CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

March 12, 2018

NEGATIVE DECLARATION

Project Identification
CEQR No. 17DCP100K
ULURP Nos. 170213ZMK, N170214ZRK
Brooklyn, Community District 7
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

57 Caton Place Rezoning
The Applicant, 57 Caton Partners LLC, is seeking a zoning map amendment to rezone an existing C8-2 District within the Special Ocean Parkway District ("OP") to an R7A (OP) District on Brooklyn Block 5322, Lots 1 and 4 ("the Affected Area"), and to map a portion of the district with a C2-4 commercial overlay (Lot 4). The Affected Area is located in the Windsor Terrace neighborhood of Brooklyn, Community District 7. In addition, the Applicant proposes a text amendment to (i) Appendix F of the Zoning Resolution of the City of New York ("Zoning Resolution" or "ZR") to designate the rezoned area a Mandatory Inclusionary Housing ("MIH") and (ii) to ZR Section 113-00 to apply the provisions of the Inclusionary Housing program to Mandatory Inclusionary Housing areas specified in Appendix F within the OP Special District (collectively, the "Proposed Actions"). The Proposed Actions would facilitate a proposal by the Applicant to construct an approximately 166,191 gross square foot (gsf) mixed-use residential and commercial building at 57 Caton Place (Lot 4, the "Project Site") containing approximately 106,905 gsf of residential uses (107 dwelling units, of which approximately 27 units would be affordable pursuant to the Mandatory Inclusionary Housing program), 12,994 gsf of ground floor retail, and up to 74 spaces of below-grade parking.

The Affected Area comprises two tax lots (Lots 1 and 4) located on the western portion of Brooklyn Block 5322, and is bounded by East 8th Street to the west, Ocean Parkway to the north, Park Circle to the northeast, Coney Island Avenue to the east, and Caton Place to the south. Lot 1 is a City-owned lot mapped as parkland, and Lot 4 is the Project Site, under the Applicant's control. The Project Site is considered a "through lot" and is currently developed with a three-story warehouse that is adjacent to the Kengsington Stables, a facility that provides for equestrian training and rides in the nearby Prospect Park. Lot 1 currently contains the off-ramp and landing

of a pedestrian overpass; the overpass connects Lot 1 to another City-owned lot located on the north side of Ocean Parkway.

The Project Site is mapped with a C8-2 commercial zoning district, allowing for a maximum FAR of 2.0 for commercial uses and 4.8 for community facility uses. C8-2 districts provide for automotive and other heavy commercial services, such as automobile showrooms and repair shops, warehouses, gas stations, and car washes, although all commercial uses and certain community facilities (Use Group 4) are permitted. As housing is not permitted in C8-2 districts, the Applicant proposes rezoning the area to R7A (with a portion of the district to include a C2-4 overlay), a medium-density district that allows residential (Use Groups 1 and 2) and community facility uses (Use Groups 3 and 4) with a maximum residential FAR of 4.6. The maximum permissible base height in an R7A district is 75 feet and the maximum building height is 90 feet or 95 feet with a qualifying ground floor (at least 13 feet in height). Parking is required for 50 percent of market-rate dwelling units in R7A districts. The proposed C2-4 commercial overlay is typically mapped to serve local retail needs (Use Groups 5-9) and permits a maximum FAR of 2.0, requiring 1 parking space per 1,000 square feet of floor area. Parking may be waived if the total number of spaces required for all uses is below 40. The OP Special District is six-miles long and mapped along the length of Ocean Parkway between Brighton Beach Avenue to the south and Machate (Park) Circle to the north. Block 5322 is the northernmost block within the special district. The OP Special District is intended to preserve the historic purpose and character of Ocean Parkway as a park-like connection between Prospect Park and the Atlantic Ocean.

The proposed building would include two 95 foot tall, nine-story towers above a single, one-story base. In accordance with Option 1 of MIH program, the Applicant proposes to provide 25 percent of residential floor area (approximately 27 units) to households earning an average of 60 percent of the area median income (AMI). The proposed commercial space would contain 12,994 gsf of local retail uses and would be located on within the ground floor of the proposed development, with frontage along Caton Place. The 74-space below-grade parking garage, accessed via a new 12-foot wide curb cut on Caton Place, would be located along the eastern side of the proposed development.

Absent the proposed actions, it is assumed that the existing three-story building on the Project Site would be demolished and the Applicant would redevelop the Project Site with an approximately 54,795 gsf, three-story commercial building, with 16,852 gsf of retail on the ground floor and a 37,943 gsf two-story parking facility, containing 74 parking spaces. This building would not require any discretionary approvals from the City Planning Commission.

The analysis year for the proposed action is 2020.

To avoid the potential for significant adverse impacts related to air quality, an (E) designation (E-461) has been incorporated into the Proposed Action, as described below:

> **Block 5322, Lot 4 (Project Site)**
> **Any new residential and/or commercial development on the above referenced property must exclusively use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) systems, and ensure that the northern wing HVAC stack is at least 129 feet away from the lot line**

facing Caton Place, and the southern wing HVAC stack is at least 155 feet away from the lot line facing Ocean Parkway, to avoid any potential for significant air quality impacts.

Statement of No Significant Effect:
The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated January 11, 2018, prepared in connection with the ULURP Application (Nos. 170213ZMK, N170214ZRK). The City Planning Commission has determined that the Proposed Action will have no significant effect on the quality of the environment.

Supporting Statement:
The above determination is based on an environmental assessment which finds that:

1. The (E) designation (E-461) would ensure that the Proposed Action will not result in significant adverse impacts related to air quality. The findings of an odor analysis, conducted because of the adjacency of the Project Site to the Kensington Stables, finds that there would be no significant adverse air quality impact related to potential odors.

2. The EAS includes a detailed Shadows analysis, which considers the potential for project-generated shadows to affect existing nearby resources, including Machate Circle and the Parade Grounds (an open space and historic resource) and the Ocean Parkway malls (an open space resource). This analysis concludes that the incremental shadows cast by the proposed project (the difference between the shadows projected between the No-Action and With-Action scenarios) would not affect vegetation on either resource, or significantly alter the public's use of these resources.

3. In order to reduce the potential for exposure to Hazardous Materials for future site occupants, minimally-contamined soils and soil vapor—identified in a Phase II ESA—would be remediated through the implementation of Remedial Action Plan (RAP), Construction Health and Safety Plan (CHASP) and a Community Air Monitoring Plan (CAMP) approved by the New York City Department of Environmental Protection (DEP). All minimally-contamined soils would be disposed of at an approved facility following a waste characterization study. Any potential soil vapor encroachment conditions would be remediated through the incorporation of a minimum 20-mil thick soil vaper barrier into the building design.

4. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

An Environmental Assessment Statement is attached. Please contact William Pugliese at (212) 720-3334 if you have any questions regarding the application.

Robert Dobruskin

Robert Dobruskin, AICP, Director
Environmental Assessment and Review Division
Department of City Planning

Date: March 9, 2018

Marisa Lago

Marisa Lago, Chair
City Planning Commission

Date: March 12, 2018