Oxford Nursing Home

Revised Environmental Assessment Statement

CEQR No. 15DCP193K

Prepared for:
Conover King Realty LLC

Prepared by:
Philip Habib & Associates

Revised May 6, 2016[1]

[1] The EAS has been revised to include a Technical Memorandum that addresses changes to the requested actions and to clarify information relative to the Waterfront Revitalization Program

Oxford Nursing Home

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

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

Part I: GENERAL INFORMATION

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

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

2. *Project Name* Oxford Nursing Home

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
15DCP193K	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
150361ZMK, 150363ZCK, 150362ZSK, 160081ZRK	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
NYC Department of City Planning			Conover King Realty, LLC		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Robert Dobruskin, AICP, Director, Environmental Assessment and Review Division			Howard Weiss, Davidoff Hutcher & Citron LLC		
ADDRESS 22 Reade Street			ADDRESS 650 Third Avenue		
CITY New York	STATE NY	ZIP 10007	CITY New York	STATE NY	ZIP 10158
TELEPHONE 212-720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE 212-557-7200	EMAIL HSW@dhclegal.com	

5. *Project Description*

The applicant, Conover King Realty, LLC, is seeking a zoning map amendment to rezone the existing M2-1 manufacturing district to the proposed MX-5 special mixed-use district (M1-4/R6), a zoning special permit pursuant to ZR Section 74-902 (Certain Community Facility Uses in R3 to R9 districts and certain Commercial Districts) and a zoning certification pursuant to ZR Section 22-42 (Certification of Certain Community Facility Uses) to facilitate the development of a 173,989 gsf (157,500 zsf), 200-bed skilled nursing home and ambulatory diagnostic and treatment facility at 139-141 Conover Street in the Red Hook neighborhood of Brooklyn Community District (CD) 6. In addition, the applicant is seeking a zoning text amendment to Appendix F of the ZR to establish a Mandatory Inclusionary Housing area (MIHA) consistent with the proposed rezoning area in accordance with the City's mandatory inclusionary housing policy. The proposed community facility development will include an approximately 131,150-sf skilled nursing home facility with 200 beds and an approximately 26,350-sf ambulatory diagnostic and treatment center (medical offices). The proposed development would range in height from two to eight stories. The proposed building would include an enclosed parking area for 39 accessory spaces and an unenclosed parking area for 14 accessory spaces (total of 53 accessory parking spaces). The rezoning area includes a portion of Lots 5 (p/o) on Brooklyn Block 555. As discussed in detail in Attachment A, "Project Description," for conservative analysis purposes two scenarios have been analyzed under the RWCDS.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 6	STREET ADDRESS 139-141 Conover Street
TAX BLOCK(S) AND LOT(S) Block 555, Lots 5 (portion)		ZIP CODE 11231

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The project area is located on a block bounded by Conover Street, King Street, Sullivan Street, and Van Brunt Street.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY	ZONING SECTIONAL MAP NUMBER
M2-1, R5/C1-3	16a

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

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

☐ CITY MAP AMENDMENT ☒ ZONING CERTIFICATION ☐ CONCESSION

☒ ZONING MAP AMENDMENT ☐ ZONING AUTHORIZATION ☐ UDAAP
☒ ZONING TEXT AMENDMENT ☐ ACQUISITION—REAL PROPERTY ☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY ☐ DISPOSITION—REAL PROPERTY ☐ FRANCHISE
☐ HOUSING PLAN & PROJECT ☐ OTHER, explain:
☒ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION ZR Sections 22-42, 74-902

***Board of Standards and Appeals*:** ☐ YES ☒ NO
☐ VARIANCE (use)
☐ VARIANCE (bulk)
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

Other City Approvals Subject to CEQR (check all that apply)
☐ LEGISLATION ☐ FUNDING OF CONSTRUCTION, specify:
☐ RULEMAKING ☐ POLICY OR PLAN, specify:
☐ CONSTRUCTION OF PUBLIC FACILITIES ☐ FUNDING OF PROGRAMS, specify:
☐ 384(b)(4) APPROVAL ☐ PERMITS, specify:
☐ OTHER, explain:

Other City Approvals Not Subject to CEQR (check all that apply)
☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☒ YES ☐ NO If "yes," specify: Certificate of Need from NYS Department of Health

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

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

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

Physical Setting (both developed and undeveloped areas)
Total directly affected area (sq. ft.): 38,000 Waterbody area (sq. ft) and type:
Roads, buildings, and other paved surfaces (sq. ft.): 38,000 Other, describe (sq. ft.):

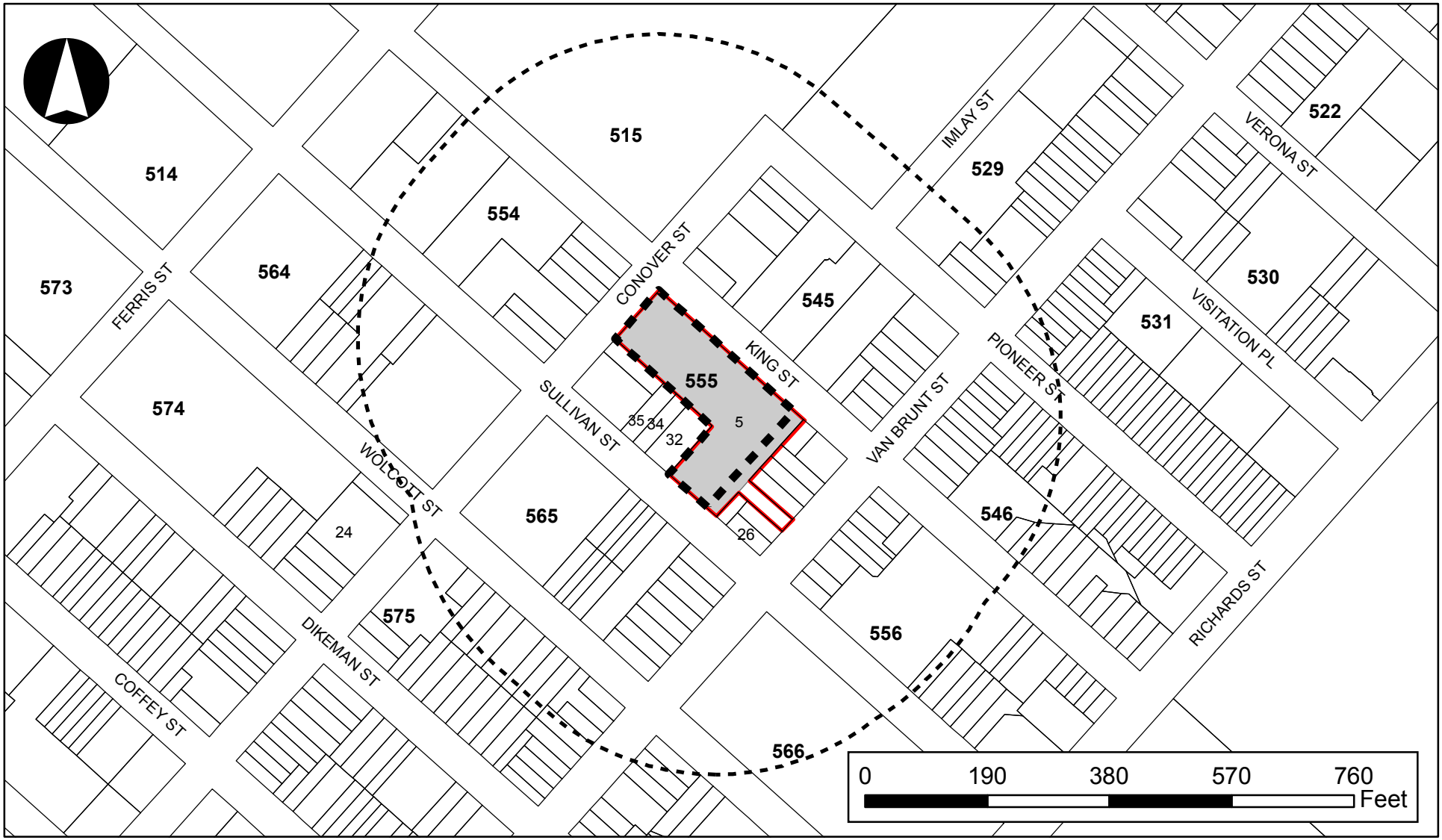
8. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)
SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 173,989
NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 173,989 gsf
HEIGHT OF EACH BUILDING (ft.): 89 feet NUMBER OF STORIES OF EACH BUILDING: 8 stories

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: 38,000
The total square feet not owned or controlled by the applicant: 0

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO
If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: 43,000 (both scenarios) sq. ft. (width x length) VOLUME OF DISTURBANCE: TBD cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 43,000 (both scenarios) sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)			173,989 gsf	



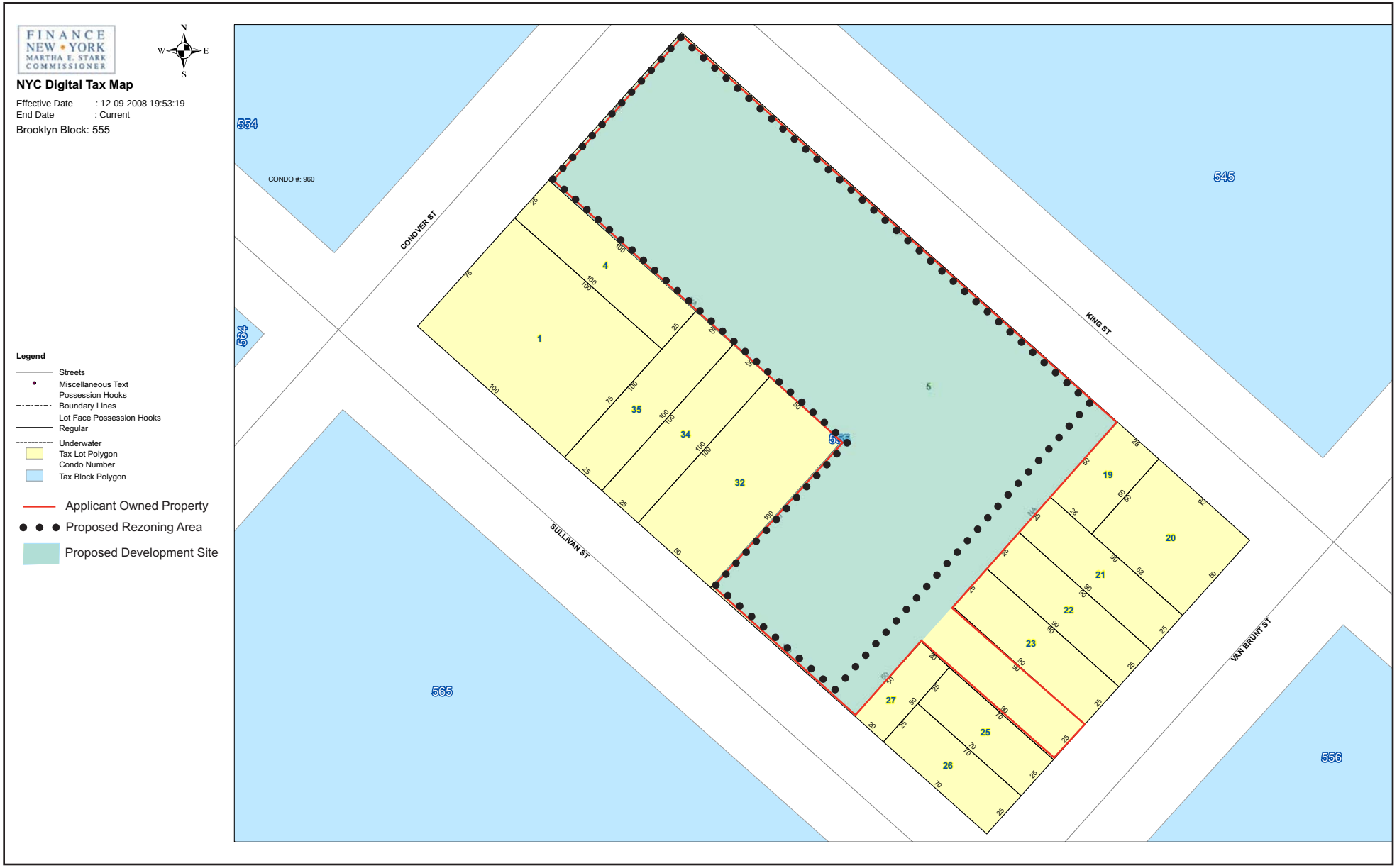
Legend

- Rezoning Area
- 400-Foot Radius
- Applicant Owned Property
- Proposed Development Site
- 565 **Block Number**

Oxford Nursing Home EAS

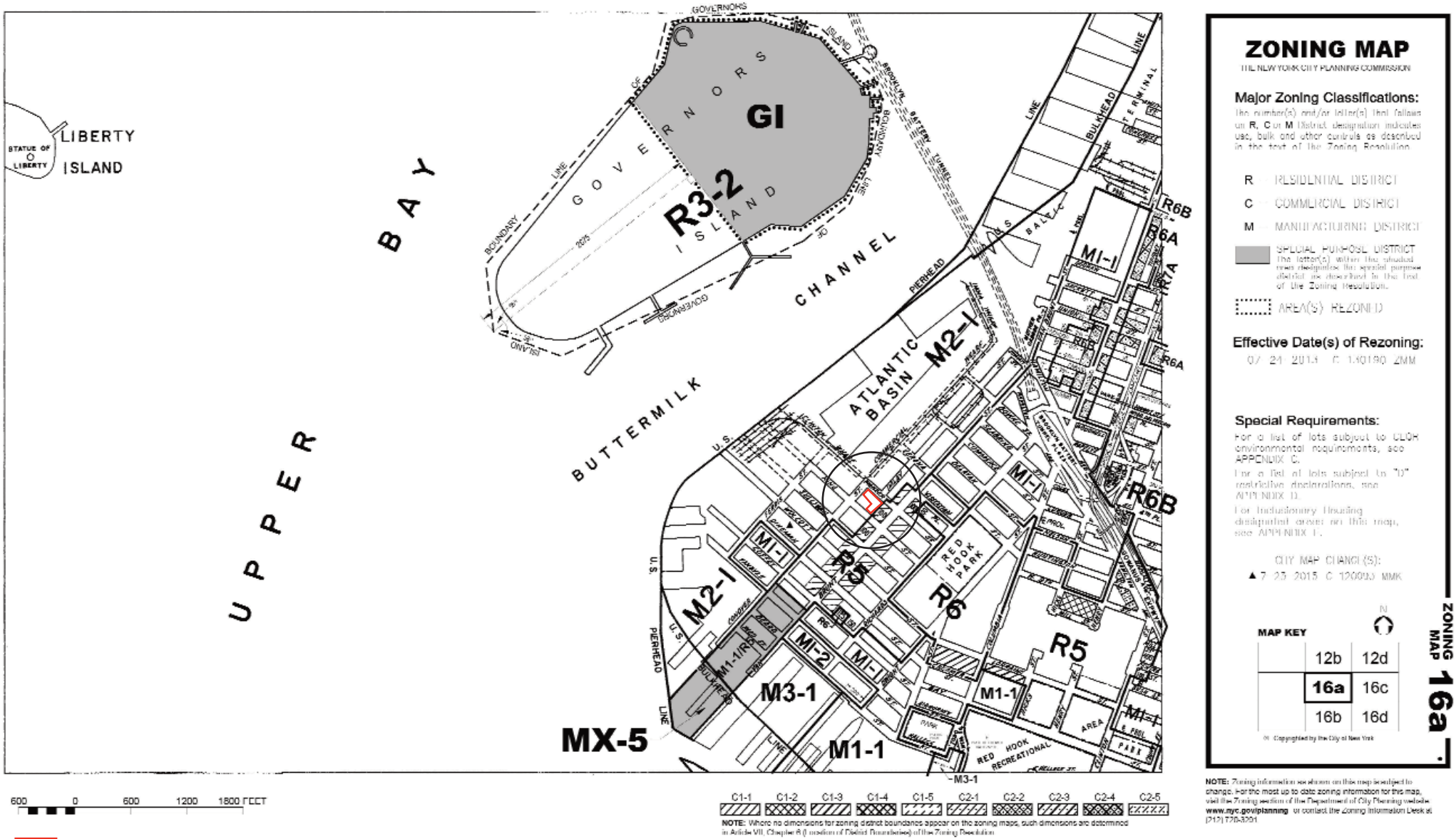
Figure 1

Project Location

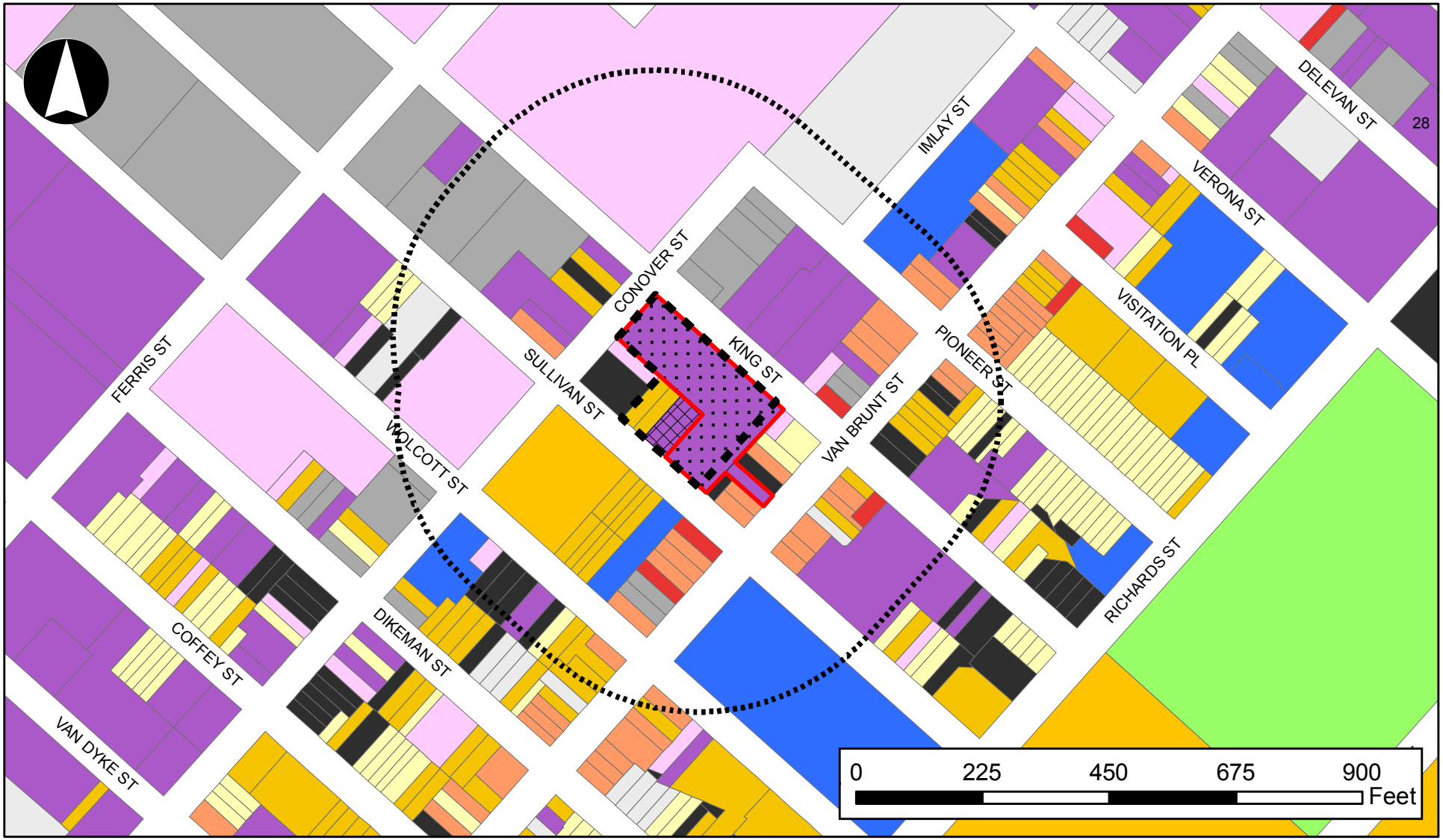


Oxford Nursing Home EAS

Figure 2
Tax Map



Area being rezoned from M1-2 to M1-4/R6



Legend

- Secondary Study Area (400' Radius from Rezoning Area)
- Primary Study Area (Rezoning Area)
- Applicant Owned Property
- Proposed Development Site
- Projected Development Site
- One & Two Family Buildings
- Mutli-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

Oxford Nursing Home EAS

Figure 4

Existing Land Uses Within Study Area

Type (*e.g.,* retail, office, school)	units		Nursing home, medical offices	

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

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS: 200

Provide a brief explanation of how these numbers were determined: Nursing Home: 200 total employees based on data provided by the applicant.

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

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

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

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18 months

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

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

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

Part II: TECHNICAL ANALYSIS

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

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

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☒	☐
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☒	☐
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **Child Care Centers:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☒	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		

	YES	NO
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☒	☐
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. Refer to Attachment		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
○ If "yes," complete the Jamaica Bay Watershed Form, and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☒	☐
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☒	☐
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☒	☐
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☒	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☒	☐
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒

	YES	NO
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 12,154		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): 43,619,042		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☒	☐
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☒
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☒
○ Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☒
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☒
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☒
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☒	☐
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☒	☐
(c) Does the proposed project involve multiple buildings on the project site?	☒	☐
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☐
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☒	☐

	YES	NO
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☒	☐
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. As discussed in detail in the EAS, the proposed action is not aniticpated to result in any significant adverse impacts to air quality, noise, or hazardous materials. As such, a detailed assessment of public health is not warranted.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. The proposed action requires detailed analyses of land use, zoning, and public policy, urban design and visual resources, open space, and noise. As discussed in detail in the EAS, the proposed action would not result in significant adverse impacts to these technical areas and therefore, a neighborhood character assessment is not warranted.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	☐	☒
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
o The operation of several pieces of diesel equipment in a single location at peak construction?	☒	☐
o Closure of a community facility or disruption in its services?	☐	☒
o Activities within 400 feet of a historic or cultural resource?	☐	☒
o Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. Construction on the development site may result in temporary disruptions including noise, dust and traffic associated with the delivery of materials and arrival of workers to the site. These effects, however, would be temporary (lasting approximately 18 months) and are therefore not considered significant.		

20. *APPLICANT'S CERTIFICATION*

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

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

APPLICANT/REPRESENTATIVE NAME	DATE
Howard Weiss, Davidoff Hutcher & Citron LLC	5/6/16

SIGNATURE Howard A Weiss

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

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

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

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

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

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ ☒

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

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

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

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

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

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

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	The New York City Department of City Planning (DCP)
NAME	DATE
Olga Abinader	May 6, 2016

SIGNATURE

Olga Abinader

ATTACHMENT A

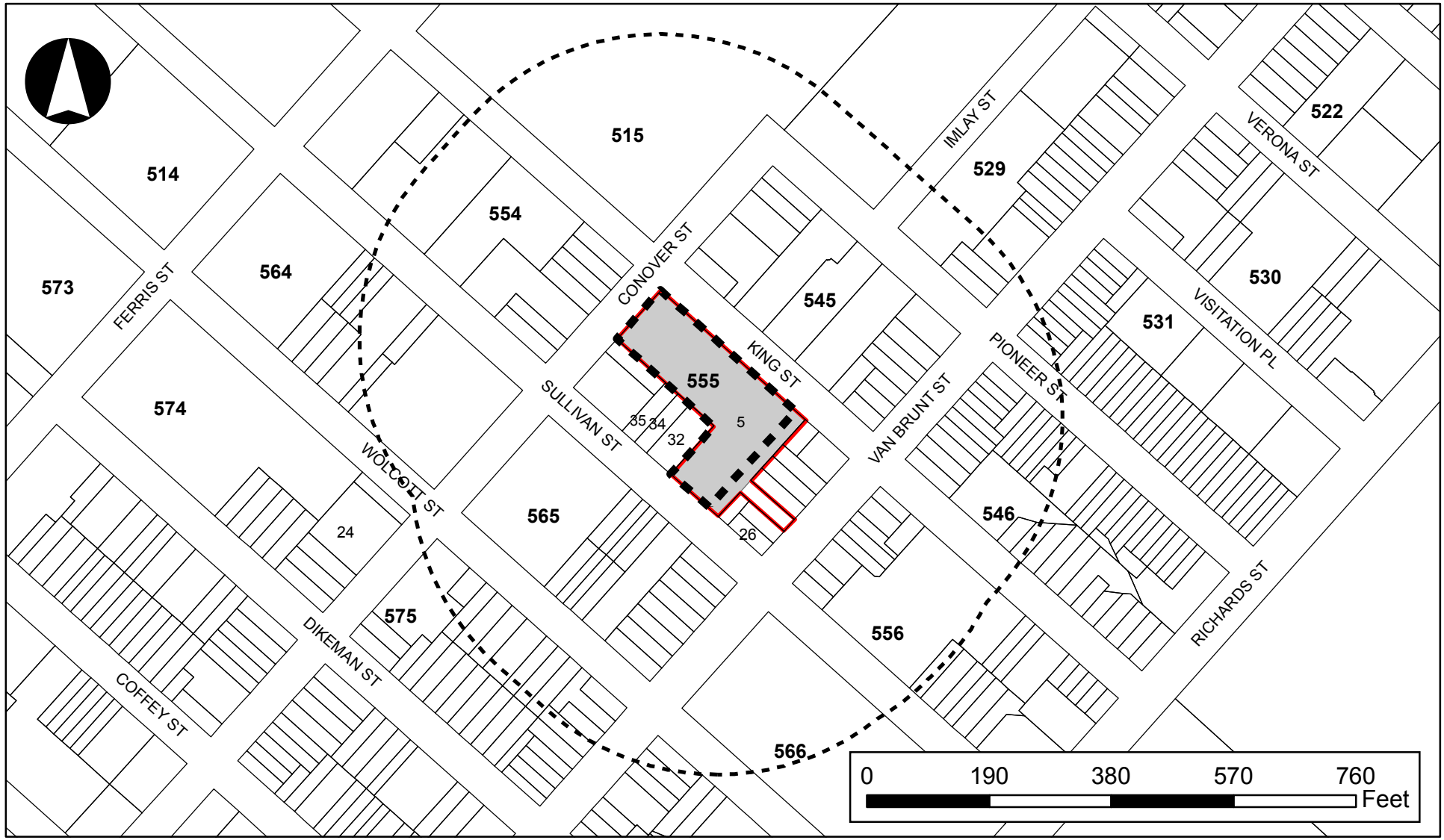
PROJECT DESCRIPTION

I. INTRODUCTION

The applicant, Conover King Realty, LLC, is seeking a zoning map amendment to rezone an existing M2-1 manufacturing district to the proposed MX-5 special mixed-use district (M1-4/R6) on part of Lot 5 on Brooklyn Block 555, a zoning special permit pursuant to Zoning Resolution (ZR) Section 74-902, and a zoning certification pursuant to ZR Section 22-42 to facilitate the development of a seven- to eight-story 200-bed skilled nursing home and ambulatory diagnostic and treatment facility at 139-141 Conover Street in the Red Hook neighborhood of Brooklyn Community District (CD) 6 (see Figure A-1). The proposed nursing home would replace an existing 230-bed nursing home operated by Oxford that is currently located at 144 South Oxford Street in Brooklyn CD 2. In addition to the above-listed actions, the applicant is also seeking a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing area (MIHA) consistent with the proposed rezoning area in accordance with the City's mandatory inclusionary housing policy.

The New York State Department of Health (NYSDOH) has deemed Oxford's existing facility at 144 South Oxford Street below modern nursing home standards—partly due to its lack of handicap facilities. It is not considered to be part of the city's long-term resources of skilled nursing homes and would eventually be closed permanently. The current facility is not eligible for federal loans for improvements to the site. The applicant began the application process for the Certificate of Need by submitting an application to construct a replacement facility at 139-141 Conover Street to the New York State Department of Health in June 2003, shortly after purchasing the site. In 2006, architectural drawings were provided to NYS DOH, and between 2006 and January 2009, the application was reviewed by NYS DOH. In February 2009, the State Hospital Review and Planning Council approved the Certificate of Need application, and a letter dated February 26, 2009 was issued by NYS DOH, memorializing the approval subject to customary conditions and contingencies. The Certificate of Need does not expire, but can be terminated by NYS DOH due to lack of activity or progress. The applicant has kept NYS DOH apprised of the project's status since 2009, most recently sending a letter to DOH confirming submission of the ULURP application in June 2015 and receiving a letter in response from DOH confirming that the Certificate of Need is still open and active. Copies of the Certificate of Need dated February 26, 2009 and the most recent correspondence from DOH, dated June 10, 2015, are included in the Appendix as Attachment A. The NYSDOH is the licensing agency for the proposed healthcare facility and must approve the final plans before any construction begins.

The proposed development would consist of approximately 173,989 gross square feet (gsf) (157,500 zoning square feet (zsf)) on Block 555, Lot 5, including an approximately 131,150-zsf skilled nursing home facility with 200 beds and an approximately 26,350-zsf ambulatory diagnostic and treatment center (medical offices). The proposed development would range in height from two to eight stories. The proposed building would include an enclosed parking area for 39 accessory spaces (approximately 16,489 gsf) and an unenclosed parking area for 14 accessory spaces (total of 53 accessory parking spaces). As discussed in detail below under "Purpose and Need of the Proposed Action," the proposed action is



Legend

- Rezoning Area
- 400-Foot Radius
- Applicant Owned Property
- Proposed Development Site
- 565 **Block Number**

Oxford Nursing Home EAS

Figure A-1

Project Location

necessary to facilitate the development of a modern replacement for the existing Oxford Nursing Home located at 144 South Oxford Street.

While the applicant intends on developing a 200 bed nursing home and 26,350 sf ambulatory diagnostic and treatment facility described above, because the proposed action would result in a M1-4/R6 zoning district, an alternate reasonable worst-case development scenario (RWCDS) for a mixed-use development ("mixed-use scenario") is considered for conservative analysis purposes. It is assumed that in the absence of the development of the nursing home and ambulatory facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units (DUs), 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning. The mixed-use scenario would also include a 54,930 sf parking garage with 75 accessory parking spaces. The building in the mixed-use scenario is assumed to rise to a height of approximately 115 feet (approximately 10-stories).

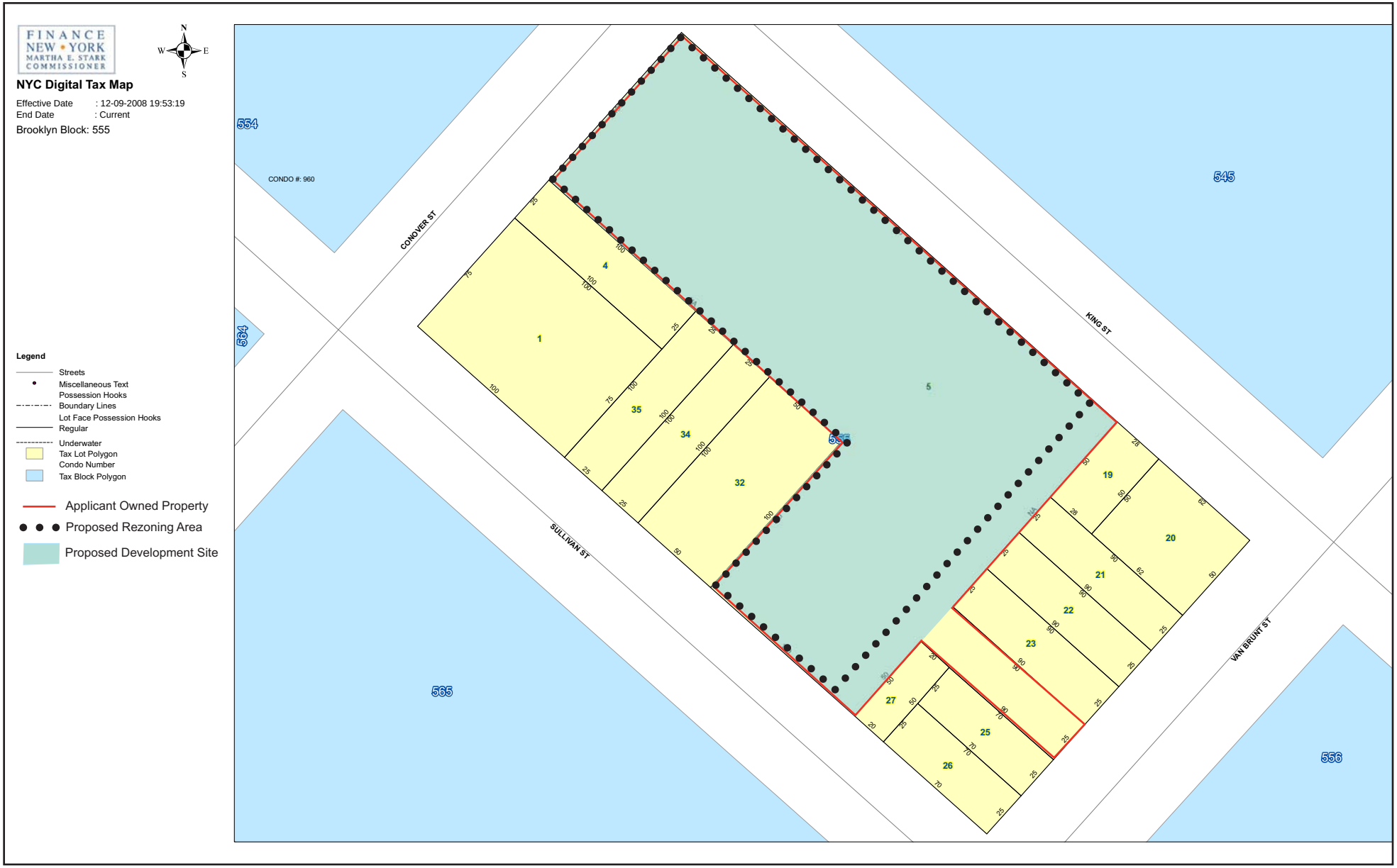
As discussed in detail below under "Other Actions That Would Affect the Project Area," independent of the proposed action, the Department of City Planning (DCP) has proposed two citywide zoning text amendments to eliminate unnecessary obstacles to the creation of housing, especially affordable housing known as Zoning for Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH). These text amendments were certified by the City Planning Commission on September 21, 2015 to enter into public review. When adopted, these text amendments will be applicable to the proposed M1-4/R6 zoning district. Since these zoning changes would affect the proposed zoning district, their effects on the project area are analyzed as part of this environmental review in order to provide a conservative analysis. Under the proposed ZQA and MIH text amendments, MIH developments in special MX districts with R6 zoning district designations would be permitted a maximum height of 115 feet (currently the maximum height permitted is 110 feet pursuant to ZR Section 123-662). Therefore, the proposed building under the mixed-use scenario is analyzed with a maximum height of 115 feet. Under the proposed MIH text amendment, 25 percent of proposed residential floor area would be required to be made permanently affordable for residents with incomes averaging 60% Area Median Income (AMI). Therefore, as discussed in detail below, the RWCDS under the mixed-use scenario assumes 22 affordable DUs and 66 market rate DUs (for a total of 88 DUs) for analysis purposes.

II. EXISTING CONDITIONS

Proposed Development Site (Applicant's Property)

As shown in Figures A-1 and A-2, the proposed development site comprises the majority of Lot 5 on Block 555, which is privately owned by the applicant. In its entirety, Lot 5 is an irregular-shaped parcel that comprises approximately 40,000 sf and has frontages on King, Van Brunt, Sullivan, and Conover Streets. Lot 5 is currently split by existing zoning district boundary lines—the majority of the property is zoned M2-1, and the eastern 100 feet of the lot is zoned R5 with a C1-3 commercial overlay that extends along the west side of Van Brunt Street (see Figure A-3). This easternmost, approximately 2,250-sf rectangular portion of Lot 5, which has a 25-foot frontage on Van Brunt Street and at a depth of 90 feet and is zoned R5/C1-3, is currently used for vehicle storage. It is anticipated that this 2,250-sf portion of Lot 5 would be

Figure A-2
Existing and Proposed Zoning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27
25
26
Legend
Streets
Miscellaneous Text
Possession Hooks
Boundary Lines
Lot Face Possession Hooks
Regular
Underwater
Tax Lot Polygon
Condo Number
Tax Block Polygon
Applicant Owned Property
Proposed Rezoning Area
Proposed Development Site

subdivided as a separate zoning lot prior to the requested zoning map change, and is therefore not part of the proposed development site. [1]

As shown in Figure A-2, the proposed development site is L-shaped and comprises approximately 40,000 sf. It has approximately 300 feet of frontage on the south side of King Street, 100 feet on the east side of Conover Street, and 100 feet on the north side of Sullivan Street. It is primarily zoned M2-1 with the exception of the easternmost 10 feet (approximately 2,250 sf), which is zoned R5/C1-3. This 2,250-sf portion of the proposed development site would not be affected by the proposed zoning map change and would continue to be zoned R5/C1-3 in the future with the proposed action.

As shown in the photos in Figure A-4, the proposed development site is currently occupied by four single-story industrial buildings that are occupied by month-to-month tenants, including a bus operator that stores buses; a refuse hauler that occupies a portion of the lot to store its vehicles; and a metal fabrication, welding and repairs shop. The existing buildings comprise a total of approximately 5,955 gsf for a total built FAR of approximately 0.15. As a result of the proposed actions, the four existing buildings would be fully vacated and demolished in order to facilitate the development of the proposed community facilities. The development site on Lot 5 was formerly located within the Southwest Brooklyn Industrial Business Zone (IBZ). The City's policy regarding Zoning Map amendments in an IBZ precluded residential rezoning. In 2013, the Industrial Business Zone Boundary Commission made changes to various IBZ boundaries and, in the case of the Southwest Brooklyn IBZ, amended the boundaries to exclude the Oxford site for the expressed purpose of facilitating the development of this project.

Proposed Rezoning Area

As shown in Figure A-1, the proposed rezoning area (or "project area") comprises approximately 38,000 sf of Lot 5 on Brooklyn Block 555 that would be rezoned from M2-1 to the MX-5 special mixed-use district (M1-4/R6). Lot 5, which is owned by the applicant, is described above in detail under the "Proposed Development Site" section.

Surrounding Area and Context

The project area is located in Red Hook, in the western section of Brooklyn. It is one of Brooklyn's oldest waterfront neighborhoods, where industry and housing have coexisted for more than a hundred years. The surrounding area supports a mix of land uses, including single-family and multi-family residences, warehousing, industrial/manufacturing, mixed-use (residential and commercial) buildings, transportation/utility, and public facilities and institutions. Red Hook West and East, two of New York City Housing Authority's (NYCHA) developments, are nearby, as is Coffey Park, a public elementary school (P.S. 15 Patrick F. Daly), a public high school (South Brooklyn Community High School) and a church.

Van Brunt Street is the main corridor of this area, serving as its commercial/retail spine. It is lined with strips of contiguous restaurants, coffee shops and other types of commercial establishments

[1] Lot 5 is an irregular-shaped property that occupies approximately 40,000 sf with frontages on King, Conover, Sullivan and Van Brunt Streets. The easternmost, rectangular portion of Lot 5, which is 25 feet wide and 90 feet deep and comprises approximately 2,250 sf and has frontage on Van Brunt Street, will be subdivided as a separate zoning lot prior to certification of the subject application as complete by the City Planning Commission, and is therefore not considered part of the proposed development site for purposes of this analysis. The proposed lot subdivision is currently pending approval at the New York City Department of Buildings (DOB).

1. View looking south from King Street of *Custom Welding & Design*, a metal fabrication, welding and repairs shop.

2. View looking north from Sullivan Street of the bus storage area.

3. View looking east from the corner of Conover and King Streets.

4. View looking east from Conover Street.

(laundromats, a real estate agency, etc.) that are intermixed with industrial uses, vacant properties and parking lots, as well as a few transportation-related uses. Also a major truck route, Van Brunt Street is heavily utilized by vehicles that transport goods and manufacturing parts to the area's industrial and maritime facilities.

The remainder of the subject block (Block 555) accommodates a variety of land uses. The portion of Block 555 that would continue to be zoned M2-1 in the future with the proposed action includes an open vehicle storage lot used for bus storage, at the northeast corner of Sullivan and Conover Streets (Lot 1); a small, single-story repair shop for buses at 143 Conover Street (Lot 4); two four-story multifamily walkup residential buildings at 114 and 116 Sullivan Street (Lots 34 and 35) one of which has a ground floor retail; and a two-story warehouse at 112 Sullivan Street (Lot 32). The block's Van Brunt Street frontage, which is zoned R5/C1-3, includes single- and multi-family residential buildings with ground-floor retail (Lots 20, 22, 25 and 26), as well as a vacant land (Lots 21 and 23). Abutting the proposed development site to the east are a single-story building at 137 King Street, which houses an electrical parts supplier and contractor (Lot 19), and a small, (approximately 1,000-sf) vacant property on the north side of Sullivan Street (Lot 27).

There are limited transit services in the vicinity of the proposed rezoning area. The Smith-9th Streets subway station, serving the F and G subway lines, is located approximately 1.1 miles east of the proposed rezoning area in Gowanus. The B61 bus route (connecting Downtown Brooklyn and Park Slope) runs along Van Brunt Street, and the B57 (connecting Red Hook and Maspeth, Queens) runs along nearby Lorraine Street. Vehicles en route to Red Hook from other parts of the Tri-State Area can access the neighborhood via the Brooklyn-Queens/Gowanus Expressway and the Hugh L. Carey Tunnel.

There is also water taxi service that transports passengers from the IKEA store, located at 1 Beard Street (about a half-a-mile south of the rezoning area) to Wall Street's Pier 11, and vice versa. In addition, water taxi service is provided from the Red Hook Dock at Van Brunt Street to Pier 11 as well as to Pier 79 at West 39th Street in Manhattan.

III. DESCRIPTION OF THE PROPOSED ACTION

The proposed project requires the following discretionary land use actions:

Zoning Map Amendment: The applicant is proposing a zoning map amendment to rezone an approximately 38,000-square-foot (sf) portion of Lot 5 on Brooklyn Block 555 from the existing M2-1 zoning district to an M1-4/R6 (a special mixed-use zoning district).[2] As shown in Figure A-3, the proposed M1-4/R6 district would be mapped 100 feet west of Van Brunt Street between King and Sullivan Streets, and would overlay the majority of Lot 5 extending along the north side of Conover Street from approximately 90 feet along the south side of King Street to a depth of 100 feet until Conover Street. With the proposed zoning map amendment, a mix of uses would be permitted, including residential (Use Groups (UG) 1 and 2) and community facility uses (UG 3 and 4), which are not permitted by the existing M2-1 zoning. The proposed special mixed-use zoning district regulation would further control potential development in the project area beyond underlying zoning district regulations (for example, by limiting the total building height of the proposed development to 110

[2] Special Mixed-Use District 5

feet, rather than just requiring compliance with a sky exposure plane, which could allow a building taller than 110 feet).[3]

Zoning Certification: As the proposed development would introduce a 200-bed nursing home (UG 3) and an ambulatory diagnostic and treatment facility (UG 4) on the proposed development site in the proposed M1-4/R6 and existing R5/C1-3 zoning districts, the applicant is seeking a certification from the CPC, pursuant to New York City Zoning Resolution (ZR) Section 22-42, that the proposed community facility uses would not result in any of the following conditions in Brooklyn CD6: (1) a concentration of nursing homes and other health-related facilities in CD6 as compared to other community districts; (2) a scarcity of land for general community purposes; or (3) a disruption in the land use balance in the community due to the construction of health-related facilities within the last three years. If the CPC finds that one or more of these conditions applies to CD6, a special zoning permit pursuant to ZR Section 74-90 would also be required for the project.[4]

Special Permit: The applicant is requesting a zoning special permit from the CPC pursuant to ZR Section 74-902 in order to increase the permitted maximum community facility floor area on the proposed development site in the proposed mixed-use M1-4/R6 and existing R5/C1-3 zoning districts. The requested special permit would modify the requirements of ZR Section 24-111, which states that the maximum permitted floor area ratio (FAR) of nursing homes, health-related facilities or domiciliary care facilities for adults in R6 zoning districts is 2.43, and that the maximum permitted FAR of those types of facilities in R5 zoning districts is 1.27. The proposed community facilities would have an FAR of 3.94. The requested special permit would allow the maximum permitted community facility FAR of 4.66 for the site (which combines the maximum allowable FARs in the respective R6 and R5 districts), pursuant to ZR Section 24-11, to apply in lieu of the applicable 2.43 and 1.27 FARs that are permitted as-of-right.

These actions (collectively, the "proposed action") are intended to allow the applicant to build an approximately 173,989-gsf (157,500-zsf) community facility that would consist of a 200-bed nursing home and an approximately 26,350-zsf ambulatory diagnostic and treatment center at 141 Conover Street (p/o Lot 5 on Block 555) in the Red Hook neighborhood of CD6.

In addition to the above actions that are necessary to facilitate the proposed project, which would not include residential uses, the following action is being requested in accordance with the City's mandatory inclusionary housing policy:

Zoning Text Amendment: The applicant is requesting a zoning text amendment to Appendix F of the ZR to establish a Mandatory Inclusionary Housing area (MIHA) consistent with the proposed rezoning area described above, and to ZR Section 123-63 to reflect the creation of a new MIHA. The proposed zoning text amendment is provided, in its entirety, in Appendix E.

[3] Under the proposed ZQA and MIH text amendments, MIH developments in special MX districts with R6 zoning designations would be permitted a maximum height of 115 feet (currently the maximum height permitted is 110 feet pursuant to ZR Section 123-662).

[4] The proposed ZQA text amendment would eliminate the certification under ZR Section 22-42 and special permit in ZR Section 74-90, except that senior long-term care facilities would continue to require a special permit in R1 and R2 districts. If the ZQA text amendment is approved prior to the approval of the proposed action, the requested zoning certification and zoning special permit to facilitate the proposed project would not be required.

Other Actions That Would Affect the Project Area

Zoning for Quality and Affordability

Independent of the proposed action described above, the Department of City Planning has proposed a zoning text amendment to eliminate unnecessary obstacles to the creation of housing, especially affordable housing known as Zoning for Quality and Affordability (ZQA). This text amendment was certified by the City Planning Commission on September 21, 2015 to enter into public review. When adopted, this text amendment will be applicable to the proposed M1-4/R6 zoning district. Since these zoning changes would be applicable to the proposed rezoning district, their effects on the project area are analyzed as part of this environmental review in order to provide a conservative analysis and are also summarized in Appendix E.

The proposed development would consist of approximately 173,989 gsf (157,500 zsf) on Block 555, Lot 5, including an approximately 131,150-zsf skilled nursing home facility with 200 beds and an approximately 26,350 zsf ambulatory diagnostic and treatment center (medical offices). The proposed development would range in height from two to eight stories. The proposed building would include an enclosed parking area for 39 accessory spaces (approximately 16,489 gsf) and an unenclosed parking area for 14 accessory spaces (total of 53 accessory parking spaces).

While the applicant intends on developing the community facility use described above, because the proposed action would result in a M1-4/R6 zoning district, an alternate RWCDS for a mixed-use development ("mixed-use scenario") is also considered for conservative analysis purposes. It is assumed that in the absence of the development of the nursing home and ambulatory facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units, 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning. The mixed-use scenario would also include a 54,930 sf parking garage with 75 accessory parking spaces. The building in the mixed-use scenario is conservatively assumed to rise to a height of approximately 115 feet.

Building Envelope Controls

The proposed zoning text amendments would allow a limited amount of additional building height in medium- to high-density districts for all new developments to accommodate ground floors with greater floor-to-ceiling heights, to better accommodate quality space for commercial, community facility, and residential uses. These changes would also relieve certain setback requirements and coverage limitations to accommodate permitted floor area and allow greater flexibility for quality design. In some districts, limited additional height would be allowed to relieve constraints posed by current height and setback limits (R6-R10). The proposed changes would also allow additional height for buildings utilizing the higher floor area allowed in Inclusionary Housing designated areas.

Affordable Senior Housing and Long Term Care Facilities

The proposed zoning text amendment would define the following categories:

- "Affordable independent housing for seniors" (Use Group 2 Residential)
- "Senior long term care," including nursing homes and assisted living (Use Group 3 Community Facility)

The permitted floor area ratio for affordable independent housing for seniors and senior long term care would generally match that of Inclusionary Housing. These types of development would also be allowed to utilize the proposed height limits applicable to Inclusionary Housing developments. In addition, the proposed zoning text amendments would remove the certification under ZR Section 22-42 and special permit in ZR Section 74-90, except that senior long-term care facilities would continue to require a special permit in R1 and R2 districts. These regulations create an unnecessary obstacle to the provision of needed services to seniors. If the proposed text amendment is approved prior to the approval of the proposed action, the requested zoning certification and zoning special permit to facilitate the development of the proposed project would not be required. Under the ZQA zoning text amendment, a nursing home could be developed up to a 3.9 FAR on the proposed development site, and community facilities without sleeping accommodations could be developed up to a 4.8 FAR. The proposed project would have an approximately 3.94 FAR, including 3.28 FAR of Use Group 3 (nursing home) and 0.66 FAR of Use Group 4 (ambulatory care and medical offices).

Parking Requirements

The proposed zoning text amendment would eliminate off-street parking requirements for low-income housing or Inclusionary Housing within areas that fall within a "Transit Zone" encompassing areas well served by transit and with low car ownership and auto commutation rates. Existing buildings with underutilized parking would be eligible to reduce or eliminate parking requirements by BSA special permit. Parking requirements for market-rate units within a mixed-income development could be reduced by authorization from the City Planning Commission, if necessary to facilitate the mixed-income development. No parking would be required for senior housing. Existing low-income senior housing developments would be able to reduce or eliminate their parking. Outside the Transit Zone, the proposed ZQA zoning text amendment would simplify existing reduced parking requirements for affordable housing and would reduce the parking requirement for affordable independent residences for seniors to ten percent or one space per 10 dwelling units in multifamily zoning districts (R3-2, R4, R5, R5B, R5D- R10 zoning designations). Existing low-income senior housing would be eligible to reduce parking requirements by BSA special permit. The rezoning area is located outside the Transit Zone, however, the proposed parking requirements under ZQA would not be applicable to either the proposed project scenario or mixed-use scenario.

Mandatory Inclusionary Housing

Independent of the proposed action described above, the Department of City Planning has proposed a citywide text amendment to authorize a Mandatory Inclusionary Housing (MIH) program (N 160051 ZRY). This program would require permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped "Mandatory Inclusionary Housing Areas" (MIHAs). The MIH program would promote production of more affordable housing in better quality buildings, and foster more vibrant, inclusive, livable and diverse neighborhoods. This text amendment is currently in public review and when adopted will affect the proposed M1-4/R6 zoning district, which will be mapped as a MIHA in accordance with the text amendment sought by the application in addition to the actions necessary to facilitate the proposed development. Since these zoning changes would be applicable to the proposed rezoning district described above, their effects on the project area are analyzed as part of this environmental review in order to provide a conservative analysis and are also summarized in Appendix E.

As noted above, the proposed action includes a zoning text amendment to establish an MIHA that overlaps with the rezoning area. Within this MIHA, all housing developments, enlargements and conversions that meet the criteria set forth in the MIH program must comply with the requirements of either option one or two, described below:

- *Option One:* 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.
- *Option Two:* 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

As discussed above, the proposed project is the development of a 200-bed skilled nursing home and ambulatory diagnostic and treatment facility. However, as the proposed action would result in a M1-4/R6 Special Mixed-Use District, residential uses would be permitted as-of-right, and MIH would be applicable to the rezoning area. While the applicant intends on developing the community facility use (proposed project) described above, because the proposed action would result in a M1-4/R6 zoning district, an alternate RWCDS for a mixed-use development ("mixed-use scenario") is also considered for conservative analysis purposes. It is assumed that in the absence of the development of the nursing home and ambulatory facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units, 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning.

For purposes of this environmental review, it is assumed that the applicant would propose the option that would require 25% of the residential floor area be designated as affordable housing units for residents with incomes averaging 60% AMI. As such, it is assumed for analysis purposes that 22 of the 88 DUs under the mixed-use scenario would be considered permanently affordable for residents earning 60% AMI.

New York State Department of Health Certificate of Need

As discussed above, the NYSDOH has deemed Oxford's existing facility at 144 South Oxford Street below modern nursing home standards—partly due to its lack of handicap facilities. It is not considered to be part of the city's long-term resources of skilled nursing homes and would eventually be closed permanently. The current facility is not eligible for federal loans for improvements to the site. The applicant began the application process for the Certificate of Need by submitting an application to construct a replacement facility at 139-141 Conover Street to the New York State Department of Health in June 2003, shortly after purchasing the site. In 2006, architectural drawings were provided to NYS DOH, and between 2006 and January 2009, the application was reviewed by NYS DOH. In February 2009, the State Hospital Review and Planning Council approved the Certificate of Need application, and a letter dated February 26, 2009 was issued by NYS DOH, memorializing the approval subject to customary conditions and contingencies. The Certificate of Need does not expire, but can be terminated by NYS DOH due to lack of activity or progress. The applicant has kept NYS DOH apprised of the project's status since 2009, most recently sending a letter to DOH confirming submission of the ULURP application in June 2015 and receiving a letter in response from DOH confirming that the Certificate of Need is still open and active. Copies of the Certificate of Need dated February 26, 2009 and the most recent correspondence from DOH, dated June 10, 2015, are included in the Appendix as Attachment A.

IV. PURPOSE AND NEED OF THE PROPOSED ACTION

Oxford Nursing Home is a for-profit health care facility operator that has operated in its existing, six-story building, approximately 3 miles northeast of the proposed development site, since around 1957. The existing building, constructed in or around 1930, was not originally built as a nursing home facility, but was converted at a later date. Conover King Realty, LLC acquired the proposed development site in 2003 with plans to build a modern replacement for the existing Oxford Nursing Home, which is housed in an 80-year-old, deteriorating building on South Oxford Street, located a block away from the Barclays Center in Brooklyn CD2. In addition to offering specialized nursing care, the proposed development at 141 Conover Street would provide ambulatory diagnostic services and such treatments as physical rehabilitation, chemotherapy and dialysis at the adjacent proposed health center. The proposed development site was selected for several reasons, including its location within Kings County, its sufficient size, and the fact that the site is currently underdeveloped and therefore suited for development of a new building.

The NYSDOH has deemed Oxford's existing facility at 144 South Oxford Street below modern nursing home standards—partly due to its lack of handicap facilities. It is not considered to be part of the city's long-term resources of skilled nursing homes and would eventually be closed permanently. The current facility is not eligible for federal loans for improvements to the site.

With the permanent closure of Oxford's nursing home, an estimated 200 full-time jobs would be lost, and the Borough of Brooklyn would lose approximately 200 nursing home beds. Additionally, local suppliers and vendors would lose business, since the current facility's equipment is locally sourced. Therefore, in early 2009 the state granted the applicant a Certificate of Need for a 200-bed replacement facility at 139-141 Conover Street.

The applicant began the application process for the Certificate of Need by submitting an application to construct a replacement facility at 139-141 Conover Street to the New York State Department of Health in June 2003, shortly after purchasing the site. In 2006, architectural drawings were provided to NYS DOH, and between 2006 and January 2009, the application was reviewed by NYS DOH. In February 2009, the State Hospital Review and Planning Council approved the Certificate of Need application, and a letter dated February 26, 2009 was issued by NYS DOH, memorializing the approval subject to customary conditions and contingencies. The Certificate of Need does not expire, but can be terminated by NYS DOH due to lack of activity or progress. The applicant has kept NYS DOH apprised of the project's status since 2009, most recently sending a letter to DOH confirming submission of the ULURP application in June 2015 and receiving a letter in response from DOH confirming that the Certificate of Need is still open and active. Copies of the Certificate of Need dated February 26, 2009 and the most recent correspondence from DOH, dated June 10, 2015, are included in Appendix A.

In order to facilitate the Applicant's proposed development of a 200 bed (Use Group 3) nursing home facility and adjacent ambulatory diagnostic and treatment Center (Use Group 4) the following actions are required:

The requested zoning map amendment from an M2-1 to an M1-4/R6 (Special Mixed Use District 5) would allow for the proposed community facility use. The existing M2-1 district does not permit the proposed nursing home or ambulatory diagnostic and treatment facility.

The requested zoning certification pursuant to ZR Section 22-42 is required for nursing homes and health-related facilities located in residential districts, that none of the following conditions applies to the Community District to be affected by such use: (a) the ratio between the number of beds for such uses, to the population of the Community District, compared to such ratio for other Community Districts, shows a relative concentration of facilities in the affected district; (b) a scarcity of land for general community purposes exists; and (c) construction of such facilities for the last three years warrants review because they threaten to disrupt the land use balance in the community.

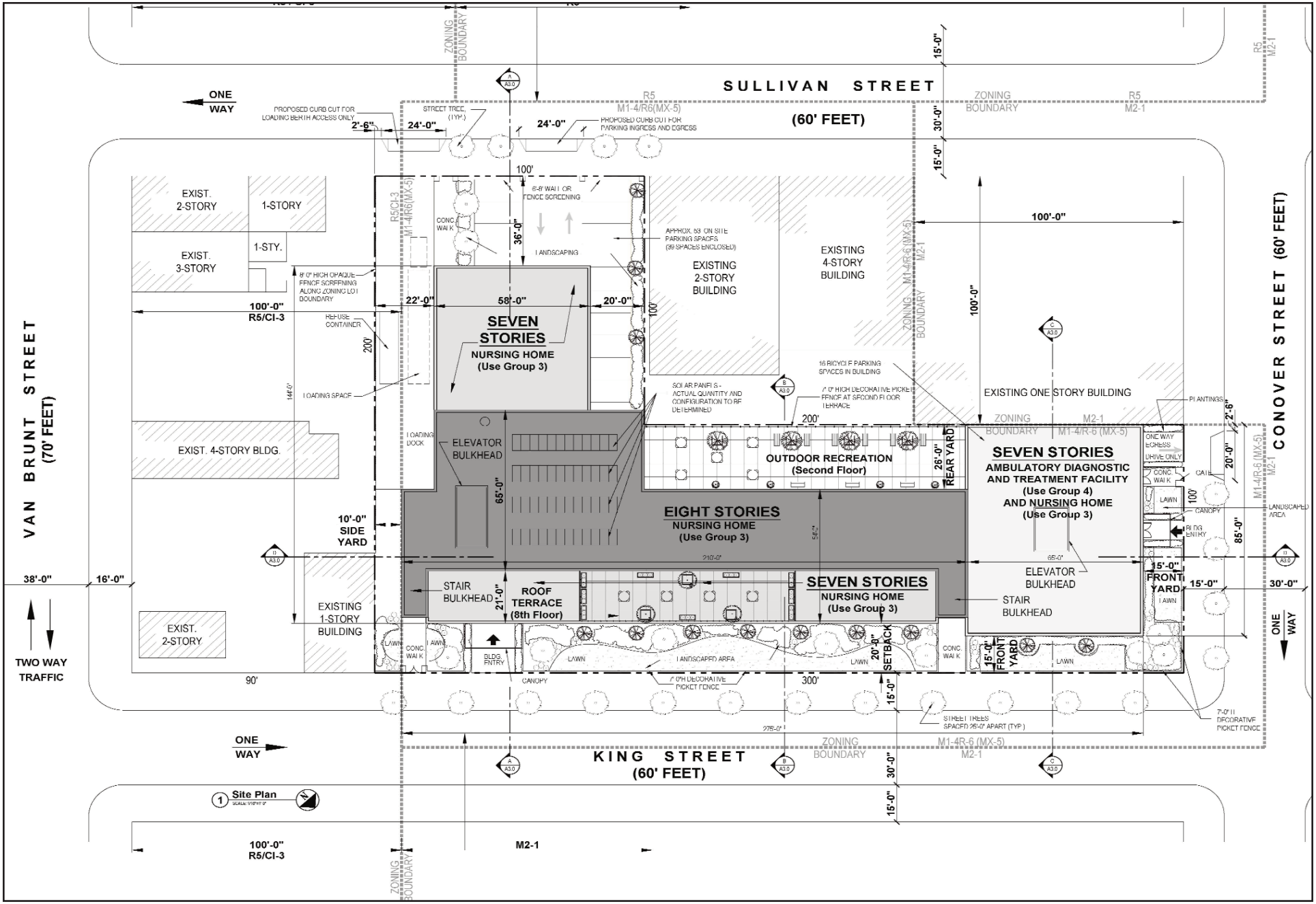
The special permit pursuant to ZR Section 74-902 would allow the maximum permitted community facility FAR (4.8 for an R6 zoning district) to apply to the proposed development. Without the special permit, the proposed development (which has an FAR of 3.94), would be limited to the maximum residential FAR (2.43 for an R6 zoning district). The City Planning Commission may permit the community facility floor area provided the following findings are made: (a) the distribution of bulk will not unduly obstruct the access of light and air, and will result in satisfactory urban design; (b) the proposed facility will not require significant additions to the supporting services of the neighborhood; and (c) that the streets providing access will be adequate to handle the traffic generated.

The requested zoning text amendment is in accordance with the City's Mandatory Inclusionary Housing proposal. This zoning text amendment to Appendix F would establish a Mandatory Inclusionary Housing Area (MIHA) conterminous with the rezoning area, and would reflect the creation of the new MIHA in ZR 123-63.

V. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant is proposing to redevelop the project site with an approximately 173,989-gsf (157,500-zsf) community facility building (ranging in height from two to eight stories) that would be oriented along King and Conover Streets. The proposed building would accommodate an approximately 131,150-zsf skilled nursing home (UG 3) with 200 beds and an approximately 26,350-zsf ambulatory diagnostic and treatment center (UG 4) with medical offices. The proposed building would also include an enclosed parking area for 39 accessory spaces (approximately 16,489 gsf) and an unenclosed parking area for 14 accessory spaces (total of 53 accessory parking spaces). The proposed development site is located within the 100-year floodplain, which has a 1-percent annual chance of flood, according to the new preliminary Flood Insurance Rate Map (FIRM) released by the Federal Emergency Management Agency (FEMA) in December 2013. Thus, the proposed development would be required to meet all applicable New York City Building Code requirements (i.e., Appendix G, which states the design requirements for basement structures), as well as the recently-adopted flood resilience zoning text amendment for construction within the 100-year floodplain.

The proposed nursing home would be L-shaped and would occupy the midblock area on the south side of King Street between Conover and Van Brunt Streets with a 15-foot-wide front yard. As shown in the preliminary site plan (Figure A-5), the main portico entrance to the nursing home would be at the building's northern end, along King Street. The nursing home would rise approximately seven stories to 76 feet tall prior to setting back an additional 21 feet to rise up to eight stories (89 feet). Toward Sullivan Street, the building would rise again to seven stories (76 feet). Outdoor recreational space would be provided in the site's interior, on the roof of a two-story section of the building.



Source: H2M
For Illustriative Purposes Only

The nursing home would be open 24 hours a day, 365 days a year and would replace the existing, obsolete nursing home facility at 144 South Oxford Street. Conover King Realty had the existing facility's Certificate of Need renewed by NYSDOH in 2009 so that it could continue operating until the new proposed facility opens. The NYSDOH is the licensing agency for the proposed healthcare facility and must approve the final plans before any construction begins.

As shown in the attached preliminary site plan (Figure A-5), the proposed ambulatory diagnostic and treatment facility would be a multi-story vertical structure rising approximately seven stories (76 feet tall) at the corner of King and Conover Streets with its primary portico entrance located on Conover Street. The ambulatory diagnostic and treatment center would house doctor's offices and offer medical treatments such as dialysis, rehabilitation and chemotherapy.

Landscaping would be provided at street level pursuant to New York City's requirements, which mandate one tree per every 25 feet of the lot's street frontage. The facility's unenclosed parking areas would also be landscaped in accordance with zoning requirements for patients in the nursing home as well as community residents.

Approximately 53 accessory parking spaces would be located on the northern portion of the site and would mostly be enclosed (39 enclosed; 14 unenclosed). The entrance to and egress from the accessory parking would be provided by a 24-foot curb cut on the north side of Sullivan Street. Further, there would be a 20 foot wide "exit only" curb cut on Conover Street to allow ambulettes to drop off on-site, thereby eliminating vehicles standing on the street.

The City Zoning Resolution's accessory off-street parking regulations for nursing homes in R6 districts require one parking space for every 20 nursing home beds. For ambulatory diagnostic and treatment health care facilities, one parking space is required for every 800 sf. The parking spaces must be a minimum of 18 feet long and 8 foot, 6 inches wide. The entrances and exits for accessory group parking facilities with 10 or more spaces may not be located less than 50 feet from the intersection of any two street lines (in this case, Van Brunt Street/Sullivan Street or Conover Street/Sullivan Street).

VI. ANALYSIS FRAMEWORK AND REASONABLE WORST-CASE DEVELOPMENT SCENARIO (RWCDS)

As described above, the applicant is proposing to rezone a portion of the existing M2-1 zoning district to a mixed-use M1-4/R6 zoning district on Brooklyn Block 555, which would only affect a portion of Lot 5, which is owned by the applicant. The proposed M1-4/R6 district would permit a maximum FAR of 2.0 for commercial and light industrial uses, a maximum FAR of 2.43 for residential uses (up to 3.0 pursuant to Quality Housing regulations), and a maximum FAR of 4.8 for community facility uses.

The existing development on Lot 5 currently has a built FAR of approximately 0.15, which is 7.5 percent of the maximum commercial/industrial FAR of 2.0 allowed by the current M2-1 zoning, and approximately six percent of the maximum residential FAR of 2.43 under the proposed M1-4/R6 zoning. As detailed in Section I above, the applicant intends to redevelop an approximately 40,000-sf portion of Lot 5 on Block 555. Therefore, the applicant-owned site is considered a known projected development site for environmental analysis purposes.

The Future Without the Proposed Action (No-Action Condition)

In the future without the proposed action, the project area's existing M2-1 manufacturing zoning would remain, and activities in zoning UGs 6-14, 16 and 17 would be allowed as-of-right with a maximum permitted FAR of 2.0. Residential and community facility uses are not allowed as-of-right in M2-1 districts. It is anticipated that the existing uses within the project area would remain in the future without the proposed action.

While it is possible that the proposed development site (p/o Lot 5), which is currently underdeveloped, could be redeveloped or expanded to accommodate additional commercial or medium-performing industrial/manufacturing uses, there has been little new commercial, industrial, or manufacturing investment or development in this part of Brooklyn. Further, the applicant has stated that the proposed development site would not be redeveloped without the proposed action. Therefore, it is anticipated that the proposed development site would remain in its current condition. In absence of the proposed action, therefore, the proposed development site would continue to be occupied by four low-rise industrial buildings with a total built FAR of 0.15, and accommodate automotive-related, vehicle-storage, and other industrial uses.

The Future With the Proposed Action (With-Action Condition)

With the proposed zoning map change from M2-1 to M1-4/R6, residential and community facility uses would be permitted in the project area, in addition to high-performing, light industrial and commercial uses (UGs 1- 14, 16 and 17). The proposed M1-4/R6 zoning district would allow residential uses up to a maximum FAR of 2.43 (3.0 on wide streets pursuant to the Quality Housing program), community facilities up to 4.8 FAR, and high-performing industrial and commercial uses up to 2.0 FAR.

Other Actions That Would Affect the Development Parameters

As discussed above, the Department of City Planning has proposed a series of text amendments known as Zoning for Quality and Affordability and Mandatory Inclusionary Housing to eliminate unnecessary obstacles to the creation of housing, especially affordable housing. These text amendments are currently in public review and when adopted will affect the proposed zoning district. Since these zoning changes would affect the district described below, their effects on the project area are analyzed as part of this environmental review in order to provide a conservative analysis. These changes include increases to the maximum base and height regulations and number of affordable units proposed. Under the proposed ZQA and MIH, MIH developments in special MX districts with R6 zoning designations would be permitted a maximum height of 115 feet (currently the maximum permitted height is 110 feet). For the purposes of this environmental analysis, under the mixed-use scenario, it is assumed that the changes to the maximum base and total height regulations would result in a building on the development site with maximum base and total height of 115 feet (10 stories) in the proposed M1-4/R6 district. Under the proposed MIH text amendment, 25 percent of proposed residential floor area would be made permanently affordable for residents with incomes averaging 60% Area Median Income (AMI). Therefore, as discussed in detail below, the RWCDS under the mixed-use scenario assumes 22 affordable DUs and 66 market rate DUs (total of 88 DUs) for analysis purposes.

Proposed Development Site (Applicant's Property)

By 2018 under With-Action Scenario conditions, it is expected that the applicant would complete the proposed development, which would be facilitated by the proposed action, as previously stated.

The applicant would construct approximately 173,989 gsf (157,700 zsf) of community facilities, including a 200-bed skilled nursing home facility and an approximately 26,350-zsf ambulatory diagnostic and treatment center, along with 53 associated accessory parking spaces. The proposed building would have an approximately 3.94 FAR and would range in height from two to eight stories with frontages on King, Conover and Sullivan Streets. The nursing home's main entrance would be on King Street, and the ambulatory diagnostic and treatment center would be accessible from Conover Street. The accessory parking spaces would be accessible from Sullivan Street. The height changes under the proposed ZQA and MIH text amendments would not affect the proposed community facility use under the proposed project scenario.

While the applicant intends on developing the community facility use described above, because the proposed action would result in a M1-4/R6 zoning district, an alternate RWCDS for a mixed-use development ("mixed-use scenario") is also considered for conservative analysis purposes. It is assumed that in the absence of the development of the nursing home and ambulatory facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units, 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning. Per the MIH text amendment, 22 DUs of the 88 DUs would be considered affordable to residents earning incomes averaging 60% AMI. The mixed-use scenario would also include a 54,930 sf parking garage with 75 accessory parking spaces. Per the proposed ZQA and MIH text amendments, it is assume that the building in the mixed-use scenario would rise to a height of approximately 115 feet and be 10 stories. The EAS analyzes whichever scenario presents the worst case for each technical area.

As shown in Table A-1, the net increment for analysis for the proposed project scenario includes 173,989 gsf of community facility uses (nursing home and ambulatory diagnostic and treatment facility), 53 parking spaces, -34,000 sf of open vehicle storage, and -5,955 gsf of warehouse space.

Table A-1: Reasonable Worst Case Development Scenario for Analysis:
Proposed Project Scenario

Use	No-Action	With-Action	Net Increment
Storage/Warehouse	5,955 gsf	0	**-5,955 gsf**
Open Vehicle Storage	34,000 sf	0	**-34,000 sf**
Community Facility	0	173,989 gsf	**+ 173,989 gsf**
Parking	0	53 spaces	**53 spaces**

As shown in Table A-2, the net increment for analysis for the mixed-use scenario includes 88,000 gsf of residential development (88 DUs), 73,800 gsf of office uses, 24,600 gsf of community facility uses, 75 parking spaces, -34,000 sf of open vehicle storage, and -5,955 gsf of warehouse space.

Table A-2: Reasonable Worst Case Development Scenario for Analysis:
Mixed-Use Scenario

Use	No-Action	With-Action	Net Increment
Storage/Warehouse	5,955 gsf	0	**-5,955 gsf**
Open Vehicle Storage	34,000 sf	0	**-34,000 sf**
Commercial – Office	0 gsf	73,800 gsf	**+73,800 gsf**
Residential	0 gsf	88,000 gsf (88 DUs)	**+88,000 gsf (88 DUs)**
Community Facility	0	24,600 gsf	**+ 24,600 gsf**
Parking	0	75 spaces	**75 spaces**

Notes: This RWCDS considers the effects of the proposed MIH/ZQA text amendments, which were certified by the City Planning Commission on September 21, 2015 to enter into public review.

As mentioned above, the EAS analyzes whichever scenario presents the worst case for each technical area.

VII. APPROVALS REQUIRED

The proposed zoning map amendment and special permit are discretionary public actions subject to both the Uniform Land Use Review Procedure (ULURP), as well as the City Environmental Quality Review (CEQR) and the proposed zoning text amendment is subject to CEQR. ULURP is a process that allows public review of proposed actions at four levels: the Community Board; the Borough President; the City Planning Commission; and if applicable, the City Council. The procedure mandates time limits for each stage to ensure a maximum review period of seven months. Through CEQR, agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment. The proposed zoning certification by the Chairperson of the City Planning Commission (CPC) is a ministerial action that is not subject to CEQR review.

The proposed nursing facility also requires approval from the New York State Department of Health. As discussed previously, a Certificate of Need for the 200-bed replacement facility at 139-141 Conover Street was issued by NYS DOH in 2009. U.S. Department of Housing and Urban Development (HUD) approval is not required, but may be requested by the applicant subsequent to approval of the subject application solely for construction financing.

ATTACHMENT B

SUPPLEMENTAL SCREENING

I. INTRODUCTION

This Environmental Assessment Statement ("EAS") has been prepared in accordance with the guidelines and methodologies presented in the 2014 *City Environmental Quality Review ("CEQR") Technical Manual*. For each technical area, thresholds are defined, which if met or exceeded, require that a detailed technical analysis be undertaken. Using these guidelines, preliminary screening assessments were conducted for the proposed action to determine whether detailed analysis of any technical area may be appropriate. Part II of the EAS Form identifies those technical areas that warrant additional assessment. For those technical areas that warranted a "Yes" answer in Part II of the EAS Form, including Land Use, Zoning, and Public Policy; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Hazardous Materials; Water and Sewer Infrastructure; Transportation; Air Quality; Noise; supplemental screening assessments are provided in this attachment. The remaining technical areas detailed in the 2014 *CEQR Technical Manual* were not deemed to require supplemental screening because they do not trigger initial *CEQR* thresholds and/or are unlikely to result in significant adverse impacts. These areas screened out from any further assessment include: Socioeconomic Conditions; Community Facilities; Natural Resources; Solid Waste and Sanitation Services; Energy; Greenhouse Gas Emissions; Public Health, Neighborhood Character; and Construction.

The supplemental screening assessments contained herein identified that detailed analyses are required in the areas of Land Use, Zoning, and Public Policy, Open Space, Urban Design and Visual Resources, Hazardous Materials, Water and Sewer Infrastructure, Transportation, Air Quality, and Noise. These analyses are provided in Attachments C, D, E, F, G, H, and I respectively, and are summarized in this attachment. Per the supplemental screening assessments provided in this attachment, more detailed analyses of the following technical areas are not required: Shadows and Historic and Cultural Resources. Table B-1 presents a summary of analysis screening information for the proposed action.

As described in Attachment A, "Project Description," to facilitate the development of a 200-bed skilled nursing home and ambulatory diagnostic and treatment facility, the applicant, Conover King Realty, LLC is seeking a zoning map amendment, a zoning special permit, and a zoning certification. In addition, the applicant is also seeking a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing area (MIHA) consistent with the proposed rezoning area in accordance with the City's mandatory inclusionary housing policy (collectively, the "proposed action"). The proposed action would allow the applicant to redevelop the proposed development site with an approximately 173,989-gsf (157,500-zsf) community facility building including an approximately 131,150-zsf skilled nursing home facility with 200 beds and an approximately 26,350-zsf ambulatory diagnostic and treatment center (medical offices). The proposed development would range in height from seven to eight stories. The proposed building would include an enclosed parking area for 39 accessory spaces and an unenclosed parking area for 14 accessory spaces (total of 53 accessory parking spaces).

As discussed in Attachment A, "Project Description," while the applicant intends on developing the community facility use described above, because the proposed M1-4/R6 zoning would allow a range of uses on the development site, an alternate reasonable worst-case development scenario (RWCDS) for a mixed-use development ("mixed-use scenario") is considered for conservative analysis purposes. It is

assumed that in the absence of the development of the nursing home and ambulatory facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units (of which 22 would be affordable), 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning.[1] The mixed-use scenario would also include a 54,930 sf parking garage with 75 accessory parking spaces. The building in the mixed-use scenario would rise to a height of 115 feet and be 10 stories. The EAS analyzes whichever scenario presents the worst case for each CEQR technical area.

Table B-1: Summary of CEQR Technical Areas Screening

***CEQR* TECHNICAL AREA**	**SCREENED OUT PER EAS FORM**	**SCREENED OUT PER SUPPLEMENTAL SCREENING**	**ANALYSIS REQUIRED**
Land Use, Zoning, & Public Policy			X
Socioeconomic Conditions	X		
Community Facilities and Services	X		
Open Space	X		
Shadows		X	
Historic & Cultural Resources		X	
Urban Design & Visual Resources			X
Natural Resources	X		
Hazardous Materials			X
Water and Sewer Infrastructure			X
Solid Waste & Sanitation Services	X		
Energy	X		
Transportation - Traffic & Parking - Transit - Pedestrians	X		X X
Air Quality - Mobile Sources - Stationary Sources			X X
Greenhouse Gas Emissions	X		
Noise			X
Public Health	X		
Neighborhood Character	X		
Construction	X		

Notes: Pursuant to *CEQR Technical Manual* guidelines, the EAS considers two RWCDS (RWCDS- Proposed Project Scenario and RWCDS- Mixed-Use Scenario) for conservative analysis purposes, which are described in detailed in Attachment A, "Project Description." The EAS analyzes the RWCDS that presents the worst case for each respective technical area. Both RWCDS scenarios are analyzed for the following technical areas: Land Use, Zoning, & Public Policy, Historic and Cultural Resources, Hazardous Materials, Air Quality, and Noise. The RWCDS-Proposed Project Scenario is analyzed for Urban Design & Visual Resources and Water & Sewer Infrastructure, and the RWCDS-Mixed-Use Scenario is analyzed for Community Facilities, Open Space, Shadows, and Transportation.

[1] The mixed-use scenario RWCDS considers the implications of the proposed MIH and ZQA zoning text amendments, which were certified by the City Planning Commission on September 21, 2015 to enter into the public review, and would be applicable to the proposed M1-4/R6 zoning district.

II. SUPPLEMENTAL SCREENING AND SUMMARY OF DETAILED ANALYSES

Land Use, Zoning, and Public Policy

According to the 2014 *CEQR Technical Manual*, a detailed assessment of land use, zoning and public policy is appropriate if an action would result in a significant change in land use or would substantially affect regulations or policies governing land use. Zoning and public policy analyses are typically performed in conjunction with a land use analysis when an action would change the zoning on the site or result in the loss of a particular use. Land use analyses are required when an action would substantially affect land use regulation.

The proposed action includes a zoning map amendment, a zoning special permit, a zoning certification, and a zoning text amendment. A detailed land use, zoning, and public policy assessment is provided in Attachment C, "Land Use, Zoning, and Public Policy." As discussed therein, no significant adverse land use, zoning, or public policy impacts are expected in the future with the proposed action.

Shadows

A shadows assessment considers proposed actions that result in new shadows long enough to reach a publicly accessible open space or historic resource (except within an hour and a half of sunrise or sunset). For proposed actions resulting in structures less than 50 feet high, a shadow assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important natural feature (if the features that make the structure significant depend on sunlight). According to the 2014 *CEQR Technical Manual*, some open spaces contain facilities that are not sunlight-sensitive, and do not require a shadow analysis including paved areas (such as handball or basketball courts) and areas without vegetation.

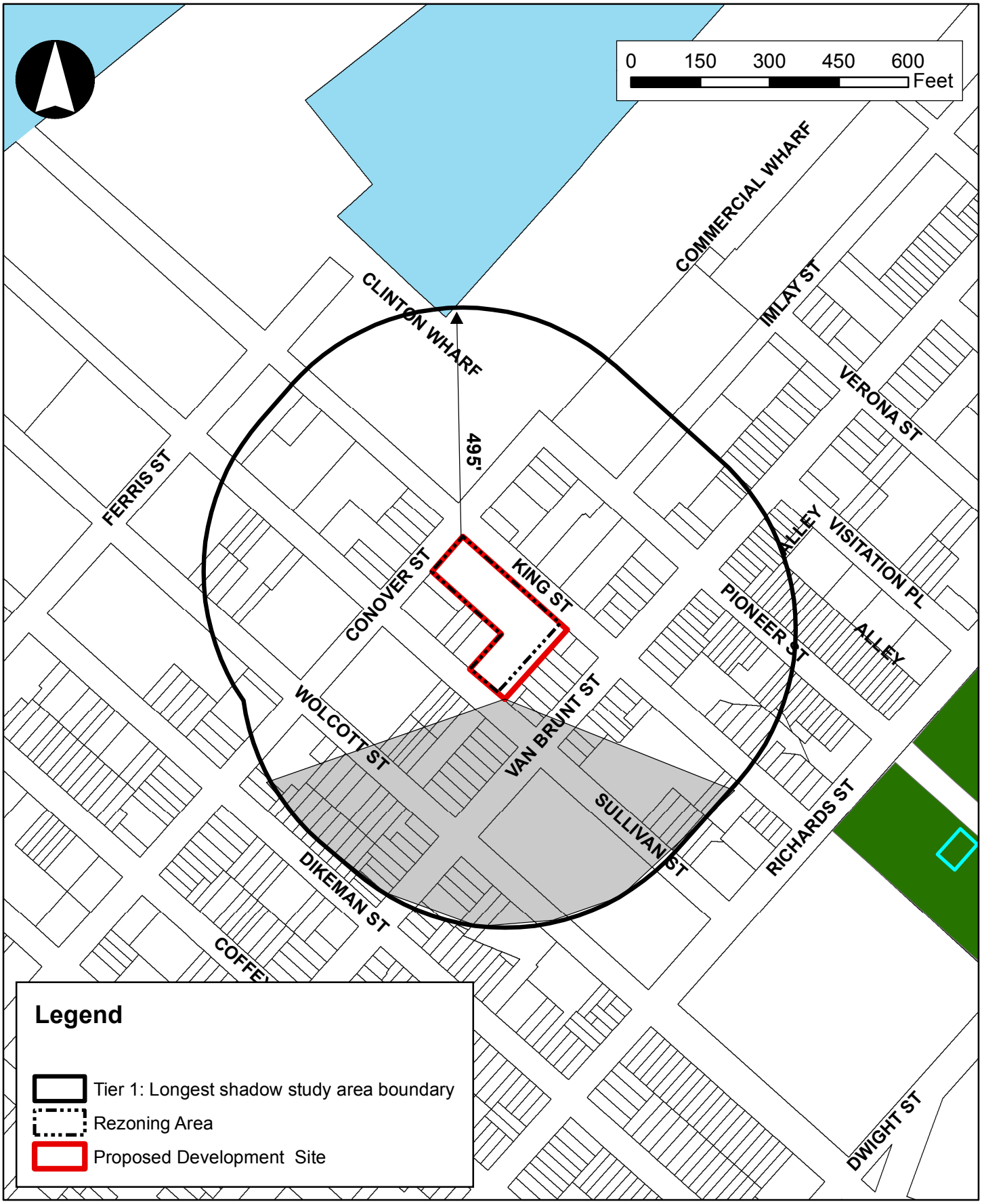
As detailed in Attachment A, "Project Description," the proposed nursing home would be L-shaped and would occupy the midblock area on the south side of King Street between Conover and Van Brunt Streets with a 15-foot-wide front yard. The nursing home would rise approximately seven stories to 76 feet tall prior to setting back an additional 21 feet to rise up to eight stories (89 feet). Toward Sullivan Street, the building would rise again to seven stories (76 feet). As discussed above, under the mixed-use scenario, a 10-story (115 feet) mixed-use building could be developed on the proposed development site. As the mixed-use scenario would result in a taller building than the proposed project scenario, the mixed-use scenario has been analyzed for its potential to result in significant adverse shadow impacts. As sunlight sensitive open space resources are located within the vicinity of the proposed development site, a Tier 1 and 2 Screening Assessment was conducted to determine whether the mixed-use scenario would result in new shadows long enough to reach sunlight-sensitive resources, as compared to No-Action conditions.

Preliminary Screening Assessment

Tier 1 Screening Assessment

According to the 2014 *CEQR Technical Manual*, the longest shadow a structure will cast in New York City, except for periods close to dawn or dusk, is 4.3 times its height and occurs on December 21, the Winter Solstice. As such, the longest shadow that could be cast by the proposed development site would be approximately 495 feet in length, as shown in Figure B-1. As also shown in Figure B-1, the mixed-use scenario With-Action longest shadow area would reach the P.S. 15 playground located along Van Brunt

Longest Shadow Study Area - Tier 1 Screening



Street between Sullivan and Wolcott Streets which is also a publicly accessible open space resource. Therefore, a Tier 2 Screening Assessment is warranted.

Tier 2 Screening Assessment

According to the 2014 *CEQR Technical Manual,* if any portion of a sunlight-sensitive resource lies within the longest shadow study area, a Tier 2 screening assessment is warranted.

Because of the path that the sun travels across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given project site. In New York City, this area lies between -108 and +108 degrees from true north. If none of the sunlight-sensitive resources lay within the area that can be shaded by the proposed project, no further assessment of shadows is necessary. As shown in Figure B-1, the P.S. 15 playground falls within the area that cannot be shaded by the proposed project. Therefore, a Tier 3 Screening Assessment is not warranted and no significant adverse shadow impacts are anticipated.

Historic and Cultural Resources

The 2014 *CEQR Technical Manual* identifies historic resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks (NYCL); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (LPC); properties listed in the State/National Registers of Historic Places (S/NR) or contained within a district listed in or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHL); and properties not identified by one of the programs listed above, but that meet their eligibility requirements. An assessment of historic/archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures or within historic districts, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated.

As the proposed project requires in-ground construction, LPC reviewed the project to determine whether the proposed development site contains any historic resources. In a letter dated May 27, 2015, LPC determined that the proposed development site does not contain any architectural or archaeological significant resources (see Appendix B for the LPC letter). As such, no significant adverse impacts to historic and cultural resources are expected as a result of the proposed action and a detailed analysis is not warranted.

Urban Design and Visual Resources

An area's urban components and visual resources together define the look and character of the neighborhood. The urban design characteristics of a neighborhood encompass the various components of buildings and streets in the area. These include building bulk, use and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. An area's visual resources are its unique or important public view corridors, vistas, or natural or built features. For the *CEQR* analysis purposes, this includes only views from public and publicly-accessible locations and does not include private residences or places of business.

An analysis of urban design and visual resources is appropriate if a proposed project would (a) result in buildings that have substantially different height, bulk, form, setbacks, size, scale, use or arrangement than exists in an area; (b) change block form, demap an active street or map a new street, or affect the street hierarchy, street wall, curb cuts, pedestrian activity or streetscape elements; or (c) would result in above-ground development in an area that includes significant visual resources.

The proposed action includes the rezoning of an M2-1 manufacturing district to an M1-4/R6 mixed-use district, which would result in a development that would differ from what is permitted as-of-right, and as such, an analysis of urban design and visual resources is appropriate. In addition to the rezoning action, the proposed project scenario also includes a request for a special permit to increase the permitted maximum community facility floor area. As such, the proposed project scenario is analyzed for potential urban design and visual resources impacts. This analysis is provided in Attachment D, "Urban Design and Visual Resources." As discussed in Attachment D, there would be no significant adverse impacts to these technical areas as a result of the proposed action.

Hazardous Materials

As defined in the 2014 *CEQR Technical Manual*, a hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semivolatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the 2014 *CEQR Technical Manual*, the potential for significant adverse impacts from hazardous materials can occur when: (a) hazardous materials exist on a site, and (b) an action would increase pathways to their exposure; or (c) an action would introduce new activities or processes using hazardous materials.

As the proposed action includes the rezoning of an M2-1 manufacturing district to an M1-4/R6 mixed-use district, a hazardous materials assessment is provided in Attachment E, "Hazardous Materials," to determine potential hazardous materials concerns within the project area. As discussed in Attachment E, the proposed action would not result in any significant adverse hazardous materials impacts with the assignment of an (E) designation on the proposed development site (Brooklyn Block 555, Lot 5) as part of the proposed zoning map change.

Water and Sewer Infrastructure

According to the 2014 *CEQR Technical Manual,* a preliminary water supply infrastructure analysis is needed if the project would result in an exceptionally large demand for water (e.g., more than one million gallons per day [mgd]), or is located in an area that experiences low water pressure (i.e., areas at the end of the water supply distribution system such as the Rockaway Peninsula or Coney Island). As the rezoning area is not located in an area that experiences low water pressure and the proposed actions would not result in an incremental water demand exceeding one mgd, a detailed analysis is not warranted.

The proposed development site is located in a combined sewered area. According to the 2014 *CEQR Technical Manual*, a preliminary sewer assessment is warranted if a project located in a combined sewer area in Brooklyn exceeds 400 residential units or 150,000 sf of commercial, public facility, and community facility space or more. As the RWCDS for the proposed project scenario meets the *CEQR Technical Manual* threshold, a preliminary sewer assessment is warranted and is provided in Attachment F, "Water and

Sewer Infrastructure." As discussed in Attachment F, no significant adverse impacts would occur to water and sewer infrastructure as a result of the proposed action.

Transportation

The objective of a transportation analysis is to determine whether a proposed action may have a potentially significant adverse impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, bicyclists, and vehicles), on- and off-street parking or goods movement.

The 2014 *CEQR Technical Manual* identifies minimum incremental development densities that potentially require a transportation analysis. Development at less than the development densities shown in Table 16-1 of the 2014 *CEQR Technical Manual* generally result in fewer than 50 peak-hour vehicle trips, 200 peak-hour subway/rail or bus transit riders, and 200 peak-hour pedestrian trips, where significant adverse impacts are considered unlikely. In Zone 5 (which includes the rezoning area) the development thresholds include an increment of 100 DUs for residential, 10,000 sf for local retail, and 15,000 sf for community facility. According to the 2014 *CEQR Technical Manual*, if an action would result in development greater than one of the minimum development density thresholds in Table 16-1, a Level 1 (Project Trip Generation) Screening Assessment should be prepared. In most areas of the city, including the rezoning area, if the proposed action is projected to result in fewer than 50 peak-hour vehicle trips, 200 peak-hour subway/rail or bus transit riders, or 200 peak-hour pedestrian trips, it is unlikely that further analysis would be necessary. If these trip-generation screening thresholds are exceeded, a Level 2 (Project-generated Trip Assignment) Screening Assessment should be prepared to determine if the proposed action would generate or divert 50 peak-hour vehicle trips through any intersection, 200 peak-hour subway trips through a single station, 50 peak-hour bus trips on a single bus route in the peak direction, or 200 peak-hour pedestrian trips through a single pedestrian element. If any of these Level 2 screening thresholds are met or exceeded, detailed analysis for the respective mode is required.

As discussed in detail in Attachment G, "Transportation," the mixed-use scenario would exceed the Level 2 screening thresholds for traffic and parking, and as such, a detailed analysis of traffic and parking is provided in Attachment G. As discussed in Attachment G, the proposed action would not result in any significant adverse impacts to traffic or parking. As further discussed in Attachment G, the mixed-use scenario does not warrant a detailed analysis of transit or pedestrians.

The proposed project scenario would result in a 131,150 zsf nursing home (200 beds), and a 26,350 zsf ambulatory diagnostic and treatment center. As shown in Attachment G, the proposed project scenario would generate less than 50 vehicle trips, 200 transit trips, and 200 pedestrian trips in the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours. Accordingly, the proposed project scenario would be unlikely to result in any significant adverse transportation impacts and no further analysis is warranted.

Air Quality

According to the guidelines provided in the 2014 *CEQR Technical Manual*, air quality analyses are conducted in order to assess the effect of an action on ambient air quality (i.e., the quality of the surrounding air), or effects on the project because of ambient air quality. Air quality can be affected by "mobile sources," pollutants produced by motor vehicles, and by pollutants produced by fixed facilities, i.e., "stationary sources." As per the 2014 *CEQR Technical Manual*, an air quality assessment should be

carried out for actions that can result in either significant adverse mobile source or stationary source air quality impacts. Per the EAS Form, further analysis of air quality mobile sources from action-generated vehicle trips has been screened out in accordance with 2014 *CEQR Technical Manual* assessment screening thresholds. As the mixed-use scenario includes a 75 space accessory parking garage, a mobile source garage air quality analysis was prepared and is discussed in detail in Attachment H, "Air Quality." As discussed in the attachment, the proposed action would not result in any significant adverse mobile source air quality impacts.

Stationary source impacts could occur with actions that create new stationary sources or pollutants, such as emission stacks for industrial plants, hospitals, or other large institutional uses, or a building's boiler stacks used for heating/hot water, ventilation, and air conditioning ("HVAC") systems, that can affect surrounding uses. Impacts from boiler emissions associated with a development are a function of fuel type, stack height, minimum distance of the stack on the source building to the closest building of similar or greater height, building use, and the square footage size of the source building. In addition, stationary source impacts can occur when new uses are added near existing or planned emissions stacks, or when new structures are added near such stacks and those structures change the dispersion of emissions from the stacks so that they affect surrounding uses.

Both RWCDS scenarios were analyzed for potential stationary source impacts, which is provided in Attachment H, "Air Quality." As discussed in detail Attachment H, the stationary source air quality analysis determined that the proposed development site on Block 555, Lot 5 and would require an (E) designation that would specify the location of the boiler stack to be restricted to the highest tier of the proposed building. In addition, the results of the air toxics analysis indicate that there would be no exceedances of NYSDEC DAR-1 short-term (SGC) and annual (AGC) guideline values for all toxic pollutants that have the potential to be released from two existing currently operating facilities within approximately 400 feet from the proposed development site. As discussed therein, no significant adverse stationary air quality impacts are expected in the future with the proposed action.

Noise

The proposed action would introduce residential and community facility uses under the proposed project scenario and residential, community facility, and office uses under the mixed-use scenario. Consistent with the 2014 *CEQR Technical Manual*, existing noise levels should be measured and compared to the Noise Exposure Guidelines for these types of uses presented in Table 19-2 of the Manual. As such, a noise analysis has been prepared and is provided in Attachment I, "Noise." As discussed in detail Attachment I, the noise analysis determined that the development site on Block 555, Lot 5 would require an (E) designation that would specify the required noise attenuation measures for proposed residential community facility uses along Conover Street. In addition, as the proposed action would map a Special Mixed-Use District, it should be noted that in the instance dwelling units would be developed on Block 555, Lot 5, a minimum attenuation of 35 dBA would be required per ZR Section 123-32. As discussed in Attachment I, the proposed action would not result in any significant adverse noise impacts.

The proposed development under both scenarios would not generate sufficient traffic to result in a significant noise impact (i.e., doubling of Noise PCEs). Therefore, consistent with the guidelines of the 2014 *CEQR Technical Manual*, an assessment of mobile noise impacts is not provided in this EAS.

ATTACHMENT C

LAND USE, ZONING, AND PUBLIC POLICY

I. INTRODUCTION

Under *City Environmental Quality Review* (CEQR) *Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed action, and determines whether that proposed action is compatible with those conditions or may affect them. Similarly, the analysis considers the action's compliance with, and effect on, the area's zoning and other applicable public policies.

The proposed action involves a zoning map amendment, a zoning special permit, and a zoning certification from the City Planning Commission (CPC) Chairperson to facilitate the development of a nursing home and ambulatory diagnostic and treatment facility at 139-141 Conover Street in the Red Hook neighborhood of Brooklyn Community District (CD) 6. The proposed nursing home would replace an existing 230-bed nursing home operated by Oxford that is currently located at 144 South Oxford Street in Brooklyn CD 2. The existing facility has been deemed by the New York State Department of Health (NYSDOH) as below modern standards and is no longer part of New York City's long-term resources of skilled nursing home facilities. In addition to the above-listed actions, the applicant is also seeking a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing area (MIHA) consistent with the proposed rezoning area in accordance with the City's mandatory inclusionary housing policy.

The proposed zoning map changes would replace the existing M2-1 zoning district with an M1-4/R6 district (a MX-5 special mixed-use zoning district); a zoning special permit to increase the permitted maximum community facility floor area; and a zoning certification from the City Planning Commission Chair that the proposed community facility use would not result in a concentration of nursing homes and other health-related facilities in Brooklyn CD 6.

The proposed action would allow the applicant to redevelop the project site with an approximately 173,989-gsf (157,500-zsf) community facility building (ranging in height from two to eight stories) that would be oriented along King and Conover Streets. The proposed building would accommodate an approximately 131,150-zsf skilled nursing home (Use Group 3) with 200 beds and an approximately 26,350-zsf ambulatory diagnostic and treatment center (Use Group 4) with medical offices.

As discussed in Attachment A, "Project Description," while the applicant intends on developing the nursing home community facility use, because the proposed action would result in a M1-4/R6 zoning district that could result in a wide range of development options, an alternate RWCDS for a mixed-use development ("mixed-use scenario") is also considered for conservative analysis purposes in this EAS. It is assumed that in the absence of the development of the nursing home and ambulatory facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units (of which 22 would be affordable), 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed

rezoning. The mixed-use scenario would also include a parking garage with 75 accessory parking spaces. The building in the mixed-use scenario would rise to a height of approximately 115 feet (10 stories).

As discussed in detail below under "Future without the Proposed Action," independent of the proposed action, the Department of City Planning (DCP) has proposed a series of text amendments to eliminate unnecessary obstacles to the creation of housing, especially affordable housing known as Zoning for Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH). These text amendments are currently in public review and when adopted will be applicable to the proposed M1-4/R6 zoning district. Since these zoning changes would affect the proposed zoning district, their effects on the project area are analyzed as part of this environmental review in order to provide a conservative analysis. Under the proposed ZQA and MIH text amendments, MIH developments in special MX districts with R6 zoning district designations would be permitted a maximum height of 115 feet (currently the maximum height permitted is 110 feet pursuant to ZR Section 123-662). Therefore, the proposed building under the mixed-use scenario is analyzed with a maximum height of 115 feet. As discussed in detail in Attachment A, "Project Description," under the proposed MIH, 25% of the proposed residential floor area would be permanently affordable to residents with incomes averaging 60% Area Median Income (AMI). As such, the mixed-use scenario is analyzed with approximately 22 affordable dwelling units (DUs) and 66 market rate DUs (for a total of 88 DUs).

As the proposed action could result in a mixed-use development, a discussion of both scenarios is included in the analysis presented below.

Under CEQR guidelines, a preliminary land use assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. CEQR also requires a detailed assessment of land use conditions if a detailed assessment has been deemed appropriate for other technical areas, or in generic or area-wide zoning map amendments. Therefore, this chapter includes a detailed analysis that involves a thorough description of existing land uses and zoning within the rezoning area and the broader study area. Following the guidelines of the 2014 *CEQR Technical Manual,* the detailed analysis describes existing and anticipated future conditions to a level necessary to understand the relationship of the proposed action to such conditions, assesses the nature of any changes to these conditions that would be created by the proposed action, and identifies those changes, if any, that could be significant or adverse. The detailed assessment discusses existing and future conditions with and without the proposed action in the 2018 analysis year for a primary study area (coterminous with the rezoning area), and a secondary (400 foot) study area surrounding the rezoning area.

II. PRINCIPAL CONCLUSIONS

No significant adverse impacts on land use, zoning, or public policy, as defined by the guidelines for determining impact significance set forth in the 2014 *CEQR Technical Manual*, are anticipated in the future with the proposed action in the primary or secondary study areas. The proposed action would not directly displace any land uses so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with land uses, zoning, or public policies in the secondary study area. The proposed action would not create land uses or structures that would be incompatible with the underlying zoning, nor would it cause a substantial number of existing structures to become non-

conforming. The proposed action would also not result in land uses that conflict with public policies applicable to the primary or secondary study areas.

Under both scenarios, the proposed action would result in an overall increase in community facility, residential, and/or commercial uses within the primary study area, when compared to conditions in the future without the proposed action. The proposed zoning map amendment would allow for a variety of uses at a scale and density that is compatible with the existing zoning designations in the surrounding area. The affected area contains lots used for vehicle/open storage, a metal fabrication, and welding and repairs shop, where community facility and residential uses are not permitted per the existing zoning. The proposed rezoning would provide opportunities for community facility, residential, commercial, and light industrial on an underutilized lot. Under the proposed M1-4/R6 zoning, light manufacturing, commercial, residential, and community facility uses would be permitted as-of-right. The proposed rezoning action would ensure that the zoning designation more accurately reflects the area's development trends.

Per the Waterfront Revitalization Program (WRP) Consistency Assessment, this chapter concludes that the proposed action would support the applicable policies of the recently revised WRP.

III. METHODOLOGY

The purpose of this attachment is to examine the effects of the proposed action and determine whether or not it would result in any significant adverse impacts on land use, zoning, or public policy. The analysis methodology is based on the guidelines of the 2014 *CEQR Technical Manual* and examines the proposed action's consistency with land use patterns and development trends, zoning regulations, and other applicable public policies.

According to the 2014 *CEQR Technical Manual*, a detailed assessment of land use, zoning, and public policy may be appropriate when needed to sufficiently inform other technical reviews and determine whether changes in land use could affect conditions analyzed in those technical areas. Therefore, this attachment includes a detailed analysis that involves a thorough description of existing land uses within the directly affected area and the broader study area. Following the guidelines of the 2014 *CEQR Technical Manual*, the detailed analysis describes existing and anticipated future conditions to a level necessary to understand the relationship of the proposed action to such conditions, assesses the nature of any changes on these conditions that would be created by the proposed action, and identifies those changes, if any, that could be significant or adverse.

Existing land uses were identified through review of a combination of sources including field surveys and secondary sources such as the City's Primary Land Use Tax Lot Output (PLUTO™) data files for 2014, and websites such as NYC Open Accessible Space Information System (OASIS, www.oasisnyc.net) and NYCityMap (http://gis.nyc.gov/doitt/nycitymap/). New York City Zoning Maps and the Zoning Resolution of the City of New York were consulted to describe existing zoning districts in the study areas and provided the basis for the zoning evaluation of the future No-Action and future With-Action conditions. Relevant public policy documents, recognized by the New York City Department of City Planning (DCP) and other City agencies, were utilized to describe existing public policies pertaining to the study areas.

Analysis Year

The analysis year is the proposed action's anticipated completion date of 2018. Therefore the future No-Action condition accounts for land use and development projects, initiatives, and proposals that are expected to be completed by 2018.

Study Area Definition

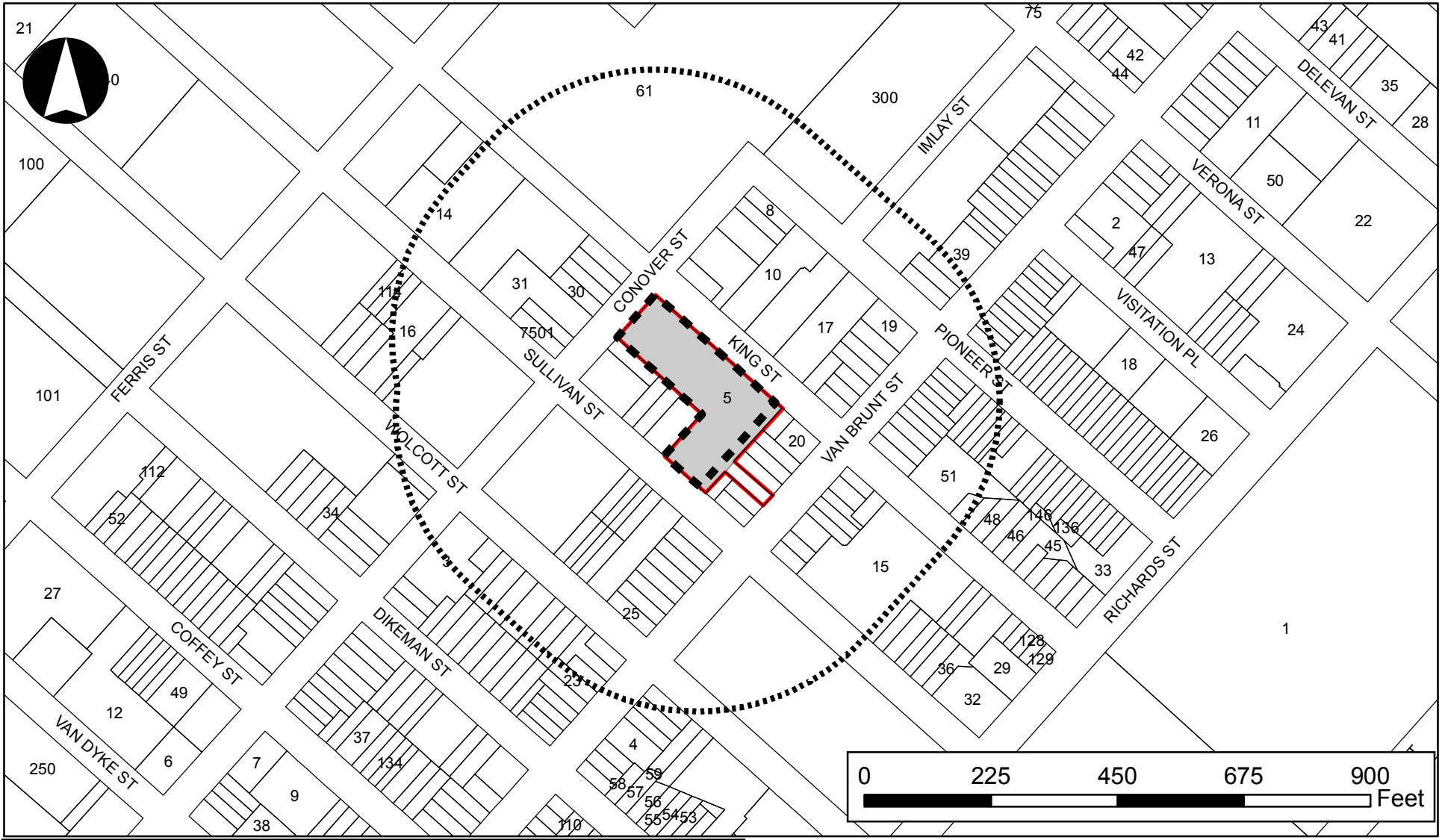
According to the 2014 *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of the proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according these factors, with suggested study areas ranging from 400 feet for a small project to 0.5 miles for a very large project. In accordance with CEQR guidelines, land use, zoning, and public policy are addressed and analyzed for two geographical areas: (1) the rezoning area (also referred to as the primary study area); and (2) a secondary study area. The secondary study area extends an approximate 400 feet from the boundary of the rezoning area and encompasses areas that have the potential to experience indirect impacts as a result of the proposed action. It is generally bounded by Ferris Street to the west, Wolcott Street to the south, Pioneer Street to the north, and Richards Street to the east. Both the primary and secondary study areas have been established in accordance with 2014 *CEQR Technical Manual* guidelines and can be seen in Figure C-1, "Land Use Study Area."

IV. DEVELOPMENT HISTORY

The rezoning area is part of an area historically known as the "*Roode Hoek*," or Dutch for "red point," one of the first areas in Brooklyn to be established. In the mid-17th century, the Dutch started settling in present-day Red Hook, the Columbia Street Waterfront District, and Gowanus, filling wetland areas to create farm fields and mills powered by the tides. Following the Dutch tradition of canal building, they cut the first canal from Red Hook to the Gowanus Creek, now known as the Gowanus Canal.[1] The area remained largely agricultural until the mid-1800s, when the introduction of steam-powered ferry service, the construction of rail lines, the Erie Canal link of New York Harbor for the Great Lakes, and the industrialization and rapid population growth of the 19th and early 20th century transformed Brooklyn into an important industrial and maritime center.[2]

Red Hook began to grow considerably with the construction of the Atlantic Docks (known today as the Atlantic Basin). The Atlantic Docks were built on a 40-acre site at the foot of Hamilton Avenue in the 1840s, and the existing shallow swampland was dredged to a depth of 20 feet at low tide to accommodate the largest ocean steamers. By the 1850s, the Atlantic Docks served as one of the busiest ports in the country. Ships from all over the world called at the port to receive and unload cargo, for general cargo storage, and for ship repairs and maintenance. Developed with piers and ferry terminals and backed by upland industries and warehouses in primarily multi-story loft buildings, Red Hook emerged as a major shipping center in the 1800s when Erie Basin became one of New York's most active shipping and warehouse terminals.[3]

1 *Red Hook/Gowanus Neighborhood History Guide*, Brooklyn Historical Society, 2000.
2 *Plan for the Brooklyn Waterfront*, NYC Department of City Planning, 1994.
3 Ibid.



Legend

- Secondary Study Area (400' Radius from Rezoning Area)
- Proposed Development Site
- Primary Study Area (Rezoning Area)
- Applicant Owned Property

Oxford Nursing Home EAS

Figure C-1

Land Use Study Area

Residential use in the area first developed in the form of boarding houses for the seamen and longshoremen working on the piers and the manufacturing industries along the Gowanus Canal, including gasworks, coal yards, soap factories and tanneries. From 1848 to 1849, approximately 800 new homes, boarding houses, warehouses and factories were built in Red Hook.[4] The steadily increasing population at the turn of the 19th century was fueled by waves of European immigrants and Puerto Rican settlers.

From the 1840s to the early 1950s, Red Hook became one of the most important trading and transportation nodes in New York City, and prospered as a mixed-use maritime industrial and residential community. The area served as a major shipping facility during World War II and the Korean War, handling a variety of commodities and merchandise from South America and the Far East. Red Hook and the Columbia Street Waterfront District boasted tens of thousands of industrial and maritime related jobs. The residential population of the area also increased significantly with the construction of the Red Hook Houses in the late 1930s. Originally built for the families of dockworkers, Red Hook Houses was one of the city's first and largest low-income housing complexes.

In the second half of the 20th century, Red Hook began to decline along with the upland neighborhoods. The advent of containerized shipping and globalization reduced port activity and manufacturing in the area causing many of the piers and other dock infrastructure to become obsolete. With the loss of maritime industry, Red Hook suffered a loss of jobs and residents, and geographic isolation. Shipping companies began to load freight cargo in large, metal containers that doubled as truck bodies and railcars rather than traditional breakbulk/bulk shipping of barrels and bales. Instead of being carted by hand by groups of men, containers could be lifted off ships by large cranes with little manpower. Instead of warehouses, shipping terminals required large open yards to store the metal containers and maneuver and park the trucks. The Port Authority took advantage of the existing space in New Jersey, using its direct rail connections to the rest of the country, to develop large containerport operations, and eventually Brooklyn's Atlantic Docks and the Erie Basin became obsolete.[5]

Many longtime residents and shop owners felt the impact of the closure and loss of shipyards and nearby industries. Thousands of employees were laid off and the Erie Basin eventually closed its operations. In the 1940s and 1950s, the construction of the Gowanus Expressway, the Brooklyn Battery Tunnel entrance, and the Brooklyn-Queens Expressway ("BQE") separated the Red Hook and Columbia Street Waterfront District neighborhoods and further contributed to the decline of the area. Red Hook and the Columbia Street Waterfront District experienced further decline in the 1960s and 1970s, as the sewers in the area generally bounded by Hamilton Avenue, the BQE, Atlantic Avenue, and the East River, began to decay. Originally built on unstable land consisting primarily of sand, numerous buildings were condemned and subsequently demolished.

The Port Authority purchased the Atlantic Basin, breakwater and various surrounding properties in the mid-1950s and additional waterfront property in the late 1980s. The agency developed the Atlantic Basin and piers into two port terminals that handle breakbulk as well as containerized freight. In addition, the agency attempted to develop the Erie Basin into New York City's Fish Port in 1980s. However, the project failed and the Port Authority began to divest itself of this and other Red Hook properties.

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4 Ibid.

5 *Red Hook/Gowanus Neighborhood History Guide*, Brooklyn Historical Society, 2000.

During the mid-1990s, the community of Red Hook initiated efforts of revitalization for the neighborhood in response to industrial uses such as the Red Hook Fish Port being closed down in the Erie Basin and the general decline in quality of life. In 1992, a private developer purchased the Beard Street Pier from the Port Authority, and renovated the space to house a mixture of uses including exhibition, manufacturing, warehousing, high–technology office space, public waterfront uses, and other uses. In 1996, Pier 39 at the terminus of Coffey Street was renovated and renamed for Louis Valentino, Jr. The Louis Valentino, Jr. Park and pier recaptured some of the Red Hook waterfront for public access and views of the New York Harbor. Other efforts included the dredging of Buttermilk Channel in 1999, the development of the Red Hook Community Court in 2000, and a small local artist renaissance that still exists today.

The area is also beginning to experience an influx of larger scale commercial uses. In 2006, Fairway opened its first supermarket and food service operation in Brooklyn within the first two floors of an existing warehouse building (formerly the Red Hook Stores building) at the foot of Van Brunt Street along the waterfront. In 2008, IKEA opened its first store in New York City on the site of a former New York Shipyard (formerly Todd Shipyard), which is located off of Beard Street between Dwight and Columbia Streets. Erie Basin Park, which was funded and built by IKEA, also opened in 2008 along the waterfront, behind the IKEA store. A pier for the New York Water Taxi which travels between Red Hook and Pier 11 in Lower Manhattan is also located within Erie Basin Park. There is also water taxi service provided from the Red Hook Dock at Van Brunt Street to Pier 11 as well as to Pier 79 at West 39th Street in Manhattan.

V. PRELIMINARY ASSESSMENT

Land Use and Zoning

A preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. In addition, under CEQR guidelines, if a detailed assessment is required in the technical analyses of socioeconomic conditions, neighborhood character, traffic and transportation, air quality, noise, infrastructure, or hazardous materials, a detailed land use assessment is appropriate. Furthermore, for some projects, such as generic or area-wide zoning map amendments, more detailed land use and zoning information is necessary to sufficiently inform other technical reviews and determine whether changes in land use could affect conditions analyzed in those technical areas. This EAS provides detailed assessments of air quality, noise, and water and sewer infrastructure; therefore a detailed assessment of land use and zoning is warranted and is provided in Section VI below. As a detailed assessment is warranted for the proposed action, the information that would typically be included in a preliminary assessment (e.g., physical setting, present land use, zoning information, etc.) has been incorporated into the detailed assessment in Section VI below. As discussed in the detailed assessment, the proposed action is not expected to adversely affect land use or zoning.

Public Policy

According to the 2014 *CEQR Technical Manual*, a project that would be located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports,

which pertain to the study area. If the proposed action could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary.

Besides zoning, other public policies applicable to portions of the primary and secondary study areas include the NYC Waterfront Revitalization Program (WRP), Vision 2020: The NYC Comprehensive Waterfront Plan, the Southwest Brooklyn Industrial Business Zone (IBZ), and the Red Hook 197-a plan. All of these are discussed below.

The proposed development site was formerly located within the Southwest Brooklyn Industrial Business Zone (IBZ). The City's policy regarding Zoning Map amendments in an IBZ precluded residential rezoning. In 2013, the Industrial Business Zone Boundary Commission made changes to various IBZ boundaries and, in the case of the Southwest Brooklyn IBZ, amended the boundaries to exclude the proposed development site for the expressed purpose of facilitating the development of the proposed nursing home project. The northwestern portion of Block 555, including Lots 1, 4, 32, 34, and 35 are located within the current boundaries of the Southwest Brooklyn IBZ.

The proposed rezoning area and surrounding area are not part of an urban renewal area, nor is there any designed in-place industrial parks within the area. No siting of public facilities is proposed as part of the proposed action, and therefore a Fair Share analysis is not warranted.

Primary Study Area

Waterfront Revitalization Program (WRP)

Proposed projects that are located within the designated boundaries of New York City's Coastal Zone must be assessed for their consistency with the City's Waterfront Revitalization Program (WRP). 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. In accordance with the CZMA, New York State adopted its own Coastal Management Program (CMP), which 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. In August 2002, NYSDOS and federal authorities (i.e., the U.S. Army Corps of Engineers [USACE] and the U.S. Fish and Wildlife Service [USFWS]) adopted the City's ten WRP policies for most of the properties located within its boundaries.

In October 2013, the City Council approved revisions to the WRP in order to proactively advance the long-term goals laid out in Vision 2020: The New York City Comprehensive Waterfront Plan, released in 2011. The changes will solidify New York City's leadership in the area of sustainability and climate resilience planning as one of the first major cities in the U.S. to incorporate climate change considerations into its Coastal Zone Management Program. They will also promote a range of ecological objectives and strategies, facilitate interagency review of permitting to preserve and enhance maritime

infrastructure, and support a thriving, sustainable working waterfront. The revisions to the WRP are currently pending State and Federal approval in order to go in to effect.

In 2013, the New York City Panel on Climate Change (NPCC) released a report (*Climate Risk Information 2013: Observations, Climate Change Projections, and Maps*) outlining New York City-specific climate change projections to help respond to climate change and accomplish PlaNYC goals. The NPCC report predicted future City temperatures, precipitations, sea levels, and extreme event frequency for the 2020s and 2050s. While the projections will continue to be refined in the future, current projections are useful for present planning purposes and to facilitate decision-making in the present that can reduce existing and near-term risks without impeding the ability to take more informed adaptive actions in the future. Specifically, the NPCC report predicts that mean annual temperatures will increase by 2 to 3˚F and by 4 to 6.5˚F by the 2020s and 2050s, respectively; total annual precipitation will rise by 0 to 10 percent and 5 to 15 percent by the 2020s and 2050s, respectively; sea level will rise by 4 to 11 inches and 11 to 31 inches by the 2020s and 2050s, respectively; and by the 2050s, heat waves and heavy downpours are very likely to become more frequent, more intense, and longer in duration, and coastal flooding is very likely to increase in frequency, extent, and height.

As illustrated in Figure C-2, "Coastal Zone Boundary Map," the rezoning area falls within the City's designated coastal zone, and therefore the proposed action must be assessed for its consistency with the policies of the City's Local Waterfront Revitalization Program (LWRP). An assessment is provided below under Section VII, "Waterfront Revitalization Program."

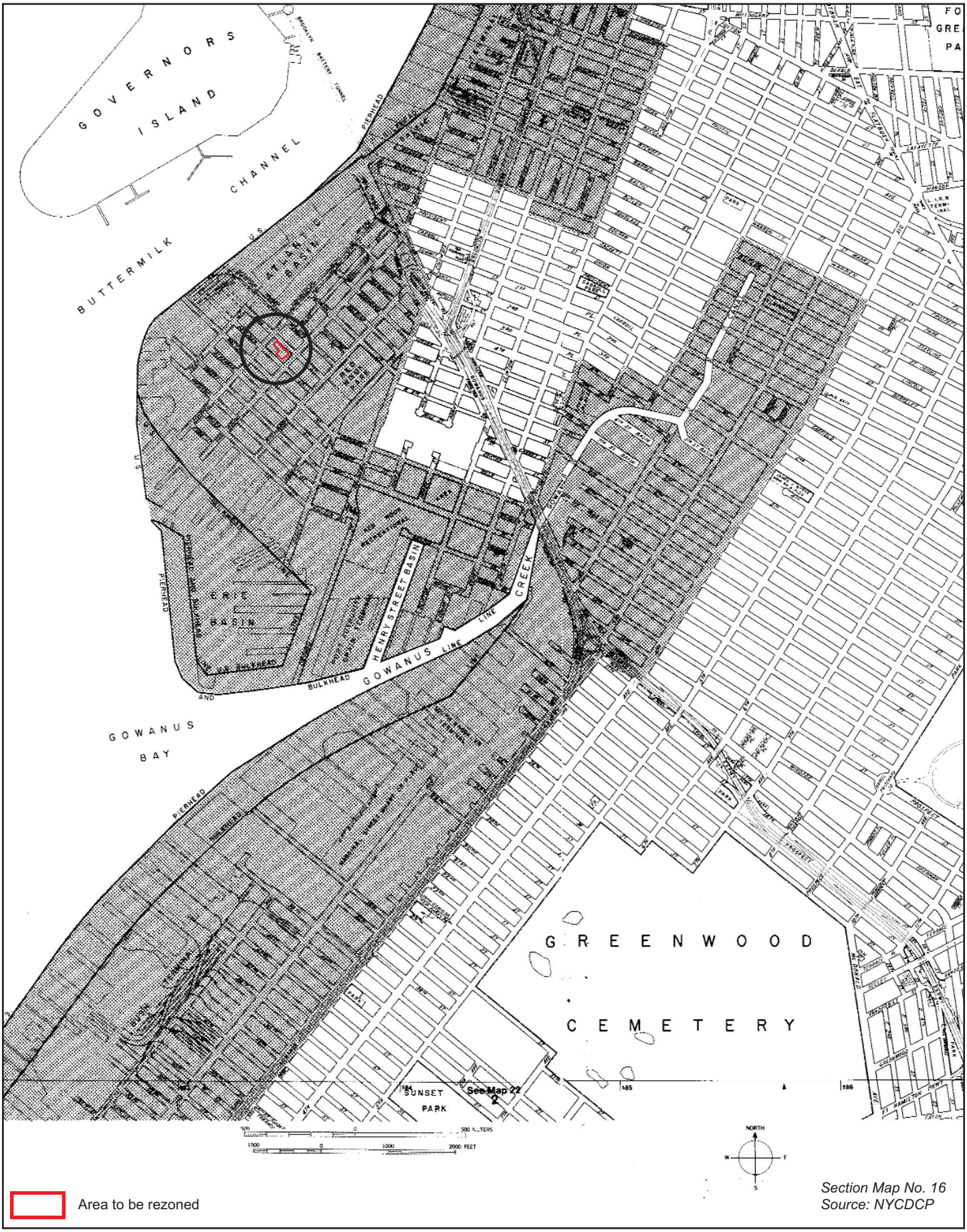
Vision 2020: New York City Comprehensive Waterfront Plan

On March 14th, 2011, the Mayor and the City Council announced the release of *Vision 2020: New York City Comprehensive Waterfront Plan* ("Vision 2020"), a ten-year vision for the future of the City's 520 miles of shoreline. This plan provides a sustainable framework for more water transport, increased public access to the waterfront and economic opportunities in order to help make the water part of New Yorkers' everyday lives. Vision 2020 sets the stage for expanded use of the City's waterfront for parks, housing, and economic development, and its waterways for transportation, recreation, and natural habitats. The ten-year plan lays out a vision for the future with new citywide policies and site-specific recommendations. Vision 2020 builds upon the 1992 Comprehensive Waterfront Plan, which was the first comprehensive inventory of the City's entire waterfront and provided a framework to guide land use along the waterfront. The 1992 plan recommended a number of regulatory changes that have been largely implemented through two means: the Waterfront Revitalization Program and Waterfront Zoning Amendments.

Vision 2020's strategies for improving the waterfront are organized into eight overarching citywide strategies, which are presented as eight goals: (1) expand public access; (2) enliven the waterfront; (3) support the working waterfront; (4) improve water quality; (5) restore the natural waterfront; (6) enhance the blue network (i.e., the waterways surrounding New York City); (7) improve government oversight; and (8) increase climate resilience. In addition to these citywide goals, because New York City's 520 miles of shoreline are incredibly diverse, each segment requires a local strategy, as well. For the purposes of the Vision 2020 plan, the City is divided into 22 segments, or reaches. The rezoning area falls within Brooklyn Reach 14 South.

The primary study area is located within the Piers 7-12 neighborhood area of Brooklyn Reach 14 South. Neighborhood strategies for Brooklyn Reach 14 South include the following recommendations for the

Figure C-2
Coastal Zone Boundary



Area to be rezoned

Section Map No. 16
Source: NYCDCP

area that encompasses Piers 7-12: (1) support continuation of industrial uses; (2) build a multi-use path to connect Atlantic Basin to the Brooklyn waterfront greenway; (3) explore preservation of historic properties and creation of waterfront interpretive center focused on history of working waterfront; (4) support use of green port technology, such as shore power, clean energy, and use of waterborne freight transport; (5) minimize traffic conflicts between trucks and pedestrians/bicyclists; (6) pursue development of a "hub" for maritime support services in Atlantic Basin; (7) support opportunities for active publicly accessible use of cruise terminal and days when ship is not in port; (8) study opportunities for active water-related public uses in Atlantic Basin, such as recreation and educational programming; (9) market the container terminal as a distribution hub for containerized cargo destined for East of Hudson businesses; and (10) provide additional berthing locations to commercial vessels along the north side of Atlantic Basin.

Although the proposed rezoning area falls within the boundaries of the Piers 7-12 area of Brooklyn Reach 14 South, it is not located directly along the waterfront and does not contain any waterfront industrial uses. The proposed action does support Brooklyn Reach 14 South Recommendation 1 by rezoning the site to a mixed-use district that includes a M1-4 light industrial zoning district. The proposed M1-4 zoning district would continue to permit a variety of light industrial uses as well as certain commercial uses.

Southwest Brooklyn Industrial Business Zone (IBZ)

The Southwest Brooklyn Industrial Business Zone (IBZ) overlays the northwestern portion of Block 555. IBZs were created by the Mayor's Office of Industrial and Manufacturing Businesses to provide business assistance and tax benefits to industrial and manufacturing firms located within an IBZ. The IBZ designation fosters high-performing business districts by creating competitive advantages over locating in areas outside of New York City. An IBZ protects pre-existing industrial areas that are currently zoned for manufacturing from rezoning to residential uses. New York State offers tax incentives in IBZs, including a $1,000 per relocated employee tax credit for industrial and manufacturing firms that move their businesses into an IBZ district. There are currently twenty-one IBZs in New York City. As mentioned above, in 2013, the IBZ Commission made changes to various IBZ boundaries and, in the case of the Southwest Brooklyn IBZ, amended the boundaries to exclude the proposed development site for the expressed purpose of facilitating the development of this project. Block 555, Lots 1, 4, 32, 34, and 35 are located within the current boundaries of the Southwest Brooklyn IBZ (see Figure C-3). The development site (Block 555, portion of Lot 5) is not located within the Southwest Brooklyn IBZ.

The proposed rezoning would not include any properties located within the Southwest Brooklyn IBZ. Further, the proposed MX zoning district would allow for light industrial use. As the proposed action would enable the property to be developed with high-performing industrial uses within the proposed M1-4 district, it would be compatible with the goals of the Southwest Brooklyn IBZ.

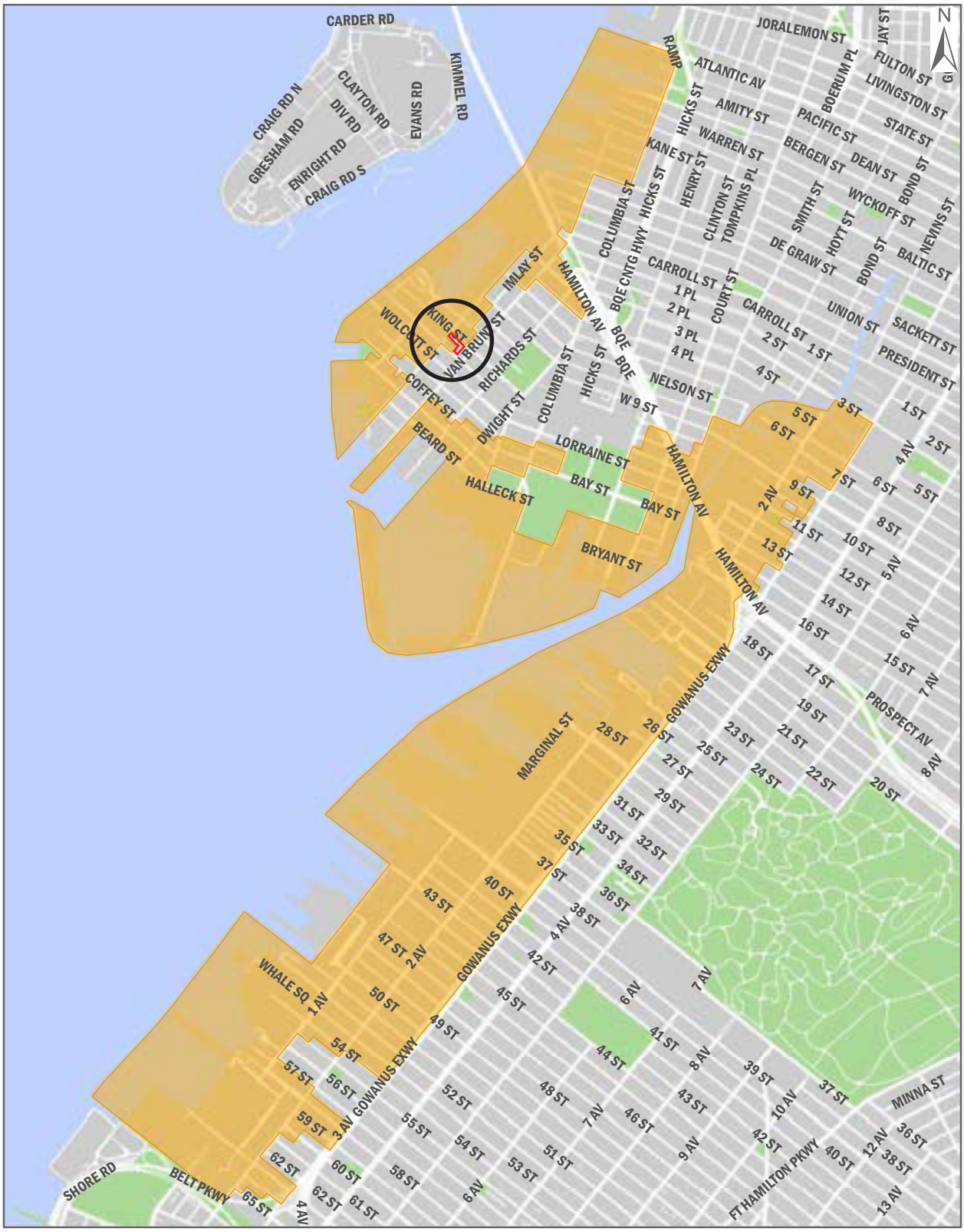
Red Hook 197-a Plan

The proposed action supports numerous recommendations of the adopted Red Hook 197-a Plan. The proposed action would be consistent with, and would implement, some of the principal goals and objectives of the Plan. The guiding principles of the 197-a Plan were to establish a strategy to address population and employment decline, waste-related businesses, zoning changes and mixed land use, as well as tapping into the development potential of the waterfront and providing public access to the waterfront. The Red Hook 197-a Plan recommends the study and rezoning, where appropriate, of

Southwest Brooklyn Industrial Business Zone

Ratified Boundaries September 2013

September 2013 Ratified Boundaries



Data Source: MapPLUTO copyrighted by the New York City Department of City Planning
Prepared by New York City Economic Development Corporation (MGIS Unit) 08/26/2013

Area to be rezoned

existing heavy industrial zones, particularly along the East River waterfront, to create opportunities for new mixed use developments, supporting commercial uses. The proposed rezoning would reflect the existing mix of uses within the neighborhood, and provide future opportunities for a mix of light industrial, residential, community facility, and commercial uses.

The 197-a plan calls for development of specialized family health services including pediatric, adolescent, and geriatric services. The proposed action would result in the development of approximately 173,989 gsf (157,500 zsf) of community facilities, including a 200-bed skilled nursing home facility and an approximately 36,800-zsf ambulatory diagnostic and treatment center. Therefore, the proposed action would be consistent with the Red Hook 197-a Plan. In addition, the mixed-use scenario would also be consistent with the Red Hook 197-a Plan as it would include a mix of residential, community facility, and commercial uses.

Secondary Study Area

There are currently no public policies that are applicable to the study area other than the Local Waterfront Revitalization Program, Vision 2020, the Southwest Brooklyn IBZ, and the Red Hook 197-a Plan.

Conclusion

The proposed action would not result in any significant adverse public policy impacts. Therefore, the land use changes anticipated as a result of the proposed action are expected to be consistent with the known public policies in the study area, as described above, and a detailed analysis is not warranted.

However, as the rezoning area falls within the City's designated coastal zone, the proposed action must be assessed for its consistency with the policies of the City's Local Waterfront Revitalization Program (LWRP). An assessment is provided below under Section VII, "Waterfront Revitalization Program."

VI. DETAILED ASSESSMENT

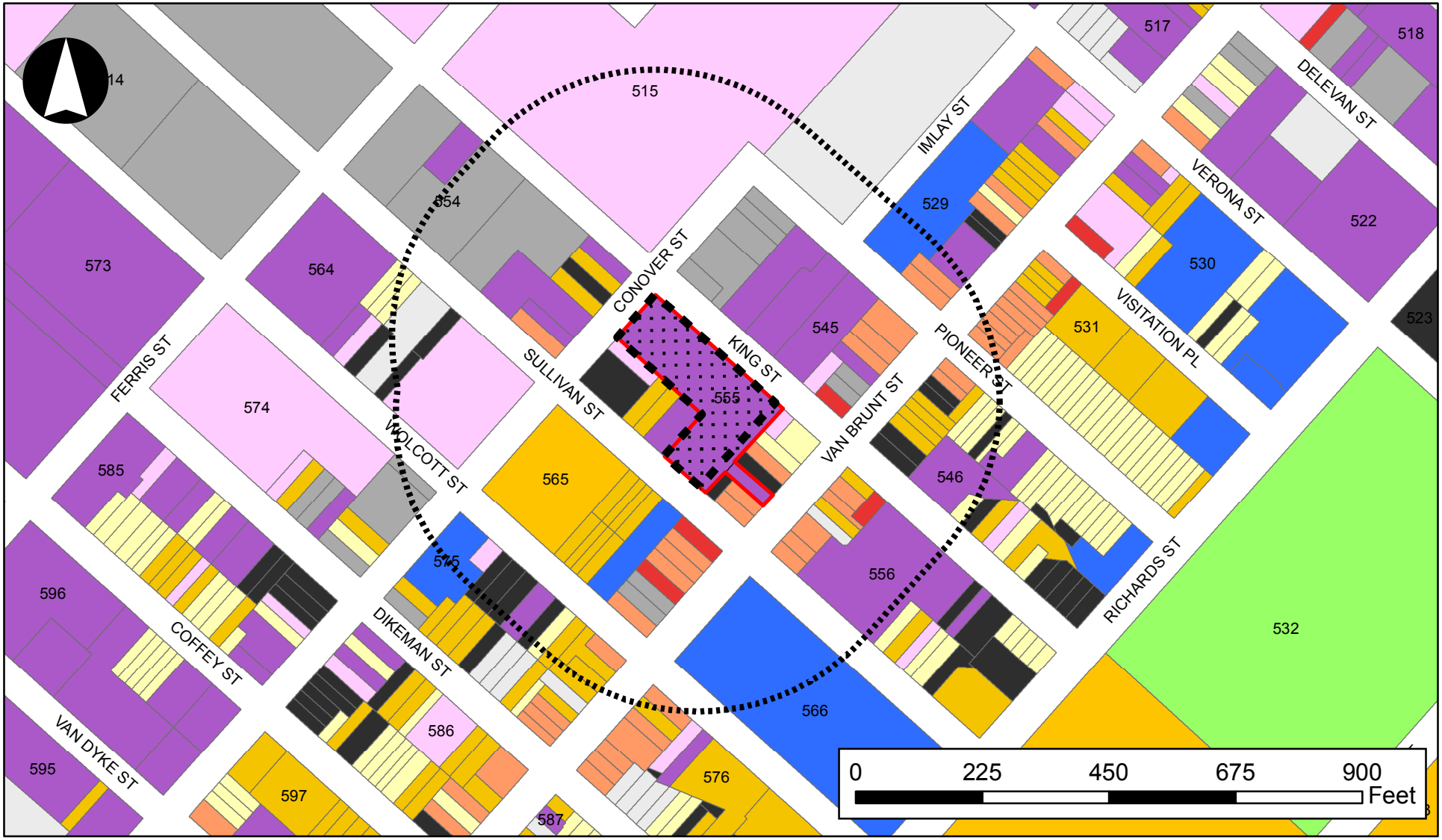
Existing Conditions

Land Use

The land use study area consists of both a primary study area, which is coterminous with the boundaries of the rezoning area, where the land use effects of the proposed action are direct, and a secondary study area consisting of properties within an approximate 400 foot radius of the boundaries of the rezoning area, which extends east to Ferris Street to the west, Wolcott Street to the south, Pioneer Street to the north, and Richards Street to the east. These study areas and their associated land uses are shown in Figure C-4.

Existing Land Uses in the Primary Study Area

The rezoning area comprises a total of approximately 38,000 sf of Lot 5 on Brooklyn Block 555, which is owned by the applicant and comprises a portion of the midblock area and the northwestern corner of



Legend

- Primary Study Area (Rezoning Area)
- Secondary Study Area (400' Radius from Rezoning Area)
- Applicant Owned Property
- Proposed Development Site
- One & Two Family Buildings
- Mutli-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

Oxford Nursing Home EAS

Figure C-4

Existing Land Uses Within Study Area

the subject block. This portion of Lot 5 would be rezoned from M2-1 to the special mixed-use district (M1-4/R6).

As shown in Figure C-4 and listed in Table C-1, Lot 5 is occupied by four single story warehousing and industrial buildings, and bus and vehicle storage.

Table C-1: Existing Uses within the Rezoning Area

Block/Lot	Lot Area (sf)	Land Use
555/p/o Lot 5	38,000	bus storage; refuse hauler vehicle storage; metal fabrication, welding and repairs shop

The proposed development site is currently underdeveloped. The four single-story industrial buildings accommodate month-to-month tenants, including a bus operator that stores buses; a refuse hauler that occupies a portion of the lot to store its vehicles; and a metal fabrication, welding and repairs shop. The existing buildings comprise a total of approximately 5,955 gsf for a total built FAR of approximately 0.15. As a result of the proposed action, the four existing buildings would be fully vacated and demolished in order to facilitate the development of the proposed community facility.

Existing Land Uses in the Secondary Study Area

Table C-2 summarizes the existing generalized land uses within the secondary study area by tax lots and land area. Overall, as reflected in the table and in Figure C-4, the land use secondary study area contains a general mix of uses, with the predominant land uses being transportation, industrial, and parking facilities. Residential and mixed-use properties (residential buildings with commercial and/or community facility uses on the lower floors) collectively occupy approximately 8.85 percent of the total land area.

Van Brunt Street is the main commercial corridor in this area, which serves as its commercial/retail spine. It is lined with strips of contiguous restaurants, coffee shops and other types of commercial establishments (laundromats, real estate agency etc.) that are intermixed with industrial and transportation-related uses, as well as some vacant properties. Additional commercial and mixed residential/commercial activity, featuring street-level commercial storefronts, restaurants, apparel stores, and other retail in this area is located on Richard Street, between Dikeman and Wolcott Streets. Residential uses in the secondary study area are mainly concentrated on Van Brunt, Wolcott and Pioneer Streets. It is not uncommon in the study area for a residential use to be located adjacent to an industrial/manufacturing use. The residential buildings in the study area are mainly characterized by low-rise, three to four story multi-family buildings. There is a larger 4 story multi-unit elevator building that occupies a through lot site on the western half of Block 565 with frontage along Conover, Sullivan, and Wolcott Streets.

Community facility uses in the study area consist of several schools including P.S. 15 which occupies a full block bounded by Van Brunt Street, Sullivan Street, Wolcott Street, and Richard Street, South Brooklyn Community High School located on Conover Street between Wolcott and Dikeman Streets, and Yeshiva Kehilath Yakov located on Imlay Street between Pioneer and Verona Streets. Other community facility uses in the study area include religious institutions.

Table C-2: Land Uses within 400 feet of the Rezoning Area

Land Use	Area (Sq. Ft)	% of Total Land Area
Residential	*179,837*	*8.85%*
One and Two Family	52,749	2.59%
Multi-Family Walkup	55,185	2.71%
Multi-Family Elevator Buildings	34,400	1.69%
Mixed Residential and Commercial	37,503	1.84%
Commercial and Office	7,538	0.37%
Industrial and Manufacturing	319,759	15.72%
Transportation and Utility	1,116,092	54.87%
Public Facilities and Institutions	116,347	5.72%
Open Space	0	0.00%
Parking Facilities	236,199	11.61%
Vacant Land	56,660	2.79%
All Others or No Data	0	0.00%
Total	**2,032,432**	**100%**

The secondary study area is also characterized by industrial and transportation uses. Located to the north of the project area, across King Street, are several 1 story construction companies and open vehicle storage. A school bus storage company is located to the south west of the project area along Conover Street between Wolcott and Sullivan Streets. There is also a bus garage and storage facility and a sanitation company located on a block located to the west of the project area, across Conover Street.

To the northwest of the rezoning area are portions of the Atlantic Basin dock operations. The portion of the dock operations located in the study area is partially used to stage buses and private car services when cruise ships call at Pier 12, and partially used for parking and storage space. Directly south of Pier 11, the Port Authority leases a one-story, approximately 62,500 sf warehouse building on the block generally bounded by Conover, Ferris, Pioneer and King Streets.

There are limited transit services in the vicinity of the proposed rezoning area. The Smith-9th Streets subway station, serving the F and G subway lines, is located approximately 1.1 miles east of the proposed rezoning area. The B61 bus route (connecting Downtown Brooklyn and Park Slope) runs along Van Brunt Street, and the B57 (connecting Red Hook and Maspeth, Queens) runs along nearby Lorraine Street. Vehicles en route to Red Hook from other parts of the Tri-State Area can access the neighborhood via the Brooklyn-Queens/Gowanus Expressway and the Hugh L. Carey Tunnel.

There is also water taxi service that transports passengers from the IKEA store, located at 1 Beard Street (about a half-a-mile south of the rezoning area) to Wall Street's Pier 11, and vice versa. In addition, there is water taxi service provided from the Red Hook Dock at Van Brunt Street to Pier 11 as well as to Pier 79 at West 39th Street in Manhattan.

Zoning

The assessment of zoning uses the same study areas used for land use: the primary study area, consisting of the proposed rezoning area/project site; and the secondary study area, an area within roughly a 400 foot radius of the project area boundary.

Existing Zoning in the Primary Study Area

The proposed development site comprises the majority of Lot 5 on Block 555, which is privately owned by the applicant. In its entirety, Lot 5 is an irregular-shaped parcel that comprises approximately 40,000 sf and has frontages on King, Van Brunt, Sullivan, and Conover Streets. Lot 5 is currently split by existing zoning district boundary lines—the majority of the property is zoned M2-1, and the eastern 100 feet of the lot is zoned R5 with a C1-3 commercial overlay that extends along the west side of Van Brunt Street. This easternmost, approximately 2,250-sf rectangular portion of Lot 5, which has a 25-foot frontage on Van Brunt Street and is zoned R5/C1-3, is currently used for vehicle storage. It is anticipated that this 2,250-sf portion of Lot 5 would be subdivided as a separate zoning lot subsequent to the requested zoning map change, and is therefore not part of the proposed development site (See Figure C-5).

M2 zoning districts are medium manufacturing/industrial districts that have lower performance standards than in M1 districts. Except when M2 uses border on a residential district, higher levels of noise and vibration are allowed, smoke is permitted and industrial activities need not be entirely enclosed. Residential development is not allowed in M2 districts. M2-1 districts allow a maximum floor area ratio (FAR) of 2.0. Parking requirements in M2-1 districts vary by use.

R5 districts allow a variety of housing at a higher density than permitted in R3-2 and R4 districts. To ensure compatibility with neighborhood scale, the maximum street wall height of a new building is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building; in addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. With a height limit of 40 feet, R5 districts provide a transition between lower- and higher-density neighborhoods and are widely mapped in Brooklyn, Queens and the Bronx. The maximum FAR in R5 districts is 1.25 for residential uses. Off-street parking is required for 85 percent of a building's dwelling units in an R5 district.

C1-3 is a commercial overlay which are mapped within a residence districts. Mapped along streets that serve local retail needs, they are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. In mixed buildings, commercial uses are limited to one or two floors and must be located below the residential use. When commercial overlays are mapped in R1 through R5 districts, the maximum commercial FAR is 1.0.

Existing Zoning in the Secondary Study Area

The study area contains the same zoning designations as the primary study area (M2-1, R5/C1-3). However, as shown in Figure C-5, there are M1-1, M1-2, M1-1/R6, and R6 districts located just outside the study area. Table C-3 lists the zoning classifications of the primary and secondary study areas.

Figure C-5
Existing and Proposed Zoning

Table C-3: Primary and Secondary Study Area Existing Zoning Districts

District	Definition/General Use	Maximum FAR
R5	Low density residential	R: 1.25; CF: 2.0; C: 1.0 as overlay
R6	Medium density residential	R: 0.78 – 2.43; CF: 4.8; C: 2.0 as overlay
C1-3	C1 is a commercial overlay mapped in residential districts. It permits local retail and service establishments. Regulations limit commercial use to one or two floors.	R: Same as underlying R zone C: 1.0 in R1- R5 Districts 2.0 in R6 – R10 Districts CF: Same as underlying R zone M: Not permitted
M1-1	Light manufacturing – high performance district. M1 districts are often buffers between M2 or M3 districts and adjacent residential or commercial districts. Building heights are governed by sky exposure planes. Parking requirements vary with use.	R: Not permitted C: 1.0 CF: 2.4 (use group 4 only) M: 1.0
M1-1/R6	Special Mixed-Use District (MX) - New residential and non-residential uses (commercial, community facility and light industrial) can be developed as-of-right and be located side-by-side or within the same building.	R: 0.78-2.43; M: 1.0 C: 1.0 CF: 0.78-2.43
M1-2	Light Manufacturing - high performance district. M1 districts are often buffers between M2 or M3 districts and adjacent residential or commercial districts. Building heights are governed by sky exposure planes. Parking requirements vary with use.	R: Not permitted C: 2.0 CF: 2.4 (use group 4 only) M: 1.0
M2-1	Medium Manufacturing - lower performance standards than in M1 districts. Except when M2 uses border on a residential district, higher levels of noise and vibration are allowed, smoke is permitted and industrial activities need not be entirely enclosed. Parking requirements vary with use.	R: Not permitted C: 2.0 CF: Not permitted M: 2.0

Notes: CF: community facility, R: residential, C: commercial, M: manufacturing
Source: New York City Zoning Resolution

Future Without the Proposed Action (No-Action Condition)

Land Use

Primary Study Area

While it is possible that the proposed development site (p/o Lot 5), which is currently underdeveloped, could be redeveloped or expanded to accommodate additional commercial or medium-performing industrial/manufacturing uses, there has been little new commercial, industrial, or manufacturing investment or development in this part of Brooklyn. Further, the applicant has stated that the proposed development site would not be redeveloped without the proposed action. Therefore, it is anticipated that the proposed development site would remain in its current condition. In absence of the proposed action, therefore, the proposed development site would continue to be occupied by four low-rise industrial buildings with a total built FAR of 0.15, and accommodate automotive-related, vehicle-storage, and other industrial uses.

Secondary Study Area

There are no known developments to be completed within the 400-foot study area by the analysis year of 2018.

Zoning

As stated in Attachment A, "Project Description," independent of the proposed action for the proposed project, DCP has proposed a series of zoning text amendments known as Zoning for Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH). These text amendments are currently in concurrent public review and when adopted, will be applicable to the proposed M1-4/R6 zoning district.

Zoning for Quality and Affordability

As noted above, DCP is proposing a series of zoning text amendments to eliminate unnecessary obstacles to the creation of affordable housing, especially affordable housing known as Zoning for Quality and Affordability.

Senior Housing and Long Term Care Facilities

The proposed ZQA zoning text amendment would promote affordable senior housing and long-term care facilities through various updates and refinements to the Zoning Resolution of the City of New York, as follows:

- *Modernize zoning definitions:* Accommodate today's housing models and recognize regulated housing and facility types by removing obsolete definitions and updating definitions for affordable senior housing and long-term care facilities.
    - A new defined term "affordable independent housing for seniors" to replace "non-profit residences for the elderly." This definition would be expanded to include both non-profit and for-profit developers, but the income restrictions and age restriction would still apply to this use;
    - Replace the nursing homes and health related facilities in Section 12-10 of the Zoning Resolution of the City of New York with a new term, "senior long-term care facilities," which would include State-licensed long-term care facilities such as nursing homes, assisted living facilities, and certain continuing care retirement communities; and
    - Several defined terms that are no longer used, and therefore obsolete, would be removed. These include domiciliary care facilities for adults and sanitariums (Use Group 3).
- *Rationalize FARs:* Establish consistent FARs and corresponding building heights for affordable senior housing and long-term care facilities to facilitate more and better housing for seniors.
    - A 35 percent increase in permitted density and higher FARs would be established in R3 through R7 zoning districts to increase senior housing per the proposed ZR Section 23-147, or the maximum FAR in Inclusionary Housing designated areas set forth in ZR Section 23-952, whichever is greater. (Under the ZQA, affordable independent residences for seniors in R6 districts would be permitted up to 3.9 FAR, which is consistent with existing conditions);
    - Quality Housing required indoor recreation spaces could be applied to meet the existing four percent accessory social and amenity space requirement for affordable senior housing;
    - Senior long-term care and affordable independent residences for senior would utilize the same FAR maximums, per proposed ZR Section 23-147 or per the Inclusionary Housing Program, whichever is higher, removing the obstacle of only permitting higher

FARs for nursing homes through community facility Special Permits (i.e., in R6 zoning districts the maximum FAR for long-term care facilities [nursing homes] would increase from 2.43 to 3.90 FAR)*;*

- *Remove the specific open space ratios for non-contextual districts and lot coverages for contextual districts*: The senior bulk requirements would reference the lot coverage and open space provisions in the underlying bulk regulations.
- *Allow flexibility for different types of affordable senior housing and care facilities:* Relax density restrictions that may prevent the creation of appropriately sized units by removing the density factor and minimum unit size requirement.
    - Remove the density factors listed in Section 23-221 of the Zoning Resolution of the City of New York for non-profit residences for the elderly. There would be no minimum dwelling unit size;
- *Provide a framework for mixing of Use Group 2 residences with certain Use Group 3 community facilities:* Specify how density in mixed community facility and residential buildings would be calculated and remove existing restrictions in R6 and R7-1 that limit the portion of mixed building that can include community facility uses. In a building that combines Use Groups 2 and 3, the Quality Housing floor area deductions would be computed based on the combined floor area.
- *Reduce administrative obstacles:* Eliminate certifications and Special Permits for nursing homes.
    - Remove the certification under Section 22-42 of the Zoning Resolution of the City of New York and the Special Permit in Section 74-90 (except that senior long-term care facilities would continue to require a Special Permit in R1 and R2 districts), as well as the Special Permit in Section 74-903 for domiciliary care facilities for adults; and
    - Create a single Special Permit to allow senior long-term care facilities in R1 and R2 districts.

This component of the proposed ZQA zoning text amendment would be applicable to multi-family R3-2 through R10 residence districts, as well as their residential equivalents in commercial and manufacturing districts, as applicable. These changes would also be reflected in Special Districts and special areas that include these zoning districts. As such, the proposed ZQA zoning text amendment would apply to the proposed M1-4/R6 zoning district.

Building Envelope Controls

The proposed ZQA zoning text amendment would modernize rules that shape buildings in the City through various updates and refinement to the Zoning Resolution of the City of New York, as follows:

- *General building envelope modifications*: In medium- and higher-density districts, the proposed ZQA zoning text amendment would allow additional flexibility to accommodate best practices for affordable construction and good design, while maintaining current maximum FARs, including:
    - *Height*: Increase maximum building heights in R6B through R10A contextual districts by five to 15 feet to ensure all permitted floor area can fit and allow better design and introduce a maximum number of permitted stories, which would roughly correlate to the number anticipated under the original Quality Housing proposal for each district. In non-contextual districts utilizing the Quality Housing option, existing maximum height restrictions would be updated to make the district envelope comparable to that of a comparable 'A' zoning district (the only change for R6 districts would apply along a wide street outside of the Manhattan core, where the maximum base height would increase

by five feet from 60 to 65 feet and the overall building height would increase by five feet from 70 to 75 feet). Similar building envelope modifications would be made too many Special Districts, as well as R5D, C4-4L, and M1-6D districts and Waterfront areas. To provide a better transition along district boundaries between the maximum heights permitted within lower-density and moderate- and higher-density districts, the proposed ZQA zoning text amendment would create an intermediate height within the 25-foot buffer zone;

- *Setbacks*: Measure upper floor setback from the street line and remove penalty for buildings that set back at the street level by allowing a reduction of one foot in required setback for every foot that the building is set back from the property line, provided that a minimum setback of five feet is provided from the streetwall; and
- *Corner lots*: Allow 100 percent lot coverage for the residential portion of Quality Housing building on corner lots. With this medication to the underlying zoning districts, the corner lot provisions of several Special Districts, as well as Waterfront and C4-4L district regulations, would also be modified, as they mimic (but also supersede) the underlying provisions.

- *Enhanced building envelope modifications for Inclusionary Housing, affordable independent residences for seniors and long-term care facilities*: Where zoning allows additional floor area for affordable housing for seniors or Inclusionary Housing, provide enough flexibility to fit all permitted floor area with good design, including:
  - *Height*: Increase maximum building heights by one to two stories in R6-R8 districts and by three to four stories in R9-R10 districts to fit all floor area without sacrificing housing. Maximum base heights would be increased proportionately (buildings in R6 districts along a narrow street would be permitted a maximum base height of 45 and maximum building height of 55 feet [5-stories] and along a wide street outside of the Manhattan core a base height of up to 65 feet and building height of up to 85 feet [8-stories]);
  - *Amenity space:* Allow ground floor accessory residential amenity spaces to be located in the rear yard, where parking garages and community facilities are allowed under existing zoning regulations, up to a height of 15 feet. This options would be applicable to developments with nine or more DU and would not be permitted in 'B' districts. The daylighting standards for laundry and recreation space would also be amended to facilitate sky-lit spaces as an alternative to a community facility court;
  - *Remove narrow lot restrictions:* "Sliver law" (the colloquial name for special provisions that pertain to narrow buildings of less than 45 feet in width in R7-2, R7D, R7X, R8, R9, and R10 residence districts and their commercial equivalents) applicability would be eliminated for Inclusionary and affordable senior housing and care facilities, and the underlying Quality Housing envelopes would apply;
  - *Non-contextual districts:* In R6-R10 non-contextual zoning districts (which do not have overall height limits), establish more flexible height limits for senior housing and future Inclusionary Housing developments on zoning lots adjacent to certain types of infrastructure (in R6 districts alternative bulk envelopes would permit a maximum base height of 65 feet and maximum overall height of 115 feet [11-stories]);
  - *New lower-density bulk envelope*: A more workable as-of-right bulk envelope for affordable senior housing and care facilities in R3-R5 residence districts would be established so that developers would not be required to obtain CPC authorizations to accommodate the additional floor area allocated to these facilities; and
  - *Additional density in future R7X and R7-3 rezonings:* The permitted FAR in R7X and R7-s districts would be increased from 5.0 to 6.0 in Inclusionary Housing designated areas

mapped in the future. He increased FAR would also apply to affordable senior housing and care facilities provided in these districts.

- *Improved design flexibility:* Allow flexibility for the variation and texture that typify older buildings in many neighborhoods, including:
    - *Street wall:* Update and clarify regulations to support traditional types of building variation. For all R6-R10 contextual residence districts, and their commercial equivalents in mixed buildings, as well as certain Special Districts that mimic underlying contextual streetwall provisions, new provisions would clearly stipulate permitted façade articulation and would simply and clarify existing streetwall line-up provisions;
    - *Courtyards:* Allow greater flexibility in proportional and dimensional court provisions to enable visual interest and a range of building configurations;
    - *Ground floors:* Make transparency and design requirements consistent in various zoning and Special Districts by consolidating into a single set of provisions;
    - *Window regulations:* Remove the requirement for double-glazed windows from the Quality Housing regulations, as well as other Special Districts that have double-glazed window or window wall attenuation requirements, and establish a mechanism for property owners to modify the existing window wall attenuation requirement of 35 dBA;
    - *Clarify use location provisions:* In Special Purpose districts that incorrectly modified the underlying location of use provision to allow "non-residential" uses on the same floor as or above residential uses, the phrase "non-residential" would be changed to "commercial," or additionally manufacturing in Special MX district, so that community facility uses can co-locate within the same corridors as residential uses;
    - *Mix of unit size:* Remove the minimum unit size requirement from Quality Housing requirements and make consistent the unit density standards for all medium and high-density districts, allowing smaller units to be mixed with larger ones;
    - *Encourage elevated residential ground floors:* Two provisions would be create to better accommodate accessible ramps in contextual zoning envelopes; and
    - *Eliminate Quality Housing study areas*.
- *Modifications for constrained lots*: Most existing zoning controls are designed to work with flat, rectangular lots and do not work well on irregularly-shaped or slopes sites, including:
    - *Yards and lot coverage:* Rear yard reduction provisions would be extended to lots shallower than 95 feet in R6-R10 districts and their commercial equivalents, as well as certain Special Districts;
    - *Streetwall:* In R7D, R8Z, R8B, R8X, R9A, R9D, R9X, R10A, or R10X equivalent commercial districts that have 100 percent streetwall requirements, a reduction to 70 percent would be permitted for corner lots with an interior angle of less than 75 degrees;
    - *Additional flexibility for irregular topography:* For zoning lots in R6-R10 residence districts and their commercial equivalents, the threshold at which a sloping base pane can be established would be modified to sites with a five percent grade change between the front and rear wall;
    - *Distance between buildings:* Reduce "tower-in-the-park"-era requirements to be consistent with the State's Multiple Dwelling Law requirements; and
    - *Relief for unusual conditions:* Allow modification on a case-by-case basis through the establishment of a new discretionary action.

This component of the proposed ZQA zoning text amendment would primarily be applicable to R5D to R10 residence districts, as well as their residential equivalents in commercial and manufacturing

districts, as applicable. These changes would also be reflected in Special Districts and special areas that include these zoning districts. In addition, this component of the proposed ZQA zoning text amendment, as it affects the development of affordable senior housing and care facilities, would be applicable to R3-2, R4, and R5 zoning districts. As such, the proposed ZQA zoning text amendment would apply to the proposed zoning M1-4/R6 district.

Parking Requirements

The proposed ZQA zoning text amendment would define a "Transit Zone" in portions of the City that encompasses zoning districts that allow multi-family housing within a ½-mile walking distance from a subway station and other areas with lower rates of car ownership and utilization. The proposed ZQA zoning text amendment would include different rules within and outside the defined Transit Zone, as follows:

- *Inside the Transit Zone:*
    - *Qualifying Affordable housing:* Eliminate parking requirements for new low-income or Inclusionary Housing units;
    - *Senior housing:* Eliminate parking requirements for new affordable independent residences for seniors, and allow existing affordable senior housing developments to reduce or eliminate their parking; and
    - *Reductions allowed on a case-by-case basis:* Through discretionary review, allow new buildings to reduce required parking to enable mixed-income development or existing affordable buildings with underutilized parking to reduce or eliminate requirements.

- *Outside the Transit Zone:*
    - *Qualifying Affordable housing:* The requirements for multifamily zoning districts (R3-2, R4, R5, R5B, and R5D-R10 districts) would remain generally consistent with Column C of ZR Section 25-25. There would be no reduced parking for affordable housing in single-family and two-family zoning districts; and
    - *Senior housing:* Reduce parking requirements for affordable independent residences for seniors to 10 percent, or one space per 10 units, in multifamily districts (R3-2, R4, R5, R5B, and R5D-R10 districts). Allow existing low-income senior housing to reduce parking by BSA Special Permit.

This component of the proposed ZQA zoning text amendment would primarily be applicable to multi-family residence districts, as well as their residential equivalents in commercial and manufacturing districts, as applicable. These changes would also be reflected in Special Districts and special areas that include these zoning districts. In addition, this component of the proposed ZQA zoning text amendment, as it affects the development of affordable senior housing and care facilities in single- and two-family zoning districts, would be applicable to R1 through R5 zoning districts. The rezoning area is located outside the transit zone, however, the proposed parking requirements under ZQA would not be applicable to either the proposed project scenario or mixed-use scenario.

Mandatory Inclusionary Housing (MIH) Program

As stated in Attachment A, "Project Description," independent of the proposed action for the proposed project, DCP is proposing a citywide zoning text amendment to authorize a Mandatory Inclusionary Housing (MIH) program. The proposed MIH text amendment is currently in public review and, if adopted before the proposed project is approved, will be applicable to the proposed MX special zoning district.

The purpose of the proposed MIH program is to promote neighborhood economic diversity in locations where land use actions create substantial new housing opportunities. The text amendment will have no effect until MIH areas are mapped through subsequent discretionary actions of the CPC, each of which will be subject to a public review process and separate environmental review. As with zoning actions generally, MIH Areas may be mapped through DCP-initiated actions or as part of private applications, including certain zoning map amendments, text amendments, and Special Permits that create opportunities for significant new housing development. Below is a description of the affordability requirements, as currently proposed by the MIH citywide text amendment. For a full description of the MIH proposal, see ULURP application N 160051 ZRY.

Affordability Requirements

The MIH program would require permanently affordable housing set-asides for all developments over ten units or 12,500 zoning square feet within MIH-designated areas or, as an additional option for developments between ten and 25 units (or 12,500 to 25,000 zoning square feet), a payment into an Affordable Housing Fund. In cases of hardship, where these requirements would make development financially infeasible, developers may apply to the Board of Standards and Appeals (BSA) for a special permit to reduce or modify the requirements. MIH will not be applicable to developments, enlargements, or conversions that do not exceed either ten units or 12,500 zoning square feet of residential floor area.

The proposed MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility tradeoff inherent between income levels and size of the affordable set-aside. When MIH is applied, the applicant, CPC, and City Council will choose one or more of the two primary options based on a consideration of area housing conditions, needs, and income levels within and near the area covered by the proposed action.

The proposed options are as follows:

- *Option One:* 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.
- *Option Two:* 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

In addition, in areas where market conditions are anticipated to support new construction, but not the feasibility of reaching low-income levels without the use of subsidy, and where the creation of moderate-income housing would contribute to neighborhood economic diversity, the applicant, CPC, and City Council may choose to apply an additional option in addition to Options 1 and 2.

- *Workforce Option:* This option will require that a 30 percent set-aside of the residential floor area shall be provided as housing affordable to households at an average of 120 percent AMI, with no single qualifying household with income exceeding 130 percent of AMI, and with no public funding as defined in ZR Section 23-90, except where HPD determines that public funding is necessary to support other affordable housing within the development beyond the applicable set-aside. This option would not apply in Manhattan Core, which encompasses Community

Districts 1 through 8. Workforce Option is appropriate in "emerging" or "mid-market" areas where the skew of higher and lower rents contemplated in Options 1 and 2 is not supported by local market conditions.

Location

- *Same building:* In all instances, MIH affordable units may be located in the same building as market-rate units incurring the affordability obligation under the MIH program. The affordable units must be distributed on at least 50 percent of the building's floors. HPD may waive these distribution requirements for MIH sites containing affordable senior housing or supportive housing because the programmatic requirements of such facilities may be supported by the clustering of units, or for affordable floor area created in an MIH site through enlargement because the distribution of affordable units may be impracticable due to existing building configurations and occupancy. As in the Voluntary Inclusionary Housing (VIH) program, HPD may also waive the distribution requirements for any new construction affordable housing that cannot comply with the requirements of Federal, State, or local programs because of the distribution requirements.
- *Same zoning lot:* Affordable units may be located in a separate building on the same zoning lot that contains a market-rate building incurring the affordability obligation under the MIH program, provided that the buildings are independent from the street grade to the sky. Affordable and market-rate buildings that do not share a common entrance must have their primary entrances on a common street frontage, and may only front on a different street if HPD determines that an alternative configuration does not stigmatize occupants of the affordable housing.
- *Separate zoning lot:* As with the City's previous VIH programs, affordable units may also be located on a separate zoning lot within the same Community District or within ½-mile of the market-rate development incurring the affordability obligation under the MIH program. (Notably, market-rate developments where MIH units are provided on a separate zoning lot would not be eligible for the 421-a tax abatement.)

Building Envelope Controls

The MIH text amendment also includes a limited number of changes to building envelope controls that would be applicable only in certain non-contextual zoning districts when MIHAs are mapped in the future. These changes are intended to address similar bulk envelope constraints that are anticipated to be addressed by the ZQA proposal for the VIH program. The MIH text amendment would create an alternative bulk envelope controls for MIH developments in non-contextual R6-R8 zoning districts to facilitate the development of affordable housing. In R6 districts, MIH developments would be permitted a maximum base height of 65 feet and maximum building height of 115 feet (or 11-stories).

As discussed above, the proposed project is the development of a 200-bed skilled nursing home and ambulatory diagnostic and treatment facility. However, as the proposed action would map an M1-4/R6 Special Mixed-Use District, residential uses would be permitted as-of-right. The proposed action also includes a zoning text amendment that would map an MIHA, and MIH would therefore be applicable to the rezoning area. While the applicant intends on developing the community facility use described above, because the proposed action would result in a MIH M1-4/R6 zoning district, an alternate RWCDS for a mixed-use development ("mixed-use scenario") is also considered for conservative analysis purposes. It is assumed that in the absence of the development of the nursing home and ambulatory

facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units, 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning.

For purposes of this environmental review, it is assumed that the applicant would propose the option that would require 25% of the residential floor area be designated as affordable housing units for residents with incomes averaging 60% AMI. As such, it is assumed for analysis purposes that 22 of the 88 DUs would be considered permanently affordable for residents earning 60% AMI. In addition, the RWCDS mixed-use scenario also analyzes a building with a maximum height of 115 feet.

Future With the Proposed Action (With-Action Condition)

This section describes the land use, zoning, and public policy conditions that would result from the proposed action by 2018 and evaluates the potential for the proposed action to result in significant adverse impacts.

Land Use

Per CEQR methodology, although changes in land use could lead to impacts in other technical areas, significant adverse land use impacts are extraordinarily rare in the absence of an impact in another technical area. Also, according to the *CEQR Technical Manual*, many land use changes may be significant, but not adverse.

In the future with the proposed action, the primary study area is expected to be redeveloped with community facility, residential, and retail uses with a greater amount of development than would occur under 2018 No-Action conditions.

Primary Study Area

With the proposed zoning map change from M2-1 to M1-4/R6, residential and community facility uses would be permitted in the project area, in addition to high-performing, light industrial and commercial uses (Use Groups 1- 14, 16 and 17). The special MX district would combine a light industrial (M1) district with a residential district (R6) and would permit a mix of selected light industrial, commercial, residential and community facility uses under applicable regulations. The MX district permits mixed-use buildings and includes an expanded definition of "home occupations," permitting a broader variety of live-work accommodations than is allowed in regular zoning districts. Residential uses would be subject to the bulk regulations of the governing R6 residential district; commercial, industrial and community facility uses would be subject to the M1 bulk controls, except that community facilities would be subject to residential FAR limits. The proposed M1-4/R6 zoning district would allow residential uses up to a maximum FAR of 2.43 (3.0 on wide streets pursuant to the Quality Housing program), community facilities up to 4.8 FAR, and high-performing industrial and commercial uses up to 2.0 FAR. Both the M1-4 and R6 zoning districts permit a maximum base height of 60 feet above which compliance with a sky exposure plane is required. With ZQA and MIH, MIH developments in special MX districts with R6 zoning district designations would be permitted a maximum building height of 115 feet.

By 2018 under With-Action Scenario conditions, it is expected that the applicant would complete the proposed development, which would be facilitated by the proposed action including the proposed zoning map change, zoning certification and special permit, as previously stated.[6]

The applicant would construct approximately 173,989 gsf (157,500 zsf) of community facilities, including a 200-bed skilled nursing home facility and an approximately 26,350-zsf ambulatory diagnostic and treatment center, along with 53 associated accessory parking spaces. The proposed building would have an approximately 3.94 FAR and would range in height from two to eight stories with frontages on King, Conover and Sullivan Streets. The nursing home's main entrance would be on King Street, and the ambulatory diagnostic and treatment center would be accessible from Conover Street. The accessory parking spaces would be accessible from Sullivan Street.

While the applicant intends on developing the community facility use described above, because the proposed action would result in a M1-4/R6 zoning district, a mixed-use development could potentially be developed on the development site. It is assumed that in the absence of the development of the nursing home and ambulatory facility, the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units, 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning. The mixed-use scenario would also include a 54,930 sf parking garage with 75 accessory parking spaces. As a result of the ZQA and MIH text amendments, the building in the mixed-use scenario could rise to a maximum height of 115 feet.

The incremental development that would occur under proposed project scenario is shown in Table C-4a. As compared to 2018 No-Action conditions on the project site, the 2018 proposed project scenario With-Action condition would represent incremental increases of 173,989 gsf of community facility use, and 53 parking spaces. The 2018 With-Action condition would result in a decrease of 5,955 gsf of storage/warehouse uses and 34,000 sf of open vehicle storage within the project area.

Table C-4a: Incremental Project Area Development – Proposed Project Scenario

Use	No-Action	With-Action	Net Increment
Storage/Warehouse	5,955 gsf	0	**-5,955 gsf**
Open Vehicle Storage	34,000 sf	0	**-34,000 sf**
Community Facility	0	173,989 gsf	**+ 173,989 gsf**
Parking	0	53 spaces	**53 spaces**

The incremental development that would occur under the mixed-use scenario is shown in Table C-4b. As compared to 2018 No-Action conditions on the project site, the 2018 mixed-use scenario With-Action condition would represent incremental increases of 88,000 gsf of residential uses (88 DUs), 73,800 gsf of commercial office uses, 24,600 gsf of community facility uses, and 75 parking spaces. The 2018 With-Action condition would result in a decrease of 5,955 gsf of storage/warehouse uses and 34,000 sf of open vehicle storage within the project area.

[6] If the ZQA text amendment is approved prior to the approval of the proposed action, the requested zoning certification and zoning special permit to facilitate the proposed project would not be required.

Table C-4b: Incremental Project Area Development – Mixed-Use Scenario

Use	No-Action	With-Action	Net Increment
Storage/Warehouse	5,955 gsf	0	**-5,955 gsf**
Open Vehicle Storage	34,000 sf	0	**-34,000 sf**
Commercial – Office	0 gsf	73,800 gsf	**+73,800 gsf**
Residential (DUs)	0 gsf	88,000 gsf (88 DUs)	**+88,000 gsf (88 DUs)**
Community Facility	0 gsf	24,600 gsf	**+ 24,600 gsf**
Parking	0 spaces	75 spaces	**75 spaces**

Notes: This RWCDS considers the effects of the proposed MIH/ZQA text amendments, which were certified by the City Planning Commission on September 21, 2015 to enter into public review.

Assessment

Under the proposed project scenario, the proposed action would introduce new community facility uses to the Red Hook neighborhood on a currently underutilized site that would remain underutilized in the future without the proposed action. The proposed development site was selected for several reasons, including its location within Kings County, its sufficient size, and the fact that the site is currently underdeveloped and therefore suited for development of a new building.

The NYSDOH has deemed Oxford's existing facility at 144 South Oxford Street below modern nursing home standards—partly due to its lack of handicap facilities. It is not considered to be part of the city's long-term resources of skilled nursing homes and would eventually be closed permanently. The current facility is not eligible for federal loans for improvements to the site.

With the permanent closure of Oxford's nursing home, an estimated 200 full-time jobs would be lost, and the Borough of Brooklyn would lose approximately 200 nursing home beds. Additionally, local suppliers and vendors would lose business, since the current facility's equipment is locally sourced. Therefore, in early 2009 the state granted the applicant a Certificate of Need for 139-141 Conover Street.

The proposed action would enhance the project area and the surrounding area by activating an underutilized site that historically has been used for industrial uses.

In the instance that the nursing home is not developed at this site, the proposed action has the potential to result in a mixed-use development. The potential residential, commercial, and community facility uses would also enhance the project area and surrounding area by creating a vibrant use and activating a long underutilized site.

Therefore, the proposed action is expected to have a beneficial effect within the project area and surrounding study area by activating what would otherwise be an underutilized parcel and would not result in significant adverse impacts on land use in the project area.

Secondary Study Area

Assessment

The proposed action would not result in significant adverse impacts to land use within the secondary study area. As discussed above, no new development is anticipated within the secondary study area by

the build year of 2018. Therefore, the proposed action would not disrupt the existing patterns of development in the surrounding area.

Overall, the proposed action would not adversely affect existing land use patterns and trends. The changes associated with the proposed action would be considered beneficial, including redeveloping underutilized land, and providing much needed community facility and residential opportunities in this community.

Accordingly, the proposed action would not result in significant adverse land use impacts.

Zoning

In the future with the proposed action, the existing zoning in the primary study area (rezoning area) would change. The proposed zoning changes as a result of the proposed action are shown in Figure C-5, described in detail below, and summarized in Table C-5.

Proposed Zoning Map Changes

Assessment

As shown in Figure C-5, the proposed action would result in a zoning map amendment to the primary study area. The existing low-density M2-1 zoning designation in the rezoning area would be replaced with a M1-4/R6 special mixed-use district (MX-5), which would allow residential, light industrial, and community facility development. The rezoning area is located adjacent to an existing R5/C1-3 zoning district along the Van Brunt Street frontage of Block 555, Lot 5; therefore, the proposed action would extend residential zoning with similar districts (R6) onto the project area.

Table C-5: Summary of Proposed Zoning Districts and Regulations

District	Maximum FAR	Maximum Base Height	Maximum Building Height
Proposed M1-4/R6	Residential: 2.43 Community Facility: 4.8 Commercial: up to 2.0 Manufacturing: 2.0	60 feet	*Governed by Sky Exposure Plane and pursuant to ZR Section 123-662*- Maximum Building Height: 110 feet*

Notes: *Under the proposed ZQA and MIH text amendments, MIH developments in special MX districts with R6 zoning designations would be permitted a maximum height of 115 feet (currently the maximum height permitted is 110 feet pursuant to ZR Section 123-662).

The proposed M1-4 zoning district would permit a mix of uses, including the proposed Use Group (UG) 3 nursing home and UG 4 ambulatory diagnostic and treatment facility, and would make existing non-conforming residential uses on Lot 34 and 35 in the rezoning area conforming.

Proposed Special Permit and Zoning Certification

Assessment

Collectively, the special permit and zoning certification would help to facilitate the proposed project.[7] These actions would only affect the primary study area and therefore a conceptual analysis of these changes is not required as no other sites would be affected
A discrete assessment of each action is provided below.

Special Permit: The applicant is requesting a zoning special permit from the CPC pursuant to ZR Section 74-902 in order to increase the permitted maximum community facility floor area on the proposed development site in the proposed mixed-use M1-4/R6 and existing R5/C1-3 zoning districts. The requested special permit would modify the requirements of ZR Section 24-111, which states that the maximum permitted floor area ratio (FAR) of nursing homes, health-related facilities or domiciliary care facilities for adults in R6 zoning districts is 2.43, and that the maximum permitted FAR of those types of facilities in R5 zoning districts is 1.27. The proposed community facilities would have an FAR of 3.94. The requested special permit would allow the maximum permitted community facility FAR of 4.66 for the site (which combines the maximum allowable FARs in the respective R6 and R5 districts), pursuant to ZR Section 24-11, to apply in lieu of the applicable 2.43 and 1.27 FARs that are permitted as-of-right. The applicant believes that the requested special permit to facilitate the community facility development on the site is appropriate and is necessary in order to create a site plan and building layout and design that is superior to that which is permitted as-of-right and would accommodate the 200 bed nursing home and ambulatory diagnostic and treatment facility. The requested special permit would allow for the development of a state-of-the-art skilled nursing home facility and ambulatory diagnostic and treatment facility. The proposed nursing facility and ambulatory diagnostic and treatment facility would provide a critical and valuable service to the surrounding area in addition to Brooklyn as a whole.

Zoning Certification: As the proposed development would introduce a 200-bed nursing home (UG 3) and an ambulatory diagnostic and treatment facility (UG 4) on the proposed development site in the proposed M1-4/R6 and existing R5/C1-3 zoning districts, the applicant is seeking a certification from the CPC, pursuant to New York City Zoning Resolution (ZR) Section 22-42, that the proposed community facility uses would not result in any of the following conditions in Brooklyn CD6: (1) a concentration of nursing homes and other health-related facilities in CD6 as compared to other community districts; (2) a scarcity of land for general community purposes; or (3) a disruption in the land use balance in the community due to the construction of health-related facilities within the last three years. If the CPC finds that one or more of these conditions applies to CD6, a special zoning permit pursuant to ZR Section 74-90 would also be required for the project.

VII. WATERFRONT REVITALIZATION PROGRAM

The rezoning area is located within the New York City Coastal Zone and, as such, is subject to review for its consistency with the City's Waterfront Revitalization Program. In accordance with the guidelines of the *CEQR Technical Manual*, a preliminary evaluation of the proposed action's potential for consistency with the new WRP policies was undertaken. This preliminary evaluation requires completion of the

[7] With the adoption of the proposed ZQA text amendment, the proposed project would not require a certification under ZR Section 22-42 or the special permit pursuant to ZR Section 74-902.

Consistency Assessment Form (CAF); the questions in the CAF are designed to screen out those policies that would have no bearing on a consistency determination for a proposed action. For any questions that warrant a "yes" answer or for which an answer is ambiguous, an explanation should be prepared to assess the consistency of the proposed action with the noted policy or policies (see Appendix C for the WRP CAF).

As discussed above, in October 2013, the City Council approved revisions to the WRP in order to proactively advance the long-term goals laid out in Vision 2020: The New York City Comprehensive Waterfront Plan, released in 2011. The changes will solidify New York City's leadership in the area of sustainability and climate resilience planning as one of the first major cities in the U.S. to incorporate climate change considerations into its Coastal Zone Management Program. They will also promote a range of ecological objectives and strategies, facilitate interagency review of permitting to preserve and enhance maritime infrastructure, and support a thriving, sustainable working waterfront. The revisions to the WRP are currently pending State and Federal approval in order to go in to effect.

Per the recently revised WRP, the following policies warranted further assessment: 1; 1.1; 6; 7.2; and 9.1. Therefore, these policies are addressed below.

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

The proposed action would create opportunities for new housing, community facility, commercial, and light industrial development on underutilized and vacant land formerly used for manufacturing. The rezoning area is not located directly on the waterfront. The section of the coastal zone falling within the proposed action area does not contain any natural or topographic features that would hinder redevelopment. Therefore, this area is appropriate for the residential, commercial, and community redevelopment that would be facilitated by the proposed action. As the proposed action would encourage and facilitate mixed-use redevelopment in an area currently characterized by underutilized waterfront properties, it is therefore consistent with this policy.

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

See response to Policy 1, above. In addition, as the proposed development site is currently used for storage/warehouse and vehicle storage uses, a metal fabrication, and welding and repairs shop, no maritime or industrial jobs would be displaced as a result of the proposed action. Further, while the proposed project is the development of a skilled nursing home facility and ambulatory diagnostic and treatment center that would include 200 jobs, the proposed rezoning to a MX-5 special mixed use district would permit various uses including light industrial.

1.2 Encourage non-industrial development that enlivens the waterfront and attracts the public.

See response to Policy 1, above.

POLICY 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.

The rezoning area is located within the currently applicable Zone AE12 (see Figure C-6). The design and construction of the proposed development would comply with New York City Building Code requirements for construction within the 100-year for the applicable building category. The proposed project would be designed in accordance with Appendix G of the New York City Building Code. The proposed project would be constructed to meet the standards of the New York City Building Code and the Best Available Flood Hazard Data available from FEMA at the time of construction. The ground floor of the nursing home portion of the proposed development is used only for parking, with mechanicals located 5'-0" above grade, which is above the base flood elevation. The lobby of the ambulatory diagnostic and treatment facility portion of the proposed development is located at grade, but the remainder of the ground floor is elevated 5'-0" above grade. The lobby space, used only for building access, is the only enclosed building space located below the Base Flood Elevation of 10'. The lobby space will be a combination of wet and/or dry flood proofed. While the specific flood proofing measures have not yet been determined, the lobby space will likely be dry flood proofed with a 5' high barrier or gate dropped in or placed in front to seal off the entrance doors. The enclosed parking and entrances to the nursing home and medical offices from the street are at grade and handicapped accessible and all elevated portions of the ground floor are accessible from grade by elevator and stairs.

Due to the proposed nursing home's location within a flood zone, the applicant will implement an emergency preparedness plan consistent with New York State Department of Health requirements, which will include, at a minimum, the following provisions:

- Transfer agreements: Should evacuation be necessary, transfer agreements will be in place with various nursing homes, both in Red Hook and outside Red Hook, as well as with hospitals for residents with acute needs who may need hospitalization. An agreement will be in place with an ambulance service to be responsible for all transfers.

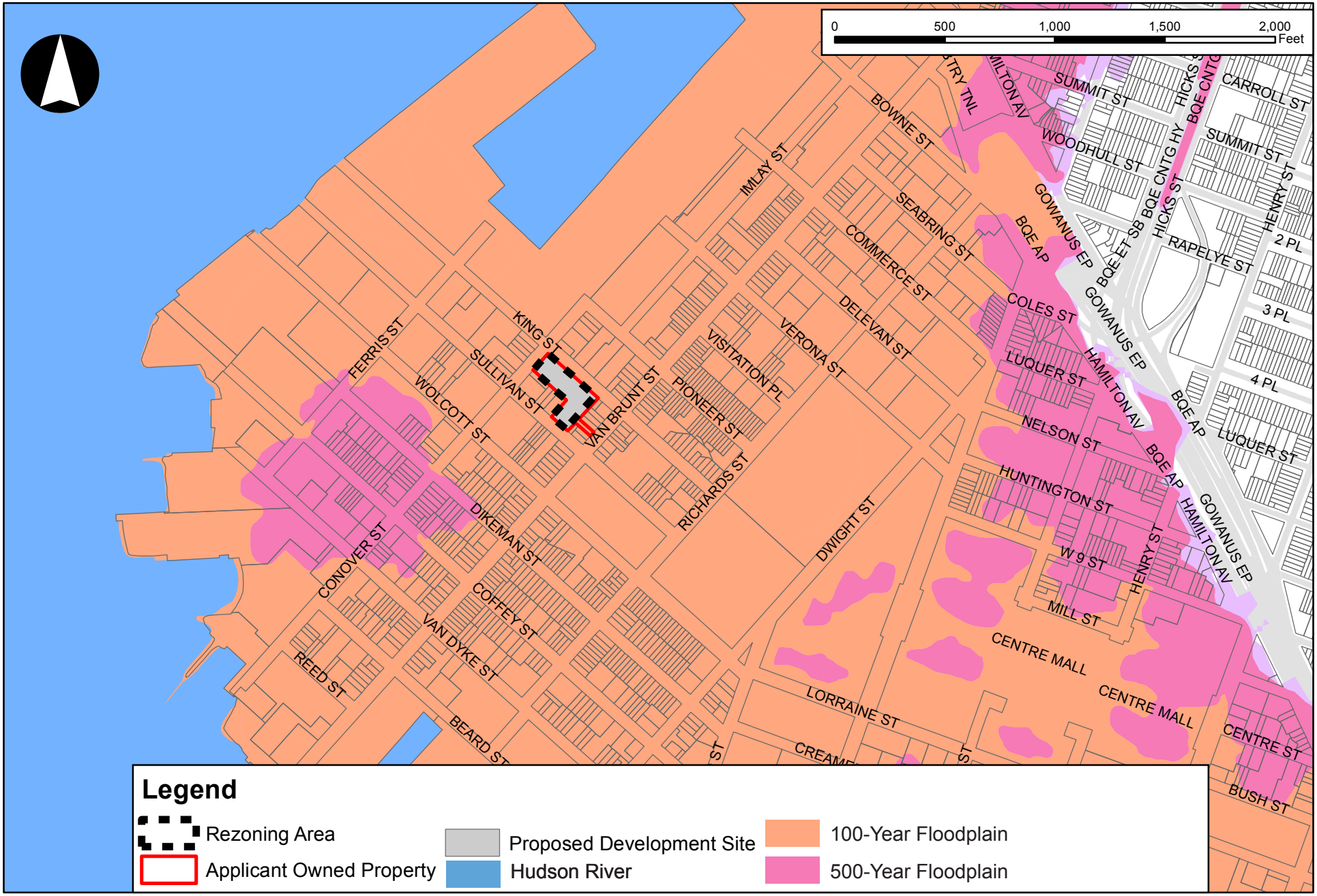
- Evacuation tracking: The nursing home employees will be trained in the Department of Health's E-Find system, which is designed to keep track of all residents who are evacuated from skilled nursing facilities. Evacuated residents will be scanned into the system, with the receiving facility entered, and when they arrive, the receiving facility will enter that they have arrived.

- Emergency water, food and medicine supplies: A minimum three day supply of clean water and canned food as well as an emergency supply of medicine will be maintained and periodically checked to ensure expiration dates are current.

- Emergency backup generator: An emergency generator with a minimum of a two day fuel supply will be placed above the Base Flood Elevation to ensure it does not get damaged by water in the event of a storm. The generator will be tested weekly and monthly on full load to ensure it is working properly.

- Power outage: Partnership with Office of Emergency Management to participate in a program providing radios to be used in emergencies to access assistance for residents. OEM will monitor these radios and provide the necessary help.

- Employee emergency and disaster training: Employees will be trained to follow OSHA guidelines, which include a matrix for all natural disasters as well as attacks. Employees will receive training upon hire and annually.



Oxford Nursing Home EAS

Figure C-6

Preliminary FEMA Floodplain Map

- Adequate staffing: In the event an emergency situation is anticipated, employees working in the nursing home will be asked to stay over, with no employee allowed to leave before their replacement arrives. All transportation will be arranged and paid for by the nursing home.

As discussed in detail above, in the event of an emergency, the applicant would implement an emergency preparedness plan consistent with New York State Department of Health requirements in addition to having an emergency diesel generator with an accessory tank holding a minimum two-day fuel supply. Therefore, the proposed project would minimize the potential for public and private losses due to flood damage, reduce the exposure of public utilities to flood hazards, and prepare for and address future risks, and would be consistent with this policy.

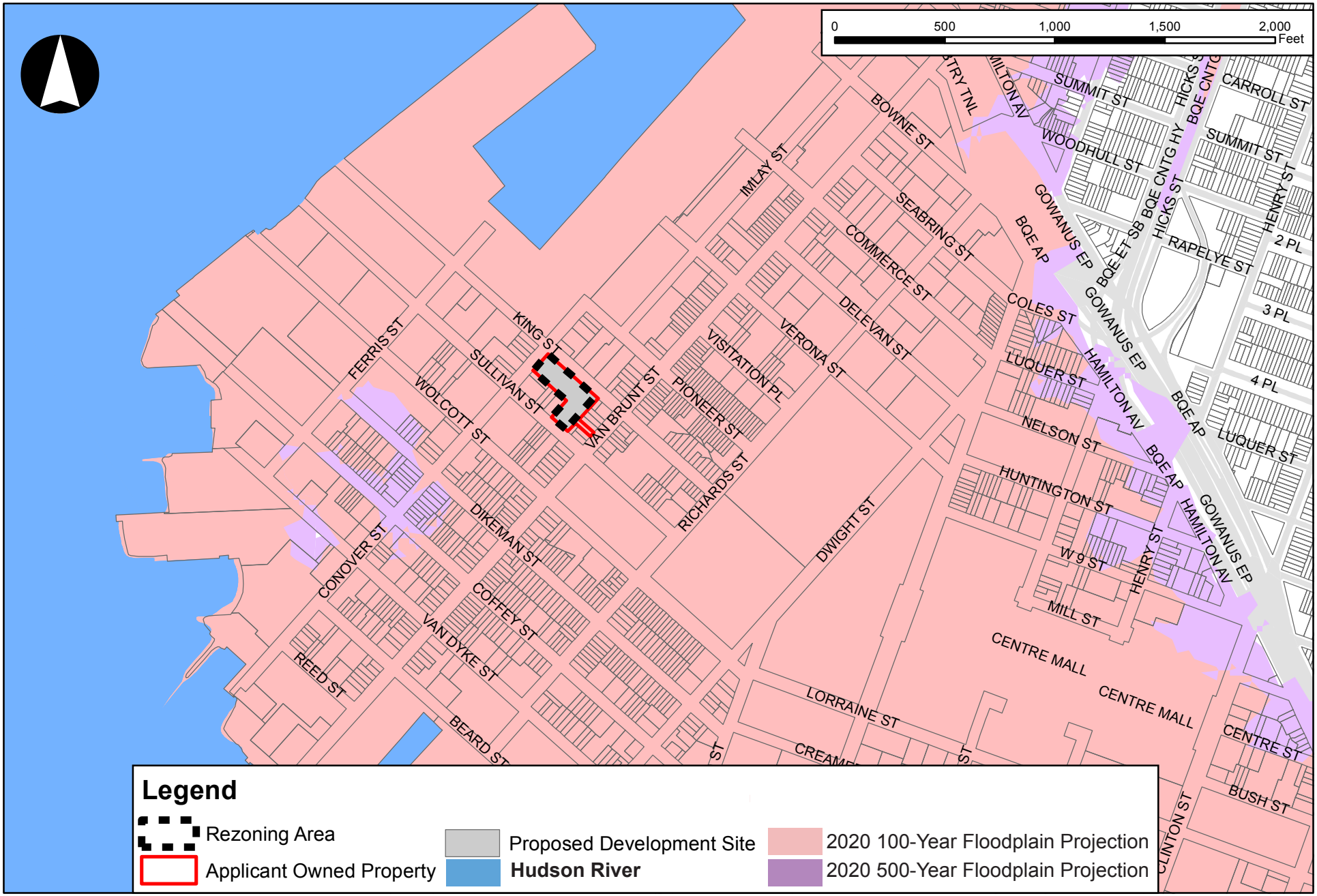
The NPCC additionally recommends assessing the impacts of projected sea level rise on the lifespan of projects. While the NPCC developed a series of maps incorporating projections for sea level rise with FEMA's 2013 Preliminary Work Maps, because of limitations in the accuracy of flood projections, the NPCC recommends that these maps not be used to judge site-specific risks. However, in general, the NPCC estimates that in the New York City area, sea level will rise up to a high estimate of 11 inches by the 2020s, and up to a high estimate of 31 inches by the 2050s. As such, areas not currently within the currently applicable 100-year and 500-year flood zones will be in the future, based on the NPCC projections. Furthermore, the NPCC projects that the frequency, extent, and height of 100-year and 500-year floods will increase by the 2050s.

Based on future 100-year flood zone projections for the 2020s and 2050s, the rezoning area would continue to remain within the 100-year flood zone (see Figures C-7a and C-7b). However, the NPCC recommends that these maps not be used to judge site-specific risks and they are subject to change. As previously stated, coastal floodplains are influenced by astronomic tide and meteorological forces and not by fluvial flooding, and as such are not affected by the placement of obstructions within the floodplain. In the event of a 100-year flood event, the facility would respond well, as it will be built with the lowest floor above the recently established Base Flood Elevation of 10'. In the very unlikely event of a 100-year flood event combined with a 31" sea level rise, the lowest floor of the building, which contains building mechanicals and offices, but no residents, may be vulnerable. However, the building's boiler and emergency diesel generator are located on the second floor level, which would still be several feet above a hypothetical base flood elevation that is 31" higher than today's. Should the sea level rise 31" in the future, additional flood proofing measures would need to be implemented to adapt the lowest floor of the building to minimize damage. Therefore, the construction and operation of the proposed project would not exacerbate future projected flooding conditions.

POLICY 7: Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environmental and public health and safety.

7.2 Prevent and remediate discharge of petroleum products.

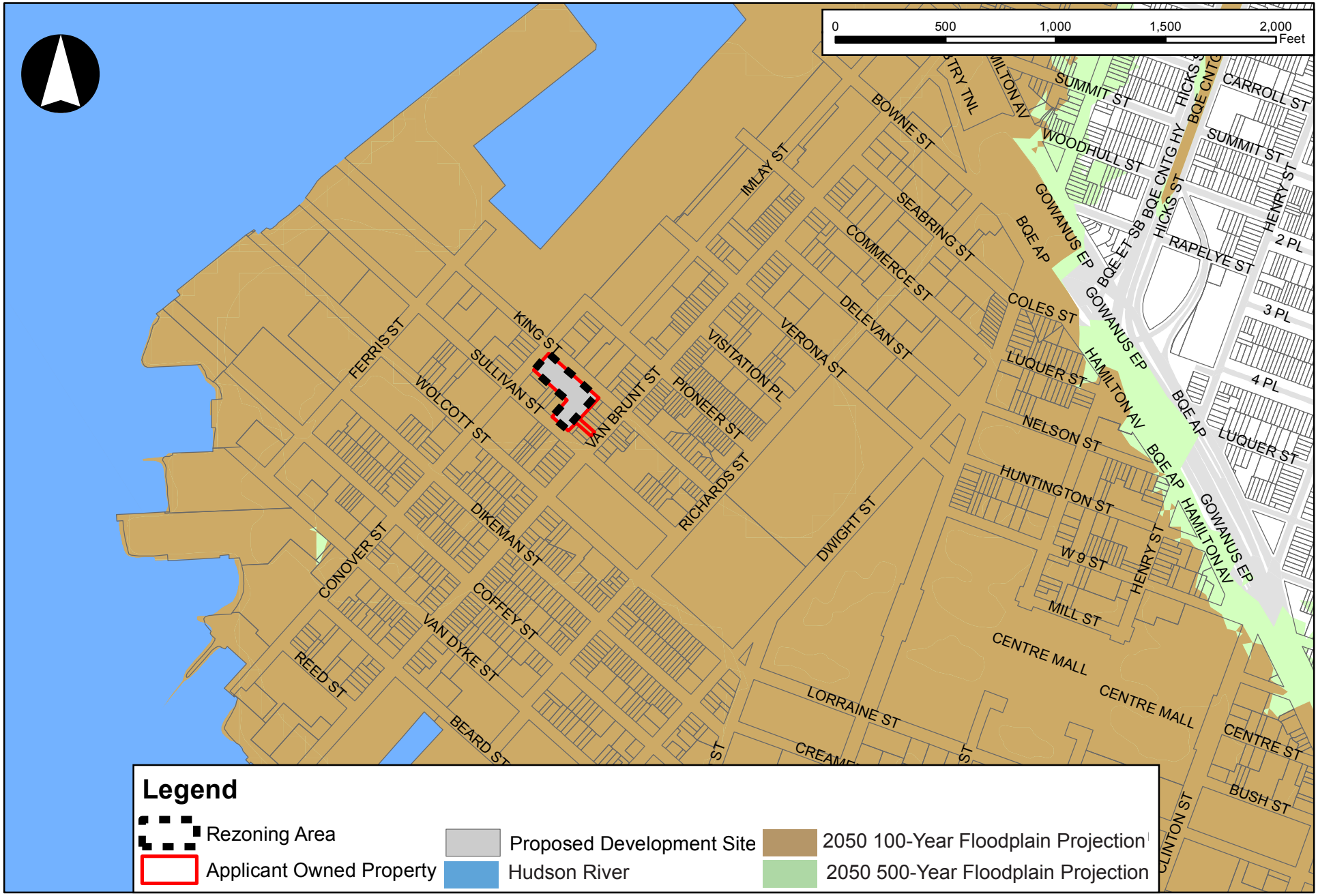
To reduce the potential for human or environmental exposure to known or unexpectedly encountered contamination during and following construction of the proposed project, a Phase II Environmental Site Investigation and Health and Safety Plan (HASP) would be prepared and submitted to DEP for review and approval. As discussed in Attachment E, "Hazardous Materials," the hazardous materials assessment identified that the proposed development site has some associated concern regarding environmental



Oxford Nursing Home EAS

Figure C-7a

NPCC Floodplain 2020 Projection Map



Oxford Nursing Home EAS

Figure C-7b

NPCC Floodplain 2050 Projection Map

conditions. As a result, the proposed zoning map action include an (E) designation for the proposed development site. Therefore the proposed action is not expected to result in significant adverse impacts for hazardous materials.

If petroleum storage tanks are encountered during project site redevelopment, these tanks would be properly closed and removed, along with any contaminated soil in accordance with the applicable regulations, including NYSDEC spill reporting and registration requirements. Therefore, the proposed project would be consistent with this policy**.**

POLICY 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

9.1 Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

There are no designated historic architectural resources within the rezoning area. The proposed action would protect and improve visual quality of the urban context in the study area and the overall Red Hook neighborhood. Currently, there are very few waterfront views from the upland blocks of Red Hook, mostly due to limited public access to the waterfront, and streets that do not extend to the edge of the water. Significant adverse effects to visual resources would not occur as a result of the proposed action, and in some cases the project would be beneficial to visual resources as it would replace vacant and underutilized industrial uses along the waterfront. Therefore, the proposed action would be consistent with this policy.

VIII. CONCLUSIONS

No significant adverse impacts on land use, zoning, or public policy, as defined by the guidelines for determining impact significance set forth in the 2014 *CEQR Technical Manual*, are anticipated in the future with the proposed action in the primary or secondary study areas. The proposed action would not directly displace any land uses so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with land uses, zoning, or public policies in the secondary study area. The proposed action would not create land uses or structures that would be incompatible with the underlying zoning, nor would it cause a substantial number of existing structures to become non-conforming. The proposed action would also not result in land uses that conflict with public policies applicable to the primary or secondary study areas.

Under both scenarios, the proposed action would result in an overall increase in community facility, residential, and/or commercial uses within the primary study area, when compared to conditions in the future without the proposed action. The proposed zoning map amendment would allow for a variety of uses at a scale and density that is compatible with the existing zoning designations in the surrounding area. The affected area contains lots used for vehicle/open storage, where community facility and residential uses are not permitted per the existing zoning. The proposed rezoning would provide opportunities for community facility, residential, commercial, and light industrial on an underutilized lot. Under the proposed M1-4/R6 zoning, light manufacturing, commercial, residential, and community facility uses would be permitted as-of-right. The proposed rezoning action would ensure that the zoning designation more accurately reflects the area's development trends.

Per the Waterfront Revitalization Program (WRP) Consistency Assessment, this chapter concludes that the proposed action would support the applicable policies of the recently revised WRP.

ATTACHMENT D

URBAN DESIGN & VISUAL RESOURCES

I. INTRODUCTION

The *City Environmental Quality Review* (CEQR) *Technical Manual* states that the urban design components and visual resources determine the "look" of a neighborhood—its physical appearance, including the street pattern, the size and shape of buildings, their arrangement on blocks, streetscape features, natural resources, and noteworthy views that may give an area a distinctive character. Pursuant to CEQR methodology, actions that would allow a project to potentially obstruct view corridors, compete with icons in the skyline, or make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings may warrant a detailed urban design and visual resources analysis. Since the proposed action would facilitate the construction of buildings that would be notably different in bulk, type, and use from the urban design of the project site and the surrounding area, a detailed urban design and visual resources analysis was prepared.

The proposed zoning map change would replace the existing M2-1 zoning district within the proposed rezoning area with an M1-4/R6 Mixed Use District (MX-5). In addition to the rezoning action, the proposed project scenario also includes a request for a special permit to increase the permitted maximum community facility floor area. As such, the proposed project scenario is analyzed for potential urban design and visual resources impacts.

This attachment considers the potential for the proposed action to affect the urban design characteristics and visual resources of the project area and the study area. As described in Attachment A, "Project Description," the rezoning area encompasses a portion of Lot 5 on Block 555 in the Red Hook neighborhood of Brooklyn Community District (CD) 6 (see Figures D-1 and D-2). The technical analysis presented below follows the guidelines of the *CEQR Technical Manual* and addresses each of the above-listed characteristics for existing conditions, the future without the proposed action (the No-Action condition), and the future with the proposed action (the With-Action condition) for a 2018 Build Year.

II. PRINCIPAL CONCLUSIONS

Urban Design

The proposed zoning map change would replace the existing M2-1 zoning district within the proposed rezoning area with an M1-4/R6 Mixed Use District (MX-5). In addition to the rezoning action, the applicant also is seeking a request for a special permit to increase the permitted maximum community facility floor area. As such, the proposed project scenario is analyzed for potential urban design and visual resources impacts. Development facilitated by the proposed action would not result in significant adverse impacts on urban design as defined by the guidelines for determining impact significance set forth in the 2014 *CEQR Technical Manual*. In the future with the proposed action, the visual appearance on the development site would be enhanced and thus the pedestrian experience of the project site would change somewhat; however, this change would not meet the 2014 *CEQR Technical Manual* threshold for a significant adverse urban design impact in that it would not alter the arrangement,

Legend

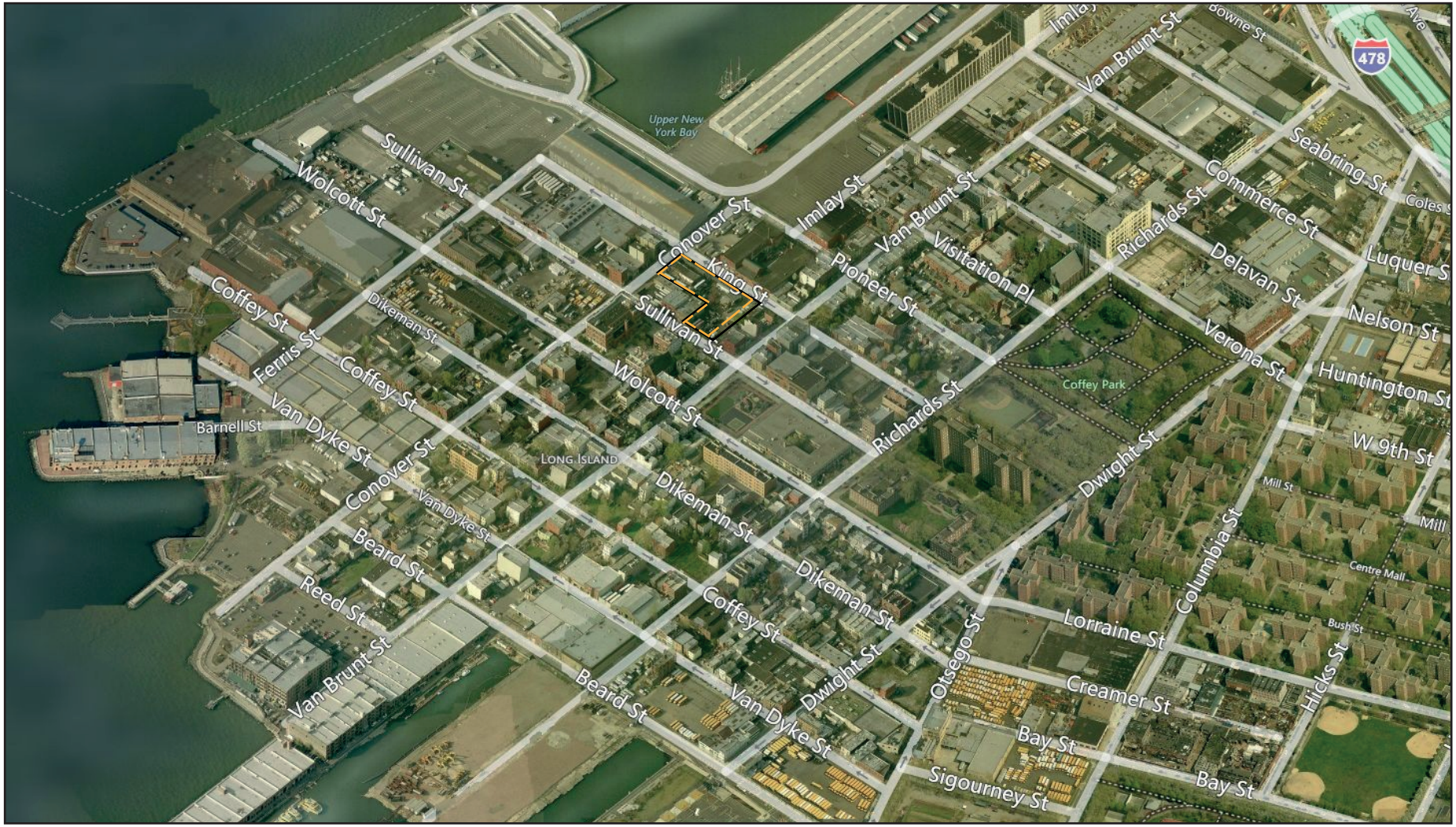
Primary Study Area (Rezoning Area)

Proposed Development Site

Oxford Nursing Home EAS

Figure D-1

Aerial View



Primary Study Area (Rezoning Area)

Proposed Development Site

Oxford Nursing Home EAS

Figure D-2

Bird's Eye View

appearance, or functionality of the development site such that the alteration would negatively affect a pedestrian's experience of the area. Rather, instead of an underutilized stretch of industrial and manufacturing buildings along Conover Street, Sullivan Street and King Street, the pedestrian experience of the area would include new buildings with active ground floor uses.

Visual Resources

There are no visual resources that can be seen from the rezoning area. The view corridors in the immediate vicinity of the rezoning area are obstructed by the existing industrial and transportation uses located to the west of the secondary study area. As such, the proposed action would not have any significant adverse impacts on visual resources.

III. METHODOLOGY

In accordance with the *CEQR Technical Manual,* this analysis considers the effects of the proposed project on the following elements that collectively form an area's urban design:

- *Street Pattern and Streetscape*—the arrangement and orientation of streets define location, flow of activity, and street views and create blocks on which buildings and open spaces are arranged. Other elements including sidewalks, plantings, street lights, curb cuts, and street furniture also contribute to an area's streetscape.
- *Buildings*—building size, shape, pedestrian and vehicular entrances, lot coverage and orientation to the street are important urban design components that define the appearance of the built environment.
- *Open Space*—open space includes public and private areas that do not include structures, including parks and other landscaped areas, cemeteries, and parking lots.
- *Natural features*—natural features include vegetation and geologic and aquatic features that are natural to the area.
- *View Corridors and Visual Resources*—visual resources include significant natural or built features, including important view corridors, public parks, landmark structures or districts, or otherwise distinct buildings.
- *Wind* – Channelized wind pressure from between tall buildings and downwashed wind pressure from parallel tall buildings may cause winds that may jeopardize pedestrian safety.

In general, an assessment of urban design is needed when a project may have effects on one or more of the elements that contribute to the pedestrian experience, described above. As the proposed action and subsequent development on the project site could result in physical changes to the project site beyond the bulk and form currently permitted as-of-right, it has the potential to result in development that could alter the arrangement, appearance, and functionality of the built environment and, therefore, change the experience of a pedestrian in the project area. The following urban design analysis follows the guidelines of the *CEQR Technical Manual.*

Per criteria of Section 230 of the 2014 *CEQR Technical Manual*, a wind condition analysis is not warranted for the proposed action. The proposed rezoning area is not located in a high wind location, such as directly along the waterfront, nor is it in a location where wind conditions from the waterfront

are not attenuated by buildings or natural features. The rezoning area is located more than a 1/4-mile from the waterfront, to the east of the Brooklyn Cruise Terminal and Atlantic Basin. The proposed action is expected to result in the construction of a 7- to 8-story nursing home and ambulatory and diagnostic treatment facility. The proposed development would be at a scale appropriate for the area, which conforms to the existing built context.

Study Area

The urban design study area consists of both a primary study area, which is coterminous with the boundaries of the rezoning area, where the urban design effects of the proposed action are direct, and a secondary study area (refer to Figure D-3, "Primary and Secondary Study Areas"). For the purpose of this assessment, the primary study area consists of the proposed rezoning area. The secondary study area extends an approximate 400-feet from the boundary of the rezoning area and encompasses areas that have the potential to experience indirect impacts as a result of the proposed action. It is generally bounded by Ferris Street to the west, Wolcott Street to the south, Pioneer Street to the north, and Richards Street to the east. Both the primary and secondary study areas have been established in accordance with 2014 *CEQR Technical Manual* guidelines.

The analysis of urban design and visual resources is based on field visits, photography, and computer imaging of the project site and surrounding study area.

IV. PRELIMINARY ASSESSMENT

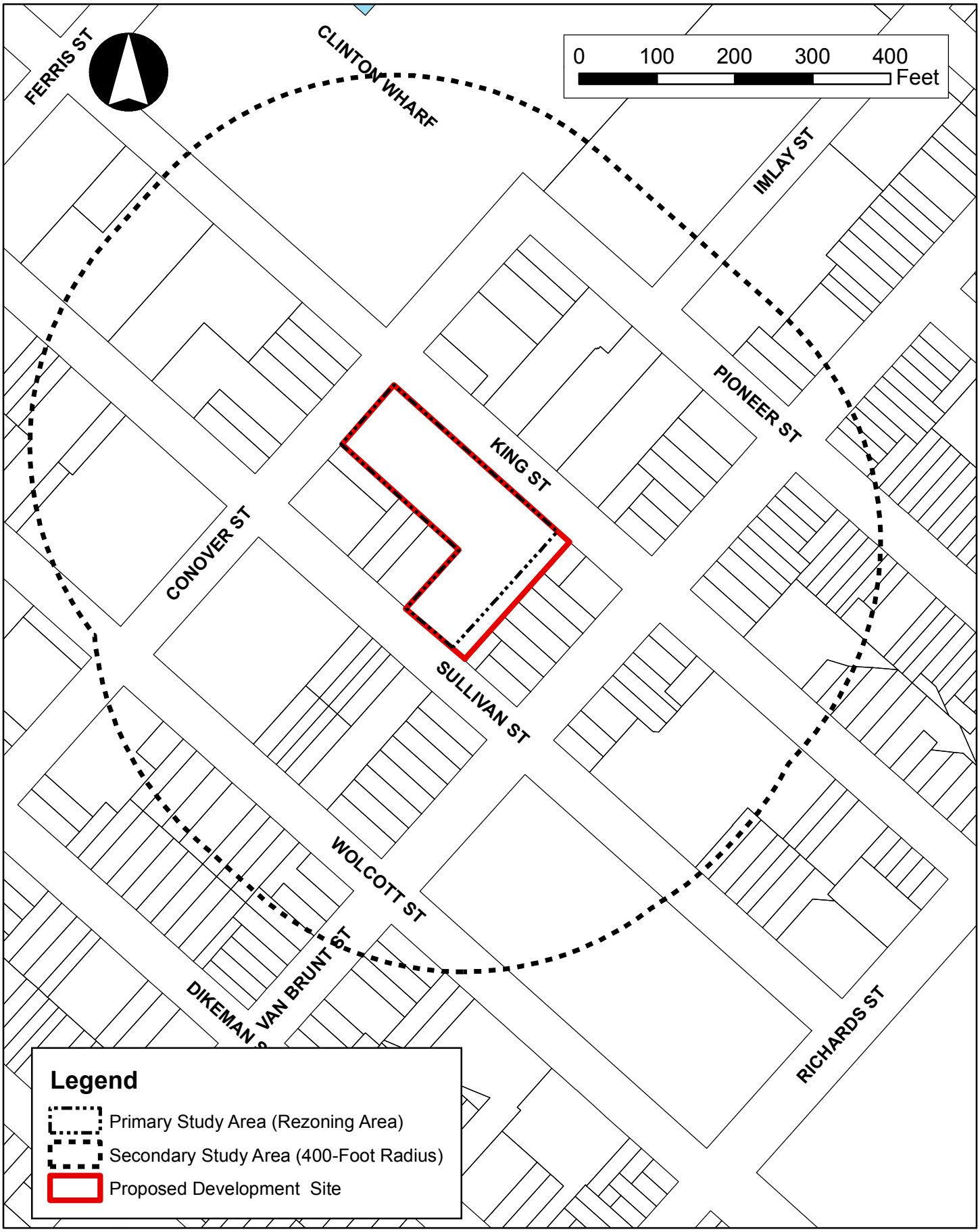
Pursuant to CEQR, a preliminary assessment of urban design is appropriate when there is the potential for a pedestrian to observe from the street level a physical alteration beyond that allowed by existing zoning. CEQR further stipulates a detailed analysis is warranted for projects that would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings. According to the 2014 *CEQR Technical Manual*, detailed analyses are generally appropriate for area-wide rezonings that include an increase in permitted floor area or changes in height and setback requirements. The increased scale, both in terms of bulk and height on the development site would be a notable change from the pedestrian's perspective to the appearance and character of the development site compared to the No-Action condition. The visual appearance would be enhanced and thus the pedestrian experience of the development site would change somewhat; however, this change would not meet the *CEQR Technical Manual* threshold for a significant adverse urban design impact in that it would not alter the arrangement, appearance, or functionality of the development site such that the alteration would negatively affect a pedestrian's experience of the area. As such, it would not result in a substantial alteration to the streetscape of the neighborhood, and therefore, a preliminary analysis of urban design has been conducted and is provided below.

Existing Conditions

Primary Study Area (Rezoning Area)

The rezoning area comprises a total of approximately 38,000 sf of Lot 5 on Brooklyn Block 555, including a portion of the midblock area and the northwestern corner of the subject block. This area is owned by the applicant and would be rezoned from M2-1 to the special mixed-use district (M1-4/R6).

Figure D-3
Primary and Secondary Study Areas



As shown in Figure D-4 and described in Table D-1, area Lot 5 includes four single story warehousing and industrial buildings, and bus and vehicle storage.

Table D-1: Existing Uses within the Primary Study Area

Block/Lot	Lot Area (sf)	Building Area (sf)	FAR	Land Use
555/p/o Lot 5	38,000	5,955	0.15	bus storage; refuse hauler vehicle storage; metal fabrication, welding and repairs shop

The proposed development site on Block 555, Lot 5 is an L-shaped parcel that comprises 40,000 sf and has frontages on King, Sullivan, and Conover Streets. The proposed development site is currently split by an existing zoning district boundary line with 38,000 sf located within the M2-1 zoning district, and the eastern 10 feet (2,000 sf) within an R5 zoning district with a C1-3 commercial overlay that extends 100' west of and parallel to Van Brunt Street. The proposed development site has approximately 300 feet of frontage on the south side of King Street (60 feet wide), 100 feet of frontage on the east side of Conover Street (60 feet wide), and 100 feet on the north side of Sullivan Street (60 feet wide). There are two existing curb cuts on King Street and three existing curb cuts on Conover Street.

Urban Design

Street Pattern and Streetscape

Under existing conditions, pedestrian and vehicular flow around the rezoning is light. There is a typical street grid pattern in the immediate vicinity of the rezoning area. Streetscape elements are minimal and are limited to chain link and metal fencing, standard street signs, cobra head lampposts, utility wires, fire hydrants and fire call boxes, and telephone poles (see Figure D-4). There are no street trees on the project block with the exception of several located along Van Brunt Street.

Buildings

The proposed development site is currently underdeveloped and is occupied by four single-story industrial brick and concrete buildings that are occupied by month-to-month tenants, including a bus operator that stores buses; a refuse hauler that occupies a portion of the lot to store its vehicles; and a metal fabrication, welding and repairs shop (see Figure D-4). The existing buildings comprise a total of approximately 5,955 gsf for a total built FAR of approximately 0.15.

Natural Features and Open Space

There are no natural features or open space located within the proposed rezoning area.

View Corridors and Visual Resources

There are no visual resources that can be seen from the primary study area. The view corridors in the immediate vicinity of the proposed rezoning area are obstructed by the existing industrial and transportation uses located to the west of the primary study area.

1. View of development site looking east from Conover Street

2. View of development site looking north from Sullivan Street

3. View of development site looking south from King Street

4. View of development site looking north from Conover Street

Secondary Study Area

Urban Design

Street Pattern and Streetscape

The street pattern in the study area is composed of rectilinear blocks with a street grid system, with wide avenues running east-west and narrow cross streets running north-south. The major two-way arterials in secondary study area that connect the waterfront to the Gowanus Expressway/Hamilton Avenue are Van Brunt Street and Richards Street. These streets cater mostly to local traffic and Van Brunt Street is designated as local truck route, which serves the industrial needs of Red Hook. This street runs generally north to south, south of the Gowanus Expressway/Hamilton Avenue. The north/south streets mostly carry local one-way traffic. Several of the one-way streets become two-way streets near the dead ends at the waterfront.

Buildings

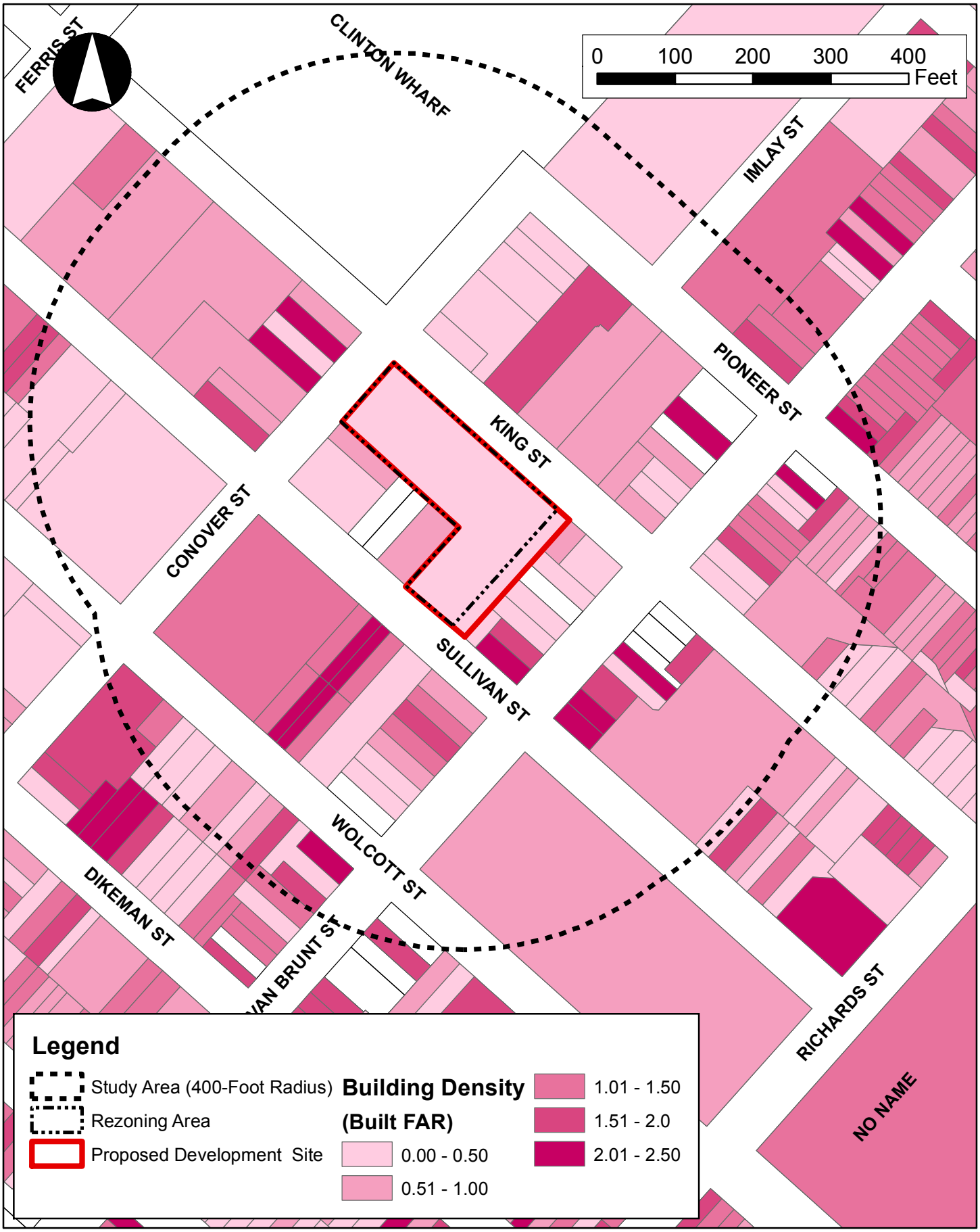
Table C-2 in Attachment C, "Land Use, Zoning, and Public Policy," summarizes the existing generalized land uses within the land use study area by tax lots and land area. Overall, as reflected in the table and in Figure D-5, the secondary study area contains primarily low-density development (see Figures D-5 and D-6) and a general mix of uses, with the predominant land uses being transportation, industrial, and parking facilities. The eastern portion of the secondary study area is predominantly characterized by residential, industrial, and institutional uses. The residential building types along Van Brunt Street are predominantly low-rise multi-family walkup building, but also include mixed residential and commercial buildings (refer to photos 5 through 8 in Figure D-7a). Two- to four-story multi-family walkups form a streetwall along Van Brunt Street, however, the street wall is punctuated by driveways and vacant lots. P.S. 15 Patrick F. Daly is a two-story elementary school which occupies a full block bounded by Van Brunt Street, Sullivan Street, Wolcott Street, and Richard Street (refer to photo 9 in Figure D-7b). A playground area occupies the western portion of the block along Van Brunt Street and is surrounded by a chain link fence (refer to photo 10 in Figure D-7b).

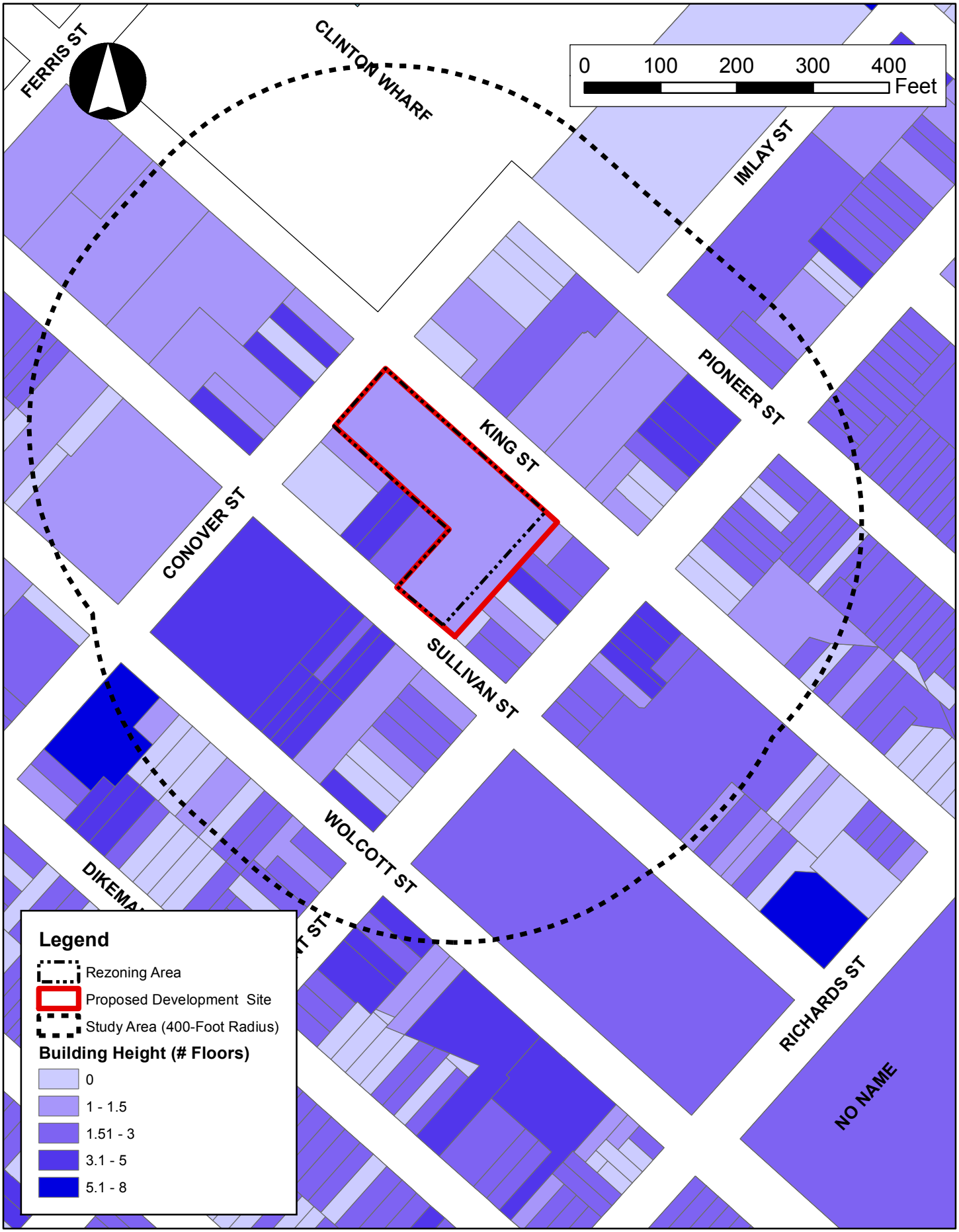
North of the rezoning area is characterized by large lots containing low-rise 1- and 2-story industrial/warehouse buildings (refer to photo 11 in Figure D-7b). There is a large fenced in open space along Conover Street between King Street and Pioneer Street. To the northwest of the rezoning area are portions of the Atlantic Basin dock operations (refer to photo 12 in Figure D-7b). The portion of the dock operations located in the study area is partially used to stage buses and private car services when cruise ships call at Pier 12, and partially used for parking and storage space. Directly south of Pier 11, the Port Authority leases a one-story, approximately 62,500 sf warehouse building on the block generally bounded by Conover, Ferris, Pioneer and King Streets (refer to photo 11 in Figure D-7b).

A school bus storage company is located to the south west of the project area along Conover Street between Wolcott and Sullivan Streets (refer to photo 13 in Figure D-7c). There is also a bus garage and storage facility and a sanitation company located on a block to the west of the project area, across Conover Street. There several low-rise 1-story industrial brick building, two 4-story multi-family walkup residential buildings, and one mixed 4-story mixed residential and commercial building located directly to the west of the rezoning area, across Conover Street (refer to photo 14 in Figure D-7c).

To the south of the rezoning area, there is a larger 4-story multi-unit elevator building that occupies a through lot site on the western half of Block 565 with frontage along Conover, Sullivan, and Wolcott

Figure D-5
Existing Building Density




FERRIS ST
CLINTON WHARF
IMLAY ST
PIONEER ST
KING ST
CONOVER ST
SULLIVAN ST
WOLCOTT ST
RICHARDS ST
NO NAME
0 100 200 300 400
Feet
Legend
Rezoning Area
Proposed Development Site
Study Area (400-Foot Radius)
Building Height (# Floors)
0
1 - 1.5
1.51 - 3
3.1 - 5
5.1 - 8

5. View of 322 Van Brunt Street south west

6. View of Van Brunt Street looking north from Sullivan Street

. View of Van Brunt Street looking south from King Street

8. View of Van Brunt Street looking east from Pioneer Street

9. View of PS 15 looking south east from Sullivan Street

10. View of PS 15 playground looking east from Van Brunt Street

11. View looking north along Conover Street between Pioneer and King Streets

12. View of Atlantic Basin dock operations looking north from Pioneer Street

13. View of school bus storage lot looking west from Conover Street

14. View looking west from Conover Street

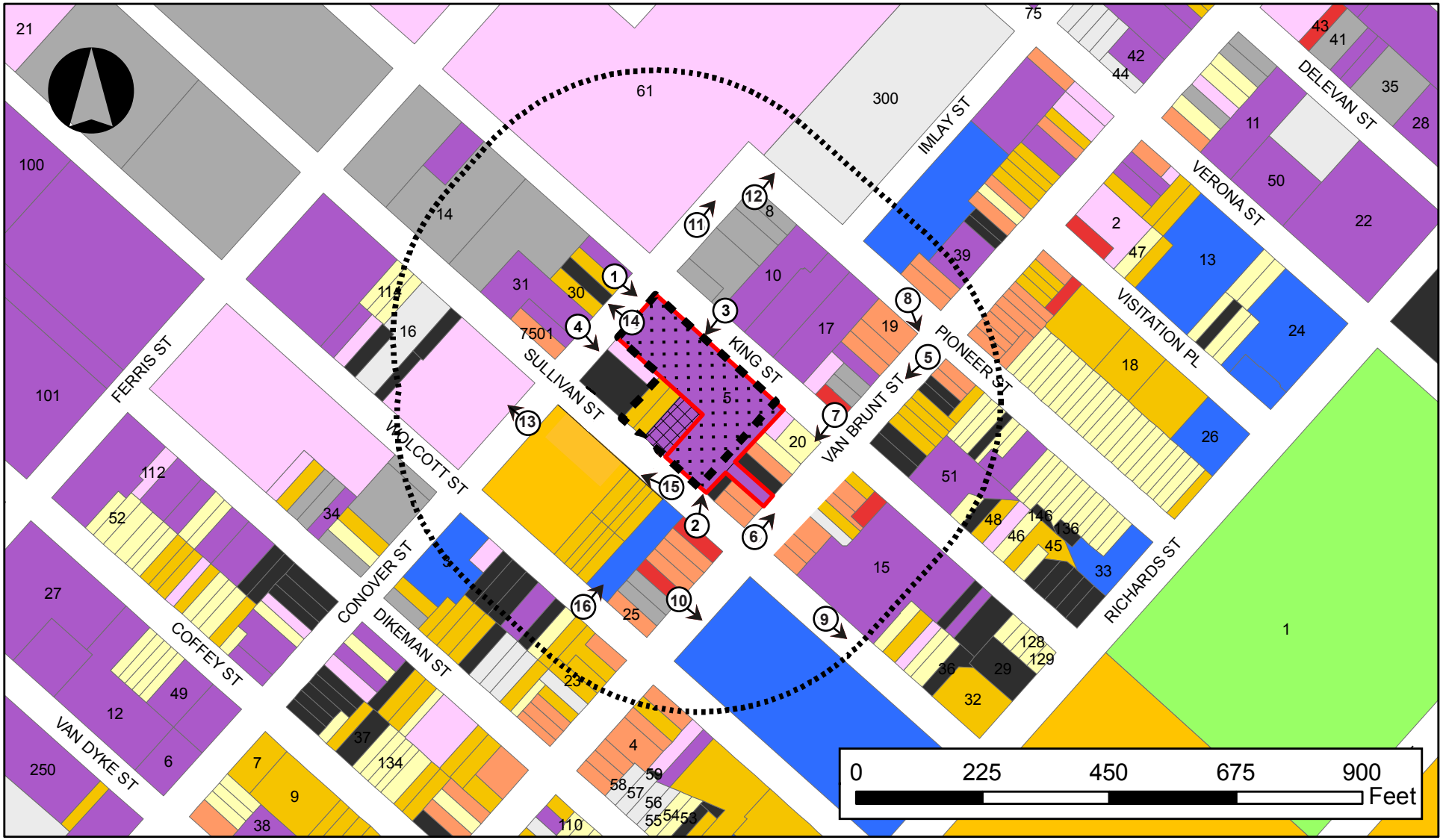
15. View looking south west along Sullivan Street

16. View of Red Hook Pentecostal Holiness Church looking north from Wolcott Street

Oxford Nursing Home EAS

Figure D-7c

Existing Conditions: Secondary Study Area



Legend

- Secondary Study Area (400' Radius from Rezoning Area)
- Primary Study Area (Rezoning Area)
- 4 Applicant Owned Property
- Proposed Development Site
- Projected Development Site
- 20 Photo Number and Direction
- One & Two Family Buildings
- Mutli-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

Oxford Nursing Home EAS

Figure D-8

Photo Key

Streets (refer to photo 15 in Figure D-7c). The Red Hook Pentecostal Holiness Church, located at 110 Wolcott Street, is a Romanesque/Gothic Revival style brick church and is located to the south of the rezoning area. There is an empty storage lot surrounded by a chain link fence for the church located on the same lot along Sullivan Street, directly to the south of the rezoning area.

Natural Features and Open Space

There are no natural features or open space located within the secondary study area.

View Corridors and Visual Resources

There are no visual resources that can be seen from the secondary study area. The view corridors in the immediate vicinity of the secondary area are obstructed by the existing industrial and transportation uses located to the west of the secondary study area.

Future without the Proposed Action (No-Action Condition)

Primary Study Area (Rezoning Area)

While it is possible that the proposed development site (p/o Lot 5), which is currently underdeveloped, could be redeveloped or expanded to accommodate additional commercial or medium-performing industrial/manufacturing uses, there has been little new commercial, industrial, or manufacturing investment or development in this part of Brooklyn. Further, the applicant has stated that the proposed development site would not be redeveloped without the proposed action. Therefore, it is anticipated that the proposed development site would remain in its current condition. In absence of the proposed action, therefore, the proposed development site would continue to be occupied by four low-rise industrial buildings with a total built FAR of 0.15, and accommodate automotive-related, vehicle-storage, and other industrial uses.

Secondary Study Area

Secondary Study Area

There are no known developments to be completed within the 400-foot study area by the analysis year of 2018.

Future with the Proposed Action (With-Action Condition)

This section describes the effects of the proposed action on the urban design and visual resource conditions in the area by 2018 and evaluates the potential for the proposed action to result in significant adverse impacts. In addition to the rezoning action, the proposed project scenario also includes a request for a special permit to increase the permitted maximum community facility floor area. As such, the proposed project scenario is analyzed below for potential urban design impacts.

Primary Study Area (Rezoning Area)

Proposed Project Scenario

The underlying zoning of the primary study area is manufacturing and the area contains underutilized lots as is primarily used for industrial warehouse uses and vehicle and open storage. In the future with the proposed action, a 200-bed nursing home and an ambulatory and diagnostic treatment facility would be developed on the project site. In addition, the requested special permit would allow to the applicant to increase the permitted maximum community facility floor area on the proposed development site in the proposed mixed-use M1-4/R6 and existing R5/C1-3 zoning districts.

Urban Design

Street Pattern and Streetscape

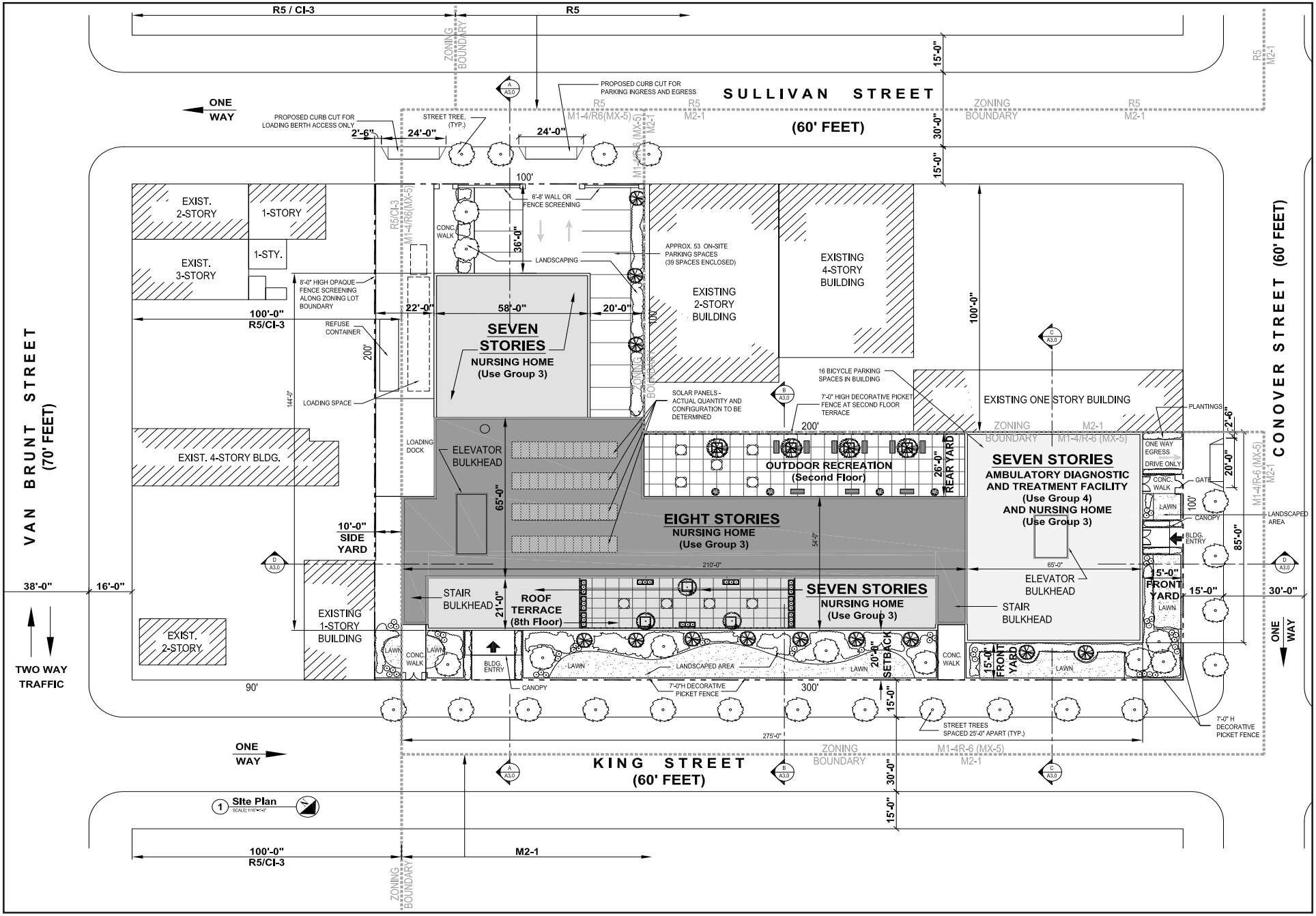
The primary study area's streetscape would improve in the With-Action condition. As shown in Figure D-9, the streetscape surrounding the project site would be enhanced through plantings and sidewalk improvements, as well as the reactivation of the pedestrian realm along these corridors. Street trees will be planted for every 25 feet of the development site's street frontage along Sullivan, Conover and King Streets. The unenclosed parking lot on Sullivan Street will be landscaped and screened in accordance with applicable Zoning Resolution requirements, and the 15' and 20' front yards along Conover and King Streets will be landscaped. Wall lights(architectural and flood) will be installed along the buildings perimeter to ensure adequate lighting along the main Conover and King Street facades as well as in the unenclosed parking area. The existing street pattern in the vicinity of the primary study area would not be altered as a result of the proposed action.

Buildings

The applicant would construct approximately 173,989 gsf (157,500 zsf) of community facilities, including a 200-bed skilled nursing home facility and an approximately 26,350-zsf ambulatory diagnostic and treatment center, along with 53 associated accessory parking spaces. The proposed building would have an approximately 3.94 FAR and would range in height from two to eight stories with frontages on King, Conover and Sullivan Streets. The varied massing is expected to create a visual transition to the lower height buildings on the subject block and within the surrounding area. The nursing home's main entrance would be on King Street, and the ambulatory diagnostic and treatment center would be accessible from Conover Street. Access/egress to and from the accessory parking lot would be accessible via two 24-foot curb cuts along Sullivan Street (see Figure D-9). In addition, there will be a 20 foot wide "exit only" curb cut on Conover Street to allow ambulettes to drop off on-site, thereby eliminating vehicles standing on the street.

As shown in Figure D-10, the ambulatory diagnostic and treatment facility portion of the building would be 7-stories in height (80 feet) with frontages along Conover and King Streets. This portion of the building would be set back 15 feet from the lot line to allow for a landscaped front yard area.

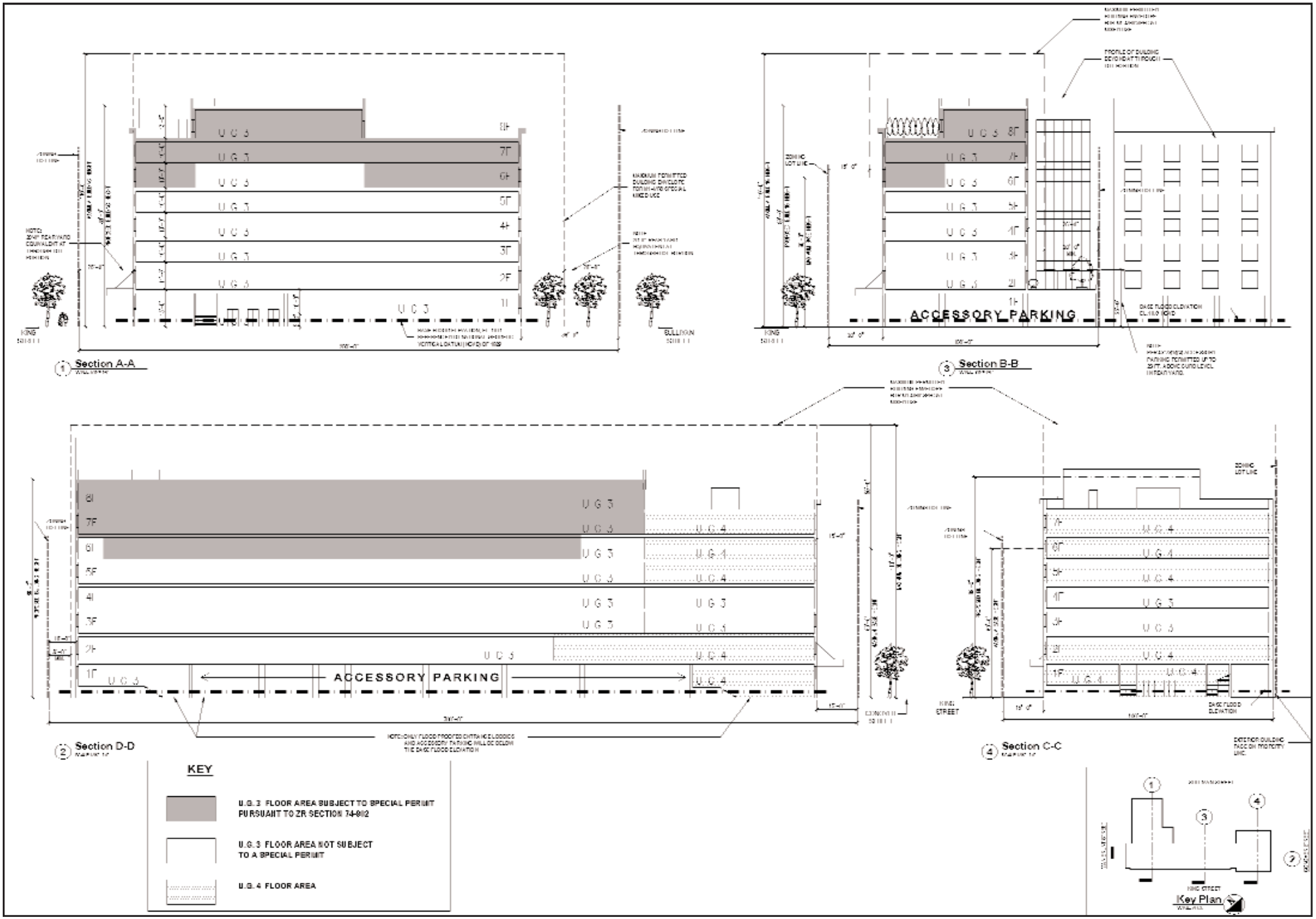
As shown in Figure D-10, the nursing home would be 7- to 8-stories in height (maximum height of 89 feet) with frontage along King Street and Sullivan Street. The 8th story portion of the building would be set back approximately 21 feet from the street wall, which is expected to minimize the visibility of the 8th story and create the effect of a 7-story building when viewed from the street level. The portion of the building along King Street would be set back 20 feet from the lot line to allow for a landscaped front



Source: H2M
For Illustriative Purposes Only

Oxford Nursing Home EAS

Figure D-9
Proposed Site Plan



Source: H2M
For Illustriative Purposes Only

Oxford Nursing Home EAS **Figure D-10**

Preliminary Building Sections for Proposed Project RWCDS

yard area. The portion of the nursing home building along Sullivan Street would be 7 stories in height and set back 36 feet from the lot line to allow for accessory parking. Both the accessory parking lot and loading area for the nursing home and ambulatory diagnostic and treatment facility would be accessed from Sullivan Street (see Figure D-9). Outdoor recreational space would be provided by terraces located at the second floor above the ground floor enclosed parking area and at the 8th floor within the setback along King Street.

The proposed building would be designed to complement the mixed-use character of the surrounding area, which contains residential, manufacturing, commercial and institutional uses. Within the study area, there is a wide range of existing building types and heights. The area east of Conover Street is generally developed with 3-and 4-story buildings, but there are taller buildings in the vicinity, including a 6-story multifamily residential building located on Conover Street, two blocks south of the site, a 6-story 82-foot tall building at 160 Imlay Street (being converted to residential use), and a 14-story NYCHA building located on Richards Street, two blocks east of the site.

Natural Features and Open Space

As discussed above, there are no natural features or open space located within the proposed rezoning area.

Visual Resources and View Corridors

There are no visual resources that can be seen from the primary study area. The view corridors in the immediate vicinity of the proposed rezoning area are obstructed by the existing industrial and transportation uses located to the west of the primary study area.

As such, the proposed action would not result in a significant adverse impact to visual resources and view corridors within the primary study area.

Assessment

As shown in Figures D-11 to D-14, which depict the RWCDS-proposed project scenario, the proposed action would change the urban design character of the primary study area. With the maximum height of the proposed nursing home being 89 feet tall and 173,989 gsf in size, the height and bulk of the proposed building would be substantially taller than the vacant/existing one story buildings on the development site. The increased scale, both in terms of bulk and height would be a notable change from the pedestrian's perspective to the appearance and character of the development site compared to the No-Action condition.

Compared to the future without the proposed action, in the future with the proposed action, the visual appearance would be enhanced and thus the pedestrian experience of the project site would change somewhat; however, this change would not meet the *CEQR Technical Manual* threshold for a significant adverse urban design impact in that it would not alter the arrangement, appearance, or functionality of the development site such that the alteration would negatively affect a pedestrian's experience of the area. Rather, instead of an underutilized stretch of industrial and manufacturing buildings along Conover Street, Sullivan Street and King Street, the pedestrian experience of the area would include new buildings with active ground floor uses.

Proposed Project RWCDS: **No-Action and With-Action Conditions on Sullivan Street**

Existing view looking northwest from Van Brunt Street down Sullivan Street

Proposed view looking northwest from Van Brunt Street down Sullivan Street

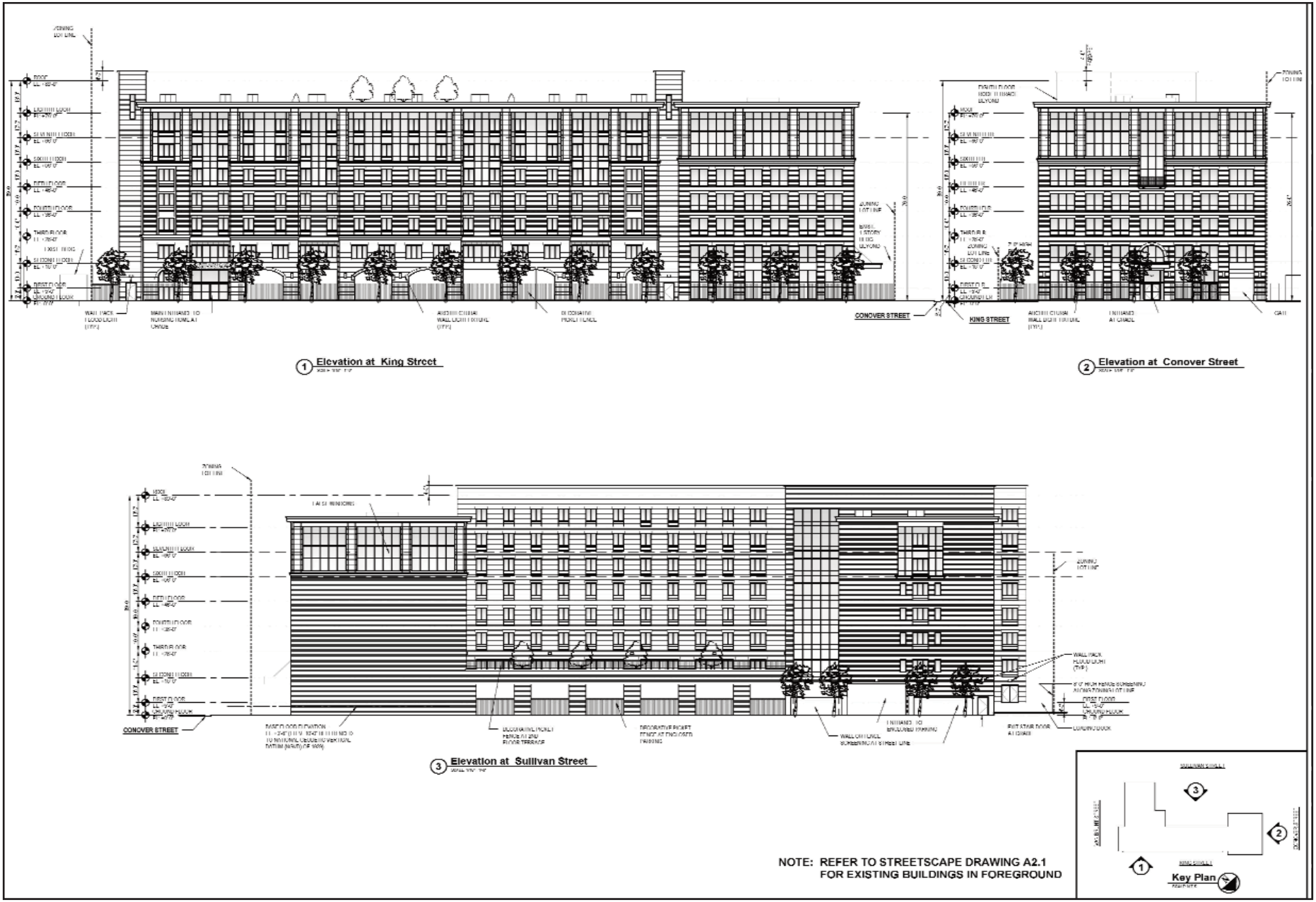
Existing view looking northwest from Van Brunt Street down King Street

Proposed view looking northwest from Van Brunt Street down King Street

Proposed Project RWCDS: No-Action and With-Action Conditions on King and Conover Streets

Existing view looking south from King Street and Conover Street

Proposed view looking south from King Street and Conover Street



Source: H2M
For Illustrative Purposes Only

Oxford Nursing Home EAS **Figure D-14**

Preliminary Building Elevations for the Proposed Project RWCDS

Additionally, the ULURP (150361ZMK, 150363ZCK, 150362ZSK, 160081ZRK) includes findings related to urban design that the distribution of bulk on the zoning lot would not unduly obstruct the access of light and air to adjoining properties or public streets, and would result in satisfactory site planning and satisfactory urban design relationships of buildings to adjacent streets and the surrounding area.

Secondary Study Area

Urban Design

Street Pattern and Streetscape

The proposed development is expected to be consistent with the street pattern and streetscape found throughout the secondary study area. The streetscape improvements along Conover Street, Sullivan Street, and King Street would enhance the pedestrian realm, making the surrounding area more active and inviting.

Buildings

While differing in bulk and form from many of the buildings found throughout the secondary study area today, it is the applicant's opinion that the proposed development is expected to improve urban design conditions within the secondary study area by replacing an underutilized industrial and vacant site with attractive community facility and residential uses. In addition, there would be no change to building arrangement, bulk, use or type in the secondary study area as a result of the proposed action.

Natural Features and Open Space

There are no natural features or open space located within the secondary study area.

Visual Resources and View Corridors

There are no visual resources that can be seen from the secondary study area. The view corridors in the immediate vicinity of the secondary area are obstructed by the existing industrial and transportation uses located to the west of the secondary study area. As such, the proposed action would not have any significant adverse impacts on visual resources in the secondary study area.

Assessment

Overall, the proposed action would result in an improved streetscape and is expected to improve urban design conditions within the secondary study area. As such, the proposed action would not result in a significant adverse impact to urban design in the secondary study area.

ATTACHMENT E

HAZARDOUS MATERIALS

I. INTRODUCTION

As defined in the 2014 *CEQR Technical Manual*, a hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semivolatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the 2014 *CEQR Technical Manual*, the potential for significant adverse impacts from hazardous materials can occur when: (a) hazardous materials exist on a site, and (b) an action would increase pathways to their exposure; or (c) an action would introduce new activities or processes using hazardous materials.

A Phase I Environmental Site Assessment (ESA) was conducted for the applicant's development site. This assessment was undertaken to determine whether additional investigations are necessary and whether an (E) designation should be placed on the applicant's site (Block 555, Lot 5) under the proposed action to avoid the potential for impacts pertaining to hazardous materials.

II. PRINCIPAL CONCLUSIONS

The hazardous materials assessment identified that the proposed development site has some associated concern regarding environmental conditions. As a result, the proposed zoning map actions include an (E) designation for the proposed development site. Therefore the proposed action is not expected to result in significant adverse impacts for hazardous materials.

With the requirements of the (E) designation on the proposed development site, it is expected that there would be no impact from the potential presence of contaminated materials. The implementation of the preventative and remedial measures outlined above would reduce or avoid the potential that significant adverse hazardous materials impacts would result from potential construction in the rezoning area resulting from the proposed action. Following such construction, there would be no potential for significant adverse impacts.

III. METHODOLOGY

The methodology for the hazardous materials assessments was determined by the current M2-1 zoning of the proposed development site. As per Chapter 24 of Title 15 of the Rules of the City of New York, reviews of the regulatory database and/or Sanborn maps and city directories were used to determine past uses of the property and enable an assessment of whether the lot should receive an (E) designation.

Chapter 24 of Title 15 of the Rules of the City of New York specifies the process for determining if an (E) designation should be placed on a specific site. Section 24-04 describes the preliminary screening process,

which includes reviewing historical documentation for past or current uses that may have affected or be affecting a projected or potential development site or an adjacent site. Appendix A of the Hazardous Materials Appendix 5 (Chapter 24 of Title 15 of the Rules of the City of New York) provides a list of types of facilities, activities or conditions which would lead to a site receiving an (E) designation.

A Phase I ESA was conducted for the proposed development site using the following parameters:

- *Historical Land Use* – The land use history was evaluated using available historical Sanborn fire insurance maps. Sanborn Maps from the years 1887 through 1996 were obtained and reviewed for the proposed development site, as well as the adjacent and surrounding areas.

- *Regulatory Agency List Review* – A review of the federal and state hazardous materials databases, maintained by the United States Environmental Protection Agency (US EPA) and New York State Department of Environmental Conservation (NYSDEC), respectively, was performed. This review identified the sites where storage, handling, emission, and /or spill cleanup of hazardous or toxic materials have been performed in order to determine whether they may have impacted the proposed development site.

IV. EXISTING CONDITIONS

A Phase I ESA was prepared for the development site by Don Carlo Environmental Services in February 2015. The Phase I ESA identified a recognized environmental condition (REC) based on the historic usage of the surrounding properties and the development site as being utilized for miscellaneous/paint storage (see Appendix D for Phase I ESA Conclusions and Recommendations). In addition, a drywell and a 55-gallon drum were identified on the development site (Lot 5). Due to the historic and current usage of the subject property and surrounding properties, the Phase I ESA recommends that an Environmental Subsurface Investigation be performed. It is further recommended that a Ground Penetrating Radar (GPR) should be performed. In addition, subsurface soil and groundwater beneath the site should be analyzed for Total Petroleum Hydrocarbons (TPH) and RCRA metals.

V. THE FUTURE WITHOUT THE PROPOSED ACTION (NO-ACTION CONDITION)

In the future without the proposed action, the proposed development site would not be rezoned and an (E) designation would not be assigned to the affected lot. The existing warehouse/storage/industrial and vehicle storage uses would remain on the proposed development site. In addition, the continued use of the existing buildings for warehouse/storage and industrial uses within the project area in the No-Action condition could lead to possible opportunities for potential exposure to petroleum and non-petroleum compounds. Worker exposures to these chemical are regulated by the Occupational Safety and Health Administration (OSHA), which publishes acceptable exposure levels for chemicals in the workplace.

Without the proposed rezoning action, the land use in the study area is likely to remain as it is today, a mixed commercial, manufacturing, transportation, and residential area.

VI. THE FUTURE WITH THE PROPOSED ACTION (WITH-ACTION CONDTION)

In the future with the proposed action, the rezoning would convert the area to an M1-4/R6 mixed-use district. The assessment above established that the proposed development site has some potential of hazardous material contamination. Although the proposed action could increase pathways for human exposure to the potential hazardous material concerns identified in the Phase I ESA, the potential for significant adverse impacts would be avoided by the measures identified below.

The New York City Department of Environmental Protection (DEP) has reviewed the Phase I ESA and determined that a Phase II ESA is necessary to adequately identify/characterize the surface and subsurface soils of the subject parcels (see Appendix D for DEP review letter). A Phase II Investigative Protocol/Work Plan summarizing the proposed drilling, soil, groundwater, and soil vapor sampling activities will be submitted to DEP for review and approval. An Investigative Health and Safety Plan (HASP) will also be submitted to DEP for review and approval.

Based on the identified potential hazardous material concerns within the project area, the proposed actions will include assigning a hazardous materials (E) designation on Lot 5 of Block 555 (E-371). The (E) designation that would be assigned to this lot would require that further investigation be performed to determine the presence and nature of contaminants of concern and the proper remedial and/or health and safety measures that would be employed during construction.

DEP (or the New York City Office of Environmental Remediation (OER)) will be notified at least one week prior to the start of investigative activities on the project site. Such obligations will be made binding through the Restrictive Declaration tied to the applicant's development site (which will outline the timing for all obligations).

In addition, by assigning an (E) designation on the proposed development site (where there is a known or suspect environmental concern), the potential for an adverse impact to human health and the environment resulting from the proposed action would be reduced or avoided. The (E) designation provides the impetus to identify and address environmental conditions so that significant adverse impacts during site development would be reduced, with OER providing the regulatory oversight of the environmental investigation and remediation during the process. Building permits are not issued by the New York City Department of Buildings (DOB) without prior OER approval of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the New York City Zoning Resolution (Environmental Requirements).

The text of the hazardous materials (E) designations for the proposed development site (Block 555, Lot 5) would be as follows:

Task 1: Sampling Protocol

> **Prior to construction, the applicant must submit to the New York City Mayor's Office of Environmental Remediation (OER), for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.**

No sampling should begin until written approval of a protocol is received by OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source 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 the 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 for the test results, a proposed remedial action plan (RAP) must be submitted by 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.

An OER-approved construction-related health and safety plan (CHASP) would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

With these measures in place, the proposed action would not result in any significant adverse impacts related to hazardous materials.

ATTACHMENT F

WATER & SEWER INFRASTRUCTURE

I. INTRODUCTION

This attachment assesses the potential effect of the proposed action on the City's water supply, wastewater treatment, and stormwater management infrastructure. New York City's water and sewer network is fundamental to the operation, health, safety, and quality of life of the City and its surrounding environment. Ensuring these systems have adequate capacity to accommodate land use or density changes and new development is critical to avoid environmental and health problems such as sewer back-ups, street flooding or pressure reductions.

The applicant, Conover King Realty, LLC, is seeking a zoning map amendment, a zoning special permit and a zoning certification from the New York City Planning Commission (CPC) to facilitate the development of a 200-bed skilled nursing home and ambulatory diagnostic and treatment facility at 141 Conover Street (Block 555, Lot 5) in the Red Hook neighborhood of Brooklyn Community District (CD) 6. In addition, the applicant is also seeking a zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing area (MIHA) consistent with the proposed rezoning area in accordance with the City's mandatory inclusionary housing policy (collectively, the "proposed action").

As described in Attachment A, "Project Description," two RWCDSs were identified for the proposed action, and each technical area in this EAS considers either the "proposed project scenario" or the "mixed-use scenario" as the option that has the greatest potential to result in significant adverse impacts. Preliminary calculations for this analysis have shown that the proposed project scenario would generate a larger demand for water supply and sewer systems. Under the proposed project scenario, the net increment for analysis includes 173,989 gross square feet (gsf) (157,500 zoning square feet (zsf)) of community facility uses (nursing home and ambulatory diagnostic and treatment facility), -34,000 sf of open vehicle storage, and -5,955 gsf of warehouse space. The proposed project is expected to be completed and fully occupied by 2018.

II. PRINCIPAL CONCLUSIONS

Based on the methodology set forth in the *CEQR Technical Manual*, the analysis finds that the proposed action would not result in a significant adverse impact on the City's water supply, wastewater and stormwater conveyance and treatment infrastructure.

Water Supply

The anticipated water usage as a result of the proposed action is expected to total 89,410 gallons per day (gpd), an increment of 85,663 gpd over water demand under existing conditions. This incremental demand would represent less than 0.01 percent of the over one billion gallons of water supplied daily to New York City by the New York City Department of Environmental Protection (DEP). As changes of this magnitude would not be large enough to have a significant adverse impact on the City's water system, the

incremental demand with the proposed action would not adversely affect the City's water supply or system water pressure.

Sanitary (Dry Weather) Flows

The Red Hook water pollution control plant (WPCP), which is designed to treat a dry weather flow of 60 million gallons per day (mgd), handled an average of 28.1 mgd of sewage flow between January and December 2014. Based on rates in the *CEQR Technical Manual*, the proposed action under the RWCDS has the potential to result in an increase of approximately 0.06 mgd of sanitary sewage flow. This incremental increase in sanitary flow would represent approximately 0.1 percent of the Red Hook WPCP's designated State Pollution Discharge Elimination System (SPDES) capacity. Pursuant to CEQR methodology, as the projected increase in sanitary sewage would not cause the Red Hook WPCP to exceed its operational capacity or its SPDES-permitted capacity, the proposed action would not result in significant adverse impacts to sanitary sewage conveyance and treatment.

Stormwater (Wet Weather) Flows

Based on the analysis conducted pursuant to *CEQR Technical Manual* methodologies, the proposed action would not result in significant adverse impacts to stormwater conveyance and treatment infrastructure. Under the RWCDS, it is anticipated that the proposed action would increase combined wet weather flows by 0.01 to 0.06 million gallons, depending on rainfall duration and intensity. Any future development facilitated by the proposed action would be required to ensure a maximum stormwater release rate of 0.25 cubic feet per second (cfs) or ten percent of allowable flow from the proposed development site pursuant to the amended Title 15, Chapter 31 of the Rules of the City of New York (RCNY) and offset increased flows to the sewer system through the implementation of stormwater Best Management Practices (BMPs), as warranted.

III. METHODOLOGY

According to the *CEQR Technical Manual,* a preliminary water supply infrastructure analysis is needed if the project would result in an exceptionally large demand for water (e.g., more than one million gallons per day [mgd]), or is located in an area that experiences low water pressure (i.e., areas at the end of the water supply distribution system such as the Rockaway Peninsula or Coney Island). As the project area is not located in an area that experiences low water pressure and the proposed action would not result in an incremental water demand exceeding one mgd, a detailed analysis is not warranted. However, the total water demand under the proposed project scenario is calculated for purposes of determining the sewage generated by the proposed action.

The proposed development site is located in a combined sewered area. A preliminary sewer assessment is warranted if a project located in a combined sewer area in Brooklyn exceeds 400 residential units or 150,000 sf of commercial, public facility, and community facility space or more. As the proposed project scenario for the proposed action meets the *CEQR Technical Manual* threshold, a preliminary sewer assessment is warranted and is provided in this chapter.

To assess the proposed action's potential impacts on water and sewer infrastructure, this attachment:

- Describes the existing water and sewer infrastructure on the proposed development site and estimates water demand and sewage and stormwater generation under existing conditions and

in the No-Action condition (for the 2018 analysis year). Existing and future water demands and sewage generation are calculated based on use generation rates provided in the *CEQR Technical Manual*. Stormwater runoff and sanitary flows are calculated using the New York City DEP Flow Calculation Matrix.

- Forecasts water demand and sewage and stormwater generated by the proposed action under the proposed project scenario based on *CEQR Technical Manual* guidelines.
- Assesses the effects of the proposed action's water demand and sewage and stormwater generation under the proposed project scenario on the City's water and sewer infrastructure, pursuant to *CEQR Technical Manual* guidelines.

IV. EXISTING CONDITIONS

Water Supply

The New York City water supply system comprises a network of reservoirs, lakes, and aqueducts extending into the Catskill region and a pipe network that distributes water within the City. New York City obtains nearly all of its water from the Delaware, Catskill, and Croton watersheds, which are located within 125 miles of the City. Water from the watersheds is stored at 19 reservoirs and three control lakes, having a combined capacity of approximately 580 billion gallons. The water is then carried into the City by aqueducts. The water enters the City via City Tunnel No. 1, which runs through the Bronx, Manhattan, and Queens, and City Tunnel No. 2, which runs through the Bronx, Queens, and Brooklyn. The partially complete City Tunnel No. 3 serves the Bronx, Manhattan, and Queens, and, when fully complete, will terminate in Brooklyn. Staten Island obtains its water via the Richmond Tunnel, which is an extension of City Tunnel No. 2.

Once in the City, the three aqueducts distribute water into a network of water mains. Water mains up to 96 inches in diameter feed the smaller mains, which deliver water to their final destination. These are the same mains that provide water to fire hydrants. Nearly all of the water reaches its consumers by gravity alone, although some four percent (generally located at the outer limits of the system where in-line pressure is lowest, at high elevations, or at a pressure extremity, such as Far Rockaway) is pumped to its final destination. Pressure regulators throughout the City monitor and control the water pressure, with slight variations in pressure occurring during peak use periods and while fire hydrants are in use.

The water mains that would serve the proposed development site include and eight-inch water main under King Street (to the north) and 20-inch water mains under Conover Street (to the west) and Sullivan Street (to the south).

As indicated in Attachment A, "Project Description," the proposed development site (Lot 5) is currently occupied by four single-story industrial buildings that are occupied by month-to-month tenants, including a bus operator that stores buses, a refuse hauler that occupies of the lot to store its vehicles, and a metal fabrication, welding, and repairs shop. The existing building on the proposed development site comprises a total of approximately 5,955 gsf. As shown in Table F-1, existing uses on the proposed development site consume approximately 2,734 gpd of domestic water and approximately 1,012 gpd related to air conditioning, for a total water consumption of approximately 3,747 gpd.

Table F-1: Existing Water Consumption

Site	Land Use	Floor Area (sf)	Domestic Water (gpd)[2]	Air Conditioning (gpd)[3]
Proposed Development Site	Industrial/ Warehouse/ Storage	5,955[1]	2,734.2	1,012.4
		Total Water Consumption	3,746.6	
		Total Wastewater Generation	2,734.2	

Notes:
[1] Conservatively calculated based on proposed development site's total building floor area, assuming no water demand from existing open bus/vehicle storage.
[2] 10,000 gpd of domestic water consumption per acre, multiplied by 2.00 zoning district factor for M2-1 (2005 *Greenpoint-Williamsburg Rezoning FEIS*).
[3] 2014 *CEQR Technical Manual*, Table 13-2 "Water Usage and Sewage Generation Rates for Use in Impact Assessment."

Sewer System

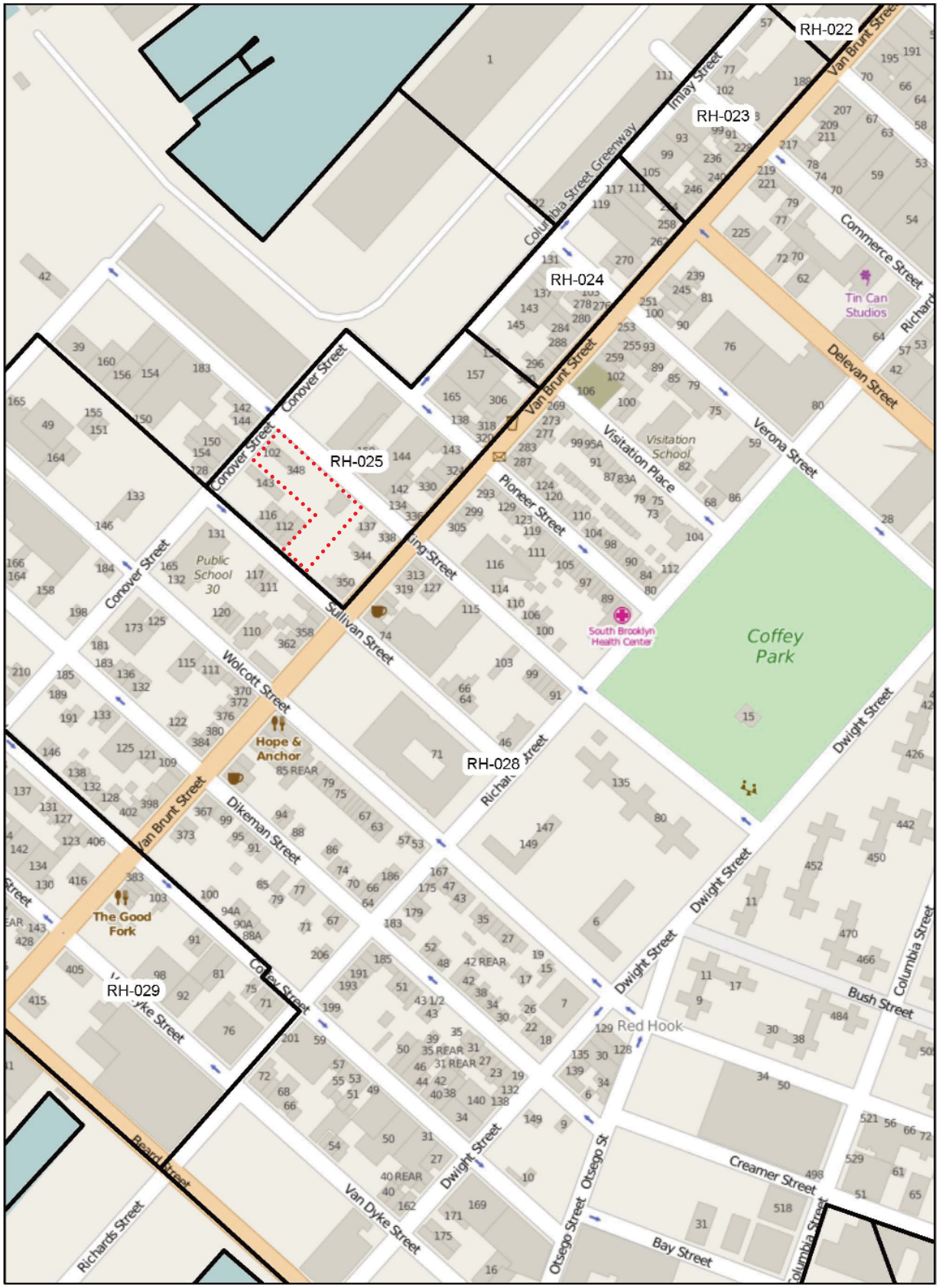
According to the *CEQR Technical Manual*, wastewater is considered to include sanitary sewage, wastewater generated by industries, and stormwater. Water used for air conditioning generates a negligible amount of wastewater as it recirculates or evaporates in the cooling and heating process.

New York City's sewer system consists of a grid of sewers beneath the streets that send wastewater flows to fourteen different water pollution control plants (WPCPs). The City's WPCPs are regulated by the New York State Department of Environmental Conservation (NYSDEC), which issues a permit regulating its discharge of treated effluent. Combined, all fourteen WPCPs in New York City have a SPDES permitted total capacity of 1.8 billion gpd. The area served by each plant is called a "drainage area" or "catchment area." While the majority of New York City's sewers are combined sewers, since they receive both sanitary wastewater and stormwater runoff, some areas of the City operate with separate systems for sanitary sewage and stormwater. In these areas, sanitary sewage is sent to the WPCP, and stormwater is sent through separate sewers and outfalls into the nearest waterway.

During dry weather, the WPCP primarily treats sanitary sewage. The average daily flow during dry weather is known as the average "dry-weather flow." WPCPs have treatment capacities set at twice their dry weather design flow for a limited amount of time. However, because the majority of New York City's sewers are combined sewers, they also receive stormwater and rainwater runoff from impermeable surfaces that generally contain pollutants such as oil and floatable debris. During wet weather, stormwater enters the combined sewer system along with sanitary sewage, and both are treated at a WPCP. During wet weather, rainfall runoff can reach ten to 50 times the dry weather flow, which is well above the WPCP design capacity. To avoid flooding the WPCPs, built-in regulators act as relief valves to direct the excess water to an outfall. During storm events, sanitary sewage entering or already in the combined sewer system, as well as stormwater and debris, can be discharged, untreated, into the nearest body of water. This untreated overflow is known as "combined sewer overflow" (CSO).

As indicated in Figure F-1, the project area is located within Subcatchment Area RH-025 of the Red Hook WPCP. The Red Hook WPCP is located at 63 Flushing Avenue on a 19-acre site adjacent to the East River and bounded by Flushing Avenue and Navy Street. The Red Hook WPCP served approximately 3,054 acres of northwest Brooklyn, including the communities of Red Hook, Gowanus, Carroll Gardens, Cobble Hill, Vinegar Hill, Fulton Ferry, Brooklyn Heights, Downtown, Navy Yard, Clinton Hill, Fort Greene, Boerum Hill,

Red Hook WPCP Subcatchment Areas



Legend

Subcatchments

Area to be rezoned

Prospect Heights, and Crown Heights. Approximately 137 miles of sanitary, combined, and interceptor sewers feed the Red Hook WPCP.[1]

The Red Hook WPCP began operating in 1987 with a step-aeration design capacity of 60 million gallons per day (mgd) and has been providing full secondary treatment since 1989. The Red Hook WPCP has a SPDES permit to treat and discharge up to 60 mgd, and a peak wet weather capacity of 200 mgd (two times the dry weather capacity). As indicated in Table F-2, the average monthly flow to the Red Hook WPCP over the past twelve months is approximately 28.1 mgd, well below the maximum permitted level of 60 mgd.

Table F-2: 2014 Average Flows at the Red Hook WPCP

Month	Average Flows (mgd)
January	27
February	30
March	27
April	29
May	28
June	28
July	29
August	27
September	25
October	29
November	28
December	30
Annual Average	*28.1*

Source: NYC DEP

The proposed development site and immediately surrounding area are served by combined sewers; 12-inch combined sewers flow from east to west along King and Sullivan Streets (beginning at the eastern termini of the block), an 18-inch combined sewer flows from south to north along Conover Street (beginning at the southern terminus of the block), and a 30-inch combined sewer flows from north to south along Van Brunt Street. An existing 54-inch interceptor also runs along Conover Street.

Sanitary Flows (Dry Weather)

As presented in Table F-1, the existing uses on the proposed development site generate an estimated 1,012 gpd of wastewater, which is conveyed to the Red Hook WPCP via the existing combined sewers serving the site.

Stormwater Flows (Wet Weather)

As outlined in Attachment A, "Project Description," the proposed action would result in development on the approximately 42,250-sf proposed development site (Lot 5). The proposed development site is occupied by four single-story buildings covering a combined 5,955 sf, and the remainder of the proposed development site is paved. Table F-3 describes the surfaces and surface areas, as well as the weighted runoff coefficient (the fraction of precipitation that becomes surface runoff) for each surface type. As

[1] NYCDEP, *Gowanus Canal Waterbody/Watershed Facility Plan Report,* August 2008.

presented in the table, the proposed development site has an existing combined stormwater runoff coefficient of 0.87.

Table F-3: Existing Stormwater Runoff to the Red Hook WPCP

	Surface Type	Roof	Pavement and Walks	Other	Grass and Softscape	Total
Red Hook WPCP (Subcatchment Area RH-025)	Area (%)	14%	86%	0%	0%	100%
	Surface Area (sf)	5,955	36,295	0	0	42,250,
	Runoff Coefficient[1]	1.0	0.85	0.85	0.20	0.87

Source: Estimates from OASIS and aerial photographs.
Notes:
[1] Runoff coefficients for each surface type as per the DEP.

For this analysis, the runoff coefficients were used to calculate the amount of stormwater runoff using the three-month, six-month, and twelve-month storm events, with rainfall averaging from 0.00 to 2.50 inches over durations of 3.80 to 19.50 hours. Table F-4 shows the existing stormwater runoff for the proposed development site. As indicated in the table, the proposed development site currently generates between 0.00 and 0.064 million gallons (mg) of wet weather flows for different rainfall intensities. As previously noted, stormwater flows generated on the proposed development site are conveyed via the existing combined storm sewers serving the site.

Table F-4: Existing Combined Stormwater Runoff and Wastewater Generation to the Red Hook WPCP

	Storm Event Type	Rainfall (inches)	Duration (hours)	Total Area (acres)	Weighted Runoff Coefficient	Stormwater Runoff to CSS (MG)	Sanitary to CSS (MG)[1]	Total Volume to CSS (MG)
Red Hook WPCP (RH-025)		0.00	3.80	0.97	0.87	0.00	0.001	0.001
	3-Month	0.40	3.80	0.97	0.87	0.01	0.001	0.011
	6-Month	1.20	11.30	0.97	0.87	0.03	0.002	0.032
	12-Month	2.50	19.50	0.97	0.87	0.06	0.004	0.064

Notes:
[1] Derived from Table F-3.
CSS = combined sewer system; MG = million gallons

V. THE FUTURE WITHOUT THE PROPOSED ACTION (NO-ACTION CONDITION)

In the future without the proposed action (No-Action condition), it is anticipated that the proposed development site would continue to be occupied by the existing uses. As under existing conditions, the proposed development site would generate a total water demand of 3,747 gpd. Sanitary sewage (dry weather flow) generated by the site in the No-Action condition would total approximately 2,734 gpd. During storm events, stormwater generated on the proposed development site in the No-Action condition would total approximately 0.00 to 0.064 mg, depending on rainfall intensity.

VI. THE FUTURE WITH THE PROPOSED ACTION (WITH-ACTION CONDITION)

As noted above, the proposed action consists of a zoning map amendment, a zoning special permit, a zoning certification from the CPC, and a zoning text amendment to establish a MIHA. With the proposed

zoning map change from M2-1 to M1-4/R6, residential and community facility uses would be permitted in the project area, in addition to high-performing, light industrial and commercial uses. As described in Attachment A, "Project Description," under the proposed project RWCDS, the proposed action would result in a net increment of 173,989 gsf (157,500 zsf) of community facility uses (nursing home and ambulatory diagnostic and treatment facility), -34,000 sf of open vehicle storage, and -10,455 gsf of warehouse space.

Water Supply

The proposed action would generate increased demand on the DEP water supply system, as compared to the No-Action conditions. As indicated in Table F-5, the proposed project scenario would generate future water demands of approximately 89,410 gpd, including water demand for domestic use, as well as air conditioning systems, an increment of 85,663 gpd over the No-Action condition water demand. This incremental water demand would represent less than 0.01 percent of the over one billion gallons of water supplied daily to New York City by DEP.

Sewer System

Sanitary Flows (Dry Weather)

As indicated in Table F-5, above, the estimated amount of sanitary sewage generated by the proposed action under the proposed project scenario would be 62,635 gpd, an increment of 59,901 gpd over No-Action conditions. This amount would represent less than 0.3 percent of the average daily flow of 28.1 mgd at the Red Hook WPCP and would not result in an exceedance of the plant's permitted capacity of 60 mgd. Therefore, the proposed action would not create a significant adverse impact on the City's sanitary sewage treatment system. In addition, per the New York City Plumbing Code (Local Law 33 of 2007), low-flow fixtures would be required to be implemented and would help to reduce future sanitary flows from future development facilitated by the proposed action.

Table F-5: Expected Water Demand on Proposed Development Site – 2018 No-Action vs. 2018 With-Action Conditions

	Use	Area (gsf)	Domestic Use (gpd)[1]	Air Conditioning (gpd)[1]
No-Action Condition	Industrial/Warehouse/Storage	5,955	2,734	1,012
			Total No-Action Water Supply Demand	3,747
			Total No-Action Sewage Generation	2,734
With-Action Condition	Medical Office	26,350	2,635	4,480
	Nursing Home	131,150 (200 beds)	60,000	22,296
			Total With-Action Water Supply Demand	89,410
			Total With-Action Sewage Generation	62,635
Increment			***Incremental Water Supply Demand***	85,663
			Incremental Sewage Generation	59,901

Notes:

[1] Based on average daily water use rates provided in Table 13-2 of the *CEQR Technical Manual* (unless otherwise indicated)

- Medical office assumes office rate: 0.10 gpd per sf for domestic use, plus 0.17 gpd per sf for air conditioning.
- Nursing home: 300 gpd per bed for domestic use, plus 0.17 gpd per sf for air conditioning (2008 *Hospital for Special Surgery FEIS*).

Stormwater Flows (Wet Weather)

In the future with the proposed action, the amount of roof and grass/softscape areas on the proposed development site would increase (representing approximately 67 percent and 12 percent, respectively, of the site's area in the With-Action condition), while the amount of paved area would decrease (to approximately 21 percent of the site's area in the With-Action condition). As a result of these changes, the combined weighted runoff coefficient for the proposed development site would remain 0.87 (refer to Table F-6).

Table F-6: With-Action Stormwater Runoff to the Red Hook WPCP

	Surface Type	Roof	Pavement and Walks	Other	Grass and Softscape	Total
Red Hook WPCP (Subcatchment Area RH-025)	Area (%)	67%	21%	0%	12%	100%
	Surface Area (sf)	28,308	8,942	0	5,000	42,250
	Runoff Coefficient[1]	1.0	0.85	0.85	0.20	0.87

Source: Estimates from site survey and aerial photographs
Notes: [1] Runoff coefficients for each surface type as per the DEP.

Due to increased stormwater and wastewater flows generated on the proposed development site in the future with the proposed action, the total volume to the combined sewer system would increase. As presented in Table F-7, the proposed development site is expected to generate between 0.02 and 0.16 mg of wet weather flows for different rainfall intensities. Stormwater flows generated on the proposed development site would be conveyed via the existing combined storm sewers serving the site, which, as noted above, include 12-inch sewers running along King and Sullivan Street and an 18-inch sewer running along Conover Street. Compared to existing volumes to the combined sewer system, this would represent an increase of 0.02 to 0.10 mg, depending on rainfall duration intensity.

Table F-7: Combined Stormwater Runoff and Wastewater Generation Flow Volume to the Combined Sewer System—Future With-Action Condition

	Storm Event Type	Rainfall (inches)	Duration (hours)	Total Area (acres)	Weighted Runoff Coefficient	Stormwater Runoff to CSS (MG)	Sanitary to CSS (MG)[1]	Total Volume to CSS (MG)	Incremental Volume to CSS over Existing Conditions (MG)
Red Hook WPCP (Subcatchment Area RH-025)		0.00	3.80	0.97	0.87	0.01	0.01	0.02	0.02
	3-Month	0.40	3.80			0.01	0.02	0.03	0.02
	6-Month	1.20	11.30			0.03	0.06	0.09	0.06
	12-Month	2.50	19.50			0.05	0.11	0.16	0.10

Notes:
[1] Derived from Table F-5.
CSS = combined sewer system; MG = million gallons

Self-certification of house or site connection proposals in not permitted by the New York City Department of Building (DOB) or DEP in connection with any proposed new developments of expansions of existing development, as per the Rules of the RCNY, Title 15, Chapter 31, "Rules Governing House/Site Connections to the Sewer System." To be issued a permit to connect to a City sewer, an applicant proposing a new

development or expansion of an existing development is required to submit a site-specific hydraulic analysis to DEP for review and approval. The site-specific hydraulic analysis would establish the adequacy of the existing combined sewer system that would serve the development lots. In 2012, DEP amended Chapter 31 of Title 15 of the RCNY to modify the flow rate of stormwater to the City's combined sewer system for new and existing development, as part of sewer availability and connection approvals. The amended rule was promulgated on January 4, 2012 and went into effect on July 4, 2012. Per the amended Chapter 31, for a new development, the stormwater release rate is the greater of 0.25 cfs or ten percent of the allowable flow, unless the allowable flow is less than 0.25 cfs, in which case the stormwater release rate is the allowable flow. This release rate is consistent with policies set forth in *PlaNYC* and the 2010 *NYC Green Infrastructure Plan.* Any future development on the proposed development site would be required to achieve this new flow rate.

As noted above, to be issued a permit to connect to the City's sewer, development on the proposed development site would be required to submit a site-specific hydraulic analysis to DEP for review and approval. Based on this site-specific hydraulic analysis, incorporation of a variety of BMPs may be required of the applicant at the time of the house or site connection proposal to ensure adherence to the maximum permitted stormwater release rate. While the specific BMPs to be used are not known at this time, BMPs that may be utilized could include green roofs, blue roofs, subsurface detention, infiltration, or a combination of these green technologies, as outlined in the *NYC Green Infrastructure Plan.* These green technologies would retain or release stormwater with slowed discharge rates to control peak runoff rates. Trees planted per New York City's street tree requirement could also be utilized to capture and store water below enhanced tree pits. The design of water detention systems would be submitted to DEP for review and approval. Through the site connection process, DEP would ensure that the necessary stormwater BMPs were implemented (as warranted) and reduce the increase in untreated stormwater flows.

ATTACHMENT G

TRANSPORTATION

I. INTRODUCTION

This transportation chapter examines the potential for the proposed action to result in significant adverse impacts on study area transportation systems through a comparison of traffic 2018 conditions with the proposed action (the With-Action condition) to conditions in the future without the proposed action (the No-Action condition).

The applicant, Conover King Realty, LLC, is seeking a zoning map amendment to rezone the existing M2-1 zoning district to M1-4/R6 (a special mixed-use zoning district), a zoning special permit to increase the permitted maximum community facility floor area on the proposed development site, and a zoning certification from the New York City Planning Commission (CPC) to facilitate the development of a 200-bed skilled nursing home and ambulatory diagnostic and treatment facility at 139-141 Conover Street in the Red Hook neighborhood of Brooklyn Community District (CD) 6. The proposed nursing home would replace an existing 230-bed nursing home operated by Oxford that is currently located at 144 South Oxford Street in Brooklyn CD 2. In addition to the above-listed actions, the applicant is also seeking a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing area (MIHA) consistent with the proposed rezoning area in accordance with the City's mandatory inclusionary housing policy.

The proposed project is expected to consist of a 200 bed, seven to eight story, approximately 173,989 gross square foot (gsf) skilled nursing facility and ambulatory diagnostic and treatment facility. The main entrance to the nursing home would be on King Street; there would also be a rear entrance at Sullivan Street. The entrance to ambulatory facility would be on Conover Street. The proposed project would also include a 53 space accessory parking lot (39 spaces will be enclosed). The entrance to and egress from the accessory parking lot would be provided by a 24-foot curb cut on the north side of Sullivan Street. Further, there will be a 20 foot wide "exit only" curb cut on Conover Street to allow ambulettes to drop off on-site, thereby eliminating vehicles standing on the street.

While the applicant intends on developing the community facility use described above, because the proposed action would result in a M1-4/R6 zoning district, an alternate reasonable worst-case development scenario (RWCDS) for a mixed-use development ("mixed-use scenario") is also considered for conservative analysis purposes. It is assumed that in the absence of the development of the nursing home and ambulatory facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units, 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning. The mixed-use scenario would also include a 54,930 sf parking garage with 75 accessory parking spaces.

The assessment of the proposed action's potential transportation impacts is based on the methodologies set forth in the 2014 *City Environmental Quality Review* (CEQR) *Technical Manual*. As discussed below, as the mixed-use scenario would generate more vehicle trips than the proposed project scenario, it is analyzed for potential traffic impacts for conservative purposes.

II. PRINCIPAL CONCLUSIONS

As discussed in detail below, the proposed project scenario would not exceed the 2014 *CEQR Technical Manual* thresholds for a detailed traffic, parking, transit, or pedestrian analysis, and therefore, is not anticipated to result in significant adverse transportation impacts.

As discussed below, the mixed-use scenario would exceed the 2014 *CEQR Technical Manual* thresholds for a detailed traffic and parking analysis. As discussed in detail, the mixed-use scenario would not result in any significant traffic or parking impacts.

Traffic

Weekday PM peak hour traffic conditions were evaluated at a total of 1 intersection at Van Brunt Street and Sullivan Street. The traffic impact analysis indicates that there would be no potential for significant adverse impacts at the analyzed intersection in the PM peak hour.

Parking

The mixed-use scenario development would provide the parking required under the proposed M1-4/R6 district (75 parking spaces), however, not all of the parking demand generated by the proposed uses would be accommodated. Approximately 36 vehicles would not be accommodated within the parking garage between 10:00 AM and 11:00 AM on a weekday and would utilize available on-street parking at this time of day. Therefore, a detailed inventory of on-street and off-street public parking in the weekday midday is warranted. It should be noted that there are no off-street public parking facilities within a ¼-mile radius of the rezoning area. As discussed below, there would be sufficient on-street parking capacity within a quarter-mile of the rezoning area to accommodate the additional 36 vehicles. Therefore, no significant adverse parking impacts are anticipated as a result of the proposed action.

Transit

According to 2014 *CEQR Technical Manual* criteria, if a proposed project would result in 200 or more peak hour subway or bus trips at a station, a detailed analysis would be warranted. As discussed in detail below, the mixed-use scenario would not result in over 200 subway or bus trips during any peak hour. Therefore, significant adverse impacts are unlikely on any portion of the transit system due to the proposed action. As a result, a detailed transit analysis is not warranted.

Pedestrians

As discussed in detail below, the mixed-use scenario would generate pedestrian demand of 279, 383, 329, and 222 trips in the in the weekday AM, midday, PM, and Saturday midday peak hours respectively. Since the mixed-use scenario would generate over 200 pedestrian trips in each peak hour, a Level 2 Screening assessment was performed. As discussed below, the southwest corner of Van Brunt Street at King Street would experience an increase of 216 and 218 pedestrian trips in the weekday midday and PM peak hours, respectively. However, as this intersection is unsignalized, there is no methodology for analyzing unsignalized corner areas per the 2010 *Highway Capacity Manual (HCM)*. Therefore, a detailed pedestrian analysis would not be warranted and no significant adverse pedestrian impacts are anticipated.

III. PRELIMINARY ANALYSIS METHODOLOGY

The 2014 *CEQR Technical Manual* describes a two-level screening procedure for the preparation of a "preliminary analysis" to determine if quantified operational analyses of transportation conditions are warranted. As discussed below, the preliminary analysis begins with a trip generation (Level 1) analysis to estimate the numbers of person and vehicle trips attributable to the proposed project. According to the 2014 *CEQR Technical Manual*, if the proposed project is expected to result in fewer than 50 peak hour vehicle trips and fewer than 200 peak hour transit or pedestrian trips, further quantified analyses are not warranted. When these thresholds are exceeded, detailed trip assignments (Level 2) are to be performed to estimate the incremental trips that could be incurred at specific transportation elements and to identify potential locations for further analyses. If the trip assignments show that the proposed project would generate 50 or more peak hour vehicle trips at an intersection, 200 or more peak hour subway trips at a station, 50 or more peak hour bus trips in one direction along a bus route, or 200 or more peak hour pedestrian trips traversing a sidewalk, corner area or crosswalk, then further quantified operational analyses may be warranted to assess the potential for significant adverse impacts on traffic, transit, pedestrians, parking, and vehicular and pedestrian safety.

IV. LEVEL 1 SCREENING ASSESSMENT

A Level 1 trip generation screening assessment was conducted for both the proposed project scenario and mixed-use scenario to estimate the numbers of person and vehicle trips by mode expected to be generated by the proposed project during weekday AM, midday, PM, and Saturday midday peak hours. These estimates were then compared to the 2014 *CEQR Technical* Manual analysis thresholds to determine if a Level 2 screening and/or quantified operational analyses may be warranted. The travel demand assumptions used for the assessment are discussed below and a detailed travel demand forecast is provided.

Proposed Project Scenario

Transportation Planning Factors

A travel demand forecast was conducted for a typical peak hour during four time periods: weekday AM, weekday midday, weekday PM, and Saturday midday. Trips to and from the project site were generated using various assumptions, including daily trip generation rates, mode choice, and hourly and directional patterns. Table G-1 provides the transportation planning assumptions for the proposed project scenario which were based on standard criteria as per the 2014 *CEQR Technical Manual*, standard professional references, census data, and studies that have been used in previous environmental assessments and EISs for project with similar uses in New York City.

<u>Nursing Home</u>

The forecast of travel demand for employees at the nursing home component uses a daily employee trip generation rate of 2.2 employee trips per bed, employee temporal distributions of 21.0%, 1.0%, 19.0%, and 10.0%, for the weekday AM, midday, PM, and Saturday midday peak hours respectively, a modal split of 22.0%, 1.0%, 47.9%, 11.0%, 3.1%, and 15.0% mode shares for auto, taxi, subway, bus, ferry, and walk only trips respectively, the vehicle occupancy rates of 1.11 person trips per auto and 1.00 person trips per taxi, and directional split rates as per the *Jewish Home Lifecare EIS*.

The forecast of travel demand for visitors to the nursing home component uses a daily trip generation rate of 1.4 visitor trips per bed, visitor temporal distributions of 1.0%, 10.0%, 10.0%, and 10.0% for the weekday AM, midday, PM, and Saturday midday peak hours respectively, and directional splits as per the *Jewish Home Lifecare EIS*. The modal split of 32.0%, 11.0%, 34.8%, 0.0%, 2.2%, and 20% mode shares for auto, taxi, subway, bus, ferry, and walk only trips respectively and the vehicle occupancy rates of 1.60 person trips per auto and 1.40 person trips per taxi are based on visitor data taken from the *Hospital for Special Surgery EIS*, 2008.

The forecast of travel demand for patients to the nursing home component uses a daily trip generation rate of 0.1 patient trips per bed, patient temporal distributions of 0.0%, 9.0%, 15.0%, and 6.0% for the weekday AM, midday, PM, and Saturday midday peak hours respectively, and directional splits as per the *Jewish Home Lifecare EIS*. All patients will be assumed to arrive and depart by auto using a vehicle occupancy of 1.00. Truck trip rates and truck temporal distributions were based on the *Jewish Home Lifecare EIS*. It was assumed that there would be no overlap in taxi trips for the nursing home use and that each taxi trip counted as an in and an out trip.

Ambulatory Diagnostic and Treatment Facility

The forecast of travel demand for the ambulatory diagnostic and treatment facility component uses a daily trip generation rate of 1.74 employee trips per 1,000 sf, temporal distributions of 7.0%, 10.0%, and 7.0%, for the weekday AM, midday, and PM peak hours respectively, and directional split rates as per the *New York Methodist Hospital Center for Community Health EAS*, 2014. Although this particular EAS does not list a trip generation rate, one was derived based on square footage and generated trips. It was assumed that Saturday rates and distributions would equal the weekday midday rates and distributions. Truck trips were also based on this EAS.

The modal split of 41.0%, 1.0%, 21.6%, 14.0%, 1.4%, and 21.0% for auto, taxi, subway, bus, ferry, and walk-only trips respectively, as well as the vehicle occupancy of 1.16 persons per vehicle were determined using *AASHTO Census Transportation Planning Means of Transportation to Work* data for Brooklyn census tracts 51, 53, 59, 63, 65, and 85.

Travel Demand Forecast

Table G-2 summarizes the results of the travel demand forecast for the proposed project scenario based on the factors shown in Table G-1 and discussed above. Table G-2 also shows the total number of weekday and Saturday peak hour person trips, vehicle trips and transit trips that would be generated by the proposed project in the four analysis periods.

Traffic

According to the 2014 *CEQR Technical Manual*, a trip generation analysis for a project generally will be appropriate to determine the volume of vehicular trips expected during the peak hours. In most areas of the City, including the project area, if the proposed action is projected to result in fewer than 50 peak hour vehicular trip ends, traffic impacts would be unlikely, and therefore further traffic analysis would not be warranted.

TABLE G-1:
Transportation Planning Factors – Proposed Project Scenario

Land Use:	Employees	Nursing Home Visitors	Admin/Discharge	Ambulatory* Facility Staff	Ambulatory Facility Visitors/Patients
Size/Units:	200 beds	200 beds	200 beds	36,800 sf	36,800 sf
Trip Generation:	(1)	(1)	(1)	(6)	(6)
Weekday	2.2	1.4	0.1	0.62	2.91
Saturday	2.2	1.4	0.1	0.62	2.91
	per bed	per bed	per bed	per 1,000 sf	per 1,000 sf
Temporal Distribution:	(1)	(1)	(1)	(6)	(6)
AM	21.0%	1.0%	0.0%	21.5%	7.0%
MD	1.0%	10.0%	9.0%	2.0%	10.0%
PM	19.0%	10.0%	15.0%	15.0%	7.0%
SAT	10.0%	10.0%	6.0%	2.0%	10.0%
	(2,3)	(2,3)	(2,3)	(3,7)	(3,7)
Modal Splits:	All	All	All	All	All
Auto	22.0%	32.0%	100.0%	41.0%	41.0%
Taxi	1.0%	11.0%	0.0%	1.0%	1.0%
Subway	47.9%	34.8%	0.0%	21.6%	21.6%
Bus	11.0%	0.0%	0.0%	14.0%	14.0%
Ferry	3.1%	2.2%	0.0%	1.4%	1.4%
Walk/Bike/Other	15.0%	20.0%	0.0%	21.0%	21.0%
	85.0%	80.0%	100.0%	79.0%	79.0%

	(1)		(1)		(1)		(6)		(6)	
In/Out Splits:	In	Out	In	Out	In	Out	In	Out	In	Out
AM	73.0%	27.0%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%
MD	27.0%	73.0%	62.0%	38.0%	33.0%	67.0%	25.0%	75.0%	50.0%	50.0%
PM	34.0%	66.0%	52.0%	48.0%	20.0%	80.0%	5.0%	95.0%	20.0%	80.0%
SAT	3.0%	97.0%	47.0%	53.0%	0.0%	100.0%	25.0%	75.0%	50.0%	50.0%

Vehicle Occupancy:	(2,4)	(2,4)	(2,4)	(6)	(6)
Auto	1.11	1.6	1	1.3	2.3
Taxi	1	1.4	1	1.5	1.8
Truck Trip Generation	(1)	(5)	(5)	(5)	(6)
Weekday	0.07	0	0	0	0.2
Saturday	0.07	0	0	0	0.2
	per bed	per bed	per bed	per bed	per 1,000 sf
Truck Temporal Distribution	(1)	(5)	(5)	(5)	(6)
AM	17.0%	0.0%	0.0%	0.0%	10.0%
MD	13.0%	0.0%	0.0%	0.0%	9.0%
PM	2.0%	0.0%	0.0%	0.0%	5.0%
SAT	9.0%	0.0%	0.0%	0.0%	9.0%

	In	Out	In	Out	In	Out	In	Out	In	Out
AM	60.0%	40.0%	60.0%	40.0%	60.0%	40.0%	50.0%	50.0%	50.0%	50.0%
MD	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
PM	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
SAT	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%

Notes :

(1) *Jewish Home Lifecare EIS adjusted data*

(2) Modal Split is based on data taken from the Hospital for Special Surgery (for visitors) and *Jewish Home Lifecare EIS* (for staff)

(3) A citywide ferry study commisioned by the New York City Economic Development Corporation found that a future ferry service in Red Hook would capture 6.0 % of subway riders.

(4) It is assumed for the Nursing Home use that no overlap percentage is permitted and each taxi pick-up/drop-off counts as two trips.

(5) Truck trip for entire nursing home complex assumed in the employee section. Truck trips for entire ambulatory complex assumed in visitor section.

(6) *New York Methodist Hospital Center for Community Health EAS, 2014* . Saturady directional splits assumes weekday midday.

(7) Based on AASHTO Census Transportation Planning Data, Reverse Journey to Work, 2006-2010. It should be noted that all subway trips will use a bus to access the subway.

(8) 2014 *City Environmental Quality Review (CEQR)* Technical Manual.

(9) Based on 2008-2012 American Community Survey (ACS) Means of Transportation to Work table for Brooklyn Census Tracts 51, 53, 59, 63, 65, and 85. It should be noted that all subway trips will use a bus to access the subway.

(10) *363-365 Bond Street EAS, 2014* . It should be noted that all subway trips will use a bus to access the subway. Saturday directional splits are assumed to be the same as weekday.

* The ambulatory diagnostic and treatment facility is proposed to be 26,350 sf. However, for conservative analysis purposes, it assumed to be 36,800 sf.

Table G-2:
Travel Demand Forecast – Proposed Project Scenario

Land Use:		Nursing Home						Ambulatory Facility				Total		
		Employees		Visitors		Admin/Discharge		Employees		Visitors/Patients				
Size/Units:		200 beds		200 beds		200 beds		36,800 sf		36,800 sf				
Peak Hour Trips:*														
	AM	92		3		0		5		7		107		
	MD	4		28		2		0		11		45		
	PM	84		28		3		3		7		125		
	Saturday	44		28		1		0		11		84		
Person Trips:														
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
AM	**Auto**	15	5	1	0	0	0	2	0	3	0	21	5	26
	Dropoff/Taxi	1	0	0	0	0	0	0	0	0	0	1	0	1
	Subway	32	12	1	0	0	0	1	0	2	0	36	12	48
	Public Bus	7	3	0	0	0	0	1	0	1	0	9	3	12
	Ferry	2	1	0	0	0	0	0	0	0	0	2	1	3
	Walk/Bike/Other	10	4	1	0	0	0	1	0	1	0	13	4	17
	Total	67	25	3	0	0	0	5	0	7	0	82	25	107
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
MD	**Auto**	0	1	6	4	1	1	0	0	3	2	10	8	18
	Dropoff/Taxi	0	0	2	1	0	0	0	0	0	0	2	1	3
	Subway	1	1	6	4	0	0	0	0	1	1	8	6	14
	Public Bus	0	0	0	0	0	0	0	0	1	1	1	1	2
	Ferry	0	0	0	0	0	0	0	0	0	0	0	0	0
	Walk/Bike/Other	0	1	3	2	0	0	0	0	1	1	4	4	8
	Total	1	3	17	11	1	1	0	0	6	5	25	20	45
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
PM	**Auto**	6	12	5	4	1	2	0	1	1	3	13	22	35
	Dropoff/Taxi	0	1	2	1	0	0	0	0	0	0	2	2	4
	Subway	14	27	5	5	0	0	0	1	0	1	19	34	53
	Public Bus	3	6	0	0	0	0	0	0	0	1	3	7	10
	Ferry	1	2	0	0	0	0	0	0	0	0	1	2	3
	Walk/Bike/Other	4	8	3	3	0	0	0	1	0	1	7	13	20
	Total	28	56	15	13	1	2	0	3	1	6	45	80	125
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Saturday	**Auto**	0	9	4	5	0	1	0	0	3	2	7	17	24
	Dropoff/Taxi	0	1	1	2	0	0	0	0	0	0	1	3	4
	Subway	1	20	5	5	0	0	0	0	1	1	7	26	33
	Public Bus	0	5	0	0	0	0	0	0	1	1	1	6	7
	Ferry	0	1	0	0	0	0	0	0	0	0	0	1	1
	Walk/Bike/Other	0	7	3	3	0	0	0	0	1	1	4	11	15
	Total	1	43	13	15	0	1	0	0	6	5	20	64	84
Vehicle Trips :		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
AM	**Auto**	14	5	0	0	0	0	2	0	1	0	17	5	22
	Dropoff/Taxi	1	0	0	0	0	0	0	0	0	0	1	0	1
	Dropoff/Taxi Balanced	1	1	0	0	0	0	0	0	0	0	1	1	2
	Truck	1	1	0	0	0	0	0	0	0	0	1	1	2
	Total	16	7	0	0	0	0	2	0	1	0	19	7	26
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
MD	**Auto**	0	1	4	3	1	1	0	0	1	1	6	6	12
	Dropoff/Taxi	0	0	1	1	0	0	0	0	0	0	1	1	2
	Dropoff/Taxi Balanced	0	0	2	2	0	0	0	0	0	0	2	2	4
	Truck	1	1	0	0	0	0	0	0	0	0	1	1	2
	Total	1	2	6	5	1	1	0	0	1	1	9	9	18
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
PM	**Dropoff/Taxi**	5	11	3	3	1	2	0	1	0	1	9	17	27
	Auto	0	1	1	1	0	0	0	0	0	0	1	2	3
	Dropoff/Taxi Balanced	1	1	2	2	0	0	0	0	0	0	3	3	6
	Truck	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	6	12	5	5	1	2	0	1	0	1	12	20	33
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Saturday	**Auto**	0	8	3	3	0	1	0	0	1	1	4	13	17
	Dropoff/Taxi	0	1	1	1	0	0	0	0	0	0	1	2	3
	Dropoff/Taxi Balanced	1	1	2	2	0	0	0	0	0	0	3	3	6
	Truck	1	1	0	0	0	0	0	0	0	0	1	1	2
	Dropoff/Taxi	2	10	5	5	0	1	0	0	1	1	8	17	25

As indicated in Table G-2, a travel demand forecast indicates that the development program for the proposed project scenario would generate a project increment of approximately 25, 22, 34, and 28 generated vehicle trips in the AM, midday, PM, and Saturday midday peak periods respectively. Since there are fewer than 50 new vehicle trips in all four peak hours, further traffic analysis is not warranted.

Parking

The nursing home and ambulatory and diagnostic treatment facility will include a 53-space accessory parking facility. The square footage of the nursing home and ambulatory facility were combined and compared with the square footage and parking demand of the site proposed in the *New York Methodist Hospital Center for Community Health EAS,* 2014, and daily parking accumulation is shown in Table G-3. As shown in Table G-3, peak parking demand of 35 vehicles would be observed between 12:00 and 1:00 PM. As the proposed parking would accommodate future demand, a detailed parking analysis would not be warranted.

Table G-3:
Daily Parking Accumulation – Proposed Project Scenario

	Future Staff		Future Patients/Visitors		
	88	Trips	56	Trips	Garage
Hour Begins At	In	Out	In	Out	Accumulation
12:00 AM	0	0	0	0	0
1:00 AM	0	0	0	0	0
2:00 AM	0	0	0	0	0
3:00 AM	0	0	0	0	0
4:00 AM	1	0	0	0	1
5:00 AM	1	0	0	0	2
6:00 AM	2	0	0	0	4
7:00 AM	7	0	0	0	11
8:00 AM	16	7	0	0	20
9:00 AM	8	1	3	0	30
10:00 AM	1	1	3	0	33
11:00 AM	1	1	3	1	35
12:00 PM	1	1	3	3	35
1:00 PM	0	1	5	4	35
2:00 PM	0	2	3	3	33
3:00 PM	0	6	2	3	26
4:00 PM	1	7	2	4	18
5:00 PM	5	11	4	5	11
6:00 PM	0	6	0	3	2
7:00 PM	0	0	0	2	0
8:00 PM	0	0	0	0	0
9:00 PM	0	0	0	0	0
10:00 PM	0	0	0	0	0
11:00 PM	0	0	0	0	0

Transit

According to the general thresholds used by the Metropolitan Transportation Authority (MTA) specified in the 2014 *CEQR Technical Manual*, if a proposed project is projected to result in fewer than 200 peak hour subway/rail or bus transit riders, further transit analyses are not typically required as the proposed project is considered unlikely to create a significant transit impacts.

Subway

As shown in Table G-2, the proposed project scenario would generate approximately 46, 14, 53, and 33 subway trips in the weekday AM, midday, PM, and Saturday midday peak hours respectively. As the proposed project scenario would generate less than 200 subway trips in any one peak hour, a detailed analysis of subway conditions is not warranted.

Local Bus

As shown in Table G-2, the proposed project scenario would generate approximately 10, 0, 9, and 5 public bus-only trips in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. In addition, it should be noted that the nearest subway station to the project site is located 1.1 miles away. It is therefore likely that some subway trips would utilize connecting local bus services to access the site. For analysis purposes, it is assumed that the subway trips (46, 14, 53, and 33 trips in the AM, midday, PM, and Saturday midday peak hours, respectively) would arrive and depart the project site via local bus. Project generated demand on local buses is therefore expect to total 56, 14, 62, and 38 trips in the AM, midday, PM, and Saturday midday peak hours, respectively. As the proposed project scenario would result in less than 200 bus trips during any peak hour, no significant bus impacts are anticipated and a detailed analysis is not warranted.

Pedestrians

Analysis of pedestrian conditions focuses on elements where substantial a number of trips are generated by an action. These elements include sidewalks, street corner areas, and crosswalks. The number of pedestrian trips generated includes the number of bus, subway, ferry, and "walk only" trips. According to the 2014 *CEQR Technical Manual*, detailed pedestrian analyses are not required if the proposed action is projected to result in less than 200 peak hour pedestrian trips on any single element. The proposed project scenario would generate 75, 24, 84, and 54 pedestrian trips in the in the weekday AM, midday, PM, and Saturday midday peak hours respectively. Since there are fewer than 200 trips in all four peak hours, detailed pedestrian analysis is not warranted.

Mixed-Use Scenario

Transportation Planning Assumptions

As with the proposed project scenario, a similar travel demand forecast was conducted for the mixed-use scenario. Table G-4 provides the transportation planning assumptions for the mixed-use scenario and Table G-5 provides the overall resulting trip generation for the mixed-use scenario.

Table G-4: Transportation Planning Assumptions – Mixed-Use Scenario

Land Use:	**Medical Office**		**Residential**	**Office**	
Size/Units:	24,600 sf		88 DU	73,800 sf	
Trip Generation:	(1)		(5)	(5)	
	Staff	Visitors			
Weekday	10	33.6	8.075	18	
Saturday	4.3	14.5	9.6	3.9	
	per 1,000 sf		per DU	per 1,000 sf	
Temporal Distribution:	(1)		(5)	(5)	
	Staff	Visitors			
AM	24.0%	6.0%	10.0%	12.0%	
MD	17.0%	9.0%	5.0%	15.0%	
PM	24.0%	5.0%	11.0%	14.0%	
SAT	17.0%	9.0%	8.0%	17.0%	
	(2,3)		(3,6)	(3,8)	
Modal Splits:	All		All	AM/PM	MD/SAT
Auto	41.0%		12.0%	17.7%	2.0%
Taxi	1.0%		1.0%	1.2%	1.0%
Subway	21.6%		36.7%	46.2%	6.6%
Bus	14.0%		23.0%	5.0%	7.0%
Ferry	1.4%		2.3%	2.9%	0.4%
Walk/Bike/Other	21.0%		25.0%	27.0%	83.0%
	100.0%		100.0%	100.0%	100.0%
	(1)		(7)	(8)	
In/Out Splits:	In	Out	In	Out	In	Out
AM	94.0%	6.0%	15.0%	85.0%	94.0%	6.0%
MD	50.0%	50.0%	50.0%	50.0%	39.0%	61.0%
PM	12.0%	88.0%	70.0%	30.0%	5.0%	95.0%
SAT	50.0%	50.0%	50.0%	50.0%	60.0%	40.0%
Vehicle Occupancy:	(4)		(6)	(8)	
	Staff	Visitors			
Auto	1.3	2.3	1.11	1.26	1.6
Taxi	1.5	1.8	1.11	1.26	1.6
Truck Trip Generation	(1)		(5)	(5)	
Weekday	0.29		0.06	0.32	
Saturday	0		0.02	0.01	
	per 1,000 sf		per DU	per 1,000 sf	
Truck Temporal Distribution	(1)		(5)	(5)	
AM	9.6%		12.0%	10.0%	
MD	11.0%		9.0%	11.0%	
PM	1.0%		2.0%	2.0%	
SAT	0.0%		9.0%	11.0%	
	In	Out	In	Out	In	Out
MD/PM/Sat	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%

Notes :

(1) *Jamaica Plan FEIS* , 2007.

(2) Based on AASHTO Census Transportation Planning Data, Reverse Journey to Work, 2006-2010. It should be noted that all subway trips will use a bus to access the subway.

(3) A citywide ferry study commisioned by the New York City Economic Development Corporation found that a future ferry service in Red Hook would capture 6.0 % of subway riders.

(4) *New York Methodist Hospital Center for Community Health EAS* , 2014.

(5) 2014 *City Environmental Quality Review (CEQR)* Technical Manual.

(6) Based on 2009-2013 American Community Survey (ACS) Means of Transportation to Work table for Brooklyn Census Tracts 51, 53, 59, 63, 65, and 85. It should be noted that all subway trips will use a bus to access the subway.

(7) *363-365 Bond Street EAS* . It should be noted that all subway trips will use a bus to access the subway. Saturday directional splits are assumed to be the same as weekday.

(8) *Domino Sugar Rezoning Technical Memorandum, 2013.*

Table G-5: Travel Demand Forecast – Mixed-Use Scenario

Land Use:		Medical Office				Residential		Office		Total		
		Staff		Visitors								
Size/Units:		24,600	sf	24,600	sf	88	DU	73,800	sf			
Peak Hour Trips:*												
	AM	59		50		71		159		339		
	MD	42		74		36		199		351		
	PM	59		41		78		186		364		
	Saturday	18		74		68		49		209		
Person Trips:												
		In	Out	In	Out	In	Out	In	Out	In	Out	Total
AM	Auto	22	1	19	1	1	7	26	2	68	11	79
	Dropoff/Taxi	0	0	0	0	0	1	2	0	2	1	3
	Subway	12	1	10	1	4	22	69	4	95	28	123
	Public Bus	8	1	7	0	3	14	8	0	26	15	41
	Ferry	1	0	1	0	0	1	5	0	7	1	8
	Walk/Bike/Other	12	1	10	1	3	15	40	3	65	20	85
	Total	55	4	47	3	11	60	150	9	263	76	339
		In	Out	In	Out	In	Out	In	Out	In	Out	Total
MD	Auto	9	9	15	15	2	2	2	2	28	28	56
	Dropoff/Taxi	0	0	0	0	0	0	1	1	1	1	2
	Subway	5	5	8	8	7	7	5	9	25	29	54
	Public Bus	3	3	5	5	4	4	5	8	17	20	37
	Ferry	0	0	1	1	0	0	0	1	1	2	3
	Walk/Bike/Other	4	4	8	8	5	5	64	101	81	118	199
	Total	21	21	37	37	18	18	77	122	153	198	351
		In	Out	In	Out	In	Out	In	Out	In	Out	Total
PM	Auto	3	21	2	15	7	3	2	31	14	70	84
	Dropoff/Taxi	0	1	0	0	1	0	0	2	1	3	4
	Subway	2	11	1	8	20	9	4	82	27	110	137
	Public Bus	1	7	1	5	13	5	0	9	15	26	41
	Ferry	0	1	0	0	1	1	0	5	1	7	8
	Walk/Bike/Other	1	11	1	8	14	4	3	48	19	71	90
	Total	7	52	5	36	56	22	9	177	77	287	364
		In	Out	In	Out	In	Out	In	Out	In	Out	Total
Saturday	Auto	4	4	15	15	4	4	1	0	24	23	47
	Dropoff/Taxi	0	0	0	0	0	0	0	0	0	0	0
	Subway	2	2	8	8	12	12	1	2	23	24	47
	Public Bus	1	1	5	5	8	8	2	2	16	16	32
	Ferry	0	0	1	1	1	1	0	1	2	3	5
	Walk/Bike/Other	2	2	8	8	9	9	24	16	43	35	78
	Total	9	9	37	37	34	34	28	21	108	101	209
Vehicle Trips :		In	Out	In	Out	In	Out	In	Out	In	Out	Total
AM	Auto	17	1	8	0	1	6	21	2	47	9	56
	Dropoff/Taxi	0	0	0	0	0	1	2	0	2	1	3
	Dropoff/Taxi Balanced	0	0	0	0	1	1	2	2	3	3	6
	Truck	0	0	0	0	0	0	1	1	1	1	2
	Total	17	1	8	0	2	7	24	5	51	13	64
		In	Out	In	Out	In	Out	In	Out	In	Out	Total
MD	Auto	7	7	7	7	2	2	1	1	17	17	34
	Dropoff/Taxi	0	0	0	0	0	0	1	1	1	1	2
	Dropoff/Taxi Balanced	0	0	0	0	0	0	2	2	2	2	4
	Truck	0	0	0	0	0	0	1	1	1	1	2
	Total	7	7	7	7	2	2	4	4	20	20	40
		In	Out	In	Out	In	Out	In	Out	In	Out	Total
PM	Auto	2	16	1	7	6	3	2	25	11	51	62
	Dropoff/Taxi	0	1	0	0	1	0	0	2	1	3	4
	Dropoff/Taxi Balanced	1	1	0	0	1	1	2	2	4	4	8
	Truck	0	0	0	0	0	0	0	0	0	0	0
	Total	3	17	1	7	7	4	4	27	15	55	70
		In	Out	In	Out	In	Out	In	Out	In	Out	Total
Saturday	Auto	3	3	7	7	4	4	1	0	15	14	29
	Dropoff/Taxi	0	0	0	0	0	0	0	0	0	0	0
	Dropoff/Taxi Balanced	0	0	0	0	0	0	0	0	0	0	0
	Truck	0	0	0	0	0	0	0	0	0	0	0
	Total	3	3	7	7	4	4	1	0	15	14	29

Medical Office

For conservative analysis purposes, the community facility use associated with the mixed-use scenario is assumed to be medical office. The forecast of travel demand for employees at the medical office component uses a weekday employee trip generation rate of 10.0 employee trips per 1,000 gsf, a Saturday employee trip generation rate of 4.3 employee trips per 1,000 gsf,, employee temporal distributions of 24.0%, 17.0%, 24.0%, and 17.0%, for the weekday AM, midday PM, and Saturday midday peak hours respectively, and directional split rates as per the *Jamaica Plan FEIS*, 2007. The modal split of 41.0%, 1.0%, 21.6%, 14.0%, 1.4%, and 21.0% for auto, taxi, subway, bus, ferry, and walk-only trips respectively was determined using *AASHTO Census Transportation Planning Means of Transportation to Work* data for Brooklyn census tracts 51, 53, 59, 63, 65, and 85. The vehicle occupancy rates of 1.3 employees per auto and 1.5 employees per taxi were based on the *New York Methodist Hospital Center for Community Health EAS*, 2014. Truck trips were based on the *Jamaica Plan FEIS*.

The forecast of travel demand for visitors at the medical office component uses a weekday employee trip generation rate of 33.6 employee trips per 1,000 gsf, a Saturday employee trip generation rate of 14.5 employee trips per 1,000 gsf,, employee temporal distributions of 6.0%, 9.0%, 5.0%, and 9.0%, for the weekday AM, midday PM, and Saturday midday peak hours respectively, and directional split rates as per the *Jamaica Plan FEIS*, 2007. The modal split of 41.0%, 1.0%, 21.6%, 14.0%, 1.4%, and 21.0% for auto, taxi, subway, bus, ferry, and walk-only trips respectively was determined using *AASHTO Census Transportation Planning Means of Transportation to Work* data for Brooklyn census tracts 51, 53, 59, 63, 65, and 85. The vehicle occupancy rates of 2.3 visitors per auto and 1.8 visitors per taxi were based on the *New York Methodist Hospital Center for Community Health EAS*, 2014. Truck trips were based on the *Jamaica Plan FEIS*.

Office

The forecast of travel demand for the office component uses a weekday employee trip generation rate of 18.0 trips per 1,000 gsf, a Saturday employee trip generation rate of 3.9 trips per 1,000 gsf and temporal distributions of 12.0%, 15.0%, 14.0%, and 17.0%, for the weekday AM, midday PM, and Saturday midday peak hours respectively as per the 2014 *CEQR Technical Manual*. The modal split of 17.7%, 1.2%, 46.2%, 5.0%, 2.9%, and 27.0% for auto, taxi, subway, bus, ferry, and walk-only trips respectively in the weekday AM and PM peak hours and vehicle occupancy rate of 1.26 persons per vehicle along with the modal split of 2.0%, 1.0%, 6.6%, 7.0%, 0.4%, and 83.0% auto, taxi, subway, bus, ferry, and walk-only trips respectively in the weekday and Saturday midday peak hours and vehicle occupancy rate of 1.6 persons per vehicle were based on surveys conducted for the *Domino Sugar Technical Memorandum*, 2013. Truck trips were based on the 2014 *CEQR Technical Manual*.

It was assumed all subway trips for each land use would use a bus to access the subway. It should also be noted that none of the modal split sources indicate a mode share for ferries. However, the New York City Economic Development Corporation (NYCEDC) has proposed to implement ferry service in Red Hook by the year 2018. The NYCEDC performed a study which shows a ferry capture rate of 6.0% of subway via bus trips originating or terminating in Red Hook.

Residential

The forecast of travel demand for the residential component uses a weekday daily trip generation rate of 8.075 trips per DU, a Saturday daily trip generation rate of 9.6 trips per DU and temporal distributions of 10.0%, 5.0%, 11.0%, and 8.0% for the weekday AM, midday, PM, and Saturday midday peak hours

respectively based on the 2014 *CEQR Technical Manua*l. The modal split of 12.0%, 1.0%, 35.7%, 23.0%, 2.3% and 25.0% for auto, taxi, subway, bus, ferry, and walk-only trips respectively, the directional splits, and the vehicle occupancy of 1.16 persons per vehicle were determined using 2009-2013 *American Community Survey (ACS) Means of Transportation to Work* data for Brooklyn census tracts 51, 53, 59, 63, 65, and 85. Directional splits were based on the *363-365 Bond Street EAS*, 2014. Truck trip generation was based on the 2014 *CEQR Technical Manua*l.

Traffic

According to the 2014 *CEQR Technical Manual*, a trip generation analysis for a project generally will be appropriate to determine the volume of vehicular trips expected during the peak hours. In most areas of the City, including the project area, if the proposed action is projected to result in fewer than 50 peak hour vehicular trip ends, traffic impacts would be unlikely, and therefore further traffic analysis would not be warranted.

As indicated in Table G-5, a travel demand forecast indicates that the development program for the mixed-use scenario would generate a project increment of approximately 64, 44, 73, and 27 vehicle trips in the AM, midday, PM, and Saturday midday peak periods respectively. Since there are more than 50 project-generated vehicle trips in the weekday AM and PM peak hours, a traffic assignment for these peak hours is warranted and is discussed below.

Parking

The mixed-use scenario would include a 75-space accessory parking facility. Under the proposed M1-4/R6 zoning, the residential component would require 44 parking spaces while the community facility component would require 31 parking spaces. There are no parking requirements for commercial uses in an M1-4 zoning district.

As per the 2009-2013 *American Community Survey (ACS) Vehicles Available* data for Brooklyn census tracts 51, 53, 59, 63, 65, and 85, approximately the auto ownership rate is approximately 43 percent. It is assumed that the peak residential parking demand will occur in the overnight period. Because there are 88 DUs proposed, the parking utilization for the residential parking lot is 87 percent, and overnight parking analysis would not be warranted. Residential hourly parking accumulation for the weekday and Saturday are shown in Tables G-6 and G-7.

As shown in Table G-6, weekday parking demand for the mixed-use scenario would peak between 10:00 and 11:00 AM at 111 spaces. The mixed-use scenario development would provide the parking required under the proposed M1-4/R6 district (75 parking spaces), however, not all of the parking demand generated by the proposed uses would be accommodated. The 36 vehicles that would not be accommodated within the parking garage would utilize available on-street parking at this time of day. Therefore, a detailed inventory of on-street parking in the weekday AM/midday would be warranted.

Table G-6: Daily Weekday Parking Accumulation – Mixed-Use Scenario

	Residential		Medical Office		Office		Total		
	88 DU		24,600 sf		73,800 sf				
	In	Out	In	Out	In	Out	In	Out	Accumulation
12-1 AM	0	0	0	0	0	0	0	0	38
1-2	0	0	0	0	0	0	0	0	38
2-3	0	0	0	0	0	0	0	0	38
3-4	0	0	0	0	0	0	0	0	38
4-5	0	0	0	0	0	0	0	0	38
5-6	0	1	0	0	0	0	0	1	37
6-7	1	2	0	0	4	0	5	2	40
7-8	1	4	0	0	15	0	16	4	52
8-9	1	7	25	1	21	2	47	10	89
9-10	1	3	9	6	21	1	31	10	110
10-11	1	3	8	10	7	2	16	15	111
11-12	1	2	7	14	6	1	14	17	108
12-1 PM	2	2	14	14	1	1	17	17	108
1-2	2	2	8	9	4	8	14	19	103
2-3	2	2	11	10	2	6	15	18	100
3-4	3	1	12	8	1	6	16	15	101
4-5	3	2	16	11	5	22	24	35	90
5-6	7	3	3	23	2	25	12	51	51
6-7	5	2	0	7	3	12	8	21	38
7-8	4	1	0	0	2	8	6	9	35
8-9	3	1	0	0	0	0	3	1	37
9-10	1	1	0	0	0	0	1	1	37
10-11	1	0	0	0	0	0	1	0	38
11-12	0	0	0	0	0	0	0	0	38

As shown in Table G-7, Saturday parking demand for the mixed-use scenario would peak between 2:00 and 3:00 PM at 61 spaces. The mixed-use scenario would provide the parking requirement under the proposed M1-4/R6 district (75 parking spaces) and the parking utilization would be 81 percent. Therefore, a detailed inventory of on-street and off-street public parking in the Saturday midday would not be warranted.

Table G-7: Saturday Parking Accumulation – Mixed-Use Scenario

	Residential		Medical Office		Office		Total		
	88	DU	24600	sf	73800	sf			
	In	Out	In	Out	In	Out	In	Out	Accumulation
12-1 AM	0	0	0	0	0	0	0	0	38
1-2	0	0	0	0	0	0	0	0	38
2-3	0	0	0	0	0	0	0	0	38
3-4	0	0	0	0	0	0	0	0	38
4-5	0	0	0	0	0	0	0	0	38
5-6	0	1	0	0	0	0	0	1	37
6-7	0	3	0	0	1	0	1	3	35
7-8	0	4	0	0	5	0	5	4	36
8-9	2	7	4	0	13	1	19	8	47
9-10	1	3	4	2	6	1	11	6	52
10-11	2	2	4	3	1	0	7	5	54
11-12	2	2	4	4	0	1	6	7	53
12-1 PM	2	2	4	4	9	6	15	12	56
1-2	4	5	10	10	1	0	15	15	56
2-3	3	1	4	5	1	1	8	7	57
3-4	4	1	5	4	0	0	9	5	61
4-5	4	2	6	6	1	9	11	17	55
5-6	6	3	4	7	2	15	12	25	42
6-7	5	2	0	4	1	5	6	11	37
7-8	3	2	0	0	1	3	4	5	36
8-9	3	2	0	0	0	0	3	2	37
9-10	2	2	0	0	0	0	2	2	37
10-11	2	1	0	0	0	0	2	1	38
11-12	1	1	0	0	0	0	1	1	38

Transit

According to the general thresholds used by the MTA specified in the 2014 *CEQR Technical Manual*, if a proposed project is projected to result in fewer than 200 peak hour subway/rail or bus transit riders, further transit analyses are not typically required as the proposed project is considered unlikely to create a significant transit impacts.

Subway

As shown in Table G-5, the mixed-use scenario would generate approximately 125, 54, 137, and 49 subway trips in the weekday AM, midday, PM, and Saturday midday peak hours respectively. As the mixed-use scenario would generate less than 200 subway trips in any one peak hour, a detailed analysis of subway conditions is not warranted.

Local Bus

As shown in Table G-5, the mixed-use scenario would generate approximately 41, 37, 41, and 32 public bus-only trips in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. In addition, it should be noted that the nearest subway station to the project site is located 1.1 miles away. It is therefore likely that some subway trips would utilize connecting local bus services to access the site. For conservative analysis purposes, it is assumed that all of the subway trips (125, 54, 137, and 49 trips in the

AM, midday, PM, and Saturday midday peak hours, respectively) would arrive and depart the project site via local bus. Project generated demand on local buses is therefore expect to total 166, 91, 178, and 81 trips in the AM, midday, PM, and Saturday midday peak hours, respectively. As the mixed-use scenario would result in less than 200 bus trips in any peak hour, further analysis is not warranted.

Pedestrians

Analysis of pedestrian conditions focuses on elements where substantial a number of trips are generated by an action. These elements include sidewalks, street corner areas, and crosswalks. The number of pedestrian trips generated includes the number of bus, subway, and "walk only" trips. According to the 2014 *CEQR Technical Manual*, detailed pedestrian analyses are not required if the proposed action is projected to result in less than 200 peak hour pedestrian trips on any single element. As shown in G-5, the mixed-use scenario would generate pedestrian demand of 259, 293, 277, and 164 trips in the in the weekday AM, midday, PM, and Saturday midday peak hours respectively. Since there are more than 200 trips in three of the four peak hours, a Level 2 screening assessment is necessary for the AM, midday, and PM peak periods to determine if a detailed pedestrian analysis would be warranted.

V. LEVEL 2 SCREENING ASSESSMENT

A Level 2 screening assessment involves the assignment of project-generated trips to the study area street network, pedestrian elements and transit facilities, and the identification of specific locations where the incremental increase in demand may potentially exceed 2014 *CEQR Technical Manual* analysis thresholds and therefore require a quantitative analysis. As discussed above, the proposed project scenario would not exceed 2014 *CEQR Technical Manual* analysis thresholds for traffic, parking, transit, and pedestrians. Therefore, the proposed project scenario does not require a detailed transportation analysis.

As discussed above, the mixed-use scenario would exceed 2014 *CEQR Technical Manual* analysis thresholds for traffic, parking, and pedestrians. Therefore, a Level 2 screening assessment is warranted. As the mixed-use scenario would generate less than 200 subway and bus trips, further assessment of transit facilities is not warranted.

Traffic

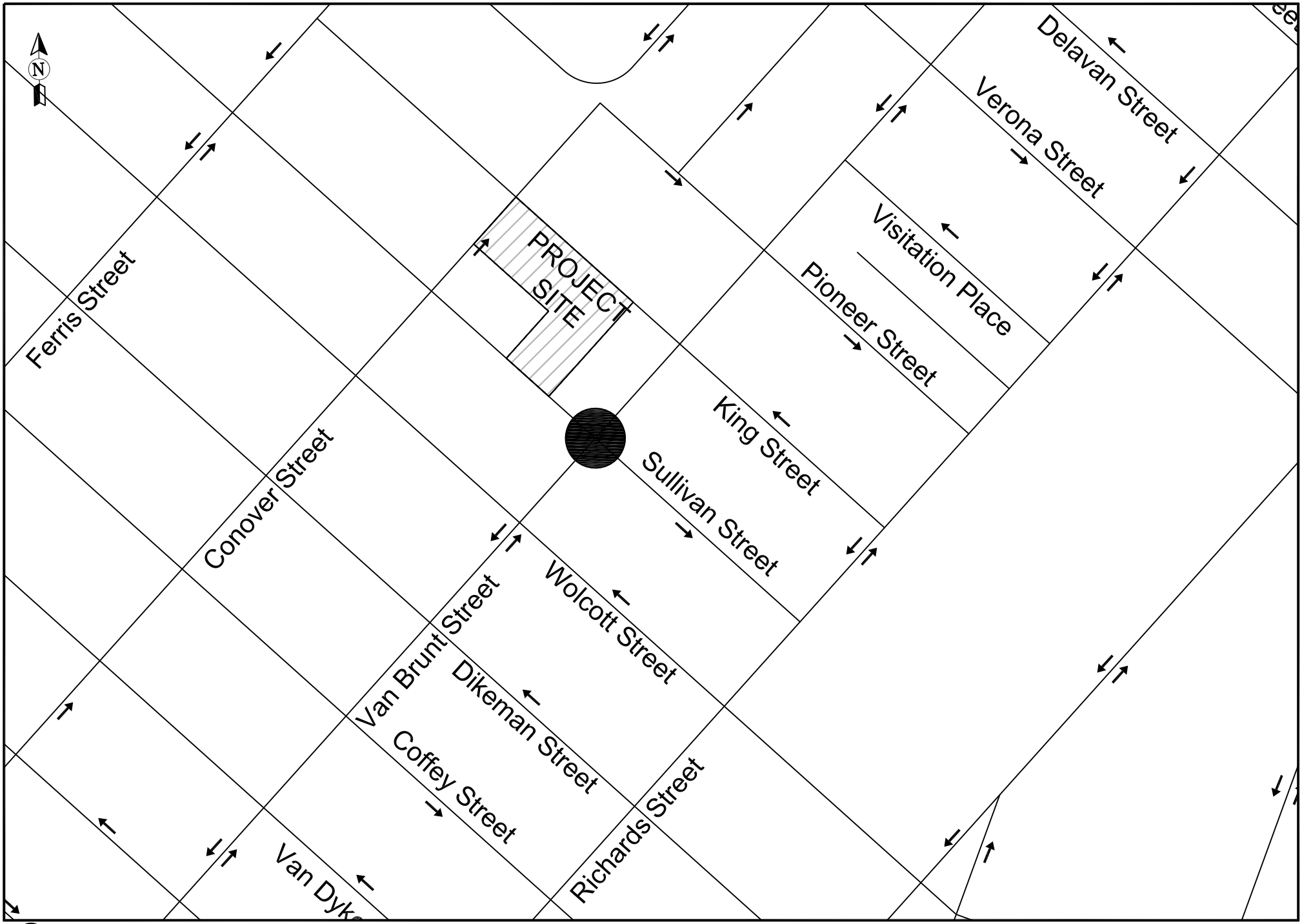
It was determined that approximately 25% of residential and 32% of all other project-generated auto and taxi trips would enter Red Hook using Court Street and exit using either Smith or Clinton Streets. Approximately 22% of residential and 19% of all other project-generated auto and taxi trips would enter or exit Red Hook using Van Brunt Street. Approximately 18% of residential and 21% of all other project-generated auto and taxi trips would enter or exit Red Hook using the Gowanus Expressway. Approximately 16% of residential and 19% of all other project-generated auto and taxi trips would enter or exit Red Hook using Hamilton Avenue. Approximately 13% of residential and 17% of all other project-generated auto and taxi trips would enter or exit Red Hook using the Brooklyn-Queens Expressway. Approximately 6% of residential and 2% of all other project-generated auto and taxi trips would enter or exit Red Hook using the Brooklyn-Battery Tunnel. As shown in Table G-2, the mixed-use scenario would result in over 50 vehicle trips in both the AM and PM peak hours. Figure G-1 shows the vehicle assignment diagrams for the mixed-use scenario generated traffic in the weekday AM and PM peak hours.

As shown in Figure G-1, the intersection of Van Brunt Street at Sullivan Street would experience a project

XX/XX - AM/PM Traffic Increment

Figure G-1

Vehicle Assignment - Mixed-Use Scenario



● - Analyzed Signalized Intersection

Figure G-2
Analyzed Intersection

increment of 51 new vehicle trips in the weekday PM peak hour. Because the project increment is greater than 50, detailed traffic analysis of this intersection in the weekday PM peak hour would be warranted. This location is highlighted in Figure G-2.

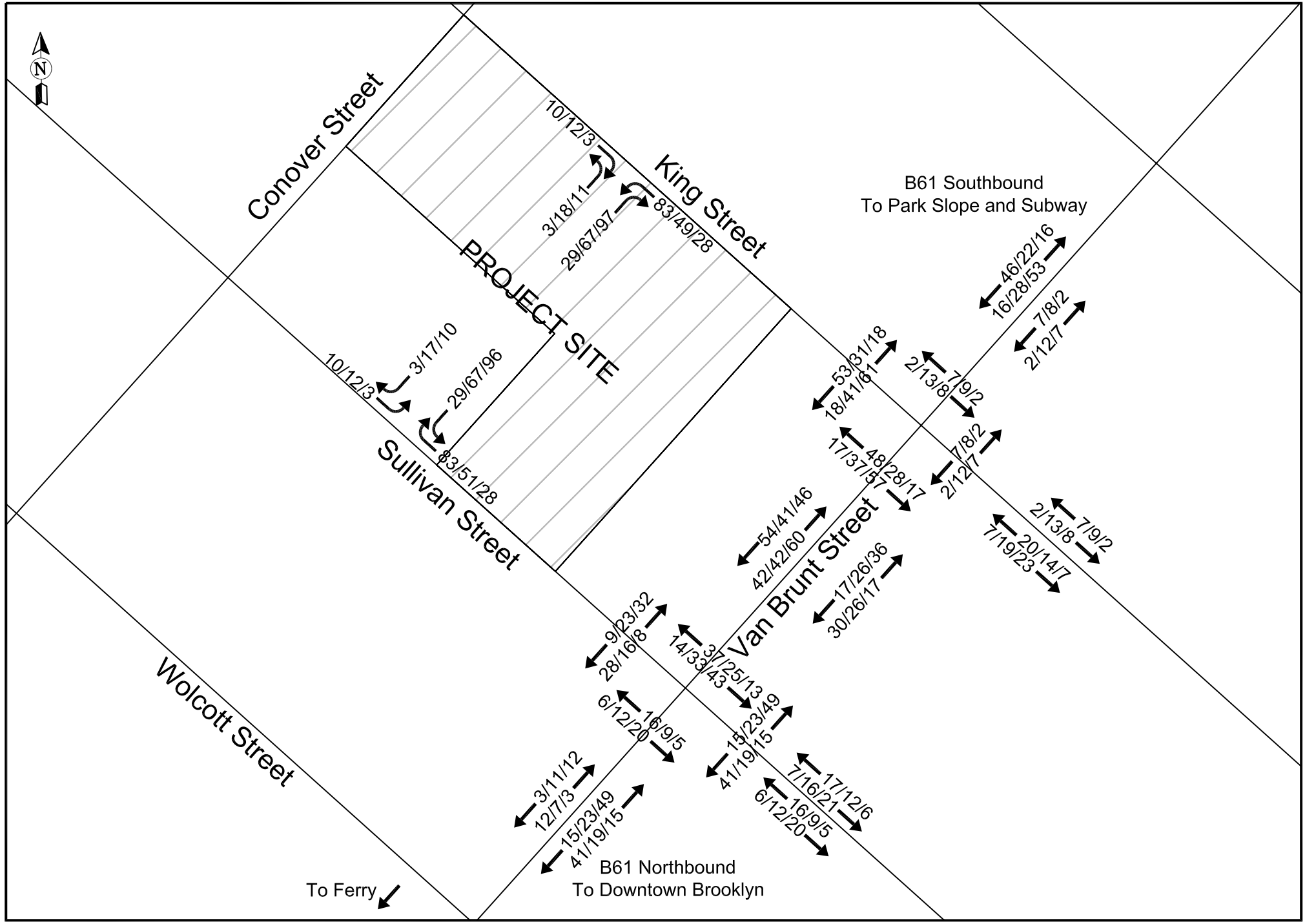
Pedestrians

According to 2014 *CEQR Technical Manual* criteria, projected pedestrian volume increases of less than 200 pedestrians per hour at any pedestrian element would not typically be considered a significant impact, since that level of increase would not generally be noticeable and therefore would not require further analysis. As shown in Table G-5, the mixed-use scenario would generate pedestrian demand of 259, 277, 277, and 164 pedestrian trips in the in the weekday AM, midday, PM, and Saturday midday peak hours respectively. Of these total pedestrian trips, 85, 199, 90, and 78 would be walk-only trips during the weekday AM, midday, PM, and Saturday midday peak hours, respectively. Since the project-generated pedestrian trips would exceed the 2014 *CEQR Technical Manual* threshold for analysis during each of the peak hours, a Level 2 screening assessment is required.

Project-generated pedestrian trips were assigned to the sidewalks, corners and crosswalks where pedestrians would likely traverse to the project site. It is assumed that there would be entrances/exits on Sullivan and King Streets, with 50% of pedestrians using each door. The "walk only" trips were assigned in multiple directions away from the site, with about 30% of trips assigned to points west and 70% of trips assigned to points east. Subway and bus trips were assigned evenly to three bus routes: the B61 north on Van Brunt Street to and from the Jay Street-Metrotech subway station on the IND Sixth and Eighth Avenue lines and BMT Broadway Line (A, C, F, and R trains), the B61 south on Van Brunt Street to the Smith-9th Street Station on the IND Crosstown Line (F and G trains), and the B57 east to the Borough Hall-Court Street station on the IRT Eastern Parkway and Lexington Avenue lines and the BMT Broadway Line (2, 3, 4, 5, and R trains). Ferry trips were assigned to the Van Brunt Street pier, where NYCEDC expects the Red Hook ferry service to dock. G-3 shows the pedestrian assignment patterns around the site. As shown in Figure G-3, no pedestrian element would exceed *CEQR Technical Manual* threshold of 200 pedestrian trips in any peak hour. Further, as this intersection is unsignalized, corner areas would operate free-flow, and therefore, a detailed pedestrian analysis would not be warranted as no impacts are expected.

Parking

As shown in Table G-6 above, weekday parking demand for the mixed-use scenario would peak between 10:00 and 11:00 AM at 111 spaces. The mixed-use scenario development would provide the parking required under the proposed M1-4/R6 district (75 parking spaces), however, not all of the parking demand generated by the proposed uses would be accommodated. The 36 vehicles that would not be accommodated within the parking garage would utilize available on-street parking at this time of day. Therefore, a detailed inventory of on-street public parking in the weekday midday would be warranted.



XX/XX/XX - AM/Midday/PM Pedestrian Increment

Figure G-3

Pedestrian Assignment - Mixed-Use Scenario

VI. TRANSPORTATION ANALYSES METHODOLOGIES

Traffic

Analysis Methodology

The capacity analyses at study area intersections are based on the methodology presented in the *Highway Capacity Manual (HCM) Software HCS+ Version 5.5*. Traffic data required for these analyses include the hourly volumes on each approach and various other physical and operational characteristics. Field inventories were conducted to document the physical layout, lane markings, curbside parking regulations, and other relevant characteristics needed for the analysis.

The HCM methodology provides a volume-to-capacity (v/c) ratio for each signalized intersection approach. The v/c ratio represents the ratio of traffic volumes on an approach to the approach's carrying capacity. A ratio of less than 0.90 is generally considered indicative of non-congested conditions in dense urban areas; when higher than this value, the ratio reflects increasing congestion. At a v/c ratio of between 0.95 and 1.0, near-capacity conditions are reached and delays can become substantial. Ratios of greater than 1.0 indicate saturated conditions with queuing. The HCM methodology also expresses quality of flow in terms of level of service (LOS), which is based on the amount of delay that a driver typically experiences at an intersection. LOS range from A, with minimal delay (10 seconds or less per vehicle), to F, which represents long delays (greater than 80 seconds per vehicle).

Table G-8 shows the LOS/delay relationship for signalized intersections using the HCM methodology. LOS A, B, and C generally represent highly favorable to fair levels of traffic flow. At LOS D, the influence of congestion becomes noticeable. LOS E is considered to be the limit of acceptable delay, and LOS F is considered to be unacceptable to most drivers. In this study, a signalized lane grouping operating at LOS E or F or a v/c ratio of 0.90 or above is identified as congested.

TABLE G-8
Intersection Level of Service Criteria

LOS	Average Delay per Vehicle (seconds) Signalized Intersections
A	0 – 10
B	> 10 – 20
C	> 20 – 35
D	> 35 – 55
E	> 55 – 80
F	> 80

Source: 2000 *Highway Capacity Manual.*

Significant Impact Criteria

The identification of significant adverse traffic impacts at analyzed intersections is based on criteria presented in the 2014 *CEQR Technical Manual*. According to 2014 *CEQR Technical Manual* criteria, if a lane group under the With-Action condition is within LOS A, B, C, or marginally acceptable LOS D (average control delay less than or equal to 45 seconds per vehicle for signalized intersections or less than or equal to 30 seconds per vehicle for unsignalized intersections), the impact is not considered significant. If the lane group LOS deteriorates from LOS A, B, or C in the No-Action condition to worse than mid-LOS D (i.e.,

delay greater than 45 seconds per vehicle at signalized intersections or 30 seconds per vehicle for un-signalized intersections) or to LOS E or F under the With-Action condition, then a significant traffic impact has occurred. For a lane group operating at LOS D under the No-Action condition, a delay increase of five or more seconds is considered significant if the With-Action delay exceeds mid-LOS D. For a lane group operating at LOS E under the No-Action condition, an increase in projected delay of four or more seconds is considered significant, and for a lane group operating at LOS F under the No-Action condition, an increase in projected delay of three or more seconds is considered significant. For unsignalized intersections, the same criteria used for signalized intersections apply. Pursuant to 2014 *CEQR Technical Manual* guidelines, for a minor street to trigger a significant impact, 90 Passenger Car Equivalents (PCEs) in any peak hour must be identified in the future With-Action condition.

Parking

The parking analysis identifies the extent to which on- and off-street parking is available and utilized under existing and future conditions and estimates the parking demand resulting from the proposed project during peak periods. It takes into consideration anticipated changes in area parking supply and provides a comparison of parking needs versus availability to determine if a parking shortfall is likely to result from parking displacement attributable to or additional demand generated by the proposed project. It should be noted that as there are no off-street public parking facilities within a quarter-mile radius of the rezoning area, the parking analysis will focus on on-street parking only.

VII. TRAFFIC

Existing Conditions

Study Area Network

The rezoning area is located in the Red Hook neighborhood of Brooklyn on a block bounded by Van Brunt Street to the east, King Street to the north, Conover Street to the west, and Sullivan Street to the south. Van Brunt Street accommodates two-way traffic and generally runs north-south in the vicinity of the rezoning area. King Street operates with one-way traffic that flows westbound in the area adjacent to the rezoning are. Conover Street operates with two-way northbound and southbound traffic flow. At the southern edge of the rezoning area, Sullivan Street operates with one-way eastbound traffic flow. As the parking garage entrance to the mixed-use building would be located along the Sullivan Street frontage, the majority of vehicles arriving and departing the site would occur along the Sullivan Street frontage.

Van Brunt Street, a designated NYCDOT truck route in the vicinity of the rezoning area, is a 37-foot wide north-south roadway in Red Hook that provides access to the Red Hook Container Terminal to the north of the rezoning area and to the waterfront to the south of the rezoning area. One 11 foot travel lane is available in each direction, and on-street parking is permitted on both sides of the street. A Class III bicycle facility is striped on Van Brunt Street in both directions. Van Brunt Street is signalized at Sullivan Street and stop controlled at King Street. Hourly two-way volumes along Van Brunt Street between King Street and Sullivan Street are relatively low with approximately 435 vph (235 vph southbound and 200 vph northbound) during the weekday PM peak period.

Sullivan Street (approximately 30 feet wide immediately adjacent to the project site) operates one-way eastbound between the waterfront and Richards Street. On-street parking is also available on both sides of the roadway. Hourly one-way volumes along eastbound Sullivan Street between Conover Street and Van Brunt Street are approximately 95 vph during the weekday PM peak period.

As discussed above under "Level 2 Screening Assessment," the traffic analysis includes a total of one signalized intersection based on the number of new project-generated vehicle trips. Figure G-4 shows the existing 2015 traffic volumes at the analyzed intersection during the weekday PM peak hour.

Intersection Capacity Analysis

The traffic data was collected on May 27, May 28, and June 3, 2015 at the intersection of Van Brunt Street and Sullivan Street during the PM peak hour. Figure G-4 shows the existing condition volumes in the PM peak hour. Table G-9 below provides the resulting detailed v/c ratios, delays, and LOS by movement at the analyzed intersection in the PM peak hour and identifies those movements that are considered congested in one or more peak hour (i.e., movements operating at LOS E or F and/or with a high v/c ratio of 0.90 and above). As shown in the table, the intersection and lane group movements operate at LOS C or better.

Table G-9: 2015 Existing Conditions Level of Service Analysis

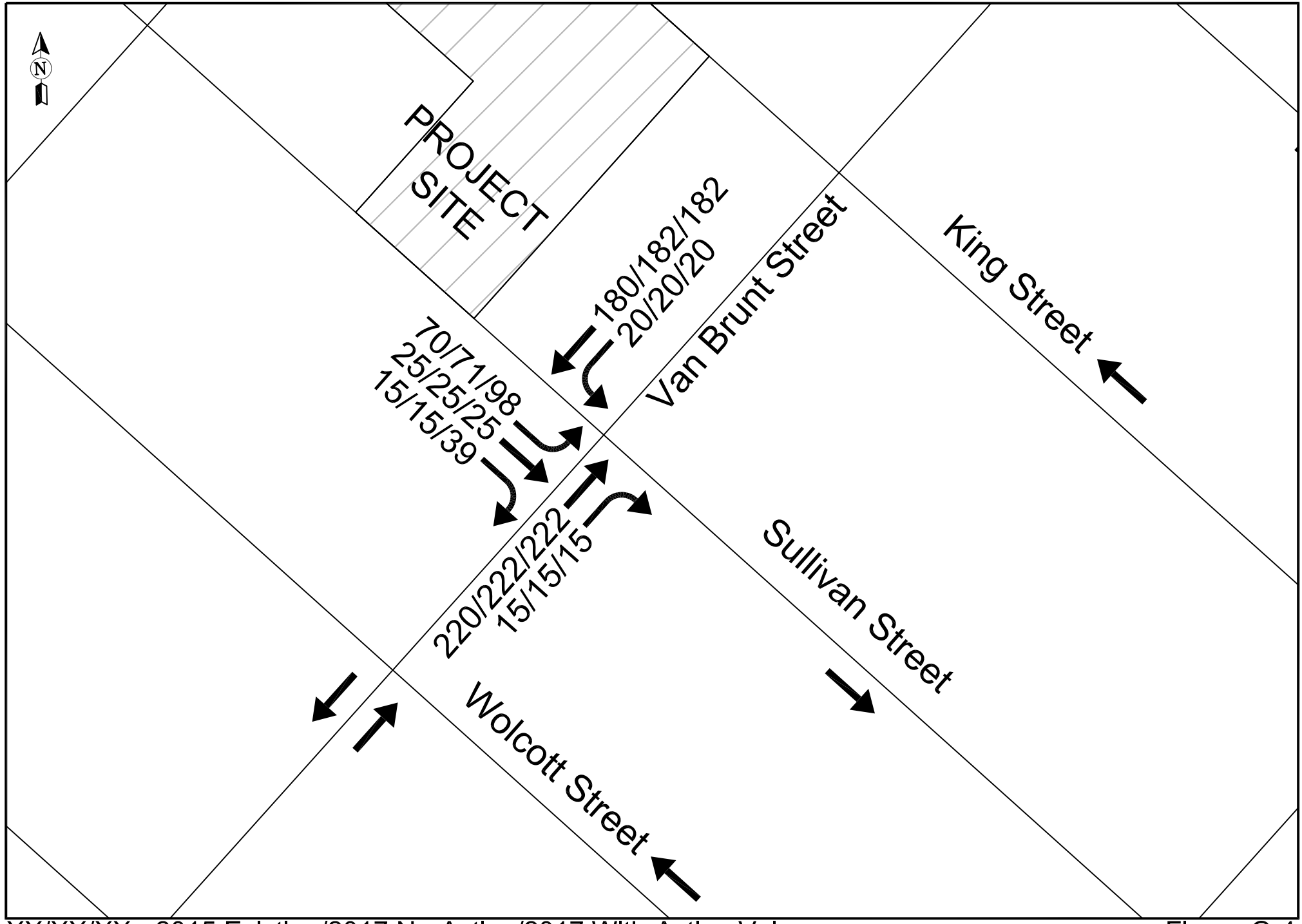
Intersection	Approach	Lane Group	Existing		
			V/C Ratio	Delay (sec)	LOS
Sullivan St (EB) @	EB	LTR	0.35	20.7	C
Van Brunt St (N-S)	NB	TR	0.33	8.4	A
	SB	LT	0.30	8.3	A

Notes:
EB-Eastbound, NB-Northbound, SB-Southbound
L-Left, T-Through, R-Right
V/C Ratio - Volume to Capacity Ratio, sec - Seconds per Vehicle
LOS - Level of Service
Analysis is based on the 2000 *Highway Capacity Manual* methodology (HCS+, version 5.5)

The Future without the Proposed Project (No-Action Condition)

As impact analyses are based on the incremental change to expected future conditions as a result of a proposed project, a future without the proposed project condition, the 2018 No-Action condition, was developed. The 2018 No-Action condition incorporates changes to the study area's traffic network as a result of general background growth and traffic demand and traffic operation changes associated with developments anticipated to be completed by 2018.

Between 2015 and 2018, it is expected that traffic demand in the study area will increase due to background growth which accounts for any smaller developments within the surrounding area. It is anticipated that the in the absence of the proposed action, the rezoning area would continue to be occupied by the existing uses that are currently there. No major developments are expected in the vicinity of the rezoning area by 2018 that would contribute to the increase in traffic demand in the analyzed PM peak hour. No-Action condition traffic volumes were developed by applying the annual background growth rates recommended in the 2014 *CEQR Technical Manual* to existing volumes. An annual compounded background growth rate of 0.50 percent per year was applied to existing travel demand for years 2015 through 2018 as specified in the 2014 *CEQR Technical Manual*. These background growth rates are applied to account for smaller projects and general increases in travel demand not attributable to specific development projects in proximity to the rezoning area.



XX/XX/XX - 2015 Existing/2017 No-Action/2017 With-Action Volumes

Figure G-4

Weekday PM Peak Hour Traffic Volumes

Intersection Capacity Analysis

Figure G-4 also shows the expected No-Action weekday PM peak hour traffic volumes at the analyzed intersection, while Table G-10 shows the detailed volume-to-capacity ratios, delays and levels of service by movement at the analyzed intersection in the PM peak hour in the No-Action condition and compares these with existing conditions. As shown in Table G-10, no intersection movements would become congested during the analyzed peak hour by 2018 under No-Action conditions.

Table G-10: 2018 No-Action Condition Level of Service Analysis

Intersection	Approach	Lane Group	Existing			No-Action		
			V/C Ratio	Delay (sec)	LOS	V/C Ratio	Delay (sec)	LOS
Sullivan St (EB) @	EB	LTR	0.35	20.7	C	0.35	20.8	C
Van Brunt St (N-S)	NB	TR	0.33	8.4	A	0.33	8.5	A
	SB	LT	0.30	8.3	A	0.31	8.3	A

Notes:
EB-Eastbound, NB-Northbound, SB-Southbound
L-Left, T-Through, R-Right
V/C Ratio - Volume to Capacity Ratio, sec - Seconds per Vehicle
LOS - Level of Service
Analysis is based on the 2000 *Highway Capacity Manual* methodology (HCS+, version 5.5)

The Future with the Proposed Project (With-Action Condition)

As discussed above, the mixed-use scenario is expected to generate a total of 64, 44, 73, and 27 net vehicle trips in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. The assignments of the projected vehicle trip increments generated during these peak hours are shown in Figure G-1. No physical or operational changes to the area street network are planned as part of the proposed action.

Intersection Capacity Analysis

Figure G-4 shows the weekday PM peak hour traffic network volumes in the 2018 future with the proposed action. The volumes shown are the combination of the net incremental traffic generated by proposed action and the No-Action traffic network. No physical or operational changes to the study area street network are planned as part of the proposed action.

Table G-11 shows the volume-to-capacity ratios, delays and levels of service by movement at the analyzed intersection in the PM peak hour in the With-Action condition, and identifies those movements that are considered congested in the PM peak hours. As shown in Table G-11, no intersections would be congested during the analyzed peak hour. Table G-11 shows that all analyzed movements would continue to operate at LOS C or better during the weekday PM peak hour under With-Action conditions and therefore no significant adverse traffic impacts would occur as a result of the proposed action.

Table G-11: 2018 With-Action Condition Level of Service Analysis

Intersection	Approach	Lane Group	No-Action			With-Action		
			V/C Ratio	Delay (sec)	LOS	V/C Ratio	Delay (sec)	LOS
Sullivan St (EB) @	EB	LTR	0.35	20.8	C	0.56	25.8	C
Van Brunt St (N-S)	NB	TR	0.33	8.5	A	0.34	8.5	A
	SB	LT	0.31	8.3	A	0.31	8.3	A

Notes:
EB-Eastbound, NB-Northbound, SB-Southbound
L-Left, T-Through, R-Right
V/C Ratio - Volume to Capacity Ratio, sec - Seconds per Vehicle
LOS - Level of Service
Analysis is based on the 2000 *Highway Capacity Manual* methodology (HCS+, version 5.5)

VIII. PARKING

Existing Conditions

The mixed-use scenario would include a 75-space accessory garage on the development site. However, the project's forecasted peak parking demand is expected to exceed the accessory supply, as discussed above and shown in Table G-6. Therefore, existing study area parking conditions were evaluated for an area within ¼ mile of the development site, in accordance with 2014 *CEQR Technical Manual* guidance. As discussed above, because there are no off-street parking facilities within a ¼ mile radius of the development site, the parking analysis will focus on on-street parking demand and utilization.

On-street parking regulations within ¼ mile of the development were surveyed and illustrated in Table G-12 and Figure G-5. Most of the study area's curbside regulations are also street cleaning regulations which prohibit on-street parking for brief periods for one or two days each week on most streets, while some streets also restrict weekday daytime usage to commercial loading and unloading activities and authorized vehicles.

A detailed weekday on-street parking inventory of the area surrounding the rezoning area was conducted on a typical weekday between 10AM and 2PM on Wednesday, June 3, 2015. The parking inventory encompassed a ¼-mile radius (approximately a five-minute walk) from the rezoning area, as recommended by 2014 CEQR guidelines.

On-street parking capacity and occupancy were inventoried for the study area on a block-by-block basis. Table G-13 below presents the on-street parking occupancy within a ¼-mile of the project site. As indicated in the table, there are approximately 1,484 curbside parking spaces within a ¼-mile of the project site, 84.3 percent of which were occupied during the 10AM-2PM period.

- - - - - Quarter-Mile Radius

Figure G-5

On-Street Parking Regulations Within a Quarter-Mile Radius

TABLE G-12
On-Street Parking Regulations

No.	Regulation
1	NS Anytime
2	NP Anytime
3	NS Bus Stop
4a	NP 7AM – 4PM School Days
4b	NS 7AM – 4PM School Days
5a	Night Regulation NP Midnight – 3AM Monday & Thursday
5b	Night Regulation NP Midnight – 3AM Tuesday & Friday
6a	NP 11:30AM – 1PM Monday
6b	NP 11:30AM – 1PM Friday
7	NP 8AM – 6PM Monday – Friday
8	NP 7AM – 7PM Monday – Friday
9	NS Fire Zone
10	NS Except Trucks Loading/Unloading 7AM-4PM Monday – Friday
11	NS Except Trucks Loading/Unloading 7AM-6PM Monday – Friday
12	Truck Loading Only 6AM – 6PM
13	Back-In 60-Degree Angle Parking Only
14	NS Anytime Except AV (Ambulette)
15	NS Except Trucks Loading/Unloading 8AM-6PM Monday – Friday
16	NS Except Trucks Loading/Unloading 8AM-4PM Monday – Friday
17	NP 7AM – 6PM Except Sunday
18	No Stopping Anytime
19	NS 8AM – 6PM Monday – Saturday Except AV (Ambulette)

Notes:
NP = No Parking; NS = No Standing; AV = Authorized Vehicles

Table G-13: Existing On-Street Parking Conditions

Study Area	Capacity	Occupied Spaces	Available Spaces	Parking Utilization (%)
¼-Mile Radius	1,484	1,251	233	84.3

Based on a PHA survey conducted on June 3, 2015

Future without the Proposed Action (No-Action Condition)

In 2018, under No-Action conditions, background growth in the study area is expected to increase the demand for on-street parking. The background growth rate—0.5 percent per year until 2018—was applied to determine 2018 No-Action parking demand. As a result of this background growth, on-street parking occupancy is expected to reach 85.6 percent in the ¼-mile study area during the 10AM-2PM period, decreasing the number of available spaces by 19 in the ¼-mile study area (see Table G-14 below).

Table G-14: 2018 No-Action On-Street Parking Conditions

Study Area	Capacity	Occupied Spaces	Available Spaces	Parking Utilization (%)
¼-Mile Radius	1,484	1,270	214	85.6

Future with the Proposed Action (With-Action Condition)

Table G-6 above shows the 24-hour parking demand that is expected to be generated by the mixed-use scenario. As shown in Table G-6, weekday parking demand for the mixed-use scenario would peak between 10:00 and 11:00 AM at 111 spaces. The mixed-use scenario development would provide the parking required under the proposed M1-4/R6 district (75 parking spaces), however, not all of the parking demand generated by the proposed uses would be accommodated. The 36 vehicles that would not be accommodated within the parking garage and would utilize available on-street parking at this time of day. As indicated above in Table G-14, with 214 available curbside spaces, the 36 spaces of peak excess parking demand could be absorbed by available on-street spaces within the parking study area. In the future with the proposed action, the on-street parking capacity would increase from 85.6% in the No-Action condition to 88.0% in the With-Action condition. Therefore, it is not expected that the proposed project would result in a significant adverse parking impact. Additionally, the ULURP (150361ZMK, 150363ZCK, 150362ZSK, 160081ZRK) includes findings related to transportation that the streets providing access to the proposed nursing home would be adequate to handle the traffic generated by the proposed use.

ATTACHMENT H

AIR QUALITY

I. INTRODUCTION

The proposed action would affect a single lot on Block 555 in the Red Hook neighborhood of Brooklyn. As discussed in Attachment A, "Project Description", the applicant would construct approximately 173,989 gsf (157,500 zsf) of community facilities, including a 200-bed skilled nursing home facility and an approximately 26,350 zsf ambulatory diagnostic and treatment center, along with 53 associated accessory parking spaces. The proposed building would have an approximately 3.94 FAR and would be seven to eight stories with frontages on King, Conover and Sullivan Streets (please refer to Figure D-10 in Attachment D, "Urban Design and Visual Resources"). The nursing home's main entrance would be on King Street, and the ambulatory diagnostic and treatment center would be accessible from Conover Street. The accessory parking spaces would be accessible from Sullivan Street.

While the applicant intends on developing the community facility use described above, because the proposed action would result in a M1-4/R6 zoning district, an alternate reasonable worst-case development scenario (RWCDS) for a mixed-use development ("mixed-use scenario") was also considered for conservative analysis purposes. It is assumed that in the absence of the development of the nursing home and ambulatory facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units, 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning. The mixed-use scenario would also include a parking garage with 75 accessory parking spaces. The building in the mixed-use scenario would rise to a height of 115 feet and be 10 stories.

For conservative purposes, the proposed project scenario and the mixed-use scenario have both been analyzed to determine whether their potential air quality impacts would be significant.

II. PRINCIPAL CONCLUSIONS

The proposed action would alter land uses in the study area and allow residential uses in an area where the existing zoning permits only commercial and industrial activity. Air quality, which is a general term used to describe pollutant levels in the atmosphere, would be affected by these changes. The potential air quality impacts of the proposed action would be associated with the following:

- The potential for air toxic emissions released from existing industrial facilities to significantly impact the proposed development under both the proposed project scenario and mixed-use scenarios; and

- The potential for vehicular emissions from the proposed garage to significantly impact local air quality levels.

Because the proposed building on Block 555, Lot 5 (applicant owned property) under both scenarios would be taller than all existing buildings located within 400 feet, no potential significant impacts from HVAC emissions on existing land uses are likely to occur. Therefore, no analysis of the project-on-existing land uses impacts is warranted. In addition, a review of existing land uses determined that there is no significant emission source (i.e., HVAC systems with 20 or more million Btu/hour heat input) located within 400 feet radius of the proposed rezoning area. Therefore, a HVAC analysis of existing-on-project impacts is also not warranted.

The potential air toxic impacts of existing industrial sources on the proposed, mixed-use, development were estimated following the procedures and methodologies provided in the 2014 *CEQR Technical Manual*. In addition, as the mixed-use scenario includes a 75 space accessory parking garage, a parking garage analysis was conducted to determine whether the garage emissions would cause exceedances of the CEQR significant impact criteria of 5.5 ug/m^3.

As discussed below, the proposed action would not result in significant adverse air quality impacts.

III. POLLUTANTS FOR HVAC ANALYSIS

Relevant Air Pollutants

The EPA has identified several pollutants, which are known as criteria pollutants, as being of concern nationwide. As the proposed nursing home will be heated by the natural gas, the two criteria pollutants associated with natural gas combustion – nitrogen dioxide (NO_2) and particulate matter smaller than 2.5 microns ($PM_{2.5}$) – were considered for analysis.

Applicable Air Quality Standards and Significant Impact Criteria

As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for the criteria pollutants by EPA. The NAAQS are concentrations set for each of the criteria pollutants in order to protect public health and the nation's welfare, and New York has adopted the NAAQS as the State ambient air quality standards. This analysis addressed compliance of the potential impacts with the 1-hour and annual NO_2 NAAQS. The current standards that were applied to this analysis, together with their health-related averaging periods, are presented in Table H-1.

In addition to the NAAQS, the *CEQR Technical Manual* requires that projects subject to CEQR apply a $PM_{2.5}$ significant impact criteria (based on concentration increments) developed by the New York City Department of Environmental Protection (NYCDEP) to determine whether potential adverse $PM_{2.5}$ impacts was significant. If the estimated impacts of a proposed project are less than these increments, the impacts are not considered to be significant. This analysis addressed compliance of the potential impacts with the 24-hour and annual $PM_{2.5}$ *CEQR* significant impact criteria.

TABLE H-1
APPLICABLE NATIONAL AMBIENT AIR QUALITY STANDARDS AND CEQR INCREMENTAL THRESHOLDS

Pollutant	Averaging Period	National and State Standards*	CEQR Thresholds**
NO_2	1 Hour	0.10 ppm (188 µg/m^3)	
	Annual	.053 ppm (100 µg/m^3)	
$PM_{2.5}$	24 Hour	35 µg/m^3	5.5 ug/m^3
	Annual	12 µg/m^3	0.3 ug/m^3

Notes:

1. *Source: US Environmental Protection Agency, "National Primary and Secondary Ambient Air Quality Standards." (49 CFR 50) (www.epa.gov/air/criteria.html) and New York State Department of Environmental Conservation (http://www.dec.ny.gov/chemical/8542.html.*
2. CEQR incremental thresholds are project-specific and based on 24-hour $PM_{2.5}$ background concentrations in the study area (see "$PM_{2.5}$ CEQR Significant Input Criteria" below)
3. ppm = parts per million; µg/m^3 = micrograms per cubic meter

NO_2 NAAQS

Nitrogen oxide (NOx) emissions from gas combustion consist predominantly of nitric oxide (NO) at the source. The NOx in these emissions are then gradually converted to NO_2, 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 NO_2 NAAQS standard of 0.100 ppm (188 ug/m^3) is the 3-year average of the 98th percentile 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 NO_2 concentrations that is comprised of 3 tiers: Tier 1, the most conservative approach, assumes a full (100%) conversion of NOx to NO_2; Tier 2 applies a conservative ambient NOx/NO_2 ratio of 80% to the NOx estimated concentrations; and Tier 3, which is the most precise approach, employs AERMOD's Plume Volume Molar Ratio Method (PVMRM) module. The PVMRM accounts for the chemical transformation of NO emitted from the stack to NO_2 within the source plume using hourly ozone background concentrations. When Tier 3 is utilized, AERMOD generates 8th highest daily maximum 1-hour NO_2 concentrations or total 1-hour NO_2 concentrations if hourly NO_2 background concentrations are added within the model, and averages these values over the numbers of the years modeled. Total estimated concentrations are generated in the statistical form of the 1-hour NO_2 NAAQS format and can be directly compared with the 1-hour NO_2 NAAQS standard.

Based on EPA and New York City Department of Planning (NYCDCP) guidance, Tier 1, as the most conservative approach, should initially be applied as a preliminary screening tool to determine whether violations of the NAAQS is likely to occur. If exceedances of the 1-hour NO_2 NAAQS are estimated, the less conservative Tier 3 approach should be applied.

The annual NO_2 standard is 0.053 ppm (100 ug/m^3). In order to conservatively estimate annual NO_2 impacts, a NO_2 to NOx ratio of 0.75 percent, which is recommended by the NYCDEP for an annual NO_2 analysis, was applied.

$PM_{2.5}$ CEQR Significant Impact Criteria

CEQR Technical Manual guidance includes the following criteria for evaluating significant adverse $PM_{2.5}$ incremental impacts:

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

The 24-hour $PM_{2.5}$ background concentration of 24 ug/m^3 was obtained from Brooklyn JHS-126 monitoring station. It was compiled by the NYCDEP as the average of the 98th percentile for the latest 3 years of available monitoring data collected by the NYSDEC for 2010-2012 (*CEQR*, Page 27, Monitored Pollutant Background Level for Various Region within New York City, December 2013 Update). As the applicable background value is 24 ug/m^3, half of the difference between the 24-hour $PM_{2.5}$ NAAQS and this background value is 5.5 ug/m^3. As such, a significant impact criterion of 5.5 ug/m^3 was used for determining whether the potential 24-hour $PM_{2.5}$ impacts of the proposed development are considered to be significant.

For annual average adverse $PM_{2.5}$ incremental impact, according to CEQR guidance:

> *Predicted annual average $PM_{2.5}$ concentration increments greater than 0.3 ug/m^3 at any receptor location for stationary sources.*

The above 24-hour and annual significant impact criteria were used to evaluate the significance of predicted $PM_{2.5}$ impacts.

IV. CEQR SCREENING HVAC ANALYSES

Project-on-Existing Impact

A review of existing land uses within 400 feet of the proposed development site via the New York City Open Accessible Space Information System (OASIS) Land Use interactive mapping application and Google imaging map shows that no taller existing residential buildings are located within 400 feet of the proposed and mixed-use developments– with the tallest nearby existing buildings being 4-stories tall. However, it should be noted that because the proposed nursing home development would be seven to eight stories in height, the HVAC stack would be required to be located on the highest tier of the building.

As such, no screening analysis of HVAC emission on existing land uses is warranted. As the proposed community facility building under the proposed project scenario would include multiple tiers, the boiler stack for this development would be located on the highest tier of the building to mitigate any potential impacts.

Large Existing Combustion Emission Sources

A review of existing land uses near the proposed rezoning area via OASIS application and Google imaging did not find any existing "major" or large combustion sources, such as power plants, cogeneration facilities, etc., located within 1,000 feet of the proposed rezoning area were identified. As such, no analysis was warranted.

VI. ANALYSIS OF TOXIC AIR EMISSIONS FROM EXISITNG INDUSTRIAL SOURCES

Emissions of toxic pollutants from the operation of nearby existing industrial emission sources located within 400 feet development sites could affect the sensitive land uses associated with the proposed development. An analysis was therefore conducted to determine whether the potential impacts of these emissions would be significant.

Data Sources

Information regarding emissions of toxic air pollutants from existing industrial sources was developed using the following procedures:

- A study area using the Open Accessible Space Information System (OASIS) mapping and data analysis application was developed that included all air toxic emission sources located within 400 feet of the affected development sites;
- Aerial photographs (via Google Earth imagery software) were reviewed;
- A search was performed to identify NYSDEC Title V permits and permits listed in the EPA Envirofacts database for study area;
- A formal request with block and lot numbers necessary to identify industrial source permits within 400 feet of the proposed development was submitted to DEP;
- Air permits for active permitted industrial facilities within 400 feet of the proposed development sites were acquired and reviewed to obtain the information necessary to conduct the toxic air analysis.
- The data on these permits contained in the permit applications, which include facility source type and locations, stack parameters, pollutant type and its emission rates, were considered the most current information and served as the primary basis of data for this analysis; and
- Field observations were conducted to identify and validate the existence of the toxic facilities currently operating within the study area.

Methodology

Toxic air pollutants can be grouped into two categories: carcinogenic air pollutants, and non-carcinogenic air pollutants. The EPA developed short-term (1-hour) and annual guideline values for non-carcinogenic and carcinogenic air pollutants. Consistent with the EPA approach, the New York State

Department of Environmental Conservation (NYSDEC) has established short-term guideline concentrations (SGCs) and annual guideline concentrations (AGCs) to evaluate short-term and annual impacts of non-carcinogenic pollutants. These are maximum allowable guideline concentrations that are considered acceptable concentrations below which there should be no adverse effects on the health of the general public. These data are contained in the NYSDEC database (DAR-1).

For the non-carcinogenic pollutants, 1-hour and annual concentration estimated for each pollutant are to be divided by the respective SGCs or AGCs obtained from DAR-1 database and ratios (e.g., concentrations to guideline values) are used to determine whether the guideline values would be exceeded. If no exceedances are found (i.e., the respective ratios are less than 1), no adverse health effects would occur.

This approach together with DAR-1 current 2014 guideline values was used in the toxic analysis for the project.

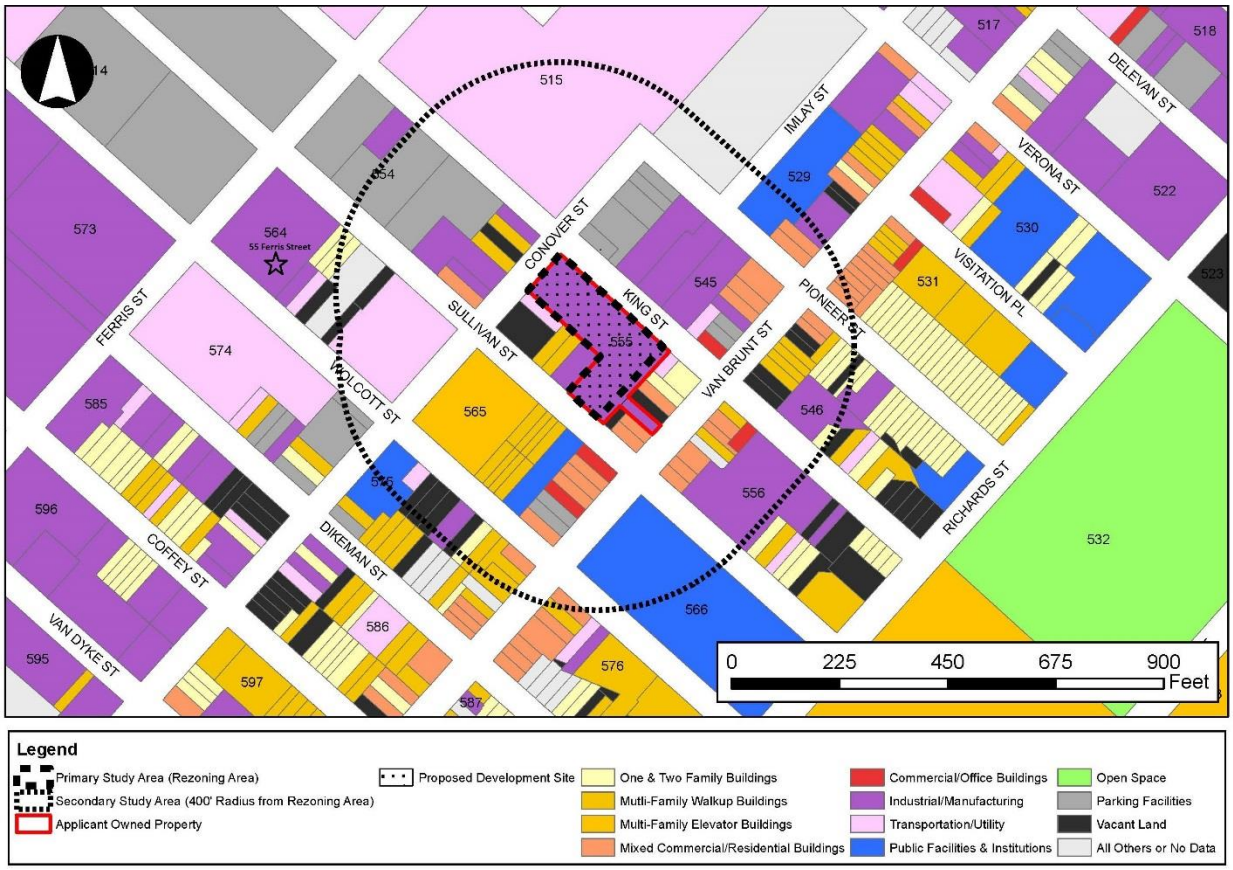
Industrial Facilities and Air Toxic Emissions Evaluated

Two permits (PB078-02P and PA529-95Y) for industrial facilities located within 400 feet of the proposed development site were identified from the permit applications. Both facilities are located at 55 Ferris Street (on Block 564, Lot 1), approximately 400 feet from Block 555, where the proposed development site is located (Figure H-1).

PB078-02P is for a facility involved in painting wood furniture and cabinetry, using spray booth operations. The permit for this facility contains all information necessary to conduct the toxic analysis, such as, emission source parameters and exhaust location, control efficiency, and the pollutants released from painting operations and their emission rates. This permit lists six pollutants, all non-carcinogens, which are released from the operation of the spray booth -- solids, n-butyl acetate, 1-butanol, ethyl acetate, isopropyl alcohol, and group of VOCs.

While solids under PB078-02P can be represented by particulate (PM10) emissions, the group of VOCs has no established guideline values in the NYSDEC DAR-1 database. Therefore, it is necessary to use substitute contaminants representative of the VOC group so that a comparison to guideline values can be made. In this case, information on organic solvents that constitute VOC group from spray booth operations was obtained from Air Quality Report, dated March 2010, entitled, “Air Toxic Analysis of Auto Repair Spray Paint Booth near Solow Centers”. This Report, which has been approved by both the New York City Department of Environmental Protection (NYCDEP) and the New York City Department of City Planning (NYCDCP), lists representative organic solvent-type compounds typically associated with spray primers and paints operations, such as acetone, ethanol, ethylbenzene, methyl ethyl ketone, toluene, xylene, stoddard solvent, propane, butane, and Ethyl 3-Ethoxyproprioanates. Based on this information, all these compounds were selected to represent the VOC group volatile compounds that have the potential to be released from spray booth operations under PB078-02P. Together with the six pollutants originally listed under PB078-02P, a total of fifteen (15) pollutants were considered in the analysis.

Figure H-1: Existing Toxic Facilities at 55 Ferris Street



According to PB078-02P, 1 gallon of paint per hour or 8 gallons per day are consumed at the facility, with 250 days of operation annually. Using data provided in Solow Report, the weight percentage of each compound in the VOC group and VOC content in the paint (5 lb./gal), emission rates of each compound were developed and used in the analysis (Table H-3). Calculations provide very conservative estimates, mainly due to three factors: 1) high content VOC in the paint, 2) highest percentage of each compound in the paint, and 3) the assumption that all (100%) of VOC would be released into the atmosphere. This results in a total percentage greater than 100% when the percentages are summed and also exceed total VOC hourly and annual emission rates listed in the permit.

The facility under PA529-95Y is also involved in spray booth operations; however, the permit contains no information on source parameters, pollutants, or emission rates. Because no pollutants or emission rates are available, the same emission rates as those calculated under PB078-02P were assumed for this facility, even though PA529-95Y uses only 0.5 gallons of paint per hour (half of the amount provided in PB078-02P). In addition, because the same pollutants are assumed to be emitted under the both permits, the estimated concentrations for each pollutant from each facility were added together to estimate their cumulative effect, and these combined values were also compared to the guideline values.

CEQR Screening Analysis

The *CEQR Technical Manual* recommends using a screening procedure for industrial emission sources with toxic air pollutants as a first step in the 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 provide maximum short-term and annual average concentration values at various distances (from 30 to 400 feet) from an emission source, was used to assess the potential impacts of the emissions from the two toxic facilities located at 55 Ferris Street.

Table H-2 lists the source permit information, pollutants, and hourly and annual emission rates for Permit PB078-02P. The same emission rates are used for the facility under PA529-95Y.

The two facilities are approximately 400 feet from lot line to lot line between Lot 555, where the proposed development site is located, and the toxic facilities where the emission sources for both permits are located. At this distance, based on a 1 gram per second emission rate (using CEQR Table 17-3), the maximum 1-hour and annual concentrations are 1,388 and 54 ug/m^3, respectively (Table H-2). These values were then multiplied by the actual emission rates of each compound to estimate actual pollutant concentrations. Tables H-3 and H-4 provide comparisons of the 1-hour and annual estimated concentrations and concentration ratios for each individual compound and all compounds combined together with corresponding DAR-1 guideline values. Also provided are the cumulative 1-hour and annual concentration ratios for pollutants to be released under both permits.

Table H-2
Estimated Pollutant Short-term and Annual Emission Rates and Concentrations under PB078-02P

Pollutant Name	CAS No.	Pollutant Emission Rates				Conc. for 1 g/sec		Actual Conc.	
		Hourly	Annual	Hourly	Annual	1-hour	Annual	Hourly	Annual
		lb/hr	lb/year	g/sec	g/sec	µg/m³	µg/m³	µg/m³	µg/m³
Solids (PM10)	NY075-00-0	0.350	700	0.0441	0.0101	1,388	54	61.2	0.544
N-Butyl Acetate	00123-86-4	1.600	3200	0.2016	0.0460			279.8	2.485
1-Butanol	00071-36-3	0.910	1820	0.1146	0.0262			159.1	1.413
Ethyl Acetate	00141-78-6	1.100	2200	0.1386	0.0316			192.4	1.709
Isopropyl Alcohol	00067-63-0	1.500	3000	0.1890	0.0431			262.3	2.330
Organic Solvents from VOC Group									
Acetone	00067-64-1	2.150	4300.0	0.2709	0.0618			376.0	3.339
Propane	00074-98-6	1.500	3000.0	0.1890	0.0431			262.3	2.330
Ethanol	00064-17-5	0.550	1100.0	0.0693	0.0158			96.2	0.854
Toluene	00108-88-3	0.500	1000.0	0.0630	0.0144			87.4	0.777
Ethylbenzene	00100-41-4	0.450	900.0	0.0567	0.0129			78.7	0.699
Stoddard Solvent	08052-41-3	0.400	800.0	0.0504	0.0115			69.9	0.621
Methyl Ethyl Ketone	00078-93-3	0.250	500.0	0.0315	0.0072			43.7	0.388
Xylene	01330-20-7	0.550	1100.0	0.0693	0.0158			96.2	0.854
Butane	00106-97-8	0.250	500.0	0.0315	0.0072			43.7	0.388
Ethyl Ethoxy Propion	00763-69-9	0.100	200.0	0.0126	0.0029			17.5	0.155

Table H-3: Estimated Pollutant 1-hour Concentration Ratios (C_a/SGC) Under PB078-02P and Combined Short-term Ratios under Both Permits

Chemical Name	CAS No.	Max Estimated 1-hour Concentration	SGC	C_a/SGC Ratio Under Permit PB078-02P	Combined C_a/SGC Ratios Under Both Permits
		µg/m³	µg/m³		
Solids (PM10)	NY075-00-0	61.2	380	1.61E-01	3.22E-01
N-Butyl Acetate	00123-86-4	279.8	95,000	2.95E-03	5.89E-03
1-Butanol	00071-36-3	159.1	N/A	N/A	N/A
Ethyl Acetate	00141-78-6	192.4	N/A	N/A	N/A
Isopropyl Alcohol	00067-63-0	262.3	98,000	2.68E-03	5.35E-03
Organic Solvents from VOC Group					
Acetone	00067-64-1	376.0	180,000	2.09E-03	4.18E-03
Propane	00074-98-6	262.3	N/A	N/A	N/A
Ethanol	00064-17-5	96.2	N/A	N/A	N/A
Toluene	00108-88-3	87.4	37,000	2.36E-03	4.73E-03
Ethylbenzene	00100-41-4	78.7	N/A	N/A	N/A
Stoddard Solvent	08052-41-3	69.9	N/A	N/A	N/A
Methyl Ethyl Ketone	00078-93-3	43.7	13,000	3.36E-03	6.73E-03
Xylene	01330-20-7	96.2	22,000	4.37E-03	8.74E-03
Butane	00106-97-8	43.7	238,000	1.84E-04	3.67E-04
Ethyl Ethoxy Propion	00763-69-9	17.5	140	1.25E-01	2.50E-01
Total 1-hour Concentration Ratio under Permit PB078-02P				**3.04E-01**	
Total Combined 1-hour Concentration Ratio					**6.08E-01**

Table H-4: Estimated Annual Concentration Ratios (C_a/AGC) Under Permit PB078-02P and Combined Annual Ratios under Both Permits

Chemical Name	CAS No.	Max Annual Concentration	AGC	C_a/AGC Ratio Under Permit PB078-02P	Combined C_a/AGC Ratios Under Both Permits
		µg/m³	µg/m³		
Solids (PM10)	NY075-00-0	0.544	45	1.21E-02	2.42E-02
N-Butyl Acetate	00123-86-4	2.485	17,000	1.46E-04	2.92E-04
1-Butanol	00071-36-3	1.413	1,500	9.42E-04	1.88E-03
Ethyl Acetate	00141-78-6	1.709	3,400	5.03E-04	1.01E-03
Isopropyl Alcohol	00067-63-0	2.330	7,000	3.33E-04	6.66E-04
Acetone	00067-64-1	3.339	30,000	1.11E-04	2.23E-04
Propane	00074-98-6	2.330	43,000	5.42E-05	1.08E-04
Ethanol	00064-17-5	0.854	45,000	1.90E-05	3.80E-05
Toluene	00108-88-3	0.777	5,000	1.55E-04	3.11E-04
Ethylbenzene	00100-41-4	0.699	1,000	6.99E-04	1.40E-03
Stoddard Solvent	08052-41-3	0.621	900	6.90E-04	1.38E-03
Methyl Ethyl Ketone	00078-93-3	0.388	5,000	7.77E-05	1.55E-04
Xylene	01330-20-7	0.854	100	8.54E-03	1.71E-02
Butane	00106-97-8	0.388	N/A	N/A	N/A
Ethyl Ethoxy Propion	00763-69-9	0.155	100	2.43E-03	4.85E-03
Total Annual Concentration Ratio Under Permit PB078-02P				**2.68E-02**	
Total Combined Annual Concentration Ratio					**5.36E-02**

Note:
Although all (15) pollutants considered in the analysis, fourteen (14) have annual guideline values (AGC), only nine (9) have short-term guideline values available from DAR-1 Toxic Tables.

Summary of Air Toxic Analysis Results

As shown in Tables H-3 and H-4, both short-term and annual ratios of concentrations to SGC and AGCs are less than the SGC and AGC guideline values for both the individual compounds and all compounds together under both permits. As such, no further analyses are required for these pollutants.

The results of this analysis indicate that there would be no exceedances of NYSDEC DAR-1 short-term (SGC) and annual (AGC) guideline values for all toxic pollutants that have the potential to be released from two existing currently operating facilities within 400 feet from the proposed development site.

VII. GARAGE ANALYSIS

As the mixed-use scenario includes a 75 space accessory parking garage, a parking garage analysis was conducted to determine whether the garage emissions would cause exceedances of the CEQR significant impact criteria of 5.5 ug/m^3.

Proposed Parking Facility

The mixed-use scenario would include an accessory garage with 75 parking spaces, with its entrance and exit on Sullivan Street. As the mixed-use scenario is hypothetical and being analyzed for conservative analysis purposes, there is no design for the garage. Its dimensions, including exhaust vents locations, (i.e., width, length, and ramp lengths) were conservatively estimated based on the total garage area of approximately 55,000 square feet and building perimeter dimensions.

Emissions from the vehicles using the proposed garage could potentially affect pollutant levels at nearby sensitive land uses. An analysis was therefore conducted to estimate whether the potential air quality impacts of these emissions would be significant.

Traffic Data

Parking demand accumulation data are available for the garage and were used for this analysis. Traffic data were obtained from a third party traffic study for this area. Peak hourly vehicular volumes on the streets adjacent to the project site (Sullivan, King, and Van Brunt Streets) obtained from this study were utilized.

The estimated weekday trips in and out of the garage are provided on Table H-5. The number of vehicles entering the garage would be the greatest during the AM peak period (47 vehicles) and the number of vehicles leaving the garage would be the greatest during the PM peak period (51 vehicles).

Methodology

The parking garage analysis was conducted following guidelines provided in the *CEQR Technical Manual Appendices* for parking lots. The pollutants of concern are CO and $PM_{2.5}$. To estimate pollutant concentrations, the garage's exhaust vent(s) were analyzed as "virtual point sources" using the computational procedure presented in EPA's Workbook of Atmospheric Dispersion Estimates (AP-26), as referenced in the *CEQR Technical Manual* (Page 17-30). This methodology estimates concentration at various distances from the vent(s) (using appropriate initial horizontal and vertical dispersion coefficients) assuming that the concentrations within the garage are equal to the concentrations in the vent exhaust.

Pollutant concentrations were estimated at locations on the near and far pedestrian sidewalks adjacent to the garage to ensure that the maximum cumulative effects from on-street and garage emissions are estimated. Concentrations were also estimated at a window (receptors) located directly above the vent.

Table H-5: Projected Weekday Hourly Parking Demand

Period	In	Out	Total
12-1 AM	0	0	0
1-2	0	0	0
2-3	0	0	0
3-4	0	0	0
4-5	0	0	0
5-6	0	1	1
6-7	5	2	7
7-8	16	4	20
8-9	**47**	10	57
9-10	31	10	41
10-11	16	15	31
11-12	14	17	31
12-1 PM	17	17	34
1-2	14	19	33
2-3	15	18	33
3-4	16	15	31
4-5	24	35	59
5-6	12	**51**	63
6-7	8	21	29
7-8	6	9	15
8-9	3	1	4
9-10	1	1	2
10-11	1	0	1
11-12	0	0	0

Note: Numbers in bold represent the highest volumes

The garage's exhaust vent(s) were conservatively assumed to be 12 feet directly above ground level at the vehicle entry site on Sullivan Street. A pedestrian receptor site on the near sidewalk was assumed to be 7.5 feet from the garage vent while a receptor site on the far sidewalk was estimated to be approximately 55 feet from the vent(s). The window above the vent was assumed to be 5 feet higher than the vent (or 17 feet above ground level).

Contributions from on-street CO and $PM_{2.5}$ vehicular emissions at these receptor locations were calculated through microscale modeling with EPA's CAL3QHCR dispersion model (as per CEQR guidance) and added to garage-generated impacts and appropriate background levels to estimate the total cumulative pollutant concentrations.

Concentrations of CO and $PM_{2.5}$ within the garage were calculated assuming a minimum ventilation rate, as per New York City Building Code requirements, of 1 cubic foot per minute of fresh air per gross square foot of garage area. To determine compliance with 8-hour CO NAAQS and $PM_{2.5}$ CEQR significant incremental impact criteria, CO concentration was predicted for the 8-hour averaging period and $PM_{2.5}$ concentration was predicted for the maximum 24-hour time period. A significant incremental impact value for $PM_{2.5}$ of 5.5 ug/m^3 was used to determine whether the $PM_{2.5}$ garage emissions together with on-site mobile source emissions could cause exceedances of CEQR significant impact criteria.

Emission Factors

The EPA's MOVES2014 emissions model was used to estimate CO and $PM_{2.5}$ emission factors for entering, exiting, and idling vehicles within the garage, and vehicles travelling on nearby streets. Vehicles exiting the garage were assumed to idle for one minute before departing, and the speed within the garage was assumed to be 5 miles per hour (mph). Speeds on the nearby streets were assumed to be 25 mph.

Emission factors for CO produced by MOVES model in both grams/vehicle-mile for moving vehicles and grams per hour for idling vehicles were used to model CO emissions while emissions estimated for $PM_{2.5}$ in grams per hour per vehicle were converted to grams/vehicle-mile.

Modeling inputs for inspection/maintenance, fuel supply and formulation, age distribution, meteorology, etc., were obtained from NYCDEP or MOVES default values. Running exhaust and crankcase running exhaust for $PM_{2.5}$, including brake and tire wear emissions, were all included in the emission factors estimates. The fugitive dust (i.e., from re-entrainment) emission factors for $PM_{2.5}$ were then added to the emission factors calculated by MOVES.

Fugitive dust was estimated using formulas from Section 13.2.1-3 of EPA's AP-42 for roadways with less than 5,000 vehicles a day. The formulas are based on an average fleet weight, which varied according to the vehicular mix for a given roadway, and a silt loading factor of 0.4 g/m^2 for local roads, as recommended by the *CEQR Technical Manual*.

The MOVES model was used to estimate emission rates for the peak PM period. While the Build year for the proposed action is 2018, for conservative analysis purposes, the MOVES model utilized the 2017 emission rates for the garage analysis. Post-processing was conducted using the MOVES MySQL Workbench data management software application to extract CO and $PM_{2.5}$ emission factors from MOVES output for analysis with the EPA CAL3QHCR dispersion model.

All modeling inputs and emission factors determined by the MOVES model, as well as estimated pollutant concentrations within the garage; at windows above the vent; at the near and far sidewalks; as well as the cumulative pollutant concentrations at these locations due to the combined emissions from both the vehicles using the garage as well as from on-street traffic are provided in in the backup documentation for this project. The analyses were conducted based on the computational procedures provided in the *CEQR Technical Manual*.

Estimated Pollutant Concentrations

The EPA's CAL3QHCR dispersion model was used to estimate CO and $PM_{2.5}$ concentrations from the vehicular traffic on the nearby roadway links. CAL3QHCR is a Gaussian dispersion model that determines pollutant concentrations at specified receptor points. Inputs to the model included coordinates for receptors and free-flow links, as well as peak hour traffic volumes, speeds, and vehicular emission factors. Hourly traffic volumes for the 2018 Build year were used.

CO and $PM_{2.5}$ contributions from the on-street sources were added to garage impacts, and total CO and $PM_{2.5}$ concentrations were estimated by adding together the contributions from the garage exhaust vent, on-street sources, and background levels. The maximum estimated total CO concentration was compared to the CEQR CO *de minimis* criteria, and the maximum estimated 24-hour $PM_{2.5}$ impact was compared to the $PM_{2.5}$ significant incremental impact criteria.

Results

The results of the garage analyses are summarized in Table H-6. As shown, the maximum estimated total 8-hour CO concentrations are 1.9, 2.0, and 1.9 ppm for the near sidewalk, the far sidewalk, and the window above the vent, respectively. These values are all less than the NAAQS of 9 ppm. The maximum $PM_{2.5}$ impacts at all these locations are also less than the CEQR significant incremental impact criteria of 5.5 ug/m^3.

As such, the garage emissions, together with on-street mobile source emission contributions, would not cause a significant adverse air quality impact.

Table H-6: Estimated Cumulative Pollutant Concentrations from Garage and On-Street Mobile Sources Emissions

Vent(s) Facing Sullivan Street Entrance/Exit						
CO Analysis	**CO Concentrations**					
	Near Sidewalk		**Far Sidewalk**		**Window Above**	
Distance to Vent (feet)	7.5		55.0		0	
Vent height (feet)	12.0		12.0		12.0	
Receptor Height (feet)	6.0		6.0		17.0	
Averaging Period	**1-hour**	**8-hour**	**1-hour**	**8-hour**	**1-hour**	**8-hour**
Garage CO (ppm)	0.24	0.17	0.22	0.15	0.21	0.15
Line Source (ppm)	NA	NA	0.0088	0.12	NA	NA
Background Value (ppm)	3.4	1.7	3.4	1.7	3.4	1.7
Total Concentration (ppm)	3.6	1.9	3.6	2.0	3.6	1.9
NAAQS, CO (ppm)	35.0	9.0	35.0	9.0	35.0	9.0
Significant Impact?	**No**		**No**		**No**	
Vent(s) Facing Sullivan Street Entrance/Exit						
$PM_{2.5}$ Analysis	**$PM_{2.5}$ Concentrations**					
	Near Sidewalk		**Far Sidewalk**		**Window Above**	
Distance to Vent (feet)	7.5		55.0		0	
Vent height (feet)	12.0		12.0		12.0	
Receptor Height (feet)	6.0		6.0		17.0	
Averaging Period	**24-hour**		**24-hour**		**24-hour**	
Garage $PM_{2.5}$ (ug/m^3)	0.0000007		0.0000004		0.0000004	
Line Source (ug/m^3)	NA		0.2857		NA	
Background Value (ug/m^3)	NA		NA		NA	
Total Impacts (ug/m^3)	0.0000007		0.2857		0.0000004	
CEQR Significant Impact Criteria (ug/m^3)	5.5		5.5		5.5	
Significant Impact?	**No**		**No**		**No**	

VIII. AIR QUALITY (E) DESIGNATIONS

The analysis determined that the proposed development site on Block 555, Lot 5 would require an (E) designation that would specify the location of the boiler stack. As the proposed nursing home development would be seven- to eight-stories in height, an (E) designation is required on Lot 5 to restrict the boiler stack location to the highest tier of the building.

The proposed (E) designation for the proposed development site (E-371) with respect to HVAC systems are presented below.

Any future construction of the proposed development on Block 555, Lot 5 would be required to comply with the following (E) designation:

Any new development on the above-referenced property must ensure that the HVAC stack is located on the highest tier of the proposed development.

IX. CONCLUSION

The conclusion of the HVAC analysis is that no significant adverse air quality impacts from the HVAC emissions are predicted with the required (E) designation for HVAC stack location for the proposed developments. For the applicant owned site on Lot 5, the HVAC stack location must be limited to the highest tier of the building to avoid any potential significant adverse air quality impacts. Any change to the height or configurations of the buildings or tiers may necessitate revisions to (E) designations.

The results of the garage analyses show the maximum estimated total 8-hour CO concentrations are 1.9, 2.0, and 1.9 ppm for the near sidewalk, the far sidewalk, and the window above the vent, respectively. These values are all less than the NAAQS of 9 ppm. The maximum $PM_{2.5}$ impacts at all these locations are also less than the CEQR significant incremental impact criteria of 5.5 ug/m^3. As such, the garage emissions, together with on-street mobile source emission contributions, would not cause a significant adverse air quality impact.

In addition, no exceedances of the NYSDEC DAR-1 guideline values are also predicted due to toxic air pollutant releases from existing industrial sources near the proposed developments.

ATTACHMENT I

NOISE

I. INTRODUCTION

The applicant, Conover King Reality, LLC, is seeking several discretionary actions, including a zoning map amendment, a zoning special permit, a zoning certification, and zoning text amendment (collectively the "proposed action"). The proposed action would result in approximately 173,989 gross square feet (gsf) (157,500 zsf) of community facility uses, including a 200-bed skilled nursing home facility and an approximately 26,350-zsf ambulatory diagnostic and treatment center, along with 53 associated accessory parking spaces. The proposed building would have an approximately 3.94 FAR and would range in height from two to eight stories with frontages on King, Conover and Sullivan Streets. The nursing home's main entrance would be on King Street, and the ambulatory diagnostic and treatment center would be accessible from Conover Street. The accessory parking spaces would be accessible from Sullivan Street.

It should be noted that while the applicant intends on developing the community facility use described above, the proposed action would result in a M1-4/R6 zoning district. Thus, an alternate reasonable worst-case development scenario (RWCDS) for a mixed-use development ("mixed-use scenario") is also analyzed throughout the EAS for conservative analysis purposes. It is assumed that in the absence of the development of the nursing home and ambulatory facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units, 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning. The mixed-use scenario would also include a parking garage with 75 accessory parking spaces. The building in the mixed-use scenario would rise to a height of 115 feet and be 10 stories.

As the proposed action would introduce sensitive receptors in an area proposed to be rezoned from an M2-1 manufacturing district to an M1-4/R6 mixed use district, a noise analysis was conducted, pursuant to the standards set forth in the 2014 *CEQR Technical Manual*, to determine ambient noise levels and the level of building attenuation necessary to ensure that interior noise levels of the proposed development satisfy applicable interior noise criteria for the respective uses.

II. PRINCIPAL CONCLUSIONS

As the proposed action would allow sensitive receptors on a property where such uses are currently not permitted, a noise analysis was conducted, pursuant to the standards set forth in the 2014 *CEQR Technical Manual*, to determine ambient noise levels and the level of building attenuation necessary to ensure that interior noise levels of the proposed action would satisfy applicable interior noise criteria for the respective uses. Based on the detailed analysis provided below, required attenuation values were identified for the frontage of the development site along Conover Street. The required attenuation values which are necessary to ensure acceptable interior noise levels are 28 dBA of attenuation for the facade facing Conover Street for community facility uses. In addition, alternate means of ventilation would be required to ensure a closed-window condition. These required attenuation values will be enforced by

means of (E) designations recorded against the proposed development site, which would ensure there would be no significant adverse noise impact with respect to building attenuation. Moreover, as the proposed action would map a Special Mixed-Use District, it should be noted that in the instance dwelling units would be developed on the proposed development site (Block 555, Lot 5) a minimum attenuation of 35 dBA would be required per Section 123-32 of the Zoning Resolution.

III. NOISE FUNDAMENTALS

Quantitative information on the effects of airborne noise on people is well documented. If sufficiently loud, noise may adversely affect people in several ways. For example, noise may interfere with human activities such as sleep, speech communication, and tasks requiring concentration or coordination. It may also cause annoyance, hearing damage, and other physiological problems. Although it is possible to study these effects on people on an average or statistical basis, it must be remembered that all the stated effects of noise on people vary greatly with the individual. Several noise scales and rating methods are used to quantify the effects of noise on people. These scales and methods consider factors such as loudness, duration, time of occurrence, and changes in noise level with time.

"A"-Weighted Sound Level (dBA)

Noise is typically measured in units called decibels (dB), which are ten times the logarithm of the ratio of the sound pressure squared to a standard reference pressure squared. Because loudness is important in the assessment of the effects of noise on people, the dependence of loudness on frequency must be taken into account in the noise scale used in environmental assessments. Frequency is the rate at which sound pressures fluctuate in a cycle over a given quantity of time, and is measured in Hertz (Hz), where 1 Hz equals 1 cycle per second. Frequency defines sound in terms of pitch components. In the measurement system, one of the simplified scales that accounts for the dependence of perceived loudness on frequency is the use of a weighting network - known as A-weighting - that simulates the response of the human ear. For most noise assessments, the A-weighted sound pressure level in units of dBA is used due to its widespread recognition and its close correlation to perception. In this analysis, all measured noise levels are reported in dBA or A-weighted decibels. Common noise levels in dBA are shown in Table I-1.

Table I-1
Common Noise Levels

Sound Source	(dBA)
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concerts (Rear Seats)	110
On Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night	40-50
Typical Rural Area at Night	30-40
Soft Whisper at 5 meters	30
Isolated Broadcast Studio	20
Audiometric (Hearing Testing) Booth	10
Threshold of Hearing	0

Source: 2014 *CEQR Technical Manual* / Cowan, James P. Handbook of Environmental Acoustics. Van Nostrand Reinhold, New York, 1994. Egan, M. David, Architectural Acoustics. McGraw-Hill Book Company, 1988.

Note: A 10 dBA increase appears to double the loudness, and a 10 dBA decrease appears to halve the apparent loudness.

Community Response to Changes in Noise Levels

Table I-2 shows the average ability of an individual to perceive changes in noise. Generally, changes in noise levels less than 3 dBA are barely perceptible to most listeners. However, as illustrated in Table I-2, 5 dBA changes are readily noticeable. Ten dBA changes are normally perceived as doublings (or halvings) of noise levels. These guidelines permit direct estimation of an individual's probable perception of changes in noise levels.

Table I-2
Average Ability to Perceive Changes in Noise Levels

Change (dBA)	Human Perception of Sound
2-3	Barely perceptible
5	Readily noticeable
10	A doubling or halving of the loudness of sound
20	A dramatic change
40	Difference between a faintly audible sound and a very loud sound

Source: Bolt Beranek and Neuman, Inc., Fundamentals and Abatement of Highway Traffic Noise, Report No. PB-222-703. Prepared for Federal Highway Administration, June 1973.

Noise Descriptors Used In Impact Assessment

Because the sound pressure level unit, dBA, describes a noise level at just one moment, and very few noises are constant, other ways of describing noise over extended periods have been developed. One way of describing fluctuating sound is to describe the fluctuating noise heard over a specific time period as if it had been a steady, unchanging sound. For this condition, a descriptor called the "equivalent sound level", L_{eq}, can be computed. L_{eq} is the constant sound level that, in a given situation and time period (e.g., 1 hour, denoted by $L_{eq(1)}$, or 24 hours, denoted as $L_{eq(24)}$), conveys the same sound-energy as the actual time-varying sound. Statistical sound level descriptors such as L_1, L_{10}, L_{50}, L_{90}, and L_x, are sometimes used to indicate noise levels that are exceeded 1, 10, 50, 90 and x percent of the time, respectively. Discrete event peak levels are given as L_1 levels. L_{eq} is used in the prediction of future noise levels, by adding the contributions from new sources of noise (i.e., increases in traffic volumes) to the existing levels and in relating annoyance to increases in noise levels.

The one-hour equivalent continuous noise level ($L_{eq\ (1h)}$ in dBA), the tenth percentile level L_{10} and the day-night average sound level L_{dn} were selected as the noise descriptors for the purposes of this analysis. Hourly statistical noise levels (particularly L_{10} and L_{eq} levels) were used to characterize the relevant noise sources and their relative importance at each receptor location.

Applicable CEQR Impact Criteria

The New York City Department of Environmental Protection (DEP) has set external noise exposure standards. These standards are shown in Table I-3. Noise Exposure is classified into four categories: acceptable, marginally acceptable, marginally unacceptable, and clearly unacceptable. The standards shown are based on maintaining an interior noise level for the worst-case hour L_{10} of less than or equal to 45 dBA. Attenuation requirements are shown in Table I-4.

Table I-3
Noise Exposure Guidelines for Use in City Environmental Impact Review

Receptor Type	Time Period	Acceptable General External Exposure	Airport[3] Exposure	Marginally Acceptable General External Exposure	Airport[3] Exposure	Marginally Unacceptable General External Exposure	Airport[3] Exposure	Clearly Unacceptable General External Exposure	Airport[3] Exposure
1. Outdoor area requiring serenity and quiet[2]		$L_{10} \leq 55$ dBA	---------- Ldn ≤ 60 dBA ----------		---------- 60 < Ldn ≤ 65 dBA ----------		(1) 65 < Ldn ≤ 70 dBA, (II) 70 ≤ Ldn		---------- Ldn ≤ 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	

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

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 old-age 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).

Table I-4
Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Acceptable	Marginally Unacceptable				Clearly Unacceptable
Noise level with proposed project	65<L_{10}≤70	70<L_{10}≤73	73<L_{10}≤76	76<L_{10}≤78	78<L_{10}≤80	80<L_{10}
Attenuation[A]	25 dB(A)	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	36 + (L_{10} - 80)[B] dB(A)

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

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

Source: New York City Department of Environmental Protection / 2014 CEQR Technical Manual

IV. NOISE PREDICTION METHODOLOGY

Proportional Modeling

Proportional modeling was used to determine No-Action and With-Action noise levels at one receptor location adjacent to the proposed development site, as discussed in more detail below. Proportional modeling is one of the techniques recommended in the *2014 CEQR Technical Manual* for mobile source analysis.

Using this technique, the prediction of future noise levels (where traffic is the dominant noise source) is based on a calculation using measured existing noise levels and predicted changes in traffic volumes to determine No-Action and With-Action noise levels. Vehicular traffic volumes (counted during the noise recording), are converted into PCE values, for which one medium-duty truck (having a gross weight between 9,900 and 26,400 pounds) is assumed to generate the noise equivalent of thirteen cars, one heavy-duty truck (having a gross weight of more than 26,400 pounds) is assumed to generate the noise equivalent of 47 cars, and one bus (vehicles designed to carry more than nine passengers) is assumed to generate the noise equivalent of eighteen cars. Future noise levels are calculated using the following equation:

FNA NL =10 log (NA PCE/E PCE) + E NL

where:

FNA NL = Future No-Action Noise Level

NA PCE = No-Action PCEs

E PCE = Existing PCEs

E NL = Existing Noise Level

Sound levels are measured in decibels and therefore increase logarithmically with sound source strength. In this case, the sound source is traffic volumes measured in PCEs. For example, assume that traffic is the dominant noise source at a particular location. If the existing traffic volume on a street is 100 PCEs and if the future traffic volumes were increased by 50 PCEs to a total of 150 PCEs, the noise level would increase by 1.8 dBA. Similarly, if the future traffic were increased by 100 PCEs, or doubled to a total of 200 PCEs, the noise level would increase by 3.0 dBA.

To calculate the No-Action PCE values, an annual background growth rate of 0.50 percent for the 2018 Build Year was added to the PCE noise values based on counted vehicles.[1] In order to obtain the necessary future With-Action noise PCE values to calculate the With-Action noise levels, the future 2018 traffic increment assignments presented in Appendix B, "Travel Demand Forecast Memo."

V. EXISTING CONDITIONS – REZONING AREA

As presented in Attachment A, "Project Description", the proposed development site is L-shaped and comprises approximately 40,000 sf. It has approximately 300 feet of frontage on the south side of King Street, 100 feet on the east side of Conover Street, and 100 feet on the north side of Sullivan Street. It is

[1] Calculations according to Table 16-4 of the *CEQR Technical Manual.*

primarily zoned M2-1 with the exception of the easternmost 10 feet (approximately 2,000 sf), which is zoned R5/C1-3. This 2,000-sf portion of the proposed development site would not be affected by the proposed zoning map change and would continue to be zoned R5/C1-3 in the future with the proposed action. The proposed development site is currently underdeveloped and is occupied by four single-story industrial buildings that are occupied by month-to-month tenants, including a bus operator that stores buses; a refuse hauler that occupies a portion of the lot to store its vehicles; and a metal fabrication, welding and repairs shop.

As shown in Figure I-1, King Street is a one-way westbound street with one travel lane, Conover Street is a two-way northbound and southbound street with one travel lane in each direction, and Sullivan Street is a one-way eastbound street with one travel lane. All three streets have parking on both sides of the street. There are limited transit services in the vicinity of the proposed rezoning area. The Smith-9th Streets subway station, serving the F and G subway lines, is located approximately 1.1 miles east of the proposed rezoning area in Gowanus. The B61 bus route (connecting Downtown Brooklyn and Park Slope) runs along Van Brunt Street which is the main corridor in the area. Additionally, the B57 (connecting Red Hook and Maspeth, Queens) runs along nearby Lorraine Street. The Brooklyn-Queens/Gowanus Expressway and the Hugh L. Carey Tunnel are located further northeast of the proposed rezoning area. Lastly, there is water taxi service that transports passengers from the IKEA store, located at 1 Beard Street (about a half-a-mile south of the rezoning area) to Wall Street's Pier 11, and vice versa. There is also water taxi service provided from the Red Hook Dock at Van Brunt Street to Pier 11 as well as to Pier 79 at West 39th Street in Manhattan.

Selection of Noise Receptor Locations

As discussed above, area traffic is the dominant noise source in the vicinity of the project area. The noise receptor locations were selected to be along frontages of the proposed development. The assumption was made that all windows on all frontages of the proposed building would be operable. Figure I-1 shows the receptor locations at the development site.

Noise Monitoring

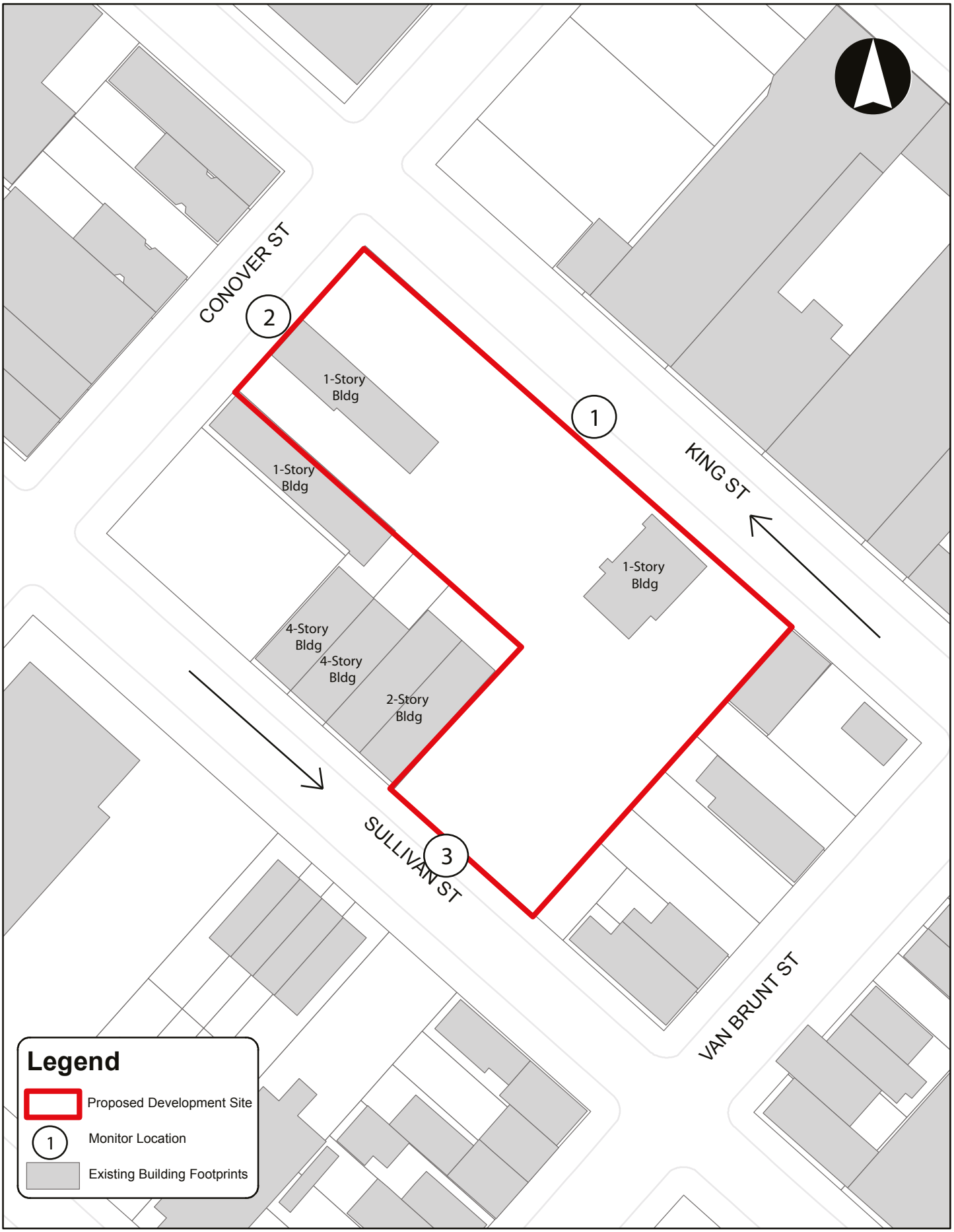
At the receptor locations, 20-minute spot measurements of existing noise levels were performed for each of the three noise analysis time periods - weekday AM peak hour (8:00AM to 9:00AM), weekday midday peak hour (12:00PM to 1:00PM), and weekday PM peak hour (5:00PM to 6:00PM). Noise monitoring was performed on November 19, 2014. The weather was sunny and temperatures were in the low 30s ºF.

Equipment Used During Noise Monitoring

The instrumentation used for the measurements was a Brüel & Kjaer Type 4189 ½-inch microphone connected to a Brüel & Kjaer Model 2250 Type 1 (as defined by the American National Standards Institute) sound level meter. This assembly was mounted at a height of 5 feet above the ground surface on a tripod and at least 6 feet away from any sound-reflecting surfaces to avoid major interference with source sound level that is being measured. The meter was calibrated before and after readings with a Brüel & Kjaer Type 4231 sound-level calibrator using the appropriate adaptor. Measurements at the receptor location were made on the A-scale (dBA). The data were digitally recorded by the sound level meter and displayed at the end of the measurement period in units of dBA. Measured quantities included L_{eq}, L_1, L_{10}, L_{50}, and L_{90}. A windscreen was used during all sound measurements except for calibration. Only traffic-related noise was measured; noise from other sources (e.g., emergency sirens, aircraft flyovers, etc.) was excluded from the measured noise levels. Weather conditions were noted to ensure a true reading as follows: wind speed

Figure I-1

Noise Monitoring Locations



under 12 mph; relative humidity under 90 percent; and temperature above 14°F and below 122°F (pursuant to ANSI Standard S1.13-2005).

Existing Noise Levels at the Noise Receptor Locations

Measured Noise Levels

Noise monitoring results at the receptor locations are shown in Table I-5. Area traffic is very light (see Table I-6) but was the dominant noise source at the receptor locations. The values shown reflect the level of vehicular activity on the street adjacent to the development site, as well as background noise sources.

Table I-5
Existing Noise Levels (in dBA) at the Monitoring Locations

#	Monitoring Location	Time	L_{eq}	L_{max}	L_{min}	L_1	L_{10}	L_{50}	L_{90}	CEQR Noise Exposure Category
1	Midpoint of King Street Frontage	AM	64.7	89.8	52.3	75.2	63.5	58.4	53.7	**Acceptable**
		MD	66.7	90.5	48.4	78.5	**66.3**	59.6	53.3	
		PM	64.8	85.8	46.5	78.3	65.9	54.2	49.3	
2	Midpoint of Conover Street Frontage	AM	68.5	90.6	50.4	81.8	**70.1**	59.0	53.7	**Marginally Unacceptable**
		MD	64.0	85.3	48.3	76.4	65.2	56.5	51.5	
		PM	66.5	86.6	46.7	78.9	68.8	57.2	50.1	
3	Midpoint of Sullivan Street Frontage	AM	62.1	76.2	54.8	72.9	**65.1**	57.9	56.5	**Acceptable**
		MD	60.5	84.7	46.7	71.9	60.2	53.1	50.0	
		PM	61.1	83.6	48.5	72.9	62.6	55.4	51.4	

Notes: All field measurements were performed by Philip Habib & Associates on November 19, 2014; with the exception of the PM peak period at receptor location 2, which was performed on December 17, 2014 under similar weather conditions.
Refer to Figure I-1 for noise monitoring receptor location.

Table I-6
Existing 1-Hour Equivalent Traffic and PCE Volumes for Noise Receptor Locations

#	Receptor Location	Cars	Buses	Light Trucks	Medium Trucks	Heavy Trucks	Total # of Vehicles	PCEs
AM Peak Period								
1	King Street	66	0	0	6	3	75	**285**
MD Peak Period								
1	King Street	66	9	6	15	6	105	**852**
PM Peak Period								
1	King Street	30	3	0	12	9	54	**663**
AM Peak Period								
2	Conover Street	81	0	21	39	0	141	**609**
MD Peak Period								
2	Conover Street	78	3	12	15	6	114	**621**
PM Peak Period								
2	Conover Street	99	0	0	3	0	102	**138**
AM Peak Period								
3	Sullivan Street	42	0	69	3	0	114	**150**
MD Peak Period								
3	Sullivan Street	72	0	15	3	0	90	**126**
PM Peak Period								
3	Sullivan Street	87	3	0	6	0	96	**219**

Source: Philip Habib & Associates, Count and Vehicle Classification, November 19, 2014.

As shown in the table above, the highest L_{10} value was recorded at receptor location 2 during the PM peak hour with 70.1 dBA, placing this receptor location in the "Marginally Unacceptable" category pursuant to 2014 *CEQR Technical Manual* Guidelines. The highest L_{10} value recorded at receptor locations 1 and 3 (66.3 dBA and 65.1 dBA respectively) place both receptors in the "Acceptable" category.

VI. THE FUTURE WITHOUT THE PROPOSED ACTION (NO-ACTION CONDITION)

Using the methodology previously described future noise levels in the No-Action condition were calculated for the three analysis periods in the Build Year 2018. Table I-7 shows the measured existing noise levels and calculated future without the proposed action noise levels at the receptor locations.

Table I-7
Future No-Action Noise Levels and total PCE Values at Receptor Locations (in dBA)

Noise Receptor Location	Time	No-Action PCEs	Existing $L_{eq(1)}$	2018 No-Action $L_{eq(1)}$	Change*	2018 No-Action $L_{10(1)}$	CEQR Noise Exposure Category
1	AM	289.3	64.7	64.7	0.0	63.6	**Acceptable**
	MD	864.8	66.7	66.8	0.1	**66.3**	
	PM	673.0	64.8	64.9	0.1	65.9	
2	AM	618.2	68.5	68.6	0.1	**70.2**	**Marginally Unacceptable**
	MD	630.4	64.0	64.0	0.0	65.3	
	PM	140.1	66.5	66.6	0.1	68.8	
3	AM	152.3	62.1	62.2	0.1	**65.1**	**Acceptable**
	MD	127.9	60.5	60.5	0.0	60.2	
	PM	222.3	61.1	61.2	0.1	62.6	

Notes: All PCE and noise value are shown for a weekday.
* No-Action Leq - Existing Leq

In the future without the proposed action, noise levels at the project area would remain very similar as those in the existing conditions. Comparing future No-Action noise levels with existing noise levels, an increase of 0.1. dBA would occur at all three receptor locations during some of the peak hour periods. Increases of less than 3.0 dBA would be barely perceptible, and based upon 2014 *CEQR Technical Manual* impact criteria, would not be significant. Moreover, noise levels at receptor locations 1 and 3 would remain in the "Acceptable" noise exposure category, while receptor location 2 would remain in the "Marginally Unacceptable" exposure category as under existing conditions during all peak hours.

VII. THE FUTURE WITH THE PROPOSED ACTION (WITH-ACTION CONDITION)

As discussed above, the proposed action would result in approximately 173,989 gsf of community facility uses, including a 200-bed skilled nursing home facility and an approximately 26,350-gsf ambulatory diagnostic and treatment center, along with 53 associated accessory parking spaces with an entrance on the Sullivan Street frontage. However, while the applicant intends on developing the community facility use described above, because the proposed action would result in a M1-4/R6 zoning district, an RWCDS for a mixed-use development ("mixed-use scenario") is also considered for conservative analysis

purposes. The RWCDS for the mixed-use scenario would include a 241,330 gsf mixed-use building on the development site with up to 88 residential dwelling units, 73,800 gsf of commercial office space, and 24,600 gsf of community facility space. The mixed-use development would also include a 54,930 sf parking garage with 75 accessory parking spaces with an entrance at the Sullivan Street frontage.

Future noise levels at the receptor were calculated using the trip generation and noise prediction methodology described above in Section IV. The With-Action traffic levels under the mixed-use scenario were utilized for conservative analysis purposes. Table I-8 below presents the calculated noise levels under 2018 With-Action conditions.

Table I-8
Future With-Action Noise Levels and total PCE Values at Receptor Locations (in dBA)

Noise Receptor Location	Time	With-Action PCEs	No-Action $L_{eq(1)}$	2018 With-Action $L_{eq(1)}$	Change*	2018 With-Action $L_{10(1)}$	CEQR Noise Exposure Category
1	AM	309.4	64.7	65.5	0.3	63.9	**Acceptable**
	MD	868.8	66.8	66.8	0.0	**66.4**	
	PM	687.2	64.9	65.0	0.1	66.0	
2	AM	620.9	68.6	68.6	0.0	**70.2**	**Marginally Unacceptable (I)**
	MD	633.1	64.0	64.1	0.0	65.3	
	PM	140.3	66.6	66.6	0.0	68.9	
3	AM	210.8	62.2	63.6	1.4	**66.6**	**Acceptable**
	MD	128.2	60.5	60.5	0.0	60.2	
	PM	285.0	61.2	62.3	1.1	63.7	

* With-Action Leq – No-Action Leq

As shown in Table I-8, after accounting for some additional traffic introduced by the mixed-use scenario, the maximum projected L_{10} noise level in the future with the proposed project would be 70.2 dBA during the AM peak hour at location 2 along Conover Street. Therefore, the highest noise level would fall in the "Marginally Unacceptable" CEQR noise exposure category. Thus, a window/wall attenuation of 28 dBA would be required along the proposed development's future frontage on Conover Street for the proposed residential and/or community facility uses. Additionally, the required attenuation for any commercial uses along this frontage would be 5 dBA less than what is required for residential/community facility uses (23 dBA).

Comparing future With-Action noise levels with future No-Action noise levels, the maximum increase in the L_{eq} noise levels would be 1.4 dBA at receptor location 3. Based upon CEQR impact criteria, this increase would not be significant as it is less than the 3.0 dBA threshold. In addition, the noise level at this location would continue to fall in the "Acceptable" CEQR noise exposure category in the future with the proposed action. As such, the overall changes to noise levels as a result of the proposed action would not result in any significant adverse impacts.

VIII. ATTENUATION REQUIREMENTS

As shown above in Table I-4, the 2014 *CEQR Technical Manual* has set noise attenuation requirements for buildings based on exterior noise levels. Recommended noise attenuation values for buildings are designed to maintain a maximum interior noise level of 45 dBA or lower for residential and community facility uses and 50 dBA or lower for commercial uses, and are determined based on exterior L_{10} noise levels. As noted in Table I-4, additional attenuation measures would be required at the proposed development's western frontage (Conover Street). As shown in Table I-9 below, a window/wall attenuation of 28 dBA would be required along this frontage. Additionally, for any commercial uses that would be located along this frontage, an attenuation of 23 dBA would be required.

Table I-9
Required Attenuation Value for the Proposed Development

Receptor Location	Maximum L_{10} (dBA)	CEQR Noise Exposure Category	CEQR Attenuation Required for Residential/Community Facility Use	Attenuation for Commercial Use
Conover Street (Location 2)	70.2	Marginally Unacceptable (I)	28 dBA	23 dBA

Notes:
1. Indoor noise levels of 45 dBA are required for residential and community facility use; 50 dBA is required for commercial uses.
2. Commercial uses would be 5 dBA less in each category.

(E) Designation

(E) Designations for noise provide notice of the presence of an environmental requirement pertaining to high ambient noise levels on a particular tax lot. If an area is proposed to be rezoned, and the accompanying environmental analysis indicates that development on a property may be adversely affected by noise, then an (E) designation for window/wall attenuation and alternate means of ventilation may be placed on the property by the lead agency in order to address such issues in conjunction with any new development or new use of the property. For new developments, enlargements of existing buildings, or changes in use, the NYC Department of Buildings will not issue a building permit until the environmental requirements of the (E) designation are satisfied. OER administers the (E) Designation Environmental Review Program.

To avoid any potential impacts associated with noise on the development site (Block 555, Lot 5) (E-371), as part of the proposed action, an (E) designation for noise would be recorded against the property.

<u>For Development Site Conover Street building façade:</u>

In order to ensure an acceptable interior noise environment, future residential or community facility uses must provide a closed-window condition with minimum attenuation of 28 dBA window/wall attenuation on the Conover Street façade in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

Per the (E) designation requirements, in order to receive a Certificate of Occupancy from the NYC Department of Buildings, the proposed action must comply with these required window/wall attenuation values in order to maintain an interior noise level of 45 dBA. With this institutional control in place, the proposed project would not result in any significant adverse noise impacts and no further analysis is necessary.

Because the proposed action would map a Special Mixed-Use District, it should be noted that in the instance dwelling units would be developed on Block 555, Lot 5, a minimum attenuation of 35 dBA would be required per Section 123-32 of the Zoning Resolution.

IX. OTHER NOISE CONCERNS

Mechanical Equipment

No detailed designs of the building's mechanical systems (i.e., heating, ventilation, and air conditioning systems) are available at this time. However, those systems will be designed to meet all applicable noise regulations and requirements and would be designed to produce noise levels that would not result in any significant increase in ambient noise levels. In addition, the building mechanical systems would be designed with enclosures where necessary to meet all applicable noise regulations (i.e., Subchapter 5 §24-227 of the New York City Noise Control Code and the NYC DOB Building Code) and to avoid producing levels that would result in any significant increase in ambient noise levels.

Aircraft Noise

An initial aircraft noise impact screening analysis would be warranted if the new receptor would be located within one mile of an existing flight path, or cause aircraft to fly through existing or new flight paths over or within one mile of a receptor. Since the project area is not within one mile of an existing flight path, no initial aircraft noise impact screening analysis is warranted.

Train Noise

According to the 2014 *CEQR Technical Manual*, if a proposed development would be within 1,500 feet of existing rail activity and have a direct line of sight to that activity, a more detailed analysis would be appropriate. The proposed rezoning area is approximately 1.1 miles (5,800 feet) away from the Smith-9th Streets elevated subway station. As the subway station is more than 1,500 feet away and is not within a direct line of sight from the project area, a detailed train noise analysis related to rail operations is not warranted.

X. CONCLUSION

The peak period L_{10} values at the proposed development site range from a minimum of 60.2 dBA to a maximum of 70.2 dBA. Measured ambient L_{10} noise levels, values at monitoring locations 1 and 3 would fall under the "Acceptable" category. However, the maximum future With-Action L_{10} value at receptor location 2 is 70.2 dBA, which falls under the "Marginally Unacceptable" category. Therefore, the proposed

community facility development would need to provide a window/wall attenuation of 28 dBA in order to achieve a 45 dBA interior noise level for residential/community facility uses, and an attenuation of 23 dBA for commercial uses (refer to Table I-9). These attenuation values are based on the anticipated L_{10} noise levels under With-Action conditions. Additional construction measures would have to be employed to provide sufficient attenuation to satisfy CEQR requirements, and preclude the potential for any significant adverse noise impacts. The implementation of these measures would be ensured by means of an (E) designation recorded against the development site and there would be no significant adverse noise impact with respect to building attenuation. Moreover, as the proposed action would map a Special Mixed-Use District, it should be noted that in the instance dwelling units would be developed on the proposed development site (Block 555, Lot 5) a minimum attenuation of 35 dBA would be required per Section 123-32 of the Zoning Resolution.

APPENDIX A

NEW YORK STATE DEPARTMENT OF HEALTH CORRESPONDENCE

STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Executive Deputy Commissioner

February 26, 2009

Jerome T. Levy
Attorney-at-Law
Duane Morris, LLP
1540 Broadway, Suite 1400
New York, New York 10036

RE: 031182-C
Oxford Nursing Home
(Kings County)
Construct a 200-bed replacement facility at
139-141 Conover Street, Brooklyn;
decertify 35 RHCF beds
$64,129,981

Dear Mr. Levy:

The Department of Health proposes to approve the above application in accordance with the full review provisions set forth in 10 NYCRR section 710.1(c)(2). Approval of this application is subject to the enclosed contingencies first being satisfied.

In addition to contingencies, the Department proposes to approve this application with the enclosed conditions. You are expected to comply with these conditions throughout the operation of this project.

A certified check in the amount of $287,292.13 and three (3) copies of documentation that addresses the enclosed contingencies must be sent, within sixty (60) days of receipt of this letter to:

Jeffrey R. Rothman, M.S., M.B.A.
Director
Bureau of Project Management
Division of Health Facility Planning
Office of Health Systems Management
NYS Department of Health
433 River Street, 6th Floor
Troy, New York 12180-2299
(518) 402-0911

Failure to meet the 60-day deadline could result in this project being deemed abandoned as set forth in 10 NYCRR section 710.10(c)(1).

Pursuant to the provisions of 10 NYCRR Parts 86 and 710, you may not begin the construction or operation of any aspect of this project, or receive reimbursement for any associated costs, unless all required written approvals are obtained. Before beginning any aspect of this project, you must complete the following steps:

- *submit written materials to satisfy the enclosed contingencies and receive written approval from the Division of Health Facility Planning (DHFP) indicating satisfaction of all contingencies;*

- *after receiving a letter from DHFP confirming that all contingencies have been met, submit a written request to, and receive written approval from, the Bureau of Architectural and Engineering Facility Planning to begin construction, and;*

- develop a plan to ensure the health and safety of all patients and staff during construction. This plan must comply with all applicable sections of the National Fire Prevention Association (NFPA) 101 Life Safety Code (1997 Edition) and all applicable sections of the State Hospital Code during construction. The plan may require you to separate residents, patients, staff and essential support services from the construction site and/or provide them with an alternative means of egress. Please have the plan available to regional office staff at the time of their on-site visit.

You are responsible for ensuring that this project complies with all applicable statutes, codes, rules and regulations. Should violations be found when reviewing documents, or at the time of on-site inspections or surveys, you will be required to correct them. Additional costs incurred to address any violations will not be eligible for reimbursement without prior approval by the Department. Also, in accordance with 10 NYCRR section 710.5, any change in the scope of this project must receive prior approval from the Department and may require a new or amended application.

If you have any questions concerning this letter, please contact the Bureau of Project Management at (518) 402-0911.

Sincerely,

James W. Clyne, Jr.
Deputy Commissioner
Office of Health Systems Management

Enclosures

031182
Oxford Nursing Home

Approval contingent upon:

1. Submission of a check for the amount enumerated in the approval letter, payable to the New York State Department of Health. Section 2802.7 states that all sponsors whose applications require review by the State Hospital Review and Planning Council shall pay an additional fee of forty-five hundredths of one percent of the total capital value of the project, exclusive of CON fees. [PMU]

2. Submission of a commitment signed by the applicant which indicates that, within two years from the date of the council approval, the percentage of all admissions who are Medicaid and Medicare/Medicaid eligible at the time of admission will be at least 75 percent of the planning area average of all Medicaid and Medicare/Medicaid admissions, subject to possible adjustment based on factors such as the number of Medicaid patients in the area awaiting placement, the facility's total Medicaid patient days, the facility's case mix, the length of time before private paying patients became Medicaid eligible, and the financial impact on the facility due to an increase in Medicaid admissions. [RNR]

3. Submission of a commitment acceptable to the Department, for a permanent mortgage from a recognized lending institution at a prevailing rate of interest within 120 days of receipt from the Office of Health Systems Management, Bureau of Architectural and Engineering Facility Planning of approval of final plans and specifications and before the start of construction. Included in the submitted permanent mortgage commitment must be a sources and uses statement and debt amortization schedule, for both new and refinanced debt. [BFA]

4. Submission of an executed lease agreement acceptable to the Department. [BFA]

5. Submission of written acknowledgement, from the governing body of the facility, that the proposed project scope does qualify the facility for Medicaid rate rebasing consideration and that such rate rebasing will be requested upon construction completion. [AER]

Approval conditional upon:

1. The applicant shall start construction on or before August 1, 2010 and complete construction by August 1, 2012 upon the filing of Final Construction Documents in accordance with 10 NYCRR section 710.7. In accordance with 10 NYCRR Part 710.2(b) (5), if construction is not started on or before the start date, this shall constitute abandonment of the approval. In accordance with Part 710.10(a), this approval shall be deemed cancelled, withdrawn and annulled without further action by the Commissioner. [AER]

2. Submission of State Hospital Code (SHC) Drawings for review and approval, as described in BAEFP Drawing Submission Guidelines DSG-01. [AER]

3. Submission of Final Construction Documents, as described in BAEFP Drawing Submission Guidelines DSG-01, prior to the applicant's request for, and Department's granting approval for the start of construction. [AER]

4. The approved project does qualify for, and the facility will be subject to Medicaid rate rebasing. [AER]

The following is the approved bed capacity upon completion of this project:

Current Beds	*Requested Change*	**Upon Completion**
235	- 35	200

NEW YORK STATE OF OPPORTUNITY. Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

June 10, 2015

Mr. Jerome T. Levy
Attorney-at-Law
Duane Morris, LLP
1540 Broadway Suite 1400
New York, New York 10036

Re: 031182-C
Oxford Nursing Home
(Kings County)
Construct a 200 bed replacement facility at 139-141 Conover Street, Brooklyn; decertify 35 beds

Dear Mr. Levy:

Thank you for your letter dated June 4, 2015, updating the Department on the status of New York City approval. The progress indicated falls within the previously approved time line for completion of this project and, as such, the project remains open and active.

We look forward to your next progress report. If you have any questions, please contact me at (518) 402-0911.

Sincerely,

Barbara DelCogliano
Director
Bureau of Project Management

BD/

APPENDIX B

NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

ENVIRONMENTAL REVIEW LETTER

Landmarks Preservation Commission

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

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

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 77DCP209K
Project: OXFORD NURSING HOME
Date received: 5/27/2015

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

Properties with no Architectural or Archaeological significance:

1) ADDRESS: 141 CONOVER STREET, BBL: 3005550005
2) ADDRESS: 112 SULLIVAN STREET, BBL: 3005550032
3) 3005550034
4) 3005550035

Gina Santucci 6/2/2015

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 30026_FSO_DNP_06022015.doc

APPENDIX C

WATERFRONT REVITALIZATION POLICY

CONSISTENCY ASSESSMENT FORM

For Internal Use Only: WRP no. 14-058
Date Received: _____ DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: Conover King Realty LLC
2. Address: c/o Howard Weiss, Davidoff Hutcher & Citron LLC 605 Third Avenue, NY, NY 10158
3. Telephone: 212-557-7200 Fax: _____ E-mail: HSW@dhclegal.com
4. Project site owner: Conover King Realty LLC

B. PROPOSED ACTIVITY

1. Brief description of activity:

The applicant is seeking a zoning map amendment, a zoning special permit and a zoning certification from the New York City Planning Commission (CPC) to facilitate the development of a 173,989 gsf (157,500 zsf), 200-bed skilled nursing home and ambulatory diagnostic and treatment facility at 139-141 Conover Street in the Red Hook neighborhood of Brooklyn CD 6. The proposed development would would range in height from two to eight stories and include 53 accessory parking spaces. In addition to the above listed actions, the applicant is also seeking a zoning text amendment to Appendix F of the NYC ZR to establish a Mandatory Inclusionary Housing area (MIHA) consistent with the proposed rezoning area in accordance with the City's mandatory inclusionary housing policy. While the applicant intends on developing the nursing home and ambulatory diagnostic and treatment facility, because the proposed action would result in a M1-4/R6 zoning district, an alternate reasonable worst-case development scenario (RWCDS) for a mixed-use development ("mixed-use scenario") will also be considered for conservative analysis purposes. It is assumed that in the absence of the development of the nursing home and ambulatory facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units, 73,800 gsf of commercial office space, 24,600 gsf of community facility space, and 75 accessory parking spaces as a result of the proposed rezoning. Please refer to Attachment A "Project Description" for a detailed discussion of both the proposed project and mixed-use development scenarios.

2. Purpose of activity:

Oxford Nursing Home is a for-profit health care facility operator that has operated in its existing, six-story building, approximately 3 miles northeast of the proposed development site, since around1957. The existing building, constructed in or around 1930, was not originally built as a nursing home facility, but was converted at a later date. Conover King Realty, LLC acquired the proposed development site in 2003 with plans to build a modern replacement for the existing Oxford Nursing Home, which is housed in an 80-year-old, deteriorating building on South Oxford Street. In addition to offering specialized nursing care, the proposed development at 139-141 Conover Street would provide ambulatory diagnostic services and such treatments as physical rehabilitation, chemotherapy and dialysis at the adjacent proposed health center. The proposed development site was selected for several reasons, including its location within Kings County, its sufficient size, and the fact that the site is currently underdeveloped and therefore suited for development of a new building.

3. Location of activity: (street address/borough or site description):

The proposed development site is located at 139-141 Conover Street (Block 555, p/o Lot 5) on a block bounded by Van Brunt Street, Sullivan Street, King Street, and Conover Street in Brooklyn Community District 6. The proposed rezoning area comprises approximately 38,000 sf portion of Lot 5 on Brooklyn Block 555, including a portion of midblock area and the northwest corner of the subject block (consisting of approximately 38,000 sf of Lot 5).

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

   N.A.

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

   N.A.

6. Will the proposed project require the preparation of an environmental impact statement?
   Yes _____ No ___✔___ If yes, identify Lead Agency:

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

   Zoning Map Amendment;
   Zoning Special Permit;
   Zoning Certification.

   In addition, the applicant is seeking a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing area (MIHA) consistent with the proposed rezoning area in accordance with the City's mandatory inclusionary housing policy.

C. COASTAL ASSESSMENT

Location Questions:	**Yes**	**No**
1. Is the project site on the waterfront or at the water's edge?		✔
2. Does the proposed project require a waterfront site?		✔
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?		✔

Policy Questions	**Yes**	**No**

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)		✔
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	✔	
6. Will the action result in a change in scale or character of a neighborhood? (1.2)		✔

Policy Questions cont'd	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✔
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)		✔
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✔
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✔
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✔
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✔
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✔
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✔
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✔
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✔
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✔
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		✔
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✔
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✔
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		✔
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✔
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✔
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✔
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✔
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✔
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✔
28. Would the action cause violations of the National or State air quality standards? (5.2)		✔

Policy Questions cont'd	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		✔
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)		✔
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)		✔
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	✔	
33. Would the action result in any construction activities that would lead to erosion? (6)		✔
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)		✔
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		✔
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		✔
37. Would the proposed project affect a non-renewable source of sand ? (6.3)		✔
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)		✔
39. Would the action affect any sites that have been used as landfills? (7.1)		✔
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	✔	
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)		✔
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)		✔
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)		✔
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)		✔
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)		✔
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		✔
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)		✔
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)		✔
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		✔
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	✔	

Policy Questions cont'd	Yes	No
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		✓
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)		✓

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Conover King Realty LLC

Address: c/o Howard Weiss, Davidoff Hutcher & Citron LLC 605 Third Avenue, NY, NY 10158

Telephone 212-557-7200

Applicant/Agent Signature: Howard Weiss Date: 5/6/15

APPENDIX D

HAZARDOUS MATERIALS

CONCLUSIONS AND RECOMMENDATIONS

DCES has identified a REC based on the historic usage of the surrounding properties and the subject property (135-137 Conover Street) as being utilized for miscellaneous/paint storage. During our site reconnaissance, a drywell and the 55-gallon drum was identified within the subject property (139-141 Conover Street); the drywell and drum condition was not identified.

Due to the historic and current usage of the subject property and surrounding properties, DCES recommends that an Environmental Subsurface Investigation which should focus within the open areas of the lot and to further assess the drywell and drum condition. It is further recommended that a Ground Penetrating Radar (GPR) should be incorporated to survey all of the empty lot space and locate any anomalies such as buried foundations or other structure. We recommend that the subsurface soil and groundwater beneath the site should be analyzed for Total Petroleum Hydrocarbons (TPH) and RCRA metals.

Prepared by:

Dhanraj Singh, CEI CES

Reviewed by:

Antonio T. Gulfin, P.E

NYC Environmental Protection

Emily Lloyd
Commissioner

Angela Licata
Deputy Commissioner
of Sustainability
alicata@dep.nyc.gov

59-17 Junction Boulevard
Flushing, NY 11373
T: (718) 595-4398
F: (718) 595-4479

May 27, 2015

Mr. Robert Dobruskin
Director, Environmental Assessment and Review Division
New York City Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007-1216

Re: 134-141Conover Street
Block 555 Lots p/o 5, 32, 34, 35
CEQR # 77DCP209K
Brooklyn New York, 11231.

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the February 2015 Phase I Environmental Site Assessment (Phase I) prepared by Don Carlo Environmental Services Inc., and the March 2015 Environmental Assessment Statement (EAS) prepared by Philip Habib & Associates on behalf of Oxford Nursing Home (applicant) for the above referenced project. It is our understanding that the applicant is seeking a special permit pursuant to Zoning Resolution section 74-902; a certification pursuant to Zoning Resolution section 22-44, as well as a zoning map amendment from an M2-1 district to an R6 district. The proposed actions would facilitate a proposal by the applicant to construct a 200-bed, Use Group 3 Nursing Home and Use Group 4 Ambulatory Diagnostic Treatment Facility with 56 accessory parking spaces. The project site, Block 555 p/o Lot 5, 32, 34 & 35, is located at 134-141 Conover Street between King Street and Sullivan Street in the Red Hook neighborhood of Brooklyn, Community District 6. It should also be noted that the project site consists of lot 5, which is partially developed with a one-story structure used for storage, and other undeveloped areas currently utilized as parking lots by the adjacent businesses, as well as lots 32, 34 and 35 which are developed containing three four-story multifamily residential buildings.

The February 2015 Phase I report revealed that historical on-site and surrounding area land uses consists of residential, industrial and commercial uses including residential dwellings, Custom Welding and Design Metal Fabricators, Trans express USA, the Coffey Park, two Public Schools, a church, restaurants, coffee shops, laundromats and vehicle storage lots. Regulatory databases such as the New York State Department of Environmental Conservation (NYSDEC) SPILLS, Leaking Underground Storage Tank (LUST), New York State Leaking Storage Tanks (LTANKS), Resource Conservation and Recovery Act, and Generator and Petroleum Bulk Storage identified several sites in close proximity to the project site. These databases revealed 15 LTANKS within a 1/2-mile radius, five Underground Storage Tanks with in a 1/4-mile radius, seven Aboveground Storage Tanks with in a 1/4-mile radius and 19 SPILLS within

a 1/8-mile radius of the project site. During the Phase I site investigation, a drywell and one metal 55-gallon drum with unknown contents was also identified on the subject property.

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

- DCP should inform the applicant that based on the historical on-site and 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 parcels. 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 boring locations 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, Target Analyte List metals (filtered and unfiltered for groundwater samples) and soil vapor samples by EPA Method TO-15. 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 TO-15. An Investigative Health and Safety Plan (HASP) should also be submitted to DEP for review and approval.

- 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.

Future correspondence related to this project should include the following CEQR **#77DCP096K.** If you have any questions, you may contact Ms. Cassandra Scantlebury at (718) 595-6756.

Sincerely,

Maurice S. Winter
Deputy Director, Site Assessment

cc: E. Mahoney
M. Winter
W. Yu
T. Estesen
M. Wimbish
I. Young (DCP)
File

APPENDIX E

PROPOSED ZONING TEXT AMENDMENT FOR SPECIAL MIXED USE DISTRICT IN RED HOOK, BROOKLYN AND APPENDIX F

OXFORD NURSING HOME REZONING

PROPOSED ZONING TEXT AMENDMENT FOR
SPECIAL MIXED USE DISTRICT IN RED HOOK, BROOKLYN, AND APPENDIX F

[Date]

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article XII - Special Purpose Districts

Chapter 3
Special Mixed Use District

* * *

123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

* * *

#Special Mixed Use District#	Designated #Residence District#
MX 2 - Community District 2, Brooklyn	R7A R8A
MX 5 - Community District 6, Brooklyn	R6
MX 8 - Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11 - Community District 6, Brooklyn	R7-2
MX 14 - Community District 6, The Bronx	R7A R7X

* * *

Appendix F – Proposed Area Map

***

BROOKLYN

***

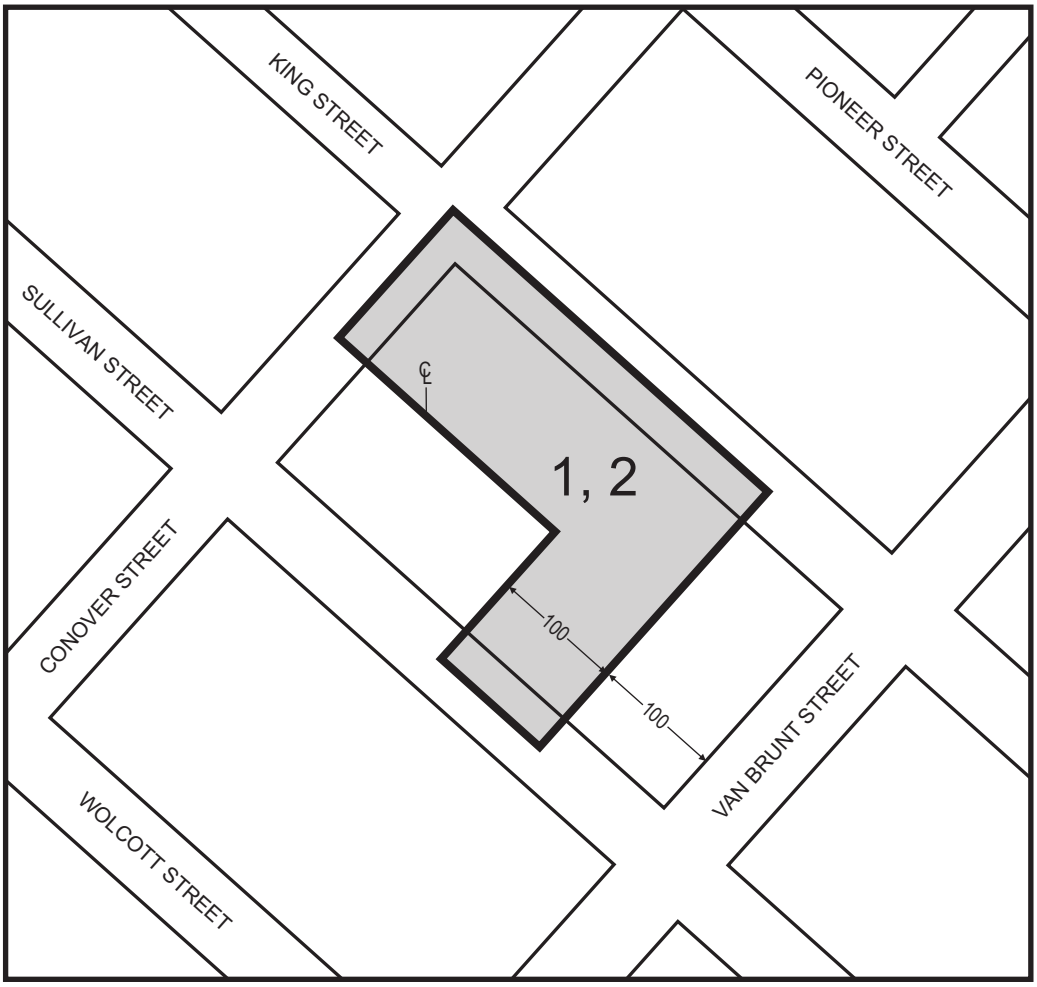
Brooklyn Community District 6

In the R6 and R7-2 Districts within the areas shown on the following Maps 1 and 2:

Map 1 - (3/11/09)

***

Map 2 - [Date of Adoption]



Mandatory Inclusionary Housing Area (MIHA)

1, 2 MIH Program Option 1 and Option 2 [Section 23-154(d)(3)]

APPENDIX F

IMPLICATIONS OF MIH AND ZQA ZONING TEXT AMENDMENTS ON THE PROPOSED ACTION

Philip Habib & Associates

Engineers and Planners • 102 Madison Avenue • New York, NY 10016 • 212 929 5656 • 212 929 5605 (fax)

MEMORANDUM

TO: NYCDCP

FROM: Philip Habib & Associates

DATE: November 16, 2015

PROJECT: Oxford Nursing Home EAS (CEQR No.15DCP193K)

RE: Implications of MIH and ZQA Zoning Text Amendments

As described in the Oxford Nursing Home EAS, independent of the proposed action sought to facilitate the proposed development, the New York City Department of City Planning (DCP) is proposing a series of citywide zoning text amendments, including Zoning for Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH). These text amendments are currently in public review and, if adopted, will affect the proposed special mixed-use (M1-4/R6) zoning district being mapped on an approximately 38,000-square-foot (sf) portion of Lot 5 on Brooklyn Block 555 in the Red Hook neighborhood of Brooklyn Community District (CD) 6, as part of the proposed action.

The proposed action involves the above-referenced zoning map amendment, as well as a zoning special permit, and a zoning certification from the City Planning Commission (CPC) Chairperson to facilitate the development of a 200-bed nursing home and ambulatory diagnostic and treatment facility at 139-141 Conover Street (p/o Lot 5 on Block 555). The proposed nursing home would replace an existing 230-bed nursing home operated by Oxford that is currently located at 144 South Oxford Street in Brooklyn CD 2. The existing facility has been deemed by the New York State Department of Health (NYSDOH) as below modern standards and is no longer part of New York City's long-term resources of skilled nursing home facilities. In addition to the above-listed actions, the applicant is also seeking a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing area (MIHA) consistent with the proposed rezoning area in accordance with the City's mandatory inclusionary housing policy.

A detailed discussion of the ZQA and MIH zoning text amendments, and their implications on the proposed action and subsequent development is provided in the Oxford Nursing Home EAS in Attachment A, "Project Description" and in Attachment C, "Land Use, Zoning and Public Policy," and is also summarized below. As described in Attachment A, while the applicant intends to develop a 200-bed nursing home and 26,350 sf ambulatory diagnostic and treatment facility at 139-141 South Oxford

Street, the Oxford Nursing Home EAS also analyzes an alternate RWCDS mixed-use scenario for conservative CEQR analysis purposes. This alternate mixed-use scenario considers the effects of the proposed ZQA and MIH zoning text amendments, and assumes that the proposed development site could be redeveloped in the future with a 241,330 gross square foot (gsf) mixed-use building that would include up to 88 residential dwelling units (DUs), 73,800 gsf of commercial office space, 24,600 gsf of community facility space, and an accessory parking garage with 75 spaces, as a result of the proposed zoning change and related zoning text amendment. Under the proposed ZQA and MIH text amendments, MIH developments in special MX districts with R6 zoning district designations would be permitted a maximum height of 115 feet, and therefore, the proposed building under the RWCDS mixed-use scenario is analyzed with a maximum height of 115 feet. The RWCDS under the mixed-use scenario also assumes that 25 percent of the proposed residential floor area, or 22 affordable DUs, would be permanently affordable for residents with incomes averaging 60 percent Area Median Income (AMI) consistent with the proposed MIH requirements.

As described in the Oxford Nursing Home EAS, pursuant to *CEQR Technical Manual* guidelines, the EAS considers two RWCDS (RWCDS- Proposed Project Scenario and RWCDS- Mixed-Use Scenario) for conservative analysis purposes, which are described in detail in Attachment A, "Project Description." Consistent with *CEQR Technical Manual* methodology, the EAS analyzes the RWCDS that presents the worst-case for each respective technical area. As described in Attachment B, "Supplemental Screening," both RWCDS scenarios are analyzed for the following technical areas: Land Use, Zoning, & Public Policy, Historic and Cultural Resources, Hazardous Materials, Air Quality, and Noise. The RWCDS-proposed project scenario is analyzed for Urban Design & Visual Resources and Water & Sewer Infrastructure, and the RWCDS-mixed-use scenario is analyzed for Community Facilities, Open Space, Shadows, and Transportation.

I. Description of the Zoning for Quality and Affordability (ZQA) Text Amendments

DCP is proposing a series of zoning text amendments to eliminate unnecessary obstacles to the creation of affordable housing, especially affordable housing, known as Zoning for Quality and Affordability.

Affordable Senior Housing and Long-Term Care Facilities

The proposed ZQA zoning text amendment would promote affordable senior housing and long-term care facilities through various updates and refinements to the Zoning Resolution (ZR) of the City of New York, including:

- Removing obsolete definitions and updating definitions for affordable senior housing and long-term care facilities (including defining "Affordable independent housing for seniors" [Use Group 2- Residential] and "Senior long term care," including nursing homes and assisted living [Use Group 3- Community Facility]);

- Establishing consistent floor area ratios (FARs) and corresponding building heights for affordable senior housing and long-term care facilities to facilitate more and better housing for seniors;

- Removing the specific open space ratios for non-contextual districts and lot coverages for contextual districts;

- Relaxing density restrictions that may prevent the creation of appropriately sized units by removing the density factor and minimum unit size requirement;

- Providing a framework for mixing of Use Group 2 residences with certain Use Group 3 community facilities; and

- Reducing administrative obstacles by eliminating certifications and Special Permits for nursing homes.

Applicability to the Proposed Action

This component of the proposed ZQA zoning text amendment would be applicable to multi-family R3-2 through R10 residence districts, as well as their residential equivalents in commercial and manufacturing districts, as applicable. These changes would also be reflected in Special Districts and special areas that include these zoning districts. As such, the ZQA components related to affordable senior housing and long-term care facilities would apply to the proposed M1-1/R6 zoning district.

The permitted FAR for affordable independent housing for seniors and senior long-term care would generally match that of Inclusionary Housing. These types of developments would also be allowed to utilize the proposed height limits applicable to Inclusionary Housing developments. In addition, the proposed zoning text amendments would remove the certification under ZR Section 22-42 and special permit in ZR Section 74-90, except that senior long-term care facilities would continue to require a special permit in R1 and R2 zoning districts. These regulations create an unnecessary obstacle to the provision of needed services to seniors. Under the ZQA, in R6 zoning districts the maximum FAR for long-term care facilities would increase from 2.43 to 3.9 FAR, and community facilities without sleeping accommodations could be developed up to a 4.8 FAR.

As described in Attachment A, "Project Description," the applicant intends to construct a skilled nursing home with 200 beds (i.e., long-term care facility) and an approximately 26,350 sf ambulatory diagnostic and treatment center with medical offices, which is analyzed in the EAS, as part of RWCDS proposed project scenario.[1] The proposed 200-bed nursing home would have an FAR of 3.28 and the proposed community facility building would have an overall FAR of approximately 3.94. Therefore, if the ZQA text amendment is approved prior to the approval of the proposed action, the requested zoning certification and zoning special permit to facilitate the proposed project would not be required.

Building Envelope Controls

The proposed ZQA zoning text amendment would modernize rules that shape buildings in the City through various updates and refinement to the ZR of the City of New York, including the following general components:

- *General building envelope modifications*: In medium- and higher-density districts, the proposed ZQA zoning text amendment would allow additional flexibility to accommodate best practices for affordable construction and good design, while maintaining current maximum FARs.

[1] This RWCDS is consistent with the 2009 New York State Department of Health granted Certificate of Need for a 200-bed replacement facility at 139-141 Conover Street, which would replace an existing facility at 144 South Oxford Street that has been deemed below modern nursing home standards and Is not considered to be part of the city's long-term resources of skilled nursing homes and would eventually be closed permanently.

- *Height*: In order to encourage improved residential and mixed-use ground floors, in non-contextual districts utilizing the Quality Housing option, existing maximum height restrictions would be updated to make the district envelope comparable to that of a comparable 'A' zoning district (the only change for R6 districts would apply along a wide street outside of the Manhattan core, where the maximum base height would increase by five feet from 60 to 65 feet and the overall building height would increase by five feet from 70 to 75 feet). To provide a better transition along district boundaries between the maximum heights permitted within lower-density and moderate- and higher-density districts, the proposed ZQA zoning text amendment would create an intermediate height within the 25-foot buffer zone;

- *Setbacks*: Remove penalty for buildings that set back at the street level by allowing a reduction of one foot in required setback for every foot that the building is set back from the property line, provided that a minimum setback of five feet is provided from the streetwall; and

- *Corner lots*: Allow 100 percent lot coverage for the residential portion of Quality Housing building on corner lots. With this mediation to the underlying zoning districts, the corner lot provisions of several Special Districts, as well as Waterfront and C4-4L district regulations, would also be modified, as they mimic (but also supersede) the underlying provisions.

- *Enhanced building envelope modifications for Inclusionary and affordable senior housing and care facilities*: Where zoning allows additional floor area for affordable housing for seniors or Inclusionary Housing, provide enough flexibility to fit all permitted floor area with good design.

  - *Height: Increase maximum building heights by one to two stories in R6-R8 districts and by three to four stories in R9-R10 districts to fit all floor area without sacrificing housing. Maximum base heights would be increased proportionately (buildings in R6 districts along a narrow street would be permitted a maximum base height of 45 and maximum building height of 55 feet [5-stories] and along a wide street outside of the Manhattan core a base height of up to 65 feet and building height of up to 85 feet [8-stories]);*

  - *Amenity space: Allow ground floor accessory residential amenity spaces to be located in the rear yard, where parking garages and community facilities are allowed under existing zoning regulations, up to a height of 15 feet. This option would be applicable to developments with nine or more DU and would not be permitted in 'B' districts. The daylighting standards for laundry and recreation space would also be amended to facilitate sky-lit spaces as an alternative to a community facility court; and*

  - *Non-contextual districts: In R6-R10 non-contextual zoning districts (which do not have overall height limits), establish more flexible height limits for affordable senior housing and long-term care facilities adjacent to infrastructure, and future Inclusionary Housing developments on zoning lots adjacent to certain types of infrastructure (in R6 districts alternative bulk envelopes would permit a maximum base height of 65 feet and maximum overall height of 115 feet [11-stories]);*

- *Improved design flexibility:* Allow flexibility for the variation and texture that typify older buildings in many neighborhoods.

    - *Street wall:* Update and clarify regulations to support traditional types of building variation. For all R6-R10 contextual residence districts, and their commercial equivalents in mixed buildings, as well as certain Special Districts that mimic underlying contextual streetwall provisions, new provisions would clearly stipulate permitted façade articulation and would simply and clarify existing streetwall line-up provisions;

    - *Courtyards:* Allow greater flexibility in proportional and dimensional court provisions to enable visual interest and a range of building configurations;

    - *Ground floors:* Make transparency and design requirements consistent in various zoning and Special Districts by consolidating into a single set of provisions;

    - *Window regulations:* Remove the requirement for double-glazed windows from the Quality Housing regulations, as well as other Special Districts that have double-glazed window or window wall attenuation requirements, and establish a mechanism for property owners to modify the existing window wall attenuation requirement of 35 dBA;

    - *Clarify use location provisions:* In Special Purpose districts that incorrectly modified the underlying location of use provision to allow "non-residential" uses on the same floor as or above residential uses, the phrase "non-residential" would be changed to "commercial," or additionally manufacturing in Special MX district, so that community facility uses can co-locate within the same corridors as residential uses;

    - *Mix of unit size:* Remove the minimum unit size requirement from Quality Housing requirements and make consistent the unit density standards for all medium and high-density districts, allowing smaller units to be mixed with larger ones; and

    - *Eliminate Quality Housing study areas:* Set forth in ZR Section 23-011, where the Quality Housing option is not permitted.

- *Modifications for constrained lots:* Most existing zoning controls are designed to work with flat, rectangular lots and do not work well on irregularly-shaped or sloped sites.

    - *Yards and lot coverage:* Rear yard reduction provisions would be extended to lots shallower than 95 feet in R6-R10 districts and their commercial equivalents, as well as certain Special Districts. Lot coverage would be increased in step with this;

    - *Streetwall:* In R7D, R8A, R8B, R8X, R9A, R9D, R9X, R10A, or R10X equivalent commercial districts that have 100 percent streetwall requirements, a reduction to 70 percent would be permitted for corner lots with an interior angle of less than 75 degrees;

    - *Additional flexibility for irregular topography:* For zoning lots in R6-R10 residence districts and their commercial equivalents, the threshold at which a sloping base pane can be established would be modified to sites with a five percent grade change between the front and rear wall;

- *Distance between buildings:* Reduce "tower-in-the-park"-era requirements for multi-family buildings to be consistent with the State's Multiple Dwelling Law requirements; and

- *Relief for unusual conditions:* Allow modification on a case-by-case basis through the establishment of a new discretionary action.

Applicability to the Proposed Actions

This component of the proposed ZQA zoning text amendment would primarily be applicable to R5D to R10 residence districts, as well as their residential equivalents in commercial and manufacturing districts, as applicable. These changes would also be reflected in Special Districts and special areas that include these zoning districts. In addition, this component of the proposed ZQA zoning text amendment, as it affects the development of affordable senior housing and care facilities, would be applicable to R3-2, R4, and R5 zoning districts. As such, the ZQA components related to building envelope controls would apply to the proposed M1-1/R6 zoning district, and are analyzed as part of the alternate RWCDS mixed-use scenario in the EAS.

In addition, the ZQA text amendment would establish a mechanism for property owners to modify the existing window-wall attenuation requirement of 35 dBA in MX districts through the New York City Mayor's Office of Environmental Remediation (OER), similar to the process for (E) designations found in Section 11-15 of the *Zoning Resolution of the City of New York.* As outlined in Attachment J, "Noise," based on the maximum predicted With-Action noise levels, 28 dBA of attenuation would be required along Conover Street and no additional attenuation would be needed along King or Sullivan Streets to maintain interior noise levels of 45 dBA or lower for residential and community facility uses. As the proposed development site, under the proposed M1-4/R6 (MX 5) zoning, would be subject to the *Zoning Resolution of the City of New York* "Special Mixed-Use District (ZR 123-32)" requirements in the future with the proposed action, the proposed developments would be required to provide a minimum of 35 dBA of window/wall attenuation to ensure interior noise levels of 45 dBA or less and an alternate means of ventilation for all residential dwelling units. Based on ZR 123-32 requirements, the minimum 35 dBA level of window/wall attenuation is sufficient for exterior L_{10} values of up to 80 dBA. As the maximum predicted L_{10} noise levels adjacent to the proposed development sites would be less than 80 dBA, it is concluded that the mandated noise attenuation required pursuant to ZR 123-32 under the proposed action would provide the needed attenuation and no significant adverse impacts would result. Should the ZQA text amendments be approved, the applicant could choose to modify the existing window-wall attenuation requirement to reflect existing site conditions through OER. As the applicant would be required to maintain a minimum interior noise level of 45 dBA or lower for residential uses, the proposed ZQA text amendment to window regulations would not alter the conclusion of the noise assessment included in the EAS.

Parking Requirements

The proposed ZQA zoning text amendment would define a "Transit Zone" in portions of the City that encompasses zoning districts that allow multi-family housing generally near transit options and in areas with lower rates of car ownership and utilization. The proposed ZQA zoning text amendment would include different rules within and outside the defined Transit Zone, as follows:

- ***Inside the Transit Zone:***

    - *Qualifying Affordable housing:* Eliminate parking requirements for new low-income or Inclusionary Housing units;

    - *Affordable senior housing:* Eliminate parking requirements for new affordable independent residences for seniors and allow existing affordable senior housing developments to reduce or eliminate their parking; and

    - *Reductions allowed on a case-by-case basis:* Through discretionary review, allow new buildings to reduce required parking to enable mixed-income development or existing affordable buildings with underutilized parking to reduce or eliminate requirements.

- ***Outside the Transit Zone:***

    - *Qualifying Affordable housing:* The requirements for multifamily zoning districts (R3-2, R4, R5, R5B, and R5D-R10 districts) would remain generally consistent with Column C of ZR Section 25-25. There would be no reduced parking for affordable housing in single-family and two-family zoning districts; and

    - *Senior housing:* Reduce parking requirements for affordable independent residences for seniors to 10 percent, or one space per 10 units, in multifamily districts (R3-2, R4, R5, R5B, and R5D-R10 districts). Allow existing low-income senior housing to reduce parking by BSA Special Permit.

Applicability to the Proposed Actions

This component of the proposed ZQA zoning text amendment would primarily be applicable to multi-family R3-2 through R10 residence districts, as well as their residential equivalents in commercial and manufacturing districts, as applicable. These changes would also be reflected in certain Special Districts and special areas that include these zoning districts. In addition, this component of the proposed ZQA zoning text amendment, as it affects the development of affordable senior housing and care facilities in single- and two-family zoning districts, would be applicable to R1 through R5 zoning districts.

The rezoning area is located outside the transit zone. Outside the Transit Zone, the proposed ZQA zoning text amendment would simplify existing reduced parking requirements, and the parking requirements for the R6 zoning district would generally remain consistent with Column C of ZR Section 25-25. The proposed parking requirements under ZQA would not be applicable to either the proposed project scenario or mixed-use scenario.

II. Description of the Mandatory Inclusionary Housing (MIH) Zoning Text Amendments

DCP is also proposing a citywide zoning text amendment to authorize a Mandatory Inclusionary Housing (MIH) program. The proposed MIH text amendment is currently in public review and, if adopted before the proposed project is approved, will be applicable to the proposed MX special zoning district. The purpose of the proposed MIH program is to promote neighborhood economic diversity in locations where land use actions create substantial new housing opportunities. The text amendment will have no

effect until MIH areas mapped through subsequent discretionary actions of the CPC, each of which will be subject to a public review process and separate environmental review. As with zoning actions generally, MIH Areas may be mapped through DCP-initiated actions or as part of private applications, including certain zoning map amendments, text amendments, and Special Permits that create opportunities for significant new housing development. Below is a description of the affordability requirements as currently proposed by the MIH citywide text amendment. For a full description of the MIH proposal, see ULURP application N 160051 ZRY.

Affordability Requirements

The MIH program would require permanently affordable housing set-asides for all developments over ten units or 12,500 zoning square feet within MIH-designated areas or, as an additional option for developments between ten and 25 units (or 12,500 to 25,000 zoning square feet), a payment into an Affordable Housing Fund. In cases of hardship, where these requirements would make development financially infeasible, developers may apply to the Board of Standards and Appeals (BSA) for a special permit to reduce or modify the requirements. MIH will not be applicable to developments, enlargements, or conversions that do not exceed either ten units or 12,500 zoning square feet of residential floor area.

The proposed MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility tradeoff inherent between income levels and size of the affordable set-aside. When MIH is applied, the applicant, CPC, and City Council will choose one or more of the two primary options based on a consideration of area housing conditions, needs, and income levels within and near the area covered by the proposed action.

The proposed options are as follows:

- *Option One:* 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

- *Option Two:* 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

In addition, in areas where market conditions are anticipated to support new construction, but not the feasibility of reaching low-income levels without the use of subsidy, and where the creation of moderate-income housing would contribute to neighborhood economic diversity, the applicant, CPC, and City Council may choose to apply an additional option in addition to Options 1 and 2.

- *Workforce Option:* This option will require that a 30 percent set-aside of the residential floor area shall be provided as housing affordable to households at an average of 120 percent AMI, with no single qualifying household with income exceeding 130 percent of AMI, and with no public funding as defined in ZR Section 23-90, except where HPD determines that public funding is necessary to support other affordable housing within the development beyond the applicable set-aside. This option would not apply in Manhattan Core, which encompasses Community Districts 1 through 8. Workforce Option is appropriate in “emerging” or “mid-market” areas

where the skew of higher and lower rents contemplated in Options 1 and 2 is not supported by local market conditions.

Location

- *Same building:* In all instances, MIH affordable units may be located in the same building as market-rate units incurring the affordability obligation under the MIH program. The affordable units must be distributed on at least 50 percent of the building's floors. HPD may waive these distribution requirements for MIH sites containing affordable senior housing or supportive housing because the programmatic requirements of such facilities may be supported by the clustering of units, or for affordable floor area created in an MIH site through enlargement because the distribution of affordable units may be impracticable due to existing building configurations and occupancy. As in the Voluntary Inclusionary Housing (VIH) program, HPD may also waive the distribution requirements for any new construction affordable housing that cannot comply with the requirements of Federal, State, or local programs because of the distribution requirements.

- *Same zoning lot:* Affordable units may be located in a separate building on the same zoning lot that contains a market-rate building incurring the affordability obligation under the MIH program, provided that the buildings are independent from the street grade to the sky. Affordable and market-rate buildings that do not share a common entrance must have their primary entrances on a common street frontage, and may only front on a different street if HPD determines that an alternative configuration does not stigmatize occupants of the affordable housing.

- *Separate zoning lot:* As with the City's previous VIH programs, affordable units may also be located on a separate zoning lot within the same Community District or within ½-mile of the market-rate development incurring the affordability obligation under the MIH program. (Notably, market-rate developments where MIH units are provided on a separate zoning lot would not be eligible for the 421-a tax abatement.)

Building Envelope Controls

The MIH text amendment also includes a limited number of changes to building envelope controls that would be applicable only in certain non-contextual zoning districts when MIHAs are mapped in the future. These changes are intended to address similar bulk envelope constraints that are anticipated to be addressed by the ZQA proposal for the VIH program. The MIH text amendment would create an alternative bulk envelope controls for MIH developments in non-contextual R6-R8 zoning districts to facilitate the development of affordable housing. In R6 districts, MIH developments would be permitted a maximum base height of 65 feet and maximum building height of 115 feet (or 11-stories).

Applicability to the Proposed Actions

The proposed action includes a zoning text amendment that would map an MIHA, and therefore MIH would be applicable to the rezoning area. While the applicant intends to develop the community facility use described above, because the proposed action would result in a MIH M1-4/R6 zoning district, an alternate RWCDS for a mixed-use development ("mixed-use scenario") is also considered throughout the EAS for conservative analysis purposes. It is assumed that in the absence of the development of the

nursing home and ambulatory facility ("proposed project scenario"), the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units, 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning.

For purposes of this environmental review, it is assumed that the applicant would propose the option that would require 25 percent of the residential floor area be designated as affordable housing units for residents with incomes averaging 60 percent AMI satisfying the affordable housing components of MIH. As such, it is assumed for analysis purposes that 22 of the 88 DUs would be considered permanently affordable for residents earning 60 percent AMI. In addition, the RWCDS mixed-use scenario also analyzes a building with a maximum height of 115 feet. As this is evaluated in the EAS, should the MIH zoning text amendment be approved, none of the findings in the EAS would change.

APPENDIX G

TECHNICAL MEMORANDUM

TECHNICAL MEMORANDUM
OXFORD NURSING HOME
CEQR No. 15DCP193K
May 6, 2016

A. INTRODUCTION

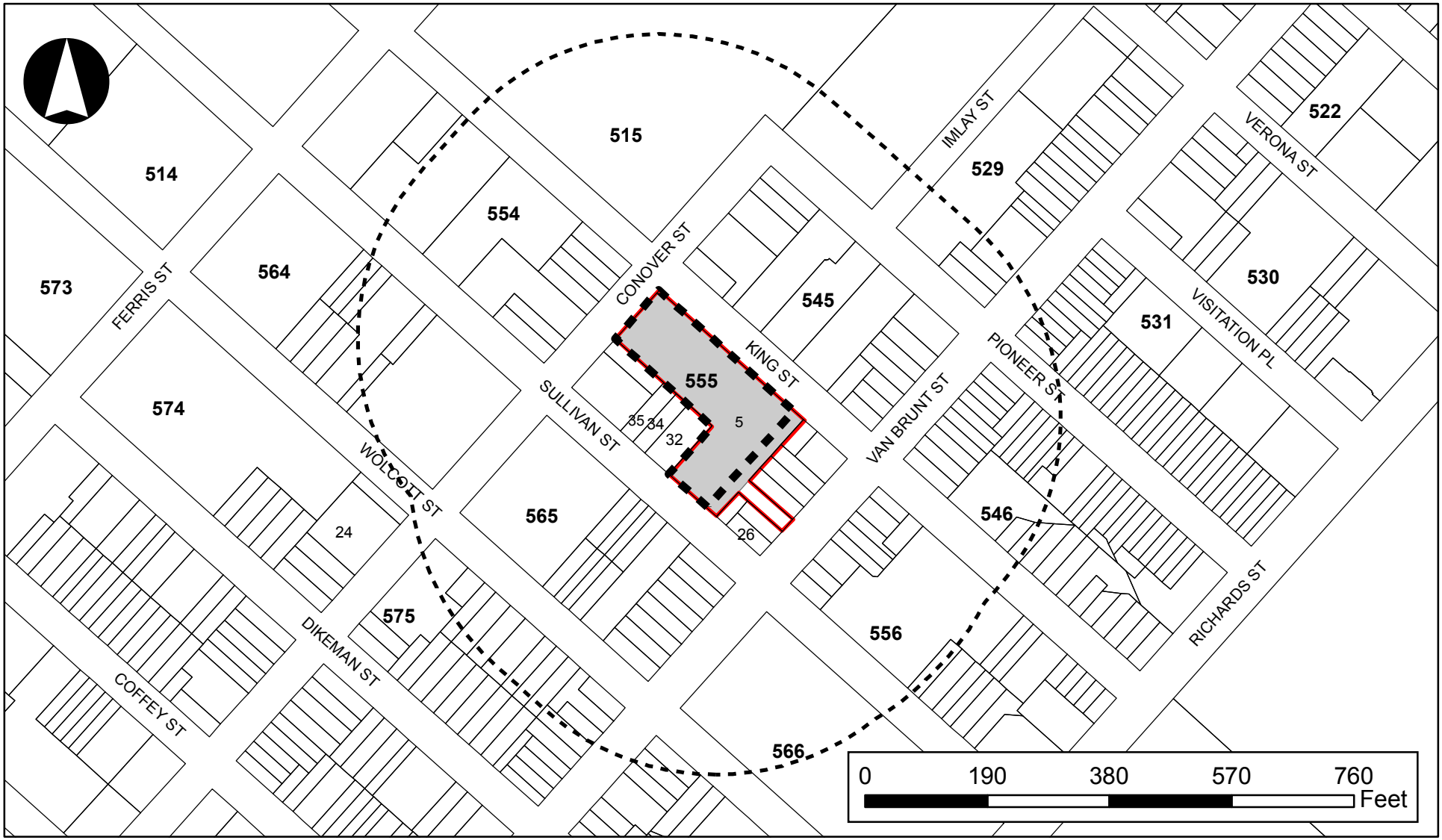
On November 30, 2015, the New York City Department of City Planning (DCP), as lead agency, issued a Negative Declaration for the Oxford Nursing Home Environmental Assessment Statement (EAS). The EAS considered discretionary actions proposed by the applicant—Conover King Realty, LLC (the "applicant")—that would facilitate the development of a 173,989 gross square foot skilled nursing facility with 200 beds and ambulatory diagnostic and treatment center at 139-141 Conover Street in the Red Hook neighborhood of Brooklyn ("proposed project") (see Figure 1). The proposed development would range in height from two to eight stories and would include 53 accessory parking spaces.

This Technical Memorandum addresses changes to the requested actions and clarifies information relative to the Waterfront Revitalization Program (WRP) in the EAS since the issuance of the Negative Declaration and commencement of the Uniform Land Use Review Procedure (ULURP) process. These changes, discussed in more detail below, could result in an increase of community facility floor area within the proposed project. The Technical Memorandum describes the modification to the proposed actions and examines whether they would result in any new or different significant adverse environmental impacts not already identified in the November 2015 EAS and Negative Declaration.

B. DESCRIPTION OF THE PREVIOUS PROPOSED ACTIONS

The November 2015 EAS analyzed the following requested actions:

- A Zoning Map Amendment to rezone a portion of Lot 5 on Brooklyn Block 555 (project site) from a M2-1 manufacturing district to a MX5 special mixed-use district (M1-4/R6) (see Figure 2);
- A Special Permit pursuant to Zoning Resolution ("ZR") Section 74-902 in order to increase the permitted maximum community facility floor area on the proposed development site from 2.43 to 4.8 in an R6 zoning district;
- A Zoning Certification pursuant to ZR Section 22-42 to determine if proposed community facility uses would not result in any of the following conditions in Brooklyn Community District ("CD") 6: (1) a concentration of nursing homes and other health-related facilities in CD6 as compared to other community districts; (2) a scarcity of land for general community purposes; or (3) a disruption in the land use balance in the community due to the construction of health-related facilities within the last three years;
- A Zoning Text Amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing area (MIHA) consistent with the proposed rezoning area in accordance with the City's mandatory inclusionary housing policy (see Appendix 1).



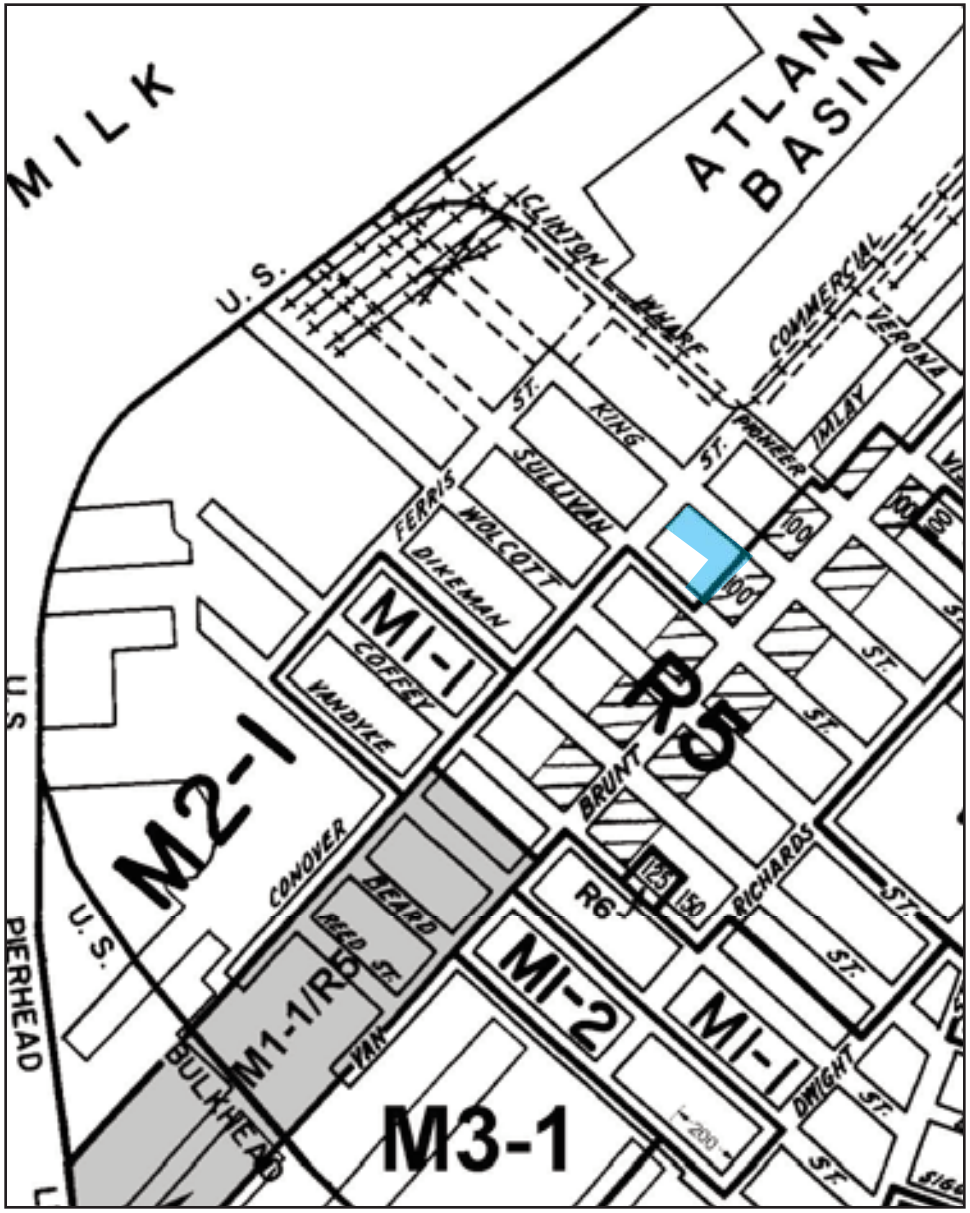
Legend

- Rezoning Area
- 400-Foot Radius
- Applicant Owned Property
- Proposed Development Site
- 565 **Block Number**

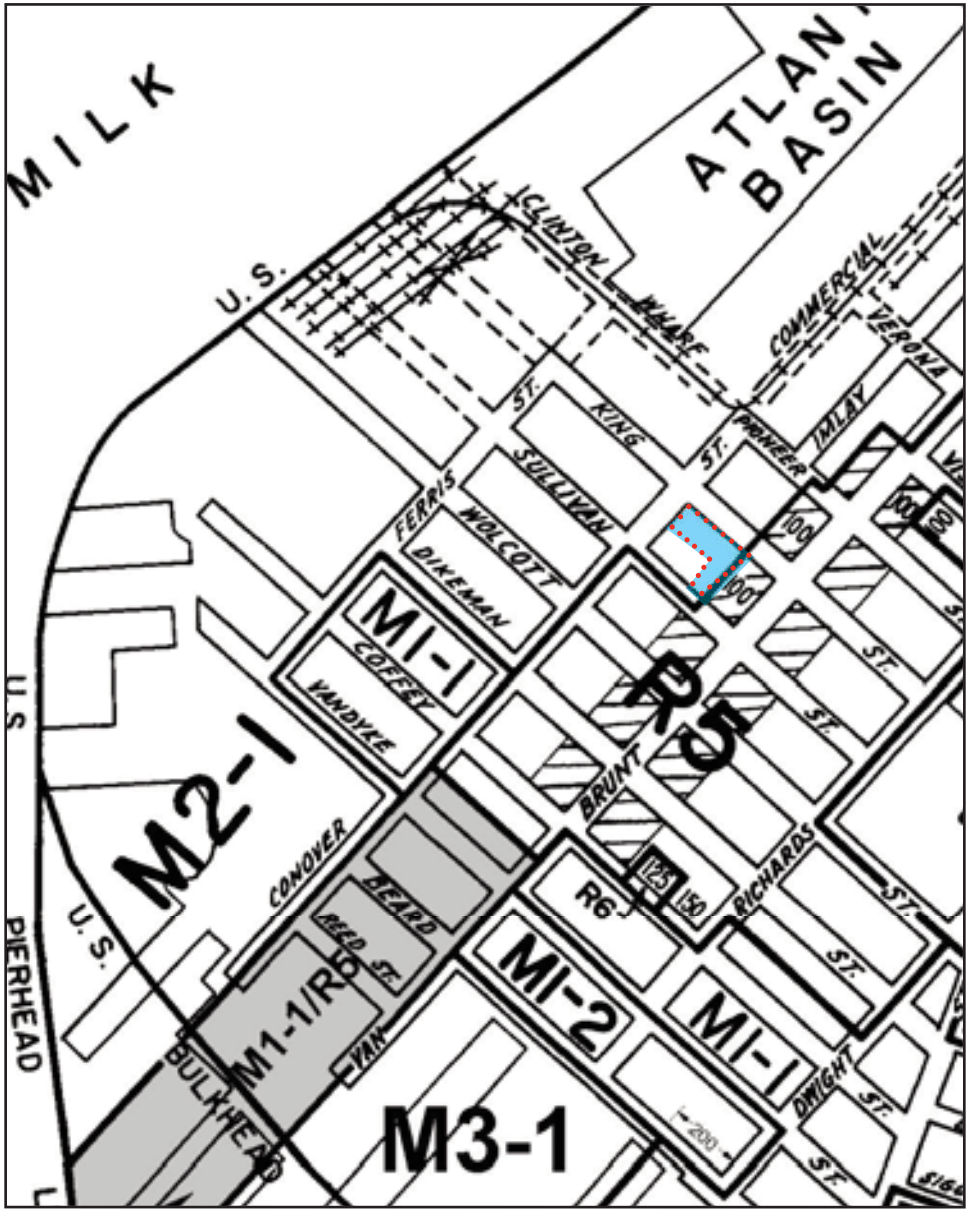
Oxford Nursing Home

Figure 1

Project Location



EXISTING ZONING



PROPOSED ZONING

Proposed Development Site

Area being rezoned from M1-2 to M1-4/R6

As described in the November 2015 EAS, the above actions would result in an approximately 173,989-gsf (157,500-zsf) community facility building (ranging in height from two to eight stories) and would accommodate an approximately 131,150 sf skilled nursing home (Use Group 3) with 200 beds and an approximately 26,350 sf ambulatory diagnostic and treatment center (Use Group 4) with medical offices. The proposed building would also include an enclosed parking area for 39 accessory spaces (approximately 16,489 gsf) and an unenclosed parking area for 14 accessory spaces (total of 53 accessory parking spaces).

Previous Environmental Analysis

In order to assess the environmental effects of the proposed actions, the November 2015 EAS established a Reasonable Worst-Case Development Scenario (RWCDS) that assumed that the proposal would be completed and operational by the build year of 2018. One projected development site was identified. The projected development site consists of the applicant's property which would be developed with the proposed project described above. Absent the proposed actions, the project site would remain in its current condition, which includes a storage/warehouse building and vehicle storage.

The proposed actions are anticipated to result in the addition of 173,989 gsf of community facility uses (nursing home and ambulatory diagnostic and treatment facility), 53 parking spaces, -34,000 sf of open vehicle storage, and -5,955 gsf of warehouse space (see Table 1).

Table 1: Proposed Project Analyzed in November 2015 EAS

Use	No-Action	With-Action	Net Increment
Storage/Warehouse	5,955 gsf	0	**-5,955 gsf**
Open Vehicle Storage	34,000 sf	0	**-34,000 sf**
Community Facility	0	173,989 gsf	**+ 173,989 gsf**
Parking	0	53 spaces	**53 spaces**

It should be noted that while the applicant intends on developing the community facility use described above, because the proposed action would result in a M1-4/R6 zoning district, an alternate RWCDS for a mixed-use development ("mixed-use scenario") was also considered for conservative analysis purposes in the November 2015 EAS. It was assumed that in the absence of the development of the nursing home and ambulatory facility, the site could be redeveloped in the future with a 241,330 gsf mixed-use building that would include up to 88 residential dwelling units, 73,800 gsf of commercial office space, and 24,600 gsf of community facility space as a result of the proposed rezoning. The mixed-use scenario would also include a 54,930 sf parking garage with 75 accessory parking spaces. The EAS analyzed whichever scenario presented the worst case for each technical area.

C. DESCRIPTION OF THE CURRENT PROPOSED ACTIONS

As discussed in detail in the November 2015 EAS, independent of the proposed actions described above, the New York City Council has recently approved a zoning text amendment to facilitate the creation of housing, especially affordable housing known as Zoning for Quality and Affordability (ZQA). The ZQA zoning text amendment promotes affordable senior housing and long-term care facilities through various updates and refinements to the Zoning Resolution of the City of New York.

The zoning text amendments removed the certification under ZR Section 22-42 (Certification of Certain Community Facility Uses) and special permit in ZR Section 74-90 (Certain Community Facility Uses in R3 to R9 districts certain Commercial Districts), except that senior long-term care facilities would continue to require a special permit in R1 and R2 zoning districts.[1] Under the ZQA, in R6 zoning districts the maximum FAR for long-term care facilities has increased from 2.43 to 3.6 FAR, and community facilities without sleeping accommodations could be developed up to a 4.8 FAR. As the ZQA text amendment has been approved, the requested zoning certification and zoning special permit to facilitate the proposed project are no longer required.

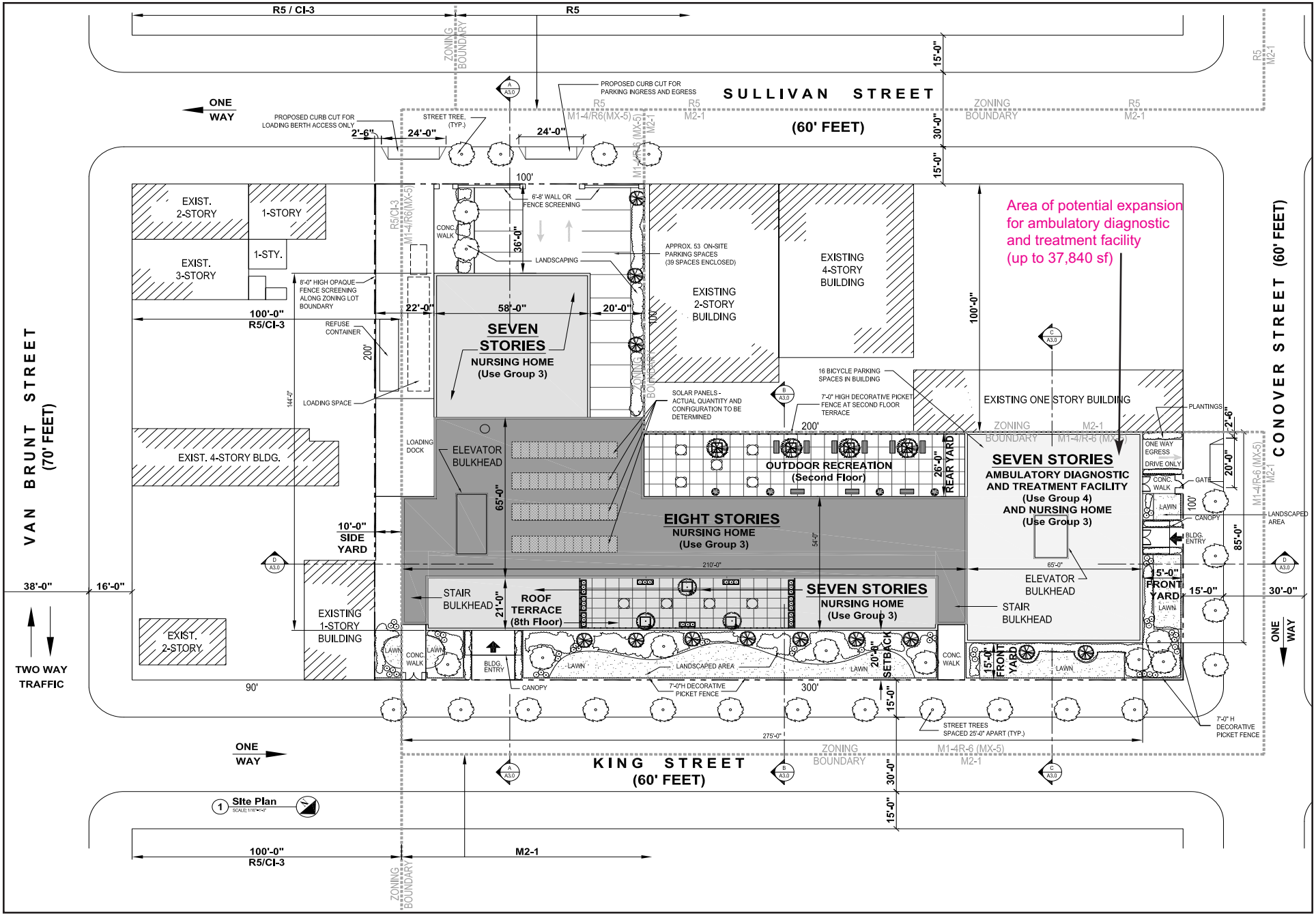
While the applicant intends on developing a 200 bed nursing home and 26,350 sf ambulatory diagnostic and treatment facility described above, because the special permit is no longer required for the proposed project, an alternate reasonable worst-case development scenario (RWCDS) for a larger community facility development is considered in this Technical Memorandum for conservative analysis purposes ("higher community facility scenario").

As discussed in detail in the November 2015 EAS, in early 2009 the New York State Department of Health (DOH) granted the applicant a Certificate of Need for a 200-bed replacement facility at 139-141 Conover Street. Based on the Certificate of Need, the applicant would not be able to increase the number of proposed beds, and the nursing home component of the proposed project would not change as a result of the modification to the requested actions. However, as the special permit, which would have restricted the applicant to a specific site plan, is no longer required, the area of the proposed ambulatory diagnostic and treatment facility could potentially increase as a result of the modification to the requested actions. This Technical Memorandum analyzes a higher community facility scenario that includes an 182,844 square foot community facility building which could include a 131,150 sf skilled nursing home with 200 beds and an approximately 37,840 sf ambulatory diagnostic and treatment facility. The height of the building could range from 2 to 8 stories, with a partial 9th story to accommodate the additional ambulatory diagnostic and treatment facility floor area (see Figure 3). Table 2 below compares the proposed project analyzed in the November 2015 EAS and the higher community facility scenario. As shown in Table 2, the higher community facility scenario would result in an increase of 11,490 square feet for the ambulatory diagnostic and treatment facility than what was previously analyzed in the November 2015 EAS.

Table 2: Comparison of Proposed Project and Higher Community Facility Scenario

Use		Proposed Project (as analyzed in the Nov. 2015 EAS)	Higher Community Facility Scenario (per ZQA)	Difference
Community Facility	Nursing Home	131,150 sf	131,150 sf	**0 sf**
	Ambulatory Facility	26,350 sf	37,840 sf	**+ 11,490 sf**
Parking	Accessory	53 spaces	53 spaces	**0 spaces**

[1] The Council Modifications to the ZQA text amendment retains the requirement for new nursing homes, or existing nursing homes seeking to increase the existing floor area by 15,000 square feet or more, to obtain a CPC Special Permit in Community District 1 in Staten Island, Community District 11 in the Bronx, Community District 8 in Manhattan, and Community District 14 in Queens. In order to grant the permit, the Commission will need to find that the development of additional nursing home beds in a community district will not unduly burden such community district. This special permit would be required for nursing homes in Community District 1 in Staten Island, Community District 11 in the Bronx, Community District 8 in Manhattan, and Community District 14 in Queens.



Source: H2M
For Illustriative Purposes Only

Oxford Nursing Home

Figure 3
Proposed Site Plan

D. LIKELY EFFECTS OF THE PROPOSED MODIFICATION

The November 2015 EAS and the Negative Declaration issued on November 30, 2015, concluded that the proposed project would not have the potential for significant adverse impacts related to the environment. The screening and detailed analyses prepared for the proposed project in the November 2015 EAS concluded that the proposed actions would not have the potential for significant adverse impacts in the following areas: Land Use, Zoning, and Public Policy, Shadows, Urban Design and Visual Resources, Hazardous Materials, Water and Sewer Infrastructure, Transportation, Air Quality, and Noise. The November 2015 EAS did not analyze the technical areas for the proposed project identified below because the anticipated projected development would not meet or exceed the *CEQR Technical Manual* thresholds requiring analysis. These technical areas are: Socioeconomic Conditions, Community Facilities and Services, Open Space, Historic and Cultural Resources, Natural Resources, Solid Waste and Sanitation Services, Energy, Greenhouse Gas Emissions, Public Health, Neighborhood Character, and Construction.

The modifications to the requested actions would not alter configuration of the proposed community facility building nor increase in-ground disturbance due to construction. The higher community facility scenario includes an 8-story with a partial 9th-story ambulatory diagnostic and treatment facility, which would be taller than the proposed project (7-stories). The modifications to the proposed actions would not have the potential to alter the conclusion that there would be no significant adverse impacts in the following analysis areas and conditions: Socioeconomic Conditions, Community Facilities and Services, Open Space, Historic and Cultural Resources, Natural Resources, Hazardous Materials, Solid Waste and Sanitation Services, Energy, Greenhouse Gas Emissions, and Construction.

Because the modification to the requested actions could increase the proposed community facility uses at the project site, additional analyses in the following areas are provided below: Land Use, Zoning, and Public Policy, Shadows, Urban Design and Visual Resources, Water and Sewer Infrastructure, Air Quality, and Noise to determine if any significant adverse impacts would occur. As discussed below, the proposed modification to the requested actions are not anticipated to result in any significant adverse impacts related to the environment in these analysis areas and would, therefore, also not have the potential for significant adverse impacts related to Public Health and Neighborhood Character.

Land Use, Zoning, and Public Policy

As described above, the higher community facility scenario could result in an increase in the community facility floor area by 11,490 sf. Given the modest nature of the potential increase, the modification to the requested actions would not be expected to have an adverse effect on land use either on-site or in the land use study area. The higher community facility scenario would not affect zoning or public policy either on-site or in the land use study area. Therefore, the proposed modification to the requested actions have no impact on the analysis and conclusions of the Land Use, Zoning, and Public Policy section of the November 2015 EAS.

While the higher community facility scenario would not affect the conclusions of the Land Use, Zoning, and Public Policy analysis in the November 2015 EAS, in light of the questions and comments raised at the City Planning Commission public hearing on March 30, 2016 regarding the location of the project site within a flood zone, a brief discussion of resiliency and emergency preparedness is provided below.

The project site is located within the currently applicable Zone AE12 (Base Flood Elevation of 12 feet). The design and construction of any development on this site would comply with New York City Building Code requirements for construction within the 100-year for the applicable building category. The higher community facility scenario building would be constructed to meet the standards of the New York City Building Code and the Best Available Flood Hazard Data available from FEMA at the time of construction. The proposed building as a group I-2 occupancy with an occupant load of 50 or more resident patients but not having surgery or emergency treatment facilities falls under structural occupancy category III. Therefore the building design requires an additional 1 foot of freeboard to be added to the base flood elevation (BFE) to create the design flood elevation (DFE) of 13 feet. The design flood water height is calculated at the worst case to be 7.21 feet above grade at the north corner off the site, and drops to the lowest level of 3.85 feet along the southeastern interior lot line.

The ground floor of the nursing home portion of the building would be used only for parking and entrances at grade, with mechanicals located 5'-6" above grade, which would comply with the DFE of 13 feet. The lobby of the ambulatory diagnostic and treatment facility portion of the building is located at grade, but the remainder of the ground floor is elevated 5'-6" above grade, which would comply with the DFE of 13 feet. The lobby spaces, used only for building access, are the only enclosed building spaces located below the DFE of 13'. The lobby spaces will be a combination of wet and/or dry flood proofed. While the specific flood proofing measures have not yet been determined, the dry flood proofing strategy will likely be a 7'-6" high barrier or gate dropped in or placed in front to seal off the entrance doors. The enclosed parking and entrances to the nursing home and ambulatory diagnostic and treatment facility from the street are at grade and handicapped accessible and all elevated portions of the ground floor are accessible from grade by elevator and stairs. The building would have four passenger elevators, as well as one service elevator that could be used to transport residents if necessary.

As the proposed uses on the project site would include a Use Group 3 nursing home, the applicant will maintain an emergency preparedness plan consistent with New York State Department of Health (DOH) requirements, which will include, at a minimum, the following provisions:

- Evacuation Plan: The emergency preparedness plan will include a detailed evacuation plan, should evacuation be necessary.
    - Transfer and transportation agreements: Transfer agreements will be in place with various nursing homes, as well as with hospitals for residents with acute needs who may need hospitalization. Agreements will be in place with ambulance and ambulette services to be responsible for all transfers of non-ambulatory patients.
    - Evacuation tracking: The nursing home employees will be trained in the Department of Health's E-Find system, which is designed to keep track of all residents who are evacuated from skilled nursing facilities. Evacuated residents will be scanned into the system, with the receiving facility entered, and when they arrive, the receiving facility will enter that they have arrived.
- Emergency water, food and medicine supplies: A minimum three day (72-hour) supply of clean water and canned food as well as an emergency supply of medicine will be maintained and periodically checked to ensure expiration dates are current.

- Emergency backup generator: An emergency diesel generator with a minimum of a 72 hour fuel supply will be placed above the Design Flood Elevation of 13 feet to ensure it does not get damaged by water in the event of a storm. The generator will be tested weekly and monthly on full load to ensure it is working properly. While not a complete list, the elements that DOH requires to be powered by the emergency generator include: the entire heating plant, air conditioning in large common areas, kitchen freezers and refrigerators and some pieces of equipment, partial lighting (corridors, nurse's stations, common areas), all emergency uninterruptible power outlets (such as ventilators, fire alarm system, computer systems), and elevators (switched one car at a time with one car able to operate continuously).

- Emergency Communications: Partnership with Office of Emergency Management to participate in a program providing radios to be used in emergencies to access assistance for residents. OEM will monitor these radios and provide the necessary help.

- Employee emergency and disaster training: Employees will be trained to follow OSHA guidelines, which include a matrix for all natural disasters as well as attacks. Employees will receive training upon hire and annually. In addition, employees would receive training relating to flood shield storage, installation, and inspection in addition to participating in annual flood drills.

- Adequate staffing: In the event an emergency situation is anticipated, employees working in the nursing home will be asked to stay over, with no employee allowed to leave before their replacement arrives, and additional off-duty employees may be called in to work. All transportation will be arranged and paid for by the nursing home.

As discussed in detail above, in the event of an emergency, the applicant would implement an emergency preparedness plan consistent with New York State Department of Health requirements.

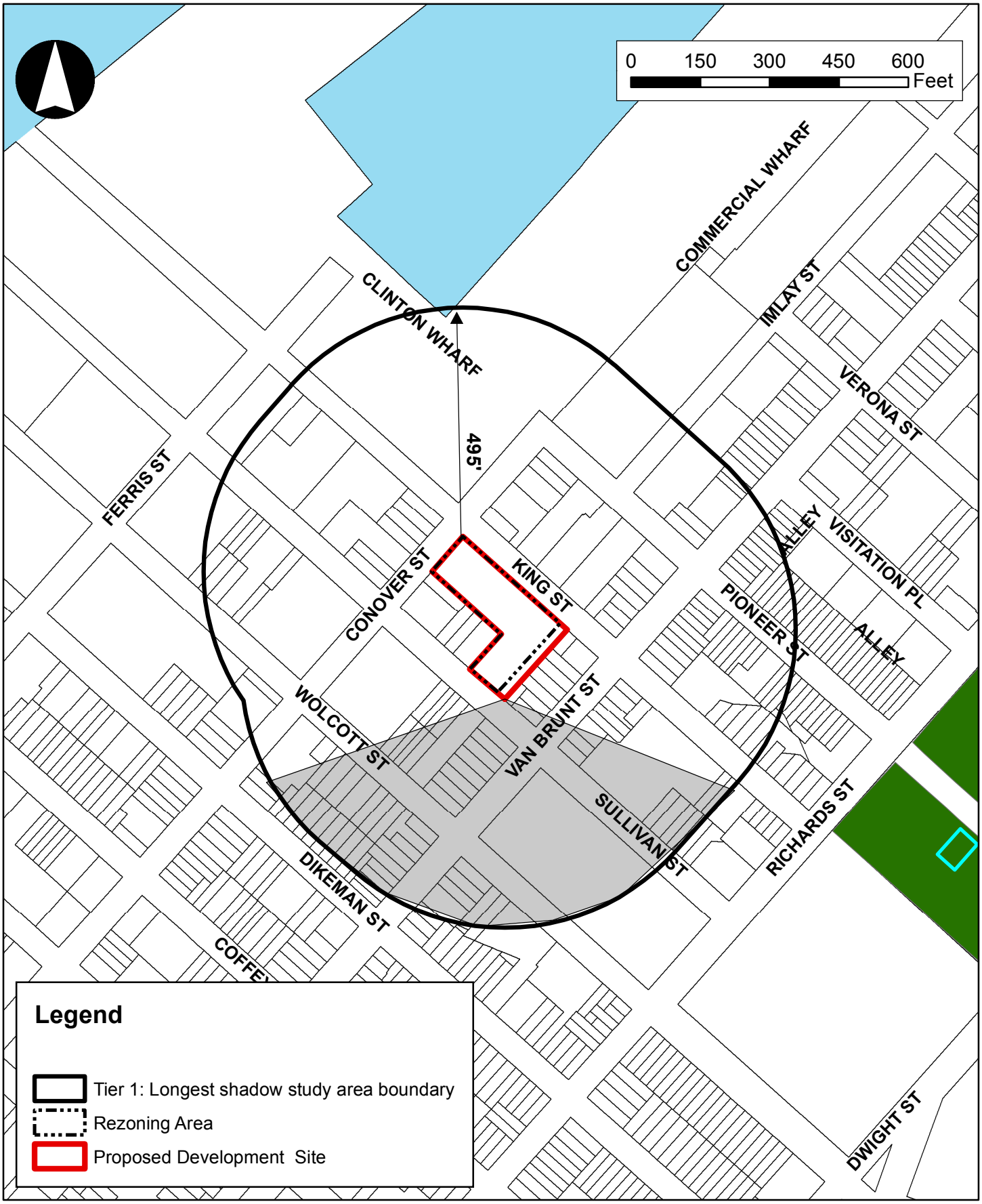
Shadows

The November 2015 EAS included a screening analysis of shadows for the alternate mixed-use scenario described above. Under the mixed-use scenario, a 10-story, 115 foot mixed-use building was analyzed for conservative analysis purposes. As discussed in detail in the November 2015 EAS, no sunlight-sensitive resources lay within the area that could be shaded by the mixed-use building, and as such, no further assessment of shadows was necessary (see Figure 4). Therefore, a Tier 3 Screening Assessment was not warranted as no significant adverse shadow impacts were anticipated. The higher community facility scenario could result in an 8-story with a partial 9th-story ambulatory diagnostic and treatment facility, which would be taller than the proposed project (7-stories). As the height of the building under the higher community facility scenario would be less than the mixed-use building analyzed for shadow impacts in the EAS, the higher community facility scenario would not result in a significant adverse impact on shadows and would not alter the conclusions of the November 2015 EAS.

Urban Design and Visual Resources

The modification to the requested actions could result in a larger ambulatory diagnostic and treatment facility that what was analyzed in the November 2015 EAS. Under the higher community facility scenario, the ambulatory diagnostic and treatment facility portion of the building would be taller than

Longest Shadow Study Area - Tier 1 Screening



what was analyzed in the November 2015 EAS (i.e. 8-stories with partial 9th story rather than 7-stories – see Figure 5).

The November 2015 EAS determined that the proposed project would enhance the visual appearance on the development site and thus the pedestrian experience of the site would change somewhat; however, this change would not meet the 2014 *CEQR Technical Manual* threshold for a significant adverse urban design impact in that it would not alter the arrangement, appearance, or functionality of the development site such that the alteration would negatively affect a pedestrian's experience of the area. Rather, instead of an underutilized stretch of industrial and manufacturing buildings along Conover Street, Sullivan Street and King Street, the pedestrian experience of the area would include new buildings with active ground floor uses.

The modest height increase under the higher community facility scenario would not adversely affect the pedestrian experience in the urban design study area and the taller ambulatory diagnostic and treatment facility would be similar in height to the proposed nursing home portion of the building (7- to 8-stories). The modification to the requested actions would not result in a significant adverse impact on the urban design character of the neighborhood and would not alter the conclusions of the November 2015 EAS.

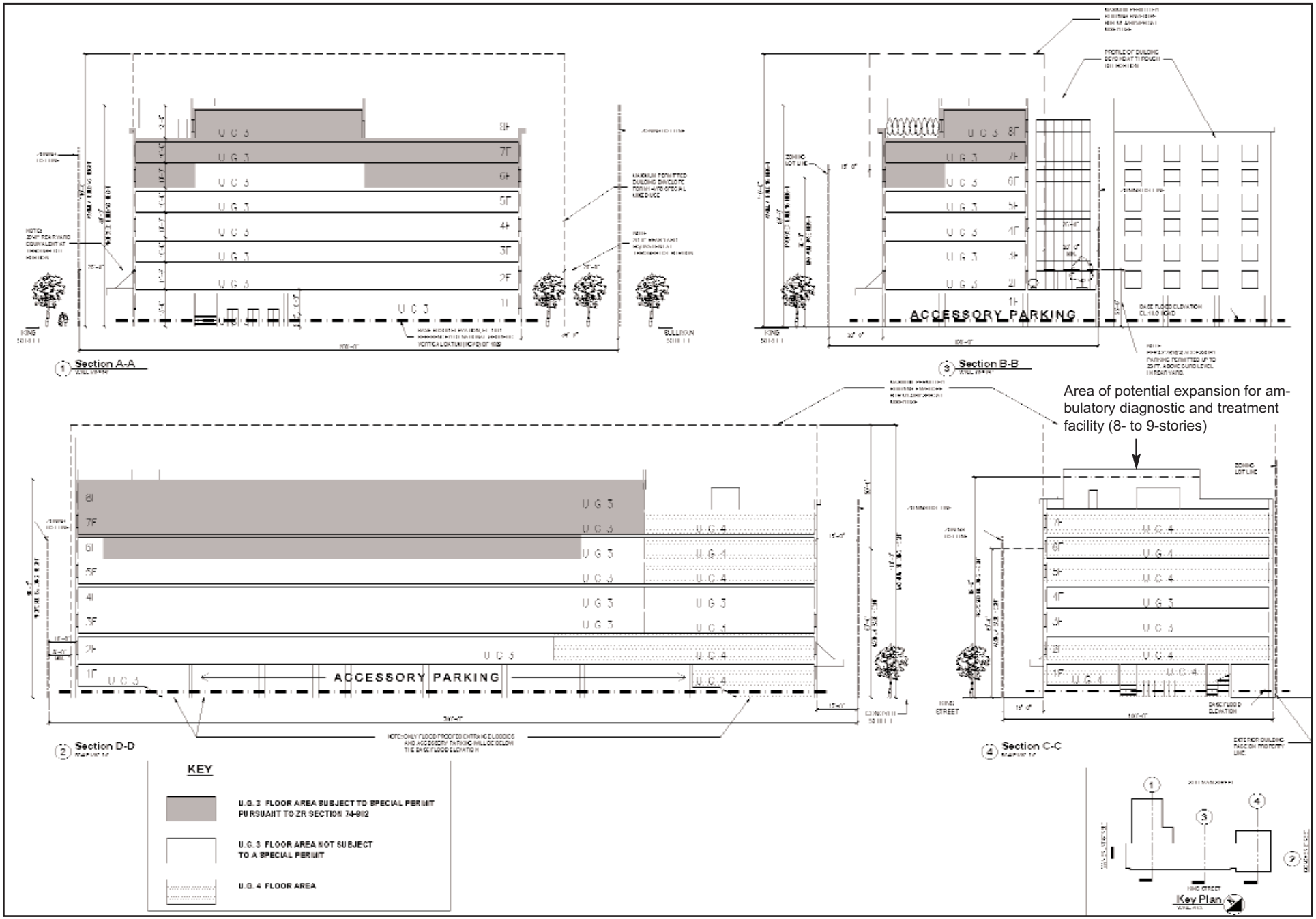
Water and Sewer Infrastructure

According to the 2014 *CEQR Technical Manual*, a preliminary sewer assessment is warranted if a project located in a combined sewer area in Brooklyn exceeds 400 residential units or 150,000 sf of commercial, public facility, and community facility space or more. As the proposed project exceeds this threshold, the November 2015 EAS assessed the potential effects of the proposed project on sewer infrastructure. The analysis determined that no significant adverse impacts would occur to water and sewer infrastructure as a result of the proposed action.

Sanitary Flows (Dry Weather)

As the modification to the requested actions could result in an increase of community facility floor area on the project site, the estimated amount of sanitary sewage generated was determined and compared to the No-Action scenario analyzed in the November 2015 EAS.

As indicated in Table 1, the estimated amount of sanitary sewage generated by the higher community facility scenario would be 63,784 gpd, an increment of 61,050 gpd over No-Action conditions. This amount would represent less than 0.3 percent of the average daily flow of 28.1 mgd at the Red Hook WPCP and would not result in an exceedance of the plant's permitted capacity of 60 mgd. Therefore, the higher community facility scenario would not create a significant adverse impact on the City's sanitary sewage treatment system and further analysis is not warranted. In addition, per the New York City Plumbing Code (Local Law 33 of 2007), low-flow fixtures would be required to be implemented and would help to reduce future sanitary flows from future development on the project site.



Source: H2M
For Illustriative Purposes Only

Oxford Nursing Home **Figure 5**

Preliminary Building Sections for Proposed Project RWCDS

Table 1: Expected Water Demand on Proposed Development Site – No-Action Scenario vs. Higher Community Facility Scenario

	Use	Area (gsf)	Domestic Use (gpd)[1]	Air Conditioning (gpd)[1]
No-Action Scenario	Industrial/Warehouse/Storage	5,955	2,734	1,012
	Total No-Action Water Supply Demand			3,747
	Total No-Action Sewage Generation			2,734
Higher Community Facility Scenario	Medical Office	37,840	3,784	6,433
	Nursing Home	131,150 (200 beds)	60,000	22,296
	Total With-Action Water Supply Demand			92,513
	Total With-Action Sewage Generation			63,784
Increment	***Incremental Water Supply Demand***			88,766
	Incremental Sewage Generation			61,050

Notes:
[1] Based on average daily water use rates provided in Table 13-2 of the *CEQR Technical Manual* (unless otherwise indicated)
- Medical office assumes office rate: 0.10 gpd per sf for domestic use, plus 0.17 gpd per sf for air conditioning.
- Nursing home: 300 gpd per bed for domestic use, plus 0.17 gpd per sf for air conditioning (2008 *Hospital for Special Surgery FEIS*).

Stormwater Runoff (Wet Weather)

Under the applicant's proposal, the proposed site plan analyzed in the November 2015 EAS would not change as a result of the modification to the requested actions. As such, stormwater runoff flows at the site would not increase under the higher community facility scenario. Therefore, the modification to the requested actions is not anticipated to result in a significant adverse impacts to stormwater conveyance and treatment infrastructure and further analysis is not warranted.

Transportation

The transportation analysis in the November 2015 EAS assessed the potential effects of the proposed project on transportation conditions. The Level I screening analysis showed that the original proposed project would generate 26, 18, 33, and 25 net vehicle trips during the AM, MD, PM, and Saturday MD peak hours, respectively; 48, 14, 53, and 33 subway trips in the weekday AM, midday, PM, and Saturday midday peak hours respectively; 12, 2, 10, and 7 local bus trips in the weekday AM, midday, PM and Saturday midday peak hours respectively; and 72, 24, 84, and 38 pedestrian trips, including walk-only trips and trips to and from bus stops and subway stations, in the weekday AM, midday, PM and Saturday midday peak hours respectively.

The level of anticipated project-generated vehicle trips would not result in an increase of 50 or more vehicles at any intersection in proximity to the project area. In addition, the proposed project would not result in 200 or more subway, bus, or pedestrian trips in any one peak hour. Therefore, as per *CEQR Technical Manual* criteria, a detailed transportation analysis was not warranted as significant adverse impacts to traffic are unlikely.

In order to determine the potential for the higher community facility scenario to result in significant adverse impacts related to transportation, a screening analysis was performed pursuant to the methodologies identified in the 2014 *CEQR Technical Manual*. The higher community facility scenario,

as discussed above, would include a 200 bed skilled nursing home and a 37,840 sf ambulatory diagnostic and treatment facility.

To assess the potential effects of the higher community facility scenario on transportation conditions, the appropriate trip generation screening analyses, Level One, have been performed, based on the *CEQR Technical Manual*. The resulting conclusions are summarized below.

The higher community facility scenario would generate 26, 18, 33, and 25 vehicle trips during the AM, MD, PM, and Saturday MD peak hours, respectively; 48, 14, 53, and 33 subway trips in the weekday AM, midday, PM, and Saturday midday peak hours, respectively; 12, 2, 10, and 7 local bus trips in the weekday AM, midday, PM and Saturday midday peak hours, respectively; and 80, 24, 86, and 56 pedestrian trips, including walk-only trips and trips to and from bus stops and subway stations, in the weekday AM, midday, PM and Saturday midday peak hours, respectively. The higher community facility scenario would not result in an increase of 50 or more vehicles at any intersection in proximity to the project area. In addition, the higher community facility scenario would not result in 200 or more subway, bus, or pedestrian trips in any one peak hour. Therefore, as per 2014 *CEQR Technical Manual* criteria, a detailed transportation analysis is not warranted as significant adverse impacts to traffic are unlikely.

Air Quality

Stationary Sources – Industrial Sources

The emissions from existing industrial sources would be the same under the higher community facility scenario, and maximum predicted concentrations would likewise be the same as compared with the proposed project. Therefore, as with the proposed project, the higher community facility scenario would not result in any significant adverse air quality impacts from industrial sources.

Stationary Sources – Heat and Hot Water Systems

With the higher community facility scenario, the overall building height for the ambulatory diagnostic and treatment facility would be taller. As discussed in detail in the November 2015 EAS, a review of existing land uses within 400 feet of the proposed development site via the New York City Open Accessible Space Information System (OASIS) Land Use interactive mapping application and Google imaging map shows that no taller existing buildings are located within 400 feet of the project site– with the tallest nearby existing buildings being 4-stories tall. As such, no screening analysis of HVAC emission on existing land uses is warranted. As the proposed community facility building under the proposed project would include multiple tiers, the boiler stack for this development would be located on the highest tier of the building to mitigate any potential impacts. As discussed in the November 2015 EAS, an (E) designation was mapped on Block 555, Lot 5 to restrict the boiler stack height to the highest tier of any new development. This would avoid any potential for significant adverse air quality impacts affecting the project site.

Under the higher community facility scenario, the proposed ambulatory diagnostic and treatment facility would be 8-stories with a partial 9th story (approximately 91 to 102 feet). This change would not alter the conclusions made in the EAS as any new development on the project site would comply with the (E) designation (E-371) which requires that the HVAC stack be located on the highest tier of the

proposed development. Therefore, the higher community facility scenario would not result in significant adverse air quality impacts and further analysis is not warranted.

The proposed (E) designation for the development site (E-371) with respect to HVAC systems is presented below.

Any future construction of the proposed development on Block 555, Lot 5 would be required to comply with the following (E) designation:

> Any new development on the above-referenced property must ensure that the HVAC stack is located on the highest tier of the proposed development.

Noise

The 2014 *CEQR Technical Manual* states that if a proposed action would increase noise passenger car equivalent (Noise PCE) values by 100 percent or more, then a detailed analysis is generally performed. The November 2015 EAS concluded that traffic generated by the proposed project would not be sufficient to increase PCE values by 100 percent or more. The higher community facility scenario would not double noise PCE values at any location and as detailed above would not result in an increase in traffic over what was anticipated with the proposed project.

Additionally, according to the *CEQR Technical Manual*, detailed noise analysis may be warranted if a sensitive receptor screening determines a proposed action would introduce a new noise-sensitive location, known as a receptor, in an area with high ambient noise levels, or other loud activities. The November 2015 EAS included a detailed noise analysis which concluded that required attenuation values were identified for the frontage of the development site along Conover Street. The required attenuation values which are necessary to ensure acceptable interior noise levels are 28 dBA of attenuation for the facade facing Conover Street for community facility uses. In addition, alternate means of ventilation would be required to ensure a closed-window condition. These required attenuation values will be enforced by means of (E) designations recorded against the development site, which would ensure there would be no significant adverse noise impact with respect to building attenuation.

The higher community facility use scenario would not introduce a new receptor not otherwise analyzed in the EAS. In addition, any new community facility development on the project site would be required to provide the attenuation values specified in the (E) designation. Therefore, the higher community facility scenario is not anticipated to result in significant adverse impacts related to noise and further analysis is not necessary.

E. CONCLUSION

Based on the above, it can be concluded that the modifications to the proposed actions would not result in any new or different significant adverse impacts. This Technical Memorandum serves to supplement the Negative Declaration issued on November 30, 2015. As indicated in the analyses discussed above, the conclusions of the November 2015 EAS and Negative Declaration remain unchanged.

APPENDIX 1

MANDATORY INCLUSIONARY HOUSING AREA

Appendix F

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BROOKLYN

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Brooklyn Community District 6

In the R6 and R7-2 Districts within the areas shown on the following Maps 1 and 2:

Map 1 - (3/11/09)

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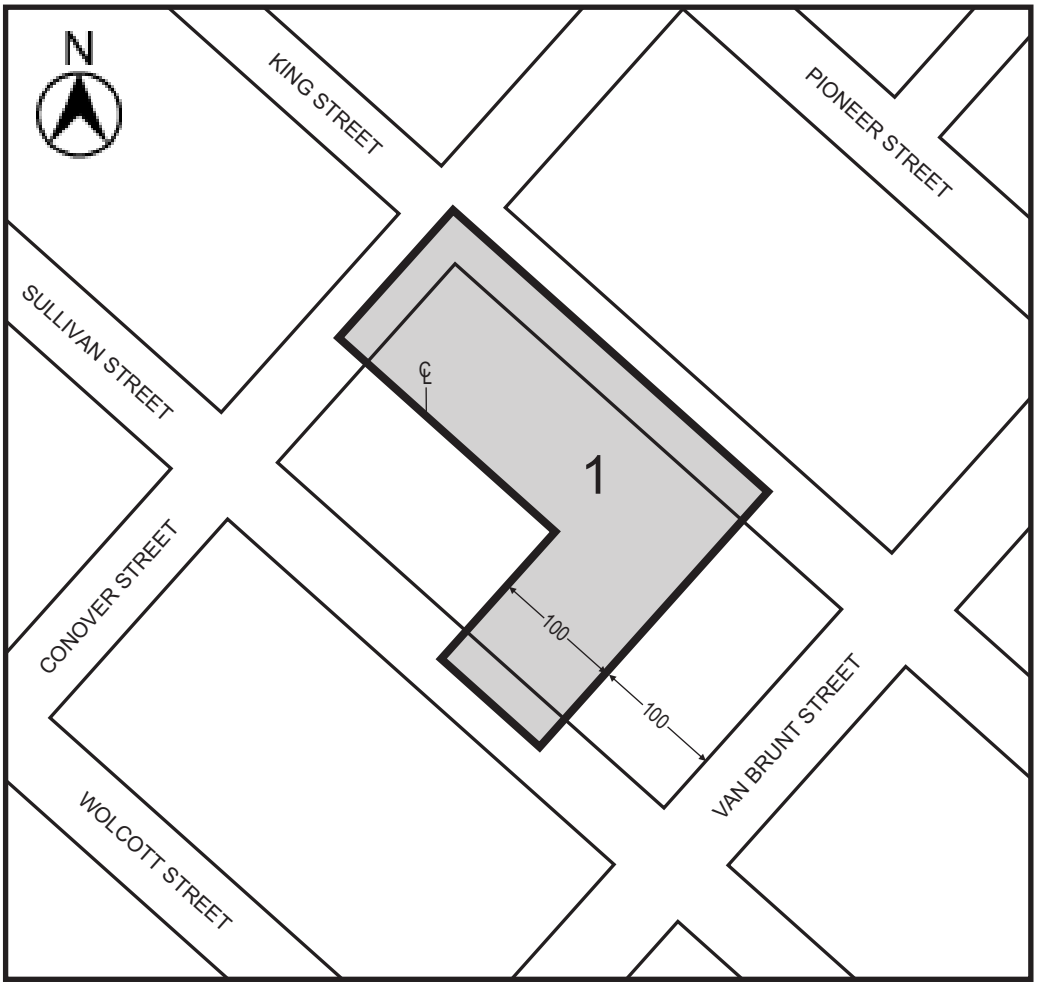
Map 2 - [date of adoption]



Mandatory Inclusionary Housing Area (MIHA)
1 [date of adoption] - MIH Program Option 1 and Option 2 [Section 23-154(d)(3)]