ENVIRONMENTAL ASSESSMENT STATEMENT

5914 Bay Parkway Rezoning EAS

PREPARED FOR

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New York, NY 10271
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PREPARED BY

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NOVEMBER 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* 5914 Bay Parkway Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
19DCP208K	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
190377ZMK, N190378ZRK	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
NYC Department of City Planning			SUW 4 LLC		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Olga Abinader, Director, EARD			David Weisz		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 20 W. 47th Street, Suite 601		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10036
TELEPHONE (212) 720-3493	EMAIL oabinad@planning.nyc.gov		TELEPHONE (212) 840-4747	EMAIL D@dwands.net	

5. *Project Description*

The Applicant seeks (1) a zoning map amendment to rezone the project site from an R5 zoning district to an R6/C2-4 zoning district and (2) a zoning text amendment to designate the project site as a Mandatory Inclusionary Housing (MIH) area, in order to construct a new nine-story, 58,697-gsf mixed-use building containing 42 residential units, including 9 permanently affordable MIH units, 9,474 gsf of ground floor retail, and 6,654 gsf of medical office space. A 15-space attended parking garage would be located on the cellar level of the proposed project.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 12	STREET ADDRESS 5914-5920 Bay Parkway
TAX BLOCK(S) AND LOT(S) Block 5515, Lots 43, 44, 45 and 46		ZIP CODE 11204
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Northwest corner of 60th Street and Bay Parkway		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R5		ZONING SECTIONAL MAP NUMBER 22d

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 Appendix F

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

☐ VARIANCE (use)

☐ VARIANCE (bulk)

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

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

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.): 10,018
Waterbody area (sq. ft) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.):
Other, describe (sq. ft.): 10,018 compacted soil after demolition

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): 58,697
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): n/a
HEIGHT OF EACH BUILDING (ft.): 95
NUMBER OF STORIES OF EACH BUILDING: n/a

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: 10,018
The total square feet not owned or controlled by the applicant: 0

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO
If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: 10,018 sq. ft. (width x length)
VOLUME OF DISTURBANCE: 110,198 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 10,018 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.)	42,569	9,474	6,654	
Type (*e.g.,* retail, office, school)	42 units	Retail	Medical 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: 161
NUMBER OF ADDITIONAL WORKERS: 56
Provide a brief explanation of how these numbers were determined: Residents based on Average Household Size of 3.82 for the Borough Park neighborhood (2012-2016 ACS); Workers based on assumption of 3 employees per 1,000 sf of retail and 1 employee per 250 sf of medical 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 condition would include the development of a four-story mixed-use residential and community facility building with 14 accessory parking spaces (on the cellar level), 19,606 gsf of residential floor area, including 19 residential units, 4,895 gsf of medical office space and 1,084 gsf of day care facility space, for a combined total of 25,585 gsf and a Floor Area Ratio (FAR) of 1.85.

9. *Analysis Year* CEQR Technical Manual Chapter 2

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

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18		
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO		IF MULTIPLE PHASES, HOW MANY?
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:		

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

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

Figure 1 Site Location Map

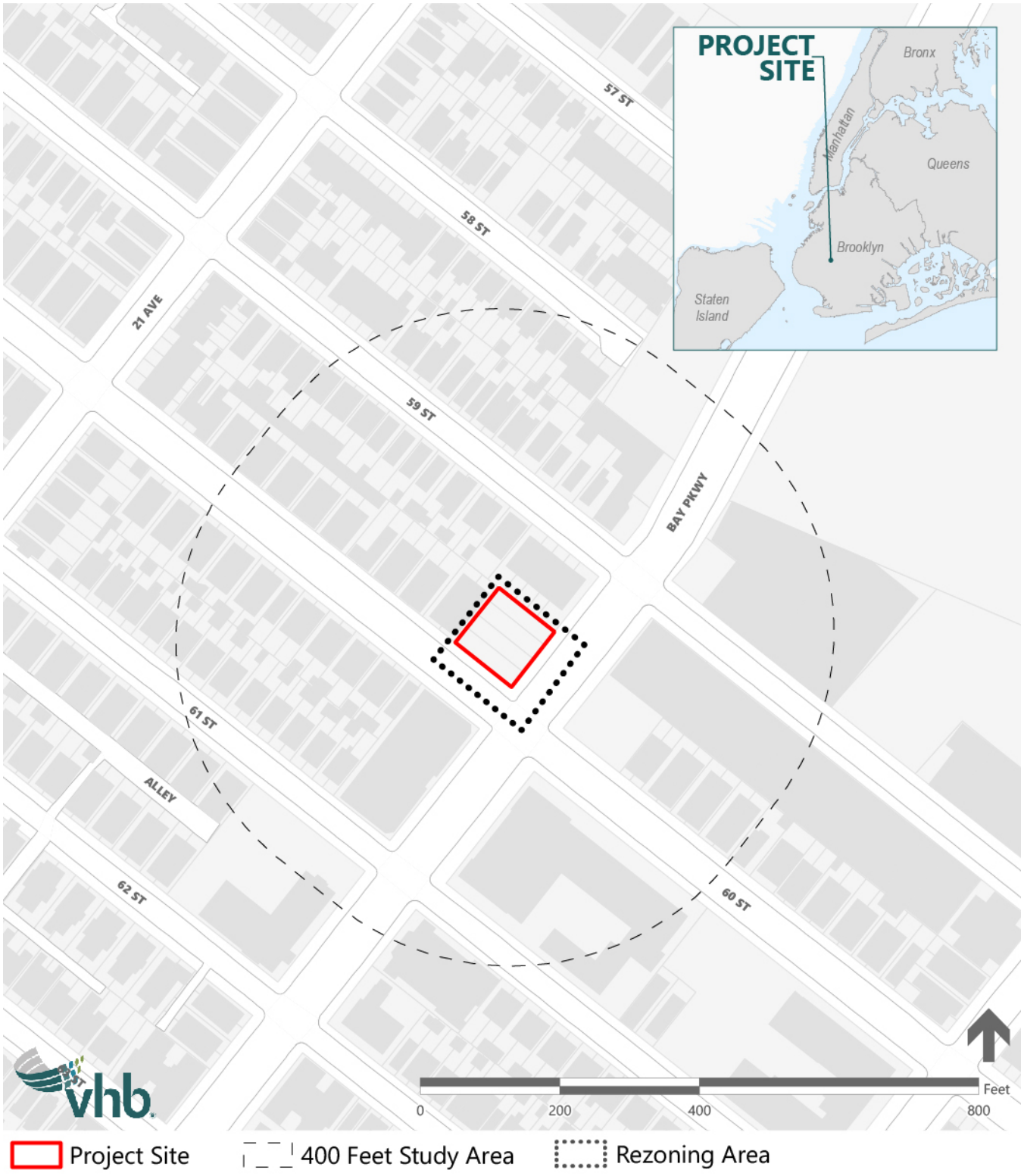


Figure 2 Tax Map

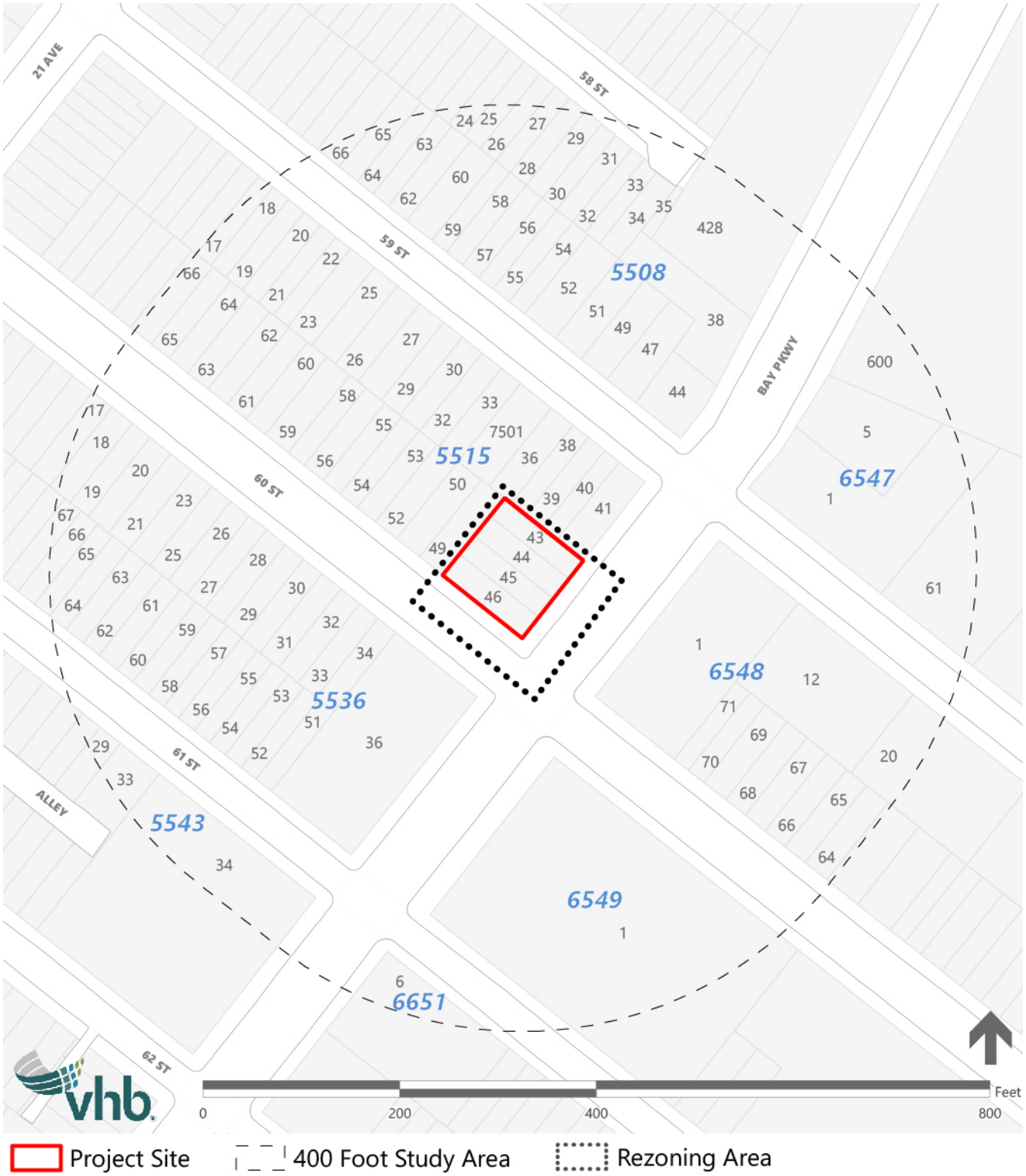


Figure 3.1 Existing Zoning Map

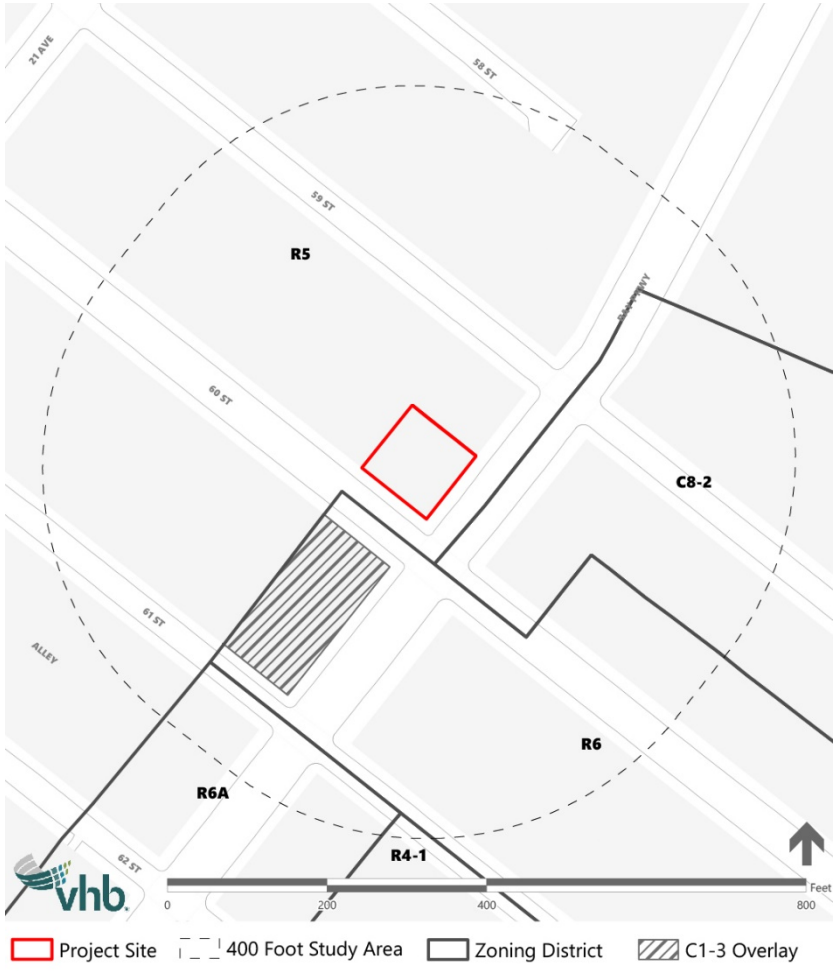


Figure 3.2 Proposed Zoning Map

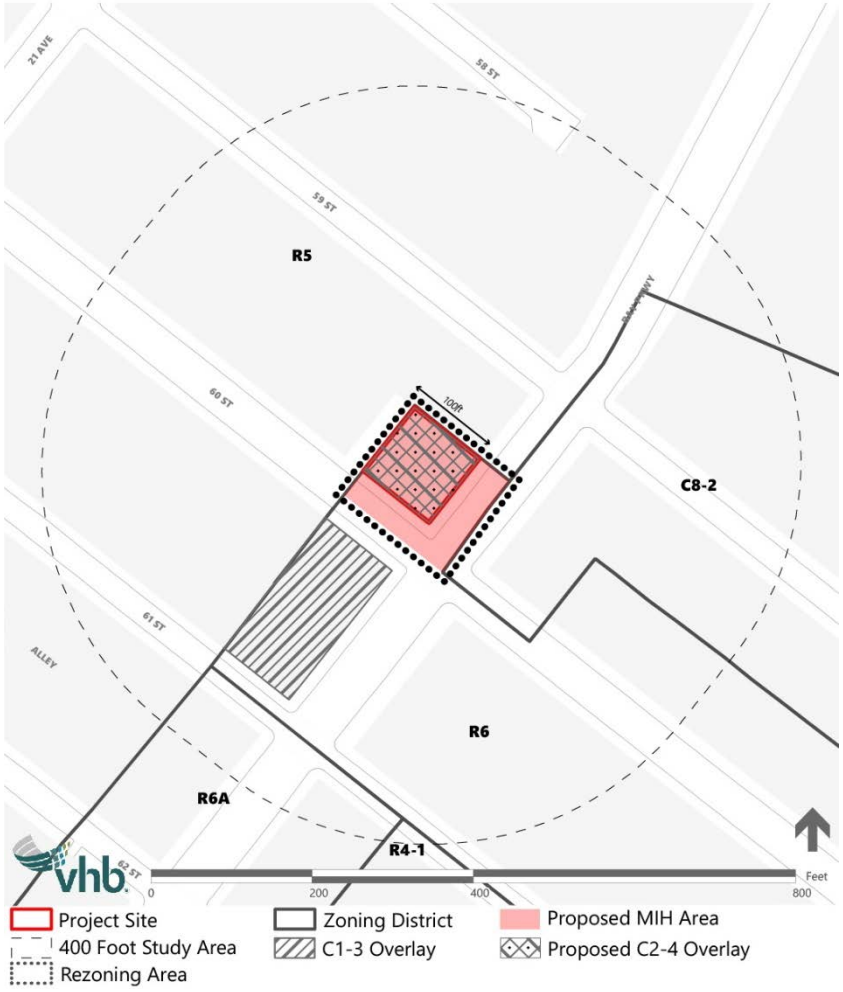


Figure 4 Land Use Map

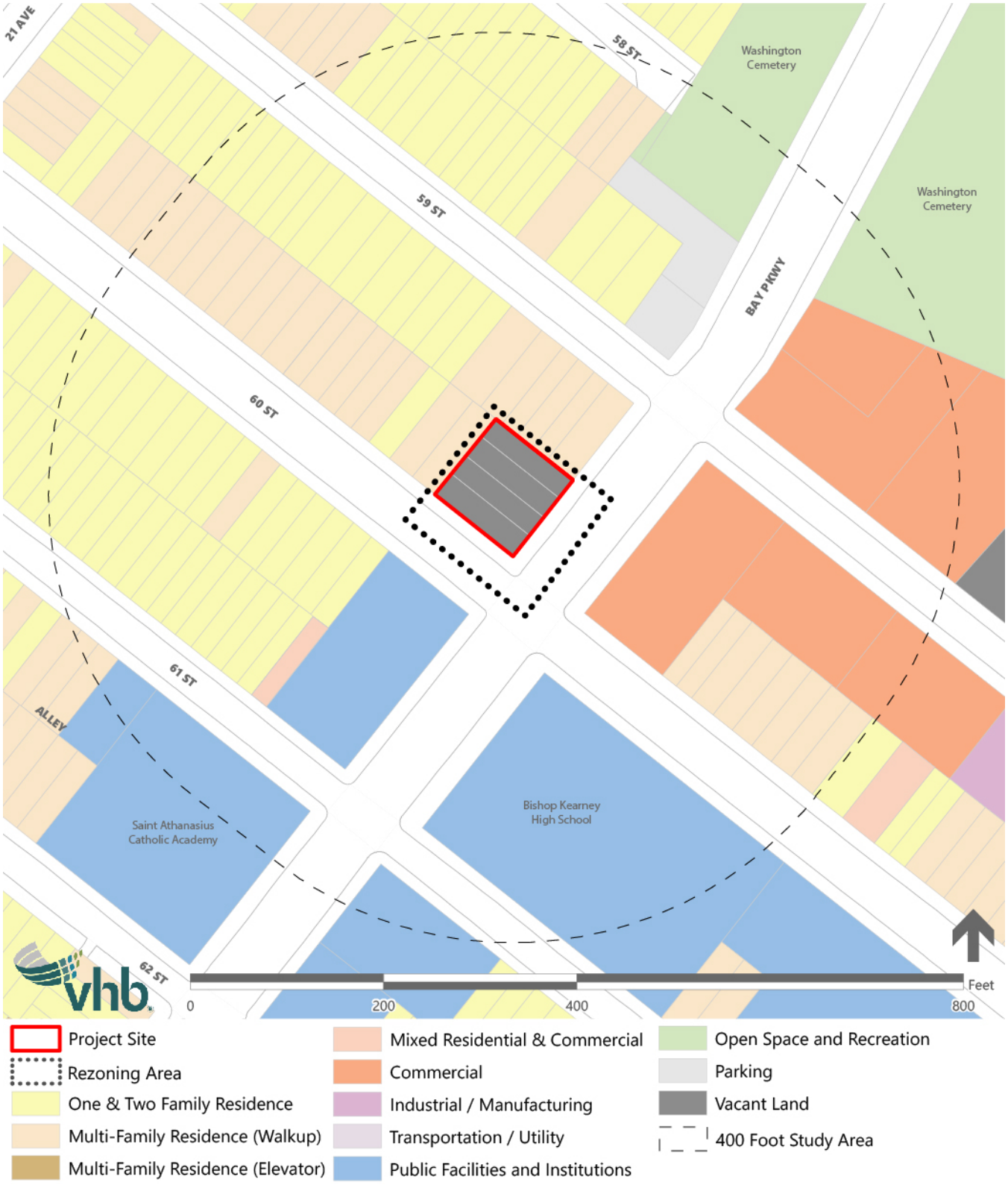


Figure 5 Photo Key Map

Photo 1 View of project site facing southwest from Bay Parkway

Photo 2 View of interior of project site through construction fencing window

Photo 3 View of project site from intersection of Bay Parkway and 60th Street

Photo 4 View of southern frontage of the project site from 60th Street facing northest

Part II: TECHNICAL ANALYSIS

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

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

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. See attached		
(e) Is the project a large, publicly sponsored project?	☐	☒
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☐	☒
o If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	☐	☒
o Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
o Directly displace more than 500 residents?	☐	☒
o Directly displace more than 100 employees?	☐	☒
o Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
o **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)	☐	☒
o **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)	☐	☒
o **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)	☐	☒
o **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?	☐	☒
o 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?	☐	☒
o If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒

	YES	NO
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☒	☐
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See attached		
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?	☐	☒
o 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?	☒	☐
o If "yes," complete the Jamaica Bay Watershed Form, and submit according to its instructions. see attached		
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?	☒	☐
o 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): 3,238		
o 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): 2,909,412 MBTUs		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o 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.*	☐	☐
o 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?	☐	☐
o 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?	☒	☐
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) see attached	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☐
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		

Historic and Cultural Resources

The proposed development would involve construction resulting in in-ground disturbance to an area not previously excavated. The project site is not located within an Area of Archaeological Sensitivity (as defined by the NYS Office of Parks, Recreation, and Historic Preservation [OPRHP] Cultural Resource Information System [CRIS]), and no archaeological sites have been mapped within a half-mile radius of the project site. The buildings that once stood on the property were razed and the project site is cleared and graded.

A Request for Environmental Review was submitted to the Landmarks Preservation Commission on February 25, 2019 and a response was received on March 8, 2019, confirming that the project site contains no architectural or archaeological significance. Therefore, no significant adverse impacts to historic and cultural resources are anticipated as a result of the proposed actions. A copy of the Landmarks Preservation Commission letter is provided in Appendix A.

Transportation

Based on the development densities cited in Table 16-1 of the *2014 CEQR Technical Manual* for a development in Zone 2 (Brooklyn within 0.25 mile of a subway station), the proposed development increment (between the No-Action and With-Action condition) would not meet the minimum development densities that would require a transportation analysis for the EAS.

As shown in Table 1-1 in Section 1.0, "Project Description," the proposed development increment is 23 residential dwelling units, 9,474 square feet of local retail space, 675 square feet of community facility space, and one accessory parking space.

The weighted average calculations of the development densities are provided below. As shown the weighted average calculations result in a number less than 1, and therefore the proposed actions screen out for a transportation analysis.

Use	Increment	Threshold	Ratio
Residential (DU)	23	200	0.12
Community Facility (ksf)	0.675	25	0.03
Local Retail (ksf)	9.474	15	0.63
			0.78

	YES	NO
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☐	☒
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
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.

Construction activities are expected to be standard in nature and would last approximately 18 months. As a result, any effects from the construction of the project would be considered short term and insignificant. All travel lanes would remain open during construction. In the event that any closure of any portion of sidewalk elements is needed, it would be fully addressed by a permit and a Pedestrian Access Plan as required by the New York City Department of Transportation's Office of Construction Mitigation and Coordination prior to the closure so that impacts would not occur. Because of these provisions and because the period of construction is short term, a preliminary construction assessment is not needed.

20. *APPLICANT'S CERTIFICATION*

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

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

APPLICANT/REPRESENTATIVE NAME	DATE
Nancy Doon, VHB	11/1/2019

SIGNATURE Nancy Doon

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.

Project Name: 5914 Bay Parkway
CEQR #: 19DCP208K
SEQRA Classification: Unlisted

NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning, acting on behalf of the City Planning Commission 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 (EAS) 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 the EAS, which finds the proposed 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.

Land Use, Zoning, and Public Policy

This EAS includes a detailed an analysis of the effects of the proposed actins on Land Use, Zoning, and Public Policy and determined that no significant impacts would occur. The proposed actions would consist of a zoning map amendment to rezone the project site from an R5 zoning district to an R6/C2-4 zoning district, and zoning text amendment to designate the project site as an MIH area, coterminous with the rezoning area, pursuant to Appendix F of the Zoning Resolution. The EAS analyzed the proposed development as the reasonable worst case development scenario. The proposed actions would facilitate a development of 47,603 zoning square feet; the residential component of the proposed development would consist of approximately 42,569 gsf, including 42 residential units, nine of which would be permanently affordable MIH units. The proposed rezoning would extend the existing zoning district immediately to the south to the project site, and would permit neighborhood-serving commercial uses. The proposed action would not introduce any new land uses to the area that are not permitted under existing or no-action condition, which represents the thresholds of impact significance in the *CEQR Technical Manual*. The analysis concludes that the proposed action would not result in any significant adverse Land Use, Zoning, or Public Policy impacts.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-554) related to hazardous materials, air quality and noise has been assigned to site(s) affected by the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of these sites and all applicable (E) designation requirements. With the (E) designation measures in place, the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality and noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable.
This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Katherine Glass at (212) 720-3425.

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | (212) 720-3493
NAME Olga Abinader	DATE November 8, 2019
SIGNATURE	

TITLE
Vice Chair, City Planning Commission

NAME	DATE
Kenneth J. Knuckles, Esq.	November 12, 2019
SIGNATURE	

Determination of Significance Appendix: (E) Designation

To ensure that there would be no significant adverse hazardous materials, air quality, noise impacts associated with the proposed project, an (E) designation (E-554) will be assigned to projected development sites as explained below.

Projected Development Site 1:

Block 5515, Lots 43, 44, 45 and 46

Hazardous Materials

Task 1

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

Task 2

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

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

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

Air Quality

To ensure that there are no significant adverse impacts from HVAC systems of the proposed buildings, certain restrictions would be required through the mapping of an (E) designation for air quality regarding fuel type and stack location.

The (E) Designation text would be as follows:

Brooklyn Block 5515, Lots 43, 44, 45, and 46

Any new residential and/or commercial development or enlargement on the above referenced properties must ensure that the heating, ventilation, and air conditioning (HVAC) stack(s) is located at the highest tier or at least 98 feet above grade to avoid any significant adverse air quality impacts.

Noise:

The following E-designation commitment for Noise will be assigned to the project site:

Brooklyn Block 5515, Lots 43, 44, 45 and 46

"In order to ensure an acceptable interior noise environment, future residential/commercial office/community facility uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades in order to maintain an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial office uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning."

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

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

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

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

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

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

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

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

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

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

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

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | (212) 720-3493
NAME Olga Abinader	DATE November 8, 2019
SIGNATURE	

1.0

Project Description

This section provides descriptive information about the requested discretionary land use actions and the development project that could be facilitated by the requested actions. The purpose of this chapter is to convey project information relevant to the environmental review.

1.1 Introduction

The applicant, SUW 4 LLC, is seeking from the City Planning Commission a zoning map amendment to rezone four lots located at 5914-5920 Bay Parkway (the project site) from an R5 zoning district to an R6/C2-4 zoning district and a zoning text amendment to designate the project site as a Mandatory Inclusionary Housing (MIH) area (the proposed actions).

The proposed actions would facilitate the construction of a new nine-story, 58,697-gross square foot (gsf) mixed-use building containing 42 residential units, including nine permanently affordable MIH units, 9,474 gsf of ground floor retail, and 6,654 gsf of medical office space.[1,2] A 15-space attended parking garage would be located on the cellar level of the proposed development.

[1] The development as proposed would incorporate 41 dwelling units. However, per City Environmental Quality Review (CEQR) guidelines in cases of a rezoning, for CEQR analysis purposes this EAS assumes an average of one dwelling unit per 1,000 gross square feet of residential floor area to determine the number of dwelling units, which for the proposed development equals 42 dwelling units.

[2] It is anticipated that 12 units within the proposed development would be affordable units within the MIH program, complying with the Applicant's intended MIH Workforce Option to reserve 30 percent of the floor area for permanent affordable housing. However, per New York City Department of City Planning (DCP) guidance, for the purposes of CEQR analysis, it is assumed that 20 percent of the residential floor area (nine units) would be affordable to residents earning not more than 80 percent of the Area Median Income (AMI).

1.2 Project Site

The project site (Brooklyn Block 5515, Lots 43, 44, 45 and 46) is located at 5914-5920 Bay Parkway, at the northwest corner of Bay Parkway and 60th Street in the Borough Park neighborhood of Brooklyn, Community District 12. See ***EAS Figure 1***. The four lots within the project site each are approximately 25 feet wide by 100 feet long, and were previously improved with single and two-family homes, all of which have been demolished. The project site has approximately 100 feet of frontage along both roadways, with a total lot area of 10,018 square feet (sf).

As shown in ***EAS Figure 3.1***, the project site is located in an R5 zoning district which extends to the north and west. A C8-2 district is mapped immediately across Bay Parkway from the project site, and on the north and south sides of 59th Street east of Bay Parkway. An R6 district is mapped to the south of the project site, on the lot immediately across 60th Street (Block 5522, Lot 36), as well as on the block to the southeast (Block 6549). Lot 36 on Block 5522 is also mapped with a C1-3 commercial overlay. The project site is situated along the mixed-use corridor of Bay Parkway, adjacent to a primarily residential neighborhood to the west.

1.3 Proposed Actions

The proposed actions would consist of:

- A zoning map amendment to rezone the project site from an R5 zoning district to an R6/C2-4 zoning district. This would extend the neighboring (to the south and southeast) R6 district to include the project site.
- A zoning text amendment to designate the project site as an MIH area, coterminous with the rezoning area, pursuant to Appendix F of the Zoning Resolution (ZR).

1.4 Proposed Development and With-Action Condition

The proposed development would consist of a nine-story, 58,697-gsf mixed use building containing 9,474 gsf of retail space on the ground floor, 6,654 gsf of medical office space on the first and second floors, and residential units above. The proposed development would have a total zoning floor area of 47,603 zoning square feet (zsf), with a Floor Area Ratio (FAR) of 4.78. The residential component of the proposed development would consist of approximately 42,569 gsf, including 42 residential units (an average of 1,000 gsf per dwelling unit), nine of which would be permanently affordable MIH units affordable to residents earning not more than 80 percent of the AMI. A 15-space attended parking garage would be located on the cellar level, to be accessed via a driveway on 60th Street at the west side of the proposed development.

The building would be 95 feet tall to the roofline, and would be built to the streetline along both street frontages. In accordance with the R6/C2-4 zoning bulk regulations and the quality housing program, the proposed development would have a maximum base height of 65 feet along 60th Street and Bay Parkway, and would set back ten feet on the seventh through ninth floors. The portion of the building within 25 feet of the northern lot line

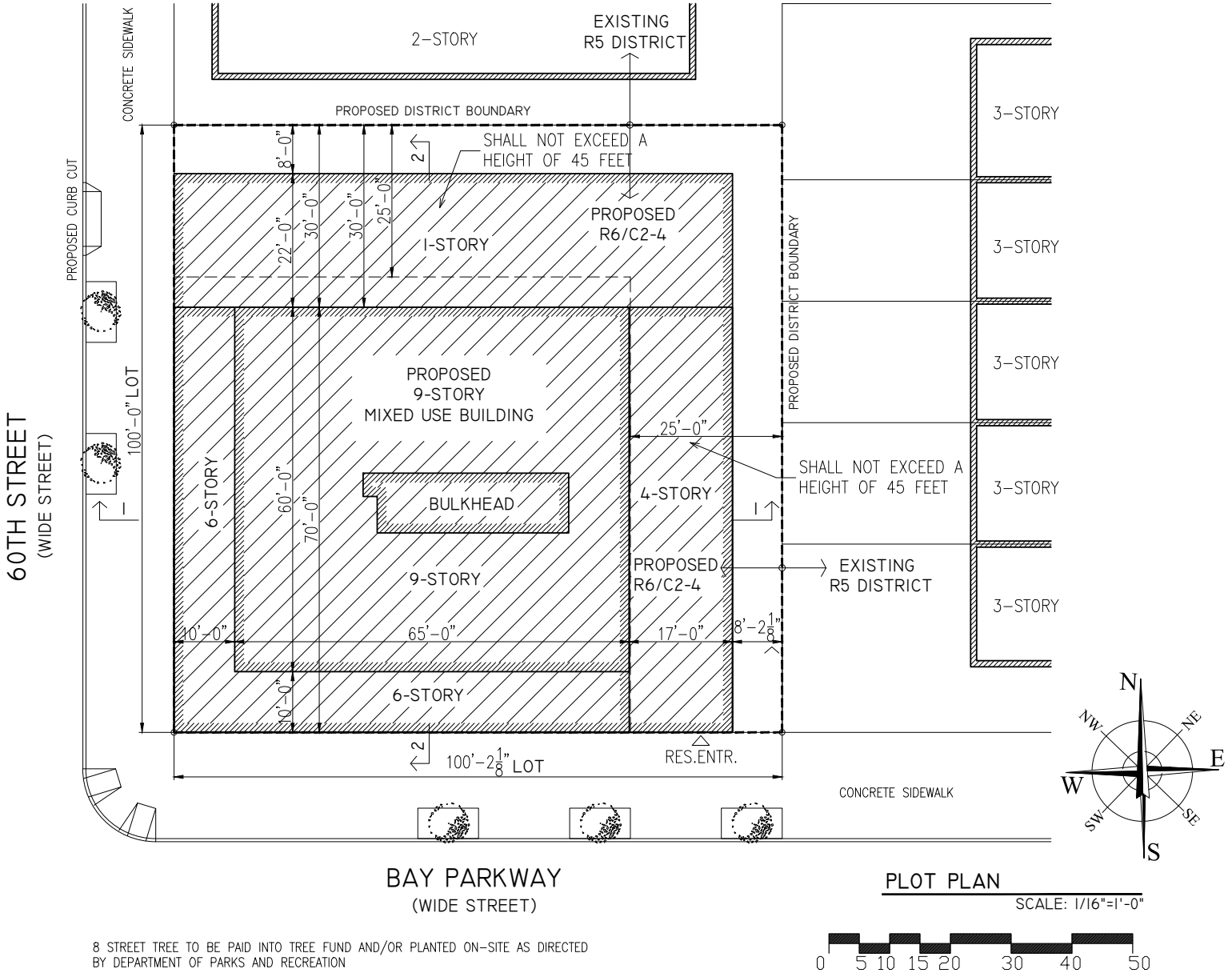
(adjacent to the R5 district) would be 45 feet tall (four stories) and the portion of the building within 25 feet of the western lot line would be 15 feet tall (one story). Side yards of a minimum of eight feet would be provided along these two lot lines. A site plan and elevation diagrams are provided in ***Figures 1-1*** through ***1-3***.

The proposed R6 district is a medium-density residential district that allows residential (Use Groups 1 and 2) and community facility uses (Use Groups 3 and 4). Following the quality housing regulations, R6 districts permit a maximum residential FAR of 3.6 on a wide street and 2.42 on a narrow street for buildings providing affordable housing units within an Inclusionary Housing or MIH designated area. The maximum base height in an R6 district is 65 feet on a wide street (45 feet within 25 feet of an R5 district) and the maximum building height permitted is 115 feet and 11 stories (for buildings providing affordable housing pursuant to MIH). Parking is required for 50 percent, or one parking space per two dwelling units, of market-rate dwelling units in an R6 district.

The proposed C2-4 commercial overlay is typically mapped along streets in residential districts to serve local retail needs; it allows a variety of neighborhood-serving commercial uses including Use Groups 5-9 and 14. C2-4 commercial overlays have a maximum FAR of 2.0 when mapped in an R6 or higher district. Commercial parking requirements in a C2-4 is 1 space per 1,000 square feet of floor area, and can be waived if the total number of spaces required for all uses is below 40. The proposed development would adhere to the R6 and C2-4 zoning regulations.

1.5 Project Purpose and Need

The project site's current zoning allows a maximum residential FAR of 1.65, or up to 2 FAR of community facility development, while the proposed R6/C2-4 district would allow up to 4.8 FAR, all of which could be used for community facility use, up to 2.0 of which could be commercial floor area or up to 3.6 FAR of which could be residential floor area pursuant to the MIH program. The proposed actions would create a transition area between the dense intersection of Bay Parkway and 60th Street and the R5 zoning district to the west. The introduction of a higher density zoning district and commercial overlay at the project site would allow for development that would include local retail and community facility uses to serve the immediate community. The proposed actions would also facilitate a better interface from the project site to the intersection, as three corners of the intersection would be zoned R6 with approval of the proposed actions. The required setbacks from the adjacent R5 district would prevent a new development on the project site from overwhelming the surrounding R5 structures. Additionally, the proposed text amendment would lead to the development of needed affordable housing units on the project site. The proposed actions are necessary to facilitate the proposed development and community amenities.



PLOT PLAN

SCALE: 1/16"=1'-0"

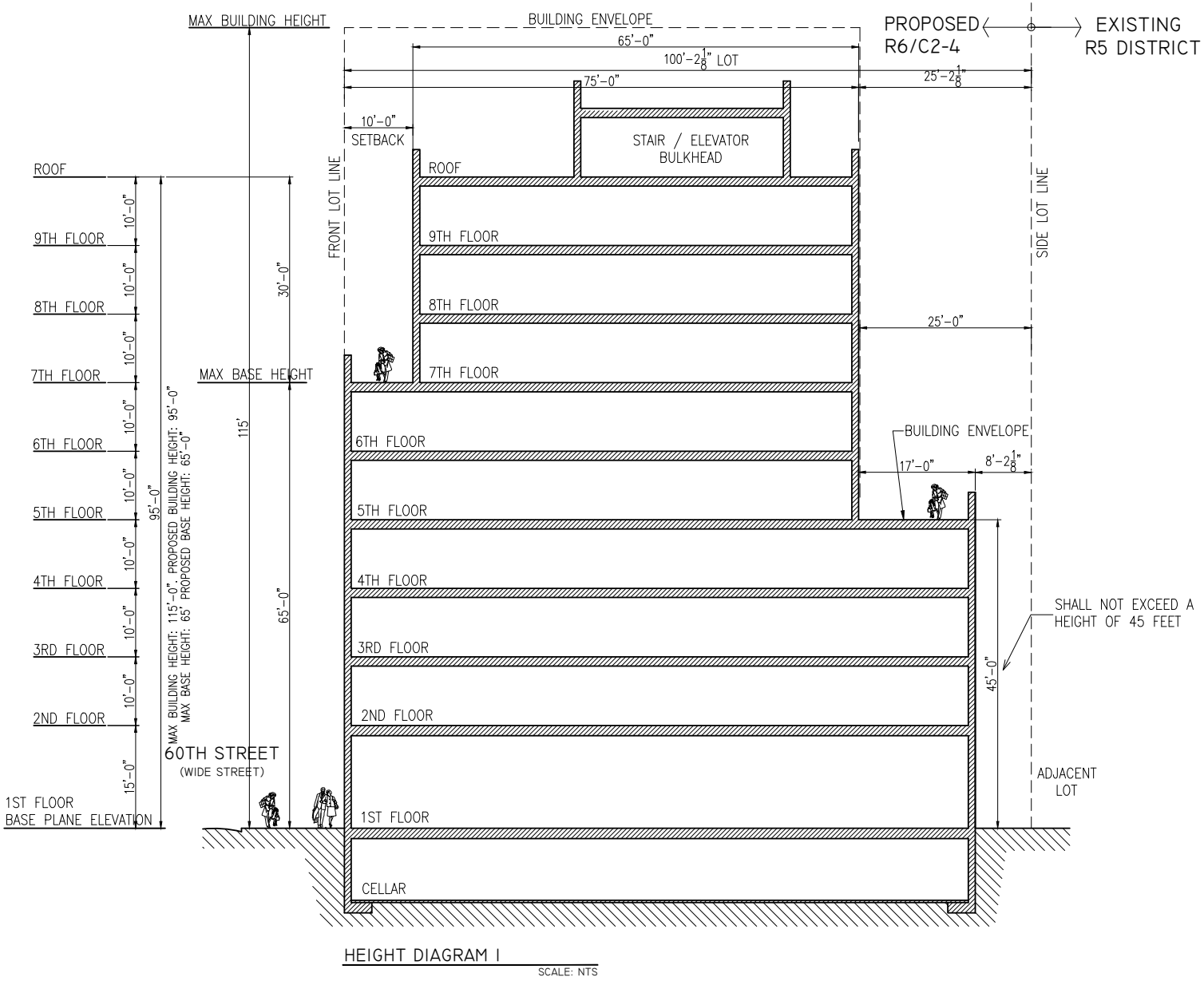
0 5 10 15 20 30 40 50

8 STREET TREE TO BE PAID INTO TREE FUND AND/OR PLANTED ON-SITE AS DIRECTED BY DEPARTMENT OF PARKS AND RECREATION

Source: RSLN Architecture PLLC
FOR ILLUSTRATIVE PURPOSES ONLY

Figure 1-1: With-Action Plot Plan

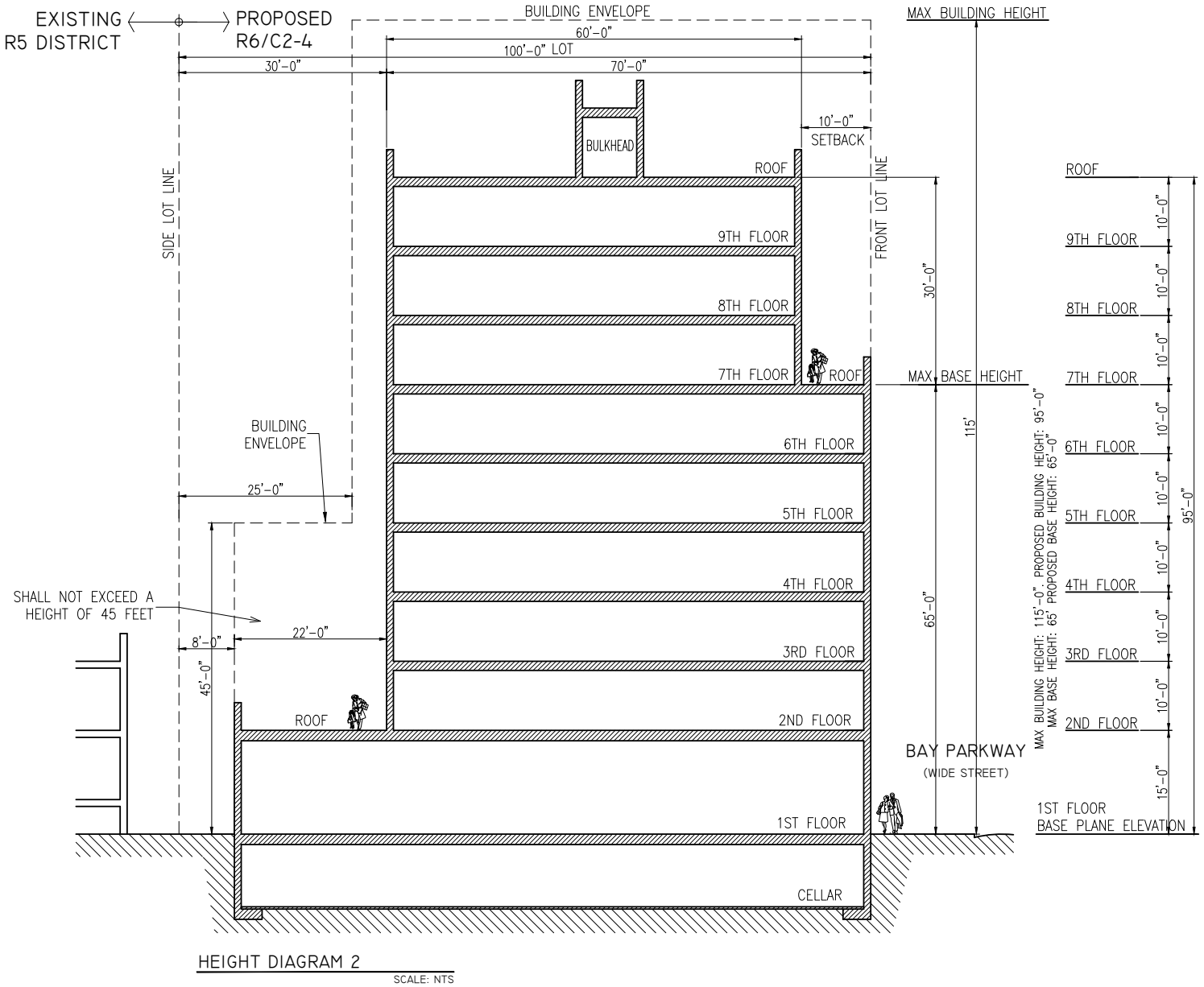
5914 Bay Parkway Rezoning



Source: RSLN Architecture PLLC
FOR ILLUSTRATIVE PURPOSES ONLY

Figure 1-2: With-Action Height Diagram 1

5914 Bay Parkway Rezoning



HEIGHT DIAGRAM 2

SCALE: NTS

Source: RSLN Architecture PLLC
FOR ILLUSTRATIVE PURPOSES ONLY

Figure 1-3: With-Action Height Diagram 2

5914 Bay Parkway Rezoning

1.6 Analysis Framework and Reasonable Worst-Case Development Scenario

Future No-Action Condition

Absent the proposed actions (the future No-Action condition), the project site would remain within an R5 zoning district and would be redeveloped as a four-story mixed-use residential and community facility building with 14 accessory parking spaces on the cellar level. This would be done as-of-right within the current zoning regulations. A parking ramp to the below-grade parking would be provided at the western edge of the proposed development, along 60th Street.

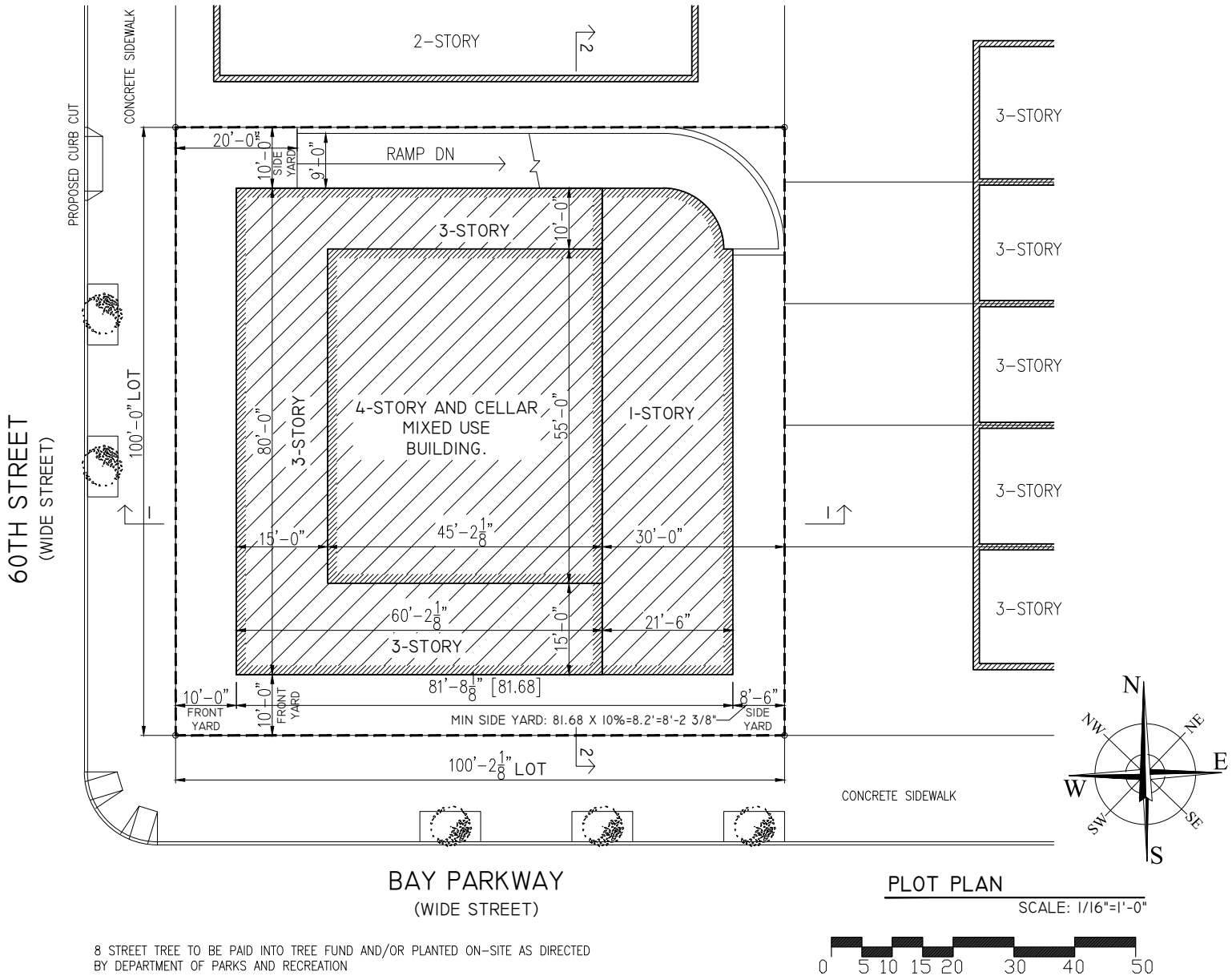
The future No-Action development would contain 19,606 gsf of residential floor area, including 19 residential units (an average of 1,000 gsf per dwelling unit). In addition, a total of 4,895 gsf of medical office space and 1,084 gsf of day care facility space would be located on the first floor of the building, for a combined total of 25,585 gsf (18,491 zsf) and an FAR of 1.85. See ***Figures 1-4*** and ***1-5*** for a site plan and height diagrams of the future No-Action condition.

Per the zoning bulk regulations, the building would be three stories along Bay Parkway and 60th Street, and would rise to four stories (maximum of 40 feet) after a setback of 15 feet above the third floor. A small portion of the building adjacent to the northern lot line would be a single story. Ten-foot front yards would be provided along Bay Parkway and 60th Street, along with a ten-foot side yard at the western lot line and an 8'-6" side yard at the northern lot line.

Future With-Action Condition

As noted above, the future with the proposed actions (the future With-Action condition) would allow for the proposed development to be constructed on the project site. The proposed development uses 4.78 of the available 4.8 FAR on the zoning lot and would be constructed to a height of 95 feet. The proposed development effectively reflects the full programmatic buildout of the project site. It uses an efficient residential floor plate depth and the first and second floors are at an appropriate height for their intended retail and community facility uses. In addition, the building has been designed with an efficient residential layout on the upper floors, incorporating the maximum floor area possible on as few floors as possible. The floorplate of the proposed building is also governed by the required setbacks on each side of the zoning lot as well as setbacks needed to provide for legal light and air. These factors limit the ability to use the remaining available floor area.

As mentioned, the future With-Action condition would include the development of a 58,697-gsf (47,603 zsf) mixed use building containing 9,474 gsf of retail space on the ground floor, 6,654 of medical office space on the first and second floor, and 42,569 gsf, or 42 units of residential on the upper floors. Twelve of the units would be permanently affordable MIH units. See ***Figures 1-1*** through ***1-3*** for a site plan and elevation diagrams of the future With-Action condition.



PLOT PLAN

SCALE: 1/16"=1'-0"

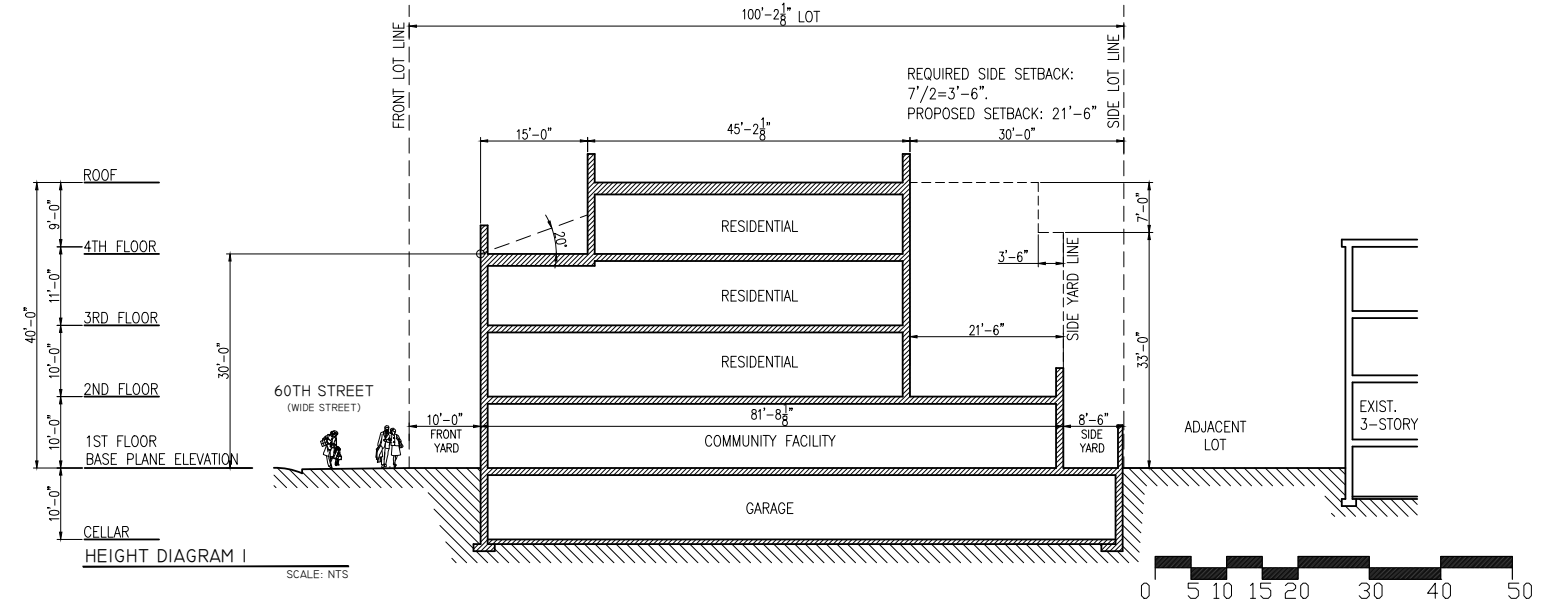
0 5 10 15 20 30 40 50

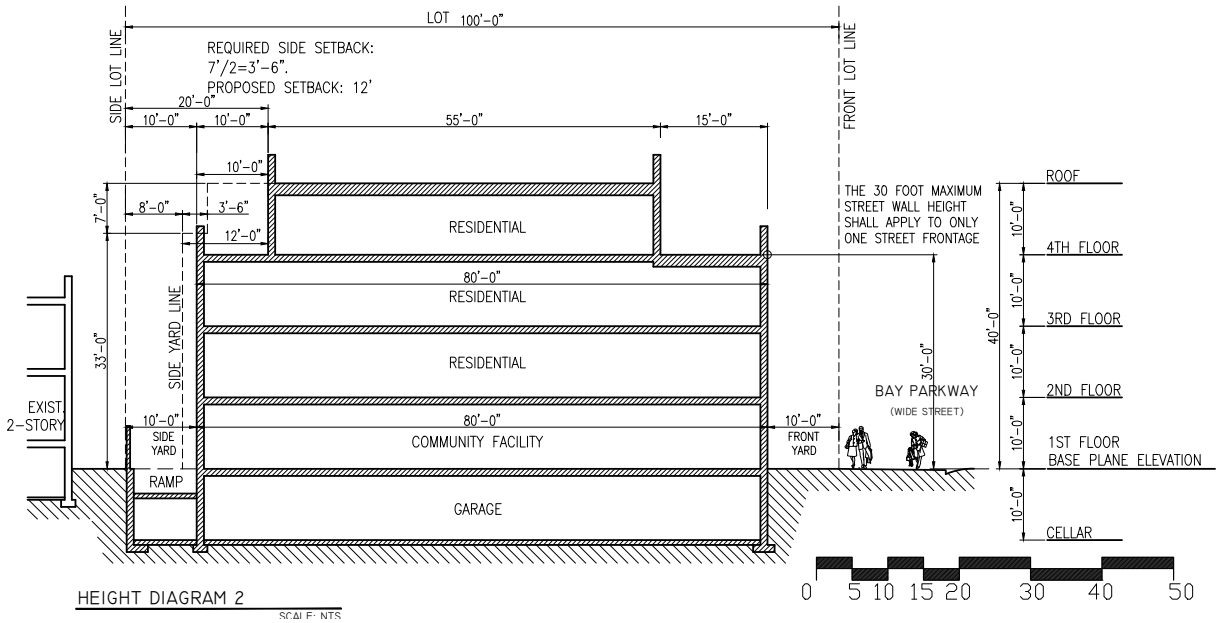
8 STREET TREE TO BE PAID INTO TREE FUND AND/OR PLANTED ON-SITE AS DIRECTED BY DEPARTMENT OF PARKS AND RECREATION

Source: RSLN Architecture PLLC
FOR ILLUSTRATIVE PURPOSES ONLY

Figure 1-4: No-Action Plot Plan

5914 Bay Parkway Rezoning





Source: RSLN Architecture PLLC
FOR ILLUSTRATIVE PURPOSES ONLY

Figure 1-5: No-Action Height Diagrams

5914 Bay Parkway Rezoning

Increment for Analysis

In total, the future With-Action condition would result in a net increase of 33,113 gsf over the future No-Action condition, with an increase of 22,963 gsf of residential space, 9,474 gsf of retail, and 675 gsf of community facility space.

Table 1-1 Future No-Action and Future With-Action Comparison

	No-Action Condition	With-Action Condition	Increment
Residential GSF	19,606	42,569	+ 22,963
Number of Dwelling Units	19*	42*	+ 23
Retail GSF	-	9,474	+ 9,474
Community Facility			
Medical Office GSF	4,894	6,654	+ 1,759
Day Care GSF	1,084	-	- 1,084
Total Building GSF	25,584	58,697	+ 33,113
Total Building ZSF	18,491	47,603	+ 29,113
Building Height	40 feet	95 feet	+ 55 feet
Parking	14 spaces	15 spaces	+ 1 space

* Assumes 1,000 sf per dwelling unit

Analysis (Build) Year

The build year for the proposed development is 2021. This assumes the receipt of approvals by 2020 and a total construction duration of up to 18 months following the approval process.

2.1

Land Use, Zoning and Public Policy

This section considers the potential for the proposed project to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the *2014 City Environmental Quality Review (CEQR) Technical Manual*, this analysis evaluates the uses in the area that may be affected by the proposed project and determines whether the proposed project is compatible with land use, zoning, and public policy conditions, or may otherwise affect them. The analysis also considers the proposed project's compatibility with zoning regulations and other public policies applicable to the area.

2.1-1 Introduction

The proposed actions include a zoning map amendment to rezone the project site from an R5 zoning district to an R6/C2-4 zoning district and a zoning text amendment to designate the project site as a Mandatory Inclusionary Housing (MIH) area. These actions would facilitate the construction of a nine-story, 58,697-gsf mixed-use building containing 42 residential units, including 9 permanently affordable MIH units, 9,474 gsf of ground floor retail, and 6,654 gsf of medical office space.

2.1-2 Methodology

This analysis of land use, zoning, and public policy follows the guidelines set forth in the *CEQR Technical Manual* for a preliminary assessment (Section 320). According to the *CEQR Technical Manual*, a preliminary land use and zoning assessment:

- Describes existing and future land uses and zoning information, and describes any changes in zoning that could cause changes in land use;
- Characterizes the land use development trends in the area surrounding the project site that might be affected by the proposed action; and
- Determines whether the proposed project is compatible with those trends or may alter them.

The following assessment method was used to determine the potential for the proposed project to result in significant adverse impacts on Land Use, Zoning, and Public Policy:

1. Establish a "study area", a geographic area surrounding the project site to determine how the proposed project may affect the immediate surrounding area. For this assessment, a study area of 400 feet surrounding the project site was used. This area is generally defined as the area bounded to the north by 58th Street, to the west by a point approximately 250 feet east of 21st Avenue, to the south by the midpoint between 61st and 62nd Streets, and to the east by the midpoint between Bay Parkway and 23rd Avenue.
2. Identify data sources, including any public policies (formal plans, published reports) to be used to describe the existing and No-Action conditions related to Land Use, Zoning, and/or Public Policy.
3. Assess the proposed project's potential effects on Land Use, Zoning and Public Policy to determine whether the proposed project is consistent or conflicts with area land uses, zoning, or the identified policies.
   - If a proposed project could conflict with the identified policies, a detailed assessment would be conducted; or
   - If the proposed project is found to not conflict with the identified policies, no further assessment is needed.

2.1-3 Assessment

Existing Conditions

Land Use

Project Site

The project site encompasses four vacant lots located at 5914-5920 Bay Parkway (Brooklyn Block 5515, Lots 43, 44, 45 and 46), at the northwest corner of Bay Parkway and 60th Street in the Borough Park neighborhood of Brooklyn, Community District 12. The four lots are each approximately 25 feet wide by 100 feet long, and were previously improved with single

and two-family homes, all of which have been demolished. The project site has a total lot area of 10,018 square feet (sf), with approximately 100 feet of frontage along both Bay Parkway and 60th Street. Construction fencing currently surrounds the project site preventing site access.

Study Area

As shown in ***EAS Figure 4***, the study area contains of a mix of uses, including residential, commercial, and institutional uses. Bay Parkway is a mixed-use corridor that runs north-south through the study area. The majority of the area to the west of Bay Parkway consists of semi-detached single-family or multi-family walkup buildings. A row of multi-family walkup buildings is also located on the north side of 60th Street to the west of Bay Parkway.

Institutional uses within the study area are located along Bay Parkway south of 60th Street. There is a nine-story medical office building located immediately south of the project site on Bay Parkway. Bishop Kearney High School is located across Bay Parkway from the medical office building, between 60th and 61st Streets. South of the medical office building are several buildings associated with the St. Athanasius Church, located between 61st and 62nd Streets, on either side of Bay Parkway. They include the Rectory on the south side of 61st Street, the Saint Athanasius School on the west side of Bay Parkway, and the church buildings on the east side of Bay Parkway.

Certain commercial uses are located in the northeast portion of the study area, generally north of 60th Street and east of Bay Parkway. A Rite Aid Pharmacy and accessory parking lot is located across Bay Parkway from the project site. Next to the Rite Aid on the north side of 59th Street is a retail lighting store and showroom. Another large footprint retail space, a furniture department store, is just north of the showroom across 59th Street.

In addition to the land uses described above, there is also a small portion of the Washington Cemetery that falls within the north side of the study area on either side of Bay Parkway, and an auto repair shop at the northwest corner of Bay Parkway and 59th Street.

Zoning

Project Site

The project site is located within an R5 zoning district. The district covers much of the residential neighborhood that extends to the north, west, and southwest of the project site. The R5 zoning district permits a variety of medium-density housing, with a maximum FAR of 1.25 for residential uses and 2.0 for community facility uses, and a height limit of 40 feet. These parameters provide a transition between lower density and higher density neighborhoods, and typically produce three- and four-story attached houses and small apartment houses. R5 district regulations require a setback of 15 feet above a base height of 30 feet. Apartment houses require two side yards with a minimum of eight feet each, and a front yard of 10 feet. Off-street parking is required for 85 percent of dwelling units.

Study Area

A C8-2 district is mapped immediately across Bay Parkway from the project site, on the north and south sides of 59th Street between Bay Parkway and 23rd Avenue, and extending to the

east, along the west side of McDonald Avenue. C8-2 districts bridge commercial and manufacturing uses, and provide for heavy commercial services that require large amounts of land, such as warehouses and auto repair shops. This district permits a commercial FAR of 2.0 and requires one accessory parking space per 400 square feet (sf) of floor area.

An R6 district is mapped to the south of the project site, on either side of Bay Parkway between 60th and 61st Streets, and extending to the east to McDonald Avenue. R6 districts are medium density residential districts subject to the height factor regulations and permit a maximum FAR of 2.43 for residential buildings and 4.8 for community facilities. Building envelopes are regulated by the sky exposure plane. The optional Quality Housing bulk regulations may also apply. The lot immediately to the south across 60th Street from the project site is also mapped with a C1-3 commercial overlay, which allows for a maximum commercial FAR of 2.0 within an R6 district.

An R6A district is mapped at the southern portion of the study area, south of 61st Street on either side of Bay Parkway. This area was rezoned as part of the 2005 Bensonhurst rezoning to better match and protect the existing built condition of that area. R6A is a contextual zoning district that permits residential and community facility uses to an FAR of 3.0. Buildings in an R6A district are subject to Quality Housing bulk regulations with a maximum building height of 70 feet and a maximum street wall height of 40 to 60 feet.

Public Policy

Public policies applicable to the project site and the study area are discussed below.

OneNYC

In April 2007, the Mayor's Office of Long Term Planning and Sustainability released PlaNYC: A Greener, Greater New York (PlaNYC). Since that time, updates to PlaNYC have been issued that build upon the goals set forth in 2007 and provide new objectives and strategies. In April 2015, the Mayor's Office of Sustainability released OneNYC, a comprehensive plan for a sustainable and resilient city. OneNYC represents a reworking of PlaNYC and focuses on growth, equity, sustainability, and resiliency.

The goals of the plan are to make New York City:

- A Growing, Thriving City by fostering industry expansion and cultivation, promoting job growth, creating and preserving affordable housing, supporting the development of vibrant neighborhoods, increasing investment in job training, expanding high-speed wireless networks, and investing in infrastructure.
- A Just and Equitable City by raising the minimum wage, expanding early childhood education, improving health outcomes, making streets safer, and improving access to government services.
- A Sustainable City by reducing greenhouse gas emissions, diverting organics from landfills to attain Zero Waste, remediating contaminated land, and improving access to parks.
- A Resilient City by making buildings more energy efficient, making infrastructure more adaptable and resilient, and strengthening coastal defenses.

Housing New York: A Five-Borough, Ten-Year Plan

On May 5, 2014, the de Blasio administration released Housing New York: A Five-Borough, Ten-Year Housing Plan ("Housing New York"), a plan to build or preserve 200,000 affordable residential units. To achieve this goal, the plan aims to double the New York City Department of Housing Preservation and Development (HPD)'s capital budget, target vacant and underused land for new development, protect tenants in rent-regulated apartments, streamline rules and processes to unlock new development opportunities, contain costs, and accelerate affordable construction. The plan details the key policies and programs for implementation, including developing affordable housing on underused public and private sites.

No-Action Condition

As described in Section 1.0, Project Description, absent the proposed actions, the project site would remain within an R5 zoning district and would be redeveloped as a four-story mixed-use residential and community facility building with 14 accessory parking spaces on the cellar level. The proposed development would contain 19,606 gross square feet (gsf) of residential floor area, including 19 residential units (an average of 1,000 gsf per dwelling unit). In addition, a total of 4,895 gsf of medical office space and 1,084 gsf of day care facility space would be located on the first floor of the building, for a combined building total of 25,585 gsf (18,491 zsf) and an FAR of 1.85.

Land Use and Zoning

In the future No-Action condition, existing land uses on the project site would change from the existing vacant land to a mixed residential and community facility use. This use is compatible with the land use patterns of the study area. The development would be situated immediately adjacent to other residential uses to the north and west, as well as directly across 60th Street from another building with medical office space. Mixed residential and community facility uses are also compatible uses with the commercial retail use across Bay Parkway, as well as the institutional uses further south along the Bay Parkway corridor.

The future No-Action development would be completed as-of-right within the current zoning regulations. Per the bulk regulations, the building would be three stories along Bay Parkway and 60th Street, and would rise to four stories (maximum of 40 feet) after a setback of 15 feet above the third floor. A small portion of the building along Bay Parkway adjacent to the northern lot line would be a single story. Ten-foot front yards would be provided along Bay Parkway and 60th Street, along with a ten-foot side yard at the western lot line and an 8'-6" side yard at the northern lot line.

There are no known planned developments or zoning changes that are anticipated to affect the project site or study area. The project site and study area would continue to be governed by the various zoning regulations found in the area, as described in the existing conditions section above.

Public Policy

In the future No-Action condition, there are no known public policy changes that are anticipated to affect the project site or study area.

With-Action Condition

As described in Section 1.0, Project Description, in the future With-Action condition, the proposed actions would facilitate the development of a nine-story, 58,697-gsf mixed use building containing 9,474 gsf of retail space on the ground floor, 6,654 of medical office space on the first and second floor, and residential units above. The residential component of the proposed development would consist of approximately 42,569 gsf, including 42 residential units (an average of 1,000 gsf per dwelling unit), 9 of which would be permanently affordable MIH units affordable to residents earning not more than 80 percent of the AMI. A 15-space attended parking garage would be located on the cellar level, accessible by a driveway on 60th Street at the west side of the proposed development.

Land Use

In the With-Action condition, land uses on the project site would be the same as the No-Action condition, except that retail uses would be added on the ground floor. The proposed development would be compatible with surrounding land uses, as discussed under the No-Action condition. In addition, the retail use proposed for the ground floor would match the retail uses on the ground floor of the medical office building across 60th Street to the south and the retail use across Bay Parkway to the east. Generally, the proposed development would be well integrated with the mix of uses along Bay Parkway, as well as the existing residential uses to the west and north of the project site.

Zoning

As detailed in Section 1.0, "Project Description," the applicant is seeking to rezone the project site from R5 to R6/C2-4 zoning and a zoning text amendment to Appendix F of the Zoning Resolution, to establish an MIH Area on the project site. The area to be rezoned (the "rezoning area," as depicted on ***EAS Figure 3.2***) would be coterminous with the project site. These actions would increase the permitted density within the rezoning area and allow commercial uses, complementing the existing retail uses across both 60th Street and Bay Parkway. While the proposed actions would change the zoning designation of the project site, the proposed development is located immediately adjacent to both an existing R6 district with a commercial overlay and an existing commercial district. Therefore, the proposed zoning would be in keeping with the zoning currently surrounding the project site, and basically an extension of the existing R6 district. Compared to the future No-Action condition, the proposed development would provide several benefits to the surrounding community, including affordable housing and a more dynamic street front with the addition of ground floor retail uses.

The proposed zoning changes are analyzed in more detail below.

Proposed Zoning Map Amendment

The proposed zoning map amendment to Zoning Map 22d would change the zoning within the rezoning area from an R5 district to an R6 district with a C2-4 commercial overlay (See ***EAS Figure 3.2***). As described above, the R6 district is a medium-density residential district that allows residential uses (Use Groups 1 and 2) and community facility uses (Use Groups 3 and 4). Following the quality housing regulations, R6 districts permit a maximum community facility FAR of 4.8 and a maximum residential FAR of 3.6 on a wide street and 2.42 on a narrow street (for buildings providing affordable housing units). The maximum base height in an R6 district is 65 feet (45 feet within 25 feet of an R5 district) and the maximum building height is 115 feet and 11 stories (for buildings providing affordable housing pursuant to MIH only). Parking is required for 50 percent (one parking space per two dwelling units) of market-rate dwelling units in an R6 district.

The proposed C2-4 commercial overlay is typically mapped along streets in residential districts to serve local retail needs allowing a variety of neighborhood serving commercial uses including Use Groups 5 through 9 and 14. C2-4 commercial overlays permit a maximum commercial FAR of 2.0. Commercial parking requirements in a C2-4 district are one space per 1,000 square feet of floor area, and can be waived if the total number of spaces required for all uses is below 40.

The proposed development would have a total zoning floor area of 47,603 zsf, or 4.75 FAR. The building would be 95 feet tall to the roofline, and would be built to the streetline along both Bay Avenue and 60th Street. In accordance with the R6 zoning bulk regulations and the quality housing program, the proposed development would have a maximum base height of 65 feet along 60th Street and Bay Parkway, and would set back ten feet on the seventh through ninth floors. The portion of the building within 25 feet of the northern lot line (adjacent to the R5 district) would be 45 feet tall (four stories) and the portion of the building within 25 feet of the western lot line would be 15 feet tall (one story). Side yards of a minimum of eight feet would be provided along these two lot lines as well.

The proposed development would adhere to all R6 and C2-4 zoning regulations. As mentioned above, the proposed rezoning would extend the existing zoning district immediately to the south to the project site, and would permit neighborhood-serving commercial uses.

Proposed Zoning Text Amendment

The proposed zoning text amendment to Appendix F of the Zoning Resolution, "Mandatory Inclusionary Housing Areas," would establish an MIH area that is coterminous with the rezoning area and project site. In the future With-Action condition, approximately 20 percent of residential units would be reserved as affordable to residents earning not more than 80 percent of the AMI.

The proposed actions would apply only to the rezoning area and would have no effect on the study area. This proposed zoning change would be responsive to the housing needs of the local community.

Therefore, the proposed actions would not result in significant adverse impacts to zoning on the project site or within the study area, but instead are expected to benefit the

neighborhood by developing a currently vacant lot along Bay Parkway and contributing to the supply of retail space and housing options in the neighborhood.

Public Policy

The proposed actions would be consistent with all applicable policies, and therefore would have no significant adverse impacts to public policy. The proposed development would support the City's growing population, promoting job growth through the provision of office and retail space, contributing to the City's stated goal of creating affordable housing, and supporting the development of vibrant neighborhoods through the redevelopment of an underutilized property. These outcomes are well-aligned with the stated goals of One NYC and Housing New York.

2.1-3 Conclusions

As described above, the proposed actions would result in the development of the project site as a mixed-use community facility, commercial, and residential building with a 4.75 FAR. The development resulting from the proposed actions would be consistent with the area's development patterns and proposed zoning regulations for the project site. The proposed project would maintain and enhance the existing land use character within the study area (defined by a mix of residential, community facility, commercial, and institutional uses). The proposed neighborhood-serving retail and affordable housing units would serve the area's growing residential population. Therefore, the proposed project would not result in any significant adverse impacts to land use, zoning, or public policy.

2.2

Shadows

A shadow is defined in the *2014 CEQR Technical Manual* as the condition that results when a building or other built structure blocks the sunlight that would otherwise directly reach a certain area, space, or feature. The purpose of this chapter is to assess whether new structures may cast shadows on sunlight sensitive publicly accessible resources or other resources of concern such as natural resources, and to assess the significance of their impact.

2.2-2 Introduction

According to the *CEQR Technical Manual*, a shadows assessment is required for proposed actions that would result in new structures greater than 50 feet in height or located adjacent to, or across the street from, a sunlight-sensitive resource. Such resources include publicly-accessible open spaces, important sunlight-sensitive natural features, or historic resources with sun-sensitive features. A significant adverse shadow impact occurs when the incremental shadow added by a proposed project falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight exposure, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources.

As described in Section 1.0, Project Description, the proposed actions are expected to facilitate a development with a maximum height of approximately 95 feet (105 feet with bulkhead) in the With-Action condition – a 55-foot incremental increase in building height over the No-Action condition. However, the maximum building height permitted in an R6 district is 115 feet. Therefore, further analysis is warranted, and for the purposes of this shadows analysis, the building height is assumed to be 115 feet

2.2-3 Methodology

In accordance with the *CEQR Technical Manual*, a preliminary screening assessment is conducted to ascertain whether shadows resulting from a project could reach any sunlight-sensitive resource at any time of year. This preliminary screening assessment consists of three tiers of analysis:

- Tier 1 Screening: The first tier determines a simple radius around the proposed building representing the longest shadow that could be cast. If there are sunlight-sensitive resources within the radius, the analysis proceeds to the second tier;
- Tier 2 Screening: The second tier analysis reduces the area that could be affected by project-generated shadows by accounting for a specific range of angles that can never receive shade in New York City due to the path of the sun in the northern hemisphere. According to the *CEQR Technical Manual*, shadows cannot be cast within New York City within 108 degrees from True North;
- Tier 3 Screening: If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by new shadows by looking at specific representative days of the year and determining the maximum extent of shadow over the course of each representative day. For the Tier 3 screening, three-dimensional modeling software with the capacity to model shadows is used, and the maximum building envelope that could be achieved as a result of the proposed development is modeled and geo-located within the program. Terrain provided by the modeling software is also incorporated into the model to account for how changes in elevation throughout the study area can influence shadows that could be cast by the proposed development. The representative days are December 21 (winter solstice), June 21 (summer solstice), March 21/September 21 (vernal/autumnal equinox), and May 6/August 6 (halfway between summer solstice and the equinoxes). The modeling software is also used to approximate times that shadows cast from the proposed development could enter and exit a resource.

If the Tier 3 screening indicates that, in the absence of intervening buildings, shadows from the proposed development would reach a sunlight sensitive resource on any of the representative analysis days, a detailed shadow analysis is typically undertaken. Because existing buildings (or No-Action buildings) may already cast shadows on a sun-sensitive resource, the proposed development may not result in additional (incremental) shadows upon that resource.

For the proposed development, a preliminary assessment (Tiers 1 through 2) analysis was undertaken.

2.2-4 Preliminary Assessment

Tier 1 and 2 Screening Assessment

A height of 115 feet is assumed for this shadows analysis, and as such, a Tier 1 and 2 Screening Assessment was conducted. A base map was created to identify sunlight-sensitive resources within the potential shadow sweep. Sunlight-sensitive resources are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. As mentioned previously, these resources include natural resources, historic resources, public open space such as schoolyards, or buildings with stained glass windows. Per *CEQR Technical Manual* guidance, cemeteries are considered open space if seating is provided. A small part of the Washington Cemetery, which is open to the public Sunday to Friday from 8AM to 3:30PM, is within the shadow screening area. However, the portions of the Washington Cemetery that fall within the potential shadow sweep do not contain seating and consists only of grass and headstones. As such, Washington Cemetery is not considered public open space or a sunlight sensitive resource, and no analysis of the proposed actions' impact on the cemetery is necessary

As shown in ***Figure 2.2-1***, there are two sunlight-sensitive resources located in the study area, however, both are located in the area that cannot be shaded by the proposed development. These resources are:

- St. Athanasius Roman Catholic Church (Map No. 1), which has stained glass windows
- The playground at P.S. 226 (Map No. 2)

Because both sunlight-sensitive resources are within the area that cannot be shaded by the proposed development, no further analysis is warranted.

2.2-5 Conclusion

The proposed actions would result in the development of a 115-foot tall building, a 75-foot incremental increase over the No-Action condition, and as such, a preliminary analysis was undertaken. The Tier 1 and 2 Screening Assessment identified two sunlight-sensitive resources within the study area. However, these resources are located in an area that cannot be shaded by the proposed development. Therefore, a Tier 3 analysis is not warranted, and the proposed development is unlikely to result in significant adverse shadow impacts to any sunlight-sensitive resources.

Figure 2.2-1 Tier 1 and Tier 2 Screening Assessment

2.3

Urban Design and Visual Resources

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

2.3-2 Introduction

This section considers the potential for the proposed action to result in significant adverse urban design and visual resources impacts. As defined in the *2014 City Environmental Quality Review (CEQR) Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. A visual resource is the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources.

Based on the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed "as-of-right," or in the future No-Action condition.

As described in Section 1.0, "Project Description," the proposed actions include a zoning map amendment to rezone the project site from an R5 zoning district to an R6/C2-4 zoning district and a zoning text amendment to designate the project site as a Mandatory Inclusionary Housing (MIH) area. These actions would facilitate the construction of a new nine-story, 58,697 gross square foot (gsf) mixed-use building containing 42 residential units, including 9 permanently affordable MIH units, 9,474 gsf of ground floor retail, and 6,654 gsf of medical office space.

2.3-3 Methodology

In accordance with the *CEQR Technical Manual* guidelines, the following preliminary urban design and visual resources assessment considers a 400-foot radius study area where the proposed action would be most likely to influence the built environment. The preliminary assessment focuses on those project elements that have the potential to alter the built environment, or urban design, of the project site, which is collectively formed by the following components:

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

The following information is included in a preliminary assessment:

- A concise narrative of the existing study area, and conditions under the future No-Action and With-Action conditions;
- An aerial photograph of the study area and ground-level photographs of the site area with immediate context;
- Zoning and floor area calculations of the existing, future No-Action, and future With-Action Conditions;
- Lot and tower coverage, and building heights; and
- A three-dimensional representation of the future No-Action (if relevant) and With-Action Condition streetscape.

If the preliminary assessment determines that a change to the pedestrian experience is minimal and unlikely to disturb the vitality, walkability or the visual character of the area, then no further assessment is necessary. However, if it shows that changes to the pedestrian environment and/or visual resources are significant enough to require greater explanation and further study, then a detailed analysis may be appropriate.

The following preliminary urban design and visual resources assessment follows these guidelines and provides a characterization of existing conditions followed by a description of urban design and visual resources under the future No-Action and With-Action conditions, and an analysis determining the extent to which physical changes resulting from the proposed development would alter the pedestrian experience.

Study Area

The area within 400 feet of the project site is defined as the study area for this analysis; this is typically considered an appropriate radius for site-specific actions such as the proposed project. ***Figure 2.3-1*** shows the project site and the area surrounding the site.

2.3-4 Preliminary Assessment

Existing Conditions

Project Site

The project site comprises four vacant lots located at 5914-5920 Bay Parkway, at the northwest corner of the intersection between Bay Parkway and 60th Street in Brooklyn. The project site, which is currently surrounded by plywood fencing, limiting access to the site, has approximately 100 feet of frontage on both streets. Sidewalks line both street frontages; the sidewalks are approximately ten feet wide along 60th Street and 14 feet wide along Bay Parkway. See ***EAS Figure 5*** for photos of the existing conditions on the project site.

Study Area

The project site is located in an area defined by a rectangular street grid network, with east-west streets and the four-lane Bay Parkway running north-south through the center. Bay Parkway within the study area is a lively corridor lined with large-footprint buildings and a mix of uses, including institutional uses south of 60th Street and commercial and residential uses north of 60th Street.

Institutional uses include three large-footprint buildings associated with the Saint Athanasius Church located along Bay Parkway between 61st and 62nd Street. The Saint Athanasius Catholic Academy is a three-story tan brick building with large multi-story windows fronting on Bay Parkway. The majority of the building is set back from the street front, making room for a row of religious statues along Bay Parkway, separated from the street by iron fencing (see ***Photo 1***).

Figure 2.3-1 Photo Location Map

Photo 1 Saint Athanasius Catholic Academy building fronting Bay Parkway

Photo 2 Saint Athanasius Church fronting Bay Parkway

Across Bay Parkway is the Saint Athanasius Church, another tan brick building with some concrete detailing, and a large religious painting and stained-glass window across the front façade above the main entrance (see ***Photo 2***). The building also has two large spires and additional stained-glass windows along the side of the building on 61st Street. The third building associated with Saint Athanasius Church is the convent building to the south of the Church, just outside the study area. This building is constructed with a similar tan brick as the other church buildings, though it is more simply designed with no unique architectural features.

Two other large footprint institutional uses are located to the north along Bay Parkway, between 60th and 61st Streets. Bishop Kearny High School is a private catholic high school located on the east side of Bay Parkway. The building is between three and four stories, with a tan brick façade interspersed with some limited detailing of blue and red tiling (see ***Photo 3***). Across Bay Parkway, the Calko Medical Center building is a large, nine-story brick and glass office building with cast concrete detailing on the ground floor and a glass awning above the main entrance to the building on Bay Parkway. The building is set back from the street above the third floor (see ***Photo 4***).

The commercial uses along Bay Parkway include the Rite Aid, housed in a single-story painted cast concrete building with surface parking, and a warehouse building which houses the National Wholesale Liquidators, located on the east side of Bay Parkway at its intersection with 59th Street. Across from the warehouse building, an auto repair shop is situated at the northwest corner of Bay Parkway and 59th Street, within a single-story brick building with roll up garage doors and chain link fencing. Commercial uses are also located along 59th Street, east of Bay Parkway, and consist of warehouse-style single-story buildings. See ***Photos 5*** and ***6*** depicting the commercial uses within the study area.

The Washington Cemetery is located at the northern tip of the study area. However, while it is a large cemetery, iron fencing and covered chain link fencing separates the cemetery from the street along both sides of Bay Parkway, and therefore most of the cemetery is not visible from the sidewalk (see ***Photo 7***).

Aside from those uses described above, the remainder of the study area is composed of residential uses, including primarily single and low-density multi-family residences. Homes are located primarily to the west of Bay Parkway on the north and south sides of 60th and 61st Streets. These homes are brick, two-story semi-detached row houses with limited detailing (see ***Photo 8***). A row of two- to three-story multi-family residences is also located on the north side of 60th Street to the east of Bay Parkway. These brick semi-detached homes are set back from the street with brick or iron fencing, stone doorway lintels, and some stone detailing surrounding the windows (see ***Photo 9***).

Photo 3 Bishop Kearny High School viewed from the intersection of 61st Street and Bay Parkway

Photo 4 Calko Medical Center building viewed from the intersection of 61st Street and Bay Parkway

Photo 5 Rite Aid Pharmacy across Bay Parkway from the project site

Photo 6 Warehouse style commercial along the south side of 59th Street east of Bay Parkway

Photo 7 Washington Cemetery shielded from view by iron and chain link fencing

Photo 8 Semi-detached brick row houses along the south side of 60th Street

Photo 9 Multi-family housing along the north side of 60th Street

No-Action Condition

As described in Section 1.0, "Project Description," absent the proposed actions (the future No-Action condition), the project site would remain under its current R5 zoning and would be redeveloped as a four-story mixed-use residential and community facility building with 14 accessory parking spaces on the cellar level. The future No-Action development would contain 19,606 gsf of residential floor area, including 19 residential units, 4,895 gsf of medical office space and 1,084 gsf of day care facility space to be located on the first floor of the building, for a combined total of 25,585 gsf (18,491 zsf) and an FAR of 1.85.

Per the zoning bulk regulations, the building would be three stories along Bay Parkway and 60th Street, and would rise to four stories (maximum of 40 feet) after a setback of 15 feet above the third floor. A small portion of the building adjacent to the northern lot line would be a single story. Ten-foot front yards would be provided along Bay Parkway and 60th Street, along with a ten-foot side yard at the western lot line and an 8'-6" side yard at the northern lot line. See ***Figures 2.3-2*** and ***2.3-3*** for renderings of the future No-Action condition. Illustrative streetscape renderings are provided from Bay Parkway and 60th Street.

The future No-Action condition would introduce a building that would be compatible with the existing mixed-use character of Bay Parkway, as well as the residential buildings to the north and west of the project site. The No-Action development would be constructed with a base height that would match the height of the residential building immediately to the north, and would be set back 15 feet, concentrating the bulk away from the street line. The

No-Action Condition

With-Action Condition

Source: RSLN Architecture PLLC
FOR ILLUSTRATIVE PURPOSES ONLY

vhb

Figure 2.3-2: Illustrative Streetscape Renderings - View from Bay Parkway

5914 Bay Parkway Rezoning

No-Action Condition

With-Action Condition

Source: RSLN Architecture PLLC
FOR ILLUSTRATIVE PURPOSES ONLY

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Figure 2.3-3: Illustrative Streetscape Renderings - View from 60th Street

5914 Bay Parkway Rezoning

ground floor uses would provide visual interest to pedestrians in the study area. Generally, the No-Action development would provide infill development on an existing vacant lot, adding to the vitality of the area.

With-Action Condition

As detailed in Section 1.0, "Project Description," the applicant is seeking to rezone the project site from an R5 zoning district to an R6/C2-4 zoning district, as well as designate the project site as an MIH area. The proposed actions would facilitate the development of a nine-story, approximately 58,697-gsf mixed-use building containing 9,474 gsf of retail space on the ground floor, 6,654 of medical office space on the first and second floors, and 42,569 gsf, or 42 units of residential, on the upper floors. Twelve of the units would be permanently affordable MIH units. A 15-space attended parking garage would be located on the cellar level, to be accessed via a driveway on 60th Street at the west side of the proposed development. This represents the future With-Action condition.

The building would be 95 feet tall and would be built to the street line along both street frontages. In accordance with the R6/C2-4 zoning bulk regulations and the quality housing program, the proposed development would have a maximum base height of 65 feet along 60th Street and Bay Parkway, and would set back ten feet on the seventh through ninth floors. The portion of the building within 25 feet of the northern lot line (adjacent to the R5 district) would be 45 feet tall (four stories) and the portion of the building within 25 feet of the western lot line would be 15 feet tall (one story). Side yards of a minimum of eight feet would be provided along these two lot lines. See ***Figures 2.3-2*** and ***2.3-3*** for a visualization of the future With-Action condition.

Urban Design

The proposed actions would allow for greater bulk and density on the project site compared to the future No-Action condition. The With-Action development would be approximately 55 feet taller overall, and 35 feet taller at the base height, which would increase the visual presence of the building in the study area. However, the height of the With-Action development would not be out of character with its surroundings. The Calko Medical Center building immediately south of the project site is nine stories and approximately 111 feet tall, 14 feet taller than the proposed development. Both the No-Action and With-Action developments would be taller than the residential buildings immediately to the north of the project site.

As with the No-Action condition, the With-Action development would significantly improve visual conditions on the project site by developing a site that is currently vacant with plywood fencing surrounding it. The proposed ground floor retail, enabled by the proposed commercial overlay, and the medical office space would activate the site and would complement the character of both the Calko Medical Center building to the south and the Rite Aid Pharmacy across Bay Parkway, adding to the visual interest of the block from a pedestrian's perspective.

In addition, in conformance with the proposed zoning, the building would step down in height toward its northern and western lot lines, providing a visual transition from the tallest

portion of the building to its surroundings. As mentioned above, the portion of the building adjacent to the northern lot line would be 45 feet tall and the portion of the building adjacent to the western lot line would be 15 feet tall. This would provide a visual transition from the existing residential area to the tallest portion of the proposed development, as well as the adjacent medical center building. For these reasons, the proposed actions would not result in any adverse impacts to the visual character of the study area

2.3-5 Conclusion

Both the future No-Action and With-Action conditions would result in the redevelopment of an existing vacant site, enhancing the mixed-use character of Bay Parkway and increasing visual interest and vitality for pedestrians in the study area. The With-Action development would be shorter than the existing development to the south by approximately 14 feet and would provide a tiered building envelope that provides a visual transition from lower-density residential development to the project site. Therefore, the proposed actions would not have a significant adverse impact on urban design within the study area.

2.4

Hazardous Materials

This section assesses whether the proposed project may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts.

2.4-1 Introduction

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi-volatile organic compounds, methane, polychlorinated biphenyls (PCBs), and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive or toxic). According to the *2014 City Environmental Quality Review (CEQR) Technical Manual*, the potential for significant impacts from hazardous materials can occur when:

- hazardous materials exist on a site;
- an action would increase pathways to their exposure; or
- an action would introduce new activities or processes using hazardous materials.

As indicated in the *CEQR Technical Manual*, the hazardous materials (E) designation is an institutional control that may be placed on a site to establish a hazardous materials review and approval framework. It provides a mechanism to ensure that testing for and remediation of hazardous materials, if necessary, are completed prior to future development of an

affected site, thereby eliminating the potential for a hazardous materials impact. (E) designated parcels are administered under the authority of the New York City Mayor's Office of Environmental Remediation (OER).

This section evaluates the potential for significant adverse impacts (as defined by the *CEQR Technical Manual*) that could result because of the proposed development of one nine-story mixed-use building.

2.4-2 Methodology

The potential for hazardous materials was evaluated in a Phase I Environmental Assessment (ESA) prepared by Environmental Business Consultants (EBC), dated January 20, 2019. EBC's Phase I ESA was prepared in accordance with the American Society for Testing and Materials (ASTM) Practice E1527-13, inclusive of the "All Appropriate Inquiry" requirement amended in the Federal Register on December 30, 2013. The United States Environmental Protection Agency (EPA) "All Appropriate Inquiry" requirement establishes specific regulatory requirements for conducting appropriate inquiries into the previous ownership, uses, and environmental conditions of a property for the purposes of qualifying for certain landowner liability protections under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

As indicated in Section 1.0, Project Description, the proposed development would result in the construction and development of one nine-story, 58,697-gross square foot (gsf) mixed-use building containing 42 residential units, including nine permanently affordable Mandatory Inclusionary Housing (MIH) units, 9,474 gsf of ground floor retail, and 6,654 gsf of medical office space. A 15-space attended parking garage would be located on the cellar level of the proposed development.

2.4-3 Preliminary Assessment

Existing Conditions

The project site consists of Brooklyn Block 5515, Lots 43, 44, 45 and 46 and is located at 5914-5920 Bay Parkway, at the northwest corner of Bay Parkway and 60th Street in the Borough Park neighborhood of Brooklyn, Community District 12. The four parcels within the project site are each approximately 25 feet wide by 100 feet long, and were previously improved with single and two-family homes, all of which have been demolished. The project site has approximately 100 feet of frontage along both roadways, with a total lot area of 10,018 sf.

The project site is located in an R5 zoning district which extends to the north and west. A C8-2 district is mapped immediately across Bay Parkway from the project site, and on the north and south sides of 59th Street east of Bay Parkway. An R6 district is mapped to the south of the project site, on the lot immediately across 60th Street (Block 5522, Lot 36), as well as on the block to the southeast (Block 6549). Lot 36 on Block 5522 is also mapped with a C1-3 commercial overlay. The project site is situated along the mixed-use corridor of Bay Parkway, adjacent to a primarily residential neighborhood to the west.

Phase I Environmental Site Assessment

As indicated above, a Phase I ESA was completed by EBC for the project site and includes analyses as specified in ASTM Practice E1527-13. The goal of the Phase I ESA process is to identify "Recognized Environmental Conditions" (RECs), which means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.

Per the ASTM Standard, the Phase I ESA reviewed a variety of information sources, including current and historic Sanborn Fire Insurance Maps, historic topographic maps and aerial photographs; state and federal environmental regulatory databases identifying listed sites; and local environmental records. The Phase I ESA also included reconnaissance of the project site and surrounding neighborhood.

As stated in the current ASTM Practice E1527-13, there may be environmental issues or conditions at the site, which may be requested by the user to be addressed as part of the Phase I ESA, which are not covered within the scope of ASTM Practice E1527-13. These issues are referred to as "non-scope considerations" and include evaluations relating to asbestos, lead-based paint, mold, etc. These added considerations were also evaluated as part of the Phase I ESA prepared by EBC.

The EBC Phase I ESA indicates that the project site consists of four contiguous tax parcels located on the northwestern corner of the intersection between Bay Parkway, which runs generally north to south along the eastern site perimeter, and 60th Street, in the Borough Park section of the Borough of Brooklyn, New York. Based upon the information provided in the EBC Phase I ESA, the project site consisted of undeveloped land from at least 1895 through the early-1920s. By 1924, the project site was developed with four two-story residences with accompanying small garages. The residential structures and garages were demolished in 2017. The project site is currently undeveloped and unpaved.

The following site features, surrounding uses and other relevant site conditions were provided in EBC's Phase I ESA:

- At the time of EBC's Phase I ESA, the site consists of four contiguous tax parcels that total approximately 0.23 acres, and are currently undeveloped and unpaved, although a thin layer of gravel is present in most areas. A wooden construction fence surrounds the site perimeter, with chain-link access gates at the southwestern corner along 60th Street and east-central portion of the site, along Bay Parkway.
- The project site elevation is approximately 28 feet above mean sea level (amsl). Based upon the USGS Water-Table and Potentiometric-Surface Altitudes in the Upper Glacial, Magothy and Lloyd Aquifers Beneath Long Island, March-April 2013, the depth to groundwater in the vicinity of the project site is approximately 23 feet below grade surface (bgs). Groundwater is expected to flow south, consistent with the regional trend.
- No evidence of underground or aboveground storage tanks (UST/AST), including vent or fill pipes, were observed on the project site at the time of the Phase I ESA

site inspection. The database report did not identify any registered petroleum or chemical ASTs or USTs for the site, and there are no known spills/releases attributed to the property.

Based on the results of the site inspection, records review and interviews, it was determined that there were no RECs, historic recognized environmental conditions (HRECs) or controlled recognized environmental conditions (CRECs) identified for the project site. However, EBC identified one environmental concern, or Business Environmental Risk (BER) related to the project site, which is summarized as follows, including EBC's recommendations:

- Information obtained from multiple historic sources indicates that the property was formerly developed with four residences from at least 1929 through the mid-2010s. As such, there is a potential for fill materials to be present (utilized to backfill the foundation and/or basements of the former structures following their demolition). Since no information regarding the nature or source of the fill materials was available for review, there is a potential for contaminated and/or structurally unsuitable fill materials to be present on the site. The potential presence of fill materials is considered a BER.

  Experience with similar projects shows that typical urban fill materials (impacted or clean) that are not excavated to support construction/redevelopment activities can remain on-site. However, all urban fill material that is disturbed during any construction/redevelopment project may require sampling for proper disposal and handling.

Future No-Action Condition

Absent the proposed actions (the future No-Action condition), the project site would remain within an R5 zoning district and would be redeveloped as a four-story mixed-use residential and community facility building with 14 accessory parking spaces on the cellar level. This would be done as-of-right within the current zoning regulations. A parking ramp to the below-grade parking would be provided at the western edge of the proposed development, along 60th Street.

The future No-Action development would contain 19,606 gsf of residential floor area, including 19 residential units. In addition, a total of 4,895 gsf of medical office space and 1,084 gsf of day care facility space would be located on the first floor of the building, for a combined total of 25,585 gsf. Per the zoning bulk regulations, the building would be three stories along Bay Parkway and 60th Street and would rise to four stories (maximum of 40 feet) after a setback of 15 feet above the third floor. A small portion of the building adjacent to the northern lot line would be a single story. Ten-foot front yards would be provided along Bay Parkway and 60th Street, along with a ten-foot side yard at the western lot line and an 8'-6" side yard at the northern lot line.

Under the No-Action condition, no further hazardous materials analyses would be conducted and an (E) designation for hazardous materials would not be placed on the project site. Consequently, any potential contaminants at the project site would go unmitigated and regulatory oversight from OER would not be provided.

Notwithstanding the above, regulatory requirements relating to asbestos-containing materials (ACM), lead-based paint (LBP) and polychlorinated biphenyl (PCB)-containing building materials would be followed as part of standard demolition and site redevelopment practices.

Future With-Action Condition

Under the future With-Action condition, the project site would be developed with a nine-story 58,697 gsf mixed-use building containing 9,474 gsf of retail space on the ground floor, 6,654 gsf of medical office space on the first and second floors, and 42,569 gsf, or 42 units of residential use on the upper floors. Twelve of the residential units would be permanently affordable MIH units.

The proposed action consists of a zoning map amendment to rezone the project site from an R5 zoning district to an R6/C2-4 zoning district, which would facilitate the proposed development of the new nine-story mixed use building. This would extend the neighboring (to the south and southeast) R6 district to include the project site. Additionally, a zoning text amendment to designate the project site as an MIH area, coterminous with the rezoning area, pursuant to Appendix F of the Zoning Resolution.

To address any concerns relating to hazardous materials on the project site, the proposed action would include an (E) designation for hazardous materials (E-554).

Compliance in association with the hazardous materials (E) designation on the project site would be conducted under the administration of OER. The (E) designation process generally begins with preparation of a Phase I ESA to determine potential RECs and areas of concern (AOCs) that may require additional investigation. The existing Phase I ESA will be utilized to the maximum extent practicable to identify the AOCs and RECs for the project site. Any RECs or AOCs identified would follow the (E) designation protocol for additional investigation and potential remedial action. The applicable text for the (E) designation to be applied to Brooklyn Block 5914, Lots 43, 44, 45 and 46 (E-554) would be as follows:

Task 1: Sampling Protocol

Prior to construction, the applicant submits to OER, for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2: Remediation Determination and Protocol

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

If remediation is indicated from the test results, a proposed Remedial Action Work Plan (RAWP) must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER in accordance with the approved RAWP. The applicant should then provide proper documentation that remedial action has been satisfactorily completed.

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

In addition to the above, regulatory requirements relating to ACM, LBP and PCB-containing building materials would be followed as part of standard demolition and site redevelopment practices.

2.4-4 Conclusion

The proposed actions would result in the development of a total of 42 new residential units including nine permanently affordable MIH units, as well as 9,474 gsf of retail space and 6,654 gsf of medical office space, built on the four currently vacant parcels comprosing the project site. To reduce the potential for exposure to future site occupants, an (E) Designation (E-554) for hazardous materials would be placed on the project site which would address any subsurface contamination under the regulatory requirements of NYC OER. In addition, regulatory requirements relating to ACM, LBP and PCB-containing building materials would be followed as part of standard demolition and site redevelopment practices.

2.5

Air Quality

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. Under CEQR, an air quality assessment determines both a project's effects on ambient air quality as well as the effects of ambient air quality on the project.

2.5-1 Introduction

This section examines the potential for air quality impacts from the proposed development. According to the *2014 CEQR Technical Manual*, air quality impacts can be characterized as either direct or indirect impacts. Direct impacts result from emissions generated by stationary sources, such as stack emissions from on-site fuel burned for boilers and heating, ventilation, and air conditioning (HVAC) systems. Indirect effects are caused by off-site emissions associated with a project, such as emissions from on-road motor vehicles ("mobile sources") traveling to and from a project site.

Since the proposed development would not generate sufficient vehicular traffic to exceed the threshold for a transportation analysis according to Table 16-1 in the *2014 CEQR Technical Manual*, the number of incremental vehicular trips would be lower than the *CEQR Technical Manual* CO-based screening threshold of 170 vehicles per hour, and the $PM_{2.5}$-based screening threshold of 23 heavy duty trucks (or equivalent) per hour. Therefore, a

quantified assessment of on-street mobile source emissions is not warranted, and the proposed development would not result in significant adverse air quality impacts from mobile sources.

Pollutants of Concern

Air pollution is of concern because of its demonstrated effects on human health. Of special concern are the respiratory effects of the pollutants and their potential toxic effects, as described below.

Carbon monoxide (CO) is a colorless and odorless gas that is a product of incomplete combustion. Carbon monoxide is absorbed by the lungs and reacts with hemoglobin to reduce the oxygen carrying capacity of the blood. At low concentrations, CO has been shown to aggravate the symptoms of cardiovascular disease. It can cause headaches, nausea, and at sustained high concentration levels, can lead to coma and death.

Particulate matter is made up of small solid particles and liquid droplets. PM_{10} refers to particulate matter with a nominal aerodynamic diameter of 10 micrometers or less, and $PM_{2.5}$ refers to particulate matter with an aerodynamic diameter of 2.5 micrometers or less. Particulates can enter the body through the respiratory system. Particulates over 10 micrometers in size are generally captured in the nose and throat and are readily expelled from the body. Particulates smaller than 10 micrometers, and especially particles smaller than 2.5 micrometers, can reach the air ducts (bronchi) and the air sacs (alveoli) in the lungs. Particulates are associated with increased incidence of respiratory diseases, cardiopulmonary disease, and cancer.

Nitrogen oxides (NO_X), the most significant of which are nitric oxide (NO) and nitrogen dioxide (NO_2), can occur when combustion temperatures are extremely high (such as in engines) and atmosphere nitrogen gas combines with oxygen gas. NO is relatively harmless to humans but quickly converts to NO_2. Nitrogen dioxide has been found to be a lung irritant and can lead to respiratory illnesses. Nitrogen oxides, along with VOCs, are also precursors to ozone formation.

Sulfur Dioxide (SO_2) emissions are the main components of the "oxides of sulfur," a group of highly reactive gases from fossil fuel combustion at power plants, other industrial facilities, industrial processes, and burning of high sulfur containing fuels by locomotives, large ships, and non-road equipment. High concentrations of SO_2 will lead to formation of other sulfur oxides. By reducing the SO_2 emissions, other forms of sulfur oxides are also expected to decrease. When oxides of sulfur react with other compounds in the atmosphere, small particles that can affect the lungs can be formed. This can lead to respiratory disease and aggravate existing heart disease.

Non-criteria pollutants may be of concern in addition to the criteria pollutants discussed above. Non-criteria pollutants are emitted by a wide range of man-made and naturally occurring sources. These pollutants are sometimes referred to as hazardous air pollutants (HAP) and when emitted from mobile sources, as Mobile Source Air Toxics (MSATs). Emissions of non-criteria pollutants from industrial sources are regulated by the United States Environmental Protection Agency (EPA).

Federal ambient air quality standards do not exist for non-criteria pollutants; however, the New York State Department of Environmental Conservation (NYSDEC) has issued standards for certain non-criteria compounds, including beryllium, gaseous fluorides, and hydrogen sulfide. NYSDEC has also developed guidance document DAR-1 (August 2016), which contains a compilation of annual and short term (1-hour) guideline concentration thresholds for these compounds. The NYSDEC's DAR-1 guidance thresholds represent ambient levels that are considered safe for public exposure. EPA has also developed guidelines for assessing exposure to non-criteria pollutants. These exposure guidelines are used in health risk assessments to determine the potential effects to the public.

Impact Criteria

The predicted concentrations of pollutants of concern associated with a proposed development are compared with either the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants or ambient guideline concentrations for non-criteria pollutants. In general, if a project would cause the standards for any pollutant to be exceeded, it would likely result in a significant adverse air quality impact. In addition, the City's *de minimis* criteria are also used to determine significance of impacts for CO and $PM_{2.5}$.

National Ambient Air Quality Standards

The Clean Air Act (CAA) requires the EPA to set standards on the pollutants that are considered harmful to public health and the environment. The NAAQS were implemented as a result of the CAA, amended in 1990 (see ***Table 2.5-1***).[1] The NAAQS applies to six principal ("criteria") pollutants: carbon monoxide (CO), nitrogen dioxide (NO_2), particulate matter 10 (PM_{10}), particulate matter 2.5 ($PM_{2.5}$), sulfur dioxide (SO_2), and ozone.

[1] United States Environmental Protection Agency (October 2011). National Ambient Air Quality Standards. Retrieved from http://www.epa.gov/air/criteria.html.

Table 2.5-1 National and New York State Ambient Air Quality Standards

Pollutant	Averaging Time	Standard
Carbon Monoxide	1-Hour	35 ppm (40,000 µg/m^3)
	8-Hour	9 ppm (10,000 µg/m^3)
Nitrogen Dioxide	Annual	53 ppb (100 µg/m^3)
	1-Hour	100 ppb (188 µg/m^3)
Ozone	8-Hour	0.070 ppm
Particulate Matter (PM_{10})	24-Hour	150 µg/m^3
Particulate Matter ($PM_{2.5}$)	Annual	12.0 µg/m^3
	24-Hour	35.0 µg/m^3
Sulfur Dioxide	Annual	0.03 ppm (80 µg/m^3)
	24-Hour	0.14 ppm (365 µg/m^3)
	3-Hour	0.5 ppm (1,300 µg/m^3)
	1-Hour	75 ppb (196 µg/m^3)

Source: *2014 CEQR Technical Manual*

Non-criteria Pollutant Thresholds

Non-criteria, or toxic, air pollutants include a multitude of pollutants of variable toxicity. No federal ambient air quality standards have been promulgated for toxic air pollutants. However, EPA and NYSDEC have issued guidelines that establish acceptable ambient levels for these pollutants based on human exposure.

The NYSDEC DAR-1 guidance document presents guideline concentrations in micrograms per cubic meter (µg/m^3) for the one-hour and annual average time periods for various air toxic compounds. [2]

In order to evaluate impacts of non-carcinogenic toxic air emissions, EPA developed a methodology called the "Hazard Index Approach." The acute hazard index is based on short-term exposure, while the chronic non-carcinogenic hazard index is based on annual exposure limits. If the combined ratio of pollutant concentration divided by its respective short-term or annual exposure threshold for each of the toxic pollutants is found to be less than 1.0, no significant adverse air quality impacts are predicted to occur due to these pollutant releases.

In addition, EPA has developed unit risk factors for carcinogenic pollutants. EPA considers an overall incremental cancer risk from a proposed action of less than one-in-one million to be insignificant. Using these factors, the potential cancer risk associated with each carcinogenic pollutant, as well as the total cancer risk of the releases of all the carcinogenic toxic pollutants combined, can be estimated. If the total incremental cancer risk of all the carcinogenic toxic pollutants combined is less than one-in-one million, no significant adverse air quality impacts are predicted to occur due to these pollutant releases.

[2] NYSDEC DAR-1 - http://www.dec.ny.gov/docs/air_pdf/dar1.pdf.

CO *De Minimis* Criteria

New York City has developed *de minimis* criteria to assess the significance of the increase in CO concentrations that would result from the impact of project-generated mobile sources, as set forth in the *CEQR Technical Manual*. These criteria set the minimum change in CO concentration that defines a significant adverse environmental impact. Significant increases of CO concentrations in New York City are defined as:

- An increase of 0.5 ppm or more in the maximum eight-hour average CO concentration at a location where the predicted No-Action eight-hour concentration is equal to or between 8.0 and 9.0 ppm; or
- An increase of more than half the difference between baseline (i.e., No-Action) concentrations and the eight-hour standard, when No-Action concentrations are below 8.0 ppm.

PM2.5 *De Minimis* Criteria

New York City uses *de minimis* criteria to determine a project's potential to result in a significant adverse $PM_{2.5}$ impact under CEQR. The *de minimis* criteria are as follows:

- Predicted increase of more than half the difference between the background concentration and the 24-hour standard;
- Annual average $PM_{2.5}$ concentration increments which are predicted to be greater than 0.1 µg/m^3 at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources; or at a distance from a roadway corridor similar to the minimum distance defined for locating neighborhood scale monitoring stations); or
- Annual average $PM_{2.5}$ concentration increments which are predicted to be greater than 0.3 µg/m^3 at a discrete receptor location (elevated or ground level).

Background Concentrations

Background concentrations are ambient pollution levels associated with existing stationary, mobile, and other area emission sources. NYSDEC maintains an air quality monitoring network and produces annual air quality reports that include monitoring data for CO, NO_x, PM_{10}, $PM_{2.5}$, and SO_2. To develop background levels, the latest available pollutant concentrations from NYSDEC monitoring sites located closest to the project site were used. If the pollutant concentration from the nearest monitoring station is not available, the next closest monitoring station is selected, and so forth. ***Table 2.5-2*** summarizes the background concentrations for each of the pollutants.

Table 2.5-2 Background Concentrations

Pollutant	Averaging Time	Monitoring Location	Background Concentration
Carbon Monoxide	1-Hour[1]	Queens College 2	1.36 ppm
	8-Hour[1]	Queens College 2	0.90 ppm
Nitrogen Dioxide	1-Hour[2]	Queens College 2	112.2 µg/m^3
	Annual[3]	Queens College 2	31 µg/m^3
Particulate Matter (PM_{10})	24-Hour[4]	Division St	28 µg/m^3
Particulate Matter ($PM_{2.5}$)	24-Hour[5]	Division St	20.7 µg/m^3
Sulfur Dioxide	1-Hour[6]	Queens College 2	18.2 µg/m^3

Notes:

1 1-hour CO and 8-hour CO background concentrations are based on the highest second max value from the latest five years of available monitoring data from NYSDEC (2013-2017)

2 1-hour NO_2 background concentration is based on three-year average (2015-2017) of the 98th percentile of daily maximum 1-hour concentrations from available monitoring data from NYSDEC.

3 Annual NO_2 background concentration is based on the maximum annual average from the latest five years of available monitoring data from NYSDEC (2013-2017).

4 24-hour PM_{10} is based on the highest second max value from the latest three years of available monitoring data from NYSDEC (2015-2017).

5 The 24-hour $PM_{2.5}$ background concentration is based on maximum 98th percentile concentration averaged over three years of data from NYSDEC (2015-2017).

6 1-hour SO_2 background concentration is based on maximum 99th percentile concentration averaged over the latest three years of available monitoring data from NYSDEC (2015-2017).

Source: NYSDEC Ambient Air Quality Report, 2017, http://www.dec.ny.gov/chemical/8536.html, https://www.dec.ny.gov/docs/air_pdf/2017airqualreport.pdf.

$PM_{2.5}$ impacts are assessed on an incremental basis and compared with the $PM_{2.5}$ *de minimis* criteria, without considering the annual background. Therefore, the annual $PM_{2.5}$ background is not presented in the table.

2.5-2 Methodology

HVAC Analysis

As described in Section 1.0, "Project Description," the proposed development would result in a mixed-use building that consists of retail space, medical office space and residential units. It is assumed that the building would have a boiler stack used for its own HVAC system. Thus, an air quality analysis is warranted to assess the potential for emissions from the HVAC system to significantly impact existing buildings.

CEQR Graphical Screening (HVAC Screening Analysis)

As described in Section 220 and Section 321 in Chapter 17 of the *CEQR Technical Manual*, for single-building projects that would use fossil fuels (i.e., fuel oil or natural gas) for HVAC systems, a preliminary stationary source screening analysis is typically warranted to evaluate the potential for impacts on existing buildings from HVAC systems emissions for the proposed development. The *CEQR Technical Manual* provides screening nomographs based

on fuel type, stack height, minimum distance from the source to the nearest receptor buildings with similar or greater heights, and floor area of development resulting from the proposed development. There are three different curves representing three different stack heights (30 feet, 100 feet and 165 feet) on the figures, and the height closest to but not higher than the proposed stack height should be selected. Based on the development size, if the distance from the project site to the nearest building of similar or greater height is less than the minimum required distance determined, there is the potential for a significant air quality impact from the project's boilers, and further analysis needs to be conducted using the USEPA's AERMOD model.

Industrial Source Analysis

As described in Section 220 and Section 321 in Chapter 17 of the *CEQR Technical* Manual, an air quality assessment is required to evaluate the potential impacts of air toxics emissions from ventilation exhaust systems of manufacturing or processing facilities within a 400-foot radius of a project site when a project would result in new sensitive uses (particularly residences, schools, hospitals, or parks). If any sources are identified, a screening analysis is performed based on Table 17-3 in Chapter 17 of the *CEQR Technical Manual*. The screening table provides the maximum 1-hour, 8-hour, 24-hour and annual average modeled values based on a generic emission rate of 1 gram per second of a pollutant from a 20-foot tall point source for the distances between 30 feet and 400 feet from the receptor of same height. Potential impacts predicted from the industrial source of concern based on the screen table are compared with the short-term guideline concentrations (SGCs) and annual guideline concentration (AGCs) recommended in NYSDEC's DAR-1 AGC/SGC Tables. If a proposed development fails the above screening analysis, or the screening analysis methodology is not applicable to the project, further refined analysis using EPA's AERSCREEN and/or AERMOD model is warranted to determine any potential for significant adverse impacts.

"Large" or "Major" Source Analysis

As described in Section 220 and Section 321 in Chapter 17 of the *CEQR Technical Manual*, an air quality assessment is required to evaluate the potential impacts of emissions from a "large" or "major" emission source within a 1,000-foot radius of a project site. "Major" sources are identified as those sources located at Title V facilities that require Prevention of Significant Deterioration permits. "Large" sources are identified as sources located at facilities that require a State Facility Permit. A detailed analysis is usually performed for such sources, if any are identified, to determine any potential for significant adverse impact.

2.5-3 Assessment

HVAC Analysis

In the With-Action condition, the proposed development would include a 58,697-gross square foot (gsf) mixed-use building. The proposed building would have a maximum roof height of approximately 95 feet above grade.

HVAC Screening Analysis

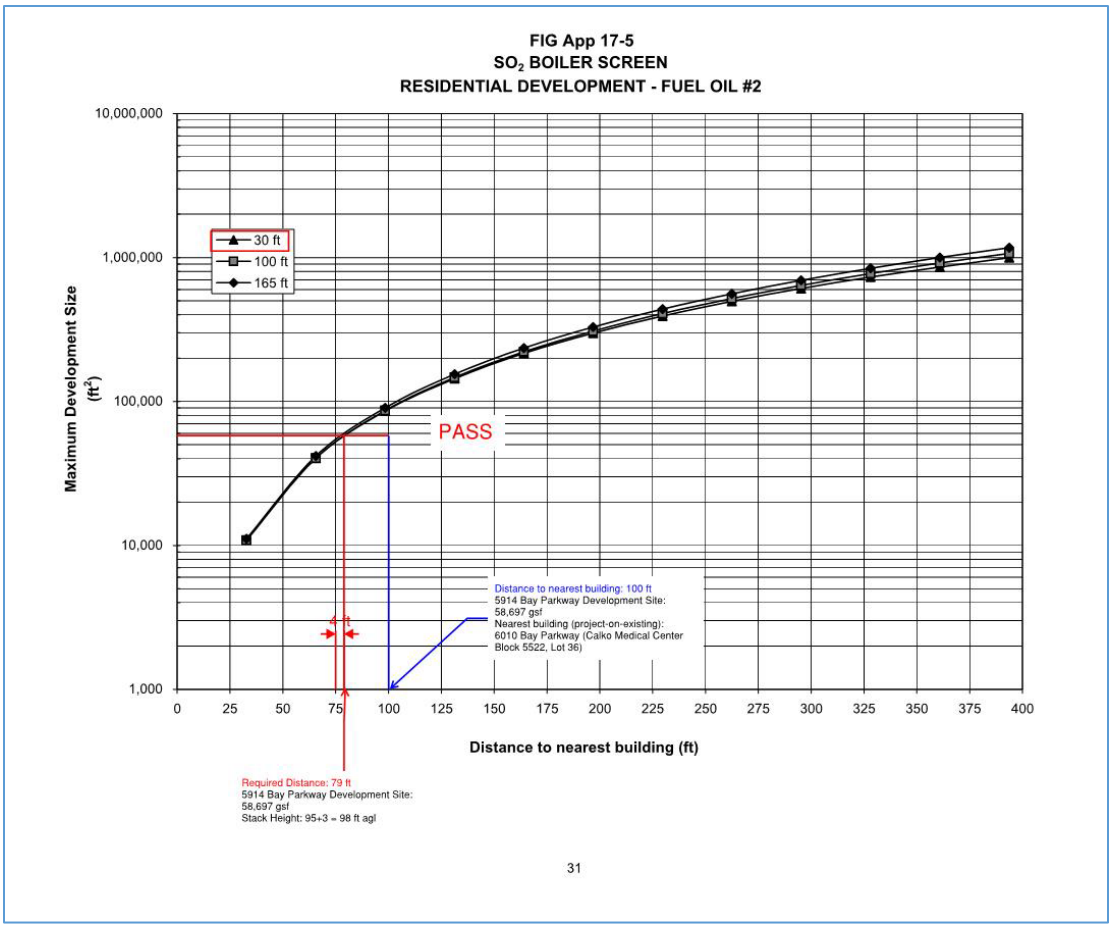
The proposed development would use no. 2 fuel oil as a fuel source for its boiler and HVAC system. The building would have a roof height of approximately 95 feet above grade level. Consistent with *CEQR Technical Manual* guidelines, it is assumed that the stack would rise three feet above the roof for a total height of 98 feet above grade.

A survey of existing residential land uses and other sensitive receptor sites within a 400-foot radius of the project site was conducted. The survey indicated that the tallest building within 400 feet of the project site is an existing building located at 6010 Bay Parkway (Block 5522, Lot 36). 6010 Bay Parkway is a medical center whose absolute roof elevation is approximately 150 feet, which is taller than the proposed development's absolute stack elevation. The distance from the second tier of the eastern façade of 6010 Bay Parkway building facing 60th street to the western façade of the ninth-floor roof of the proposed development facing 60th Street is 100 feet based on available GIS data and google earth.[3] A screening analysis was performed assuming a distance of 100 feet between the source to the receptor and a total development size of 58,697 gsf.

Based upon the proposed height and square footage, the minimum screening distance necessary to avoid potential adverse air quality impacts was determined to be approximately 79 feet assuming no. 2 fuel oil (see ***Figure 2.5-1***). With the minimum source to receptor distance determined to be 100 feet, the screening distance requirement for no. 2 fuel oil is met and there would be no significant adverse stationary source impacts related to the proposed development's HVAC system and no further analysis is necessary.

[3] In order to provide an accurate representation of the of the distance between the proposed building stack and the nearest façade of the 6010 Bay Parkway building that would be affected, the distance between the second tier of the 60th Street facade of 6010 Bay Parkway to the 60th Street façade of the proposed building at the ninth floor roof was measured.

Figure 2.5-1 No. 2 Fuel Oil HVAC Screen



To ensure that there are no significant adverse impacts from HVAC systems of the proposed buildings, certain restrictions would be required through the mapping of an (E) designation for air quality regarding fuel type and stack location.

The (E) Designation text would be as follows:

Block 5515, Lots 43, 44, 45, and 46

"Any new residential and/or commercial development or enlargement on the above referenced properties must ensure that the heating, ventilation, and air conditioning (HVAC) stack(s) is located at the highest tier or at least 98 feet above grade to avoid any significant adverse air quality impacts."

Industrial Source Analysis

To assess potential air quality impacts on the proposed development from existing industrial sources that emit toxic air contaminants, an investigation of existing land uses within a 400-foot radius of the project site was conducted to identify potential sources and determine if there are active industrial permits associated with those sources. Based on this review, there

is one auto repair shop, AceTech II Auto Repair at 5820 Bay Parkway, within a 400-foot radius of the project site. During the site visit on December 7, 2018, no spray booths were identified, and only mechanical work was observed at this facility. A call to the facility on April 15, 2019 confirmed that onsite activities are limited to mechanical work and do not include paint detailing or paint spraying. Therefore, no significant adverse impacts from existing industrial sources on the proposed development are anticipated, and no further analysis is warranted.

"Large "or "Major" Source Analysis

To assess the potential impacts of any "large" or "major" sources on the proposed development, the NYSDEC Title V[4] and State Facility Permit website[5] were reviewed along with aerial photos provided by Google and Bing. Based on this review, there are no existing "large" or "major" emission sources within a 1,000-foot radius of the project site. Therefore, no significant adverse impacts from existing "large" or "major" emission sources on the proposed development are anticipated, and no further analysis is warranted.

2.5-4 Conclusion

The number of incremental trips generated by the proposed development would be lower than screening thresholds addressed in the *CEQR Technical Manual*, therefore, traffic from the proposed actions would not result in a significant adverse impact on mobile source air quality.

The HVAC analysis demonstrated that the proposed building must ensure that the HVAC stack(s) is located at the highest tier or at least 98 feet above grade to avoid any significant adverse air quality impacts. This commitment would be memorialized in the (E) designation for the project.

No significant adverse impacts are expected from existing industrial sources within a 400-foot radius of the project site, and no "large" or "major" emission sources were identified in a 1,000-foot radius of the project site.

Therefore, there would be no significant adverse air quality impacts as a result of the proposed actions.

[4] NYSDEC Title V- http://www.dec.ny.gov/dardata/boss/afs/issued_atv.html

[5] State Permit- http://www.dec.ny.gov/dardata/boss/afs/issued_asf.html

2.6

Noise

The goal of this section is to determine whether the proposed development may increase noise exposure at existing sensitive receptors and whether new receptors would be introduced into an acceptable ambient noise environment.

2.6-1 Introduction

The applicant is seeking to rezone four tax lots located at 5914-5920 Bay Parkway (the project site) from an R5 zoning district to an R6/C2-4 zoning district and a zoning text amendment to designate the project site as a Mandatory Inclusionary Housing (MIH) area (the proposed actions). The proposed actions would facilitate the construction of a new nine-story mixed-use building containing 42 residential units, including 9 permanently affordable MIH units, ground floor retail, and medical office space. A 15-space attended parking garage would be located on the cellar level of the proposed development.

As such, the proposed development would introduce new noise-sensitive receptors to the project site. The purpose of the noise assessment under *City Environmental Quality Review (CEQR)* is to determine if:

- The proposed development would significantly increase sound levels from mobile and stationary sources at existing noise receptors adjacent to the development site, including commercial, retail, and office spaces; and

› New noise receptors introduced at the development sites would be in an acceptable ambient sound level environment.

Per the *2014 CEQR Technical Manual*, a noise analysis is appropriate if an action would generate mobile or stationary sources of noise or would be located in an area with high ambient noise levels. Mobile sources include vehicular traffic; stationary sources include rooftop equipment such as emergency generators, cooling towers, and other mechanical equipment.

Noise assessment includes the following:

› Background on metrics used to describe noise;
› The methodology and criteria used to assess potential impacts;
› An assessment of the potential for the proposed development to significantly affect existing receptors due to the introduction of new mobile or stationary sources;
› Results from ambient sound level monitoring; and
› An evaluation of the ambient sound levels at new receptor locations.

Noise Background

Noise is defined as unwanted or excessive sound. Sound becomes unwanted when it interferes with normal activities such as sleep, work, or recreation. How people perceive sound depends on several measurable physical characteristics. These factors include:

› Level - Sound level is based on the amplitude of sound pressure fluctuations and is often equated to perceived loudness.
› Frequency - Sounds are comprised of acoustic energy distributed over a variety of frequencies. Acoustic frequencies, commonly referred to as tone or pitch, are typically measured in Hertz (Hz). Pure tones have energy concentrated in a narrow frequency range and can be more audible to humans than broadband sounds. Sound levels are most often measured on a logarithmic scale of decibels (dB). The decibel scale compresses the audible acoustic pressure levels which can vary from the threshold of hearing (0 dB) to the threshold of pain (120 dB). Because sound levels are measured in dB, the addition of two sound levels is not linear. Adding two equal sound levels results in a 3 dB increase in the overall level. Research indicates the following general relationships between sound level and human perception:
  - A 3-dB increase is a doubling of acoustic energy and is the threshold of perceptibility to the average person.
  - A 10-dB increase is a tenfold increase in acoustic energy and is perceived as a doubling in loudness to the average person.

Audible sound is comprised of acoustic energy over a range of frequencies typically from 20 to 20,000 Hz. The human ear does not perceive sound levels at each frequency as equally loud. To compensate for this phenomenon in perception, a frequency filter known as A-weighting (dBA) is used to evaluate environmental noise levels. ***Table 2.6-1*** presents a list of common outdoor and indoor sound levels.

Table 2.6-1 Common Indoor and Outdoor Sound Levels

Outdoor Sound Levels	Sound Pressure µPa		Sound Level dBA	Indoor Sound Levels
	6,324,555	-	110	Rock Band at 5 m
Jet Over-Flight at 300 m		-	105	
	2,000,000	-	100	Inside New York Subway Train
Gas Lawn Mower at 1 m		-	95	
	632,456	-	90	Food Blender at 1 m
Diesel Truck at 15 m		-	85	
Noisy Urban Area—Daytime	200,000	-	80	Garbage Disposal at 1 m
		-	75	Shouting at 1 m
Gas Lawn Mower at 30 m	63,246	-	70	Vacuum Cleaner at 3 m
Suburban Commercial Area		-	65	Normal Speech at 1 m
	20,000	-	60	
Quiet Urban Area—Daytime		-	55	Quiet Conversation at 1 m
	6,325	-	50	Dishwasher Next Room
Quiet Urban Area—Nighttime		-	45	
	2,000	-	40	Empty Theater or Library
Quiet Suburb—Nighttime		-	35	
	632	-	30	Quiet Bedroom at Night
Quiet Rural Area—Nighttime		-	25	Empty Concert Hall
Rustling Leaves	200	-	20	
		-	15	Broadcast and Recording Studios
	63	-	10	
		-	5	
Reference Pressure Level	20	-	0	Threshold of Hearing

µPA MicroPascals describe pressure. The pressure level is what sound level monitors measure.
dBA A-weighted decibels describe pressure logarithmically with respect to 20 µPa (the reference pressure level).
Source: Highway Noise Fundamentals, Federal Highway Administration, September 1980.

Because sound levels change over time, a variety of sound level metrics can be used to describe environmental noise. The following is a list of sound level descriptors that are used in the noise analysis:

- L_{10} is the sound level which is exceeded for 10 percent of the time during a given time period. Therefore, it represents the higher end of the range of sound levels. The unit is commonly used in the *2014 CEQR Technical Manual* to evaluate acceptable thresholds for noise exposure for new receptors that would be introduced by a proposed development.
- L_{eq} is the energy-average A-weighted sound level. The L_{eq} is a single value that is equivalent in sound energy to the fluctuating levels over a period of time. Therefore, the L_{eq} considers how loud noise events are during the period, how long they last, and how many times they occur. L_{eq} is commonly used to describe environmental noise and relates well to human annoyance. In accordance with the *2014 CEQR Technical Manual*, the L_{eq} sound level is used to assess the potential for significant increases in noise due to a proposed development at existing receptors in the study area.

Assessment Methodology

This noise analysis considers two receptor types when evaluating noise for the proposed development; existing and new receptor(s). Since the proposed development would introduce new residences, these are considered "new receptors."

The analysis also considers "existing receptors" which are the current noise-sensitive uses such as residential and commercial properties surrounding the project site. The following describes the results of the noise assessment for these two types of receptors.

2.6-2 Noise Assessment for Existing Receptors

Noise impact at existing nearby sensitive receptors is assessed according to the relative increase between No-Action and With-Action sound levels. Noise impact is assessed according to the increase in the L_{eq} sound level in accordance with the *2014 CEQR Technical Manual*. If mobile or stationary sources associated with the proposed development would increase L_{eq} sound levels by 3 dB or more and absolute levels would exceed 65 dBA L_{eq}, the proposed development would cause a significant adverse impact prior to mitigation. Additionally, if No-Action condition noise levels are 60 dBA L_{eq} or less, a 5-dB increase would be considered a significant adverse noise impact.

Mobile Sources

Although the proposed development would introduce vehicular traffic, the With-Action scenario would not generate sufficient vehicular traffic to exceed the threshold for a detailed transportation analysis according to Table 16-1 in the *2014 CEQR Technical Manual*. As the project site is already exposed to the relatively high number of vehicles, existing noise levels would not likely experience a significant increase from the project-generated traffic, and therefore, the proposed actions would not cause a significant adverse vehicular noise impact.

Stationary Sources

The proposed development is not anticipated to include any substantial stationary source noise generators, such as unenclosed cooling or ventilation equipment, loudspeaker systems, stationary diesel engines, car washes, or other similar types of uses. The design and specifications for the mechanical equipment, such as heating, ventilation, and air conditioning, are not known at this time. As the project design advances, mechanical equipment would be selected that incorporates sufficient noise reduction to comply with applicable noise regulations and standards, including the standards contained in the revised New York City Noise Control Code. This would ensure that mechanical equipment does not result in any significant increases in noise levels by itself or cumulatively with other project noise sources.

2.6-3 Noise Assessment for New Receptors

With-Action noise conditions at new sensitive receptors that would be introduced by the proposed development are evaluated according to absolute exterior sound level. The noise

exposure guidelines for acceptable ambient conditions depend on the type of land use; for residential buildings, the goal is to maintain interior noise levels of 45 dBA or lower. With-Action exterior sound levels are evaluated to determine if receptors would be in an acceptable ambient sound level environment. It is generally assumed that without specific information on a building's window and wall construction, the outdoor-to-indoor noise reduction of the building is 25 decibels. Therefore, exterior ambient sound levels exceeding 70 dBA (L_{10}) at residential receptors during the daytime (7 AM to 10 PM) are considered to be Marginally Unacceptable. Exterior sound levels exceeding 80 dBA (L_{10}) are considered Clearly Unacceptable. If there would be Marginally Unacceptable or Clearly Unacceptable ambient noise conditions, there is a need to provide window/wall sound attenuation that is sufficient to reduce interior sound levels to acceptable levels.

Since the proposed development would introduce new sensitive receptors to the project site, the highest L_{10} sound level is used to evaluate whether the proposed development would introduce new receptors into an acceptable noise environment. The analysis presents the results of ambient noise monitoring that was conducted at the project site and the assessment of whether new receptors would be in a high ambient noise environment.

Noise Exposure Guidelines

The *2014 CEQR Technical Manual* provides noise exposure guidelines for assessing ambient noise conditions at new residential, commercial, and community facility (outpatient public health facility) receptors, as shown in ***Table 2.6-2***.

Table 2.6-2 Noise Exposure Guidelines for Use in City Environmental Impact Review

Receptor Type	Time Period	Acceptable External Exposure	Marginally Acceptable External Exposure	Marginally Unacceptable External Exposure	Clearly Unacceptable External Exposure
Commercial, or Office	All Times	$L_{10} \leq 65$ dBA	$65 < L_{10} \leq 70$ dBA	$70 < L_{10} \leq 80$ dBA	$L_{10} > 80$ dBA
Residence, Hotel or Motel	7 AM to 10 PM				
Residence. Hotel or Motel	10 PM to 7 AM	$L_{10} \leq 55$ dBA	$55 < L_{10} \leq 70$ dBA	$70 < L_{10} \leq 80$ dBA	$L_{10} > 80$ dBA
Community Facility (Outpatient public health facility)		Same as residential day	Same as residential day	Same as residential day	Same as residential day

Source: Table 19-2, *2014 CEQR Technical Manual.*

Existing Sound Levels

Noise monitoring was conducted at two sites on Wednesday, February 6, 2019 in accordance with the *CEQR Technical Manual* as shown in ***Figure 2.6-1***. Noise monitors were placed with a minimum of four feet between the microphone and nearby reflecting surfaces. With roadway activity dominating the overall noise environment, 20-minute noise measurements were conducted during morning peak periods (8 – 9 AM), midday period (12 – 1 PM) and evening peak period (5 – 6 PM). Measurements were conducted using a Type I sound level meter at ground level.

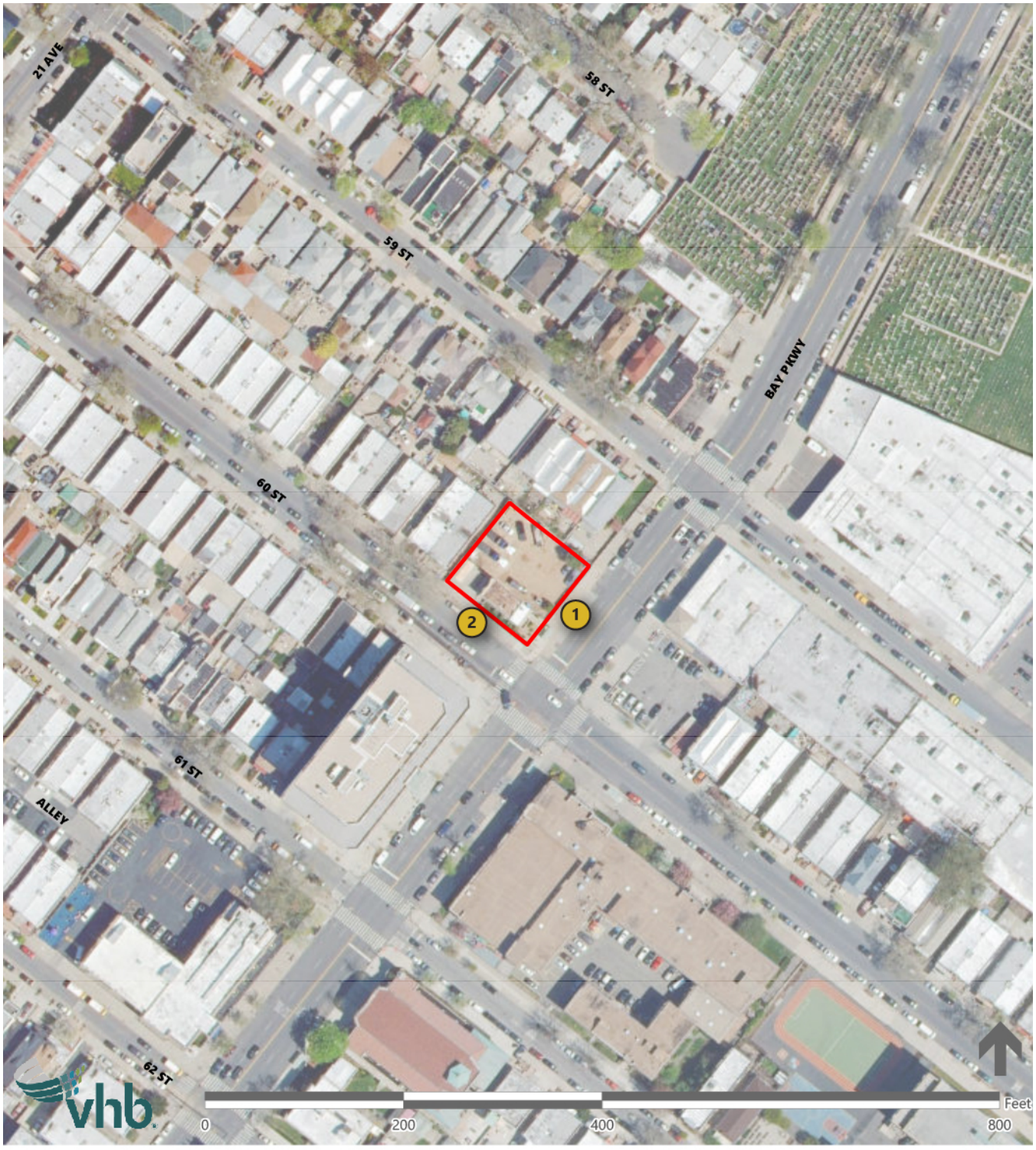
Table 2.6-3 summarizes the measurement results. The measured L_{eq} levels ranged from 69.3 dBA to 74.8 dBA and the L_{10} levels ranged bfrom 72.5 to 76.4 dBA.

Table 2.6-3 Ambient Sound Level Measurements

Site	Monitoring Location	Period	Duration	L_{eq}	L_{min}	L_{max}	L_1	L_{10}	L_{50}	L_{90}
1	Bay Parkway	Morning	20 Min	70.7	51.8	85.7	79.3	**74.1**	68.4	58.2
		Midday	20 Min	69.3	52.2	83.6	79.4	**72.5**	65.9	59.0
		Evening	20 Min	73.9	56.6	96.7	82.1	**74.5**	67.9	61.0
2	60th Street	Morning	20 Min	72.6	56.3	94.1	84.2	**74.7**	67.0	60.6
		Midday	20 Min	74.8	54.6	100.1	85.9	**76.4**	66.4	60.4
		Evening	20 Min	71.9	58.0	89.6	83.6	**73.9**	67.8	62.7

Source: Measurements conducted by VHB on Februrary 6, 2019.

Figure 2.6-1 Noise Monitoring Locations



Acceptability Assessment

The *2014 CEQR Technical Manual* provides noise exposure guidelines for assessing ambient sound levels, as shown in ***Table 2.6-2***. Based on these noise exposure guidelines, noise impact has been assessed to determine the level of acceptability for new sensitive receptors at all development sites. ***Table 2.6-4*** summarizes the L_{10} sound levels at each measurement location. The table indicates whether the existing sound levels are considered to be acceptable according to the *2014 CEQR Technical Manual*.

Table 2.6-4 Existing Sound Level Acceptability

Site	Monitoring Location	Period	L_{10}	Acceptability
1	Bay Parkway	Morning	**74.1**	Marginally Unacceptable
		Midday	**72.5**	Marginally Unacceptable
		Evening	**74.5**	Marginally Unacceptable
2	60th Street	Morning	**74.7**	Marginally Unacceptable
		Midday	**76.4**	Marginally Unacceptable
		Evening	**73.9**	Marginally Unacceptable

Source: VHB, 2019.

According to the noise exposure guidelines in the *CEQR Technical Manual*, existing L_{10} sound levels are Marginally Unacceptable along both facades during all measurement periods. The highest measured L_{10} sound level was 76.4 dBA during the midday peak period on 60th Street. Based on the finding of Marginally Unacceptable sound levels, sufficient outdoor-to-indoor sound attenuation of the window/wall must be specified to provide acceptable sound attenuation from the window/wall materials of the proposed development.

2.6-4 Noise Attenuation Measures

The most common measure for reducing interior noise from ambient sources is to specify sufficient outdoor-to-indoor sound attenuation for a proposed building. As shown in ***Table 2.6-5***, the required level of attenuation varies based on the exterior sound levels and type of receptor. Based on a maximum L_{10} sound level of 76.4 dBA, a composite outdoor-to-indoor window/wall sound attenuation of 33 dBA or more is required to obtain acceptable interior noise conditions in residential and community facility (outpatient medical) spaces, as well as alternate means of ventilation such as well-sealed air conditioners, package-terminal air conditioners, or central air conditioning. A composite window/wall sound attenuation of 28 dBA or more is required for commercial spaces.

Table 2.6-5 Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
With-Action Sound Level	$70<L_{10}\leq73$	$73<L_{10}\leq76$	$76<L_{10}\leq78$	$78<L_{10}\leq80$	$80<L_{10}$
Attenuation [A]	(I) 28 dBA	(II) 31 dBA	(III) 33 dBA	(IV) 35 dBA	$36+(L_{10}-80)$[B] dBA

Note: [A] The above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dBA less in each category. All of the above categories require a closed window situation and hence an alternate means of ventilation.
[B] Required attenuation values increase by 1 dBA increments for L_{10} values greater than 80 dBA.
Source: New York City Department of Environmental Protection (*CEQR Technical Manual*, Table 19-3)

The composite outdoor-to-indoor transmission classification (OITC) value of the window-wall structure is used to determine the necessary sound attenuation. Sound attenuation measures would be achieved through new construction materials and techniques with sufficient OITC-rated windows and walls. To maintain a closed-window condition, central air-conditioning will be provided to allow for an alternate means of ventilation.

The following E-designation commitment is proposed to be assigned to the project site:

Brooklyn Block 5515, Lots 43, 44, 45 and 46

"In order to ensure an acceptable interior noise environment, future residential/commercial office/community facility uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades in order to maintain an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial office uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning."

With these commitments, no significant adverse impacts related to noise are expected and no further analysis is warranted.

2.6-5 Conclusion

A noise assessment was conducted to determine whether the proposed development would significantly increase sound levels from mobile and stationary sources at existing noise receptors adjacent to the project site, and if new noise receptors that would be introduced by the proposed development would be in an acceptable ambient sound level environment.

Although the proposed project would introduce vehicular traffic, the With-Action scenario would not generate sufficient vehicular traffic to exceed the threshold for a detailed transportation analysis according to Table 16-1 in *the 2014 CEQR Technical Manual*. As the project site is already exposed to the relatively high number of vehicles, existing noise levels would not likely experience a significant increase from the project-generated traffic.

The proposed development is not anticipated to include any substantial stationary source noise generators. The design and specifications for the building's mechanical equipment would incorporate sufficient noise reduction devices that would comply with applicable noise regulations and standards, including the standards contained in the revised New York City Noise Control Code.

Based on a maximum L_{10} sound level of 76.4 dBA, a composite outdoor-to-indoor window/wall sound attenuation of 33 dBA or more is required to obtain acceptable interior noise conditions for residential and community facility spaces, as well as alternate means of ventilation.

To implement these attenuation requirements, an E-designation commitment would be assigned to the proposed project site.

With these commitments, no significant adverse impacts related to noise are expected and no further analysis is warranted.

Appendix A:

Landmarks Preservation Commission Letter 3/8/2019

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: 5914-5920 BAY PARKWAY
Date received: 2/25/2019

Properties with no Architectural or Archaeological significance:

1) ADDRESS: 5914 BAY PARKWAY, BBL: 3055150043
2) ADDRESS: 5918 BAY PARKWAY, BBL: 3055150044
3) ADDRESS: 5920 BAY PARKWAY, BBL: 3055150045
4) ADDRESS: 5924 BAY PARKWAY, BBL: 3055150046

Gina Santucci

3/8/2019

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 34008_FSO_DNP_03012019.doc

Appendix B:

Jamaica Bay Watershed Protection Plan Form

Print Form

Jamaica Bay Watershed Protection Plan
Project Tracking Form

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

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

A. GENERAL PROJECT INFORMATION

1. CEQR Number: _____ 1a. Modification ☐
2. Project Name: 5914 Bay Parkway Rezoning
3. Project Description:

   The Applicant seeks to rezone the site from an R5 to an R6/C2-4 zoning district and to map an MIH area in order to construct a new nine-story, 58,697-gsf mixed-use building containing 42 residential units, 9,474 gsf of ground floor retail, and 6,654 gsf of medical office space.

4. Project Sponsor: SUW 4 LLC
5. Required approvals: City Planning Commission approval
6. Project schedule (build year and construction schedule): 2021; 18-month construction period

B. PROJECT LOCATION:

1. Street address: 5914-5920 Bay Parkway
2. Tax block(s): 5515 Tax Lot(s): 43, 44, 45 and 46
3. Identify existing land use and zoning on the project site: vacant; R5
4. Identify proposed land use and zoning on the project site: mixed-use; R6/C2-4 zoning
5. Identify land use of adjacent sites (include any open space): Residential, commercial, park, institu
6. Describe existing density on the project site and the proposed density:

Existing Condition	Proposed Condition
Site is currently vacant	42 residential units; 9,474 gsf retail; 6,654 gsf of medical office space

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

C. GROUND AND GROUNDWATER

1. Total area of in-ground disturbance, if any (in square feet): 8,464 sf
2. Will soil be removed (if so, what is the volume in cubic yards)? approx. 3,500 cubic yards
3. Subsurface soil classification:
   (per the New York City Soil and Water Conservation Board): UFA and UoA
4. If project would change site grade, provide land contours (**attach** map showing existing in 1' contours and proposed in 1' contours).
5. Will groundwater be used (list volumes/rates)? ☐ **Yes** ☒ **No**

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

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

   Groundwater depth at the project site is estimated at approximately 25 feet below grade.

D. HABITAT

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

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

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

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

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

   Not near existing open space or natural areas.

E. SURFACE COVERAGE AND CHARACTERISTICS

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

	Existing Condition	Proposed Condition
1. ***Surface area:***		
Roof:	0	8,464 sf
Pavement/walkway:	0	1,554 sf
Grass/softscape:	0	0
Other (describe):	10,018 sf compacted soil after demoliti	0
2. ***Wetland*** (regulated or non-regulated) area and classification:	0	0
3. ***Water surface area:***	0	0

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

Existing – how is the site drained?

The project site is completely permeable in its existing condition.

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

The project site will be 100% impervious and will drain to the street sewer. No off-site infrastructure improvements are necessary.