence of the following events: (i) Declarants have withdrawn the Applications in writing before a final determination on the Applications; or (ii) the Applications were not approved by the CPC, and/or the City Council, as the case may be in accordance with Charter Section 197-c (ULURP); or (iii) LPC has issued a Notice of No Objection or Final Notice of Satisfaction. Upon such request, LPC shall issue a Notice of Cancellation after it has determined, to LPC's reasonable satisfaction, that one of the above has occurred. Upon receipt of a Notice of Cancellation from LPC, Declarants shall cause such Notice to be recorded in the same manner as the Declaration herein, thus rendering this Restrictive Declaration null and void. Declarants shall promptly deliver to LPC and the CPC a certified copy of such Notice of Cancellation as recorded.

IN WITNESS WHEREOF, Declarants have executed this Declaration as of the day and year first above written.

MICHAEL SPINARD

By: 
Name: Michael Spinard
Title: Proprietor

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF NEW YORK)
) .ss.:
COUNTY OF Queens)

On the 24 day of August in the year 2016 before me, the undersigned, personally appeared MICHAEL SPINARD, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Elizabeth Duran
Notary Public

ELIZABETH DURAN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DU6225573
Qualified in Queens County
My Commission Expires July 26, 2018

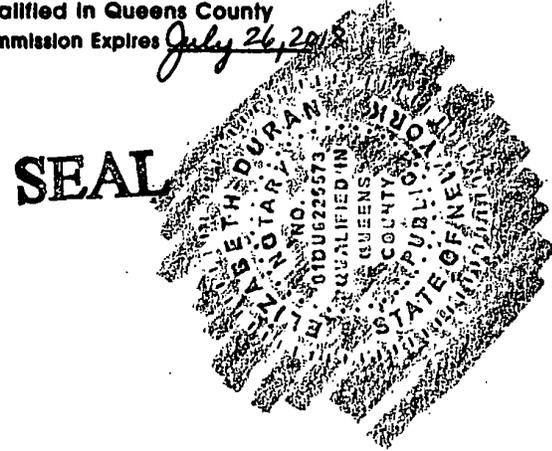


EXHIBIT A

Description of Property – Metes and Bounds



EXHIBIT A DESCRIPTION

BEGINNING at a corner formed by the intersection of the northerly side of Front Street with the easterly side of Gold Street;

RUNNING THENCE easterly along the northerly side of Front Street 67 feet 4 inches;

THENCE northerly parallel with Hudson Street 100 feet;

THENCE westerly parallel with Front Street 63 feet to the easterly side of Gold Street;

THENCE southerly along the easterly side of Gold Street 100 feet 2 inches to the corner the point or place of beginning

BEING in Section 1, Block 43, Lots 1 and 47 on the Tax Map of Kings County.

BEING the same premises described in a deed from Goldenshtein Restaurant Equipment Mfg. Corp. to Thomas Spinard dated August 8, 1983 and recorded in the Kings County Clerk's Office on August 16, 1983 on Reel 1420 Page 920.

NOISE ATTACHMENT:

BACKUP

Certificate of Conformity and Calibration

Instrument Model:- CEL-633C
Serial Number 1274486
Firmware revision V006-03

Microphone Type:- CEL-251
Serial Number 2467

Preamplifier Type:- CEL-495
Serial Number 003570

Instrument Class/Type:- 1

Applicable standards:-

IEC 61672: 2002 / 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:- 24.3 °C
 52.4 %RH
 1007 mBar

Test Engineer:- Malcolm Neale
Date of Issue:- July 11, 2019



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 9001:2008 quality procedures. This product is certified as being compliant to the requirements of the CE Directive.

Test Summary:-

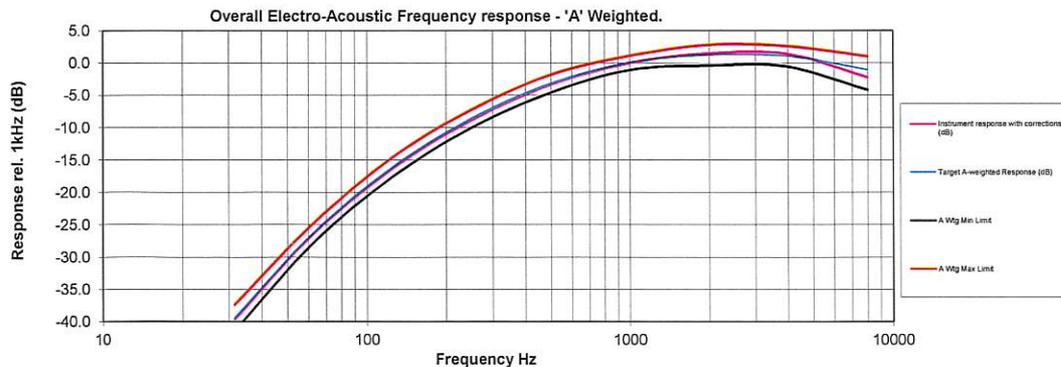
- Self Generated Noise Test
- Electrical Signal Test Of Frequency Weightings
- Frequency & Time Weightings At 1 kHz
- Level Linearity On The Reference Level Range
- Toneburst Response Test
- C-peak Sound Levels
- Overload Indication
- Acoustic Tests

- 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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|--|---|---|--|---|

Certificate of Conformity and Calibration

Customer: Equity Environmental

Instrument: CEL-120/1

Serial Number: 3574248

Job Number: 19468

Date of Issue: 11-Jul-2019

Engineer: M Neale

Traceable Equipment: Reference Calibrator EQ11205
DVM type Fluke 45 EQ00318

Test Conditions:

| | | |
|---------------------|------|------|
| Ambient Temperature | 24.1 | °C |
| Ambient Humidity | 52.7 | %RH |
| Ambient Pressure | 1007 | mBar |

Results:

| | Level 1 | Level 2 | Frequency |
|-----------------|-----------|----------|------------|
| Initial Reading | 113.92 dB | 93.93 dB | 1.0000 kHz |
| Final Reading | 114.00 dB | 93.99 dB | 1.0000 kHz |

Uncertainty:

| | | | |
|-----------|---|------|----|
| Level | ± | 0.15 | dB |
| Frequency | ± | 0.5 | Hz |

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 9000:2015 quality procedures.

The reported expanded uncertainty is based on a standard uncertainty multiplied by a coverage factor k=2, providing a level of confidence of approximately 95%.

This certificate may not be reproduced other than in full, except with prior written approval of the issuing laboratory.

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Report On CEL-63X

| | | | | | |
|-------------------------|-----------------------|---------------------------|-----------------------|--|--------|
| Instrument Model | CEL-633C | | | | |
| Serial Number | 1274486 | LAS 10% | 62.5 dB | | Result |
| LASmax | 73.2 dB | LAS 50% | 57 dB | | |
| LASmin | 54.2 dB | LAS 90% | 55.5 dB | | |
| Start Date & Time | 10/24/2019 8:01:51 AM | Calibration (Before) Date | 10/24/2019 8:01:10 AM | | |
| Duration | 00:20:03 HH:MM:SS | Calibration (After) Date | 10/24/2019 8:22:10 AM | | |
| LAeq | 60.2 dB | Calibration Drift | -0.3 dB | | |
| End Date & Time | 10/24/2019 8:21:54 AM | Battery Low | No | | |
| Notes | | | | | |

| | | | | |
|-------------------------|-----------------------|---------------------------|-----------------------|--------|
| Instrument Model | CEL-633C | | | |
| Serial Number | 1274486 | LAS 10% | 65 dB | Result |
| LASmax | 75.7 dB | LAS 50% | 59.5 dB | |
| LASmin | 54.9 dB | LAS 90% | 56.5 dB | |
| Start Date & Time | 10/24/2019 8:22:48 AM | Calibration (Before) Date | 10/24/2019 8:22:38 AM | |
| Duration | 00:20:02 HH:MM:SS | Calibration (After) Date | 10/24/2019 8:43:18 AM | |
| LAeq | 62.3 dB | Calibration Drift | 0.2 dB | |
| End Date & Time | 10/24/2019 8:42:50 AM | Battery Low | No | |
| Notes | | | | |