

E-315

RHEINGOLD REZONING

Final Environmental Impact Statement (EIS)

CEQR No. 09DCP002K

ULURP Nos.: 110179 ZRK, 080322 MK, 070250 MMK

Lead Agency:

**City Planning Commission, City of New York
Amanda M. Burden, FAICP, Chair**

October 2013

Buildings without prior OER approval of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the NYC Zoning Resolution (Environmental Requirements).

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol and have an approved remediation plan where appropriate, to the satisfaction of the OER. The NYC Department of Buildings will typically issue the foundation permits when OER approves the remedial action work plan – the actual remediation is usually done concurrently with the construction. The remediation plan provided to OER to satisfy the (E) designation must also include a mandatory construction-related health and safety plan, which must also be approved by OER.

The (E) designation requirements related to hazardous materials would apply to all lots associated with all projected and potential development sites:

Projected Development Sites:

Block 3139, Lots 18-21, 23-36 (Projected Development Site 1; Applicant Owned)

Block 3141, All Lots (Projected Development Site 2; Applicant Owned)

Block 3152, Portion of Lot 3 (Projected Development Site 3; Applicant Owned)

Block 3152, Lots 1, 2, portion Lot 3, 45, 48, 56, 58 62-64, 66 (Projected Development Site 4; Applicant Owned)

Block 3152, Lots 36-38, 41, 43 (Projected Development Site 5)

Block 3138, Lots 20, 22 (Projected Development Site 6)

Block 3138, Lot 32 (Projected Development Site 7)

Block 3137, Lot 56 (Projected Development Site 8)

Potential Development Sites:

Block 3152, Lot 44 (Potential Development Site 9)

Block 3138, Lot 11 (Potential Development Site 10)

Block 3137, Lot 51 (Potential Development Site 11)

Proposed Streets to be Mapped:

Block 3140, Lot 50 (Proposed Stanwix Street to be mapped)

Block 3152, Lot 100 (Proposed Noll Street to be mapped)

The (E) designation text related to hazardous materials is as follows:

Task 1

The applicant must submit to the New York City Office of Environmental Remediation (OER), for review and approval, a Phase 1 Environmental Site Assessment (ESA) of the site along with a soil and groundwater 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 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 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 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 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.

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

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no (E) designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of the New York State Department of Environmental Conservation (NYSDEC)) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

F. CONCLUSIONS AND RECOMMENDATIONS

Mobile Sources

The Proposed Action would not generate air quality impacts for CO or fine particulates. It screens out for CO impacts because project-generated traffic would fall below the threshold of 170 vehicles through in intersection during a peak traffic hour. The screen for PM₁₀/PM_{2.5} indicated the need for modeling. Modeling of the intersection of Melrose Street and Bushwick Avenue included fine particulates from exhaust fugitive dust. The analysis showed no potential for impacts due to PM₁₀ or PM_{2.5}.

Parking Facilities

No impacts due to underground parking are projected. The largest parking facility was analyzed with two scenarios. One scenario specified an exhaust stack in a second floor interior courtyard with potential receptors at: 1) the nearest window of similar height and 2) standing in the courtyard. The second scenario specified an exhaust stack above the garage entrance on Monteith Street with receptors at the near and far sidewalk. The far sidewalk included a line source contribution from Monteith Street. No 1-hour or 8-hour CO impacts to the receptor points were identified.

Air Toxics

Air pollutant emissions from industrial uses within 400 feet of the rezoning boundaries would not generate significant adverse impacts. An industrial source screen analysis of cumulative emissions from permitted facilities using CEQR TM Table 17-3 values and AERMOD modeling showed no potential for significant adverse impacts on the proposed action development sites.

Stationary HVAC Sources

No large emission sources within 1,000 feet of the rezoning area are likely to cause adverse air quality impacts. This is due to their distances, the heights of their stacks, and the lack of a direct line of site to the rezoning area.

For HVAC, the aApplicant has committed to using natural gas with low NO_x burners and stack heights of 10 feet above rooftop. Developers of the non-aApplicant owned sites have the choice of using ULSHO #2 or natural gas with restrictions as stated in the E-designation for HVAC. However, Sites 5 and 9 must use natural gas for HVAC.

Air Quality (E) Designations

The analysis determined that some sites would require (E) designations that would specify the type of fuel to be used, the type of boilers, and the height of the vent stack above the roof. The proposed (E) designations for the applicable projected and potential development sites with respect to HVAC systems are presented below.

The (E) designations for the aApplicant's development sites are based on the aApplicant's illustrative building design for these sites, as shown on Figure 11-4 and Figure 11-6. Any changes to the heights or configurations of the buildings or tiers may necessitate revisions to the (E) designations.

- Block 3139, Lots 18-21, 23-26, and 27-36 (Projected Development Site 1, Buildings A and B): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are placed on building A, which is configured

- for Lots 18-21 and 23-26. The stack must discharge at least 90 feet above ground level and at least 10 feet from the Monteith Street lot line. The development must also ensure that the type of fuel used for the HVAC system is natural gas with low NOx only. Adherence to these conditions would avoid any potential significant adverse air quality impacts.
- Block 3141, Lots 1, 5-8, 10, 11, 12, 14, 15, 18, (Projected Development Site 2, Buildings C and D): Any new residential and/or commercial development on the above-referenced properties must ensure that the type of fuel used for space heating and hot water (HVAC) systems is natural gas only, to avoid any potential significant adverse air quality impacts.
 - Block 3141, Lots 20, 21, 22, 23,36 (Projected Development Site 2, Buildings E and F): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are placed on building F, which is configured for Lots 20 (part), 21, 22, 23 (part). The stack must discharge at least 90 feet above ground level and at least 10 feet from the Monteith Street lot line. The development must also ensure that the type of fuel used for the HVAC system is natural gas with low NOx only. Adherence to these conditions would avoid any potential significant adverse air quality impacts.
 - Block 3152, Lots 3 (part) and 48 (part) (Projected Development Site 3, Buildings G and H): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are placed on building H, which is configured for Lots 3 (part) and 48 (part). The stack must discharge at least 90 feet above ground level and at least 10 feet from the lot line facing Melrose Street. The development must also ensure that the type of fuel used for the HVAC system is natural gas with low NOx only. Adherence to these conditions would avoid any potential significant adverse air quality impacts.
 - Block 3152, (Lots 3 (part) 48 (part), 1, 2, 45, 48 56, 58, 62-64, and 66 (Projected Development Site 4, Buildings I and J): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are placed on building I, which is configured for Lots 3 (part) 1, 2, 56, 62-64, and 66 and are at least 80 feet above ground level. The stack must be at least 10 feet from the lot line facing Stanwix Street. The development must also ensure that the type of fuel used for the HVAC system is natural gas with low NOx only. Adherence to these conditions would avoid any potential significant adverse air quality impacts.
 - Block 3152, Lots 36, 37, 38, 41, 43 (Projected Development Site 5): Any new residential and/or commercial development on the above-referenced properties must use natural gas with low NOx only for HVAC and ensure that the heating, ventilating and air conditioning stack are at least 10 feet above the roof to avoid any potential significant adverse air quality impacts. The stack must be at least 10 feet from the lot line facing Stanwix Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.
 - Block 3137, Lot 56 (Projected Development Site 8): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating, and air conditioning stack must discharge at least 10 feet from the lot line facing potential development site 11, Lot 51.
 - Block 3152, Lot 44 (Potential Development Site 9): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack must discharge at least 10 feet from the lot line facing potential development site 5, Lots 36-38, 41, and 43.

- Block 3138, Lot 11(Potential Development Site 10): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating, and air conditioning stack must discharge at least 10 feet from the lot line facing potential development site 7, Lot 32.
- Block 3137, Lot 51 (Potential Development Site 11): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating, and air conditioning stack must discharge at least 10 feet from the lot line facing potential development site 8, Lot 11.

With (E) designations, the potential impacts from the projected and potential development sites heating systems would not exceed the applicable NAAQS and would therefore not have potential significant adverse environmental impacts on air quality.

Table 13-11
Minimum CEQR Attenuation Requirements for the Proposed Development

Site	Façade Facing	Worst Case Build L ₁₀ (dBA)	Based on Monitoring Site ID	CEQR Noise Abatement Category	Minimum Required Attenuation (dBA)
1	Flushing Avenue	79.9	1	Marginally Unacceptable IV	35
	Bushwick Avenue	79.9	1	Marginally Unacceptable IV	35
	Montieth Avenue	74.5	4	Marginally Unacceptable II	31
	Stanwix Street	79.9	1	Marginally Unacceptable IV	35
2	Montieth Street	74.5	4	Marginally Unacceptable II	31
	Bushwick Avenue	74.5	4	Marginally Unacceptable II	31
	Forrest Street	74.5	4	Marginally Unacceptable II	31
	Stanwix Street	74.5	4	Marginally Unacceptable II	31
3	Noll Street	74.4	3	Marginally Unacceptable II	31
	Stanwix Street	73.6	2	Marginally Unacceptable II	31
	Melrose Street	73.6	2	Marginally Unacceptable II	31
	Evergreen Avenue	74.4	3	Marginally Unacceptable II	31
4	Noll Street	73.6	2	Marginally Unacceptable II	31
	Stanwix Street	73.6	2	Marginally Unacceptable II	31
	Melrose Street	73.6	2	Marginally Unacceptable II	31
	Evergreen Avenue	73.6	2	Marginally Unacceptable II	31
5	Noll Street	73.6	2	Marginally Unacceptable II	31
	Stanwix Street	73.6	2	Marginally Unacceptable II	31
	Melrose Street	73.6	2	Marginally Unacceptable II	31
	Evergreen Avenue	74.4	3	Marginally Unacceptable II	31
6	Flushing Avenue	79.9	1	Marginally Unacceptable IV	35
	Garden Street	79.9	1	Marginally Unacceptable IV	35
	Bushwick Avenue	79.9	1	Marginally Unacceptable IV	35
7	Flushing Avenue	79.9	1	Marginally Unacceptable IV	35
	Garden Street	79.9	1	Marginally Unacceptable IV	35
	Bushwick Avenue	79.9	1	Marginally Unacceptable IV	35
8	Flushing Avenue	79.9	1	Marginally Unacceptable IV	35
	Flushing Avenue/Beaver Street	79.9	1	Marginally Unacceptable IV	35
	Beaver Street	74.5	4	Marginally Unacceptable II	31
	Garden Street	79.9	1	Marginally Unacceptable IV	35
9	Noll Street	73.6	2	Marginally Unacceptable II	31
	Stanwix Street	73.6	2	Marginally Unacceptable II	31
	Melrose Street	73.6	2	Marginally Unacceptable II	31
	Evergreen Avenue	74.4	3	Marginally Unacceptable II	31
10	Flushing Avenue	74.5	4	Marginally Unacceptable II	31
	Garden Street	74.5	4	Marginally Unacceptable II	31
	Bushwick Avenue	74.5	4	Marginally Unacceptable II	31
11	Flushing Avenue	79.9	1	Marginally Unacceptable IV	35
	Beaver Street	79.9	1	Marginally Unacceptable IV	35
	Garden Street	79.9	1	Marginally Unacceptable IV	35

Entries in bold type are in Clearly Unacceptable category.

Figure 13-4 shows the levels of facade attenuation necessary at each development site to comply with CEQR requirements.

H. NOISE ATTENUATION MEASURES

The relative increases in noise level due to increased traffic would fall below the impact criterion of 3.0 dBA. Therefore no noise impacts to the surrounding community are projected.

Required window/wall attenuation for the buildings was shown in Table 13-11. Mitigation should be based on OITC ratings. The provisions of the (E) designations would mandate the required attenuation levels to ensure that interior noise levels would be at 45 dBA or less for residential uses. Where the proposed use is for commercial uses, the required attenuation could be 5 dBA lower in order to achieve an interior L_{10} of 50 dBA or less.

In addition, all facades with an L_{10} of 70 dBA or greater must also provide an alternate means of ventilation (AMV) permitting a closed window condition during warm weather. This can be achieved by installing double-glazed windows on a heavy frame for masonry structures or windows consisting of laminated glass, along with AMV such as central air conditioning or packaged terminal air conditioning (ptac) units. Where the required window/wall attenuation is above 40 dBA, special design features may be necessary that go beyond the normal double-glazed window and air conditioning. These may include specially designed windows (e.g., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.) and additional building insulation.

There are two levels of required noise attenuation shown in Table 13-11. Depending on the ambient noise levels at each location, attenuation of 31 or 35 dBA would be required.

For locations requiring 31 dBA of attenuation, the text for the (E) designation is as follows:

“To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation to maintain an interior noise level of 45 dBA. 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.”

For locations requiring 35 dBA of attenuation, the text for the (E) designation is as follows:

“To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation to maintain an interior noise level of 45 dBA. 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.”

Based on the projected noise levels, these design measures would provide sufficient attenuation to satisfy CEQR requirements. With the specified attenuation measures, the Proposed Action would not have any significant adverse noise impacts and would comply with all CEQR noise requirements.