271 Sea Breeze Avenue

Environmental Assessment Statement (EAS)

CEQR # 19DCP193K
ULURP # 190172ZMK

Lead Agency:
New York City Department of City Planning
(DCP)

Prepared For:
271 Sea Breeze Development LLC

Prepared By:
Philip Habib & Associates

September 20, 2019

271 Sea Breeze Avenue

Environmental Assessment Statement (EAS)

Environmental Assessment Statement (EAS) Short Form

Project Description……Attachment A

Supplemental Screening……Attachment B

i. Land Use, Zoning, and Public Policy
ii. Historic and Cultural Resources
iii. Natural Resources
iv. Hazardous Materials
v. Transportation

Land Use, Zoning, and Public Policy……Attachment C

Historic and Cultural Resources……Attachment D

Hazardous Materials……Attachment E

Transportation……Attachment F

<u>Appendices:</u>

Appendix I: Waterfront Revitalization Program Consistency Assessment Form

Appendix II: Jamaica Bay Watershed Protection Plan

Appendix III: Hazardous Materials

Appendix IV: Agency Correspondence

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* 271 Sea Breeze Avenue

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency) 19DCP193K	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable) 190172ZMK	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			NAME OF APPLICANT 271 Sea Breeze Development LLC		
NAME OF LEAD AGENCY CONTACT PERSON Olga Abinader, Director			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Eric Palatnik, Esq.		
ADDRESS 120 Broadway, 31st floor			ADDRESS 32 Broadway, Suite 114		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10004
TELEPHONE 212-720-3493	EMAIL oabinad@planning.nyc.gov		TELEPHONE 212-425-4343	EMAIL eric@ericpalatnikpc.com	

5. *Project Description*

The Applicant, 271 Sea Breeze Development LLC, is seeking a zoning map amendment from the New York City Planning Commission (CPC) ("Proposed Action") to facilitate the development of a mixed-use building at 271 Sea Breeze Avenue on Brooklyn Block 7280, Lot 110 in the West Brighton neighborhood of Brooklyn Community District (CD) 13. The Development Site utilizes the lot area and floor area of an adjacent parcel (Block 7280, Lot 89) which contains the approximately 7,285 square foot Temple Beth Abraham Synagogue, and together would consist of a single zoning lot (hereafter, "Projected Development Site 1"). The proposed project would rezone the entirety of Block 7280 (Lots 89, 92, 95, 110, and 188) from a R6 district to a R6/C2-4 district. In addition, following receipt of CPC approvals, the Applicant intends to pursue a Special Permit with the Board of Standards and Appeals (BSA) to facilitate an approximately 16,006 square foot proposed Physical Cultural Establishment (PCE) on the second floor of the building, which is not permitted as-of-right.

The Proposed Action would allow for the development of the proposed building with a non-residential base, containing commercial uses, which is not permitted under the current R6 zoning. As currently designed pursuant to Height Factor regulations, the proposed development would contain approximately 172,679 gross square feet (gsf), including approximately 103,614 gsf (92,763 zsf) of residential space with 114 dwelling units, approximately 25,021 gsf (16,006 zsf) of commercial (local retail) space, approximately 12,756 gsf (12,166 zsf) of community facility (medical office) space[1], and 130 accessory parking spaces. As previously mentioned, the proposed development would also utilize the air rights from Lot 89, which is currently improved with an approximately 7,285 gsf (7,285 zsf) house of worship. The exising 7,285 gsf of community facility space would remain on Lot 89. The proposed development would rise to a height of approximately 220'-4", and would contain a four story commercial and community facility base below a 16-story residential tower.

Additionally, the Special Permit that the applicant intends to pursue with the BSA would permit an approximately 16,006 gsf PCE on the second floor of the proposed building. The proposed PCE would help to promote good health in the area, which is lacking in these types of establishments. The PCE would service this densely populated portion of Brooklyn, and would also create jobs within the community.

[1] A Transfer of Development Rights allows landowners to sell development rights from their land to a developer who can then use those rights to increase the density of development at another location. Lots 89 and 110 were merged on July 6, 2015 pursuant to a zoning lot merger and sale agreement. It was entered into by the previous owner of Lot 110, and the current applicant purchased Lot 110 with the air rights already available.

In addition to the proposed development site, under the RWCDS, the rezoning area also includes one additional site that is not owned or controlled by the applicant, but which is considered likely to be redeveloped as a result of the Proposed Action ("Projected Development Site 2"). Projected Development Site 2 (Block 7280, Lot 95) is expected to be improved with an approximately 95,000 gsf mixed-use building containing 70 dwelling units and an approximately 23,000 gsf commercial base with local retail uses. The remaining two non-applicant owned lots (Lots 92 and 188) are not expected to be redeveloped as a result of the Proposed Action. The analysis build year for the proposed project is 2021.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 13	STREET ADDRESS 205, 271, 301, 321, and 337 Sea Breeze Avenue
TAX BLOCK(S) AND LOT(S) Block 7280, Lots 89, 92, 95, 110, and 188		ZIP CODE 11224
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS West Brighton Avenue to the north, West 2nd Street to the east, Sea Breeze Avenue to the south, West 5th Street to the west		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R6		ZONING SECTIONAL MAP NUMBER 28d

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

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 ZR 32-31 and ZR 73-36

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

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

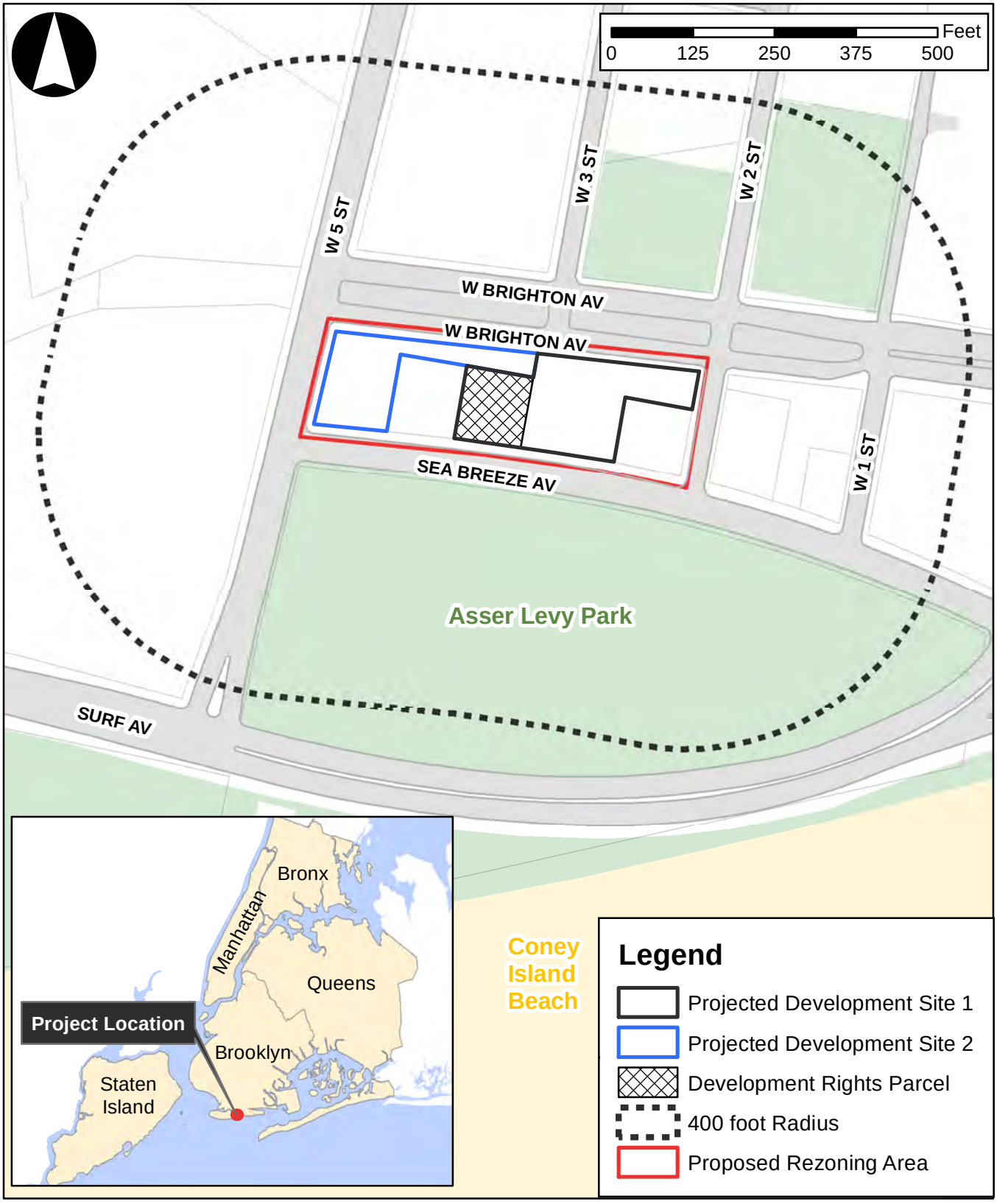
Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 81,802 sf	Waterbody area (sq. ft) and type: 0 sf
Roads, buildings, and other paved surfaces (sq. ft.): 81,802 sf	Other, describe (sq. ft.): 0 sf

8. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

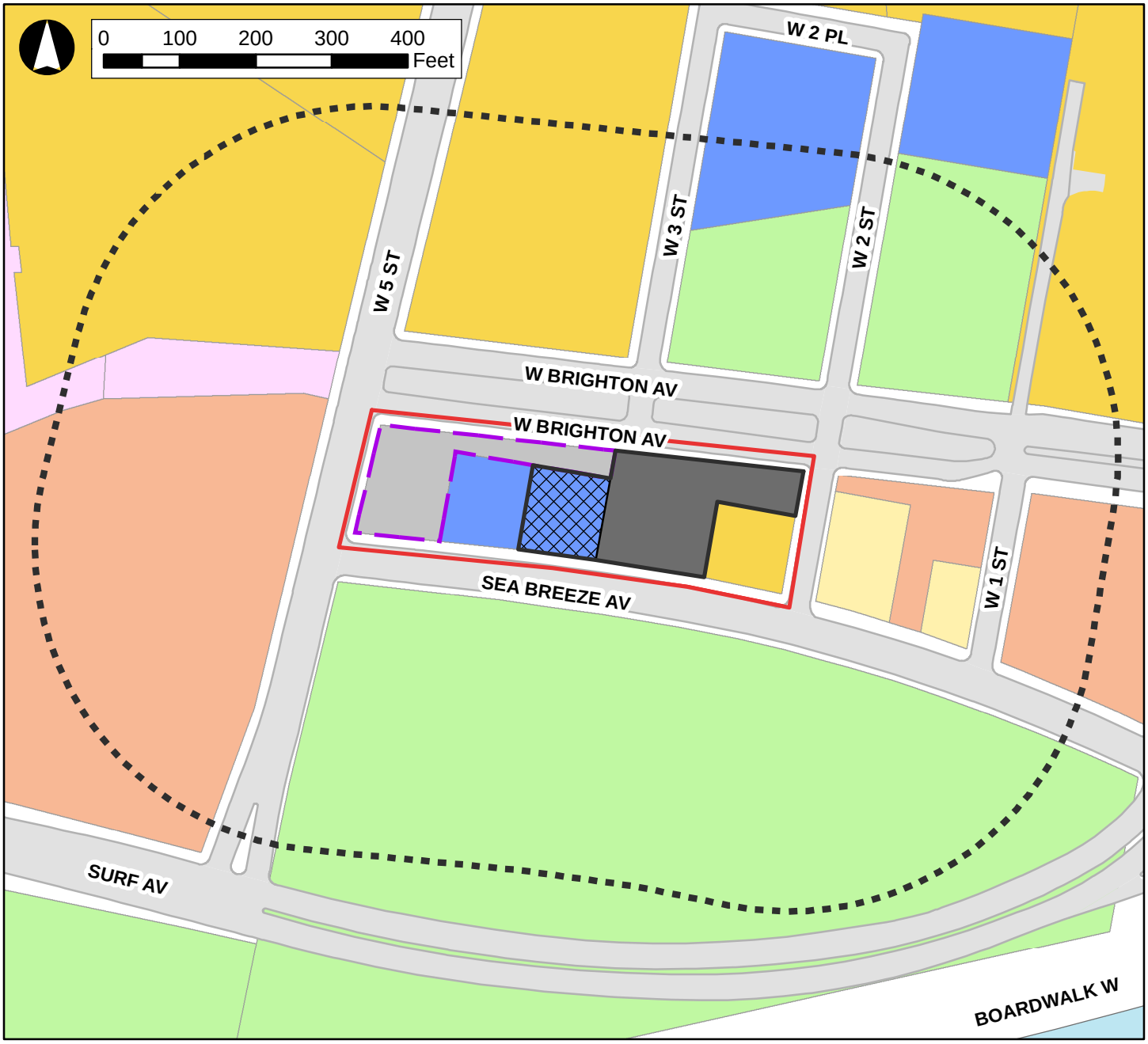
[2] BSA Approvals will be sought at a later date.

Figure 1
Project Location



Source: NYC DCP (MapPLUTO 17v1); DoITT

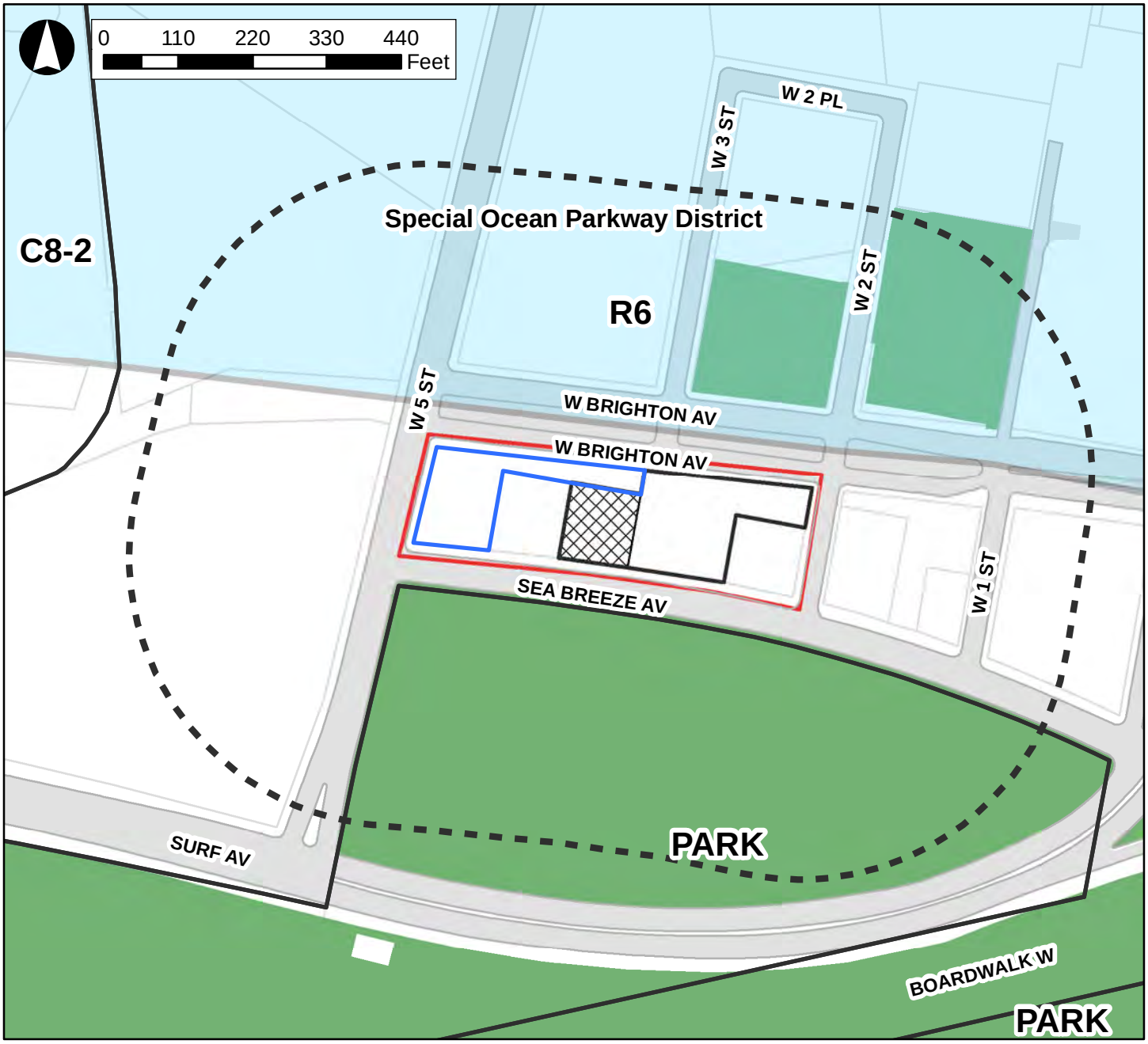
Figure 2
Land Use Map



Legend

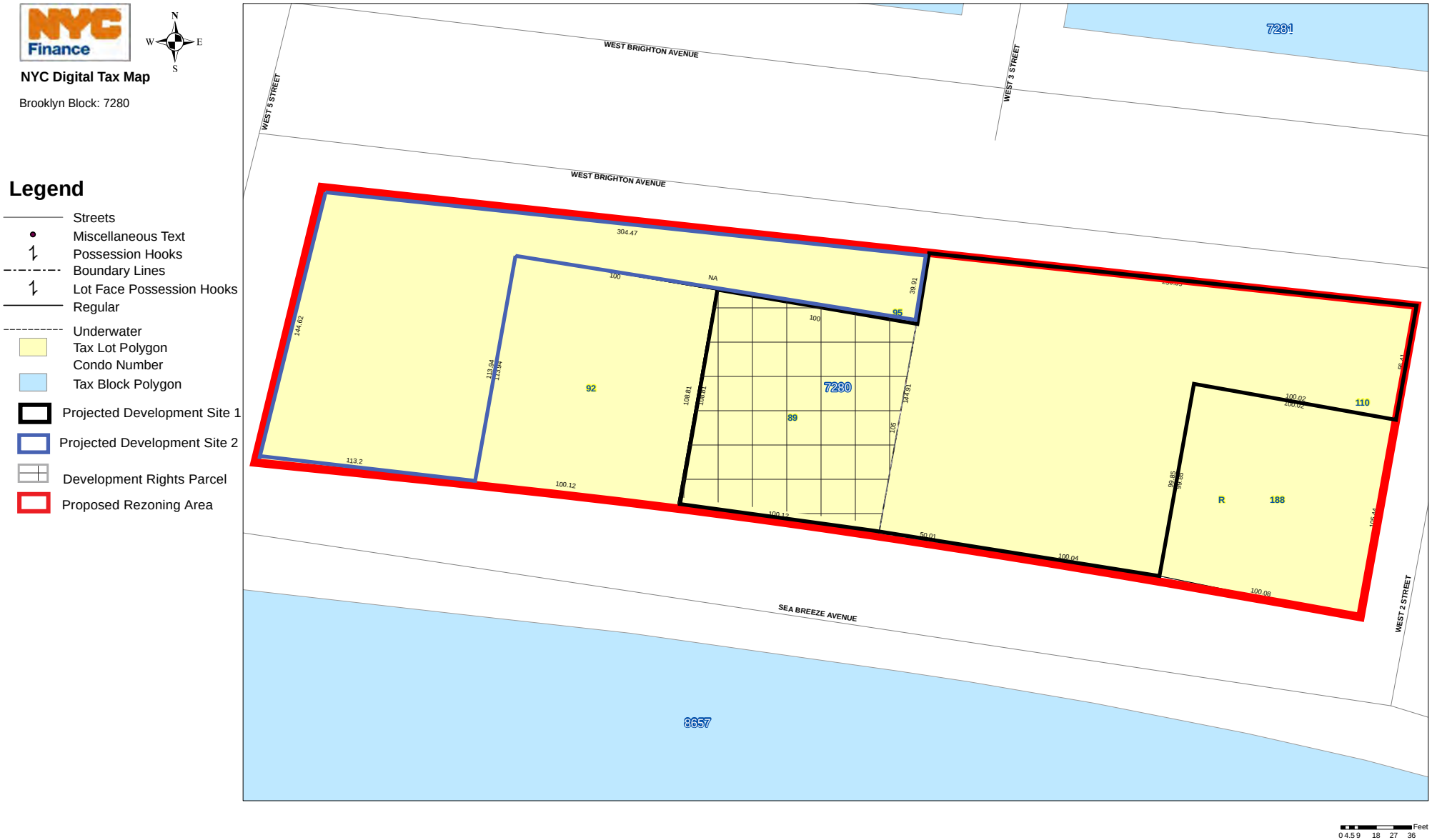
- Projected Development Site 1
- Projected Development Site 2
- Development Rights Parcel
- Proposed Rezoning Area
- 400-ft Radius
- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

Figure 3
Existing Zoning Map



Legend

- Projected Development Site 1
- Projected Development Site 2
- 400-ft Radius
- Zoning Districts
- Ocean Parkway Special District
- Proposed Rezoning Area
- Development Rights Parcel

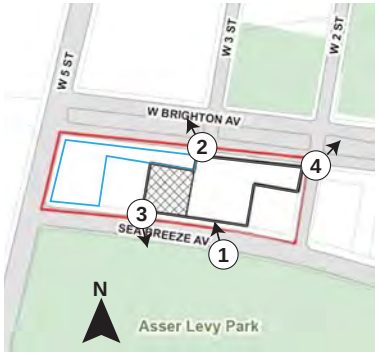


271 Seabreeze Avenue EAS

Figure 4
Tax Map



1) Looking north from Sea Breeze Ave. towards Projected Development Site 1



Photos taken on 09/06/2019



2) Looking northwest from the rezoning area towards W. Brighton Ave.



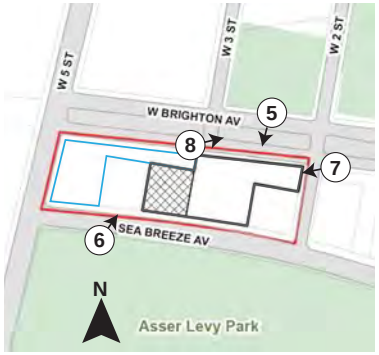
3) Looking southeast from the rezoning area towards Asser Levy Park



4) Looking northeast from the corner of the rezoning area towards W. Brighton Ave.



5) Looking south from W. Brighton Ave. towards Project Development Site 1



Photos taken on 09/06/2019



6) Looking northeast from Sea Breeze Ave. towards the rezoning area



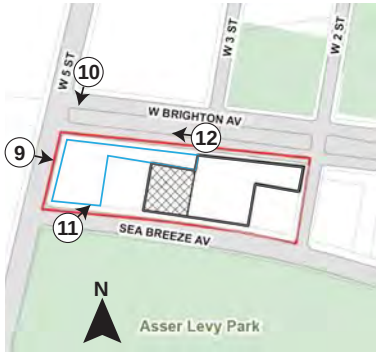
7) Looking west from 2nd St. towards Projected Development Site 1



8) Looking northeast from the rezoning area towards W. Brighton Ave.



9) Looking east from W. 5th St. towards the rezoning area



Photos taken on 09/06/2019



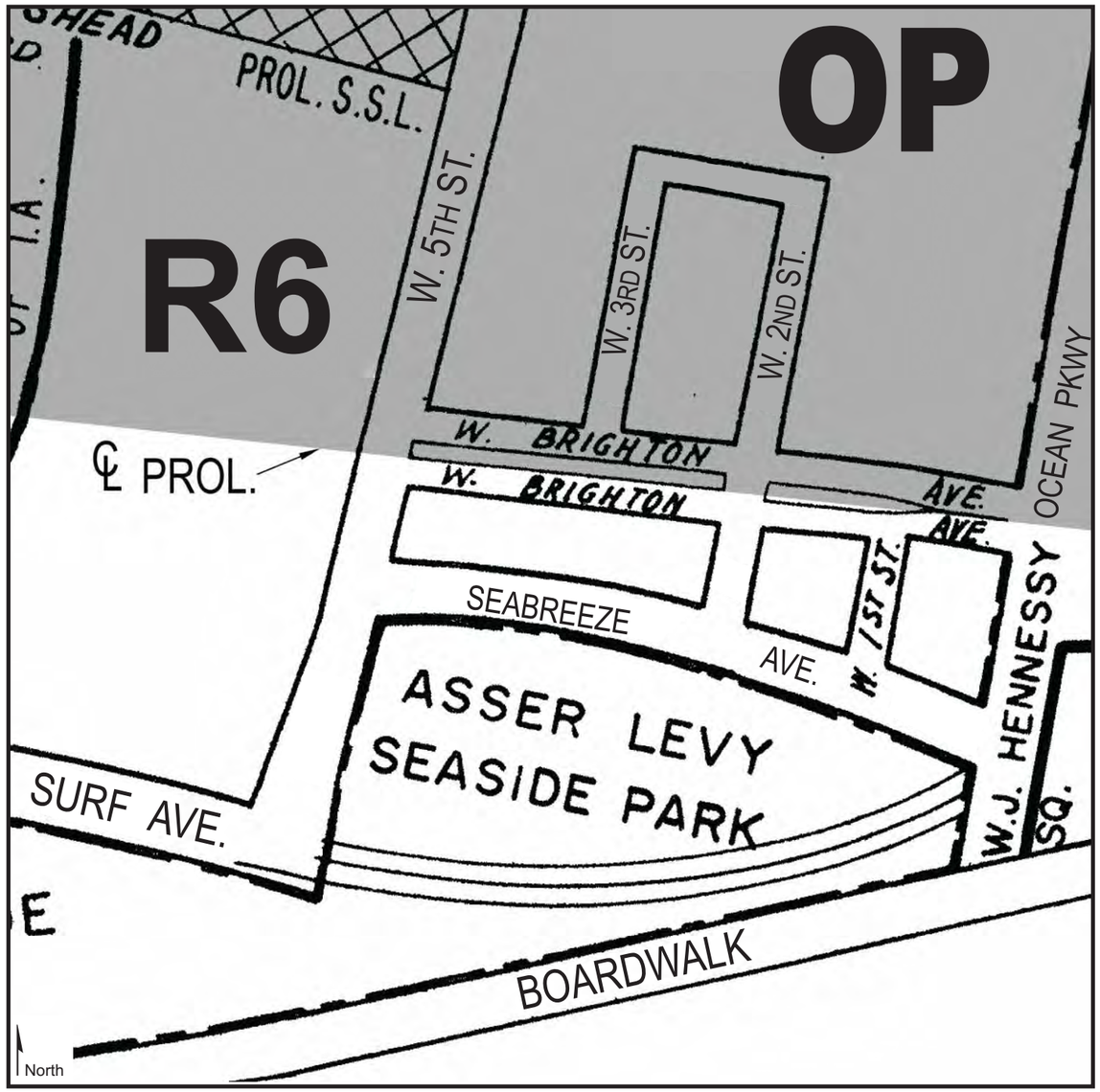
10) Looking south from W. 5th St. towards the rezoning area



11) Looking northeast from Sea Breeze Ave. towards the rezoning area

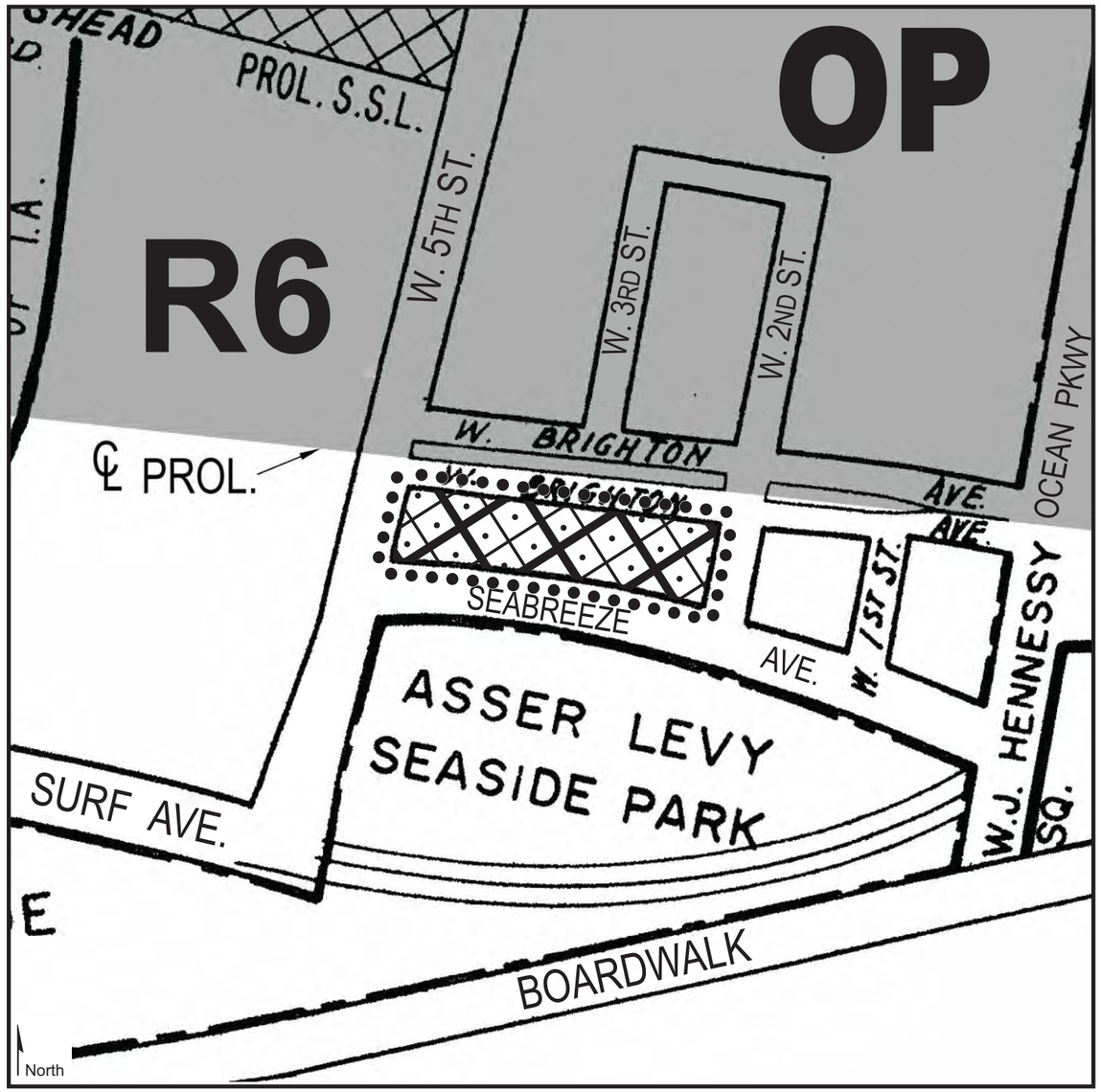


12) Looking west on W. Brighton Ave. with the rezoning area to the left



Current Zoning Map (28d)

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5



Proposed Zoning Map (28d) - Area being rezoned is outlined with dotted lines

Rezoning from R6 to R6/C2-4

271 Sea Breeze Avenue EAS

Figure 6

Proposed Zoning Map Change

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 267,679

NUMBER OF BUILDINGS: 2
Projected Development Site 1: 1 building
Projected Developmet Site 2: 1 building

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.):
Projected Development Site 1: 172,679 gsf
Projected Development Site 2: 95,000 gsf

HEIGHT OF EACH BUILDING (ft.):
Projected Development Site 1: 220.3 ft.
Projected Development Site 2: 145 ft.

NUMBER OF STORIES OF EACH BUILDING:
Projected Development Site 1: 20
Projected Development Site 2: 13

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: 38,385 (including Lots 89 (air rights), and 110)
The total square feet not owned or controlled by the applicant: 43,417

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: 27,705 sq. ft. (width x length)

VOLUME OF DISTURBANCE: 152,200 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 27,705 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.)	167,237 gsf (Projected Development Site 1: 103,614 gsf Projected Development Site 2: 63,623 gsf)	48,021 gsf (Projected Development Site 1: 25,021 gsf - including 16,006 gsf of proposed PCE use Projected Development Site 2: 23,000 gsf)	12,756 gsf (Projected Development Site 1)	N/A
Type (*e.g.,* retail, office, school)	184 (Projected Development Site 1: 114 units; Projected Development Site 2: 70 units) units	Local Retail, PCE	Medical Office	N/A

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

If "yes," please specify:

NUMBER OF ADDITIONAL RESIDENTS: 378

NUMBER OF ADDITIONAL WORKERS: 172

Provide a brief explanation of how these numbers were determined: Residents - based on 2.05 persons per DU (2012-2016 American Community Survey Data); Workers - based on 1 employee per 450 gsf of medical office, and 3 employees per 1,000 gsf of retail space

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

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

If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: Similar to the With-Action scenario, under the No-Action scenario, the Applicant would construct a new 20-story mixed-use building (approximately 220'-4" feet in height) at Projected Development Site 1 (Block 7280, Lot 110). The development would be constructed as per the as-of-right plans filed with the New York City Department of Buildings (DOB) (BIS Job No.: 301677460). The development would include approximately 103,614 gsf of residential space (114 dwelling units), approximately 35,189 gsf of community facility (medical office) space, and 211 parking spaces. The approximately 103,614 gsf of residential space would be distributed amongst 16-stories, above a four-story community facility base. Similar to the proposed project under the With-Action scenario, under the No-Action scenario, the development would utilize the air rights from Lot 89.

In addition, similar to the With-Action scenario, Projected Development Site 2 (Block 7280, Lot 95) would be improved with an approximately 95,000 gsf mixed-use building, as per the current plans. The development would include 70

dwelling units and an approximately 23,000 gsf community facility base with medical office uses.

9. *Analysis Year* CEQR Technical Manual Chapter 2

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

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 21

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: N/A

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

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☒ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Public Facilities and Institutions,Transportation and Utility

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		
(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. See Appendix I		
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		
○ **Child Care Centers:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **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)	☐	☒
○ **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)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒

	YES	NO
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☒	☐
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Attachment B		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☐	☒
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ 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 Form, and submit according to its instructions. See Appendix III		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☒	☐
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☒
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See Attachment B	☐	☒
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☐
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒

	YES	NO
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 19,284		
○ 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): 34,773,799 MBtu		
(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 or bus trips per project peak hour?	☐	☒
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☒	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☒	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17 [3]		
(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		
(a) Would the proposed project generate or reroute vehicular traffic?	☐	☒
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☐	☒
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		

[3] As the Proposed Action would only result in the change of use on the ground floor of the proposed building from permitted community facility and residential uses to less sensitive commercial (local retail) uses, detailed air quality analyses are not warranted. The Proposed Action would only permit new uses within the proposed rezoning area, and would not affect the maximum overall building density or bulk allowed.

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

18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21

(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐

(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. The proposed project does not have the potential to result in significant adverse impacts to land use, zoning, and public policy, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, or noise. Nor would the proposed project result in a combination of moderate effects to several elements that cumulatively may affect neighborhood character. Therefore, an assessment of neighborhood character is not warranted.

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.

Proposed new construction on the project site may result in temporary disruptions, including noise, dust, and traffic associated with delivery of materials and arrival of workers on the project site. There is also the potential for the closing and/or narrowing of traffic lanes and sidewalks as well as the operation of several pieces of diesel equipment on the construction site. These effects, however, would be temporary (approximately 21 months). All applicable city, state, and federal guidelines and regulations would be followed. Therefore, none of these disruptions should be considered significant and construction of the proposed project is not expected to result in significant adverse impacts.

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	9/11/19

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
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME: Olga Abinader	DATE: 9/20/2019
SIGNATURE	

NEGATIVE DECLARATION (Use of this form is optional)

Statement of No Significant Effect

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

Reasons Supporting this Determination

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

1. Hazardous Materials

The EAS includes a detailed analysis of Hazardous Materials which required Phase I and Phase II analyses, along with a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) plan reviewed and approved by the Department of Environmental Protection (DEP). The analyses conducted for hazardous materials conclude that the proposed actions would not result in significant adverse impacts to
hazardous materials.

2. Land Use, Zoning and Public Policy

The EAS includes a detailed Land Use, Zoning and Public Policy section. The proposed rezoning from R6 to R6/C2-4 district would facilitate the development of a new mixed use residential, commercial, and community facility building, and would have no significant adverse impacts related to land use, zoning, or public policy. The proposed actions would introduce a commercial overlay in an area characterized by residential, community facility uses, and open space. The surrounding neighborhood, zoned R6, is developed with multi-family elevator buildings and mixed use residential and commercial buildings. In accordance with the Waterfront Revitalization Program, a Consistency Assessment Form was completed for this project (WRP# 17-146) which stated that the project will not hinder the achievement of any Waterfront Revitalization Policy. The analysis concludes that no significant adverse impacts related to Land Use, Zoning and Public Policy would result from the proposed actions.

3. Transportation

The EAS includes a detailed transportation analysis of pedestrian trips generated by the project. The project facilitated by the proposed actions is expected to result in an increase of more than 200 pedestrians at any intersection corner, sidewalk, or crosswalk - the threshold warranting a Level 2 analysis. As a result, an analysis was provided. The analysis concludes that the proposed actions would not result in any significant adverse impacts related to traffic flow, transit operations, pedestrian movement, or vehicular and pedestrian safety.

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).

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME	**DATE**
Olga Abinader	9/20/2019
SIGNATURE	

TITLE	
Chair, Department of City Planning	
NAME	**DATE**
Marisa Lago	9/23/2019
SIGNATURE	

ATTACHMENT A
PROJECT DESCRIPTION

I. INTRODUCTION

The Applicant, 271 Sea Breeze Development LLC, is seeking a discretionary zoning action from the New York City Planning Commission (CPC) ("Proposed Action") to facilitate the development of a mixed-use building at 271 Sea Breeze Avenue (Block 7280, Lot 110) in the West Brighton neighborhood of Brooklyn Community District (CD) 13 (refer to **Figure A-1**). The Development Site utilizes the lot area and floor area of an adjacent parcel (Lot 89) which contains the 7,285 gsf Temple Beth Abraham Synagogue and together would consist of a single zoning lot (hereafter, "Projected Development Site 1"). The Proposed Action is a zoning map amendment to rezone the entirety of Block 7280 (Lots 89, 92, 95, 110, and 188) from a R6 district to a R6/C2-4 district (refer to **Figure A-2**).

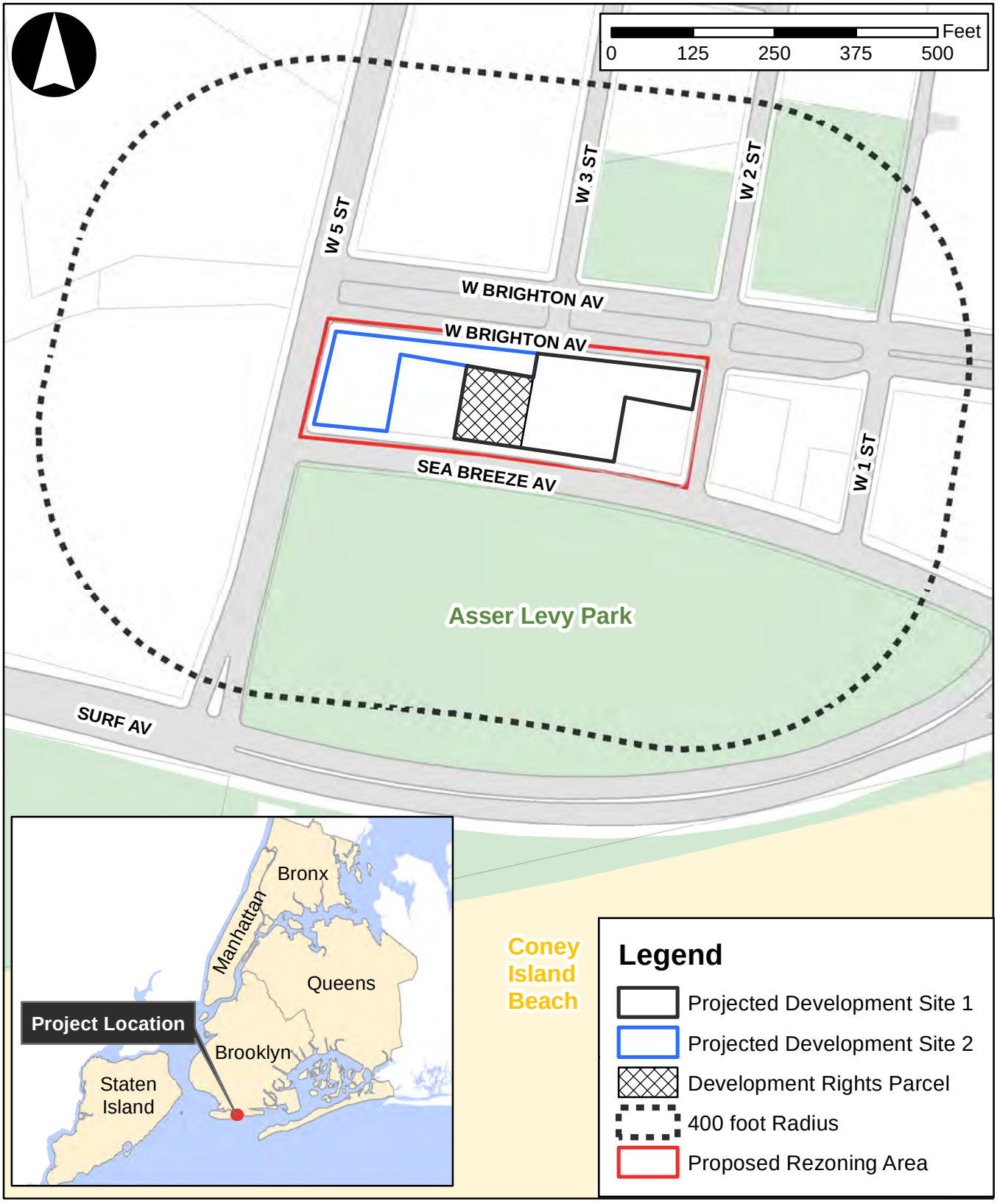
As shown in **Figure A-1**, the Proposed Rezoning Area includes Block 7280, Lots 89, 92, 95, 110, and 188, and is currently part of a larger R6 zoning district. The Proposed Rezoning Area includes a total lot area of approximately 81,802 square feet (sf). Projected Development Site 1, upon which redevelopment would occur as a result of the Proposed Action, comprises approximately 27,705 sf on one lot (Block 7280, Lot 110) and would utilize the air rights[1] from an approximately 10,680 sf lot (Block 7280, Lot 89) that is currently improved with an approximately 7,285 gsf (7,285 zsf) house of worship (Temple Beth Abraham). The Proposed Action would facilitate the construction of a new 20-story (220'-4" in height, measured from 10' above the Flood Resistant Construction Elevation (FRCE)) mixed-use building at the Projected Development Site 1. The proposed approximately 172,679 gross square foot (gsf) (128,220 zoning square feet (zsf)) building at Projected Development Site 1 would include 114 dwelling units (DUs) (approximately 103,614 gsf/92,763 zsf), approximately 25,021 gsf (16,006 zsf) of commercial floor area, and approximately 12,756 gsf (12,166 zsf) of community facility floor area. The commercial component of the proposed development would serve as local retail space, and the community facility component would have medical office uses.

In addition, the Applicant intends to pursue a Special Permit with the Boards of Standards and Appeals (BSA) to facilitate a proposed Physical Cultural Establishment (PCE), which is not permitted as of right. The Special Permit would permit an approximately 16,006 gsf PCE on the second floor of the proposed building. The proposed PCE would help to promote good health in the area, which is lacking in these types of establishments, and would service this densely populated portion of Brooklyn while also creating jobs within the community.

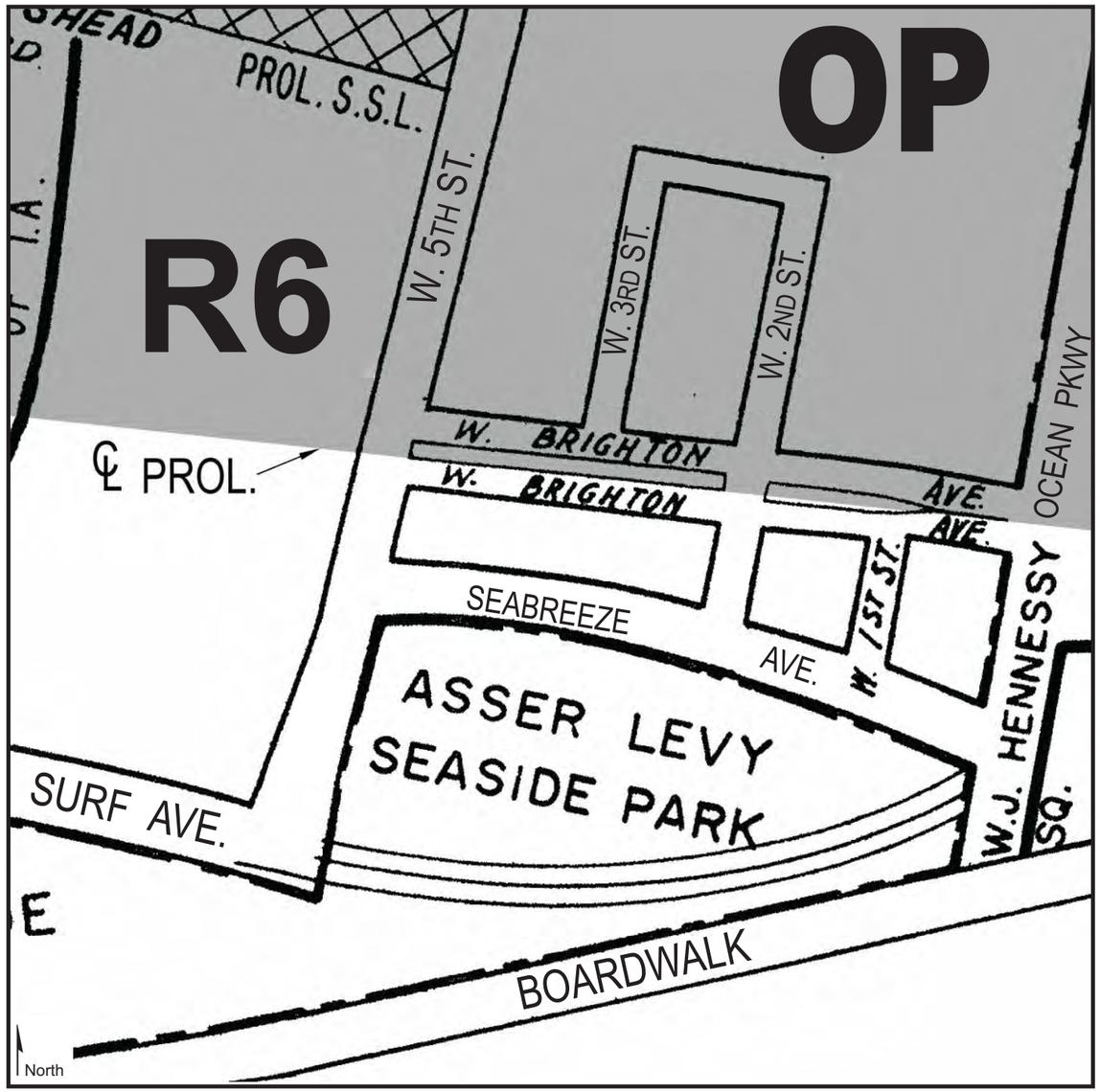
The proposed development on Projected Development Site 1 would include a 16-story residential tower above a four-story commercial and community facility base. The proposed development would also provide a total of 130 accessory parking spaces in an attended garage (31,287 gsf), on portions of the first

[1] A Transfer of Development Rights allows landowners to sell development rights from their land to a developer who can then use those rights to increase the density of development at another location. Lots 89 and 110 were merged on July 6, 2015 pursuant to a zoning lot merger and sale agreement. It was entered into by the previous owner of Lot 110, and the current applicant purchased Lot 110 with the air rights already available.

Figure A-1
Project Location

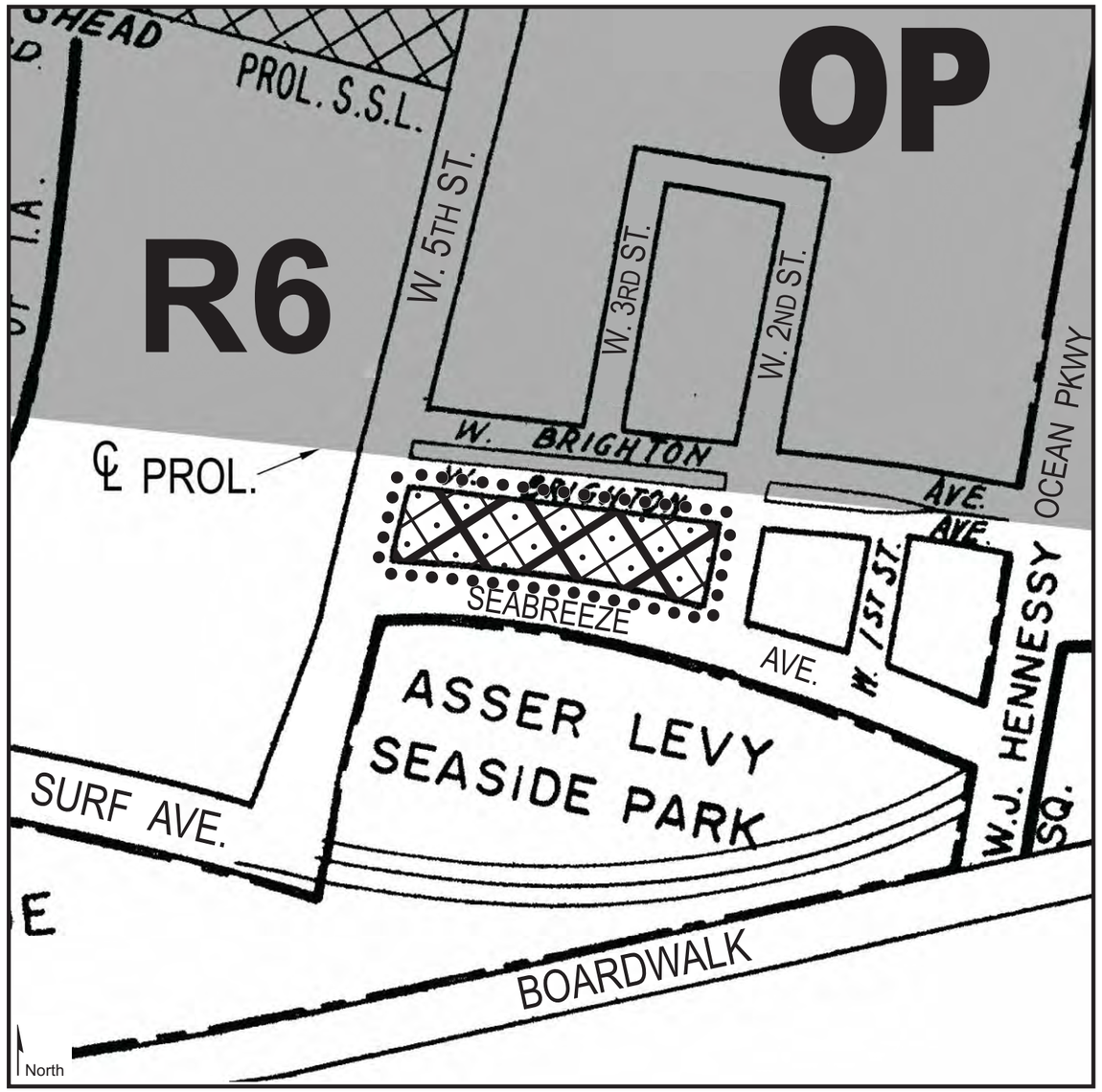


Source: NYC DCP (MapPLUTO 17v1); DoITT



Current Zoning Map (28d)

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5



Proposed Zoning Map (28d) - Area being rezoned is outlined with dotted lines

Rezoning from R6 to R6/C2-4

271 Sea Breeze Avenue EAS

Figure A-2

Proposed Zoning Map Change

three levels of the building. The proposed development is expected to be completed and fully operational by 2021.

II. EXISTING CONDITIONS

Proposed Rezoning Area

As shown in **Figure A-1**, the Proposed Rezoning Area includes Block 7280, Lots 89, 92, 95, 110, and 188, is bounded to the north by West Brighton Avenue, to the east by West 2nd Street, to the south by Sea Breeze Avenue, and to the west by West 5th Street, and is currently part of a larger R6 zoning district. The Proposed Rezoning Area has a total lot area of 81,802 sf. The northern portion of the Proposed Rezoning Area fronts on West Brighton Avenue, and is adjacent to the elevated subway tracks for the Q train. Projected Development Site 1, owned by the Applicant, is comprised of one lot (Lot 110 and utilizing air rights from Lot 89), upon which redevelopment would occur as a result of the Proposed Action. Projected Development Site 1, which encompasses a large L-shaped lot with frontage along West Brighton Avenue, Sea Breeze Avenue, and West 2nd Street, is currently vacant.

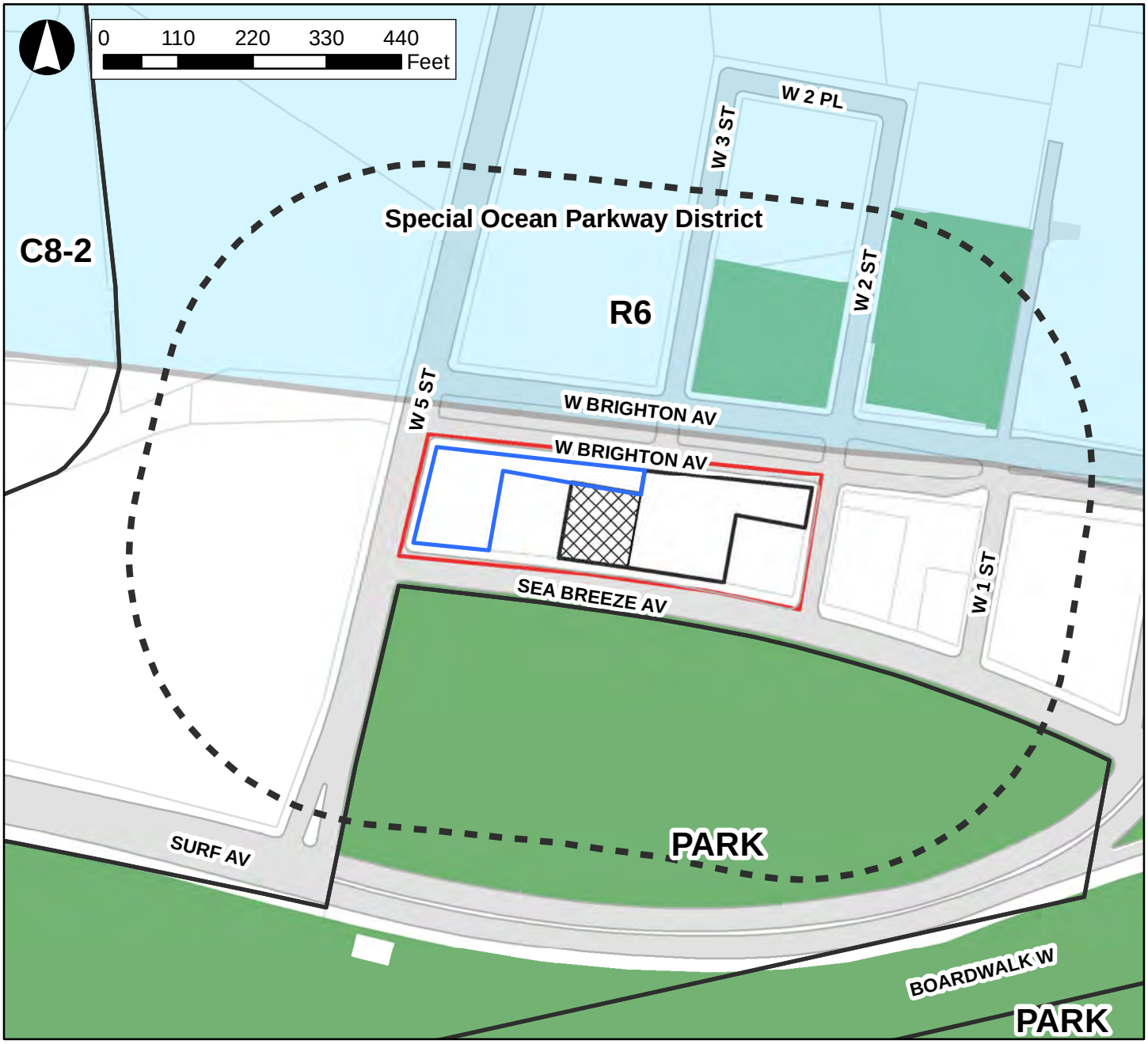
As a result of the Proposed Action, in addition to Projected Development Site 1 (Lot 110, and utilizing the air rights from Lot 89), three additional lots are proposed to be rezoned on Block 7280: Lot 92 (321 Sea Breeze Avenue); Lot 95 (337 Sea Breeze Avenue); and Lot 188 (205 Sea Breeze Avenue). As previously mentioned, the proposed development would utilize the air rights from 301 Sea Breeze Avenue (Block 7280, Lot 89), which contains approximately 10,680 sf of lot area and is improved with an approximately 7,285 sf house of worship (Temple Beth Abraham). 321 Sea Breeze Avenue (Block 7280, Lot 92) contains approximately 11,392 sf of lot area and is improved with a 14,112 gsf house of worship (Sea Breeze Synagogue). 337 Sea Breeze Avenue (Block 7280, Lot 95; "Projected Development Site 2") is a corner lot with approximately 21,825 sf of lot area, and is improved with surface parking that is accessory to adjacent residential uses. 205 Sea Breeze Avenue (Block 7280, Lot 188) is a corner lot that contains approximately 10,200 sf of lot area and is improved with a 48,000 gsf six-story multi-family residential building.

The Proposed Rezoning Area is located within 0.2-miles of the Ocean Parkway (Q) subway station, and within 0.4-miles of the West 8th Street – New York Aquarium (F, Q) subway station. The Proposed Rezoning Area is also served by several New York City Transit (NYCT) local bus routes, including the B68, which runs to the north of the site along West Brighton Avenue and provides local service between Coney Island and Park Slope. Additionally, the B36 runs to the west of the Proposed Rezoning Area and provides local service between Coney Island and Sheepshead Bay.

Surrounding Area and Context

The proposed rezoning area is located in the West Brighton neighborhood of Brooklyn Community District 13. As shown in **Figure A-3,** the surrounding area within an approximate 400-foot radius of the Proposed Rezoning Area, is zoned R6. Additionally, there is a C8-2 commercial zoning district located to the northwest of the project site, and C1-2 zoning overlays located to the east of the project site, just outside of the 400-foot radius. As shown in **Figure A-4,** land uses within an approximate 400-foot radius consist of a mix of residential, mixed residential and commercial, public facilities and institutions, open space, parking facilities, and transportation and utility uses.

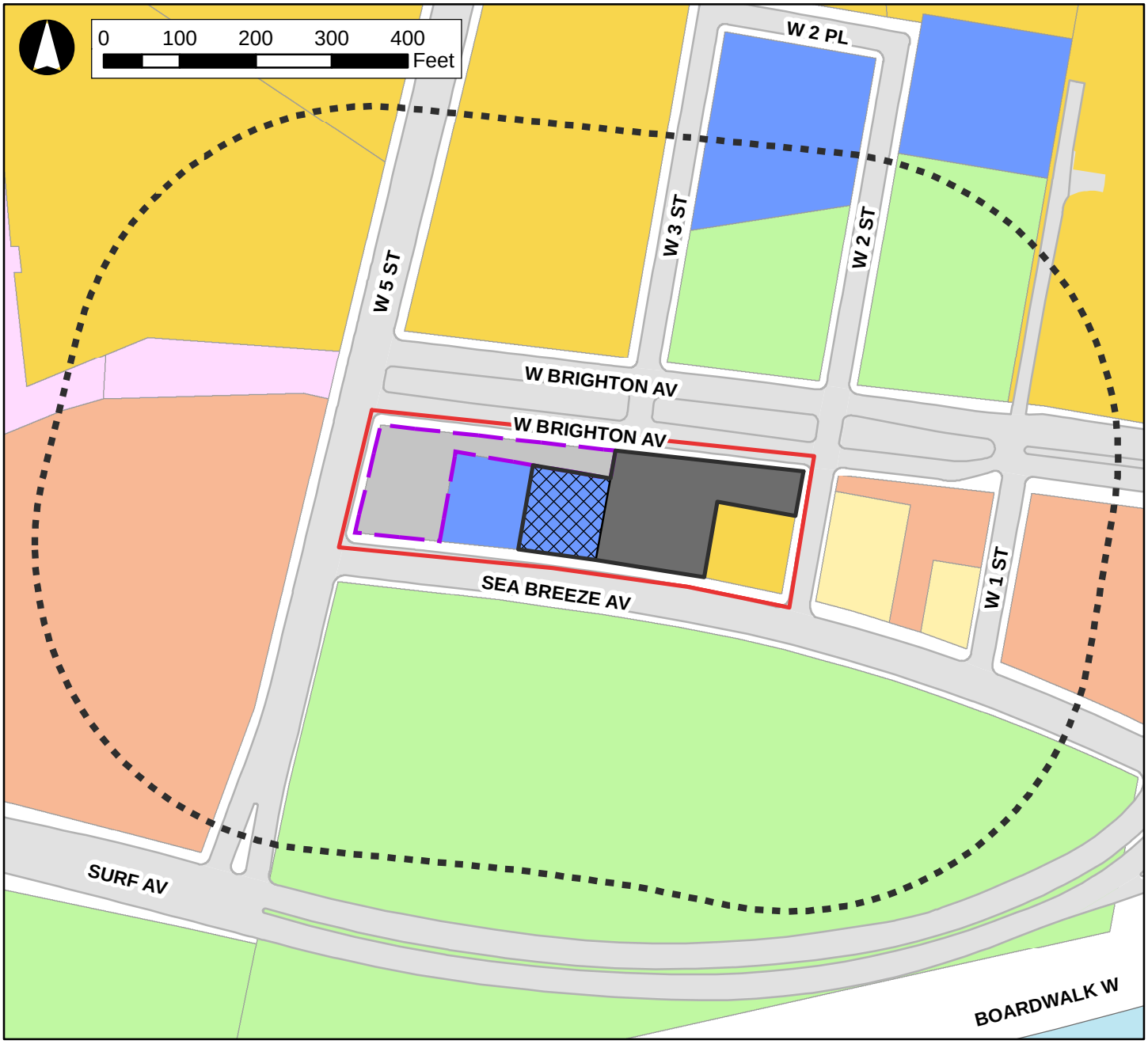
Figure A-3
Existing Zoning Map



Legend

- Projected Development Site 1
- Projected Development Site 2
- 400-ft Radius
- Zoning Districts
- Ocean Parkway Special District
- Proposed Rezoning Area
- Development Rights Parcel

Figure A-4
Land Use Map



Legend

- Projected Development Site 1
- Projected Development Site 2
- Development Rights Parcel
- Proposed Rezoning Area
- 400-ft Radius
- One & Two Family 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

Residential uses within the surrounding area are mainly multi-family elevator buildings, such as the seven-building Trump Village Estates apartment complex, and are located to the north of the Proposed Rezoning Area along West Brighton Avenue. Mixed residential and commercial uses are also found along West Brighton Avenue, to the east of the Proposed Rezoning Area, and along West 5th Street, to the west of the Proposed Rezoning Area. Public facility and institutional uses, including Public School (P.S.) 100, are found to the north of the Proposed Rezoning Area, along West 2nd Street. Transportation and utility uses in the surrounding area are located to the west of the Proposed Rezoning Area, along West 5th Street, including the land located beneath the elevated subway tracks for the Q train. Open space in the surrounding area includes Asser Levy Park, a 21.04-acre park with handball courts, playgrounds, and dog-friendly areas, located along Sea Breeze Avenue to the south of the Proposed Rezoning Area. Additional open space in the surrounding area includes the Century Playground, a 2.28-acre park with basketball courts, handball courts, and spray showers, located to the north of the Proposed Rezoning Area along West Brighton Avenue.

The Special Ocean Parkway District (OP) is located to the north of West Brighton Avenue, approximately one block north of the Proposed Rezoning Area (refer to **Figure A-3**). The Special District encompasses a band of blocks east and west of Ocean Parkway, which is designated as a scenic landmark, between Prospect Park and Brighton Beach. The OP Special District places additional regulations for development along the frontage of Ocean Parkway and is intended to preserve the character of the large, detached and semi-detached, one- and two-family homes in the areas east and west of the Parkway. However, the OP Special District does not affect the Proposed Rezoning Area itself.

III. DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action is a zoning map amendment, which is subject to the Uniform Land Use Review Procedure (ULURP). The Proposed Actions are also subject to environmental review under the City Environmental Quality Review (CEQR) process.

Zoning Map Amendment

As shown in **Figure A-2**, the zoning map amendment would rezone the entirety of Brooklyn Block 7280 from a R6 district to a R6/C2-4 zoning district. The proposed rezoning area is bounded to the north by West Brighton Avenue, to the east by West 2nd Street, to the south by Sea Breeze Avenue, and to the west by West 5th Street.

R6 districts provide a maximum allowable floor area ratio (FAR) of 2.43 for residential uses in Height Factor buildings, and a maximum residential FAR of 3.0 for Quality Housing buildings, although the FAR can be increased with the Inclusionary Housing bonus. For Height Factor buildings, open space is required with an open space ratio range of 27.5 to 37.4 with a corresponding maximum FAR range from 0.78 to 2.43. Community facility uses are permitted within R6 districts at a maximum FAR of 4.8. The Height Factor regulations are intended to permit small multi-family apartment buildings on small zoning lots, and tall and narrow buildings that are set back from the street on larger lots. The maximum height for Height Factor buildings is governed by the sky exposure plane, which begins at a height of 60 feet above the street line and then slopes inward over the zoning lot. Quality Housing buildings have a maximum height of 70 feet. For Height Factor buildings, 70% of dwelling units require parking, while for Quality Housing buildings, 50% of dwelling units require parking. Accessory parking requirements for community facility uses vary by use. For the proposed medical office use, accessory parking is required at a rate of one space

per 1,000 sf of floor area. The proposed C2-4 overlay would provide a maximum allowable FAR of 2.0 for commercial uses. For the proposed commercial local retail use, the proposed C2-4 commercial overlay requires one parking space per every 1,000 sf of floor area. **Table A-1** below provides a comparison of the key use and bulk requirements under the existing and proposed zoning districts.

IV. PURPOSE AND NEED OF THE PROPOSED ACTIONS

The proposed zoning map amendment to rezone the entirety of Block 7280 from R6 to R6/C2-4 would permit commercial uses within the Proposed Rezoning Area, up to a maximum FAR of 2.0. The Proposed Rezoning Area is currently within an existing R6 district, which permits a maximum 2.43 FAR for residential use (based on height factor regulations), and a maximum of 4.8 FAR for community facility use. Commercial uses are not permitted under the existing zoning. As discussed in detail below, the current zoning would permit the as-of-right development of an approximately 172,579 gsf (125,896 zsf), 20-story (220'-4" in height), mixed-use building at Projected Development Site 1 containing residential and community facility uses (refer to **Figure A-5**). The proposed R6/C2-4 zoning district would allow for a maximum of 2.43 FAR for residential uses (based on height factor regulations), 4.8 FAR for community facility uses, and 2.0 FAR for commercial uses, resulting in the proposed 20-story (220'-4" tall) building with approximately 172,679 gsf (128,220 zsf) of total area at Projected Development Site 1.

TABLE A-1
Comparison of Existing and Proposed Zoning

	Existing Zoning	**Proposed Zoning**
Zoning District	**R6**	**R6/C2-4**
Use Groups	UG 1-4	UG 1-9, and 14
Maximum FAR		
Residential	0.78-2.43 (under Height Factor regulations) Quality Housing Program – 3.0 (on wide streets outside the Manhattan Core), 2.43 (on wide streets within the Manhattan Core), & 2.2 (on narrow streets)	0.78-2.43 (under Height Factor regulations) Quality Housing Program – 3.0 (on wide streets outside the Manhattan Core), 2.43 (on wide streets within the Manhattan Core), & 2.2 (on narrow streets)
Community Facility	4.8	4.8
Commercial	0.0	2.0
Manufacturing	0.0	0.0
Max. Building Height	HF - no height limits (building envelopes regulated by sky exposure plane). Quality Housing – max. bldg. height 55' on narrow streets, 70' on wide streets (75' with QGF)	HF - no height limits (building envelopes regulated by sky exposure plane). Quality Housing – max. bldg. height 55' on narrow streets, 70' on wide streets (75' with QGF)

Source: *Zoning Resolution of the City of New York.* Information shown is for areas outside the Manhattan Core.
Notes: UG = Use Group; HF = Height Factor; QGF = Qualifying Ground Floor

The proposed R6/C2-4 zoning district would also alter the permitted uses pursuant to the current R6 zoning within the Proposed Rezoning Area from Use Groups (UG) 1-4 to UG 1-9 and 14. There would be no changes to permitted building envelope. While there are only minor differences in the total floor area resulting from the Proposed Action, the proposed R6/C2-4 zoning district would permit the development of needed commercial retail uses in a vibrant, high-density neighborhood. The proposed commercial space would serve as local retail uses that would provide services for both the residents of the proposed tower, as well as the surrounding community. The proposed zoning map amendment would facilitate the



For Illustrative Purposes Only

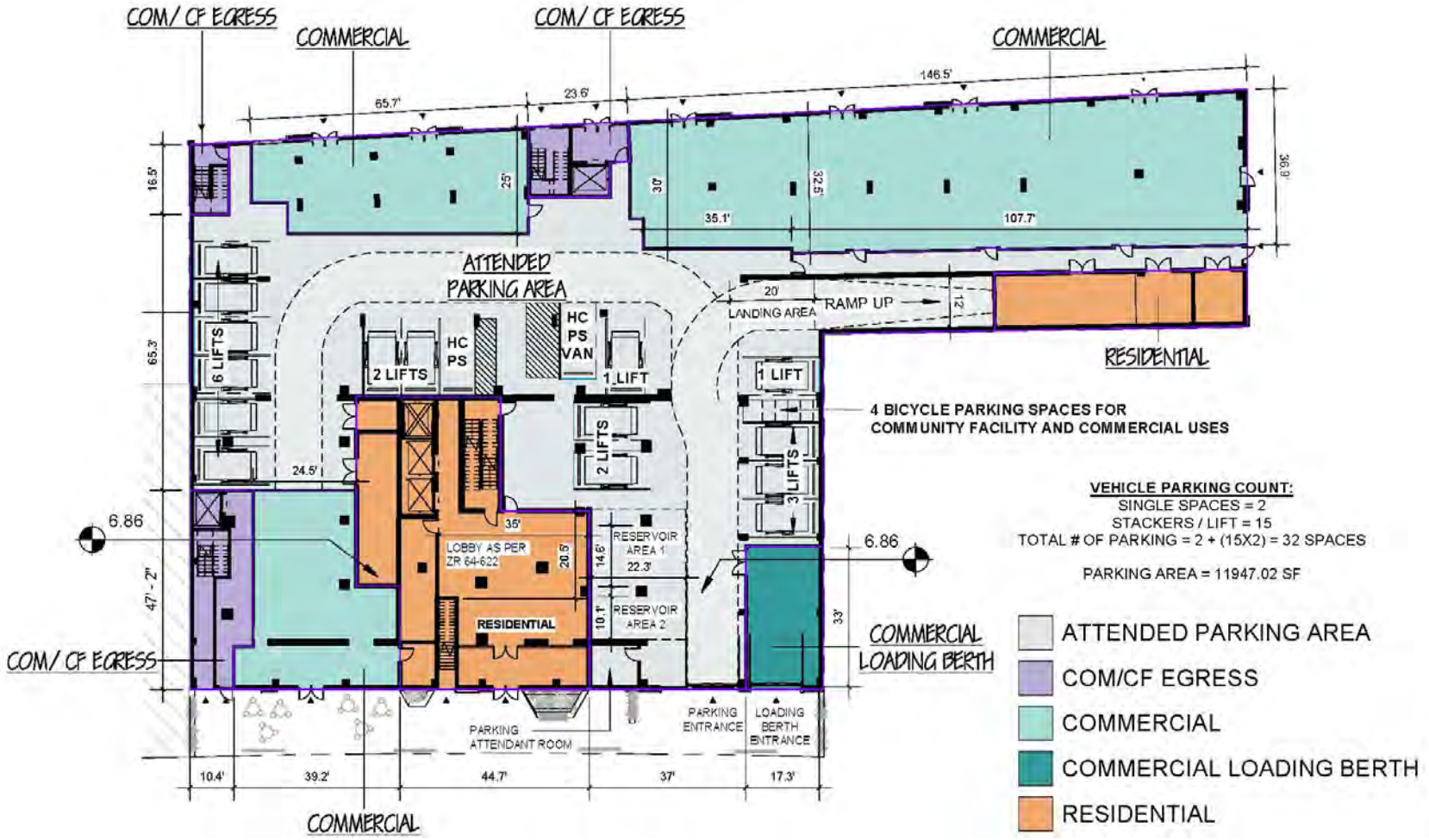
proposed mixed-use development at Projected Development Site 1 and would recognize the pre-existing mixed-use character of the surrounding area. The Applicant believes that the proposed R6/C2-4 district is appropriate, given the pre-existing commercial uses along Brighton Beach Avenue, where R6/C1-2 districts are present, and a number of pre-existing higher density mixed-use buildings in the immediate vicinity of Projected Development Site 1. The Applicant believes that the proposed new commercial uses would serve to promote vibrancy along this stretch of Sea Breeze Avenue and West Brighton Avenue, which is currently not permitted to contain commercial uses. The Applicant believes that the proposed development would also be consistent with the built character of the surrounding area, with high-density mixed-use buildings in close proximity.

V. DESCRIPTION OF THE PROPOSED DEVELOPMENT

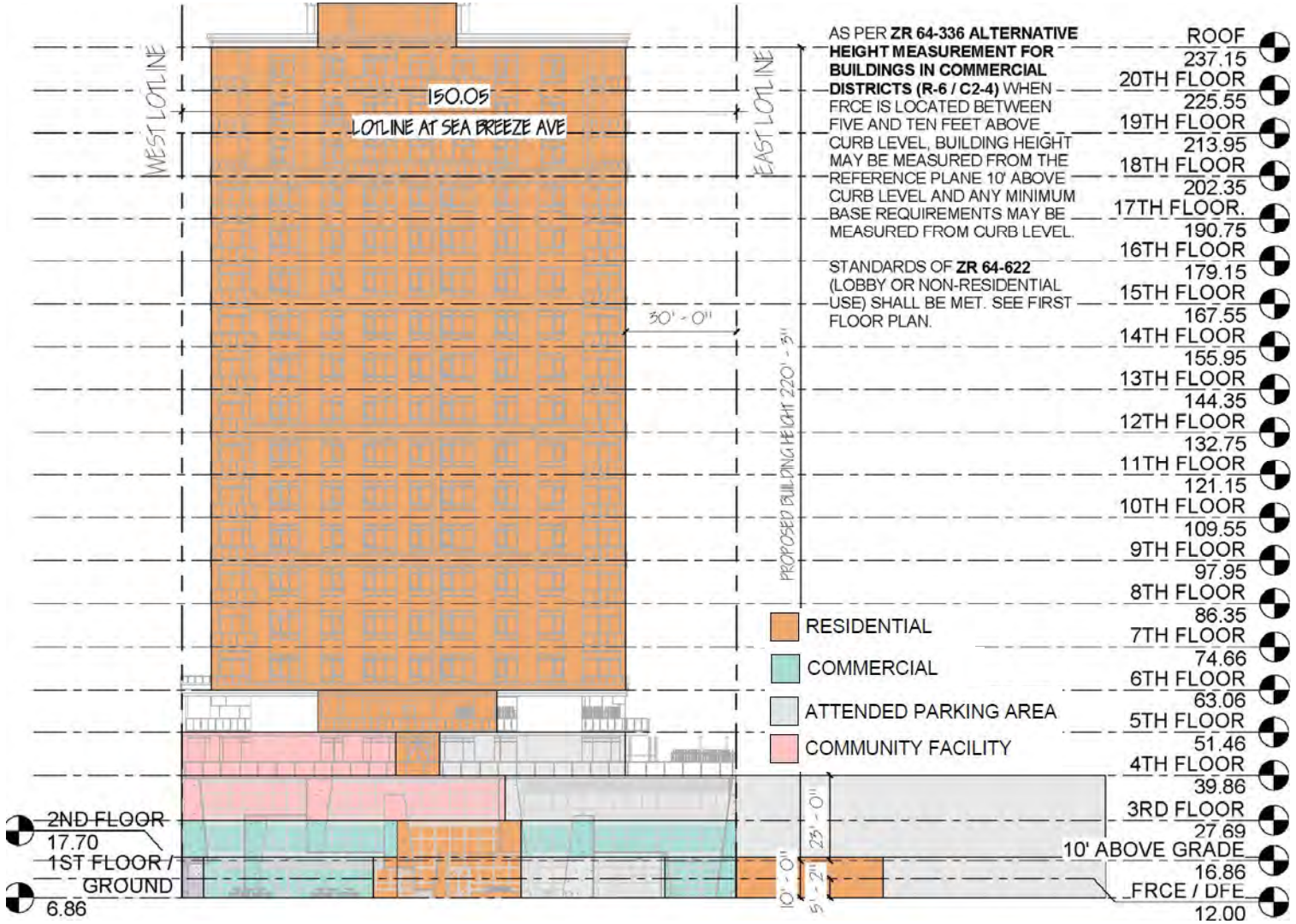
The Applicant owns Projected Development Site 1 at 271 Sea Breeze Avenue (Brooklyn Block 7280, Lot 110 and utilizing air rights from Lot 89). With the approval of the Proposed Action, the Applicant intends to redevelop the site with a 20-story (220'-4" in height), approximately 172,679 gsf (128,220 zsf) mixed-use building. The proposed building would include a 16-story residential tower above a four-story commercial and community facility base. The 16-story residential component of the project would consist of approximately 103,614 gsf (92,763 zsf), with an estimated 114 DUs. The commercial component of the project would contain approximately 25,021 gsf (16,006 zsf) of commercial space, located on the first and second floor with local retail uses. The community facility component of the project would contain approximately 12,756 gsf (12,166 zsf) of community facility space located on the first, third, and fourth floors, with medical office uses. The proposed development would also utilize the air rights from Lot 89, which currently contains approximately 7,285 gsf (7,285 zsf) of community facility space (house of worship) to remain. In addition, the proposed development would include approximately 130 accessory parking spaces on portions of the first, second, and third floors (31,287 gsf). The Applicant-proposed number of dwelling units would have an average unit size of approximately 814 gsf per unit is based on the overall gross square footage of residential space, which is inclusive of the interior common spaces associated with the residential area. This would result in 114 DUs.

As shown in **Figure A-6**, the residential pedestrian entrance and lobby would be located on Sea Breeze Avenue. The commercial and community facility uses would have pedestrian entrances located on Sea Breeze Avenue and West Brighton Avenue. Access to the attended parking garage and the adjacent loading dock would be provided via a new curb cut located on Sea Breeze Avenue. As shown in **Figure A-7**, the four-story commercial and community facility base of the building would rise to a height of approximately 40'. The second floor plan, showing a portion of the proposed commercial space, is shown below in **Figure A-8**. The 16-story residential tower would be setback from the four-story base along Sea Breeze Avenue, West 2nd Street, and West Brighton Avenue, and would reach a maximum height of approximately 220'-4" (measured from 10' above the FRCE).

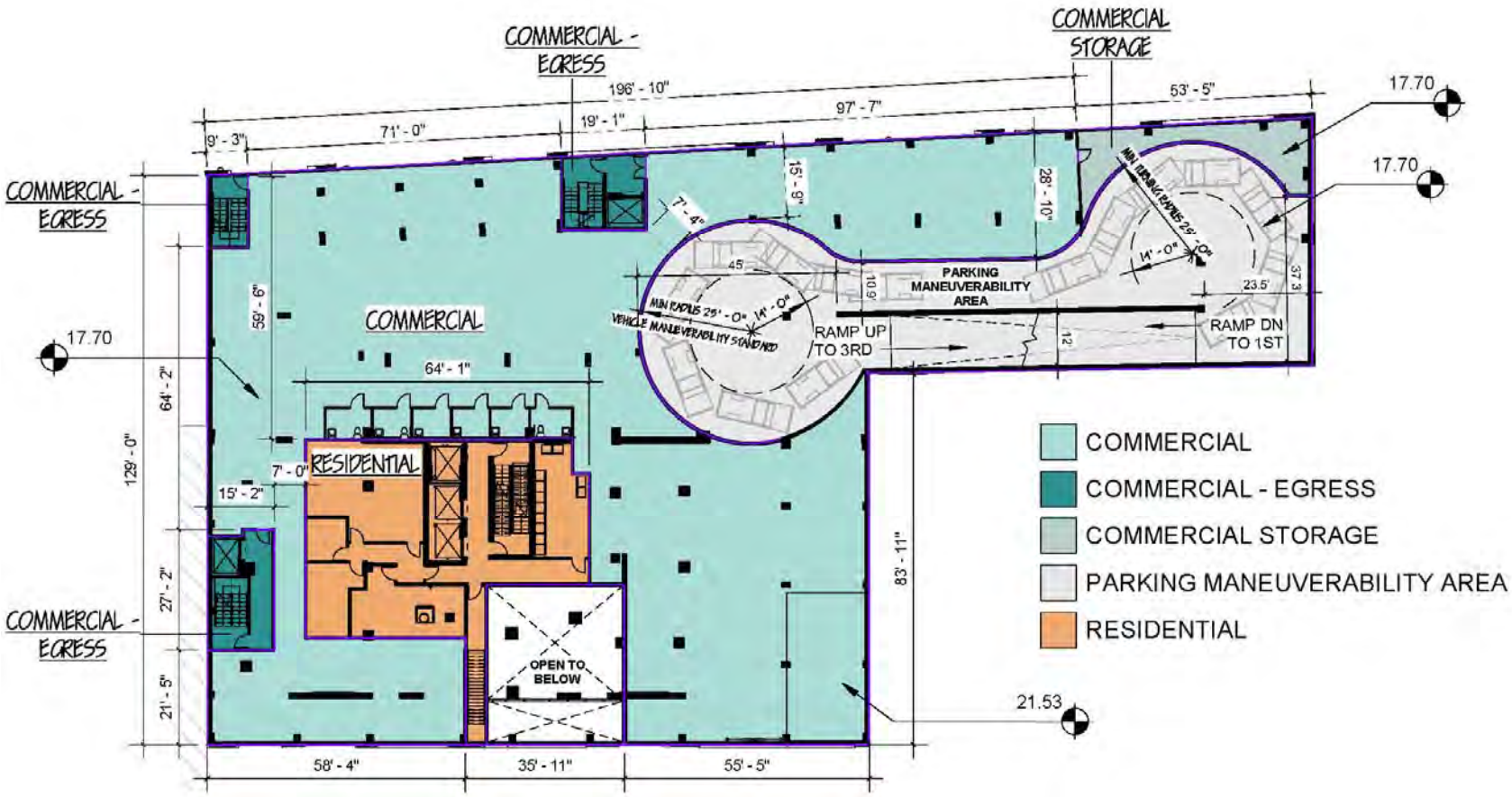
As shown in **Table A-2** below, the proposed project would have a built residential FAR of 2.42. In R6 districts, the proposed residential FAR of 2.42 correlates to a maximum height factor (HF) of 17. For Projected Development Site 1 (7,327 sf of lot coverage), the proposed project (128,220 zsf) results in a HF of approximately 17.49. As the proposed project maximizes the permitted floor area at Projected Development Site 1, it is considered the Reasonable Worst Case Development Scenario (RWCDS) in the future with the Proposed Action. The proposed building is expected to be completed and fully occupied by 2021.



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Table A-2
Proposed Development on Block 7280, Lot 110 (Utilizing Air Rights from Lot 89)

Lot Area SF	Existing Zoning & Max. FAR	Proposed Zoning & Max. FAR	Proposed Residential		Proposed Commercial SF	Proposed Com. Fac. SF[2]	Proposed Parking Spaces	Proposed Building SF [2]	Proposed Building FAR
			SF	DUs					
38,384[1]	R6: 4.8 FAR	R6/C2-4: 4.8 FAR	92,763 zsf (103,614 gsf)	114	16,006 zsf (25,021 gsf)	19,451 zsf (12,756 gsf)	130 (31,287 gsf)	128,220 zsf (172,679 gsf)	3.35

Notes: [1] Includes areas of Lot 89 (Air Rights) and 110 (Projected Development Site 1).
[2] Includes the zoning floor area of the existing community facility floor area (7,285 zsf house of worship) on Lot 89.

VI. ANALYSIS FRAMEWORK AND REASONABLE WORST-CASE DEVELOPMENT SCENARIO (RWCDS)

In order to assess the potential effects of the proposed action, conditions in the future with the proposed action ("With-Action") are compared to conditions in the future without the proposed action ("No-Action"). The incremental difference between the No-Action and With-Action conditions will serve as the basis of the impact category in this EAS.

Table A-3 below provides a comparison of the 2021 No-Action and 2021 With-Action conditions identified for analysis purposes. As shown, by 2021 the incremental (net) change that would result from the Proposed Action is a net increase of approximately 48,021 gsf of commercial (local retail) space, and a net decrease of approximately 37,294 gsf of community facility (medical office) space and 20 accessory parking spaces.

Table A-3
Comparison of RWCDS 2021 No-Action and 2021 With-Action Conditions

Use	No-Action Scenario	With-Action Scenario	Increment
Residential (Total)	184 DUs	184 DUs	**0 DUs**
Projected Development Site 1	114 DUs	114 DUs	**0 DUs**
Projected Development Site 2	70 DUS	70 DUs	**0 DUs**
Commercial – Local Retail (Total)	0 gsf	48,021 gsf	**+48,021 gsf**
Projected Development Site 1	0 gsf	25,021 gsf	**+25,021 gsf**
Projected Development Site 2	0 gsf	23,000 gsf	**+23,000 gsf**
Community Facility - Medical office (Total)	50,050 gsf	12,756 gsf	**-37,294 gsf**
Projected Development Site 1	27,050 gsf	12,756 gsf	**-14,294 gsf**
Projected Development Site 2	23,000 gsf	0 gsf	**-23,000 gsf**
Community Facility – House of Worship (Existing – Projected Development Site 1)	7,285 gsf	7,285 gsf	**0 gsf**
Parking – Accessory	222 spaces	202 spaces	**- 20 spaces**
Projected Development Site 1	150 spaces	130 spaces	**-20 spaces**
Projected Development Site 2	72 spaces	72 spaces	**0 spaces**
Population/Employment[3]	**No-Action Scenario**	**With-Action Scenario**	**Increment**
Residents	378 residents[1]	378 residents [1]	**0 residents**
Projected Development Site 1	234 residents	234 residents	**0 residents**
Projected Development Site 2	144 residents	144 residents	**0 residents**
Workers	111 workers[2]	172 workers[2]	**+61 workers**
Projected Development Site 1	60 workers	103 workers	**+43 workers**
Projected Development Site 2	51 workers	69 workers	**+18 workers**

Notes: [1] Assumes a 2.05 household size, based on 2012-2016 American Community Survey Data for the surrounding area.
[2] Assumes 1 employee per 450 gsf of medical office space, and 3 employees per 1,000 gsf of local retail space.

Build Year

As Projected Development Site 1 is under the control of the Applicant, it is expected that the proposed mixed-use building would be constructed over an approximately 21-month period, with an anticipated start date in 2019, and with all components complete and fully operational by 2021. In addition, Projected Development Site 2 is currently under preconstruction, with an anticipated build year of 2021. Accordingly, the proposed project will use a 2021 build year for analysis purposes. As the proposed project would be operational in 2021, its environmental setting is not the current environment, but the future environment. Therefore, the technical analyses assess current conditions and forecast these conditions to the expected 2021 build year for the purposes of determining potential impacts.

Identification of Development Sites / Affected Area

As previously discussed, in addition to Projected Development Site 1 (Block 7280, Lot 110 and utilizing the air rights from Lot 89), three additional lots are proposed to be rezoned on Block 7280: Lot 92 (321 Sea Breeze Avenue); Lot 95 (337 Sea Breeze Avenue); and Lot 188 (205 Sea Breeze Avenue).

As the proposed development would utilize the air rights from Block 7280, Lot 89, which is currently occupied by the Temple Beth Abraham (house of worship), redevelopment would not occur on Lot 89 as a result of the Proposed Action. Within the Proposed Rezoning Area, the existing house of worship located at Block 7280, Lot 92 (Sea Breeze Synagogue) was built in 1966 and is an integral part of the West Brighton Community. Therefore, it is unlikely to be redeveloped as a result of the proposed action. In addition, the multi-family residential building located at Block 7280, Lot 188 was built in 1930 and has an existing residential FAR of 4.71, which far exceeds the maximum permitted residential FAR of 2.43 within the R6 district. As the existing six-story residential building was developed prior to 1974, and is likely rent-stabilized, this site is also unlikely to be redeveloped as a result of the Proposed Action. Block 7280, Lot 95 (Projected Development Site 2) is currently occupied by an approximately 21,825 sf surface parking lot owned by the adjacent Trump Village apartment complex. Trump Village has announced plans to develop this lot with an approximately 95,000 gsf mixed-use building containing 70 dwelling units and approximately 23,000 gsf of community facility space.

Therefore, the Applicant-owned proposed development, as presented in **Table A-2** above, represents the RWCDS for analysis purposes, and Lot 95 would be considered a projected development site that would likely be redeveloped in the future With-Action condition.

The Future Without the Proposed Action (No-Action Condition)

In the future without the Proposed Actions (the No-Action scenario), the proposed rezoning area's existing R6 zoning would remain in place. The existing zoning permits a maximum 2.43 FAR for residential use (based on height factor regulations), and up to 4.8 FAR for community facility use. This would permit the as-of-right development of an approximately 172,579 gsf (125,896 zsf), 20-story (220'-4" tall) mixed-use building at Projected Development Site 1 (refer to **Figure A-9**). The building would consist of a 16-story residential tower above a four-story community facility base. The residential component of the project would consist of approximately 103,614 gsf (92,763 zsf), with an estimated 114 DUs. The community facility component would consist of approximately 27,050 gsf (25,848 zsf) of space with medical office uses. Similar to the proposed project, under the No-Action scenario, the development would utilize the air rights from Lot 89. Currently, Lot 89 contains approximately 7,285 gsf (7,285 zsf) of community facility



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space (house of worship). The development would have a residential FAR of 2.42, which is slightly less than the maximum permitted residential FAR of 2.43, and a community facility FAR of 0.86, which is less than the maximum permitted community facility FAR of 1.0, for an overall FAR of 3.28, which is lower than the maximum permitted FAR of 4.8. The as-of-right development would also include 150 accessory parking spaces on portions of the first, second, and third floors.

Additionally, under the No-Action scenario, an approximately 95,000 gsf mixed-use building would be constructed at Projected Development Site 2 on Block 7280, Lot 95, as per the current plans. The development would include 70 DUs with a residential FAR of 2.43, and an approximately 23,000 gsf community facility base with medical office uses, with a community facility FAR of 1.0, for an overall FAR of 3.43. The No-Action RWCDS is summarized in **Table A-3**.

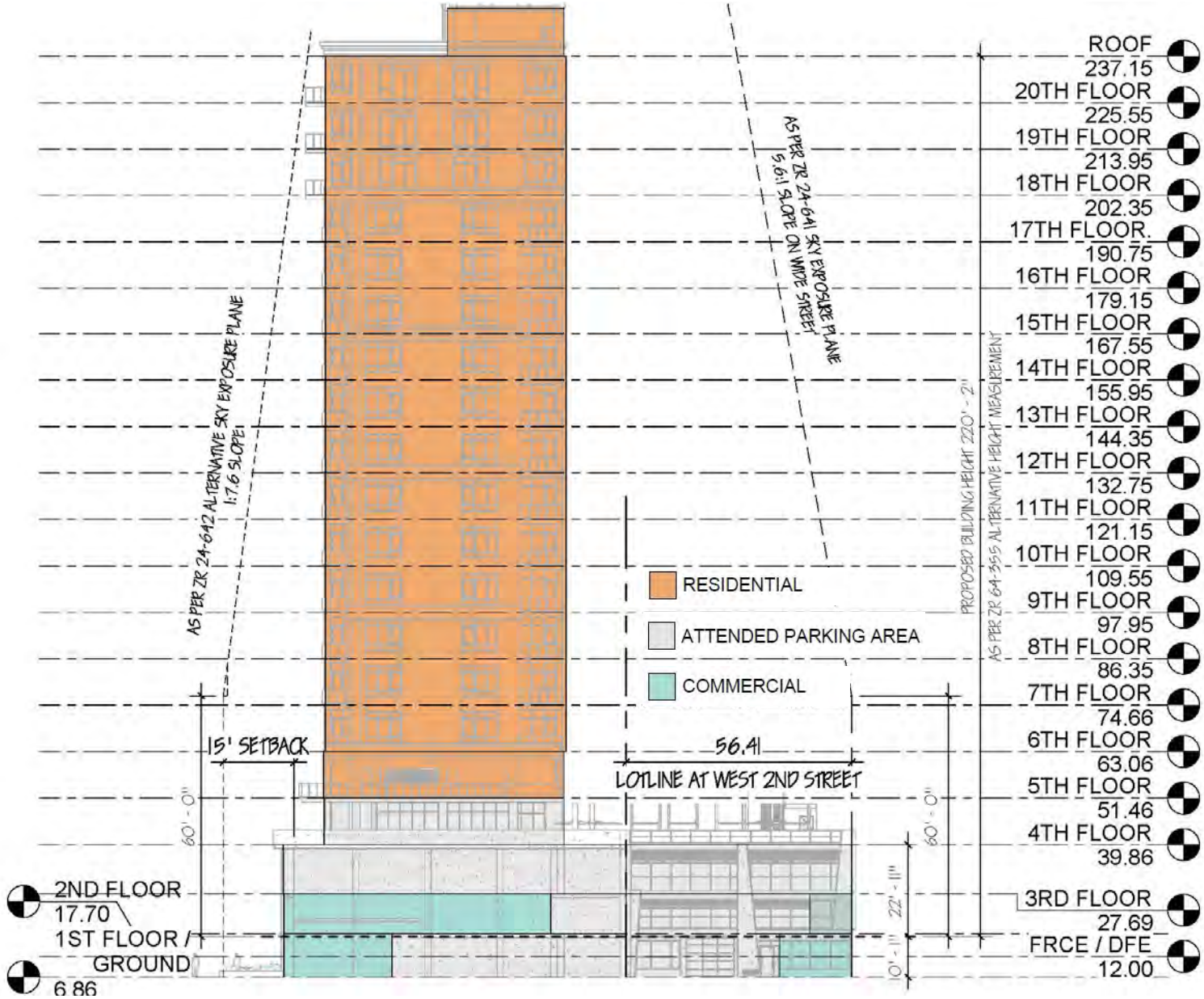
The Future With the Proposed Action (With-Action Condition)

In the future with the Proposed Actions (the With-Action scenario), the proposed zoning map amendment would be implemented in the proposed rezoning area. As such, the proposed rezoning area would be remapped as a R6/C2-4 district. Under With-Action conditions, commercial uses would be permitted in the proposed rezoning area, up to a maximum FAR of 2.0. The proposed R6/C2-4 zoning district would also alter the permitted uses pursuant to the current R6 zoning within the Proposed Rezoning Area from Use Groups (UG) 1-4 to UG 1-9 and 14. There would be no changes to permitted building envelope.

As shown in **Table A-2**, the Applicant intends to redevelop Projected Development Site 1 with a mixed-use building with an overall FAR of 3.35 (128,220 zsf). As detailed above, the proposed development would have a built residential FAR of 2.42, which correlates to a maximum HF of 17. For Projected Development Site 1 (7,327 sf of lot coverage), the proposed project (128,220 zsf) results in a HF of approximately 17.49. As the proposed project maximizes the permitted floor area, it is considered the RWCDS With-Action condition for the Applicant-owned Projected Development Site 1 in the future with the Proposed Action.

Under the With-Action RWCDS, Projected Development Site 1 would be redeveloped with a 20-story (approximately 220’4” tall), approximately 172,679 gsf (128,220 zsf) mixed-use building (refer to **Figure A-10**). As shown below in **Table A-2**, the proposed building would include approximately 114 DUs (103,614 gsf/92,763 zsf), approximately 25,021 gsf (16,006 zsf) of commercial space, and approximately 12,756 gsf (12,166 zsf) of community facility space. In addition, following receipt of CPC approvals, the Applicant intends to pursue a Special Permit (73-36) with the Boards of Standards and Appeals (BSA) to facilitate an approximately 16,006 gsf proposed Physical Cultural Establishment (PCE) on the second floor of the building, which is not permitted as-of-right. As such, the proposed PCE would represent approximately 64 percent of the overall commercial area within the proposed building. Similar to the No-Action condition, the proposed development would utilize the air rights from Lot 89, which currently contains approximately 7,285 gsf (7,285 zsf) of community facility space (house of worship). Under the With-Action scenario, the proposed commercial space would have local retail uses, and the proposed community facility space would serve as medical offices. Similar to the No-Action condition, the proposed development would have a four-story base below a 16-story residential tower. In addition, the proposed development would provide a total of 130 accessory parking spaces.

In addition, similar to the No-Action condition, Projected Development Site 2 (Block 7280, Lot 95) would be improved with an approximately 95,000 gsf mixed-use building under the With-Action RWCDS. The



271 Sea Breeze Avenue EAS

Figure A-10

Projected Development Site 1 - Proposed (With-Action) Building Section

development would contain 70 DUs and an approximately 23,000 gsf commercial base with local retail uses. The approximately 23,000 gsf of community facility space under the No-Action scenario would be converted to commercial (local retail) space under the With-Action scenario. The development would have a residential FAR of 2.43 and a commercial FAR of 1.0, for an overall FAR of 3.43.

VII. APPROVALS REQUIRED

The Proposed Action described above are subject to public review under both the Uniform Land Use Review Procedure (ULURP), and the City Environmental Quality Review (CEQR) procedures. Additionally, following receipt of CPC approvals, the Applicant intends to pursue a Special Permit with the BSA to facilitate the development of a PCE within the proposed building. The proposed BSA Special Permit is a discretionary public action that is also subject to CEQR. The ULURP and CEQR review processes are described below.

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: Community Board, 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 DCP that the ULURP application is complete. The application is then referred to the relevant Community Board (in this case Queens Community Board 7). 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 Borough President then has up to 30 days to review the application. CPC then has up to 60 days, during which time a public hearing is help 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 for the purpose of identifying 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*. The Department of City Planning (DCP) is serving as the lead agency for the proposed action under CEQR. For the proposed Special Permit to permit the PCE, BSA would serve as the lead agency for the proposed action under CEQR. The lead agency will determine whether the proposed action may have any significant adverse impacts on the environment.

ATTACHMENT B
SUPPLEMENTAL SCREENING

I. INTRODUCTION

This Environmental Assessment Statement ("EAS") has been prepared in accordance with the guidelines and methodologies presented in the 2014 *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 these guidelines, preliminary screening assessments were conducted for the proposed action 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. As per the EAS Form, a supplemental screening of Land Use, Zoning, and Public Policy, Historic and Cultural Resources, Natural Resources, Hazardous Materials, and Transportation are warranted, and are provided in this attachment. All 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 supplemental screening assessment contained herein identified that a detailed analysis is required for Land Use, Zoning, and Public Policy, Historic and Cultural Resources, Hazardous Materials and Transportation. These analyses are provided in Attachments C, D, E and F, respectively, and are summarized in this attachment. **Table B-1** identifies for each CEQR technical area whether (a) the potential for impacts can be screened out based on the EAS Form, Part II, Technical Analyses; (b) the potential for impacts to be screened out based on a supplemental screening per the *CEQR Technical Manual*, (c) or whether a more detailed assessment is required.

Table B-1
Summary of CEQR Technical Areas Screening

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			X
Air Quality	X		
Greenhouse Gas Emissions	X		
Noise	X		
Public Health	X		
Neighborhood Character	X		
Construction	X		

As discussed in Attachment A, "Project Description," in the future with the Proposed Action, the Applicant proposes to construct a new 20-story (220'-4" tall, measured from 10' above the Flood Resistant Construction Elevation (FRCE)), with a four-story commercial and community facility base below a 16-story residential tower at Projected Development Site 1 (refer to **Figure B-1**). The 16-story residential component of the project would consist of approximately 103,614 gsf (92,763 zsf), with an estimated 114 DUs. The commercial component of the project would contain approximately 25,021 gsf (16,006 zsf) of commercial space, located on the first and second floor with local retail uses. The community facility component of the project would contain approximately 12,756 gsf (12,166 zsf) of community facility space located on the first, third, and fourth floors with medical office uses. The proposed development would also utilize the air rights from Lot 89, which currently contains approximately 7,285 gsf (7,285 zsf) of community facility space (house of worship). In addition, the proposed development would include approximately 130 accessory parking spaces on portions of the first, second, and third floors. The proposed building is expected to be completed and occupied by 2021. In addition, Projected Development Site 2 (Block 7280, Lot 95) would be improved with an approximately 95,000 gsf mixed-use building under the With-Action RWCDS. The development would contain 70 DUs, an approximately 23,000 gsf commercial base with local retail uses and 72 parking spaces. The projected development was conservatively assumed to be completed and occupied by 2021 as well.

As outlined in Attachment A, "Project Description," compared to the No-Action condition, the With-Action development would result in a net increase of approximately 48,021 gsf of commercial (local retail) space and a net decrease of 37,294 gsf of community facility (medical office) space, and 20 accessory parking spaces. The proposed project would also result in a net increase of 61 workers at Projected Development Site 1, as compared to the No-Action conditions. The incremental differences, presented in **Table A-3**, serve as the basis for the impact category analysis of the EAS.

II. SUPPLEMENTAL SCREENING AND SUMMARY OF DETAILED ANALYSES

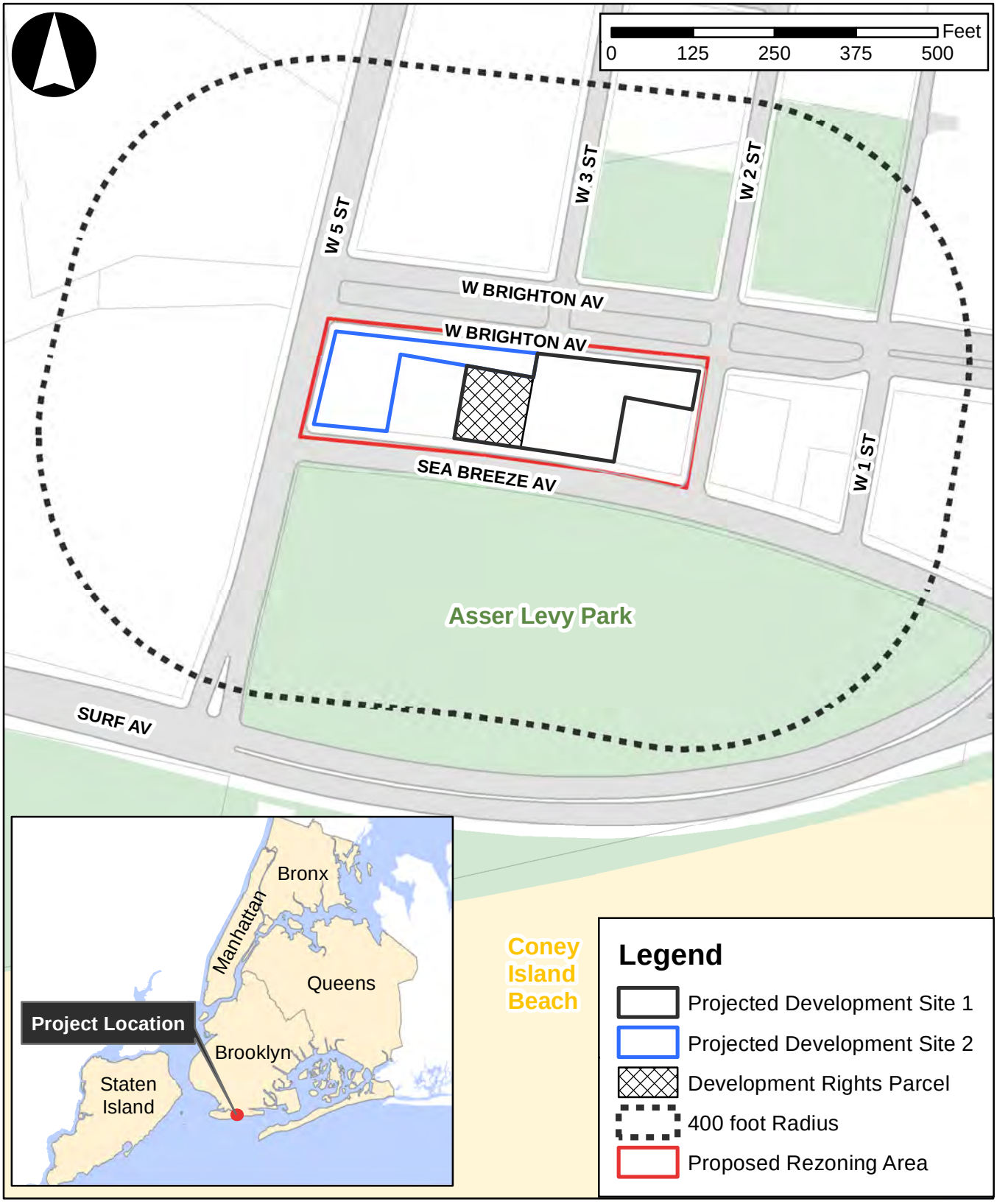
Land Use, Zoning, and Public Policy

According to *CEQR Technical Manual* guidelines, a detailed analysis of land use and zoning is appropriate if a proposed action would result in a significant change in land use or would substantially affect regulations or policies governing land use. An assessment of zoning is typically performed in conjunction with a land use analysis when the 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.

As the Proposed Action is a zoning map amendment to facilitate the construction of a mixed-use building at Projected Development Site 1, a detailed analysis of land use, zoning and public policy is provided in Attachment C, "Land Use, Zoning, and Public Policy." As discussed in Attachment C, no significant adverse impacts on land use, zoning, or public policy, as defined by the guidelines for determining impact significance set forth in the *CEQR Technical Manual*, are anticipated in the 2021 future with the proposed action at Projected Development Site 1 or surrounding study area. The Proposed Action would not directly displace any land uses so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with land uses, zoning, or public policy in the study area.

Proposed projects that are located within the boundaries of New York City's Coastal Zone must be assessed for their consistency with the City's Waterfront Revitalization Program (WRP). As Projected

Figure B-1
Project Location



Source: NYC DCP (MapPLUTO 17v1); DoITT

Development Site 1 falls within the City's designated coastal zone, the proposed project must be assessed for its consistency with the policies of the WRP. An assessment is provided in **Appendix I**. As indicated in **Appendix I**, the proposed project would comply with all applicable WRP policies.

Separately from the Proposed Actions described above, DCP is proposing updates to the Flood Resilience Zoning Text[1] (the "2013 Flood Text") and the Special Regulations for Neighborhood Recovery[2] ("2015 Recovery Text"), which were adopted on a temporary emergency-basis post Hurricane Sandy to advance the reconstruction of storm-damaged properties, and enable new and existing buildings to comply with flood-resistant construction standards, located within Appendix G of the New York City Building Code. The proposed text amendment is expected to be in public review concurrently with the Proposed Actions. Since these zoning changes would affect the Project Area, their relevant and applicable effects (as currently known) will be analyzed as part of this environmental review in order to provide a conservative analysis. As per the assessment provided in **Appendix I**, the proposed building is expected to be consistent with the proposed zoning text amendments.

Historic & Cultural Resources

Historic and cultural resources are defined as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. These include properties that have been designated or are under consideration as New York City Landmarks (NYCL) or Scenic Landmarks, or are eligible for such designation by the New York City Landmarks Preservation Commission (LPC); properties within New York City Historic Districts; properties listed on the State and/or National Register of Historic Places (S/NR); and National Historic Landmarks. An assessment of architectural and archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated. As the Proposed Rezoning Area is located in close proximity to a designated historic resource, an assessment of historic architectural resources is necessary, and is provided in Attachment D, "Historic & Cultural Resources." As no new in-ground disturbance would occur in the Proposed Rezoning Area under With-Action conditions, an archaeological assessment is not warranted for the Proposed Action.

As detailed in Attachment D, the Proposed Action would not result in any significant adverse impacts to historic architectural resources. There are no designated or eligible sites in the Proposed Rezoning Area, and the Proposed Action is area-specific. As such, the Proposed Action would not result in direct impacts to historic architectural resources. Additionally, as there are no historic resources located within 90 linear feet of the Proposed Rezoning Area, no construction-related impacts on historic resources would occur as a result of the Proposed Action. The Proposed Action would also not result in significant adverse indirect impacts on existing historic resources as compared to No-Action conditions. Under both No-Action and With-Action conditions, Projected Development Site 1 would be redeveloped with a 20-story building. The proposed building's height and bulk would remain the same under both the No-Action and With-Action scenarios. As such, the Proposed Action would not alter the setting or visual context of surrounding historic architectural resources as compared to No-Action conditions. The Proposed Action would not

[1] The Flood Resilience Zoning Text can be accessed via the following link: https://www1.nyc.gov/site/planning/zoning/districts-tools/flood-text.page

[2] The Special Regulations for Neighborhood Recovery Text can be accessed via the following link: https://www1.nyc.gov/site/planning/plans/special-regulations-neighborhood/special-regulations-neighborhood.page

eliminate or substantially obstruct significant public views of architectural resources. No primary facades, significant architectural ornamentation, or notable features of surrounding historic buildings would be obstructed by the Proposed Action, and all significant elements of these resources would remain visible in view corridors on adjacent streets. The Proposed Action would not alter the relationship of any identified historic resources to the streetscape as compared to No-Action conditions. Additionally, no incompatible visual, audible, or atmospheric elements would be introduced to any historic resource's setting in the future with the Proposed Action. Additionally, the Proposed Action would not generate incremental shadows on any sunlight-sensitive features of nearby historic architectural resources as compared to No-Action conditions and further analysis is not warranted.

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 project site's location within the Jamaica Bay Watershed, 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, 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* requirements and is provided in **Appendix II**. While the proposed project would result in the construction of a new mixed-use building, the site is currently vacant and is substantially devoid of natural resources. Additionally, the

affected area (81,802 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 *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.

As the Proposed Action would result in the development of a mixed-use building on a site where there is reason to suspect the presence of hazardous materials, an assessment in provide in Attachment E, "Hazardous Materials"

Transportation

The objective of a transportation analysis is to determine whether a proposed action may have a potentially significant adverse impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, bicyclists, and vehicles), on- and off-street parking or goods movement.

The 2014 *CEQR Technical Manual* identifies minimum incremental development densities that potentially require a transportation analysis. Development at less than the development densities shown in Table 16-1 of the 2014 *CEQR Technical Manual* generally result in fewer than 50 peak-hour vehicle trips, 200 peak-hour subway/rail or bus transit riders, and 200 peak-hour pedestrian trips, where significant adverse impacts are considered unlikely. In CEQR Zone 2 (which includes the rezoning area) the development thresholds include an increment of 200 DUs for residential, 15,000 sf for local retail, and 25,000 sf for community facility. According to the 2014 *CEQR Technical Manual*, if an action would result in development greater than one of the minimum development density thresholds in Table 16-1, a Level 1 (Project Trip Generation) Screening Assessment should be prepared. In most areas of the city, including the rezoning area, if the proposed action is projected to result in fewer than 50 peak-hour vehicle trips, 200 peak-hour subway/rail or bus transit riders, or 200 peak-hour pedestrian trips, it is unlikely that further analysis would be necessary. If these trip-generation screening thresholds are exceeded, a Level 2 (Project-Generated Trip Assignment) Screening Assessment should be prepared to determine if the proposed action would generate or divert 50 peak-hour vehicle trips through any intersection, 200 peak-hour subway trips through a single station, 50 peak-hour bus trips on a single bus route in the peak direction, or 200 peak-hour pedestrian trips through a single pedestrian element. If any of these Level 2 screening thresholds are met or exceeded, detailed analysis for the respective mode is required.

As discussed in Attachment F, "Transportation", the Proposed Action would exceed the Level 2 screening thresholds for pedestrians, and as such, a detailed analysis of pedestrians is provided in Attachment F. As

discussed in detail in Attachment F, the Proposed Action would not result in any significant adverse impacts to pedestrian conditions. Additionally, as further discussed in Attachment F, the Proposed Project does not warrant a detailed analysis of traffic, parking, or transit conditions, as per *CEQR Technical Manual* criteria.

ATTACHMENT C
LAND USE, ZONING, AND PUBLIC POLICY

I. INTRODUCTION

The Applicant, 271 Sea Breeze Development LLC, is seeking a discretionary zoning action from the New York City Planning Commission (CPC) ("Proposed Action") to facilitate the development of a mixed-use building at 271 Sea Breeze Avenue (Block 7280, Lot 110) in the West Brighton neighborhood of Brooklyn Community District (CD) 13 (refer to **Figure C-1**). The Development Site utilizes the lot area and floor area of an adjacent parcel (Lot 89) which contains the 7,285 gsf Temple Beth Abraham Synagogue and together would consist of a single zoning lot (hereafter, "Projected Development Site 1"). The Proposed Action is a zoning map amendment to rezone the entirety of Block 7280 (Lots 89, 92, 95, 110, and 188) from a R6 district to a R6/C2-4 district (refer to **Figure C-2**).

A detailed assessment of land use and zoning is appropriate if a proposed action would result in a significant change in land use or would substantially affect regulations or policies governing land use. An assessment of zoning is typically performed in conjunction with a land use analysis when the action would change the zoning on the site or result in the loss of a particular use. As the Proposed Action is a zoning map amendment, a detailed assessment of land use, zoning, and public policy is warranted and is provided in this attachment. In addition, Projected Development Site 1 is located within the 100-year floodplain with an elevation of +3' North American Vertical Datum (NAVD); as Projected Development Site 1 is located within the New York City Coastal Zone, an assessment of the Proposed Action's consistency with the Waterfront Revitalization Program (WRP) is warranted. The assessment considers the effects of the Proposed Action on the land use study area, as well as the Proposed Action's potential effects on zoning and public policy in the study area.

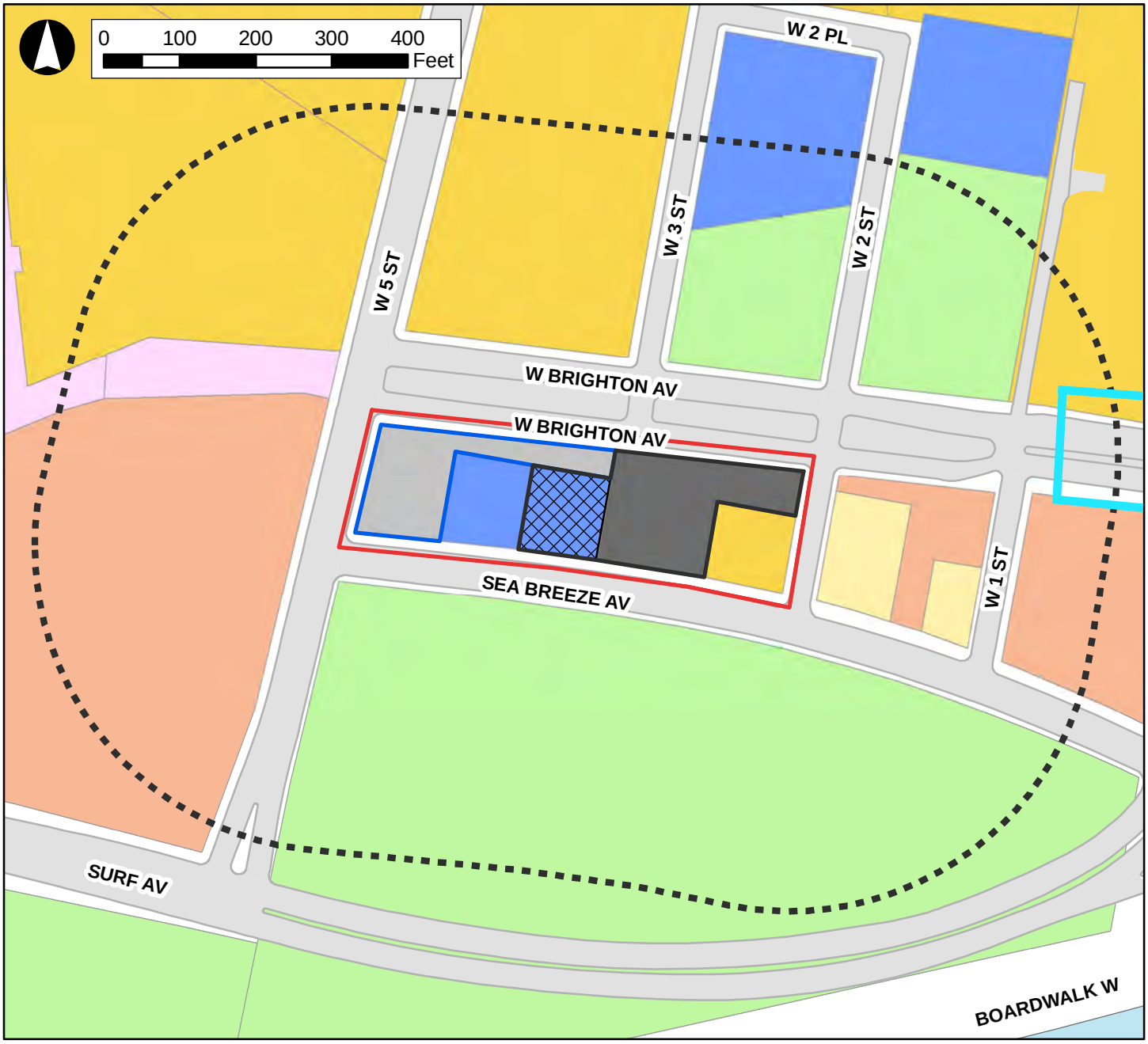
II. PRINCIPAL CONCLUSIONS

No significant adverse impacts on land use, zoning, or public policy, as defined by the guidelines for determining impact significance set forth in the *CEQR Technical Manual*, are anticipated in the 2021 future with the Proposed Action in the Proposed Rezoning Area and secondary study area. Compared to the future without the Proposed Action, the Proposed Action would introduce new commercial uses in the Proposed Rezoning Area that would be compatible with adjacent land uses. The Proposed Action would not directly displace any land uses so as to adversely affect surrounding land uses, nor would the Proposed Action generate land uses that would be incompatible with land use, zoning, or public policy in the secondary study area, or cause a substantial number of existing structures to become nonconforming. The Proposed Action would not result in land uses that conflict with public policies applicable to the primary or secondary study areas. The Proposed Action would facilitate new commercial floor area within a residential building in an appropriate location within the New York City Coastal Zone that is well-served by public facilities and infrastructure and characterized by similar uses under existing conditions.

III. METHODOLOGY

The Proposed Action is a zoning map amendment, which would affect land use, zoning, and public policy. Land use, zoning, and public policy are addressed and analyzed for two geographical areas for the Proposed Action. For the purpose of this assessment, the primary study area encompasses the Proposed

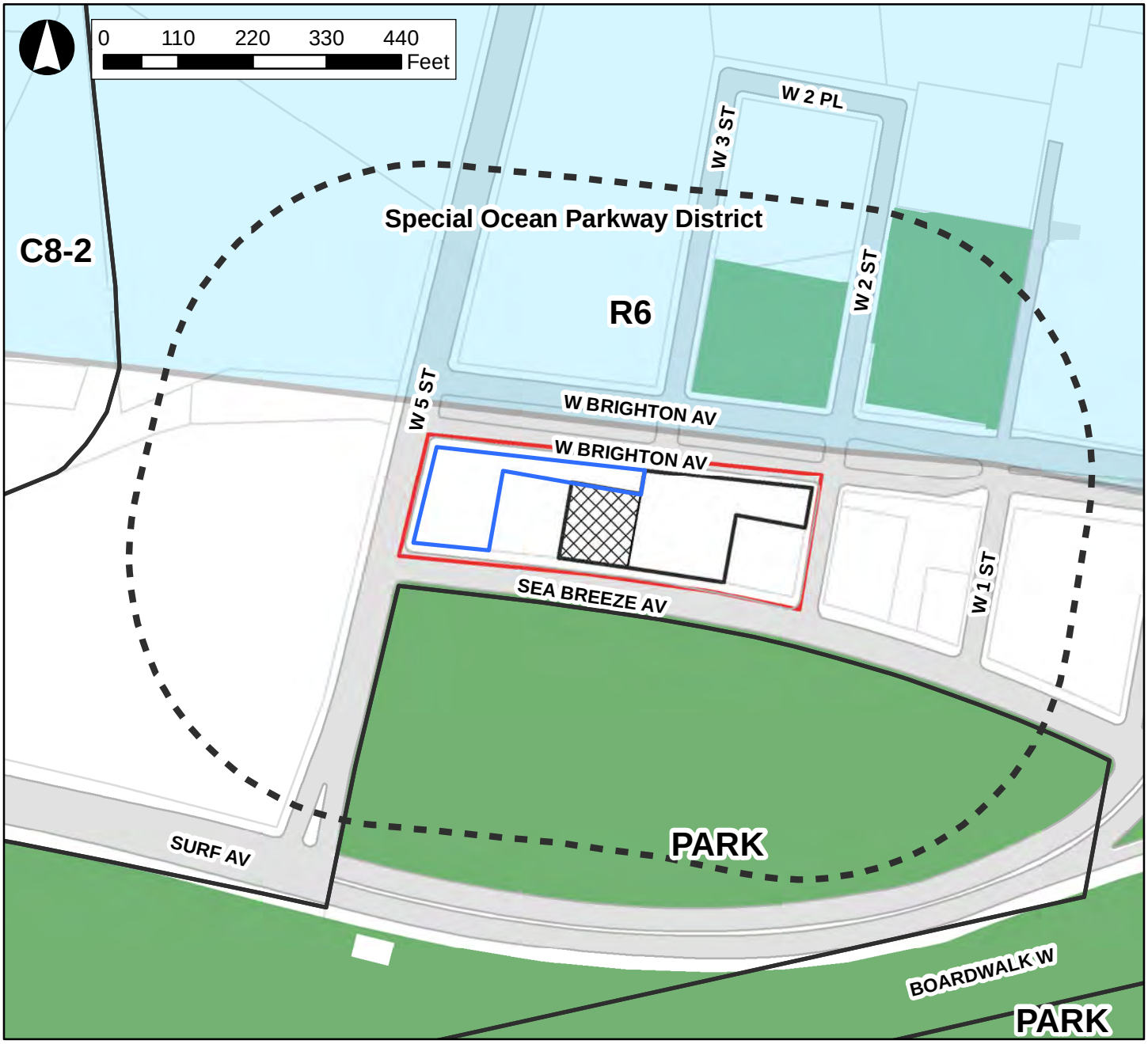
Figure C-1
Land Use Map



Legend

- Projected Development Site 1
- Projected Development Site 2
- Development Rights Parcel
- Proposed Rezoning Area
- 400-ft Radius
- S/NR- Listed Ocean Parkway Subway Station
- One & Two Family 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 C-2
Zoning Map



Legend

- Projected Development Site 1
- Projected Development Site 2
- 400-ft Radius
- Zoning Districts
- Ocean Parkway Special District
- Proposed Rezoning Area
- Development Rights Parcel

Rezoning Area (Brooklyn Block 7280, Lots 89, 92, 95, 110, and 188), which is located on the block bound by West Brighton Avenue to the north, West 2nd Street to the east, Sea Breeze Avenue to the south, and West 5th Street to the west. The secondary study area encompasses a 400-foot radius surrounding the Proposed Rezoning Area, an area that has the potential to experience indirect impacts as a result of the Proposed Action. Both the primary and secondary study areas have been established in accordance with *City Environmental Quality Review* (CEQR) *Technical Manual* guidance and can be seen in **Figure C-1**.

The analysis first provides a description of the existing land use, zoning, and public policy conditions in the study areas. Existing land uses in the primary and secondary study areas were determined based on the New York City Primary Land Use Tax Lot Output (PLUTO) data files and 2018 field visits. New York City Zoning and Land Use (ZoLa), New York City Zoning maps, and the *Zoning Resolution of the City of New York* were consulted to describe existing zoning districts in the study areas. Relevant public policy 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 primary and secondary study areas.

The analysis then projects land use, zoning, and public policy conditions in the 2021 analysis year without the Proposed Action. This is the "No-Action" or "future without the Proposed Action" condition, which is developed by identifying proposed developments and other relevant changes anticipated to occur in the primary and secondary study areas within this time frame. The No-Action condition describes the baseline conditions in the study areas against which the Proposed Action's incremental changes are measured. Finally, the analysis projects land use, zoning, and public policy conditions in 2021 with the completion of the Proposed Development. This is the "With-Action" or "future with the Proposed Action" condition.

IV. PRELIMINARY ASSESSMENT

Land Use and Zoning

A preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. As the Proposed Action consists of a zoning map amendment, a detailed assessment of land use and zoning is warranted and provided in Section V below.

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 an analysis of public policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans, such as 197-a plans, or published reports that pertain to the study area. If the proposed actions could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary.

The Proposed Rezoning Area and secondary study area is not located in an urban renewal area, a designated Industrial Business Zone (IBZ), a Business Improvement District (BID), a designated historic district, or within an area defined by an adopted 197-a plan. The applicable public policies to the Proposed Rezoning Area and secondary study area include the New York City Waterfront Revitalization Program

(WRP), Food Retail Expansion to Support Health (FRESH) Program, and the One New York: The Plan for A Strong and Just City (OneNYC).

New York City Waterfront Revitalization Program (WRP)

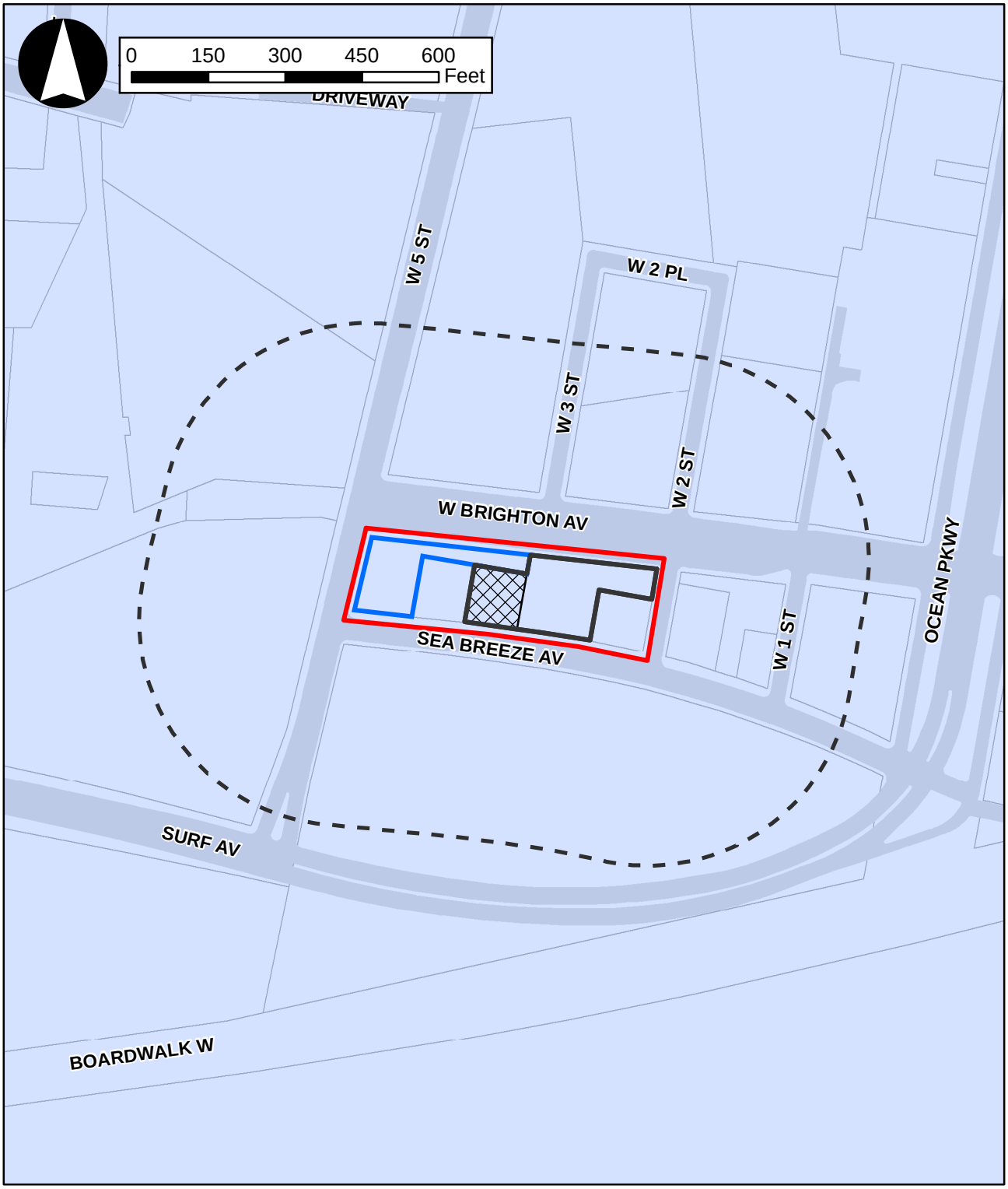
Proposed projects that are located within the boundaries of New York City's Coastal Zone must be assessed for their consistency with the City's Waterfront Revitalization Program (WRP). As illustrated in **Figure C-3**, "Coastal Zone Boundary Map," the entire rezoning area and study area fall within the City's designated Coastal Zone.

The Federal Coastal Zone Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of the waterfront and to set forth standard policies for reviewing proposed development projects along coastlines. The program responded to City, State, and Federal concerns about the deterioration and inappropriate use of the waterfront. In accordance with the CZMA, New York State adopted its own Coastal Management Program (CMP), which provides for local implementation when a municipality adopts a local WRP, as is the case in New York City. The New York City WRP is the City's principal coastal zone management tool. The WRP was originally adopted in 1982 and approved by the New York State Department of State (NYSDOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. NYSDOS administers the program at the State level, and DCP administers it in the City. The WRP was revised and approved by the City Council in October 1999. In August 2002, NYSDOS and federal authorities (i.e., the U.S. Army Corps of Engineers [USACE] and the U.S. Fish and Wildlife Service [USFWS]) adopted the City's 10 WRP policies for most of the properties located within its boundaries.

In October 2013, the City Council approved revisions to the WRP in order to proactively advance the long-term goals laid out in Vision 2020: The New York City Comprehensive Waterfront Plan, released in 2011. The changes solidify New York City's leadership in the area of sustainability and climate resilience planning as one of the first major cities in the U.S. to incorporate climate change considerations into its Coastal Zone Management Program. They also promote a range of ecological objectives and strategies, facilitate interagency review of permitting to preserve and enhance maritime infrastructure, and support a thriving, sustainable working waterfront. The NYSDOS approved the revisions to the WRP on February 3, 2016. The U.S. Secretary of Commerce concurred with the State's request to incorporate the WRP into the New York State CMP.

In 2013, the New York City Panel on Climate Change (NPCC) released a report (*Climate Risk Information 2013: Observations, Climate Change Projections, and Maps*) outlining New York City-specific climate change projections to help respond to climate change and accomplish PlaNYC goals, which are described below. The 2013 NPCC report predicted future City temperatures, precipitations, sea levels, and extreme event frequency for the 2020s and 2050s. Subsequently, in January 2015, the Second NPCC (NPCC2) released an updated report that presented the full work of the NPCC2 from January 2013 to 2015 and include temperature, precipitation, sea level, and extreme event frequency predictions for the 2081 to 2100-time period. While the projections will continue to be refined in the future, current projections are useful for present planning purposes and to facilitate decision-making in the present that can reduce existing and near-term risks without impeding the ability to take more informed adaptive actions in the future. Specifically, the NPCC2 report predicts that mean annual temperatures will increase by 2.0 to 2.8˚F, 4.1 to 5.7˚F, 5.3 to 8.8˚F, and 5.8 to 10.3˚F by the 2020s, 2050s, 2080s, and 2100, respectively; total annual precipitation will rise by one to eight percent, four to 11 percent, five to 13 percent, and -1 to +19 percent

WRP Coastal Zone Boundary



Legend

- Projected Development Site 1
- Projected Development Site 2
- Proposed Rezoning Area
- Development Rights Parcel
- 400-ft Radius
- Coastal Zone Boundary

by the 2020s, 2050s, 2080s, and 2100, respectively; sea level will rise by four to eight inches, 11 to 21 inches, 18 to 39 inches, and 22 to 50 inches by the 2020s, 2050s, 2080s, and 2100, respectively; heat waves and heavy downpours are also very likely to become more frequent, more intense, and longer in duration, with coastal flooding very likely to increase in frequency, extent, and elevation.

As illustrated in **Figure C-3**, "Coastal Zone Boundary," the entirety of the primary and secondary study areas falls within the City Coastal Zone. Therefore, the Proposed Action must be assessed for its consistency with the policies of the City's Local Waterfront Revitalization Program (WRP). An assessment is provided below. As discussed below in Section V, the proposed project would comply with all applicable WRP policies.

New York City Food Retail Expansion to Support Health Program (FRESH)

The Proposed Rezoning area and secondary study area are located within a FRESH-designated area. The FRESH Program promotes the establishment and retention of neighborhood grocery stores in underserved communities by providing zoning and financial incentives to eligible grocery store operators and developers. The land use study area is located within a FRESH program area that provides discretionary financial incentives to promote the establishment and retention of neighborhood grocery stores, including real estate tax reductions, sales tax exemption, and mortgage recording tax deferral (note that the FRESH Program, as applicable to the primary and secondary study area, does not provide zoning incentives). Stores that benefit from the FRESH program must also meet the following criteria: a) Provide a minimum of 6,000 sf of retail space for a general line of food and non-food grocery products intended for home preparation, consumption and utilization; b) Provide at least 50 percent of a general line of food products intended for home preparation, consumption and utilization; c) Provide at least 30 percent of retail space for perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods; and d) Provide at least 500 sf of retail space for fresh produce.

Under the existing R6 zoning of the Proposed Rezoning Area, FRESH supermarkets and other food stores are not permitted as-of-right. Approval of the Proposed Action would permit the use of FRESH supermarkets and food stores within the Proposed Rezoning Area. As such, the Proposed Action would not alter or conflict with the objectives of the FRESH program, and no significant adverse impacts would result.

One New York: The Plan for a Strong and Just City (OneNYC)

OneNYC is the City's long-term sustainability plan to address New York City's long-term challenges: the forecast of nine million residents by 2040, changing climate conditions, an evolving economy, and aging infrastructure. The plan sets goals and targets that are both aspirational and achievable, encompassing both short-term actions and ambitious plans to address future challenges. Originally released in 2007, and updated most recently in 2011 and 2015 under Local Law 84 (2013), a long-term plan that considers population projections, housing, air quality, coastal protections, and other sustainability and resiliency factors is required every four years on Earth Day. The plan is divided into four visions for a stronger, more equitable, more sustainable, and more resilient New York City, and includes over 200 new initiatives, with over 80 specific new metrics and targets. OneNYC represents a unified vision for a sustainable, resilient, and equitable city and charts the path for collectively achieving this goal.

The Proposed Action would support the policies and goals of OneNYC by promoting mixed-use development that attracts retail and other services to residential neighborhoods expected to grow. The

Proposed Development would provide expanded services for the areas residential population which would be consistent with the policy goals and objectives of OneNYC.

V. DETAILED ASSESSMENT

Existing Conditions

Land Use

Proposed Rezoning Area / Primary Study Area

The approximate 81,802 sf Proposed Rezoning Area consist of Block 7280, Lots 89, 92, 95, 110, and 188. As discussed in Attachment A, "Project Description," the entire Proposed Development would be located on Lot 110 (owned by the Applicant) and would utilize the development rights associated with Lot 89. Lot 89 is not under the control of the applicant and as a result of the proposed action, it would be merged into the Lot 110 but would remain under separate ownership. The Proposed Rezoning Area is located in the West Brighton neighborhood of Brooklyn Community District (CD) 13.

Projected Development Site 1 comprises Block 7280, Lot 110 (and utilizing the air rights from Lot 89), which is an irregularly shaped lot located at the southwest corner of West Brighton Avenue and West 2nd Street (refer to **Figure C-1)**. Projected Development Site 1 has approximately 150 feet of street frontage on the north side of Sea Breeze Avenue, approximately 250 feet of street frontage on the south side of West Brighton Avenue, as well as approximately 56 feet of street frontage on the west side of West 2nd Street. Projected Development Site 1 is currently vacant. In addition, Lot 89 has approximately 100 feet of street frontage on the north side of Sea Breeze Avenue and currently contains a one-story building occupied by Temple Beth Abraham.

The uses located on the non-applicant owned lots are detailed below in **Table C-1**. Projected Development Site 2 comprises Block 7280, Lot 95, which is an irregularly shaped lot located at the southeast corner of West Brighton Avenue and West 5th Street (refer to **Figure C-1)**. Projected Development Site 2 has approximately 113 feet of street frontage on the north side of Sea Breeze Avenue, approximately 145 feet of street frontage on the east side of West 5th Street, as well as approximately 304 feet of street frontage on the south side of West Brighton Avenue. Projected Development Site 2 is currently occupied by an accessory parking lot for the nearby Trump Village residential buildings. Lot 95 is occupied by an accessory parking lot for the nearby Trump Village residential buildings. Lot 92 is currently improved with the Sea Breeze Synagogue. On Lot 89 is a one-story building occupied by Temple Beth Abraham. Finally, a six-story, multi-family residential building, containing 58 dwelling units, is located on Lot 188.

Table C-1: Existing Uses within the Rezoning Area

Block	Lot	Zoning	Lot Area (sf)	Use
Projected Development Site 1				
7280	110	R6	21,720	Vacant
7280	89	R6	10,680	House of Worship (Temple of Beth Abraham)
Non-Applicant owned Lots				
7280	92	R6	11,392	House of Worship (Sea Breeze Synagogue)
7280	95	R6	21,825	Accessory Parking lot (Projected Development Site 2)
7280	188	R6	10,200	Multi-family Residential Building

Source: NYC DCP MapPLUTO 18v1 & June 2018 site visits
Note: Projected Development Site 1 utilizes the air rights from Lot 89

Secondary Study Area

As shown in **Figure C-1** and **Table C-2**, the majority of the secondary study area is occupied by residential uses. Approximately 68.5% of all built floor area within the secondary study area is used for residential purposes. Mixed-use commercial and residential buildings make up 28.1% of all built floor area within the secondary study area. The secondary study area also includes an abundance of open space. Open space represents 31.2% of all lot area. To the south of the proposed rezoning area is the 21-acre Asser Levy Park. To the north are the P.S. 100 and Century Playgrounds. In addition, to the north of the rezoning area, elevated subway tracks serving the Q subway line are located along West Brighton Avenue.

Table C-2: Existing Land Uses within 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	6	40.0	766,276	38.1	2,280,782	68.5
One & Two-Family Residential	*0*	*0.0*	*0*	*0.0*	*0*	*0.0*
Multi-Family Walkup Buildings	*2*	*13.3*	*21,570*	*1.1*	*72,120*	*2.2*
Multi-Family Elevator Buildings	*4*	*26.7*	*744,706*	*37.0*	*2,208,662*	*66.3*
Mixed Commercial/Residential Buildings	3	20.0	399,933	19.9	936,846	28.1
Commercial/Office Buildings	0	0.0	0	0.0	0	0.0
Industrial/Manufacturing	0	0.0	0	0.0	0	0.0
Transportation/Utility	2	13.3	170,493	8.5	0	0.0
Public Facilities & Institutions	1	6.7	46,200	2.3	107,630	3.2
Open Space	3	20.0	628,467	31.2	3,820	0.1
Parking Facilities	0	0.0	0	0.0	0	0.0
Vacant Land	0	0.0	0	0.0	0	0.0
Total	***15***	***100.0***	***2,011,369***	***100.0***	***3,329,078***	***100.0***

Source: NYC DCP MapPLUTO 18v1 & June 2018 site visits
Note: Exclusive of lots in the rezoning area

Zoning

Proposed Rezoning Area / Primary Study Area

As presented in **Figure C-2**, the Proposed Rezoning Area is currently zoned R6, a designation that has remained unchanged since enactment of the 1961 Zoning Resolution. Under the Proposed Rezoning Area's existing R6 zoning designation, residential (Use Groups 1 and 2) and community facility (Use Groups

3 and 4) are permitted as-of-right. Developments within the R6 district have the option of utilizing either height factor regulations or quality housing regulations. Under the height factor regulations, residential uses are permitted to a floor area ratio (FAR) of 2.43 with a greater maximum FAR of 4.80 for developments that include community facility uses (Use Groups 3 and 4). Developments that opt for height factor regulations typically result in taller buildings that cover a smaller percentage of the lot. Under height factor regulations, the building's maximum height is regulated by the sky exposure plane, meaning that as the building increases in height it must continue to setback from the streetwall. Quality housing regulations produce shorter buildings that cover a greater portion of the lot. For lots on or within 100 feet of a wide street (75-feet or wider), the maximum residential FAR is 3.00 with a greater 4.80 FAR for developments including community facility uses. For lots on narrow streets, the maximum FAR is 2.20 with a maximum 4.80 FAR available for developments including community facility uses. The maximum building height for developments utilizing the quality housing regulations ranges between 55 and 75 feet and depends on whether the development is located on a narrow or wide street.

The proposed development would utilize height factor regulations. Based on the total proposed floor area (128,219 zsf) and the maximum lot coverage (7,327 sf), the height factor was determined to be 17, which yields a maximum residential FAR of 2.42. As such, the proposed development would have a built residential FAR of 2.42 and an overall built FAR of 3.35. There is only one residential building located within the Proposed Rezoning Area, an approximately 48,000 gsf six-story multi-family building on Block 7280, Lot 188. As the building was developed prior to 1974, and is likely rent-stabilized, this building is unlikely to be redeveloped as a result of the proposed action.

Secondary Study Area

As presented in **Figure C-2**, the majority of the secondary study area is located within the R6 district. The area to the south is zoned as a park. And the area immediately north of Proposed Rezoning Area is located within the Ocean Parkway Special District.

The Ocean Parkway Special District was established in 1977 to maintain the existing scale and character of the community. Within the special district, specifically in the R6 zoned portion of the secondary study area, the maximum FAR for developments containing community facility uses is 2.43, rather than the 4.80 allowed by the underlying zoning. A certification from the City Planning Commission is required to utilize a maximum community facility FAR of 4.80 for properties zoned R6 within this special district. In addition, for properties with frontage along Ocean Parkway, the property must include a 30-foot front yard and fully enclosed off-street accessory parking.

The Proposed Action would facilitate the proposed mixed-use development on Projected Development Site 1 and recognize the pre-existing mixed-use character of the surrounding area. The Applicant believes that the proposed commercial overlay would be appropriate for this location, which is located between two heavily trafficked avenues and within close proximity to transit. The proposed new commercial use on the lower levels of the proposed development would serve to promote additional vibrancy along this stretch of Sea Breeze Avenue and West Brighton Avenue, which is not currently permitted to have commercial uses as per the current zoning. The proposed development would be consistent with the built character of the surrounding area, with high-density mixed-use buildings in close proximity.

Public Policy

As noted above, the Proposed Rezoning Area and secondary study area are located within the City's Designated Coastal Zone. A discussion of this public policy is provided below and in **Appendix I**.

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

Proposed Rezoning Area / Primary Study Area

In the future without the Proposed Action, the Proposed Rezoning Area's existing R6 zoning would remain in place. As presented in **Attachment A, "Project Description,"** it is assumed Projected Development Site 1 would be redeveloped with an as-of-right mixed-use building containing residential and community facility uses in the 2021 No-Action condition. Specifically, Projected Development Site 1 would be redeveloped with a new 20-story apartment building containing 114 dwelling units (DUs), 27,050 gsf of medical office uses on the building's lower four floors, and 150 off-street accessory parking spaces located on portions of the first, second, and third floors. Under the No-Action condition, the proposed development would utilize air rights from Lot 89 and would have an overall built FAR of 3.28, which is less than the maximum permitted 4.8 FAR.

The proposed development would be fully wet and dry flood proofed and would be designed to meet New York City Building Code standards for flood resistant construction standards, including dry floodproofed walls, flood barriers at building openings, and a foundation system designed to resist hydrostatic pressure. In addition, flood shields would be used throughout the development.

Additionally, under the No-Action scenario, an approximately 95,000 gsf mixed-use building would be constructed at Projected Development Site 2 on Block 7280, Lot 95, as per the current plans. The development would include 70 DUs with a residential FAR of 2.43, and an approximately 23,000 gsf community facility base (with medical office uses), with a community facility FAR of 1.0, for an overall FAR of 3.43. The remaining two non-applicant owned lots would remain in their existing form under the No-Action condition.

Secondary Study Area

There are no known or anticipated developments that are expected to occur within the 400-foot secondary study area in the 2021 No-Action condition.

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

In the 2021 future with the Proposed Action, the Proposed Rezoning Area would be rezoned from R6 to R6/C2-4, facilitating the development of the Proposed Development.

Land Use

Projected Development Site 1 would be redeveloped with an approximately 172,679 gsf mixed-use building. The Proposed Development would include 114 DUs (103,614 gsf), approximately 25,021 gsf of commercial space, and 12,756 gsf of community facility space. Similar to the No-Action condition, the Proposed Development would utilize the air rights from Lot 89, which currently contains approximately

7,285 gsf (7,285 zsf) of community facility space. The 25,021 gsf of commercial space would be utilized for local retail, while the 12,756 gsf of community facility space would be utilized as medical offices. The Proposed Development would include a four-story base containing the commercial and community facility uses. Above this base, would be a 16-story residential tower containing 114 DUs. In addition, 130 off-street accessory parking spaces would be provided on portions of the first three floors. The Proposed Development would have a built residential FAR of 2.42, and an overall built FAR of 3.35, and would conform to the bulk and use requirements of the proposed R6/C2-4 district. Similar to the No-Action condition, the proposed development would be fully wet and dry flood proofed. The proposed development would be designed to meet New York City Building Code standards for flood resistant construction standards, including dry floodproofed walls, flood barriers at building openings, and a foundation system designed to resist hydrostatic pressure. In addition, flood shields would be used throughout the development.

In addition, similar to the No-Action condition, Projected Development Site 2 (Block 7280, Lot 95) would be improved with an approximately 95,000 gsf mixed-use building under the With-Action RWCDS. The development would contain 70 DUs and an approximately 23,000 gsf commercial base with local retail uses. The approximately 23,000 gsf of community facility space under the No-Action scenario would be converted to commercial (local retail) space under the With-Action scenario. The development would have a residential FAR of 2.43 and a commercial FAR of 1.0, for an overall FAR of 3.43. Under With-Action conditions, the remaining two non-applicant owned lots are expected to remain in their existing condition.

The Proposed Action would result in changes to land use within the Proposed Rezoning Area by introducing retail uses to the proposed building at Projected Development Sites 1 and 2. As described above, in the future without the Proposed Action, Projected Development Site 1 would be occupied by a predominately residential building with medical offices in the first four floors of a larger 20-story building. Similarly, the Projected Development Site 2 would be occupied by a primarily residential building with a community facility base (medical offices). With the anticipated With-Action development, the Proposed Action would result in a net increase of 48,021 gsf of commercial retail area, as well as a net reduction of 37,294 gsf of community facility medical office space and 20 accessory off-street parking spaces. The With-Action conditions would result in the same number of residential units as the No-Action conditions (refer to **Table A-3**).

The Proposed Action would not generate land uses that would be incompatible with surrounding uses, nor would it displace existing primary study area land uses in such a way as to adversely affect surrounding land uses. The commercial land uses introduced by the Proposed Action would not differ from those found within the surrounding study area, specifically on the two blocks east of the Proposed Rezoning Area. As noted above, mixed-use buildings are commonly found in the secondary study area, with approximately 20% of the study area lots and total lot area occupied by buildings that are mixed-use containing residential use. In addition, the secondary study area would not undergo any land use changes as a result of the Proposed Action. Therefore, the Proposed Action would support land use trends and would not introduce any new land uses that would be incompatible with their surroundings, and no significant adverse land use impacts would occur in the secondary study area.

Zoning

In the future with the Proposed Action, the primary study area would be rezoned from R6 to R6/C2-4. **Table C-3**, below, compares the use and bulk requirements under the existing and proposed zoning districts. As presented in **Table C-3**, under the proposed rezoning, the maximum commercial FAR would

increase from 0.0 to 2.0, with no change in the maximum permitted residential and community facility FAR.

The proposed R6/C2-4 zoning would allow for the same FAR for residential use and community facility use as allowed by the existing R6 zoning, but allows for commercial floor area consistent with buildings found in the secondary study area. The proposed rezoning would only permit new uses within the Proposed Rezoning Area, and would not affect the maximum overall building density or bulk allowed. The allowable bulk of the With-Action building would be the same as under the No-Action condition. The proposed rezoning would permit the development of a mixed-use building consistent with the built fabric that exists to the east of the Proposed Rezoning Area. For these reasons, the Proposed Action would not represent a significant adverse impact on zoning in the Proposed Rezoning Area or secondary study areas, in accordance with the criteria set forth in the *CEQR Technical Manual.*

Table C-3: Comparison of Existing and Proposed Zoning

	Existing Zoning	Proposed Zoning
Zoning District	**R6**	**R6/C2-4**
Use Groups	UG 1-4	UG 1-9, and 14
Maximum FAR		
Residential	0.78-2.43 (under Height Factor regulations) Quality Housing Program – 3.0 (on wide streets outside the Manhattan Core) & 2.2 (on narrow streets)	0.78-2.43 (under Height Factor regulations) Quality Housing Program – 3.0 (on wide streets outside the Manhattan Core) & 2.2 (on narrow streets)
Community Facility	4.8	4.8
Commercial	0.0	2.0
Manufacturing	0.0	0.0
Max. Building Height	HF - no height limits (building envelopes regulated by sky exposure plane). Quality Housing – max. bldg. height 55’ on narrow streets, 70’ on wide streets (75’ with QGF)	HF - no height limits (building envelopes regulated by sky exposure plane). Quality Housing – max. bldg. height 55’ on narrow streets, 70’ on wide streets (75’ with QGF)

Source: *Zoning Resolution of the City of New York.* Information shown is for areas outside the Manhattan Core.
Notes:
HF = Height Factor; QGF = Qualifying Ground Floor

Public Policy

New York City Waterfront Revitalization Program (WRP)

As noted above, the entirety of the primary and secondary study areas falls within the City’s designated coastal zone (refer to **Figure C-3**). Therefore, the Proposed Action must be assessed for its consistency with the policies of the WRP. The WRP includes policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. The WRP Consistency Assessment Form (CAF) (see **Appendix I**) lists the WRP policies and indicates whether the Proposed Action would promote or hinder each policy, or if that policy would not be applicable. This section provides additional information for the policies that have been checked “promote” or “hinder” in the WRP CAF.

Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential development in appropriate Coastal Zone areas.

The Proposed Rezoning Area is located in a well-established neighborhood with existing residential and commercial uses. The Proposed Action would facilitate the development of compatible residential and commercial uses to those already present in the area. The Proposed Rezoning Area is not located within a Significant Maritime and Industrial Area (SMIA), Special Natural Waterfront Area (SNWA), Priority Maritime Activity Zone (PMAZ), Recognized Ecological Complex (REC), or West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA), as defined in the WRP, and is therefore not located in a special area designation that may be affected by the development of new commercial uses. Additionally, Projected Development Site 1 is located approximately a 1/4-mile from the shoreline, and is therefore not suitable for water-dependent or maritime uses. For these reasons, the Proposed Actions would promote Policy 1.1 of the WRP and would facilitate commercial, community facility, and residential development in an area well-suited to such development.

Policy 1.3: Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

The Proposed Action would facilitate the redevelopment of a site that is well-served by existing public facilities and infrastructure, and would therefore be consistent with Policy 1.3 of the WRP. There are several public transportation options in the surrounding area, including the Ocean Parkway (Q) subway station (located three blocks east of the Proposed Rezoning Area), the B68 bus route (which runs east and west along West Brighton Avenue immediately north of the Proposed Rezoning Area), and the B36 bus runs on West 5th Street (immediately west of the Proposed Rezoning Area). In addition, the Proposed Rezoning Area is located in direct drainage sewer area, with existing sewer and water mains along the adjacent roadways.

Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

Refer to Policy 6.2 consistency assessment, below.

Policy 6: Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.

As outlined in *The New York City Waterfront Revitalization Program Climate Change Adaptation Guidance* document, for site-specific actions that include (or would facilitate the development of) new vulnerable, critical, or potentially hazardous features, the detailed methodology approach should be utilized to assess a project or action's consistency with Policy 6.2 of the WRP. The detailed Policy 6.2 methodology assessment is provided below.

STEP 1: IDENTIFY VULNERABILITIES AND CONSEQUENCES

1. *Identify vulnerabilities and consequences.* The goal of this first step is to assess the project's vulnerabilities to future coastal hazards and what potential consequences may be.

As presented in **Figure C-4**, Projected Development Site 1 is within the 100-year floodplain (per the 2015 Federal Emergency Management Agency's (FEMA's) preliminary Flood Insurance Rate Map (pFIRM), based on NPCC projections. Additionally, Projected Development Site 1 is within the 500-year floodplain (refer to **Figure C-5**).

As shown in **Figures C-6**, the Proposed Development's ground floor retail, lobby, and community facility entrance would be below the elevation of the baseline one percent annual chance floodplain (i.e., the "100-year floodplain"). In the event of a 100-year flood, there could be damage to property and loss of inventory. The building's community facility space, residential units, and mechanical equipment would remain above the 1% floor elevation through 2100 (refer to **Figure C-6**). The Proposed Development's lowest tenanted space would remain above the elevation of the Mean Higher High Water (MHHW) until 2080. Under projections for higher levels of sea level rise, this lower portion of the Proposed Development would be below the MHHW ((refer to **Figure C-7**).

Coastal storms could bring high winds in addition to the flood hazards described above. Additionally, Projected Development Site 1 is located within Coastal Zone A.

STEP 2: IDENTIFY ADAPTIVE STRATEGIES

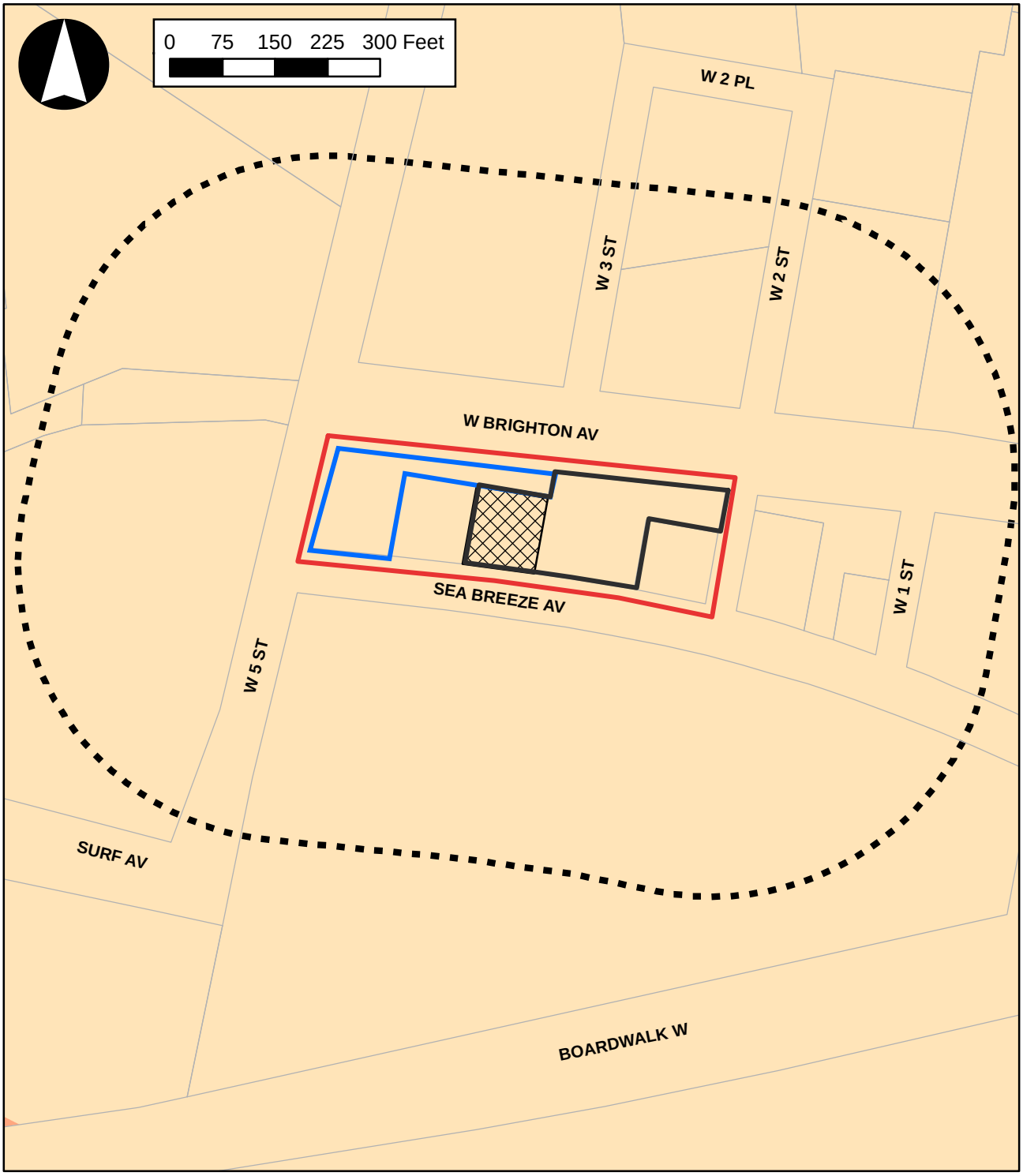
The Proposed Development would be designed to meet New York City Building Code standards for flood resistant construction standards, including dry floodproofed walls, flood barriers at building openings, and a foundation system designed to resist hydrostatic pressure. As discussed above, mechanical equipment for the Proposed Development would be located on the fifth floor (51.5 NAVD88). The Proposed Development would be required to meet New York City Building Code standards for wind loading.

The Proposed Development would not make flooding on adjacent sites worse, nor would it conflict with other plans for flood protection on adjacent sites.

STEP 3: ASSESS POLICY CONSISTENCY

The Proposed Action advances Policy 6.2. All new vulnerable, critical, or potentially hazardous features would be protected through flood damage reduction elements or future adaptive actions.

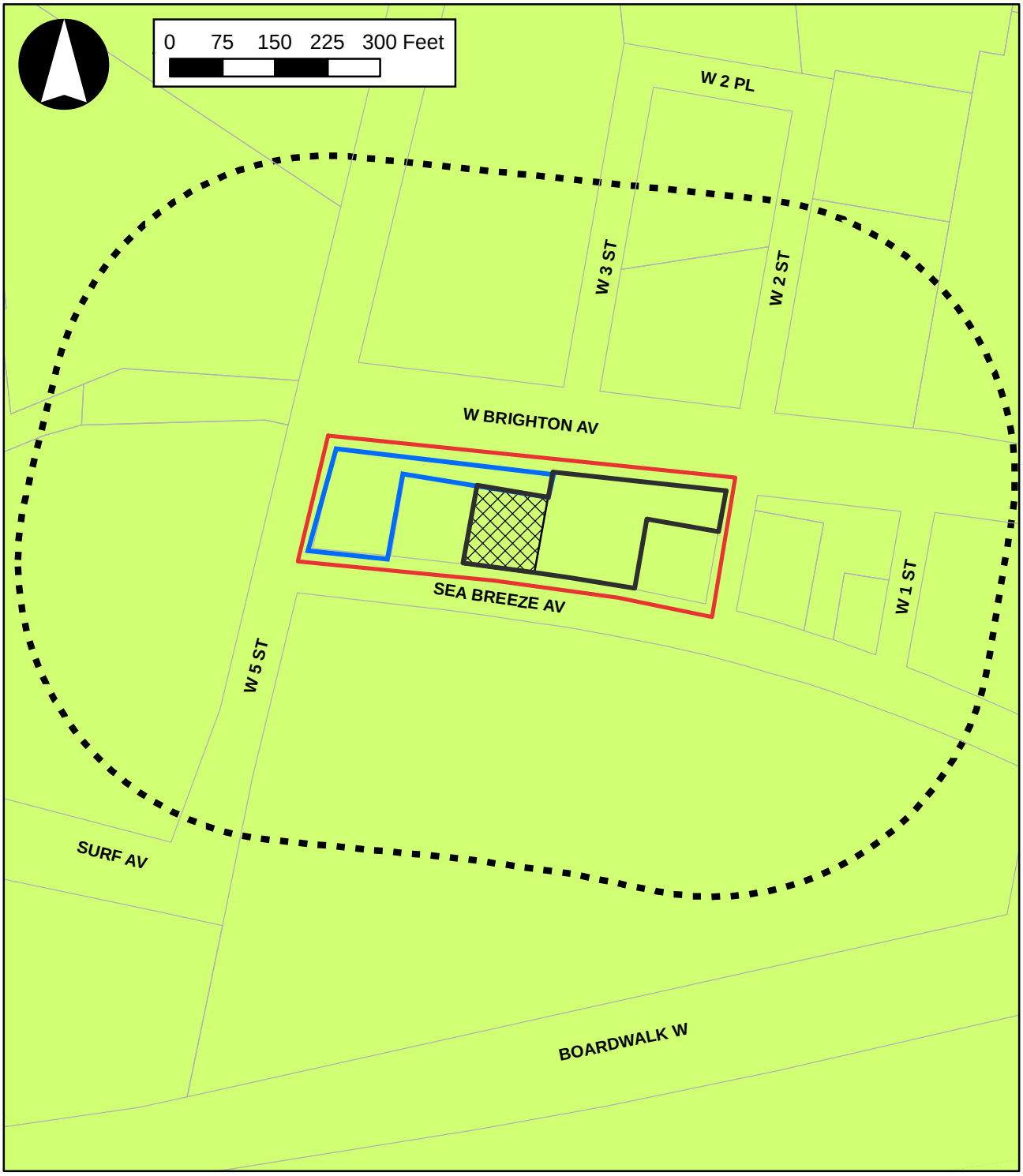
NPCC 100-Year Flood Projections



Legend

- Projected Development Site 1
- Projected Development Site 2
- Proposed Rezoning Area
- Development Rights Parcel
- 400-foot Radius
- FEMA 100-Year Floodplain
- 2020s NPCC 100-Year Floodplain Projection
- 2050s NPCC 100-Year Floodplain Projection

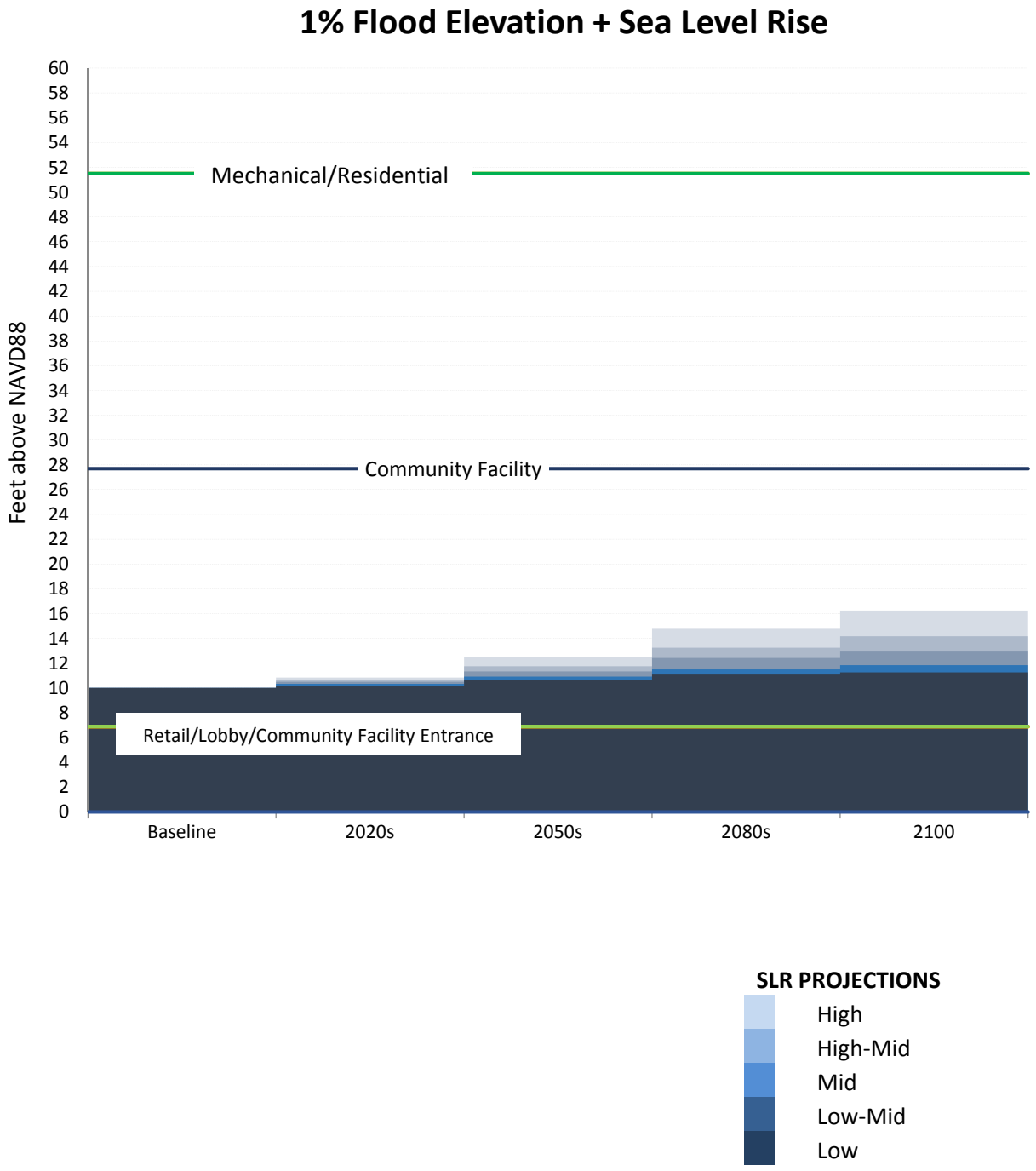
NPCC 500-Year Flood Projections



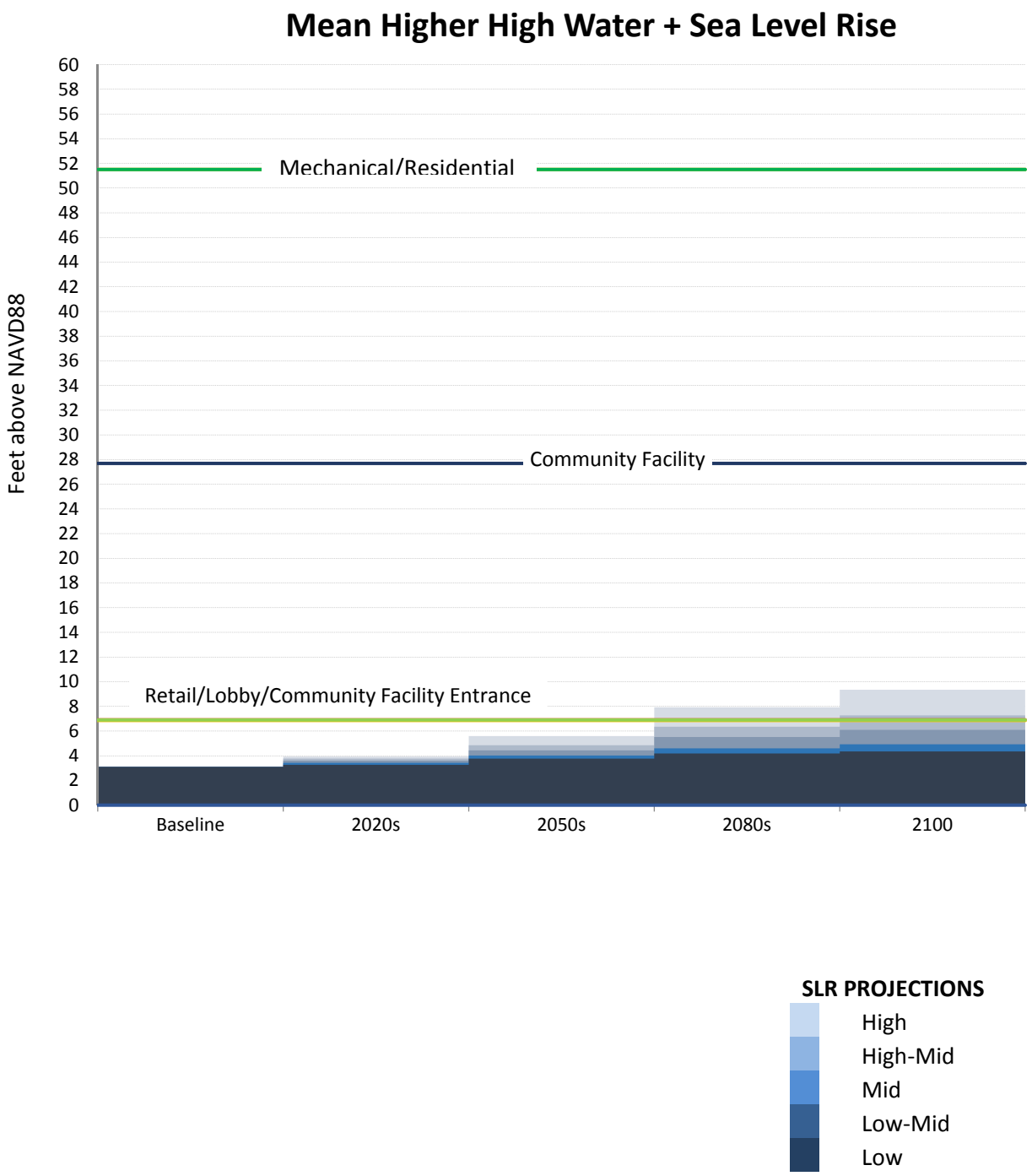
Legend

- Projected Development Site 1
- Projected Development Site 2
- Proposed Rezoning Area
- Development Rights Parcel
- 400-foot Radius
- FEMA 500-Year Floodplain
- 2020s NPCC 500-Year Floodplain Projection
- 2050s NPCC 500-Year Floodplain Projection

1% Flood Elevation and Sea Level Rise



Mean Higher High Water and Sea Level Rise



ATTACHMENT D
HISTORIC AND CULTURAL RESOURCES

I. INTRODUCTION

Historic and cultural resources include both architectural and archaeological resources. The 2014 *City Environmental Quality Review (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 in the State/National Registers of Historic Places (S/NR) or contained within a district listed in or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHL); 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 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.

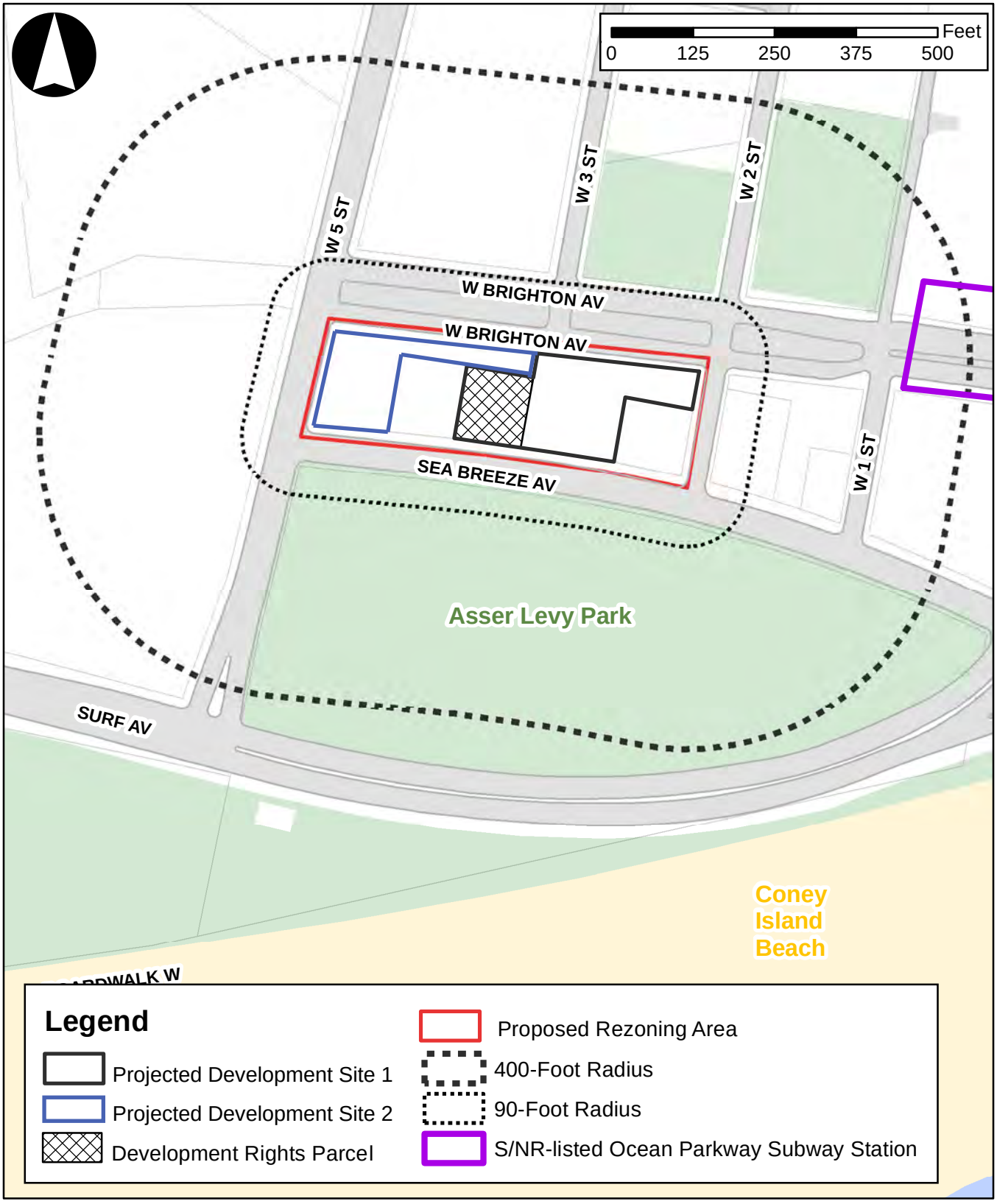
As discussed in Attachment A, "Project Description," the Applicant is seeking a discretionary zoning action in order to facilitate the development of a mixed-use building at 271 Sea Breeze Avenue (Block 7280, Lot 110) in Brooklyn (refer to **Figure D-1**). As outlined in Attachment A, compared to the No-Action condition, the With-Action development would result in a net increase of approximately 48,021 gross square feet (gsf) of commercial (local retail) space and a net decrease of 37,294 gsf of community facility (medical office) space, and 20 accessory parking spaces. No changes to building bulks or heights are expected as a result of the Proposed Action. As the Proposed Rezoning Area is located in close proximity to a designated historic resource, it is necessary to assess the potential impacts of the Proposed Action on historic architectural resources. According to CEQR guidance, impacts on historic resources are considered on those sites impacted by a Proposed Action and in the area surrounding the Proposed Rezoning Area. The historic resources study area is defined as the Proposed Rezoning Area plus an approximately 400-foot radius around the area, which is typically adequate for the assessment of historic resources in terms of physical, visual, and historical relationships (refer to **Figure D-1**).

Archaeological resources are considered only in those areas where excavation is likely and would result in new in-ground disturbance compared to No-Action conditions. As detailed in Attachment A, "Project Description," the footprints of the No-Action and With-Action buildings on Projected Development Sites 1 and 2 would be identical, and no other construction is expected to occur in the Proposed Rezoning Area as a result of the Proposed Action. Additionally, in a letter dated October 16, 2018, LPC determined that there is no archaeological sensitivity in the Proposed Rezoning Area (refer to **Appendix IV**). Therefore, no new in-ground disturbance would occur in the Proposed Rezoning Area as a result of the Proposed Action, and an archaeological assessment is not warranted. As such, this attachment focuses exclusively on historic architectural resources.

II. PRINCIPAL CONCLUSIONS

The Proposed Action would not result in any significant adverse impacts to historic architectural resources. There are no designated or eligible sites in the Proposed Rezoning Area, and the Proposed

Figure B-1
Historic Resources



Source: NYC DCP (MapPLUTO 17v1); DoITT; CRIS

Action is area-specific. As such, the Proposed Action would not result in direct impacts to historic architectural resources. Additionally, as there are no historic resources located within 90 linear feet of the Proposed Rezoning Area, no construction-related impacts on historic resources would occur as a result of the Proposed Action.

The Proposed Action would also not result in significant adverse indirect impacts on existing historic resources as compared to No-Action conditions. Under both No-Action and With-Action conditions, Projected Development Site 1 would be redeveloped with a 20-story building and Projected Development Site 2 would be redeveloped with a 13-story building. No changes to either of the proposed building's height or bulk would occur as a result of the Proposed Action, and no other changes would occur in the remainder of the Proposed Rezoning Area under With-Action conditions. As such, the Proposed Action would not alter the setting or visual context of surrounding historic architectural resources as compared to No-Action conditions. The Proposed Action would not eliminate or substantially obstruct significant public views of architectural resources. No primary facades, significant architectural ornamentation, or notable features of surrounding historic buildings would be obstructed by the Proposed Action, and all significant elements of these resources would remain visible in view corridors on adjacent streets. The Proposed Action would not alter the relationship of any identified historic resources to the streetscape as compared to No-Action conditions. Additionally, no incompatible visual, audible, or atmospheric elements would be introduced to any historic resource's setting in the future with the Proposed Action. Additionally, the Proposed Action would not generate incremental shadows on any sunlight-sensitive features of nearby historic architectural resources as compared to No-Action conditions.

III. ARCHITECTURAL RESOURCES

Criteria and Regulations

Once the study area was determined, an inventory of officially recognized architectural resources was compiled. Criteria for listing on the National Register are in the Code of Federal Regulations, Title 36, Part 63. As recommended in the 2014 *CEQR Technical Manual*, Chapter 9, Section 160, LPC has adopted these criteria for use in identifying National Register listed and eligible architectural resources for CEQR review. Following these criteria, districts, sites, buildings, structures, and objects are eligible for the National Register if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and: (1) are associated with events that have made a significant contribution to the broad patterns of history (Criterion A); (2) are associated with significant people (Criterion B); (3) embody distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction (Criterion C); or (4) may yield [archaeological] information important in prehistory or history. Properties younger than 50 years of age are ordinarily not eligible, unless they have achieved exceptional significance. Official determinations of eligibility are made by the New York State Office of Parks, Recreation & Historic Preservation (OPRHP).

In addition, LPC designates historically significant properties in the City as NYCLs and/or Historic Districts, following the criteria provided in the Local Laws of the City of New York, New York City Charter, Administrative Code, Title 25, Chapter 3. Buildings, properties, or objects are eligible for landmark status when a part is at least 30 years old. Landmarks have a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation. There are four types of designations, which include individual landmarks, interior landmarks,

scenic landmarks, and historic districts. In addition to identifying architectural resources officially recognized in the study area (referred to herein as known architectural resources), potential architectural resources within the study area were also identified. Once the architectural resources in the study area were identified, the Proposed Action was assessed for both direct physical impacts and indirect visual and contextual impacts on architectural resources.

Existing Conditions

In a letter dated October 16, 2018, LPC determined that there are no designated or eligible historic architectural resources located in the Proposed Rezoning Area (refer to **Appendix IV**). However, as presented in **Figure D-1**, there is an S/NR-listed historic resource to the east of the Proposed Rezoning Area: the Ocean Parkway Subway Station, discussed below. No other designated or eligible historic architectural resources are located within 400 feet of the Proposed Rezoning Area.

Ocean Parkway Subway Station (S/NR-listed)

As shown in **Figure D-1**, the Ocean Parkway Subway Station is aligned in an east-west direction above the intersection of West Brighton/Brighton Beach Avenue and Ocean Parkway. The station opened in 1917 as part of the Dual System of the Brooklyn Rapid Transit (BRT) Brighton Beach Line. The elevated, four-track station measures approximately 620 feet in length and 80 feet in width, and contains a steel frame encased in concrete with Arts and Crafts and Art Deco style ornament. As shown in **Figure D-2**, the station is founded on a groin-vaulted concrete viaduct above the three spans of parkway, and contains two island platforms that are largely covered by steel canopies supported by trussed "T"-shaped columns. The northern and southern facades feature colored sculptural reliefs within the recessed spandrels and several pillars, and friezes comprised of geometric patterns in colorful ceramic tile spanning the arches and vertical panels of the facades. The station is accessed from by canopied stairways from the street and mezzanine levels (refer to **Figure D-2**). The Ocean Parkway Subway Station was listed on the S/NR in 2005.

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

Under No-Action conditions, the status of historic resources could change. S/NR-eligible architectural resources could be listed in the Registers, and properties found eligible for consideration for designation as NYCLs could be calendared and/or designated. Changes to the historic resource identified above or to its settings could also occur irrespective of the Proposed Action. It is possible that architectural resources in the Project Site and surrounding area could deteriorate, while others could be restored. In addition, future projects could accidentally damage architectural resources through adjacent construction

Properties that are designated NYCLs are protected under the New York City Landmarks Law, which requires LPC review and approval before any alteration or demolition of those resources can occur. All properties within LPC-designated historic districts also require LPC permit and approval prior to new construction, addition, enlargement, or demolition. The owners of a property may work with LPC to modify their plans to make them appropriate. Properties that have been calendared for consideration for designation as NYCLs are also afforded a measure of protection insofar as, due to their calendared status, permits may not be issued by the New York City Department of Buildings (DOB) for any structural alteration to the buildings for any work requiring a building permit, without at least 40 days prior notice being given to LPC. During the 40-day period, LPC has the opportunity to consider the case and, if it so chooses, schedule a hearing and move forward with designation.



1) Ocean Parkway Station over West Brighton/Brighton Beach Avenue and Ocean Parkway.



2) Architectural details of the Ocean Parkway Station.



3) Canopied stairways used to access the elevated Ocean Parkway Station.



4) Ocean Parkway Station platforms and canopies.

The New York City Building Code provides some measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to designated NYCLs and S/NR-listed historic buildings located within 90 linear feet of a proposed construction site. For these structures, DOB's Technical Policy and Procedure Notice (TPPN) #10/88 applies. TPPN #10/88 supplements the standard building protections afforded by the Building Code by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent NYCL-designated or S/NR-listed historic resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

Additionally, historic resources that are listed on the S/NR or that have been found eligible for listing are given a measure of protection from the effects of federally-sponsored, or federally-assisted projects under Section 106 of the National Historic Preservation Act, and are similarly protected against impacts resulting from state-sponsored or state-assisted projects under the New York State Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process. Private property owners using private funds can, however, alter or demolish their S/NR-listed or S/NR-eligible properties without such a review process.

Anticipated Developments in the No-Action Condition

Proposed Rezoning Area

As detailed in Attachment A, "Project Description," in the No-Action scenario, the Proposed Action would not be approved and as-of-right buildings would be constructed on Projected Development Sites 1 and 2. The anticipated No-Action development would be comprised of a 20-story residential building with lower-level community facility (medical office) space on Projected Development Site 1, and a 13-story residential building with lower-level community facility (medical office) space on Projected Development Site 2. The anticipated No-Action buildings on Projected Development Sites 1 and 2 would alter the setting and context of the Ocean Parkway Subway Station, creating a new backdrop when looking west/southwest along Brighton Beach Avenue and Ocean Parkway. As the No-Action developments would be constructed on an existing block and is not immediately adjacent to the S/NR-listed landmark, it would not obstruct any significant facades or architectural features of the historic resource. In addition, the No-Action development would not eliminate or alter any public views of the Ocean Parkway Subway Station from adjacent public streets or sidewalks, or affect those characteristics that make it eligible for listing on the S/NR. No other changes are expected to occur in the Proposed Rezoning Area or secondary study area in the future without the Proposed Action. As shown in **Figure D-1**, the S/NR-listed Ocean Parkway Subway Station is not located within 90 feet of the Proposed Rezoning Area, and as such, no construction-related impacts are anticipated to occur as a result of No-Action construction on the Development Site.

Secondary Study Area

As detailed in Attachment C, "Land Use, Zoning, & Public Policy," there are no known developments under construction or planned for completion in the approximately 400-foot secondary study area in the future without the Proposed Action.

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

According to the *CEQR Technical Manual*, generally, if a project would affect those characteristics that make a resource eligible for NYCL designation or S/NR listing, this could be a significant adverse impact. The Proposed Action was assessed in accordance with guidance established in the *CEQR Technical Manual* Chapter 9, Part 420), to determine (a) whether there will be a physical change to any designated or listed property as a result of the Proposed Action; (b) whether there will be a physical change to the setting of any designated or listed resource, such as context or visual prominence, as a result of the Proposed Action; and (c) if so, whether the change is likely to diminish the qualities of the resource that make it important.

As detailed in Attachment A, "Project Description," the Proposed Action would remap the Proposed Rezoning Area with a C2-4 commercial overlay, permitting the development of lower-level retail space. As under No-Action conditions, in the future with the Proposed Action, the Applicant would construct a 20-story residential building on Projected Development Site 1. In addition, similar to the No-Action conditions, a 13-story residential building would be constructed on Projected Development Site 2. The Proposed Action would facilitate the development of local retail space in the lower levels of the buildings, in addition to medical office space that is permitted as-of-right. No changes to the proposed building's height or bulk would occur as a result of the Proposed Action, and no other changes would occur in the remainder of the Proposed Rezoning Area in the future with the Proposed Action.

Direct (Physical) Impacts

Historic resources can be directly impacted by physical destruction, demolition, damage, alteration, or neglect of all or part of a historic resource. For example, alterations, such as the addition of a new wing to a historic building or replacement of the resource's entrance, could result in significant adverse impacts, depending on the design. Direct impacts also include changes to an architectural resource that cause it to become a different visual entity, such as a new location, design, materials, or architectural features.

The Proposed Action is area-specific and, as discussed above, there are no historic architectural resources in the Proposed Rezoning Area. As such, the Proposed Action would not result in direct impacts to historic architectural resources.

Indirect (Contextual) Impacts

Contextual impacts may occur to architectural resources under certain conditions. According to the *CEQR Technical Manual*, possible impacts to architectural resources may include isolation of the property from, or alteration of, its setting or visual relationships with the streetscape. This includes changes to the resource's visual prominence so that it no longer conforms to the streetscape in terms of height, footprint, or setback; is no longer part of an open setting; or can no longer be seen as part of a significant view corridor. Significant indirect impacts can occur if a project would cause a change in the quality of a property that qualifies it for listing on the S/NR or for designation as a NYCL.

The Proposed Action would not result in significant adverse indirect impacts on existing historic resources as compared to No-Action conditions. As detailed above, the Proposed Action would permit the development of lower-level retail space in the Proposed Rezoning Area. Under both No-Action and With-Action conditions, Projected Development Site 1 would be redeveloped with a 20-story building and Projected Development Site 2 would be redeveloped with a 13-story building. No changes to the proposed building's height or bulk would occur as a result of the Proposed Action, and no other changes would

occur in the remainder of the Proposed Rezoning Area under With-Action conditions. As such, the Proposed Action would not alter the setting or visual context of surrounding historic resources as compared to No-Action conditions. The Proposed Action would not eliminate or substantially obstruct significant public views of architectural resources. No primary facades, significant architectural ornamentation, or notable features of surrounding historic buildings would be obstructed by the Proposed Action, and all significant elements of these resources would remain visible in view corridors on adjacent streets. The Proposed Action would not alter the relationship of any identified historic resources to the streetscape as compared to No-Action conditions. Additionally, no incompatible visual, audible, or atmospheric elements would be introduced to any historic resource's setting in the future with the Proposed Action. As such, the Proposed Action would not result in significant adverse indirect or contextual impacts to historic architecture resources.

Construction-Related Impacts

Any new construction taking place adjacent to historic resources has the potential to cause damage from ground-borne construction vibrations. As discussed above, there are no historic architectural resources in the Proposed Rezoning Area or located within 90 feet of the area. As such, no construction-related impacts on historic resources would be anticipated as a result of the Proposed Action.

Shadows Impacts

As detailed above, the Proposed Action would permit lower-level retail space in the Proposed Rezoning Area. Under both No-Action and With-Action conditions, Projected Development Site 1 would be redeveloped with a 20-story building and Projected Development Site 2 would be redeveloped with a 13-story building. No changes to the proposed building's height or bulk would occur as a result of the Proposed Action, and no other changes to the Proposed Rezoning Area would occur under With-Action conditions. As such, the Proposed Action would not generate incremental shadows that would have the potential to shade sunlight-sensitive features of nearby historic resources as compared to No-Action conditions. Therefore, the Proposed Action would not result in any significant adverse shadow impacts on historic architectural resources.

ATTACHMENT E
HAZARDOUS MATERIALS

I. INTRODUCTION

This chapter assesses the potential of the Proposed Actions to result in hazardous materials impacts and identifies any potential issues of concern that could pose a hazard to workers, the community, and/or the environment during or after development of the Proposed Project. As described in Attachment A, "Project Description," the Proposed Action would facilitate the construction of a new 20-story mixed-use development with a four-story commercial and community facility base below a 16-story residential tower at Projected Development Site 1 (Block 7280, Lot 110). The proposed building is expected to be completed and occupied by 2021.

As defined in the 2014 *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 semivolatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the 2014 *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.

As described in the 2014 *CEQR Technical Manual*, the goal of a hazardous materials assessment is to determine whether a proposed project would potentially increase exposure of hazardous materials to people or the environment, or whether the increased exposure would lead to significant public health impacts or environmental damage. The objective of the hazardous materials assessment is to determine if the project site may have been adversely affected by current or historical uses at or adjacent to the project site, such that the property would require remedial or environmental control measures.

II. PRINCIPAL CONCLUSIONS

The proposed project would not result in significant adverse impacts related to hazardous materials. A Phase I ESA was prepared in August 2017 in order to evaluate potential contamination of the project site. The Phase I ESA identified no evidence of Recognized Environmental Conditions (RECs), *de minimis conditions*, Controlled Recognized Environmental Conditions (CRECs), or Historical Recognized Environmental Conditions (HRECs) at Projected Development Site 1. However, a Business Environmental Risk (BER) was identified in connection with Projected Development Site 1. The BER identified was that the site is scheduled for redevelopment, consideration should be given to conducting a Ground Penetrating Radar (GPR) scan to identify any suspect Underground Storage Tanks (USTs) that may have been associated with the former property structures.

In addition, due to the historical land uses in the surrounding area, a Phase II ESA – Subsurface Investigation was prepared for Projected Development Site 1 in April 2019. The Phase II ESA consisted of

the collection of soil, groundwater, and soil vapor samples at Projected Development Site 1. The results of the Phase II ESA are discussed in detail below. Based on the results of its Phase II investigation, Impact Environmental Consulting Corporation prepared a Remedial Action Plan (RAP) and a Construction Health and Safety Plan (CHASP) in May and June 2019. The RAP and CHASP, discussed in detail below, were prepared in order to avoid the potential for significant adverse impacts relating to hazardous materials at Projected Development Site 1.

III. METHODOLOGY

As outlined in the *CEQR Technical Manual*, a hazardous materials assessment generally begins with a Phase I ESA, which is a qualitative evaluation of the environmental conditions present at a site, based on a review of available information, site observations, and interviews. The Phase I ESA is conducted in accordance with the standards established by the current ASTM Phase I ESA Standard and includes research and field observations (but typically not subsurface or building testing results) to determine whether the site may contain contamination from either past or present activities on the site or as a result of activities on adjacent or nearby properties. If a potential for exposure to hazardous materials is identified during this assessment, then building and subsurface investigations are usually conducted as part of a Phase II ESA to confirm the presence and extent of contamination.

Phase II ESAs can include the following elements (although, not all elements are necessary for all projects): a geophysical survey to help locate buried metallic objects or material, characterize the subsurface conditions and geology, identify subsurface utility infrastructure, or determine the presence or extent of a groundwater contaminant plume; a soil-gas survey to test the soil area above the water table for the presence of volatile organic compounds (VOCs) or methane; shallow test probes to assist in the characterization of the site; subsurface excavations (test pits and trenching) to allow for the inspection and sampling of subsurface materials, equipment, and structures; surface oil and waste sampling; soil and groundwater probe investigations; soil borings and monitoring wells; and/or the testing of buildings and structures. The specific components of the Phase II ESA are outlined in a Phase II ESA Work Plan, which is tailored to each specific project and is reviewed and approved by DEP and/or OER prior to commencing the Phase II ESA. This typically does not include the existing structures on the site, which are tested and remediated separately.

The results of the Phase II ESA are interpreted to characterize the extent of hazardous materials and the ranges of soil, groundwater, or soil gas contaminant concentrations. If hazardous materials are identified at the site and it appears that remedial measures would likely be required to adequately address the contamination, a RAP and site-specific CHASP are prepared, which outline how the hazardous materials present on the site will be remediated to avoid potential significant adverse impacts on future site users, as well as on sensitive receptors in the vicinity of the site.

IV. EXISTING CONDITIONS

A Phase I Environmental Site Assessment (ESA) of Projected Development Site 1 was prepared by EBI Consulting in August 2017 to determine whether the proposed actions could lead to increased exposure of people or the environment to hazardous materials, and whether the increased exposure would result

in significant adverse impacts. The Executive Summary and Findings and Opinions sections of the Phase I ESA are included in **Appendix III**, and the findings are summarized below.

Phase I Environmental Site Assessment (ESA)

A Phase I ESA of Projected Development Site 1 was prepared in August 2017 by Merritt Environmental Consulting Corporation in accordance with ASTM E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Processes*, to determine whether the proposed actions could lead to increased exposure of people or the environment to hazardous materials and whether the increased exposure would result in significant adverse impacts. Based on the information gathered, Merritt Environmental Consulting Corporation identified no evidence of Recognized Environmental Conditions (RECs), *de minimis conditions*, Controlled Recognized Environmental Conditions (CRECs), or Historical Recognized Environmental Conditions (HRECs) at Projected Development Site 1. However, the following Business Environmental Risk (BER) was identified in connection with Projected Development Site 1:

- As the site is scheduled for redevelopment, consideration should be given to conducting a Ground Penetrating Radar (GPR) scan to identify any suspect Underground Storage Tanks (USTs) that may have been associated with the former property structures. In addition, future development/renovation activities that will disturb subsurface soils should take into account the soil quality and any historical urban fill encountered may escalate construction costs.

Based on the results of its Phase I investigation, Merritt Environmental Consulting Corporation concluded that there is no significant subsurface environmental contamination on or associated with the property, and no requirement for active remediation. EBI Consulting determined that the property is not subject to NYSDEC or New York City Office of Environmental Remediation (OER) environmental remediation requirements.

In addition, there is a New York State Department of Environmental Conservation (NYSDEC) Remediation Site located approximately 0.3-miles northwest of Projected Development Site 1 at 486 Neptune Avenue. The approximately 1-acre remediation site operated as a manufactured gas plant (MGP) from 1895 until sometime between 1906 and 1930. As a result of the MGP operations, as per NYSDEC records, coal tar has impacted the subsurface soil and groundwater on parts of the site. However, as the Proposed Action is a commercial overlay to permit additional uses at Projected Development Site 1, it would not result in any changes to the height or bulk of the proposed building (which is currently permitted as-of-right). Additionally, the remediation site is located well outside of the 400-foot study area.

Although the results of the Phase I ESA indicated that there is no significant subsurface environmental contamination on or associated with the property, and no requirement for active remediation, a Phase II ESA was conducted due to the historical uses in the surrounding area. The Phase II ESA of Projected Development Site 1 was prepared by Impact Environmental in March 2019 and the Executive Summary section of the Phase II ESA are included in **Appendix III**, and the findings are summarized below.

Phase II ESA – Subsurface Investigation

The Phase II ESA Subsurface Investigation consisted of the collection and analysis of 12 soil, three groundwater, and six soil vapor samples from select areas of Projected Development Site 1. Sample locations were selected to further define the environmental quality of Projected Development Site 1 and

provide a representation of subsurface conditions. The Phase II ESA – Subsurface Investigation identified the following:

Soil Vapor Sample Results

- Soil vapor sampling results indicate that trichloroethane (TCE) was detected in two soil vapor sampling points above the respective NYSDOH Indoor/Outdoor Air Guidance Values. However, the TCE concentrations detected meet the USEPA VISL Default Residential Target Sub-Slab and Exterior Soil Gas Criteria. The presence of TCE in the soil vapor is attributed to an off-site source as the compound was non-detect in all soil and groundwater samples collected at the Site.
- Concentrations of several petroleum-related VOCs were detected above USEPA Default Criteria in the soil vapor samples, except sampling points SV-1 and SV-5. The presence of these petroleum related compounds is attributed to an off-site source as the compounds were either non-detect or below Residential SCO's in all soil samples collected at the Site.
- No final standards have been established for soil vapor by the USEPA, NYSDEC or NYSDOH. The VOCs detected in soil vapor samples marginally exceed NYSDOH and USEPA values and represent a low exposure risk upon completion of the redevelopment due to the presence of the open-air garage which will provide adequate fresh air exchange rates. Based on the results and the open-air design of the proposed commercial structure, it is not recommended that a vapor barrier be installed into the building construction.
- VOCs, pesticides, and metals detected in all soil samples meet NYCRR Part 375 Residential, Restricted Residential, and Commercial Use SCOs.
- SVOCs were detected at concentrations above NYCRR Part 375 Residential, Restricted Residential, and Commercial Use SCOs in one soil sample at the shallow depth interval (0-2 feet bgs). The material around this sample has been removed and subsequent end-point samples have confirmed successful delineation and permanent removal of said material. Refer to Section 6 of the Phase II Report for more detail on this interim remedial measure and Appendix G of the Phase II Report for the final report.

Groundwater Sample Results

- Chloroform, 1,2,4-trimethylbenzene, acetone, ethylbenzene, o-xylene, and p/m-xylene, target VOCs were detected in groundwater samples above NYSDEC Ambient Water Quality Standards (AWQS). The presence of these petroleum related compounds is attributed to an off-site source.
- Phenol benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluroanthene, benzo(k)fluoranthene and indeno(1,2,3-cd)pyrene, target SVOCs were detected in groundwater samples above NYSDEC AWQS.
- Total metals (unfiltered) and dissolved metals (filtered) were detected in groundwater samples collected above the NYSDEC AWQS. These metals included: sodium, iron, chromium, lead, manganese, and mercury. These compounds are consistent with regional background concentrations.

Based on the results of its Phase II investigation, Impact Environmental Consulting Corporation prepared a Remedial Action Plan (RAP) and a Construction Health and Safety Plan (CHASP) in May and June 2019 for Projected Development Site 1. The RAP and CHASP were prepared in order to avoid the potential for significant adverse impacts relating to hazardous materials, The RAP, which is summarized in **Appendix III**, was designed to ensure the following exposure mitigation objectives, both during construction activities and post development for the proposed development site:

- Prevent direct contact with contaminated soil
- Prevent exposure to contaminants volatilizing from contaminated soil
- Remove contaminant sources that may potentially impact groundwater
- Prevent exposure to contaminants in soil vapor
- Prevent migration of soil vapor into dwelling and other occupied structures

As shown in **Appendix III**, the RAP consist of various components including, but not limited to the management of excavated materials including temporarily stockpiling and segregating in accordance with defined material types and to prevent co-mingling of contaminated materials and non-contaminated materials, and the transportation and off-site disposal of all soil/fill material at permitted facilities in accordance with applicable laws and regulations. In addition, as outlined in the RAP, a vapor barrier would be installed beneath the building slab and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The barrier would be of a minimum 20-mil thickness.

Additionally, as previously mentioned, a CHASP was prepared in conjunction with the RAP. The CHASP covers on-site activities, and would be provided to contractors as an environmental resource to supplement the HASPs covering their own workers. The CHASP includes the Material Safety Data Sheet (MSDS) for the suspected and/or known on-site contaminants, including VOCs, SVOCs, Pesticides/PCBs, and inorganic/metals (e.g. arsenic, lead, barium, copper, nickel, zinc, and mercury). The CHASP was included as an appendix to the RAP, and the introduction is also provided in **Appendix III**.

V. THE FUTURE WITHOUT THE PROPOSED ACTION (NO-ACTION CONDITION)

In the future without the proposed actions, the proposed development site would not be rezoned and the development site would remain in the existing R6 zoning district. Under the No-Action condition, the project site would be redeveloped with a new 20-story mixed-use development with a four-story community facility base below a 16-story residential tower at Projected Development Site 1 (Block 7280, Lot 110). The proposed building is expected to be completed and occupied by 2021.

VI. THE FUTURE WITH THE PROPOSED ACTION (WITH-ACTION CONDTION)

In the future with the proposed action, the rezoning would convert the area to a R6/C2-4 zoning district. As per the results of the Phase I ESA and Phase II ESA – Subsurface Investigation and the RAP and CHASP described in detail above and shown in **Appendix III**, there is no significant subsurface environmental contamination on or associated with the property, and no requirement for active remediation. EBI Consulting determined that the property is not subject to NYSDEC or New York City Office of Environmental Remediation (OER) environmental remediation requirements.

In addition, in order to avoid the potential for significant adverse impacts relating to hazardous materials, a Remedial Action Plan (RAP) and a Construction Health and Safety Plan (CHASP) were also prepared for the proposed development site (refer to **Appendix III**). Therefore, as no additional investigative or remedial actions are recommended, the proposed actions would not result in any significant adverse impact related to hazardous materials.

ATTACHMENT F
TRANSPORTATION

I. INTRODUCTION

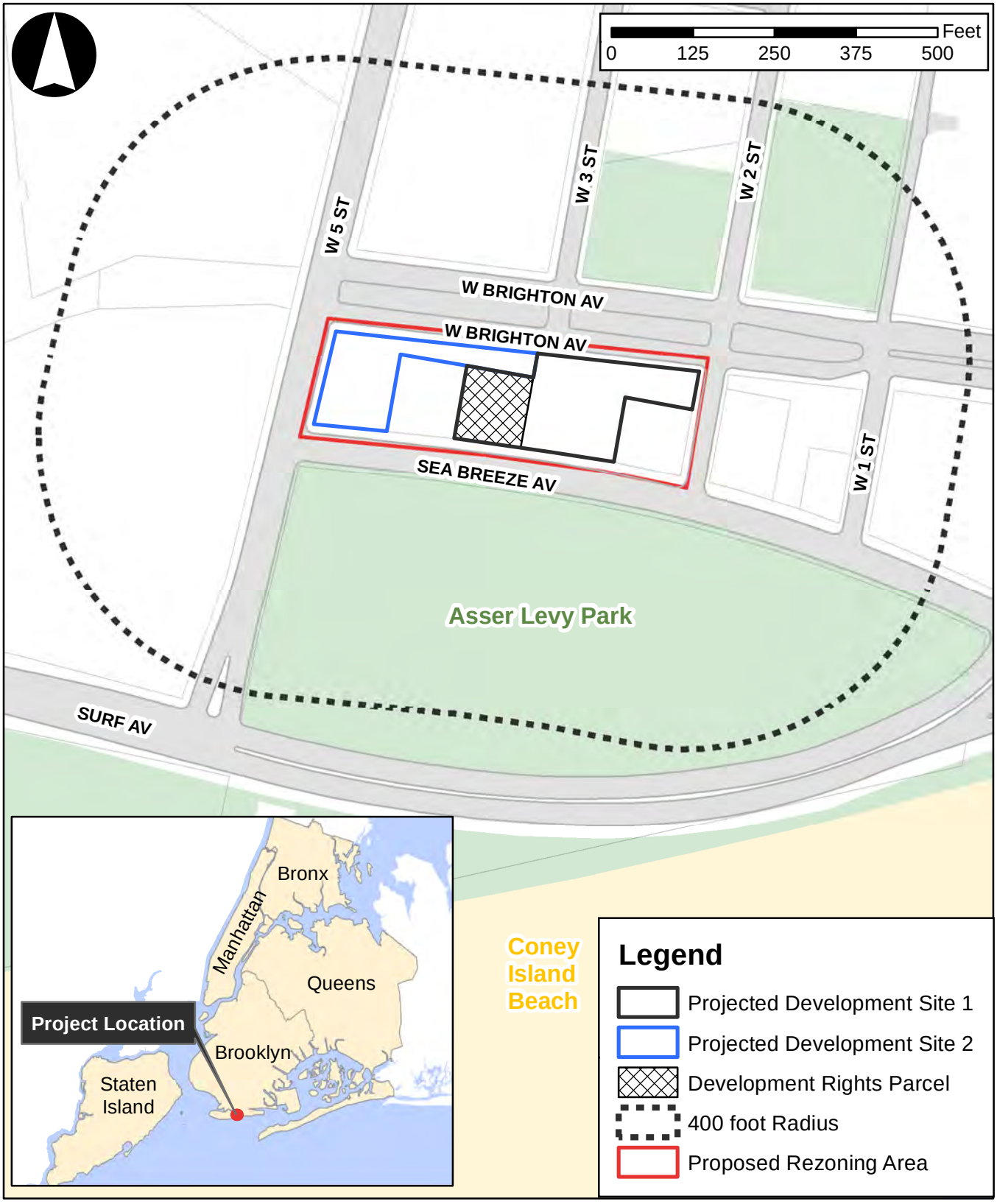
This attachment presents the findings of the analyses of traffic, parking, transit, and pedestrian conditions for the Reasonable Worst Case Development Scenario (RWCDS). As discussed in Attachment A, "Project Description," the applicant is seeking a discretionary zoning action from the New York City Planning Commission (CPC) ("Proposed Action") to facilitate the development of a mixed-use building at 271 Sea Breeze Avenue (Block 7280, Lot 110) in the West Brighton neighborhood of Brooklyn Community District (CD) 13. The Development Site utilizes the lot area and floor area of an adjacent parcel (Lot 89) which contains the 7,285 gsf Temple Beth Abraham Synagogue and together would consist of a single zoning lot (hereafter, "Projected Development Site 1"). The Proposed Action is a zoning map amendment to rezone the entirety of Block 7280 (Lots 89, 92, 95, 110, and 188) from a R6 district to a R6/C2-4 district. The Rezoning Area is bounded to the north by north by West Brighton Avenue, to the east by West 2nd Street, to the south by Sea Breeze Avenue, and to the west by West 5th Street (refer to **Figure F-1**).

Under the RWCDS, Projected Development Site 1 would be developed with an approximately 172,679 gsf mixed-use building. The Proposed Development would include 114 DUs (103,614 gsf), approximately 25,021 gsf of commercial space, and 12,756 gsf of community facility space. The Proposed Development would utilize the air rights from Lot 89, which currently contains approximately 7,285 gsf (7,285 zsf) of community facility space. The 25,021 gsf of commercial space would be utilized for local retail, while the 12,756 gsf of community facility space would be utilized as medical offices. In addition, following receipt of CPC approvals, the Applicant intends to pursue a Special Permit (73-36) with the Boards of Standards and Appeals (BSA) to facilitate an approximately 16,006 gsf proposed Physical Cultural Establishment (PCE) on the second floor of the building, which is not permitted as-of-right. The Proposed Development would include a four-story base containing the commercial and community facility uses. Above this base, would be a 16-story residential tower containing 114 DUs. In addition, 130 off-street accessory parking spaces would be provided on portions of the first three floors.

Additionally, as discussed in Attachment A, "Project Description", Projected Development Site 2 (Block 7280, Lot 95) would be improved with an approximately 95,000 gsf mixed-use building under the With-Action RWCDS. The development would contain 70 DUs and an approximately 23,000 gsf commercial base with local retail uses. The approximately 23,000 gsf of community facility space under the No-Action scenario would be converted to commercial (local retail) space under the With-Action scenario. Under With-Action conditions, the remaining three non-applicant owned lots are expected to remain in their existing condition.

The proposed development is expected to be completed and fully operational by 2021. The incremental difference between the No-Action and With-Action scenarios serve as the basis of the transportation impact analysis, which was conducted in accordance with the 2014 City Environmental Quality Review (*CEQR) Technical Manual*.

Figure F-1
Project Location



Source: NYC DCP (MapPLUTO 17v1); DoITT

II. PRINCIPAL CONCLUSIONS

Based on the following detailed analysis, the anticipated level of new transportation demand generated by the Proposed Action is not expected to result in any significant adverse impacts to traffic, parking, transit or pedestrian conditions in the vicinity of the project site. A total of six pedestrian elements, including two corners, two crosswalks, and two sidewalks, were analyzed as part of a detailed pedestrian analysis during the weekday midday peak hour. This analysis determined that no impacts are anticipated as a result of the project-generated pedestrian trips.

Additionally, crash data for the traffic and pedestrian study area intersections were obtained from the New York City Department of Transportation (DOT) for the 3-year reporting period between January 1, 2014 and December 31, 2016. As discussed below, there were no intersections located within the traffic and pedestrian study areas that were identified as high accident locations.

III. PRELIMINARY ANALYSIS METHODOLOGY

The 2014 *City Environmental Quality Review* (CEQR) *Technical Manual* describes a two-level screening procedure for the preparation of a "preliminary analysis" to determine if quantified operational analyses of transportation conditions are warranted. As discussed below, the preliminary analysis begins with a trip generation (Level 1) analysis to estimate the number of person and vehicle trips attributable to the proposed project. According to the *CEQR Technical Manual*, if the proposed project is expected to result in fewer than 50 peak hour vehicle trips and fewer than 200 peak hour transit or pedestrian trips, further quantified analyses are not warranted. When these thresholds are exceeded, detailed trip assignments (Level 2) are to be performed to estimate the incremental trips that could be incurred at specific transportation elements and to identify potential locations for further analyses. If the trip assignments show that the proposed project would generate 50 or more peak hour vehicle trips at an intersection, 200 or more peak hour subway trips at a station, 50 or more peak hour bus trips in one direction along a bus route, or 200 or more peak hour pedestrian trips traversing a sidewalk, corner area, or crosswalk, then further quantified operational analyses may be warranted to assess the potential for significant adverse impacts on traffic, transit, pedestrians, parking, and vehicular and pedestrian safety.

IV. LEVEL 1 SCREENING ASSESSMENT

A Level 1 trip generation screening assessment was conducted in order to estimate the number of person and vehicle trips by mode expected to be generated by the proposed project during the weekday AM, midday, PM, and Saturday midday peak hours. These estimates were then compared to the *CEQR Technical Manual* analysis thresholds of 50 peak hour vehicle trips, 200 peak hour subway/rail riders, 50 peak hour bus riders, and 200 peak hour pedestrian trips to determine if a Level 2 screening and/or quantified operational analyses may be warranted. The travel demand assumptions used for this assessment are discussed below and a detailed travel demand forecast is provided.

Table F-1 below provides a comparison of the RWCDS 2021 No-Action and 2021 With-Action conditions identified for analysis purposes. As shown, by 2021, the incremental (net) change that would result from the Proposed Action is an increase of approximately 48,021 gsf of commercial (local retail) space, and a net decrease of approximately 37,294 gsf of community facility (medical office) space and 20 accessory parking spaces. These incremental differences serve as the basis for analysis. As the incremental

development would have the potential to exceed *CEQR Technical Manual* analysis thresholds, a preliminary travel demand forecast was prepared.

Table F-1
Comparison of RWCDS 2021 No-Action and 2021 With-Action Conditions

Use	No-Action Scenario	With-Action Scenario	Increment
Residential (Total)	184 DUs	184 DUs	**0 DUs**
Projected Development Site 1	114 DUs	114 DUs	**0 DUs**
Projected Development Site 2	70 DUS	70 DUs	**0 DUs**
Commercial – Local Retail (Total)	0 gsf	48,021 gsf	**+48,021 gsf**
Projected Development Site 1	0 gsf	25,021 gsf	**+25,021 gsf**
Projected Development Site 2	0 gsf	23,000 gsf	**+23,000 gsf**
Community Facility - Medical office (Total)	50,050 gsf	12,756 gsf	**-37,294 gsf**
Projected Development Site 1	27,050 gsf	12,756 gsf	**-14,294 gsf**
Projected Development Site 2	23,000 gsf	0 gsf	**-23,000 gsf**
Community Facility – House of Worship (Existing – Projected Development Site 1)	7,285 gsf	7,285 gsf	**0 gsf**
Parking – Accessory	222 spaces	202 spaces	**- 20 spaces**
Projected Development Site 1	150 spaces	130 spaces	**-20 spaces**
Projected Development Site 2	72 spaces	72 spaces	**0 spaces**
Population/Employment[3]	**No-Action Scenario**	**With-Action Scenario**	**Increment**
Residents	378 residents[1]	378 residents [1]	**0 residents**
Projected Development Site 1	234 residents	234 residents	**0 residents**
Projected Development Site 2	144 residents	144 residents	**0 residents**
Workers	111 workers[2]	172 workers[2]	**+61 workers**
Projected Development Site 1	60 workers	103 workers	**+43 workers**
Projected Development Site 2	51 workers	69 workers	**+18 workers**

Transportation Planning Factors

Table F-2 shows the transportation planning factors that were used to forecast the travel demand generated by the proposed uses in the weekday AM, midday, PM and Saturday midday peak hours, under the RWCDS. These include trip generation rates, temporal and directional distributions, mode choice factors, vehicle occupancies, and truck trip factors for the incremental differences between the No-Action and With-Action scenarios (refer to **Table F-1**). The factors in **Table F-2** were based on data cited in the *CEQR Technical Manual*, the *East New York Rezoning Proposal FEIS*, and data provided by NYCDOT.

Travel Demand Forecast

Table F-3 summarizes the results of that travel demand forecast for the RWCDS based on the factors shown in **Table F-2** and discussed above. **Table F-3** shows the weekday peak hour person trips, transit trips, walking trips, and vehicle trips that would be generated by each of the proposed uses in 2021 with the construction of the proposed project. As shown in **Table F-3**, the proposed development would generate an incremental increase of -90, 1,036, 482, and 382 person trips during the weekday AM, midday, PM, and Saturday midday peak hours, respectively. During the weekday AM, midday, PM, and Saturday midday peak hours, the proposed development would generate an increase of -62, -11, -20, and -65 vehicle trips (auto, taxi, and truck combined). The proposed development would also generate an incremental increase of -180, -177, -129, and -260 subway trips in the weekday AM, midday, PM and Saturday midday peak hours, respectively. The proposed development would also generate an incremental increase of -24, -6, -9, and -27 bus trips during the weekday AM, midday, PM and Saturday midday peak hours, respectively.

Table F-2
Transportation Planning Factors

Land Use:					
		Local Retail		**Medical Office**	
Size/Units:		48,021 gsf		-37,294 gsf	
Trip Generation:		(1)		(3)	
	Weekday	205		76	
	Saturday	240		76	
		per 1,000 sf		per 1,000 sf	
Temporal Distribution:		(1)		(3)	
	AM	3.0%		11.0%	
	MD	19.0%		13.0%	
	PM	10.0%		9.0%	
	SatMD	10.0%		17.0%	
		(3)		(3)	
Modal Splits:		All Periods		All Periods	
	Auto	11.0%		24.0%	
	Taxi	0.0%		6.0%	
	Subway	3.0%		59.0%	
	Bus	2.0%		9.0%	
	Walk/Other	84.0%		1.0%	
		100.0%		100.0%	
		(3)		(3)	
In/Out Splits:		In	Out	In	Out
	AM	50%	50%	62%	38.0%
	MD	50%	50%	47%	53.0%
	PM	50%	50%	35%	65.0%
	Sat MD	55%	45%	49%	51.0%
Vehicle Occupancy:		(3)		(3)	
		All Periods		Weekday	Sat
	Auto	2.00		1.50	1.50
	Taxi	2.00		1.50	1.50
Truck Trip Generation:		(1)		(2)	
		0.35		0.29	
		0.04		0.29	
		per 1,000 sf		per 1,000 gsf	
		(1)		(2)	
	AM	8.0%		3.0%	
	MD	11.0%		11.0%	
	PM	2.0%		1.0%	
	Sat MD	11.0%		-	
		In	Out	In	Out
	AM/MD/PM	50.0%	50.0%	50.0%	50.0%

Notes:

(1) Based on data from *City Environmental Quality Review* (CEQR) *Technical Manual, 2014.*

(2) Based on data from the *East New York Rezoning Proposal FEIS, 2016.*

(3) Based on data provided by NYCDOT.

Table F-3
Travel Demand Forecast

Land Use:		Local Retail		Medical Office		Total	
Size/Units:		48,021	gsf	-37,294	gsf		
Peak Hour Trips:							
	AM	222		-312		-90	
	MD	1,404		-368		1,036	
	PM	738		-256		482	
	Sat MD	864		-482		382	
Person Trips:							
AM		In	Out	In	Out	In	Out
	Auto	12	12	-46	-28	-34	-16
	Taxi	0	0	-12	-7	-12	-7
	Subway	3	3	-115	-71	-112	-68
	Bus	3	3	-18	-12	-15	-9
	Walk/Other	93	93	-2	-1	91	92
	Total	111	111	-193	-119	-82	-8
MD		In	Out	In	Out	In	Out
	Auto	77	77	-42	-47	35	30
	Taxi	0	0	-10	-12	-10	-12
	Subway	21	21	-103	-116	-82	-95
	Bus	14	14	-16	-18	-2	-4
	Walk/Other	590	590	-2	-2	588	588
	Total	702	702	-173	-195	529	507
PM		In	Out	In	Out	In	Out
	Auto	41	41	-22	-40	19	1
	Taxi	0	0	-5	-10	-5	-10
	Subway	11	11	-53	-98	-42	-87
	Bus	7	7	-8	-15	-1	-8
	Walk/Other	310	310	-2	-3	308	307
	Total	369	369	-90	-166	279	203
Sat MD		In	Out	In	Out	In	Out
	Auto	52	43	-57	-59	-5	-16
	Taxi	0	0	-14	-15	-14	-15
	Subway	14	12	-140	-146	-126	-134
	Bus	10	8	-22	-23	-12	-15
	Walk/Other	398	327	-3	-3	395	324
	Total	474	390	-236	-246	238	144

Note: *25%* linked-trip credit applied to local retail use

Table F-3 (contd.)
Travel Demand Forecast

Land Use:		Local Retail		Medical Office		Total	
Size/Units:		48,021	gsf	-37,294	gsf		
Vehicle Trips :							
AM		In	Out	In	Out	In	Out
	Auto (Total)	6	6	-31	-19	-25	-13
	Taxi	0	0	-8	-5	-8	-5
	Taxi Balanced	0	0	-13	-13	-13	-13
	Truck	1	1	0	0	1	1
	Total	7	7	-44	-32	-37	-25
MD		In	Out	In	Out	In	Out
	Auto (Total)	39	39	-28	-31	11	8
	Taxi	0	0	-7	-8	-7	-8
	Taxi Balanced	0	0	-15	-15	-15	-15
	Truck	1	1	-1	-1	0	0
	Total	40	40	-44	-47	-4	-7
PM		In	Out	In	Out	In	Out
	Auto (Total)	21	21	-15	-27	6	-6
	Taxi	0	0	-3	-7	-3	-7
	Taxi Balanced	0	0	-10	-10	-10	-10
	Truck	0	0	0	0	0	0
	Total	21	21	-25	-37	-4	-16
Sat MD		In	Out	In	Out	In	Out
	Auto (Total)	26	22	-38	-39	-12	-17
	Taxi	0	0	-9	-10	-9	-10
	Taxi Balanced	0	0	-19	-19	-19	-19
	Truck	1	1	0	0	1	1
	Total	27	23	-57	-58	-30	-35

	Total Vehicles			Total Subway Trips			Total Bus Trips			Total Walk/Other Trips			Total Pedestrian Trips		
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
AM	-37	-25	-62	-112	-68	-180	-15	-9	-24	91	92	183	-36	15	-21
MD	-4	-7	-11	-82	-95	-177	-2	-4	-6	588	588	1,176	504	489	993
PM	-4	-16	-20	-42	-87	-129	-1	-8	-9	308	307	615	265	212	477
Sat MD	-30	-35	-65	-126	-134	-260	-12	-15	-27	395	324	719	257	175	432

In addition, the proposed development would generate a total of -21, 993, 477, and 432 pedestrian trips (including walk-only, subway, and bus trips) in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. Of these incremental pedestrian trips, 183, 1,176, 615, and 719 are walk-only trips during the weekday AM, midday, PM and Saturday midday peak hours, respectively.

As the number of peak hour pedestrian trips resulting from the proposed development would exceed the *CEQR Technical Manual* analysis threshold for pedestrians (including walk-only, subway, and bus trips) during one or more peak hours, a Level 2 assessment was undertaken to identify specific transportation elements where additional detailed analysis may be warranted. As the number of incremental peak hour traffic and transit trips would not exceed the *CEQR Technical Manual* analysis threshold, additional detailed analyses are not required. As per the *CEQR Technical Manual*¸ a detailed parking assessment is not needed if the threshold for traffic analysis is not exceeded.

V. LEVEL 2 SCREENING ASSESSMENT

A Level 2 screening assessment involves the assignment of project-generated trips to the study area's pedestrian elements, and street network, and the identification of specific locations where the incremental increase in demand may potentially exceed *CEQR Technical Manual* analysis thresholds and,

therefore, require a quantitative analysis. As the incremental pedestrian trips generated by the RWCDS exceeds the *CEQR Technical Manual* threshold, Level 2 screenings were conducted, and are discussed below.

Transportation Network

As shown in **Figure F-2**, the Rezoning Area is bounded to the north by West Brighton Avenue, to the east by West 2nd Street, to the south by Sea Breeze Avenue, and to the west by West 5th Street. Vehicle access would be provided to the Development Site along Sea Breeze Avenue and pedestrian entrances would be located along Sea Breeze Avenue and West Brighton Avenue. The main pedestrian entrance for the proposed residential uses would be located along Sea Breeze Avenue, while the commercial (local retail) and community facility (medical office) uses would have pedestrian entrances located along both Sea Breeze Avenue and West Brighton Avenue.

To the north of the Rezoning Area, West Brighton Avenue, at 120 feet wide, accommodates two-way, east-west traffic separated by a median beneath the elevated subway tracks. One MTA bus route, B16, provides local service along West Brighton Avenue in the vicinity of the Rezoning Area. Two lanes are provided in each direction and on-street parking is permitted on both sides of the street. To the west of the Rezoning Area, West 5th Street, at 80 feet wide, accommodates two-way traffic with one travel lane in each direction. West 5th Street runs north-south in the vicinity of the Rezoning Area, and on-street parking is permitted on both sides of the street. Two MTA bus routes, B36 and B68, run along West 5th Street in the vicinity of the Rezoning Area.

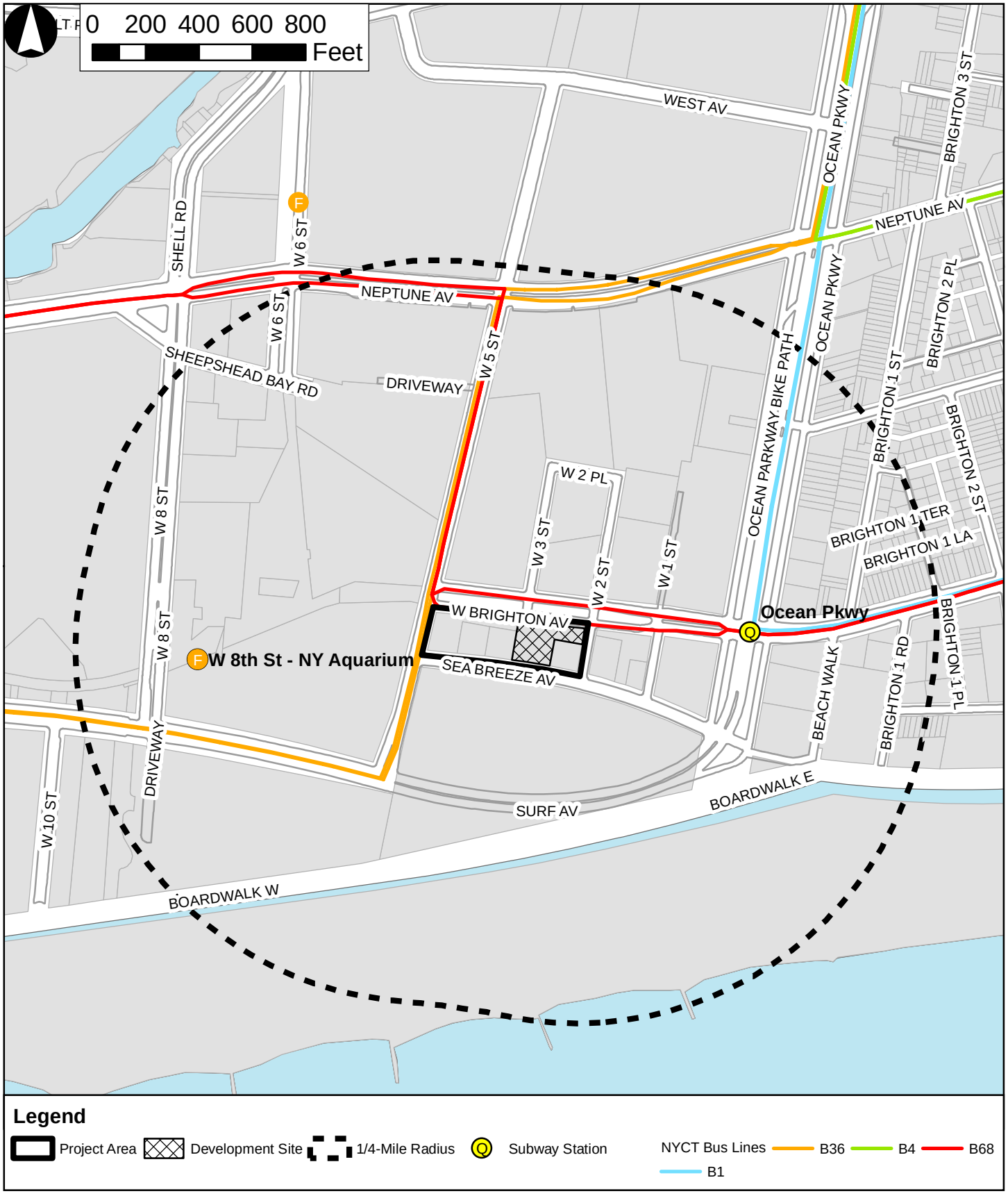
To the east of the Rezoning Area, Ocean Parkway, at 210 feet wide (including the Ocean Parkway Service Road), accommodates two-way, north-south traffic. Ocean Parkway operates with three lanes of traffic in each direction. The Ocean Parkway Service Road is separated from Ocean Parkway by medians containing planted areas, benches, and bike lanes. In the vicinity of the Rezoning Area, the Ocean Parkway Service Road contains one lane in each direction (refer to **Figure F-2**). On-street parking is not permitted along Ocean Parkway, but is provided along each side of the Ocean Parkway Service Road. To the south of the Rezoning Area, Surf Avenue, at 120 feet wide, accommodates two-way, east-west traffic. To the east of West 5th Street, eastbound and westbound traffic on Surf Avenue operates with two and three lanes, respectively, and on-street parking is only permitted adjacent to westbound traffic. To the west of West 5th Street, Surf Avenue operates with two lanes of traffic in each direction and on-street parking is permitted along both sides of the street.

Additionally, the Proposed Rezoning Area is located within 0.2-miles of the Ocean Parkway (Q) subway station, and within 0.4-miles of the West 8th Street – New York Aquarium (F, Q) subway station. The Proposed Rezoning Area is also served by several New York City Transit (NYCT) local bus routes, including the B68, which runs to the north of the site along West Brighton Avenue and provides local service between Coney Island and Park Slope. Additionally, the B36 runs to the west of the Proposed Rezoning Area and provides local service between Coney Island and Sheepshead Bay.

Pedestrians

Many project-generated trips would include a walk component using local sidewalks, street corners, and crosswalks, to access the project site. As shown above in **Table F-3**, the RWCDS would generate a net total of -21, 993, 477, and 432 pedestrian trips (including walk-only trips and pedestrians en route to and from subway and bus stops) during the weekday AM, midday, PM, and Saturday midday peak hours, respectively. As the number of project generated pedestrian trips would exceed the 200-trip *CEQR*

Transit Map


0 200 400 600 800
Feet
WEST AV
OCEAN PKWY
BRIGHTON 3 ST
NEPTUNE AV
SHELL RD
W 6 ST
NEPTUNE AV
OCEAN PKWY
BRIGHTON 2 PL
SHEEPSHEAD BAY RD
DRIVEWAY
W 5 ST
OCEAN PARKWAY BIKE PATH
BRIGHTON 1 ST
BRIGHTON 2 ST
W 2 PL
W 8 ST
W 3 ST
W 2 ST
W 1 ST
BRIGHTON 1 TER
BRIGHTON 1 LA
W BRIGHTON AV
Ocean Pkwy
W 8th St - NY Aquarium
SEA BREEZE AV
BEACH WALK
BRIGHTON 1 RD
BRIGHTON 1 PL
DRIVEWAY
W 10 ST
SURF AV
BOARDWALK E
BOARDWALK W
Legend
Project Area
Development Site
1/4-Mile Radius
Subway Station
NYCT Bus Lines
B36
B4
B68
B1

Technical Manual threshold during the weekday midday, PM, and Saturday midday peak hours, a Level 2 screening is required.

Figure F-3 shows the assignment of project-generated pedestrian trips (walk-only, subway and bus trips) to pedestrian elements (sidewalks, corner area, and crosswalks) in the vicinity of the project site during the weekday midday, PM, and Saturday midday peak hours. The origins and destinations for pedestrian trip assignments were based on the project location, the most direct paths between the site and local transit routes, and ACS Means of Transportation to Work data.

As previously mentioned, main pedestrian entrance for the proposed residential uses would be located along Sea Breeze Avenue, while the commercial (local retail) and community facility (medical office) uses would have pedestrian entrances located along both Sea Breeze Avenue and West Brighton Avenue. As shown in **Figure F-3**, a total of six pedestrian elements exceed the 200-trip *CEQR Technical Manual* analysis threshold and have been selected for detailed analysis. All six pedestrian elements exceed the threshold during the weekday midday peak hour. It should be noted that in addition to the pedestrian elements listed below, the southeast corner at the intersection of West Brighton Avenue and West 5th Street, the northeast corner at the intersection of Sea Breeze Avenue and West 5th Street, and the southwest corner at the intersection of West Brighton Avenue and West 2nd Street would also experience an incremental increase of greater than 200-trips during the weekday midday peak hour. However, as these corners cannot be analyzed under the methodology described below, they were conservatively assumed to operate at the same LOS as the pedestrian elements (sidewalks and crosswalks) adjacent to each respective corner under existing, 2021 No-Action, and 2021 With-Action conditions.

Pedestrian Analysis Locations

Sidewalks:

1. North Sidewalk on Sea Breeze Avenue between West 5th Street and West 3rd Street
2. South Sidewalk on West Brighton Avenue between West 5th Street and West 3rd Street

Corners:

1. Sea Breeze Avenue and West 5th Street – Southeast Corner
2. West Brighton Avenue and West 5th Street – Northeast Corner

Crosswalks:

1. Sea Breeze Avenue and West 5th Street – East Crosswalk
2. West Brighton Avenue and West 5th Street – East Crosswalk

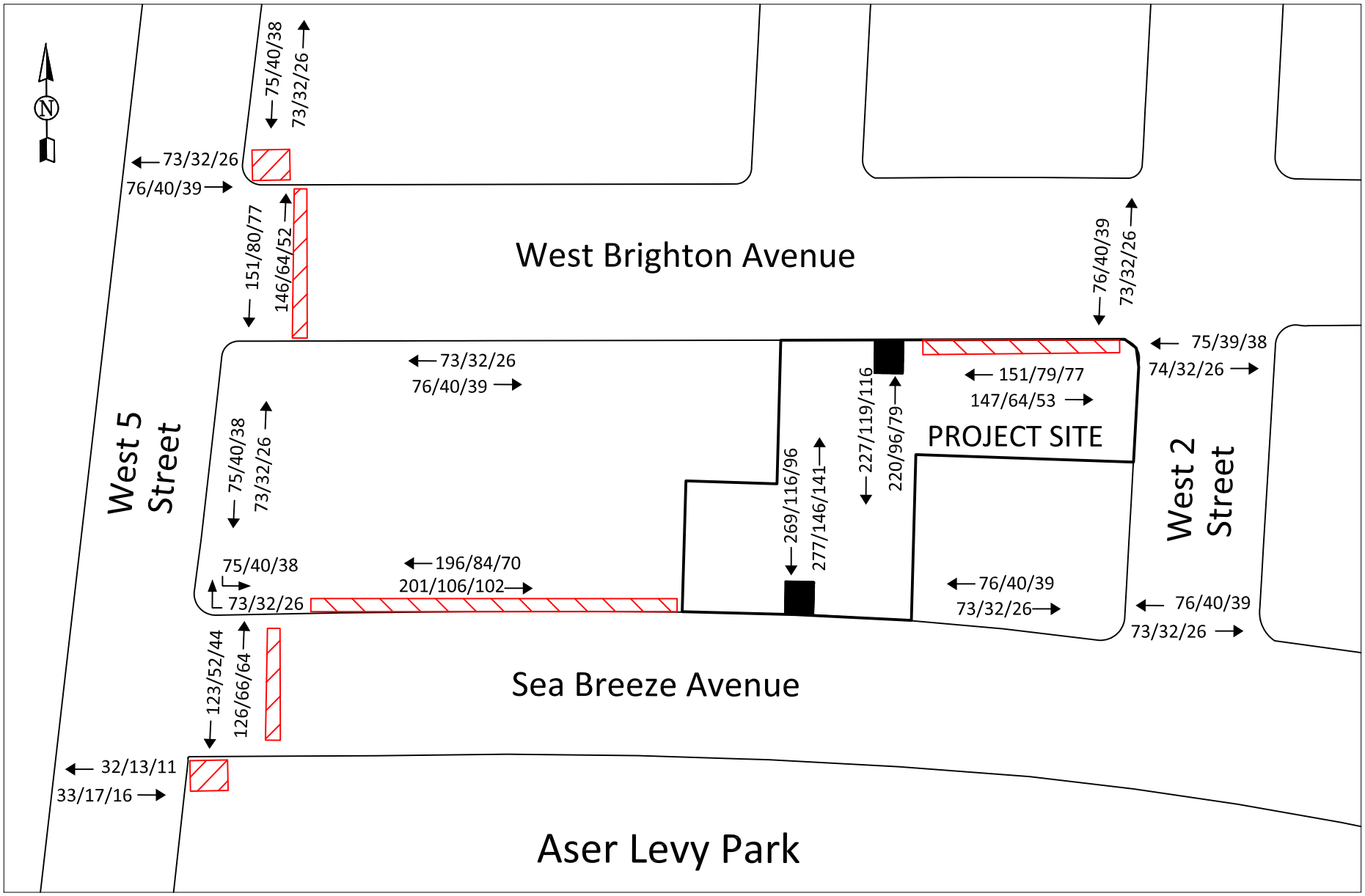
VI. TRANSPORTATION ANALYSES METHODOLOGIES

Pedestrians

Analysis Methodology

Data on peak period pedestrian flow volumes was collected along the analyzed sidewalk and corner areas in the vicinity of the Rezoning Area in September 2018. Peak hours were determined by comparing rolling

Project Increment Pedestrian Trip Assignment



LEGEND:

23/12/14 = Weekday Midday/Weekday PM/Saturday Midday Pedestrian Volumes | Pedestrian Element Analysis Location | Pedestrian Entrance

hourly averages, and the highest 15-minute volumes within the selected peak hours were used for analysis. Based on existing peak pedestrian volumes within the study area, the weekday 12:30 PM to 1:30 PM peak hour was selected for analysis.

Peak 15-minute pedestrian flow conditions during the weekday midday period are analyzed using the *2000 Highway Capacity Manual* methodology and procedures outlined in the *CEQR Technical Manual*. Using this methodology, the congestion level of pedestrian facilities is determined by considering pedestrian volume, measuring the sidewalk or crosswalk width, determining the available pedestrian capacity and developing a ratio of volume flows to capacity conditions. The resulting ratio is then compared with LOS standards for pedestrian flow, which define a qualitative relationship at a certain pedestrian traffic concentration level. The evaluation of street crosswalks and corners is more complicated as these spaces cannot be treated as corridors due to the time incurred waiting for traffic lights. To effectively evaluate these facilities a "time-space" analysis methodology is employed which takes into consideration the traffic light cycle at intersections.

LOS standards are based on the average area available per pedestrian during the analysis period, typically expressed as a 15-minute peak period. LOS grades from A to F are assigned, with LOS A representative of free flow conditions without pedestrian conflicts and LOS F depicting significant capacity limitations and inconvenience. **Table F-4** defines the LOS criteria for pedestrian crosswalk/corner area and a sidewalk conditions, as based on the *Highway Capacity Manual* methodology.

The analysis of sidewalk conditions includes a "platoon" factor in the calculation of pedestrian flow to more accurately estimate the dynamics of walking. "Platooning" is tendency of pedestrians to move in bunched groups or "platoons" once they cross a street where cross traffic required them to wait. Platooning generally results in a level of service one level poorer than that determined for average flow rates.

Significant Impact Criteria

Sidewalks

The *CEQR Technical Manual* impact criteria for a non-CBD location are used to identify significant adverse impacts due to the proposed rezoning. These criteria define a significant adverse sidewalk impact to have occurred under platoon conditions if the average pedestrian space under the No-Action condition is greater than 44.3 square feet/pedestrian (ft^2/ped), and the average pedestrian space under the With-Action condition is 40.0 ft^2/ped or less (LOS D or worse). If the average pedestrian space under the With-Action condition is greater than 40.0 ft^2/ped (LOS C or better), the impact should not be considered significant. If the No-Action pedestrian space is between 6.4 and 44.3 ft^2/ped, a reduction in pedestrian space under the With-Action condition should be considered significant based on **Table F-5**, which shows a sliding-scale that identifies what decrease in pedestrian space is considered a significant impact for a given pedestrian space value in the No-Action condition. If the reduction in pedestrian space is less than the value in **Table F-5**, the impact is not considered significant. If the average pedestrian space under the No-Action condition is less than 6.4 ft^2/ped, then a reduction in pedestrian space greater than or equal to 0.3 ft^2/ped, under the With-Action condition, should be considered significant.

Table F-4
Pedestrian Crosswalk/Corner Area and Sidewalk Levels of Service Descriptions

LOS	Crosswalk/Corner	Crosswalk/ Corner Area Criteria (ft^2/ped)	Non-Platoon Sidewalk Criteria (ft^2/ped)	Platoon Sidewalk Criteria (ft^2/ped)
A	(Unrestricted)	> 60	> 60	> 530
B	(Slightly Restricted)	> 40 to 60	> 40 to 60	> 90 to 530
C	(Restricted but fluid)	> 24 to 40	> 24 to 40	> 40 to 90
D	(Restricted, necessary to continuously alter walking stride and direction)	> 15 to 24	> 15 to 24	> 23 to 40
E	(Severely restricted)	> 8 to 15	> 8 to 15	> 11 to 23
F	(Forward progress only by shuffling; no reverse movement possible)	$\leq$ 8	$\leq$ 8	$\leq$ 11

Notes:
Based on average conditions for 15 minutes
f t^2/ped – square feet of area per pedestrian
Source: *CEQR Technical Manual*

Corner Areas and Crosswalks

For non-CBD areas, *CEQR Technical Manual* criteria define a significant adverse corner area or crosswalk impact to have occurred if the average pedestrians space under the No-Action condition is greater than 26.6 square feet per pedestrian (ft^2/ped) and, under the With-Action condition, the average pedestrian space decreases to 24 ft^2/ped or less (LOS D or worse). If the pedestrian space under the With-Action condition is greater than 24 ft^2/ped (LOS C or better), the impact should not be considered significant. If the average pedestrian space under the No-Action condition is between 5.1 and 26.6 ft^2/ped, a decrease in pedestrian space under the With-Action condition should be considered significant based on **Table F-6**, which shows a sliding-scale that identifies what decrease in pedestrian space is considered a significant impact for a given amount of pedestrian space in the No-Action condition. If the decrease in pedestrian space is less than the value in **Table F-6**, the impact is not considered significant. If the average pedestrian space under the No-Action condition is less than 5.1 ft^2/ped, then a decrease in pedestrian space greater than or equal to 0.2 ft^2/ped should be considered significant.

Table F-5
Impact Criteria for Sidewalks
With Platoon Flow in a Non-CBD Location

No-Action Condition Pedestrian Flow (ft^2/ped)			With-Action Conditions Pedestrian Space Reduction to be Considered a Significant Impact (ft^2/ped)
>44.3			With-Action Condition ≤ 40.0
43.5	to	44.3	Reduction ≥ 4.3
42.5	to	43.4	Reduction ≥ 4.2
41.6	to	42.4	Reduction ≥ 4.1
40.6	to	41.5	Reduction ≥ 4.0
39.7	to	40.5	Reduction ≥ 3.9
38.7	to	39.6	Reduction ≥ 3.8
37.8	to	38.6	Reduction ≥ 3.7
36.8	to	37.7	Reduction ≥ 3.6
35.9	to	36.7	Reduction ≥ 3.5
34.9	to	35.8	Reduction ≥ 3.4
34.0	to	34.8	Reduction ≥ 3.3
33.0	to	33.9	Reduction ≥ 3.2
32.1	to	32.9	Reduction ≥ 3.1
31.1	to	32.0	Reduction ≥ 3.0
30.2	to	31.0	Reduction ≥ 2.9
29.2	to	30.1	Reduction ≥ 2.8
28.3	to	29.1	Reduction ≥ 2.7
27.3	to	28.2	Reduction ≥ 2.6
26.4	to	27.2	Reduction ≥ 2.5
25.4	to	26.3	Reduction ≥ 2.4
24.5	to	25.3	Reduction ≥ 2.3
23.5	to	24.4	Reduction ≥ 2.2
22.6	to	23.4	Reduction ≥ 2.1
21.6	to	22.5	Reduction ≥ 2.0
20.7	to	21.5	Reduction ≥ 1.9
19.7	to	20.6	Reduction ≥ 1.8
18.8	to	19.6	Reduction ≥ 1.7
17.8	to	18.7	Reduction ≥ 1.6
16.9	to	17.7	Reduction ≥ 1.5
15.9	to	16.8	Reduction ≥ 1.4
15.0	to	15.8	Reduction ≥ 1.3
14.0	to	14.9	Reduction ≥ 1.2
13.1	to	13.9	Reduction ≥ 1.1
12.1	to	13.0	Reduction ≥ 1.0
11.2	to	12.0	Reduction ≥ 0.9
10.2	to	11.1	Reduction ≥ 0.8
9.3	to	10.1	Reduction ≥ 0.7
8.3	to	9.2	Reduction ≥ 0.6
7.4	to	8.2	Reduction ≥ 0.5
6.4	to	7.3	Reduction ≥ 0.4
<6.4			Reduction ≥ 0.3

Source: *CEQR Technical Manual*

Table F-6
Significant Impact Criteria for Corners and Crosswalks in a Non-CBD Location

No-Action Condition Pedestrian Space (ft^2/ped)			With-Action Condition Pedestrian Space Reduction to be Considered a Significant Impact (ft^2/ped)
> 26.6			With-Action Condition ≤ 24.0
25.8	to	26.6	Reduction ≥ 2.6
24.9	to	25.7	Reduction ≥ 2.5
24.0	to	24.8	Reduction ≥ 2.4
23.1	to	23.9	Reduction ≥ 2.3
22.2	to	23.0	Reduction ≥ 2.2
21.3	to	22.1	Reduction ≥ 2.1
20.4	to	21.2	Reduction ≥ 2.0
19.5	to	20.3	Reduction ≥ 1.9
18.6	to	19.4	Reduction ≥ 1.8
17.7	to	18.5	Reduction ≥ 1.7
16.8	to	17.6	Reduction ≥ 1.6
15.9	to	16.7	Reduction ≥ 1.5
15.0	to	15.8	Reduction ≥ 1.4
14.1	to	14.9	Reduction ≥ 1.3
13.2	to	14.0	Reduction ≥ 1.2
12.3	to	13.1	Reduction ≥ 1.1
11.4	to	12.2	Reduction ≥ 1.0
10.5	to	11.3	Reduction ≥ 0.9
9.6	to	10.4	Reduction ≥ 0.8
8.7	to	9.5	Reduction ≥ 0.7
7.8	to	8.6	Reduction ≥ 0.6
6.9	to	7.7	Reduction ≥ 0.5
6.0	to	6.8	Reduction ≥ 0.4
5.1	to	5.9	Reduction ≥ 0.3
< 5.1			Reduction ≥ 0.2

Source: *CEQR Technical Manual*

Pedestrian and Vehicular Safety Evaluation

Pursuant to *CEQR Technical Manual* guidelines, an evaluation of vehicular and pedestrian safety is needed for locations within the traffic and pedestrian study areas that have been identified as high crash locations. These are defined as locations where 48 or more total reportable and non-reportable crashes or five or more pedestrian/bicyclist injury crashes have occurred in any consecutive 12 months of the most recent three-year period for which data are available. For these locations, crash trends would be identified to determine whether projected vehicular and pedestrian traffic would further impact safety, or whether existing unsafe conditions could adversely impact the flow of the projected new trips. The determination of potential significant safety impacts depends on the type of area where the project site is located, traffic volumes, crash types and severity, and other contributing factors. Where appropriate, measures to improve traffic and pedestrian safety should be identified and coordinated with DOT.

VII. PEDESTRIANS

Existing Conditions

As discussed previously in Section V "Level 2 Screening Assessment", two sidewalks, two corners and two crosswalks have been selected for analysis as they are locations where project-generated pedestrian trips are expected to exceed the 200-trip *CEQR Technical Manual* analysis threshold during the weekday midday peak hour. As shown previously in **Figure F-3**, these analyzed pedestrian elements are located along Sea Breeze Avenue and West Brighton Avenue, adjacent to the Rezoning Area.

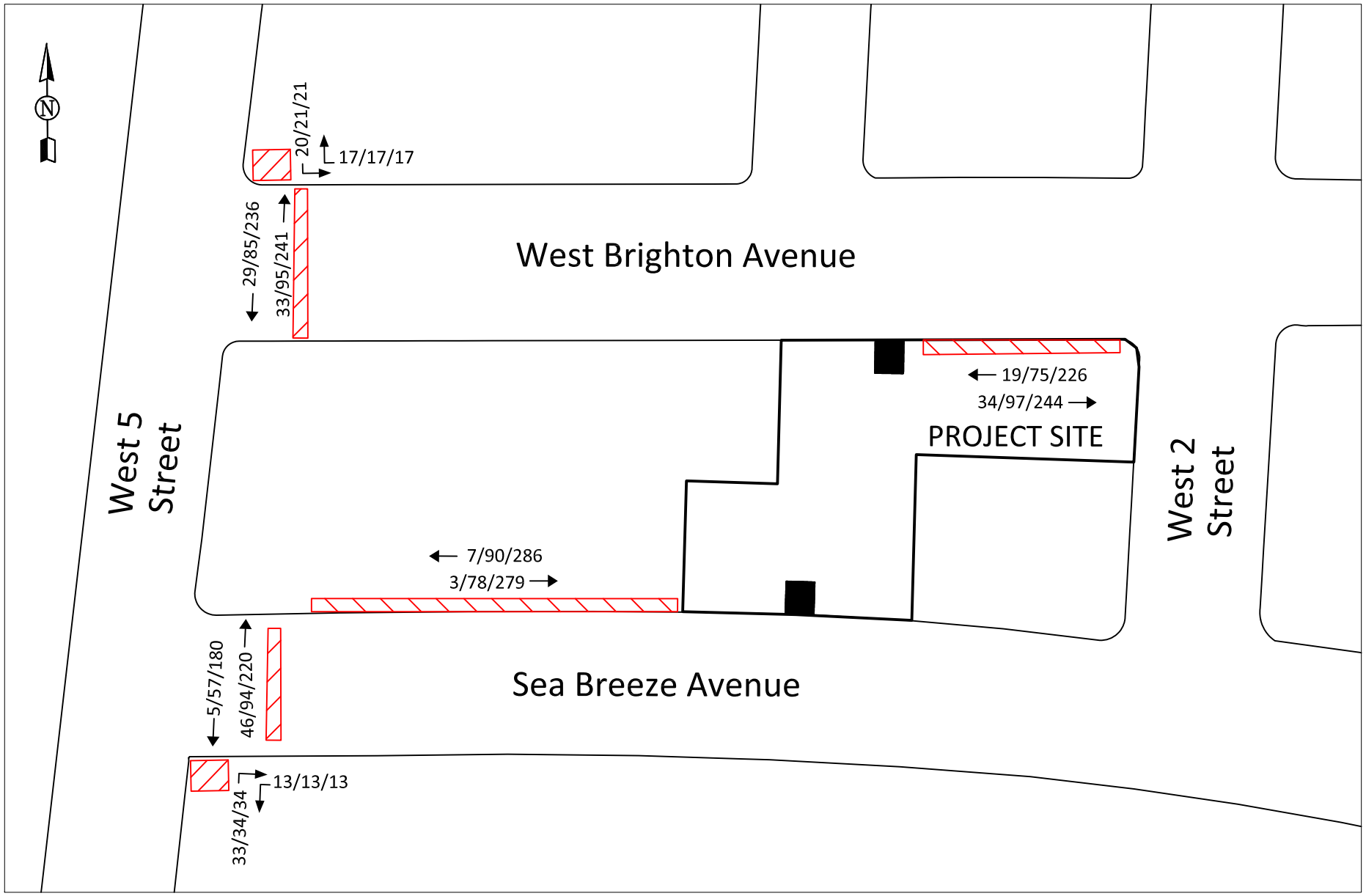
Tables F-7, F-8, and **F-9** show existing average pedestrian space (in square feet per pedestrian) and levels of service at analyzed sidewalks, corners, and crosswalks respectively, while **Figure F-4** shows the weekday midday existing pedestrian volumes. As shown in **Tables F-7, F-8, and F-9**, all analyzed pedestrian elements operate at LOS A during the weekday midday peak hour.

Table F-7
Sidewalk Analysis – Existing Conditions

Location	Sidewalk	Peak Hour Volumes (WK MD)	Pedestrian Space (SFP) (WK MD)	Platoon-Adjusted LOS (WK MD)
Sea Breeze Avenue between West 5th Street and West 2nd Street	North	10	3,402	**A**
West Brighton Avenue between West 5th Street and West 2nd Street	South	53	986.2	**A**

Notes: Methodology based on *CEQR Technical Manual* guidelines
SFP – Square feet per pedestrian.
LOS – Level of Service.
WK MD – Weekday Midday.

Existing/No-Action/With-Action Weekday Midday Pedestrian Volumes



LEGEND:

2/3/4 = Existing/No-Action/With-Action Weekday Midday Pedestrian Volumes

Pedestrian Element Analysis Location

Pedestrian Entrance

Table F-8
Corner Area Analysis – Existing Conditions

Location	Corner	Pedestrian Space (SFP) (WK MD)	LOS (WK MD)
Sea Breeze Avenue and West 5th Street	SE	3,995.8	**A**
West Brighton Avenue and West 5th Street	NE	539.9	**A**

Notes: Methodology based on *CEQR Technical Manual* guidelines
SFP – Square feet per pedestrian.
LOS – Level of Service.
WK MD – Weekday Midday.

Table F-9
Crosswalk Analysis – Existing Conditions

Location	Crosswalk	Pedestrian Space (SFP) (WK MD)	LOS (WK MD)
Sea Breeze Avenue and West 5th Street	East	844.4	**A**
West Brighton Avenue and West 5th Street	East	892.2	**A**

Notes: Methodology based on *CEQR Technical Manual* guidelines
SFP – Square feet per pedestrian.
LOS – Level of Service.
WK MD – Weekday Midday.

The Future Without the Proposed Action (No-Action)

As discussed in Attachment A, "Project Description", under the No-Action condition, an approximately 172,579 gsf as-of-right building would be constructed at Projected Development Site 1. The building would consist of approximately 114 DUs and approximately 27,050 gsf of medical office uses. Similar to the proposed project, under the No-Action scenario, the development would utilize the air rights from Lot 89. Currently, Lot 89 contains approximately 7,285 gsf (7,285 zsf) of community facility space (house of worship). Additionally, under the No-Action scenario, an approximately 95,000 gsf mixed-use building would be constructed at Projected Development Site 2 on Block 7280, Lot 95, as per the current plans. The development would include approximately 70 DUs and an approximately 23,000 gsf community facility base (with medical office uses). Therefore, both No-Action developments were included in the analysis. Additionally, increased pedestrian demand due to background growth was added to existing volumes to determine future volumes without the proposed project. An annual compounded background growth rate of 0.25 percent was applied to existing travel demand for the 2018 through 2021 period pursuant to *CEQR Technical Manual* criteria.

Tables F-10, F-11 and **F-12** show the forecasted No-Action average pedestrian space and LOS along the analyzed sidewalk and corners during the weekday midday peak hour, while **Figure F-4** also shows the weekday midday peak hour pedestrian volumes under the 2021 future No-Action conditions. As shown in

Tables F-10, F-11 and **F-12**, under No-Action conditions, both analyzed sidewalks would operate at LOS B, and the analyzed corners and crosswalks would continue to operate at LOS A.

Table F-10
Sidewalk Analysis – No-Action Condition

Location	Sidewalk	Peak Hour Volumes (WK MD)	Pedestrian Space (SFP) (WK MD)	Platoon-Adjusted LOS (WK MD)
Sea Breeze Avenue between West 5th Street and West 2nd Street	North	168	344.2	**B**
West Brighton Avenue between West 5th Street and West 2nd Street	South	172	303.8	**B**

Notes: Methodology based on *CEQR Technical Manual* guidelines
SFP – Square feet per pedestrian.
LOS – Level of Service.
WK MD – Weekday Midday.

Table F-11
Corner Area Analysis – No-Action Conditions

Location	Corner	Pedestrian Space (SFP) (WK MD)	LOS (WK MD)
Sea Breeze Avenue and West 5th Street	SE	1,820.4	**A**
West Brighton Avenue and West 5th Street	NE	243.8	**A**

Notes: Methodology based on *CEQR Technical Manual* guidelines
SFP – Square feet per pedestrian.
LOS – Level of Service.
WK MD – Weekday Midday.

Table F-12
Crosswalk Analysis – No-Action Conditions

Location	Crosswalk	Pedestrian Space (SFP) (WK MD)	LOS (WK MD)
Sea Breeze Avenue and West 5th Street	East	266.8	**A**
West Brighton Avenue and West 5th Street	East	305.3	**A**

Notes: Methodology based on *CEQR Technical Manual* guidelines
SFP – Square feet per pedestrian.
LOS – Level of Service.
WK MD – Weekday Midday.

The Future With the Proposed Action (With-Action)

As discussed previously, the Proposed Action is expected to generate a net total of 993 pedestrian trips (including walk-only, subway, and public bus trips) during the weekday midday peak hour (refer to **Table F-3**). The assignment of these trips to the analyzed pedestrian elements is shown in **Figure F-3**. These pedestrian volumes were added to the projected No-Action volumes to generate the With-Action pedestrian volumes for analysis.

Tables F-13, F-14 and **F-15** show the average pedestrian space and levels of service at the analyzed sidewalk and corner areas during the weekday midday peak hour.

Table F-13
Sidewalk Analysis – With-Action Condition

Location	Sidewalk	Peak Hour Volumes (WK MD)	Pedestrian Space (SFP) (WK MD)	Platoon-Adjusted LOS (WK MD)
Sea Breeze Avenue between West 5th Street and West 2nd Street	North	565	102.1	**B**
West Brighton Avenue between West 5th Street and West 2nd Street	South	470	111.0	**B**

Notes: Methodology based on *CEQR Technical Manual* guidelines
SFP – Square feet per pedestrian.
LOS – Level of Service.
WK MD – Weekday Midday.

Table F-14
Corner Area Analysis – With-Action Conditions

Location	Corner	Pedestrian Space (SFP) (WK MD)	LOS (WK MD)
Sea Breeze Avenue and West 5th Street	SE	769.9	**A**
West Brighton Avenue and West 5th Street	NE	98.2	**A**

Notes: Methodology based on *CEQR Technical Manual* guidelines
SFP – Square feet per pedestrian.
LOS – Level of Service.
WK MD – Weekday Midday.

Table F-15
Crosswalk Analysis – With-Action Conditions

Location	Crosswalk	Pedestrian Space (SFP) (WK MD)	LOS (WK MD)
Sea Breeze Avenue and West 5th Street	East	96.9	**A**
West Brighton Avenue and West 5th Street	East	113.4	**A**

Notes: Methodology based on *CEQR Technical Manual* guidelines
SFP – Square feet per pedestrian.
LOS – Level of Service.
WK MD – Weekday Midday.

As shown in **Tables F-13, F-14** and **F-15**, under the With-Action conditions, all analyzed pedestrian elements would operate at an acceptable LOS B or better during the weekday midday peak period and would therefore not exceed *CEQR Technical Manual* thresholds for a significant impact.

VIII. VEHICULAR AND PEDESTRIAN SAFETY EVALUATION

Study Area High Crash Locations

Under *CEQR Technical Manual* guidelines, an evaluation of pedestrian and vehicular safety is needed for locations within the traffic and pedestrian study areas that have been identified as high crash locations. These locations are defined as locations where 48 or more total reportable and non-reportable crashes or five or more pedestrian/bicyclist injury crashes have occurred in any consecutive twelve months of the most recent three-year period for which data are available. Reportable crashes are defined as those involving injuries, fatalities, and/or $1,000 or more in property damage.

Table F-16 below shows summary crash data for the three-year reporting period between January 1, 2014 and December 31, 2016 that were obtained from DOT. This is the most recent three-year period for which data are available. The table shows the total number of crashes each year and the number of crashes each year involving pedestrians and cyclists at intersections in proximity to the project site where the majority of new vehicular and pedestrian trips would be concentrated.

As shown in **Table F-16**, no intersections were found to have experienced a total of 48 or more crashes in any one year nor were any intersections found to have experienced five or more pedestrian/bicyclist injury crashes in one year. During the three-year period of 2014-2016, the intersections of Sea Breeze Avenue and West 2nd Street and Sea Breeze Avenue and West 5th Street did not experience any crashes. The intersection of West Brighton Avenue and West 2nd Street experienced one crash each year during this period, and the intersection of West Brighton Avenue and West 5th Street experienced one crash in 2014 and no crashes in 2015 or 2016.

Table F-16
Accident Data Summary 2014-2016

Intersection		Pedestrian Injury Accidents			Bicycle Injury Accidents			Total Pedestrian/ Bicyclist Injury Accidents			Total Property Damage Accidents (Reportable + Non-Reportable)		
Roadway 1	Roadway 2	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
Sea Breeze Avenue	West 2nd Street	0	0	0	0	0	0	0	0	0	0	0	0
	West 5th Street	0	0	0	0	0	0	0	0	0	0	0	0
West Brighton Avenue	West 2nd Street	0	0	0	0	0	0	0	0	0	1	1	1
	West 5th Street	0	0	0	0	0	0	0	0	0	1	0	0

Source: NYCDOT

The *Vision Zero Brooklyn Pedestrian Safety Action Plan*, released in 2015, is a part of the City's Vision Zero initiative which seeks to eliminate all deaths from traffic crashes regardless of whether on foot, bicycle, or inside a motor vehicle. In an effort to drive these fatalities down, DOT and the New York City Police Department (NYPD) developed a set of five plans, each of which analyzes the unique conditions of one New York City borough and recommends actions to address the borough's specific challenges to pedestrian safety. These plans pinpoint the conditions and characteristics of pedestrian fatalities and severe injuries; they also identify priority corridors, intersections, and areas that disproportionately account for pedestrian fatalities and severe injuries, prioritizing them for safety interventions. The plans outline a series of recommended actions comprised of engineering, enforcement and education measures that intend to alter the physical and behavioral conditions on city streets that lead to pedestrian fatality and injury.

The *Vision Zero Brooklyn Pedestrian Safety Action Plan* identifies a series of engineering/planning, enforcement, and education/awareness campaign strategies to enhance pedestrian safety along the borough's Priority Corridors and Priority Intersections. These strategies, some of which have already been implemented, include measures such as reducing the speed limit to 25 miles per hour, expanding exclusive pedestrian crossing time, installing additional lighting around key transit stops, expanding the bicycle network, prioritizing targeted enforcement and deploying speed cameras, and targeting intensive street-level outreach. The Plan also calls for an expansion of exclusive pedestrian crossing time on all Brooklyn Priority Corridors, the addition of exclusive pedestrian crossing time to all feasible Brooklyn Priority Intersections, and the modification of signal timings to reduce off-peak speeding on all feasible Brooklyn Priority Corridors by the end of 2017.

APPENDIX I
WATERFRONT REVITALIZATION
PROGRAM CONSISTENCY ASSESSMENT
FORM AND DCP SIGN-OFF

FOR INTERNAL USE ONLY	WRP No. _____
Date Received: _____	DOS No. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: 271 Sea Breeze Development LLC

Name of Applicant Representative: Eric Palatnik, Esq.

Address: 32 Broadway, Suite 114, New York, NY, 10004

Telephone: (212)-425-4343 Email: eric@ericpalatnikpc.com

Project site owner (if different than above): 271 Sea Breeze Development LLC

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The Applicant, 271 Sea Breeze Development LLC, is seeking a zoning map amendment from the New York City Planning Commission (CPC) (the "proposed action") to facilitate the development of a mixed-use building at 271 Sea Breeze Avenue on Brooklyn Block 7280, Lot 110 in the West Brighton neighborhood of Brooklyn Community District (CD) 13. The proposed project would rezone the entirety of Block 7280 (Lots 89, 92, 95, 110, and 188) from a R6 district to a R6/C2-4 district.

The proposed action would facilitate the construction of a new 20-story mixed-use building at the development site. The proposed development would contain approximately 172,679 gross square feet (gsf), including approximately 103,614 gsf of residential space with 114 dwelling units, approximately 25,021 gsf of commercial (local retail) space, approximately 12,756 gsf of community facility (medical office) uses, and 130 accessory parking spaces. The development would also utilize the air rights from Lot 89, which currently contains an approximately 7,285 gsf of community facility space (house of worship). The proposed development would rise to a height of 20-stories (220.3 feet) and would contain a four story commercial and community facility base below a 16-story residential tower. The proposed project is expected to be completed and occupied by 2020.

2. Purpose of activity

The proposed zoning map amendment (from R6 to R6/C2-4) would facilitate the development of an approximately 172,579 gsf , 20-story, mixed-use building at the development site. The proposed zoning would allow for the development of a four-story, non-residential base with commercial uses, that are not permitted under the current R6 zoning. The proposed C2-4 district would permit the development of needed commercial retail uses in a vibrant high-density area. The proposed commercial use would serve as local retail space that would provide services for both the residents of the proposed tower, as well as the surrounding community.

C. PROJECT LOCATION

Borough: Brooklyn Tax Block/Lot(s): Block 7280, Lots 89, 92, 95, 110, and 188

Street Address: 271 Sea Breeze Avenue

Name of water body (if located on the waterfront): _____

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

- ☐ City Map Amendment
- ☑ Zoning Map Amendment
- ☐ Zoning Text Amendment
- ☐ Site Selection – Public Facility
- ☐ Housing Plan & Project
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____
- ☐ Zoning Certification
- ☐ Zoning Authorizations
- ☐ Acquisition – Real Property
- ☐ Disposition – Real Property
- ☐ Other, explain: _____
- ☐ Concession
- ☐ UDAAP
- ☐ Revocable Consent
- ☐ Franchise

Board of Standards and Appeals ☑ Yes ☐ No

- ☑ Variance (use)
- ☐ Variance (bulk)
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

Other City Approvals

- ☐ Legislation
- ☐ Rulemaking
- ☐ Construction of Public Facilities
- ☐ 384 (b) (4) Approval
- ☐ Other, explain: _____
- ☐ Funding for Construction, specify: _____
- ☐ Policy or Plan, specify: _____
- ☐ Funding of Program, specify: _____
- ☐ Permits, specify: _____

State Actions/Approvals/Funding

- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☑ No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? ☐ Yes ☑ No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? ☐ Yes ☑ No
3. Is the project located on publicly owned land or receiving public assistance? ☐ Yes ☑ No
4. Is the project located within a FEMA 1% annual chance floodplain? *(6.2)* ☑ Yes ☐ No
5. Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)* ☑ Yes ☐ No
6. Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).* ☐ Yes ☑ No

   ☐ Significant Maritime and Industrial Area (SMIA) (*2.1*)
   ☐ Special Natural Waterfront Area (SNWA) (*4.1*)
   ☐ Priority Maritime Activity Zone (PMAZ) (*3.5*)
   ☐ Recognized Ecological Complex (REC) (*4.4*)
   ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

For those policies checked Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

		Promote	Hinder	N/A
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☑	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☑	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☐	☐	☑
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☑	☐	☐
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☐	☐	☑
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	☑	☐	☐

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☑	☐	☐
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☑	☐	☐
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☑	☐	☐
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☐	☐	☑
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	☑	☐	☐
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☐	☐	☑
3.1.	Support and encourage in-water recreational activities in suitable locations.	☐	☐	☑
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☐	☐	☑
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☐	☐	☑
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☐	☐	☑
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☐	☐	☑
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☐	☐	☑
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☐	☐	☑
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☐	☐	☑
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☐	☐	☑
4.5	Protect and restore tidal and freshwater wetlands.	☐	☐	☑
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	☐	☐	☑
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	☐	☐	☑
4.8	Maintain and protect living aquatic resources.	☐	☐	☑

		Promote	Hinder	N/A
5	**Protect and improve water quality in the New York City coastal area.**	☐	☐	☑
5.1	Manage direct or indirect discharges to waterbodies.	☐	☐	☑
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	☐	☐	☑
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	☐	☐	☑
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	☐	☐	☑
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	☐	☐	☑
6	**Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.**	☑	☐	☐
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	☑	☐	☐
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.	☑	☐	☐
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	☐	☐	☑
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	☐	☐	☑
7	**Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.**	☐	☐	☑
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	☐	☐	☑
7.2	Prevent and remediate discharge of petroleum products.	☐	☐	☑
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	☐	☐	☑
8	**Provide public access to, from, and along New York City's coastal waters.**	☐	☐	☑
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	☐	☐	☑
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	☐	☐	☑
8.3	Provide visual access to the waterfront where physically practical.	☐	☐	☑
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	☐	☐	☑

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	☐	☐	☑
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☐	☐	☑
9	**Protect scenic resources that contribute to the visual quality of the New York City coastal area.**	☐	☐	☑
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	☐	☐	☑
9.2	Protect and enhance scenic values associated with natural resources.	☐	☐	☑
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☐	☐	☑
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☐	☐	☑
10.2	Protect and preserve archaeological resources and artifacts.	☐	☐	☑

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Philip Habib

Address: 102 Madison Avenue, 11th Floor, New York, NY 10016

Telephone: 212-929-5656 Email: phabib@phaeng.com

Applicant/Agent's Signature: 

Date: 10/12/18

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- ☐ Copy of original signed NYC Consistency Assessment Form
- ☐ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☐ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- ☐ Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

NYC Waterfront Revitalization Program - Policy 6.2 Flood Elevation Workhsheet

COMPLETE INSTRUCTIONS ON HOW TO USE THIS WORKSHEET ARE PROVIDED IN THE "CLIMATE CHANGE ADAPTATION GUIDANCE" DOCUMENT AVAILABLE AT www.nyc.gov/wrp

Enter information about the project and site in highlighted cells in Tabs 1-3. HighTab 4 contains primary results. Tab 5, "Future Flood Level Projections" contains background computations. The remaining tabs contain additional results, to be used as relevant.Non-highlighted cells have been locked.

Background Information	
Project Name	271 Sea Breeze Avenue
Location	271 Sea Breeze Avenue, Brooklyn, NY
Type(s)	☑ Residential, Commercial, Community Facility ☐ Parkland, Open Space, and Natural Areas ☐ Tidal Wetland Restoration ☐ Critical Infrastructure or Facility ☐ Industrial Uses ☐ Over-water Structures ☐ Shoreline Structures ☐ Transportation ☐ Wastewater Treatment/Drainage ☐ Coastal Protection
Description	The Applicant, 271 Sea Breeze Development LLC, is seeking a discretionary zoning action from the New York City Planning Commission (CPC) (“Proposed Action”) to facilitate the development of a mixed-use building at 271 Sea Breeze Avenue (Block 7280, Lot 110 and utilizing the air rights from Lot 89) in the West Brighton neighborhood of Brooklyn Community District (CD) 13. The Proposed Action is a zoning map amendment to rezone the entirety of Block 7280 (Lots 89, 92, 95, 110, and 188) from a R6 district to a R6/C2-4 district .
Planned Completion date	2020

The New York City Waterfront Revitalization Program Climate Change Adaptation Guidance document was developed by the NYC Department of City Planning. It is a guidance document only and is not intended to serve as a substitute for actual regulations. The City disclaims any liability for errors that may be contained herein and shall not be responsible for any damages, consequential or actual, arising out of or in connection with the use of this information. The City reserves the right to update or correct information in this guidance document at any time and without notice.

For technical assistance on using this worksheet, email wrp@planning.nyc.gov, using the message subject "Policy 6.2 Worksheet Error."

Last update: June 7, 2017

Establish current tidal and flood heights.

	FT (NAVD88)	Feet	Datum	Source
MHHW	3.10	**6.01**	**MLLW**	https://tidesandcurrents.noaa.gov/
1% flood height	10.00	**10.00**	**NAVD88**	*2015 FEMA PFIRM*
As relevant:				
0.2% flood height	12.00	12.00	**NAVD88**	*2015 FEMA PFIRM*
MHW	2.74	5.65	**MLLW**	https://tidesandcurrents.noaa.gov/
MSL	0.02	2.93	**MLLW**	https://tidesandcurrents.noaa.gov/
MLLW	-2.91	0.00	**MLLW**	https://tidesandcurrents.noaa.gov/

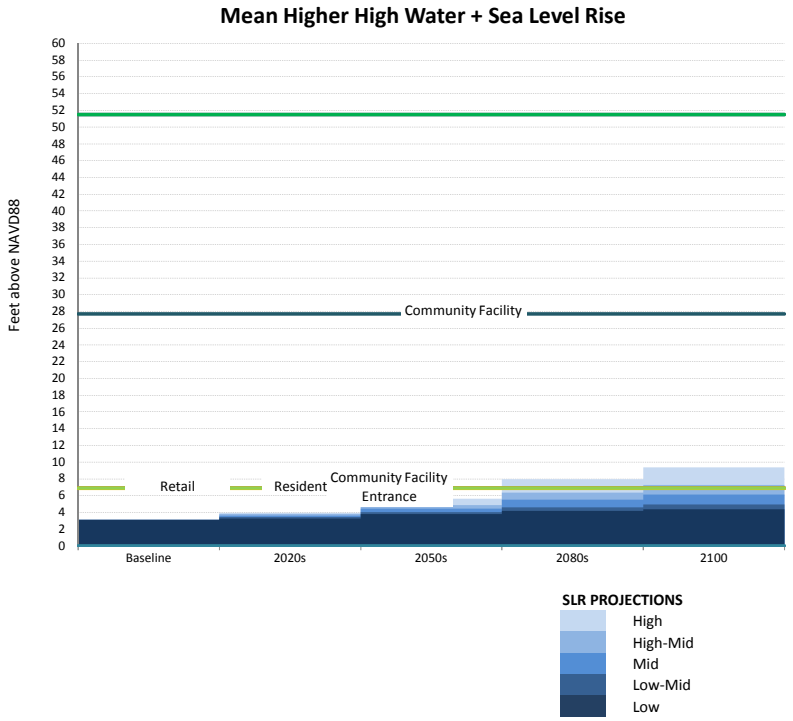
Data will be converted based on the following datums:

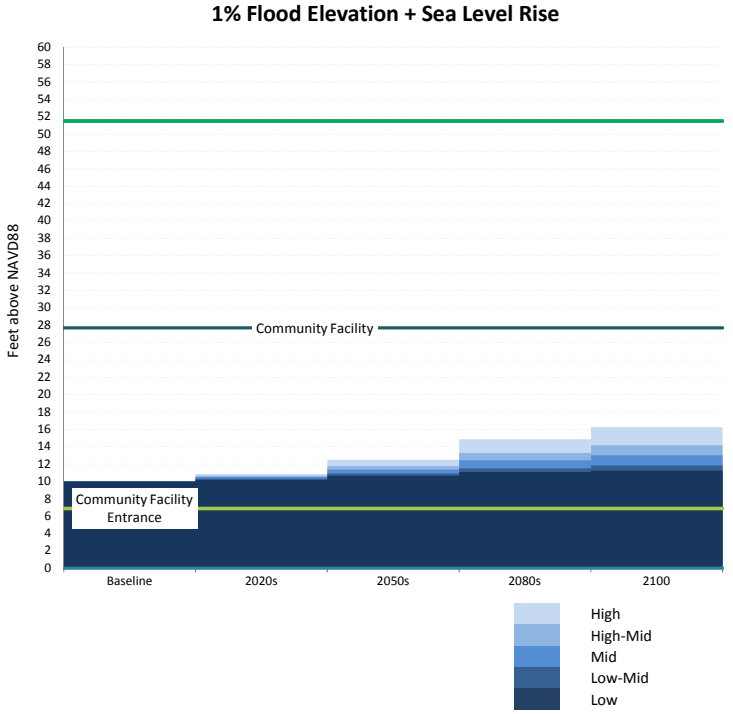
Datum	FT (NAVD88)
NAVD88	*0.00*
NGVD29	*-1.10*
Manhattan Datum	*1.65*
Bronx Datum	*1.51*
Brooklyn Datum (Sewer)	*0.61*
Brooklyn Datum (Highway)	*1.45*
Queens Datum	*1.63*
Richmond Datum	*2.09*
Station	Beach Channel
MLLW	-2.91

Describe key physical features of the project.

Feature *(enter name)*	Feature Category	Lifespan	Elevation	Units	Datum	Ft	Ft Above NAVD88	Ft Above MHHW	Ft Above 1% flood height	Ft Above 0.2% flood height
Residential Lobby	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2050	6.9	Feet	NAVD88	*6.9*	*6.9*	*3.8*	*-3.1*	*-5.1*
The residential lobby would be located on the ground floor.										
Retail	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2050	6.9	Feet	NAVD88	*6.9*	*6.9*	*3.8*	*-3.1*	*-5.1*
Retail uses would be located on the first and second floors.										
Community Facility Entrance	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2050	6.9	Feet	NAVD88	*6.9*	*6.9*	*3.8*	*-3.1*	*-5.1*
The entrance to the upper floor community facility uses would be located on the ground floor										
Community Facility	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☑ Other	2050	27.7	Feet	NAVD88	*27.7*	*27.7*	*24.6*	*17.7*	*15.7*
Community Facility uses would be located on the third and fourth floors										
Mechanical	☐ Vulnerable ☑ Critical ☐ Potentially Hazardous ☐ Other	2050	51.5	Feet	NAVD88	*51.5*	*51.5*	*48.4*	*41.5*	*39.5*
Mechincal, electrical, and plumbing systems be located on the fifth and twentieth floors.										
Residential	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☑ Other	2050	51.5	Feet	NAVD88	*51.5*	*51.5*	*48.4*	*41.5*	*39.5*
Residential uses would be located on floors 5 through 20.										
	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88					
	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88					

Assess project vulnerability over a range of sea level rise projections.





	SLR (ft)					
	Low	**Low-Mid**	**Mid**	**High-Mid**	**High**	
Baseline	0.00	0.00	0.00	0.00	0.00	**2014**
2020s	0.17	0.33	0.50	0.67	0.83	**2020s**
2050s	0.67	0.92	1.33	1.75	2.50	**2050s**
2080s	1.08	1.50	2.42	3.25	4.83	**2080s**
2100	1.25	1.83	3.00	4.17	6.25	**2100**

	MHHW+SLR (ft above NAVD88)					
	Low	**Low-Mid**	**Mid**	**High-Mid**	**High**	
Baseline	3.10	3.10	3.10	3.10	3.10	**Baseline**
2020s	3.27	3.43	3.60	3.77	3.93	**2020s**
2050s	3.77	4.02	4.43	4.85	5.60	**2050s**
2080s	4.18	4.60	5.52	6.35	7.93	**2080s**
2100	4.35	4.93	6.10	7.27	9.35	**2100**

	1%+SLR (ft above NAVD88)					
	Low	**Low-Mid**	**Mid**	**High-Mid**	**High**	
Baseline	10.00	10.00	10.00	10.00	10.00	**Baseline**
2020s	10.17	10.33	10.50	10.67	10.83	**2020s**
2050s	10.67	10.92	11.33	11.75	12.50	**2050s**
2080s	11.08	11.50	12.42	13.25	14.83	**2080s**
2100	11.25	11.83	13.00	14.17	16.25	**2100**

	0.2%+SLR (ft above NAVD88)				
	Low	**Low-Mid**	**Mid**	**High-Mid**	**High**
Baseline	12.00	12.00	12.00	12.00	12.00
2020s	12.17	12.33	12.50	12.67	12.83
2050s	12.67	12.92	13.33	13.75	14.50
2080s	13.08	13.50	14.42	15.25	16.83
2100	13.25	13.83	15.00	16.17	18.25

	0	1
Residential Lobby	7	6.9
Retail	7	6.86
Community Facility Entrance	6.9	6.9
Community Facility	27.69	27.69
Mechanical	51.5	51.5
Residential	51.5	51.5
0	0	0
0	0	0

SLR (in)

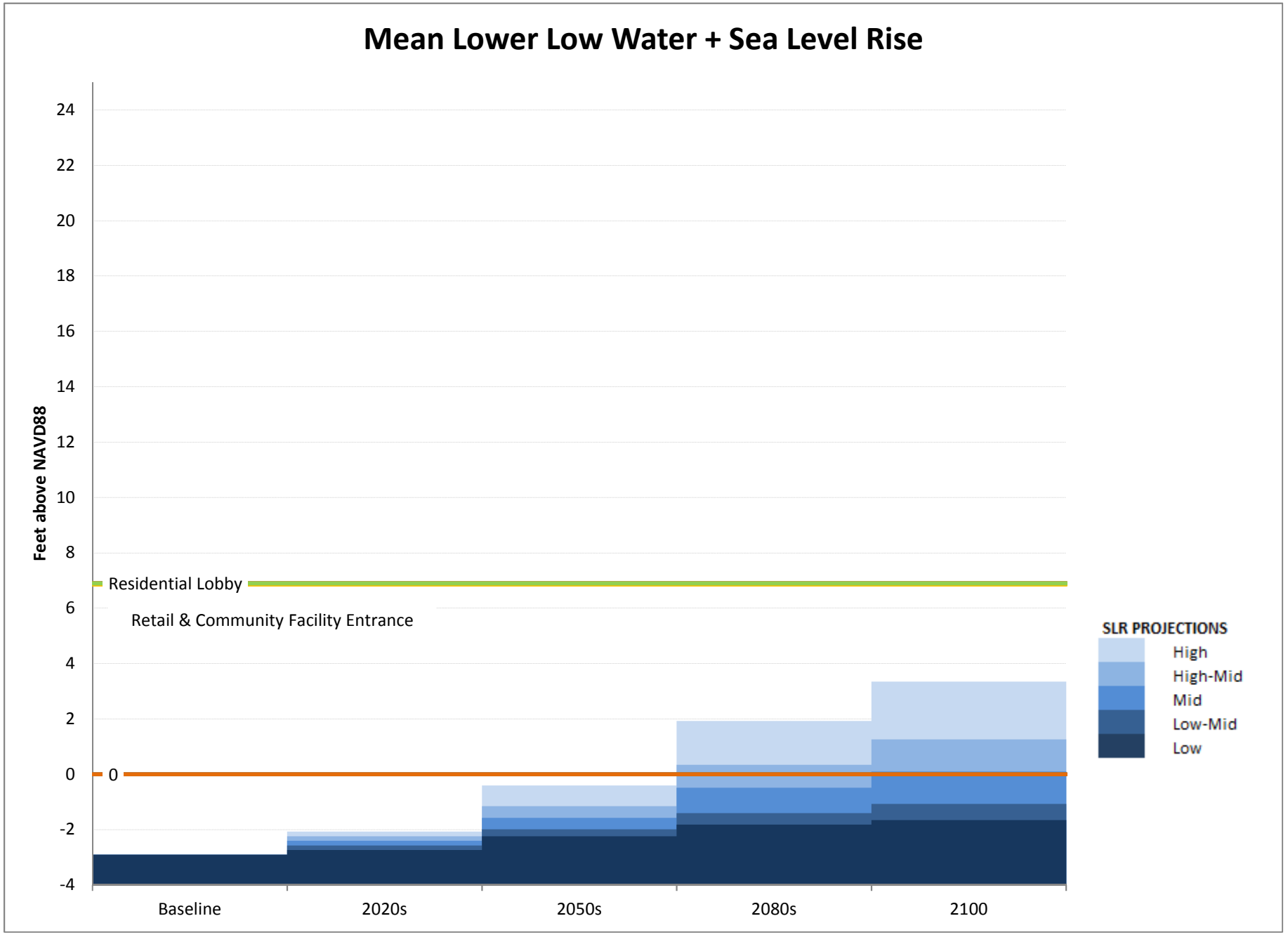
Low	Low-Mid	Mid	High-Mid	High
0	0	0	0	0
2	4	6	8	10
8	11	16	21	30
13	18	29	39	58
15	22	36	50	75

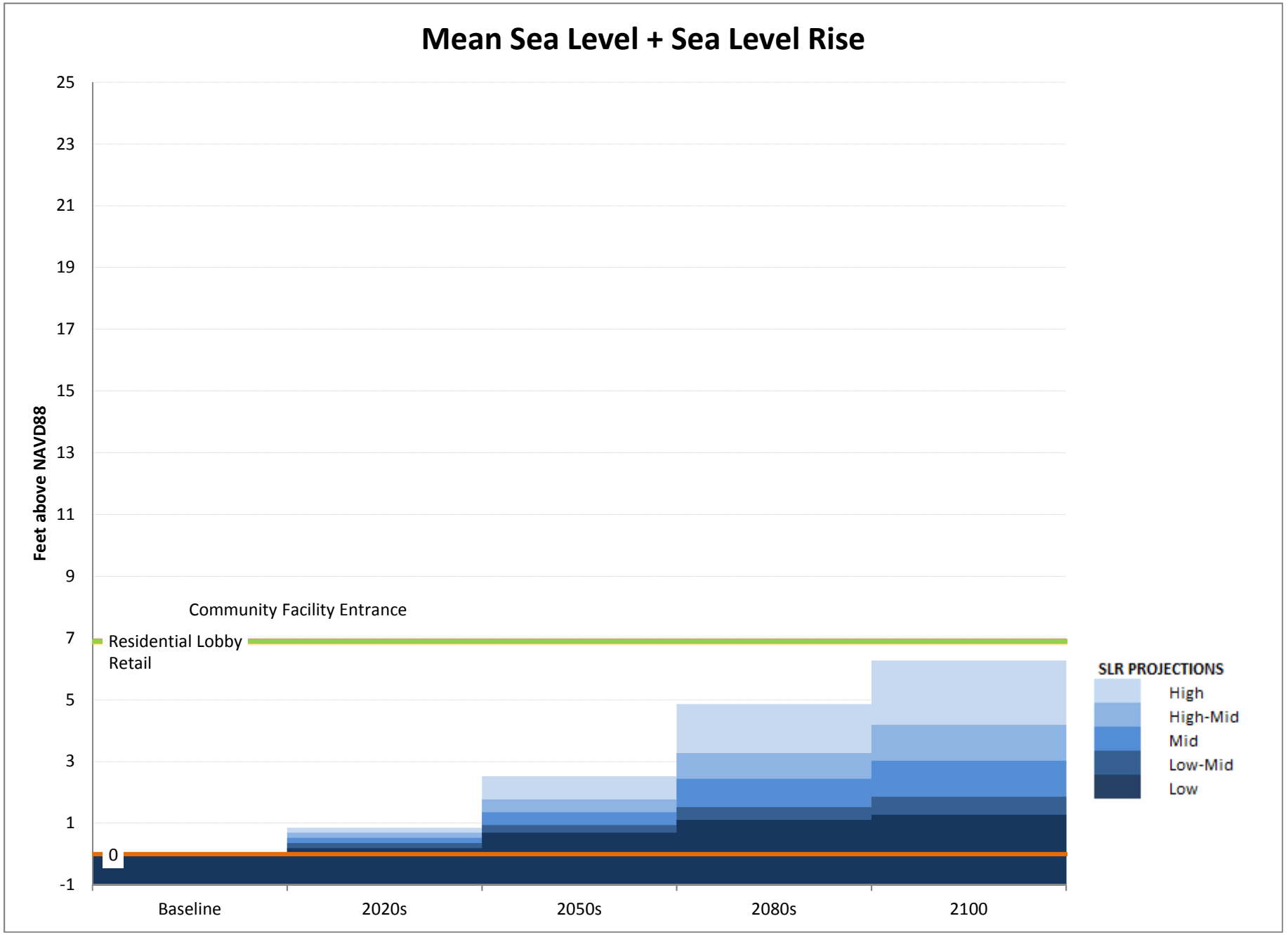
MLLW+SLR (ft above NAVD88)

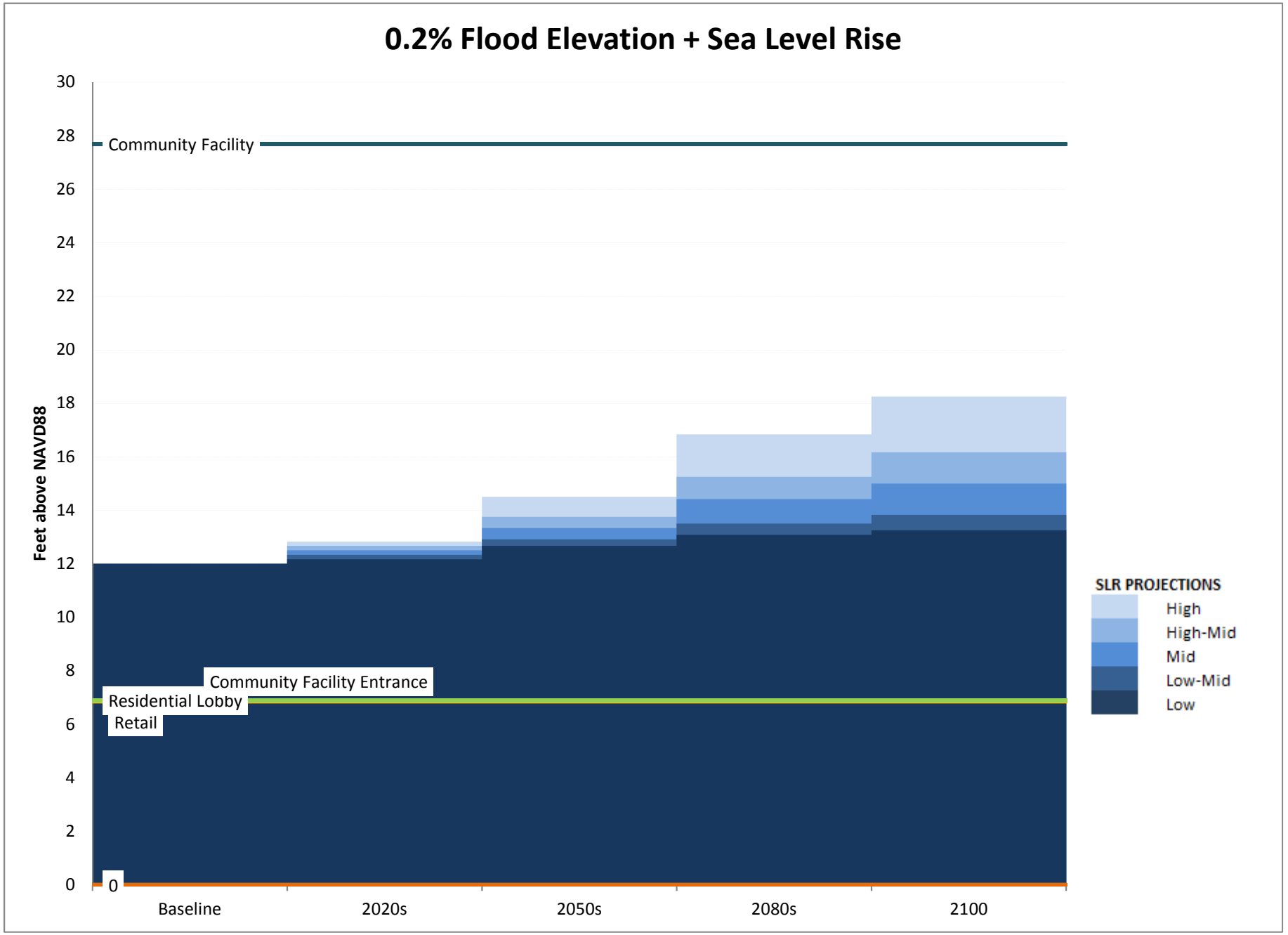
Low	Low-Mid	Mid	High-Mid	High
-2.91	-2.91	-2.91	-2.91	-2.91
-2.74	-2.58	-2.41	-2.24	-2.08
-2.24	-1.99	-1.58	-1.16	-0.41
-1.83	-1.41	-0.49	0.34	1.92
-1.66	-1.08	0.09	1.26	3.34

MSL+SLR (ft above NAVD88)

Low	Low-Mid	Mid	High-Mid	High
0.02	0.02	0.02	0.02	0.02
0.19	0.35	0.52	0.69	0.85
0.69	0.94	1.35	1.77	2.52
1.10	1.52	2.44	3.27	4.85
1.27	1.85	3.02	4.19	6.27


Mean Lower Low Water + Sea Level Rise
Feet above NAVD88
24
22
20
18
16
14
12
10
8
6
4
2
0
-2
-4
Residential Lobby
Retail & Community Facility Entrance
0
Baseline
2020s
2050s
2080s
2100
SLR PROJECTIONS
High
High-Mid
Mid
Low-Mid
Low


Mean Sea Level + Sea Level Rise
Feet above NAVD88
25
23
21
19
17
15
13
11
9
7
5
3
1
-1
Community Facility Entrance
Residential Lobby
Retail
0
Baseline
2020s
2050s
2080s
2100
SLR PROJECTIONS
High
High-Mid
Mid
Low-Mid
Low


0.2% Flood Elevation + Sea Level Rise
Feet above NAVD88
30
28
26
24
22
20
18
16
14
12
10
8
6
4
2
0
Community Facility
Community Facility Entrance
Residential Lobby
Retail
0
Baseline
2020s
2050s
2080s
2100
SLR PROJECTIONS
High
High-Mid
Mid
Low-Mid
Low

Subject: FW: 271 Sea Breeze Avenue
From: "Laura Kenny (DCP)" <LKenny@planning.nyc.gov>
Date: 11/13/2018, 10:14 AM
To: Danielle Mohammed <dmohammed@phaeng.com>

WRP Update

From: Mary Kimball (DCP)
Sent: Friday, November 09, 2018 4:31 PM
To: Sarit Platkin (DCP) <SPLATKIN@planning.nyc.gov>; Laura Kenny (DCP) <LKenny@planning.nyc.gov>
Cc: Michael Marrella (DCP) <MMarrel@planning.nyc.gov>
Subject: 271 Sea Breeze Avenue

We have completed the review of the project as described below for consistency with the policies and intent of the New York City Waterfront Revitaliza. on Program (WRP).

271 Sea Breeze Avenue
This is a private application requesting a zoning map amendment to create a new C2-4 overlay over Block 7280 in Brighton Beach Brooklyn. This action would facilitate the development of a 19-story mixed use building.

Based on the information submitted, the Waterfront and Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines the project consistent with the WRP policies.

This determination is only applicable to the information received and the current proposal. Any additional information or project modifications would require an independent consistency review.

For your records, this project has been assigned WRP #17-146. If there are any questions regarding this review please contact Michael Marrella.

MARY KIMBALL
SENIOR RESILIENCY MANAGER • WATERFRONT AND OPEN SPACE DIVISION

NYC DEPT. OF CITY PLANNING
120 BROADWAY, 31st FLOOR • NEW YORK, NY 10271
212-720-3623 I mkimball@planning.nyc.gov

Follow us on Twitter @NYCPlanning or Instagram @NYCWaterfront
http://www.nyc.gov/planning

APPENDIX II
JAMAICA BAY WATERSHED PROTECTION PLAN

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: TBD 1a. Modification ☐
2. Project Name: 271 Sea Breeze Avenue EAS
3. Project Description:

   The Applicant is seeking a zoning map amendment from the New York City Planning Commission to rezone the entirety of Block 7280 (Lots 89, 92, 95, 110, and 188) from a R6 district to a R6/C2-4 district to facilitate the development of a mixed-use building at 271 Sea Breeze Avenue.

4. Project Sponsor: 271 Sea Breeze Development LLC
5. Required approvals: Zoning Map Amendment from City Planning Commission
6. Project schedule (build year and construction schedule): Build Year 2020

B. PROJECT LOCATION:

1. Street address: 205, 271, 301, 321, and 337 Sea Breeze Avenue
2. Tax block(s): 7280 Tax Lot(s): 89, 92, 95, 110, and 188
3. Identify existing land use and zoning on the project site: Res., Community Facility (CF), Parking
4. Identify proposed land use and zoning on the project site: Commercial, Res., CF, Parking
5. Identify land use of adjacent sites (include any open space): Open Space, Commercial, Res
6. Describe existing density on the project site and the proposed density:

Existing Condition	Proposed Condition
Vacant Site	20 Stories, 172,679 gsf building

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): 27,705
2. Will soil be removed (if so, what is the volume in cubic yards)? 152,200
3. Subsurface soil classification:
   (per the New York City Soil and Water Conservation Board): Urban Soils
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: N/A Rates: N/A
6. Will project involve dewatering (list volumes/rates)? ☐ **Yes** ☒ **No**

   Volumes: N/A Rates: N/A
7. Describe site elevation above seasonal high groundwater:

   N/A

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.

   N/A
4. Will pesticides, rodenticides or herbicides be used during construction? ☐ **Yes** ☒ **No**

   If YES, estimate quantity, area and duration of application.

   N/A
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?

E. SURFACE COVERAGE AND CHARACTERISTICS

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

	Existing Condition	Proposed Condition
1. ***Surface area:***		
Roof:	N/A	25,337 sf
Pavement/walkway:	N/A	2,182 sf
Grass/softscape:	N/A	157 sf
Other (describe):	0 sf	0 sf
2. ***Wetland*** (regulated or non-regulated) area and classification:	N/A (No wetland area at site)	N/A (No wetland area at site)
3. ***Water surface area:***	N/A	N/A

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

Existing – how is the site drained?

Project Site is currently vacant.

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

TBD

APPENDIX III
HAZARDOUS MATERIALS

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	271 Sea Breeze Avenue Brooklyn, New York 11224
Prepared for	RYBAK Development & Construction 1817 Emmons Avenue, Suite 1, Floor 2 Brooklyn, New York 11235 Attn: Mr. Sergey Rybak
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 M16399
Inspection Date	August 18, 2017
Summary Date	August 29, 2017
Final Report Date	

1) EXECUTIVE SUMMARY

Merritt Environmental Consulting Corp. (MECC) has completed a Phase I Environmental Site Assessment (ESA) at 271 Sea Breeze Avenue, Brooklyn, New York 11224 (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 ESA as an agent for the buyer (RYBAK Development & Construction) conducting a due diligence evaluation prior to purchasing site.

The on site investigation was conducted on August 18, 2017. The Property currently consists of a vacant parcel of land. The site is located on a plot size approximately 21,720 square feet. The property is scheduled for redevelopment.

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 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).

BUSINESS ENVIRONMENTAL RISK

A risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of a parcel of commercial real estate not necessarily limited to those environmental issues required to be investigated in this practice. Consideration of business environmental risk issues may involve addressing one or more non-scope considerations.

	ITEM
1	MECC has been informed that the site is scheduled for redevelopment. As such, consideration should be given to conducting a Ground Penetrating Radar (GPR) scan to identify any suspect Underground Storage Tanks (USTs) that may have been associated with the former property structures. In addition, future development/renovation activities that will disturb subsurface soils should take into account the soil quality as any historical urban fill encountered may escalate construction costs.

No Historical Recognized Environmental Conditions (HRECs) were reported. In addition no evidence of HRECs were observed during our on-site inspection/ 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.

DATA GAPS

A data gap is a lack of or inability to obtain information required by the ASTM E 1527 standard, despite good faith efforts. Data gaps may result from incompleteness in any of the activities required in this practice, including, but not limited to site reconnaissance and interviews.

Based on our reconnaissance, historical searches and documentation reviewed, the following data gaps were identified:

- A user questionnaire was forwarded to Mr. Rae Arora on August 16, 2017. We have not yet received a response.

- We are researching the New York City Health Department and Fire Department records for any information of hazardous operations including, past spills, leaks or violations. The information has not yet been received. We will forward any information that appears to impact the scope of this assessment. We anticipate a response within 30-60 days.

This is a preliminary summary based on field observations as well as initial information received by MECC. Additional documentation may be forthcoming from a variety of sources which may alter the findings in our final report. MECC anticipates the completion and final delivery of the report in the next 2-3 business days. Please advise if any additional documentation will be forwarded or if we should keep the report in our office until further notice.

In the event that additional documentation is received subsequent to completion of the final report, any information that impacts the findings of our report will be forwarded to the Client in the form of an addendum.

PHASE II ENVIRONMENTAL SITE ASSESSMENT

Limited Subsurface Investigation

April 11, 2019

Submitted for:

Sea Breeze Tower
271 Sea Breeze Avenue
Brooklyn, New York 11224
New York Tax Map Designation: Block 7280; p/o Lot 110

Submitted to:

New York City Department of City Planning
City Planning Commission for Uniform Land Use Review Procedure
120 Broadway
New York, NY 10271

Report user:

Rybak Development
1817 Emmons Avenue, 2nd Floor
Brooklyn, New York 11235

IEC Project Number: 13464

IMPACT ENVIRONMENTAL | 170 Keyland Court | Bohemia | New York | 11716 | 631.269.8800

1 EXECUTIVE SUMMARY

This executive summary presents the results of the Phase II Environmental Site Assessment performed on the Site located at 271 Sea Breeze Avenue, New York, County of Kings, New York. This assessment was performed in accordance with the previous Phase I Environmental Site Assessment prepared by Merritt Environmental Consulting Corp. (Merritt), dated August 31, 2017 regarding evidence of off-site potential contamination sources as well as a Chinese Laundry identified historically in the northwest portion of the Site and the Phase II Environmental Site Assessment Work Plan prepared by Impact Environmental Closures, Inc. (IEC), dated December 20, 2018 required by the City Planning Commission for Uniform Land Use Review Procedure (ULURP). Merritt's 2017 Phase I ESA and IEC's 2018 Phase II Work Plan are included in **Appendix F**.

This Phase II ESA Limited Subsurface Investigation consisted of the collection and analysis of twelve (12) soil, three (3) groundwater, and six (6) soil vapor samples from select areas of the Site. Sample locations were selected to further define the environmental quality of the Site and provide a representation of subsurface conditions.

Based on the findings of the Phase II ESA limited subsurface investigation, the following conclusions and recommendations are provided:

<u>Soil Vapor Sample Results</u>

- Six (6) temporary sub-slab soil vapor sampling points were installed on the Site. Soil vapor sampling results indicate that trichloroethene (TCE) was detected in soil vapor sampling points SV-1 and SV-6 at concentrations above the respective NYSDOH Indoor/Outdoor Air Guidance Values. However, the TCE concentrations detected meet the USEPA VISL Default Residential Target Sub-slab and Exterior Soil Gas Criteria. The presence of TCE in soil vapor is attributed to an off-site source as the compound was non-detect in all soil and groundwater samples collected at the Site.

- Concentrations of several petroleum-related VOCs were detected above USEPA Default Criteria in the soil vapor samples, except SV-1 and SV-5. The presence of these petroleum related compounds is attributed to an off-site source as the compounds were either non-detect or below Residential SCO's in all soil samples collected at the Site.

- No final standards have been established for soil vapor by the USEPA, NYSDEC or NYSDOH. The VOCs detected in soil vapor samples marginally exceed NYSDOH and USEPA values and represent a low exposure risk upon completion of the redevelopment due to the presence of the open-air garage which will provide adequate fresh air exchange rates. Based on these results and the open-air design of the proposed commercial structure, it is not recommended that a vapor barrier be installed into the building construction.

Soil Sample Results

- VOCs, pesticides, and metals detected in all soil samples meet NYCRR Part 375 Residential, Restricted Residential, and Commercial Use SCOs.

- SVOCs were detected at concentrations above NYCRR Part 375 Residential, Restricted Residential, and Commercial Use SCOs in one soil sample at the shallow depth interval (0-2 feet bgs). The material around this sample has been removed and subsequent end point samples have confirmed successful delineation and permanent removal of said material. See Section 6 for more detail on this interim remedial measure and **Appendix G** for the final report.

Groundwater Sample Results

- Chloroform, 1,2,4-trimethylbenzene, acetone, ethylbenzene, o-xylene, and p/m-xylene, target VOCs were detected in groundwater samples above NYSDEC Ambient Water Quality Standards (AWQS). The presence of these petroleum related compounds is attributed to an off-site source.

- Phenol benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene and indeno(1,2,3-cd)pyrene, target SVOCs were detected in groundwater samples above NYSDEC AWQS.

- Total metals (unfiltered) and dissolved metals (filtered) were detected in groundwater samples collected above the NYSDEC AWQS. These metals included: sodium, iron, chromium, lead, manganese, and mercury. These compounds are consistent with regional background concentrations.

REMEDIAL ACTION PLAN

June 5, 2019

Submitted for:

271 Sea Breeze Avenue
Brooklyn, New York 11224
Tax Block 7280; p/o Lot 110

ULURP # 190172ZMK
CEQR # 19DCP193K

Prepared for:

Rybak Development
1817 Emmons Avenue, 2nd Floor
Brooklyn, New York 11235

Submitted to:

New York City Department of City Planning
City Planning Commission for Uniform Land Use Review Procedure
120 Broadway
New York, NY 10271

IEC Project Number:

13464

1. PURPOSE & SCOPE

Impact Environmental Closures (IEC) has established this plan to remediate the property known as Sea Breeze Tower, located at 271 Sea Breeze Avenue, Brooklyn, New York, herein identified as the Site. A Phase II Environmental Site Assessment (Phase II) was performed to compile and evaluate data and information necessary to develop this Remedial Action Plan (RAP). The remedial action described in this document achieves the remedial objectives, complies with applicable environmental standards, criteria and guidance and conforms to applicable laws and regulations. In addition, a site-specific Construction Health and Safety Plan (CHASP) has been prepared for the property (included as **Appendix B**) to addresses potential hazards, contaminants of concern based on past use and safety requirements associated with remediation/redevelopment activities in accordance with ASTM and OSHA guidelines.

As the Sea Breeze Tower project involves a zoning map amendment, it subject to review under the City Environmental Quality Review (CEQR) with the New York City Department of City Planning (NYCDCP) assuming lead agency status. The terminology, procedures and protocols presented herein are based upon policies established by the New York City Department of Environmental Protection (NYCDEP) and/or the New York State Department of Environmental Conservation (NYSDEC). Where appropriate, specific standards, regulations and guidance criteria are cited in the sections presented herein, and include the following:

- New York State Codes Rules and Regulations (NYCRR) Title 6, Parts 375, 371 and 360
- NYSDEC DER-10, Technical Guidance for Site Investigation and Remediation, May 2010
- NYSDEC, 6 NYCRR PART 375, Environmental Remediation Programs, December 2006
- NYSDEC, Technical Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Limitations
- NYSDEC, DER-13, Strategy for Evaluating Soil Vapor Intrusion at Remedial Sites in New York, October 2006
- New York State Department of Health (NYSDOH), Guidance for Evaluating Soil Vapor Intrusion in the State of New York, October 2006 and Updated May 2017.
- New York City Mayor's Office of Environmental Coordination, City Environmental Quality Review Technical Manual, March 2014

2. SITE DESCRIPTION

The Site is zoned Residential District R6, these districts being widely mapped in built-up, medium-density areas. They can range from neighborhoods with a diverse mix of building types and heights to large-scale "tower in the park" developments. The Site is situated in a mixed-use residential/commercial area of the Brighton Beach section of Brooklyn and been assigned the New York City (NYC) Tax Map Designation: Block 7280, Lot 110. **Figure 1** depicts the Site Location. Lot 110 is an L-shaped plot of land encompassing approximately half an acre (27,705 sf), which is bound by Sea Breeze Avenue on the south, West Brighton Avenue to the north, West 2nd Street and Lot 188 to the east, and Lots 89 and 95 to the west. The southern portion of Lot 110 is currently under construction of a new mixed-use commercial and residential building. The subject of this RAP is the approximate 10,000 SF undeveloped northern portion of Lot 110, which fronts west Brighton Avenue and West 2nd Street (herein identified as the "Site"). The Site is vacant and free of any structures, except for grade-level concrete slabs. The Site is currently utilized for staging of construction equipment and materials utilized in the constriction of the building on the southern portion of Lot 110, see **Figure 2** for a Site Plan.

2.1. Site Background

A Phase I Environmental Site Assessment was prepared for the Site by Merritt Environmental Consulting Corp., dated August 31, 2017. Within which a review of historic records including Sanborn Fire Insurance Maps, aerial images, and city directories indicated that the parcel designated as Lot 110 was developed circa 1895, and these buildings were still present in the 1961 Sanborn map. All former structures were demolished by 1966 after which the property was vacant land that was briefly utilized as a baseball field. Former property uses included residences, a nurse's house, a laundry (located on the northwest corner of the Site in 1895), and multiple store fronts.

Blocks adjacent to the Site have been occupied since the late 1800's by primarily residential and commercial structures with some minor manufacturing in the area. Lot 110 is bound to the north by elevated train tracks along W. Brighton Avenue followed by a public school, Sea Breeze Avenue followed by Asser Levy Park to the south, a religious center/temple (Lot 89) and parking lot (Lot 95) to the west, and a mixed-use multi-story commercial/residential building (Lot 188) to the east. Additionally, proximal to the Site are seventeen (17) recorded NY Leaking Storage Tank facilities, two (2) manufactured gas plants, eight (8) registered underground storage tank (UST) properties, fourteen (14) registered above ground storage tank (AST) properties, and sixteen (16) instances of spills recorded in

the NYSDEC Spills Database. The Merritt Phase I assessment revealed evidence off-site potential contamination sources identified within the ASTM search radius.

2.2. Redevelopment Plans

A 20-story residential apartment building with commercial space, known as the Sea Breeze Tower, is currently being constructed on the southern portion of the parcel. Once completed, the Sea Breeze Tower will consist of 114 residential units totaling 179,267-square feet and 27,049-square feet of commercial space.

The northern portion of the parcel is currently vacant and the subject of this RAP. The proposed Site development will consist of a multi-story open air parking structure and commercial space. The foundation of the Site's proposed multi-story open air parking structure will be slab-on-grade construction with one (1) elevator pit. Grade-level uses of the Site building will predominantly include vehicular parking. Refer to **Appendix C** for plans of the proposed Site development.

2.3. Recognized Environmental Conditions

A Phase I Environmental Site Assessment was prepared for the Site by Merritt Environmental Consulting Corp., dated August 31, 2017. The assessment did not identify any recognized environmental conditions (RECs) associated with the Site. However, review of available historic documents revealed that on-site and surrounding area uses included commercial and industrial operations of environmental concern. As the Sea Breeze Tower project involves a zoning map amendment, it subject to review under the City Environmental Quality Review (CEQR) with the New York City Department of City Planning (NYCDCP) assuming lead agency status. Based on the information above, NYCDCP, on the advice of NYCDEP required Phase II activities to further define the environmental quality of the Site.

2.4. Findings of Environmental Investigation

IEC conducted a Phase II ESA Investigation at the Site, which included: **1)** the advancement of six (6) soil borings throughout the Site; **2)** collection of twelve (12) unsaturated soil samples; **3)** installation of three (3) groundwater monitoring wells; **4)** collection of three (3) groundwater samples; **5)** installation of six (6) soil vapor points; **6)** the collection of six (6) soil vapor samples. The findings of the Phase II ESA were reported in the Phase II Investigation Report dated April 11, 2019 prepared by IEC. From the investigation, the following conclusions and recommendations were provided:

Soil Vapor Sample Results

- Six (6) temporary sub-slab soil vapor sampling points were installed on the Site. Soil vapor sampling results indicate that trichloroethene (TCE) was detected in soil vapor sampling points SV-1 and SV-6 at concentrations above the respective NYSDOH Indoor/Outdoor Air Guidance Values. However, the TCE concentrations detected meet the USEPA VISL Default Residential Target Sub-slab and Exterior Soil Gas Criteria. The presence of TCE in soil vapor is attributed to an off-site source as the compound was non-detect in all soil and groundwater samples collected at the Site.

- Concentrations of several petroleum-related VOCs were detected above USEPA Default Criteria in the soil vapor samples, except SV-1 and SV-5. The presence of these petroleum related compounds is attributed to an off-site source as the compounds were either non-detect or below Residential SCO's in all soil samples collected at the Site.

Soil Sample Results

- VOCs, pesticides, and metals detected in all soil samples meet NYCRR Part 375 Residential, Restricted Residential, and Commercial Use SCOs.

- SVOCs were detected at concentrations above NYCRR Part 375 Residential, Restricted Residential, and Commercial Use SCOs in one soil sample at the shallow depth interval (0-2 feet bgs).

Groundwater Sample Results

- Chloroform, 1,2,4-trimethylbenzene, acetone, ethylbenzene, o-xylene, and p/m-xylene, target VOCs were detected in groundwater samples above NYSDEC Ambient Water Quality Standards (AWQS). The presence of these petroleum related compounds is attributed to an off-site source.

- Phenol benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene and indeno(1,2,3-cd)pyrene, target SVOCs were detected in groundwater samples above NYSDEC AWQS.

- Total metals (unfiltered) and dissolved metals (filtered) were detected in groundwater samples collected above the NYSDEC AWQS. These metals included: sodium, iron, chromium, lead, manganese, and mercury. These compounds are consistent with regional background concentrations.

Upon identification of the elevated SVOC results in the shallow soil around SB-1, particularly Benzo(a)pyrene, an interim remedial measure was undertaken to remove this material. The material around this sample was removed and subsequent end point samples have confirmed successful delineation and permanent removal of said material. See the section below for more detail on this interim remedial measure and **Appendix E** for the report.

2.5. Interim Remedial Measure

IEC provided onsite oversight of the excavation of the SVOC impacted material around SB-1. One side wall soil sampling was collected at the final excavation (North, South, East & West), and was submitted for certified laboratory analysis for volatile organic compounds (VOCs) using USEPA Method 8260, for Semi-Volatile Organic Compounds (SVOCs) using USEPA Test Method 8270, Pesticides & PCBs using USEPA Test Method 8081/8082, Herbicides using USEPA Test Method 8051 and Total Metals using USEPA Test Method 6010. The bottom end-point collected from this location at 7' did not exceed the relevant standards. All samples were stored in laboratory-provided containers before transferring to laboratory personnel under strict chain of custody protocol. All samples collected were delivered to Alpha Analytical Laboratories (Alpha) of Westborough, MA, a New York State ELAP certified environmental laboratory (ELAP Certification No. 11148). In addition, a discrete sample was taken from the stockpiled soils generated.

The remedial work was performed on March 8, 2019. The removal of the shallow soil on around SB-1 resulted in 20' by 13' excavation down to 75' below existing grade, where previous Phase II data confirmed vertical delineation to soils meeting SCO's. In general, the material generated was observed to be brown sand and gravel with small boulders present. Some rebar and other debris was also present.

Groundwater and bedrock were not encountered during the excavation. No PID reading or particulate reading above the ambient environment or odors were observed during remedial works. Onsite Dust and Volatile Organic Vapor Monitoring logs for both the excavation and disposal activities were performed and there were no recorded exceedances of applicable action levels.

In-situ endpoint samples were taken from each sidewall of the excavation and results were compared against 6 NYCRR 375 Residential Use, Restricted-Residential Use and Restricted-Commercial Use Soil Cleanup Objectives. All four of the side wall samples met the Residential, Restricted-Residential and Restricted-Commercial criteria.

After obtaining disposal facility approvals, on April 1, 2019 the material was removed from the site in two truckloads for a total of 43.73 tons to the Doremus Avenue Redevelopment Project. A full interim report including supporting documentation is included as **Appendix E**.

The Interim Remedial Report, together with the Phase II ESA Report were submitted to NYCDCP on April 11, 2019. As the lead agency in the CEQR review process of the Sea Breeze project, NYCDCP submitted the Phase II ESA to the New York City Department of Environmental Protection (NYCDEP) who on review required that a Remedial Action Plan be developed for the site. This document has been prepared to address that and other recommendations made by NYCDEP, in their letter dated May 9, 2019, attached as **Appendix F.**

3. REMEDIAL ACTION PLAN

This RAP is designed to ensure the following exposure mitigation objectives, both during construction activities and post development, for the Site;

- Prevent direct contact with contaminated soil.
- Prevent exposure to contaminants volatilizing from contaminated soil.
- Remove contaminant sources that may potentially impact groundwater.
- Prevent exposure to contaminants in soil vapor.
- Prevent migration of soil vapor into dwelling and other occupied structures.

In addition, this plan addresses the comments and recommendations provided by NYC DEP, in their letter dated May 9, 2019, attached to this document as **Appendix F.**

3.1. Summary of Remedial Action

This plan achieves all the remedial action goals established for the project. The proposed works will consist of:

1. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
2. Completion of a Waste Characterization Study. Waste characterization soil samples will be collected at a frequency specified by disposal facility. A Waste Characterization Report documenting sample procedures, location, analytical results and disposal facility(s) approval letters will be prepared prior to the start of the remedial action.
3. Excavation and removal of soil/fill as required by the proposed redevelopment construction. Excavation to approximately 7 feet below grade will be required for the new parking structure and approximately 9 feet below grade for the elevator pit.
4. Management of excavated materials including temporarily stockpiling and segregating in accordance with defined material types and to prevent co-mingling of contaminated material and non-contaminated materials.
5. Perform air monitoring for particulates and volatile organic carbon compounds during excavation activities with provision for dust and odor control measures if necessary.

6. If encountered, removal of underground storage tanks and closure of petroleum spills in compliance with applicable local, State and Federal laws and regulations.
7. Transportation and off-Site disposal of all soil/fill material at permitted facilities in accordance with applicable laws and regulations for handling, transport, and disposal, and this plan. Sampling and analysis of excavated media as required by disposal facilities.
8. As a part of development, installation of a vapor barrier system beneath the building slab and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The barrier will be of minimum 20-mil thickness.
9. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
10. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
11. If required, dewatering will be performed in compliance with city, state, and federal laws and regulations. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated under a permit from New York City Department of Environmental Protection (NYCDEP) to meet pretreatment requirements prior to discharge to the sewer system.
12. Submission of a Remedial Closure Report that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from this RAP, and describes all Engineering Controls to be implemented at the Site.

3.2. Redevelopment Excavation and Soil/Fill Management

Construction of the new parking structure will require excavation to 7 feet below grade and approximately 9 feet below grade for the elevator pit. Prior to excavation, a soil/fill waste characterization study will be performed to determine disposal facility options and obtain proper facility approvals for the transportation and disposal of excavated soil/fill material in accordance with applicable laws and regulations. Soil/fill excavated from the Site as part of redevelopment activities will be properly managed on-site and/or disposed of off-site in accordance with applicable NYSDEC regulations. Excavation will be performed using hydraulic excavators and/or front-end loaders.

It is not anticipated that import will be required for this project. However, if it becomes necessary, import of soils onto the property and reuse of soils already onsite will be performed in conformance

with the Soil/Materials Management Plan in **Appendix A**. Any material used to form the top two feet of cover, whether landscaped or covered with grass must be imported from a NYCDEP approved facility. In addition, representative samples will be collected at a frequency of one (1) sample for every 250 cubic yards and analyzed for Target Compound List VOCs by EPA Method 8260, SVOCs by EPA Method 8270, pesticides by EPA Method 8081, PCBs by EPA Method 8082 and TAL metals by a NYSDOH Laboratory Approval Program certified laboratory. This information and the quantity of soil imported into the Site for backfill will be reported in the Remedial Closure Report (RCR) as will the quantity of onsite soil/fill reused/relocated on Site. See **Appendix A** for more information on soil management.

3.3. Petroleum Storage Tank Removals

Underground storage tanks (USTs) encountered during redevelopment, if any, will be removed and closed in general conformance with 40 CFR Part 280 and/or 6NYCRR Parts 612-614 regulations. Copies of the closure registration documents will be included in the RCR.

3.4. Engineering Controls

Engineering Controls have not been specified, however the following construction elements implemented as part of the new development will constitute Engineering Controls in the event residual contamination is identified at the site, if any. These are:

- Vapor barrier system.
- Composite Cover

3.4.1. Vapor Barrier System

Exposure to soil vapor will be mitigated with a combination of building slab and vapor barrier membrane system. The vapor barrier system will consist of a minimum 20 mil reinforced HDPE sheeting. The vapor barrier membrane will be installed during the construction of the new horizontal concrete building slab, vertical foundation basement walls and pits.

Vapor barrier components will be installed as per manufacturer's specifications. Inspections of the vapor barrier installation will be performed under the oversight of a Professional Engineer and documented in the RCR. Vapor barrier typical specifications are referenced in **Appendix D** and outlined in **Figure 4**.

3.4.2. Composite Cover

Exposure to residual soil/fill will be prevented by an engineered, composite cover system to be built on the Site. This composite cover system will be comprised of typically 6 inches of reinforced concrete slab underlain by clean sub-base material in building areas which extend across the entire site. Upon completion of construction, there will be no exposed soil or grade-level landscaping on the Site.

Typical dimensions and details are outlined in **Figure 4**.

HEALTH & SAFETY PLAN

May 24, 2019

Submitted for:
271 Sea Breeze Avenue
Brooklyn, New York 11224
Tax Block 7280; p/o Lot 110

ULURP # 190172ZMK
CEQR # 19DCP193K

Prepared for:
Rybak Development
1817 Emmons Avenue, 2nd Floor
Brooklyn, New York 11235

Submitted to:
New York City Department of City Planning
City Planning Commission for Uniform Land Use Review Procedure
120 Broadway
New York, NY 10271

Submitted by:
Impact Environmental Closures, Inc.
170 Keyland Court
Bohemia, NY 11716

IEC Project Number:
13464

Introduction

This Construction Health and Safety Plan (CHASP) describes the procedures to be followed in order to reduce employee exposure to potential health and safety hazards that may be present during environmental investigation activities being performed at the site. The emergency response procedures necessary to respond to such hazards are also described within this CHASP. All activities performed under this CHASP are targeted to comply with Occupational Safety and Health Administration (OSHA) Regulations 29 CFR Part 1910.1025.

This document is not, nor does it purport to be, a complete description of all safety and health requirements applicable to work performed at the site. Rather, the CHASP is a general overview of the compliance policies and work practices applicable to the primary tasks and hazards associated with the environmental assessment portion of the development project, as well as a recitation of minimum safety and health compliance obligations for contractors, subcontractors and workers at the site. All subcontractors of any tier operating at the worksite are obligated to implement and maintain comprehensive safety and health plans for their own employees and to ensure that their employees comply with all applicable safety and health requirements. All subcontractors operating at the worksite should refer to the applicable specific OSHA Standards for detailed requirements.

1.1 Purpose

The purpose of this CHASP is to provide the contractors' field personnel, as well as other site-occupants, with an understanding of the potential chemical and physical hazards that exist or may arise while portions of this project are being performed. To this end, this CHASP also presents information on the progression of the environmental restoration activities and specific details regarding the handling of materials excavated from the site.

The primary objective is to ensure the well being of all field personnel and the community surrounding this site. In order to accomplish this, project staff and approved subcontractors of any tier shall acknowledge and adhere to the policies and procedures established herein. Accordingly, all personnel assigned to the remediation activities associated with this project (Remedial Personnel) shall read this CHASP and sign the Agreement and Acknowledgment Statement (Appendix F) to certify that they have read, understood, and agree to abide by its provisions. A copy of this CHASP will be available to anyone

that requests it. Personnel involved in construction activities (Construction Personnel) and other Personnel (e.g. government officials, administrators, bank inspectors, assessors, etc.) that will have limited exposure to the site native soil/fill material during construction activities will be instructed on how to reduce the probability of exposure to site contaminants, but will not be required read the CHASP.

APPENDIX IV
AGENCY CORRESPONDENCE

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 / 77DCP527K
Project: 271 SEA BREEZE AVENUE
Date received: 10/16/2018

Properties with no Architectural or Archaeological significance:

1) ADDRESS: 271 Sea Breeze Avenue, BBL: 3072800110
2) ADDRESS: 337 Sea Breeze Avenue, BBL: 3072800095
3) ADDRESS: 321 Sea Breeze Avenue, BBL: 3072800092
4) ADDRESS: 301 Sea Breeze Avenue, BBL: 3072800089
5) ADDRESS: 205 Sea Breeze Avenue, BBL: 3072800188

Gina Santucci

10/22/2018

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 33728_FSO_DNP_10222018.doc

NYC Environmental Protection

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

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

July 31, 2019

Laura Kenny
Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: 271 Sea Breeze Avenue
Block 7280, Lot 110 (Development Site)
CEQR # 19DCP193K

Dear Ms. Kenny:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the June 2019 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) prepared by Impact Environmental Closures, Inc. on behalf of 271 Sea Breeze Development LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking a zoning map amendment from the New York City Department of City Planning (DCP) to facilitate the development of a 20-story mixed-use building at 271 Sea Breeze Avenue on Block 7280, Lot 110 (Development Site) in the West Brighton neighborhood of Brooklyn Community District 13. The Development Site comprises approximately 27,705 square feet (sf) on one lot (Block 7280, Lot 110) and would utilize the air rights from an approximately 10,680 sf lot (Block 7280, Lot 89) that is currently improved with an approximately 7,285 gross square feet (gsf) house of worship. The proposed project would rezone the entirety of Block 7280 (Lots 89, 92, 95, 110, and 188) from a R6 district to a R6/C2-4 district. In addition, the applicant intends to pursue a Special Permit with the New York City Board of Standards and Appeals to facilitate a proposed Physical Cultural Establishment on the second floor of the building, which is not permitted as-of-right. The proposed action would allow for the development of the proposed building with a non-residential base, containing commercial uses, which is not permitted under the current R6 zoning. The proposed development would contain approximately 172,679 gsf, including approximately 103,614 gsf of residential space with 114 dwelling units, approximately 25,021 gsf of commercial space, approximately 12,756 gsf of community facility space, and 130 accessory parking spaces. The existing 7,285 gsf of community facility space would remain on Lot 89. The proposed development would contain a four story commercial and community facility base below a 16-story residential tower. In addition to the proposed development site, under the Reasonable Worst Case Development Scenario, the rezoning area also includes one additional site (Block 7280, Lot 95) that is not owned or controlled by the applicant, but which is considered likely to be

redeveloped as a result of the proposed action. The remaining two non-applicant owned lots (Lots 92 and 188) are not expected to be redeveloped as a result of the proposed action.

The June 2019 RAP proposes the removal and closure of underground storage tanks, if any, in compliance with applicable local, State and Federal laws and regulations; transportation and off-site disposal of soil in accordance with applicable laws and regulations; stockpiled soil will be covered with appropriately anchored plastic tarps; dust control; air monitoring; liquids discharged into the New York City sewer system will receive prior approval by New York City Department of Environmental Protection; installation of a Stego Wrap 20-mil vapor barrier system beneath the building slab and outside of sub-grade foundation sidewalls. It should be noted that exposure to residual soil/fill will be prevented by an engineered, composite cover system to be built on the Site. Upon completion of construction, there will be no exposed soil or grade-level landscaping on the Site. However, if it becomes necessary, import of soils onto the property and reuse of soils already onsite will be performed in conformance with the Soil/Materials Management Plan. Any material used to form the top two feet of cover, whether landscaped or covered with grass must be imported from a DEP approved facility. The June 2019 CHASP addresses worker and community health and safety during redevelopment.

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

DEP finds the June 2019 RAP and CHASP for the proposed project acceptable. DCP should instruct the applicant that at the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report should be submitted to DEP for review and approval for the proposed project. The P.E. certified Remedial Closure Report should indicate that all remedial requirements have been properly implemented (i.e., installation of vapor barrier; transportation/disposal manifests for removal and disposal of soil in accordance with NYSDEC regulations; and two feet of DEP approved certified clean fill/top soil capping requirement in any landscaped/grass covered areas not capped with concrete/asphalt, etc.).

Future correspondence and submittals related to this project should include the following CEQR # **19DCP193K**. If you have any questions, you may contact Mohammad Khaja-Moinuddin at (718) 595-4445.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

c: R. Weissbard
M. Khaja-Moinuddin
T. Estesen
M. Wimbish
R. Lucas
O. Abinader - DCP