DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Zachary Bernstein
Fried, Frank, Harris, Shriver, & Jacobson LLP
One New York Plaza
New York, NY 20004

December 16, 2019

Re: 312 Coney Island Ave-Caton Place
CEQR No. 20DCP036K
ULURP No(s). 200092ZMK, N200093ZRK, 200094ZSK
Brooklyn, Community District BK07

Dear Mr. Bernstein,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission had determined that the proposed action will not have a significant effect on the environment.

Enclosed is the Negative Declaration for CEQR No. 20DCP036K, 312 Coney Island Ave-Caton Place, including supporting statements for the finding that the proposed action will not have a significant effect. The Negative Declaration was issued on December 16, 2019.

Sincerely,

Olga Abinader

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, City Council
Eric L. Adams, Brooklyn Borough President
Brooklyn Community District BK07

Olga Abinader, *Director*
Stephanie Shellooe, *AICP, Deputy Director*
120 Broadway, 31st Floor, New York, N.Y. 10271
(212) 720-3493
oabinad@planning.nyc.gov

NEGATIVE DECLARATION (Use of this form is optional)

Statement of No Significant Effect

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

Reasons Supporting this Determination

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

1. Hazardous Materials, Air Quality, and Noise

An (E) designation (E-555) for hazardous materials, air quality, and noise has been incorporated into the proposed actions. Refer to Appendix 1: (E) Designation", attached to this Determination of Significance, for a list of sites affected by the (E) designation and applicable (E) designation requirements. The analyses conducted for hazardous materials, air quality, and noise conclude that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts to hazardous materials, air quality, or noise.

2. Land Use, Zoning, and Public Policy

The EAS includes a Land Use, Zoning, and Public Policy section. The proposed actions include (1) a zoning map amendment to rezone the project site, Lots 10 and 20 on Brooklyn Block 5322, from C8-2 to R8A with a C2-4 commercial overlay, (2) a zoning text amendment to Zoning Resolution Section 113-10 to modify building setback requirements, (3) a zoning text amendment to Zoning Resolution Appendix F to establish a Mandatory Inclusionary Housing Area that is conterminous with the project site, and (4) a waiver of all required accessory off-street parking pursuant to Zoning Resolution Section 74-533. These actions would facilitate the development of a new mixed-use building with a total floor area of approximately 387,465 gross square feet (gsf) including 41,380 gsf of community facility uses, 5,000 gsf of retail, and 309,898 gsf of residential uses, with a proposed 310 dwelling units. The existing affected area currently permits residential, community facility, and 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 no significant adverse impacts related to Land Use, Zoning, and Public Policy would result from the proposed actions.

3. Shadows

The EAS includes a detailed Tier 3 Shadows Analysis. The Tier 3 analysis indicates that the proposed project could cast shadows on six open space resources in the study area. The CEQR Technical Manual says a Shadows Impact would occur if shadows resulted in the complete elimination of all direct sunlight-sensitive features of the resources, when the complete elimination results in substantial effects on the survival, enjoyment, or, in the case of open space or natural resources, the use of the resource. The detailed analysis indicates that the incremental shadow from the proposed project would fall on portions of Prospect Park, on an unnamed park located at 318 Sherman Street, in short durations (18 mins. and 24-29 mins., respectively) such that no significant adverse shadow impacts would occur on these resources. Incremental shadows which would be cast on Machate Circle, would occur during the December 21 analysis day, when vegetation is dormant, and the public is less likely to use the resource. The detailed analysis also indicates that incremental shadow could fall on an unnamed plaza at 1 East 8th Street. However, incremental shadows would generally occur in the early mornings when the public is less likely to use the resource, and therefore would not detract from public use of this resource. The detailed analysis indicates that incremental shadows would fall on Parade Ground (PG) and Ocean Parkway Landscaped Malls (OP) for long durations on the December 21 (PG: 53 mins., OP: 1hr 55 mins), March 21 (PG: 2hr 59 mins., OP: 5hr 59 mins.), May 6 (PG: 3hrs 28 mins., OP: 4hrs 30 mins.), and June 21 (PG: 3hrs 46mins., OP: 1hr 30 mins.) analysis days. However, these shadows would fall on the portions of Parade Ground that contain limited sunlight-sensitive elements such as seating, tables, field, and courts, an area that is occupied by a police station building and an associated parking lot and fenced green areas. Incremental shadow that would fall on the Ocean Parkway Landscaped Malls would cover only small (~10%) portions of both malls at any given time.

Further, as the angle of the sun continuously changes throughout the day and incremental shadows move in a clockwise direction, no portion of the Ocean Parkway Landscaped Malls would be shaded permanently. Overall, the proposed project is not likely to result in significant adverse shadow impacts to potential sunlight-sensitive resources located within the shadow study area.

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). 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 Laura Kenny at (212) 720-3419.

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 12/13/2019
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	DATE 12/16/2019
SIGNATURE	

Determination of Significance Appendix: (E) Designation

An (E) Designation **(E-555)** related to hazardous materials, air quality, and noise will be assigned to Projected Development Site 1 (Block 5322, Lots 10 & 20) in order to preclude significant adverse impacts, as noted below.

Hazardous Materials:

The (E) Designation requirements for hazardous materials are 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.

Air Quality:

The (E) Designation requirements for Air Quality are as follows:

Block 5322, Lots 10 and 20
Any new development or enlargement on Block 5322 Lots 10 and 20 must ensure that the heating, ventilating, and air conditioning (HVAC) and hot water heating system's stack is located at the highest tier or at least 148 feet above grade to avoid any potential significant adverse air quality impacts.

Noise:

The (E) Designation requirements for Noise are as follows:

Block 5322, Lots 10 and 20
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 dB(A) window/wall attenuation on facades facing Park Circle and 31 dB(A) of attenuation on all facades facing Coney Island Avenue or portions of facades facing Caton Place within 50 feet of Coney Island Avenue to maintain an interior noise level not greater than 45 dB(A) for residential and community facility uses or not greater than 50 dB(A) for commercial office uses. To maintain a closed-window condition, an alternate means of ventilation must also be included. Alternate means of ventilation includes, but is not limited to, air conditioning.