534 Coney Island Avenue

Environmental Assessment Statement

Lead Agency: Department of City Planning

CEQR No.: 23DCP033K

Prepared for:
Remica Property Group Corp.

Prepared by:
Philip Habib & Associates

May 17, 2023

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

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

Part I: GENERAL INFORMATION

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

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

2. *Project Name* **534 Coney Island Avenue**

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency) **23DCP033K**	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable) **230010ZMK and N230011ZRK**	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY **New York City Department of City Planning (DCP)**			NAME OF APPLICANT **Remica Property Group Corp.**		
NAME OF LEAD AGENCY CONTACT PERSON **Stephanie Shellooe, AICP, Director, Environmental Assessment and Review Division**			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON **Remy Roizen Weinstein**		
ADDRESS **120 Broadway**			ADDRESS **229 East 85th Street, #1010**		
CITY **New York**	STATE **NY**	ZIP **10271**	CITY **New York**	STATE **NY**	ZIP **10028**
TELEPHONE **(212) 720-3328**	EMAIL **sshellooe@planning.nyc.gov**		TELEPHONE **(212) 517-7760**	EMAIL **remy@remicagroup.com**	

5. *Project Description*

The Applicant, Remica Property Group Corp., is proposing a zoning map amendment to map an R7X/C2-4 zoning district and a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area (the "Proposed Actions") to facilitate the development of a single, 11-story, 110-foot tall, mixed-use (commercial-residential) building (the "Proposed Project") at 534 Coney Island Avenue (Brooklyn Block 5343, Lot 13; the "Projected Development Site 1") in the Flatbush/Kensington neighborhood of Brooklyn Community District (CD) 12. The Project Area, which is coterminous with the proposed rezoning area, includes the Applicant-controlled Lot 13, a non-Applicant controlled Lot 19, and parts of two additional non-Applicant controlled lots (p/o Lots 11 and 26) located on the eastern portion of Brooklyn Block 5343, which is bounded by Hinckley Place to the north, Coney Island Avenue to the east, Beverly Road to the south, and East 8th Street to the west. The Project Area is zoned C8-2 which extends approximately 100 feet west from Coney Island Avenue and is also within the Ocean Parkway Special District (OP). The Proposed Project would include approximately 75,902-gross square feet (gsf), including 43 dwelling units (DUs), approximately 3,547-gsf of ground floor local retail uses, and 19 enclosed accessory parking spaces for a total of 6.0 FAR, which is the maximum development potential under the proposed R7X/C2-4. The Proposed Actions would also establish an MIH area, which provides affordable housing under one of two options. Projected Development Site 1 would include 43 DUs, 25-30% (11-13 DUs) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the basic MIH Option selected.

As a Reasonable Worst Case Development Scenario (RWCDS), it is assumed that the With-Action conditions would maximize the permitted FAR and building height on Projected Development Site 1. As such, under the RWCDS, the With-Action conditions assumes that Projected Development Site 1 would be a 14-story (145-feet tall), 83,697-gsf mixed-use commercial-residential building with 72 DUs (60,858-gsf), 25-30% (18-22 units) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected, 3,547-gsf of local retail use, and 32 enclosed accessory parking spaces. The Proposed Actions are expected to also facilitate the development of one additional site (Brooklyn Block 5343, Lot 19; the "Projected Development Site 2") located at 546 Coney Island Avenue, which would be developed as a single, 14-story, 145-foot tall, 63,057-gsf mixed-use commercial-residential building. The Projected Development Site 2 would contain approximately 62 DUs, of which 25-30% (16-19 units) would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected, and 4,057-gsf of ground floor local retail uses. In total, the Proposed Actions would facilitate the development of two mixed-use residential-commercial buildings that would total 146,754-gsf, including 134 DUs, 25-30% (34-41 units) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the Option selected, 7,604-gsf of local retail uses, and 32 enclosed parking spaces. As only portions of the two other non-Applicant controlled sites (Brooklyn Block 5343, p/o Lots 11 and 26) would be affected by the Proposed Actions, no changes are expected as a result of the Proposed Action. In total, the area affected by the Proposed Actions (the "Project Area") compromises the two projected sites and portions of two additional lots.

Project Location

BOROUGH **Brooklyn**	COMMUNITY DISTRICT(S) **12**	STREET ADDRESS **534 Coney Island Avenue, 546 Coney Island Avenue, 26 Hinckley Place, 829 Beverley Road**
TAX BLOCK(S) AND LOT(S) **Block 5343, Lots p/o 11, 13, 19, p/o 26**		ZIP CODE **11218**
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS **Coney Island Avenue, Hinckley Place, Beverley Road, East 8th Street**		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY **C8-2, Ocean Parkway Special District (OP)**		ZONING SECTIONAL MAP NUMBER **22C**

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 **Map 16c; ZR Section: 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 ☐ Cogeneration Facility ☐ Title V Permit

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

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

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

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

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

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.): **44,824 sf** Waterbody area (sq. ft) and type: **0 sf**
Roads, buildings, and other paved surfaces (sq. ft.): **44,824 sf** Other, describe (sq. ft.): **N/A**

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):

NUMBER OF BUILDINGS: **2 on two separate lots (Site 1 and Site 2)** GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): **83,697 gsf (Site 1); 63,057 gsf (Site 2)**
HEIGHT OF EACH BUILDING (ft.): **145'** NUMBER OF STORIES OF EACH BUILDING: **14 (Site 1); 14 (Site 2)**

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: **10,160 sf (Lot 13)**
The total square feet not owned or controlled by the applicant: **34,664 sf (Lot 19, p/o Lots 11 and 26**)

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: **18,885** sq. ft. (width x length) VOLUME OF DISTURBANCE: **188,850** cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: **18,885** 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.)	**113,185 gsf**	**7,604 gsf**	**N/A**	**N/A**

Type (*e.g.,* retail, office, school)	**134** units	**Local retail uses**		

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

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: **391** NUMBER OF ADDITIONAL WORKERS: **15**

Provide a brief explanation of how these numbers were determined: **Assumes average household size of 2.92 persons per household (based on 2020 Census data for Kensington NTA); assumes one worker per 333 sf of retail space; and assumes one worker per 25 DUs.**

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

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

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

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): **2027**

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: **17 months (Site 1); 13 months (Site 2); the two sites would not be developed simultaneously (it is assumed that Site 2 would be developed following the completion of Site 1)**

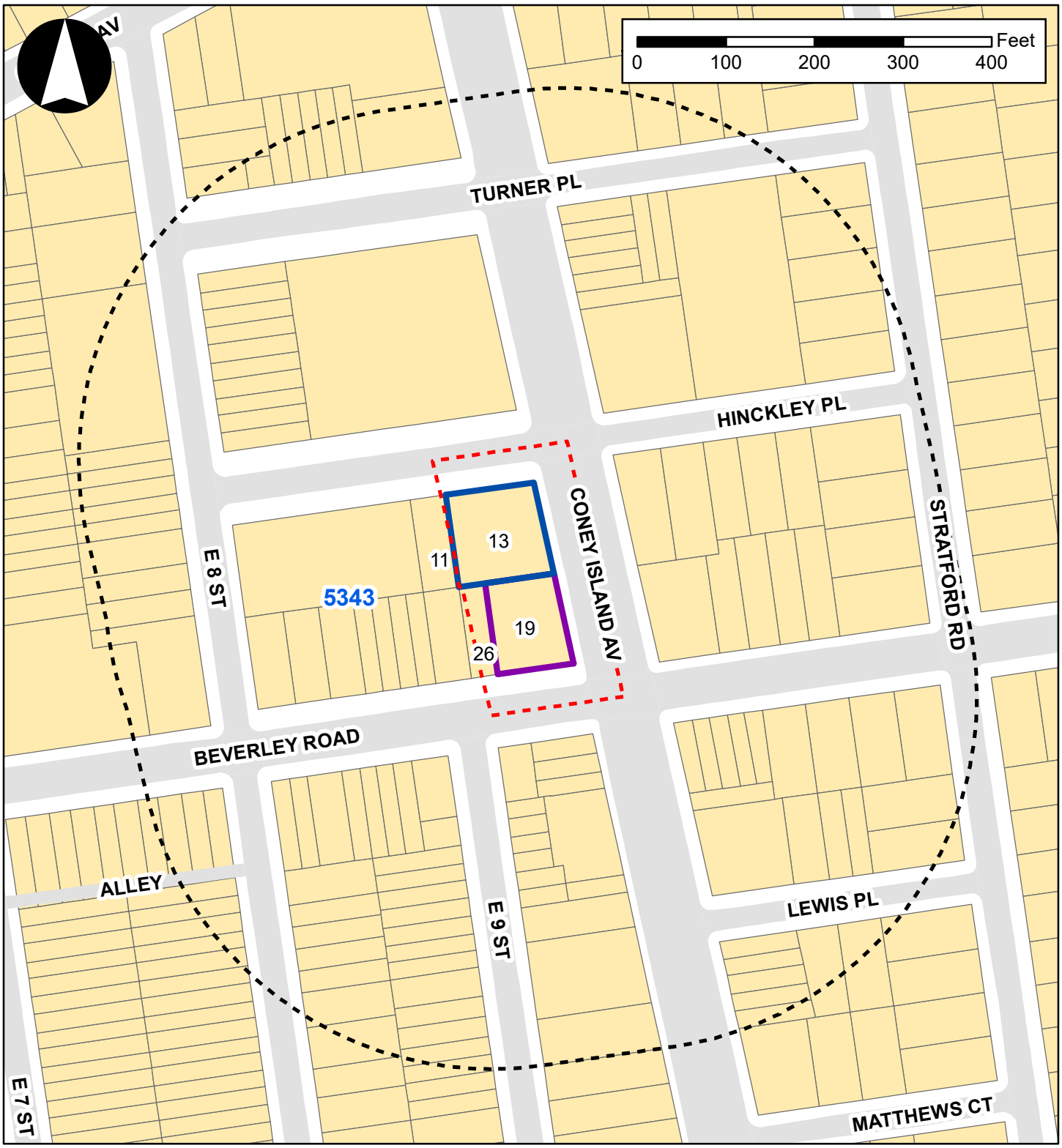
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: **Each development site would be developed in a single phase.**

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

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: **institutional uses, transportation-related**

Figure 1
Project Location

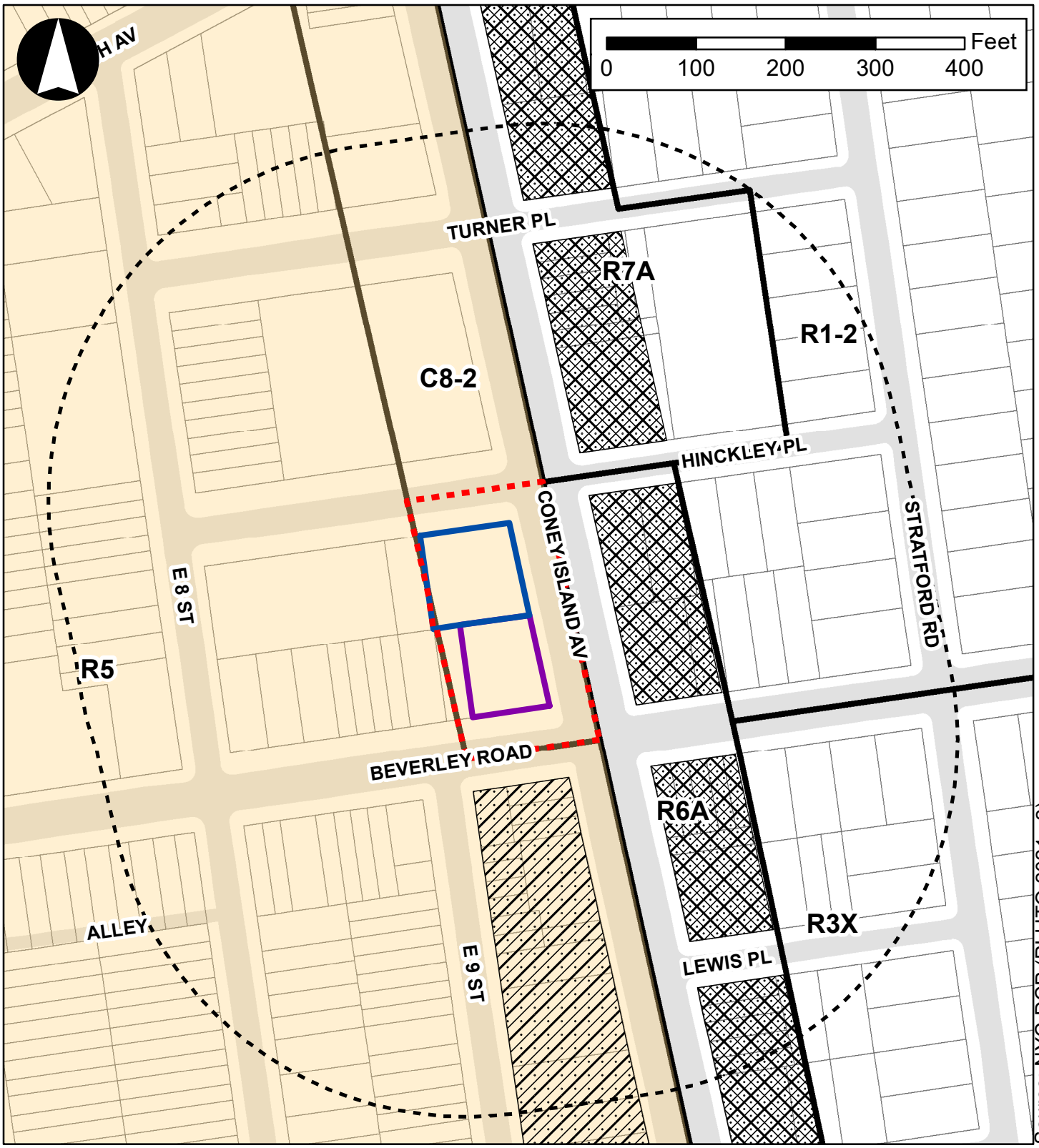


Legend

- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2
- 5343 Block
- 13 Tax Lots

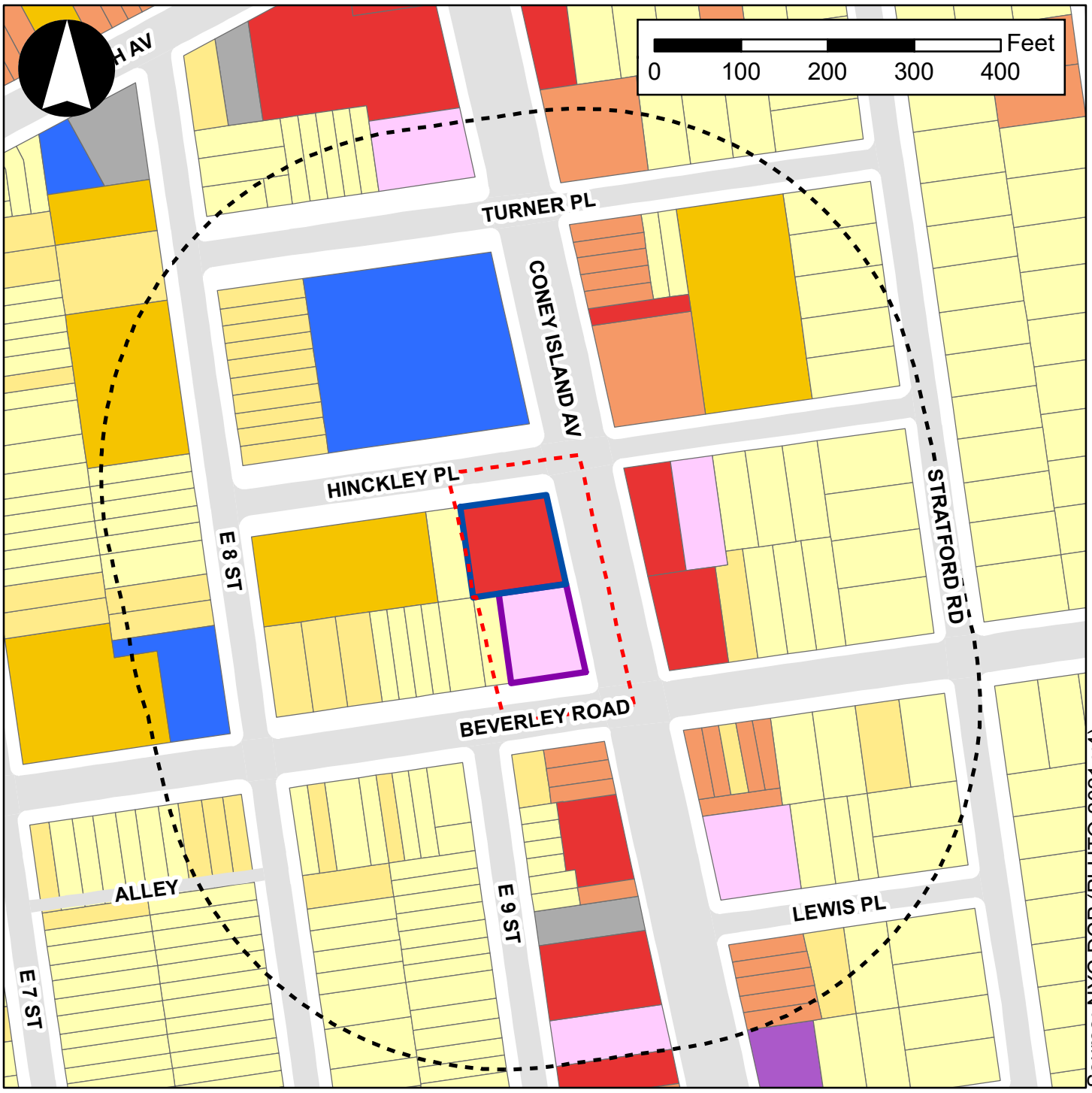


Figure 2
Zoning Districts



Legend

- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2
- C8-2 Zoning District
- OP Special District
- C2-3
- C2-4



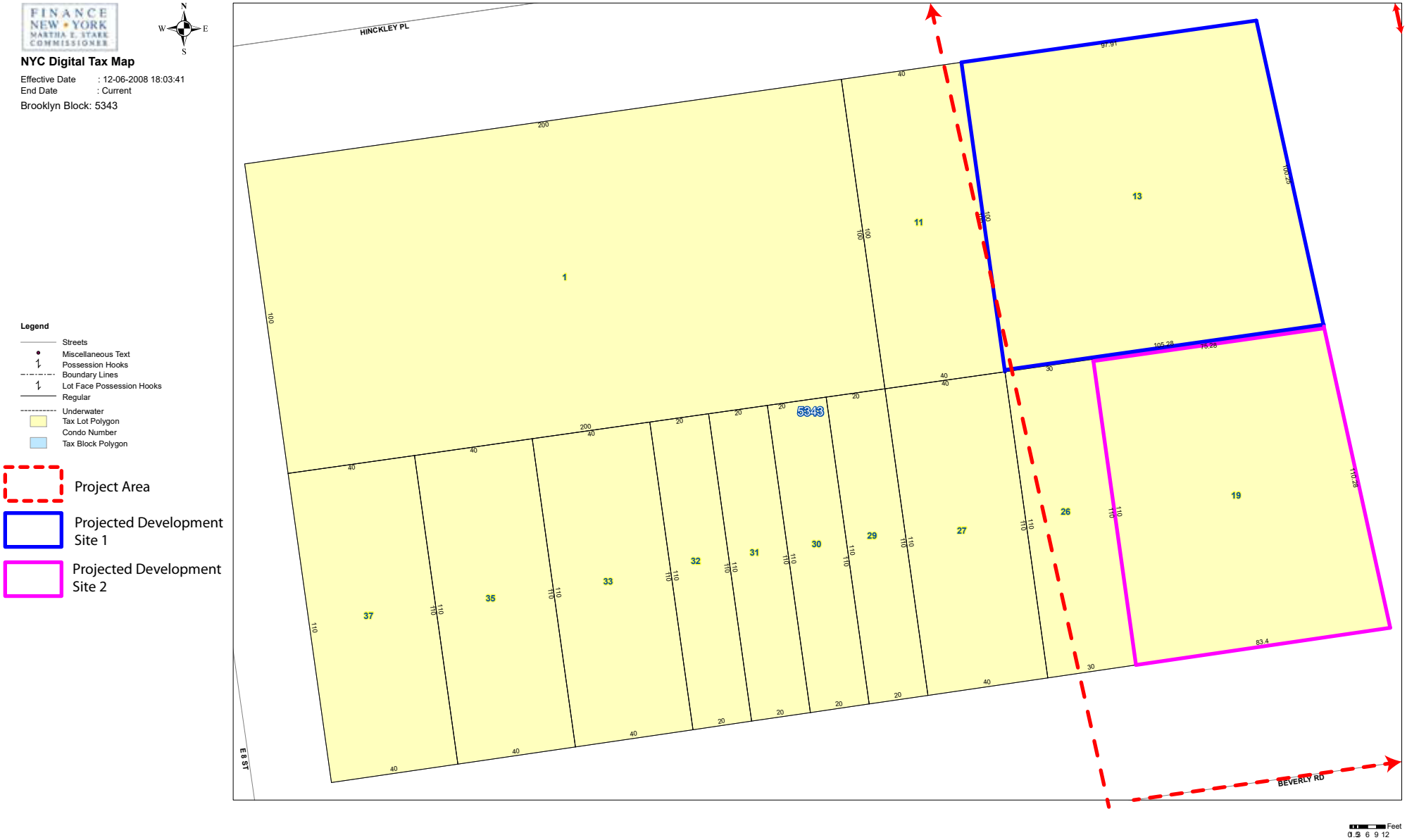
Legend

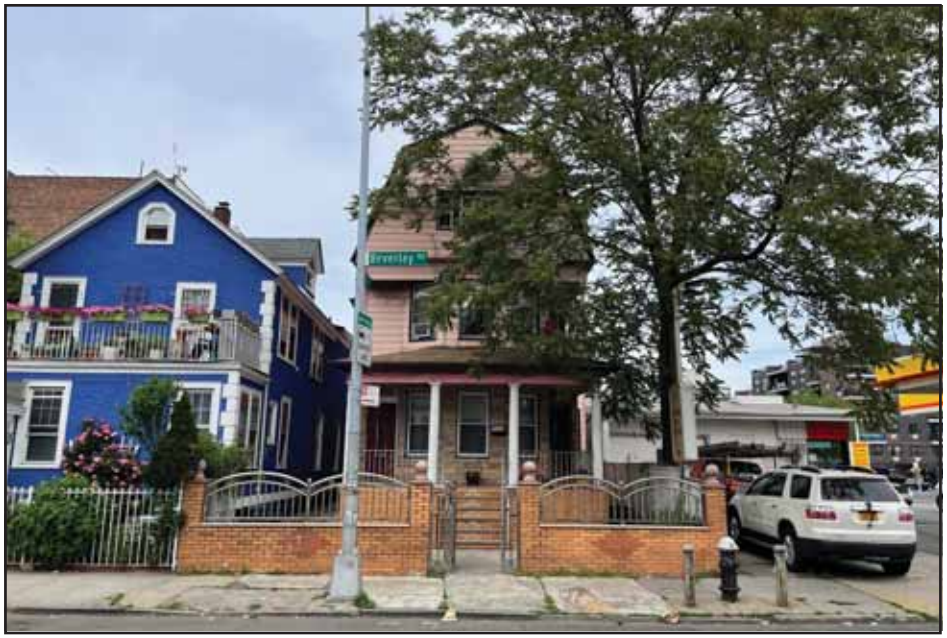
- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2

Land Use

- Single-Family Walkup Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

Figure 4
Tax Map





1. View looking north on Beverly Road towards 829 Beverly Road (Lot 26).



2. View looking north on Beverly Road towards Projected Development Site 2 (Lot 19).



3. View looking west on Coney Island Avenue towards Projected Development Site 2.



4. View looking southwest on Coney Island Avenue towards Projected Development Site 2.

Photos taken 05/22/2021

534 Coney Island Avenue EAS

Figure 5a
Existing Conditions - Site Photos



5. View looking northwest on Coney Island Avenue towards Projected Development Site 1 (Lot 13).



6. View looking south on Hinckley Place towards Projected Development Site 1.



7. View looking southwest on Coney Island Avenue towards Projected Development Site 1.



8. View looking south on Hinckley Place towards 26 Hinckely Place (Lot 11).

Photos taken 05/22/2021

534 Coney Island Avenue EAS

Figure 5b
Existing Conditions - Site Photos

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 Attachment C, "Land Use, Zoning, and Public Policy"**		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☐	☒
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **Early Childhood Programs:** 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)	☐	☒
○ **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)	☐	☒
○ **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)	☐	☒
○ **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 **See Attachment D, "Open Space"**		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Would the project generate more than 200 additional residents or 500 additional employees?	☒	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8 **See Attachment B, "Supplemental Screening"**		
(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 **See Attachment B, "Supplemental Screening"**		

	YES	NO
(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.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10 **See Attachment E, "Urban Design and Visual Resources"**		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☒	☐
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☒	☐
○ If "yes," complete the Jamaica Bay Watershed Protection Plan Project Tracking Form, and submit according to its instructions. **See Appendix 1**		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12 **See Attachment B, "Supplemental Screening"**		
(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) Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure?	☐	☒
(c) 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?	☐	☒
(d) 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 the Hazardous Materials Appendix (including nonconforming uses)?	☒	☐
(e) 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?	☐	☒
(f) 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)?	☒	☐
(g) 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?	☐	☒
(h) 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?	☒	☐
(i) Has a Phase I Environmental Site Assessment been performed for the site? **See Appendix 3**	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: **No**	☐	☒
(j) Based on the Phase I Assessment, is a Phase II Investigation needed? **See Attachment B, "Supplemental Screening"**	☐	☒
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒

	YES	NO
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): **7,308 lbs/week**		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): **15,985,285 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:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry 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), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	☐	☐
○ 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, or Citywide Ferry Service landing?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17 **See Attachment F, "Air Quality"**		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☒	☐
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☐
16. *NOISE*: CEQR Technical Manual Chapter 19 **See Attachment G, "Noise"**		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 114 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☒	☐
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒

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

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
Philip Habib, P.E.	**05/16/2023**

SIGNATURE

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

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

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

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

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

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

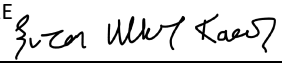
☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental 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	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission
NAME	DATE
Evren Ulker-Kacar, AICP - Deputy Director	May 19, 2023

SIGNATURE 

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 actions. 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 actions 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 the proposed actions sought before the City Planning Commission (CPC) would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The Applicant, Remica Property Group Corp., is proposing a zoning map amendment to rezone Brooklyn Block 5343, Lots 11 (p/o), 13, 19, and 26 (p/o) (the "Project Area") from a C8-2 zoning district to an R7X/C2-4 zoning district, and a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the Project Area (collectively, the "Proposed Actions") in the Flatbush/Kensington neighborhood of Brooklyn Community District 12. The Proposed Actions would facilitate the development of the Proposed Project-- an 11-story (110-feet-tall) 75,902-gross square foot (gsf) mixed residential and commercial building comprising 43 dwelling units (DUs), 25-30% (11-13 DUs) of which would be affordable pursuant to MIH depending on the Option selected; 3,547-gsf of ground-floor local retail space; and 19 accessory cellar-level parking spaces on the Applicant-owned property located at 534 Coney Island Avenue (Lot 13, "Projected Development Site 1"). Because the Proposed Project would not maximize the site's development potential with respect to height, the reasonable worst-case development scenario (RWCDS) analyzed in the EAS assumes that Projected Development Site 1 would be redeveloped with a slightly larger, 83,697 gsf, 14-story (145-foot-tall) mixed-use building 1 with 60,858 gsf of residential space (72 DUs, including 18 to 22 affordable DUs) and 3,547 gsf of ground-floor local retail space. The RWCDS also considers the redevelopment of Projected Development Site 2 (Lot 19) with a 63,057 gsf, 14-story, 145-foot-tall, mixed-use building with 1 with 52,327 gsf of residential space (62 DUs, including 16-19 affordable DUs). The Proposed Actions are intended to facilitate the redevelopment underutilized sites with mixed-use buildings that would allow for larger bulks and higher building heights in the primary study area, which would be compatible with the existing mixed-use character of Coney Island Avenue, a wide street. The proposed R7X/C2-4 district would bring into conformance two existing residential uses within the Project Area (Lots 11 and 26) and would be mapped at the confluence of Coney Island Avenue with two other wide streets, which would be appropriate for a higher-density mixed-use development while maintaining the residential character of nearby side streets. The Proposed Actions would facilitate the introduction of up to 134 DUs, including approximately 34-41 permanently affordable units, which would be supportive of public policies including *Housing New York 2.0*. Therefore, the analysis concludes that no significant adverse impacts are anticipated for land use, zoning, and public policy, and no further analysis is warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-717) related to hazardous materials, air quality, and noise would be established as part of the approval of the Proposed Actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials, air quality, and noise analyses conclude that with the (E) designation in place, the Proposed Actions would not result in a significant adverse impact related to hazardous materials, air quality, or 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 Stacey Barron, AICP, at sbarron@planning.nyc.gov.

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3493
NAME Evren Ulker-Kacar, AICP	DATE 5/19/2023
SIGNATURE Evren Ulker Kacar	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 5/22/2023
SIGNATURE	

Project Name: 534 Coney Island Avenue
CEQR # 23DCP033K
SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Actions were determined to have the potential to result in changes to development on the following sites:

Development Site	Borough	Block and Lot
Projected Development Site 1	Brooklyn	Block 5343, Lot 13
Projected Development Site 2	Brooklyn	Block 5343, Lot 19

(E) Designation Requirements

To ensure that the Proposed Actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-717**) would be established as part of approval of the Proposed Actions on **Projected Development Sites 1 and 2** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Projected Development Site 2	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1 and 2** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

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-Remediation Determination and Protocol

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.

Project Name: 534 Coney Island Avenue
CEQR # 23DCP033K
SEQRA Classification: Unlisted

Air Quality

The (E) designation requirements for air quality would apply as follows:

> ***Projected Development Site 1:*** *Any new commercial and/or residential development on Block 5343, Lot 13 must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC and hot water equipment stack is located on a flat roof at the highest tier and at least 120 feet above grade, at least 184 feet from the southern lot line of Lot 19 facing Beverly Road, to avoid any potential significant adverse air quality impacts.*
>
> ***Projected Development Site 2:*** *Any new commercial and/or residential development on Block 5343, Lot 19 must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC and hot water equipment stack is located at the highest tier and at least 145 feet above grade to avoid any potential significant adverse air quality impacts..*

Noise

The (E) designation requirements for noise would apply as follows:

> ***Projected Development Site 1:*** *To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the facades facing Coney Island Avenue and the facades facing Hinckley Place within 50 feet of Coney Island Avenue and the facades facing Beverley Road within 50 feet of Coney Island Avenue to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. 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.*
>
> ***Projected Development Site 2:*** *To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the facades facing Coney Island Avenue and the facades facing Beverley Road and the facades facing Hinckley Place within 50 feet of Coney Island Avenue and the facades facing East 8th Street within 50 feet of Beverly Road to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. 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.*

ATTACHMENT A

PROJECT DESCRIPTION

I. INTRODUCTION

The Applicant, Remica Property Group Corp., is seeking zoning map and zoning text amendments ("Proposed Actions") that would affect the eastern portion of Brooklyn Block 5343, Lots 13, 19, and p/o 11 and p/o 26 at a depth of approximately 100 feet west from Coney Island Avenue coterminous with the existing C8-2 zoning district bounded by Hinckley Place to the north and Beverley Road to the south (the "Project Area"). The Proposed Actions would facilitate the development of an approximately 75,902-gross square foot (gsf) mixed-use residential and commercial building with up to 11-stories (110-feet tall) above grade and a single below-grade cellar level (the "Proposed Project") at 534 Coney Island Avenue (Brooklyn Block 5343, Lot 13; "Projected Development Site 1") in the Flatbush/Kensington neighborhood of Brooklyn Community District (CD) 12. The proposed zoning changes would affect a portion of a single block and would map R7X with a C2-4 commercial overlay, as well as establish a Mandatory Inclusionary Housing (MIH) area coterminous with the proposed R7X/C2-4, along the west side of Coney Island Avenue between Hinckley Place and Beverley Road. The Applicant intends to build a new 11-story, 110-foot tall mixed-use residential and commercial building with a floor area ratio (FAR) of 6.0, which would consist of approximately 59,634-gsf (56,359-zoning square feet; zsf) of residential space for a total of 43 dwelling units (DUs), and approximately 3,547-gsf (3,547-zsf) of local retail space that would occupy a portion of the ground floor. Nineteen accessory parking spaces would be provided in a single below-grade level (approximately 9,849-gsf), which would be accessible via a ramp entrance from an existing curb cut on Hinckley Place. Projected Development Site 1 would include 43 DUs, 25-30% (11-13 DUs) of which would be affordable pursuant to MIH at an average of 60-80% AMI depending on the basic MIH Option selected. For the purposes of Early Childhood Programs analysis, 20% (9 DUs) of residential floor area is assumed to be affordable at or below 60% AMI. As such, the Proposed Project would result in approximately 11-13 affordable DUs. The proposed mixed-use commercial and residential development would replace an existing fast-food restaurant occupying the approximately 10,160-sf Projected Development Site 1.

Because the Proposed Project would not maximize the development potential with respect to height, the reasonable worst-case development scenario (RWCDS) analyzes a With-Action development scenario that would maximize the allowable density at the Applicant-owned site. As such, the new development at 534 Coney Island Avenue would have a FAR of 6.0 and 14-stories under the proposed R7X/C2-4 zoning. It would be a 14-story (145-feet tall) building totaling approximately 83,697-gsf, consisting of approximately 60,858-gsf (56,359-zsf) of residential space (72 DUs) with approximately 18-22 (25-30 percent) affordable MIH units and approximately 3,547-gsf (3,547-zsf) of commercial space that occupy a portion of the ground floor. Thirty-two accessory enclosed parking spaces would be provided in two below-grade cellar levels (approximately 19,292-gsf), which would be accessible via an existing curb cut.

In addition, for RWCDS analysis purposes, it is assumed that the proposed zoning changes would allow for redevelopment of Block 5343, Lot 19 ("Projected Development Site 2") pursuant to the proposed zoning regulations. As described further below, Projected Development Site 2 is expected to be improved with a 14-story (145-feet tall) approximately 63,057-gsf[1] (55,350-zsf) mixed-use residential and commercial building, including approximately 52,327-gsf (62 DUs; 16 affordable DUs – 25 percent -- under Option 1 of MIH, or 19 affordable DUs– 30 percent – under MIH Option 2) of residential use (48,293-zsf), and 4,057-

[1] Includes approximately 6,673-gsf located in the cellar level. The cellar level for Projected Development Site 2 would contain mechanical equipment, bike storage, and commercial retail storage spaces.

gsf (4,057-zsf) of ground floor local retail. In total, the RWCDS assumes that the two projected development sites would introduce up to approximately 134 DUs (of which 25-30 percent (approximately 34-41 DUs) would be affordable), 7,604-gsf of commercial uses, and 32 accessory parking spaces. It is expected that the projected development sites would be completely constructed and fully occupied by 2027.

This attachment provides a summary and description of the Proposed Actions, including rezoning area, site location, existing conditions, project's purpose and need, RWCDS under future No-Action and future With-Action conditions, and the governmental approvals required. The attached supplemental studies examine the potential for the Proposed Actions to result in impacts in any City Environmental Quality Review (CEQR) technical areas, including separate attachments with analyses of land use, zoning, and public policy, open space, urban design and visual resources, noise, and air quality, in **Attachments C through G**, respectively. All other warranted preliminary screening assessments are summarized in **Attachment B, "Supplemental Screening."**

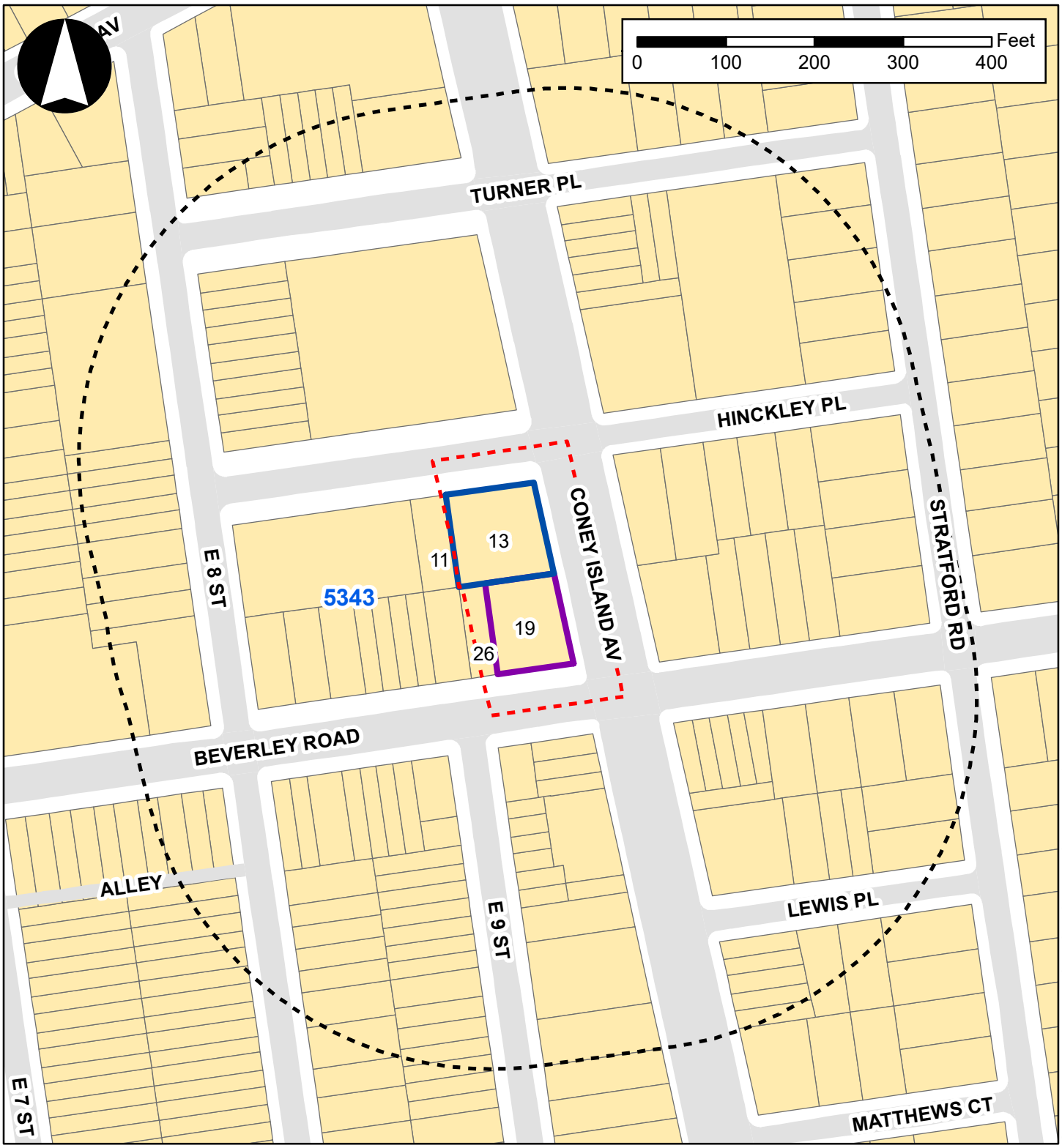
II. EXISTING CONDITIONS

Directly Affected Area

The directly affected area (or "Project Area") is coterminous with the proposed rezoning area. It is located on the western side of Coney Island Avenue between Hinckley Place and Beverly Road in Brooklyn CD 12. It comprises the eastern approximately 22,025-sf (44,824-sf including the bounding streets) portion of a single block (Brooklyn Block 5343), which is bounded by Hinckley Place to the north, Coney Island Avenue to the east, Beverley Road to the south, and East 8th Street to the west. As shown in **Figure A-1**, it is a roughly rectangular-shaped area within 100 feet of Coney Island Avenue, consisting of all or portions of four privately owned, irregular-shaped tax lots (Lots 13, 19, and parts of 11 and 26). The Project Area has approximately 210 feet of frontage along Coney Island Avenue, 105 feet of frontage along Hinckley Place, and 110 feet of frontage along Beverley Road. All three bounding streets are defined as wide streets pursuant to zoning with mapped widths greater than 75 feet. Hinckley Place is a 90-foot-wide one-way eastbound service road. The sidewalk within the Project Area along the south side of Hinckley Place is abnormally wide at roughly 30 feet. Furthermore, Hinckley Street on the east side of Coney Island Avenue is mapped 50 feet wide. Beverley Road is an 80-foot-wide two-way east-west bound service road. Coney Island Avenue is a wide street with a width of 100 feet. Coney Island Avenue is a two-way, north-south bound major roadway with turning bays.

The Project Area is currently mapped within a C8-2 commercial zoning district, which permits commercial uses up to a maximum floor area ratio (FAR) of 2.0. The Project Area has had the same C8-2 zoning designation since the enactment of the 1961 Zoning Resolution (ZR). C8 districts occupy the middle ground between commercial and light industrial areas and are largely found in older neighborhoods and along major arterial roadways and subway lines. Typical uses include services for vehicles including auto-body shops, gas stations, and car washes, although all commercial uses are permissible. New residential uses are not allowed, and only certain community facility uses are allowed. C8-2 districts are subject to parking requirements based on the type of use and size of an establishment. C8-2 zoning allows a maximum front wall of 60 feet. The C8-2 zoning district encompasses the Project Area and an area to the north at a depth of 100 feet west of Coney Island Avenue.

Figure A-1
Project Location



Legend

- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2
- 5343 Block
- 13 Tax Lots



The Project Area is also entirely within the Special Ocean Parkway (OP) District. The OP special district was established in 1977 with the goal to promote and strengthen the scenic landmark designation of Ocean Parkway. General provisions include special bulk regulations, setback regulations, parking regulations, and landscaping regulations. The OP District is bounded by Fort Hamilton Parkway to the north, Brighton Beach Avenue to the south, McDonald Avenue to the west, and Coney Island Avenue to the east.

Projected Development Site 1 (Applicant-owned Property; Block 5343, Lot 13)

The Applicant-owned, approximately 10,160-sf Projected Development Site 1 (Block 5343, Lot 13) located at 534 Coney Island Avenue is comprised of one, irregularly shaped corner lot bounded by Hinckley Place to the north and Coney Island Avenue to the east. Projected Development Site 1 has approximately 98 feet of frontage on Hinckley Place and 100 feet of frontage on Coney Island Avenue. It is currently improved with a single-story, 2,585-gsf fast-food restaurant with a drive through area (0.25 FAR) and five accessory at-grade parking spaces. Projected Development Site 1 also has two curb cuts, one located on Coney Island Avenue and the other on Hinckley Place. The existing sidewalk along the south side of Hinckley Place is unusually wide (approximately 30 feet) with two rows of street trees. Given the width of the adjacent sidewalk along Hinckley Place, vehicles often park on the sidewalk illegally.

Projected Development Site 2 (Not Applicant-owned; Block 5343, Lot 19)

The approximately 8,725-sf Projected Development Site 2 (Block 5343, Lot 19) located at 536 Coney Island Avenue is comprised of one, irregularly shaped corner lot bounded by Coney Island Avenue to the east and Beverly Road to the south. Projected Development Site 2 has approximately 110 feet of frontage along Coney Island Avenue and 83 feet of frontage along Beverly Road. It is currently improved with a 1,672-gsf gas station and auto service shop (0.20 FAR) with six accessory at-grade parking spaces. Projected Development Site 2 also has four curb cuts, two on Beverly Road and two on Coney Island Avenue.

Remainder of the Project Area

The two remaining lots (Lots 11 and 26) partially included in the Project Area are not under the control of the Applicant and are each under separate private ownership. Lots 11 and 26 are partially within the C8-2 and R5 zoning districts. The lots are rectangular-shaped interior lots that comprise 4,000-sf and 3,300-sf, respectively. Lot 11 has 40 feet of frontage on Hinckley Place and Lot 26 has 30 feet of frontage on Beverley Road. Both are occupied by two-family walkup residential buildings more than a century old that were constructed in the early 1900s. Although both lots are partially included within the Project Area, it should be noted that only the eastern edge of Lot 11, comprising less than 200-sf, is in the Project Area (less than 0.05 percent of Lot 11 lot area). A much larger portion of Lot 26 (approximately 2,310-sf) would be in the Project Area (approximately 70 percent of Lot 26's lot area).

Surrounding Area and Context

The Project Area is in the Kensington/Flatbush neighborhoods of Brooklyn. Land uses near the Project Area are varied, and consist of a dense mix of residential, commercial, mixed-use commercial and residential, and transportation-related uses, as well as a couple of community facilities (refer to **Figure 3** in the EAS form).

Residential uses are primarily concentrated to the east of and west of Coney Island Avenue. Most residential uses are one-and two-family buildings with few elevator apartment buildings. Commercial uses are entirely along the Coney Island Avenue corridor. Mixed-use residential and commercial buildings also largely line Coney Island Avenue, with few along Beverley Road. Transportation infrastructure is also a dominating component of the surrounding area. Entirely concentrated along Coney Island Avenue, these uses include gas stations (including Projected Development Site 2) and repair shops. There are also two community facilities including Public School 889 on the north side of Hinckley Place across from Projected Development Site 1, and Beverly Presbyterian Church on the corner of Beverly Road and East 8th Street. The nearest subway station is the Beverley Road Q station located roughly five blocks (approximately 0.3 miles) to the east. The Q subway line provides service between the Upper East Side in Manhattan and Coney Island-Stillwell Avenue/Surf Avenue in Brooklyn. Significantly further away is the Church Avenue F and G subway station roughly ten blocks (0.5 miles) to the west. The F subway line provides service between Jamaica-179th Street in Queens and Coney Island-Stillwell Avenue/Surf Avenue in Brooklyn via Manhattan, and the G subway line provides service between Court Square in Queens and Church Avenue/McDonald Avenue in Brooklyn.

There are six buses that travel along Coney Island Avenue near the Project Area: the BM1, BM2, BM3, BM4, B68, and B103. The BM1, BM2, BM3, and BM4 buses are express buses that provide service on weekdays and Saturdays connecting Mill Basin, Canarsie, Sheepshead Bay, and Gerritsen Beach, respectively, to Midtown/Downtown Manhattan. The B68 bus provides local service between Coney Island and Park Slope via Coney Island Avenue. The B103 provides limited-stop service between Downtown Brooklyn/Flatbush and Canarsie.

The Project Area is also well served by the street network. Coney Island Avenue fronts the Project Area's eastern edge. It is a large, two-way north-south bound road stretching from Prospect Park in the north to Brighton Beach in the south. Beverley Road fronts the Project Area's southern frontage and is a two-way, east-west bound road connecting Flatbush Avenue in the east to Church Avenue in the west. North of the Project Site is Church Avenue, a large, two-way east-west bound road that connects Brownsville in the east to Borough Park in the west. Ocean Parkway is roughly three blocks (approximately 0.20 miles) west of the Project Area. It is a major nine lane (including service roads) north-south boulevard that connects NY State Route 27 in the Kensington neighborhood the north to Surf Avenue in the Coney Island neighborhood in the south.

Zoning

As shown in **Figure 2** of the EAS Form, the Project Area is in a C8-2 commercial zoning district. The surrounding area is primarily zoned for residential uses with R5 districts to the west and south, R7A and R6A to the east, and R1-2 and R3X further east. East of Coney Island Avenue, R6A and R7A residential districts are mapped with C2-4 commercial overlays extending along the corridor. The R6A zoning districts permit residential and community facility uses in Use Groups 1 to 4 and have maximum residential FAR of 3.6. The R7A zoning districts permit residential and community facility uses in Use Groups 1 to 4 and have a maximum residential FAR of 4.6. West and south of Coney Island Avenue, R5 residential districts are mapped between Coney Island Avenue and Ocean Parkway. The R5 zoning districts permit residential and community facility uses in Use Groups 1 to 4 and have a maximum residential FAR of 1.25. The R1-2 districts are mapped east of Coney Island Avenue north of Beverly Road and R3X districts are mapped east of Coney Island Avenue south of Beverly Road. The R1-2 zoning districts permit residential and community facility uses in Use Groups 1, 2, and 4, and have maximum residential FAR of 0.50. The R3X zoning districts permit residential and community facility uses in Use Groups 1 to 4 and have residential FAR of 0.50.

There are also C2-3 commercial overlays directly to the south of the Project Area and C2-4 commercial overlays along the east side of Coney Island Avenue. The C2-3 and C2-4 commercial overlay permits neighborhood-oriented commercial retail and services in Use Groups 6 to 9, and commercial FAR of 1.0 when mapped in R1 to R5 districts and commercial FAR of 2.0 when mapped in R6 to R10 districts. Areas to west of the Project Area located within the Special Ocean Parkway (OP) District. As discussed above, the OP special district was established in 1977 with the goal to promote and strengthen the scenic landmark designation of Ocean Parkway. General provisions include special bulk regulations, setback regulations, parking regulations, and landscaping regulations. The OP District is bounded by Fort Hamilton Parkway to the north, Brighton Beach Avenue to the south, McDonald Avenue to the west, and Coney Island Avenue to the east.

III. THE PROPOSED ACTIONS

The Applicant's development proposal for 534 Coney Avenue requires the following discretionary land use actions:

- ***Zoning Map Amendment*:** The Applicant is proposing a zoning map amendment to rezone an approximately 44,824-sf portion of Brooklyn Block 5343, which includes Lots 13 and 19 in their entirety and part of Lots 11 and 26. The proposed zoning change would map a R7X/C2-4 district. As shown in **Figure A-1**, the proposed district boundary is the same as the Project Area boundary, which would extend approximately 40 feet from the south side of Hinckley Place to the middle of the street and extends approximately 155 feet east to the middle of Coney Island Avenue and extends roughly 295 feet south to Beverley Road were it extends 150 feet west and connects to the northern boundary through the midblock. **Table A-1** compares the use and bulk requirements under the existing and proposed zoning districts. The proposed R7X/C2-4 district permits a maximum building height of 145 feet with a qualifying ground floor and requires accessory parking.

- ***Zoning Text Amendment:*** The Applicant is proposing zoning text amendments to Appendix F of the *Zoning Resolution (ZR) of the City of New York* to establish the proposed rezoning area as a Mandatory Inclusionary Housing (MIH) designated area. The establishment of the MIH designated area would require a share of new housing to be permanently affordable where significant new housing capacity would be created. At this time, the Applicant is seeking to designate the proposed rezoning area as MIH area with Option 1. Under MIH Option 1, 25 percent of a MIH development's residential floor area must be income restricted.

Table A-1: Comparison of Allowable Uses and Maximum FAR for the Existing and Proposed Zoning

	Existing Zoning	Proposed Zoning
Zoning District	**C8-2, OP**	**R7X/C2-4, OP**
Use Groups	UG 4 to 14 and 16	UG 2 to 9, 14
Maximum FAR		
Residential	N/A	6.0 with MIH
Community Facility	4.8	5.0
Commercial	2.0	2.0
Manufacturing	N/A	N/A

Source: *Zoning Resolution of the City of New York.*

Notes: The MIH area sets a new maximum permitted residential FAR that supersedes the FAR permitted by the underlying zoning district. With both the designation of the proposed rezoning area as an MIH area and its rezoning to R7X/C2-4 zoning district, the maximum permitted residential FAR within the proposed rezoning area would be 6.0, and the maximum building height would be up to 145 feet with qualifying ground floor.

IV. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

The proposed zoning changes would map a R7X zoning district and C2-4 commercial overlay, which would allow a mix of uses reflective of the broader Coney Island Avenue corridor. The Proposed Actions are intended to facilitate the development of new housing, including much-needed affordable housing units, in an area where there is a strong demand, and which is near public transportation. As described above, the Q subway line is located less than half a mile east of the Project Area, and the F and G subway lines are approximately a half mile west of the Project Area with subway stations at Beverly Road and Church Avenue, respectively. The area is also well served by buses with six different lines along Coney Island Avenue and Beverly Road.

The proposed zoning change would also bring into compliance two existing legally non-conforming residential uses. Lots 11 and 26 are currently split zoned R5 and C8-2. Under the current C8-2 zoning, only commercial uses are permitted, and no new residential or community facility development is allowed. Thus, the Applicant seeks to change the zoning to R7X/C2-4, which would permit zoning Use Groups 2 to 9 and 14. The Applicant's development proposal for Projected Development Site 1 would introduce 43 DUs, (of which 11-13 would be made permanently affordable under MIH Option 1 or 2), as well as approximately 3,547-gsf of commercial space. The proposed mixed-use residential and commercial development would provide much needed high-quality affordable housing, as well as retail, services, and employment opportunities along the Coney Island Avenue corridor.

The Proposed Actions would be consistent with existing land uses, as most of the uses surrounding the Project Area consists of residential uses. The Proposed Actions would also promote and reaffirm a mixed-use live-work neighborhood, by balancing the preservation of neighborhood scale and allowing a moderate increase in density with the opportunity to increase mixed-income housing. The proposed commercial uses would activate the streetscape. It would also be compatible with other mixed-use residential and commercial buildings along the Coney Island Avenue corridor.

The Proposed Actions would also be compatible with the changing uses along the Coney Island Avenue corridor in recent years. There have been several zoning changes to the immediate surrounding area of the Project Area. In 2009, the blocks directly east of the Project Area across from Coney Island Avenue were included in the Flatbush Rezoning and rezoned to R6A and R7A with C2-4 commercial overlays mapped along Coney Island Avenue (ULURP 090336ZMK). Additionally, directly across the street on the north corner of Hinckley Place and Coney Island Avenue is a six-story mixed-use residential and commercial building at 527 Coney Island Avenue, which was completed in 2015. It contains 58 DUs and 4,162-gsf of ground floor commercial uses.

The Proposed Actions would help to address the continuing need for affordable housing for a range of household income levels in the Kensington/Flatbush neighborhoods and surrounding neighborhoods. The proposed zoning text amendment, which would designate the proposed rezoning area as a MIH area, would require the construction of permanently affordable residential units on the Applicant-owned and controlled site. These required permanently affordable units at the site would help to address affordable housing goals set forth by the City in *Housing New York: A Five-Borough, Ten-Year Plan*. The proposed zoning text amendment would be aligned with one of Community Board 12's identified three pressing

issues for affordable housing. The proposed zoning change and zoning text amendment would also be aligned with one of Community Board 14's identified community district needs related to housing, economic development, and land use of a need for additional affordable housing and economic development. The creation of new affordable housing supply at various income levels helps to alleviate the upward pressure on housing prices and contributes to housing affordability in the surrounding area and larger City.

V. PROPOSED DEVELOPMENT

Projected Development Site 1 (Block 5343, Lot 13; the Proposed Project) at 534 Coney Island Avenue would be developed with a new 11-story, approximately 75,902-gsf (59,906-zsf) mixed-use residential and commercial building. The Proposed Project would have a FAR of 6.0, the maximum permitted FAR, which would be mapped in the proposed R7X/C2-4. The Applicant's Proposed Project would consist of 59,634-gsf of residential uses, totaling 43 DUs. The Proposed Project would also have 25-30 percent of units affordable pursuant to MIH Option 1 or 2 (11-13 affordable DUs). The Proposed Project would also have 19 accessory parking spaces located in a single cellar level (9,849-gsf), and 3,547-gsf of ground floor retail uses. The Proposed Project would be constructed on the corner of Coney Island Avenue and Hinckley Place and would have a maximum height of 110 feet (11-stories) with a qualifying ground floor and a base height of 75-feet (see **Figures A-2 and A-3**).

Given that the Applicant's development proposal would not be built to the maximum allowable development potential under the Proposed Actions, the RWCDS and this EAS will consider a more conservative development up to 14-stories and 6.0 FAR than what the Applicant is proposing.

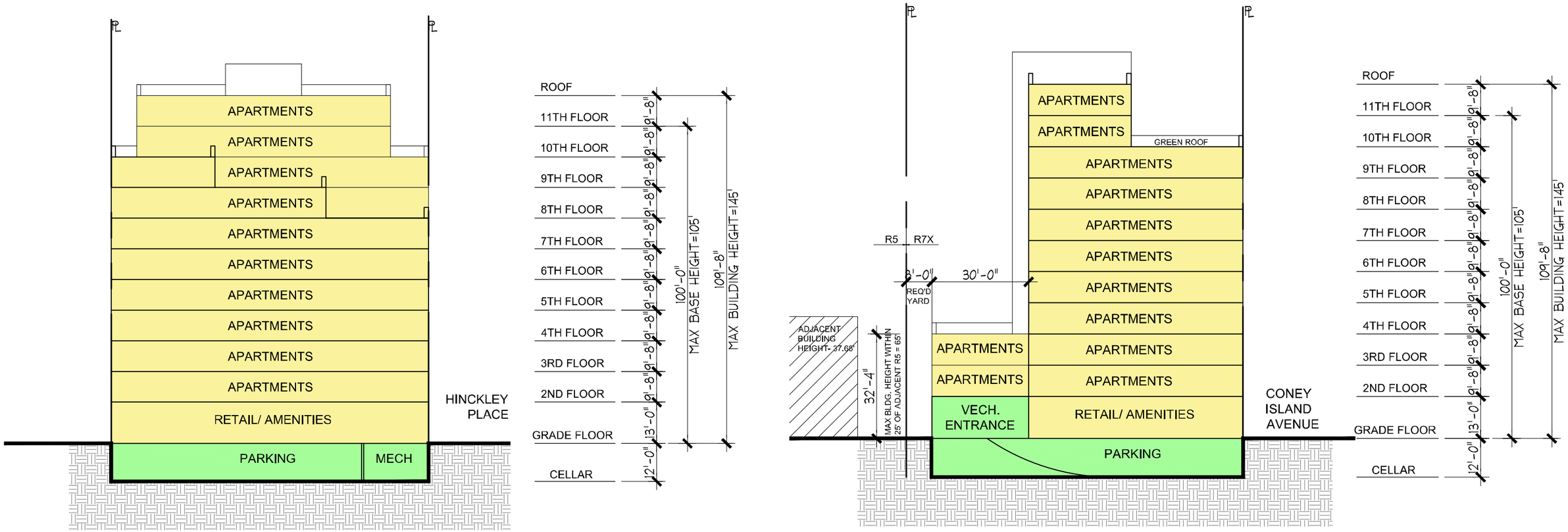
VI. ANALYSIS FRAMEWORK

It is anticipated that the Proposed Actions would be certified into ULURP in early 2023. Assuming completion of the ULURP process by the mid-to late 2023 after an approximately seven-month period, and a period of no more than approximately 17-months of construction, completion and occupancy of Projected Development Site 1 is expected to occur by 2025. In addition to the proposed development, an additional projected development site (Projected Development Site 2) has been identified in the Project Area that is likely to be developed because of the Proposed Actions (Lot 19). However, as described below, no formal redevelopment plans exist for the site. Nonetheless, the site meets the CEQR soft site criteria and, as such, is assumed to be redeveloped by 2027. This reflects a reasonable estimate of the time needed for the site to demolish the existing structures on Lot 19, design the project, obtain design approvals, and construct the project (approximately five years). Accordingly, this environmental review will use 2027 as the Build Year for analysis of future conditions consistent with *CEQR Technical Manual* guidance.

Identification of Development Sites

According to the *CEQR Technical Manual,* the following factors, commonly referred to as "soft site criteria," are generally considered when evaluating whether some amount of development would likely be constructed by the build year as a result of the Proposed Actions:

- The uses and bulk allowed: Lots located in areas where changes in use would be permitted and/or contain buildings built to substantially less than the maximum allowable floor area ratio (FAR)



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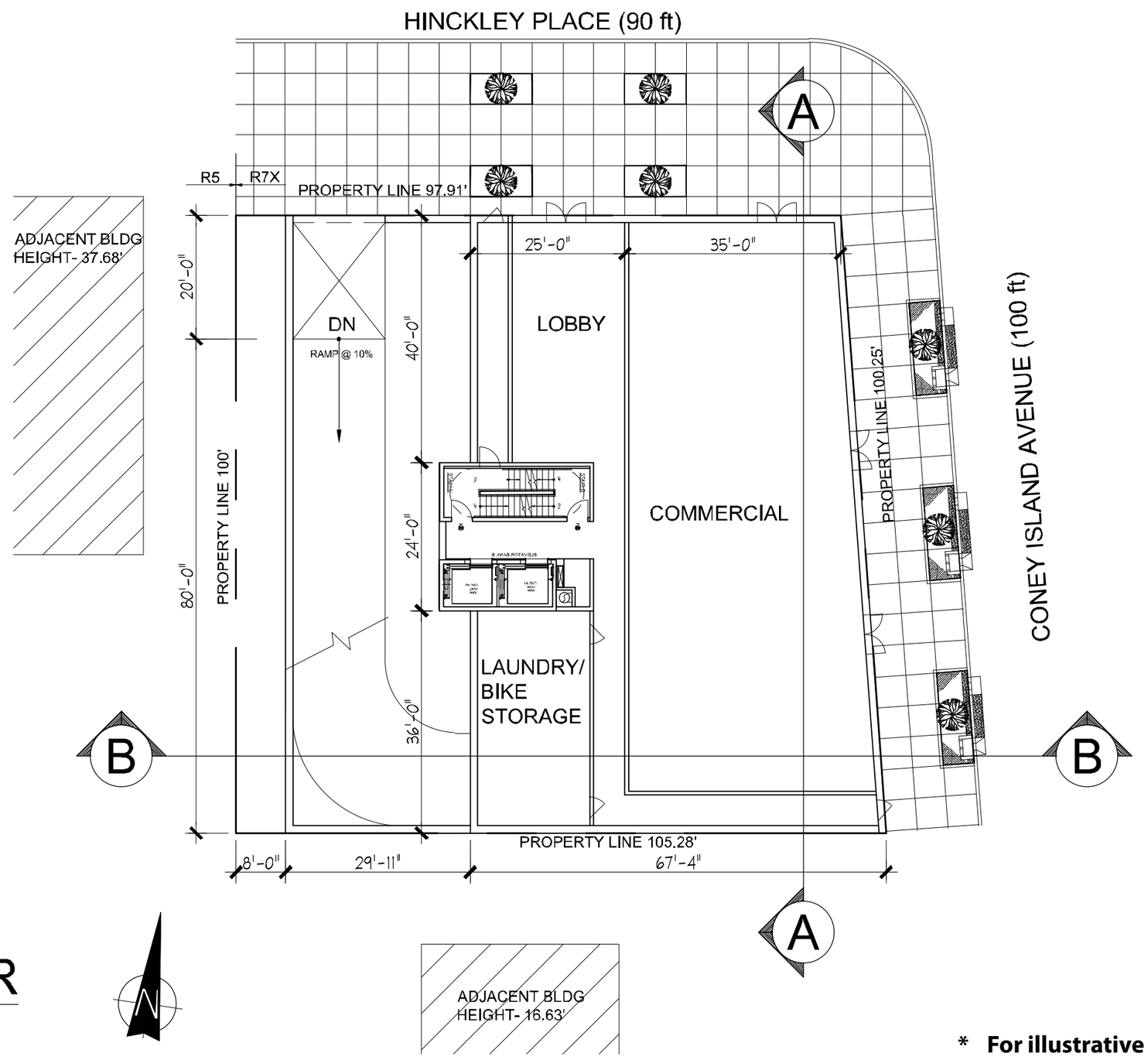


1ST FLOOR

* **For illustrative purposes only**

under the existing zoning are considered "soft" enough such that there would likely be sufficient incentive to develop in the future, depending on other factors specific to the area (e.g., the amount and type of recent as-of-right development in the area, recent real estate trends, site specific conditions that make development difficult, and issues relating to site control or site assemblage that may affect redevelopment potential); and

- Size of the development site: Lots must be large enough to be considered "soft." Generally, lots with a small lot size are not considered likely to be redeveloped, even if currently built to substantially less than the maximum allowable FAR. A small lot is often defined for this purpose as 5,000 square feet or less, but the lot size criteria is dependent on neighborhood specific trends, and common development sizes in the study area should be examined prior to establishing these criteria.

However, the following uses and types of buildings that meet the soft site criteria are typically excluded from development scenarios because they are unlikely to be redeveloped as a result of the Proposed Actions:

- Full block and newly constructed buildings with utility uses, as these uses are often difficult to relocate;
- Lots where construction is actively occurring, or has recently been completed, as well as lots with recent alterations that would have required substantial capital investment, unless recently constructed or altered lots were built to less than or equal to half of the maximum allowable FAR under the proposed zoning;
- Lots whose location or irregular shape would preclude or greatly limit future as-of-right development. Generally, development on irregular lots does not produce marketable floor space;
- Long-standing institutional uses with no known development plans; or
- Residential buildings with six (6) or more units constructed before 1974. These buildings are likely to be rent-stabilized and difficult to demolish due to tenant re-location requirements.

Definition of Projected and Potential Development Sites

To produce a reasonable, conservative estimate of future growth identified development sites are typically divided into two categories: projected development sites and potential developments. Projected development sites are considered more likely to be developed within the analysis period for the Proposed Actions (i.e., by 2027), while potential sites are considered less likely to be developed over the same period.

Projected Development Site 1

The Applicant-owned site is considered a projected development site, as in the future with the Proposed Actions the Applicant intends to redevelop the site with a 10-story mixed-use commercial and residential building, as detailed above.

Projected Development Site 2 (Not Applicant-Owned)

Lot 19 is an 8,275-sf rectangular-shaped corner site currently occupied by a single-story, approximately 1,625-sf gas station and auto service shop with a FAR of 0.20, well below 50 percent of the maximum allowable 6.0 FAR in the future with the Proposed Actions. As such, it is expected that Lot 19 would be

redeveloped to the maximum permitted FAR of 6.0, with a building height of up to 145 feet tall including qualifying ground floor (see **Figure A-4**). In the future with the Proposed Actions, the existing structures on Lot 19 would be demolished, and the lot would be redeveloped with an approximately 63,057-gsf mixed-use residential building with ground floor local retail (refer to **Table A-2**). Projected Development Site 2 would include approximately 52,327-gsf of residential use (62 DUs; 16-19 affordable DUs under MIH Option 1 or 2) and 4,057-gsf of local retail use. Projected Development Site 2 would also contain approximately 6,673-gsf of below-grade cellar space that would be occupied by mechanical uses as well as bike storage and storage for the local retail uses. No accessory parking would be required pursuant to Zoning Resolution (ZR) Sections 25-261 and 36-361, which would waive parking requirements as fewer than 15 residential spaces and 15 commercial spaces would be required for the development.

Remainder of Project Area

As discussed above, portions of two other tax lots are included in the Project Area. Lot 11 (26 Hinckley Place) is a rectangular property that comprises of 4,000-sf and is improved with a two-and-a-half-story, approximately 2,834-gsf two-family building (0.70 FAR). Only the eastern edge of the lot would be rezoned. As such, it would not meet the CEQR threshold of a soft site and is not considered a development site.

Lot 26 (829 Beverly Road) is a rectangular-shaped property that comprises of 3,300-sf and is improved with a three-story approximately 2,240-gsf two-family building (1.0 FAR). As such, it would not meet the CEQR threshold of a soft site and is not considered a projected development site.

As such, for RWCDS purposes, the only two projected development sites have been identified in the directly affected area. The Applicant-owned site (Projected Development Site 1), along with one additional projected development site (Projected Development Site 2), which are discussed above, represent the RWCDS for analysis purposes. Lots 11 and 26 are not projected to be redeveloped as a result of the Proposed Actions and are not considered development sites.

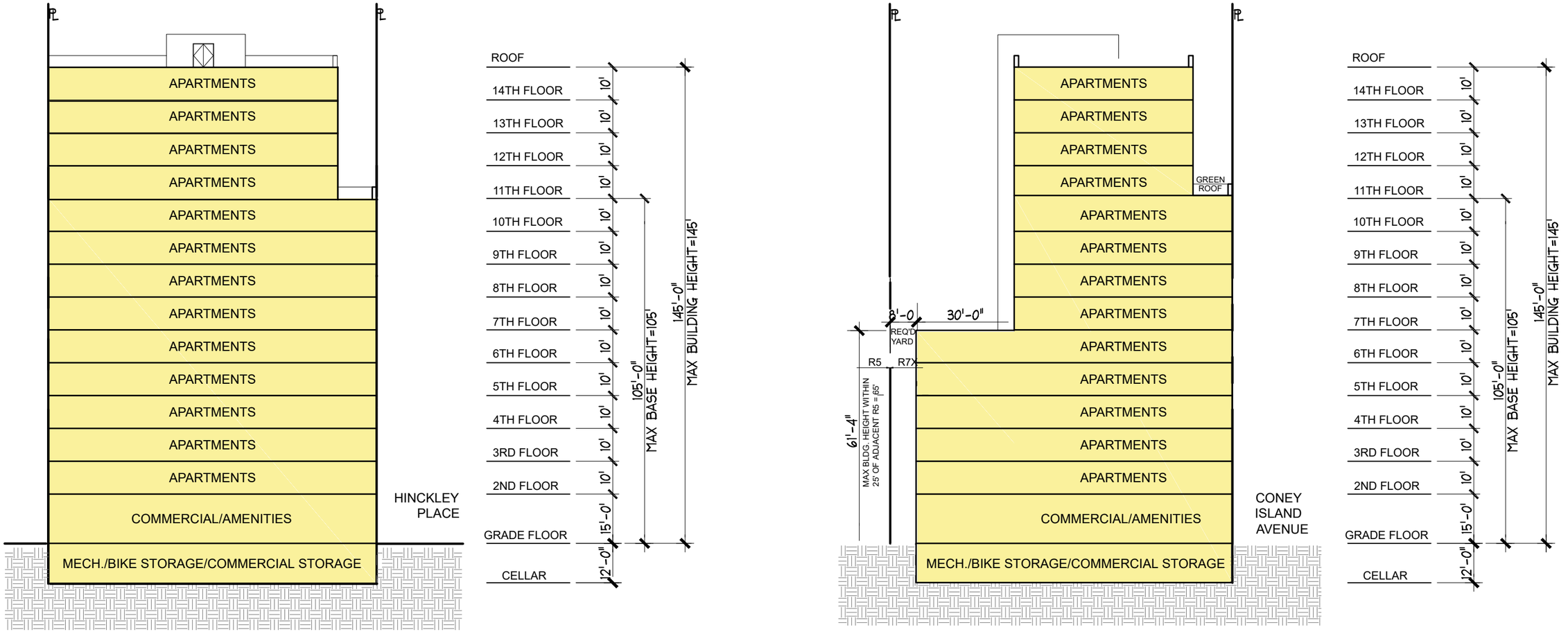
Future without the Proposed Actions (No-Action Condition)

In the 2027 No-Action condition, the Project Area's existing C8-2 zoning would remain in place. Under the existing zoning, no changes are anticipated. All existing buildings and uses within the proposed rezoning area would remain unchanged from existing conditions.

Future with the Proposed Actions (With-Action Scenario)

In the future with the Proposed Actions (With-Action condition), the proposed zoning map and zoning text amendments would be approved. As such, the R7X/C2-4 zoning district would be mapped along the eastern edge of Block 5343 bounded by Hinckley Place and Beverly Road to a depth of 100 feet from Coney Island Avenue and would be designated as a MIH area. Under the With-Action conditions, the maximum allowable FAR in the proposed rezoning area would increase to 6.0 FAR when fully utilizing the additional FAR under the MIH Program.

Projected Development Site 1



*** For illustrative purposes only**

As detailed above, the Applicant-owned Lot 13 is considered a projected development site, as in the future with the Proposed Actions the Applicant intends to redevelop with mixed-use residential and commercial building. For RWCDS purposes, the With-Action scenario identifies the maximum development potential for the Applicant-owned site (6.0 FAR and 14-stories) and assumes an average DU size of 850 gsf. The With-Action building would total approximately 83,697-gsf and rise to 145 feet tall (14-stories) and include 60,858 gsf of residential use (72 DUs) and 3,547 gsf of local retail (refer to **Table A-2**). Thirty-two accessory parking spaces would be provided in a below-grade garage on two cellar levels (19,292-gsf) with access from an existing curb cut on Hinckley Place.

Projected Development Site 2

As discussed above, Lot 19 is a square-shaped site comprising 8,725-sf, which is developed to less 50 percent of the maximum allowable 6.0 FAR in the future with the Proposed Actions. As such, it is expected that Lot 19 would be redeveloped to the maximum permitted FAR of 6.0, with a building height of up to 145 feet including qualifying ground floor and an average DU size of 850 gsf (see **Figure A-4**). In the future with the Proposed Actions, the existing gas station and auto service shop would be demolished, and the lot would be redeveloped with an approximately 63,057-gsf mixed-use residential building with ground floor local retail (refer to **Table A-2**). Projected Development Site 2 would include approximately 52,327-gsf of residential use (62 DUs) and 4,057-gsf of local retail use and a single cellar level (6,673-gsf).

Table A-2: With-Action Development Scenarios

	Lot	Lot Area (SF)	Residential		Commercial (GSF)	Total Mixed- Use Building (GSF)[3]	Parking Spaces	Max. Building Height (FT)
			GSF	DUs [2]				
Projected Development Site 1[1]	13	10,160	60,858	72	3,547	83,697	32	145[4]
Projected Development Site 2	19	8,725	52,327	62	4,057	63,057	0	145
	Total	18,910	113,185	134	7,604	146,754	32	

Notes: [1] The Applicant is proposing a building at Projected Development Site 1 that would not maximize the development potential under the Proposed Actions (the Proposed Project as discussed above). For the purpose of the RWCDS and this EAS, Projected Development Site 1 is assumed to be developed to the maximum possible extent under the With-Action scenario.

[2] Under the With-Action condition, the estimated DUs are based on a standard average unit size of approximately 850 gsf per DU.

[3] Total gross square footage includes the cellar levels.

[4] The maximum building height of 145 feet is permitted with a qualifying ground floor. However, the Applicant is proposing a building that would be 11-stories and 1110 feet in height.

Possible Effects of the Proposed Actions

Table A-3 below provides a comparison of the No-Action and With-Action conditions identified for CEQR analysis purposes. As shown, the incremental (net) change that would result from the Proposed Actions is the addition of a total of 113,185-gsf of residential uses, including approximately 134 DUs, of which approximately 34-41 (25-30 percent) would be affordable DUs under MIH Option 1 or 2, and 3,347-gsf of commercial uses. Approximately 32 enclosed parking spaces would be introduced to Projected Development Site 1 for a net increment of 21 parking spaces. In terms of population, the Proposed Actions are expected to generate an estimated 391 incremental residents and 15 incremental employees, as compared to the 2027 No-Action condition.

Table A-3: Comparison of No-Action and With-Action Development Scenarios for Projected Development Sites 1 and 2

Use	No-Action	With-Action	Increment

Residential Dwelling units (DUs) Gross Square Footage (GSF)	0 DUs 0 GSF	134 DUs 113,185 GSF	+134 DUs + 113,185 GSF
Commercial (GSF)	4,257 GSF	7,604 GSF	+3,347 GSF
Manufacturing (GSF)	0 GSF	0 GSF	0 GSF
Parking (spaces)	11 (unenclosed parking spaces)	32 (enclosed parking spaces)	+21 parking spaces
Population/Employment [1]	**No-Action**	**With-Action**	**Increment**
Residents	0	391	+391
Workers	13	28	+15

Notes: [1] Assumptions based on the average household size of 2.92 persons per household for Kensington Neighborhood Tabulation Area (NTA) according to the 2020 Census. Employee generation rates are based on one worker per 333 gsf of retail space and one worker per 25 DUs.

VII. REQUIRED APPROVALS

The Applicant requires zoning text and map amendments to construct the proposed development at 534 Coney Island Avenue. The proposed zoning map and text amendments are discretionary public actions that are subject to both the Uniform Land Use Review Procedure (ULURP) and CEQR.

The City's ULURP process, mandated by Sections 197-c and 197-d of the New York City Charter, is designed to allow public review of ULURP applications at four levels: the Community Board; the Borough President; the CPC and the City Council. The procedure has mandated time limits for review at each stage to ensure a maximum review period of approximately seven months. The process begins with certification by CPC that the ULURP application is complete. The application is then referred to the relevant Community Board (in this case Brooklyn Community Board 12). The Community Board has up to 60 days to review and discuss the proposal, hold a public hearing, and adopt an advisory resolution on the ULURP application. The Brooklyn Borough President then has up to 30 days to review the application. The CPC then has up to 60 days, during which time a public hearing is held on the ULURP application. If CPC approved, the application is then forwarded to the City Council, which has 50 days to review the ULURP application.
CEQR is a process by which agencies review discretionary actions to identify the effects those actions may have on the environment. The City of New York established CEQR regulations in accordance with the New York State Environmental Quality Review Act (SEQRA). In addition, the city has published a guidance manual for environmental review, the *CEQR Technical Manual*.

ATTACHMENT B

SUPPLEMENTAL SCREENING

I. INTRODUCTION

This Environmental Assessment Statement ("EAS") has been prepared in accordance with the guidance and methodologies presented in the 2021 *City Environmental Quality Review ("CEQR") Technical Manual*. For each technical area, thresholds are defined, which if met or exceeded, require that a detailed technical analysis be undertaken. Using this guidance, preliminary screening assessments were conducted for the Proposed Actions and resultant reasonable worst-case development scenario (RWCDS) to determine whether detailed analysis of any technical area may be appropriate. Part II of the EAS Form identifies those technical areas that warrant additional assessment. For those technical areas that warranted a "Yes" answer in Part II of the EAS Form, including Land Use, Zoning, and Public Policy; Open Space; Shadows; Historical and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Air Quality; Noise; Public Health; Neighborhood Character; and Construction supplemental screening assessments are provided in this attachment. The remaining technical areas detailed in the *CEQR Technical Manual* were not deemed to require supplemental screening because they do not trigger initial CEQR thresholds and/or are unlikely to result in significant adverse impacts. The following technical areas screened out from any further assessment: Socioeconomic Conditions; Community Facilities; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; and Greenhouse Gas Emissions and Climate Change.

The supplemental screenings contained herein identified that additional analyses are required in the areas of Land Use, Zoning, and Public Policy, Urban Design and Visual Resources, Air Quality, and Noise. These analyses are provided in **Attachments C to F**, respectively, and are summarized in this attachment. **Table B-1** presents a summary of analysis screening information for the Proposed Actions.

As described in **Attachment A, "Project Description,"** the proposed zoning changes ("Proposed Actions") and resultant RWCDS would result in the net increase of approximately 134 dwelling units (DUs), of which approximately 34-41 (25-30 percent) would be affordable units pursuant to Mandatory Inclusionary Housing (MIH) Option 1 or 2, and approximately 3,347 gross square feet (gsf) of commercial uses at two projected development sites (Projected Development Sites 1 and 2) in the Flatbush/Kensington neighborhood of Brooklyn Community District (CD) 12, as compared to the No-Action condition. The two projected development sites consist of the Applicant-owned Lot 13 on Block 5343 ("Projected Development Site 1") and another privately owned Lot 19 on Block 5343 ("Projected Development Site 2"), not under the Applicant's control. None of the other tax lots affected by the proposed zoning map and text changes are expected to be redeveloped or enlarged in the future with the Proposed Actions.

TABLE B-1
Summary of CEQR Technical Areas Screening

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

II. SUPPLEMENTAL SCREENING AND SUMMARY OF DETAILED ANALYSES

Land Use, Zoning, and Public Policy

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

The Proposed Actions include zoning map and zoning text amendments. Therefore, a land use, zoning, and public policy assessment is provided in **Attachment C, "Land Use, Zoning, and Public Policy."** As discussed therein, no significant adverse land use, zoning, or public policy impacts are expected in the future with the Proposed Actions. The Proposed Actions would facilitate new mixed-use residential and commercial development in a location where appropriate, and that is characterized by similar uses.

Open Space

Based on the *CEQR Technical Manual*, an open space assessment is typically warranted if an action would directly affect an open space or if it would increase the population by more than 200 residents or 500 workers to an area.

The Proposed Actions and RWCDS are expected to result in an estimated 391 new residents and 15 (net) employees as compared to the No-Action Condition. As the Proposed Actions would result in an increase in residents above the *CEQR Technical Manual* threshold for analysis, a residential open space analysis is provided in **Attachment D, "Open Space."** As discussed in detail in **Attachment D**, no significant adverse impacts to open space are expected as a result of the Proposed Actions.

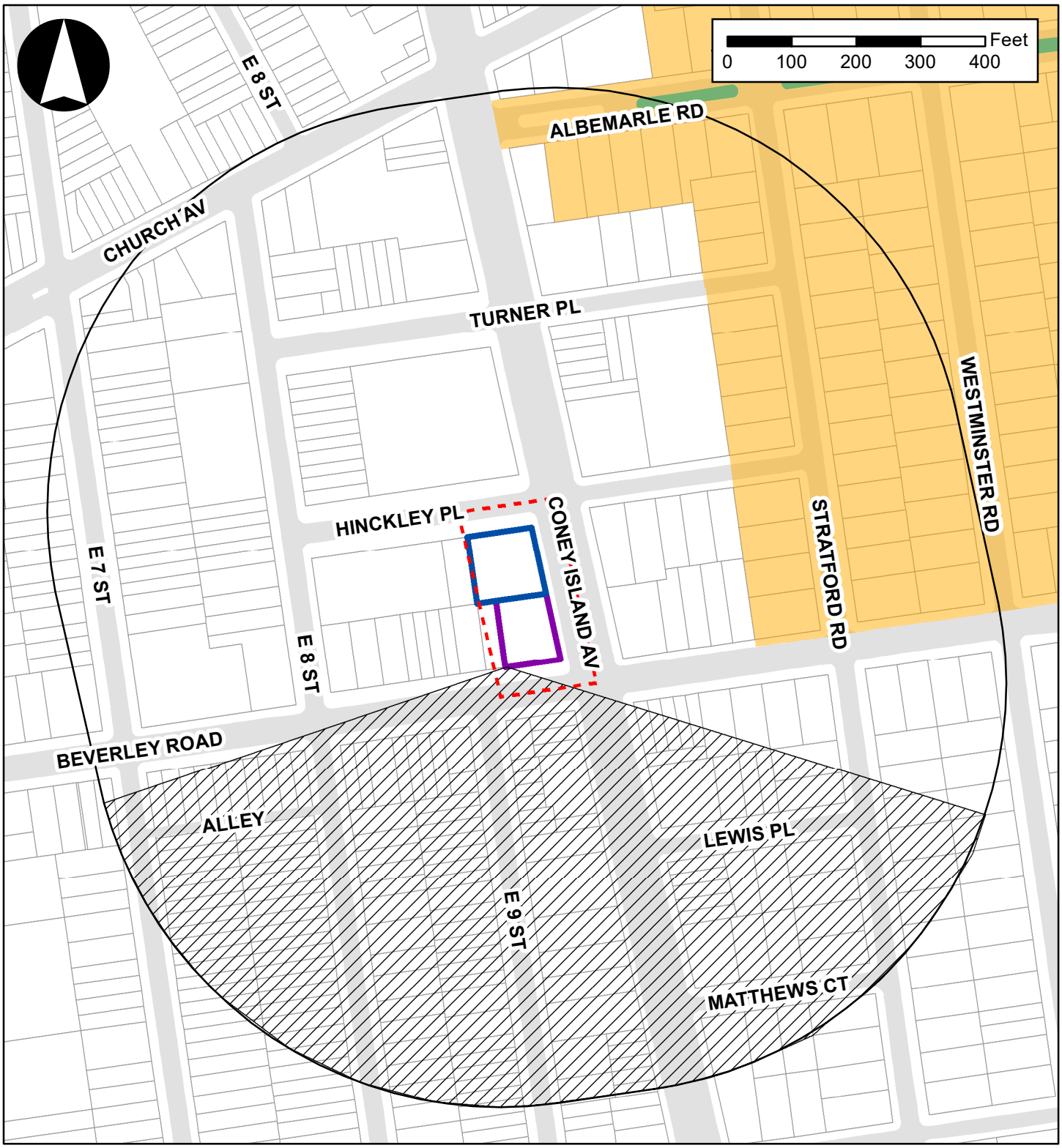
Shadows

A shadows assessment considers proposed actions that result in new shadows long enough to reach a publicly accessible open space or sunlight-sensitive historic resource (except within an hour and a half of sunrise or sunset). For proposed actions resulting in structures less than 50 feet high, a shadow assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important natural feature (if the features that make the structure significant depend on sunlight). According to the 2021 *CEQR Technical Manual*, some open spaces contain facilities that are not sunlight-sensitive, and do not require a shadow analysis including paved areas (such as handball or basketball courts) and areas without vegetation.

Tier 1 Screening Assessment As a RWCDS, the Proposed Actions would facilitate the construction of two 145-foot tall mixed-use residential and commercial buildings on two separate projected development sites. According to the *CEQR Technical Manual*, the longest shadow a structure would cast in New York City, except for periods close to dawn or dusk, is 4.3 times its height. Therefore, per *CEQR Technical Manual* guidance, the maximum shadows radius for the RWCDS would be 4.3 times the projected buildings' heights (145-feet) and any rooftop equipment (three feet tall, such as bulkheads or mechanical equipment). The Projected Development Sites are expected to have three-foot tall bulkheads, which would result in 148-feet tall With-Action structures. As such, the maximum shadow radius (Tier 1 Assessment) for the RWCDS would be 636.4 feet, calculated based on the projected development sites' 148-foot tall height (including bulkhead) times 4.3. As shown in **Figure B-1**, the westernmost lots within the Prospect Park South Historic District, which is a New York City Landmarks Preservation Commission (LPC) designated historic district and is also listed on the State and National Registers of Historic Places (S/NR-listed), as well as the Albemarle Road landscaped medians (or "Flatbush Malls) would be within the longest shadow study area. However, the buildings located in the Prospect Park South Historic District are not considered sunlight-sensitive resources as defined by the *CEQR Technical Manual*, and as such would not be adversely affected by any incremental shadows resulting from the With-Action developments. Therefore, a detailed assessment of shadows is not warranted for the Prospect Park South Historic District, and no significant adverse shadow impacts would occur because of the Proposed Actions.

The Flatbush Malls are a collection of landscaped medians that total 0.73 acres of landscaping, trees, plants, and seasonal foliage. Extending down the center of Albemarle Road, the Flatbush Malls run from Coney Island Avenue in the west to Buckingham Road in the east, then round the corner and continue one block north on Buckingham Road. Since two portions of the malls are located within the Tier 1 radius, a Tier 2 analysis is required.

Figure B-1
Tier I and II Shadows Assessment



Legend

- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2
- Tier 1 Analysis: (636.4-feet)
- Tier II Analysis: Area that Cannot be Shaded
- Open Space
- Historic District

Tier 2 Screening Assessment

Due to the path of the sun across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given project site. In New York City, this area lies between -108 and +108 degrees from true north. The purpose of the Tier 2 screening is to determine whether the sunlight-sensitive resources identified in the Tier 1 screening are located within portions of the longest shadow study area that can receive shade from the development generated by the Proposed Actions.

As presented in **Figure B-1**, the Flatbush Malls would fall within the RWCDS maximum shadow radius, and based on the Tier 2 Screening Assessment, it cannot be ruled out that development generated by the Proposed Actions would not cast shadows on this open space.

Tier 3 Screening Assessment

According to the *CEQR Technical Manual*, a Tier 3 screening assessment should be performed to determine if, in the absence of intervening buildings, shadows resulting from a development can reach a sunlight-sensitive resource, thereby warranting a detailed shadows analysis. The Tier 3 screening assessment is used to determine if shadows resulting from a proposed action can reach a sunlight-sensitive resource at any time between 1.5 hours after sunrise and 1.5 hours before sunset on representative analysis dates.

As project-generated shadows could reach nearby sunlight-sensitive resources, a Tier 3 assessment was performed using three dimensional (3D) computer mapping software. The 3D model was used to calculate and display project-generated shadows on four individually representative analysis dates which are indicative of the range of potential shadows over the course of the year (March 21/September 21, the equinoxes; May 6, the midpoint between the summer solstice and the equinox (and equivalent to August 6); June 21, the summer solstice and the longest day of the year; and December 21, the winter solstice and shortest day of the year). The model contained 3D representations of the elements in the base map used in the preceding assessments and a 3D model of the RWCDS developments resulting from the Proposed Actions. At this stage of the assessment, surrounding buildings and structures within the study area were not included in the model so that it may be determined whether project-generated shadows would reach any sunlight-sensitive resources without intervention from surrounding structures.

Figures B-2a and **B-2b** illustrate the range of project-generated shadows that could occur in the absence of existing buildings on the four representative analysis days. The Tier 3 analysis shows that the Flatbush Malls would not receive project-generated shadows on any of the representative analysis days. Therefore, a detailed shadow analysis is not warranted, and no adverse shadow impacts would occur because of the Proposed Actions.

Historic and Cultural Resources

Historic and cultural resources include both architectural and archaeological resources. *The CEQR Technical Manual* identifies historic and cultural resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks (NYCL); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (LPC); properties listed on the State/National Registers of Historic Places (S/NR) or contained within a district listed in or formally determined eligible for S/NR listing;



MARCH 21/SEPTEMBER 21



MAY 6/AUGUST 6

Projected Development Site 1
Projected Development Site 2
Open Space
Project-Generated Shadow



JUNE 21



DECEMBER 21

Projected Development Site 1
Projected Development Site 2
Open Space
Project-Generated Shadow

properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks; and properties not identified by one of the programs listed above, but that meet their eligibility requirements. An assessment of historic/archaeological resources is usually needed for projects that involve or are located adjacent to historic or landmark structures or within historic districts, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated.

According to the *CEQR Technical Manual* guidance, a study area defined by a radius of 400 feet from the boundaries of the directly affected area is typically adequate to assess potential impacts on historic/architectural resources. The historic resources study area is therefore defined as the area within a 400-foot radius of proposed rezoning area (see **Figure B-3**). Archaeological resources are considered only in those areas where new excavation or ground disturbance is likely and would result in new in-ground disturbance compared to No-Action conditions.

In order to verify the presence of designated or eligible architectural resources in the surrounding area, a request letter was sent to LPC. In a letter dated 7/14/2021, LPC confirmed that neither of the projected development sites contain any architecturally nor archaeologically significant resources (refer to **Appendix 2**). LPC noted that within the 400-foot radius of the Project Area is the LPC- and S/NR-listed Prospect Park South Historic District.

Prospect Park South Historic District

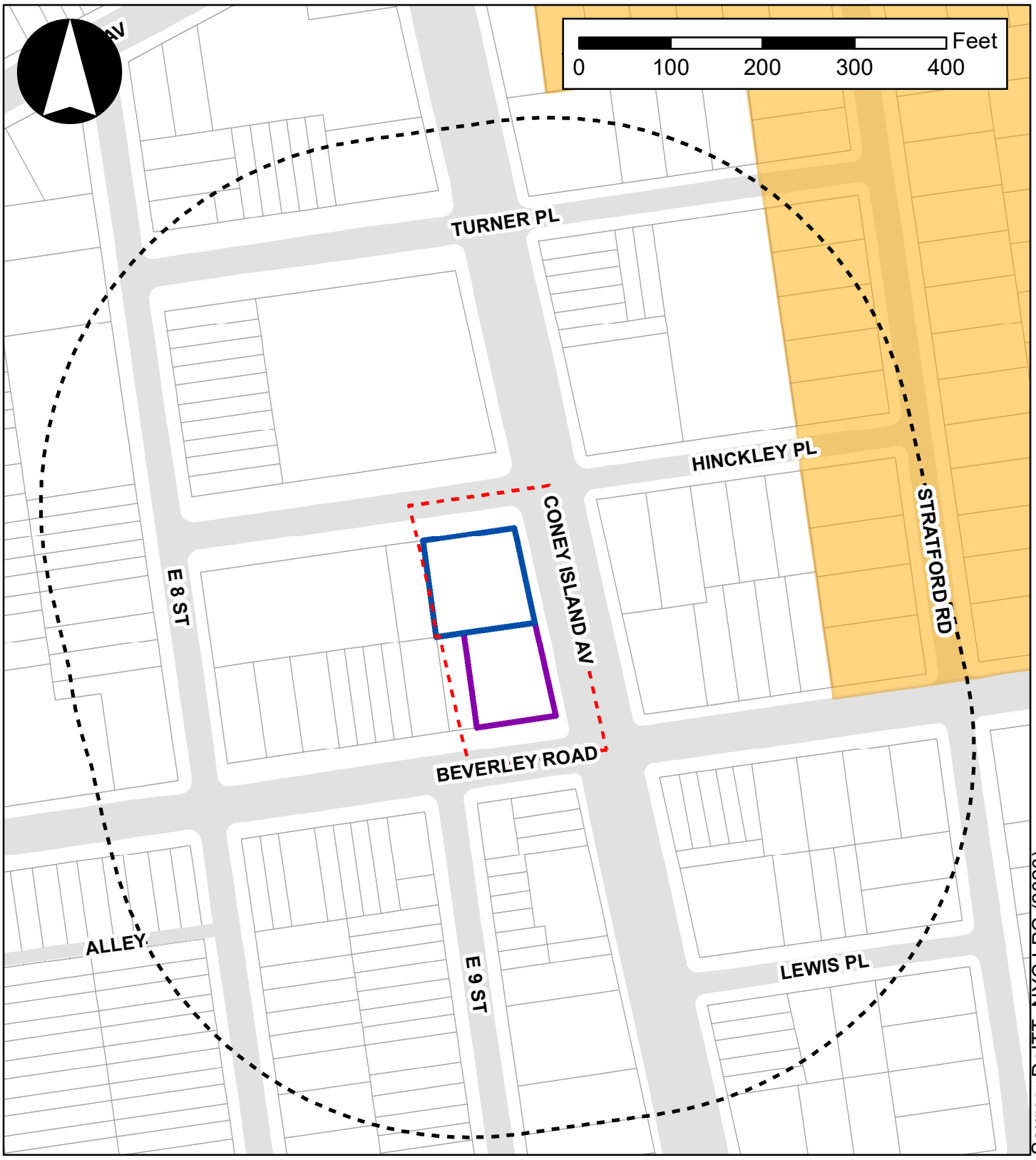
As shown in **Figure B-3**, the Prospect Park South Historic District is located half a block (approximately 300 feet) east of the Project Area. The Prospect Park South Historic District comprises all or portions of 15 blocks, and is roughly bounded by Beverly Road to the south, Coney Island Avenue to the west, Church Avenue to the north, and the B and Q subway lines to the east. It includes a collection of approximately 200 large single-family detached houses constructed between 1900 and 1930 in a number of different architectural styles, including Colonial Revival, Queens Anne, neo-Tudor, neo-Elizabethan, Italian Villa, French Gothic, Swiss Chalet, Japanese, among others. The Prospect Park South District was designated a historic district in 1979 by New York City Landmarks Preservation Commission (LPC) and listed on both the State and National Register of Historic Places (S/NR) in 1983. In its designation as a historic district, LPC determined that Prospect Park South Historic District contains buildings and other improvements of special character and architectural significance to the history of New York City.

Assessment

According to the *CEQR Technical Manual*, generally, if a proposed action(s) would affect those characteristics that make a resource eligible for NYC Landmark designation or S/NR listing, this could be a significant adverse impact. As mentioned above, the LPC and S/NR designated Prospect Park South Historic District, which is partially located within 400 feet of the Project Area, is significant both for its architectural quality, as well as for its historical value as part of the City's development.

The Proposed Actions were assessed in accordance with methodologies established in the *2021 CEQR Technical Manual* (Chapter 9, Part 420) to determine (i) whether there would be a physical change to any designated or listed property as a result of the proposed actions; (ii) whether there would be a physical change to the setting of any designated resource, such as context or visual prominence, as a result of the proposed actions; and (iii) if so, whether the change is likely to diminish the qualities of the resource that make it important.

Figure B-3
Historic and Cultural Resources



Legend

- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2
- Prospect Park South Historic District

Direct Effects

As noted previously, as there are no historic architectural resources on either of the two development sites, the Proposed Actions would not result in any significant adverse architectural historic resources impacts related to direct effects.

Indirect Effects

Development in the With-Action condition would be limited to two projected development sites and would introduce new 14-story (145-feet tall) buildings along the west side of Coney Island Avenue between Hinckley Place to the north and Beverly Road to the south. As mentioned above, neither projected development site has any architectural or archeological significance. Both projected development sites are located within 400-feet of the LPC and S/NR designated Prospect Park South Historic District, and so development facilitated by the Proposed Actions has the potential to affect views of this resource. As described in **Attachment E, "Urban Design and Visual Resources,"** views of the eligible historic resources would continue to be available for enjoyment from publicly accessible areas and along existing view corridors formed by the street pattern. Accordingly, no publicly accessible views to or from the eligible historic resources would be blocked, and there would be no significant adverse urban design and visual resource impacts. Some change in viewing context may occur, but this change is typical of new development in urbanized areas. The Proposed Actions would not remove or alter any contributing architectural resources from the Prospect Park South Historic District.

Although LPC identified the LPC-designated and S/NR-listed Prospect Park South Historic District within the 400-foot historic resources study area (see **Figure B-3**), LPC determined that no adverse impacts are anticipated. Additionally, the Proposed Actions would not introduce incompatible elements to the setting of the eligible historic resources located within the vicinity of the Project Area, and would not result in any significant adverse historic architectural impacts related to indirect effects. Therefore, the Proposed Actions would not adversely affect any historic architectural resources and no further analysis is warranted.

Urban Design and Visual Resources

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

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

The Proposed Actions involve the rezoning of area from C8-2 to R7X/C2-4, which would result in a development that would differ from what is currently permitted as-of-right, and as such, an analysis of urban design and visual resources is appropriate. This analysis is provided in **Attachment E, "Urban Design and Visual Resources."** As discussed in **Attachment E**, there would be no significant adverse impacts to urban design and visual resources due to the Proposed Actions.

Natural Resources

The *CEQR Technical Manual* defines natural resources as (1) the City's biodiversity (plants, wildlife, and other organisms); (2) any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and (3) any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability. In determining if a natural resources assessment is appropriate, there are two possibilities that are considered in evaluating the needs for a more detailed assessment: (a) the presence of a natural resource on or near the project site; and (b) disturbance of that resources caused by the project. Due to the proposed rezoning area's location within the Jamaica Bay Watershed (as shown in **Figure B-4**), a preliminary assessment of natural resources is warranted.

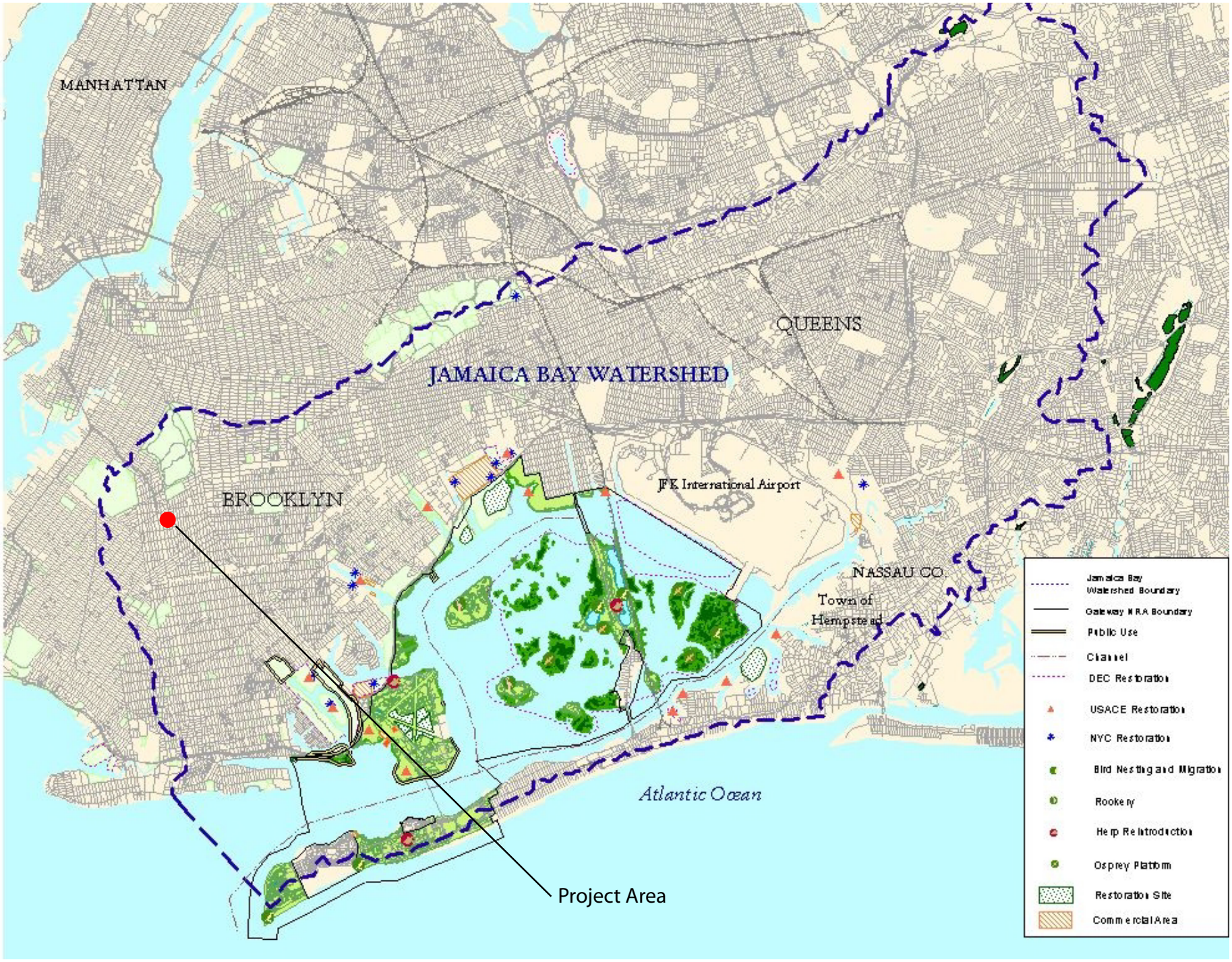
The Jamaica Bay Watershed is a source of freshwater and brackish water to the Hudson-Raritan Estuary and extends deep into Brooklyn, Queens, and Nassau County. Jamaica Bay is one of the largest and most productive coastal ecosystems in the northeast United States and includes the largest tidal wetland complex in New York City and the surrounding metropolitan areas. Connecting to the Atlantic Ocean via the Rockaway Inlet, Jamaica Bay's wetlands serve as flood protection and shoreline erosion control for the homes and businesses of the encircling neighborhoods.

The New York State Department of Environmental Conservation (NYSDEC) has included Jamaica Bay on its Section 303(d) impaired water list since 1998 because of violations of water quality standards related to pathogens, nitrogen, and oxygen demand. The primary causes of the impairment are combined sewage overflows (CSOs) and wastewater discharges. In June 2006, The Jamaica Bay Watershed Protection Plan Advisory Committee issued preliminary recommendations for improving the water quality and ecology of Jamaica Bay, which included best management practices to minimize and control soil erosion and stormwater and reduce point and nonpoint source pollution.

Pursuant to Local Law 71, enacted in July 2005, the New York City Department of Environmental Protection (DEP) was required to develop the Jamaica Bay Watershed Protection Plan (JBWPP) to assess the legal, technical, environmental, and economic feasibility of possible measures to protect the Bay. The final JBWPP, submitted in October 2007, outlines a set of objectives and recommended strategies to address current and future threats to the Bay and ensure that comprehensive watershed protection is coordinated, focused, and cost-effective. The plan also includes a schedule, with interim and final milestones, to implement the plan's measures and meet the specific objectives and methods for monitoring progress.

The Jamaica Bay Watershed Form was completed as per *CEQR Technical Manual* guidance and is provided in **Appendix 1**. While the RWCDS for the Proposed Actions would result in the construction of two new mixed-use residential and commercial buildings, the Applicant-controlled Projected Development Site 1, which is currently occupied by a single-story fast food restaurant, and the Projected Development Site 2, which is currently occupied by a single-story gas station and auto service shop. Both projected development sites are substantially devoid of natural resources. Additionally, the area to be rezoned as a

Figure B-4
Jamaica Bay Watershed



result of the Proposed Actions (44,824 sf rezoning area) represents a very small portion of the entire watershed draining to Jamaica Bay. Therefore, the Proposed Actions are not expected to result in significant adverse impacts to the aquatic resources and habitats of Jamaica Bay and a more detailed analysis of natural resources is not required.

Hazardous Materials

As defined in the 2021 *CEQR Technical Manual*, a hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi volatile organic compounds (VOCs and SVOCs), methane, polychlorinated biphenyls (PCBs) and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the *CEQR Technical Manual*, the potential for significant adverse impacts from hazardous materials can occur when: (a) hazardous materials exist on a site, and (b) an action would increase pathways to their exposure; or (c) an action would introduce new activities or processes using hazardous materials.

Phase I Environmental Site Assessment (ESA)

As the Proposed Actions would result in new in-ground disturbance and site excavation at the applicant-owned Projected Development Site 1 at 534 Coney Island Avenue (Lot 13 on Block 5343), a Phase I Environmental Site Assessment (ESA) was prepared to determine whether hazardous materials exist on or adjacent to the site. The Phase I ESA (**Appendix 3**) was prepared by Merritt Environmental Consulting Corp. (MECC) in November 2021 in conformance with the guidelines described in ASTM International's Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process – E1527-13. The Phase I ESA consisted of visual observations, a review of historical information, environmental databases, information provided by the applicant, and interviews with current site representatives.

According to the Phase I, Projected Development Site 1 comprises approximately 10,160-sf, and is improved with a single-story commercial building at 534 Coney Island Avenue. Based on a visual inspection, review of historical records, and interviews with individuals knowledgeable about the present and past uses, the Phase I ESA did not identify Recognized Environmental Conditions (RECs)[1], Controlled Recognized Environmental Conditions (CRECs)[2], or de minimis conditions[3]. The Phase I identified a historical recognized environmental condition (HREC)[4] associated with Projected Development Site 1. According to historical sources reviewed, the site was occupied by a filling station between 1960 and 1988.

[1] Recognized Environmental Conditions (RECs) are defined as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under condition indicative of a release to the environment; or (3) under conditions that pose a material treat of a future release to the environment.

[2] A controlled Recognized Environmental Condition (CREC) is an environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (e.g., property use restrictions, AULs, institutional controls, or engineering controls).

[3] A de minimis condition is one that generally does not present a material risk of harm to the public health or the environment and that generally would not be the subject of an enforcement active if brought to the attention of appropriate governmental agencies (excluding local asbestos and lead situations).

[4] A Historical Recognized Environmental Condition (HREC) is a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority, or meets unrestricted use criteria established by a regulatory authority without subjecting the property to any required controls.

There are 15 underground storage tanks (USTs) registered to the site with "closed" status that have been removed from the property. In addition, there is a New York State Department of Environmental Conservation (NYSDEC) spill event (#9110564) associated with the site that occurred in 1992, but was closed in 2001.

The Phase I notes that according to an Investigation Report prepared by Impact Environmental dated April 30, 2001 Tyree Brothers Environmental Services, Inc. (TBES) removed 15 USTs on the site in December 1988. In September 1991, a subsurface investigation was performed by TBES for the site that identified concentrations of gasoline related contaminants in subsurface soil samples secured on the subject property near the former gasoline USTs. The laboratory analysis of soil samples, identified as B-l (39'-41 '), B-2 (4'-6'), W-1 (4'-6'), detected moderate concentrations of total petroleum hydrocarbons (TPH) and aromatic hydrocarbons. Headspace analysis results of samples secured from the three boring locations failed to detect any concentrations of hydrocarbons above I 00 ppm. The data obtained by Impact Environmental failed to detect any groundwater contamination on the site relative to the former USTs and groundwater flow direction. This data demonstrated that the groundwater quality of the subject property and down-gradient properties have not been impacted from the historic product release associated with NYSDEC spill #9110564. Based upon the results of this investigation, dated April 30, 2001, Impact Environmental concluded that the remedial activities performed to address the historic product release associated with NYSDEC spill# 9110564 properly remediated the previously detected contamination on the subject property. As such, the site was granted regulatory closure on May 8, 2001, and the existing commercial building was constructed in 2002.[5]

The Phase I did not identify any other conditions at Projected Development Site 1 that potentially present a significant environmental concern.

Assessment

The Phase I ESA for Projected Development Site 1 was reviewed by the Department of Environmental Protection (DEP). In a letter dated June 16, 2022, (see **Appendix 4**), DEP determined that a Phase II Environmental Site Assessment is necessary to adequately identify and/or characterize the surface and subsurface soils, groundwater and soil vapor of the subject property, and to inform and disclose the measures necessary to avoid impacts from hazardous materials. As discussed below, given the financial and administrative hardship that a Phase II subsurface investigation would have on Projected Development Site 1, it was determined that it would be appropriate to map an (E) designation at the site.[6]

The existing business that occupies Projected Development Site 1 is a fast food restaurant (a KFC branch), with the business open from 10:30 am until 12:00 am to the public, 7 days a week. Prior to opening hours at 10:30 am, the facility is utilized by staff starting at 7:00 am for preparation work and site cleaning, including utilization of parking and/or vehicle drive through areas to access dumpsters on-site.

Phase II ESA testing will require site investigative work in multiple locations on the property, including the drilling of multiple borings into pavement area, as no area of the property is undeveloped with exposed earth - and the only open areas on the property are paved parking and/or drive through areas. Furthermore, the parking lot is quite limited in area, with only four spaces (one ADA) and an area

[5] It should be noted that NYSDEC soil guidance values had not been established at the time of this 1991 subsurface investigation by TBES.

[6] DEP concurs with the proposed (E) designation, per email correspondence between DCP and DCP, August 11, 2022.

designated for waste pick-up - and the remaining open area consisting of active egress area associated with the drive in.

Phase II ESAs require multiple borings (typically two to three) deep into the ground to capture subsurface conditions for the entire property, with a rig powerful enough to penetrate pavement. It should be noted these rigs are large enough to prevent parking lot, dumpster and drive through access. Based on our experience, these tests take approximately a half-day to complete, with some additional time to patch the borings. Given the invasive nature of boring with a large rig, the business would be required to close to permit this work, as it would occur during business hours and/or utilization of the site for cleaning, trash pick-up and other activities associated with a fast food business.

As the Applicant rents Projected Development Site 1 to an active tenant, it does not have the ability to force the business to close, which is anticipated to occur following approval of the Proposed Actions. As such, Phase II investigative work is not feasible at this time and an (E) Designation is required to undertake Phase II work once the property is vacated, demolished and cleared, following approval of the Proposed Actions.

The hazardous materials (E) designation is an institutional control that can be placed on a site as a result of the CEQR review of a zoning map or zoning text amendment or action pursuant to the Zoning Resolution. It provides a mechanism to ensure that testing for and mitigation and/or remediation of hazardous materials, if necessary, are completed prior to, or as part of, future development of an affected site, thereby eliminating the potential for hazardous materials impacts. The New York City Office of Environmental Remediation (OER) would provide the regulatory oversight of the environmental investigation and remediation during any development process. Building permits would not be issued for the development by the New York City Department of Buildings (DOB) without prior OER approval of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the Zoning Resolution of the City of New York (Environmental Requirements). The DOB will typically issue the foundation permits when OER approves the remedial action work plan – the actual remediation is usually done concurrently with the construction. Engineering controls may also be incorporated into the development to eliminate exposure risks for future occupants.

The non-applicant owned Projected Development Site 2 (Block 5343, Lot 19) is currently occupied by a gasoline service station, which is identified as facility requiring a hazardous materials assessment according to the *CEQR Technical Manual Hazardous Materials Appendix*. An (E)-designation for hazardous materials will be placed on Projected Development Site 2 (Block 5343, Lot 19) pursuant to Zoning Resolution (ZR) Section 11-15 to ensure the site is remediated before the construction of any new development and/or site disturbance at Projected Development Site 2.

As such, the (E) designation (E-717) for Projected Development Sites 1 and 2 would be the following:

Brooklyn Block 5343, Lot 13 and 19:

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

> **Task 1-Sampling Protocol**
>
> **The applicant submits to OER, for review and approval, a Phase I and Phase II 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-Remediation Determination and Protocol

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.

With the requirements of the (E) designations to be met before any new development could occur on Projected Development Sites 1 and 2, there would be no impact from the potential presence of contaminated materials. The implementation of the preventative and remedial measures outlined in the (E) designations on sites 1 and 2 would preclude the potential for significant adverse hazardous materials impacts from proposed actions. Prior to development at Projected Development Sites 1 and 2, the property owners/developers will comply with the requirements of the (E) designations and coordinate with OER. Therefore, no further analysis is warranted.

Air Quality

According to *CEQR Technical Manual* guidance, air quality analyses are conducted to assess the effect of an action on ambient air quality (i.e., the quality of the surrounding air), or effects on the project because of ambient air quality. Air quality can be affected by "mobile sources," pollutants produced by motor vehicles, and by pollutants produced by fixed facilities, i.e., "stationary sources." As per the 2021 *CEQR Technical Manual*, an air quality assessment should be carried out for actions that can result in either significant adverse mobile source or stationary source air quality impacts. Per the EAS Form**,** the Proposed Actions and RWCDS would screen out of a transportation analysis and would not generate peak hour vehicle volumes in exceedance of the CEQR threshold of 170 vehicle trips (in this area of the City). The proposed rezoning area is bounded by Coney Island Avenue to the east, which is classified as a principal arterial, and Beverly Road to the south, which is classified as a major collector. Hinckley Street, which borders the rezoning area to the north, is a paved road with average daily traffic fewer than 5,000 vehicles.

The Proposed Actions and RWCDS would facilitate development at two separate development sites and would not generate peak hour vehicle volumes in exceedance of the CEQR thresholds for heavy-duty diesel vehicle (HDDV) traffic or the vehicular emissions equivalent on adjacent roadways. Therefore, further analysis of air quality mobile sources from action-generated vehicle trips has been screened out in accordance with *CEQR Technical Manual* guidance.

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

The Proposed Actions would result in in the construction of new development at Projected Development Sites 1 and 2, which are located adjacent to one another. A detailed stationary source analysis of the RWCDS was conducted to determine whether the associated exhaust emissions from each projected development sites' HVAC system would have the potential to significantly affect sensitive receptors (windows) on nearby taller buildings, as well as the potential effects of each proposed With-Action building on the other proposed With-Action building (i.e., project-on-project), and is provided in **Attachment F, "Air Quality."** The detailed stationary source HVAC analysis provided therein determined that there would be no potential for significant adverse air quality impacts with the placement of an (E) designation on projected development sites 1 and 2 (Block 5343, Lots 13 and 19) to restrict fuel oil and HVAC stack location.

In addition, based on a review of area land uses, there are two existing properties within 400 feet that have DEP light industrial air permits, therefore, **Attachment F** includes an air toxics analysis. The analysis of emissions from nearby industrial sources provided in **Attachment F** determined that no significant adverse impacts would result from air toxics related to industrial sources.

As discussed therein, no significant adverse stationary air quality impacts are expected in the future with the Proposed Actions.

Noise

The purpose of a noise analysis is to determine both a proposed action's potential effects on sensitive noise receptors and the effects of ambient noise levels on new sensitive uses introduced by the proposed action(s). The principal types of noise sources affecting the New York City environment are mobile sources (primarily motor vehicles), stationary sources (typically machinery or mechanical equipment associated with manufacturing operations or building HVAC systems) and construction noise (e.g. trucks, bulldozers, power tools, etc.).

The Proposed Actions and RWCDS would introduce new sensitive uses (known as "receptors"), and therefore, a noise analysis was conducted in compliance with *CEQR Technical Manual* guidance. As the With-Action scenario would not generate sufficient vehicle traffic to exceed thresholds for transportation

analysis according to Table 16-1 in the *CEQR Technical Manual,* the Proposed Actions would not cause a significant adverse mobile source noise impact.

The Proposed Actions would result in residential and commercial uses on two projected development sites. Consistent with the 2021 *CEQR Technical Manual*, existing noise levels should be measured and compared to the Noise Exposure Guidelines for these types of uses presented in Table 19-2 of the Manual. As such, a noise analysis has been prepared and is provided in **Attachment G, "Noise."** As discussed in **Attachment G**, the noise analysis determined that Projected Development Site 1 (Block 5343; Lot 13) and Projected Development Site 2 (Block 5343; Lot 19) would require (E) designations that would specify the required noise attenuation measures. Therefore, the Proposed Actions would not result in any significant adverse noise impacts.

Public Health

Public health involves the activities that society undertakes to create and maintain conditions in which people can be healthy. Many public health concerns are closely related to air quality, water quality, hazardous materials, and noise.

According to the 2021 *CEQR Technical Manual*, a public health assessment may be warranted if a project results in (a) increased vehicular traffic or emissions from stationary sources resulting in significant adverse air quality impacts; (b) increased exposure to heavy metals and other contaminants in soil/dust resulting in significant adverse impacts, or the presence of contamination from historic spills or releases of substances that might have affected or might affect groundwater to be used as a source of drinking water; (c) solid waste management practices that could attract vermin and result in an increase in pest populations; (d) potential significant adverse impacts to sensitive receptors from noise and odors; (e) vapor infiltration from contaminants within a building or underlying soil that may result in significant adverse hazardous materials or air quality impacts; (f) exceedances of accepted federal, state, or local standards; or (g) other actions that might not exceed the preceding thresholds but might, nonetheless, result in significant health concerns.

As detailed in the analyses provided in this EAS, the Proposed Actions and RWCDS would not result in significant adverse impacts in the areas of air quality, water quality, hazardous materials, or noise. Therefore, the Proposed Actions do not have the potential to result in significant adverse public health impacts, and further assessment is not warranted.

Neighborhood Character

According to the 2021 *CEQR Technical Manual*, an assessment of neighborhood character may be appropriate if a proposed action(s) has the potential to result in significant adverse impacts on land use, zoning, public policy, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, or noise, or when an action may have moderate effects on several of the elements that define a neighborhood's character. As the EAS provides assessments of land use, zoning, and public policy (**Attachment C**), urban design and visual resources (**Attachment D**), and noise (**Attachment F**), a preliminary screening analysis is necessary to determine if a detailed neighborhood character analysis is warranted.

Neighborhood character is an amalgam of various elements that give neighborhoods their distinct "personality." According to the *CEQR Technical Manual*, a preliminary assessment may be appropriate if

a project has the potential to result in any significant adverse impacts on any of the following technical areas: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise. Per the analyses provided in this EAS, although the Proposed Actions required supplemental screening or assessment of some of these technical areas, there would be no action-generated significant adverse impacts.

The *CEQR Technical Manual* also states that for projects not resulting in significant adverse impacts to any technical areas related to neighborhood character, additional analyses may be required to determine if the Proposed Actions would result in a combination of moderate effects to several elements that cumulatively may affect neighborhood character. However, the *CEQR Technical Manual* indicates that neighborhood character impacts are rare and it would be unusual that, in the absence of a significant adverse impact in any of the relevant technical areas, a combination of moderate effects in the neighborhood would result in any significant adverse impact to neighborhood character.

The Proposed Actions would not adversely affect any component of the surrounding area's neighborhood character. The Proposed Actions would not conflict with the surrounding activities, nor would they significantly affect land use patterns. The RWCDS that would be facilitated by the Proposed Actions would bring occupancy and activity to the two projected development sites. The proposed residential and local commercial uses would add market-rate and affordable housing and convenient amenities to the neighborhood, and are expected to further enhance the mixed-use character of the area. As the Proposed Actions would not be considered to have any significant effects on any of the technical areas relating to neighborhood character, a neighborhood character assessment can be screened out, and no significant adverse neighborhood character impacts would occur. Therefore, no additional analysis is warranted for neighborhood character.

Construction

Although temporary, construction impacts can include noticeable and disruptive effects from an action that is associated with construction or could induce construction. Determination of the significance of construction impacts and need for mitigation is generally based on the duration and magnitude of the impacts. Based on *CEQR Technical Manual* guidance, when the duration of construction is expected to be short-term (less than two years), any impacts resulting from construction generally do not require detailed assessment. Construction impacts are usually important when construction activity could affect traffic conditions, archaeological resources, the integrity of historic resources, community noise patterns, and air quality conditions.

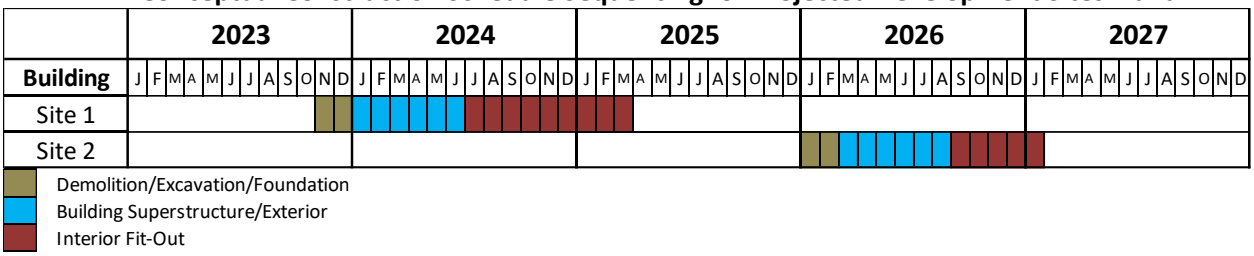
As a RWCDS, the Proposed Actions are expected to facilitate the development of a single mixed-use residential and commercial building at Projected Development Sites 1 and 2, which would be constructed separately and are not expected to have overlapping construction schedules. Each mixed-use building would be constructed in a single phase and in less than two years. Thus, potential construction impacts would be minimum and as discussed below, not expected to have any significant adverse impacts.

Construction of the Applicant-controlled Projected Development Site 1 is expected to begin in 2023, following approval of the Proposed Actions, and would be completed in up to 17 months, by 2025. Projected Development Site 1 is occupied by a single-story commercial building and would require some demolition and site excavation to construct a single cellar level. In addition, a single non-applicant-owned Projected Development Site 2 (Lot 19) has been identified that is likely to be redeveloped due to the proposed zoning changes. However, as no formal redevelopment plans exist for the non-applicant-owned

site, it is estimated that construction on projected development site 2 would not begin until 2025 to reflect a reasonable estimate of the time needed for property owner/developers to design the project, and obtain design approvals. Construction on Projected Development Site 2 is also expected to take up to 13 months with completion expected in 2027.

Table B-2 illustrates the conceptual construction sequencing of the two RWCDS projected development sites associated with the Proposed Actions. As shown in **Table B-2**, it is expected that Projected Development Site 1 would take up to approximately 17 months to complete and Projected Development Site 2 would take up to approximately 13 months to complete, and the construction schedules are not expected to overlap. There is also expected to be roughly a nine-month gap between the completion of Site 1 and the onset of the construction for Site 2. Site 1 would undergo an initial approximately two months of demolition/excavation/foundation work, approximately six months of building superstructure erection, and approximately nine months of exterior and interior building fit-out.

TABLE B-2: Conceptual Construction Schedule Sequencing for Projected Development Sites 1 and 2



As each With-Action building's construction duration would be considered "short-term" (i.e., taking less than two years) in accordance with CEQR, potential effects are expected to be minimal and, as discussed below, the Proposed Actions are not expected to have any significant adverse construction impacts. Construction activities are not expected to adversely affect surrounding land uses. As required by City regulations, sidewalk protection bridges and full height plywood barriers would be installed to protect the public right of way. Construction of the RWCDS developments would follow applicable federal, state, and local laws for building and safety, as well as local noise ordinances, as appropriate. Construction specifications would require that construction contractors comply with all applicable legal requirements including environmental regulations and obtain necessary permits for the duration of construction.

The Proposed Actions and RWCDS would result in temporary disruptions including construction related traffic, dust, noise, or mobile source emissions. However, these effects would be temporary, as the duration of construction activities for each projected development site would not exceed 18 months. No publicly accessible open space or community facilities would be directly affected by construction activities for an extended duration. P.S. 889 at 21 Hinckley Place is located at the northwest corner of Hinckley Place and Coney Island Avenue across the street (50 feet) from Projected Development Site 1. The Projected Development Sites will be surrounded by construction fencing and barriers that would limit the effects of construction on nearby facilities. Construction of the proposed buildings would not block or restrict access to any facilities in the area. Although construction of the proposed buildings would be expected to have the potential to result in elevated noise levels at nearby receptors, and noise due to construction would at times be noticeable, while Projected Development Sites 1 and 2 are located approximately 50 feet to the south of P.S. 889, noise from construction would be intermittent and of limited duration.

The following is a brief discussion of the effects associated with construction related activities on hazardous materials, traffic, air quality, and noise resulting from the construction that could occur under the RWCDS.

Conceptual Construction Schedule and Activities

Construction activities for buildings in New York City generally take place Monday through Friday, with exceptions that are discussed separately below. In accordance with City laws and regulations, construction work on the projected development sites would generally begin at 7AM on weekdays, with workers arriving to prepare work areas between 6AM and 7AM. Construction work would typically end at 3:30PM, but at times, the workday could be extended to complete some specific tasks beyond normal work hours, such as completing the drilling of piles, finishing a concrete pour for a floor deck, or completing the bolting of a steel frame erected that day. The extended workday could last until about 9PM and would not include all construction workers on-site, but just those involved in the specific task requiring additional work time. Extended work hours would be subject to after-hours work variance permits from DOB. Additionally, all construction sites require preparation of a noise mitigation plan as outlined in Section 24-219 of the Administrative Code of the City of New York.

Occasionally, Saturday or overtime hours may be required to complete time-sensitive tasks. Weekend work requires a permit from the DOB and, in certain instances, approval of a noise mitigation plan from the DEP under the City's Noise Code. The New York City Noise Control Code, as amended December 2005 and effective July 1, 2007, limits construction (absent special circumstances as described below) to weekdays between the hours of 7AM and 6PM, and sets noise limits for certain specific pieces of construction equipment. Construction activities occurring after hours (weekdays between 6PM and 7AM and on weekends) may be permitted only to accommodate: (i) emergency conditions; (ii) public safety; (iii) construction projects by or on behalf of City agencies; (iv) construction activities with minimal noise impacts; and (v) undue hardship resulting from unique site characteristics, unforeseen conditions, scheduling conflicts and/or financial considerations. In such cases, the numbers of workers and pieces of equipment in operation would be limited to those needed to complete the particular authorized task. Therefore, the level of activity for any weekend work would be less than a normal workday. The typical weekend workday would be on Saturday from 7AM with worker arrival and site preparation to 5PM for site cleanup, or as specified in DOB-issued work variance permits.

Construction staging would most likely occur on the projected development sites. The development associated with the Proposed Actions would affect Coney Island Avenue, Hinckley Place and Beverly Road, and during construction the sidewalks along these streets adjacent to the development sites may need to be closed at times in order to accommodate construction vehicles, equipment, and supplies. If sidewalk closure is necessary, jersey barriers would be erected, and a covered pedestrian walkway would be created to accommodate pedestrian traffic around the respective subject property. This closure would be considered to be a routine closure that would be addressed by a permit (and pedestrian access plan) to be issued by the NYC Department of Transportation (DOT) Office of Construction Mitigation and Coordination (OCMC) at the time of closure so that impacts are not expected to occur. Although during construction on-street parking may be affected adjacent to the construction area, which will occur along Coney Island Avenue, Hinckley Place and Beverly Road, it is not anticipated that vehicle moving lanes adjacent to the sites along any of these streets would need to be closed during construction.

Builders would be required to plan and carry out noise and dust control measures during construction. In addition, there would be requirements for street crossing and entrance barriers, protective scaffolding,

and strict compliance with all applicable construction safety measures. Construction activities would be subject to compliance with the New York City Noise Code and EPA noise emission standards for construction equipment.

Effect of Construction on Hazardous Materials

To reduce the potential for adverse impacts associated with new construction resulting from the Proposed Actions, further environmental investigations will be required. To ensure that these investigations are undertaken, a hazardous materials (E) designation would be placed on the tax lots comprising Projected Development Sites 2. The (E) designation requires approval by the New York City Office of Environmental Remediation (OER) prior to obtaining NYC Buildings Department (DOB) permits for any new development entailing soil disturbance. The environmental requirements for the (E) designation also include a mandatory Construction Health and Safety Plan (CHASP), which must be approved by OER.

In addition, demolition of interiors, portions of buildings, or entire buildings are regulated by DOB and require abatement of asbestos prior to any intrusive construction activities, including demolition. OSHA regulates construction activities to prevent excessive exposure of workers to contaminants in the building materials, including lead paint. New York State Solid Waste regulations control where demolition debris and contaminated materials associated with construction are handled and disposed of. Adherence to these existing regulations would prevent impacts from construction activities at the Projected Development Sites

Effect of Construction on Traffic

Construction of the proposed buildings at the two projected development sites would generate trips resulting from arriving and departing construction workers, movement of materials and equipment, and removal of construction waste. As discussed above, construction of the projected development sites are expected to occur during the typical construction hours of 7AM and 3:30PM. Therefore, worker trips would be concentrated in off-peak hours and would not represent a substantial increment during the area's peak travel periods. Construction workers would use both public transportation and private automobiles. Construction workers typically park off-site for larger developments and at curbside near smaller developments. These curbside spaces are typically available as area residents use their autos to travel to work and elsewhere, and are vacated by construction workers in the afternoon before resident demand increases after the typical workday.

Truck movements would be spread throughout the day and would generally occur between the hours of 6AM and 3PM, depending on the stage of construction. Flaggers are expected to be present during construction to manage the access and movements of trucks to and from the development site. Little if any rerouting of traffic is anticipated because of the construction of buildings on the projected development sites. Additionally, moving lanes of traffic are expected to be available at all times along the affected streets except on limited days when cranes will be erecting planks. These conditions would be temporary and not result in significant adverse impacts on traffic conditions.

The daily construction worker vehicle trips are expected to be distributed throughout the workday based on projected work shift allocations and conventional arrival/departure patterns of construction workers and trucks. While construction truck trips would be made throughout the day (with more trips typically made during the early morning), construction workers would typically commute during the hours before and after the work shift. At no point would construction at projected development site 1 or 2, generate more than 50 peak hour vehicle trips.

Construction activities could result in short-term disruption of pedestrian movements around the projected development sites, occurring primarily because of the temporary loss of curbside lanes from the staging of equipment and the movement of materials to and from the sites. Additionally, it is anticipated that some sidewalks could also be closed to accommodate heavy loading areas for at least several months of the construction period for activities associated with the construction of each projected development site. These activities would include the unloading of construction materials from trucks and the loading of trucks with construction debris. Curb lane and/or sidewalk closures would not affect access points to public transportation including subway and bus stops. In these instances, pedestrians would either walk on the opposite side of the street or in a sectioned-off portion of the street. Detailed Maintenance and Protection of Traffic (MPT) Plans for each building would be submitted prior to construction for approval by DOT- OCMC, which issues permits for any street/sidewalk closures after evaluation of traffic and pedestrian conditions. Appropriate protective measures for ensuring pedestrian safety surrounding each of the projected development sites would be implemented under these plans. Therefore, no significant adverse construction impacts on transportation are expected due to the projected development sites.

Effect of Construction on Air Quality

Possible impacts on local air quality during construction of the two projected development sites include: fugitive dust (particulate) emission from land clearing operation; and mobile source emissions, including hydrocarbons, nitrogen oxide, and carbon monoxide.

Fugitive dust emissions from land clearing operations can occur from excavation, hauling, dumping, spreading, grading, compaction, wind erosion, and traffic over unpaved areas and would be of short duration for the projected developments. Actual quantities of emissions depend on the extent and nature of the clearing operations, the type of equipment employed, the physical characteristics of the underlying soil, the speed at which construction vehicles are operated, and the type of fugitive dust control methods employed. Much of the fugitive dust generated by construction activities consists of relatively large-size particles, which are expected to settle within a short distance from the construction site (and largely contained within a proposed site) and to not significantly impact nearby buildings or people. All appropriate fugitive dust control measures, including watering of exposed areas and dust covers for trucks, would be employed during construction of the projected developments. Therefore, the fugitive source emissions generated by the Proposed Actions would not be significant.

Mobile source emissions may result from the operation of construction equipment, trucks delivering materials and removing debris, workers' private vehicles, or occasional disruptions in traffic near the construction site. As the number of construction-related vehicle trips generated by the Proposed Actions would be relatively small and the emissions from such vehicles as well as construction equipment would occur over a period of less than two years at each site, the mobile-source emissions generated by the Proposed Actions would not be significant. Overall, the Proposed Actions would not have the potential to result in significant adverse air quality impacts.

Effect of Construction on Noise

Noise and vibration from construction equipment operation and noise from construction workers' vehicles and delivery vehicles traveling to and from the construction sites can affect community noise levels. The severity of impact of these noise sources would depend on the noise characteristics of the equipment, activities involved, the construction schedule, and the location of potentially sensitive noise

receptors. Noise and vibration levels at a given location would be dependent on the kind and number of pieces of construction equipment being operated, as well as the distance of the location from the construction site and the types of structures, if any, between the location and the noise source. Noise levels caused by construction activities can vary widely, depending on the phase of construction (e.g. demolition, land clearing and excavation, foundation, erection of structure, construction of exterior walls) and the specific task being undertaken. Construction noise associated with the Proposed Actions is expected to be similar to noise generated by other mixed-use residential and commercial construction projects in the city. Increased noise level caused by construction activities can be expected to be more significant during early excavation phases of construction and would be of relatively short duration. Increases in noise levels caused by delivery trucks and other construction vehicles would not be significant. As construction would occur over a period of less than two years at each site, and construction on Site 2 is expected to start nine months after the completion of construction at Site 1, the level and duration of construction noise would not be significant.

Construction noise is regulated by the New York City Noise Control Code and by the Environmental Protection Agency (EPA) noise emission standards for construction equipment. These local and federal requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emissions standards; that, except under exceptional circumstances, construction activities be limited to weekdays between the hours of 7:00 AM and 6:00 PM; and that construction material be handled and transported in such a manner as not to create unnecessary noise. In addition, whenever possible, appropriate low noise emission level equipment and operational procedures can be utilized to minimize noise and its effect on adjacent uses. Thus, these regulations would be followed in such a manner that no significant adverse noise impacts would be expected to result from the Proposed Actions and no further analysis is warranted.

Effect of Construction on Historic Resources

The Projected Development Sites do not possess archaeological significance and no further assessment is warranted. Therefore, the Proposed Actions would not have the potential to result in construction period archaeological impacts. The Proposed Actions would not result in any significant adverse impact to architectural resources on the Projected Development Sites, as no historic architectural resources are located on the sites. Moreover, no architectural resources are located within 90 feet of the Projected Development Sites. As noted previously, the Prospect Park South Historic District is located approximately 300 feet east of the Project Area. Therefore, the Proposed Actions would not result in any significant adverse impacts to historic architectural resources.

ATTACHMENT C

LAND USE, ZONING & PUBLIC POLICY

I. INTRODUCTION

Under 2021 *CEQR Technical Manual* guidance, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed action(s), and determines whether the action(s) would be compatible with those conditions or potentially adversely affect them. Similarly, the analysis considers the proposed action's compliance with, and effect on, the area's zoning and other applicable public policies.

As discussed in **Attachment A, "Project Description,"** the Proposed Actions involve zoning changes that would affect the eastern portion of single block (Brooklyn Block 5343) on Coney Island Avenue between Hinckley Place and Beverly Road in the Kensington/Flatbush neighborhood of Brooklyn Community District (CD) 12. Under the Reasonable Worst-Case Development Scenario (RWCDS) in the future with the Proposed Actions, the Applicant-owned Projected Development Site 1 (Block 5343, Lot 13) would be redeveloped with a 14-story (145-foot tall), mixed-use residential and commercial building at 534 Coney Island Avenue. The mixed-use building at Projected Development Site 1 would total 83,697-gross square feet (gsf) and include approximately 72 dwelling units (DUs) (approximately 18-22 (25-30 percent) affordable units under MIH Option 1 or 2), 3,547-gsf of commercial space on the ground floor, and 32 off-street accessory parking spaces at the cellar and sub-cellar level accessible via an existing curb cut. For CEQR analysis purposes, the Proposed Actions are also assumed to facilitate the development of a 145-foot-tall, approximately 63,057-gsf building, including 62 DUs (approximately 15-19 (25-30 percent) affordable units under MIH Option 1 or 2) and 4,057-gsf of ground floor retail use at Projected Development Site 2 (Block 5343, Lot 19) and no off-street accessory parking spaces.

According to the *CEQR Technical Manual*, a land use and zoning analysis is warranted for actions facilitating a change in land use or zoning. As the Proposed Actions involve zoning map and text amendments that would result in new permitted land uses and increase in the allowable density, an analysis of land use and zoning is warranted. Furthermore, the *CEQR Technical Manual* recommends that if a preliminary assessment cannot succinctly describe land use conditions in the study area, or if a detailed assessment is required in the technical analyses of socioeconomic conditions, neighborhood character, transportation, air quality, noise, infrastructure, or hazardous materials, a detailed land use assessment is appropriate. As such, a detailed land use and zoning assessment is warranted for the Proposed Actions.

II. METHODOLOGY

The purpose of this attachment is to examine the effects of the Proposed Actions and determine whether they would result in any significant adverse impacts on land use, zoning, or public policy. The analysis methodology is based on the guidance of the *CEQR Technical Manual* and examines the Proposed Actions' consistency with land use patterns and development trends, zoning regulations, and other applicable public policies. As described in **Attachment A, "Project Description,"** in order to assess the possible effects of the Proposed Actions, a RWCDS was established for the future without the Proposed Actions (the No-Action condition) and future with the Proposed Actions (the With-Action condition) for the 2027 analysis year.

This attachment includes a description of existing land uses and zoning within the directly affected area and the broader study area. Following the guidance of the *CEQR Technical Manual*, the analysis describes existing and anticipated future conditions to a level necessary to understand the relationship of the Proposed Actions to such conditions, assesses the nature of any changes on these conditions that would be created by the Proposed Actions, and identifies those changes, if any, that could be significant or adverse.

Existing land uses were identified through review of a combination of sources including field surveys and secondary sources, as well as the City's Primary Land Use Tax Lot Output (PLUTO™) data files for 2021 and websites, such as New York City's Zoning and Land Use Map (ZoLa, https://zola.planning.nyc.gov) and NYCityMap (http://gis.nyc.gov/doitt/nycitymap/). New York City Zoning Maps and the Zoning Resolution (ZR) of the City of New York were consulted to describe existing zoning districts and provided the basis for the zoning evaluation of the future No-Action and future With-Action conditions. Relevant public documents including documents recognized by the New York City Department of City Planning (DCP) and other City agencies were utilized to describe existing public policies pertaining to the study areas.

Analysis Year

As discussed in **Attachment A, "Project Description,"** development on the projected development sites under the Proposed Actions is expected to be completed by 2027. Therefore, for the purposes of determining potential impacts, this analysis assesses current conditions and forecasts those conditions to 2027. Future No-Action conditions account for planned land use and development projects, initiatives, and proposals that are anticipated to be completed by 2027.

Study Area Definition

According to the *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of an action, as well as the location and context of the area that could be affected. Study area boundaries vary according to these factors, with suggested study areas ranging from 400 feet for a small project to 0.5 miles for a very large project. The study areas for the Proposed Actions have been established in accordance with *CEQR Technical Manual* guidance and are shown in **Figure C-1**.

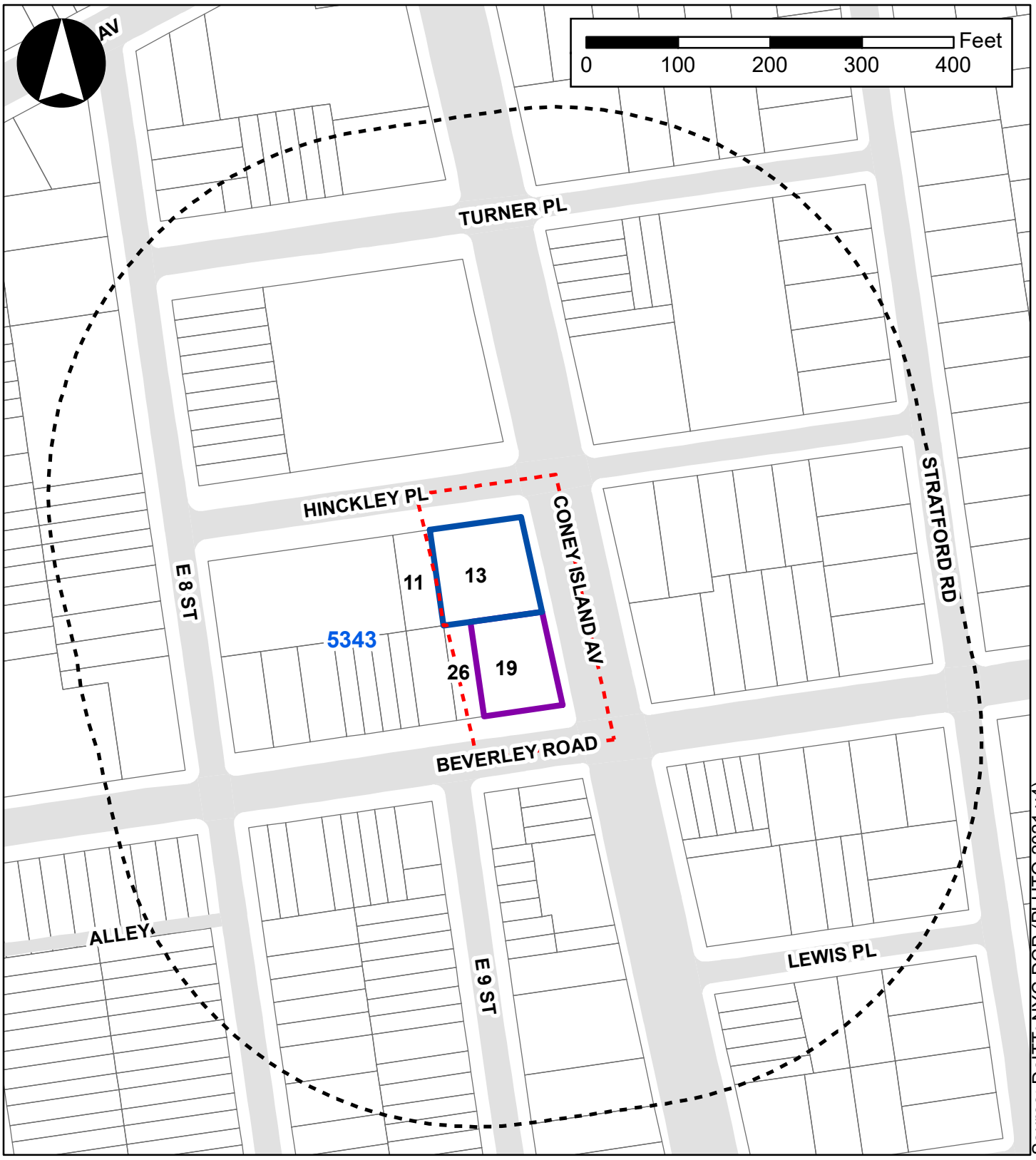
As shown in **Figure C-1**, land use, zoning, and public policy are addressed and analyzed for two geographical areas for the Proposed Actions. The study areas include: (1) the directly affected area (or "Project Area"), which comprises the proposed rezoning area (Block 5343, Lots 13, 19, and part of 11 and 26) including two development sites; and (2) a secondary study area that encompasses an area that has the potential to experience indirect impacts as a result of the Proposed Actions. The secondary study area extends an approximate 400-foot radius from the boundary of the primary study area. The secondary study area is bounded to the north by the midblock between Turner Place and Church Avenue, Stratford Road to the east, the midblock between East 8th Street and East 7th Street to the west, and between Lewis Place and Matthew Court to the south.

III. DETAILED ANALYSIS

Existing Conditions

Land Use

Figure C-1
Study Area



Legend

- Primary Study Area (Project Area)
- Secondary Study Area (400-foot Radius)
- Projected Development Site 1
- Projected Development Site 2

Primary Study Area (Project Area)

The primary study area includes the eastern approximately 44,824sf portion of Brooklyn Block 5343, which is bounded by Hinckley Place to the north, Coney Island Avenue to the east, Beverly Road to the south, and East 8th Street to the west. It consists of portions of four privately owned tax lots (Lots 13, 19, and portions of 11 and 26) that have frontage along the north side of Beverly Road (Lots 11 and 13), west side of Coney Island Avenue (Lots 13 and 19) and the south side of Hinckley Place (Lots 19 and 26). All three bounded streets are considered wide streets as defined by zoning as they have mapped widths wider than 75 feet; Hinckley Place is 90 feet wide, Beverly Road is 80 feet wide, and Coney Island Avenue is 100 feet wide. Hinckley Place is a one-way westbound local road, whereas Beverly Road is a major two-way east-west bound major collector route. Coney Island Avenue is a major two-way, north-south principal arterial and designated truck route. As shown in **Figure C-2**, two of the lots within the primary study area accommodate two-family residential uses, one includes a commercial use (Lot 13) and the remaining lot accommodates a transportation use (Lot 19). The primary study area includes 4 residential DUs (on Lots 11 and 26), and approximately 4,257 gsf of commercial use (on Lots 13 and 19).

Projected Development Site 1 (Block 5343, Lot 13), which is under the Applicant's control, measures approximately 10,160-sf and is located on the corner of Hinckley Place and Coney Island Avenue. Projected Development Site 1 at 534 Coney Island Avenue has approximately 100 feet of frontage on Coney Island Avenue and 98 feet of frontage on Hinckley Place. It is currently improved with a 2,585-gsf fast food restaurant (0.25 FAR) and five accessory parking spaces with three curb cuts, two on Coney Island Avenue and one on Hinckley Place.

Projected Development Site 2 (Block 5342, Lot 19), which is not under the control of the Applicant, comprises 8,725-sf with approximately 110 feet of frontage on Coney Island Avenue and 83 feet of frontage on Beverly Road. Projected Development Site 2 at 536 Coney Island Avenue is improved with a 1,672-gsf gas station and auto service shop (0.20 FAR) and six accessory parking spaces with four curb cuts, two on Coney Island Avenue and two on Beverley Road.

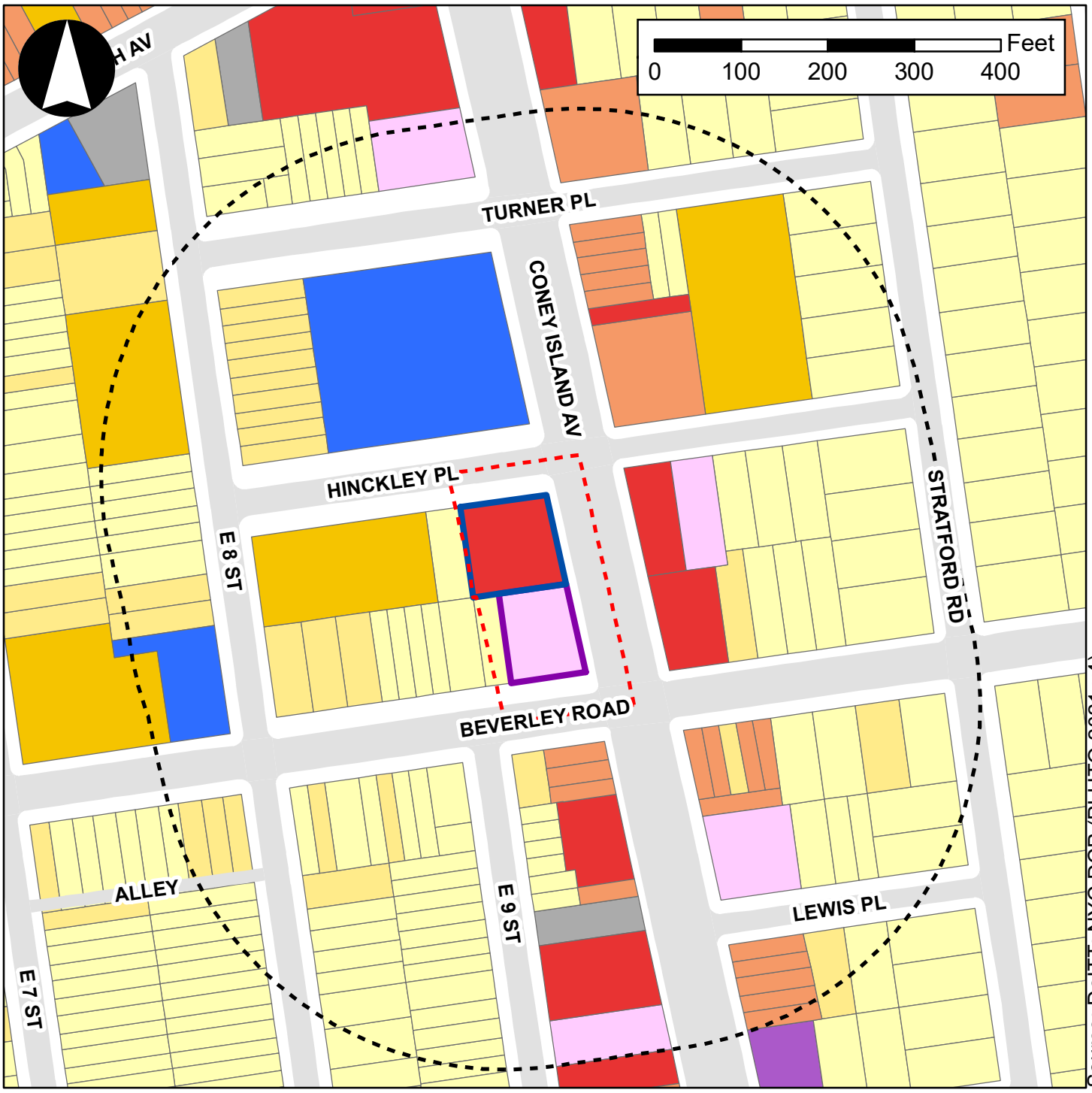
The other two lots within the Primary Study Area (part of Lots 11 and 26) are also not under the control of the Applicant and are each under separate private ownership. The lots are rectangular-shaped interior lots with frontage on Hinckley Place (Lot 11) and Beverly Road (Lot 26), and are improved with existing two-family walkup residential buildings constructed in the 1910s.

Secondary Study Area

As show in **Figure C-2**, land uses within the secondary study area are varied, with a mix of one- and two-family residential uses, as well as multi-unit housing, mixed-use commercial and residential, transportation-related, public facilities and institutions, and commercial uses. There are no manufacturing/industrial, open space, or vacant uses located within the secondary study area.

Residential uses are located to the east and west of the Coney Island Avenue corridor and generally occupy rectangular-shaped lots of varying size; those located west of Coney Island Avenue are generally narrower with smaller street frontages than those located east of Coney Island Avenue. Large multi-unit residential uses are located along Hinckley Place and Turner Place. There are several different types of residential uses on the subject block, including five single-family walkup buildings and three multi-family walkup buildings on Beverly Road and a large multi-family elevator building on the corner of Hinckley Place and East 8th Street.

Figure C-2
Land Uses



Legend

- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2

Land Use

- Single-Family Walkup Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

Mixed-use commercial and residential uses are generally clustered along the Coney Island Avenue corridor, which is a major corridor and local truck route. Many are generally small, rectangular-shaped lots, but two, 15 Turner Place and 527 Coney Island Avenue, which was built in 2015, represent the largest mixed-use commercial and residential uses in the secondary study area. Commercial uses and transportation uses are also located along the Coney Island Avenue corridor. Commercial uses include small offices, eating establishments, a laundromat, and a 7-Eleven convenience store. Transportation uses, which are concentrated along the Coney Island Avenue corridor, consist of gas stations or auto service shops. The two public facilities include P.S. 889, which is located on Coney Island Avenue between Hinckley Place and Turner Place directly north of the primary study area, and Beverly Presbyterian Church, which is located on the corner of Beverly Road and East 8th Street. There is one parking use, located on Coney Island Avenue, which serves as an accessory parking lot for the adjacent laundromat

Table C-1 provides a description of existing land use within the secondary study area. As shown in **Table C-1**, residential uses are the most prevalent throughout the study area and constitute the highest percentage of tax lots, lot area, and building area (nearly 75, 65, and 62 percent, respectively). Of the residential uses, single- and two-family houses comprise the highest percentage of total lots (nearly 53 percent). Mixed-use commercial and residential buildings comprise the second largest percentage of total lots, accounting for approximately 15.5 percent of lot area within the secondary study area, but approximately 10 percent of lot area and 21 percent of building area. Commercial uses account for the third largest percentage of total lots at nearly 4.5 percent. Transportation/utility uses account for the nearly 4 percent of total lots, 7 percent of lot area, but approximately 2.5 percent of building area. Public facilities and institutions account for 1.5 percent of total lots, but nearly 10 percent of lot area and building area. Parking uses account for the smallest percentage of total lots and lot area (less than 1 percent each).

TABLE C-1: Existing Land Uses in the Secondary Study Area

Land Use	Number of Lots	Percentage of Total Lots (%)	Lot Area (sf)	Percentage of Total Lot Area (%)	Building Area (sf)	Percentage of Total Building Area (%)
Residential	101	74.3%	362,275	65.4%	583,232	62.2%
One & Two Family Buildings	*72*	*52.9%*	*217,547*	*39.3%*	*168,320*	*18.0%*
Multi-Family Walkup Buildings	*26*	*19.1%*	*73,020*	*13.2%*	*124,018*	*13.2%*
Multi-Family Elevator Buildings	*3*	*2.2%*	*71,708*	*13.0%*	*290,894*	*31.0%*
Mixed Commercial/Residential Buildings	21	15.4%	53,607	9.7%	195,432	20.8%
Commercial/Office Buildings	6	4.4%	39,862	7.2%	39,252	4.2%
Industrial/Manufacturing	0	0.0%	0	0.0%	0	0.0%
Transportation/Utility	5	3.7%	38,983	7.0%	24,332	2.6%
Public Facilities & Institutions	2	1.5%	54,243	9.8%	95,268	10.2%
Open Space	0	0.0%	0	0.0%	0	0.0%
Parking Facilities	1	0.7%	4,560	0.8%	0	0.0%
Vacant Land	0	0.0%	0	0.0%	0	0.0%
All Others/No Data	0	0.0%	0	0.0%	0	0.0%
Total	**136**	100.0%	**553,530**	100.0%	**937,516**	100.0%

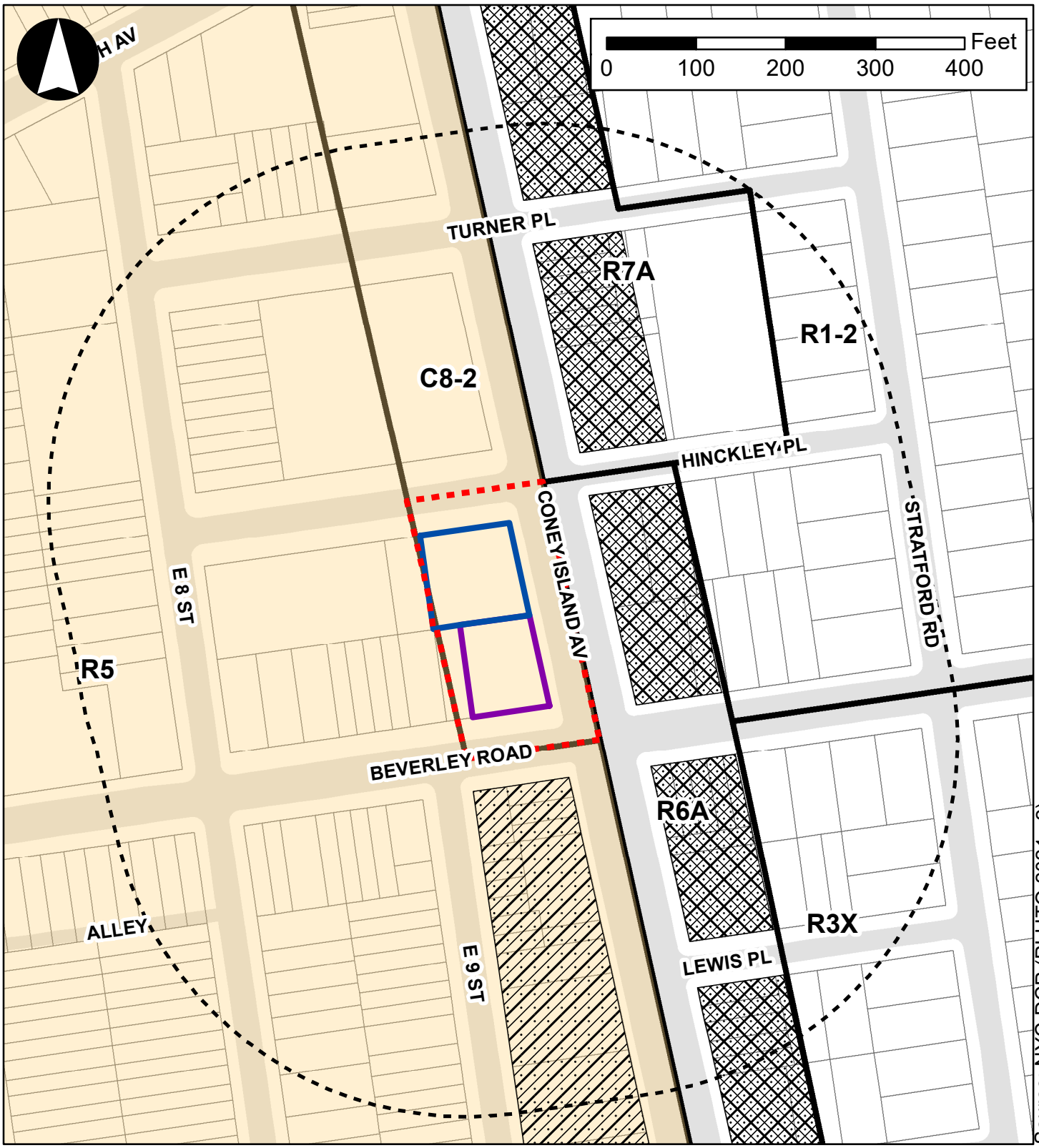
Source: NYC Department of City Planning (PLUTO 2021 v2)

Zoning

Primary Study Area

As shown in **Figure C-3**, the primary study area is currently zoned C8-2, which permits commercial and certain semi-industrial uses. C8-2 districts also permit community facilities under Use Group 4, including

Figure C-3
Zoning Districts



Legend

- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2
- C8-2 Zoning District
- OP Special District
- C2-3
- C2-4

community centers and houses of worship. C8 districts do not permit residential, certain community facilities (Use Group 3) or manufacturing uses. Performance standards are imposed for certain semi-industrial uses. C8 zoning, bridging commercial and manufacturing uses, provide for automotive and other heavy commercial services that often require large amounts of land. C8-2 allows a maximum floor area ratio (FAR) of 2.0 for commercial uses and up 4.8 FAR for community facilities. C8-2 districts are subject to parking requirements based on the type of use and size of an establishment.

The primary study area is also mapped within the Special Ocean Parkway (OP) District, which is roughly bounded by Fort Hamilton Parkway to the north, McDonald Avenue and Shell Road to the west, Brighton Beach Avenue to the south, and Coney Island Avenue to the east. Established in 1977, the OP district encompasses a band of blocks east and west of the Ocean Parkway between Prospect Park and Brighton Beach. The intention of the special district is to enhance the qualities of Ocean Parkway, a broad landscaped road designated as a scenic landmark, and preserve the character of buildings east and west of Ocean Parkway. All new developments fronting Ocean Parkway are required to have a 30-foot setback with a landscaped front yard unobstructed by porches, canopies or stairs. Only driveways or walkways may be paved. Accessory off-street parking must be completely enclosed and any new community facility development or enlargement is limited to the residential bulk regulations of the underlying zoning district.

Secondary Study Area

Zoning classifications within the secondary study area are also shown in **Figure C-3** and **Table C-2** and consist of residential and commercial zoning districts. Approximately 97 percent of all lots within the secondary study area are zoned for residential uses and roughly 94 percent of lot area is zoned for residential uses. As shown in **Figure C-3**, R1-2 zoning is mapped east of Coney Island Avenue and north of Beverly Road. R3X zoning is mapped east of Coney Island Avenue, but south of Beverly Road. R5 zoning is west of Coney Island Avenue with lots along the Coney Island Avenue corridor south of Beverly Road mapped with C2-3 commercial overlays. R6A and R7A zoning are mapped along the east side of the Coney Island Avenue corridor with C2-4 commercial overlays. C8-2 zoning is mapped along the west of the Coney Island Avenue corridor north of Beverly Road. Within the secondary study area, four lots (roughly 3 percent of all lots) are zoned C8-2, including three within the primary study area, and approximately 6 percent of lot area is zoned C8-2. Zoning classification within the secondary study area is described in **Table C-3**.

Table C-2: Existing Zoning within the Secondary Study Area Lots

Zoning	Number of Lots	Percentage of Total Lots	Lot Area (SF)	Percentage of total
R1-2	15	11.0%	74,050	13.4%
R3X	10	7.4%	43,767	7.9%
R5	80	58.8%	288,741	52.2%
R6A	16	11.8%	48,145	8.7%
R7A	11	8.1%	68,086	12.3%
C8-2	4	2.9%	30,741	5.6%
Total	**136**	**100.0%**	**553,530**	**100.0%**

Source: NYC Department of City Planning; DoITT 2021

TABLE C-3: Existing Zoning Districts within the Secondary Study Area

Name	Definition/General Use	Maximum FAR
Residential Districts		
R1-2	R1 districts are low-density neighborhoods containing large, single-family detached homes on spacious lots intended to resemble suburbs. R1 districts are governed by a sky exposure plane, which begins at 25 feet. R1 districts must conform to yard requirements. One accessory off-street parking is required for each DU.	R: 0.50; CF: 0.5; C/M: 0.0
R3X	R3X districts are contextual districts mapped in low-density neighborhoods containing one- and two-family detached homes. Lots must be at least 35 feet wide and at least 3,325-sf. R3X districts must conform to yard requirements. One accessory off-street parking space is required for each DU.	R: 0.50; CF: 0.5; C/M: 0.0
R5	R5 non-contextual districts are widely mapped districts intended for neighborhoods with an assortment of housing types. R5 districts provide a transition between lower- and higher-density neighborhoods. Houses could be either attached, detached, or semi-detached.	R: 1.25; CF: 2.0; C/M: 0.0
R6A	R6A districts are widely mapped in built-up, medium-density areas with wide streets. R6A districts are contextual residential zoning districts that mandate Quality Housing and typically result in high lot coverage six-to seven-story apartment buildings. Allow Use Groups 1 to 4. Maximum building height of 70 feet with a maximum streetwall height of 40 feet.	R: 3.0 (Quality Housing); 3.6 (IH); CF: 4.8; C/M: 0.0
R7A	R7A districts are widely mapped in built-up, medium-density areas. R7A districts are contextual residential zoning districts that mandate Quality Housing. Off-street accessory parking is required for 50 percent of DUs, but could be waved or modified.	R: 4.0; 4.6 (IH); CF: 4.0; C/M: 0.0
Commercial Districts		
C2-4 and C2-3 (overlay)	C2 commercial overlays are mapped within residential districts along streets that serve local retail needs, as well as meet broader shopping and service needs. In mixed-use buildings, commercial uses are limited to one or two floors and must always be located below the residential uses. C2 commercial overlay districts permit a slightly wider range of uses than C1 districts.	R & CF: Same as underlying R district; C: 1.0 within R1-R5 districts & 2.0 within R6-R10 districts; M: 0.0
C8-2	C8-2 commercial districts are mapped along major traffic corridors that bridge manufacturing and commercial districts. Typical uses include automobile services, but all commercial uses (except large, open amusements) from Use Groups 5-14 and 16 are permitted. Certain community facilities under Use Group 4 are also permitted. Housing and manufacturing are not permitted. Off-street parking is required.	C: 2.0; CF: 4.8 R/M: 0.0

Source: Zoning Resolution of the City of New York
Notes: R=Residential; C=Commercial; CF=Community Facility; M=Manufacturing; IH=Inclusionary Housing

Public Policy

According to the *CEQR Technical Manual*, a project that would be located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires and analysis of public policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports, which pertain to the study area. If a proposed project could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary.

Portions of the secondary study area are included within the Prospect Park South Historic District, which is a Landmarks Preservation Commission (LPC) designated historic district and is listed on the State and National Register (S/NR) of Historic Places. While there are not specific initiatives and goals in the City's *Housing New York 2.0* plan and OneNYC plan that relate specifically to the primary or secondary study

areas, they are citywide policy initiative that would be applicable to the study areas and are, therefore, included also in this analysis. The primary study area and a portion of the secondary study area are also located within the Food Retail Expansion to Support Health Program (FRESH) discretionary tax incentive area. The study areas are not part of, or subject to, an Urban Renewal Plan, adopted community 197-a Plan, Business Improvement District (BID), or Industrial Business Zone (IBZ). Neither the primary nor the secondary study area are located within New York City's designated Coastal Zone, and therefore the Proposed Actions are not subject to review of consistency with the City's Waterfront Revitalization Program (WRP).

Housing New York 2.0

In 2014, the de Blasio administration released *Housing New York: A Five-Borough, Ten-Year Plan Housing Plan* (*Housing New York*), a plan to build or preserve 200,000 affordable residential units. Building on the foundation laid by *Housing New York*, in 2017 the de Blasio administration released *Housing New York 2.0*, a new plan intending to complete the initial goal of 200,000 affordable homes two years ahead of schedule by 2022, and generate an additional 100,000 homes over the following four years. To achieve this goal, the plan aims to prioritize construction of residences for seniors, create new programs and modernize existing ones to encourage homeownership, develop neighborhood-based anti-displacement strategies, promote innovation in new construction methods, activate underutilized sites for new housing, create new partnerships and draw on resources from the State, and protect and expand federal resources for affordable housing. The plan details the key policies and programs for implementation.

Prospect Park South Historic District

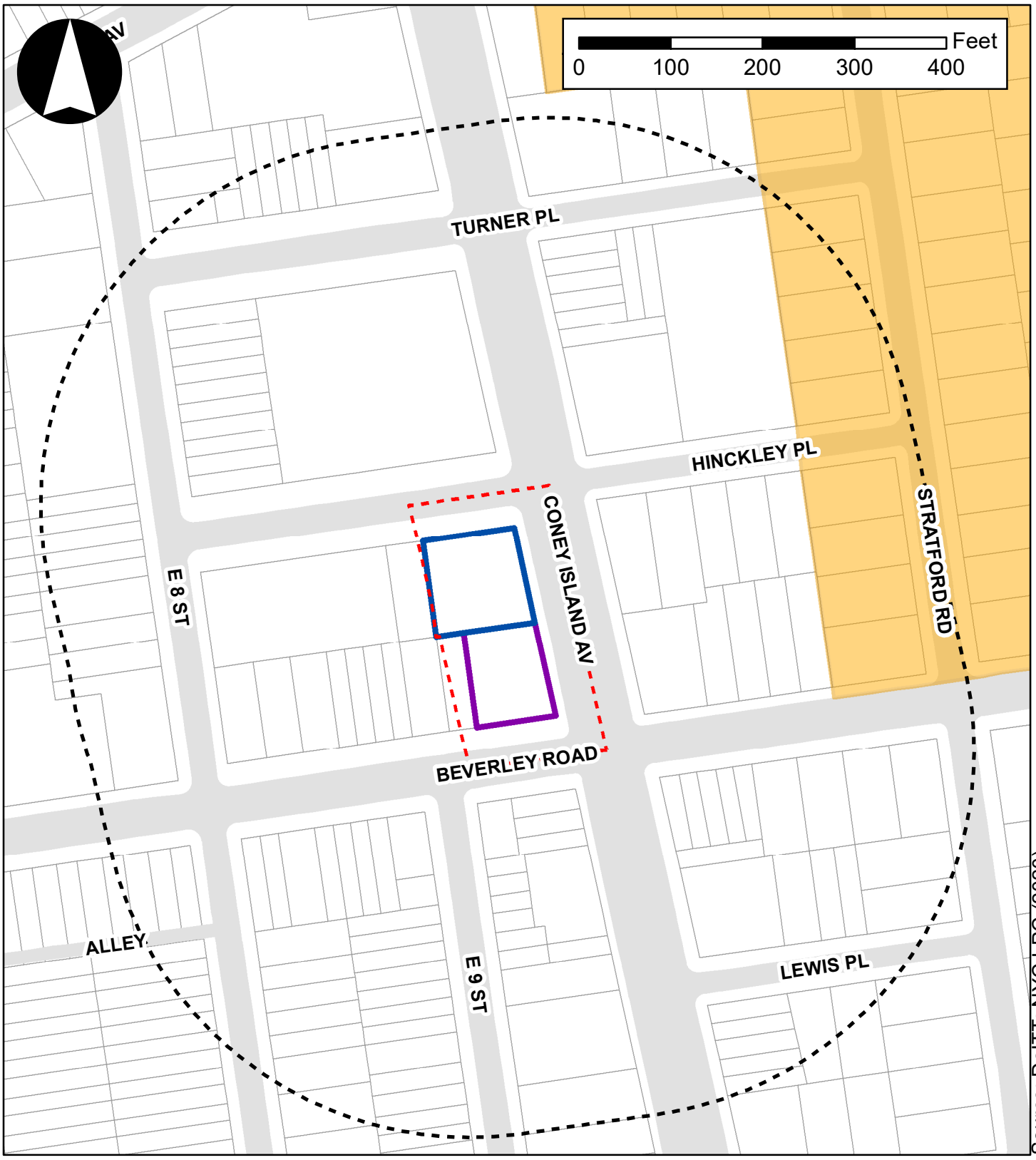
As shown in **Figure C-4**, the eastern edge of the secondary study area includes the southwestern edge of the Prospect Park South Historic District. The Prospect South Historic District is roughly bounded by Beverly Road to the south, Coney Island Avenue to the west, Church Avenue to the north, and the B and Q subway lines to the east. It was designated a historic district in 1979 by LPC and listed on the S/NR in 1983. In its designation as a historic district, LPC determined that Prospect Park South Historic District contains buildings and other improvements of special character and architectural significance to the history of New York City. As such, LPC must review and approve changes to buildings in the historic district.

Food Retail Expansion to Support Health Program (FRESH)

The Food Retail Expansion to Support Health Program (FRESH) was developed in response to a citywide study, "Going to Market," conducted by the DCP in 2008, which highlighted the widespread shortage of neighborhood grocery stores providing fresh food options in several communities of New York City. The FRESH Program offers zoning incentives and financial benefits in the identified underserved communities. Its goal is to encourage the development and retention of convenient, accessible stores that provide fresh meat, fruit and vegetables, and other perishable goods in addition to a full range of grocery products. The program offers a set of zoning incentives that provide additional floor area in mixed buildings, reduce the amount of required parking for food stores and permit larger grocery stores as-of-right in light manufacturing districts. The financial benefits, administered by the NYC Industrial Development Agency (IDA), exempt or reduce certain taxes for qualifying FRESH food stores.

The primary study area and the portion of the secondary study area located west of Coney Island Avenue is within the area subject to tax incentives (see **Figure C-5**). Discretionary tax incentives are available

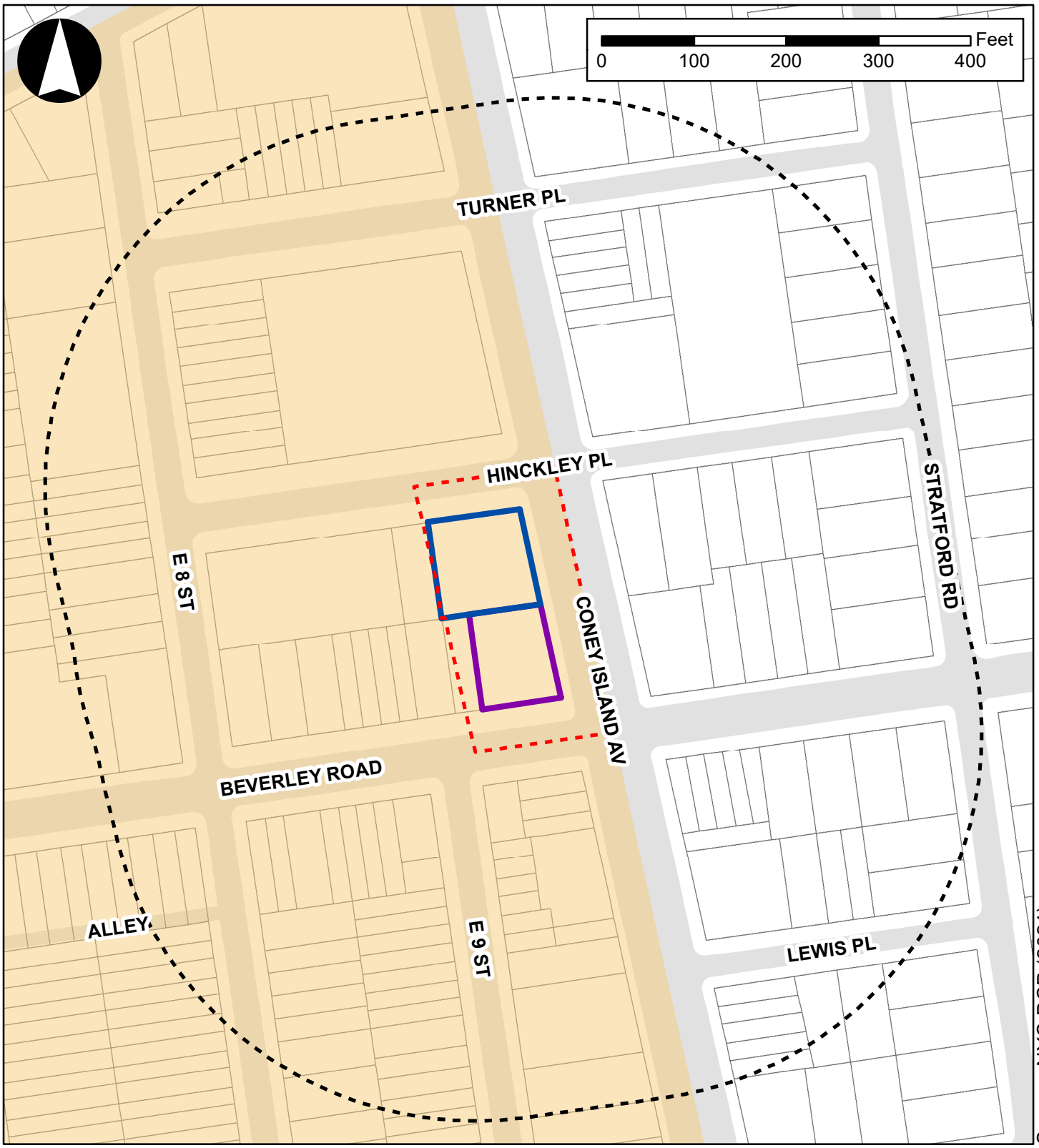
Figure C-4
Historic and Cultural Resources



Legend

- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2
- Prospect Park South Historic District

Figure C-5
FRESH Program



Legend

- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2
- FRESH Tax Incentive Area

through the IDA. The tax incentives are discretionary and will be assessed on a per case basis for eligibility in the FRESH program.

OneNYC 2050

In April 2015, *One New York: The Plan for a Strong and Just City* (OneNYC) was released by the de Blasio administration. It builds upon the sustainability goals established by PlaNYC, a comprehensive and integrated approach to planning for New York City's future first published in 2007. Sustainability and resiliency remain the core goals of OneNYC, but with the poverty rate remaining high and income inequality continuing to grow, the de Blasio administration added equity as a guiding principle throughout the plan. In addition to the focuses of population growth, aging infrastructure, and global climate change, OneNYC brings new attention to additional concerns. OneNYC includes updates on the progress towards the 2011 sustainability initiatives and 2013 resiliency initiatives, with additional goals and new initiatives under the organization of four visions: growth, equity, resiliency, and sustainability.

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

Land Use and Zoning

Primary Study Area

As presented in **Attachment A, "Project Description,"** in the 2027 future without the Proposed Actions, it is anticipated that no zoning changes would occur within the directly affected area, and the existing uses would remain. The primary study area would continue to be zoned C8-2 and no residential or manufacturing development would be permitted.

Secondary Study Area

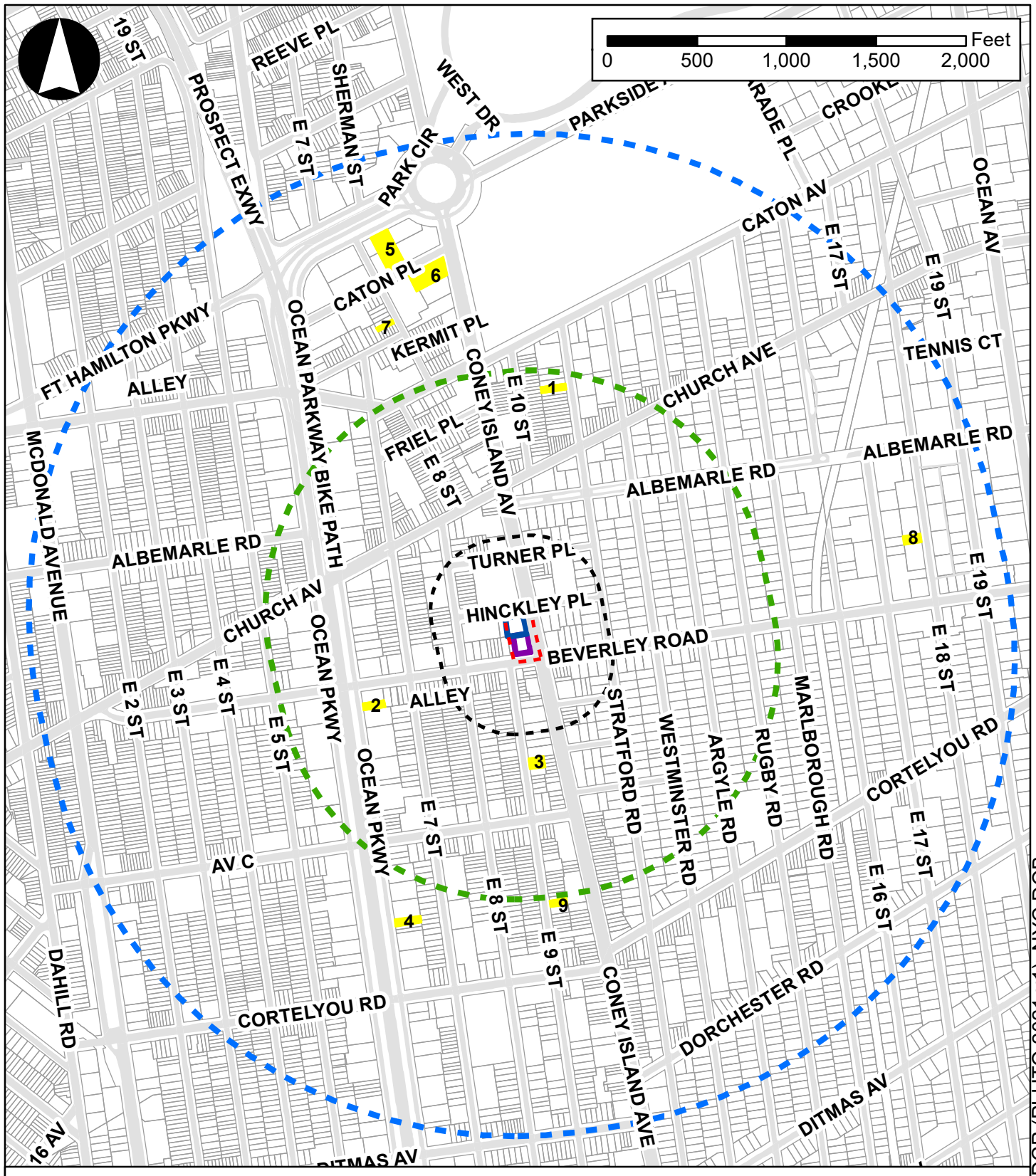
Existing land use patterns are anticipated to continue in the surrounding area. There are no known zoning changes proposed, and no new developments anticipated to be completed by the 2027 analysis year in the 400-foot secondary study area.

For the purposes of other technical analyses that assess conditions in a larger study area, developments anticipated within an approximately ¼- and ½-mile of the primary study area are summarized in **Table C-4** and shown graphically in **Figure C-6**. As presented in **Table C-4**, in the future without the Proposed Actions, it is anticipated that 200 residential DUs, approximately 170,590-gsf of commercial, and approximately 113 parking spaces would be developed within a ½-mile of the primary study area at nine sites.

TABLE C-4: Known No-Action Developments within ½-Mile of the Primary Study Area

No-Action Developments Within ¼-Mile									
Map No.[1]	**Block**	**Lot**	**Address**	**Residential (DUs)**	**Commercial (GSF)**	**Office (GSF)**	**Community Facility (GSF)**	**Manufacturing (GSF)**	**Parking Spaces**
1	5071	22	38 East 11th Street	14	0	0	0	0	7
2	5358	91	265 Ocean Parkway	16	0	0	0	0	0
3	5361	55	263 East 9th Street	6	0	0	0	0	5
No-Action Developments Within ½-Mile									
4	5375	70	379 Ocean Parkway	24	0	0	0	0	15
5	5322	51	72 Caton Place	0	157,600	0	0	0	2
6	5322	4	57 Caton Place	107	12,990	0	0	0	74

Figure C-6
No Build Sites



Legend

- 400-foot Radius
- Project Area
- Proposed Development Site
- Projected Development Site
- 1/4-Mile Radius
- 1/2-Mile Radius
- 1 No Build Sites

Source: NYC DCP (PLUTO 2021 v1); NYC DOB

7	5320	72	50 East 8th Street	2	0	0	0	0	0
8	5121	24	232 East 18th Street	29	0	0	0	0	8
9	5378	68	351 East 9th Street	2	0	0	0	0	2
Total				**200**	**170,590**	**0**	**0**	**0**	**113**

Sources: NYCDOB Active Major Construction, YIMBY
[1] Keyed to **Figure C-6**

Public Policy

In absence of the Proposed Actions, no changes to public policies are anticipated in the primary or secondary study areas.

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

Under the With-Action condition, the Proposed Actions, which include zoning map and text amendments, would be approved. As described in **Attachment A, "Project Description,**" under the RWCDS, the Proposed Actions would facilitate the incremental development of 134 DUs (including 34-41 (25-30 percent) affordable DUs under MIH Option 1 or 2), approximately 3,347-gsf of commercial space, and 32 off-street accessory parking spaces at two projected development sites.

Land Use

Primary Study Area

The Proposed Actions would result in changes to land use within the primary study area by increasing the allowable density and introducing new residential uses, which are not currently allowed in the No-Action condition. Under the RWCDS, two projected development sites would be redeveloped to near their maximum allowable FAR. The Proposed Actions would facilitate new mixed-use residential and commercial developments on two underutilized sites. The proposed residential and commercial uses, including local retail uses, would be consistent with the existing mixed-use character and support existing uses already present in the surrounding area. The proposed residential and commercial uses are expected to complement existing one-and two family homes, multiunit walkup residential apartment buildings, and mixed-use residential and commercial buildings near of the rezoning area located on the subject block and along the Coney Island Avenue corridor.

The proposed zoning changes would also bring into conformance the residential building located on Lot 26 in the primary study area. Additionally, the proposed ground floor commercial uses would also help further activate Coney Island Avenue, Beverly Road, and Hinckley Place. The proposed residential district would allow higher density residential uses consistent with other residential uses in the neighboring area.

The Proposed Actions would not generate land uses that would be incompatible with surrounding uses, nor would they directly displace land uses in such a way as to adversely affect surrounding land uses. The introduction of housing in a transit accessible area would further contribute to the mission and purpose of integrating housing with transportation and jobs, thus encouraging live-work communities and transit-oriented development. Therefore, the Proposed Actions would support land use trends, and no significant adverse land use impacts are expected.

Secondary Study Area

The Proposed Actions are not expected to alter development trends or patterns in the secondary study area. The secondary study area would not undergo any changes because of the Proposed Actions. The Proposed Actions would have no direct effect on land use nor zoning in the secondary study area. The proposed residential and commercial uses at the two development sites would complement and be consistent with the mix of residential and commercial uses in the secondary study area. As noted above, land uses in the secondary study area are varied with a dense mix of residential, transportation-related, parking, and commercial uses.

Therefore, the Proposed Actions would not introduce any new land uses that would be incompatible with their surroundings, and the Proposed Actions would not represent a significant adverse impact on land use in the secondary study area in accordance with the criteria set forth in the *CEQR Technical Manual.*

Zoning

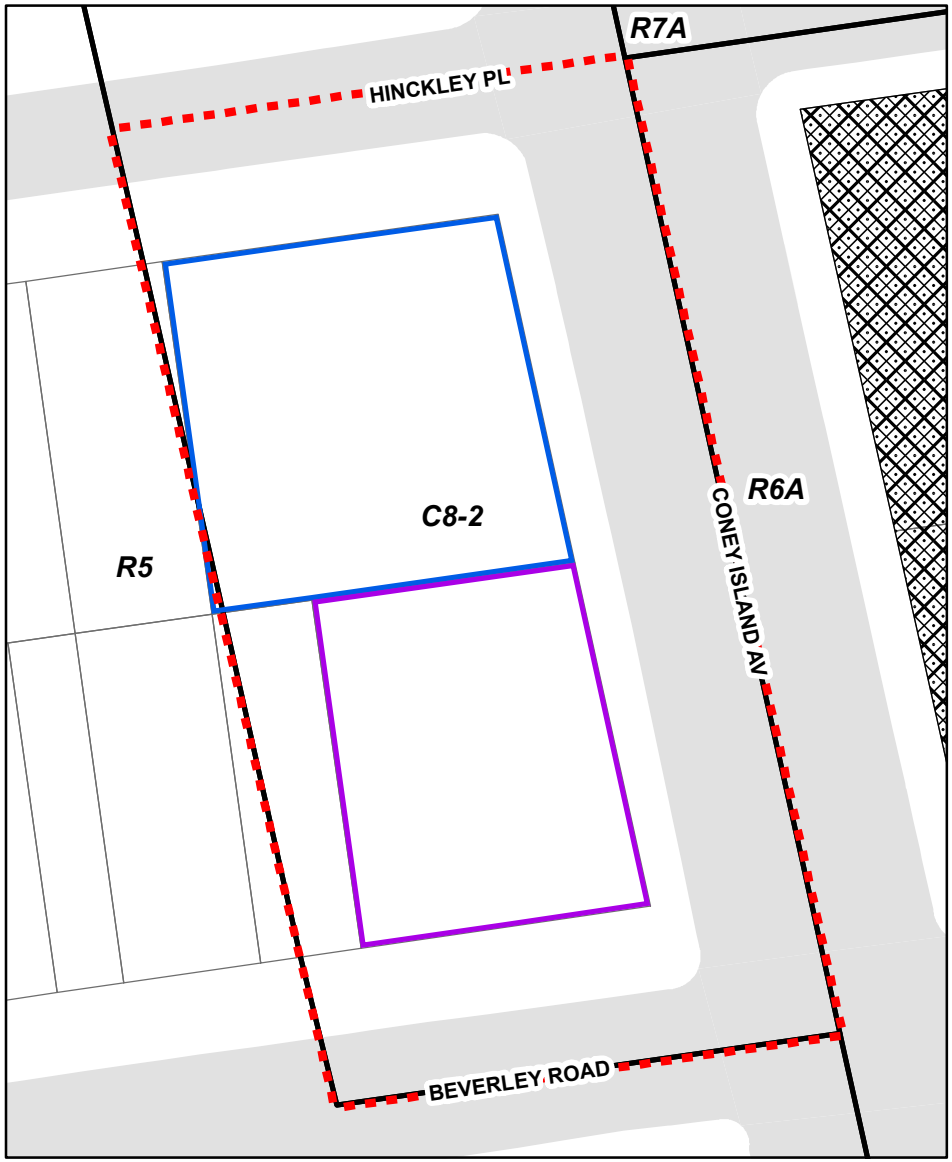
In the future with the Proposed Actions, the existing zoning in the primary study area would change along Coney Island Avenue between Beverley Road and Hinckley Place. The existing C8-2 district would be rezoned to a R7X/C2-4 district (see **Figure C-7**).

The proposed zoning district would allow residential and community facility uses (Use Groups 1-4), as well as permit local retail and commercial uses (Use Groups 5-9 and 14). Use Groups 1-3 are not permitted under the existing C8-2 district. It would also increase the allowable density and would create additional zoning capacity in a transit-accessible area to support new housing creation and increase the number of affordable housing units available in New York City. The proposed rezoning area is well suited for additional development, given its proximity to public transit and as Coney Island Avenue, Hinckley Place, and Beverly Road are major arterial roads that support additional density. As detailed in the Brooklyn CD 12's Statements of Community District Needs and Community Board Budgetary Requests for the fiscal year of 2022, affordable housing is one of the three most pressing issues for CD 12, as housing supply is low and demand is very high making affordable housing options almost non-existent in the area.

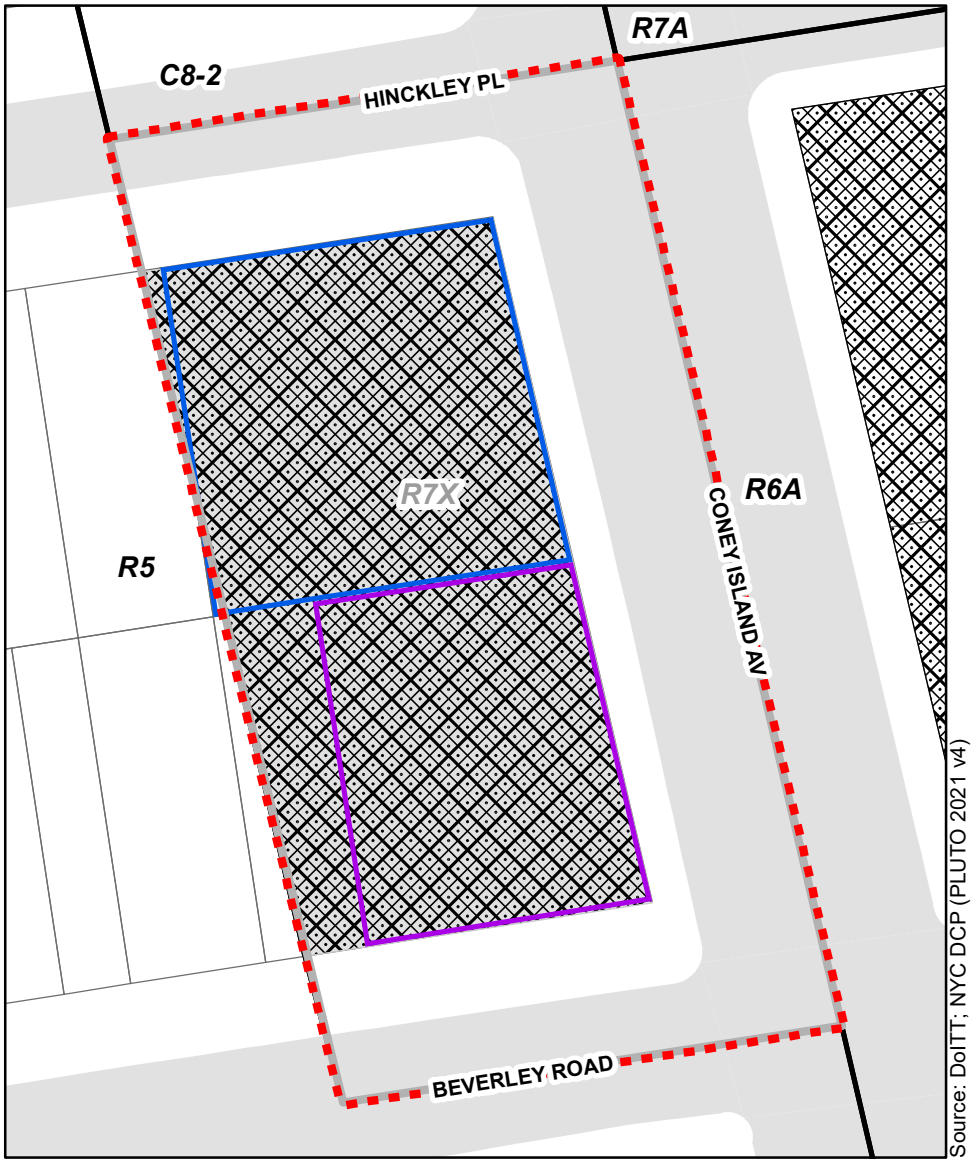
The proposed zoning district would permit residential FAR of 6.0 (with the Mandatory Inclusionary Housing (MIH) Program), community facilities up to 5.0 FAR, and commercial uses up to 2.0 FAR. The proposed zoning change would have to conform to the existing OP district and would establish a contextual mixed-use district that would have minimum and maximum base height requirements as well as a maximum building height. Buildings would have a maximum height of 145 feet (with MIH and a qualifying ground floor). Buildings would be required to setback a depth of 10 feet (on a wide street) above a maximum base height of 105 feet (with MIH and a qualifying ground floor). Within 25 feet of the adjacent R5 zoning district mapped to the west, buildings of the proposed R7X district would be required to reduce the maximum building height to 65 feet pursuant to Zoning Resolution (ZR) Section 23-693. Off-street accessory parking would be required for 50 percent of market-rate dwelling units.

The proposed zoning map change would bring into conformance existing residential uses (legally nonconforming) within the rezoning area (Lot 26) and permit new development consistent with land uses in the surrounding area and existing medium density contextual residential districts (R5, R6A, and R7A) mapped to the east and west of Coney Island Avenue with C2 commercial overlays mapped along the Coney Island Avenue corridor. The proposed zoning change would allow for the redevelopment of underutilized lots for new market-rate and affordable housing in an area that is well served by transit, as well as continue to permit local retail development. The proposed zoning district aligns with the City's

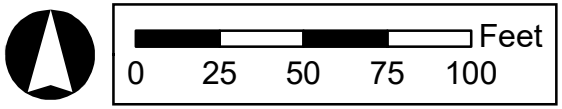
Existing Zoning



Proposed Zoning



Source: DoITT; NYC DCP (PLUTO 2021 v4)



Legend

- Project Area
- Projected Development Site 1
- Projected Development Site 2
- C8-2 Zoning Districts
- C2-3
- C2-4
- R7X Proposed R7X District
- Proposed C2-4 Overlay

534 Coney Island Avenue EAS

Figure C-7
Existing and Proposed Zoning

policy to support additional development in transit accessible area. It would allow for larger bulks and higher building heights in the primary study area, which would enhance the zoning conformity in the surrounding area that is largely zoned as residential and commercial districts. The proposed R7X/C2-4 district would be mapped at the confluence of Coney Island Avenue with two other wide streets, which from the Applicant's perspective, would be appropriate for a higher-density of mixed residential and commercial and community facility uses while maintaining the residential character of nearby side streets.

The proposed zoning text amendment would establish an MIH area coterminous with the rezoning area through ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 12. The proposed text amendment would require the applicant to develop in accordance with the MIH program, and would mandate the provision of affordable housing. Future qualifying development of all sites within the rezoning area would also be required to adhere to the requirements of the MIH program. Pursuant to the MIH program, a percentage of the new dwelling units would be affordable units, resulting in an affordable housing set-aside for either 25 percent of the residential floor area at an average of 60 percent of the Average Median Income (AMI) (Option 1) or 30 percent of the residential floor area at an average of 80 percent of AMI (Option 2). The applicant is seeking to map MIH Option 1. The final MIH Option will be chosen by the City Council through the ULURP. The proposed affordable housing set asides would ensure that the development within the rezoning area would help to address the need for housing to serve diverse incomes.

Secondary Study Area

The proposed zoning actions would only apply in the primary study area and would not affect lots beyond this area. The proposed zoning map and text amendment would align with the City's land use, zoning, and public policy objective to encourage denser development in area served by public transit and facilitate the development of affordable housing. The proposed zoning changes would be consistent with other residential and mixed-use zoning in the secondary study area as over 97 percent of all lots within the secondary study area are zoned for residential uses. The current C8-2 zoning is obsolete given the residential development trends of the study area. The Proposed Actions would not result in any significant impacts to zoning patterns in the area, nor have a significant impact on the extent of conformity within the current surrounding area.

Public Policy

As detailed below, the Proposed Actions would not result in any significant adverse public policy impacts to the primary or secondary study areas. The proposed zoning changes are expected to help foster diverse and livable neighborhoods with mixed-use residential and commercial buildings in an underutilized area and ensure housing supply increase in an equitable way, building new affordable housing units.

Housing New York 2.0

The proposed zoning actions would be consistent with the *Housing New York 2.0* plan and would result in a net increase of approximately 134 DUs, including 34-41 affordable housing units under MIH Option 1 or 2. Under Option 1 of MIH, approximately 25 percent of the new residential units would be permanently affordable to residents with incomes averaging 60 percent of the Area Median Income (AMI). Under Option 2 of MIH, approximately 30 percent of the new residential units would be permanently affordable to residents with incomes averaging 80 percent of the AMI. The affordable dwelling units under the With-Action condition would provide the area with a mix of new affordable housing and market-rate units and would support the City's efforts to increase the overall amount of affordable housing and help foster

diverse and livable neighborhood. Therefore, the Proposed Actions would be supportive of this key public policy goal and further analysis is not warranted.

OneNYC

The Proposed Actions are consistent with the goals of PlaNYC/OneNYC, as it would create additional housing, affordable housing, and local retail uses. The Proposed Actions contribute to the community and economic development of the Kensington/Flatbush neighborhood and Brooklyn as a whole.

ATTACHMENT D

OPEN SPACE

534 Coney Island Avenue EAS
Attachment D: Open Space

I. INTRODUCTION

This attachment assesses the potential impacts of the Proposed Actions on open space resources. Open space is defined in the 2021 *City Environmental Quality Review* (CEQR) *Technical Manual* as publicly accessible, publicly or privately owned land that is available for leisure, play, or sport or serves to protect or enhance the natural environment. According to the guidance established in the *CEQR Technical Manual*, an open space analysis should be conducted if an action would result in a direct effect, such as the physical loss or alteration of public open space, or an indirect effect, such as when a substantial new population could overburden an area's available open spaces. Direct effects include a Proposed Action's effects on open spaces due to increased noise, air pollutant emissions, odor, or shadows. Indirect effects consist of the increase in the residential, worker, and other non-residential populations resulting from the Proposed Actions, which have the potential to diminish the capacity of open space in the area to serve the future population.

As discussed in **Attachment A, "Project Description,"** under the reasonable worst-case development scenario (RWCDS), the Proposed Actions would result in an incremental increase of 134 dwelling units (DUs), and approximately 3,347 gross square feet (gsf) of local retail space as compared to the No-Action condition. This would result in an increase of 391 residents[1], as compared to the No-Action condition, which would exceed the *CEQR Technical Manual* preliminary screening threshold for an indirect open space analysis. Both quantitative and qualitative assessments were conducted to determine whether the Proposed Actions would significantly affect the use and enjoyment of open space in an identified study area. While the Proposed Actions are also expected to introduce a net increment 15 workers[2] as compared to the 2027 No-Action conditions based on standard planning assumptions used in CEQR analyses, this is below the *CEQR Technical Manual* preliminary screening threshold for analysis based on nonresidential users. Therefore, the analysis of indirect open space impacts focuses exclusively on the open space needs of the area's residential population.

II. METHODOLOGY

The analysis of open space resources has been conducted in accordance with the methodology set forth in the 2021 *CEQR Technical Manual*. Using this methodology, the adequacy of open space in the study area is assessed quantitatively using a ratio of usable open space acreage to the study area population, referred to as the open space ratio. This quantitative measure is then used to assess the changes in the adequacy of open space resources in the future, both without and with the Proposed Actions. In addition,

[1] The estimated number of residents is based on the average household size of 2.92 persons for the Kensington Neighborhood Tabulation Area (NTA) (2020 Census).

[2] The estimated number of workers is based on one worker per 333 gsf of of local retail space and 1 worker per 25 DUs.

qualitative factors are considered in making an assessment of the Proposed Actions' effects on open space resources.

In accordance with *CEQR Technical Manual* methodologies*,* the open space study area is generally defined by a reasonable walking distance that users would travel to reach local open space and recreational resources. That distance is typically a half-mile radius for residential projects and a quarter-mile radius for commercial projects with a significant worker population.

Study Area

The *CEQR Technical Manual* recommends that the residential open space study area be comprised of all census tracts that have at least 50 percent of their area located within a ½-mile of a project area and all open spaces within it that are publicly accessible. As described above, residents typically walk up to a half (1/2) mile for recreational spaces.

The proposed rezoning area comprises the eastern approximately 44,824-sf portion of Brooklyn Block 5343 along the west side of Coney Island Avenue between Hinckley Place to the north and Beverley Road to the south. As shown in **Figure D-1**, there are 12 census tracts with at least 50 percent of their area within the ½-mile radius: census tracts 488, 490, 492, 494, 500.01, 500.02, 504.01, 504.02, 506, 512, 514, and 1522. The residential study area is roughly bounded by Greenwood and Caton Avenues to the north, East 19th Street and Ocean Avenue to the east, East 2nd and East 3rd Streets to the west, and Ditmas Avenue, Cortelyou Road, and Dorchester Road to the south.

Analysis Framework

Direct Effect Analysis

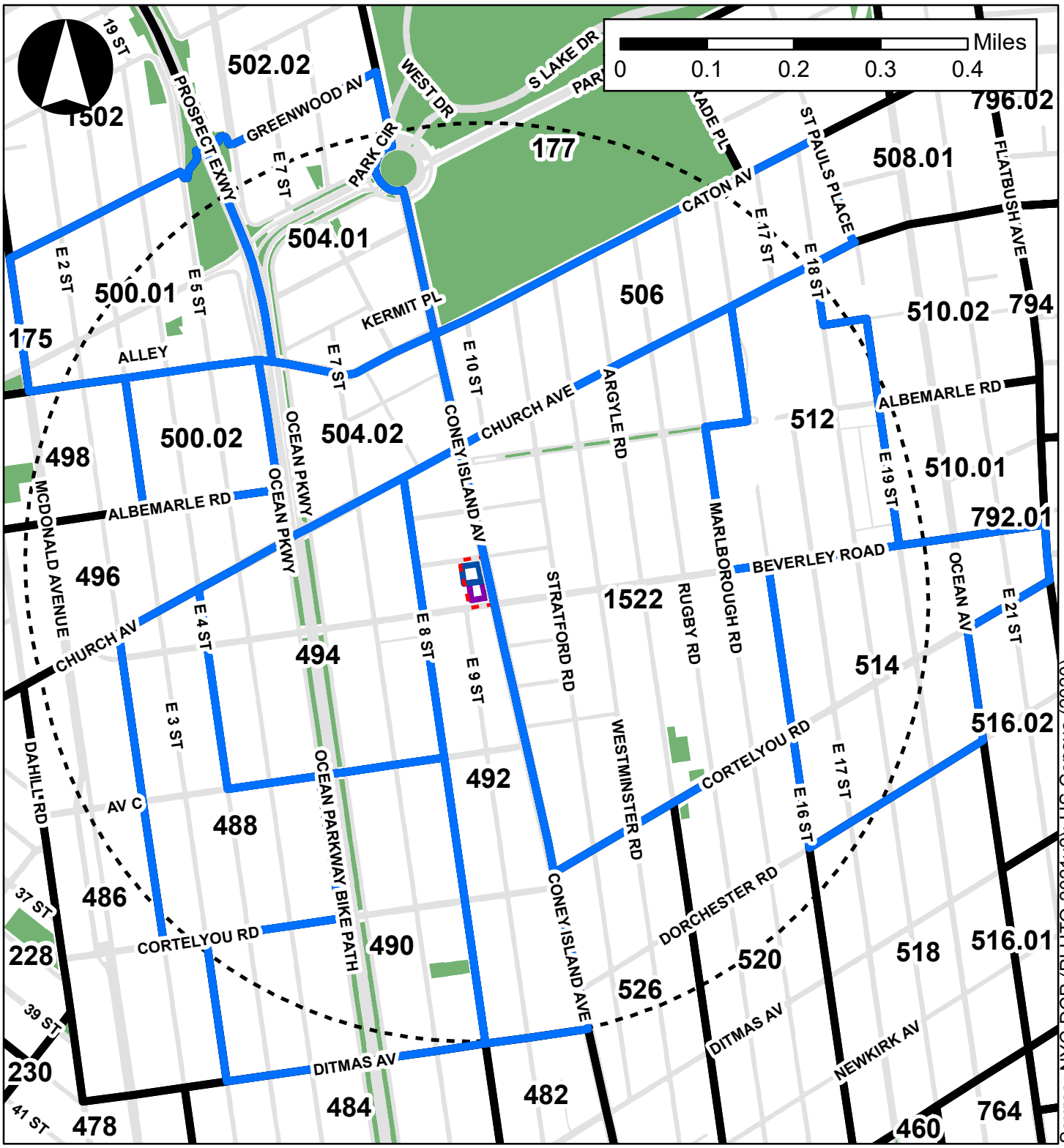
According to the 2021 *CEQR Technical Manual*, a project would directly affect open space conditions if it causes the loss of public open space, changes the use of an open space so that it no longer serves the same user population, limits public access to an open space, or results in increased noise or air pollutant emissions, odors, or shadows that would affect its usefulness, whether on a permanent or temporary basis. As no open space resources would be physically displaced as a result of the Proposed Actions, this attachment uses information from other attachment of this EAS to determine whether the Proposed Actions would directly affect any open spaces within, or in close proximity to, the Project Area. The direct effects analysis is included in the "The Future with the Proposed Actions (With-Action Condition)" section of this attachment.

Indirect Effect Analysis

As described in the *CEQR Technical Manual*, open space can be indirectly affected by Proposed Actions if the project would add enough population, either workers or residents, to noticeably diminish the ability of an area's open space to serve the existing or future population. Indirect effects may occur when the population generated by a proposed action overtaxes the capacity of existing public open spaces so that the service provided to existing and future populations in the area would be diminished substantially or noticeably.

As part of the preliminary assessment for open space, a project should be reviewed to determine if it is located in an area of the City within a Walk to a Park Service Area. A Walk to a Park Service Area (WtPSA)

Figure D-1
Open Space Study Area



Source: NYC DCP (PLUTO 2021v2); US Census (2020)

Legend

- Project Area
- Projected Development Site 1
- Projected Development Site 2
- Half-Mile Radius
- 526 Census Tracts
- 492 Study Area Census Tracts
- Open Space

is a part of the *OneNYC 2050 Building a Strong and Fair City* plan, in which New York City has laid out a goal for 85 percent of New York City residents living within a walking distance of a park by 2030. Existing areas located within a WtPSA are within a walking distance of a park (i.e., 0.5-miles). Areas not located within a WtPSA are considered "walk gaps;" they are areas of New York City that are not within walking distance to a park. As shown in **Figure D-2**, the project area is located within an area that has been identified as a walk to a park service area that is within a walking distance of a park (i.e., not a walk gap area).

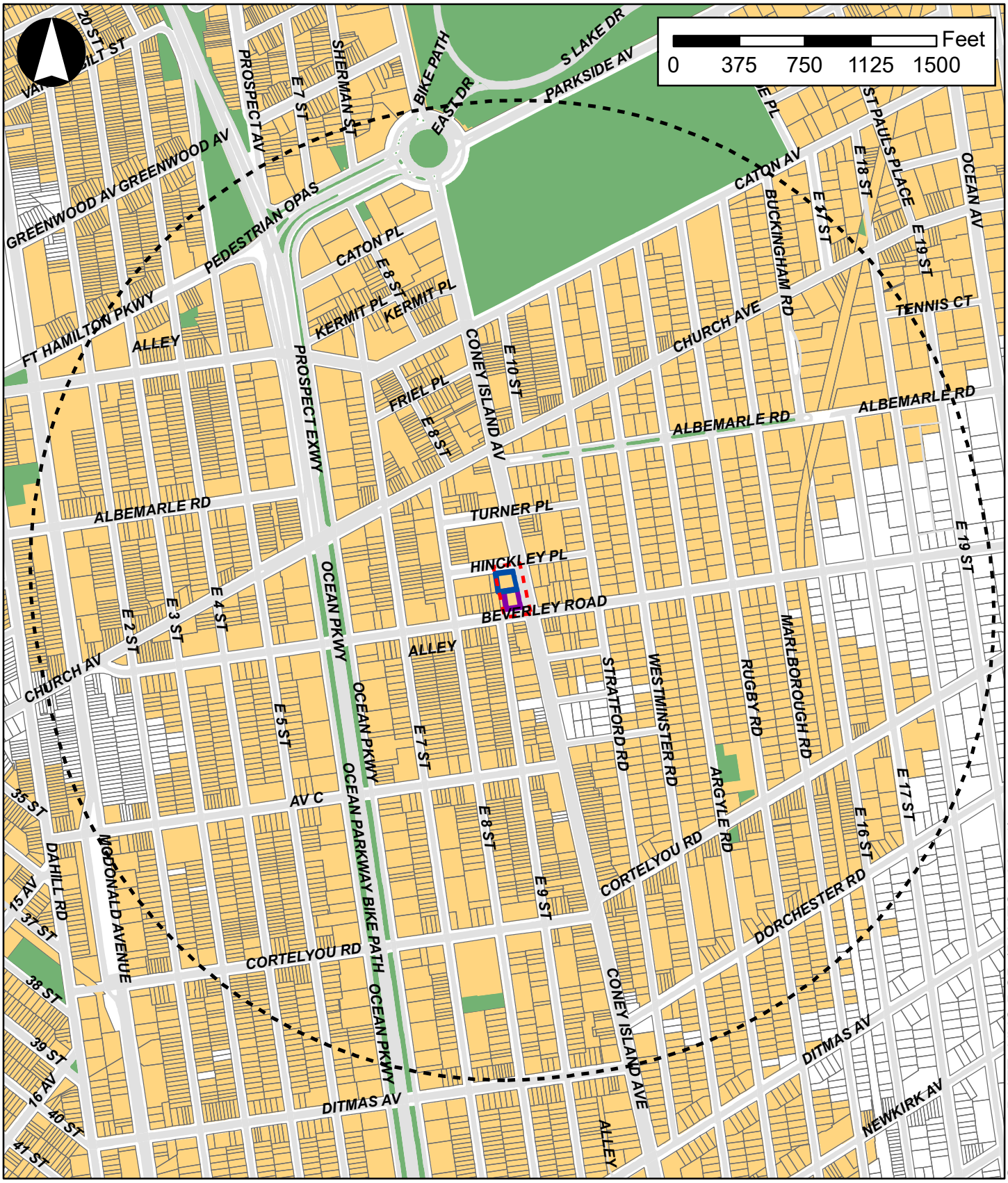
With an inventory of available open space resources and potential users, the adequacy of open space in the study areas can be assessed both quantitatively and qualitatively. The quantitative approach computes the ratio of open space acreage to the population in the study area and compares this ratio with certain guidance. The qualitative assessment examines other factors that may affect conclusions about adequacy, including proximity to additional resources beyond the boundaries of the study area, the availability of private recreational facilities, and the demographic characteristics of the study area's population. Specifically, the analysis in this chapter includes:

- Characteristics of the existing residential population. To determine the number of residents in the study area, 2020 Census data have been compiled for census tracts comprising the open space study area.
- An inventory of all publicly accessible active and passive recreational facilities in the residential open space study area.
- An assessment of the quantitative ratio of open space in the residential study area by computing the ratio of open space acreage to the population in the study area and comparing this open space ratio with the City's planning goal.-In New York City, the optimal open space ratio for residential populations is 2.5 acres of open space per 1,000 residents Ideally, this would be comprised of a balance of 80 percent active open space (2.0 acres per 1,000 residents) and 20 percent passive open space (0.5 acres per 1,000 residents).
- An evaluation of qualitative factors affecting open space use.
- A determination of the adequacy of open space in the residential open space study area for existing, No-Action, and With-Action conditions.

Preliminary Assessment

According to the *CEQR Technical Manual*, a preliminary assessment may be useful to determine if a detailed open space analysis is necessary, or whether the open space assessment can be targeted to a particular user group. This initial assessment calculates an open space ratio by relating the existing residential and nonresidential populations to the total open space in the study area. It then compares that ratio with the open space ratio in the future with the Proposed Actions. If there is a decrease in the open space ratio that would approach or exceed one percent in areas exhibiting low open space ratios that are 0.50 or less, a detailed analysis is warranted. The detailed analysis examines passive and active open space resources available to residents within the open space study area delineated in accordance with the *CEQR Technical Manual*, as outlined above. As the Proposed Actions would introduce a large residential population in an area with a limited amount of available open space, which exhibits a low open space ratio under existing conditions, a detailed open space analysis is warranted and is provided below.

Figure D-2
Walk to a Park Service Area



Source: DoITT; NYC DCP (PLUTO 2021v4)

Legend

Project Area | Projected Development Site 1 | Projected Development Site 2 | Walk to a Park Service Area

Impact Assessment

As described in the *CEQR Technical Manual,* the significance of an action's effects on an area's open spaces is determined using both quantitative and qualitative factors, as compared to the No-Action condition. The determination of significance is based upon the context of an action, including its location, the quality and quantity of the open space in the future With-Action condition, the types of open space provided, and any new open space provided by the action.

An action's potential effects on an area's open space are based in part on how a project would change the open space ratios in the study area as well as other qualitative considerations. According to the *CEQR Technical Manual*, a project that would reduce the open space ratio by more than the general guidelines for the open space percentage change shown in **Table D-1** may be considered significant, as these reductions may result in overburdening existing facilities or further exacerbating a deficiency in open space. As shown in **Table D-1**, the guidance for tolerated percent change in open space ratio is determined based on the open space ratio ranges outlined in the *CEQR Technical Manual*. In areas that are within a WtPSA, a greater percentage of change (more than five percent) may be tolerated.

Table D-1: Guidance for Percentage Change in Open Space Ratio

Open Space Ratio Range	Percent Change in Open Space Ratio
2.01 to 2.50 or Greater[1]	5%
1.51 to 2.0	4%
1.01 to 1.5	3%
0.51 to 1.0	2%
0.50 or Less	1%

Source: *2021 CEQR Technical Manual,* Table 7-1 in the Open Space chapter.
1 2.5 open space ratio is the planning goal in New York City.

In addition to the quantitative factors cited above, the *CEQR Technical Manual* also recommends consideration of qualitative factors in assessing the potential for open space impacts. These include the availability of nearby destination resources, the beneficial effects of new open space resources provided by a project, and the comparison of projected open space ratios with established City established planning goal for open space.[3] The assessment should consider the balance of passive and active open space. A larger percent of active space is usually preferred; given the physical space requirement for active open space uses are significantly greater. It is recognized that the open space ratios of the City guidelines described above are not feasible for many areas of the City, and they are not considered impact thresholds on their own. Rather, these benchmarks indicate how well an area is served by open space. Determinations as to what constitutes a significant adverse open space impact are not based solely on the results of the quantitative assessment. Qualitative considerations such as the distribution of open space, whether a site is within a WtPSA, the distance to regional parks, the connectivity of open space, and any additional open space provided by the proposed project, should be considered in a determination of significance.

[3] The City planning goal for open space is 2.5 acres per 1,000 residents and optimally distributed as 80 percent active open space (or 2.0 acres per 1,000 residents) and 20 percent passive open space (or 0.5 acres per 1,000 residents).

III. DETAILED ANALYSIS

Existing Conditions

Study Area Population

To determine the population served by existing open space resources, the 2020 Census data were compiled for the 12 census tracts comprising the residential (1/2-mile) study area. As shown in **Table D-2**, 2020 U.S. Census data indicate that the ½-mile study area has a residential population of approximately 50,003 persons.

Table D-2: Existing Residential Population in the ½-Mile Study Area

Census Tract	Residential Population
488	4,536
490	6,036
492	3,366
494	5,527
500.01	2,062
500.02	1,607
504.01	2,997
504.02	2,004
506	5,612
512	5,946
514	7,023
1522	3,287
Totals	**50,003**

Source: U.S. Census Bureau, 2020 U.S. Census; NYC DCP, Population FactFinder

As shown in **Table D-3**, people between the ages of 20 and 64 make up the majority (approximately 62.25 percent) of the residential population in the ½-mile study area. Children and teenagers (0 to 19 years old) account for approximately 25.36 percent of the entire study area population, and persons 65 years and over account for approximately 12.39 percent of the study area population.

Table D-3: Existing Residential Population Age Characteristics in the ½-Mile Study Area

Age Category*	Residential Population	Percent of Population[4]
4 and younger	4,207	8.41%
5-9	3,005	6.01%
10-14	3,252	6.50%
15-19	2,220	4.44%

[4] Aside from age groups under/over 18 years of age, the 2020 U.S. Census data does not include detailed information about residential age characteristics. As such, the residential population age groups were determined based on the existing percentage of age group characteristics provided in the 2015-2019 5-Year ACS data tabulated against the 2020 U.S. Census data populations.

20-64	31,125	62.25%
65 and older	6,195	12.39%

Note: *Age group percentages based on 2015-2019 Five Year ACS data
Source: 2020 U.S. Census and 2015-2019 Five Year ACS data; NYC DCP Population FactFinder.

Within a given area, the age distribution of a population affects the way open space resources are used and the need for various types of recreational facilities. Typically, children four years old or younger use traditional playgrounds that have play equipment for toddlers and preschool-aged children. Children ages five through nine typically use traditional playgrounds, as well as grassy and hard-surfaced open spaces, which are important for activities such as ball playing, running, and skipping rope. Children ages ten through 14 use playground equipment, court spaces, Little League fields, and ball fields. Teenagers' and young adults' needs tend toward court game facilities, such as basketball and field sports. Adults between the ages of 20 and 64 continue to use court game facilities and fields for sports, as well as more individualized forms of recreation such as rollerblading, biking, and jogging, requiring bike paths, promenades, and vehicle-free roadways. Adults also gather with families for picnicking, ad hoc active sports, such as Frisbee, and recreational activities in which all ages can participate. Senior citizens engage in active recreation, such as tennis, gardening, and swimming, as well as recreational activities that require passive facilities.

Inventory of Publicly Accessible Open Space

According to the *CEQR Technical Manual*, open space may be public or private and may be used for active or passive recreational purposes. Pursuant to the *CEQR Technical Manual*, a publicly accessible open space is defined as a recreational facility open to the public at designated hours on a regular basis and can be assessed for impacts using both a quantitative and a qualitative analysis, whereas a private open space facility is not accessible to the general public on a regular basis and may be considered only qualitatively.

An open space resource is determined to be active or passive by the uses that the design of the space allows. Active open space is the part of a facility used for active play, such as sports or exercise, and may include playground equipment, playing fields and courts, swimming pools, skating rinks, golf courses, and multi-purpose play areas (open lawns and paved areas for active recreation such as running, games, informal ball-playing, skipping rope, etc.). Passive open space is used for sitting, strolling, and relaxation, and typically contains benches, walkways, and picnicking areas. However, some passive spaces can be used for both passive and active recreation, such as a lawn or riverfront walkway, which can also be used for ball-playing, jogging, or rollerblading.

Within the open space study area, all publicly accessible open space resources were inventoried and identified by their name, location, owner, amenities/equipment, user groups, hours of operation, and the amount of total, active, and passive acreage, as well as the condition and utilization of each resource. The information used for this analysis was gathered through field inventories conducted in February 2022 and November 2022; the New York City Department of Parks and Recreation's (NYC Parks) website; and the New York City Open Accessible Space Information System (OASIS) database and other secondary sources of information.

The condition of each open space resource was categorized as "Excellent," "Good," "Fair," or "Poor." A resource was considered in excellent condition if the space was clean and attractive, and all equipment was present and in a state of good repair. A good resource had minor problems such as litter or older but operative equipment. A fair or poor resource was one that was poorly maintained, had broken or missing

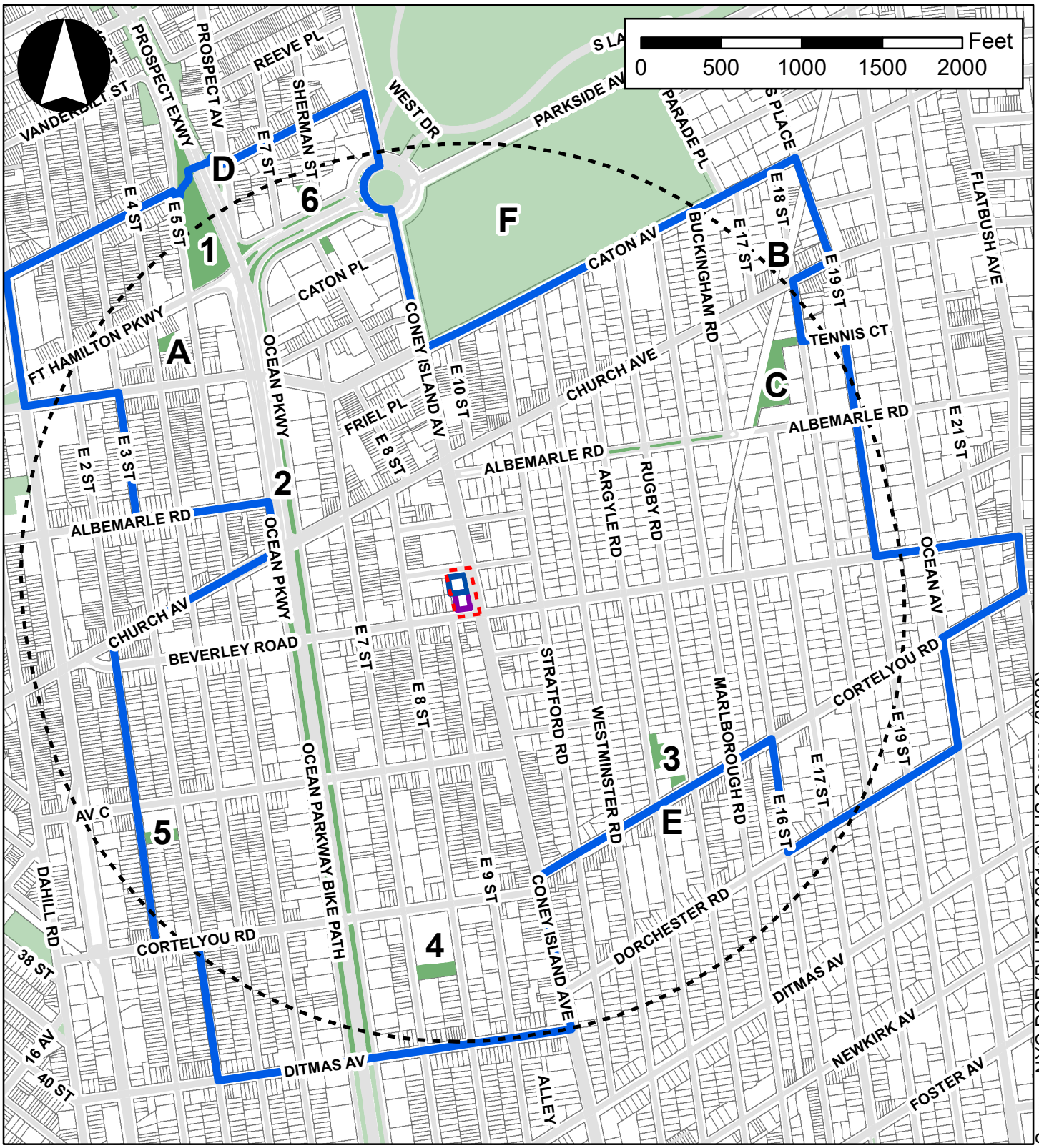
equipment or lack of security, or other factors that would diminish the facility's attractiveness to potential users. Determinations were made subjectively, based on a visual assessment of the open space resources.

Likewise, judgments with regard to the intensity of use of the resources were qualitative, based on an observed degree of activity or utilization on a weekday from 11 AM until 3 PM. If a resource seemed to be at or near capacity (i.e., the majority of benches or equipment was in use), then utilization was considered high. If the facility or equipment was in use but could accommodate additional users, utilization was considered moderate. If a playground or sitting area had few people, usage was considered light. **Table D-4** identifies the address, ownership, features, and acreage of total, active, and passive open space resources in the half-mile study area, as well as their condition and utilization. **Figure D-3** maps their location within the study area.

Open Space Resources

As shown in **Figure D-3** and **Table D-4**, there are six publicly accessible open space resources located in the ½-mile open space study area. In addition, there are nine open space resources located within the ½-mile study area that are not included in the quantitative analysis because they do not provide consistent public hours or are within the ½-mile radius of the project area but not within the defined study area or do not include seating or other amenities. These include a sitting area, a private athletic club, two community gardens, a playground, and the Parade Grounds.

The study area contains a total of approximately 10.28 acres of publicly accessible open space, of which approximately 5.38 acres (52.3 percent) comprise active open space uses and approximately 4.90 acres (47.7 percent) comprise passive open space uses (refer to **Table D-4**).



Source: NYC DCP (PLUTO 2021v2); US Census (2020)

Legend

- Project Area
- Projected Development Site 1
- Projected Development Site 2
- Half-Mile Radius
- Open Space Study Area
- 1 Quantitative Open Spaces (Keyed to Table D-4)
- A Qualitative Open Spaces (Keyed to Table D-4)

Table D-4: Inventory of Existing Open Space and Recreational Resources in ½-Mile Study Area

Map No.	Park Name	Owner	Location	Amenities	Hours of Operation	User Groups	Acres	Active		Passive		Condition	Utilization
								Acres	%	Acres	%		
Open Space Resources Included in Quantitative Analysis													
1	Greenwood Playground	DPR	Ft. Hamilton Prkwy, Prospect Ave, Greenwood Ave	Handball Courts, Basketball Courts, Playground, Dog Areas, Seating Areas	6:00am – 9:00pm	Seniors, Adults, Children	3.39	1.70	50%	1.70	50%	Good	Medium
2	Ocean Parkway Malls	DPR	Ocean Prkwy bet. Park Cir and Ditmas Ave	Bike Paths, Seating Areas, Running/Walking Paths	24 hours	Seniors, Adults, Children	5.57	2.79	50%	2.79	50%	Good	Medium
3	PS 139	DOE/DPR	330 Rugby Rd	Playground, Basketball courts, Seating Areas	After School & Weekends	Seniors, Adults, Children	0.40	0.32	80%	0.08	20%	Good	Low
4	IS 62	DOE/DPR	700 Cortelyou Rd	Playground, Basketball courts, Seating Areas	After School & Weekends	Seniors, Adults, Children	0.50	0.40	80%	0.10	20%	Good	Low
5	The Parkside School (Pre K - 2nd Grade)	DOE/DPR	70 Ocean Parkway	Seating Area, Playground, Running Track	After School & Weekends	Seniors, Adults, Children	0.22	0.18	80%	0.04	20%	Excellent	Low
6	Park (8th St Foot Bridge)	DPR	East 8th Street, Sherman Street	Seating Areas, Chess Tables, Dog Areas	24 hours	Seniors, Adults, Children	0.20	0.00	0%	0.20	100%	Fair	Medium
						Total	**10.28**	**5.38**	**52.3%**	**4.90**	**47.7%**		
Open Space Resources Not Included in Quantitative Analysis													
A	East 4th Street Garden	DPR	179 East 4th Street	Community Garden	April-October three days/week	Seniors, Adults, Children	0.20	0.00	0%	0.20	100%		
B	Q Gardens Community Farm	NYCTA	58 East 18th Street	Community Garden	Weekends	Seniors, Adults, Children	0.03	0.00	0%	0.03	100%		
C	Knickerbocker Field Club	Knickerbocker Members	114 East 18 Street	Tennis Courts, Club House	Mon-Fri 7:30am-Dusk; Sat 8am-Dusk; Sun 8:45am-Dusk	Seniors, Adults, Children	1.30	1.30	100%	0.00	0%		
D	Sitting Area	DPR	Bet. Prospect Ave and Prospect Expwy	Seating Areas, Chess Tables	24 hours	Seniors, Adults, Children	0.20	0.00	0%	0.20	100%		
E	Lt. Federico Narvaez Tot Lot	DPR	1302 Cortelyou Road	Playground	6:00am – 9:00pm	Children	0.12	0.12	100%	0.00	0%		
F	Parade Grounds[1]	DPR	Parkside Ave, Coney Island Ave, Caton Ave, Parade Pl	Baseball fields, playgrounds, athletic fields, basketball courts, tennis courts, sitting areas, dog areas	6:00am – 10:00pm	Seniors, Adults, Children	26.70	5.34	20%	21.36	80%		
						Total	**28.55**	**6.76**	**23.7%**	**21.79**	**76.3%%**		

[1] Approximately 26.7-acres (67.6 percent) of the 39.5-acre Parade Grounds is within a ½-mile radius of the Project Area. Only 5.3 percent of the ½-mile radius encompasses the US Census tract that contains the park (US Census tract 177).

The largest open space resource in the study area is the Ocean Parkway Malls. The malls total 140-acres and stretch north-south from Prospect Park in the north to Surf Avenue, Coney Island, in the south. Ocean Parkway Malls within the open space study area is located west of the project area and is bound by Prospect Park in the north to Ditmas Avenue in the south. The Ocean Parkway Malls within the study area total 5.57-acres (Map No. 3). It was designed in 1886 by Frederick Law Olmstead and Calvert Vaux to sandwich the driving lanes. It was also the home of the first bike path, opened in 1894. It is under the jurisdiction of New York City Department of Transportation (DOT) and Department of Parks and Recreation (DPR). It contains a mix of active and passive recreational uses, including a bicycle track and seating areas. It is open to the public 24 hours a day. The remaining approximately 135-acre portion of the malls are located not included in the quantitative analysis.

The second largest open space resource is Greenwood Playground located north of the Project Area (Map No. 2). The approximately 3.5-acre park is owned by DPR and contains both active and passive recreational uses. DPR acquired the park in 1941 and went extensive renovations and upgrades in the subsequent decades. Greenwood Playground has a wide range of active and passive recreational uses including playgrounds, spray showers, seating areas, handball courts, and a dog park. It is in good condition and has high utilization.

There are three school yards to playground open spaces within the open space study area. As shown in **Figure D-3**, the three playgrounds are located throughout the open space study area (Map Nos. 3 to 5). The playgrounds include: I.S. 62, P.S. 139, and Parkside School (Pre-K – 2nd Grade). Combined, they total 1.12-acres of passive and active open space. The school yard to playground program was created in 2007 to renovate and open playgrounds for public use outside of school hours. The playgrounds contain both active and passive recreational uses including playgrounds, basketball courts, seating areas, chess tables, and running tracks.

The final open space resource within the study area is the 8th Street Foot Bridge (Map No. 6). The 0.20-acre park is bounded by Sherman Street, Caton Place, and East 8th Street and is bisected by Ocean Parkway. It is located on the northern portion of the study area's boundary. The 8th Street Foot Bridge contains passive uses including seating areas, chess tables, and a dog run. It also offers access to a pedestrian bridge that allows people to cross over Ocean Parkway safely. It is in fair condition and low utilization.

Assessment of Open Space Adequacy

Quantitative Assessment

The following analysis of the adequacy of open space resources within the residential open space study area takes into consideration the ratios of total, active, and passive open space resources per 1,000 residents. As an optimal planning goal, the City tries to achieve an overall residential open space ratio of 2.5 acres per 1,000 residents (80 percent [2 acres] active and 20 percent [0.5 acres] passive) for large-scale plans and proposals. Although a typical population mix may call for such a goal, it is often not feasible for many areas of the City (especially higher density areas). Therefore, the City does not consider these ratios as open space policy for every neighborhood. Rather, the ratios serve as benchmarks that represent how well an area is served by open space.

As previously stated, there are 10.28 acres of publicly accessible open space, including approximately 5.38 acres (approximately 52.3 percent) of active open space and approximately 4.90 acres (approximately 47.7 percent) of passive open space. With a residential population of 50,003, the total open space ratio

for residents is 0.206 acres per 1,000 residents, which is less than the City's planning goal of 2.50 acres of parkland per 1,000 residents (see **Table D-5**). The study area's active open space ratio (0.108 acres per 1,000 residents) is less than the City's planning goal of 2.00 acres per 1,000 residents. The area's passive open space ratio (0.098 acres per 1,000 residents) is less than the City's planning goal of 0.50 acres per 1,000 residents.

QUALITATIVE ASSESSMENT

The residential study area contains a mixture of recreational facilities, with approximately 52.3 percent dedicated to active uses and 47.7 percent dedicated to passive uses. As detailed above, under existing conditions, the total open space ratio, active open space ratio, and the passive open space ratio are all below the City's target goals for the provision of publicly accessible open space (refer to **Table D-5**).

Table D-5: Existing Conditions: Adequacy of Open Space Resources

Existing Population	Open Space Acreage			Open Space per 1,000 Residents			City Open Space Planning Goals		
	Total	Active	Passive	Total	Active	Passive	Total	Active	Passive
50,003	10.28	5.38	4.90	0.206	0.108	0.098	2.5	2	0.5

As shown in **Table D-4**, the residential study area open spaces include a wide variety of actively programmed open spaces appropriate for the residential user groups. As indicated in the *CEQR Technical Manual*, adults tend to use court facilities for sports, as well as spaces for more individualized forms of recreation, such as rollerblading, biking, and jogging, which require bike paths, esplanades, and vehicle-free roadways. Adults also gather with families for picnicking or ad hoc active sports such as Frisbee. All of the residential study area's nine open spaces include such facilities (refer to **Table D-4**). Further, some passive spaces can be used for both passive and active recreation, such as a lawns or walkways that can be used for ball playing, jogging/running, or rollerblading. In addition, as noted in **Table D-4**, a majority of open space resources located in the study area are in excellent or good condition.

Additionally, as noted in **Table D-4**, two community gardens, a sitting area, and a private athletic club located in the residential open space study area. As shown in **Figure D-3**, the E 4th Street Community Garden (Map Letter A) is located north of the Project Area along East 4th Street between Ft. Hamilton Parkway and Caton Avenue. The approximately 0.20-acre community garden offers passive recreational activities such as concerts and workshops and is owned by NYC Parks. The second community garden, Q Gardens Community Farm (Map Letter B), is located northeast of the Project Area along Church Avenue and East 18th Street. The approximately 0.03-acre community garden offers passive recreational uses and is owned by the New York City Transit Authority (NYCTA). The athletic club is the Knickerbocker Field Club (Map Letter C) and is located to the northeast of the Project Area. The approximately 1.30-acre athletic club is located on East 18th Street between Tennis Court and Albemarle Road and is under shared ownership by members of the club. It is open every day but is a members-only club that offers active recreational activities such as tennis. The one sitting area (Map Letter D) is located to the north of the Project Area at the border of the study area along Prospect Avenue and the Prospect Expressway. The approximately 0.20-acre sitting area offers passive recreational uses such as chess tables. Although these open spaces are publicly owned, they do not provide consistent public hours or do not include seating or other amenities. As such, they are conservatively not included in the quantitative analysis above.

Furthermore, within a ½-mile of the Project Site, but outside the open space study area, are Lt. Federico Narvaez Tot Lot (Map Letter E) and Parade Grounds (Map Letter F). Lt. Federico Narvaez Tot Lot is located entirely within a ½-mile radius of the Project Area to the south. The 0.12-acre park contains entirely active

open space in the form of a playground. Parade Grounds is located within US Census tract 177, for which approximately 5.3 percent of the Census tract is within the ½-mile radius. Approximately 26.7 acres of the 39.5-acre Parade Grounds (65.7 percent) are located within the ½-mile radius. The Parade Grounds offer both active recreational uses such as ball fields, athletic courts, adult fitness area, and Stewart Playground, and passive recreational uses such as seating areas and a concession stand.

Additionally, Prospect Park, one of New York City's regional parks of substantial size and one of Brooklyn's largest parks, borders the northern edge of the open space study area. Although less than one acre of the 475-acre park is located within a half-mile of the Project Area, as a regional park, it would likely draw residents from the study area and add considerable accessible active and passive open spaces uses.

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

In the absence of the Proposed Actions, it is expected that existing conditions would remain at the two projected development sites. No other changes would take place within the project area by 2027.

Study Area Population

As described in **Attachment C, "Land Use, Zoning, and Public Policy,"** there are approximately nine known and anticipated No-Action developments within the half-mile open space study area. In total, these nine No-Action developments are expected to introduce approximately 584 residents[5] to the ½-mile study area. In addition, a residential background growth rate was applied to the existing residential population to account for general background growth anticipated in the ½-mile study area. As indicated in **Table D-6**, the anticipated No-Action developments, combined with the residential growth rate, are expected to increase the half-mile study area population from 50,003 residents to 55,970 residents.

Open Space Resources

There are no new publicly accessible open spaces expected to be added to or removed from the study area under the No-Action condition.

Assessment of Open Space Adequacy

In the 2027 No-Action condition, the additional population introduced to the ½-mile study area would increase the demand on the area's open space resources (i.e., would reduce the residential open space ratios). As indicated in **Table D-6**, the No-Action total, active, and passive open space ratios per 1,000 residents are expected to decrease to 0.184, 0.096, and 0.088, respectively, from 0.206, 0.108, and 0.098, respectively, under existing conditions. Similar to existing conditions, the total, active, and passive open space ratios would remain below the City's target goals for the provision of publicly accessible open space. As under existing conditions, residents of the study area are expected to continue to utilize other study area open space resources conservatively not included in the quantitative assessment.

Table D-6: Adequacy of Open Space Resources: No-Action Condition

2027 No-Action Population	Open Space Acreage			Open Space per 1,000 Residents			City Open Space Planning Goals		
	Total	Active	Passive	Total	Active	Passive	Total	Active	Passive

[5] The estimated number of residents is based on the average household size of 2.92 persons for the Kensington Neighborhood Tabulation Area (NTA) (2020 Census).

55,970	10.28	5.38	4.90	0.184	0.096	0.088	2.5	2	0.5

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

This section describes the open space conditions that would result from the Proposed Actions by 2027. It evaluates the potential for the Proposed Actions to result in significant adverse impacts to open space resources directly and indirectly based on a comparison of the No-Action condition (described above) to the With-Action condition.

Direct Effects

A direct effects assessment was conducted in accordance with the definitions provided in Section 210 of the *CEQR Technical Manual* Chapter 7 and the impact significance criteria specified in Section 410 of the chapter. No publicly accessible open space is currently located in the Project Area. Therefore, the Proposed Actions would not result in the physical loss of publicly accessible open space. In addition, the Proposed Actions would not cause increased noise, shadows, or air pollutant emissions that would affect the usefulness of any study area open space, whether on a permanent or temporary basis. The Proposed Action would not change the use of a publicly accessible open space so that it no longer serves the same user population, nor would it limit public access to any open spaces. Therefore, no other significant adverse direct effects on open space would occur as a result of the Proposed Actions.

Indirect Effects

Study Area Population

In the future with the Proposed Action, it is estimated 391 new residents would be introduced to the Project Area. Based on this incremental residential population growth, the study area's population would increase to 56,361 residents in the 2027 With-Action condition.

Open Space Resources

Under the Proposed Actions, the Proposed Development Sites 1 and 2 are not expected to add any publicly accessible open space resources to the study area. However, Projected Development Sites 1 and 2 are expected to have private amenities for use of tenants, including apartment terraces.

Open Space Adequacy

In the 2027 With-Action condition, the additional population introduced to the ½-mile study area by the Proposed Actions would further increase the demand on the area's open space resources. As indicated in **Table D-7**, the With-Action total, active, and passive open space ratios per 1,000 residents are expected to decrease to 0.182, 0.0.95, and 0.087, respectively, from 0.184, 0.096, and 0.088, respectively, under the No-Action condition. Similar to the No-Action condition, the total, active, and passive open space ratios would remain below the City's community district median and the City's optimal planning guidance.

Table D-7: Adequacy of Study Area Open Space Resources: With-Action Condition

2027 With-Action Population	Open Space Acreage			Open Space per 1,000 Residents			City Open Space Planning Goals		
	Total	Active	Passive	Total	Active	Passive	Total	Active	Passive

56,355	10.38	5.38	4.90	0.182	0.095	0.087	2.50	2.00	0.50

POTENTIAL EFFECTS OF THE PROPOSED ACTIONS ON PUBLICLY ACCESSIBLE OPEN SPACE

QUANTITATIVE ASSESSMENT

According to the 2021 *CEQR Technical Manual*, a significant adverse open space impact may occur if proposed actions would reduce the open space ratio by more than the general guidelines for the open space percentage change provided in **Table D-8**.

Table D-8: Detailed Assessment- Percentage Change Guidance to Determine Possible Open Space Impact

Total Open Space Ratio Range*	Active Open Space Ratio Range*	Passive Open Space Ratio Range*	Percentage Change in Open Space ratio Signifying a Possible Adverse Open Space Impact
2.01 to 2.50 Or greater	1.61 to 2.0 Or greater	0.41 to 0.50 Or greater	5%
1.51 to 2.00	1.21 to 1.60	0.31 to 0.40	4%
1.01 to 1.50	0.81 to 1.20	0.21 to 0.30	3%
0.51 to 1.00	0.41 to 0.80	0.11 to 0.20	2%
0.50 or less	0.01 to 0.40	0.01 to 0.10	1%
* 2.5 open space ratio is the planning goal in NYC, with optimal distribution goal of 2.0 active open space ratio and 0.5 passive open space ratio.			

Source: Table 7-5 in Chapter 7, "Open Space" of the 2021 *CEQR Technical Manual.*

Table D-9 presents the percentage change from the No-Action condition to the With-Action condition for the ½-mile open space study area. As noted previously, in the future with the Proposed Actions, ratios of open spaces to residents would continue to be lower than the optimal planning goals furnished by DCP. As shown in **Table D-9**, the study area's total open space ratio in the future with the Proposed Actions would be 0.182 acres per 1,000 residents, which represents a reduction of approximately 0.69 percent (0.002 acres per 1,000 residents) from No-Action conditions. The active open space ratio in the study area would decrease from 0.096 acres per 1,000 residents to 0.095 acres per 1,000 residents in the With-Action condition, a 0.69 percent decrease. The passive open space ratio for residents would decrease from 0.088 to 0.087 acres per 1,000 residents in the With-Action condition, a 0.69 percent decrease. As the percent change in total, active, and passive open space ratios for the open space study area would not exceed the one percent City's planning guidance, no significant adverse impacts would result, in accordance with *CEQR Technical Manual* guidance.

Table D-9: Residential Open Space Ratios Summary

Type of Open Space	CEQR Technical Manual Open Space Guideline	Open Space Ratios per 1,000			Percent Change (Future No-Action to Future With-Action)
		Existing	No-Action	With-Action	
Total	2.50	0.206	0.184	0.182	-0.69%
Active	2.00	0.108	0.096	0.095	-0.69%
Passive	0.50	0.098	0.088	0.087	-0.69%

QUALITATIVE ASSESSMENT

In the future with the Proposed Actions, the ratio of total, active, and passive open space would continue to be lower than the City's planning guidance. The incremental population that would be generated by the Proposed Actions is not expected to have any special characteristics, such as a disproportionately younger or older population, that would place heavy demand on facilities that cater to specific user

groups. It should also be noted that the study area open spaces were all observed to be in excellent or good condition and low utilization, thus making it easier to accommodate the increased population (refer to **Table D-4**). Under the With-Action conditions, the open space not included in the quantitative analysis would then total 33.42 acres of publicly accessible active and passive open space uses.

Further, and as described above, several open space resources cannot be included in the quantitative analysis as per guidance from the *CEQR Technical Manual*. Specifically, there are two community gardens within the residential study area not included in the quantitative analysis as per CEQR guidance. There are also a seating area, a private tennis club, playground, and Parade Ground. Combined, these open spaces add additional 33.42 acres of active and passive open space that is not considered in the analysis. Parade Ground (approximately 26.7-acres) and Lt. Federico Narvaez Tot Lot (approximately 0.12-acres) are located with a half-mile of the Project Area, but just outside the residential study. Since the Project Area is not located within a "walk gap" area (i.e., it is in a WtPSA), New York City DPR has determined that this area is within walking distance of a park. As such, it can be assumed that residents of study area and those that would reside in the future projected development sites would likely also visit and utilize these large regional parks.

Although the open space ratios are expected to decrease in the ½-mile study area, the change would be ameliorated by several factors, including the proximity of study area residents to portions of parks not included within the ½-mile study area. As detailed above, approximately 26.7 acres of the 39.5-acre Parade Ground is located within the ½-mile open space study area. The remaining portions of this park, located immediately adjacent to the northern boundaries of the study area, is accessible to study area residents. Additionally, as Parade Ground and Prospect Park north of that are major regional parks, it is expected that residents would travel farther than a ½-mile to visit these open space resources. Additionally, as detailed above, the ½-mile study area includes eight other active and passive open spaces not included in the quantitative assessment.

Moreover, the population to be generated by the Proposed Actions is not expected to have any special characteristics, such as a disproportionately younger or older population, that would place heavy demand on facilities that cater to specific user groups. No specific user groups would be adversely affected by the projected developments. Additionally, the Proposed Actions would not result in the physical loss of existing public open space resources, and would not result in any adverse air, noise, or other environmental impacts. Furthermore, the proposed zoning district is a contextual housing district governed by Quality Housing bulk regulations, which requires the provision of indoor recreational space and exterior open space for any residential development. This private indoor and outdoor recreation space would also serve to satisfy some of the open space demand created by the Proposed Actions.

Therefore, in the future with the Proposed Actions, as the percent change in total, active, and passive open space ratios from the No-Action condition to the With-Action condition would below the City's planning guideline of greater than one percent at 0.69 percent, 0.69 percent, and 0.69 percent, respectively; and the Project Area is located in a WtPSA, the Proposed Actions would not result in an indirect significant adverse impact on open space in the residential study area, in accordance with *CEQR Technical Manual* impact criteria.

ATTACHMENT E

URBAN DESIGN AND VISUAL RESOURCES

I. INTRODUCTION

This attachment considers the potential effects of the Proposed Actions and associated reasonable worst-case development scenario (RWCDS) on urban design and visual resources. As defined in the *City Environmental Quality Review* (CEQR) *Technical Manual*, urban design is the totality of elements that shape and may affect a pedestrian's experience of public space. Elements such as streets, buildings, visual resources, open space, natural resources, wind, and sunlight play an important role in the pedestrian experience. In the future with the Proposed Actions, the applicant would construct a mixed-use residential and commercial building (the "Proposed Project") with ten-stories at 534 Coney Island Avenue (Block 5343, Lot 13) in the Kensington/Flatbush neighborhoods of Brooklyn Community District (CD) 12.

The Proposed Actions would permit new uses as well as permit modification of bulk and density beyond what would be allowed as-of-right under the No-Action condition, and therefore, a preliminary assessment of urban design and visual resources is warranted. In accordance with *CEQR Technical Manual* guidance, the urban design and visual resources assessment focuses on the components of the Proposed Actions and associated RWCDS that may have the potential to alter the arrangement, appearance, and functionality of the built and natural environment (the With-Action Condition). As described in **Attachment A, "Project Description,"** the Proposed Actions and RWCDS would facilitate the construction of a 14-story (145-feet tall) mixed-use residential and commercial building[1] at the Applicant-owned lot ("Projected Development Site 1") as well as a 145-feet tall mixed-use residential and commercial building on a non-Applicant owned site ("Projected Development Site 2"), located at 546 Coney Island Avenue (Block 5343, Lot 19). These two developments are expected to be constructed and fully occupied by 2027. None of the other tax lots affected by the proposed zoning changes are expected to be redeveloped or enlarged in the future with the Proposed Actions. As compared to the No-Action condition, the RWCDS would introduce a net increase of 134 dwelling units (DUs; 34-41 (25-30 percent) affordable under MIH Option 1 or 2), 3,347-gross square feet (gsf) of commercial uses, and 32 enclosed accessory parking spaces.

II. METHODOLOGY

Pursuant to the *CEQR Technical Manual*, an assessment of urban design is appropriate when a proposed action(s) may have effects on one or more of the elements that contribute to the pedestrian experience of public space. The assessment focuses on the components of a proposed action(s) that may have the potential to alter the arrangement, appearance, and functionality of the built and natural environment.

As described in the *CEQR Technical Manual*, a preliminary urban design analysis is appropriate when there is potential for a pedestrian to observe from the street level a physical alteration beyond that allowed by existing zoning. A preliminary analysis provides a "snapshot" of the project, comparing existing and future

[1] The Applicant is proposing a 11-story, 110-foot tall building, which is described in other attachments as the Proposed Project. But for RWCDS purposes, the Urban Design and Visual Resources attachment will analyze a 14-story, 145-foot tall building that would be the maximum height permissible under the proposed rezoning.

conditions with and without the Proposed Actions. The following analysis examines each of the elements that play an important role in the pedestrian experience, including street hierarchy and streetscape (including the arrangement and orientation of streets); building scale, form and arrangement; and natural features, open space, and topography.

Per criteria of Section 230 of the *CEQR Technical Manual,* a wind condition analysis is not warranted for the Proposed Actions. The proposed rezoning area and projected development sites are not located in a high wind location (such as along west and northwest-facing waterfronts), and the RWCDS would not result in the construction of multiple tall buildings that would have the potential to alter wind conditions.

Following *CEQR Technical Manual* guidance, the analysis is based on field visits, aerial views, photographs, and other graphic images of the proposed rezoning area and surrounding area. Zoning calculations, including floor area calculations, building heights and lot coverage information is also provided.

The following preliminary analysis also considers the effects of the Proposed Actions and RWCDS on the area's visual resources, which are generally considered important public view corridors, vistas, or natural or built features. Visual resources can include waterfront views, public parks, landmark structures or districts, or natural features, such as rivers or geologic formations.

Based on *CEQR Technical Manual* guidance, the study area for urban design is the area where the Proposed Actions may influence land use patterns, the built environment, and pedestrian's experiences in the public realm surrounding the project area. The urban design study area consists of both a primary study area (where urban design effects of the Proposed Actions are direct) and a secondary study area. For this assessment, the primary study area encompasses the Project Area, including the area to be rezoned and the two identified projected development sites. Consistent with the analysis of land use, zoning, and public policy, the secondary study area for urban design resources has been defined as being within approximately 400 feet of the Project Area (see **Figure E-1**).

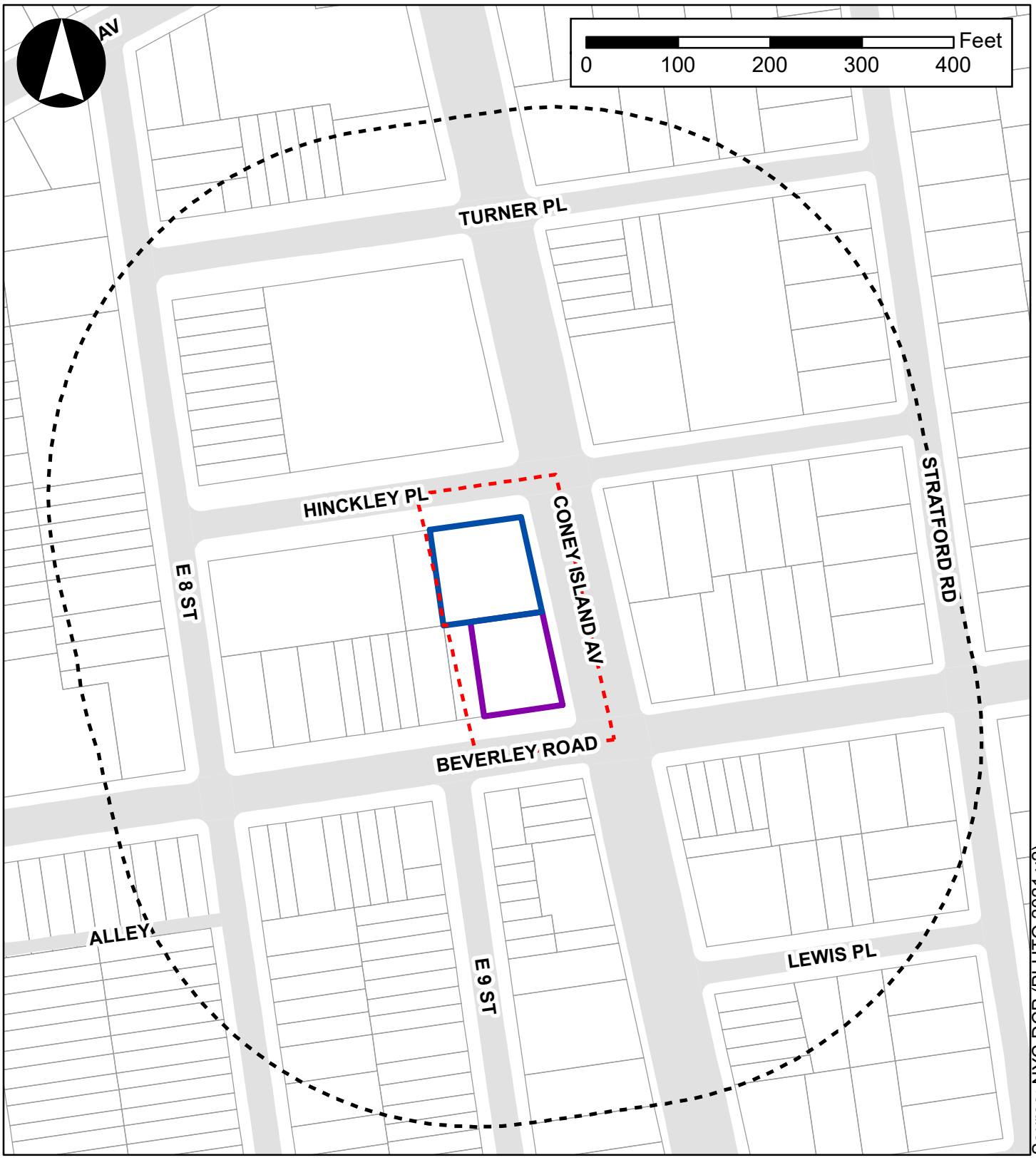
As stated in the *CEQR Technical Manual*, for visual resources, the view corridors within the study area from which such resources are publicly viewable should be identified. While the land use study area may serve as the initial basis for analysis, in many cases where significant visual resources exist, it may be appropriate to look beyond the land use study area to encompass views outside of the area, as is often the case with waterfront sites or sites within or near historic districts. For this analysis, prominent visual resources (both within and outside of the urban design study area) that are visible from the Project Area and secondary study area were identified. The primary view sheds of these visual resources that would be affected by construction of the RWCDS were the focus.

III. PRELIMINARY ASSESSMENT

Existing Conditions

As noted above, **Figure E-1** shows both the primary (i.e., Project Area) and 400-foot secondary study areas. **Figure E-2** provides a photograph key for the approximate locations of where each of the photographs included in **Figures E-3a** to **Figure E-3e** had been taken.

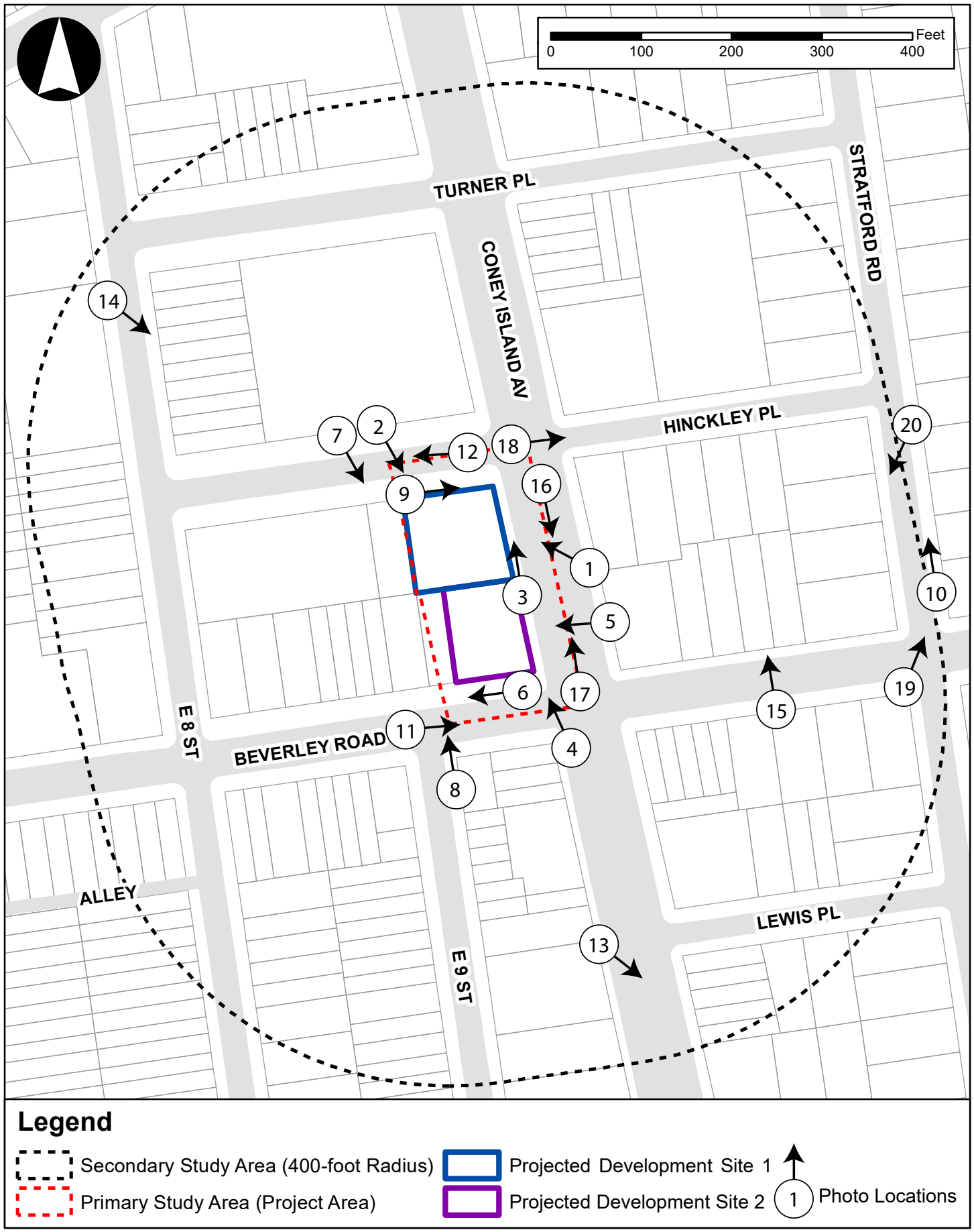
Figure E-1
Study Area



Legend

- Secondary Study Area (400-foot Radius)
- Primary Study Area (Project Area)
- Projected Development Site 1
- Projected Development Site 2

Figure E-2
Photo Locations



Urban Design

Primary Study Area

The primary study area includes portions of four privately-owned lots (approximately 22,025-sf; 44,824-sf including the bounding streets), which comprise the eastern portion of the block bounded by Coney Island Avenue to the east, Hinckley Place to the north, and Beverley Road to the south and includes Lots 13 and 19 in their entirety and portions of Lots 11 and 26. Lot 13 (the Applicant-owned Projected Development Site 1) has frontages on Hinckley Place to the north and Coney Island Avenue to the east, and Lot 19 (Projected Development Site 2) has frontages on Beverley Road to the south and Coney Island Avenue to the east. Lot 11 has frontage on Hinckley Place and Lot 26 has frontage on Beverley Road (see **Figure E-1**).

Building Bulk, Use, Type, and Arrangement

Projected Development Site 1 is an irregular-shaped corner lot (10,160-sf) located at 534 Coney Island Avenue. Projected Development Site 1 has 98 feet of frontage on Hinckley Place and 100 feet of frontage on Coney Island Avenue. Projected Development Site 1 contains a fast food restaurant with a drive-through and accessory surface parking lot containing five parking spaces. As shown in **Figure E-3a, Photos #1 - #2**, the approximately 2,585-gsf restaurant (0.25 FAR) is built to the lot line on Coney Island Avenue and is set back on Hinckley Place with accessory parking spaces located near the street. As shown in **Photos #2 - #3** there are two entry points to the site and one exit to the site via curb cuts; two curb cuts are located on Coney Island Avenue, of which one is an exit only for the drive-through, and another curb cut is located on Hinckley Place.

Projected Development Site 2 (8,725-sf) has approximately 83 feet of frontage on Beverly Road and approximately 110 feet of frontage on Coney Island Avenue. It is currently occupied by a gas station and auto service center with six accessory surface parking spaces. The gas station includes approximately 1,672-gsf (0.2 FAR). As shown in **Figure E-3b, Photos #4 - #5**, the gas station contains two pumping stations and a service center located in the western boundary of the lot. The accessory parking spaces are located on the northern and western portions of the lot. As shown in **Figure E-3b, Photos #5 - #6**, there are four entry points to the site via curb cuts; two are located along Coney Island Avenue and two are located along Beverly Road. The New York City Department of Buildings (DOB) estimates that the gas station and service center was constructed in 1931 with alterations in 1994.

Lot 11 (4,000-sf) is a narrow rectangular-shaped lot with approximately 40 feet of frontage along Hinckley Place and a depth of approximately 100 feet. The lot is currently occupied by two low-rise buildings including a two-family home and an accessory garage in the rear of the lot (0.7 FAR). As shown in **Figure E-3b, Photo #7**, the building's exterior has vinyl siding and is set back with a wire fence built to the lot line. There is a garage located in the rear of the lot for a single personal vehicle accessible via a curb cut. The New York City DOB estimates that the building was constructed in 1910.

Lot 26 (3,300-sf) is a narrow rectangular-shaped lot with approximately 30 feet of frontage on Beverly Road and a depth of 110 feet. The lot is currently occupied by a two-family home (0.98 FAR). As shown in **Figure E-3b, Photos #8**, the building's exterior is brick on the first floor and patio and vinyl siding on the second floors. The lot also contains a low-rise brick wall on Beverly Road and metal fence on the east side



1. View from Coney Island Avenue looking toward Projected Development Site 1 (Block 5343, Lot 13).



2. View from Hinckley Place looking toward Projected Development Site 1.



3. View from Coney Island Avenue frontage of Projected Development Site 1.



4. View from Coney Island Avenue towards Projected Development Site 2 (Block 5343, Lot 19).

Photos taken 05/02/2021



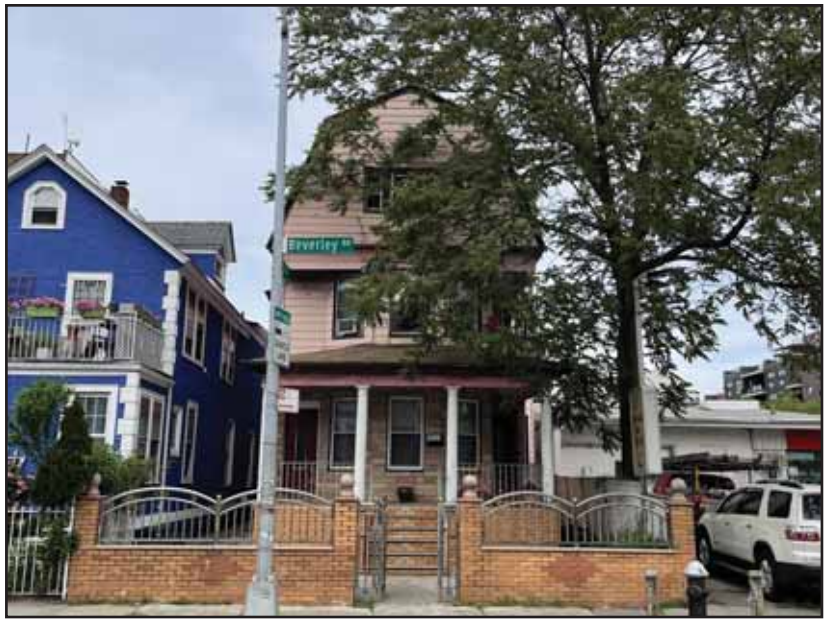
5. View from Coney Island Avenue looking toward Projected Development Site 2.



6. View from Beverley Road frontage of Projected Development Site 2.



7. View from Hinckely Place of Block 5343, Lot 11.



8. View from Beverley Road of Block 5343, Lot 26.

Photos Taken 05/22/2021

of the lot extending along Projected Development Site 2. The New York City DOB estimates that the building was constructed in 1910.

Block Form, Street Pattern, and Street Hierarchy

Hinckley Place is a one-way westbound local street, running from Stratford Road to East 8th Street. Hinckley Place is considered by zoning to be a "wide street." As shown in **Figure E-3c, Photo #9**, the sidewalks on the north and south side of the street are abnormally wide at 30 feet near Projected Development Site 1. Beverly Road is a two-way, east-west bound collector street, running from Church Avenue to Ralph Avenue. Beverly Road is also considered by zoning to be a "wide street." Coney Island Avenue is a two-way, north-south bound major arterial, running from Machate Circle in the north to Brighton Beach in the south. It is considered by zoning to be a "wide street." Near the primary study area, Coney Island Avenue is lined with mixed-use commercial and residential uses. Beverley Road and Hinckley Place are lined with residential uses (refer to **Figure E-3c, Photos #10 - #12**).

Streetscape Elements

Streetscape elements along the primary study area's street frontages include several street trees (some with enlarged tree pits), parking signage, street lamps, and fire hydrants. The sidewalk on the south side of Hinckley Place along the Proposed Development Site is abnormally wide and has a width of approximately 30 feet. It features two rows of street trees. As shown in **Figure E-3c, Photo #9**, vehicles are often parked illegally on the wide sidewalk adjacent to the site. The sidewalk along Coney Island Avenue is approximately 15 feet wide. The sidewalk on the north side of Beverley Road along Projected Development Site is approximately 20 feet wide.

Topography, Natural Features and Open Space

The topography of the primary study area is generally flat. There are no natural features or open spaces within the Project Area.

Secondary Study Area

As discussed above, the secondary study area has been defined as the area within an approximate 400-foot radius of the proposed rezoning area. As show in **Figure E-1**, it is generally bound by Turner Place to the north, Stratford Road to the east, Lewis Place to the southeast, midblock of Coney Island Avenue and East 9th Street to the south, and East 8th Street to the west.

Building Bulk, Use, Type, and Arrangement

Table C-1 in **Attachment C, "Land Use, Zoning, and Public Policy,"** summarizes the existing land uses within the 400-foot secondary study area by tax lots and land area. As reflected in **Table C-1** and shown in **Figure C-2** in **Attachment C**, residential uses are the most prevalent land use throughout the secondary study area and constitute the highest percentage of tax lots. Residential uses are varied, and include attached and detached two- and three-story single- to two-family homes, as well as taller, higher-density four- to six-story multifamily walkup and elevator buildings. Higher-density multifamily residential buildings are generally located closer to the avenues, and one- and two-family homes generally characterize the mid-blocks between the avenues.



9. View of Projected Development Site 1's Hinckley Place sidewalk looking east.



10. View of Coney Island Avenue looking south.



11. View of Beverley Road looking east.



12. View of Hinckley Place looking west.

Photos taken 05/22/2021

Residential uses comprise the largest percentage of lot area, accounting for approximately 75 percent of total lots within the secondary study area, approximately 65 percent of lot area, and approximately 62 percent of building area. Residential uses are distributed throughout the secondary study area with single- and two-family homes primarily located east and west of Coney Island Avenue and multi-family elevator buildings located north of Beverly Road. Commercial and mixed residential uses with ground-floor retail are concentrated along the Coney Island Avenue corridor and generally range between one- and four-stories in height. Transportation/utility uses are also located entirely along the Coney Island Avenue corridor.

As shown in **Figure E-4**, most buildings within the study area contain three to four stories that range from 30 to 48 feet in height. Higher-density, multifamily residential apartment buildings of six stories or greater that range from 64 to 76 feet in height are located north of Beverley Road within the secondary study area. Mixed-use residential buildings with ground-floor retail are located primarily along Coney Island Avenue (**Figure E-3d, Photo #13**). Coney Island Avenue is an active commercial corridor that also features low-rise commercial uses, like restaurants and auto shops, and prominent building signage. Low-rise one- and two-family wood-framed homes generally characterize the side streets east of Coney Island Avenue; many have patios, porches, front yards, or small stoops.

Existing residential homes on the easternmost boundary of the secondary study area are located within the Prospect Park South Historic District. The Prospect Park South Historic District contains residential homes with architectural styles representative of mixed styles, including Colonial, Queen Anne, Italianate, French Renaissance, and others, with buildings setback from the street and heights of three-stories and private garages. There are many low- and mid-rise residential brick-framed multi-family homes outside the Prospect Park South Historic District are generally located west of Coney Island Avenue and south of Beverly Road (**Figure E-3d, Photos #14 - #15**). Many have patios, porches, front yards, or stoops. Few have private parking garages or driveways.

Most buildings are oriented to the street, and largely built at the street line, or include shallow-fenced front yards in compliance with the Special Ocean Parkway (OP) District and/or Prospect Park South Historic District. Various built FARs are scattered throughout the study area, and range in between less than 1.0 and 4.0 FAR with three buildings built to greater FARs (see **Figure E-5**). The three buildings – all located northeast of the Project Area – include 39 Turner Place, 60 Turner Place, and 527 Coney Island Avenue, which was completed in 2015.

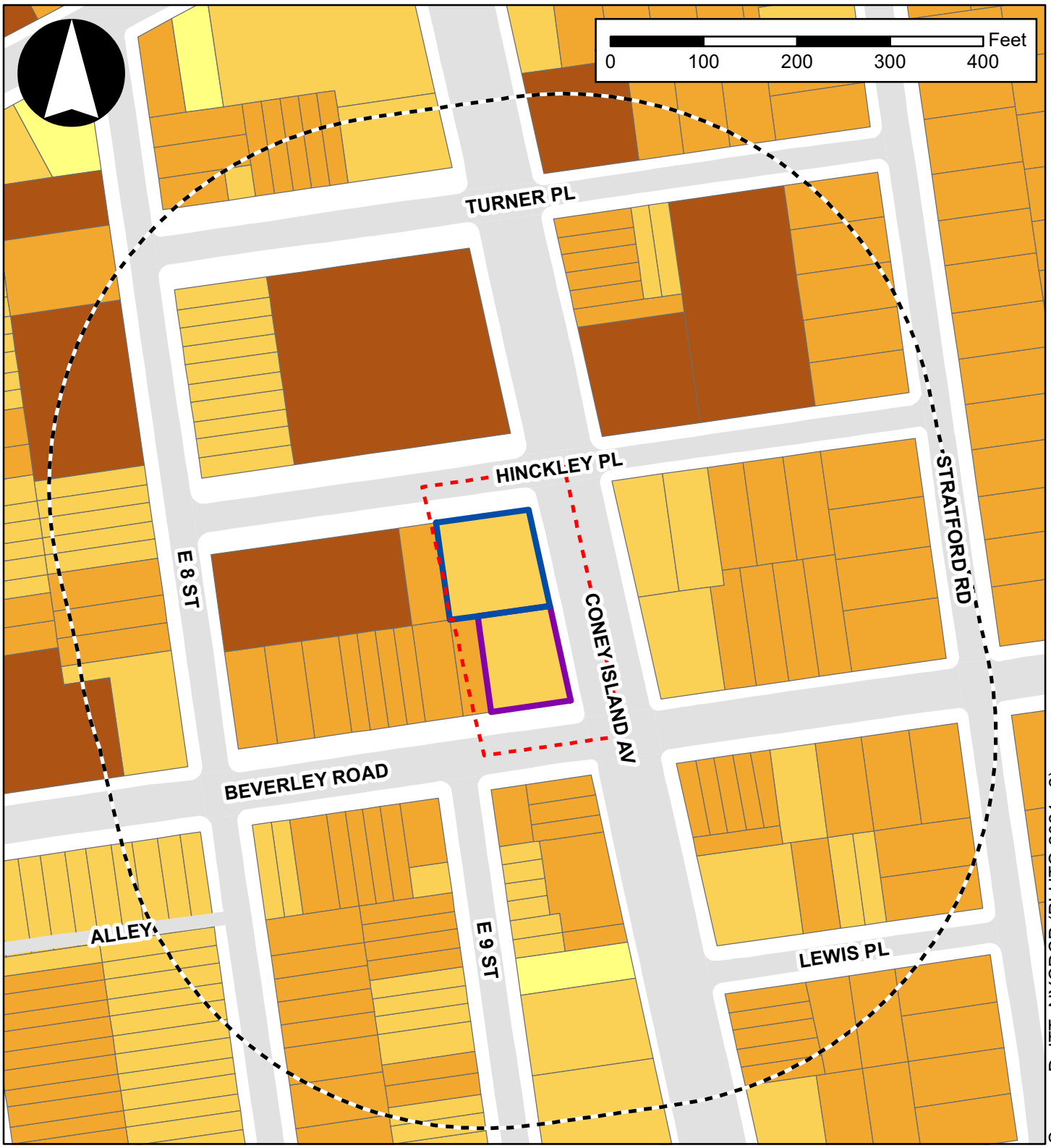
Block Form, Street Pattern, and Street Hierarchy

Streets in the study area generally follow a grid pattern alignment and form rectangular-shaped blocks. This block form has generally resulted in regular rectangular-shaped lots that vary in size and width. Coney Island Avenue and Beverley Road are two-way streets. Hinckley Place, Turner Place, East 8th Street, Stratford Road, and Lewis Place are one-way streets. There is a shared bike lane on Beverley Road. Coney Island Avenue is major commercial corridor for the neighborhood as well as a designated local truck route. All streets generally have on-street parking.

Streetscape Elements

Concrete sidewalks flank all streets in the secondary study area and are generally in good condition. All sidewalks in the secondary study accommodate street lights, street signs, fire hydrants, mail boxes, and

Figure E-4
Building Heights



Legend

- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2

Number of Stories

- 0
- 1 - 2 Stories
- 3 - 4 Stories
- 5 - 6 Stories
- Greater than 6 Stories



13. View of mixed-use commercial and residential buildings on Coney Island Avenue.



14. View of multi-family walk-up buildings on East 8th Street.



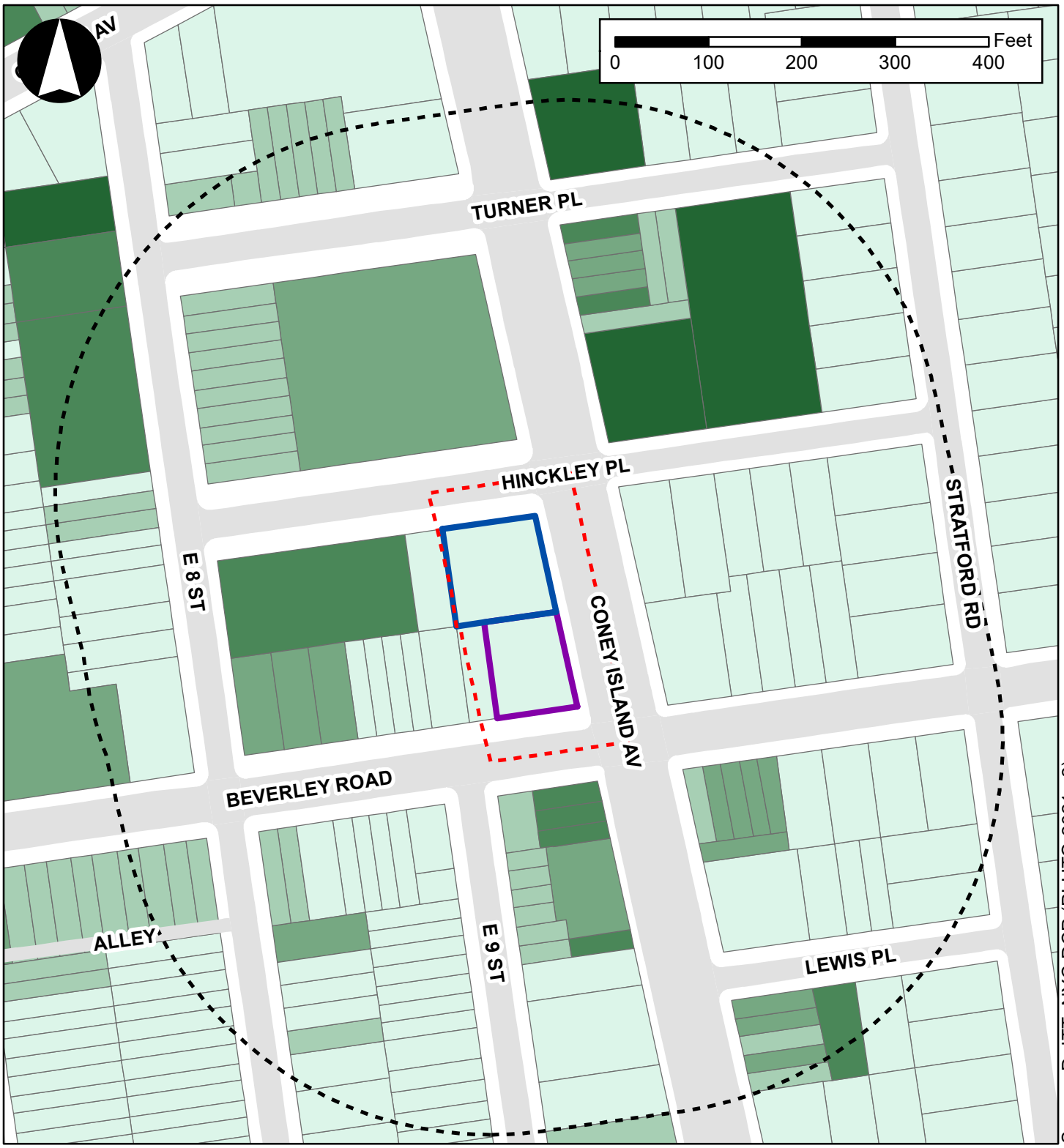
15. View of single-family buildings on Beverley Road.



16. View of sidewalk on Stratford Road.

Photos taken 05/22/2021

Figure E-5
Built FAR



street trees. As shown in **Figure E-3d, Photo #16**, sidewalks in the Prospect Park South Historic District are narrow with ribbon sidewalks.

Topography, Natural Features and Open Space

As the area is an urbanized location, the topography of the secondary study area is generally flat. There are no natural features or publicly accessible open spaces located within the secondary study area.

Visual Resources

Primary Study Area

There are no significant natural or built features, including views of the waterfront, public parks, designated landmark structures or districts, or otherwise distinctive buildings or groups of buildings in the primary study area. However, a number of visual resources can be seen from the streets bounding the primary study area, including the Parade Ground, located approximately 0.25 miles to the north, which is visible along Coney Island Avenue, and the Prospect Park South Historic District, located approximately 300 feet to the east, which is visible along Hinckley Place and Beverly Road (see **Figure E-3e, Photos #17 - #19**). The visual resources that can be viewed are limited and generally partially obstructed by existing buildings, fences, trees, and other streetscape elements.

Secondary Study Area

As shown in **Figure E-6**, the secondary study area includes the southwestern edge of the Prospect Park South Historic District, including portions of nine lots on two blocks, which are partially or entirely within the boundaries of the secondary study area. Visual resources within the historic district that are visible from within the secondary study area include the two-to three-story detached single-family houses along Stratford Road. The Prospect Park South Historic District contains a collection of unique and architecturally significant spacious freestanding houses, which have special historical and aesthetic interest and value and represent one of the best-preserved turn-of-century suburban developments in New York City. Stratford Road contains only a few of the many homes located within the historic district that encompasses portions of 15 blocks. As shown in **Figure E-3e, Photo #20**, Stratford Road is a tree- lined street with narrow ribbon sidewalks that is characterized by large, detached single-family homes, which are set back from the street line. The southern boundary of the historic district can be seen from the intersection of Beverley Road and Stratford Road within the easternmost boundary of the secondary study area.

The tree coverage of the Parade Grounds is partially visible in the distance from the northernmost boundary of the secondary study area on Coney Island Avenue. Originally, a training ground for Civil War soldiers, the park was repurposed in 1885 for public use. The Parade Ground was a popular place for recreational activities and sporting events, including baseball games that attracted as many as 20,000 people. The 39.5-acre Parade Ground currently contains ball fields, tennis courts, a concession stand, and NYPD Strategic Response Group 3. It is bound by Prospect Park to the north, Coney Island Avenue to the west, Caton Avenue to the south and Parade Place to the east.

Visible to the west of the secondary study area from the corner of Beverley Road and East 8th Street is Ocean Parkway. The state legislature approved the parkway in 1869. It was completed in 1876. Inspired



17. View of Prospect Park and Parade Grounds from Coney Island Avenue.



18. View of Prospect Park South Historic District from Hinckley Place.



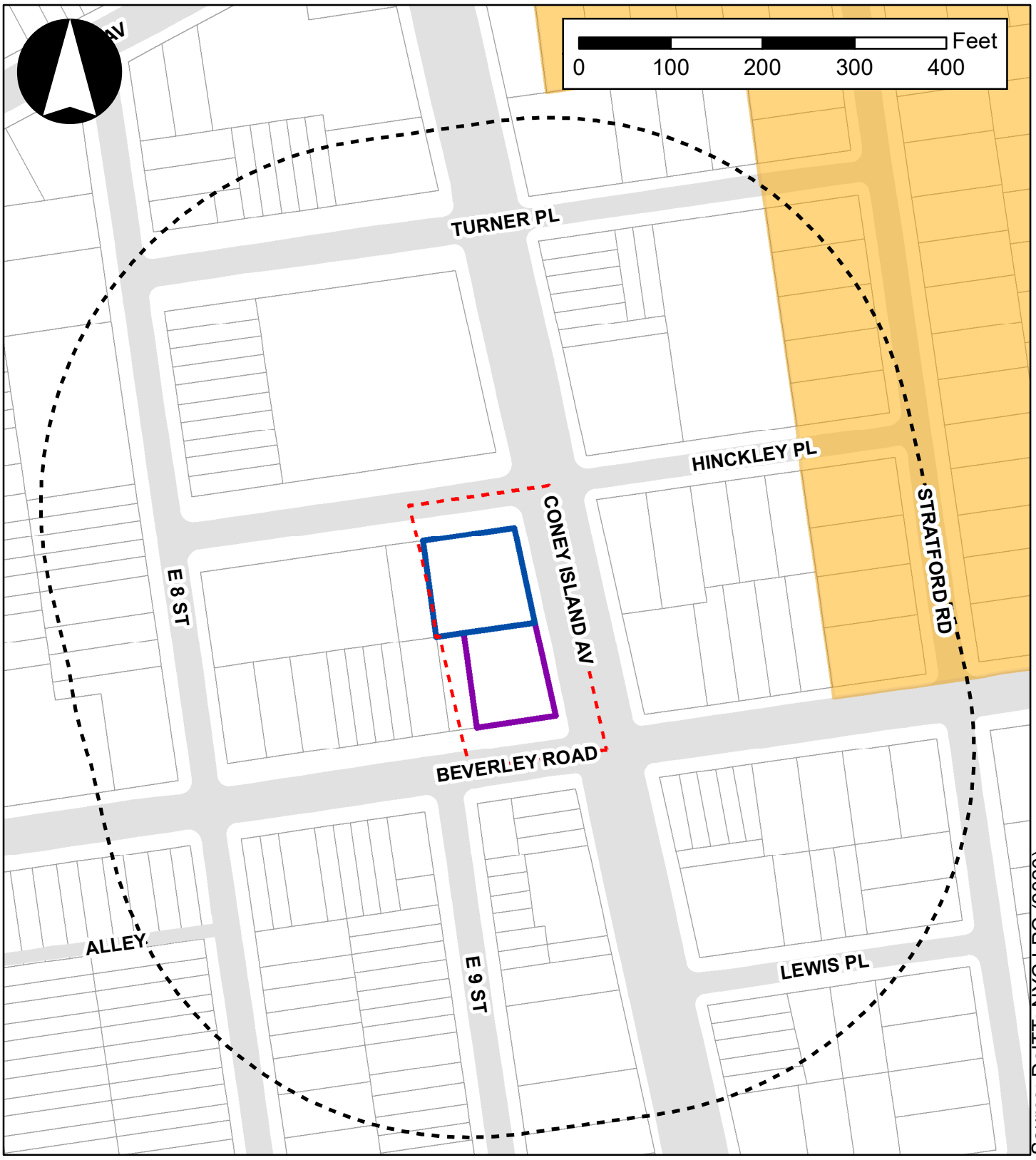
19. View of Prospect Park South Historic District.



20. View of Prospect Park South Historic District buildings.

Photos taken 05/22/2021

Figure E-6
Historic and Cultural Resources



Legend

- 400-foot Radius
- Project Area
- Projected Development Site 1
- Projected Development Site 2
- Prospect Park South Historic District

by large boulevards in Europe, Ocean Parkway contains large tree-lined medians and bike paths. It was designated a New York City landmark in 1975 and listed on the National Register of Historic Places in 1983. It extends from the Prospect Expressway in the north to Surf Avenue in the south. The tree-line medians are most visible from the western boundary of the secondary study area.

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

In the absence of the Proposed Actions, the proposed rezoning area would remain as under existing conditions. Both projected development sites would continue to be occupied by low-density auto-oriented uses. Projected Development Site 1 would continue to be occupied by a fast food restaurant, and Projected Development Site 2 would continue to be occupied by a gas station and auto service center. In addition, and as described in **Attachment C, "Land Use, Zoning, and Public Policy,"** there are no known No-Action developments anticipated by the 2027 analysis year in the secondary study area.

No significant changes to the area's urban design character are anticipated. Additionally, no changes to the area's views to adjacent parks and open spaces are anticipated. Any physical changes to buildings in the primary and secondary study areas would comply with designated zoning regulations. Pedestrian activity within the study areas under the No-Action condition would not experience dramatic changes compared to existing conditions.

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

This section describes the effects of the Proposed Actions and associated RWCDS on the urban design and visual resources conditions in the primary and secondary study areas by 2027 and evaluates the potential for the Proposed Actions to result in significant adverse impacts.

In the future with the Proposed Actions, the proposed zoning map and zoning text amendment would be approved and implemented. As such, the proposed rezoning area would be mapped with a R7X contextual zoning district and C2-4 overlay and would be designated as an MIH Area.

Under With-Action conditions, the proposed R7X/C2-4 district would allow residential, community facility, and commercial uses as-of-right, and semi-industrial uses would no longer be permitted. The allowable density in the rezoning area would increase. Residential uses would be permitted up to a maximum 6.0 FAR with MIH and community facility use up to 6.5 FAR. The maximum FAR for commercial uses would remain the same at 2.0. Under the RWCDS, Projected Development Site 1 would have an FAR of 6.0 and Projected Development Site 2 would have an FAR of 6.0, consistent with the maximum permitted FAR in a R7X/C2-4 district under the proposed zoning map and text amendment. Both the With-Action developments would be built to the street line, have qualifying ground floors, and rise to heights of approximately 145 feet the maximum building height permitted in R7X districts.[2] None of the other lots within the primary study area would be redeveloped as a result of the Proposed Actions.

As detailed in **Attachment A, "Project Description,"** the Proposed Actions would facilitate new development, including market-rate and affordable residential units and ground-floor local retail space, at the Applicant-owned Projected Development Site 1 and non-applicant-owned Projected Development Site 2. It would also bring into compliance the existing non-conforming residential use on Lot 26, which is primarily zoned C8-2. Under the RWCDS, the currently underutilized projected development sites would

[2] Pursuant to Zoning Resolution (ZR) Section 23-693, the maximum building height in R7X would be limited to 65 feet within 25 feet of an R5 zoning district.

be redeveloped with 145-feet tall mixed-use residential and commercial building, respectively, with a combined total of approximately 146,754-gsf of floor area, comprised of up to 134 DUs (34-41 (25-30 percent) affordable under MIH Option 1 or 2) and approximately 7,604-gsf of local retail space on the ground floor, as well as accessory parking.

Urban Design

Primary Study Area (Project Area)

New development facilitated by the Proposed Actions would be built on an existing block, and would not entail any changes to topography, street patterns and hierarchy, block shapes or natural features in the proposed rezoning area. It also would not significantly change the pedestrian experience, nor would it disturb the vitality, walkability or visual character of the area. The Proposed Actions would introduce two new mixed-use residential and commercial buildings with uses, massing and scale that are not permitted under the current zoning.

In accordance with the proposed R7X/C2-4 zoning district, the applicant-owned development would be built to the street line along Projected Development Site 1's Coney Island Avenue frontage (approximately 100 feet) and Hinckley Place frontage (approximately 98 feet) forming strong street wall presence. The With-Action building would have a maximum height of approximately 145 feet with a base height of 105 feet, introducing new height to the existing scale of Coney Island Avenue. Most of the ground floor would be occupied by "qualifying" local retail space and residential uses would occupy the floors above. There would also be an enclosed 32 accessory parking garage accessible via an existing curb cut from Hinckley Place which would occupy the cellar and sub-cellar levels.

As discussed above, as a RWCDS, it is expected that the existing gas station and auto service shop on Lot 19 would be redeveloped as Projected Development Site 2 in accordance with the proposed R7X/C2-4 zoning district and MIH Area regulations. Projected Development Site 2 would be redeveloped to the maximum permitted FAR of 6.0 under the proposed zoning with an approximately 63,057-gsf mixed-use residential and commercial building with ground-floor retail space and residential located above. As Projected Development Site 2 comprises less than 10,000-sf, accessory parking requirements for residential uses would be waived pursuant to ZR Section 25-242.

The Proposed Actions and subsequent RWCDS would further enhance the pedestrian environment and enliven the streetscape with the introduction of residents and active ground floor uses along Coney Island Avenue. As shown in **Figure E-7**, the Proposed Actions would not substantially alter the urban design character of the primary study area, which has become increasing residential in nature. The RWCDS would replace auto-oriented uses, including a fast food restaurant, parking lot, gas station and auto service shop, with two mid-rise mixed-use residential and commercial buildings, which would improve the walkability and the visual character of the area. With a maximum building height of 145 feet and building square footages of 83,697-gsf and 63,057-gsf, respectively, the height and bulk of the RWCDS With-Action buildings would be taller and larger than the buildings immediately surrounding the primary study area, which do not exceed six stories (see **Figure E-4**). The increased scale, both in terms of bulk and height, would be a notable change from the pedestrian's perspective to the appearance and character of the development site compared to the No-Action condition.

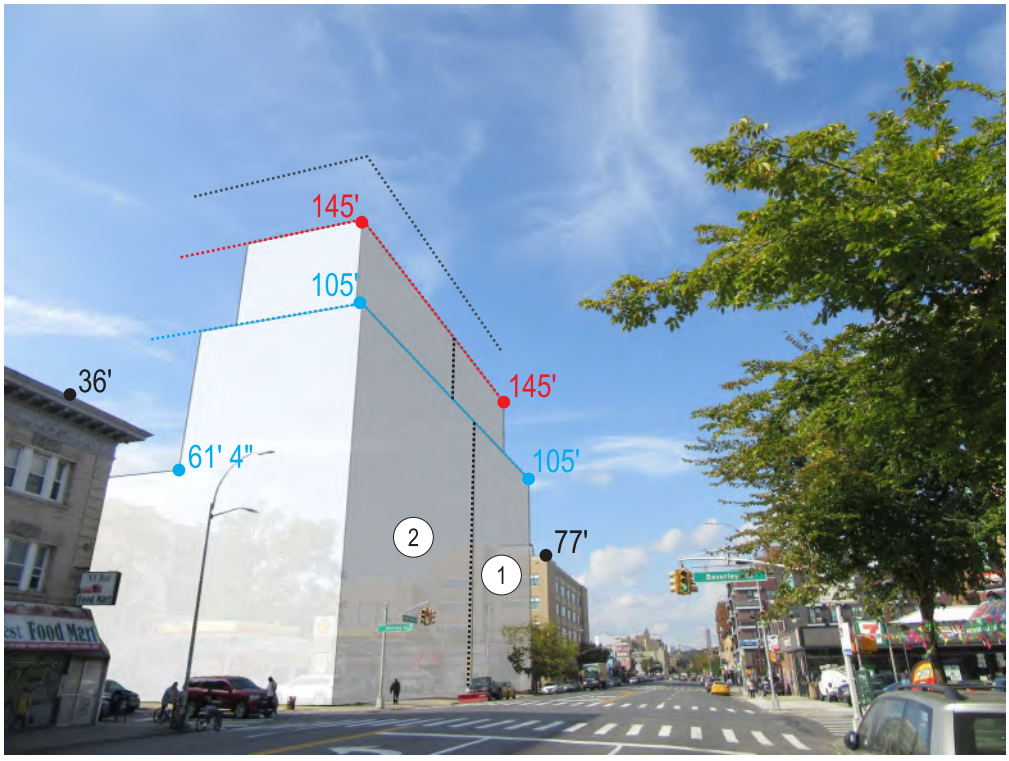
Compared to the future without the Proposed Actions, the visual appearance of the pedestrian experience of the projected development would change, as two 14-story buildings would replace a single-story fast

Figure E-7
No-Action and With-Action Scenarios

No-Action Scenario
Coney Island Avenue facing north (Site at left)



With-Action Scenario
Coney Island Avenue facing north (Site at left)



Maximum Permitted Base Height (105') Maximum Permitted Building Height (145') Maximum Permitted Bulkhead Height (170')
Proposed Base Height Proposed Building Height Proposed Bulkhead Height

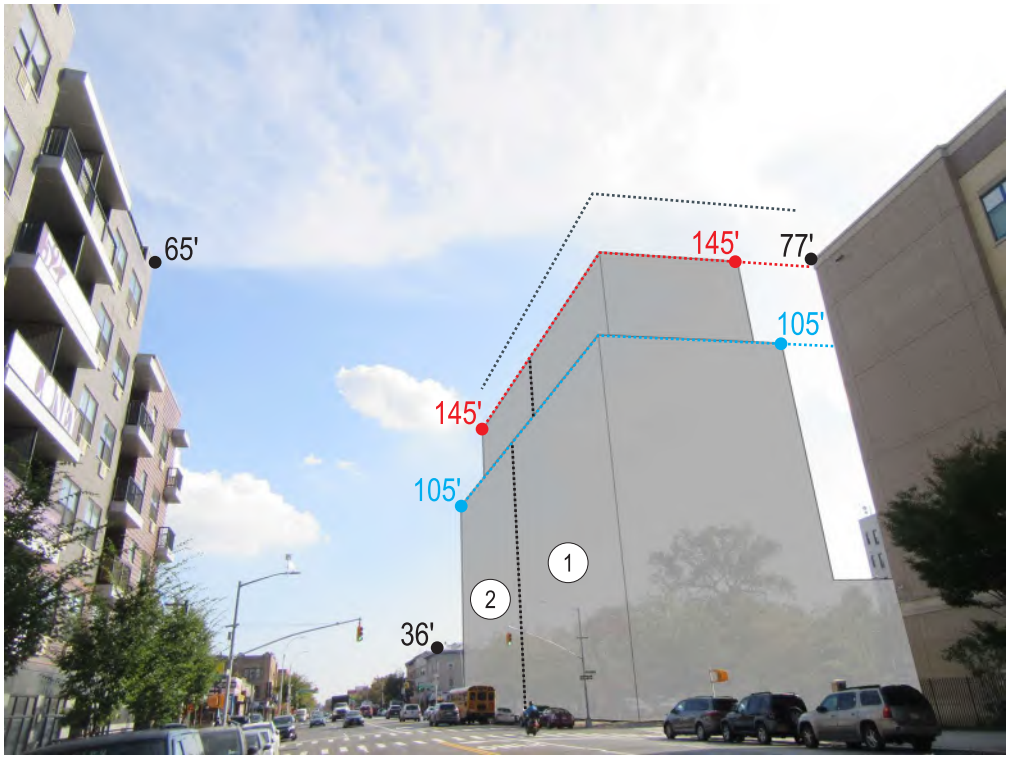
Source: Urban Cartographics

Figure E-7
No-Action and With-Action Scenarios

No-Action Scenario
Coney Island Avenue facing south (Site at right)



With-Action Scenario
Coney Island Avenue facing south (Site at right)



Maximum Permitted Base Height (105') Maximum Permitted Building Height (145') Maximum Permitted Bulkhead Height (170')
Proposed Base Height Proposed Building Height Proposed Bulkhead Height

Source: Urban Cartographics

food restaurant and accessory parking lot (Projected Development Site 1), as well as a single-story gas station and auto service shop (Projected Development Site 2) in the With-Action condition. However, this change would not meet the 2021 *CEQR Technical Manual* threshold for a significant adverse urban design impact in that it would not alter the arrangement, appearance, or functionality of the projected development sites such that the alteration would negatively affect a pedestrian's experience of the area.

Secondary Study Area

As the Proposed Actions are site-specific, they would not result in any changes in the urban design in the secondary study area. New development facilitated by the Proposed Actions would be limited to the two development sites within the primary study area. The Proposed Actions would not alter any street patterns, street hierarchies, block forms, building uses, and bulk regulations in the secondary study area. The proposed R7X/C2-4 zoning district would be a contextual district governed by Quality Housing bulk regulations, which encourages high lot coverage buildings set at or near the street line with height limits and setbacks. While the With-Action RWCDS buildings would represent a departure from the urban design character of the secondary study area in terms of height and bulk, it would be compatible with study area buildings' land uses, including active ground floors uses, and building placement and orientation along the property line. The Applicant believes that the With-Action development would reinforce the existing development pattern with the study area.

The proposed zoning changes are intended to facilitate development that the Applicant would be appropriate for a transit accessible area along a major thoroughfare. Additionally, the Proposed Actions would facilitate the construction of new buildings that would be in keeping with and reinforcing the largely mixed-use character of Coney Island Avenue. The With-Action development would promote and reaffirm a live-work neighborhood by balancing the preservation of neighborhood scale and allotting an increase in density with the opportunity to increase mixed-income housing. While the Proposed Actions would permit increased level of density that is higher than other buildings in the surrounding area, the newly permitted density would be located along three wide streets. The ground floor commercial uses are also expected to enhance the pedestrian realm making the surrounding area more inviting to pedestrians and less auto-oriented.

The With-Action development would introduce strong streetwalls along Coney Island Avenue that would be consistent with surrounding development. With a maximum building height of 145 feet, the upper floors of the With-Action buildings would be visible from surrounding streets. As described previously, the surrounding area supports a mix of building types, scales and heights, including low-rise two- to three-story residential buildings, single-story commercial buildings, and four- to six-story multifamily apartment buildings. While the With-Action development would be taller than the existing structures in the secondary study area, the buildings would be located on Coney Island Avenue, which is characterized by a mix of building typologies and uses that is a wide, major arterial. Therefore, the scale of future development would not be incompatible with the scale of the streets adjacent to the development sites and study area. As such, the Proposed Actions are not expected to result in any significant adverse impacts to urban design in the study area surrounding the Project Area, nor would they result in significant adverse impacts to the experience of the pedestrian.

Visual Resources

As discussed above, the primary study area does not contain any visual resources and this would not change in the future with the Proposed Actions. The projected development sites could accommodate

buildings that could rise to a maximum height of up to 145 feet under With-Action conditions. As the With-Action development would be constructed on existing lots, no view corridors of significant visual resources would be blocked or partially obstructed as a result of these height and density increases in the proposed rezoning area. Under the With-Action condition, views of the Parade Ground, Ocean Parkway and Prospect Park South Historic District would not change under the Proposed Actions. All new development would occur within an existing block.

The new buildings on the projected development sites are expected to further define view corridors in the secondary study area by replacing largely auto-oriented uses, a fast food restaurant with drive through area and gas station and auto service shop, with new predominantly residential developments that would be constructed along the street line. No changes to visual resources are expected as a result of the Proposed Actions. There are no views to the waterfront, and view corridors would be maintained.

In summary, the Proposed Actions and RWCDS would not change urban design features such that the context of natural or built features would be adversely altered, nor would they partially or fully block any significant public views to a visual resource. Therefore, the Proposed Actions would not result in significant adverse impacts to study area visual resources.

ATTACHMENT F

AIR QUALITY

I. INTRODUCTION

The Applicant, Remica Property Group Corp., is seeking zoning map and zoning text amendments to facilitate the development of a 11-story (110-foot-tall)[1], mixed-use residential and commercial building, containing up to 83,697-gross square feet (gsf), at 534 Coney Island Avenue on Brooklyn Block 5343, Lot 13 ("Projected Development Site 1"). In addition, under the reasonable worst-case development scenario (RWCDS), it is expected that the proposed zoning changes would facilitate the development of the adjacent site located on Block 5343, Lot 19 -- with a 145-foot tall (maximum allowable zoning height) mixed-use residential and commercial building with up to approximately 63,057 gsf floor area ("Projected Development Site 2").[2] As the Applicant-owned development site (Projected Development Site 1) is expected to be shorter and directly adjacent to Projected Development Site 2, emissions from its heating, ventilation, and air conditioning (HVAC) system could potentially affect the taller Projected Development Site 2. As such, a project-on-project HVAC analysis is warranted. In addition, a preliminary screening analysis is provided for the two projected developments to determine whether the HVAC emissions of these developments have the potential to significantly impact existing nearby buildings (i.e., a project-on-existing analysis).

Air quality, which is a general term used to describe pollutant levels in the atmosphere, would be affected by changes associated with this development. In accordance with the *New York City Environmental Quality Review (CEQR) Technical Manual*, the HVAC analysis was conducted to determine whether the potential impacts of the HVAC emissions would be significant (project-on-project analysis). In accordance with Section 220 (Stationary Sources) of the *CEQR Technical Manual*, "projects that would result in new uses (particularly schools, hospitals, and residences) located within 400 feet of manufacturing or processing facilities" may result in potentially significant impacts, and therefore require stationary source analyses. As industrial facilities are located within 400 feet of the Project Area (or proposed rezoning area), an analysis was conducted to determine whether the potential impacts of the air toxic emissions released from these facilities would significantly impact the proposed and projected development sites. Potential air quality impacts were estimated following the procedures and methodologies prescribed in the *CEQR Technical Manual*.

Other analyses, prescribed by the *CEQR Technical Manual*, such as a major source analysis is not warranted because no major or large combustion emission sources are identified within 1,000 feet of the Project Area. Because the Proposed Actions would not result in an increase in vehicle trips higher than the *CEQR Technical Manual* screening threshold of 170 vehicle trips at any intersection in the study area, no CO mobile source analysis is warranted. Project-generated volumes would also not exceed the particulate matter (PM) emission screening thresholds discussed in Chapter 17, Sections 210 of the *CEQR*

[1] Although the proposed zoning changes would permit a building up to 145-feet tall, the stack height for the proposed mixed-use residential and commercial development at Projected Development Site 1 for air quality analysis purposes is based on a building height that is lower than the maximum zoning envelope and corresponds to - a 10-story (105 foot tall) building with a 10 foot tall bulkhead and three foot tall stack (total height of 113 feet). Assuming a shorter building more in line with the applicant's intent for the site may result in more conservative estimates of air quality impacts on off-site receptors.

[2] Refer to **Figure A-1 in Attachment A, "Project Description"** for the locations of the two projected development sites.

Technical Manual. Therefore, a quantitative assessment of emissions from action-generated traffic was not warranted.

II. HVAC SCREENING ANALYSIS

According to *CEQR Technical Manual* guidance, a preliminary screening analysis is recommended as a first step to predict whether the potential impacts of an action would be significant. Based on *CEQR* guidance, a preliminary screening analysis was conducted to predict whether the potential impacts of the HVAC emissions would be significant, and a detailed analysis would be required. The *CEQR* screening procedure is applicable to single buildings that are more than 30 feet apart from the nearest building of similar or greater height.

The total square footage of each of With-Action building was used in the analysis, and the nomograph shown on Figure App 17-2 of the *CEQR Technical Manual Air Quality Appendix* for natural gas and residential use. This nomograph depicts the size of a development versus the distance below which a potential impact could occur and provides a threshold distance. If the actual distance between a building with an HVAC stack and an affected building is greater than the threshold distance for a building size, then that building passes the screening analysis (and no significant impact is predicted). However, if the actual distance is less than the threshold distance for a building, then there is a potential for a significant impact, and a detailed analysis would be required.

Results of the screening analysis for the project-on-project are that neither With-Action building would pass the screening analysis as the two sites adjoin each other and therefore, would not be more than 30 feet apart. As such, a detailed stationary source HVAC analysis is warranted for project-on-project HVAC emissions and provided herein.

There are no existing or planned buildings that are taller than the projected developments at Sites 1 and 2 within 400 feet of the Project Area. As shown in **Figure F-1**, the plotted point on Figure App 17-2 corresponding to the size of projected developments against the distance to the nearest building of a height similar or greater than the projected buildings would fall below curve at the maximum 400 feet distance (see **Figure F-1**). Therefore, both projected development sites would pass the project-on-existing screening analysis because the actual distances between the projected development sites and taller nearby existing buildings would be greater than the maximum 400 feet distance shown in **Figure F-1**.

III. DETAILED PROJECT-ON-PROJECT HVAC ANALYSIS

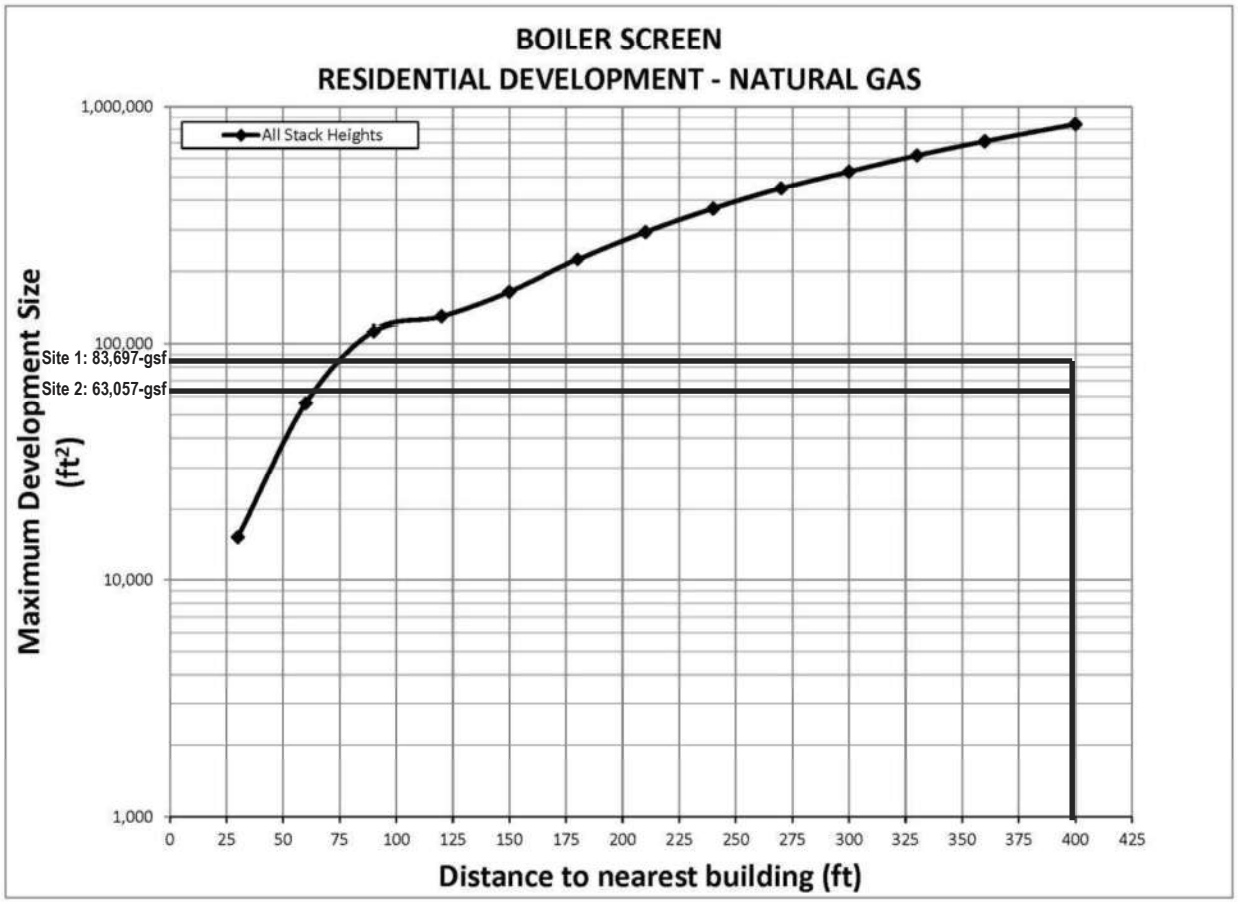
Relevant Air Pollutants

The EPA has identified several pollutants, which are known as criteria pollutants, as being of concern nationwide. As the two RWCDS buildings would likely have HVAC systems that use natural gas, the two critical criteria pollutants associated with natural gas combustion – nitrogen dioxide (NO_2) and particulate matter smaller than 2.5 microns ($PM_{2.5}$) – would be the primary concern.

Applicable Air Quality Standards and Significant Impact Criteria

As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for the criteria pollutants by EPA. The NAAQS are concentrations set for each of the criteria pollutants to protect public health and the nation's welfare, and New York has adopted the NAAQS as of the State

Figure App 17-2



Source:
2021 *CEQR Technical Manual, Air Quality Appendix*

ambient air quality standards. This analysis addressed compliance of the potential impacts with the 1-hour and annual NO_2 NAAQS.

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

This analysis addressed compliance of the potential impacts with the 24-hour/annual $PM_{2.5}$ *CEQR* significant incremental impact criteria as well as with $PM_{2.5}$ NAAQS and 1-hour/annual NO_2 NAAQS. The current standards and *CEQR* significant impact criteria that were applied to this analysis, together with their health-related averaging periods, are provided in **Table F-1**.

Table F-1: Applicable National Ambient Air Quality Standards and CEQR Significant Impact Criteria

Pollutant	Averaging Period	NAAQS (ug/m3)	CEQR Significant Impact Criteria (ug/m3)
NO_2	1 Hour	188 µg/m³	--
	Annual	100 µg/m³	--
$PM_{2.5}$	24 Hour	35 µg/m³	8.6
	Annual	12 µg/m³	0.3

Notes: µg/m³ = micrograms per cubic meter
Source: *US Environmental Protection Agency*

$PM_{2.5}$ CEQR Significant Impact Criteria

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

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

The latest 3-year (2017-2019) average of the 98th percentile 24-hour $PM_{2.5}$ background concentration for Brooklyn JHS 126 monitoring station from the New York State Department of Environmental Conservation (NYSDEC) 2019 monitoring Report is 17.8 ug/m³ (2017= 17.2 ug/m³, 2018=17.9 ug/m³, and 2019=18.4 ug/m³).[3] Half the difference between the 24-hour $PM_{2.5}$ NAAQS of 35 ug/m³ and the background value of 17.8 ug/m³ is 8.6 ug/m³. As such, a significant impact threshold of 8.6 ug/m³ was used for determining whether a potential 24-hour $PM_{2.5}$ impact is significant.

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

> *Predicted annual average $PM_{2.5}$ concentration increments greater than 0.3 ug/m³ at any receptor location for stationary sources.*

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

[3] NEW YORK STATE AMBIENT AIR QUALITY REPORT FOR 2019 (ny.gov)

NO_2 NAAQS

Nitrogen oxide (NOx) emissions from gas combustion consist predominantly of nitric oxide (NO) at the source. The NOx gradually converted to NO_2, which is the pollutant of concern, in the atmosphere (in the presence of ozone and sunlight as these emissions travel downwind of a source).

The 1-hour NO_2 NAAQS of 0.100 ppm (188 µg/m^3) is the 3-year average of the 98th percentile of daily maximum 1-hour average concentrations in a year. For determining compliance with this standard, the EPA has developed a modeling approach for estimating 1-hour NO_2 concentrations that is comprised of 3 tiers: Tier 1, the most conservative approach, assumes a full (100 percent) conversion of NOx to NO_2; Tier 2 applies a conservative ambient NOx/NO_2 ratio of 80 percent to the NOx estimated concentrations; and Tier 3, which is the most precise approach, employs AERMOD's Plume Volume Molar Ratio Method (PVMRM) module which accounts for the chemical transformation of NO emitted from the stack to NO_2 within the source plume using hourly ozone background concentrations.

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

The annual NO_2 standard is 0.053 parts per million (ppm or 100 µg/m^3). To conservatively estimate annual NO_2 impacts, a NO_2 to NOx ratio of 0.75 percent, which is recommended by DEP for an annual NO_2 analysis, was applied.

CEQR HVAC Screening Analysis

Based on *CEQR Technical Manual* guidance, a preliminary screening analysis is to be conducted as a first step to predict whether the potential impacts of the HVAC emissions would be significant, and a detailed analysis would be required. The *CEQR Technical Manual* screening procedure, however, is only applicable to buildings that are more than 30 feet apart from the nearest building of similar or greater height. The RWCDS developments at Projected Development Sites 1 and 2 are adjacent to (or less than 30 feet) from each other, and therefore, the screening procedure is not applicable, and a detailed analysis was warranted.

Detailed HVAC Analysis

A dispersion modeling analysis was conducted to estimate the potential impacts from the HVAC emissions using the latest version 12112 of EPA's AERMOD dispersion model. In accordance with *CEQR* guidance, this analysis was conducted assuming stack tip downwash, urban dispersion surface roughness length, and elimination of calms. Analyses were conducted with and without the effects of wind flow around the With-Action buildings (i.e., with and without downwash) utilizing the AERMOD Building Profile Input Program (BPIP) algorithm, and both results are reported.

Emissions Rates and Stack Parameters

As Projected Development Site 1 would likely use natural gas, emission rates of NOx and $PM_{2.5}$ were calculated using EPA AP-42 emission factors for firing natural gas in small boilers. $PM_{2.5}$ emission factors were accounted for both filterable and condensable particulates.

Emission rates for HVAC analysis were estimated as follows:

- Short-term NO_2 and $PM_{2.5}$ emission rates were estimated by accounting for seasonal variation in heat and hot water demand. Based on the DCP guidance, a seasonal emission factor was set as 1 for the winter season and 0.5 for each of the three other seasons of the year.
- A total energy consumption factor of 60.3 thousand Btu per square foot was obtained from Table US1, applicable for housing in New York City (*CEQR* Air Quality Appendix, Table US1, Total Energy Consumption, Expenditures, and Intensities, 2005, Part I: Housing Unit Characteristics and Energy Use Indicators). Using 60.3 thousand Btu per square foot and the natural gas heating value of 1,020 Btu/ft^3, this value was converted to a fuel usage factor of 59.1 cubic feet per square foot per year and applied for Projected Development Site 1.

Table F-2 provides the estimated $PM_{2.5}$ and NO_2 short-term (e.g., 24-hour and 1-hour) and annual emission rates for Projected Development Site 1. The diameter of the stack and the exit velocity were estimated based on values obtained from DEP "CA Permit" database for the corresponding boiler sizes (i.e., rated heat input or million BTUs per hour). Boiler size was estimated based on assumption that all fuel would be consumed during the 100-day (or 2,400 hours) heating season. A stack exit temperature of 300°F (423°K), which is appropriate for boilers, was assumed for all boilers.

Meteorological Data

All analyses were conducted using the latest five consecutive years of meteorological data (2015 through 2019 provided by the NYSDEC. Surface data were obtained from La Guardia International Airport and upper-air data from Brookhaven station, New York. Five years of meteorological data were combined into a single multiyear file to conduct $PM_{2.5}$ and NO_2 analyses for their respective averaging periods.

Table F-2: Estimated Pollutant Short-term and Annual Emission Rates

	Block/Lot	Stack Height (1)	Total Floor Area	Emission Rates			
				$PM_{2.5}$		NO_2	
				24-hour	Annual	1-hour	Annual
		feet	feet	g/sec	g/sec	g/sec	g/sec
Projected Development Site 1	5343/13	103[4]	83,697	1.97E-03	5.41E-04	2.60E-02	7.12E-03

Note:

1. Stack is assumed to be located on a 10-foot bulkhead with a total building height of 113 feet above the ground (3 feet above the building roof)

Pollutant Background Concentrations

Three-year average background concentrations for all pollutants were obtained from Queens College 2 or Brooklyn JHS-126 monitoring stations for the 2017-2019 period, as follows:

- The 3-year average of the 98th percentile of the annual distribution of the daily maximum 1-hour NO_2 concentration was 55.1 ppb (104 ug/m^3);
- The highest annual NO_2 concentration over the 3 years was 14.62 ppb (27.6 ug/m^3); and

[4] The Applicant's Proposed Project would be an 11-story (110-feet tall) building with a ten-foot bulkhead for a total height of 120-feet, this analysis assumes a more conservative slightly shorter building with 10-stories and 10-foot bulkhead with a three foot tall stack (103 feet total height).

- The 3-year average (2017-2019) annual $PM_{2.5}$ background concentration is 7.6 µg/m^3 (JHS-126).

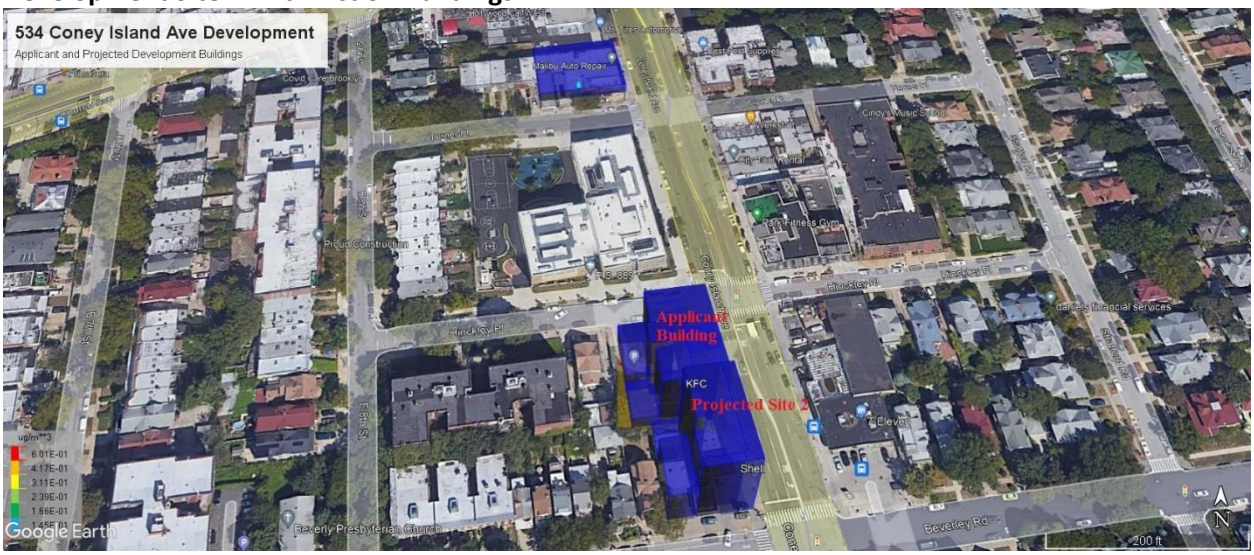
Stack and Receptor Locations for the HVAC Analysis

It was assumed that emissions from Projected Development Site 1 would be released through a stack located 3 feet above the bulkhead. If exceedances of the *CEQR* significant impact criteria or NAAQS were predicted, the allowable stack location would be gradually set back further from the impacted building until no exceedances of the *CEQR* thresholds or NAAQS were predicted.

Under the RWCDS, Projected Development Site 2 With-Action building would be 145-foot tall pursuant to the maximum building envelope under the proposed zoning, with a 25-foot bulkhead, so the height of the building's roof would be 120 feet. Receptors were placed around all faces of Projected Development Site 2 in 10-foot increments on all floor levels horizontally and vertically, starting 10 feet above the ground and extending up to the level of the upper windows of 115-foot (assumed to be 5 feet below roof level).

In both cases, whether the stack would be located on the 110-foot-tall bulkhead or the flat roof of Projected Development Site 1, windows receptors on Projected Development Site 2 would be above or near the plume centerline, where the highest impacts occur, and higher impacts are expected. Configuration of Projected Development Site 1 and Projected Development Site 2 generated by the AERMOD 3-D Analyst is shown in **Figure F-2**.

Figure F-2: Configuration of Projected Development Site 1 (Applicant-owned Site) and Projected Development Site 2 With-Action Buildings



$PM_{2.5}$ Results

With the stack located on the bulkhead of Projected Development Site 1, the results for $PM_{2.5}$ would exceed the *CEQR* significant impact criteria with or without downwash and, therefore, the stack was relocated from the bulkhead to the flat roof – further from Projected Development Site 2. Even though the results with downwash would be substantially lower than without downwash, they still would exceed the applicable criteria if the distance between stack and frontage of Projected Development Site 2 would be less than approximately 80 feet.

With the stack on the flat roof located approximately 80 feet from the frontage of Projected Development Site 2, the estimated 24-hour/annual impacts and total $PM_{2.5}$ concentrations would be less than the *CEQR* significant impact criteria and the NAAQS, with or without downwash (**Table F-3** through **Table F-6**).

Table F-3: 24-hour $PM_{2.5}$ Analysis Results (with Downwash)

Building ID	Receptor Building	24-hour Impact	Background Conc.	Total Conc.	*CEQR* Significant Impact Criteria 24-hour	NAAQS
		ug/m³	ug/m³	ug/m³	ug/m³	ug/m³
Projected Development Site 1	Projected Development Site 2	1.2	17.8	19.0	8.6	35

Table F-4: 24-hour $PM_{2.5}$ Analysis Results (without Downwash)

Building ID	Receptor Building	24-hour Impact	Background Conc.	Total Conc.	*CEQR* Significant Impact Criteria 24-hour	NAAQS
		ug/m³	ug/m³	ug/m³	ug/m³	ug/m³
Projected Development Site 1	Projected Development Site 2	5.9	17.8	23.7	8.6	35

Table F-5: Annual $PM_{2.5}$ Analysis Results (with Downwash)

Building ID	Receptor Building	Annual Impact	Background Conc.	Total Conc.	*CEQR* Significant Impact Criteria 24-hour	NAAQS
		ug/m³	ug/m³	ug/m³	ug/m³	ug/m³
Projected Development Site 1	Projected Development Site 2	0.03	7.6	7.6	0.3	12

Table F-6: Annual $PM_{2.5}$ Analysis Results (without Downwash)

Building ID	Receptor Building	Annual Impact	Background Conc.	Total Conc.	*CEQR* Significant Impact Criteria 24-hour	NAAQS
		ug/m³	ug/m³	ug/m³	ug/m³	ug/m³
Projected Development Site 1	Projected Development Site 2	0.17	7.6	7.8	0.3	12

NO_2 Results

The result of a Tier 1 analysis is that the maximum 1-hour NO_2 impact and the maximum estimated concentration would exceed 1-hour NO_2 NAAQS even with the stack set back 80 feet on the flat roof. As such, a Tier 3 analysis was conducted. The 1-hour NO_2 Tier 3 analysis included steps necessary to estimate 1-hour NO_2 design concentration for compliance determination with 1-hour NO_2 standard design value, in accordance with the NYSDEC DAR-10 procedure, as follows:

1. The uniform monitored NO_2 background concentration from Queens College monitoring station is used. This value represents a 3-years average of the 98th-percentile of the annual distribution of the daily maximum 1-hour concentrations, as prescribed (DAR-10, Table 3, Determination of Background Concentrations).

2. The background ozone concentration entered into the model as a single (highest hourly) value. This value was estimated as the highest ozone concentration from 5-years NYSDEC data sets (212 ug/m3) and was concurrent with the meteorological data.
3. The default ISR and ambient equilibrium ratios set up as 0.5 and 0.9, respectively. As per DAR-10, the default in-stack ratio of 0.5 is accepted without justifications.
4. AERMOD POLLUTID keyword set to NO_2 and the RECTABLE keyword to the 8th-highest value.
5. The H8H value, which represents the modeled 1-hour NO_2 design concentration, is extracted from the AERMOD summary table which included the maximum 8th-highest (98th percentile) maximum daily 1-hour results averaged over 5-years modeled (DAR-10, Table 2).
6. This value is added to the uniform monitored design concentration and the sum compared to the 1-hour NO_2 NAAQS to determine compliance with 1-hour NO_2 NAAQS.

With a stack located on the flat roof at the same set-back distance from Projected Development Site 2 as in $PM_{2.5}$ analysis (approximately 80 feet), the maximum estimated 1-hour/annual impacts and the total maximum concentrations would be less than the 1-hour/annual NO_2 NAAQS (refer to **Tables F-7 to F-10**).

Table F-7: 1-hour NO_2 Analysis Results (With Downwash)

Building ID	Receptor Building	1-hour NO_2 Impact	Background Conc.	Total 1-hour Conc.	NAAQS
		µg/m³	µg/m³	µg/m³	µg/m³
Projected Development Site 1	Projected Development Site 2	67.9*	Included	67.9	188

Table F-8: 1-hour NO_2 Analysis Results (Without Downwash)

Building ID	Receptor Building	1-hour NO_2 Impact	Background Conc.	Total 1-hour Conc.	NAAQS
		µg/m³	µg/m³	µg/m³	µg/m³
Projected Development Site 1	Projected Development Site 2	159.1*	Included	159.1	188

Table F-9: Annual NO_2 Analysis Results (With Downwash)

Building ID	Receptor Building	NO_2 Annual Impact	Background Conc	Total Annual Conc.	NAAQS
		µg/m³	µg/m³	µg/m³	µg/m³
Projected Development Site 1	Projected Development Site 2	0.3	27.6	27.9	100

Table F-10: Annual NO_2 Analysis Results (Without Downwash)

Building ID	Receptor Building	NO_2 Annual Impact	Background Conc.	Total Annual Conc.	NAAQS
		µg/m³	µg/m³	µg/m³	µg/m³
Projected Development Site 1	Projected Development Site 2	1.7	27.6	29.3	100

Note: * With a Tier 3 Analysis

As the analysis shows, the stack for Projected Development Site 1 would need to be set back on the flat roof of the With-Action to reduce the significant air quality impacts -- at the maximum practical distance from the frontage of Projected Development Site 2 (approximately 80 feet). This translates to a distance of at least 184 feet from Beverly Road. (Note: if results with downwash only are accepted (as the scenario

without downwash is not physically possible because there would not be a stack or emissions or buildings without the proposed buildings), the stack could be located approximately 10 feet closer to Projected Development Site 2).

With an E-designation restricting the stack location, Projected Development Site 1 will be in full compliance with *CEQR* significant impact criteria and applicable NAAQS. The E-designation would also impose the exclusive use of natural gas in the HVAC system.

E-Designation

Based on the results of the detailed stationary source HVAC analysis, an (E) designation (E-717) will need to be placed on the Projected Development Site 1 (Block 5343, Lot 13) and on Projected Development Site 2 (Block 5343, Lot 19), which would restrict the stack location of each building's associated stack, as well as the limit the use to natural gas in HVAC systems. To ensure that there would be no significant air quality impacts from the proposed zoning changes, the following restrictions would be placed on each of the projected development sites:

Projected Development Site 1, Block 5343 Lot 13:

Any new commercial and/or residential development on Block 5343, Lot 13 must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC and hot water equipment stack is located on a flat roof at the highest tier and at least 120 feet above grade, at least 184 feet from the southern lot line of Lot 19 facing Beverly Road, to avoid any potential significant adverse air quality impacts.

Projected Development Site 2, Block 5343, Lot 19

Any new commercial and/or residential development on Block 5343, Lot 19 must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC and hot water equipment stack is located at the highest tier and at least 145 feet above grade to avoid any potential significant adverse air quality impacts.

These (E) designations (E-717) would ensure that no significant adverse project-on-project HVAC air quality impacts would occur because of the Proposed Actions.

IV. INDUSTRIAL SOURCE ANALYSIS

As several industrial facilities are located within 400 feet of the Project Area, an analysis was conducted to determine whether the potential impacts of the air toxic emissions released from currently operating permitted and/or non-permitted facilities would significantly affect the two projected development sites. Potential air quality impacts were estimated following the procedures and methodologies prescribed in the *CEQR Technical Manual*.

Emissions

The first step in this analysis, which is to determine the types and amounts of emissions generated by the nearby industrial facilities, was to obtain emission data for the facilities that are permitted by the DEP.

A formal request for this information, with nearby block and lot numbers, was submitted to the DEP, and, based on the information received, several industrial sources within 400 feet of the project area were identified and included. Based on a field survey, one (1) facility was identified as currently operating in this area – GE Malibu Inc (aka Malibu Collision Center) at 502 Coney Island Avenue, which has two permits – PB037509 and PA225873. The first permit (PB037509) is for spray booth operations and the second permit (PA225873) is for auto tailpipe exhaust system operations.

The data received from DEP contained in the permits were reviewed to determine the type of operations and pollutant emission rates and served, together with data from prototypical facilities and engineering calculations where permit data were not available, as the basis of the emission data for this analysis. The facility type, addresses, block and lot numbers, permit numbers, and emitted pollutants for Malibu Collision Center considered in the analysis are provided in **Table F-11**.

Table F-11: Existing Toxic Facilities Permit Information

No.	Facility Name	Address	Permit No.	Facility Operation	Pollutant Name	CAS No.	Pollutant Emission Rates	
							lb./hr.	lb./year
1	**GE Malibu Inc.** Block/Lot 5341/13	502 Coney Island Ave, Brooklyn	PB037509	Spray Booth Operations	Solids	NY079-00-0	0.065	97.6
					Solvents	NY998-00-0	3.1	4,650
			PA225873	Vehicle Maintenance Testing	Carbon Monoxide (CO)	630-08-0	2.5	2,000
					Nitrogen Oxide (NOx)	NY210-00-0	0.05	40
					Hydrocarbons	68513-26-8	0.250	200

The Malibu Collision Center, under Permit PB037509, is involved in car painting operations via a spray booth. The permit for this facility lists two pollutants – solids (CAS NY079-00-0) and solvents (CAS NY998-00-0). Solids under CAS NY079-00-0 (which is a unique numerical identifier of chemical substances) is particulate matter and solvents under CAS NY998-00-0 is a group of total volatile organic compounds (VOCs) – a family of compounds with different toxicities (not an individual compound) that have no established DAR-1 guideline values in the current 2021 edition of DAR-1. Therefore, individual chemicals with known guideline values need to be considered instead of total VOCs. The spray booth is equipped with a fiberglass filter that can achieve 80% of efficiency in particles removal from spray booth exhaust.

The Malibu Collision Center, under Permit PA225873, is involved in auto car testing and maintenance of exhaust system and servicing seven (7) car bays. Air emissions from such types of facilities could occur from the servicing of vehicles as well as the operation of the vehicles within the facility. Vehicles undergoing engine testing and maintenance could emit tailpipe pollutants that would be mechanically ventilated to the outside air. The permit lists three pollutants as being emitted – NOx, CO, and hydrocarbons (HC). Because a group of hydrocarbons as a mixture of different compounds has no guideline values in the DAR-1 database, it also needs to be substituted. Based on similar analyses, a group of hydrocarbons was substituted by one representative contaminant - isopropyl alcohol.

Approach for Spray Booth Analysis

Based on general DEP recommendations related to the analysis of spray both emissions, the following methodologies and assumptions were applied to the analysis:

1. If a permit contains only data for a total group of volatile organic compounds (VOCs) – not individual solvents, paint composition could be obtained from Table 3 of the report entitled, "Air Toxic Analysis of Auto Repair Spray Paint Booth Near Solow Centers" (i.e., the "Solow Report).
2. It should be conservatively assumed that 100% of the paint ingredients, regardless of volatility, including particulates, would be evaporated, and released into the atmosphere.
3. Solids (or total particulate matter) listed in the permit should be considered as fractions of both $PM_{2.5}$ and PM_{10} particles, and the percentages of $PM_{2.5}$ and PM_{10} in the total mass of particulate matter should be estimated using the cumulative particle size distribution for surface coating operations via spray booths.
4. Exhaust stacks should be located according to roof plan drawings. If drawings are not available and a field survey could not determine stack locations, stacks should be placed at minimum distances from the impacted building.

Solvent Emission Rates

As described above, the composition of the paint with solvent percentages in the paint obtained from Table 3 of the Solow Report is shown in **Table F-12** below. Emission rates for solvents were calculated by multiplying hourly and annual paint usage rates listed in the permit in pounds per hour (3.1 lb./hr.) and pounds per year (4,650 lb./year), by the weight percentage of each solvent in the paint. Estimated hourly and annual emission rates of solvents are provided in **Table F-12** and **Table F-13**.

Table F-12: Composition of the Paint Used in the Spray Booth Analysis (As shown in Table 3 of Solow Report)

Chemical Name	CAS No.	Maximum % by wt.
Acetone	67-64-1	43
Aromatic Petroleum Distillate (1)	64742-94-5	10
Butene	106-98-9	11
Ethanol	64-17-5	2
EER (2)	763-69-9	9
Ethylbenzene	100-41-4	5
Methyl Ethyl Ketone (3)	78-93-3	8
N-Butyl Acetate (4)	123-86-4	5
Propane	74-98-6	11
Stoddard Solvents	8052-41-3	10
Toluene	108-88-3	10
Xylene	1330-20-7	10

Notes: (1) APD = Aromatic Petroleum Distillate; (2) EER = Ethyl 3-Ethoxypropionate; and (3) MEK = Methyl Ethyl Ketone
(4) N-Butyl Acetate content was increase by 11 percent to substitute for propane, which was removed from 2021 DAR-1.

Table F-13: Estimated Hourly and Annual Emission Rates for Solvents from Spray Booth Operations under PB037509

Pollutant	Hourly Emission Rate		Annual Emission Rate	
	lb./hr.	g/sec	lb./year	g/sec
Acetone	1.3330	0.1680	1999.5	0.0288
APD (1)	0.3100	0.0391	465.0	0.0067
Butene	0.3410	0.0430	511.5	0.0074
Ethanol	0.0930	0.0117	139.5	0.0020
EER (2)	0.2790	0.0352	418.5	0.0060
Ethylbenzene	0.1550	0.0195	232.5	0.0033
MEK (3)	0.2480	0.0312	372.0	0.0054
N-Butyl Acetate	0.1550	0.0625	744.0	0.0107
Stoddard Solvents	0.3100	0.0391	465.0	0.0067
Toluene	0.3100	0.0391	465.0	0.0067
Xylene	0.3100	0.0391	465.0	0.0067

Notes: (1) APD = Aromatic Petroleum Distillate; (2) EER = Ethyl 3-Ethoxypropionate; and (3) MEK = Methyl Ethyl Ketone

Particulate Emission Rates

As mentioned above, DEP currently required that particulate matter released from spray booth operations be considered as $PM_{2.5}/PM_{10}$ emissions based on the $PM_{2.5}/PM_{10}$ fraction content in the total mass of particulate matter. The USEPA data on cumulative particle size distribution for surface coating operations via spray booths shows that 28.6 percent of the total mass of particulate matter are $PM_{2.5}$ particles and 46.7 percent of the total mass of particulate matter are PM_{10} particles (EPA-42, Appendix B1, Page B.1-12, Particle Size Distribution Data and Sized Emission Factors for selected Sources, Table 4.2.2.8 Automobile and Light-Duty Truck Surface Coating Operations, Automobile Spray Booths). Therefore, factors of 0.286 and 0.467 were applied for solid content listed in the permits to estimate $PM_{2.5}$ and PM_{10} emission rates.

Table F-14: $PM_{2.5}/PM_{10}$ Estimated Emission Rates from Spray Booth Operations

Facility	$PM_{10}/PM_{2.5}$	Permitted Solid Emission Rate		Fraction of $PM_{10}/PM_{2.5}$ in total Solids	Estimated Emission Rates			
					Hourly		Annual	
		lb./hr.	lb./year	Percent	lb./hr.	g/sec	lb./year	g/sec
GE Malibu Inc.	$PM_{2.5}$	0.065	97.6	28.6%	0.019	0.0023	27.9	0.0004
	PM_{10}	0.065	97.6	46.7%	0.030	0.0038	45.5	

Toxic Assessment Methodology

While no federal standards have been promulgated for toxic air pollutants, the NYSDEC has issued guidance DAR-1 that establish acceptable ambient levels for these pollutants. As shown, the short-term (and annual) impact of the toxic pollutants should be evaluated on a 1-hour (and annual) basis and compared to the 1-hour (and annual) guideline values of the DAR-1 database. The DAR-1 guideline values are short-term ambient guideline concentrations (SGCs) and the ambient annual-average-based guideline concentrations (AGCs) are the maximum allowable concentrations below which there should be no health-related adverse effects. If no exceedances of the SGCs or AGCs are found, no adverse health effects would occur. If the concentration of any pollutant would exceed its applicable guideline value (either SGC or AGC), a more detailed analysis would be required.

The current (February 2021) edition of the DAR-1 no longer includes guideline values (SGC and AGC) for $PM_{2.5}$ and PM_{10} – the NAAQS for these pollutants are used instead. The NAAQS for $PM_{2.5}$ is 35 ug/m^3 for 24-hours and 12 ug/m^3 for an annual time period, and 150 ug/m^3 for 24-hour PM_{10}. As specified in DAR-1, federal standards for $PM_{2.5}$/PM_{10} are not SGCs or AGCs and are only included in the DAR-1 to facilitate screening or regulatory analysis. Because the NAAQS, as well as the *CEQR* significant incremental impact criteria established for $PM_{2.5}$ are based on 24-hour or annual averaging periods, analyses of $PM_{2.5}$ require the use of the AERMOD dispersion model, which contains a special procedure for this analysis.

CEQR Screening Analysis

For estimating the potential impacts of toxic pollutants from industrial sources, the *CEQR Technical Manual* recommends using a screening procedure as the first step in the analysis. This procedure uses pre-tabulated pollutant concentration values based on a generic emission rate of 1 gram per second from Table 17-3, "Industrial Source Screen," of the *CEQR Technical Manual* for the applicable averaging periods. This approach, which can be used to estimate maximum short-term and annual average concentration values at various distances (from 30 to 400 feet) from an emission source, was used to assess the potential impacts of the solvent emissions under PB037509 for Malibu Collision Center.

The Malibu Collision Center at 502 Coney Island Avenue (Block 5341, Lot 23) is located roughly 375 feet north of Projected Development Site 1's.[5] Conservatively, a shorter distance of 365 feet was used in the *CEQR* figure. At this distance, based on a 1 gram per second emission rate (using Table 17-3), the maximum 1-hour and annual concentrations were estimated to be 1,528 ug/m^3 and 62 ug/m^3, respectively.

All values obtained from Table 17-3 of the *CEQR Technical Manual* for an emission rate of 1 gram per second were then multiplied by the actual emission rates of each solvent to estimate actual solvent concentration. These values were then compared to the DAR-1 short-term (SGC) and annual (AGC) guideline concentrations (**Table F-15** and **Table F-16**).

Spray Both Analysis Results

Table F-15: Estimated 1-hour Solvent Concentrations under PB037509

Chemical Name	CAS No.	Max Estimated 1-hour Concentration	SGC	Exceed Yes/No
		µg/m^3	µg/m^3	
Acetone	67-64-1	256.6	180,000	No
APD	64742-94-5	59.7	-	-
Butene	106-98-9	65.7	-	No
Ethanol	64-17-5	17.9	-	-
EER (2)	763-69-9	53.7	140	No
Ethyl Benzene	100-41-4	29.8	-	-
Methyl Ethyl Ketone	78-93-3	47.7	13,000	No
n-Butyl Acetate	123-86-4	95.5	71,300	No
Stoddard Solvents	8052-41-3	59.7	-	-
Toluene	108-88-3	59.7	37,000	No
Xylene	1330-20-7	59.7	22,000	No

[5] Projected Development Site 2 (Block 5343, Lot 19) is located further from the Malibu Collision Center (a distance of 475 feet).

Table F-16: Estimated Annual Solvent Concentrations under PB037509

Chemical Name	CAS No.	Max Estimated Annual Concentration	AGC	Hazard Quotient	Exceed Yes/No
		µg/m³	µg/m³		
Acetone	67-64-1	1.8	30,000	5.94E-05	No
APD	64742-94-5	0.4	100	4.15E-03	No
Butene	106-98-9	0.5	1,400	3.26E-04	No
Ethanol	64-17-5	0.1	45,000	2.76E-06	No
EER	763-69-9	0.4	64	5.83E-03	No
Ethyl Benzene	100-41-4	0.2	1,000	2.07E-04	No
Methyl Ethyl Ketone	78-93-3	0.3	5,000	6.63E-05	No
n-Butyl Acetate	123-86-4	0.7	565	1.17E-03	No
Stoddard Solvents	8052-41-3	0.4	900	4.61E-04	No
Toluene	108-88-3	0.4	5,000	8.29E-05	No
Xylene	1330-20-7	0.4	100	4.15E-03	No
Total Hazard Index				**1.65E-02**	

Notes:

- The maximum 1-hour and annual concentrations were estimated based on actual emission rate (Table 3) and pre-tabulated concentration of 1 gram per second concentration obtained from CEQR Table 17-3 of 1,528 ug/m^3 and 62 ug/m^3, respectively.
- APD, Butene, Ethanol, Ethyl Benzene, and Stoddard Solvents have no SGC values

Auto Vehicle Maintenance Testing Facility Analysis Results

Table F-17: Estimated Actual 1-hour Pollutant Concentrations under PA225873

Pollutant	CAS No.	Hourly Emission Rate		Max Estimated Conc.	DAR-1 SGC	Exceed
		Lb./hr	g/s	ug/m³	ug/m³	Yes/No
Isopropyl Alcohol	67-63-0	0.25	0.0315	49.8	98,000	No
Carbon Monoxide (CO)	630-08-0	2.50	0.3150	498.3	40,000*	No
Nitrogen Oxide (NOx)	10102-44-0	0.05	0.0063	10.0	188*	No

Table F-18: Estimated Actual Annual Pollutant Concentrations under PA225873

Pollutant	CAS No.	Annual Emission Rate		Max Estimated Conc.	DAR-1 AGC	Exceed
		Lb./year	g/s	ug/m³	ug/m³	Yes/No
Isopropyl Alcohol	67-63-0	200	0.00288	0.178	7,000	No
Carbon Monoxide (CO)	630-08-0	2000	0.02877	1.784	-	No
Nitrogen Oxide (NOx)	10102-44-0	40	0.00058	0.036	100*	No

Based on CEQR Table 17-3, 1-hour concentration for 1 g/sec at 365 feet of 1,582 ug/m3
Based on CEQR Table 17-3, annual concentration for 1 g/sec at 365 feet of 62 ug/m3
The Group of Hydrocarbons was substituted by isopropyl alcohol
* These are NAAQS standards (not DAR-1 guideline values)

Results of Screening Analysis

The results of the screening analysis indicate that the estimated short-term and annual concentrations of individual solvents from spray booth and pollutants emitted from car maintenance testing operations would all be less than SGC and AGC values, indicating that all pollutants passed the screening analysis, and no further analysis is required.

Detailed Analysis of $PM_{2.5}/PM_{10}$ Emissions

The detailed dispersion analyses to estimate the potential effects of the $PM_{2.5}/PM_{10}$ emissions from the spray booth used the same version of EPA's AERMOD dispersion model (version 21112) and the same meteorological data as in the HVAC analysis. The PM_{10} background concentration, obtained from Queens College monitor for 2019, was 28 ug/m^3. Stack parameters were obtained from the permit (**Table F-19**) and its location was approximated based on the spray booth's configuration.

Table F-19: Stack Parameters Used in Modeling Analysis

Facility ID	Emission Rate			Stack Height	Stack Diameter	Stack Temp	Flow Rate	
	24-hr. $PM_{2.5}$	24-hr. PM_{10}	Annual $PM_{2.5}$					
	g/sec	g/sec	g/sec	feet	inches	deg F	m^3/sec	ft^3/min
GE Malibu Inc.	0.0023	0.0038	0.0004	21	39.4	70	9.439	20,000

Receptor Locations

Receptors were located around all faces of the perimeter of Projected Development Site 1 -- starting from the ground level (6 feet) and extending up to the upper window (receptors) levels, 5 feet below roof level, horizontally and vertically, in 10-foot increments. Enough receptors were considered to ensure that the maximum impacts would be estimated.

Detailed Dispersion Analysis Results

Tables F-20 to F-23 provide the results of the $PM_{2.5}/PM_{10}$ analyses with and without downwash. The maximum estimated $PM_{2.5}$ concentrations are used for comparison with the *CEQR* significant impact criteria and NAAQS.

Table F-20: Estimated 24-hour $PM_{2.5}/PM_{10}$ Concentration with Downwash

Pollutant	Max 24-hour Impact	Background Conc.	Max Total Conc.	*CEQR* Significant Impact Criteria	NAAQS
	ug/m^3	ug/m^3	ug/m^3	ug/m^3	ug/m^3
$PM_{2.5}$	0.43	17.8	18.2	8.6	35
PM_{10}	0.7	28	28.7	-	150

Table F-21: Estimated 24-hour $PM_{2.5}/PM_{10}$ Concentration without Downwash

Pollutant	Max 24-hour Impact	Background Conc.	Max Total Conc.	*CEQR* Significant Impact Criteria	NAAQS
	ug/m^3	ug/m^3	ug/m^3	ug/m^3	ug/m^3
$PM_{2.5}$	0.5	17.8	18.3	8.6	35
PM_{10}	0.9	28	28.9	-	150

Table F-22: Estimated Annual $PM_{2.5}$ Concentration with Downwash

Pollutant	Max Annual Impact	Background	Max Total Conc.	CEQR Significant Impact Criteria	NAAQS
	ug/m³	ug/m³	ug/m³	ug/m³	ug/m³
$PM_{2.5}$	0.006	7.6	7.6	0.3	12

Table F-23: Estimated Annual $PM_{2.5}$ Concentration Without Downwash

Pollutant	Max Annual Impact	Background	Max Total Conc.	CEQR Significant Impact Criteria	NAAQS
	ug/m³	ug/m³	ug/m³	ug/m³	ug/m³
$PM_{2.5}$	0.006	7.6	7.6	0.3	12

The results of the detailed analysis indicate that no exceedances of either the 24-hour/annual *CEQR* significant impact criteria or NAAQS for $PM_{2.5}$, the 24-hour PM_{10} NAAQS are predicted from the particulate emissions of the Malibu Collision Center spray booth.

V. CONCLUSION

The results of the detailed HVAC analysis determined that there would be no potential for significant adverse stationary source air quality impacts from the emissions from HVAC systems with the placement of (E) designations on the two projected development sites (Block 5343, Lot 13 and 19). The (E) designations would restrict fuel oil and HVAC stack location. In addition, the analysis of emissions from nearby industrial sources determined that no significant adverse impacts would result from air toxics related to industrial sources.

ATTACHMENT G

NOISE

I. INTRODUCTION

This attachment assesses the potential for the Proposed Actions to result in significant adverse noise impacts. As described in **Attachment A, "Project Description,"** the Proposed Actions include a zoning map and text amendments to rezone a portion of Brooklyn Block 5343, (Lots 13 and 19, and part of Lots 11 and 26) to R7X/C2-4, and to designate the proposed rezoning area as a Mandatory Inclusionary Housing (MIH) Area. As a reasonable worst-case development scenario (RWCDS), the Proposed Actions would facilitate the net increase of 134 residential dwelling units (DUs) and approximately 3,347 gross square feet (gsf) of commercial uses at two projected development sites. It is expected that both projected development sites would be completely constructed and fully occupied by 2027.

As described in **Attachment B, "Supplemental Screening,"** approval of the Proposed Actions would not generate sufficient traffic volumes near the proposed rezoning area to trigger a detailed traffic analysis, and thus, with the moderate to high number of vehicles in the immediate area, it is unlikely that the Proposed Actions would result in a significant noise impact due to mobile sources (i.e., it would not result in a doubling of noise passenger car equivalents [PCEs] which would be necessary to a cause a 3 dBA increase in noise levels). As the Proposed Actions would create new noise-sensitive uses (or "receptors") within the proposed rezoning area, a noise analysis was conducted in order to determine the level of building attenuation required to ensure that future interior noise levels within the projected developments would satisfy applicable noise exposure criteria.

Additionally, based on a field survey of land uses in the area, it was determined that no stationary noise sources contribute significantly to noise levels in the area, and a stationary source noise analysis was not warranted.

II. NOISE FUNDAMENTALS

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

"A"-Weighted Sound Level (dBA)

Noise is typically measured in units called decibels (dB), which are ten times the logarithm of the ratio of the sound pressure squared to a standard reference pressure squared. Because loudness is important in the assessment of the effects of noise on people, the dependence of loudness on frequency must be taken into account in the noise scale used in environmental assessments. Frequency is the rate at which sound pressures fluctuate in a cycle over a given quantity of time, and is measured in Hertz (Hz), where 1 Hz equals 1 cycle per second. Frequency defines sound in terms of pitch components. In the measurement

system, one of the simplified scales that accounts for the dependence of perceived loudness on frequency is the use of a weighting network - known as A-weighting - that simulates the response of the human ear. For most noise assessments, the A-weighted sound pressure level in units of dBA is used due to its widespread recognition and its close correlation to perception. In this analysis, all measured noise levels are reported in dBA or A-weighted decibels. Common noise levels in dBA are shown in **Table G-1**.

TABLE G-1: Common Noise Levels

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

Source: *2021 CEQR Technical Manual* / Cowan, James P. Handbook of Environmental Acoustics. Van Nostrand Reinhold, New York, 1994. Egan, M. David, Architectural Acoustics. McGraw-Hill Book Company, 1988.
Note: A 10 dBA increase appears to double the loudness, and a 10 dBA decrease appears to halve the apparent loudness.

Noise Descriptors Used in Impact Assessment

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

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

Applicable Noise Codes and Impact Criteria

New York City Noise Code

The New York City Noise Control Code, as amended in December 2005, contains prohibitions regarding unreasonable noise and specific noise standards, including plainly audible criteria for specific noise

sources. In addition, the amended code specifies that no sound source operating in connection with any commercial or business enterprise may exceed the decibel levels in the designated octave bands at specified receiving properties.

CEQR Technical Manual Noise Standards

The New York City Department of Environmental Protection (DEP) has set external noise exposure standards. These standards are shown in **Table G-2**.

Noise Exposure is classified into four categories: acceptable, marginally acceptable, marginally unacceptable, and clearly unacceptable. The standards shown are based on maintaining an interior noise level for the worst-case hour L_{10} of less than or equal to 45 dBA and L_{dn} of less than or equal to 40 dBA for residential uses. Attenuation requirements are shown in **Table G-3.**

TABLE G-2: Noise Exposure Guidance for Use in City Environmental Impact Review

Receptor Type	Time Period	Acceptable General External Exposure	Airport[3] Exposure	Marginally Acceptable General External Exposure	Airport[3] Exposure	Marginally Unacceptable General External Exposure	Airport[3] Exposure	Clearly Unacceptable General External Exposure	Airport[3] Exposure
1. Outdoor area requiring serenity and quiet[2]		$L_{10} \leq 55$ dBA	---------- DNL ≤ 60 dBA ----------		---------- 60 < DNL ≤ 65 dBA ----------		(1) 65 < DNL ≤ 75 dBA		---------- 75 dBA < DNL ----------
2. Hospital, Nursing Home		$L_{10} \leq 55$ dBA		$55 < L_{10} \leq 65$ dBA		$65 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
3. Residence, residential hotel or motel	7 AM to 10 PM	$L_{10} \leq 65$ dBA		$65 < L_{10} \leq 70$ dBA		$70 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
	10 PM to 7 AM	$L_{10} \leq 55$ dBA		$55 < L_{10} \leq 70$ dBA		$70 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
4. School, museum, library, court, house of worship, transient hotel or motel, public meeting room, auditorium, out-patient public health facility		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)	
5. Commercial or office		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)	
6. Industrial, public areas only[4]	Note 4	Note 4		Note 4		Note 4		Note 4	

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

Notes: (i) In addition, any new activity shall comply with the Impact Thresholds detailed in Section 410 of Chapter 19, "Noise" of the *CEQR Technical Manual*;

[1] Measurements and projections of noise exposures are to be made at appropriate heights above site boundaries as given by American National Standards Institute (ANSI) Standards; all values are for the worst hour in the time period.

[2] Tracts of land where serenity and quiet are extraordinarily important and serve an important public need and where the preservation of these qualities is essential for the area to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks or open spaces dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet. Examples are grounds for ambulatory hospital patients and patients and residents of sanitariums and old-age homes.

[3] One may use the FAA-approved L_{dn} contours supplied by the Port Authority, or the noise contours may be computed from the federally approved INM Computer Model using flight data supplied by the Port Authority of New York and New Jersey.

[4] External Noise Exposure standards for industrial areas of sounds produced by industrial operations other than operating motor vehicles or other transportation facilities are spelled out in the New York City Zoning Resolution, Sections 42-20 and 42-21. The referenced standards apply to M1, M2, and M3 manufacturing districts and to adjoining residence districts (performance standards are octave band standards).

TABLE G-3: Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Vehicular Traffic	70< L_{10} ≤73	73< L_{10} ≤76	76< L_{10} ≤78	78< L_{10} ≤80	80<L_{10}
Aircraft[A]	65<DNL≤68	68<DNL≤71	71<DNL≤73	73<DNL≤75	75<DNL
Train	65<Ldn≤68	68<Ldn≤71	71<Ldn≤73	73<Ldn≤75	75<Ldn
Attenuation[B]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	See Note C

Note: [A] DNL descriptor based on average values of L_{dn} over a year period.

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

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

[C] The required attenuation value is the difference between L_{Build} and $L_{interior}$, using the appropriate descriptor:

Where:

L_{Build} is the projected noise level under the build condition rounded up to the whole number.

$L_{interior}$ is the designed interior noise level (45dBA for vehicular noise, 40 dBA for aircraft and train noise).

Source: New York City Department of Environmental Protection / 2021 *CEQR Technical Manual,* Table 19-3.

III. EXISTING CONDITIONS

Selection of Noise Receptor Locations

The proposed rezoning area is located in the Flatbush/Kensington neighborhood of Brooklyn Community District (CD) 12. It extends along the west side of Coney Island Avenue and comprises the eastern approximately 44,824-sf portion of the block bound by Hinckley Place to the north, Coney Island Avenue to the east, Beverley Road to the south, and East 8th Street to the west. The Applicant-controlled Projected Development Site 1 (Block 5343, Lot 13) located at 534 Coney Island Avenue is comprised of one, irregularly-shaped corner lot bounded by Hinckley Place to the north and Coney Island Avenue to the east. It is currently improved with a single-story fast food restaurant and five accessory at-grade parking spaces. Projected Development Site 2 (Block 5343, Lot 19) located at 546 Coney Island Avenue is one, irregularly-shaped corner lot bounded by Coney Island Avenue to the east and Beverly Road to the south. It is currently improved with a gas station and auto service shop with six at-grade accessory parking spaces.

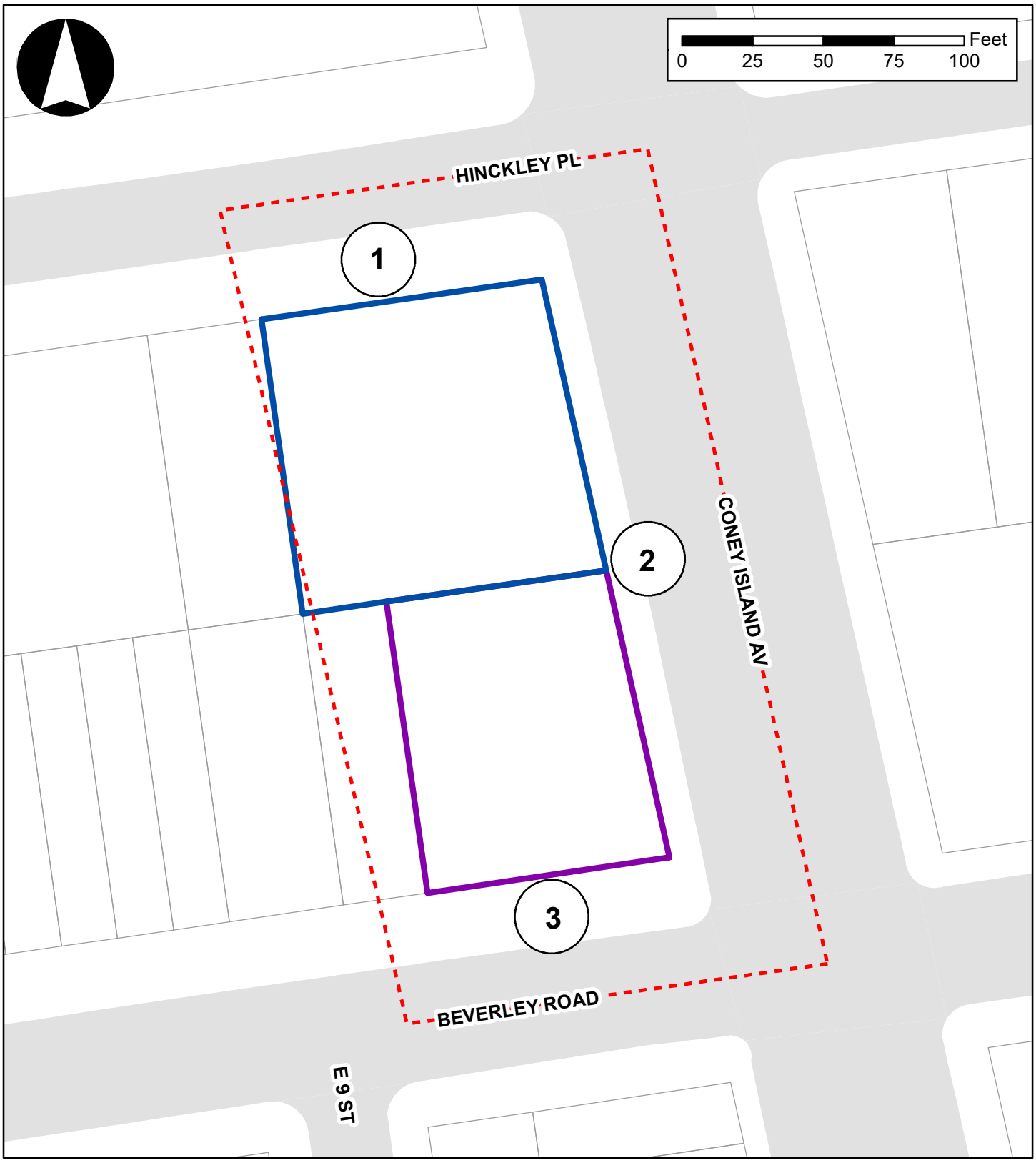
Noise receptor locations were selected along each of the three street frontages bounding the proposed rezoning area (see **Table G-4** below and **Figure G-1**). As discussed, local traffic is the dominant source of noise near the proposed rezoning area.

Table G-4: Noise Receptor Locations

Receptor Location/Map Number [1]	Duration	Monitoring Location
1	20 minutes	Fronting Projected Development Site 1 on the southern side of Hinckley Place (at a depth of roughly 65 feet west of Coney Island Avenue)
2	20 minutes	Coney Island Avenue (in the middle between the projected development sites)
3	20 minutes	On the north side of Beverley Road fronting Projected Development Site 2 (at a depth of approximately 50 feet west from Coney Island Avenue)

[1] Noise receptor locations are keyed to **Figure G-1**.

Figure G-1
Noise Monitor Locations



Legend

- Project Area
- Projected Development Site 1
- Projected Development Site 2
- 1 Noise Monitor Location

Noise Monitoring

Monitoring was conducted during the typical midweek conditions. At all three receptor locations, 20-minute spot measurements of existing noise levels were performed for the weekday AM peak hour (8:00AM to 9:00AM), weekday midday (MD) peak hour (12:00PM to 1:00PM), and weekday PM peak hour (5:00PM to 6:00PM). Additional noise measurements were performed at each receptor location during the school dismissal/bus departure (School PM) peak period (2:30 PM to 3:30 PM), due to the proximity of an existing public school on Hinckley Place (P.S. 889). Noise monitoring was conducted during the School PM weekday peak period to determine whether ambient noise levels were higher during this period than during the other standard weekday peak periods. Noise measurements were performed on Thursday June 10, 2021, and Tuesday June 15, 2021. On June 10, the weather was sunny with a high temperature of 84 ºF and average wind speeds of ten miles-per-hour. On June 15, the weather was partly cloudy with a high temperature of 80 ºF and average wind speeds of ten miles-per-hour. Traffic volumes and vehicle classifications were documented during the noise monitoring.

Equipment Used During Noise Monitoring

The instrumentation used for the measurements at receptor locations 1 to 3 was a Brüel & Kjær Type 4189 ½-inch microphone connected to a Brüel & Kjær Model 2250 Type 1 (as defined by the American National Standards Institute) sound level meter. This assembly was mounted at a height of 5 feet above the ground surface on a tripod and at least 6 feet away from any sound-reflecting surfaces to avoid major interference with source sound level that is being measured. The meter was calibrated before and after readings with a Brüel & Kjær Type 4231 sound-level calibrator using the appropriate adaptor. Measurements at the receptor location were made on the A-scale (dBA). The data were digitally recorded by the sound level meter and displayed at the end of the measurement period in units of dBA. Measured quantities included L_{eq}, L_1, L_{10}, L_{50}, and L_{90}. A windscreen was used during all sound measurements except for calibration. Only traffic-related noise was measured; noise from other sources (e.g., emergency sirens, irregular aircraft flyovers, etc.) was excluded from the measured noise levels. Weather conditions were noted to ensure a true reading as follows: wind speed under 12 mph; relative humidity under 90 percent; and temperature above 14°F and below 122°F (pursuant to ANSI Standard S1.13-2005).

Existing Noise Levels at the Noise Receptor Locations

Measured Noise Levels

The noise monitoring results are shown in **Table G-5**. Noise from vehicular traffic was the dominant sources of noise at all three receptor locations. The existing noise levels reflect the level of vehicular activity on the roadways bounding the proposed rezoning area, with the highest existing noise levels observed at receptor location 2 during the weekday PM monitoring period, which was the Coney Island Avenue frontage.

As shown in **Table G-5**, the highest L_{10} value at receptor location 1 was recorded in the weekday School PM peak hour (67.51 dBA), placing this receptor location in the "Marginally Acceptable" CEQR Noise Exposure category pursuant to the guidance of the *CEQR Technical Manual*. The highest L_{10} value at receptor location 2 was recorded in the weekday PM peak hour (71.30 dBA), placing this receptor location in the "Marginally Unacceptable (I)" CEQR Noise Exposure category pursuant to the guidance of the *CEQR Technical Manual*. The highest L_{10} value at receptor location 3 was recorded in the weekday midday peak

hour (70.67 dBA), placing this receptor in the "Marginally Unacceptable (I)" CEQR Noise Exposure category pursuant to the guidance of the *CEQR Technical Manual*.

TABLE G-5: Existing Noise Levels (in dBA) at the Receptor Locations

Receptor Location[1]	Time[2]	L_{eq}	L_{max}	L_{min}	L_1	L_{10}[3]	L_{50}	L_{90}	CEQR Noise Exposure Category
1	AM	60.36	70.96	51.27	68.12	63.76	58.63	53.26	Marginally Acceptable
	MD	62.55	77.59	53.45	73.12	65.28	59.11	55.31	
	SC PM	67.09	89.28	53.89	79.08	**67.51**	60.60	56.57	
	PM	62.77	79.13	53.55	71.36	66.34	59.64	55.61	
2	AM	67.30	81.99	53.96	75.32	70.96	64.83	58.24	Marginally Unacceptable (I)
	MD	68.21	84.94	54.81	78.51	71.07	64.48	58.82	
	SC PM	69.19	94.06	53.91	77.71	70.54	64.56	58.19	
	PM	67.12	77.64	55.31	75.93	**71.30**	63.93	57.67	
3	AM	67.78	86.57	56.55	76.03	70.47	65.02	61.08	Marginally Unacceptable (I)
	MD	71.06	91.83	56.33	83.85	**70.67**	64.55	60.82	
	SC PM	68.27	85.62	57.32	79.88	69.80	65.22	61.83	
	PM	68.90	89.51	57.18	79.27	70.62	64.07	60.31	

Notes: [1] Refer to **Figure G-1** for noise monitoring receptor location.
[2] The weekday AM noise readings for receptor locations 1, 2, and 3 were taken on June 15, 2021. The weekday midday, School PM, and PM readings for locations 1, 2, and 3 were taken on June 10, 2021.
[2] The highest L_{10} noise levels at each monitoring location are shown in **bold**.

Considering the moderate to high number of vehicles in the immediate area, existing traffic noise would not increase by 3 dBA or more at receptors along Coney Island Avenue and receptors along Beverley Road. While there is a potential that traffic along Hinckley Place would double, noise levels at Monitoring Location 1 are largely affected by traffic noise from Coney Island Avenue rather than low traffic along Hinckley Place; therefore, existing noise levels at receptor location 1 would not likely increase by 3 dBA due to the Proposed Actions and existing noise levels are representative of future noise conditions. For facades or receptors along Hinckley Place far from the Coney Island Avenue, noise levels would be much quieter than were monitored at receptor location 1. At receptors far from Coney Island Avenue, noise levels along Hinckley Place are expected to be low enough that, while the existing noise PCE might double along Hinckley Place, noise increases due to the Proposed Actions (maximum increase of 29 vehicle trips) would not likely be high enough to be considered significantly adverse to existing receptors per Chapter 19, Section 410 of the *2021 CEQR Technical Manual*.

CEQR Attenuation Requirements

As shown earlier in **Table G-3**, the *CEQR Technical Manual* has set noise attenuation requirements for buildings based on exterior noise levels. Recommended composite window/wall attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower for residential and community facility uses, and, considering the vehicular noise as the dominant noise source, are determined based on exterior L_{10} noise levels.

The attenuation of a composite structure is a function of the attenuation provided by each of its component parts and how much of the area is made up of each part. Typically, a building façade is composed of the wall, windows, and any vents or louvers for HVAC systems in various ratios of area. All facades that would experience an L_{10} of 70.0 dBA or greater must provide composite building attenuation that would reduce these levels to an acceptable interior noise level and 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, through-wall sleeve-fitted air conditioners, packaged terminal air conditioning (PTAC) units, trickle vents integrated into window frames, or other approved means. 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.

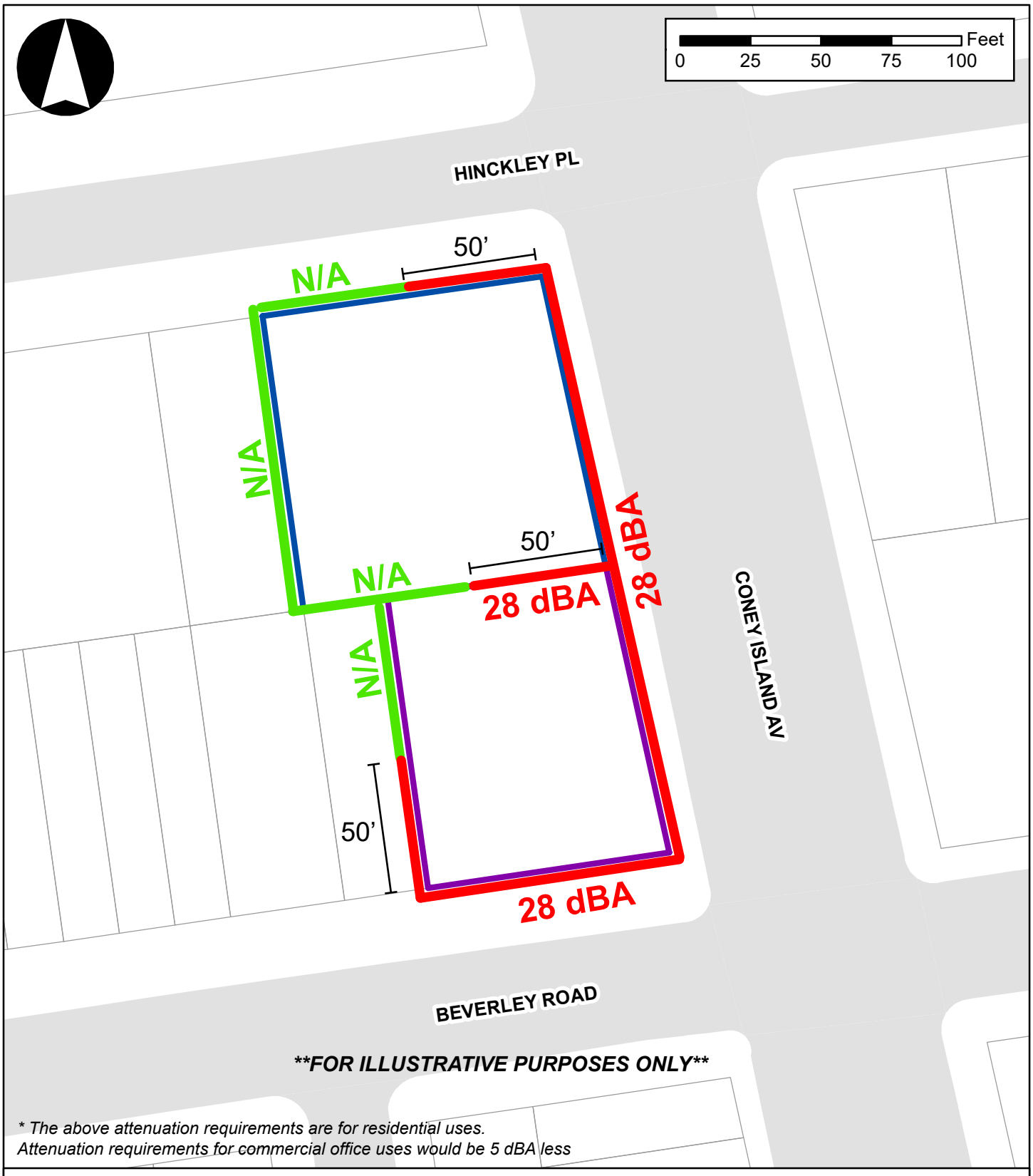
Table G-6: Required CEQR Attenuation at Noise Measurement Locations

Development Site	Frontage	Receptor Location[1]	Maximum Calculated Total L_{10} Noise Level in dBA	CEQR Minimum Required Attenuation in dBA[2]
Projected Development Site 1 (Block 5343, Lot 13)	Northern Frontage (facing Hinckley Place; >50 feet from Coney Island Avenue)	1	67.51	N/A[3]
	Northern Frontage (facing Hinckley Place; ≤50 feet from Coney Island Avenue)	2	71.30	28 dBA
	Eastern Frontage (facing Coney Island Avenue)	2	71.30	28 dBA
	Western Frontage (facing East 8th Street)	1	67.51	N/A
	Southern Frontage (facing Beverley Road; >50 feet from Coney Island Avenue)	N/A	N/A	N/A
	Southern Frontage (facing Beverly Road; ≤50 feet from Coney Island Avenue)	2	71.30	28 dBA
Projected Development Site 2 (Block 5343, Lot 19)	Northern Frontage (facing Hinckley Place; >50 feet from Coney Island Avenue)	N/A	N/A	N/A
	Northern Frontage (facing Hinckley Place; ≤50 feet from Coney Island Avenue)	2	71.30	28 dBA
	Eastern Frontage (facing Coney Island Avenue)	2	71.30	28 dBA
	Western Frontage (facing East 8th Street; >50 feet from Beverly Road)	N/A	N/A	N/A
	Western Frontage (facing East 8th Street; ≤50 feet from Beverly Road)	3	70.67	28 dBA
	Southern Frontage (facing Beverly Road)	3	70.67	28 dBA

Notes:
[1] Receptor locations shown in **Figure G-1**; required attenuation levels are shown in **Figure G-2**.
[2] The above composite window-wall attenuation values are for residential/community facility uses.
[3] The "N/A" valuation indicates that the highest calculated L_{10} noise level is below 70 dBA. The *CEQR Technical Manual* does not specify minimum attenuation guidance for exterior L_{10} values below this level.

As presented in **Table G-6** and shown in **Figure G-2**, to satisfy CEQR interior noise level requirements and ensure acceptable interior noise levels for residential uses, a minimum composite window/wall attenuation rating of 28 dBA would be required on any eastern-facing (Coney Island Avenue) frontages at Projected Development Sites 1 and 2, as well as any northern- (Hinckley Place) or southern-facing (Beverly

Figure G-2
Noise Attenuation Requirements



** The above attenuation requirements are for residential uses.*
Attenuation requirements for commercial office uses would be 5 dBA less

Legend

Projected Development Site 1

Projected Development Site 2

CEQR Attenuation Requirements

N/A

28 dBA

Road) frontages within 50 feet from Coney Island Avenue at Projected Development Sites 1 and 2; and on any southern-facing frontages at Projected Development Site 2, as well as any western-facing (East 8th Street) frontages within 50 feet from Beverly Road at Projected Development Site 2; no attenuation requirements beyond standard construction would be required along any other frontages at Projected Development Sites 1 and 2.

To preclude the potential for significant adverse impacts related to noise, a (E) designation would be mapped on Block 5343, Lots 13 and 19 as a part of the proposed zoning changes. The text for the (E) designation (E-717) is as follows:

> **Block 5343, Lot 13 (Projected Development Site 1): To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the facades facing Coney Island Avenue and the facades facing Hinckley Place within 50 feet of Coney Island Avenue and the facades facing Beverley Road within 50 feet of Coney Island Avenue to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. 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.**
>
> **Block 5343, Lot 19 (Projected Development Site 2): To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the facades facing Coney Island Avenue and the facades facing Beverley Road and the facades facing Hinckley Place within 50 feet of Coney Island Avenue and the facades facing East 8th Street within 50 feet of Beverly Road to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. 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 the establishment of a (E) designation on Block 5343, Lots 13 and 19, no significant adverse noise impacts are expected, and no further analysis is warranted.

IV. OTHER NOISE CONCERNS

Mechanical Equipment

All of the future buildings' mechanical systems (i.e., heating, ventilation, and air conditioning systems) will be designed to meet all applicable noise regulations and requirements and would be designed to produce noise levels that would not result in any significant increase in ambient noise levels. In addition, the building mechanical systems would be designed with enclosures where necessary to meet all applicable noise regulations (i.e., Subchapter 5 §24-227 of the New York City Noise Control Code and the NYC DOB Building Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the Proposed Actions and associated RWCDS would not result in any significant increases in ambient noise levels.

Aircraft Noise

An initial aircraft noise impact screening analysis would be warranted if the new receptors would be located within a 65 dB(A) DNL contour. Since the proposed rezoning area is not located within an existing 65 dB(A) DNL contour, no further aircraft noise impact analysis is warranted.

V. CONCLUSION

Based on existing L_{10} noise levels at Receptor Location 1 along the south side of Hinckley Place, With-Action noise levels are expected to fall in the "Marginally Acceptable" category of the *CEQR Technical Manual's* noise exposure category. Therefore, no noise attenuation measures would be required to ensure interior noise levels would be 45 dBA for residential uses. However, as the calculated existing L_{10} noise levels at Receptor Locations 2 and 3, located along Coney Island Avenue and Beverly Road, respectively, would be in the "Marginally Unacceptable (I)" category, additional attenuation measures would be required to ensure interior noise levels of 45 dBA or lower for residential uses. As such, according to the *CEQR Technical Manual*, to ensure acceptable interior noise levels for residential uses at Projected Development Site 1 and Projected Development Site 2, a minimum of 28 dBA of attenuation would be needed for any eastern-facing (Coney Island Avenue) frontages at Projected Development Sites 1 and 2, as well as any northern- (Hinckley Place) or southern-facing (Beverly Road) frontages within 50 feet from Coney Island Avenue at Projected Development Sites 1 and 2; and on any southern-facing frontages at Projected Development Site 2, as well as any western-facing (East 8th Street) frontages within 50 feet of Beverly Road at Projected Development Site 2; no attenuation requirements beyond standard construction would be required along any other frontages at Projected Development Sites 1 and 2.

To preclude the potential for significant adverse impacts related to noise, an (E) designation would be mapped as part of the rezoning proposal on Block 5343, Lots 13 and 19 to require noise attenuation measures to ensure interior noise levels of 45 dBA or lower for residential uses. With the establishment of an (E) designation (E-717), no significant adverse impacts related to noise are expected and no further analysis is warranted.

APPENDIX 1

JAMAICA BAY WATERSHED PROTECTION PLAN

PROJECT TRACKING 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: 23DCP033K 1a. Modification ☐
2. Project Name: 534 Coney Island Avenue
3. Project Description:

The applicant is seeking to rezone the eastern approximately 44,824-sf portion of Block 5343 to facilitate the construction of a mixed-use residential and commercial building at 534 Coney Island Avenue in the Flatbush/Kensington neighborhood of Brooklyn Community District 12.

4. Project Sponsor: Remica Property Group Corp.
5. Required approvals: Zoning Map Amendment; Zoning Text Amendment
6. Project schedule (build year and construction schedule): 2027 build yr; 17 months construction

B. PROJECT LOCATION:

1. Street address: 534 Coney Island Avenue
2. Tax block(s): Brooklyn block 5343 Tax Lot(s): 13
3. Identify existing land use and zoning on the project site: Commercial; C8-2; OP
4. Identify proposed land use and zoning on the project site: Commercial/Residential; R7X/C2-4; OP
5. Identify land use of adjacent sites (include any open space): Residential and commercial
6. Describe existing density on the project site and the proposed density:

Existing Condition	Proposed Condition
0.25 FAR fast-food restaurant	5.7 FAR mixed residential/commercial

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): 10,160 sf (project site)
2. Will soil be removed (if so, what is the volume in cubic yards)? Yes - TBD
3. Subsurface soil classification:
   (per the New York City Soil and Water Conservation Board): urban land
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:

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?

   The site is not located near any open space or natural resources.

E. SURFACE COVERAGE AND CHARACTERISTICS

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

	Existing Condition	Proposed Condition
1. ***Surface area:***		
Roof:	2,585 sf (existing building)	10,160 sf (proposed development)
Pavement/walkway:	7,575 sf (remaining area and parking)	0 sf (entirety of lot to be built)
Grass/softscape:	0 sf	0 sf
Other (describe):	N/A	N/A
2. ***Wetland*** (regulated or non-regulated) area and classification:	N/A (no wetland)	N/A (no wetland)
3. ***Water surface area:***	N/A (no water surface area)	N/A (no water surface area)

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

Existing – how is the site drained?

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

Stormwater BMPs would be required as part of the DEP site connection approval process in order to bring the proposed development into compliance with the required stormwater release rate and limit stormwater discharge from the site.

APPENDIX 2

CITY AGENCY CORRESPONDENCE

LANDMARKS PRESERVATION COMMISSION

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: 534 CONEY ISLAND AVENUE
Date Received: 7/9/2021

Properties with no Architectural or Archaeological significance:
1) 534 CONEY ISLAND AVENUE, BBL: 3053430013
2) 546 CONEY ISLAND AVENUE, BBL: 3053430019

In the radius: Prospect Park South HD, LPC and S/NR listed. No adverse impacts anticipated.

Gina Santucci 7/14/2021

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35748_FSO_DNP_07142021.docx

APPENDIX 3

PHASE 1 ENVIRONMENTAL SITE ASSESSMENT

EXECUTIVE SUMMARY

FOCUSED SUBSURFACE SITE INVESTIGATION (FSSI)

856-874 EAST JERICHO TURNPIKE
HUNTINGTON STATION, NEW YORK 11746

PREPARED FOR

GF REALTY COMPANY LLC
C/O RESSA MANAGEMENT

FEBRUARY 2022

MECC PROJECT NO. M21901

MERRITT ENVIRONMENTAL CONSULTING CORP.

77 Arkay Drive, Suite D, Hauppauge, NY 11788
(631) 617-6200 . WWW.MERRITTEC.COM

MERRITT Environmental Consulting Corp.
NEW YORK FLORIDA VERMONT

77 Arkay Drive, Suite D, Hauppauge, NY 11788
(631) 617-6200, Fax. 631-617-6201

PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA)
ASTM E1527-13

PREPARED IN ACCORDANCE WITH THE ALL APPROPRIATE INQUIRY (AAI) RULE

Site Address	534-542 Coney Island Avenue Brooklyn, New York 11218
Prepared for	Remica Property Group Corp. 229 East 85th Street, #1010 New York, New York 10028 Attn: Ms. Remy Roizen Weinstein
Prepared By	Merritt Environmental Consulting Corp. 77 Arkay Drive, Suite D Hauppauge, New York 11788 (631) 617-6200 www.merrittec.com
MECC Project No	Project M21650A
Inspection Date	November 23, 2021
Summary Date	January 21, 2022
Final Report Date	February 21, 2022

1) EXECUTIVE SUMMARY

Merritt Environmental Consulting Corp. (MECC) has completed a Phase I Environmental Site Assessment (ESA) at 534-542 Coney Island Avenue, Brooklyn, New York 11218 (the "Property") in accordance with the scope of work presented in Section 2.2. The report conforms to the ASTM E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.

MECC was retained to perform this Phase I ESA as an agent representing property owner (Remica Property Group Corp.) refinancing with lending institution.

The on site investigation was conducted on November 23, 2021. The Property currently consists of a 1-story commercial building. The site is located on a plot size approximately 10,160 square feet. The building was constructed in 2002.

The following findings are based upon a visual inspection of the Property, the examination of readily available public records concerning the current and prior use of the Property, and interviews with individuals knowledgeable about present and past property uses.

Based on our site reconnaissance, database review and historical investigation, no Recognized Environmental Conditions (RECs) were noted.

A Recognized Environmental Condition is the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

In addition, no de minimis conditions were noted.

A de minimis condition is one that generally does not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies (excluding local asbestos & lead situations).

No Controlled Recognized Environmental Conditions (CRECs) were noted.

A Controlled Recognized Environmental Condition (CREC) is an environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (e.g., property use restrictions, AULs, institutional controls, or engineering controls).

NON-SCOPE CONSIDERATIONS

There may be environmental issues or conditions at a property that parties may wish to assess in connection with commercial real estate that are outside the scope of this practice (the non-scope considerations). Some substances may be present on a property in quantities and under conditions that may lead to contamination of the property or of nearby properties but are not included in CERCLA's definition of hazardous substances (42 U.S.C. §9601(14) or do not otherwise present potential CERCLA liability. In any case, they are beyond the scope of this practice. There may be standards or protocols for assessment of potential hazards and conditions associated with non-scope conditions developed by governmental entities, professional organizations, or other private entities. Asbestos-Containing Building Materials, Lead-Based Paint, and Radon are several non-scope considerations that persons may want to assess in connection with commercial real estate.

MECC has not conducted an asbestos, lead based paint or mold evaluation as these items are considered beyond the scope of the ASTM E1527-13 standard.

The following Historical Recognized Environmental Conditions (HRECs) were identified in our database search/historical review:

A Historical Recognized Environmental Condition (HREC) is a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority, or meets unrestricted use criteria established by a regulatory authority without subjecting the property to any required controls.

According to the historical sources reviewed, the subject was occupied by a Filling Station during the years 1960-1988. Review of the EDR Radius Map indicated there are fifteen (15) Underground Storage Tanks (USTs) registered to the site with "closed" status. In addition, there is one (1) NYSDEC Spill event associated with the site:

Hagalil Service Station
534 Coney Island Avenue
Spill No. 9110564
Spill Date: 01/08/92
Close Date: 05/08/01
Remarks: Residual oil found in 100 yards of excavated soil.

The spill has been closed by the New York State Department of Environmental Conservation (NYSDEC). On December 13, 2021, MECC submitted a Freedom of Information request to the NYSDEC for additional information on the above spill event. In response to our request, MECC received a NYSDEC Spill Report form along with related correspondence and environmental reports.

The most recent document provided was an Investigation Report prepared by Impact Environmental dated April 30, 2001. According to the report, in December 1988, Tyree Brothers Environmental Services, Inc, (TBES) removed fifteen (15) USTs on the subject property (thirteen 550-gallon gasoline USTs, one 5000-gallon gasoline UST, and one 275-gallon fuel oil UST).

In September 1991, a subsurface investigation was performed by TBES that identified concentrations of gasoline related contaminants in subsurface soil samples secured on the subject property. Said samples, identified as B-l (39'-41 '), B-2 (4'-6'), W-1 (4'-6'), were secured in the vicinity of the former gasoline USTs. The laboratory analysis of said samples detected moderate concentrations of total petroleum hydrocarbons (TPH) and aromatic hydrocarbons. Headspace analysis results of samples secured from the three boring locations failed to detect any concentrations of hydrocarbons above I 00 ppm. It should be noted that NYSDEC soil guidance values had not been established at the time of this 1991 investigation.

The data obtained by Impact Environmental failed to detect any groundwater contamination on the subject property relative to the former USTs and groundwater flow direction. This data demonstrated that the groundwater quality of the subject property and down-gradient properties have not been impacted from the historic product release associated with NYSDEC spill #9110564.

Based upon the results of this investigation, dated April 30, 2001, Impact Environmental Consulting Inc. concluded that the remedial activities performed to address the historic product release associated with NYSDEC spill# 9110564 properly remediated the previously detected contamination on the subject property. Accordingly, it was requested that NYSDEC spill number #9110564 be closed. The spill was granted regulatory closure on May 8, 2001. The site was redeveloped with the current structure in 2002.

APPENDIX 4

CITY AGENCY CORRESPONDECE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Protection

Rohit T. Aggarwala
Commissioner

Angela Licata
Deputy Commissioner
Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
alicata@dep.nyc.gov

June 16, 2022

Stacey Barron
Associate Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Re: 534 Coney Island Avenue
Block 5343, Lots, p/o 11, 13, 19 and p/o 26
CEQR # 77DCP864K

Dear Ms. Barron:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the March 2022 Environmental Assessment Statement (EAS) prepared by Philip Habib & Associates and the February 2022 Phase I Environmental Site Assessment (Phase I) prepared by Merritt Environmental Consulting Corporation, on behalf of Remica Property Group Corporation (applicant), for the above referenced project located between Beverly Road and Hinckley Place in the Kensington neighborhood of Brooklyn Community District 12. It is our understanding that the applicant is seeking:

1. A zoning map amendment from the New York City Department of City Planning (DCP) to rezone Block 5343, Lots, p/o 11, 13, 19 and p/o 26 from a C8-2 zoning district to a R7X/C2-4 zoning district.
2. A zoning text amendment to Appendix F of the Zoning Resolution to designate the project area as a Mandatory Inclusionary Housing Area.

The proposed actions would facilitate the redevelopment of Block 5343, Lot 13 (Projected Development Site 1) with a new 10-story, 75,216 gross square feet (gsf), mixed-use building containing 61,509 gsf of residential space (41 dwelling units), 3,547 gsf of commercial space and 10,160 gsf of enclosed accessory parking space. The applicant-owned Projected Development Site 1 is currently developed with one single-story commercial building, while the remainder of the project area not controlled by the applicant, Block 5343, Lot 19 (Projected Development Site 2), p/o 11 and p/o 26, is currently developed with two residential buildings and a filling station. It should also be noted that in the Reasonable Worst-Case Development Scenario, it is assumed that Block 5343, Lots p/o 11 and p/o 26 are not expected to be redeveloped while Block 5343, Lot 19 (Projected Development Site 2) would be redeveloped with a new 12-story 63,057 gsf, mixed-use building containing 52,327 gsf of residential space (62 dwelling units), 4,057 gsf of commercial space and 6,673 gsf of cellar space.

Phase I
Projected Development Site 1: Block 5343, Lot 13

The February 2022 Phase I report revealed that historical on-site and surrounding area land uses consists of commercial, residential, institutional and utility uses including a

KFC Restaurant, used car dealerships, filling stations, auto repair shops, a school, an iron works facility, as well as several residential buildings. Regulatory databases such as the New York State Department of Environmental Conservation SPILLS, Leaking Underground Storage Tank, Leaking Storage Tanks (LTANKS), Resource Conservation and Recovery Act Generators, and Petroleum Bulk Storage (PBS) Underground Storage Tanks (USTs) and PBS Aboveground Storage Tanks (ASTs) identified several sites in close proximity to the project site. The SPILLS database reported 15 SPILLS within a 1/8-mile radius of the project site and the LTANKS database reported 50 LTANKS within a 1/2-mile radius of the project site. The PBS USTs and the PBS ASTs databases reported 27 USTs and 43 ASTs within a 1/4-mile radius of the project site. The Phase I also reported two Historical Cleaners and nine Historical Auto Stations within a 1/8-mile radius of the project site.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

Projected Development Site 1: Block 5343, Lot 13 (Site under the control or ownership of the applicant)

- DCP should inform the applicant that based on the historical on-site and/or surrounding area land uses, a Phase II Environmental Site Assessment (Phase II) is necessary to adequately identify/characterize the surface and subsurface soils, groundwater and soil vapor of the subject property, and to inform and disclose the measures necessary to avoid impacts from hazardous materials. A Phase II Investigation Protocol/Work Plan summarizing the proposed drilling, soil, groundwater and soil vapor sampling activities should be developed in accordance with the *City Environmental Quality Review (CEQR) Technical Manual* and submitted for DEP review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil, groundwater and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory for the presence of volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds by EPA Method 8270, pesticides by EPA Method 8081, polychlorinated biphenyls by EPA Method 8082, and Target Analyte List metals (filtered and unfiltered for groundwater samples). The soil vapor sampling should be conducted in accordance with the NYSDOH October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method TO-15. An Investigation Health and Safety Plan (HASP) should also be submitted for DEP review and approval.

- DCP should also instruct the applicant that the Phase II Work Plan and HASP should be submitted for DEP review and approval prior to the start of any fieldwork.

Projected Development Site 2: Block 5343, Lot 19 (Site not under the control or ownership of the applicant)

- Based on prior on-site and/or surrounding area land uses which could result in environmental contamination, DEP concurs with the EAS recommendation that an (E) Designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject property. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. The applicant should be directed to coordinate further hazardous materials assessments through the Mayor's Office of Environmental Remediation (OER).

Future correspondence and submittals related to this project should include the following CEQR # **77DCP864K**. If you have any questions, you may contact Ms. Cassandra Scantlebury at (718) 595-6756.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

cc: R. Weissbard
T. Estesen
C. Scantlebury
M. Wimbish
S. Shellooe – DCP
M. Bertini – OER