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

8118 13th Avenue Rezoning

8118 13th Avenue
Brooklyn, NY

Prepared for:
Stars and Stripes Holding Co.
8118 13th Avenue
Brooklyn, NY, 11228

Prepared by:
AECOM
125 Broad Street
New York, NY, 10004

AECOM Project No. 60547085

October 11th, 2019

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* 8118 13th Avenue Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency) 18DCP069K	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable) 190295ZMK	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY New York City Department of City Planning			NAME OF APPLICANT Stars and Stripes Holding Company		
NAME OF LEAD AGENCY CONTACT PERSON Olga Abinader- Director of EARD			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Richard Lobel		
ADDRESS 120 Broadway, 31st Fl			ADDRESS 18 East 41st Street		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10017
TELEPHONE 212-720-3493	EMAIL oabinad@planning.nyc.gov		TELEPHONE 212-725-2727	EMAIL rlobel@sheldonlobelpc.com	

5. *Project Description*

The applicant, Star and Stripes Holding Company, is seeking a zoning map amendment from R5B to R5B/C1-3 to facilitate the legalization of an existing law office (UG 6), located in a one-story building at 8118 13th Avenue (Block 6291, Lot 43) in the neighborhood of Dyker Heights, Brooklyn, Community District 10. The office use is currently non-conforming in the existing R5B zoning district. The C1-3 overlay would be mapped at a depth of 100 feet from the western side of 13th Avenue and would be mapped for 100 feet on the southern half of the block front, between 81st and 82nd Streets. The rezoning would include the applicant's property, Block 6291, Lot 43 and the adjacent lots, 45 and 47.

Project Location

BOROUGH BK	COMMUNITY DISTRICT(S) 10	STREET ADDRESS 8118 13th Avenue
TAX BLOCK(S) AND LOT(S) Block 6291, Lots 43, 45 and, 47		ZIP CODE 11228
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS 13th Avenue to the east , 81st Street to the north, 82nd Street to the south, and 12th Avenue to the west		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R5B		ZONING SECTIONAL MAP NUMBER 22b

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

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

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☒ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☐ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

☐ VARIANCE (use)

☐ VARIANCE (bulk)

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

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

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

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

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

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

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

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

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 10,000
Waterbody area (sq. ft) and type: NA
Roads, buildings, and other paved surfaces (sq. ft.): 7,500
Other, describe (sq. ft.): 2,500 Front and Rear Yards

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

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 2,875
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 2,875
HEIGHT OF EACH BUILDING (ft.): Approx 15
NUMBER OF STORIES OF EACH BUILDING: 1

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: 4,000
The total square feet not owned or controlled by the applicant: 6,000

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☐ YES ☒ NO
If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: 0 sq. ft. (width x length)
VOLUME OF DISTURBANCE: 0 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 0 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.)	0	2,875	0	0
Type (*e.g.,* retail, office, school)	units	UG 6 Law Office		

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO
If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 0 NUMBER OF ADDITIONAL WORKERS: 7
Provide a brief explanation of how these numbers were determined: 7 workers per 1,000 of office space

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

Has a No-Action scenario been defined for this project that differs from the existing condition? ☒ YES ☐ NO
If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: The No-Action Scenario would differ from the Existing Conditions. While Lots 45 (3,003 sf, 1.0 FAR residential) and 47 (2,860 sf, 0.95 FAR) would remain in their existing condition state in the No-Action scenario, Applicant Controlled Lot 43 would differ from the existing condition.

Since Lot 43 is currently a non-conforming use, in the No-Action scenario for purposes of this analysis, Lot 43 is assumed to be a 2,875 gsf community facility use built out at a 0.72 FAR (change of use from law office to community facility) in the No-Action Scenario

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2020

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 12-18 months

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: ULURP, financing, design, construction, occupancy

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

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

Part II: TECHNICAL ANALYSIS

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

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

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

	YES	NO
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. * (See below)		
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?	☐	☒

	YES	NO
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 108 Pounds Per Week		
○ 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): 865,200 MBtu's		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ 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?	☐	☒

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

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	
Max Meltzer, AICP	October 11th, 2019

SIGNATURE 

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.

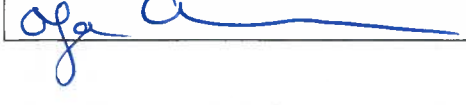
3. Check determination to be issued by the lead agency:

☐ **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
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME: Olga Abinader	DATE: 10/11/2019
SIGNATURE: 	

NEGATIVE DECLARATION (Use of this form is optional)

Statement of No Significant Effect

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

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds that the proposed project and related actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this Determination are noted below.

1. Land Use, Zoning, and Public Policy

The EAS includes a detailed Land Use, Zoning and Public Policy analysis. The proposed rezoning from R5B to R5B/C1-3 district would bring a pre-existing law office into conformance with zoning. The proposed actions would not result in significant adverse impacts related to land use, zoning, or public policy. The proposed actions would map a commercial overlay on to an area characterized by residential, community facility, and commercial uses. The surrounding neighborhood, zoned R5B, is developed with single family homes. The analysis concludes that no significant adverse impacts related to Land Use, Zoning and Public Policy would result from the proposed actions.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME	DATE
Olga Abinader	10/11/2019
SIGNATURE	

TITLE
Chair, Department of City Planning
NAME / DATE
Marisa Lago / 10/15/2019
SIGNATURE

AECOM Environment

Prepared for:
Stars and Stripes Holding Co.
8118 13th Avenue
Brooklyn, NY, 11228

Prepared by:
AECOM
125 Broad Street
New York, NY, 10004

8118 13th Avenue Rezoning

Supplemental Studies to the Environmental Assessment Statement

October 11th, 2019

Proposed Development Site:

8118 13th Avenue
Brooklyn, NY 11228

Prepared for:

Stars and Stripes Holding Company
8118 13th Avenue
Brooklyn, NY, 11228

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Appendix D – NYC DEP Permit Search Result

Appendix E – NYC DOB C/O Search

1.0 PROPOSED ACTION

The applicant, Stars and Stripes Holding Co., seeks a zoning map amendment to rezone a portion of Brooklyn Block 6291, Lots 43 (applicant site) 45, and 47 currently zoned R5B to R5B/C1-3 to facilitate the legalization of an existing law office (UG6), located in a one-story building at 8118 13th Avenue (Block 6291, Lot 43) in the Brooklyn neighborhood of Dyker Heights, Community District 10. The office use is currently non-conforming in the existing R5B district. The C1-3 overlay would be mapped at a depth of 100 feet from the western side of 13th Avenue and would be mapped for 100 feet on the southern half of the block from, between 81st and 82nd Streets. As previously mentioned, the rezoning would involve three lots: Lot 43 (Applicant Lot) and adjacent Lots 45 and 47.

1.1 Project Location

The rezoning area is in the Brooklyn neighborhood of Dyker Heights, Community District 10 and consists of Brooklyn Block 6291 Lots, 43, 45, and 47 (**Figure 1.2-1**) **Figure 1.2-1a** also shows the project location with surrounding area land uses. The proposed development site is located at 8118 13th Avenue on Block 6291, Lot 43 (**Figure 1.2-3**). The total lot area is approximately 4,000 square feet (sf), and the site is presently improved with a one-story UG 6 law office with 2,875 sf of total floor area (FAR 0.72). A key to photographs of the site and surrounding area is shown in **Figure 1.2-4** with the photographs displayed in **Figure 1.2-5**.

The Applicant Site and Project Area was part of The Dyker Heights/Fort Hamilton Rezoning (CEQR # 07DCP054K), Department of City Planning lead neighborhood –wide, approximately 160 block rezoning in the Dyker Heights and Fort Hamilton neighborhoods of Brooklyn.

This EAS studies the potential for individual and cumulative environmental impacts related to the Proposed Action occurring in a study area of approximately 400 feet around the rezoning area. This study area is generally bound by 80th Street to the north, the midblock point between 13th Avenue and 14th Avenue to the east, 83rd Street to the south, and approximately 200 east of 12th Avenue to the west.

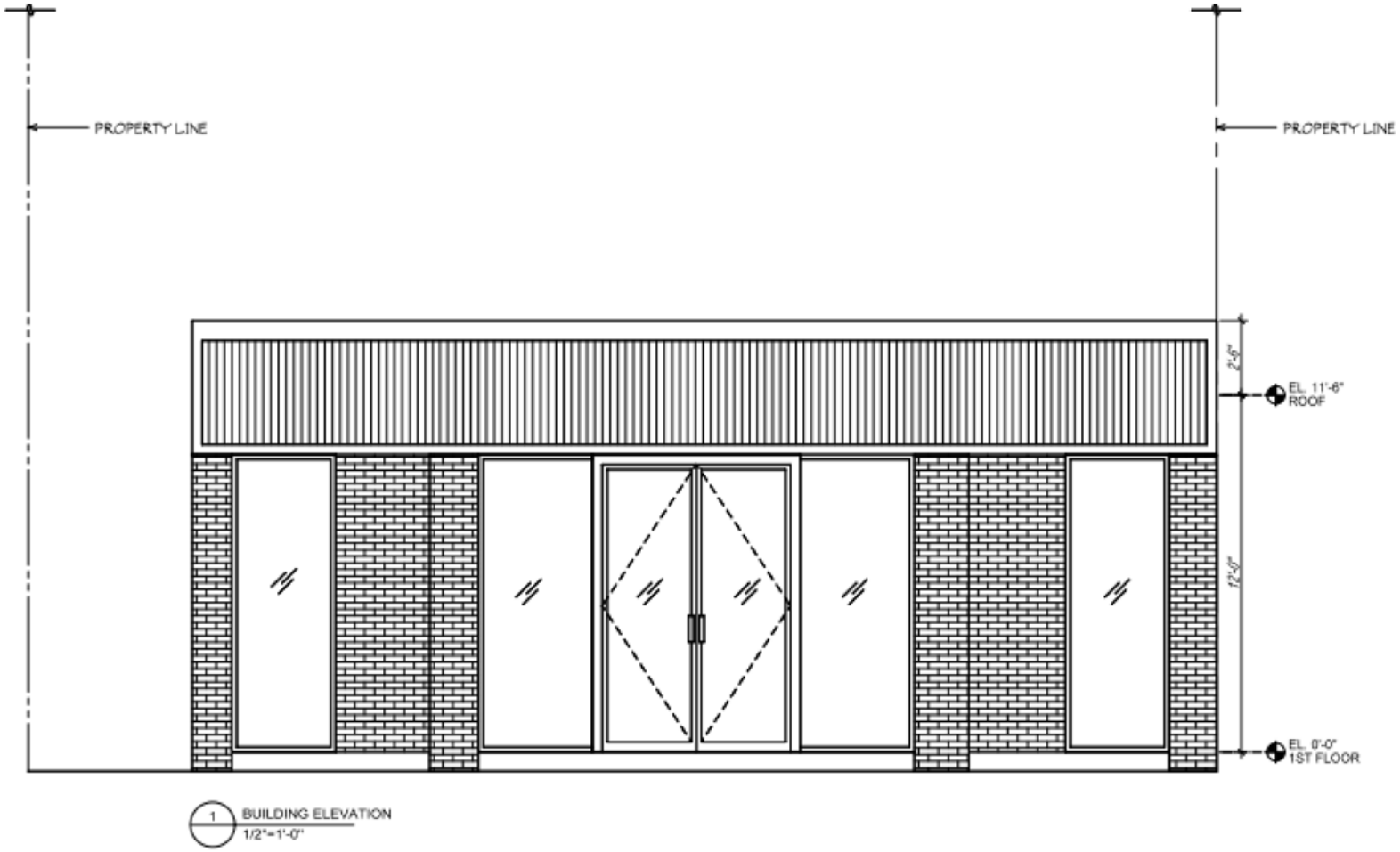
1.2 Proposed Development

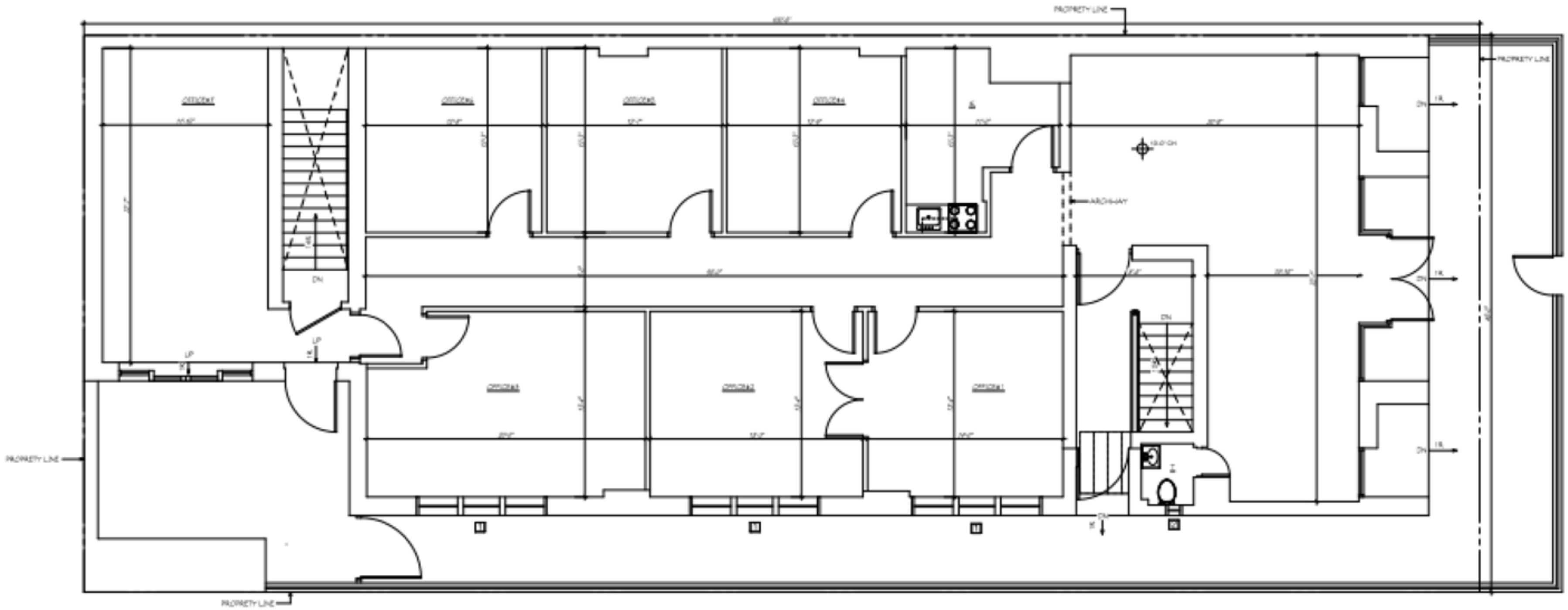
The proposed Project Area consists of three tax lots with an area of approximately 10,000 sq. ft. Lot 43 (applicant site) is a 4,000-sf lot and is developed with a one-story UG 6 law office with 2,875 gsf of total floor area (FAR 0.72). Lot 45 is a 3,000-sf lot and is developed with a 3,003 gsf, two-story UG2 residential building with 3 dwelling units (FAR 1.0). Lot 47 is a 3,000-sf lot and is developed with a 2,860 gsf two-story UG 2 residential building with 3 dwelling units (FAR 0.95).

The Proposed Development Site (Block 6291, Lot 43) is a 4,000-sf lot and is developed with a one-story UG 6 law office with 2,875 gsf of total floor area (FAR 0.72). The one-story building has approximately 50 ft. of frontage on 13th Avenue.

The Proposed Action would facilitate the legalization of an existing law office (UG6), located in a one-story building at 8118 13th Avenue (Block 6291, Lot 43) (**Figure 1.1**). The proposed commercial use would be located within the proposed R5B/C1-3 overlay and the rezoning would bring the existing use into conformance. The total FAR on the property currently conforms to existing zoning, the use however does not. The applicant is not proposing at this time any expansion of the existing UG 6 Law Office on the site. The proposed zoning map amendment would simply facilitate this legalization of an existing law office (UG6), located in a one-story building at 8118 13th Avenue (Block 6291, Lot 43).

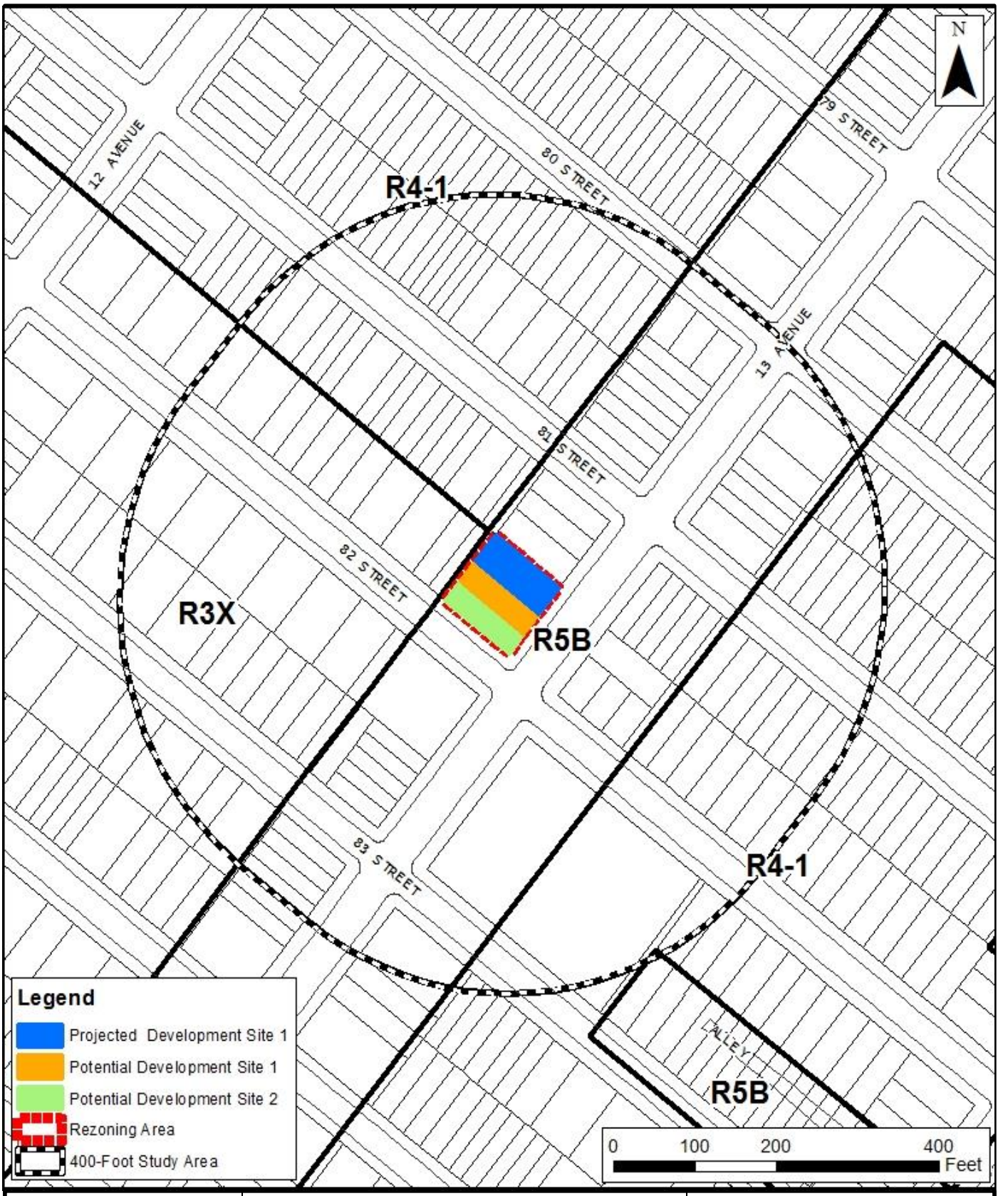
Figure 1.1 - Applicant Plans (Illustrative Purposes Only)





1ST FLOOR - EXISTING CONDITIONS PLAN
1/4"=1'-0"

13TH AVENUE



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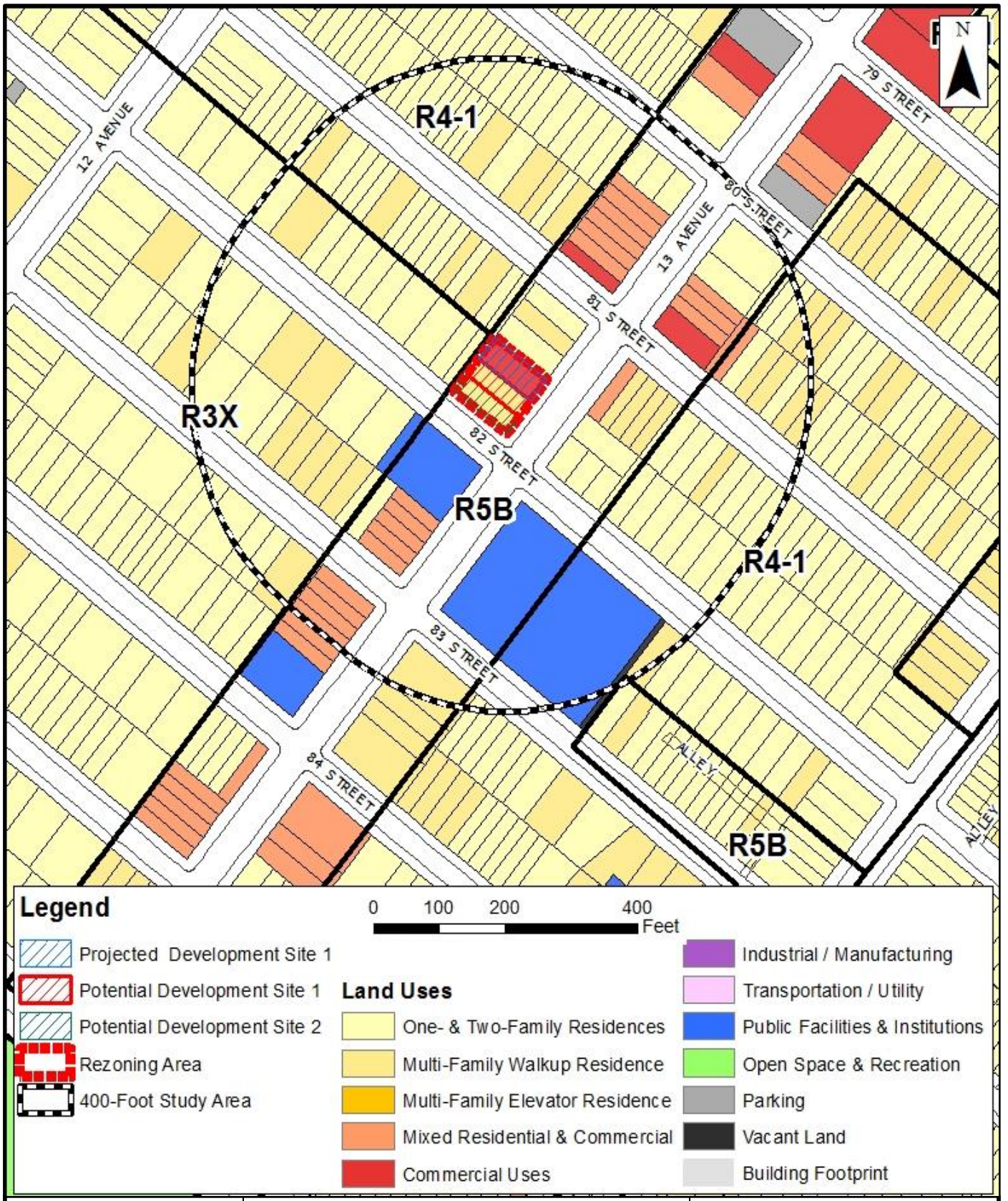
8118 13th Avenue Rezoning
Brooklyn, NY

Project Location

Figure 1.2-1



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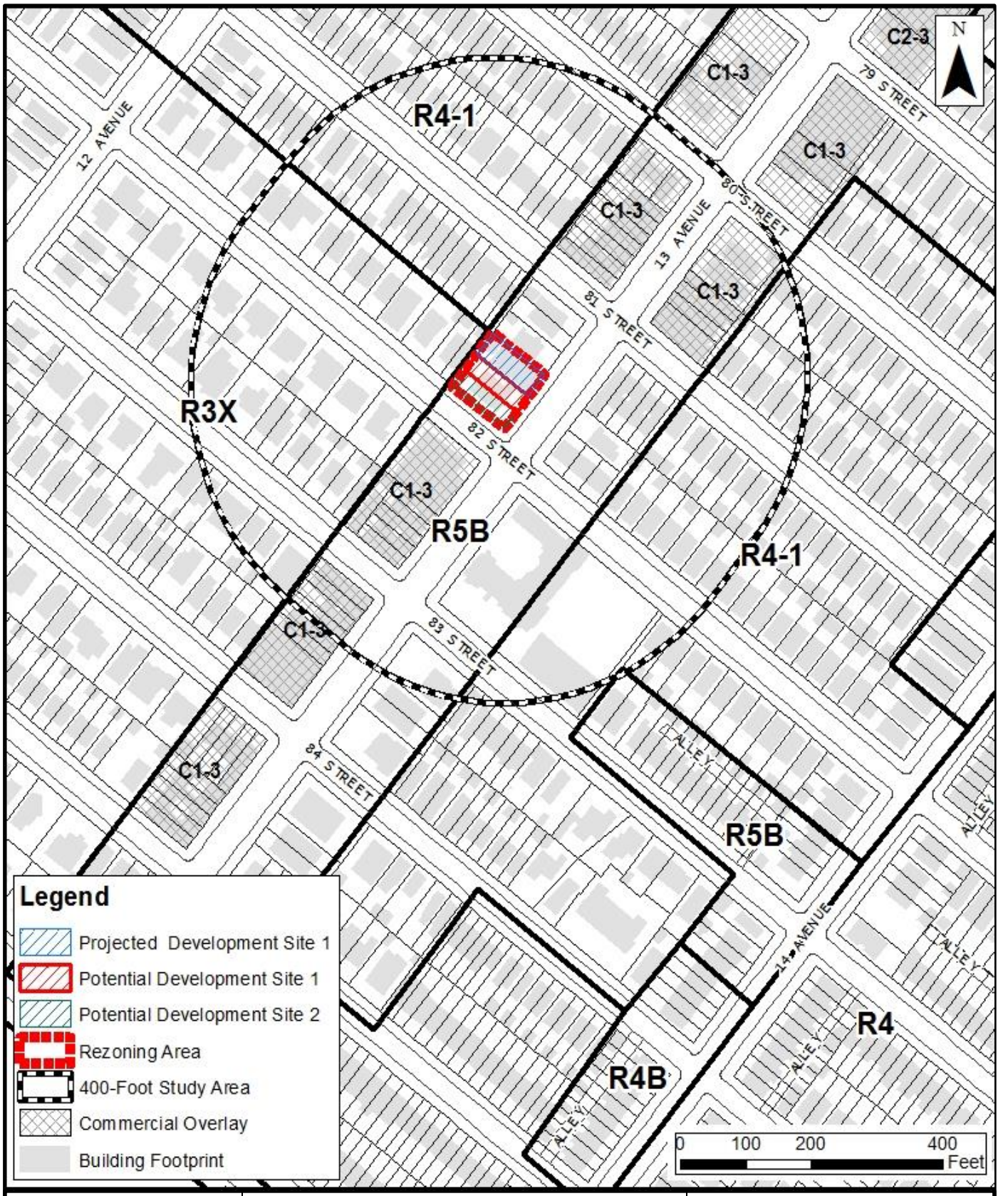
Brooklyn, NY

Land Use Map

Figure 1.2-1a



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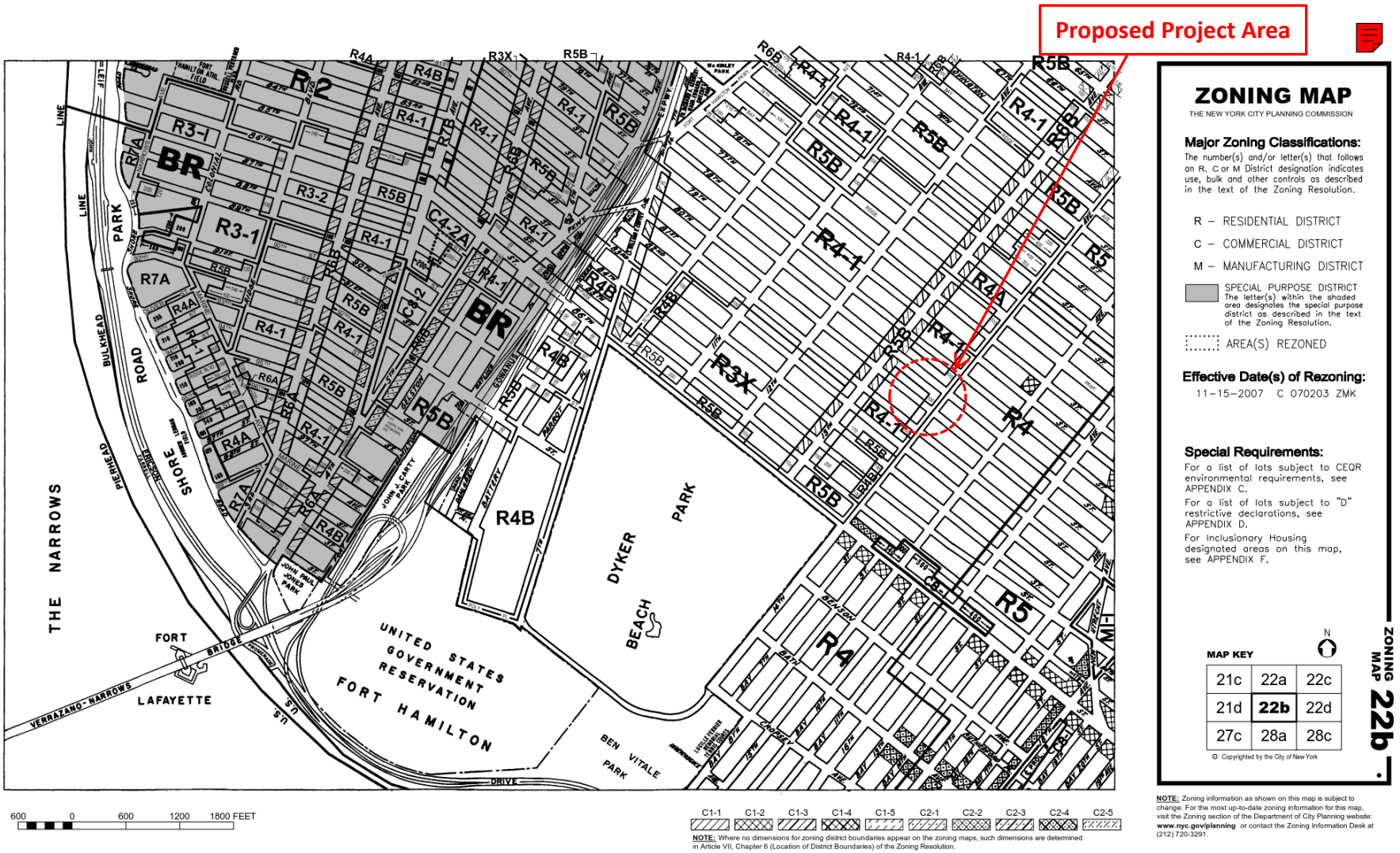
Detailed Zoning Map

Figure 1.2-2



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Zoning Sectional Map

Figure 1.2-2a

Current Zoning Map

Projected Development Site 1

Proposed Zoning Map

Projected Development Site 1

Proposed R5B/C1-3 Zoning District

Potential Development Site 1

Potential Development Site 2

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Brooklyn, NY

Zoning Change Map

Figure 1.2-2b

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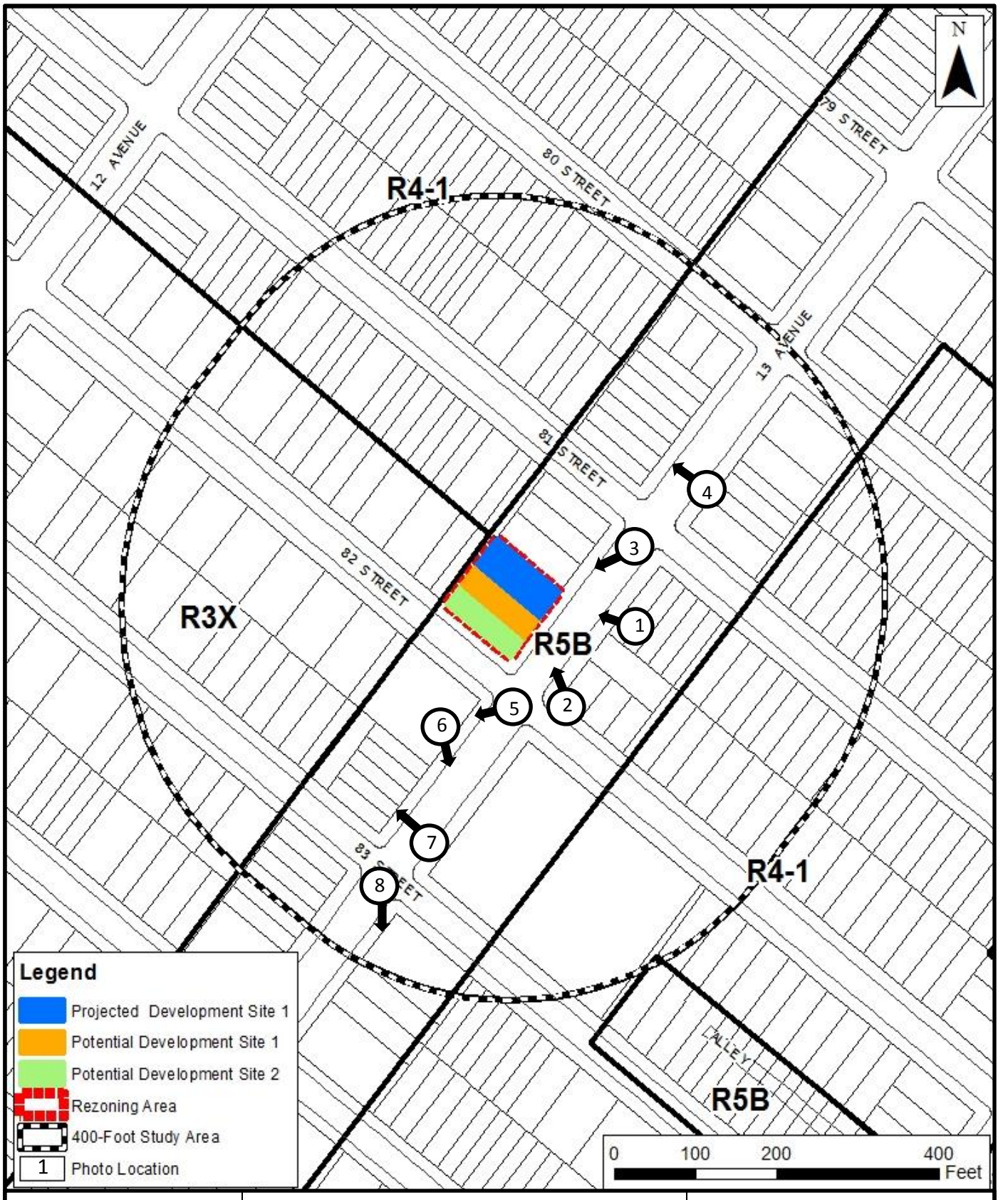
Brooklyn, NY

Tax Map

Figure 1.2-3



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Environmental Assessment Statement
8118 13th Avenue Rezoning
Brooklyn, NY

Photo Key Map

Figure 1.2-4

Figure 1.2-5 Photographs of the Site and Surrounding Area

Photographs taken July 30th, 2019

Photo 1: View of Applicant Site (Lot 43) from 13th Avenue

Photo 2: View of Applicant Site and Potential Sites 1 and 2 (Lots 45 and 47) looking north on 13th Avenue

Photo 3: View of Applicant Site and adjacent lots not in rezoning area, looking south from 13th Avenue and 81st Street

Photo 4: View of commercial uses on the west side of 13th Avenue, just north of 81st Street

Photo 5: View of Dyker Heights Library south of Project Site on 13th Avenue and 82nd Street

Photo 6: View the Shrine Church of St. Bernadette on the east side of 13th Avenue between 82nd and 83rd Streets

Photo 7: View commercial uses on the west side of 13th Avenue between 82nd and 83rd Streets.

Photo 8: View of residential uses just south of 83rd Street on 13th Avenue.

1.3 Purpose and Need

The Proposed Action is a zoning map amendment to rezone a portion of Brooklyn Block 6291, Lots 43 (applicant site) 45, and 47 currently zoned R5B to R5B/C1-3 to facilitate the legalization of an existing law office (UG6), located in a one-story building at 8118 13th Avenue (Block 6291, Lot 43) in the Brooklyn neighborhood of Dyker Heights, Community District 10. The office use is currently non-conforming in the existing R5B district. The C1-3 overlay would be mapped at a depth of 100 feet from the western side of 13th Avenue and would be mapped for 100 feet on the southern half of the block from, between 81st and 82nd Streets. Without the proposed rezoning, the applicant would be unable to legalize the existing UG 6 law office on the site.

1.4 Required Approvals

The proposed zoning map amendment is a discretionary public action which is subject to the City Environmental Quality Review (CEQR) as an Unlisted Action. Through CEQR, agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment. The proposed zoning map and text amendments are also discretionary public actions which are subject to public comment under the Uniform Land Use Review Procedure (ULURP). The ULURP process was established to assure adequate opportunity for public review of Proposed Actions. ULURP dictates that every project be reviewed at four levels: the Community Board; the Borough President; the City Planning Commission; and, in some cases the City Council. The procedures mandate time limits for each stage to ensure a maximum review period of seven months.

1.5 Analysis Framework (Reasonable Worst Case Development Scenario)

Existing Conditions

The Proposed Project Area includes, 8118, 8120 and 8124 13th Avenue (Block 6291, Lot 43, 45, and 47) in the Dyker Heights neighborhood of Community District 10 in Brooklyn. The Proposed Project Area is within an R5B zoning district. 8118 13th Avenue (Lot 43), which is the proposed development site, is applicant controlled. Lot 43 has a total lot area of approximately 4,000 sf and is improved with a one-story law office with a total floor area of approximately 2,875 gsf (0.72 FAR). 8120 13th Avenue (Lot 45) has a total lot area of approximately 3,000 sf and is improved with a two-story, 3-unit residential building with a total floor area of approximately 3,000 sf (1.0 FAR). 8124 13th Avenue (Lot 47) has a total lot area of approximately 3,000 sf and is improved with a two-story 2-unit residential building with a total floor area of approximately 2,860 sf.

Future No-Action Scenario

The No-Action Scenario would differ from the Existing Conditions. While Lots 45 (3,003 sf, 1.0 FAR residential) and 47 (2,860 sf, 0.95 FAR) would remain in their existing condition state in the No-Action scenario, Lot 43 would be different.

Since Lot 43 is currently a legal non-conforming use, in the No-Action scenario for purposes of this analysis, Lot 43 is assumed to be a 2,875 gsf community facility (medical office) built out at a 0.72 FAR (change of use from law office to community facility).

Future With-Action Scenario

The proposed development calls for a zoning map amendment to rezone a portion of Brooklyn Block 6291 (Lots 43, 45, and 47) with a C1-3 commercial overlay.

Due to the existing design of the building on Lot 43 (applicant lot) and the very limited available land available in both the front and rear of the property, it was been determined that the applicant would not expand their property under the Proposed Action. Instead, the land would be utilized as a law office, congruent to its existing condition (0.72 FAR).

There are several site constraints that would prevent that applicant from creating new floor area on the site. R5B zoning districts have five feet front yard minimum setbacks. The existing structure is currently set back approximately feet five and a half feet from the lot line, slightly above the minimum set back per R5B zoning regulations. Given this, it is very unlikely that the applicant would be able to expand their property in the front yard portion of the lot.

Furthermore, R5B zoning districts require a minimum of 30-foot rear yards. Currently, there is an approximately 30 foot -rear yard from the structure to the rear lot line. This R5B zoning district regulation would prevent the applicant from expanding in the rear of the lot as well.

With no available room on the side portions of the lot to expand due to existing lot coverage, the applicant would not physically be able to expand his property. Due to the existing rooftop infrastur, it would not be monetarily sensible to add square footage by adding additional floors to the property. As such, for these reasons, the With-Action Scenario assumes that no gsf expansion of Projected Development Site 1 would occur under the proposed actions.

Given the existing floor area ratios (FAR) on Lots 45 (1.0 FAR) and 47 (0.95 FAR), as well as existing land use and property conditions, it is assumed that additional development *could potentially* induce development on Lots 45 and 47.

Projected Sites

Projected Site 1

In the With-Action scenario, the applicant lot, (Block 6291, Lot 43), which is currently occupied with a law office, would be brought into compliance and conformance and it would remain in its existing condition at 2,875 sf. While an expansion of the law office is theoretically possible under the proposed R5B/C1-3 zoning district (up to 4,000 sf, FAR 1.0) it is not anticipated that the applicant would pursue this development. Based on a site visit, aerial photos, and site photographs, it was determined that much of that lot was already improved and the applicant would not have a substantial amount of space to build out his property, and in the applicant's opinion, an expansion would not be financially viable or feasible given the constraints. Therefore, it is assumed that the property would remain a law office with 2,875 gsf and a FAR of 0.72. It is assumed that *three parking spaces- 1 per 800 sf, Article III, Chapter 6 of the Zoning Resolution,* would be required.

Potential Development Sites

Potential development sites are less likely to be developed within the analysis period. Both sites are currently in use as residential uses which are occupied with no known plans to expand the use or change the use. While the Proposed Action would allow for some incremental development of new commercial floor area, it is much less likely that these following sites would pursue this type of development. Therefore, they are classified as potential sites and not projected sites.

Potential Site 1

In the With-Action Scenario, there is the potential that development would be induced by the Proposed Action on Lot 45. It is expected that Lot 45 would be developed with a FAR of 1.35 (Max FAR for residential

uses in R5B zoning districts). On a 3,000-sf lot, there is the potential that there would be a total of 4,050 sf developed on Lot 45 under the With-Action. Potentially, approximately 2,700 sf (0.90 FAR) of the 4,050-sf developed would be residential sf and that 1,350 sf (0.45 FAR) of the 4,050-sf developed would be Use Group 6 commercial floor area. This would represent an enlargement of the existing residential space and the conversion/addition of new commercial space on a portion of the ground floor. No additional residential units or residents would be gained or lost in the With-Action. It is assumed that four parking spaces would be provided for the new commercial floor area under R5B/C1-3 zoning district parking regulations.

Potential Site 2

In the With-Action Scenario, there is potential that new development would be induced by the Proposed Action on Lot 47. Potentially, Lot 45 would be developed with a FAR of 1.35 (Max FAR for residential uses in R5B zoning districts). On a 3,000-sf lot, Lot 47 could potentially see a total of 4,050 sf developed on Lot 47 under the With-Action. Potentially, 2,700 sf (0.90 FAR) of the 4,050-sf developed would be residential sf and that 1,350 sf (0.45 FAR) of the 4,050-sf developed would be Use Group 6 commercial floor area. This would represent an enlargement of the existing residential space and the conversion/addition of new commercial space on a portion of the ground floor. No additional residential units or residents would be gained or lost in the With-Action. It is assumed that four parking spaces would be provided for the new commercial floor area under R5B/C1-3 zoning district parking regulations.

Projected Development Sites

Based on an analysis of the rezoning area, and soft site criteria, Block 6291, Lot 43 has been identified as the only projected development site.

Table 1 Projected Development under the Proposed Rezoning

Site No.	*Block*	*Lot*	*Lot Area*	*Existing Zoning*	*Existing FAR*	*Proposed Zoning*	*Projected Residential Floor Area (sf)*	*Projected Com Facility Floor Area (sf)*	*Projected Commercial Floor Area (sf)*	*Projected FAR*	*DUs*	*Parking Requirements*	*Height and Floor Count*
1	*6291*	*43*	4,000	*R5B*	*0.72*	*R5B/C1-3*	*No New Res. Development*	*0*	*2,875 sf*	*0.72*	*No New Res. Units*	*three- 1 per 800 sf, Article III, Chapter 6 of the Zoning Resolution*	*1 story*
	Total								***2,875***			***3***	

1.6 Build Year

As this project does not involve construction, a build year of approximately 2020 is appropriate for the project.

Table 2- Description of Existing, No-Action and With-Action Conditions

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Land Use				
Residential	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units	Lot 43: N/A Lot 45: 3 Lot 47: 3	Lot 43: N/A Lot 45: 3 Lot 47: 3	Lot 43: N/A Lot 45: 3 Lot 47: 3	
No. of low- to moderate-income units	NA	NA	NA	
Gross floor area (sq. ft.)				
Commercial	☑ Yes ☐ No	☐ Yes ☑ No	☑ Yes ☐ No	
If "yes," specify the following:				
Describe type (retail, office, other)	Law Office		Law Office	
Gross floor area (sq. ft.)	Lot 43 : 2,875 sf		Lot 43 : 2,875 sf	2875 sf (re-occupation)
Manufacturing/Industrial	NA	NA	NA	
If "yes," specify the following:				
Type of Use	NA	NA	NA	
Gross floor area (sq. ft.)	NA	NA	NA	
Open storage area (sq. ft.)	NA	NA	NA	
If any enclosed activities, specify:	NA	NA	NA	
Community Facility	☐ Yes ☑ No	☑ Yes ☐ No	☐ Yes ☑ No	
If "yes," specify the following:				
Type of Use	N/A	UG 4	N/A	
Gross floor area (sq. ft.)	N/A	2,875 sf	N/A	(-2875 sf)
Vacant Land	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes", describe:	N/A	N/A	N/A	
Publicly Accessible Open Space	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," specify type (mapped City, State, or Federal Parkland, wetland-mapped or otherwise known, other):	N/A	N/A	N/A	
Other Land Uses	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," describe:	N/A	N/A	N/A	
Parking				
Garages	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," specify the following:				
No. of public spaces	N/A	N/A	N/A	
No. of accessory spaces	N/A	N/A	N/A	
Operating hours	N/A	N/A	N/A	
Attended or non-attended	N/A	N/A	N/A	
Lots	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," specify the following:				
No. of public spaces	N/A	N/A	N/A	
No. of accessory spaces	N/A	N/A	3	3
Operating hours	N/A	N/A	N/A	

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Other (includes street parking)	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," describe:	N/A	N/A	N/A	
Population				
Residents	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				
Businesses	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify the following:				
No. and type	1 Law Office	1 Community Fac.	1 Law Office	
No. and type of workers by business	8 Workers in Law office	8 Workers in Community Facility Space	8 Workers in Law office	No increment in workers, just a different type of worker
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:	3 workers per 1,000 gsf of office space and community facility floor area per 35 Underhill Avenue Rezoning (18DCP041K)			
Other (students, visitors, concert-goers, *etc* .)	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If any, specify type and number:	N/A	N/A	N/A	
Briefly explain how the number was calculated:				
Zoning				
Zoning classification	R5B	R5B	R5B/C1-3	C1-3
Maximum amount of floor area that can be developed	1.35 FAR - Residential 2.0 FAR- CF	1.35 FAR - Residential 2.0 FAR- CF	1.35 FAR - Residential 2.0 FAR- CF 1.0 FAR- Commercial	1.0 FAR Commercial
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	One and two family residences, Multi-Family Walkup buildings, mixed residential and commercial uses, commercial uses, and public faciliities and institutions, R5B, R4-1, R3X, C1-3	One and two family residences, Multi-Family Walkup buildings, mixed residential and commercial uses, commercial uses, and public faciliities and institutions, R5B, R4-1, R3X, C1-3	One and two family residences, Multi-Family Walkup buildings, mixed residential and commercial uses, commercial uses, and public faciliities and institutions, R5B, R4-1, R3X, C1-3	
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

2.0 ENVIRONMENTAL REVIEW

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

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

- Land Use, Zoning and Public Policy
- Historic and Cultural Resources***
- Air Quality
- Noise
- Construction***

  ***(While sections are provided below, boxes were not checked for these items on the form because of a change in the RWCDS)

In the following technical sections, where a preliminary or more detailed assessment was necessary, the discussion is divided into Existing Conditions, the Future No-Action Conditions (the Future Without the Proposed Action), and the Future With-Action Conditions (the Future with the Proposed Action).

2.1 LAND USE, ZONING AND PUBLIC POLICY

The *CEQR Technical Manual* recommends procedures for analysis of land use, zoning and public policy to ascertain the impacts of a project on the surrounding area. Land use, zoning and public policy are described in detail below.

2.1.1 Land Use

The *CEQR Technical Manual* defines land use as the activity that is occurring on the land and within the structures that occupy it. Types of land use can include single- and multi-family residential, commercial (retail and office), community facility/institutional and industrial/manufacturing uses, as well as vacant land and public parks (open recreational space). The 2014 *CEQR Technical Manual* recommends that a Proposed Action be assessed in relation to land use, zoning, and public policy. For each of these areas, a determination is made of the potential for significant impact by the proposed action. If the action does have a potentially significant impact, appropriate analytical steps are taken to evaluate the nature of the impact, possible alternatives and possible mitigation.

Existing Conditions

The *CEQR Technical Manual* recommends a land use; zoning and public policy study area extending 400 feet from the site of a Proposed Action. In this case, the study area is generally bound by 80th Street to the north, the midblock point between 13th Avenue and 14th Avenue to the east, 83rd Street to the south, and approximately 200 east of 12th Avenue to the west (**Figure 1.2-1**).

A field survey was undertaken to determine the existing land use patterns and neighborhood characteristics of the study area. Land use in the area immediately surrounding the project area is a mix of single- and multi-family residential buildings, mixed residential and commercial buildings, commercial buildings, and public facilities and institutions. The commercial uses are comprised of local retail uses including a law office, a pharmacy, a nail salon, and a pastry shop. The public facility uses include the Dyker Branch of the Brooklyn Public Library, The Shrine Church of St. Bernadette, and the St. Bernadette School. The prevailing built form of the area is a mix of low to mid-rise buildings.

The proposed rezoning area consists of Block 6291, Lots 43, 45, and 47 (see **Figure 1.2-1**). The properties within the proposed rezoning area are used as follows:

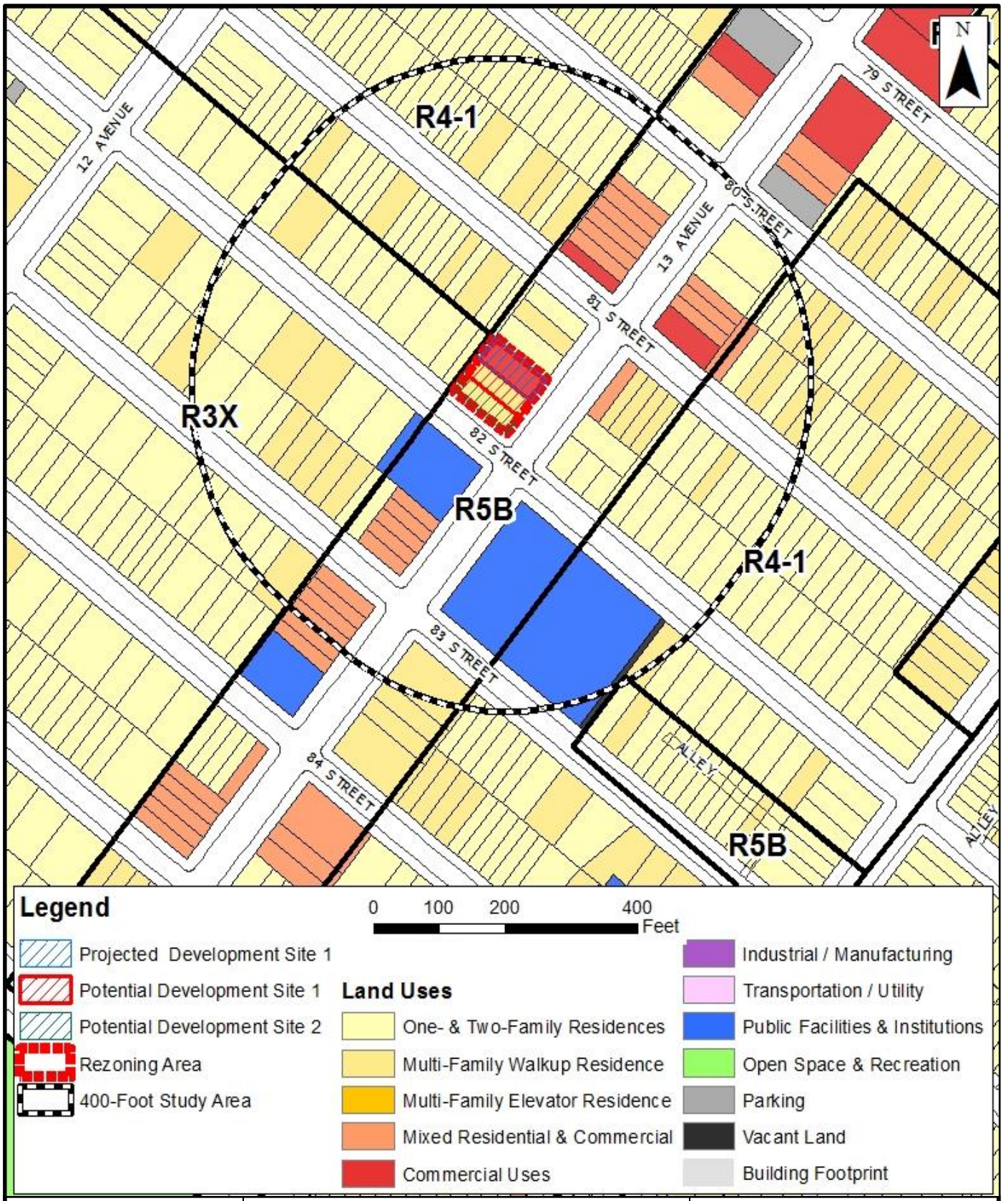
The proposed development site (Block 6291, Lot 43), has a total lot area of 4,000 square feet and is currently improved with a one-story law office with a total floor area of approximately 2,875 square feet (0.72 FAR), which is a legal nonconforming use.

The remaining properties within the Project Area are used as follows. Lot 45 has a total lot area of 3,000 square feet and is improved with a two-story, 3-unit residential building with a total floor area of approximately 3,000 square feet (1.0 FAR). Lot 47 has a total lot area of approximately 3,000 square feet and is improved with a two-story, 2-unit residential building with a total floor area of approximately 2,860 square feet (0.95 FAR).

The surrounding study area consists mainly of multi-family residential buildings and one and two-family residential buildings, as well as mixed commercial and residential buildings. The mixed residential and commercial uses are clustered along 13th Avenue. These buildings contain local retail uses including law offices, dental offices, local bakeries, delis, a realtor, a catering hall, a pharmacy and a nail salon. Residential uses, in addition to being located on 13th Avenue are located on 80th Street, 81st, Street, 82nd Street, and 83rd Street within the 400-foot study area. The multi-family homes are mixed throughout the study area with no true pattern or form dictating their placement.

There are no vacant lots within the Study Area. There is a recently completed three-floor two-family residential building across 13th Avenue from the Project Site, at 8117 13th Avenue (Block 6292, Lot 4). No large-scale residential or retail uses are in the project area or its immediate vicinity.

As previously mentioned, several public facilities and institutions are located in the vicinity of the study area, including the Dyker Branch of the Brooklyn Public Library at 8202 13th Avenue (Block 6302, Lot 36) and The Shrine Church of St. Bernadette, and the St. Bernadette School located at 8201 13th Avenue (Block 6303, Lot 1).



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Land Use Map

Figure 2.1-1

The mix of land use observed in the study area generally reflects the distribution of land use observed throughout Brooklyn CD 10, which is summarized in **Table 3.** The most prominent land use within Brooklyn CD 10 is one and two-family residential uses, followed by open space and recreational uses, and followed by multi-family residential.

Table 3 2014 Land Use Distribution - Brooklyn Community District 10

LAND USE	PERCENT OF TOTAL
Residential Uses	
1-2 Family	33.05
Multi-Family Walk-Up	9.04
Multi-Family Elevator	3.66
Mixed Residential/Commercial	5.01
Subtotal of Residential Uses	*50.76*
Non-Residential Uses	
Commercial/Office	2.43
Industrial	0.53
Transportation/Utility	1.2
Institutions	14.11
Open Space/Recreation	29.94
Parking Facilities	0.76
Vacant Land	0.25
Miscellaneous	0.4
Subtotal of Non-Residential Uses	*49.24*
TOTAL	**100.0**

Source: *Community District Profiles, New York City Department of City Planning.*
Note: Percentages may not add up to 100.0 percent due to rounding.

Future No-Action Scenario

The No-Action Scenario would differ from the Existing Conditions. While Lots 45 (3,003 sf, 1.0 FAR residential) and 47 (2,860 sf, 0.95 FAR) would remain in their existing condition state in the No-Action scenario, Lot 43 would be different.

Since Lot 43 is currently a legal non-conforming use, in the No-Action scenario for purposes of this analysis, Lot 43 is assumed to be a 2,875 gsf community facility built out at a 0.72 FAR (change of use from law office to community facility).

Future With-Action Scenario

The proposed development calls for a zoning map amendment to rezone a portion of Brooklyn Block 6291 (Lots 43, 45, and 47) with a C1-3 commercial overlay.

In the With-Action scenario, the applicant lot (Block 6291, Lot 43) is brought into compliance and conformance. The applicant would not expand the commercial law office and it would be re-occupied in the

With-Action Scenario and would have a total floor area of 2,875 gsf, which is congruent to the existing conditions.

Given the existing floor area ratios (FAR) on Lots 43 (0.72 FAR), 45 (1.0 FAR) and 47 (0.95 FAR), as well as existing land use and property conditions, it is assumed that additional development would not be induced by the Proposed Action on Lot 43. It is assumed however that the Proposed Action could potentially induce development on Lots 45 and 47, which would result in a change of land use on Lots 45 and 47.

Potential Sites

In the With-Action Scenario, there is the potential that development would be induced by the Proposed Action on Lot 45. On a 3,000-sf lot, there is the potential that there would be a change in use on the ground floor from residential space to commercial office space. No additional residential units or residents would be gained or lost in the With-Action.

In the With-Action Scenario, there is potential that new development would be induced by the Proposed Action on Lot 47. On a 3,000-sf lot, there is the potential that there would be a change in use on the ground floor from residential space to commercial office space. No additional residential units or residents would be gained or lost in the With-Action. No additional residential units or residents would be gained or lost in the With-Action.

Given the existing C1-3 overlays in the 400-foot study area along 13th Avenue, and the similar ground floor commercial uses in the area along 13th Avenue, no impacts related to land use are expected and no further analysis is required.

2.1.2 Zoning

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

Existing Conditions

Zoning designations within and around the study area are depicted in **Figure 2.1-2** while **Table 3a** summarizes use, floor area and parking requirements for the zoning districts in the study area.

The proposed development site is located within an R5B zoning district. The R5B district is generally mapped 100 feet to the east and west of 13th Avenue, from 86th Street in the south up to Bay Ridge Parkway in the north. The zoning allows for denser development along the 13th Avenue corridor than the surrounding side streets. Residential uses (UGs 1 and 2) as well as community facility uses (UGs 3 and 4) are allowed as-of-right in R5B zoning districts. The built floor area ratio (FAR) for R5B zoning districts is 1.35 for residential uses in and 2.0 for community facilities. Building heights within R5B zoning districts are permitted up to 33 feet, with a maximum street wall height of 30 feet. Furthermore, parking is required for 66 percent of all dwelling units. Within R5B zoning districts, a C1-3 commercial overlay allows for up to a commercial FAR of up to 1.0 and allows for Use Groups 1-6. C1-3 parking requirements vary by use.

The blocks to the east of the rezoning area are located within an R4-1 district. This district is generally bounded by 14th Avenue to the east, 85th Street to the south, the midblock point between 79th and 80th Streets to the north, and approximately 100 feet east of 13th Avenue to the west. Residential uses (UGs 1 and 2) as well as community facility uses (UGs 3 and 4) are allowed as-of-right in R4-1 zoning districts. The built floor area ratio (FAR) for R4-1 is 0.9 FAR for residential use and 2.0 for community facility use. Building heights within

R4-1 districts have a maximum height of 35 feet with maximum perimeter wall height of 25 feet. One parking space is required for every dwelling unit in R4-1 zoning districts.

Additionally, there is another R4-1 zoning district mapped to the northwest of the rezoning area. This district is generally mapped 100 feet west of 13th Avenue to the east, 7th Avenue to the west, 73rd Street to the north, and the midblock point between 81st Street and 82nd Street to the south.

The blocks to the southwest of the rezoning area are located within an R3X district. This district is generally bounded by the midblock point between 81st Street and 82nd Street to the north, 100 feet west of 13th Avenue to the east, 86th Street to the south, and 7th Avenue to the west. Residential uses (UGs 1 and 2) as well as community facility uses (UGs 3 and 4) are allowed as-of-right in R3X zoning districts. The built floor area ratio (FAR) for R3X is 0.6 FAR for residential use and 1.0 for community facility use. Building heights within R3X districts have a maximum height of 35 feet with maximum perimeter wall height of 21 feet. One parking space is required for every dwelling unit in R4-1 zoning districts.

Previous Land Use Actions within Surrounding Area

Dyker Heights/Fort Hamilton Rezoning (CEQR # 07DCP054K)

The Department of City Planning rezoned approximately 160 blocks in the Dyker Heights and Ft. Hamilton neighborhoods of Brooklyn's Community District 10. The area was generally bounded by the Bay Ridge Division railroad right-of-way at 62nd Street to the north, Poly Place to the south, 14th Avenue to the east and the Gowanus Expressway to the west.

Dyker Heights and Fort Hamilton are predominantly one and two-family neighborhoods. Detached and semi-detached homes surrounded by lawns and gardens, well maintained row house blocks and local retail corridors provide a small-town atmosphere. The opening of the 4th Avenue subway line in 1915 brought substantial growth to the area through the mid-twentieth century. Many of the large lots, vestiges of mansions built in the late 19th and early 20th centuries, remain with updated and newer one-and two-family homes.

There had been a growing concern that one- and two-family homes are being torn down and replaced with attached, multi-family apartment buildings eroding the character of certain blocks.

The lower-density and contextual zoning districts that were proposed – R3X, R3A, R4-1, R4B and R5B preserve the existing scale and character of Dyker Heights' and Ft. Hamilton's low-rise blocks. New, moderate-density residential development would be directed to commercial corridors already defined by three-to four-story row houses with ground floor retail uses – 86th Street, Ft. Hamilton Parkway, 11th and 13th Avenues. Along these corridors, the mid-density contextual zoning districts proposed – C4-2A and R6B – would establish height limits consistent with neighboring apartment houses and would deter development of overly large community facility and mixed residential/community facility buildings. On July 25th, 2007 the City Council adopted the Dyker Heights/ Fort Hamilton zoning changes as proposed.

Table 3a Summary of Existing Zoning Regulations in Project Area

Zoning District	Type and Use Group (UG)	Floor Area Ratio (FAR)	Parking (Required Spaces)
R5B	Residential UGs 1 - 4	1.35 FAR for Residential 2.0 FAR for Community Facility	66 percent of dwelling units
R4-1	Residential UGs 1 - 4	0.9 FAR for Residential (with attic allowance) 2.0 FAR for Community Facility	1 Dwelling Unit
R3X	Residential UGs 1 - 4	0.6 FAR for Residential (with attic allowance) 1.0 FAR for Community Facility	1 Dwelling Unit

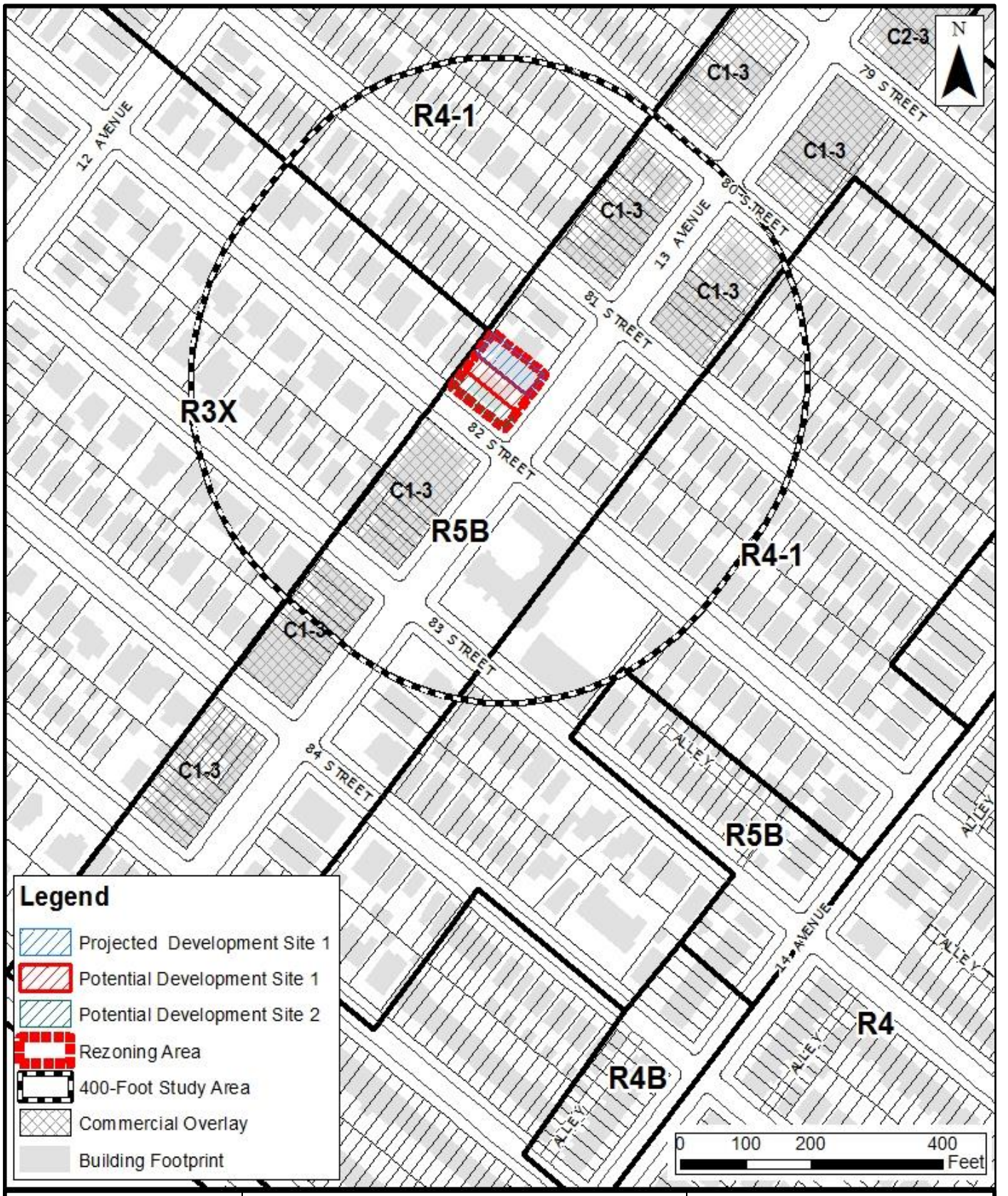
Source: New York City Zoning Resolution, May 2017.

The study area is also located within an area designated for the FRESH Program (zoning discretionary tax incentives area).

Future No-Action Scenario

In the Future No-Action Scenario, zoning changes are not expected to occur on the Project Site or in the surrounding study area. The Project Site would remain zoned R5B.

While there would not be physical change on the property, the Project Site would change uses, and it is assumed that the Project Site would be occupied by a community facility use in the No-Action Scenario. This community facility use would replace the existing commercial use. There would be no new expansion or in ground construction in the No-Action Scenario, just a change of use from commercial to community facility.



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Zoning Map

Figure 2.1-2

Future With-Action Scenario

In the With-Action scenario, the applicant lot (Block 6291, Lot 43) is brought into compliance and conformance. The applicant would not expand the commercial law office and it would be re-occupied in the With-Action Scenario and would have a total floor area of 2,875 gsf, which is congruent to the existing conditions.

Given the existing floor area ratios (FAR) on Lots 43 (0.72 FAR), 45 (1.0 FAR) and 47 (0.95 FAR), as well as existing land use and property conditions, it is assumed that additional development would not be induced by the Proposed Action on Lot 43. It is assumed however that the Proposed Action could potentially induce development on Lots 45 and 47, which would result in a change of land use on Lots 45 and 47.

In the With-Action Scenario, there is the potential that development would be induced by the Proposed Action on Lot 45. It is expected that Lot 45 would be developed with a FAR of 1.35 (Max FAR for residential uses in R5B zoning districts). On a 3,000-sf lot, there is the potential that there would be a total of 4,050 sf developed on Lot 45 under the With-Action. Potentially, approximately 2,700 sf (0.90 FAR) of the 4,050-sf developed would be residential sf and that 1,350 sf (0.45 FAR) of the 4,050-sf developed would be commercial sf. This would represent an enlargement of the existing residential space and the conversion/addition of new commercial space on a portion of the ground floor. No additional residential units or residents would be gained or lost in the With-Action.

In the With-Action Scenario, there is potential that new development would be induced by the Proposed Action on Lot 47. Potentially, Lot 45 would be developed with a FAR of 1.35 (Max FAR for residential uses in R5B zoning districts). On a 3,000-sf lot, Lot 47 could potentially see a total of 4,050 sf developed on Lot 47 under the With-Action. Potentially, 2,700 sf (0.90 FAR) of the 4,050-sf developed would be residential sf and that 1,350 sf (0.45 FAR) of the 4,050-sf developed would be commercial sf. This would represent an enlargement of the existing residential space and the conversion/addition of new commercial space on a portion of the ground floor. No additional residential units or residents would be gained or lost in the With-Action.

Given the existing C1-3 overlays in the 400-foot study area along 13th Avenue, and the similar zoning regulations along 13th Avenue, no impacts related to land use are expected and no further analysis is required.

Furthermore, the Proposed Action would not have a significant impact on the extent of conformity within the current surrounding area and it would not adversely affect the viability of conforming uses or zoning on nearby properties. Therefore, significant impacts to zoning are not anticipated and further zoning analysis is not warranted. **Table 3B** summarizes the Future With-Action zoning regulations.

Table 3b Summary of Future With-Action Zoning Regulations in Project Area

Zoning District	Type and Use Group (UG)	Floor Area Ratio (FAR)	Parking (Required Spaces)
R5B	Residential UGs 1 - 4	1.35 FAR for Residential 2.0 FAR for Community Facility	66 percent of dwelling units
R4-1	Residential UGs 1 - 4	0.9 FAR for Residential (with attic allowance) 2.0 FAR for Community Facility	1 Dwelling Unit
R3X	Residential UGs 1 - 4	0.6 FAR for Residential (with attic allowance) 1.0 FAR for Community Facility	1 Dwelling Unit
C1-3	Commercial Overlay UGs 1-6	1.0 FAR – Commercial in R5B	Required- Parking Varies by Use

Source: New York City Zoning Resolution, May 2017.

2.1.3 Public Policy

The Project Site is not part of, or subject to, an Urban Renewal Plan (URP), adopted community 197-a Plan, Solid Waste Management Plan, Business Improvement District (BID), Industrial Business Zone (IBZ), or the New York City Landmarks Law. The Proposed Action is also not a large publicly sponsored project, and as such, consistency with the City's *PlaNYC 2030* for sustainability is not warranted. In addition, the rezoning area is not located in the Coastal Management Zone; therefore, a consistency review is not warranted.

Waterfront Revitalization Program

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

2.2 HISTORIC AND CULTURAL RESOURCES

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

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

As the Proposed Action is not expected to induce any new projected development or in ground construction with regards to Projected Development Site 1, an analysis of historic and Cultural Resources is not required.

2.3 AIR QUALITY

When assessing the potential for air quality significant impacts, the *CEQR Technical Manual* seeks to determine a Proposed Action's effect on ambient air quality, or the quality of the surrounding air. Ambient air can be affected

by motor vehicles, referred to as "mobile sources," or by fixed facilities, referred to as "stationary sources." This can occur during operation and/or construction of a project being proposed. The pollutants of most concern are carbon monoxide, lead, nitrogen dioxide, ozone, relatively coarse inhalable particulates (PM_{10}), fine particulate matter ($PM_{2.5}$), and sulfur dioxide.

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

2.3.1 Mobile Sources

According to the *CEQR Technical Manual*, projects, whether site-specific or generic, have the potential to result in significant adverse mobile source air quality impacts when they may increase or cause a redistribution of traffic, create any other mobile sources of pollutants (such as diesel trains, helicopters etc.), or add new uses near mobile sources (roadways, garages, parking lots, etc.). Automobiles and vehicular traffic in general are typically considered mobile sources of air pollutants. Changes in local traffic volumes, traffic patterns, or the types of vehicles moving through a given area could result in significant adverse air quality impacts.

In the With-Action scenario, the applicant lot (Block 6291, Lot 43) is brought into compliance and conformance. The applicant would not expand the commercial law office and it would be re-occupied in the With-Action Scenario due to lot and zoning constraints and limitations as discussed in Section 1.5 of this EAS and would have a total floor area of 2,875 gsf, which is congruent to the existing conditions. The With-Action Scenario re-occupation of commercial use would be located within the proposed C1-3 overlay on Lots 43, 45, and 47. No new development is projected to occur on Lots 45 or 47. The Proposed Action is not expected to exceed the 170-peak-hour-trip CEQR preliminary screening threshold for an air quality mobile source assessment. Therefore, no further assessment of mobile source air quality is warranted and significant adverse impacts on air quality generated by mobile sources are not expected as a result of the Proposed Action.

Additionally, considering the development does not warrant a traffic Level I screening analysis, there would be no adverse air quality impact project generated mobile source.

2.3.2 Stationary Sources

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

- Certain new uses near existing (or planned future) emissions stacks are introduced that may affect the use
- New sensitive uses are located near a large emission source
- New sensitive uses created within 400 feet of manufacturing or processing facilities
- New uses created within 400 feet of a stack associated with commercial, institutional, or residential developments (and the height of the new structures would be similar to or greater than the height of the emission stack)

According to the *CEQR Technical Manual*, some instances in which projects may result in stationary source air quality impacts include certain new uses near existing (or planned future) emissions stacks are

introduced that may affect the use; when new sensitive uses are located near a large emission source; when new sensitive uses created within 400 feet of manufacturing or processing facilities; or when new uses are created within 400 feet of a stack associated with commercial, institutional, or residential developments (and the height of the new structures would be similar to or greater than the height of the emission stack), among other instances.

No manufacturing or processing facilities were noted within 400 feet of the rezoning area during a recent field inspection. Additionally, a search for large and major sources was completed and none were found in the area around the Project Site.

As the proposed rezoning in the With-Action Scenario would not introduce any additional floor area on the Project Site but would potentially result in development on two potential sites adjacent to Projected Development Site 1, a stationary source analysis was completed.

2.3.3 Project on Project Analysis

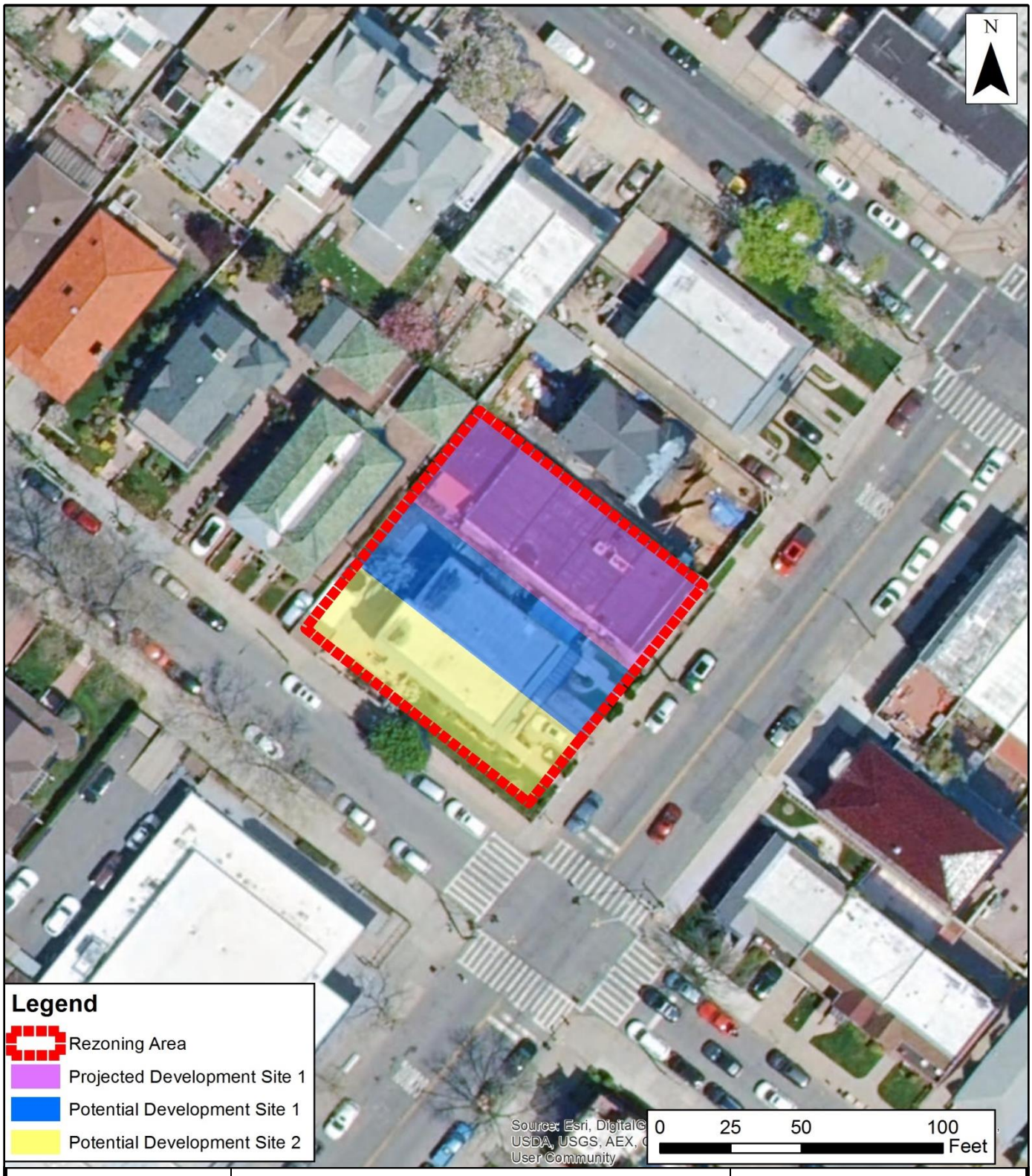
The applicant proposes a zoning map amendment to rezone a portion of Brooklyn Block 6291, Lots 43 (applicant site) 45, and 47 currently zoned R5B to R5B/C1-3 to facilitate the legalization of an existing law office (UG6), located in a one-story building at 8118 13th Avenue (Block 6291, Lot 43) in the Brooklyn neighborhood of Dyker Heights, Community District 10. The office use is currently non-conforming in the existing R5B district. The C1-3 overlay would be mapped at a depth of 100 feet from the western side of 13th Avenue and would be mapped for 100 feet on the southern half of the block from, between 81st and 82nd Streets. The Reasonable Worst-Case Development scenario (RWCDs) as summarized in **Table 4** with each Projected and Potential Site boundary depicted in **Figure 2.3-2** has been submitted to and approved by the New York City Department of City Planning (NYCDCP).

The air quality assessment was conducted to evaluate:

a. Potential impacts from the proposed HVAC system of Projected Site on Potential Sites 1 and 2, and existing sites around;
b. Potential impacts from the proposed HVAC system of Potential Site 1 on Projected Site, Potential Site 2, and existing sites around;
c. Potential impacts from the proposed HVAC system of Potential Site 2 on Projected Site, Potential Site 1, and existing sites around;
d. Cumulative impacts from the proposed HVAC system of Potential Sites 1 and 2 on existing sites.

Table 4 Reasonable Worst-Case Development Scenario (RWCDS)

Site No.	Block	Lot	Lot Area (sq ft)	Proposed Zoning	RWCDS sq ft	RWCDS Height (ft)
Projected Site	6291	43	4,000	R5B/C1-3	2,875	20
Potential Site 1	6291	45	3,000	R5B/C1-3	4,050	35
Potential Site 2	6291	47	3,000	R5B/C1-3	4,050	35



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Project Site Location
Figure 2.3-2

Methodologies and Assumptions

1) - Impacts between individual proposed buildings within rezoning area or from individual proposed building on existing buildings around

Since the owner of the Projected Site has committed to use electrical boiler, there would be no air quality impact from the Projected Site on any other site around.

Potential impacts from HVAC boiler emissions are a function of fuel type, stack height, distance from the source to the nearest receptor (building), and size of floor area in square feet (sq ft) of a proposed development. Floor area is considered an indicator of boiler fuel usage rate. The preliminary screening analysis for heat and hot water systems has been established based on *New York City Environmental Quality Review (CEQR) Technical Manuel* Figure 17-3, which defines the screening size of proposed development that is correlated to the distance to the nearest building of a height similar to or greater than the stack height of the proposed building(s). Figure 17-3 predicts the threshold of development size below which a project is unlikely to have a significant impact. However, the method is only appropriate for sources at least 30 feet from the nearest building of similar or greater height.

Since Potential Sites 1 and 2 are attached to each other, the CEQR screening method mentioned above is not appropriate for this case. The USEPA's AERSCREEN model was used to further determine any potential for significant adverse impacts.

The AERSCREEN model is a screening version of the AERMOD refined model and was used for predicting maximum SO_2, NO_2, PM_{10}, and $PM_{2.5}$ concentrations from a single source using predefined meteorological conditions.

An estimate of the emissions from the HVAC systems was made based on the proposed development size, type of fuel used and type of construction with below fuel consumptions rates applicable for residential developments: 60.3 ft^3/ft^2-year and 0.43 gal/ft^2-year for natural gas and fuel oil, respectively. Short-term fuel consumption rates were based on peak hourly fuel consumption estimates for each HVAC system relevant to individual projected site.

HVAC emission factors for each fuel type were obtained from the EPA *Compilation of Air Pollutant Emission Factors, AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources*.

The AERSCREEN model was used to predict impacts of SO_2, NO_2, PM_{10}, and $PM_{2.5}$ concentrations over the averaging time corresponding to the National Ambient Air Quality Standards (NAAQS) (**Table 5**). In addition to the NAAQS, the d*e minimis* thresholds for $PM_{2.5}$ applicable to the NYC development projects (**Table 5**) were also used to determine potential $PM_{2.5}$ impact significance as below:

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

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

Based on the NAAQS and $PM_{2.5}$ *de minimis* thresholds, as shown in **Table 5**, were further established by subtracting background concentrations collected at Queens College 2 Station from the NAAQS for relevant pollutants. When exceedances were predicted, a further analysis with mitigation measures would be warranted to ensure the project compliance of both NAAQS and $PM_{2.5}$ *de minimis* thresholds.

Impact concentrations would be predicted using AERSCREEN assuming that all HVAC systems are powered by the #2 fuel oil. If exceedances were predicted under the #2 fuel oil option, a further modeling analysis under the natural gas option would be warranted.

Table 5 Impact Significance Thresholds

Pollutant	Averaging Time	NAAQS	unit	Background concentration in ug/m3	NAAQS / De Minimis in ug/m3
NO_2	1 year	53.0	ppb	32.9	100
	1 hour	100.0	ppb	112.3	188
SO_2	1 hour	75.0	ppb	13.0	196
PM_{10}	24 hours	150.0	ug/m3	48	150
$PM_{2.5}$	1 year	15	ug/m3	9.3	0.3
	24 hours	35.0	ug/m3	20.7	7.2

Source: New York State Department of Environmental Conservation Ambient Air Monitoring Networks Region 2 (http://www.dec.ny.gov/docs/air_pdf/2017airqualrpt.pdf)

2) - Cumulative (two potential development buildings combined) impact analysis

The impact from the proposed HVAC systems of two potential development buildings combined will be evaluated using the similar method mentioned above. However, it will be assumed that a larger stack located in the center of two potential development building to represent both two individual stacks.

AERSCREEN Modeling Results

Table 6 summarizes the AERSCREEN-predicted potential air quality impacts under the #2 fuel oil option from Potential Sites 1 on Projected Site 2. No exceedances of criteria were predicted from the operation of Potential Site 1, resulting in no significant adverse air quality impacts. Since Potential Site 1 and Potential Site 2 have the same dimension and distance to each other, there would be no significant adverse air quality impacted from Potential Site 2 on Potential Site 1.

Table 6 Predicted Impact Concentrations from Potential Site 1 on Potential Site 2

Pollutants	Averaging Time	Modeling Result (ug/m3)	Background (ug/m3)	Total Concentration (ug/m3)	NAAQS/ De Minimis
NO_2	1 year	0.8	32.9	33.7	100
	1 hour	28.0	112.3	140.3	188
SO_2	1 hour	0.00	13.0	13.0	196
PM_{10}	24 hours	2.78	48.0	50.8	150
$PM_{2.5}$	1 year	0.13			0.3
	24 hours	2.78			7.2

Table 7 summarizes the AERSCREEN-predicted potential air quality impacts under the #2 fuel oil option from Potential Site 1 and 2 combined. No exceedances of the criteria were predicted from the operation of Potential Site 1 and 2 combined, resulting in no significant adverse air quality impacts.

Table 7 Predicted Cumulative Impact Concentrations from Potential Site 1 and Potential Site 2

Pollutants	Averaging Time	Modeling Result (ug/m3)	Background (ug/m3)	Total Concentration (ug/m3)	NAAQS/ De Minimis
NO_2	1 year	0.7	32.9	33.7	100
	1 hour	27.1	112.3	139.4	188
SO_2	1 hour	0.00	13.0	13.0	196
PM_{10}	24 hours	2.68	48.0	50.7	150
$PM_{2.5}$	1 year	0.12			0.3
	24 hours	2.68			7.2

Conclusion

Based on the above modeling results and comparisons to the applicable criteria, it was found that, under the #2 fuel oil option, no significant project-on-project or cumulative significant adverse air quality impacts would occur. Therefore, no further analysis or mitigation measures are warranted.

2.3. 4 Air Toxics Search

A search of DEP permits within 400-feet of the project area was conducted and one permit was found. However, this permit expired on October 14th, 2003.

Block 6302, Lot 47

A permit to operate a boiler at 8224 13th Avenue (Block 6302, Lot 47, Application # CA278894) had previously been issued at this address. However, this permit expired in October of 2003 and no permits have existed on this lot since. A Department of Buildings Certificate of Occupancy from 1929 indicates that the building contains local retail uses and residential uses on the upper floors and a site visit confirmed this. (See **Appendix D and E**)

While this permit for a boiler to heat the building on Block 6302, Lot 47 is within 400 feet of the proposed project area, it is a permit for a Boiler and HVAC system and not related to potential air toxics or air pollutants. As this was the only permit of note found within 400 feet of the rezoning area, no impacts related to air toxics are expected and not further analysis is required.

2.4 NOISE

Noise is defined as any unwanted sound, and sound is defined as any air pressure variation that the human ear can detect. Human beings can detect a large range of sound pressures ranging from 20 to 20 million micropascals, but only those air-pressure variations occurring within a set of frequencies are experienced as sound. Air-pressure changes that occur between 20 and 20,000 times a second, stated as units of Hertz (Hz), are registered as sound. In terms of hearing, humans are less sensitive to low frequencies (<250 Hz) than mid-frequencies (500-1,000 Hz). Humans are most sensitive to frequencies in the 1,000 to 5,000 Hz range. Since ambient noise contains many different frequencies all mixed together, measures of human response to noise assign more weight to frequencies in this range. This is known as the A-weighted sound level. Noise is measured in sound pressure level (SPL), which is converted to a decibel scale. The decibel is a relative measure of the sound level pressure with respect to a standardized reference quantity. Decibels on the A-weighted scale are termed “dB(A).” The A-weighted scale is used for evaluating the effects of noise in the environment because it most closely approximates the response of the human ear. On this scale, the threshold of discomfort is 120 dB(A), and the threshold of pain is about 140 dB(A). **Table 8** shows the range of noise levels for a variety of indoor and outdoor noise levels. Because the scale is logarithmic, a relative increase of 10 decibels represents a sound pressure level that is 10 times higher. However, humans do not perceive a 10 dB(A) increase as 10 times louder; they perceive it as twice as loud. The following are typical human perceptions of dB(A) relative to changes in noise level:

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

As a change in land use may result in a change in type and intensity of noise perceived by residents, patrons and employees of a neighborhood, the *CEQR Technical Manual* recommends an analysis of two principal types of noise sources: mobile sources; and stationary sources. Both types of noise sources are examined in the following sections.

Table 8 Sound Pressure Level & Loudness of Typical Noises in Indoor & Outdoor Environments

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

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

2.4.1 Mobile Sources

Mobile noise sources are those which move in relation to receptors. The mobile source screening analysis addresses potential noise impacts associated with vehicular traffic generated by the Proposed Action.

The With-Action scenario would result in the re-occupation of an approximately 2,875 total gsf of UG 6 Law Office, which currently exists on the site. The No-Action Scenario calls for a community facility on the Project Site. A noise measurement and assessment was performed to review for any noise impacts that may be associated with the project.

Assessment

The applicant is proposing a zoning map amendment to rezone a portion of Brooklyn Block 6291, Lots 43 (Projected Site 1) 45, and 47 currently zoned R5B to R5B/C1-3 to facilitate the legalization of an existing law office (UG6), located in a one-story building at 8118 13th Avenue (Block 6291, Lot 43) in the Brooklyn neighborhood of Dyker Heights, Community District 10.

The noise assessment describes the noise measurement results collected on June 6, 2019 in front of Projected Site 1 and Potential Site 2, as shown in **Figure 2.4-1."**These measurements were then compared with New York City Department of Environmental Protection (NYCDEP)-established exterior noise exposure guidelines, Table 19-2 in the *City Environmental Quality Review (CEQR) Technical Manuel*, to determine the appropriate building noise attenuation values with potential to be required for any of proposed buildings to achieve acceptable interior noise levels per Table 19-3 in the *CEQR Technical Manual*.

Noise Measurement

Noise measurements were conducted at two locations on the sidewalk (**Figure 2.4-1**) during peak vehicular travel periods, 7:30-9:30 am, 12:00-1:30 pm, and 4:30-6:00 pm. The weather conditions during measurement hours were normal with calm wind and were considered suitable for an ambient noise measurement.

A Type 1 Larson Davis 831 sound level meter with wind shield was used to conduct the noise measurement. The meter was placed on a tripod at a height of approximately five feet above the ground. The meter was calibrated prior to and following each monitoring session.

Noise measurements were conducted in front of Rezoning Area on the sidewalk at:

- Location 1: intersection of 13th Avenue and 82nd Street (**Figure 2.4-2**);
- Location 2: midblock of 13th Avenue between 81st Street and 82nd Street (**Figure 2.4-2**).

Traffic volumes and vehicle classification along the adjacent roads at each location were counted concurrently during the noise measurement duration.

AECOM

Environmental Assessment Statement
8118 13th Rezoning
Brooklyn NY

Noise Measurement Location
Figure 2.4-1

Meter Setup at Location 1

Meter Setup at Location 2

AECOM	**Environmental Assessment Statement** **8118 13th Rezoning** **Brooklyn NY**	**Meter Setup Locations** **Figure 2.4-2**

Measurement Summary
Tables 9 and 10 present the ambient noise levels in terms of various noise metrics measured in front of the Project Site during three daytime periods. L_{10} is the metric used by NYCDEP in establishing the exterior noise exposure guidelines.

Table 9: Noise Levels in dBA at Location 1

Noise Metric	Time Period		
	8:00-8:20 AM	12:19-12:40 PM	5:16-5:36PM
L_{eq}	60.3	64.7	65.7
L_{max}	82.9	90.4	87.7
L_{10}	**64.4**	**64.7**	**66.9**
L_{50}	55.4	57.9	59.6
L_{90}	50.9	53.7	54.4
L_{min}	48.0	51.1	49.8

Table 10: Noise Levels in dBA at Location 2

Noise Metric	Time Period		
	8:21-8:41 AM	12:41-13:01 PM	5:37-5:57PM
L_{eq}	63.9	60.5	61.0
L_{max}	88.2	77.9	81.6
L_{10}	**64.6**	**64.0**	**63.5**
L_{50}	55.2	55.0	55.6
L_{90}	50.5	49.9	51.3
L_{min}	45.7	46.8	49.1

Observation

The playground of St. Bernadette School is located approximately 220 feet southeast of the rezoning area. During noontime peak hour, playground noise was heard from the noise measurement locations and the measurements incudes playground noise contributions.

Noise Assessment

In terms of *CEQR Technical Manual* guidelines, existing noise levels measured in front of the rezoning area are “Marginally Acceptable”. Therefore, no window-wall attenuation is required for the Project Site or the potential sites.

2.4.2 Stationary Sources

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

No unenclosed stationary noise sources of concern were observed during field inspection. As the Project Site is not subject to high ambient noise levels from any nearby stationary source, no stationary source noise impacts from surrounding uses are anticipated. Additionally, as the proposed project would not introduce a new stationary noise source, no significant adverse stationary source impacts are anticipated as a result of the Proposed Action, and no further analysis is warranted.

2.5 Construction

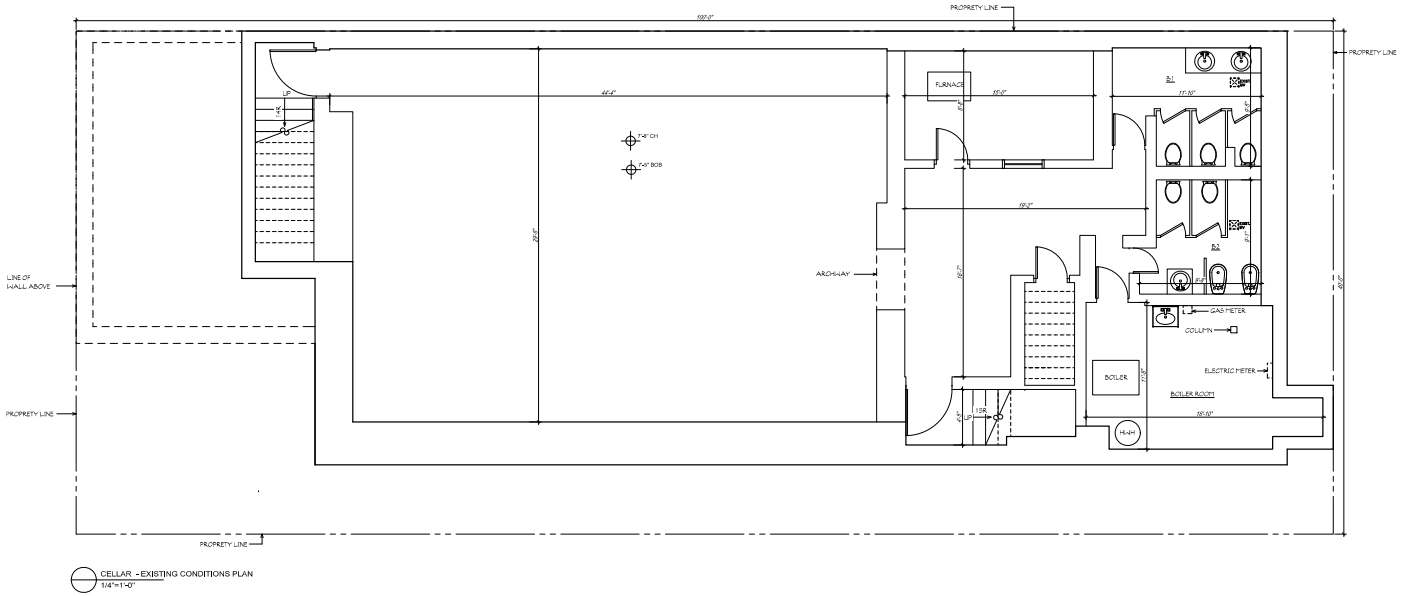
Construction, although temporary, can result in disruptive and noticeable effects on a proposed action area. A determination of the significance of construction and the need for mitigation is based on the duration and magnitude of these effects. Construction is typically of greatest importance when it could affect traffic conditions, archaeological resources, the integrity of historic resources, community noise patterns and air quality conditions. All analyses were undertaken in accordance with the guidelines contained in the *CEQR Technical Manual*.

The Projected Development on Site 1 does not include any new in-ground construction or expansion; only a change of use on the property. While the land use on the Site is projected to change, it is not expected to result in any new construction. As such, a construction analysis is not warranted for this analysis under this With-Action Scenario.

Appendices

Appendix A- Applicant Plans

H:\8118 13TH AVENUE\EXISTING CONDITIONS\A-101-CELLAR



CELLAR - EXISTING CONDITIONS PLAN
1/4"=1'-0"

13TH AVENUE

Illustrative Purposes
Only

NO.	DATE	REVISION

GRASSO-MENZIUSO ARCHITECTS
A.I.A
350 SEVENTH AVENUE, N.Y., N.Y. 10001
TEL: (212) 779-0257 FAX: (212) 779-9648

STRUCTURAL ENGINEER:

MECHANICAL ENGINEER:

TITLE:
CELLAR PLAN

LOCATION:
8118 13TH AVENUE
BROOKLYN, NEW YORK

PROJECT NO:	0000
DATE:	8.29.16
SCALE:	AS NOTED
DWG BY:	OMAR
	A-101.00
SHEET:	0 OF 0

BB DOC NO:

H:\8118 13TH AVENUE\EXISTING CONDITIONS\A-102-1ST FLOOR PLAN

EXISTING WINDOWS TYPES

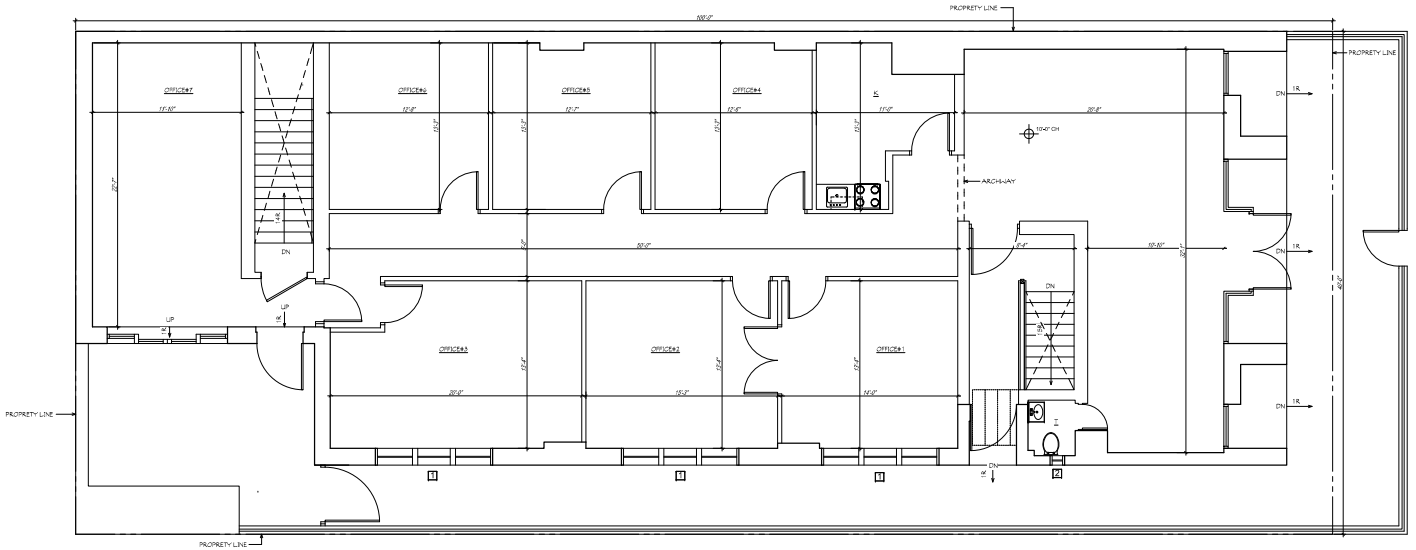
[1] 9'-4"WX4'-8"H=43.5 SF

[2] 1'-2"WX3'-0"H=3.5 SF

FOR NEW WINDOW TYPES- SEE WINDOW SCHEDULE

INDEX OF VENTILATION

UNIT	SPACE	ROOM AREA	REQUIRED LIGHT	REQUIRED AIR	PROVIDED LIGHT	PROVIDED AIR



1ST FLOOR - EXISTING CONDITIONS PLAN
1/4"=1'-0"

13TH AVENUE

Illustrative Purposes
Only

NO.	DATE	REVISION

GRASSO-MENZIUSO ARCHITECTS A.I.A
350 SEVENTH AVENUE, N.Y., N.Y. 10001
TEL: (212) 779-0257 FAX: (212) 779-9648

STRUCTURAL ENGINEER:

MECHANICAL ENGINEER:

TITLE:
1ST FLOOR PLAN

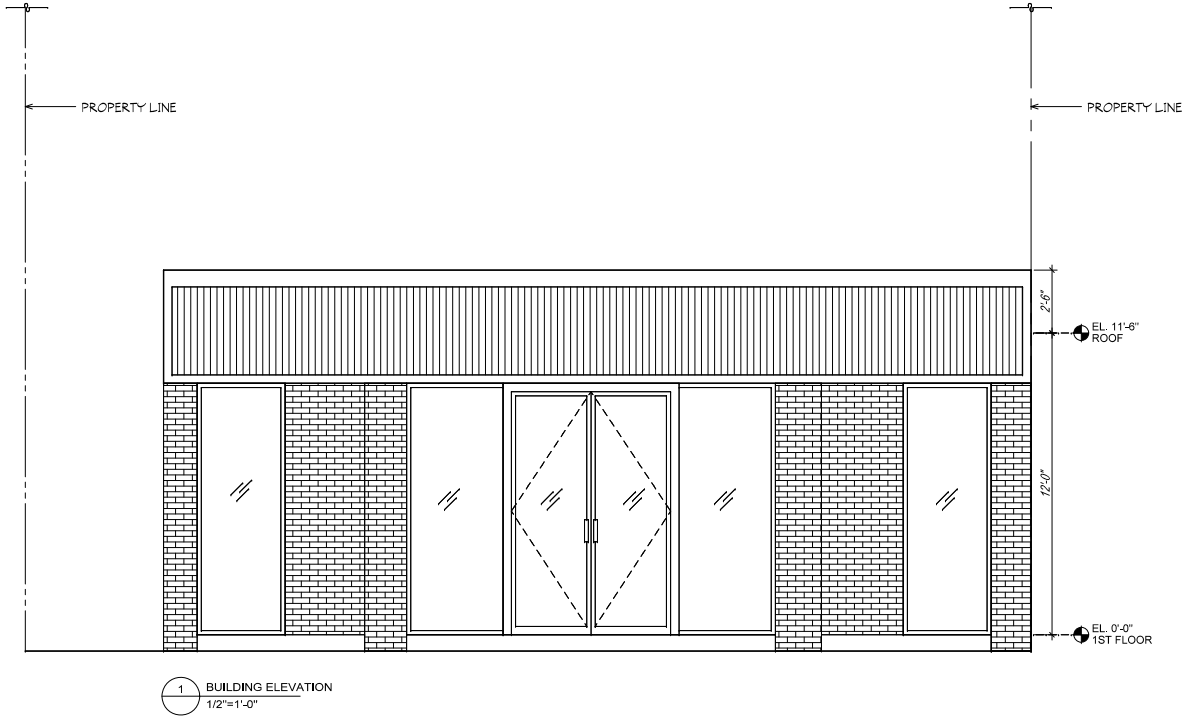
PROJECT NO: 0000
DATE: 8.29.16
SCALE: AS NOTED
DWG BY: OMAR

LOCATION:
8118 13TH AVENUE
BROOKLYN, NEW YORK

A-102.00
SHEET: 0 OF 0

BB DOC NO.

H:\8118 13TH AVENUE\EXISTING CONDITIONS\A-201_BUILDING ELEVATION



1 BUILDING ELEVATION
1/2"=1'-0"

Illustrative Purposes
Only

NO.	DATE	REVISION

GRASSO-MENZIUSO ARCHITECTS
A.I.A
350 SEVENTH AVENUE, N.Y., N.Y. 10001
TEL: (212) 779-0257 FAX: (212) 779-9648

STRUCTURAL ENGINEER:

MECHANICAL ENGINEER:

TITLE: BUILDING ELEVATION

PROJECT NO: 0000
DATE: 9.6.16
SCALE: AS NOTED
DWG BY: OMAR

LOCATION: 8118 13TH AVENUE BROOKLYN, NEW YORK

A-201.00
SHEET: 0 OF 0

BIS DOC NO.

Appendix B- Dyker Heights/Fort Hamilton Rezoning Negative Declaration (CEQR # 07DCP054K)

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, AICP, *Director*
Department of City Planning

NEGATIVE DECLARATION

March 26, 2007

Project Identification
CEQR No. 07DCP054K
ULURP No. 070387 ZMK
SEQRA Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin

Name, Description, and Location of Proposal:
Dyker Heights / Fort Hamilton Rezoning
The Department of City Planning (DCP) proposes zoning map changes for all or portions of 159 blocks in the neighborhoods of Dyker Heights and Fort Hamilton, located in southwestern Brooklyn in Community District 10. The rezoning study area is generally bounded by the Bay Ridge Division railroad right-of-way at 62nd Street to the north, Poly Place to the south, 14th Avenue to the east and the Gowanus Expressway to the west.

The amendments to the Zoning Map are as follows:

- A change from an R3-1 district to an R3X district;
- A change from an R3-1 district to an R4B district;
- A change from an R3-1 district to an R4-1 district;
- A change from an R3-1 district to an R5B district;
- A change from an R4 district to an R4A district;
- A change from an R4 district to an R4B district;
- A change from an R4 district to an R4-1 district;
- A change from an R4 district to an R5B district
- A change from an R4 district to an R6B district;
- A change from an R4/C1-2 district to a C4-2A district;
- A change from an R5 district to an R3A district;
- A change from an R5 district to an R4A district;
- A change from an R5 district to an R4-1 district;
- A change from an R5 district to an R4B district;
- A change from an R5 district to an R5B district;
- A change from an R5 district to an R6B district;
- A change from an M1-1 district to an R5B district;
- A change from an M1-1 district to an R6B/C203 district;
- A change from an M3-2 district to an M1-1 district.

- A change from C1-2 commercial overlays to C1-3 commercial overlays and a reduction in depth from 150 feet to 100 feet;
- A change from C2-2 commercial overlays to C2-3 commercial overlays and a reduction in depth from 150 feet to 100 feet and
- New C2-3 commercial overlays would be mapped where a gap in a continuous retail corridor exists or to reflect existing commercial uses.

The proposed action could result in a net increase of 124 residential units, an increase of 28,049 square feet of commercial space and a decrease of 87,378 square feet of community facility space. A total of seven projected development sites and five potential development sites have been identified in the area.

Both Dyker Heights and Fort Hamilton are primarily low-density residential neighborhoods. The rezoning proposal would address a growing community concern that one and two-family homes and rowhouses are being torn down and replaced with attached multi-family developments, eroding the character of certain blocks. The proposed zoning changes would protect existing housing types by mapping one and two-family lower density and contextual zoning districts. The proposed rezoning would also reinforce the mixed-use character of commercial corridors with contextual zoning districts and commercial overlays consistent with built character, providing opportunities for development where appropriate. Additionally, the proposed rezoning would provide opportunities for growth by rezoning an existing light manufacturing district to a mixed residential and commercial district.

To avoid the potential for impacts related to hazardous materials, air quality and noise, the proposed rezoning includes (E) designations (E-180).

The (E) designations for hazardous materials would be placed on all of the development sites. These sites are comprised of the following parcels:

Projected Site 1:	**Block 6055, Lots 12 and 21**
Projected Site 2:	**Block 6038, Lot 1**
Projected Site 3:	**Block 6010, Lot 47**
Projected Site 4:	**Block 5750, Lot 42**
Projected Site 5	**Block 5743, Lots 50 & 52**
Projected Site 6:	**Block 5729, Lot 24**
Projected Site 7:	**Block 5738, Lot 1**
Potential Site A:	**Block 6056, Lots 12 & 15**
Potential Site B:	**Block 6093, Lot 17**
Potential Site C:	**Block 5736, Lot 43**

Potential Site D: **Block 5730, Lot 43**

Potential Site E: **Block 5761, Lots 3 & 5**

On the sites receiving (E) designation for hazardous materials, the contamination can be classified as petroleum based, non-petroleum based or both. The NYCDEP has developed protocols for both petroleum and non-petroleum based, or both. The NYCDEP has developed protocols for both petroleum and non-petroleum based (E) designated sites that are required to be followed in order to address possible contamination. The placement of the (E) designation on the zoning map would eliminate the potential for significant adverse impacts from hazardous materials and would ensure that appropriate testing and remediation, if needed, would be undertaken. The text of the (E) designation is as follows:

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYCDEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP

for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should b\have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

With the placement of the (E) designations on the above block and lots, no impacts related to hazardous materials are anticipated.

To avoid any potential impacts associated with air quality, the proposed action would place an (E) designation for air quality on the following development sites:

Projected Site 1	**Block 6055 Lots 12, 21**
Projected Site 4	**Block 5750, Lots 42, 47**
Potential Site A	**Block 6056, Lots 12, 15**

The text for the (E) designations is as follows:

Block 6055, Lots 12, 21 (Projected Development Site 1)
Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 125 and 100 feet for Oil No. 4 and No. 2 from the lot line facing Battery Avenue, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5750, Lots 42, 47 (Projected Development Site 4)
Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 75 and 65 feet for Oil No. 4 and Oil No.2 from the lot line facing 66th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 6056, Lots 12, 15 (Potential Development Site A)
Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 100 and 80 feet for Oil No.4 and Oil No. 2 from the lot line facing Battery Avenue, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

With the placement of the (E) designations on the above blocks and lots, no impacts related to stationary source air quality would be expected

To avoid any potential impacts associated with noise, the proposed action would place an (E) designation for noise on the following projected development sites:

Projected Site 2	**Block 6038, Lot 1**
Projected Site 3	**Block 6010, Lot 47**

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation in order to maintain an interior

noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

To avoid any potential impacts associated with noise, the proposed action would place an (E) designation for noise on the following projected development sites:

Projected Site 1	**Block 6055, Lots 12 and 21**
Projected Site 4	**Block 5750, Lots 42 and 47**
Projected Site 5	**Block 5743, Lots 50 and 52**
Projected Site 6	**Block 5729, Lot 24**
Projected Site 7	**Block 5738, Lot 1**
Potential Site A	**Block 6056, Lots 12 and 15**
Potential Site B	**Block 6093, Lot 17**
Potential Site C	**Block 5736, Lot 43**
Potential Site D	**Block 5730, Lot 43**

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the placement of the (E) designations for noise on the above block and lots, no impacts related to noise are expected.

To avoid the potential for impacts related to air quality, the proposed rezoning includes (E) designations for air quality on two potential development sites. Accordingly, (E) designations will be mapped on the following parcels:

Projected Site	**Block 3980,Lot 1 and 38**
Potential Site	**Block 3974 Lot 50**

The text of the (E) designation for air quality for the above properties is as follows:

Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

With the placement of the (E) designation for air quality on the above blocks and lots, no impacts related to air quality are expected.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated March 23, 2007 prepared in connection with the ULURP Applications (ULURP No. 07DCP054K). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that no significant effects on the environment which would require an Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Jessica Neilan, at (212) 720-3425.

Date: March 23, 2007

James Merani, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: March, 26, 2007

Amanda M. Burden, AICP, Chair
City Planning Commission

Appendix C- LPC Correspondence

Landmarks Preservation Commission

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

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

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-K
Project: **8113 13TH AVENUE REZONING**
Date received: 8/10/2017

Properties with no Architectural or Archaeological significance:

1) ADDRESS: 8118 13th Avenue, BBL: 3062910043
2) ADDRESS: 8120 13th Avenue, BBL: 3062910045
3) ADDRESS: 8124 13th Avenue, BBL: 3062910047

Gina Santucci 8/16/2017

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 32674_FSO_DNP_08162017.doc

Appendix D- NYC DEP Permit Search Result

Environmental Protection

Register with CATS
Login into CATS

NYC.gov always open

NYC DEP CATS Information

PREMISES: 8224 13 AVENUE BROOKLYN BIN: 164024 BLOCK: 06302 LOT: 00047				
Owner: ROCCO, ONOFRIO	**Application #:** CA278894	**Type:** REGISTRATION - BOILER	**Expiration Date:** 10/14/2003	
Business Type: NA	**Request Type:** Renewal - Boiler	**Status:** EXPIRED	**Submitted Date:** NA	**Decision Date:** 10/5/1994
Boiler Make / Model: WEIL MCLAIN EGH-85 / WEIL MCLAIN EGH-85	**Fuel Type 1:** NATURALGAS	**Fuel Type 2:** NONE	**Heat Input (BTU/Hr.):** 0	
Burner Make / Model: INTEGRAL / INTEGRAL	**Number of Identical Units:** 1			
	AKA : 1283 83 STREET BROOKLYN | 8222 13 AVENUE BROOKLYN			

Appendix E- NYC DOB C/O Search

DUPLICATE

No. 57914

OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN

BUREAU OF BUILDINGS

CERTIFICATE OF OCCUPANCY

(Issued Pursuant to Article 1, Section 5, Building Code)

BROOKLYN, N. Y., Sept 25 1929.

OWNER Hurley Realty Corp

ARCHITECT Seelig & Hilkelstein

This is to certify that the NEW ~~ALTERATION~~ BUILDING

Located at 8224 13 Av. N. W. cor. 83rd St.

has been COMPLETED substantially according to the approved plans and specifications and the requirements of the BUILDING CODE, and PERMISSION is hereby granted for the OCCUPANCY of said building for the following purposes:

This certificate supersedes all previously issued certificates.

STORY	LIVE LOADS LBS. PER SQ. FT.	PERSONS ACCOMMODATED MALE	FEMALE	TOTAL	USE
Cellar					Ordinary use
Basement					None
First Story	120-40				Store & one family
Second "	40				Two families
Third "	40				Two families
~~Fourth~~ "					
Fifth "					
Sixth "					
Seventh "					
Eighth "					
Ninth "					
Tenth to					
th					

Number of Buildings One (1)

Permit No. 50729

Work Completed 9/23/29

J. P. Flanagan

Superintendent of Buildings

Per M. J. Lillard

10A-2085-28-CK

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